

# Rwanda

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## Introduction

In Rwanda, representative democracy constitutes an important possibility for local democracy to flourish. This refers, mainly, to indirect participation in local governance that is promoted through local councils as the supreme decision-making organ of all decentralised administrative entities. Local councils in Rwanda are composed of elected men and women referred to as ‘Elected Local Councillors’ who represent a wide range of citizens from various constituencies. Article 17 of Law N°08/2006 of 24/02/2006, determining the organization, structure and functions of local governments, provides for citizens the right to recall a councillor who fails to meet the expectations of the residents that voted him/her in office (RALGA, 2017). However, the fact that upward or vertical system of decentralisation and related accountability remains dominating constitutes the main barrier for local democracy to flourish in Rwanda. This allows for central government’s interference in local democracy, as well as the worry that representative democracy may only promote a passive citizenry and lack of citizens’ trust in, and support for, their representatives (Chemouni, 2014; Gaynor, 2016).

## Political power structure in Rwanda

Rwanda is a democratic republic with two spheres of government—the *national* and the *local*. The national government includes provincial administrative regions including the city of Kigali. The local government/decentralised

### About ICLD

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*This brief covers events up to 28 February 2021.*

*Events occurring after this period are not considered.*

administration consists of 30 districts, 416 sectors, 2,148 cells, and 14,837 villages. Local democracy in Rwanda is explicitly recognized in the National Constitution of the Republic of Rwanda of June 2003 as amended to date. Article N°167 of the Constitution stipulates that public administration in Rwanda shall be decentralized with the provision of law governing decentralized entities. Article 6 of the Constitution of the Republic of Rwanda of 2003, with amendments through 2015, also stipulates that “Public powers are decentralised at local administrative entities in accordance with provisions of the law determining the organisation and functioning of decentralised entities.” The District is the basic local political administrative unit of the country, and the Village is the smallest politico-administrative entity of the country and hence closest to the people. Villages, cells, and sectors all involve democratic elections and districts are composed of representatives from each sector. The decentralization process opened the ground for citizens’ indirect participation (indirect democracy), which resulted in Elected Local Representative referred to as Elected Local Executive Committees at Village, Cell, Sector,

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District and City of Kigali levels (Republic of Rwanda, 1999, pp. 42-43; RALGA, 2017).

notably the Ombudsman's office, as well as through the Auditor General's Office.

## **Relation between the national and the local government**

There appears to be a tension between the national and local administration in Rwanda involving notably power distribution and autonomy. Overall, decentralization in Rwanda has been a deep process that has reshaped local government and entrusted it with a wide mandate. As put above, Article 6 of the national Constitution stipulates that "public powers are decentralised at local administrative entities in accordance with provisions of law that determines the organisation and functioning of decentralised entities". This has not meant, however, that the centre has relinquished power.

The question would then be who, in Rwanda, sets the objectives at the local level and who decides the way to attain them. This is so put as planning at district levels is through a five-year District Development Plan. Performance contracts (Imihigo) are signed between the district mayors and the President of the Republic, and are evaluated by a team composed of high officials from different sectorial ministries, the Prime Minister's Office and the President's Office. Consequently, target setting by districts for national policy is limited. Freedom of implementation does exist in districts but remains limited by two factors. First, targets in Imihigo are very precise and presented in a quantitative way. Although this has great advantages for planning and evaluation, the downside is that the preciseness of targets limits flexibility of implementation and the need for consultation. Second, avenues for policy implementation by districts are limited by the high ambition of the targets. This encourages local leaders to resort to expeditious, sometimes brutal, approaches (Chemouni, 2014, pp.248-250). In addition, the central government is legally entitled to intervene in the operations of local government through

## **Fiscal decentralisation in Rwanda**

In Rwanda, local governments can raise revenue through user fees and property taxes, and receive a core funding grant from national government, as well as grants for specific services and one-off development projects. On average, local governments raise around 17.5% of their budget locally. With reference to Article 63 of the Law N°59/2011 of 31/12/2011 establishing the sources of revenue and property of decentralized entities and governing their management, the central government transfers resources (between 70-85%) to local governments each fiscal year, which refers to three main types of transfers: general purpose or unconditional grants, conditional sector grants, and equalisation grants or community development fund.

The challenge is that central government's transfers that are provided for in the legal framework may have political influence. Fiscal decentralisation poses a particular challenge for citizen's participation in local governance in view of its technical complexity and critical significance for the delivery of public services. Participation is often restricted to selected groups and individuals and tends to exclude the vast majority of citizens who pay local taxes and consume local services provided by local governments. In many cases, while responsibility for services has been fully decentralised, finances for those services have not, and local governments lack the funds for effective service provision (United Cities and Local Governments, n.d. p.52).

