

# **REPUBLIC OF SOUTH SUDAN**

**LOCAL GOVERNMENT BOARD**

**ORIENTATION COURSE FOR  
LOCAL GOVERNMENT  
ADMINISTRATIVE OFFICERS**



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# Introduction

## *Training Course Objectives*

1. To assist senior officials of Local Government to appreciate and comprehend the legal instruments establishing and operationalizing Local Government in South Sudan.
2. To enable Local Government officials realise the importance of their role as frontline practitioners in governance, development and service provision.
3. To inculcate in senior officials the need to develop an efficient, effective and sustainable system of Local Government in South Sudan.
4. To develop the critical skills, raise awareness and improve the knowledge of identifying and developing strategies to tackle community challenges.
5. To facilitate better understanding of the roles of all key players in Local Government, traditional authorities and local communities, and the central role of senior Local Government officials in facilitating and supporting their efforts.
6. To receive feedback on the modules and topics, thereby enabling the continued improvement of training materials for the better training of Local Government officers in South Sudan.

## **Module I: HISTORICAL BACKGROUND**

**Topic 1: The Comprehensive Peace Agreement (CPA)**

**Topic 2: The Establishment of the Government of Southern Sudan**

### **Objectives:**

At the end of this training the administrative officers should be able to:

1. Explain the meaning and importance of the CPA to their constituencies;
2. Have a clear understanding of the key CPA features;
3. Have a clear understanding of the implications of the CPA;
4. Have clear reflection of CPA impacts on future development of South Sudan;
5. Understand the steps leading to the formation of the Republic of South Sudan.

## **Topic 1: The Comprehensive Peace Agreement**

Basically, three issues have influenced politics in the South Sudan, and by extension the greater Sudan:

1. The role of British imperialists and the impact of their favouritism towards the Arab elite in the North and against the African Southerners;
2. The rise of Islamism in the country and its misuse by the Arab elite in the North to serve their personal interests; and
3. The rise of strong liberation movements in the South; first by the Anya Nya Movement, then the South Sudan Liberation Army (SSLA) and ultimately by the Sudan Peoples' Liberation Movement/Army (SPLM/A).

The CPA ended the war between the Khartoum-based government under the National Congress Party (NCP) led by President Omar al Bashir and the SPLM/A led by Dr. Garang to form a Government of National Unity (GNU) for six years after which the future of both regions will be determined through a national referendum on January 9, 2011. The CPA was the result of long negotiations between the parties chaperoned by the international community through the Inter-Governmental Authority on Development (IGAD).

The main provisions of the CPA are as follows:

- a. **Self-Determination.** Signed at Kenyan town of Machakos in July 2002. The protocol provided for the south to hold a referendum after a six-year transition period to determine secession. During the transitional period, to start six months after the signing of the CPA, the south was to be exempted from Islamic law.
- b. **Security Arrangements.** Signed in September 2003. Government troops in Southern Sudan and SPLM/A troops in Nuba Mountains and Southern Blue Nile will withdraw under international monitoring. Command of the two forces will be assumed by a new Joint Integrated Unit (JIU) made up of officers from both sides. Both the government army and the SPLA will remain separate and shall be considered and treated equally as Sudan's National Armed Forces (SNAF), in the event that the Referendum results in a unified Sudan.
- c. **Wealth-Sharing.** Signed in January 2004. It provided for wealth sharing mechanisms, including the oil industry. Southern Sudan was to receive 50% of the revenue generated from the oil that is extracted from the South.
- d. **Power-Sharing.** Signed in May 2004. The SPLA/M and government of Sudan were to form a Government of National Unity with a decentralized system of administration. SPLA was also to set up a separate semi-autonomous administration in the south. SPLA leader Dr. John Garang was to hold the post of first vice president in the national government and president of the autonomous Government of Southern Sudan (GOSS). General elections at all levels of government were to be held at the end of the third year. English and Arabic were to be the official languages in the country and people from Southern Sudan were to make up 30% of the country's post-conflict civil service.

The sudden death of SPLM/A leader Dr. John Garang in a plane crash dampened the mood and slackened the momentum towards the achievement of the dream of a "New Sudan" devoid of any shade of marginalization and injustice. Being the Chairman of SPLM and Commander-in-Chief for SPLA, Dr. Garang was both the image and soul of all hopes for liberty and justice over all of Sudan. Many people saw his death as an abortion of the recently conceived peace accord hence the spontaneous and concurrent riots that followed his death both in the north and south. However, the SPLA/M continued their commitment to the CPA and chose Lt. General Salva Kiir Mayardit to take the place of Dr. John Garang as Chairman of the SPLM, Vice President of the Sudan and the President of Southern Sudan. So the integrity and implementation of the CPA was not interrupted and the following benchmarks were completed, (even though with challenges):

1. The Pre-Interim Period (January 9, 2005 to July 8, 2005)
2. The Interim Period (July 9, 2005 to July 8, 2011)
3. Formation of the Government of Southern Sudan (July to December 2005)
4. The National Census (2008)
5. The National Election (2010)
6. The Referendum (January 9, 2011)
7. The Post Interim Period (January 9, 2011 to July 8, 2011)
8. Independence of the Republic of South Sudan (July 9, 2011)

Many political movements and armies operated in Southern Sudan prior to the signing of the CPA. However, after the CPA, they all transformed into political parties and exercised their right, as provided by the CPA, to either join the SPLM or to join the NCP. SPLM currently enjoys wider support and membership. Some of the other parties include:

- National Congress Party (NCP)
- South Sudan Defence Force (SSDF)
- United Democratic Front (UDF)
- Union of Sudan African Parties 1 (USAPI)
- Union of Sudan African Parties 2 (USAP2)
- United Democratic Sudan Forum (UDSF)

### **Comprehensive Peace Agreement**

Southern Sudan became a region of Sudan following the signing of the Comprehensive peace Agreement in January, 2005 that ended a long-running civil war. The region is home to some 8 to 10 million people. Southern Sudan was a semi autonomous region with its own complete government (its own legislative assembly, executive and judiciary).

Following the signing of the Comprehensive Peace Agreement (CPA) in 2005 between the government of Omar al-Bashir and the SPLA, a Government of National Unity was installed in Sudan in accordance

with the Interim Constitution of the Sudan. In accordance with the Power Sharing Agreement, Omer-al-Bashir was the President of the Sudan, supported by a First Vice President from the South and a Second Vice President from the North. According to the Wealth Sharing Agreement the north and south were to share oil revenues equally. The Security arrangements formed a Joint Integrated Unit that tried to bring the two armies (SAF and SPLA) together, but also left both the north's and south's armies in place.

The CPA between the Government of the Republic of the Sudan and the Sudan People's Liberation Movement/Sudan People's Liberation Army (SPLM/A) was signed in Nairobi Kenya on 9<sup>th</sup> January 2005. To show the seriousness with which the International community regarded this event, the signing was witnessed by a wide cross-section of world representatives. These included:

1. The President of the Republic of Kenya, H.E. Mwai Kibaki
2. The President of the Republic of Uganda, H.E. Yoweri Museveni; and

Representatives for:

1. The Government of the Republic of Egypt
2. The Government of Italy
3. The Royal Kingdom of the Netherlands
4. The Royal Norwegian Government
5. The United Kingdom and Northern Ireland
6. The United States of America
7. The African Union
8. The European Union
9. IGAD Partners Forum (IPF)
10. League of Arab States
11. The United Nations

The signing of the CPA had been preceded by the signing of the Machakos Protocol, on July 20, 2002 at Machakos in Kenya, whose agreement principles were as follows:

1. That the unity of Sudan, based on the free will of its people, democratic governance, accountability, equality, respect and Justice for all citizens of the Sudan, is and shall be the priority of the parties and that it is possible to redress the grievances of the people of South Sudan and to meet their aspirations within such a framework.
2. That the people of the South Sudan have the right to control and govern affairs in their region and participate equitably in the National Government.
3. That the people of South Sudan have the right to self determination, *inter alia*, through a referendum, to determine their future status.
4. That religion, customs and tradition are a source of moral strength and inspiration for the people of South Sudan.

5. That the people of South Sudan share a common heritage and aspirations and accordingly agree to work together to:
  - a. Establish a democratic system of governance, taking account of the cultural, ethnic, racial, religious and linguistic diversity and gender equality of the people of the Sudan
  - b. Find a comprehensive solution that addresses the economic and social deterioration of the Sudan and replaces war not just with peace, but also with social, political, and economic justice which respects the fundamentals human, social, political and economic justice which respects the fundamental human and political rights of all the Sudanese people
  - c. Negotiate and implement a comprehensive ceasefire to end the suffering and killing of the Sudanese people
  - d. Formulate a repatriation, resettlement, rehabilitation, reconstruction and development plan to address the needs of those areas affected by the war, and redress the historical imbalances of development and resource allocation
  - e. Design and implement the CPA so as to make the unity of the Sudan an attractive option, especially to the people of South Sudan
  - f. Undertake the challenge by finding a framework by which these common objectives can best be realised and expressed for the benefit of all Sudanese.

Subsequently, the CPA was signed, as mentioned earlier and addressed wide ranging issues including:

1. Power Sharing
2. Wealth Sharing
3. The Resolution of the Abyei Conflict
4. The resolution of the conflict in the two states of the Southern Kordofan and Blue Nile
5. Security Arrangements
6. Permanent ceasefire and security.

The Arrangement spells out in detail the:

1. Principles of Administration and inter-Governmental linkages
2. Human Rights and Fundamental freedoms
3. Institutions at the National level
4. Government of National Unity
5. Other independent and or National institutions to be established in accordance with the peace agreement
6. Constitutional Review process.

The agreement further describes in detail the nature and structure of the Government of South Sudan. It then goes on to describe the institutions at the state level. In terms of wealth sharing the agreement

has given a comprehensive list of the “Guiding Principles in Respect of an Equitable Sharing of Common Wealth” and then goes on to discuss in detail the pertinent common wealth.

The agreement also discusses in detail the terms of the ceasefire as signed at Naivasha, Kenya on 31<sup>st</sup> December 2004, which ideally ended the civil war that began in 1983 (but which stipulated that the ceasefire would commence on the date of the signing of the Comprehensive Peace Agreement which should be D-day).

The Agreement also outlines the process for demobilization, disarmament, re-integration and reconciliation whose overriding objective is to contribute to creating an enabling environment for human security and to support post-peace agreement social stabilization across the Sudan, particularly war affected areas. The agreement then gives a comprehensive implementation matrix for the resolutions.

There is no doubt that civil war, ethnic and religious differences and totalitarianism constitute a direct threat to the future survival of many thousands, if not millions of southern people. Their primary challenge is to apply inventiveness and ingenuity in making peace and in solving their economic, social, and political problems. The primary resources for building South Sudan’s future lie within the historical, cultural, and religious context of the people themselves.

Since 1994, the grassroots peace movement in South Sudan has gained international recognition and assistance. Numerous local peace consultations have been effective in reconciling ethnic groups and in beginning the process of economic and social recovery from the devastation of war.

As part of agreement ending the Second Sudanese Civil War, nine members of the SPLA and 16 members of the government were sworn in as Ministers on 22 September 2005, forming the first post war government of national unity. The inauguration was delayed over arguments over who would get various portfolios. The National Congress Party kept control of the key energy, defence, interior and finance posts, while an SPLM appointee became foreign minister. The NCP refused to give the SPLM the portfolio of Energy amongst other portfolio, as been agreed in the CPA.

## **Topic 2: Establishing the Government of Southern Sudan**

From July 2005 to December 2005 the SPLA/M set about the business of establishing a government to preside over the region of Southern Sudan. This entailed writing and adopting a constitution, now known as the Interim Constitution of Southern Sudan 2005 (ICSS). The ICSS provided for the formation of a decentralised government with three levels. The National Government level (which became known as the ROSS) based in Juba, the State level and the Local Government level (generally known as the Counties). Each level was to have its own legislature, executive and judiciary.

The Interim Constitution of Southern Sudan is a very important document to understand for Local Government administrative officers because it is the only document that reconciles the past of struggle and the future of hope for the people of the new Republic of South Sudan. It is a document that one can see the challenges that had to be reconciled and compromised in order the region to be able to move towards independence. As important, the independent Republic of South Sudan constitution of 2011, known as the Transitional Constitution, is based on the Interim Constitution.

Therefore the process of drafting the Transitional Constitution really entailed editing the Interim Constitution to incorporate the competences (functions and duties) that were being done by the Government of National Unity in Khartoum during the Interim period. Some specific examples are national defence, foreign affairs, international relations, border control, monetary policies and petroleum management. It is important to note that the Transitional Constitution includes some amendments to the Interim Constitution that are not necessarily related to the competences. For example in Article 101, the powers of the President have been expanded to include dismissal of a State Governor and state legislative assembly in the event of a crisis in the state that threatens national security and territorial integrity.

The Transitional Constitution is a temporary instrument to manage the time between the Interim Constitution and the actual drafting and adoption of a Permanent Constitution for the new Republic of South Sudan. The Transitional Constitution in Part Sixteen, Chapter II, describes a very clear process of consultations and deliberation by all the people of South Sudan. It is envisaged that by the end of the Transitional period (which has been pegged at four years) a Permanent Constitution will have been completed and available.

## **Module 2: THE GOVERNMENT OF THE REPUBLIC OF SOUTH SUDAN**

**Topic 1: The Transitional Constitution of the Republic of South Sudan**

**Topic 2: Decentralisation**

**Topic 3: The structure of the government of the Republic of South Sudan**

**Topic 4: Inter-governmental relationships**

### **Objectives**

At the end of this training the administrative officers should be able to:

1. Clearly understand and articulate the structure, functions and duties of the Government of South Sudan
2. Comprehend the policy of decentralisation as the chosen system of governance and what this means for the functions and duties of Local Government
3. Understand functionally, the relationship between the three levels of government, particularly their related functions and channels of communication

## ***Topic 1: The Transitional Constitution of South Sudan (2011)***

### **Specific Objectives**

By the end of this topic the Local Government Administrative Officer should be able to:

1. Explain the meaning and importance of a Constitution to a country
2. Explain the guiding principles and objectives of the Transitional Constitution of South Sudan
3. Discuss the provisions of the Transitional Constitution of South Sudan.

### **Content**

1. Meaning and importance of a Constitution
2. Fundamental objectives of the Transitional Constitution e.g. Political, Economic and Social
3. Guiding principles of the Transitional Constitution
4. Provisions of the Transitional Constitution in terms of the Executive, Judiciary, and Legislative State Governments and Local Governments.

### **Methodology**

1. Group discussions
2. Lectures
3. Exercises

### **Resources**

1. The Transitional Constitution
2. Module
3. Projection
4. Flipcharts
5. LCD

## **Meaning and Importance of a Constitution**

A Constitution is the supreme law of the land, which outlines the organs, instruments and powers of the government. The nation and nationhood of South Sudan is defined by the Transitional Constitution of South Sudan.

A Constitution is a document that sets forth the framework of a Government and its relationship to the people it governs. It is the supreme law of the land which outlines the organs, instruments and powers of the Government.

A Constitution allocates power between:

1. The people and their government
2. The state and national governments
3. The branches of government
4. When a Constitution is adopted or amended or when courts interpret the Constitution then Constitutional law is made.

## **Fundamental objectives and guiding principles of the Transitional Constitution**

The nation and nationhood of South Sudan is defined by the Transitional Constitution of South Sudan. Part three of the Transitional Constitution outlines the fundamental objectives and guiding principles of this Constitution: Accordingly Article 35 of the Constitution, states that all levels of government in South Sudan and all their organs, institutions and citizens shall be guided by these objectives and principles. The objectives and principles include:

### **1. Political Objectives**

The stipulations of these objectives are outlined in Article 36 of the Transitional Constitution. Sub article (i) therefore states “Governance in South Sudan shall promote democratic principles and political pluralism and shall be guided by the principles of decentralization and devolution of power to the people through the appropriate levels of government where they can best manage and direct affairs.”

The section then goes on to expound on the political responsibilities of all levels of government in South Sudan and the relationship of the leaders with the people.

### **2. Economic Objectives**

Article 37 of the Transitional Constitution outlines these objectives. Sub-article (i) of this article states that “the principal objective of economic development strategy shall be the eradication of poverty, attainment of the Millennium Development Goals, guaranteeing the equitable distribution of wealth, redressing imbalances of income and achieving a decent standard of life for the people of South Sudan.”

Sub articles (2) and (3) go further to clarify the roles of all levels of government.

### **3. Education, Science and Culture Objectives**

Article 38 outlines the responsibilities of all levels of government and of the government of South Sudan in relation to these objectives.

#### **4. Family Objectives**

These objectives are outlined in Article 39 of the Transitional Constitution which also clarifies the rights of parents and children.

#### **5. Children, Youth and Sports Objectives**

Article 40 outlines the responsibilities of all levels of government in South Sudan in relation to this objective.

#### **6. The Environment Objectives**

Article 41 outlines the rights of persons in relation to the environment and the responsibilities of all levels of government thereof.

#### **7. Defence of the Sudan**

These objectives are clarified in Article 42 of the Constitution.

#### **8. Foreign policy objectives**

These are encapsulated in Article 43 of the Constitution.

#### **9. Savings objectives**

These are outlined in Article 44 of the Constitution.

### **Provisions of the Transitional Constitution**

The Transitional Constitution clearly spells out the organs, duties and responsibilities of the various arms and levels of Government in South Sudan. These are outlined below:

#### **I. The South Sudan Executive**

The Constitution outlines the composition of the Executive and the powers and competences of the Executive.

Article 97 to article 103 of the Transitional Constitution describes the President of South Sudan in all pertinent aspects ranging from eligibility for the office, nomination, tenure of office, functions and immunity to the appointment of the Vice President, as well as the Presidential Advisors.

Article 108 to article 121 of the Transitional Constitution describes the South Sudan Council of Ministers. These are discussed in terms of:

1. Establishment of the Council of Ministers
2. Composition and competencies of the Council of Ministers
3. Oath of a minister
4. Functions of the Council of Ministers
5. Appointment and removal of ministers

6. Collective and individual accountability of ministers
7. Vote of No Confidence against a minister
8. Declaration of wealth and prohibition of private business
9. Enrolment and remuneration
10. Confidentiality of deliberations of the Council of Ministers, among others.

These then are the key components of the Executive arm of Government:

## **1. The Judiciary of South Sudan**

Article 122 to article 134 of the Transitional Constitution of South Sudan describes the judiciary of South Sudan. This is done in terms of:

- Establishment and structure of the Judiciary
- Independence of the Judiciary
- Composition of the Supreme Court of South Sudan
- Competencies of the Supreme Court of South Sudan
- Courts of Appeal
- High Courts
- County and other courts
- Independence of justices and judges
- Appointment of justices and judges of South Sudan
- Discipline of justices and judges

## **2. National Legislature**

The National Legislature shall be composed of the National Legislative Assembly and the Council of States. The National Legislative Assembly shall have a total of 322 members. The Council of States shall have a total of 50 members.

The establishment, composition, powers and functions of the South Sudan legislature are described from Articles 54 to 94 of the Transitional Constitution of South Sudan. The important Articles are the ones that deal with:

- Establishment of the Assembly
- Powers and functions of the Assembly
- Seat of the Assembly
- Eligibility for membership
- Loss of membership of the Assembly

- Oath of the Assembly member
- Terms of the Assembly
- Determination on objections related to membership
- Immunity of members of the Assembly.

### **3. States of South Sudan**

The Transitional Constitution provides guidelines on the scope and structure of the states of South Sudan. Article 162 gives the general provisions in relation to the states, where sub section (i) states that “the territory of South Sudan is composed of ten states governed on the basis of decentralization”.

Article 163 of the Constitution describes the state organs, where sub article (i) states that “there shall be Legislative, Executive and Judicial organs at state level for each state of South Sudan which shall function in accordance with this Constitution, the Interim National Constitution, and the relevant State Constitutions.” The section goes further to clarify the powers and responsibilities of the states.

Article 165 of the Constitution describes the state executive, with sub article (i) stating that “there shall be a governor for each state within South Sudan, elected by the residents of the state in compliance with the requirements prescribed by, the National Elections Commission and in accordance with this Constitution and the relevant state Constitutions”. The section goes on to clarify who else constitutes the state executives, who include the State Council of Ministers and the Deputy Governor.

Article 164 describes the State Legislative Assembly with sub article (i) stating that “each state within South Sudan shall have a legislature to be known as State Legislative Assembly which shall comprise members elected in accordance with the state Constitution and the election laws”. The section goes further to clarify the powers and functions of the State Legislative Assembly.

### **4. Local Government**

Article 166 of the Transitional Constitution of South Sudan gives guidelines on the establishment, structure and objectives of Local Government in South Sudan and Article 166 (i) stating that “pursuant to article 47 (c) of this Constitution and the State Constitutions, the states shall enact laws for the establishments of a system of Local Government based on urban and rural councils for which they shall provide structures, compositions, finance and functions”.

Sub Article 166(3) further states that “The President of the Government of South Sudan shall establish a Local Government Board under his or her office to review the Local Government systems in South Sudan, and recommend the necessary policy guidelines and actions in accordance with the decentralization policy enshrined in this Constitution”. Sub article 6 outlines the objects of Local Government.

Articles 167 and 168 describe the traditional local authorities and their roles. Article 166 (i) states that “The Institution status and role of traditional authority, according to customary law are recognized under this Constitution”.

## **5. The South Sudan Civil Service**

Article 138 of the Transitional Constitution of South Sudan provides for the establishment of South Sudan Civil Service with sub article (i) stating that “The government of South Sudan shall have a civil service consisting of all its employees who shall impartially carry out the functions assigned to them according to law”.

Article 139 outlines the basic values and guidelines for civil service.

Article 140 provides for the establishment of the Civil Service Commission and Article 140 (i) stating that “there shall be established a South Sudan civil Service Commission composed of persons of proven competence experience integrity and impartiality while sub article (2) advises the government of South Sudan on the formulation and execution of policies related to public service, employment and employees.

## **6. Independent Institutions and Commissions**

Article 142 (i) states that: “The national government of South Sudan shall establish independent institutions and commissions as provided for by this Constitution. Such institutions and commissions shall perform their functions and duties impartially and without interference from any person or body”. Article 142 (2) further states that “the Government of South Sudan shall also establish such other institutions and commissions compatible with its powers as it deems necessary to promote the welfare of its people, good governance and justice”.

The Commissions and Institutions that have been established include:

1. The South Sudan Civil Service Commission
2. The Anti Corruption Commission
3. South Sudan Human Rights Commission
4. South Sudan Public Grievances Chamber
5. South Sudan Relief and Rehabilitation Commission
6. Demobilization, Disarmament and Re-integration Commission
7. South Sudan HIV/AIDS Commission
8. South Sudan Land Commission
9. South Sudan Fiscal and Financial Allocation and Monitoring Commission
10. National Audit Chamber.

## **National Stability**

The Transitional Constitution of South Sudan of 2011 is the supreme law of South Sudan. The Constitution establishes an Executive Branch headed by a President who is both the Head of State, Head of Government, and Commander-in-Chief of the Sudan People's Liberation Army. It also establishes a Vice-President who deputises the President in his absence. Legislative power is vested in the

government and the bicameral National Legislative Assembly. The Constitution also provides for an independent judiciary, the highest organ being the Supreme Court.

### **Organisation of Government of South Sudan**

The Government of South Sudan is based on the Transitional Constitution of South Sudan and the principles embodied in the CPA. The details of the structure of the Government of South Sudan and its responsibilities are defined by the Transitional Constitution.

The Republic of South Sudan (ROSS) was established on July 9<sup>th</sup> 2011. It exercises authority in respect to the people and the states in South Sudan. The powers of the Government of South Sudan originate from the will of the people of South Sudan, the CPA, and the Transitional Constitution of South Sudan.

### **Legal System**

The legal System is based on English common law. There is a lot of work to be done to reverse the institutions and understanding influenced by the imposed Islamic law of the northern part of the Sudan.

## **Topic 2: Decentralisation**

### **Introduction**

One of the guiding objectives and principles of ROSS is to promote decentralization and devolution of power to the people. This is also stipulated in the Local Government Act section 13 and 14. It is therefore necessary that power to make decisions is delegated to the lowest competent level of government for consistency with the Constitutions and the Local Government Act.

### **Specific Objectives**

By the end of this topic the participating Administrative Officer should be able to:

1. Explain the meaning of decentralization
2. Define empowerment
3. Explain the modes and dimensions of decentralization
4. Explain the benefits of decentralization in South Sudan

### **Content**

1. Meaning of decentralization and empowerment
2. Modes and dimensions of decentralization
3. Benefits of decentralization

### **Methodology**

1. Lectures
2. Group discussions
3. Presentations
4. Plenary discussions

### **Resources**

1. The Transitional Constitution of the Republic of South Sudan
2. The Local Government Act 2009
3. Flip charts
4. LCD/Overhead projectors
5. Guest speakers
6. Relevant literature

## **Understanding Decentralization**

Decentralization in relation to Local Government administration refers to the distribution or re-distribution of authority to make decisions and take action, from the National Government to the Local Governments. In the process, National Government might retain overall legal control in such areas such as authority to raise revenue, maintain law and order, regulate fraud and corruption and provide equal protection under the law. National Government may also retain the authority to alter Local Government powers.

Within this context then, decentralization occurs if Local Government has substantial authority to hire, fire, tax, and contract, expand, invest, plan, prioritize, and deliver the services that they choose.

## **Modes and Dimensions of Decentralization**

Decentralization as a strategy of governance can take various modes. These include deconcentration, delegation, devolution and privatization. Each of these has its own implications to the Local Government administration. We will consider each of them more closely.

### **1. Deconcentration**

Deconcentration occurs when the Local Governments act largely as the local agents of Central Government. In this case, the Local Government manages personnel and expends the resources allocated to them by the National Government. It therefore refers to essentially the redistribution of central resources to localities, on the sufferance of those local authorities. Therefore, in deconcentration there is a shift in authority from National Government officials to those in the dispersed local areas.

As can be inferred, deconcentration does not actually result in the ceding of powers to the local authorities by the central authority fully. Deconcentration essentially results in the movement of authority from National Government officials in the capital to officials in dispersed locations of ministries and departments.

Like all aspects of decentralization, deconcentration results in shortening the process of decision making. This is because decisions do not have to be referred to the head office but rather are made at the local level. This results in quicker decision making with its attendant benefits of taking charge of opportunities as they arise. The bureaucratic red tape is cut. However we should note that even as the decisions are made at the local level, in deconcentration the National Government still exercises control and has a final say on decisions.

### **2. Delegation**

In general management practice, delegation would refer to the practice of giving subordinates the necessary authority to make decisions in a specified area of work or function. This is the same case with the Local Government administration. In this case, the National Government allows the Local Governments, other departments and parastatals to perform certain functions on its behalf. Therefore authority to act moves from the National Government to the Local Governments, departments and parastatals but on a representative basis. The local authorities can decide certain issues but, guidelines have to still come from the central government. Action is more on an agency basis.

As in the case of deconcentration, delegation also results in a quicker decision making process. Decisions are made by those who are closer to the action. It also improves the morale of those officers at the Local Government level who are thus delegated this authority. Such officers are given an opportunity to learn through doing, which improves the levels of service delivery by the local authorities.

### **3. Devolution**

Devolution may be considered as the most complete form of decentralization, in the process of distribution or re-distribution of authority to make decisions and to take action by the local authorities independently of the National Government administrative oversight. In devolution the Local Government authority has greater authority in various aspects of its management. It can hire and fire its own personnel. It can impose and collect taxes within its boundaries. It can enter into legally binding contracts independently. It can spend its revenue according to its own priorities, including investments, and it can deliver the services it chooses independently of National Government oversight and direction. It is in control in the use and management of its resources for the benefit of its own community.

### **4. Privatization**

Privatization is the fourth mode of decentralization. However this goes slightly outside the direct orbit of Local Government administration as it involves the giving to the private sector authority to deliver services and functions. Sometimes it is argued that private sector is able to deliver services more efficiently and effectively than the Local Government authority itself. This is because of the discipline, sense of purpose and commitment inherent in private sector management.

Performance is strictly controlled in the private sector, and service delivery is therefore subject to strict controls, monitoring and evaluation measures. This is common in areas such as garbage collection. However even in this case, the Local Government is still in control as the private sector acts as an agent of the local authority. Authority has moved from the National Government and the Local Government to the private sector.

In this form of decentralization, operations are demand driven and market oriented. However the work can become very expensive to the recipient of the services because the private sector is primarily driven by the profit motive. Some services may even become inaccessible to the poorer members of the community. (What examples can we cite?)

## Summary – Modes of Decentralization

Mode	Meaning	Authority shift	Implications
Deconcentration	Shift in authority from National Government headquarters officials to those in local areas	National Government officials at headquarters to ministries and departments at Local areas	Quicker decision making, National Government still retains control
Delegation	Local Government and other department act on behalf of central government	National Government to Local Government , departments and parastatal	Local authorities can decide certain issues but with guidelines from central government; Act on agency basis
Devolution	Authority to make and carry out decisions	National Government to Local Government	Decisions closest to beneficiaries, but bureaucracies, lack of capacity and corruption can occur
Privatization	Private sector given authority to deliver services and functions	Central governments and Local Government to private sector agencies	Demand driven and market oriented operations, could be expensive for the poor and even inaccessible

Irrespective of the mode that decentralization takes there are however certain dimensions and goals to each dimension, attendant to the process. These are as discussed below.

