International guidelines on decentralisation and the strengthening of local authorities
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Foreword

In the follow-up to the Habitat II Conference held in 1996, local and national spheres of Government, in close collaboration with UN-HABITAT, started exchanging ideas on a possible “World Charter of Local-self Government” to strengthen the role of local authorities in implementing the Habitat Agenda. A first draft of the Charter was discussed among interested parties in a series of national and regional consultations between 1998 and 1999.

Following these discussions and taking into account their outcomes, the Governing Council in 2001 requested UN-HABITAT to intensify its efforts to make the international dialogue on decentralization “as open-ended and inclusive as possible” and to forge consensus among member States on decentralization policies in the development process.

UN-HABITAT commissioned a survey and presented a report in 2002 stressing the importance of effective decentralization for enhancing local governance in support of the implementation of the Habitat Agenda. The survey noted that a number of developed and developing countries were involved in redefining relations between their different territorial jurisdictions on one or more of the following: transferring or streamlining functions, redefining decision-making powers and authority, and reallocating resources. Invariably, the consequences of such changes had a bearing on the political, economic and administrative roles and responsibilities in the management of social, economic and environmental affairs at the local level. These and other findings informed a series of focused debates involving experts and interested groups, which created a new momentum in the ongoing dialogue on decentralization.

Further to this report, the Governing Council in 2003 called upon UN-HABITAT to “establish a multi-disciplinary ad hoc advisory panel on decentralization with balanced participation of developing and developed countries to support the dialogue process”. The Advisory Group of Experts on Decentralization (AGRED) was subsequently established in 2004 and its...
first meeting hosted by Mr. Yves Ducharme, the then Mayor of Gatineau and President of the Canadian Federation of Municipalities.

The present “Guidelines on decentralization and strengthening of local authorities” have, after a decade of research and focused debate, been approved by the Governing Council for UN-HABITAT. It is my sincere hope that these guidelines will serve as a catalyst for policy and institutional reform at the national level to further enable and empower local authorities to improve urban governance in attaining the human settlements related Millennium Development Goals.

Anna Tibaijuka
Under-Secretary-General and Executive Director
A. Governance and democracy at the local level

1. Representative and participatory democracy

1. Political decentralization to the local level is an essential component of democratization, good governance and citizen engagement; it should involve an appropriate combination of representative and participatory democracy.

2. Participation through inclusiveness and empowerment of citizens shall be an underlying principle in decision-making, implementation and follow-up at the local level.

3. Local authorities should recognize the different constituencies within civil society and should strive to ensure that all are involved in the progressive development of their communities and neighbourhoods. Local authorities should have the right to establish and develop partnerships with all actors of civil society, particularly non-governmental organizations and community-based organizations, and with the private sector and other interested stakeholders.

4. Local authorities should be entitled, either through the constitution or in national legislation, to define appropriate forms of popular participation and civic engagement in decision-making and in fulfilment of their function of community leadership. This may include special provisions for the representation of the socially and economically weaker sections of society, ethnic and gender groups and other minorities.

5. The principle of non-discrimination should apply to all partners and to the collaboration between national and regional governments, local authorities and civil society organizations.

6. Participation of citizens in the policy-making process should be reinforced in status, at all stages, wherever practicable.

7. With a view to consolidating civil engagement, local authorities should strive to adopt new forms of participation such as neighbourhood councils, community councils, e-democracy,
participatory budgeting, civil initiatives and referendums in as far as they are applicable in their specific context.

8 The participation of women and the consideration of their needs should be a cardinal principle embedded in all local initiatives.

9 The participation of young people should be encouraged in all local initiatives: develop the school as an important common arena for young people's participation and of the democratic learning process and encourage youth associations; promote “children's council” and “youth council” type experiments at local level, as genuinely useful means of education in local citizenship, in addition to opportunities for dialogue with the youngest members of society.

2. Local officials and the exercise of their office

10 Politicians and officials in local authorities should discharge their tasks with a sense of responsibility and accountability to the citizens. At all times they should maintain a high degree of transparency.

11 While local political office should be viewed as a commitment to the common good of society, the material and remunerative conditions of local politicians should guarantee security and good governance in the free exercise of their functions.

