

Republic of Rwanda



Ministry of Local Government

**LOCAL DEMOCRACY AND LOCAL GOVERNANCE:  
BENCHMARKING RWANDA AGAINST  
THE ABERDEEN PRINCIPLES**

**Ralga**



Kigali, April 2013

## **ACKNOWLEDGEMENT**

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Rwanda Association of Local Government Authorities (RALGA) was privileged to locally organise and coordinate the study on benchmarking Rwanda local government system against the Aberdeen Principles.

I appreciate a great opportunity provided by this study to local governments in Rwanda to assess themselves against Commonwealth recognized said principles, whose objective is to enhance local democracy and good governance.

The outcome of the study, has contributed to good understanding of the strides reached towards building strong local democracy and local governance and the gaps that need further strengthening.

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The recommendations of this study will be used by all stakeholders in the sector to enhance local democracy and good governance in our respective Local Governments for the wellbeing of the citizens of our Country.

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Chairperson, Rwanda Association of Local Government Authorities  
Mayor, RULINDO District

## LIST OF ABBREVIATIONS AND ACRONYMS

N°	Abbreviations/Acronyms	Definition
1	CB	Capacity building
2	CDC	Community Development Committees
3	CLGF	Commonwealth Local Government Forum
4	DDC	District Development Committee
5	DDP	District Development Plan
6	EDPRS	Economic Development and Poverty Reduction Strategy
7	EICV	Integrated household living conditions survey
8	GoR	Government of Rwanda
9	HH	Household
10	JADF	Joint Action Development Forum
11	LG	Local Government
12	LGA	Local Government Authorities
13	MDGs	Millennium Development Goals
14	MRND	National Republican Movement for Democracy & Development
15	MIFOTRA	Ministry of Public service and Labour
16	NDIS	National Decentralisation Implementation Secretariat
17	PED	“Programme Paix et Decentralisation”
18	PFM	Public Financial Management
19	PSCBS	Public Sector Capacity Building Secretariat
20	RALGA	Rwandese Association of Local Government Authorities
21	RGB	Rwanda Governance Board
22	RPPA	Rwanda Public Procurement Authority

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## **COUNTRY BASIC FACTS**

**POPULATION:** 10,537,222 persons (Population and housing census, 2012)

**THE SIZE OF RWANDA:** 26,338 sq km

**CAPITAL** City: Kigali

**CURRENCY:** Rwandan Franc (RWF)

**FORM OF GOVERNMENT:** Democratic Republic

**PARLIAMENTARY SYSTEM:** Bicameral

**STATE STRUCTURE:** Unitary

**LANGUAGES:** Kinyarwanda, English and French (official)

**NATIONAL ELECTIONS:** Presidential: last: 2010; turnout: 97.6%; next: 2017

**Chamber of Deputies:** last: 2008; turnout: 98.5% next: 2013

**Chamber of Senators:** last: 2011; turnout: 92% next: 2019

**LOCAL ELECTIONS:** last: 2011; turnout: 98.9%; next: 2016

**RAINFALL:** Rainy seasons: March - May and October - November (Average of 110-200 mm per month).

**AVERAGE TEMPERATURE:** 24.6 - 27.6°C. Hottest months: August, September.

**ALTITUDE:** Ranges from 1000-4500m above Sea level.

**Highest point:** Karisimbi volcano (**4,507m**).

**MAIN WATER BODIES:** Lake Kivu, Lake Muhazi, Lake Ihema, Lake Bulera, Lake Ruhondo, Lake Mugesera.

**VEGETATION:** Ranges from dense equatorial forest in the North-West of the country to tropical savannah in the East.

**MAIN NATIONAL PARKS/ANIMAL RESERVES:** Akagera and Virunga Volcanoes National Parks.

**BORDERING COUNTRIES:** Uganda in the North, Tanzania in the East, Burundi in the South and Democratic Republic of Congo in the West.

## **EXECUTIVE SUMMARY**

In March 2005 the Commonwealth Local Government Conference was held in Aberdeen, Scotland, under the theme, Deepening Local Democracy. This conference led to the establishment of the Aberdeen Agenda, formally approved by Commonwealth Local Government Forum (CLGF) member organizations on 18 March 2005. The 12 Principles for Local Democracy and Good Governance were adopted by all members of Commonwealth Local Government Forum (CLGF).

Consequently, in 2009, Commonwealth Heads of Government endorsed the Aberdeen Agenda as part of their commitment to fundamental political freedom. The principles guide Commonwealth member states on core values for promoting local democracy and good governance. This is to ensure that local development is participatory and citizen focused. Indeed, it should benefit citizens giving them a major say in their governance. The Aberdeen Agenda provides a set of standards to promote healthy local democracy and good governance in all Commonwealth member states including Rwanda.

It's in light of the above that a study on Local Democracy and local Governance in Rwanda was commissioned by Rwandese Association of Local Government Authorities (RALGA) in collaboration with the Ministry of Local Government (MINALOC). The study was financed by Commonwealth Secretariat and facilitated by the Commonwealth Local Government Forum Secretariat.

The purpose of the study was to carry out an assessment of local democracy and local governance through benchmarking Aberdeen principles on the local government system in Rwanda to appreciate the achievements and establish gaps and suggest appropriate recommendations for future improvement.

As laid in the terms of reference, the study was guided by research questions for each of the 12 principles, which include, Constitutional and legal recognition for local democracy, political freedom to elect local representatives, partnership and cooperation between spheres of government, defined legislative framework, citizens participation in local decision making, open local government – accountability, open local government – transparency, scrutiny of the executive, inclusiveness, adequate and equitable resource allocation, equitable services



and capacity building for effective leadership. The said Aberdeen principles were used to analyse and assess Rwanda's local government system vis a vis the Aberdeen principles.

In terms of methodology, the study employed extensive desk research, analysing local democracy and local governance structures, systems policies and processes in Rwanda. Evidence was collected and collated through wide-ranging literature review with limited field research.

This report is structured into five chapters namely; chapter one covering Enabling environment for local democracy and local governance, chapter two covers openness and citizen participation in decision making process. Chapter three is about equitable services and resources allocation and chapter four is about continuous improvement, while chapter five covers a summary of the key findings and recommendations. Good practice and research questions have been included in the annex I and II respectively. List references and institutions visited are included in the annex.

In chapter one, the study covered issues related to constitutional and legal recognition for local democracy, political freedom to elect local representatives, partnership and cooperation between spheres of government and defined legislative framework. The study revealed that the Government of Rwanda is cognizant of the autonomy of local governments; as mainly stipulated by the Rwanda constitution of 2003, Political decentralization in Rwanda is implemented through two related perspectives namely; the power of citizens to elect their leaders and the right of citizens to participate, either directly or indirectly through representation in decision making processes and organs. These rights are entrenched in the Constitution of the Republic of Rwanda, enacted in June 2003; Article 167 (Amendment N<sup>o</sup>.2 of 8/12/2005). The law on decentralisation provides for decentralized local administrative entities with legal personality and administrative and financial autonomy; these entities are the basic foundation of community development.

Chapter two covers openness and citizen participation in decision making processes. The study looked at citizen participation in local decision making, open local government in terms of accountability and transparency; and scrutiny of the executive by the elected local government council. The study revealed that citizen participation in decision making is one of key elements of national decentralization policy adopted in 2000 and revised in 2013. By law local government authorities are required to conform to participatory process in planning and

budgeting as well as other processes in their areas of jurisdiction. They are also required to prepare five-year development plans through a bottom-up approach starting from the village plans which feed into cells and sector levels. Most importantly, citizens participate in planning process directly at the village and cell levels, and indirectly through elected representatives at the sector and district level. The local government system has in-built mechanisms and channels for citizen and community engagement in policy formulation, implementation and monitoring.

One of the channels of community and civil society engagement is the Joint Action Development Forum (JADF), where local authorities and district development partners discuss district development priorities and evaluate the progress throughout the process.

In terms of accountability and notwithstanding Local Governments Autonomy, Local Authorities are required by law to be accountable for their actions. Districts have two accountability levels - upward accountability to the Central Government and downward accountability to the citizens - for both local taxes and political mandate. Districts provide accountability to the Central Government for the resources transferred to them to implement districts plans. In so doing districts are supposed to account to the Central Government in relation to exhibiting sound procedures for use of national resources.

In terms of the scrutiny of the executive, the law N<sup>o</sup>08/2006 of 24<sup>th</sup> /02/2006 provides for establishment of local government councils and council committees, which scrutinize the performance and the activities of the executive committee.

In chapter three, the study covered issues related to equity by looking at inclusiveness, adequate and equitable resource allocation and equitable access to services. The study discovered that Rwanda has made good progress in gender equality, particularly in the areas of decision-making, legal reforms and education. The Constitution is highly gender-responsive. Constitutionally, women are entitled to hold at least 30% of seats in Parliament and other decision making organs.

The study noted that local governments elected women councilors constitute national average of 43.20 %. At both central and local government levels there are initiatives in relation to the inclusion of socially disadvantaged groups in development processes. The Social Protection Strategy, which was developed by the Ministry of Local Government in January 2011,

targeting population segments that deserve special attention, is being implemented by local governments.

All socio-economic initiatives (governmental and non-governmental) towards poverty reduction and economic development have in built mechanisms to ensure that economically disadvantaged people are fully integrated and have equal access to services. Some of the initiatives and programs include, “*Ubudehe/Himo, VUP Umurenge and Girinka,*” which are designed to improve the socio-economic wellbeing of the local citizens.

Chapter four covered continuous improvement, which looked at capacity building for effective leadership. Since 2001 when Rwanda started its journey of decentralization and the establishment of strong local governments, much has transpired in terms of capacity building for effective leadership.

Today, local governments in Rwanda are capable of handling complex tasks, which were previously unheard of in local governments set up; this is a result of capacity building initiatives since the start of decentralization. Local government capacity building strategy and its implementation plan are in place, local government capacity needs assessment has been conducted and individual district capacity building plan elaborated. In addition, local capacity building is one of the focus areas in the decentralisation sector strategic plan for 2013-2018, which is in line with EDPRS 2. Most importantly the local government institute responsible for capacity development for local government authorities is in the process of establishment.

However, some capacity gaps still exist in local government authorities; namely gaps in planning, budgeting, monitoring and evaluation as well as in technical fields such as infrastructure development, urban planning and development. Also noted in the study is the challenge of effectively communicating in English, which is new medium of communication especially in the administration. It has been identified that capacity building in Local Government is neither sufficiently funded nor adequately monitored and evaluated. Capacity development is mostly dependant on available funding rather than on comprehensive capacity needs.

The study has indentified gaps and suggested recommendations, which relate to the integration of Aberdeen agenda into Rwanda Local Government system. Through the analysis and assessment of the Rwanda local government system, structures and processes the

study has established that Local governments in Rwanda have, through decentralization process, implemented the Aberdeen principles as a continuation of Decentralization process that was started in 2001. Considerable progress has been made in terms of citizen participation, political freedom of choice of local leadership, inclusiveness, transparency and accountability of local governments to mention a few.

The study has identified a number of areas that require short term and medium term reforms and strengthening in terms of policies, strategies and mechanisms. It also suggests recommendations for local government to fully integrate Aberdeen twelve principles of Commonwealth good practice on local democracy and good governance for Local Government system. Recommendations have been interspersed in the text to make it easier for the reader to relate the suggested recommendation with the context; and a recommendation section summarized in a matrix format is provided in chapter five.

Finally, the study identified good practices that include performance contract known as “*Imihigo*” in Kinyarwanda, the national dialogue council, locally known as UMUSHYIKIRANO, Equitable resource allocation in local governments and Public Finance Management Peer Review Mechanism. Each of the said good practice has been chosen on grounds of its success in the development of local governments.

In conclusion, local governments in Rwanda have through decentralization process implemented Aberdeen Agenda since 2001; and a lot has been achieved in terms of constitutional and legal recognition for local democracy, political freedom to elect local representatives, partnership and cooperation between spheres of government; defined legislative framework, citizens’ participation in local decision making, open local government in terms of accountability and transparency, scrutiny of the executive, inclusiveness, adequate and equitable resource allocation and equitable services.

However, some areas need strengthening through establishing, policies and programs to fully reach local Government standards set in the twelve principles of commonwealth good practice on local democracy and local governance, more especially with the last principle on building strong local democracy and good governance through continuous capacity building for effective leadership. Also, there is need to promote civic education and build the capacity of civil society organizations to enable them to engage in and effectively participate in local

democratic process. Enhance transparency and accountability through awareness creation on the importance of service charter and streamlined communication strategies to easily reach all local communities.

## 1. INTRODUCTION

The study to assess local democracy and good governance in Rwanda is in the context of establishing the integration of Aberdeen principles into Rwanda local government system, structures and processes. The study was commissioned by Commonwealth Local Government Forum (CLGF), in collaboration with Rwandese Association of Local Authorities (RALGA) and Ministry of Local Government (MINALOC). The objective of the study is to gauge Rwanda's commitment to the integration and implementation of Aberdeen principles in the local government system. The said principles were developed at the CLGF conference on Deepening Local Democracy in 2005 in Aberdeen, Scotland. The twelve Principles for Local Democracy and Good Governance were then adopted across the entire membership of Commonwealth Local Government Forum (CLGF), and in 2009 Commonwealth Heads of Government endorsed Aberdeen principles as part of their commitment to fundamental political freedom. It's in this respect that the study was organized to assess Rwanda's local democracy and local governance in the context of Aberdeen principles or Aberdeen Agenda as it is sometimes called.

The Aberdeen Agenda and its 12 principles have a significant convergence with Rwanda's decentralization pillars, which include among others, citizen participation in decision making, accountability and transparency, equitable and adequate resource allocation and the freedom to elect local representatives. The Aberdeen Agenda constitutes the following twelve principles:-

- i) Constitutional and legal recognition for local democracy
- ii) Political freedom to elect local representatives
- iii) Partnership and cooperation between spheres of government
- iv) Defined legislative framework
- v) Citizens' participation in local decision making
- vi) Open local government – accountability
- vii) Open local government – transparency
- viii) Scrutiny of the executive
- ix) Inclusiveness
- x) Adequate and equitable resource allocation
- xi) Equitable services
- xii) Building strong local democracy and good governance

The principles seek to guide Commonwealth member states on core values for promoting local democracy and good governance; to ensure that local development is participatory and citizen focused, benefits citizenry and the citizens have a major say in their governance. The Aberdeen agenda provides the basic guidance, benchmarks, standards and norms against which to measure local democracy and governance in local governments.

Also, the principles provide a framework for configuring local government system of any country, irrespective of the level of decentralization reached to the agreed Commonwealth standards of local governance to ensure that citizens are properly and happily governed.

This report on the one hand presents an assessment of the state of local democracy in Rwanda benchmarked against Aberdeen Agenda and captures good practice in Rwanda local government system while identifying, on the other hand, areas requiring reform and strengthening.

## **2. METHODOLOGICAL APPROACH**

- **Desk review:** This included the review of documents on local government, which included among others, the National Constitution, laws on Local Government, Local Governments annual performance evaluation reports, national dialogue reports, annual government retreat reports, recent baseline surveys conducted by Rwandese Association of Local Government Authorities (RALGA) on service delivery in local governance authorities , Rwanda decentralization policy. Governance Joint assessment reports, Citizen Report and community score card assessment reports, 2008, 2009 2010, Rwanda Africa Peer Review Mechanism report, 2006. The outcome of desk research represented a faire picture on how Aberdeen Principles are reflected in Rwanda local government system.
- **Field research:** Since the assessment is about application and integration of twelve Aberdeen principles into Rwanda local democracy and governance through the analysis of local government system and identification of good practices and areas for improvement; limited field study was conducted to selected districts. The choice of districts was determined by the outcome of the desk review.

