

THE ROLE OF LOCAL GOVERNMENT IN STRENGTHENING DEMOCRACY

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ABSTRACT

The place and role of local government within the structure of government in Africa has attracted much public interest. Prior to and after independence, African countries used local government as the administrative units of central governments without their having any legal status, to the extent that local authorities were under the strict control of central governments. The autonomy of local government is pivotal in the democratisation of a country. The United Nations, European Union and African Union have adopted treaties to promote the recognition and protection of local government in the state parties' constitutions. Accordingly, this article explains the status of local government in Africa and its impact on strengthening democracy in African states.

Keywords: local government, central government, decentralisation, system of government, strengthening democracy, legal status, African Charter



INTRODUCTION

The place and role of local government within the system of government in a particular country is determined by the country's policy on the decentralisation of government. The background to decentralisation in Africa indicates that it was initially used by the colonial regimes for the purposes of managing Africans under administrative rule rather than to enfranchise them (Robort 2002). These systems of government, in terms of which local government was a mere tool of administrative management, were inherited by African governments at independence (Robort 2002: 2). The abuse of local authorities by colonial states delegitimised local government. After independence, African countries continued to use local government as administrative units of central government without any sustainable autonomy of their own, to the extent that local government elections were either abolished or controlled by central governments (Robort 2002: 5). Even in countries where local government was entrenched in a constitution, local government was placed strictly under the control of the central government.¹

Some African countries, such as Tanzania, opted for the abolition of local government altogether after independence in order to emphasise the notion of a single-party machine and centralised planning (Kiwanuka 2012a). This resulted in an economic crisis. Julius Nyerere, the former President of Tanzania, is reported to have expressed his disappointment and regret at the abolition of local government in 1972 (Kiwanuka 2012a).

The status of local government as the level of government closest to the people is pivotal in the democratisation of a country. For this reason, the United Nations adopted guidelines for its policy on the decentralisation and, more particularly, the revitalisation of local governments.² In comparison, in promoting democracy at the local government level, the Congress of the Council of Europe adopted the European Charter on Local Self-Government in 1985. Both the UN Guidelines and the European Charter could be used as models to inspire the effective democratisation of local government in Africa on account of the fact that until recently no equivalent treaty existed in Africa and states accordingly regulated local government as they saw fit (often to the detriment of the very constituencies that were supposed to benefit from the decentralised form of governance). However, the democratisation of local government in Africa has gained impetus through the African Charter on the Values and Principles of Decentralisation, Local Governance and Local Development adopted by the African Union in 2014.

1 Robort (2002: 6) found that even in Ghana, Nigeria or francophone countries where democratic local governments were written and protected by the constitution, decentralisation across the continent failed to produce autonomous, representative local government units.

2 See the United Nations International Guidelines on Decentralisation and the Strengthening of Local Authorities of 2007 (hereinafter the UN Guidelines).

Some countries have recognised and protected local government as an autonomous branch of government in their constitutions, whereas others have not. A number of states, such as South Africa, refer to local government as a 'sphere' of government, whereas others refer to local government as a 'level'. The reference to local government as a 'sphere' demonstrates a hierarchical division of government structures and powers, whereas the reference to local government as a 'level' signals a system of co-operative and distinctive government status that is afforded recognition and protection by a country's constitution (Bekink 2006: 64).

In promoting democracy in African countries, multilateral agencies and bilateral donors have provided funding for local government projects aimed at reducing poverty and enhancing service delivery. These efforts are reinforced by civil society, which inculcates the culture of transparency and accountability in government, in accordance with the objectives of the African Charter on Democracy, Elections and Good Governance.

This article describes the state of local government in Africa and explains its impact on strengthening democracy in African states by considering several examples. At the outset, the UN Guidelines on strengthening local government and the European Charter on local government are explained. A brief discussion on the importance of the role of multilateral agencies, developmental donors and civil society in enhancing democracy becomes relevant, too, in determining the legal status of local government in Africa. Finally, the effect of strengthening local government in the process of democratisation in African states is explained.

UNITED NATIONS GUIDELINES ON DECENTRALISATION AND STRENGTHENING OF LOCAL GOVERNMENT

In an attempt to strengthen their role, the UN adopted guidelines on the decentralisation and strengthening of local authorities in 2007. These guidelines enumerated four areas in which local authorities should be strengthened:

- governance and democracy at the local level;
- powers and responsibilities of local authorities;
- administrative relationships between local authorities and other spheres of government, and
- financial resources and capacities of local authorities.

