DECENTRALISATION, LOCAL GOVERNANCE AND POVERTY REDUCTION IN AFRICA

Exploring the linkages in the light of the UN-HABITAT Decentralization Guidelines

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Content

I. Introduction: Decentralization and Local Governance: key for poverty reduction and MDGs targeting................................................................. 2
  I.1. Decentralization and Local Governance: exploring the linkages................................................................. 2
  I.2. Decentralization and Local Governance towards Poverty reduction: the MDGs’ stake................. 3

II. The UN-HABITAT Guidelines on Decentralization: background................................................................. 4

III. The UN-HABITAT Guidelines on Decentralization: a consistent and flexible framework .......... 7
  III.1. Promoting good governance at local level ......................................................................................... 7
        III.1.1. Representative and participatory democracy.............................................................................. 7
        III.1.2. Transparency, Accountability and Responsiveness in Local administration ...................... 8
        III.1.3. Financial autonomy of LGs through locally generated resources ........................................ 9
  III.2. Promoting adapted decentralization policies..................................................................................... 9
        III.2.1. The principle of Subsidiarity .................................................................................................. 10
        III.2.2. The incremental approach ................................................................................................. 10
        III.2.3. Fiscal and financial decentralization to strengthen LGs ...................................................... 11
  III.3. Promoting intergovernmental cooperation.......................................................................................... 12
        III.3.1. Legislative action............................................................................................................... 12
        III.3.2. Empowerment, capacities and supervision of LGs .............................................................. 13

Conclusion ............................................................................................................................................................. 14

Bibliography .......................................................................................................................................................... 16
I. Introduction: Decentralization and Local Governance: key for poverty reduction and MDGs targeting.

I.1. Decentralization and Local Governance: exploring the linkages

Decentralization is one of the most powerful, insistent and consistent emerging wave of the late twentieth and early twenty-first centuries in Africa. The concept appeared as part of the institutional reforms package advocated for by activists and policy-makers during the sociopolitical crisis and unrest in the 1990s (Charles Nach Mback, 2001: 96). Historically, the first decentralization attempts occurred in Africa during the last decades of the colonial period, especially from late 1940s through early 1960s. During that period, local and state authorities were established by mutual agreement between emerging national political elites and the departing colonial authorities (Richard Stren and Dickson Eyoh, 2007: 2-3). Regardless to the colonial system, the introduction of decentralization policies was meant to transferring seemingly ruling powers to local élites through formalizing the understandings about the democratic delivery of basic services under the responsibility of local governments in urban centers and at certain extends rural areas. It is in this context that emerged “Communes urbaines” and “communes rurales” in the French colonial empire, Native/Local Councils in the British colonial realm, Municipios in the Portuguese’s etc. As one can see from the beginning, decentralization has been associated with the transfer of powers and responsibilities to native/local elites, participation and service delivery. But local governance appears to be the newly arrived in the field.

Actually, decentralization is referred to as the process whereby autonomy and responsibility for some substantial government functions are transferred from the central government to intermediate administrative, political and territorial units (Keith McLean with Jana Orac, Louis Helling and Rodrigo Serrano-Berthet, 2006: 34) called local governments (LG). The term LG is also used to mean the authorities (deliberative and executive) in charge of ruling the territorial unit itself. In the literature, scholars often draw lines between political, administrative and fiscal decentralizations. However, genuine decentralization includes the three components as a political process of power sharing between an upper and a lower layer of the overall national governance. It is devolution of resources, tasks and decision-making power to democratically elected lower-level authorities that are largely independent from central government (Karijn de Jong, Christiane Loquai, Iina Soiri, 1999: 1). Decentralization here is synonymous to devolution (F.A. Olasupo, 2001: 16). From this perspective, it becomes clear why in the 1990s, decentralization was linked to democratization as an extension to the local level of the fundamental rights and freedom claimed at the national level. Thus, unlike many other development paradigms which have tended to come and go (Joop W. de Wit, 2004:265), decentralization has enjoyed a rather stable position in the agenda of African countries. However, the existence of LG as recipients of the powers and resources transferred from the central level is a pre-requisite for decentralization. This is not always the reality since in many countries in Africa and for many reasons, decentralization started without effective and reliable LG structures.