Field research included the use **focus group discussions, face to face interviews and on ground physical observations.**

A combination of field research results and desk research reports reached to the final outcome of the study whose findings are provided in the five chapters below.



# **CHAPTER ONE: THE ENABLING ENVIRONMENT FOR LOCAL DEMOCRACY AND GOVERNANCE IN RWANDA**

## **I.1. Constitutional & legal recognition for local democracy in Rwanda**

This principle entails that local democracy should enjoy constitutional and legal recognition and Local government should be recognized as sphere of government. Legal and constitutional recognition are important to protect the fundamental principal of local democracy. Respect for this protection ensures institutional security for local democracy.

A constitution is a contract between the people and their leaders specifying how the people should be governed as well as the rules of the political system. A pro-people constitution should be fair to all citizens.

In this context, Local democracy in Rwanda is explicitly recognized in the National Constitution of the Republic of Rwanda of June 2003. Article No.167 of the Constitution stipulates that public administration in Rwanda shall be decentralized with the provision of law governing decentralized entities. According to the Organic Law n° 29/2005 of 31/12/2005 determining the administrative entities, the Republic of Rwanda is divided into 4 Provinces ( Intara), and the City of Kigali, 30 Districts ( Uturere), 416 Sectors ( Imirenge) , 2,015 Cells ( Utugari) and 14,575 Villages ( Imidigudu).

In addition to the Constitution, there is a strong legal framework that facilitates local democracy in Rwanda. For instance, Law No.08/2006 of 24th /02/2006 determining the organization and functions of the District is enabling legal environment for local democracy. Districts are decentralized entities with legal status and administrative and financial autonomy; and they are the foundation of community development. Districts are entitled to become members of national and international organizations which promote development through decentralization.

The principle of non-subordination exist, whereby the central government is not expected to interfere in the affairs of any local government as long as the latter maintains good order and respects the constitution and other government laws, guidelines and regulations.

Nonetheless, the central government may intervene in the operations of local government through the institutions mentioned below.

The **Ombudsman's** office, which is responsible for public business oversight may intervene in LG affairs to follow up on any activities relating to mismanagement or abuse of office and takes or recommends appropriate action against a local government or any of its officials. The study revealed that the office of Ombudsman has on several occasions intervened in the district matters to handle issues of mismanagement or abuse of office. For example, in 2010, the district of Rwamagana was forced by the office of the Ombudsman to re-instate district employees who had been falsely dismissed from work.

The **Auditor General's Office** follows any activities relating to financial impropriety in local government and reports to the Parliament for action. According to Law N°08/2006 of 24/02/2006 determining the organization and functioning of the district in article 49, the District Council may be dissolved by an Order of the President of the Republic upon examination and approval by Cabinet if:

- 1° it is requested by a third (1/3) of the members of the District Council and when it is evident that it is in the general interest of the public;
- 2° there has been serious unrest in the District caused by the members of the District Council;
- 3° it is evident that the District Council is no longer capable of fulfilling its mission.

### **I.1.1 Political freedom to elect local representatives for local governments in Rwanda**

In the case of the aforementioned principle, citizens should be able to elect their local representatives in conditions of political freedom. The principle recognizes the importance for local representatives to reflect the views and needs of the community they serve. It is believed that this can be best achieved through regular/ timely local elections which are both open and inclusive. Whatever the means or processes of local democracy, the result should reflect the wishes for the electorate.

In the context of the above principle, the law on political freedom to elect local representatives is operational and the political freedom exists for the citizens to freely elect Local Government councilors of their choice. The elected councilors fully represent the will of the local citizens. The political freedom to elect local representatives in this report refers to elected Cell, Sector and District councilors as provided for by the following laws:

In the Constitution of the Republic of Rwanda, article 180, the national electoral commission has the responsibility to organize and conduct local government elections. The following

laws, Prime Minister's decree and ministerial order determine the organization and conduct of local government elections.

- Law No. 27/2010 of 19/06/2010 determining elections in Rwanda;
- Law No31/2005 Of 24/12/2005 determining the organization and functions of national electoral commission;
- Law No. 02/2011 of 10/02/2011 determining organization and functions of national women council;
- Law No.24/2003 of 14/08/2003 determining organization and functions of the national youth council;
- Prime Minister's decree No. 01/03 of 11/02/2011 determining the functions and organizational structures for national women council;
- Prime Minister's decree No. 02/2003 of 11/02/2011 determining the functions and organization of the national council for persons with disabilities;
- Ministerial decree No. 01/2003 of 09/09/2003 determining the elections for the national youth council;

The first local government elections were held on 26/6/1960, when Rwandans elected the first Bourgmestre<sup>1</sup> for 299 communes. This was in conformity with Decree No.11/234 of May 1959<sup>2</sup>. In 1974, the citizen right to choose their local leaders was replaced by Presidential nominations.

Prior to decentralization, leadership from the lowest to the highest level were appointed and therefore accountable only to the top appointing authority. In 1999, elections were held at cell and sector councils. The said elections, which finally proved the desire of the citizens to elect leaders of their choice, were conducted by the voters lining behind competing candidates.

The said post genocide local government elections provided the confidence to democratize fully in 2003 when all local leaders from cell to district level were elected. Since 2003, free, fair and democratic elections at all levels have been a regular occurrence and are becoming a political culture.

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<sup>1</sup> Bourgmestre referred to a local government leader in charge of a local government territory called a commune. In 2001 names of local government territories were changed from Communes to Districts and the head of local government leadership was changed from Bourgmestre to Mayor.

<sup>2</sup> (Pierre Damien HABUMUREMYI : "Intégration Politique au Rwanda après le Génocide De 1994", 2008 P. 114).

The 1999 post genocide grassroots elections were followed by the decentralization process, which commenced with the adoption of the National Decentralization Policy by the Government of Rwanda (GoR) in May 2000. The decentralization process, which is implemented in phases and currently in its third phase (2011-2015), aims to achieve three major goals, namely promotion of good governance; poverty reduction; efficient, effective and accountable delivery of services. Furthermore, the policy was formulated to ensure political, economic, social, managerial/administrative and technical empowerment of local populations to fight poverty through participation in planning and management of their development process.<sup>3</sup>

The decentralization policy was crafted based on the lessons learnt from the period prior to the 1994 Genocide against the Tutsi. This period was marked by bad governance characterized by decision-making authority and resources tightly maintained at the central government level with domination over political, social and economic life. Citizens did not participate in decisions affecting their destiny. Public accountability was upwards toward the center, rather than to citizens and communities. This system of governance led to considerable inefficiencies in public service delivery, consequently fostering an unreceptive attitude towards civic responsibilities among citizens.<sup>4</sup>

Conversely, the post genocide Government of Rwanda adopted decentralization policy with the following objectives:

To enable and encourage local people to participate in initiating, devising, implementing and monitoring decisions and plans that consider their local needs, priorities, capacities and resources by transferring power, authority and resources from central to local government and lower levels.

To strengthen accountability and transparency in Rwanda by making local leaders directly accountable to the communities they serve and by establishing a clear linkage between the taxes people pay and the services financed through these taxes.

To enhance the sensitivity and responsiveness of public administration to the local environment by placing the planning, financing, management and control of service

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<sup>3</sup> National decentralization policy adopted in 2000

<sup>4</sup> RWANDA decentralization strategic framework August, 2007 (Towards a sector-wide approach for Decentralization Implementation)

provision at the point where services are provided and by enabling local leadership to develop organization structures and capacities that take into consideration the local environment and needs.

To develop sustainable economic planning and management capacity at local levels that will serve as the driving motor for planning, mobilization and implementation of social, political and economic development to alleviate poverty.

To enhance effectiveness and efficiency in the planning, monitoring and delivery of services by reducing the burden from central government officials who are distanced from the point where needs are felt and services delivered.<sup>5</sup>

### **I.1.2 Decentralization implementation phases**

It is important to state from the outset that with an implementation plan premised on three successive phases starting from 2000, decentralization is an instrument for people's political empowerment, a platform for sustainable democratization, a structural arrangement for mobilization of economic development initiatives and resources and a vehicle for reconciliation and socio-economic well being.

In its **first phase (2000 -2005)**, democratic and community development structures were established. To facilitate the functioning of these structures, a number of legal, institutional and policy reforms were undertaken, especially in promoting democratic election.

The second phase (2006 - 2010) was conceived after local government territorial restructuring held in 2005, which reduced the number of administrative entities (from 11 to 4 provinces, 106 to 30 districts, 1545 to 416 sectors, and 9165 to 2148 cells). This phase aimed at consolidating progress on national priorities, such as Vision 2020, and deepening the decentralization process by enhancing effectiveness in service delivery to communities. Also, the 2<sup>nd</sup> phase of decentralization focused on building capacities at local levels, which included among other attracting competent qualified staff, this phase has legal framework as it was stipulated by the following law specifying its main objectives as follows:

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<sup>5</sup> Rwanda decentralization strategic framework, towards a sector-wide approach for decentralization implementation August 2007

Law No 29/2005 determining the administrative entities of the Republic of Rwanda represents the legal basis of the local administration reform policy adopted in 2005 with the following specific objectives:

To promote and enhance effectiveness in service delivery by making the sector a truly service delivery focal point with adequate human, material and financial capacity, and to improve collection of data and information at this level;

To streamline and strengthen the coordination of public services and local economic development at District Level by availing more technically competent personnel as well as financial resources to the District to ensure sustainable decentralized fiscal regimes;

To strengthen the coordination of development activities;

To establish and strengthen coherent monitoring and evaluation systems as well as institutionalize accountability tools and systems.

In the same phase, enhanced upward accountability, particularly after introduction of - “*Imihigo*”, led to significant achievements in terms of good governance, social and economic development, reinforced synergies, coordination and harmonization of interventions in local governments.

**The third phase (2011-2015)**, which is in its third year of implementation, is expected to consolidate and sustain the achievements of the first two phases. Also, phase three will focus on the outcome of an evaluation of the decentralization process conducted towards the end of the second phase, which indicated a number of challenges hampering optimal functioning of the decentralization framework that include, *Legal and Institutional Framework, Sectoral Decentralization, Service delivery, Fiscal and Financial Decentralization, Capacity Building and Local Economic Development (LED)*,

Today, decentralization and the freedom to elect local government leaders, is a constitutional obligation and to reverse decentralization and regular elections of local government leaders would require a parliamentary decision that would call for constitutional amendment. According to the Citizen Report Card 2010, 92.2% of the population interviewed expressed that they freely participated in the 2010 and 2011 elections. During the election, the turn up of voters was 97.5% and 97% for Presidential and local elections respectively.

### **I.1.3. System used to elect local representatives**

Direct and indirect adult suffrages are the two systems used to elect local government representatives. At the village and cell level elections are held in direct suffrage, voters lining behind competing candidates. At the sector and district level, elections are done through indirect suffrage with a secret ballot. Special groups (women, youth and people living with disabilities) elect their representatives to the council through indirect suffrage using a secret ballot.

Local government elections do not follow political party's affiliations. Article 125 of Law No. 27/2010 of 19/06/2010 determining elections in Rwanda refers to prohibitions for candidates campaigning for leadership positions at local government level on the basis of a political organization. A candidate found campaigning on the grounds of political party grounds would be immediately disqualified. The sector and district councils are non-partisan councils and are supposed to represent the entire population of the sector/ district.

### **I.1.4. The frequency of local government elections**

By law and in practice, local government elections are held a very after five years. Article 126 of the local election law states that the term of office and replacement of elected local government officials and term of office for elected local administrative authorities is five (5) years. The law also determines the process on how vacant council seats at the district and sector level are filled.

Since the start of five year term based democratic local government elections held in 2001; local governments have held three rounds of local government elections (2001, 2006 and 2011).

#### **Local government councilors' ability to reflect the views and needs of local people**

The elected councilors have the authority to express the views of the electorate without being influenced and compromised. Thus, councilors have adequate authority and influence to make decisions on behalf of the local population without undue pressure from the central government or political parties or individual political heavy weights.

The law provides for the removal from office a councilor who has failed to effectively represent the people he /she is supposed to represent. *Law No 24/06/2006*, article 17 states

that in case the local residents find that the councilor does not fulfill his or her duties effectively, they may forward their concerns to the Council for examination.

### **Recommendation 1**

The study appreciates the spirit of volunteering part-time local government councilors who are not paid for the service they offer. The study recommends awareness/ educating both the councilors and the population on decentralization policy in general and their rights and obligations in particular.

### **Political freedoms restricted according to gender or membership of a marginal group**

Local government political freedoms are open to all citizens, however to ensure inclusive local government democracy, the local government law provides space for marginal groups such as women who in the past had limited participation in politics. Whereas women have the freedom to compete with men for 70% of the council seats, also women have reserved 30% of the total district council seats that only women through the structures of the National Women Council directly occupy without competition from male counterpart. Besides, the youth and the people living with disabilities elect their representatives on the district council through their respective national structures determined by the law.

### **I.2. Partnership and cooperation between spheres of government**

The principle of Partnership and Cooperation between spheres of governments stands for cooperation and partnership among regional/provincial and national spheres of government.

Effective democracy demands respect between the different spheres of government and recognizes defined roles each play in serving the citizens.

Democratic local government system will thrive on regular dialogue and cooperation between different spheres. Also, strong inter-governmental relations will promote greater alignment of national, regional and local priorities and significant decentralization requires cooperation and strengthened coordination between the different spheres of government. Moreover, good governance implies effective partnership between the central and local governments through permanent dialogues geared towards improving service delivery, transparency and accountability.



In respect to the said principle, Rwanda has put in place systems and mechanisms which ensure that inter-governmental relations enhance dialogue that promote local democracy. Such mechanisms include the national dialogue council whose vital role is provided below.

### **I.2.1. The National Dialogue Council**

An inter-governmental dialogue forum, The National Dialogue Council, which is called UMUSHYIKIRANO in Kinyarwanda<sup>6</sup> is held once every year. The National Dialogue Council is a constitutional obligation provided for in the article No.168 (Amendment No. 02 of 08/12/2005).

The constitution stipulates that the National Dialogue Council shall bring together the President and the representatives of the councils of local administrative entities. The Dialogue Council is chaired by the President of the Republic and attended by members of the Cabinet and Parliament, and such others as may be determined by the President.

The national dialogue council debates issues related to the state of the nation, the state of local governance and national unity. Its resolutions are shared with the relevant institutions to enable them improve their services to the population.

Specifically, the National Dialogue Council scrutinizes the performance of local government leaders and council representatives for the concluding year. The national dialogue session is open to public participation and input, and the proceedings and outcome are shared live on radio and national television. The general public is invited to comment and provide input on national and local government programs through live phone calls and cell phone short messages as well as emails. In practice, these comments and input have impacted greatly on local democracy and good governance. Local leaders are commended or criticized for their performances in all sectors handled by local governments. The dialogue forum provides a platform for local government authorities to present their case and seek support from central government ministries and departments.

### **I.2.2. Other partnership frameworks**

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<sup>6</sup> Umushyikirano refers to dialogue between different parties.

Governance and decentralisation sector working group in the EDPRS brings together government institutions, development partners, RALGA, private sector, local and international non-governmental organisation in this sector. The said sector working group meets quarterly and is chaired by the permanent secretary in the ministry of local government and co-chaired by the lead donor. Also, there is Decentralisation Program Steering Committee (PSC) which meets once in every six months.

Another forum is the Joint sector review ( JSR),which brings together all sector working group stakeholders to engage in policy dialogue and ensure ownership, accountability and transparency of EDPRS Implementation and monitoring process. Meetings are held twice a year , one for the forward looking and the second for backward forward looking.

Worth noting is that every district has a designated cabinet minister from the central government to liaise with the local government, facilitating the implementation of local government development agenda. This arrangement provides another excellent avenue for districts to engage central government through high level representation.

In addition, there are semester meetings between the central and LG leaders to discuss a wide range of issues, with a special focus on planning and implementation issues.

