



Government of Sierra Leone

National Decentralisation Policy

SEPTEMBER 2010

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LIST OF ABBREVIATIONS

CEDAW	-	Convention on the Elimination of all Forms of Discrimination Against Women
CLoGPAS	-	Comprehensive local government performance assessment system
CSO	-	Civil society organisation
DFID	-	Department for International Development
EC	-	European Commission
GDP	-	Gross domestic product
IEC	-	Information, education and communication
IMC	-	Inter-Ministerial Committee on Decentralisation
HR	-	Human resource
HRMO	-	Human Resource Management Office
LED	-	Local economic development
LGA	-	Local Government Act
LGFC	-	Local Government Finance Committee
LGFD	-	Local Government Finance Department
LGSC	-	Local Government Service Commission
MDA	-	Ministries, Departments and Agencies
MP	-	Member of Parliament
NGO	-	Non-governmental organisation
PCC	-	Provincial Coordinating Committee
PRSP	-	Poverty Reduction Strategy Paper
SI	-	Statutory Instrument
UNDP	-	United Nations Development Programme

FOREWORD

I am heartened to present the National Decentralisation Policy on behalf of the Government of Sierra Leone, which will ultimately serve as a guide to the Government and key actors in implementing, strengthening and deepening decentralisation in the country. The present decentralisation process is principled on the concept that semi autonomous entities are better placed to address the immediate needs in their various localities than the central Government. Decentralisation has moved a long way since its introduction in May 2004. The necessary structures, especially the local councils, have been established and are now functioning.

Policy makers, development experts and governance advisors have variously argued that it was necessary to have developed a decentralisation policy document before enacting legislation by Parliament on decentralisation. Proponents argue that the policy would have informed the contents of the Act and would have helped to minimise the many contradictions, contestations, ambiguities and lapses currently found in the Local Government Act, 2004. Whatever posture the argument takes, there was and there is still the need for a comprehensive, consolidated and standardised policy that meets international best practices on decentralisation, with the view to guiding and directing the decentralisation process in Sierra Leone and addressing lots of antiquated and obsolete legislation that are still in existence.

This policy document is based on extensive consultations with major stakeholders and the experiences gained from the implementation of the Local Government Act, 2004 over the last six years. Consultations were held at district, regional and national levels to engage key stakeholders including local councils, traditional authorities, civil society and ordinary citizens.

The formulation of this policy will serve a useful purpose of guiding Government, development partners and other stakeholders in the implementation of the decentralisation process. The policy shall serve as the key reference point for the Government and other stakeholders for consolidating and widening the decentralised system of government. It will further enhance coordination, improve service delivery, facilitate a well coordinated revenue generation between traditional authorities and local councils, and improve accountability and transparency which is the hallmark of Sierra Leone's decentralisation. It will enable a more coherent implementation of the decentralisation policy within the Agenda for Change framework and the Local Government Act.

I would like to express Government's appreciation and recognition of the strategic roles played by the national Decentralisation Task Force and the Decentralisation Secretariat in spearheading the entire process, and of the enormous technical and financial support provided by our development partners especially the World Bank, DFID, EC and UNDP in the development of this important document. I am confident that this policy will effectively address the enormous challenges that we will have to contend with in the implementation of the decentralisation process.

Hon. Dauda S. Kamara
Minister of Internal Affairs, Local Government and Rural Development

1. SITUATIONAL CONTEXT

1.1 National development context

Poverty is widespread and severe in Sierra Leone, and as a result, poverty reduction remains the key national objective of the Government. Several issues need to be addressed in order to reduce the levels of both income and non-income poverty. Sierra Leone's current economic growth rate is 6.5 percent per annum. If that trend continues, by 2018 Sierra Leone's GDP will be \$350 per capita, meaning that most of the country's population will still live on under \$1 per day, which is not a good sign for poverty eradication.

There are large variations in income poverty and non-income poverty between the different regions. Access to medical services and educational facilities vary, while significant differences in basic infrastructure such as roads exist between the regions. On average, the Western Area, which contains the capital city, has better indicators of well-being than all other regions. Addressing regional disparities will assist in providing a more equitable distribution of resources, and in dealing with the growing problem of urbanisation.

The prime objective of the Government is to ensure that the exacerbating poverty situation in the country is eradicated and its people enjoy an affordable standard of living evidenced by effective and sustainable delivery of services at all levels. To this end, the Government has developed the second generation Poverty Reduction Strategy Paper 2008-2012 titled 'Agenda for Change' (PRSP II). The PRSP II has four main priority areas as follows:

- a) Energy
- b) Agriculture
- c) Infrastructure/transportation
- d) Human development.

Both the first and second generation PRSPs identified decentralisation as a vehicle and core strategy for the achievement of the strategic outcomes of the PRSPs. The President of Sierra Leone states in his introduction to the PRSP II:

"In order to maintain the progress we will make, we must ensure sustainable human development through the provision of improved social services. Effective delivery of basic social services is essential for ensuring economic growth and poverty reduction. We are committed to bringing the service delivery closer to the people, by pushing forward our policy of decentralisation and devolution of service delivery functions to local councils."