## **Political decentralisation**

In Rwanda, political decentralization has established regular elections at every tier of local government (District, Sector, Cell and Village). Direct and indirect adult suffrages are the two systems used to elect local government representatives every five years. At the village and cell levels, elections are held in direct suffrage,

whereby voters line behind competing independent candidates. At the sector and district level, elections are done through indirect suffrage with a secret ballot. Local government elections do not however follow political party's affiliations, in compliance with Article 125 of Law N°27/2010 of 19/06/2010 determining elections in Rwanda (RALGA 2013).

Studies highlight the significant political reforms enshrined within the current process but both remain cautiously optimistic. A decidedly critical verdict on the process is delivered by Ingelaere who observed that local elections accuse a degree of political intimidation and manipulation (Ingelaere, 2011: 68). In terms of power, for example, elected officials form a committee (in the case of the cell) or a council (in the case of the sector) that mainly have a consultative role, while the power resting in the hand of an appointed executive secretary, i.e. not accountable to them. Although the entire system allows the national level to preserve its influence by depoliticizing local politics, Chemouni (2014, p.253) observed that this political space is easily used to promote a depoliticized, but technocratic local elite, loyal to the centre. Reyntjens (2013, p.56) also sees local elections in Rwanda as the only way in which the centre and ruling party since 1994—the Rwanda Patriotic Front (RPF)—entrenched its dominance. Likewise, Hasselskog and Schierenbeck's study (2015, p.961) revealed that the Rwandan system of local elections has been criticised for not providing for local accountability and that community leaders were generally perceived as conducting tasks on behalf of the state. Moreover, doubts were expressed about the possibility of residents removing elected leaders.

## Mechanisms of local accountability

In Rwanda, *Performance Contracts* (Imihigo) constitute the main instrument by which local authorities are held accountable for delivering best value in their local communities. *Imihigo*

constitute the focus of the planning process between the center and the districts whereby, in Rwanda, they engage the President of the Republic and all district mayors acting on behalf of the citizens. In addition, there is national oversight through the Ministry of Local Government, the Auditor General, Parliament. The Ministry of Local Government oversees district budgets and implementation of national programmes; the Auditor General audits local governments to ensure effective use of public resources; the Ombudsman addresses any issues of corruption and investigates citizens' complaints about local government; while the Parliamentary Committee fulfils an oversight role on behalf of the legislature. However, as Straus, and Waldorf (2011, p.74) observed, Rwanda's accountability mechanisms are mainly vertical whereby all Rwandan households and communities are accountable to appointed political leaders and ultimately to the President of the Republic, which is the inverse of democratic governance where the leadership is accountable to the citizenry. These authors conclude that such accountability system may be generating unspoken fear and resentment. For Gynor, Imihigo consolidate upward accountability and pressures to achieve targets set at senior levels, which considerably narrows the space for both downward accountability and citizen participation (Gaynor, 2013, p.24).

Despite the above critics, current but still ineffective local channels aimed to facilitate horizontal accountability refer to the district accountability day (open day), local governments' performance contract evaluation forums, and community public meetings. On the fiscal accountability aspect, local governments are accountable to community through public availability of district budget on the district website and district notice boards. Publication of district budget is a novel and appreciated good practice with which many citizens are not yet however very familiar (RALGA, 2013). Likewise, in each district, a multi-stakeholder accountability platform known as the Joint Action Development Forum (JADF) was officially established in 2007

by the Ministerial Instructions N°04/07 of 15/07/2007 to serve as a consultative forum for District Development Stakeholders (CSOs, NGOs, Development Partners, Private and Public Sectors and Local Government). In theory, this forum promotes the reciprocal commitment to account across state and non-state development actors at local level and opens a space for NGOs and local associations to raise issues from their constituencies while reinforcing mutual accountability between these service providers and between services providers and the beneficiaries in the local community (Gaynor, 2013, p.53).

### **Conclusion: possibilities and barriers for municipal partnerships**

Local democracy in Rwanda is still in its infancy but promising. The political will manifested notably in the existing legal and institutional framework for local democracy is an opportunity for improvements and, consequently, makes the district's partnerships with international municipalities, notably Swedish municipalities, possible. One of the key strategies indeed cherished by Rwanda is partnership towards a mutually beneficial cooperation with foreign institutions from whom to learn and with whom to share experience. Traditional mechanisms of partnerships that Rwanda has always used refer to what is known in Rwanda as mutual exchanges of 'come and see' and/or 'go and see' tours as learning approaches. The main challenge remains the lack of enough financial means and capacity skills on the side of Rwanda to engage in these partnerships effectively, as these means require financial costs related to staff capacity building and international travels.

In few words, given districts' will and readiness, cooperation with Swedish municipalities will be beneficial for both partners as they learn from each other. In particular, such partnership may enable Rwanda to engage in more genuine democratic governance towards local government/municipalities' effective increase in

their degree of autonomy, capacity and empowerment (including financial autonomy).

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