

*A workshop in the
'Deepening Democracy' series*

Commonwealth Workshop on

DECENTRALISATION AND DEVOLUTION

Edinburgh, 12 – 14 June 2000



COMMONWEALTH SECRETARIAT

DEEPENING DEMOCRACY

This was the fourth in a series of Commonwealth Secretariat workshops on the theme *Deepening Democracy*, whose purpose is to assist member countries in their efforts to make democracy as real and as deep as possible.

The first workshop – on *The Role of the Opposition* – was held in London in June 1998, in co-operation with the Commonwealth Parliamentary Association and with financial support from the United Kingdom Government. The second – the *Workshop of Commonwealth Domestic Election Observers* – was held in Jamaica in May 1999. A third workshop on *Gender and Democracy* was held in Namibia in February 2000. The reports of these workshops are available from the address below.

Future workshops will consider *Devolution and Decentralisation, Broadcasting and Democracy, Money and Democratic Politics, Accountability, Scrutiny and Oversight, Voter Registration and Electoral Systems*.

For more information on these and other Commonwealth Secretariat activities to promote democracy contact:

Political Affairs Division
Commonwealth Secretariat
Marlborough House
Pall Mall
London SW1Y 5HX

Tel: +44 (0)20 7747 6401

Fax: +44 (0)20 7930 2189

Email: info@commonwealth.int (please quote reference PAD)

Commonwealth Workshop on

DECENTRALISATION & DEVOLUTION

Edinburgh, Scotland, 12 – 14 June 2000

Report, Agenda and List of Participants



COMMONWEALTH SECRETARIAT

Cover Photograph shows the General Assembly Hall of the Church of Scotland, Edinburgh, the meeting place for the Scottish Parliament at the time of its inauguration in 1999. The power to legislate on certain matters has been devolved from the UK Parliament at Westminster to the Scottish Parliament, while certain secondary powers have been devolved to the Welsh Assembly in Cardiff. More information can be obtained from the Scottish Parliament web-site on www.scottish.parliament.uk and the Welsh Assembly web-site on www.wales.gov.uk

This is the fifth workshop in a series on the theme *Deepening Democracy*: further details of the series are provided at the back of this report.

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Copies of this publication can be obtained from:

Political Affairs Division
Commonwealth Secretariat
Marlborough House
Pall Mall
London SW1Y 5HX

Information Officer
Commonwealth Local Government Forum
59½ Southwark Street
London SE1 0AL

Tel: +44 (0)20 7747 6401
Fax: +44 (0)20 7930 2189
Email: info@commonwealth.int
(please quote reference PAD)

Web: <http://www.the.commonwealth.org>

Tel: +44 (0)207 934 9690-8
Fax: +44 (0)207 934 9699
Email: info@clgf.demon.co.uk

Web: <http://www.clgf.org.uk>

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The Participants

From top left to bottom right: Mr John Osborne, Mr James Hurley, Mr Winston Cramer, Mr Vincent Alexander, Ms Philomena Sahoye-Shury, Ms Lucy Slack, Councillor Len Duvall, Mr Carl Wright, Mr Mani Aiyar MP, Professor Ralph Premdas, Mr Thomas Polome, Professor Ged Martin, Hon Stephen Pokawin MP, Mr Kiwanuka-Musisi, Professor Gerhard Töttemeyer, Dr Alys Thomas, Ms Patricia Ferguson MSP, Ms Esther Ofei-Aboagye, Hon John Murray MP, Dr Lloyd Fernando, Mr Martin Sime, Mrs Salome Sijaona, Dato Khalid Bin Husin, Hon Narend Singh, Councillor Norman Murray, Professor Vidula Nababsing, Mr Syed Sharfuddin, Lord John Alderdice, Ms Jennifer Edwards MP, Councillor Josiah Magut.

REPORT

Session One – Opening Session

The participants were welcomed by Lord Alderdice, Speaker of the Northern Ireland Assembly, Councillor Len Duvall, Vice Chairperson of the Commonwealth Local Government Forum and Mr Syed Sharfuddin, Deputy Director of the Political Affairs Division of the Commonwealth Secretariat.

Lord Alderdice related the phenomenon of globalisation to the notion of decentralisation. Globalisation was bringing people into contact with ideas, cultures and ways of life different from their own, raising, in many cases, fears of a threat to their own particular identity.

Decentralisation provided in some respects an answer to such fears, for it was seen as offering a measure of protection to the customs and ways of life of a particular group at a local level.