1.2 Background to decentralisation in Sierra Leone

Local government was a fundamental element of governance in Sierra Leone during the colonial era. The elective aspect of local councils was suspended nationwide in 1972. The district councils ceased to operate, while the Freetown City Council, Bonthe Municipal Council and the urban councils of Bo, Kenema, Makeni, and Koidu New Sembehun continued to operate as local councils under appointed committees of management. In the 1980s, the Government decided to resuscitate the district councils and appointed committees of management.

This arrangement had a negative impact on effective local participation and engagement in governance and administration. Responsibilities such as primary education, primary road construction, community health care and community development among many others were effectively subsumed to the central government. By implication, local authorities became

appendages of the central government. The main aim of the reintroduction of decentralisation in 2004 was to promote good governance and democracy, accountability and transparency, improve service delivery and develop the local economy.

Soon after the national elections in May 2002, the Government decided to re-establish elected local councils, so as to actualise decentralisation. To this end, the ministry responsible for local government organized national consultations to gauge opinion on the system of decentralisation.

However, the decentralisation process has so far been implemented with no single laid down policy to guide it. It has been largely based on policy statements contained in several official documents: the Local Government Act, 2004 and sector policies that are often antiquated or non-existent. The 1991 Constitution of Sierra Leone does not make provision for decentralisation. Thus the preparation of a national decentralisation policy that would harmonize all policy issues is a priority for both the Government and her development partners, as a sign of continued commitment to decentralised local governance in Sierra Leone.

1.3 Current legal basis

In March 2004, the Local Government Act, 2004 (LGA 2004) was approved and enacted into law by Parliament to usher in local councils and decentralisation. Specifically, the Act aims to consolidate and streamline the law on local government to give effect to decentralisation and devolution of powers, functions and resources. It provides for local elections, the political and administrative set-up of local councils, local council financing and decentralised decision making to ensure good governance, democratic participation and control of decision making by the people.

To give full effect to the provisions of the LGA 2004, statutory instruments were enacted, establishing 19 local councils in 19 localities, and, by the Local Government (Assumption of Functions) Regulations, 2004 (SI No 13 of 2004), providing for the devolution of functions. In 2006, city / municipal status was granted to five towns, in addition to Freetown which already had city status.

The passage of the LGA 2004 was successfully followed in the same year by the first local government elections after 32 years. The LGA 2004 specified the first four years as the transition period for implementing the new relationships between central and local governments. During this time, authority and corresponding resources for a defined set of functions were to be transferred to local councils.

2. THE DECENTRALISATION POLICY

2.1 Principles of the policy

The Government is committed to a policy of **decentralisation by devolution**, characterised by the following principles:

- a) the transfer of power, authority and resources from the centre to democratically elected local councils anchored within the national Constitution and articulated in law, promoting autonomy without prejudice to the sovereignty of the national Government;
- b) bringing political, administrative and fiscal control and responsibility over services closer to the people where they are actually delivered, in line with the principle of subsidiarity;
- c) engendering people's ownership of their local development agenda;

- d) ensuring that holders of public offices locally are held accountable for their actions to the public;
- e) guaranteeing transparency and openness in the conduct of local council affairs;
- f) creating an environment for participatory democracy that will enable greater involvement of the people and their representatives in planning, implementing, monitoring and evaluation of development projects and local economic development in their localities;
- g) stimulating economic growth in local communities, including public-private partnerships; and
- h) promoting inclusiveness and equality of all citizens within any locality regardless of gender, origin, religion or political persuasion.

2.2 Goal, objectives and assumptions

2.2.1 Goal

The goal of Sierra Leone's decentralisation is to ensure that the local people and their communities are empowered and fully involved in political and socio-economic development processes and actually formulate and implement development plans, while governments working in collaboration with the private sector and civil society provide the enabling environment, oversight and effective management of national and local development.

2.2.2 Policy objectives

To achieve the above goal, the following objectives will be pursued:

- a) to firmly establish the legal and regulatory framework for embedding the policy of decentralisation by devolution while defining roles, responsibilities and functional relationships therein;
- b) to improve local governance by shifting political, administrative and fiscal responsibilities closest to the areas where services are delivered;
- c) to devolve service delivery functions to local councils systematically and in a coordinated fashion together with the MDAs;
- d) to strengthen capacities of key stakeholders involved in the decentralisation process, especially the local councils, to be able to carry out their mandates effectively and efficiently;
- e) to build local ownership and operational efficiency of the decentralisation process through effective development planning and budgeting, financial management, monitoring and evaluation, and other managerial functions, and to provide an effective link between national development priorities and local level development initiatives;
- f) to strengthen local councils to effectively harness local revenue potentials to complement other revenue sources, including inter-governmental fiscal transfers, for the funding of their development and administrative programmes;
- g) to mainstream gender perspectives in the entire decentralisation process especially in the operations of the local councils and to promote inclusiveness for all societal groups;
- h) to effectively sensitise the citizenry about decentralisation, mobilising solid support for its growth and emphasising good stewardship;
- i) to promote transparency and accountability in local governance by making local councils directly accountable for their actions to their citizens and nationally, while adhering to the best practices of open government;

- j) to devolve local economic development promotion functions and their related resources to local councils in a systematic and coordinated manner with the MDAs;
- k) to devolve the required functions and resources to enable local councils to explore all opportunities to promote equitable local economic growth and service delivery through the mobilisation of local resources in tandem with the private sector and civil society; and
- l) to harmonise donor support towards strengthening the decentralisation process avoiding unnecessary duplications and overlaps.

