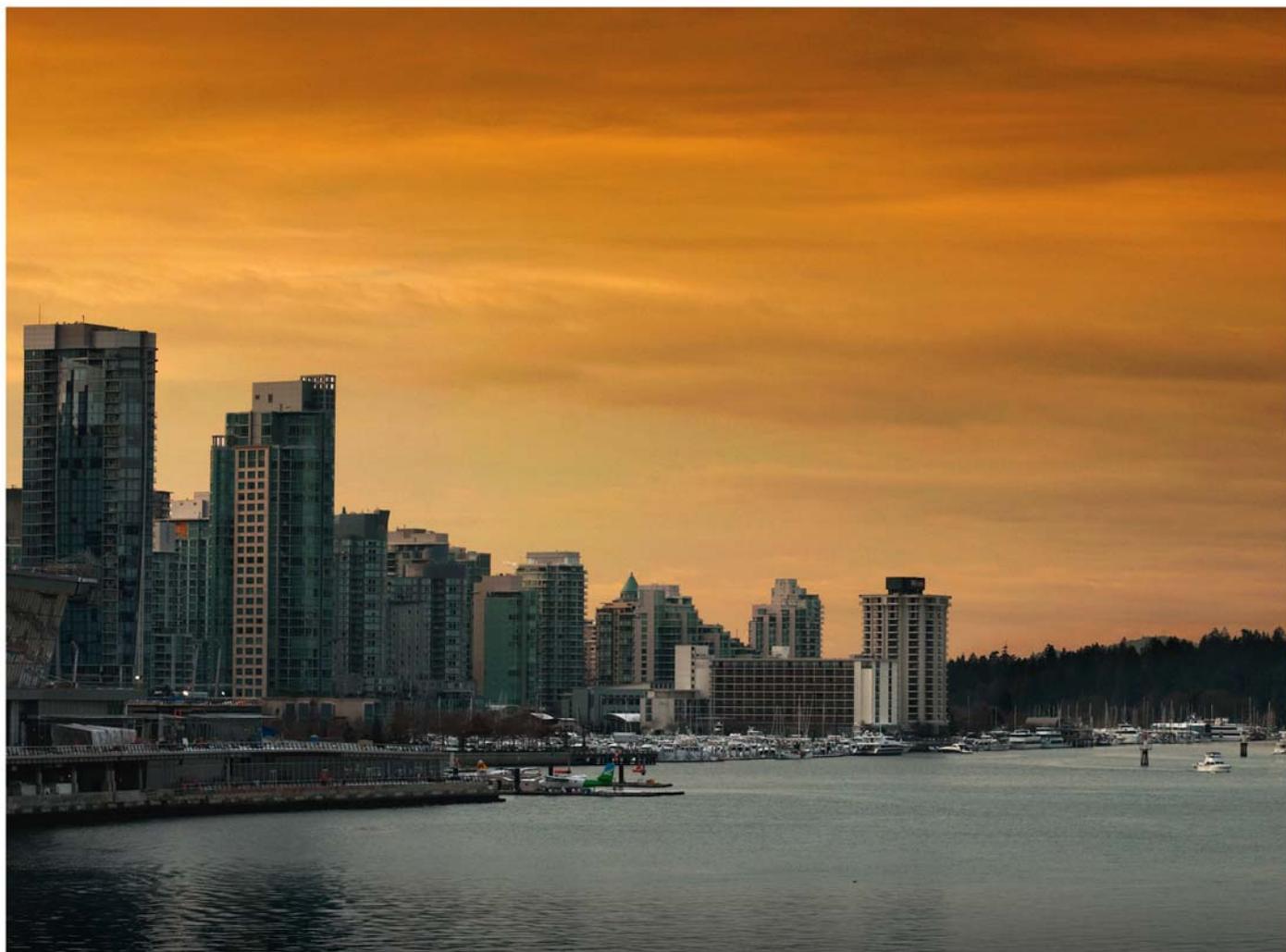




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Research & Evaluation
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Commonwealth Journal of Local Governance

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Graham Sansom

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Publication of this third issue of the Commonwealth e-Journal of Local Governance coincides with the Commonwealth Local Government Forum's 5th conference being held in Freeport, Bahamas. As part of the conference, the CLGF Research Advisory Group held a two-day research colloquium attended by over 40 delegates from 14 countries, representing research and training institutes, donor agencies, other international organisations and local government bodies.

The colloquium was in two parts:

- Discussion of the conference Background Paper *Improving Local Government: The Commonwealth Vision*
- Fifteen presentations on current research and practice.

Topics covered by the presentations included:

- Democratic local governance issues and reforms in the Caribbean, Southern Africa and India
- Public participation in local government in South Africa and rural India
- Challenges of urban development and poverty in Sri Lanka and Uganda
- Governance of capital cities in federations
- Inter-government relations in small island states of the Pacific and in rural India
- Internal structures and governance of municipalities in South Africa

- Infrastructure finance
- Performance monitoring and management systems
- Human resource development in the Canadian public sector
- New directions in New Zealand local government.

We plan to publish many of these presentations in future issues of this Journal, perhaps including a special edition in August-September 2009.

In the meantime, this current issue covers a broad set of themes ranging from progress in developing local government in the Caribbean, East Africa and Melanesia; to training of elected councillors in South Asia; to issues of structural reform, both broadly and specifically in the major cities of Canada; to gender equity in rural India and the United Kingdom; to relations between local governments and indigenous communities in Ontario, Canada; to the role of local authorities in tackling human trafficking in the UK.

Bishnu Ragoonath documents recent moves to reform local government in the Caribbean countries of St. Lucia, St. Vincent and the Grenadines and Trinidad and Tobago. He argues that whilst reform proposals are ostensibly based on a philosophy of elected local government, in practice central governments appear reluctant to implement changes that would facilitate substantive levels of participatory democracy and citizen involvement. With reforms having stalled, he wonders whether the next step could be the dissolution of systems of local government in some of these states.

Per Tidemand summarises key findings from a comprehensive analysis of the nature of decentralisation in the three East African countries of Kenya, Uganda and Tanzania. He shows that the potential for decentralised service delivery through local governments has not been fully realised because sector – rather than place-based funding of services predominates, and sectoral central agencies remain dominant in setting priorities and controlling staff. Despite some systems for local financial management and coordination in Uganda and Tanzania, cross-sector coordination is often deficient.

David Hegarty surveys some of the recent research and commentary on local-level governance relating to Papua New Guinea (PNG) and the Solomon Islands. This material highlights the limited development and poor performance of formal institutions of local-level government, as well as the rise of informal governance-type activities at the local

level. Hegarty concludes that social and cultural heterogeneity, fragile economies, patronage-style politics, and the difficulties faced by communities in articulating and communicating their needs, are all constraining both strengthening of civil society and the effectiveness of government at the local level.

Strengthening local governance requires, amongst other things, more highly skilled elected representatives. Lucy Slack reports on CLGF's work in South Asia to develop training modules for elected members, based on practical case studies from the region. CLGF linked up a regional network of training institutions, each of which reported on the key challenges relating to advancement of democratic local governance in their respective countries, and on training currently available for elected representatives. It became clear that training opportunities are extremely limited, and as a follow-up to the project, CLGF and the Commonwealth Secretariat will encourage ministries for local government to make more adequate training available.

Lorenzo Robotti and Brian Dollery examine aspects of structural reform of local government, chiefly from a theoretical perspective. They argue that the long-run success of structural change hinges on three key factors: voluntary rather than compulsory council mergers; a high degree of local autonomy in both the composition and operation of decentralized governmental functions; and according adequate and appropriate powers of taxation to local government to provide financial autonomy. A suitable package of local taxes might include traditional property taxes, appropriate user charges, a local sales tax and a new form of local business tax.

Jim Lightbody offers a contrasting perspective on structural reform through a review of recent consolidation (mergers) of municipalities in the major cities of Canada. He focuses on Toronto and Montreal and suggests that the superficially unique circumstances of each case might be misleading. By applying Clarence Stone's urban regime model he seeks to clarify what influences constituted the political tipping point for central government action to force mergers, and argues that the decisive element lay in the pervasive influence of corporate Canada. Once business leaders become convinced that change is necessary they will act behind the scenes to convince provincial government, especially premiers, that change is necessary and should be effected expeditiously. In the Canadian system, central (provincial) governments have the power to do so, and in Lightbody's view should not be deterred from imposing integration when

it is in the broader public interest. The evidence suggests that opposition will quickly dissipate.

The issue of gender equity is explored in very different, but related, contexts by Chris Game and Nupur Tiwari. Chris Game probes the reasons behind the severe under-representation of women in UK local government, and identifies the nature of the electoral system – typically ‘first past the post’ in single member electorates – as a major part of the problem. Whilst parts of the UK have moved towards multi-member electorates (but not England), he suggests that serious consideration needs to be given to quota systems such as those operating in Uganda, India and elsewhere to accelerate previously glacial progress towards gender equality.

Nupur Tiwari outlines the successes and limitations of the system of reserved seats for women and disadvantaged groups used in local government elections in rural India. She quotes the argument that women need to be ‘empowered’ in the realm of political decision-making so as to facilitate their ‘real’ empowerment, and goes on to assert that the impact of reserving at least one third of seats for women in rural local governments has been immense. There are ‘many shining examples’ of the potential of women’s leadership. However, there is a significant difference between representation and participation, and increased numbers of elected women representatives does not necessarily translate into real influence and decision-making power. In particular, there is a need to change the current rotation system for reserved seats, so that women can be elected in the same seat two or three times, and thus have the opportunity to learn more about the role of an elected representative and gain greater influence.

Alia Hanif and colleagues from the Ontario Ministry of Municipal Affairs and Housing discuss the need for closer engagement between municipalities and Aboriginal communities, and the benefits to be derived. They provide an overview of Aboriginal and treaty rights and the constitutional duty to consult, as well as examples from Ontario of engagement that has produced positive outcomes. These examples show the value of building broader relationships with Aboriginal peoples that go beyond purely legal-based forms of engagement. In an environment of cultural and economic change, it is expected that there is more to be learned as both municipal and Aboriginal communities address local needs and interests on a collaborative basis.

Finally, Kathryn Rossiter and Jo Benfield report on a year-long project undertaken by the UK Society of Local Authority Chief Executives and Senior Managers (SOLACE) to identify how local authorities can improve their response to the crime of human trafficking. The project identified core competencies that local authorities need to develop if they are to address the challenges of human trafficking. It found that one of the greatest challenges is a lack of knowledge and understanding about the crime of trafficking and the needs of the victims. A human rights-based approach must be adopted, which puts the needs of the victim above the need to catch the traffickers. Moreover, a multi-disciplinary and cooperative effort is needed, involving a wide range of stakeholders. Local authorities have an important role to play, but will not be successful if they try to operate in a vacuum.

This issue also includes two book reviews, both of which relate to the issue of structural reform. Steve Martin reviews *The Theory and Practice of Local Government Reform*, a series of studies edited by Brian Dollery and Lorenzo Robotti. Jeremy Dawkins writes about Andrew Sancton's new book *The Limits of Boundaries: Why city-regions cannot be self-governing*.

Defining A Canadian Approach To Municipal Consolidation In Major City-Regions

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Jim Lightbody

University of Alberta



Abstract

Where there is a central government with an exclusive mandate over municipalities, along with a state executive structure using the Westminster model, then the consolidation of squabbling municipalities within metropolitan boundaries becomes a distinct possibility.

A general model of municipal restructuring for the Canadian metropolis is more widespread than the superficially unique circumstances of each case might suggest. The thinking here is informed by Clarence Stone's urban regime model, which helps to clarify what influences constituted the political tipping point for central government action. The paper focuses primarily on the Toronto and Montreal city-regional municipal consolidations at the end of the last century.

It is argued that the decisive element in setting the stage for significant change lay in the pervasive influence of corporate Canada in generally shaping provincial political discourse. What has not previously been of much interest for investigators is the matter

of direct consequences for the low politics of city-regional governance. As will be seen, they were both tangible and considerable.

Key words: Canadian city-regions, central-local relations, metro government, Montreal, municipal consolidations, Toronto, urban regimes

1. Introduction

Across the twentieth century, institutionally entrenched municipal opposition to any suggestion of externally imposed structural consolidation, frequently justified by evocative appeals to sustaining historic patterns of democratic accountability, came to be widely accepted as sufficient to forestall mergers no matter what validity they might have in terms of fiscal efficiency, governing effectiveness, enhanced international entrepreneurial competitiveness, or simple regional survival as a viable entity.

Even so, over the last decade of that century the governments of Canada's two largest provinces, Ontario and Quebec, were both able to restructure not only their entire systems of local governance, but also that of their major city-regions. It is the latter of these moves that is of interest here. Why did city-region municipal consolidation proceed so dramatically in Canada, given its conspicuous failure in the United States when faced with opposition from a roughly similar fractious cacophony of forces?

One obvious explanation lies in the delineation of powers and the structuring of authority in formal constitutions. Where there exists a central government with an exclusive mandate *over* municipalities, and a state executive structure along the lines of the Westminster model, then the fusing of the squabbling municipalities within metropolitan boundaries becomes a distinct possibility. It must be observed that some type of central power to consolidate local institutions is pretty much the standard situation in all post-industrial democratic states except America. Hence the real potential for significant structural intervention has always existed in the Canadian provinces as it also does, for example, in the Australian states. This power *was* exercised in Canada, during a short decade of centripetal adaptation beginning in 1995 at the end of which half of the ten largest Census Metropolitan Areas (CMAs) – London, Winnipeg, Calgary, Hamilton and Ottawa – were completely unitary in municipal structure. The Toronto city-region's core was consolidated in 1998 and all of Quebec's CMAs were variously consolidated by 2002. Of the ten, only the local governments in Edmonton and the Greater Vancouver

Regional District (GVRD) avoided mergers and can instead contemplate a future based on regional “cooperation” among municipalities along the lines of American-style Council of Governments.

This paper focuses on the origins and process of the Toronto and Montreal city-regional municipal consolidations in the last years of the last century. It is informed by elements adapted from the urban regime model advanced by Clarence Stone (1989) to help clarify what influences constituted the political tipping point for central government action. While the pivotal role of ministerial personalities in the small worlds of sub-national politics in giving the final go-ahead cannot be discounted (including especially the Premier of Ontario), it will be argued that a more conventional policy source in the respective communities provided the decisive element in setting the stage for significant change. While the pervasive influence of corporate Canada in shaping the public ideology sustaining provincial political discourse and policy systems has been well documented through long-standing social science research, what has not been of much interest is the matter of direct consequences for the low politics of city-regional governance. As will be seen, they were both tangible and considerable.

A general model of municipal restructuring for the Canadian metropolis is more widespread than the superficially unique circumstances of each case might suggest. Restructuring is more pragmatic than ideological at its core, and comes into play only after incremental patchworks of bilateral contracting, single purpose districting, or two-tier municipal federation have been judged to fail as solutions to the problems of metropolitan governance. The earliest federative steps (Toronto 1954, Winnipeg 1961 and Montreal 1969) established metropolitan mechanisms to build the infrastructure for the spatial expansion of city-regions. Business leaders were generally so impressed with the concrete results that they paid virtually no attention to the policy-making process at the metro level (Kaplan 1967, p. 173). These early policy choices set a pattern by which a new information-based economy could later realize its own infrastructure requirements. A city-regional ‘government’ would enable industry clustering, an urban ecology attractive to a highly skilled and more cosmopolitan labour pool, and electronic infrastructure that worked. To world-aware entrepreneurs, continued incremental adjustment of government structures was quickly seen to be as incompatible with new political immediacies as were rust-belt warehousing capacities with IT development.

In the theoretical world, legitimacy in the policy debate between centripetal and centrifugal local governing options for city-regions has generally been appropriated by American scholarship and largely by students in the public choice tradition of Charles M. Tiebout (1956). The underlying strength of this approach, which assumes that all citizens are both rational and perfectly mobile in matching location choices with municipal service levels and taxation rates, is that the state need not produce in order to provide services. Thus, multiple local governments within a city-region promote efficiency and effectiveness through competition both among them and with private sector providers, offer diversity of residential choice, and enhance citizenship opportunities in involvement and co-production (Stephens and Wikstrom 2000, pp. 107-21; Dowding 1994). This anti-hierarchical approach inherently tries to reduce, if not eliminate, the assumed inefficiency of monopoly public providers.

Aspects of public choice have been deployed as a theoretical foundation for the governmentally polycentric CMA that is attractive to both elected *and* administrative local public officials (Sancton 1994). For instance, case studies in the ‘reinventing government’ tradition of Osborne and Gaebler (1992) have been used to validate *status quo* polycentric government in the public eye. Where the general theory comes up short is when the parochialism entrenched by autonomous suburbs limits the possibilities for re-distributive social or environmental policies across the city-region.

To look beyond the sudden dramatic bursts of policy theatre surrounding (Megacity) Toronto in 1998, or Montreal in 2000 (or Unicity Winnipeg in 1971), then what was done and why can be set into better theoretical context as the comparative use of the public record permits a general explanation to unfold. Moves for restructuring assume consistent dimensions, in hindsight quite familiar to coffee shop patrons as well as the expert observer. It is a process comprised of three sequential, but roughly overlapping, stages.

2. Conditions conducive to change in the Canadian city-region

If applied to Canadian city-regions the observations of private power by Clarence Stone would be astute: each metropolitan area is loosely guided by its own particular ‘urban regime’ even when there are different foci for policy expression (Stone and Sanders 1987, pp. 268-74). The central point in this is that ‘urban regimes’ are not statutory instruments: “Urban regimes are arrangements for acting, for accomplishing policy

goals, for managing friction points between groups, for adapting to an exogenous process of social change. These arrangements are informal; they enable public bodies and private interests to function together in making and implementing government decisions” (Stone 1989, p. 231). Even when the city-region has multiple municipal governments, urban regimes can establish limited common objectives, coordinate their activities and work through their differences. For the most part much of this important work is settled out behind the scenes.

As in America, the commercial community in Canada anchors urban regimes. Consequently, business interests with wider-area economic agendas can become decisive actors for many policy communities, not only because economic investment is so widely believed necessary to sustain a thriving urban community, but also because its leaders normally enjoy easy access to private channels of political influence. More successful regimes are inclusive of other interests to realize cooperative objectives, but they are not simply the sum of metropolitan ‘governance’ policy communities. They are defined by the very breadth of their focus, not by specialized policy involvement. Precisely because regime leadership is not exclusively centred in any one public policy arena, nor publicly obvious, it possesses a capacity for informal general control over disruptively centrifugal metropolitan tendencies. Commercial enterprise and its interest groups have proven most important because, as Stone has noted, of the perceived need to encourage economic investment and “the sometimes overlooked factor that businesses control politically important resources and are rarely absent totally from the scene” (1989, p. 7). Business is thus positioned as that part of the community, which can intervene for broader purposes at moments of genuine (or manufactured) social, political or economic stress.

If Stone’s general analysis of the relationship of local power with municipal governing accurately describes the Canadian city-region circumstance, then the regime’s generic problem with the governmentally fractured metropolis is that policy attention becomes preoccupied with very specific functional achievements (and monument building) *within* municipal borders: city-region focus is lost in the noise. Regime cadres are the first to notice that the urban myth of multiple distinct, self-sufficient and self-contained local communities requiring discrete municipal governments is simply not sustained by evidence (Lightbody 1997).

By 1996 the ten largest CMAs in Canada averaged 30 units of municipal government, a number halved if Montreal (99) and Quebec City (44) were excluded. This count included neither secondary tiers in half the cases nor proximate municipalities adjacent to CMA boundaries. For instance, the actual 1998 commuting Montreal metropolis contained at least 135 front-line local governments. Also excluded from the average of 30 are school divisions, specific multi-lateral functional districts and any negotiated, quasi-governmental, inter-municipal service delivery arrangements. As to this last, for example, the Edmonton CMA (with 33 municipalities) included around 500 such agreements by the most recent (2000) accounting. If America with 117 units per city-region were the absolute standard in governmental multiplicity, the Canadian experience would not appear too complex: New York City is but one of 1,787 governments and even Pittsburgh centres 323 (Savitch and Vogel 1996). On the other hand, the 6.7 million residents of Greater London survived a decade with only 32 boroughs and the City until the establishment of New Labour's 'government for London' in 1998. And Sydney, Australia, services 4.2 million people through 43 local governments.

Following the First World War twentieth century Canadian city-regions were carved into autonomous municipalities, which normally found it difficult to coordinate public activities for wider-area purposes. But while it appeared an especially difficult political task for individual local authorities to give an 'overall focus' to city-region public policies, it proved much easier for them to guard against any proposal to centralize dispersed authority. The point public choice apologists too often overlook is that municipalities in a polycentric agglomeration become political systems with their own legitimate and fully-fledged bureaucracies, clienteles and unique political organizations, all with standing vested in the *status quo*. While some localities persisted only for the limited advantages permitted clientele groups like suburban chambers of commerce, natural centrifugal inclinations had powerful roots in just how comfortable councillors and citizens as clients had become in working within established frameworks. For example, multiple formal governments served to keep land costs, front-end servicing charges and commercial tax rates 'competitive' in city-regions to the advantage of old-style development companies. But when historic local boundaries became grossly inconvenient, or as they impeded the emergence of a sustained and discernible metro-level specialized public or policy community for regional governance, pressure *could* build quickly for change.

Three predictable policy issues bedevil the city-region with multiple autonomous jurisdictions: (a) to coordinate public policies between and among multiple local governments; (b) to devise more open lines of accountability for the choices made (or not taken); (c) to provide some measure of equity for citizens as taxpayers both in service delivery and in generating revenues (Lightbody 2006, pp. 409-10). The common heart of the matter is the design of problem-solving governing units, which have some congruence with recognized problems. Failure to respond adequately to one or more of these generic problems may be sufficient in and of itself to precipitate a restructuring initiative in any specific case.

Redistributive matters have seldom been directly addressed in the municipal public policy sphere in Canada. Aside from the Winnipeg initiative, even where inequity was blatant as in the Quebec City and Montreal city-regions this matter seldom became much of an issue during municipal restructuring. Harold Kaplan did observe that in the Winnipeg two-tier Metro Government period (1961-71), two-thirds of the regional level's revenues derived from within the City of Winnipeg while most of its programs were principally of benefit to the urbanizing suburbs (1982, p. 552). By 1971, average family incomes among the cities of Winnipeg showed the richest community enjoyed incomes four times those of the poorest, and 350 per cent of the CMA average. For even the second highest income community the numbers were 144 per cent and 125 per cent. By comparison, in Montreal, the divergence was 316 and 445 per cent, and Marie-Odile Trepanier has noted how stubbornly the wealthier inner suburbs clung to their independence (1993, p. 70).

In the polycentric American metropolis the economic structure of inequality and the social disparity with which it correlated was once eviscerated by Norton Long in these terms: "The suburb is the Northern way to insure separate and unequal. It has the advantage of being legal" (1968, p. 247). But, unlike Canada, that autonomy comes with a virtually unfettered 'home rule' constitutional warranty. North of the border the preservation of upper income safe havens lies in the political instinct and not the judicial world.

Except for the nuisance factor for entrepreneurs of coping with the regulatory regimens of seven jurisdictions, Toronto and Montreal had pretty much become one city well before the provinces consolidated their municipalities. Lacking legs in equity issues, it

was the coordination and accountability problems that dominated public political discourse about institutional incongruence with wider objectives. Redistribution was not even raised as an outstanding policy issue in the last studies of two-tier arrangements (Trepanier 1993; Frisken 1993, pp. 153-204). Perhaps metro Toronto's social housing strategy of dispersal across its region, with the necessary and concomitant community services, did contribute to perceptions of sameness around the boroughs. Shortly before their termination it was argued that two-tier governing models had become inefficient, ineffective and redundant (Lightbody 1997).

From his perspective in public choice, Andrew Sancton once made the point that no political structure could guarantee the result of effective regional planning: "Conceivably, if there is general agreement that regional planning is necessary, it will emerge without a regional government structure" (1994, p. 45). But this is the crucial point: superfluous complexity in city-region structures distracts from the capacity of the regime to focus on overall planning and diminishes the competence of the region itself to carry out longer-term public, public-private and indeed private governing choices. In Canada the absence of area-wide institutions meant there was no formal mechanism to legitimize whatever 'general agreement' may have been reached by whomever. While professional and business leaders in the urban regime are not normally interested in playing the regional governance game through existing municipal structures, there is nothing to prevent a more private quest for rule changes from those who do have the power to intervene to realize a generalized strategy. What, then, are the circumstances, which constitute the need to bend the political ear?

Study of Canadian urban regions has produced very little theoretical discussion of conventional interest group activity. Harold Kaplan once argued that the absence of formal interest articulation at the regional level resulted from a kind of dissociation between what a metro council had the formal power to accomplish, and any broader sort of social issue that was salient to the civic community (1967, pp. 158-59). There may be better explanations for continued low levels of observable city-regional group activity across Canada. (A) Group leaders see their clienteles as generally well represented among the low status politicians on municipal councils and are content to let the councillors protect the community and broker political undertakings, since resources are too finite to squander in low level opportunities. (B) Groups with area-wide horizons have worked in private, possibly even as individuals over cocktails, to satisfy broader

specific ends and then to allow local officials to write the public policy. While benign motives may characterise regional Chambers of Commerce or recreational organizations, specific development interests have never hesitated to exploit close personal ties with municipal engineers and town planners to ensure future locations for regional trunk sewers and water mains. (C) Defining wider-area issues continues to be elusive for formal groups active in policy formulation in higher-level governments in the absence of quite specific and cathartic crises in the basic caretaking services that local governments do provide.

What local municipalities do with respect to planning and development is not usually of great concern to dominant players within Canada's urban regions. So as long as routine services are provided and planning is conducted at a reasonable level of professionalism the inefficiencies of multiple municipalities can be tolerated. Even non-profit service agencies that are partly publicly financed, such as shelters for abused persons, solicit funds and receive their clientele without much regard for local boundaries. Similarly, a well-established urban regime can normally accomplish broader objectives by many means other than through traditional governmental forms. But contexts do change and new spark-point initiatives to facilitate entry into the global economy, such as the installation of area-wide fibre optic capacity, were quickly understood to reach beyond the authority of existing institutions.

For a time, some style of two-tier government was adequate adaptation for less consequential regime adherents in Canada in opening up the 'small opportunities' phenomenon which Stone observed in Atlanta: "most people most of the time are guided, not by a grand vision of how the world might be reformed, but by the pursuit of particular opportunities" (1989, p. 235). The point is that opponents of systemic re-organization can forestall change by a tactic of partial steps. In Canada *overt* pressure for comprehensive city-region governmental integration was minimal. Plausible explanations for the different instances exist. For Montreal cultural (and linguistic) diversity sustained municipal differentiation and fully-fledged polities, sufficient to prevent provincial authorities – strongly interventionist in other policy worlds – from meddling until 2000. By 1988, the province of Quebec had even dismantled its own Montreal-centred administrative region. On the British Columbia lower mainland the urban regime informally took upon itself international economic promotion and subsequent policy initiatives have simply not required formal support through any city-

regional tier. In another instance, the forty years of aimless regional evolution in the Edmonton CMA was kept adrift by the absence of any critical mass of established corporate head offices.

But economic and social conditions change and urban regimes are adaptive, while municipal boundaries are by definition static. So our concern is with the ways in which pressures for change play against the forces of inertia and, if in this scenario innovative change is best worked outside the spotlight, then the important question is about what prompted a provincial ministry's hand.

3. Reaching the decision to restructure

Leaders in an urban regime tend to focus on particular issues and, while the absence of an over-arching metropolitan authority may make things more difficult, so long as the focus remains specific, are content to leave existing institutions well enough alone. This abstention is most noticed when the interests of the region as a whole are not represented at any bargaining table. Who, for instance, could have been singularly responsible for vitalizing the waterfront of Toronto, the inlets of Vancouver, the archipelago of Montreal? To this question one might argue with Clarence Stone that: "Regimes involve arrangements ... providing a variety of small opportunities [which] often overshadows broader questions and makes it possible for governing coalitions to gain cooperation even though their larger goals enjoy only weak or even unpopular support" (1989, p. 235). In this light, municipal governments might have facilitated growth management at the local level even when they could not directly initiate much in the way of economic or social expansion.

To most Canadian and American observers at the time, city-region coincident governing instruments (and especially Toronto Metro in 1954) wrote 'paid' to long-standing issues of accountability for the physical direction of urban design (transit, freeways, waterworks). In their classic text, Bollens and Schmandt observe: "The metropolitan government concept is firmly established in the Toronto area", and they described it as "a permanent solution" (1982, p. 339). In the same year it was abolished Toronto Metropolitan institutions were labelled 'a jewel' by Katherine Graham and Susan Phillips (1998, p. 75). The 'miracle' of Toronto's original metro government was much noted from the US side, as in Victor Jones' foreword to Albert Rose's 1972 study in which he lauded it as "the only 'truly metropolitan government.'" Had anyone studied them from a

similar wishful perspective each of the other two-tier structural sets in Canada would have evoked similar accolades. One cloaked limitation was well forecast by Norton Long: “the miracle of Toronto became even less miraculous as its metropolitan government turned to social politics and the problems of fiscal redistribution” (1968, p. 247). Very specific functional support for the growth machine worked; adaptive social policies in the now widened public sphere were more suspect.

To achieve regional social policies a kind of CMA coincident sub-government often emerged in the form of joint actions in service delivery by central government ministries. From this a growing awareness of the city-region as a singular community could have developed, except that each line department with functional responsibilities to local areas such as community services, health, environment (especially water and sewerage) tended to devise its own programs and regulations in splendid isolation from the others. Nor did any central agency emerge to play a strong coordinating role such as that once accomplished for London by Whitehall’s Ministry for the Environment. The general consequence in Canada was only a limited city-region focus for any potential policy community. Consequently, any general model of municipal restructuring in Canada needs to take into account the accumulation of small grievances that builds pressure for major instrumental change.

Winnipeg’s metropolitan federation (1961-71) imploded because it was a ‘system’ only through its conflicts, conflicts premised on a general belief held firmly by both tiers that the other had no right to exist (Kaplan 1982, pp. 597-98). Conflict concerning core city redevelopment escalated to a level at which any development became impossible. By 1969 a nearly unanimous public call for amalgamation by the metro council reflected the private appreciations of its senior bureaucrats. More importantly, it also represented the discreetly conveyed, through private links, less embroidered concerns of leaders within the Urban Development Institute, Winnipeg Real Estate Board, Downtown Business Association and the business editors of the daily newspapers.

Since the particular construction of the structural envelope varied somewhat from one city-region to the next this led to the frequent conclusion that each Canadian city-regional experience was unique. They were not. The important step lies at the point where leaders in the urban regime become persuaded that an integration of political authority is necessary to realize opportunities. In 1971, for example, the Manitoba

Association of Architects supported the Unicity initiative citing concerns with “division in authority ... [and] duplication in jurisdiction” (Manitoba, 1971, p. 842). Because support of this sort is widely replicated across the regime and shared through multiple channels with central authorities, significant unification of metropolitan institutions proceeded independent of the underlying ideology of the party in power: Winnipeg in 1971 (New Democratic Party, NDP), Halifax in 1996 (Liberal), Toronto in 1998 (Progressive Conservative), Montreal in 2000 (Parti Quebecois). And while provincial intervention appeared bold at the moment, this was only because it was decisive. The need for structural change had already been privately tested for general fit with significant regime leadership. An example of one such ‘fit’ would be Toronto in 1997, where a survey by the Board of Trade of its 502 members found that 65 per cent favoured the municipal merger as announced, and only 17 per cent would opt for the *status quo* (Toronto *Star*: 4 March).

Led by business, Canadian urban regimes have focused their public pronouncements upon growing municipal support for regional economic expansion. In its editorial endorsing the 1997 Megacity consolidation, the generally liberal Toronto *Star* observed: “One of the factors that limits our economic development potential is that too many cities are chasing the same business prospects. Potential investors say they are confused by all this uncoordinated lobbying” (22 February, 1997). When three-quarters of the Board of Trade membership supported the elimination of one level of local government its chairman proclaimed that: “The borders of the municipalities have no meaning for businesses” (Toronto *Star*: 5 March, 1997). Twenty years earlier, in the 1971 Winnipeg case, business and professional leaders within the urban regime had been *privately* dismayed by the tax incentives and forgiveness measures, low priced serviced lands, and relaxed zoning regulations dealt out by the various suburbs (especially St. Boniface) in a cut-throat competition for commercial and industrial development. These concerns were conveyed through intermediaries to several ministers who had themselves served as Winnipeg, suburban or/and Metro councillors. The result was that the new social democratic NDP government could realize its modest redistributive policy goals on the back of small efficiencies afforded business leaders.

In light of the above it may be noted that arguments for the continued autonomy of suburban municipalities based on their being distinctive local communities were undermined, ironically, by their own booster passions, which homogenized the larger

metropolitan regions as suburban officials sought to emulate the programs and instrumentalities of the core city. Frances Frisken detailed that, with respect to Toronto by the 1980s, “the six municipalities have become more like each other as the suburbs have become more fully developed and their populations more heterogeneous” (1993, p. 166). Acting independently these representatives had constructed a social city-region that roughly mirrored its economic basis.

Scarcely a year after the passing of the Toronto Act that established the single unified city in 1998, the provincial press gallery in Ontario was provided a preliminary spin for proposed reforms to the province’s second largest CMA, Ottawa-Carleton. Describing “A capital mess”, Jeffrey Simpson wrote: “The vast majority of the Ottawa region’s business community wants one city ... Having small communities competing with each other, and with the regional government, makes no sense to them, and they are right” (*Globe and Mail*: 20 August, 1999). Helping the media to frame the target in these terms seemed least likely to cost the governing party an electoral win: “Premier Mike Harris is convinced that the best way to counter leftish downtowners is to yoke them to councils dominated by suburbs” (Ibbitson, 1999). Wire service stories reported the assessment of intent by a prominent university lecturer that the provincial government of Ontario had acted on Megacity as it had because it “thought the city of Toronto was not behaving in a way that would make it clear it was open for business in the way the province of Ontario was open for business” (*Toronto Star*: 2 February, 1998). Not only open, but also with an implementing capability unfettered by “historic” but dysfunctional municipal boundaries.

It should surprise few that there will always be substantial opposition to local government restructuring from politicians and public officials whose careers are connected to particular municipalities. For instance, the 1971 Winnipeg change reduced the number of locally elected officials from 112 to 51, Toronto in 1997 meant 57 instead of 106, and the Montreal 2002 council of 73 replaces 290 individuals. However self-interested these people may appear they still have the power to forestall integration in the absence of any substantial outside force. Simply put, in the usual case dispersed but entrenched political authority can defeat integrative efforts. Frank Smallwood noted thirty years ago that the relative intensity of those opposed to institutional change contrasted markedly with the apparently meandering interest of those in favour. The logic was simple: “The supporters of re-organization are generally fighting for marginal gains (eg. incremental increases in powers and finances), while the opponents of re-

organization are usually fighting absolute losses (ie. their very existence as viable entities" (1972, p. 336). His list of protagonists in regional reform led to a conclusion that almost any such initiative was predestined to failure. But by focusing only on overt expressions of interest, Smallwood counted the needles while failing to notice the looming haystack.

Especially apparent in the ranks fearing absolute loss will stand particularized interests who have wrested policy commitments and a cosy working relationship from central city councils, managing in the process to become an institutionalized lobby. For a quite usual instance, gay and lesbian leaders from the City of Toronto argued that: "Certain communities hold certain values and other communities don't hold the same values, which is fine [but] if we're required to sit at the same table, we will lose those local values" (*Globe and Mail*: 21 February, 1997). Of further concern, particularly among central city appointed officials, is that professional standards established by councils past would be corroded by an influx of new (and presumably redneck) suburban councillors. In the 1997 Toronto case, one Public Health Board member argued that their "mandate to prevent illness and foster good health could be jeopardized in a larger, amalgamated city ... a lack of local government can lead 'to malaise, illness and disease" (*Toronto Star*: 4 March, 1997). The next day the director of the central Toronto food bank argued that amalgamation would definitely worsen the "losing battle with hunger" (*Globe and Mail*, 5 March, 1997). During restructuring periods in Canadian CMAs union interventions were, however, consistently limited to matters concerning job security and pay scales.

Proponents of integration are leaders in the urban regime who have established private access to the senior government, in Canada the provinces. Consequently they may generate public policy solutions quite independently of any that arise in the official world of the municipal government industry. While small cartels of municipal officials always appear to hold the upper hand *in public*, whenever regime interests see local boundaries as an impediment to longer range policy ambitions they have possessed the capacity, separate and pooled, to commit resources and influence change *in private* ways.