Governance and democracy at the local level

Under this topic the guidelines address matters of representative and participatory democracy as well as local officials and the exercise of their powers.³ With regard to representative and participatory democracy, the guidelines provide that political decentralisation to the local level is an essential component of democratisation, good governance and citizen engagement. Accordingly, it should involve an appropriate combination of representative and participatory democracy; local authorities should be entitled, either through the constitution or national legislation, to define an appropriate formula of popular participation and civic engagement in decision-making and in fulfilling their function of community leadership; and the participation of citizens in the policy-making process should be made possible at all stages.

Regarding local officials and the exercise of their powers, the guidelines provide that politicians and officials in local authorities should discharge their tasks to the citizenry with a sense of responsibility and accountability; that the remunerative conditions of local politicians should guarantee security and good governance in the free exercise of their functions; that records and information should be maintained to increase the efficiency of local authorities, to make it possible for citizens to enjoy their full rights and to ensure their participation in local decision-making (UN Guidelines 2007).

Powers and responsibilities of local authorities

Under this topic the guidelines address matters of subsidiarity and incremental action. The principle of subsidiarity requires that public power be exercised by those closest to the people.⁴ The guidelines recognise that, in many countries, local authorities are dependent on other spheres of government, such as regional, provincial or national

3 No generally agreed meaning of democracy exists. Nsubangu and Olum (2009: 27) argue that it is widely believed that democracy means a system of government in which there is meaningful, extensive, regular and fair competition for all elected positions of government, as well as a highly inclusive level of political liberties sufficient to ensure the integrity of political competition and participation. The concept of governance has been applied to the processes through which public decisions are made and has been defined as encompassing political authority and the exercise of control on a society and the management of resources for social and economic development. Another perspective is that governance (at the local level) is the effective management of public affairs through the generation of a regime accepted as legitimate for the purposes of promoting and enhancing societal values sought by individuals and groups (Kiwauka 2012b: 47).

4 Subsidiarity is an organising principle of devolving decisions to the lowest practical level which holds that matters ought to be handled by the smallest, lowest or least centralised competent authority. Political decisions should be taken at a local level, if possible, rather than by a central authority. See Mathenjwa (2013: 49), who explains the principle of subsidiarity as entailing the distribution of government power to the lowest level on the understanding that the higher levels of government intervene in various ways only insofar as a lower level of government is unable to perform a particular function or deliver a particular service.

governments, to carry out important tasks related to social, political and economic development. They also recognise the fact that in many areas powers are shared or exercised concurrently among different levels or spheres of government, but this should not lead to a diminution of local autonomy or prevent the development of local authorities as full partners.⁵ Local autonomy aims to allow local authorities to develop to a point where they can be effective partners with other spheres or levels of government and so contribute fully to development processes. National, regional and local responsibilities should be differentiated by the constitution or by legislation in order to clarify their respective powers and to guarantee access to the resources necessary for the decentralised institutions to carry out the functions allocated to them.

Administrative relationships between local authorities and other spheres of government

Under this topic the guidelines explain the legislative authority, the empowerment, and the supervision and oversight aspects of local government. With regard to legislative action, the guidelines provide that local authorities should be acknowledged in national legislation and, if possible, in the constitution as being legally autonomous, with the positive potential of contributing to national planning and development. National legislation, and even the constitution, should determine the manner in which the local authorities are constituted, the nature of their powers, and the scope of their authority, responsibilities, duties and functions. Constitutional and legislative provisions for local government organisations may vary, depending on whether a state is federal, regional or unitary. Legislative provisions and legal texts should clearly articulate the roles and responsibilities of local authorities vis-à-vis higher spheres or levels of government (UN Guidelines 2007).

