

# WORKSHOP A:

## Intergovernmental Relations: Meaning and Relevance for Conflict Management

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### INTRODUCTION

The overall aim of the two workshops was to "identify, discuss and evaluate mechanisms of conflict management in different states and debate options for how these could be improved, specifically focusing on relations between different government levels."<sup>1</sup> In doing so, the first part of the workshop focused on the definition of intergovernmental relations, a discussion on why they are important and a wider input session on common problems and issues with intergovernmental relations in the countries represented in the workshop. The second part focused on possibilities to increase the functionality of intergovernmental relations and overcome some of the identified problems. A short input presentation was followed by a discussion amongst the participants in order to identify what works in some countries and how some of the identified problems could be overcome.

### DEFINING INTERGOVERNMENTAL RELATIONS

Intergovernmental relations were defined as formal and informal mechanisms to ensure coordination and cooperation between different levels of governments in decentralised and federal political systems. Coordination between different levels is required, because very often competences overlap and different policy issues require cooperation. Examples of this cooperation include the need for joint

decisions in the area of health care, when this is a regional competence but building and maintaining hospitals might be a local competence. The most common and often most complex form of inter-governmental relations can be found in the area of fiscal federalism.

Based on this definition, it was demonstrated why power-sharing between different levels and different elites (from different backgrounds) is useful in order to ensure the functionality of inter-governmental relations. Five reasons were given: First, intergovernmental relations that are based on inclusion and power-sharing ensure the concentration of decision-making, and by doing so they contribute to functional decentralisation, strengthen local government and ensure that each level in a decentralised or federal system has appropriate competences and resources. Second, power-sharing in intergovernmental relations ensures transparency, cooperation and effectiveness in governance decisions. Third, functional inter-governmental relations ensure policy coherence and consultation and thereby focus on cooperation and ensure that a permanent dialogue between different levels of government exists. Fourth, functional intergovernmental relations ensure that policies are implemented based on consensus and that different perspectives are taken into account when policy is being discussed and implemented. This further increases inclusion and therefore the acceptance and respect for the rule of law. Finally, it was pointed out that intergovernmental relations are important, because they provide a framework for the federal dogma of "unity in diversity" by ensuring that policy divergence is allowed, while coordination enables the functionality of a system.

## **KEY ISSUES IN INTERGOVERNMENTAL RELATIONS**

Based on the above input, a wide discussion erupted amongst the participants in both workshops about the current state of inter-governmental relations in their countries, and in particular about current problems that exist and need to be overcome. These problems included the difficulty of constitutional change to enable

functional intergovernmental relations, symbolic issues such as certain names and phrases, the role of political parties as actors of informal conflict resolution, the role of the military and other non-democratic actors in intergovernmental relations, questions about the legitimacy of local governments, forms of "fake" decentralisation where local and regional governments formally exist but have no competences, the distribution of powers – which often favours the centre, corruption, lack of knowledge about intergovernmental relations and the functioning of the system, weak institutions, lack of responsible politicians, diversity and difference between regions, the fair sharing of financial resources, insufficient administrative capacities and a lack of trust in more formalised processes – which is the result of ongoing violence and conflict or historical legacies of centralisation and authoritarian rule.

The facilitators organised these different topics into three broad categories, which were

**1. The Power of the Centre and Legacies of Centralisation**

- a. Continued internal and external crisis contributes to a need for a strong centre
- b. Historical legacies favour strong central governments
- c. One party dominance often results in strong centralism
- d. The danger of separatism has increased calls for a strong centre
- e. The centre often controls access to resources and power
- f. The lack of constitutionalism and the rule of law increases chances for the abuse of power
- g. Citizens often expect more direct and effective action from the centre

**2. Different Legal Order and their Coordination**

- a. The relationship between different legal orders is often not clear
- b. Weak institutions at regional and local levels favour stronger centres

- c. Regional and local levels lack financial resources, even if they have certain competences
- d. Regionalism can also be introduced as a façade to hide strong centralising pressures
- e. A lack of respect for the rule of law and functional constitutionalism contributes to conflicts between legal orders

### **3. The Need for Capacity Building both at the central, regional and local level**

- a. Different countries have different work cultures
- b. Citizens often focus on the central level, not knowing that the local and regional level can provide certain services
- c. There is a lack of skills in certain areas
- d. Weak civil societies and private sectors lack the ability to influence politics and act as further pressure groups
- e. Weak and poorly-skilled public administrations contribute to a lack in capacity
- f. Overblown public services secure jobs for certain groups without increasing output

