



REPUBLIC OF LIBERIA
GOVERNANCE COMMISSION



NATIONAL POLICY ON DECENTRALIZATION AND LOCAL GOVERNANCE



January, 2011

PREAMBLE

WHEREAS, since 1847 and throughout the history of Liberia, governance and public administration have remained highly centralized in Monrovia and controlled mainly by institutions and structures of the central state which have not allowed adequate legal opportunities for the establishment of a system of participatory local governance; and

WHEREAS, the highly centralized system of governance has impeded popular participation and local initiative, especially in the provision of public goods and services, and has contributed to the need for greater accountability and transparency in the management of public affairs and led to the gap in economic growth and development, equal access to social and economic opportunities and human wellbeing between Monrovia and the rest of Liberia; and

WHEREAS, these conditions have slowed down Liberia's overall economic growth and development and democratization processes, leading to underinvestment in human resources and human wellbeing throughout the Republic; and,

WHEREAS, the Government of Liberia, realizes the need to ensure greater participation of the Liberian people in their own developmental processes and for equitable distribution of the nation's resources so as to ensure a more wholesome process of development and democratic governance; and,

WHEREAS, the Government of Liberia, while profoundly cognizant of its constitutional duty to preserve the unitary state system and equally committed to perfecting the unity of the Republic by providing equal opportunity for all of its citizens to engage in the governance of their affairs thereby promoting local self-governance through the sharing of political, fiscal and administrative powers with county authorities through the devolution of certain political, fiscal and administrative powers and institutions from the national government to county governments;

NOW THEREFORE, the Government of Liberia, as the result of consultations conducted with the people throughout the Republic and in response to their will and aspirations, hereby declares:

Section 1.0 Liberia shall remain a unitary state with a system of local government and administration which shall be decentralized with the county as the principal focus of the devolution of power and authority;

1.1 The strategic principles that guide the division of powers, authority, functions and responsibilities between the national government and county governments shall be as follows:

1.1.1 All powers, authority, and functions in the following areas shall be exclusively reserved and exercised by the national government for the protection of national sovereignty:

- Administration of justice
- Auditing
- Elections
- Foreign affairs and international trade
- Immigration
- Industrial licensing and agreements; and intellectual property
- Money, banking and insurance
- National defense and security
- National emergencies and natural calamities
- National health, education, and water policy
- Police and law enforcement
- Posts and telecommunications

1.2 This decentralization policy shall not cover the Judicial Branch of the Government. The rationale for this provision is to enhance the rule of law and the neutrality of the judiciary as the final interpreter of the law in the administration of justice.

Government
entity as the

authority,
government and

shall be
entire for the

intellectual

as
y

in the
the rule of
of the law

- 1.3 County governments shall be established within the geo-political boundaries of the fifteen political sub-divisions of Liberia with political, fiscal, and administrative devolution of authority granted to them by legislative actions and constitutional amendments. The strategy for decentralized governance shall be to empower the Liberian people to participate in all dimensions of local self-governance and facilitate equal political participation in the process of national democratic governance;
- 1.4 All existing political and administrative institutions in the counties - autonomous and statutory districts, cities, townships and other municipalities - shall be revised, restructured and harmonized to implement a responsible and responsive system of governance and public administration; and to ensure accountable, sound and lawful management of local resources to provide efficient and sustainable delivery of, and access to public goods and services;
- 1.5 The qualifying criteria for the creation of county administrative districts, cities, and municipalities shall be established by the Ministry of Internal Affairs and approved by the national Legislature. Only qualifying cities and municipalities shall be granted charters by the national Legislature based on criteria approved by that body; and
- 1.6 This decentralization policy and framework and its implementation thereof shall be continuously monitored and evaluated to determine achievements and impact to date and to advance further measures for strengthening the process and for ensuring that it is effective, efficient and capable of measurable outputs. Such evaluation shall be consultative, participatory and transparent, and shall involve the local people, including women and youth, government, the media and civil society organizations, and international institutions engaged in playing an advisory role in the governance process.

Section 2.0**County Government Organization:**

There shall be established in each county, a local county government comprising (a) county legislative branch, and (b) county executive branch.

