

What is local government and how is it organized?

Session III. DEFINING LOCAL
GOVERNMENT

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Outline

- Summary information on methodological aspects of SDG indicator 5.5.1b
- Key terms and definitions related to local government organization
- Illustrations of local government organization in countries from other regions of the world

Methodological requirements for Tier 3 SDG indicator 5.5.1b: “Proportion of seats held by women in local governments.”

- **Definition and computation** of the indicator:

$$= \frac{\text{Number of positions held by women}}{\text{Total number of positions held by women and men}} \times 100$$

- Need for clear **terms, definitions** and/or criteria to distinguish between local government and other levels of government and forms of governance
- Decision on which **positions** to consider in the measurement, at what tier(s) of government.
- Recommended data collection methods / **sources of data**.
- Propose a mechanism for global **monitoring**

Informing the methodology:

The UN Women review of national legal framework

- Original review of national constitutions, local government acts and electoral laws for 80 countries, covering:
 - Organization of government by spheres of government, and by tiers of local government
 - Identification of political, administrative, and fiscal powers/authority for each local government tier
 - Manner of selection of local government members
 - Provisions of temporary special measures (TMS), e.g. candidate quotas and reserved seats.

Informing the methodology: UCLG and CLGF country profiles

- Additional information from UCLG (United Cities and Local Governments) and CLGF (Commonwealth Local Government Forum)
- 92 Country profiles based on national legal framework and prepared by local specialists

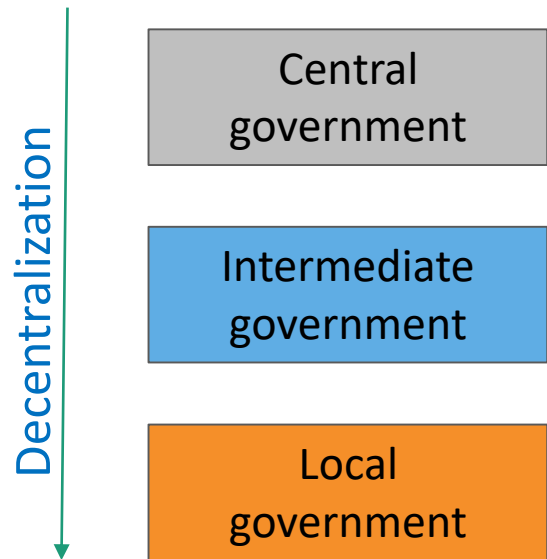
In total -> Analysis of profiles for 120 countries
(combined UCLG / CLGF / UN Women country profiles)