In the process of decentralizing, powers and resources transferred to LGs are thereafter exercised according to certain rules and principles by the local authorities. These rules and principles include mainly participation, accountability, rule of law, efficiency and effectiveness of service delivery, equity and social inclusion. By complying with these rules and principles in managing their constituencies, local authorities work towards achieving (good) local governance. Finally, decentralization and local governance are different in terms of significance, but work together as two interrelated processes towards empowering people, especially the poor and the vulnerable to achieve their goals: getting rid of poverty.

I.2. Decentralization and Local Governance towards Poverty reduction: the MDGs’ stake

The linkage between decentralization/good local governance and poverty reduction is nowadays acknowledged by most African States who “have realized that the delivery of crucial services associated with the achievement of MDGs is not possible without effective local institutions [More over] a review of African national decentralization policies and legislations reveals that at least five of the MDGs fall under LGs’ responsibilities” (B.T. Satterwaite, 2005). Thus most African countries are persuaded since the 1990s, that deepening decentralization and strengthening local tiers of governance are keys to enable them to more effectively and more efficiently target the MDGs (Dele Olowu, 2006:10). Consistently, national decentralization policies in Africa incorporate provisions and programme to empower LG and enforce service delivery capacities at local level. This trend is summarized by Jean Pierre Elong-Mbassi (2004:5) who stated that, “decentralization and local governance policies adopted by most African countries vest LG with important responsibilities for service delivery to the population in areas such as water and sanitation, domestic and industrial waste management, energy and transportation, education and primary health care, security and risk management among others”. This awareness is also present at the highest level of the international governance system when Kofi Annan (Assemblée Générale des Nations Unies, 2004:6) declared that for the great majority of people in the world, Local Authorities’ actions have greater impact in their daily life with regard to issues like water and sanitation, education and health services. By so saying, the Secretary General of the United Nations was formalizing the linkage between poverty alleviation, MDGs, Decentralization and Local Governance. The Millennium project report also endorses the now widely-held view that much of these basic services and infrastructures are most appropriately delivered locally, through decentralized financing, planning and delivery systems, and that local government bodies should play a key role in this (UNCDF, 2006:3). Actually, like their counterpart all over the world, African LGs are at the front-line for the struggle against poverty. In 2003, an international survey (Johannes Jutting & alii, 2004.) on “does decentralization and local governance contribute to poverty alleviation? And if so how?” came out with results that are actually the best advocates for the linkage between effective decentralization and local governance and poverty reduction. The study revealed that countries with good performance in addressing the MDGs are also those who have gone further in making decentralization and local governance work (see also, World
In fact those countries have used decentralization and local governance in their public policies to address the MDGs.

The commitment of UN development agencies in general and the UN-HABITAT in particular to promote decentralization and good governance is an acknowledgement of the above reality that the MDGs which provide the framework for poverty reduction in the international and national agendas could only be achieved through local actions by authorities close and directly accountable to the population. The decentralization guidelines worked out by the UN-HABITAT is itself and achievement in the process of providing development actors, policymakers at all levels with tools to design, monitor and evaluate decentralization and local government policies, processes and mechanisms.

II. The UN-HABITAT Guidelines on Decentralization: background

The United Nations’ interest in promoting decentralization and local governance started far in the past. So has been the linkage between decentralization and development in the UN understanding. A visit in the archives reveals that already in the early sixties, the United Nations (1964) published a study meaningfully titled “Decentralization in view of local and national development”. The authors were exploring various ways of exercising administrative functions and insuring technical services through local layers of central governments. Through this study, the United Nations urged Developing countries to decentralize as soon as possible, the sooner being the better, their political and administrative systems of government. The central form of governance was already identified as being one of the key obstacles for development in the so called Third World. However, the guidelines issued by UN-HABITAT emerge as a result of a long and tough process mixing sound expertise and consensus building around the key issues of decentralization and local governance. Its content combines decentralization per se and local governance guidelines.

On 20 April 2007, the Governing Council of UN-Habitat passed a landmark resolution providing new guidelines aimed at strengthening local authorities around the world (Local Authorities worldwide, 2007). This resolution has been the fruit of 10 years of labor, involving “extensive consultations with member States, working with our local authority partners and an untold number of experts,” as UN-HABITAT’s Executive Director Mrs. Anna Tibaijuka explained in a closing address to the plenary session of the Governing Council. The process was launched as an aftermath of the Istanbul Summit.

