

Fact Sheets on decentralisation in Africa

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Introduction: why produce these fact sheets?

A growing number of African countries are considering or implementing reforms that include forms of decentralisation. At times, these reforms are underpinned by (recent) constitutional change, as in Mozambique (2018), Tunisia (2014), Zambia (2016), and Zimbabwe (2013), all of which amended their constitutions relatively recently, partly with the aim of strengthening decentralisation. In other cases, decentralisation reforms emanate from the adoption of a new national policy and changes to ordinary legislation, such as in Lesotho, which adopted a new decentralisation policy in 2014.

What is more, only a limited number of these reforms concern the ‘federalisation’ of the state, i.e. the adoption of a constitutional order that recognises provinces, states or regions as autonomous entities within an overall federal order. Most reforms aim to empower local authorities without introducing federal or federal-type arrangements. But then there are also reforms that seek to do both at once, such as the 2006 constitution of the Democratic Republic of the Congo, or those that introduce a system of multilevel government that sits somewhere between federalism and local government (such as the devolution to ‘counties’ in Kenya’s 2010 constitution).

At times, it is hard to distinguish between these different reforms if one relies on the ‘ideal-types’ of federalism, decentralisation, delegation, deconcentration etc. Yet, the distinctions are important. This is

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because the reasons and mechanisms for the vertical distribution of state power may differ significantly. For example, the empowerment of local governments to facilitate better service delivery and deepen democracy is different from the establishment of a federal-type mechanism to accommodate ethnic, religious or cultural diversity (Erk 2014; Steytler 2019). It is not useful to seek to understand, let alone implement, decentralisation to local government exclusively through the prism of the advantages and disadvantages of federalism. At the same time, all forms of decentralisation make use of similar instruments and concepts, such as autonomy, subnational elections, intergovernmental supervision and relations, subnational revenue instruments, intergovernmental grants etc.

Each African country's decentralisation is different, but there are important commonalities that bind many countries on this continent. For example, the role of traditional leadership vis-a-vis decentralised entities is an important issue across Africa. Similarly, many decentralisation programmes on the African continent are implemented in a context of feeble democratic practices, strong centralising tendencies, challenges to the rule of law, weak judiciaries, and sometimes even infrequent subnational elections (Steytler 2019).

This project – the design of *Fact Sheets on Decentralisation in Africa* (de Visser et al. 2020) – emanated from a demand for clear and accessible materials to assist policymakers, practitioners, students and the public at large to better understand the various concepts and mechanisms associated with decentralisation. With the support of the Hanns Seidel Foundation, the Dullah Omar Institute at the University of the Western Cape set out to put together a short, accessible guide. The Fact Sheets were written by Jaap de Visser, Nico Steytler (South African Research Chair in Multilevel Government) and Tinashe Chigwata.

The Fact Sheets focus primarily on local government and unpack the 'toolbox' of instruments and concepts that make up the broader framework for decentralisation. These concepts are often difficult, multifaceted and located in complex theory. The aim of the Fact Sheets is to present them in such a way that they can be understood by a wide range of audiences, and which identifies, explains and distinguishes key concepts relevant to the African context.

An overview of the Fact Sheets

The entire booklet contains ten Fact Sheets, each of which is briefly introduced below. Fact Sheet 1 defines key concepts linked to decentralisation, namely federalism, devolution, local governance, delegation, deconcentration, and traditional leadership.¹ What do these terms mean, particularly in the African context? Fact sheet 1 provides 'neutral' definitions to enable an easier understanding of decentralised systems on the continent.

¹ Decentralisation: key concepts: <https://dullahomarinate.org.za/multilevel-govt/publications/doi-factsheets-1.pdf>

A number of African countries have adopted federal arrangements: Nigeria, Ethiopia, Sudan, Democratic Republic of Congo etc. Fact Sheet 2 describes these federal arrangements:² what are the drivers for the establishment of federal political systems and how are they structured? It covers the division of powers between the central/federal government and the states/provinces, the sharing of taxing powers and resources, mechanisms for self-rule and shared rule, and cooperative governance. The underlying feature of all federations in Africa is that the central/federal government always plays a strong role in regulating and controlling the states/provinces (Steytler 2019).