To be effective in accomplishing institutional adaptation these community influentials do not require media attention. Who was most in the public eye did not derail, delay or rework the Montreal 2001, Toronto 1998 nor the earlier Winnipeg 1971 initiatives. The legitimizing forces played their important but less conspicuous role behind the curtains in

what was once called the half-light of politics. In other words, such quiet and pragmatic endorsement for wider area governing as the ministry finds necessary has been supplied outside press gallery scrutiny. The Winnipeg Chamber of Commerce encouraged, and then with a few small reservations openly endorsed the NDP legislation in 1971 (Manitoba 1971, p. 830). In the early weeks of the Toronto amalgamation that city's authoritative business paper editorialized that: "A consensus appears to exist that Metropolitan Toronto should no longer have two levels of government ..."*(Globe and Mail: 27 February, 1997)*. Earlier a former member of both Toronto City and Metro councils, and established TV commentator, took the pulse 'of resident associations across metro' to find that: "The general drift is that most of the [well-connected and] better-off communities are split slightly in favour of amalgamation in the belief that, despite a lot of evidence to the contrary, a Megacity will cost less to run and that property taxes will be lower" (Vaughan, 1997). Montreal's labour unions endorsed island unification, reinforcing the more subtly expressed concerns of commerce that the municipal region was 'falling behind Toronto.' It is usually only well after the fact, and in the analysis and memoirs of participant-observers, that the pattern of the urban regime's behaviour is clearly recalled as having provided uncompromising support for governmental centripetalism (Brownstone, *et al.* 1983, pp. 30-31).

What is sometimes lost in the consideration of public policy determination in Canada is the base reality that the faction which sways the political judgment of the provincial premier on the most fundamental policy initiatives has, tautologically, commanded the most influence. Not always is the electoral equation paramount, although the Parti Quebecois did hold only 8 of the thirty seats on Montreal Island, the Ontario Conservatives were strongest in Toronto's suburban ring, and the Manitoba New Democrats had little but electoral dreams in most of Winnipeg's suburbs. By the persistent evidence in Canada since 1954, metropolitan area municipal consolidation has been forced when, through informal lines of access, private interests have been convincing that a more or less immediate first minister's decision is required to accommodate social change and to manage economic growth for a term longer than a single electoral mandate. The controversy of legitimizing follows in public *after* the choice has been made.

4. Debate and resolution

Opponents of integration will make their case in public. These individuals have good access to local media by virtue of official positions, and the media have their own reasons for publicizing disputes. As media seek ‘balanced’ expressions for the wider-area presentation of ‘the news’ during re-organization periods, the multiple city hall pulpits create an illusion of more considerable opposition than actually exists. During the Winnipeg re-organization in 1971, for a typical instance, nine suburban mayors and councils, and all of their senior bureaucrats, flamed the Unicity legislation. Extensive opposition to integration thus seems to exist even though only a relative few with self-interests are deeply concerned.

Garber and Imbroscio have observed a common enough phenomenon when they note, “that institutional forms create their own logic and weight through continued use” (1996, p. 598). In this sense the past comes to validate existing local government arrangements to the point that historic precedent renders the future impervious to any challenge but that from the most contrary mindset. Suburban councillors stand invariably in the *status quo* vanguard and they are quite prepared to deploy their public purses to sustain community dissent. Injudicious spending kept the case against Toronto going in 1997, for example, and with no ironic twist, ‘Taxpayers Against Megacity’ with but 12 members and no membership list received a grant of \$20,000 from the core city’s outlay of \$1,665,000 to preserve itself (Toronto *Star*: 2 February, 1997). Nowhere do suburbs want to enlist in any consolidation of governments. Andrew Sancton has argued that language difference, being the principal variable of public significance on Montreal Island, was irrelevant at the metro council level where a powerful alliance of suburbs instead emerged to oppose Montreal’s ambitions. He submits that suburbs anywhere would subscribe to its goals because “*their leaders* have no desire to lose power over local systems which have proven to be valuable sources of political influence, patronage or even personal profit” (1979, p. 248, my emphasis). In December 2000, five island suburbs organized referenda that produced a 94 per cent vote opposing amalgamation. Adhering to the practice of governments in the Westminster tradition the province ignored both the vote and a December 10th protest march estimated at 40,000 persons. Electorates can be sanguine about council motivations however: 46 per cent of electors surveyed during the 1997 Toronto reform agreed with the proposition that area mayors “are merely trying to save their jobs” (Toronto *Star*: 2 March, 1997).

After cabinet makes the decision, the political ministry listens only to whom it wants, consulting only to legitimate its main course. The line-up of stakeholders opposed is predictable and irrelevant since the choice was always taken in good knowledge of this. In Ontario the 1200 or so requests became 600 formal appearances (of 10 minutes duration) before the legislature all-party committee and, beyond public relations, had no impact on the government's legislation. Those opposed had already lost in the private corridors of policy access. In the Montreal committee hearings, the 27 suburban mayors were collectively allotted 60 minutes to express their views; there were no surprises. As the minister answerable for the 1971 Winnipeg amalgamation recalled to the author about positions opposing his ministry's, in sentences that may as well have been uttered by counterparts responsible for Toronto in 1997 or Montreal in 2000: "We knew they [suburban councils] were all opposed; we also knew all their arguments. So, there was no real point in talking".

Once nudged by urban regimes, provincial governments of right, left and centre have all introduced very similar amalgamations to Canadian city-regions, even when the public argument is couched in different terms. In all significant regards the language in Bill 103 amalgamating metro Toronto in 1997 under the very conservative Ontario government of Mike Harris is identical to that used by the Manitoba very social democratic government of Ed Schreyer which, by Bill 36, created Winnipeg Unicity in 1971. The central substance of Bill 170 for Montreal in 2000 was further emulation, not innovation. Party tag is simply irrelevant once in power, and for such 'administrative' housekeeping as municipal issues imply there is not much need to seek legitimacy by appeals to historic labels. Much like urban regimes themselves, ministries have concentrated on building a pattern of small opportunities, reciprocal payoffs, mutual loyalties, and so forth. In practice they become program managers. Since this behaviour is not unique to Canada it was not much of a surprise that a regional government for London (UK) became a priority for the new Labour government in 1997 nor, in the context of that city's international economic positioning, that even a Labour ministry would argue for its reforms in these terms: "The new strategic authority will work to improve London's competitiveness, creating a climate in which business can thrive and a city where people want to live and work" (Deputy Prime Minister, 1997, p. 2).

Finally, there should be no confusion among knowledgeable practitioners that the final choice is always to be made by provincial (or state, in Australia) cabinets. Subsequent

recourse to the courts as occurred in the Toronto case with the challenge on 22 April 1997 using the Charter of Rights as pretext is but an analgesic to those facing instrumental bereavement. It is also a sure sign that the fundamental case has been lost politically.¹ The Supreme Court of Victoria in Australia found similarly in the City of Melbourne appeal against forced amalgamation in February 1994: "... if the decision arrived at may be seen as upholding legislation which constitutes a usurpation of democratic rights ... the remedy is to be found in the political not the legal arena" (cited in Vince, 1997, p. 159).

Although the ends are pragmatic, the means are often dramatic. When they do act, Canadian provinces have produced restructuring changes in quick, bold, broad strokes. In rejecting the suburban challenge to the Megacity initiative, Mr. Justice J. Borins noted: "it was submitted that Bill 103 came as a surprise to most inhabitants of the municipalities as the restructuring of Metro Toronto, and the mode of its governance, were not included specifically in the government's 1995 election platform" (Borins, 1997, p. 9). In policy terms, the Winnipeg amalgamation had similarly come out of the blue (Lightbody 1978, p. 498). Immediately prior to his government's election NDP leader Ed Schreyer had indicated that he was prepared to jettison his party's well-known position endorsing amalgamation in favour of amendments to strengthen the metro government. Reorganizing Montreal (leave alone four other city-regions) was a component of *no* PQ policy platform. Being unexpected, these infrequent but powerful executive interventions overwhelm predictable resistance entrenched in existing public institutions. Once decided, the cabinet view prevails. Provincial politicians, not particularly concerned about the resolution of cities' internal policy problems one way or the other, initiated the reforms and then pushed them to conclusion.

What provinces ought to have learned is that opposition comes and goes quickly. Once the changes are made, the more quickly and certainly the better, people adapt to the new framework, find it generally an improvement and become sufficiently attached that they do not want any reversal.

The process period can have interesting moments, however. A common target provided by a major change to existing public policy frameworks may spark the emergence of a new social movement. This informal network among a broad range of otherwise divergent groups and, in other situations, widely dissimilar individuals, becomes unified

in specific resistance. Such new citizen movements are both easily mobilized and quick to disappear. Some of these displays can be quite spectacular theatre indeed. In Montreal, a 10 December 2000 mass protest rally of an estimated 40,000 persons was convened and marched downtown. It was led by two suburban mayors following a 1950s Town of Mount Royal fire truck. In Toronto opponents to amalgamation paraded in a re-enactment of Canada's 1837 rebellion and "the size of the march far exceeded the 800 or so pitchfork-bearing reformers who tumbled out of a tavern north of the city to begin their short-lived fight for responsible government 160 years ago". Police estimated 4000 demonstrators were led by a hay wagon drawn by percherons and carting Toronto's Mayor (*Globe and Mail*: 21 February, 1997).

The most noteworthy new social movement to have appeared was during the Toronto Megacity debate and labelled its effort 'Citizens for Local Democracy' (C4LD). In quick order, and galvanized by a small, dynamic and focused leadership cadre often at odds with the provincial government on other policy matters, the network mobilized loud weekly rallies of up to 1,500 citizens. Adherents mobilized through what became sophisticated networks stacked the legislature committee hearings, and it was not uncommon for all 44 speakers in a day to be opposed to the legislation. Residents' groups, 20 to 50 present at a time with numbers impossible to estimate metro-wide, met regularly to organize more traditional phone and canvass campaigns. But despite eloquent advocacy for a 'new localism' or for community-based forms of public participation presumed coincident with an assertive 'municipal citizenship,' active involvement quickly dissipated *after* the institutional assault on the historic municipal gothic was complete. Simply put, citizens are not so attached to their councils, as councillors would like us to believe.

5. Observations

On the evidence what is important to observe is that citizen acceptance of new municipal governments is quick to emerge. Former suburban mayors quickly became the new mayors of Halifax, Toronto and Montreal. Preliminary polling of Toronto residents also indicated such integration: by the spring of 1999, 70 per cent of Toronto residents agreed "that they were satisfied with life after amalgamation", and a second poll reported that 66 per cent of those providing an opinion "felt that amalgamation was a success" (Toronto, 1999). Even after reducing the number of Ontario municipalities through consolidation

from 856 to slightly more than 550, and eliminating some 1,200 locally elected officials in the process, the Harris government was re-elected with a majority.

The clearest investigation of the rapid social and political integration of citizens came five years after the extremely controversial imposition of Winnipeg Unicity. Indeed the Taraska investigating commission appeared almost astonished, considering the ‘abhorrence’ and ‘widespread opposition’ which had accompanied the amalgamation initiative, to report that: “Perhaps the single most noteworthy ‘accomplishment’ since the Act was passed is the general acceptance of unification”. They note that the over 100 submissions made to them included numerous suggestions for improvements. “But none recommended the abandonment of the unified city, a return to the former two-tiered structure or, for that matter, a return to the pre-Metro situation of multiple autonomous municipalities” (Taraska, 1976, p. 10). In short, there existed a level of acceptance of the new institutions “that would have seemed scarcely credible five years ago” (Taraska, 1976, p. 10). By privately, and publicly, working the new instruments, the several components of Winnipeg’s urban regime minimized lingering rancour while demonstrating its many small and newly realizable opportunities.

If there is a political lesson in a general understanding of re-organization in the Canadian city-region, it is that provinces should not be deterred from imposing integration when it is in the broader public interest. It is not necessary to await an unanticipated regional servicing crisis sufficient to force the hand as happened with all earlier two-tier metros. However it is configured the local urban regime ought to be remembered positively when it has pushed the province in the right direction. Opposition will always appear substantial but it will nonetheless be self-interested, narrowly based and transitory. This is hardly a pejorative statement; analysts should not be misled by the overt political conflict, which emerges through the media for it is essentially community theatre and largely irrelevant to what is happening. When leaders in an urban regime become convinced that change is necessary they will act behind the scenes to find the ear of the province. Once the provincial government becomes convinced that change is necessary it has the means to effect such change expeditiously – as it should.

Endnote:

¹ The reasons for the judgment rendered 24 July, 1997, included: 'I have already found ... that there is no constitutional requirement on the part of the government to consult electors prior to the introduction of legislation, or to be bound by the majority views of electors as to whether they approve, or disapprove, of proposed legislation.' (Mr. Justice J. Borins, In the Ontario Court of Justice.' *Judgment re: Challenge to the City of Toronto Act 1997*, S.O. 1997, c. 2,' 18) This last refers to a series of public relations plebiscite exercises conducted by Toronto's local councils through mail, e-mail, fax, newspaper coupon, hand delivery and ballot box (on 3 March, 1997) which produced a 76 per cent negative vote on turnout estimated at under 30 per cent (Toronto *Star*, 4 March, 1997). The dispassionate question put was 'Are you in favour of eliminating [your municipality name] and all other existing municipalities in Metropolitan Toronto and amalgamating them into a Megacity?' Thirty years earlier the Winnipeg suburb of St. James-Assiniboia had proposed a similar area-wide proposition, which idea the NDP provincial government rejected (as had PC Premier Roblin of one on the Metro question in 1961) with the wording to be 'Are you in favour of the Manitoba Government's 48-man council concept for Greater Winnipeg without knowing what it may cost? OR Would you prefer to keep your own local council and change the representation of the present Greater Winnipeg Metropolitan Council to be delegates from your local council?' (Winnipeg *Free Press*, 6 March 1971).

References

- Bollens, J.C. Schmandt, H.J. 1982, *The Metropolis: Its People, Politics, and Economic Life*, 4th edition, Harper and Row, New York.
- Borins, Mr. Justice J. 1997, *In the Ontario Court of Justice Judgment re: Challenge to the City of Toronto Act 1997 c. 2*, S.O, Toronto.
- Brownstone, Meyer, Plunkett, T.J. 1983, *Metropolitan Winnipeg: Politics and Reform of Local Government*, University of California Press, Berkeley.
- Deputy Prime Minister, UK 1997, *New Leadership for London: The Government's Proposals for a Greater London Authority, July 1997*, HMSO, London.
- Dowding, Keith 1994, 'Tiebout: A Survey of the Empirical Literature', *Urban Studies*, XXXI, 767-797.
- Frisken, Frances 2007, *The Public Metropolis: The Political Dynamics of Urban Expansion in the Toronto Region, 1924-2003*, Canadian Scholars' Press, Inc, Toronto.
- Frisken, Frances 1993, 'Planning and Servicing the Greater Toronto Area: The Interplay of Provincial and Municipal Interests', in Rothblatt, Donald M., Sancton, Andrew, eds. *Metropolitan Governance: American/Canadian Intergovernmental Perspectives*: Institute of Governmental Studies, University of California, Berkeley, pp. 153-204.
- Garber, Judith A., Imbroscio, David L. 1996, 'The Myth of the North American City Reconsidered: Local Constitutional Regimes in Canada and the United States', *Urban Affairs Review*, 31, 5 (May), pp. 595-624.
- Graham, Katherine, Phillips, Susan with Allan M. Maslove 1998, *Urban Governance in Canada: Representation, Resources, and Restructuring*, Harcourt, Brace, Toronto.
- Ibbitson, John 1999, 'New city of Ottawa a capital idea', *Globe and Mail*, 25 September.

- Kaplan, Harold 1982, *Reform, Planning, and City Politics: Montreal, Winnipeg, Toronto*, University of Toronto Press, Toronto.
- Kaplan, Harold 1967, *Urban Political Systems: A Functional Analysis of Metro Toronto*, Columbia University Press, New York.
- Leo, Christopher, Brown, Wilson 2000, 'Slow Growth and Urban Development Policy', *Journal of Urban Affairs*, 22, 2 (Spring), pp. 190-213.
- Lightbody, James 2006, *City Politics, Canada*, Broadview Press, Toronto.
- Lightbody, James 1999, 'Canada's Seraglio Cities: Political Barriers to Regional Government', *Canadian Journal of Sociology*, 24, 2 (Summer), pp. 175-191.
- Lightbody, James 1998, 'Council Multiplicity and the Cost of Governance in Canadian Metropolitan Areas,' *Canadian Journal of Urban Research*, 7, 1 (June), pp. 27-46.
- Lightbody, James 1997, 'A New Perspective on Clothing the Emperor: Canadian Metropolitan Form, Function and Frontiers,' *Canadian Public Administration*, XXXX, 3 (Fall), pp. 436-456.
- Lightbody, James 1978, 'The Reform of a Metropolitan Government: The Case of Winnipeg, 1971,' *Canadian Public Policy*, IV, 4 (Autumn), pp. 489-504.
- Long, Norton 1968, 'Political Science and the City,' in Leo F. Schnore, ed. *Social Science and the City*. New York: Praeger, pp. 243-262.
- Manitoba 1971, Legislature Committee on Municipal Affairs, *Transcript of Hearings* (July).
- Osborne, David, Gaebler, Ted 1992, *Reinventing Government: How the Entrepreneurial Spirit is Transforming the Public Sector*, Penguin, New York.
- Sancton, Andrew 1994, *Governing Canada's City-Regions: Adapting Form to Function*, Institute for Research on Public Policy, Toronto.
- Sancton, Andrew 1979, 'The Impact of language differences on metropolitan reform in Montreal,' *Canadian Public Administration*, XXII, 2 (Summer), pp. 227-250.
- Savitch, H.V., Vogel, Ronald K. 1996, *Regional Politics: America in a Post-City Age*, Sage, Thousand Oaks.
- Smallwood, Frank 1972, 'The Politics of Regional Government,' in Lionel Feldman and M.D. Goldrick, eds, *Politics and Government of Urban Canada*, Methuen, Toronto, pp. 333-343.
- Stephens, G. Ross, Wikstrom, Nelson 2000, *Metropolitan Government and Governance: Theoretical Perspectives, Empirical Analysis, and the Future*, Oxford University Press, New York.
- Stone, Clarence 1989, *Regime Politics: Governing Atlanta, 1946-1988*, University Press of Kansas, Lawrence.
- Stone, Clarence, Sanders, Heywood, eds. 1987, *The Politics of Urban Development*, University Press of Kansas, Lawrence.
- Taraska, Peter 1976, *Report and Recommendations, Committee of Review, City of Winnipeg Act*, Queen's Printer, Winnipeg.

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- Tiebout, Charles M. 1956, 'A Pure Theory of Local Expenditures,' *Journal of Political Economy*, 64, 4 (October), pp. 416-24.
- Toronto 1999, *Building the New City of Toronto Status Report*, June
[http://www.city.toronto.on.ca/council/amal_report1.htm#savings]
- Trepanier, Marie-Odile 1993, 'Metropolitan Government in the Montreal Area,' in Rothblatt, Donald N., Sancton, Andrew, eds, *Metropolitan Governance: American/Canadian Intergovernmental Perspectives*, Institute of Governmental Studies, University of California, Berkeley, pp. 53-110.
- Valpy, Michael 1997, 'Local democracy, tossing leaflets from an electronic sleigh,' *Globe and Mail*, 16 January.
- Vaughan, Colin 1997, 'Ratepayers' groups gear up for Megacity,' *Globe and Mail*, 3 February.
- Vince, Anne 1997, 'Amalgamations,' in Brian Dollery, Neil Marshall, eds, *Australian Local Government: Reform and Renewal*, Macmillan, Melbourne, pp. 151-71.

Yes to Local Government, No to Participatory Democracy: The Local Governance Reform Dilemma in Trinidad, St. Lucia and St. Vincent

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Abstract

In the Commonwealth Caribbean countries of St. Lucia, St. Vincent and the Grenadines and Trinidad and Tobago, local government reform has been and continues to remain on the agenda. The proposals are all based on the philosophy that there should be elected local government, which in turn should facilitate substantive levels of participatory democracy and citizen involvement. However, whilst there is general acceptance of this philosophy, central governments are seemingly reluctant to implement any reforms that would return power to the people. Citizen involvement and participatory democracy has thus become the bugbear in the process, and has led to the stalling of local government reform in all three countries. With reforms having stalled, one wonders whether the next step will be the dissolution of systems of local government in these states.

Key words: Trinidad, Tobago, St Lucia, St Vincent and the Grenadines, participatory democracy, local government, local governance reform

1. Introduction

The Caribbean can today boast of having a long history of local government (Ragoonath 1994, pp. 1-20). As early as 1596, in Trinidad, the Spaniards who had settled on the island established a Cabildo in the island's capital town of St. Joseph. In 1626 and 1655, the British colonists had set up Vestry systems in Barbados and Jamaica respectively. In the case of Guyana, the Dutch initially founded local government systems in the seventeenth century. In creating local governments in their respective colonies, the colonial powers modelled the Caribbean systems along the lines of what existed in the 'mother country' at the time. Subsequent reforms in the Caribbean also followed reforms in the 'mother country.'

Fast tracking to the start of the 20th century, and following the many wars of conquest as well as the trading of colonies, Britain ended up controlling the majority of the Caribbean islands. Local government systems in these colonies were thus reformed or re-established along the lines of the model used 'at home' in Britain. Thus, for instance in Trinidad, at the turn of the century there were three Town/Borough Councils. In 1945 County Councils were established so that the entire country fell under some form of local government. Critical in all of this was that all local government authorities had elected councils, whereby the burgesses elected their representatives and indirectly had a say in the governance of the localities. In St. Vincent, local government was first introduced in 1897 with the Kingstown Town Board, which was also elected. In the 1940s and 1950s several other local government authorities were established utilizing a similar modus operandi as the Kingstown Town Board (LGRC 2005). St. Lucia's local government system was established in 1947 at around the same time that Trinidad and Tobago and St. Vincent were widening the scope and range of local government authorities.

The push to reform and expand local government systems in the Caribbean in the post 1945 era came largely as a result of the recommendations of the West Indian Commission report, under the chairmanship of Lord Moyne (Great Britain 1945). As noted above, the model adopted was in keeping with the tenets of the local government system as existing at that time in Britain. Thus, local government systems in the Caribbean evolved utilizing the mode of a council comprising a majority of elected members, with responsibility for the governance of the locality/community. Many local

government authorities had some degree of autonomy and revenue raising powers, similar to those, which existed in Britain.

But whereas the British model of local government continued to evolve in the latter half of the 20th century, with the further strengthening of local government councils and in turn the strengthening of participatory democracy, the opposite can be said to be the fate of local government systems in some islands of the Caribbean. In the case of St. Vincent, in 1973 all local authorities were dissolved thus “terminating the involvement of the people on who should represent them and the kind of programs [that the localities were] to embark on.” (LGRC 2005) In the case of St. Lucia, some six years later in 1979, “local government elections were suspended and Interim Councils comprising nominated members were appointed to conduct the affairs of Towns and Village Councils.” (Ministry of Community Development, Culture, Cooperatives and Local Government 2000) In Trinidad, while the elected systems continued, there were other reforms that sought to further empower the central government rather than local government councils. (Ragoonath 1993, pp. 685-700) The end result is that by the end of the 20th century, whilst there were some remaining systems of local government, the capacity of the citizenry to effectively participate in the ‘self-government’ of their communities was severely limited. Calls for reforms to local government systems were thus made, and with apparent success, so much so that there now exist Green Papers for local government reforms in St. Lucia and Trinidad and Tobago, while in the case of St. Vincent, a Local Government Reform Commission was established and that Commission has since produced a report suggesting ways for the reintroduction of local government in that country (LGRC 2005).

This paper takes its departure from these recent developments. With a focus on Trinidad and Tobago, St. Lucia and St. Vincent, it seeks to analyse the philosophy of the local government systems in these three states. In focusing on the philosophy, emphasis is placed on the notion of participatory democracy and citizen involvement in community governance. In other words, the paper seeks to assess and analyse the scope of citizen involvement in the governance of their communities, as well as the capacity of local representatives not merely to oversee, but rather to engage actively in the policy making and implementation of policy in the administration of public affairs in their respective

localities. The extent to which this happens or the extent to which this is proposed in current moves for reform is the primary concern of this paper.

In this regard, this paper will review the historical challenge of engaging and enabling citizen participation in local government issues. Then, using the Green and White Papers on Local Government in St. Lucia and Trinidad, as well as the Local Government Commission Report from St. Vincent, the paper will demonstrate that rather than facing this challenge of inclusiveness and participatory democracy head on, the proposals for reform, as outlined by the governments of these states have shifted focus to the functions and responsibilities of the local authorities – notwithstanding that the citizenry at large wants to have a greater and more significant say in the governance of their communities.

2. Conceptualising Participation and Governance in Local Government

In recent times the concept of decentralization has been used as the basis for strengthening systems of local government in many countries. ‘Decentralisation’ is an umbrella term used to describe four different modes, namely deconcentration, delegation, devolution and divestment (Ragoonath 2004, pp. 9-24; Litvack *et al.* 1998). All are evident in various combinations in local government systems in the Caribbean. However, in pursuing decentralisation, classical theories on local government have been commonly overlooked or glossed over. This paper takes the position that local government needs to be located in the arena of participatory democracy. Accordingly, it is instructive to revisit the classical theorists, and thereafter analyse the cases from the Caribbean.

Elections facilitate citizen participation in the process of government but may reduce the scope for direct participation and involvement of the citizenry once representatives are elected, since it is now the representative who participates and not the individual citizen. Moreover, it is common to find that representatives, once elected, are not seen again in their electorates until campaigning starts for their re-election. From this perspective, participation in the context of governance must be more than simply voting in an election. Put differently, representative democracy is there to ensure that all interests are considered, but participation beyond the election of representatives allows for greater accountability, and at the same time ensures that service providers are responsive to the users’ needs. It is within such a framework that it may be argued local government can

facilitate greater participation, by promoting continuous participation beyond the 30-second act of marking an “X” on a ballot paper.

Alexis de Tocqueville (De Tocqueville 1954) took the case further by claiming that in order to facilitate democracy to the extent that each and every individual’s opinion is considered; the principle of subsidiarity must be brought to the fore. Subsidiarity in this context is taken to mean the decentralization of decision-making, activities and functions to the lowest possible local level of government. For de Tocqueville, such decentralisation also ensured that the potential for a single individual to influence a decision in his or her favour decreases (De Tocqueville 1954). From such a perspective Herman Finer argued that local governments were “safeguards against the tyranny of the wholesale herd.” (Finer 1945, p. 4)

Generally, scholars and theorists advance two main arguments for local government, namely 1) Local government provides an opportunity for political participation; and 2) Local government helps to ensure efficient and effective service delivery. Whilst the Utilitarian theorists have placed emphasis on administrative efficiency, the more orthodox theorists advanced the case that local political institutions were essential systems of democratic governance. In positing the concept of democratic governance, the orthodox theorists advocated that local government authorities widened the opportunity for citizen participation, while at the same time enhancing efficiency and effectiveness of local administration. But exactly how is this achieved?

Local government presents the opportunity for ordinary people to be involved in the decisions that affect their lives and their communities by serving as councillors. But it is not only the councillors who are involved. Going back to de Tocqueville, he presented the notion of ‘direct democracy’ via what today are often referred to as ‘Town Hall meetings’ (De Tocqueville 1954). Local government thus provided a platform through which individuals can “voice their needs and learn the art of practical politics.” (King and Stoker 1996, p. 7) In postulating that participation is to be viewed as being more than simply voting, Dahl argued that it was only through participation was there the spread of power throughout the society (Dahl 1961). Local government can facilitate such spreading of power as it pertains to local issues, where local leaders must be sensitive to the demands of local groups. Of course in suggesting that participation facilitates the

spread the power, it must be noted that this can only happen if the systems so allow: the legislative framework or the local authority itself can demarcate the extent of participation by local interest groups or citizens themselves.

The question can then be asked: why should local government authorities want to encourage and facilitate citizen participation when they can dilute their own power (that of elected representatives)? In a similar vein, another question to be asked is: what benefit is there to be earned from such participation? J.S. Mill gave the answers to both these questions in his seminal work published 1861, when he postulated that there was a lot to learn about the practice of politics and government (Mill 1861). Citizens, including politicians, will benefit from a mature education in the values required for the establishment and maintenance of a stable democracy, which must be responsive as well as pluralistic. From the perspective of local government, Mill went on to argue that participation by local residents would allow them to utilize their local understanding of problems and issues in the design and implementation of policies to better meet their requirements. This is the basis of participatory democracy in local government. Participatory democracy seeks to develop the relationship between state, civil society and subject populations. The impact of this would be the enhancement of a sense of political efficacy. The distance between citizens and centres of power would be reduced, with the nurturing of an active and knowledgeable citizenry. Other critical spin-offs would include increased levels of accountability and transparency.

It is from this perspective that this paper highlights the importance of citizen participation in local government. It now turns to an exploration of the experience of local government systems in Caribbean states in facilitating citizen participation.

3. An Historical Overview of Participation in Caribbean Local Government

Local government in the Caribbean has seen various forms of citizen participation. At the time of their establishment, all contemporary local government systems were based on citizens voting in elections to select members of council. Beyond the electoral process, several systems facilitated citizen/community consultations on specific issues so as to get greater citizenry involvement in the affairs of the locality. Be that as it may, however, the capacity of Caribbean local government systems for facilitating participatory democracy

remains largely unfulfilled. Participation at the electoral level, where it exists, is low. Then, with the absence of legislation to enforce accountability by councils and councillors, there is the virtual ‘disappearance’ of councillors in the period between elections. Communication between the local authorities, councillors and the citizenry is very limited. This section explores these concerns in greater detail.

As was noted above, one sure means of participation is via elections, so that persons can serve as councillors. Here are several considerations here, including the frequency of elections, the number of councils, as well as the number of councillors within councils. Starting with the case of Trinidad, this country has been somewhat fortunate to have had local government elections on a fairly regular basis in the recent past. However, although the legislation calls for elections every 3 years, in the last forty years there have only been 10 elections. In five instances the elections were held at three-year intervals, whereas in the other five instances there have been postponements, occasioned via a simple majority vote in the national Parliament, resulting in two four-year terms (1983 and 1999), a five year term (1987), and even six-year terms (1971 and 2003). It is instructive to note that currently, whilst elections were due in 2006, the central government sought a postponement for one year, until July 2007, claiming the need to reform the system. With the reforms not completed in time for the elections, a Bill was taken to the Parliament seeking the deferral of the election for another year. Then in July 2008, the central government scrapped the reform proposals, which had been considered during the previous two years, and started the process over again. Accordingly, using just the simple majority required in Parliament, it again deferred elections with the promise that the revised process will be completed within a year. Nevertheless, based on the requirements of the reform proposals, as stated in the Green Paper, and which will be discussed in the next section of this paper, it is highly unlikely that the process will be completed by July 2009, and accordingly there is the belief that the elections will again be postponed. In such a context one is left to wonder if the end result of all these postponements will simply be the indefinite suspension of elections as has occurred in St. Lucia, or whether at some stage the central government in Trinidad may simply dissolve the local government system as happened in St. Vincent and the Grenadines.

In the case of St. Vincent and the Grenadines, between the 1950s and until 1970 there were regular elections. In 1973, however, the government dissolved all the local

government authorities. Interim Commissioners were appointed, with the intention that elections would be held (LGRC 2005). This never happened, and not only were the elected councils dismissed, but the entire local government system in that country was dissolved.

St. Lucia has fared a little better. Here, in 1979 the councils of the ten statutory Town and Village councils were dissolved¹ but Interim Councils were appointed to conduct the affairs of the councils. Local government thus was retained but without the electoral element. Since then the central government has continued to appoint councils to manage the local authorities. Effectively there has been the retention of a system of local government in St. Lucia. Moreover, it may be noted that within the last year the system has even been expanded with four new local government jurisdictions being created. Be that as it may, however, the fact remains that citizen participation in local government, from an electoral perspective, has been discontinued in St. Lucia as in the case of St. Vincent and the Grenadines.

Returning to the case of Trinidad where, notwithstanding the recent postponements, a system of elections has been retained in principle, attention can now be turned to the level of participation in the democratic system. As noted above, direct participation in local government comes as a result of being a councillor and the capacity to serve in such a position is dependent upon the number of seats available. In this regard, in the 1950s and 1960s there were a mere 72 seats in the local government system (Parliament of Trinidad and Tobago 1968). Between 1968 and 1977 this number was increased to 100 and since then there has been a gradual increase in seats whereby in the last election in 2003 there were 126. Bearing in mind that the system allows for 2 to 4 nominated aldermen in each council, another 31 citizens are added, thus resulting in 157 citizens being directly involved in the process after an election.

In measuring the extent of participation in the electoral process it may be instructive to also consider the number of candidates as well as the political parties contesting the elections. With respect to the political parties, in Trinidad and Tobago there are two primary political parties, each representative of an ethnic (racial) bloc. Accordingly, in local government elections, it is basically these two parties contesting the elections, with

¹ This was done under the Local Councils Dissolution Orders, 1979

the rare entry of independent candidates or community-based candidates. Thus, in 1959 when there were only 72 seats, 174 candidates contested the elections (Parliament of Trinidad and Tobago 1996). This number was to rise to 229 in 1968, when the number of seats was increased to 100, but in 2003, a mere 253 persons contested the 126 seats (Parliament of Trinidad and Tobago 2003). Participation from this perspective is not very high.

But participation can also be measured in terms of that of the wider citizenry in the voting process. In the last five local government elections the average voter turnout was 40.25%. While this figure can be described as low, it is much higher than the turnout at the previous five local government elections. In the elections between 1968 and 1983 the average turnout at the polls was a mere 27.35%. Clearly there has been a significant increase in voter participation in local government elections. Whether this trend will continue, one can only wait and see, but if this change is accepted as real, then clearly more and more citizens are taking the opportunity to participate and this is a good sign for participatory democracy.

Against this backdrop, attention will now be turned to an analysis of current reform proposals and their capacity to promote participatory democracy within a context of local governance. As already noted, local government elections are conducted only in one of the countries under review, and even in this instance participation levels were relatively low. Accordingly many persons, including government officials, have spoken of a crisis in participatory democracy not only in these three countries but also in the wider Commonwealth Caribbean. Bearing this in mind, one would have expected that any reforms to local government systems in the region would pay critical attention to promoting and facilitating higher levels of citizen participation. Unfortunately, however, whilst the official documents and statements speak to the need for increased citizen participation, the terms used seem to be weak and ambiguous. Moreover, statements from the Prime Ministers of both Trinidad and Tobago and St. Vincent and the Grenadines seem to be backtracking rather than going forward in facilitating greater participatory democracy (Manning 2008, p. 791; OAS, pp. 6-7). The next section of this paper deals with these mixed signals.

4. Assessment of Current Proposals for Reform

The shortcomings in the local government systems of the Caribbean have long been recognized. In an attempt to resolve some of these challenges, there have been proposals for reform to the local government systems in both St. Lucia and Trinidad and Tobago. In the case of St. Lucia a Green Paper was developed as far back as 2000. In Trinidad and Tobago there was a Green Paper in 2004, which was followed by a White paper in 2006, and a new Green Paper in 2008. Clearly, local government reform has been uppermost in the minds of the government and people of Trinidad and Tobago. The question that arises is: to what extent will proposed reforms facilitate participatory democracy? This section will seek to assess this first by contrasting the official reform proposals with the policy positions that have been stated or adopted by the current central governments. Thus, for instance, in the case of Trinidad and Tobago statements made by the Prime Minister are particularly relevant to understanding the policy perspective. Similarly, statements made by the Prime Minister of St. Vincent and the Grenadines can also be used to assess the state of affairs in the reintroduction of local government in that country, and the level to which participatory democracy will be applied.