Actually, in June 1996, local authorities made the case for the preparation of a worldwide charter on local autonomy at the Partner Committee of Habitat II. The Chairperson summarizes the hearings as follow: “It was suggested that the experience gained in the implementation of the European Charter of Local self-Government could be used as a basis for developing a global charter that would set out the key principles underlying a sound constitutional or legal framework for democratic local government system.” This inspiration

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1 The term Governance was not in use at that time.

of the UN-HABITAT guidelines from the European experience is confirmed by the Council of Europe (2005) in the following terms: “The Committee of Ministers welcomes the work being undertaken by UN-HABITAT to develop at global level Guidelines on decentralization and the strengthening of local authorities. These are crucial issues which the Council of Europe has worked on over the last five decades and continues to address as part of the Action Plan adopted by the Head of State and Government of Council of Europe member states in Warsaw in 2005. The Committee of Ministers notes with satisfaction that the draft Guidelines appear in several respects to correspond to, and possibly even derive inspiration from the European Charter of Local Self-Government, which has been ratified by 42 of the Council of Europe’s 46 member states.”

Collaboration started between local authorities, national governments and UN-HABITAT on the issue. An expert group meeting was held in April 1998 to prepare a first draft of the charter, which was thereafter submitted for consultations in all regions of the world in 1999-2000. These consultations, held in Agadir, Strasbourg, Santiago de Chile, Mumbai, Chonju and Accra, involved hundreds of local authorities representatives as well as ministers and government officials. However, member States failed to adopt that draft, which was rejected with strong recommendations to UN-HABITAT to take the lead in this process with the aim at building consensus in order to make the international dialogue on decentralization as inclusive and open-ended as possible.

During six years, UN-HABITAT intensified efforts to revive the process working hard on two fronts. The first involved political mobilization of both national and local governments to establish trust and harmonize divergent views, and the second a conceptual and substantive elaboration on key aspects of decentralization, working closely with the most recognized experts in the field to highlight new trends of decentralization, identify the challenges and provide recommendations to further support the on-going process world-wide. UN-HABITAT also commissioned a set of case studies on the current legislative frameworks on decentralization which formed the basis for a dialogue session at UN-HABITAT’s Governing Council of May 2003. This resulted in a new resolution (19/12) calling on the Executive Director “to take further steps and measures to intensify dialogue with the aim of developing recommendations to be presented to the next session of the Governing Council” in April 2005. The establishment of an Advisory Group of Experts on Decentralisation (AGRED) to support the dialogue process was also endorsed by the Governing Council. This group met for the first time in March 2004 in Gatineau, Canada.

The Governing Council at its twentieth session in Nairobi (5 to 8 April 2005) adopted resolution 20/18 on “Decentralization and strengthening of local authorities”, after taking note of the Report of the Executive Director on UN-HABITAT’s work in this context since the Habitat II Conference in 1996. The Governing Council in resolution 20/18 appreciated the draft of the “Guidelines”, which was annexed for its consideration to the Report of the

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2 See details at http://www.unhabitat.org/unacla/local_authorities_worldwide.asp

Executive Director and invited Governments to provide further comments on that draft to the secretariat before the end of 2005, and to document cases of best practices for incorporation in the compendium of best practices in line with previous resolutions 18/11 and 19/12. Resolution 20/18 in particular requests the Executive Director to take these comments into account and to revise and finalize the “Guidelines” during 2006 in consultation with the Committee of Permanent Representatives to UN-HABITAT and with the support of the members of AGRED and the collaboration of United Cities and Local Governments (UCLG), and to submit a final draft to the Governing Council for its consideration at its twenty-first session, in 2007.

In direct follow up to resolution 20/18, the Executive Director requested the secretariat to intensify efforts in mobilizing the members of AGRED and other partners to ensure a successful finalization of the proposed Guidelines. An exchange of correspondences was undertaken in consultations with Governments to solicit further comments and suggestions of good practices as requested in resolution 20/18. In the meantime, intermediary draft of the document was presented in various forums for discussions and suggestions. This has been the case during the 4th Africities Summit held in Nairobi (Kenya) in September 2006. The draft was presented during the ministerial session of the All African Ministerial Conference of Decentralization and Local Development (AMCOD). Ministers participating discussed the content of the document and formulated important remarks, comments and suggestions to UN-HABITAT.

