

**DECENTRALIZATION AND HUMAN RIGHTS:
A SYSTEMIC APPROACH**

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ACRONYMS

CCA	Common Country Assessment
CCF	Common Country Framework
CBO	Community Based Organisations
HRBA	Human Rights-Based Approach
M&E	Monitoring and Evaluation
NEX	National Execution
NGO	Non-Government Organisation
NHRAP	National Human Rights Action Plan
PSD	Programme Support Document
ROAR	Results-Oriented Annual Report
SURF	Sub-Regional Facility
UDHR	Universal Declaration of Human Rights
UNDAF	United Nations Development Assistance Framework
UNDP	United Nations Development Programme
UNICEF	United Nations Infants and Children Emergency Fund
UNS	United Nations System

A HUMAN RIGHTS-BASED APPROACH TO DECENTRALISATION PROGRAMMING

Introduction

This paper offers recommendations for decentralisation programming in the context of mainstreaming human rights. It examines:

- the meaning, rationale, and significance of a human rights-based approach to development assistance as it applies to programming to support decentralisation and local government
- how to assure that the processes used in design and management of decentralisation support programmes are consistent with human rights principles
- how to assess consonance between decentralised governance systems and human rights criteria
- the role of UNDP Country Offices in support of decentralisation with reference to:
 - programme identification and design
 - implementation
 - monitoring and evaluation

What It Means to Take Human Rights-Based Approach to Decentralisation Programming

For UNDP to take a human rights-based approach (HRBA) to decentralisation programming means being guided by the principles, standards, and obligations stemming from the Universal Declaration of Human Rights (UDHR). These provide the basic criteria and goals of UNDP programme development and implementation.¹ Conferences in Paris, Vienna, and Tehran have elaborated on the values expressed by the UDHR that support principles of the indivisibility and interdependence of rights, of equality and non-discrimination, self-determination, inclusive participation, subsidiarity, consensual decision-making, transparency with accountability, and the rule of law. For countries adopting a human rights-based approach to decentralisation, these criteria and goals are augmented to greater or lesser degree by their constitutions, human rights laws, and declarations of national goals and values.

A human rights-based approach to decentralisation programming requires that the *process* of programme development, the *design* of the decentralisation process, and the practice of its *implementation* shall observe these values and principles, as shall also the structures and processes to be developed as the *form and practice* of decentralised governance.²

¹ Beyond the Declaration itself, which all UN member countries have adopted, there are the International Covenants: on Civil and Political Rights (adopted by 144 countries); on Economic, Social and Cultural Rights (142). And there are the conventions: on racial discrimination (155); on discrimination against women (165); on torture and other cruel, inhuman or degrading treatment or punishment (118); and on the rights of the child (191).

² Note that “decentralisation” here refers to the *process* by which decentralised governance is realised and “decentralized governance” is the *form and practice* of governance under consideration. Governance here means “the processes and institutions through which citizens and groups exercise their legal rights, meet their obligations and mediate their differences”. (Consultative Committee on Programme and Operational Questions. *Policy and Programme Matters: Governance*. Draft Matrix Governance. Geneva, 16th Session/2000, p.6.) There are many possible forms of decentralised governance and several interdependent dimensions, especially, fiscal-financial, political, and administrative.

The Rationale for Human Rights-Based Approach to Decentralisation Programming

There are good reasons why UNDP should review decentralisation support³ programming from a human rights perspective. Not least, UNDP is required to do so. The UN Charter mandates the achievement of fundamental human rights, subscribed to in the Universal Declaration, by all member nations. Moreover, the UN Secretary-General in his 1997 report on the reorganisation of the UN calls for all UNS agencies to be directed at the goal of promoting human rights.

Thus, we are required to ensure that concern for and sensitivity to human rights is well reflected in development programmes and that development efforts explicitly promote human rights and avoid their violation.