There was no one model of decentralisation but different ones reflecting local concerns, needs, cultures and traditions. However, decentralisation had to take place within certain parameters so that international standards were upheld and minority rights protected.

Mr Duvall stressed that the issue was not whether decentralisation was good or bad but whether it was successful or not. Successful decentralisation improved the efficiency and responsiveness of the public sector, while accommodating potentially explosive political forces. Unsuccessful decentralisation threatened political stability and disrupted the delivery of services.

The democratic principle, as enshrined in the 1991 Harare Commonwealth Declaration and the 1995 Millbrook Action Programme on the Harare Declaration, should underlie considerations about local government and in particular its ability to facilitate sustainable development in partnership with the private sector and civic society.

Finally, Mr Sharfuddin, welcomed participants on behalf of the Commonwealth Secretariat and read the following message to the meeting from the Commonwealth Secretary-General:

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“The subject you are discussing at this workshop is the most important current issue in democracy today and is as much of interest to the Commonwealth as it is to the wider international community. I wish you well as you set out on this effort to share the Commonwealth’s collective experience in democracy, devolution and decentralisation and hope that this leads to an awareness and sharing of good practice and a genuine partnership between the electorates and their elected representatives.”

Session Two – Why Decentralise and Devolve Democracy?

There was general agreement that the issue of decentralisation was bound to the concept of “outcomes”. Decentralisation was desirable to the extent that it was able to deliver effective and satisfactory outcomes. Related to this idea was the notion of subsidiarity, according to which decisions should be taken at the most appropriate level closest to the people.

Participants agreed that decentralisation raised a number of issues. There were different kinds of decentralised political structures, namely, federal, devolved, deconcentrated and government at sub national level. How would one determine what level was the most appropriate for any particular function? There was also the possibility that too much decentralisation could, in fact, undermine the notion of devolved democracy. For example, devolving power to local schools and hospitals robbed local or federal authorities of their redistributive powers and effectively strengthened central government.

Some participants argued that although the issue of effective outcomes was important, decentralisation had, in some cases, more to do with the notion of accommodating forces, which, if ignored, could lead to the break up of the state. The issue was what level of decentralisation should take place and what functions should be devolved to decentralised authorities. The notion of devolution, in this context, raised the question as to whether a decentralised form of government was holding such forces in check or whether it was merely a prelude to the break up of the state.

The idea that decentralisation encouraged participation in and engagement with the political system was also discussed. Many participants agreed that in practice such participation and engagement would only be possible if people felt that decentralised institutions had real and substantive power.

A number of participants related the experiences of their own countries. Some argued that decentralised democracy had in some instances failed to deliver because the calibre of local officials was not as high as that at the level of central government. The point was also made that in countries with numerous

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ethnic groups, decentralisation meant that those in the minority in a particular area were left outside the levels of devolved government. Other felt that this was a problem that could be addressed through the choice of electoral system and reserved places. Some participants argued that instead of addressing the issue of bureaucracy, local levels of government simply replicated the problem at the local level or provided the vehicle for entrenching sectarian interests at the expense of the whole.

Participants agreed that Commonwealth countries faced different socio-economic, historical and cultural realities. Accordingly, there was no one answer to the issues raised, which could be applied across the board. Answers differed according to the particular characteristics of the case in question, and consequently decentralisation had to be carried out in the particular context of the country concerned. However, there was consensus that whatever its form, the core values of democratic governance and the right of the individual to enjoy a relationship with the state based on a right to equality should inform any consideration of decentralising democracy.

Session Three – Enabling Modern Local Government

There was a consensus that while there may be differing models of “democracy” which were suitable across the range of Commonwealth countries, the fundamentals – periodic elections, the rule of law and representative government – were universally applicable. However, in a changing world, political structures needed to be more responsive and politicians would do well to reflect public opinion and anticipate change. It was felt that if the best aspects of devolution were to be exploited with communities actively engaged in self-governance, then democracy had to be an ongoing and evolutionary process.



Local Democracy – a local authority in session. Workshop participants argued that devolved and decentralised bodies need to have adequate powers and resources, with as much ability to raise funds locally as possible, and that the objective must be healthy local and regional *democracy*, not just the local *administration* of functions previously run from the centre.

Participants described the various frameworks within which local government structures existed in their respective countries, with several commenting on the need for clarity and transparency, in order that they became more accessible to their electorates. Relations between different levels/spheres of government were explored with accounts of several models from within the Commonwealth ranging from constitutionally defined spheres to those that had evolved in a piecemeal fashion.