2.2.3 Assumptions

In order for the Sierra Leone decentralisation policy to be successful, the following conditions should hold:

- a) continued demonstration of strong political will in support of the decentralisation reform agenda;
- b) clarity of, appreciation of, and adherence to the assignment of roles, responsibilities, functional relationships and resources amongst all statutory bodies and stakeholders involved in the decentralisation process;
- c) local councils are able to attract and retain sufficient, competent and motivated staff for the execution of their functions;
- d) own-source revenue generation capacities of local councils will progressively improve with a view to complementing central government transfers and donor funding;
- e) objectively based, timely and predictable fiscal transfers to local councils;
- f) regular and democratic elections are held for councillors and ward committees in line with the LGA 2004;
- g) the chiefdom governance system is aligned with the local democratic governance system to promote cooperation and partnership in all aspects of local development;
- h) local councils are sufficiently empowered and resourced to ensure that local economic development is promoted to improve peoples' incomes and well-being;
- i) there exists effective aid harmonisation and donor coordination in support of decentralisation; and
- j) the 1991 Constitution is revised to reflect the policy of decentralisation by devolution.

3. STRATEGIC FRAMEWORK

3.1 Introduction

The strategic framework shall ensure that the policy goals and specific objectives can be implemented as effectively and efficiently as possible. Closely linked to the strategic framework is the institutional framework that shall ensure and guide implementation through adequate laws, guidelines and well defined organisational, institutional and functional relationships. The internationally agreed components of decentralisation include the political and governance, administrative and functional, and fiscal dimensions. The strategic framework shall ensure that the basis for operationalising each dimension is established. Meanwhile cross-cutting and support areas, including capacity building, gender, information, education and communication (IEC), and monitoring and evaluation, are critical in ensuring the smooth implementation of the decentralisation policy. The strategic framework shall therefore also focus on these cross-cutting and other support areas.

3.2 Institutional framework

The institutional framework identifies key stakeholders involved in the decentralisation process and defines their roles, responsibilities and functional relationships. Stakeholders are identified at the central and local levels.

3.2.1 Central level stakeholders

3.2.1.1 Ministry responsible for local government

The ministry responsible for local government will be charged with the responsibility for supervising and coordinating the implementation of the entire decentralisation process including fiscal decentralisation. This implies that the Ministry will monitor all local councils and other local authorities in the discharge of their functions and responsibilities. The Ministry shall continue to perform all functions as provided for in the LGA 2004 and other related legislation. The District Officer shall be the Ministry's principal representative in each locality of the three regions (excluding the Western Area) to enhance the undertaking of the above roles.

Specifically, the Ministry will be responsible for:

- a) performing the secretariat function for the Inter-Ministerial Committee on Decentralisation (IMC);
- b) the technical implementation and monitoring of the decentralisation programme and emerging issues related to decentralisation and local governance, e.g. conflicts within and between local councils, and non-compliance with policies and statutes in general;
- c) technical guidance in the conduct of local council and ward elections;
- d) guidance and supervision on cross-cutting issues (non-sectoral) of local council operations, such as human rights and good governance practices; and
- e) guidance to and supervision of local councils on administrative procedures and functions.

The ministry responsible for local government, in collaboration with the ministry responsible for finance, shall be responsible for fiscal decentralisation within the overall decentralisation process. The ministry responsible for local government shall take full responsibility for strategic direction in the implementation of Government's fiscal policies especially as they relate to local government. The Local Government Finance Department (LGFD), a department within the ministry responsible for local government, shall provide secretariat services to the Local Government Finance Committee (LGFC) and shall continue to oversee the grant design and distribution, budget preparation and execution processes, and revenue mobilisation of all the local councils. All finance related functions provided for in the LGA 2004 and other related legislation shall be performed by the ministry responsible for local government, which shall further apply sanctions and rewards through the use of performance incentive grants system.

3.2.1.2 Ministries, Departments and Agencies (MDAs)

MDAs refer specifically to those that are required by law to devolve functions to local councils. The MDAs shall continue to be responsible for sectoral policy matters, provide technical guidance and monitor the performance of relevant functions devolved to the local councils.

Specifically the MDAs will attend to the following responsibilities:

- a) devolution of functions to local councils as specified in the LGA 2004 and other relevant statutes;
- b) provide unit costs in the budgeting for all devolved functions, and advice on where to procure inputs at the cheapest possible cost;
- c) develop sector policies and review existing policies to ensure that they reflect the socio-economic, technical, and political realities in the country in order to guide the local councils as a policy framework within which they can act appropriately to local circumstances;
- d) ensure that LED related functions are defined clearly in the LGA and that the resources commensurate with these functions are devolved to the local councils;
- e) set standards for service delivery, LED promotion and natural resource management based on the principles of equity of access and quality of service;
- f) develop sectoral monitoring systems with robust indicators and clearly defined roles and responsibilities between sector ministries, the ministry responsible for local government and local councils;
- g) undertake regular evaluation of the effect and impact of services provided to see if the service delivery strategies and methods are adequate; and
- h) advise the local councils on building the capacity of their staff in order to deliver effective and relevant services.