12 There should be a code of good conduct that requires public civil servants to act with integrity and avoid any situation that may lead to a conflict of interests. Such a code should be made public when available.

13 Mechanisms should be put in place to allow citizens to reinforce the code.

14 Records and information should be maintained and in principle made publicly available not only to increase the efficiency of local authorities but also to make it possible for citizens to enjoy their full rights and to ensure their participation in local decision-making.
B Powers and responsibilities of local authorities

1. Subsidiarity

1 The principle of subsidiarity constitutes the rationale underlying to the process of decentralization. According to that principle, public responsibilities should be exercised by those elected authorities, which are closest to the citizens.

2 It is recognized that, in many countries, local authorities are dependent on other spheres of government, such as regional or national governments, to carry out important tasks related to social, political and economic development.

3 In many areas powers should be shared or exercised concurrently among different spheres of government. These should not lead to a diminution of local autonomy or prevent the development of local authorities as full partners.

4 Local autonomy aims to allow local authorities to develop to a point where they can be effective partners with other spheres of government and thus contribute fully in development processes.

5 Decisions should be taken at the level appropriate to the type of decision – international, national, regional or local.

6 National, regional and local responsibilities should be differentiated by the constitution or by legislation, in order to clarify the respective powers and to guarantee access to the resources necessary for the decentralized institutions to carry out the functions allocated to them.

2. Incremental action

7 An increase in the functions allocated to local authorities should be accompanied by measures to build up their capacity to exercise those functions.

8 The policy of effective decentralization may be applied in an incremental manner in order to allow for adequate capacity-building.
9 Where decentralization is a new policy, it may be implemented on an experimental basis and the lessons learned may be applied to enshrine this policy in national legislation.

10 National principles relating to decentralization should ensure that the national or regional government may intervene in local government affairs only when the local government fails to fulfil its defined functions.

11 The burden of justifying an intervention should rest with the national or regional government. An independent institution should assess the validity of such intervention.

12 As far as possible, nationally determined standards of local service provision should take into account the principle of subsidiarity when they are being drawn up and should involve consultation with local authorities and their associations.

13 The participation of local authorities in decision-making processes at the regional and national levels should be promoted. Mechanisms for combining bottom up and top down approaches in the provision of national and local services should be established.
C Administrative relations between local authorities and other spheres of government

1. Legislative action

1 Local authorities should be acknowledged in national legislation, and, if possible, in the constitution, as legally autonomous sub-national entities with a positive potential to contribute to national planning and development.

2 National legislation and, if possible, the constitution should determine the manner in which the local authorities are constituted, the nature of their powers, the scope of their authority, responsibilities, duties and functions.

3 Constitutional and legislative provisions for local government organizations may vary depending on whether a State is federal, regionalized or unitary.

4 Legislative provisions and legal texts should clearly articulate the roles and responsibilities of local authorities vis-à-vis higher spheres of government, providing that only those roles and responsibilities beyond their scope and competence should be assigned to another authority.

5 Local authorities should have full responsibility in spheres involving interests of local citizens except in those areas specified by national legislation, which should state what lies outside their competence.

2. Empowerment

6 Local authorities should freely exercise their powers, including those bestowed upon them by national or regional authorities, within the limits defined by legislation. These powers should be full and exclusive, and should not be undermined, limited or impeded by another authority except as provided by law.

7 Other spheres of government should consult local authorities and their associations when preparing, or amending, legislation affecting local authorities.
8 Local authorities and their institutions should be assisted by other spheres of government to determine local policy and strategic frameworks within the parameters set by national policies.

9 Other spheres of government should support initiatives to develop responsive, transparent and accountable instruments necessary for efficient and effective management at a local level.

3. **Supervision and oversight**

10 The supervision of local authorities should only be exercised in accordance with such procedures and in such cases as provided for by the constitution or by law.

11 That supervision should be confined to a posteriori verification of the legality of local authority acts, and should respect the autonomy of the local authority.

12 The law should specify the conditions—if any—for the suspension of local authorities. In the event that there is a need to suspend or dissolve a local council or to suspend or dismiss local executives, the exercise shall be carried out with due process of law.

