

Decentralisation in Rwanda
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Nicole Töpperwien

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Executive Summary

This report was prepared in view of the next phase of SDC's decentralization program in Rwanda. It is based on the study of documents as well as on discussions with major stakeholders in Rwanda.

Rwanda has to cope with a very **particular context**. Not surprisingly, the genocide still influences state actions and policies, directly and indirectly. The Rwandan Government focuses on re-building Rwanda, sometimes with relatively harsh implementation measures. Also decentralization is understood as one approach to re-build the country. The overall context is characterized by a relatively closed political space with a very dominant position of RPF, unfinished reconciliation after the genocide with difficult to measure social cohesion and a very strong focus on result-oriented (economic) development.

Stemming from the overall context the following conclusions can be drawn for decentralization:

- Certain aspects of national policy currently seem to be non-negotiable because they are considered as essential parts of re-building Rwanda. Also decentralization is part of the project of re-building Rwanda. The decentralization process benefits from the strong political will to implement the decentralization policies.
- The political space at the local level is likely to remain relatively closed. A certain opening up at local level on a non-party basis might however be possible. It can be expected that local decisions will be sidelined if the army or other important players oppose.
- Social policies are signs that the Rwandan government tries to cope with divisions however they lead to strong control over the citizens. Local governments are being controlled and are part of the control mechanisms.
- Economic policies are result-oriented and so far were relatively successful in promoting (economic) development. Though the policies as such have their merits, implementation by local governments is done in a way that causes concerns and might lead to the failure of the policies.

Decentralization is predominately experienced as positive because it managed to improve service delivery close to the citizens and provides at least the potential for new avenues of citizens' and civil society participation. However, decentralization did not lead to substantive *de*-centralization because it was combined with strong centralizing elements and (sometimes informal) upward accountability. Decentralization works as a very effective top-down governance and control mechanism. Decentralization strengthens the reach of government over the people and the territory.

Decentralization establishes **multilevel governance**. Local governance should also be in line with the principles of good governance (accountability, transparency, participation, effectiveness and efficiency (of service-delivery), and non-discrimination).

Accountability: Local governance is characterized by very strong upward accountability and a relatively weak downward and horizontal accountability. The strong upward accountability is mainly achieved through performance contracts between the mayors and the districts. These performance contracts are not necessarily completely in line with the District Annual Plans. Mayors conclude performance contracts with the sectors, sectors with the cells, cells with villages and finally villages with individual households. The performance contracts establish a very strong downward control and upward accountability. This upward accountability is so strong that downward and horizontal accountability is weakened. There are several occasions during which citizens can discuss the performance of the mayors and the councils. Though there are multiple arenas for citizens to discuss development plans they do not seem effective for holding local

authorities responsible. In case of discontent, citizens tend to address themselves to higher levels of government so that they can exert top down pressure. Because political institutions at district level are indirectly elected, citizens can also not so easily show their dissatisfaction at the ballot box. Civil Society is relatively weak and therefore has also not the influence to promote accountability. District Councils are also relatively weak. This of course also limits horizontal accountability.

Transparency: In respect to transparency there are mixed results. Citizens consider elections at village level as more transparent than at higher levels. It is difficult to assess if candidates are selected and whether instructions are given how to vote. Decision-making is only partly transparent. It remains the unknown influence of the party and the security forces. Informal and invisible power structures and accountability lines seem to play an important role in local decision-making. Concerning implementation, local governments are confronted with a multiplicity of reporting systems. Transparency could be increased by harmonizing these systems. The distribution of funds on the other hand is relatively transparent. Rwanda also established a Joint Governance Assessment which is done jointly by development partners and the government.

Citizens' participation: Citizens participate in elections, in planning and decision making (participation is sometimes limited to officials presenting the ideas to the citizens, citizens often remained passive), participation in implementation (for instance through community work, agreements in household imihigos) and participation in monitoring (see on accountability above). The planning process is supposed to be participative and is conducted bottom-up. Citizens can influence decisions of district bodies within the framework of national priorities. A strengthening of participation on decision-making would necessitate a change of mind set both of officials as well as of citizens, for the officials to really involve the citizens and for the citizens to actively use the opportunities for participation.

Efficient and effective service delivery: Rwanda took a step by step approach to bring services closer to the people. Services that were previously delivered by the district are now within the responsibility of the sectors under the monitoring of the districts. In the future, more and more services shall be provided at cell level. It seems that decentralization had positive effects on service delivery, for instance in the fields of issuance of marriage certificates and passports as well as for registration of returnees. Decentralization rendered services more accessible. Procedures are simple and fast. Targets for service delivery set by the government are relatively high, there are limited funds and thus some of the services are underfunded, and demands of the people for services are rising (e.g. in the health sector). In general, e.g. human resource capacities as well as equipment and infrastructure did not always follow the attribution of additional powers.

Non-discrimination: At least on paper, Rwanda aims at achieving the equality of all its citizens and. Several elements contribute to making any assessment of discrimination difficult: some procedures are not transparent, certain distinctions must not be made, e.g. officially party membership is irrelevant at local levels, distinctions between Hutus and Tutsis are taboo. It cannot be excluded that governance processes, policies or implementation practices though formulated in a neutral way have discriminatory effects. For the composition of political institutions care is taken, that the composing territorial units, women and the youth are represented. Discriminatory effects of policies could not be fully assessed. A new form of discrimination might develop. Rwanda aims at promoting the economic productivity of its citizens. Performance contracts put citizens under pressure to achieve because otherwise also their social standing can suffer. This might lead to discrimination of those who manage to achieve and those who don't.

Development cooperation: Rwanda strongly encourages donors to harmonize and to align to government policies. Rwanda quite openly shows preference for direct budget support (at national level) and at least expects that donors align and harmonize their own planning, performance monitoring and reviewing activities as much as possible with those processes established in DIP. In principle, Rwanda is opposed that donors continue to support specific districts. In addition they want to convince development partners to concentrate their support so that only a limited number of donor agencies are active in each sector. Many donors obliged the Government of Rwanda by providing general budget support or budget support to CDF instead of or additionally to supporting decentralization through technical assistance. The willingness to provide budget support is a sign that many donors think that Rwanda, despite some concerns, is developing in the right directions. For various reasons some donors already phased out support to districts others are preparing or at least considering phasing out. Others again opted for huge programs that can be step by step enlarged to cover all districts. The Government of Rwanda proposed Canada as the main donor in decentralization. Canada however will most likely stop its support to decentralisation within the next two years because its available resources were substantially reduced. Chances would be there that Switzerland could be one of the main supporters of decentralization.

Recommendations: Support to decentralization brings both opportunities and risks. There are recommendations how risks can be contained and how to build on opportunities for establishing a next program on decentralization.

By supporting decentralization it is almost impossible not to support also those elements of decentralization that have repressive characteristics and effects. Support to decentralization however might also provide some avenues to foster good governance. Any support in Rwanda, in particular also to decentralization will have to be done from a conflict sensitive perspective based on conflict sensitive planning.

- ➔ **Recommendation:** If development cooperation with Rwanda is continued consider establishing a procedure to periodically assess the political situation in Rwanda and the political dynamics of the decentralization process as early warning mechanism. This early warning mechanism would also have to include indicators and tools to identify and assess possible changes in social cohesion (perhaps the SDC focal point for conflict could assist in this respect). A potential national partner might be IRDP. The assessment of the situation in Rwanda could include comparative aspects so as to put the Rwandan assessment in perspective.
- ➔ **Recommendation:** Be willing to stop support to Rwanda if the early warning mechanism shows a clearly negative prognosis. If possible determine scenarios in advance.

Rwanda is so fast in reforming and sometimes these reforms come very suddenly so that it requires a high level of flexibility for anyone who wants to work in development aid.

- ➔ **Recommendation:** Maintain good formal and informal contacts at all levels of government so as to increase chances to be timely informed.
- ➔ **Recommendation:** include a review mechanism in the decentralization program or wait with final programming until the Joint Governance Assessment and the Evaluation of the second phase of decentralization are available.
- ➔ **Recommendation:** Maintain a certain flexibility in planning.

It is not completely clear whether Rwanda envisages Switzerland as a main contributor in decentralization. During the mission, the impression was clearly that Rwandan authorities appreciate Swiss support and also want (expect) it in the future. This might however change, depending of the

kind of support Switzerland offers. In addition, due to Rwanda's donor policy it will be difficult to continue supporting the four districts in the West in a meaningful way.

- ➔ **Recommendation:** Discuss and assess with counterparts at national and district level in how far Switzerland can remain active in the field of decentralization and in how far it can continue special cooperation with the four districts in the West.

Support to decentralization should be geared at building or making the best possible use of political space, to providing room for a diversified new political leadership, to promoting participation of citizens, to start a debate at least on implementation issues and finally to strengthening social cohesion and peace without further contributing to repressive mechanisms.

Support to decentralization provides certain (though limited) opportunities to **contribute to the opening of the political space over time:**

There are already many that plan to support civil society in order to encourage more substantial participation and to foster more political debate. There seem to be some organizations, institutions and also personalities that can have a positive influence on the debate culture and the decentralization policies. There are also certain mechanisms that seem to have had a positive influence for fostering good working procedures and exchange between in this case mayors, for instance the peer review as a financial monitoring mechanism that has been introduced with Swiss support in the West. The better use of existing political space could probably also be supported through capacity building. Support to capacity building could provide an avenue to remain in close contact with the four districts in the West.

- ➔ **Strategic option:** Create opportunities for opening political space and debate.
- ➔ **Recommendation:** If possible work towards strengthening institutions but maintain the flexibility to support driving forces within institutions (e.g. NDIS) if good opportunities arise.
- ➔ **Recommendations:** Consider continuing working on capacity building so that it helps different actors to be aware of their roles, to assume their roles and to change their mindset. For this it will be necessary to adopt an approach that is sustainable (e.g. strengthening a training institution, strengthening RALGA or universities are training institutions) and that is not only focused on the local level but also targets stakeholders from the national level.

Decentralization brings certain potentials for development and improvements to the life of people. Decentralization is used to promote and implement development strategies and also managed to improve service-delivery. However, the way of the implementation of development policies often causes concern. Decentralization **even provides some avenues to engage the Rwandan government in policy dialogue.** Through primarily technical input a more substantive discussion on decentralization and local governance seems possible.

- ➔ **Strategic option:** Create opportunities for engaging in a debate on national policies and their implementation through support to local government and decentralisation.
- ➔ **Strategic option:** Create opportunities for supporting implementation of development policies in an equitable way.
- ➔ **Recommendation:** To rely entirely on budget support in the field of decentralization does not seem an option in the current context as then influence on what aspects of decentralization are supported is limited. Budget support to CDF however might remain a good option if it opens the way for policy dialogue and is complemented with targeted other actions.

- ➔ **Recommendations:** Use expertise concerning technical challenges to provide entry points for policy debate. Make use of a multi-level approach.
- ➔ **Recommendations:** If implementation of development policies is supported, pay due attention to adverse effects and conflict potentials policies might include.

One issue for consideration will probably be how much **visibility** Switzerland will gain as supporter in the field of decentralization. As not too many international actors target decentralization as main field of support, Switzerland could probably gain an important and visible role in the field. However the connected risks (see above) could also lead to a more low key approach. This could be done mainly by making use of synergies:

- ➔ **Strategic option:** Reduce visibility and make use of synergies
- ➔ **Recommendation:** Assess whether to combine support in the health sector with support to decentralization (treat decentralization as a cross-cutting theme).
- ➔ **Recommendation:** Assess whether to team up with other development partners (e.g. Sweden, Netherlands)

Recommendation: Assess whether to put primary focus on regional cooperation (Grands Lacs).