KEY TERMS AND DEFINITIONS

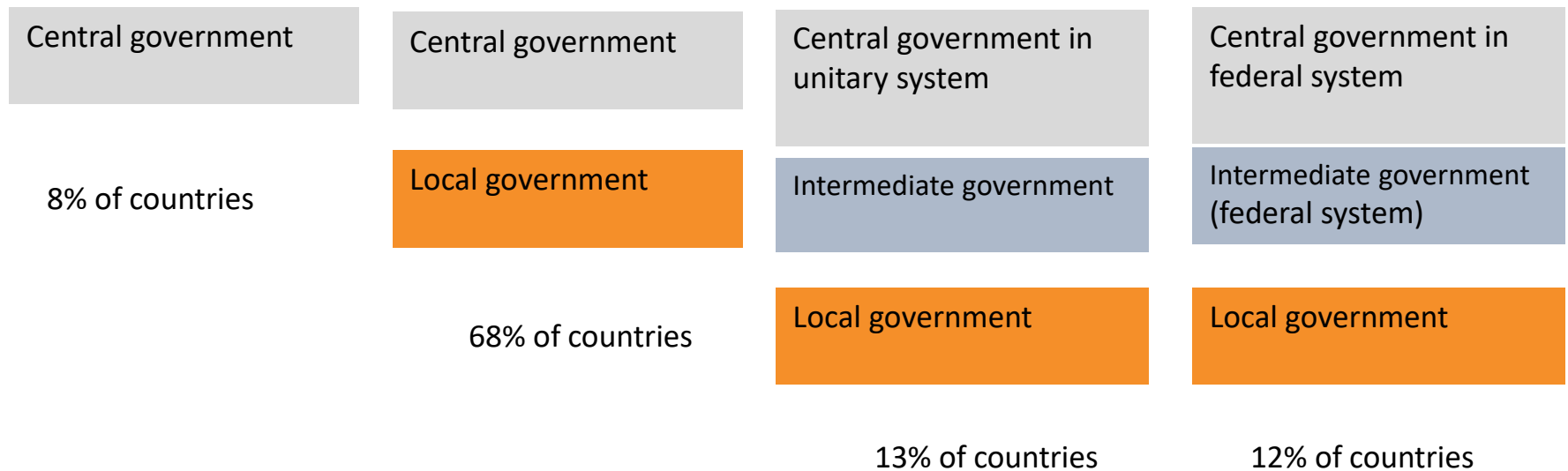
Sub-national spheres of government

Sub-national spheres of government are the result of **decentralization** = the process of transferring some **legislative, executive, financial** and **administrative** powers from the central government to sub-national units of government distributed across the territory of a country.

Three spheres of government



Distribution of countries by spheres of government



Source: UN Women Review of Local Government Organization. Based on 120 countries.

KEY TERMS AND DEFINITIONS

Local government

- Various definitions used in local government research and literature
- No single one internationally agreed definition of local government, but several good ones. A few examples:
 - European charter of local self-government, adopted by countries of the world at the Habitat II Conference in Istanbul in 1996
 - The first global report on decentralization and local democracy (World Bank and UCLG) has a definition on local authorities
 - UN System of National Account has a definition on local government units

Common elements in identifying local government

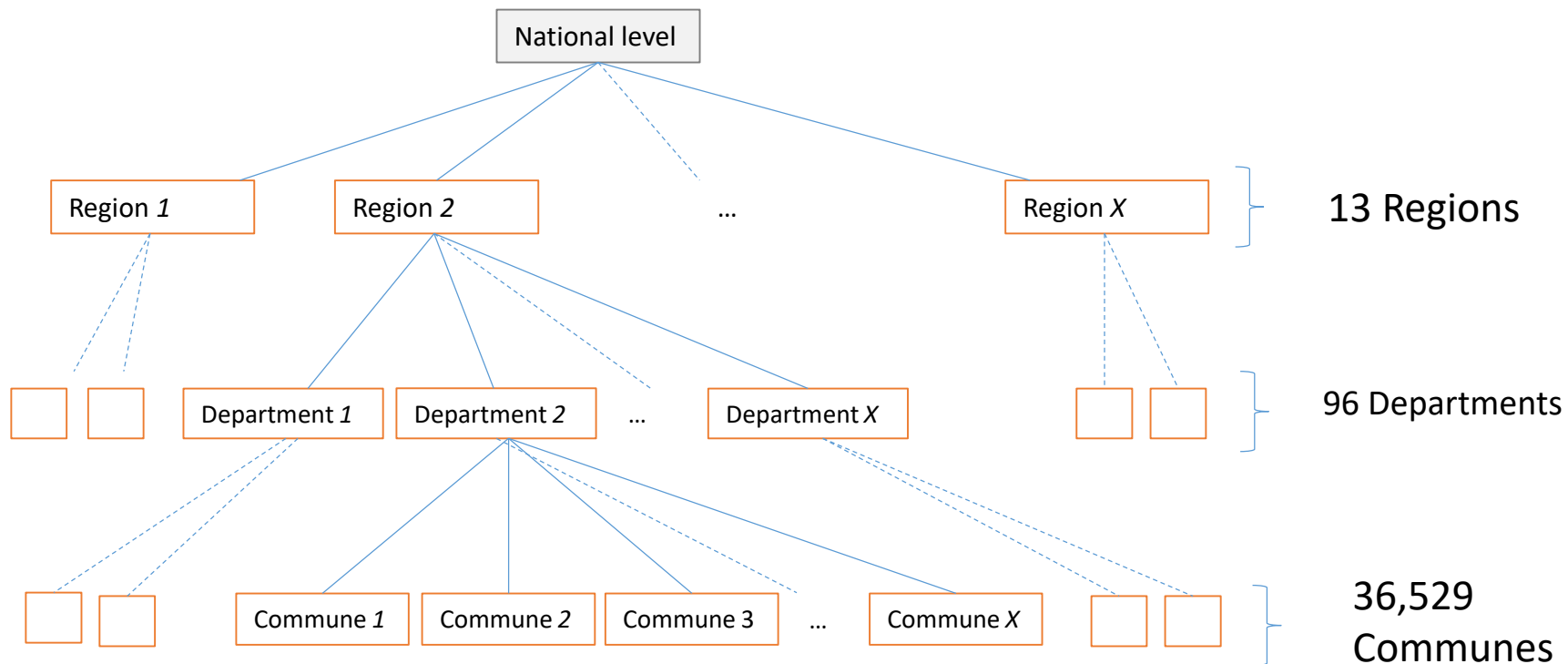
- **National legal frameworks** provide for the existence of/regulates local government
- A formal institutional organization of local governments, consisting of **legislative and executive bodies**.
- The principle of self-government and the associated **political, administrative, and fiscal authority over some local matters within the limits of the law**;
- Closest to the **people mandated to serve**.