13 Following the suspension or dissolution of local councils, or the suspension or dismissal of local executives, the prescription of the law should determine the resumption of their duties in as short a period of time as possible.

14 There should be independent bodies, such as administrative courts, to oversee such suspensions or dissolutions by higher spheres of government, and to which appeal may be made.
D Financial resources and capacities of local authorities

1. Capacities and human resources of local authorities

1 Local authorities should be supported by other spheres of government in the development of their administrative, technical and managerial capacities, and of structures, which are responsive, transparent and accountable.

2 Local authorities should be allowed to determine as far as possible their own internal administrative structures, to adapt them to local needs and to ensure effective management.

3 Local authorities should have full responsibility for their own personnel. There should be common standards of qualification and status in the management of such personnel.

4 The service conditions of local government employees, as defined by national legislation, should be such as to permit the recruitment and retention of high-quality staff on the basis of best performance, professional competence and experience and of gender equality, and should exclude any type of discrimination based on religion, language or ethnicity.

5 Adequate training opportunities, remuneration and career prospects should be provided to local government employees in order to enable local authorities to reach a high quality performance in the provision of services to the citizens.

6 Training opportunities should be provided or supported by Governments, in collaboration with local authorities and their associations.

2. Financial resources of local authorities

7 Effective decentralization and local autonomy require appropriate financial autonomy.

8 Local authorities’ financial resources should be commensurate with their tasks and responsibilities and ensure financial sustainability and self-reliance. Any transfer or delegation of tasks or responsibilities
by the State shall be accompanied by corresponding and adequate financial resources, preferably guaranteed by the constitution or national legislation, and decided upon after consultations between concerned spheres of government on the basis of objective cost assessments.

9 Where central or regional governments delegate powers to them, local authorities should be guaranteed the adequate resources necessary to exercise these powers as well as discretion in adapting the execution of their tasks to local conditions and priorities.

10 Local authorities should have access to a broad variety of financial resources to carry out their tasks and responsibilities. They should be entitled, preferably on the basis of constitutional and/or national legislative guarantees, to adequate resources or transfers, which they may freely use within the framework of their powers.

11 A significant proportion of the financial resources of local authorities should derive from local taxes, fees and charges to cover the costs of services provided by them and for which they have the power to determine the rate, notwithstanding their possible framing (tax brackets) or coordination by legislation.

12 Taxes which local authorities should be entitled to levy, or of which they receive a guaranteed share, should be proportional to their tasks and needs and of a sufficiently general, dynamic and flexible nature to enable them to keep pace with their responsibilities.

13 Local taxes, such as land-based taxes, should preferably be collected by local authorities themselves, provided that they have appropriate capacities and oversight mechanisms in place.

14 Financial sustainability should be ensured through a system of financial equalization, both vertical (between State and local authorities) and horizontal (among local authorities). This should happen especially where the local tax-base is weak or non-existent.

15 Legislation should guarantee the participation of local authorities in framing the rules governing the general apportionment of redistributed resources, including both vertical and horizontal equalizations.
16 As far as possible, financial allocations to local authorities from Governments should respect their priorities and shall not be earmarked for specific projects. The provision of grants shall not remove the basic freedom of local authorities to exercise policy discretion within their own jurisdiction.

17 Earmarked allocations shall be restricted to cases where there is a need to stimulate the local implementation of national policies, in areas such as environmental protection, social development, health and education.

18 For the purpose of borrowing for capital investment, local authorities should, within guidelines and rules established by Governments and the legislation, have access to national and international capital markets. State supervision and monitoring may however be necessary in countries affected by volatile macro-economic situations.

19 Local authority borrowing should not endanger the fiscal policies designed to ensure financial stability of national Governments.
Annex

Relevant resolutions of the Governing Council on decentralisation and strengthening of local authorities
Resolution 18/11. Intensifying dialogue on effective decentralization and strengthening of local authorities within the framework of implementing the Habitat Agenda

The Commission on Human Settlements,

Recalling that, at the second United Nations Conference on Human Settlements (Habitat II), held in Istanbul in June 1996, national Governments committed themselves to the objectives of: decentralizing authority and resources, as appropriate, as well as functions and responsibilities to the level most effective in addressing the needs of people in their settlements, and enabling local leadership, promoting democratic rule and strengthening of local authorities to enable all key actors to play an effective role in human settlements and shelter development,

