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DECENTRALIZATION: FINANCE & MANAGEMENT PROJECT

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**Decentralizing Public Service Provision  
in CILSS Countries**

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# DECENTRALIZING PUBLIC SERVICE PROVISION IN CILSS COUNTRIES

## I. Introduction

This paper contains three sections: a summary of progress in CILSS countries on decentralizing public services; problems Sahelian societies confront as central governments decentralize service provision; and ways donors can support this process.

## II. Progress on Decentralization

Decentralizing provision of public services occurs when sub-national governments (*jurisdictions*) obtain legal authority and resources to produce services on their own rather than remaining dependent on central governments. Real political power and resources are transferred and a shift occurs from top-down, centrally-planned, to more collaborative, bargained approaches among multiple governments. CILSS states are considering or implementing such changes, but methods and success are uncertain.

Leading countries include Cape Verde, the Gambia, Mali and Senegal. All have made commitments to decentralize. The Gambia and Senegal have taken concrete steps, Gambia in education and Senegal in several sectors. The Senegalese government retains tutelary controls over sub-national and communal governments, but real devolution is occurring. Since changing governments in 1991, Cape Verde and Mali are debating devolving power and authority over services from central to sub-national governments.

Chadian rural populations now provide at least two public services (primary education and public health) on a decentralized basis, because war has sapped the strength and tutelary capacity of national governments. Guinea Bissau and Niger may be decentralizing, but national government commitment is still ambiguous. CILSS countries "lagging" in decentralizing public service provision include Burkina Faso and Mauritania, although political struggles in the latter may be indirectly building a basis for future decentralization.

## III. Decentralization Difficulties

A fundamental question must be kept in mind in analyzing decentralized service provision proposals and experiences: Why decentralize? The answer this paper assumes is: Because it is expected to improve people's ability to resolve their service

provision problems. A corollary must always accompany this question, however: If analysis and/or experience indicate it will not improve service problem solving capacity, then decentralizing service provision is not advisable.

This section highlights three complicating issues:

- relationships between governance structures, management capacity and quality of service provision efforts;
- citizens' ability to get recourse when they find service provision efforts are inadequate or exploitative; and
- providing minorities with adequate security guarantees.

A. Decentralizing Service Provision and Democratic Governance: Controlling Power and Its Uses

Will decentralizing service provision improve citizens' problem-solving capabilities? That depends. Citizens can improve service quality or quantity in two ways: indirectly through elected local officials, and directly, through their own efforts at co-production. Local officials can help citizens improve services by articulating preferences and consolidating purchasing and bargaining power. Officials can also serve as first-line monitors and evaluators of service quality. Officials may actually help citizens improve services if their dependence on electors is sufficient to motivate them to serve effectively.

Citizens can often improve service quality and quantity if they help co-produce them. They can achieve this by individual efforts and by family and non-governmental organization (NGO) actions that complement efforts mounted by local and supra-local governments. Examples include: helping children with homework; volunteering to maintain farm-to-market roads or clean public places; and mobilizing cash to pay for a village health hut. If they believe they have sufficient control of government officials at various levels to obtain the complementary inputs necessary to make their own investments worthwhile, citizens will act.

Governance arrangements - the structure of collective institutions (including de facto institutions) and their interrelations - affect service quality. Institutions can foster enabling environments or erode incentives for people to act in their own long-term self-interest. If they allow citizens to hold officials accountable, possibilities for self-governance in service provision exist. Citizens can provide some services themselves and co-produce some by collaborating with overlapping jurisdictions, as in Gambian education. But governance arrangements may allow administrators to dominate those they

administer, degrading citizens' ability to control officials and increasing risks of organizing self-governing systems.

Three implications follow from these observations. First, if decentralization is to improve people's service provision capabilities, central governments should recognize existing systems of collective problem solving, however organized, rather than "cloning locally the national government" (standard language, standard institutional forms, standard processes, centrally coordinated). Diverse institutions will be needed to handle similar services in diverse circumstances.

A second implication involves fiscal policy. Decentralizing may help central governments shed costs of service provision by transferring them to local governments, but only if central governments resist saddling local ones with:

- central government personnel at central government salary and retirement benefit levels;
- central government personnel support standards (office accommodations, housing, transportation, etc.);
- personnel governed by central civil service regulations that impede government ability to discharge employees who fail to earn their salaries; and
- a mandated list of services they must provide, as determined by national government decision makers.

