
Enhancing governance for sanitation marketing in DRC

Creating an enabling environment for sanitation marketing

Dieuwke Klaver ¹

¹ Centre for Development Innovation, Wageningen University and Research Centre² Institute

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This report is one of the results of the 'Sanitation Marketing in Equateur Province' project in RDC, in which Wageningen UR and Oxfam Great Britain (Oxfam GB) work together. The report's objective is to

- describe the characteristics of different governance arrangements that address sanitation problems in Gemena in terms of actors involved and decision-making process and power;
- assess the strengths and weaknesses of these different governance arrangements in solving collective problems in the field of sanitation, and
- present different policy propositions on how to create more enabling governance arrangements for the sustainable provision of sanitation services.

After having described Governance and a Rights Based Development Approach developed by UNICEF, documents were consulted and interviews held to organise and collect information relevant for these three questions.

Keywords: Governance, Rights Based Approach, Sanitation, RDC

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- Mr Ngondi of La Colombe and Mr Freddy Eyoku of ACOCO and Mr Mouhamed of BUCONG in Gemena.

List of abbreviations and acronyms

ACOCO	Association des Commerçants du Congo
AFD	Agence Française de Développement.
AfDB	African Development Bank,
AT	Administrateur du Territoire or Territory Administrator
BUCONG	Bureau de la Coordination des Organisations Non-Gouvernementales or Coordination Office of Non-Governmental Organisations
BZCS	Bureau Central de Zone de Sante
CAR	Central African Republic
CBO	Community Based Organisations
CDD	Commissaire de District or District Commissariat
CDI	Centre for Development Innovation, Wageningen UR
CLP	Comité Local de Pilotage
CNAEA	Comité National d'Action de l'Eau et de l'Assainissement
DfiD	Department for international Development,
DRC	Democratic Republic of Congo
GIZ	Gesellschaft für Internationale Zusammenarbeit or German Development Organisation
INGO	International Non-Governmental Organisation
KfW	German Development Bank (bundes und lander),
NGO	Non-Governmental Organisation
Oxfam GB	Oxfam Great Britian
OVD	Office de Voirie et de Drainage ; Roads and Drainage Authority
PoNA	Politique Nationale d'Assainissement or National Sanitation Policy
ITPL	Institut Technique Professionnelle LABO
REGIDESO	Régie de Distribution d'Eau or National Water Company
ROSCA	Rotating Savings and Credit Association
SME	Small and Medium-sized Enterprises
UNICEF	United Nations Children's Fund
Wageningen UR	Wageningen University & Research centre
WB	World Bank
WASH	Water, Sanitation and Hygiene

Summary

This report is one of the results of the 'Sanitation Marketing in Equateur Province' project in RDC, in which Wageningen UR and Oxfam Great Britain (OGB) work together. Three chairgroups of the Social Science Group of Wageningen UR are involved in this project to conduct formative research that enables Oxfam GB to further develop and deliver its project objectives for the 2013 – 2015 period and to upscale this approach in the second phase. Wageningen UR's contribution is coordinated by the chairgroup 'Sociology of Consumption and Household Studies'.

The objectives of this report are to:

- describe the characteristics of different governance arrangements that address sanitation problems in Gemena in terms of actors involved and decision-making process and power;
- assess the strengths and weaknesses of these different governance arrangements in solving collective problems in the field of sanitation, and
- present different policy propositions on how to create more enabling governance arrangements for the sustainable provision of sanitation services.

The research approach taken started with the conceptualisation of governance arrangements and capacities needed by these entities. Governance was defined in line with Treib et al (2007) who distinguish three dimensions; policy, politics and policy. Apart from this a governance table developed by NEWGOV (2005) was used to categorise existing governance arrangements in Gemena town. The assessment of capacities was done in line with those defined in the Rights Based Development Approach developed for UNICEF by Johnson (2003).

The prevailing governance arrangements that can be found in Gemena town are the traditional nation state with steering coming from Kinshasa and still no local steering possibilities in place in line with the ongoing decentralisation process; the local steering committee (CLP) put in place by Oxfam GB which is a platform of state and non-state representatives from civil society and the private sector; and non-state initiatives such as the 'comité de base' (CdB) which regroups many women associations, also put in place by Oxfam GB, other rotating savings and credit associations (ROSCAs) of mainly women's groups, and initiatives by private sector associations. Some of these non-state initiatives challenge the performance of state actors whereas others improve conditions at household level.

The strengths and the weaknesses of these governance arrangements are as follows: the current state does not have the necessary capacities to improve the sanitation sector in Gemena town and this will probably not be the case for the next 3 to 4 years; the CLP has the potential to act not only with regards to the sanitation sector but with regards to the general development of the town. However it still requires considerable support from INGOs as Oxfam GB and others to improve its coordination and financial capacities for at least the next 3 years. The non-state initiatives have most potential to improve sanitation at household level and to a limited extent can contribute towards creating an enabling environment for sanitation marketing.

Whilst taking into account these strengths and weaknesses; the opportunity provided in the national sanitation policy to delegate public services to non-state actors such as civil society organisations, cooperatives or Small and Mediate Enterprises (SMEs); the need to create informal employment opportunities in the sanitation sector that are resilient to corruption and annoying practices by civil servants and; the opportunities provided by the decentralisation process to continue the creation of an enabling institutional environment for local development in Gemena town, the following policy propositions are being formulated:

1. Creating formal employment opportunities in the sanitation sector in line with the delegation of public services. This would require the support of lobby and advocacy efforts by Oxfam GB at national level to ensure that the delegation of public services will be confirmed by law and related bylaws. In Gemena Oxfam GB would support the CLP in creating the appropriate business climate

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- for non-state actors and support to Small and Medium Enterprises, Cooperatives of civil society organisations to conclude contracts with the local government;
2. Creating (in)formal employment opportunities that foster the uptake of sanitation products and services at household level. This proposition would search for initiatives where the CdB, ROSCAs and other traditional groups develop business models with SMEs (also female) and other small private sector actors who would benefit from bigger and more regular orders. Basic conditions for such models are mutual trust, transparency and risk reduction for SMEs. Networks as the CdB and the 'Association des Commerçants du Congo' (ACOCO), would coordinate this initiative, both being a member of the CLP;
 3. Creating an enabling environment by the CLP beyond the sanitation sector. In the absence of a performing state, the CLP has become the main convener of actors and has the potential to guide the development process of Gemena town in the coming years. This platform already ensures the horizontal coordination of public services, as well as fosters accountability relations between state and non-state actors which potentially help state actors to become performing. Positioning the CLP to support the ongoing decentralisation process would require a change of its 'statut' to allow the support by other INGOs next to that given by Oxfam GB; a review of its membership in favour of the inclusion of administrations reporting to the local government and council.

Based upon the aforementioned policy propositions for Oxfam GB, Wageningen UR could develop the following formative research agenda:

1. Identify tipping points needed to make civil servants more accountable to their peer citizens and SMEs in town and that reduce their need to collect money to fulfil their obligations with regards to 'opération retour';
2. Identify under what conditions ROSCAs can be turned into development partners that contribute to the uptake of sanitation products and services, without losing key values as trust and transparency;
3. Identify under what conditions the CdB can emerge into a federation of traditional women's associations that will have a strong voice in the future development of Gemena town in the first place, and of Sud-Ubangi province in the second place.
4. Identify business models that create employment opportunities for SMEs, cooperatives and civil society organisations. These business models would either prepare local organisations to conclude contracts with the (local) government that are forced to delegate public sanitation services or create win-win solutions for both households and private sector actors to increase the uptake of sanitation services and products. Issues that need to be addressed are: corruption and 'tracasserie' proof, pro-poor, financially, economically and socially feasible and solving sanitation problems at household level or public level.

1 Introduction

1.1 Assignment

Wageningen UR and Oxfam Great Britain (Oxfam GB) are currently finalising a first 2-year phase of their 'Sanitation Marketing in Equateur Province' project, pursuing the following objectives:

- The generation or enhancement of demand for sanitation products and services by households and communities;
- The development and production of safe sanitation products and services that can be provided through manufacturers, builders and local suppliers; and
- Creating an enabling environment capable of sustaining delivery at scale.

This first phase is being implemented in Gemena, a rural town in Equateur Province in the Democratic Republic of Congo.

Three sections of the Social Science Group of Wageningen UR are involved in this project to conduct formative research that enables Oxfam GB to further develop and deliver the aforementioned project objectives and to upscale this approach in the second phase. Wageningen UR's contribution is coordinated by the section 'Sociology of Consumer and Household Studies'.

