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A STUDY ON THE DEVELOPMENT AND USE OF GOVERNANCE INDICATORS IN RWANDA

DRAFT REPORT

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LIST OF ACRONYMS

APNAC	African Parliamentary Network Against Corruption
APRM	African Peer Review Mechanism
AU	African Union
CEDAW	Conference on Eradication of Discrimination Against Women
CSO	Civil society organisations
CSAR	Country Self-Assessment Report
CRM	Country Review Mission
EDPRS	Economic Development and Poverty Reduction Strategy
EAC	East African Community
FAS	Femmes Africa Solidarité
FWPR	Forum of Women Parliamentarians in Rwanda
GBV	Gender Based Violence
GAC	Governance Advisory Council
GoR	Government of Rwanda
ICGLR	International Conference on Great Lakes Region
IGAP	Integrated Governance Assessment Action Plan
JGA	Joint Governance Assessment
LTIF	Long Term Investment Framework
MCC	Millennium Challenge Corporation
MTEF	Medium Term Expenditure Framework
MINALOC	Ministry of Local Government, Good Governance, Community Development and Social Affairs
MINECOFIN	Ministry of Finance and Economic Planning
MIGEPROFE	Ministry of Gender and Family Promotion
NEPAD	New Partnership for Africa Development
NURC	National Union and Reconciliation Commission
SAIJR	South African Institute for Justice and Reconciliation

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EXECUTIVE SUMMARY

Key words: governance indicators, accountability, performance, participation, Parliament, oversight, government effectiveness, APRM, JGA, Imihigo, corruption, gender, genocide.

Post genocide Rwanda was faced with enormous challenges to rebuild the social, political and economic fabric of the country. To effect this, wide popular consultations were conducted for nearly two years from 1999, under the chairmanship of the President of the Republic. This participative process came up with, among other perspectives, Rwanda Vision 2020. This policy aimed to foster good governance and an effective State, with the underlying core principles of accountability, transparency and effectiveness.

Accountability was stressed as the key determinant in governance initiatives within the State machinery, and between the State and development stakeholders. This study endeavoured to assess the development and use of governance indicators in Rwanda. The importance of this exercise lies in the need to monitor the progress made in the sector, but also to help improve grey areas in governance performance. This was done through an analysis of selected case studies in which governance indicators were scrutinised from their development to their implementation. The role of Government effectiveness, Parliamentary oversight and civil society monitoring were examined.

The selected case studies included the *African Peer Review Mechanism*, a governance assessment mechanism pioneered by Rwanda. This composite mechanism met with disgruntled reaction on the part of Rwandans as a result of the lack of contextualisation of the standard international indicators that were used. A new Joint Government Assessment mechanism (*JGA*) between Rwanda and her development partners was designed which was received more positively. Its limited scope extended to *the rule of law, government effectiveness and corporate governance* sectors. It also underscored the need to integrate the plethora of governance assessment mechanisms in Rwanda.

The *Imihigo* performance contract governance mechanism highlighted Rwanda's particular home-grown solutions to delivery performance. It is used as a planning and implementation tool and serves to boost commitment, performance and competition. It reflects once again the country's commitment to accountability through self-engagement.

Parliamentary oversight of corruption control initiatives was another selected case study. It has been explored to gauge how Parliament holds the various Government sectors accountable. To this effect, it uses information gathered from governance institutions to promote transparency and accountability. Parliament has attempted to control corruption mostly through the reformulation of appropriate legislation and policies. Notwithstanding these corruption control levels, it has been established that corruption is still rampant.

The *high representation of women in Parliament* illustrates the respect of fundamental constitutional principles of gender equality and equal opportunities for all. This is an indication of good governance promotion. Their presence in Parliament renders them accountable to their electorate, and assures a positive impact on the livelihoods of their fellow women through gender sensitive laws, advocacy and education. However, gender mainstreaming indicators show that development was not participative and women parliamentarians have been blamed for some flaws in maternity leave; the public perception was that MPs favoured accountability to their respective parties and political interests over their accountability to fellow women.

Finally, the analysis of *Parliament seeking interaction and participation* in the law-making process showed the lack of legal provisions regulating the role of different stakeholders. The more interactive a Parliament is, the more participative the stakeholders and the more democratic the process. Lack of openness implies lack of accountability of Parliament to citizens. However, in the processing of the law on genocide, it was clear that there had been wide consultation, although many participants complained that their views had not been considered. It is therefore of prime importance to develop indicators of public participation in the legislative process.

Generally, it is recognised that governance indicators have to be developed and owned by all stakeholders for them to become binding and for users to feel accountable for them. As international standards often tend to ignore local context, this results in low commitment by users who then disregard some or all of them. Equally, governance stakeholders need to fully participate in the development of governance indicators to implement them fully.

Introduction

The Rwandan post-genocide Government inherited a deeply scarred nation. Divisive politics in Rwanda led to and perpetuated the politics of exclusion, as well as ethnic hatred and intolerance in the social and political fabric of the country. Indeed, trust within and between communities had been replaced by fear and betrayal. The economy had ground to a complete halt, and social services were not functioning. Furthermore, public confidence and trust in the State system had been shattered. The majority of the population was either internally displaced or had been forced to flee to neighbouring countries by the perpetrators of the genocide. Faced with these enormous challenges, the post-genocide Government of National Unity embarked on rebuilding the social, political and economic fabric of Rwanda.

1. Rwanda governance: the historical context

The historical Urugwiro debates¹ of 1998/89, under the chairmanship of the President of the Republic, had on its agenda among other things, '*...searching for a democratic system appropriate to Rwanda*'. Among the critical policies initiated by the Urugwiro debates, the following issues were highlighted:² '*...establishment of national commissions and other institutions of accountability to address critical problems; initiation of the decentralisation policy and reform of public institutions; the Vision 2020 and the elaboration of the Constitution*'. Vision 2020 was crafted as a twenty-year commitment to political and socio-economic development, and included milestones that were to mark the medium- to long-term vision for Rwanda.

One of the six pillars of the Rwanda Vision 2020³ is '*Good governance and an efficient State*'. Through this vision, Rwanda is committed to ensuring good governance, i.e. governance that is *accountable, transparent and efficient* in deploying scarce resources. The post-colonial era in Rwanda was characterised by leaders whose substandard governance performance, coupled with a lack of positive vision, resulted in poor governance which drove Rwanda to the 1994 state-led

¹ See Office of the President of the Republic, *Report on the Reflection Meetings held in the Office of the President of the Republic from May 1998 to March 1999*, Kigali, August 1999, p.2.

² See The Senate of Rwanda, *Political Pluralism and Power Sharing in Rwanda*, Kigali, 2010, p.127.

³ Official Gazette of the Republic of Rwanda, Special issue, 25 February 2008.

Note: *The 6 pillars are 1) Good governance and a capable State; 2) Human resource development and a knowledge-based economy; 3) A private sector-led economy; 4) Infrastructure development; 5) Productive and market-oriented agriculture; and 6) Regional and international economic integration.*

genocide against the Tutsis. Speaking of good governance, the post-genocide Government claims progressive improvement in popular participation in consultations on the national Constitution development process, in strategies to fight poverty, and the development of political pluralism, a free press, and transparency and accountability. In this respect, the development and use of good governance indicators is of paramount importance in order to assess progress realised in the governance domain.

2. Accountability: an overwhelmingly adopted principle

2.1. The definition

If Rwanda Vision 2020 promotes an effective state led by good governance principles, a key factor in this is *accountability*. Accountability is defined as the liability to be called upon to render an account, as well as the obligation to bear the consequences for failure to perform as expected. Accountability may be dictated or implied by law, regulation, or agreement.

Accountability under a political economy refers implicitly to the relationship between the many stakeholders in the development field. We should be reminded that political economy analysis is concerned with the interaction of political and economic processes in a society: the distribution of power and wealth between the different groups and individuals, and the processes that create, sustain and transform these relationships over time.⁴

As an illustration, the donor community has been increasingly interested in understanding the political, economic and social processes that affect the transformation of the recipient country. At the same time, they also want to understand the role of institutions, power and the underlying context in developing countries. This need has been reinforced by the ongoing reform in the ways in which aid is delivered and managed. This includes the shift towards increased country ownership, alignment of aid with partner countries' priorities, systems and procedures, and the move from project to sector and budget support. This is what may have prompted Rwanda to shift gradually from the sectoral allocation of donor funds towards the direct budget support.

This new working framework aims to reduce transaction costs, and increase government effectiveness and ownership of economic and social policies, while ensuring predictability of donor

⁴Collinson, Sarah, *Power, Livelihoods and Conflict: Case Studies in Political Economy...*, website: www.odi.org.uk/resources/download/241.pdf

inflows.⁵ The new momentum has also geared the monitoring and evaluation mechanisms, and accountability indicators, developed jointly by the donor and recipient stakeholders, will be discussed later in this study.

It is worth mentioning that, while much has been said about Government responsibility and accountability, recent literature on aid relationships refers increasingly to the concept of mutual accountability.⁶ Research at international level into the use of foreign aid suggests that while governments are held accountable to donors, the latter are not accountable to recipient governments for the quality and quantity of their assistance.

In this respect, the concept of mutual accountability pre-supposes that there is a need to ensure:

- that the recipient government is accountable to donors in the execution of programmes and policies that rely on external resources;
- that donors are accountable to governments in terms of the quality and quantity of the aid they provide and for interventions in the development of recipient countries.

The principle of answerability is key to the demonstrated effectiveness of the funds.

Accountability is a matter of a multi-stakeholder process, as more often than not, individual countries entrust their aid administration to civil society organisations, which in turn are accountable to parliaments within the donor countries. Therefore the same mutual responsibility should apply to these players *vis-a-vis* the recipient governments. While accountability is ensured upstream with the dispensation of development resources, other actors downstream --parliaments, media, local Civil society, etc. --should also play their role in monitoring and evaluating the use of these development resources. They have to ensure that principles of equal opportunity and inclusiveness among beneficiaries are respected (e.g. women and marginalised groups), and ensure legitimacy and participation by citizens who should be considered as stakeholders rather than beneficiaries.

2.2. Accountability as an indicator of good governance

⁵*Partnership framework for harmonisation and alignment of budget support between Government of Rwanda and its development partners* including: DFID, European Commission, Sweden, World Bank, African Development Bank, IMF. November 2003. The framework remains open to other development partners.

⁶Government of Rwanda and Development Partners' Retreat, Gisenyi, Rwanda, 9--10 March, 2007

Measuring this accountability is effected following a careful selection of indicators. An indicator is a device which provides specific information on the state or condition of a given deliverable or target. An indicator can be a measure, gauge, barometer, index, mark, sign, signal, guide, standard, touchstone, yardstick, benchmark, criterion or point of reference.⁷

It is commonly asserted that a good indicator should be result-oriented, direct, cost effective and based on reliable data. A good indicator should equally be easily operational and objective, and mostly legitimate, meaning that it should be established by suitable people/organisation, through a consultation process and be easily monitored in total transparency.

As put forward by UNDP (Sources for Democratic Governance Indicators), an indicator is a measure that helps to '*answer the question of how much, or whether, progress is being made toward a certain objective*'. Indicators can be used:

- At the highest policy levels, to measure progress towards a general goal, such as growth with equity. A good example of such an indicator is gender. The twofold rationale behind this lies in ensuring equal participation of men and women in policy implementation and decision making; and guaranteeing that men and women enjoy equally their rights (as humans) including equal access to resources.
- At a second level, indicators are also commonly used to measure progress towards organisational objectives, such as greater diversity in the workforce.
- At a third level, indicators can be used to measure daily activities through which organisations can attain their objectives, such as the attendance rate of staff.

In a bid to comply with the transparency principle of its good governance, the Government of Rwanda has welcomed partners and independent or joint stakeholders assessments, in order to learn from recommendations and to improve its governance system and to enhance accountability. In this regard Rwanda agreed to an assessment by African peers under the New Partnership for Development (NEPAD). This gave rise to new governance indicators which may be used to measure governance in Rwanda. Later, a new set of indicators were identified in the Joint Government Assessment (JGA) which was established as a response to the diversity and disparity of assessments, and indicators that were uncoordinated.

⁷Oxford English Dictionary, 10th Edition

3. The overall objective of this study

The overall objective of this study is to explore the development and use of governance indicators in Rwanda by Government as well as other stakeholders, such as civil society organisations. Governance assessment in Rwanda has been conducted by various entities, with or without knowledge and consent, and without the participation of Government. These assessments have met different reactions, from simple disagreement to outright rejection on the part of Government. Most of these assessments served different stakeholders interests; a few were publicised and widely disseminated as reference documents. Few studies have been carried out to determine how indicators were used in the different assessments.

The only feedback has been timely reactions of Government to show its position and comment on the results. The importance of this exercise lies in the essence of the assessment. Indeed, in any field, save in governance, assessment serves as a means to improve substandard performance, as an encouragement to keep the pace in the case of good performance and as a motivation in case of outstanding results. Indicators therefore have to be checked for their impact on improvement. It is therefore paramount to revisit such indicators, by conducting further assessments. In this study we shall analyse the development and implementation of indicators in a selected number of case studies.

3.1. Case studies selection

Governance assessment can span a wide range of aspects that need to be covered in order to have a comprehensive view of a governance score. In order to assess the development and use of governance indicators in Rwanda, we explored a limited number of sectors with the specific aim of:

- Analysing the extent to which Parliament and other elected officials are able to or do use indicators as a means of strengthening their oversight function;
- Analysing how Government itself makes use of such indicators to improve performance and effectiveness and to positively impact on citizens lives;
- Analysing the extent to which CSOs are able to produce or have produced and used indicators to hold elected representatives to account and to lobby for change on behalf of citizens.

3.2. Case studies rationale

This study required us to decide on governance areas in which the development and use of indicators could be examined. After a scoping exercise, the following case studies were identified to showcase how indicators and evidence are used in the accountability process. In each case we shall discuss the development process and usage of the indicators, and highlight aspects pertaining to our study. This is intended to help donors, other stakeholders and interested parties to understand the country specific arenas and institutions in which government is held accountable. Emphasis was put on areas that appear to be either precious or particular to the Rwandan context.

a. The African Peer Review Mechanism process and implementation

The APRM assessment that was conducted in Rwanda came up with valuable recommendations, and this research aims to follow up on the actions taken on the base of these recommendations. It may also show Government responses to any external assessments.

b. The Joint Governance Assessment (JGA): a concerted assessment mechanism supporting national development action

The JGA was born from the desire by both GoR and her development partners to improve ways in which governance issues are assessed. The GoR has increasingly emphasised the importance of good governance as one of the flagships of its Economic Development and Poverty Reduction Strategy (EDPRS). The JGA addresses three major areas, i.e. Ruling justly, Government effectiveness and corporate governance.

c. Citizens and Imihigo(performance contract / pledges)

Imihigo, derived from the Kinyarwanda verb *guhiga*, implies competition and the self commitment of local leaders. It is a very important process that allows leaders to unilaterally set their own targets which can then be used by any stakeholder to assess their performance. The same exercise has been extended down to the family level -- the accountability is vertical and bottom-up.

d. *Parliamentary oversight of the anti-corruption initiatives*

Given the anti-corruption initiatives and political will needed for good governance, this case study focuses on parliamentary oversight of corruption, taking into account the role of the Auditor General's reports, the Ombudsman's reports, as well as reports from NGOs such as Transparency Rwanda.

e. *High representation of women in Parliament and its impact on women's livelihood*

Due to the Constitutional provisions (Article 9) resulting from the Urugwiro Village⁸ talks, it was legislated that between 2003 and 2008 48% of Members of Parliament were to be women; between 2008 and 2013 this figure will be 56.25%. This makes one wonder whether this high representation of women MPs has already inspired changes capable of ameliorating the lives of ordinary Rwandan women. This study shows some cases of gender integration that have brought satisfaction to Rwandans (women and men). However, the six-week maternity leave provision in the amended Labour Law is perceived to be counter to what one would expect from that high representation of women in Parliament. This case study shows the contribution of women parliamentarians, as well as the perceptions of fellow Rwandans on the matter.

f. *Parliamentary interactions with other stakeholders in the law-making process: The Law on Genocide ideology*

Although elected to the National Assembly, Members of Parliament are still supposed to consult their constituencies and all interested parties on draft bills before they are voted into law. The more interactive a Parliament is, the more democratic and durable are the bills that they pass. Genocide ideology has become an overarching concern for both the population and observers in general, and an examination of the consultation process before the Law on Genocide was passed by the Parliament, casts a light on the different concerns.