KEY TERMS AND DEFINITIONS

Local government tiers/levels

- Local government may be organized in 1 or more tiers
- **Local government tiers are** *political-administrative levels of a territorial division of country* (such as municipalities, districts, regions, etc.) with the legislative, executive and financial authority to make binding decisions in some local policy areas.
- The organization of local government by tiers involves a *hierarchical territorial (geographical) division* of the country – for example, a region may comprise several municipalities, and each municipality may contain several municipal districts.
- However, this hierarchical territorial division does not necessarily imply a hierarchy of powers between the different tiers of local government.

Example of a territorial division of a country (France) by political-administrative levels (=tiers of local government)



France

State structure: *Unitary*

Central Government

Local Government

Regions

Departments

Communes

Costa Rica

State structure: *Unitary*

Central Government

Local Government

Municipalities (at canton level)

Norway

State structure: *Unitary*

Central Government

Local Government

Counties

Municipalities

Results of UN Women review

- **Distribution of countries by number of local government tiers with political, administrative and fiscal autonomies**

	Number of countries	Percentage distribution
All countries with local government	111	100 %
Countries with 1 tier	53	48 %
Countries with 2 tiers	38	34 %
Countries with 3 tiers	17	15 %
Countries with 4 tiers	3	3 %

Different types of local government at the same tier/level

- A local government tier (level) may have one or more *types of local government*.
- The types of local governments typically reflect slight differences in the responsibilities of local governments within tiers due to:
 - (a) differences in the size of localities or areas they are mandated to serve and/or
 - (b) an asymmetrical set-up of the local government.

Belize

State structure: *Unitary*

Central Government

Local Government sphere

Belize
City Council

Belmopan
City Council

Town
Councils

Village
Councils

Community
Councils

Romania

State structure: *Unitary*

Central Government

Local Government

Counties

The capital city of
Bucharest

Municipalities (cities, towns, communes)

Capital city districts

Asymmetric institutional set up

Refers to the variation of the number of local government tiers within a country

The number of local government tiers may differ between:

- Rural versus urban areas
- Densely populated areas of metropolises versus low-density areas
- The different states or provinces of the same country.

22% countries with local government have an inconsistent number of tiers throughout the country.