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The predominant issue for most politicians in local government was the link between financing and provision. In general, where the structure and scope of decentralised structures was constitutionally defined, there tended to be less friction between different spheres due to enhanced transparency and accountability, with more open planning frameworks. On the other hand, where decentralisation had taken place on a more *ad hoc* basis, the boundaries between higher and lower spheres could become blurred, with greater potential for conflict between the different tiers. An example of this was where, in some Commonwealth countries, the federal, state and local level tended to be characterised by a direct financial relationship between federal and local government while the intervening layer of state government exercised administrative supervision over local government. The resulting tension not only affected efficiency and reduced accountability but had the effect of reducing support for government in general.

Several participants felt that while local communities identified local government with service delivery, it should be about much more than the provision of basic services. The very existence of a tier of government designed to reflect the priorities of local communities, meant that it should take on the role of “empowering” the community. Examples were provided of popular innovations including:

- The use of quotas or reserved places to improve cross community representation leading to a more inclusive political structure with greater engagement of the community in priority setting;
- privatisation and outsourcing of services to make delivery more efficient and in some cases, resulting in community groups taking responsibility for managing their own resources;
- clearly defined mechanisms of appeal against decisions to make local government more accessible and accountable.

The role of “capacity building” at local level was identified as a key issue as the calibre of both elected officials and staff varied across the Commonwealth countries. In developing countries, particularly those where local government was not well entrenched or endowed with status, the brightest candidates did

not necessarily work at local level. Participants agreed that local government had the potential to provide a fertile training ground for future high-flyers if it could be made more relevant. This would be best done by expanding civic education and knowledge about democratic rights and responsibilities as well as improving training for councillors and elected officials.

The value of active civil society networks in enhancing local capacity was also seen as extremely relevant to capacity building. They were also a means of empowering local communities, and, as long as the differing roles of local government and civil society were acknowledged, could serve as a vehicle for securing joint objectives.

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Service Delivery – refuse collection near Port Harcourt, Nigeria. Provision of such basic services is a vital function, but workshop participants stressed that wherever possible local bodies should also, for instance, work to reduce poverty and promote economic development and that in all their activities they have a responsibility to empower and to reflect the priorities of the communities they represent.

Session Four – Devolving Democracy from the Centre: Past and Future

Participants agreed that the experience of decentralisation across the Commonwealth differed widely, reflecting the different cultural, historic and socio-economic realities of Commonwealth countries.

There was no one *raison d'être* for decentralisation. In many cases, it was a means of enhancing democracy, in others primarily a means of maintaining the unity of the state. Often, therefore, decentralisation came as a response to pressures on the central government by secessionist forces. Participants agreed that the size of the state was not in itself an indication as to whether such forces existed. A community could feel distinct for any number of reasons whether the state of which it was part numbered in its thousands or millions.

Many participants related the experiences of their own countries. Some countries had been able to evolve highly effective decentralising structures, which allowed for constitutional checks and balances on the different levels of government and their powers.

Where decentralisation worked, the various levels of government complemented each other. Where it did not, tensions developed between them. According to some participants, the centre often paid lip service to the idea of decentralisation by accepting the trappings of a devolved state but in practice maintaining or reclaiming power for itself. On some occasions, the decentralising structures in place were inadequate or overlapping, and rendered the whole exercise ineffective.

Some participants reflected on how geography or even the infrastructure of a country rendered some regions isolated and remote from the centre and thus increased the pressures for devolving power.

There were also differences in what constituted the various levels of governance in different countries, again reflecting the particular characteristics of each Commonwealth country.

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Others reflected on the effects of globalisation and how it offered opportunities but also posed dangers to local government structures. Within the European Union context, for example, local government authorities were able to look beyond the state, to the European Commission, for investment. However, in other parts of the Commonwealth, local government authorities were sometimes hampered by the limits set on their powers by central governments and remained unable to take advantage of the opportunities or cope adequately with the challenge of globalisation.