4. Methodology

⁸Urugwiro Village debates, *ibid.*

4.1. Qualitative method

This study is based mainly on qualitative data. After a desk review, the most utilised method, when time and other resources for a study are limited, is the Rapid Appraisal Method.. This involves interviews with various individuals and representatives from various institutions, and in some cases, also focus group discussions..

Preliminary contacts with government officials and local NGOs gave us a rough picture of the situation, and magnitude of each of the cases. After these preliminary contacts, a list of people to be consulted was established (see attached list).

The qualitative approach of this study involved interviews with representatives from 19 institutions and organisations (public and Civil society). The selection of an organisation/institution was based on its relationship to a particular case study. The aim of these interviews was to cross-check data gathered from the existing literature (research reports, policy documents, laws, etc.) and to get more insight into the development and use of governance indicators in each case study.

4.2. Quantitative method

In addition to the qualitative approach, quantitative data were collected via a questionnaire. This approach was used mainly to get data on the *Imihigo* case study. The rationale behind this, was that this case study involved the population's direct participation in the formulation, execution and evaluation of *Imihigo*. It was therefore assumed that this population could provide us with the best data. Although the questionnaire was administered to a small sample (and was therefore not completely representative in statistical terms), it did help us to get some quantitative material on the citizens' participation in *Imihigo* process. This cross-checking together with personal analysis brought to light many of the conclusions contained in this study. A validation workshop involving various categories of people who were consulted during the research process, confirmed the main findings of the study.

CASE No 1: THE APRM GOVERNANCE ASSESSMENT PROCESS, FROM AN ACCEPTED TO A CONCERTED MECHANISM

Introduction

This case was selected as an illustration of independently developed external governance indicators which faced mitigated reactions from the assessed country. The key question was how APRM broad consultations for ownership of the assessment process in Rwanda did not guarantee full agreement of this country. This was mainly due to the international values, standards and codes that were used, which did not necessarily fit into the specific Rwandan context.

1. The APRM: a self-monitoring governance mechanism

Rwanda's choice to be exposed to external governance assessments was translated into its early commitment to the African Peer Review Mechanism. The New Partnership for Africa's Development (NEPAD) Summit was held in Abuja, Nigeria in March 2003. It adopted a Memorandum of Understanding on the African Peer Review Mechanism (APRM). This was additional to the Declaration on Democracy, Political, Economic and Corporate Governance, which had been endorsed at the inaugural Summit of the African Union (AU) held in Durban, South Africa in July 2002. These instruments were part of the effort to improve governance in Africa.

Rwanda was the second to join the first group of countries that submitted to the APRM, a self-monitoring mechanism for members of the African Union. Acceded to voluntarily by member states, this mechanism is a non-adversary learning process among peers. The mandate of the APRM is to ensure that policies and practices of participating states conform to the agreed political, economic corporate governance and socio-economic values, standards and codes.

As per the RCRR⁹(2006), the APRM process consists comprises five interrelated stages that are defined in the APRM Base Document.

⁹ Rwanda Country Review Report, 2006

- i. The first stage is the preparatory phase, both at the level of the APRM Secretariat and at the national level. Under the direction of the APR Panel, the APR Secretariat forwards to the country to be reviewed, a questionnaire covering the four focus areas of the APRM.
- ii. In the second stage, the Country Review team visits the country to be reviewed to carry out the widest consultations with the Government, Members of Parliament and other officials, political actors, the media, academia, civil society organisations and any other stakeholders interested in good governance. This phase allows the Mission to learn about the different perspectives of the stakeholders; to clarify the issues identified in the Issues Paper that are not taken into account in the preliminary POA of the country; and to build consensus on how these could be addressed. Rwanda played a facilitating role during the visit.
- iii. The third stage involves drafting the report.
- iv. In the fourth stage the final report of the Country Review Mission is delivered.
- v. The final stage involves disseminating the report to regional and sub-regional organisations.

1.1. APRM process in Rwanda

Rwanda signed the MOU on the African Peer Review Mechanism on 9 March 2003, thus committing itself to providing all the necessary resources to facilitate the processes at the national level, as well as allowing access to all the required information and stakeholders. An important milestone in the exercise was marked by the APRM Country Support Mission which took place from 21 to 24 June 2004. Rwanda was the second country after Ghana to receive the Support Mission for National Self-Assessment.

Internal preparations had preceded the Support Mission's arrival. On 24 January 2004 the National NEPAD Steering Committee appointed an APR focal point to follow up on specific matters of the APRM. The same Steering Committee made a trip to Rwanda to assess whether it was prepared to receive the Support Mission.

Stakeholders workshops were held in March and May 2004. They recommended among other things, a sensitisation process for other stakeholders on the APRM; at the same time thematic groups were created to work on the questionnaire. Civil society and the private sector were involved in the process.

During their visit to Rwanda, the APRM Support Mission undertook a number of activities, examined and made suggestions regarding the composition of the national Commission and its level of independence.¹⁰ Rwanda's Country Self-Assessment Report and the preliminary Programme of Action were submitted to the APR Secretariat in March 2005.

1.1.1. Issues raised at the end of the process

The APR Panel raised governance issues which required the focused attention of the Government of Rwanda. This was a step towards achieving the ideals, principles and spirit of democracy, good governance and socio-economic development as enshrined in the APRM. The identified issues against which Rwanda was assessed were: *land and population, political pluralism and competition of ideas, Gacaca courts, capacity constraints, aid effectiveness, and managing diversity*. These were the points that brought about disagreement between Rwanda and the APR Panel. It is worth noting that, Government had the opportunity to make observations and clarifications on each of these issues and these were added to the report submitted to the APRM Forum.

The ultimate goal of the APRM was to assist the reviewed country to improve its policy-making processes, adopt best practices from other countries, and comply with ratified standards and codes, such as the Constitutional Act of the African Union (2000), the African Charter on Human and People's Rights (1990), the NEPAD Framework Document (2001), the APRM Organisation and Process (2003)., and to involve all stakeholders in these processes. In this regard, the report must not be seen as an instrument to access foreign aid, but rather as a process to improve national policy-making, to share experiences, and to create an environment conducive to growth and development, all of which are in the country's best interests.

It was understood that the report did not mean the end of the APRM process; it is a continuous process involving periodic reviews of certain policies and practices in order to ascertain progress on agreed goals. To this end, a Programme of Action was proposed in order to bridge governance gaps identified in the APRM assessment process. More specifically, the Programme of Action¹¹ aims to:

- Guide and mobilise the country's efforts to implement the necessary changes to improve the state of governance;

¹⁰ African Peer Review Mechanism Country Support Mission to Rwanda, 21–24 June 2004, Final Report.

¹¹ APRM, Country Review Report of the Republic of Rwanda, June 2006.

- Indicate a clear time-bound commitment to the implementation of key governance and socio-economic development priorities, including the identification of key stakeholders for the implementation (and an estimated budget);
- Highlight the capacity building and resource mobilisation requirements to undertake the Programme of Action,
- Outline the implementation, monitoring and evaluation mechanisms required.

It is therefore clear that APRM is mainly externally driven, i.e. it is a peer review that reflects governance performance within the country. It is not an internal process in which citizens directly demand accountability from Governments, although they are the beneficiaries of the process.

1.1.2. APRM indicator analysis

The report that concluded the APRM assessment was structured around four themes: *Democracy and good political governance; Economic governance and management; Corporate governance; and Socio-economic development*. Relevant indicators were developed for each of these. The report provides an overview of the trends and developments in each of these areas, followed by a summary of findings from Rwanda's CSAR and a discussion on the findings of the CRM. It also contains recommendations from a Panel of Eminent Personalities on how to improve shortfalls in each area. Each of the four themes begins with a discussion of the standards and codes, then assesses the degree of compliance with the standards and codes ratified or adopted by Rwanda. This is followed by an analysis of the thematic areas according to the APRM objectives. For each recommendation there are a number of outputs, as well as verifiable indicators to help reviewers to measure the degree to which a given recommendation has been implemented.

An example of the indicators developed for *Democracy and good political governance* is shown in Table 1:¹²

¹²NEPAD/HSGIC-03-2003/APRM/Guidelines/OSCI/2003

Table 1: The development process of indicators for *democracy and good political governance*

Key objectives	Indicative criteria	Indicators
Constitutional democracy	Clear and firm provisions of the constitution for democracy; Human rights; Constitution easy or difficult to change	Adequacy of expressed provisions in the Constitution
Political competition and opportunity for choice	Enabling environment for popular participation	Independence and effectiveness of electoral commission; Adequacy of legal framework for free association and formation of non-governmental organisations; Effectiveness of independent media; Public perception and degree of satisfaction with democracy and political governance
Rule of law	Rule of law and supremacy of the constitution; Institutions of democracy and human rights; Rule of law set up and resourced	Effectiveness of democracy and law enforcement institutions

Source: *Objectives, Standards, Criteria and Indicators for the APRM, NEPAD/HSGIC-03-2003/APRM/Guidelines/OSCI/2003*

Conclusion

It is clear that in the past indicators had favoured international values, standards and codes. The APRM process was, however, fully participative, supposing ownership by different stakeholders. However, given the particular situation of post-genocide Rwanda, some of the standards were not respected, such as the Gacaca courts which did not provide for lawyers or counsels in court proceedings. This was mainly due to the number of cases (more than one million) that would never have been heard if they had had to done within generally accepted limits..

As a result, some of Rwanda home-grown solutions which ignored existing standards were subject to stringent criticism, even though there appeared to be no other viable solution. Although this rendered such indicators hardly acceptable for Rwanda, the process was adequate and was not dismissed,

although the performance remains mitigated. There was, however, the need for a more acceptable governance assessment process to be devised. The APRM was not discontinued, but like other national, regional and international commitments to which Rwanda has subscribed, it is being implemented under the Integrated Governance Assessment Action Plan (IGAP) framework and within the EDPRS and timeframe from 2008 to 2012.

1.2. The Joint Governance Assessment (JGA): a concerted mechanism

1.2.1. Background and contextualisation

In the quest for a smooth governance assessment mechanism, a Joint Government Assessment (JGA) co-signed by both the Government of Rwanda (GoR) and development partners was adopted by the Cabinet on 12 September 2008. It is an assessment that was jointly undertaken by both parties, to establish a common understanding of the governance process, problems and priorities, which provides a framework of agreed indicators and benchmarks¹³ to assess progress over the coming years..

A Steering Committee was set up to drive and manage the assessment process. Whereas APRM identified four assessment areas (*Democracy and good political governance; Economic governance and management; Corporate governance; and Socio-economic development*), the JGA scaled these down to three categories:

- *Ruling justly*: establishing and maintaining security, national reconciliation and transitional justice, the rule of law, human rights and civil liberties, political rights, and voice and accountability;
- *Government effectiveness*: public financial management, corruption, decentralisation, public service delivery, and public service reform;
- *Investment climate and corporate governance*: ease of doing business, corporate law and governance, private sector advocacy, and state-business relations.

These areas were identified to reflect the concerted decision by stakeholders relating to areas of concern in the current governance environment. This increased the level of ownership of the process for participants.

¹³ Rwanda Joint Governance Assessment Report, September 2008

1.2.2. JGA indicators relevancy, strengths and weaknesses

The JGA assessment aimed to find out what Rwanda had achieved in the ten years prior to 2007. It also underscored the required indicators to show whether the country was moving in the right direction as far as good governance was concerned. The narrative report contains an assessment and a set of recommendations for each of the three areas and their respective sub-areas. A framework was designed to show indicators for the next assessment in the areas of *peace and security, inclusive governance, the rule of law, accountability, etc.*

In the regard Professor Shyaka Anastase¹⁴ confirmed in an interview that it was agreed that regular reviews would be conducted to ensure that Government and its partners agreed on amendments to the said framework. Table 2 is an excerpt of the global monitoring framework that is found in the annexures to this document.

Table 2: Ruling justly: establishing and maintaining security

Indicator	Disaggregation	Frequency	Source	Baseline
%of respondents expressing confidence in the performance and conduct of security organs (a score of 3 or 4 on a scale of 4)	Ask separate questions for (1) Rwanda Defence Forces, (2) National Police and (3) Local Defence; disaggregate by gender, district if feasible	Every three years	Perceptions survey to be commissioned from independent source	2007 estimate for Police – 85.6% (World Values Survey, forthcoming)
% of respondent expressing a high level of satisfaction in their personal security (a score of 3 or 4 on a scale of 4)	Ask separate question for (1) personal and (2) property security; disaggregate by gender, district if feasible	Every three years	Perceptions survey to be commissioned from independent source.	2007 estimate for Kigali – 87% personal security, 84% property security (EDPRS security baseline)

¹⁴ Professor Dr. SHYAKA Anastase is the Executive Secretary of Rwanda Governance Advisory Council

Number of homicides per 100,000	Disaggregate by gender, district, categories of crime.	Annual National Available figures (homicides per 100,000 includes: 'ubwicanyi', 'ubhotozi' and 'kwihekura')	Rwanda Police RNP figures per
		2002: 7.2; 2003: 8.0; 2004: 6.6; 2005: 5.9; 2006: 7.2; 2007: 6.1	

Source: JGA Report.

In the same connection, in a constant search for governance improvement mechanisms, it is worth noting the Rwandan Government's commitment to setting up a think tank (Governance Advisory Council) which would have authority over all governance matters, and would deal with all of the assessment processes involving Government.

1.2.3. JGA management: the role of the Governance Advisory Council (GAC)

1.2.3.1. Institutional role

The Governance Advisory Council (GAC) is an independent and autonomous public organ established in line with the implementation of the JGA. It has the powers to monitor and evaluate the JGA process and is about to start a survey on JGA using perception-based data. As mentioned earlier, JGA operates within three areas i.e. *ruling justly; effective governance, and the investment climate*. In line with these sectors, GAC main responsibilities are:

- To research civil, political and corporate governance;
- To provide advice in the form of policy recommendations;
- Networking with other stakeholders working in the governance field within Rwanda, and across the region and beyond;
- Capacity building in terms of advocacy and civic education (taking time to explain the standards and processes) down to the grassroots, local government and Civil society and to provide a channel for information dissemination and to raise awareness rising regarding JGA.

One of the tools GAC developed to further its aims is the Mobile School of Governance which is supported by the European Commission. This programme is supervised and managed by the

GAC and the main beneficiaries of the training are local leaders. Depending on the theme to be taught, the GAC partners with relevant institutions for effective implementation.,

1.2.3.2. JGA indicators development analysis

Talking of public awareness and participation in the preparation and implementation of the JGA, Professor Shyaka Anastase mentioned that the JGA involved consultations with stakeholders in all five provinces and in one or two districts per province. For better ownership and accessibility, the JGA report was summarised and translated into Kinyarwanda, a local language. The weaknesses of JGA lies in its lack of a built-in feedback mechanism, and the fact that it does not provide for an obligatory citizen debate.