There is an obvious rationale behind the requirement. The articles of the Universal Declaration of Human Rights express norms of relating that are essential to a sustainable society. The realisation of these relational norms is a measure of both individual and societal development—the ultimate objective of UNDP programmes.

Decentralisation changes relationships within countries between people and between individuals and corporate and governance systems. The manner in which we design and implement support programmes expresses our relationship to agencies and people in the countries we serve. Thus, in both the form (structures and processes) and content (the focus of concern) of decentralised governance, as well as in the processes by which decentralized governance is brought into being, we should be concerned to model human rights-regarding behaviour and to promote human rights.

Most members have ratified the call for countries to establish legal frameworks for human rights enforcement. Thus, rights are internationally monitored and, in varying degrees, legally enforceable. This provides *legitimacy* for UNDP advocacy for a rights-based approach.

A human rights perspective highlights the *interconnectedness of the various aspects of concern with regard to the condition of people and communities*. For example, the rights of the child are clearly inseparable from women's rights, rights to health, education, livelihood, and so on. This gives emphasis to the need for strategic, coherent and mutually reinforcing programmes with components addressing the array of interrelated concerns.

A human rights-based approach offers a coherent framework for development assistance. It provides a framework for situation analysis and criteria for responding at all levels of the system—from micro to macro, local through international. The operational implications as they apply to decentralization support programmes are the subject of this document. Since country contexts vary considerably, these recommendations will need to be understood and adapted in light of specific country experience.

What Is Significant About Human Rights-Based Approach to Decentralization?

First, *a human rights-based approach to development translates needs into rights*. This is significant because *rights imply responsibilities* and raises the question “Who has what responsibilities for respecting, protecting, promoting and fulfilling these rights?” It is distinguished from a needs approach, which is motivated by simple compassion—an act of charity to “passive recipients of commodities and services” without reference to who might otherwise have responsibilities. It is distinctive in focusing on the claims of rights-holders and the responsibilities

³ UNDP programmes are *in support of* national decentralisation programmes.

of duty bearers. The HRBA moves beyond what has been characterized as a “band-aid” approach to systemic intervention to one that acknowledges our *responsibilities* to one another, individually and collectively, to secure the inalienable rights of all persons.

Second, the Universal Declaration of Human Rights (UDHR) provides the primary reference point and criteria for the pursuit of development and of sustainability. While the concept of basic needs focuses our attention on material needs, the Universal Declaration of Human Rights extends the range of our concerns to the realisation of the whole range of civil, political, economic, social and cultural needs as rights covered by the Declaration. In effect, it says that *human development consists in the realisation of these rights to all people. The realisation of these rights to all establishes the norms necessary for societal sustainability.*

Third, human dignity and self-determination are driving concerns of the UDHR. One effect of this is to shift the primary modality for technical co-operation away from prescriptive-advisory consulting to support for capacity development in which the client system holds responsibility for its decisions and for the management of its own change process. The emerging understanding of capacity development⁴ challenges us to apply new skills and new approaches to technical co-operation—especially for skills in process consultation. These new approaches will, of course, integrate and affirm current “best practice” but it will also transcend it.

Fourth, it becomes clear that human rights cannot be conferred or realised overnight, that their realisation implies significant shifts in societal norms that may need to take place progressively and over substantial periods of time. The understanding that rights need to be progressively realised needs to inform approaches to decentralisation. Not least, while participatory democracy might be the goal of decentralisation, it is essential to understand that there are degrees of participation⁵ and that a step-by-step approach to higher degrees of participation might be needed.

Fifth, as the interdependence of human rights is acknowledged, the need for multisectoral interventions, coordinated in design and implementation, becomes an acknowledged imperative and challenges country teams to find a new level of integration of agency operations.

