

## Governance and public services

Not giving up on the  
dream of  
development

*Proposals booklet  
n°2010-05*





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With thanks to national moderators and allies in various countries

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## Preface

The Alliance for rebuilding governance in Africa brings together actors committed to both thinking and acting, people committed to promoting—in Africa and across the world—a dialogue on the management of public affairs. Since 2003, the Alliance has taken up the torch of an inter-African initiative for dialogue on governance. Its ambition is to contribute to the birth of a governance project deeply rooted in the realities of African societies.

For the Alliance, governance is the art of coherent management of a group's shared affairs. As such, it is a sum of values, principles and methods that cannot be separated. How to govern? How to govern oneself? These are eternal questions that call for specific answers rooted in a particular place and time; they are closely entwined with the culture of the actors involved and the challenges of the moment. To talk about governance one must ask oneself many questions, including: How do we envision interactions between the group and the individual? How do we envision our relationship with the powers that be? How do we envision our relationship with the public sphere?

The question of governance must thus be approached in terms of an actual context including what must be governed and what institutional, human and financial resources are available to do so. For the Alliance, there is no single, universal, "generic" model of

governance. There are, however, shared universal principles that should serve as an inspiration for all models.

Nearly ten years spent collecting and analysing the statements and experiences of a wide variety of actors in public management have led us to believe that the challenge of rebuilding governance in Africa can be met only by:

1- *Placing endogenous values and shared principles at the heart of the debate on rebuilding governance*, because the values and principles on which models of governance are based should be conceived from shared references that are known and recognised by the populations concerned. Crises in governance are fundamentally a reflection of crises in values, in particular moral and ethic values, whose remobilisation is a *sine qua non* condition for proper public action and appeased societies constructed on a strong consensus on how the public sphere should be managed. As a result we prefer the concept of **legitimate governance** because the management of public affairs and associated exercise of power should be in the service of the common good, with the agreement and under the control of those over whom power is exercised.

2- *Putting the experience of actors at the heart of the rebuilding process*

because we feel each actor is the best expert on his or her own reality and thus deserves to be listened to; because proposals to reform the management of public affairs should not be imposed from the outside, nor should they result from abstract reasoning. Rather, they should be the fruit of a cross-pollination between aspirations, critical examinations and concrete experiences; these elements should be analysed and used to improve the practices of governance.

*3- Defining unity and the role of diversity—a necessary step in succeeding with a diversity of actors,* because the participation of each individual (or group) in building a nation depends on the importance the group as a whole places on the affirmation and development of his or her (or the sub-group's) identity. For the Alliance, unity is not a denial of diversity: it is a harmonious expression of diversity.

*4- Expressing ranges of governance from the local to the worldwide level instead of boxing off the various levels* because in our assessment the management of public affairs can only be improved by partnerships between territorial levels and a search for

complementariness between the roles and responsibilities of actors and the resources available. Further, this cooperation should be based on the principle of active subsidiarity rather than a mechanical division of competences.

*5- Rooting the reconstruction of governance in the local level,* because it is the most strategic level in true decentralisation. The local arena is where new, participative and legitimate ways of managing public affairs—which are vital to development—can be invented and applied. It is also both the ideal place to create endogenous riches and improve people's living conditions and the best level on which to prevent and control conflicts inherent to all societies undergoing change.

The proposals made in this paper were built on an analysis of the statements and concrete experiences of African actors, viewed in the light of the requirements mentioned above. It is our hope that these proposals will inspire the many and varied reforms in public management that are already in progress or will soon see the light of day in countries all across the African continent.

Ousmane Sy

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Bamako - Mali

# I - Introduction

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The State has meaning, and its political construction is sustainable, only when its 'social utility' has been established. Given this fact, developing public services that truly meet the needs and aspirations of populations is both necessary and vital for the powers that be. Providing public services should be perceived as a sacred mission of the State, which is the only entity capable of guaranteeing equity and justice in populations' access to social well-being. As a result, States' credibility and viability are measured in terms of their ability to address citizens' incompressible needs, through public services.

In the same manner, populations' access to basic socio-economic services such as education, health care and transportation is a moral requirement, a right and a necessity for populations aspiring to harmonious development. Indeed, it is a vital issue for the societies themselves, since 'living together in harmony' depends so heavily on the advantages associated with these services—for the entire community and for each citizen. The satisfaction of social needs naturally contributes to the cohesion and stability of nations, individual self-fulfilment and the collective prosperity of human societies. Clearly, public services are a vital element in regulating socio-political conditions, particularly in situations of extreme poverty.

In Africa, fifty years after many countries became independent, what strikes the observer is that the provision of public services has of course followed the same downward curve as post-colonial government. As a result of a patrimonial vision of power, perpetuation of a colonial administration, lack of vision and shared goals, poorly chosen priorities for public spending, vote-catching practices, corruption and ethnic or clan-based favouritism—along with poor use of skills and resources of all sorts—the provision of public services is currently marked by chronic insufficiencies and constantly increasing social and territorial imbalances.

Yet if the major challenge of development is the well-being of populations, one response to this challenge would be governments' capacity to provide populations with basic public services in sufficient quantities and of acceptable quality.

Clearly, the dialectical link between 'State', 'society' and 'public services' shows that on the African continent, the crisis of the post-colonial State—and the subsequent multi-polar

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crisis that has struck African societies—have significantly affected public services. The inefficiency and inadequacy of current modes of regulating the offer of basic public services is a very serious issue at present.

The crisis in governance—*which is at the heart of underdevelopment in Africa*—is a determining factor in the crisis in public services. It is consequently illusory to imagine that change in the way public services are delivered to populations can be produced simply by expert intervention, changes in organisational charts and procedures or administrative face-lifts. On the contrary, changes must be grounded, among other factors, in the meaning and end of public action, the intelligibility of collective appropriation of public services, the respective roles of the various actors, interdependencies to be assumed and articulations to be constructed. In short, these much-needed changes require that we look closely at governance.

This is the position adopted by the Alliance for Rebuilding Governance in Africa (ARGA) after extensive study. The booklet you are now reading is the result of the Alliance's work, which included a regional study begun in 2007, on the provision of basic public services. The study proved the existence of a link between the lack or inadequacy of modes of governance and problems in the sector, and it described that link. It also led to the definition of possible avenues for reflection, research and action to improve the offer and accessibility of public services, in terms of both quantity and quality.

In its focus on political orientations and institutional configurations, but also on the practices of institutions and people in the sector, the study clearly reflects ARGA's belief that governance is an operational concept: a concrete practice that cannot content itself with overall considerations, that proves its worth only through real-world applications. Consequently, the study was based on feedback from actors, comparative analyses, debate and the drafting of proposals.

## II – Public services and poverty in Africa: States' failure to meet populations' needs and aspirations

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A legitimate State is a societal project that provides its citizens with good living conditions. The degree to which economic, social and cultural needs are met is in turn closely linked to the quality of services to which the population as a whole can actually gain access. Seen in this light, providing public services is an on-going quest in response to the multi-form crisis which Africa is now experiencing.

African populations naturally aspire to a better existence. They are crying out for public services, a government that works and upright leaders. In short, what they need and want is a true State. Yet despite various initiatives—at all levels and by a multitude of actors—poverty in sub-Saharan Africa has become endemic, and it continues to undermine the legitimacy of the State. Paradoxically, the commitment to guarantee each human being a decent life—*a commitment shared by everyone, everywhere*—is without precedent. Where does the problem really lie? It lies in the unsuitable ways in which the provision of public services is regulated.



## 2.1 - Endemic poverty deals a final blow to the legitimacy of the post-colonial African State

One face of the crisis of the post-colonial African State is, undoubtedly, its incapacity to respond to the legitimate aspirations of populations, in particular by providing continuous and global public services across its territory.

Recent statistics from the World Bank show that in the past 25 years poverty has clearly shrunk everywhere in the world—except sub-Saharan Africa, where the number of poor people continues to rise. Only in Africa has the percentage of people living in poverty remained stationary. Worse, in absolute value it has risen: in 1981, there were 202 million people living on less than \$1.25 a day; in 2005 there were 384 million.

In this downward slide, and if we temporarily set aside institutional and economic disaster, it is surely populations' deteriorating living conditions that are the most worrisome problem today. The concern is such that the fight against poverty has become a rallying point for States, civil society and international organisations.

This tension between society's expectations and the State's failure to meet them is clear evidence of the crisis in governance. Populations are often highly critical of the State, which they deem inefficient, a tool used by politicians to further personal ambitions, out of touch with its citizens' worries and reeking of corruption.

By the time most countries became independent, African leaders had probably already developed a certain vision of the relationship between the 'State', 'society' and 'public services'. The young States were committed to providing for the well-being of all their citizens by supplying a wide range of goods and services. To give their existence meaning and keep the promises of their newly acquired independence, African States attempted to organise and provide a certain number of public services in a centralized fashion and using an interventionist approach, insofar as they were able to do so given the scant resources available.

Today all agree that the post-colonial African State is having trouble providing sufficient public services of acceptable quality. Many programmes and reforms, however, are involved in the fight against poverty.

This is the case on the international level with the Millennium Development Goals (MDG) which, since 2000, have reflected the commitment of the entire international community to cut world poverty in half by 2015. Phase reviews, however, are rather pessimistic about sub-Saharan Africa's chances of achieving this goal, unlike Asia, which is sure to succeed, and Latin America, which is expected to reach the goal slowly but surely. While the reviews do mention some encouraging sub-Saharan successes amongst the eight millennium objectives, analysts are still very hesitant about this region's capacity to substantially improve its populations' living conditions, and the MDG deadline is just six years away.