According to Professor Anastase, the need for a governance assessment mechanism that suits different stakeholders made the JGA, a more inclusive mechanism than its predecessors. Indeed, over and above the three core themes covered, the JGA also includes aspects pertaining to the Economic Development and Poverty Reduction Strategy (EDPRS), Rwanda's leading strategic development plan. It also tackles provisions raised at the International Conference on the Great Lakes Region (ICGLR), as well as other development instruments.

Further, the JGA has the advantage of enjoying the joint support of Government and its development partners. If a given programme has inadequate human resources or if it has little or no support from key leaders, its implementation may be jeopardised and the programme will be ineffective..

*'There might be good people and good policies but the problem may be about bad systems, especially given the reliance on key people/personalities. The indicators are perhaps too narrow to capture this; however, there is a proven need for systems indicators.'*¹⁵ According to this assumption, indicators should not be based solely on policies, but should also encompass the implementing structure and systems and their linking mechanisms in order to gauge the holistic performance.

1.2.3.3. The need for integrated governance mechanisms

Governance assessment has been an issue for many stakeholders. In this respect, the Government of Rwanda committed itself to several governance instruments with various partners such as the

¹⁵Interview with a former key person in APRM process, November 2009.

Millennium Challenge Corporation Threshold Country for Rwanda (MCC);the African Charter on Democracy, Elections and Governance; the International Conference on the Great Lakes Region (ICGLR); the East African Community Treaty (EAC);the African Peer Review Mechanism (APRM);as well as through the Economic Development and Poverty Reduction Strategy (EDPRS).

Rwanda's governance vision requires the enhancement of local as well as national capacities in order to promote transparency, accountability and good service delivery in all areas of public interests. This vision may not be achieved if the mentioned national and international commitments are not harmonised and coordinated so as to draw easily implementable indicators.

1.3. An instrument for the implementation of governance indicators

As a response to the plethora of uncoordinated and fragmented governance assessments, the JGA emerged as offering the best chance of success. On the other hand, it was intended to put an end to the absence of benchmarks and standard indicators upon which governance progress could be assessed.

The production of the JGA suggested that all concerned institutions adopt its indicators in their respective fields and incorporate these into their action plans, in order to respond to identified challenges. Consequently, the need arose to create an integrated action plan to fit the mechanism within the EDPRS implementation time frame. This has the advantage of integrating all of the commitments made by Government, and to make sure that any duplication that may cause waste of time or money is avoided.

1.4. Use of the APRM indicators

The APRM was a good instrument: it included internal and external views; it had good country coverage, and people participated in its development process. APRM identified areas for improvement and Government took action to erase issues of concern. For instance, in a bid to reduce Government expenditures, it embarked on a 'Zero fleet policy' which involved the following:

1. Government decided to discontinue running government owned vehicles;
2. All government vehicles were sold;
3. Government staff were facilitated to hire purchase their own cars in different categories;

4. Government contributed to half the price of the car and allocated monthly allowances for car maintenance.

This had a very positive impact on Government effectiveness in terms of public financial management.

Although many actors have been involved in the evaluation of various aspects of governance in Rwanda, there were no agreed baseline data. The APRM report is, therefore, important as it contains baseline data which can serve as a long needed statistical base in the field of governance.

The APRM process saw the largest participation and was supported by all levels of Rwandans. Although many of its conclusions and recommendations were well documented and appreciated, there were some recommendations that were not supportive of the Government of Rwanda. This brought about some dissent within the GoR. Reconsideration was envisaged in the light of Government's objections and motivated arguments. In all cases, recommendations have been received and been given consideration.

The momentum and enthusiasm for the APRM slowed down after the report was released, however. This was due to a shortage of mechanisms to translate recommendations into action. Observations reveal that some partners, especially foreign donors, were enthusiastic at the time of the review, but were dragging their feet by implementation time.

Some best practices emerged from each of the APRM subscribed countries, which could inspire other countries. However, there seems to be no forum in which these best practices can be exchanged. Such a forum may promote innovative solutions.

Conclusion

The APRM is an instrument that used standard international governance indicators. These were seemingly not agreed upon by all stakeholders, which brought about a lack of ownership, mostly on the part of GoR, which accused the report of not contextualising the specific Rwandan situation. Its recommendations were partly accepted, but all of them considered and an avenue was identified for further reviewing the indicators. For foreign stakeholders, keeping internationally recognised indicators would work for credibility and recognition, while for GoR, contextualisation of standards would highlight local realities that are unique to that country. The latter was one of the reasons to call

for improved and jointly agreed governance standards against which Rwanda could validly assess its governance issues. The response was the initiation of the JGA that was and is now conducted and reviewed on a regular basis.

CASE No 2: USING THE JGA GOVERNANCE INDICATORS IN NATIONAL DEVELOPMENT PLAN – EDPRS.

Introduction

The purpose of this case study is to analyse how country-led processes of producing and using governance indicators can enhance the performance of the Executive in its National Development plan. We shall highlight the ownership of the development plan processes, monitoring, standards and integration of the plan within other instruments.

2.The EDPRS

Rwanda's Economic Development and Poverty Reduction Strategy (EDPRS) is a mechanism that provides a medium-term framework for achieving the country's longer-term development aspirations as embodied in the Millennium Development Goals (MDGs), Rwanda Vision 2020, and the seven-year GoR programme. In order to implement the EDPRS strategy, resources have been allocated on a sectoral basis in order to maintain momentum in all sectors of public life.

EDPRS is set on a twofold policies: a) it contains milestones on a larger journey (MDGs:2015, Vision 2020: 2020); b) it is designed to act as a mechanism for implementing Vision 2020 (V2010) in the medium term (shorter-term mechanism being the seven-year GoR programme). This is why EDPRS does not include many separate targets for V2020 for its 2012 rendezvous, where EDPRS has set itself target. EDPRS may include complementary targets that may differ slightly from V2020 and the MDGs.

It must be noted that in EDPRS, a particular emphasis was put on *corporate governance*, including an infrastructure for the private sector through the implementation of *commercial justice, business and land registration programmes, and improving economic freedom, as well as the regulatory and licensing environment for doing business*, among other corporate governance principles. A certain number of public sector reforms are also envisaged to enhance government effectiveness through

public sector capacity building, the strengthening of public finance management, performance-based budgeting, and transparency and predictability in policy making.

2.1. A roadmap towards the EDPRS: from large- to medium-term targeting

Rwanda showed a number of achievements on certain MDGs targets such as gender equality in primary schools, reducing HIV/AIDS prevalence, etc. It proves to be on track for other targets such as malaria prevention, while other extremely challenging targets are still unmet, such as reducing poverty, under-five mortality rates and stunting due to malnutrition.

Rwanda's Vision 2020 shows the country is on track for several indicators such as investment rates, literacy, life expectancy, gender equality in parliamentary representation, among others. Performance is weaker in certain other areas such as per capita income, savings rates, the growth of non-agricultural jobs, secondary school enrolment and the total fertility rate (implying that population growth remains higher than planned).

EDPRS strategy emerged as a result of the review of MDGs and Vision 2020 targets and was set as a mechanism to implement the above targets within milestones fixed at 2012 (a five-year duration 2008--2012). A number of flagship programmes were set in the EDPRS to serve as a means to prioritise actions by GoR to progress towards MDGs and V2020, and to mobilise resources for development and to improve policy implementation.

This is why EDPRS also reflects global targets from the MDGs, disaggregated targets from Vision 2020, and its own complementary targets. Further, time frames for implementation of these targets implementation and further review were set at different intervals, to allow for review recommendations to be incorporated into the ongoing programmes before the following assessment.

The timely review of the MDGs (2015) and Rwanda Vision 2020 (2020) targets provided a context in which to present the EDPRS targets for 2012. These targets were set following extensive consultations with different government sectors. A public expenditure scenario was crafted for the EDPRS and public spending patterns were modified to benefit more sectors that are closely linked to the EDPRS priorities.

The EDPRS priorities were set taking into account mainly poverty reduction and development. They were developed to include:

- the acceleration of growth and poverty reduction;
- strengthening and widening the financial sector;
- skills development for a knowledge-based society;
- the promotion of science, technology and innovations promotion;
- raising agricultural productivity and food security levels;
- enhancing the contribution of the manufacturing sector and services to economy;
- optimising management of the environment and natural resources;
- building an economic infrastructure;
- improving the health status and slowing down population growth;
- integrating and extending social protection;
- promoting decentralisation, citizens' participation and empowerment, transparency and accountability;
- promoting professional public and private media; and
- supporting youth participation in the socio-economic development.

It therefore appears that the EDPRS top listed such indicators related to poverty reduction, economic growth and development, while those concerned with governance lagged behind, probably meaning these were not a priority. It is worth noticing also that governance comes to support flagship programmes like 'Vision 2020 Umurenge or VUP', a priority EDPRS programme located in a rural administrative sector, aiming at accelerating poverty reduction. In such a programme, skills, infrastructure, finance and technology are couples with agriculture, manufacturing and services deployment, to boost socio-economic development in a sampled poor rural setting. Here, governance is called to contribute through security, justice, unity and reconciliation, citizen participation and empowerment programmes, among other things.

2.2. EDPRS governance objectives

Among other poverty reduction related objectives, EDPRS has developed objectives in governance that include:

- maintaining peace and security; preserving and strengthening good relationship with all countries; continuing to promote unity and reconciliation among Rwandans;
- strengthening the rule of law and human rights;
- promoting vibrant and professional media (public and private) to enhance citizens voice and dissemination of public information;
- promoting decentralisation, transparency and accountability; enhancing citizens' participation, empowerment and ownership of their social, political and economic development in the respect of their rights and civil liberties including freedom of expression.

The EDPRS mainstreams a system of monitoring and evaluation at national, sub-national and sectoral levels to improve public sector performance. In order to know how EDPRS has been achieving its objectives, a framework has been set up which includes three classical monitoring steps:

- observing how a set of indicators changes over time;
- analysing and drawing conclusions from those observations;
- feeding conclusions back into the policy process.

Rwanda has developed several monitoring systems each of which are a product of different initiatives launched at different times. This has resulted in policy-makers being faced with an excessively large number of indicators for tracking the country's development.¹⁶ Before such a plethora of indicators, EDPRS endeavoured to set a four stage indicator framework based on a progressive procedure from the input, output, outcome and impact indicators. A matrix of twenty strategic outcome and impact indicators was adopted to provide a succinct overview of progress made in development and poverty reduction. In a three step analysis, a baseline survey provides basic data out of which timely progression will be calculated. Thirdly dependent and independent outcome variables will be drawn up to be used to evaluate the strategic performance at the end of the roadmap period.

¹⁶ Economic Development and Poverty Reduction Strategy (2008--2012), 2007, p. 133.

In practice, an indicator will be designed (e.g. percentage of women using modern contraceptive techniques) to meet the objective (e.g. family planning); a baseline indicator is identified (known or estimated, e.g. 10% of women using modern methods to date) and an EDPRS target fixed (e.g. 70% of women using contraceptives in 2012) and the data source indicated (e.g. Ministry of Health). The frequency of the indicator production is also fixed (e.g. progression per annum). Further, yardstick activities resulting in temporary indicators are set per period, which renders the system more complex: e.g. in decentralisation, comprehensive five-year local government capacity building, needs assessment indicators produced and agreed by all stakeholders (2008); capacity-building plans implemented (2009); decentralisation strategy, action plans and responsive interventions developed using monitoring and evaluation data (2010); MIS at central and local level effective (2011--2012).

Like many other performance indicators, this system proves to be rather cumbersome and its complexity may lead to some inaccurate estimates. Moreover some of the subjective indicators will always be dependent on the trend to accommodate a given situation, which always gives way to speculation and endangers the validity and reliability of the indicator. Further, this evaluation report relies mostly on a compilation of reports from various ministries with the risk of information not being available on a regular basis, and the bias of self-evaluation easily introduced.

2.3. The EDPRS monitoring indicators development and use

Evaluating the impact of public action is more complex than monitoring a set of given indicators, as it involves determining with precision the causal impact of a given outcome from all other determinants, including emerging strategies during the course of implementation. Mostly, the involvement of all stakeholders in the construction of indicators may result in them owning the evaluation results. Many stakeholders took part in the development of the EDPRS monitoring indicators. As the former EDPRS coordinator within MINECOFIN, and current Coordinator of Development Policy Analysis and Research, Andre Habimana put it, EDPRS indicators were developed in a participatory way and consists of three levels:

- a. National Steering Committee comprising ministers and donors;
- b. Technical Steering Committee comprising Permanent Secretaries from within the ministries, donors, civil society organisations, private sector representatives;
- c. Sector working groups.

According to the same coordinator, further discussions and consultation occurred at district level and in higher learning institutions, such as the National University of Rwanda, Kigali Institute of Science and Technology, Kigali Institute of Education, and the Institut des Sciences Agronomiques et d'Elevage. This declaration was backed by interviewed representatives from civil society organisations. They confirmed having participated in consultations on EDPRS in which their views were sought and given.

However, this seems not to have been the case in 'laboratory designed' EDPRS indicators, which were discussed by technical and elite stakeholders without the inclusion of citizenry. Prior to the adoption of EDPRS, consultations did not seek direct involvement and perceptions of citizenry, although the development strategy affected most areas of citizens' lives. Instead, most ordinary citizens learned about its implementation from both national and local leaders after it had already been adopted.

As may be expected, evaluating the EDPRS has not been undertaken through direct observations and impact identification. Instead, the evaluation has been done through sampling some groups exposed to the programme compared to a control group. However, measuring such an impact should be a longitudinal exercise involving the largest representation of priority programmes (VUP). Given its nature and context, EDPRS evaluation would require an appropriate self-tailored mechanism.

2.4. EDPRS, JGA and other governance instruments connection

We have highlighted how comprehensive governance indicators which appear in various assessment mechanisms are interconnected and interrelated. Governance *per se* has been identified as a priority in Rwanda and is key to the country's development efforts. It is recognised that Rwanda is dependent largely on the governance factor for its outreach and partnership strategy.

As illustrated earlier, the JGA is a mechanism by which to assess governance issues of the GoR and its development partners, with the aim of establishing a common understanding of governance problems and priorities, and a framework for assessing progress on the basis of agreed indicators and benchmarks.¹⁷ Its main objectives have to do with governance institutions, laws and practices, proposing improvements, defining and monitoring performance indicators, and providing

¹⁷Rwanda: Joint Governance Assessment Report, 2008, p.8.

recommendations to establish an ongoing system for monitoring agreed indicators, and training the required expertise.

As many governance assessments in Rwanda have drawn heavily on international comparative standards, they have been less useful when assessing specific problems facing Rwanda and identifying priorities for action. Needless to say, there has been controversy surrounding some international indicators which appeared inaccurate or contradictory for different stakeholders. There was a need to improve the understanding by crafting an assessment mechanism that is grounded in the context of the country..

The JGA was conceived as a novel process based on a set of agreed principles jointly owned by the GoR and development partners, conducted in an open and consultative manner. It had to forward looking and provide a baseline to identify priorities. Its credibility would depend on its thoroughness and rigorous analysis, taking into account specific governance issues and the historical context of Rwanda, and it had to be devised for continuous assessment.

2.4.1. Consultations for ownership

The JGA has a management structure comprising high level representatives of the GoR and its development partners, a technical committee involving Rwanda Advisory Council and a joint team of experts, and a team of four international and four local consultants. The JGA was conducted with the involvement of respondents from GoR, civil society and the private sector. Sampled local government districts were equally consulted and ongoing drafts were discussed in different forums with the GoR and development partners. In its essence, JGA is the result of wide consultation, which t confers on it the credit of a participative initiative.

