

# The Constitutionalization of Local Government in Developing Countries—Analysis of African Experiences in Global Perspective

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## ABSTRACT

The constitutionalization of local government is a distinctive contribution of developing countries to governance reform and the policy and practice of modern public administration. Local governments in most western and industrialized societies are creatures of the national government and are essentially statutory bodies—created, modified and suspended or eliminated at will by the state statutes. In fact, in the Anglo Saxon tradition, these institutions are referred to as local authorities and never local government. In seeking to enhance the capacity of sub-national entities against overbearing central authorities countries as disparate as Brazil, India, Philippines, Bolivia, Colombia, South Korea to mention only a few constitutionalized their local governments. This boosted the status and role of these entities in terms of the policy processes for local level development, services delivery and citizen participation. There have also been a number of challenges—local elite capture or corruption, capacity, coordination, equity and stability issues. However, a consistent overall consequence when properly implemented has been a positive impact on service delivery and the enhancement of the interface between local government and local governance as well as the strengthening of intergovernmental relations. A number of African countries have followed this global good governance practice but the results have been mixed. This paper reviews the experiences of Nigeria, South Africa, Uganda and Ghana that have all constitutionalized local governments and seek to explain the differential outcomes in each country context. This is an important issue as a number of other countries that have recently initiated fundamental governance changes have incorporated local government reform as a part of the constitutional reform process. These countries include Kenya while a number of other countries in eastern, southern and especially northern parts of the continent are likely to follow this example as they engage the constitutional reform process.

**Keywords:** Constitutionalization; Local Government; Africa

## 1. Introduction

Most African countries built their political systems on the traditions they received from their colonial masters. These structures have remained intact several years even after political Independence for various reasons. One area that has changed radically is in respect of the constitutionalization of local authorities.

According to the received tradition, local authorities are creatures of the national statute. If it wills, the state can modify, regulate or totally erase its creature, the local authority. Many developing countries have however departed from this tradition for a variety of reasons that we shall examine in this paper. We shall also assess whether this policy innovation has delivered on expectations of the policy makers in these countries.

We start with a discussion of the received tradition and then the reasons why countries departed from this tradi-

tion. The experiences of different countries are reviewed and a conclusion is then made.

## 2. Patterns of Local Government in Developed Countries

The governance of local communities has attracted renewed interest in recent years for a variety of reasons—political, social and economic. Both the World Bank and the United Nations Development Program (UNDP) have devoted considerable attention to the subject as a part of their development promotion mandate [1-3]. Of the different patterns of local government, three have been particularly dominant, helped as they were by colonial adventures. These are the continental tradition, the Anglo-Saxon and the socialist patterns (Table 1). There are variants of these basic patterns, resulting in several possible combinations of the basic three [4].

# Changing Nature Of Local Government In Developing Countries

**Annelies Wilder-Smith**



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