Further recalling that in the Istanbul Declaration¹, national Governments recognized local authorities as their closest partners, and as essential in the implementation of the Habitat Agenda,²

Noting with appreciation the deepening of the partnership at the international level between the Commission, local authorities and their international associations,

Recognizing as a guide for decentralization policies, that decisions should be taken and services delivered at the most local level of government consistent with the nature of the decisions and services involved and within the legal framework of each country,

Taking note of the report of the Executive Director on decentralization and the strengthening of local authorities and their networks for implementation of the Habitat Agenda,³

Recognizing with satisfaction the growing international trend of decentralization and the strengthening of local authorities to face the challenges of human settlements in the twenty-first century,
Recalling the goals stated in paragraph 12 of the Istanbul Declaration,

Convinced that dialogue on decentralization will provide further impetus to the successful implementation of the Habitat Agenda at all levels,

Taking note of the wide divergence among members of the Commission, in discussing the Executive Director’s report, on an international framework\(^4\) for decentralization and strengthening of local authorities and their networks for implementation of the Habitat Agenda,

1. Requests the Director to intensify dialogue among governments at all levels and Habitat partners, initially through the Committee of Permanent Representatives and other appropriate means, on all issues related to effective decentralization and the strengthening of local authorities, including principles and, as appropriate, legal frameworks, in support of the implementation of the Habitat Agenda;

2. Calls upon the Executive Director to make this dialogue as open-ended and inclusive as feasible;

3. Also requests the Executive Director to report to it at its nineteenth session on progress made in this regard.

8th meeting
16 February 2001

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2 Ibid., annex II.
3 HS/C/18/3/Add.1.
4 Including the idea and the necessity of a World Charter of Local Self-Government or other alternative concepts.
Resolution 19/12. Decentralization and strengthening of local authorities

The Governing Council,

Recalling its resolution 18/11 of 16 February 2001, by which it requested the Executive Director to intensify dialogue among Governments at all levels and Habitat Agenda partners on all issues related to effective decentralization and the strengthening of local authorities, including principles and, as appropriate, legal frameworks, in support of the implementation of the Habitat Agenda,

Recalling also its resolution 18/10 of 16 February 2001 of the same date, by which it invited Governments, inter alia, to adopt policies and instruments of empowerment that decentralize authority as well as financial, technical and human resources to the local level, ensuring that new responsibilities are matched by the requisite resources,

Noting that the General Assembly in its resolution 57/275 of 20 December 2002 reiterated the agreement by Governments to intensify dialogue where possible, including through the Governing Council of the United Nations Human Settlements Programme (UN-HABITAT), on all issues related to effective decentralization and strengthening of local authorities in support of the implementation of the Habitat Agenda, in conformity with the legal framework and policies of each country,

Convinced that efficient and effective local authorities are essential for the implementation of the Habitat Agenda as contemplated in paragraph 213 of the Habitat Agenda,

Recalling the United Nations Millennium Declaration,\(^2\) which in its paragraph 13 affirmed that success in the eradication of poverty depends, inter alia, on good governance within each country, and also on good governance at the international level and on transparencies in the financial, monetary and trading system,

Recalling also the Declaration on Cities and other Human Settlements in the New Millennium,\(^3\) which in its paragraph 39 welcomed the efforts of
many developing countries, within their legal frameworks, to decentralize the management of cities and to give increased priority to the principles of good governance at all levels,

Reaffirming the commitment to the decentralization of authority and resources, as appropriate, as well as functions and responsibilities, to the level most effective in addressing the needs of the people, as called for in the Habitat Agenda and the Istanbul Declaration on Human Settlements,⁵

Taking note that the first session of the World Urban Forum, in its dialogue on decentralisation, recognised that the principle of subsidiarity constitutes an underlying rationale to the process of decentralisation,

Taking note of the report of the Executive Director entitled “Dialogues on effective decentralization and strengthening of local authorities” and welcoming the efforts of the Executive Director to intensify the dialogue on decentralization and the strengthening of local authorities among all levels of Governments,

1. Requests the Executive Director to take further steps and measures to intensify dialogue on decentralization and strengthening of local authorities among Governments, local authorities and other Habitat Agenda partners, including through the Committee of Permanent Representatives to UN‑HABITAT, the Advisory Committee of Local Authorities and at the second session of the World Urban Forum, with the aim of developing recommendations to be presented to the twentieth session of the Governing Council and documenting best practices.