Internally, States have drawn up Poverty Reduction Strategy Papers (PRSP) defining their macroeconomic, structural and social policies and programmes to stimulate growth and reduce poverty. These poverty reduction strategies, which were initiated by the World Bank and the International Monetary Fund, are designed to put States and donors in contact in view of attaining MDG, among other objectives.

In reality, strategies to reduce poverty have not succeeded in lifting a significant number of Africans out of misery. In practically all sub-Saharan countries, more than half the population still lives below the poverty line.

This massive and chronic poverty seems to have defied all strategies defined up to the present. The meagre progress these national and international strategies have induced in Africa is all the more troubling because PRSP and MDG have had a real effect on the vision of post-colonial States: they seem to have given up on the dream of development to concentrate simply on reducing poverty. This is particularly worrisome because of the close link between (poor) public services and poverty: the paltry results of these poverty reduction strategies also demonstrate how difficult it really is to improve the public services provided to populations.

## 2.2 – Modes currently used to regulate the offer of public services are unsuitable

To play their roles to the fullest and consolidate their newly acquired independence, post-colonial States attempted to respond to the aspirations of their people by providing public services. At that time, States granted themselves significant prerogatives in the production and supply of a wide range of goods and services. Public services were set up and managed centrally, with an interventionist approach, and so were naturally swept along in

the State's downfall. A patrimonial view of power, catastrophic management of public affairs and assets and the absence of a collective project based on the common good seriously endangered any hope of setting up public services that perform as they should.

Obstacles to providing satisfactory public services have been amplified in Africa by two decades of structural adjustment programmes that were imposed from outside and have had disastrous effects on the social, economic and institutional level. In advocating 'Less Government' without creating 'Better Government', the structural adjustment programmes have helped weaken the offer of public services—and cast doubts on public institutions. The final goal of stabilising African economies and hitching them to the global world economy has in the end jeopardised States' social policies and dismantled the few public services that once existed, plunging entire masses of Africans into misery and keeping them there.

Given this context, the reforms to public administration that underpin the fight against poverty—and help reinforce public institutions' 'capacity to serve'—have not always born the expected fruit.

In the past few years most African States have initiated reforms to the organisation and operation of the public sector, in view of improving public action in general. Their goal was to define and support the restructuring of public administrations from a technical as well as a financial and accounting point of view. These reforms to 'modernise the State' or encourage 'institutional development' were inspired by models from outside Africa and conducted 'at the top'. They were unable to instil in public services the dynamic necessary for change.

At the same time, working from the hypothesis that problems with public services resulted from poor material and technical conditions, a functional perspective suggested that public services be 'modernised', in particular by improving the work setting and perfecting working tools. So a functional approach was developed alongside the institutional approach, but poverty still continued to grow and public services were still in short supply.

States were, of course, correct to re-examine their institutions and functional mechanisms, but in the end seem to have erred simultaneously in their vision and approach and in the content of reforms.

According to some, the problem with such initiatives—*which are, nonetheless, laudable because they attempt to improve populations' living conditions*—is their use of generic points of reference (particularly true with regards to MDGs) that do not properly reflect

progress made by African States. Paradoxically, other parts of the world have made progress without the benefit of any positive discrimination, but in Africa the use of these standard benchmarks has prompted States to ask for a 'scaling up' to allow them to benefit from more development assistance.

In any case, it is clear that the hoped-for improvement in public services requires in-depth reflection that looks further than the principles underlying MDG, DSRP and public reforms. What is needed, in particular, are a mobilisation of the international community and States, commitments to provide financial resources, a community of experts, a panoply of indicators and the definition of an agenda.



Given the ongoing strain between a paltry supply of public services and complex, exacting and increasing social demand, any debate on the access to public services must necessarily include a discussion of regulatory modes. The purpose of this discussion being to take into account the diversity of interests, between members of all the different communities and on various territorial scales, and to construct—on the basis of a deliberative process—answers corresponding to shared values.

There is, of course, a strong two-way connection between the legitimacy of local public action—*acting to achieve objectives the population has deemed pertinent*—and its efficiency, i.e., its *ability to attain results*. In short, supplying public services requires the collective construction of a system of values, structures and ways of doing things based on the principles of equity, ethics, inclusion and responsibility. And that, of course, raises the issue of governance.



### III – Provision of basic public services raises the issue of governance

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The problems of public services are closely linked to those of the State; both are the result of a crisis in governance. So, in short, to have a good chance of effectively meeting the needs and aspirations of African populations, public services need to be rethought using new approaches based on governance. At the same time, the provision of public services must also include certain principles of governance in order to improve the efficiency of public action and produce, in the end, services and riches that profit everyone.



#### 3.1 – Rethinking public services with new approaches based on governance

New approaches must be defined to attempt to respond to the public services crisis, with issues of governance pushed to the forefront. The Alliance takes as a given that improving the provision of public services will come about, not as a result of new proposals based on a traditional conceptual and operational logic, but from a renewal of the way in which the governance of public services in Africa is thought out and approached.

This effort to connect public services and governance—*understood here as all the processes implemented to manage interfaces between actors, territories, and resources, in terms of their political, economic, social and environmental dimensions*—leads to the challenge of rethinking basic public services to promote integration and a strong feeling of

belonging on the part of populations, as well as trust in the State. With this objective in mind, a number of questions must be asked, including:

- How can the entire population be guaranteed equitable access to quality public services, when public institutions are inadequate and the source of social and political crises?
- How can territories, and above all the various scales of governance, be structured when decentralisation is encouraging the breaking up of territories and the creation of several categories of actors?
- Which actors and what types of partnerships might help make basic public services more widely available and their provision more efficient?
- How can the social mechanisms and processes involved in providing basic public services be institutionalised?
- How can increasingly complex and exacting social demands be met in under-developed countries faced with shortages of all types of resources?
- What are the roles and responsibilities of the various actors on economic, social, political and environmental levels?

Over and above relatively reductive theses that link public services to the fight against poverty alone, the Alliance places the issue of providing public services in a much wider context, that of rebuilding governance. In effectively and efficiently responding to populations' concerns, providing public services is perceived as a strategy in itself—a strategy for renewing the rules of managing national public space and links between actors, and in the end as a method for revitalising the post-colonial African State.

### 3.1.1 – Providing basic public services: a tool for rebuilding the post-colonial African State

This vision is based on a certain idea of governance, more precisely the legitimate governance advocated by the Alliance, which is defined as “*the art of managing public affairs and exercising power in the service of the COMMON GOOD with the adherence and under the control of those over whom this power is exercised*”. The Alliance postulates that Africa should collectively design and set up a form of governance to which the various actors are committed and which responds to their aspirations. In addition to knowledge and recognition of rules and institutions on the part of African populations, the legitimacy of governance is fundamentally based on the State's capacity to respond to the material and non-material aspirations of its citizens. Based on this definition, providing public services—and providing them efficiently, is a necessary condition for legitimacy in that it institutes and gives meaning to the relationship between public authorities and citizens.

This approach to public services is also closely linked to the task of rebuilding the post-colonial African State. In fact, the crisis of the State, and the need to rebuild, are clearly shown by the inefficiency of its interventions in the service of society. The initial source of legitimacy of all public actors—and of the State first and foremost—is the adequacy of public action with respect to citizens' expectations. Historically, the incapacity to set up and provide satisfactory public services is a determining factor in the loss of legitimacy of the post-colonial African State, and a factor that must be acted on quickly. As a result, the development of public services is a *sine qua non* condition for establishing or restoring confidence in institutions, and in particular populations' trust in the State.

For public action to be efficient, its objectives must be in conformity with the population's expectations and the realities of the country. This is no small order. How can it be achieved?

In response, the Alliance defines the local sphere as the most strategic level for rebuilding governance, and as the threshold on which a pertinent response to populations' social and economic aspirations can be built, particularly through decentralisation.

### *3.1.2 - Decentralisation as a factor in improving the provision of basic public services*

If more and better public services must be provided to reconcile populations with the State, then these services must take into account the proximity of the demand and the action provided in response, and ensure a customised response to the various needs in existence. As a result, systematic analysis of governance advocates a 'ground up' approach to public services, in other words, decentralisation.

Decentralisation as a factor in improving the provision of public services is based on at least three hypotheses:

The first is that basic public policy creates greater proximity between demand for and supply of public services, and enables an exact and complete assessment populations' requirements so that suitable, just and sustainable solutions can be provided. This direct and instantaneous contact encourages 'local thought' that is important to institutions and managers of public services because it is rooted in a knowledge of local realities.

The second is that decentralisation, with participatory democracy as its political goal, makes it possible to respond to populations' needs while including them as both actors in and beneficiaries of the public action. When citizens are given direct responsibility for formulating and conducting local affairs in general, public services inevitably benefit, particularly in terms of collective appropriation of public services and assets, transparent management and control.

Finally, according to the third hypothesis, decentralisation can free public action from foreign pressure in situations where, through various channels, external injunctions—particularly from international and major multilateral organisations—attempt to impose certain priorities, objectives and codes of conduct on the central government. This local freedom of action is in any case essential for legitimate local governance and adequate local public actions.

With all this in mind, the main positive external impact of public services is their potential contribution to the legitimacy of public institutions. Efficient public services provide proof that public institutions—local institutions in particular—are capable, credible and worthy of leading the people. As relations between populations and local public institutions improve, the latter take on real meaning in the eyes of citizens who then recognise public authorities, first on the local and then on the national level.

Thus it is important to respond to the needs and aspirations of citizens on the local and national levels. To do so, States and local authorities should develop the capacities required to provide the entire population with good, sustainable public services that meet popular demand.