Centre for Development Innovation has been requested to formulate policy propositions for creating an enabling environment for sanitation marketing, aiming to strengthen the governance of sanitation marketing: households acquiring sanitation products (latrines and other products) on a commercial basis, rather than on a free of charge basis.

The policy propositions' report should:

- describe the characteristics of different governance arrangements that address sanitation problems in Gemena in terms of actors involved and decision-making process and power;
- assess the strengths and weaknesses of these different governance arrangements in solving collective problems in the field of sanitation, and
- present different policy propositions on how to create more enabling governance arrangements for the sustainable provision of sanitation services.

The report should in particular assess the prospects for organizing or re-organizing governance arrangements to foster sanitation marketing in a sustainable way. Policy propositions should contain both intervention strategies (to be implemented by Oxfam GB) and research topics (to be implemented by WU).

The report has been written upon the basis of available literature and upon the basis of face-to-face consultations with persons involved in the project and based in the Netherlands and skype or telephone conferences with key resource persons in Kinshasa and in Gemena.

1.2 How to read this report

The following chapter presents two main concepts used for this assignment, that of governance and a rights based development approach developed for UNICEF, followed by a brief description of data collection methods and a short reflection with regards to the data collection process. The governance concept is being used in chapter three to describe how governance in the sanitation *should be* according to official policies, laws, rules and regulations and *how it actually is* in Gemena town: In practice three governance arrangements are operating in Gemena town, whose capacities are being assessed in chapter 4. Chapter 5, after having linked the prevailing sanitation market to governance arrangements, formulates policy propositions for Oxfam GB's project and for Wageningen UR. Chapter 6 describes the answers to each of the three questions addressed in this assignment.

2 Concepts and data collection method

This chapter presents the research approach taken for this assignment. The following paragraph describes two concepts used (governance and rights based approach) to guide data collection, followed by a paragraph on data collection methods used and a brief reflection on how data collection worked in practice (in paragraph 2.3)

2.1 Concepts used

A number of concepts and frameworks are being used to guide data collection through document review and interviews. These are Governance and a Rights Based Development Approach developed by UNICEF.

Whereas the governance concept will be helpful to describe the characteristics of governance modes in place in Gemena, the rights based development approach will be helpful in assessing the capacities of each of these arrangements.

2.1.1 Governance

In line with Treib et al (2007), governance is defined as 'societal steering and the coordination of interdependent actors' (groups). Governance also refers to the relationship between state interventions on the one hand and societal autonomy on the other hand. They distinguish three dimensions of governance:

1. A **Policy** dimension that comprises policy instruments that the state uses to steer society at large including the flexibility with which rules and regulations are being implemented. NEWGOV (2005) makes a distinction between hierarchical and non-hierarchical coordination or steering as the two main governance processes: Two forms of non-hierarchical steering exist, one based upon appropriate sanctions, incentives and bargaining processes, and the other based upon social learning processes that in the long run change (in)formal rules and norms;
2. A **Politics** dimension that refers to the extent of which other actors take part in decision making and policy formulation. Treib et al (2007) and NEWGOV (2005) make a distinction between *public sector* or *state actors* and *private sector* or *non-state actors*, comprising civil society organisations, community based organisations (CBOs) and NGOs as well as cooperatives, firms and enterprises. To prevent any misinterpretation we will use the term non-state actor in the remainder of this report;
3. A **Polity** dimension that refers to the rules of the game that shape decision-making processes: 1) Decision-making processes can follow hierarchical procedures or non-hierarchical but more network based processes: 2) Decision-making can be orchestrated at one place of central authority or at different places: 3) Decision-making processes can follow official procedures or take place through informal rules of the game.

Treib et al's policy and politics dimensions were inspired by the NEWGOV (2005) that makes a distinction between governance *structures* in terms of actors being involved in decision-making and governance *processes* with regards to steering mechanisms. The following table presents different constellations of actors being involved in policy formulation and decision-making.

Table 1

Modes of governance

	Governance structures, actors involved			
		Public actors only	Public and non-state actors ¹	Non-state actors only
Governance processes, steering modes	Hierarchical/vertical Coercion Hierarchical imposition Majority decisions	Traditional nation state Independent regulatory agencies		
	Non-hierarchical/horizontal Positive and negative incentives Bargaining	Intergovernmental bargaining	Tripartite bargaining systems Delegation of public functions to non-state actors	Self-regulation by non-state actors: Private interest /private regimes
	Non-hierarchical/horizontal Non-manipulative Persuasion Learning and arguing	Institutional problem-solving across levels	State – non state platforms (informal) Partnerships (formal)	Non-state – non-state partnerships (NGOs, companies)

Source: adapted from NEWGOV (2005) and Treib et al (2007)

2.1.2 Rights Based Development Approach

Johnson (2003) developed a Human Rights Approach to Development Programming for UNICEF that provides guidance with regards to the assessment of the capacities of governance arrangements in place in the sanitation sector in Gemena.

This Rights Based Development Approach aims to strengthen accountability relations between duty bearers and right holders. It also acknowledges that all actors in society play both roles, depending on the issue at hand. A main assumption in this approach is that empowering right holders in order to claim their rights on the one hand and strengthening the capacities of duty bearers on the other hand will help to create a society where basic human rights are being respected. Principles that underpin this approach consist of

- Ensuring participatory development processes;
- Strengthen accountability relations;
- Prevent discrimination taking place;
- Ensure transparency (in outcomes and processes);
- Strengthen human dignity;
- Empower actors involved to claim their rights; and
- Work towards ensuring rule of law.

Johnson's approach encompasses a number of steps to assess the capacities of both right holders to claim their rights and duty bearers to fulfil their responsibilities, and then formulate strategies to strengthen these capacities of both actors. He identifies the following capacities that duty bearers should avail of, which are:

1. Capacity to take leadership and responsibility to act. This refers to the intrinsic motivation, norms and values that a duty-bearer has to act and to contribute towards development objectives;
2. Capacity to use authority: This refers to the nature of authority that a duty-bearer avails of in terms of legality and legitimacy to act. It also assesses accountability relations, including possibilities to sanction;
3. Capacity to mobilise or avail of resources: The availability of human resources, financial/in kind resources and organisational capacity to act, influences upon the extent to which duty-bearers have the means to act;

¹ Private actors refers to non-state actors, both civil society organisations or NGOs and companies, firms, enterprises

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4. capacity to make informed decisions and learn from experience: This refers to the capacity of duty bearers to provide guidance to development processes based upon reflection and learning from experiences; and
 5. capacity to communicate: This refers to duty-bearers' capacity to access information, and ; to process, access and apply information.

2.2 Data collection methods

For this assignment the following data collection methods were used:

- Policy documents that describe DRC's policies and laws with regards to the decentralisation process and the national sanitation policy;
- Project documents;
- Reports produced by researchers and students of Wageningen University and where possible the minutes of interviews made by these persons; and
- Publicly available documents that address informal decision-making processes (to a limited extent).

Eight interviews (see appendix 1) were conducted by skype or telephone. Interviewees were selected based upon the extent to which they were considered to be knowledgeable about governance in Gemena town, covering both formal and informal decision making mechanisms. One person was interviewed twice. Respondents represent, Oxfam GB project staff in Gemena, researchers from Wageningen University, members of the CLP and at the same time representing other organisations. No government staff was interviewed because an attempt to interview the 'chef de la cité' failed and because other government staff was expected not to contribute that much to providing new information.

2.3 What worked and what did not so work with regards to methodology

What did not work

Some interviews were heavily biased with the respondent positioning the interviewer as a representative of the donor organisation and hence capable of mobilising financial resources. This was the case with two interviews (Bureau de la Coordination des Organisations Non-Gouvernementales - BUCONG and Association des Commerçants du Congo - ACOCO).

The facilitator of the CLP was interviewed twice, but due to bad telephone connections, it was not possible to obtain clear information about the capacities of the Comité de Base.

What worked

Interviews conducted by Baudewijns during her stay in Gemena provided a wealth of information on informal initiatives and relation patterns that I experienced in other localities in DRC.

3 Governance arrangements in the sanitation sector in Gemena

This chapter describes how sanitation governance *should* take place in a town like Gemena, based upon existing policies, laws, rules and regulations and compares this with *how it actually is*. With this analysis it answers the first question in the assignment; describing the characteristics of different governance arrangements that address sanitation problems in Gemena in terms of actors involved and decision-making and power.

The three governance dimensions defined by Treib et al (2007) and NEWGOV's governance modes provide the framework for comparison in this chapter.

3.1 Sanitation governance in Gemena, how it should be

The ongoing decentralisation process and related policies as well as the national sanitation policy are most relevant in shaping what sanitation governance modes *should look like*.