The Organization took advantage from the following lessons learnt to successfully conduct the process: (i) decentralization is both a technical and political process, whose components are interdependent, (ii) political will in this process is important, but trust based on the complementary roles of both spheres of government is key, (iii) decentralization could effectively benefit to both local and national governments only if both spheres could jointly ensure that it is effective. At the third session of the World Urban Forum (Vancouver 18-23 June 2006) coordinated by UN-HABITAT at the invitation of the Government of Canada, a special meeting of AGRED was organized to evaluate progress made in the finalization of the Guidelines and agree on the next steps. The AGRED members after constructive discussions adopted the draft which the secretariat thereafter released as the “Vancouver Draft”.

Further steps included submitting The Guidelines to the United Nations General Assembly during its 62nd session in September 2007. The UN-Habitat governments also invited the United Cities and Local Governments (UCLG) to facilitate the sharing of best practices, skills and knowledge between local governments of member states and to contribute its expertise to the Executive Directors of UN-HABITAT programme report on the implementation of the Guidelines. The Council has also invited UN-HABITAT to assist UCLG in developing its Global Observatory of local democracy and decentralization (GOLD) which is now functioning. GOLD has released it first world report with a chapter on decentralization and local democracy in Africa early this year.
III. The UN-HABITAT Guidelines on Decentralization: a consistent and flexible framework

As clearly acknowledged in the introduction of the document issued by UN-HABITAT, the guidelines outline the main principles underlying the democratic, constitutional/legal and administrative aspects of local governance and decentralization. The document also contains provisions to orient cooperation between the central and the local levels. Guidelines are formulated in a flexible spirit to be applicable/adaptable/replicable to various national contexts: “They must be applied to specific conditions of State form (federal, regionalized or unitary), with different State traditions (for example, Napoleonic, Germanic or Anglo-Saxon, as well as traditions found in Asia, or in the Arab world). For that reason they do not provide a uniform and rigid blueprint applicable to all Member States of the United Nations. They may be subject to national adaptations”. The document contains sixty guidelines thematically organized in to four paragraphs: governance and democracy (14), power and responsibilities (13), administrative relations between local authorities and other spheres of government (14) and financial resources and capacities of local authorities (19).

The main objective of the guidelines is to support and guide policy-makers and legislative reforms where necessary and appropriate. They constitute tools for policy-makers, lawmakers in designing decentralization and local governance policy, strategic and legal frameworks. For the sake of this presentation, provisions of the document have been reorganized with regards to Local governance, Decentralization per se, and intergovernmental cooperation.

III.1. Promoting good governance at local level

The Document opens with guidelines for governance and democracy at the local level. The main principles of Good local governance as incorporated in the document could be summarized in two main topics: representative and participatory local democracy and a code of conduct for local officials. The two topics are meant to regulate the relation between public authorities and the population at local level.

III.1.1. Representative and participatory democracy

Democracy nowadays can be broadly defined as a permanent accountability of public powers to the population. This accountability means fundamentally that public authorities hold their power through mandate delivered by the population. Thus the first principle underlined by the document is that “Political decentralization to the local level is an essential component of democratization, good governance and citizen engagement; it should involve an appropriate combination of representative and participatory democracy”. While representative democracy is achieved through election at adult universal suffrage, democracy does not end there. Participation is an important component of democracy although it is yet to receive appropriate and consensual acceptance worldwide. Nevertheless, the document advises that “Participation through inclusiveness and empowerment of citizens shall be an underlying principle in decision-making, implementation and follow-up at the local level. [...] Local
authorities should recognize the different constituencies within civil society and should strive to ensure that all are involved in the progressive development of their communities and neighbourhoods. Local authorities should have the right to establish and develop partnerships with all actors of civil society, particularly non-governmental organizations and community-based organizations, and with the private sector and other interested stakeholders”. In this regard, traditional voiceless social categories such as women, youth, minorities and marginalized groups, people living with HIV/AIDS are targeted for participation.