List of Abbreviations and traditional terms

ADP	Annual Development Plan
CDF	Common Development Fund
CSPF	Civil Society Platform
CSO	Civil Society Organization
DDP	District Development Plan
DIP	Decentralization Implementation Plan
FDLR	Democratic Forces for the Liberation of Rwanda
GAC	Governance Advisory Council
gacaca	Special traditional jurisdictions to foster justice and reconciliation in respect to certain crimes committed during the genocide
GoR	Government of Rwanda
imihigo	Performance Contract
itoreo	Educational program to transmit Rwandan values
IRDP	Institute of Research and Dialogue for Peace
MINALOC	Ministry of Local Government, Good Governance, Community Development and Social Affairs
MINECOFIN	Ministry of Finance and Economic Planning
NDIS	National Decentralization Implementation Secretariat
NGO	Non-Governmental Organization
RALGA	Rwandan Association of Local Government Authorities
RDSF	Rwanda Decentralization Strategic Framework
RPF	Rwandan Patriotic Front
SCO	Swiss Cooperation Office
SDC	Swiss Agency for Development and Cooperation
umuganda	Voluntary community work, one Saturday a week
VUP	Vision 2020 Umurenge Program

Introduction

Background

SDC is about to plan a new phase of its decentralization program in Rwanda. As part of the planning process, a mission to Rwanda took place with the aim to assess decentralization in Rwanda. The assessment is supposed to encompass political as well as technical aspects of decentralization in order to form a basis (amongst others) for deciding whether to continue support to decentralization in Rwanda and if so how decentralization could be best supported in the future.

Terms of Reference and Methodology

The terms of reference foresee an analysis of (a) decentralization in Rwanda, in particular of governance aspects, (b) the identification of strategic options for future Swiss support to decentralization and (c) an assessment of the already existing program proposals (for the terms of reference see the annex). At the briefing in Bern the consultants were advised to concentrate on point (a) and in particular on the political aspects of decentralization, to be brief on point (b) and to leave out point (c). Concrete lessons for the planning of the new program will be drawn by the SCO in Kigali and SDC in Bern. Because it is not possible to assess decentralization, especially its political sides, without some consideration of the overall political context, also remarks on the political situation in Rwanda are included in this report, though not explicitly required in the Terms of Reference.

Two consultants were involved in the assessment, Dr. iur. Nicole Töpperwien and Dr. iur. Erika Schläppi. Preparation and the analysis of major findings were done jointly while the visit to Rwanda and the interviews were conducted by Nicole Töpperwien. The report was written by Nicole Töpperwien.

On the one hand, the assessment is based on a study of documents (see annex 2), including the study conducted by Prof. Rochegude on decentralization in Rwanda, mandated by SDC¹. On the other hand, extensive discussions took place in Rwanda (see annex 3) with representatives from central government, including the minister in charge of decentralization, heads of specialized agencies and a decentralization focal point from a line ministry, representatives from province, district and sector level, including representatives from the executive, the administration and the legislature as well as representatives from donor agencies and embassies, national and international NGOs and human rights organization. Meetings took place in Kigali and in Kibuye region. The program was carefully composed by the SCO in Kigali. Most of the meetings were also attended by Christoph Fuchs from SDC headquarters and Markus Reisle from the SCO in Kigali. Claude Rwigitare, national program officer for decentralization, participated in some of the meetings and was always available for further information. Preliminary findings were presented and discussed during a debriefing in Kigali. We would like to use this opportunity to thank the SCO in Kigali as well as Christoph Fuchs for the support and valuable discussions.

During some meetings, very open and critical discussions took place, both with Rwandans as well as with representatives from international organizations. However, in general there is only limited possibility to discuss openly. There is a high degree of self-censorship out of fear of repression. In

¹ Alain Rochegude, *Note d'analyse et d'évaluation de l'appui de la coopération suisse à la politique de décentralisation au Rwanda*, Novembre 2009.

general, national discussion partners were experienced as more outspoken than representatives from lower levels of government. There remain however very clear taboos. We refrained from pressing anyone to voice his or her opinion in order to avoid doing harm. Because of this, we included a relatively high number of interviews with staff of embassies and donor agencies who in general feel more at liberty to critically reflect and to share these reflections. International actors however, might have only limited access to information. Decision-making circles are rather closed. This circumstance can limit the reliability of some of our conclusions. In general, however, the consultant gained the impression, that remarks were consistent enough and confirmed by more than just one discussion partner so that they provide a reliable enough basis to draw conclusions. Whenever possible, the consultant tried to base the assumptions not solely on assessments by international discussion partners but sought at least indirect confirmation from Rwandans.

At the briefing by the SCO in Kigali it was agreed how to qualify and describe the mission. We called it a 'technical expertise on decentralization in view of the next phase of the Swiss decentralization program'. This wording was chosen because the SCO feared that any mentioning of the word 'political' would close doors.

Some introductory remarks: A country of ambiguity

In the view of almost all our discussion partners, decentralization is predominately experienced as a positive development because it managed to improve service delivery close to the citizens and provides at least the potential for new avenues of citizens' and civil society participation. The decentralization process has its very successful sides. Of course, as with any relatively young decentralization process there are also some weaknesses concerning certain policies, technical aspects as well as the process of implementation. The Government of Rwanda together with local governments started to reflect on weaknesses, in particular on technical weaknesses (institutional design, roles of different actors, distribution of powers and resources) and there are already a number of recommendations². The Minister in charge of decentralization demonstrated openness to act on these recommendations. If decentralization is regarded in isolation, support to decentralization clearly appears as a good avenue to support (economic) development in Rwanda.

However, it can be argued that the major challenge in respect to decentralization stems from the overall political context, the leaders' vision for the state and the corresponding national policies. The overall political situation impacts on decentralization policies and processes. Certain weaknesses in decentralization can only be understood by taking a look at the overall context. More than that, to some extent decentralization forms part of some of the more problematic state policies.

Rwanda has to cope with a very specific context. One of our discussion partners qualified the genocide as the 'end of the world'. Now a new world has to be built. This emerging world is a world of ambiguities, with positive aspects but unfortunately also aspects that have a certain conflict potential.

The Rwandan government wants to build a new Rwanda with a Rwandan nation. It still feels under threat by 'genocidaires' within Rwanda and from Rwandan Diaspora. Rwanda quite successfully promoted stability and development, in particular if development is understood as an increase of

² See, *Statement of recommendations from the Local Government Retreat*, (Musanze, 5-8 February 2010).

GDP³, however fares badly in respect to human rights, good governance and democracy⁴. Rwanda managed to achieve a high degree of stability and (economic) development, in particular in comparison with neighboring countries. Despite certain weaknesses, state institutions are functioning⁵. According to the overall assessments, grave human rights violations like assassinations and forced disappearances are considerably less frequent than ten years ago, showing some positive trends regarding security of the person. However achievements in these areas are not complete and not necessarily sustainable and they come at a cost. While there was a long, intensive and ongoing process of holding “génocidaires” responsible for their crimes it seems that reconciliation in Rwanda is not fully achieved. Although there is no open discussion, one has to assume that there is still conflict potential between different groups within Rwanda as well as with Rwandans in the Diaspora.

All government policies that are related to building the new Rwanda and the Rwandan nation seem to be non-negotiable and only a very limited debate on their content and the ways how they are implemented seems to be possible⁶. Human Rights advocates identify heavy deficits in the area of political rights and freedoms (freedom of opinion and expression, freedom of information and press). Stability and security are accompanied by very high levels of control of the state over its citizens. Development is mainly promoted top-down and though many policies might be justifiable, implementation methods are often harsh and arbitrary.

Rwanda can be qualified as a regime with repressive characteristics and contrary to what one might expect, decentralization strengthens the reach of government over the people and the territory. Also the decentralization policy is to some extent based on the lessons from the genocide. The argument is that strong centralization facilitated the organization and realization of the genocide. Decentralization shall break the old power structures and contribute to peace. There is an admirably strong political will to implement decentralization and the overall policy is not disputed. However despite of the lessons from the genocide, decentralization did not lead to substantive *de*-centralization because it was combined with strong centralizing elements and (sometimes informal) upward accountability. Decentralization works as a very effective top-down governance and control mechanism.

The major and recurring question is an ethical one:

- How much repression can/shall be accepted for the sake of stability and development?

The answer to this question will be influenced by the prognosis:

³ ‘Development’ should increase the choices of the individuals how they want to live their life. If understood in this broader sense, development is less successful.

⁴ The United States of America made an assessment of governance in Rwanda based on World Bank and other indicators. Rwanda fared relatively well except in the area of participation. Therefore USAID completely revised its support program and is now focusing on strengthening civil society and their participation in decision-making.

⁵ Though it seems that there are also strong parallel institutions (e.g. the army).

⁶ This position can to some extent be explained based on the disenchantment with the international community, which was not willing or not able to stop the genocide. The Rwandan government is convinced that it knows better what is good for Rwanda than members of the international community.

Will the repressive aspects of the current regime be loosened over time - are they part of a transition and if yes of a transition to what kind of a political system?

- Are there ways for SDC to positively influence the transition or the likelihood of transition to more respect of human rights, good governance and democracy while maintaining and building peace?

The answer will also be influenced by an assessment of sustainability and alternative options:

- Are achievements in the area of stability and (economic) development sustainable or put differently, will those measures that currently help to achieve stability, security and (economic) development undermine them on the long run? How big are the risks for violent conflict?
- Would there be alternative, less repressive ways to achieve similar or acceptable and more sustainable levels of stability and (economic) development in the current context of Rwanda?

The debate on these questions is of relevance for any involvement in Rwanda as for other countries with repressive features. There is never a completely neutral way to provide development aid. The questions in their totality are beyond the scope of this analysis.

Overall assessment of the context

The main justification for many of the major national policies is to overcome the genocide, to prevent another one and to re-build Rwanda. The Rwandan government has a clear vision of what it believes is necessary and good for Rwanda. Many of the actual national policies for re-building Rwanda include strong positive aspects; however, they also include elements that might in effect undermine what officially the policies are supposed to achieve: social cohesion and national unity. There is very limited room for free discussion on these national policies and to express opinions which would oppose the government. Those who criticize face the risk that their criticism is regarded as directed against the whole project of national unity instead of against the approach with which national unity shall be built. Many keep silent amongst others out of fears of allegations of divisionism.

National policies for building a new Rwanda focus on the political, the social and the economic sphere. At least as a side effect and in a short to mid-term perspective, the national policies for re-building Rwanda seem to contribute to maintaining the strong position of RPF. Also, the power of RPF is based on domination in all three spheres: the effective control of the political space, control over the social sphere as well as successes in the field of (economic) development. Anyone who challenges the position of RPF at least indirectly also challenges its vision of Rwanda.

All discussion partners assessed that there are no immediate risks for the stability in Rwanda. Many however, see several mid-term and long term risks. Of course it is not possible to do a proper risk assessment within the given framework and the methodology at hand.

In the following a short look shall be taken at those aspects of the general framework in Rwanda that are of relevance for assessing the potentials and limits of decentralization in Rwanda.

The political sphere

There is a **non-pluralistic political space**. The political space remains rather closed, amongst others to prevent votes along ethnic lines and the emergence of openly ethnic parties. It can be argued that the relatively closed political space limiting the expression of challenging voices favors those in power: the RPF. To some extent discussion seems to be possible within RPF and the government

coalition. RPF uses consensus-building mechanisms and pays attention to include people from various groups. For instance the Forum of Political Parties (an instrument introduced by the Arusha Accords) works as a strong consensus-building instrument. Some say that it mainly works for mainstreaming (or dictating) opinion, others see real potential for open discussions behind closed doors. The more optimistic discussion partners see a slow opening of the political space. It can be expected that in the future there will be challenges to the quasi-monopoly of RPF and there is at least the risk that in this case the political space will get more closed again.