3.1.1 Policies

The *decentralisation policy* foresees that DRC will have local governments at the current administrative 'secteur' and 'chefferie' levels in rural areas and at the 'ville' and 'commune' level in urban areas (constitution, 2006). Significant steps towards realising this decentralisation process are the 2008 'loi organique' and the creation of 26 provinces in 2015. With the creation of the new Sud-Ubangi province in 2015, Gemena's administrative status has changed from being a 'cité' to becoming a 'ville' with 4 'communes'. Both town and communes will obtain a legal personality, have an elected council, have the possibility to put in place their own administration, draft their own development and financial plans and formulate their fiscal policies. They will autonomously manage their economic, human, financial and technical resources in line with responsibilities devolved to them (Loi organique n° 08/016).

Local elections have been planned since 2009 and are now likely being postponed until the installation of the new provincial governments and parliaments in 2016 (Radio Okapi, June 2015), after. No information is available with regards to the creation of the 4 communes in Gemena town and until to date it is not clear which decision-making powers will be devolved to local governments, but health, including the hygiene and sanitation service, education, agriculture and rural development and public service (fonction public) are being mentioned (Agence Congolaise de Presse, August 2015).

Administrative services at territorial level will become deconcentrated services and on that behalf can provide technical assistance to local governments and supervise their respect of national and provincial rules and regulations.

In November 2013, the *National Sanitation Policy* was published, which until to date has not passed the national parliament as a national law with relevant bylaws. It covers the management of wastewater and solid waste, rain water, water protection, special or hazardous waste and the control of vectors (for infection).

Important implementation principles consist of: introducing market oriented approaches where consumers and polluters pay; increasing transparency in the sector; assessing risks for health and environmental issues and; implementing participatory processes that take into account equity issues.

Two other national programmes are worthwhile mentioning here, because they impact upon the prevailing situation in Gemena:

- The 2011-2015 national sanitation development plan of the Ministry of Health, ensuring public service delivery for the WASH sector, is implemented by the Office of the Health Zone at local level, a deconcentrated entity;
- The 'Ecole et Village Assaini' program of the Ministry of Health, which applies a community welfare approach to sanitation and drinking water, rather than a market based approach. Originally meant for rural areas, some interventions took place in Gemena town. This programme is being financed by UNICEF and co-implemented with NGOs.

Both plans do not adhere to the market and client oriented approach developed in the National Sanitation Policy.

3.1.2 Politics

The *decentralisation process* possibly creates room for local (and provincial) governments to bargain for more effective laws and bylaws that respond to citizens interests. At the same time local governments and their administrations will increasingly be held accountable by citizens through local elections and through social accountability relations created between civil society and the local administration. In line with table 1, the decentralisation process would orient the prevailing governance mode of a traditional nation state with hierarchical steering into that of intergovernmental bargaining, with a non-hierarchical steering mode which would increase the countervailing power of both provincial and local governments.

The *national sanitation policy* clarifies the roles and responsibilities to be played by different actors: 1) National and provincial governments and elected bodies are most importantly in charge of further developing the regulatory framework; ensuring that public services are properly functioning and controlling if regulations are implemented in line with prescriptions and; creating an enabling environment for non-state actors to engage in the sanitation sector. 2) Local governments like Gemena will also perform similar activities but at a more practical level: they will be responsible for the creation of state – non state partnerships. Local governments are not allowed to run their public sanitation services, such as the roads and drainage authority; hygiene services; sanitation brigades. Instead these should be privatised and managed by 3) companies or 4) civil society organisations. 5) Users of sanitation services will, through their democratically elected representatives at ETD level, influence local strategic sanitation plans; local tax regimes and the selection of local operators in the sanitation sector. In line with table 1, the governance mode most likely to represent this new situation is that of the state delegating public functions to non- state actors.

3.1.3 Polity

According to the official rules of the game with regards to the decentralisation process, the Ministry of Decentralisation and 'Affaires Coutumières'², the provincial assemblies and governments, and the local government bodies are the main actors in charge of further developing the decentralisation framework. Apart from these actors a National Advisory Committee is in charge of monitoring the implementation process and providing technical support and; an inter-ministerial commission in charge of territorial reforms and the coordinating body of Official Development Assistance (ODA) partners have their roles to play in the effective implementation of the decentralisation framework.

The water and sanitation sector is coordinated by the National Committee for Water and Sanitation (CNAEA), chaired by the Ministry of Planning with members representing amongst others the Ministry of Environment, Conservation and Tourism and the Ministry of Health. Recently similar provincial committees have been formed. No further information about the performance of these committees is available.

² In December 2014, the 'Ministère de l'Intérieur, Sécurité, Décentralisation et Affaires Coutumières' was divided into a 'Ministère de l'Intérieur et de Sécurité' and a Ministère de la Décentralisation et Affaires Coutumières'. This was a follow-up of the creation of a new government for national cohesion, that incorporated major opponents into the government amongst which the political party of Jean-Pierre Bemba

With regards to the national sanitation policy, the Ministry of Environment, Conservation and Tourism is guiding the implementation of six of the nine objectives: the CNAEA and the Ministry of Gender are guiding the three remaining objectives.

On behalf of the same CNAEA, the Ministry of Health coordinates the implementation of the 2011-2015 national sanitation development plan and the UNICEF financed 'Ecole et Village Assaini'.

3.2 Governance in the sanitation sector, how it actually is.

3.2.1 Policies

As of July 2015, both the province and Gemena town are entitled to draft their own general development policy and strategy including that of sanitation. The 'chef du secteur' of Banga Kungu replaced the 'chef de la cite' and is in charge of supporting Gemena 'cité' to become a town with an elected council. At the same time the territorial administration in Gemena was closed and the district commissioner has been replaced by two special commissioners, charged with the installation of the provincial government.

No traces have been found of provincial policies drafted by the former Equateur government in Mbandaka and it is too early for the new province and Gemena town to have their own policies, rules and regulations. Also the national sanitation policy, not yet published as national law, has not been adjusted by the Equateur provincial government. The Sanitation Marketing project was the first to distribute the new sanitation policy and to inform local actors, including the deconcentrated public services about this policy initiative.

In practice these services and former political authorities refer to sanitation policies in place in Mobutu Sese Seko's time (until 1997), based upon control and sanctions (punishment or arrest): Citizens had to build latrines, ensure they were maintained, and organise the construction of new latrines when the previous one was full. Instead of the hygiene service whose controls are rare, the former 'chef de la cité and the thirteen 'chefs de quartier' state that they continue supervising the sanitation situation at household level, occasionally using the possibility to sanction (Interviews conducted by Baudewijns, 2015; information obtained by Galli, 2015).

3.2.2 Politics

With regards to the politics dimension, several governance modes have been identified which, in line with table 1, are:

- The traditional nation state with hierarchical steering processes;
- State – non state actor platforms with non-hierarchical steering processes (aiming at both bargaining – lobbying and social learning);
- Informal non state - non-state actor partnerships and self-regulation, referring to initiatives undertaken by non-state actors and based upon non-hierarchical steering, aiming at both lobbying and social learning.

Traditional nation state governance mode with hierarchical steering process

Before July 2015, the political authorities followed up orders coming from central government level, communicated through the provincial governor, the district commissioner, the territorial authority, the 'chef de la cite', 'chefs de quartiers' and finally 'chefs de rue'.

Similar vertical accountability relations are in place for each of the sector ministries. Some public services present in Gemena and relevant for sanitation are: social affairs; urbanism and habitat; gender, family and children; hygiene; education; roads and drainage authority and; health. These services mainly exist on paper and they do not deliver services: Instead civil agents circulate in town to collect 'fines' or 'taxes' that most often not enter into the national treasury. They only become operational when orders are being received from their respective ministries in Kinshasa or when they implement national programmes. An example given is that the hygiene and sanitation service of the Ministry of Health had to take action to control the 2014 ebola crisis (interview). Another example is

the office of the health zone that is involved in the 'Ecole et Village Assaini' programme and the environmental service (Baudewijns, 2015).

The political authorities present at each administrative level are supposed to ensure the horizontal coordination and inter-departmental accountability relations, but these mechanisms are weak or absent (Baudewijns, 2015).

In practice horizontal coordination has been taken over by non-state actors such as the Local Steering Committee put in place by Oxfam GB (CLP) and the WASH cluster (see below).

Interviews by Baudewijns (in 2014) and Galli (2015) highlight that local political authorities (chef de la cite, chefs de quartiers and chefs de rue), apart from identifying and communicating problems to a higher administrative level (that however remain unsolved), have been or still are involved in awareness raising and supervisory activities with regards to hygiene and sanitation. Initiatives are first discussed with higher administrative levels. This despite the fact that these, like many civil servants do not receive their salaries on a regular basis, they continue positioning themselves as a civil servant.