Participatory democracy is at the roots of decentralization as a way for ownership of the development by people. The document urges policy-makers to be creative by adopting “new forms of participation such as neighborhood councils, community councils, e-democracy, participatory budgeting, civil initiatives and referendums in as far as they are applicable in their specific context”. There is no particular moment for participation. All socio-economic categories should be consulted and given opportunity to raise their voice in all initiative likely to affect their life and destiny. Representative and participatory democracy establish and strengthen the legitimacy of public powers while responsibilizing the citizens at the same time.

III.1.2. Transparency, Accountability and Responsiveness in Local administration

In order to obtain the adherence of the population to local development programmes, local authorities, once elected, need to disclose good governance values in exercising the power vested to them. Transparency, accountability and responsiveness constitute the core values of good governance Thus the document urges politicians and officials in LGs to discharge their tasks with a sense of responsibility and accountability to the citizens. At all times they should maintain a high degree of transparency. The document does not propose any specific formula to achieve those values. It is up to local and national authorities in each context to find their way. However, the document disclosed a certain sense or realisms by identifying certain conditions which lack could hamper the efforts for transparency, accountability and responsiveness of local authorities. Thus it provides that “While local political office should be viewed as a commitment to the common good of society, the material and remunerative conditions of local politicians should guarantee security and good governance in the free exercise of their functions”. A code of conduct should be adopted “that requires public civil servants to act with integrity and avoid any situation that may lead to a conflict of interests. Such a code should be made public when available”.

Transparency in local government management is fostered by a good communication mechanism to keep the populations and all stakeholders informed about the management of local affairs. Informed citizens are more able to provide constructive inputs to the public decision-making process. This mechanism should provide access to strategic information and documents whereby citizens could be aware of what is going on regarding the local public affairs. To achieve that, the document advises that “Records and information should be


maintained and in principle made publicly available not only to increase the efficiency of local authorities but also to make it possible for citizens to enjoy their full rights and to ensure their participation in local decision-making”.

III.1.3. Financial autonomy of LGs through locally generated resources

LGs can consolidate their autonomy by mobilizing resources within their territory, with their constituencies and all the various development stakeholders. This includes, the private sector and the civil society organizations. Taxes are the key component of the locally generated resources. The legislation should provide for appropriate fiscal power to LGs authorities with regard to their responsibilities in identifying taxable assets and activities. The document advises that “a significant proportion of the financial resources of local authorities should derive from local taxes, fees and charges to cover the costs of services provided by them and for which they have the power to determine the rate, notwithstanding their possible framing (...) or coordination by legislation”. With regard to national context and circumstances, the central government could either operate a transfer of taxes to LGs as a package or share the product of certain taxes with LGs. However, “taxes which local authorities should be entitled to levy, or of which they receive a guaranteed share, should be proportional to their tasks and needs and of a sufficiently general, dynamic and flexible nature to enable them to keep pace with their responsibilities”.

As part of their fiscal power, LGs should be recognized the ability to identify taxable assets, decide the fiscal rate and take the lead in tax collection, especially for certain strategic taxes which according to the document include “local taxes, such as land-based taxes”. These strategic taxes “should preferably be collected by local authorities themselves, provided that they have appropriate capacities and oversight mechanisms in place”. The higher in proportion is this locally generated resources in the LGs’ budget; the wider is the action margin for the Local authorities. However, resources from taxes are hardly sufficient to finance local investment programmes.

In order to compliment their financial capacities, especially in the case of investments with heavy cost, LGs could borrow money to the national and international markets. This operation is highly risky and could engage the responsibility of the central government. Appropriate legislation should be promulgated to facilitate access to financial markets for LGs. However, State supervision may be necessary for warranties and risk coverage, especially in countries affected by volatile macro-economic situations. However, in exercising their power to borrow, LGs “should not endanger the fiscal policies designed to ensure financial stability of national governments”.

III.2. Promoting adapted decentralization policies

As indicated above, decentralizing is transferring powers, responsibilities and resources from the central to the local level. Given the complexity of the matter, the document proposes two
guiding principles to policy-makers: the principle of subsidiarity and the adoption of an incremental approach.