Bangladesh

State structure: *Unitary*

Central Government

Local Government sphere

Rural areas

Zila Parishad

Upazila Parishad

Union Parishad

Urban areas

City
corporations

Municipalities

INDIA – simplified version

State structure: *Federation*

Central Government

Intermediate sphere of government

States

Local Government sphere

Rural areas

Zilla Panchayats

Panchayats Samitis

Gram Panchayats

Urban areas

Municipal
corporations

Municipalities

Nagar
Panchayat

State structure: *Federation*

Central Government

Intermediate sphere of government

24 States and 2
Union territories

3 States and 2
Union territories

2 States

1 State and 1
Union territory

1 Union territory

1 Union territory

Local Government

Zilla
Panchayats

Urban
gov.

Panchayats
Samitis

Gram
Panchayats

Zilla
Panchayats

Urban
gov.

Gram
Panchayats

Gram
Panchayats

Urban
gov.

Urban
gov.

Panchayats
Samitis

Gram
Panchayats

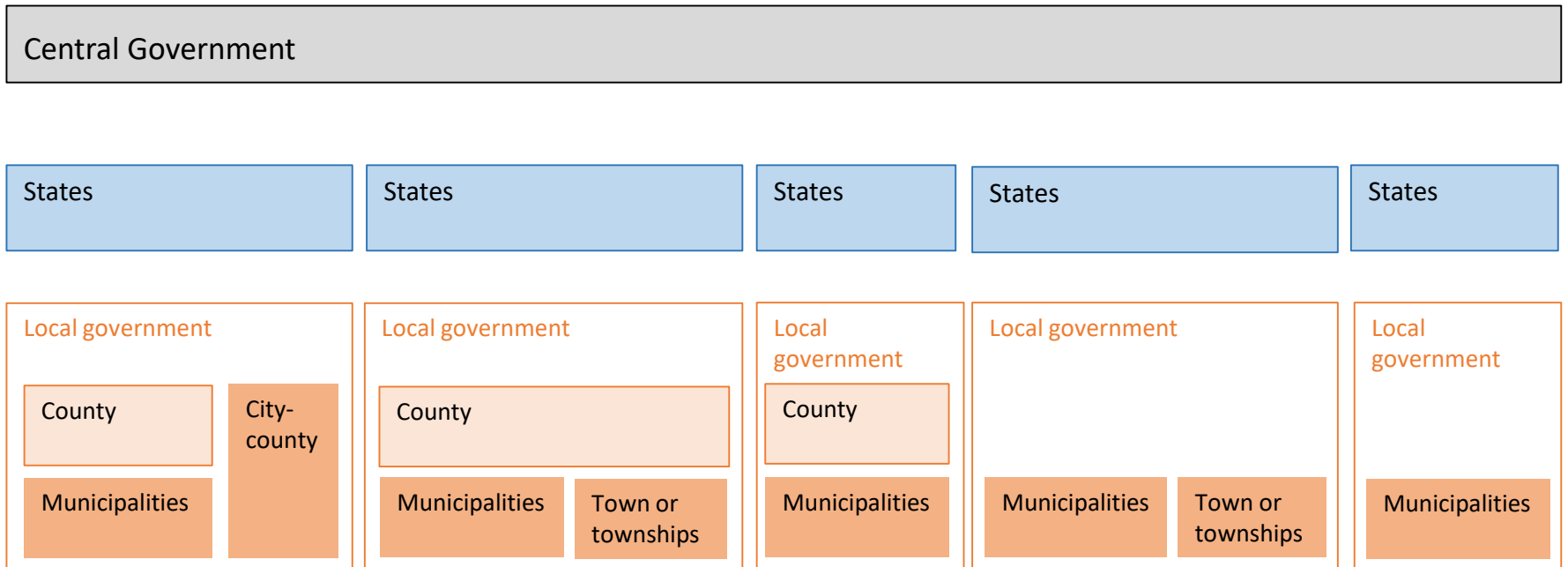
Urban
gov.