Informal state-non state actor platforms with non-hierarchical steering processes

Gemena has at least two state – non state actor platforms, one being the WASH cluster and the other the local steering committee (CLP) put in place by Oxfam GB. The CLP has two divisions, the first one being a state – non state actor network (CLP) and the second one, called Comité de Base (CdB), being a non-state civil society initiative. Both divisions each have their own facilitator and the facilitator of the CdB is also a CLP member to ensure a smooth communication between both divisions. The CLP will be described here and the CdB will be described in the section below.

The *WASH cluster* is a remnant of the humanitarian crises and coordinates humanitarian interventions of International Non-Governmental Organisations (INGOs) and their local partners. Public services and local authorities also take part in these meetings, but are hardly functioning (interview; Baudewijns, 2015). Most humanitarian INGOs are currently moving to the Eastern DRC, leaving their local partners behind (Galli, 2015). The cluster is currently coordinating interventions in line with the 'Ecole et Village Assaini' program, mainly in the rural areas. After discussions between Oxfam GB and INGOs in the WASH cluster, it was concluded that the 'Ecole et Village Assaini' program will not be implemented in Gemena town.

The CLP is a legal entity that supports the implementation of the sanitation marketing project in Gemena town. Its specific objectives range from participating in the project cycle of the project to implementing specific project strategies such as publicity and marketing; maintaining relations with consumers and establishing supervision structures for hygiene; possibly developing a certification system for sanitation products and services, and; developing lobby and advocacy to create an enabling business environment. The CLP counts a very diverse range of members, including public services, the coordination office of NGOs (BUCONG), entrepreneurs and traders (Association des Commerçants du Congo-ACOCO), religious congregations, media, women organisations and users of sanitation products. Many 'chefs du bureau' and the 'chefs du quartiers' are actively involved in the Oxfam GB project through attending CLP meetings (Galli, 2015).

Whereas the WASH cluster operates as a coordinating body, the CLP also formulates concrete actions to be taken by its members, as can be seen in the 'cahier de charges' developed by the CLP in September 2015.

Informal non state - non-state actor partnerships and self-regulation with non-hierarchical steering processes

Private initiatives are being taken by non-state actors, such as Community Based Organisations (CBOs), local NGOs and entrepreneurs. In Gemena town these consist of either taking collaborative actions with regards to hygiene and sanitation at household level or in the public space, or addressing issues that relate to state actors not being accountable to their citizens. Examples of sanitation initiatives at household level or in the public space are:

- The CdB that regroups female associations, both formal and informal and is currently putting in place savings systems to finance the construction of latrines for its members;
- The Mennonite Evangelist Community (MEC) that organises its constituents into groups of four (households) to help each other in digging new pits. This association functions as a traditional

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- rotating saving and credit association (ROSCA) where each household will get labour support from the others against compensation in kind (interviews by Baudewijns)³;
- Similarly many traditional women groups are ROSCAs that include the most poor, such as widows. However, money mobilised through these systems is being spent in line with household's most urgent needs, generally not sanitation products or services;
 - ACOCO reports an initiative to clean public spaces in town: street children were organised to carry out the work whilst the association took care of them;
 - Examples of non-state actor initiatives addressing the state are the following:
 - ACOCO wrote a letter to the Prime Minister, to ask for a clarification of taxes and levies to be paid and informing the Prime Minister about the non-respect of existing rules and regulations with regards to taxation in Gemena, resulting in the central government sending official letters to local authorities with copies sent to ACOCO (Interviews by Baudewijns);
 - Galli (2015) describes more recent actions undertaken by ACOCO in not obeying the local authorities' call to take part in Salongo activities⁴ that do not provide positive returns for Gemena's citizens. ACOCO has 147 members, ranging from formal shop owners to informal street vendors and small or nearly subsistence entrepreneurs;
 - The actual facilitator of the CLP prepared all the necessary paperwork for a number of women to obtain official birth certificates for their children. She refused to pay for services not delivered by the local authorities in charge of this paperwork (interview by Baudewijns).

3.2.3 Polity

The actual decentralisation framework is to be interpreted as the (intermediate) outcome of (informal) negotiation processes between different interest groups. A first manifestation of interest groups competing over decision-making power on their own territories are the provinces, organised in 'the conference des gouverneurs', vs the national government. A second manifestation is that although provinces have their own governments and assemblies, they have to work with an administration that is accountable to its ministry in Kinshasa. Some provinces have however started to put in place their own administration. A third manifestation is that traditional chiefs have obtained a legal status and position in the management of local resources and hence still play a dominant role in local governance processes based upon democratic principles (Loi N° 15/015). A fourth manifestation is the overall presence of the state through its deconcentrated services, that will even be present at local government levels: The national sanitation policy also leaves enough room for interpretation with regards to the role of deconcentrated services who are said to be in charge of the organisation of the waste management system, whereas the same policy giving clear directions for the delegation of public services to non-state actors. In reaction to the national sanitation policy which is mainly coordinated by the Ministry of Environment, Conservation and Tourism, the Ministry of Health also wrote its National Hygiene policy that according to an informant of Galli is to be interpreted as an attempt of the Health ministry to retain its power in the sanitation domain (Le Congolais, August 2013).

Apart from how decision-making processes shape national and local policies, the behaviour of civil servants and political authorities is to be further explained in the light of concepts as 'predatory state' (Bavister-Gould, 2011) and 'elite-capture'. In Gemena town (like elsewhere in the country), civil servants have to earn their own salary, and to send money to persons higher in the hierarchy (until reaching Kinshasa) to maintain their job or to obtain a better position. This can be done by collecting 'fines', 'taxes', 'tracasseries' (annoying practices), part of the salary or other incomes generated through economic activities. These practices are called 'opération retour' (Galli, 2015), or 'le système pyramidale'⁵ or 'envoyer les rapports'.

³ The first problem is that most of the people do not have a latrine because they are renting a house. The second problem is they can find the sand is containing the stones so it is impossible to dig a latrine. The third one is the swamp, because there is a swamp area so it is impossible because when you try to dig you just meet water.

⁴ Salongo is the performance of obligatory civic work or the mobilisation of people to carry out public works without remuneration.

⁵ Information obtained during several missions and assignments in DRC.

The following reactions of local authorities towards non-state actor initiatives are most likely to be explained as a manifestation of ‘operation retour’ at local level. ACOCO’s initiative with street children cleaning public spaces; the actual facilitator of the CLP, preparing all the paperwork for members to obtain birth certificates for their new born children (interview by Baudewijns) and; the Red Cross experience with the construction and maintenance of a public toilet at the central market place (Galli, 2015) all inspired civil servants to ask for money for so-called services they were not delivering or to capture whatever material benefits were delivered by non-state parties such as (international) NGOs.

It is most probably that this hierarchical system in place, with sanctioning power through informal institutions, explains how decisions over new policies, laws and regulations are made both at local and national level in Kinshasa, aiming to keep control over natural and financial resources throughout the country. Further research is however needed to sustain this assumption.

3.3 Concluding about prevailing governance arrangements

The previous two paragraphs described what sanitation governance in Gemena town *should look like* and *how it actually is*. Generally speaking there is a big gap between formal governance arrangements as they exist on paper and informal governance arrangements as they exist in practice in Gemena town. The most important gaps are:

With regards to the *policy dimension*, we observe that

- The implementation of the decentralisation framework is very slow and that the formal installation of the Gemena town and provincial government and elected bodies will at least take some 3 to 4 years. It provides opportunities for local governments to draft their own development plans, mobilise their own resources, provide better services, as well as creating improved accountability relations between citizens and local governments;
- The national sanitation policy has not been enforced by law and has not been made operational at different administrative levels. It provides formal employment opportunities for non-state actors through the delegation of state services;
- Generally speaking, civil servants in Gemena are not informed about national laws and policies, nor have the necessary instructions on how to implement these. They rely upon former policies and rules and regulations.

The following table shows the mismatch of the *politics dimensions*, of what they *ought to be* and what they are *in practice*.