St Lucia

Some twenty years after the suspension of elected local government in St. Lucia, the central government employed a consultant to undertake a review of local government reform on the island. The expectation was that the consultant would develop a plan that should “set out the steps required to reintroduce local government elections by 1999.” (Armstrong 1999, p. 4) This objective was in keeping, first of all, with the St. Lucia Labour Party 1997 Election Manifesto pledge to deepen the structures of democracy in the island. After winning the elections, the government adopted a policy position that suggested local government in St. Lucia should be “...a highly autonomous, democratic community institution that is: (a) accountable to the community; (b) responsive to local needs and demands; (c) provides a wide range of public services to citizens within the locality; (d) is an active partner with central Government in promoting balanced socio-economic development and poverty eradication; and (e) contributes to the enhancement of the quality of life and the economic, political, social, cultural and spiritual well-being of the citizenry.” (Ministry of Community Development, Culture, Cooperatives and Local Government 2000)

However, while the consultant did submit a report in September 1999, the 'implementation plan' did not set a timetable for elections. To be sure the report recommended "the drafting of a Green Paper on Local Government Reform for wide circulation, public review and comment leading to the development of a White Paper." (Armstrong 1999, p. 123) This Green Paper was prepared in 2000, but notwithstanding reviews and consultations a White Paper has never been developed.

Before commenting on the failure to advance the process via the development of a White Paper, it can be noted that a number of references to participatory democracy are to be found in the Green Paper. Several recommendations in the Green Paper deal with the relationship between local government authorities and the citizenry. One critical recommendation in this regard proposes the resumption of elected local government, with a term of three years. Moreover, electors would have the right to recall elected members. These recommendations thus seek to empower the electorate. But the St. Lucian 2000 Green Paper went further in suggesting greater citizen participation in local government. There is a recommendation for the local authorities to be required by law to hold public meetings with citizens in the communities that they serve, and that citizens and/or community organizations be allowed to propose items for inclusion on the agenda of such meetings. Also, there is provision for the establishment of an assembly of community organizations that meets regularly to provide general policy guidance to the local authorities and to air issues of concern. With regard to planning, the Green Paper spoke of the need for participatory planning policies and arrangements to be established at all relevant levels. Furthermore, there is a recommendation for the establishment of a tier of advisory committees within the local authority, which should include knowledgeable and competent members of a community. Citizen involvement via participatory democracy was thus a key thrust in the proposals as outlined in the St Lucia Green Paper.

However, whilst the recommendations for local government reform for St. Lucia can be described as far reaching, the process stalled almost immediately after the release of the Green Paper. In the ruling party's 2001 election manifesto, it was stated that the government had "studied the Green Paper", and it made a pledge to establish "local government elections machinery." At the same time the manifesto spoke of "modernizing the structures of local government administration" with the hope to

“decentralize and devolve power to the local government authorities.” (Saint Lucia Labour Party 2001) Be that as it may, on winning re-election the government took no steps in this regard. Whilst there has been no official explanation for not taking the process forward, speculation is rife that the recommendations facilitated too much devolution, which the central government was not willing to entertain.

In December 2006, there was a change in the central government in St. Lucia. The new administration has once more placed local government reform on the agenda. Accordingly, there has been the widening of local government noted earlier and four new local government authorities have been established. But these authorities operate under the same system as other ten, that is, with nominated councils. The central government has also set up a Task Force for the Reform of Local Government, which has within its terms of reference the task of recommending measures and an implementation plan for a system of elected local government. We can only wait for those recommendations and then assess the way forward.

Trinidad and Tobago

Like St. Lucia, in the case of Trinidad and Tobago there is also a Green Paper, issued in April 2008. However, this paper speaks to the ‘Roles and Responsibilities of Local Government Bodies’. When it was first presented, it was noted that this is “a Green Paper that does not deal with local government reform. It deals only with the responsibilities of local government.” (Manning 2008, p. 791) To this end it was suggested that following a round of consultations, other elements of local government reform will be formulated. Accordingly fifteen consultations were held and the country now awaits the next step in the reform process. According to the Green Paper, there is supposed to be a White Paper, followed by the drafting of a Bill and taking it through Parliament for passage, proclamation and implementation (Ministry of Local Government 2008, p. 9). But there remains some scepticism as to whether the way forward as outlined in the Green Paper will be followed, particularly in light of the fact that the process, which started in 2008, was but a repeat of a similar process started in 2004. As mentioned above, in the earlier case a draft White Paper was developed and taken to Parliament in 2006. However that was as far as that process went, for the White Paper was shortly thereafter taken off the agenda, only to be followed two years later by the new Green Paper.

Notwithstanding the feeling of *déjà vu*, from the perspective of participatory democracy and citizen involvement in local decision-making, the two Green Papers and the White Paper leave a lot to be desired. As already noted, the 2008 Green Paper had a focus primarily on roles and responsibilities. In fact the only references in this Green Paper to participatory democracy are to be found in a proposed Mission Statement and a diagram illustrating Shared Values. As to the earlier 2004 Green Paper and the 2006 White Paper, whilst the emphases were on the structures and operations of local government, there were some references to community participation. In the majority of such instances, what was said could best be summarized in the statement made under the heading of Policy Objectives: Community Development and Citizen Participation, namely “establish mechanism that will encourage and promote community involvement and participation.” (Ministry of Local Government 2006, p. 24) Since no specifics were mentioned in relation to mechanisms to facilitate participation and involvement, one is left to wonder whether participation was to be limited to voting. In this regard the 2006 White Paper made a clear statement, specifically:

“This system of Local Government facilitates political liberty, since it gives people a sense of empowerment over their environment, and essentially allows them an active role in the decision making processes in the local communities. Our citizens are of the view that they are exercising democracy when they are allowed to elect officials whom they know can preside over their community.”²

The lack of attention in the two Green Papers and the White Paper to the issue of participatory democracy can be explained by a policy position on decentralization declared repeatedly by the Prime Minister. Contributing to the parliamentary debate on the 2006 White Paper, the Prime Minister said:

“Under this system the Central Government will be essentially the policy making body, whilst Local Government will be the principal executing arm of the StateThe decentralization of functions and responsibilities to Local Government bodies, rather than the devolution of power, is therefore being advocated as the core of our model of Local Government Reform. In our view, the devolution of authority which involves the decentralization of policy decision making can lead to the fragmentation of the unitary state.” (Manning 2006, p. 376)

² Ibid.

In maintaining this position, in his contribution to the Parliamentary debate on the second Green Paper, the Prime Minister enunciated that his party would not support devolution in terms of decentralization of the policy making function. In this instance he said: “the PNM is afraid of devolution.” (Manning 2008, p. 797) The focus of the 2008 Green Paper on roles and responsibilities of local government bodies is therefore in keeping with the philosophy that there will be no devolution of policy-making powers to local government bodies, but rather they are to operate as the ‘agents of the central government’ and nothing more. This point was further underscored in the closing statements by the Prime Minister in his contribution to the debate on the 2008 Green Paper. Notwithstanding that he had earlier said that this 2008 Green Paper was not a Green Paper on local government reform, he ended his contribution on a note that his administration was considering the reduction of the number of local government authorities from fourteen to twelve. Whilst he gave no rationale for this proposal, he did indicate that: “we are looking at the total administration of the state.”³

In such a state of affairs, one is left to wonder as to the real direction of local government reform in Trinidad and Tobago. While lip service is being paid with respect to empowering local government, the statements from the Prime Minister seem to be headed in the direction of the diminution if not the emasculation of local government. Moreover, if all policy is centralized and local government authorities are merely the executing agency for the central government, without any power to make policy decisions, questions about citizen participation in local government become essentially rhetorical.

St. Vincent and the Grenadines

The primacy of the Prime Minister in determining the fate of local government reform is repeated in the case of St. Vincent and the Grenadines. Further to a debate in the Parliament, a resolution was passed on 12 March, 2002 to set up a “Commission to inquire publicly into and report upon the most appropriate forms of local government for St. Vincent and the Grenadines with a view to establishing genuine, democratic local government for St. Vincent and the Grenadines within twelve months of the passage of this resolution.” (LGRC 2005) In passing this motion, the Ralph Gonsalves

³ Ibid. p. 800.

administration had kept an election promise to initiate a process to reintroduce elected local government. However, whilst the motion on the Parliamentary Order Paper spoke of the need for “genuine, democratic Local Government,” the government and more so the Prime Minister seemed to have had a change of heart even whilst the motion was being debated. To be sure, the Prime Minister had earlier expressed a concern that elections in local government would likely increase the level of ‘political tribalism’ within the society and thus he wondered whether this was the way to go.⁴ With such a mindset, the Prime Minister went on to develop a model, which would seemingly avoid the ‘partisan political divisiveness’ as may arise from local government elections. In addressing a conference on Local Governance in Small States in May 2003, Prime Minister Gonsalves advanced the thesis that local government authorities in the hands of a political party other than that in central government are potentially divisive (OAS 2003, pp. 6-7). He then suggested a formula whereby the majority party in the Parliament will nominate 7 representatives on a local council, while the minority party will nominate 2 representatives. Civil society organizations will have 4 nominees. With such a formula there would be no need to have separate local government elections.

With the Prime Minister’s predisposition to a particular local government system well known, a year later, and two years after the motion was passed in the Parliament, the Local Government Reform Commission was appointed in April 2004. The Commission pursued its mandate and submitted a report in November 2005. A critical recommendation of this report was that “with the exception of Civil Society organizations, membership to the local government Authorities should be through an election process.” (LGRC 2005, p. 15) This recommendation thus went against the model proposed by the Prime Minister. Six months after the submission of the Commission’s report, and at a joint meeting of the Caribbean Forum of Local Government Ministers and the Caribbean Association of Local Government Authorities, the Prime Minister suggested to the Commission’s chairman that since the Commission’s report had not yet been sent to the Governor General and as such was not yet formally accepted, there was still time to revisit the findings and review the recommendations. Without any such review forthcoming, the status of the report remains in limbo. Whilst the ministry with responsibility had printed several thousand copies, these have not yet been circulated to

⁴ This was during an interview with the author in March 2001.

invite comment on the report. In fact there can be no such dissemination of the report until the government formally accepts it, and this does not seem to be happening.

This failure to advance the process, via the 'non-acceptance' of the Local Government Reform Commission's Report, has now placed the reintroduction of democratic local government in St. Vincent and the Grenadines on hold. Notwithstanding that the report reflects the views of the wider populace; it is the primacy of the position of Prime Minister which seems to have won out. This does not speak well for participatory democracy and citizen involvement in local governance for St. Vincent and the Grenadines, but is the reality of Caribbean politics.

The Caribbean reality can therefore be summarized as one where a dilemma exists, for whilst, in principle, central governments are supportive of local government systems, they are seemingly opposed to have local government as a mode of dispersing and diffusing power. In this context the real problem is to find a model that can facilitate local government but at the same time allow central government to maintain and even further consolidate power within the polity. Only with the resolution of this political dilemma can the cause of local government be pursued.

5. Whither Local Governance via Local Government?

The dilemma being faced by the governments of Trinidad and Tobago, St. Vincent and the Grenadines, and St. Lucia is not one that is peculiar to these societies. It is a common debate in many small countries and more so in those that are plural societies as well as those states that have very limited resources.

With regard to the latter concern, in an attempt by the central government to inflate its revenue base, all income is collected and placed in the consolidated fund, from which expenditures are made directly. In many instances this is a necessary pre-requisite to demonstrate, particularly to international lending agencies, the capacity of the state to raise revenues and control expenditures. In such circumstances, there is little chance for a local government authority to have any degree of financial self-sufficiency or autonomy. Local government authority will only be allowed to act simply as an agent of the central government, whereupon there is only bureaucratic decentralization or deconcentration, and the issue of devolution does not arise.

While this scenario can be used to explain the reluctance to push local government forward in St. Lucia and St. Vincent, it does not apply to Trinidad and Tobago, where there is already a level of devolution existing via the Tobago House of Assembly, which is accorded a stipulated share of the national budget. And in the cases of St. Lucia and St. Vincent it may be instructive to note that in both states the central government could continue to collect rates and taxes and devise a mechanism for transfers to the local authorities, as currently occurs in Trinidad. Effectively, the financial issue, while remaining a challenge, can be overcome with innovative programming.

Turning to the issue of the plural society, the theory here speaks to the fact that different ethnic groups may live side by side in a society, but there is little or no assimilation, particularly in terms of culture and politics (Smith 1965). Accordingly, there is a struggle for political power, and such power when held by one group is not shared with the other groups. In such a context, some local government theorists have postulated that local government is a good mechanism for the sharing of power through the use of a pluralist system of democracy. The pluralist theory of democracy, as opposed to problematic view of plural societies, seeks to spread power throughout the society so that governments must respond to the demands of the many interests involved (Chandler 2001, p. 10). Thus a critical challenge for the governments in the three countries under review is how to apply the pluralist theory of democracy within the framework of plural societies. This challenge is most evident in Trinidad where, as noted above, there are two ethnic blocs, with near equal strength, and where the struggle for political power takes place between two parties representing those two blocs. Results in recent national elections have seen parties taking power with very slim majorities, and in one instance there was a tie. Against this backdrop the issue of power sharing came to the fore. Accordingly, in a speech to the Parliament in 2006, the Prime Minister had noted that the reform of the local government system could facilitate: “an arrangement for the sharing of power between Central and Local Government in Trinidad and Tobago.” (Manning 2006, p. 376) But whereas the Prime Minister invoked the notion of power sharing, his prescription fell short of that and could more appropriately be described as bureaucratic decentralization, when he further explained that: “the Central Government will be essentially the policy making body, whilst Local Government will be the principal

executing arm of the State.”⁵ Whilst such a stance serves to share authority with local governments, particularly so where the opposition party controlled approximately half of all the local government authorities, power would still be concentrated in the hands of the central government. The pluralist theory of democracy is not therefore fully invoked in the Prime Minister’s proposal.

But whereas the Trinidad and Tobago Prime Minister, conscious of the ethnic/political divide within the country, proposed at least some sharing of authority with local representatives to oversee the execution of government policy in their respective communities, the Prime Minister of St. Vincent and the Grenadines, also cognizant of the political divide in his country, closed the door on diffusing power at all. In the case of St. Vincent and the Grenadines, there is no ethnic or ideological divide, except that the citizenry divide their support between the two major political parties. It is in this context that the argument was made that in an effort to stymie any further deepening of the “partisan political divisiveness” (OAS 2003, pp. 6-7) local government authorities should be appointed, rather than elected, and further that the party in control of the central government should have a majority in all local government authorities. Pluralist democracy is thus not to be incorporated within the proposed system of local government in St. Vincent and the Grenadines if the Prime Minister is to have his way.

Given such thinking, serious concerns remain as to whether foreseeable local government reform in the Caribbean is likely to ensure inclusiveness and true participatory democracy, whereby groups of people or political parties in opposition to the central government would have some genuine capacity to influence policy as it affects their community and their local environment. Citizen involvement and participatory democracy remain elusive tenets in local government in these Caribbean states.

References

- Armstrong, A 1999, *Final Report of the Consultancy on Local Government Reform in St. Lucia*, Aubrey Armstrong and Associates, Castries, p. 4.
- Chandler, J.A. 2001, *Local Government Today*, Manchester University Press, Manchester, p. 10.

⁵ Ibid.

- Dahl, R 1961, *Who Governs*, Yale University Press, New Haven.
- Finer, H 1945, *English Local Government*, Methuen, London, p. 4.
- Great Britain 1945, *West India Royal Commission Report*, Lord Moyne, Chairman, H.M.S.O., London.
- King and Stoker 1996, *Rethinking Local Democracy*, Macmillan, London, p. 7.
- Litvack *et al* 1998, *Rethinking Decentralization in Developing Countries*, World Bank, Washington, DC.
- Local Governance Resource Center (LGRC) 2005, *Report to the Governor General*, Local Government Reform Commission, Kingstown.
- Manning P 2006, Statement made on Local Government Reform in *Hansard of the House of Representatives on May 26, 2006*, p.376.
- Manning P 2008, *Hansard of the House of Representatives, Trinidad and Tobago, July 7, 2008* in the Municipal Corporation Amendment Bill, pp. 791 – 797.
- Mill J.S 1993, ‘Considerations on Representative Government’ in Williams, G (ed.) *Utilitarianism; On Liberty; Considerations on Representative Government*, J.M. Dent, London.
- Ministry of Community Development, Culture, Cooperatives and Local Government 2000, *Green paper on Local Government Reform*, MoCDCCLG, Castries.
- Ministry of Local Government 2008, *A Green Paper on Local Government Reform: Roles and Responsibilities of Local Government Bodies*, Ministry of Local Government, Port of Spain, p.9.
- Ministry of Local Government 2006, *Draft White Paper on Local Government Reform, 2006* Ministry of Local Government, Port of Spain, p. 24.
- Organisation of American States (OAS) 2003, ‘A Proposal for Local government in St Vincent and the Grenadines’ in *Local Governance in Small States: Issues, Experiences, Options* Washington, OAS, DC, pp. 6-7.
- Parliament of Trinidad and Tobago 1968, Report of the Elections and Boundaries Commission on the Local Government Elections 1968, Government Printery, Port-of-Spain.
- Parliament of Trinidad and Tobago 1996, *Report of the Elections and Boundaries Commission on the Local Government Elections Held on Monday 24 June 1996*, Government Printery, Port-of-Spain.
- Ragoonath, B 1994, ‘Decentralization via Local Government in the Commonwealth Caribbean’, *Latin American Studies*. No. 13, pp. 1-20.
- Ragoonath B. 2004, “Local Government Decentralization: A perspective in Caribbean Adaptations and Practices” in Patricia Persaud (ed.) *Decentralization and Local Government in the Caribbean*, National Democratic Institute for International Affairs, Washington, DC, p. 9-24.

Ragoonath, B. 1993, 'Shifting Nature of Decentralization: A review of the Evolution of Local Government in Trinidad and Tobago' in *Indian Journal of Public Administration*, Vol XXXIX, No. 4, pp. 685-700.

Smith, M.G 1965, *The Plural Society in the British West Indies*, University of California Press, California.

Saint Lucia Labour Party 2001, *Manifesto 2001- Our Vision for Saint Lucia: Elections 2001*, Saint Lucia Labour Party, Castries.

Structural Reform, Revenue Adequacy And Optimal Tax Assignment In Local Government

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Abstract

A striking feature of local government reform in many Commonwealth countries has been a heavy reliance on structural reform, often in the form of forced local council amalgamation. This paper argues that the long-run success of structural change in local government hinges on several key factors, not least that voluntary rather than compulsory council mergers have a far greater chance of success. A second key ingredient resides in a high degree of local autonomy in both the composition and

operation of decentralized governmental functions. A third vital factor lies in ensuring that revenue and tax assignment is sufficient to provide local government with financial autonomy. Finally, adequate powers of taxation need to be accorded to local government and this requires careful consideration of the types of taxes most suited to local government.

Keywords: Decentralisation, local finance, structural reform, tax assignment

1. Introduction

The literature on fiscal federalism highlights the various advantages of decentralized administrative functions (Oates 1972). Moreover, this body of thought holds that the economic approach to multi-tiered government can lead to public policies that may improve the economic efficiency of existing systems of government. According to conventional economic theory on fiscal federalism, decentralizing the provision of public services by local governments can enhance social welfare by better matching citizens' preferences for local service provision. In the public choice approach, the decentralization of governmental functions is justified as long as it holds politicians and administrators accountable for their actions. Similarly, the benefits of decentralization can stem from the comparison of governmental units' performances and the resulting competition between different jurisdictions (Shah 2008). In addition, recent theoretical work from a different perspective stresses the value of a federal structure for the performance of local economies (Shah 2006). These positive advantages of multi-tiered government must be set against coordination problems and potentially irresponsible fiscal policies that result from the 'soft' budget constraint often facing lower levels of government in a multi-tiered structure (Dollery and Robotti 2008). Moreover, there is the problem of the optimal size of local governments. Fully exploiting scale and scope economies in order to reduce the costs of provision of local public services is not always possible. It is thus essential to develop new methods of managing both administrative functions and policies for structural reforms. However, in general, it is very difficult to close the gap with the fiscal equivalence theorem and this is particularly true in the case of multi-task jurisdictions. Therefore, the principle of subsidiarity (which states that the management of public responsibilities should be made by institutions closer to citizens) ought to be matched with the principle of local capacity (which asserts that local governments must have adequate authority, financial resources and administrative and technical competence). These issues form the focus of this paper.

While at first glance these questions may seem rather too abstract to shed light on the difficulties of running real-world local government systems, recent experience in many Commonwealth countries indicates their vital practical relevance. For instance, a plethora of recent national and state-based inquiries into Australian local government has demonstrated conclusively that, without substantial fiscal transfers, additional powers of taxation or some other form of revenue augmentation, local councils across Australia face financial unsustainability and a growing local infrastructure backlog (Dollery, Byrnes and Crase 2007). Similar if lesser concerns have been voiced in New Zealand local government and have seen an official Local Government Rates Inquiry (2007) call for additional taxes for local councils. In England, the Lyons Inquiry into Local Government also carefully considered the adequacy of local government revenue and recommended significant reform (Lyons 2007).

The paper is divided into six main parts. Section 2 considers the lessons that can be learned from the analysis of alternative models of local government. Section 3 focuses on the decentralization of governmental functions, structural reform and the problem of revenue assignment. Section 4 deals with the question of tax assignment. Section 5 considers the question of the most suitable forms of revenue for local government. Section 6 considers which taxes are best suited to local government, and the paper ends with a brief conclusion in Section 7.

2. Models of local government and the liberty to choose models

If real-world jurisdictions do not match the economic principles prescribing both allocative and economic efficiency, then theorists of 'functional federalism' suggest that particular public agencies be created for the provision of specific local public services. Under these circumstances local government policy should promote the creation of this type of public agency. For instance, separate but spatially adjacent local councils may create consortia or engender other forms of partnership for the provision of particular public services, especially those characterised by scope and scale economies. The definition of these independent functional administrations in terms of territorial and functional scope would be different from the scope of existing political jurisdictions, simply because these new administrative bodies would be designed primarily to seek economic advantages (Dollery, Crase and Johnson 2006). Since existing political jurisdictions remain in existence, the implicit risk is that this approach could lead to the

coexistence of numerous and perhaps excessive overlapping political jurisdictions and agencies, each specializing in providing a specific service. This outcome should be avoided since the multiplication of single-purpose associations increases transaction costs among cooperating governments; furthermore, the heterogeneity amongst the partner local councils complicates program coordination and thus increases the complexity of the system. Both the economic and political literatures on these questions discuss how alternative models of collaboration among local councils in a context of multi-task, multi-level government can assist in formulating policies directed at local government reform. Observed experience in different countries highlights the widespread employment of such models in the real world (Dollery and Robotti 2008). These models differ in terms of the level of operational control (the ability to undertake and administer local service provision) and political control (the capacity to take decisions over the domain and mix of local services) local councils transfer to the new structural entity they form. According to the approach devised by Dollery, Crase and Johnson (2006), we can locate the different models along a bipolar continuum comprising the degree to which political and operational control can be centralized or decentralized between local councils and the new organizational entity. Obviously most models of municipal government shade into each other but, surely, at one end of the spectrum we can find councils which represent fully decentralized political and operational control within the confines of their enabling legislation and, at the other end, we will find amalgamated councils which concede all political and operational control to the larger new entity to which they adhere. From the theoretical point of view, the literature seems to suggest that the choice among the different options provided by the respective national legislatures depends on the desire for variety in the composition of local government service provision (that is, the elasticity of substitution among services), the level of transaction costs and the number of councils participating in collaboration. Depending on the nature of the services and administrative functions local governments are to undertake, and considering the costs and the loss of liberty local communities have to bear, an optimal form of agglomeration or cooperation among councils will be selected (Bartolini and Fiorillo 2008).

Whatever model is chosen, observed international experience leads to the conclusion that local structural reforms work better if inter-municipal cooperation is based largely on voluntary participation. For instance, in Australia, New Zealand and Canada, where structural reforms were seldom carried out with the voluntary support of local

communities, but almost always occurred under various degrees of state coercion, there is a growing scepticism over the unsatisfactory economic, political and social outcome of council consolidations (Dollery, Garcea and LeSage 2008). Indeed, in some Canadian cases public dislike for the imposed arrangements has led to a counter-reform process that has nullified most of the effects and consequences achieved by amalgamation, with the subsequent loss of credibility by provincial governments. Historical processes loom large in the development of many local governments; municipalities often have unique ethnic, political and sociological features that typically stretch back over long periods of time. Institutional arrangements imposed by central government may thus be doomed to failure (Dollery and Robotti 2008). In sum, the first lesson we can derive from this brief theoretical and empirical analysis is that compulsory forms of association among municipalities appear less effective and less enduring than those based on a voluntary agreement. Voluntary participation may be a necessary condition for success.

3. Decentralization of functions, structural reforms and revenue assignment

The second lesson we can draw from theoretical models and international experience derives from the financial foundations of local government partnerships. The models reported in Dollery and Robotti (2008) demonstrate that associations among local councils are enduring and effective if the new administrative entities are financed in a stable manner and secure a substantial income from their 'own' resources. The proper assignment of financial resources is an integral problem connected with decentralization of administrative functions and with structural local reforms, which generally accompany or follow new assignments of services to municipal governments, and the problem of the correct assignment of financial resources is thus fundamental in this context. Indeed, it is fruitless to consider transfers of administrative functions from central to lower tiers of governments without considering at the same time the financial side of the reform (such as which and how many local taxes, which and how many financial transfers from the central government, and so on). If we do not simultaneously consider expenditure and revenue, then this will lead to erroneous policy prescriptions; if structural reform leads to a new and different assignment of functions, then it should be accompanied by a new assignment of financial resources.

One must thus pay attention to the implementation of strategies that assign revenue to the lower levels of government. In this regard Bahl (1999) offers some rough guidelines:

twelve 'rules' that might help to form a basis of a decentralization strategy. The first rule emphasizes the need for fiscal decentralization to be viewed as a comprehensive system.

Bahl (1999, p. 4) observed that:

"Intergovernmental fiscal relations must be thought of as a system, and all pieces in this system must fit together. Implementation should begin with a design of the comprehensive system, and should lay out the plan for each element of the system. A 'one-off' piecemeal reform, encompassing only one element of the system (e.g. central government revenue sharing with local governments), is not likely to fully capture the benefit of decentralization. In fact, it can lead to undesirable outcomes, including larger central deficits and macroeconomic instability. To be sure, a phased-in strategy may be the right way to go to avoid 'reform shock', but countries should follow a comprehensive plan and be prepared to deal with the transition problems during phase-in."

Several aspects of the financial structure of sub-national governments are prescribed by the theory of fiscal federalism (Oates 1972). The optimal financial structure must incorporate the distribution, income and economic activity of the local population. It must also take into account the assignment of expenditure functions, the evolution of the budgets councils have to manage, and the level of interference of central government in the activity of local communities. With regard to the last aspect, when the interference is greatest, local authorities must rely mostly on transfers from the centre. In contrast, if meddling is limited, sub-national governments ought to finance their budget to a significant extent by locally imposed taxes.

Over the past decade, interference in local government by state or provincial governments seems to have decreased in most developed countries (Dollery, Crase and Johnson 2006). Local governments have been assigned numerous administrative functions and have gained major political power and the ability to defend their citizens' interests against the grasp of the centre. Municipalities have often been encouraged to merge to enhance economic efficiency and political capability. But if decentralization and local political autonomy are to be a reality, it is not sufficient to simply collaborate or amalgamate. Whether or not local collaboration occurs, if local governments do not want to be under the 'financial thumb' of the central government, they need to control their 'own' sources of revenue and acquire resources adequate to finance the functions and expenditures assigned to them. In other words, if local expenditure is expected to grow in a substantial manner because of the assignment of additional responsibilities in such income-elastic areas as health and education, then the pressure on revenue will be great. Local councils must know for certain the resources they need to finance the

services they have to provide in the future. Above all they will desire a revenue structure that may give them the ability to affect the amount of revenue they receive. A system of grants, if defined in an objective way, may be adequate, but a system of taxes implemented at local level may ensure financial autonomy and control of both sides of the budget. Moreover, a budget financed by ‘own’ taxes stimulates the responsibility of local politicians and public managers and may also lead to citizens being able to choose the level of expenditure and the quality of services they seek.

Considerations of this kind emphasize the connections that must exist among those being taxed with those receiving the benefits. Indeed, it is a longstanding axiom of the theory of public finance that a series of incentive problems arise when the political system de-links taxation and spending, potentially inducing expenditure decisions that deviate from allocatively efficient levels.¹

4. The problem of tax assignment

The traditional economic approach to federalism provides insight into the problem of the correct assignment of taxation in a multi-level governmental system by prescribing the principle of fiscal equivalence. It focuses on the logic of the benefits received by constituents and the possibilities of taxation being exported to other jurisdictions. In this regard, Oates (1996, p. 36) observed that:

“(1) Lower levels of government...should, as much possible, rely on benefit taxation of mobile economic units, including households and mobile factors of production. (2) To the extent that non-benefit taxes need to be employed on mobile economic units, perhaps for distributive purposes, this should be done at higher level of...government. (3) To the extent that local governments make use of non-benefit taxes, they should employ them on the tax bases that are relatively immobile across local jurisdictions.”

Other recommendations of the theory of fiscal federalism refer to concerns over economic efficiency, political efficiency, administrative costs, accountability, the standardization of service provision and horizontal disparities among jurisdictions, vertical imbalances between central and local governments, and buoyancy and stability of the tax yield (Shah 2008). In short, for the conventional model of tax assignment, taxes required for stabilization policy and taxes with a strong redistributive potential should both be the responsibility of central governments. In contrast, levies on relatively

¹ Wicksell (1896) and Lindhal (1919) developed this rule. Olson (1969) introduced the ‘fiscal equivalence theorem’ and Oates (1972) discussed this idea under the heading of ‘perfect correspondence’. Following the work of these theorists, deviation from the principle of fiscal correspondence leads to either over or under-provision of local public services.

immobile bases, whose base is relatively evenly distributed and whose yields are likely to be relatively stable, should fall under sub-national/local governments. In practice the best candidates for local taxation are user charges and taxes on real estate. In the case of intermediate levels of government, single-stage sales tax and excises are suitable.

These theoretical prescriptions do not usually provide local governments with adequate fiscal resources relative to the responsibilities they face, especially where they deliver social services. Moreover central governments retain the most lucrative taxes. Accordingly, these prescriptions have “one overwhelming practical consequence, namely, that almost invariably most, if not all, sub-national governments end up with less in ‘own revenues’ ” than the expenditures for which they are responsible (or for which they should be responsible, in terms of the now conventional ‘subsidiarity’ approach to assigning expenditures)” (Bird 1999, p. 6). It is thus not surprising that the traditional fiscal federalism model provides a poor explanation of tax assignment in the real world, where the assignment that actually prevails reflects the outcome of political bargaining rather than the application of normative economic principles. It is clearly inappropriate for countries in which local governments account for an increasingly large proportion of public spending with lower levels of central government control. If these local governments spend heavily, then they must (in the interests of both economic efficiency and accountability) impose greater taxes than the conventional model permits. In this regard, Bird (1999 p. 5) has argued that: “it is time to rethink the principles underlying the conventional model of tax assignment and to attempt to reconcile principle with emerging practice in a more coherent and sustainable way”. These conclusions carry even greater weight for amalgamated local councils (or the central government that forced the amalgamation), who have to demonstrate to their citizens the validity of the merger in terms of significant gains in economic efficiency, independence from central and state governments, political power and transparency.

5. Which types of fiscal revenues fit well for local government associations?

The different forms of association² that local governments can implement meet different needs, depending on the type and number of administrative functions that have been decentralized. Local councils can engage in weak forms of association, limited forms of

² In this context ‘association’ refers to mechanisms for cooperation and/or shared service delivery by two or more local governments – not to representative associations of councils

collaboration, or consortia providing one or more services. Under these circumstances municipalities maintain their autonomy and continue to be accountable to their citizens for the supply of services even if the provision is delegated to a separate body. In contrast, local councils joining strong forms of associations or even amalgamating give rise to a new government entity: they give up their autonomy and the new entity is then directly accountable to citizens for service provision. Two polar possibilities exist: (1) in weak associations of local councils, revenues that finance service provision are retained by member local councils, and there is a transfer of resources from the members of the association to the association itself in payment for the services supplied; or (2) in stronger forms of association, especially in the case of amalgamation, revenues accrue to the new merged entity, which is directly accountable for both expenditures and their finance.

We will now consider the features of an optimal system of financing the local public budget. In the light of options (1) and (2) above, the features we consider desirable will refer in certain cases to revenues of weak association members or, alternatively, in the event of strong associations, reference will be to revenues of the new governmental entity.

A variety of solutions can assign fiscal revenues to lower levels of government. These solutions differ in the degree of fiscal autonomy with which they provide local governments, their ease of compliance and administration, the fairness and neutrality they are likely to produce, the incentives they provide to foster local economic growth, and the degree of inter-jurisdictional redistribution they can accommodate.

Before discussing the different fiscal sources to be assigned to strong associations or to weak association municipalities, it is useful to set some guidelines for the design of an optimal system of revenue. These guidelines must consider at least two features: (1) local governments ought to administer their taxes on their own; and (2) local fiscal revenue must provide incentives to increase local income and widen the local fiscal base (Weingast 2006). However, such guidelines should also consider the nature of the financial relations existing between central and local governments. McLure (1999) distinguished different cases according to: (1) which level of government chooses the taxes from which local governments receive income; (2) which government defines the tax bases; (3) which government sets the tax rates; and (4) which government administers

the taxes. From the viewpoint of local fiscal sovereignty, the liberty to set rates is clearly the most important because this is what allows local authorities to significantly affect at the margin the amount of tax yield they collect, and consequently to choose the level and quality of public services they provide. We must thus consider among the desirable characteristics of a local fiscal revenue system the option for a local government to set its own tax rates.

These features are important since they give major revenue independence to local governments and moreover enhance the stability of the association pact and the relations among the member councils (see Palestrini and Polidori 2008). These simple theoretical considerations are useful for choosing between the different methods of assigning fiscal revenues to sub-national governments.

With respect to local fiscal revenues it is possible to distinguish four options: autonomous local taxes, sub-national surcharges, tax sharing and revenue sharing. In general, *independent legislation and the administration of own taxes* would ensure that local councils and/or their associations maximize local fiscal autonomy and generate incentives to provide market-enhancing public services and to foster local economic growth. Under this system, local governments choose the taxes they impose, define their tax bases, set their tax rates, and manage assessment and the collection of taxation revenue. The limits of this solution may reside in the excessive complexity of the fiscal system, the costs of compliance, or inequities and distortions if jurisdictions choose different taxes or administer the same taxes in different ways. But serious problems of this type could be avoided, without compromising the autonomy of local governments, through agreements among jurisdictions or rules imposed by a higher tier of government. *Local surcharges* represent another potentially optimal solution. Imposing surcharges would avoid the inequities, distortions and complexities found in the previous case because the definition of the bases and administration of taxes are determined by central government, and local governments retain only the power to fix tax rates. As autonomous taxes, surcharges reward the administrations that carry policies to increase local income. Clearly surcharges must be limited to that portion of the tax base reasonably deemed to arise in the taxing jurisdiction. This may be relatively difficult to realize in some cases (such as corporate tax) and it may be necessary to adopt formulae to share the tax base among affected jurisdictions. Furthermore there is the problem of providing incentives

for the central government to administer a tax that it does not simply collect (McLure 1999).

Tax sharing and *revenue sharing* are the most common means of providing resources to local governments, but from our point of view they are less attractive than the previous solutions because they restrict the fiscal autonomy of local jurisdictions; that is, local administrations have autonomy over how to spend a given amount of revenue, but not to alter the amount of financial resources they receive from the central government. Moreover, these types of financial resources provide weak incentives to local governments to boost local economic growth.

In short, autonomous taxes and surcharges represent the optimal methods of financing local governments. They should be thought of as the optimal means of financing the activity of local councils and the associations between them. We thus argue that autonomous taxes are best suited to large municipalities, and especially to strong associations between them. For small municipalities, where the capacity to administer taxes is limited, a system of sub-national surcharges seems more appropriate.

6. Optimal taxes for local governments

Section 5 suggested that there are arguments for the assignment of ‘own’ taxes to local jurisdictions, especially where these are comparatively large. The features of taxes usually proposed to finance local governments are sketched below.

User charges

User charges are suitable for use by all local governments and ought to be employed whenever possible. These levies are ‘fair’ in the sense that citizens pay for what they get. The problem is that this type of revenue is not usually adequate to finance major responsibilities decentralized to local jurisdictions. It also has regressive distributional effects.

Environmental levies

We include environmental levies among the taxes to be considered at local level. Their aim is to compensate for social costs induced by the exploitation of local resources (like the degradation of the local environment, costs suffered by the local population, damage to local public infrastructure, and so on). In common with user charges they generate fairness but, in general, do not provide substantial financial resources to the local budget.