### 1. Political Decentralization

Political decentralization lays emphasis on the sharing of political power between the various levels of government. It addresses the dynamics of intergovernmental relations with respect to powers and functions and the management of conflict before the use of concurrent powers. The aim is to allow the different levels of government to exercise their powers while maintaining the unity of the nation.

### 2. Administrative Decentralization

This dimension of decentralization lays emphasis on:

- a. Transfer of responsibilities
- b. Strengthening field agencies (personnel authority)
- c. Reforms of Administrative organs.

The major emphasis here is the relationship between the administrative responsibilities assigned and the functions to be performed, with the immediate and obvious outcome being efficiency and effectiveness in service delivery and responsiveness.

### **3. Fiscal Decentralization**

Fiscal decentralisation relates to the match between assigned resources and assigned functions. The emphasis in this case is on:

- a. Allocation of tax resources
- b. Transfer of fiscal resources between governments
- c. Loan portfolios or capital development institutions.

The most important outcomes in this case are:

- a. Peace and stability is maintained
- b. Service delivery happens
- c. Development takes place.

## **Benefits of Decentralization**

There are certain benefits that South Sudan may derive from decentralization. These include:

1. Political education whereby the mass of the population is taught about the role of political debate, the selection of representatives and the nature of policies, plans and budgets in a democracy.
2. Political stability is secured by participation in formal politics through voting and other practices which strengthen trust in government so that social harmony, community spirit and political stability are achieved. In addition a mechanism is created to prepare the people for the profound social and economic changes associated with development.
3. Training in political leadership creates a ground for prospective political leaders to develop skills in policy making, political party operations, and budgeting with the result that the quality of national politicians is enhanced.
4. Political equality from greater political participation, which will reduce likelihood of the concentration of power. Political power will be more broadly distributed thus making decentralization a mechanism that can meet the needs of the poor and disadvantaged.
5. Accountability is enhanced because local representatives are more accessible to the people and can thus be held more closely accountable for their policies and outcomes than distant national political leaders or government officers. A role at local elections is a unique mechanism for the people to register their satisfaction or otherwise with the performance of representatives.
6. Responsiveness of government is improved because local representatives are best placed to know the exact nature of local needs and how they can be met in a cost effective way.
7. Real improvement in Local Government performance through increased efficiency, effectiveness and local community participation in local activities.

### **Topic 3: The Structure of the Government of the Republic of South Sudan**

The Transitional Constitution outlines the composition of the Executive and the powers and competencies of the Executive.

Article 97 to article 107 of the Transitional Constitution describes the President of South Sudan in all pertinent aspects ranging from eligibility for the office, nomination, tenure of office, functions, immunity, to the appointment of the Vice President, as well as the Presidential Advisors.

Article 108 to article 121 of the Transitional Constitution describes the South Sudan Council of Ministers. These are discussed in terms of:

- Establishment of the Council of Ministers
- Composition and competencies of the Council of Ministers
- Oath of a minister
- Functions of the Council of Ministers
- Collective and individual responsibility of ministers
- Contesting ministerial acts
- Appointment and removal of ministers
- Vote of No Confidence against a minister
- Declaration of wealth and prohibition of private business
- Enrolment and remuneration.

These then are the key components of the Executive arm of Government.

The Executive branch of the ROSS is made up of: The President, Vice President and the Council of Ministers.

President: H.E Lt. General Salva Kiir Mayardit

The President of the ROSS is the head of South Sudan Government and the Commander-in-Chief of the Sudan People's Liberation Army.

#### **Powers and Functions of Government**

Broadly the functions of each level of government as stipulated in Schedule C of the Transitional Constitution of South Sudan.

## **Topic 4: Inter-governmental Relationships**

### **Introduction**

While the Transitional Constitution assigns specific competencies and authority to the three levels of government, there is however very close inter-relationships between these levels. It is very important that the Local Government Administrative Officer clearly understands such inter-relationships so that he/she can play her/his role effectively and efficiently.

### **Specific Objectives**

By the end of this topic, the participating Local Government Administrative officer should be able to:

- a. Explain the theoretical perspectives on centre/local relations
- b. Explain the legal provisions relating to Local Government and State Government.
- c. Explain the legal provisions relating to Local Government and ROSS and the Local Government Board.

### **Content**

- a. Theoretical perspective on centre/local relations
- b. Legal provisions relating to Local Government and State Government
- c. Legal provisions relating to Local Government and the Local Government Board

### **Methodology**

- a. Plenary discussions
- b. Group discussions and presentations
- c. Lectures
- d. Individual exercises and presentations

### **Resources**

- a. The Transitional Constitution
- b. Local Government Act of 2009
- c. State Legislation
- d. Flip charts
- e. LCD/overhead projectors
- f. Stationery

## **Theoretical Perspective on National/Local Relationship**

National-Local relations focus on the relationship between National Government (ROSS), State Government and the Local Government. The three tiers of government as outlined in the Constitution have certain competencies, power and authority assigned to them. The hierarchical nature of the structure of government is indicative of not only of functional differences but also power, authority and accountability levels.

### **Power and Authority**

National Governments are finally accountable to the nation for all levels of government. When institutions are not performing to people's expectations it is normally National Government which bears the brunt of people's dissatisfaction. To that end, National Government will exercise an oversight and monitoring role over sub national structures. Sub national levels have to operate within set legal parameters and execute their mandate as expected. Although they have a separate political accountability by virtue of going through elections, central governments can remove non performing sub national levels, put in caretakers or commissions for some time and have fresh elections take place.

The powers allocated to sub national levels are determined by National Government and Local Governments have to operate within the prescribed boundaries. In short sub national government are not independent states which can do as they wish. They are part of a system and are creatures of statute and such statutes prescribe what they can and cannot do.

### **Functional Differences**

It is common cause that certain competencies and functions are national in scope whereas some are state or local. Other functions can be performed at any level, national, state or local. Functional differences are normally dictated by the type of functions, resources required and where it is presumed it can be executed more efficiently and effectively. National competencies or functions normally include:

- Defence
- Foreign affairs
- State Security
- Judiciary
- Prison services
- Customs and immigration
- Monetary and fiscal policy
- National currency custody
- Institutions of higher learning.

If national defence is not centrally administered, managed and controlled, warlords emerge. If every sub national level had its own foreign policy, not only would internal contradictions emerge, but total chaos would be the order of the day.

A uniform justice system has to prevail in the country so that all are equal before the law through the application of uniform standards. Institutions of higher learning provide the critical intellectual capital for national development and require not only the setting of standards but also the necessary resources. A Local or State Government may not be able to mobilise resources required to run a university.

The nature of functions listed above requires huge amounts of funds and are therefore better handled at national level where most of the tax revenue accrues.

It should also be noted that the public good nature of such services means that the exclusion principle cannot be applied and are therefore best financed from tax revenue. Provision of basic services has ideally been left to the local levels; roads, sewer systems; traffic lights street lighting, housing, primary, health care, water supplies, recreation -- the list is long. A more remote National Government cannot produce and supply those services efficiently and effectively. Many of these goods and services are local in nature and require local knowledge for effective provision. They are also largely locally financed. It is pertinent to refer to schedules A, B, C and D of the Transitional Constitution.

## **Resources**

The other relationship that exists between national and sub national level is around resources allocation. In many counties the bulk of the tax revenue accrues to National Government. It is therefore the duty of National Government to ensure adequate and usually equitable distribution of resources.

The pursuit of the equity objective in service provision is premised on the fact that different areas have different capacities to mobilise resources. There is therefore need for resource sharing so that the quality of life of citizens in one county is not vastly different. It is meant to narrow revenue raising capacities. Many governments over and above conditional and unconditional grants will also have equalisations grants to take care of revenue raising disparities by different areas.

The dual nature of colonial development where first world and fourth world services existed in one country was one of the rallying points for resistance and armed struggle against settler regimes. Where National Government allocates functions these should be accompanied by resources. In many a case this has not happened. The sub national level will be forced to divert the limited resources available to meet the functions. This creates what are generally referred to as “unfunded mandates”.

Such mandates have caused friction between Local, State and National Governments in countries where transfers to local levels are not constitutionally guaranteed. The resource allocation from central to sub national levels should be based on known revenue sharing formulae be predictable and assured. This is usually the case where sub national levels are in the Constitution.

## **Legal Provisions Relating to Local Government and State Government**

Article 166 (1) provides for states to “enact laws for the establishment of a system of Local Government based on urban and rural councils for which they shall provide structures, composition, finance and functions.”

Section 125 of the Local Government Act 2009 outlines the responsibilities as to:

- a. Make sectoral policies to guide the functional organisation of Local Government councils in order to harmonise the State and Local Government plans and programmes.

- b. Develop state framework for effective coordination of Local Government Councils affairs between State Ministries and Local Authorities and between Local Authorities and Local community institutions.

The state has a Constitutional and legal mandate to ensure an efficient Local Government system. Section 20(5) notes that the establishment of a Local Government Council by the President is upon recommendation of the State Government.

Section 48(4c) and section 53(4c) indicate that the County Commissioner in a county council and the mayor in city and municipal councils represent the state governor.

The relationship between the two levels has legal underpinnings. It is important to understand the legal relationship in order to differentiate between what a council may interpret as interference by the state level and what the state levels mandate is regards the operations of council.

## **Legal Provisions relating to Local Government, ROSS and the Local Government Board**

Article 47 of the Transitional Constitution establishes a decentralised system of governance in Sudan with three levels: ROSS, State, and Local Government. Article 48 (2) (b) is specific regarding the relationship: “The National Government shall respect the powers devolved to the states and Local Government”.

Article 49 outlines the guiding principles of inter-governmental linkages which shall be observed.

Article 52 (1b) states that the linkage between the National Government and the Local Government shall be through the government of the relevant state. Such provision clearly defines national – local relations and removes any ambiguity which may arise. The provisions clarify operational modalities and serve as a deterrent for undue interference by central functionaries. The inter-governmental linkages are reaffirmed in section 126 of the Local Government Act, 2009. Section 126 (1d and 1c are relevant. Section 126 (1d) reads:

“In their relationship with each other or with other governments all levels of government in Southern Sudan referred to in Article 47 of the Constitution shall observe the following:

- a. Respect each other’s powers and competencies
- b. Collaborate in the task of governing
- c. Assist each other in fulfilling Constitutional obligations.

Section 126(1c) clearly outlines the need to avoid encroaching on or assuming powers or functions conferred upon any other level except as provided for by this Act and the Constitution. Whilst the law is clear, there is need for operatives at all levels to familiarise themselves with that function to avoid causing confusion and conflict through ignorance.

## **Local Government Board**

Article 166(3) empowers the President of the ROSS to “establish a Local Government Board under his or her office to review the Local Government system in South Sudan and recommend the necessary policy guidelines and action in accordance with the decentralisation policy in the Constitution.”

The Local Government Board is thus the leading player in Local Government in South Sudan responsible for articulating policy guidelines and action to be taken. Section 123 and 124 of the Local Government Act, 2009, outlines the functions and duties of the Local Government Board. Section 66(3) tasks the Local Government Board with the training functions for Local Government Administrative Officers.

Section 66(4a) gives the Local Government Board a role in the transfer of Local Government Administrative Officers. The Board maintains the general list of all Local Government Officers in South Sudan according to their batches of seniority. The Local Government Board can also deploy cadet officials under training to work in any part of South Sudan. Internal transfers within states shall be in accordance with the Local Government Board schedules and guidelines. It may be necessary to reiterate that Chief Administrative Officers of council are recruited from the general list of officers maintained by the Local Government Board. The advantage here is that to become a senior officer one has to go through the relevant training for Local Government Administrative Officers.

By the time one gets to the top one will be a professional cadre. The system in a way eliminates the recruitment into key positions in Local Government of the people without the requisite skills which is a problem in many countries. People with no grounding in Local Government are smuggled into the system and in the end this compromises efficiency and effectiveness.

The Local Government Board is also empowered in terms of section 85(3) to conduct financial inquiry into the conduct and running of financial affairs of any council in collaboration with the State Ministry of Local Government and Law Enforcement. After such an inquiry, reports will be prepared for the President of ROSS and the governor of the state concerned.

## **Module 3: LOCAL GOVERNMENT**

- Topic 1: History of Local Government in South Sudan**
- Topic 2: Constitutional Provisions for Local Government**
- Topic 3: Mandate, Powers and Functions of Local Government Councils in South Sudan**
- Topic 4: Conceptual Framework**
- Topic 5: Organization and Structure of Local Government**
- Topic 6: Traditional Authority and Local Government**

## **Topic I: History of Local Government in South Sudan**

### **Specific Objectives**

By the end of this topic, the Local Government Administrative Officer should be able to:

1. Understand Transitional Constitutional provisions for Local Government
2. Explain the guiding principles of Local Government in South Sudan as spelt out in the Local Government Act of 2009
3. Describe the structure of Local Government in South Sudan
4. Describe the roles of various stakeholders in Local Government in South Sudan
5. Describe the powers and functions of Local Government in South Sudan as spelt out in the Act
6. Discuss the relationship between the Local Government, the States and ROSS.

### **Content**

1. Constitutional provisions of the Local Government Article 50(c) and 173
2. Guiding principles of Local Government in South Sudan Section 13 of the Local Government Act, 2009
3. Structure of Local Government in South Sudan
4. Roles and various stakeholders e.g. traditional authority
5. Powers and functions of Local Government
6. Relationships between Local Government, States and ROSS

### **Methodology**

1. Group work
2. Presentations
3. Lecturers
4. Role plays

### **Resources**

1. Guest speakers
2. The Local Government Act 2009
3. The Transitional Constitution

4. Flip charts
5. Overhead projector

## **Introduction**

Local Governments constitute a very significant arm in the governance structure of South Sudan. They have their own specific mandate and jurisdictions, separate from those of ROSS and the states. However, to effectively carry out their mandates, these should be clearly and unequivocally spelt out in an authoritative legislation like the Local Government Act.

The people of South Sudan, like their brethren in the north, lived under a highly centralised system of direct rule for 130 years under the two colonial regimes of the Turko-Egyptian rule 1821-1898 and Anglo Egyptian rule 1899-1955.

In evolution, the Local Government Councils in South Sudan grew from two provinces of the Equatorial and Upper Nile (1821) which was subdivided into three by splitting Equatoria and Bahr el Ghazel provinces, and a further split to six provinces of Jonglei, Upper Nile, Bahr el Ghazal, Lakes, Western and Eastern Equatoria in 1976. The same provinces were later amalgamated into three regions of South Sudan of Equatoria, Bahr el Ghazel and Upper Nile in 1983. They were however subdivided again into the current ten states of South Sudan in 1994.

In terms of the actual number of local authorities, until 1975 the South Sudan had 24 Local Government Councils of which 21 were rural councils and three were town councils. In status, these councils were simply administrative units of provinces exercising **deconcentrated** and **delegated** powers to maintain law and order, and collect revenue on behalf of the province authorities. In 1981, these Local Government Councils were split to make up 48 area councils to which Local Government authority was devolved to become a level of government closest to the people.

This number of local councils proliferated to the present number of 78 counties during the war between 1983 and 2005. During the same period, power and authority were withdrawn first from garrison town councils and vested in the state under the 2003 Local Government Act, and those in the SPLM/A liberated areas were maintained without any legal status due to the war situation.

South Sudan has experimented with various types of decentralization during the 50 years of the independence of the Sudan. These took the forms of delegation, deconcentration of power and devolution of authority.

### **I. Deconcentration of power (1951-1971)**

With the advent of independence (1955), the Sudan government adopted a deconcentrated system of transfer of power from the National Government in Khartoum to Local Government based in the nine provinces, the three provinces, Bahr el Ghazal, Equatoria and Upper Nile of the South Sudan included. Each of these provinces was subdivided into a number of Local Government units known as rural councils, municipal and town councils, which exercised delegated powers from the provincial council that exercised deconcentrated authority from the centre. Some of these Local Councils had councillors, with little or no participation of the people in ruling themselves.

## **2. Devolution of Authority (1971-2005)**

The Sudan experimented with four systems of devolution of authority:

1. Devolution to Local Government authority (1971-2003)
2. Devolution to Regional Government authorities (1972-2002)
3. Devolution to State authorities (2003-2005)
4. Devolution to Federal authorities (2005 to 2006)

Between 1970 and 1985 the Sudan government devolved authority from the National Government to Local Government where authority was based in the Province Executive Council (PEC). But power was vested in the Provincial Commissioner whose mandate was the political orientation of the people of Sudan towards the ideology of the Sudan socialist union, with less commitment to service delivery and local development. Due the failure of the communist system to deliver, the authority of the Local Government was further devolved to area councils in 1981, to a community level of government in the rural centres, and municipal and town councils in the urban centres. These authorities enjoyed a greater measure of autonomy through elected councillors who presided over the People's Local Government councils in the processes of local policy making and the supervision of the executive functions.

Subsequent to the signing of the first peace agreement of the Sudan in Addis Ababa in 1972 between the Sudan Government and the Anyanya freedom fighters of Southern Sudan, the National Government devolved authority to the Regional Government in Sudan. The Regional Government (1972-1983) exercised Legislative and Executive authority, without judicial authority. The experience of the Regional Government in the Southern Sudan led to further devolution of authority from the National Government to Regional Governments in Northern Sudan.

On the advent of a full fledged Islamic regime (1989-2005) State Governments were established in which Islamic Sharia Law Authority was devolved with reduced Legislative, Executive and Judicial authority. Powers were vested in the state Governor (Wali) upon whom religious and political powers were conferred. In the practice of governance, the Wali delegated state powers to the Local Government councils which diminished over time as the councils became non-functional. Local Government system disintegrated and services were poorly provided to the people.

The Comprehensive Peace Agreement of 2005 introduced a Federal system of government of one nation, two systems with four levels of government as follows:

1. Government of National Unity
2. Government of Southern Sudan
3. State Government
4. Local Government.

Each of the three upper levels of government has its own Constitutional authority. For Local Government a new, well thought-out and relevant framework and system had to be developed.

## **Topic 2: Constitutional Provisions for Local Government**

The Local Government is the third level in South Sudan which consists of a number of autonomous Local Government councils established in accordance with the provisions of the Local Government Act 2009. The Local Government Act of 2009 continues to be the law guiding Local Government in line with Article 200 of the Transitional Constitution which reads:

“All current Laws of Southern Sudan shall remain in force and all current institutions shall continue to perform their functions and duties, unless new actions are taken in accordance with the provisions of this Constitution.”

The Constitutional provisions of the Local Government are contained in the Transitional Constitution, Article 47 and 166. Article 47 of the Transitional Constitution states that “South Sudan shall have a decentralized system of government with the following levels:

1. The National level which shall exercise authority in respect of the people and states in South Sudan.
2. The State level which shall exercise authority within a state and render public service through the level closest to the people.
3. Local Government level within the state, which shall be the closest level to the people.

Article 166 of the Transitional Constitution states that “Pursuant to article 47 (c) of this Constitution and the State Constitutions, the States shall enact laws for the establishment of a system of Local Government based on urban and rural councils for which they shall provide structures, composition, finance and functions”.

It further states in Article 166 (2) that “without prejudice to the provision of sub-Article (i) above and for the purposes of the initial establishment of a Local Government system throughout South Sudan and in order to set common standards and criteria for the organisation of Local Government systems throughout South Sudan, and in order to set common standards and criteria for the organization of Local Government, the National Government shall enact the necessary legislation.”

Further, Article 166 (3) states “The President of the Government of South Sudan shall establish a Local Government Board under his or her office to review the Local Government systems in South Sudan and recommend the necessary policy guidelines and action in accordance with the decentralization policy enshrined in this Constitution”.

The article further clarifies the criteria for establishment of local councils as:

1. Size of the territory
2. Population
3. Economic viability
4. Common interest of the communities
5. Administrative convenience and effectiveness.

It goes further to outline Local Government as consisting of County, Payam and Boma in the rural areas; City, Municipal and Town Councils in the urban areas.

## Objectives and Guiding Principles of Local Government

The objectives of the Local Government as given in the Local Government Act 2009 are to:

1. Promote self governance and enhance the participation of people and communities in maintaining law and order and promoting democratic, transparent and accountable Local Government.
2. Establish the Local Government institutions as close as possible to the people.
3. Encourage the involvement of communities and community based organizations in local governance and promote dialogue among them on matters of local interest.
4. Promote and facilitate civic education.
5. Promote social economic development.
6. Promote self reliance amongst the people through mobilization of local resources to ensure the provision of services to communities in a sustainable manner.
7. Promote peace, reconciliation and peaceful co-existence among the various communities.
8. Ensure gender mainstreaming in Local Government.
9. Acknowledge and incorporate the role of traditional authorities and customary law in the Local Government systems.
10. Consult and involve communities in decision making relating to the exploitation of natural resources in their areas.
11. Create and promote safe and healthy environments; and
12. Encourage and support women and youth activities and the training of local cadre.

In line with the objectives of the Local Government the Act also prescribes certain principles of local governance which shall be the basis for **decentralization** and democratisation of the Local Government authority system in South Sudan as follows:

1. Principle of subsidiarity, where decisions and functions shall be delegated to the lowest competent level of government
2. Self governance and democracy
3. Participation for all citizens in the exercise of their rights to express their opinions in the process of decision making in public affairs
4. Rule of law, maintain law and order and its enforcement in a fair and impartial manner while respecting and honouring the norms, virtues and values of society
5. Transparency, to build mutual trust between government and citizens through the provision of information and guaranteed access to information
6. Equity, to provide an equitable distribution of resources throughout the Local Government council

7. Equality, to provide equal services and opportunities for all members of the local community with the aim of improving their welfare
8. Responsiveness, to increase the sensitivity of the employees of government and non-governmental organizations to the aspirations of the people in service delivery and meeting public demand
9. Accountability, to ensure accountability of decision-makers to the people in all matters of public interest, and
10. Efficiency and effectiveness to ensure good public service delivery through optimum and responsible use of resources.

## **Structure of Local Government in South Sudan**

The Local Government Act 2009 section 15, with reference to the Transitional Constitution of South Sudan Article 166 (5) describes the structure of Local Government in South Sudan. It states that the Local Government shall comprise of three tiers of government as follows:

1. The County, City, Municipal and Town Councils
2. The Payam and Block Councils as coordinative administrative units
3. The Boma and Quarter Councils as the basic administrative units.

Section 16 of the Act further clarifies the types of Local Government Councils as:

- a. Rural Councils, which are councils established in rural settlements, or in areas whose economies are predominantly agricultural, pastoral or mixed with a strong base of traditional administration and cultural practices, which constitutes a council. The County Council, a body corporate, is sub divided into Payam and Boma Councils.
- b. Urban Councils which are established in urban or cosmopolitan areas where more than sixty percent of economic activities are non-agricultural with considerable levels of urban infrastructure and public utilities. Urban Councils are classified as:
  1. A City Council which shall be a corporate body, divided into Block Councils and Quarter Councils
  2. A Municipal Council which shall be a corporate body, divided into Block councils and Quarter councils, and
  3. A Town Council which shall be a corporate body divided into quarter councils.
- c. Industrial Councils which are councils established in industrial areas which may have either or both characteristics of an Urban or Rural Council as follows:
  1. In its initial establishment it may be devolved and de-concentrated within the jurisdiction of the corporate body within which it exists, and
  2. An Industrial Council may qualify for the status of a full corporate body as it develops.

The Act provides that each Local Government council may grow in population, infrastructure, and services to a higher status as shall be prescribed by rules and regulations.

## **Roles of Stakeholders in Local Government**

### **The role of ethnic and cultural communities**

Section II of the Local Government Act stipulates that every ethnic and cultural communities shall have the right to freely enjoy its cultures and develop its culture and practice its customs and traditions while recognising and respecting the rights of others. In line with the objectives of Local Government, members of the community should:

1. Participate in maintaining law and order
2. Be involved in Local Governance activities
3. Participate in Civic Education activities
4. Engage in social and economic activities
5. Use available resources in a sustainable manner to enhance self – reliance
6. Participate in decision making related to exploitation of natural resources in the area.

### **The role of civil society**

Civil Society embraces the many Community Based Organizations (CBOs) Non-Governmental organization (NGOs) as well as the Faith Based Organizations (FBOs) that may be operating in a given area. These organizations play a major role in the socio-economic development of a region. Their roles include:

1. Participation in local governance initiatives
2. Providing civil education to the people
3. Mobilizing resources for social economic development in the areas
4. Providing education in areas of skill capacity gap
5. Monitoring development projects to ensure their successful completion
6. Advocacy to ensure that the rights of the communities are not trampled upon
7. Partnership with Local Government authorities in promoting development in the local area.

### **The role of traditional authority**

Traditional authority means the traditional community with definite traditional administrative jurisdiction within which customary powers are exercised by traditional leaders, on behalf of the community. This traditional authority is recognized both in the Transitional Constitution and in the Local Government Act 2009.

According to the Local Government Act section 19 (1-4):

1. The administrative aspects of authority institutions and systems shall be incorporated in the three tiers of the Local Government
2. The traditional leaders shall represent their people in the County Legislative Council as determined by the Act and regulations there under
3. The Boma shall be the main domain of the traditional authority where traditional leaders perform their administrative and customary functions
4. In the Town Council the traditional authority shall perform its administrative and customary functions within the Quarter Council.

### **Powers and Functions of Local Governments**

The powers of Local Government are exercised by the Local Government Council. These powers are both Executive and Legislative. These powers are outlined in Appendix ii Schedules I and II of the Local Government Act.

The functions of the Local Government transcend all areas of social economic activities in the area of jurisdiction. These functions are in relation to aspects related to:

1. Finance and economic development
2. Legislation and legal affairs
3. Public works
4. Health
5. Education
6. Agriculture, natural resources and animal health
7. Social and cultural affairs
8. Public order and public security
9. Other miscellaneous functions such as receiving official visitors, issuing and authenticating administrative certificates and providing local data based on the activities, institutions and utilities.

### **Relationships between Local Government, States and ROSS**

Section 126 of the Local Government Act 2009 stipulates the relations in the administration of the decentralized systems of government in South Sudan. It stipulates that:

1. The Linkages between the National Government and the Local Government shall be through the relevant State Government organs or institutions
2. In their relationships with each other, all levels of government in South Sudan should:
  - a. Respect each other's powers and competences
  - b. Collaborate in the task of governing

- c. Assist each other in fulfilling their constitutional obligations
3. The Government organs at all levels of Government shall perform their functions and exercise their powers in order to:
- a. Avoid encroaching on, or assume powers or functions conferred upon any other level except as provided by the Act and the Constitution
  - b. Promote co-operation in rendering assistance to support each other's levels of government
  - c. Coordinate each other's functional activities and communication systems so as to facilitate the operations of all levels of government
  - d. Promote the spirit of peace and peaceful co-existence in handling and dealing with local matters.
  - e. Resolve disputes and conflicts amicably among each other and other levels of government, and
  - f. Respect the status and institutions of government of each other at all levels of government.

### **Topic 3: Mandate, Powers and Functions of Local Government Councils in South Sudan**

Local Government Councils have a mandate and responsibility of providing services to the public and regulating the affairs of their local areas. This mandate can be elaborated as follows:

1. Developmental functions: enhance the living conditions of people in its area of jurisdiction – including but not limited to immovable property, infrastructure (sidewalks, sewerage and drainage, water, parking, omnibuses and other transport services, electricity undertaking, income generating projects)
2. Powers to regulate the local environment through planning, control of development, developing and enforcement of bylaws
3. Powers to raise revenue to undertake de facto and de jure mandates
4. Powers to recruit, retain, manage and discharge staff
5. Powers to cooperate with The State, Local Authorities and Other (legal) Persons.

#### **Introduction**

The mandate, functions and powers of LGCs is provided for in the Interim Constitution of South Sudan and the Transitional Constitution of South Sudan and the Local Government Act 2009. However, it is critical to note two things, first that other Acts of Parliament may also impose powers and functions on Local Governments. Second, that some of the functions that Local Governments may perform or are expected to perform may exist outside the law (unlegislated mandate). The Local Government officials are therefore expected to acquaint themselves with the legislated and non-legislated mandates, powers and functions of Local Governments.

There are five broad categories of functions performed by Local Governments namely:

1. Governance at the local level functions
2. Development functions
3. Service provision functions
4. Forward planning functions
5. Financial mobilization functions.

#### **Overview of the Powers and Functions of Local Governments Globally**

Over the world, Local Governments have power bestowed on them either by Constitution of the country, or through legislation at national or sub-national level. In Australia, as an example, the Constitutional responsibility for Local Governments lies with the state and territory governments. Consequently, the powers and roles of Local Governments differ from state to state.

The same applies to countries such as Canada, where Local Governments are a creation of provinces. Provincial legislation therefore provides the mandate and powers and elaborates the functions of the Local Governments. However, in spite of the variations that may occur across provinces and territories, generally the Local Governments have powers that can be classified into legislative and executive categories. Legislative powers refer to the law-making role (for local laws generally called bylaws). The executive powers refer to the powers to implement. The executive powers enable councils to adopt and implement policies, administer Local Government and enforce local laws (by-laws).

## **Mandatory Functions**

Mandatory functions are those that councils give priority to in their planning and implementation processes. In other words, they are compulsory functions that councils have to perform, whilst permissive functions are those functions that councils may perform but are not statutorily compelled to perform. They are optional functions.