2. Endorses the proposal, made by the Executive Director in her report, to establish, in consultation with the Committee of Permanent Representatives, a multi-disciplinary ad hoc advisory panel on decentralization with balanced participation of developing and developed countries to support the dialogue process;

3. Requests the Executive Director to take all necessary steps towards establishment of the ad-hoc advisory panel referred to in the previous paragraph and, if necessary, to initiate efforts to mobilize additional extra-budgetary resources to enable the ad hoc advisory panel to continue its tasks;
4. **Requests** the Executive Director to report to it at its next session on progress made in the implementation of the present resolution.

8th meeting
9 May 2003

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3. General Assembly resolution 5-25/2, annex.
5. According to this principle, public responsibilities shall be exercised by those authorities which are closest to the citizens.
6. HSP/GC/19/7.
Resolution 20/18. Decentralization and strengthening of local authorities

The Governing Council,

Recognizing the importance of decentralization policies in achieving sustainable human settlements development in line with the Habitat Agenda¹ and the internationally agreed development goals of the United Nations Millennium Declaration,²

Recalling its resolution 19/12 of 9 May 2003, by which it requested the Executive Director to take further steps and measures to intensify dialogue on decentralization and strengthening of local authorities, with the aim of developing recommendations to be presented at the twentieth session of the Governing Council and documenting best practices,

Recalling also paragraph 180 of the Habitat Agenda, which recommends that Governments should examine and adopt, as appropriate, policies and legal frameworks from other States that are implementing decentralization effectively,

Recalling further its resolution 18/11 of 16 February 2001, by which it mandated the Executive Director to intensify dialogue among Governments at all levels and Habitat partners, on all issues related to effective decentralization and the strengthening of local authorities, including, as appropriate, legal frameworks, in support of the implementation of the Habitat Agenda,

Welcoming the establishment by the United Nations Human Settlements Programme of the Advisory Group of Experts on Decentralization, which advises the Executive Director on the dialogue on decentralization, in accordance with resolution 19/12, and on the implementation of decentralization policies at the country level and the documentation of best practices,

Noting with satisfaction the efforts made by many countries around the world in engaging in decentralization reforms to create an environment
that is conducive to improved urban governance and participatory democracy,

Welcoming the growing commitment of local authorities to effective decentralization and improved local governance, as reflected in, among other documents, the final declaration of the Founding Congress of United Cities and Local Governments, held in May 2004,

Convinced that effective decentralization can contribute to strengthening gender equality, promoting women’s empowerment in human settlements, and providing new opportunities for employment for young people and social inclusion,

Taking note of the report of the Executive Director on the implementation of resolution 19/12, entitled Recommendations on decentralization and strengthening of local authorities,³

1. Commends the Executive Director on her leadership in making cooperation with local authorities, as close partners of Governments in the implementation of the Habitat Agenda and the internationally agreed development goals, a priority of the United Nations Human Settlements Programme’s work and encourages her to continue the international dialogue on decentralization at the third session of the World Urban Forum and other relevant forums;

2. Welcomes the creation by local authorities and their associations of United Cities and Local Governments and the strengthening by the United Nations Human Settlements Programme and its partners of the United Nations Advisory Committee of Local Authorities, as positive trends towards enabling local authorities to contribute to relevant international dialogues;

3. Takes note with appreciation of the draft guidelines on decentralization and the strengthening of local authorities prepared by the members of the Advisory Group of Experts on Decentralization in collaboration with the secretariat, as requested in resolutions 18/11 and 19/12;

4. Invites Governments to provide their comments on the draft guidelines to the secretariat before the end of 2005, and to
document cases of best practices for incorporation in the compendium of best practices requested in resolution 19/12;

5. Requests the Executive Director to take these comments into account and to revise and finalize the guidelines during 2006, with the support of the Advisory Group of Experts on Decentralization and in consultation with the Committee of Permanent Representatives, and to submit the guidelines to the Governing Council for its consideration at its twentyfirst session;