- **As the biggest risk our discussion partners considered the strong focus on one political leader:** the president is considered as the guarantor for (economic) development and stability. There is the general assumption that for instance in case of the president's sudden death immediate turmoil could be the consequence.
- **Fractions and opposition within RPF could become stronger.** As with most political parties that developed from armed movements, RPF ranks are relatively closed to the outside. As a consequence, inside dynamics are difficult to assess. The relatively new Green Party openly states that it is a splinter party of RPF. For various reasons they still wait to be registered in Rwanda. Also some tensions between 'French-speaking' and 'English-speaking' party cadres are visible. Because of the brusque shift from French to English, a number of French-speaking cadres got sidelined. Some apparently lost their job⁷. Rifts also exist between leaders from different regions in Rwanda. One discussion partner also suggested that some fractions between the older and younger elites emerge.
- One factor that largely remains in the hidden are relations between **RPF and the army** and the dynamics between them. According to three of our discussion partners, almost all major decisions at central and local level are taken with the involvement of or even by the army, for instance the selection of candidates for higher political and administrative positions in local government but also policy decisions. It is not clear how the army would react to changes of power.
- In a mid- or long term perspective, **other parties and political movements could muster force** and challenge the quasi-monopoly of RPF. Opposition against RPF within Rwanda and from the outside was so far assessed as relatively weak. The general assessment however is that for instance FDLR is rebuilding its strength. There are three stages that can be of relevance in relation to activities of other parties. The time until the presidential elections in August 2010, the time span between 2010 and 2017 and afterwards.
 - The **up-coming presidential elections** are expected to be relatively uneventful, and the reelection of Paul Kagame is taken for granted. The deadline for registering as a presidential candidate has not expired yet, at the time of writing the report. However, so far it is not expected that there will be a strong counter-candidate to Mr. Kagame. Parties which are currently involved in government will most likely support the candidature to Mr. Kagame. The potential opposition candidate, Victoire Ingabire, president of the FDU-Ink (the party is so far not registered) is generally assessed as a weak candidate. Still the political atmosphere might heat up. In particular Human Rights Watch identifies repressive activities against opposition parties and potential opposition candidates. The recent coordinated hand grenade attacks in Kigali can also be interpreted as a sign that the election campaign will not be as uneventful as expected.

⁷

Amongst others the new language policy led to drastic changes in the teaching faculty of universities.

Most commentators saw a nexus between the grenade attacks and the upcoming elections however also other explanations are possible.

- So far Mr. Kagame pledges that the term from **2010 to 2017** will be his last term as president. Latest constitutional changes aimed to strengthen the role of ex-presidents. This might be an indicator that he is preparing for stepping down in 2017. It can however be expected that different factions within RPF, other parties in government and outside of government will scale up their activities to be prepared for 2017. The second term might show some more confrontations between political parties and perhaps also within RPF. If opposition voices from within and outside get stronger also implementation of national policies might become more difficult.
- It is too early to establish the likelihood for different scenarios in 2017.
- **Regional instabilities** can have an impact on Rwanda. Rwanda aimed at strengthening its regional position by joining the East African Community and the Commonwealth.

In general, it has to be feared that at least in a mid-term perspective Rwanda will keep the political space relatively closed so as to maintain control. There is the risk that this will prove counter-productive and that resistance to RPF will grow. Other parties will have problems to enter mainstream politics by political means, which increases the risk that non-political means are adopted, unless Rwanda manages to slowly open political space.

The limits in respect to the political space of course also **impacts on decentralisation**. Also at the local level the political space is relatively closed. Party politics are supposed to be limited to the national level. For instance the new draft election code provides that candidature for political positions at local level shall be on a non-party basis. This also prevents that regional parties can emerge or that parties build their strength bottom-up. It does, however, not prevent in particular the RPF to influence the local decision-making process. A certain opening up of the political space at local level on a non-party basis might be possible however it can neither be expected that there will be a vibrant political landscape nor that there can be substantial debates on core national policies.

Social sphere

The reconciliation process is still uncompleted. Reconciliation after the genocide, which was preceded by several instances of interethnic strife, is a herculean task. Some risks remain.

- The Rwandan government amongst others relied on the **Gacaca jurisdictions** for providing justice and reconciliation. The Gacaca processes were supposed to have ended already; according to the proposed draft constitution, the Gacaca jurisdictions remain as specialized courts (Art. 152 of the draft constitution). The Gacaca process was partly successful, however it also had and has limitations, for instance in respect to the rule of law, and alone is not a comprehensive process for dealing with the past⁸. In addition, there are several institutions that shall improve social relations among the population traumatized by war, genocide and political violence⁹. Dispute resolution mechanisms strongly rely on mediation at the local level. Local authorities are closely involved in dispute resolution activities and in administering justice.

⁸ For an assessment of the Gacaca, see for instance, PRI, The contribution of the *Gacaca* jurisdictions to resolving cases arising from genocide, contributions, limitations and expectations of the post-*Gacaca* phase, 2010.

⁹ See, *itorero strategy*, p. 11.

- The **constitution and legislation** today sanction any manifestation of 'genocidal ideology'¹⁰. In particular the legislation is relatively vague in its wording and leaves broad room for interpretation. The government aims at creating a new understanding of the Rwandan nation, amongst others by trying to erase Hutu/Tutsi categories. This creates limits to measure social cohesion among the various groups and discrimination. According to the assessment of many discussion partners, the distinctions between Hutus and Tutsis are still present in the heads of the people. However, they also point out, that the people of Rwanda are more cautious in inter-community relations because they do not want another conflict.
- According to the *itorero strategy*, the **itorero** shall become a major element to implant 'Rwandan values' and a "shared mind-set"¹¹. In effect, itorero is a huge re-education program targeting all sections of society. As the strategy points out: "All Rwandans are to some degree affected by the actions of the Itorero ry'Igihugu" (p. 5). Itorero is linked to **imihigo** (performance contracts). In these contracts each family agrees with the authorities on certain targets. The performance of citizens is regularly measured. Also community work (**umuganda**) is used for building social cohesion. One Saturday a month, citizens are expected to participate in voluntary work. Pressure on those who do not or cannot conform is likely to grow and might spark new resentments.

The Government realized the possible risks stemming from weak social cohesion. It remains a matter of dispute amongst academics and politicians around the globe how to best overcome ethnic strife and to promote social cohesion. One of the risks of the current policy is that it prevents or discourages all expressions of diversity. It is hardly possible to build effective early warning mechanisms that could bring conflicting interests and views as well as worsening relations between communities to light. In addition, in particular itorero, imihigo and umuganda heavily impact on the private life of citizens.

The programs for national unity can have **impact on decentralization**. For instance, the different levels (village, sector, district) are involved in the implementation of itorero and imihigo and the authorities of local government are themselves targets of those two approaches. It is local government that weighs over the citizens' fulfillment of performance contracts. Local authorities are measured by how well they and their citizens perform. In respect to these policies, local governments are the ones who invade privacy on behalf of the centre and who report back to the centre. Resentment against some of these practices can taint the image of local government. The relatively close link between local government and these mechanisms of social engineering is also visible in the institutional set-up at the centre. The same ministry (MINALOC) is in charge of decentralisation, itorero, umuganda and imihigo.

Economic sphere

Economically, Rwanda managed to catch up decisively, however it is still one of the poorest countries in the world. Poverty, food scarcity, high unemployment and lack of perspectives can

¹⁰ See e.g. the fundamental principles (Art. 8) in the 2010 draft constitution: "(5) Total eradication of identity-based divisionism, regionalism and other forms of divisionism, (6) fighting genocide ideology and all its manifestations".

¹¹ Next to general values like for instance "patriotism and love for citizens, promoting the Rwandan spirit, fair behaviour, heroism; and eliminate taboos" there are more specific values based on the vision 2020, e.g. "Speed and respect for time: A country in a hurry" and "Customer care mentality: Constant improvement and anticipation" (*itorero strategy*, p. 13).

easily turn into factors that spark or fuel confrontation. The promotion of development is very high on the national agenda. As in other fields also, Rwanda adopted a result oriented approach, sometimes at the cost of good governance. Due to the limited space of discussion and taboos it is also difficult to assess who effectively profits from the economic development and who is likely to lose.

- Rwanda has a high **population density**. Though the country has relatively good land and water resources for agriculture most farming is on a subsistence basis. With further population growth it will be challenging to achieve **food security**.
- Rwandan government promotes '**governance for production**'¹². This policy impacts on national priorities for local governments. Their projects shall contribute to promoting production instead of focusing for instance on infrastructure. It is amongst others supposed to lead to the scaling up of rural settlement programs (the resettlement of farmers in villages and the management of their land through cooperatives – this has in particular strong impacts on small farmers who are traditionally Hutus), the specialization of crops by region (with some risks for food security if badly managed), the focus on bigger projects that would involve more than just one district, for instance for the building of processing industries as well as scaling back of support to the poor in favor of re-integration into the workforce. Though the promotion of production is laudable as an aim, individual policies might have adverse effects on (economic) development, in general and of particular groups, in particular if they are implemented in a rush and with undue coercion.
- Rwanda wants to become the **financial, services and ICT hub** of Africa¹³. With business friendly policies and a safe and corruption free environment, Rwanda plans to attract foreign investment and well-off Africans from the region to establish domicile in the country. Rwanda facilitated procedures to establish businesses. It tries to strengthen its weak banking sector (amongst others by 'encouraging' the citizens to save money through imihigos). It introduced a policy of nine years of schooling for all to create a more qualified workforce. As part of the overall policy, Rwanda reserved prime land in Kigali for development projects (which necessitated expropriation of land). One discussion partner speculated that the grenade attacks could also have been linked to these expropriation procedures as they took place in a neighborhood where shop owners will either have to rebuild their houses or move to a new location.

As for policies in the social sphere, policies in the economic field **impact on decentralization**. They have to be implemented by local government. It was impressive, in what a clear way the message on 'governance for production' had reached the local level. We heard very similar wording at all meetings with local government. It has to be feared that for the sake of results, local governments will not only work through incentives but will also rely on pressure in particular to implement resettlement and crop specialization policies. There are some risks that the implementation of these policies can have a negative influence on social cohesion, will spark resistance and might even lead to periodic food shortages until crops developed, when the harvest fails or when crops cannot be marketed in the way planned.

¹² See for instance, Statement of recommendations from the Local Government Retreat, (Musanze, 5-8 February 2010), 5.

¹³ See, e.g. itorero strategy, p. 12.

Local government will also have to secure the financing of projects for the implementation of the economic policy. 'Governance for production' will necessitate projects that need several years for realization, might not show immediately measurable results and can exceed the capacity of a single district. New forms of planning and of cooperation will have to be found. At least some of the projects will have to be financed through the Common Development Funds (which has a high level of donor funding).

Preliminary conclusions from the overall context

From the above, the following conclusions can be drawn for decentralization:

- Certain aspects of national policy currently seem to be non-negotiable because they are considered as essential parts of re-building Rwanda. Some of these have direct implications for decentralization. Local governments take these policies as a given. Also decentralization is part of the project of re-building Rwanda. The decentralization process benefits from the strong political will to implement the decentralization policies.
- The political space at the local level is likely to remain relatively closed. A certain opening up at local level on a non-party basis might however be possible. It can be expected that local decisions will be sidelined if the army or other important players oppose.
- Social policies are signs that the Rwandan government tries to cope with divisions however they lead to strong control over the citizens. Local governments are being controlled and are part of the control mechanisms.
- Economic policies are result-oriented and so far were relatively successful in promoting development. Though the policies as such have their merits, implementation by local governments is done in a way that causes concerns and might lead to the failure of the policies.

➔ Just based on the overall political context, support to decentralization would in particular make sense if it can be argued that the support does not only help to address technical weaknesses but furthermore contributes to building or making the best possible use of political space, to providing room for a diversified new political leadership, to promoting participation of citizens, to start a debate at least on implementation issues and finally to strengthening social cohesion and peace without further contributing to repression.

The decentralization in Rwanda

The major features of decentralization in Rwanda

(For more information see also the report by Prof. Rochegude. Because his report already includes a description of decentralization in Rwanda, this section is relatively short).

The decentralization process in Rwanda is amongst others characterized by its speed and frequency of reforms. Decision-making on decentralization as well as implementation of these decisions is fast, it can be argued that they are too fast. We frequently heard the phrase "Rwanda is a country in a hurry", "we lost time and have to catch up" and similar sentences. Sometimes it is difficult for Rwandans and donor agencies alike to be up to date and to identify the latest legal texts.

Understanding of 'decentralisation'

Anyone coming from the outside who wants to enter into a discussion on decentralization first has to find out how the discussion partner understands decentralization, so as to avoid misunderstandings.

On the question, what is understood by decentralization, we quite consistently heard 'service-delivery close to the people'. Though major strategies and documents on decentralization in Rwanda reflect a somewhat broader view of decentralization the above statement seems to reflect one of the major features of Rwandan decentralization and in particular a feature that is appreciated by the citizens. Effective service delivery is at the centre of the decentralization policy. Also another feature of decentralization is clearly visible. Decentralization shall first and foremost contribute to fast development. It is the local governments' task to implement their own plans for socio-economic development as well as to implement national policies.