### **Recommendation 2**

The study recommends the National Dialogue Council as a good practice worth of emulation by other countries where it might be applicable and where similar arrangement does not exist.

### **Forum for dialogue with RALGA and the central government**

Regarding dialogue between RALGA and central government, there is an annual local government retreat that brings together local government council and central government to discuss local governance and development issues. The said retreat precedes national leadership retreat, which is also held annually and local council are represented. As mentioned earlier the national dialogue council is another forum where local government authorities meet for dialogue with the central government on issues pertaining to local government issues. More so, there are adhoc meetings between local government and central government are held whenever necessary.

### **I.3. Defined legislative framework**

The above Aberdeen principle suggests that Local democracy should ensure local government has appropriate powers in accordance with the principle of subsidiary. Democratic local government, with clearly defined powers, serves as the means by which the community can shape their livelihoods. The principle recognizes that effective devolution enables the views of the local community to be expressed and their views taken into account in decisions implemented to improve the quality of life for the citizens.

Within the above context, this study examined the roles and responsibilities of local government and central government, if they are clearly delineated and if the local government has sufficient powers to carry out its mandates. Similarly, the study analysed as to whether the responsibilities are appropriately distributed. The study findings indicate the following:

Rwanda comprises of two layers of governments (Central and Local) and six administrative entities: the Central Government and the Province (Intara) constitute the central level, and the District (Akarere), the Sector (Umurenge), the Cell (Akagari) and the Village (Umudugudu) constitute the local government level. These structures, which were reorganized under the 2005 local government reform, are complementary in nature. The roles and responsibilities for each level of government mentioned above have been clarified and distributed based on estimated capacities of each level and their comparative advantages. For instance, according to article 167 of the constitution (Amendment No. 2 of 8/12/ 2005), decentralized entities fall under the Ministry in charge of Local Government for policy and national strategic orientation. The administrative organization between the central government and local government is guided by the principle of subsidiary. The Central Government agencies' roles and responsibilities are mainly policy formulation, regulation and support to Local Governments through capacity building, financing, monitoring and evaluation. The province is responsible for coordinating district development planning with national policies and programs, supervising implementation of the national policies in the Districts within the Province, coordinating governance issues as well as monitoring and evaluation.

The Kigali City, which is itself a decentralized entity, is responsible for coordinating district development plans within its boundaries, strategic planning for urban development in Kigali, monitoring and evaluation.

Districts are responsible for the implementation of central government policies, local economic development and planning and coordinating the delivery of public services. The sector is an administrative entity responsible for delivering services to the population. It is also charged with coordinating community participatory development, as well as collection of data and information. The cell is responsible for needs assessment and prioritization, and mobilizing community action. Finally, the village /Umudugudu level is charged with building cooperation, collaboration and solidarity among members of the community.<sup>7</sup>

The Central Government provides an enabling environment to local government to implement both local government priorities and central government policies and programs. However, since 2001, local governments have increasingly been given more service delivery responsibilities.

Today, almost all government services are offered at the local government level from passports to driving permits which were formally accessible in the Capital Kigali, and are nowadays issued at central level but collected by the holders at their district office. It is clear that the increase of services delivered at decentralized entities should continuously be matched with equal fiscal and financial decentralization to local governments. From the above, it is evident that the roles and responsibilities of the Central Government and Local Governments are appropriately distributed and operate in complementally.

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<sup>7</sup> Ministry of Local government, Local Government planning guidelines, 2010.

## **CHAPTER TWO: OPENNESS AND CITIZEN PARTICIPATION IN DECISION MAKING**

### **II.1. Citizen Participation in decision making**

All citizens should be able to participate actively in the local democratic process. Local democracy gives citizens the freedom to participate in making decisions that are locally appropriate and serve the needs of local community. Effective consultation is central to the engagement of the community in the local policy making process. However, critical to this is vibrant civil society and a clearly defined relationship between it and local government. It is important for local government to be proactive, and reach out to its communities to ensure that public participation is maximized. The political will to develop that relationship with its electorate must be nurtured within the local council itself.

The Study examined as to whether there are mechanisms and channels in place that enable citizen participation in local decision making process and also sought to know if local governments have a legislative “duty to consult” to which it must adhere. Below are the study findings.

The Constitution of Republic of Rwanda recognizes freedom of expression as a fundamental human right. There are a number of channels through which citizens participate in decision making. These channels include; community works (Umuganda), local community meetings at the village, cell and sector levels, and the local population indirectly participate in decision making process through the elected councils.

Through these channels, citizens participate in decision making regarding issues related to socio-economic affairs, (education, agriculture, health, assistance to the needy), justice and settlement of disputes, development programs and good governance (conflict resolution, functioning of administrative organs). Local citizens play an active role in local government

planning process through the preparation of local government performance contracts ( Imihigo), whereby district targets are influenced by the input drawn at household, village, cell, sector levels.

Imihigo, which is an aspect of Rwandan culture based on performance, was initiated in 2006 by H.E the President of the Republic of Rwanda. The main objective is to make public agencies and institutions more effective and accountable in the implementation of national programs and accelerate the socio-economic development agenda as contained in the Vision 2020, EDPRS and the MDGs<sup>8</sup>.

As earlier mentioned in 1.1.2, above, the study established an interesting scenario where citizen participation in Rwanda goes beyond local Governments to the diaspora. Indeed, Rwandans living abroad are invited for the Annual National Dialogue Council. This has not only helped to synchronize the views of all Rwandans irrespective of their abode, but also provided opportunity to access external values and practices.

In addition to the above channels, there are six local and community radio stations established in Rusizi, Rubavu, Musanze, Ngoma, Huye & Nyagatare districts. Kigali based privately owned radio stations complement community radio stations through hosting local government related live discussions. These radio stations often invite local leaders to discuss topical issues such as land consolidation among others. Local citizens are aware of live radio shows and are aware of the days when radios host the local government related debates and citizens participate in the discussions through phone-in. However, it was noted that radio programs are sometimes not well communicated to the citizens in advance to allow them time to plan their participation in the discussions.

The outcome of these discussions informs local government planning and decision making process. Debates have led the leaders to tread with more caution in taking decisions that affect the local population. Notwithstanding the existing channels for population participation in decision making, the level of participation in local government activities remains higher in areas such as community work, elections and financial contribution towards community development and expression of views through meetings. This is corroborated by a study conducted by Rwanda Governance Board (RGB) and reported in the Citizen Report Card for

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<sup>8</sup> Source : MINALOC, Imihigo Concept Note 2011

2010 (p. 53). On the other hand the study shows that participation is low where participation is indirect through local council representation at sector and district level, where decision making requires technical skills that are sometimes lacking in the areas such as planning and budgeting.

The study revealed that Rwanda has a dedicated process to track citizen satisfaction. Local Governments have won the confidence and trust of citizens as democratic institutions and effective deliverers of services. The proportion of citizens that expressed satisfaction and confidence with decentralized governance increased from 65% in 2006 to 74.2% in 2010/11, well above the EDPRS target of 70% by 2012/13<sup>9</sup>.

The Government of Rwanda recognizes however, that whereas participation is very high in many aspects, it remains a challenge in others as illustrated by the 2010 Citizen Report Card in the table below.

**Table 1: Level of Participation in Different Domains of Local Government Activities**

No.	Area of Participation	Ranking
1.	Community work	93.2%
2.	Election of leaders	92.2%
3.	Financial contribution	84.8%
4.	Expression of views in different meetings	82.2%
5.	Being assigned of voluntary responsibilities in local administration	66.4%
6.	Monitoring services and holding leaders accountable	36.7%
7.	Formulation of district council agenda	35.0%
8.	Elaboration of District budgetary process	34.9%
9.	Formulation of district development plans	34.1%
10.	Formulation of Imihigo performance contracts activities	30.8%

Source: Rwanda Governance Board (2011), Citizen Report Card, 2010, p 58.

### **Recommendation 3**

The study appreciates the level of citizen participation in decision making process in areas of community work, elections and financial contribution towards community development. However, the study recommends continuous and enhanced capacity building for effective

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<sup>9</sup> Rwanda Governance Board, Citizen report card 2010.

participation especially in area of monitoring services, technical skills, holding leaders accountable, planning and budgeting. Also, the role of civil society in building citizens capacities and awareness for effective participation in decision making is vital and needs enhancement.

### **II.1.1. Civil society participation in local government decision making process**

Good working relationship between non- governmental organizations and local governments leads to a better civic participation whereby each party's role in the development process is defined and synergies developed for easy implementation of local government policies and programmes. The study findings indicate the following:-

Every district in Rwanda has a register for civil society organizations operating within its territory. In terms of participation and civil society engagement, a coordination mechanism called Joint Action Development Forum (JADF) was established by a ministerial order issued in 2007. This mechanism makes it possible to coordinate the activities of development actors at the district level, promote participatory planning processes, and evaluate implementation of development activities. Through it, different district development partners including civil society organizations participate in district programmes.

JADFs comprise of representatives from Local Government Authority and various development stakeholders, including international NGOs, faith-based organizations, cooperatives, and the private business operators organisation. This composition has two major benefits: on one hand, the fact that JADF brings all development partners in a given district in one forum helps districts to coordinate and guide development partners' (civil society and private sector) activities and program towards the District development priorities. On the other hand, the forum provides civil society and other development partners a platform to participate in the district development programmes.

Exhibition shows on projects implementation progress are held in every district on a quarterly basis by the JADF partners, including civil society organizations, to showcase to the local population and the local authorities progress in areas of their intervention.

### **II.2. Open local government – Accountability**



The above principle entails that Local government should be accountable to the community it serves while operating within the legal and policy framework of other spheres of government. Also, the principle calls for robust, independent regulatory bodies to be in place to safeguard against corruption, mismanagement and inappropriate use of resources by local government politicians and officials. In addition, Civil Society organizations need to be strengthened as counterpart in this process. Participatory budgeting is a tool for enhancing accountability which is also effective at training local civil society in holding their local councils to account. Within the context of the above principle, the study reached on the following findings provided below:

The Government of Rwanda recognizes that lack of accountability is an obstacle to good governance and undermines development because it gives room to corruption. Independent regulatory bodies and systems of accountability are in place to ensure that all public institutions and local governments have inbuilt accountability systems. Local Governments are expected to have transparent, effective and efficient in planning, budgeting, disbursing and accounting for public funds.

In this sense, mechanisms and systems in place for openness in relation to accountability are perfectly in line with the Aberdeen principle of local government accountability.

For instance, the independent institutions of accountability that provide an oversight function in monitoring local government performance, identified in this report, includes among others the Auditor General's Office and Ombudsman. The Office of the Auditor General audits revenues and expenditure of all State and local government organs, public enterprises as well as parastatal organizations. Article 184 of the Constitution of the Republic of Rwanda mandates the Auditor General's Office to submit to both chambers of Parliament a complete report on the implementation of the state budget.

The Auditor's report outlines the manner in which the budget was utilized, ineligible expenses incurred or contrary to the law and whether there was misappropriation or general squandering of public funds. Thus, on regular basis and based on the law, this Office audits Districts, and any District official suspected to have abused local government resources stand trial and those found guilty are punished accordingly.

### **II.2.1. Local government accountability for its actions to the local community**

Concerning Local government accountability for its actions to the local community with respect to political, fiscal and bureaucratic aspects, the study established that politically the Council is accountable to the local community. As mentioned earlier the district accountability day, LG performance contract evaluation forums, and community work (Umuganda), local media and community public meetings are channels that facilitate the community to hold their local leaders accountable.

On the fiscal accountability aspect, local governments are accountable to community through public availability of district budget on the district website and district notice board.

Publication of district budget is a novel and appreciated good practice that many citizens are not yet very familiar with. There is need to sensitize the local community to make use of this new practice of being accountable to the citizens.

#### **Recommendation 4**

The study appreciates the new initiative of budget publication in LG, however, it recommends Local Government to start sensitization and public awareness on the importance of budget publication to ensure that the community is aware and makes use of this new initiative.

Another interesting mechanism through which local authorities are held accountable is the service charter. Citizens are guided by the service charter which gives details of the services provided by the bureaucrats at the district and sector level. The charter provides the time it takes and cost for the citizen to get a service delivered to them. In case, a local government staff fails to respect the timeline provided in the charter, the citizen seeks explanation from the officer or reports the matter to a higher level official for whom he can easily access the contacts such as cell phone number from the office door.

Whereas the initiative of service charter is good and appreciated, it is new and its enforcement has not received adequate attention. The introduction of service charter has not effectively improved service delivery, which it was designed to achieve. It was also noted that service charters set the same conditions of service delivery in all districts and sectors yet districts and sectors have varying working context and environment.

## **Recommendation 5**

The study recommends strong enforcement on the use of service charter coupled with awareness creation and sensitization to local government official and the general public on the importance of service charter. Also, there is need for adaptability and a customization of service charter to suit each local government specific context.

### **II.2.2. Open local government – Transparency**

The above principle calls for open and transparent local decision making process. The way local government makes decisions should be clear and clearly communicated to the community it serves. Local councils need to adopt a public information strategy using different media and reaching the entire society.

Regarding the above principle, the study sought to know if local governments in Rwanda have a public information and communications strategy, and if these take into account the difficult to reach sections of society. It was thus established that upward information flow from the citizens to the local authorities and downward information flow from the local government authorities to the local community does exist in practice, but needs streamlining to make it more effective.

The venues of information flow includes among others, the village meeting after community work ( Umuganda) activity, information on cell , sector and district notice boards, public meetings, leaders visits to villages and talk to the residents of the target village. All these channels are operational and effective, but they should be streamlined in a communication strategy. Furthermore, local governments ought to start the channel of communicating both local and central government programmes through write ups such brochures and booklets that pass the message to local community in a simple language understood by the local communities. The use of ICT in local governments in communication and information sharing is on limited scale.

## **Recommendation 6**

The study appreciates the level of transparency in LGs, where citizens are aware and own what LG are doing for them. However, the existing channels of communication should be streamlined into a public information and communication strategy for local governments to reach out to the local communities. The use of ICT, which is generally advance in Rwanda, should be used to enhance information sharing and communication between local governments and the citizens.

Regarding the Council meetings, the study established that the law provides that council meetings should be open to the public and the council has the right to invite any person whose knowledge and skills is needed in the topic under discussion. As a matter of fact, Article 36 of Law N°08/2006 of 24/02/2006 determining the organization and functioning of the Districts clearly stipulates that the District Council meeting is public. Although it may meet in closed sessions if requested by two thirds (2/3) of the members present depending on the sensitivity of the issue being discussed, under any circumstances, the District Council meeting has to be public if adoption of the budget, matters related to taxes and duties, loans or the District's financial statements and the utilization of the assets and resources of the District are on the agenda.

Transparency requires clear Local Government mechanisms to receive and respond to issues raised by citizens.

In the above context, Local Governments have a customer care department which guides the citizens and serves as link between them and any department they wish to be in touch with. The customer care department ensures that all issues and concerns submitted by citizens are well channeled and eventually receive appropriate responses.. The citizen charter or client charter mentioned earlier serves as a public guidelines document for all these relationships.

Other mechanisms used to receive and respond to issues raised by citizens are the accountability week and governance week, local community meetings at village level and

local councils meetings. In some instances, the council invites the person with a challenge and gives guidance /direction to the Executive Committee to resolve the issue.

In case of issues raised are related to disputes between and among citizens, the mechanisms in place include mediation committees “ABUNZI” created in 2006 with the task to mediate on some categories of disputes that may arise among individuals. According to the Organic law n° 02/2010 of 09/06/2010 determining the Organisation, Jurisdiction, Competence and Functioning of the Mediation Committee (repealing Organic law n° 31/2006 of 14/08/2006), the Mediation Committee is an organ meant for providing a framework for mandatory mediation prior to filing cases in classic courts of law hearing at first instance. Given that the Government of Rwanda is cognizant of the importance of dispute resolution at the community level.