Table 2
Modes of governance: what should be and how it is in practice

	Governance structures, actors involved			
		Public actors only	Public and non-state actors ⁶	Non-state actors only
Governance processes, steering modes	Hierarchical/vertical Coercion Hierarchical imposition Majority decisions	<i>How it actually is:</i> Hierarchical relations		
	Non-hierarchical/horizontal Positive and negative incentives Bargaining	<i>How it should be:</i> Bargaining between local, provincial and national governments	<i>How it should be:</i> Delegation of public services to non-state actors (PoNA)	<i>How it actually is:</i> ACOCO, ROSCAs
	Non-hierarchical/horizontal Non-manipulative Persuasion Learning and arguing		<i>How it actually is:</i> CLP and WASH cluster	<i>How it actually is:</i> CdB

⁶ Private actors refers to non-state actors, both civil society organisations or NGOs and companies, firms, enterprises

With regards to the *polity dimension* we observe that formal interdepartmental decision-making bodies being present at national and occasionally at provincial but absent at local level or not operational. In practice, informal institutions such as 'operation retour' reinforce the traditional nation state and maintain decision –making power in Kinshasa where different interest groups negotiate the outcomes of political decisions and reinforce RDC's nature of being a predatory state.

4 Strengths and weaknesses of existing governance arrangements

This chapter assesses the capacities of the three prevailing governance arrangements identified in the previous chapter, excluding however the WASH cluster which is mostly operational outside Gemena. These governance modes are:

- The traditional nation state with hierarchical steering processes;
- Informal state-non state actor platforms with non-hierarchical steering processes, referring in particular to the CLP;
- Informal non state – non state actor partnerships and self-regulation, referring to initiatives undertaken by the CdB, other women's organisations and local entrepreneurs and manufacturers organised in ACOCO.

These governance modes are entities that have (taken) responsibilities with regards to sanitation; they are duty bearers accountable to citizens, households and to a wider civil society, all right holders.

This chapter answers the second question of this assignment: assess the strengths and weaknesses of the identified governance arrangements in solving collective problems in the field of sanitation. Chapter 2 presented five different types of capacities needed to become performant as a duty bearer: these five capacities are being used in this chapter.

4.1 Capacity of the traditional nation state

Capacity to take responsibility and leadership based upon internalised motivation

Although respondents are convinced that local authorities and public services should have this motivation to act in line with their responsibilities, they conclude that this is not the case. Rather than operating in the public interest, public agents are pursuing their own interest, as evidenced by the following:

- Corruption and annoying practices in all kinds of forms (interviews Baudewijns; Galli, 2015);
- Participating in projects and meetings where they can obtain allowances (Baudewijns, 2015; Galli, 2015): at the launch workshop of the sanitation marketing project the district commissioner left early when he observed that Oxfam GB would not spend money for the public sector and: a 'chef de quartier' commends World Vision for providing a good compensation when attending meetings. (interviews by Baudewijns, 2015).

An assumption that requires further research (see chapter 5) is that the extent to which 'chefs de quartier' and 'chefs de rue' are capable of taking leadership is slightly better than those civil agents working at 'cité', territorial and provincial level. These chefs state that they are taking responsibility in the sanitation sector, however no practical evidence for this is available (Baudewijns, 2015; Galli, 2015). Probably they are better connected to Gemena's citizens because they live amidst them and identify themselves as part of the population. The September 2015 CLP meeting that resulted in the drafting of a cahier de charges also mentions that 'chefs de quartier' do face problems with their hierarchy who do not react to concerns raised by households/citizens and forwarded by these 'chefs de quartier'.

Capacity to use authority

The ongoing decentralisation process creates an institutional void that will probably last for the coming 3 to 4 years⁷: A new Sud-Ubangi government and assembly have to be installed before the Gemena mayor and council will become operational.

Until recently the hygiene and sanitation service (of the former Equator province and national level), together with other services relevant in the sanitation sector still had the *legal* authority to act, and used punishment and sanctions to enforce it; their current position is however unknown. More importantly Baudewijns (2015) researched the relations of trust and reciprocity that exist between different actors and concludes that:

- Local political authorities do not trust the civil servants with whom they are working;
- National government actors are not trusted by their colleagues at provincial, district and lower levels;
- There is no trust between civil society actors and those of the public sector. Where possible, non-state actors try to decrease the involvement of state actors who are being perceived as obstacles to development;
- Trust and reciprocity relations between non-state actors are stronger than those with state actors.

Apart from this, at least one respondent of Baudewijns felt very insecure in his relation with the public sector, implying that becoming too vocal in claiming good public services and an enabling environment may induce human rights violations committed by civil servants.

The public services and local authorities may have (had) the legal authority to act, but civil society and other non-state actors do not consider them to be the legitimate actors to intervene in the sanitation sector (and other sectors) in Gemena. A number of mainly non-state respondents refer to Mobutu Sese Seko's time, when the public sector availed of more legitimate and legal authority to intervene with clear sanctioning power (interviews by Baudewijns).

Possibly the most powerful relation between public sector agents at different administrative levels is that of 'operation retour' which does not have anything to do with service delivery.

Resources

Like many agents in the public services, most local authorities and their adjuncts and secretaries are unpaid and have served for many years. 86 % of all civil servants in DRC are actually eligible for retiring but there are no appropriate policies, laws and financial mechanisms in place to rejuvenate the public sector (Radio Okapi, October 2015).

The public service representatives in the CLP lack trained staff and do not know their roles and responsibilities in line with the national sanitation policy. Financial transfers from central to provincial and local governments are often not happening as planned, including the payment of salaries and office supplies. This 'retrocession' is being heavily debated since the 2006 constitution was adopted but until so far no political solutions have been accepted to settle conflicts.

Local authorities lack the capacity to horizontally coordinate development interventions as mentioned above.

Capacity to make informed decisions and to learn from results

Apart from state actors not having the resources, the authority and the intrinsic motivation to steer local development in Gemena, their vertical governance mode does not enable them to draw lessons and to take action in the sanitation sector. This governance mode until so far is only used to aggregate information from lower levels and send it to higher administrative levels, without however solving local problems. In this system, local problems are supposed to be solved in Kinshasa and then trickle down through the administration, which may only happens in situations of crisis, such as was the case with the ebola outbreak in 2014 (interview). No examples have been found for the sanitation sector in Gemena town.

⁷ Elections for the local government of Gemena will possibly take place in 2017 and before the local government will be in place, including a town administration some more years may be needed.

Capacity to communicate

Within the hierarchical governance mode, the capacity to communicate is rather limited and consists mainly of assembling information and sending it to higher levels and vice versa. An obvious example is the national sanitation policy not being disseminated through these communication channels but through Oxfam GB (Galli, 2015). The missing horizontal coordination amongst public sector actors leaves very limited opportunities to share and learn from each other's experiences.

4.2 Capacity of the CLP

Capacity to take responsibility and leadership based upon internalised motivation

In December 2014 both divisions of the CLP declared that they are committed, available and willing to intervene in the sanitation sector. Apart from this they have decision-making power in the organisations that they represent (Oxfam GB, December 2014).

In practice however, the CLP is not meeting regularly and until so far has not been very operational. The committee is very dependent upon Oxfam GB to convene meetings. Apart from this the ongoing decentralisation process in Gemena town and Sud-Ubangi province would require many membership changes in the coming three to four years to include those civil agents with a mandate in Gemena town.

Both Oxfam GB staff and WUR researchers observe that the CLP *has the potential* to take responsibility and leadership in the sanitation sector, because non-state actors will stimulate state actors to create an enabling environment for sanitation marketing. The CLP has been indicated as the current driver for such larger changes by respondents, *although the state should take this responsibility* (interviews).

Capacity to use authority

The CLP represents all opinion leaders of Gemena town and in this respect is capable of introducing changes in the sanitation sector. It avails of the legal authority, being officially registered, as well as the legitimate authority, exercised by leaders from local NGOs, private sector organisations and (in)formal CBOs to act. The representation of state actors with the necessary legal authority to act is however questionable given the transition of Gemena into a provincial capital and town.

The CLP offers a platform to exercise authority, because actors can hold each other accountable. A first sign of these increased accountability relations is the 'cahier de charge' that clearly assigns roles and responsibilities to each actor.

Apart from these accountability relations within the CLP, some non-state actor groups and CLP members already have shown to be able to hold local authorities and services accountable. Organising all these courageous actors under the umbrella of the CLP will increase their protection against human rights atrocities committed by opponents. The CLP convenes all these different capacities to use authority in the sanitation sector.

Resources

Non-state actors, more than those representing the state, have the necessary intellectual capacity to take leadership in the CLP and in the sanitation sector in Gemena town. The CLP however lacks the financial and material resources to become more effective. Participation of members in CLP meetings will possibly depend upon their opportunity costs to obtain money with other activities.

The CLP currently misses the organisational capacity to convene meetings and to introduce change, although its performance has increased considerably since it met in September 2015: It then made an inventory of problems, based upon which a plan of action was formulated with clear responsibilities assignment to each member.

