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## COMMONWEALTH LOCAL GOVERNMENT FORUM



### Strategies to promote intergovernmental relations in accordance with the Aberdeen Principles

Background summary paper for the Commonwealth High Level Symposium on Promoting inter-governmental relations and sharing of good practice policies on local government (South Asia), Colombo, Sri Lanka, 24-25 April 2012

Supported by the Commonwealth Secretariat





# 1 Introduction



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## Strategies to promote intergovernmental relations in accordance with the Aberdeen Principles

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#### Acknowledgements

This summary paper was prepared by CLGF with the assistance of Dr Donald Curtis, Honorary Senior Research Fellow, University of Birmingham, and has been produced with the support of the Commonwealth Secretariat Governance and Institutional Development Division (GIDD).

The information presented was compiled in 2011; the situation in some countries may have changed and these changes are not included.

# 1 Introduction

## 1. Introduction

Across the Commonwealth, including in South Asia central governments are increasingly decentralising power, responsibilities and functions to locally elected authorities to deliver essential services to local communities. Because of their proximity to the local population local governments have the potential to be more participatory and accountable to the citizens they serve. This paper seeks to address the importance of intergovernmental relations in the context of decentralisation and to explore different strategies which are being used to strengthen local government capacity.

The paper takes as its starting point *The Aberdeen Agenda Commonwealth Principles for local democracy and Good Governance*. The twelve principles, which set out the essential components underpinning effective local government, were developed by CLGF members at its 2005 Commonwealth Local Government Conference in Aberdeen. They were subsequently endorsed by Commonwealth Heads of Government in the same year, and in 2009 were adopted by the Commonwealth Trinidad Affirmation, as part of their commitment to fundamental political freedoms.

The paper looks at the challenges facing the region, especially with respect to rapid urbanisation and the rural under-development, and the impact that this has on the complexity of governance arrangements and the ability of governments and local governments to resource and deliver basic services. It explores a variety of practical ways in which governments are responding to the principles set out in the *Aberdeen Agenda* and starts to highlight strategies for strengthening intergovernmental relations in the future. The paper also assesses the different types of relationships involved in effective intergovernmental relations, and some of the challenges which they place on different spheres of government. In conclusion the paper looks to the future with a brief summary of the role of international partners in supporting and developing local capacity and recommends addressing policy issues of common interest and concern more systematically at a regional level.

Commonwealth member states share an understanding of the value of just, equitable and effective local government. The *Aberdeen Agenda* was deemed to determine the road map to the establishment and maintenance of local government that works, for localities as well as nation states.

*76 Commonwealth cities in 2000 had a population of over 1 million, UN-Habitat expects 124 cities to top that figure by 2025, Mumbai, with 24 million people, will remain the largest Commonwealth city overall, but will be closely challenged by Delhi and Dhaka both of which have more than 22 million inhabitants.*

Com Habitat, Urban challenges; scoping the State of the Commonwealth's cities

### Box 1 - The Aberdeen Agenda: Commonwealth Principles on Good Practice for Local Democracy Good Governance

1. Constitutional and legal recognition
2. Ability to elect representatives
3. Partnership between spheres
4. Appropriate legal powers
5. Participation
6. Open accountability
7. Transparency
8. Subject to scrutiny
9. Inclusiveness
10. Adequate resources
11. Equitable service delivery
12. Commitment to capacity development

The paper re-iterates the importance of these principles, recognising the inevitable complexity of what is effective and emphasising the need for a strategic political dynamic to underwrite the process of achievement.

The reality that underlies an effective local governance strategy is that the national public good is best served when the local public good is best represented. While there may well be times when a local interest; say, the utilisation of a river for irrigation or tourist recreation, is at odds with a national interest in energy production, the good governance solution is to find an imaginative 'plus – plus', negotiated way forward. This implies co-operative governance. This paper looks at the implications, highlighting co-operative governance as, in this respect, first amongst equals in the Commonwealth good practice recommendations [see box 1].

The paper will illustrate the ways in which the good practice principles are tools for national and local leaders in creating a constructive centre / local or local / centre dialogue with the twin aims of establishing an engaged local democracy and overall good governance.

### Local government in the context of rapid urbanisation and rural under-development

It has long been agreed that poverty reduction has to start at the local level, as what happens on the ground is what actually makes the difference. It should also be recognised, however, that many of the barriers to poverty reduction are also local, notably, local power structures, bureaucracies and regulations.

The UK Department for International Development's (DfID) publication, *Cities the New Frontier*, states that 'the global population will increase to approximately 9.1 billion with the majority of the growth, circa 6 billion, taking place in the urban centre'. And that 95% of this growth is already happening in developing countries, with mega cities becoming more common, the rural areas are increasingly

becoming further under-developed. Soaring populations will continue to become a strategic policy matter, South Asia is currently witnessing a rapid increase of those migrating to towns and cities, and issues such as poor local governance, resource mobilisation, lack of adequate infrastructure, access to often basic services are critical issues that need to be addressed sooner rather than later.