Zilla
Panchayats

Gram
Panchayats

USA

State structure: *Federal system*



Administrative tiers of government

- In addition to tiers of local government with political, administrative, and financial authority, countries may have **additional administrative tiers**.
- These tiers **lack legislative and/or executive power**; however, they may support the implementation of state or local policies and regulations, and they may be provided for in the legal framework of the country.
- Although not often the case, some country constitutions or local government acts may emphasize the distinction between local government units and other administrative units.

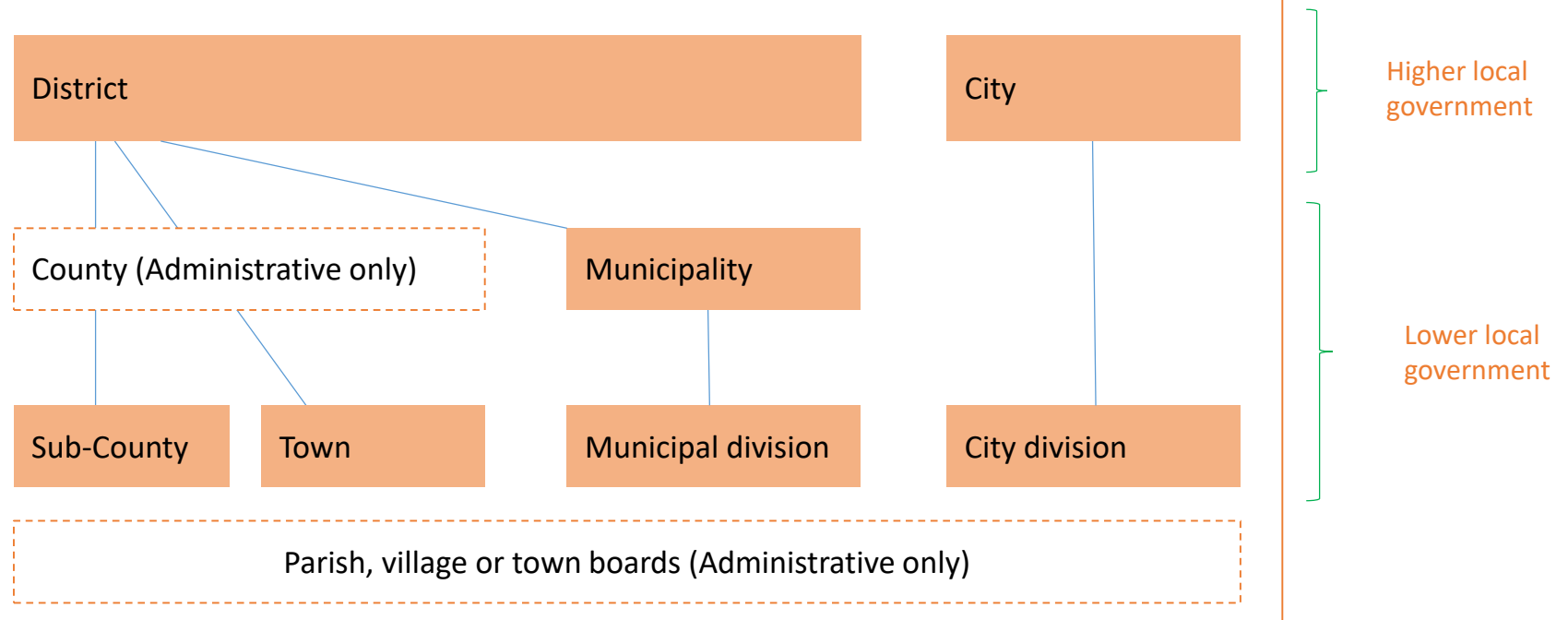
State structure: *Unitary*

UGANDA

Central Government

Regional Government (Legal provisions that it could be formed but non-existent in practice)

LOCAL GOVERNMENT



State structure: *Unitary*

Central Government

Local Government sphere

Local authorities

(Political, administrative
and financial autonomy)

