

African Training and  
Research Centre in  
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Development

المركز الإفريقي للتدريب  
و البحث الإداري للإتماء

Centre Africain de  
Formation et de Recherche  
Administratives pour le  
Développement



**Original: English**

***FOURTH ANNUAL FORUM ON REFORM AND  
MODERNIZATION OF PUBLIC ADMINISTRATION AND GOVERNANCE***

***Theme: Building Partnership Between Public and Private Sectors  
for Improved Public Administration and Governance:***

***(A focus on the Needed Partnership to improve public Services  
in order to accelerate Economic and Social Development in Africa)***

**Tangier (Morocco), 16 - 17 June 2008**

**FINAL REPORT**

**Rapporteur: Prof C Thornhill (South Africa)**

# Fourth Annual Forum on Reform and Modernization of Public Administration and Governance

## **INTRODUCTION**

The Fourth Annual Forum on Reform and Modernization of Public Administration and Governance organized by CAFRAD was held from 16-17 June 2008 at Tangier (Morocco). The Forum was organised to open a discussion on the building of partnerships between the public and private sectors to improve public administration and governance. The focus was particularly on efforts to improve public services in order to accelerate economic and social development in Africa.

In attendance were 29 countries from Africa represented by over 100 representatives. Ten regional and international organizations were also represented. (See the attached list of participants). The Forum was ably supported by CAFRAD staff and interpreters.

The forum noted constraints of states in providing efficient and effective services, which are complicated and diverse in nature. Thus, the Forum considered various alternatives of building strong public-private sector partnerships, in which the private sector can be involved more actively in service delivery. The aim was to improve effectiveness and efficiency in public service delivery to accelerate economic and social development in Africa.

## **OBJECTIVES**

The main objective of the Forum was to look at the existing approaches to find ways and means of strengthening or to build strong public-private partnership to improve service delivery and governance systems in Africa through the involvement of the private sector and other stakeholders in the services delivery process. This will also accelerate economic and social development.

### *Specific objectives*

- to examine ways in which Public-Private Partnerships could impact positively on service delivery;
- to learn from the past experience, what and how much had been done and what reforms were required to promote a full PPP realisation;
- to revisit the issues of transparency, ethics and accountability and their impact on service delivery to make governments more transparent, accountable and responsive to the users of its services and citizens;
- to examine how social and basic infrastructures, education and health services, environmental issues, roads, transportation, housing, energy, telecommunication, etc could be improved in such a partnership;
- to come up with a realistic agenda for public-private partnership (PPP) and measures for building capacities, especially of the civil service for better delivery of public services;
- to explore ways and means for drawing up a Charter of best practices in Public-Private Partnership (PPP) for improving public service delivery and promoting efficient and effective governance.

The Forum's intentions were to make recommendations on Public-Private Partnership (PPP) that could enhance the development of realistic mechanisms for better service delivery; noting any constraints and identifying ways and means for better practices for efficient and effective governance towards improved service delivery. The forum also addressed institutional means to commemorate progress.

At the end of the forum, there were definite proposals to improve corporate governance within increasing internationalisation. In particular, attention was devoted to a strategy to promote health, education and related services.

The current situations of the African states in service delivery were discussed to establish optimum contributions to development through PPPs.

## **PAPERS PRESENTED**

### **Theme 1 : Public-Private Partnership and Service Delivery: (Prof Ahmed Azirar, Morocco)**

Lessons were learnt though examples pointed out. It explored how PPPs can improve service delivery. Tangible practices were mentioned.

#### ***Dynamics***

- Legal tool to finance and manage service delivery by the private sector though PPPs
- In France the PPPs represents between 10% and 15% of public investment,
- In 2008 orientations on building PPPs were published but did not contain reference to capital investment
- Different forms of partnerships exist depending on services required

These dynamics are not well developed in Canada, but are more established in Britain.

Global companies have been developed and encouraged to enter into PPPs and add to services delivery in hospitals and schools. Concerning financial limitations and the state's ability to finance, on the micro-economic levels, clarifying and assigning costs in construction and functioning are perquisites for successful operation of partnerships with the private sector.