With rapid urbanisation and increased rural underdevelopment, local government has never been better placed to take the lead in building sustainable structures and good governance practices. Although urbanisation is an integral part of economic growth, with the global economic crisis local governments are having to think 'outside of the box' in order to compensate for the drop in revenue, limiting funds that were once meant for regeneration and thus impacting on their already diminishing capacity to address the growing service delivery demands that increase with urbanisation and under-development.

### Aberdeen Agenda principles

The CLGF *Aberdeen Agenda: Commonwealth Principles for local democracy and good governance* is a set of twelve good practice principles that were agreed by CLGF members in 2005 and endorsed by Commonwealth Heads of Government in the same year. In 2009 the Aberdeen Agenda was incorporated into the Trinidad Affirmation as part of the Commonwealth's commitment for fundamental political freedoms. Not only have they been accepted by Commonwealth leaders but are also widely reflected in the legal constitutional provisions that are enacted in most Commonwealth member states. The *Aberdeen Agenda* looks at both the importance of government to be accountable to the citizens, but also at local government as a mechanism for community engagement. Recognition of the importance of local government by central government is an important step as this opens the gateway for local authorities to be able to assert their authority in their country's governance system, and therefore access the resources that are due to it for the services they are delivering.

## 2 Local government in South Asia: an overview

### 2 Local government in South Asia: an overview

Local government and its structures across South Asia, India, Pakistan, Bangladesh and Sri Lanka, have been present for many years. The systems and structures reflect a common history and tradition. Brief reviews of the recent history of local government practice reveal constitutional provisions and legal recognition, enacted but not always implemented, elections delayed or suspended, as in the case of Pakistan, powers or entitlements suspended or not transferred, as well as more insidious processes of incursion of central or donor funded projects and programmes into the constitutional spheres of local governance. Structures, processes and relationships that work effectively for the common good can only evolve over time and often only when there is a strong commitment from leaders. Such strategy must work through multi-level dialogue and may have to address issues that are constitutional as well as matters of present policy and policy implementation.

Putting aside the often politically fractious environment that many countries have experienced, there are good examples where many governments have implemented the core principles. Pakistan, India, and Sri Lanka have made in-roads into the inclusiveness of marginalised groups, especially women. One third of all seats in India are reserved for women, and there are further reserved places for scheduled castes and scheduled tribes, determined by their proportion of the local population. The places reserved for scheduled castes and tribes must also adhere to the one-third allocation of women. Currently in the urban sector women make up 38% of all councillors. In Pakistan there is a legal requirement for communities to be involved in the local decision making process. Village and neighbourhood councils and citizen community boards (CCBs) were incorporated in the Local Government Ordinance 2001 their aim being to promote participation and community engagement. Whilst in Bangladesh participation is a constitutional aim as stated in article 9, and there are a range of formal and informal channels through which citizens may participate in the processes of government.

#### Bangladesh

Bangladesh has 64 administrative districts and below this a tiered system of local government comprising rural councils (parishads) and urban municipalities. Urban authorities are single tier, whereas rural local government has three tiers: zila (district) parishads, upazila (sub-district) parishads and union parishads. There are also hill district parishads. All urban councils are directly elected every five years; the upazila and union parishads are also directly elected, with any heads of government working in the upazila as ex-officio members without voting rights. The zila parishads chairman and members are elected by an electoral college. Urban authorities are city corporations and pourashavas whose main functions range from water and sanitation, waste management to building control and social welfare. Zila parishads and hill district parishads' statutory functions are the implementation of development projects, public libraries, open places, roads and bridges not covered by central

government including ferry ghats, encouraging and assisting upazila parishads and implementation of development plans assigned by central government. All local governments have the power to levy taxes and rates.

#### India

Local government is divided between the rural authorities (panchayats) and urban authorities (municipalities), there are a total of 3,551 urban councils whilst in the rural area there is a three tier system comprising a total of 540 zila parishads/district councils, 9,268 panchayat samaiti (block) and 384,286 village panchayats. In 1989 the government of India took steps to enhance the role of rural local governments (panchayats) through direct funding. The aim was to create units responsible for economic development at the local level, and to create jobs directly. Previous attempts have been made to make it mandatory for all states to adopt a three-tiered system of panchayats. All councillors are directly elected by a first-past-the-post system. Service delivery varies from state to state.

