### **DEMOCRATIC DECENTRALISATION IN RWANDA**

By

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Western Cape

UNIVERSITY of the WESTERN CAPE

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#### **ABSTRACT**

Rwandan local government system is currently making an important turning point with the introduction of democratic decentralisation. This study was carried out in order to find out the prospects and challenges of democratic decentralisation in Rwandan context.

From Rwanda's independence in 1962 up to the 1999 administrative reforms, local governments, namely communes, have largely failed in their mission of being basic development units. Democratic decentralisation was then introduced to bridge gaps and correct weaknesses that undermined local governance in the past. In this regard, policies and enabling laws have been put in place to enhance democracy and decentralisation of local government in Rwanda.

There are some challenges like generalised poverty in the country, the non-participation, and dependence syndrome among citizens that need to be overcome. However, there are also opportunities that ought to be taken advantage if democratic decentralisation is to really take root in Rwanda. The main opportunity is commitment to democracy and decentralisation by all stakeholders, the national leadership, local authorities and citizens in general.

However, democratic decentralisation cannot be attained quickly. It is a process. It is achieved gradually depending on citizens' understanding and to the availability of the resources.

#### **DECLARATION**

I declare that *Democratic Decentralisation in Rwanda* is my own work, that it has not been submitted for any degree or examination in any other university, and that all the sources I have used or quoted have been indicated and acknowledged by complete references.

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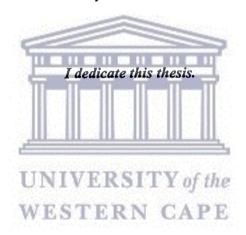
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Charline MULINDAHABI

October 2000

Signed:

To my beloved husband Télesphore;
To my mother Marthe;
To my brothers, sister and sister in law:
Jean Olivier, Rémy, Rosyline, and Eline;
To my nephews and nieces:
Aimé, Trevis, Haydée and Gisèle;
To my aunt Suzanne;



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Secondly, I thank, from the bottom of my heart, my family: My mother, my brothers and sister as well as my aunt for your prayers, support, patience and understanding, as without you I would not have reached this milestone. Thank you.

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# **CHAPTER ONE:**

#### INTRODUCTION

Democratic decentralisation is defined by Manor (1999) as a transfer of resources, tasks and decision-making power to lower-level authorities, which are largely or wholly independent of central government, and which are democratically elected.

In the developing world, democratic decentralisation is taking on increased importance. Regimes have found themselves having to democratise at the local as well as at the national level, and donors have been keen to supporting such initiatives.

As Blaire (2000) has noted, the major promise of democratic decentralisation is that by building popular participation and accountability into local governance, government at the local level will become more responsive to citizen desires and more effective in service delivery. According to him, democratic decentralisation combines the devolutionary form of decentralisation (in which real authority and responsibility

This new mode of support for decentralisation emerged in the later 1980s, in the wake of the decentralisation wave that swept across so many countries toward the end of that decade and that inspired both aid-recipient governments and donors to support democracy at local as well as at the national level.

are transferred to local bodies) with democracy at the local level.

In Rwanda, democratic decentralisation is one of the administrative reforms, which are being introduced by the Government of National Unity after the 1994 genocide. In

fact, the genocide that occurred in Rwanda in 1994 was the result of bad governance that characterised the country for many years and it destroyed the little that had been achieved. This is why there was an urgent need of reform in Rwandan governance for its rehabilitation.

#### PROBLEM STATEMENT

The main problem that preoccupies this research is whether democratic decentralisation has worked well in Rwandan context. What are the opportunities to exploit and the challenges to overcome so that it can succeed?

In fact, the process of democratic decentralisation in Rwanda began in 1999, when the grass-roots level authorities (Cellule and Sector levels) were democratically elected. In March 2001, the democratisation process moved up to the District. It was the first time in the history of Rwanda that Officials at this level were elected by the people. By doing so, the Rwandan Government became committed to empowering the people to make policy-decisions and to become masters of their destiny.

The district, which was called "commune", used to be a small entity before the 2000 reform, and though it was supposed to be independent in its decision-making and financially autonomous, this has never been the case. This was largely due to the fact that the commune official was not elected. He/she was appointed by the central government (the President of the Republic in this case). The other reason was that most communes were poor and could not be financially independent. They always had to be subsidized by the central government. There was also a problem of qualified

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human resources. Under those conditions, Rwandan communes failed in their main mission of being a basis of social, economic, and cultural development.

In the new structure of Rwandan local government, the district (the new term that replaced commune) is also expected to be responsible for the promotion of collaboration between the population for their own development and that of their district. However, in comparison with the previous structure, there have been some distinctive changes: the number of districts has been reduced and the boundaries have been extended. The most important changes have been the elections of councillors and mayors and the authority and responsibility transferred to the districts' councils.

Nonetheless, there is a problem concerning the citizen's awareness of all implications of democratic decentralisation, especially when it comes to their rights and obligations. Are they ready to be effectively involved in the process of democratisation and decentralisation? Another problem is that of the district's capacity in relation to its new responsibilities. Is the decentralisation of decision making accompanied by the decentralisation of human, financial and material resources?

To find out whether democratic decentralisation has worked well in Rwandan context, the following questions should be taken into consideration: What are the responsibilities of elected authorities (councillors and mayors)? What capabilities do they have to fulfil their functions as decision makers and what is their attitude towards their responsibilities? Are they aware of them? Are districts financially stable? How available are the financial resources at the district level? What role does the

population play? Do local communities participate in the planning and implementation of development plans? Are the citizens competent to participate objectively and effectively in local governance?

The hypothesis which guided this research was stated as follows: Democratic decentralisation in Rwanda has several limitations to work well, but the main limitation is the districts' poverty: the majority of them are so poor that they cannot be financially independent. As a result, districts may fail to fulfil the main mission assigned to them, that of promoting the development of their population

#### LITERATURE REVIEW

Local government, especially democratic local government, has been discussed and written about by many authors and scholars in political and administrative sciences. As it was pointed out by Siddiquee (1995), decentralisation of local government has come to be accepted as one of the best means of promoting the participation of people at the lower levels. This section is going to review the literature on the concepts of democratic decentralisation, citizen participation and accountability.

Heymans and Tötemeyer, quoted by Geldenhuys (1996), defined democratic local government as "a decentralised representative institution with general and specific powers devolved on it in respect of an identified restricted geographical area within a state". Geldenhuys has analysed the two concepts of "local" and "government" and according to him the most important values underlying the concept of local government are democratic in spirit, in public financing, service orientation, and

efficiency in the use of public funds. The definition of Blair (2000) is simpler. For him, democratic local government is the same with democratic decentralisation, which is defined as the "meaningful authority devolved to local units of governance that are accessible and accountable to the local citizenry, who enjoy full political rights and liberty. Thus, he makes a difference between democratic decentralisation and the decentralisation in the 1950s, which was devoid of any serious democratic component.

Hilliard (2000) has discussed the contemporary local government and has found out ten reasons why local government exists:

Essential-services supplier: services that have to be delivered on a non-profit or break-even basis cannot be provided by a private enterprise. They have to be supplied by local government.

Communal-needs satisfier: These needs are for example clean water, sanitation, garbage removal, and electricity.

Unique-needs provider: Some of the services cannot be standardised because they are not routine or general and they vary from one area to another. Thus, local government authorities have to adapt their policies according to the unique-demand of their area.

Urbanisation regulator: In some countries, rapid urbanisation has become a major source of concern. Local authorities have to address the difficulties posed by the unrestrained urbanisation because the central and regional government are precluded from acting on issues peculiar only to the local level.

Democracy-developer: as it is written by Kendall (1991) quoted by Hilliard, local government devolves democracy to the lowest level in the governmental hierarchy. It

ensures that representatives who are usually popular with the inhabitants are elected to perform the governing function.

Responsiveness and accessibility enhancer: The chasm, which exists between central or regional government and citizen, does not allow the latter easier approach to authorities at that level. It is the local government that can and should respond quickly to local needs.

Consumer cost-recoverer: In quoting Craythorne (1990), Hilliard says:

"The municipality is required to be as financially self-sufficient as possible and to raise its own revenue, although this ideal is not always attainable in a third world country with a relatively large and poor population".

He emphasises that despite that constraint, the citizen must normally pay for the services he/she utilised, whereas with income tax a large portion is redistributed to subsidise other services. If consumers are dissatisfied with a municipal service, they may approach the local authority directly.

Control-improver: The lower levels of government are easier to control than the upper tiers because the former are smaller.

Inhabitant-educator: In being the lowest level and the closest system to the citizens, local government can easily educate the citizens by informing them at the micro level about statecraft, as well as about their rights and duties.

Prejudice-diminisher: Local government may encourage all citizens to face each other, live and work together in spite of their diversity.

To be efficient, local government requires the participation of local communities in the planning and implementation of development plans. Together with accountability, citizens' participation is a key of democratic decentralisation (Blaire, 2000). That

author has explained the importance of the two themes, accountability and participation:

Citizens' participation in local government allows the representation of all constituencies (women, minorities, small businessmen, artisans, parents of schoolchildren, etc). All those groups will have greater access to the office and that is a key element in empowerment which is defined as a significant voice in public policy decision that affect their futures (Blaire, 2000). It is the policy decisions they will make that will contribute to the poverty reduction and will enhance equity among all groups. Schematically, Blair presents the democratic local government as follows:

An increase in participation → increase in representation → increase in empowerment → increase in benefits for all → increase in poverty reduction:

The more people will participate in politics, the more they will be represented and they will get a significant voice in public policy decisions that affect their futures. Thus local policy decision will more reflect citizens' needs (appropriated infrastructure, better living conditions, etc.) and by providing this, poverty will be reduced and equity among all groups, enhanced.