With regard to the empowerment of local government, the guidelines provide that local authorities should exercise their powers freely, and these powers should be full and exclusive and should not be undermined, limited or impeded by another authority, except as provided for by law. Regarding supervision and oversight over local government, the guidelines provide that the supervision of local authorities should be exercised only in accordance with such procedures and in such cases as provided for by the constitution or legislation. The supervision should respect the autonomy of local government and the law should specify the conditions, if any, for the suspension of local government in the event that there is a need to suspend or dissolve a local council. Following the suspension or dismissal of local councils, the law should set out how their duties should be resumed in the shortest period of time

5 De Visser (2001: 8) considers the principle of local government autonomy as referring to an institutional framework for local government that assigns sufficient and real powers to a democratic local government.

and also how independent bodies, such as administrative courts, should oversee such suspension or dissolution by higher spheres of government and the procedure for directing appeals to such bodies.

Financial resources and capacities of local government

Under this topic, the guidelines explain the capacities, human resources and financial resources of local authorities. Regarding their financial resources, the guidelines provide that effective decentralisation and local autonomy require appropriate financial autonomy. The financial resources of local authorities should ensure financial sustainability and self-reliance. Local authorities should have access to a broad variety of financial resources to carry out their tasks and responsibilities and they should be entitled, on the basis of constitutional and/or national legislation, to adequate resources and transfers which they may use freely within the framework of their powers (UN Guidelines 2007).

Mzipah Marketing Concepts (2011: 9), which conducted a study on decentralisation, elaborated on the UN Guidelines and found that the key element of decentralisation is that local government should be modelled on a system of representative and participatory democracy where citizens participate in a democratic system of electing leaders to local government positions. With regard to the financial autonomy of local government, the study found that such autonomy should be bolstered by the availability of reliable and adequate revenue services.

Gary (2011: 68) has elucidated further on the recommendations for strengthening local government in the UN Guidelines by explaining that the minimum conditions for local democracy are that officials elected by the local community should be constitutionally vested with control over local-government decisions on matters of policy; that for local democracy to prevail, local elected officials should be chosen in frequent and fairly conducted elections; and that an effective number of local elected officials should be directly elected. In addition, Gary (2011: 73) has discussed the political autonomy, election and removal of officials from office as well as freedom of expression in local government. In this regard, he points out that one of the criteria for the effective operation of local democracy involves the development of a minimum level of political autonomy. He states that the arbitrary removal of elected local officials violates the expressed will of the people, and he argues for legitimate processes to be instituted for the removal of corrupt and incompetent local government officials (Gary 2011).⁶ On the matter of the administrative and financial autonomy of local government, he (2011: 75) states further that no local government

6 Gary (2011: 70) explains further that by arbitrary removal of local officials he means procedures that are used or potentially used with some regularity, usually for primarily political objectives that do not in practice serve a clear local public purpose.

can be expected to exercise its powers and functions without reliably controlling sufficient financial resources in order to carry out those functions.

The UN Guidelines aim at encouraging states to democratise their governments by strengthening local government. For this reason, European countries adopted a treaty – the European Charter on Local Self-government – on local government in terms of which member states commit themselves to strengthening and protecting local government in their respective states.

EUROPEAN CHARTER ON THE VALUES AND PRINCIPLES OF DECENTRALISATION AND LOCAL SELF-GOVERNMENT (1985)

In Europe, the Congress of the Council of Europe considered that local authorities provide one of the main foundations of any democratic regime and that the right of citizens to participate in the conduct of public affairs is one of the democratic principles shared by all member states of the Council. The Council further maintained that it is at the local level that this right can be exercised most directly, and that the existence of local authorities with real responsibilities can provide an administration which is both effective and close to the citizenry. It therefore adopted the European Charter on the Values and Principles of Decentralisation and Local Self-Government in 1985.⁷ This Charter provides for the principle of local self-government to be recognised in domestic legislation and, where practical, in the national constitution.⁸ The powers and responsibilities of local authorities should be prescribed by the constitution or by statute. Moreover, public responsibilities must generally be exercised, in preference, by those authorities who are closest to the citizens and powers given to local authorities should normally be full and exclusive.⁹ On the conditions for the election of local officials, the Charter provides that there should be a free exercise of functions by the elected representatives at the local level.¹⁰ With regard to the administrative supervision of local authorities, supervision may be exercised only according to such procedures and in such cases as are provided for by the constitution or statute, and the administrative supervision of local authorities should be exercised in such a way as to ensure that the intervention of the controlling authority is kept in proportion to the importance of the interests that it is intended to protect.¹¹ Regarding the financial resources of local authorities, the Charter provides that local authorities should be entitled, within national economic policy, to adequate financial resources of their own. The provision of grants to local authorities should