Territorial
authorities

Unitary
Authorities

Regional councils

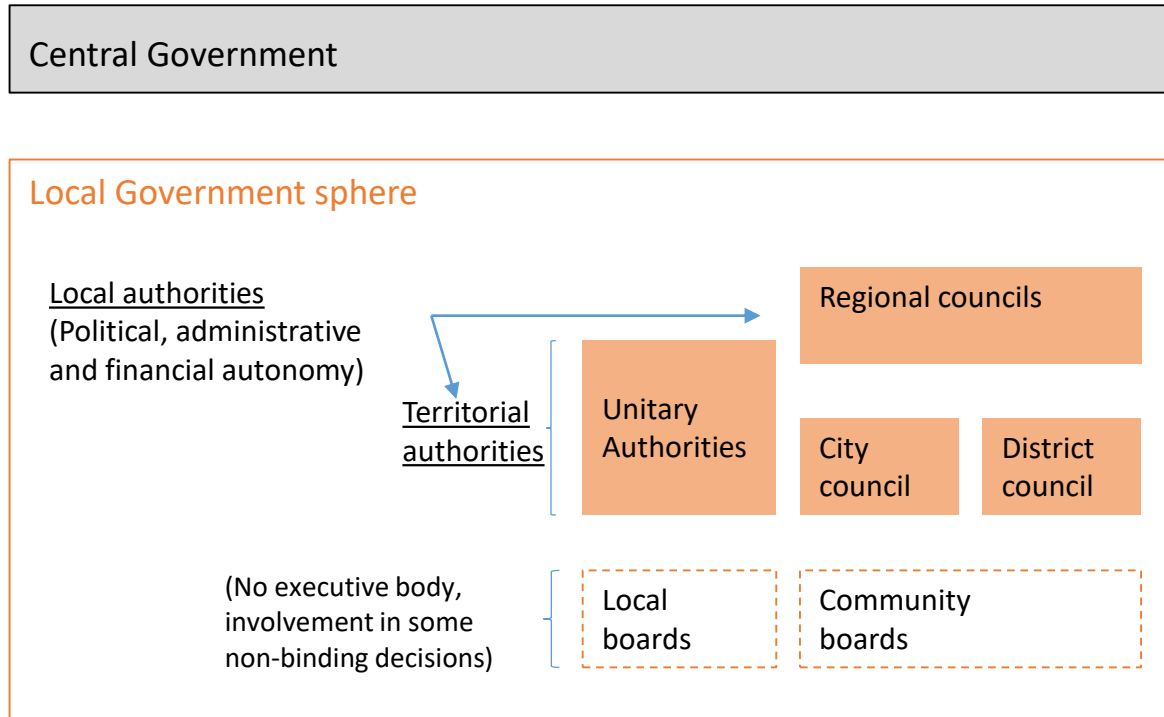
City
council

District
council

(No executive body,
involvement in some
non-binding decisions)