Both financial and organisational support from Oxfam GB will be needed in the coming period, as well as reflections to make the CLP financially self-supporting (interviews).

Capacity to make informed decisions and to learn from results

The CLP still requires considerable support from Oxfam GB and only recently started to become more operational. It is too early to assess the extent to which the CLP is capable of making informed decisions (interviews).

Capacity to communicate

The CdB and the membership of the 'chefs de quartier' and the 'chef de secteur' allows the CLP to reach out to households in Gemena town. It also allows for the improvement of horizontal communication lines amongst state actors as well as establishing vertical communication lines between the 'chefs de quartier' and the 'chef de secteur of Banga-Kungu', in charge of the installation of the Gemena local government. Apart from this, communication between non-state actors and state actors is being improved which helps to clarify the roles and responsibilities of each actor in the sanitation sector.

4.3 Capacity of non state - non state partnerships and self-regulation

Although the non-state actor initiatives described in 3.2.2. are very diverse in nature, we will briefly assess their capacities as a duty bearer all together.

Capacity to take responsibility and leadership based upon internalised motivation

All these initiatives show that their leaders avail of an internalised motivation and leadership capacity to undertake actions beyond their own interest. Those sanitation initiatives at household level have a positive impact upon households, but only reach out to a small number. An exception is the CdB which has the potential to reach out to an important number of households. Those initiatives that address the state, such as ACOCO refusing to take part in the Salongo, to redress the situation with regards to taxes to be paid and the leader of a women's association refusing to pay for the obtention of birth certificates that she prepared instead of civil servants focus on the creation of an enabling environment and sometimes directly challenge local and provincial authorities.

Capacity to use authority

Leaders all act on behalf of their constituencies and therefore avail of the legitimate authority to take action. Some organisations also have obtained a legal status and therefore increased their powerbase to take part in more formal decision-making processes in Gemena.

Another factor that adds to the creation of authority consists of the constituents these leaders represent: the more members, the more political power leaders can exert at decreasing human rights risks and uncertainty.

Resources

Non- state actor initiatives are financed through contributions made by members in cash or in kind to undertake activities, not to compensate time invested by people. Most of these initiatives copy the norms, procedures and values of already existing organisations. This is in particular the case with the ROSCS of many women's associations and activities undertaken to jointly clean public spaces. Mutual trust and tradition are core drivers behind these initiatives. Those initiatives that challenge the behaviour of state actors require more advanced leadership skills.

The mobilisation of resources for improved hygiene and sanitation at household level is however not obvious: The traditional ROSCAs mobilise resources at household level but these are not automatically allocated for sanitation.

Also the supply side of sanitation products and services by small and medium entrepreneurs is not coordinated into a sanitation value chain: weak market demand; many entrepreneurs still operating in a survival mode, and a few importing latrines, and; the predatory environment created by public sector actors, are hampering any coordination in the sector. Most actors prefer to work 'under the radar' than 'in the spotlights' of the predatory state (interview).

Capacity to make informed decisions and to learn from results

Lack of trust between different categories of actors (Baudewijns, 2014), high levels of uncertainty and a non-functioning court systems (Aalbers, 2014), fear to become the victim of human right atrocities committed by state actors (interview Baudewijns) possibly are the most important factors that influence the capacity to make informed decisions. Some association (such as ACOCO and the one searching official birth certificates) challenge these factors, take risks and learn from results, whereas

the more traditional associations operate according to existing rules, norms and values which are hardly being challenged.

Capacity to communicate

Some associations have leaders who actively search access to information to be used for further action. The second chamber of the CLP, ACOCO and the female leader who organised the delivery of formal birth certificates are examples of this. Depending upon the available financial resources, these organisations also use the local radio stations to broadcast their ideas.

Communication within the traditional associations will most likely depend upon the regularity of meetings and attendance.

4.4 Concluding on capacities of duty bearers

The following table summarises the capacities of different duty bearers to play their respective roles in the sanitation sector.

Table 3

Capacities of duty bearers/governance modes to act

Capacities	State	CLP	Private-private initiatives, including CdB
Take responsibility and leadership	No, civil servants pursue their personal interests; what about 'chefs de quartier' and 'chefs de rue'?	Has potential for creating an enabling environment at town level	Yes, both initiatives at household level and public space as well as those challenging the performance of the state
Use authority	No, legal and legitimate authority not accepted;	Yes both legal and legitimate	Yes, legitimate
Resources (human, financial/economic and organisational)	No	Human resources yes; financial and organisational resources no.	Have potential, some human resources, and most economic resources in kind.
Make informed decisions and to learn from results	No, only vertical information circulation and not horizontal	Has potential, because horizontal coordination mechanism	Has potential
Capacity to communicate	No	Has potential	Has potential

Generally speaking, the state as a duty bearer does not have the capacity to act and improve the sanitation sector in Gemena town. It will take some 3 to 4 years before local government of Gemena town can be hold accountable for the sanitation situation without however having the insurance that they will be able to act.

The CLP has the potential to act not only with regards to the entire sanitation sector but with the general institutional (non-enabling) environment that hampers the private sector to become productive. However the contribution of state actors is not convincing, given the general performance of the state and the institutional void created by the decentralisation process. Apart from this the CLP still lacks the organisational capacity and financial resources to become a performing governance arrangement.

The initiatives by non-state actors, although often at a limited scale, have most potential to improve sanitation at household level and to a limited extent have the capacity to improve the institutional environment provided by the state.

5 Policy propositions to improve sanitation marketing governance

This chapter presents different policy propositions for improved sanitation marketing and governance and an uptake of sanitation products and services at household level. Paragraph 5.1 first links the prevailing practice of the sanitation market with the existing governance arrangements in Gemena town, before elaborating three policy propositions for consideration by Oxfam GB. The last paragraph of this chapter develops a number of research questions for Wageningen University.

5.1 Linking sanitation market and practices to governance arrangements

Studies found evidence that households are willing to spend 110 USD for new latrines and ensure their reparation up to 20 USD during the three year life cycle; however reality shows that a majority of households is not doing so. Major reasons identified relate to households expecting the state or their landlords to make those investments; rocky soils or swamps making it impossible to dig latrines; and households not having the available means to invest in an improved latrine or having other livelihood priorities to invest in. Although many households know how to improve hygiene conditions around sanitation (cleaning the latrine and washing hands with soap or ashes) these are hardly put into practice (Timmermans-Otten and de Bruijn cited in Project steering committee, 2015).

The supply side for sanitation is not coordinated and this is possibly a feature of the entire Small and Medium-sized Enterprises (SME) sector in Gemena town, including some official shops that import latrines and many street vendors who sell hygiene products such as soap and detergent at high prices because of high transportation costs. Digging pits for latrines and other construction work is mainly done through mutual support systems (in kind or in cash) or with the help of a labourer paid for the task at a price per meter. Many entrepreneurs operate in a survival mode, rather than in a business mode.

Apart from this Aalbers (2014) concludes that many SME prefer to work as informal organisations as a means to reduce uncertainty and that some make themselves known to the local authorities, acquire a license, or organise themselves to acquire bigger markets. These strategies all have consequences for the sanitation marketing project that has to cater for either formal organisations to develop their own sanitation markets or to accommodate the many SMEs that prefer to work 'under the radar'.

A solid waste disposal system is missing (système de vidange des latrines), but respondents also question themselves if there is a market for such a system, because emptying a latrine is estimated to be more costly than digging a new pit.

Based upon the aforementioned paragraphs it becomes questionable if there is a market for sanitation products and services at household level, in terms of households paying suppliers in cash for their products. Some of the non-state actor initiatives described in 3.2.2 show that sanitation products and services are partially obtained through traditional ROSCAs, based upon contributions in cash or in kind: these systems are more resilient to corruption and annoying practices by civil servants, but their sanitation products often fail to meet the minimum requirements needed to enhance hygiene practices at household level.

It is against this light that sanitation marketing strategies worthwhile to consider are

1. Creating formal employment opportunities in the sanitation sector. The national sanitation policy explicitly mentions the delegation of a number of public services, such as the roads and drainage authority; hygiene services and sanitation brigades. No measures have been specified with regards to solid waste disposal systems. The appropriate governance arrangement that could start preparing the appropriate environment is the CLP which is a public – private platform;
2. Create (in)formal employment opportunities through the mobilisation of savings (in kind or cash) of the many CBOs and link these to the many SME's in town to create a market for sanitation services and products that allows SME's to work 'under the radar'. The appropriate governance arrangement that could further develop this is the CdB which is a private – private partnership of CBOs together with ACOCO;
3. The enabling environment to develop these requires an end to corruption and annoying practices, a decrease of transportation costs, and legally authorised spaces for cooperatives or SMEs to produce sanitation and hygiene products and services at household level and in the public space. The appropriate governance arrangement for this is the CLP.

