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.
Distribution of countries by spheres of government

- 8% of countries: Central government
- 68% of countries: Local government
- 13% of countries: Central government in unitary system
- 12% of countries: Central government in federal system

Source: UN Women Review of Local Government Organization. Based on 120 countries.
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.
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
State structure: *Unitary*

**Central Government**

**Local Government**

- Municipalities (at canton level)
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 fiscalautonomies

<table>
<thead>
<tr>
<th>Number of countries</th>
<th>Percentage distribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>All countries with local government</td>
<td>111</td>
</tr>
<tr>
<td>Countries with 1 tier</td>
<td>53</td>
</tr>
<tr>
<td>Countries with 2 tiers</td>
<td>38</td>
</tr>
<tr>
<td>Countries with 3 tiers</td>
<td>17</td>
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<tr>
<td>Countries with 4 tiers</td>
<td>3</td>
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</tbody>
</table>
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.
State structure: *Unitary*

**Central Government**

**Local Government sphere**

- Belize City Council
- Belmopan City Council
- Town Councils
- Village Councils
- Community Councils
State structure: *Unitary*

- Central Government
- **Local Government**
  - Counties
  - Municipalities (cities, towns, communes)
  - The capital city of Bucharest
  - 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.
State structure: *Unitary*

Central Government

Local Government sphere

**Rural areas**
- Zila Parishad
- Upazila Parishad
- Union Parishad

**Urban areas**
- City corporations
- Municipalities
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**
State structure: Federal system

Central Government

States

Local government

County

Municipalities

City-county

States

Local government

County

Municipalities

Town or townships

States

Local government

County

Municipalities

States

Local government

County

Municipalities

Town or townships

States

Local government

County

Municipalities

Town or townships

States

Local government

Municipalities
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*

**LOCAL GOVERNMENT**

- District
  - County (Administrative only)
    - Sub-County
    - Town
  - Municipality
    - Municipal division
  - City division
  - City

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

**UGANDA**

- Parish, village or town boards (Administrative only)
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

Local boards

Community boards

(No executive body, involvement in some non-binding decisions)
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.
Local government unit

Local government authorities

Executive body

Deliberative body (council or assembly)

State institutions

may report to or be part of state institutions

Public administration staff (government employees)

may hire

Oversight or participatory roles

Participatory bodies such as neighborhood associations, village consultative council, participatory budgeting committee, service user groups

May elect members of deliberative and executive bodies

Local citizens
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**
- **Regions**
- **Municipalities**

- Directly elected assembly members and head of the executive; indirectly elected head of council
- It does not exist everywhere in the country, indirectly elected members, limited legislative power
- Directly elected assembly members and head of the executive; indirectly elected head of council
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*

**Central Government**

**Provincial Government**

**LOCAL GOVERNMENT**

- **District councils**
  - 40% Directly elected
  - 60% Representatives from Local municipalities / DMAS

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

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

<table>
<thead>
<tr>
<th>Tier countries</th>
<th>1-Tier countries</th>
<th>2-Tier countries</th>
<th>3-Tier countries</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>98% countries - Directly elected councillors, among which: 77% countries - Directly elected only 21% countries - Directly elected + Appointed</td>
<td>84% countries - Directly elected councillors, among which: 75% countries - Directly elected only 6% countries – Directly + indirectly elected 3% countries - Directly + indirectly elected + Appointed</td>
<td>86% countries - Directly elected councillors, among which: 79% countries - Directly elected only 7% countries - Directly + Indirectly elected</td>
</tr>
<tr>
<td></td>
<td>2% countries – Appointed only</td>
<td>16% countries – Indirectly elected only</td>
<td>14% countries – Indirectly elected only</td>
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<tr>
<td></td>
<td>100% countries - Directly elected councillors, among which: 94% countries - Directly elected only 6% countries - Directly elected + Appointed</td>
<td>100% countries - Directly elected councillors, among which: 93% countries - Directly elected only 7% countries - Directly elected + Appointed</td>
<td>80% countries - Directly elected councillors, among which: 66% countries - Directly elected only 7% countries - Directly elected + Appointed 7% countries – Directly + Indirectly elected</td>
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<tr>
<td></td>
<td></td>
<td>20% countries – Indirectly elected only</td>
<td>20% countries – Indirectly elected only</td>
</tr>
</tbody>
</table>

[73x464]
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.