

# ACP-EU JOINT PARLIAMENTARY ASSEMBLY

ACP-EU/101.981

## RESOLUTION<sup>1</sup>

### **on improving participatory governance through decentralisation and strengthening local governance**

*The ACP-EU Joint Parliamentary Assembly,*

- meeting in Windhoek (Namibia) from 13 to 15 June 2016,
- having regard to Article 18(1) of its Rules of Procedure,
- having regard to the Treaty on European Union, as revised by the Treaty of Lisbon, adopted on 13 December 2007, and in particular Article 3(b) thereof,
- having regard to the Protocol to the Treaty on European Union on the application of the principles of subsidiarity and proportionality, and in particular Articles 2 and 5 thereof,
- having regard to the Protocol to the Treaty on European Union on services of general interest, and in particular Article 1 thereof,
- having regard to the Cotonou Partnership Agreement between the EU and ACP countries signed on 23 June 2000 in Cotonou and revised in Luxembourg on 25 June 2005 and in Ouagadougou on 22 June 2010, and in particular Article 1, Article 2, Article 5, Article 8, Article 9, Article 20, Article 33(3)(f) and (4)(d), and Article 5(4) of Annexe IV thereto,
- having regard to the European Parliament resolution of 6 October 2015<sup>2</sup> on the role of local authorities in developing countries in development cooperation,
- having regard to the European Charter on development cooperation in support of local governance, approved by the EU Council of Ministers on 10 November 2008,
- having regard to the EU Council conclusions of 22 July 2013 on local authorities in development,

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<sup>1</sup> Adopted by the ACP-EU Joint Parliamentary Assembly on 15 June 2016 in Windhoek (Namibia).

<sup>2</sup> Texts adopted, P8\_TA(2015)0336.

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- having regard to the Commission communication of 15 May 2013 entitled ‘Empowering local authorities in partner countries for enhanced governance and more effective development outcomes’,
- having regard to the opinion of the Committee of the Regions of 22 April 2009 entitled ‘Local authorities: actors for development’,
- having regard to the 2014 Port Moresby Declaration on Pacific Futures: Building our Local Communities,
- having regard to the Port of Spain Declaration of the Caribbean Forum of Local Government Authorities,
- having regard to the UN Convention on the Rights of the Child,
- having regard to the UN Convention on the Elimination of all Forms of Discrimination Against Women,
- having regard to the UN Convention on the Rights of Persons with Disabilities,
- having regard to the United Nations General Assembly resolution<sup>1</sup> of 25 September 2015 entitled ‘Transforming our world: the 2030 Agenda for Sustainable Development’, and in particular Sustainable Development Goal No 16.7 ‘Ensure responsive, inclusive, participatory and representative decision-making at all levels’,
- having regard to the outcomes of the 21<sup>st</sup> Session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (COP21),
- having regard to the resolution<sup>2</sup> adopted on 26 September 2013 by the United Nations General Assembly Human Rights Council on local government and human rights,
- having regard to the UN Universal Declaration of Human Rights,
- having regard to Decision No 25 of the African Union Assembly<sup>3</sup> of 30 January 2007 to transform the All-Africa Ministerial Conference on Decentralisation and Local Development (AMCOD) into an organ of the African Union,
- having regard to the resolution adopted by the ministers in charge of decentralisation and local development at the 2<sup>nd</sup> Africities summit in Windhoek,
- having regard to the declaration adopted by the ministers in charge of decentralisation and local development at the 3<sup>rd</sup> Africities summit in Yaoundé,

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<sup>1</sup> A/RES/70/1

<sup>2</sup> A/HRC/RES/24/2

<sup>3</sup> Assembly/AU/Dec.158 (VIII) Decision on the Transformation of the All-Africa Ministerial Conference on Decentralisation and Local Development into a Structure of the African Union – Doc. Assembly/AU/9 (VIII) Add.5 1 - See more at: <http://www.au.int/en/decisions/assembly-african-union-eighth-ordinary-session>