Local
boards

Community
boards



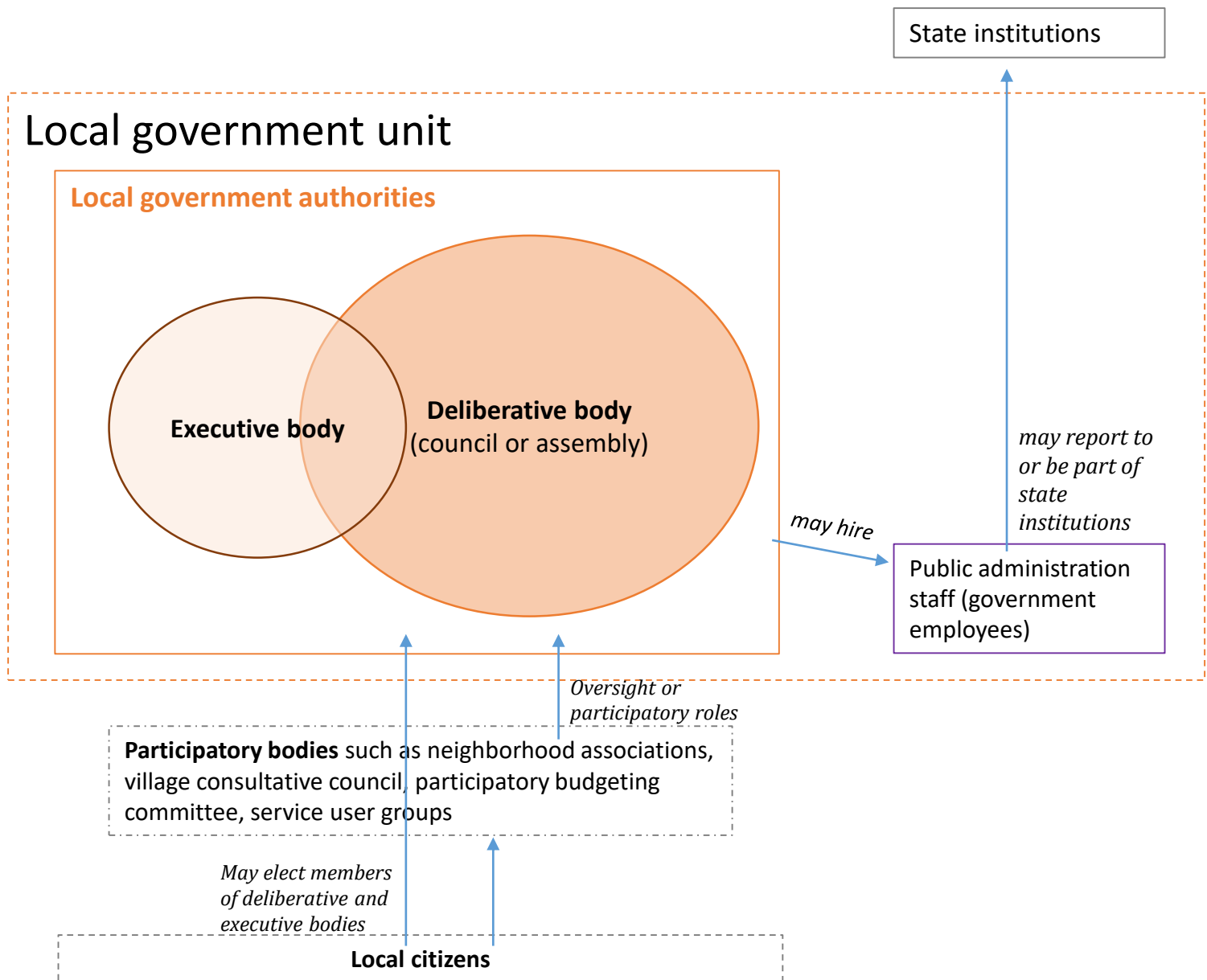
Local government units

Each tier and type of local government has one or more **local government units**. A local government unit includes:

- (1) a *deliberative body* (council/ assembly), usually elected by universal suffrage, that has decision-making power, including the ability to issue by-laws, on a range of local aspects of public affairs;
- (2) an *executive body*, elected, appointed or nominated, such as an executive committee or a mayor that prepares and executes decisions made by the deliberative body.

The members of these two bodies are referred to as **local government authorities**.

A distinct category from local government authorities is the *public administration staff*. Public administration staff are government employees that support the implementation of the local decisions and the provision of government services at the local level.



Distinction between local government and local governance

- Local governance is a broader concept than local government. **Government**, in general, refers to the **formal organization of public authorities** responsible for governing a society.
- By comparison, **local governance** refers to
“a situation of multiple inter-linkages and relationships in which different and **various actors in the public and private sectors as well as civil society** at the local, national and international levels play different roles, sometimes mutually conflicting and sometimes mutually reinforcing and complementary focusing on satisfying the interests and needs of the local community.”