PPPs usually involve long term contracts concerning maintenance of projects for 10 to 35 years or more. Difficulties experienced in establishing PPPs include the long period which is often taken to establish them as a result of cumbersome bureaucratic processes. In France, a law passed in 2004 is based on pragmatism to provide for flexibility due to the diverse nature of PPPs . Definitions were identified and these include *inter alia*:

1. Public financing is required as a result of limited funds available in the private sector to finance large projects. Public investments were rather limited but since 2004 more flexibility was introduced resulting in the creation of more opportunities for PPPs.

2. French laws on PPPs contain specifics e.g. difference between public procurement and PPP requirements regarding procurement. Public procurement is a public function and PPPs involve a multi-purpose function. In PPPs no prime financing was required. Payments were made from revenue received from third parties.
3. Risks were involved in construction and performance due to possible problems with users of service. Thus, in negotiations, the sharing of risks have been identified and assigned. Risks concerning performance also are apportioned as risk is often the highest for the private sector.

Conclusions on requirements for successful PPPs:

A clear regulatory framework

- Complementarity of the contract should be considered carefully and solved before finalising the PPP agreement;
- Emergency cases, where immediate reaction is required, resulting from court cases should be dealt with on an individual basis
- Feasibility of PPPs in relation to traditional approach should be evaluated through competitive dialogue;

Advantages in terms of costs

- Better quality service
- Private financing more flexible
- PPP does not have an influence on why a public service is provided, but merely is a new tool to improve service delivery.

Criticisms

- Possibility of rising costs when PPPs are established thus requiring more funding by municipalities
- Undermines democracy and may be harmful to Small and Medium Entrepreneurs (SMEs)
- Tax payers argue that they pay for services through tax and also pay additionally for service when PPPs are utilised to deliver services

**Theme II: Developing trust, transparency and accountability in public private partnerships (Mr. M. B. Tumwesigye, Uganda)**

Paper identified the gradients to add trust to the introduction of PPPs. These should include elements such as:

- Letting people know one's feelings, emotions and reactions concerning confidence;
- Placing confidence in others to support and reinforce each other;
- Have an inner sense of acceptance of others
- Cement relationships;
- Be transparent and avoid secrecy of operations;

Requirement for successful partnering:

- Meaningful dialogue between private and public sector.
- Clarifying roles and functions of each participant;
- Building the private sector to enter into partnership with public sector;
- Openness is required and must be ethically justifiable and defensible;
- Focus on procurement should be on output not the input;
- Consult widely not only with top level participant, but also with ground level participant;
- Institutions should be transparent even internally.

Particular attention was devoted to accountability to the public for all policies and actions including PPPs.

As far as corporate governance is concerned, an inter link is required with systems through which public and private enterprises are directed, managed and regulated. It is based on values of transparency, accountability, ethical conduct and sensitivity of community and environmental concerns.

The limitations to the development of PPPs involve bureaucratic practices. How does one approach the public sector and the private sector respectively i.e. Who talks to who; which department controls or contacts chamber of commerce respectively? In Uganda, 12 steps have been identified as prerequisites for entering into partnerships.

The factors that have an impact on successful private sector involvement include:

- State of the available infrastructure like telecommunication, transport, water and waste disposal and energy;
- Trust of society in the private sector and its transparency in operation;
- Client charter to clarify expectations regarding quantity and quality of service;
- Improve mechanisms in private sector to facilitate business operations;
- Publicize procurement legislation related to PPPs to enable business to be aware of legal effects of involvement;
- Developing business ethics;

Key areas that would promote success

- Enabling framework created by government
- Promoting good business ethics
- Involving all stakeholders in policy formulation
- Eliminating corruption

### **Theme III : Policy and Constitutional framework to create enabling environment for partnership (Prof Chris Thornhill, South Africa)**

The paper focused on alternating service delivery mechanisms: the South African experience. In the discussion, the South African system of government was explained; followed by a justification for a reconsideration of public service delivery to eradicate past inconsistencies and improving the quality of service delivery and institutionalize democracy.