- having regard to the Yaoundé Declaration of 29 October 2005, urging African Governments ‘to undertake concerted and coordinated action to place decentralisation and local development at the centre of governance and development policies of their countries’,
  - having regard to the Joint Africa-Europe Strategy (JAES) adopted by the Heads of State and Government at the second EU-Africa Summit in 2007,
  - having regard to the resolution of the United Nations Economic and Social Council<sup>1</sup> of 29 January 2007 entitled ‘Participatory governance and citizens’ engagement in policy development, service delivery and budgeting’,
  - having regard to the conclusions of the Internet Governance Forum 2015 and of the World Summit on the Information Society 2015,
  - having regard to the International Guidelines on Decentralisation and Strengthening of Local Authorities, approved by the United Nations Human Settlements Programme (UN-HABITAT) on 20 April 2007,
  - having regard to the African Charter on Democracy, Elections and Governance, adopted by the African Union in January 2007, in particular the Preamble, Article 3 and Article 34 thereof,
  - having regard to the African Charter on the Values and Principles of Decentralisation, Local Governance and Local Development, adopted on 27 June 2014,
  - having regard to the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa, adopted on 11 July 2003, in particular Article 9 thereof,
  - having regard to the establishment of the ACP Local Government Platform in May 2001 during the 35<sup>th</sup> World Conference of the International Union of Local Authorities (IULA) held in Rio de Janeiro,
  - having regard to the Joint ACP-EU Declaration on the Post-2015 Development Agenda of 20 June 2014,
  - having regard to the report of the Committee on Political Affairs (ACP-EU/101967/16),
- A. whereas local governance is a set of institutions, mechanisms and processes through which citizens can express their interests and needs, mediate differences and exercise their rights and obligations at local level;
- B. whereas decentralisation may take various forms, such as deconcentration, where administrative power is transferred from a central authority to local authorities; delegation, where responsibility for specific defined functions is assigned to a delegated

authority; and devolution, where two or more levels of government with constitutionally or legally assigned powers, functions and finances are created;

- C. whereas public-sector reforms involving both vertical and horizontal decentralisation are premised on having people-centred development that focuses on empowering people to participate in governance and improving the quality of their lives;
- D. whereas participatory governance at local level must be ensured and structured to improve the organisation of a state in order to strengthen the quality of democracy, social justice, economic, social and civic development and the protection of fundamental freedoms and human rights;
- E. whereas public participation in decision-making processes promotes the protection of interests of minorities and marginalised groups, and ensures correct, transparent and accountable governance and sustainable development;
- F. whereas the Millennium Development Goals highlighted the crucial role of local authorities in the fight against poverty and in the delivery of community services, such as water and sanitation, primary healthcare and education;
- G. whereas decentralisation should allow equal access to public roles and the renewal of the political class by promoting the exercise of participatory governance by women and the younger generations;
- H. whereas decentralisation contributes significantly to bringing equity through equitable distribution of resources to underdeveloped and marginalised areas and to affording people the opportunity to take decisions on matters affecting them;
- I. whereas decentralisation reform and power transfer should be based on the principle of subsidiarity in order to ensure better governance, where decisions are made at the lowest possible level, and whereas under subsidiarity central units should only intervene at local level where it proves to be necessary and when they are able to act more effectively than decentralised units;
- J. whereas democratic governance includes not only national governments but also decentralised units and non-state actors, who play crucial roles in linking citizens with government and in ensuring broad-based and democratic ownership of countries' public policies; whereas decentralised units are a strong interface between communities and national authorities which enables grassroots democracy on the basis of local-community involvement and its democratic expression;

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<sup>1</sup> E/C.16/2007/2

- K. whereas decentralised units enjoy a certain degree of autonomy from central governments within their territorial constituency depending on national legislation, in order to legislate in specific domains and to provide public services to citizens at local level;
- L. whereas good governance at local level is characterised by the quality, effectiveness and efficiency of local administration and public service delivery; the quality of local public policy and decision-making procedures, their inclusiveness, their transparency and their accountability; and the manner in which power and authority are exercised at local level;
- M. whereas a real transfer of political power from central government and fiscal decentralisation benefiting decentralised units contribute to the financial autonomy of the latter;
- N. whereas decentralisation may not succeed in situations where public institutions are weak and lacking in capacity, which may lead to the transfer of these inefficiencies to the local level;
- O. whereas a vibrant and active civil society, with freedom of expression and association, is crucial for effective, transparent and accountable local government and good decentralised governance;
- P. whereas in the absence of effective monitoring and oversight mechanisms at the local, regional and national level, decentralisation could result in corruption, wastage of public funds and uncontrolled borrowing, which in turn negatively affect national budgets and governance;
- Q. whereas there is a need for continuous engagement and consultation between the central government and decentralised units, particularly in the conception, design and implementation of projects and programmes by one level of government which may directly or indirectly affect the functions of the other level of government;
- R. whereas women are overwhelmingly underrepresented in governance structures and the political sphere, and democracy and good governance can only be achieved through gender equality and more equal representation, which decentralisation must promote;
- S. whereas the Busan Partnership provides an expanding forum for new development actors, such as local and regional actors;
- T. whereas information and communication technologies (ICT) create many new avenues for political participation, e-inclusion, transparency and accountability in decentralised governance;
- 1. Urges the ACP and EU states to promote decentralisation as a way of improving development, creating new wealth at local and regional level, promoting democratic and accountable exercise of power, fostering national unity by recognising diversity, giving powers of self-governance to the people so as to enhance their participation in the exercise of the powers of the state and in making decisions affecting them, recognising the right of