Specifically, mandatory functions of councils are the provision of primary education, primary health, collection of rates and site levies, issuing of trade licenses, provision of rural water supplies, construction and maintenance of secondary roads and establishing and maintaining cemeteries and burial grounds.

## **Permissive Functions**

Permissive functions include the provision of social services and community development. However, councils are permitted to perform any functions other than those specified, provided they are not beyond their areas of jurisdiction.

In the case of South Sudan, it will be seen that the functions of Local Governments are defined in the primary functions and secondary functions.

## **Development Control Functions**

Local Government Councils are empowered by the Local Government Act 2009 to control the development of the areas which follow under their jurisdiction. This is consistent with other legislation in other African Countries, such as Zimbabwe. For instance in Zimbabwe, Part X to Part XV as well as the Second Schedule of the Urban Councils Act Chapter 29:13 provide a wide range of developmental functions to be performed by Urban Councils. For Rural District Councils the development functions are spelt out in Part X as well as the First Schedule of the Rural District Councils Act Chapter 29:13.

As prescribed in Part X Section 74 (1) of the Rural District Councils Act Chapter 29:13:

“Subject to this Act, a Council shall have power and authority to:

1. Promote the development of the council area
2. Formulate policies, both long term and short term, for the council area
3. Prepare annual development and other plans for the council area
4. Monitor the implementation of development plans and policies within the council area
5. Exercise any other functions in relation to development that may be conferred upon it or in terms of this Act or any other enactment.”

The developmental functions of Local Governments can further be sub-divided into service delivery functions, regulatory functions, environmental development and local economic development functions.

### **Service Delivery Functions**

Service delivery functions of Local Governments refer to the provision of social services to citizens and businesses directly or indirectly through external service providers both public and private. In both urban and rural Local Governments the service delivery functions are categorized by sector which enhances policy and legislative alignment across spheres of government. The social services include health, education, housing, water and sewerage, electricity, roads and transport and emergency services.

### **Regulatory Functions**

Local Governments need to apply certain controls on the activities of their citizens to ensure that their developmental objectives are achieved. Regulatory functions include land building and works regulations, liquor licensing regulations, trading regulations, billboards, cemeteries and traffic and parking regulations.

### **Environmental Development**

Functions related to environmental functions include management of open spaces and recreational facilities, conservation of natural resources, effluent or refuse removal and treatment.

### **Local Economic Development**

In South Africa, Section 153 of the constitution states that: “A Municipality must structure and manage its administration, and budgeting and planning processes to give priority to the basic needs of the community, and to promote the social and economic development of the community.” Local Governments should provide an enabling environment, rather than being responsible for economic growth and job creation. While it is theoretically possible for Local Governments to play a major role in economic development, there are serious capacity and funding constraints.

### **Forward Planning Functions**

In other African countries, especially Anglophone countries, forward planning functions are bestowed on LGCs via the Regional Town and Country Planning Act. In Zimbabwe Chapter 29.12 Part III of the Regional Town and Country Planning Act confers upon both urban and rural district councils planning authority status. However, although local boards and district councils are local planning authorities they do not prepare their Master Plans and Local Plans unless authorized by the Minister of Environment and Tourism. Their master Plans and Local Plans are prepared by the department of Physical Planning which falls under the Ministry responsible for Local Government.

As planning local authorities, cities, municipalities and town councils have the duty to prepare and implement Master Plans and Local Plans. Where necessary they may delegate this function to a committee. Prior to the preparation of a Master Plan or a Local Plan a local planning authority has to undertake a study of the planning area to examine factors which are likely to affect development. Local planning authorities can also undertake studies of neighbouring planning authorities to assess factors which might affect development of their own areas of jurisdiction. All the other functions of Local Governments revolve around the forward planning function.

Master plans and local plans formulate the policies of that local authority and its general proposals for the planning area in order to foster development. The plans form the basis of the use of land and the construction of buildings, the conservation and improvement of the environment, the economic development of the planning area as well as the movement of traffic in the planning area.

## **Financial Functions**

In most African countries, there are legislative provisions for the financial functions of Local Government Councils (LGCs). These financial powers are provided as means to enable the LGCs to fund their mandate. LGCs are therefore given powers to raise local revenues to fund their entire mandate, or to raise local revenues that compliment subventions from central government. The subventions from National Government may take the form of grants or loans.

Typically, LGCs are designed to be largely self financing. The common sources of funds for Local Governments are:

1. Sale of land
2. Levies, rates and rent
3. Service charges paid to council in respect of any services provided by it
4. Revenue received from income generating projects such as commercial, industrial, agricultural or any other activity meant to raise revenue for the council
5. Transfers from the central government.

It is also common for governments to confer powers to LGCs to engage in income generating activities. Such activities may include the sale of traditional beer, the rearing of livestock and growing of crops, other activities for the purpose of raising revenue for the council. Virtually all councils in Zimbabwe had liquor outlets proceeds of which went to social services. However, some of these functions are now being commercialized.

Some governments also bestow powers on LGCs to borrow money from the state or any other source, for purposes of executing their mandate. There usually are conditions prescribed for the borrowing of money, including an application for borrowing powers from a higher authority. Conditions for which LGCs may borrow money are also clearly outlined. LGCs for example may borrow money for the following purposes:

1. The acquisition or construction of permanent works or undertakings
2. The acquisition of immovable property and any interest therein
3. The making of advances authorized by the Acts
4. The payment of compensation
5. The liquidation of the principal moneys owing on account or any previous loan
6. The relief of general distress occasioned by some calamity in the council area
7. The acquisition of plant, equipment and vehicles.

In executing their financial functions LGCs are required by law to draw up council estimates of the income and expenditure on revenue and capital accounts for the next succeeding financial year. Councils are not allowed to expend any funds not outlined in these estimates except in cases of unforeseen expenditures.

In many other African countries Local Governments largely depend on income derived from property taxation and other service charges, while other more lucrative sources such as income tax, sales tax and business tax are monopolized by central government. As observed by Mosha 2004, many of the key sources of revenue for local authorities are inelastic. They do not have the capacity to yield additional revenue in proportional response to inflation, growth of personal incomes and population growth.

## **Governance Functions**

The governance function refers to how the Local Governments organize themselves internally and externally in relation to constituents and service providers. This function refers to the powers that the Local Governments use to manage their functions, which include decision making and legislation through by-laws. Good governance is built upon an effective interface between councillors and officials, strong links between financial and technical divisions, and an appropriate organizational structure.

It is the duty of LGCs to conduct elections to select councillors. Local Governments are divided into small constituencies, referred to by many names including wards, payams and bomas, counties, mtaa and villages etc. Each smaller Local Government area elects a representative to the position of a councillor.

LGCs are also bestowed with powers to make by-laws, regulations and resolutions to deal with a wide range of local planning, development and control of the area under their jurisdiction. Other than Parliament, councils are the only other institution which can make laws binding on local residents. These laws have to be within national legislative framework.

By-laws of council cannot become law unless they are approved in terms of procedure that is elaborated for their promulgation.

## **Topic 4: Conceptual Framework**

### **Introduction**

It is important that a Local Government Administrator clearly understands the various terms and concepts that apply to Local Government Administration. He/She should also be able to interpret the objectives and guiding principles behind Local Government administration, for efficiency and effectiveness in service delivery

### **Specific Objectives**

By the end of this topic the Local Government Administrative Officer should be able to:

1. Define various terminologies and concepts used in Local Government Administration
2. Explain the need for Local Government in South Sudan
3. Explain the objectives and guiding principles of Local Government in South Sudan.

### **Content**

1. Terminologies and concepts in Local Government and local governance
2. Need for Local Government in South Sudan
3. Objectives and guiding principles of Local Government in South Sudan.

### **Methodology**

1. Individual exercises and presentations
2. Group discussions
3. Lecturers
4. Plenary discussions

### **Resources**

1. Relevant texts and literature
2. Local Government Act
3. Flip charts
4. LCD/Overhead projector
5. Stationery

## **Terminologies and concepts in Local Government and Local Governance**

Local Government is a lower tier of government established for the purpose of executing those functions which National Government is too far removed to carry out effectively and efficiently.

Local Government is also used as a system of public administration at local level established in terms of the Constitution or Acts of parliament for the administration of local affairs by local people through their elected / appointed representatives.

Local Government can also be defined as the creation of a legislature with democratically elected structures that identify with the needs of the people at grassroots level and ensure the translation of those needs into actual provision and maintenance of essential services and infrastructure on a sustainable basis. Meyer (1999), defines Local Government as “Local democratic units within a democratic system which are subordinate members of the government vested with prescribed controlled government power and sources of income to render specific local services and to control and regulate the geographic, social and economic development of defined areas.”

Reddy (1999) says “Local authorities are created to render services in defined geographical areas primarily because of the inability of central governments to attend to all detailed aspects of government.”

Speed defines Local Government as “government in defined parts of a country, cities, towns and rural areas within the limits of the powers and functions conferred by a higher authority”.

From the above definitions it is important to note that Local Government is a creature of statute. It is created through legislation, either the Constitution as is the case in South Sudan or through Acts of Parliament. Local Government thus has assigned competencies, authority and power from a higher body and is finally accountable to that body for the execution of assigned mandates. Whilst autonomous to a large degree, Local Governments are finally accountable to national and states government and ultimately to the people who elect them into power.

Having defined Local Government it is pertinent to also define local governance as the two terms have significant difference.

Local governance is all encompassing and refers to a variety of institutions and processes government and non –government which collectively determine the way decisions are made and executed at local level. It thus has broader connotations compared to Local Government .Local governance will include activities of central government, Local Government, non government organizations, the private sector, traditional leaders and political parties among others, because all these stakeholders affect operations at local level.

### **Objectives of Local Government**

National Governments create Local Governments to achieve certain objectives. In many countries, Local Governments are created:

- I. To provide public services particularly those services which can be provided more efficiently and effectively by local institutions than by central or state government (water, roads, street lights, primary health etc.)

2. To regulate the conduct of individual and organizations in areas under their jurisdiction within the limits set up by National and state legislation (by laws on development control, land use, pollution, noise, parking etc.)
3. To promote public participation in government as a means of enabling and encouraging people to exercise their rights and responsibilities as citizens (voting for councillors and paying taxes).

National Government has set up Local Government through the process of decentralization. Decentralization entails the transfer of functions, powers and resources to sub national levels. In the case of South Sudan, Article 47 of the Transitional Constitution is very specific.

“South Sudan shall have a decentralised system of government”.

Decentralization has been pursued by governments as a strategy to bring government as close as possible to the people and in the process enhance accountability and transparency. Decentralization should however not be a strategy for dumping problematic functions to lower levels. The necessary resources to carry out the decentralised functions should accompany such transfers to avoid creating unfunded mandates.

While National Government has transferred powers and responsibilities to State and Local Governments, it is prudent that these levels further transfer some functions to levels below them (e.g. payam and boma). The aim is to transfer functions to the level where they can be most efficiently executed. This is the principle of **subsidiarity**.

## **Main Features of Local Government**

In the light of definitions above it is possible to isolate certain key features, characteristics or dimensions of Local Government.

### **Local Democratic Control**

1. Local Government is controlled by elected (appointed) councillors and councils operate on statutory delegated authority
2. Local Governments are corporate bodies and have the power and duties to make decisions about the operations of the council
3. They have a degree of discretion which enables them to tailor services to local heads.

This means that local conditions and political views can be reflected in the way in which services are provided and administered.

### **Territorial Nature**

Local Government has jurisdiction over a specific geographical area. It has a clearly defined territory with legally defined boundaries. There is therefore an element of jurisdiction over land. This has implications for Local Government in that Local Government:

1. Is responsible for most activities necessary to ensure that the land is used efficiently and effectively
2. Derives a large proportion of revenue from land through property tax which is a land based tax
3. Urban Municipal Councils in some countries own land which they can sell and generate revenue.

## **Government Power**

Local Government carry formal government power in terms of statutes:

1. They have coercive revenue raising power through taxation
2. They implement binding by laws
3. They have power to allocate resources.

## **Local Self Governance**

The basic principle of Local Government is that certain services are best provided by local people who understand local needs of their community (subsidiarity)

The principle provides for:

1. Efficiency in service provision as the quality and cost of the services are provided, monitored and controlled by representatives of the local community
2. Participation by local people in the government of their community
3. Liberty for the individual citizen as the existence of elected Local Government provides a buffer against direct control of local services by central or state government.

## **Local Self Finance**

Local Governments have independent sources of revenue. They are a taxing level and have income from a variety of sources including property tax, licences, service charges, grants, etc.

## **Participation and Representation**

Local Government broadens the democratic space as locals elect and can be elected into council. It becomes an important training ground for aspiring national politicians. It can also provide a buffer for those falling from higher levels. It brings a sense of ownership of the Local Government institution by local people. Local Government provides better interface and communication between the people and national and state institutions. It becomes an avenue for communication between higher and lower echelons.

## **Legal Personality**

Local Government owes existence to statute with its powers and competencies prescribed therein. It is a body corporate which can sue or be sued. Local Governments are also a legislative level and can

make bylaws and enforce such by laws. In many countries, Local Governments are in charge of law enforcement with the police falling under Local Government.

### **Autonomy**

1. Local Governments exercise a degree of autonomy within the limits of national legislation
2. They make binding decisions through resolutions and policy choices
3. Local Governments collect and allocate resources
4. They provide services tailored to local needs to a heterogeneous citizenry at an affordable cost
5. They hire and fire their own staff.

### **Need for Local Government in South Sudan**

The government of the Republic of South Sudan as espoused in the Transitional Constitution and the Local Government Act G has adopted decentralisation as one of the main pillars of governance (article 47 of the Transitional Constitution and section 6(2) of the Local Government Act 2009 refer.

The need for Local Government is born out of the desire by ROSS to bring government as close as possible to the people through the principles of subsidiarity. It is presumed that Local Government as the level closest to the people can better articulate and respond to the needs of local communities than the more remote state and central governments.

Local Government is also better located for the people to participate in their own government at local level as the elected leadership is local and services and development aspired for are local in nature and to a large extent funded locally.

Local Government also brings together all key players at local level including departments of central government, traditional leaders, non governmental organisations and the private sectors to achieve the common objective of improving the quality of life of inhabitants. It is therefore a key institution for coordinating government and non government effort to achieve common goals.

Local Governments in South Sudan have also been established for the maintenance of law and order.

Section 8 (sub section 1, 2 and 3) of the Local Government Act 2009, outlines the authority base of Local Government.

The ROSS has therefore established this level of government and assigned competences which can be executed more efficiently and effectively at local level.

## **Topic 5: Organization and Structure of Local Government**

### **Introduction**

The organization and structure of any entity determines the efficiency with which it would be able to attain organizational goals. Local Government should therefore be organized and structured in such a way that they are able to attain their Constitutional mandates as efficiently and effectively as possible. The Local Government Administrative Officers in South Sudan should be able to appreciate the basis on which the Local Government authorities have been organized and structured.

### **Specific Objectives**

By the end of this topic, the Local Government Administrative officer should be able to:

1. Define an organization
2. Describe the structures that an organization can take
3. Explain the basis on which local authorities in South Sudan are organized
4. Describe the composition of the organs of Local Government in South Sudan
5. Explain the powers and functions of each of the organs of Local Government in South Sudan as stipulated in the Local Government Act (2009) and the Transitional Constitution

### **Content**

1. Meaning of an organization
2. Structure that an organization can take
3. Basis on which local authorities in South Sudan are organized
4. Composition of organs of Local Government in South Sudan
5. Powers and functions of each of the organs as per the Local Government Act and the Transitional Constitution in South Sudan

### **Methodology**

1. Plenary discussions
2. Group discussions and presentations
3. Lectures
4. Individual exercise sand presentations

### **Resources**

1. Relevant literature and publications
2. Guest Speakers
3. The Transitional Constitution

4. Local Government Act, 2009
5. Flip charts, LCD/overhead projectors

## Meaning of an Organization

A Local Government that is a county, city, municipal or town council is an organization. Stoner, Freeman and Gilbert define an organisation as “a pattern of relationships - many interwoven, simultaneous relationship through which people under the direction of managers pursue their common goals.”

Mooney defined an organization, as “the form of every human association for the attainment of a common purpose.”

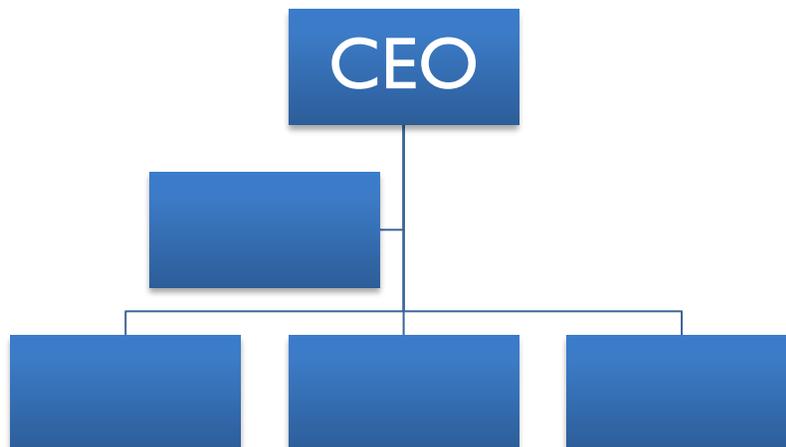
Robbins (2001) defines an organization as “a consciously coordinated social unit, composed of two or more people that function on a relatively continuous basis to achieve a common goal or set of goals.”

As one considers organisations the focus is not on buildings, machines or anything tangible, but practices, processes, procedures and relationships entered into to coordinate human talents and efforts towards common goals.

One is focusing on the relationship between the councillors and the executive to provide services, to make the council more viable and to respond to people’s needs and to be effective and efficient.

## Structure of Organizations

In a discourse on Local Government, it is important to understand how organisations are structured and designed. On entering many offices, one normally notices an organisation chart showing jobs and departments and the incumbents in those jobs. The organisations chart is the most tangible and visible depiction of an organisation structure.



The organization structure is a result of organizational design. Organisational design is the determination of an organization structure that is most appropriate for the STRATEGY, PEOPLE, TECHNOLOGY, and the TASKS of the organization.

Organisation structure is the formally defined framework of tasks and authority relationships or the way in which organisations activities are divided, organised and coordinated.

A good organisation structure is aligned to the organisation strategy. It facilitates the organisation to realise its goals and objectives.

Organisation strategy specifies what will be accomplished. Organisation structure specifies who will accomplish what and how it will be accomplished. In coming up with an organisational design, managers consider four steps:

1. **Division of work.** Divide the work load into tasks that can be logically and comfortably performed by individuals.
2. **Departmentalisation.** The process of grouping of jobs according to three factors:
  - a. Logic
  - b. Physical location
  - c. Social harmony.
3. **Hierarchy.** Specifies who reports to whom in the organisation and relates to the span of control. That is the number of subordinates reporting to a given manager. Chain of command specifies who reports to whom and is the basis of the organisation chart; from the CEO to the sweeper.
4. **Coordination.** This is the mechanism for integrating departmental activities into a coherent whole and monitoring the effectiveness of the integration.

The classical approach to organisational design propounded by early theorists like Max Weber, Fredrick Taylor and Henry Fayol centred around hierarchical structures guided by sets of rules and procedures. When fully developed according to Weber, such an organisation would be characterised by:

1. Specialisation of tasks
2. Appointments on merit
3. Provision of career opportunities
4. A rational, impersonal organisational climate.

Max Weber called that a bureaucracy. Burns and Stalker in the 1960s distinguished two types of organisations:

1. Mechanistic model/system, characterised by a bureaucratic organisation
2. Organic system, characterised by informality, working groups, open communication.

A mechanistic system is best suited to a stable environment whereas organic system is best suited to a turbulent environment. Local Government Administrative Officers will discover that in executing their duties they are more inclined to the bureaucracy as is the case in many public institutions. From time to time however it is necessary to adopt an organic approach to deal with more pressing and unpredictable challenges.

## **Basis on which Local Authorities in South Sudan are Organised**

Article 166 (5) of the Transitional Constitution of South Sudan specifies that Local Government shall consist of county, Payam and Boma in rural areas and city, municipal and town councils in urban areas, Section 22 of the Local Government Act 2009 provides for the organs of Local Government councils.

“Local Government Councils shall (not may) have the following organs:

1. Legislative Council
2. Executive Council
3. Customary Law Council

These are mandatory in terms of the law.

## **Composition of organs of Local Government in South Sudan**

**Legislative Council.** Section 26 provides for the composition of the Legislative Council which shall consist of:

1. Thirty five members directly elected from Bomas of a county or quarters of a City, Municipal or Town Council
2. Women representatives consisting at least twenty five percent of the total membership
3. Representatives of people with special needs or/ other categories determined by regulations
4. Members of the Executive Council may participate as ex-officio members without the right to vote.

**Executive Council.** Section 46 of the Local Government Act 2009 provides for the establishment of the Executive Council which shall comprise:

1. County Commissioner or Mayor of a city or municipal council or Town Clerk of a town council as heads
2. Chief administrator shall be secretaries of the Executive Council
3. Heads of departments as members.

**Customary Law Council.** Section 93 provides for the establishment of Customary Law Councils in each county. Section 94 specifies the composition of the council as comprising of:

1. County paramount chief as the head
2. All Head chiefs of the “B” courts or regional courts of the county
3. The secretary of the council who is appointed by the Customary Law Council as ex-official member
4. Three community elders three women and one youth representative appointed by the county commissioner after consultation with the community
5. Any other ex official members as may be invited by the council.

## **Powers and Functions of the Organs of Local Government**

Section 23 of the Local Government Act 2009 outlines the powers and competences of Local Government councils which are:

1. Legislative
2. Executive
3. Customary Judiciary

Section 24 lists the primary responsibilities of Local Government councils as but not limited to:

1. Regulation and maintenance of law and public order
2. Regulation, provision and maintenance of services to the people
3. Land administration and environmental management
4. Encouragement and promotion of Local development and provision of access and opportunities for the people to engage in the development of their communities
5. Protection of the rights of the people and their interests.

The law also provides for the specific functions of the organs of the Local Government councils.

### **a. Powers and Functions of the Legislative Councils**

The Legislative Council shall have powers to make by laws within its jurisdiction.

1. The Legislative Council shall legislate in accordance with the provisions of Appendix II schedules I, II, III and IV of the Act or any other law applicable
2. Supervise and oversee the performance of the Executive Council.

It is important to note that Appendix II schedule I outlines 36 powers for LGCs ranging from provision of basic services to protection of government flags and emblems Schedule II outlines concurrent powers which are 33 in all ranging from Local Economic and Social development to firearms licensing, schedule III deals with residual powers and schedule IV deals with resolution of conflicts in respect of concurrent power. The Legislative Councils are mandated to legislate in accordance with the aforementioned provisions

### **b. Powers and functions of the Executive Council**

The Executive Council as provided for in section 47 of the Local Government Act, 2009 has the following functions:

1. Undertake the general planning and administration of the Local Government Council
2. Provide services to the people
3. Approve administrative policies proposed by functional units of the council
4. Implement policies and by-laws passed by the Legislative Council

5. Prepare annual budgets and reports to the Legislative Council on progress of the Executive work
6. Report to the Legislative Council upon its requests
7. Initiate Acts for submission to the Legislative Council
8. Exercise powers and competence specified in schedules I, II, III and IV.

**c. Functions and Duties of Customary Law Council**

Section 95 of the Local Government Act 2009 provides for the functions and duties of Customary Law Councils as follows:

1. The Customary Law Council shall protect, promote and preserve traditions and norms of communities
2. Regulate, maintain, monitor and ensure proper administration of Customary Law
3. Members of the Customary Law Councils shall be impartial in the performance of their functions.

## **Topic 6: Role of Elected and Appointed Officers**

### **Introduction**

The administration of Local Government in South Sudan consists of both elected and appointed officials. Each of these categories of officials has been assigned legally, certain roles functions and authority by the relevant legislation. However their roles, functions and authority should not be seen to be in conflict, but should be complimentary in nature.

### **Specific Objectives**

By the end of this topic, the participating Local Government Administrative Officer should be able to:

1. Identify the elected and appointed officials of Local Authority
2. Describe the role, functions and authority of elected officials
3. Describe the role, functions and authority of appointed officials
4. Discuss the operational structures of the elected and appointed officials

### **Content**

1. Elected and appointed officials
2. Roles, functions and authority of elected officials
3. Roles, functions and authority of appointed officials
4. Operational structure

### **Methodology**

1. Individual exercises/presentations
2. Group discussions and presentation
3. Plenary discussions
4. Lectures

### **Resources**

1. Guest speaker
2. The Transitional Constitution
3. Local Government Act
4. Flip charts
5. LCD/overhead projectors.

## **Elected and Appointed officials**

### **Elected Officials**

Elected officials come into Local Government Councils through a plebiscite or universal suffrage. In the case of South Sudan, elected officials are:

1. County Commissioner
2. Mayor
3. Councillors

The County Commissioner shall be directly elected by the people of the county. The Mayor shall be directly elected by the people of the city or municipal council. A councillor shall be elected from Bomas of counties or quarters of city, municipal or town council. The term of office for the elected officer is 4 years.

The Local Government Act 2009 also provides in sections 27, 49 and 53 qualifications for Councillor, County Commissioner and Mayor respectively. Besides being Sudanese and literate, the issue of honesty is emphasised through disqualification of any person convicted for dishonesty in the last seven years.

The elective posts also have age limits with the Legislative Council position requiring at least 21 years of age, whilst county commissioner and mayor aspirants have to be at least 30 years. Some degree of maturity is thus required for the latter posts.

For County Commissioner and Mayor, the Act further stipulates academic qualifications beyond literacy by calling for at least a Sudan School Certificate or equivalent. Mayors and County Commissioners peruse documents and engage in important discussions which require comprehension and grasp of both the written and spoken word.

The issue of minimum academic qualifications needs to be taken note of by Local Government Administrative Officers and Town Clerks as this creates problems during nomination of candidates for election. More often than not the preferred party candidate who may be a key figure in the party may not have those minimum qualifications. The particular party may relentlessly push for the nomination of such a candidate against all legal advice from the returning officer. If they succeed to have the name on the ballot and the candidate goes on to win, a legal challenge will be mounted by losing candidates resulting in disqualification of the winner and therefore loss of the seat by that particular party. Such parties have usually vented their anger on the returning officers and any senior executive functionaries in the area for not having proffered advice.

It is important therefore for Local Government Administrative Officers to make thorough checks on prospective candidates and ensure they comply with minimum requirements to avoid a backlash which can make it impossible for one to operate in that area thereafter.

## **Appointed Officials**

Appointed officials come into council on the strength of their academic and professional training. These include:

1. Executive Director for a County Council
2. Chief Executive Officer for a City Council
3. Chief Executive Officer of a Municipal Council
4. Town Clerk of a Town Council
5. Local Government Administrative Officer.

Chief Administration Officers are recruited by Local Government Councils from the general list of the Local Government Administrative Officers of the State in terms of section 59 of the Local Government Act. Local Government Administrative Officers are recruited in terms of section 66 of the Act while other local staffs are recruited by the Local Government in terms of section 68 of the Local Government Act 2009.

Section 67 provides for the secondment of staff from State authorities to fill vacant posts on council.

## **Roles, Functions and Authority of Elected Officials**

### **a. County Commissioner**

Sections 48 and 52 of the Local Government Act 2009 outline the roles and functions of the County Commissioner. As a representative of State Governor and head of the Executive Council, the Act has unambiguously placed accountability for the performance of the county on the County Commissioner. The County Commissioner is also accountable to the Legislative Council in the discharge of his/her functions. The Legislative Council has the power to remove the County Commissioner in terms of section 50 (4)

### **b. Mayor**

The Mayor, like the County Commissioner, is accountable for the performance of the city council or municipality. The Mayor represents the State Governor and is head of the municipal council or city council. The Mayor is accountable for the Legislative Council which has the power to remove him/her from the office. Sections 53 and 57 outline the powers and functions of the mayor and section 55 (4) deals with his/her removal from office.

### **c. Councillors**

By being members of the main body of the Local Government Council, the Legislative Council, councillors play a key role by participating in the formulation of policy and relevant legislation for implementation by the executive arm of council. Most of the deliberations in council are conducted in committees set up in terms of section 34 (1) of the Act.

## **Council Committees**

The act provides for two types of committees: Standing Committee and Ad hoc Committees. Standing committees are generally defined as committees which are in existence during the tenure of the appointing body. The Act has left the establishment and allocation of functions to the respective councils. Local Government legislation in other countries normally prescribes certain key committees which should be in a place but allows councils the discretion to establish any other committees. Among the more common committees in other jurisdictions are:

1. Finance and Human resource committee – to regulate financial resources of council and human resource issues
2. Planning and works- focusing on infrastructure, roads, water, sewer and street lights, planning issues, building etc.
3. Health , housing – dealing with health and housing issues , refuse collection, housing stands
4. Education, sports and recreation
5. Audit committee – Inquiring into the utilisation of council resources
6. Agriculture conservation and Natural resources-Agricultural issues, conservation and utilisation of flora and fauna
7. Land committee – (section 91).

Business in committees is normally held in private with only the committee members and relevant officials present. Chairpersons of council are normally ex-officio members of council.