### 3.2 – Basing governance of public services on shared principles to guide authorities in their tasks

The failure of the various administrative reforms to make public action more efficient sheds interesting light on the importance of governance in the management of public assets in general, and in the provision of public services in particular. State bureaucracy, *which in most cases is only required to show it has provided resources, not produced results, and which focuses on rules and procedures that are generally unsuitable*, is manifestly incapable of solving the problem of providing services to populations. So what needs to be done now is to base the governance of public services on shared principles that can serve as a basis for and guide to the work of authorities responsible for public services.

#### *3.2.1 – A shared art of governance that can be applied to public services already exists*

Work on the issue of governance in Africa, carried out by the Alliance over the past decade and supported and enriched by other studies in Africa and elsewhere, has led to the statement of a number of principles that could increase the efficiency of public action through a good understanding of certain general rules of governance.

In 2002, the Bamako Forum—a *result of the Alliance's extensive work in collecting and analysing experiences in eleven West African and Central African countries*—highlighted some major ideas for a type of governance that reconciles *formal legality* and the *requirement of legitimacy*:

- governance should develop regulations to preserve equity and protect the requirements of sustainable development, which are threatened when the market is the sole master;

- governance simultaneously covers all territorial scales, from the local to the worldwide level;
- building a new form of governance does not mean adding up separately thought-out reforms at each level; it is, rather, a unique process of change;
- change is not directed solely at the institutions, rules and competences of each level; it is more concerned with the relations and articulations, the 'interfaces' between the various levels of governance, and with implementing the principle of subsidiarity in organising shared competences.

These rules on which governance is founded—or re-founded—obviously apply to public services, which are now faced with the challenges of inclusion, a shared vision, environmental conservation, relationships between actors and between territorial levels—and thus with the existence and efficacy of public action.

On the basis of these re-founding rules, convinced that ideas useful for an action are born of the action itself—and that in translating action into knowledge a capital of ideas useful for action can be constituted—the Alliance has since 2002 been engaged in a study based on the concrete experiences of actors, testing and translating these major ideas into governance of public services. The Alliance has thus identified, in this significant mass of experience, shared principles of governance that give meaning and pertinence to rules and procedures used to define and implement public services.

The main lesson learned from this major study is that there is indeed a shared art of governance: a fact underlined by similarities in the problems and possible solutions formulated by all public services. Clearly, public services in general should be founded on certain unchanging principles that responsible authorities can use as a guide. These principles should be placed at the heart of the process used to provide basic public services.

### *3.2.2 - About certain principles of governance of public services*

Following in the footsteps of the Alliance, AFRICITES 3, which was held in December 2003 in Yaoundé, chose 'providing basic public services' as its main theme. The conference served to systematically state and come to a consensus on a number of principles. These principles should be used to build efficacious and efficient service-provision policies that meet the requirements of State- and society-building in Africa.

The six 'Yaoundé principles' call for:

- **rootedness:** public services should be deeply rooted in the population, i.e. they should correspond to the population's cultural habits and its technical and financial level.
- **cooperation:** the provision of public services should be a co-production of all the actors, a cooperative effort involving State and local authorities, the population and administrations, the public and private sectors.
- **inclusiveness:** access to basic services for the entire population is a necessity from both an ethical and a democratic point of view. As a result, the legitimacy of public authorities is based on their capacity to provide services for the population as a whole, and not just a few.
- **institutional engineering:** structures should be built in conformity with their purpose, i.e. there should be a proper fit between the way institutions are organised and operated and the principles they are asked to implement. It is important to design organisations that are suitable, in terms of both the structure itself and the culture, habits, training and experience of the organisations' members.
- **aggregation:** diversity and unity need to be reconciled. Institutions should be able to deal with the diversity of situations and the unity of problems at the same time, aggregating local problems to form a global vision, inscribing everyday action in a global, long-term perspective.
- **development of human resources:** suitable local personnel are needed to perform the missions entrusted to them. These local people must be capable of dialogue, cooperation and insight in the framework of an exchange of experiences.

In addition to defining governance principles for supplying efficient basic services to all African populations, the Alliance also wanted to provide information on their on-site implementation. A study begun in 2007 has demonstrated the level of integration of these principles in the provision of public services in large African cities. This study shows the difficulties involved in applying the principles, as well as opportunities for application, and points out major issues in the governance of public services. Above all, the study proposes a number of innovative directions to be considered in the framework of a sub-regional pilot initiative on providing basic public services.

## IV – The Alliance's pilot initiative on providing basic public services

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The efficiency of public action has always been a vital area of study for the Alliance. In the process of drawing up an *African Charter for Legitimate Governance*, begun in July 2002, the Alliance opened an avenue for reflection and proposals concerning a more suitable way of providing public services that would significantly improve the living conditions of each citizen. Conscious of the fertile principle linking 'public services' and 'governance', the Alliance has dug deeper in this field with the creation of a sub-regional pilot initiative focusing specifically on the issue of providing basic public services.



### 4.1 Brief presentation of the initiative

Using as a basis an approach through governance and the Yaoundé principles, the Alliance organised a number of pilot workshops to test this new vision of basic public services, draft an analysis and identify paths for reflection and action capable of permanently removing the constraints analysed.

These pilot workshops were conducted as part of a more global project known as 'Group of initiatives: governance, decentralisation and local development' designed to contribute to a new way of thinking capable of reorienting and intensifying current policies to promote the local level.

In accordance with the 'action – reflection – action' trio underpinning the Alliance's working methodology, four local authorities were searched for relevant experiences: Commune VI in the Bamako district (Mali), Lomé (Togo), Port Novo, (Bénin) and Nioro,(Sénégal).

Experiences were collected in large cities—agglomerations even—that were dynamic in terms of decentralisation and urban governance. The cities chosen were capitals (3 national capitals and one departmental capital) and thus presented all the cultural, social, political, economic and organisational complexity intrinsic to the management of public services.

Information gathering then focused, in each city, on one public service from a list of ten<sup>1</sup>. Each public service had to be 'in movement' – currently under construction for the city or agglomeration – and thus correspond to a true challenge, i.e., it should represent the profound reality of the city or agglomeration at this particular stage in its history<sup>2</sup>.

Finally, through the collection of experiences, the Alliance was able to focus on and include all actors involved in the public service chosen<sup>3</sup>, informing them, making them aware of the importance of the initiative, how it would be implemented and future perspectives. Information days on '*launching the initiative on the provision of basic public services*' took place in each city, providing an opportunity for dialogue between actors, on the public service in question and, of course, on the initiative itself.

Each country collected an average of fifty experiences; their transversal analysis was used as the basis for a reference document on the public service chosen. The reference documents thus created also included proposals for change. In each country, workshops were organised for the restitution of reports, and in parallel the various actors agreed on

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1 Water, sanitation, energy, waste management, transportation, markets, education, culture, security and health.

2 It would be of little interest to select a public service whose organisation and operation have long been stabilised, and for which no changes are planned in the short term.

3 the representative of the State and the departments in charge of this public service in the city or agglomeration chosen; elected officials from the city or agglomeration; local administration in charge of the public service; public or private operators involved in providing the service; populations organised around the public service; financial and technical partners (donors, non-governmental organisations) that contribute to the operation of the public service.

'local' projects to improve public services and made a commitment to implement these projects with the advice and methodological support of the Alliance.

Thus, on the regional level, one hundred fifty (150) experiences and four analytical reports served as a basis for the proposals booklet, which once again looks at the link between 'public service' and 'governance'.

In the final analysis, the booklet posits—and confirms the position of the Alliance—that the management of assets and services for the common good, and control of the relationship between man and his environment, must be based on shared rules, the statement, control and respect of which are a major field of governance on the local, national and worldwide level.

Another objective of the initiative on the provision of basic public services, an outgrowth of work done on the *African charter for legitimate governance*, was to test the 'Yaoundé principles' and take a more in-depth look at public services and governance in order to arrive, in the end, at concrete proposals for change with an impact on current ways of thinking and modes of providing services to populations.

## 4.2 – Theoretical framework for analysis and formulation of proposals

By aggregating the diagnoses and proposals collected from the various pilot sites, with their differences and similarities, the transversal analysis of experiences gathered from all the different types of actors involved enables us to isolate and note four major areas of concern:

1. territorial and institutional organisation of public service;
2. distribution of competences amongst various territorial levels;
3. cooperation amongst actors;
4. financing of public service.

These issues are not new; many initiatives have attempted to address them. Solving these problems is in fact the goal of all State actions aimed at reforming and modernising public administrations, decentralisation policies and their procession of transferred competences

and myriad capacity-building programmes (which are like a litany, even in everyday language) as well as experiments in self-management by populations—and *their corollary of self-financing with set membership fees*.

The inability of all these reforms to resolve the public service crisis undoubtedly resides in their primarily—in some cases *exclusively*—technical or technocratic approach. The scant attention paid to governance in policies on providing public services undoubtedly explains in great measure why African societies have been unable to escape poverty and marginalisation and get on a path to sustainable development.

## V – Proposals for alternative modes of governance for basic public services

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### 5.1 – Extract public services from the institutional and territorial maze characteristic of States' administrative organisations

#### Advantages and challenges

Decentralisation was set in motion to improve, among other things, the way essential services are designed and delivered to populations. The hypothesis underlying this move is that proximity contributes to 'good governance' because it puts social needs as they are perceived by the citizen in direct contact with the corresponding public decision-making.