However, as Clapper (1996) has emphasised, citizen participation presents several disadvantages and limitations. One of the major disadvantages of citizen participation is the *conflict potential*. The conflicts may be between citizen groups or between citizens and public officials. The fact that citizen groups, individual citizens and

public officials often have different perspectives of what citizen participation should achieve, results in acute conflict (Clapper, 1996).

The *lack of government response* is another limitation to citizen participation. As Clapper noted, the majority of citizen participation contacts, whatever form they take, seems generally to be ignored by officials.

In many cases of citizen participation, the people do not have *enough information* about participation and government issues, problems and strategies. Therefore, they cannot participate intelligently and optimally. Clapper emphasises that there is sometimes a tendency, among public officials, to discourage openness in public administration.

Another problem of citizen participation is citizen competence. Are citizens really competent to participate in the planning of issues that would influence them directly, such as the improvement of the community socially, economically and otherwise? Watson, Juster and Johnson (1991) quoted by Clapper express some reservations relating to the aspect of citizen competence:

- a) Do citizens have the ability to grasp the intricacies of the planning process?
- b) Will their participation activities render plans workable?
- c) Will plans in which they participate enhance the effective and efficient application of public funds?
- d) Will their participation benefit the whole community or merely the selfish partisan interests of the participants?

Considering the above points, the feasibility of citizen participation seems suspect and according to Clapper, it is in the consideration of these, and possibly other ostensibly insurmountable limitations, that citizens prefer not to become involved in what, in their experience, have turned out to be futile attempts to influence public management at national, provincial and local level.

The success of democratic governance at the local level depends also on the public servants' accountability. Government employees must be accountable to elected representatives, and elected representatives must be accountable to the public. Concerning the elected officials' accountability to the public, Blaire has emphasised seven mechanisms, which have proven potentiality viable in the local government of 6 countries he studied (Bolivia, Honduras, India, The Philippines, Ukraine and Mali):

Elections: they reflect the public will and can be a powerful tool for accountability.

Political parties: opposition political parties are a powerful engine for enforcing accountability. They help in keeping the ruling party on a path of rectitude. However, as Blair emphasises it, the scenario requires a strong party system at the local level, which is not often the case.

Civil society: it is an organisational activity between the individual and the state (Blaire, 2000). Civil society is essential to local government in that it advocates for constituents, acts as a watchdog over the state and supports political competition generally.

The media: people can hold their government accountable if only they know what is going on (good and bad). The role of the media at the local level is to make political

news from all sources available to the widest possible audience. This can be possible in using radio, which is according to Blaire, cheap and has great audience potential.

Public meetings: they have helped several countries to inject civic opinion into local government.

Formal grievance procedures: the institution of formal procedures for citizens to redress grievances against elected officials is also one of the mechanisms, which may help in holding elected officials' accountability.

Opinion surveys: even if they are still experiments, those surveys offer considerable promises as an instrument of accountability. They measure citizen satisfaction with government services.

Here arises the question on when those various mechanisms should be used. The answer, as it is given by Blair, is that each case depends on what is already there and can be used to build up or perhaps substitute for weak or absent mechanisms.

## **OBJECTIVES**

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The general aim of this study was to find out the challenges and opportunities of the democratisation of local government in Rwanda. The specific objectives were:

- To provide and analyse the background of local government in Rwanda
- To provide an overview of policies and laws that have been put in place for democratic decentralisation in Rwanda
- To evaluate the process of democratic decentralisation after 3 years of implementation,

 To make some recommendations for the success of democratic decentralisation in Rwandan context.

## RESEARCH METHODOLOGY

The following two methods have been used in data collection:

- a) Documentary method: books and other documents about local government in general and especially about democratic decentralisation have been consulted in order to have a good understanding of it and of its principles. In addition, Rwandan official documents (official gazettes, policy documents) and the literature on local government in Rwanda have been helpful in describing the background of Rwandan local government as well as in the analysis of existing policies and laws on decentralisation.
- b) Interviews with citizens, councillors, local authorities in Butare Municipality, as well as the interview with one of the decentralisation managers in the Ministry of Local Government and Social Affairs (MINALOC) have been conducted in order to gather information on the implementation of democratic decentralisation so far.

### SIGNIFICANCE OF THE STUDY

The relevance of this study is that it may benefit the implementation of democratic local government in Rwanda in its earlier stage. In fact, the Rwandan local government is facing an important turning point and by discussing theories on local government, opinions and attitudes of different stakeholders in the process of

decentralisation, the study may help central authorities in their decision-making concerning the reforms that are being implemented. It may also help local government authorities to have a further understanding of their responsibilities in the success of democratic local government.

# **DEFINING SOME KEY CONCEPTS**

#### Decentralisation

Siddiquee (1995) has defined it as a situation where all power and authority are transferred to lower levels of administration or government.

# Local government

As defined by Geldenhuys, local government is a system of geographical units, which refers to defined boundaries, a legal identity, an institutional structure, power and duties laid down in general, special statutes, and a degree of financial and other autonomy (Geldenhuys, 1996).

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## Public participation

In the context of this study, it concerns citizen participation. Johnson (1984) quoted by Brynard (1996) has defined citizen participation as "a process wherein the common amateurs of a community exercise power over decision related to the general affairs of a community". Brynard adds that these common amateurs are persons without paid office, wealth, special information, or other formal power source beyond their own numbers (Brynard, 1996).

Public accountability

In this case, it is the responsibility that the elected authorities have, to answer for the

plans, objectives, programmes, funds and strategies in terms of actual results.

7. REPORT STRUCTURE

This report is structured into five chapters as follows:

Chapter one deals with the purpose and the overview of the study. That is the

statement of the research problem, the literature review, the objectives of the study,

the research methodology, the significance of the study, and finally the definition of

some key concepts.

Chapter two is centred on the background of local government in Rwanda. It is setting

out what the local government was supposed to be and what it has been since the

independence (1962) until the 1999 administrative reforms.

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Chapter three is focusing on the policies and legal framework of democratic

decentralisation in Rwanda, the reforms that have been introduced, and goals to be

achieved.

Chapter four highlights the implementation and evaluation of democratic

decentralisation in Rwanda with regard to Butare Municipality, on general

achievements, as well as on opportunities and challenges of democratic

decentralisation in Rwanda.

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Chapter five consists of a summary, conclusion of the study and some recommendations for a better local government in Rwanda.



## **CHAPTER TWO:**

# BACKGROUND OF RWANDAN LOCAL GOVERNMENT

#### INTRODUCTION

Immediately after its independence in July 1962, Rwanda began institutional and territorial organisational process. Rwandan surface is 26 338 sq km and one of the advantages of its territorial organisation was its entire subdivision in communes. In fact, the law of 15/04/1963 establishing the territorial organisation of the Republic had created 10 prefectures and 143 communes, and communes had been subdivided into administrative sectors. Later, the number of communes has been modified by laws n° 29 and 30 of 28/05/1990 and law n° 35/90 of 22/06/1990 creating the prefecture of Kigali Town (la Prefecture de la Ville de Kigali). That brought the territorial organisation to 11 prefectures and 145 communes.

While the prefecture was a devolved structure, that is a simple territorial subdivision of the central government without any autonomy and without a proper budget, the commune was given a legal personality and a financial autonomy. In other words, it was supposed to be a decentralised entity.

This chapter is focusing on the functioning of the Rwandan commune since the independence in 1962 until the introduction of democratic decentralisation in 1999. It will put a particular emphasis on the mission of the commune as a basis of social and economic development of the country. In this regard, it will look at the problematic decentralisation of local entities in Rwanda.

#### **COMMUNE'S MISSIONS**

The commune's role during the 1<sup>st</sup> Republic (1962-1973) was to be the basic political structure and the administrative body meant to serve the local population. With the 2<sup>nd</sup> Republic, the commune received a new mission, that of being the heart of social and economic development of the country. Local governments had then to be the main architects and beneficiaries of that development.

In fact, as Bugingo et al. (1992) emphasised, the grass root development is a process that a society has to go through to acquire the control of its own wealth hoard mechanisms as well as the blooming of its productive forces (human, material and natural resources). For that, the role of commune was to see that all requirements were in place for a development, which is neither spontaneous nor anarchic, but rather, a rational and systematic development.

Thus, the commune was no longer to fulfil only the administrative and territorial functions in representation of the central government. It had also and above all to undertake actions for a real economic, social and cultural development. It had to devote itself to the implementation of infrastructure construction programmes and to the supervision of all technicians in different domains working in the commune.

The commune had also to establish its own plan for development, that is conceiving, planning, scheduling, co-ordinating and breaking down the actions and realisations of development. It had to work out technical files for the development projects funding as well as to evaluate and follow the realisations through.

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## MEANS AT COMMUNE'S DISPOSAL

It is obvious that, to meet its mission, the commune needed to be bestowed all necessary means. It needed human resources equal to the conception, establishment, follow up and evaluation of communal plans as well as their execution. The existence and establishment of collective equipments for the promotion of the population welfare and economic activities were also required.