The system was designed to decentralize justice, to enhance its affordability and accessibility to all in the local community, and thus promoting universal access to justice. More information and details on mediation committees (ABUNZI) is available on the following websites: [www.minijust.gov.rw](http://www.minijust.gov.rw) and [www.minaloc.gov.rw](http://www.minaloc.gov.rw)

The “Governance Month” is another innovative governance strategy to actively listen to citizen concerns by leaders and collectively search for sustainable solutions. It refers to a period dedicated to listen to citizen concerns at the community level. During this period, local authorities listen and solve citizens’ problems through innovative governance tools such as “Governance Clinics”. The first Governance Month started on 13<sup>th</sup> December 2011 and ended on 30<sup>th</sup> January 2012. The second governance month began in Rwamagana District in January 2013, during the preparation of this report.

**The Governance month specific objectives are:**

To strengthen leaders-citizens discussions and collectively search for solutions through problem-solving frameworks such as Governance Clinics, which refers to a forum for problem diagnosis and solving at community level.

To entrench and institutionalize Governance month as a good governance practice effectively responsive to local citizen needs; to involve non-state actors such as Civil Society Organization (CSOs) and the media in promoting and monitoring local governance in Rwanda; to draw actionable strategies and best practices responsive and reflective to the people's governance concerns.<sup>10</sup>

Major stakeholders of the governance month include the Ministry of Local Government, Rwanda Governance Board (RGB), Ministry of Justice, Ministry of Sports and Culture, Office of the Ombudsman, Civil Society Platform, Local Government Institutions, Citizen Committees and the Media (National and Community-Based Radio Stations, On-line and Newspapers).

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<sup>10</sup> Governance month is an initiative of Rwanda Governance Board with five specific objectives aimed at empowering citizens in finding solutions to challenges at the community level. The new approach makes use of innovative tool of "Governance clinics, which are local government forums for problem diagnosis and resolving.

At the selected site(s), the Governance Month activity commences with games and poems which attract citizens. At the end, citizens are given the opportunity to raise issues of concern, which in most cases relate to land ownership, martial and business related issues.

Based on the information provided, these issues are solved by the citizens and the local government leaders present.

The representatives from the aforementioned stakeholders often bring their support in finding solutions to the issues raised.

During the Governance Month for 2011/2012, different District officials visited communities and resolved a number of problems.



Holding a microphone is the Governor of Western Province, Mr. Celestin Kabahizi, during governance clinic session.

**Table 2: Indication of number of issues resolved through the governance month in the Southern Province.**

N°	DISTRICT	Sites visited	Problems received	Problems solved	Problems that need information and details to reach a solution
1	KAMONYI	3	50	49	1
2	MUHANGA	4	86	61	25
3	RUHANGO	4	99	91	8
4	NYANZA	2	29	25	4
5	HUYE	4	28	23	5
6	GISAGARA	4	111	90	21
7	NYARUGURU	4	64	53	11
8	NYAMAGABE	4	56	49	7
	<b>TOTAL</b>	<b>29</b>	<b>523</b>	<b>451</b>	<b>72</b>

Source: **RGB-Governance month report for 2011/2012.**

### **II.3. Scrutiny of the Executive**

With regard to the above principle, the work of the executive should be subject to scrutiny. Policies determined by the executive/ local authority should be open to scrutiny by other elected members and appropriate civil society organization/ community individuals. Effective leadership should welcome scrutiny both from within the local council and by the wider community. This requires skilled councilors and individuals and civil society able to effectively scrutinize policy and process intelligently and constructively. In the context of the above principle, the study had the following findings:

#### **II.3.1. Internal structures which provide for formal scrutiny of the political executive**

The Executive Committee is accountable to the Council which exercises an oversight role over it. The Council approves plans and budgets, as well as programme activities and financial reports. The district accountant reports to the district executive committee the progress of budget execution, which will then report to the district council.



In other words, the Council has the powers to ask for whatever information it wants on the use of local government resources and activities implementation progress.

### **II.3.2. Scrutiny by non-executive councilors, civil society organizations or community individuals**

Article 17 of Law No. 08/2006 of 24/02/2006 determining the organization, structure and functions of local governments provides for citizens rights to recall a councilor who fails to meet the expectations of the residents that voted him/her in office. The law says that in case the local residents find that the councilor does not fulfill his or her duties effectively, they may forward it to the Council for examination. Such a request is made in writing containing at least two hundred (200) names and signatures of the residents of the Sector with voting rights. Where he or she finds it grounded, the Chairperson of the Council of the Sector forwards it to the District Council which examines and thereafter takes a decision of either to suspend the councilor or not.

The scrutiny of the local government executive by non-executive councilors is provided for in the law and is operational, whereas the scrutiny by the civil society organizations and community individuals is provided for in the law, but is not operational. It may be possible that councilors could be effective and therefore civil society and community individual have no reason to recall them or civil society organizations and community individuals are not aware of their powers to scrutinize the executive. During the discussions with the informants, it was observed that civil society organizations are not well organized and vibrant enough to scrutinize the executive. Whatever the cause might be, civil society organizations and community individuals should be sufficiently empowered to scrutinize the executive. The study appreciated the establishment of JADF as a forum of organisation, coordination of development partners including civil society for district development agenda. However, the role of JADF should go beyond information sharing and coordination to dialogue forum for local government development agenda.

**Recommendation: 7.**

The study appreciated the establishment of JADF as a forum of organisation, coordination and information sharing for district development partners including civil society. However, the role of JADF should go beyond information sharing and coordination to dialogue forum for local government development agenda. Also, Civil Society should be empowered to enable it scrutinize the executive.

## **CHAPTER THREE: EQUITABLE RESOURCE ALLOCATION AND ACCESS TO SERVICES BY ALL CITIZENS IN LOCAL GOVERNMENTS**

### **III.1. Mechanisms in place to promote effective inclusiveness**

The principle of inclusiveness looks at the process of local decision-making which must reflect the social, economic, environmental and cultural needs of the entire community. Decisions should be taken at level closest to the community to which they relate. Consultation is essential to ensure the needs of the whole community are met, especial with disadvantaged groups including woman, youth, minority groups and people living with disabilities, whose voice is often neglected. The commonwealth and CLGF are committed to a target of no less than 30 per cent of women in decision –making in the political public and private sectors, and to developing strategies for increasing their active participation.

In respect to the above principle, Rwanda has established a number of mechanisms of promoting inclusiveness, among which is the national women’s council (NWC). It is a nation-wide mechanism that is operational at both central and local government levels. It is an institution representing women and through which women development issues are solved and advocacy on women empowerment done. This institution is represented at all local administrative levels. For instance, the NWC coordinator is de facto a member of the District Council.

At the District level, there is a department with a staff specifically responsible for monitoring of gender mainstreaming in projects and programs and women empowerment at local government level. The directors for planning in Ministries and other public institutions also double as the gender focal point. According to the Prime Minister’s order such arrangement is in place to ensure that all plans and all projects integrate gender issues at all planning levels.

The National Constitution of 4<sup>th</sup> June, 2003 provides the principles of gender equality and the elimination of all forms of discrimination against women and provides a strong legal framework for gender mainstreaming.

Today, 30% of all posts in official decision making organs are reserved for women. This suggests that at least 30 % of the members of all decision making bodies such as the Cabinet,

Parliament, and Local Government Councils should be women. Thus, according to this legal principle, at least 30% of the Council at all local government levels must be women.

In this spirit, the law determining the organization and functioning of districts stipulates that at least 30% of district councilors must be women, and this principle is always respected during local elections. The data in the following table shows the percentage of women councilors at District level and City of Kigali.

**Table3: Percentage of women councilors in local governments**

N°	District	% of women councilors
1	City of Kigali	40.63%
2	Bugesera	42.42%
3	Burera	40.63%
4	Gasabo	42.42%
5	Gankenke	42.31%
6	Gatsibo	44.00%
7	Gicumbi	42.31%
8	Gisagara	42.31%
9	Huye	42.86%
10	Kamonyi	48.00%
11	Karongi	44.00%
12	Kayonza	42.31%
13	Kicukiro	55.00%
14	Kirehe	44.00%
15	Muhanga	44.00%
16	Musanze	42.42%
17	Ngoma	37.50%
18	Ngororero	42.42%
19	Nyabihu	44.00%
20	Nyagatare	50.00%
21	Nyamagabe	42.86%
22	Nyamasheke	44.00%

23	Nyanza	50.00%
24	Nyarugenge	47.62%
25	Nyaruguru	40.00%
26	Rubavu	44.00%
27	Ruhango	30.00%
28	Rulindo	44.00%
29	Rusizi	42.42%
30	Rutsiro	38.46%
31	Rwamagana	42.31%
<b>Total</b>	<b>National average</b>	<b>43.20%</b>

Source: Gender Monitoring Office (GMO), Report on local government elections, 2011

The study reveals that Women are also represented in the local government top management, which includes the post of Mayor, Vice Mayor in charge of social affairs and the Vice Mayor in charge of finance and economic affairs.

**Table 4: The percentage of women in the district senior management**

SN	Position at district level	% of senior positions held by women
1	District Mayors	9.68%
2	Vice mayors in charge of social affairs	83.87%
3	Vice mayors in charge of Finance and economic affairs	16.13%
	<b>Average percentage of women in senior local government staff</b>	<b>36.56</b>

Source: Gender monitoring office, report on local government elections 2011.

### ***Youth empowerment***

Like the Women's Council, the National Youth Council is represented at all administrative levels starting from the Cell. At the District level, the three top members of the National Youth Council committee are automatically members of the District Council and youth council is represented in the Parliament in the chamber of deputies.

### ***Empowerment of People with disabilities***

Like the youth and women, people living with disabilities have formal structures at different administrative levels. They are also represented in the local government councils and in Parliament. At national level, the National Council of People living with Disabilities has been established and responsible for advocacy, empowerment and representation. The national social protection strategy does address issues of people in this category.

### ***Programmes that make local government more inclusive***

Rwanda has put in place programmes and systems that make local government more inclusive. In the context of planning for instance, a tool known as Gender Budget Statement (GBS) has been designed to support institutions / districts to mainstream gender in their projects and programs for gender responsive budgeting (GRB) process. The Gender Budget Statement is a mandatory annex that has to be included into the budget preparation to make it acceptable.

This is done through indicating different projects implementation, showing how gender issues and women problems are tackled throughout the project implementation. This is currently done for four selected sectors including Agriculture, Infrastructure, Health and Education.

Apart from the GBS in budget preparation, there are other programs that are specifically reserved for women and youth empowerment. For instance, in the district budget some lines are reserved for women and youth empowering activities and they are budgeted for (budget for women and youth cooperative activities). This is extended to social protection as well. The study findings indicate that local government in Rwanda have consideration for all socio-economic groups and are provided for in the district planning and budgeting process.

## **III.2. Adequate and equitable resource sharing**

### **III.2.1. Local governments adequate funding to fulfill their basic mandates**

Under this principle, adequate funding refers to the state where local government authorities are in a position of financial adequacy. This means that they have enough resources to meet their requirements and allow them to carry on their basic mandates. Normally local governments raise fund through levying taxes on land, buildings, market, goods, fines,

charges and services. Funds raised by local governments themselves are not enough to fulfill their basic mandates and consequently they have to be partially supported by the Central Government. The percentage of budgets, which local governments raise locally, differs from district to district. The study attempted to find out how districts are funded to adequately handle their basic needs. The following are the study findings:-

Fiscal and Financial Decentralization Policy (FFDP) was adopted and revised in 2006 as a mechanism to achieve the general objective to provide local administrations with adequate resources and the necessary resource mobilization powers to implement their decentralized functions. More specifically, this policy aims at achieving the following:

To develop an efficient and sustainable resource mobilization base for local communities;

To provide resources for a balanced and equitable local development process;

To strengthen transparent planning and management capacity of the local level using a participative approach;

To match funding with local government responsibilities to allow for adequate levels of resources to LGs to carry out devolved functions;

To provide incentives for good performance and enforcement of conditionality for LGs to increase and enhance performance in the provision of local service delivery and to entrench participative and accountable approaches in the decision-making processes.

Furthermore, the policy was formulated to ensure the empowerment of Local Governments to implement locally identified priorities within the overall scope of national sector policies developed under the Economic Development and Poverty Reduction Strategy (EDPRS). Related to fiscal decentralization policy, districts have developed strategies to raise local revenues. On average local governments raise around 17.5% their of budget locally.

This percentage being low, the gap has to be filled by Central Government subsidies through transfers.

Fiscal transfer mechanisms have evolved making the transfer route shorter by eliminating inter-agency transfers. Starting effective from financial year 2012/13, no more inter-entity transfers are allowed and all funds for activities to be spent in districts will be transferred to Districts. This decision is already helping to streamline inter-governmental relations and bring local governments and sectoral ministries to the same planning and budgeting table.

Financial resources transferred from the Central Government to Districts have over the years increased tremendously from 47.9 billion Rwfs in 2006 to 179.2 billion in 2011/12. In 2011/12, about 33% of the previous year's domestic revenue is transferred directly to Districts. Out of the total district Budget, the percentage over which Districts have discretionary control (block grants, RLDSF development budget and own revenues) was at 53.4% in the financial year 2011/2012.

**Local revenue generation is very low:** -Districts generate between 5-20% and own revenues for 2011-2012 FY were at 19.6% on average of their budgets. Urban Districts have higher local revenue collections than their rural counterparts. To address this imbalance, mechanisms are being implemented to ensure balanced distribution of resources. The Ministry of Finance and Economic Planning (MINECOFIN) is in the process of commissioning a revenue potential study for districts to determine the potential of districts after which baselines will be determined and targets set for revenue improvement. This will form the basis for supporting Local Governments to improve their internal revenue generation and management. It is anticipated that with effective tax administration, within the first year of implementing the LG tax law, local government revenues will continue to increase.<sup>11</sup>

**Key issues that will have to be addressed in the long run are:**

Ensuring effective tax administration by the Local Governments, and increasing budget and revenue base in Local Governments, Improving financial management for non-budget agencies, planning and budgeting in Local Government.

The purpose of intergovernmental transfers to sub-national administrations is to empower them to carry out the functions and responsibilities that have been devolved, and to correct the economic and social distortions that exist between districts. While transferring resources, the Central Government recognizes the need for a delicate balance between encouraging districts to undertake required actions to achieve the national development objectives and providing resource to address district priorities.

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<sup>11</sup> MINALOC, STRATEGIC PLAN 203/14-2017/2018



### **III.2.2. Mechanism for financial equalization between local authorities**

The budget for local administrative entities comprises the following type of financial sources, according to MINECOFIN, Earmarked guidelines, P.163, MINECOFIN, Block grant formula:

- A block grant –the local authority budget support fund (LABSF)
- Earmarked transfers
- Inter-entity transfers/transfers from other government agencies
- Own revenues
- External grant
- Other resources from local NGOs

The various Districts in Rwanda have different characteristics in terms of population profile, geography, poverty and socio-economic development levels. All these factors are taken into consideration as equalization criteria when transferring resources to the local authorities.

As such, the un-earmarked transfers will take into consideration poverty levels, as well as fiscal potential and fiscal efforts. The un-earmarked funds will thus serve a purpose of equalization, awarding more resources to poorer Districts and those Districts that have low potential for their own revenue mobilization.

Other factors that may enter the equalization formula are population size and District area. The allocation is made in a way to encourage and stimulate increased local resource mobilization.

In reference to the Law N° 59/2011 Of 31/12/2011 establishing the sources of revenue and property of decentralized entities and governing their management , especially in article 63, Central Government entities shall each fiscal year plan activities to be implemented by decentralized entities and earmark related funds that shall be included in the budgets of the decentralized entities. Central Government entities whose activities are implemented by decentralized entities prepare annually a document outlining activities of those entities transferred to the local level and methods for estimating funds needed to implement such activities. The same document also includes instructions on the use of these funds and modalities for reporting on the use of such funds.