The two major government documents relating to decentralization are the Rwanda Decentralization Strategic Framework (RDSF) of 2007 and the Rwanda Decentralization Implementation Program 2008–2012 of February 2008 (DIP). In line with the above identified foci, the DIP points out that "Decentralization is an integral part of the Government's national development strategy as expressed in Vision 2020 and the Economic Development and Poverty Reduction Strategy (EDPRS)" (p. 8) and has the objective to achieve a "sustainable economic growth and social development" (p.11).

The RDSF on which the DIP is based outlines five strategic areas to contribute to the set objectives: (1) effective management of the decentralisation policy (in line and harmonised with development plans), (2) citizens participation, transparency and accountability (3) efficiency and effectiveness of local governments in local economic development, poverty reduction and service-delivery (4) fiscal and financial decentralisation (5) monitoring, evaluation and management information system.

The decentralization process in Rwanda is structured into three implementation phases. During the first phase from 2000 - 2005 first elected local authorities were put in place. The second phase from 2006-2009 included substantial territorial reforms, the administration of local governments was reformed and powers and resources were transferred. At the moment we are at the end of the second phase. In the coming months, an evaluation of decentralization shall take place to identify the need for reforms during the third phase. According to the strategy, the third phase shall mainly contribute to the consolidation of decentralization.

Political, administrative, financial decentralization

Though there is no commonly shared international definition of decentralization, functional definitions are the most frequent. They orient themselves at the different functions or dimensions of decentralisation and distinguish between political, administrative and fiscal decentralisation. In this understanding, decentralisation denotes the transfer of political, administrative and/or fiscal powers to sub-national territorial units. In a fully decentralised state, sub-national units have their own political institutions and administration, are attributed with their own decision-making powers, deliver services to the citizens, and have own sources of revenue¹⁴. The distinction between political administrative and financial decentralization is mainly useful for analytical purposes. Successful decentralization normally relies on all three functions.

There are other processes and forms of state organisation that are related to decentralisation, for instance the transfer of competencies to local branches of central institutions or agents of central government (deconcentration). Rwanda has decentralised and deconcentrated local units.

Any decentralization and deconcentration presupposes that there are (territorial) local units. At the end of 2005 extensive territorial reforms took place in Rwanda. Almost all sub-national boundaries

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See for instance the definitions on the dln Website of SDC.

were redrawn, amongst others to break old power patterns. Rwanda has five different levels of local units which is a relatively high number for such a small country. The territory of Rwanda is currently composed of five provinces, 30 districts (and the City of Kigali), 416 sectors, 2148 cells and 15000 villages.

A **Province** "is an entity of the administration of the Republic of Rwanda. Its administration represents the State authority" (Art. 2 of the Law No 01/2006 Establishing the Organisation and Functioning of Province). Provincial authorities are agencies of central state (deconcentration) with the main purpose to supervise and coordinate activities in the districts (Art. 8 of the Law No 08/2006 Determining the Organisation and Functioning of the District). According to the strategic framework they shall be abolished at a later stage.

In the current phase, the **districts** (and the City of Kigali) are the only sub-national level with legal personality. Legal personality amongst others brings the right to establish and manage the own budget. It can directly receive funds and for instance sign tender documents¹⁵. In addition, the district has its own political institutions and its administration. The district can be qualified as decentralized unit - though some qualifications are necessary.

Sectors are currently the place of service-delivery. Sector activities are coordinated by the districts. At a later stage sectors are supposed to receive legal personality (though some also envisage that the sectors will be abolished as soon as cells take over sector activities)¹⁶. Today sectors mainly function as agencies of the districts but not only. They have their own elected institutions and for instance for the implementation of the VUP, sectors interact directly with the centre (only the funds are channeled through district accounts).

Over time, more and more direct service-delivery shall be delegated to the **cells**. According to the law "The Cell is a mobilization and development entity in which basic services are delivered and shall be a coordination interface between Village and Sector" (Art. 24 of Presidential Order No 57/06 Determining the Structure and Functioning of Village, Cell and Sector). Already today the cells are the major reference point for citizens if they want to address the authorities.

The **village** "is an administrative level in which the population shall directly participate in all affairs which concern them and in which they reconcile their differences. It is the basic population mobilisation unit" (Art. 3 of Presidential Order No 57/06 Determining the Structure and Functioning of Village, Cell and Sector).

If both the provinces and the sectors would be abolished **in the future** three levels of local government would remain: the districts with mainly coordination functions, the cells as centre for service delivery and the villages as link between citizens and the cells. The minister of MINALOC however assured that at this moment no further changes to the territorial organization are planned and that for instance provinces will remain "as long as they are useful". As a first step the ministry wants to conduct an evaluation of the second phase of decentralization and then decide on further reforms.

The districts as local government bodies with legal personality are accorded some degree of political, administrative and financial autonomy. However, autonomy, in particular political

¹⁵ The province has also some financial autonomy in executing its budget (Art. 2 of the Law No 01/2006 Establishing the Organisation and Functioning of Province).

¹⁶ NDIS mentioned the abolishment of the sectors as an option.

autonomy remains limited. In the following the main focus will be on districts, though information on other local levels will be given whenever it appears useful.

Political Decentralization

Political decentralization includes the existence of own political (democratic) institutions and own decision-making.

Political institutions of lower levels of state

“At the political level, the district is governed by the following three (3) organs: 1) the District Council; 2) the Executive Committee; [and] 3) the Security Committee” (Art. 9 of the Law No 08/2006 Determining the Organization and Functioning of the District).

Districts as well as sectors, cells and villages have a council (legislative branch). There are no direct elections for the **district council**. Sector councilors elect from among their members the district councilors. Additionally to those indirectly elected councilors there are district council members who represent the youth and women. The district council is composed of one councilor from each sector composing the district, three councilors who are members of the Bureau of the National Youth Council at District level, the coordinator of the National Council of Women in the District and at least 30% of women councilors of the members of the District Council (Art. 10 of the Law No 08/2006 Determining the Organization and Functioning of the District). Already at the sector level only a minority of councillors is directly elected. Therefore the direct link between district councillors and the citizens is relatively weak. Based on the rules for the composition of the district council in combination with the rules for the composition of the sector council it is possible that there are district councils that do not have a single member who was directly elected at lower levels¹⁷.

We got conflicting views how candidates for the councils are selected. Several discussion partners pointed to the strong influence of the army or the political party but we also heard that there is competition, in particular at lower levels.

Several discussion partners pointed out that councils are relatively weak. For instance, MINALOC sees one reason for this in the composition of the councils. The minister explained that some council members feel dependent on the executive. For instance there are normally several teachers in the district councils. These however are employed by the mayors and therefore feel dependent on them. In addition, council members are not clear about their role and they often lack capacities.

The **executive** is far more influential than the council. At the district level the executive is composed of the mayor and two vice mayors. They are also indirectly elected. District council representatives elect the mayors and vice-mayors from among the members. There is a very high turn-over rate. Of the 30 mayors elected in 2008 only three are still in power. Some stepped down voluntarily others were sacked for corruption or lack of achievement (see also below). The high turn-over rate also discourages potential candidates to run for office.

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Art. 10 of the Law No 08/2006 Determining the Organization and Functioning of the District and Art. 59 of Presidential Order No 57/01 Determining the Structure and Functioning of Village, Cell and Sector. A not yet published study by IRPD suggests that citizens regard elections at village level as the most transparent ones. At village level citizens elect the Village Executive Committee. The vote is not by secret ballot. During the election, the citizens line up behind their preferred candidate. They have less trust in the indirect elections for the district council even though (or to some extent because) they take place by secret ballot.

As a third political institution, districts have a **security committee**. The security committee is composed of the mayor, the vice-mayors, the executive secretary, the army commander responsible for the area in which the District is located, the police commander in the district, the public prosecutor of the upper level, the intelligence officer in the district, the immigration officer, the director of prison in the district, the security officer in the National Women Council at the District level and the councilor in charge of communication in the National Youth Council¹⁸. It seems that the security committee has substantial influence on all decisions at district level.

Decision-making: Distribution of Powers

The **distribution of powers** defines which level of government is in charge of policy making as well as of delivering of services. Of course in particular the right to make policies provides opportunities to define own preferences. However, also the right (or duty) to implement policies and to deliver services is normally connected with some discretion how to do it and thus also provides a limited level of decision-making power.

The Law No 08/2006 Determining the Organization and Functioning of the District establishes that districts shall implement government policies, deliver and assist sectors in delivering good quality services, elaborate, coordinate and implement development programs and promote solidarity and cooperation with other districts (Art. 5). In line with this article, the focus is not so much on policy making but much more on implementation and service delivery (for the planning process, see below). Tasks of the districts include for instance local security, maintenance of infrastructure, land use, protecting genocide memorials, coordination of health and education activities as well as dispute settlement.

Decision-making: Planning process

Through the planning process, districts can define their own priorities. Districts have District Development Plans (DDP) and annual district Development Action Plans (DAP). These have to be in line with national priorities issued by the line ministries or other authorities at the centre. "Instructions and decisions taken by the District Council shall not contravene the law *or instructions* issued at national level" (Art. 46 of the Law No 08/2006 Determining the Organisation and Functioning of the District, *italics mine*). Planning is supposed to take place in a participatory way and starts at the village level. Village development priorities are consolidated at the cell level, cell level plans are again consolidated at the sector level and the districts finally consolidate sector level plans into a District Development Plan (DDP). Each level has to check whether the plans are in line with national priorities.

A ministerial order set up Joint Action Development Forums (JADF) in 2007 amongst others to promote participatory planning processes and to evaluate the implementation of development activities, in particular District Development Plans (DDPs). JADFs are composed of representatives from local government and various stakeholders. It is a platform that allows the public sector, the private sector and civil society to meet and plan together. The meetings are chaired by the Vice Mayor of the District. It very much depends on the person of the Vice-Mayor in how far the JADFs work as a platform for participation or more for information.

The District Development Plans are submitted to the CDF for funding. For more technical projects, districts need authorization of the line ministries before they submit the projects for financing to CDF. According to the CDF, priorities of the districts are strictly respected (unless they are not in

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Art. 92 of the Law No 08/2006 Determining the Organization and Functioning of the District.

line with national priorities or authorizations are missing). However, normally there are not enough funds to finance all projects included in the DDPs. One of the discussion partners qualified the DDP as wish lists.

The annual DAPs are prepared by the District Development Committee, which is amongst others composed of the two vice-mayors, the executive secretary of the district (head of the administration) and the executive secretaries of the sectors. DAPs apparently are a bit more realistic than the DDPs. The most realistic planning documents seem however to be the imihigos between the president and the mayors.

Local government has some influence on deciding on their priorities; however the decision-making remains limited in scope. They can decide within the relatively narrow scope set by national priorities and available resources. Additionally, in fact, their planning gets substituted by the agreements between the centre and the mayors reflected in the imihigos.

Administrations at local level

The districts have their own administration to implement national policies and their own development projects as well as to deliver services. The number of staff, required qualifications and job descriptions are provided by central government. As in several decentralized countries, districts cannot by themselves increase staff or rearrange the organization of the administration to reflect their needs. However the district's executive can decide whom to employ (though apparently the security committee plays an important role). Due to the required qualifications, many districts have difficulties in finding staff, in particular staff that is familiar with the district. Many districts started relying on RALGA, the association of local governments to identify candidates and to select their staff.

In general districts as well as the other local levels have relatively low numbers of staff. The number of technical staff at district level (excluding medical personnel and teachers) is 51. This is hardly enough to fulfill their tasks, in particular to implement their own development projects as well as national policies and to monitor and to report on service-delivery and other activities at local levels. Sectors currently have 8 technical staff, cells two and villages none. In particular the cells and the villages have to rely on voluntary work.

Since 2006 the centre has conducted two administrative reforms that touched on the number of staff, required qualification and job descriptions. Further reforms are planned.

