

Constitution Reform Forum



LOCAL GOVERNMENT REFORM

A BRIEF LOOK AT THE GOVERNMENT'S DRAFT WHITE PAPER

Volume 2, Issue 1

October 2013

Local government elections come at a time when the country is debating issues related to the reform of the sector. The Ministry of Local Government has recently put out its Draft White Paper which includes contributions from the consultations that it held throughout the country. So even as we are going through an election that is based on the current inadequate system of local government, we need to look towards the future to visualise a system that would serve us better.

Since the government has put out this Draft White Paper, it is in our interest as citizens and voters to review it to determine if and how it speaks to the reform that we need.

In this issue of our Newsletter, the CRF will take a brief look at the government's Draft White Paper 2013 and follow it up with some of our own proposals. In the final analysis, we wish to emphasise that it is the responsibility of all citizens not simply to vote, but also to think carefully about the system of local government that can best serve this country in the future.

The CRF agrees completely with the principle stated in the Draft White Paper that the focus of local government reform is to empower people within communities to manage their own affairs (p.11). It also shares the government's view that devolution of power is the most appropriate means for achieving this objective.

**THE PEOPLE'S PARTNERSHIP (PP)
GOVERNMENT'S TAKE ON
PEOPLE EMPOWERMENT AND LOCAL
GOVERNMENT**

**DEVOLUTION,
WHAT THE
GOVERNMENT
SAYS**

According to the Draft White Paper:

"Devolution means the granting of substantial political and administrative authority to local authorities to operate relatively unfettered as they seek to build strong, prosperous and participatory communities as integral elements of good local governance and democracy (p.12)."

Then in its Transformation and Modernisation agenda the document outlines different ways in which devolution will take place. These include:

- Devolution of authority and resources within national policy guidelines from Central Government ministries such as the Ministry of Community Development, Housing, People and Social Development, Sports, Planning and Sustainable Development, Environment and Water Resources, National Security, Works and Infrastructure, etc.
- Equitable financial resources to Municipalities;
- Adaptation of a more decentralised model for regional development planning;
- Regional coordination of the delivery of water, electricity, telecommunications and other basic services (p.13).

The basic principle underlying all these proposals is that the provision of goods and services for the people should be the responsibility of the governing bodies that are closest to the people.

In This Issue:

Local Government Reform

- Government's Draft White Paper
- People's Partnership's take on People Empowerment & Local Government
- Devolution

The CRF and

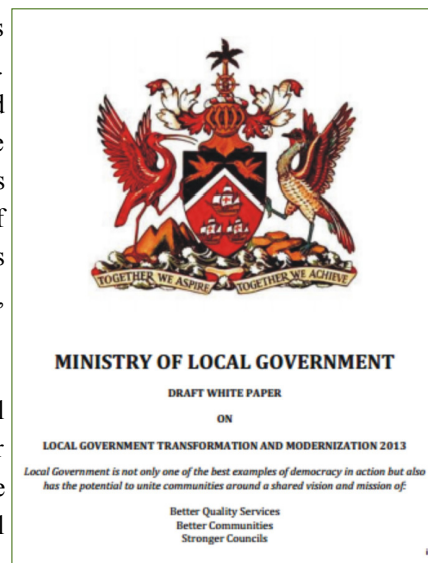
Local Government Reform

- Constitution Reform & Local Government Reform
- Local Economic Development
- Social Services & Community Development
- Subsidiarity Principle in Practice

GIVING WITH ONE HAND AND TAKING BACK WITH THE OTHER?

However, even as the Draft White Paper makes strong claims about people's participation and devolution, some of its recommendations tell a different story. One area that reflects this inconsistency is the proposed expanded role of the Trinidad and Tobago Association of Local Government Authorities (TTALGA). While there may be some merit in a structure that formally brings together all the regional bodies, one wonders whether the TTALGA is not intended to serve as a vehicle through which the Minister of Local Government could continue to exert control. In the first instance, one wonders whether the Association would have the capacity to undertake some of the tasks listed, given that the primary responsibility of each authority (council) is to its own region.

How feasible is it to expect the TTALGA to be able to "provide technical and professional advisory services to its members on issues of policy and regulatory framework for decentralisation" (p.17)? One wonders whether the implicit intention is to have the Ministry of Local Government positioned to pick up the slack where the TTALGA will invariably fail?



Some of the other tasks make the link between the Association and the Minister/Ministry more explicit. For example, the TTALGA is expected to draft a code of conduct and ethics for its members in order to create a greater sense of respect and recognition not only from its membership but also from the Ministry of Local Government (p.17). It must also prepare monthly reports on the operations of its members to be submitted to the Minister and Permanent Secretary (p.20).

Apart from the relationship with the TTALGPA, there is a recommendation to give the Minister of Local Government authority to appoint Litter Wardens (p.21).

The CRF is concerned that, in spite of all the talk about devolution, there are still subtle and not-so-subtle signs of an intention to have local government remain under the control of the central political directorate.

