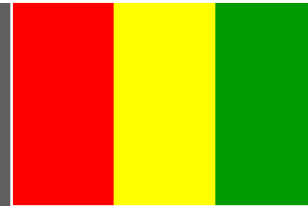


## Republic of Guinea

(République du Guinée)



**Capital:** Conakry

**Inhabitants:** 9.402.000 (2005)

**Area:** 245.857 km<sup>2</sup>



### 1. Introduction

The decentralisation process effectively began in 1986 with the creation of local authorities. This creation began in the urban centres and was then extended into rural zones. Today, the national territory is entirely organised into local authorities. The debate over the instauration of a second level of decentralisation (the region), which seemed to be on the agenda, has not been confirmed.

However, despite these developments, the achievement of a more thorough level of decentralisation still runs up against enormous difficulties. Among the main challenges are the following, as outlined in a document released by the National Directorate of Decentralisation:

- A certain resistance to decentralisation that occurs just as much on the level of central State structures as on the level of decentralised services due to the fear these reforms inspire in terms of a loss of privileges, but also due to a lack of

confidence in the capability of non-central structures to provide public services;

- Professional shortcomings of local political, administrative and technical staff;
- Weak capabilities among socio-political stakeholders due to an absence of democratic debate on the issue;
- An absence of technical and financial support institutions that work specifically on decentralisation processes;
- A lack of coordination between diverse programmes and projects in the field of decentralisation.

These difficulties have probably been partially at the origin of many election reports in rural local authorities.

Order No. 019/prg/SGG/90 of 21 April 1990 on the Formation, Organisation and Operations of Urban Municipality in the Republic of Guinea defines the urban municipality as a decentralised authority that enjoys legal personality and financial autonomy. Its representative bodies exercise the responsibilities and powers defined by said Order within the corresponding territorial constituency.

Moreover, the urban municipality is a consolidation of the inhabitants of one of more communities, united in a solidarity that comes from living side by side, eager to manage their own interests and capable of finding the resources necessary to carry



out an action specific to them as part of the National Community and in harmony with the interests of the Nation.

With a surface area of 245,860 km<sup>2</sup>, Guinea (Conakry) is a West African country populated by 9,400,000 inhabitants. It shares borders with Côte d'Ivoire, Guinea-Bissau, Liberia, Mali and Sierra Leone.

## 2. Territorial Structure

Guinea is divided into eight administrative regions. Each region is headed by a Governor, who represents the State in the region. Each region is divided into prefectures.

Having studied the lessons of the past and thanks to the change of regime that took place in 1984, the new authorities of the country affirmed their desire to establish the basis for a multi-party democracy and grant the populations wider and more effective participation in the decisions that concern them.

It is within this context that the Government has initiated many important institutional reforms. Decentralisation occupies a select place in these reforms devoted to making the choice and implementation of policies more efficacious, more participatory and more suitable for responding to the aims and needs expressed by the populations.

Therefore, one of the fundamental aims of decentralisation is to bring the State administration closer to its constituents by granting them the possibility to weigh in on the great decisions related to their existence.

The local authorities are urban municipalities and rural development communities (CRDs). The country has 38 urban municipalities, of which 5 are located

within the city of Conakry. These urban municipalities are subdivided into neighbourhoods (330 total). In rural areas, the villages are organised into rural districts.

Although much progress has been noted in the management of the local authorities, decentralised structures lack the means to play their role of helping and advising the authorities that belong to them. Decentralisation is scarcely effective in rural areas. The metropolis of Conakry is only a little decentralised and its organisation tends toward an authoritarian intermunicipality among the urban municipalities that compose it. In order to assure coherency in terms of decentralisation, some measures have been taken and are en route to being applied. The 2002 version of the Fundamental Law provides for the establishment of a deliberative body in each territorial constituency. Along these lines, eight in thirty-three (8/33) Prefectoral Development Councils (CPDs) have been set up.

The political capital of the country, Conakry, is subject to a special status. Also known as the "Conakry Special Zone", the city is simultaneously a local authority and a decentralised constituency.

As a local authority, Conakry is subdivided into five urban municipalities. The mayors of these urban municipalities have seats on the city council. The city council is also composed of representatives of different urban municipalities (five representatives for each urban municipality), as well as representatives from economic and social organisms. This council has a four-year mandate.

The executive official of Conakry is the governor, who is appointed via decree by the President of the Republic. In administrative terms, Conakry has its own



services supported by decentralised services of the State. Conakry is considered to be an intermunicipal structure. Its administration combines decentralised services of the State and own services dependent upon an autonomous administration.

The metropolis management policy (for Conakry) is not very dynamic. The repartition that has been announced since 1995 has not begun to be applied in order to rebalance the size of the urban municipalities and make them more manageable. The mining town of Kamsar, classified as a rural development community (CRD), is comparable to the urban municipalities of Conakry and to the regional capitals of Kindia, Kankan and N'Zérékoré. Conakry and Kamsar alone encapsulate the problematic issues of urban management, and the efforts to be deployed to improve management of the large authorities by means of coherency in decentralisation.