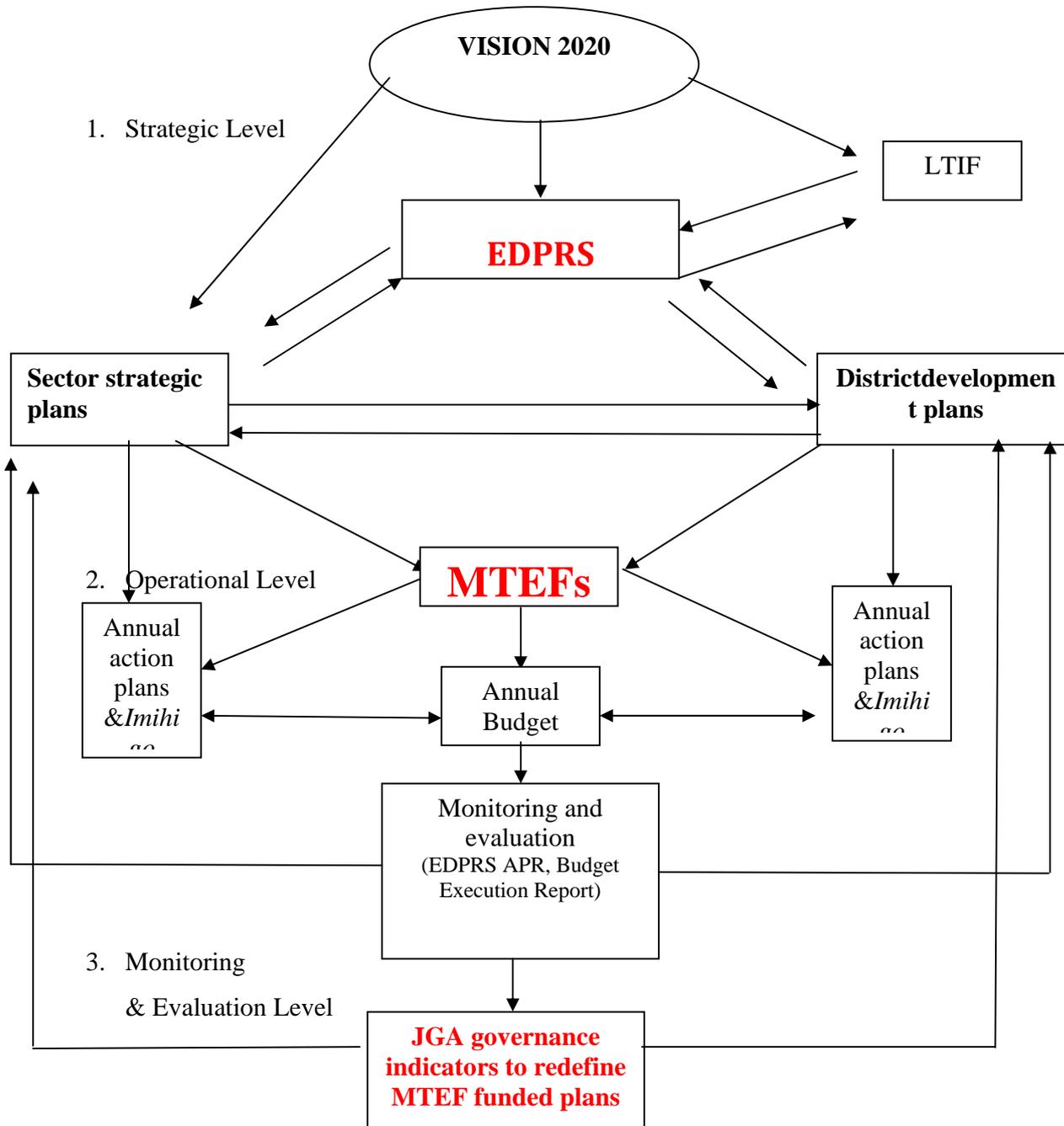
2.4.2. Downsizing indicators into the MTEF for Government effectiveness

The MTEF is one of the many measures undertaken to improve the level of fiscal transparency in Rwanda and to create a more efficient and effective public sector. It aimed to create a consistent, predictable National Policy and Budget Framework and to improve financial management and accountability, by linking policies to planning and budgeting. The JGA indicators were therefore adapted to be incorporated into ministerial sectoral plans and district development plans, which will

be submitted for funding through the MTEF, the driving mechanism for the translation of strategies into action.

The mechanism will respect governance principles and indicators of transparency, fairness and accountability to support activities that are constantly monitored and will later be evaluated. The JGA process will be reviewed downstream, and at the end of the process it will be restarted at the strategic level through new and adapted plans which will result from the evaluation recommendations. This cyclic exercise will allow further improvement and refining of the process, thus leading to further chances of a positive assessment of governance indicators at the next evaluation milestone.

LIAISING JGA, EDPRS AND MTEF:



Source: Adapted from National Planning, Budgeting and MTEF Guidelines, MINECOFIN (2008).

In light of the above chart, it can be established that the Rwandan national development plan is not costed holistically, but its components are (sectoral, local government and public institutions). The same plan remains linked to MTEF and is subject to Cabinet approval. A special unit hosted in the

Ministry of Finance is in charge of managing its preparation and implementation. Cabinet regularly reviews its progress and sets new orientation following emerging strategies.

2.5. Monitoring and evaluation framework

Objective measures have been established for each of the assessed indicators to be confronted with international standards. In addition to fact-based measures, perception-based indicators raised through a survey regularly conducted by an independent body, will supplement the assessment. The framework includes the frequency for gauging the indicator, indicates the sources and compares them with an existing local baseline. The issue is the validity of the baseline data, which more often than not is practically inexistent, as statistics do not keep pace with other national development trends.

2.6. Recommendations implementation

As stated above, once governance indicators have been gauged in their specificity (with reference to accountability, responsiveness, capacity, legitimacy and inclusiveness) and appropriate recommendations drawn up, they are submitted to the operational level both at central and local government for translation into action. The main advantage of this mechanism is the appropriateness to the local context and specificity. In this context, domestically generated indicators are more specific than those developed for international comparison, which might hinder their credibility. It should be emphasised that balanced evidence from various sources, including national and international actors, state and non-state bodies and citizens' organisations, mean that these indicators and subsequent recommendations are better owned by the stakeholders, who are then less resistant to implementing them.

Conclusion

We have explored processes of producing and using of governance indicators and presented a snapshot of their inclusion in other existing instruments. The main finding is that process and result indicators are complementary and allow a thorough and comprehensive picture of governance issues in Rwanda. The three selected fields covered by the leading JGA mechanism, namely *Ruling justly*, *Government effectiveness* and *Corporate governance* were key for this exercise as they covered the topmost governance priorities of the country.

One of the toughest challenges is to capture processes and results that are not quantifiable, yet are indispensable for good governance evaluation, for example. trust, reconciliation, and unity. The only way to assess these is through large-scale perception surveys, including advice from knowledgeable people, which introduces a noticeable bias in the sampling processes. Still, a well-reasoned sample selection method would mitigate the bias effect. This exercise is indeed necessary and can even be useful when combined with more objective and measurable tools.

CASE No 3. DECENTRALISATION: CITIZENS' PARTICIPATION IN *IMIHIGO* PLANNING AND EVALUATION

Introduction

In this section we shall explore how decentralisation as a governance indicator has been developed and constantly put into practice to enhance participation and high accountability. We shall analyse the *Imihigo* (performance contract), a system that has proved effective and subsequently had an impact on the lives of citizens. Local ownership of the mechanism is vital if results are to be owned by them.

3. The decentralisation context and objectives

The overall aim of decentralisation is to bring government closer to citizens, in order to improve voice and accountability, and make service delivery more responsive to local needs. The 2000 decentralisation policy in Rwanda included the following objectives:

- To enable and encourage local people to participate in initiating, devising, implementing and monitoring decisions and plans that consider their local needs, priorities, capacities and resources by transferring power, authority and resources from central to local government and lower levels.
- To strengthen accountability and transparency in Rwanda by making local leaders directly accountable to the communities they serve and by establishing a clear link between the taxes people pay and the services financed through these taxes.
- To enhance the sensitivity and responsiveness of public administration to the local environment by placing the planning, financing, management and control of service provision at the point where services are provided and by enabling local leadership to develop

organisational 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 alleviate poverty.
- To enhance effectiveness and efficiency in the planning, monitoring and delivery of services by reducing the burden from central government officials who are distanced from the point where needs are felt and services delivered.

In its modus operandi, the process of decentralisation had three phases, each of them having a particular target:

- Phase 1 (2000--2005): putting in place legal, institutional and policy reforms to redesign administrative entities, reinforce the role of the district as the core local Government Authority and to provide elections;
- Phase 2 (2006--2010): deepening the decentralisation process by enhancing service delivery, building local administrative capacity, strengthening planning processes and promoting community participation in the planning and management of local affairs;
- Phase 3 (2011--2015): reducing the number of administrative layers and strengthening partnership between State and non-State actors.

These phases are complementary and can be successful only if the above five objectives of decentralisation in Rwanda guide each and every related action.

3.1. *Imihigo*, a decentralisation tool

One of the key tools introduced by the Government of Rwanda in 2006 to reinforce the local government was the performance-based approach, *Imihigo*. Through this approach, local governments articulate their own objectives which reflect priorities of the local population and develop realistic strategies to achieve these objectives. This local, cultural-based performance approach was initiated by the top leadership of the country as a result of their concern about the rate and quality of delivery of government programmes. Their aim was make the public agencies more effective. Since then, local government authorities (villages, cells, sectors, districts) have been involved in the preparation of *Imihigo*, which was publicly signed on 4 April 2006.

3.1.1. The *Imihigo* concept: an instrument for performance assessment

According to MINALOC (the concept paper on *Imihigo* planning and evaluation), the *Imihigo* contract aims to:

- Speed up the implementation of local and national development agendas and to ensure stakeholder ownership of the development agendas;
- Promote accountability and transparency;
- Enhance result-oriented performance;
- Instill innovation and encourage competitiveness;
- Engage stakeholders (citizens, Civil society, donors, private sector, etc.) in policy formulation and evaluation;
- Promote zeal and determination to achieve set goals;
- Instill the culture of regular performance evaluation.

The same source indicates that *Imihigo* should be guided by principles such as:

- *Voluntarism*: this is a choice, however national guidance is necessary to ensure national priorities match local ones;
- *Ambition*: you promise/vow to achieve only what you do not already have;
- *Excellence*: *Imihigo* is about outstanding performance; something worth of praise.

It is clear that the present case study is in line with the ongoing phase (2006--2010) of the national decentralisation process which aims to: '*strengthen the planning process and promote community participation in the planning and management of local affairs*'.

3.2.2. *Imihigo* and accountability

Good local or national governance is effective when governments are accountable to citizens. To make this accountability happen, a traditional cultural concept of *Imihigo* was revived. *Imihigo* implies a '*self commitment to realise a higher performance*'. This 'pledged' performance is clearly and publicly announced and everybody concerned or interested may monitor and know to what extent it has been achieved. This concept of *Imihigo* was revived at a National Dialogue and Consultation

Summit conference (provided for in the Constitution of Rwanda, chaired by the Head of State, and attended by central and local government leaders, including members of the diaspora) when it was concluded that each year the assembled group came up with very good suggestions which were seldom turned into actions, especially in local entities.

The idea for local leaders to make public commitments as to what would be done by when, was reborn. '*Traditionally this was a public pledge made in front of local leaders to perform a brave act or other collective interest achievement*' (interview with the Minister of Local Government). Such commitments have to be accompanied by clear indicators to allow for easy assessment of achievements.

The *Imihigo* concept is in itself a great channel to insure that key decisions taken at the annual National Dialogue and Consultation Meeting are followed up and implemented. The *Imihigo* concept not only allows for the monitoring of performance, it also introduces a competition spirit amongst local leaders. Each District Mayor prepares their pledges (*Imihigo*) in front the Head of State in the annual summit meeting. Monitoring frameworks are clearly defined in the 'contract' and periodic reviews are conducted.

The *Imihigo* process is an opportunity for local leaders to be *accountable vis-à-vis* their citizens; it is also an opportunity for citizens to be part of the planning, implementation and monitoring processes of development priorities and projects. It is worth noting that the *Imihigo* process flows down to the family level where, in a given *Umudugudu* (village), every family head pronounces vows before the whole *Umudugudu* to perform family pledges and there is similarly a periodic review at that level. The *Umudugudu* head also undertakes pledges before the cell head, and later before the sector head who, in turn, pledges before the District Mayor in the name of their community.

3.2.3. Indicators development analysis

The Concept Paper on *Imihigo* Planning and Evaluation indicates that *Imihigo* should be '... a result of a participatory process of identifying and implementing priorities from the grassroots to the national level and vice versa. In the process of identifying the priorities, each level demonstrates its contribution to achievement of development goals'.

Initially, *Imihigo* pledges are supposed to be prepared from individual to provincial levels through village, cell, sector and district entities. At each level, there is a specific individual or organ to validate *Imihigo*.

Table 3: Preparation and adoption of *Imihigo* at different administrative levels

Administrative level	Who prepares?	Who approves?	Who evaluates?
Individual	Individual	Individual/Head of the household	?
Family	Family	Head of the household	?
Village	Village Executive Committee	Cell Executive Secretary	Executive Council of Village and Executive Secretary of the Cell
Cell	Cell Executive Secretary	Cell Council and Sector Executive Secretary	Cell Council and Sector Executive Secretary
Sector	Community development committee and Sector Executive Secretary agreed with the sector Joint Action Development Forum	Sector Council and District Executive Committee	Sector Council and District Executive Committee
District	Community Development Committee and District Joint Action Development Forum, and District Executive Committee	Technical input/guidance will be provided by Quality Assurance Technical Team	On a semester basis, the evaluation team consists of: 1. Representative from Ministry of Local Government (MINALOC) 2. Representative from Prime Minister's office (PRIMATURE) 3. Representative from Ministry of Finance and Economic Planning (MINECOFIN) 4. Representative from RALGA (association of districts) 5. Representative from Province/Kigali City (Executive Secretary or in charge of <i>Imihigo</i>) 6. Representative from National Decentralisation Implementation Secretariat (NDIS)
Province	Governor of Province or Mayor of Kigali City assisted by Provincial	Province Coordination Committee (Governor,	1. PRIMATURE 2. MINALOC 3. MINECOFIN

Executive Secretary Donors, Mayors,
District
Executive
Committees),
Council for Kigali
City
(technical
input/guidance
will be provided
by a Quality
Assurance
Technical Team)

Source: MINALOC (*Concept Paper on Imihigo Planning and Evaluation*)

The *Imihigo* formulation process seems to flow top-down because all *Imihigo* pledges are based on national priorities set by central government. There are actually four steps of *Imihigo* formulation.

Step 1: Identification of national priorities by central Government;

Step 2: Communication of national priorities to local government;

Step 3: Identification of local priorities;

Step 4: Preparation and approval.

At local government level, district development partners and different stakeholders are supposed to discuss the national priorities sent by the central Government. The discussions are held at all levels (village, cell, sector, and district). After the consolidation of local and national priorities at district level, the draft is discussed with a Quality Assurance Technical Team from MINALOC and MINECOFIN. After this exercise, priorities are presented to stakeholders for approval.

Initially, MINALOC proposed a set of areas and activities on which *Imihigo* priorities should focus. These areas included:

1. Economic development (with 36 standard activities);
2. Social wellbeing (with 19 standard activities);
3. Good governance (with 16 standard activities).