Financial aspects

Districts receive their financial resources from four different sources. The Ministry of Finance manages two of them. Block grants cover recurrent costs, ear marked funds are supposed to cover delegated tasks from line ministries. Also MINALOC contributes resources to local government. The CDF within MINALOC covers development projects. Many donors provide budget support to decentralization through this mechanism. CDF funds are distributed according to a formula which takes population, size and economic factors (poverty) into account. Additionally the districts have own funds from taxes and fees. These however amount to less than 5%. As also the government recognizes, districts are underfunded. The Minister of MINALOC informed that an increase of block grants is planned.

For the districts it is relatively predictable how much funds they will receive or can generate. About the timely arrival of funds at local level, we heard conflicting views, in particular concerning ear-marked grants for projects of line ministries. The donor community is closely involved in

monitoring CDF funds. CDF pays districts in three installments, 40% at acceptance of the project, 40% when all documents are completed and 20% towards completion of the project.

So far some districts received direct budget support or other financial support from donors. "The State, the Private sector and development partners shall provide technical and financial assistance to the District" (Art. 7 of the Law No 08/2006 determining the organisation and functioning of the district). For instance SDC gave direct budget support to four districts in Western Rwanda, amongst others to support districts in realizing their priorities. The government sees problems in this approach in particular if it leads to an unequal treatment of districts. As a corrective measure they envisage that the amount of direct support to districts will be deducted from the overall financial resources the district receives from the centre. This would make direct budget support to individual districts less attractive.

Another important source of funds comes from the VUP. These funds are mainly for poverty alleviation and are spent at sector level. As however the sector has no legal personality, these funds are channeled through the budgets of the districts.

Multilevel governance

Decentralization leads to multilevel governance. Often discussions on decentralisation focus on local institutions, local actors and local governance processes. However, local authorities are part of a complex system of relations and interactions, involving a variety of state institutions, political and administrative processes. The performance of local government depends very much on the national framework and policies in the area of decentralization and in sectors relevant for local responsibilities. Coordination and control mechanisms between levels of government will have a decisive influence on the functioning of decentralisation.

At the centre, mainly the MINALOC is in charge of decentralization. Next to decentralization this ministry is for instance also responsible for the registration of NGOs and political parties, as well as for itorero (education programs) and imihigo (performance contracts). Within of MINALOC the National Decentralisation Implementation Secretariat (NDIS) and the Common Development Funds (CDF) are of major importance for the decentralization process. NDIS currently works as a kind of government think tank on decentralization. According to reform plans its capacity to support local government in the implementation of their tasks shall get strengthened. There are also plans to merge this secretariat with the Governance Advisory Council (GAC) into a bigger Governance Board. Also the CDF which funds development projects of local government shall be reformed in the future. The local governments do however not only have contacts with MINALOC, NDIS and CDF. Of major importance for them is also the Ministry of Finance (MINECOFIN) through which the better part of local government funds are channeled (block grants for recurrent costs as well as funds from line ministries). In addition the districts have contacts with all line ministries, in particular those for which powers were transferred to the district level (e.g. health, infrastructure, agriculture).

There are a number of coordination mechanisms, for instance the National Decentralization Stakeholder Forum (NDSF), the Program Steering Committee (PSC) at ministerial level, Decentralisation Clusters (DC) at technical level, Decentralization Focal Points in Ministries and Provinces and the Local Government Consultative Forum (LGCF) which brings together the focal points and district representatives. Two of these coordination mechanisms also include donor organizations (NDSF and DC).

Also RALGA as a lobbying mechanism for local governments gained importance. RALGA was initially established on initiative of the Swedish and by now gained general recognition. RALGA

has local governments as members. It is partly financed by membership fees however primarily by donor contributions. So far RALGA did not apply for funds from the centre so as to remain independent from the national level. RALGA represents local governments in the PSC and the Decentralization Cluster.

Districts have to coordinate and monitor sector activities; sectors coordinate and monitor cell activities. Cells coordinate and monitor the activities at village level. The district collects all the data of sectors, cells and villages and reports. Districts are faced with a number of challenges. On the one hand there are poor techniques, tools and software to collect and process data and they have limited resources to carry out regular evaluations. On the other hand they are faced with an average of 60 different information and reporting systems. Line ministries establish their own reporting requirements and procedures.

Decentralization and Good Governance

Decentralization establishes multilevel governance. Local governance should also be in line with the principles of good governance (accountability, participation, non-discrimination, effectiveness and efficiency (of service-delivery) and transparency). A closer look at some of the apparent effects of decentralization on the five good governance principles shall be taken. A full evaluation of the effects of decentralization on good governance cannot be made based on the methodology used for this assessment; however it is possible to identify certain systemic deficits and some trends.

Accountability

Local governance is characterized by very strong upward accountability and a relatively weak downward and horizontal accountability.

Each year the president signs a performance contract with the mayors of the districts. The idea of performance contracts derives partly from Rwandan history of contracts between the monarchs and members of his army, in which they pledged to conquer a certain amount of territory¹⁹. Failure meant and means a huge loss of social prestige and quite often the loss of job²⁰.

The modern performance contracts include some mandatory elements that derive from national priorities, e.g. an engagement for decreasing child mortality, and some elements that are agreed on between mayor and the president. So far, the contracts include almost exclusively quantitative indicators. Mayors are encouraged to achieve results. These performance contracts are not necessarily completely in line with the DAPs. And there is often not enough funding to realize the agreements. However, they are the major instruments with which the performance of the mayors is measured. Though the councils are in charge of electing and dismissing mayors, in effect also the president's and his agents' evaluation of performance decides whether the mayor will remain in office²¹.

¹⁹ Additionally it was inspired by the Madagascan experience to foster fast results in development.

²⁰ The *itorero strategy* for instance promotes: "It is better to die than misbehave and better to die than betray your country" (p. 14). As misbehavior, inattention to results (status & ego), avoidance of accountability (missed deadlines), lack of commitment (ambiguity), fear of conflict (artificial harmony) and lack of trust (invulnerability) are identified (p. 14).

²¹ Art 74 of the Law No 08/2006 determining the organisation and functioning of the district

Mayors conclude performance contracts with the sectors, sectors with the cells, cells with villages and finally villages with individual households. The performance contracts establish a very strong downward control and upward accountability²².

The strong pressure created through the upward accountability managed to provide results however also had negative effects. Because of the type of indicators (quantitative), signatories of the performance contracts are tempted to realize results at any price even if this leads to disrespect of procedures or rights of the citizens. In respect to financial management, Rwanda promotes a zero tolerance policy. A high number of mayors lost their position due to embezzlement charges; however the definition of embezzlement seems to be very broad: the auditor general seems to qualify almost any deviation from financial procedures as embezzlement.

As very concrete sanctions can come from not fulfilling the performance contract (loss of position and social prestige), there have been cases of wrong reporting to show the agreed on results. Additionally this upward accountability is so strong that downward and horizontal accountability is weakened.

The Government of Rwanda several times emphasized that it wants to strengthen downward and horizontal accountability. Due to systemic reasons however, it cannot be expected that downward and horizontal accountability will substantially improve without changes to the system. There are several occasions during which citizens can discuss the performance of the mayors and the councils. There are days of open doors, the implementation of development plans can be discussed at the JADFs, there are radio programs during which citizens can call in to question local governance authorities. While these events provide opportunities to discuss they do not seem effective for holding local authorities responsible.

In case of discontent, citizens tend to address themselves to higher levels of government so that they can exert top down pressure. Because political institutions at district level are indirectly elected, citizens can also not so easily show their dissatisfaction at the ballot box. Civil Society is relatively weak and therefore has also not the influence to promote accountability. There are attempts to strengthen civil society so as to help them to make better use of the current accountability mechanisms (and to be more active in planning). For instance, GAC with the indirect support of USAID plan a substantial program to support civil society and the JADFs. However, it appears that

If a member of the Executive Committee [mayor or vice-mayor] misbehaves, continually absconds from or fails to perform duty or degrades his or her post, the Chairman of the Council, at own initiative, or upon request by one council member, or the Governor [head of province, agent of the centre] shall convene the meeting of the District Council in order to take appropriate action depending on the gravity of the mistakes indicated in writing.

If the District Council is weak in taking appropriate action against the District Executive Committee member and when it is evident that the accusations against him or her are founded, the District Council may be dissolved in compliance with Art. 49 of this law (italics mine).

²² The performance contracts are the major instruments to establish down-ward control. They lead to an intrusion of the public into the private sphere (normally protected by the human right to private life without interference), in particular when performance contracts at the household level are concerned. These performance contracts for instance include agreements how much money the family will save (for this the family is supposed to show how much they earn and the balance of their bank account), various hygiene measures including rules for storage of food, the planting of kitchen garden or the agreement to send children to school. The achievements are regularly checked. Those with best achievements receive a price but it is also made public who did not fulfill their contracts.

the role attributed to civil society is primarily to be supportive to government²³ and as one of our discussion partners stated to ‘denounce excesses by local government’. JADFs are chaired by the vice-mayors which is also not conducive to their function as accountability mechanism.

The relative weakness of the councils in relation to the executive was already discussed above. This of course also limits horizontal accountability.

For effective horizontal and downward accountability some changes to the governance system would be indicated. However, at this moment mayors are already under so much pressure by the top down control and upward accountability mechanisms that many could not achieve, resigned or would like to resign. In order to strengthen vertical and downward accountability first downward pressure and control would have to be loosened to maintain a bearable situation.

Transparency

In respect to transparency there are mixed results. According to a not yet published study citizens consider elections at village level as more transparent than at higher levels. At village level citizens line up behind candidates. The election result is immediately visible to everyone. Of course this election practice can be criticized because it is open voting. It was already mentioned that it is difficult to assess in candidates are selected and whether instructions are given how to vote. Also decision-making is only partly transparent. It remains the unknown influence of the party and the security forces. Informal and invisible power structures and accountability lines seem to play an important role in local decision-making.

Concerning implementation, local governments are confronted with a multiplicity of reporting systems. In average, each district has to operate about 60 information systems to fulfill the reporting requirements of different ministries and also development agencies. Transparency could be increased by harmonizing these systems.

The distribution of funds on the other hand is relatively transparent. The Government had immediate interests to establish and maintain transparency and to also create monitoring mechanisms for spending because they want donors to mainly contribute through general budget support or at least through budget support to the CDF. For this, they provide opportunities for the development partners to participate in the monitoring activities.

Rwanda also established a Joint Governance Assessment which is done jointly by development partners and the government.

Citizens' participation

In the above, directly and indirectly already a lot was said about citizens' participation. During the mission we asked what our discussion partners understand by citizens' participation. They mentioned participation in planning and decision making (they also mentioned that depending on the district, participation is limited to officials presenting the ideas to the citizens and that citizens often remained passive), participation in implementation (for instance through community work, agreements in household imihigos) and participation in monitoring (see on accountability above). As has been shown above the planning process is supposed to be participative and is conducted bottom-up. Citizens can influence decisions of district bodies within the framework of national

²³

Art. 7 of the Law No 08/2006 determining the organisation and functioning of the district.

priorities for instance they can decide, whether they give priority to building a health centre or a street as well as where the health centre or the street shall be located.

A strengthening of participation on decision-making would necessitate a change of mind set both of officials as well as of citizens, for the officials to really involve the citizens and for the citizens to actively use the opportunities for participation.

In implementation a high level of participation is expected from the citizens. Citizens are supposed to do one day of community work per months. There are several accounts that also money is collected for implementing projects. Through the imihigos duties of the citizens are established that shall help to implement policies, for instance to save a certain amount of money every month, to establish a kitchen garden or to take contraceptives.

Efficient and effective service delivery

It seems that decentralization had positive effects on service delivery. We got unanimous comments that service delivery improved. As particularly positive our discussion partners mentioned improvements in the fields of issuance of marriage certificates and passports as well as for registration of returnees. We heard that decentralization rendered services more accessible and that procedures were simple and fast.

It can be debated whether local services correspond to local preferences. We did not hear anything to the contrary

However, not surprisingly not all targets (for instance for delivering services in the field of health) are fully reached. Reasons for this are multiple: targets are relatively high, there are limited funds and thus some of the services are underfunded, and as services are now delivered closer to the people also demands of the people for these services are rising (e.g. in the health sector). Apparently at least some institutions try to address the underfunding by collecting contributions from the citizens. Though education is officially free of charge (except for the school uniforms and teaching materials which the poorer people also have problems affording) it seems to be rather frequent that schools and teachers collect money from the pupils so as to increase their meager salaries.