Fact Sheet 3 explores why African countries adopt decentralisation.³ The reasons vary of course, but the most common ones are linked to public service delivery, democracy, development and conflict resolution (Erk 2014; Chigwata and Ziswa 2018; Steytler 2019). Decentralisation does not automatically enhance the realisation of these goals. The fact sheet recognises this by also discussing arguments against decentralisation. It recommends that a careful design and constant adjustment of the decentralisation programme is required to capitalise on the benefits and minimise any negative effects.

Can the promise of decentralisation be realised without affording local government a certain measure of autonomy? This question is dealt with in Fact Sheet 4.⁴ Local autonomy is defined generally as the extent to which local governments have discretion in carrying out their functions (Chigwata and de Visser 2018). The Fact Sheet discusses a number of indicators of local autonomy. For example, can local governments turn to the courts if the central government disregards decentralisation rules? The Fact Sheet posits that if local governments are not able to turn to the courts to challenge unlawful conduct by the national or state/provincial government, the rules to protect autonomy may ring hollow.

What local governments can achieve partially depends on their powers. Fact Sheet 5 discusses local government powers focusing mainly on how they are protected and ensured.⁵ The Fact Sheet answers questions such as: are the powers of local government constitutionally entrenched, clearly defined, and relevant and substantial? How do the central/state/provincial governments regulate the exercise of these powers? Do local authorities control their own bureaucracies?

Fact Sheet 6 is dedicated to the important topic of local government finances.⁶ Without adequate resources local governments cannot perform their functions (Steytler 2019). Thus, it is important that local governments are given adequate resources and control over those resources. Fact Sheet 6 promotes

² Federalism and Federations: <https://dullahomarinate.org.za/multilevel-govt/publications/doi-factsheets-2.pdf>

³ Local Government: Factors and Reasons in Favour of Decentralisation
<https://dullahomarinate.org.za/multilevel-govt/publications/doi-factsheets-3.pdf>

⁴ Local Government Autonomy: <https://dullahomarinate.org.za/multilevel-govt/publications/doi-factsheets-4.pdf>

⁵ Local Government Powers: <https://dullahomarinate.org.za/multilevel-govt/publications/doi-factsheets-5.pdf>

⁶ Local Government Finances: <https://dullahomarinate.org.za/multilevel-govt/publications/doi-factsheets-6.pdf>

this argument by giving attention to four main areas of local government finance, namely revenue, the budget, expenditure and financial management.

The supervision of local government by higher level governments is as important to effective local government as is local autonomy (Chigwata and De Visser 2018). Fact Sheet 7 discusses three trends regarding who supervises local government in African countries.⁷ In federal countries (Ethiopia, Nigeria) local government is supervised by states/regions. In quasi-federal South Africa, local government is supervised by both the national and provincial governments. In the majority of countries in the region, which are unitary in nature, local government is directly supervised by the national government. The remaining part of the Fact Sheet discusses the main forms of supervision: regulation, monitoring, support and intervention. The Fact Sheet concludes that while the supervision of local government is important, such supervisory powers should be regulated and limited so that their (mis)use does not undermine local autonomy.

Decentralisation gives rise to two or three levels of government with each level having its powers and functions. Fact Sheet 8 discusses how these governments cooperate to ensure effective governance.⁸ The Fact Sheet distinguishes cooperative governance from supervision before interrogating three questions: Who are the parties involved in cooperative governance? How does local government engage in cooperative governance? What are the mechanisms for cooperative governance? The Fact Sheet concludes that the relationship between levels of governments in Africa is often largely top-down and defined by the main goal of ensuring effective implementation of national laws and policies at the local level.

Traditional authorities have undergone significant transformation but remain relevant in many parts of Africa (Erk 2014). In the absence of the state in certain parts of rural Africa, traditional authorities have effectively become governments, performing functions such as land management and dispute resolution. Fact Sheet 9 examines the role of traditional authorities in local governance,⁹ tracing their evolution during the colonial and post-colonial periods. The Fact Sheet discusses how these authorities have been integrated in modern day structures with particular focus at the local level. While traditional authorities are associated with several challenges (vulnerability to corruption, propensity for autocracy etc) they cannot be wished away in Africa because of their continued cultural and practical relevance (Chigwata and Ziswa 2018, Steytler 2019). Thus, the Fact Sheet recommends that decentralisation laws

⁷ Supervision of Local Government: <https://dullahomarinstitute.org.za/multilevel-govt/publications/doi-factsheets-7.pdf>

⁸ Local Government and Cooperative Government: <https://dullahomarinstitute.org.za/multilevel-govt/publications/doi-factsheets-8.pdf>

⁹ The Role of Traditional Authorities in Local Governance: <https://dullahomarinstitute.org.za/multilevel-govt/publications/doi-factsheets-9.pdf>

and policies include ways of accommodating them, particularly at the local level, for the benefit of local communities.