In fact, this 're-organisation' has complicated the way citizens' needs are taken into account: one major obstacle in providing public services is undoubtedly the difficulty understanding and navigating the system of standards, institutions and territories involved in public action. It seems that public services everywhere are set up within an institutional and territorial labyrinth that necessitates the rethinking of the organisation of the State in general.

#### Current state of affairs

*A profusion of texts twice removed from reality*

The definition of laws and regulations to govern public action is often presented as a given in the construction of the rule of law in Africa, and as significant progress made possible by decentralisation policies. But upon closer analysis, this definition of laws and regulations often has gaping holes. In the specific context of provision of public services, the standards framework is clearly deficient in terms of both process and content.

The legislative and regulatory texts governing decentralisation in general, and public services in particular, are rarely built on a previously defined policy and pre-determined

global strategies. As a result, they focus primarily on the 'mechanics' of distribution of prerogatives, management procedures and use of the public service. In the rare fields for which policies have been defined and strategies imagined, the latter came after the framework texts. Even these were not necessarily based on a study of the coherence of the whole, and were not subsequently readjusted.

As regards substance, standards texts are only marginally rooted in local realities. They unfortunately do not speak to the beneficiaries of the public service. In their logic and in their language, these rules marginalise the populations they are supposed to serve because they are unilateral, directive and based on other realities. As a result, they are usually poorly known, inaccessible and incomprehensible to populations.

#### *A confused and confusing legal framework*

In many decentralised African systems, the legal framework for providing public services has ballooned. The arrival of decentralisation and subsequent distribution of competences have resulted in countless laws which have, in turn, engendered a profusion of decrees of application.

The underlying difficulties can be fully appreciated if one knows that the various sectors transferred to local authorities are already governed by a national framework on top of which this burden of standards has been set. Built with a "pile up" and "slice apart" approach, this inextricable mass of texts is a real handicap that considerably weakens understanding of the legal framework of public services—even for public authorities—and further paralyses public action.

To this administrative maze must still be added the 'informal' rules born of alternative or additional modes of providing public services. Alongside the institutional offering of public services, both traditional systems and modern, private modes of providing populations with goods and services have continued to exist, or have flourished, for example in the areas of health care, transportation and finance. While positive law does not ignore this widespread social reality completely, it clearly has not come to terms with it.

Categories and numbers of actors have increased to the point of becoming worrisome with regard to the capacity for public action. This exponential trend and its consequences—a chain of command as obscure as it is long, a tangle of competences that inevitably generates tension and inertia, and the spreading thin of the rare resources available—have made the satisfactory provision of public services very difficult.

The crisis of the post-colonial African State has led to a reinforcement of intermediate power, such as that held by traditional or religious authorities. Historically, these traditional and religious systems have responded to the best of their ability to populations' needs. Depending on circumstances, they have played the roles of protectors, regulators, intermediaries or simply a charitable role, helping improve populations' living conditions. The ever-growing importance of religious and cultural communities is based on the fact that *'they speak to society'*, they provide public services that are accessible from all points of view.

The crisis of the post-colonial African State has also led to the birth of a vast and diversified citizens' movement initiated and supported by populations anxious to take their own needs in hand and thus be responsible for their own well-being. With poverty on the rise and the State disengaging from a variety of fields and to diverse degrees, the gaping hole left by the withdrawal of public institutions, and the immensity of the problems to be dealt with, offer insight into the legitimacy of associative structures and the reason for their astonishing growth.

Finally, with respect to public authorities, the structure of the State is rarely organised scientifically. Rather, a plethora of structures pursue the same objectives, with no functional or operational relationships amongst them. In this case as well, considerations that have nothing to do with the public interest govern the distribution of ministerial responsibilities. The governmental structure, in turn, organises sectors and assigns competences. Designed as it is with no rational basis, government densifies and complicates the system and affects even the structure of the State. Everywhere one looks, public administration is a dense yet vague mass of companies, services, public establishments and ministerial departments with a multi-layer internal organisation.

As a result, the State's action is sapped by dysfunction, tension and diluted responsibilities that, over and above the lack of rational organisation, are a serious obstacle to efficient public services.

*A lack of 'pertinent territories' detrimental to public services*

Since the provision of public services is local by its very essence, basic public policies should have led to visible, well-structured and functional local authorities steeped in the notion of the common good and capable of meeting the needs of populations with efficiency and speed. Yet local authorities labour to deliver essential services as a result, in particular, of their highly insufficient institutional capacities. All across Africa local authorities are struggling. Technical and administrative services are often destitute. 'Approximate' engineering and management of local administrations, the insufficiency—or *outright inexistence*—of human, financial and logistical resources are all problems that impact negatively on the provision of public services, and on the time required to respond to the various demands and requests of citizens.

In fact, the capacity of local authorities to provide services is 'weighed down' by local 'balkanisation' that results in territories not always corresponding to magnet areas for development. These territories become, in a way, theatres in which institutions adjust structurally and populations fight against poverty with little result.

Since splitting up and disrupting territories is based primarily on electoral reasoning, decentralisation often leads to a 'slicing up' of spaces and the creation of local authorities that are doomed to fail.

In such a context, it is of course possible to pretend that decentralisation is real; in fact it is most often illusory. Despite the existence of local authorities, their practically non-existent capacity for action has turned them into empty shells. The illusion is intensified by the fact that local authorities are multiplying as if their number were a significant indicator of progress in the decentralisation process. Born as they are of considerations completely unrelated to territorial development and the well-being of populations, these local authorities are politically dependent on the omnipresent and tentacular central State.

## Proposals

### Base the legal framework for providing public services on a group project

In the current context of decentralisation, providing basic public services remains focused on formal legality and administrative meanderings. Yet what is really needed is for the various actors to agree on a vision, values and shared principles.

For a legal framework to regulate the provision of basic public services, it must at minimum be built on a group project jointly constructed by all the actors involved, and on rules known and recognised by all. Clearly, basing public services on this requirement of governance not only demonstrates political commitment and clairvoyance, but is also the surest way of attaining the objectives being pursued.

This work on rules for organising and providing public services cannot be established by decree; it must come about through a vision of legitimate governance and a process-based approach that generates cooperation and negotiation amongst the various actors responsible for public services, and with beneficiaries.

### Rationalise the framework of standards for providing basic public services

Rationalising the framework of standards—*by simplifying it and making it coherent*—is clearly vital to successful provision of public services. In addition to increasing efficiency, rationalisation reinforces the rule of law by providing clear guidelines that public authorities can use as a basis for action, and that citizens can use to exercise and defend their rights.

Multiple administrative layers and the profusion of actors certainly call for appropriate measures to correct the problem and improve the provision of basic public services for all African populations. Faced with this fact, States—and indeed experts in general—unfortunately favour a fairly superficial approach. Measures often consist in cleaning up texts and codifying them on a single support. We need to go much further.

Much further along, this rationalisation—*through dialogue and the harmonious cohabitation of institutional and social rules*—includes synergy between the various modes for providing public goods and services—all of which are legitimate. In a context where universal access to public services is hypothetical as a result of physical, financial and cultural constraints, this effort at rationalisation would certainly bear fruit, one of the least of which would be to guarantee the pertinence and generalisation of public services.

### Re-examine the pertinence of the 'decentralisation / deconcentration' tandem

Deconcentration and decentralisation should be more closely linked in a systemic—*not systematic*—approach, in view of rebuilding the African State.

First of all, because renewing governance in Africa should result in the rebuilding of a State that is forced to reorganise its sovereignty within borders—*through decentralisation*—as well as outside borders—*through regional integration*. This sums up the entire issue of structuring regional, local and national levels. Because of this need for restructuring, deconcentration had to be conceived in relation to a reform of the State, not just as one pillar of decentralisation. Deconcentration should, in this case, help the State adapt, perform its sovereign missions more efficiently and contribute to territorial development.

Just like local authorities, States should then be able to organise provision of the public services that citizens have a right to expect from them. Seen from this viewpoint, deconcentration is essential in that it allows for internal restructuring of the State's decision-making power and thus brings it closer to populations' needs.

Finally, it is the very principle of systematic deconcentration that urgently needs to be examined. The fact that the current schema is slipping towards 'decentralisation' is clearly a sign that the balance between deconcentration and decentralisation is weakening, with decentralisation gaining the advantage because States are entrusting 'deconcentrated missions' to local authorities.

## Make the Territory the foundation for providing basic public services

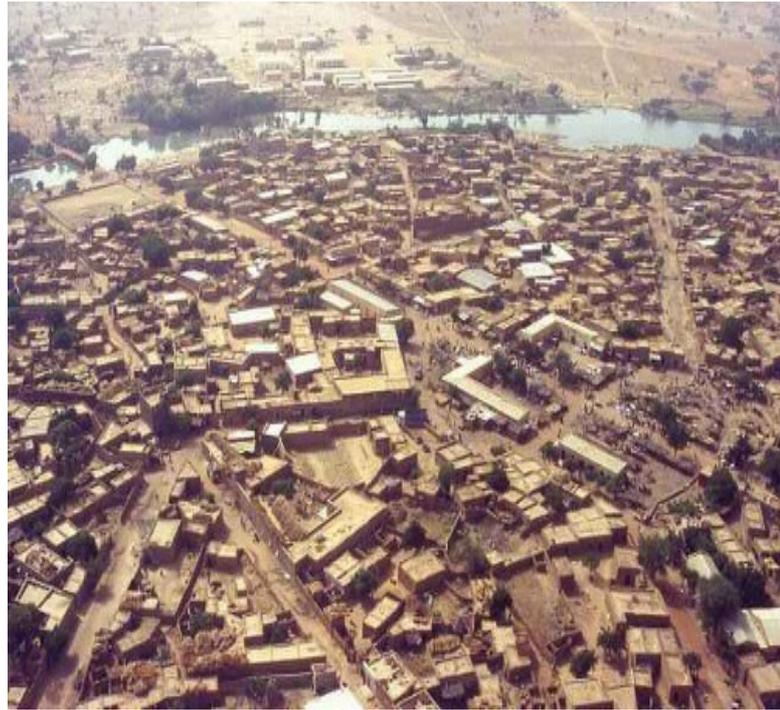
The territory is an important actor in the provision of services. The territorial dimension of public services is clearly linked to the issue of territoriality of public policies, yet above and beyond a dialogue between territorial dynamics and sectoral policies, the territorial dimension should bring about a change in perspective in the way basic public services are designed and provided.