#### Human resources

Amongst communal human resources there were communal organs' members, that is the burgomaster, communal councillors, technical commission members and development council members. There were also the communal personnel, the central government personnel at commune's disposal as well as the personnel in the charge of NGOs. This section will focus only on the communal organs' members.

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The burgomaster

The burgomaster's status in 1963 was applicable to an elected burgomaster. However, since the 2<sup>nd</sup> Republic, burgomasters were appointed by the President of the Republic on the suggestion of Interior Affairs Minister. This was already a handicap to the good functioning of the commune. In fact, an appointed burgomaster was not obliged to be accountable to the population he/she was supposed to work for. That is why he/she was like a king who had every right in his commune.

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When looking at the burgomaster's profile, a research on Rwandan commune carried out in 1992 showed that burgomasters were people with good educational background. In fact, more than 30% had benefited from a high school education, whereas about 40% had gone through tertiary education (Bugingo et al. 1992). Therefore, it was not through lack of education that they did not fulfil their duty as they had to.

The same research has also showed that burgomaster's main activities were related to the organisation, co-ordination, and administration; and to the population enquiries. Activities related to the development process had little importance in terms of time given to them.

Communal councillors

The communal council was the main communal organ of decision-making. It was assumed to represent the population, and was supposed to assure good running of the commune.

The role of communal councillors was therefore, to express their views or opinions whenever expected by the law or requested by the superior authority (article 31, paragraph 2 of the Decree of 29/09/1974). Councillors had also to fulfil tasks of administrative routine in their respective sectors: tax collection, population census, judgement execution, meetings and visits to communicate instructions from the top.

However, as the research mentioned above showed, communal councillors, as communal human resource, had not benefited from a sufficient education needed for the development problem solving. In fact, to be eligible, the Decree n°36/79 of 13/11/1979, establishing the organisation of communal councillors elections, did not require any qualification to communal councillors. As the councillor function did not turn out to be worth it, it did not attract many qualified people, especially in the rural area where they could hardly find another decent job.

Although they were population representatives, communal councillors had no real power in the commune management. The burgomaster was the only manager of the commune and the communal council was there to agree with his/her decisions.

In fact, councillors could not understand and discuss matters like communal budget or development projects elaboration due to their low level of education for some of them could hardly write and read.

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Technical commission members TERN CAPE

They were nominated by the Minister in charge of interior affairs within his competence, on the burgomaster's recommendation and after the prefect's advice. That commission was supposed to be the conception and consultation organ of the commune. It had to help the burgomaster and the development council in the conception, working out, and evaluation of development projects, as well as their fund-raising.

In practice, the main activities of the technical commission consisted of examining the

projects of social infrastructures construction, projects of water and power supply, as

well as looking for financial backers.

Development Council members

The development council was composed by the burgomaster who was the

chairperson, the communal councillors, the technical commission members as well as

the heads of the central government services established in the commune.

This council was supposed to be a liaison organ between the commune and the central

government authority in charge of development planning. It had also to play the part

of the "controller" of the realisation of projects undertaken in the commune.

What is noticeable here is the similarity of the competences of the two organs: the

development council and the technical commission. There was no clear competences

repartition between the two organs. In addition, according to Bugingo et al. (1992).

the two organs were functioning in a sporadic way: irregular meetings, lack of fixed

programmes. geographical distance and members disinterestedness. in short.

inefficiency. Under those conditions, and despite the fact that their members were

more educated than councillors. the commune could not count on human resources

constituting those two organs.

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#### Material resources

The Rwandan communes had always been subsidised by the central government concerning the equipment endowment. However, the subsidies were always insufficient and disproportional. Some communes were more favoured than others especially because of regionalism that was the practice of the day.

Amongst the types of equipments that the communes realised, there are administrative infrastructures (communes' offices, some sectors' offices, canton courts, etc), cultural infrastructures (schools, cultural centres etc), social infrastructures (health centres, communal pharmacies, water and power supply, etc), and economic infrastructures (markets, bridges, roads, etc). As it is evident, these were essential infrastructures but unfortunately they were not equally distributed.

### Financial resources

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It is obvious that finances are not only vital for the commune's survival, but are also critical for its autonomy. They show to what extent the commune can meet its responsibilities.

According to article 107 of law of 23/11/69 establishing the communal organisation, the resources of communal budget were subdivided into two main categories: the ordinary receipts and the extraordinary receipts.

The ordinary receipts were meant to cover the ordinary expenses. They were supposed to be essentially composed by the receipts from communal taxation, communal property rent, ordinary central government subsidies, as well as from accidental and diverse receipts.

As for the extraordinary receipts, they had to be allocated to the extraordinary expenses. They were supposed to include central government subsidies meant for communal investments, donations and bequests, loans, as well as the amounts taken from the ordinary receipts surplus to supply the extraordinary budget.

In spite of all these receipts that the law granted to the communes, the discountable means for communes have always not met the objectives assigned to them and the tasks they had to realise. Actually, communal taxation was supposed to be the main source of communal revenue. However, as tax deduction was to be of benefit to central government as well as to the communes, the part reserved for the communes was very weak because the central government had saved for itself the most profitable taxes.

Under those conditions, communes had to show some imagination to design other tax bases that were often related to the activities far less profitable and less important. That was how a big multiplicity of taxes was established in the communes. What was deplorable was the fact that communal tax collection was done without worrying about their impact on the local economic activities. The only concern was the immediate increase of the tax revenue.

## INTERFERENCES WITH RWANDAN COMMUNES' MISSIONS

As mentioned above, the main mission assigned to Rwandan commune since 1973 was to be a basis of social and economic development of the country. As such, the commune had been conceived as a decentralised local entity. However, that marvellous mission has not been achieved because there have been many interferences with the territorial decentralisation in Rwanda. Here are some of those interferences:

# Excessive intervention of the central government in local affairs

First of all, there was no clear demarcation line between the central and local governments concerning their exclusive areas of intervention. As Bugingo et al. (1990) and later, Kabagema (1993) pointed out, Rwandan local governments carried out general competences. No legal text defined competences and responsibilities to be assumed by local governments and those reserved to the central government. It follows that the central government's intervention at local level was excessive. Local authorities saw themselves dictated programmes from the central power without taking into account local initiatives. Kabagema explained that the absence of a demarcation line between local and national governments' competences was due to loopholes in Rwandan legal provisions that had been replicated from foreign laws (especially Belgian laws, Belgium being the former coloniser of Rwanda), sometimes without taking into account local realities. That situation was to the advantage of the central government and the single party in power from 1975 to 1991. In fact, such a

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situation allowed the single party to have everything under its control and to interfere in administrative and local affairs.

In the second place, the gap between communes' own resources and responsibilities assigned to them was vast. According to the research on Rwandan commune (Bugingo et al. 1990), the inadequacy of communes' financial resources is one of the main problems of that entity. The main reason of financial complications in these communes was the generalised poverty of the country.

Besides, as the Department of Interior Affairs had emphasised, a decentralised local entity can realise its mission only if there is concomitant correlation between the assigned missions and the needed human and financial capacities (Ministry of Interior Affairs, 1992).

The insufficiency of human resources had led the central government to appoint assistant officials to the communes, whereas the financial problems could find a partial solution constituted by central government's aid and subsidies. However, since that aid was not institutionalised, there were no defined criteria to subsidy a local entity with some amount.

In addition, Kabagema noticed that the central government's subsidies were not without consequences. They negatively affected the commune's autonomy that could not be full in view of their dependency vis-à-vis the central government. As long as communes were funded by the central power, they had always to agree, without any objection, with the government's injunction for fear that subsidies stopped. Chevalier

(1986) was right when noting that, to obtain financial aid from the central government, peripheral unities are led to adhere to its rationality, to interiorise its norms and to take its objectives as their own.

Moreover, It is to be noted that most of communes were unable to pay their personnel or to afford essential material. Therefore, they had to appeal to the central government.

### Dysfunction of local organs

The inefficiency of local organs is mainly linked to the method of appointment. Normally, decentralisation should go hand in hand with democracy. However, Rwandan local government were characterised by an absence of organs emanating from a universal suffrage. As seen above, the burgomaster was appointed by the central government until the brink of the democratic decentralisation introduction. Only the members of communal council were elected. But yet, the selection and the choice of candidates subjected to the popular vote were largely linked to the burgomaster's approval (World Bank, 1987).

The burgomaster was nominated depending on criteria of political nature, amicable relationships, and populism. In fact, although in a single party system all citizens are supposed to adhere to the single party willy-nilly, people who are more supportive of the party than others, stand a good chance of being appointed to important posts. So, that was the case even for the burgomaster's post. Most of them were people who had proven themselves to be active supporters of MRND (Mouvement Révolutionnaire

National pour le Développement), the unique party of the day. Thus, competence and personal qualification were not considered, and in the case when they were, it was not deciding in the process of appointing burgomasters. (Kabagema, 1993).

That is why the burgomaster could not make population's interests prevail over the central government's ones. Hence, the central authorities could intervene in local affairs comfortably, while communal councillors remaining quite. Actually, they always had inferiority complex towards the burgomaster and this was worsened by their lack of education.

As a consequence, the local authorities could do nothing but execute decisions from the top, the communal council being nothing than a burgomaster's instrument meant to endorse his will.

Popular passivity

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Bringing the population in on participation in decision-making is one of the mainstays of decentralisation, and consultation is the least that should be done in promoting popular participation.

In Rwanda, since 1973, the electorates were called several times for elections (when electing the President of the Republic, Parliament members or communal councillors) and for a referendum (for the constitution). All of that could be considered as population consultation.

