Regional Workshop on: Consolidating the Gains in Decentralization Reforms and Win-Win Policy Analysis

Local and Regional Governments

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1. **Intergovernmental Relations: Concept and Advantages**

   One can talk about intergovernmental relations when there is a system composed with several levels of governments interacting. It is normal to talk about intergovernmental relations in a federation or confederation system. It also can be possible in any political system where there is a central government and local or provincial governments. Intergovernmental relations can therefore exist in a system like in U.S.A., where there is a central or national government, states and county governments. This is also possible in Germany and in Belgium. Even in France and Spain, where there is no federation, national government interacts with provincial or local governments. However, the situation is different in Morocco, D.R. of Congo, Senegal, etc… where there are centralized systems. Local or provincial governments do not exist. The central or national governments do everything.

   In a country where there are two or more levels of governments, there must be an interaction between national and local governments as well as among local governments.

   Intergovernmental relations therefore consist on relations between various levels of governments of a country. It also means inter-relations or interactions between these various governmental units.

   Intergovernmental relations is a dynamic aspect of the behaviours, or the actions of various levels of governments of the same country.

   Intergovernmental relations (IGR) shows which units do what and to whom. It shows the flow and the direction of information and resources.

   To better understand what is IGR let us see some related terms, used in conjunction with IGR.

   - **Decentralization**. In Africa, at this time, a lot of programs are underway on the issue of decentralization. It means that our governmental systems, which have been, for may years centralized, authoritarists and monopartists are now being decentralized. Some powers are being granted to local authorities. In addition, resources, decision-making and policy making for local affairs are being shifted to local levels. Local elected and appointed official are becoming responsible and are being empowered. Decentralization is being accompagnied with freedom, accountability and transparency. When talking about decentralization, we can add, in this aspect, the terms of devolution, deconcentration and deregulation, where, national government recognizes the significant role of local governments and delegates or grants them some of its powers, resources and authorities.
• Federalism: It may be in USA, in Soviet Union, in European Union, etc…., it indicates a group of states, bound together, to form a unified country. Federalism gives the image of a strong central government, working with states. In this system, the central government provides, protects and gives directions and policy but not exert power on states.

The term federalism indicates mainly relationship between National and States and local governments. But, in IGR, there is the idea of interaction among various levels of governments. Federalism is hierarchized. IGR is more equally oriented. Decentralization is also a hierarchized relation where one is higher and grant to the lower. In a democratic country or system, IGR is the most appropriate term to be used, where every unit of government can give and receive.

2. **Models of relationships between various levels of governmental units**

In a federal system, like in USA, Germany or Nigeria, one can find one of the following three kinds of relationships:

**Coordinate – authority model**

In this model, the national and state governments are independents, autonomous and separated. They are separated by a boundary and are tangential. Each government has its own authority, its own territory and its own limitations. No interferences between both levels of governments are allowed.

But, in practice, this system barely exists. No central government can grant so much authority to a local or state government. Whenever a conflict arises, the supreme court serve as the arbiter. This system may occur at the first stage of the formation of the federalism. It was the case in 18s when USA was being constituted. It is presently the case with the European Union where each state or country is really independent from others and from the central institutions of the union.

In coordinate – authority model, the local government is part of the state and does not have any autonomy or any significant role to play by itself.

**Inclusive – authority model**

This model is the opposite of the coordinate model. The inclusive model is a centralized and hierarchized system where, the state and the local governments lack significant role.

The national or federal government has the power to lead, dictate and do everything for state and local governments.
In this model, the local government depends on the state government and the state government depends on the national government. The national or federal government has the power on the state and on the local governments. The state and local levels are kinds of extension of the central government. The national government decides on what state and local governments can do or can have.

This system of government is found in many countries of Africa, even in France where provinces and departments depend totally on the central government. The system is centralized, hierarchized and dependant.

The characteristics of this system is that the power is on the hands of political and economic elites, or topocrates.

**Overlapping – authority model**

This system of governmental relationship is complicated. In this system, there is interaction, interconnection and overlapping between the three levels of governments. There is no exact limitation of sphere or span of influence. The central government influences the state and local governments and vice versa. The limitations or the boundaries of powers from one unit to the others are not precise.

To survive or to function, units are obliged to negotiate and bargain. They have to establish agreements and collaboration. Sometimes, there is competition and conflicts among levels of governments for certain programs or actions. But, by negotiation and understanding, cooperation is made possible.

This system requires a high level of understanding and competence among all the levels. It is well adapted to democratic countries where the political systems are mature. In Africa and other developing nations, this system can barely function. We lack ability to bargain and negotiate. We either win or loose.

There three models of relationships between central, state and local governments can be found in a country at different stages of political development. Leaders have to adopt the system fitting better to their context and their populations.