Property taxes

According to the traditional theory of tax assignment, property taxes might be considered the most appropriate revenue source for local governments. However these levies typically do not provide adequate revenue flows even though they may ensure incentives to foster local economic growth, because of the relationship that exists between economic development and the value of land, buildings and productive investment (Foster *et al.* 1980).

Personal income taxes

It is very difficult for local governments to implement and administer resident-based income taxes because it requires channelling revenues collected at the origin to the jurisdictions where the taxpayers live. This fact requires scrupulous behaviour by governments where the income originates (and surely they have few incentives to maximize the tax yield on behalf of jurisdictions of residence). However a tax on local personal income might be explored (Foster *et al.* 1980). A suitable solution could be the employment of a flat rate tax to pay for the general benefits of public expenditure. Benefits in terms of amount of revenue, revenue growth and incentives to increase local income are inherent in personal income taxes, but the system is too complex.

Sales taxes

In most countries the value-added tax (VAT) or consumption tax is the principal general sales tax levied by the central government. Whether consumption taxes are suitable for use by local governments has long been controversial. In the past, theorists emphasized high administrative and compliance costs, and the problems arising from cross-border trade, but in reality the problem lay in the reluctance of central governments to lose any control over this tax. After the decentralization of major governmental expenditure functions in many countries the need of financial revenue outweighed these objections and in some countries sales taxes are levied at regional level (as in the United States) or at central and regional levels (as in Canada).³

The application of sales taxes at regional level has not been without problems, but where the standard of tax administration was sufficiently high it was possible to operate a sales tax successfully, at least for large regional governments with close cooperation between the different levels of fiscal authorities. The experience of some countries shows that it is

³ For a discussion of several country cases, see Bird (1999) and McLure (1999).

perfectly feasible to operate a sales tax at the regional level.⁴ However it is doubtful whether this tax might be employed at a lower level and therefore might finance the budget of local council associations.

Taxes on business

The economic rationale for local business taxation resides in the application of the benefit principle: firms should pay for the benefits they receive from local public expenditure. Where possible services benefiting specific enterprises should be financed by user charges but when this solution is not feasible, some form of broad-based general tax on business activities should be levied.

At present the principal forms of business taxation that could be levied at local level are threefold: a corporate income tax (CIT), a payroll tax and a turnover tax. All three possess problems that make them unattractive as a revenue source, but the financial political realities of governing are such that many sub-national governments will wish to impose them anyway (Bird 1999). It is generally known that a major disadvantage of a local corporation income tax is the difficulty of determining the geographical source of profit. Because of the economic interdependence among activities in various jurisdictions, it is often impossible to isolate the income source of a company whose branches are operating in two or more jurisdictions (McLure 1999). A second well-known disadvantage is the distortions in the territorial allocation of investment and enterprise location that this tax may induce; the levy of the tax by local governments without uniformity can trigger forms of destructive 'beggar-thy-neighbour' competition among jurisdictions and cause severe problems to the budgets of municipalities.

Both the turnover tax and the payroll tax present much the same problems. While the tax bases for these taxes are easier to determine and to assign than in the case of a local CIT, the problem of distortions remains and, in addition, there is the problem of tax exporting. Payroll taxes are already utilized in many countries to finance social insurance.

In conclusion, it is difficult to find support for taxing any one input, whether labour or capital. Perhaps a broad-based business tax could be levied on the added value distributed by enterprises. Such a tax would be neutral to the factor mix and, if nothing else, could provide substantial additional revenue to the budget.

⁴ Clearly a common base would add more efficiency to the system, but this degree of convergence is not essential.

The imposition of a business value tax (BTV) has been suggested by Bird (1999). Compared with the traditional VAT, the BTV has three important distinguishing features: “First, it is levied on income, not consumption: that is, it is imposed on the sum of profits and wages, or to put in another way, on investments as well as on consumption. Second, it is imposed on production, not consumption: that is, it is imposed on an origin not destination basis and hence, in effect, taxes exports and not imports. Third, it is assessed by the subtraction (or addition) method on the basis of annual accounts rather than on a transaction or invoice-credit method” (Bird 1999, p. 33)⁵. Moreover “as a replacement for existing sub-national business taxes, a BVT would improve sub-national tax systems in several ways. First, it would be more neutral and would not favour certain investment over others. Second, it would be less susceptible to base erosion especially relative to CITs, since, for example, the tax rate would be lower and the base would be unaffected by such matters as the extent of debt financing. Third, although more stable than CIT in revenue terms, a BVT should nonetheless be more sensitive to cyclical realities than most other forms of business tax” (Bird 1999, pp. 33-34).

These arguments are not exclusively theoretical, since variants of such a tax have already been implemented in some countries: In Italy, at regional level, IRAP is applied on a base including wages, profit and interests. In France the *taxe professionnelle unique* is levied by Communes, Régions and Départments and accounts about 20% of local revenues. It was originally worded in an analogous manner to BTV, but wages have been gradually exempted from the base. In Germany the communal tax *Gewerbesteuer* at present has the nature of a levy on the added value distributed by the enterprise to production factors, excluding workers.

Would a local BVT make sense? Following Bird, it might be sensible in large jurisdictions, which could reasonably be expected to adequately assess and collect the tax, and would have the incentive to do so because of the size of the local base that could be tapped.

7. Concluding Remarks

One of the principal themes that flow through the economic literature on structural reforms concerns the usefulness of matching the principle of subsidiarity with the principle of fitness: the policy of decentralizing major administrative functions to

⁵ Studenski (1940) proposed a VAT very close to the BVT discussed in this paragraph.

municipalities must match with the arrangement of institutional tools that allow local communities to exploit in full the potentials placed at their disposal by the central government and to serve their citizens in an optimal manner. The experiences of different countries show that a set of alternative models of collaboration among local councils is available and can help to formulate policies directed at local government reform. Local councils have to choose the form of collaboration that fits best with the functions transferred to them by the central government. The principle that we have emphasized in this respect is 'voluntariness': if associations among local councils (either limited or extensive) are to be effective and to endure they ought not to be compulsory, but chosen by the local councils themselves.

A second principle we draw from theoretical models and international experience focuses on the forms of financing local council associations: if local governments have significant expenditure responsibilities, they have strong incentives to organize in associational arrangements. But if association is to be effective and enduring then the new entity must be financed in a stable and predictable manner and should generate a substantial proportion of its 'own' resources. In this respect, in the final part of this paper we sketched the features of taxes that might be proposed to finance the budgets of local government associations.

One tax seems to dominate among the different types of financial levies: a new form of local business tax called BVT, a tax that might at first be considered as a replacement for inefficient and undesirable sub-national CITs. Positive experience in some jurisdictions seems to suggest that the path is clear for the application of this tax at local level, at least in large jurisdictions, as local government associations should be in ideal circumstances. If this view has validity, the present system of local taxation could change in a substantial way. The result would be a family of VATs with a standard VAT imposed at the central government level, a VAT imposed at regional level and a BVT (essentially an income-type VAT) levied on all VAT payees by larger local governments. In addition, all sub-national levels of government should apply appropriate user charges, traditional property taxes and tax sales. Such a package surely will not solve all the problems of establishing sound and workable tax regimes for the associations among local councils, but it seems promising and may at least lead to fruitful debate.

References

- Bahl, R. 1999, 'Implementation rules for fiscal decentralization', *mimeo*, International Studies Program School of Policy Studies, Georgia State University, Atlanta.
- Bahl, R. and Martinez-Vasquez, J. 2006, 'Sequencing fiscal decentralization', Policy Research Working Paper no. 3914, The World Bank, Washington, DC.
- Bartolini, D. and Fiorillo, F. 2008, 'Local council partnerships: a theoretical approach' in Dollery and Robotti, paper presented to the Seminario di Dipartimento, University Politecnica delle Marche, Ancona, Italy, 11 May 2006.
- Bird, R. M. 1999, Rethinking subnational taxes: a new look at tax assignment, International Monetary Fund, Working Paper no.99/165, Washington, DC.
- Dollery, B. E., Byrnes, J. D. and Crase, L. 2007, 'Too tough a nut: Determining financial sustainability in Australian local government', *Australasian Journal of Regional Studies*, 13(2), pp. 110-133.
- Dollery, B. E., Crase, L. and Johnson, A. K. 2006, *Australian local government economics*, University of New South Wales Press, Sydney.
- Dollery, B. E., Garcea, J. and LeSage, E. 2008, *Local government reform: A comparative analysis of advanced Anglo-America countries*, Edward Elgar, Cheltenham.
- Dollery, B. E. and Robotti L. (eds) 2008, *The theory and practice of local government reform*, Edward Elgar, Cheltenham.
- Foster, C. D., Jackman R. and Perlman M. 1980, *Local government finance in a unitary state*, Allen & Unwin, London.
- Garcea, J. and LeSage, E. 2008, 'Local government reform in Canada', in Dollery, Garcea and LeSage (eds.), *Local Government Reform: A Comparative Analysis of Advanced Anglo-American Countries*, Edward Elgar, Cheltenham.
- Lindhal, E. 1919, 'Just taxation - a positive solution', in R.A. Musgrave, R. A. and Peacock, A. T. (eds), 1958, *Classics in the theory of public finance*, McMillan, London.
- Local Government Rates Inquiry Panel (New Zealand), 2007, *Funding local government*, Report of the Local Government Rates Inquiry, Wellington.
- Lyons, M. 2007, *Lyons Inquiry into local government: Place-shaping: A shared ambition for the future of local government*, HMSO, London.
- McLure, C. E 1999, 'The tax assignment problem: conceptual and administrative considerations in achieving subnational fiscal autonomy', *mimeo*, World Bank, Washington, DC.
- Oates, W. 1972, *Fiscal Federalism*, Harcourt Brace Jovanovich, New York.
- Oates, W. 1996, 'Taxation in a federal system: the tax assignment problem', *Public Economic Review*, vol. 1, pp. 35-60.
- Olson, M. 1969, 'The principle of "fiscal equivalence": the division of responsibilities among different levels of government', *American Economic Review*, Vol. 59, no. 2, Papers and

- Proceedings of the Eighty-first Annual Meeting of the American Economic Association (May, 1969), pp. 479-487.
- Palestrini, A. and Polidori, P. 2008, 'A theoretical model of shared service arrangements in local government', in Dollery, B. E. and Robotti L. (eds) 2008, *The theory and practice of local government reform*, Edward Elgar, Cheltenham.
- Shah, A. (ed.) 2006, *Local governance in developing countries*, World Bank, Washington, DC.
- Shah, A. (ed.) 2008, *Macro federalism and local finance*, World Bank, Washington, DC.
- Studenski, P. 1940, 'Towards a theory of business taxation', *The Journal of Political Economy*, Vol. 48, no. 5, pp. 621-654.
- Weingast, B. R. 2006, 'Second generation fiscal federalism: implications for decentralized democratic governance and economic development', *Discussion draft*, Hoover Institution, Stanford.
- Wicksell, K. 1896, 'A new principle of just taxation', Musgrave, R. A & Peacock, A. T. (eds), 1958, *Classics in the theory of public finance*, McMillan, London.

Can International Local Government Partnerships Make a Difference? Lessons from the Australia – Papua New Guinea Good Practice Scheme

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Abstract: *This article explores the contribution that local government to local government partnerships can make in bringing about more effective and sustained decentralisation through developing the capacity of local governments to deliver improved services to the communities they serve. After almost 15 years of decentralization many of Papua New Guinea's local governments struggle to maintain essential functions. Building on existing relationships, the Commonwealth Local Government Good Practice Scheme seeks to utilize the resources and knowledge of Australian local councils in partnership with those in Papua New Guinea to build capacity and improve the management and delivery of services to communities. This article examines the program to date, outlining both the successes and*

¹ This article has benefited greatly from the comments and reflections of CLGF Pacific Project staff, namely Terry Parker, Ted Lulu, and Karibaiti Taoaba, as well as two independent referees. The author is solely responsible for the conclusions drawn here and they do not necessarily represent the views of CLGF staff.

failures, but also the potential role such partnerships can play in the deepening of democratic governance at the local level.

Keywords: Twinning, capacity building, service delivery, Australia, Papua New Guinea

1. Introduction

Decentralisation and local government performance continues to be at the forefront of governance transformations in many developing countries in the Commonwealth and beyond. As is evident in the considerable literature which exists on decentralisation, there are a number of benefits but also difficulties in devolving genuine responsibility, authority and accountability to local governments. Far from being the ‘magic bullet’ in the good governance agenda, which gained much traction among donors throughout the 1990s, decentralisation and the greater emphasis given to local government has resulted in a number of quite diverse outcomes and experiences (see Blair 2000). While the majority of those involved in service delivery and the development of effective institutions remain committed to devolution, there is greater awareness today of the pros and cons of a multitude of decentralisation models and strategies.

For some writers, the difficulties faced by incipient local authorities reflect the limits of approaches to governance that have been framed too greatly by aid donors and international ‘best practices’ (Kunzmann 2005). Existing forms of local governance, including traditional models, may provide resistance to ‘outside’ or ‘imposed’ models, including those devised and implemented by national governments (May 1999, pp. 144-145). This suggests that there is still a great deal to be learned from both the experiences of decentralisation but also the dynamics that may support or impede change (see Blair 2000; IIED 2004; Batterbury and Fernando 2006; Prinsen and Tetica 2008).

This article explores the contribution that twinning, or local government to local government partnerships,² can make in bringing about more effective and sustained decentralisation through developing the capacity of local governments to undertake core tasks. Such

² Such agreements are also referred to as International Municipal Linking (by Spence and Ninnes 2007); International Municipal Cooperation (Hewitt 1999); twinning (Zelinsky 1991); sister city relationships (Cremer *et al.* 2001); and institutional collaboration (Askvik 1999).

relationships go beyond 'sister-city' linkages (though they may build upon them) by endeavoring to provide specific support to improved governance, service delivery, planning and sustainable urban development, amongst other goals. Ideally, such relationships aim to develop a sense of partnership, in which both authorities learn from each other's experiences and strengths over a period of time. Time and trust is important in relationships (Swain and Tait 2007), in that the ultimate outcome is not the time-bound transfer of resources, aid or expertise from 'developed' to 'developing' countries, but rather the establishment of networks which can respond to needs, opportunities and possibilities as they arise.³

The growth of 'twinning' dates back to post-war strategies to develop better links, forms of communication and understanding between countries through city governments. Indeed, a number of early partnerships were between cities in the United Kingdom and Germany with shared experiences of post-war reconstruction (e.g. Coventry and Dresden). In more recent years the geographical focus has shifted to include linkages between local governments in developed countries and developing country authorities (Cooper 1984), but relationships have also broadened to be inclusive of civil society, educational institutions, health providers and so on (Green, Game and Delay 2005). The scope of international local government partnerships, including the Commonwealth Local Government Good Practice Scheme (GPS), is then quite varied, and can range from increasing financial capacity and systems (creating 'bankable cities' for trade and investment opportunities), to initiating HIV/AIDS prevention programmes (CLGF 2009). The breadth of such relationships makes for a variety of examples and outcomes, which only loosely follow a 'model' of exchange and capacity building.

Twinning has thus become a framework for a range of bi-lateral partnerships, but also broader networks and clusters. Developed- developing country programmes, for example, are increasingly funded and facilitated by international donors (such as the UK Department

³ Leeds City Council provides somewhat of a benchmark in embedding a number of objectives into a broader international relations focus for the council and city in general. This includes using partnerships to develop a sense of global citizenship for the people of Leeds; using linkages to increase business contacts and opportunities; increasing cultural enrichment opportunities for its increasingly multicultural population through international festivals, exchanges and other programmes; and developing expertise and contacts to a level which allow the city to bid for EU and other externally funded projects (Leeds City Council 2008). Far from being a part time or external activity, the development of international partnerships with cities such as Durban, Colombo, Dortmund and Hangzhou is seen as integral to increasing the global competitiveness and integration of the city as a whole.

for International Development [DFID], AusAID, the European Union etc), as part of their strategem of promoting decentralisation and democratic institutions, improved service delivery and attaining Millennium Development Goals (MDG) targets. International partnerships at the level of the city (for instance the Canadian Municipal Partnerships Program and US City Links), mayoralities (e.g. 'City Mayors' network) and civil society (e.g. Shack/Slum Dwellers International) are all reflections of the belief that networks can strengthen capacity and produce better outcomes for cities and their citizens. Indeed, promoting networks or clusters which include multiple local governments has become a favoured approach for bilateral and multilateral donors as well as development agencies. Given the increasing significance of urban centres to national prosperity and development (World Bank 2008), van der Pluijm (2007) has suggested that city-to-city development strategies may be a favoured form of development aid in the future. Partnerships have also created opportunities for networks to emerge within countries, where, for example, several councils may collaborate with clusters of counterparts overseas. It has been argued that this has moved local governments away from a competition framework toward collaboration, in which they may share experiences, build expertise and develop trust (Sykes 2002). The GPS, discussed below, is therefore one example amongst many.

Despite the existence of (albeit varied) local government partnerships over a number of decades, Spence and Ninnes (2007) have noted the limited research and sharing of lessons from (especially) council-to-council links. What literature does exist has generally been supportive of such strategies, though noting several problem areas. Writing on the Toronto-Sao Paulo Cooperation Agreement, Hewitt (1999) found considerable improvement in emergency response services, urban planning and service delivery in Sao Paulo, where previous donor 'loan and grant' approaches had shown less obvious benefits over time. In examining a number of 'Friendship Agreements' between local councils in Australia (essentially Victoria) and Timor Leste, Spence and Ninnes (2007) also concluded that initiatives, when underpinned by a committed and long term approach based on trust building and partnership, had led to positive outcomes in a range of areas, such as waste management; the creation of coffee markets for Timorese farmers; improved water provision; medical supplies and so on. This variety of outcomes reflects both the strengths and perhaps weaknesses of partnership frameworks in that they are responsive to need and opportunities as they arise, but they may also be seen as ephemeral and lacking a coherent

approach and set of sustained outcomes which result in stronger local governments over time.

A number of problems have subsequently been recognized. These have identified challenges of maintaining channels of communication; continuing political support (including resources) over time; avoiding the temptation to simply ‘deliver’ outputs and outcomes, especially (but not only) from developed to developing country councils; managing expectations of both ‘northern’ and ‘southern’ councils and staff; the impact of political systemic change (especially the dissolution/merging of councils or shifts in levels of authority between local, provincial and national governments); the sustaining of change over time, especially vis-à-vis expectations; and difficulties in monitoring and evaluation, which may also threaten programs in budgetary priorities (Hewitt 1999, pp.40-41; Ninnes and Spence 2007, pp. 337-339). Many inter-institutional partnerships also depend upon the energy and commitment of individuals, and can fade as personnel change over time if relationships are not effectively institutionalized.

2. The Commonwealth Good Practice Scheme in Context

The Commonwealth Local Government Good Practice Scheme (GPS) dates to 1998 and is “designed to support the implementation of focussed projects, based on the exchange of good practice and skills between practitioners working in the field of local government ... to help councils improve the efficiency of service delivery and local democracy” (CLGF Pacific 2008). GPS initiatives are not designed as stand-alone projects, but are technical inputs to the core business of councils. The Scheme has recently entered its third stage (2008-2011) with a focus on ‘improving governance for service delivery’, with expanded partnerships planned for Jamaica, South Africa, Sierra Leone, Ghana, Pakistan and India (CLGF 2007). This exchange is facilitated using council partnerships “to promote effective, responsive and accountable delivery of local authority services, particularly to poor and disadvantaged communities” (Parker and Praeger 2008, p. 8). As such the goals of the Scheme are ideally reflexive, and encompass promoting effective, responsive and accountable delivery of local government services; improving implementation capacity of local authorities; identifying examples of good practice for implementation elsewhere; and improving planning and management performance.

The focus on service delivery is important and deliberate, as this is seen by project staff as an outcome which is measurable, builds the capacity and legitimacy of local government, and meets a number of donor and national policy objectives, not least several of the Millennium Development Goals. The association between service delivery and decentralisation is entwined in recent discourses supporting a greater role of local government in development (Batterbury and Fernando 2006, p. 1851). In the case of infrastructure provision, a recent comparative study of nine cities in the developing world demonstrated that inadequacies in infrastructure and service provision “relate as much to the inadequacies in government structures as they do to a lack of ability to pay” (Nunan and Satterthwaite 2001, p. 409). AusAID’s Australia-Papua New Guinea Development Cooperation Strategy 2006-2010 makes explicit links between improved service delivery, stability, good governance and decentralisation (AusAID 2007, p. 32). In addition, recent GPS documents link decentralisation, service delivery and *poverty reduction*, further associating local government to contemporary development discourses and ambitions (Storey *et al.* 2005)

Nevertheless, despite these strong claims, the link between capacity building of local government, service delivery and better governance remains contested in the Pacific and beyond (Duncan 2005). Haley (2008, p. 7) has noted that service delivery *per se* has only a weak correlation with participatory and accountable governance – ‘despotic’ and corrupt leadership may bring about improved services irrespective of citizen input or the existence of competent democratic institutions, if they have adequate resource streams. Likewise, citizens may see democracy as an impediment to service delivery if it results in a lack of responsiveness, efficiency and outcomes. Consequently, the provision of infrastructure and services can play an important role in strengthening participatory decision making (an example being the Orangi Pilot Project in Pakistan; Hasan 2006), or can have only a minor impact. The relationship between services, poverty eradication and governance is thus complex and likely to be strongly context specific. A lack of capacity and resources within government; the lack of institutional means to coordinate investment and projects of multiple agencies and levels of government; and a lack of mechanisms and transparent systems of accountability through which people can monitor the decisions and actions of private and public agencies, are all cited as contributing factors linking poor governance and inadequate service provision (World Bank 2004).

Consequently, the GPS seeks to go beyond simply transferring resources from one council to another in order to ‘supply’ services. Progress instead is measured in terms of the ability of councils to develop into competent, inclusive and dynamic organisations which maintain positive ongoing relationships with civil society (CLGF Pacific 2008). Nevertheless, a tension remains between service outcomes, as evidence of progress, and the process of establishing demand-side governance, which may involve a much longer time frame and be less measurable. For citizens who are yet to receive adequate water, sanitation or other services from councils, and for councils and donors that must justify such a commitment in financial and human resource terms, the temptation is to ‘deliver’ services. But rarely does such an approach build the integrity of local government or sustain democratisation at the local level. As Blair (2000) has noted, citizen participation is essential for the sustenance of democratic, responsive and accountable institutions over time.

3. The Good Practice Scheme in the Pacific: Linking Australia and Papua New Guinea

Following on from the broader Commonwealth Local Government Good Practice Scheme, in 2000 the CLGF Pacific Project partnered with AusAID and the Government of Papua New Guinea (GoPNG), through the Department of Provincial and Local Government Affairs, to extend opportunities for councils in PNG to participate in the programme. This built upon existing relations between Australian and PNG local councils as well as other new partnerships and networks being initiated to support local government capacity building in the Pacific. Papua New Guinea was selected as the target country as several partnerships already existed with local governments in Australia, and such a focus complemented both AusAID’s Sub-National Strategy in PNG as well as GoPNG efforts to more successfully decentralize central government functions (AusAID 2007; GoPNG 2006). In 2008 the GPS entered a second phase (2009-2011) with the goal to “enhance urban livelihoods through improved governance and service delivery at the local government level”, thus further linking decentralisation and local government to the outcomes of poverty reduction through more responsive and efficient provision of services (CLGF 2008:5).

The Pacific GPS promotes council-to-council partnerships and funds practical capacity building and technical support for projects which are designed to draw on the knowledge, skills and expertise of local councils in both Australia and PNG. These activities are

reflective of the skills and expertise of participating Australian councils, as well as the target needs and core business of local government partners in Papua New Guinea. Promoting good governance and local democracy is sought through the exchange of skills and ideas, capacity building, and fostering collaborative approaches to problem solving while working with resource constraints.⁴ While service delivery is seen as a paramount and important objective and outcome of relationships, observable or felt benefits for communities are also important (CLGF 2008). However, as is evident in the discussion which follows, the impact of the GPS in bringing about these goals across the partnerships has to date been uneven.

Both Papua New Guinea and Australia have undergone significant decentralisation and changes in the relationship between national, provincial/State and local government over recent years. Though local government was recognized in the Papua New Guinea Constitution at independence in 1975, it was the Organic Law on Provincial Governments and Local-Level Governments (1995) and the Local-Level Governments Administration Act (1997) that gave the principal legislative direction and mandate for the country's 299 local authorities (Hassell and Tipu 2008; see Filer 2004 for a concise summary of these two Acts). The 1997 Act entrusts local government with responsibilities to develop roads and parks, refuse collection and disposal, health and environmental protection, economic promotion and tourism, though funding remains primarily external and channeled downward, through central and provincial grants and other financial support.

Australia too has a three-tiered governance structure in which responsibility and accountability is spread across federal (national), state and local government. Perhaps an important point of difference lies in the fact that local government is increasingly understood as one of the three *spheres* of government, rather than the bottom *tier* (as is often lamented by local government officials in PNG), although it lacks recognition in the federal constitution and exists and operates largely as the states see fit. There remain tensions in the distribution and discharge of functions across levels of government, as well as the capacity to meet needs. Remote and indigenous local authorities arguably face similar problems to under-resourced and over-stretched councils in the Pacific, especially in meeting the needs of poor, isolated and inadequately serviced communities with a limited revenue base. As

⁴ AusAID financial support for the 2009-2011 Phase is AUD3.4 million, while 'in-kind' commitments from participating councils has been estimated at AUD1.2million over the three years.

elsewhere, Australian councils have undergone changing structures and functions over time (Caulfield 2003). Most recently, in 2008 a large number of Queensland councils went through significant amalgamations which resulted in shifts in their socio-economic character, as well as revenue streams (State of Queensland 2007). All these factors impact on the capacity and readiness of Australian councils to participate in international partnerships.

Reflecting the current majority rural population (82%) the overwhelming number of PNG local authorities are rural councils (273, or 91%). Nevertheless, it is arguably in PNG's rapidly growing urban areas where the pressures facing local authorities are most acute (Connell 1997). Very few of the country's 26 urban councils have the financial and human resources to adequately perform their roles and service functions. Many are caught between declining opportunities to raise revenue from decidedly poor urban populations, and perennial annual tensions with provincial and national government in securing grants and their share of redistributive funds (the Organic Law provides for revenue sharing across local governments but rarely does this system function effectively or transparently). As a result, municipal councils are often left with little more than subsistence funding, and a great proportion of local government budgets are spent on paying approximately 6,500 councillors and council staff.

It is important to note that local government, and the decentralisation experience in general, has a number of critics. After nearly two decades of decentralisation questions remain regarding the means and ends of supporting local bodies in addressing the many needs of communities. Schoeffel (2003) provides a useful summary of the dangers in seeking answers to governance problems in the Pacific solely through a focus on local government. In particular, arguments in favor of decentralisation as an antidote to the failures of national and provincial governance overlook interrelationships between levels of government. As such, decentralisation does not transcend or compensate for broader political failure. Local government may in fact replicate previous problems of poor governance, a lack of resources, corruption or ambivalence to community needs (Schoeffel 2003, p. 4). Local government has also been plagued by problems of capacity in planning, but also in implementation. Corruption has been an additional blow to credibility, illustrated by the dissolution of the National Capital District Commission in 2000. Moreover, local governments have struggled to develop relationships with communities through participatory planning and by bridging

gaps between bureaucratic and traditional systems (see Storey 2005), as well as to establish effective links with other tiers of government. Conflict and competition with provincial authorities is prevalent in a number of provinces (Filer 2004).

4. Case Studies

This article examines the experiences of four local council-to-council partnerships under the GPS programme. In so doing it draws upon a number of sources. These include key design documents of the GPS in both the Pacific and globally; reviews of the Australia-Papua New Guinea partnerships conducted over the past five years; critical reflections of staff involved in the programme; as well as discussion which took place during a dissemination workshop involving partners in the GPS from both Australia and Papua New Guinea, held at Noosaville, Queensland on 29-30 May, 2008. The purpose of the workshop was to draw out the key lessons from the respective projects, particularly focusing on any approaches and policy recommendations which would be relevant and could be shared more widely in Papua New Guinea and Australia. Key participants included local government officials from Australia and PNG; representatives from the PNG Urban Local Level Government Association (PNGULLGA), Australian Local Government Association (ALGA), and the Queensland State Department of Local Government; and officers of the Commonwealth Local Government Forum Pacific Project.⁵

The four partnerships are first described and critically assessed with regards to their progress and against the objectives of the CLGGPS, in order to draw out lessons on the role of international partnerships in developing and strengthening local government. In particular the case studies are assessed against the core objectives of more effective service delivery; improved planning and management performance; and the capacity of local councils. Overlaying this is the expectation of improved governance and increased benefits for poor and disadvantaged groups. As will be evident this is not a straightforward task. In order to ensure flexibility and respond to the core goals of participating councils, each partnership defines its own objectives and pathways. While this allows for responsive and organic

⁵ The author was responsible, with CLGF staff, for writing an evaluation of findings from the Noosaville workshop. This article builds upon but also departs from that review, in offering a more critical reflection of the GPS. In so doing the comments herein do not necessarily reflect the views of CLGF staff on the progress of the GPS to date.

approaches to problems identified by both Australian and Papua New Guinean councils, it does make comparative and conclusive inferences based on a common set of indicators difficult.

The Good Practice Scheme has been supporting four council-to-council projects (and one local government association to association project) in Papua New Guinea, each of which has been addressing issues identified as priorities by the project partners. These issues have included waste management, town planning, information technology, regulatory services and corporate planning. This article will focus on the current partnerships linking Townsville and the National Capital District Commission (Port Moresby); Orange and Mount Hagen; Cairns and Lae; and Noosa (now Sunshine Coast) and Alotau (Milne Bay).

Townsville Regional Council⁶ and National Capital District Commission

Before joining the GPS in 2002 the National Capital District Commission (NCDC) and Townsville had an established sister city relationship (since 1983). Under the GPS both partners have endeavoured to improve the planning capability of NCDC by strengthening the Regulatory Services division. To date, this division has struggled to formulate plans and carry out its functions, including developing strategic evidenced-based policies which can respond to the multifarious needs of the estimated 500,000 population of Port Moresby. As such the NCDC has become a notable bystander in the growing informalization of the city's development.

The Townsville-NCDC partnership (known as 'Hetura' or Friendship) has taken place in two phases. Phase One of Hetura encompassed the period 2002-2006, over which the focus was on building the capacity of the NCDC's Regulatory Services to improve its planning capability and increase levels of compliance (TCC/NCDC 2007). This involved technical exchanges and training where Townsville City Council provided expert advice on key problems; in particular how to develop sound business practices through strengthening organizational (departmental) structures; increasing human resource capacity and enhancing performance; developing better policy formulation, operational procedures and information technology systems; and strengthening financial management and corporate information systems (NCDC/TCC 2008).

⁶ Formerly Townsville City Council until its amalgamation with an adjoining council in 2008.

Despite periods of political and financial turmoil in the NCDC, Phase One of Hetura was largely seen as successful in terms of achieving greater information technology (IT) capacity, development control of food outlets, and approval of strategic plans such as the National Capital District (NCD) Urban Development Plan, Port Moresby Town Local Development Plan, and the NCD Settlements Strategy 2007-2011. These have all provided frameworks for the future planned growth of the city and set priorities for infrastructure development, though notable problems with implementation and key stakeholder buy-in remain. There were modest improvements in operational procedures in strategic planning, compliance processes, customer services, records management and debt recovery. As part of this a website was launched in 2005 (www.ncdc.gov.pg) which makes planning documents, application procedures, forms and service charges available online, though very few of the city's population have access to the internet. Improvements in the IT capacity of the NCDC were made at a cost of approximately K1 million (A\$470,000) (TCC/NCDC 2008).

Hetura II seeks to create a 'one stop shop' of regulatory services, supported by 'state of the art' technology to improve services, manage customer and planning applications and improve enforcement (including cost recovery). This has resulted in improving the rating and revenue performance of the NCDC (CLGF 2008:10). In addition, efforts have also focused on developing more effective strategic plans for the city's growing number of informal settlements; and creating better integration of the NCDC with key government agencies. The lack of such relationships has frustrated a number of potential initiatives in the past. Hetura II has thus focused on creating a more dynamic governance structure which involves a project steering committee at management level to set the strategic direction of the partnership, as well as more regular visits and exchanges of staff (including technical officers). 'Learning clusters' in specific areas of capacity need have emerged between NCDC and Townsville staff.

Though portrayed as successful a number of constraints have also been apparent in Hetura, which reflect the difficulties faced in transforming institutional governance and systems. Restructuring of human resources has proved a slow and difficult process. Though a number of new policies and regulations have been developed, problems with enforcement remain. Penalties for violations of planning codes, environmental degradation and so on remain insignificant and/or unenforced. The Settlements Plan 2007-2011 has made limited headway,

as it has weak links with many of the communities affected, as well as to other key government departments, such as the Ministry of Lands and the Office of Urbanization (which has its own set of urban policies). The cost of implementation, in effectively dealing with the housing conditions and service needs of an estimated 60% of the NCDC's population who live in informal settlements, is estimated at K36 (A\$17) million. This is well beyond the financial capabilities of the NCDC and key stakeholders. Engagement with the broader population, especially the poor, remains narrow. While enhanced financial services and technology have increased internal capacity and the potential for greater revenue streams, the broader governance goals of creating responsive, efficient and 'pro-poor' institutions can be considered, to date, as largely unmet. One of the lessons from Hetura is the challenge which lies in the transfer of better systems and more comprehensive planning to the level of program delivery and management.

Orange and Mount Hagen

The relationship between Orange City Council and the municipality of Mt Hagen is notable for its longevity, dating back some twenty years. Mt Hagen is a rapidly growing Highlands city with an estimated population of approximately 80,000. It faces considerable challenges in managing the growth of informal settlements and the complex social relationships which characterize its geo-cultural setting. A number of initiatives addressing land use, capacity building and town planning have been launched in the past but with limited success. Overall, Mt Hagen council remains a relatively fragile institution facing considerable pressures and demands. This was highlighted in mid-2008 with the near collapse of the council due to a financial crisis, in part ensuing from a standoff with provincial government over a lack of funding and leading to a cessation of municipal services and functions (Radio Australia 2008).

Since joining the GPS programme the partnership between Orange and Mt Hagen has encompassed developing land use maps and strategic plans, creating more pedestrian friendly spaces (walkways and crossing points), and conducting settlement surveys. Initiatives have also included dealing with solid waste management issues, with staff from Mt Hagen attending an international waste conference in Australia in 2007. Refurbishment of the market place has also been completed. These accomplishments reflect a strategy of creating 'demonstration' projects which impact positively on people's lives and are

associated with local government as a service provider. Of some significance, senior provincial politicians have been invited to opening celebrations of new projects, thus utilizing opportunities through projects to build broader support for the Mt Hagen council as well as the GPS in general.

There has been a focus on planning and on the process of defining and implementing planning priorities. In 1999 Mt Hagen approached Orange for assistance in developing an Urban Development Plan (UDP, 2007-2017). In 2007 this was completed and approved by the National Lands and Physical Planning Board. From the Plan, a number of strategic directions in land use, waste management, livelihood support etc were identified, which provide entry points for future support and direction. But achievement was also measured in terms of the capacity building of staff in developing the plan, as well as the consultative processes with communities which established key needs of the city and its residents.

The partnership has also looked at ways of supporting economic development opportunities for women through the export of crafts, string bags and other handicrafts to Orange. Though in its early stages, this represents an attempt to broaden cooperation between Orange and Mt Hagen toward creating opportunities for enhanced livelihoods, as is evident in the case of Australian partnerships with Timor Leste (Spence and Ninnes 2007).

The relationship between Orange and Mt Hagen is valuable in terms of understanding the dynamics of long term partnerships but also in the transfer of improved institutional systems to services, infrastructure and participatory approaches to planning. Coupled with the development of an urban plan for Mt Hagen, project partners have strategically delivered and heralded small scale projects which positively impact on lives, such as a cleaner central city, new footpaths, improved traffic islands and safer walkways. Nevertheless, given the substantial growth of Mt Hagen, modest gains in infrastructure and services can easily become overwhelmed by demands and needs. Sustaining progress in council systems and capabilities as well as providing essential services will likely be an ongoing challenge requiring significant innovation and investment.

Cairns Water and Lae– the Asitawa Waste Management Strategy

Cairns and Lae have been working together since 2002 on an integrated waste management strategy for the city of Lae for a number of years. Lae, as the second largest city in Papua New Guinea, functions as an industrial hub and the most important metropolitan centre of the Momase and Highlands Region. Waste management in particular has been identified as a great challenge for the local authority to manage. In response, Cairns has provided technical expertise and advice in the development of an appropriate waste management strategy. As a way to raise a sense of community awareness and support, Lae council named the project in their local dialect ‘Asitiwa’ Waste Strategy, meaning ‘caring for our waste’.