Fact Sheet 10 deals with the African Charter on Decentralisation, Local Governance and Local Development of 2014.¹⁰ The Charter was adopted to address many challenges linked to centralised governance such as poor service delivery, and unaccountable and unresponsive governance (Chigwata and Ziswa 2018). It provides a framework for decentralisation which places local government as the centre of service delivery and local development. Fact Sheet 10 examines the strengths and weaknesses of that framework to establish the extent to which it commits members of the African Union to bottom-up democratic governance. It concludes that while the Charter has numerous weaknesses, it provides a foundation on which to build decentralisation for development in Africa.

The African dimension

Local governments (local authorities, municipalities, counties etc) are common to most countries in the world. Their place and role in a country's governance system, however, varies from country to country and region to region. What local government looks like and how it functions in the United States of America, Britain or New Zealand is different to what you find in Zambia, Zimbabwe or Nigeria. Some of this difference is an outcome of the varied political contexts and histories that, among other factors, shape state institutions. As indicated above, the factsheets were crafted with the African context in mind. They relate to the particular features of decentralisation and local government in Africa by using selected examples from different countries:

- In defining key decentralisation concepts we compared devolution in Kenya with devolution in Zimbabwe and concluded that the structure and meaning is different.
- In discussing why some African countries use federal arrangements for conflict resolution and nation-building, we cited Nigeria, Ethiopia, South Africa, Democratic Republic of Congo, Sudan, South Sudan and Somalia.
- We use Kenya, South Africa and Nigeria, which have established a second house of parliament that represents subnational interests, as examples of countries on the continent that practice the federal principle of shared rule.
- On the protection of local government powers, we used Zambia and Uganda as examples of countries where local government powers are enumerated in the constitution.

¹⁰ African Charter on Decentralisation, Local Governance and Local Development: <https://dullahomarinate.org.za/multilevel-govt/publications/doi-factsheets-10.pdf>

- On whether local governments have control over their own bureaucracies, we used the example of the Local Government Service Commission in Zambia which appoints town clerks and council secretaries. This means that councils in Zambia lack administrative autonomy.
- On vertical equalisation, we used the example of the Constitution of Zimbabwe which requires that at least 5% of nationally raised revenue in each financial year be allocated to provinces and local governments.
- On how local governments engage in cooperative governance, we cited Zambia and Zimbabwe which have constitutionalised principles of cooperative governance. We also used South Africa to demonstrate that some countries have formal means through which local government influences the legislative process at the national level.
- On how traditional authorities have been integrated in modern day structures we cited Zambia, where the role of traditional authorities is constitutionally entrenched. Traditional authorities also have voting powers in local councils.

How the Fact Sheets can be used

The Fact Sheets are freely available on the website of the Dullah Omar Institute (University of the Western Cape) at <https://dullahomarinate.org.za/multilevel-govt/publications>. They can be downloaded as one booklet or as ten separate booklets. Each booklet contains accessible text, graphics and examples to highlight and explain key concepts. The authors envisage that they can be used in any context where decentralisation is debated. The triggers for these debates may be many. For example, national policy makers may contemplate strengthening local government. Civil society organisations may demand more local democracy. National governments may fear that decentralisation will cause conflict. Or communities may demand greater central/national control of their local governments. These debates, and countless others in the context of decentralisation, could benefit from using the Fact Sheets as background material in order to grapple with concepts such as:

- the advantages and disadvantages of decentralisation
- distinguishing between local government and federalism
- understanding the various instruments used to decentralise power
- understanding the instruments to prevent policy fragmentation and abuse of power.

Furthermore, the Fact Sheets may be used for teaching and training on decentralisation. They are written in accessible language, yet provide a great deal of substance on each of the ten topics. Finally, they may also be a useful resource for scholars, writing on topics related to decentralisation.

On behalf of the authors and our partner, the Hanns Seidel Foundation, we express the hope that the Fact Sheets are a useful addition to the existing body of work and training material on decentralisation.

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