III.2.1. The principle of Subsidiarity

The document defines the principle of subsidiarity as constituting the rationale underlying the process of decentralization. It is a principle whereby public responsibilities should be exercised by those governance layers which are closest to the citizens of the targeted population. By adopting this principle, the document acknowledges that decentralization is meant not only to bring the administration close to the citizens, but in fact to make the citizen administer themselves directly or through elected representatives as may be the case. In many countries, decentralization creates many layers of local governance (Region or provinces, districts or Municipalities, Cities and metropolis etc.) In such a case, the distribution of powers and responsibilities should take into account the ultimate beneficiaries of the related services together with the distance between the latter and the service provider. Even if, for certain understandable reasons, some powers and responsibilities though close to the populations are to be exercised concurrently among different sphere of government, “these should not lead to a diminution of local autonomy or prevent the development of local authorities as full partners”.

However be the case, local government powers and responsibilities should be clearly defined and differentiated from those of other spheres of government, particularly the central government. The distribution of powers and responsibilities should be enshrined in legislation and other legal instruments of constitutional value in order to guarantee access to the resources necessary for the decentralized institutions to carry out the functions allocated to them. The principle of subsidiarity advocates against different spheres of government interfering in each other affairs without any clear regulation aimed at preserving the autonomy of LGs. However, it could appear necessary, due to some circumstances for upper spheres to intervene in lower spheres competencies. The documents wish to restrict this case by advising that “National principles relating to decentralization should ensure that the national or regional government may intervene in local government affairs only when the local government fails to fulfill its defined functions”. Moreover, such interference should be regulated under the supervision of an independent body: “The burden of justifying an intervention should rest with the national or regional government. An independent institution should assess the validity of such intervention”.

III.2.2. The incremental approach

As indicated above, the existence and the capacity of LGs to carry on powers and responsibilities transferred to them is important and could even act as a pre-requisite for a full implementation of the decentralization process. It is the responsibility of the central government to build the capacity of LGs to enable them to exercise their new responsibilities in the decentralization framework. The document thus advises central governments to
accompany the increase in the functions allocated to local authorities by measures to build up their capacities to exercise those functions.

The incremental approach advises that the transfer of powers and responsibilities should take into account the LG capabilities to exercise their new powers. In extreme cases where decentralization appears to be a new policy, “it may be implemented on an experimental basis and the lessons learned may be applied to enshrine this policy in national legislation”. In the course of the decentralization process, the document advocates for constant and fair policy dialogue between all spheres of governance. In particular, and “as far as possible, nationally determined standards of local service provision should take into account the principle of subsidiarity when they are being drawn up and should involve consultation with local authorities and their associations. [...] The participation of local authorities in decision-making processes at the regional and national levels should be promoted. Mechanisms for combining bottom up and top down approaches in the provision of national and local services should be established”. These consultations enforce and strengthen cooperation between all spheres of governance.

III.2.3. Fiscal and financial decentralization to strengthen LGs

Financial resources are crucial to insure LGs autonomy, effectiveness and efficiency of service delivery. The decentralization process ends up increasing the responsibilities of Local authorities. Exercising these responsibilities has a cost. The document seems to insist on these issues by advocating for a concomitant transfer of competencies and resources. It provides advices to all policy-makers to ensure that in the course of the decentralization process, LGs are allocated sufficient financial resources together with the full management autonomy to use them at their convenience.

The guidelines acknowledge that “effective decentralization and local autonomy require appropriate financial autonomy.” Obviously, competencies and responsibilities transferred from central government need financial means for their exercise. As is has been the case for the distribution of competencies and responsibilities between the upper and the lower level of governance, the distribution of resources, especially the issue of inter-governmental fiscal and financial transfers should be enshrined in the legislation or as the document puts it, “Local authorities should have access to a broad variety of financial resources to carry out their tasks and responsibilities. They should be entitled, preferably on the basis of constitutional and/or national legislative guarantees, to adequate resources or transfers, which they may freely use within the framework of their powers”. More over, in the course of decentralization, “where central or regional governments delegate powers to them, local authorities should be guaranteed the adequate resources necessary to exercise these powers as well as discretion in adapting the execution of their tasks to local conditions and priorities”.