Central government civil service salaries, support levels and tenure rules have their *raison d'être*, as do public services. Yet burdening local governments with central personnel they must support, and services they must provide without reference to local preferences, reduces the perceived value of local government activity, reduces efficiency of service provision efforts and finally, reduces dependence on the citizenry of both elected and appointed public servants.

The third implication casts doubt on the tendency in some quarters to view NGOs as the institutions to handle all problems beyond the capacity of the central government. NGOs can play multiple and fundamental roles in improving service provision capacities. But as voluntary associations NGOs lack authority to make binding collective decisions. NGOs can expel members, but have no authority to impose their decisions on outsiders. They may have difficulty overcoming problems of free-riding and shirking, and in coordinating efforts in a reliable way. Public jurisdictions can overcome some of these limitations.

## B. Multiplying Citizen Recourses to Deal with Public Problems

Improving citizen recourses in situations where they are dissatisfied with the quality of services requires that they be vested with authority and power to initiate problem-solving actions on their own. Enabling frameworks encouraging local initiative can take many forms. However, such frameworks will have to provide CILSS country citizens with institutional tools for problem-solving they were generally denied in the past.

Citizens should be able to organize NGOs easily and cheaply by using framework legislation that automatically renders legal any organizations complying with simple registration procedures. The Senegalese framework legislation for economic interest groups (*Groupements d'intérêt économique, GIE*) is an instructive example here. Tools for public jurisdictions include authority to:

- make binding decisions within de facto, effective jurisdictions (whether or not they conform to centrally-developed criteria for local governments), including the working rules of service provision activities;
- mobilize resources to implement those decisions, through budgets locally prepared and approved;
- obtain support from overlapping jurisdictions at local initiative if local decisions are improperly challenged;
- obtain formal recognition of local working jurisdictions when citizens desire it;
- constitute new jurisdictions at citizens' initiative, using forms of governance they, rather than outside officials, select; and
- resolve conflicts expeditiously, cheaply and equitably.

If CILSS country citizens obtain this sort of authority, they will have greater capacity to provide services they want, using institutional arrangements they believe appropriate in their circumstances. Enabling environments that encourage and facilitate initiatives by local governments will open up more arenas where problems can be solved, promote natural experiments in dealing with service provision issues, and provide for cross-jurisdictional learning. Such enabling frameworks, by lowering costs and so encouraging collective action (whether "formal" or "informal"), will help citizens to protect themselves against officials' negligence or abuse of power. By gradually enabling citizens to define their own interests in public activities, they will encourage incremental learning and ad hoc adjustments in institutional arrangements, in light of successes and failures.

This will partially shift initiative for service provision from the national government and subordinate units to citizen-controlled local governments.<sup>1</sup> Local governments, "formal" or "informal," provide protection for citizens and lower risks of resisting decisions of overlapping governments that counter local interests. Local governments can also encourage NGO activity.

### C. Providing Security for Minorities and the Disenfranchised

Decentralization depends on peace. Human rights must be guaranteed for groups without political power in national and sub-national governments. Touareg in Mali and Niger, Hal Poular in Mauritania, and Casamançais in Senegal exemplify the dilemma.

Constitutional guarantees without supporting institutional arrangements provide little security for minorities. Effective courts, whether local moots, religious or national courts, are an integral part of such arrangements. They must offer low-cost and reliable access and fair dispute resolution procedures to all litigants, probably in national languages. Otherwise courts will appear biased and valueless in improving minority security.

But fair courts alone are not enough. They are fragile institutions. They do not command their own armed forces to defend judges or their decisions. Courts depend for their power on their credibility in the eyes of litigants and the society at large. Judges can reasonably be expected to resist efforts to influence decisions only if they do not take personal risks by deciding against the executive and legislative officials and institutions.

Multiple jurisdictions that organize citizens into effective groups capable of making and implementing collective decisions can also buffer courts against domination by the executive or the legislature. Their simple existence can deter preemptive action by the executive, for instance, in situations where communities demonstrate a willingness to organize to defend themselves.