## **OVERCOMING THE ISSUES IN INTERGOVERNMENTAL RELATIONS**

Based on the previous discussion about the main problems in intergovernmental relations in the different countries, the facilitators prepared an input, in which they analysed each of the three main areas and identified the underlying dynamics. For area (1) Centralism, it was demonstrated that a key role is played by political parties and party competition, including regional parties; that the rule of law is essential in order to counterbalance attempts of centralisation; and that coalitions and coordination between units can help to overcome centralisation tendencies. The following discussion revealed that in the countries represented parties are often only one actor amongst many, that sometimes regional parties are forbidden to counterbalance secessionist tendencies and that parties themselves are often not democratic. It was further pointed out that

the representation of minorities is key to overcome centralisation tendencies and party positions on regionalisation are key, especially when regional parties exist and can work together. Finally, the role of other actors, such as business associations was discussed, as their attitude to decentralisation and more functional intergovernmental relations can often be a key to counterbalance centralisation tendencies as well.

To overcome problems between different legal orders and increase the cooperation between different levels of government, the input presentation highlighted formal mechanisms of solving and overcoming conflicts such as: limited powers for each level, strong second chambers, Constitutional Courts, fiscal equalisation, reconciliation mechanisms between the two chambers of parliament, the creation of new units and fixed standards in service delivery. Informal mechanisms to overcome conflicts include executive federalism with a focus on elite bargaining, cross-boundary bodies for certain policy issues, joint sitting of both parliamentary chambers, Commissions and Expert input, Working Groups, Bilateral and Multilateral Treaties, the joint preparation of meetings between representatives of different levels of government, and the use of mediators in case of conflict. The following discussion identified further mechanisms such as ad-hoc tribunals (used in India), formal institutions to solve conflicts (such as the Council of Common Interests in Pakistan), Administrative Courts, Charters of Service Delivery as exist in Morocco, National and Regional Commissions (as used in the Philippines), the use of Tribal leaders (in Libya) and the move from informal mechanisms of conflict resolution to more formal arrangements as has been the case in Morocco and Libya.

Finally, to overcome the lack of capacity, the input focused on the need for macro-economic stability, legal and regulatory frameworks, tackling local capacity issues, support networks and monitoring systems, stable financing, a restructuring and streamlining of local and regional administrative offices and results-oriented policy planning and budgeting. The discussion that followed revealed addi-

tional possibilities, for example the importance of an Ombudsman especially for financial oversight, a need to invest in the education and training of administrative staff, a fair and transparent promotion and appraisal system and the reform of the current civil service academies to ensure they focus on capacity building and good governance provision.

## **CONCLUSION**

The final discussion focused on what the next steps in individual countries are and how the issues raised could be taken forward in the different countries. It was pointed out, for example, that federalism and functional decentralisation can be a way out of the current situation in Libya, and that in Myanmar the process of federalisation is strongly linked to the peace process and other ongoing reform efforts such as security sector reform, social reform and the need for a new system of sharing resources equally and fairly. It was further pointed out that a focus on functional and strong courts is needed to ensure that decentralisation / federalism can work in practice and to counterbalance tendencies for centralisation and authoritarian governance. It was also pointed out that one of the main reasons why Tunisia's transition to democracy worked was the existence of a "shared problem perspective" which united parties and actors from many different backgrounds. In the Philippines, the role of the business sector is crucial, as their support for the planned federalisation of the country is vital in order to implement the reform. It was suggested that India might offer some general lessons for transition countries and young democracies, in that India's federal system works, because (A) there is a focus on empowerment of different actors, (B) fair resource sharing is at the centre of political discussion, (C) there is a strong focus on the local level as the government level closest to the people and often responsible for vital services, and finally (D) in India monitoring systems have been set up top ensure that the different systems and mechanisms are working and that any problems are caught early.

There was general agreement on the advantages of decentralisation and federalism and the need to enhance democracy, subsidiarity and guarantees for "weaker voices" in the system. There was also common agreement that the rule of law is central in order to make democratic governance and decentralisation work in practice.

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**NOTE**

<sup>1</sup> Due to popular demand by the participants two separate workshops with regards to intergovernmental relations were organised at the International Munich Federalism Days 2017. This paper summarises the outcomes of both workshops.