In addition, a set of indicators for monitoring and evaluation were proposed for each activity. These indicators are quantitative (numbers and percentages) and are therefore easy to monitor. The development of these indicators has been participatory to a certain extent because it involved

discussion with development partners, line ministries and other decentralisation implementing agencies. It was noted, however, that the direct role of citizens and civil society organisations in establishing these indicators was quasi-existent.

Nevertheless, given that priorities differ from one local entity to another, particularities of each entity are taken into account in *Imihigo* formulation. This explains why *Imihigo* priorities at local government level are not the same, although they all do need to relate to national priorities and identified priority domains.

At the household level, a template containing priorities is distributed by the executive committee of the village to householders. The latter commit their *Imihigo* in function of the national priorities.

3.2.4. Citizens' participation in *Imihigo* planning and evaluation

In order to fully capture the spirit of *Imihigo* and to highlight the role of participation and inclusiveness of the grassroots in the process for this study, we carried out a rapid assessment against central indicators set up by the *Imihigo* concept comprising: *participation to include all partners in action; the role of citizens in the development process; the role of stakeholders in Imihigo implementation; the inclusion of the population in the evaluation process.* We also explored the challenges which the population meet in the *Imihigo* implementation.

A questionnaire was designed and distributed to 80 citizens in 10 districts randomly selected in four of the five provinces of Rwanda.¹⁸ In each district a cell was selected randomly and there the questionnaire was administered to four male and four female residents. Although the sample size is reduced due to a limited research budget, it is representative geographically, and is therefore likely to reflect, to some extent, the reality and triangulate with the material. The results can be underscored as follows:

Table 4: Stakeholders in *Imihigo* development

Stakeholders	Frequency	Percentage
Local leaders	80	100
NGOs	0	0

¹⁸ Rwanda counts 4 provinces, plus the City of Kigali

Population	42	52.5
Others	0	0
Don't know	0	0

n=80

All respondents (100%) declared that at the grassroots level, local leaders are the first actors in the planning of *Imihigo*. 52.5% of the respondents declared that they play a role in *Imihigo* planning, which shows an important participation of the grassroots.

Table 5: Role of citizens in *Imihigo* planning

Role	Frequency	Percentage
Preparing household commitment	42	100
Only attending meetings	15	35.7
Giving ideas	28	67
Other	6	14

n=42

All respondents (100%) who declared that the population is a stakeholder in *Imihigo* planning revealed that their role pertains to deciding what their households will have to achieve over a specific term of *Imihigo* (generally three months). 67% of them also declared that they participate in giving ideas on the problems that should be addressed by *Imihigo*, while 35.7% revealed that they just attend meetings in which *Imihigo* priorities are planned. This again confirmed their participation in the prioritisation of targets.

Many respondents commented that *Imihigo* used a top-down approach. They argued that apart from that which the residents commit to achieve in their households, *Imihigo* at the grassroots level are technically planned by local leaders who, through community meetings, ensure the residents are sensitised on implementing the planned actions.

Table 6: Stakeholders in *Imihigo* implementation

Stakeholders	Frequency	Percentage
Local leaders	80	100
NGOs	0	0
Population	80	100
Others	0	0
Don't know	0	0

n=80

All respondents declared that citizens implement *Imihigo* for their households and that, in collaboration with local leaders, they implement *Imihigo* in decentralised entities, referring to those pledges by local leaders. Table 7 shows the nature of citizens' participation in implementing *Imihigo*.

Table 7: Nature of citizens' contribution in *Imihigo* implementation

Nature of contribution	Frequency	Percentage
Manpower	80	100
Money	80	100
Implementing household <i>Imihigo</i> or family pledges	80	100

n=80

All respondents declared that they use both money and their own force (manpower) to implement *Imihigo* both at the household and the community level. At the latter level, some respondents noted that local leaders decide on what each household or each citizen shall contribute with regard to a specific objective. However, other respondents contended that the nature and the quantity of the contribution, as a supplement to available budget, are discussed in community meetings prior to launching the implementation.

Table 8: Level of citizens' participation in *Imihigo* evaluation

Stakeholders	Frequency	Percentage
Local leaders	80	100
NGOs	0	0
Population	21	26
Others	0	0
Don't know	0	0

n=80

As far as *Imihigo* assessment is concerned, all respondents declared that it is carried out by local leaders, while 26% of them added that the population also takes part in the assessment process. At the household level, most respondents contended that the assessment is done by village leaders; while at the administrative level, the assessment is carried out by leaders at the immediate higher level. This shows that the involvement of the population in *Imihigo* assessment is minor.

Table 9: Challenges to citizens' participation in the *Imihigo* process

Challenge	Frequency	Percentage
Poverty	62	77.5
Ignorance	47	58.7
Mindset	18	22.5
Climate hazards (winds, heavy storms impacting on harvests)	7	8.57
Other	4	5

n=80

Table 9 presents different factors which limit the full participation of citizens in the *Imihigo* process. Poverty and ignorance were respectively named by 77.5% and 58.7% of respondents as major challenges. As regards poverty, it was found that some citizens have insufficient financial resources, which limits their financial contribution to *Imihigo* implementation. In the same vein, poverty limits citizen participation because some poor people are forced to devote their time in a struggle to earn a daily living rather than being able to join other community members to implement *Imihigo*.

Many respondents seemed to ignore that it is both their right and duty to participate in the planning and evaluation of *Imihigo*. They still think that this should be the duty of Government. This is an indicator that some citizens have not yet understood the logic of decentralisation and participatory governance. It is therefore a real challenge for political leaders, civil society and political parties to make sure those citizens are aware of their rights and duties. A small proportion (8.75%) of the population identified climatic hazards as a challenge which impeded their participation. This is related to the poverty effect, as unpredictable winds in the highlands and unexpected heavy rains which cause erosion and floods in lowlands, result in poor harvests, famine and poverty, which in turn result in self-centred versus community-oriented preoccupations.

Although described as a good instrument for result-based governance, the practice does face a number of challenges which may be catered for in the future.

If it is true that the *Imihigo* performance contract is a practice borrowed from Rwandan culture, it is also true that:

- Its linkage to the global 'district action plan' needs to be considered. Starting from when this practice of *Imihigo* was introduced into the local government monitoring framework, it appears the practice has precedence over and overshadows other types of planning tools of the district.
- Community participation, seen from the official point of view, refers to different spaces such as *Umuganda* (community service), *Ubudehe* (community-based poverty reduction scheme), *Gacaca* (restorative and reconciliatory justice); it should also be understood and measured taking into account the extent to which citizens' voices are heard in decisions to address issues pertaining to their direct interests.
- Most of the time, citizens are called to contribute when it is time to implement policies and other public decisions; they should also be involved in the planning and evaluation stages.

- Because of the competitive aspect of *Imihigo*, some leaders may tend to commit to undertakings beyond their means and capacities. In such cases, leaders may disregard their citizens' fundamental rights in order to meet their pledges at any cost.

Conclusion

The concept of *Imihigo* as a performance contract was introduced in Rwanda in the second phase of the implementation of their decentralisation policy. This home-grown planning and delivery approach is considered to be a tool for boosting commitment, performance and competition. It fosters principles of transparency and accountability, as a corollary.

A monitoring framework which included three major areas of the country's life, activities and quantitative indicators was put in place. Although these indicators seem to be user friendly and objectively verifiable, their development was not participatory enough, as citizens and civil society organisations were not actively involved in the process.

As regards the citizens' participation in *Imihigo* planning and evaluation, it was established that this participation is very high in implementation, but very low in development and evaluation processes. It could be more rewarding if these first-hand actors could share in development of indicators to ensure ownership, which would result in increased accountability too.

As an observer has put it, 'Rwanda is the best example of a top-down decentralisation model that came from high level of the government'.¹⁹ For the different levels of society to own the process, beneficiaries of the decentralisation should be informed and mobilised, through capacity-building mechanisms. Recently, there has been a trend towards more ownership of the process by grassroots population, as they are no longer perceived as beneficiaries, but rather as 'full partners' (according to the new concept advocated by MINALOC). But more remains to be done on the ground.

Central Government's decision to embark on decentralisation process in Rwanda is laudable; the question now is to know to what extent local leaders and Rwandan citizens have internalised the process and whether their level of ownership allows them to play their role effectively. This is an area that should be usefully researched in order to test the depth of the decentralisation governance principle in action.

¹⁹Kauzya, John Mary, Political Decentralization in Africa: Experiences of Uganda, Rwanda, and South Africa, December 2007.

CASE No 4: ANTI-CORRUPTION INITIATIVES AND THE OVERSIGHTROLE OF PARLIAMENT

Introduction

One of the most debated governance indicators is definitely the control of corruption. We shall examine different stages of corruption control, based on the most common forms of corruption and its control. We also look at the different players active in corruption control in Rwanda, including Government oversight, and the role of Parliament...

4. Corruption: the concept

Debates on the concept of corruption may not be easily fixed, when parties identify corruption characteristics and symptoms very differently. Each society defines corruption according to its own history, culture and socio-cultural context. As per the Centre for Democracy and Governance, corruption derives from two angles: institutional and societal. 'Corruption arises from *institutional attributes* of the state and *societal attitudes* towards formal political processes... Institutional attributes that encourage corruption lie in wide authority of the state, which offer significant opportunities for corruption, minimal accountability which reduces the cost of corrupt behaviour, and perverse incentives in government employment, which induces self-serving rather than public-serving behaviour. Societal attitudes fostering corruption include allegiance to personal loyalties over objectives rules, low legitimacy of government, and dominance of a political party or ruling elite over political and economic processes.'

4.1. Rwanda: a contextual approach

There are number of reports on the status of corruption in Rwanda, most of them tending to show that corruption in Rwanda is generally decreasing. Available evidence relating to the prosecution of corrupt officials and their accomplices show that there is a clear and strong will to fight corruption. If one compares Rwanda with neighbouring countries, empirical evidence shows that she scores high in terms of fighting corruption through concrete actions.

Efforts to fight corruption include institutional as well as societal reforms. Institutional reforms and measures include:

- Reduce government authority;
- Increase accountability;

- Align official incentives to public ends.

On the other hand, societal reforms imply measures to:

- Mobilise political will for anti-corruption reform;
- Inspire change of attitudes towards formal political processes.

To this end, tremendous efforts have been made in order to introduce and maintain such change.

4.2. Corruption and existing governance mechanisms

4.2.1. Main governance indicators

The Joint Governance Assessment (JGA) has set two main indicators for fighting corruption:

- Number of successful prosecutions as a percentage of cases reported to police and/or ombudsman;
- Comprehensive surveys of the incidence of corruption.

Their development process and level of stakeholders inclusiveness is described earlier, especially in the section on the JGA. Indicators influence policy development in the field of fighting corruption, as the results influence the orientation of an appropriate policy on the matter. Indeed, it is worth mentioning that the increase of cases reported to the Police and/or to the National Public Prosecution Authority may not be a reflection of an increase in the level of corruption. It is overwhelmingly assumed that the increase in the number of reported cases is due to following factors:

- The number of institutions put in place to dismantle corruption;
- An increasing awareness of the cost of corruption among Rwandans and consequently, more systematic denunciation of identified cases, not only by victims, but also by anyone else who witnesses corrupt practices.

4.2.2. Corruption control institutions

In order to further curb corruption practices and reinforce accountability within the public, as well as the private sector, a number of institutions have been created or reformed. These include:

4.2.2.1. National Privatisation Secretariat

In principle, when Government pulls out of economic activities, chances are that opportunities for recurrent corrupt dealings in sales, employment, procurement and financing contracts are limited. The

National Privatisation Secretariat was set up to carry out the ultimate form of public-private partnership of selling public properties where no strategic interest was at stake. Privatising public companies reduces the risk of embezzlement and corruption by management

4.2.2.2. Auditor General's Office

Transparency and oversight of government business are perceived to be sound governance indicators. Modern financial management systems improve accountability by enhancing transparency and oversight. This is what motivated the creation of the Auditor General's Office, an independent national institution entrusted with the audit of all government finances.

The Auditor General's Office was established in 1998 with a mandate to submit a complete report on the implementation of the State Budget of the previous year to both chambers of Parliament, annually. Other responsibilities of the AG include auditing revenues and expenditure of the State, as well as local government organs, public enterprises and parastatal organisations, privatised state enterprises; it also monitors joint ventures in which the State is participating, and checks whether government projects are managed in accordance with the laws and regulations of the country.

4.2.2.3. Office of the Ombudsman

The Office is an independent body which reports annually, cases of injustice, corruption and other related offences in public and private administration to the President of the Republic and to both chambers of Parliament. It also receives and examines complaints from individuals and institutions relating to corruption and related injustices. Finally, it receives asset declarations by the President of the Republic, the President of the Senate, the Speaker of the Chamber of Deputies, the President of the Supreme Court, the Prime Minister and other members of the Cabinet, Members of Parliament and other senior official in the Legislature, Executive and Judiciary. This exercise was further extended to all officials engaged in government procurement or finance dealings.

Surprisingly, since 2007 there has been a constant increase in the number of cases reported to the Ombudsman. This increase has not a result of the slow handling of cases or an increase in the occurrence of offences, as one might have thought. Instead, this is the result of an increase in citizens' trust and confidence in the system which encourages them to report abuses. The rate of reporting varies depending on the effectiveness of the prevention and control of corruption. The most

important indicator is the rate at which reported cases are handled effectively. Table 10 shows the rate of increase of reported cases to the Ombudsman.

Table 10: Rate of corruption cases reported to the Ombudsman (2004--2007)

Year	Cases reported	Handled	Sent to other institutions	Pending
2004	3924	71.00%	0.00%	29.00%
2005	3056	73.80%	2.30%	23,90%
2006	961	71.40%	0.00%	28,60%
2007	1099	65.60%	17.40%	17.00%

Source: Ombudsman's Office, *Regional form of strengthening public accountability and governance in East Africa, Kigali, 2008.*

4.3.2.4. Public Service Commission

Corruption was also identified in human resources recruitment and hiring processes. This motivated the establishment of the Public Service Commission, an independent public institution whose responsibilities, amongst others, is the recruitment and hiring of public servants in central Government and other public institutions, the appointment and promotion of qualifying candidates, and the establishment of an objective, impartial, transparent and equitable system of recruitment and hiring. The Constitution of Rwanda provides for specific protection of the Commission's personnel from any influence from public officials. They report to Parliament and the Cabinet.

4.3.2.5. Other corruption control mechanisms

In addition to the institutions described above that were set up in order to fight and/or prevent corrupt practices, other state revenue/expenditure institutions also saw their processes reformed so as to combat corruption more efficiently. Amongst these is the *Rwanda Revenue Authority (RRA)* which was created in 1997 with a mission to increase public revenue collection, while also enhancing transparency and reducing corruption. A strong code governs RRA operations, and it has been effective in curbing corrupt practices.

The *National Examination Council* was set up in order to offer equal opportunities to all children in schools. This Commission was established to prevent ills of the past, when the right to education was

denied to certain sectors of the population on ideological grounds. The Council has increased dramatically trust in the education system. Today, national examinations for Ordinary level (Tronc Commun) and Advanced level (Secondary 6) leavers offer the best chances of selection because only code numbers are marked on exams papers, so there is little chance of marks being manipulated, as candidates are not identified.

We have intentionally elaborated on these corruption control mechanisms in order to emphasise the institutional role of Government in preventing and fighting corruption – sometimes in quite atypical ways. This, together with very strict non-discriminatory handling of corruption cases has led to Rwanda adopting one unified stand on corruption: ‘*zero tolerance*’ which has spoken for itself!

All these institutions are the main sources of information to Parliament in matters regarding corruption control. Some of them report directly to Parliament (Ombudsman and Auditor General), while others are part of parliamentary oversight exercise, and may be summoned to Parliament to provide information when necessary.