Following donor (AusAID) approval of the programme, Cairns commenced a scoping exercise to assess the waste situation in Lae and had preliminary discussions with the Lae council on how a waste strategy could be developed. An initial agreement settled on activities over a period of six months. It was also agreed that contributions were to be made in-kind by partners. This included staff time and other resources needed to support the project and to equip project staff with necessary equipment.

The scoping for the project included consultations with council members, managers, stakeholders, business and academic institutions. These consultations resulted in the preparation of a Draft Waste Management Development Strategy framework and the establishment of a Project Steering Committee that would be responsible for planning and execution of project activities as well as overall implementation of the strategy.

The development of the strategy was planned to cover the period 2004 to 2014 and provide integrated solutions for waste management. The strategy focuses primarily on responding to emerging environmental problems through institutional capacity building, in particular by developing and implementing a waste minimisation programme and Master Plan for Waste Development; by educating the public on solid waste problems; by improving public health; by encouraging the recycling and safe use of organic and inorganic waste; and by establishing a landfill which could deal with demands over a twenty year period (LULLG 2003).

Despite this planning process the waste management strategy has still to be formally launched. In the words of a Lae local government official: “a six month project has taken us seven years!” In large part this is because the relationship between Cairns and Lae did not progress past the planning stage. The focus was on ‘the Plan’, but there was a lack of resources and ability to implement those good intentions. Budgetary support for the project did not eventuate, beyond that for some travel and workshops, and this led to confusion over responsibilities on how the project could proceed. Without adequate and secure funding for implementation, available land for new landfill, or adequate infrastructure support, the capacity of Lae to implement a sustainable programme made even launching the project problematic. In addition to the lack of physical and other resources, staff in Lae lacked the technical capacity to take ownership of the original objectives.

In essence ‘the Plan’ became the end of the partnership, rather than the means of broader change (CLGF 2008:12). Partly this was due to the relationship being one between the Lae council and Cairns Water, a business arm of Cairns City Council. While this offered a high level of technical expertise, there was a lack of governance strengthening to create capacity for implementation. The project received little input or commitment from other key government agencies and landowners. It also suffered from staff changes at Cairns City Council. This lack of institutionalization of the project left it without champions and as a result it has failed to take root.

Sunshine Coast Regional Council and Alotau

The former Noosa council and Alotau commenced their partnership in 2007, shortly before Noosa was amalgamated with adjoining councils to form the Sunshine Coast Regional Council. Following scoping visits by Noosa officials to Alotau in 2006, the two councils agreed to work together to improve solid waste management services in Alotau, and in particular to develop a waste management plan. Waste management was chosen as Noosa council had a number of staff with necessary expertise, knowledge and interest, and this also matched Alotau’s needs and strategic priorities. Although Alotau’s population is only around 10,000, the town suffers from significant waste mismanagement which has the potential to negatively impact on the area’s strong tourism potential (Noosa Council 2008).

The partnership has sought to increase financial resources for waste management and the council's other activities through enhanced IT skills and systems, especially in order to aid in billing and cost recovery. Decreasing the amount of litter and improving the dump facility were also important objectives (SCRC 2008). Results have been evident in the development of a workable billing system after installation; the creation of limited short term employment opportunities for youth; increased responsibility and ownership over installed litter bin stands; and the creation of a local litter control committee that supports and promotes the GPS initiative through providing community and stakeholder feedback. The creation of such a committee was seen as a way to publicize activities as well as to develop a sense of community responsibility in supporting projects. There have been efforts in community education on solid waste management and its relationship to health and the tourism potential of Milne Bay, as well as initiatives to engage the community more in waste separation, collection and service functions. Radio programmes have been used to increase knowledge of projects and of environmental issues in general (SCRC/ALLG 2008b).

The financial limitations of the Alotau council remain an impediment to improving service delivery. Alotau council has a very limited revenue stream and relies heavily on grants from provincial and national government to maintain its operations. Nevertheless, despite these constraints a number of key objectives have been met, particularly in terms of promoting community wide involvement and encouraging partnership with local stakeholders through the use of media, consultative local committees and offering livelihood opportunities for youth in waste management campaigns. Of the GPS case studies examined here, the Sunshine Coast-Alotau partnership is perhaps most explicit in establishing a relationship between enhanced technical capacity, public engagement/ownership and improved infrastructure and services.⁷

However, limited capital and human resources has made moving beyond modest projects potentially problematic. Also, concern that new technology may displace workers has meant that solutions to waste management problems have had to maintain jobs as a primary objective. To ensure that processes and infrastructure can be sustained locally and not result in the loss of employment, projects necessarily have to be small in scale (SCRC/AALG 2008a). However, weighed against this is the need to use increased capacity to implement

⁷ No doubt the small size and relative safety of Alotau are important factors here.

successful projects at a scale sufficient to provide tangible evidence of achievement. The Alotau experience, when evaluated in comparison to the larger Papua New Guinea councils, illustrates that strategies of capacity building and the exercise of such capacity should be sensitive to and reflect the norms and expectations of communities, as much as any 'model' of local government 'good practice'.

5. Conclusions: Themes and lessons from the partnerships

A number of important themes and lessons emerge from the GPS in Papua New Guinea in understanding relationships between local government capacity, service delivery, democratization and poverty reduction. The first is that time, and the building of trust and relationships, is a critical factor in successful outcomes (see Swain and Tait 2007 on the issue of trust in effective planning). Sustaining relationships has required participation and involvement from elected leaders as well as technical staff. Problems have emerged when a succession strategy was not in place to deal with changes in staff. Taking time in order to scope projects which are realistic, affordable, and can be sustained locally has proved to be important. In the case of Orange and Mt Hagen it took more than a decade to build trust and partnerships in order to move forward. Though this represents a longer process than most, it does indicate the importance of time as a factor in creating successful partnerships which result in tangible outcomes.

Successful interventions also needed to go beyond single-issue projects and extend into much longer and broader strategies that drew together a range of stakeholders, especially civil society and other tiers of government. Community engagement in the planning and design of projects is critical to success, but has been a challenge facing all partnerships and programmes at one time or another, and has often been too limited. Greater community engagement is needed at all levels of government in Papua New Guinea, however, and is not limited to the GPS. Devas (2001) has argued that there are limits in the benefits of decentralisation without a corresponding enhancement of the voice of recipients. Advancing the rights and power of citizens is integral to improved governance (IIED 2004). In contrast 'supply side' training can prove ephemeral and weakly linked to better development outcomes (Klitgaard 1997). Much can be learned from both the Orange/Mt Hagen and Sunshine Coast/Alotau partnerships in terms of lessons from community engagement, and in transferring gains in technical capacity into observable improvements in planning and

implementation. While developing the capacity of local institutions to manage themselves and their financial and other systems is important, it cannot be an end in itself. Indeed, it is arguable that capacity and legitimacy results as much from 'doing' development through collaboration, as from improvements in design and planning.

Financial and other forms of capacity must be realistically assessed. As a form of development assistance, the GPS has been described as very cost effective (in part through the use of in-kind resources and time) (Mellor 2004:5). Overstretching in terms of commitment and expectations is an ever-present danger, but there has to be real operational activity, and councils must be seen to be doing something tangible for the community. Where success was evident it typically involved incremental gain, learning and adapting, rather than starting from a position of expecting immediate results. In essence, this involves developing local governments into 'learning organisations' rather than 'training recipients' (Jones and Blunt 1999). In particular, Australian councils participating in the GPS have learned that there are inherent limits to rapid change and acceptance of new ideas, as well as a need to address concerns about the potential impact of change – especially if this involved legal matters, whole-of-government buy-in, or sensitive issues such as land tenure. Projects which depended on the coordination of a number of stakeholders were typically problematic. Planning in the first instance for what the partners could control, while progressively building relationships with other key stakeholders, appeared to be the basis of success.

Effective projects appeared to involve a high degree of innovation, collaboration, and trial and error. There are clear limits in the expertise of Australian councils working within the Papua New Guinea socio-political and development milieu. While there are exhortations to develop ideas and partnerships, over time and sensitive to context, the political and cultural environment in which planning, decision-making and implementation must take place is perhaps less well understood (Sanyal 2005). Building sustained partnerships with communities remains a challenge as much as an opportunity, partly due to the vagueness of who these target populations are, the nature of their needs, and how local government can play a role. This is a broader challenge facing governance at all levels in Papua New Guinea: what are the needs of communities and how can these best be met? While the GPS, as a technical programme, can assist in several areas of local government responsibility, it can only play a small part in addressing these broader challenges (May 1999; Schoeffel 2003).

Overall, therefore, the Good Practice Scheme partnering local and regional councils in Australia and Papua New Guinea offers mixed evidence but valuable lessons on whether such partnerships can make a significant difference to the capacity and performance of local government, especially with regard to service delivery and poverty reduction. That the evidence is mixed is not altogether surprising, and does not represent a failure *per se*. Local government remains generally unproven in the Pacific Islands context, and this provides opportunities of sorts. The GPS experience offers support for the benefits of approaches which result from smaller scale and locally sustainable approaches to meeting needs, rather than large scale planning and technology transfer which over-extends the financial and human resource capacity of councils, or which fails to garner enough political support for change. This also points to the importance of understanding the context in which change takes place, the stakeholders involved, and the limitations of local government. Experience has also supported the importance of strengthening local government through broader democratization and capacity building of communities in ‘doing’ development. Improving the quality (and quantity) of service delivery through local government can add to the integrity of institutions and the democratic processes which support them. Linking improvements to local government capacity, improved service delivery and democratic accountability with provincial⁸ and national development plans is also likely to be important if gains made are not simply to produce “a pocket of enhanced capacity in unchanged surroundings” (Jones and Blunt 1999, p. 391). In a similar vein, opportunities also need to be taken to broaden the nature of GPS programmes so that local government partnerships act as catalysts of development and increased exchange between communities in Australia and Papua New Guinea.

References

- Askvik, S 1999, ‘Twinning in Norwegian development assistance: a response to Jones and Blunt’, *Public Administration and Development*, vol. 19, pp. 403-408.
- AusAID 2007, Papua New Guinea-Australia Development Cooperation Strategy 2006-2010, Canberra.

⁸ For example, AusAID has recently acknowledged the important links between the Provincial Performance Initiative, of which it is a key donor, and the GPS as part of the second phase (2009-2011).

- Batterbury, S and Fernando JL 2006, 'Rescaling governance and the impacts of political and environmental decentralisation: An introduction', *World Development*, vol. 34, no. 11, pp. 1851-1863.
- Blair, H 2000, 'Participation and accountability at the periphery: Democratic local governance in six countries', *World Development*, vol. 28, no. 1, pp. 21-39.
- Caulfield, J 2003, 'Local Government Reform in Comparative Perspective', in B Dollery, N Marshall and A Worthington (eds), *Reshaping Australian Local Government*, University of New South Wales Press, Sydney, pp. 11-34.
- CLGF 2007, 'Capacity building through the Good Practice Scheme in PNG', Biannual Progress Report No.1, Commonwealth Local Government Forum Pacific Project.
- CLGF Pacific 2008, Commonwealth Local Government Good Practice Scheme: Papua New Guinea, Briefing Note, Commonwealth Local Government Forum.
- CLGF 2008, Commonwealth Local Government Good Practice Scheme: Programme Design Document 2009-2011, Commonwealth Local Government Forum.
- CLGF 2009, The Good Practice Scheme 2009-2011, accessed 10 March 2009, <<http://gps.clgf.org.uk>>.
- Cooper L 1984, 'The twinning of institutions: its use as a technical assistance delivery mechanism', World Bank Technical Paper 23, World Bank, Washington D.C.
- Cremer, RD De Bruin, A and Dupuis A 2001, 'International sister-cities: Bridging the global-local divide', *American Journal of Economics and Sociology*, vol. 60, no. 1, pp. 377-401.
- Devas, N 2001, 'Does city governance matter for the urban poor?', *International Planning Studies*, vol. 6, no.4, pp.393-408.
- Duncan, R 2005, 'An overview of decentralisation and local governance structures in the Pacific region', in *Local Democracy and Good Governance in the Pacific: Report of the Regional Symposium held in Suva, Fiji Islands, December 2004*, Commonwealth Secretariat, London.
- Filer, C 2004, 'Horses for courses: Special purpose authorities and local-level governance in Papua New Guinea', Discussion Paper 2004/6, State, Society and Governance in Melanesia, Australian National University, Canberra.
- Government of Papua New Guinea (GoPNG) 2006, Urban governance support project, GoPNG/UNHABITAT.
- Green, L Game, C and Delay, S 2005, 'Why should my local authority be involved in an overseas project? Understanding the domestic impacts of local government involvement in international development', University of Birmingham and UK Local Government Alliance for International Development.

- Haley, N 2008, Strengthening civil society to build demand for better governance in the Pacific, State Society and Governance in Melanesia Project Discussion Paper 2008/7, Australian National University, Canberra.
- Hasan, A 2006, 'Orangi Pilot Project: the expansion of work beyond Orangi and the mapping of informal settlements and infrastructure', *Environment and Urbanization* vol. 18, no. 2, pp. 451-480
- Hassall, G and Tipu, F 2008, 'Local government in the South Pacific islands', *Commonwealth Journal of Local Governance*, vol. 1, no. 1, May, pp. 6-29.
- Hewitt, W E 1999, 'Cities working together to improve urban services in developing areas: The Toronto-Sao Paulo example', *Studies in Comparative International Development*, vol. 34, no.1, pp. 27-44.
- IIED 2004, Reshaping local democracy through participatory governance, *Environment and Urbanization Brief 9*. London: International Institute for Environment and Development.
- Jones, ML and Blunt P 1999, 'Twinning as a method of sustainable institutional capacity building', *Public Administration and Development*, vol. 19, pp. 381-402.
- Klitgaard, R 1997, 'Cleaning up and invigorating the civil service', *Public Administration and Development*, vol. 17, pp. 487-509.
- Kunzmann, K 2005, 'Urban planning in the North: Blueprint for the South?', in M. Keiner *et al.* (eds) *Managing Urban Futures*, Ashgate, Aldershot, pp. 235-244.
- Lae Urban Local Level Government (LULLG) 2003, Asitiwa Waste management Project (2004-2014) Background Report, Lae Urban Local Level Government/Cairns City Council.
- Leeds City Council, 2008, International Relations, Accessed 10 January 2009, <http://www.leeds.gov.uk/About_Leeds/International_relations.aspx>
- May, R 1999, 'Decentralization in Papua New Guinea: Two steps forward, one step back', in M. Turner (ed.) *Central-Local Relations in Asia-Pacific*, MacMillan, London, pp.123-148.
- Mellor, R 2004, The Commonwealth Local Government Good Practice Scheme (Pacific Region) Mid-Term Review, UTS Centre for Local Government, Sydney.
- National Capital District Commission and Townsville City Council, 2008, Project Hetura, presentation at the Australian/Papua New Guinea Dissemination Workshop, Noosaville 29th May.
- Noosa Council, 2008, Report on a visit to Alotau Urban Local Level Government (AULLG), Milne Bay, Papua New Guinea.
- Nunan, F and Satterthwaite, D 2001, 'The influence of governance on the provision of environmental infrastructure and services for the low-income groups', *International Planning Studies*, vol. 6, no. 4, pp. 409-426.

- Parker, T and Praeger, M 2008, 'Commonwealth Local Government Forum Pacific Project', *Commonwealth Journal of Local Governance Issue*, vol. 1, no. 1, May, pp. 1-9.
- Pluijm, R van der 2007, 'City Diplomacy: The expanding role of cities in international politics', Netherlands Institute of International Relations, The Hague.
- Prinsen, G and Titeca, K 2008, 'Uganda's Decentralized Primary Education: Musical Chairs and Inverted Elite Capture in School Management Committees', *Public Administration and Development*, vol. 28, no. 2.
- Radio Australia 2008 'Garbage piles up in Mt Hagen', July 7.
- Sanyal, B (ed.) 2005 *Planning Cultures*, Routledge, London.
- Schoeffel, P 2003, 'Small is not beautiful: Central government and service delivery in the Pacific', Discussion Paper 2003/7, State, Society and Governance in Melanesia, Australian National University, Canberra.
- Spence, R and Ninnes, F 2007, Building relationships across the Timor Sea: An evaluation of the Australian/Timorese friendship agreements', *Public Administration and Development*, vol. 27, pp. 333-340.
- State of Queensland 2007, Report of the Local Government Reform Commission – Volume One, Local Government Reform Commission, Brisbane.
- Storey, D 2005, Urban Governance in Pacific Island Countries: Advancing an overdue agenda. State Society and Governance in Melanesia Project Discussion Paper 2005/7, Australian National University, Canberra.
- Storey, D Bulloch H and Overton J 2005, 'The Poverty Consensus: Some limitations of the 'popular agenda'', *Progress in Development Studies*, vol. 5, no.1, pp. 30-44.
- Sunshine Coast Regional Council and the Alotau Local Level Government 2008a, Partnership between the SCRC and the AULLG, presentation at the Australian/Papua New Guinea Dissemination Workshop, Noosaville 29th May.
- Sunshine Coast Regional Council and the Alotau Local Level Government 2008b, CLGF Good Practice Activities Report, May.
- Swain, C and Tait, M 2007 'The Crisis of Trust and Planning', *Planning Theory and Practice*, vol. 8, no. 2, pp. 229-247.
- Sykes, S 2002, 'Building capacity for sustainable resource management through Sister City arrangements', <http://www.regional.org/au/soc/2002/3/sykes.htm>.
- Townsville City Council/National Capital District Commission (NCDC), 2008, NCDC/Townsville Hetura II Project, January-June Bi-annual progress report.
- Townsville City Council/National Capital District Commission (NCDC), 2007, NCDC/Townsville Hetura II Project, July-December Bi-annual progress report.

World Bank, 2004, *World Development Report 2004: Making Services Work for Poor People*, New York, The World Bank Group.

World Bank, 2008, *World Development Report 2008: Reshaping Economic Geography*, New York, The World Bank Group.

Zelinsky, W 1991, 'The twinning of the world: Sister cities in geographic and historical perspective', *Annals of the Association of American Geographers*, vol. 8, no. 1, pp. 1-31.

Electoral Quotas: Should The UK Learn From The Rest Of The World?

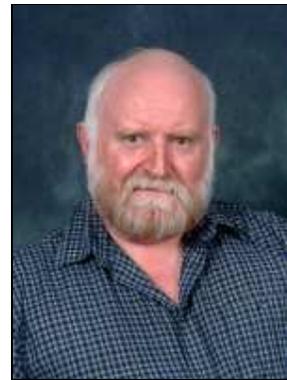
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The Speaker's Conference

UK Prime Minister Gordon Brown would surely love his political legacy to include a significant contribution to constitutional reform. Certainly he inherited, on succeeding Tony Blair in 2007, a substantial agenda of unfinished constitutional business: devolution, House of Lords reform, the electoral system, a bill of rights, a written constitution. Two years on, though, major progress on any of these 'big' topics seems most unlikely before a probable 2010 General Election. Which might mean a rather modest constitutional legacy, based mainly on bringing some prerogative powers under MPs' scrutiny and control, and, in other comparatively minor ways, boosting the role of Parliament. One such low profile, though not unimportant, initiative is Brown's revival of the Speaker's Conference, a constitutional device that many supposed had become extinct with the creation in 2000 of the Electoral Commission.

They were always rare, but there were five occasions during the 20th Century when the Prime Minister asked the Speaker of the House of Commons to establish and chair conferences of selected parliamentarians to reach all-party agreement on reforms to electoral law. The first, and arguably most successful, was in 1916-17, its recommendations resulting directly in the 1918 enfranchisement of women over 30. The 1965-68 Conference played a part in Britain becoming the first West European country to lower the minimum voting age from 21 to 18. The present Conference is the sixth, proposed by the Prime Minister and approved by MPs in November 2008. Chaired by Speaker Michael Martin, its central task is to:

“make recommendations for rectifying the disparity between the representation of women, ethnic minorities and disabled people in the House of Commons and their representation in the UK population at large.”

The Conference is, of course, anything but the first body to address the topic of representational disparity or diversity in UK governmental institutions, but it is the first of such standing whose whole presumed *raison d'être* is to make recommendations for statutory change. Redressing the under-representation of minority groups, the PM appears to be suggesting, requires more than the well-meaning exhortation of party leaderships and the campaigning of interest groups. It may demand reform of the electoral system itself and of electoral law. And, turning to the focus of this commentary, if that is the case for parliamentary representation, why should it not also apply at local level – at least in England and Wales, whose councils are elected by exactly the same plurality or ‘First-Past-The-Post’ electoral system as the House of Commons?

The statistics of representational disparity

The disparity referred to in the Conference’s terms of reference is easily demonstrated. There are a rather extraordinary 646 Members of the UK Parliament’s lower, elected chamber, the House of Commons, 125 or 19% of whom are women. Of the 193 Conservatives, just 17 or under 9% are women, compared to Labour’s 94 or 27% – thanks in part to Labour’s use of all-women shortlists, as described below. The 19% total puts the UK 60th out of the 188 countries in the Inter-Parliamentary Union’s ‘league table’ of the percentages of women in the world’s national parliaments – a table headed by an assortment of countries united only by their cultural, constitutional or statutory commitment to promoting women’s electoral prospects: Rwanda (56% women MPs),

Sweden, Cuba, Finland, Netherlands, Argentina (40-47%), Denmark, Angola, Costa Rica, Spain, Norway (36-39%) (see Game, 2009, p.167).

There are 15 black and minority ethnic (BME) MPs: 13 Labour and two Conservative – 2.3% compared with 8% of the UK population as a whole. The number of known disabled MPs is smaller still – partly because of those who, like the PM himself, blind in his left eye following a teenage rugby accident, simply don't regard or declare themselves as impaired. Even with this qualification, though, the true figure would most likely be well below the 9.5% of adults describing themselves in the 2001 Census as having “a long-term illness, health problem or disability” that limited their daily activities or the work they could do.

On all three characteristics, local councillors are more reflective of their electorates than are MPs, although especially in the case of women the disparity is still both substantial and seemingly entrenched. In 2008 the proportion of women among the 22,300 councillors on Great Britain's 442 principal local authorities reached, for the first time, 30% (LGA/IDAA 2008). It had taken exactly 100 years – since the 1907 legislation permitting the election of women to all-purpose local councils – to reach this symbolic milestone (Game, 2009, pp. 154-57). At recent rates of progress, it would take most of a further century to approach gender parity. At least women's representation is increasing. The proportion of BME councillors is currently falling – from 4.1% in 2006 to 3.4% in 2008 – although most of this reversal is attributable to the Labour Party's heavy loss of seats in all recent sets of local elections. Interestingly, the 13.3% of self-declared disabled councillors is actually higher than the 9.5% Census figure.

These representational disparities can be seen as direct consequences of the major parties' largely unregulated candidate selection markets, and, just as with financial markets, it seems that at least some of our politicians, albeit late in the day, are coming to recognise that perhaps there is a case for greater intervention in these markets, and maybe even recourse to the law. For the evidence strongly suggests that almost all the countries that have managed noticeably to increase the electoral chances of under-represented groups have done so through electoral systems and regulations that foster that objective. The UK, on the other hand, has historically had an electoral system that restricts representational diversity, reinforced, in respect of the operation of its parties, by a *laissez-faire* political culture.

Electoral engineering and the representation of minorities

Just as civil engineers design houses, roads and bridges, electoral engineers design electoral systems. Given the specifications, they can produce systems to achieve almost any desired outcome: simplicity, proportionality, inclusiveness, ‘strong’ and stable government, higher turnout, voter choice, minimal vote wastage, exclusion of extremists – including the outcome that concerns us here: increased representation of previously under-represented minorities (‘minority’ being used here of women in obviously a purely representational sense). The world’s leading electoral engineers are the International Institute for Democracy and Electoral Assistance (see, for example, IDEA 2005) and it is their approach that is summarised here.

The IDEA design model comprises three main electoral system variables:

- District magnitude – the number of representatives elected per electoral division at any particular election
- The formula – that determines how the winner or winners are decided
- Ballot structure – whether the elector votes for a candidate or a party, and whether they make a single choice or can express a series of preferences.

Each variable can have its impact on the chances of minority group candidates being nominated and elected. With district magnitude, for example, multi-member constituencies permit party selectors to nominate a list of candidates. To maximize the appeal of their list, they are more likely, the reasoning goes, to nominate a diverse, ‘balanced’ slate than if they were picking just one candidate. The greater the district magnitude, the longer will be the party lists of nominees, and the greater the likelihood of candidate, and eventually representative, diversity.

Bringing the three electoral system variables together, both a priori reasoning and the international literature (DCLG, 2007b, pp. 22-24) suggest that party-centred, multi-member constituency systems of proportional representation (PR) are the most favourable combination for the election of minority group representatives. As for the least favourable combination, the picture is even more clear-cut: it is the mostly single-member constituency, candidate-centred plurality systems that until recently were all that voters in Great Britain had experienced: “This is a global tendency. Women’s representation in parliaments in the world is around twice as high in countries with PR

electoral systems as in countries that use majority/plurality electoral systems” (European Parliament, 2008, p. 10).

Since 1998, however, elections in parts of the UK have been transformed. The new devolved governing bodies – the Scottish Parliament, the National Assembly for Wales, the Northern Ireland and Greater London Assemblies – are all elected by PR systems based at least in part on multi-member constituencies. And in 2008 Scotland changed its local electoral system from FPTP to the more proportional Single Transferable Vote (STV) – a candidate-centred system, but one also requiring multi-member constituencies.

The case for electoral reform was naturally, therefore, among the topics addressed by the Councillors Commission, set up in 2007 with effectively a local government version of the Speaker’s Conference brief: to identify barriers deterring people from standing for election as councillors and to recommend ways of increasing councillor diversity. A key recommendation of the Commission was that, following Scotland’s change, English councils should be able at least to pilot STV (DCLG 2007a, Rec. 21). Despite her professed commitment to both the principle of local experimentation and the cause of councillor diversity, Hazel Blears, the cabinet minister responsible for local government, chose to reject this recommendation, among others, in the Government’s official response to the Commission (DCLG 2008, p. 67). Northern Ireland councils have used STV since 1973, now all Scottish councils, but no English council was to be allowed even to test it. One implication of which would seem to be that, if any marked improvement is to be made in the so-called ‘descriptive representation’ of our councils – looking, feeling and acting like the people they purport to represent – English reformers, like those in new and transitional democracies unwilling to take the Scandinavian incremental track to equal political representation, may have to look to quotas.

Quotas – how they work

Electoral quotas are a form of affirmative action to help under-represented groups overcome obstacles preventing them from participating in politics to the same extent as certain other groups. They entail specifying that the under-represented group must constitute a certain proportion of the members of a body – a party’s candidate list, an elected assembly – and, for the policy to be effective, specifying also the sanctions for non-compliance. The idea is to bypass the endless debates about why the under-representation exists, and place the responsibility for redressing it not primarily on

members of the under-represented group themselves, but on those who control the recruitment process.

The recent spread of electoral quotas has been such that, while the simile is hardly a very positive one, it has been likened to a fever or epidemic. There are several different types, but, following Dahlerup (2006, p.19), they can be usefully arrayed along two dimensions: the body responsible for the quota system, and the part of the electoral process – nomination, selection, and post-election – that the system targets.

Legal versus voluntary quotas

Legal quotas are either part of a country's constitution or established through election law. They apply to all political parties and organisations participating in the specified elections, and should stipulate penalties for non-compliance: fines, candidate disqualification, and ultimately disqualification of the offending party. If effectively enforced, they can provide, as in countries as diverse as Rwanda, Costa Rica, Spain and South Africa, what Dahlerup calls a fast track to more equal representation. According to the IDEA's *Global Database of Quotas for Women*, 15 countries in 2009 had constitution-based quotas for their national parliaments – including five Commonwealth nations: Bangladesh, Guyana, Kenya, Tanzania and Uganda – and 45 (in some cases the same countries) had quotas based on election law. Legal quotas operated at the sub-national level in 34 countries, the Commonwealth represented in this instance by Bangladesh, India, Lesotho, Namibia, Pakistan, Sierra Leone, South Africa, Tanzania and Uganda.

Voluntary quotas are those adopted and set voluntarily by political parties. They may exist alongside legal quotas, but otherwise they are not legally binding and there are no sanctions to enforce them. The IDEA listed 169 parties in 69 countries claiming to use voluntary quotas. Many of these countries are European, including about two-thirds of the 27 European Union members, and, ever since quotas were first introduced in Scandinavia in the 1970s, reliance on the commitment and integrity of political parties has traditionally been the preferred European way. But, although it has received little attention so far in the UK, Europe is changing. Belgium led the way, introducing a gender equality law in 1994 that was subsequently strengthened and extended to all elections. France followed in 1999 with a 'Parity reform' amendment of the Constitution,

and since 2005 Slovenia, Portugal and Spain have all passed equality laws that are binding on all political parties.

Results-based versus pre-selection quotas

Results-based quotas ensure that a certain number or proportion of seats in an elected body is reserved for women or other under-represented groups. These may be filled either by regionally selected representatives or by political parties in proportion to their overall share of the national vote. Pakistan is the longest-standing user of reserved seats for women, successive constitutions from 1954 providing for a proportion of reserved seats in the National Assembly (60 in the 2008 elections) and also in provincial assemblies and local councils. Uganda, though, has extended its use to probably the largest number of separate minorities, reserving seats in Parliament for women and for representatives of the youth, the disabled, workers, and the army, and also, on district councils, for the elderly (see Kiyaga-Nsubuga and Olum, 2009, p.32). Another device is the women-only ballot, the principal means by which Rwanda leapfrogged to the top of the IPU world rankings at a single election – the ballot accounting for 30% of the available seats. Some Indian states have similar systems for local elections – alongside, incidentally, two-term limits that apply to men only. For obvious reasons, results-based quotas tend to be entrenched in either constitutional or election law.

Nomination and selection quotas are applied at some stage during the candidate selection process, the aim being to make it easier for women to be selected as candidates in winnable seats or, in party list systems, to be placed in a favourable position on their party's list. The most common variant, except in the UK, is the specification of a minimum percentage of women to be included in a party or candidate list. Zipping – or the zebra system, as it is pleasingly known in some African countries such as Namibia – is also quite widespread, requiring that places on a party or candidate list be allocated alternately to men and women. In the UK it was used by the Liberal Democrats in the 1999 European Parliament elections, and subsequently in the regional lists in elections to the Welsh Assembly.

Quotas for UK elections?

Electoral quotas confront a double obstacle in countries like the UK with candidate-centred plurality electoral systems based nationally and mostly locally on single-member constituencies. These countries' choice of system in the first place reflects a preference

for elections that produce strong, preferably single-party, majority governments, rather than a proportionate representation either of the range of competing parties or of specific groups within the electorate. Secondly, this ideological distaste for minority representation is reinforced by the very nature of the electoral system, which makes it difficult to apply quotas in any case. Indeed, if you are selecting only a single candidate for a single electoral district, it is not just difficult, but impossible, to introduce both men and women at the same time as in a party list system.

If there is to be external intervention, it effectively has to come at the nomination stage of the candidate selection process, and the most noteworthy example in the UK has been the Labour Party's use of all-women shortlists. There had been previous, not conspicuously successful, attempts by parties to require the inclusion of at least one woman on candidate shortlists, but, in the run-up to the 1997 General Election, Labour adopted a policy of requiring that all-women shortlists be used to select candidates in half of all vacant seats that the party was likely to win. It was, unsurprisingly, extremely controversial and in 1996 was contested – by two 'excluded' male candidates claiming, to the satisfaction of an industrial tribunal, that the lists were themselves in breach of the Sex Discrimination Act. However, 39 women candidates had already been selected, 35 in seats the party judged winnable, all of whom were elected.

The two other major national UK parties – the Conservatives and Liberal Democrats – are both opposed to such forms of affirmative action, and neither has sought to use it even since it was legalised in the Sex Discrimination (Election Candidates) Act 2002. It was Labour also, therefore, who, for the first elections to the Scottish Parliament and the Welsh and London Assemblies (1998-2000), introduced a system of twinning. Party members of two neighbouring and comparably winnable constituencies met together jointly to select their candidates, with the requirement that one be a man and the other a woman. In 2004 the party instituted all-women shortlists for local government elections, and they were also used in the 2005 General Election.

Which brings us back to the potential importance of the Speaker's Conference, and the tradition that such conferences are expected to make recommendations specifically about changes in the law. The 2002 Act did the immediate job it was designed to do – namely to exclude from the purview of the Sex Discrimination Act any action by a political party to reduce inequality in the numbers of men and women elected to political office. Parties

could, if they chose, use devices like women-only shortlists. But it was entirely permissive – so innocuous, in fact, that the Conservatives and Liberal Democrats did not even oppose it. For reformers, therefore, it was a prescriptive opportunity lost: an opportunity to compel parties to adopt positive action to reduce inequality, to set candidate diversity targets for other groups as well as for women, and to institute a tariff of financial penalties for non-compliance. They will be expecting such questions to feature on the Speaker's Conference agenda.

References:

- Dahlerup, D. (ed.) 2006, *Women, Quotas and Politics*, Routledge, London.
- Department for Communities and Local Government (DCLG) 2007a, *Representing the Future: The Councillors Commission*, DCLG, London
<<http://www.communities.gov.uk/documents/localgovernment/pdf/583990.pdf>>
- DCLG 2007b, *Councillors Commission Research Report 3: Improving the Representativeness of Councillors – An International Literature Review*, DCLG, London
<<http://www.communities.gov.uk/documents/localgovernment/pdf/584112.pdf>>
- DCLG 2008, *The Government Response to the Councillors Commission*, DCLG, London
<<http://www.communities.gov.uk/documents/communities/pdf/30.pdf>>
- European Parliament 2008, *Electoral Gender Quota Systems and their Implementation in Europe*, European Parliament, Brussels
<<http://www.europarl.europa.eu/activities/committees/studies/download.do?file=22091>>
- Game, C. 2009, 'Twenty-nine per cent Women Councillors After a Mere 100 Years: Isn't it Time to Look Seriously at Electoral Quotas?' *Public Policy and Administration*, 24:2, pp. 153-74.
- International Institute for Democracy and Electoral Assistance (IDEA) 2005, *Electoral System Design: The New IDEA International Handbook*, IDEA, Stockholm
<http://www.idea.int/publications/esd/upload/ESD_inlay.pdf>.
- IDEA n.d., *Global Database of Quotas for Women*, IDEA, Stockholm. accessed 26 April 2009,
<<http://www.quotaproject.org/system.cfm#political>>
- Inter-Parliamentary Union (IPU) n.d., *Women in National Parliaments*, IPU, Geneva. accessed 26 April 2009, <<http://www.ipu.org/wmn-e/classif.htm>>
- Kiyaga-Nsubuga, J. and Olum, Y. 2009, 'Local Governance and Local Democracy in Uganda' *Commonwealth Journal of Local Governance*, Issue 2, pp.26-43,
<<http://epress.lib.uts.edu.au/ojs/index.php/cjlg/article/view/1006/1010>>
- Local Government Association and Improvement & Development Agency (LGA/IDEA), 2008 *National Census of Local Authority Councillors 2008*, LGA/IDEA, London
<<http://www.lga.gov.uk/lga/aio/1399651>>

Governance at the Local Level in Melanesia – Absent the State

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1. Introduction

At independence the three Melanesian states of the Pacific Islands region – Papua New Guinea (1975), Solomon Islands (1978) and Vanuatu (1980) – opted for decentralised systems of government. In all cases a three-tier system of national, provincial and local government was introduced, although the specific arrangements and allocation of powers differed substantially. Since that time there has been a good deal of analysis about the policy processes of decentralisation itself and about the effectiveness (or otherwise) of national-level governance in these countries; but until recently little has been written about the lower levels.

This short article surveys some of the recent research and commentary on local-level governance relating particularly to Papua New Guinea (PNG) and Solomon Islands. It focuses on both the poor condition of formal local-level government as well as on the rise of informal governance-type activity at the local level which might be described as ‘civil society in formation’.

It is clear in these two countries that the formal institutions of Local Level Government (LLG) – with a small number of notable exceptions in PNG – have not worked well nor gained much traction as effective instruments of administration and service delivery within the communities they were established to serve. In some ways this is a surprising result given the famed diversity of Melanesia's small-scale socio-political units which, together with fissiparous tendencies evident in the late colonial period, led observers at that time to the view that these countries were ripe for the transplantation and uptake of local-level forms of government.