Quoting various examples of the current 50 public-private partnerships at the national sphere of government and the 300 projects in municipalities, some advantages and challenges in PPPs were highlighted. The paper concluded with a number of best practices. These were identified as follows:

- Define a clear policy framework, setting clear objectives with partnerships and limiting undue political bias in new co-operative agreements;
- Involve communities to obtain their co-operation and to retain their commitment to partnerships for effective and efficient service delivery;
- Define principles eg
  - Affordability
  - Accountability
  - Accessibility
  - Quality for service
  - Value for money
- Establish clear legal framework
- Define public structures to be involved eg
  - Treasury
  - supervising departments
- Identify the critical administrative decisions required
- Determine performance standards and relevant performance indicators
- Identify financial risks and means to limit them
- Establish accountability measures to safeguard assets
- Enter into integrity pact in which the public sector and the private sector commit them to abstain from corrupt practices and to declare any interests in a particular project.

### **Theme IV : Promoting Efficient Corporate Governance for Better Service Delivery (By Mr. Afonso. Anderson Mondlane, Mozambique)**

Corporate governance deals with who directs what?; For whose benefits? Corporate governance is concerned with holding balance between individual and communal goals – the aim is to align as nearly as possible the interests of individuals, corporations and society.

Key points of corporate governance include:

- Fiduciary duty of partners to company
- Bona fide dealing
- Arms length dealing
- No conflict of interest
- Responsibility to the environment
  - Holistic approach to environment

- Corporate social responsibility for conserving the environment
- Acknowledging the environment of corporate governance i.e.
  - Political
  - Social
  - Economic
  - Bio-physical

Main objective of corporate governance:

- sustainability of development of its interests

Corporation's paradoxical role consists of making a profit while promoting the social welfare of society through its involvement in public service delivery. Corporate responsibility is to eradicate corruption by enhancing communication and being transparent in its operations

Private sector creates wealth but also destroys the environment. Management's concern is running the business efficiently and effectively, but also to recognise the interests of its customers.

Pillars of corporate governance include:

- Transparency
- Accountability
- Responsibility
- Fairness
- Independence
- Discipline
- Sound responsibility

**Theme V(A): Promoting Gender, Entrepreneurship and building capacities in the private sector (Professor Anver Salojee (NOT DELIVERED) and summarised by Chris Thornhill, from South Africa)**

One of South African's primary goals after democracy was introduced in 1994 concerned the emancipation of women. This policy of Government contributes to the development of justice, but in particular to develop the second economy. The latter economy acknowledges the interdependence of the developed and the undeveloped parts of a country.

Whereas the first economy is highly developed, highly capitalised and competitive in the global market, the second economy tends to be more informal, characterised by a plethora of small entrepreneurs; labour is less skilled; and workers paid less than in the first economy. The second economy which is marginalized is made up of the unemployed and unemployable. However, the argument is that the first economy needs the second economy.

Encouraging women as entrepreneurs is

- an indispensable factor in bridging the gap between the first and second economy;
- important to promote development initiatives;
- essential for obtaining socio-economic objectives and the African Union's Millennium Development Goals.

It is important to note that the development of Small and Medium Entrepreneurs (SMEs) could play a significant role in utilizing women to become not only mere agents in transforming the economic process. Women in South Africa have made tremendous progress in becoming successful entrepreneurs in both economies. This is proven by the fact that there are (in 2003) 570 000 males in the second economy and 664 000 females. In the formal economy, there are 387 000 males and only 128 000 females. Therefore, measures are required to promote female participation in the formal economic activities.

Legal governance i.e. ensuring that all actions are legally sound, is often neglected, but is important. Corruption is an ancient malady. It can only be cured by citizen involvement and by being transparent in all public policies and actions.

### **Theme V (B): Gender and Entrepreneurship, (By Madame Sabah CHAIBI, from Morocco)**

Men and women are complementary. Both are required for socio-economic development. Large percentages of Moroccan women are illiterate and therefore mainly unemployed. However, Moroccan women who have been educated, enter various professions e.g. pilots, legal profession, politics and various other areas. Women are often limited in their efforts to become economically active due to lack of access to financial resources and funding opportunities. Women have to be integrated into the knowledge based professions and increase knowledge regarding specific skills to enter the economy.