#### Maldives

The local government structure in the Maldives is relatively new and is a two-tiered system comprising of island and city councils, both of which are accountable to an atoll council. The first local government elections were held in February 2011, with a high turnout of approximately 70%. All councils are empowered to enter into contracts and business ventures with various parties in order to provide the services mandated to them, including assisting island councils in seeking technical and financial assistance, provision of basic primary health care, building and maintenance of waste disposal, water, electricity and sewerage. They are also encouraged to promote the growth of tourism, fisheries, agriculture and other industries.

#### Pakistan

Due to the delay in promulgation of provincial legislation on local government, currently the administration of each district is headed by an appointed district administrator. With elected councils, the local government system is based on federated structures of the three-tier system of district (zila), tehsil and union councils. Since the shift of responsibility for local government to the provinces, and the expiry of tenure of the previous elected local government officials in 2009, no local government elections have been held. Local government elections were last held in 2008.

#### Sri Lanka

Sri Lanka has three levels of government: central, provincial and local. Devolution of power is made under three lists in the ninth schedule of the constitution. List I identifies the powers of provincial councils, while List II, the reserved list, specifies the powers reserved to central government. List III, the concurrent list, outlines the powers that may be exercised by the centre or the provincial councils following consultation with each other. Third tier local authorities are vested with the power to create by-laws passed with the approval of the minister and the parliament/provincial councils. All councils are elected for a four year term of office on the basis of a list system of proportional representation. Voters must vote for the party or group of their choice, and indicate three preferences

## 2 Local government in South Asia: an overview

from the names on the list. Under the Local Authorities (Amendment) Act 1990, each voter is able to give all three preference votes to the same candidate.

Distribution of service delivery responsibility is split between the provincial and local level. Some of the major functions devolved to provincial councils include internal law and order, implementation of

provincial economic plans, cooperative development and local government. At the local level the municipal councils, urban councils and pradeshiya sabhas are charged with the regulation and control of all matters relating to public health, public utility services and thoroughfares and generally with the protection and promotion of the comfort, convenience and welfare of the people. The pradeshiya sabhas also have some additional development responsibilities.

**Table 1: Aberdeen Agenda: principles in practice**

Aberdeen Agenda	Bangladesh	India	Maldives	Pakistan	Sri Lanka
Constitutional and legal recognition	✓	✓	✓	✓	✓
The ability to elect local representatives	✓	✓	✓	Not currently	✓
Partnerships between spheres of Government	There is dialogue between the upazila, district, divisional level administration and national departments. There are some emerging local government associations providing a facility for dialogue among local councils but their role in formal intergovernmental relations is limited.	There is open dialogue between the union ministries, state level government and local government representatives. There are limited examples of organised local government to represent a voice for LG.	The presidents of each atoll, island and city council are tasked with maintaining open dialogue and increased cooperation between the council, and state institutions, Government authorities, associations and groups, and communicating the decisions of the council to other relevant local authorities.  The Local Government Authority Department within the Ministry of Home Affairs, with local government representatives and civil societies chaired by a Minister, has responsibility for local government and advises atoll councils on the formulation of regulations and by-laws.	Local government is now a function of the provinces. There are informal local government associations in four provinces, which are currently playing a lobbying role.	Provincial Chief Ministers hold regular meetings. There is a local government association although its role in formal intergovernmental relations is limited.
Defined legislative framework	The Hill district local government Parishad Act 1989 The Zila Parishad Act 2000 The local government (pourashava) Ordinance 2008 The local government (union parishad) ordinance 2008 The local government (upazila parishad) ordinance 2008 The local government City Corporation ordinance 2008	Each state has its own local government legislation	The main legislation regulating local government is the Decentralisation Act 2010 and the Local Council Election Act 2010.	Until the provinces finish promulgating the local government ordinance 2001 remains the main local government legislation. The Baluchistan Provincial Assembly promulgated the Baluchistan Local Government Act in 2010.	Provincial councils act 1987 Urban councils ordinance 1939 Municipal councils ordinance 1947 Pradeshiya Sabhas Act No. 15 1988