Given the current context of increasingly fine divisions of space and demographic dispersion, profusion of actors, dwindling resources and growing social demand, it might be said that building and organising basic public services on the territorial level just makes sense.

A territorial approach is also justified by the fact that even numerous and good initiatives are insufficient if they are not integrated in a coherent overall plan. Thus to respond to the aspirations of all populations, we need to develop true territorial projects to structure the visions, resources and cooperative actions of actors on *international, regional, national and local* levels.

Setting up a territorial project, based on the notion of joint interest and active involvement of all actors, would allow us to move beyond lines of division that often seem like 'borders'. In addition, inhabitants would as a group appropriate the territory dynamically, as it became apparent to them through actions carried out on that level.

So the real challenge is to affect a conceptual change that results in a vision of the territory as a collective social entity surpassing and including formal institutions, in particular local authorities and administrative districts.



Sheet n°812 – Institutional framework of sanitation in Mali

In Mali the institutional framework of sanitation includes a large number of actors.

NATIONAL INSTITUTIONS

- The *Assemblée Nationale* (national assembly) rules on sanitation issues through its rural development and environment commission.
- The *Haut Conseil des Collectivités Territoriales* (supreme council for territorial authorities) defines strategy for departments responsible for sanitation on the municipal level through its *conseil communal* (town council).
- The *Conseil Economique, Social et Culturel* (Economic, social and cultural council) is a party to all issues involving urban life, including improving populations' living conditions.

GOVERNEMENT

Many ministerial departments have a stake in waste management through their technical services:

- Ministry of the environment and sanitation

Through the national office for sanitation and pollution and pest control, this ministry writes and implements national policy on sanitation and the control of pollution and pests.

This ministry also acts through other structures, including the permanent technical secretariat of the institutional framework for managing environmental issues (STP/CIGQE) whose mission it is to coordinate all environmental protection policies.

- Ministry of housing and urban planning

The national office for urban planning and housing is responsible for applying regulations involving urban planning and housing, and for the harmonious

development of agglomerations. Among other tasks, it is responsible for designing planning guidelines for urban centres.

- Ministry of equipment and transportation

The national office for public works is responsible for creating rain water drainage ditches along national roads.

- Ministry of mines, energy and water

National office for hydraulics: ordinance n° 99-014/P-RM of 1 April 1999, which created this office, does not mention sanitation, but the term is included in decree N°99-185 /P-RM of 5 July 1999, which states how the office shall be organised and run (articles 8, 9 and 10).

- Ministry of health

The national office for health: decree N 01-219/P-RM of 24 May 2001 defining the organisation and operation of the national office for health, indicates in article 16 the attributions of the hygiene and public health division.

- Territorial authorities

Territorial authorities include the District of Bamako, the 8 regions, 49 circles and 703 communities (666 rural communities and 37 urban communities), managed respectively by the district council and by regional, circle and community councils. Law 95-034 of 12 April 1995 codifying territorial authorities in the Republic of Mali grants communities competence in the field of environmental protection.

- Formal and informal private sector

This sector includes more or less specialised companies (GIEs, or 'economic interest groups') and a few private operators that collect, use, reuse and/or recycle waste. The few existing private consulting offices often work with foreign consultants.

- Civil society (NGOs and associations)

Many NGOs and associations are involved in sanitation. They operate in regions, circles and communities all across the national territory.

Civil society is playing an increasingly important role in waste management by constructing infrastructures and making people aware of its importance.

Civil society provides technical support for GIE activities, in particular by organising training sessions, helping complete applications for financing and providing materials (mainly wagons and mules).

- Technical and financial partners

Progress has been made in sanitation in general mainly as the result of support from development partners working through State projects and programmes or directly with territorial authorities or associations.

*Sheet n° 779: Weight of cultural and religious values in populations' behaviour with regard to hygiene: experience of the SANIYA GIE in the Magnambougou neighbourhood of Community VI*

To encourage a community to improve its health system through hygiene and waste management, one needs to know and understand the community's social and cultural references. The Saniya GIE in Magnambougou came to this conclusion on the basis of experiences in the field of sanitation.

Mobilisation activities frequently organised by SANIYA GIE in the neighbourhood revealed the important role that tradition and religion bestow on women in the field of hygiene and sanitation. The cultural and religious traditions of our societies consider women the guardians of the family's hygiene: it is women who are responsible for the cleanliness of the kitchen, courtyard, house and children.

The various religions often require their believers to maintain a certain level of hygiene and sanitary conditions. Mali's main religion, Islam, teaches that "the physical cleanliness of clothes and of the place of worship are a necessary condition for prayer".

Cultural values motivate many families in the Magnambougou neighbourhood to observe sanitary practices but unfortunately insufficient equipment and financial resources weigh heavily on households. At an awareness meeting in 1999 a woman declared that "according to a traditional belief, a woman who sweeps and gets in the habit of not picking up garbage will have regular menstrual periods".

Socio-cultural factors should be used as building blocks in defining and implementing strategies for operating in communities. It is important to define individual and group strategies because hygiene and sanitation are simultaneously important to both individuals and groups.

## 5.2 – Organise a joint sharing of competences amongst State and local authorities to provide suitable public services

### Advantages and challenges

One of the main challenges resulting from the profusion of texts and growing number of actors is the difficulty defining an operational framework for dividing up and exercising competences in the area of public services. At issue is both how competences are distributed amongst actors and how they are appropriated, particularly by actors that manage the political dimension of decentralisation.

Rather than remaining mired in the usual criticisms of central administration—*which either does not apply or resists applying texts*—debate should rise higher and call into question the pertinence of the distribution of domains and fields of intervention at different levels of governance, for today both the modes for transferring competences, and the content transferred, need to be examined in light of the importance of decentralisation and the provision of basic public services.

### Current state of affairs

#### *The State is its own judge*

Traditionally, the State has absolute power in the transfer of competences. This power is granted by the Constitution, which often gives the State free rein in defining regimes applied to local authorities, through processes in which the latter are never involved. The State is itself competent to determine its own competence.

Using a unilateral process to bestow responsibility on institutions expected to encourage multilateral participation is not only contradictory, it also blurs roles. The 'State as Republic' plays the role of judge when it produces standards to govern local public action; the 'State as local actor' is involved in this local public action on the same level as local authorities. Yet the very idea of decentralisation is to break with these practices through a new vision of the role of the State and the roles of local authorities. This is why change is called for in the way competences are 'parachuted' onto local authorities.

This is particularly true in countries where competences on infra-State levels are defined and guaranteed by the Constitution<sup>4</sup>. Other countries, such as Mali, have attempted to weaken unilateralism with a *Haut Conseil des Collectivités Territoriales* (HCCT or High council of territorial authorities) which, in principle, represents local authorities and is authorised to defend their interests. Finally, some countries have experimented with associating local authorities, on a case-by-case basis, in the definition of competences transferred to them<sup>5</sup>.

Yet in all these cases, the measures taken may in the end be inappropriate. The Anglo-Saxon system, for example, provides more guaranties but does not necessarily allow local authorities to participate in determining their attributions. The involvement of an institution such as the HCCT, meanwhile, provides only a relative guarantee. And even when local authorities are allowed to participate, on a one-off basis, in the choice of competences transferred, the fact that the State itself defines the terms of reference reduces the impact of such a measure.

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4 In some Anglo-Saxon countries such as Ghana, Nigeria and Uganda, local authorities do not owe their existence to the State. They exist with and in the same manner as the State; they are a creation and an expression of national sovereignty. The Constituting power that establishes them defines at the same time their competences and the minimal resources to which they have a right.

5 This is the case in France, for example, with *Acte II de la décentralisation* (Act 2 of decentralisation). In the gestation phase of this reform, twenty-six round-table meetings 'on local liberties' were held. These consultative encounters provided, among other things, an opportunity for regions to state which State competences they would like to exercise and under what conditions, particularly with respect to departments and communities. According to Gérard François Dumont, this method was adopted simply as a result of political pressure exercised by local elected officials who were very suspicious about the State's intentions and not prepared to accept whatever the State decreed. It was also the result of the commitment of Jean-Pierre Raffarin's government to consult those concerned before adopting any reform.

## Proposals



### Invert the approach to transferring competences...

...by giving the local level the right and the opportunity to indicate which missions they can and want to perform before decisions on transferring competences are made. The distribution of competences should take place within a global framework of negotiation amongst the various levels of governance, and should include all the actors involved. Local authorities must, on a consensual basis and in dialogue with the State, determine in an objective manner what competences the State should confer on them. The efficiency of local public action is strongly linked to the capacity of the local level to determine its own sphere of competences, and the definition by default of areas for which the

State is responsible.