LLGs, however, quickly became very much the 'poor cousins' of the higher levels of government. Indeed, major decentralisation 'reforms' in PNG in 1995 impacted adversely on the powers and service abilities of the LLGs even though the 'reforms' were justified in terms of decentralisation to LLGs (May 1999), while in Solomon Islands the local level system of Area Councils created at Independence was largely ignored at the national level (Nanau 1998, p.190) and then abolished in 1996/7 (Cox and Morrison 2004). At the same time those 'reforms' did little to enhance the presence or effectiveness, at the local level, of the other levels of the state – Provincial and National government.

In the absence of effective formal local *government*, most villages and communities have governed their affairs according to customary rules and localised practices that have evolved and adapted over time. In PNG there were wide variations in the ways clans organised and conducted socio-political affairs in their villages and communities, consistent with that country's immense diversity in local languages, cultures and topography (Rowley 1965, pp. 32-52; Jinks 1971, pp. 8-37). In the smaller polity of Solomon Islands it was possible to identify 'traditional governance structures' that provided its small discreet 'tribal' units with a framework for social and economic relations, leadership and participation (Wairiu and Tabo 2003; White 2007).

The absence of effective local government, however, has not left communities in either country totally bereft of services. Services such as schools and health clinics, normally provided by governments, continue to be supplied by church missions, although the coverage is neither evenly spread across both countries nor sufficient to cater for all but a minority of the population. Mining companies, particularly in PNG, have contributed to

the building and repair of roads, bridges and wharf facilities, and have initiated local business development ventures in the areas where their businesses are located. International non-government clubs and organisations have built and resourced schools and clinics – a recent hospital at Kokoda, for example, being a gift from Australian Rotary Clubs.

Importantly, one institution of government that has become reasonably well embedded at the local-level across most of PNG has been that of Village Courts. These are dispute-resolution mechanisms that operate under state authority – though often autonomously of the state – with local assessors adjudicating cases, the outcomes of which are highly contextualised and consequently of considerable local credibility and legitimacy.

Over the past decade, researchers and participant-observers have looked beyond the formal institutions of *government* and examined more broadly the *governance-related* political and community activity that is occurring at local levels, in a sense, in the absence of state. A significant finding in both countries – and the major concern of this article – has been the formation and flourishing of large numbers of local-level groups and associations that have organised in pursuit of *governance*, development and community-related activities and objectives. Anwar Shah provides a helpful distinction between these terms: *local government* referring to specific institutions or entities created constitutionally, legislatively or by executive order to deliver a range of specified services to a relatively small geographically delineated area; whereas *local governance* refers to a broader concept defined as the “formulation and execution of collective action at the local level” encompassing both “the direct and indirect roles of formal institutions of local government ... as well as the roles of informal norms, networks and community organizations, and neighbourhood associations in pursuing collective action” (Shah 2006, pp. 1-2).

2. Condition of local level government

The poor condition of LLG in PNG was described in 2004 by the then Minister for Inter-Government Relations, Sir Peter Barter, in the following terms:

“... LLGs have proliferated without regard to cost and cost-effectiveness. At the same time, local government councils (with honourable exceptions) have lacked financial discipline. Much of their external income has disappeared into councillors’ salaries and allowances. Much of their internal revenue, which has been derived from fees and

rentals, has been siphoned off by councillors and public servants” (Barter 2004, p. 146).¹

In May 2005 Minister Barter was similarly critical of the abuse of LLG funding, estimating that perhaps 80–85 per cent was “either ‘wasted’ or not used for its intended purpose, through lack of proper planning or corruption” (in May, RJ 2005, p. 2). He was critical also of the fact that more than half the provincial administrators were ‘political’ appointees who often had no experience of running a province or a local-level government and called for the reintroduction of a merit-based career service structure.

A ‘Pilot Study of District Level Governance in Papua New Guinea’ conducted in 2004–2005 by researchers from Divine Word University, the National Research Institute of PNG and the Australian National University in four of the 19 Provinces (May, Ron 2005; Haley 2005) pointed to variations in performance across the country and to recurring problems of funding, infrastructure, human resources and the roles played by MPs. In a number of cases, the study found that LLGs were ineffective, ‘if indeed they met at all’! The study reached conclusions about the performance of many District and LLGs equally as critical as those of the Minister, although they were expressed in less blunt language.

That sorry condition has persisted. Philip Moya (2007, p. 166), himself a former senior provincial administrator in PNG described how provincial governments had “hijacked the due processes of planning, budgeting, accounting and reporting...and derailed the proper constituted procedures and mechanisms to ensure that all stakeholders participate. The losers (Moya continued) have been the vast majority of the population. Good road networks, communications, health facilities, and goods and services have been denied to 85 percent of the provincial population, who depend entirely on the subsistence economy.” Diana Cammack (2008), in a report on ‘Chronic Poverty in Papua New Guinea’ for the Chronic Poverty Research Centre, noted ‘disfunctionalities’ in local administration, insufficient funding for local projects, politicised appointments of staff, and lack of either upwards or downwards accountability. A Senior Fellow at the National Research Institute in PNG, Dr. Alphonse Gelu (in Eves, forthcoming; see also Esonu, 2006), reckons that very few of the three hundred and three LLGs in the country operate effectively.

¹ A prominent exception in PNG is the Province of East New Britain (May, Ron, June 2005); while in Solomon Islands local government is effective in the Province of Santa Isabel (White 2007; Nanau, Waleanisia and Wickham 2005).

In both countries the presence of the ‘state’ was thin. Public servants rarely travelled away from provincial headquarters and the local member of Parliament (whose constituency was likely to geographically cover several LLG units) nominally became the representative of the state. In Solomon Islands, Cox and Morrison (2004) noted that in the absence of a local tier of government following the abolition of Area Councils, a ‘gap’ between the provincial administration and the local-level had developed that had been exacerbated by the closure of many provincial sub-stations due to financial cuts associated with the period of ‘ethnic tension’ from the late 1990s. Scales (2005, p. 141-2) noted the constant complaints and frustrations of rural Solomon Islanders at the lack of meaningful institutional change or reform and of their desire for government’s recognition and support for the many village-based associations which informally act as service deliverers. From another angle, donors have recently expressed frustration at the absence of local government authorities or a workable decision-making structure through which they could disburse donor-relief funding following a tsunami! (Ladley 2009)

The trauma, turmoil, disruptions and dramatic economic downturn of the period of *tension and crisis* (1999-2003) in Solomon Islands that led to an armed intervention known as the Regional Assistance Mission to Solomon Islands (RAMSI), have contributed even further to a falling away of *government* at the local level. A community-level ‘Snapshot’ of Solomon Islands for the AusAID-sponsored ‘Community Sector Program’ in 2005/6 found wide separations and disjunctions between communities and the formal structures of government (Lawrence and Allen in Eves, forthcoming). Access to government services was seen as low, police involvement slight, and conflict resolution left to chiefs and churches. MPs’ visits to their constituencies, beyond their home area, were rare.

While there has been a falling away of *government* at the local level, there has been no shortage of politicking. Attempts by governments in both countries to disperse more funding to rural areas through direct grants to MPs (District Grants in PNG; Rural Constituency Funds in Solomon Islands, the latter funded by aid from Taiwan) have increased the prevalence of ‘patronage’ politics. These ‘handouts’ are an unplanned and often inappropriate disbursement of cash, which swamp local capacities and warp expectations at the community level. They have led in PNG to antagonisms between the

various levels of government and in both countries to fierce politicking for access to this resource.

Reforms to LLG in both PNG and Solomon Islands are not in immediate prospect. Senior PNG government ministers recognize the problems of the current decentralised system and various government agencies including the National Economic and Fiscal Commission and the Public Sector Reform Advisory Group (Government of PNG 2006; PSRAG Second Report, July 2006) have advised the PNG Government on steps towards LLG and broader governance reform. A public dialogue involving interested groups on fiscal decentralisation is in train, but as yet there has been no strong commitment in policy or resources towards resolving these institutional problems. Reform in Solomon Islands hinges to a large extent on a long-running (but currently faltering) constitutional reform process established to consider the prospects for a federalist state structure known as the ‘Constitutional Congress and Eminent Persons Advisory Council’. Among reforms proposed that would affect LLG are the delegation of authority to the provinces (or states) to provide for lower levels of governance as appropriate, and for the constitutionalisation of ‘custom’.

3. Governance activity at the local level: in the absence of state

The past decade, as noted above, has witnessed a plethora of community-based groups forming in many locations and becoming active across a wide and diverse range of activities in both PNG and Solomon Islands. Collectively these groups may be considered a part of the nation’s emerging ‘civil society’; a largely indigenous ‘organic’ process now aided, to some extent artificially, by donor programs and funding which are designed to promote good governance and democracy agendas.²

The variety of such groups, associations and organisations is wide. Some operate at national level with knowledge of and connections to government, donors and parts of the private sector. There are many organised, non-government/non-state organisations that approximate the description of a local ‘non-government organisation’ (NGOs). There are even larger numbers of community-level organisations and associations, usually with intensive local foci, that may be categorised as community-based organizations (CBOs).

² Dinnen (2003 p. 6) discusses the conceptual difficulties in defining ‘civil society’ and its presumed roles in the political and social development of Melanesia.

There are similarly based associations that have a *bisnis* orientation; sometimes resembling old-style, savings-and-loans societies, at other times being more commercially focused. The ‘business development associations’ of the late-colonial period seem to have faded from fashion. (The Australian Council for International Development estimates there to be 57 Australian NGOs in PNG and 20 in Solomons; 20 ‘registered’ local NGOs in each country; and hundreds of CBOs.)

Churches of various denominations, in themselves perhaps the strongest NGOs, are widespread across Melanesia and have spawned (and operate in tandem with) other associations, particularly women’s clubs and groups. As noted above they fulfil a quasi-governmental role in health and education service delivery across Melanesia. Women’s groups and associations are numerous – Alice Pollard and colleagues estimating that about 3,000 community women’s groups and 10 or more women’s associations operate at the national level in Solomon Islands (Wairiu 2006; see also Wairiu 2003, Scales 2003). At village and clan level, self-help groups designed to improve the lot of the community by organising collective services and activities – marketing, clinics, village improvements, roads, and dispute resolution – are also in evidence (Hegarty and Thomas, 2005).³ Issue-oriented NGOs are active, for example, over land, forestry and environmental concerns (often linked to international NGOs) and operate not simply in ‘protest’ fashion, but in support of local development objectives as well as conservation.

Many local groups and associations exist (in PNG) in the ‘shadow’ or in place of former Local Government Councils (LGCs). Some continue to conduct the business of the LGC (for example: meet, plan, receive and debate submissions from ward committees; issue instructions and fine ‘offenders’ for transgression of local rules of behaviour, such as unleashed pigs, showing disrespect to others, and trespassing; and carry out minor works and repairs to buildings and local roads) even though the councils have not operated formally for a decade or more.

Some groups exist alongside, or morph into, or draw inspiration from groups that bear some resemblance to the so-called ‘cargo-cults’ of previous decades (Regan, Cox and Bainton, forthcoming). And in parts of Melanesia there are specifically designated and

³ Note that some self-help groups formed also in the 1970s in the period around PNG’s independence. Current group formation is different from the anti-colonial mobilisations of the early 1970s. May, 1982.

increasingly self-designated fighting groups and/or ‘raskols’ that engage in retribution and/or criminal ‘gang’ activity and which may be seen, in the broad, as negative social capital, though at times in the local context, as functional providers of ‘security’.

An interesting sub-category of associations, or communities, are those which stand outside the ‘system’ – deliberately absenting themselves from ‘engagement’ with *government*, though occasionally, but quite autonomously, making contact with the state/government apparatus when it suits their particular interest or need (Minnegal and Dwyer in Eves, forthcoming 2009).

In the nature of Melanesian social organisation, most community groups – if not all – will have a clan or sub-clan base. Leadership of these groups is as yet an under-researched subject; but aspiring big-men, motivated women, those with a service orientation and (doubtless) those – young and old – with an eye on the political prize of a seat in Provincial Assemblies or National Parliament.

The rationale and objectives of these groups and associations are varied, but all involve some form of local-level organisation and most have the objective of improvement in the livelihoods and socio-economic conditions of the rural populace, as well as of the preservation of ‘kastom’, tradition and ‘ways of life’. Many link to church networks to enhance effectiveness. Increasing numbers of groups across the spectrum are accessing donor funding, thereby requiring some degree of formal organisation and ‘paperwork’.

Mobilisation around local issues and the charting of agendas for the enhancement of livelihoods and service delivery, all indicate degrees of politicisation and forms of ‘civic’ action that often go unrecognised by analysts, donors and even at times by those in power locally. The absence of an effective local governmental system has denied these groups a ‘channel’, theatre, decision-making apparatus and resource provider/allocator within which they might operate, or with which to interact more effectively on behalf of their ‘constituents’. Such an absence also leaves them frequently vulnerable to being bypassed by patronage politicking on the part of the elected national MP, thereby limiting their clout and functionality.

4. Local-level groups and associations: case studies

Most local group and community initiatives are not well known. To illustrate some of their character and diversity the next section of the paper briefly summarises some case studies presented in the main by the organisers themselves in conferences and workshops organised by the State, Society and Governance in Melanesia program of the Australian National University since 2004. It is by no means a comprehensive sample of the types of groups and associations concerned with governance, community service, confidence-building, resource development and entrepreneurial activity occurring at the local-level.

A community and development activist in the Highlands of PNG, James Ogia (2008), related his *stori* of how he and his wife set about building ‘collective responsibility’ in their remote village by ‘tapping traditional notions of group benefit for modern needs’. Their task was to: bind together 12 villages (3,500 people, speaking different languages) in a remote area of the PNG’s Eastern Highlands province (90 kms from Goroka) that had had no ‘development project’ or maintenance of the school or health clinic since independence in 1975. The community was also close to separating out along individual clan lines as a result of growing mistrust (loss of bonding ‘social capital’) as a result, for example, of the younger generation not understanding cultural mores including ‘wrong’ or unsanctioned marriages.

The Ogias founded the Pamusa Community Development Association in 2002. It utilised the former council ward structure to select its leadership group (thus allowing the ‘big men’ of the several communities to maintain their ‘customary’ status and roles). Awareness raising was conducted from 2002 to 2004, after which the majority of people agreed to associate. Key community functions included: roads maintenance, clean water supply, education and health clinic infrastructure, farming and cash-crop improvements, limiting vandalism, emphasising the value of communal effort, and marketing produce to Goroka. Problems encountered included: the loss of skilled and educated members (to towns); local power plays and jealousies often involving elements of ‘kastom’ and long-standing rivalries; and the fact that the ‘drivers’ of change needed to be consistently present. Some donor support was received, for example, for a nutrition program from the Save the Children fund (Ogia 2008).

A senior lay official of the Church of Melanesia in Solomon Islands, Ms Ollie Pokana (2008) who manages the 'Inclusive Communities Program', described a Church-run outreach program with donor funding support designed to build community confidence in the period following the 'ethnic tension'. The program is aimed at strengthening villages' capacities for economic self-reliance, leadership, reconciliation and poverty reduction. Training, counselling, mentoring, and representational activities included literacy programs, a 'youth parliament', collaboration amongst 'Houses of Chiefs', critiques of mining and logging ventures, and prisoner rehabilitation programs for life-skills and reintegration. (See also, Higgins 2008).

A local-level health worker, Ms Marilyn Peri (2008), provided an account of a program which built community health care centres in the Southern Highlands Province of PNG – a province that had suffered an almost total collapse of services and been subjected to armed violence on a near constant basis for the past decade. The program, supported by the Church of Nazerene, developed the capacity of hundreds of volunteers to provide health and education training, self policing (through local peace officers) and income-generation advice to communities. It helped bond clan alliances, formulated requests for government assistance, and played an important role in developing self-reliance and collective responsibility in various parts of the Province.

Eric Kwa (2008), an academic and lawyer at the University of PNG, described his role in public advocacy, education and legal support in assisting a LLG in Madang Province to counteract a startling rate of deforestation in the area. In the process, concepts of 'natural resource governance regimes' were developed such that landowners became aware of the consequences of natural resource plunder; were enabled to extract a fair share of revenue and royalties; were aware of the need for 'forestry protection' through legislation; and began to codify customary laws and strengthen collaboration between landowners of various kinds such that a new landowning category – 'grass-land owners' – became important in considerations of resource development.

Rural development specialist, Freddie Hombuhanje (2008), presented a case study of World Vision's 'Begasin Bugati Rural Development Program' in PNG – a large program targeting 40,000 rural inhabitants in Madang Province aimed at improving health, food security and economic status, and the capacity for self-management. This program

involves strong partnerships with government departments (including the national government's Department of Agriculture, Livestock and Fisheries), research institutes, LLGs, and public education radio programs.

Tingneo Mandan (2005), a former school headmaster, described his leadership efforts and those of his community in the '*las kona*' (last corner) of the Morobe Province in PNG to achieve 'development through self-reliance'. His *stori* tells of a group of villages in an isolated inland area that stopped paying taxes to its LLG (distantly located in another valley) and then invested savings in small business ventures to accumulate capital in the provincial capital, Lae, and then in bulldozers so as to build an airstrip and clear roads for the transport of produce from their Burum valley to larger markets. He recounts the sending of students to institutions outside the region for higher education, and of their return to teach in local schools. His *stori* is an exemplar of community initiative for self-reliant development.

Two urban settlement leaders, Issac Wai and Paul Maia (2005), recounted their efforts to bring peace and order to the so-called 'squatter settlement' in which they lived in Port Moresby – a multi-cultural/multi-ethnic settlement racked by anomic and criminal behaviour – by forming a 'Peace, Good Order and Community Development Association'. The association comprised leaders from the 34 ethnic communities and set about implementing counselling and instructional programs on, for example, the prevention of delinquency, the promotion of human development, the status of women, HIVAIDS prevention, conflict mediation and restorative justice, and sports participation for its communities. Liaison arrangements were established with the PNG Police Force and a high degree of order and community cooperation was achieved.

Francis Koburu, a village leader from the Marau area of eastern Guadalcanal, Solomon Islands – a particularly conflicted area during the period of 'ethnic tension' – recorded instructively the ways by which communities restored peace and rebuilt relationships by drawing on, and expanding upon, 'traditional' governance, without the central state playing a role. The Marau Community Association took responsibility for rebuilding the school and health centre and for accessing donor funds for small development projects (piggery, copra dryers), and in effect created an informal local level governance system. As elsewhere, there is a growing preference within local communities, in the absence of

the central state playing a development and service provision role, to work directly with donors (Koburu and Wairiu 2008).

The above cases offer only a small sample of the literally hundreds of groups, ‘komitis’ (committees) and associations that are active at local levels throughout Melanesia.

6. Significance?

What is the significance of this range of activity for Melanesian politics and governance when the state’s presence and authority at local levels is weak and undeveloped? Does it foreshadow the emergence of ‘citizen politics’, the ‘voice of the people’, the ‘demand’ for better governance, or the ‘forward thrust of civil society’ that democracy builders and donor agencies hope will invigorate the political and policy processes at both local and national levels, thereby deepening democracy, improving government, and bringing a sense of both nationhood and citizenship? Or is the long-known antipathy to the state of Melanesia’s small-scale, acephalous segmentary societies, together with the difficulty they have in combining/coalescing for collective action, likely to frustrate such political development?

There is as yet no consensus on these broad questions among commentators interested in state and nation building in Melanesia. Most scholars and practitioners in the region are cautious in their assessments of this expanding group activity. Anthropologist Lawrence Goldman (2004, p. 12) observed of the Southern Highlands Province in PNG that: “Perhaps the hardest task will be to overcome distrust of, and disrespect for, all forms of state governance which is seen as a cannibal of landowner protein.” And “Whilst politics is perceived as patronage rather than as participatory endeavour...” formal systems of government will gain little traction.

Ian Scales (2005 p. 140), an anthropologist and consultant, observes Solomon Islands societies as having their ‘own varied solutions to self-governance’ and suggests perhaps a ‘poly-centric’ model of government might need to be invented. Scales also argues for the better articulation of these kinds of organisation with the state, which may do more for development through broad-based participation than would ‘federalising’.

Melanesian analysts point to ‘pragmatism’ as a driving force within communities. Morgan Wairiu (2006 p. 415) writes that communities respond to programs that assist in *livelihoods development*; not to the more abstract (as far as they are concerned) programs that address the functions of the state apparatus. Naihuo Ahai (2008), in summing-up the *Participatory Governance: Whose Voice?* conference in Madang in July 2008, notes that communities have great difficulty in conceptualising ‘governance’, ‘voice’ and ‘participation’ – one of the dominant agendas of donors in their efforts to improve democratic governance. He too noted that communities’ understanding of ‘governance’ is pragmatic and functional: ‘service delivery’ is the ‘number one’ expectation and understanding. Hence in his view the link is to organised *government*, not to political *governance*. Fr. Pat Gesch (2008), a scholar at the Divine Word University in PNG, sees donors (and governments) ‘tinkering around the edges’ until such distant time as the link between village and government is made. Much dialogue around civil society, he suggests, is wishful thinking, especially when most Melanesian villages do not have functioning roads, schools, clinics, water and power.

David Hegarty and Anthony Regan (2005) of the State, Society and Governance in Melanesia Program (SSGM) at the ANU, observed a rapid growth in the stock of social capital and an expansion of ‘transactions’, ‘interactions’ and ‘emerging networks’ in contemporary Melanesia; but emphasised the difficulties groups have in collective action, in ‘connecting’ with government, as well as the long timeframes involved in the growth of civil society and its impact on governance. A World Bank analyst, Bruce Harris (2007), has a positive interpretation of this emerging civil society in Melanesia seeing it as an intersection: ‘Where the Top meets the Bottom’. Oxfam researcher, Chris Roche (2008), echoes Harris in seeing the same intersection or meeting place, but embraces enthusiastically the ‘small success stories’ about local groups and associations (some of which are described by the practitioners above), which he suggests provide clues for donors and national governments to build upon.

The churches are often viewed as the strongest element of civil society and as providing the civil society alternative to the state. Debra McDougall (2008, p. 15) concludes that, for Solomon Islands, churches “are not ersatz states and cannot be easily harnessed for secular agendas”; but given their strength at the local level “a better goal might be to help foster productive relationships between church organisations and state institutions”.

Joseph and Beu (2008) speculate on the ability of churches to ‘fill the gap’ should government collapse in Solomon Islands and suggest that such an outcome is theoretically possible, but would not be sought by churches themselves.

SSGM Fellow Nicole Haley’s (2008 p. 19-20) recent comparative research on donors’ efforts to ‘build demand for better governance’, however, has led her to a cautious but still optimistic conclusion: “Demand for good governance seems to emerge as a by-product of a robust and vibrant civil society...promoting community demand for better governance through civil society strengthening is slow, complex, incremental, iterative and a reflexive process dependent upon extensive relationship building and investment in social infrastructure.”

The broader comparative literature on civil society is instructive about its potential to build and strengthen state institutions and responsible governance. Manor (2003) suggests civil society’s success in this endeavour hinges to a large extent on the type of governmental regime in which it operates: a state having ‘medium-to-high capacity’ and being ‘accommodative’ offering the best prospect. Shah (2006) visits supply-side questions of LLG noting that the most common design embraces fiscal transfers from the centre, with little revenue-raising from the base, which in turn discourages both accountability to local citizens by LLGs and ‘buy-in’ by those citizens. He urges a ‘network facilitator’ role for LLGs in developing countries. Francis Fukuyama (2007, 2008), who visited Melanesia in recent times, noted that patronage politics usually defeats local initiatives, so reformers should build upon existing social capital, minimise the control of communities by local elites, and encourage programs that strengthen community driven development. Fukuyama (n.d., p. 16) acknowledged the relative strength of civil society in PNG, but observed that “the networks that would allow more collaboration with local government appear not to be in place.” Equally pertinent is his advice to donors that civil society does not work to donor timetables, and that the task of encouraging civil society is more akin to ‘gardening’ than to ‘engineering’ (Fukuyama 2007).

In assessing the changes occurring at local level in Melanesia it is important to remember that we are witnessing civil society ‘in formation’ at the same time as those state structures and institutions inherited at independence are still being moulded by an

underlying political culture (quite alien to the origins of those institutions). The Melanesian countries' social and cultural heterogeneity, their developing but fragile economies, their evolving political cultures in which patronage-style politics has become prominent, the difficulty communities have in mobilising around political and governance issues, and the scarcity of communication channels for articulating demands, all constitute significant constraints on the growth and impact of civil society and on the effectiveness of government at the local level.

References

- Ahai, Naihuo 2008, 'Connecting communities with government: Political will, bureaucratic capacity and collective responsibility', in Haley, Nicole (forthcoming)
- Bainton, Nicholas A 2008, 'Are you viable? Personal avarice, collective antagonism, and grassroots development in Papua New Guinea', *SSGM Seminar* paper, 17 July (forthcoming as an SSGM Discussion Paper), Australian National University, Canberra.
- Barter, Sir Peter 2004, 'Blunt assessments, hope and direction: lower level government in Papua New Guinea' in Sullivan, Nancy (ed.), *Governance Challenges for PNG and the Pacific Islands*, Divine Word University (DWU) Press, Madang.
- Cammack, Diana 2009, *Chronic Poverty in Papua New Guinea: Background Paper for the Chronic Poverty Report 2008-09*, Chronic Poverty Research Centre, Manchester.
- Cox, John and Morrison, Joanne 2004, *Solomon Islands Provincial Governance Information Paper, Report to AusAID*, accessed 30 April 2009, AusAID, Canberra, <http://www.ausaid.gov.au/publications/pdf/sols_provincial_gov.pdf>
- Esonu, Bernard 2006, *Local-level government performance in Papua New Guinea: A case study of Wampar Local-level Government in Morobe Province*, Development Bulletin 70, April, Oceania Development Network, Apia, accessed 30 April 2009, <<http://devnet.anu.edu.au/db%2070-%20pdfs/DB70.pdf>>
- Dinnen, Sinclair 2003, 'Civil Society and the maintenance of peace and good order in Papua New Guinea', FDC, SSGM, USP Development Research Symposium, *Governance in Pacific States: reassessing roles and remedies*, Australian National University, Canberra, accessed 30 April 2009, <http://rspas.anu.edu.au/papers/melanesia/conference_papers/2003/3Dinnen_revised.pdf>
- Eves, Richard (forthcoming), 'Governance at the Local Level: Melanesians Responding to Governance Issues', SSGM, Australian National University, Canberra.
- Fukuyama, Francis 2008, *Observations on State-Building in the Western Pacific; Governance Reform in Papua New Guinea; State-Building in Solomon Islands*, Johns Hopkins School of Advanced International Studies, Washington, accessed 30 April 2009, <<http://www.sais-jhu.edu/faculty/fukuyama/Melanesia2>>

- Fukuyama, Francis 2007, *Civil Society and Improved Governance in Developing Countries*, Keynote Address at the Brookings Institute and the Johns Hopkins School of Advanced International Studies, March 20, 2007, Washington, accessed 30 April 2009, <<http://www.internationalbudget.org/resources/library/Fukuyama.pdf>>
- Gesch, Fr Pat 2008, *Participatory Governance?* in Haley, Nicole (ed.), forthcoming.
- Government of PNG 2006, Public Sector Reform Advisory Group, Second Report: *Improved Decentralisation - Getting People Involved in Democracy, Strong Civil Society, Peace and Good Order, and Self-Reliance*, Government of PNG, Apia.
- Gelu, Alphonse 2008, 'Devolution of administrative powers to Provincial Governments: Its implications on governance at the lower level governments', in Eves, forthcoming.
- Goldman, Lawrence 2003, '*Hoo-Ha in Huli*': *Considerations on Commotion and Community in the Southern Highlands Province of PNG*, SSGM Discussion Paper 2003/8, Australian National University, Canberra.
- Haley, Nicole 2005, 'District Government – Information Collection Report, 20 April 2005', Australian National University, Canberra, accessed 40 April 2009, <http://rspas.anu.edu.au/papers/melanesia/conference_papers/0506_PNGDistrictGovernance_SHP_infocollection.pdf>
- Haley, Nicole 2008, 'Strengthening Civil Society to Build Demand for Better Governance in the Pacific: Literature Review and Analysis of Good Practice and Lessons Learned', SSGM Discussion Paper 2008/7, Australian National University, Canberra, accessed 40 April 2009, <http://rspas.anu.edu.au/papers/melanesia/discussion_papers/08_07.pdf>
- Haley, Nicole (ed.) forthcoming: *Participatory Governance – Whose Voice?* Workshop on participatory governance initiatives, held at Divine Word University, Madang, PNG, 30 June – 1 July, 2008. Co-organised by World Vision and SSGM, Australian National University, Canberra.
- Harris, Bruce M 2007, *Papua New Guinea: A Nation in Waiting – The Dance of Traditional and Introduced Structures in a Putative State*, East Asia Environment & Social Division, The World Bank.
- Hegarty, David and Thomas, Pamela (eds) 2005, *Effective Development in Papua New Guinea*, Development Bulletin No. 67, April, Oceania Development Network, Apia, accessed 30 April 2009, <<http://devnet.anu.edu.au/db67.php>>
- Hegarty, David and Regan, Anthony 2005, *Papua New Guinea: Weak state, strong society* in Hegarty and Thomas, Australian National University, Canberra, pp. 110-112.
- Higgins, Kate 2008, *Outside-In: A Volunteer's Reflections on a Solomon Islands Community Development Program*, SSGM Discussion Paper 2008/11, Australian National University, Canberra.

- Hombuhanje, Freddy 2008, *Empowering local representation through Ward Development Committees: Lessons Learned from the Begasin Bugati multi-sectoral project, Madang province, PNG*, in Eves, Richard (forthcoming)
- Jinks, Brian 1971, *New Guinea Government: an introduction*, Angus and Robertson, Sydney.
- Joseph, Keith and Beu, Charles Browne 2008, *Church and State in Solomon Islands*, SSGM Discussion paper 2008/11, Australian National University, Canberra.
- Koburu, Francis and Wairiu, Morgan 2008, *Forty-six years of living in the village: Our experience in governance at local-level in Hatare Community, Solomon Islands*, in Eves, Richard (forthcoming).
- Kwa, Eric 2008, 'Forestry governance: providing a legal framework for individual community decision-making', in Haley, Nicole (ed.) (forthcoming).
- Lawrence, David and Allen, Matthew 2008, "A Snapshot of Local Level Governance in Solomon Islands" in Eves, Richard (forthcoming).
- McDougall, Debra 2008, *Religious Institutions as Alternative Structures in Post-Conflict Solomon Islands? Cases from Western Province*, SSGM Discussion Paper, 2008/5, Australian National University, Canberra.
- Mandan, Tingneo and Holzknacht, Hartmut 2005, 'Nanak mutuk: Development through self-reliance in the Burum Valley', in Hegarty and Thomas, Australian National University, Canberra.
- Manor, James 2003, 'Analysing and Reconceptualising Civil Society', Australian National University, Canberra, accessed 30 April 2009, <http://rspas.anu.edu.au/papers/melanesia/conference_papers/2003/1Manor_revised.pdf>
- May, R.J. ed. 1982, 'Micronationalist Movements in Papua New Guinea', *Political and Social Change Monograph 1*, Research School of Pacific Studies, Australian National University, Canberra.
- May, R.J. 1999, 'Decentralization in Papua New Guinea: two steps forward, one step back', Ch. 6, pp123-148, in Turner, Mark (ed.), *Central-Local Relations in Asia-Pacific: Convergence or Divergence?*, Macmillan Press, London.
- May, Dr Ron 2005, 'District Level Governance in Papua New Guinea: Preliminary Report of a Pilot Study', SSGM Report, 17 June, Australian National University, Canberra, accessed 30 April, <http://rspas.anu.edu.au/papers/melanesia/conference_papers/0506_PNGDistrictGovernance_pilotstudy.pdf>
- May, R.J. 2005, 'SSGM/NRI Project Report on Workshop District-Level Government in Papua New Guinea', 24 June 2005, SSGM, Australian National University, Canberra, accessed 30 April, <http://rspas.anu.edu.au/papers/melanesia/conference_papers/0506_PNGDistrictGovernance_report.pdf>

- Moya, Philip 2007, 'An Inside Post-mortem on the Southern Highlands: A perspective from Tari', Ch. 14 in Haley, Nicole & May, Ronald J (eds), *Conflict and Resource Development in the Southern Highlands of Papua New Guinea*, ANU E Press, Canberra.
- Nanau, Gordon 1998, in Larmour, Peter (ed.), *Governance and Reform in the South Pacific*, National Centre for Development Studies Policy Paper 23, The Australian National University, Canberra.
- Nanau, Gordon, Waleanisia, Joseph and Wickham, Ashley 2005, 'Isabel Province Development Project (Human Resources Capacity Building & Rural Service Delivery Assessment)', Consultancy Report, Sept, Australian National University, Canberra.
- Ogia, James 2008, 'Collective responsibility: Tapping traditional notions of group benefit for modern needs', in Haley, Nicole (ed.), *Participatory Governance – Whose Voice?*, forthcoming.
- Peri, Marilyn 2008, 'Community-based health centres in Tari, Southern Highlands Province, PNG. Harnessing local capacity for remote development and governance.' In Haley, Nicole (ed.), *Participatory Governance – Whose Voice?*, forthcoming.
- Pokana, Ollie 2008, 'Building Community Leadership Skills: Whose Voice? (Inclusive Communities Program – Anglican Church of Melanesia, Solomon Islands), in Haley, Nicole (ed.), *Participatory Governance – Whose Voice?*, forthcoming.
- Pupune, Steven 2005, 'Blue Corner Farm Business Group' in Hegarty and Thomas (eds), Australian National University, Canberra, pp. 17-18.
- Regan, Anthony J 2003, 'An Outcomes Perspective on Civil Society in Melanesia: reflections on experience from Bougainville', FDC, SSGM, USP Development Research Symposium, *Governance in Pacific States: reassessing roles and remedies*, Australian National University, Canberra, accessed 30 April, <http://rspas.anu.edu.au/papers/melanesia/conference_papers/2003/2Regan_revised.pdf>
- Regan, Anthony J 2005, 'Clever people solving difficult problems: Perspectives on weakness of the state and nation in PNG', in Hegarty and Thomas, Australian National University, Canberra, pp. 6-12.
- Regan, A.J. (ed.) (forthcoming), 'Reform of Decentralisation and Sub-National Fiscal Policy in Papua New Guinea', SSGM, ANU, Canberra. (Collection of papers from Workshops with the same title held in Pt Moresby, PNG, 28-30 April, and in Canberra, 7-8 May).
- Regan, Anthony; Cox, John; Bainton, Nicholas (forthcoming), *Parallel States, Parallel Economies: Legitimacy and Prosperity in Melanesia*, Australian National University, Canberra.
- Roche, Chris 2008, 'A Night in a Tent with a Mosquito?', Oxfam Australia, paper presented at Melbourne University, 25 July, 2008.
- Rowley, C.D. 1973, *The New Guinea Villager*, Cheshire, Melbourne.

- Scales, Ian 2005, 'State and local governance in Solomon Islands: building on existing strengths', Pacific Economic Bulletin, Vol. 20 No. 2, pp. 140-148.
- Scales, Ian 2003, 'The Flourishing of Local Level Governance after the Coup in Solomon Islands: Lessons for Reform of the State', SSGM/USP/FDC Conference, Suva, October. Accessed 30 April, 2009, <http://rspas.anu.edu.au/papers/melanesia/conference_papers/2003/13Scales_revised.pdf>
- Shah, Anwar with Shah, Sana 2006, 'The New Vision of Local Governance and the Evolving Roles of Local Governments', World Bank, accessed 30 April 2009, <<http://siteresources.worldbank.org/INTWBIGOVANTCOR/Resources/NewVisionofLocalGovernance.pdf>>
- Wai, Isaac and Mai, Paul 2005, "What we did in Saraga: Building community peace and harmony", in Hegarty and Thomas, Australian National University, Canberra, pp. 53-5.
- Wairiu, Morgan and Tabo, Steward 2003, *Assessing Community Perspectives on Governance in Solomon Islands, a Report for ADB* (RETA 6065), October.
- Wairiu, Morgan 2006, 'Governance and Livelihood Realities in Solomon Islands', Ch. 23 in Firth, Stewart (ed.), *Globalisation and Governance in the Pacific Islands*, ANU-E Press (for SSGM).
- Walters, Noel, H 2007, 'A brief overview of Government, Law and Order, and Social Matters in the Tari District', Ch. 10 in Haley, Nicole and May, Ronald J, 2007, *Conflict and Resource Development in the Southern Highlands of Papua New Guinea*, ANU E Press.
- Whimp, Kathy 2008, *Desperately seeking services? A case study of the political dimensions of fiscal decentralization in Papua New Guinea*, unpublished paper, June.
- White, Geoffrey 2007, 'Indigenous Governance in Melanesia', SSGM Discussion Paper, 2007/5, Australian National University, Canberra.