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<sup>1</sup> The national government's public administration agencies should, and undoubtedly will retain provision initiative in some service sectors because some service problems exceed the scale and capacities of local governments jurisdictions. Rather than an unremitting commitment to decentralization, it is more realistic and useful to think in terms of a range of approaches depending on the problem at issue. In some cases, local governments can be expected to play the dominant role in provision; in others, a collaborative approach among two or more jurisdictions will make sense. Finally, the national government as noted will continue monopoly provision of some aspects of some service.

#### IV. Recommendations Concerning Donor Support for Decentralization

This section suggests how donors can support decentralized provision of services. Suggestions reflect two criteria:

- reduce transactions costs to citizens of organizing NGOs, public jurisdictions and private enterprises that can provide and produce public services; and
- increase transparency in public affairs and facilitate efforts by citizens to hold political officials and appointed public servants accountable for their actions concerning service provision and production.

National languages figure prominently in these suggestions. Their use will encourage accountability. It will promote transparency and citizen willingness to participate in decision-making to shape government policies and gradually improve them. This was presumably a major object of the CILSS/Club 1989 Segou conference, and of CILSS/Club-sponsored activities since then.

##### A. Support Devolution of Rule-Making, Rule-Application, and Conflict Resolution Authority to Local Governments

Devolution can be promoted by structural adjustment programs and project activities. Donor programs now support devolution of authority for governance and management of natural resources. Similar programs can be implemented (or, as in Chad, the Gambia and Senegal, continued and reinforced) for services such as education, health, waste disposal, road maintenance, police, etc.

1. Donor programs should secure national acceptance of the legitimacy of both sub-national and local governments, and of national languages as legitimate languages of governance.
2. Donor programs should avoid swamping local efforts to organize services using local labor, finances and materials. Too much support will prolong official independence from citizens.
3. Donor projects can support service decentralization efforts by translating into national languages bills, legislation and administrative orders that set the terms of organization and operation for local governments, NGOs and private sector firms.
4. Donor projects can subsidize legal aid for local groups and governments, so that both citizens and officials can operate with more certainty. Legal assistance in obtaining recognition of NGOs and local governments would facilitate procedures that would both avoid future conflicts about and encourage local efforts in providing public services of local interest.

5. Projectized assistance should support, for at least ten years, pilot studies and comparative research about results of approaches adopted by diverse jurisdictions within a country, as well as differences among approaches taken by the various CILSS countries. Information from those studies should be broadly disseminated in national as well as official languages.

6. Projectized assistance should finance literacy training in national languages for officials at all levels, helping to end lamercs about illiteracy and incompetence of local government officials. Donors can encourage the idea that local governments should function in local languages which both local officials and citizens understand. This will improve "competence" and transparency. Donors could also fund citizen literacy training.

7. Projectized assistance should facilitate training in relevant governance skills, e.g., record keeping concerning collective decisions, court rulings, budgeting, accounting, etc.

#### B. Support Information Dissemination

Success of these efforts depends on much wider dissemination of information among rural and urban populations. Creation of national language newspapers, radio and television programs dealing with these questions becomes indispensable. Donors should consider programs where necessary, and projects calculated to support growth of vigorous debates and information exchanges through all forms of media. Operational suggestions for donor financed project activities include the following.

1. Fund translations into main national languages of important in-country pending legislation, existing legislation, local by-laws, court decisions, news stories of significance.

2. Provide translations of international news articles and supply them at subsidized rates to local newspapers.

3. Provide training for rural journalists, and support journalists' travel to facilitate reporting on relevant issues.

4. Provide loans for entrepreneurs and NGOs interested in organizing rural newspapers and low-cost radio stations.

5. Assist entrepreneurs to organize national-language presses producing materials in Arabic and Latin characters.

### C. Leading Countries

Leaders of newly-elected, apparently democratic regimes in Mali and Cape Verde, as well as the *Parti Socialiste* regime in Senegal, are trying to deal with service devolution. The Gambia has effectively devolved authority to local communities in the critical education sector. Senegal and Chad have made the greatest strides to this point, Senegal as a matter of deliberate policy and Chad by default. Local communities in Chad and the *communes rurales* (groups of villages) in Senegal have established a degree of control over their budgets. Incomplete information suggests villagers in Chad have organized the primary education system, hired teachers with local funds, worked out curriculum, fired teachers when they failed to earn their money, and have mobilized funds and labor to run local schools. They have also developed federations of villages to deal with economies of scale in these problems. Villagers in southern Chad have taken the same sort of initiatives to deal with public health problems.