This new approach would make it possible to modulate competences according to the specific characteristics and intrinsic capacities—in particular financial capacities—of each local authority. What we are advocating is a kind of individualised decentralisation that would be more targeted and less abstract, and would make it possible to coherently match objectives, responsibilities and resources of local authorities. Such a change would necessitate a diversification of the instruments used to achieve decentralisation; it would require that relationships between the State and local authorities be contractualised. Such an instrument would be flexible, could be adapted to reflect changes in local authorities and would encourage negotiation.

## Base the legitimacy of the means of transferring competences on extensive involvement of all local actors

Transferring competences cannot be a unilateral task performed by the State or local authorities acting alone. If the requirements of endogenous development and local participatory democracy are taken into account, the distribution of competences amongst the various territorial levels should be the object of true debate between all actors in decentralisation: the State, local authorities, private sector, socio-professional organisations, civil society, etc.

Consequently, local competences should be designed to mobilise local know-how and spark populations' interest in the management of local public affairs. To do so, populations in general must have the possibility of becoming involved, through their associations or micro-companies, in producing and providing certain services such as garbage collection.

## Encourage approaches that progressively transfer competences to local authorities

First of all, it should be admitted that competences necessarily change and develop over time and no competences are non-transferable by nature<sup>6</sup>. Competences must simply be in balance with the objectives pursued. As a result, they should be constantly re-examined.

Likewise, there is no valid reason for local actors not to exercise certain types of competences. The very idea of an absolute obstacle to local authorities assuming certain competences is contrary to the process of decentralisation. In any case, this argument—often evoked by States—is now obsolete.

Procedures such as *devolution* and capacity reinforcement can be used as a palliative, but the process of *progressive transfer* is particularly effective<sup>7</sup>. Far from a process of mechanically transferring competences to local authorities one after the other, progressive

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6 Competences can be divided into three major categories: those involving the provision of essential public services such as health care, water management, sanitation, education, security and transportation; those involving administration and regulation, in particular civil registries, urbanism, property or land management and development; competences related to economic development such as financial aid for businesses or to encourage activities that produce wealth. Even the State's sovereign functions such as justice, diplomacy or police protection may, in the framework of a regionalisation policy, be entrusted to territorial authorities.

transfer guarantees that local authorities will address their competences through a process of experimentation, support, tutoring and taking into account the realities and capacities of each territory.

Extracts from experience sheets available on the [www.afrique-gouvernance.net](http://www.afrique-gouvernance.net) resources site.

*Sheet n°800 – Community VI and the problem of household waste*

Mali's decentralisation policy has put communities at the heart of local services management, one of the most important of which is waste management .

Yet communities are finding it difficult to play their role. Those in the Bamako district left to find their own way have been trying—with little success—to meet growing sanitation demands, particularly in the newly urbanised outlying areas.

In the field of solid and liquid waste management, communities lack final dumping sites, transit sites, technical structures for rational management of sanitation and health issues and, last but not least, suitable equipment.

To address these problems, local elected officials need to be in a position to design and manage an overall and coherent technical, financial and organisational scheme. This scheme must take into account the entire waste management sector as well as the municipal territory in which each actor clearly sees where his role ends and the roles of others begin, and where each link in the chain is solid and lasting thanks to sustainable management and financing.

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7 Progressive transfer was used in France, for example, for railway transportation—which has become an important issue for society and development. The effects of transportation on populations' quality of life, the environment, territorial development and France's integration in the European Community led France to design and implement—as far back as 1974—a programme to regionalise transport by rail. Progressive change was the mainstay of this programme. In 1997 the programme gave volunteer regions the right to experiment with the organisation of train transport for a period of 3 years. On the basis of these experiments, other regions could then enter into intermediate agreements to prepare to assume the political and financial organisation of the regional express railway known as the *Train Express Régional* (TER).

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*Sheet n°766 – Current status and context of the provision of public services in the communities of Sirakorola (Mali), Say (Niger), Aguégúés (Benin) and Boromo (Burkina Faso)*

A difficult institutional context for the transfer of competences is a major stumbling block in the process of community provision of public services.

The issue of transferring competences from the central government to local authorities has become highly politicised. In addition, counter-productive competition has developed between local authorities and managers of the State's sectoral administrations, whose attributes are expected to be transferred to communities and TFP representatives.

Decentralisation of the management of investments has also been blocked by systems for awarding public contracts and the creation—in an effort to accelerate the rhythm of construction—of agencies to serve as prime contractors. This has been done, not at the initiative of the communities concerned, but by the central government, which claims that communities do not have the human resources required to assume all the functions of prime contractorship. As a result, quantity and quality of construction projects has been given priority over the need for communities to learn and to take responsibility for their own systems, both of which are required for proper management and use.

*Experience sheet n°979 – Use and transformation of household waste in a marshy zone of Sèdjèko (Benin)*

In the Sedjèko community located in Porto-Novo's district 2, a neighbourhood association manages the local garbage depot. Its activities consist in sorting the garbage:

- Plastic bags are burned and used for backfill when new buildings are constructed;
- Solid waste is turned into compost and used as fertiliser for the association's vegetable gardens..

The association, which is run by a former student of the Davié Cours d'Enseignement Général (CEG), provides paid employment for women from the surrounding neighbourhoods. All these activities have made it possible to provide a service that the city government failed to ensure, improve living conditions in the neighbourhood and provide income for some members of the community. The structure's turnover is often highest during Ramadan because women come to buy products for their families' festive fast-breaking evening meal.

With State structures no longer involved in waste management, populations have set up associations to find solutions to create better living conditions for themselves.

## 5.3 – Moving from competition between actors to partnerships and citizen involvement

### Advantages and challenges

The debate on governance of basic public services is part of a context in which the State is no longer considered the only actor in charge. In fact, many actors are increasingly affirming their right to manage public affairs. Also part of this context are the dynamics of globalisation, which are re-situating local development issues in an increasingly complex framework of interdependence and cooperation with other territories and communities.

In such a context, problems providing efficient public services might result from non-existent or poor quality communication between actors, competing or conflicting approaches or the absence of an overall vision of the territory.

Consequently, the provision of basic public services should be based on regulatory modes that reconcile unity and diversity, define the various territorial levels and their relationships and make links between actors stable and durable.

### Current state of affairs

*Multitude of actors who are often in competition or interact only sporadically*

While an increase in the variety and number of people participating is a valuable resource and can be seen as a sign of vitality with regard to citizens' involvement, it may in some cases take on proportions that are a hindrance to public action.

When several categories of actors affirm their right to respond to the population's needs, a multitude of actors inevitably appear in the area of public services, regardless of the nature of the public service under consideration. These actors come, for the most part, from the State and its deconcentrated services, territorial authorities, public or administrative organisations, industrial or commercial establishments, grass-roots community organisations, non-governmental organisations, the private sector and technical and financial partners.

The diversity of actors is often a source of confusion in actual operations. Sometimes, in fact, it transforms the local arena into a battlefield of rivalries and conflicting interests, since actors focus solely on their own projects, which have their own objectives, internal logic and calendar.

It should, however, be noted that the political field has widened, the democratic process has become more firmly entrenched and, of course, non-institutional actors are participating more fully in the provision of basic public services. For all these things we should rejoice. Populations—the primary users of basic public services—can now co-manage services by becoming involved in decision-making processes via community or civil organisations.

*Non-codification of services provided by traditional or religious authorities considerably weakens their potential*

As the State has found it increasingly difficult to provide populations with sufficient and satisfactory services, intermediate powers have been reinforced and the various traditional and religious systems have attempted to meet populations' needs in some areas and for certain services. Traditional and religious authorities have played many roles, and they have in fact truly helped improve populations' living conditions. Their legitimacy is based on two pillars: the services they provide are accessible, and they are known and recognised by citizens thanks to a relationship of trust based on centuries-old social values.

Their actions are often, however, outside the legally defined institutional realm and are not based on organisational structures recognised by public authorities. As a result, the services they offer populations are often in competition with State- or locally-supplied services.

*Civil society, a protean organisation involved in multi-dimensional actions, has become a vital actor in the provision of basic public services*

Civil society influences the traditional boundaries between governors and governed, relationships between citizens and institutions and, of course, how public action is accomplished and how the common good is managed.

Citizens have flocked to this new form of involvement for many economic, social and cultural reasons. More and more associations have been created, and they are taking more and more initiatives, as a result of the on-going problems in public services.

These associations play an important role in supporting populations and providing them with services. They now address all basic needs: for example, health care with the setting up of mutual assistance societies, youth unemployment with GIEs (economic interest groups), education with assistance and after-school programmes, etc.

Despite their important contributions in supporting and providing services to populations, associations have genuine institutional weaknesses that considerably reduce their capacity to act and their scope of action. These weaknesses include, in particular: (i) their members' low level of education and training, and the lack of skills required to perform certain services, participate in technical negotiations and draft alternative proposals; (ii) scant resources and organisational capacities that are not sufficiently developed to provide for normal, sustainable operation, obtain strategic information or mobilise large numbers of people on issues relating to the common good; (iii) absence of a functional, long-term framework for communication and cooperation between associations—even those working in the same sector; (iv) insufficient institutional support to help counter these weaknesses.

The weaknesses of associations are particularly unfortunate because they are an obstacle to truly effective public action and may accentuate inequalities in access to basic public services.

## Proposals



### Encourage citizen awareness and involvement through permanent frameworks for communication and cooperation

This is probably the area that has demonstrated most clearly the immense opportunities that decentralisation has provided in the field of provision and access to public services. All experiences have insisted on this dimension, and have noted significant progress in learning to build partnerships and getting citizens involved, particularly through the institutionalisation of frameworks for communication and cooperation.