3.2.1.3 Parliament

Parliament shall play a key role in the successful implementation of the decentralisation process. Parliament shall continue to enact and amend legislation relating to decentralisation and also hold local councils accountable for their actions. For example, they may request a local council functionary to appear before Parliament to answer questions or make clarifications.

3.2.1.4 Judiciary

The judiciary shall ensure compliance with the provisions within the enacted laws through the dispensation of justice to defaulters. It shall also act as arbiter in a situation where there is need for clarification or interpretation of laws relating to the decentralisation process.

3.2.1.5 Auditor General's Office

The Auditor General's Office shall audit local councils as stipulated in the LGA 2004, and shall submit a report of the audit to the local council concerned and to the Minister responsible for local government. The report shall draw attention to any irregularity in the accounts.

3.2.1.6 Commissions and committees

i. The Inter-Ministerial Committee on Decentralisation (IMC)

The IMC will continue to serve as the highest body within the decentralisation process. The IMC will oversee that decentralisation is progressing as scheduled, with the ministry responsible for local government providing technical backstopping to the process as well as monitoring progress. The IMC shall continue to perform the functions stated in the LGA 2004.

ii. The Provincial Coordinating Committee (PCC)

The PCCs will continue to exist as a deconcentrated entity of the ministry responsible for local government. The PCCs will continue to perform the functions stipulated in LGA 2004.

iii. The Local Government Finance Committee (LGFC)

The LGFC will continue to provide advice to the minister responsible for local government on the introduction of LED funds and grants allocations to local councils and the basis for such allocations. The LGFC will therefore continue to perform the functions stated in the LGA 2004.

iv. The Local Government Service Commission (LGSC)

The LGSC will be directly accountable to the ministry responsible for local government who shall report to the President on the performance of its mandate. The LGSC will continue to provide regulatory, performance management, and human resource management functions to the system of decentralised government in accordance with guidelines approved by the Ministry. The LGSC will facilitate local councils in taking ownership of their democratic and service delivery agenda through effective personnel management and capacity development. Specifically, the LGSC will perform the following functions:

- a) lead the preparation and periodic review of human resources policy for local councils;
- b) provide guidelines on organisational and management structures;
- c) provide generic job descriptions for all staff within its purview;
- d) determine, in consultation with the ministry responsible for local government and the ministry responsible for finance, salary structure for core staff (including minimum salary that may be topped up by local councils from own funds); and
- e) provide guidelines on personnel recruitment and transfers, capacity development, training needs assessment, and training / upgrading.

3.2.2 Local level stakeholders

3.2.2.1 Local councils

The local councils shall continue to exist as the highest development and service delivery authority in the locality. They shall be corporate bodies, with legislative and executive powers to be exercised in accordance with the LGA 2004 or any other enactment, and shall be responsible generally for promoting the development of the locality and the welfare of the people with the resources at their disposal.

Local councils will continue to perform all the functions stated in Section 20 of the LGA 2004 and functions relating to LED promotion.

3.2.2.2 Traditional authorities

The traditional authorities shall continue to play important development and governance roles in the local areas. There shall be extensive interaction between the traditional authorities and the local councils for the benefit of the socio-economic development of their localities, where each entity

shall play its important role. Traditional authorities shall continue to perform functions stipulated in the LGA 2004 and other related legislation.

3.2.3 Other stakeholders

3.2.3.1 The private sector

The private sector shall play an active role in economic development as producer of goods and services for export or local consumption. The local councils shall create the enabling environment that facilitates LED for the private sector and in appropriate cases outsource activities to the private sector.