Municipal-Aboriginal Relations: An Ontario Perspective

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Key words: municipal, Aboriginal relationships, Aboriginal communities, engagement, consultation, Ontario

1. Introduction

In Canada, there are many examples of respectful relationships between municipalities and Aboriginal communities. Where Aboriginal peoples have concerns with the actions or inaction of governments (be they federal, provincial or municipal governments), it is often municipalities that are directly affected by the measures taken by Aboriginal peoples to express their concerns. To help reduce possible conflicts at the municipal level and find shared solutions, the Ministry of Municipal Affairs and Housing of the Province of Ontario has been advising municipalities in the province on the benefits of engaging and developing relationships with Aboriginal peoples.

This report explores, from the perspective of Ontario's Ministry of Municipal Affairs and Housing, the benefits of municipal engagement with Aboriginal communities. It provides an overview of Aboriginal and treaty rights,¹ the constitutional duty to consult, the value in developing constructive municipal-Aboriginal relationships, and examples from Ontario that illustrate how these relationships benefited both communities.

¹ Aboriginal rights stem from practices, customs or traditions integral to the distinctive culture of each Aboriginal community, such as hunting and fishing. Treaty rights stem from the signing of treaties entered into between Aboriginal people and the Crown.

2. The Constitutional Context and Duty to Consult

Canada is a federal system of government sharing the Crown's constitutional roles with ten provinces and three territories. Canada's *Constitution Act, 1982* defines Aboriginal peoples to include Indian, Inuit and Métis people of Canada, and recognizes and affirms their Aboriginal or treaty rights (Department of Justice Canada, 1982). The Supreme Court of Canada has clarified this recognition and affirmation, including the protection of rights which have been asserted, and that federal and provincial governments have a duty to consult when considering decisions that may adversely affect Aboriginal or treaty rights.² While the court has clarified that the Crown (the federal and provincial or territorial governments) has a duty to consult in some circumstances, the court has not pronounced upon municipalities' duty to consult.

In Ontario, Canada's most populous province, municipalities have authority pursuant to various provincial statutes, which may, if acted upon, affect Aboriginal and treaty rights. For example, municipalities are responsible for many land use decisions that have the potential to impinge on Aboriginal or treaty rights. In some circumstances, the municipal approach to such matters is negatively affected by uncertainty about the municipal role in the duty to consult Aboriginal peoples. While there is a lack of clarity regarding this matter, it is the position of Ontario's Ministry of Municipal Affairs and Housing that there are some circumstances in which municipalities have a duty to consult Aboriginal communities. Ontario's Ministry of Municipal Affairs and Housing has been advising municipalities that there are benefits to engaging and developing relationships with Aboriginal peoples, in a manner that goes beyond possible legal requirements related to the duty to consult.

3. Opportunities for Engagement

Municipalities and Aboriginal communities engaging each other on shared interests and initiatives are likely to experience greater benefits than those limiting their interaction to the narrow matters in which a legal duty to consult may arise. Limiting engagement to those

² *Haida Nation v. British Columbia (Minister of Forests)*, 2004 SCC 73 (Can LII) <http://www.canlii.org/eliisa/highlight.do?language=en&searchTitle=Search+all+CanLII+Databases&path=/en/ca/scc/doc/2004/2004scc73/2004scc73.html>; *Taku River Tlingit First Nation v. British Columbia (Project Assessment Director)*, 2004 SCC 74 (Can LII) <http://www.canlii.org/eliisa/highlight.do?language=en&searchTitle=Search+all+CanLII+Databases&path=/en/ca/scc/doc/2004/2004scc74/2004scc74.html>; *Mikisew Cree First Nation v. Canada (Minister of Canadian Heritage)*, 2005 SCC 69 (Can LII) <http://www.canlii.org/eliisa/highlight.do?language=en&searchTitle=Search+all+CanLII+Databases&path=/en/ca/scc/doc/2005/2005scc69/2005scc69.html>

circumstances where a legal duty to consult may be triggered could potentially result in missed opportunities to develop relationships and experience joint success on shared community projects. Focusing only on possible requirements around the duty to consult could result in interactions being limited to circumstances involving statutory time lines and may be perceived as win-lose, which might lead to increased tensions between the communities and diminished appreciation for others' perspectives.

There are a number of municipalities in Ontario that are choosing to focus on engaging their Aboriginal neighbours outside of the legal and constitutional framework. Increasingly, these neighbouring communities are recognizing that it makes good business sense to work together on many different issues, not just where there are potential legal requirements. Meaningful and regular municipal-Aboriginal engagement and relationship-building can help balance interests and achieve common objectives in a number of ways:

- Identify areas of mutual interest and develop joint initiatives;
- Meet regulatory requirements for community development;
- Partner on service delivery and resource management;
- Increase cultural development and youth retention.

4. Examples Across Ontario

Across Canada, there are a number of successful examples of communities that have engaged with Aboriginal communities on broad interests and initiatives, rather than limiting their interactions to the narrow matters in which a duty to consult may arise.

The following examples highlight some experiences in Ontario. The unique experiences of each municipality and local Aboriginal community play a defining role in

Figure 1: Lessons in Future Relations Building Opportunities

- Communities joining together to tackle shared issues are likely to find mutually beneficial solutions and new opportunities for collaboration
- Commitment by local leadership is important to initiate and continue successful relationships
- Relationships will develop and evolve as the parties gain experience in sharing
- Good relationships are particularly important in circumstance of divergent interests.

shaping these engagements and developing innovative ways to work together to address local issues and needs. These examples provide broad lessons to guide future relationship building opportunities (see Figure 1).

Common Ground Working Group – City of Kenora and Grand Council of Treaty #3

In 2001, the leaders of the Grand Council of Treaty #3 in north-western Ontario and the City of Kenora created the *Common Land, Common Ground* initiative as a forum in which the First Nations and the municipal government could discuss areas of mutual concern. The communities recognized that this initiative would assist in creating and maintaining ways to live and work cooperatively, while building constructive relationships that could assist in avoiding potential disputes regarding their shared interest in local lands and resources.

The discovery in the City of Kenora of the Rat Portage, a key link in the historic, trans-Canada canoe route used by Aboriginal peoples, was an opportunity for the *Common Land, Common Ground* forum to address and resolve a potentially divisive situation. The result was that the City of Kenora and the First Nations were able to develop a shared management approach to protect the site.

The success of the Rat Portage agreement laid the groundwork for the development of another collaborative management agreement. Tunnel Island was the site of a mill that was closing and the private owners were divesting itself of its holdings, including 370 acres of land on Tunnel Island. Elders and leaders from the First Nations worked with municipal leaders and representatives of the private company to develop a common vision and shared principles to guide the treatment of the island. This partnership, one of alliance and sharing between peoples, reflected the intent of the original Crown and First Nations treaty, and resulted in the transfer of the land from the private company to a joint Aboriginal-municipal management team.

Serpent River First Nation and the City of Elliot Lake – Memorandum of Understanding

While these neighbouring communities had a history of ad hoc relationships based on immediate need, there was recognition of the need for long-term collaboration between municipal and Aboriginal communities. The parties created a Joint Relations Committee (JRC) with membership from the Serpent River First Nation (also known as the Anishinabek of Genaabaiging) and the City of Elliot Lake. The JRC provides information, options and recommendations to their respective councils.

Both parties recognize that rebuilding the economy of the area depends on collaboration and maintaining a strong relationship. They developed a formal Memorandum of Understanding (MOU) that provides dispute resolution processes and focuses on five key priorities, which may be updated as needed:

- Economy / employment / procurement
- Heritage planning and sharing of resources
- Mutually beneficial supported initiatives, programs and services
- Land use and acquisition
- Joint lobbying and communications with other governments.

Belle Island, City of Kingston

Upon discovering human remains on the city property of Belle Island, the City of Kingston recognized the historical importance and registered portions of the island as a cemetery. Following an archaeological assessment of the site, the city council passed a resolution recognizing the First Nations interests in Belle Island. The city undertook consultations with First Nations with local and historical interests in the area regarding options to protect this historic site.

Based on advice from the participating First Nations, the city council approved a strategy to protect the site by establishing an implementation team including First Nations representatives; agreeing to retain responsibility for insurance, services and security; and

creating a plan for future use to enhance the natural environment and preserve the dignity of the site.

The City of Kingston decided that it needed to address Aboriginal interests as part of its normal business practices. It committed to engaging with Aboriginal peoples by providing early notice and documentation of land use plans, and consulting with these groups on future projects in which they may have an interest.

5. Conclusion

Since 1982, the legal meaning of the constitutional protection given to Aboriginal and treaty rights in Canada has evolved and grown in significance. The duty to consult has arisen as a key element in the overall achievement of the protection of Aboriginal and treaty rights. The examples used here highlight Ontario municipalities that are choosing to build broader, positive relationships with Aboriginal communities, rather than relying purely on possible legal-based forms of engagement. Based on these experiences, municipalities have and continue to recognize the value of engaging and developing constructive relationships with Aboriginal peoples, not only when a divisive issue arises, but in everyday practice.

Ontario's Ministry of Municipal Affairs and Housing encourages the development and maintenance of strong relationships between municipalities and Aboriginal communities. The ministry encourages municipalities to work with Aboriginal peoples to recognize the important role they each have as contributors to the local economy, community health and the overall strength of both communities. In an environment of cultural and economic change, it is expected that there is more to be learned as both municipal and Aboriginal communities address local needs and interests on a collaborative basis.

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References

Department of Justice Canada. "Part II Rights of the Aboriginal Peoples of Canada." *The Constitution Act, 1982* [internet website]. Accessed 20 March 2009, <http://laws.justice.gc.ca/en/const/annex_e.html#II>.

The Role of Local Authorities in Addressing Human Trafficking

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Key words: Human trafficking, role of authorities, victim identification, prostitution, slavery, illegal labour, victim support, prevention

1. Introduction

Worldwide, it is estimated that nearly 4 million people fall victim to people traffickers every year. Trafficking is carried out mainly by Organised Criminal Networks and the victims are forced into prostitution, illegal labour, domestic slavery and petty crime.

On 1 April 2009, the United Kingdom signed up to the Council of Europe Convention on Action against Trafficking in Human Beings.¹ The Convention, which has to date been ratified by 20 European countries, is legally binding and aims to promote and protect the rights of victims who have been tricked or forced into leaving their homes, moved to another country, or within their own country, and then exploited. Whilst it is national governments who are signatories to the Council of Europe Convention, local authorities have a key role to play in its successful implementation.

The UK Society of Local Authority Chief Executives and Senior Managers (SOLACE) has undertaken a year-long project to identify how local authorities can improve their response to the crime of human trafficking. A full report of the findings of this research can be found on the SOLACE website.² SOLACE has identified five core competencies (refer to Appendix 1) that local authorities need to develop if they are to address the challenges of human trafficking:

- (i) victim identification (refer to Appendix 2)
- (ii) victim support
- (iii) assistance with repatriation of victims
- (iv) prevention of human trafficking
- (v) working in partnership.

This article explores these five competences and concludes by drawing some key lessons for local authorities interested in developing anti-trafficking strategies.

2. Victim Identification

The early identification of victims is key to ending the abuse that they suffer and to providing the assistance necessary to begin their rehabilitation. This requires close collaboration between different actors in the victim identification process. Local authority staff work alongside police officers, immigration officials and others to identify potential victims. Frontline staff need to be equipped with effective skills and tools in order to observe signs of trafficking and to know how to act upon these. They will also need training in undertaking specific tasks, such as age assessments of young victims.

¹ A copy of the Convention can be found on: <<http://conventions.coe.int/Treaty/EN/Treaties/Html/197.htm>>

² The SOLACE report on The Role of Local Authorities in Addressing Human Trafficking can be downloaded from <http://www.solace.org.uk/news_downloads.htm>

Victims identified as being children should be provided with representation by a guardian or authority that will act within their best interests; the authorities should try to establish the victim's identity and all efforts should be made to locate the victim's family. Finally, local authorities should be aware of the phenomenon of internal trafficking whereby adults and children are trafficked *within* a country; in the UK this is thought to be primarily for the purpose of sexual exploitation.

3. Victim Support

Once identified, victims of human trafficking need to be supported in their physical, psychological and social recovery. At a minimum, victims should be provided with appropriate and secure accommodation, psychological and material assistance, access to emergency medical treatment, information on rights, access to an interpreter/translation and legal advice, and access to education for children.

It is the role of victim support which is at the core of the local authority response to human trafficking. Local government needs to be able to provide easily accessible advice to potential victims, adopting a proactive approach to seeking them out in their working or home environment, where possible. Service provision needs to be carried out in a coordinated manner with other agencies, particularly with health providers, local non-government organisations, the police and immigration authorities.

Trafficked children are of particular concern to local authorities; studies in the UK show that up to half of this group go missing from local authority care (Kapoor 2007, pp. 48-49), with comparable figures in many other European countries. Councils therefore need to tighten provision for secure accommodation and provide training carers on the specific dangers that a trafficked child faces from their traffickers.

Many victims of trafficking will face significant linguistic barriers to accessing services, and councils should be aware of the most effective measures to take in order to address these. The provision of support to victims cannot be limited to physical services such as accommodation and schooling; the victim's psychological needs must be addressed from the initial point of contact between the victim and the local authority.

To ensure that victims do not fall back into the hands of their traffickers, it may be necessary to equip them with new skills to support themselves financially and to rebuild their confidence. Local government will need to work in partnership with local voluntary organisations and training providers to meet these needs. When providing services to victims, local authorities need to ensure that the victims are at all times safe from their traffickers, and all data about the victim should be treated with the utmost confidentiality. Staff must develop a real understanding of each individual victim's needs and be able to respond to these accordingly, in partnership with other actors in the local area.

4. Assistance with Repatriation of Victims

It may be appropriate in some cases for victims of trafficking to return to their country of origin. The repatriation of victims is a complex legal process, involving the legal systems of the countries of origin and destination, and the rights, dignity and safety of victims must always be protected. Whilst local authorities are unlikely to have a defined role in the repatriation process, they will probably have a duty of care towards victims living in their area. The local authority will therefore need to be assured that a victim's safety and security has been taken into account if they are to be returned to their home country; this may involve working closely with the local authorities in the victim's country of origin. The local authority may also assist in preparing the victim for return, working closely with organisations such as the International Organisation for Migration to ensure that the victim is safely repatriated.

5. Prevention of Human Trafficking

Local authorities do not immediately come to mind as key actors in the prevention of human trafficking. However, there are a number of aspects of prevention in which they do have an important role to play. These include ensuring that local communities are informed about the phenomenon of trafficking and that citizens can begin to identify potential victims. Local authorities can also assist the police in the identification of traffickers, using evidence gathered through contact with the victim. Finally local authorities can implement anti-trafficking measures designed to reduce demand for victims of trafficking, for instance, among men who use sexual services. A useful resource for local authorities interested in raising awareness of human trafficking issues is the Blue Blindfold campaign (United Kingdom Human Trafficking Centre 2007). Instigated by the UK Human Trafficking Centre, this campaign is being rolled out on an

international level to highlight the signs of trafficking that citizens may come across in their local communities.

6. Working in Partnership

Local authorities must work closely with other actors if they are to successfully address the challenges of human trafficking. At a local level, cooperation between councils, the police, primary care trusts and voluntary bodies is a pre-requisite for success. All agencies involved in the identification and care of the victim should be clear about their respective roles and responsibilities, using formal cooperative structures and protocols where appropriate. Local government will also need to work closely with national bodies such as the immigration authorities.

7. Conclusions

One of the greatest challenges in meeting the needs of victims of trafficking is a lack of knowledge and understanding about the crime of trafficking and the needs of the victims. As local government plays a key role in addressing victims' needs, it is imperative that politicians and staff at all levels have a comprehensive insight into the issues and problems.

Protecting the rights of the victim should be the first priority of all anti-trafficking measures. A human-rights based approach must be adopted, which puts the needs of the victim above the need to catch the traffickers. This victim-centred approach should be at the heart of all local government strategies on trafficking and should be the central foundation upon which local government services for victims are delivered.

All local government strategies to address the challenges of human trafficking should build upon existing local procedures. There is no need to re-invent the wheel: local authorities will, for example, probably have procedures in place for taking care of children who are at risk and these can form the core of a strategy for helping child victims of trafficking. The needs of victims can also be addressed through local authority strategies to tackle violence against women and prostitution, as well as through work with migrant communities.

In developing trafficking strategies, local authorities should bear in mind the full range of human trafficking crimes. Whilst most people think of trafficking in terms of victims who are forced into prostitution, local authorities may also encounter victims who have been trafficked for other purposes, for example forced labour and petty crime such as pick-pocketing, shoplifting and begging. It should also be remembered that it is not only women and children who are trafficked. Men also become victims, particularly in the field of forced labour. Finally, any definition of trafficking must take into account the phenomenon of internal trafficking, whereby victims are trafficked within a country, rather than from abroad.

Combating trafficking and assisting victims requires a multi-disciplinary and cooperative approach, involving a wide range of stakeholders. Local authorities have an important role to play, but will not be successful if they try to operate in a vacuum. Local authorities should be clear about the respective competences and responsibilities that they and the other actors have. This should help to ensure a seamless provision of services to the victim. Local authorities can perform a mapping exercise to ensure that they have a proper overview of the actors in their local area and in the national context who are involved in the identification and provision of support to victims. In addition to the police, health providers, and local voluntary organisations, it is important for local authorities to work closely with embassies of the countries of origin of victims, the International Organisation for Migration and the immigration authorities.

Finally, it is important to remember that trafficking is a crime that transcends borders. Organised Criminal Networks move victims from one country to another, and local and national authorities will not be successful in combating the crime unless they also begin to think internationally. The Council of Europe Convention on Action against Trafficking in Human Beings provides a common set of European standards for identifying and assisting victims and for successfully pursuing traffickers that can prove useful across the world. However, there is still a need for a truly international approach to addressing the challenges of human trafficking; international tools need to be developed, such as a victim database that will help to identify victims who have already been trafficked to another country, and an international directory of services for victims. Much more still needs to be done to ensure that, at the local, national and international

levels, victims are offered the highest level of protection and that all actors work together to combat this heinous crime.

References:

- Council of Europe 2005, *Council of Europe Convention on Action against Trafficking in Human Beings*, Council Of Europe, accessed 04 May 2009, <<http://conventions.coe.int/Treaty/EN/Treaties/Html/197.htm>>.
- SOLACE 2009, *The role of local authorities in addressing human trafficking*, SOLACE, accessed 04 May 2009, <http://www.solace.org.uk/news_downloads.htm>.
- Kapoor, Aarti 2007, *A Scoping Project on Child Trafficking in the UK*, Child Exploitation and Online Protection (CEOP) Centre, accessed 04 May 2009, <<http://www.homeoffice.gov.uk/documents/ceop-child-traffick-report-0607?view=Binary>>.
- United Kingdom Human Trafficking Centre 2007, Sheffield, UK, accessed 04 May 2009, <<http://www.blueblindfold.co.uk>>.

APPENDIX 1:**THE SOLACE COMPETENCE FRAMEWORK**

SOLACE has developed the following framework to assist local authorities in assessing their performance in identifying and assisting victims of human trafficking at a strategic level. It provides a set of core competences that local authorities need to develop in order to successfully address the problems of human trafficking.

Competence	Evidence
HT1 Victim Identification	
1.1 Local Authority cooperates effectively with all other actors involved in victim identification, including police, immigration services and national authorities	Co-ordination mechanisms between Local Authorities, national authorities, police and immigration in place and functioning effectively
1.2 Local Authorities are integrated into formal processes for identifying victims	Local Authorities understand and effectively carry out their designated roles within the National Referral Mechanism
1.3 Frontline staff have the skills and knowledge necessary to proactively identify potential victims of trafficking	Training provided for frontline staff (including environmental health officers, health visitors, etc) in identification of victims
1.4 Local Authority staff have the necessary skills and training to be able to carry out age assessments for potential child victims of trafficking	Suitable staff are identified and they feel confident in undertaking age assessments; victims suspected of being minors are identified quickly and provided with the relevant support
1.5 Local Authority understands the phenomenon of internal trafficking and implement procedures to identify potential victims	Local Authority staff dealing with vulnerable UK nationals, particularly minors, are trained in the identification of victims
HT2 Victim Support	
2.1 Local Authority provides easily accessible advice to victims of trafficking	Resource centres/support units for victims are established and provide access across sectors
2.2 Local Authority provides suitable, safe and secure accommodation for victims	Secure accommodation is provided for child victims and is managed by trained individuals
2.3 Local Authority and other service providers supply joined-up, coordinated services to the victim	Victims can access all Local Authority services via a single point of contact
2.4 Trafficked children receive impartial and coordinated care, advice and services	Child victims have coordinated care plans across all service providers which address their individual needs
2.5 Local Authority addresses linguistic barriers to access to services	Assistance provided in victim's own language

Competence	Evidence
2.6 Local Authority understands and addresses psychological needs of victims	Local Authority supports community groups in providing psychosocial support to all victims
2.7 Victims gain skills that will assist them in integrating into their new societies	Education and training opportunities provided for victims of trafficking
2.8 Victims in Local Authority care are adequately protected from their traffickers	Child victims do not go missing from Local Authority care and addresses are confidential
2.9 Local Authority staff who come into contact with victims understand their specific needs and circumstances	Training in care for victims of trafficking provided to all Local Authority staff involved in providing services to them
HT3 Assistance with Repatriation of Victims	
3.1 Local Authority assists in assuring victim's safety and security on return to their home country	Local Authority cooperates with its counterparts in victim's country of origin to ensure ongoing support for victim after repatriation
3.2 Local Authority assists in preparing the victim for return	One-to-one psychological support and training are provided to victim to prepare them for repatriation
HT4 Prevention of Human Trafficking	
4.1 Local population informed about any potential human trafficking issues within their community	Local Authority runs community information and awareness campaigns
4.2 Local Authority plays a proactive role in the identification of traffickers	Local Authority has mechanisms in place to cooperate with police in the identification of traffickers
4.3 Local Authority works in partnership with local community groups to implement anti-trafficking measures	Local Authority provides financial and logistical support to NGOs involved in prevention of trafficking
HT5 Working in Partnership	
5.1 Local Authority works in partnership with other agencies at the local level	Specific anti-trafficking cooperation mechanisms exist at the local level
5.2 Local Authority works in partnership with national authorities	Regular discourse between Local Authority and national ministry responsible for trafficking issues
5.3 Local Authority understands the implications of the Council of Europe Convention on Action Against Trafficking in Human Beings	Key Local Authority managers and staff who deal with victims of trafficking are aware of the Convention and understand its relevance for their own roles

**APPENDIX 2:
LOCAL AUTHORITY VICTIM IDENTIFICATION AUDIT**

Child Victims			
Where do we look?	What do we look for?	Who is likely to be the first point of contact?	How do we ensure that we are picking up the signs?
Care homes and foster families	Has a history of going missing and of unexplained moves Received unexplained phone calls Possesses money and goods not accounted for Adults loitering outside the place of residence	Foster carers Children's Services LSCBs	LSCB sub-group on child trafficking formed Training provided for foster carers and social workers on victim identification
Private homes	Different children living in the same home at different times Child has limited freedom of movement Performs excessive housework chores and rarely leaves home Child is malnourished Has not been registered with or attended a GPs practice Has not been enrolled in a school	Children's Services	Social workers trained in identification of trafficked children
Schools	Unexplained periods of absence from school Signs of physical/sexual abuse	Teachers Children's Services	Training and information materials provided for teachers
Hospitals and GPs surgery	Shows signs of physical/sexual abuse	Children's Services A& E staff and GPs	Protocol between Children's services and PCT to ensure checks against Child Protection Register are made

Child Victims			
Where do we look?	What do we look for?	Who is likely to be the first point of contact?	How do we ensure that we are picking up the signs?
Interviews with unaccompanied asylum seeking children	Has prepared a story similar to those other children have given Mistrust of authority figure Has mobile phone but no money	Children's Services	Social workers trained in identification of trafficked children
On the streets	Children begging Children committing petty crime, e.g. pick pocketing Underage street prostitution	Crime and Disorder Reduction Partnerships Youth Offending Teams	CDRPs and Youth Offending teams build awareness of child trafficking

Adult Victims			
Where do we look?	What do we look for?	Who is likely to be the first point of contact?	How do we ensure that we are picking up the signs?
Massage parlours	High security measures exist in the work/living quarters (e.g. opaque windows, board up windows, bars, barbed wire, security cameras, etc) Women are not free to come and go as they wish or to take breaks Women appear to be under 18 Women show signs of physical/sexual abuse, physical restraint, confinement or torture	Licensing officers Prostitution outreach teams	Training for licensing officers Prostitution outreach strategy includes identification and assistance of trafficked victims

Adult Victims			
Where do we look?	What do we look for?	Who is likely to be the first point of contact?	How do we ensure that we are picking up the signs?
On the streets	<p>The woman appears unhappy and fearful</p> <p>Women show signs of physical/sexual abuse, physical restraint, confinement or torture</p> <p>Special services are offered, included unprotected sex at a low price</p> <p>Woman only knows how to say sex-related words in English</p> <p>Women appear to be controlled closely by a pimp</p>	<p>Prostitution outreach teams</p> <p>Gender equality officers</p>	<p>Prostitution outreach strategy includes identification and assistance of trafficked victims</p>
Shops, restaurants and factories	<p>Staff show signs of physical abuse or restraint</p> <p>Poor or non-existent safety equipment</p> <p>Workers do not have suitable clothing for their work</p> <p>Workers have no days off or holiday time</p> <p>Employer is holding their identification documents</p>	<p>Health and Safety Inspectors</p> <p>Environmental Health Officers</p> <p>Trading Standards Officers</p>	<p>Health and safety officers, environmental health officers and trading standards officers are trained in victim awareness</p>
Private homes	<p>Overcrowded conditions, with many people sharing 1 room</p> <p>Occupants do not know their own address</p> <p>Occupants are not allowed outside the house unless their 'employer' is with them</p> <p>Minibuses pick up occupants at unusual times</p>	<p>Housing officers</p> <p>Adult social services</p> <p>Migrant integration teams</p>	<p>Housing officers trained in victim awareness</p> <p>Migrant integration strategy includes awareness of human trafficking issues</p>

Adult Victims			
Where do we look?	What do we look for?	Who is likely to be the first point of contact?	How do we ensure that we are picking up the signs?
Local Authority Premises	<p>Workers on cleaning contracts arrive in minibuses and appear to be fearful</p> <p>Workers on building contracts arrive in minibuses and appear to be controlled</p> <p>Workers do not have their own identification papers</p> <p>Workers have no days off or holiday time</p>	All council staff	Distribution of Blue Blindfold/ STOP THE TRAFFIK pamphlets on victim identification to all council staff

Whilst each of these indicators alone is not sufficient to verify that a person has been trafficked, the presence of a number of indicators should raise suspicion and the member of staff concerned should follow internal procedures on trafficking. If the council believe that there are reasonable grounds to believe that the individual has been trafficked, they should notify the UK Human Trafficking Centre.

Sources: The information included here draws upon the UKHTC Blue Blindfold Campaign and the London LSCB Trafficking toolkit.

Implementing The Aberdeen Agenda In South Asia: A Regional Training Program For Elected Members

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In 2005 CLGF members adopted the *Aberdeen Agenda: Commonwealth Principles on Good Practice for Local Democracy and Good Governance*. The twelve Principles were developed at the CLGF's biennial conference in March 2005 and were subsequently forwarded to Commonwealth Heads of Government, who also adopted them as part of their commitment to fundamental political values when they met the following November. Since then members of CLGF have used them in a variety of different ways – to support their own policy making, to enhance their lobbying and advocacy work, and in some cases, notably in Pakistan and Uganda (see CJLG Issue 2), to undertake a self-assessment of the health of their systems of local democracy and governance.

CLGF has worked with its members to ensure that the *Aberdeen Agenda* is operationalised and to find ways to use the principles contained within it to support practical and tangible improvement at the local level. In 2006 CLGF launched a project in South Asia, with the support of the United Nations Democracy Fund (UNDEF), to use the principles as a basis for developing training modules, targeted at elected members,

that would enhance their understanding of the wider governance framework, develop skills to help them be more effective in their role, and to learn from practical case studies from the region.

To take the project forward, CLGF linked up a network of training institutions from within the South Asian region to form a Technical Advisory Committee (TAC) charged with providing policy advice and guidance, and with ensuring that the training modules were complementary to, and added value to existing materials available in the sector. The training institutions each produced a country paper that provided a broad overview of the key challenges relating to the implementation of each of the Aberdeen Principles in their respective countries, case studies of good practice relating to each of the principles, and a summary of training provision currently available in the sector for elected representatives. From this background it became clear very quickly that training provision for elected councillors provided either through state organisations or private suppliers is extremely limited in the region.

The institutional members of the TAC were the Kerala Institute of Local Administration (KILA), Institute of Social Sciences (ISS), Society for Participatory Research in India (PRIA), All India Institute of Local Self Government (AIILSG), YASHADA India, National Institute of Local Government, Bangladesh, Sri Lanka Institute of Local Governance (SLILG), Sri Lanka, and the National Reconstruction Bureau (NRB), Pakistan. They were joined by Dr Dinesh Mehta of the CEPT University, Ahmedabad, who provided overall coordination, and Dr KK Pandey (Indian Institute of Public Administration), who gave specific training advice.

The modules were developed by Prof Ramakantan and his team at KILA, using the materials provided by TAC members. A group of trainers were trained, using a draft trainers' manual produced by the team, and the modules themselves were trailed at a pilot training workshop. Councillors that participated in the pilot session enjoyed the opportunity to learn about developments in other parts of the region and to share experiences, however the team saw a number of ways in which they could improve both the design and the delivery of the modules to better meet the needs of participants, as well as to ensure that the "training" element was not lost in favour of more general conversation.

The revised modules were delivered at a final training workshop in January 2009. Much greater emphasis was placed on briefing and training the trainers. They had a focused session before the training to work through the modules themselves, and to allocate tasks and agree on how to deliver particular elements of the training. This meant that the training itself went much more smoothly. The trainers used a variety of participatory approaches and exercises, and split the group into smaller working groups, some country based and some mixed. Generally the feedback was very positive.

“It was excellent...I will apply it in my country, in my pourshava (municipality) to strengthen good governance and local democracy in my locality” – Representative from Bangladesh

“...Sharing experiences of local democracy and good governance so that we can introduce good practices in our country” – Representative from Bangladesh

“Shared understanding about outputs and deliverables from the training and clarity on conceptual aspects” – Representative from India

“Sharing of experiences from various and diverse groups” – Representative from Maldives

“A rare opportunity to participate in a programme....it will enhance and enlighten us to lead a successful political career and in turn helps towards the development of our country.” – Representative from Sri Lanka.

Other practical suggestions such as using trainers who have themselves been councillors, and providing more detail in specific areas have also been noted and will be built into future training sessions.

One of the strong messages that came from the training event was that although participants strongly valued the opportunity to share experiences and learn from colleagues from across the region, and that this was seen as a very positive element of the training, they also felt that the training would benefit from being undertaken at the local level, using local case studies and using the modules translated into local languages. A suitable balance needs to be found between regional and more localised approaches.

As follow up to the event, the training materials have been further refined and they will be available to participants attending the May 2009 CLGF Conference. They will also be available on the CLGF website and on the websites of TAC members. The TAC members agreed to work with CLGF to disseminate the modules widely in their countries and to support and encourage their use, their translation into local languages where appropriate, and their wider application. To do this the TAC members have agreed to:

- Establish an informal network to monitor the use of the materials
- Keep them under review
- Develop more specialised training programmes using the existing modules as a base
- Cooperate with CLGF, the Commonwealth Secretariat and other partners in appropriate local, national and regional training and capacity building programmes
- Continue to share and promote policy research on local democracy and good governance including through the development of an appropriate web-pages linked to CLGF.

The Commonwealth Local Government Forum and the Commonwealth Secretariat are committed to continuing to work with and support training and research organisations specialising in local government/local governance issues in the region. This work will include efforts to encourage federal/state/provincial ministries with responsibility for local government to consider a more strategic approach to making adequate training available for elected councillors. Elected councillors play a key role in ensuring local accountability and there is clear evidence that improving knowledge and skills can have a beneficial effect on the decisions that they make.

Local Level Service Delivery, Decentralisation And Governance: A Comparative Study Of Uganda, Kenya And Tanzania

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Key words: decentralisation, local governance, local level service delivery, transparency, participation, user groups, privatisation

1. Introduction

This paper summarises key findings from a comprehensive analysis commissioned by the Japan International Cooperation Agency (JICA) of the nature of decentralisation in the three East African countries: Kenya, Uganda and Tanzania.

The specific objectives of the study were:

- Provide a basic comparative analysis of the forms and processes of decentralisation reforms in the three countries
- Analyse the specific modalities in the three countries for local service delivery planning and provision within the three sectors of basic education, primary health care and agricultural extension, with a particular emphasis on rural areas.

- Explore the impact of the specific forms of decentralisation and local level service delivery arrangements in terms of efficiency, accountability (transparency) and democratic process (participation).

2. Scope of decentralisation reforms studied

The study analysed the various forms of decentralisation¹ as they have been interpreted and applied in the three East African countries for local level service delivery of (basic) education, (primary) health care and agriculture. In practice this includes:

- Examples of *devolved* systems of service delivery – in principle for all three sectors in both Uganda and Tanzania as local governments are primarily responsible for these services.
- Examples of *deconcentrated* delivery – the most dominant form for local service delivery in Kenya.
- Some examples of partial *privatisation* – most prominently a feature of the reforms of the systems for delivery of agricultural services.
- In all sectors various forms of *direct decentralisation to user groups* – school management committees, health user management committees and farmers groups.

3. Legal and Policy Framework

Current reform challenges for decentralisation by devolution

Uganda has by far the most clearly outlined local government legislation, which furthermore is embedded in great detail in the Constitution. In Uganda local governments manage approximately 25% of public expenditure and have wide-ranging service delivery responsibilities. The system of local governance and service delivery in Uganda exhibits a remarkable degree of devolution compared to other sub-Saharan African countries. It has, for instance, one of the most devolved systems of human resource management whereby local governments through their respective District Service Commissions locally recruit their staff. Approximately 70% of all public servants are in this manner locally hired and managed. However, with recent Constitutional amendments in 2006 that centralised appointment of local governments' Chief Executive Officers, the abolishing of several local taxes (2004), as well as a new centralised system of payment of councillors, the government of Uganda has recently moved towards re-

¹ The basic concepts of devolution, deconcentration, etc are assumed known to the reader – however concepts are defined in the main study quoted above.

centralisation of the public service. The system of local government has arguably also been weakened by introduction of unfunded added layers, including an additional regional tier and continued creation of new districts. A recently developed Local Government Sector Investment Plan and associated policy statements may assist in coordinating different projects and external support for decentralisation reforms, but does not provide for any renewed policy commitment to decentralisation by devolution.

In **mainland Tanzania**, reforms were embarked upon in 1998, but are not yet fully reflected in revised legislation. Substantive progress can be noted in recent years regarding development of fiscal transfer systems and capacity building of local governments; the system of local service delivery is gradually being devolved with increased central government funding. Local governments in Tanzania currently manage approximately 22% of public expenditure. However, the scope of local autonomy of local governments has not expanded in the last decade, and in particular the area of human resource management appears unlikely to be devolved in the near future – in spite of the 1998 policy intentions.

The Tanzanian reforms do not include **Zanzibar**, where local governments play a rather marginal role and operate in parallel to strong regional and district administrations.

In **Kenya**, the Local Government Act has remained relatively unchanged for a long period. It gives local governments a very limited mandate and they have few staff and manage only approximately 4% of total public expenditures. A 2005 constitutional draft proposed significant devolution. Although the overall constitutional proposal was rejected in 2005, it is still a common view in Kenya that the articles pertaining to decentralisation made sense. However, given the current political deadlock in Kenya a new legal framework for local government is unlikely in the immediate future. In their present form, local governments are becoming increasingly irrelevant for delivery of local services. In the institutional vacuum, sectors have gone ahead and established structures to effectively decentralise service delivery and promote community involvement in the planning, implementation and monitoring of local level service delivery, just as a Constituency Development Fund has initiated processes of cross-sectoral sub-district and community level planning. These moves may all feed into ultimate reforms, but currently lead to significant problems of cross-sector coordination and problems with linking recurrent and capital investments.