communities to manage their own affairs and to further their development, protecting and promoting the interests and rights of minorities and marginalised communities, and ensuring equitable sharing of national and local resources;

2. Strongly believes that decentralisation and participatory governance at local level should be designed to maximise social justice in order to make sure that all socio-economic inequalities are effectively addressed in the decision-making processes;
3. Stresses that the new guidelines set out in the Commission's communication on local authorities and on recognising their role as state actors represent a major step forward for the European Union's development agenda; underlines the need for these new guidelines to be translated into the effective implementation of European cooperation, in particular for the 11<sup>th</sup> European Development Fund (EDF);
4. Recalls that the decentralisation process contributes to the improvement of participatory governance through strengthening ownership, multi-stakeholder and multi-actor dialogues, by programme and policy coordination at sub-national level;
5. Calls on the ACP and EU states, in cooperation with ACP regional integration bodies, to promote a comprehensive approach to decentralisation, and to strengthen the role of local communities, community-based organisations and NGOs to influence and monitor decentralisation reform processes; calls on the EU and the ACP states to set up mechanisms for regular dialogue with civil society organisations to this effect;
6. Calls on the EU and ACP states to promote decentralised cooperation as a way of implementing the development framework post 2015; to this end, calls on the Commission to make decentralisation a key funding sector for its external aid financing instruments; calls on EU Member States to accord an appropriate role in their development programmes to decentralisation and to coordinate their activities with those of the Commission, other Member States and ACP countries and regional organisations;
7. Stresses the important role of the African Union, in particular AMCOD, in the development of decentralisation policies;
8. Recognises that coordination structures between local authorities play an essential role in terms of providing technical and methodological support for the development of local capacities by facilitating the exchange of know-how in order to support the decentralisation process and the provision of basic services; considers that they are also a suitable forum for political dialogue and for making the voice of local authorities heard at all levels of government;
9. Urges the EU and ACP states to take steps to strengthen the participation of women, local cultures, indigenous peoples and minorities, including by strengthening the capacity of these groups to participate in local and regional development and investment planning, and encourages the creation of local consultation platforms for policy-making process;

10. Stresses the need to secure the broad involvement of civil society organisations, local authorities and national authorities, in order to ensure correct, transparent and accountable governance;
11. Stresses that an effective decentralisation process requires public-sector reforms, such as the transfer of power, functions and resources, as well as the pluralism of political actors and the active participation of citizens directly and through their representatives in participatory planning and budgeting;
12. Urges the competent authorities to adopt measures to promote a stronger justice administration which, together with the tax agencies, should have mechanisms to fight corruption (sufficient funding, anti-fraud mechanisms and authorities, etc.);
13. Underscores the need to create modalities for enhancing public participation through civic education to build the capacity of all citizens on their rights and obligations in good governance; calls for the establishment of partnership arrangements between local authorities in EU and ACP states in areas such as training and human capacity, providing technical and methodological support for the development of local capacities and facilitating the exchange of know-how; insists on the importance of life-long learning, formal, non-formal and informal citizenship education, and inter-cultural dialogue, in giving citizens the tools to participate in local governance and in building a vibrant civil society sector;
14. Recalls that freedom of speech and freedom of the media must be ensured to enable free, fair and open public participation in local governance by all citizens, regardless of their communities and groups;
15. Calls for regular, transparent, free and fair elections to be held in order to institutionalise the legitimate authority of representative local bodies and their democratic changeover, and to ensure better implementation of grassroots democracy;
16. Urges national authorities to ensure an equitable transfer of their national budget resources to decentralised units, sub-regions, towns and municipalities; stresses, to this end, that greater support should be given to strengthening the capacity for the good management of public assets and the financial and budgetary capacities of decentralised units so that they can provide high-quality public services, guarantee equality of opportunity and build social cohesion; calls on the Commission to encourage the mobilisation of innovative sources of financing for decentralised cooperation, including loan-grant blending instruments tailored to the specific needs of decentralised units;
17. Stresses the paramount importance of focusing more closely on harnessing tax resources at both national and local level in developing countries; welcomes the gradual introduction of local finance observatories; considers that these observatories deserve greater support from the European Union;