3.2.3.2 Civil society organizations (CSOs) / Non-governmental organizations (NGOs)

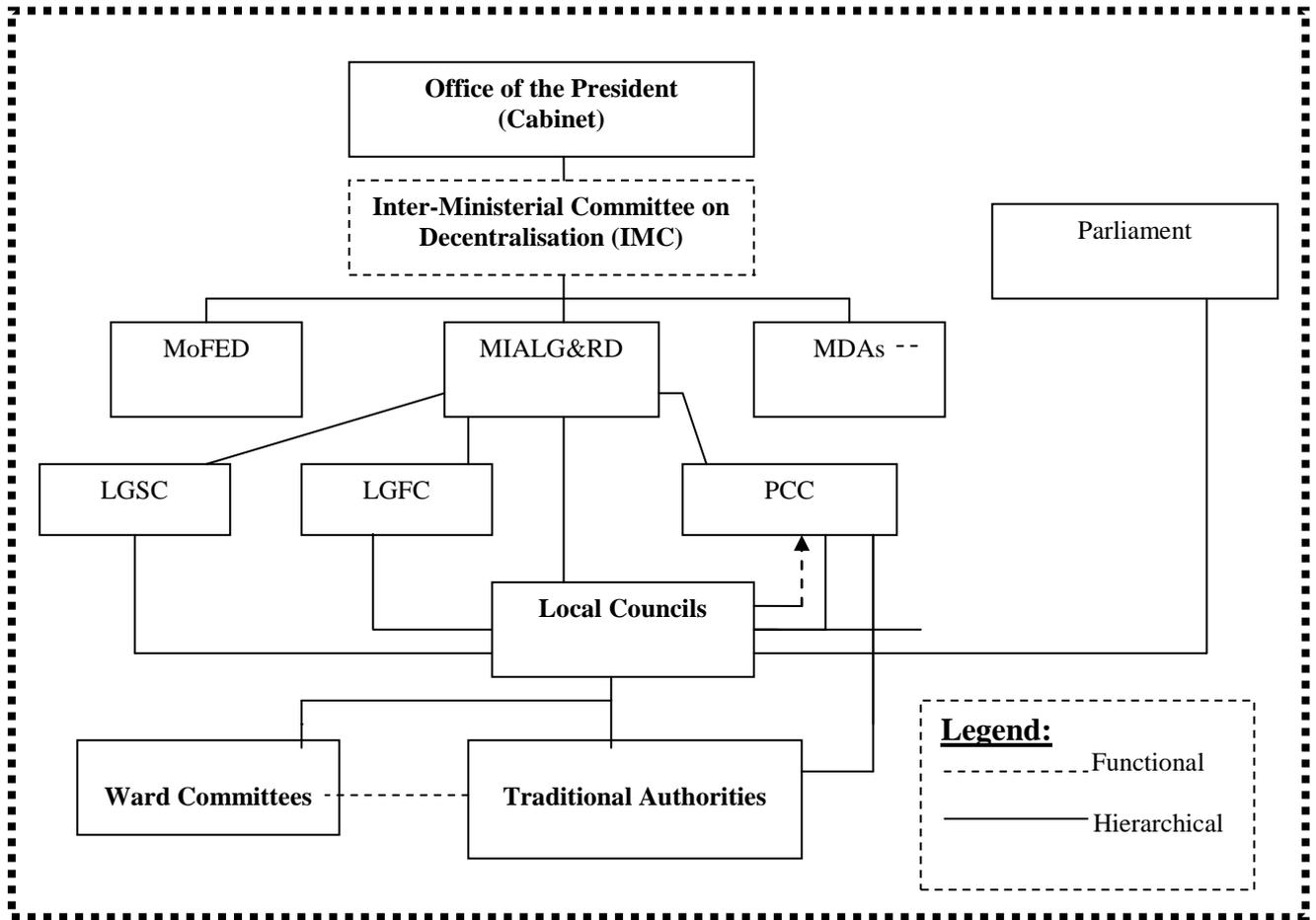
- a) shall cooperate with local councils to ensure integration of their activities within the council's development plan;
- b) shall be encouraged to hold local leaders accountable with the view to build trust in the local councils;
- c) may attend local council meetings and deliberations, and may be permitted to make statements on critical issues affecting their localities but shall have no voting rights. They can also report on Council's activities to the people to enhance greater participation; and
- d) shall have access to and be allowed to monitor and track Council's activities such as bid openings, contract agreements, development plans, etc from the inception to the end.

3.2.4 Structure

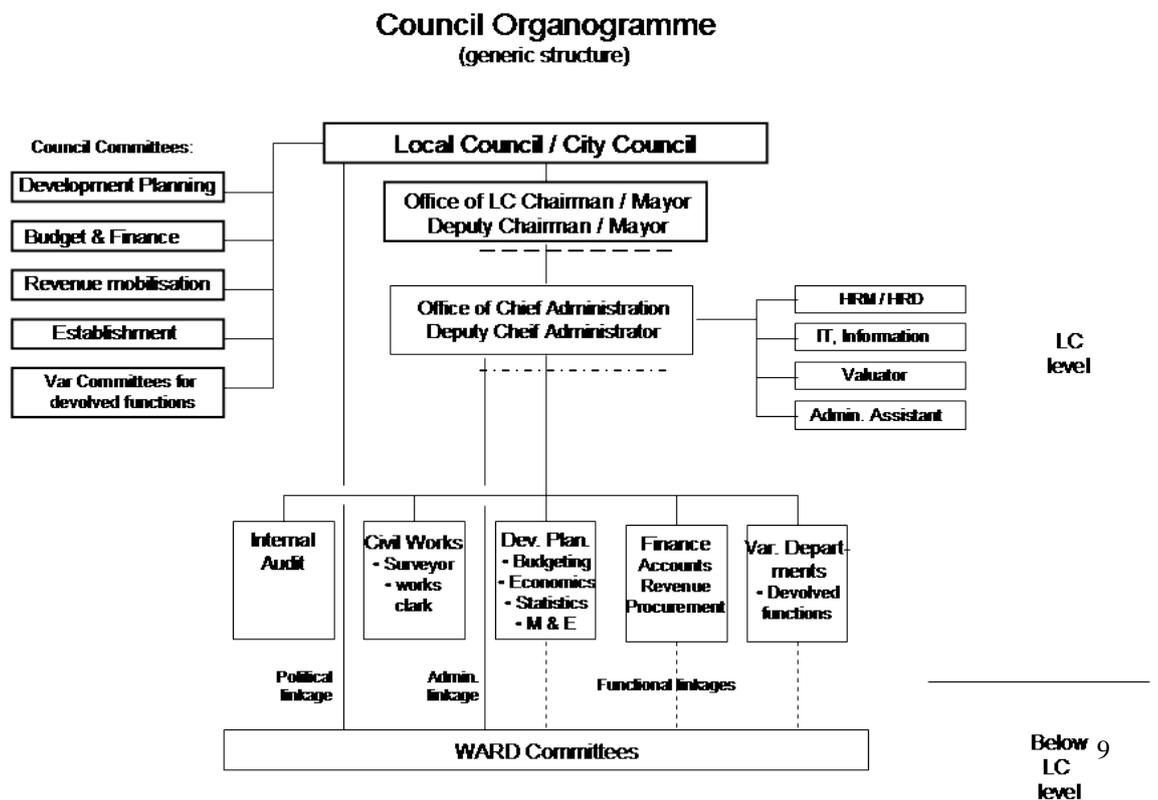
The coordination of the decentralisation process shall reflect the following:

- a) the Inter-Ministerial Committee on Decentralisation (IMC);
- b) the ministry responsible for local government is responsible for the co-ordination of local government functions, and links the centre, regional, district and chiefdom levels. It monitors the decentralisation process and the effectiveness of local councils, and advises the Government on decentralisation and local governance issues;
- c) the Provincial Coordinating Committees (PCCs) coordinate the local councils in the regions of Sierra Leone;
- d) there shall be local councils designated as city councils, municipal councils and district councils;
- e) the local councils shall have legislative, financial and administrative powers. The administrative units largely have administrative roles;
- f) the total number of councillors in each local council shall not be less than 12 members and their terms shall be for four (4) years. The electoral areas in the localities are wards;
- g) every ward has a ward committee of at least ten elected members whose main function shall be to champion developmental activities within the ward;
- h) every local council is obliged to appoint committees of Council. It is the responsibility of the committees to initiate and formulate policy on the various sectors for approval by the Council;
- i) in addition, chiefdom administrations in the provinces and tribal headmen in the Western Area, constitute the traditional component of local government administration in Sierra Leone;

The relationships among key stakeholders involved in the overall decentralisation process shall be in accordance with the structure below.



The local council structure shall depict the following relationships.



3.3 Legal, regulatory and governance aspects of the strategic framework

3.3.1 Legal and regulatory

Local government reform will be given effect through providing a comprehensive legal basis and promoting and harmonising local government structures towards effective and efficient service delivery at the local level. The following actions shall be undertaken:

The LGA 2004 shall be amended to reflect the Government's decentralisation policy. An amended Local Government Act shall address the following issues:

- the manner in which local councils are to be established;
- their composition and the manner in which councillors are to be elected;
- the qualification and disqualification of candidates;
- the tenure of office and removal of councillors and mayors / chairpersons;
- vacancies and how to fill them.

Local councils shall be empowered to delegate appropriate functions to any other body or person, or accept responsibility for carrying out any functions delegated to them by the central Government.

Local councils shall also be empowered to make bye-laws that are not inconsistent with the Constitution or any enactment, for the purpose of carrying out any functions conferred on them by law.

All legislation relating to decentralisation and devolved functions shall be made to conform to the LGA 2004.

The Local Government (Assumption of Functions) Regulations 2004 shall be reviewed to reflect the policy on devolution.

3.3.2 Governance

Local councils shall provide opportunities for political participation at the local level thereby ensuring channels for decision-making and political stability. The following shall apply:

- a) a candidate for the post of councillor may stand for election on a political party basis or as an independent candidate;
- b) a candidate for the post of mayor / chairperson of a local council shall have attained a post-senior secondary school qualification;
- c) a councillor shall be able to read and write in English;
- d) MPs should coordinate and harmonise the development vision of their constituencies with that of the local councils in whose areas their constituencies are located. In this regard, MPs shall be ex-officio members of the local council(s) located within their constituencies;
- e) there shall be two representatives of the Western Area tribal headmen on each of the local councils in the Western Area. They shall be selected by the Western Area tribal headmen and shall have full voting rights;
- f) NGOs shall share their development plans with the local council before operating in any locality. The local council shall issue a certificate of compliance and may levy a minimal

- administrative fee on the advice of the ministry responsible for local government in consultation with the ministry responsible for finance;
- g) urban local councils may, with the approval of the minister responsible for local government, set up a local police force with a structure and size advised by the Sierra Leone Police;
 - h) the Government shall undertake a review of legislation on chiefdom governance and tribal administration to ensure that the roles of the institution of chieftaincy and tribal administration are complimentary with that of local councils, and to avoid competition and conflict at the lower level of the state;
 - i) local councils shall notify traditional authorities adequately and in a timely fashion about all development projects within their areas of jurisdiction from the inception to completion so that they can mobilize their people to provide local support, monitor the projects and evaluate the completed jobs; and
 - j) the Government shall enforce any requirements that civil society, NGOs, CBOs or faith-based organisations share their development programmes with the local councils, with the view of ensuring local ownership and in order to improve on monitoring and coordination of their activities.