While decentralized governance may be essential to the realisation of human rights, its emergence is itself dependent on some prior realisation of rights including:

- the right to life, liberty and security of person (Article 3 of UDHR)
- equality before the law (Article 7)
- freedom of opinion and expression (Article 19)
- freedom of peaceful assembly (Article 20)
- the right to take part in government (Article 21)

Taken together, these rights support the principle of the rule of law. Personal security, access to justice, and redress for violations of rights, especially those of non-discrimination and freedom of expression, are essential for decentralised participatory democracy—the ultimate goal of a rights-based decentralisation path. Similarly, basic economic, social and cultural rights are essential for meaningful civic and political participation. Embodying rights in laws to which responsibility holders are made accountable becomes a significant element of decentralisation strategies.

Overall, the values expressed by the UDHR, and the elaborations of these provided by the Paris, Vienna and Tehran conferences, on the one hand, define the values and principles that the design of decentralised governance should express and, on the other, they suggest rights necessary to proceed on a process of decentralisation.

⁴ See ref. [13]

⁵ See ref. [6]

The UDHR informs the subject matter of decision-making and action for decentralised governance.⁶ Approached through a human rights lens, decentralised governance will focus on such concerns as:

- the right to justice (Articles 6 through 12)
- the right to livelihood (Articles 23 and 25)
- the rights of women, children, minorities, disabled and elderly (Articles 16, 23 and 25)
- the right to safe and healthy working conditions (Article 23)
- the right to an adequate standard of living, including adequate food, housing, and clothing (Article 25)
- the right to health and education (Articles 25 and 26)
- the right to take part in cultural life (Article 27)

To take a human rights-based approach is to acknowledge the universality of life claims. The UDHR and its subsequent elaborations provide *a checklist of concerns to which the governance process should be sensitive*. They identify areas of concern that should receive specific attention in each local context that call for mechanisms for monitoring and response.

A human rights-based approach provides the rationale for decentralised governance affecting its design and operation, as well as for the design and management of the decentralisation process. It further calls for a new approach to situation assessment and strategic analysis⁷, and a new challenge in the coordination of both national and external agency roles.

Human Rights-Based Decentralisation Programming

In promoting decentralised governance, UNDP practice needs to reflect and model the relationships and values that it aims to promote. UNDP activities in this field will bear on several aspects of UNDP practice—its advocacy for decentralisation, the process and content of programme design, programme implementation, monitoring and evaluation. UNDP will also be concerned with the governance systems that result; how well their structures and processes reflect human rights concerns; how sensitive they are in their operation to human rights concerns; and, how effective they are in addressing these.

Human rights-based decentralisation programming is considered under the following headings:

- the programme identification process
- characteristics of human rights-based decentralized governance
- human rights-based design for decentralized governance
- human rights-based UNDP programme design
- the nature of UNDP support
- programme management
- performance monitoring and assessment

Criteria are proposed in Annex 3 for assessing coherence and completeness in the realisation of human rights-based principles. They are offered in tabular form summarizing points made in the

⁶ The UDHR provides the broad framework. Other instruments referred to above, international standards and national constitutional and legal instruments, as well as national policy declarations, provide more detailed and specific requirements. However, legislation will not cover all concerns for the condition of people and communities and such concern should be the point of departure for policy formulation.

⁷ This calls for separate guidelines.

text. A “quality assurance” checklist intended to prompt reflection about programme development, implementation and assessment is given in Annex 4.

A Human Rights-Based Programme Identification Process

This section considers the process by which a national programme of human rights-based decentralisation emerges and comes under attention for UNDP support.

Since a primary goal of decentralisation is participatory democracy, it is desirable to model the principles of participatory democracy in the process of programme formulation. This means both that UN agency programmes will be country-driven, in the degree appropriate and feasible, and that the national programme itself will be publicly owned. This has clear implications for UNDP activities.

The CCA process is an occasion for dialogue with government with regard to decentralisation. The CCA should consider the development of human rights-based governance as a strategic concern. The role of UNDP and UN agencies in advocating, promoting, and supporting decentralisation should be considered. The possibility of UNDP support for decentralisation may arise in the context of an existing country vision, commitment, and programme, or, in the absence to date of such a vision or commitment.

