

# GOVERNANCE

## I. Introduction

Governance may be defined as “the manner in which power is exercised in the management of a country's economic and social resources for development”. However, governance is not simply about how government conducts business in its own sphere; it is also about how government interacts with civil society. It tells how well government has encouraged and facilitated people's participation not only in the delivery of services but also in the evaluation and monitoring of government performance itself. Governance is a complex concept. It includes the state's institutions and structures, decision-making processes, capacity to implement and the relationship between government officials and the public (Landell-Mills and Serageldin 1992). As such, governance has both political and technical dimensions. It relates to a nation's political system and how this system functions in relation to public administration. At the same time, it also involves the efficiency and effectiveness of public management. The key to improving the level of governance is to find rules and norms that create incentives for state agencies, officials and civil society to act in the collective interest at the least cost to society (World Bank 1997).

In this respect, this Position Paper will briefly examine and analyse the international and regional governance frameworks and use them as the standard frameworks or performance benchmarks against which the governance structures, mechanisms and processes in the Gambia are measured.

The country's performance in good governance will be examined and analysed using the following four indicators which draw from the conceptual definitions cited above:

Providing the enabling policy and legal environment;

Developing the institutional capacity;

Developing the national mechanisms and processes; and

Enhancing the contribution of the civil society

## II. The conceptual governance framework

Fundamental to the achievement of good governance are the observance certain guiding principles and core values as a way of underpinning the effective functioning of the governance structures, mechanisms and processes created. Some of these key principles and values include:

### *Accountability and Participation*

Accountability holds public officials responsible for government behavior and makes it imperative for them to be responsive to the needs of the citizenry. At the local level, accountability requires that institutions have the flexibility to allow beneficiaries to improve program/project design and implementation. It also entails the establishment of criteria to gauge the performance of local officials and the creation of oversight mechanisms to ensure that standards are met.

Accountability may be obtained at two levels: macro level accountability and micro level accountability (Paul 1991; World Bank 1992). Macro level accountability refers to the system whereby ministers are accountable to the legislature and/or political leadership and whereby civil servants are accountable to the ministers. It has two main aspects: financial accountability and economic accountability. On the one hand, financial accountability involves: "a properly functioning government accounting system for effective expenditure control and cash management; an external audit system which reinforces expenditure control by exposure and sanctions against misspending and corruption; and mechanisms to review and act on the results of audits and to ensure that follow-up action is taken to remedy problems identified" (World Bank 1992). On the other hand, economic accountability refers to the evaluation and monitoring of efficient use of resources in government. It may be reflected in performance contracts, memorandums of understanding, value for money audits and legislative review of ministry or department activities.

Lander-Mills and Serageldin (1992) adds a third dimension to public accountability: *political accountability*. In their view, political accountability is enhanced by the presence of a system of popular choice, which makes governments responsive to popular demand. This makes political representation through the National Assembly of representatives selected by popular choice. an important element of good and democratic governance.

#### ***Transparency and information***

Transparency implies the provision of relevant and reliable information to all. The civil society needs accurate and timely information about the economy and government policies for effective decision-making. Transparency in decision-making and implementation reduces uncertainty and can curb corruption among public officials. It complements and reinforces accountability (by enhancing efficient use of resources and by promoting participation) as well as predictability (by lowering uncertainty and transactions costs) [World Bank 1997]).

#### ***Predictability, presence of legal framework***

Predictability refers to the fair and consistent application of laws, regulations and policies. It is important in creating a stable economic environment that allows prospective investors to assess opportunities and risks, to transact business with one another, and to have a reasonable assurance or recourse against arbitrary interference (World Bank 1992). Predictability has five critical elements: (1) there is a set of rules known in advance; (2) the rules are actually in force; (3) there are mechanisms assuring application of the rules; (4) conflicts are resolved through binding decisions of an independent judicial body; (5) there are procedures for amending the rules when they no longer serve their purpose.

#### ***Catalytic and community-owned government***

Local chief executives now assume the role of facilitating problem-solving by stimulating the community into action. They are no longer confined to the tasks of collecting taxes and delivering services. They are also involved in defining community problems and mobilizing scarce public and private resources to achieve community aspirations.