## 2 Local government in South Asia: an overview

Aberdeen Agenda	Bangladesh	India	Maldives	Pakistan	Sri Lanka
<b>Opportunity to participate in decision making</b>	Co-option representation in committees provides some opportunity for community participation.	The 73rd and 74th amendments to the constitution have led to wider participation and citizen awareness at the local level. Citizens' charters are also used to streamline participation. Mechanisms for grassroots planning are in place in many communities.	The Local Government Act 2010 states that atoll councils should 'with community participation, provide guidance and support in planning island development plans and provide community recommendations to all relevant stakeholders in planning development programmes'. However, due to the newness of local government and the first elections taking place in 2011 there has been insufficient time for implementation.	Neighbourhood councils and citizen community boards are incorporated in the 2001 local government ordinance to promote participation in the democratic process with a role in promoting involvement identifying projects and organising activities.	The extraordinary gazette number 1632/26 declares that every council should promote social inclusivity, civil society participation and partnerships. It has not been systematically implemented.
<b>Open local government – accountability</b>	Steps are in place to establish a ward committee system to ensure greater accountability	A social audit system exists in all states in India, though the practice varies from state to state. The system has two aspects, 1. Service standards made public through citizen charters and 2. Period disclosure is made on attainment of service standards by the local bodies. NGOs and CVOs have an important role in empowering people in a social audit.	The Local Government Authority within the Ministry of Home Affairs, the Ministry of Finance and the Auditor General all have authority to scrutinise councils' accounts and finances.	District Ombudsmen are responsible for dealing with citizen complaints and mal administration by all holders of public office	Some councils with the support of external agencies have successfully developed participatory budgeting
<b>Open local government – transparency</b>	There is recognition of the importance of transparency and guidance being provided to local councils.	A Right to Information Act and Public Disclosure provides the legal framework for access to information. There are a variety of civil society initiatives that have used tools to try and improve the quality of governance some of these are: Voter awareness campaigns, public interest litigation and citizens charters	All councils are encouraged to be transparent.	The provincial legislation is yet to be promulgated.	Councils are encouraged to be transparent and some training in this area has been provided.
<b>Openness to scrutiny</b>	Decisions are taken in the public realm.	Important scrutiny mechanisms of government are the budgetary control and audit of C&AG and the Local Fund. In addition in some states there are independent institutions like the Ombudsman and Appellate Tribunals.	The Local Government Authority within the Ministry of Home Affairs, the Ministry of Finance and the Auditor General all have authority to scrutinise councils; accounts and finances.	Awaiting promulgation of the provincial acts.	There is discretion to appoint special committees.



## 2 Local government in South Asia: an overview

Aberdeen Agenda	Bangladesh	India	Maldives	Pakistan	Sri Lanka
<b>Inclusiveness</b>	Inclusiveness is ensured in the decision making process reflecting the social, economic, environmental and cultural needs of the entire community, especially with disadvantaged groups including women, youth, minority groups and people with disabilities.	In the urban sector women make up 38% of all councillors. By law a minimum of one-third across all seats of local government bodies must be reserved for women.	Each island council will have a women's development committee which will advise the island on key women's issues.	Previous to the shift in the responsibility of local government to the provinces, Pakistan made headway in addressing gender inequality within the sector. A percentage of seats were reserved for women.	Mechanisms are in place to enable all members of the community to be able to participate in any local decisions directly affecting them.
<b>Adequate and equitable resource allocation</b>	Grants are received from government and councils have the ability to raise revenue locally.	Inter-state allocation is based on factors and weights assigned to criteria such as population, geographic area and index of deprivation. Local government can borrow on the market and is experimenting with a variety of different finance mechanisms particularly for infrastructure development.	Councils have the power to charge fees or rents for the services they provide. Such fees are determined in consultation with the people of the area. Councils can also seek loans from financial institutions to fund development activities, offer council assets as loan securities and create funds for other undertakings.	Awaiting promulgation of the provincial acts.	Under the 13th Amendment Article 154 a finance commission has been established to transfer the financial resources from central to provincial and then to local level, however, most local authorities require additional resources to deliver services effectively.
<b>Equitable service delivery</b>	Special importance has been given by local governments to ensure that services reach poor and marginalised groups. This has been given particular attention in the UNDP Local Governance Support project.	Service responsibility varies from state to state.	Councils are empowered to enter into contracts and business ventures with various parties in order to provide the services mandated to them.	Awaiting promulgation of the provincial acts.	Service delivery priorities are determined by decisions of council.
<b>Building strong local democracy and good governance</b>	There is a national institute of local government which provides training for local government officers and councillors. Other agencies active in Bangladesh are also providing capacity building support.	Capacity development is conducted largely at state level, and there are many state level institutes responsible for capacity development of local government e.g. KILA, and the All-India Institute which has a national mandate.	There is a national training institute which provides programmes for capacity building, international agencies are also providing a support in this regard.	Awaiting promulgation of the provincial acts.	There is commitment to training councillors and the government is exploring the identification of model local government authorities. There is also a local government institute, SLILG, providing some capacity development support.