Another challenge is amongst others connected to the frequency of administrative reforms. Rwanda took a step by step approach to bring services closer to the people. Services that were previously delivered by the district are now within the responsibility of the sectors under the monitoring of the districts. In the future, more and more services shall be provided at cell level. In general, e.g. human resource capacities as well as equipment and infrastructure did not always follow the attribution of additional powers. For instance, it seems that the districts do not have the necessary staff nor vehicles to monitor the activities of the sectors. In addition, capacities for service delivery have to be built at always lower level.

Still, this approach of the step by step transfer of powers and empowerment of local levels seems to be more realistic and manageable than if Rwanda had allocated powers to the cell level from the beginning onwards.

For maintaining and further improving service delivery it would be useful to work towards consolidating achievements and building the necessary capacities and to some extent slow down reforms.

Non-discrimination

The nexus between decentralization and discrimination or non-discrimination is difficult to assess. At least on paper, Rwanda aims at achieving the equality of all its citizens and also local government shall promote for instance the development of all its citizens.

Several elements contribute to making any assessment of discrimination difficult: some procedures are not transparent (e.g. the selection of candidates for political offices at local level, role of the army in decision-making; also it can only be speculated in how far allegations of misbehavior or embezzlements of public officials were always founded or were to some extent based on arbitrary, discriminatory motivations), certain distinctions must not be made, e.g. officially party membership is irrelevant at local levels, distinctions between Hutus and Tutsis are taboo. It cannot be excluded that governance processes, polices or implementation practices though formulated in a neutral way have discriminatory effects.

While certain distinctions are taboo, others are openly made. For the composition of political institutions care is taken, that the composing territorial units, women and the youth are represented. The mode of composition of political institutions led to a good number of women and young people. For instance, at least 30% of sector and district councilors are female. In executive positions the percentage is apparently much lower. Representation of women was amongst others promoted because it was assumed that women have a positive conflict mitigating influence. In how far for instance the local authorities' role in traditional justice or certain policies have discriminatory effects or are implemented in a discriminatory way for instance from a gender perspective could be studied but cannot be assessed based on the information we received.

In particular one form of discrimination, discrimination between Hutus and Tutsis, is almost impossible to discuss and therefore also to measure. We heard some comments that the program 'one cow per family' had in effect disadvantaged Hutus. We were also told that children of those convicted of crimes during the genocide face discrimination. Some of the polices might indeed have different impacts on the two communities, for instance all policies that are related to land and agriculture. Due to the taboos it is difficult to address potential discrimination.

Also a new form of discrimination might develop. Rwanda aims at promoting the economic productivity of its citizens. Itorero is supposed to instill values that are useful for productivity. Performance contracts put citizens under pressure to achieve because otherwise also their social standing can suffer. This might lead to discrimination of those who manage to achieve and those who don't. The itoreo strategy states that it is better to die than not to achieve²⁴.

Preliminary Conclusions: What are the major successes/strengths, weaknesses, potentials and limits/risks of decentralization in Rwanda?

Like any decentralization process, also Rwanda's decentralization has its successful and not so successful sides as well as potentials and risks.

Successes/strengths

- The decentralization policy and its implementation are carried by a **very strong political will**. Such strong backing from highest levels is a rarity in decentralization processes, including in surrounding countries. Decentralization policies are based on a clear vision by government. The

²⁴

See footnote 20 above.

basic documents, in particular the strategic framework and the DIP are of good quality and comprehensive. The newly appointed minister of MINALOC is an influential personality which also can be regarded as an indicator for the importance given to decentralization.

- The whole implementation of decentralization is pursued in a very result-oriented way. Decentralization as a process is not yet concluded, but **decentralized structures are up and running**. Institutions have been established though they still lack capacity and more reforms can be expected. Powers and resources were transferred though districts remain underfunded. For instance in the health sector, almost all health policies are now implemented and funded through the districts. For such a relatively young decentralization process these are clear achievements.
- As a success of decentralization can also be considered that it contributes to a **very fast communication and implementation of national policies and priorities**. The local structures and governance processes are organized in a way that all regions and citizens of the country can be reached. In particular the performance contracts but also the planning process based on national priorities contributes to the fast implementation of national policies. These have however not only positive consequences but also serious downsides.
- Citizens perceive an **improvement in service delivery close to their home**.
- To some extent one can even argue that decentralization improved the **room for citizens' participation in defining development priorities**.
- As one discussion partner pointed out, Rwanda is still in a **learning process**. As mentioned in the first chapter, not everything can be openly criticized in particular by outsiders like development partners, however in the recent months an in-depth debate on technical weaknesses of decentralization started. Also a study on capacity-building needs at local level contributed to this debate. The willingness to learn and to improve the system is a positive sign.

Weaknesses

Of course there are still weaknesses that will have to be addressed. At a local government retreat legal and institutional weaknesses, remaining challenges in development and planning as well as concerning human and financial resources were identified. The identified challenges are however mainly technical in nature.

For instance as legal and institutional challenges they noted understaffing of districts in light of the growing demands for service delivery, confusion about and duplications of roles and responsibilities between local levels as well as between the elected executive and technical staff, lack of knowledge of legal frameworks and they also acknowledged the difficult accessibility of laws and regulations. In the field of development planning they identified for instance the high number of unplanned and urgent demands from central government to local governments that are not accompanied by required means and resources and render the life of local government difficult, discrepancies between national priorities, DDPs, DAPs, imihigos and the district budgets and a lack of data for planning and monitoring. Weaknesses in the field of human and financial resources that were identified included inadequate human resource capacities in local governments, the composition of district councils which includes district staff (e.g. teachers), mismanagement and inadequate financial resources to districts and sub-district levels to support the day to day running costs²⁵. At the retreat they did not only identify challenges but also provided a long list of recommendations. We heard

²⁵

All from the *Statement of recommendations from the Local Government Retreat* (Musanze, 5-8 February 2010) (non-published document).

from several sides that these recommendations at least partly derived from the above mentioned study on capacity-building needs financed by SDC.

Some issues that were not or not so clearly taken up merit additional mentioning:

- While the speed of reforms and implementation is impressive it is in a way also a weakness of the decentralization process. The very high speed and the constant changes lead to change overload and contribute to the above mentioned insecurities about roles and responsibilities.
- Capacities (human resources and finances) cannot keep pace. There is no general capacity building approach in place and there is for instance no induction training for local government officeholder and staff.
- The system established multiple accountability mechanisms, however with a relatively weak accountability towards the citizens and strong upward accountability towards the centre.
- Though there is a bottom-up planning process in place, there are strong top down influences through the definition of national priorities and due to financial dependence.
- The performance contract (imihigo) of the mayor with the president seems to be more important than the DDP and the DAP. Even a representative from a line ministry only referred to the imihigos instead of to the DDP and DAP in respect to the district planning. The performance of the mayor is measured in relation to the imihigo not necessarily in relation to the DDP or DAP.
- Actual citizens' participation is relatively weak. Amongst others because there is no tradition of citizens' involvement and because national priorities take precedence over local priorities. The importance given to the imihigos limit the importance of decisions on development priorities taken with citizens' participation.
- Dialogue between the national level and decentralized levels takes place but is still mainly directive in character.
- There have been permanent changes of office holders and staff both at national level and at lower levels. This hampers the functioning of political institutions and the administration. If staff shall be retained working conditions have to improve and pressure has to be reduced.
- In general there seems to be the approach of 'results above process' but the monitoring of processes seems to get strengthened.

Limits/Risks

The major limits and risks of decentralization include the following:

- Local government primarily remains a top down mechanism for the fast implementation of national policy, reaching even the household level. Decentralization is intertwined with many control mechanisms.
- The interpretation of the concept of national unity limits the space for open debate and translates into strong social control. It also limits possibilities to assess and address discrimination.
- The speed of reforms puts at risk the sustainability of achievements.

Potentials

Decentralisation provides a certain potential to contribute to the opening of the political space over time:

- A certain space for public participation and political debate is there, for instance in the councils, through the JADFs and the planning process in general but the space is not or cannot be fully used (yet).

- Several discussion partners noticed a certain change of mindset of the centre towards local government as well as of the citizens. In the good case, the change of mind-set will contribute that the available political space can be and is used.
- Decentralization can contribute to enlarge and perhaps also to diversify the political elite. Many young people acquired the positions of councilors, mayors and deputy mayors and thus gained political experience. According to some discussion partners, the citizens got bolder in expressing their preference for a certain candidate.
- RALGA and even NDIS function as relatively strong and open-minded think tanks. They started openly addressing and discussing challenges faced by local government. This can also give a signal to officeholders and the citizens at the local level that debates (at least on certain issues) are possible.

Decentralization brings certain potentials for overall **development and improvements to the life of people**. Decentralization is used to promote and implement (economic) development strategies and also managed to improve service-delivery. With growing capacities service-delivery might further increase.

Perhaps decentralization **even provides some avenues to engage the Rwandan government in policy dialogue**. The willingness of the Rwandan government to discuss on structural/institutional weaknesses and the way in which they made use of the study on capacity building needs shows that through primarily technical input a more substantive discussion on decentralization and local governance seems possible. To some extent also the support to financing mechanisms (CDF) opens some ways for policy development.

What are opportunities and risks for a development partner, in particular SDC to support decentralization? What are recommendations for the future engagement?

Before some opportunities and risks of development partners to support decentralization in Rwanda will be identified some general remarks on development cooperation are needed. In a first step, Rwanda's approach to development cooperation will be regarded, afterwards the approaches of other development partners will be briefly depicted.

Rwanda's approach to development cooperation

Rwanda gives highest relevance to the Paris Declaration and strongly encourages donors to harmonize and to align to government policies. For this purpose, a Memorandum of Understanding was signed between the Government of Rwanda represented by the Minister of Local Government and the partners supporting the Rwanda Decentralization Implementation Program (2008-2012). Switzerland is one of its signatories.

The Rwandan government asks development partners to acknowledge "that the number of agencies active in the Decentralization Sector can place a burden on the GoR if not effectively coordinated"²⁶.

Rwanda quite openly shows preference for direct budget support (at national level) and at least expects that donors align and harmonize their own planning, performance monitoring and reviewing activities as much as possible with those processes established in DIP. In principle, Rwanda is opposed that donors continue to support specific districts because in their view this causes distortions of the existing government decentralization systems and strategies. Therefore they call on donors to support all districts equally or to declare in particular financial support to the districts so that the equivalent can be deducted from funds that districts otherwise would receive from the centre.

In addition they want to convince development partners to concentrate their support so that only a limited number of donor agencies are active in each sector.

Development Partners' approach to development cooperation in the field of decentralization

Many donors obliged the Government of Rwanda by providing general budget support or budget support to CDF instead of or additionally to supporting decentralization through technical assistance. The willingness to provide budget support is a sign that many donors think that Rwanda, despite some concerns, is developing in the right directions. One discussion partner said that the assessment is that the glass is half full. The experience with the budget support seems to be good enough to continue.

Discussions with other donors showed that some already phased out support to districts others are preparing or at least considering phasing out. Others again (e.g. USAID) opted for huge programs that can be step by step enlarged to cover all districts. The reasons for phasing out are always several. The stance of the Government of Rwanda towards donor support, the unpredictability of reforms, and the strong focus on fast results (problems with good governance and sustainability) are

²⁶ Memorandum of Understanding.

important factors. However for those with whom we talked it coincided with changes of policy at home (shift of development priorities) or decreases of funds. The Swedes and Dutch had already changed their decentralization support in 2006, amongst others due to the relative unpredictability of territorial reforms. Both however continue supporting the decentralization process as such amongst others through support to NDIS and to RALGA. USAID redirected all its funds in the field of decentralization for supporting civil society and participation because they identified a major weakness of decentralization in this respect.

The division of labour between development partners, i.e. the limitation of the number of agencies that still shall continue supporting decentralization in the future is creating huge discussions. The Government of Rwanda proposed Canada as the main donor in decentralization. Canada however will most likely stop its support to decentralisation within the next two years because its available resources were substantially reduced. Chances would be there that Switzerland could be one of the main supporters of decentralization.