7 European Charter of Local Self-government of 1985 (hereinafter the European Charter).

8 See art 2 of the European Charter.

9 See art 4.

10 See art 7.

11 See art 8.

not remove the basic freedom of local authorities to exercise policy discretion within their own jurisdiction.¹² Finally, the Charter makes provision for the protection of local self-government, where it states that local authorities shall have the right of recourse to a judicial remedy in order to secure the free exercise of their powers and respect for such principles of local self-government as are enshrined in the constitution or domestic legislation.¹³

THE STATE OF LOCAL GOVERNMENT IN AFRICA

In an attempt to develop a more democratic government system, in 2007 the African Union (AU) adopted the African Charter on Democracy, Elections and Good Governance, which encourages decentralisation among African states.¹⁴ In January 2012, the Executive Council of the AU endorsed a report on decentralisation and local development, including the decision to draft an African Charter on Local Governance.¹⁵ The AU adopted the African Charter on the Principles and Values of Decentralisation, Local Governance and Local Development in 2014.¹⁶ This dealt with matters of decentralisation, local government and local governance in Africa; the relative autonomy of local government; mechanisms for monitoring and intervening in local government; and membership of local government. Mickinlay (2005: 1) defines ‘local government’ as a level of government, and ‘local governance’ as a process which embraces the various institutions, relationships and understandings through which communities determine their future direction.

THE PRACTICE OF LOCAL GOVERNMENT IN SELECTED AFRICAN STATES

The choice of selected African states which are used as case studies on the state of local government in Africa seeks to balance the geographical position of the states, so it includes western, eastern and southern African countries. The states selected on this basis are Nigeria, Kenya, Zambia, Zimbabwe, Ethiopia and South Africa.

12 See art 9.

13 See art 11.

14 See art 34 of the African Charter on Democracy, Elections and Governance of 2007, which requires African states to decentralise power to democratically elected local authorities as provided for in the laws of the respective states.

15 See a report prepared by Elroy Africa ‘An analysis of recommendations on the working document “Towards an African Charter for local governance”’ (nd), 7.

16 See the African Charter on the Principles and Values of Decentralisation, Local Governance and Local Development of 2014.

Federal Republic of Nigeria

Local government is entrenched in the Constitution of the Federal Republic of Nigeria,¹⁷ which provides for specific functions of local government across the board and allows the federal states to provide for the additional functions of local authorities.¹⁸ Therefore, every federal state has enacted laws for the administration of local government (Okon 2003: 16). According to Oviasuyi, Dada and Isiraojie (2010: 81), however, the citizens of Nigeria have lost faith and trust in local government because of its failure in the area of service delivery. Other deficiencies with regard to the strengthening of local government are seen in the unfair and unethical patronage practices in the appointment of people to local government based on considerations devoid of merit; the recruitment of individuals who do not possess the leadership and managerial skills required to deliver the gains of governance to the people; the stranglehold that federal states have over local authorities; the fact that local authorities do not have direct access to their financial allocations but that these allocations are instead channelled through a joint state and local government account (Oviasuyi, Dada & Isiraojie 2010).

Republic of Kenya

Local government was not provided for in the constitution of Kenya immediately after the country's independence and the constitution still does not make provision for the establishment of local government in that there is no direct reference to it in the country's constitution (Wanjohi 2003: 35). Local government in Kenya is, therefore, the creature of a statute.¹⁹

The Local Government Act of Kenya confers on the Minister for Local Government the power to establish and disestablish local authorities.²⁰ Kibua and Mwabu (2009: 147) describe the powers of the minister over local authorities as weakening the status of local government. Apart from these powers, the chief executive officers in every local authority are appointed by the minister and all significant decisions made and actions taken by local authorities in Kenya have to be approved by the minister (Kibua & Mwabu 2009).

17 Section 7(1) of the Constitution of the Federal Republic of Nigeria, 1999 provides that the system of local government by democratically elected local councils is under this constitution guaranteed and, accordingly, the government of every state shall, subject to s 8 of this constitution, ensure the structure, composition, financing and functions of such councils.