Session Five – Discussion Groups

Participants discussed separate topics in three breakout sessions. Group A discussed the topic: “Roles and Powers in Decentralisation”, Group B: “Decentralisation and Civil Society” and Group C: “Sharing Good Practice: Interaction with Electorates”. Reports from these groups were then discussed in the full Plenary. A summary of discussions on the presentation of each group is as follows:

Roles and Powers in Decentralisation

Decentralisation involves democracy at grass-roots level. It also involves achieving fiscal autonomy and the concepts of funds equalisation, public



Partnership – non-governmental organisations and local authorities have co-operated effectively in, for instance, care of the elderly: participants emphasised that an approach of partnership between civil society and local, regional and central government is essential.

participation, empowering local government commissions, and enabling diverse and socially disadvantaged groups to become fully involved. Civil society plays an important function in safeguarding democratic norms. Decentralisation is also helped if it is accompanied by constitutional guarantees for separation of powers in different spheres of governance. There is an important connection between functions, finances, capabilities and capacities. They hold the key to effective decentralised and devolved structures.

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Decentralisation and Civil Society

Civil society's role lies between that of the public and of government. It must retain its integrity and relationship with different levels of government. Participants recognised its collaborative, facilitating, enabling and monitoring role in reinforcing democratic processes. At the same time, there can be blurred boundaries where civil society and public authorities either tend to duplicate or dominate one another, or develop too "cosy" a relationship for each to be seen as independent of the other. It is therefore important to define their integrative capacity as well as their separate roles and promote these through public awareness and civic education. In terms of accountability, it was relevant to remember that civil society was accountable to itself; the private sector to its shareholders and the public sector to elected representatives, hence the processes of decision-making in the three were distinct and different.

Sharing Good Practice: Interaction with Electorates

Decentralised democracies are more meaningful because they increase the avenues through which citizens are involved in decision-making. This helps mobilise local resources and make way for the improved day-to-day management of a democracy. Regular consultation, open communications, responsive leadership and an accountable bureaucracy strengthen relations between the electorate and elected officials. Civic education is equally important to promote innovation and best practices at local, national, regional and pan-Commonwealth levels. Human and financial resources play an important role in the quality of local government and impact on the outcome of decentralisation and devolution. Elections for local government should be an integral aspect of good governance.

The following issues were common to the discussions in all Groups:

It is important to deepen the democratic culture through devolution, deconcentration and decentralisation. Capacity building in terms of financial autonomy and human resource training is they key to this process. The role of civil society in identifying needs and resources, providing alternative views and informing the decision of voters should be recognised. Local governments' success depends on financial autonomy, equalisation policies, transparency and the accountability of elected leaders and officials.

Session Six – Conclusions and Recommendations

In earlier sessions participants had highlighted some key elements in best practice, arrived at certain broad conclusions and produced a number of ideas. Recommendations and practical proposals for “follow-up” after the workshop were also discussed. In Session Six these were consolidated into the following:

- Globalisation provides a challenge to peoples’ identities; decentralisation can provide an answer for the protection of such identities.
- The effects of globalisation and the trend towards “localisation” offers opportunity but can also, conversely, pose challenges to decentralised structures.
- While a wide range of historical, cultural and socio-economic conditions characterise the Commonwealth, all member countries share common core democratic values.
- There is no one model to follow; local concerns and traditions need to be reflected in any system along with upholding normative standards.
- Decentralisation should not be solely administrative; it has to be political, participatory, financial and administrative. It covers all spheres of sub-national government from the centre to provinces, regions and local levels.
- Local government has to be about much more than the provision of basic services. It should reflect the priorities of local communities and empower them. There is a nexus between grass-roots development and grass-roots democracy.
- Civil society actors have very different mechanisms for accountability and while decentralised structures might promote cosy relationships, it is for the elected representatives to act in the interest of all constituents.
- Local governments should improve the efficiency of their programmes for economic development, poverty reduction and social services and promote sustainable development.
- It is necessary to be clear about what is devolved. There is bound to be a certain degree of natural tension between spheres of government. This tension could result in control being wrested back by the centre.

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- The roles of different spheres of government need to be clearly defined, whether through constitutional or legislative means or through less formal arrangements.
- Central and decentralised institutions should reflect the diversity of society in their composition. Decentralisation is both a means of enhancing good governance and a means of managing diversity within the state.
- Decentralisation can pull in different directions: on the one hand it can act as a check on centralising forces; while, on the other hand, it can help manage centrifugal forces and accommodate divisive political tendencies.
- Robust decentralised structures facilitate checks and balances on the powers of different spheres of government.
- Transparency and communication is essential to a vibrant democracy including the declaration of interests. The sharing of knowledge and information between various spheres of government, NGOs, civil society groups and the community at large is integral to good governance.
- Fiscal decentralisation is a central component of regional and local self-government without which accountability and performance are ineffective. Fiscal autonomy means that local governments should have the capacity to raise resources themselves to reduce dependence on central government.
- Meaningful fiscal decentralisation should include equalisation policies between different communities and government spheres, so that individuals might have access to reasonable level of public services, wherever they live in the state.
- The desire of local governments to reach across national borders in a search for economic, technical and other partnerships or sharing of experience is noted as an increasing trend.
- The role of capacity building at the local level is a key issue particularly where local government is not well entrenched. Training for officials and especially for councillors is a priority.
- Civic education is an essential element in enhancing the democratic process as it empowers citizens to make more informed choices about their priorities.