Opportunities, Risks and Recommendations

Support to decentralization brings both opportunities and risks. There are certain recommendations how risks can be contained and how to build on opportunities for establishing a next program on decentralization.

Risks

The **risks** appear quite clearly:

By supporting decentralization it is almost impossible not to support also those elements of decentralization that have repressive characteristics and effects. There is a certain risk that support has a negative impact on the overall sustainable development of Rwanda. If the development results are assessed as negative, and there is a substantial contribution of Switzerland to this process, this might also cause debate in Switzerland. There is a risk of failure:

- Decentralization helps to establish extensive control over the territory and the citizens. Some of the more disputable policies are implemented by local governments.
- Social policies are signs that the Rwandan government tries to cope with divisions however they lead to strong control over the citizens. Local governments are being controlled and are part of the control mechanisms. These policies might in a mid-term perspective have a negative influence on peace and stability in the country.
- The political space at the local level is likely to remain relatively closed. It can be expected that local decisions will be sidelined if the army or other important players oppose.
- Economic policies are result-oriented and so far were relatively successful in promoting economic growth. Though the policies as such have their merits, implementation by local governments is done in a way that causes concerns and might lead to the failure of the policies.

These risks might lead to the conclusion that it is better not to support decentralization in Rwanda. However I am not sure that this is necessarily the conclusion to draw. Any direct or indirect support to government programs and policies risks also strengthening negative aspects of the regime. Decentralization might seem more critical than others because to some extent it is an instrument for control. Support to decentralization however might also provide some avenues to foster good governance and to contain risks that are depicted. If there was the overall assessment that there are no opportunities to foster good governance in Rwanda it would have to be considered to stop all development cooperation with Rwanda.

Any support in Rwanda, in particular also to decentralization will have to be done from a conflict sensitive perspective based on conflict sensitive planning.

- ➔ **Recommendation:** If development cooperation with Rwanda is continued consider establishing a procedure to periodically assess the political situation in Rwanda and the political dynamics of the decentralization process as early warning mechanism. This early warning mechanism would also have to include indicators and tools to identify and assess possible changes in social cohesion (perhaps the SDC focal point for conflict could assist in this respect). A potential national partner might be IRDP. The assessment of the situation in Rwanda could include comparative aspects so as to put the Rwandan assessment in perspective.
- ➔ **Recommendation:** Be willing to stop support to Rwanda if the early warning mechanism shows a clearly negative prognosis. If possible determine scenarios in advance.

There is also a risk on a different level. Rwanda is so fast in reforming and sometimes these reforms come very suddenly so that it requires a high level of flexibility for anyone who wants to work in development aid. The frequent and rash reforms render planning difficult: they might lead to a change of counterpart (as has happened with the dissolution of the province of Kibuye), to changes in infrastructure needs of local government (e.g. more and more focus on cell level), to new institution- and capacity- building needs, changes in roles and responsibilities. One discussion partner assessed, that the Government of Rwanda and the changes in decentralization policy will not get more predictable. Only good contacts at all levels can improve the chance to get to know about reforms early enough.

- ➔ **Recommendation:** Maintain good formal and informal contacts at all levels of government so as to increase chances to be timely informed.
- ➔ **Recommendation:** include a review mechanism in the decentralization program or wait with final programming until the Joint Governance Assessment and the Evaluation of the second phase of decentralization are available.
- ➔ **Recommendation:** Maintain a certain flexibility in planning.

To some extent a risk might also arise from Rwanda's donor policy. It is not completely clear whether Rwanda envisages Switzerland as a main contributor in decentralization. During the mission, the impression was clearly that Rwandan authorities appreciate Swiss support and also want (expect) it in the future. This might however change, depending of the kind of support Switzerland offers.

In addition, due to Rwanda's donor policy it will be difficult to continue supporting the four districts in the West in a meaningful way.

- ➔ **Recommendation:** Discuss and assess with counterparts at national and district level in how far Switzerland can remain active in the field of decentralization and in how far it can continue special cooperation with the four districts in the West.

Opportunities

As had been argued in the beginning, support to decentralization would in particular make sense if it contributes to building or making the best possible use of political space, to providing room for a diversified new political leadership, to promoting participation of citizens, to start a debate at least on implementation issues and finally to strengthening social cohesion and peace without further contributing to control mechanisms.

Based on the analysis of the potentials of decentralization some opportunities emerge. These are to some extent convergent with the above. They can provide strategic options for support:

Support to decentralization provides certain (though limited) opportunities to **contribute to the opening of the political space over time**:

There are already many that plan to support civil society in order to encourage more substantial participation and to foster more political debate. A major challenge in this respect is that the major civil society platform (CSPF) is perceived as being very close to government and that also JADF is not really independent (chaired by the vice mayor). Support to the wrong civil society actors might further contribute to the alignment of civil society to government policies, becoming just another channel for government action. This does not exclude to work with civil society. There are some organizations with credibility like LDGL and IRDP. These will not be willing to engage in mobilizing and organizing civil society but can definitely contribute to policy debate. LDGL as a regional organization might bring some added value for exchanging experiences.

There seem to be some organizations, institutions and also personalities that can have a positive influence on the debate culture and the decentralization policies. This seems for instance to be the case for RALGA. Also NDIS (and GAC) currently seem to be institutions that make positive policy contributions. However NDIS and GAC will most likely be reformed soon and it is not clear who will be the leader of the new Governance Board and whether this institution can make a similar contribution on the policy level. There are also certain mechanisms that seem to have had a positive influence for fostering good working procedures and exchange between in this case mayors, for instance the peer review as a financial monitoring mechanism that has been introduced with Swiss support in the West.

The better use of existing political space could probably also be supported through capacity building, amongst others through an induction training with a strong focus on a clarification of roles. Switzerland could build on its previous engagement in the field of capacity building in particular on the study on capacity building needs which SDC commissioned. Support to capacity building could provide an avenue to remain in close contact with the four districts in the West.

- ➔ **Strategic option:** Create opportunities for opening political space and debate.
- ➔ **Recommendation:** If possible work towards strengthening institutions but maintain the flexibility to support driving forces within institutions (e.g. NDIS) if good opportunities arise.
- ➔ **Recommendations:** Consider continuing working on capacity building so that it helps different actors to be aware of their roles, to assume their roles and to change their mindset. For this it will be necessary to adopt an approach that is sustainable (e.g. strengthening a training institution, strengthening RALGA or universities are training institutions) and that is not only focused on the local level but also targets stakeholders from the national level.

Decentralization brings certain potentials for **development and improvements to the life of people**. Decentralization is used to promote and implement development strategies and also managed to improve service-delivery. However, the way of the implementation of development policies often causes concern. Decentralization **even provides some avenues to engage the Rwandan government in policy dialogue**. The willingness of the Rwandan government to discuss on structural/institutional weaknesses and the way in which they made use of the study on capacity building needs shows that through primarily technical input a more substantive discussion on decentralization and local governance is possible.

- ➔ **Strategic option:** Create opportunities for engaging in a debate on national policies and their implementation through support to local government and decentralisation.
- ➔ **Strategic option:** Create opportunities for supporting implementation of development policies in an equitable way.
- ➔ **Recommendation:** To rely entirely on budget support in the field of decentralization does not seem an option in the current context as then influence on what aspects of decentralization are supported is limited. Budget support to CDF however might remain a good option if it opens the way for policy dialogue and is complemented with targeted other actions.
- ➔ **Recommendations:** Use expertise concerning technical challenges to provide entry points for policy debate. Make use of a multi-level approach.
- ➔ **Recommendations:** If implementation of development policies is supported, pay due attention to adverse effects and conflict potentials policies might include.

One issue for consideration will probably be how much visibility Switzerland will gain as supporter in the field of decentralization. As not too many international actors target decentralization as main field of support, Switzerland could probably gain an important and visible role in the field. However the connected risks (see above) could also lead to a more low key approach. This could be done mainly by making use of synergies:

- ➔ **Strategic option:** Reduce visibility and make use of synergies
- ➔ **Recommendation:** Assess whether to combine support in the health sector with support to decentralization (treat decentralization as a cross-cutting theme).
- ➔ **Recommendation:** Assess whether to team up with other development partners (e.g. Sweden, Netherlands)
- ➔ **Recommendation:** Assess whether to put primary focus on regional cooperation (Grands Lacs).

Annex 1

Termes de référence

pour une mission d'analyse politique du processus de décentralisation
au Rwanda

1. Contexte

La politique de décentralisation au Rwanda est effective depuis 2002. Plusieurs documents ont été élaborés et le processus de décentralisation est défini jusqu'à 2012. Différents partenaires de développement ont appuyé ce processus et, au printemps 2008, un Mémorandum of Understanding a été signé entre le Gouvernement du Rwanda (GoR) et les partenaires au développement.

La décentralisation est dans une phase critique : L'appui du Ministère de l'Administration Locale (MINALOC) aux gouvernements locaux n'est pas organisé d'une manière efficace et transparente, plusieurs mécanismes de financement sont en place (MINECOFIN, CDF, VUP) mais la coordination entre les ministères sectoriels (santé, éducation, agriculture) et le MINALOC est insatisfaisante. Il est encore trop tôt pour savoir si les réformes entrées en vigueur au sein des ministères le 1^{er} juillet dernier apportent une amélioration.

La 4^{ème} phase du programme décentralisation de la Coopération suisse va se terminer mi-2010. Une réflexion approfondie basée sur une analyse des dimensions politiques et opérationnelles du processus de décentralisation au Rwanda est nécessaire pour s'assurer qu'une éventuelle continuation du programme suisse apporterait une valeur ajoutée et contribuerait à une amélioration de la situation de la population dans les districts.

2. Evaluateur

Pour conduire une analyse de la politique de décentralisation au Rwanda et évaluer les opportunités et risques pour la Suisse de soutenir la mise en œuvre de cette politique, la DDC recherche un/e évaluateur/trice avec une grande expertise dans le domaine de la décentralisation, notamment en Afrique. Une connaissance de la région des Grands Lacs sera un plus.. Il/elle doit disposer d'un sens politique affirmé.

3. Objectifs de la mission

Les objectifs du mandat et de la mission sont les suivants :

A. Analyse de la politique de décentralisation au Rwanda. Questions clés :

- a. Quels sont les principaux succès, échecs, potentiels et les limites de la politique de décentralisation au Rwanda ?
- b. Cette politique contribue-t-elle à l'émergence et au renforcement des collectivités locales ?
- c. Est-ce que les services décentralisés répondent aux exigences de la politique de décentralisation ?
- d. Cette politique favorise-t-elle la participation des citoyens aux processus de décisions et au développement local ?

- e. En comparaison avec d'autres expériences dans d'autres pays africains, cette politique et sa mise en oeuvre au Rwanda ont elles un effet significatif sur : i) la redevabilité sociale, ii) la participation de la société civile aux processus politiques, iii) le principe de la non-discrimination, iv) l'efficacité des prestations de service étatiques ; v) la transparence des autorités étatiques du pays²⁷?
- f. Quelles sont les opportunités et les risques pour la coopération suisse de soutenir une telle politique de décentralisation ?
- g. Quelles analyses, sur les plans politique et du développement, les autres donateurs actifs dans le domaine font-ils de la politique de décentralisation ?

B. Identifier des options stratégiques pour le développement d'un futur engagement Suisse en matière de la décentralisation au Rwanda. Questions clés :

- a. Compte tenu de l'analyse (point 1) et des orientations stratégiques de la DDC en matière de la décentralisation, dans quel(s) domaine(s) de la décentralisation et selon quel(s) dispositif(s) un futur engagement de la Suisse pourrait créer une différence significative, tant pour la population locale qu'au niveau du dialogue politique au Rwanda ?
- b. Quels seraient les donateurs avec qui la Suisse pourrait collaborer ou s'associer ?
- c. Sur quels aspects de la décentralisation au Rwanda la Suisse aurait-elle un avantage comparatif par rapport aux autres donateurs ?
- d. Comment les expériences de la Suisse ces dernières années dans le domaine de décentralisation au Rwanda pourraient t-elles être utilisées dans un éventuel engagement futur ?