Every year, the Government transfers to decentralized entities at least five percent (5 %) of its domestic revenue of the previous income taxable year in order to support their budgets.

The decentralized entity must submit a report on the use of subsidies allocated by the Government in accordance with the organic law on State finance and property (MINECOFIN, Earmarked guidelines). *In* accordance with the Fiscal Decentralization Strategy approved by the Cabinet on 11<sup>th</sup> May 2011, the Ministry of Finance and Economic Planning has a leading role of establishing an efficient system of transfer. This Ministry issues every year instructions on modalities under which Central Government entities shall issue instructions relating to the activities and use of funds allocated to decentralized entities. The purpose of those earmarked transfers guidelines is to provide terms under which the earmarked funds are allocated, transferred, spent and accounted for between the parties involved.

### **III.2.3. Local government finance commission**

At the national level, a Fiscal Decentralization Committee has been put in place. It is chaired by the Permanent Secretary in MINALOC (Ministry of Local Government) and co-chaired by the Permanent Secretary/Secretary to the Treasury in MINECOFIN (Ministry of Economic Planning and Finance). Other members include a representative from RALGA, a representative of Rwanda Governance Board, the Accountant General, the Director Generals in charge of economic planning and national budget in MINECOFIN, the Director of Planning in MINALOC; the Commissioner General of RRA (Rwanda Revenue Authority) and the Mayor of City of Kigali.

#### ***Formula governing Local government transfer payments***

As mentioned earlier, Local Governments have different characteristics in terms of population profile, geography, poverty and socio-economic development levels. In recognition of this fact, earmarked are distributed among the local governments based on objective data using transparent, needs based and poverty sensitive formula.

Separate formula is developed for each earmarked transfer, thus allowing them to be kept very simple. The exact formulae for earmarked funds in each sector is proposed by the relevant line ministry or budget agency in charge of the specific sector, in consultation with local governments and MINECOFIN, and approved by the Minister of Finance.

Similarly, all un-earmarked transfers take into consideration poverty levels, as well as fiscal potential and fiscal efforts and these funds will serve a purpose of equalization, awarding more resources to poorer local governments and those that have low potential for their own revenue mobilization.

All allocation formulae governing the distribution of all grants as well as the earmarked grant transfer framework is discussed and validated during the national budget preparation process organized each year in the planning and budget process by MINECOFIN and disseminated to the Local *“Revised Fiscal and Financial Decentralization Policy” adopted by the cabinet on May 11, 2011.*

#### **III.2.4. Predictability and timeliness of local government transfers**

Transfers are predictable and timely and the distribution of transfers is based on objective formulae, which is revealed early enough to allow Local Governments to anticipate their allocations and to fully integrate them in the planning and budgeting process. For planning reasons, during consultation session district and other government budget agencies are communicated by MINECOFIN, well in advance about the estimate of their budget ceiling and local government plan.

#### **III.3. Equitable services**

Like any other developing country, Rwanda faces economic and development challenges, which were magnified by the 1994 Genocide against the Tutsi where more than a million people perished and left the country with a dilapidated infrastructure and weakened social fabric. The efforts of development were harder than elsewhere because of the socio-economic recovery that commenced from scratch. Despite these challenges, Rwanda has been recognized as one of the best performing countries in Africa and having created very favorable “soft” business infrastructure (Rwanda Country Study, IPAR-Rwanda 2010, p.16).

With Rwanda’s ambitious program for development derived from national “Vision 2020”, it is explicitly recognized that economic growth alone will not reduce poverty and improve the lives of the poor. The GoR initiated programmes to empower the poorest and support them to exit poverty. This led to the elaboration of “Economic development and poverty reduction

strategy” (EDPRS). The strategy has several programs, which focus on the empowerment of the poorest and to increase their standards of living and exit poverty. According to the third Integrated Household Living Conditions Survey, 2012, poverty has dropped by 11.8 percent since 2006. A reduction rate six times faster than what the country achieved between 2000 and 2006. The same survey indicates that 45 percent of the country’s 10.5 million people remain under the poverty line compared to 57 percent five years ago. Several programs lined to Ministry of Local Government and through different Government partners are put in place to support vulnerable people whose identification is done through a participatory process and those identified as the poorest in the community by the community have the first priority to benefit from any support or assistance.

#### **III.4. Access to services**

##### **III.4.1. Community development processes: Ubudehe and HIMO**

In Rwanda, social capital has been harnessed and developed into the “Ubudehe” philosophy, translated as local collective action process which now operates at the Village -“umudugudu” level. Through this process government ensures that every Village has access to some funds to engage in collective action to solve one local problem of their choice. The process creates opportunities for people at this level to interact, share views and create institutions of their own which assign duties, benefits, responsibility and authority.

As such, community development draws on Rwanda traditions, norms and values that underpin how people relate with one another.

Thus, the community’s active participation is ensured, from the stage of identification of challenges and possible solutions, setting priorities through implementation. In most cases implementation is complementary with the labour-intensive local development programme-HIMO (Haute Intensite en Main d’Oeuvre) which creates work for local citizens via HIMO projects.

The Government of Rwanda is thus an enabler, providing an environment for the economic and socio-cultural rights and obligations of the citizens’ participation. This is done through the local collective action seeking to strengthen democratic process and governance starting from the people’s aspirations, abilities and traditions.

Ubudehe is a Rwandan system of intra-community co-operation based on collective and individual actions. It is initiated and implemented by the population itself at the level of the decentralised administrative entity nearest to them, formerly the Cells, until the end of 2006 and then the villages or “Imudugudu”, after their creation in October 2006. Through “Ubudehe” process, the population living in the same village selects one poorest person among them who benefits from a small amount of money to finance selected income generating project of his/her choice. A good number of people graduated from poverty to an improved economic status through this same program. In effect, HIMO creates employment at the grassroots level basing on priorities set by the community itself through the Ubudehe process.

#### **III.4.2. Community Based Health Insurance Scheme**

There cannot be local democracy, good governance and human development without a healthy population. The community based health insurance scheme commonly known in Rwnada as “mutuelle de santé” is one of the most successful programmes in the health sector. The population contributes a small amount of 3000 frws per person per year, those considered to be in a better position contribute 7000/person/year. Individuals identified as vulnerable and not able to finance their health insurance contribution are supported by the government, which pays 2000 Frws for each person unable to meet the cost of Mutuelle de Santé. The national coverage for the said community health insurance is around 93%.

#### **III.4.3. Vision 2020 Umurenge Program (VUP)**

In the context of Vision 2020 Umurenge Program, a pro-poor developmental program commonly known as “VUP”, has three components which are covered according to the people’s category level of poverty, and the following support is provide for each of the categories mentioned below:

**Direct support:** this component refers to the fixed monthly amount of money determined according to the family size. It is a support provided to the vulnerable people who are the poorest and not able to work for their survival.

**Public work:** this component refers to the budget reserved to finance identified projects for public infrastructure installation such as roads, classrooms, and simple health facilities.

The implementation of these projects is done by the poor people selected among the population as poor active people who can work for the money and at the same time put in place public infrastructure identified by the community as needed.

**Financial services:** this third component targets a segment of the population who receive money to finance income generating projects identified by the individual beneficiary. This support is given to individuals who are able to work and make use of a small fund but lack the financial capacity to start their project. Being a revolving loan amongst the poor, once the money is paid back, it is given to another individual to finance another project and money keeps revolving.

#### **III.4.4. One cow per poor family program ( Girinka Programme)**

This programme is designed for accelerating poverty reduction among the poor and vulnerable families. Initiated by the President of the Republic of Rwanda, this program is supported by the government of Rwanda, development partners, individuals, civil society organisation and private sector. The list of eligible beneficiaries is compiled by the residents at the village general assembly. Girinka program has many benefits, including, accelerated poverty reduction, promotion of social harmony and the culture of partnership in the fight against poverty. The programme has significantly contributes to the socio-economic development of the country.

#### **III.4.5. Decent shelter and “Bye Bye Nyakatsi” Programme**

The purpose of this programme is to provide the poor with more decent shelter by constructing better housing. The program started with identification of people without a shelter and those living in poor shelter especially grass thatched (*nyakatsi*).

This programme was initiated in line with the national pro-poor policy, whereby local governments’ authorities mobilised and organised local communities to support the poor living in poor housing conditions. The central government supplements local government efforts by providing portion of the budget.

### ***12 Years Basic Education***

It is a proven fact that the main cause of poverty is ignorance amongst the population. Considering the position for human capital as the foundation of the national economy, education programmes that benefit all citizens have been given priority. One of these programmes is the basic level of education. The Government of Rwanda in the first step encouraged basic education at a minimum of 9 years and recently starting with the academic year 2011 the compulsory basic education was raised up to 12 years, corresponding to secondary education. The construction of the numerous classrooms that were needed has been achieved through Central and Local Government combined efforts. Local governments mobilize citizen through community works (Umuganda) and the Ministry of Education provides cement and roofing materials. The program is meant to benefit poor communities who find it difficult to send their children to far and costly secondary schools.



**Picture of a school constructed in Remera sector, Gasabo District for 12 Year Basic Education Programme, May 2011**

### **III.5. Relationship between local priorities & national priorities and standards**

The Government of Rwanda operates under a unitary system of government. Thus Local Government priorities are built from national priorities. Development priorities are derived mainly from Vision 2020. This is an ambitious vision developed by Republic of Rwanda based on the Millennium Development Goals (MDGs) and the wishes and the aspirations of Rwandans and is operationalized through the EDPRS (Economic Development and Poverty

Reduction Strategy), a development strategic tool which is formulated every 5 years. Thus the relationship between Local Government priorities and national standards is based on these planning national tools of development aspirations. The study noted that district development plan considers both national priorities and local community priorities identified by the community starting from the village level.



## **CHAPTER FOUR: CONTINUOUS IMPROVEMENT OF LOCAL GOVERNMENTS THROUGH CAPACITY BUILDING**

### **IV.1. Capacity building for effective leadership**

The principle of capacity building for effective leadership is about building strong local democracy and good governance through commitment to continuous capacity development of democratic local government. Effective leadership is central to strong local democracy. It is the responsibility of local governments to build the capacity of councilors, officers and local governance institutions to ensure that local governments deliver quality services to the local community.

Within the context of the above principle, the study indicates the following findings:

The National Decentralization Implementation Plan (DIP) for each phase of decentralization (2004- 2008 and 2008-20012) included a capacity building component. Indeed, one of the major gaps and weakness in Local Government under the decentralization process has been inadequate capacity of local governments. Since the start of decentralization in 2000, considerable capacity building interventions for of local governments in terms of human and financial resources, equipment, tools and frameworks have been undertaken. However, capacity building interventions have been mainly limited to simple training, using different modules of which the content is determined by the initiating organization. Fragmented and uncoordinated capacity building interventions have led to a certain level of capacity, but have left persisting gaps in a number of priority areas with need of capacity, including planning and budgeting, procurement and contract management, infrastructure project preparation and management and ICT.

#### **IV.1.1. The policy responsible for building the capacity**

The Ministry of Local Government has developed a five year capacity strategy for local governments for the period 2011-2015. The new Local Government Capacity Building strategy advocates for an efficient coordination of Local Government Capacity Building.

The strategy is in response to identified weaknesses and challenges in the previous capacity building initiatives mainly characterized by uncoordinated and fragmented capacity building.

The Ministry of Local government strategic plan for 2013/14-2017/18, has further identified the reasons for unsatisfied capacity building in LG as being (i) uncoordinated interventions, (ii) supply driven interventions, (iii) multi-faceted, often conflicting approaches, (iv) a plethora of funding mechanisms, and (v) local governments' challenge to attract, recruit, and retain a critical mass of technical and professional personnel.<sup>12</sup>

The new strategy provides for measures and strategies for: (1) effectively implementing decentralization capacity building initiatives in a coordinated and harmonized manner; (2) proficient national coordination of all decentralization related capacity building initiatives; (3) making operational CB plans at the district level; (4) standardization of CB delivery throughout all districts for quality assurance purposes; (5) introducing innovative approaches for delivery of CB targeting individual skills; and (5) streamlining and delineating the roles and responsibilities of different stakeholders<sup>13</sup>.

In the new context, roles and responsibilities of different Government institutions with a stake in Local Government Capacity Building will be clearly and specifically delineated, including the role of MIFOTRA, MINALOC, sector ministries, Public Sector Capacity Building Secretariat, RIAM, RALGA, Local Government and service providers. Rwanda Governance Board has been entrusted with Local Government Capacity Building implementation powers; a national formal Local Government consultative board will be created and made operational to provide the necessary advice with respect to Capacity Building process for Local Government; and a sustainable and harmonized Local Government Capacity Building funding mechanism will be put in place to comply with the new Local Government Capacity Building strategy<sup>14</sup>.

As a matter of fact, the capacity needs assessment carried out by the former National Decentralization Implementation Secretariat (NDIS) in November 2009 on local government capacity building initiatives revealed that the interventions in the area of capacity building for Local Governments were uncoordinated and fragmented.

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<sup>12</sup> MINALOC, Strategic Plan 2013/14-2017/18, page 28

<sup>13</sup> Rwanda Governance board, report of a pilot project on coaching in LG

<sup>14</sup> The new capacity building strategy is a response to the key challenge identified in this study of uncoordinated local government capacity building.

#### **IV.1.2. Standardized national capacity building materials for councilors and officers**

Capacity building for local governments must foster demand-driven approaches where local governments only receive facilitation and support from the central government. The main role of the central government in delivering capacity building to LG should be the establishment of standards and capacity building materials, which includes capacity building tools, manuals and instruments to guide capacity assessments and capacity building providers. The main purpose of these tools and instruments is to ensure harmonization and quality of capacity building delivered. Such tools and instruments are missing in the capacity building interventions for LG. However, very often capacity building is equated to training, giving little attention to organizational and institutional aspects. As highlighted in a study conducted by RALGA on the challenges facing local governments in Rwanda, June 2010; there is need to have capacity building interventions undertaken in a coherent, systemic, coordinated, consistent, and incremental manner so as to realize maximum results in a cost-effective way.

#### **IV.1.3. The impact of capacity building on LGs**

No study has been conducted to measure the impact of capacity building initiatives in Local Governments so far, and none of the many studies carried on local government capacity building has indicated the progress or impact of the previous capacity building initiatives since the start of decentralization process. Although there is no institutionalized system for tracking the impact of capacity building initiatives, it is evident that local government capacities have tremendously improved over time and districts are able to handle more complex tasks than previously.

The study on the challenges facing local governments in Rwanda conducted by RALGA indicates that local government institutional capacity has improved tremendously, especially in the areas of Public Financial Management (PFM) and service delivery. Considerable improvement was achieved in PFM within the District in terms of timely financial reporting, enhanced budget execution and increase in the implementation of recommendations from the Auditor General Office, the Tax Advisory Council (TAC), and Rwanda Public Procurement Authority (RPPA). Also, improvements have been noted in taxpayers' identification, registration and management, improvement in filing of procurement supporting documents.

The system of the staff administrative documents filling was unprofessional prior to the coaching. After the interventions of coaches, the management of staff files became easier due to the system set up with the support of coaches.<sup>15</sup>

Despite a considerable presence of Capacity Building interventions benefitting local administrations, it remains difficult to account for capacity building delivered and establish their impact and consistency with both the national orientations and local needs, due to inadequate capacity building coordination, monitoring and evaluation system in place.

Also, worth of mentioning here is the high staff turnover, which has affected capacity building consolidation and the use of experience and skills acquired through capacity building. Local governments have the duty to retain their staff and avoid on and off recruitment of LG staff. Also, the study noted the inadequate institutional memory and retention strategies in local governments that very often lead to lose of developed capacities.