### 3. The local authorities decision making offices

#### 3.1 The bodies of decentralised territorial authorities

The law distinguishes two types of bodies: political bodies on the one hand and technical bodies on the other hand.

*The Council:* According to Article 85 of the Code of Local Authorities, the council of the local authority represents the population that elected it and exercises its allocated responsibilities and powers in the name of this population.

The council can decide without debate by the absolute majority of the members present if it convenes behind closed doors at the request of a third of the members present or of the local authority. Voting

within the local council can take place via secret ballot:

- Each time that at least a third of the members present ask for it,
- At the time of all ballots for appointment, suspension or dismissal.

*The Executive:* The authority's executive is elected by the local council from among its members. The ballot is secret and based on absolute majority. There are as many ballots as there are posts of power. If no candidate wins the absolute majority after the first round, voting proceeds to a second round and the election is won by relative majority. In the event that there is a tie in the number of votes, the eldest candidate is declared the winner.

#### 3.1.2. The Executive Secretariat

The Executive Secretariat takes the form of the General Secretariat of the urban municipality. This is a civil servant of the State who is appointed and detached in order to serve under the authority's responsibility.

#### 3.2. The municipal movement

There are currently two associations of local elected officials in the country: the Association of Presidents of CRDs of Guinea (APCRD/G), created on 26 April 2005 by the Ministry of Territorial Administration and Decentralisation; and the Association of Mayors of Guinea, which held its first Constitutive Assembly on 28, 29 and 30 July 2006 in Kindia.

These Associations aim to establish a framework of cooperation and exchange to bring socio-economic development to the CRDs and the urban municipalities.

Elsewhere, it must be noted that the Presidents of the CRDs and the Mayors of the urban municipalities are full members



of the Prefectoral Development Councils that play a fundamental role in the socio-economic development of their authorities.

### 3.3 Local frameworks

There are many frameworks of public administration that are allocated to the services of the municipalities. In general, they are heads of services that are decentralised at the authority level. This staff is generally formed of elites who have received a university education, and a technical professional education rarely corresponds to their current role.

The permanent staff members of local administrative services have the right to receive training adapted to their tasks.

The staff of the authority belongs to the local authority. This staff includes local civil service employees, contract employees hired through local executive activity and detached State civil service employees to work for local authorities. The State also provides for a category of staff that it makes available for urban municipalities.

The temporary staff members of local administrative services are regulated by stipulations of their contract and by the labour code.

The population designates a council of elders for an indefinite length of time. They represent the ensemble of villages and hamlets of the rural district. The council of elders attends the rural district council but does not possess any decision-making powers. This structure is waiting for the first elections in the CRDs before it can be set up.

Within the local authorities, no advisory group exists that allows the activities of the NGOs, groups and cooperatives or associations to be taken into account. When development programmes do exist, they are created without consulting the populations. In the rural zones, this distance from the local administration makes the offices of the CRDs appear as simple extensions of the State.

On 18 December 2005, Guinea organised elections for rural communities and urban municipalities for the first time.

The new deal resulting from these elections is that the urban municipal councils based on proportional voting methods are composed of members of different parties, of whom some reach these posts of responsibility for the first time. They lack experience to assume their tasks within the perspective of local development, and are therefore obliged to train on the job. In order to avoid any risk of paralysis in the councils and achieve a consensual administration, the Ministry of Territorial Administration and Decentralisation undertook an effort to strengthen the institutional capacities and promote the local development of the newly elected officials. This is why the first half of the year 2006 was dedicated to the training / awareness-raising of the newly elected officials in order to place them in a position to fulfil their mission as representatives of the population. At the end of voting, 3,210 elected councillors were registered of whom 613 were urban municipal councillors and 2,597 were rural

## 4. Local Democracy

New legislation provides for the permanent participation of populations in local management, especially in the rural development communities. These communities are subdivided into districts joining different villages. The rural district is administered by two bodies:

- A rural district council:  
Composed of 9 members elected by the population via universal suffrage, it organises its work freely.
- A council of elders:



development community councillors. Their mandate will expire in four years.

The local authorities are freely administered by elected councils within the conditions established by law. The urban municipal councils are composed of two categories of members: representatives of the population, and representatives of social and economic organisms.

The former, meaning representatives of the population, are elected via universal suffrage. This suffrage is direct for the prefectures. The urban municipal council is elected by one-round majority vote among lists. Only councillors elected via universal suffrage in this way can then participate in the election of the executive in the municipality within the council.

As for the representatives of the social and economic organisms, they are designated by order of the minister in charge of local authorities upon the proposal of the Governor of the city of Conakry, and upon the proposal of the Prefect for the other urban municipalities. They can not be greater than five for each urban municipality.

According to the new electoral code, the rural development community councils in the CRDs are elected by one-round proportional vote among lists by the inhabitants of the CRD for a mandate of four years via direct universal suffrage. The first urban municipal and rural development community elections were organised on 18 December 2005.

Elections in the rural development communities were spaced out from 1988 to 1992, which allowed for the designation of the councils of the 303 CRDs for a four-year mandate, according to the law. Even though this mandate expired in 1996, the government was not able to organise elections for the CRDs until December 2005 due to financial difficulties.