- 2.1 **County Legislative Branch:** The county legislative branch shall be called the County Legislative Assembly (CLA). The County Legislative Assembly shall comprise of one (1) representative elected by the citizens of each county administrative district; and the paramount chief of each chiefdom within the county. To ensure gender equity, two positions of members-at-large shall be set aside exclusively for women. Only female candidates shall be elected to fill these positions. They shall exercise the same prerogatives and enjoy the same privileges as other members of the CLA.
- 2.2 **County Executive Branch:** The county executive branch shall comprise of (a) the county chief executive officer, (b) county administrative officer and heads of county administrative departments, and (c) the county district commissioners.
 - 2.2.1 The title of the county chief executive officer shall be the **Superintendent**.
 - 2.2.2 The title of the principal deputy and assistant chief executive officer to the county superintendent shall be the **County Administrative Officer**.
 - 2.2.3 The position of County Administrative Officer shall be an executive level civil service position with employment qualification requirements subjected to the national civil service rules and regulations.
- 2.3 **Sub-county Governance:** Each county shall be divided into sub-county administrative units called **county administrative districts**.

2.3.1 Each county administrative district shall be headed by a district administrator called **District Commissioner** who shall serve as the principal administrative officer of the district and as the representative of the Superintendent.

2.4 Electoral Structure:

The citizens of each county shall have the power to elect the political and executive officers of the county. The following positions shall be elected:

- Superintendent
- Administrative District Commissioners
- Members of the County Legislative Assembly
- Paramount Chiefs
- Clan chiefs
- Mayors of communities granted city charters, and
- Members of city councils or assembly of communities granted city charters

2.5 Tenure: All elected officials of local county government shall serve for a period of four (4) years; they shall be eligible for re-election for an additional term and no more.

Section 3.0**Administrative Powers:**

County governments and their local citizens shall have the power to operate as autonomous political sub-national units of the country; they shall have the powers to make local economic development, and administrative decisions so long as they conform to national laws and regulations.

3.1 County governments shall be legally competent to enter into contracts and agreements with local entities and with other counties and shall represent county concerns in all negotiations pertaining to extractive industries and the establishment of such industries for the development of their geographic areas; and

3.1.1 The national Legislature shall enact appropriate laws from time to time to ensure that powers, duties responsibilities and resources are transferred from national government to county government to enable them to plan, budget, initiate, implement and execute local policies and programs.

3.2 Organization of the County Legislative Assembly

The following shall characterize the County Legislative Assembly:

3.2.1 County Legislative Assembly members shall serve as part-time paid members of county government. They shall serve part-time, assemble at the county headquarters on a quarterly basis; and shall be paid travel costs and honorarium for their quarterly sitting at the rate to be determined by the National Legislature;

3.2.2 At its first meeting, the CLA shall elect from its members, a chairperson who shall coordinate agenda-setting, administer the proceedings of the Assembly and direct its overall operations;

3.2.3 The County Legislative Assembly shall maintain a permanent office at the county headquarters and shall have a permanent technical staff headed by a Secretary for County Legislative Affairs and at

the power to
the country;
development,
n to national

o enter into
ther counties
pertaining to
istries for the

from time to
resources are
vernment to
execute local

Assembly:

art-time paid
e part-time,
sis; and shall
sitting at the

members, a
lminister the
tions;

nanent office
ent technical
ffairs and at

least one assistant both of whom shall be responsible for drafting county ordinances and regulations for consideration by the CLA. The technical staff shall report to the CLA through its chair; it shall also assist the chair in preparing material for the use of the CLA and perform other such administrative tasks as shall be assigned; the Secretary for Legislative Affairs and all technical and administrative staff shall be civil servants and shall be appointed from a list of eligible personnel established by the national Civil Service Agency; and

3.2.4 The CLA shall set rules to govern its activities including rules establishing and operating a permanent technical secretariat to administer its affairs.

3.3 Powers of the County Legislative Assembly:

The National Legislature shall, from time to time, prescribe the powers and functions of the County Legislative Assembly which shall include:

3.3.1 Collaboration with the county executive branch in the planning and implementation of programs for the effective mobilization of local resources for the overall development of the county;

3.3.2 Confirmation of the appointment by the Superintendent, of all heads of the county administrative agencies;

3.3.3 Levying of local taxes, rates, duties, fees, and fines; and authorizing the issuance of certain licenses and operating permits to local businesses;

3.3.4 Approval of the annual county development plan and the county budget;

3.3.5 Enactment of local ordinances, rules and regulations to promote the peace, maintain public order and provide for the delivery of basic public goods and services, including but not limited to health,

sanitation, public works, education, human services, gender equality, economic and business development, sports, culture, tourism, park and creation, and others; and

- 3.3.6 Establishing such administrative agencies (beyond the nationally mandated agencies) as the counties may deem appropriate for their good governance and development.