## 3 Constitutional provision and intergovernmental relations

### 3 Constitutional provision and intergovernmental relations

#### Overview

Within South Asia all countries have enshrined local government within their constitutions. For example, in Bangladesh it is stated that that 'Local government in every administrative unit of the republic shall be entrusted to bodies, composed of persons elected in accordance with law...'. Parliament shall, by law, confer powers on the local government bodies to impose taxes for local purposes, to prepare their budgets and to maintain funds.' Local government in Bangladesh has no inherent powers and functions, as these are derived from the national government. Although local government bodies enjoy a degree of operational autonomy they are not independent, as a result there are a number of areas of interaction between local and central covering legal, operation and financial matters. Its territorial jurisdiction, the functions it can perform and the taxes it can impose, are all determined by central legislation. At the local level however, local government has a good relationship with the upazila, district, divisional level administration and national building departments through various laws and regulations, and it is through significant cooperation and coordination with these different spheres of government that local government is able to continue delivering services successfully.

The 13th amendment of the Sri Lankan constitution states that 'Local authorities will have the powers vested in them under existing law, the Municipal Councils Ordinance and the Urban Councils Ordinance. Pradeshiya sabhas will have the powers vested in them under existing law. It will be open to the provincial council to confer additional powers on local authorities but not to take away their powers.' This went one step further in 1987 when the Provincial Councils Act saw local government being devolved to the provincial councils. Dialogue between different government departments and levels continues to happen regularly in Sri Lanka, with chief ministers of the provincial council holding regular conferences in which the national level minister for local government and provincial councils participates. The national level ministry for local government also holds monthly coordinating meetings with the provincial commissioners and other organisations who work in the local government sector. There is an emerging local government association, which has the potential to be an interlocutor for local government in Sri Lanka.

The constitutional provision for local government in India falls under the 73rd and 74th constitutional amendments adopted in 1992 which give recognition and protection to local government. Local government is a state function, where powers, authority and responsibility for local bodies are devolved by the state under Articles 243g and 243w of the constitution. Each state has its own local government legislation. Interaction with the various levels of government happens through the union ministries, who are in dialogue with all the relevant ministries at the state level and also

local government representatives. Local government also continues to seek meetings with officials and ministers; however this is on a more ad-hoc basis. There is no formal body, for example a local government association (LGA), to bring together local governments to speak collectively in intergovernmental relations.

Pakistan has two constitutional provisions that are key to local government, articles 32 and 140-A. Article 32 focuses on the promotion of 'local government institutions', and states that local government institutions composed of elected representatives of the areas concerned and in such institutions special representation will be given to peasants, workers and women.' The second article (140-A), provides the mandate for each province to establish local authorities and devolve certain political, financial and administrative resources to them. The 2001 relates to eligible voting in local elections. Local government is now a function of the provinces, each province is in the process of promulgating new local government legislation.

Local government has only recently been enacted in the Maldives, and it provided for in Chapter VIII of the constitution. In order to promote inter-governmental relations, all the presidents of each atoll, island and city council are tasked with maintain good relations and promoting a cooperative working environment between various governmental bodies. There is a Local Government Authority based in the Ministry of Home Affairs which has responsibility for local government and advises on regulations and by-laws, it also has arbitration powers and the ability to scrutinise councils' accounts and finances.

#### Local government associations: a strategy for strengthening intergovernmental relations

Internationally, with the significant trend of decentralisation, and the devolution of greater responsibility to local government, the relevance and role of local government associations (LGA) as a voice for intergovernmental relations has increased significantly.

The necessarily unique nature of local government associations makes generalisations difficult, but the IULA toolkit outlines several areas critical to the success of an association.

- Strong, cross party local government support
- A degree of central government support and a commitment to engagement in consultation processes.
- Effective communication with members, both collectively and individually.
- An early agreement of the organization's broad political structure, including how special interest groups will be represented.
- Agreement on the main objectives of the Association and on what services it will provide.
- A clear understanding of, and ability to obtain, the resources required to operate as required.

LGA operations can broadly be grouped into three categories; advocacy, service delivery and networking. The **advocacy** function

## 3 Constitutional provision and intergovernmental relations

of a local government association concerns the representation of both member councils and the sector at large to the outside world. The approach taken to advocacy work by associations internationally varies a great deal, however, in all advocacy work maintaining communication and engagement with members is vital, as this is the only way in which the association can legitimately claim to be representing their views and experience. Equally important to communication is a strong policy function, capable both of bringing together and presenting knowledge and learning in the sector, and of monitoring the wider field for opportunities to advocate on behalf of their members and to measure success of lobbying activities. In addition to representing their members, LGAs are also uniquely placed to **provide services** to their members, enhancing their ability to respond to the challenges associated with increasing decentralisation and an ever changing macro environment. Peer learning and **networking** opportunities is an invaluable function of LGAs. These forums can operate on multiple levels, from the whole of local government, to officers involved in particular areas of work, and elected members of different political parties.