These three policy propositions will be further elaborated in 5.2.

5.2 Policy propositions for Oxfam GB

5.2.1 Creating formal employment opportunities in the sanitation sector

The national sanitation policy foresees the delegation of a number of services to (semi) public agencies or to private operators including civil society operators. This opportunity is worthwhile to be explored as a contribution to employment creation in the sanitation sector with a formal license to operate at Gemena town or 'commune' level. In line with the delegation of public services, also the creation of a solid waste management system to empty latrine pits merits to be further researched investigated: Incomes would be generated by the transformation of solid waste into biogas or fertiliser rather than by households that want to evacuate their excreta.

No further information is available that describes the exact mandate of these services that will be delegated which have the potential to create employment for ACOCO's members, for the 'chefs de quartier', the 'chefs the rue' and the members of the CdB, be it through a cooperative structure or through individual entrepreneurs.

Important conditions that need to be in place consist of the following:

- The national sanitation policy needs to be transformed into national law, including the decision of the delegation of services;
- More specifications are needed with regards to the administrative level that will have the ultimate mandate to launch a tendering procedure for the privatisation of these structures;
- The CLP successfully lobbies for the delegation of the above mentioned services (to the extent possible) to small cooperatives, SMEs or other civil society organisations;
- Risk reduction for the SMEs, the cooperatives or civil society organisations would be based upon licences obtained from the local government and from paying official taxes.

It is important to observe here that the delegation of public services is not yet a firm decision of the central government and it will be highly contested by local civil servants or local/provincial politicians who lose part of their income. The effective delegation will be the result of informal negotiations taking place between different categories of powerholders, like has been the case with other examples provided in paragraph 3.2.3.

Oxfam GB would be supporting lobby and advocacy efforts at the national level for the effective delegation of sanitation services and for ensuring that appropriate tendering procedures will be put in place at local government level.

Oxfam GB in Gemena would be supporting the CLP in its efforts to lobby the local government to delegate sanitation services to small social or economic entities as well as in its efforts to create an

appropriate business climate for these entities: Provided that the national sanitation law will be published soon, Oxfam GB would support the CLP for at least three years.

5.2.2 Creating (in)formal employment opportunities

This policy proposition aims to design the appropriate social and entrepreneurial combinations to increase the uptake of sanitation products and services by households. Existing non- state sector initiatives such as the CdB and ACOCO which regroups SME's would mutually reinforce each other and would cooperate based upon mutual trust and risk reduction. Many of the traditional women's associations and those organised in the CdB have their rotating savings and credit systems in place based upon relations of trust and transparency. The SMEs (those within ACOCO as well as other SMEs) would benefit from obtaining regular and bigger orders for services and products of good quality that make a difference at household level. The following ideas would require further investigation:

- Apart from awareness raising activities carried out by the CdB and mobilising savings for the purchase of sanitation products, periodic inventories could be made that aggregate the demand for products and services to be delivered by SME's, male or female. Given the prevailing informal institutional context (not only the predatory nature of the state, but also that of local civil society organisations taking advantage of organised actions) matching demand and offer takes place at lower (administrative) levels than at town level: organising principles could be the 'quartier' level, the new 'commune' level or an organising principle developed by the CdB. Preferably demand and offer will be concluded in a general meeting, gathering women's associations/households and SMEs as a means to ensure transparency in decisions taken. Transactions would be concluded in cash;
- To accommodate those ROSCAs whose transactions made in kind, smart combinations of paying SMEs (in cash or in kind) and labour or other products generated through the association members would provide another social entrepreneurship model. For example, whereas an entrepreneur might be needed to make the concrete floor, association members could provide labour to dig the pit, construct the walls and the roof.

Unlike the exposition site that showcases successful entrepreneurs and expose them to corruption and annoying practices by civil servants (interview), the above suggestions allow SMEs to operate 'under the radar' of the local authorities if they judge this is the most effective risk reduction strategy.

5.2.3 State – non state actor platforms to create an enabling environment

As already described in chapter 4, the state as a duty bearer does not have the capacity to act and improve the sanitation sector in Gemena town for the next 3 to 4 years given the ongoing decentralisation process. Apart from this, new laws and procedures need to be voted in the national parliament with regards to the rejuvenation of civil servants and appropriate arrangements for the 86 % of civil servants who are eligible for retirement, as well as the payment of salaries and operational budget for state actors in Gemena.

Despite the fact that the CLP is currently not able to fulfil its role as a duty bearer in sanitation marketing governance, it currently replaces the state with support being provided by Oxfam GB. Civil servants are informed about national policies and practices (vertical coordination) through the CLP that at the same time ensures the inter-departmental coordination of public services and local authorities (horizontal coordination). At the same time the CLP fosters the possibility of state actors becoming accountable to non-state actors and reduces the risks of non-state actors becoming victims of human rights atrocities, because of the authority these actors avail of based upon legitimacy.

The CLP has the potential to not only address sanitation issues but also other sectors for which the future local government will bear the responsibility. The CLP would then become a major convener of actors and play a critical role in drafting Gemena's Local Development plan as well as have a say in

the mobilisation of resources (local taxes) to implement these plans and their allocation in a transparent way⁸.

At the same time the CLP is possibly the main instrument to develop more trustworthy relations with civil servants and to detach them from the hierarchical governance mode that is also being reinforced by the 'predatory nature of the state' and to strengthen their identity of being a citizen of Gemena town. This would probably work with the 'chefs de quartier' and 'chefs de rues' in the first place but requires further research.

Major changes that the actual CLP has to react to are the ongoing decentralisation process that turns Gemena into a town with a local government, opportunities provided in the national sanitation plan to create formal employment in the sanitation sector and the presence of other INGOs to turn the CLP into a platform that is not only addressing the sanitation sector but the entire development of Gemena town that also involves other INGOs. This has consequences for the objectives mentioned in CLP's 'statut'; its membership, in particular the representation of local authorities and administrative services in line with the new decentralisation framework, and; its detachment from Oxfam GB and the promotion of linkages with other INGOs.

Most important issues to be addressed for the sanitation sector consist of:

- Creating the public space and policies that allow civil society organisations and/or SMEs to make their business in the sanitation sector (see 5.2.1);
- Decreasing the costs for sanitation services and products, by means of addressing the high transportation costs and the annoying practices.

The CdB is also very well positioned to address these issues and to support the CLP in its lobby activities.

No examples are known of similar multi-stakeholder platforms that are financially sustainable⁹ and ideas advanced during the interviews to make the CLP financially viable until so far are not convincing: These range from turning the CLP into a micro-finance institution or into a broker between sanitation service and products users and producers. In both cases the CLP would be financed by taking percentages of services delivered. It is worthwhile exploring how INGOs, including Oxfam GB can finance the CLP for services being delivered, based upon a results-based rewarding system.

5.3 Research agenda for Wageningen UR

Based upon the aforementioned policy propositions, Wageningen UR could develop the following formative research agenda:

1. The CLP will possibly strengthen the horizontal coordination of local development efforts in Gemena and improve the performance of public service providers. Another assumption is that the CLP creates the possibility to breach the informal vertical 'opération retour' relations. It is striking to see that 'chefs de quartier', 'chefs de rue' and other agents still identify themselves as civil servants representing the state (*I am the state*), although not being paid regularly and receiving low salaries and being 'pushed' to corruption and other annoying practices to make a living. A central question to further investigate consists of further exploring the multiple identities of civil agents, including their identity as a citizen of Gemena and a partner/ally in the development of Gemena town. In line with this tipping points would be identified that make civil servants more accountable and loyal to other citizens and SMEs in town and decrease corruption and annoying practices;

⁸ In the rural areas, at 'secteur' and 'chefferie' level similar multi-stakeholder platforms have been created, including some financed by Oxfam Novib in the Sud Kivu in 2007.

⁹ The agricultural law foresees the creation of the 'Conseil Agricole Rural de Gestion' (CARG) which is foreseen at provincial level and which I have seen at territorial level in the North Kivu. These CARG are multi-stakeholder platforms. But no financial provisions for their functioning have been foreseen in the agricultural law and in practice I have not seen performing CARGs.