Seen in this light, frameworks for citizen involvement should be set up in all the territories.

They should also communicate more clearly and in greater detail about their objectives and ends, as well as on the roles and responsibilities of each actor.

This is essential, given that the awareness and involvement of citizens contributes to the improvement of public services by helping structure demand and raise requirements in terms of quality and quantity of supply. Communication and cooperation frameworks can play an even greater role in the supply of services, either by promoting occasional unpaid volunteer actions or by acting as paid suppliers.

In addition, citizen involvement is a tool for mobilising human, financial and organisational resources and getting people to participate in the management of public affairs. The participation of citizens and their organisations in decision-making processes places them, in turn, in a position to act as partners in development, and as service providers.

## Constructing multi-actor partnerships

Multi-actor partnerships improve governance of public services, create a collective force and strengthen the capacity for action of each actor. The construction of partnerships that include many actors presents advantages on a number of levels and globally helps improve governance of public services. Such partnerships help establish actors, clarify the roles and responsibilities of each actor, and thus contribute to dialogue and consensus building on the local level. They allow people to participate in the planning of development actions and thereby guarantee the coherence and sustainability of such actions.



These goals are of course linked to the legitimacy of the modes of governance of public services.

Not only must all actors be included; they must also have confidence in each other.

In addition, constructing partnerships is one way to capitalise on, share and showcase positive local experiences, and to adapt these experiences to fit other territorial levels. In this way, partnerships can be used to set up experimental fields to test innovations in view of using them as examples and applying them more widely, in particular through an awards system.

Finally, the analytical dimension of multi-actor partnerships contributes to a collective approach to providing basic public services, and thus to a better offering of such services. Why is that? Because multi-actor partnerships can be used to move beyond the rigidity of the traditional approach to providing public services, which leaves little room for co-production. So the major challenge is to set up spaces for communication, cooperation and collective decision-making, and to design appropriate partnership tools.

*Sheet n°811 – The women of Faladié Sema become involved in a Sanya operation*

Faladié Sema is a neighbourhood in commune VI in the Bamako District of Mali. Its inhabitants are primarily managers with high levels of responsibility in public administrations and private companies. Before 1999 or so, the neighbourhood was very clean, but in the past 5 years insalubrity has mushroomed.

The women of Faladié noticed the problem, realised that sanitation is part of their role, and were also aware of the importance of hygiene to health, economic and social development. They decided to contribute actively to improving their living conditions. The association named 'Association des femmes pour le développement de la paix sociale AFeD/PS (Benkadi) was created on 23 December 2006. Its objectives include getting local people involved in sanitation and in improving living conditions. The association now has about 100 members; each member pays a membership fee of 1000 CFA francs per month.

In the framework of the association, women carry out activities such as daily sweeping of streets, cleaning of gutters and encouraging neighbours to subscribe to waste removal services provided by an economic interest group (GIE Sema Sanya).

The association has obtained good results, which has encouraged the women to initiate a project to pave the neighbourhood's streets. The project will cost a total of thirty-five million two hundred seventy-five thousand (35,275,000) CFA francs. Populations will contribute seven million six hundred fifty-five thousand (7,655,000) CFA francs, and families living on street 818 have decided to pay fifty percent (50%) of the paving project.

*Sheet n°788 – Cooperation of sanitation actors in Commune IV: a platform worthy of applause*

In 2000, Commune VI in the Bamako district of Mali got itself a valuable tool in sanitation management: the Comité de Gestion et de Valorisation des Déchets or COGEVAD (Committee for the management and use of waste). COGEVAD is a framework for communication and cooperation that brings together representatives of all community actors involved in sanitation (municipal government, technical services, GIE working in sanitation, salubrity committees, representatives of women and young people, vegetable farmers, etc.). The committee meets regularly—once every two weeks—to share information, discuss problems and plan activities.

It is an important forum for representatives of civil society: here they can draw the attention of city leaders to problems with regard to sanitation, and urge them to do something to improve the situation.

At the same time, the committee is based on the idea that sanitation is not just a task for authorities; it is up to each and every person to help make the community environment more liveable.

Representatives work as volunteers, i.e., committee members do not receive any payment for their activities. Their sole 'payment' is improved living conditions resulting from COGEVAD's activities and opportunities to strengthen their capacities.

COGEVAD is thus a tool of the town council, which should use it to set up sanitation projects in a participative manner and with the support of technical services, and to encourage the population to participate in these activities.

COGEVAD makes an annual plan based on the 5-year community sanitation plan. Its activities are not, however, financed by the town budget, but by external financial partners.

*Sheet n°782 – The issue of granting loans to GIEs that collect garbage in commune VI  
By the Direction Nationale de l'Assainissement, du Contrôle des Pollutions et des Nuisances or DNACPN (National office for sanitation, pollution and pest control)*

Since the sector requires significant investments, the challenge for all actors in sanitation lies in finding the sustainable financial resources needed to improve populations' living conditions. Financing with subsidies having proven insufficient, technical and financial partners, in partnership with communities, are examining other means of financing.

In 2004, the Direction Nationale de l'Assainissement, du Contrôle des Pollutions et des Nuisances (DNACPN), located in the Bamako district of Mali, working through the Ministry of sanitation and the environment, provided about twenty GIEs in the district with tractors, carts and personal protection equipment. Loans were to be reimbursed in 24 to 36 months.

The total value of the loans was estimated at ten million (10,000,000) FCFA francs. The value of the equipment per GIE varied from 360,310 FCFA to 2,525,065 FCFA francs.

These loans were granted to the GIEs through a line of credit in the national budget entitled: Budget d'Investissement Spécial or BIS (Special investment budget).

Management of this operation had a number of weak points:

- Beneficiaries did not meet the deadlines for reimbursement. Many GIEs still have an 'assistance mentality' which expects all loans to be converted into subsidies;
- A certain lack of entrepreneurship impacts negatively on the management of these structures; there are few initiatives and the resources generated (income and subsidies) are often frittered away;
- Income is insufficient and barely covers the GIE's operating expenses, which have increased with the use of the equipment;
- The equipment is insufficient and poorly maintained. Machines used to pick up garbage often break down.

For a credit-based financing operation to succeed, there must be a more global approach involving all aspects of sustainable sanitation management. This must be an operational system that, over and above providing GIEs with equipment, also includes strengthening management/organisation capacities, informing the population, involving technical services in follow-up and management of activities and calling on a micro-financing institution to recover loans from GIEs.

## 5.4 – Organise a consequential, rational and coherent system of financing to take proper charge of public service missions

### Advantages and challenges

Users of public services expect public action to substantially improve their daily lives. Thus it is important to create conditions for a strong link between decentralisation and development. One way this can be accomplished is to develop basic public services in sufficient quantity, of sufficient quality, and with good conditions of accessibility. Yet the efficiency of these services does not depend on strategic choices alone. Efficiency depends, of course, on authorities' capacity to carry out intelligent development projects that have been negotiated with populations. It is also closely linked to the adequacy of resources. Whether one wants to create public services, reinforce them, or encourage development, the success of public action depends on the resources mobilised for that action.

Yet in Africa resources devoted to decentralisation and State reform are entirely inadequate to the stated ambitions of these actions. The provision of basic

public services is of course hindered by this lack of sufficient resources; the competences bestowed on local authorities carry with them significant financial obligations.

In fact, all the competences of local authorities involve public services, and as a result lie in fields where social needs are constantly increasing. In sectors such as education, health care, rural hydraulics, commercial infrastructures and socio-cultural equipment, populations are calling for more and more—and higher quality—local services. In short, all these local authority competences require heavy investment, and many are social services with no financial pay-off.

This is why the issue of funds for decentralisation—and thus basic public services—is so important. There needs to be a balance between the missions and resources of the State and those of local authorities: public resources simply must be redistributed between local authorities and States. In the meanwhile, States need to improve their financial relationships with local authorities.

## Current state of affairs

*Local authorities in dire need, with States disengaging from certain sectors yet retaining all public resources*

Decentralisation and the transfer of competences and resources it implies—in principle—call for a new distribution of public resources between the State and local authorities. When we look closely at the situation, we see that such a redistribution never takes place. In general, local budgets in the various countries are very small in comparison with State budgets. At best, States have simply made financial transfers that have been generally unsatisfactory in terms of conditions and means of transfer.

The overall difference between the resources of the State and those of local authorities is the first indicator when comparing budgets. The budget of the central State may be 10 to 50 times the combined budgets of all local authorities in a given country.

*Local finances insufficient in many ways*

One constant in local finances is certainly the scarcity of resources. Differences between State and local budgets, though enormous, have not convinced States of the need for more financial transfers. Local taxation (on income or property, for example) generates scant resources and causes grave differences in the financial situations of the various local authorities; other types of local taxes do no better. Only the major urban centres have overall budgets that are relatively satisfactory in comparison with other local authorities. Yet in all countries, the great majority of local authorities are found in rural areas.

Even though local authorities sometimes manage to make significant progress in mobilising financial resources, the rigidity of structural expenses has resulted in considerable increases in operating costs. Given the generally weak situation of local budgets, most income goes to finance daily operations.

As a result, it is with small local budgets oriented towards operating costs that local authorities must accomplish increasingly numerous and costly public service missions.

*Fees generally 'modest' but still out of reach for the majority*

In addition to the imperfections of the system of sharing public resources, two specific constraints of public services should also be noted. The first lies in the fundamental

contradiction between the populations' feeling that public services are public property and should be free, and modern States' conception that they are services with a cost that each user should pay. The second constraint is that, since services can only be provided in a network, their cost should be determined by the market—but the vast majority of users are not in a position to contribute significantly to the cost.