6. Also requests the Executive Director to continue supporting the programme of work of the Advisory Group of Experts on Decentralization and strengthening of local authorities and recommends that the Advisory Group should also assist the Executive Director in advising those countries that may wish to implement elements from the draft guidelines;

7. Further requests the Executive Director, building on the experience of the Global Urban Observatory, to assist United Cities and Local Governments, with the participation of Governments and local authorities, to develop the concept of a global observatory that would assess, monitor and evaluate the state of decentralization and accountability to people at the local level and local governance in the world, as important conditions for achieving the goals of the Habitat Agenda;

8. Invites Governments in a position to do so to provide the United Nations Human Settlements Programme with the financial contributions necessary to ensure a successful dialogue on decentralization, the development of the observatory concept mentioned in paragraph 7, and to support the work of the United Nations Advisory Committee of Local Authorities and the Advisory Group of Experts on Decentralization.

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2 General Assembly resolution 55/2.
3 HSP/GC/20/7.
Resolution 21/3. Guidelines on decentralization and strengthening of local authorities

The Governing Council,

Recalling its resolution 20/18, in which it took note with appreciation of the draft guidelines on decentralization and the strengthening of local authorities prepared by the members of the Advisory Group of Experts on Decentralization in collaboration with the secretariat of the United Nations Human Settlements Programme, and cognizant of the report of the Executive Director on cooperation with local authorities and other Habitat Agenda partners, which contains in its annex the most recent version of the draft guidelines on decentralization and the strengthening of local authorities, prepared in collaboration with United Cities and Local Governments,

Bearing in mind paragraph 177 of the Habitat Agenda, adopted in Istanbul in 1996, which stresses that sustainable human settlements development can be achieved through the effective decentralization of responsibilities, policy management, decision-making authority, and sufficient resources, including revenue collection authority, to local authorities, closest to and most representative of their constituencies,

Recognizing the importance of decentralization policies to achieving sustainable human settlements development in line with the Habitat Agenda and the Millennium Development Goals of the United Nations,

Acknowledging the role of national Governments within the overall context of sustainable development and their responsibility for good governance within each nation, with local authorities as their partners,

1. Expresses appreciation for the role that the United Nations Human Settlements Programme is playing in the international dialogue on decentralization through its promotion of improved governance at all levels by means including the consultative process on the finalization of the guidelines on decentralization;
2. **Approves** the guidelines on decentralization and strengthening of local authorities, as set out in the annex to the report on cooperation with local authorities and other Habitat Agenda partners, as a key instrument to promote good governance at all levels and to strengthen local authorities;

3. **Requests** the United Nations Human Settlements Programme to assist interested Governments to adapt the guidelines to their national contexts, where appropriate, and to develop tools and indicators further as part of its support for the application of the guidelines, bearing in mind that the guidelines do not constitute a uniform or rigid blueprint to be applicable to all Member States of the United Nations;

4. **Invites** Governments to undertake further concerted and coordinated action to place decentralization and local development at the centre of governance and development policies and to strengthen their legal and institutional frameworks with regard to decentralization and governance at all levels, in line with the aforementioned guidelines;

5. **Calls upon** the United Nations Human Settlements Programme to develop innovative partnerships with local authorities and their associations, including United Cities and Local Governments, to support the ownership and application of the guidelines, including assisting United Cities and Local Governments in developing the concept of an observatory;

6. **Invites** United Cities and Local Governments to facilitate the sharing of best practices, skills and knowledge between the local authorities of Member States and to contribute its expertise to the Executive Director’s progress report;

7. **Encourages** Governments to provide technical and financial support to the future work of the United Nations Human Settlements Programme on decentralization, especially its application of the guidelines on decentralization and strengthening of local authorities;
8. **Requests** the Executive Director to include a discussion of the implementation of the present resolution in her overall progress report to the Governing Council at its twenty-second session.

7th plenary meeting
20 April 2007

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1 Established under Governing Council resolution 19/12.
3 HSP/GC/21/2/Add.2.
4 See document A/56/326, annex.
5 HSP/GC/21/2/Add.2.