Commonwealth Local Government Forum – the Commonwealth Local Government Conference, London, September 2000: the CLGF promotes democratic values and high professional standards and under its Good Practice Scheme arranges technical and other exchanges between local government bodies.

- Decentralisation is particularly relevant where former centralised structures fail to engage specific sections of the community such as women and address the concerns of diverse and disadvantaged groups. If central and decentralised institutions reflect the interests of these diverse groups, good governance is enhanced.
- Local government has a key role to play in empowering women and promoting gender equality, including encouraging greater participation of women in local government, particularly as elected councillors.
- Local government can encourage sustainable development including the promotion of trade and investment in partnership with the private sector and development NGOs.
- Strengthening associations of local government as a strong and credible voice should be the responsibility of both the local community and the other spheres of government.
- A spirit of mutual respect and an acceptance of the legitimacy of the roles of each are an essential component of building partnerships between government and civil society groups in decentralised and devolved structures.

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- Relations between the elected and electors are enhanced through decentralisation: one aspect of this is that the smaller unit promotes more frequent contact between elected representatives, constituents and officials.
- A decentralised civil service and the right of local governments to appoint their own officials brings governance closer to the people.
- The Commonwealth Local Government Good Practice Scheme offers opportunities for technical and other exchanges among practitioners and its expansion is welcomed.
- The sharing of useful best practice could be carried out at various levels: local, national, regional and pan-Commonwealth as appropriate on a case by case basis; and the establishment of local government information centres at regional level is encouraged.
- The Commonwealth Local Government Forum, working in close co-operation with the Commonwealth Secretariat, can promote democratic values and innovative practices in local government including, where requested, observing and rendering technical assistance for local elections.
- It is important to continue the dialogue between local government and civil society and to strengthen NGO/government partnerships at all levels.

In responding to the points raised over the previous three days the Commonwealth Deputy Secretary-General (Political) Mr K Srinivasan said that the report of the workshop would be widely circulated and he hoped that governments, civil society and others would pursue the points made by the participants.

The session came to an end with thanks to the participants for taking part and to Mr Martin Sime of the Scottish Council for Voluntary Organisations, Cllr. Len Duvall and Mr Carl Wright of the Commonwealth Local Government Forum for co-chairing different sessions. The workshop concluded.

AGENDA

Monday 12 June

Opening Session **Lord Alderdice**
Speaker, Northern Ireland Assembly

Councillor Len Duvall
Vice Chairperson
Commonwealth Local Government Forum

Mr S. Sharfuiddin
Deputy Director
Political Affairs Division
Commonwealth Secretariat

Session Two Why Decentralise and Devolve Democracy?
Chairperson: **Mr Martin Sime**
Discussion Paper: **Dr A Thomas**

Session Three Enabling Modern Local Democracy
14.30 – 15.45 Chairperson: **CLLr Len Duvall**

Tuesday 13 June

Session Four Devolving Democracy from the Centre:
09.30 – 11.00 Past and Present
Chairperson: **Mr S. Sharfuiddin**

Session Five Discussion Groups
14.30 – 15.45 Group A: Roles and Powers in Decentralisation
 Group B: Devolution and Civil Society
 Group C: Sharing Good Practice: Interaction with
 Electorates

16.00 – 17.30 Report Back and General Discussion

Agenda

Wednesday 14 June

- | | |
|--------------------|--|
| Session Six | Conclusions and Follow-up |
| 09.30 – 11.00 | Chairperson: Mr K. Srinivasan
Deputy Secretary-General (Political) |
| 11.15 – 12.30 | Continuation of Session and Closure of Workshop |