The issue of resource mobilisation is thus closely linked to that of the cost of public services that users should pay. In a context of poverty and scant resources, it is clear that the weak contributive capacity of users is a major obstacle to the financing of public services.

## Proposals

### Make the fundamental missions of public services the main factor and regulator of financial transfers between the State and local authorities

The idea consists in determining, for each area of competence, a certain number of actions to be carried out. It would then be mandatory for the State to reimburse or compensate for expenses incurred as a result of these actions. Thus a threshold could be set below which financial transfers could not fall, and which would ensure that each local authority is capable of performing fundamental actions in each public service.

It is important to note that, in this case, we start with tasks to be accomplished and use them to determine costs, and not the reverse. The advantage of such an approach is that we are not locked into a simple financial logic when looking at financial transfers between the State and local authorities.

This change in perspective is important because grants and other subsidies are not an end. They are simply a means, a tool in accomplishing tasks. As a result, missions should be well-identified, continuously evaluated, updated and improved. The best guarantee of that is to make fundamental actions the central element and regulator of financial transfers from the State to local authorities. Only in this case will the idea of a minimum threshold for transfers have meaning, and it is this approach that gives meaning to the very idea of 'normal operation' of public services.

## Organising modular financial transfers



Financial transfers must be made more rational. One means of doing so is to make financial transfers modular in terms of their indexation, but also dependent on the local authority and the specific charges it must pay. Thus modulation excludes the idea of paying local authorities a flat fee.

With their diverse realities, local authorities do not have the same expenses—even for the same public service—and so should not receive the same sums.

In principle, decentralisation by definition demands that the diversity of local situations and contexts be taken into account, along

with the specific characteristics of each local authority. Therein lies the problem of reconciling unity and diversity.

In practice, local development plans can provide the data required for modular financial transfers. All local authorities have one. Development plans provide a medium-term vision of development and of the policy for equipping the territory with various infrastructures. They must be submitted for approval, and can be used as a framework of convergence for the various sources of funding.

## Organising scalable financial transfers

States themselves have been forthright in recognising the gaping hole between their financial obligations to local authorities and what they have actually paid out. In 2005, at a meeting of the CADDEL (Conférence Africaine de la Décentralisation et du Développement Local or *African conference on decentralisation and local development*), States agreed to support, over the next ten years, a significant increase in financial transfers from State to

local authorities, and to set up legal mechanisms and funds to help achieve the objectives of decentralisation.

Financial endowments are needed to pay for operations as well as equipment. And in addition to specific endowments for investments, operating funds should include a part specifically destined to pay for investments necessitated by the transfer of competences. Local authorities' new competences require heavy investments in equipment, and the very concept of an endowment for operations should be re-defined.

## Help local authorities benefit from the fruits of economic growth

Helping local authorities benefit from the fruits of economic growth is of course important in and of itself; contractualising financial transfers to make that happen is also a positive move<sup>8</sup>.

There are three major advantages to this system: the impact of economic growth on financial transfers from the State to local authorities; State control of the harmonious development of all financial assistance; and the possibility for local authorities to have a multi-year vision of financial transfers, on which they can base multi-year investments.

This 'solidarity' and 'contract' between the State and local authorities—as well as the harmonious blending of the various types of

financial assistance—should be envisioned for the financing of basic public services.

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<sup>8</sup> In France, this idea was implemented with the 'contract for growth and solidarity'. This system allowed local authorities to share in the fruits of economic growth since the envelope of assistance varied each year as a function of the change in consumer prices (excluding cigarettes and tobacco) to which was added a fraction of GDP in volume. This envelope included all financial assistance whose amounts could be determined in advance (using their indexing rules) from the time of the initial finance law. Within this envelope, each endowment evolved according to its own indexing rules, while the overall evolution of the envelope was kept within the expected range by adjusting the allocation for compensation of the *taxe professionnelle* (business tax). Local authorities were thereby guaranteed that financial assistance would remain at foreseeable levels for the entire period of the contract.

*Sheet n°783 – Finance-related obstacles to providing basic sanitation services in the Bamako district*

One of the major obstacles to sanitation services in the Bamako district of Mali is that territorial authorities do not have sufficient resources of their own to cover all expenses related to this sector. In addition, procedures for mobilising resources on the local level are slow, particularly when they involve sanitation. This results in a loss of trust between service providers and elected officials on the one hand, and between elected officials and the population on the other. The few resources available are often poorly used, either for 'showy' actions or to do favours for certain partners.

As for GIEs working in sanitation, they are faced with the problem of families who do not pay agreed sums for garbage collection or receptacles. At present, it is difficult to say whether the problem is due to families' lack of sufficient means or their unwillingness to pay..

The government controls mechanisms for obtaining funds from international donors such as the World Bank, WHO, etc. Procedures for obtaining financing take time, conditions are stringent and as a result funds are not available at the right time.

Prices currently charged for pre-collecting garbage were set without making a real economic calculation. As for final disposal of the garbage, the absence of a dumping ground prevents any calculation of the actual costs of this activity. As a result, the supply of petrol and oil is irregular, as are the activities of these structures.

*Sheet n°766 – Status and context of the provision of public services in the towns of Sirakorola in Mali, Say in Niger, Aguégúés in Benin and Boromo in Burkina Faso*

The dependency of poor countries results in most investments being financed by multi-lateral and bi-lateral partners in international cooperation. Administrative pressure—the result of empty coffers—combines with procedures for awarding markets and other procedures concerning the quality of constructions to make sectoral services favour the rhythm and quality of infrastructure construction over procedures and investments (in time and money) to guarantee appropriation of the structures by those responsible for managing them. Yet such appropriation is vital to providing reliable, on-going service. Some NGOs and northern communities, in the framework of decentralised cooperation, are following the same logic.

In general, changes in cooperation policies resulting from electoral changes have combine with the political pressure that national assemblies place on cooperation ministers (and ministers on their agents) to create a context of short-term financial and technical management. Upstream definition of results and a downstream obligation to produce them, defined on the national level or in the North, do not encourage learning on the part of institutions, organisations and individuals, which have a long-term horizon for change.

Efforts by TFPs to set up projects or programmes in which populations are more involved from the outset often result in parallel structures and administrative partitioning that do not help strengthen the institutions of the sovereign State.

Finally, budgetary support requires that follow-up indicators be created and certain thresholds met in order for funds to be released. Here again, indicators are selected and defined nationally, with no adaptation to the local level. As a result, they are not rooted in the spirits and daily realities of the producers and users of public services supported by the funding.

*Sheet n°880 – Public-private partnership to mobilise the community's financial resources: experience of Commune I in the Bamako district*

Towns in the Bamako district, like other Malian communities, have major difficulties mobilising financial resources to guarantee their development. Since the resources mobilised barely cover towns' operating expenses, financing for development actions takes a back seat. Because of this situation, elected authorities cannot construct local legitimacy through the provision of basic public services. So how can the income of the municipality be increased?

To answer this question, a long process of reflection supported by the Dutch development organisation SNV set up a dialogue between the elected authorities of communities in the district and occupants of market stalls, for the purpose of identifying new strategies for collecting market taxes.

This dialogue led to the definition of a strategy for mobilising market taxes and a protocol for implementing the strategy. The protocol defined the roles and responsibilities of the parties involved (i.e. the municipal government, the cooperative of market stall occupants and the town's technical financial services) and a key for distributing the resources mobilised.

All actors involved, including traditional authorities (neighbourhood chiefs), participated in the analysis of the situation, as well as in the creation of the strategy and the protocol of implementation. Each phase was crowned with the validation of the documents created.

In addition, the protocol indicated that partial results were to be provided, and that the cooperative would report any difficulties after specific periods of time had passed. Thanks to these regularly scheduled meetings, the actors involved were able to find proper solutions to problems throughout the process.

Responsibility for implementing the strategy for collecting market taxes was bestowed on market cooperatives, a move which also encouraged daily payment of taxes. Note that the activities involved in tax collection were supported by informational sessions led by market leaders.

After a six-month test period, the municipal government's income had increased significantly. This income helped improve conditions in the market and contributed

to the financing of social projects such as running water, latrines, and better roofs for market hangars.

Although these projects required outside financing as well, the cooperative was completely in favour thanks to the savings it would be able to mobilise thanks to the compensation defined in the protocol for implementing the strategy.

Since both parties were satisfied with initial results, the protocol between the municipal government and market stall occupants was renewed for a longer period. This test, originally performed in Commune I, was repeated in other communes in the district, and even in other areas of Mali.

Public-private partnerships, supported by a system of cooperative management, can help strengthen democracy and encourage local development.



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Despite the commitment of many actors and the wealth of initiatives at all territorial levels, provision of public services is still unsatisfactory in Africa, which is still the world's poorest continent. Many argue that the problem lies in insufficient institutional capacities or administrative meanderings, but in fact it can be found in the link between governance and public services.

In attempts to bolster or improve the services provided to populations, the most important issues are avoided, or they are deemed of little interest. For example, isn't it time we questioned the 'absolute truth' that a good decentralisation policy is always accompanied by a good de-concentration policy? Don't we need to re-examine the approach used to divide competences between the State and local authorities? Wouldn't it be a good idea to revise the frameworks and mechanisms of negotiation between the State, local authorities, populations and development partners?

We urgently need to rethink our approach to public services, re-situating it in the framework of governance in Africa, and we need to make governance part of how public services work.

*The Alliance for rebuilding governance in Africa brings together African and non-African actors working to promote—on a worldwide level as well as on the level of African citizens—dialogue on the management of public affairs in Africa.*

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