Full council meetings are open to the public, but the public does not participate, unless invited and being on the agenda. Even senior members of political parties, members of parliament etc. cannot take part or contribute in full council or their committees. Council committees after deliberating on issues will recommend possible course of action to full council. Full council is the one which will then pass a resolution on the actual course of action or policy.

Decisions in council are normally by consensus but where there is need to divide the house then votes may be cast. In the event of an equality of votes, the chairperson over and above his / her deliberative vote will have a casting vote.

For full council or committees to proceed with a meeting, there is need for quorum.

## **Roles of Councillors**

The councillor's role does not end in the council chamber. Having gone into council through elections, the councillor has a Constituency which has certain expectations from her/him. The UN Habitat training materials series (1996) identifies a number of roles for councillors as follows:

1. Representative of the people
2. Communicator
3. Facilitator

4. Power broker
5. Decision maker
6. Policy maker
7. Enabler
8. Financier
9. Overseer
10. Institution builder
11. Leader

### **Representative of the People**

1. Represents peoples' interests as opposed to representing personal interests
2. Articulates concerns and interests of his/her constituency and provides feedback (communication link)

### **Policy Maker**

1. Sets long term goals and develops strategic plans
2. Sets human, financial, material resources policies
3. Sets by laws

When council takes a passive role in policy making other forces move in.

### **Decision Maker**

1. The councillor makes up his or her own mind when there is an option or choice
2. Need to go through the facts, seeks clarifications before making a decision
3. Band wagoning should be avoided

### **Communicator**

1. This is the most visible role to communities
2. A councillor gives and receives information, ideas and feelings
3. Communication could be in an informal or formal setting e.g. in council or at a church gathering
4. Issues being communicated are many (complaints about service delivery, requests, favours, ideas, etc.
5. A councillor should be a good listener, should be open and receptive

6. A good communicator has good knowledge about the organisation. Accuracy of information transmitted is vital. Inaccurate information leads to loss of integrity. A councillor should avoid over promising people. A councillor must not be scared to be a conveyer of both good and bad news.

### **The Enabler**

1. A councillor should be a catalyst who enables things to happen by bringing in other players to deal with community challenges as council alone may be unable to meet the challenges
2. This is made possible by the councillor making it easier for others to participate e.g. NGOs, CBOs and the private sector
3. Listening to ideas and assisting members of the community to benefit fulfil their aspirations
4. A councillor should know key institutions where members of the public can be assisted within and outside council
5. The councillor should be a building block not a roadblock for development

### **Facilitator**

1. Fosters collective efforts
2. Helps solve problems
3. Manages conflict.

### **Negotiator**

1. Helps others reach an agreeable solution when they have differing interests and needs
2. Peace building especially for communities emerging from conflict.

### **Financier**

1. Makes decisions about raising, allocating and spending public funds through the council budget.

### **Overseer**

1. Ensures council staff are performing as expected (not supervise directly as an individual but as council)
2. Focus should not just be on wrong-doing and misconduct but the attainment of organisational goals.

### **Power Broker**

1. Uses power to get things
2. Uses power positively to attract development

3. Not to abuse power for corrupt practices.

### **Institution Builder**

1. Supports capacity building of staff, councillors and the organisation to achieve its goals.

### **Leader**

Leadership is a role crucial in bringing positive and significant changes to the lives of the community.

Steven (1991) outlines qualities of a good leader:

- Knowledge
- Integrity
- Ambition
- Judgement
- Communication skills
- Courage
- Stamina
- Organisational skills
- Administrative ability
- Planning ability

## **Role and Functions of Appointed Officials**

### **a. County Executive Director**

Section 61 of the Local Government Act outlines the functions of the County Executive Director. Other than being deputy County Commissioner, the Executive Director is also accounting officer of the county and in charge of the staff and operations of the county section 61 (2e). The implementation and execution of resolutions of the county is his/her responsibility.

### **b. Chief Executive Officer**

Section 63 outlines the functions of the CEO at municipal and city council level where he/she is also accounting officer and responsible for the performance of the council. The CEO is also Deputy Mayor of the City or Municipal Council.

### **c. Town Clerk**

The Town Clerk is in a unique position, unlike the Executive Director and Chief Executive Officer who report directly to elected leader on a day to day basis, the town clerk represents the County Commissioner when at Town Council. He or she heads the Town Executive Council and chairs the

Town Security Committee in his town, the Town Clerk is in charge and accountable. The Town Clerk's powers, functions and duties are provided for in section 64 of the Act.

## **Operational Structures**

For councils to execute their functions, the Local Government Act provides for structures to be established by council in the same manner that they act provides for the establishment of committees.

### **Executive Council**

Section 45 provides for the establishment of an Executive Council. Section 46 outlines the membership; Section 47 specifies the powers and functions of the Executive Council.

A distinguishing feature of the Executive Council is that it brings together the elected (County Commissioners and mayors) and the Appointed Executive Directors and Chief Executive Officers. This way, political and professional skills are brought to bear on the operations of councils for effective and efficient execution of functions.

### **Technical Departments**

The Local Government Act empowers councils to set up technical departments headed by officials who become members of the Executive Councils. Section 70 specifically provides for the establishment of a Council Planning Unit. Section 71 outlines the duties and functions of the Planning Unit.

Departments of Council as indicated above will be designed based on functions to be carried. In Local Government operations each department of council will provide the necessary technical and professional back up to committees of council. The finance committee works closely with the treasury/Finance department. Reports discussed in the finance committee are generated by the treasurer's department. Issues directed to the finance committee by council arising from motions or with financial implications will be discussed by the finance committee together with treasury officials. Treasury officials carry out the investigation and research around the issues and prepare the reports which will be deliberated by members of the committee to enable them to make informed and intelligent recommendations to council. It is also normal for the chairperson of the committee to discuss with the head of a department the agenda before hand in preparation for a meeting so that the chairperson has a clear grasp of issues to be discussed. Committee members can also seek clarifications from relevant departmental officials on items on the agenda to enable them to make meaningful contributions in committee or full council.

In short the deliberative body of council or its committees need to work hand in hand with the Executive body of appointed officials to achieve organizational goals.

## **Topic 7: Traditional Authorities and Local Government**

### **Introduction**

Traditional leadership which is rooted in the culture, customs and history of a people, is a major aspect of Governance in South Sudan. It is important that Local Government Administrative Officers understand the community stewardship role traditional leaders play in the day to day lives of the people, especially rural communities.

### **Specific Objectives**

By the end of this topic the participating Local Government Administrative Officer should be able to:

1. Identify the structures and categories of traditional leaders in South Sudan.
2. Explain how such traditional leaders assume office
3. Describe the status of traditional leaders as stipulated in the relevant legislations.
4. Explain the roles played by the traditional leaders in governance and development.

### **Content**

1. Categories of structure of traditional leaders
2. Assumption of office by traditional leaders
3. Status of traditional leaders in accordance with relevant legislations
4. Roles played by traditional leaders in governance and development.

### **Methodology**

1. Group discussions and presentations
2. Individual presentations
3. Plenary discussions
4. Lectures.

### **Resources**

1. The Transitional Constitution
2. The Local Government Act 2009
3. Relevant literature
4. Guest speakers
5. Flipcharts
6. LCD/overhead projector.

## **Categories and Structure of Traditional Leaders**

Article 174 of the Constitution provides for the institution of Traditional Authority. Section 113 of the Local Government Act 2009 states the types of Traditional Authority in South Sudan which are kingdoms and chiefdoms. Section 115 outlines the composition of decentralised chiefdoms inclusive of Paramount Chief, Head Chief and Executive Chief.

## **Establishment and Assumption of Office**

Section 116 of the Act details the criteria for the establishment of chieftainship. Section 116(2) is instructive:

“All the existing decentralised chieftainships shall be organised in accordance with the criteria set forth in this section (“section 116).

The implementation of this section needs to be handled with care considering the traditional, cultural and customary nature of traditional authority.

The procedure for election or selection of chiefs is provided for in section 105 of the Local Government Act. Section 105(1) empowers the County Commissioner, Mayor or Town Clerk to appoint a county court judge to preside over a committee for the selection of the chiefs. The committee will receive names of candidates and thereafter electing or selecting the successful candidate and submit the name to the County Commissioner, Mayor or Town Clerk for appointment.

The procedure looks straightforward. It is however important for Local Government Administrative Officers to note that key and powerful positions like chieftainship are heavily contested for. They will normally be many claimants and there may be challenges even after the successful candidate has emerged. It is therefore important to accurately record all proceedings relating to the selection or election of a chief.

The minutes for the proceedings should include all those in attendance and their contributions and how the final decision on selection was arrived at. In the event of a legal or any other form of come back, the minutes will be a useful tool in indicating the procedure followed. The minutes will also become a reference point in future including the selection of the next chief. In other countries, where chieftainship succession is on lineage it has become necessary to develop the family trees of chieftainship as a reference point when succession issues come up.

Interest on who assumes chieftainships in particular can attract the attention of party and government heavy weights. Some may have direct interest through family or clan origins. For this reason, proper records of chieftainship need to be kept and regularly updated. In some countries chieftainship succession has become so intense that many succession issues end up in courts of law.

## **Status of Traditional Authorities**

Section 112 of the Local Government Act outlines the status of Traditional Authorities which shall:-

1. Be semi- autonomous authorities at the State and Local Government levels
2. Administer customary law and justice in the customary law courts in accordance with the provision of the Act and any other applicable law
3. Exercise decentralisation powers in the performance of Executive functions at the Local Government level within their jurisdiction.

## **Customary Law Courts**

Traditional authorities have an important judiciary function through their adjudication of customary disputes. Local Government Act establishes a hierarchy of customary law courts presided over by traditional leaders.

Section 98 details the competences of customary law courts.

The act further provides for the establishment of a Council of Traditional Authority leaders in section 120.

## **Council of Traditional Authority**

1. The 45-member Council has duties and functions outlined in section 121
2. Among the functions of the Council is to provide an avenue for communication with all levels of government on matters of customs and tradition
3. The Council is also mandated to intervene to resolve inter tribal disputes by applying customary and traditional conflict resolution mechanisms.

## **Roles Played by Traditional Leaders in Governance and Development**

### **Duties of Traditional Authority Leaders**

Section 121(2) provides for the duties of Traditional Authority leaders. Their customary and traditional role is emphasised since it is through custom, tradition and culture that people of a particular tribe or country are normally defined. Traditional Authority leaders are therefore custodians of the culture, traditions and customs of communities and nations.

Over and above legally provided for functions, traditional authority leaders have other functions which arise out of the customary and traditional office they occupy.

Being part of the communities they lead, and living within those localities they are better placed to appreciate and articulate the challenges communities face in their day to day lives.

They are accorded respect by communities through customs and traditions and are recognised community leaders. They can thus play a key role in sub county development structures at Payam and Boma levels. Traditional authority leaders are better placed to mobilise communities for various causes. It is for this reason that they have become important allies for development agents and a useful entry point for community based development initiatives. Politicians in many countries have also realised the criticality of this institution especially during election campaigns.

They have people behind them. Successive governments in many countries from colonial times to date have sought to be aligned to traditional leaders through persuasion or coercion. The institution has also demonstrated a resilience to survive even under great odds.

Section 88-92 on Land and Local Resources of the council emphasise the need to respect existing customary practices in land acquisitions and management. The role of traditional authorities in this regard need not be over emphasised.

Section 108 recognises the importance of the clan and family as a unit of social organisations. The headman who is a traditional leader is charged with leadership at that level. By maintaining social harmony and stability at grass root level, it is possible to focus on addressing pressing community development challenges and aspirations.

## **Module 4: LOCAL GOVERNMENT MANAGEMENT**

**Topic 1: Organization**

**Topic 2: Role of a Manager**

**Topic 3: Local Government Management Operations**

### **Introduction**

Different entities and enterprises are established by people either individually or in groups for purposes of achieving certain defined goals and objectives. Such entities are essentially what may be referred to as an organization. Local Governments with their own individual mandates and objectives are organizations. It is imperative therefore that a Local Government Administrative Officer understands the essentials of a Local Government as an organization

### **Specific Objectives**

By the end of this topic, the participating Local Administrative Officers should be able to:

1. Explain the principles of organization
2. Describe the organization as a system
3. Describe the process of organizational design and structure
4. Discuss the significance of organizational culture

### **Content**

1. Principles of organization
2. Organizations as a system
3. Process of organizational design and structure
4. Significance of organizational culture

### **Methodology**

1. Lectures
2. Individual exercises and presentations
3. Quizzes
4. Group discussions and presentations
5. Case studies

## **Resources**

1. Trainers
2. Guest speakers
3. Relevant literature
4. Sample organizational structures
5. Cases
6. Flip charts
7. Audio-visual aides
8. Stationery

## **Topic One: Organization**

### **Principles of Organizations**

As already discussed elsewhere, organising is the aspect of management that focuses attention on the structure and process of allocating jobs in order for common objectives to be achieved. It can also be considered as the element of management concerned with change or growth of the organization.

From this perspective then, the organizational structure is the basic framework within which management's decision making behaviour occurs. The structure therefore reflects the way in which activities in the organization are grouped for purposes of achieving the objectives of the organization. It also affects the assignment of these activities to appropriate departments. It further provides for the authority relationships, delegation and coordination within the organization

In trying to come with the appropriate organization structure managers do try to follow certain principles of organizations. These include:

1. **The principles of unity of objective.** In accordance with this principle every part of the organization must contribute to the attainment of the overall objectives of the organization.
2. **The principle of span of control.** In this case, in designing the organization, consideration is needed to find out the number of workers that an individual manager can effectively manage.
3. **The principle of delegation.** In accordance with this principle authority, should be delegated as far down the hierarchical levels as possible.
4. **The principle of unity of command:** According to this principle, each subordinate should be answerable to only one supervisor.
5. **The scalar principle.** This principle states that a clear line of authority should be in existence for all parts of the organization.
6. **The principle of responsibility:** According to this principle the responsibility of a subordinate to a supervisor for delegated authority is absolute and that the responsibility should be on per with the authority given.
7. **The exception principle.** This principle states that recurring decisions should be handled in a routine manner by lower level managers, while unusual problems should be referred to higher levels.

### **Organization as a system**

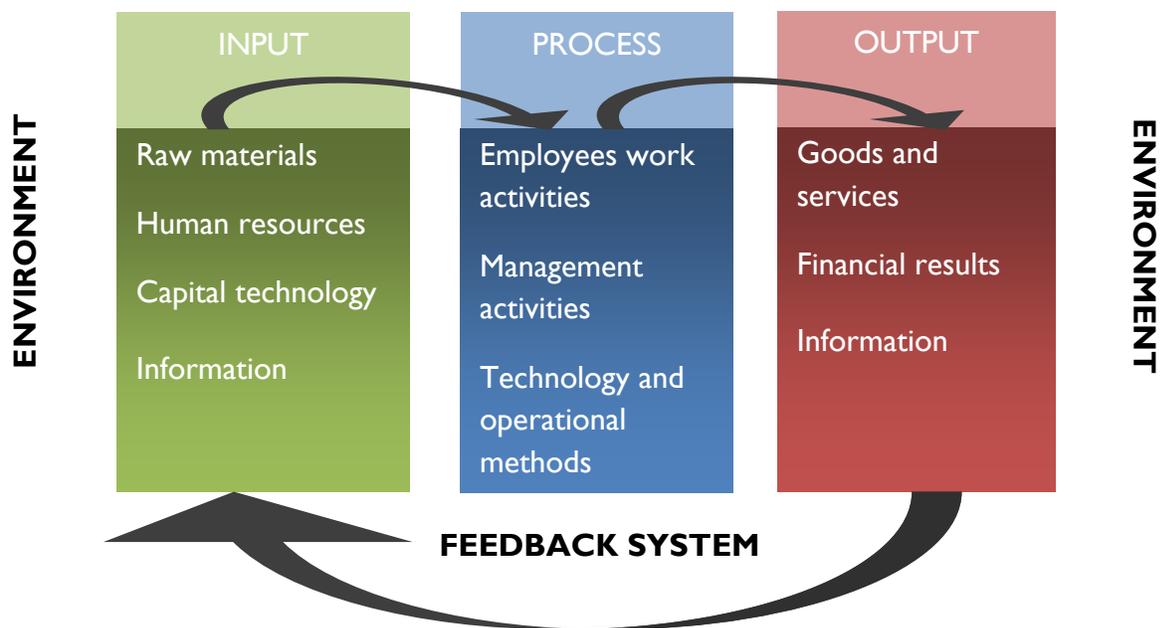
An organization is a system. A system can be defined as a set of interrelated and inter dependent parts arranged in a manner that produces a unified whole. The organization has its structures in terms of departments and divisions and other smaller units. It also has organs in terms of buildings, machines, and human beings. The organization using these organs has different systems such as production systems, communication systems, procurement systems and control systems among many others.

A system can be either a closed system or an open system. A closed system is not influenced by, and does not interact with its environment. It is self sustaining and self sufficient.

An open system on the other hand interacts with the environment. It interacts with the environment in order to obtain inputs. These inputs include:

1. Raw materials
2. Human Resources
3. Capital
4. Technology
5. Information

These inputs are then processed or modified to produce outputs. However as the processing or transformation is taking place, there is need for feedback on the quality and quantity of inputs that are used. Feedback is also needed on the production (transformational) process as well as the nature of the output. The diagram below shows these relationships of an open system.



All different parts of the organization must function at the optimum levels in order to produce the best results.

### **Process of organizational design and structure**

The efficiency of an organization depends among other things on how that organization is designed (i.e. its structures) for purposes of implementing its planned operations and responding to changes in its environment. This is because it is the design that will determine the efficiency with which information flows into the organization and the authority relationships in the organization. The organization design is

the vehicle by which the organization implements its planned operations. A good design indicates levels and communication lines. It determines the various levels in the hierarchy, the responsibilities of each level, the regulating line through the hierarchy and the distribution of duties. However before such structuring is done, It is necessary to formulate the vision, mission and strategy of the organisation. Any change in vision and strategy would lead to restructuring of the organization. A well designed organization has been compared to a healthy person.

The structure is like the skeleton that provides the basic support, while the strategy is the brain, the financial resources its blood, the technology and information systems; the nervous system and the muscles. Without the appropriate structure, the organization will wobble and even collapse.

There are certain factors that should be considered in designing an organizational structure. These include:

1. The vision, strategy and objectives of the organization, what the organization is trying to achieve will determine its strategies which in turn will to a large extent dictate the best structure to be adopted in support of these. The principles here are that purpose drives structure.
2. The resource capability and size of the firm. Obviously an organization with inadequate resources can not adopt a very complex structure. A small organization in terms of human resources would best be served by a simple structure. A large organization because of its greater range and or/complexity of operations and number of personnel, will need a more complex structure.
3. Process requirements in provision of goods and services (whether labour intensive or capital intensive, others could be highly technology driven).
4. Product/service range, which can determine the extent to which functional or divisional structures are best.
5. Geographical spread which determines the extent to which functional resources can be shared among departments.
6. Technology, in that the more routine the technology the more formalised and differentiated the structure.
7. Organizational culture, since some structures require particular attitudes and behaviours to operate effectively.
8. Organizational and strategy development, for example, as a business grows and becomes more complex, different organizational structures may be appropriate at different stages.
9. External environment, whereby more formal structures tend to be more suited to stable unchanging environments whereas more organic structures are more suited to dynamic changeable environment.

Research has shown that large organizations perform better if they are bureaucratically structured, while small organizations perform better with no formal structure.

## Significance of Organizational Culture

Culture may be defined as shared beliefs, values and code of ethics that bind a community, group of people or organization together. It is a cohesion and tradition that symbolises a society's or a community's identity. It is rules and regulations that guide their behaviour and make them unique from any other society, community or organization.

We have already mentioned that an organization can be defined by structure, size, vision and strategy or by the products and services they provide, their finances and management. But there are less visible elements an organization, such as the values, attitudes and beliefs held by the managers and employees, norms of behaviour and internal politics that are powerful drivers of decisions and actions. These informal elements of an organization help to define the organizational culture. The components of organizational culture may include things like:

- Artefacts – Language (jokes, metaphors etc)
- Behaviours patterns (rituals, ceremonies, celebrations)
- Norms of behaviour – symbols and symbolization
- Beliefs, values, attitudes – ethical codes
- Basic assumptions – history.

The importance of culture in an organization is to create harmony, cohesiveness and collectiveness among the organization's employees. Arising from an organization's, culture, certain types of organizational personalities arise namely:

- Strong risk taking, where employees are encouraged to take risks
- Strong attention to detail – organizational focuses on detail
- Strong outcome orientation such as customer service
- Strong people orientation (employees the focus of organization)
- Strong team orientation (operations organized around teams who define the essence of their destiny)
- Strong aggressiveness (exhibited through entrepreneurial in spirit, copyright protection, etc.)
- Strong non–stability (emphasis on growth etc.)

These organizational personalities are consequences of the dimensions of organizational culture illustrated below.

**Dimensions of Organizational Culture** (Robbins and Coulter 1999)



## **Topic 2: Role of a Manager**

### **Introduction**

For an organization to ensure the achievement of its goals and objectives it needs to be given directions in the conduct of its activities so that all people and resources involved operate in concert and harmony. This is essentially the role of a manager. Local Government Administrative Officers provide direction in the conduct of Local Government affairs, and are therefore managers. They should therefore clearly understand their roles.

### **Specific Objectives**

By the end of this topic, the participating Local Government Administrative Officer should be able to:

1. Define Management and a manager
2. Describe the roles of a manager in an organization
3. Explain the skills and qualities of an effective manager
4. Define the roles of Local Government manager in South Sudan.

### **Content**

1. Meaning of management
2. Manager
3. Role of a manager in an organization
4. Skills and qualities of an effective manager
5. Role of a Local Government Manager in South Sudan.

### **Methodology**

1. Group discussions and presentations
2. Plenary discussions
3. Individual exercises and presentations
4. Lecture
5. Case studies

### **Resources**

1. Trainers
2. Relevant literature

3. Audio-visual aides
4. Flip charts
5. Stationery
6. The Local Government Act of 2009

## **Defining Management and a Manager**

Management can be defined as the “art of getting things done through people” it is the process of planning, organizing, directing and controlling the efforts of the organization’s members and using all other organization resources to achieve stated organizational goals. These other organizational resources include materials and money. All of these including the most important resource, i.e. the human resource, should be combined and utilized in the most optimal way in the realization of organizational goals.

Arising from these definitions of management then a manager is one who gets result through the use of others efforts. The scope of operations is immaterial it can be at a very low scale or at a very high scale, but the one who is responsible for getting results through the proper harnessing of the efforts of other people, is a manager. We can best understand who a manager is by looking at the tasks and activities that a manager performs:

1. A manager works with and through other people including subordinates, colleagues, managers, customers, suppliers, among others. He/she is therefore a channel of communication within the organization
2. A manager is responsible and accountable for the activities, tasks and objectives of his/her department unit or team
3. A manager balances competing goals, and sets priorities
4. A manager mediates and resolves conflicts among other people in his/her department unit or team
5. A manager builds relationships and uses persuasion and compromises in order to promote organizational goals
6. A manager represents his or her departments, unit or team at organizational meetings
7. A manager makes decisions.

## **The Roles of a Manager in an Organization**

There are certain basic roles that a manager is expected to play in an organization. These can be categorized into interpersonal roles, informational roles and decisional roles. Let us look at each of these roles more closely.

- I **Interpersonal Roles** - In this case a manager is supposed to play these following roles:

- a. **Figurehead**- He is the one who is at the forefront of activities and operations in his department unit or team, he is the one who is the embodiment who gives substance to the group.
- b. **Leader** – A manager is expected to provide leadership by giving direction to the group. He/She plays this role by essentially being a role model to the others in the performance of his or her duties and tasks and by providing the necessary guidance and direction to the others in the group.
- c. **Liaison** - In this case the manager acts as the ambassador of the department unit or team. He represents the group in other fora such as meetings in other departments or with senior management and articulates the interests of the group.

2 **Informational Roles** - In this case, the manager is supposed to play the following roles:

- a. **Monitor** – He is the one who is expected to check on progress of the group’s activities and in the attainment of their objectives and targets.
- b. **Disseminator** – The manager is the centre of communication for the group. He is the one who receives and passes information to the group members for purpose of effective performance of common responsibilities.
- c. **Spokesperson** - The manager is the one who speaks on behalf of the group team. He or she articulates the interests of the group and gives the group’s position in any negotiations with others.

3 **Decisional Roles** - In this case the manager is expected to play roles such as:

- a. **Entrepreneur** -an entrepreneur Identifies opportunities and lays strategies to exploit them for his or her benefit. In the same manner the manager is expected to identify opportunities for his/her group for continued growth and development and exploit them.
- b. **Disturbance handler**- A manager is expected to resolve conflicts that may arise within or with the group. He should be able to settle disputes among the staff ensuring that peace and harmony prevails for the attainment of common goals.
- c. **Resource allocator** - The manager is the one who distributes resources among the staff for the effective performance of their duties, he is the one who is responsible for ensuring that necessary resources are available by sourcing them appropriately.

4 **Negotiator** – A department unit or team is always in negotiations with other departments units, teams or even the union. The manager should be the one to lead such negotiations, be they in terms of sharing available resources or work.

## Skills and Qualities of a Manager

There are certain skills that a manager should have in order to be effective in his or her work. These skills include:

1. **Technical Skills** – A manager should be competent and knowledgeable in the field in which he is working. This is necessary so that he can command the respect of those that he is leading. He should be able to lead by example in his mastery of the mechanics of his particular job whether in finance, human resource or other technical fields.
2. **Human Relationships Skills** – The Manager should have the relevant skills to enable him to relate well with all people at work, subordinates, colleagues and supervisors. He should have the ability to work with, understand, and motivate others. He should in this respect be adept at conflict resolution.
3. **Conceptual Skills** - The manager should have the ability to relate issues to their rightful context. He should have the mental ability to coordinate and integrate the organizations interests and activities within their respective spheres of responsibilities.

In addition to the skills discussed above a manager should have certain qualities for him to be effective in his / her work. These include:

1. **Communication** – A manager should be a good communicator so that he can be able to pass on his ideas to others effectively
2. **Salesmanship** -In line with being a good communicator, a manager should be a good salesperson so that he can be able to sell his ideas to others. It is not enough to communicate ideas but the ideas need to be sold to others so that they can embrace and accept them.
3. **Decider**- A manager should be good at decision making. He should not postpone making decisions. However decisions should be made based on rational criteria.
4. **Broad Perspective** - A manager should be able to see and conceptualize the broad issues relating to any particular case.
5. **Integrity** – A manager should be a person of high integrity not given to corruption and deceit so that he can command the respect of those he leads.
6. **Empathy** - A manager should be a person who is able to project himself into the “shoes” of others and perceive issues and project feeling as those other people do.
7. **Honesty**– a manager should have a high degree of honesty so that people can always believe and trust in his utterances and actions.

8. **Credibility** – The actions and pronouncements of the manager should be such that they engender trust in the people. A manager should not preach water and drink wine. But should walk the talk.
9. **Persistence** – A manager should not be a person that is easily discouraged but should follow issues to their logical conclusions.

### **Role of Local Government Manager in South Sudan**

The Local Government manager in South Sudan would include the Executive Director, the Chief Executive Officer and/or the Town Clerk. The roles of these managers as outlined in the Local Government Act 2009 section 61 63 and 65 are among others to:

1. Advise the elected officials on all technical matters of the local authority
2. Oversee public order and functions of the local authority
3. Implement the policy decisions and programmes of the local authority
4. Supervise the administration and management of the local authorities' finances, personnel, stores, workshops, public utilities and recreational centres, procurement and maintenance of movable and immovable public assets
5. Implementation and or execution of the resolutions of the local council authority
6. Monitor and evaluate the programmes and activities of the local authority
7. Supervise and coordinate the technical functions of the local authority
8. Conduct performance appraisal of the seconded staff and report on their work to senior officials and the state ministry concerned
9. Develop capacity development programmes and make recommendations for support and technical staff, and administrative officers to the State ministries concerned
10. Ensure safe custody of all the local authority records and funds
11. Mobilise and organise the public to play an effective role in service delivery and development
12. Coordinate government, non-governmental, private, and community activities and functions in the local authority
13. Perform other functions and duties as prescribed by any other applicable law and or delegated by higher authority.

## **Topic 3: Local Government Management Operations**

### **Introduction**

For a Local Government to effectively carry out its mandate, there are certain operations to be carried out and procedures and processes to be followed. It is important that the Local Government Administrative Officer as a manager within the Local Government understands such operations, procedures and processes so that he/she can carry out his/her duties effectively and efficiently.

### **Specific Objectives**

By the end of this topic, the participating Local Government Administrative Officer should be able to:

1. Describe the operational structures of the Local Government
2. Explain the functions of each operational structure
3. Explain the roles of the elected and appointed officials in the operational structures of the Local Government
4. Describe the procedures followed in executing the functions of the Local Government

### **Content**

1. Operational structures of Local Government e.g. – Legislature, committees, departments, Local Government Board
2. Functions of each of the operational structures
3. Roles of elected and appointed officials
4. Procedure in executing functions of Local Government e.g. meetings and their conduct, minutes and reports, records management.