In Senegal, the gradual transfer of authority, begun in 1972, from the central government to urban communes and now rural communes continues. French technical assistants are providing training to local commune officials. Commune officials still remain dependent on central government fiscal transfers, must still submit their budgets to central government review before they become operational, and are inspected by central government officials. But commune officers now prepare budgets and, once approved, have expenditure authority formerly reserved to subprefects.

Cape Verde considered devolving authority from the central government to local government units in the different islands of the archipelago even before the peaceful changes in 1991 from a single-party regime to democratically-elected governments at the national and rural municipality levels. At present, governments at the national and municipal levels are negotiating with each other about precisely what kind of authority will be transferred from the central to municipal governments in each sector (health, education, police, road maintenance, social services, etc.).

The nagging issue in Cape Verde, that has not yet been addressed in any depth, is the nature of governance and the authority of institutions at the sub-municipal government level. Cape Verdean municipalities consist of a main town and a rural hinterland with villages, dispersed neighborhood groupings and isolated farmsteads. Nobody has begun to think seriously about governance structures and their relationship to service provision within the local jurisdictions. Central government officials argue that they should not get involved in discussions about the constitution and organization of services and jurisdictions at the municipal and sub-municipal levels. Municipal officials

currently focus their attention on negotiating with central government representatives over how municipalities will pay for newly transferred service responsibilities.

Many services cannot be provided efficiently without the active collaboration of leaders in sub-municipal jurisdictions and of the people they represent. The technical competence of municipal government employees is often questioned by central government officers. The same questions will be raised at sub-municipal levels. Yet contributions officials and citizens in local jurisdictions can make to improving service quality while reducing costs have not been addressed. This is a major gap.

In Mali, a new constitution was proposed, debated and approved in 1991, and local communal and national government officials have since been elected and installed. Presidential candidates all talked about decentralizing authority to sub-national governments, and the principle of elected regional governments is established. Decisions moving from acceptance in principle to actions implementing the policy have not been taken. The on-going civil war with Toureg dissidents in the northeastern and northwestern parts of the country have dominated the political agenda and paralyzed action. Should the Toureg dispute be settled, along terms agreed to by both sides in the *Pacte National*, the new Eighth Region will soon have an elected government. Other regions will follow. A critical point of contention, however, is the extent to which the central government will have tutelary authority over the regional governments. Another unresolved issue is the future character of sub-regional jurisdictions. Issues here include terms of organization, scale of those governments, and how autonomous they will be from tutelary control exercised either by the national or regional governments.

Niger has had its constitutional convention, but has not moved much beyond that point. It is simply too soon to tell whether the country will devolve authority to any significant extent and if so, to whom and under what conditions. Guinea Bissau has a long, well-developed tradition of local self-governance in some areas. Whether the national government is committed in any sense to building on that tradition remains to be seen.

#### D. Lagging Countries

Leaders in Burkina Faso have run a controlled constitutional convention and elections. The degree to which the new government has any real autonomy of decision-making authority from leaders of the military regime is unclear. In some sectors, e.g., land use management, decentralization appears to be moving ahead, but public services have not been much changed as yet. Mauritania is

still dealing with the aftermath of the civil war between the Maures and the Hal Poular in the Senegal River Valley, and the situation appears still too tense for any significant innovation.

If citizens cannot use languages they fully master in organizing their affairs and in relations with national government personnel, they will be little inclined to risk confrontations with elected and appointed officials. If citizens have to conduct the binding (and often written) aspects of governance, non-profit and for-profit operations in a foreign language that most do not fully control, they will have less incentive to fight for and strengthen existing local forms of government, invent new ones to deal with service provision problems, and organize NGO and private sector efforts along these lines. Instead, received institutional forms will tend to be accorded sacrosanct status, leaving them above criticism based on citizen's every day experiences with those institutions.

Demystifying decision-making at all levels of governance requires efforts to accommodate citizen interest in the simplest form of transparency: understanding what is going on. This must include fine print as well as the major principles of binding arrangements, whether these concern collective, voluntary or private sector activities.

Transactions costs of such activities to non-francophone and non-anglophone citizens can be reduced significantly if national governments recognize the legitimacy of national languages as languages of governance and take steps to accommodate citizens who wish to use national languages they feel comfortable with, rather than a foreign language associated almost exclusively with the national government and its administrative agencies.