However, according to Gapyisi (1989), that was not a consultation. It was instead, semblances of consultation. In fact, as he explains, during those elections, the central government used to give precise orders as regards to candidates who should absolutely be elected.

The population, deprived of its essential prerogative of freely choosing its authorities, had no alternative but to accept and recognise authorities imposed on them. Consequently, the feelings of helplessness and frustration have inhibited their sense of initiative and installed passivity, hence their limited participation in the decision-making process at local level.

Besides that, all the pressure groups (trade unions, youth and women movements) that were supposed to act in the legitimate interest of their members were attached to the unique party in power, the MRND (Mouvement Révolutionnaire National pour le Développement). Thus, instead of speaking for workers, youth or women, those so-called pressure groups were transformed into transmission channels for the single party's ideology.

In short, the local population was left without any means to express their ideas and complaints, and their participation was progressively reduced to nothing when, as it has been mentioned above, it should be one of the mainstays of decentralisation.

#### **SUMMARY**

As a basic development unit, the commune has fallen short of its potential mainly because of its insufficient financial and manpower resources; and also because the central government had adopted an extensively rigid and centralised approach vis-à-vis specifying the multiple tasks to be executed by the commune. The population that was supposed to be the main beneficiary of the expected development was left behind in decision-making. That is why a reform of local government, namely its democratisation and decentralisation was considered to be essential and urgent if the country was to move towards sustainable development.



#### **CHAPTER THREE:**

# DEMOCRATIC DECENTRALISATION IN RWANDA: POLICIES AND LEGAL FRAMEWORK

#### INTRODUCTION

One of the objectives of the Rwandan Government of National Unity after the 1994 genocide and massacres was to put in place mechanisms meant for the population's empowerment in the governance of their own affairs. This would not be possible if the population was not approached to know their yearnings. It is in this regard that in 1996-1997 there were discussions and conferences for different people and at different levels.

The rational behind these debates was to find out the main problems facing Rwanda and what could be done to overcome them. One of the outcomes of these discussions was the necessity for a decentralisation policy, which could help Rwandans (the government and the population) in their fight against poverty as well as in the process of their reconciliation.

Afterwards, the government elaborated a National Decentralisation Policy, which was accompanied by two supporting policies, namely the Fiscal and Financial Decentralisation Policy and the Community Development Policy. An appropriate legislation was also put in place. This chapter aims at giving an overview of these policies and laws.

#### THE NATIONAL DECENTALISATION POLICY

#### Background

The political, economic, and social situation of Rwanda after 1994 was a direct consequence of the political and administrative history of the country. The inappropriate, highly centralised dictatorial governance of the colonial, as well as post independence administration of the country excluded the Rwandan population from participating in the determination of their political, economic, and administrative well being.

Subsequently, the inheritance was a situation characterised by lawlessness, insecurity from within and outside of the country, destroyed infrastructure, dislocated public service systems, displaced and traumatised populations, a deeply divided society, and a national economy that was on downward trend.

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Although five years after 1994 cataclysm, the Rwandan government's efforts had brought the country's economy to recover its ante1994 level in most sectors, the system was still largely centralised (MINALOC, 2000).

In fact, there was persistence of inadequate participation of the majority of the population in the making of decisions that concerned their livelihood, and inadequate finances and other resources at prefecture, commune and lower levels. Even though the revenue of Rwandan government was limited, it remained concentrated at central government level. Another persistent anomaly was the accumulation of political,

administrative, and financial mandates at central level, and, as it has been emphasised in the previous chapter, at the commune level, the powers were centralised in one person, the burgomaster. It is then not surprising that management structures at local level landed support to the lack of accountability and transparency. Officialdom had eroded further the people's say in the management of their affairs, the system being generally accountable to central government instead of being accountable to the people. There was also a problem of inadequate capacity (human, systems, structures, institutions, facilities, logistics, technologies, networks, attitudes, etc.) at both central government and local levels.

To reverse that alarming situation, the government has launched democratic decentralisation as a policy targeting poverty reduction by improving the quality of governance in the country, and by promoting the mobilisation of energies and resources of the local people to participate directly in the determination of their political, social, and economic well being.

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Mandate and mission

Democratic decentralisation in Rwanda was given the following mandate:

- To enable and reactive local people to participate in initiating, making, implementing, and monitoring decisions and plans that concern them taking into consideration their local needs, priorities, capacities and resources by transferring power, authority and resource 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 that are financed by 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 provision at the point where services are provided, and by enabling local leadership develop organisation 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 mobilisation, and implementation of social, political, and economic development.
- 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 service delivered.

In order to fulfil this mandate, the mission of the government of Rwanda is to be effective and efficient in policy making. That is to coordinate, initiate, plan and oversee the implementation of a sustainable decentralisation process that will ensure the participation of the people. In fact, citizens have to be involved in activities that concern their development, sensitivity and responsiveness of the country's administration and leadership to their needs and priorities.

#### **Objectives**

For the pursuit of the above mandate and mission, it was necessary to set out some strategic objectives.

- a) The ownership and support of local governance in Rwanda: The objective here is to mobilise the entire establishment of the government and state of Rwanda to create enabling environment that allows the population of Rwanda to own, support, sustain and participate in the decentralisation process. Without that, decentralisation in Rwanda will be stillborn.
- b) Exhibition of exemplary effectiveness, efficiency and accountability: If exemplary effectiveness, efficiency and accountability in the planning, implementation, monitoring and evaluation of all programmes and projects of decentralisation are not persistently exhibited, the current performance problems faced by central government will be passed on to decentralised units. There is no need to decentralise inefficiency and lack of accountability.
- c) Local participation, independence and self-reliance: It is critical to ensure local participation and instil a sense of anti-dependency and self-reliance amongst the Rwandan people. This will be possible by mobilising and effectively utilising local human, material, and financial resources to plan, implement, control and sustain local governance for participative delivery of social services for all. Local people have to mobilise their own energies and resources for their own development. They should not rely on external assistance forever, otherwise there is no local government to talk about in Rwanda. The centre pin for local governance is a considerable level of self-reliance, especially financial self-reliance.
- d) The development of management, administration, and technical capacities in local governments. Another cornerstone for successful local government is the development

of local capacities in infrastructure, management and administration systems, structures, knowledge, skills, attitudes, institutions, networks, relationships, technologies, processes, procedures, practices, and leadership behaviour that will sustain local good governance for effective, efficient, accountable, and equitable delivery of social services and development for all. Without capacity development, decentralisation is not sustainable.

e) The harmonisation and reconciliation of local populations into peaceful and productive communities: This requires the strengthening of participative and all engaging social communication. Communities will then be aware of and committed to upholding the rule of law, good governance, respect for human rights and property, and defence of their rights and fulfil their obligations. When everything is said and done, all depend on the local population's understanding of and commitment to their obligations and rights as well as the limits and obligations of the State. If local population are not aware of and not ready to defend their rights and fulfil their obligations, then decentralisation may amount to decentralising dictatorship with local elite leaders, who when elected, become small lords to exploit the ignorant population.

As announced in the beginning of this chapter, the above Decentralisation Policy needed to be accompanied by other supporting policies. The next section is going to browse through the Fiscal and Financial Decentralisation Policy as well as the Community Development Policy.

#### SUPPORTING POLICIES

#### Fiscal and Financial Decentralisation Policy

Fiscal decentralisation is very crucial for the success of the whole decentralisation process and therefore, the government has attached great importance to it. As decision-making is being devolved to the local authorities, the latter will need funds to finance programmes that arise from their decisions. This can only be achieved through a tax system, which is decentralised to the local level to provide them with a capacity to raise their own resources.

It is in this regard that the Ministry of Local Government and Social Affairs (MINALOC), jointly with the Ministry of Finance and Economic Planning (MINIFIN), elaborated the Fiscal and Financial Decentralisation Policy.

Key components of fiscal decentralisation

These are summarised in the following: creating a tax sharing arrangement, empowering local authorities to set tax and license rates, empowering local authorities to levy service fees, devolving the property tax to local governments, and establishing development fund for local governments.

The legislation governing districts' finances dating back to 1960's and 70's and having been revised little since then, one of the key tasks under the Decentralisation Policy is to up-date and revise the legal framework. Another key task will be to build

local capacity. Both reform and capacity building must be based on an understanding of the current reality of district management.

Objectives and strategies

To provide adequate resources to fulfil local service responsibilities is the general objective of the fiscal Decentralisation Policy. From this, the following specific objectives have been emphasised:

- To foster local management responsibility and capacity
- To ensure resources for equitable development across local governments
- To build an efficient resource base for local government.

The general strategy to attain those objectives is to focus on some principles such as:

- Building up local government's own sources of revenue, including criteria for redistribution in tax sharing with central government;
- Strengthening planning, management and control systems so that resources are used efficiently for current operations and to leverage capital investment; and
- Using intergovernmental transfers only to support local development budgets.

Effective fiscal decentralisation policy implementation requires also a variety of supporting strategies that include building human resource capacities among all actors, defining and implementing a new role for central government ministries, establishing a forum for ongoing decentralisation reform, and communication and information dissemination.