### **Methodology**

1. Group discussions and presentations
2. Plenary discussions
3. Individual exercises and presentations
4. Lecture
5. Quizzes

### **Resources**

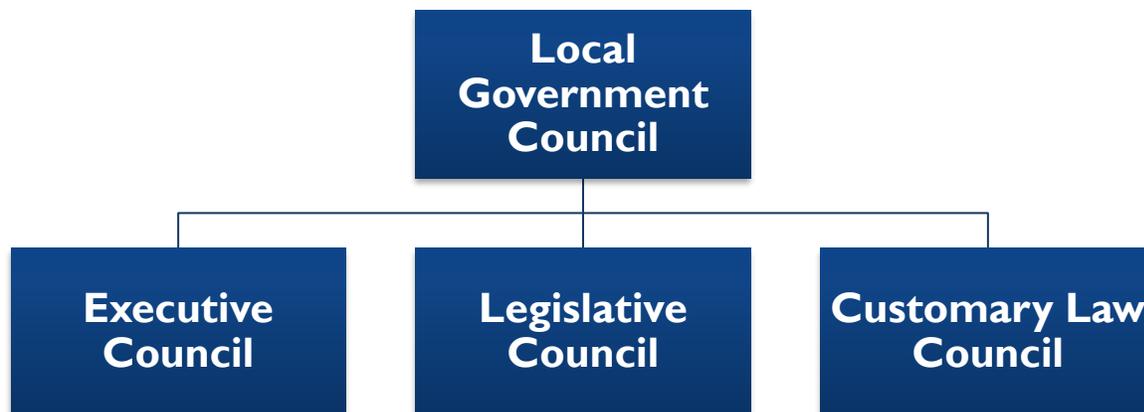
1. Trainers
2. Guest speakers

3. Local Government Act 2009
4. Interim Constitution
5. Audio-Visual aides
6. Flip charts

## Operational Structures of Local Government Council

As discussed in Module 2, the Local Government Act 2009 provides for operational structures of Local Government Councils and their functions.

### Organization of Local Government Councils:



### Legislative Council

The Legislative Council is established in terms of section 25 of the Act and is the highest Legislative body in council. Section 26 provides for the composition of the members and their categories. There shall be 35 members in all. Eligibility for membership is captured in section 27. Members of the Legislative Council are elected through universal suffrage for a four year term of office.

1. Section 29 is significant and the Local Government Administrative Officers have to bring the section to the attention of councillors at the first meeting after a general election or for councillors coming in through a by-election. This section details how councillors can lose their membership of the Legislative Council. Of particular significance is section 29 (1b).
2. “ An elected councillor may lose his or her membership or position upon resolution by a two thirds majority of members of the Legislative Council if he or she fails to attend three consecutive ordinary meetings without permission or reasonable cause.
3. Section 32 allows councillors to discuss freely or express any views or opinions without fear of legal proceedings being initiated against them.

4. Section 41 outlines procedures for the election of Council Officers; Chairperson, Deputy Chairperson, Chairperson of Standing Committees.

The meeting for the election of these office bearers is convened by the County Commissioner, Mayor or Town Clerk within 7 days upon declaration of general election results.

An interesting provision is that the eldest of the members shall chair the first sitting (not entire meeting) for the election of the chairperson. After the chairperson is elected, he/she takes over for the election of deputy chairperson and chairpersons of standing committees.

The election of council officers may be by secret ballot. The Act does not say, 'shall'. It is important for Local Government Administrative Officers to be aware of these seemingly small legal details as deviation can render the proceedings null and void if legally challenged.

Section 42 provides for sittings of the Legislative council on quarterly basis, after the first sitting. The Chairperson of the Legislative Council may on his/ her own the initiative, in consultation with the Secretary, or upon written request by at least one third of the Councillors, call an extra-ordinary session of the Legislative Council. Chief administrators are advised to manage this process as some chairpersons may end up calling extra ordinary meetings at every turn. Calling meetings costs money and Chief Administrators need to take note of that.

Section 42 (5) needs highlighting. This is to do with a councillor who has a direct interest in any matter under consideration before the Legislative Council. The councillor shall disclose the interest and withdraw/recuse him/her self from the meeting. Direct interest could be himself or herself personally or his/her company or business, immediate family members, spouse, children, brother, mother, father etc. Issues around the award of tenders and contracts, supplying council with goods and services, applications for jobs and allocation of stands and houses are the more common types of incidents where councillors as residents or business persons have interest. If a councillor fails to declare interest and to withdraw and the issue is decided in his/her favour and other interested parties expose the interest, then an offence of dishonesty and its consequences may arise. Section 29(1) refers.

Section 42(6) provides for a quorum. A quorum is the minimum number of councillors required to hold a legally binding meeting. In this section the quorum is a simple majority of councillors. In a 35 member council 18 councillors should constitute a quorum.

A meeting cannot start if the minimum number sitting in a council chamber has not been reached. The Chairperson cannot include those who have phoned that they are on their way but have been delayed by a car breakdown for instance. They are not in the meeting and cannot be counted.

## **Committees of the Legislative Council**

Section 34 provides for the establishment of committees whose functions and duties are determined by regulations issued by each council.

**A standing committee.** This is defined as a permanent committee which will be in place for the duration of the appointing body. Finance committee, Planning committee, Housing, Health, etc. are examples of such committees.

**Ad hoc committee.** As the name suggests is set up by council to deal with a specific issues e.g. disaster, special assignment, special event etc. When the assignment or the event or the disaster has been taken care of and is over, the committee disbands.

While meetings of full council are open to the public, section 42(8), committee meetings are usually in private/in camera.

- Section 43 directs Legislative Councils to keep records of their proceedings
- It is the role of the secretary of council to keep the records and allow the public and councillors access to such records.

## **1. Executive Council**

The Executive Council set up in terms of section 45 is headed by the Country Commissioner, Mayor, or Town Clerk. Chief Administrator and Heads of Departmental are members. This is the highest Executive authority in council

## **2. Council Departments**

Departments of Council are functions specific and provide technical support to committees of council. The organisational structure of council is a summation of its departments and office holders.

## **3. Customary Law Council**

Section 93 provides for the establishment of Customary Law Councils in each county composed of various levels of Traditional Authority leadership, community elders and representatives of women and the youth.

## **4. Local Government Board**

The Local Government Board is established in terms of Article 166(3) of the Transitional Constitution. The Board under the Office of the President is the highest policy making body regards Local Government in South Sudan.

## **5. State Ministry of Local Government**

Schedule (C) of the Transitional Constitution assigns Local Government functions to State Governments. Through this mandate exercised through State Ministries of Local Government, State Governments and State Governors have a direct interest in the performance of Local Government Councils.

## Functions of each Operational Structure

Section 37, 47 and 95 provide for the functions of the Legislative Council, and Customary Law Council. These are also covered in Module 2. It is significant though to outline some of the expected significant roles of these institutions.

### I. Legislative Council

The Legislative Council as the deliberative body of council has a key role in policy formulation and strategy setting. This body is composed of representatives of the people who have certain aspirations and expect their councillors to deliver, especially on election promises. In order to deliver, councils need to craft policies and strategies to address challenges faced by communities.

Appendix II schedule I details the powers of Local Government Councils around which they have to develop policies, and strategic interventions and enact by laws. A perusal of Appendix I schedule I will show that after security concerns, the next important task for councils is “Provision of basic services”

This generally is the core business of councils in many countries. It is perhaps necessary to define the two words strategy and policy as the work of councillors revolves around these two words. Councillors are not fulltime employees of council. They come to council to attend meetings deliberate on pressing issues and pass resolutions on policies and strategies to be implemented by the Executive. After that they go home. They have no business roaming around council offices and interfering with administration and implementation of programmes and projects.

### Role of Council in Developing Council Strategy

Johnson and Scholes (1997) define strategy as “the direction and scope of an organisation over a long term which achieves an advantage for the organisation through its configuration of resources within a changing environment to fulfil stakeholder’s expectations.” Grant (1998) defines strategy as a plan, of deploying resources to gain better positions.

Strategy can also be defined as a course of action, including the specification of resources required to achieve specific objectives. There are three essential elements of a formal strategy:

1. The most important goals to be achieved
2. Significant policies guiding or limiting actions
3. The major programmes that are to accomplish the defined goals within the set units or constraints.

Policy on the other hand can be defined as a practical statement of measures to be applied in managing affairs over a defined period. It is a framework of general guidelines of operations from which objectives are drawn.

Policy making is the supreme function in every field entrusted to a public institution. Policy making is also the first function which must be undertaken to start a specific public activity. The sequel/follow on to policy formulation is planning and programming for the purposes of implementation.

Policy provides the following five essential purposes:

1. Safeguards organisational interests

2. Purpose of action
3. Common goal
4. Determination of the nature and quality of service
5. Standard approach to issues.

It is important to point out that policies formulated by councils must be within the framework of government policies and relevant legislation. Plans as indicated above are developed after the formulation of policies, because it is from the policies that objectives, strategies and tactics are developed to fulfil the policy. The following questions will assist as a checklist in policy formulation:

1. What is the role and function of the organisation
2. Which areas need to be covered by the policy? i.e. (i) Is it provision of services? (ii) is it direction of development? (iii) is it administration and management?
3. What is the overall national policy?
4. What is it that we want to achieve as an organisation?
5. What is the target group to be affected by the policy?
6. In what form, quality and quantity, based on realistic capacity in terms of availability of resources?
7. Under what time frame is the policy operating?

### **Steps in policy formulation**

1. As indicated above the area of policy formulation is the primary role of councillors who initiate policy through a motion. Even the Executive can also initiate policy after identifying a specific need.
2. Because policy is target oriented, it is best that the affected people are directly involved by directly participating at formulation stage.
3. Once a motion has been initiated, the Executive will carry out research on the motion and produce a report which will contain proposal by the Executive on the motion.
4. When a motion is presented on the agenda, councillors may consult the affected target group in order to facilitate debate in council (as will be indicated later, the agenda should be forwarded to councillors before the meeting (days).
5. The motion will then be decided by resolution and once confirmed in minutes the policy will be operational and ready for implementation by the Executive

## **II. Executive Council**

Section 47 (1a, 1b, and 1d) regards the functions of the Executive Council needs taking note of. The Executive Council has the following functions:

- General planning and administrative function
- A service provision function
- A policies and by laws implementation function.

The overarching plan of most organisations is the strategic plan from which other operational plans of the organisation cascade. The strategic plan preparation although spearheaded by the Executive is finally a council plan and requires the participation of all stakeholders especially the councillors. Councils through a policy will ask for the preparation of a strategic plan which guides the operations of council and provides directions and goals of council. It is the responsibility of the executive to carry out the necessary tasks in order to come up with an implementable strategic plan. The buying in of all concerned, including communities, must start at plan formulation stages. Many neatly crafted and expensively bound strategic plans are gathering dust in office drawers and bookshelves because they are the product of only a few Executive staff members with the rest of the workforce, councillors and residents supposed to play a rubber stamping role. Lack of participation by stakeholders creates implementation problems.

### **Procedures in Executing Functions**

The business of council is transacted through meetings. Meetings of council and their committees are the principal events in taking decisions to direct the executive on the administration of council affairs. Lives of citizens are affected by decisions taken by councils and their committees. The principal tasks of council are:-

1. To lay down policy
2. Exercise control over Executive activities to ensure that policy objectives are effectively and efficiently achieved. Councils use committees to carry out most of the ground work on policy issues. Having few members, committees have an opportunity to exhaustively consider issues. With committee meetings held in private, even the shy and timid councillor has an opportunity to air their views. Committee deliberations culminate in recommendations to full council who will deliberate, adopt and resolve, amend or refer back to committee for further deliberations.
3. The intention is that the final decision on an issue must be accepted by the citizenry as the decision of the majority of the elected representatives. Since the decisions end up binding, the decision making process is a matter for specific formal directives. These directives are the result of traditions and conventions developed along with public institutions and public administration.

## **Meetings of the Legislative Council and its Committees**

Council meetings are formal events which are conducted with a degree of ceremony, decorum and set procedures to reflect an appropriate public image at a time when the public is present. Section 42 (8) is relevant. Although present, members of the public cannot contribute to the proceedings of council irrespective of their station in life unless they appear on the AGENDA.

### **Agenda**

Section 35 (5) tasks the Council Secretary in consultation with the Chairperson, with the preparation of the AGENDA. Agenda in its Latin form refers to “that which must be done”. The agenda will spell out what will be deliberated on. This can take two forms:

1. A mere list of items to be deliberated and decided on
2. A list of matters with extensive factual explanations of each matter.

An agenda is circulated in advance so that Councillors can prepare for the meeting. It is the responsibility of the Council Secretary to ensure that the agenda and its appendices are:

1. Circulated in advance
2. Contain sufficient information for decision making
3. The wording of the agenda items and appendices is in simple, clear language to enable councillors to understand.

An agenda item must have:

1. A heading and brief statement of the matter
2. Factual information on the item including references to precedence
3. The legal powers of Council on the matter if necessary
4. Relevant policy of council
5. Possible alternative decisions.

For reports which are prepared and used as appendices, there is need for a specific council policy to ensure uniformity of such reports so that they can be easily understood by councillors. The report may contain:

1. A brief statement of the matter at issue – i.e. an executive summary
2. Systematic presentation of factual information
3. Possible alternative courses of action which can be taken
4. Report must be brief and clear.

The report must be so clear that even in the official’s absence, and without explanation to clear obscurities, it can be tabled and understood by councillors:

1. The report should contain appropriate recommendations

2. Report should be numbered to show their relationship to the agenda and files of councils
3. All departments and sections who have an interest on the subject should comment on it before it is submitted to council.

An agenda and its appendices are the foundations of effective and successful meetings and need to be meticulously prepared and forwarded in advance.

An agenda will contain the following items:-

1. Notice of meeting (and number), time and location
2. Apologies
3. Application for leave of absence
4. Official announcements
5. Confirmation of minutes of previous meeting (these will be signed by the chairperson after confirmation)
6. Matters arising
7. Reports from standing committees (resolutions will be made on each report usually through adoption of reports)
8. Any other business (do not start a new meeting)
9. Close of meeting.

The chairperson will ask councillors to propose and second adoption of minutes. Council Secretary should ensure that only those councillors who attended the meeting in question propose and second adoption. Some councillors enjoy proposing and seconding even if they were not at the meeting. If minutes are adopted and it later turns out that either the proposer or seconder were not present, it can cause problems for council. This is mainly because minutes of council, after confirmation, become a legal document which can be used as evidence in a court of law.

## **Regulations for the conduct of business**

These are also referred to as standing orders in public administration. Section 36 provides for council to make internal regulations for the conduct of business at its first session which shall be enforced by the chairperson and respected and adhered to by members.

These regulations enable council to conduct its business smoothly. Regulations can cover:

1. Powers of the chairperson
2. Number of times a councillor can contribute on an item
3. Time a councillor can spend on the floor
4. Language not to be used (vulgar language, Abusive language, shouting, interrupts, others-unbecoming language, etc. is not permissible)

5. Respect and compliance
6. Dress code
7. The chairperson can ask a disruptive councillor to leave the meeting.

Regulations are thus management instruments for conducting meetings professionally.

## **Minutes**

Minutes of a meeting are essentially a record of proceedings and decisions taken. In the work of a continuing body, with serious purpose, minutes have an important function and real value. They record officially decisions reached and are a reminder of subjects previously discussed and pending or deferred. Matters are therefore not lost or forgotten. Minutes represent the history of the Local Authority and are invaluable to present and future generation of office bearers. They are fundamentally policy and practice statements.

### **Composition of Minutes**

Minutes should contain:

1. Name of Local Authority
2. Nature of meeting
3. Full/ordinary council, extraordinary council
4. Committee
5. Number of the meeting
6. Place, date and time on which meeting commenced and ended.
7. Names of those present
  - i. Councillors present
  - ii. Councillors absent
  - iii. Councillors absent with apology
  - iv. Councillors absent without apology

(Note: If a councillor is absent without apology for three consecutive sessions, s/he may be dismissed from council)

8. Officials present
9. Guests (not ordinary members of the public)
10. Items discussed – They should appear in minutes in the same sequence as on the agenda
11. After confirmation, minutes are signed by the chairperson.

## **Role of a Chairperson**

Chairing a meeting is a very important function. It can make or break the meeting. The success of a meeting hinges on how the chairperson conducts and manages the meeting. A chairperson should:

- Be firm but fair
- Remain calm and collected
- Be time conscious so that debate does not go on and on without reaching conclusion
- Should be able to summarise for council to make a decision
- Should allow business to flow without dominating debate
- A sense of humour is valuable at the appropriate time when tensions rise.

The Council Secretary in consultation with the chairperson of the Legislative Council should have a schedule of the dates of meetings preferably for the whole year. By indicating to councillors in advance the dates of their meetings, including committee meetings, they can properly diarise their other activities leaving room for council meetings.

The minutes of the previous meeting should be sent to councillors in advance of the meeting which will confirm them so that councillors can make and note any corrections in advance. Sending them in advance avoids the need to have them read in council, which is a waste of valuable time.

## **Module 5: LOCAL GOVERNMENT FINANCE**

### ***Topic 1: Sources of Funds for Local Government***

#### **Introduction:**

Local Government being an arm of Government provides certain services to the community in its area of jurisdiction for which funds are required. There are various sources from which such a local authority would source the required funds. The Local Government Administrative Officer needs to clearly understand these sources, and the implications of raising funds from each source.

#### **Specific Objectives**

By the end of this topic, the Local Government Administrative Officer should be able to:

1. Explain the need for funds by Local Government
2. Describe the sources of funds for Local Government.
3. Evaluate the efficiency of each of the sources of funds.
4. Design strategies to increase revenue collection

#### **Content**

1. Need for funds by Local Government
2. Sources of funds e.g. property tax, user charges, and grants
3. Efficiency of each of the sources.
4. Strategies to increase revenue collection

#### **Methodology**

1. Plenary discussions
2. Group discussions and presentations
3. Lectures
4. Field Visits

#### **RESOURCES**

1. Relevant literature
2. The Interim Constitution
3. Local Government Act 2009
4. Flip charts
5. LCD/overhead projectors

## 6. Stationery

### Need for Funds

Local Government Councils need resources human and material to execute their mandates. A key resource required is finance. Councils have to mobilise financial resources as provided for in legislation. The authorisation for resource mobilisation is through the preparation of a budget which will spell out the revenue and expenditure planned for during the budget year. Councils need funds to provide services, develop their areas and to meet staff obligations. They need funds for the general running of the council; to purchase consumables and for such services like electricity, water, telephones, etc.

By raising most of their revenue, and relying less on national and state government they are better able to fulfil the aspirations of local communities. The degree of self-financing to an extent correlates with the degree of autonomy. The more the council is able to raise funds for itself, the higher the degree of autonomy and the greater the degree of flexibility to fulfil its strategy, plans and objectives. If councils are heavily reliant on national and state government for funding, they have to comply more with dictates of those levels of government “for he who pays the piper calls the tune.”

### Sources of Funds

The Interim Constitution of South Sudan article 173 (6) states that “Local Governments shall have powers to levy, charge, collect and appropriate fees and taxes in accordance with the law.”

Article 173(7) further spells out that “The government of South Sudan may pay grants in aid to states in support of their budgetary deficits and that of Local Government Councils.

The important point to note from the above provisions is that the onus of raising revenue is on the Local Government Council which may get a grant in aid from the National Government. If in a particular year national government, given resources limitations, do not transfer any money, it does not mean they owe council. They may transfer or not transfer depending on their priorities at national level.

The responsibility therefore on the part of councils is to maximise collection of the revenue locally, permissible to them in law.

Section 73 of the Local Government Act 2009 provides for the sources of Local Government Finance. Section 74-80 categories the source of revenue for Local Government councils which are:

1. Taxes e.g. property tax
2. Local rates e.g. licences
3. Local earnings
4. Community contribution
5. Grant- in-Aid
6. Government grants
7. Conditional grants
8. Block grants
9. Equalization grants

10. State support grants
11. Donor grants (e.g. technical assistance to council)
12. Loans- based on credit worthiness
13. Local Government Fund

## **Efficiency of Each of the Sources**

It is important for Local Government Councils to appreciate the need for self reliance and maximise collection of Local Revenue. Local Government Administrative Officers should inculcate in council the need to be self sufficient from the start. A dependency syndrome, where money is expected to come from the centre can raise expectations but in the end cause frustrations if envisaged funds are not transferred.

## **Taxes**

Properly managed and administered, taxes have a high yield because the tax target is identifiable, be it an individual or property. Tax revenue can be termed assured revenue. For property tax to be efficiently collected, land use/local area plans with stand numbers, their sizes, value and activities; residential, commercial or industrial use, have to be in place. In many countries like South Africa and Zimbabwe, a valuation register is prepared which forms the basis for taxation. The tax is based on a valuation unit which is predetermined by council on an annual basis. The unit value can be on land plus improvements. In residential areas the unit could be based on zones.

The same principle is applied for commercial, agricultural land and mining. In mining, countries like Zimbabwe use the type and value of the minerals for taxation purpose. Precious metals like gold, platinum, nickel, etc. are taxed depending on the number of employees. Bulk minerals like coal, chrome and asbestos are taxed on tonnage.

In many countries property tax forms the bulk of council revenue usually up to 60%.

## **User Charges**

User charge as provided in the Act is revenue from use of council services. Properly administered, user charges can also yield significant in-flows into council. For some services provided by council, the exclusion principle can be applied for non payment e.g. reticulated and metered water systems. Non payers can be cut off from supply (as happens with mobile phones, if you do not buy recharge cards you are excluded from the system). The viability of user charges is based on proper costing of the service provided. This is a major challenge in many councils where tariffs are usually sub economic.

There is a criteria for determination of user charges which is normally based on the type of services being provided:

## **Social Services**

These are usually charged at sub economic levels mainly because of their nature and target groups e.g. primary health care, primary or basic schooling, pre schools, community halls and libraries, sports fields,

etc. Such services attract many: vulnerable groups, for instance, children, mothers in need of pre and antenatal care, etc. Such services are normally subsidized by council from tax revenue.

### **Regulatory Services**

Services which arise through regulation from either the National or State Government legislation are provided at sub economic levels or for a token charge. Services like provision of cemeteries, food inspection, pollution control, primary healthcare; pest control, etc. end up being subsidized by council. Central governments at times direct councils to provide the service, but do not release the resources for provision or delay in the release of resources, money transferred for the services may be less than what councils would have incurred, This creates a classic case of unfunded mandates.

### **Economic Services**

Full cost recovery is expected for the provision of such services as water, refuse collection, servicing of stands, plan approvals, etc.

### **Trading services**

Councils should generate profit from such activities, where such activities are not making a profit they should be commercialised with a separate management structure put in place.

### **Grants**

Where there is a constitutional provision for grant disbursement on a known revenue sharing formulae, grants can be an important source of revenue for councils. In some countries a constitutional provision for a percentage of total national earnings is allocated to sub national levels. Where no such guarantees exist, grants can be elusive as a source of revenue. National governments have a lot of competing demands on limited revenue. In flows into the national fiscus also determine what can be transferred as subventions to sub national levels. Transfers in such instances are erratic and unpredictable and in budgeting, councils need to recognise this reality.

Local Government Councils in South Sudan need to take note of section 73(2) in this regard, which states that. "Each council shall raise funds from its sources to meet its expenditure."

## **Strategies to Increase Revenue Collection**

### **Monthly Financial Statements and Budget Review**

Analysis of monthly financial statements and budget review helps to indicate how council is performing regarding revenue raising. Variances between anticipated and actual income help council understand where it is underperforming and where targets are being met. Under-performing sources need to be critically examined in order to establish causes. These can range from affordability of the tax, resulting in resistance by tax payers, to failure to collect by council or even corruption on the part of officials charged with the responsibilities. Councils will then put in place strategies to deal with the identified challenge. It may be necessary to revisit the tax levels or hire the private sector to collect on behalf of council or to institute new control systems to plug loopholes to curb corruption.

### **Updated Data/Records**

Councils need to regularly update their tax records to ensure that all who are supposed to pay are recorded. Property records need to be updated to capture new buildings coming up including residential, commercial and industrial. In a fast growing city like Juba, new buildings are coming up all the time. Updating of records needs to keep pace with developments taking place on the ground. Commercial buildings are also increasing which means licence registers require updating regularly.

### **Timeous Production of Statements**

Councils need to inform people about what is due to council through timeous production of statements. Business and even individuals pay on the basis of a statement indicating what they are to pay and what the tax, fee or even fine is for. If such documents are not being generated or generated irregularly then council has itself to blame for non collection of revenue.

### **Efficient Revenue Collection Points/People**

Where council has set up revenue collection points they should be run efficiently. Council staff should be there within stipulated office hours with the right attitude regards customers care.

It is not uncommon to find revenue collection points deserted or understaffed with queues of people waiting to pay. If they get frustrated and go away without paying, they may go for good and council loses. Some council staff are rude, bossy and unhelpful to customers. Such bad eggs need to be weeded out.

### **Affordability**

Councils should charge affordable tariffs. If the tariffs are too high people have competing demands on their income and will prioritise accordingly. Councils should not eliminate themselves from the priority list by being unreasonable regards their charges. One of the virtues of participatory budgeting is that stakeholders will assist councils to come up with realistic charges.

## **Collection**

Council tariffs should be easy to collect. It should not cost more to collect the tax than the tax yield. If collections are done in rural areas and require travel to collection points, proper costing should be done in terms of fuel, wear and tear, allowances for staff and hours spent. It is very easy to pretend council is collecting revenue where it is actually losing already collected revenue because no costing was done. Asking traditional authority leaders to collect the dues for a small commission may be more cost effective than sending council officials in rural areas.

## **Value for Money**

People resist paying if they do not see any positive change in the quality of services provided by council. If the roads remain bad, water supplies are erratic, refuse is not collected schools have no books or furniture and hospitals and clinics have no drugs or qualified personnel, people wonder where their money is going. With time they will resist payment since they do not see value for their money. There should be transparency in the collection and utilization of revenue.

## **Control System**

To avoid leakage of revenue collected, councils should have in place accounting and control systems. From receipting to banking there should be controls in place. The person who receipts money cannot be same person in charge of banking. There is need to separate roles as a checking system device. Heads of office should also conduct regular spot checks to enhance control. Where money is collected from hawkers by roaming collectors, council has to be particularly careful. Such personnel have been known to have private receipt books which they can use for collection from unsuspecting clients or collect without receipting or under charging and pocketing the money. Such practices thrive when control systems are weak and senior officers are desk bound.

## **Topic 2: Budgeting**

### **Introduction**

To ensure prudent utilization of funds, it is necessary that proper budgeting be done. This is true of any organization, including Local Governments. The Local Government Administrative Officer, as an accounting officer, should therefore be familiar with budgeting practices and processes in Local Government.

### **Specific Objectives**

By the end of this topic, the Local Government Administrative Officer should be able to:

1. Explain the meaning and importance of a budget
2. Describe the process of budgeting including participatory approaches and the preparation of Appropriation Act
3. Define the role of different officials in the budgeting process.

### **Content**

1. Meaning and importance of a budget
2. Process of budgeting and preparation of Appropriation Act
3. Role of different officials.

### **Methodology**

1. Exercises and individual presentations
2. Plenary discussions
3. Group discussions and presentations

### **Resources**

1. Guest speakers
2. Relevant Literature
3. Local Government Act 2009
4. Flip charts
5. LCD/overhead projectors
6. Stationery

## **Meaning and Importance of Budgeting**

A budget can be defined as an overall financial plan for a specified period of time and is a basis of control. The budget is used to express the organisation's plans numerically and later to measure performance. In the public sector, Vocino and Rabin (1981), define a budget as a document indicating how a public institution spends resources in order to realise public goals”.

In public administration, Gildenhuis (1993) notes that “the budget serves as a decision making instrument by which priorities are set, goals and objectives are established, operating programmes are compiled and control is exercised”

A public budget is thus an instrument at the disposal of legislative authority enabling it to guide economic, social, political and other activities of a certain community in a certain direction in order to realise predetermined goals and objectives, the results of which may not always be quantifiable.

### **Objectives of a Good Budget**

A good budget is one which:

1. Is realistic, accurate and consistent
2. Plans the best results achievable, consistent within acceptable risk
3. Contains information most useful to management
4. Is consistent with STRATEGY
5. Facilitates goal setting and measurement at all levels
6. Communicates strategy, plans and required outputs of the organisation
7. Communicates operating plans across functions
8. Gives cost centres resources required to meet objectives.

Finney (1981) identifies 5 requirements for successful budgeting:

1. The budget must be prepared in a proper strategic context firmly within the framework of the objectives, strategies and plans of the organisation
2. The process must deal realistically with uncertainty and uncontrollability
3. The format that provides the most useful information for management must be selected
4. The process must emphasise encouragement of excellence at all levels of the organisation
5. A coherent, efficient and timely process flow must tie everything together.

### **Functions of a Public Budget**

There are three important objectives of a public budget:

1. The budget is the basis on which tax policy for the budget periods is derived (property tax, etc)

2. It is the basis on which financial control is exercised in order to ensure that the financial policy made by the legislative authority is adhered to
3. It is a financial programme reconciling revenue recommendations and expenditure recommendations in order to realise public objectives.

The linkage of costs to objectives is a fundamental requirement for judicious decision making.