18 See the Fourth Schedule to the Constitution of the Federal Republic of Nigeria.

19 Local Government Act of Kenya (Cap 265).

20 See s 5 of the Local Government Act of Kenya.

Republic of Zambia

Local government in Zambia is entrenched in the country's constitution, which provides for the establishment of democratically elected local authorities.²¹ Despite the constitutional entrenchment of local government, the majority of local governments are unable to raise sufficient revenue and are, therefore, unable to exercise their statutory functions or meet their statutory obligations (Chikulo 2009). In this regard, government policy has exacerbated the functional problems owing, first, to a decline in the disbursement of grants from central government and, secondly, to unfunded mandates in terms of which local authorities are given increasing responsibilities without any corresponding capacity to mobilise resources (Chikulo 2009).

Over and above these problems, the lack of legally constituted local government at local ward level is the major weakness in the current local government system: there is no forum for community participation in decision-making in local government because the wards are recognised only for the purposes of local government elections (Chikulo 2009).

Republic of Zimbabwe

Local government in Zimbabwe is not recognised in the country's constitution, but it is provided for in legislation: the two main sources of local government law are the Rural District Councils Act²² and the Urban Councils Act,²³ which authorise the Minister of Local Government to co-ordinate the activities of local government, in practice making local government a mere extension of central government. According to Chatiza (2010: 9), Zimbabwe's legislative environment imposes structural constraints upon sound local governance, and some of these constraints are the lack of proper constitutional provision and a mosaic of institutions that often contradict local government independence and constrain its soundness. Chakaipa (2010: 62) argues that the performance of local government has a direct bearing on the quality of life of local people; in this regard, he refers to clinics without drugs, pot-holed roads, erratic water supplies, burst sewer pipes, uncollected refuse and non-functional street lights, which have an immediate impact on the wellbeing of inhabitants.

21 Article 109(1) of the Constitution of the Republic of Zambia, Act 18 of 1996 provides that there shall be such system of local government in Zambia as may be prescribed by an Act of Parliament. Section 109(2) provides that the system of local government shall be based on democratically elected councils on the basis of universal adult suffrage.

22 Rural District Councils Act 21 of 1997.

23 Urban Councils Act 13 of 2002.

Federal Democratic Republic of Ethiopia

Although its constitution provides that the Republic of Ethiopia comprises the federal and state governments, it also requires that power be granted to local government.²⁴ Ayele (2011: 142) argues that the constitution of Ethiopia anticipates a regular type of government which was to be established on a wall-to-wall basis with the object of enhancing public participation. According to Ayele (2011: 143), however, despite the entrenchment of local government in that country's constitution, local government is not sufficiently institutionalised to exist as an autonomous level of government. Indeed, on the contrary, some explicit and implicit provisions in the regional constitutions and statutes render local government a subsidiary structure whose function is limited to implementing centrally adopted policies.

Furthermore, there are a number of deficiencies in the states' constitutions that effectively render local governments the subordinate structures of a state's government. First, there is the lack of a clear division of powers between state and local government. Secondly, local government administrations are the creation of an ordinary state statute, not of a state's constitution. This allows the federal states to amend their statutes to the detriment of local government. Thirdly, local authorities are treated as subordinate institutions rather than autonomous governments (Ayele 2011).

Republic of South Africa

Local government is recognised in the 1996 Constitution of the Republic of South Africa. In recognising local government, the constitution makes provision for the status of local government where it claims that 'the local sphere of government consists of municipalities which must be established for the whole of the territory of the Republic'.²⁵ Under the 1996 Constitution, there is no area without local government in the Republic of South Africa; this system is described as 'wall-to-wall' municipalities (Steytler & De Visser 2007). The 1996 Constitution further provides for the specific objectives of local government.²⁶

24 Section 50(1) of the Constitution of the Federal Democratic Republic of Ethiopia 1 of 1995 provides that the Federal Democratic Republic of Ethiopia comprises the federal government and the state members. However, s 50(4) provides that adequate power shall be granted to the lowest units of government to enable the people to participate directly in the administration of such units.

25 See s 151 of the Constitution of the Republic of South Africa, 1996 (hereinafter the 1996 Constitution).

26 Section 152(1) of the 1996 Constitution provides that the objectives of local government *in toto* provide for democratic and accountable government for local communities to ensure the provision of services to communities in a sustainable manner; to promote social and economic development; to promote a safe and healthy environment; and to encourage the involvement of communities and community organisations in matters of local government.