3.4 Powers of the County Superintendent

The Superintendent shall be responsible for the overall supervision of the administration of the county, upholding the national constitution, and assuring that the various county ordinances, and the national laws and regulations are faithfully executed in all county business.

- 3.4.1 The Superintendent shall prepare a county development plan and budget, and present same to the CLA in a timely fashion for their consideration annually. He/she shall also present to the CLA for adoption such ordinances, regulations and revenue instruments as are appropriate for the welfare of the county;
- 3.4.2 The superintendent shall submit annual reports to the President through the Minister of Internal Affairs and the CLA on the status of the county, its progress toward county and national development goals, its key programs and challenges, and such other information as are necessary for future planning purposes and for the effective and prudent management of county affairs; notwithstanding, this reporting process shall not be construed as bestowing upon the Minister of Internal Affairs powers of control over the affairs of counties;
- 3.4.3 The Superintendent shall keep collaborating line ministries and agencies and all such national authority institutions informed on matters regarding status of their national programs and projects;

equality,
ism, park

nationally
e for their

er vision of
nstitution,
e national
iness.

plan and
for their
CLA for
ments as

President
tus of the
ent goals,
on as are
ctive and
ing, this
upon the
affairs of

tries and
rmed on
ects;

similarly, the line ministries and agencies shall keep the superintendent informed of matters regarding operations of their national programs in the county; the Superintendent shall have authority to supervise their condition and effective administration;

3.4.4 The Superintendent shall appoint heads of the various county agencies and bureaus from an approved civil service eligible list, subject to the confirmation by the CLA by simple majority; the Superintendent shall also appoint and certificate town chiefs in consultation with, and upon recommendation of the elders of the towns; and

3.4.5 The superintendent shall have veto power over the CLA actions which can be overridden by a 60% majority of the CLA.

3.5 Additional Powers of the County Government

The National Legislature shall enact appropriate laws from time to time, providing for the taking of measures by the county vernment that are necessary to strengthen and enhance the capacity of county government authorities to initiate, plan, implement and evaluate public policies and programs with respect to poverty reduction, improving human conditions and all such matters affecting the people within their geo-political subdivisions.

3.6 Organization and Operations of County Districts

Each county district shall operate a **district administrative office**, in a district headquarter; each district shall be managed by a principal administrative officer known as the **District Commissioner**;

3.6.1 The district administrative office shall include a project dentification, planning and development officer, a health officer, education officer, an agriculture services officer and such other personnel assigned to the districts by the Superintendent and the national government; the county personnel shall be employed and supervised by the appropriate county bureaus, which shall be responsible for their pay and allowances;

county
e list,
; the
efs in
of the

3.6.2 District Commissioner shall be responsible for the implementation of county policies and programs in the districts as well as for leading a process of grass-root based priority setting and project identification which shall be submitted for the consideration in the district plan. The plan shall be submitted with cost estimates annually to the Superintendent in time for the Superintendent to consider in developing the annual county plan and budget; and

ctions

3.6.3 Each district shall elect a volunteer advisory board which shall meet at least four times each year, advise the district commissioner regarding chieftdom and clan conditions and needs, and provide input for the district planning process. They shall receive travel costs and an honorarium determined by the County Legislative Assembly.

ne to
ment
ity of
and
verty
atters
ions.

ffice,
by a
trict

ation,
fficer,
ed to
nent;
y the
their

Section 4.0 The national government shall enact appropriate laws to ensure that fiscal resources, functions, powers and responsibilities are transferred from the central government to county governments thereby ensuring greater participation of the citizens in accordance with Chapter 2 Article 7 of the Constitution.