### **Features of a Public Budget**

Thornhill (1984) summarises the features of a public budget as follows:-

1. The budget after approval is enforceable
2. The individual taxpayer is compelled to pay tax and comply with any other requirements of the budget
3. The results of the objectives realised by the budget are not always quantifiable. The taxpayer cannot always deduce the advantages to be received from a specific charge (e.g. property tax)
4. The budget brings together a variety of considerations. It may therefore be found that seemingly different public objectives are sought by the budget or the budget may even reflect objectives which may not be advantageous to the large part of the community (e.g. staff retention or upgrading some market in part of the town)
5. The process for determining the contents of a public budget compared to the private sector is different since objectives are different (e.g. profit).

Revenue in the public sector is compared with expenditure not in order to determine profitability of the service, but instead a comparison is made between the costs on one hand and the political, economic and social benefits that the community may derive.

### **Types of Budgets**

There are two types of budgets: operating or revenue budget, and capital or development budget.

Revenue budget is about day to day activities to provide council services. Capital budget is about making new investment and replacing worn assets. It is about putting into place items of a permanent or long-term nature which may generate future revenue.

## Methods of Budgeting

1. **Incremental Budgeting** - This is formulated by increasing monetary figures from the previous year's budget by the rate of inflation or growth rate. The danger with this type of budgeting is that it tends to build in inefficiencies inherited and perpetuates them. The incremental budget is the approach favoured by officials as it is less rigorous.
2. **Programme Based Budgeting** - This is drawn up in accordance to given projects or set programmes and these are adhered to.
3. **Zero Based Budgeting** - In this budgeting approach a council will ask everybody to prepare a budget as if they are going into providing a particular service for the first time. This will require proper scrutiny and intelligent costing requiring research, sourcing of quotations on imputed timeframes and justifications. More and more public organisations are moving to this type of budgeting as it is more results orientated and realistic.

## Attributes of a Good Budget

1. **Simplicity.** Be simple and easy to understand by councillors and residents.
2. **Participatory.** All interests should be represented right from the drafting of policies. Participation gives legitimacy to the whole process and engenders an intense feeling of ownership by stake holders. Internal heads of departments must be given the leeway to initiate their own budgets.
3. **Comprehensive.** A budget must reflect all activities of the council and how they will be financed including assumptions and constraints. It will thus become an important control tool.
4. **Flexible.** It must allow for unforeseen events and allow for adjustments. (E.g. currency fluctuations and inflation) but within legally permissible parameters.
5. **Realistic.** A good budget must be realistic.
6. **Smart.** The budget must be drawn from stated objectives and quantities of resources shown, not a maze of figures. It must be specific measurable, accurate, realistic and time framed.
7. **User Friendly.** The format and language must be understood by ordinary people.
8. **Vision Driven.** The budget must be drawn from the strategic plan of the council and assist in pursuit of the vision annually.

## Budget Challenges

Budgeting has challenges among them:

1. A budget is a forecast for the following year hence uncertain. It is in the future.
2. Many variables are uncontrollable at local level e.g. Inflation and exchange rate fluctuations etc
3. Assumptions by managers are usually unrealistic or inflated. In some cases the figures are deliberately inflated because it is known that they will be reduced anyway, either by residents or even national government.

In the drafting of a good budget the challenge for Local Government Administrative Officers is to intelligently deal with the challenges through the adoption of some of the techniques outlined above.

## Process of Budgeting and Preparation of Appropriation Act

It is important in any budget cycle to begin the budget process by reviewing performance of the previous budget. The review informs the new process through identifying slippages and variances in the previous budget and presents an opportunity to develop strategies to overcome previous shortcomings. The review process leads to the next stage which is the stating of the objectives of the current budget and the strategies required to achieve the objectives? It is important to be clear about what the budget is to achieve after which the resources required to achieve the objectives are then calculated. The budget is therefore the road map to the organizations desired destination regards its objectives.

The budget cycle has to conform to the legal requirements in so far as timelines are concerned. Section 81(i) of the Local Government Act states that the financial year shall commence on the first day of January of every year and end on the thirty first of December of the same year. **The Transitional Constitution though has now changed the financial year to begin on the first day of July every year and end on the thirtieth day of the following year. The Transitional Constitution is SUPERIOR law to the Local Government Act and therefore, the provisions in the Transitional Constitution prevail.**

**Therefore the budgeting cycles must shift to reflect this new constitutional position.**

Section 81(2) further directs that “The commissioner, mayor or town clerk, as the case may be, shall prepare and present to the Legislative Council before the beginning of each financial year an Appropriation Act of the allocation of revenues and expenditure in accordance with the provisions of the Act”

Section 83(1) further states that the council budget proposals shall be submitted to the Legislative Council by 30<sup>th</sup> June every year. **Operationally this section must now be amended to reflect the new fiscal calendar.**

The cited dates are important as they provide a guide of how the process has to unfold. (How far are we?)

As already indicated above the general trend in many countries is towards participatory budgeting where council takes on board all key stakeholders in drafting the budget in order to enhance legitimacy,

ownership and transparency. The increased buy in by stakeholders will have a positive effect on the yield of the revenue side of the budget since stakeholders will have been part and parcel of tariff setting and will most likely respond through timeous payment of their dues.

It should always be remembered that a budget is a policy statement declaring the goals and specific objectives a council wishes to achieve by means of the expenditure concerned. It is public policy expressed in money terms.

## **Step 1**

Heads of department normally kick start the number crunching in line with departmental and relevant committee objectives. Departmental drafts detail their financial requests. The Treasurer/Finance director will then put the department drafts together into a council draft showing total financial requirements by all cost centres (the anticipated expenditure).

The Finance Director will then indicate how the expenditure can be financed (income/revenue).

In the public sector, income and expenditure must balance. Council cannot budget for a deficit. With proposed income and expenditure figures now calculated, the first draft budget will now be in place. This will be presented to the finance committee for their scrutiny and comments and recommendations to council for initial scrutiny. In many countries, at this point, council will call in stakeholders/interest groups which may include:-

1. Commerce and Industry
2. Resident and Rate payers Associations
3. Hawkers and market vendors
4. Community based organisations
5. Informal traders
6. Women groups
7. Religious groups
8. Transport associations (Matatu)
9. Disabled, etc.

It is important for council to have detailed profiles of interest groups in their areas. The poor and the marginalised who always bear the brunt of high tariffs need to be included.

## **Step 2**

From the above groups, councils will create a budget committee. Because council has knowledge of the stakeholders based in their area, they create a manageable committee of representatives of various groups who then give feedback to their respective constituencies. It is important for council to ensure that report back meetings actually take place. The budget committee now in place will include the stakeholders' representatives and council.

### **Step 3**

Councils will present to the enlarged budget committee the draft budget as a working document. The committee will deliberate on the document, add, subtract, throw out, until they come up with generally agreed proposals. Meetings will then be convened in wards (Payams, and Bomas, Blocks and Quarters) to present to the residents the proposals. The enlarged budget committee will then deliberate on the contributions from the outreach meetings and then finalise the draft. It is important to note that council should take the lead role in this initiative. Residents do not have a legal mandate to make the budget on their own. This process is meant to take the residents interest on board. It also brings legitimacy, ownership and transparency. It will also encourage residents to pay their bills since they were part of tariffs and tax rates determination.

### **Step 4**

The approved draft will now proceed through the relevant committees of council to full council for adoption. In some countries, the law provides for the advertising of the budget proposals in two issues of a newspaper circulating in the area for 30 days, calling for any objections to the proposals. If there are more than 30 objections, council will have to convene and reconsider the budget in the light of the objections and either incorporates, revise or reject the objections on a case by case basis. Thereafter the budget is approved and ready for implementation. Section 83 (5 and 6) refers.

Section 83 (9) needs to be taken note of as no funds will be transferred from one chapter of the budget to another nor shall money be spent on an item not provided for in the budget without the approval of the Legislative Council.

### **Supplementary Budget**

Section 86(2) tries to deal with challenges which may confront council during the year and allows for the preparation and approval of a supplementary budget. The supplementary budget process follows the same procedures as the normal annual budget and has to be approved by the Legislative Council.

### **Roles of Different Officials**

#### **Council Staff**

Under the directions of the Executive Director, Chief Executive and Town Clerk, council staff play a key role not only in the preparation of the budget but also its implementation. Section 84(1) refers:

The council staff is supposed to have the technical skills for budget formulation. They do the costing of the various budget items, align the budget with the council plans and objectives and provide councillors with the draft which should be comprehensive and easy to understand for decision making.

The Chief Administrator should also put in place appropriate monitoring and control systems during budget implementation. The County Executive Director in terms of Section 61 (2c), the Chief Executive Officer in terms of Section 63 (2e) and the Town Clerk in terms of section 64(2e), supervises the administration, finance, personnel, stores ,workshops, public utilities and recreational facilities, procurement and maintenance of movable and immovable assets.”

The Chief Administrator in this role is the accounting officer for the resources of council, the management of the budget included.

## **County Commissioner, Mayor, Town Clerk**

The preparation and presentation of the budget to the Legislative Council is the responsibility of the County Commissioner, mayor or Town Clerk. As head of their Executive Council, it is their responsibilities to ensure timeous preparations of the budget. They also sign the Appropriation Act passed by the Legislative Council which becomes the approved budget.

## **Councillors**

Through the Legislative Council, councillors deliberate on the proposed budget and may amend, reject or adopt the budget as they deem fit. Section 83 (5) refers. Councillors also have a key role in enlightening the communities they lead about the budget, through their report back meetings and budget consultation meetings.

They should explain the implications of the budget to communities. It is not uncommon to find councillors passing the buck to council staff at ward consultation meetings and residents roasting officials on high tariff proposals. Some councillors at such meetings literary dissociate themselves from the budget proposals and become even more vociferous than the public in criticising draft proposals of which they were part. Local Government Administrators should brace themselves to manage such eventualities.

Councillors should also encourage their constituencies to pay their tariffs and taxes to council. Failure to pay will result in declining service levels and quality of service. They should thus be in the forefront in defending the budget once approved by them.

Councillors should always be guided by the fact that “ a budget is a policy document by which elected representatives indicate the extent to which they wish to execute the mandate given to them by voters with the limited money at their disposal (Marais 1980).

## **Topic 3: Financial Control**

### **Introduction**

To ensure that Local Government funds are used prudently and for the purposes which they were allocated, there is need for effective controls to be put in place. The Local Government Administrative Officer needs to be aware of the need for and the various ways in which such controls are implemented. This is especially crucial in this era where transparency and accountability are the hallmarks of good corporate governance.

### **Specific Objectives**

By the end of this topic, the participating Local Administrative Officer should:

1. Explain the need for control of the use of funds by Local Government
2. Describe the process of establishing a financial control system
3. Describe the types of control systems that can be implemented in a Local Government

### **Content**

1. Need for financial controls
2. Process of establishing a financial control system
3. Types of financial control systems e.g. the budget, financial statements, books of accounts, audits

### **Methodology**

1. Exercises (practical)
2. Plenary discussions
3. Group discussions and presentations
4. Lectures

### **Resources**

1. Local Government Act, 2009
2. Sample financial regulations
3. Sample budget and financial statements
4. Sample books of accounts
5. Sample audit reports
6. Flip charts
7. LCD/overhead projectors
8. Stationery

## **The Need for Financial Controls**

It is vital to have effective and operational control systems in order to safeguard the finances and assets of council. Even though there might be documented systems and controls, it is critical that these be reviewed and tested on a regular basis. Control systems are needed so that council is able to achieve its financial objectives in order to accomplish its mandates.

As councils collect and spend public money, it is important to have in place:

1. Systems for the proper collection of income
2. Control of bank accounts
3. Procedures for authorizing payments of accounts
4. Procedure for signing of cheques
5. Ensuring proper custody and presentation of moneys, security items and other property (date stamps, order books, vouchers, cheque books, safe keys etc)
6. Procedures for reporting any losses of assets
7. Adequate control of stores and workshops and requiring regulations for stocks (can be a problem area if systems are weak)
8. Regulations of the manner in which contracts shall be executed
9. The regulations for the calling for submission of and dealing with TENDERS (another potential mine field which needs proper systems in place).

## **Process of Establishing a Financial Control System**

### **I. Financial Regulations**

A useful starting point for establishing a control system is the preparation of detailed financial regulations. Financial regulations are the internal rules of a council and are supplementary to or coincidental with the requirements of a financial nature contained in the Local Government Act 2009.

Regulations spell out and stipulate how certain financial activities should be carried out. They should cover all key areas of council financial operations and asset management including but not limited to:-

1. Preparation of council budget
2. Certification of accounts
3. Expenditure and project approvals
4. Uncompleted capital projects
5. Supplementary Estimates
6. Release of reserve funds
7. Transfer of funds
8. Borrowing powers
9. Allowances
10. Financial statements
11. Revenue collection
12. Security of money
13. Tenders and contracts
14. Stores and materials
15. Fees and charges
16. Imprests
17. Payment of accounts
18. Works orders
19. Capital assets
20. Insurance
21. Investments
22. Internal audit
23. Staff Administration.

By having financial regulations in place council will have established the base for a control system.

## **1. Internal Audit**

Council also needs to put in place an internal Audit section/division under the office of the chief administrator and reporting to the Chief Administrator. The principal tasks of the Internal Audit Section is to ensure compliance by departments to financial regulations. It is for this reason that the Auditor reports directly to the Chief Administrator.

Internal Audit is not all about fault finding, but reviewing and monitoring the efficiency and effectiveness of resource utilisation including value for money audits. Internal Audits should test and review control systems regularly.

### **External Audit**

The Act provides for periodic External Audits. This is meant to strengthen systems and identify any system slippages which may have escaped the attention of the Internal Audit Section. The External Auditors also bring best practices from the external environment to improve the council control systems.

## **2. Books of Accounts**

Council must put into place internationally accepted accounting systems including the relevant books of accounts and accounting software. It is also imperative that the finance department be staffed with the people with the requisite skills.

## **3. Councillors and Other Miscellaneous Approaches**

Being part of the community councillors also get to pick up information on control system weaknesses. The chief Administrator should not dismiss such information off hand as rumours or interference but evaluate and investigate as some of it may be true. Councillors should also make resolutions that strengthen internal checks and control systems. Suggestion boxes have also been known to reveal valuable information on the goings on in council. Council should have these in strategic places as part of enhancing communication with the public.

Whistle blowing is also becoming a feature of corporate governance. Again such approaches need to be handled with care as they can be abused by some with ulterior motives.

## **Types of Financial Control**

### **Budget**

The budget is an excellent control and management tool because:-

- It helps the executive to spend money efficiently through the various cost centres.
- Acts as a guide to forecast what expenditure is desirable
- Helps to secure balance between income and expenditure.

Through periodic budget performance review reports the Chief Administrator is able to monitor the performance of the council. The reports could cover:

1. Monthly income and expenditure
2. Debtors' report
3. Creditor analysis report
4. Monthly procurement reports
5. Management meetings progress reports and action sheets.

## **Financial Statement**

Financial statements giving the financial position of council at any given date are also important. This is where it is necessary for council, resources permitting, to computerise so that statements can be generated as and when needed and are therefore current. Manually generated financial statements take time and by the time they are produced are more historical in nature minimising their usefulness.

## **Financial Regulations**

As already mentioned, these assist and arm the Chief Administrator with the authority to guide, control and monitor council finances and assets and ensure that duties are allocated to achieve maximum security, internal checks and control.

## **Books of Accounts**

Section 84 implores council to maintain books of accounts in order to record:

1. All transactions of funds received and spent
2. All income cashed or accrued but not received
3. All expenditure committed but not incurred.

Books of accounts are the first point of call for auditors and should always be kept up to date.

## **Internal Audit function**

Internal auditing is an independent appraisal function established within council to examine and evaluate its activities. It is important because:

- It furnishes management with analyses, appraisals, recommendations, counsel and information regarding the activities reviewed
- Internal audit assesses adequacy and effectiveness of internal checks and controls and quality of performance.

To be effective, the Internal Auditor should be:

1. Independent of the activities they audit which entails free access to records, personnel and physical assets
2. Proficiency – Professional due care
3. Objectivity – independent mental attitude
4. Value for money – Evaluation of quality of performance.

## **External Auditors**

In terms of section 85 (1) “accounts of Local Government councils shall be audited annually by the Auditor General of the Government or any other audit firm appointed by the Legislative Council and approved by the Auditor General.

Section 87 requires the County Commissioner, Mayor, or Town Clerk to present to the Legislative Council during the six months following the end of the financial year, the audited financial report of all council’s revenue and expenditure.

Many councils fail to meet this requirement mainly because:

- Audits cannot take place if council books of accounts are not in order, both the Chief Administrator and the Finance Director have to ensure that the council books are up to date
- External Auditors have to be paid and council should ensure funds for the activity have been budgeted for.

If council fails to have their books audited the tendency is that they will now continue to lag behind with their audits. When eventually conducted, audits will become historical documents of little use to council in improving its operations. The tendency for corrupt practices creeping in due to absence of audit cannot be ruled out. Councils should also be reminded that operating without audited accounts is in breach of the Law, Section (85(1) refers.

# **Financial Management Guide for Local Governments: A Case Study**

## **Introduction**

With decentralized Local Government financial management (fiscal decentralization), where the roles/functions of financial management are devolved to the Local Governments, the need for the Local Government practitioners to be equipped with the basic Local Government financial management skills becomes paramount. This presentation aims at guiding the participants through the hands-on requirements for improved Local Government financial management.

## **Objectives**

That by the end of the training, the participants would be able to:

1. Define a Local Government budget and its purposes-objectives of local taxation and expenditure
2. Describe integrated planning and budgeting in Local Governments
3. State/enumerate the various stakeholders in the Local Government participatory planning and budgeting
4. Differentiate between revenue budget, recurrent expenditure budget, capital expenditure budget, development budgets and other budget components
5. Explain the need for Local Government balanced budgets
6. Define/express/ prepare Local Government budgets based on the on Activity/ output oriented budgeting
7. Define budget guidelines and budget call circulars and their importance in the Local Government budgeting and planning
8. Explain the pre-conditions of a successful, transparent, participatory budgeting process
9. Identify the criteria for a successful budgeting process
10. Identify the stages and steps in the preparation of a Local Government budget
11. Identify the timing of the planning and budgeting cycle.

## **Budgeting**

### **Definition of a Budget**

A Local Government budget is a monetary expression of a Local Government's planned activities set to be fulfilled in a specified timeframe, usually twelve months and based on clear policy objectives. It is a predetermined statement of management policy during a given period which provides a standard for comparison with the results actually achieved. It is a forecast of the expected income/Revenue and expenditure over a predetermined period. This period is one year, for Local Governments in South Sudan, running from July to June.

### **Purpose of a Budget**

A Local Government needs a budget in order to achieve its mission through identified activities. A budget permits a Local Government to undertake its programmes with effectiveness, efficiency and economy. Through the budget, a Local Government informs its residents of the estimated level of revenue to be realized during the year and also reflects the extent to which it is going to be spent.

A budget has two major components:

1. **Revenue** - showing all revenue sources of the Local Government
2. **Expenditure**- showing all expenses – Recurrent and capital/development budgets

### **Preconditions for Successful Budgeting**

1. The preparation process has to be consultative and participatory in order to ensure ownership to both processes and the approved budget
2. A systematic process of prioritization of programmes and expenditures which is based on informed choices must take place
3. Planned outputs, activities and expenditure allocations in the annual work plan and budget estimates must be realistic and achievable.

### **The Criteria for Successful Budgeting Process**

Full Council/Executive Council is at the centre but should avoid monopolization, biased prioritization and expenditure choices. Sufficient time must be reserved for participation of all stakeholders. Clear linkages are necessary between plans and budgets, including recurrent cost implications on capital investments and development projects.

## **Revenue**

Revenue can be defined as income .Revenue is income collected and received by a Local Government.

### **Importance of Revenue**

Why collect revenue? It is imperative that all revenue due to a Local Government is collected, recorded, controlled and accounted for. Revenue collected is important because the operations and function of the council largely depend on the availability of revenue.

In addition, revenue is used for the following among others:

- Finance development projects
- Pay salaries and wages for employees of the council
- Pay councillors emoluments
- Finance development/maintenance costs etc..

### **Legal Provisions for Revenues**

The provisions for Local Government revenues are as follows:

#### **Transitional Constitution**

“Article 166: the objects of Local Government are as follows:

- Promote self reliance amongst people through mobilization of local resources to ensure the provision of services to communities in a sustainable manner
- Local Governments shall have powers to levy, charge, collect and appropriate fees and taxes in accordance with the law
- The Government of South Sudan may pay grants-in-aid to states in support of their budgetary deficits and that of Local Government councils.”

#### **Local Government Act 2009**

Local Government revenue provisions are given under ChapterVIII: Local Government Planning and Finance, Section 72: Sources of Local Government Finance:

- Local Government councils shall be funded by a mixture of locally raised revenues, community contributions, grants and loans according this Act.
- Each Council shall generate revenues from its available sources of funds to meet its expenditures.

## **Section 74: Local Sources of Revenue:**

Local councils may generate revenues from the following sources:

1. Taxes:
  - a. Council property tax
  - b. Social service tax
  - c. Council land tax
  - d. Animal tax
  - e. Gibana tax
  - f. Council sales tax
  - g. Hut tax
  - h. Capital gains tax
  - i. Produce tax(usher)
  - j. Any other taxes as may be authorized by law, rules and regulations.
2. Local Rates:
  - a. User service charges
  - b. licenses fee
  - c. Administrative fines
  - d. Royalties;
  - e. Permits
  - f. Customary court fees and fines
  - g. Contract fees
  - h. Auction fees
  - i. Any other fees and charges as may be authorized by law, rules and regulations.
3. Local Earnings from the council investments and projects.
4. Community Contributions. Each Council shall raise funds locally from community contribution in the following forms:
  - a. Labour contribution
  - b. Monetary contribution
  - c. Contribution in-kind.

5. Grant-in-Aid. The Local Government Council shall mobilize funds to meet local expenditures through accessing grants from governments, donors and donor agents.
6. Government grants
  - a. The Council shall receive grant-in-aid from the Government of South Sudan and the State
  - b. The following grant may be allocated all or any of them to the Local Government council from Southern Sudan or State revenues:
    - Conditional grants
    - Block grants
    - Equalization grants
    - State support grants.
  - c. Any Government grants allocated under sub-section (i) above shall be disbursed through the State Authorities directly into the bank accounts of each Local Government council through which expenditure shall be regulated by the Local Council concerned.
7. Donors Grants (S78)
  - a. The donor grants may be:
    - Direct external financial assistance to the Local Government council concerned;
    - In-direct external financial assistance to Local Government council concerned channelled through donor agencies, international and national nongovernmental organizations and community based organizations operating in the Local Council areas; or
    - Technical assistance to the Local Government councils.
  - b. The direct and indirect external assistances provided to the Local Government Authorities shall be included as the grant revenue components of the Local Council Development Plans and programs designed for implementation.
  - c. The donor funds granted to any Local Government Council shall be kept in a credible bank.
8. Loans (S 79)
  - a. The Local Government Councils as corporate bodies; shall, based on their credit worthiness; have the right to borrow.
  - b. Each Council shall encourage and promote the establishment of micro-finance institutions from which it may access local credit facilities for its local projects.”

The Local Government Act, 2009, Chapter VII, Section 80, provides for the establishment of the Local Government Development Fund.

## Financial Resources of Local Government

Local Council budgets should be based on the respective Council Local Funds and Aid Grants Funds. Before the commencement of each financial year, the Finance Committee should prepare an annual budget for approval by the legislative Council. The budget for each Council should contain all expected revenues and expenditures for the forthcoming year, including recurrent, operational and capital expenditures.

Budgets should be 'Activity Based' to facilitate local understanding and transparency. Local Government authorities should be funded by a mixture of locally raised revenue and grants from the ROSS and donor agencies, such as follows:

<b>Local Revenues</b>	Local Taxes	<ul style="list-style-type: none"> <li>▪ Property tax</li> <li>▪ Social service tax</li> <li>▪ Gibana tax</li> <li>▪ Land tax</li> <li>▪ Animal tax</li> <li>▪ Sales tax</li> </ul>
	Local Rates	<ul style="list-style-type: none"> <li>▪ Service/User charges</li> <li>▪ Licences</li> <li>▪ Fees and charges</li> <li>▪ Royalties</li> <li>▪ Agency Fees</li> <li>▪ Court Fees and Fines</li> <li>▪ Permits</li> </ul>
	Locally Generated Income	<ul style="list-style-type: none"> <li>▪ These are returns from investments and commercial business ventures undertaken by a local authority as a corporate body</li> </ul>
	Community Contributions	<ul style="list-style-type: none"> <li>▪ These are contributions from community members in the form of cash or in-kind.</li> </ul>

<b>Grants</b>	<b>Government Grants</b>	Block grants (and any other types of grants) transferred from the ROSS Ministry of Finance, through the State Ministry of Finance, to Local Governments. This transfer should be based on a specific and simple allocation formula and disbursement criteria.
	<b>Donors Grants</b>	External financial assistance from Donor agencies to Councils can be effected in two ways: <ul style="list-style-type: none"> <li>▪ Through bilateral agreements,</li> <li>▪ Through a Local Government Fund, which is a fund established as a “basket” for donor grants directly committed to Local Government development initiatives.</li> </ul>
		Any direct assistance from NGOs to Counties should be included in the County Annual Development Plan and with the consent of the Ministry of Local Government (except in cases of emergencies and natural disasters)
<b>Loans</b>		As a corporate body a local authority has the right to borrow from the national banking system as stipulated by the law. In order to create an enabling environment for the necessary financial systems to be effected it is recommended that the ROSS: <ul style="list-style-type: none"> <li>▪ Expedite the development and enactment of tax legislation so as to clarify which taxes can be collected at the three levels of government.</li> <li>▪ Provide a simple allocation formula for the grants, which would take into consideration the proportional responsibilities and functions of each level.</li> <li>▪ Develop financial rules and regulations to guide financial management.</li> <li>▪ Supervise the establishment of uniform financial systems.</li> </ul>

- The above sources of local revenue may vary from one Local Government to another.
- The requirement is that every Local Government maintains a detailed list of its internal revenue sources and in addition keeps relevant information on the total potential collectable revenue.

### **Activities in Revenue Management**

The following are some of the main activities required in revenue collection:

1. **Registration**- identification and listing of tax payers-
2. **Database** - good revenue mobilization procedures do warrant the maintenance of up-to-date and excellent databases. Databases are necessary for:
  - a. Making accurate revenue forecasts
  - b. Tracking defaulters
  - c. Making accurate and reliable assessments.

The data base might include the following:

- a. Names of taxpayers, their bomas, payams, county and assessment number,
- b. Estimated income for each taxpayer;

- c. Names of business, the type of business (retail, whole sale etc);
- d. A amount assessed for each taxable item or individual;
- e. Payment made to date;
- f. Arrears due from individual taxpayers.

Where possible, modern methods of data base management should be used i.e. use of computer technology to maintain and update the data base. Utilization of data capture templates such as shown below as sample 1 – 3 also helps (samples).

1. **Enumeration.** Recording all source of income for an individual tax payer.
2. **Assessment.** Recording all income source for each tax payer on an assessment form and then determining the tax payable after careful consideration. **For example:** Property tax amount per Payam = No. of properties multiplied by the approved rate of tax.
3. **Collection.** Collection of revenue from the taxpayers. Procedures for the collection should be approved by council/authority concerned depending on how the payer receives his or her income for example, tax payable may be recovered directly on pay roll or for the self employed, and payment could be in lumps sum on site.
4. **Sensitization and Publicity.** Involves holding workshops and seminars for the revenue collectors and the tax payers and other forms of awareness campaigns on the importance of paying taxes say, radio announcements, advertising, drama etc.
5. **Enforcement.** Following up tax defaulters, the regular checks on the licences and other payments to ensure that all those who should pay actually pay and they pay the right amount. This is to avoid revenue being paid into wrong hands.

## General Considerations in Revenue Mobilisation

The following criteria are important considerations when deciding on the revenue sources for Local Governments:

1. **Adequacy.** Identified revenue sources should be capable of yielding substantial revenue because small revenue source are expensive in terms of expenditure on collection and efforts.
2. **Elasticity.** Local revenue source should be capable of yielding addition revenues respond to the increasing demand for services from the community over time.
3. **Equality.** Equality means fairness. Taxes should be based on ability to pay by each tax payer.
4. **Administrative Capacity.** The costs, efforts and time involved in administering a particular revenue source should not be more than the revenue collected.
5. **Political Acceptability.** Because some revenue sources are very unpopular.

## Best practices to be implemented

1. There are good practices that link taxes collected to services delivered
2. The principle of Output Oriented Budgeting (OOB) and Results Oriented Management (ROM) takes precedence
3. To make the delivery of public services more effective and efficient, result oriented management/budgeting should be adopted in all areas of public management; under this, the emphasis of all public administrators is the achievement of well defined results
4. There is no point in using public resources without achieving the desired results.

## Example

Item	Sub item	Revenue source	Objective/output	Estimated Amount
1130	11310	Taxes on immovable property(property tax)	Establish the growth trend of the trading centre	5,000,000
1410	14140	Rents	Establish and track property ownership	3,000,000
1160	11610	Cattle movement permit	Control cattle rustling/stealing	1,000,000

Similarly, the engagement of customer friendly tax collectors, who explain the importance of taxes to service delivery in a user friendly manner that enhances revenue collection in a local council, is very important. The practice helps the community to appreciate the benefits of paying taxes and also makes the tax collection exercise a lot easier.