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2. Using/upgrading ROSCAs to into a developmental orientated organisation without losing their core values of solidarity, trust and transparency. Development cooperation is using different models to increase household income, varying from stimulating the ROSCAs to linking own savings with loans from micro finance institutions and loans without savings being mobilised. This is not always successful with the above mentioned values losing importance in the new organisation. In the first place literature search is needed to identify under what conditions these changes in the ROSCAs are possible and in the second place this process is worthwhile documenting within the sanitation marketing project, starting with the initiative of the CdB to start savings;
 3. The CdB has the potential to emerge into a federation of traditional women's associations that will have a strong voice in the future development of Gemena town in the first place, and of Sud-Ubangi province in the second place. In other provinces women's unions and federations do exist. Provided that Oxfam GB invests in such a movement building process to advance the sanitation sector, research would be relevant to support Oxfam in developing its theory of change for building such a movement by confirming or rejecting assumptions made. The key questions to research would consist of gathering evidence of what works and what does not work in the given context;
 4. The creation of (in)formal employment opportunities, such as would be the case when sanitation services would be delegated to local private sector actors, as well as through the creation of win-win solutions for both households and SME's, cooperatives or civil society organisations to increase the uptake of sanitation services and products by households, members of ROSCAs or of the CdB, would be best supported by the following research activities:
 - Identify appropriate business models that are corruption and 'tracasserie' proof as well as provide services and products to poor households. Those business models should be financially and economically feasible and improve the sanitation situation of Gemena town. A feasibility study for the creation of a solid waste system could be one of the issues to be addressed, as well as other sanitation services whose delegation is foreseen in the national sanitation policy;
 - The creation of informal employment opportunities through business models that provide win-win solutions to households organised into ROSCAs or members of the CdB and to entrepreneurs would also benefit from studies that would investigate the main drivers that would enable such models to become a success in practice as well as propose models that are financially viable.

6 Conclusions

This chapter formulates the conclusions with regards to the three questions formulated in the assignment, which are:

- describe the characteristics of different governance arrangements that address sanitation problems in Gemena in terms of actors involved and decision-making process and power;
- assess the strengths and weaknesses of these different governance arrangements in solving collective problems in the field of sanitation, and
- present different policy propositions on how to create more enabling governance arrangements for the sustainable provision of sanitation services.

The following paragraphs formulate the answers these issues.

6.1 Characteristics of different governance arrangements that address sanitation problems in Gemena

When considering Treib et al's *policy and politics* dimensions and table 1, the decentralisation framework will change the prevailing traditional nation state with hierarchical steering instruments into that of an intergovernmental bargaining mode that allows provinces and future ETDs to have a say in defining the rules of the game for decision-making (*polity dimension*). This change of the governance mode provides an opportunity for the sanitation sector and the development at large of Gemena town.

The national sanitation policy opens possibilities to delegate public services to non-state actors and therefor changes the current governance mode in which the state is in charge to that of collaboration between public and non-state actors using positive and negative incentives. This policy is also in line with the decentralisation framework that orients the coordination amongst state actors towards a non-hierarchical steering mode, also based upon incentives.

The current practice with regards to policies and politics however shows severe mismatches with the above policies: Currently a traditional nation state is in place with hierarchical coordination mechanisms that do however not solve citizens' (sanitation) problems and that misses horizontal steering between public services at local government and provincial level. Instead of state actors playing their officially assigned roles, state actors together with non-state actors have taken over these roles with the public sector being hardly present. One of these platforms is the CLP and steering takes place by using positive and negative incentives and bargaining (advocacy) as well as by stimulating social learning.

Non-state actors also engage in the governance of the sanitation and other sectors by developing their own initiatives. Part of these initiatives consist of taking collaborative actions at household level or in the public space, another part consists of addressing the state to act as a duty bearer. The CdB, ACOGEM and the many ROSCAs are examples of these non-state actor governance modes.

An important *polity* feature to take into account when addressing sanitation marketing and governance in Gemena town is the prevailing 'opération retour' that shapes the practices of civil servants and authorities, which strengthens the vertical steering mechanisms of the nation state in an informal way.

6.2 Strengths and weaknesses of governance arrangements

Governance arrangements identified in Gemena town are the traditional nation state; the CLP, and; non state - non state partnerships such as the CdB and self-regulation initiatives such as the ROSCAs and ACOCO's interventions.

Generally speaking, the state as a duty bearer does not have the capacity to act and improve the sanitation sector in Gemena town. It will take some 3 to 4 years before Gemena's local government of can be hold accountable for the sanitation situation without however having the insurance that they will be able to act; because 86 % of all civil servants has reached the age of retirements and because salaries and operational costs are not being made available by the central government.

The CLP has the potential to act not only with regards to the entire sanitation sector but with regards to the general institutional (non-enabling) environment that hampers the private sector to become productive. However the contribution of state actors is not convincing, given the general performance of the state and the institutional void created by the decentralisation process. Apart from this the CLP still lacks the organisational capacity and financial resources to become a performing governance arrangement.

The non-state initiatives, although often at a limited scale have most potential to improve sanitation at household level and to a limited extent have the capacity to improve the institutional environment provided by the state.

6.3 Policy propositions for the sustainable provision of sanitation services.

Policy propositions were identified for further consideration by Oxfam GB that on the one hand foster employment creation in both the formal and the informal sector and that stimulate the creation of an enabling environment.

- The CLP has the potential to become the most important convener of both public and private sector actors and contribute to the drafting of Gemena's local development plan, its transparent implementation and the mobilisation of local resources. Whilst the state will remain absent in the next 3 to 4 years or even longer, the CLP will provide entry points to hold civil services and local authorities accountable. Major issues to address are a continuing support from INGOs, including Oxfam GB to address its organisational and financial capacity, to review its 'statut' in line with the decentralisation framework and its detachment from Oxfam GB;
- Creating formal employment opportunities in the sanitation sector: The foreseen delegation of former state services provide opportunities for the private sector. Apart from these opportunities provided by the national policy it is worthwhile to explore the creation of a solid waste management system. Cooperatives and SMEs with an official status would obtain a formal licence to operate and pay their taxes due to the local government. Major conditions that need to be fulfilled are that the policy passes the national assembly to become law and that the delegation procedures are being clarified. Oxfam GB would support lobby and advocacy efforts at national level, whereas Oxfam GB in Gemena would help private sector actors to conclude such contracts with the government at reasonable conditions;
- Creating (in)formal employment opportunities that increase the uptake of sanitation products and services. The CdB and SMEs associated in for example ACOCO could work together based upon trust, transparency and risk reduction. The ROSCAs within the CdB could be organised to pay for sanitation services and products (based upon their own needs) which would help SMEs to obtain more regular orders. For ROSCAs who operate in kind smart payment modalities for SMEs would need to be further explored. These ways of collaboration are an alternative to the exposition of sanitation products and services in Gemena, that are more vulnerable to corruption and annoying practices by civil servants.

At the same time research topics were identified for further uptake by Wageningen UR. Topics identified are:

1. Identify tipping points needed to make civil servants more accountable to their peer citizens and SMEs in town and that reduce their need to collect money to fulfil their obligations with regards to 'opération retour';
2. Identify under what conditions ROSCAS can be turned into development partners that contribute to the uptake of sanitation products and services, without losing key values as trust and transparency;
3. Identify under what conditions the CdB can emerge into a federation of traditional women's associations that will have a strong voice in the future development of Gemena town in the first place, and of Sud-Ubangi province in the second place;
4. Identify business models that create employment opportunities for SMEs, cooperatives and civil society organisations. These business models would either prepare local organisations to conclude contracts with the (local) government that are forced to delegate public sanitation services or create win-win solutions for both households and private sector actors to increase the uptake of sanitation services and products. Issues that need to be addressed are: corruption and 'tracasserie' proof, pro-poor, financially, economically and socially feasible and solving sanitation problems at household level or public level.

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Appendix 1 Respondents

Name	Organisation
Gabriel Kpadonou	Oxfam GB
Christine NDEKE	Facilateur CdB
Souléïmane A. Adekambi	Wageningen UR
Giacomo Galli	Wageningen UR
Mouhamed	BUCONG
Freddy Eyoku	ACOCO
Gustave KATOMBE	Oxfam GB
Monsieur Ngondi	La Colombe

Centre for Development Innovation
Wageningen UR
P.O. Box 88
6700 AB Wageningen
The Netherlands
T +31 (0)317 48 68 00
www.wageningenUR.nl/cdi

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The Centre for Development Innovation works on processes of innovation and change in the areas of food and nutrition security, adaptive agriculture, sustainable markets, ecosystem governance, and conflict, disaster and reconstruction. It is an interdisciplinary and internationally focused unit of Wageningen UR within the Social Sciences Group. Our work fosters collaboration between citizens, governments, businesses, NGOs, and the scientific community. Our worldwide network of partners and clients links with us to help facilitate innovation, create capacities for change and broker knowledge.

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