A catalytic local government assumes more "steering" functions by leading society, convincing its various interest groups to embrace common goals and strategies. Community services and programs offered by local governments may be designed such that the clients are empowered and become less dependent on government for their needs. Local officials may also facilitate ownership of programs by the community through the self-help process. Nongovernmental organizations and people's organizations may be tapped to assist in promoting self-help and in formulating and implementing development projects.

### **III. Governance patterns at the international and regional levels**

#### **III.1. Global governance**

Management of transnational issues through voluntary international cooperation has come to be referred to as Global Governance. The term sounds like global government, but it is really the opposite, as it refers to management of the transnational challenges in the absence of a world government. Neither transnational challenges, nor attempts to manage them are new. We have had things like the Rhodian Law of the Sea, which provided a framework to govern maritime losses, the Hawala system has worked over a thousand years through the proactive participation of countless actors across South Asia, Middle East and the Mediterranean and so on. Nevertheless, the depth and breath of current international cooperation around transnational issues is unprecedented.

Let's review some of the manifestations of our existing international cooperation and global governance scheme:

It took several decades to develop a system to have telegrams across national borders. And yet, today owners of four billion mobile phones have a reasonable expectation that their phones will work seamlessly when they travel to another country. World GSM operators have agreed to sensible standard practices such as every operator dedicating 112 to emergency services.

We cooperate around the internet actively and every day. A tremendous amount of data, information and knowledge is open to approximately 6.7 billion users around the globe. Encyclopedists of the 18<sup>th</sup> century would be awe-struck by what is today available through Wikipedia, JSTOR, Google Scholar and the like. Popular VOIP facilities such as Skype have rendered international telephony practically cost free for billions. Social Media sites such as Facebook, Twitter, etc have revolutionized the way people can communicate and create a network of social relations unimaginable. And, we all have access to trans-border broadcasting through satellite TVs, which makes diverse ideas, lives and sufferings accessible to great many, and nurturing awareness and a feeling of common humanity along the way. All these are possible due to international cooperation among the international and national telecommunications operators.

We have mechanisms for global health challenges and even some vital successes. Small pox has been eradicated through international cooperation and polio may be next. The world has had the wherewithal to come up with ad hoc responses when traditional mechanisms did not suffice. The Global Fund to Fight TB, AIDS and Malaria is one such ad hoc response with encouraging

results. We have also managed to cooperate to protect the genetic diversity of our main crops, and have established the Global Crop Diversity Trust.

The world has demonstrated crucial capacity to identify ozone depletion as a potential problem with global consequences, and was capable of hammering out a set-up where the ozone depleting gases have been phased out. The basic grammar of the ozone problem is not very different from the climate change predicament, and the Vienna Convention, the Montreal Protocol and the Durban (2010) and Rio (2012) Declarations are no small accomplishments for global governance on environmental issues.

Another seemingly gigantic task was around the land mines, one of the most popular ammunition of armed forces around the world. In the latter case, it took a mere seven years for a global consensus to be achieved, and for this once-popular weapon to be outlawed. There is now a new movement to establish norms concerning the trade and transfer of small weapons, which are responsible for many more deaths than nuclear weapons.

However, Amartya Sen has recently warned us against excessive fascination with what he refers to as “ideal justice” at the expense of multiple and seemingly disjointed ways of decreasing injustice. The patterns of global cooperation of the last decades seem to support Sen’s argument. Progress has been uneven and less than ideal, but, on balance, we should be encouraged by the advances made in international cooperation and global governance on these multiple tracks. The more visible absence of progress is the exception, and should not be the basis of a debilitating cynicism. We need to celebrate our accomplishments and in the process muster the energy to overcome remaining challenges to a fuller global cooperation and governance.

Two glaring gaps in the existing global governance schemes are: (1) effective procedures for Responsibility-to-Protect, and of course (2) a framework to thwart climate change. One of the earliest modern attempts to set transnational norms was around proper conduct during the time of war. Humanity has been aware of the ultimate crime of genocide, and has profusely sworn not to let it occur again since 1940s. Yet, what has come to be known as the Responsibility to Protect (Geneva Convention, 1864), has been systematically abdicated. As long as humanity is organized primarily through national states, there is an inherent problem to send national armies to harm’s way without a preoccupation with issues of national strategic interest.