PARTICIPANTS

Mr Mani S Aiyar MP

Secretary, Indian National Congress
India

Ms Margaret Alva MP

Chairperson, Committee on the
Empowerment of Women, India

Cllr Len Duvall OBE

Member of the Greater London
Authority, London, United Kingdom

Ms Jennifer Edwards MP

Member of Parliament
Jamaica

Ms Patricia Ferguson MSP

Deputy Presiding Officer, Scottish
Parliament, United Kingdom

Dr Lloyd Fernando

Chairman, The Marga Institute
Sri Lanka

Dr James R Hurley

Privy Council Office, Canada

Dato' Khalid Bin HJ Husin

Secretary General, Ministry of
Housing and Local Government
Malaysia

Mr C G Kiwanuka-Musisi

President, Uganda Local Authorities
Association, Uganda

Councillor Josiah Magut

Mayor of Eldoret and Chairman of
the Association of Local
Government Authorities of Kenya
(ALGAK), Kenya

Hon John Murray MP

Speaker, NSW Parliament, Australia

Professor (Mrs) Vidula Nababsing

Associate Professor in Sociology and
Dean, Faculty of Social Sciences
Studies and Humanities,
University of Mauritius,
Mauritius

Mrs Ayo Obe

Chairperson, Transition Monitoring
Group, Nigeria

Ms Esther Ofei-Aboagye

Institute of Local Government
Studies, Ghana

Mr John Osmond

Director, Institute of Welsh Affairs
United Kingdom

Hon Stephen P Pokawin MP

Governor and Regional Member for
Manus Provincial Government
Papua New Guinea

Participants

Professor Ralph Premdas

Faculty of Social Sciences,
University of the West Indies
Trinidad & Tobago

Mrs Salome T Sijaona

Ministry of Regional
Administration and Local
Government
Tanzania

Mr Martin Sime

Director, Scottish Council for
Voluntary Organisations
United Kingdom

Hon Narend Singh

Minister of Agriculture and
Environmental Affairs
Kwazulu Natal Province
South Africa

Dr Alys Thomas

University of Glamorgan
Wales, United Kingdom

Professor Gerhard K H Töttemeyer

Deputy Minister of Regional and
Local Government and Housing
Namibia

Mr Carl Wright

Director, Commonwealth Local
Government Forum
United Kingdom

OBSERVERS

Vincent Alexander

Deputy Registrar and Lecturer in
Local Government, Guyana

Winston Cramer

Director National Democratic
Institute, Guyana

Professor Ged Martin

University of Edinburgh
United Kingdom

Mr Thomas Polume

Manus Provincial Government
Papua New Guinea

Sir Kenneth Scott

Royal Overseas League
United Kingdom

Philomena Sahoye-Shury

Parliamentary Secretary
Ministry of Local Government,
Guyana

Participants

Commonwealth Secretariat

Mr K Srinivasan

Deputy Secretary-General
(Political)

Ms Kishwer Khan

Senior Programme Officer,
Political Affairs Division

Mr Syed Sharfuiddin,

Deputy-Director,
Political Affairs Division

Mrs Andrea David-Hugh-Kong

Executive Secretary,
Political Affairs Division

Dr Totis Kotsonis

Senior Programme Officer,
Political Affairs Division

Workshop Chairs

Cllr Len Duvall

Member, Greater London Assembly

Mr K Srinivasan

Deputy-Secretary General
(Political), Commonwealth
Secretariat

Mr Martin Sime

Director, Scottish Council for
Voluntary Organisations

Mr Syed Sharfuiddin

Deputy-Director,
Political Affairs Division,
Commonwealth Secretariat

Mr Carl Wright

Director, Commonwealth Local
Government Forum

PAPERS

- Commonwealth Workshop on Decentralisation & Devolution:
A Discussion Paper
Dr Alys Thomas

- Decision-Making Processes and Central Agencies in Canada: Federal,
Provincial and Territorial Practices
Privy Council Office, Government of Canada

- Decentralisation and Devolution: Kenya's Experience
Cllr J K Magut

- Namibia: Policy Framework on Decentralisation
Professor G K H Töttemeyer, MP

- Current Developments in Local Government in Uganda
Mr C G Kiwanuka-Musisi

- Decentralisation in South Africa, A study of Kwazulu Natal
Hon. Narend Singh

DEEPENING DEMOCRACY

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Political Affairs Division
Commonwealth Secretariat
Marlborough House
Pall Mall
London SW1Y 5HX

Tel: +44 (0)20 7747 6401

Fax: +44 (0)20 7930 2189

Email: info@commonwealth.int (please quote reference PAD)

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