Security is one of the prerequisites for economic development. Thus, the whole issue of security is important in any country. All over the world 60% of Small and Medium Entrepreneurs (SMEs) are run by women. They operate in a precarious sector, working mainly in manufacturing, but are making progress by entering other industries as well.. Women represent 33% in commerce and 22% in industry; but women are not daring entrepreneurs and often do not diversify.

ESPOD is a non-profit association encouraging women's initiatives for the development of enterprises and develop an appropriate framework representing women in enterprises.

#### ***Other Issues:***

**NB:** Angola, on request, made a presentation on the new school of Public Administration they have started, as an initiative to improve Public Administration and Governance for improved service delivery.

## **CONCLUSIONS AND RECOMMENDATIONS**

Five themes that were discussed raised the following main issues after deliberations and elaborated on by the delegates, viewing the topics from their country's experience or perspectives:

- 1) Public-private partnerships provide a legal tool to finance and manage service delivery with the assistance of the private sector;

- 2) Attention should be devoted to the time required by the public sector due to bureaucracy to finalise PPPs as long delays could increase the cost of projects. Legislation should also be accompanied by appropriate institutional and operational arrangements.
- 3) A clear legal framework should be created to obtain certainty for the contractor and the public sector regarding financing, operations and accountability as well as appropriate institutional arrangements.
- 4) Feasibility studies should be undertaken by respective countries as prerequisites for the establishment of PPPs to determine the competitive advantages of partnerships as opposed to traditional public service delivery systems.
- 5) Trust should be engendered between the public and private sectors as lack of trust will counteract any possible success with partnerships.
- 6) An integrity pact should be signed by the contractor and the supervisory public institution to ensure that acceptable ethical guidelines are adhered to by both parties.
- 7) Communities and labour unions should be consulted from the commencement of any proposed project to obtain and retain their support and prevent any counterproductive actions later in the project.
- 8) Principles should be defined for privatising public services including the need to guarantee accessibility, affordability, accountability, good quality of service and value for money.
- 9) Performance standards and key performance indicators should be determined to measure the degree of efficiency and effectiveness of a project.
- 10) Sound corporate governance guidelines should be promoted to pursue efficient and effective public services within the joint framework of the public and private sectors.
- 11) Socio-culture perspectives have to be acknowledged to promote Gender equity in commerce and industry and studies must be undertaken to enhance educational opportunities.
- 12) Countries should ensure that accountability is maintained to guarantee that state assets could be accounted for even when private partners are responsible for utilizing such assets.
- 13) Each government has to select the services that are suitable for privatisation and thus improve service delivery in the areas most suitable for PPPs.
- 14) Special attempts should be made by countries to improve the capacity of the private sector and in particular the indigenous population to become involved in PPPs.
- 15) Countries should establish mediation mechanisms to resolve conflicts between the private and the public partners arising from PPPs to obviate costly court cases.

- 16) CAFRAD should take the initiative to create fora in which the African countries could share their experiences and challenges in establishing and measuring progress in PPPs and determining the desired direction to be taken with the initiatives.
- 17) CAFRAD should assist countries in building capacity in the public service to initiate and maintain economically viable PPPs.
- 18) CAFRAD should initiate a process to commemorate PPPs either by identifying an opportunity to celebrate successes in PPPs through a Public-Private Sector day or Private Sector day, in recognition of efforts made by the public and the private sector to improve services. The dialogue on this issue is to remain open for further consultations between CAFRAD and the African Governments.

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## Appendix

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ET DE RECHERCHE ADMINISTRATIVES  
POUR LE DEVELOPPEMENT

AFRICAN TRAINING AND RESEARCH  
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**Forum sur la réforme et la modernisation  
de l'administration publique et de la gouvernance &  
46<sup>ème</sup> Session du Conseil d'Administration  
Tanger (Maroc), 16 - 18 Juin 2008**

**Forum on Reform and Modernization of  
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46<sup>th</sup> Meeting of the Governing Board  
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