Local Governments/Counties should always look at the following issues:

1. How can they ensure sustainable collection of revenue?
2. How do they ensure that revenue collection does not discourage business? (Higher tax does not automatically mean more revenue collected.)
3. How can they ensure that taxpayers receive adequate services (get value for money), relate the revenue collection to the objectives/outputs stated?



**Sample 3**

**COUNTY.....**

**DEPARTMENT: Agriculture and Industry**

LOCAL ECONOMY						
PAYAM	AGRICULTURE		CATTLE		NATURAL RESOURCES	
	FOOD CORPS	COMMERCIAL CROPS	COWS/CATTLE		TYPE	QUANTITY (EST)
LOCAL BREEDS			MIXED BREEDS			

Sample 4

**LOCAL GOVERNMENT BUDGET FORMAT (SUMMARY)**  
**BUDGET SUMMARY FORMAT FOR LOCAL GOVERNMENTS**

Previous year Actual Rev/Exp 2008 (SP)	Current year Rev/Exp Estimates 2009 (Sp)	Programme and Sub-programme		Current Year estimated Actual Rev/Exp 2009 (SP)	Coming year Estimates 2010 (SP)	Following year estimates 2011 (SP)	Following year Estimates 2012 (SP)
		<b>REVENUES</b>					
		<b>LOCAL REVENUE</b>					
Xxxxxx x	xxxx		Local taxes	xxxxxx	xxxxxx	xxxxxx	xxxxxx
Xxxxx	Xxxxxxx		Local Rates	xxxxxxxx	xxxxxxxx	xxxxx	Xxxxx
Xxxxxxx	Xxxxxxx		Locally Generated incomes	xxxxxx	xxxxxx	xxxxxx	Xxxxxxx
Xxxxxx	Xxxxxx		Community Contributions	xxxxxxxx	xxxxxxxx	xxxxxxxx	Xxxxxx
Xxxxxxx x	Xxxxxxx		SUBTOTAL	xxxxxxxx	xxxxxxxx	xxxxxxxx	Xxxxxx
		<b>GRANTS</b>					
Xxxx	Xxx	xxxx	State	xxxxx	xxxx	xxxx	Xxxx
Xxxxxxx	Xxxx	xxxxx	ROSS	xxxxx	xxxxx	xxxx	Xxxx
Xxxx	Xxxxxxx	xxxxx	Donors Grants	xxxx	xxxx	xxxx	Xxxx
Xxxx	Xxxx	<b>LOANS</b>	SPECIFY LOAN	xxxx	xxxxx	xxxxx	Xxxx
Xxxxx	Xxxxxxx		<b>GRAND TOTAL-REVENUE</b>	xxxxxx	xxxxx	xxxx	Xxxx
Previous year Actual Exp 2008 (SP)	Current year Exp Estimates 2009 (Sp)	Programme and Sub-programme		Current Year estimated Actual Exp 2007 (SP)	Coming year Estimates 2010 (SP)	Following year estimates 2011 (SP)	Following year Estimates 2012 (SP)
		<b>EXPENDITURE</b>					
		<b>RECURRENT</b>					
Xxxxx	Xxxx	Xxxx	Personnel Emoluments	xxxxx	xxxx	xxxx	Xxx
Xxxxx	Xxxx	Xxxx	Operational	xxxxx	xxxx	xxxx	Xxx
Xxxxx	Xxxx	Xxxx	Subtotal	xxx	xxxx	xxx	Xxxx
Xxxx	Xxx	Xxx	<b>CAPITAL/DEVELOPMENT</b>	xxxxx	xxxx	xxxx	Xxxx
		<b>GRAND TOTAL – EXPENDITURE</b>		xxxx	xxxx	xxx	Xxxxx

## Documentation

For purpose of control of the revenue collected, the following documents must be maintained:

### 1. Revenue Registers

For each source of revenue ,including taxes rates, fees rents and other income, relevant revenue registers are used to show details of revenue due, revenue collected and all arrears. The revenue register must be up- dated regularly. All deletion must be properly authorized and all entries on the register must be backed by the properly processed documents. The backing documents must be maintained for inspection as and when required by the authorities.

### 2. Tax Collectors Records

Each tax collection maintains the following books as shown below:

- a. A ticket register showing:
  - all tickets received from the headquarters(LGB/State as may be the case) in blocks of their denominations
  - number of tickets of each denomination sold out
  - the balance of tickets of each denomination.
- b. A cash register / book.

### 3. Books of Accounts in Local Governments.

The main books of account to be maintained by Local Governments include: Registers; Revenue registers, Ticket Registers, Asset registers, Cash Registers

### Sample of a Revenue Register

Department/Section..... Account code.....  
Description of item.....

Arrears B/F SP.	Revenue Due				Revenue Received			Amount paid Out/Banked		Amount C/F	Remarks
	Date	Details	Payers	Amount (sp)	Date	Amount received (sp)	Receipt number	SP	Details	SP	

## **Custody and Banking of Revenue**

The role of the Chief Executive Officer at the Local Government council is to ensure security of cash and other properties of council. For this reason, he ensures that council headquarters possess a strong-room to store valuables including cash, documents, valuable books of account and other valuables.

He/she ensures that revenue collectors are provided with relevant tools such as safes and cash –boxes for which he /she maintains a register showing the location and the officer responsible.

All these precautionary measures are undertaken by the chief executive in his/her capacity as the accounting officer. All revenue collected within a LG must be banked promptly on a revenue collection account. The revenue collector or cashier who makes the banking must ensure copies of the banking slips are provided to him/her as evidence and to be used for accounting purposes.

## **Recommended Practices**

Recommended good practices in revenue collection and accountability are:

- Privatization of revenue collection
- Forming collection teams which go around the Local Government to collect funds e.g. for licenses
- Offering incentives to revenue collectors who reach their collection targets
- Using community leaders in the actual collection exercise
- Using carbonated/ triplicate receipts to evidence payments
- Production of timely/regular revenue performance reports with reasons for variances.

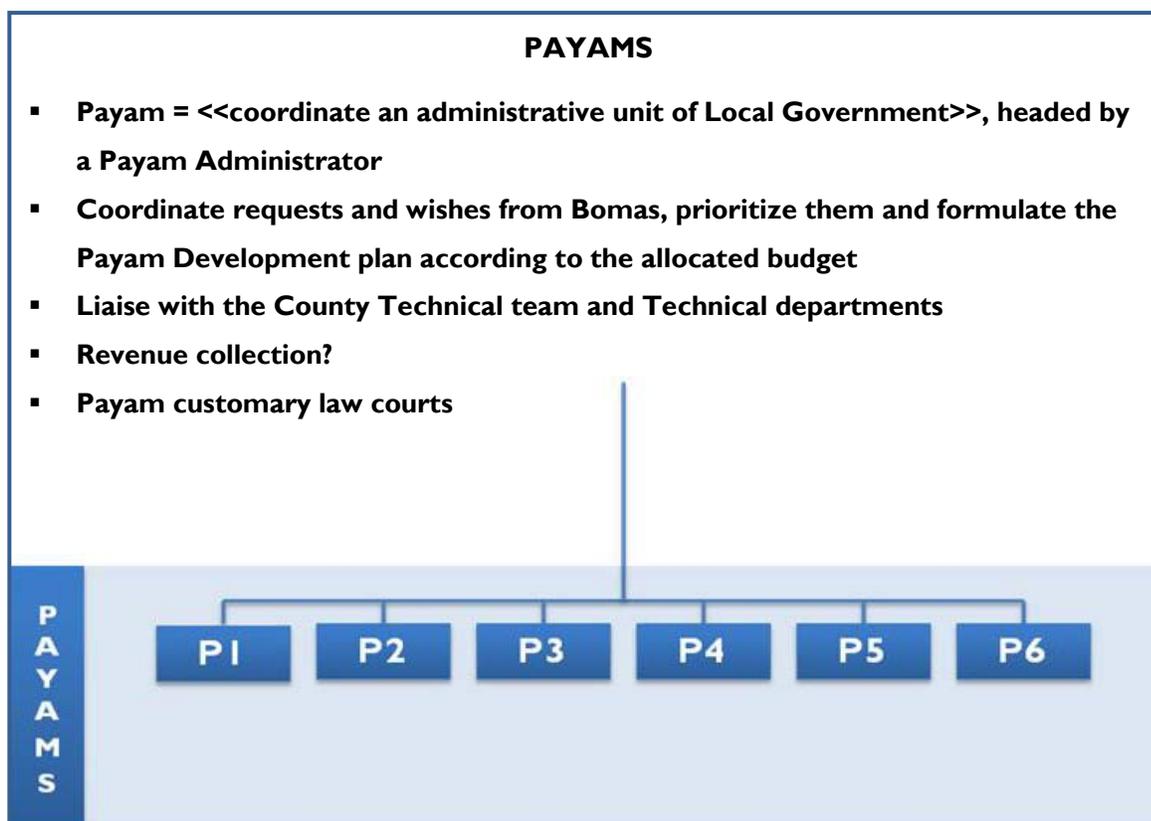
## Topic 4: Participatory Planning and Budgeting

The existing post-conflict situation in South Sudan provides for a system of government with three levels: ROSS, State and Local Government.

The responsibilities of each level of government are indicated below:

Government Level		Local Government Institution	Number	Responsibility
1	ROSS	Local Government Board	1	Corporate policy making, Legislation and regulation
2	State	State Ministries of Local Government and Law Enforcement	10	Functional policy making, Legislation, regulation and Coordination.
3	Local Government	Local Government Councils	78	Service delivery planning, Programming and implementation.

The roles and responsibilities of Local Government organs/officers:



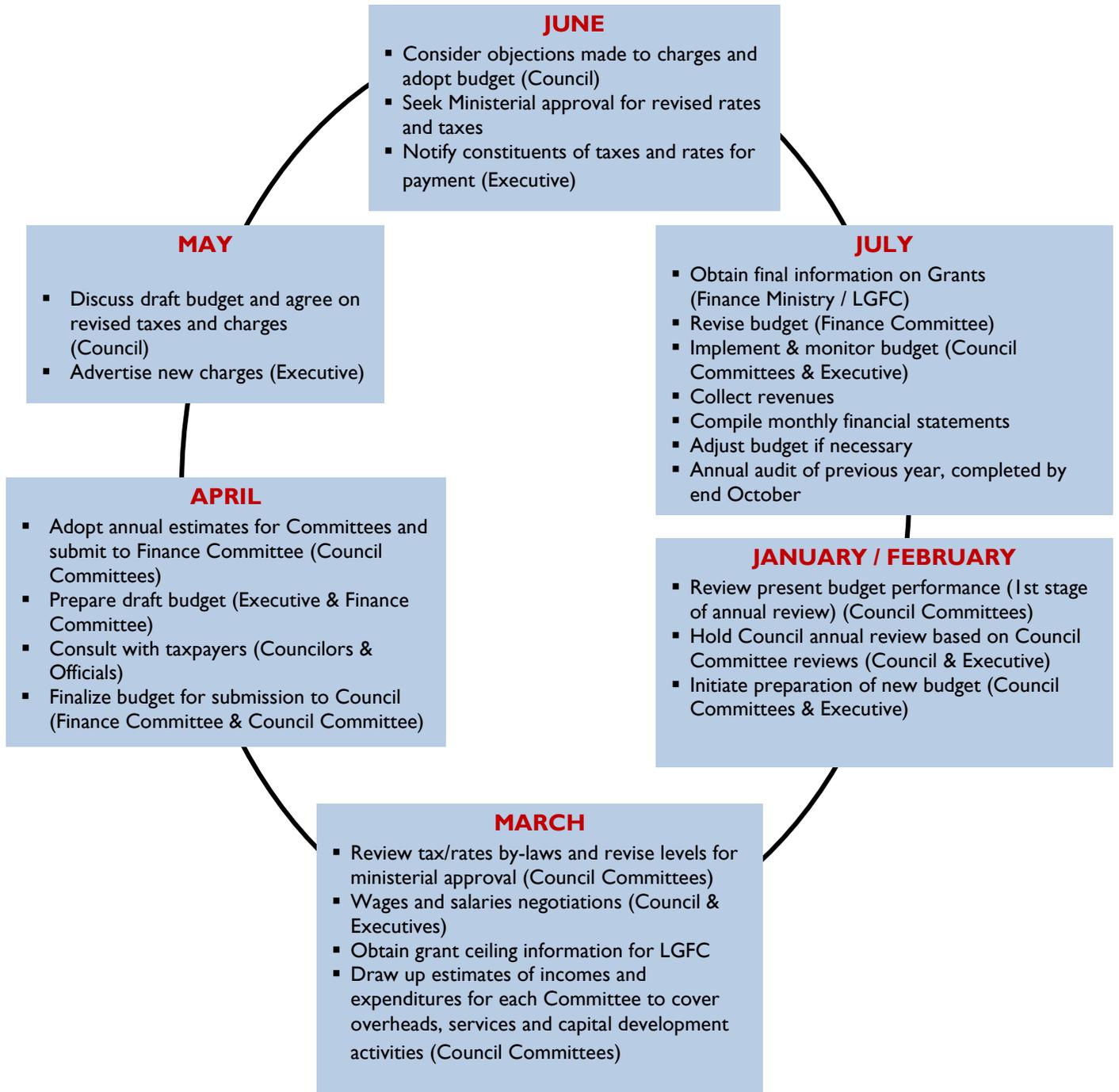
## BOMA

- Boma = Basic administrative unit of Local Government, headed by a Boma Administrator
- Reach out to the local community
- Mobilize local community to participate in the preparation of the local development plan
- Mobilize local community to participate in community projects
- Raise problems arising in the Boma area to higher authorities
- Resolve conflicts among citizens through mediation, arbitration
- Collect local taxes
- Status of Traditional Authorities
- Customary law courts



**Council Budgeting Cycle (This cycle now changes to reflect the Constitutional change of the fiscal calendar from January to December to July 1 to June 30)**

**Council Annual Budget and Planning Cycle**



## Expenditure

The expenditure budget estimates should be in two parts: Recurrent and Capital Development expenditures.

Recurrent expenditure refers to expenditure that would be incurred in one financial year but capital development expenditure relates to expenditure that can stretch beyond one financial year.

The annual budget is derived from the three-year development plan of a Local Government. This implies that estimates of revenue and expenditure should agree with the development plan-

**A Recurrent Budget** is composed of:

- Personnel emoluments (employee costs) – budget which deals with salaries and employee related expenses
- Ordinary Budget or Recurrent /Operational Budget -to maintain the existing services and facilities.

**A Development Budget/Capital Budget** helps to carry out new Investments/ projects according to a planned strategy and to give concrete shape of the development plans of the Local Government on an annual basis.

During the budget preparation process, Local Governments receive budget calls and budget guidelines from the National government/State. The main purpose of the call is to guide Local Governments, through the planning and budgeting process and to ensure that inputs to the overall budget framework are provided in a uniform and consistent manner.

The guidelines/call includes the following:

- Activities, events and timing of the budget process
- Resource projections and indicative sector ceilings
- Formats and technical procedures for preparing budget submissions.

The identification of expenditure needs follows the participatory approach and Output Oriented Budgeting/Result Oriented Management principles.



## Unfunded priorities budget for the year .....

The budget below is for priorities of the county in the various departments/sectors that have no funds allocated to them in the budget. The county requests all partners to contribute by selecting/funding any activity amongst the presented.

Previous year Actual Exp 2006 (SP)	Current year Exp Estimates 2007 (Sp)	Programme and Sub-programme		Current Year estimated Actual Exp 2007 (SP)	Coming year Estimates 2008 (SP)	Following year estimates 2009 (SP)	Following year Estimates 2010 (SP)
	<b>EXPENDITURE</b>		<b>Objectives</b>				
		<b>Administration</b>	<b>Administration</b>				
			Personnel Emoluments				
			Operational				
			Capital				
Xxxxx	Xxxx	xxxx	<b>Subtotal</b>	xxx	xxxx	xxx	Xxxx
			<b>Personnel</b>				
			Personnel Emoluments				
			Operational				
			Capital				
Xxxxx	Xxxx	xxxx	<b>Subtotal</b>	xxx	xxxx	xxx	Xxxx
Xxxx	Xxx	xxx	<b>Subtotal</b>	xxxxx	xxxx	xxxx	xxxx
			<b>GRAND TOTAL - EXPENDITURE</b>	xxxx	xxxx	xxx	xxxxx



COUNTY.....  
 DEPARTMENT: Education and sports

EDUCATION						
PAYAM	INSTUTIONS		PERSONNEL (teachers)		STUDENTS/PUPILS (at post secondary and pre-secondary education)	
	POST SECONDARY	PRE SECONDARY	TYPE/ GRADE	NUMBERS IN PLACE	males	Females

COUNTY.....  
 DEPARTMENT: Health and Water development

**WATER AND SANITATION**

PAYAM	Water points		Sanitation(Latrines)	
	Protected	Un protected	Households with place to go to	Households without places to go to.

COUNTY.....  
 DEPARTMENT: Administration

ADMINISTRATION						
PAYAM	no. buildings	furniture	manpower required	manpower in place	Gap	NGOS/ CBOS operating

The County Executive Council will propose council policies to be presented to stakeholders' meetings during the participatory planning /budgeting whose purpose is to:

1. Review past performance of council in respect of revenues and expenditures
2. Review of previous year's achievements and shortcomings based on assessment of outputs and outcomes achieved against resources spent and activities carried out
3. Review of charges and rates
4. Projected revenues collections in the council
5. Prioritisation of areas and allocations
6. Prioritisation and ranking of recurrent and development programmes.

### **Costing of Priorities**

The main purpose of this function is to enable council implement only those projects/programmes that can be funded from the projected revenues. Local Government councils should rank activities through stakeholder meetings. It is where investment activities, recurrent and development plans are amicably agreed upon after which the county technical team/planning team will incorporate all contributions and information into the draft budget for the Local Government.

### **Review of Costed Priorities**

The executive committee will review the draft budget to ensure an outcome of a balanced budget as required by the regulations. An executive decision is then taken on the budget.

## Annual Work Plan/Budget

The formats to be applied by the sectors/departments should be based on:

1. Linking outcomes, outputs and activities to budget allocations
2. Taking into account the principles of OOB/ROM i.e. inputs leading to activities, activities leading to outputs(results) and outputs leading to outcomes(achievement of objectives)
3. Identifying the responsibility persons/official at each level to make it clear who will be responsible for achieving results at each level.

### Sample Sector/Department Expenditure budget (Medium term)

Sector/Dept	Item	Sub-item	Activity Description	Output/objective	Estimates 2008 (SP)	Estimates 2009 (SP)	Estimates 2010 (SP)
Education							
<b>Recurrent</b>	2110	211102	Teachers' salaries	Raise standards of teaching	12,000,000	13,000,000	14,000,000
	2120	21201	Casual labour	Improved health environment	300,000	300,000	300,000
	2200	22052	Internet fees	Updating education sector Records	1,000,000	1,000,000	1,000,000
	2270	22701	Maintenance of vehicles and equipments	Efficient services provision	2,000,000	2,000,000	2,000,000
<b>Subtotal</b>					<b>15,300,000</b>	<b>16,300,000</b>	<b>17,300,000</b>
<b>Capital</b>	2810	28105	Purchase of computers, printers and other IT equipment	Efficient services provision	10,000,000	5,000,000	3,000,000
	2820	28202	Purchase of Bicycles and motorcycles	Efficient services provision	5,000,000	3,000,000	2,000,000
	2850	28505	Construction of schools	Increase school enrolments from 30% in 2007 to 45% in 2009	20,000,000	25,000,000	30,000,000
<b>Sub total</b>					<b>35,000,000</b>	<b>33,000,000</b>	<b>35,000,000</b>
<b>Grand total(education expenditure)</b>					<b>50,300,000</b>	<b>49,300,000</b>	<b>52,300,000</b>

A work plan covers all activities carried out by a Local Government from all sources of funding and it is normally attached to a budget as a supporting document.

**Sample: LG INVESTMENT WORKPLAN AND BUDGET FOR FY 2008**

County.....

Local govt/ Loca tion	Sector	Investmen t descriptio n	Budget(“000”) SP					Sources of funds					
			1 <sup>st</sup> qtr	2 <sup>nd</sup> qtr	3 <sup>rd</sup> qtr	4 <sup>th</sup> qtr	Total	state	LGB	ROSS	LG	other	Total (“000”) SP
	Edu cati on	Constructi on of 5 classrooms	1,000	5,000	8,000	6,000	20,000	3,000	0	10,000	2,000	5,000	20,000
<b>TOTALS</b>													

In case a budget is not approved by a Council before the commencement of the financial year, the Council should spend money under various heads on pro rata basis in accordance with the budgetary provisions of the preceding financial year for a period not exceeding three calendar months.

A budget should not be approved if:

1. The required sum to meet expenditures exceed estimated receipts
2. The new budget is not based on the actual performance of the previous year's budget.

Once the ROSS has approved its own budget, it should notify Local Governments of the actual grants they should receive. The authorized Local Government Officer should specify the total contributions made by the communities, which should be included in the budget. This is done through the budget call circulars and guidelines that are sent to states and Local Governments.

## **Budget Implementation**

### **Approved Budget**

After the approval of the budget by council, it becomes the responsibility of the Local Government to respect and comply with the budget provisions. Compliance with the budget relates to approved work plans and programmes. The implication of this requirement is that all revenue to be collected is actually collected and that expenditure is limited to what was approved. The local council has to ensure that the budget is used to achieve the targeted objectives based on effective, efficient and economic utilisation of the limited council resources.

### **Management of Cash Flow and Work Plans**

Local Governments should keep cash flow statements which will help them to ensure:

- Financial ability to meet current payments according to financial commitments
- Availability of cash at any time
- Budgetary control by comparing actual revenues and expenditures with the cash flow budget.

Successful cash flow management will ensure systematic implementation of work plans which would have been approved by council together with the budget. A balanced cash flow ensures that a Local Government is able to meet its commitments. Cash outflows should not exceed cash inflows hence avoiding the deficits of cash.

### **Tracking Revenues and Expenditure**

In order to ensure that the budget effectively and efficiently achieves the desired objectives, a record has to be kept for what has been received and what has been spent. For example; a vote book ensures that actual expenditure conforms to what was approved in the budget.

This is done to ensure that revenues and expenditures are controlled through regular updates and postings. Inability to post/update books of accounts is itself a financial regulation violation.

### **Budgetary Control**

Departments/sectors are not allowed to spend more than what was not approved. The accounting officer at all council levels is to ensure compliancy with this provision. Similarly, a local council is not permitted to transfer funds from one approved programme to programmes on expenditure items that were not approved in the budget. Reallocation of funds requires formal approval through established procedures.

If the council has not approved the budget most especially at the beginning of the year; in order to ensure that council continues its operations, it is a financial requirement that council passes a resolution authorising a vote on account expenditure.

**Financial accounting** is the process of producing financial reports, in this case about financial activities of a Local Government and presenting them to users.( e.g. councillors)

To be **accountable** means that one is required to be able to give a report or explanation of one's actions. Therefore, accountability is used to denote the explanation given by those who are accountable.

You will realise that accounting spans through all activities and transactions of a Local Government, it is not limited to finances or funds.

## **Accountability Systems in Local Governments in South Sudan**

Accountability systems in Local Governments is principally a creation of the law (it is a legal requirement to account).This provision is made in Transitional Constitution Chapter VII: accounting standards; 185(1-3) Procedures, standards and Fiscal accountability compliancy with generally accepted accounting standards (GAAS), and the LGF-10.3.3 accounts of Local Governments.

### **Purpose of Accounting: Why account?**

1. To demonstrate compliance with the law and other conditional requirements
2. To show how much revenue was raised
3. To be accountable to the public for their use of their taxes
4. To demonstrate equity in the use of resources
5. To show the strength of the Local Government( in terms of assets owned)
6. To show whether the LG made a surplus or deficit
7. To demonstrate how resources were used among the different services
8. To demonstrate that policies are being carried out effectively and efficiently.

## **Accounting Information System**

An information system is defined as 'a system in which data is collected, processed, analysed and communicated to facilitate those responsible for the use of resources'. The stakeholders, who are charged with monitoring the use of Local Government resources in carrying out policy objectives, must receive regular feedback/reports on the ongoing progress.

There are four main areas in the information system:

1. **Data Capture** - it is important that only relevant data is collected
2. **Processing** -this can be done manually or by computers
3. **Communication** - the way reports are presented is very crucial for them to be understood and acted upon. All relevant data should be included and in an understandable language. If the council has members who do not understand certain languages; effort should be made to have the reports interpreted in the well understood language.

4. **Storage** - data collected may not be needed immediately for reporting purposes; such data will be required for later reference or audit, hence proper storage required.

The following are some of the qualities of accounting information system:

- The information presented should be material
- It should be relevant
- It should be reliable
- It should be understandable
- It should be comparable to accounts of previous periods
- It should be timely
- The benefit of the information must be more than the costs of getting that information unless otherwise.

### Sample Performance Analysis/Review Report

Sector	Planned Activity-2007	Cost (SDG)	Implemented Activity-2007	cost	Variance	Remarks/reasons
Education	Construction of 10 classrooms	67,000,000	7 classrooms constructed	67,000,000	20,100,000 intended for 3 classrooms not constructed	Increased cost of materials and lack of locally based contractors/materials
Health	Procurement of 10,000 mosquito nets	30,000,000	12,000 mosquito nets procured	30,000,000	2,000 mosquito nets acquired above the planned	Subsidized purchase price due to government policy on medical supplies.
Administration	Procurement of a vehicle Toyota Land cruiser for commissioner	33,700,000	Not procured	nil	33,700,000 vehicle was not procured	Funds provided not sufficient to procure the intended vehicle
Etc						

### Revenue Analysis

Revenue details	Planned revenues 2008	Actual revenues 2008	Planned revenues 2009	Planned revenues 2010
Tax incomes	600,000	400,000	450,000	500,000
Property incomes	2,000,000	2,500,000	3,000,000	3,500,000
Cattle movement permits	1,000,000	2,000,000	2,000,000	3,000,000
Market fees	15,000,000	16,000,000	20,000,000	25,000,000

## MEDIUM TERM BUDGET SUMMARY FORMAT

### ..... LOCAL GOVERNMENT FOR THE YEAR.....

Previous year Actual Rev/Exp (SP)	Current year Rev/Exp Estimates (Sp)	Prog. Code.... Sub-code....		Current Year estimated Actual Rev/Exp(S P)	Coming year Estimates (Y0) (SP)	Following year estimates (Y1) (SP)	Following year Estimates (Y2) (SP)
<b>Revenues</b>		<b>Item</b>	<b>Details</b>				
1,900,000	2,300,000	11	Tax revenues	2,100,000	2,220,000	2,500,000	2,700,000
100,000	150,000	12	Staff contributions	145,000	160,000	170,000	210,000
<b>Total Rev.</b>	<b>xxxx</b>			<b>xxxxx</b>	<b>xxxxx</b>	<b>xxxxx</b>	<b>xxxxxx</b>
<b>Expenditure</b>		<b>Item</b>	<b>Details</b>				
000	5,000	21	Compensation of employees	8,300,000	6,500,000	4,500,000	4,500,000
	1,000,000	22	Goods and services	38,200,000	30,000,000	25,000,000	20,000,000
<b>Total Exp.</b>	<b>xxxx</b>			<b>xxxx</b>	<b>xxxx</b>	<b>xxxx</b>	<b>xxxx</b>
Surplus/ Deficit	<b>xxxx</b>			<b>xxxx</b>	<b>xxxx</b>	<b>xxxx</b>	<b>xxxx</b>

After the approval of the Local Government budget, the following are the processes of sharing and allowing for contributions from all stakeholders.

#### **Action at State level:**

- Approved copies are sent by the Local Government to the state Ministry of Local Government; the document is given to the Budget sector working group into which financing for Local Government falls
- The budget sector working group identifies/sorts out issues relevant for Local Government for its attention and after that sends the copies to the state planning and development committee
- The state planning and development committee allocates/distributes the issues contained within the Local Government budget to each relevant sector working group/ministry as the case will be.
- The ministries will then integrate those identified issues into their state ministries BSWG budget presentations that are discussed and later passed by the state assembly as the ministries undertakings for that period

- The Local Governments are later given feedback of the activities that the state government sectors/ministries will undertake in that respective Local Government.

### **Action at ROSS/LGB level**

Approved copies are sent to the LGB (ROSS) for:

- Sorting out issues that are of national mandate and should be presented to ROSS ministry responsible for its attention. If absorbed these issues end up into the ROSS budget and plan.
- Identifying issues that the LGB with its partners may find fitting into their programmes for intervention, this if absorbed ends up with partner programmes for implementation.
- After, the LGB communicates back to the Local Government responsible of the position/feedback on their BFP (budget framework paper).

## **Topic 5: Management of Financial Records**

### **Why Manage Records?**

1. Financial records are very sensitive documents , they can be misused
2. Many financial documents are susceptible to theft
3. Most financial documents will be used at alter date for reference and audit
4. Some financial data is confidential
5. Many financial decisions need immediate financial data
6. Many financial records may have to be retained for several years.