4.1 The national government shall establish a sound financial base with identifiable, adequate and reliable sources of revenue for each county government; it shall initiate a sustainable and recurring program of direct revenue sharing with county governments and shall authorize local taxes. In the implementation of this policy, all functions devolved to local governments shall be linked to allocation of the funds required to execute those functions. Funds shall be allocated according to a clear and transparent formula taking into account adherence to good governance practices and standards

4.1.1 Direct Revenue Sharing

The national government shall, on the onset of implementation of the program of fiscal decentralization, and in the first year, make an initial lump sum grant which shall be distributed and shared in equal amounts to all county governments. Thereafter, all funds, grants, and revenues allocated by the national government shall be shared with county governments and shall be distributed according to a clear and transparent formula that takes into account population, good governance practices and other factors to be determined by policy and legislation.

4.1.2 Local Revenues

The National Legislature shall establish a county tax base for each county. It shall from time to time also prescribe the types of taxes, rates, fees, and fines, which may be levied by the CLA; and the issuance of certain licenses and operating permits to local businesses which also may be levied by the CLA.

4.1.3 Taxes

County governments shall raise and own revenues collected from property tax levied on all real estate property within the geo-political boundaries of the county and from such other legally established sources of revenue in the revenue sharing arrangement.

4.1.4 Licenses and Fees

The county government shall be authorized to raise and own revenue collected from the issuance of licenses, inspection fees, fines and operating permits to local businesses in the county including restaurants, cook shops, all categories of trading stores and provision shops, hotels and motels, shoe repair shops, barber shops, motor vehicle repair garages, gas stations, and such other business as shall be determined by the CLA from time to time.

4.2 County Budget and Civil Service System

Each county government shall operate its own personnel and budget system in compliance with the national laws and civil service regulations of Liberia. In order to provide adequate, consolidated and cost-effective support to local government, the county's personnel management program shall be integrated with its budget planning.

4.2.1 All salaries, wages, fees and all forms of compensation and payments for services rendered to the county government shall be paid by the county government from the county government budget. All persons who are employed from the county government budget shall be paid by said government through its payroll. Persons employed and paid by the county government shall be under the administrative control and direction of the county authority. Terms of employment and salaries shall be determined by the county personnel office and shall be consistent with national civil service regulations.

4.2.2 All citizens of Liberia shall have equal opportunity to be employed in any county and to work for any county government regardless of tribe, ethnic affiliation, gender, age, disability, religious belief or political opinion. Employment practices in any county must at all time be in compliance with the national Civil Service Regulations of Liberia.

Section 5.0 The national government shall establish and pass into law a code of Administrative Regulations to govern the structure, organization, administrative powers and reporting relationships of all elected and appointed officers of county government as outlined in this document.

5.1 Administrative Organization of County Government

The National Legislature shall, from time to time, prescribe and establish administrative agencies of local government upon the petition of county governments as deemed appropriate for good governance and based on the county's prevailing economic development needs. Administrative agencies of county government shall be named or styled department, bureau or commission as shall be determined by each county government. The national government shall prescribe the first administrative agencies to be established concurrently in each county upon implementation of this national policy. These shall include:

- Department of Revenue, Expenditure & Budget
- Department of Administration and Personnel
- Department of Public Works and Utilities
- Department of Health and Social Welfare
- Department of Agriculture and Commerce
- Department of Education, Information & Sports
- Community Enterprise Development Agency (CEDA)

The title of the chief administrative officer and head of each county agency shall be called **Director**; the mission, purposes and powers of administrative agencies shall be prescribed in the enabling acts passed by the National Legislature for the creation of such agencies.

5.2 All heads of county administrative agencies shall be appointed by the Superintendent with the consent of the County Legislative Assembly. They shall be selected from a nationally established civil

va code of
ganization,
lected and
ocument.

cribe and
upon the
for good
economic
vernment
mmission
national
ies to be
on of this

get
l

rts
y

county
owers
g acts

ited by
islative
ed civil

service list of eligible officers. They shall serve in any county as long as they have the confidence of the Superintendents. They shall administer county and national programs in their respective counties and facilitate the monitoring and evaluation of county conditions and of national programs for the relevant national ministries.

- 5.3 National ministries shall develop national goals in consultation with county technical personnel, shall design and provide robust programs of technical assistance, outreach and training useful to the counties, analyze and develop policies and programs appropriate for county development, and monitor and evaluate the performance of counties in achieving national goals in their respective sectors. The national Civil Service Agency and the Liberia Institute for Public Administration shall provide administrative assistance and guidance in the development of county personnel systems, human resources management, training and capacity building for county development. The Governance Commission shall assist county governments in crafting and reviewing sub-national institutions and policies.