The constitution also imposes certain developmental duties on municipalities, and it instructs municipalities to comply with these duties: the municipalities are required to participate in national and provincial development programmes.²⁷

The developmental duties of local government demand that it should play a key role in protecting human rights and meeting the basic needs and improving the life of the communities. Local government is, furthermore, required to participate in the development programmes of the other spheres of government.²⁸ The constitution allocates powers and functions to local government²⁹ and it protects municipal institutions from being compromised or impeded in their ability or right to exercise their powers or perform their functions.³⁰

Although South Africa has guaranteed the existence and autonomy of local government in the constitution, there are worrying trends involving provincial governments' eroding the autonomy of local government in the process of overseeing the exercise by local government of its powers. Mathenjwa (2014) points out that the exercise of the power of supervision of local government by some provincial governments points to an encroachment on the affairs of municipalities by provincial governments and demonstrates a misinterpretation of their powers and disrespect for the institutional and functional integrity of municipalities.

THE ROLE OF DEVELOPMENT PARTNERS, INCLUDING CIVIL SOCIETY

Democratisation of government is not the sole responsibility of the state but also that of other development partners such as multilateral institutions, bilateral donors and civil society. Each of these entities plays a pivotal role in enhancing democracy in a state. Multilateral institutions such as the World Bank, the International Monetary Fund and the African Development Bank fund different states and projects with the ultimate aim of reducing poverty. Bilateral developmental donors provide much-needed financial and other support to individual states with which they contract in order to pursue democratisation and developmental programmes in developing countries. Some of the local government projects funded by these agencies and donors include local economic development, water and sanitation, electricity, road construction, housing and environmental planning. In making funds available to African states, these institutions support decentralisation because they see it as a

27 Section 153 of the 1996 Constitution.

28 See s 153(b).

29 Part B of Schedule 4 and Part B of Schedule 5 of the 1996 Constitution allocates powers to local government, although local government has legislative authority only over these matters to the extent set out for provincial governments and national government in terms of s 155(6)(a) and (7) of the constitution.

30 See s 151(4).

crucial ingredient of good governance (Nickson 2004: 2). The provision of funds that support community initiatives and local government initiatives by international and local donors is important to realising democracy in African countries.

Civil society's role in democratisation cannot be underestimated, particularly in the light of its role in sustaining the democracy that has been achieved in a state. This is confirmed by the former Secretary-General of the UN, Kofi Annan, who stated in 1999 that

'civil society efforts at raising public awareness about a particular set of problems is intertwined with efforts to motivate political decision-makers to take action to address them' (UN Press Release 1999).

The role of civil society is evident in their monitoring, probing and redirecting governmental actions in spearheading the fight against the abuse of authority (Fourie & Kakumba 2011: 55).

The key questions that remain to be answered are whether the conditions are conducive for civil society individuals and institutions to exercise their oversight role effectively over government in African states; and whether the provision of funds by multilateral agencies and donors achieves the intended aim of reducing poverty and entrenching democracy in Africa. The discussion on the challenges of local government below indicates that these efforts may not be successful in achieving their intended aims.

CHALLENGES TO THE DEMOCRATISATION OF LOCAL GOVERNMENT IN AFRICA

This discussion on the state of local government in Africa reveals that there are challenges which are impeding the legal status of local government in Africa. The major challenge is the length of time it took the AU to adopt the Charter on Local Government which binds African states to strengthening the local level of government. Some of the challenges are reflected in the attitudes and practices of the upper levels of government towards the local levels. Some of the African states have not protected local government in their constitutions. Even though they make provision for the existence of local government in their legislation, they erode the autonomy of local authorities with ease. Most local governments lack financial resources and they are unable to deliver services to their communities. As a result, and understandably, communities have lost trust in the system of local government.

The lack of a clearly defined division of powers between local government and the upper spheres of government renders the lower more vulnerable to the upper spheres, which can easily devolve or repudiate the powers given to local government. The appointment of officials to manage local government is found to be not based on merit. These practices contribute significantly to the inability

of local authorities in Africa to function efficiently. Even in those countries where local government is recognised and protected by a constitution, officials in the upper levels of government have misinterpreted their powers regarding the supervision of local authorities, nor do they respect the autonomy of local authorities, and they erode the local government institutions with impunity. The overall picture of the state of local government in most African states therefore reflects the reality that this level of government is not fully functional.