### 3. US Political history and issues

From an IGR perspective, the political history and issues of US have been divided into seven main phases or periods. These phases are as follows:

**before Conflict phase : 1930s and**

This phase concerns the period when the National State and local Governments were involved in determining and defining their boundaries, powers and roles. At this
phase, the jurisdiction was to be set, actions of each level had to be determined, as well as the sphere of influence.

This phase was capital in the determination and the success of the federation. It was a kind of forming the federation, framing the political system and drafting various legal texts.

As a result to this federation formation processus, there was a lot of conflicts, confusion and antagonism. Because it was not easy to determine who should do what, courts had to solve many problems. The work of courts and regulations was of tremendous help in building and determining intergovernmental relations.

Cooperative phase: 1930s – 1950s

This period is characterized by two major events: economic crisis or distress and the second world war. During this period of depression and unemployment, government had to take vigorous measures, such as national planning, providing grants to local and state governments and tax reduction.

As reaction to the situation of international threat, efforts were made by governments to build and maintain national collaboration and complementarity, as well as mutual support. A good and dynamic collaboration was developed and maintained between all levels of governments.

Concentrated phase: 1940s – 1950s

This phase was characterized by concentrated efforts between Central State and Local Levels. The central government provided significant grants to fund programs, such as highways, schools, hospitals, libraries, airports, etc… at the state and local levels.

The focus, at this time was on developing infrastructure and satisfying various needs at all levels of governments. The physical development of the Federation was accompanied by increasing professionalism in several basic fields, working with objectivity, neutrality and functionalism.

During this phase, intergovernmental relations were good and dynamic. Many common activities and a lot of interaction between all the three levels of governments. While concentrating on massive grants to state and local governments, the national government focused on socio-economic development and establishment of good and harmonious intergovernmental relations.

Creative phase: 1950s – 1960s
During this decade the leitmotif was creative federalism, big projects, great nation and development. Planning was developed, project grants in various socio-economic areas were carried out and creativity was enhanced.

The focus, at this time, was on urbanization and creation of big cities, aid on disadvantaged groups and persons, education, etc…

This creative phase gave birth to many new projects and activities, and grants were available to fund them. Central government worked together with state and local authorities to promote new ideas and initiative and build a great society, through program planning, project grants and total participation of all the stakeholders. Intergovernmental relations were enhanced and sustained by a good cooperation between National, State and Local Governments.

**Competitive phase: 1960s – 1970s**

At this period, there is a proliferation of grants, from national to local and state governments. Many professionally were involved.

The problems were to coordinate these programs, to ensure administrative efficiency, to deliver satisfactory services to clients and to improve organizational structure of the institutions.

There was a kind of competition between professionals and politicians or decision makers, resulting in disagreement, rivalry and tension between the two groups.

But, as regards to intergovernmental relations, there was a dynamic collaboration, manifested in cost and revenue sharing and in grant consolidation.

The competition was not only between professionals and general politicians but also between officials working at national, state and local levels. The perception of “the other”, from one level to another was based on stereotypes.

But, the competition, the massive grant and the sharing of activities fostered the intergovernmental relations.

**Calculative (strategic) phase: 1970s – 1980s**

Obviously, this phase was characterized by better use or economic use of resources, efficiency and accountability.

In every action or program, attention has to be made to reduce cost and gain in efficiency. Waste was avoided and economy was sought in action, behaviour and thinking.
The concern at this period was in promoting accountability, avoiding bankruptcy and dependency. Because of so many problems, there was a loss of public confidence and decrease of the role of the federalism.

This phase was illustrated by the influence of the international economic constraints of that time, with the oil crisis and economic problems faced by most of the countries of the world. Better strategy and rationality were sought to cope with the available resources and possibilities.

**Contractive phase 1980s – 1990s**

This decade is characterized by a great shift or redirection in IGR. President Reagan brought a lot of changes, not only because of his own political view or ideology but also and mainly, because of the international economic crisis and tendencies. Working closely with the Primer Minister of United Kingdom, Reagan embarked in cutting the federal aids and grants, privatizing, deregulating and decentralization. These actions were geared toward reducing the huge deficit of the federal government and fighting against financial problems.

The aim was to balance the government budget and to enhance economic development. Consequently, few grants were available to states and counties as well as to launch programs and aids.

The solution was to make contract with private enterprises or individuals to accomplish certain programs. By contracting and reducing the involvement of governments in production, distribution and social aid, the size and scope of governments had to be reduced, encouraging austerity and efficient management of programs. With the Reagan New Federalism, new mechanisms of IGR were found. State and local authorities had to rely on themselves, working in collaboration or networking between various local authorities. Instead of looking to Washington, they had to look out and around, meaning, building their own capacities, utilizing the available resources and working closely with their partner states and counties.