5.4 Reporting Relationships

The Superintendent shall by law, report to the President of Liberia, and shall maintain a symbiotic or interdependent administrative, executive, and advisory relationship with the Minister of Internal Affairs. The Superintendent shall report annually to the President of Liberia through the Ministry of Internal Affairs on all matters including the general and specific circumstances and status of the county, its administration and fiscal status; the report shall also include the extent of the county's conformity with national regulations and standards of good governance;

- 5.4.1 The Superintendent shall report annually to the County Legislative Assembly on all matters including the general and specific circumstances and status of the county, its administration and fiscal status; the report shall also include the county programs and progress towards development goals, and the extent of county's conformity with national regulations and standards of good governance;
- 5.4.2 The County Administrative Officer shall be in charge of county administration and personnel; and shall provide administrative and technical support to the Superintendent in the discharge of state responsibility and the day-to-day management of county government as cited in the county administrative regulations. The CAO shall report to the Superintendent and shall maintain regular working relationships with heads of county administrative agencies, district commissioners, paramount and clan chiefs and all other officers in county government;
- 5.4.3 The District Commissioner shall report to the Superintendent and shall maintain a regular working administrative relationship with heads of county administrative agencies. The District Commissioner shall submit annual reports to the Superintendent in a timely manner so as to be included in the Superintendent's annual report for the county;
- 5.4.4 The Paramount Chief shall maintain a regular coordinated working relationship with the District Commissioner, elders, heads and representatives of county and national administrative agencies and report to the district commissioners on their activities in the chiefdom including activities of national government agencies and non-governmental organizations; and
- 5.4.5 The clan chief shall maintain a regular, coordinated, working relationship with the Paramount Chief, all town chiefs and elders within the clan shall inform the paramount chief on all activities in the towns under the clan.

5.5 Removal Powers

Elected officials of county government shall be removed from office for cause through a process of impeachment by the County Legislative Assembly; except for the Superintendent whose removal shall be through impeachment by two thirds of the members of the National Legislature;

5.5.1 The President of Liberia may for cause petition the National Legislature to consider impeachment proceedings against a Superintendent. The impeachment process shall be consistent with due process;

5.5.2 Any citizen or group of citizens may for cause petition the County Legislative Assembly to consider instituting impeachment proceeding against an elected county official except that said petition must be endorsed by the citizens as follows:

5.5.3 Petition for impeachment of a district commissioner, member of the CLA, head of a subordinate unit of local government, must be signed by not less than one thousand five hundred (1500) citizens from the jurisdiction of government concerned; and

5.5.4 Petition for impeachment of Superintendent must be endorsed by not less than one thousand (1,000) citizens from each county administrative district within the county.

5.5.5 Any member or official of county government or subordinate jurisdiction of government shall be suspended from office upon indictment for a felony;

5.5.6 Any member or official of county government or subordinate unit of government must immediately resign his/her office upon conviction of any felony; and

5.5.7 All vacancies of elected positions in county government shall be filled by Presidential appointment until the next scheduled election; said appointment shall be made from a submission of three nominees by the CLA to the President. Vacancies in sub-county government jurisdictions shall be filled by the Superintendent, with the consent of a majority of the CLA, until the next scheduled election.

shall be filled
lection; said
ominees by
government
e consent of

Section 6.0

The implementation of the National Policy on Decentralization and Local Governance shall be incremental over a period of ten years. This incremental approach shall include amendment of the Constitution of Liberia to provide for the election of county superintendents and administrative district commissioners. The strategy is to pursue the process of constitutional amendment while, simultaneously establishing conditions for successful deconcentration as the first stage in the process of decentralization. Such conditions which include local capacity development, institutional restructuring for economic governance, and empowerment of existing local structures, among others, shall be established within the first three years of the ten-year period of incremental implementation. The Ministry of Internal Affairs shall, in collaboration with the Governance Commission, Ministry of Finance, Ministry of Planning & Economic Affairs and other collaborating line ministries and agencies, develop a strategy for implementation of the National Policy on Decentralization and Local Governance.