ADVANTAGES OF STRENGTHENING LOCAL GOVERNMENT IN AFRICA

Many benefits have been ascribed to the decentralisation and strengthening of local government, but some of the most pertinent advantages are that local government is the cornerstone of democracy because it is closer to the community and that it ought to afford the local community the opportunity to become involved in local government matters. This view is reinforced by Chakaipa (2010: 62), who points out that local government, as the level closest to the people, has a higher visibility than the more remote central government. Accordingly, the involvement of the community in local government matters complements representative democracy, where people are represented by elected councillors, because it affords communities the opportunity of participating directly in matters that affect their daily lives.

Providing sustainable services is the main reason for the existence of local authorities. This view is emphasised by Oviasuyi, Dada and Isiraojie (2010: 82), who state that local governments are created to bring about meaningful development through the effective mobilisation of resources. Participation by men, women and young people in local government is therefore pivotal to good governance. Accordingly, local government is the closest level of government to the promotion of public participation.³¹ An autonomous local authority should be a conduit through which policies and programmes from the upper levels of government are communicated and implemented (Oviasuyi, Dada & Isiraojie 2010).

CONCLUSION

This study reveals that, although African states advocate a policy of decentralisation, they have not strengthened the institution of local government as an autonomous sphere or level of government in their territories. A further concern is that the funding of local government projects by multilateral agencies and developmental donors might not be effective in achieving the intended goal if there are insufficient safeguards to protect the integrity and autonomy of local government, the branch

31 Participation that will give rise to good governance is that which is devoid of manipulation through unethical and non-transparent practices.

responsible for the implementation of the projects. Sustainable conditions and policies regulating good governance are necessary for the effective reduction of poverty and economic development. Furthermore, the role of civil society in enforcing government transparency and accountability might not be effective if a country does not adhere to the principle of the vertical separation of powers, that is, the separation of government powers between the central and local spheres or levels. Accordingly, owing to the failure of most African states to recognise the legal status of local government, the role of multilateral agencies, donors and civil society in promoting democracy at the local level is rendered negligible. This has a negative impact on the democratisation of governments in Africa. Local government, if properly recognised and protected, can play a pivotal role in deepening democracy in Africa by enhancing public participation in the affairs of governance. That, in turn, could prevent a misunderstanding between the government and the citizens. And it could prevent protests related to service delivery, because citizens would have the opportunity to air their views and receive feedback on their grievances in the consultation forums at the local government level.

The UN Guidelines and the European Charter on Local Government are comprehensive documents that could provide a meaningful framework for African states to follow. Indeed, they could reinforce the application and implementation of the newly adopted African Charter on Local Governance, which imposes an obligation on member states to recognise and protect local government in their constitutions. However, it is too early to determine the effect of the African Charter on Local Governance. But if the AU fails to follow up on compliance with the terms of the Charter, the aims of the Charter to encourage African states to strengthen and protect local government will have been rendered futile. Some states have acknowledged the effect of deploying unsuitable administrators in local government; suitably qualified administrators would restore the trust of citizens in local authorities and improve service delivery.

Finally, the capacity of officials in the upper spheres of government should be developed to avoid any misinterpretation of their powers with regard to the supervision of local government. Only autonomous, protected and respected local government institutions will be able to contribute meaningfully to the democratisation of governance in a particular state.

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Legislation

- Constitution of the Federal Democratic Republic of Ethiopia 1 of 1995
- Constitution of the Federal Republic of Nigeria, 1999
- Constitution of the Republic of South Africa, 1996
- Constitution of the Republic of Zambia 18 of 1996
- Local Government Act (Cap 265) (Kenya)
- Rural District Councils Act 21 of 1997 (Zimbabwe)
- Urban Councils Act 13 of 2002 (Zimbabwe)

Charters and guidelines

- African Charter on Democracy, Elections and Governance of 2007
- African Charter on the Principles and Values of Decentralisation, Local Governance, and Local Development of 2014
- European Charter of Local Self-government of 1985
- United Nations International Guidelines on Decentralisation and Strengthening of Local Authorities of 2007