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“Building and Anchoring an Enabling Environment based on Regulatory Frameworks Sensitive to Innovation and SDGs”

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I- Introduction

- **For the OECD** : “A well-functioning Public Administration has advantages and benefits both for individuals and the State. First, it enables Governments to achieve their policy objectives and ensures proper implementation of political decisions and legal rules, and therefore promotes political efficiency and stability. However, poor Public Administration causes delays, inefficiency, uncertainty, corruption and other forms of “maladministration”, which lead to citizens’ resentment, disappointment, resistance and protest against the State and its institutions. These undermine the legitimacy of the Government and can lead to a failing State. Second, the importance of Public Administration for the development of the economy is internationally recognized” (www.sigmaweb.org; sigmaweb@oecd.org).
- The centrality of Public Institutions, Public Governance, Public Administration and Public Sector for the implementation of the SDGs was highlighted in several official documents of the United Nations, in particular the SDG 16.
- The key role played by these institutions to face and deal with the pandemic of Covid-19.

In general, and based on the specific context as well as the level of development of each country, we need to recall:

- 1) *The Principles of Public Administration*, as its *backbone and fundamental pillars*: **legality**, equality, equity, continuity; neutrality; mutability or adaptability, gratuity, responsibility, transparency, legitimacy, pluralism, integrity, subsidiarity, accountability, economy, participation, representation, and access to services;
- 2) *The common characteristics of Public Administration* that have evolved over time: It's inherently political even we use to say it's neutral; ensuring compliance with public policies; serving public interest; **operating within legal and regulatory framework based on rules, procedures, processes and instructions; animated by bureaucracy in the sense of Max Weber**; in its essence accountable to the public; seeking to involve public in decision-making processes; striving to be efficient in its use of resources; working to be flexible and service-oriented; and **requiring a high level of ethical behavior, professionalism, and expertise.**
- 3) However, there is a **large consensus that Public Administration is conservative by nature and is inclined to resist to any change.** In fact, innovation is **not, in general, part of the “DNA”** of Public Administration, public leaders and civil servants, if we compare with the systematic dynamic observed within the private sector and business world, giving the image that innovation is a quasi-monopoly of the private sector, and as if the unique role of Public Administration is to facilitate and create favorable conditions for this sector to innovate.

4) In most cases, Public Administration will be open to change, to creativity and to innovation only **if it is forced or obliged to do so**, particularly when facing serious concerns, challenges and risks (strong declines in government legitimacy and trust, budgetary constraints and scarcity, emergencies, natural disasters, climate change...).

5) **This was the case indeed during the pandemic of Covid-19 crisis.** We have observed, at global, national, subnational and local levels, how leadership was and has transformed, how approaches have changed, how digitalization and innovation have provided the rapid and right answers and how partnership and solidarity were strengthened.

We are halfway to 2030, in a challenging and difficult world and context, how can we take advantage of this experience, momentum, and the lessons learned from this global dynamic which, above all, made it possible to move from the whole of government approach to the whole of society approach, at all levels of governance?

In this paper, we will try to respond to the main following questions:

- What are the obstacles to Public Administration Innovation?
- What are some of the initial findings and lessons learnt from the pandemic?
- How can we promote, build, and anchor an enabling environment with appropriate regulatory framework for innovation and SDGs?

II- The Innovation Gap in the Public Administration

- Innovation in the Public Administration can be defined as the introduction of new elements in a public service in the form of **new idea, or new knowledge, or new organization, or new management, or new skills, or new process, which suppose a discontinuity with the past**, and that innovation is not simply about a new idea, but this idea **should be designed, implemented, practiced, and above all is adding public value and having a positive change and impact for populations and public institutions.**
- We need to recall that change and innovation in the Public Administration are **not recent phenomena**, innovation dynamic in the PA is, however, hindered and impacted by **various structural, conjunctural, and cultural considerations that are acting as barriers to innovation in the public sphere.**

Among these barriers and obstacles:

- The structure of PA and its organization, at all levels of governance, known for its hierarchical, horizontal and vertical rigidity, legalistic, bureaucratic, animated with tough procedures; with a strong power distance, caution and aversion to uncertainty, and controlling traditions and attitudes;
- The weaknesses in leadership, governance and management, also impacted by unethical behavior (*Not having the right person in the right place, at the right time*);
- The regulatory frameworks that are not often stimulating, encouraging and creating spaces for innovation, or which block innovation or surrounds it with insurmountable conditionalities, becoming a concrete *Red tape and a real "straightjacket"*.
- No competitive pressure, as it's the case in the Private sector.
- **The culture of risk aversion based upon negative perceptions and a fear of risk, and a fear to take risky decisions towards users and citizen;**
- A low commitment to learning and experimentation and weaknesses in the capacity to innovate;
- **Low openness to creativity, new ideas, new initiatives, beside a rigidity towards problem-solving, with no door for flexibility or adaptability;**
- Path dependency and employees' lack of autonomy that affect and undermine the spirit of creativity and the proposal of new ideas, beside the fact of anonymization of ideas/projects, which prevents innovations to be driven by a leader, a manager, a civil servant, or champion.
- The prevalence of short-term vision and planning, while innovation is requiring time and appropriate environment, organization, resources, skills, capabilities, and capacities;
- Absence or low valuation of success and negative sanctions of failures.