With the onset of this election therefore, the CRF considers it important to restate and build on its proposals with the hope that they would assist voters in clarifying their own positions as they assess the various positions being taken about this crucial aspect of governance of our country.

(<http://www.ttparliament.org/documents/2207.pdf>)

RECENT ACTIVITIES



CRF's General Meeting, September 21st, 2013



WINAD's Post Budget Forum held at NALIS, September 10th, 2013 (www.winad.org)



THE CRF AND LOCAL GOVERNMENT REFORM

This is not the first time that the CRF is addressing this matter of local government reform. We did so in 2007 in our People's Manifesto for Constitution Reform that we published in the lead up to the national elections of that year. In March 2012, we held a roundtable discussion with participants from other NGOs as well as local government bodies and followed this up with the second issue of our Newsletter that highlighted issues coming out of that discussion. Our proposals on local government also formed part of our submission to the 2013 Commission on Constitution Reform.

So this special issue of our Newsletter is a continuation of a matter that we have been paying attention to for over five years.

Unlike the government, the CRF is convinced that the core principles related to the role and function of local government must be enshrined in the constitution. We therefore recommend that the following be included in a reformed constitution:

CONSTITUTION REFORM AND LOCAL GOVERNMENT REFORM

- Local government elections are to be conducted on a non-party basis and should be held on a fixed date every three years.
- Local government representatives should live in the area they represent.
- The local government body should be chaired by the person who commands the majority support of the elected representatives.
- The role and function of the local government body should be based on the principle of subsidiarity, which holds that a central authority should perform only those tasks that cannot be performed at a more local level. Stated otherwise, activities to provide socio-economic, infrastructural and environmental services to the people should be undertaken at the lowest possible level or at the closest possible point to the population for whom those services are intended.
- Staffing of the local government body should be consistent with its administrative, professional and technical requirements based on the subsidiarity principle stated above. Reporting relationships for all staff should be within the council itself, with the Chair having ultimate responsibility for the functioning of all aspects of the Council's operations.
- Each local government authority should be granted a specific allocation of the national budget, to be disbursed from the Ministry of Finance. It should also be required to account directly to the Auditor-General for the use of those funds.
- MPs of constituencies that fall within the geographical area of the local government body should be made *ex officio* members of the Council and should be required to attend a stipulated minimum number of meetings of the Council annually.
- An administrative unit should be established within the office of the Prime Minister to facilitate communication between the central government and local government bodies.
- There should be a national, centralised Monitoring and Evaluation Unit to provide oversight of all projects undertaken by local government bodies. This unit, working with the corporations, will be responsible for creating standards and codes for quality control of physical and social development projects as well as developing policies and procedures for proper procurement, effective service and product delivery. The Unit will report to Parliament through an appropriate Parliamentary Oversight Committee.
- Local government representatives should be subject to the right of recall.

Based on these constitutional principles, laws will be amended and/or developed to guide the functioning of the local government authorities. These principles would also guide their work agenda, three aspects of which are briefly described on the following pages.

LOCAL ECONOMIC DEVELOPMENT

The idea of communities taking responsibility for their own economic development is one that is gaining ground in many countries worldwide. In fact, there are several initiatives throughout the Caribbean, under the auspices of the Caribbean Local Economic Development Programme (CARILED) that are seeking to build awareness of the benefits to be derived.

(<http://www.fcm.ca/home/programs/international/caribbean-local-economic-development-program.htm>)

CRF believes that social services, such as the allotment of food cards and the provision of other social assistance grants and services should be coordinated through municipalities.

Closer proximity to the community makes it possible for these bodies to access pertinent information for prioritising which residents would benefit from particular social services.

SOCIAL SERVICES AND COMMUNITY DEVELOPMENT

In terms of community development, local government corporations should assume responsibility for providing resources for the growth and development of community-based organisations and NGOs. This type of work should be considered critical since it can go a long way in minimizing the social deterioration that is evident in many of our communities.

SUBSIDIARITY PRINCIPLE IN PRACTICE

With local government assuming responsibility for operations such as those described above, many government ministries can be either scaled down considerably or even disbanded.

As implied earlier, there would be no need for a Ministry of Local Government. Additionally, Ministries such as the Ministry of Works, People and Social Development, Community Development, National Diversity and Social Integration, could either be downgraded or even removed. Special purpose entities such as the EFCL, Solid Waste Management and the Roads Authority will also be affected.

Devolution on the basis of this principle can go a long way in enhancing the effectiveness of the provision of goods and services and minimising the effect of partisan political interference in the governance of the country.

This is a publication of

THE CONSTITUTION REFORM FORUM (CRF)

If you are interested in the work of the CRF please contact us:

Address: P.O. Bag 155, UWI Post Office, St. Augustine

Email: crforumtt@gmail.com

Or visit us on 

Website: <http://www.crforumtt.org>

We accept your kind contributions towards the CRF's work through deposits to:

AC# 160117409201

Republic Bank, UWI Branch