### 5. Relations between central and local authorities: The trusteeship system

The State maintains relations of trusteeship over the local authorities. This trusteeship is exercised by State control over the local authorities in those cases and procedures specifically provided for by law. Control is exercised over the bodies of the local authorities as well as their decisions; it covers legal issues but not issues of opportunity. This control does not imply the hierarchical subordination of decentralised bodies and should not hinder the free administration of local authorities. Due to the abuses recorded in the past, the code specifies that this control is not assumed, and only exists to the extent and within the limits established by law.

The trusteeship system that has been adopted involves *a priori* control. It makes use of the following means:

- *prior approval or authorisation,*
- suspension or dismissal,
- substitution,
- assistance and advice,
- support for local development actions and harmonisation of them with national programmes.

The trusteeship authorities vary according to the level of the authority concerned in the nomenclature. Therefore, at the level of the central government, the competent authority is the Minister of Territorial Administration and Decentralisation. To exercise these powers and responsibilities at the level of the basic authorities, the Minister delegates a part of his/her powers to his/her territorial representatives. These latter then play a trusteeship role from up close.

## V.



## 6. Financing for local authorities

The law recognises two types of resources as belonging to local authorities: resources transferred by the State, and own resources.

### 5.1- Transfer of resources

The law institutes two types of provisions: an operating provision and an outfitting provision. The operating provision is annually transferred to all the local authorities. No deduction is made for the profit of the treasury on the amount of the operating provision. The local authorities use this provision freely.

The outfitting provision is exceptional in nature. It appears as a form of subsidy that the State gives to specific authorities in single payments; it should be allocated to the investment budget and in agreement with the authority's development plan or annual investment programme.

### 5.2- Mobilisation of local resources

Local fiscal resources are redistributed along three categories: revenues wholly transferred to local authorities. This is the case for the money collected from taxes on firearms, spectacles, the Civil Registry, carts, animal slaughtering, the right to occupy a space in the markets, taxes on parking cars and tethering livestock, burial

and impounding animals.

Only the contribution to local development (CDL) is mobilised at 100%. The other resources are lightly mobilised.

The urban municipal budget includes all the annual revenues and expenditures. It is presented each year as a budget for the fiscal year. The mayor is the organiser of the urban municipal budget. As for the urban municipal accountant or receiver-general, he/she is a civil servant belonging to the Ministry of Finance, and is the only person qualified to handle urban community funds. He is charged with financial operations for the State as well as for the urban municipality.

### 5.4 Loans

The law authorises the urban municipalities to incur loans. In fact, the law provides that after approval from the authority holding trusteeship, an urban municipality can incur loans aimed at covering title 2 expenditures in the budget.

## 7. Local Responsibilities and powers

### 5.1. The responsibilities and powers recognised for the different local authorities

The responsibilities and powers assigned to the urban municipalities are defined on paper, but are not fully implemented due to a great deficit in human resources.

Table 4: Key to redistribution of the fiscal resources between the State and the local authorities (in %)

Designation	State	City of Conakry	Com. of Conakry	Prefecture	Urban municipality	Sub-prefecture	CRD
Single property tax (CFU)	20	40	40	30	70	15	85
Single professional tax (TPU)	20	80	80	20	80	15	85
Large business tax	00	100	100	70	00	00	30
Single vehicle tax (TUV)	50	25	25	100			



The distribution of responsibilities and powers between the local authorities and the State is carried out, to the extent possible, by distinguishing those which are conferred to the State and those which are assigned to the local authorities; this happens in such a way that each field of responsibilities and powers, as well as the sum of the corresponding allocated resources, are assigned to either the State or the local authorities.

Most of the responsibilities and powers are scarcely (or not) exercised by their beneficiaries. The reasons for this are a lack of awareness of the texts or the lack of local capacity. The ministries use these facts as a pretext for not proceeding with planned transfers.

The code of the authorities has established the essential responsibilities and powers to be transferred. The sectorial departments will take advantage of the months and year to come to make the declared transfers effective.

These responsibilities and powers are widely unknown by both elected officials and decentralised authorities. Legislation on the matter is scarcely available, and since these authorities are sometimes poorly educated, they do not have access to these documents written in French. Quite a few elected local officials are poorly informed of the tasks that correspond to their posts. This ignorance forms the base of many conflicts regarding responsibilities and powers between local authorities and representatives of the State. These conflicts generally end with the resignation of one of the disputing parties due to the absence of a structure for dialogue and coordination between the State and local authorities.

## 8. Conclusion

Urban municipal and rural development community elections were finally organised for the first time after several deferments. The fact that these elections were held marks an advance in the decentralisation process despite many insufficiencies related to the obsolete nature of the texts that lay out the decentralisation process in Guinea. To these insufficiencies must be added many difficulties which characterise most African municipalities with regard to the transfer of responsibilities and powers from the State to the decentralised territorial authorities. In addition, the position taken by certain political authorities causes concern regarding the functioning of local democracy.