4.4. Parliamentary corruption oversight

The Government of Rwanda, in its good governance programme, is committed to fighting corruption, and its mechanisms to do so have been used by some world bodies as accepted international standards. Likewise, a prime responsibility of the Rwandan Parliament is its oversight function in corruption control.

In a bid to successfully carry out its corruption oversight responsibility, Parliament put in place a legal framework to serve as the base for its action. For this purpose, laws were passed by the Parliament to deal with issues such as: *methods to obtain information during government oversight*,²⁰ *the organisation and functioning of the Office of the Ombudsman*,²¹ *the code of conduct of*

²⁰ Organic law no 03/02/2005 of 25/02/2005, determining the methods the Parliament uses to obtain information and exercises oversight of Government action.

²¹ Law no25/2003 of 15/08/2003 and Law no17/2005 of 18/08/2005 establishing the isationorganisation and functioning of the Office of the Ombudsman.

leadership,²² the punishment of corruption and other related offences,²³ and the establishment of the Auditor General of the State Finances.²⁴

As a matter of fact, governance indicators often refer to the number of legislative Acts passed by the country and international treaties ratified as accepted standards of good governance. It is, of course, arguable as to whether the *number* of Acts predominates the *quality* of these Acts and whether international treaties reflect local context. A debate has been prevailing in Rwanda in particular,, where the internal contextual environment often conflicts with international standards, especially in cases in which international standards were unable to solve issues related to particularities such as genocide perpetration and consequences (see *Gacaca* above).

According to the Rwandan legislation, both the Office of the Ombudsman and the Office of the State Finances Auditor General are among other high ranking officials accountable to Parliament. It is in this context and on the basis of reports submitted by both institutions, that the Parliament questions members of the Executive on issues of corruption. After the analysis of these reports and a comparison of achievements against identified indicators, the Parliament is able to question members of the Executive on ill findings, and require relevant authorities to take punitive action against officials implicated in mismanagement or corruption in their offices. This may even result in the impeachment of an errant Member of Cabinet.

According to Kalisa Evariste,²⁵ Parliament is used to ask members of the Cabinet to provide explanations on a number of cases including identified corrupt practices.

This MP's view was echoed by the US Department of State (2009:8) in its *2009 Investment Climate Statement*, which stated that the Rwandan Government maintains a consistent policy of combating corruption, and '*when corruption involves high-ranking officials, they are dismissed or prosecuted. Senior government officials take pride in Rwanda's reputation as being tough on corruption, and the Parliament takes an active role in investigating public officials accused of corruption*'.

²² Organic law no61/2008 of 10/09/2008 on the leadership code of conduct.

²³ Law no 23/ 2003 of 07/08/2003 related to the punishment of corruption and related offences.

²⁴ Law no05/98 of04/6/1998 relating to the establishment of the Office of Auditor General of the State Finances.

²⁵ Kalisa Evariste is Chairperson of the Parliamentary Commission for Human Rights and the Fight against Genocide; also 2nd Vice Chairperson of African Parliamentarian Network Against Corruption (APNAC)/Rwanda Chapter.

Every Tuesday in the Chamber of Deputies and every Thursday in the Senate, Government oversight activities are conducted. A number of Ministers have been impeached and others resigned because of the fear of impeachment by Parliament. It is important to note that the Rwandan Parliament joined the African Parliamentarian Network Against Corruption (APNAC) in January 2005.

The objectives of this important parliamentary forum (APNAC-RWANDA) include among others: building the capacity of Members of Parliament on issues related to fighting corruption; exchanging views and information with other state institutions and non-governmental organisations on the same issue; devising concrete corruption fighting strategies and projects; sensitising Members of Parliaments and the population at large on corruption control; conducting research on corruption and related crimes; and designing appropriate action to implement decisions taken in national or international conferences against corruption.

Conclusion

It is important to note with satisfaction the efforts currently being made by Rwanda as far as the fight against corruption is concerned. Parliament's endeavours to fight corruption are twofold: setting a legal framework, and overseeing Government in corruption-related matters. This parliamentary function has been paramount in helping to reformulate policies by the Executive, which carries out a more careful implementation of recommendations forwarded by the Parliament at the end of each oversight exercise. Therefore, this proves to be a living example of an excellent democratic governance indicator. However, Rwanda still has a long way to go in eradicating corruption because in the words of MP Kalisa '*corruption in Rwanda has a cultural base and is endemic in some social circles*'.

CASE No 5: THE HIGH REPRESENTATION OF WOMEN IN PARLIAMENT AND ITS IMPACT ON WOMEN'S LIVELIHOOD

Introduction

It is recognised that one of the striking governance indicators is gender equality, which comes as a corollary of equal opportunities for all citizens. Equality has been provided for in the Rwanda Constitution (2003) in Article 9, Section 4, which states, among other fundamental principles, to build

'a state governed by the rule of law, a pluralistic democratic government, equality of all Rwandans and between men and women reflected by ensuring that women are granted at least thirty percent (30%) of posts in decision-making organs'.

In order to implement that principle, Rwanda vowed to give women more room by providing women with their quota of positions in decision-making public institutions. Putting into force this constitutional provision and in a bid to ensure good governance, the Rwandan State became the first in the world to achieve a proportion of 48.8% of women in the former Parliamentary legislature (2003--2008) and 56.20% in the incumbent legislature (2008-- 2013).

5. Gender context in Rwanda

The Rwandan society, like many others, is patriarchal and is characterised by unequal power relations between men and women. Such a situation has led to gender imbalances and discrimination against women.

Gender-based discrimination and subsequent inequalities have been exacerbated by changes in the economic and social structures that were brought in by colonial rule. The abrupt shift from a subsistence to a monetary economy, based on paid employment and a formal education system, weakened women's position further. In particular, it weakened their bargaining position on matters concerning their access to, and control over resources and the degree of their participation in the development process (MIGEPROFE, 2003).

In the same development, gender imbalances and discrimination against women were shaped by the 1994 genocide against the Tutsi. Apart from a large number of victims of sexual violence (rape, sexual mutilation, etc.), a large number of women became widows and therefore heads of households. The unbalanced sex ratio is mirrored in a large proportion of female-headed households. In the EICV2 household survey, 28.2% of rural households were headed by women (Schindler, 2009). The period, post genocide, has also been characterised by women performing non-traditional roles such as decision-making, managing financial resources and building houses, activities for which they were ill prepared.

Among its development priorities, Government committed itself to promoting gender equality in all areas of development. To do this, they set up dedicated institutions such as the Ministry of Gender and Women's Promotion (1999) which has a clear mission to promote gender equality; they also adopted the Beijing Plan of Action and established the Beijing Conference follow-up committee, and in 1999 enacted laws on succession, liberalities and matrimonial regimes.

5.1. Overview on international gender indicators

In order to lay a platform for to enable an evaluation of Rwanda gender indicators in relation to women in Parliament, we briefly look at international gender governance indicators. *'Most indicators of democratic governance in poor countries have been developed by external stakeholders for the purpose of comparing and ranking nation states'* (UNDP, 2006). This holds for gender integration as a democratic governance indicator. Three main institutions are known for having developed and used a number of indicators to measure or assess gender integration progress in different countries.

International IDEA and Stockholm University:²⁶ These two institutions developed *'gender quotas indicators'* that cover such areas as the regulation and quotas for women in Parliament, political party quotas, and constitutional or legislative quotas. These indicators are used to monitor gender in most countries.

Inter-Parliamentary Union:²⁷ The Union developed indicators of *'gender quotas in Parliament'* which were used in 181 countries, comprising the percentage of women in Parliament, world and regional averages, regional assemblies and elections by country averages.

UNDP:²⁸ This body developed *'gender indicators'* which were used in 173 countries, and which covered positions held by women in Parliament, female legislators, senior officials and managers, female professional and technical workers and the ratio of female to male income levels.

These three main sources confirm that the rate of women in Parliament is a credible indicator of the gender equality principle.

²⁶UNDP, Sources for Democratic Governance Indicators,

²⁷Women in National Parliaments Statistical Archive, IPU (1997-2003)

²⁸Gender Empowerment Measure, UNDP (1995--2003).

Institutions such as the UN (UN 1995; 1990; 1989; UNDP, 1995), the Beijing Platform for Action (1995), CIDA (1996), and Commonwealth Secretariat (1996) developed other gender-related indicators of less importance for our study, like population households and family composition, marital status, fertility, learning in formal and non-formal education, labour-force participation, access to land, equipment and credit, and legal rights and political power. Many of these indicators were also used by the World Economic Forum on Global Gender Gap Report (2009) in their analysis of economic participation, educational, health and political empowerment. These indicators were disaggregated to allow a deeper analysis of gender equality. These indicators could serve other gender purposes.

Having said this, we posit that gender equality in Parliament is of paramount importance because, as a legislative organ, their participation is key to initiating and passing laws. It is common knowledge that, in many countries, gender imbalances were or are still structural and often legal-based, so we feel that our focus Parliament is fully justified, because it is a reflection of the extent to which both women and men are being given equal opportunities.

5.2. Gender monitoring indicators in Rwanda

Despite the above endeavours, there is very little literature on the types of indicators used to monitor the progress of gender integration on the one hand and, on the other hand, what effect a high representation of women in Parliament has on the livelihood of other women in Rwanda. In this case study, we attempt to fill in this gap by answering the following questions:

- Which indicators are used to monitor gender progress in Rwanda?
- If any, who contributed to their production?
- Who is using them and how does the high representation of women in the Parliament impact on the lives of other women in Rwanda?

5.3. Development and use of gender-sensitive indicators in Rwanda

As highlighted above, Rwanda today is said to be the first country to have the highest percentage of women in the Parliament. The Rwandan Government is committed to mainstreaming gender in all policies and programmes. This study endeavours, among other things, to examine whether Rwanda has developed home-grown indicators, or adopted indicators from elsewhere, to monitor the progress of gender integration.

It has been established through this study that there are no agreed upon indicators to assess gender integration. Apart from the Constitution of Rwanda (2003) which ensures a minimum of 30% of posts in decision-making positions are filled by women, there appears to be no coherent and comprehensive monitoring and evaluation of gender mainstreaming in policies and laws. In the words of a women's rights activist, Ingabire Marie Immaculee, *'We do not have a gender monitoring and evaluation framework. We expect the Gender Monitoring Office to help set up those indicators.'*

This was echoed by the Executive Secretary of the National Women Council who put it as follows: *'We have no indicators so far, apart from some [indicators] that appear in the Economic Development and Poverty Reduction Strategy (EDPRS), and in the National Gender Profile. We look forward to cooperating with the Ministry of Gender and the Gender Monitoring Office to develop those indicators very soon'*.

In this regard, the Executive Secretary of the Gender Monitoring Office, Niwemfura Acquiline, declared that developing gender equality indicators to monitor gender mainstreaming in development policies and instruments is most urgently needed.

In the same vein, in the March 2009 retreat, MIGEPROFE personnel and partners undertook to work on 'developing tools' including those for the monitoring and evaluation of gender integration (MIGEPROFE, 2009). They also pointed out the need for such locally developed indicators pertaining to the numbers of businesses run by women; the number of loans provided by microfinance institutions to women; the number of transformation and agro-processing units and seed multiplication cooperatives run by women; the number of women vocational centres in place; the number of girls sponsored to prevent educational drop out, etc.

The Rwandan Ministry of Gender and Family Promotion conducted a study on gender profile covering a period of three years (2005–2007), the results of which appeared in a report dated March 2009. The overall objective of this study was to provide MIGEPROFE with a document reflecting the equality and equity situation between men and women, for integration into the national development instruments. This profile assessed how gender is mainstreamed in the Constitution, Vision 2020, EDPRS, the national gender policy and the national decentralisation policy. The gender profile

focused on nine areas, each of which included a number of indicators disaggregated by sex (see Annexure 1).

It is worth noting that no participatory approach was used by the Ministry to develop these indicators. They were developed by consultants hired by the Ministry of Gender and Family Promotion. Most of the respondents who heard of this gender profile declared that they had not played any role in the development of the indicators included in the study. They did recognise that the results of the study had been presented to and validated by the stakeholders which included Civil society organisations, among which were women's organisations.

Lack of participation in the selection of indicators is a serious problem. Indeed, public participation was referred to by Beck (1999:40) as '*consultation on the part of governments with the public, including agencies in the public domain which deal with gender issues, such as women's organisations*', is '*one key to developing gender-sensitive indicators that are relevant to gender concerns*'. Ignoring wide consultations with all stakeholders is a critical shortfall.

5.4. Gender and legal instruments

The Constitution of the Republic of Rwanda offers in several sections specific provisions for gender equality, banning discrimination against women and fostering their inclusive participation in the country's development.²⁹ Further, a gender monitoring office has been provided for by the same law to monitor compliance with gender indicators and to submit recommendations for gender equality promotion and complementarity.³⁰

Other gender-sensitive legal provisions were put in place such as those relating to GACACA courts, which give the highest sentence to people convicted of rape or sexual torture (Category 1).³¹ Laws were passed which extended the rights of pregnant and breast-feeding mothers in the workplace (1997), protected women and children from violence (2001); amended inheritance laws, according equal rights to male and female children (2003), provided for the prevention and punishment of

²⁹ Constitution of the Republic of Rwanda, Art. 9, 11, 54...

³⁰ Constitution of the Republic of Rwanda, art. 185.

³¹ People suspected of genocide crimes have been divided into 3 categories based on the weight of each one's offences. Category ONE comprises the highest genocidaires mainly those who planned it and or played a key role in influencing ordinary citizens to commit murders on ethnic Tutsi victims.

gender-based violence (2008), stipulated responsibilities, and the organisation and function of the gender monitoring office (2007).

Policies were also put in place like Vision 2020, wherein gender is considered to be a cross-cutting issue; EDPRS enshrined principles of equality of chance, participation, and access to services and resources in all sectors; the national gender policy ensured that women and men have similar chances to access resources, property and services and their management, in all development domains. Further, the national decentralisation policy recognises that gender is one of the cross-cutting issues that affect people's livelihoods, as well as the entire socio-economic and political functioning of communities.

All these instruments are passed by Parliament and women parliamentarians had a very significant role in integrating the principle of gender equality in all of these. Their role has been so determinant that some of these instruments were delayed for the time necessary to make sure they complied with the gender equality principle, which considerably changed their peers' lives in the countryside.

5.5. Gender institutions in Rwanda

In order to render gender policies operational in Rwanda, a number of institutions were put in place such as the Ministry of Gender and Family Promotion whose mission is to promote gender equity, child rights and family development. The Gender Monitoring Office was instituted as the watchdog for gender policies. The National Women Council provided for by the Constitution is in charge of advocating women's rights as a specific and vulnerable group and is present from the national to the decentralised administrative levels.

Other public/private organisations are also in place for gender advocacy, such as the Forum for Rwanda Women Parliamentarians which is affiliated to the Rwandan Parliament and having as a its mission the promotion of gender equity, and equality between men and women in legislation, and government policies and programmes (FWPR, 2008). All these organisations play a very important role in the livelihood of ordinary women on their villages. Women parliamentarians, given their number, have been instrumental in setting up these institutions through lobbying, voting and instituting laws.

5.6. Development and use of gender indicators

The first attempt to have local gender related indicators was made by the Ministry of Gender and Family Promotion in its gender profile for Rwanda (2009).

We should remember that most of the institutions promoting gender integration are provided for in the Constitution which resulted from widely conducted public consultations. In fact, the Constitutional commission conducted consultations (2002--2003), throughout the country with the objective of collecting the population's ideas and opinions on the content of the Constitution. Consultations with civil society organisations served the same purpose.