*In Pakistan since the constitutional responsibility for local government shifted from the federal government to the provincial level, councils were dissolved and no provisions made for local government elections. The role of the four provincial local government associations, Punjab, Sindh, KP and Baluchistan, have come into their own as a collective group. They have continued to keep local government on the political agenda, through effective advocacy, public sensitisation, and enabling peer learning and networking opportunities. Similarly in Sri Lanka, the Federation for Sri Lankan Local Government Authorities is well placed to carve a role out for themselves as the collective voice of local government.*

### Types of relationship

Inter-governmental relationships can be characterised in three types; command and control, 'personal equations', and partnership.

Much of the on-going business of government at any level tends to be expressed in *command and control* terminology. Policy is translated into law or regulation and enforced by agents of national, state / provincial or local levels of government. Such measures are, by design and intent, the instruments of hierarchical control, requiring compliance on the part of those whose behaviour is to be regulated. The constitutional powers and entitlements of lower tiers of government are constrained and delimited by the powers of those above <sup>1</sup>. Powers and instruments of these kinds are fundamental to governance and are for the most part unproblematic. Nevertheless central policies, regulations, and programmes can still impinge upon the local sphere in ways that sometimes become contentious. Fiscal constraints or unfunded mandates are further

contested areas.

Command and control style relationships are also both evidence of and reinforcement of a hierarchical relationship that can negate constitutionally intended devolution of powers. Such relationships have unintended consequences. Not only is local government unable to exercise its proper powers but will also become more dependent upon, and demanding of, central resources as well as less willing to raise complimentary local resources.

In some countries, recent liberalisation reforms in public sector management have encouraged government officials to give their junior officers or contracted agencies greater delegated authority in carrying out policies. Similar changes have been promoted for delegation between upper and lower levels of government. In many cases however liberalisation in principle has been constrained by enhanced central control through performance and contract monitoring. Where this is the case relationships do not differ much from the more old-fashioned modes of hierarchical supervision. If the style of administration as well as the substance is one of 'command and control', political impasse, if not conflict, is the likely outcome.

'Command and control' style administration invites subordination or tacit or explicit resistance. Another type of relationship then comes into play to find a way around emerging conflicts of interest or difficulties. This is the personal equation between leaders. Leaders on either side seek to use their 'political capital' or ability, through networks of influence, to form a *personal equation* with power-brokers across the divide. No disagreement is without a history. No constitutional provision is without ambiguity. Practice, in any context, tends to be 'messy'. Strategic leadership then requires finding a way through the messiness that is left behind within any particular case history.

### Box 2 - Leadership styles and effectiveness

Command and control	Effective when a centrally designed policy, programme, or routine service is of uncontested universal benefit. Requires compliance at the local level. Leads to unrest when the good is not locally perceived to fit with particular local needs.
Work through 'personal equations'	Political leadership on either side often requires individuals to do deals on a personal basis to avoid conflict, but there are risks to personal or political reputation and the deals achieved may not be sustainable.
Cooperate as partner, share responsibility, gain collaborative advantage	Lasting solutions to centre / local differences require open [6], transparent [7] partnership between leaders on both sides. This is not easy, given the inequalities of status and power of the leaders or officers on either side. Yet collaboration can produce advantage that neither side can produce separately.

<sup>1</sup> Where the constitution grants local government powers of general competence, it can do anything in the public interest that is not prohibited by law, rather than being confined to responsibilities specifically allocated to it. This in principle allows more scope for independent self-governance than does restricted powers. But this liberality is not in the British tradition.

## 3 Constitutional provision and intergovernmental relations

However, when personal interactions dominate the political sphere party rivalries become more significant than policy negotiations in inter-governmental relations. There are many instances of local governments, or indeed regional governments, becoming neglected within the national polity because their leaders have the 'wrong' political allegiance.

Politicians live at the interface of party commitments and responses to contingent circumstances. They thrive if they have skills in dealing with ambiguity and contested certainties. By cultivating effective personal equations across party boundaries or levels of government they may well be able to patch up a quarrel and do a deal. Sustainable solutions however may require a deeper process of reconciliation. More radical and sustainable outcomes are achieved if a spirit of partnership can be achieved.

In moral terms it is difficult to argue against cooperation as a means of achieving good outcomes. The opposite sounds like conflict: clearly a bad idea. Conflict avoidance is probably the hallmark of good administration and governance anywhere; also of good politics. Yet the realities of power as well as the urgency that often drives public policy can in practice lead central authorities towards command and control. The perceived need for uniformity of service within the nation also tends in the same direction.

*Cooperative, or partnership intergovernmental relationships*, call for several of the Aberdeen recognised local governance practices and values. True partnership requires an open exchange [6] between leaders and officials in the different spheres of government. It requires the setting aside or suspending of differences of status and power to enable full participation in the exchange [5]. Cooperative problem-solving is made possible if all 'the cards are put on the table' – transparency [7]. Above all, a spirit of partnership enables two or more parties to achieve good governance outcomes that neither party could achieve on its own. This, in modern management language is referred to as 'collaborative advantage'.

