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LOCAL GOVERNMENT AND LOCAL GOVERNANCE

Issues and challenges

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THE Concept and practice of state, government and governance have constantly been changing phase and face both with the change of time. The changes from monarchy to republic, authoritarian and autocratic to participatory and democratic, totalitarian to pluralist and all encompassing centralized to decentralised, welfarist and responsive to citizen- changed the nature, dimension, forms and functions of modern states to a revolutionary proportion. All these changes brought enormous transformation among the organs and organisations within the state and a prominent and distinct space for Local Government Institutions (LGIs) leading to a new concept 'local

endless experiments and benign neglect. A new dawn has been ushered with the promise of 'change for better future' after a free, fair and credible national election in 2008. Some of the issues and challenges the LGIs face are furnished below for consideration of the government that hold unprecedented popular mandate of people for realising the promised dreams of democracy and good governance at the local levels.

Providing constitutional guarantee to the LGIs

The constitution of the republic is the main source and provides legal bindings to all legislations, acts, rules and regulations of the country. The present constitutional provisions as embodied in articles 9, 11, 59 and 60 on LGIs are very

assigned? How much freedom the LGIs enjoy at their respective levels? A long list of function can be seen in all the LGI legislations so far enacted. The Union Parishad (UP) have been assigned 4 broader areas of compulsory nature and 37 specified (with a separate schedule) functions with 54 more judicial and 21 village police functions. Though a long list of function is provided to the UPs, the functionaries and funds are lying with respective line agencies of the central government at all the corresponding levels, i.e. union, upazila and districts. For example, the responsibilities of health, family planning, education, agriculture, fisheries, livestock, physical infrastructure- all equally appeared in the list of functions of LGIs. But the func-

the other hand, LGIs themselves in general lack financial discipline and transparency. The experiences of Indian State Finance Commissions and South African Local Government Commission and many other mechanisms (Ombudsman in Maharashtra in India) followed in some other developed and developing countries need to be examined for adoption to create clear financing line and method for LGIs and also to bring financial discipline within the LGIs.

Procedural innovation in budgeting and planning system

All the LGIs in addition to the central government's budgetary allocation mobilise their own resources. They are also legally bound to prepare and pass their own annual budgets. According to

Local government should really be regarded as 'government' and not merely an agent or client of central government. It should be allowed required freedom and autonomy within its own domain, otherwise its full capacity will not be harnessed and dedicated leadership will not emerge and develop from the soil. Instead of day to day administrative control from bureaucratic and political hierarchy, participatory planning system and strict and standard financial discipline can ensure real autonomy on the one hand and accountability on the other.

Local government service structure

It is a general perception that the LGIs from City Corporations to UP suffer from the lack of adequate and efficient staff support for carrying out their technical, financial and administrative jobs. To address the issue a long pending proposal to create a 'Local Government Service structure' may be reviewed afresh with a long term vision. The members of this service wherever feasible, may start their career from the UPs and end at the City Corporation and Zila Parishad levels. This service may consist of few sub-groups, such as professionals with Engineering, Health, Accounts and Administration backgrounds. The service may provide continuity and professionalism within the LG system. It is high time now to seriously take up this issue for detailed examination and for taking decision for a pragmatic and sustainable staffing for LGIs.

Strengthening the role and function of newly formed local government commission

Formation of an independent Local Government Commission has been recommended by all the committees / commission formed since 1990s. The Nazmul Huda Commission during first BNP government (1991-1996), Rahmat Ali Commission during AL government (1996-2001) and lastly Dr. Shawkat Ali Commission in 2007 under Caretaker Government may be taken as examples. The LG Commission has at last been formed and started work from November 2008. The Commission can play supportive role for strengthening LGI system by providing expert help and assistance to both government and LGIs. A specialized agency with positive outlook towards constantly building agenda for the LGs and assisting all concerned to carry them forward is needed. The Commission can also build a bridge among the higher level policy makers, policy implementing bureaucracy, LGs, civil society and all others intimately concerned with local development. It is expected that government, LGI and civil society organizations will use and utilise the services of the Commission in realizing the objectives of developing a credible, efficient and accountable LGIs system. The LG Commission should work closely with the ministries of Finance and Planning for providing assistance during the preparation of national budget and plan and also with relevant parliamentary committees. Similarly it should also work very closely with the ministry of Hill Tracts Affairs on the local government Institution of special and Adivashi areas.

Helping the growth of LGIs and strengthening these institutionally is very much in national interest. Because by doing this, we can assist the LGIs in future to become an engine for growth and change for better Bangladesh for establishing good governance and institutionalization of democracy and development. The smooth transition to democratic government at national level and the Third Upazila Parishad election in 2009 under the political government is expected to usher in a new era in the history of local governance in this country. A conducive climate for supporting the growth of LGIs and strengthening these adequately appears to have emerged. All of us involved in supporting LGI growth must grab this opportunity. In this light it can also be regarded as an acid test for the new government, new upazila leadership and the Ninth Parliament, so as to see how further development takes place in the realm of local governance in future.