Consequently, it should go without saying that the transfer of competencies should accompany budget allocations to LGs. The document provide no figure of formulas, but rather advises that “local authorities’ financial resources should be commensurate with their tasks and responsibilities and ensure financial sustainability and self-reliance. Any transfer or delegation of tasks or responsibilities by the State shall be accompanied by corresponding and adequate financial resources, preferably guaranteed by the constitution or national
legislation, and decided upon after consultations between concerned spheres of government on the basis of objective cost assessments”.

Due to the difference among LGs with respect to their economic potentials, decentralization could lead to regional disparities and a misbalanced overall development. Thus the need for a mechanism of balancing the national development by affirmatively supporting the less favored LGs to ensure that certain regions of the country does not lag behind. The document proposes that “financial sustainability should be ensured through a system of financial equalization, both vertical (between State and local authorities) and horizontal (among local authorities). This should happen especially where the local tax-base is weak or non-existent”. Equalization grants are some of the tool usually implemented to address this issue. The definition and the distribution of allocations for the purpose of equalization should be guaranteed by the legislation and ensure the “participation of local authorities in framing the rules governing the general apportionment of redistributed resources, including both vertical and horizontal equalizations”.

However, financial transfers should not be used by central government to interfere in LGs operations and minimize their autonomy. One of the approaches used by central governments in this regard is the earmarking of certain grants to LGs. The earmarking system has the inconvenience of deprive the beneficiary from its freedom to determine its priorities since the grants is pre-dedicated to some specific services or projects. The document advocates for the respect of “the basic freedom of local authorities to exercise policy discretion within their own jurisdiction”, by avoiding earmarked allocations: “As far as possible, financial allocations to local authorities from Governments should respect their priorities and shall not be earmarked for specific projects”. However, “earmarked allocations shall be restricted to cases where there is a need to stimulate the local implementation of national policies, in areas such as environmental protection, social development, health and education”.

III.3. Promoting intergovernmental cooperation

The intergovernmental cooperation is referred to in this context as the relations between the various spheres of governance within a given country. Local governments are meant to be autonomous vis-à-vis the other spheres of government and in particular the central government. All spheres of government should cooperate for the sake of effective and efficient service delivery and good governance. Three areas of cooperation are identified by the document: legislation, empowerment and Supervision and oversight.

III.3.1. Legislative action

The decentralization policy can become effective only after sound and consistent legislations are promulgated by the national government. Local government institutions “should be acknowledged in national legislation, and, if possible, in the constitution, as legally autonomous sub-national entities with a positive potential to contribute to national planning and development”. To make it clear and enforceable, “National legislation and, if possible, the constitution should determine the manner in which the local authorities are constituted, the nature of their powers, the scope of their authority, responsibilities, duties and functions”. Moreover, other spheres of government should consult local authorities and their associations when preparing or amending legislation affecting local authorities.
These legal mechanisms could depend on the nature of the state’s political organization (federal, regionalized or unitary). However, alongside with the specific responsibilities of each sphere of government should also be provided regulations concerning their roles vis-à-vis each other. The document accordingly provides that “Legislative provisions and legal texts should clearly articulate the roles and responsibilities of local authorities vis-à-vis higher spheres of government, providing that only those roles and responsibilities beyond their scope and competence should be assigned to another authority. […] Local authorities should have full responsibility in spheres involving interests of local citizens except in those areas specified by national legislation, which should state what lies outside their competence”.

III.3.2. Empowerment, capacities and supervision of LGs

The document analyses empowerment in the scope of the freedom of LGs to exercise their powers and responsibilities. The issue is closely linked to human resources and the central government responsibility to supervise and oversee LGs activities. In order to ensure the responsibility of LGs in exercising their powers, “Local authorities should freely exercise their powers, including those bestowed upon them by national or regional authorities, within the limits defined by legislation. These powers should be full and exclusive, and should not be undermined, limited or impeded by another authority except as provided by law”. However, upper spheres of government should be ready to provide assistance to Local Authorities and their institutions to determine local policy and strategic frameworks within the parameters set by national policies. This assistance includes supporting initiatives to develop responsive, transparent and accountable instruments necessary for efficient and effective management at local level.