As Gasamagera(2007:5) puts it, *'...to give the 2003 Constitution a new touch, the set-up commission tried to depart from the regular state of affairs, to include a broad-based inclusive participation in the constitution making process [...] A set of questionnaires were administered and were very useful for obtaining feedback from the population. Memoranda received from civil society groups across the country were also instrumental in ensuring that views of larger populations were collected.'*

We may conclude that gender equality institutions were put in place through popular participation.. Parliament operates more often than not through popular consultations. Thus, as far as other laws related to the promotion of gender equality are concerned, their development was participatory as well. Many interviewed representatives of civil society organisations, especially women's organisations, declared that they are used to being consulted by specific commissions of Parliament. This was confirmed by KALISA Evariste, a Member of Parliament who asserted that *'the civil society organisations, and sometimes the population are consulted prior to passing the laws'*.

However, in the words of one informant, *'we [civil society] are consulted only when the bill is not politically motivated. In case that it is, the law making becomes so fast that no opportunity is given to us for comment on the bill'*, adding that *'... or in that case, we were consulted but our comments not taken into account'*. Perhaps it is too much to expect all of their views to be reflected in the final product, as the consulting exercise denotes a participative approach that is commendable.

Regarding the use of gender-sensitive indicators, it is relevant to mention that since the results of the gender profile for Rwanda were disseminated in March 2009, no gender integration assessment, to our knowledge, has been conducted in Rwanda.

5.7. Impact of the high representation of women in the Rwandan Parliament

5.7.1. Women Parliamentarians' activism as law makers

As Claire Devlin and Robert Elgie (2008:7) put it: *'Given the activism of Rwandan women's groups and the high level of women's representation in the Chamber of Deputies, Rwanda provides an excellent case for examining the effect of women's parliamentary representation'*. The high representation of women in Parliament was observed mainly through the lenses of law making. Obviously, women have contributed both in initiating and voting draft laws in general and, particularly, those in favour of women's interests.

Three laws that were highlighted by most of informants are the law on prevention, protection and punishment of any gender-based violence; the law on nationality, and the law on identity cards. The law against any gender-based violence (GBV), promulgated on 10 October 2008, was initiated by the Rwandan Women Parliamentarians' Forum.

5.7.2. Women Parliamentarians and the law on gender-based violence

According to a women's rights activist, one Marie Immaculee, Ingabire, *'They [women parliamentarians] not only initiated it [law on GBV] but they also advocated and lobbied for it to be passed. I have no doubt that this law is a paramount instrument to curb GBV in Rwanda.'* In the same connection, according to UNIFEM in *The New Times* (a Rwandan daily newspaper), the draft law *'was prepared by the Forum for Rwandan Women Parliamentarians (RWPF) after a series of national consultations supported by UNIFEM and UNDP under the "Enhancing Protection from Gender Based Violence" project. The women parliamentarians met with various ministries, the public prosecution, and communities at the grass-roots level throughout Rwanda.'*

This law was worth being passed. A study quoted by the same daily revealed that out of 720 women interviewed nationwide, more than 50% of them have been assaulted by their male partners for not

preparing meals on time, more than 50% for suspected adultery, and a similarly large number had been raped during the 1994 Genocide.

During the presentation of the Bill, the Rwandan Forum of Women Parliamentarians quoted National Police statistics indicating that between 2002 and 2004, 6,440 GBV-related crimes were committed against women and children, and that between 75% and 80% of the victims were children under the age of 18 years.

The women parliamentarians highlighted the urgent need for this bill to address the high incidence of GBV, but also stated that GBV obstructs efforts to attain gender equality and is detrimental to development and security in Rwanda and in the region at large. Women parliamentarians were very instrumental in passing this law.

5.7.3. Women parliamentarians with other laws

Furthermore, women parliamentarians contributed significantly to the adoption of the law on nationality. They were especially active and productive on the provisions relating to the acquisition of Rwandan nationality for children born from a Rwandan woman and a foreign husband. Article 4 of the new law promulgated on 31 August 2005, provides that 'any child whose one of his or her parents is a Rwandan, is a Rwandan'.

This provision amends the prior one which stated that a child born to a Rwandan woman and a foreign husband was a foreigner until the age of 18 years. At this age the son or daughter was allowed to apply for Rwandan nationality. As the Executive Secretary of the National Women Council, Christine Tuyisengeputs it, *'This provision was stigmatising and discriminating against women. Women parliamentarians were therefore very committed and useful in the amendment of this provision and they were successful partly because of the high representation in the Parliament.'*

Another law referred to by the informants as an indicator of the impact of the high representation of women in Parliament was that on the identity card. In the former law, children were only allowed to be registered in the father's identity card but not in that of their mother. This law which discriminated against women's rights to children was another discriminatory laws which was amended either on the initiative of women parliamentarians, or through their active support.

5.7.4. Women parliamentarians and community sensitisation

Another area that respondents highlighted as being impacted by the high representation of women in Parliament was the sensitisation of the community in the general, and women in particular, to various issues. These include genocide ideology, gender-based violence, poverty alleviation, etc. They also, through the Forum of Women Parliamentarians of Rwanda, supported study tours for women from different districts of Rwanda; they cooperated with the Association of Women Survivors of the genocide-AVEGA Agahozo to visit and assist genocide orphans and widows; they also cooperated with other fora in activities geared to promote education for girls.

Three significant aspects of the impact of the high representation of women, apart from the above, should also be highlighted:

- Gender mainstreaming in legislation:
- Women parliamentarians through their forum gathered ideas and provided amendments to the Bill determining the responsibilities, and functioning of the Gender Monitoring Office. The Bill ended up becoming Law no.51/2007 of 20 October 2007 which stipulates the responsibilities and functioning of the Gender Monitoring Office in Rwanda.

The same forum conducted research on existing legislations which are gender blind, and compiled a data base of laws to be reviewed (for example, see the above 2 amended laws). See Section 5.7.5. Implementation of the GBV law

Not only do women parliamentarians vote in laws, but they also participate in sensitising people on their application, as well as overseeing their results. They were highly involved in initiating the process of the GBV law:

- In collaboration with male parliamentarians, the forum of women parliamentarians conducted field visits in various parts of the country in order to understand the nature and magnitude of gender-based violence, and then suggest viable strategies to curb it;
- They held a national workshop aimed at soliciting views in order to draft the Bill on gender-based violence;
- They contributed to the draft, adoption and passing of the law on gender-based violence.

This role of women parliamentarians was acknowledged by most respondents, including all of the representatives of women organisations which were interviewed. In the words of one of these representatives: *'In Rwanda, laws used to be made by men in general, and no attention was paid to*

gender balance. They were men-centred laws. Since the high representation of women in the Parliament, most laws are gender mainstreamed. This shift in the composition of lawmakers affects directly or indirectly, mostly positively, women's lives.'

5.7.6. Assessing gender equality in Rwanda

One point of interest was whether there have been any assessments on gender equality in Rwanda, and how Government has responded to these. To our knowledge, unfortunately, apart from the gender profile for Rwanda of 2007, no assessment has been conducted on gender equality in Rwanda by either a national or an international evaluator. Even the latest Global Gender Gap Report (2009) published by World Economic Forum, ranking the world's countries in terms of gender equality, does not mention Rwanda.

However, given noticeable achievements in the governance field and particularly in gender promotion, the current Leader of Rwanda, President Paul Kagame has received many awards, including the African Gender Award given every two years by the Geneva-based African NGO, Femmes Africa Solidarité (FAS), for Rwanda's achievements on women's issues.

5.8. Women parliamentarians under fire on gender- related law

As may be expected, all is not a bed of roses, and today women parliamentarians are under fire for a controversial law passed in May 2009. The new labour law, passed by Parliament after the 2003 elections, is one of the most controversial laws in Rwanda, and brought about ire from the public. As one respondent commented, *'since the law's promulgation, in most offices, either at the morning staff welcome or during the break time, the hottest discussions inevitably focus on the maternity leave issue provided for by the new law'*.

The new labour law stipulates in Article 64, that *'The mother with no maternity insurance coverage shall, during the first six weeks of her maternity leave, have the right to her entire salary. During the last six weeks of her maternity leave, she may resume her work and receive her full salary or else, have the right to twenty per cent of her salary [...if she decides to stay home].'*

This provision replaced the former law which provided for three months maternity leave, fully paid. It was highly controversial and people challenged the role of women parliamentarians. Most respondents blamed women parliamentarians for their failure to oppose the adoption and passing of a law which includes such a provision. *'This article brings shame on women parliamentarians. Either they are not independent or they are not fully knowledgeable of their mission. How come that such a discriminatory law was passed in parliament the majority of which is made by women? They failed and they really failed!'*, said one respondent to our interview.

The first failure of parliamentarians in general and female ones in particular was, according to one respondent, the fact that no transparent and constructive consultations were held with relevant stakeholders including women organisations, prior to the adoption of the Bill. One women's association representative puts it as follows: *'We were only called upon to attend a meeting which aimed at discussing the ways to be used to disseminate this law which was already promulgated. We were surprised and felt despised.'*

In the words of another respondent *'this law was politically motivated. It was made for investors at the expense of women in particular, and the entire family or household in one way or another. They [parliamentarians] were deliberately so speedy that they did not allow any critical debate on the bill. Even some of us who participated in some sessions, did not all understand what was happening. However, some women in Parliament tried to demonstrate the discriminatory nature of Article 64, all but fruitlessly. It looked as if it was an order from the Executive.'*

This statement was backed by another respondent who contended that *'I attended a session on the bill drafting. Then Deputy Speaker of the Chamber of Deputies came to tell us that the Head of the State had ordered the bill to be adopted for the sake of boosting investment.'*

Perceptions by some of the respondents have it that parliamentarians in general, and female ones in particular, are not independent and sometimes not concerned about the people. They argued that due to the fact that parliamentarians are nominated and listed by their political parties, but not directly elected by the population, they feel themselves accountable to their parties but not to the people. As one respondent put it, *'so they find it better to serve the party interests before those of the people'*.

However, it was established that women parliamentarians, instead of using their majority in the Parliament, supported the idea setting up a maternity insurance fund meant to cover the 80% of the salary to be deducted from a woman enjoying her maternity leave. The provision on such a fund was seen by some respondents, including the coordinator of the Forum of Women Parliamentarians, as an important contribution from women parliamentarians. According to a respondent, *'We [Rwanda] have to conciliate the necessity to boost investment and the right for mothers to enjoy maternity leave. So this is the happy medium.'*

Three major criticisms of women parliamentarians were repeatedly highlighted by respondents.

Firstly, it was argued that women parliamentarians did not collect views from women organisations, specifically on the provision relating to maternity leave.

Secondly, women parliamentarians did not use their majority to oppose this provision that some respondents termed 'anti-constitutional' given that Article 9, paragraph 4, of the Constitution stipulates: *'... equality of all Rwandans and between women and men reflected by ensuring that women are granted at least thirty per cent of posts in decision making organs'*

This adds to Section 3.17 of the National Gender Policy according to which *'Measures will be introduced to review and revise current legislation to integrate health-enhancing laws, for example better maternity leave allowances.'* and Law no. 59/2008 of 10 October 2008 on prevention and punishment of gender-based violence, which provides that *'upon delivery, a woman shall have the right to three (3) months maternity leave, and one hour per working day, agreed with the employer, to breast-feed her child for a period of twelve (12) months after maternity leave'* [Article8].

Thirdly, according to respondents, women parliamentarians did not use their majority to stop the law before the maternity insurance fund was set up and operational.

It therefore appears that this law, although passed, will still be subject to debate until a final compromise can be reached. Needless to say women parliamentarians will play a decisive role in these debates.

Conclusion

Gender equality has been defined as human rights, especially women's rights and economic development. It is also globally recognised that gender equality is an indicator of democratic governance. Some international bodies have developed indicators and have used them to monitor gender equality in different countries.

In Rwanda, with the exception of the Gender Profile for Rwanda developed by MIGEPROFE, no other framework for gender monitoring and evaluation existed. In addition to this, the development of indicators used in the Rwanda Gender Profile was not participatory, as neither civil society nor women's organisations were consulted.

It is, however, the role of the Gender Monitoring Office to develop such a framework. For a more meaningful gender equality index, the Gender Monitoring Office must consult the different stakeholders for their opinions and advice.

Rwanda has made tremendous efforts to promote women's participation in decision-making, and has the world record for the high representation of women in Parliament. This high representation has obviously impacted on law-making, from the initiation process through to the drafting and passing stages. They similarly share in other activities impacting positively on other women livelihoods, such as sensitisation, advocacy and strengthening institutions.

However, women parliamentarians have been criticised for defending their seats at the expense of the people they are supposed to represent. The reason for this stems from the fact that people vote for political parties rather than for individual parliamentarians. And the shortcoming of such an electoral system is that parliamentarians consider themselves more accountable to their parties than to their constituencies.

CASE No 6: LEGISLATION DEVELOPMENT AND PARTICIPATION OF STAKEHOLDERS

Introduction

Among governance indicators, one of the most striking is consultation with the citizenry in order for them to have their voices heard in all aspects of public life. Legislation is one of such aspects and citizens have the fundamental right to express their views on what is commonly called the political platform. We shall endeavour to review how governments, parliaments and citizens' organisations and individuals use governance indicators in relation to public participation in the legislation process.

6. Legislation in Rwanda Parliament

Following the formation of the first post-genocide government in 1994, a transitional Assembly was set up as one of the State organs. The 2003 parliamentary elections put an end to the transitional period, and initiated a bicameral Parliament comprising two chambers: the Chamber of Deputies (Lower Chamber) and the Senate (Upper Chamber).

The first term of the members of the Lower Chamber ended with the second post-genocide parliamentary elections in 2008, while that of the Upper Chamber will come to an end in 2011. In their capacity as representatives of the people, the parliamentarians' mission is to initiate, adopt and pass laws on the one hand, and to oversee the government action on the other hand.

6.1. Participation as a democratic governance indicator

According to UNDP (n.d.), one of the key indicators of democratic governance is citizen participation in policy and decision-making processes. Likewise, Braud (2006:567) argues that '*undertaking a legislative or a rules making process consists, first of all, in coordinating interventions of all the stakeholders (executive managers, cabinet ministers, experts, trade unions, social movements, associations, etc.) who, in one moment or another, permanently or occasionally, participate in the formulation or drafting of the bill or the proposal*'.

The purpose of this study is to examine the extent to which the parliamentarians interact with different stakeholders in the development of legislation. The law on the prevention and punishment of genocide ideology will be used as an illustration.

Democratic governance is founded on principles of '*participatory governance*'. This is a way to say that citizens not only have the right, but also the obligation, to participate in the structures and processes of government. It is simple to merely vote at election time and trust that elected representatives will act in the citizens best interests. Citizens need to be kept informed of the difficulties they encounter, and share their insights as to how these can best be addressed. Citizens cannot sit back and complain that government is not responding to their needs if they are not telling them what those needs are, and how they think these should be addressed.

Involving representatives of NGOs and the citizens as a whole in the process of decision- and law-making became common practice in the second half of the twentieth century in democratic societies.

According to Sauquet and Vielajus (2008), participatory governance implies consultations with the concerned parties, prior to taking any political decision or adopting an Act, and this is recognised as a functioning mechanism which leads to a higher quality of the adopted Acts and adds to the legitimacy of the decisions and governance as a whole.