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But the functionaries and finance are absolutely controlled by the line departments. The challenging questions that need to be answered in future are (1) whether functionaries and funds will also flow towards the LGIs with the list of functions? (2) How we are going to deal with numerous line agencies at all administrative units together with LGIs at the same levels?

state" has emerged. In the recent decades the phenomenon of globalisation, marketisation and liberalisation created a new impetus and imperative for strong and effective local democracy and local governance as opposed to private corporatism and corporate nature of state. The modern states are divesting and 'hiving off' power, authority and responsibility at the local levels for efficient management of services. Local government institutions are being regarded as necessary stage between the common citizen and the central state and also be treated as 'load management' mechanism for accelerating development efforts at all the receiving points. People at the grassroots also feel good by having opportunity for closer interaction with the 'government at their door steps' (local state) compared to remote central state.

Bangladesh is an old nation with relatively a new statehood. The nation building efforts with a stable state still face formidable challenges. Establishing democratic polity and responsible, responsive and efficient governance is considered to be at the top of the challenge list the nation has been encountered with. In achieving the twin objectives of Institutionalisation of democracy and good governance, the role and function of LGIs need be emphasised and placed in proper perspective. Though LGIs in this part of the world have a tradition and practice of hundreds of years, still it is not regarded and respected fully as effective, functional and credible service delivery mechanism. Mere existence and stereotype continuity does not ensure its rationale and relevance. The nature is faced with the challenge of transforming over 5000 weak, emaciated and feeble LGIs into effective, functional and accountable democratic institutions. The LGIs in this country have been the victim of

conductive to promoting these, but ambiguities still remain in its operational directions. As a result the issues like the hierarchical nature of tiers of LGIs corresponding to administrative units, central-local relationship, functions, functionaries, financing and freedom of LGIs in general hang on the balance and entirely depend on the direction given by the incumbent governments. While the Indian constitution provides guarantees for LGIs, we do not see such guarantees in our constitution. For example, the 73rd and 74th amendments of the Indian constitution provides a direction with a guarantee clause regarding the number of tiers, division of functions amongst central, regional and local levels and also clear financing arrangement with the formation of State Finance Commissions (SFCs). In Bangladesh the LGIs predate the constitution itself. It appears that inconsistencies between constitutional provisions and ground realities within which LGIs have to function exist. Those need to be reviewed and removed for providing a sound base and basis for strong, effective and stable local governance system in the country.

Adequate attention on 'Four Fs'-- function, functionaries, finance and freedom

Bangladesh is legally having a system of three tiers rural and single tier urban LGIs. These are Union, Upazila and Zila Parishads as rural and Pourshava / City Corporation as urban LGIs. While Zila Parishad still awaits formation, election for the Upazila Parishads is in progress and others are by now in place. The basic question arises, what functions these bodies are assigned to perform? Do they have appropriate functionaries at their command to carry out the functions assigned? Do they have adequate fund to carry forward the functions already

tionaries and finance are absolutely controlled by the line departments. The challenging questions that need to be answered in future are (1) whether functionaries and funds will also flow towards the LGIs with the list of functions? (2) How we are going to deal with numerous line agencies at all administrative units together with LGIs at the same levels? The presence of two parallel organizations with the same or overlapping assignments create more problems than solving them. This also curtails the freedom and autonomy of elected LGIs. As a result two separate agencies at one particular unit are neither desirable nor practicable. A bold and courageous step of public administration reform is an immediate necessity to solve these age old problems. Otherwise LGIs will never be established with clear mandate as an effective organisation at the levels of Union, Upazila and district.

Local government finance

There exists no clear budgetary formula for allocation of resources for LGIs. The LGIs receive development and revenue grants from central exchequer which is nominal compared to the public expenditure incurred at the same level through separate government agencies. For example, one UP receives direct government grant to the tune of taka one million on an average for a year. During the same year government expenditure in the same union area normally reach up to taka 50 million with which the UPs have no relations. The public expenditure and grant vary from year to year at each level and it is mostly an uncertain terrain for LGIs to fathom. It has been stated that sometimes lobbying, personal connection and a network of irregular means play vital role in getting enhanced amount of grant and different project support. On

the new LGI ordinances passed in 2008, all the LGIs are required to make a five year plan too. The LGI plans and budgets are needed to be integrated with the national budget and national plan. Over a decade, we are not having five year national plans and long term perspective plans. Whatever plans we are having nationally in the name of rolling plan or Annual Development Plans (ADP), they are merely the collection of projects prepared by different ministries. There are scopes for innovative planning and budgeting system in the country. Firstly government may initiate a five year indicative plan under a 10 year perspective plan by incorporating vision 2021 keeping in mind the Golden Jubilee of our liberation. This will also provide a clear vision and broad guidelines for local level planning for all the LGIs. The LGI plans will aim at achieving the goals of national plan along with their specific local objectives. In this way allocated resource can be utilised under standard planning system and general financial discipline. Regarding the innovation in budgeting, serious consideration may be given whether a separate national budget for LGIs can be prepared and placed in the parliament. The national budget for LG may incorporate all the planning and budgetary performances of all the LGIs of the country in a cumulative and aggregated way. Later it may be incorporated in the national budget after final adoption in the Jatiya Sanghad. In India, a separate railway budget is placed in the parliament by the Railway Minister. We can create a new tradition of separate local government budget in future which may make the local government's development plans and finances transparent and accountable.

Freedom and autonomy of local government.