#### **Recommendation 8**

The study recommends Rwanda Governance Board in cooperation with Local Governments to develop mechanisms and strategies for developing sustainable institutional memory and LG staff retention measures.

#### **IV.1.4. The role of international organizations in supporting LG capacity building**

The major roles of international organizations in local government capacity building are funding and technical backstopping. International development partners in local government capacity building directly working with RGB are GiZ, the Netherlands supporting JADF and BTC who are in negotiations to support a capacity building programme, to mention a few.

In light of the size of capacity gap in the local government as demonstrated in the capacity needs assessment report and as outlined in the table below, more support from international organizations is required to reach the needed capacity in Local Governments. The following table shows the number of LG administrative levels in dire need of organizational and institutional capacity and the number staff members whose knowledge and skills await improvement.

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<sup>15</sup> Rwanda Governance Board, report on a pilot project on Coaching in LG December, 2012.

**Table 5: The workforce in LGs (excluding medical personnel and teachers)**

Administrative entity	N°. of entities	N°. of Technical staff per unit	Total number of technical staff	Total number of elected leaders
Districts	30	51	1,530	697
Sectors	416	8	3,328	7,904
Cells	2,148	2	4,296	38,664
Villages	14,575	-	-	-

**Source:** Study on harmonization of capacity building in local government, MINALOC, November 2009<sup>16</sup>

### **Recommendation 9**

The study appreciates increased capacity in local governments; where local government capacities in planning and budgeting, projects monitoring and evaluation. However, local governments should continue to design packages that both attract and retain their employees. Given the size of the institution and local government staff, there is need to mobilize more resources for local government capacity building in technical and specialized areas such infrastructure development, urban planning and development.

### **Conclusion**

Local Government capacity building initiatives began at the outset of the decentralization process in 2001. Considerable progress in terms of enhanced capacity building of councilors and Local Government staff in terms of enhanced planning and public finance management . However, there is need for more capacity building interventions in technical and professional areas such as in infrastructure development, urban planning and development.

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<sup>16</sup>Study on harmonization of capacity building in local government, MINALOC, November 2009<sup>16</sup>

**CHAPTER FIVE: RECOMMENDATION**

**SUMMARY OF KEY STUDY FINDINGS AND RECOMMENDATIONS**

<b>N°</b>	<b>ABERDEEN PRINCIPLES</b>	<b>CURRENT STATUS</b>	<b>IDENTIFIED GAP</b>	<b>SUGGESTED RECOMMENDATION</b>	<b>TIME FRAME ( SHORT, MEDIUM AND LONG TERM)</b>
1	Political freedom to elect local representatives	Citizens elect their representatives ( local government councilors ) freely at all levels from village to district level	Some citizens are not fully aware that councilors are accountable to them.	The study appreciates the spirit of volunteering and part-time local government councilors who are not paid for the service they offer. However, the study recommends awareness/ educating both the councilors and the population on decentralization policy in general and their rights and obligations in particular.	Medium term

2	Citizen participation in decision making	Citizens participate in local government decision process directly at grassroots level (Village) and indirectly through their elected representatives (councilors) at the sector and district levels.	The study reveals that citizen participation is inadequate at the sector and district levels, due to indirect representation through local councilors and due to lack of technical skill in terms of planning and budgeting , normally done by people with technical know-how.	The study appreciates the level of citizen participation in decision making process in areas of community work, elections and financial contribution towards community development. However, the study recommends continuous and enhanced capacity building for effective participation especially in area of monitoring services, technical skills, holding leaders accountable, planning and budgeting. Also, the role of civil society in building citizens capacities and awareness for effective participation in decision making is vital and needs enhancement.	Medium term
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3		<p>The participation of the citizens in the planning and budgeting process is a very good practice often done through preparation of local government performance contract targets. Local governments are doing well in involving citizenry in budget preparation and execution and the study appreciates a new approach of local government budget publication.</p>	<p>The study noted that district budget publication is new and few people are aware of this practice. Also, budget publication is done at the districts notice boards and few districts on district website.</p>	<p>The study appreciates the new initiative of budget publication in LG; however, it recommends Local Government to start sensitization and public awareness on the importance of budget publication to ensure that the community is aware and makes use of this initiative.</p>	Short term
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4	<b>-do-</b>	Government of Rwanda has established an excellent enabling environment for dialogue between local government and central government called the national dialogue council, which is a constitutional obligation. The national dialogue council meets on annual basis and among others; discuss issues pertaining to local governments.	The study has observed that citizens have interest and desire to know more and participate in national dialogue council sessions. However, very often the forum has a specific agenda to cover within a number of days commonly two days, which sometimes does not allow for enough citizen involvement and participation.	The study recommends pre-national dialogue council both at the Local Governments and Central Government level. The pre-national dialogue should be given enough publicity to attract citizen participation and input.	Medium term
5	Open local government – accountability	In addition to several mechanism and systems of accountability in local government system, service charter in Local Governments is a recently adopted strategy to improve service delivery and enhanced accountability.	Whereas service charter is a well appreciated new strategy, it's not yet effectively in use and there is need for awareness creation and sensitization around its importance in terms of service delivery and	The study recommends strong enforcement on the use of service charter coupled with awareness creation and sensitization to local government official and the general public on the importance of service charter. Also, there is need for adaptability and a	Short term

			<p>accountability. Also, the study observed that service charters have the same conditions in all local governments, yet different local governments have different working environment and conditions.</p>	<p>customization of service charter to suit each local government specific context.</p>	
6	<p>Open local government – Transparent</p>	<p>Regarding local governments transparency, there are numerous channels of communicating local government programmes and activities to the citizens, which include regular open days organised by local governments, community radio stations, district websites, district journals and different notices and announcements through radios and news papers and different village meetings and</p>	<p>Although there is adequate transparency in local governments, whereby citizen have a sense of what local governments are doing for them, there are no formalized and structured communication strategies in place.</p>	<p>The study appreciates the level of transparency in LGs, where citizens are aware and own what LG are doing for them. However, the existing channels of communication should be streamlined into a public information and communication strategy for local governments to reach out to the local communities. The use of ICT, which is generally advance in Rwanda, should be used to</p>	<p>Short term</p>

		community works and events.		enhance information sharing and communication between local governments and the citizens.	
7	Scrutiny of the Executive	The study noted the relevance and importance of Joint Action Development Forum (JADF) currently operational at the sector and district levels. The forum coordinates development partners including civil society; its coordination role is very important for local government development.	The study appreciated the establishment of JADF as a forum of organisation, coordination and information sharing for district development agenda. However, the role of JADF should go beyond information sharing and coordination to dialogue forum for local government development agenda. Also, Civil Society should be empowered to enable it scrutinize the executive.	The study recommends strengthening and upgrading of JADF from information sharing and coordination channel to dialogue forum for more strategic local development issues. Also, the study recommends empowering Civil Society to enable it play its rightful role of scrutinizing the executive council.	Medium term
8	Continuous improvement	Local government capacity building began with decentralisation programme in	Considerable effort and resources have been invested in capacity building since the	The study appreciates increased capacity in local governments; where local government	Short term

		<p>2001. Local government capacity has grown with time and currently districts are capable of handling complex tasks that were unheard of before the start of decentralisation process.</p> <p>Each phase of the decentralisation had an accompanied capacity building package. Rwanda Governance Board, which was recently created and entrusted with among others the role of coordinating local government capacity building has developed local governments' capacity building strategy. Apparently, each district has developed a capacity building plan.</p>	<p>start of decentralization and a lot has been achieved in terms of planning, budgeting, monitoring and evaluation. However, there are more areas that need more capacity building intervention especially in the technical fields.</p>	<p>capacities in planning and budgeting, projects monitoring and evaluation. However, local governments continue to design packages that both attract and retain their employees. Given the size of the institution and local government staff, there is need to mobilize more resources for local government capacity building in technical and specialized areas such infrastructure development, urban planning and development.</p>	
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9	-do-	The second phase of decentralization brought with it the attraction of skilled personnel to local governments due to attractive packages and sometimes good promises offered to local government employees.	The study noted lack of institutional memory and retention strategies in local governments and high staff turnover. Very often this has led to lose of developed capacities.	The study recommends Rwanda Governance Board in cooperation with Local Governments to develop mechanisms and strategies for developing sustainable institutional memory and LG staff retention measures.	Short and medium term
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## **ANNEXES**

### **ANNEX: 1. GOOD PRACTICES IN LOCAL DEMOCRACY AND GOVERNANCE IN RWANDA**

#### **Overview**

This section presents identified good practices in Rwanda local government system that have been applied over duration and tested for aptitude. Good practices shared in this report refer to home grown solutions rooted in the Rwandan culture. These include; ideas modernized to suit the current socio-economic development initiatives at both Central and Local Government levels. They are in line with Aberdeen Agenda, namely the Enabling Environment, Participation and Openness, Equitable resource allocation and Continuous Improvement. Also, Good practices presented in this report have the potential of republication in similar context and adaptability in varying context. The selected good practices include, District Performance Contracts (Imihigo), National Dialogue Council, capacity building through Peer Review Mechanism and Equitable Resource Allocation through Rwanda Local Development Support Fund ( RLDSF) in the perspective of the aforementioned four principles.

#### ***1.1 THE NATIONAL DIALOGUE COUNCIL***

Democracy and good governance entail effective partnership between the central and local governments through permanent dialogues aimed at improving service delivery, transparency and accountability. The principle of partnership between spheres of government accentuate that there should be cooperation and partnership among local regional/provincial and national spheres of government. Effective democracy demands respect between the different spheres of government and recognizes defined roles they play in serving citizenry .It is important to ensure that there is regular dialogue and cooperation between the different spheres. Strong intergovernmental relations will promote greater alignment of national, regional and local priorities. Significant decentralization requires cooperation and strengthened coordination between the different stakeholders in government.

The study has identified the practice of national dialogue as one of good practice worth emulating. It is a good practice that materializes well the Aberdeen principle of partnership between spheres of government.

### **The origin**

The national dialogue between the Central and Local Government is an outcome of the extensive and participatory national constitutional consultations carried by the national constitution commission in the year 2003, which led to the Constitution of the Republic of Rwanda of 4<sup>th</sup> June 2003. This inter-governmental dialogue forum called National Dialogue Council is a constitutional obligation provided for in the article No.168 (amendment No. 02 of 08/12/2005) of the constitution.

### **Functioning**

The Constitution stipulates that the National Dialogue Council shall bring together the President, members of the Cabinet and Parliament, and the representatives of the councils of local administrative entities. The council meets once a year and among others debates issues related to the State of the Nation, the state of Local Governance and National Unity. The resolutions are shared with the relevant institutions to enable them improve their services to the population.

In particular, the Dialogue Council scrutinizes the performance of Local government leaders and council representatives for the concluding year. The proceedings and outcome of the dialogue are shared live on radio stations and national television, and the public can participate through various ways such as asking questions, providing comments, proposing solutions, making requests, giving information, etc. on national and local government programmes.

In practice, the comments and input from the general public have had a lot of influence on local democracy and good governance. Local leaders are commended or criticized for their performances in all sectors handled by local governments. The National Dialogue Council provides an excellent avenue for local governments to engage Central Government through its high level representation of Cabinet Ministers, heads of agencies and government departments. At the forum, Central and LG leaders discuss a wide range of issues that have impact on local development.

## **Benefits**

**Decentralisation effectiveness check point:** The National Dialogue Council provides a forum for self check by both Local Government and Central Government in terms of enabling effective decentralisation. Indeed, the major beneficiaries of the national dialogue council have been local governments. The forum helps central government leaders to understand better the role of Local Governments and the challenges facing them thus engaging all parties concerned to contribute in devising appropriate solutions for local development.

**Policy alignment forum:** Also, the National Dialogue Council is a forum for policy and legal refinement and alignment. In the process of dialogue, poor /slow performance is the main focus and in some cases this is due to policy gaps that performance is slow. At the end of the forum, resolutions on policy gaps are reached and issues are resolved much faster than it would have been done between different institutions through the classic methodological approach of public policy review. This makes service delivery in Local Government much faster to the satisfaction of citizens.

**Citizen participation:** The National Dialogue Council is one of well attended government forums; all invited leaders attend almost 100%. During the dialogue sessions, almost all mature citizens are listening to their radios or watching the national television, closely following the dialogue session until the end. It is an event that citizens use to find out how much both Local and Central Governments are doing for them. In other words, it is an accountability day to the citizens. At the same time and more interestingly, the ordinary citizen's voice is put forward and carefully listened to.

## **Conclusion**

The National Dialogue Council is one of the constitutional obligations that reinforce effective decentralisation in Rwanda and the outcome of each National Dialogue Council held has had far reaching positive consequences on decentralisation and service delivery in Local Governments. The study finds the practice worth of replication to countries where it may be applicable.



## ***1.2. THE DISTRICT PERFORMANCE CONTRACTS (IMIHIGO)***

### **The Genesis of district performance contract**

The Genesis of Performance Contract (Imihigo) is a cultural practice of the past, where an individual would set himself/herself targets to be achieved within a specific period of time, guided by principles and determination to overcome any possible challenge. Six year back, Imihigo practice was adopted as planning, implementation and monitoring tool to accelerate the progress towards economic development and poverty reduction. Imihigo has a strong focus on results which makes it an invaluable tool in the planning, accountability, monitoring and evaluation processes<sup>17</sup>. (Rwanda Governance Board, 2012).

The approach was initiated by the top leadership concerned with the quality of execution of government programs and how to make public agencies more effective. As stated in the imihigo concept note, its objective is to improve the speed and quality at which government programmes are implemented, hence making public agencies more effective. The performance indicators provide a clear framework to establish accountability at the local government levels, which are closer and directly serve the citizens. In 2006, Districts were guided into the preparation of a modernized type of this cultural practice that is the equivalent to modern performance contracts. The first performance contracts of this nature were publicly signed between His Excellency the President and District Mayors on April 4<sup>th</sup> 2006.

Today, the approach has become a regular practice used by Local Government authorities at all levels (Village, Cell, Sector, Districts) for setting local priorities and annual performance targets with clear measurable performance indicators in economic development , social welfare and good governance including justice.

### **The performance contracts (Imihigo) preparation process**

Although performance contracts are currently practiced by all public institutions, for the purposes of this paper, the focus will be mainly restricted Local Governments.

The concept paper on Imihigo provides key guidelines on the preparation of Imihigo and the following key steps are defined:

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<sup>17</sup> Rwanda Governance board website has covered the practice of Imihigo performance contracts.

1. Central government priorities are identified, communicated and discussed with local government leaders at the organized central and local government forums;
2. Each line ministry identifies national priorities with earmarked resources that will be transferred to the local government and communicates its plan to the districts;
3. Districts consult their district development plans (DDPs) and consultative meetings are held at the different local levels to discuss and consolidate district priorities.
4. The DDPs are prepared with the input from the village level, which is the lowest administrative unit;
5. The final phase is the consolidation of national and local priorities and discussions of draft Imihigo with the technical teams for quality assurance;
6. The final draft is presented to the district council for consideration and approval.<sup>18</sup>

However, it should be noted that the preparation of Imihigo is not completely aligned with the budgetary process, which leads to some of the Imihigo not being achieved for the planned fiscal year. In the evaluation of Imihigo for 2011/2012 financial year, it was noted that some of the targets were not achieved due to lack of budget. (Imihigo Evaluation Report).<sup>19</sup>

### **Identification of priorities**

When preparing Imihigo, each district department determines its own annual targets with measurable indicators, while taking into consideration national priorities provided in the major national strategic and policy documents, namely, Vision 2020, Economic Development and Poverty Reduction Strategy (EDPRS). The Millennium Development Goals (MDGs) and sector development plans and the District Development Plans (DDPs) are considered in Imihigo preparation.

Also, considered in the preparations for Imihigo are Seven year government programme; National dialogue council recommendations; National leadership retreat recommendations and recommendations from various reviews (sector, District level)

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<sup>18</sup> MINALOC, Imihigo concept note.

