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DECENTRALISATION

KEY CONCEPTS

Definitions of key concepts

There are different forms of decentralisation: federalism, devolution, local governance, delegation, deconcentration, and traditional leaderships. What do these mean?

Decentralisation

Broadly defined, decentralisation refers to the distribution or delegation of state powers away from the central or national government to subnational governments. This can be done via a constitution or in a statute, provided that these subnational governments have some decision-making autonomy.

The African Union's African 'Charter on the Values and Principles of Decentralisation, Local Governance and Local Development' of 2014 has adopted the following definition of decentralisation: "the transfer of power, responsibilities, capacities and resources from national to all subnational levels of government" (article 1). For more on this Charter, see Fact Sheet #10.

Decentralisation includes:

1. federations where the division of powers is protected by a constitution;
2. a lesser form of federalism called devolution;
3. local government; and
4. traditional authorities with decision-making powers on issues such as of communal land and personal customary law.

Why does decentralisation matter?

Subnational governments:

- can ensure inclusive government with regards to religion, language, race or ethnicity, and so foster peace;
- can deepen democracy and allow multi-party democracy to flourish;
- can be more responsive to the needs of local communities;
- can offset and oppose abuse of power by the central government.

See also Fact Sheet #2 on Federalism and Federations and Fact Sheet #3 on Local Government

Federalism

Federalism is a governance system based on two or more levels of government. It combines elements of 'self-rule' for regional or local governments, and 'shared rule' by the federal and state/provincial governments for nationwide responsibilities. Its basic structure comprises:

- (1) a federal government and (2) states/provinces. Each has powers derived from the constitution; and each is directly elected by and accountable to their electorate;
- division of powers (including taxing powers) between the centre and the states/provinces;
- the participation of states/provinces in the federal parliament through a second house or chamber;
- a system of intergovernmental relations; and
- the protection of the above in a supreme constitution which cannot unilaterally be amended by either the federal government or the states /provinces, and is enforced by an independent judiciary.

The constitutions of Ethiopia, Nigeria, Somalia, and Comoros establish federal systems, as reflected in their official names, eg the Federal Democratic Republic of Ethiopia. The constitutions of South Africa, Kenya and the Democratic Republic of Congo (DRC) contain all the elements of a federation but do not use the word 'federal'.

Devolution

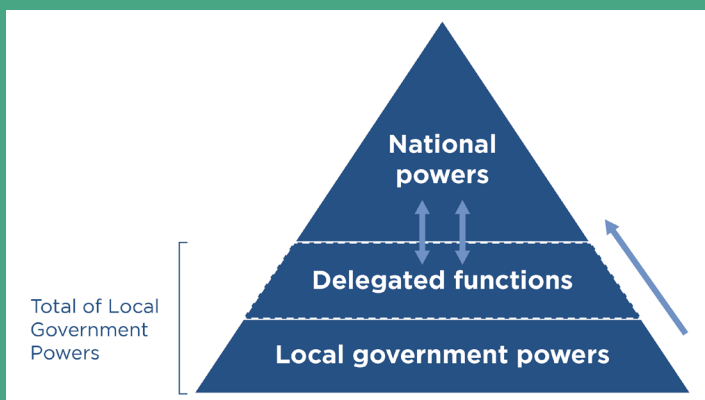
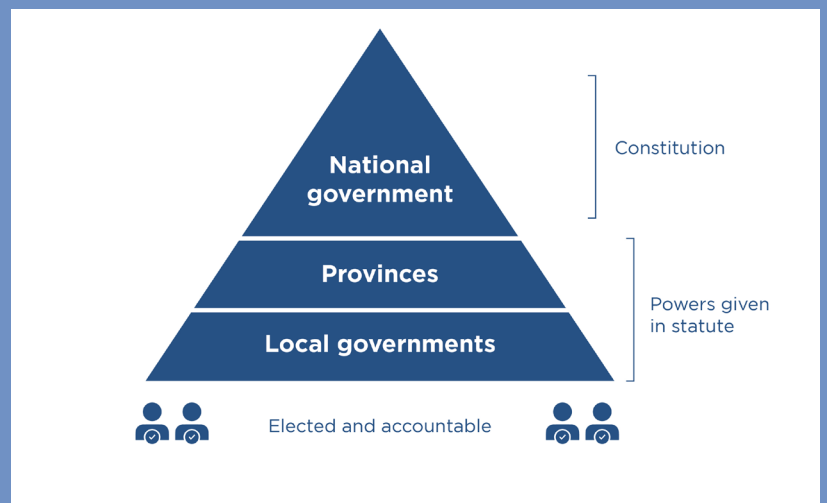
There is no fixed definition of devolution, although it can best be defined as a very centralised federal system. The constitutions of Kenya and Zimbabwe both describe their decentralised systems as 'devolution' but have distinct differences. For example, Kenya has all the characteristics of a federation, such as providing for a second house of Parliament representing its 47 counties, whose powers are also listed. In contrast, Zimbabwe's provincial and local governments have no constitutionally-listed powers and no representation in the national Parliament.

Local governments

Local governments are regarded as a form of decentralisation if they meet two basic requirements:

1. They must be democratically elected. Local councils appointed by the central government, or councils dominated by central appointees are not accountable to their electorate.
2. They must have a measure of autonomy to make policy decisions on matters of local concern.

Local governments are usually not protected by a constitution, but are often referred to as 'creatures of statute'.



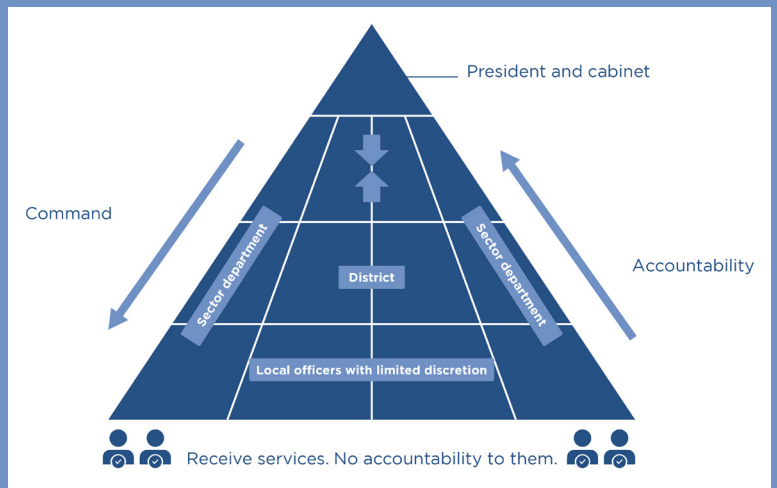
Delegation of powers

Delegation of powers occurs when a national government transfers some of its own responsibilities to subnational governments, which must then exercise these powers under the control and direction of the national government. A local government receiving delegated authority to provide a service is thus accountable to the national government and not to the people receiving the service. As the national government confers this responsibility, it can also withdraw it.

Deconcentration of national powers

All national governments make use of and can confer some decision-making discretion to their own regional or local offices. As an outcome, the national government's decision-making powers are thus diluted or deconcentrated throughout the country. These regional or local offices are directly accountable to the national government and not to the local electorate. Residents can, however, appeal the decisions of a local office to the national head-office.

Deconcentration is not decentralisation in that the regional or local offices of a national department are not subnational governments. They are not elected by local voters and so are not accountable to them.



Traditional authorities

The position of traditional authorities arises primarily from custom and usually not from a constitution or legislation. However, they often exercise some governance powers. In many African countries, they make final decisions in respect of communal land and personal customary law.