18. Stresses that decentralisation should be an effective means of fighting corruption at all levels, including corruption originating from multinational companies; urges the EU and ACP states and regional bodies to prioritise the identification of governance weaknesses that may cause decentralisation to result in corruption, including tax evasion and illicit financial flows, and to take effective measures to prevent negative consequences; calls therefore for adequate support for monitoring capacities and the strengthening of the rule of law in order to counter these severe problems;
19. Underlines the importance of promoting decentralisation in order to address issues such as waste management and urban poverty, tackling social exclusion, reducing inequalities, empowering citizens, fighting gender inequality, innovative infrastructure design, service provision, land management, reducing risks of natural disasters and energy use, etc.;
20. Welcomes the mobilisation and commitment of ACP and EU cities in the preparations for the Habitat III United Nations Conference on Housing and Sustainable Urban Development;
21. Stresses that climate change and environmental degradation threaten poverty reduction and constitute a major challenge for local authorities, as they affect local communities in the first instance; calls on the EU and ACP states and regional bodies to ensure that decentralised units are fully involved in the implementation of the Paris Climate Agreement;
22. Calls on the ACP and EU states to promote the application of the principle of subsidiarity between national and decentralised units, and of equitability as a more effective way to act at local level;
23. Recognises the inappropriateness of a uniform model of decentralisation for all countries, and calls for respect for cultures and traditions and for the inherent inventiveness of people;
24. Stresses the importance of promoting good governance at local level by promoting the principles of accountability, transparency, participation and responsiveness, and by ensuring that the rule of law is upheld and that human rights and fundamental freedoms are respected;
25. Highlights the need for incorporation of ICT into local governance wherever possible, and for undertaking initiatives to promote e-literacy and access to technology and the internet;
26. Recognises the crucial role of local authorities in fighting radicalisation and terrorism; calls on the EU and ACP states and regional bodies to ensure that local authorities can play a central role in promoting integration between communities and preventing radicalisation or other forms of marginalisation; calls for the establishment of a mechanism for the exchange of know-how in this field between EU and ACP states;

27. Underlines the crucial role of local governance in the context of post-conflict reconciliation, as local authorities are the first enabler in re-establishing the presence of the state at local level and responding more effectively to local conditions, and in preventing conflict by managing inter-group tensions, increasing representation and participation and improving service delivery;
28. Stresses the importance of including women, young people and people with disabilities and the most vulnerable people as well as all persons regardless of their cultural and socio-economic backgrounds in the political and administrative decision-making process and enabling their full participation and representation at all levels of governance, especially at the local level; calls for the implementation of gender equality on a parity basis;
29. Insists that decentralisation must be an opportunity to tackle gender inequalities and to increase the representation and visibility of women in decision-making in the political and economic spheres;
30. Considers that decentralisation must enable and facilitate participation in local governance by young people, who must be represented in decision-making;
31. Urges the competent authorities to eliminate any duplication in state administration and to avoid overlapping competences between local and regional government;
32. Stresses the need to strengthen e-administration and channels resulting from new technologies in order to create more transparent administration, thus preventing all forms of malpractice, facilitating access for citizens and ensuring accountability;
33. Calls for enhanced cooperation between ACP and EU states and ACP regional organisations such as the AU, CARICOM and the PIF in establishing and strengthening the capacity of oversight mechanisms over resources devolved to decentralised units to combat corruption and stem wastage; stresses that international cooperation to tackle illicit financial flows should be stepped up to ensure a level playing field in the area of taxation of local and international companies;
34. Stresses the importance of establishing, as part of ACP-EU cooperation, a genuine political dialogue among local authorities that would make it possible to assess current progress, difficulties and prospects for improving the effectiveness of assistance at local level;
35. Instructs its Co-Presidents to forward this resolution to the ACP-EU Council of Ministers, the European Parliament, the European Commission, the African Union, the Organisation for Security and Cooperation in Europe, the regional organisations of the ACP states and the Secretary-General of the United Nations.