These different factors, and so many others, lead to the creation of a **holistic negative system**, at all levels of governance, in particular in developing countries, where it seems to be difficult, hard, risky and tough to innovate, to create, or to bring new ideas in the Public sphere!

However, to better overcome this situation, there is a need of **“mapping” the situation** of each country about innovation in PA, taking into account its specific context, its level of development, the history of its PA, its potential, its Human Capital, its Social Capital, and all reforms put in place to promote innovation.

III- The SDGs and the Pandemic of Covid-19 opened Windows of Opportunities for Public Administration Innovation

All over the world, we notice in fact:

- The global dynamic around the SDGs has allowed the emergence of a transformational leadership, the design of new visions, strategies, plans, new institutional arrangements, a combination of whole of government and whole of society approaches, mobilization of resources and funding, new forms of partnership and solidarity, advocacy and networking, a sound dynamic of localization of the SDGs at the subnational level, etc..., although the results do not yet live up to the ambitions displayed;
- The pandemic of Covid-19 introduced new regulatory frameworks, in particular for the State emergency, new strategies and policies, new approaches and means of work, education, learning, and a paradigm shifts in public governance, public Administration, and public service delivery, at all levels of governance, that need to be gathered, documented, with narrative reports and case studies.
- The issue of resilience is more and more connected today to the sustainable development dynamic;
- It's also worthy to emphasis the key role played by the Local and Regional Governments (LRGs) in this changing and challenging context, in particular in Africa.

- The African LRGs were on the front line to deal with a new and full of risks situation. Like the medical sector and professions, they demonstrated a high level of commitment to fight against the spread of the Coronavirus. In the context of Decentralization or Devolution, it is the responsibility of Local and Regional authorities to ensure that basic services in towns and cities are provided in an effective and efficient way (access to clean water, electricity, education, health, urban transport and mobility, waste management...).
- A whole and unprecedented dynamic of innovation was observed during this period, demonstrating proof that **the Local/Regional leaders and managers of the Public Administration are capable to innovative despite the regulatory frameworks.**
- Hereafter some best practices and lessons learnt from subnational governance in Africa, keeping in mind the specific context of each country and region, as well as the magnitude of the pandemic, where the **authorities, leaders, managers and employees demonstrated their capacities and capabilities to create, to innovate, to collaborate, to adapt themselves to this new challenging situation, and above all to remain resilient.**

- 1) A multi-level commitment to mobilization, intervention and participation;
- 2) Policy coherence, collaboration and coordination between central government, LRGs, private sector, civil society, donors..., to design, implement, monitor and evaluate the state emergency strategic plans, as a multi-sectoral response and with a solidarity spirit. In fact, the pandemic had taught the governments not to work in isolation;
- 3) Facilitation and support to the implementation of the state emergency measures, even they were in general unpopular decisions and measures;
- 4) They ensured the continuity of basic public services in a challenging context;
- 5) The engagement for digital transformation and ICTs to govern, to work, to manage, to organize, and to provide public services, in particular for education, learning.
- 6) Rehabilitation and equipment of hospitals and health centers;

- 7) Allocation of spaces, in particular to accommodate vulnerable persons, homeless persons and street children;
- 8) Contribution to resource mobilization and fundraising;
- 9) Providing food subsidies and preventive material to the most deprived populations in public spaces, and in favor of all the categories of population, leaving no one, no place behind;
- 10) Awareness-raising activities and campaigns among the population and the communities, taking into account the cultural diversity (the language used), with a focus on women, elders, youth, persons with disability, minorities... to ensure the implementation of preventive measures, thus enhancing civic education;
- 11) Support to the transformation of the activities of small and medium-sized enterprises and the informal sector to allow their adaptation to the context of the pandemic (production and selling of masks for example), saving jobs and promoting decent work (SDG 8);
- 12) They have taken the necessary measures to ensure the effectiveness and efficiency of the measures adopted, particularly in the use of valuable resources and to be accountable for them.

www.uclga.org, *“Covid-19: African Local and Regional Governments on the front line”*, 23 April 2020.

- This experience demonstrates, if needed, that it is possible to adapt regulatory frameworks to promote innovation in PA when there is a transformational leadership, a political will, a mindset change, when all actors and stakeholders are working, hand in hand, for the same vision and goals, and when we open doors for new ideas, for the creation and innovation.