<sup>19</sup> Mihigo national evaluation report, 2011/2012.

### **Participation, monitoring and evaluation of performance contracts**

At the District level, monitoring and evaluation of Imihigo is the responsibility of community development committees and district executive committee and the Provincial Governor. Whereas the community development committees and district committees performs day to day monitoring of district performance contracts, the provincial governor performs an oversight role to ensure that performance contract reach the set targets. At the end of each semester, a high level national evaluation team with representatives from the office of the President of the Republic, office of the Prime Minister, Ministry of Local Government and Ministry of Finance and Economic Planning and others ministries and representatives from the Rwandese Association of Local Government Authorities, using a similar evaluation methodology with common established standards and criteria of judgment, divide themselves into different teams that go to different districts.

The evaluators cross check whether the targets for corresponding activities or programs were realized as reported. District officials are given time to comment and elaborate on some of the issues whenever it is found necessary. This is common especially when targets set were partially or not at all implemented. The evaluation team scores each performance targets (Umuhigo) on a score of 0-10 depending on the level of the completed activities.

The symbols of *traffic lights* rating, where the green color is used for activities completed at the range of 90-100%, yellow for activities completed at the range between 50- 89% and red for activities completed at the range between 0-49%. The study noted that Districts are given details of the performance evaluation report to help district work harder to improve on the areas of their major weaknesses. .

As a way of enforcing accountability, District Mayors make presentations on their performances in a public session organized twice a year at the national level. The end-of-year public session on Imihigo evaluation reports are held in Kigali, chaired by His Excellency the President of the Republic of Rwanda. The event is broadcasted live on national television and both national and private radio stations.

Also, in terms of strengthening citizen's participation in monitoring performance contracts, the joint governance assessment (JGA) review for the year 2008/2009 noted that periodically, Public Accountability Days are organized and local government authorities report back on their work based on the performance contracts of the year (Joint Governance Assessment

report, p. 40). Inefficient leaders who do not deliver have the risk of being dismissed by the District Council.

### **Achievements**

Local government performance contracts based approach aims at, among others, speeding up implementation of local and national development agenda, ensuring stakeholder ownership of the development programmes, promoting accountability and transparency, result oriented performance; instilling innovation and encouraging competitiveness; engaging stakeholders such as citizens, civil society, donors, and private sector in policy formulation and evaluation. Imihigo promotes zeal and determination to achieve set goals, and instills the culture of regular performance evaluation.

Since 2006 in general, performance of the Districts with respect to voluntarily bottom-up set objectives under Imihigo program has greatly improved and a number of benefits have accrued from simple household led initiatives such as nutritional garden (akarima k'Igikoni) to huge-impact projects such as the construction of schools (a particular example is the construction of classrooms for the 9 and 12 Year Basic Education programs). The Imihigo have also contributed to the upgrading of the population's social development as transpiring in the examples below.

Rwanda has made tangible progress in increasing the number of pupils going to school at the right age, provision of safe drinking water, distribution of electricity and access to telecommunication especially the mobile phones. These indicators help to determine the level of welfare of an individual or a household. Thus, over 45.2 % (over 4 million) of the Rwandan population has mobile phones while over 300,000 households have access to electricity.

Also, the number of married women using various forms of modern contraceptive measures has been increasing, drastically reducing fertility rates, an indication that Rwanda's rapid population growth, which is a threat to development, could finally narrow down. In 2005, a Rwandan woman could give birth to 6.4 children in her entire life but in 2010, the number had gone down to 4.6 indicating the increased use of family planning techniques. This achievement can be attributed to Imihigo commitments of using and empowering community health facilitators living in every area of the country.

During the 2011-2012 fiscal year, Districts had vowed to carry out activities in cross cutting programs grouped under three pillars namely economic, social development and good governance pillars. Under the economic development pillar, Districts had vowed to increase

agriculture produce, infrastructure access, greening and beautification around public offices, schools, urban centers and other public places. This was greatly achieved by all Districts as evidenced in the Imihigo Evaluation Report for 2011/2012.

Under social development, commitments had been made in areas of the 12 Year Basic Education (12YBE) Program; housing for vulnerable and needy persons, prompt and regular payment of teachers' salaries and arrears as well as universal education and health care rollout commonly known as "Mutuelle de Santé". All districts scored above 80% of completion level of the activities related to the said targets.

Also, the 201/2012 targets in the area of good governance and justice was to see cases arising from the population registered and resolved through the community assemblies (Inteko z'Abaturage); functioning of Joint Action Development Forum (JADF) at District and Sector levels; functioning of Public Finance Management Committees at District and Sector levels; budget execution; regularity and completeness of financial reports; regularity and completeness of district internal audits; and implementation of Auditor General's recommendations on the previous year's audits. The aforementioned targets were achieved at satisfactory levels as indicated in the Imihigo Evaluation Report for 2011/2012 financial year.

## **Conclusion**

Performance Contract (Imihigo) system practiced in Rwanda is a strong democratic governance practice, both as a planning and accountability tool with a high potential of driving local development. As it is largely congruent to the Aberdeen principle of participation and openness of local governments, the approach could be replicated in other countries with similar context as Rwanda or adapted to a different context.

### ***1.3 EQUITABLE RESOURCE ALLOCATION IN LOCAL GOVERNMENTS: The case study of Rwanda local government development support fund.***

## **CENTRAL GOVERNMENT EQUITABLE RESOURCE ALLOCATION TO LOCAL GOVERNMENT IN RWANDA**

In order to respond to the needs of the local community, a local government must have adequate financial resources to fulfill its mandate and ensure significant autonomy in resource allocation. An independent and secure revenue base is key to sound management of

resources; and included in this is the predictability and adequacy of financial transfers from central to local government in terms of timeliness and amounts. Such transfers must be free of political bias, and local government agreement or legal framework to govern such transfers is often of critical importance. In the allocation of resources, local government must be seen as an integral part of the overall public sector involved in delivering key public services. The study attempted to find out if central government transfers to local government in Rwanda have established framework devoid of political bias and based on equitable formula.

The study noted that central government transfers are provided for in the legal framework and have no political influence of any sort. With reference to the Law No 59/2011 Of 31/12/2011; establishing the sources of revenue and property of decentralized entities and governing their management , especially in article 63, Central Government entities shall each fiscal year plan activities to be implemented by decentralized entities and earmark related funds shall be included in the budgets of the decentralized entities.

Central Government entities whose activities are implemented by decentralized entities prepare annually a document outlining activities of those entities transferred to the local level and methods for estimating funds needed to implement such activities. The same document provides instructions on the use of these funds and modalities for reporting on the use of such funds.

Local government authorities budgets comprises transfers from the central government; namely block grant, which is meant to support local government operations, earmarked transfers, which are meant to support specific planned activities from central government line ministries at the decentralised entities. Capital development transfers, which are meant to support local development initiatives; the fund is managed by a specialized organization, the Rwanda Local Development Support Fund (RLDSF), formerly the Common Development Fund (CDF) established in September 2002.

In this study, the focus will be on the aforementioned categories of resources to local government which constitute the financial support of central government to local governments; shared among local governments based on equitable criteria.

### **Equalization in resource allocation**

Various Districts in Rwanda have different characteristics in terms of population profile, geography, poverty and socio-economic development levels. All these factors are taken into consideration as equalization criteria when transferring resources to the local government authorities.

As such, the un-earmarked transfers take into consideration poverty levels, as well as fiscal potential and fiscal efforts. The un-earmarked funds serve a purpose of equalization, awarding more resources to poorer Districts and those Districts that have low potential for their own revenue mobilization. Other factors that may enter the equalization formula are population size and District area. The allocation is made in a way to encourage and stimulate increased local resource mobilization.

### **Formula governing transfers to local governments**

In recognition of that fact districts have different fiscal and economic potential, earmarked funds are distributed among the local governments based on objective data using transparent, needs based and poverty sensitive formula.

Separate formula is developed for each earmarked transfer, thus allowing them to be kept very simple. The exact formula for earmarked funds in each sector is proposed by the relevant line ministry or budget agency in charge of the specific sector, in consultation with local governments and ministry of finance and economic planning (MINECOFIN) and approved by the Minister of Finance. A new development started last year, where earmarked transfers have to be passed by cabinet meeting and approved by Parliament.

Similarly, all un-earmarked blocked and capital development transfers take into consideration poverty levels, as well as fiscal potential and fiscal efforts and these funds serve a purpose of equalization, awarding more resources to poorer local governments and those that have low potential for their own revenue mobilization. With the exception of three local governments in Kigali City, the remaining twenty-seven local governments receive block grants annually.

The allocation formulae governing the distribution of all grants as well as the earmarked grant transfer framework is discussed and validated during the national budget preparation process organized each year in the planning and budget process by MINECOFIN and disseminated to the Local governments. “Revised Fiscal and Financial Decentralization Policy” adopted by the cabinet on May 11, 2011.

Every year, Central Government transfers to decentralized entities at least five percent (5 %) of its domestic revenue of the previous income taxable year in order to support their budgets. The following simple formula is used to equitably distribute finance resources to local government.

### Block grant or Local Authorities Budget Support Fund (LABSF) allocation criteria

S/N	Allocation Parameters	How parameter meets LABSF Purpose( salaries and operational cost)	Weight for expenditure needs
1	Number of sectors	The number of sectors has got implications on the wage bill, areas and population. It also has implication on service delivery cost.	50%
2	Poverty	Relative number of poor people; it impacts on local revenue potential and available funds for service delivery.	30%
3	Population size	The greater the population; the greater the number of people requiring service delivery and the greater the expenditures.	20%

Source: Ministry of Finance and Economic Planning.

The above simple criterion is used in the allocation of block grant, which is meant to support local government operations. It's assumed that a district with many sectors has more operational costs than a district with a few sectors. Also, the distribution considers population size as another major factor with budgetary implications. A district with a large population has more people to offers services than a district with a small population. Finally, the incidence of poverty is given consideration and district with high incidence of poverty are given more resources as compared to districts with low incidence of poverty.

#### **Predictability and timeliness of local government transfers**

The study noted that local government transfers in Rwanda are predictable and timely and the distribution of transfers is based on objective formula, which is revealed early enough to allow Local Governments to anticipate their allocations and to fully integrate them in the planning and budgeting process. During budget consultation session, district and other government budget agencies are communicated by MINECOFIN, well in advance about the estimate of their budget ceiling and local government plans.



### **Accountability for transferred resources from central government**

The decentralized entity must submit a report on the use of subsidies allocated by the Government in accordance with the organic law on State finance and property (MINECOFIN, Earmarked guidelines).

In accordance with the Fiscal Decentralization Strategy approved by the Cabinet on 11th May 2011, the Ministry of Finance and Economic Planning has a leading role of establishing an efficient system of transfer. This Ministry issues every year instructions on modalities under which Central Government entities shall issue instructions relating to the activities and use of funds allocated to decentralized entities. The purpose of those earmarked transfers guidelines is to provide terms under which the earmarked funds are allocated, transferred, spent and accounted for between the parties involved.

### **Central Government increased transfers to Local Government**

Roles and responsibilities of local governments have overtime increased and this called for increased central government transfers to meet increased citizens' demands.

Figures in the table below show steady increase for both earmarked and block grants to local government authorities for four fiscal years ( 2009- 2013).

<b>Transfers to local government 2009-2010 to 2012-2013 (all 30 districts)</b>			
<b>Fiscal Year</b>	<b>Block grant</b>	<b>Earmarked transfers</b>	<b>Total</b>
2009-2010	16,497,081,572	78,250,898,285	94,747,979,857
2010-2011	16,991,994,019	78,250,898,285	95,242,892,304
2011-2012	25,000,100,000	164,766,612,492	189,766,712,492
2012-2013	28,255,000,000	165,334,060,365	193,589,060,365

Source: Local governments budget call circular for corresponding financial years (2009/2010 up to 2012/2013), MINECOFIN

### **Local Government Development Fund**

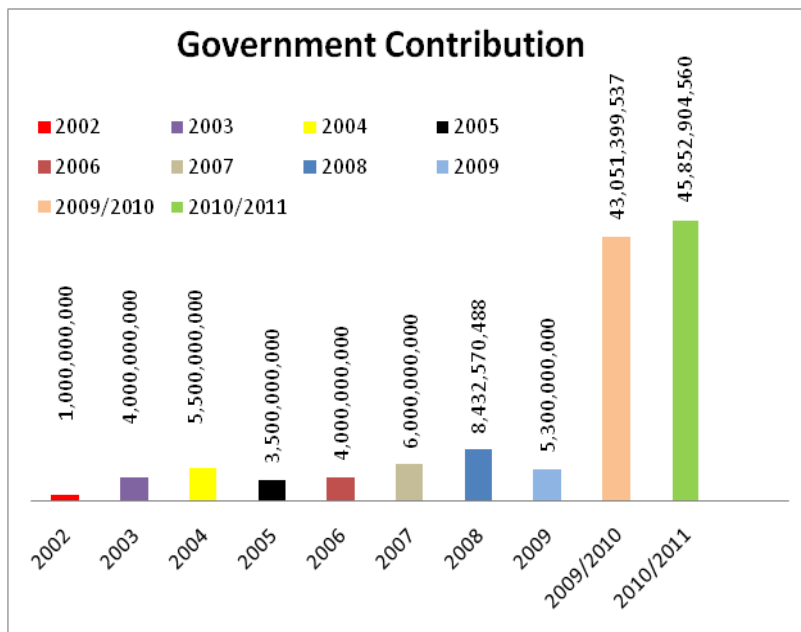
The central government established Common Development Fund (CDF) in 2002 to support and accelerate implementation of decentralization process. The Common Development Fund provides financial support to local government development activities for Districts and Kigali City.

After nine years in operation with remarkable success in tackling local government development challenges, CDF was given a wider mandate and changed its name to RLDSF to suit its new mandate. Currently, RLDSF, receives 10% of the previous year domestic revenue from central government to support a wide range of local government development activities, which include among others, rehabilitation and construction of roads and bridges, rehabilitation/ construction of health centers, rehabilitation and construction of markets, taxi parks, environmental rehabilitation via re-forestation, support to individual household for income generating activities or social support for vulnerable families unable to engage in socio-economic activities via UBUDEHE & VUP programmes, which have been talked about in chapter three and whose success will be shared below.

Apart from central government financing, RLDSF gets support from development partners that include among others, the European Union (EU), BTC, FENU, KFW, the Kingdom of Holland, ADB, World Bank, DFID, SIDA (Swedish International Development Agency), Switzerland.

**Increase of RLDSF from one billion in 2002 to 82 billion in 2012.**

Resource allocation to district began with one billion Rwandan francs in 2002 and this has increased overtime to the figure of 82 billion Rwandan francs in 2011. The graph below shows increase in financial resources in support of local development and the acceleration of decentralization process since 2002.



Source: RLDSF report, department of planning 2011

### Financial support to RLDSF from different development partners

Partner	Budget( Frws)
Swiss cooperation	858,800,000
Belgian technical cooperation	7,690,400,000
Germany Technical Cooperation	
Netherlands Cooperation	12,300,000,000
European Union	26 880 000 000
FENU (PNUD)	2,944,131,646
PREPAF (BAD)	910,000,000
PNEAR (BAD)	7,765,849,743
SIDA/VUP	8,062,845,000
DFID/VUP	16,494,852,335
World bank (VUP)	686,108,321

Source: RLDSF report, department of planning 2011

### Equitable allocation of local government development funds

Like block grant, capital development resources are equitably shared among local government authorities using objective criteria, indicated below:

S/N	Criteria	Weight
1	District population size	20%
2	Poverty levels	40%
3	Size of the district	20%

The above is the criteria against which each district receives its share of the development fund from the central government through RLDSF. The study noted that only projects and activities approved in the District annual action plan, DDP, MTEF, and district performance contracts are the only activities that receive RLDSF support, which are believed to have been reached through citizen participation and input.