Climate change on the other hand, is clearly the most pressing issue facing us. Business as usual means that we will soon cross the point of no return in triggering a chain reaction of catastrophic results for human existence and civilization on Planet Earth. As such, climate change remains the collective action problem that creates a scar on the conscience of humanity. After years of neglect, denial and foot dragging, humanity now seems to have harnessed the wherewithal to address climate change. No other challenge we face brings home our epic interdependence. Therefore, a solution to the climate change challenges could serve as the paradigm for solving other global public goods problems within a global governance context.

Ours has been a story of trial and error, as well as slippages as we found ways to cooperate across border on a diverse range of complex issues critical to the survival of states and

populations. The audit of current state of international cooperation and global governance patterns show that perseverance, creativity, pragmatism and vision are the answer, and not despair or cynicism.

### **III.2. Regional and sub-regional governance**

The tenets of good governance include upholding the rule of law, accountability, transparency, participatory governance and an effective judicial system. The situations in Ivory Coast, Egypt and Tunisia in particular show a very specific type of governance problem: the inability of these countries to adequately accommodate the voices of their citizens. The overarching issue binding these three countries signals a major problem throughout the African continent—a lack of good and democratic governance.

The failure to respect election results in Ivory Coast and the oppressive regime of Ben Ali that plagued the people of Tunisia are prime examples of the governance failure that is seen throughout the African region. Hopefully, the African Union (AU) can inspire African leaders to not only find ways to address the problems in these countries, but also consider proactive ideas and indicators for improving the monitoring of good and democratic governance patterns in Africa.

The African Union and various regional groups in Africa, like the Economic Community of West African States (ECOWAS), have performed admirably in mediating governance problems in recent years such as the crises in Ivory Coast, Guinea Conakry and Guinea Bissau and most recently as it is doing for Mali. However, finding ways to proactively deal with issues brewing on the ground through the creation of early warning systems at the regional, sub-regional and national levels should also be a priority.

Furthermore, the enthusiasm and expectations that characterized the launching of the New Partnership for African Development (NEPAD) 10 years ago needs to be revived. The African Union through NEPAD already has in place innovative systems that could be useful if scaled up, such as the African Peer Review Mechanism (APRM). The APRM is designed to be a self-monitoring initiative to promote good and democratic governance through an objective reciprocal peer-review mechanism by other African nations. Effective use of the APRM could help keep a pulse on situations like the outburst in Tunisia by ensuring that proactive policy solutions are being made to address concerns as they arise. These demonstrations have sparked protests in other nations, like Egypt, and show that unaddressed tensions in the region have been brewing for far too long. Currently, the APRM has done little to provide timely monitoring of the political temperatures of civil societies in African countries. However, adjusting this system going forward could start a regional policy dialogue on governance issues that African countries would not otherwise pursue themselves.

The African Union also needs to be more pro-active in dealing with autocratic regimes and leaders in Africa. The clock is ticking in countries where leaders are refusing to gracefully retire from office. Imposing term limits and increasing accountability throughout the region will be instrumental in fostering better governance. The club of longstanding leaders should not be able to continue ruling with support of those nations who claim to favour democracy. AU leaders have been adamant about seeing Mr. Gbagbo leave office and they need to have similar

enthusiasm for seeing peaceful and democratic transitions of power take place throughout Africa. The donor and international community must also support a common African voice in condemning repressive regimes and continue to advocate for principles of democracy and human rights as part of their aid strategy.

Beyond regional accountability, African governments must also look internally to find governance solutions that work for their people. There are certain countries where elections are working, but in many others people's voices are not being heard and there is little being done to change this. African governments must evaluate their populations, understand the divisions and differences and design institutions that empower their citizens to have a representative and inclusive voice. The separation of Sudan, while not a suggested solution for other nations, illustrates how important having a voice is, in a strongly divided nation. In some cases, more decentralized systems of local governance may be necessary, but regardless, solutions that are designed around traditional norms and local realities are more sustainable and therefore needs to be encouraged.