Division of sector service responsibilities across levels of government

Major service provision responsibilities are devolved to local governments in mainland Tanzania and Uganda, whereas their counterparts in Kenya and Zanzibar have very limited mandates. The situation within each of the major local service delivery sectors is summarised in the table below.

Table 1: Extent of Devolution of Key Sector Responsibilities to Local Governments (LGs)

Sector	Kenya	Tanzania Mainland	Uganda
Education	Minor role. Seven of the major urban LGs are designated as 'education authorities'; the remaining LGs play no major role in provision of educational services.	Primary education in principle devolved – however teachers recruited by TSC. Yet no specific role in secondary education.	Primary education fully devolved to LGs; secondary education still with central government.
Health	No major role for LGs – mainly undertaken by Ministry of Health.	LGs responsible for primary health care. Hospitals managed by health boards.	LGs responsible for primary health care and district hospitals.
Agriculture	No major role for LGs.	LGs are legislatively main responsible – but resources largely allocated through central programmes.	LGs are main responsible, but current efforts are made for privatising services.

As is evident from the table, in Uganda and Tanzania responsibilities for local service delivery in the three key sectors analysed in this study (primary health, primary education and agricultural extension) are firmly placed with local government. In Kenya, the system is substantially more complex. Central government has put in place a general deconcentrated administration (the district system) with broad local planning responsibilities, plus separate sector systems that are mainly responsible through a deconcentrated structure for service delivery in rural areas. In addition, the NGO/private sector play a very significant role in Kenya, whilst the recently introduced system for management of the Constituency Development Fund is becoming increasingly important, and now covers the largest part of locally available development funding – primarily spent in sectors such as education, health and agriculture.

4. Impact of (sector) decentralisation on governance

The three sectors analysed in the study interact in very different ways with the local governments. Although all sectors are operating broadly in adherence to the various local government legislation and policies, they also aim in different ways to enhance sector-specific policies and strategies. An overall finding of the study is that sector and local government planning to a large extent continue to operate in parallel even in Tanzania and Uganda, where substantive devolution has been pursued. This is foremost reflected in how public service delivery is financed. In both countries, fiscal transfers account for almost 95% of rural local governments' budgets. The specific architecture of local government fiscal transfers determine in practice how plans and budgets are developed and implemented as each grant is accompanied with separate planning guidelines.

In Uganda and Tanzania, only the LGDP/LGCDG² provide incentives for broader governance issues such as cross-sector planning, broad-based citizen participation, and general local accountability, whereas the earmarked grants in the three sectors and their focus on upwards accountability to the central government rather than downwards to the citizens, have tended to undermine local government autonomy and involvement of citizens in decision-making and supervision.

The impact of the sector-specific efforts for decentralisation on governance has in a broad sense been **positive** in enhancing citizens participation in planning and delivery of services through sector-specific user groups, but **negative** in terms of citizen participation in cross sector planning and budgeting through their local government councils. More specifically, the study concludes as follows.

- **Transparency and equity** is generally pursued through local government reforms by formula-based grant allocation of fiscal resources to local governments. Sectors are gradually following suit, with education sectors being most consistent. However, allocating fiscal resources for (sector) staff has proved difficult to implement in accordance with agreed decentralisation principles, and substantive regional variation still persists.
- **Representative democracy** through participation of elected councillors at district level in planning, budgeting and management of sector issues is partially achieved in Uganda and Tanzania, whilst participation of elected leaders at the

² Two modalities for discretionary development funding: LGDP = Local Government Development Programme and LGCDG = Local Government Capital Development Grant.

sub-district level is supported by education and agricultural sectors – but not the health sector – in those countries.

- **User groups** (at the facility or delivery point level) have been created in all three sectors to manage selected parts of service delivery planning, budgeting and implementation. In Kenya this is often as response to the non-performance of the representative local councils; in Tanzania and Uganda it is more as a supplement to the role of councils. The functions given to these groups differ substantially across sectors and countries. In the education sector school management committees now manage a substantial part of the budgets. In the health sector, the involvement of user groups is especially found at lower health units and generally is far less pronounced, but emerging. These user groups and the decentralisation of sector responsibilities and funding to them have enhanced direct community participation in service delivery, and in the education sector there is some evidence that this improves effectiveness, although the effectiveness of participation seems to decline when user fees are abolished, which in turn possibly leads to inefficiencies.³ While user groups in health and education provide inputs to the management of a public service, in agriculture the planned and ongoing extension reforms aim for a more radical re-arrangement of sector service delivery arrangements: farmers are organised in groups and strengthened to manage contracts with private service providers.

5. Impact of (sector) decentralisation on service delivery

Decentralisation has not been implemented as the only mode of service delivery and multiple external factors have impacted on the level of service delivery over the past 5-10 years. Furthermore, the modes of decentralisation are not found in the ‘pure form’ in any of the countries, in the sense that hybrid models have been practiced with features of centralised and decentralised service delivery. With these caveats the study concludes only tentatively on the impact of decentralisation reforms in the three sectors.

The overall conclusion is that only education sectors to date can register major service delivery achievements. These achievements have foremost been quantitative (increased enrolment etc) and are primarily explained by the sector’s strong policy focus (universal primary education) and increased public budgets. Agricultural extension is the most

³ Fieldwork in Uganda indicated higher level of participation and more efficient use of resources in private schools in Mayuge District compared to government schools.

disputed of the three services analysed. In Uganda the reforms of extension services have been most radical in pursuit of a privatised system. Sector evaluations of their impact are non-conclusive: some local success stories are noted but sustainability is questioned.

The potential impact of decentralised service delivery through local governments in Uganda and Tanzania is not fully realised because sector funding modalities and sector control of staff remain so persistent. Certain aspects of decentralisation reforms in the two countries have facilitated service improvements – for example the systems for common local financial management and coordination. The absence of similar systems in Kenya is widely recognised as a constraining factor, and the current multiple institutional arrangements are considered more wasteful, reflected in less cross-sector coordination and more problematic linkages between recurrent and capital budgets – especially for infrastructure financed through the Constituency Development Fund.

References

- Japan International Cooperation Agency 2008, *Decentralised Service Delivery in East Africa A Comparative Study of Uganda, Tanzania and Kenya*, Research Group, Institute for International Cooperation, Tokyo, accessed 08 May 2009, <<http://www.jica.go.jp/english/publications/reports/study/topical/africa/pdf/001.pdf>>
- Japan International Cooperation Agency 2008, *Local Level Service Delivery, Decentralisation and Governance – A Comparative Study of Uganda, Kenya and Tanzania Education, Health and Agriculture Sectors KENYA REPORT*, Research Group, Institute for International Cooperation, Tokyo, accessed 08 May 2009, <<http://www.jica.go.jp/english/publications/reports/study/topical/kenya/pdf/000.pdf>>
- Japan International Cooperation Agency 2008, *Local Level Service Delivery, Decentralisation and Governance – A Comparative Study of Uganda, Kenya and Tanzania Education, Health and Agriculture Sectors TANZANIA REPORT*, Research Group, Institute for International Cooperation, Tokyo, accessed 08 May 2009, <<http://www.jica.go.jp/english/publications/reports/study/topical/tanzania/pdf/001.pdf>>
- Japan International Cooperation Agency 2008, *Local Level Service Delivery, Decentralisation and Governance – A Comparative Study of Uganda, Kenya and Tanzania Education, Health and Agriculture Sectors UGANDA REPORT*, Research Group, Institute for International Cooperation, Tokyo, accessed 08 May 2009, <<http://www.jica.go.jp/english/publications/reports/study/topical/uganda/pdf/000.pdf>>
- Japan International Cooperation Agency 2008, *Local Level Service Delivery, Decentralisation and Governance – A Comparative Study of Uganda, Kenya and Tanzania Education, Health and Agriculture Sectors SYNTHESIS REPORT*, Research Group, Institute for International Cooperation, Tokyo, accessed 08 May 2009, <<http://www.jica.go.jp/english/publications/reports/study/topical/synthesis/pdf/001.pdf>>

Rethinking The Rotation Term Of Reserved Seats For Women In Panchayati Raj

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Key words: Panchayati Raj, women, elected, seats, rotation term, government

The belief that increased numbers of women holding decision-making positions is a sign of empowerment is reflected in the United Nations Gender Empowerment Measure (GEM), which tracks the percentages of women in national parliaments, in other legislatures, and as senior officials and managers among professional and technical workers. There is a growing demand for an increasing presence of women in political decision-making. It is argued that women need to be 'empowered' in the realm of political decision-making so as to facilitate their 'real' empowerment.

In India, the Women's Reservation Bill – which proposes that 33% of seats be reserved for women in both national and state legislatures – has yet to be passed. However, in local government the impact of reserving one third of seats for women in the Panchayati Raj Institutions (PRIs)² has been immense, and has empowered women both politically

¹ The views expressed in the paper are those of the author and do not reflect the official policy of the organization

² Panchayati Raj Institutions (PRIs) are units of local self-government. There are three levels of panchayat - village, intermediate, and district.

and socially. There are 260,000 Panchayat representatives in India, out of which 75,000 are women. This is the largest number of elected women in the world.

Whilst in general only 33% of seats are reserved for women, the State of Bihar took the bold step of reserving 50%: currently, elected women representatives occupy 54% of seats in Bihar's Panchayats. Bihar's example was followed by Sikkim, which increased their reservation for women to 40% and held their elections under the new arrangement in January 2008. Chhattisgarh, Madhya Pradesh, Rajasthan and Uttarakhand have passed laws increasing the reservation for women in Panchayats to 50%. These changes will apply at the next elections to Panchayats in those States.

The Constitution (73rd and 74th Amendment) Act, 1992 sets out in detail in Article 243D, the manner in which reservations are to be provided to women and persons belonging to the Scheduled Castes (SC) and Scheduled Tribes (ST):

- Reservations to elected seats are mandated directly by the Constitution, in accordance with the following pattern:
 - One-third of the total number of seats to be filled by direct election in every Panchayat are to be reserved for women. This is inclusive of the reservation provided for women belonging to the SCs and STs.
 - Within the reservation provided for persons belonging to the SCs and STs, not less than one-third of the total number of seats that are reserved for the respective categories in each Panchayat concerned are to be reserved for women belonging to the SCs and STs.
- These seats may be allotted by rotation to different constituencies within a Panchayat.
- The provisions for reservations to the offices of Chairpersons are nearly identical to the above provisions regarding reservations to elected seats. The additional features of reservations to the offices of Chairpersons are as follows:
 - While providing for reservations up to a minimum level of one third in respect of women and in proportion to the population in each Panchayat for SCs and STs, the manner in which this is done is left to the legislature of a State to provide by law.

- Unlike in the case of rotation of reservations to elected seats, which is discretionary, the rotation of reservations to offices of Chairpersons of different Panchayats is mandatory.

A recent survey, commissioned by the national Ministry of Panchayati Raj, provides many new insights into social and political empowerment of women in the new Panchayati Raj Institutions (PRIs). This is the largest-ever survey on any aspect of Panchayat functioning, covering 23 states with a total sample size of over 20,000, including Elected Women Representatives (EWRs), Elected Male Representatives (EMRs), ex-EWRs, official functionaries, and members of the community. Nearly three-quarters of the EWRs in the sample belonged to the Scheduled Castes, Scheduled Tribes and Other Backward Class categories; they were evenly divided above and below the poverty line.

Reservation has played a significant role as four-fifths of all women representatives were elected from reserved seats. The role of reservation was also evident from the fact that it emerged as an important motivator (43%) for contesting the first election, and its withdrawal was an important reason for former women representatives not contesting a subsequent election (39%).

Thus the majority of the elected representatives had contested only one election (87%) and only 14% had been elected more than once. Further analysis showed that the majority of former women representatives could not get re-elected because the seat to which they were elected was de-reserved in the next round. Younger women aged 21-35 years have been more successful in elections than those 35 years and above.

For most women representatives, prior association with any form of politics was limited, and the act of contesting their first election was their entry into active politics. However, a significant proportion of women representatives have said that they were earlier involved in community groups or committees, and confirmed that this helped them and motivated them to take the plunge into electoral politics. Husbands (30%) and other family members (12%) were reported as playing an important role in motivating women representatives to contest elections the first time. And 8% of the elected representatives – mainly from West Bengal, Sikkim, Tripura and Kerala – also disclosed the role of political parties in motivating them.

More than half (54%) of all elected representatives were above the poverty line (APL). Little difference was observed between the economic status of male and female elected representatives. However, reservation has been critical to the representation of disadvantaged groups: 88 per cent of elected representatives from those groups were in reserved seats.



Elected Women Representatives in Chhattisgarh State Sharing their Experiences at the Panchayat Mahila Shakti Abhiyan.

Providing support for women candidates makes a big difference. In Karnataka, for instance, the government introduced a 25% reservation for women in Panchayati Raj as long ago as 1987 (which was replaced by the constitutionally mandated one third reservation in 1993). With this head start, several NGOs took the lead to undertake special capacity building programs for women elected representatives. Issues such as proxy participation and gender friendly budgets were discussed in small networks of women representatives. These networks began to grow and share their experiences amongst each other. Today, the results of this movement show that nearly 43% of seats in Panchayats are occupied by women, well above the 33% reservation. What is more remarkable is the breakdown by category: of SC elected representatives 46% are women; and of ST representatives nearly 65%.

There can be no greater evidence for the fact that not only have Panchayats attracted women to politics in large numbers, but also that this wish to contest elections seems to be most keenly felt among the women belonging to the SCs and STs.

There is, however, a big difference between representation and participation. It is relatively easy to legislate representation, but it is rather a complex and difficult task to create conditions for participation. Proper representation does not automatically lead to proper participation. It is important that women are in a position to influence decision-making and prepare and implement schemes for economic development and social justice.

There are many instances of women representatives playing a significant role in the workings of grassroots politics. They prioritise developmental needs differently from men. Women have initiated work on plans to bring piped water to villages and also to build schools. They are also seen to be more involved in monitoring the presence of teachers and medical staff in the school or health centre, and inspecting nutrition centres under the Integrated Child Development Scheme.

Women have taken the lead in making efforts for smokeless stoves, crèches and community halls, and have taken the initiative in family and matrimonial matters, for example counselling abusive and/or alcoholic husbands. Sometimes, women-led Panchayats have even experienced a dramatic increase in their revenues, sponsoring the auction of village ponds, community forests and village markets for the larger welfare of the community (Jayal 2006).

A women's representative in Dahod district in Gujarat said that she had proposed setting up a primary school in the village, but was told there was no necessity for it because there were only three children whose parents wanted it. She set about mobilising support for the school, which was later established, and came to be attended by 300 children. Attendance was at least partly achieved through stiff penalties for non-compliance: a fine of Rs. 600 and 6 months in prison for the parents of those children who do not attend. It is notable that until elected to the Panchayat, this woman had not stepped out of the boundaries of her home, or even been a member of any other organization.

However, women representatives remain largely excluded from discussion of some issues, such as planning for rural development works. While no gender discrimination in the Panchayat is reported by 60% of elected women representatives, issues concerning their acceptance in Panchayat meetings and enabling them to raise issues freely were mentioned by 94%.

Successful women representatives now act as role models for others. Their increased presence has ensured the principles of justice between the sexes, and has certainly led to the fulfillment of certain interests of women which otherwise may be neglected. A majority of the representatives report an enhancement in their personal effectiveness and image after being elected. They also report a reduction in household responsibilities.

It is for sure that without the system of reservation women would have had little role to play in grassroots politics in India. Surveys show that 95% of women representatives claimed they would never come to acquire positions in Panchayats, if there were no reserved seats (Centre for Women's Development Studies 1999). Reservation has at least succeeded in bringing the womenfolk of rural India into the political forum, and elected women could now imagine standing against a man in future.

Women members of Panchayats are gradually learning to adjust to the new political conditions. The political knowledge of women is increasing and gradually a sense of confidence is getting instilled in them, as they are now aware of the problems being faced by their locality. By all accounts, as each election round passes, it is clear that women have certainly made their presence felt in the power struggles once dominated by men. There are many instances where women have been self-motivated to fight an election. In several instances, the Gram Sabha³ has persuaded women with leadership potential to stand for election, and this has a far-reaching impact on the empowerment of women.

Patriarchy is not reversed, or even significantly eroded, overnight. Nevertheless, there are across India many shining examples of the potential of women's leadership, and many more may join their ranks if at least the institutional conditions for their effective participation are safeguarded. Within this larger process, the debate over the system of reservation for women in Panchayats is extremely critical. In several States proposals are being considered to slow the rotation of reserved seats from once every five years to a rotation every two or more terms. This follows the example of Tamil Nadu and gives women who are elected to a reserved seat the opportunity to stand for election for a second term in the same seat.

³ A bi-annual village meeting of all persons aged 18 years or more, which considers development schemes and reviews the work of the Panchayat.

The Union Minister of Panchayati Raj, Shri Mani Shankar Aiyar has argued that: “the rotation term of reserved posts for women should be extended up to two or three terms because generally first term for women representatives has proved to be a period of learning and in second and third term only women representatives started showing their real performance.”

Extending the rotation term of reserved positions for women in this way would allow women in Panchayats the time and space to negotiate their own power relationships within them. If they are given 10 to 15 years of continued opportunity, it can encourage and nurture their desire to be assertive and independent. Without a longer term, true empowerment of women representatives will be a more difficult proposition.

References

- Centre for Women’s Development Studies 1999, *From Oppression to Assertion: A Study of Panchayats and Women in M.P., Rajasthan, and U.P.*, CWDS, New Delhi.
- Jayal, Niraja Gopal 2006, ‘Engendering Local Democracy: The Impact of Quotas for Women in India’s Panchayats’, in *Democratization* Vol. 13, No. 1, February, pp.15-35.
- Ministry of Panchayati Raj 2008, *Study on Elected Women Representatives in Panchayati Raj Institutions: Report*, Government of India, India.

NEWS AND REVIEWS

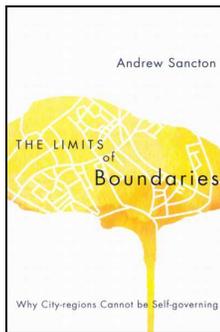
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BOOK REVIEW: The limits of boundaries. Why city-regions cannot be self-governing

Andrew Sancton (McGill-Queen's University Press. 2008)

If it really matters how a metropolitan region is governed, should it not be obvious on the ground? To take just three New-World examples of metropolitan-scale city councils, Calgary, Houston and Brisbane should have a different 'look and feel' to that of their fragmented equivalents, not to mention greater efficiency and equity stemming from their ability to manage growth across all or most of the urban region.

Of course they *do* look different, despite the universality of Western urban development overwhelming the good intentions of policy makers who might plan for prosperity, sustainability and/or a sense of place. The apparent differences seem to arise more from the endowments of nature, accidents of history and expressions of local politics and cultures than from the capacity of these city governments to comprehensively plan, coordinate and integrate growth and change across their metropolitan regions.

These facts of life do not diminish the importance of the arguments for metropolitan government, and nor should they. The effectiveness of the management of metropolitan

regions matters, more than ever, for many well-rehearsed reasons. It is accepted that such effectiveness is influenced by patterns of jurisdictional boundaries, and that jurisdictional boundaries can seriously impede desirable policy making – for instance when a city’s suburban growth occurs just beyond its boundaries; when the distribution of the population, and the location of shopping centres and other major destinations in a metropolitan region, are determined by the exercise of local powers irrespective of (or in opposition to) natural resources, trade areas and transport services; when competing transport agencies refuse to work to regional objectives; when responsibilities for watersheds and catchments are randomly divided; or when revenues and responsibilities are vertically and spatially distorted.

It is therefore important that the case for metropolitan government be made strongly, for these issues need to be addressed. There are any number of alternative models for managing metropolitan regions, with all of them represented somewhere in the world, as if evolutionary forces apply to the differentiation and speciation of urban governments, generating experiments and trials. Apparently all of these models work, in the sense that metropolitan regions seem to grow and prosper regardless – governments at all levels continue to cobble together policies and carry out functions sufficiently well for cities to flourish to some degree. Equally, these models are defective, destructive and inequitable to greater or lesser degrees, and the arguments in favour of metropolitan government help define the problems and the possible responses.

The author of *The Limits of Boundaries*, Andrew Sancton, has been actively engaged in these issues for decades. He is the Director of the Local Government Program in the Department of Political Science at the University of **Western Ontario in London, Ontario**. He is the author or editor of *Merger mania: the assault on local government* (2000), *Metropolitan governance revisited* (1998), *Governing Canada's city regions: adapting form to function* (1994), and of other articles, book chapters and reports with titles such as ‘Why municipal amalgamations? Halifax, Toronto, Montreal’, ‘Drawing lines: defining the roles of municipal, federal, and provincial governments in addressing urban social issues in Canada’, ‘The governance of metropolitan areas in Canada’, ‘Signs of life? The transformation of two-tier metropolitan government’, ‘Canadian cities and the new regionalism’ and ‘Jane Jacobs on the organization of municipal government’.

It is Sancton's aim, in this lively contribution, to bring some reality to various aspects of the debate. Clearly he has become increasingly impatient with the unreality of specific 'solutions' to the question of how metropolitan regions should be governed. In short, metropolitan regions, or 'city-regions' in the discourse to which this book belongs, cannot be self governing: those that are self governing are the exceptions that prove the rule. The reasoning is given in its most succinct form in the final sentence.

"Because we cannot draw stable multi-purpose boundaries for city-regions, we are incapable of designing the institutions that are needed for city-regions to be self-governing" (p. 137)

While the problem addressed by the book is 'how to structure our institutions for the effective governance of our city-regions', (xii) its focus is on whether boundaries can be drawn for those institutions.

"I argue in this book that, contrary to some recent claims, cities in Western liberal democracies will not and cannot be self-governing. Self-government requires that there be a territory delimited by official boundaries. For cities, the boundaries will never be static, will never be acceptable to all, and will always be contested. Boundaries fatally limit the capacity of cities to be self-governing" (p. 3)

This proposition is then put in an even more forceful manner.

"(T)he argument advanced here is that genuinely multi-functional governments are no longer feasible – if they ever were – especially for the world's largest and most important city-regions. The object of this book, therefore, is to demonstrate that city-regions cannot be established as self-governing entities in any one of these senses: as sovereign states, as units of federations, or even as multi-functional metropolitan governments. Not surprisingly, there are some exceptions to such a sweeping statement. As usual, the exceptions will help us understand the general rule" (pp. 5-6)

The book is an extended essay which engages directly with the politics of governing the wider metropolitan region of Toronto, where city politics has always been lively and where policy making structures have been significantly reconstructed a number of times. The Toronto debates and related academic arguments for devolution are inherently interesting for those concerned with cities, although they might have been more so if the maps were less compressed and included more of the many place names mentioned in the text.

The treatment of *The Limits Of Boundaries* is comprehensive: the absorption of city-states into nation states, the historical origins and durability of the boundaries of nation

states and of states within federations, the complexities of boundaries within metropolitan regions, and the instability of the latter. In short, this is a concise, entertaining and valuable contribution to a pressing set of issues.

Accordingly, the author would probably be pleased that the book provokes this reader to an immediate counterpoint. Since communities in complex layers of localities, regions and nations must muddle through without access to perfect (or even good) information, governance structures and policy-making processes, it is unrealistic to set a much higher test for the functional rationality and durability of the boundaries of putative metropolitan governments than for other jurisdictions. A highly diverse array of governance structures exist throughout the urban world – including for water, drainage, schools, police, business districts, major projects and numerous other functions as well as for municipal and regional governments – the boundaries of which are likely to have been the result of expedients, compromises and deals, and are likely to have been overtaken by events, but are not so perverse that those functions cannot be performed. In other words, Sancton's objection to metropolitan governments on the grounds, quoted above, that the boundaries of cities (metropolitan regions) 'will never be static, will never be acceptable to all, and will always be contested', could equally be applied to many existing mechanisms for planning and providing urban services.

This narrow focus on the prospects for stand-alone metropolitan governments leads to two other reservations about Sancton's argument. In the first place, there are too many varieties of metropolitan governance to regard good existing 'multi-functional metropolitan governments' as merely 'exceptions that prove the rule': on various dimensions of, say, scale, scope, power and autonomy, the governance of metropolitan regions forms continuums from little to large, from dysfunctional to highly effective. In the second place, the issues concerning the creation of new institutions and their boundaries are subordinate to the larger question of finding mechanisms and processes to manage metropolitan regions as integrated entities, at least to a greater degree, in more places, than at present.

If we are to focus our research, policy making and advocacy on this more fundamental question, then Sancton should be heeded: arguments for self-government, or for cities being promoted from local government to state/provincial government, are not only likely to fail but also to distract from practical reforms which might deliver better

metropolitan planning and management. Even more is this true when it comes to plotting the boundaries that are needed for powerful new institutions operating in complex, overlapping urban regions. I would add that new institutions tend to rearrange rather than eliminate problems of competing and conflicting jurisdictions and the need for other structures for coordination.

Although Sancton says little about how, as opposed to how not, 'to structure our institutions for the effective governance of our city-regions', a clear direction is provided in his incidental account of some of the moves of the government of Ontario in defining a green belt and requiring higher densities in the growth areas around (greater) Toronto. In a word (mine), improving the planning and management of metropolitan regions is a task for the next higher level of government. Even in the case of metropolitan-scale city councils such as Calgary, Houston and Brisbane, only the state governments of Alberta, Texas and Queensland can be, in effect, the upper tier regional government.

This proposition is obvious to Australian observers of these issues, since the governments of the states of New South Wales, South Australia, Victoria and Western Australia each govern a single dominant metropolis and its region, which is the entire state. In Queensland and Tasmania the capital cities are only marginally less dominant. Brisbane is an interesting case: the only success of the greater city movements in Australia, it was formed through the amalgamation of the twenty municipalities in the Brisbane metropolitan region as it was in 1924. It has not expanded with growth, and now has a population of one million, in a metropolitan region of 1.8 million, in a continuous urban area (South East Queensland) of 2.8 million, in a vast state with a population of only 4.3 million. For the past two decades, the state government has been active as the regional strategic planner and manager of South East Queensland (Queensland 2008).

The extreme example of this type is Western Australia, a state of 2.5 million square kilometres where three quarters of the total population of 2.2 million live in the greater metropolitan area of Perth. Since settlement in 1829, notwithstanding the establishment of municipalities (over thirty of them in the Perth region), only the colonial and later state governments governed Perth, performing all urban functions other than local property services. For the past sixty years, the form of metropolitan region governance has included, with the bipartisan support of state governments of different political

persuasions, a statutory region planning scheme funded through a hypothecated property tax and administered by an independent, expert planning commission (Dawkins 2009). The architect of this approach, Gordon Stephenson, was at that time the foundation professor of town and regional planning at the University of Toronto (1955-1960); his boundaries for the Perth region were so expansive that they can still accommodate twice the current population.

In the many countries and states with dominant cities, central governments can only establish metropolitan governments by devolving the greater part of their powers, functions and resources to the new entity. Their refusal to do so is not only a question of realpolitik, and not only in response to the many impediments discussed by Sancton. It also derives from good and practical policy. The logic is compelling that, as Sancton suggests, “the central government [should] look after planning for long-range infrastructural development” (p. 110). Reforms are more achievable, and probably more effective, if, as Sancton suggests, we do not attempt to redesign the ways in which city-regions are governed but rather “make better use of the wide array of institutions that we already have” (p. 134). Notwithstanding Sancton’s argument, in other countries those reforms might include strengthening and creating ‘self-governing’ ‘multi-functional governments’ for metropolitan regions.

The matter goes very much further than this. There are many impediments to effective metropolitan planning and management – constitutional, political, structural, institutional, professional – beyond the powers of most cities to influence. Too many central governments (of countries and of states in a federation) have failed to address the urgent problems of the sustainability of cities, have not responded to the imperatives of climate change in relation to cities, or have simply failed in their efforts to assist metropolitan regions to reconfigure as they get much larger. In investigating or making policy for these issues, *The limits of boundaries* offers us wise historical perspectives on city government and can help us avoid false panaceas – and unproductive arguments about boundaries.

References

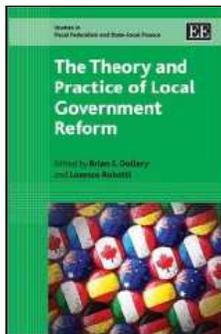
Dawkins, J. E. 2009. 'The difference that planning makes in Western Australia', *The ISOCARP Review*, Vol 4, pp. 34-49.

Queensland. 2008. *Draft South East Queensland regional plan 2009-2031*.

<<http://www.dip.qld.gov.au/regional-planning/draft-regional-plan-2009-2031.html>>.

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BOOK REVIEW: The Theory and Practice of Local Government Reform¹

Edited by Brian E. Dollery and Lorenzo Robotti (Edward Elgar: Cheltenham, UK and Northampton, MA, USA. 2008)

Structural reform has been one of the most important and hotly contested features of modern local government. From North America to Europe to Australasia, local government boundaries have been redrawn over the last two decades. In many countries it seems that structural change has been the ‘default’ option to which successive generations of policy makers are irresistibly drawn time and time again. And yet the reasons for the extraordinary popularity of this particular policy instrument and, more importantly, its impacts are under-researched. There is a dearth of rigorous empirical analysis of the costs and benefits and the relative effectiveness of different kinds of structural change and different approaches to implementing them. *The Theory and Practice of Local Government Reform*, edited by Brian E. Dollery and Lorenzo Robotti, is then a very welcome attempt to address these issues in comprehensive and comparative fashion, which draws upon expert knowledge of recent developments from across an impressive range of different countries and contexts.

¹ ISBN 978 1 84720 254 3

The book is in three parts. The first focuses on theoretical perspectives on structural reform of local government. The editors first discuss a range of strategies for local government reform that have been pursued over the last two decades, of which reconfiguring the number, type and size of local government units has arguably been the most prominent and widespread. However, they correctly discount the search for the holy grail of the optimum size for local governments, arguing that because they provide a diverse range of services and serve a variety of different local needs and preferences there will always be trade offs to be made. And yet, as Dollery and Robotti observe, in spite of this there has been a general trend towards the creation of larger entities, based on (the largely untested and often implicit) assumption that 'bigger is better'. Proponents of these reforms typically argue that larger local governments are able to tap economies of scale and scope. They also suggest that they help to guard against the capacity problems that can bedevil smaller organizations. These claims have not of course gone uncontested. Indeed there is 'an acrimonious longstanding and ongoing debate' between advocates and opponents of structural reform. This is not however a substitute for robust evidence which can inform future policy.

In Chapters 2 and 3 the editors provide highly readable and, for the most part, relevant reviews of the literature. Chapter 2 focuses on theoretical perspectives provided by economics. The editors' aim is to discover whether these can account for the preponderance of structural change in local government systems, and they bring a range of relevant perspectives – including theories of fiscal federalism, the Tiebout model, Buchanan's theory of clubs and functional federalism – to bear on the issue. Ultimately though they conclude that none of these explain existing patterns of local government, 'historical processes' rooted in long standing 'ethnic, political and social factors' in fact determine them. Chapter 3 therefore turns to alternative literature that offers definitions of operational efficiency and size, a variety of arguments for and against 'territorial consolidation', and a range of descriptive models of local government.

In Chapters 4, 5 and 6 the focus switches from the existing literature to the development of new economic theories that seek to shed light on the determinants of success of inter-municipal collaborations. Chapter 4 considers the relative merits of council consortia versus the creation of new institutions to which local government transfers functions. Chapter 5 offers a model of the factors that the authors believe might influence the

formation and longevity of inter-municipal collaborations. Chapter 6 provides a theoretical account of the financial incentives needed to stimulate collaboration.

Part two, which accounts for more than half of the book, comprises seven chapters which consider structural reforms in Australia, Canada, France, Germany, Italy, New Zealand and Spain, and test the applicability to these developments of the theories presented in chapters 4, 5 and 6. Part three draws out the common themes, which emerge from this analysis, and highlights what the authors regard as the implications for policy.

It is in the seven country-specific chapters and the comparative analysis that draws on them that the huge strength of this volume lies. Each chapter adheres to the same basic structure: an admirably concise description of the local government system in the country in question; a crisp recent history of structural reform; an analysis of the drivers and effects of these reforms; and topped off with an often heroic attempt to draw some parallels between structural reforms in practice and the theories propounded in chapters 4, 5 and 6. This common structure at the heart of the book gives it real coherence and ensures that the project maintains a sense of unity of purpose, which edited volumes frequently lack. Moreover, the individual chapters are extremely well written, and the contributors were clearly very good selections – all experts in their field and their own country who are therefore able to write with authority out of a detailed knowledge of policy and practice. Readers wanting an accessible and concise introduction to the development of the local government systems in any or all of the seven countries need look no further.

The diversity of local government systems and the different reform trajectories witnessed across the seven countries might be expected to frustrate any attempt to identify common themes and conclusions, but the common structure and the quality of the contributions in fact makes the task pretty straightforward. The penultimate chapter highlights important variations in approaches to structural reform and, in particular, between compulsory amalgamations imposed from the top down and voluntary associations of which have developed from the bottom up. The authors also identify differences in the motivations for structural change – ranging from rising public expectations of the quality and diversity of local service provision, to attempts at cost shifting by higher tiers of governments, to principled commitments, to decentralisation as part of broader administrative and political reforms. But they suggest that all seven countries face similar

problems and share similar expectations of the changes that they have enacted. In general, reforms have been initiated at least partly in response to concerns about the financial viability of small local governments and their ability to provide better local public services, and all were expected to lead to significant economies of scale.

Interestingly, the federal states featured in the book (Australia, Canada and Germany) have favoured compulsory amalgamations whilst, with the exception of New Zealand, the unitary states have opted for voluntary associations. The authors come down firmly on the side of the latter approach. Compulsory reforms have, they argue, met with local resistance and appear to be falling out of favour with governments once wedded to them. They acknowledge problems with voluntary associations; in particular, transaction costs can be high and collaboration may falter once financial incentives provided by higher tiers of government are withdrawn. But, in the final chapter the editors also argue that voluntary participation is a key determinant of the success of structural reform, and they add another important precondition; structural reform has, they argue, often been part of a broader process of reconfiguration involving the transfer of responsibilities to local governments. These additional functions must however be accompanied by additional finance. To be stable, new entities have to be able to access adequate funds and this implies an ability to generate a substantial income of their own.

The book is then a valuable addition to the literature, the writing is admirably clear, and the analysis is helped by the use of robust organising framework for country-specific chapters. The evident expertise of the contributors and the systematic pulling together of key themes in the final two chapters are real plus points.

There are some weaknesses. The title is potentially misleading, implying as it does that this is an analysis of local government reform in general (rather than one particular form thereof). A second quibble is that it is unclear what value is added by the diagrammatic representations of the characteristics of the reform in the seven countries presented in the penultimate chapter. Third, the book offers few suggestions about the implications for future research. And fourth, the bulk of the final chapter, which explores issues of tax assignment and sources of local revenue, bears little relation to the material presented in any other part of the book. It is as if the editors have tacked on a new agenda right, which has caught their attention but is semi-detached from the other contributions. This distracts from the core theme of the book and dilutes the quality of the otherwise robust

analysis, lacking as it does either the theoretical grounding or the empirical basis of the earlier treatment of structure reform.

Ultimately, the book fails to accomplish the editors' declared mission to apply economic theory to an understanding of recent structural reform of local government. This was always going to be a tall order but, as Dollery and Robotti conclude quite early on, whilst existing economic theories may well offer a vision of how things 'ought' to be in a rational world, they do not seem to bear much resemblance to what has actually happened in practice. Similarly, most of the contributors found it very difficult to assemble more than one or two scraps of evidence to suggest that the new theoretical models outlined in chapters 4, 5 and 6 have much to offer in understanding and interpreting developments 'on the ground' in any of the seven countries featured in the book. As more than one of them observes, the models prove difficult to apply and the evidence shows pretty conclusively that it is 'non-economic' factors that have determined the course of local government reforms, and will continue to do so in future.

However, this conclusion almost certainly won't matter to most of the book's readership – it deserves to be read by students and scholars of public policy as well as enquiring policy makers and local government practitioners – whose primary interest will be in the nature and impacts of the reforms, rather than the applicability (or otherwise) of the economic theory.