### Intergovernmental relations across the field of local governance concerns

From a citizen perspective it is clear that many of their concerns for good governance can only be addressed if local government and regional or central government work together and reinforce themselves in complementary ways. Partnership between spheres will be established in different ways; for instance between national, regional and local police and security agencies, including community vigilance organisations. Likewise appropriate arrangements for getting access to justice as well as good neighbourly relations seems always to require well worked out divisions of responsibility between the legal structures of the land and recognised, locally developed and respected processes of arbitration and reconciliation. Peace and good social order depends upon these agencies being prepared to work collaboratively together.

The building and maintenance of roads and other public sector infrastructure is, in most countries, a public responsibility that is

### Box 3

#### Concerns of citizens for effective governance at a local level

- Security of person and property
- Access to protection, justice and reconciliation services
- Protection of livelihoods
- Service provision
- Infrastructure
- Entitlement to citizenship rights
- Voice and representation

shared between the tiers of government, but heavily dependent upon sensible collaboration between the authorities at each level.

In the areas of service provision, such as health and education, there are divisions of responsibility that are both well established and subject to constant modification; for instance in the funding and governance of schools.

Economic development and local livelihoods is, in most countries, another area of active engagement of local authorities with central government agencies as well as private and nongovernmental bodies.

In all these areas of public responsibility, cooperation between tiers of government is essential. The interplay of intergovernmental relations today has also to take account of developments within civil society that are encouraging active citizenship and 'voice'. A healthy, engaged local democracy calls for leadership that uses the powers available to it openly and constructively in addressing local issues and in negotiating intergovernmental relations effectively.

### Constitutional review and on-going oversight of implementation

The best intended constitutions do not always make the most sensible long term allocations of powers and responsibilities. Many present day constitutional set-ups have their origins in different, distant, times. Economies and social structures have evolved to alter the boundaries of interests and identities. Information and other administrative technologies have changed to allow new forms of governance to be effective. The competences of administrative officers may have improved. These and other changes will have altered the context within which the present devolution/centralisation balance must be struck.

A strategic review of the allocation of powers and responsibilities may lead to re-centralisation as well as delegation or devolution. Citizens have an interest in access to basic rights as well as local services and community wellbeing. Vulnerable citizens in particular may value impartiality in administrative services, such as revenue administration or land records, where local influence is not necessarily helpful. Such government functions may need to be transferred for the sphere of influence of local politics to de-concentrated branches of the national civil service<sup>2</sup>. The Aberdeen

<sup>2</sup> See, for instance, the recommendations of the National Dissemination Seminar on Building Support for Models of Local Democracy within a Federal System 6-7 July 2011, Karachi, Pakistan

## 3 Constitutional provision and intergovernmental relations

### Box 4 Viewpoints in Intergovernmental relations

#### Centre orientation

- Universalism
- Territorial integrity
- Containment of diversity
- Citizen commitment to the wider public good

#### Local orientation

- Particularism ■
- Expression of diversity ■
- Local voice and/or representation ■
- Equity share in national resource ■

Agenda's first principle; constitutional and legal recognition, as well as its emphasis on appropriate allocation of powers [box 1] should be seen as a concern for the up-to-date-ness of present systems of local governance. From time to time the distribution of powers between the centre and provincial or local governments need to be reviewed.

Many such issues will arise in the midst of the on-going inter-governmental business of the day.

### Viewpoints in intergovernmental relations

An inherent tension in centre / local relations has to be recognised. National level governments and administrations gain their legitimacy by seeking to establish policies and practices that serve the nation as a whole on universalistic principles. Local leaders may well get their support by seeking particular advantage for the locality as well as for the main movers and shakers within their local electorate. Where local overlaps with ethnic, religious or other social minority interest, the potential for points of divergence to emerge is obviously enhanced. Leadership strategies on either side have to take such tensions into account, seeking inclusive ways forward.

A further contrast of viewpoint stems from the concern of central government with territorial integrity and containment of diversity, while local administrations may be more concerned with defining the particular character of the territory that they represent<sup>3</sup>. While central governments pursue strategies that contain diversity, local may occasionally seek to enhance the scope for expression of diverse interests.

Such tendencies may pull apart. But national political economies seek common ground in shared economic prosperity. The economic strategy of the centre will be to gain the commitment of the localities in promoting economic growth from a diverse base while the same issue approached from the local perspective is about ensuring that the locality has an equitable share in the national resources that promote overall growth and wellbeing [box 4].

These viewpoints may be expected to underlie a strategic dialogue between political and administrative agents at centre, regional and local levels of government. The dialogue, about what local government does, its powers, capabilities, and outcomes for

wellbeing and development, will seek reconciliation of viewpoints as well as resolution of particular issues as they arise in the day to day business of government.