C. Compte tenu des analyses développées aux points précédents (points 1 et 2), commenter les idées de la coopération suisse pour la réorientation de son programme d'appui à décentralisation au Rwanda, avec les approches et les actions partielles adaptées au contexte (un document y relatif va être fourni par le BuCo).

4. Méthodologie

- Analyse des documents récents liés au processus de décentralisation au Rwanda. Une liste commentée va être établie par le BuCo.
- Discussions et échanges avec les partenaires de développement.
- Discussion et échanges avec le ministère (MINALOC) et si possible avec le ministre. Discussions et échanges avec les différentes unités étatiques (NDIS, HIDA et le CDF).
- Discussions et échanges avec quelques gouvernements locaux (Karongi, Rutsiro, etc).
- Visite, discussions et analyse du programme de décentralisation de la Coopération suisse (Tulum et BuCo). Discussions et échanges avec les consultants Dr Alphonse et Dr.Herman, qui ont réalisé la *Mid Term Review* et l'évaluation du programme PED.

5. Résultats attendus

²⁷ Les 5 principes de gouvernance tels que définis par la DDC.

Sont attendus les produits suivants :

- Debriefing au BuCo Kigali sur les résultats obtenus de la mission à la fin du séjour sur le terrain.
- Rapport de mission avec une analyse approfondie des éléments clés de la décentralisation au Rwanda et des recommandations pour la prochaine phase. Volume : 20 pages y inclus un résumé exécutif. A délivrer dans les 10 jours suivant la mission sur le terrain.
- Présentation du rapport et des résultats de la mission à la DDC en Berne dans les 10 jours après la délivrance du rapport et après entente avec le chargé de programme responsable pour le programme des Grands Lacs.

6. Durée, date et organisation

La durée de la mission comprend un total de 17 jours qui se décomposent comme suit :

- Préparation, lecture des documents clés : 4 jours
- Mission sur le terrain : 10 jours, y compris 2 jours pour le voyage au Rwanda et retour
- Rédaction/Finalisation du rapport de mission : 2 jours
- Présentation rapport à Berne : 1 jour

La mission sur le terrain est prévue pour la période du 11 au 21 Janvier 2010.

Le BuCo Kigali va établir un programme détaillé pour la mission en collaboration avec le/la consultant/e. Les éléments suivants seront pris en compte :

- Rendez-vous avec les partenaires de développement
- Rendez-vous avec le Ministère (niveau technique, ministre et unités spécialisés HIDA, NDIS, CDF)
- Rendez-vous avec le programme PED y compris des discussions avec les consultants Dr. Alphonse et Dr.Herman
- Journée de réflexion avec les partenaires de la coopération Suisse
- Briefing, débriefing et accompagnement de la mission par le BuCo
- autres après entente avec le/la consultant/e

11.11.09

Annex 2: List of Documents

Legal Documents

Constitution of the Republic of Rwanda, adopted May 26, 2003.

Organic Law No. 29/2005 of 31/12/2005 determining the administrative entities of the Republic of Rwanda.

Law No. 01/2006 of 24/01/2006 establishing the organisation and functioning of province.

Law No. 08/2006 of 24/02/2006 determining the organisation and functioning of the district.

Presidential Order No. 57/01 of 15/10/2006 determining the structure and functioning of village, cell and sector.

Ministerial Order No. 002/07.01 of 15/09/2006 determining the functioning and relationship between the council bureau and the executive committee.

Ministerial Order No. 004/07.01 of 18/09/2006 establishing the laws governing the functioning of district and City of Kigali council.

Ministerial Order No. 007/07.01 of 18/09/2006 determining the organization and functioning of the community development committee.

Ministerial Order No. 008/07.01 of 18/09/2006 establishing laws governing the provincial co-ordination committee.

Ministerial Order No. 009/07.01 of 22/01/2007 determining the organization and functioning of district associations.

Official / Semi-official Documents

Common Development Fund: The Common Development Fund (CDF) Strategic Plan 2009-2013. July 2008.

Ministry of Finance and Economic Planning (MINECOFIN), Financial Sector Development Secretariat: UMURENGE SACCOs Strategy.

Ministry of Finance and Economic Planning (MINECOFIN), National Budget Unit: A public Guide to the 2009-2010 Budget. June 2009.

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Ministry of Local Government: Developing the Capacity of Joint Action Development Forums. A Project proposal by The National Decentralisation Implementation Secretariat (NDIS).

Ministry of Local Government: Memorandum of Understanding between the Government of Rwanda represented by the Minister of Local Government and the Partners supporting the Rwanda Decentralisation Implementation Program (2008-2012), March 17, 2008, Kigali.

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National Unity and Reconciliation Commission: Strategic Plan 2009-2012 of ITORERO RY'IGIHUGU, May 2009, Kigali. www.nurc.gov.rw

Rwandese Association of Local Government Authorities: Achievements in acting as a catalyst for decentralisation from 2002 to 2007, July 2008, www.ralga.org.rw.

Rwandese Association of Local Government Authorities: Annual Report 2008, March 2009, Kigali.

Statement of recommendation from the Local Government Retreat, Musanze, February 5-8 , 2010.

Further documents

Adventist Development and Relief Agency ADRA: "Tuganire" Rwanda Dialogue for Reconciliation Program, final proposal, submitted to the Belgian Embassy. November 2009.

Boschmann, Nina: German Financial Cooperation with Rwanda: External mid-term review of the programme “Support to the implementation of decentralisation”, Rwanda Common Development Fund (CDF), Final Report, May 2008, Berlin.

Bureau de Coopération suisse Région des Grands Lacs, DDC, DFAE: Programme Décentralisation Rwanda. www.cooperation-suisse.admin.ch/grandslacs/decentralisation

Bureau de la coopération suisse au Rwanda, DDC, DFAE: Decentralisation Sector in Rwanda.

Center for Conflict Management, National University of Rwanda: Performance of Past and Present Political Parties in Rwanda. 2009.

Commonwealth Human Rights Initiative (CHRI): Rwanda's Application for Membership of the Commonwealth: Rwanda's Application for Membership of the Commonwealth. Report and Recommendations of the Commonwealth Human Rights Initiative. August 2009.

Coopération Rwanda Allemagne, Deutscher Entwicklungsdienst, gtz, kfw Entwicklungsbank: Germany's contribution o the decentralisation process in Rwanda, November 2008, Kigali.

Department for International Development DFID: Annual Review of DFID Support to the Vision 2020 Umurenge Programme (VUP), Rwanda. 1st draft. December 2009.

EDPRS Monitoring and Evaluation Framework for the “Decentralisation, Citizen Participation, Empowerment, Transparency & Accountability” (DCPETA) Sector, Draft version. Prepared for the

Decentralisation, Citizen Participation, Empowerment, Transparency & Accountability Sector Working Group. July 2008.

Embassy of the Federal Republic of Germany Kigali: Rwandan-German Development Cooperation, November 2009, Kigali.

Fraser, Bill: Decentralisation "In Day" Background Paper. DFID Rwanda. March 2009, Kigali.

Gasana, Charles: The Decentralisation Process in Rwanda, Ensuring Improved Accountability on All Levels. February 10, 2010.

Human Rights Watch: Rwanda: None So Blind as Those That Will Not See. November 26, 2009. www.hrw.org

Kabanda, Emma: Has Human Rights Watch Lost Its "Moral Compass"? The New Times, February 20, 2010.

MCC Civil Society Summary, Planned MCC Threshold Program - Strengthening Rwandan Civil Society Project Summary Description (USAID).

MCC Civic Participation Program Description, Section C - Description/Specifications/Statement of work (USAID).

Organisation for Social Science Research in Eastern and Southern Africa, Rwanda Chapter: Rapid and Extensive Assessment of Performance Management Contracts - "Imihigo", Draft. November 2006.

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Programme Paix et Décentralisation: Document de planification, Programme "Paix et Décentralisation dans la Province de l'Ouest", Rwanda 2007-2009, Draft X. Janvier 2007, Karongi – Caslano.

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Programme Paix et Décentralisation PED: Activity Report of the "Programme Paix et Décentralisation" in the Western Province, Second quarter report 2009. July 2009, Karongi.

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Programme Paix et Décentralisation PED: Activité du Programme Paix et Décentralisation (PED) dans la Province de l'Ouest, rapport final. Janvier 2010, Karongi.

Monitoring Overview May 2009, SDC Decentralisation Programme Rwanda, Direct District Budget Support, Contract with districts 2008/2009.

Rocheguide, Alain: Note d'analyse et d'évaluation de l'appui de la coopération Suisse à la politique de décentralisation au Rwanda. Coopération Suisse/DDC, Novembre 2009.

Rubagumya, Alphonse et al.: Inception Report: Support to Harmonization of Capacity Building in Local and National Administrations. August 2009, Kigali.

Swedish Institute for Public Administration SIPU International: Evaluation of the Rwandese Association of Local Government Authorities' Strategic Plan 2006-2009. Final Report. August 13, 2009.

The Policy Practice: Rwanda: Joint Governance Assessment, volume one, first draft. March 4, 2008. Tuganire Unity and Reconciliation Program LFA Matrix (Belgium).

Tuganire Ghantt Chart (Implementation Schedule), Results/Timeline (Belgium).

VUP December 2009 FRA Draft Report, Fiduciary Risk Assessment (FRA) of the Vision 2020 Umurenge Programme (VUP) the Government of Rwanda's national social protection programme. December 2009.

VUPIRA Report IRA Final, Institutional Risk Assessment of the DFIDR VUP Programme, Draft.

Annex 3: Meetings during mission

Monday, February 15, 2010

Briefing BuCo

Jean-Paul Munyaneza, former coordinator at National Decentralisation Implementation Secretariat NDIS

UK Department for International Development DFID, event on Elections, Civil Society and Media

Tuesday, February 16

Gloriosa Bazigaga, International Alert

Gaston Ain, National Democratic Institute NDI

Lunch with Donors (KfW, GTZ, DFID, BTC, SIDA, CIDA, USAid, NL Embassy, EU Commission, UNDP)

Dinner with mayors and executive secretaries in Kibuye

Wednesday, February 17

Paul Jabo, Governor of the Western Province

Meetings with mayors and executive secretaries of districts and sectors, from Karongi, Rutsiro, Gitesi (Karongi), Manihira (Rutsiro)

Thursday, February 18

Laetita Nkunda, Common Development Fund CDF

Pierre Célestin, President of the District Council, Nyamasheke

Appollinaire Mushinzimana, Coordinator at the National Decentralisation Implementation Secretariat NDIS

Alphonse and Daniel, Consultants at *NDIS*

Friday, February 19

Minister James Musoni, Ministry of Local Governance, Good Governance, Community Development and Social Affairs MINALOC

Matthias Kende, Belgian Embassy

Pascal and colleagues, LDGL

Malin Ericsson, Swedish International Development Cooperation Agency SIDA

Taddée Karekezi, Secretary Permanent, Civil Society Platform *CSPF*

Monday, February 22

Jeremy Armon, Senior Advisor Governance, DFID

Laurie Hunter, political officer, UK Embassy

Staff meeting BuCo

Ed Bestic, political and economic advisor, US Embassy

Dr. Nathalie Umutoni, *Minisanté*

Tuesday, February 23

Théogène Karake, Secretary General of the Rwandese Association of Local Government Authorities RALGA

Karol Limondin, Danish Institute for Human Rights DIHR

Carina Tertsakian, Human Rights Watch

Debriefing Christoph Fuchs

Wednesday, February 24

Prof. Anastase Shyaka, Rwanda Governance Advisory Council, responsible for the Joint Government Assessment.

Dr. Naasson Munyandamutsa, First Deputy Director, Immaculée Mukankubito, Athanase Kayijamahe, Irénée Busingo, researchers at the Institut de Recherche pour le Développement et la Paix IRDP

Anna Maria Scotti, Head of mission, Canadian International Development Agency CIDA

Stephan Klingebiel, Director KfW

Mathias Kende, First Secretary Political Affairs, Belgium Embassy

Thursday, February 25

Guillaume Bucyama, USAID

Elena Zenardi, GTZ

Debriefing