In the implementation of the decentralisation process, the principles of good governance shall be observed at all times:

- a) citizens participate effectively in local governance and are capable of monitoring the implementation of development programmes, projects and activities;
- b) local governments are responsive to citizen demands in a timely manner;
- c) local government resources are managed in a transparent and accountable manner and in the best interest of the citizens.

3.4 Administrative aspects of the strategic framework

3.4.1 Human resources management

By the end of 2016, subject to satisfactory review by the ministry responsible for local government, local councils shall take full responsibility for the recruitment, capacity development, discipline and career advancement of their staff and personnel, in accordance with the HR policy and procedures, and oversight from LGSC.

In the interim, the LGSC shall take full responsibility, in consultation with the relevant local council(s), for recruitment, dismissal and transfer of core staff.

- a) the LGSC shall prepare a new human resource policy for local councils on the basis of which legislation will be formulated;
- b) in the period prior to comprehensive HR devolution, local control of MDA staff will be strengthened through the installation of a system of 'letters of deployment' for civil servants serving in local councils. Such standard letters will detail the performance oversight, assessment and reporting relationship for the period of deployment. Furthermore, local councils will be integrated into the selection process of staff to be assigned in their areas through a procedure where a list of names of available and qualified personnel will be shared with them for vacant positions and their preference sought;
- c) the LGSC shall continue to provide mentoring and coaching support on HR issues in local councils;

- d) local councils shall be supported to be able to attract and retain professionally trained, equipped and motivated staff over time to deliver on their mandate;
- e) local councils will be facilitated to implement the HR policy;
- f) all professional / technical staff of local councils will be engaged on a permanent basis rather than on contract;
- g) local councils shall commit to, and facilitate, staff development with a view to ensuring enhanced performance;
- h) local councils shall operationalise a staff appraisal system that will constitute the basis for promotion and reward of staff; and will feed into their annual training plans;
- i) the LGSC and the Government's Human Resource Management Office (HRMO) shall create a mechanism for inter-local council transfer of staff and for mobility of staff from local councils to central government and vice-versa; and
- j) the LGSC and HRMO will design and operationalise a scheme for attracting staff to remote locations.

3.4.2 *Devolution of functions*

The transfer of functions from central government to local councils is the cornerstone of the devolution policy. It is intended that the full transfer of functions will be concluded by the end of 2012. The following strategic actions will be undertaken:

- a) MDAs shall develop sector policies and review existing policies to ensure complementarity with the decentralisation policy;
- b) additional functions to those specified in the LGA 2004 may be transferred to local councils;
- c) each MDA that is devolving functions shall prepare a Strategy and Action Plan for the devolution process, taking into consideration the transfer of personnel, assets and financial resources. Since the capacity and preparedness of local councils differs across the country, each local council must be actively consulted in the process and an MDA's overall Strategy and Action Plan can have individual timetables for different local councils.

3.5 Fiscal decentralisation aspects of the strategic framework

The policy in this area seeks to increase local government's autonomy in revenue and expenditure decision making, harmonising and rationalising the fiscal transfer system in order to equalise fiscal capacity. In this regard, the Government will introduce legislation on local government finance.

3.5.1 *Expenditure assignment*

The expenditure assignment of local councils will be determined by the devolution of functions in the short to medium term. The following will be undertaken:

- a) increasing the discretionary powers given to local councils in allocating resources towards both recurrent and development activities;
- b) realignment of revenue and/or expenditure competencies in accordance with the principle of subsidiarity; and
- c) rewarding and sanctioning with regard to performance incentive grants those local councils which implement programmes well, in adherence to the legal and policy framework, and sanctioning those which do not.

3.5.2 *Inter-governmental fiscal transfers*

The inter-governmental transfer system shall be formula based taking into consideration equity and equalisation principles and variations in revenue capacity. The following shall be attended to:

- a) clarify expenditure assignments between the central and local government and set up a framework for fiscal transfers from central government comprising: current grants to equalize fiscal capacity, address regional disparities and bridge vertical fiscal imbalances; capital grants as a catalyst for specific types of expenditure; and a grant to hire a basic number of staff members and to set up the minimum administrative capacity;
- b) provide adequate financial resources to local councils to undertake devolved functions and ensure the timely transfers of these resources to the local councils.

3.5.3 *Development planning and budgeting*

The following will be addressed:

- a) ensure that local councils prepare realistic budget estimates including chiefdom councils' budget estimates;
- b) harmonising the central and local government planning and budgeting cycles to ensure that local needs and priorities, both recurrent and development, are fed into national budget planning;
- c) each local council shall establish a Development Planning and Management Committee that will set the direction and vision of development within the Council's locality;
- d) provide support to local councils to prepare three-year rolling integrated, output-based development plans using a bottom-top approach to development planning;
- e) NGOs and private sector operatives in the localities shall collaborate with the local councils and make available their plan of activities to ensure integration with the Council's development plan;
- f) support local councils to engage substantially in the development of LED promotion and strategies that help create conducive environments for private sector development and empower communities to undertake local economic development including credit and micro-finance schemes.