- Based on the dynamics observed at the global level for the SDGs and climate change and the response to the health crisis of Covid-19, how can we move from a **“sleepy” Public Administration and Public Sector into a dynamic, innovative and highly effective Public administration and Public Sector to better serve and achieve the SDGs?**

IV- How we can promote, build, and anchor an Enabling Environment with regulatory frameworks sensitive to innovation and SDGs?

“We must not make a scarecrow of the law, Setting it up to fear the birds of prey, and let it keep one shape, till custom make it their perch and not their terror”.

William Shakespeare in
Measure for Measure play



Laws, regulations and instructions are adopted and implemented to serve the general interest and to meet the needs and priorities of the people at a given time.

- There is increasing pressures for public organizations to be more efficient, effective, legitimate, ethical, responsive to citizen demands and expectations. This is why **there is an increasing interest in Public Sector innovation and creativity.**
- In these difficult times when the world is turned upside down by multifaceted crises, **there is a great need, not to say, urgency to invest in innovation, creativity, new ideas and to promote the spirit of public entrepreneurship.**
- **However, there are no miracle recipes or a recipe applicable everywhere and at all times.** Each country must be able and has the responsibility and duty to create favorable and facilitating conditions for the genius, intelligence (and real intelligence beside the artificial one) and potential of its population, especially at the level of its public institutions, as it's observed in the private sphere, **combining individual empowerment, global collaboration, and investing in the power of Partnerships.**

Hereafter **some avenues of reform** that can be explored, in particular:

- 1) **Leadership** has a bigger effect on innovation capacity than the structures, processes and contextual factors that drive innovation. This is why we need to promote a new generation of leaders in PA who are driven and animated by the principles and values of Public Service, who are elected or appointed to serve, and not to serve themselves, or enslave populations and citizens, It's a kind of leaders who exercise not a coercive or utilitarian power, but animated and using a legitimate power that makes them trusty and respected, who believe in public service and public servants, and believe in their actions, potential and capacity to create and innovate.
- 2) At this level, **the role of schools and institutes of administration is crucial** to train, build capacity and empower the new generation of leaders.
- 3) **We need regulatory frameworks that facilitate and stimulate creation, creativity and innovation**, not blocking them, or demotivating them! As observed during the pandemic, leaders, managers and civil servants should have the courage to get out of tough regulatory frameworks, and we need to give them a chance to participate in the positive change and transformation, by creating and innovating with their own and new ideas and taught how to get the public work done, in an effective and efficient way.

- 4) **We need to work on the problems that affect the creation, the entrepreneurial spirit and innovation** among leaders and civil servants, in particular because of the absence of shared vision and values, the absence of strategic orientations, the weak harmonization and coherence in public policies and legal instruments, horizontally and vertically, the inadequate know-how and no longer responding to the current context of public administration, lack of trust among civil servants which affect seriously communication, blocks problem solving, weakens collaboration, cooperation and teamwork, and the lack of integrity and ethical behavior.
- 5) It is also necessary to identify, analyze and situate the potential for innovation and entrepreneurship in P.A.
- 6) It is necessary to create an optimal environment, a culture, spaces and opportunities to encourage talents, in particular for women and youth, and develop their creative energy to make them true public entrepreneurs serving the interests and objectives of the Public Administration **(Google Spirit!)**.
- 7) We should also work to **reduce the digital divide and gap** which continues to deprive both P.A., Public services and citizens of an immensity of opportunities for creativity and innovation, in particular in developing countries, and in Africa.

- 8) We need to create an enabling environment, including through appropriate regulatory framework, to better structure the transformation of education, training, capacity building and lifelong learning, by making a better use of digital transformation.
- 9) We need to invest more in women and youth as key players and drivers for innovation, creativity and transformation.
- 10) **As pillars and keystones to bring out the creative genius, the spirit of entrepreneurship, creativity, the blossoming of new ideas and innovation,** we need to invest more in quality education, civic education, training, capacity building, and empowerment of Human Capital, in particular those who are serving in the Public sphere, and for youth (boys and girls), to give them the chance to become **“champions”** of the change we want for the World We Want, and **“public entrepreneurs”**. We see in them individuals who are passionate about an idea, go above and beyond, persevere through organizational and regulatory frameworks resistance, generate enthusiasm in others, give hope, and are highly intelligent, knowledgeable, flexible, positive, solution-oriented and citizen-oriented. It is also necessary to mobilize the appropriate resources.

To conclude:

Public innovation, creativity and entrepreneurship must be seen **as the Solution and a Paradigm shift for the achievement of the SDGs**, based on flexible, stimulating and encouraging regulatory frameworks if we want really to see public authorities, leaders, managers, civil servants, and employees:

Becoming actors of positive change and transformation

facilitators of innovation

animated with a spirit of public entrepreneurs

Becoming Adopters of innovation

Not doing business as usual

Working according to a logic that differs from day-to-day operating

Protected from existing barriers to Innovation./.

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