In conclusion, the seven phases described here reflect not only the evolution of IGR in USA but also the real economic and political trends in the world. Before 1970s, social and economic situation in the world was positive. Governments had enough money to centralize actions and to fund programmes. But, because of the oil crisis and the increasing population growth and needs in the world, governments could not afford every thing.

The trends started by Reagan in privatization, deregulation, decentralization are still of actuality. Even if deficit and debt have finished and budget is balanced, actors of inventing government or new public management still enhance downsizing, cost-effectiveness, accountability, decentralization, participation and responsibilization. IGR continue to shift in new directions of partnership among all levels of governments.
4. **Boundaries and problems of national, state and local authorities**

The best way to understand the boundaries or jurisdictions of national, state and local authorities is to refer to the constitution. According to the constitution, the national (Federal) government possess only delegated powers. Powers not granted to the national government are reserved to the state. According to the constitution, both the national and the state governments are granted powers. The local government derives from the state.

This situation indicates that the exercise of power is divided between national and state governments, each having the rights of those powers and each acting on the same citizen body. It is also indicated that the supreme court is responsible for the constitutional or legal respect of relationships between all levels of the governments.

However, in practice, even if there is no strong hierarchy between national and state government, the national (federal) government has the predominance on the state governments. The supremacy of the federal government is manifested in policy and decision making, resource allocation, such as grants, tax, etc... Because of this, it is sometimes difficult to distinguish the real boundary or jurisdiction. Between the three levels of governments sometimes or in some states, the boundaries can be found to be coordinate, in other occasions or localities, they are inclusive or overlapping.

In actuality, boundary is a great problem between national state and local authorities. It is not easy to clearly distinguish who is responsible of what or who should respective limitations or attributions, there are often conflicts and problems between not do what. The Spain of power is very difficult to determine. The national (federal) authorities want to dominate the state and the local governments. The state authorities want to have influence on local affairs, etc. Because of no clear distinction between their the three levels of authorities.

The most known and cited cases, illustrating problems in boundary and jurisdiction aspects are as follows:

**National – State boundary issues:**

The preeminence of the Federal Government, or the preemption principie is not always recognized. In the case of Garcia, the state wanted to have or preserve some powers on decision and policy making. However, the reality is different. Because of the preemption principle, that is a legal and political one, the federal or national authority has to intervene. The federal authority or power was imposed on the state.

It means that, using the doctrine of preemption, federal or national government has no real boundary or limitation. National influence or power can be working in state and local levels. It also means that, when there is a conflict between state and national governments, the principle of preemption is, in most of the cases, used giving authority to national government, or deciding in favor of national government.
This fact is also illustrated in what they call Sagebrush rebellion, where, the state of Nevada revolted against the federal government, owing or having sovereignty on almost 49% of the land in the state. The revolt did not succeed, because of the preeminence of national government on the state, according to the constitution and the law.

**State local boundary issues**

Relationship and powers of the national government to the states as a whole remains almost uniform. There is no preference. National government has almost the same attitude and consideration to all the states.

The situation is different when talking about state – local governments. All the fifty states do not have the same attitude or relationships with their local entities. Each state has its own way of dealing with its counties, and other entities.

Some states maintain coordinate authority, other overlapping or agreement authority, other again inclusive authority. However, whatever the state or whatever the case, even at the state level, the principle of preemption exists. The state has a preeminence on the localities.

Because of this situation, created by the law and the politics, states have to provide for the needs of their local authorities. Some states decentralize powers and responsibilize to their localities, by providing human, financial and material resources.

Boundaries between state and local governments are therefore difficult to determine. Counties are dependant to their states. The powers of the states overlaps to the counties.

Financially, it helps the counties. For example in highways, public welfare and national resources, states spend a lot of money in their localities, being countries or municipalities. There are also state administrators working in local governments, specially in technical areas. There is therefore a complementarity in the relationships between states and local authorities. Boundaries are difficult to set clearly but in each state and locality conflicts and agreements exists. Some cases are resolved by the courts, others by mediation and negotiation.

In conclusion, boundaries exist in the federation between national, state and local governments. However, these boundaries are not clearly set and are not totally set for granted. When there are conflicts, courts generally give reason to the higher level, basing the decision on the principle of preemption.

But, at this moment of reinventing the government, efforts should also be made to reinvent the federation. New public government should examine relationships between all levels of the federation in order to have responsive governments at all levels, working to
satisfy the needs of the populations. More powers, resources and responsibilities should be given to the state and local governments (counties, municipalities, etc…) in order to tackle themselves problems and needs arising in their localities.

In Africa, we are very much concerned about decentralization and devolution of powers and resources from the national or central governments to the local levels. We have had very centralized systems of governments and economies. Following the light of democratization and market liberalization, many countries are engaged in privatization, deregulation and good governance. Our hope is to have governmental systems which not only respect individual rights but also work responsively, recognizing the ability of others and working in good and sound relationships, whatever the level of government unit and the size of responsibilities.