#### **IV. The national situation on the promotion of good governance**

The Gambian Government has made good governance a key pillar of its activities in the implementation of the Program for Accelerated Growth and Employment (PAGE) because it is expected to be instrumental to economic growth, commercial development, and employment.

The country's performance in good governance will be analysed using the following four indicators:

- Providing the enabling policy and legal environment;
- Developing the institutional capacity;
- Developing the national mechanisms and processes; and
- Enhancing the contribution of the civil society

#### **Providing the enabling policy and legal environment for the promotion of good governance**

The Gambia has a tradition of consulting the people on important governance issues, either through forums, commissions, seminars, and consensus building workshops or in the form of task forces. It was against this background that a *National Governance Policy* was developed through a broad-based consultative and consensus building process among key stakeholders and other development partners.

To enhance the coordination, monitoring and implementation of the national governance policy, the Government established a senior-level *National Governance Advisory Taskforce* headed by the Secretary General and Head of Civil Service, which is an indication of government commitment to implement a good governance strategy at all levels in the Gambia.

Local Governments play a critical role in overall governance in The Gambia and are key players in economic development, growth and employment. Since the early 1980s, the Government of The Gambia has been rethinking development approaches with a view to ensuring greater citizen participation in national socioeconomic development activities. For these reasons, the Government's overarching objective is to accelerate decentralisation and increase the autonomy of local Governments, help them provide more effective and efficient social services and make a greater contribution to economic growth and employment in local communities.

In line with this strategy, the Government has approved several Acts and regulations for decentralization since 1997, when it adopted the official policy on the decentralization of local Government systems in 2007. It further solidified decentralization and the provision of more local Government autonomy by passing the Local Government Act in 2002, which provides a legal framework and regulations for the implementation of the new system. The Finance and Audit Act (2004), the Local Government Service Commission Regulations (2010), Local Government Service Staff Service Regulations (2003), draft Local Government Pension Scheme, shifted the paradigm further.

With support from development partners, government carried out various reform measures to improve transparency, accountability and good governance in public finance management so as to ensure a more effective and efficient public service delivery system. In this respect, the legal and regulatory framework has been strengthened with the enactment of the Government Budget Management and Accountability Act 2004 along with the revision and issuance of the Financial Instructions, the enactment of The Gambia Public Procurement Act (GPPA) 2001, The Gambia Bureau of Statistics (GBOS) Act 2004 and The Gambia Revenue Authority (GRA) Act 2004.

A major challenge affecting the implementation of the policy and legal instruments is dissemination

### **Developing the institutional capacity for the promotion of good governance**

In the area of *Public Sector Management (PSM)*, the government currently faces series of challenges in the promotion of good governance within the public sector. These include:

- The limited analytical capacity of many Government institutions, especially in the areas of policy analysis, policy-making, and planning has been aggravated by the departure of high-level staff at the technical and policy levels;
- The poor management of human resources, manifested through low remuneration, few incentives, high attrition rate, and low retention of competent staff; and
- The quality of the delivery of civil services and the efficiency of the delivery of these services. As a result, service delivery in the public sector suffered serious setbacks.

To address these challenges, the Government embarked upon a comprehensive Civil Service Reform Program 2012-15 designed to strengthen the capacity of public institutions, and thereby

making them more effective and responsive. In this respect, the Government plans to build the capacity of ministries and departments to enable them deliver quality services, provide technical assistance to ministries and departments to enable them update their sector policies, strategic plans and programs.

Within the framework of the capacity strengthening program, Government also plans to supply the systems, tools and processes necessary to improve services, lower the cost of service delivery in the public sector and hold civil servants accountable for their performance by installing basic e-Government structures. Among other techniques, for example, the Government proposes to use the feedback from citizen scorecards to develop service improvement plans. This will be done within the context of continuous capacity building, development, and implementation of a retention strategy.

In the area of *local governance and decentralisation*, government has embarked upon a comprehensive local government reform and decentralisation program designed to devolve authority and responsibility to Local Government Authorities (LGAs), with a view to broadening the participation of various segments of the population in the different regions of the country in the political and developmental process of the country.

The implementation of these reforms was supervised by a National Steering Committee charged with overseeing decentralization and awarding more autonomy to local Governments.