### The role of external agencies

A number of agencies are active in the region including UNDP, the Commonwealth Secretariat, GIZ, DFID, ADB and United Cities and Local Governments Asia Pacific (UCLG ASPAC). Donors are systematically moving resources away from the centre and towards the specific locality that their focus is on; taking this approach has resulted in programmes, especially capacity building initiatives, having a more intimate knowledge of the local context and political nuances.

Many of the international donor agencies are focussing their work on building the capacity of local government to deliver services more effectively. Significant effort is also being placed on building the capacity of NGOs and community organisations to hold local government and other service delivery agencies accountable.

### The role of the Commonwealth Local Government Forum

The Commonwealth Local Government Forum remains committed to working with its members and Board members in the Asia region, drawing on its unique network of both central, provincial/state and local government agents and actors, sharing experience with other regions from the Commonwealth. Likewise it can draw on the specialised expertise of its academic and other associate members which include local government institutes and training bodies.

CLGF has worked South Asia throughout since its establishment and has provided technical assistance to its members and convened Board and other high level meetings in throughout the region including in a number of specialised areas such as inclusive development strategies, working with the private sector and the role of women in local government. This has been through collaboration with the Commonwealth Secretariat and other partners, under its 2008-10 the UNDEF programme, which resulted in a training syllabus for newly elected representatives and local government training institutions, promoting local democracy and good governance throughout the whole of South Asia. Through its Good Practice Scheme, CLGF has worked with local authorities notably in India and Pakistan, partnering with local governments in the UK and other Commonwealth countries such as South Africa in wide range of areas relating to good governance and improved service delivery eg in respect of solid waste management. More recently CLGF delivered a programme of exposure visits for senior officials in Pakistan to contrast and compare practices and possible ways in which lessons could be learned from peers in other Commonwealth countries. It has also observed local government elections in Pakistan and the Maldives. This ability to share experience not only enriches the knowledge of local governments, but sharing experience and best practice also considerably boosts the efficiency and performance of the local government sector at large.

<sup>3</sup> It may be noted here the current political debate in the UK over the future of Scotland.

## 4 Conclusion

### 4 Conclusion

The aim of this paper has been to demonstrate that the Commonwealth Principles on *Good Practice for Local Democracy and Good Governance* are not simply statements of moral purpose. They are also practical tools available for use by concerned political, administrative and indeed civil society leaders who want to make local government work for the common good. The common or public good in any locality is never exclusively a local matter. Most spheres of local concern are also of central concern and the other way around. Constitutional allocations of primary responsibility do not remove the need for cooperative intergovernmental relationships. Conflict can negate development while open, transparent and accountable collaboration yields real advantage to all parties.

There is evidence across the region that the Commonwealth Principles on Good Practice for Local Democracy and Good Governance are reflected both in legislation and policy, but also in the way in which services are planned and developed, and citizens are engaged in decision making and holding their public bodies accountable. As the paper suggests there is strong commitment to effective decentralisation across the region, evidenced in part by the fact that all the Commonwealth countries have local government/decentralisation embedded in their constitution. Although there are inevitably challenges in implementation, and progress is not uniform, there is also demonstrable evidence of positive approaches designed to ensure that local government is responsive, transparent, accountable, and most importantly that it delivers essential services to the community.

The symposium will compare progress in the Commonwealth countries and will seek to identify common approaches which could be adopted across the region. Participants will also be encouraged to consider the challenge of ensuring effective decentralisation in a federal context. Particular emphasis will be given to addressing the challenges of:

- Effectively raising revenue and managing resources to ensure that they are used to the benefit of all local citizens
- Improving the competence and skills level of local officials and councillors to respond to the needs of local citizens
- Strengthening intergovernmental relations and the voice of local government in policy planning and development

There will also be an opportunity to consider the value of more regular exchange of good practice and learning at the regional level, and how this might best be facilitated. Participants will be encouraged to explore whether there is a role for a regional approach in South Asia to further strengthen the effective implementation of decentralisation, eg through closer engagement of key stakeholders, or indeed interaction with formal structures such as SAARC.

CLGF, working with the Commonwealth Secretariat, UNDP and other partners, is committed to supporting the process of promoting inter-governmental relations and sharing of good practice policies on local government in South Asia and throughout the 54 Commonwealth member countries. It does this in response to its own member requirements and in line with the high level mandate CLGF has received from Commonwealth Heads of Government, including at their last meeting held in 2011. It will be pleased to take forward, as appropriate, the recommendations of the Colombo symposium, notably as they relate to respond to enhanced regional cooperation in line with CLGF's own policy of strengthening its regionally-based programmes and activities.





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