#### The Community Development Policy

The Community Development Policy for Rwanda has been designed in order to bring together stakeholders who operate at various government levels and within grassroots structures (cellules and sectors) to combine their efforts in order to enable members within those structures to live in harmony and have access to better standard of living. It has been conceived to strengthen the policy of decentralisation and good governance as its real engine (MINALOC, 2001)

The gaps observed at the national level and that are to be bridged by the Community Development Policy include:

- A weak participation of the population in the development activities with consequence that, instead of the population taking ownership of those development activities, they destroy them.
- Frictions between measures taken at the central level and those taken by the grassroots level.
- Weak co-ordination and harmonisation of development activities. This lies at the core of incidental development and parachute projects that only benefit their designers.
- Low capacity at all levels, especially at grassroots level.
- Slow flow of development activities. All the districts of the country in general, can only afford financing their day-to-day operations, although this is even difficult for some of districts to finance, especially the poor ones.

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- Due to mismanagement, a very low percentage of the project funds reaches the beneficiary population whereas a good number of projects are loans to be repaid by the same population.
- Poverty in rural areas is very high: food production decreases noticeably due to insufficient use of inputs and non utilisation of micro-credits to produce and sell the products, given that rural areas are not monitored.
- Low participation of women and youth in development whereas they constitute a big percentage of the population of the country, and yet they are expected to be the most active section of the population.

Objective and principles of the Community Development Policy

The main objective of this policy is to allow the implanting of the national policy of decentralisation by suggesting ways and means assuring the actual and durable participation of the community in its own development focused on poverty reduction.

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Amongst the basic principles of the Community Development Policy, the community at grassroots level is the pillar of durable development whereas effective participation is paramount. In addition, with respect to the participative principles, investment should be made into projects that benefit a large part of population, enhance revenue generation and create employment opportunities. It should first of all target the primary sector for purposes of production and then into distribution and processing sectors. Very little gratuitousness should be foreseen in individual projects or community groups at the grassroots level. It should only be acceptable to the vulnerable groups in the form of start-up funds aimed at assisting them come out of

the situation of vulnerability. Another principle is the emphasis that should be put on reliance on own resources in form of human energies, the know-how and the local skills, cultural endowment and natural resources of the areas.

#### Strategic actions

The Community Development Policy has highlighted the following strategies for the achievement of the above objective and principles:

- Setting up a management system, which involves the communities and make them responsible for their development.
- Encouraging emergence of organisational dynamic.
- Setting up a network for collection and circulation of functional necessary information.
- Increasing production through improvement of productivity of the available resources.
- Setting up a community development fund and insuring rigorous financial management including the profitable population for more transparency.
- Searching and setting up a system of micro financing adapted to the realities of Rwanda.

#### **ENABLING LEGISLATION**

By now, five laws have been put in place to give a strong legal impetus to decentralised governance in the country. Those laws include:

- The law n° 43/2000 of 29/12/2000 establishing the organisation and functioning of Provinces,
- The law n° 04/2001 of 13/01/2001 establishing the organisation and functioning of the District,
- The law n° 05/2001 of 18/01/2001 establishing the organisation and functioning of Urban Authorities,
- The law n° 07/2001 of 19/01/2001 establishing the organisation and administration of the City of Kigali,
- The law n° 17/2002 of 10/05/2002 establishing the source of revenue for districts and towns and its management.

Amongst these laws, the law establishing the organisation and the functioning of the district (which is not very different from the one establishing the organisation and the functioning of urban authority) as well as the law establishing the source of revenue for districts and towns and its management are going to be fully emphasised in this section. This is mainly because the district has been conceived as a structure for the promotion of democracy and a pillar of development, and its finances are very critical to the attainment of that mission.

#### The law establishing the organisation and the functioning of the District

Being responsible for the promotion of collaboration between the population for their own development and that of their district, the later has been established as an autonomous administrative structure with a legal status and financial autonomy. It assumes the duties and responsibilities with regard to policy, administration, economy, welfare of the population and culture.

#### Administrative structure of the District

The district has been endowed with two kinds of structures: the political structures

and the technical structures.

The political structures

The political structures of the district are the District Council and the Executive Committee of the District.

#### The District Council

According to the article 14 of the law establishing the organisation and functioning of the district, the District Council is composed of:

- Elected councillors at the level of the sector
- Women representatives at district level who are elected from a third of the number of councillors elected to the District Council as representatives of sectors, and

- Youth representative at district level who are elected from a third of the number of councillors elected to represent sectors to the District Council.

Obviously, women and youth have been given the opportunity to participate actively in decision-making. Given their low participation in the past and their big proportion of the population of the country, this law gives them their due share.

Considering the responsibilities assigned to the District Council by the article 23 of the above-mentioned law, one can admit that it is the principle holder of the district authority. In fact, it presides over the district development and regulates by its deliberations the district affairs. The ordinary meetings of the District Council are held at least once quarterly and the Council can convene extraordinary meetings in case of emergency.

The District Council is made up of three commissions, namely the Economic and Technical Commission, the Commission for Culture and Social Welfare and the Administrative, Political and Legal Commission. Each councillor must be a member of a commission. The composition and responsibilities of each commission are described in articles 50 to 57 of the above-mentioned law.

#### The District Executive Committee

It is the organ that is in charge of the administration of the district. It is composed of the District Mayor, the Secretary in charge of Finances, Economy and Development, the Secretary in charge of Welfare and Culture, the Secretary in charge of Women's affairs, and the Secretary in charge of Youth affairs.

The Executive committee is elected among councillors members of the District Council. The District Mayor is elected from among members of Executive Committee and he/she is the chairperson of both the District Council and the Executive Committee (article 61). The responsibilities of the Executive Committee are defined in the article 60 of this law.

A member of the Executive Committee is elected for a mandate of five years renewable, but he/she cannot exercise more than two successive mandates.

#### The technical structures

These are intended to assist the political structures and they comprise of the Executive Secretary and the Development Committee.

The Executive Secretary is appointed by the District Council after a competitive examination. Amongst his/her duties, there are the attributions of acting as secretary to the District Council as well as to the District Executive Committee; to supervise the District staff; to coordinate, prepare and control activities at the level of the district on the basis of decisions taken by the district Council on political and administrative matters; etc. (see article 79).

As for the Development Committee, it is composed of the Secretary for Finance and Economic Affairs in the Executive Committee, who is also the chairperson; the Executive secretary; the Chairpersons of sub-committees in charge of the welfare of the population, the economy and the promotion of development in sectors; the Secretary in charge of Women's affairs within the District Executive committee; the

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Secretary in charge of Youth welfare in the District Executive Committee; and all those having developmental projects in the district.

Amongst its responsibilities, the District Development Committee has to prepare the district development action plan; to make the follow-up and the control of activities and development projects of the district; to supervise the administration and finance of projects in the district; to prepare the draft of the development budget of the district; and to organise the sensitisation of the population with regard to development activities.

#### District's finances

The budget of the district plans and fixes income and expenditure every year. It consists of three parts: the ordinary budget, the development budget and the specific budget. The articles 117 to 120 determine the district's income and expenditure. The source of district's revenue will be discussed later. However, it is to be noted that in order to help districts to assume their responsibilities in the promotion of development, a Common Development Fund (CDF) for district was created to support the economy of districts and cities within the policy of bringing power closer to the population (article 140). The government puts into this fund an amount of money not less than 10% of Government's annual revenues.

#### Control of district's activities

The autonomy of districts is not without limits. In fact, there are some decisions of the District Council that must be transmitted to the Prefect of the Province who must

verify their conformity with the laws and general regulations of the country and advise it accordingly. Those decisions are specified in the article 144 of the law establishing the organisation and functioning of the district.

The law establishing the source of revenue for districts and towns and its management

District's sources of revenue as defined by this law, can be subdivided into two categories:

- Taxes and fees of districts and towns,
- Other sources of revenue.

Taxes and fees

Central Government taxes transferred to the districts and towns

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Contrary to the former law by which, as mentioned in chapter two, the most profitable taxes were reserved for the central government, the new law establishes the taxes that are to be transferred by the central government to the districts and towns. With the new law on the source of district's revenue, the property tax, the trading licence tax and the tax on rent that were formerly collected by the central government are now transferred to the districts, towns and city (article 4 of the above-mentioned law).

This law specifies that property tax is levied on fixed assets, that is the area covered by any type of house, the area of unused registered plots wherever they might be, and the area of land reserved for research or mining and quarry.

#### Districts fees

According this law, the District or Town Council charges a fee on services rendered to the population by the Council (remunerating fees). Such fees should not exceed the real or the estimated cost as specified for those services. The Council may also charge other fees in accordance with a presidential order that specifies the list of services and the rate of fees thereof.

Other sources of revenue for districts or towns

#### They include:

- Loans: The district or town can borrow money from within or outside the country. In case the loan exceeds ten million Rwandan Francs (Frw 10 000 000), the district or town must seek approval from the Provincial Coordination Committee before borrowing is undertaken. However, this is not the case for the districts of the City of Kigali that must seek approval from the Kigali City Council when the loan goes over fifty millions Rwandan Francs (Frw 50 000 000).
- Grants and legacies: A district or Town can receive grants or legacy of fixed or movable assets on prior approval by the District or Town Council.

- Miscellaneous sources of revenue: A district or town can invest in companies, commercial banks, and autonomous societies or parastatals. The decision is to be made by the District or Town Council.
- Government's grants: Government can extend financial aid or material support to a district or town with the aim of promoting development activities in these entities. Government can also solicit funds for a District or Town from abroad by standing as surety for such entities. Every year Government transfers an equivalent of 1.5% of all its home revenue from the State budget to the districts or town in order to exclusively support their current budget.