Anything outside citizen involvement and input is not supported by RLDSF. Funds given to RLDSF are utilized in the following four major areas:

1. Financing the development project focusing on infrastructures in the Districts and Kigali City;
2. Reduce extreme poverty starting from the poorest administrative sectors through VUP;
3. Participatory poverty reduction at Umudugudu level through UBUDEHE scheme;
4. -Poverty reduction through labor intensive public works.

Since its creation in 2002, CDF interventions have had tangible impacts not only on districts development, but also on individual families living in abject poverty. The organization has financed and monitored development projects geared particularly at infrastructure development, economic growth, poverty reduction, job creation and mitigating sustainable impacts on society.

RLDSF main focus has been providing support to districts with basic and sustainable infrastructures on the one hand, and providing avenues for the most vulnerable families to improve their living conditions.



Figure 1: Inauguration of Rubona CDF –supported water project in Rwamagana District



Figure 2: Rubona main water supply tanks constructed through CDF funding

Source: CDF achievements report 2011.

At the individual household level, CDF and currently, RLDSF have through the UBUDEHE programme played a significant role in poverty reduction at the household level. UBUDEHE is citizen participatory process of identifying the poorest in the community at the village level and suggesting appropriate measures to support the poorest to exit poverty. Individual (s) identified as the poorest by the community members is given a grant of 60,000 to start micro project and in the case of a cooperative of many people; it's given a grant of around 3,000,000 Frws.

This money is not free; it's paid back and keeps on revolving among those on the list of the poor in the community.

In the second phase of Ubudehe Programme (2007-2008), launched shortly after the administrative reform in 2006; the programme was moved close to more people from the Cell level to Umudugudu or village level. Around 14,834 imidugudu/ villages nationwide formulated a project of common interest. In addition, each Umudugudu selected a poor household to be supported by Ubudehe Program. Each Umudugudu project received a financial support of 600,000 RwF and the poorest household selected through a participatory process involving all residents of Umudugudu received a grant of 60,000 RwF. UBUDEHE programme has funded more than 60,000 projects scattered in 14,834 villages where community projects and poor household's income generating projects are run simultaneously.

In addition to the above, each vulnerable household of five people incapable of engaging in economic activities and selected through community participatory exercise receives a monthly direct support of cash transfer of 27,000 RwF. Direct support (DS) – Cash transfers for extremely poor households unable to work stands at 80,000 beneficiaries every year.

Through public works, whose main purpose is job creation for women and youth; RLDSF has paid employment on productive community asset development for 4,200 development projects with 200,000 workers.

More so, RLDSF offers support in increasing access to financial services for the poor (this includes microcredit, a matching-grant challenge fund and encouraging beneficiaries to save); annually, 50,000 beneficiaries benefit from this support. RLDSF is believed to have contributed in the uplifting of 1 million of Rwandan households out of poverty.



DS beneficiary in Kiziguro Sector/ Gatsibo District in the picture above managed to buy a cow from DS funds.

Source: RLDSF, department of Planning and Monitoring and Evaluation 2013.

Observed in the CDF achievement report, “the impact of CDF actions in poverty reduction has been recognized worldwide for their exemplary work in combating extreme poverty by addressing adequately the neediest in the communities through effective grassroots participation and transparency. This impact has indeed gone beyond the boundaries of



Rwanda notably with the United Nations Public Service Awarded won by UBUDEHE programme in 2008”.<sup>20</sup>

#### **1.4. THE PUBLIC FINANCE MANAGEMENT PEER REVIEW MECHANISM**

As earlier mentioned continuous improvement for effective leadership through capacity building has been one of the major focus of central government and local government since the start of the decentralization process in Rwanda.

One of the recent successful local government initiatives in capacity building is Public Finance Management Peer Review Mechanism (PFMPRM). A good practice related to the Aberdeen principle of continuous improvement for effective leadership.

##### **Genesis of Public Finance Management Peer Review Mechanism**

Since the adoption of the Fiscal and Financial Decentralization Policy, the Government of Rwanda (GoR) has made considerable progress in reforming and strengthening Public Financial Management (PFM) systems at both central and local government levels. In this regard, substantial progress has been registered through the realization of key ingredients necessary to reach effective and efficient public finance management.

The progress is demonstrated by enabling legal framework such as the Organic Budget Law on state finance and property (OBL), the Law on public procurement among others, the adoption of financial management software, such as IFMS to facilitate public institutions in formulating, executing and reporting against use of public resources.

Nevertheless, challenges facing Districts in achieving the above targets can still be observed. For instance, the recent reports of the Office of the Auditor General and the Procurement Audit reports produced by Rwanda Public Procurement Authority (RPPA) highlighted some weaknesses/challenges in the area of PFM in Local Governments.

It is in the context of identifying causes of such challenges and searching for appropriate measures to address them that the Western Province management decided to initiate the “PFM Peer Review Meetings” for its 7 Districts to learn from each other on the implementation of PFM legal provisions with the main purpose of achieving “Clean Audit Reports”.

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<sup>20</sup> CDF Achievement report, 2011.

### **The start of the PFM Peer Review**

In early 2009, the Management of Western Province initiated a peer review approach in the field of Public Financial Management system as a voluntary self-monitoring tool agreed upon by the District finance managers.

These finance managers committed themselves to being honest and open to each other with the aim to learn from each other through experience and knowledge sharing and to entrench the principles of transparency and accountability upon themselves and the processes they manage.

The Western Province adopted this mechanism in order to strengthen the capacity of its staff in the areas that are in line with the Auditor General's audit concern, namely financial management and reporting, procurement, revenue collection, human resources and assets management.

### **Composition and conduct of the Peer Review exercise**

The Peer Review Team in the Western Province comprise of the following persons:

District Executive Secretaries from the 7 Districts of the Western Province; Internal Auditors from the 7 Districts, the Directors of Planning, M&E officers. The whole team of the finance department of the visited District.

This team is coordinated by the Executive Secretary of the Province. The composition of this team was thoughtfully instituted because it includes the Executive Secretaries who are the chief budget managers in their Districts and who therefore take important decisions in the financial affairs of their Districts. Their direct participation in this exercise enables them to understand the operational environment of their junior staff. In order to perform their peer review exercise, the team convenes in one District on a rotational basis and conducts audit on at least the four priority areas mentioned above.

The peer review activities are preceded by a general meeting of the staff of the District visited, including the Executive Committee members (Mayor and 2 Vice-Mayors) during which they commit themselves to totally disclose any information relating to their work to the team. A similar meeting is held at the end of this exercise to discuss openly the findings; pointing out good performance and weakness and agree on the way forward. Each of the Districts of the Province is visited once a year.



### **Rwanda Governance Board ( RGB) assessment of the peer review mechanism**

The Rwanda Governance Board officials carried out a fact finding mission in Ngororero District in March 2012 to assess the performance of the mechanism. A summary of the mission findings is provided below:

1. Enhanced transparency and accountability in financial management among the practicing districts,
2. Empowerment of internal auditors–through sharing of experiences and gaining a greater voice from the findings of the group,
3. Enhanced team work among peers, both at the district and province level,
4. Rapid replication of best practices in financial management found in one district to other districts;
5. Early preparedness for audit from specialized audit agencies by respective districts,
6. Collaborative upgrading of the audit checklist used by the peer review teams in the performance of peer review exercise,
7. On the job training for the participants and ownership of peer review recommendations.

### **Scale up of the mechanism to more provinces**

Based on the above advantages, the RGB management embarked on introducing the mechanism in all Provinces of the country in the first semester of the year 2012-2013. This practice was replicated in other provinces, starting with the Eastern Province where it was launched in presence of the Auditor General, Mr. Obadiah Biraro and the deputy CEO for RGB, Amb. Fatuma NDANGIZA. The presence of senior officials from these two key public institutions translates the importance attached to this practice.

### **Achievements**

Since the introduction of public finance management peer review mechanism as change project by RGB, Districts have continuously achieved remarkable understanding of their weakness and are committed to work on the improvement through peer review mechanism. Indeed, peer review opinion classifies mistakes in 3 categories: Errors, Negligence and Fraud/Mismanagement.

Consolidation of PFM/PRM reports reveals that errors count for about 10 %, negligence about 90 % whereas fraud or mismanagement constitutes less than 1 % of findings.

It was also observed that unsupported transactions and tender awarding mistakes are adequately controlled.

Indeed, data from the 2010-2011 Auditor General's report confirm that 5 out of 7 Districts comprising Western Province have "0" unsupported and partially supported transactions; while on average the two previous reports indicated unsupported as well as partially supported transactions to around 300 Million Rwandese Francs.

The formation of PFM Peer Review Teams in all Provinces and the City of Kigali has created a dynamic team of Professionals who collectively provide consultancy services to their Provinces at the cheapest cost and helps them to move towards the CLEAN AUDIT goal.

Interactions between Local Government officials and senior Central Government officials during the introductory workshops of Peer Review Mechanism (PRM) created a platform of information exchange between the two levels.

The scale up of the PFM Peer Review Mechanism in all Provinces by RGB has proved to be one of the most efficient forms of capacity building and institutional development for local governments.

In conclusion, the Public Finance Management Peer Review Mechanism which is done through experience and knowledge sharing amongst peers has proved to be an effective capacity building initiative with vivid results attainable in the short run. Local Government in other countries may make use of this tool to build their capacity towards better performance leading to good governance, accountability and transparency.

## **General conclusion**

In a broad sense, the study on benchmarking Rwanda's local democracy and local governance has revealed that Rwanda has made significant strides towards integration and harmonization of Aberdeen Principles into Rwanda's system of local democracy and local governance. Some areas with gaps have been identified and recommendations for strengthening loose areas have been suggested. The study will be used by the concern authorities to lobby local government councils and central government ministries and departments for support to work on the areas requiring improvements and strengthening.

## **ANNEX 2: RESEARCH QUESTIONS**

### **The enabling environment**

#### **Constitutional and legal recognition for local democracy**

- (i) “To what extent does the legal framework facilitate local democracy to prevail?”
- (ii) Is local government protected in the constitution? If so, quote section.
- (iii) If local government is not enshrined in the constitution, is it created by statute?
- (iv) How much protection does that legislation afford local government against the intervention of central government?
- (v) Is local democracy, that is elected local government, protected in the constitution? If so, quote section.
- (vi) If local democracy is not enshrined in the constitution is it protected by legislation? How much protection does that legislation afford local democracy against the intervention of central government?
- (vii) Are there any other means by which local government and local democracy are protected, for example, international agreements?
- (viii) Are the constitution and various laws governing local government sufficiently harmonized or are there points of serious conflict?
- (ix) Political freedom to elect local representatives
- (x) Does political freedom exist in all local government areas such that citizens can freely express their will through the political process and do the councils elected represent the will of the local citizens?
- (xi) What system is used to elect local representatives?
- (xii) How many seats were uncontested at the last election?
- (xiii) How frequent are elections?
- (xiv) Are elections held according to legislative time scales?
- (xv) Are all councilors and mayors elected by universal suffrage within the council area
- (xvi) Are councillors able to reflect the views and needs of local people or is their undue pressure on them to favour the views and needs of special interest groups including central government, their own party etc.?
- (xvii) Are political freedoms restricted according to gender or membership of a marginal group?
- (xviii) Partnership and cooperation between and within spheres of government

- (xix) What mechanisms are in place to ensure that intergovernmental relations enhance dialogue and promote local democracy?
- (xx) Is there a forum for inter-governmental dialogue? Is this permanently established or ad-hoc? How often does it meet? What bodies and ministries are involved? Is the level of representation at these meetings normally high enough to make dialogue meaningful?
- (xxi) Is there a forum for dialogue with RALGA?
- (xxii) Is this permanently established or it is on an ad-hoc basis?
- (xxiii) How often does it meet?
- (xxiv) What bodies and ministries are involved?
- (xxv) Is the level of representation at these meetings normally high enough to make dialogue meaningful?

#### **Defined legislative framework**

- (i) Are the roles and responsibilities of local government and central government clearly delineated and does local government have sufficient powers to carry out its mandates?
- (ii) Are the responsibilities appropriately distributed?
- (iii) Are there any omissions from the documents detailing which sphere of government is responsible for what?

#### **Participation and openness**

- (i) Citizen participation in local decision making,
- (ii) Are there mechanisms and channels in place to enable citizen participation in local decision making? Does local government have a legislative “duty to consult” to which it must adhere?
- (iii) Does local government have any specified areas of consultation, for example, planning permission and participatory budgeting?
- (iv) Is there a local government-civil society consultation forum in place and operating at the local level?
- (v) Do districts have a register of the civil society organisations operating in their area?
- (vi) How does local government reach out to civil society in its consultations?
- (vii) How is civil society able to engage in the local decision making process of local government?

### **Open local government – accountability**

- (i) Is a robust and independent regulatory body in place to safeguard against corruption, mismanagement and the inappropriate use of resources by local government?
- (ii) Is this body accessible to the population and is its role clearly understood?
- (iii) Does local government account for its actions to the local community and if so how?
- (iv) Consider political, fiscal and bureaucratic aspects.
- (v) How can local citizens call their councils to account?

### **Open local government – transparency**

- (i) Do local governments have a public information and communications strategy? Does this take into account the difficulties/challenges to reach sections of society?
- (ii) How does local government communicate its decisions to local people?
- (iii) Are council meetings open to the public?
- (iv) What mechanisms do local governments have to receive and respond to issues raised by citizens?

### **Scrutiny of the Executive**

- (i) Do the internal structures of local government provide for formal scrutiny of the political executive?
- (ii) Is the executive scrutinised by non-executive councillors, civil society organisations or individuals within the community?
- (iii) Is scrutiny encouraged and are non-executive councillors and non-councillors given the opportunity to gain the skills to scrutinise the executive intelligently and constructively?

### **Equity**

#### **Inclusiveness**

What mechanisms are in place to promote effective inclusiveness?

- (i) What percentage of councillors are women?
- (ii) If there is a system of reserved places for women in place, what percentage of the number of councillors does this represent? [Note that the answer to ii. may be 40% and the answer to iii. may be 25%.] If there is a system of reserved places please describe how it operates. Are there reserved places for any other groups and if so, please describe.
- (iii) What percentage of local government staff are women?
- (iv) What percentage of senior local government staff are women?

- (v) What percentage of councillors is from marginalised ethnic groups and socio-economic groups?
- (vi) How does local government ensure that people from marginalised communities are given adequate voice in the policy making processes of the local government?
- (vii) Are there any programmes in place to make local government more inclusive? Please explain.

#### **Adequate and equitable resource sharing**

- (i) Do local governments have adequate funding to fulfill their basic mandates?
- (ii) On average, what percentage of their budgets do local governments raise locally?
- (iii) Is there a mechanism for financial equalisation between local authorities?
- (iv) How are central transfers determined? Are there institutions in place to support them, that is, local government finance commissions?
- (v) Are transfer payments governed by a formula, an agreement between central and local government or a legal framework?
- (vi) Are the transfers predictable and timely?

#### **Equitable services**

- (i) What steps are taken to ensure that local services are accessible to all?
- (ii) Are the services provided relevant to and reaching poor and marginalised communities?
- (iii) What pro-poor policies do local governments adopt?
- (iv) Is there a relationship between local priorities and national priorities and standards?

#### **Capacity building for effective leadership**

- (i) Is there a policy responsible for building the capacity of councillors, officers and local governance institutions?
- (ii) Is there a body designated to implement the capacity building policy?
- (iii) Are there standardised national capacity building materials for councillors and officers?
- (iv) What impact is this capacity building having?
- (v) What is the role of international organisations in supporting capacity building?

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#### **ANNEX 4: INSTITUTIONS VISITED**

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5. National electoral commission
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8. Rwanda Governance Board