Selection of local government members

- Members of deliberative and executive bodies may be selected based on three methods:
 1. Direct elections
 2. Indirect elections
 3. Appointments/nominations

Costa Rica

State structure: *Unitary*

Central Government

Local Government

Municipalities (at canton level)

- Members of council/assembly are directly elected
- Mayors (head of the executive body) are directly elected
- Head of the council are indirectly elected

Bolivia

State structure: *Unitary*

Central Government

Local Government

Departments

} Directly elected assembly members and head of the executive; indirectly elected head of council

Regions

} It does not exist everywhere in the country, indirectly elected members, limited legislative power

Municipalities

} Directly elected assembly members and head of the executive; indirectly elected head of council

Norway

State structure: *Unitary*

Central Government

Local Government

Counties

Municipalities

Directly elected
members of
legislative bodies

Indirectly elected
head of the executive
body (also head of
council)

France

State structure: *Unitary*

Central Government

Local Government

Regions

Departments

Communes

Directly elected
members of
legislative bodies

Indirectly elected
head of the executive
body (also head of
council)

State structure: *Unitary*

SOUTH AFRICA

Central Government

Provincial Government

LOCAL GOVERNMENT

District councils

40% Directly
elected

60% Representatives from
Local municipalities / DMAS

Local council

Local council

Metro council

District management
areas

Local
Municipalities
with Wards

Local
Municipalities
without Wards

Metropolitan
areas

→ Direct elections

→ Indirectly elected

Note: Heads of the executive and councils are elected indirectly from among members

State structure: *Unitary*

Central Government

Local Government

12 Regions

- Council composed of representatives from the lower level
- Indirectly elected head of council with executive function

61 Communes and Municipalities

- Council composed of directly elected members
- Indirectly elected head from among councilors
- Directly elected mayor with executive function

Administrative units with participatory role, composed of village/town heads and boards elected in village/town meetings

Summary of composition of local legislative bodies

1-Tier countries

98% countries - Directly elected councillors,
among which:
77% countries - Directly elected only
21% countries - Directly elected + Appointed

2% countries – Appointed only

2-Tier countries

84% countries - Directly elected councillors,
among which:
75% countries - Directly elected only
6% countries – Directly + indirectly elected
3% countries - Directly + indirectly elected
+ Appointed

16% countries – Indirectly elected only

100% countries - Directly elected councillors,
among which:
94% countries - Directly elected only
6% countries - Directly elected + Appointed

3-Tier countries

86% countries - Directly elected councillors,
among which:
79% countries - Directly elected only
7% countries - Directly + Indirectly elected

14% countries – Indirectly elected only

80% countries - Directly elected councillors,
among which:
66% countries - Directly elected only
7% countries - Directly elected + Appointed
7% countries – Directly + Indirectly elected

20% countries – Indirectly elected only

100% countries - Directly elected councillors,
among which:
93% countries - Directly elected only
7% countries - Directly elected + Appointed

Composition of local executive bodies

- The head of the executive body is the only position within the executive body that may be directly elected.
- However, the proportion of countries where the head of the executive body is directly elected is small:
 - In single-tier local government: 41% + additional 9%, where the head is directly elected in some parts of a country but not in others
 - In two-tier local government: 35% for lowest tier and 31% for higher tier

In summary...

- Local government organization is defined by national legal framework
- Great diversity in terms of number of local government tiers
 - Number of local government tiers varies from 1 to 4
 - In 22% countries, the number of tiers varies within the same country
- Local government members are members of the legislative and executive bodies that exist in each local government unit.
- Selection of local government members varies:
 - Most often members of legislative bodies are directly elected; but heads of the executive not as often
 - Members of local government in upper tiers slightly more likely to be indirectly elected

Questions/Answers

Activity: Identifying National Organization of Local Governments in the Region

- Participants break into groups (by country)
- Work together and, based on national legislation, identify the local government organization in your group:
 - Tiers and types of government; how local government members are selected.
- Prepare a graphical presentation of this organization similar to models shown in the previous presentation.
- Choose a presenter for the group.
- Report back to the group:
 - Indicate the laws that were used, and whether these laws are planned to be changed.
 - Present the graphic of local government organization in your country.