#### **SUMMARY**

Indeed, Rwandan Government is willing to empower the population for the governance of their own affairs and democratic decentralisation is the means chosen for that noble mission.

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It is obvious that the current National Decentralisation Policy has been designed to bridge gaps and correct weaknesses that have undermined governance in Rwanda in the past. In fact, these decentralisation supporting policies, if firmly implemented, will lead to the empowerment of the population and local governments in their mission of promoting their own development. In addition, the revision of the legislation on local government administration and finances is very critical in the process of decentralisation, for it allows the population to elect their representatives and their local authorities and to hold them accountable. It also gives local governments a new opportunity to raise their finances, as these are very critical to their autonomy.

#### **CHAPTER FOUR:**

## THE IMPLEMENTATION OF DEMOCRATIC DECENTRALISATION

#### INTRODUCTION

It has been said that Democratic Decentralisation was introduced in Rwanda in 1999 with the elections of grass roots level authorities. In fact, those elections were meant to familiarise the population with democracy and prepare them for the implementation of the Decentralisation National Policy that was being prepared and that was approved in May 2000.

The aim of this chapter is to provide a picture of what is happening on the ground with reference to Butare Municipality. Given the limited time and other means at the disposal of the researcher, it was not possible to collect information about the implementation of democratic decentralisation from all over the country. Therefore, Butare Municipality has been chosen to serve as an example for this research. The choice of this municipality has been motivated by the researcher's familiarity with the area. In its first sub-section, this chapter is looking at how the population of Butare welcomed the Decentralisation National Policy and its supporting policies, what is their attitude towards them, and how the new organs of the municipality are functioning in Butare municipality.

As for the second sub-section, it is dealing with the general achievements, opportunities, and challenges of democratic decentralisation in Rwanda.

#### IMPLEMENTATION IN BUTARE MUNICIPALITY

#### Presenting Butare Municipality

Butare Municipality is situated in the south of Rwanda, 136 km from Kigali the capital city. It is one of the 10 local governments constituting Butare Province. It is a result of a merger between Ngoma and Huye communes and is composed of 18 sectors. Butare Municipality is one of the smallest districts in Rwanda (79.7 sq km). However, it is also one of the most densely populated. In fact, its population density is 747 per sq km (CRDP<sup>1</sup>, 2001) whereas the average of the country population density is 350 per sq km (NPRP<sup>2</sup> & OSSREA<sup>3</sup>, 2001).

## Attitudes towards decentralisation and democracy

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It is interesting to note how attitudes among the population of Butare Municipality are sometimes contradictory when it concerns democracy and decentralisation. This is perceptible when looking at how they are committed to democracy, how they perceive their participation, their duties and obligations and even how they understand and exercise their rights.

<sup>&</sup>lt;sup>1</sup> CRDP: Community Rehabilitation and Development Project

<sup>&</sup>lt;sup>2</sup> NPRP: National Poverty Reduction Programme

<sup>&</sup>lt;sup>3</sup> OSSREA: Organisation for Social Science Research in Eastern and Southern Africa

#### Commitment to democracy

During interviews conducted for this study, simple citizens or local authorities proved to be committed with democracy. For most of them, democracy is mainly associated to the fact that the population elects their authorities.

This is not surprising, considering that in the past Rwandans were denied the right of choosing their local leaders, namely the burgomasters. It is also to be noted that some Rwandans who have been repatriated back to the country after so many years of exile are eager to exercise their right of choosing their leaders. This is something they thought was a dream far from being materialised in their lives.

Furthermore, most of the interviewees believe that there cannot be sustainable development without democracy. That is why, for them, there is no better form of governance and if there are some people who resist democracy, they should be sensitised until they understand and commit themselves to it.

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Population's commitment to democracy is very vital to democracy because as Diamond (1994) has argued, when democracy "becomes so broadly and profoundly legitimate among its citizens it is very unlikely to break down for internal reasons". In fact, committed democrats are much less likely to disobey the law, resort to violence, tolerate shoddy electoral procedures, produce undemocratic elites, elect undemocratic elites to office or acquiesce in the face of elite challenges to democracy (Mattes et al. 1998).

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As highlighted in earlier chapters, participation is one of the processes that constitute the heart of the "democratic" component of democratic decentralisation. According to the interviews as well as the researcher's own observation, citizen participation in Butare Municipality is still in its embryonic stage.

Although the population are committed to democracy and are happy to get governance closer to them, they have not yet understood that all of these require their active participation. According to local authorities, citizens, especially the so called "educated people", do not attend public meetings where they can get information about government's policies and decisions and where they can share making development plans in their very formative stage. Even those who attend, they go there just to listen ("kumva inama" in Kinyarwanda language) instead of contributing.

When discussing with people, it is found that most of them have a very vague idea about government's policies and about politics in generally. Some of them explain that they don't want to be involved in politics because they have a bad image of politics and politicians. That is even why, during the last local elections, some people refused to stand for elections.

It is true that, like in other parts of the country, Butare's population participated massively in 2001 municipal elections, but this is not only what participation is all about. It is high time citizens understood that participation is also, about being involved in those government decisions, policies and actions that directly affect them.

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As argued by Clapper (1996), participation is not only a citizen's right, but also his/her obligation. In fact, as the author asserted, it is an inalienable democratic right of any individual to participate and to exercise an influence on issues that directly affect him or her, a right that should be legally protected. So, when the government violates it, it disqualifies itself from being called democratic.

On the other hand, if the citizen reneges on his or her right to participate, it does not subject him or her to legal discipline, but it makes people to suspect his or her dedication to democracy and can give carte blanche to unscrupulous officials and government to act contrary to the public welfare and in their personal interest (Hansen, 1975)

However, one should not forget that the current citizens' apathy is a result of the political background they are coming from. It will take some time for them to familiarise with the new culture of democracy and participation. As it is obvious that decentralisation process still rests fundamentally with the Mayor and Municipal Councillors, citizen participation being not yet evolved to the extent to which it can exercise sufficient influence on the local government's actions, it is those leaders' responsibility to develop democratic and participatory practices among their citizens.

Besides the obligation of participation, citizens are called to fulfil other duties and obligations such as paying taxes and paying for services they get from local governments.

In this study, local leaders (the Mayor and some co-ordinators at the sector level) were also questioned to know how the population respond to their obligations, especially that of paying taxes and paying for services they get from the municipality. According to them, people are always reluctant to pay taxes. If there were any means to escape it, many people would not hesitate to take the opportunity. Therefore, there must be always someone to chase such people. As for paying for services, people seem to understand more than they do for taxes. This is because when they pay, they get something immediately like in the shop, whereas for taxes, they are not sure of what there are paying for. And here arises the issue of accountability, which will be the focus of the next sub-section. Actually, if people don't know the use of the money they pay for taxes, it will not be easy to make them pay. However, one of the sector coordinators emphasised that it is not always because of unwillingness that people do not pay. In fact, if they are asked to contribute to some projects such as making bricks for a school construction, as long as money is not concerned, they will respond massively. There is then also a problem of poverty. Let us note that according to the United Nation Development Program (UNDP), the income per capita in Rwanda was US\$ 251 in 1998 (1999). This does not even reach the poverty line of US\$ 1 per day.

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According to the population's opinions, it is because of poverty that they have difficulties to pay taxes. In addition, they complain that the burden of taxes is getting heavier and heavier day-by-day, what add to their poverty. Prices on the market are rising every day and tradesmen explain that it is because they are paying a lot of taxes.

However, according to the research carried out by the National Poverty Reduction Programme (NPRP) jointly with the Organisation for Social Science Research in Eastern and Southern Africa (OSSREA)-Rwanda Chapter, the problem of poverty in urban and semi urban districts in Rwanda, including Butare Municipality, is related to problems of youth unemployment, business inefficiency that is often confused with the problem of the tax structure or lack of training, street kids, promiscuity and HIV Aids, low salaries and lack of viable social security schemes (NPRP & OSSREA Rwanda Chapter, 2001).

As for how the National Poverty Reduction Programme is addressing their poverty, the population seems not to be happy of that. According to some of them, although the Programme is encouraging them to conceive small projects that can help them to raise money, and although it assists them by funding those projects, they do not agree that they should pay back that money. They think that it should be an aid instead of being a loan. Indeed, this is a bad culture that Rwandans have acquired of getting everything without any effort from them and if it does not change, it will constitute a big handicap to the decentralisation process.

Therefore, it is evident that the problem of poverty is to be addressed properly; otherwise, the population will not be able to meet some of their obligations, namely paying taxes and this will affect negatively the process of decentralisation.

#### Accountability

Accountability is another process among those that constitute the heart of democracy in local governments. Schwella (1991) stressed that the final control over the government and its administrative apparatus should be vested in the citizens of the state. The argument is that, in the last resort, it is citizens who supply the resources and who also receive the goods and services from government policies and programmes. Real democratic accountability, therefore requires infinitely more than mere hierarchic accountability to, superiors, it requires accountability to all the citizens. Democratic accountability calls for openly declared facts about government and open debate about these facts by the citizens and their elected representatives.

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Accountability is also another new culture for Rwandans (leaders and citizens) that was brought by the democratisation process. The word "accountability" itself is not unknown by elected officials in Butare Municipality, but until now there is no concrete action to testify their accountability to the public. On the other hand, the population is not yet aware of that obligation of the elected officials. As the President of the Republic of Rwanda, H. E. Paul Kagame has stressed during the opening of a four-day workshop on civic education for election held in Kigali from the 20/08/2002, Rwandans should be educated about the obligations of elected officials as representatives of the people. He said that the people must realise that the primary

role of elected officials is to serve the interests of the electorate, and not to serve personal interests. According to him, Rwandans also need to be educated about their own responsibilities as citizens to hold their leaders accountable. He said that people should take elections seriously and should know the candidates they vote for and what they stand for.