3.5.4 *Local Council Borrowing and Agreements*

Local councils borrowing and agreements will be consistent with the provisions in the national debt law that is being prepared.

3.5.5 *Financial Management, Accountability and Transparency*

Prudent financial management practices at the local government level are critical for the success of decentralisation. The following will apply:

- a) fiscal controls and a system for hard-budget constraints will be established by central government;
- b) mismanagement of resources by the local councils will not lead to a bail-out from the central government and will be accompanied by appropriate sanctions;

- c) a strong framework for financial accountability shall be developed at the local and chiefdom council levels with an increased focus on book-keeping;
- d) a simple system of reporting on financial and output information will be implemented for the local and chiefdom councils.

4. CROSS-CUTTING AND SUPPORT AREAS

4.1 Gender

Reflecting the Government's overall policy on gender, inclusion and participation by men and women at all levels of the decentralisation process will be pursued. Gender perspectives will form an integral part of all strategic planning processes, programming, implementation, monitoring and evaluation of programmes of decentralisation and local governance.

Specific strategic actions will include:

- a) developing a gender policy and strategy in support of decentralisation that is consistent with existing national gender policies and strategies;
- b) facilitating mainstreaming of gender perspectives in the business of local councils, especially in the preparation and implementation of a local council's development plan;
- c) capturing the political commitment of policy makers and professionals for the internalisation of gender mainstreaming in the process of decentralisation;
- d) facilitating the promotion and implementation of the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), the gender Acts and all other international normative instruments that promote women's human rights;
- e) supporting the local councils to establish functioning gender units; and
- f) developing staff expertise on gender and development through comprehensive training on gender analytical skills in all phases of community interventions.

4.2 Information, education and communication (IEC)

IEC involvement in decentralisation will promote active citizen participation and raise public awareness through education about the full process. IEC interventions will continue to strengthen local social mobilisation and citizenry support for the implementation of the decentralisation process.

An IEC strategy in support of decentralisation will be developed and rolled-out to local councils and will include:

- a) a nationwide advocacy drive aimed at assuring compliance with the revised legal instruments;
- b) stakeholders' engagement in dialogue centered on revenue raising and allocation issues;
- c) popularising existing and revised laws and policies on local governance;
- d) civil society engagement in enhancing communication and information at all levels;
- e) empowerment of citizens to report on issues of local governance and accountability;
- f) establishing IEC units in local councils to anchor the Council's communication and information function;
- g) establishing communication systems and protocols among various actors within and between the local councils, citizens and central government.

4.3 Capacity building

Capacity building support will continue to provide the means to enable stakeholders to effectively execute their roles and responsibilities at enhanced levels of performance in their service delivery roles within the decentralised system. The support will continue to focus primarily on the local councils, including ward committees and the MDAs. Other beneficiaries will include chiefdom councils, judiciary, training service providers and civil society including the media.

The following strategic actions will be undertaken:

- a) a capacity building policy on local government will be prepared and harmonised with other existing capacity building strategies at the national level;
- b) a shift from the previous supply-driven to a demand-driven approach to ensure ownership and sustainability of capacity building initiatives;
- c) capacity building support will be comprehensive and integrated to ensure that all aspects that are critical for the effective performance of the mandate of local councils are catered for, and will include:
 - i. comprehensive training, with emphasis on induction and orientation, short term professional training, coaching, mentoring and experiential learning;
 - ii. tertiary institutions will be encouraged and supported to introduce courses that will address the needs of local councils. Local governance will be introduced into the curricula of primary and secondary schools;
 - iii. organisational and institutional development, focusing on establishing and strengthening systems and the effective functioning of all local council departments and units. Support will be linked to the effective implementation of development plans and the smooth transfer and performance of devolved functions;
 - iv. basic logistics and equipment support will be provided to local councils to enhance their effective functioning and service delivery capacity. Local councils will be supported and facilitated to establish systems for the proper use and maintenance of equipment provided or acquired by them;
 - v. local councils and MDAs will be encouraged to make budgetary provision for funding their capacity building programmes; and
 - vi. effective coordination mechanisms will be put in place to ensure that initiatives towards capacity building of local councils and other local actors are properly aligned to avoid unnecessary duplication and wastage of limited resources.

4.4 Monitoring and evaluation

Monitoring and evaluation shall be the responsibility of the ministry responsible for local government. The purpose of monitoring and evaluation for decentralisation will be to regularly and objectively assess progress toward establishing a functioning local government system that is inclusive, transparent and accountable, and supports the provision of improved service delivery on a sustainable basis.

In line with this purpose, monitoring and evaluation shall be designed and implemented around three central themes:

- a) local council management and improved service delivery anchored on decentralisation;
- b) community empowerment and public participation in local governance; and

- c) social accountability, engendering demand side accountability mechanisms and enhancing citizens' voice.

The National Decentralisation Policy shall be monitored and evaluated at the national level in accordance with existing monitoring and evaluation frameworks, including PRSPII and the Comprehensive Local Government Performance Assessment System (CLOGPAS).

Specific indicators shall be designed based on key service delivery parameters, and checked through routine monitoring and evaluation visits, CLOGPAS, compliance inspection, accountability reports and user surveys.