The participation of citizens in the processes of decision-making is often criticised as being inconsistent with the representative democracy. According to BCNL³² (n.d.) *'this is not so because "participatory democracy" supplements representative democracy, instead of excluding or replacing it. A number of constitutions are quite explicit in stressing that people participate in the governance of a country also directly in addition to being represented by their elected representatives. Therefore, the political elections are not the only way by which people can impact the decision-making process.'*

The Canadian International Development Agency cited by Solidarity Centre (2006) in its *Gender Programming Manual*, developed participation indicators. These are grouped in two categories: quantitative and qualitative indicators. Among the quantitative indicators area set of rules that were developed in a participatory fashion with all members of the community. The main qualitative indicator deals with the stakeholders' perceptions of the levels of participation of the different groups through stages of the project cycles. Stakeholders could be asked to pin-point levels of participation on a scale of 1 to 5.

6.2. The law-making process in Rwanda

We need to look into the law-making process in order to assess the level of citizen participation. In Rwanda, like in many other countries, there are three ways a law can be initiated:

- Bills can be initiated by the Executive (cabinet);
- The lower chamber of Parliament may initiate a bill through individual MPs or a group of MPs;
- An individual citizen may introduce a bill proposal through his/her representative MP or a parliamentary committee.

Through a complex series of debates in committees and in plenary sessions of the lower chamber, normal laws are passed by the Chamber of Deputies. Specific laws are sent to the Upper Chamber where they are again debated in committees and plenary sessions before being passed and sent

³²Acronym for the Bulgarian Centre for Not-for-Profit Law.

back to Lower Chamber for harmonisation in joint committees or transmitted to the Executive for promulgation. Today there are still no indicators for citizen participation in this process. There is a need, therefore, to develop a framework or indicators to measure public participation.

6.3. Legislation development and Parliamentary interactions with other stakeholders

In Rwanda, as in many countries, laws are generally made by legislators who are representatives of the citizenry. Representation is customarily entrusted to legislators through election. However, as highlighted earlier, participatory governance implies that citizens still have a duty and a right to participate in decision and law making. The question is, to what extent should this participation be carried out.

Arguments differ, as those in favour of unbridled participation want citizens to participate in all legislation initiatives, in which case an MP is merely a delegate of the people. Contrary to this are those who argue that citizen participation should be minimal as MPs have been given the right to represent citizens and act on their behalf. Good disaggregated participation indicators should determine how often citizens should participate in the legislative process and how. Despite these controversies, we found it necessary that citizens should be involved in the development of policies and laws that have a direct impact on their daily lives (e.g. finance, culture, and ways of living) through public consultations and open debates.

In the field of legislation development, the law establishing internal rules of procedure of the Chamber of Deputies,³³ stipulates that *'through the Bureau of the Chamber of Deputies, a Committee may call upon a Minister, a Minister of State, any other person, body or any relevant institution to give their views on the draft bill under examination by the Committee'*.

In the light of this, the decision for participating citizens to have their views reflected in the draft Bill depends solely on parliamentarians. It is the same when a Government representative is shedding light on a draft Bill. Indeed, the adoption of their expressed opinions depends on the Committee's appreciation, sometimes submitted to vote by Committee members when no consensus is reached. Although this enhances the participative quality and the openness of debates, a presence without

³³ Article 114 of the Organic Law no. 06/2006 of 15 February 2006 established internal rules of procedure of the Chamber of Deputies.

deliberating powers may also discourage the citizen participation. Similarly, citizens may attend plenary sessions but are not given the floor to speak.

Further, the Constitution of the Republic of Rwanda does not specify precisely the direct role of the citizens in the law-making process; it however underscores a number of duties and rights of citizens as far as participation is concerned. For instance, Article 45 provides that '*All citizens have the right to participate in the government of the country, whether directly or through freely chosen representatives in accordance with the law. ...*'. Similarly, Article 48.2 stipulates that '*Every citizen has the right to defy orders received from his or her superior authority if the orders constitute a serious and manifest violation of human rights and public freedoms*'. It would be interesting to gauge how many times citizens exerted not only their physical participation rights, but also their effective interaction.

Similarly, the aforementioned law states that '*the plenary sitting of the Chamber shall be open to the public*'.³⁴ It is, however, understood that the public do not have the right to speak, and have to channel their views through one of the members or the Chair of the session by conveying a message to them (in writing, through the internet or any other electronic form likely to reach the addressee without disturbing the plenary session). Therefore, despite the above two Articles, it seems that (with the exception of being expressly consulted for opinion), there is no specific law defining the role that citizens should play in the legislative process in Rwanda.

Citizen participation in the development of vital policies or laws is critical for ownership and adhesion to such regulations. However, it is clear that none of the good governance mechanism (EDPRS, JGA) produced a single indicator of citizen participation in the legislative process as an indicator of good governance. In this regard, JGA did mention participation in general decision making, without specifying different levels and areas of decision making (e.g. local versus central government, policy and law making, the role of the private sector and civil society). In the same connection, JGA did focus on citizen participation in free and fair elections, and the role of political parties (political competition etc.).

We may conclude this section by highlighting the non-existence of legal instruments to regulate the role of different stakeholders in the law-making process. Similarly, we note that there are no models

³⁴ Article 24 of the Law establishing internal rules of procedure of the Chamber of Deputies.

developed internally to gauge the participation of citizens and other stakeholders in law making. To the best of our knowledge, there are no indicators developed and used to assess public participation in legislation in Rwanda. Only should note the existence of legal provisions on which one may base the development of such indicators. The information at our disposal did not reveal any assessment of stakeholder participation in the legislation in Rwanda, either by a national or a foreign evaluator,.

6.4. Citizen participation in the development of the law on genocide

6.4.1. The context

The genocide in 1994 claimed the lives of more than a million Tutsi and moderate Hutu. The new Government led by the Rwandese Patriotic Front committed itself to rebuilding the country; policies were designed and institutions were put in place to make the challenge of reconstruction become a reality. Despite their defeat, the forces responsible for the genocide, operating out of neighbouring countries, continued their genocidal acts, while at the same time nurturing the revival of genocide ideology within Rwandan society.

Between 1996 and 2001, these forces carried out lethal operations in Rwanda which led to considerable population displacement. Between 2002 and 2004, survivors of the genocide became the main target. Of these attacks. Drawing strength from various sympathisers, these individuals and groups had three objectives: pursuing their genocide agenda; exterminating witnesses who could give evidence against them in the Gacaca Courts, and fuelling an atmosphere of insecurity (Rwandan Senate Study, 2006).

Although Article 13 of the 2003 Constitution of the Republic of Rwanda stipulates that the crime of genocide, crimes against humanity and war crimes have no prescription period and that revisionism, and negating and trivialising genocide are punishable by the law, this seems to have done little to dissuade the genocidal forces who continued to kill genocide survivors and Gacaca courts witnesses.

In the wake of these killings, the Chamber of Deputies organised a special commission (January 2004) to investigate the continuing persecution and killing of survivors of the genocide, as well as the persistence of genocide ideology in the country.³⁵ At the end of June 2004, this commission

³⁵The Senate Research on Genocide Ideology and Strategies for its Eradication, The Senate, 2006.

submitted a report showing evidence of the persistence of genocide ideology in Rwanda, which was later corroborated in a report commissioned by the Senate (Rwandan Senate, 2006).³⁶ A law was therefore needed to prevent and punish such an ideology.

6.4.2. Assessing citizen participation in the development of the law against genocide ideology

The law relating to the crime of genocide ideology was initiated by the Chamber of Deputies in the Rwandan Parliament. As the initiator of the draft Bill, Parliament ensured active participation of representatives of major socio-professional categories of the Rwandan community. It is a good illustration of citizen participation in law making.

A number of stakeholders, including representatives from religious denominations, the National Commission against Genocide Ideology, genocide survivor associations such as IBUKA and AVEGA, Human Rights organisations, the National Commission for Unity and Reconciliation, the National Commission for Human Rights, the Institute of Research and Dialogue for Peace, media practitioners, etc. participated in the debate on the Bill.

Sabine Uwase, in charge of legal affairs and information within AVEGA confirms that *“We [women survivors’ associations] contributed actively to the development of that law as we met with the parliamentarians. We gave them our ideas on the bill, especially as regards the definition of the genocide ideology and its characteristics. We are satisfied because our contribution was taken into account in the law”*.

Furthermore, other stakeholders participated in the development of the law on genocide ideology through memos formally sent to the Commission for Human Rights and the fight against the genocide. In the words of Immaculee Mukankubito, second Deputy Director of IRDP,³⁷ *“IRDP participated in the development of the law on genocide ideology. IRDP organised a consultative meeting on the Bill on the punishment on the genocide ideology, following which a memo was sent to the Parliament. Although not all our propositions were considered by the Commission, we are happy that many of them appeared in the current law”*.

³⁶Interview with Evariste Kalisa, chairperson of the Parliament Human Rights Commission and the Fight against the Genocide.

³⁷IRDP is the acronym of the Institute of Research and Dialogue For Peace.

Another respondent who declared that his organisation is often consulted by different Parliamentary Committees regretted that their *'proposition on the clarification of the genocide ideology was not considered'* and as a consequence, the definition of the genocide ideology is *'too broad and vague that the law is even used by those in power to limit the freedom of expression, and therefore as a tool of political repression'*.

Although some stakeholders are not happy with a number of provisions of the law, the development of the law relating to the prevention and punishment of the genocide ideology was participatory in that many stakeholders were given a say and most of their opinions were considered in the final product. As may be expected, though, all opinions could not be reflected in the law.

Conclusion

Citizen participation in decision-making in general and in law-making in particular is globally considered to be an indicator of democratic governance. However, there seems to be no clear framework or indicators to measure public participation in law-making. In spite of this, it is worth mentioning that in Rwanda, the debates on the law on genocide ideology was participatory.

There is a real need to develop indicators of public participation in legislation development in Rwanda. Once these indicators are developed, they can be utilised regularly to assess public participation and therefore add more value to the law-making process.

GENERAL CONCLUSION

In the cases studied, all the stakeholders did not agree on some of the standard international governance indicators, which resulted in a lack of ownership. When developing governance indicators, foreign stakeholders reckoned that internationally recognised indicators should be used for credibility and recognition, while the GoR said that local realities should prevail as reality differed from

one country to the next. This called for the need to improve governance standards against which Rwanda could validly assess its governance issues.

During the assessment, one of the toughest challenges is to capture processes and results that are not quantifiable, yet are indispensable for good governance evaluation, such as trust, reconciliation and unity. The only way to assess these is through large-scale perception surveys, including advice from knowledgeable people, which introduces a remarkable bias in the sampling processes. Yet this is necessary and even useful when combined with more objective and measurable tools. Recently there has been a trend towards more ownership of the process by grassroots population, as much efforts have been made to treat them as partners, rather than beneficiaries.

Central government decided to embark on a decentralisation process in Rwanda; the question remains as what extent local leaders and Rwandan citizens have internalised this process and play their role. As for corruption, Parliamentary efforts to combat corruption are twofold: they have set a legal framework, and are overseeing government in corruption-related matters. It has been paramount to take stock of these controls and reformulate policies and implement recommendations at the end of each oversight exercise. This proves to be a living indicator of democratic governance. Parliamentary oversight of corruption in Rwanda may be perceived to be insufficiently sound, due to the fact that it is already established institutions, such as the Ombudsman and Auditor General's Office, that play a role on a daily basis. This is incorrect as they report to Parliament which also recommends prosecutions where needed.

Gender equality is recognised globally as an indicator of democratic governance. International indicators have been used to monitor gender equality; in Rwanda there is no other framework for gender monitoring and evaluation. The Gender Monitoring Office is expected to develop such a framework. In order to develop a better, more inclusive gender equality index, the Gender Monitoring Office should use a participatory methodology involving different stakeholders to collect the needed opinions and advice.

Furthermore, it was noted that Rwanda has made a tremendous effort to promote women's participation in decision-making, with a world record of high representation of women in Parliament. This high representation has obviously impacted on law-making. However, women have been criticised that they sometimes defend their parliamentary seats at the expense of the people they are

supposed to represent. It is believed that this is due to the fact that citizens vote for political parties rather than for individual parliamentarians. The shortcoming of such electoral system is that parliamentarians consider themselves more accountable to their parties than to their constituencies.

Citizens' participation in decision-making in general and in law-making in particular is considered globally to be an indicator of democratic governance. However, there seems to be no clear framework or indicators, internationally or in Rwanda, which can help to assess or measure public participation in law-making. In spite of this, it is worth mentioning that in Rwanda, an analysis of the development of the specific law on genocide ideology was proved that it was participatory.

There is a real need to develop indicators of public participation in the development of legislation in Rwanda. Once these indicators are developed, they should be used regularly to assess such participation and therefore inform the policy-making process.

JGA indicators were formulated locally and therefore more accepted by the GoR. If it is true that their development process was participatory, it is recommended that the reviewing process be extended to more stakeholders. The above case studies reveal that additional efforts should be deployed in order to bring more stakeholders to use these indicators in order to hold the government accountable. This would contribute greatly to building evidence-based and democratic governance.

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3. Law no. 59/2008 of 10 September 2008 on the prevention and punishment of gender-based violence.
4. Organic law no. 02/2005 of 18 March 2005 establishing rules of procedure of the Senate.

5. Organic law no. 06/2006 of 15 February 2006 establishing internal rules of procedure of the chamber of deputies in Parliament.
6. Law no. 18/2008 of 23 July 2008 relating to the punishment of the crime of genocide ideology.

Useful websites

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4. UNDP: www.undp.org/hdr2003/indicator/indic_207_1_1.html
5. *Oxford English Dictionary* 10th Edition.

ANNEXURES

ANNEXURE 1

Some areas covered by the Rwanda gender profile

- ✓ ***Gender, population and housing***
 - gender and population;

- gender and housing.

✓ ***Gender, economic activity, poverty and capacity building***

- international and national instruments for the reinforcement of the economic empowerment of women;
- gender profile in economic activity;
- gender and poverty;
- gender and credit.

✓ ***Gender, decision making and political participation***

- gender and decision making;
- gender and political participation.

✓ ***Gender, justice, human rights, reconciliation, security and information***

- gender and justice;
- gender and human rights;
- gender and reconciliation;
- gender and security;
- gender and information.

✓ ***Gender, education, science and technology***

- primary education;
- secondary school education;
- literacy;
- teachers' qualifications.

✓ ***Gender, health, water and sanitation***

- gender and health;
- gender, water and sanitation.

✓ ***Gender-based violence***

- identification of some forms of violence;
- sex-based discrimination in provinces.

✓ ***Gender, sports and culture***

- Sports;
- Culture.

ANNEXURE 2

List of persons interviewed for this study

1. BENINYA, Izabiliza, Profemme
2. BIRARO, Obadiah, Deputy Auditor General, Office of the Auditor General of State Finances
3. HABIMANA, André, EDPRS, MINECOFIN
4. Hon. KALISA, Evariste, Member of Parliament
5. INGABIRE, Marie, Immaculee (UNIFEM, and Profemmes,)
6. KABOYI, Benoit, Executive Secretary, IBUKA
7. MANZI, Eric, CESTRAR
8. MUFULUKE, Fred, MINALOC

9. MUPIGANYI, Appolinaire, Transparency Rwanda
10. MUTERAMBIRWA, Denise, Forum of Rwanda Women Parliamentarians
11. MUZIRANKONI, Doreen, Governance Advisor, DFID
12. NIWEMFURA, Acquiline, Executive Secretary, Gender Monitoring Office
13. NKUBITO, Eugene, UNDP
14. NKUNDIMANA, Abbes, CESTRAR
15. NYIRIBAKWE, Pascal, Executive secretary, LDGL
16. RUKUNDAKUVUGA, Francois, Regis, Supreme
17. RUTAZANA, Francine, ACORD RWANDA
18. SHINGIRO, UNDP
19. TUYISENGE, Christine, Executive Secretary, National Women's Council
20. UWASE, Sabine, AVEGA