### **Destruction of Financial Records**

Financial records cannot be kept forever by the Local Governments. Inactive documents and files have to be moved to an archive where they can stay for a limited number of years. The originals and copies of vouchers and used receipts may be destroyed after six years, provided they have been audited by the National Audit Chamber. Any destruction earlier than six years must first be approved by the Audit Chamber.

The principle accounting books and records must be retained for a period not less than fifteen years.

### **Financial reports/statements**

Local Governments are required to produce both monthly and annual financial statements. The reporting requirements are mandatory and are intended to enforce accountability of the Local Government to the relevant stakeholders including the public and other interested parties.

### **Components of financial statements**

1. A revenue account that shows the financial performance of the Local Government over a given period
2. A balance sheet that provides information about the assets, liabilities and ownership interests (financing) of the Local Government
3. A trial balance, a list of all debit and credit accounts
4. A summary of revenue and Expenditure, prepared to show the actual outturn as compared to the budgeted figures
5. Detailed statement of revenue and expenditure that represents the fund accounts for each programme and sub programme, projects etc.

## **Publication of Financial Information**

Local Governments as public organisations need to be accountable to the communities. Publication improves transparency and accountability at the local level and leads to good financial management.

### **The Need for Publication**

1. To encourage communities to get involved in planning and budgeting
2. Communities should know how their money has been used
3. Transparency is enhanced
4. Beneficiaries should know the available funds and be able to monitor their use
5. May enhance local revenue collection To give local communities and others information about Local Government activities to make it easier for the public, NGOs, CSOs and other interested parties to make comparisons of, and judgements on the performance of their local authorities
6. Helps the elected representatives to judge their performance.

### **What Should be Published?**

1. Budgets
2. Government grants to the Local Government
3. Monthly, quarterly and annual accounts
4. Procurement proceedings/minutes.
5. Donor grants
6. Financial decisions of council and or its committees
7. Agendas for council and its committees
8. Audit reports
9. Performance reports.

### **How to publish**

This can be done through notice boards at public places that are accessible to the public, and/or:

1. Local press, in the local newspapers in a language that is understood by the community
2. Local radio programmes
3. Distribution of written documents to communities. NGOs, CBOs and opinion leaders
4. Regular community meetings at schools/ community centres, churches, mosques, health centres etc.

## **Community Monitoring**

The overall objective of publication of financial information should be to enable the citizens monitor on a regular basis, the delivery of services by Local Governments. This should be achieved by involvement of the community in management of projects, e.g. project management committees and in service delivery such as school management committees. This monitoring can only succeed if the community and Civil society knows/is aware of plans and budgets, the resources available and the level of services provided with these resources. The system of bottom-upward communication should be adopted at community levels.

## **Module 6: LOCAL GOVERNMENT LEADERSHIP**

**Topic 1: Management and Leadership**

**Topic 2: Power and Leadership**

**Topic 3: Leadership Styles**

### ***Topic One: Management and Leadership***

#### **Introduction**

An officer can be a manager but fail to perform as a leader. This is because leadership requires certain attributes that should be exhibited by a manager so that those under him or her willingly follow his or her direction. The Local Government Administrative Officer needs therefore to distinguish between management and leadership.

#### **Specific objectives**

By the end of the topic the Local Government Administrative Officer should be able to:

1. Define management
2. Define Leadership
3. Distinguish between management and leadership.

#### **Content**

1. Meaning of management
2. Meaning of Leadership
3. Difference between Management and Leadership

#### **Methodology**

1. Lectures
2. Group discussions
3. Assessment

#### **Resources**

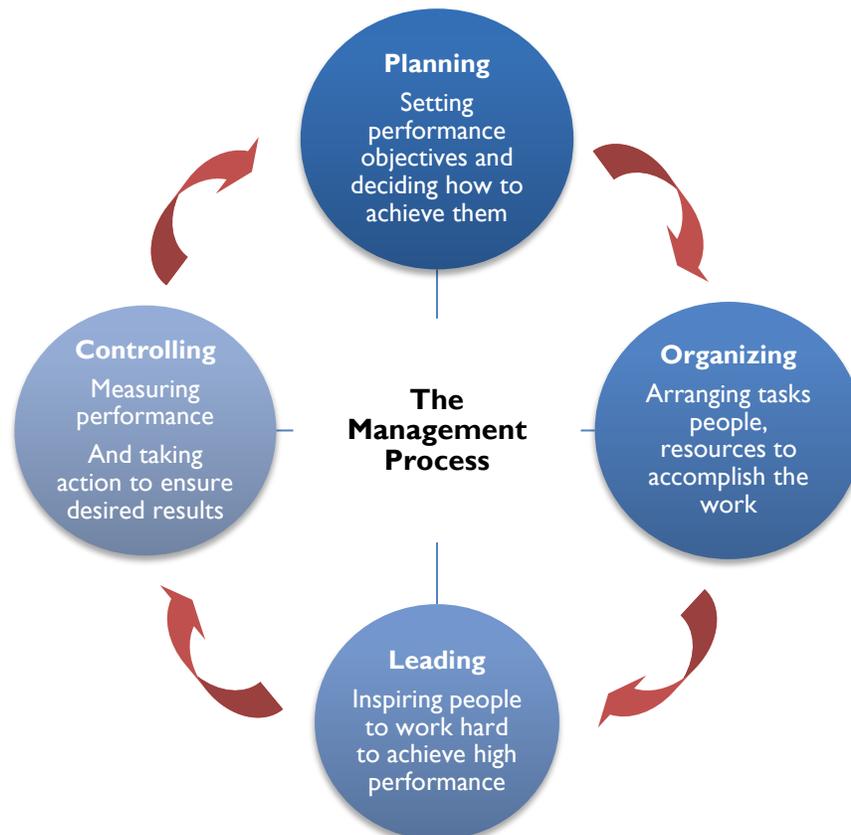
1. Facilitators
2. Audio-visual Aids
3. Flip charts
4. Stationery

## Meaning of Management

1. Management is the process of planning, organising, leading, and controlling the use of resources to accomplish performance goals (**Schermerhorn 2001**)
2. Management is that which leads, guides and directs an organisation for the accomplishment of a predetermined object (**Schultz**)
3. Management is the function in an industry concerned with the execution of policy within the limits set by administration and the employment of the organisation for the particular objects set before it (Sheldon)

As defined above the four functions of management are:

1. **Planning** which is the process of setting objectives and determining what should be done to accomplish them.
2. **Organising** – the process of assigning tasks, allocating resources and arranging activities to implement plans.
3. **Leading** – the process of arousing enthusiasm and directing efforts toward organisational goals.
4. **Controlling** – the process of measuring performance and taking action to ensure desired result.



(Source: Schermerhorn 2001)

In their management function, Local Government Administrative Officers assume certain roles (Henry Mintzberg classifies these roles into three:

1. Interpersonal roles
2. Informational roles
3. Decisional roles

Interpersonal roles relate to how a manager interacts with other people within and outside the organisation as:

- Figure head
- Leader
- Liaison

Informational roles involve giving, receiving and analysing information. In counties, Town Councils etc the Local Government Officer is the fountain of information on government programmes, NGO activities and receives complaints and requests from the public. He/She is an important communication link.

Decisional roles involve processing information for decision making in such areas as planning, resource allocation, response to emergencies and informing state and national levels of challenges faced at community level. According to **Schermerhorn** the reality of management work is that:

- Managers work long hours
- Managers work at an intense pace
- Managers work at fragmented and varied tasks – (from food relief to strategic planning)
- Managers work with many communication media
- Managers work largely through interpersonal relationships.

Other than roles, managers require certain skills to carry out the management functions.

The **skill** levels vary depending on the level of the manager in the organization and the professional and technical skills of the manager.

**A skill** can be defined as the ability to translate knowledge into action that results in desired performance. According to Robert Katz the essential skills required by managers are:

- **Technical skills** are the ability to use a special proficiency or expertise in one's work. e.g. an accountant, engineer, planner, agriculturist etc.
- **Human skill** is the ability to work well with other people
- **Conceptual skill** is the ability to think analytically and solve complex problems.

Lower Level Manager	Middle Level Manager	Top Manager	Level
Conceptual Skills			Big
Human Skills	Equal		
Technical Skills	smaller		
Technical			

The American Assembly of Collegiate Schools of Business outlines some of the skills and characteristics managers should possess as:

1. Leadership - ability to influence others to perform tasks
2. Self objectivity - ability to evaluate oneself realistically
3. Analytical thinking - ability to interpret and explain patterns in information
4. Oral communication – ability to express ideas clearly in oral communication
5. Written communication - ability to express ones ideas clearly in writing
6. Personal impact - ability to create a good impression and instill confidence
7. Resistance to stress - ability to perform under stressful conditions
8. Tolerance for uncertainty - ability to perform in ambiguous situations.

### Meaning of Leadership

Having discussed management it is necessary to now look at leadership since Local Government Administrative Officers perform a leadership function in their areas of operations as Executive Directors, their Deputies and Director Generals and their Deputies:

- Cronje (2001) defines leadership as the ability to influence others to cooperate willingly for the attainment of the organizations predetermined goals.
- Schermerhorn (2001) defines leadership as the process of helping others to work hard to accomplish important talks.
- Grace Hooper says: “You manage things, you lead people.”
- Keith Davis observed: “Without leadership, an organization is but a muddle of men and machines, leadership transform potential into reality. It is the ultimate act which brings to success all the potential that is in an organization and its people”.
- Wandell French states that: “Leadership is the process of influencing the behaviour of others in the direction of a goal or set of goals or more broadly, towards a vision of the future”.
- Barnard defines leadership as referring to the quality of the behaviour of individuals, whereby they guide people in their activities in an organized effort”.

- Warren Bennis contends that; “the single defining quality of leaders is their ability to create and realize a vision”.

Vision is a clear sense of the future.

Visionary leadership according to Schermerhorn 2001 is based on five principles:

1. **Challenge the process** – Be a pioneer – encourage innovation and support people who have ideas.
2. **Be enthusiastic** – Inspire others through personal enthusiasm to share the vision.
3. **Help others to act** – Be a team player and support the efforts and talents of others.
4. **Set the example** – Provide a consistent role model or how others can and should act.
5. **Celebrate achievements** – Bring emotion into the achievements work place and rally hearts as well as minds.

### Difference between Management and Leadership

The definitions of management and leadership above clarify the meaning and relationship between the two terms. Although often used interchangeably the two terms have significant differences and emphasis. A manager focuses on the management functions of planning, leading, organizing and controlling as a result of the formal position of authority held in the organization. A leader is any person capable of persuading other people (followers) to strive for certain goals (formal or informal) irrespective of position (**Robbins 1996**).

(In many countries new churches are coming up all the time as some ambitious members hive off to form their own churches. Political parties follow the same trend etc..)

Kotter 1990 distinguishes management and leadership on four factors:

#	Factor	Manager	Leader
1.	Creating an agenda	Plans and budgets	Establishes direction
2.	Developing a human network for achieving the agenda	Concerned with organizing and staffing	Concerned with aligning people with future vision
3.	Execution of the agenda	Execute through problem solving and controlling	Motivate and inspire followers
4.	Outcomes	Produce a degree of predictability and order	Produce useful change

According to **Marshal 1991**; “You can have a leader who is a good manager or a manager who is a leader but the two functions are quite different and must not be confused”.

## **Topic 2: Power and Leadership**

### **Introduction**

A manager is to a large extent able to exercise leadership due to their exercise of certain powers that are either inherent in him/her or are acquired. Such powers have to be exercised wisely for leadership to be effective.

The Local Government Administrative Officer needs to clearly understand such powers, their source and their implications.

### **Specific Objectives**

By the end of the module, the Local Government Administrative Officer should be able to:

1. Distinguish between different powers of a leader
2. Explain the course of power
3. Discuss the implications of the power in Local Government management

### **Contents**

1. Different powers of a leader
2. Sources of Power
3. Implications of power in Local Government management

### **Methodology**

1. Exercise
2. Presentations
3. Discussions
4. Assessments

### **Resources**

1. Facilitators
2. Handouts
3. Audio/Visual Aids
4. Flipcharts
5. Stationery

## Different Powers of a Leader

1. Power can be defined as the ability to get someone to do something you want done or to make things happen the way you want.
2. Power is necessary to influence and control others for the good of the organisation.
3. Power can also be viewed as the ability of a leader to influence the behaviour of others without necessarily using authority.
4. “The foundation of effective leadership lie in the way a manager uses power to influence the behaviour of other people” (**Schermerhorn 2001**).
5. Managers possess power of the position based on things managers can offer to others. As head of office one has the prerogative to make certain decisions for the benefit of employees. Allowing an employee to leave early because they have certain personal commitments is the prerogative of the manager. Allocation of a certain type of office or accommodation does not necessarily require organisation regulations but is left to the head of office.
6. The other type of power is person power. This is based on the perception of managers by others. A new manager brings to the leadership position certain unique characteristics which are admired and appreciated by others. When people begin to acclaim that they now have a leader, this is usually based on person power which exhumes confidence and trust from not only subordinates, but the community.

For success, in leadership, managers need both positions power and personal power.

## Sources of Power

French and Raven propose five sources of power which can be grouped under position power and Person Power.

Position Power manifests itself in the ability of the manager to have:

- Coercive Power – this is based on fear and the ability of the manager to punish subordinates for not performing assigned tasks through such measures as, suspension, demotion, or salary reduction or some such punitive measures.
- Reward Power -- is the ability of the leader to offer something of value as a means of influencing other people.
- Legitimate Power – comes from the position of the leader in the organisation hierarchy or rights of the office.
- The followers feel obliged to accept the leader’s authority. The authority of the County Commissioner is higher than that of the Executive Director and will be accepted as such.

- Sources of Personal Power -- lie within the individual manager
- Expert Power -- is derived from knowledge, special skills, specific expertise and critical information possessed by the leader. Because of these attributes, the leader gains respect and compliance by followers. One cannot be an effective leader if the office comes to a halt because a particular official is off sick and seems to have answers to all issues relating to the operations of the office. Although leaders cannot be all round experts, there are certain areas where they demonstrate why they are in that leadership position. Some competence which must show from time to time.
- Referent Power – This based on the personality that the leader has such that other people want to identify with the leader personally. The leader is seen as a role model.

Both personal and position power are important for the leadership function. The leader needs to establish interpersonal networks to enable him/her to get information.

Effective leadership and isolation do not go together. To gain power the leader must be sympathetic to others who are dependent on him/her. Leaders should enhance their visibility. The leader must be an influential person in the organisation.

A manager should accept invitations to make presentations, participate in task forces and committee to display leadership talents and capabilities. Managers should not hide in their offices.

A manager should remember that there is no substitute for expertise. Also:

- Likeable personal qualities are very important
- Effort and hard work gains respect
- Personal behaviour must support expressed values.

An effective leader is one who empowers subordinates. According to Schermerhorn (2001) a good leader will:

- Get others involved in selecting their work assignments and the methods of accomplishing tasks
- Create an environment of cooperation, information sharing, discussion and shared ownership of goals
- Encourage others to take initiative, make decisions and use their knowledge
- When problems arise find out what others think and let them help design solutions
- Maintain high morale and confidence by recognizing successes and encouraging high performance.

## Implication of Power in Local Government Management

Section 61, 63 and 65 of the Act detail the powers functions and duties of Executive Director, Chief Executive Officer and Town Clerk respectively.

The Local Government Act assigns position power to these senior officers in the management of Local Government Councils. As heads of administration, subordinates look up for guidance and leadership from these offices.

It is important for these officers to appreciate the criticality of providing sound management through the planning, organizing, leading and control function of managers and the leadership function of creating and realizing the vision of the Local Government Council and influencing the behaviour of staff to accomplish the goals of the Council. At the core of Local Government activities is the provision of services and development. Such services are required by residents against a backdrop of insufficient resources. This is where as pointed out by **Schermerhorn (2001)**, “Great leaders get extraordinary things done in organizations by inspiring and motivating others towards a common purpose”.

Managers at all level of Local Government from Boma to county have to appreciate that leaders are not necessarily born leaders as was the belief in 1920s and 1930s. Leaders can be developed.

The head of office needs to create the space to allow for leadership development. The professional training for Local Government Administrative Officer is elaborate as provided for in Section 66(3) of the Local Government Act 2009. The development and consolidation of that training takes place in the respective Local Government Councils. Leadership in those councils has to expose, empower and equip the cadets in their chosen field.

As a lower level of government after ROSS and States, Local Government provides the critical interface with communities and is an entry point for all players, government and non government at that level. It must provide the necessary leadership based on sound ethics, professionalism and integrity

## **Topic 3: Leadership Styles**

### **Introduction**

There are various styles that a manager can adopt in leading staff. Each style may be appropriate under certain circumstances. However, the leadership style adopted has a significant bearing on the organisation or department. The Local Government Administrative Officer should clearly understand these styles and their implications.

### **Specific Objectives**

1. By the end of module the Local Government Administrative Officer should be able to:
2. Identify types of leadership styles
3. Examine the functions of leadership in different work situations
4. Identify the necessary qualities of a leader

### **Content**

1. Types of leadership styles
2. Functions of leadership in work situations
3. Qualities of a leader

### **Methodology**

1. Exercises
2. Group discussions and presentations

### **Resources**

1. Facilitators
2. Audio/visual aids
3. Flipcharts
4. Handouts

## Leadership Styles

The literature identifies four theories or approaches to leadership:

- **Trait Theories.** These grew out of the search for qualities found in great or well known leaders whom it was thought were born with leadership qualities. Research, however, failed to prove that leaders have certain common characteristics or traits. Stogdill and Lippitt identified two principal aspects of leader behaviour: i.e. a concern for people and a concern for production. This led to the development of the Management Grid by Blake and Mouton. Trait Theory, however tends to ignore subordinates and Situational factors which have a bearing on leadership and performance. It also fails to consider the fact that traits attributed to leaders are possessed by many who are not leaders.
- **Behavioural Theory.** Trait theory focuses on what leaders 'are' whilst behavioural Theory focuses on what leaders 'do'. How they lead, how they behave, how they motivate people and how they communicate.
- **Contingency Approach.** Focuses on match between leader's behaviour and situational characteristics.
- **Charismatic Approach.** Focus is on visionary, inspirational, empowering qualities of 'super leaders'.

Styles identified of leaders according to **Laxmikanth (2007)** include:

1. **Autocratic Style.** Also known as authoritarian or directive style of leadership. In this style the entire authority is concentrated in the hands of the leader. He/she decides all policies, gives orders to subordinates and demands complete obedience from them. The leader withholds rewards or gives punishment.
2. **Democratic Style.** This is also known as the participative style where the leader allows subordinates to participate in decision making process. All policies and decisions are arrived at through group discussion. Communication flows freely and is multidirectional.
3. **Laissez Faire Style.** Also known as free reign style of leadership. In this style the leader gives complete independence to subordinates in their operation. He/she allows them to set goals and achieve them. The leader's participation is minimal. The leader's main task is to supply resources and information required by subordinates.

Further insights into leadership thinking have brought on board transactional and transformational leadership:

Transactional leadership is leadership that directs the efforts of others through tasks, rewards and structure.

Transformational Leadership on the other hand is inspirational leadership that gets people to do more in achieving high performance. This recognizes that the manager must lead with a compelling personality.

“Transformational leadership arouses followers to be more highly dedicated, more satisfied with their work and more willing to put extra effort to achieve success in challenging times” (Schemerhorn 2001).

Peter Drucker contends that the foundation of effective leadership is defining and establishing a sense of mission, accepting leadership as a responsibility rather than a rank and thirdly earning and keeping the trust of others.

### **Functions of Leadership in an Organization**

Functions of organizational leaderships according to Selznick include the following:

- Definition of organizational mission, goals and policies.
- Ensuring policy cascades to lower levels.
- Defence of institutional integrity.
- Maintaining balance of power among competing interests.

**Barnard** contends that a leader’s functions are the following:

- Determination of objectives.
- Manipulation of means
- Control of instrumentality of action
- Stimulation of coordinated action

Peter Drucker outlines the following as leadership functions:

- Lifting of man’s vision to higher sights
- Raising performance to high standards
- Building personality beyond its normal limitations

To Follet, the leader should perform the following functions:

- Coordination
- Definition of purpose
- Anticipation

Hick and Gullet outline the following as leadership functions:

- Supplying organizational objectives to members
- Arbitrating on disagreements among members
- Catalyzing to arouse the subordinate to action

- Inspiring subordinates to work effectively towards accomplishment of organizational goals
- Praising subordinates to satisfy their recognition and esteem needs
- Providing security to followers when they face problems
- Representing the organization before others and serving as a symbol of the organization

## Qualities of a Leader

What qualities should Local Government Administrative Officers embody if they are to be effective in their leadership position? The literature provides some insight into what makes effective leadership, what employees see in their leaders and their perception of an effective leader.

1. Honest
2. Competent
3. Forward looking
4. Inspiring and credible.

A leader should be relied upon by subordinates. A leader should possess the necessary expertise and competence to inspire confidence in subordinates. A leader should have vision and inspire confidence in subordinates.

Chester Barnard outlines the attributes of a leader as:

1. Skill
2. Technology
3. Perception
4. Knowledge
5. Physique
6. Memory
7. Imagination
8. Determination
9. Courage.

A leader should have the following four qualities according to Laxmukanth:

1. Vitality and endurance
2. Decisiveness
3. Persuasiveness
4. Responsibility and intellectual capacity.

A good administrator and leader according to Appleby is one who:

1. Has willingness to assume responsibility
2. Demonstrates continuing personal growth
3. Is disposed towards action
4. Is a good listener who asks pointed questions
5. Works well with all sorts of people
6. Uses institutional resources wisely
7. Does not try to do it all and know it all.

8. Cares for power only as it contributes to effectiveness
9. Has self confidence and is ready to admit limitations and errors
  - Is accommodative of good and bad news
  - Respects subordinates and superiors
  - Constantly seeks to improve institutional performance
  - Respects political processes and responsibilities in democratic governments.

To **Mullet**, leadership qualities include:

- Good health
- A sense of mission
- Interest in other people
- Intelligence
- A government 'sense' and political 'sense.'

**Terry** outlines leadership qualities as:

- Energy
- Emotional stability
- Knowledge of human
- Relations
- Personal motivation
- Communication skills
- Teaching ability
- Social skill
- Technical competence.

To be effective leaders, Local Government administrative officers should be guided by the fact that their main task is to inspire others to work hard to accomplish organizational goals. This only happens if the leader himself/herself is inspired, has a clear vision and mission of the Local Government Council. Whilst the officer wields both personal and position power, this should be used to achieve organizational objectives not individual or family objectives.

## Module 7: DIVERSITY AND GENDER ISSUES

### Introduction

The Local Government Administrative Officer should carry out his/her duties without any bias against any group or category of people. In this respect, he/she should be impartial in dealing with people of different gender, minorities and people of different age groups, racial backgrounds or religious inclinations. The issue of gender imbalance is especially critical within Local Governments of South Sudan where very few women are engaged in core positions. There should be room for equal opportunities in terms of employment, promotion and access to welfare. Such an approach would be consistent with both the Interim Constitution and the Local Government Act 2009.

### Specific Objectives

By the end of this topic the participating Administrative Officer should be able to:

1. Explain the importance of diversity management in an organization
2. Explain the meaning of gender discrimination
3. Describe gender equity principles
4. Discuss core gender issues in society
5. Discuss gender position in Governments in South Sudan

### Content

1. Importance of diversity management
2. Meaning of gender discrimination
3. Gender equity principles
4. Gender concepts including gender perspectives, gender stereotyping, gender awareness, gender mainstreaming
5. Gender position in Local Government in South Sudan

### Methodology

1. Presentations
2. Individual exercises and quizzes
3. Group discussions and plenary presentations
4. Case studies

### Resources

1. Relevant Literature and cases
2. Interim Constitution
3. Local Government Act 2009
4. Audio/Visual aids
5. Flipcharts

## **Topic I: Diversity and Gender Issues**

### **Importance of Diversity Management**

Diversity management means putting together a well thought out strategy for attracting, monitoring, developing, retaining and fully utilizing the talents of competent people, regardless of their race, gender, ethnicity, religion, physical ability or sexual orientation. The goal of diversity management is to create and maintain a culture where individual uniqueness is to be recognized and valued, and where all workers feel welcomed and supported, and have the opportunity to work up to their full potential. Diversity management is especially important to a young country like South Sudan. This is because all types of skills are in short supply and the country needs to do everything it can to attract the best and brightest minds. This requires taking away any barriers regarding employment, motivation, retention and promotion of certain people because of their unique characteristics. Attracting such people is not an end in itself but the people should be retained and utilized in the most effective ways possible. This calls for proper placement of the employee without compartmentalizing people of given characteristics into specific job categories. It may be surprising to note the extent of the creativity that may emanate from proper diversity management within the civil service.

### **Meaning of Gender Discrimination**

Gender refers to a set of characteristics that society has constructed to identify social behaviours of women and men and the relationship between them. Gender discrimination basically refers to the denial of opportunities because of the sex category (gender) of that person. It is usually used to refer to the denial of opportunities to women when compared to their male counterparts of equal or lesser competencies and skills. Gender discrimination at the work place may be manifested in many different ways including:

- **Biased Recruitment and Selection into the Service.** This is especially common higher up in the hierarchy of government service where women holding managerial positions are relatively few.
- **Unequal Opportunities in Promotion.** Promotion essentially should be based on merit in terms of skills, competencies, education, attitudes and performance. However this may not exist in practice due to certain ingrained discriminatory beliefs and practices.
- **Non Inclusion in Decision Making.** This happens where, although the women hold positions of authority, their male counterparts tend to ignore them within the decision making. Sometimes women are paid less than men at the same level, doing the same job.
- **Harassment** – This is unwarranted attention on a person that offends the sensitivities of that person. It may be overt or covert. Harassment can emanate from a superior to a subordinate or among colleagues. It can be psychological in nature with pronouncements and behaviour intended to make other employees (especially female) feel inadequate. A patronising attitude towards female employees may be construed to be a form of harassment.

## Gender Equity Principles

There are certain principles which when applied judiciously would promote equity at the work place. These include:

- That sustainable development depends on the full participation of women and in all aspects of economic, political and social activity.
- That women's contribution to development are constrained by barriers that result from unequal gender relations.
- That to achieve gender equity, a government in general and Local Governments in particular must be prepared to analyze obstacles to women's participation.
- That it is imperative to take specific action to reduce these obstacles.
- That there is need to encourage women to participate in all aspects of economic, political, and local activities.

## Core Gender Issues in Society

These core gender issues in society relate to:

- **Gender Perspective.** Gender perspective is an analysis of the socio-economic, political, legal, cultural and psychological levels of issues, to understand how differences between sexes affect and are affected by policies and practices. It analyses how these factors relate to discrimination based on sex, and how they may impose obstacles to a person's opportunities and self development.
- **Gender Stereotyping.** This occurs when men and women persistently attribute certain characteristics or roles to each other, thereby creating beliefs that are very strong. The perception that men are strong and women are weak is an example. Gender stereotyping reinforces gender inequality by portraying assumptions and conditions that maintains the inequality as biologically or culturally fixed.
- **Gender Awareness.** This refers to the process of becoming aware that gender inequalities are not caused by women inadequacies but by systematic discrimination which disadvantages all women.
- **Gender Mainstreaming.** Gender mainstreaming can take place at all three levels, namely, personal level organizational level, and programs or project level. These three levels are relevant for Local Governments; staff of Local Governments should be gender sensitive and should become gender responsive. There should be gender equity in all Local Government projects and programmes. Gender mainstreaming is necessary because experiences and expectations of men and women are different and the peculiar needs and interests should be addressed in policies and resource allocation, failure to which may result in gender inequalities.

## Gender Position in the Republic of South Sudan

The ROSS takes the issue of gender equity very seriously. This is the reason why the issue is addressed both in the Comprehensive Peace Agreement and the Transitional Constitution.

The CPA upheld the equal rights of men and women thus in article 1.6.2.16. “The equal right of men and women to the enjoyment of all civil and political rights set forth in the international convention on civil and political rights and all economic, social and cultural rights set forth in the international covenant on economic social, and cultural rights shall be ensured.”

The Transitional Constitution includes in its Bill of Rights Article 16 (1) and 16 (5) a section on the rights of women whose essence is that:

- Women be accorded full and equal dignity with men.
- Women have the rights to equal pay for equal work and other related benefits with men.
- Women have the rights to participate equally with men in public life.
- Women have the right to own property and share in the estate of their deceased husbands together with any surviving legal heirs of the deceased.

In addition, it further stipulates that all levels of government in South Sudan shall:

- Promote women participation in public life and their representation in the legislative and executive organs by at least 25% (an affirmative action measure to redress prior imbalances).
- Enact laws to combat harmful customs and traditions which undermine the dignity and status of women.
- Provide maternity and child care and medical care for pregnant and lactating women.
- Article 142 (3) in relation to the independent institutions and commissions stipulates that “the Government of South Sudan shall ensure that at least twenty five percent of the aggregate membership of all such institutions and commissions shall be women.”

The Government of South Sudan has a set of core values to guide the conduct of employees, and indeed policy formulation and associated procedures contained in the Policy Framework for the Public Service of South Sudan, 2007, and the Manual of Public Service Procedures 2007. These core values include inclusiveness (non discrimination) and equity and affirmative action (including gender minority ethnic groups and disabled persons). These core values are clearly aimed at enhancing diversity and gender balance.