If we refer to public accountability as explained by Blair (2000), bureaucratic accountability to elected officials does not pose any problem in Butare given that bureaucrats at the Municipality level are appointed by and are working under the supervision of the elected officials. The problem arises when it comes to the elected officials' accountability. It's true that elections are the most direct mechanism for ensuring that those who govern are accountable to the citizens. However, as Blair (2000) has asserted, elections are crude instruments of popular control since they occur at widely spaced intervals (five years for the local government elections in Rwanda). In fact, people must be able to indicate their likes and dislikes between elections, as well as their views on specific proposals. There must also be ways to publicise citizens' views and uncover wrongdoing in local government.

The mechanisms for that continuous and fine-tuned accountability, as they have been explained in chapter one of this paper, are very weak if not inexistent in Butare Municipality. Because Rwanda is still under the transitional governance (which is ending in July 2003), political parties are not yet allowed to operate at the local level. Hence, one cannot count on them for a better public accountability in Butare Municipality or in any other local government in Rwanda. The civil society in Butare is still weak. There are actually some associations but they are at a stage where they

have not yet become actors or advocates in municipal political life. As for the media at local level, which would help to inform people on political news or to uncover government misdeeds at local level, it does not exist at all. All the media in Rwanda (radio, T V, news papers) are operating in Kigali, the capital city and the political news they provide are rather at a national level. They can thus hardly enhance accountability in local government.

In short, apart from elections, the only mechanism that could be exploited for the sake of a better accountability is public meetings. Although, as indicated above, the attendance of those meetings is still problematic, it is the only means that can be available without delay. However, it has to be developed so that it can become an effective mechanism of accountability in Butare and elsewhere in Rwandan local governments.

#### Functioning of municipal organs

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There is a very big difference when comparing the functioning of municipal organs today with that of communal ones before decentralisation. As pointed out in the preceding chapters, although there were different organs with different missions in the commune, their functioning had never been effective since the burgomaster was the communal supreme authority. He/she had the last word in communal decision-making. With democratic decentralisation today, the privilege is given to collegial decision-making. The Municipal Council, from which the Mayor is elected, is the organ that has the last word in municipal affairs. The Mayor is only its Chairperson and cannot impose on councillors the decisions to be made.

It is however to be noted that councillors today are people with a sufficient level of education, which allows them to be in a position where they can debate on municipal issues with competence. In fact, one of the requirements to be elected councillor is to have an education level of at least 6 years of secondary school. In Butare municipality for example, 24/58 that is more than 40% of councillors are the university graduates.

Trying to know how councillors in Butare understand their responsibilities, this research has collected impressions and ideas from some of the councillors. What stands out is that councillors have two kinds of responsibilities: Attendance and active participation in the Municipal Council as well as playing a meaningful role within the local community.

According to the councillors, a councillor is a community's leader. As such, he/she should give a good example in participating in all activities that aim at the community development and well being in the Cellule, Sector and District. A councillor is also a negotiator and people's spokesperson. That means that he/she has the mission of looking for assistance in order to promote those development-aimed activities. He/she has then to be in touch with benefactors interested in administrative, economic and social matters. Once he/she has gathered population's wishes from Cellular and Sectoral Councils, he/she has to communicate them to concerned people and to make the necessary follow-up. As a spokesperson, the councillor has to attend all Sectoral Councils and take notes of all the population's requests so that he/she can bring them to the Municipal Council. It is important also that, once these requests have been debated in the Municipal Council, he/she goes back to Sectoral Council to report the decisions that have been taken about them. Another role of a Municipal Councillor

within the local community is to be a development adviser. In this regard, he/she has to participate actively in the development planning and in the preparation of the sectoral budget, to help to the establishment of priorities in the sector in accordance with the population's aspirations as well as to ensure and facilitate their participation. A Municipal Councillor should also play the role of mediator and facilitator in conflicts resolution within the community.

Hence then, councillors are aware that their major role is within the community. However, some sector coordinators complain that they never see Municipal Councillors in popular meetings at sectoral level and they never know what has been decided in Municipal Council meetings. Thus, it is obvious that those councillors who don't show some interest in grass root affairs, they cannot properly fulfil their role in the Municipal Council if they have failed to do so within the community. It is also to be noted that there are some councillors who are not living in those sectors where they have been elected. That is the case of some rural sectors in Butare Municipality where councillors are not in direct contact with their electorate because they are living and working in urban sectors. The latter are then enjoying an excess number of councillors whereas some rural sectors are under represented in the Municipal Council.

#### Municipal finances and assets

As mentioned, finances are very crucial for a local government to be really decentralised and autonomous. Although Butare Municipality's finances are not brilliant, the Municipality is able to cover all its functioning expenses. The main source of its revenue is the taxes collected from markets, which covers 60% of all

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receipts. The new property tax has not yet been applied given that it requires the sensitisation of the population who are not used to pay taxes on their small houses and plots, as well as the training of the personnel that will be in charge of tax collection. All this will take a long time and a lot of money that the Municipality cannot afford. The current receipts are just enough for functioning expenses. In fact, 54% of all receipts are used to pay salaries whereas the portion allocated to all functioning expenses amount to 85% (CRDP, 2001). This leaves only 15% for the development expenses. According to the CRDP, although the political and administrative decentralisation is being effective, the financial decentralisation, which could allow elected authorities to fulfil their functions, is still far from being a reality.

As for the Municipality's assets, they are made up of:

Administrative infrastructures. The Municipality has no problem of offices. However, among its 18 Sectors, only 8 have their own offices. This is a serious problem because the administration cannot get close to the population that is far from the Municipal offices. One of the population's complaints about the decentralisation is that, with the amalgamation of some communes, some people have found themselves having to walk for many hours to reach the Municipal's offices if they had some administrative services to ask for. The strategy to counter that handicap was to bring most of the administrative services (birth and death registration, civil marriage, certificates delivery, etc.) to the sector level, but besides the problem of enough staff, there was also a lack of infrastructure at the sector level. Therefore, all the administrative services are still being delivered from the Municipal offices.

- The Municipality also owns some residential houses grouped in four villages.

  Those houses are meant to help those people who were coming from exile and people whose houses have been destroyed during the war. The houses are normally given in hire purchase.
- The office equipment and vehicles at the Municipality's disposal are very limited. For example, the Municipality does not have any means for garbage removal. Besides that, although with the decentralisation the Municipality is in charge of roads maintenance, it does not have any tractor for this purpose. It has to borrow from the Ministry of Public Works (MINITRAP). This also proves how the decentralisation of means is still problematic.

ACHIEVEMENTS, OPPORTUNITIES AND CHALLENGES

**Achievements** 

As confirmed by an official in charge of decentralisation process in the Ministry of Local Government and Social Affairs, since 1999 a lot has been done with regard to democratic decentralisation process.

As said in chapter three, decentralisation enabling laws have been made. Those laws are now being widely communicated and they constitute one of the documents on which to base the training of local political leaders and officials so that they become very conversant with the law they are implementing. Supporting policies have also been put in place.

Elections have been organised and conducted at grass root level as well as at District level. As it has been seen, this has been historically linked with high centralisation, the burgomaster being the embodiment of the State. Ensuring that local leaders at this level are democratically elected was the strategic beginning point.

As decentralisation concerns every aspect of public life in Rwanda, but especially the activities of ministries and government agencies concerned directly with service delivery at local level (education, civil service, health, water, road construction, agriculture, veterinary, environment, youth, culture and sports, etc.), a National Transformation Steering Committee (NTSC) has been set up and functionalised in order to give integrated guidance and monitoring to the decentralisation process. This helps to galvanise support for the policy from all government circles, civil society, private sector, and development partners. A Decentralisation Management Unity (DMU) has also been created and empowered to plan, manage, monitor, evaluate, and tender advice decentralisation governance in general. It also serves as secretary to the NTSC.

#### **Opportunities**

The environment of Rwanda has some opportunities that should be exploited to carry out decentralisation process successfully and plant seed of strong good local governance in the country. Some of these are highlighted below.

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Somehow, the population are committed to decentralisation. In fact, the misfortune of genocide and the disastrous effects and impact it had on individuals, families, communities, and the nation of Rwanda, plus the bitter fact that it was commanded by the state agents, is a reason strong enough for local population to want to own their destiny in their hands and not to entrust it wholly to distant government officials. This is an outstanding opportunity that should be seized to mobilise people's support for local governance.

Another opportunity is the international good will and Non Governmental Organisations' support. The international community and NGOs have supported the Government of National Unity and the people of Rwanda in their efforts to bring the country back on the road. They are looking forward to the government strengthening good governance by, among other things, giving political, economic, and decision-making powers to local populations for their development. This support is to be harnessed to mobilise initial resources, especially financial, for the implementation of decentralisation.

### WESTERN CAPE

The size of the country can also be another decentralisation enabling factor. Rwanda being a small country, it is easier to move from one corner to another. This is an opportunity for monitoring the process of decentralisation and for the sharing of experiences across local governments. In addition, since all local populations speak and understand a common language, Kinyarwanda, informational and mobilisational communication for decentralisation is easy.