As part of intergovernmental cooperation, Local Governments exercise their powers and responsibilities in accordance with national policies and strategies. Thus, the central government retains the right to oversee and supervise activities undertaken by LGs. Nevertheless, this supervision power over LGs activities “should only be exercised in accordance with such procedures and in such cases as provided for by the constitution or by law” and “be confined to a posteriori verification of the legality of local authority acts, and should respect the autonomy of the local authority”. According to the document, one should avoid the system whereby, local authorities’ decision can enter into force only after prior validation of approval by the central government agents. The supervision and oversight activities of the central government could detect important failures in the LGs officials’ performances requiring actions to remedy or readjust the situation. In many countries, the law goes further by providing for the dismissal of suspension of LGs’ elected organs by the central government in extreme cases. The law should at least strictly frame such cases by “specifying “the conditions- if any - for the suspension of local authorities. In the event that there is a need to suspend or dissolve a local council or to suspend or dismiss local executives, the exercise shall be carried out with due process of law”. However, the suspension or the dissolution of local authorities should not create a long lasting vacancy in
the LGs political and administrative machinery. The prescription of the law should determine the resumption of their duties in as a short term as possible, including as the case may be, organizing new elections to designate new officials. For the sake of fairness in the intergovernmental cooperation, the supervision and oversight responsibilities of the central government over LGs should be exercised under the control of independent bodies such as the judiciary power to which LGs’ authorities could make appeal against the central government decisions in this regard.

In line with the above mentioned incremental approach, the document advises for LGs to be supported by other spheres of governments, especially the central government in the development of their administrative, technical and managerial capacities, and of structures, which are responsive, transparent and accountable. The issues of capacities and human resources are considered in the document in the scope of LGs staffed with sufficiently qualified personnel with respect to good governance values such as gender equality, equity, transparency and performance. While there should be, under the responsibility of the central government common standards of qualification and status in the management of local staff, the document advocates for LGs to be given full responsibility for their own personnel. This provision is meant to encourage change and improvement in countries where key local staffs are still appointed and remain accountable to the central government. Of course, the financial weakness of some LGs could constitute a barrier for them to hire sufficiently qualified personnel. However, the document proposes that “the service conditions of local government employees, as defined by national legislation, should be such as to permit the recruitment and retention of high-quality staff on the basis of best performance, professional competence and experience and of gender equality, and should exclude any type of discrimination based on religion, language or ethnicity. [Moreover] adequate training opportunities, remuneration and career prospects should be provided to local government employees in order to enable local authorities to reach a high quality performance in the provision of services to the citizens”. These training opportunities should be provided or supported by Governments, in collaboration with local authorities and their associations.

Conclusion
Twenty years ago, decentralization could mean everything but definitely not competitive elections at local level, effective power sharing between central local governments, local authorities gathered in powerful national and international organizations raising their voice on governance and development, standing as partners and holding dialogue with central governments and international partners. Indeed, time has changed. Of course, this is not enough. The ultimate value added of decentralization and local governance expected by the population is the effective improvement of basic services in term of quality and access. In this regard, the way is still long, especially in sub-Saharan Africa.

However, when we consider some countries who have taken the lead in decentralization in Africa, is it fair to support a completely negative view that nothing has been achieved?
Moreover, service delivery is not the only indicator of effective decentralization and local governance. Although good governance is a mean to achieve sustainability in service delivery and development, it is also a value for itself. Good governance is about freedom, fundamentals human rights which are non-negotiable assets and cannot be assessed in terms of number of classrooms and functional drinking-water taps. Good governance paves the way for genuinely owned and sustainable development.

The Decentralization guidelines issues by UN-HABITAT is a result of a collective commitment of a wide range of decentralization stakeholders worldwide come on time either to confirm some of the practices already ongoing in the Continent, or to orient and guide new policies and strategies aimed at making decentralization more effective and efficient. The provisions of the documents are formulated in such a way to open windows for innovation, creativity and adaptations with regards to national contexts. The guidelines are not exhaustive. Some important topics such as cooperation between LGs belonging to two or more different countries ranged as “international decentralized cooperation” (LGs twinning, trans-border municipal cooperation for instance) are not specifically addressed. The document rather proposes a framework with the strong wish for it to be useful for those who are committed without being harmful to the rest. It is up to every country alone and together with other international partners to find its way and boost its process.
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