Besides, because of the rich experience of decentralisation in the region, Rwanda is not plunging in unknown water. In the Great Lakes region, countries like Uganda, Tanzania and Kenya have designed and successfully implemented extensive decentralisation programmes. Therefore, Rwanda has lessons it can learn from the region about decentralisation.

The advantage can also be taken of management, administration, and technical capacity development institutions. For developing the capacity for local governance, national institutions such as the National University of Rwanda (NUR) in Butare, the Rwanda Institute of Administration and Management (RIAM), the Kigali Institute of Science and Technology (KIST), etc. should be mobilised to support and facilitate capacity building activities of decentralisation. Where they are found to be inadequate, other institutions in the region and from overseas can be solicited.

Challenges

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Despite the above opportunities, there are challenges in the Rwandan environment that have to be overcome in order to implement decentralisation successfully. Poverty and population's passivity and dependence are the main threats of decentralisation process.

Actually, the biggest challenge is how to finance decentralisation given the low levels of revenue for central government and low household incomes for the population. The decentralisation process is to involve revenue mobilisation from

development partners to support its take off, and at the same time be used as a strategy for local revenue generation to support sustainable local governance.

On the other hand, it has been observed that because of the past prolonged exposure to high dozes of centralised governance, the majority of the population are passive and dependent in spirit believing that for any problem some central government intervention or external assistance will have to come and help.

There are also other challenges such as:

- Problems related to change management: Some of the authorities are resisting the changes that are brought by decentralisation. They do not want to release what decentralisation requires them to release. They think that decentralisation is a threat to their authority and to the advantages attached to it. With decentralisation, some of the public officials have to be decentralised to local level, what implies that they will be working in rural areas. They some times prefer to resign from public service instead of leaving the town.
- Capacity shortage, especially in human resources and facilities: human resources' number, skills, knowledge, motivation and networks are not enough to sustain an effective local government. It should be kept in mind that most of the personnel existing are used to managing a highly centralised system and therefore not disposed to manage local governance. Furthermore, some Sectors do not have office building and office equipment and the District needs better and more facilities if it has to attract more qualified and competent personnel. There is also a serious gap in data, records, information systems as well as information technology. Generally, this is a weak area in



the administrative system of Rwanda, but it is more acute in local government structures, wherein the information technology is almost inexistent.

#### **SUMMARY**

As we know, the longest journey starts with a single step. Democratic decentralisation in Rwanda has already taken its first step. It is true that with regard to its implementation in Butare Municipality, the decentralisation process has still a long and hard way to go.

In fact, since the population who should be the centre of democratic decentralisation is still ignorant of their rights and obligations, it is hard to affirm that the policy has taken root. There are constraints that are still to be overcome such as the country's generalised poverty as well as the passivity and dependency syndrome among the local population.

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However, the picture is not that dark. There are several opportunities that, if they are properly taken advantage of, they could help democratic decentralisation in Rwanda to take off for an effective and strong local governance. We have highlighted among others, the commitment to democracy and decentralisation from the population as well as from the local and national authorities. The support of the international community is also another advantage that should not be lost sight of.

## **CHAPTER FIVE:**

### CONCLUSION AND RECOMMENDATIONS

#### CONCLUSION

The current research has been carried out in order to find out whether democratic decentralisation has worked well in the Rwandan context. The main problems that preoccupied the research were the citizens' unconsciousness concerning the implications of democratic decentralisation especially when it comes to their rights and obligations, as well as the problem of district's capacity to fulfil its new responsibilities.

The research aimed to find out the challenges and opportunities of democratic decentralisation in Rwanda and had the following four objectives:

- To provide and analyse the background of local government in Rwanda
- To provide an overview of policies and laws that have been put in place for democratic decentralisation in Rwanda
- To evaluate the process of democratic decentralisation after three years of implementation, and
- To make some recommendations for the success of democratic decentralisation in the country.

Democratic decentralisation in Rwanda was introduced in 1999 to bridge the gaps and correct weaknesses that have undermined governance (especially local governance) in Rwanda since its independence in 1962.

As mentioned in chapter two, during that period local governance was characterised by an excessive intervention of the central government in local affairs and a dysfunction of local organs due to the dominance of the burgomaster over other communal organs. He/she acted like a "king" in the commune where he/she had the discretion of authority because he/she was appointed by the central government. Another characteristic was the generalised passivity of citizens. They have been neglected in decision making for a long time and they have ended up by loosing interest in political affairs. All these led to failure of the commune in its mission of being a basic development unit.

Therefore, the Government of National Unity has committed itself to putting in place a National Decentralisation Policy, as well as other supporting policies as mechanisms meant for the population's empowerment in the governance of their own affairs. Enabling legislation has also been brought in for the same purpose.

With regard to the implementation of democratic decentralisation in Butare Municipality, the policy still has a long way to go. Actually, the findings of the research showed that there are still limitations to its real take off. The main limitation has proved to be the generalised poverty of the country. Government's revenue is not sufficient to finance decentralisation process and local governments have serious difficulties in generating their own revenue since more or less than 60% of households are under the poverty datum line. Hence they cannot afford taxes, which are supposed to constitute the main source of district's revenue.

Another limitation that has turned out to be critical is the culture of non-participation and dependence of the citizens. The latter are used to only receive every thing from the central government without any input from them. Part of the effort of decentralisation has to do with the change of attitudes, not only by the leaders who have to relinquish power and monopoly of resources and let the people take an upper hand in determining their destiny, but also by the people themselves who have to be ready to accept this power and use it for their own benefit. This means that people have to learn how they can themselves look for solutions to their problems. On the other hand, the culture of accountability is yet to be cultivated among local authorities and among citizens who must learn how to hold their authorities accountable.

Nonetheless, as fully indicated in this paper, there are a number of opportunities that can be utilised for democratic decentralisation in Rwanda. The main opportunity is the commitment to democracy and decentralisation from all stakeholders, namely the national leadership, local authorities and citizens in general. That is an important element that gives hope in the future of democratic decentralisation in Rwanda. The constant commitment to achieve decentralisation goals will undoubtedly lead to good governance in the country.

Finally, this study has shown that democratic decentralisation is a process, which has to be thoroughly realised according to people's understanding and to the availability of the country's resources.

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#### RECOMMENDATIONS

#### For a better democratisation at local level

As the democratic component of democratic decentralisation depends on participation and accountability, that is bringing as many citizens as possible into the political arena and assuring that local governors are responsible to the governed for their actions, both participation and accountability should be enhanced at local level.

As far as participation is concerned, in order to train citizens how to participate actively and effectively, local authorities should consult them whenever there is an important decision they have to make. For this to be possible grass root authorities should be involved for they can use public meetings to gather citizens' opinion. That consultation will raise citizens' awareness gradually until they start having initiatives by themselves.

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As for accountability, local authorities should make the first step and be good models because, considering Rwandan citizens' administrative background that they have undergone, they need to be taught how to hold accountable their authorities. Apart from elections that are to be held every five years, the only mechanism available at the moment for public accountability is public meetings. It is then up to the local authorities to take advantage of them and report their actions to the public if they are really committed to democracy. However, this will not be enough if it does not go hand in hand with other mechanisms like political parties and civil society.

In this regard, political parties and civil society active participation should be encouraged at local level.

#### For a better decentralisation

## Policies and legal framework

For all stakeholders to understand what they are being involved in, the existing policies and laws on decentralisation should be largely diffused and explained. They must be introduced in civic education, starting in secondary school, where students are at the age of participating in public life. Documents such as official gazettes should be brought closer to the citizens instead of being only available at the Prime Minister's offices.

#### Political decentralisation

Political decentralisation in Rwanda seems to be on the right track. It is however recommended that the Local Government Association whose creation is in an advanced process be conceived as an independent organ vis-à-vis the central government so that the intervention of central government in local affairs can be limited to the minimum possible.

#### Financial decentralisation

Financial decentralisation is one of the key aspects under decentralisation. One of the guiding principles under decentralisation is that financing authority must always follow functions, i.e. there should be no unfunded mandates or assigning functions or

responsibilities to local governments without resources allocated to them for effective implementation.

In Rwandan context, the transfer of property tax from the central government to local governments has increased the tax base of local authorities. The recommendation here is that building the financial capacity of local government should be seriously considered. Possible areas of assistance should include but are not limited to:

- Development of local tax base
- Institution and enhancement of sound financial reporting
- Identification of training program for financial managers at the local level
- Recruitment and training of revenue collectors
- Recruitment and training of tax assessors
- Training of accountants in all local governments
- Retooling or providing equipment support to all local authorities including items such as motorcycles, bicycles, type writes, computers, etc.

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In addition, sensitisation for the local community should be undertaken as a prelude to the introduction of some of the property taxes that are new, namely the tax on any type of house and on unused registered plots. This will help to avoid resistance from the potential taxpayers.

### Personnel decentralisation

There should be appropriate modalities to appoint technicians and senior professional staff from line ministries headquarters to the local governments where they are lacking. The stress should be mainly put on the creation of an enabling environment

for local governments to absorb and retain or attract the staff from the central government payroll.

## Capacity building

Capacity development is one of the paramount challenges facing Rwanda in its move to democratic decentralisation, especially in the implementation process. Therefore, for decentralisation implementation to be successful, capacity building is viewed as a prerequisite. In this context, there should be deliberate and systematic efforts in the area of capacity building using both local and donors funding. Capacity building initiatives should include human resources development, retooling and equipping.



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