A human rights-based approach would offer support for strengthening the country’s own capacity to design and manage a process of decentralisation. Where appropriate, necessary, and requested, it would include support for a public visioning process. A clearly expressed publicly generated vision of the reform—the nature of the governance system to be realised and the values it will embody—provides both direction and the public engagement needed for ownership and legitimacy. Using a human rights-based approach, principles for the design of decentralised governance, and the process by which it is to be achieved, would emerge. Experience with public visioning work in several countries provides lessons about the requirements, possibilities and limitations of public forum processes. UNDP has a role in providing material and coaching support for a national team to facilitate the design and implementation process. UNDP needs to bring to the discussion of decentralisation a strategic sense of the developmental nature of the process.

The legitimacy of UNDP advocacy for decentralisation rests on its mandate to mainstream human rights—it is what UNDP is in business for—and on the country’s ratification of the Universal Declaration and its conventions. There is no legitimacy, however, for the advocacy of any specific forms of decentralisation.

Characteristics of Human Rights-Based Decentralised Governance

This section examines what should be expected of decentralised governance that is human rights-based.

Participatory decentralisation expresses the human rights principle of self-determination and is an end in itself. It is also the means to the realisation of political, social, and economic human rights goals that need to be addressed in policymaking and policy management systems at all levels of governance.⁸ The nature of public engagement in decision-making is a significant issue. The degree of participation is indicated by criteria such as: Are there voices and concerns that are not heard? Are some voices dominant? Does the decision-making process and outcome reflect a sense of respect for all legitimate interests? Who really makes the decisions?

Informed participation calls for the creation of roles for resource persons from NGOs, CBOs, universities and professional organisations as well as the private sector and the public

⁸ While decentralisation may be necessary for effective participation, it does not ensure it. See Annex 1 and references [3] (page 8), and [9] (page 2) for potential outcomes that do not advance participation or human rights generally. Programming needs to be aware of these and to aim to forestall them.

administration. Throughout, the government administration plays a critical role in convening the public discourse on the common good and as the guarantor of transparency.

Public engagement in discussions to identify concerns for people, communities, and environment is the start of a participatory planning process. This should lead to the formulation and prioritisation of objectives at levels from local to national. Such discussion would reveal the variety of local contexts and differences in the responses called for. It would provide a framework for analysis of the forces at work, the obligations of duty-bearers, and public consideration of community action. It would reveal the interdependence of rights and spur the search for synergy between the programmes of different agencies—local, national, and international.

Thus, human rights-based governance starts with an identification and assessment of the causes for concern about the condition of people and communities based on evidence about the human rights status for the whole range of human rights concerns. Where specific situations of concern lead to a statement of objectives and a decision to consider action, a “responsibilities” or (“duty-bearers”) analysis (such as UNICEF has used in promoting the rights of the child) should become a necessary part of the approach to policy and programme formulation.

Such an analysis will invariably identify actors whose behaviour could contribute to enhance the realisation of rights. It will also reveal the interdependence of rights. The rights of the child, for example, are dependent on the rights of women, the right to livelihood, to health, housing, education, all of which may depend on non-discrimination. This reveals the need for programmes in which several implementing agencies and other actors should contribute. Inter-agency coordination thus emerges from programme design.

Coordination of design and implementation is supported when funding allocations to implementing agencies are made from a single programme budget. When district development budgets are the budgets of inter-agency development programmes (rather than the sum of separate agency budgets), the roles of provincial and central ministries are changed. No longer are they directing district activities of centrally designed and budgeted sectoral programmes. In addition to their role in national policy management, ministries will also need to develop new roles in providing technical assistance to local programmes. Thus, decentralising governance implies changing roles at all levels not simply at the local level.

Hence, the overall process for planning and budgeting changes with human rights-based decentralised governance. Unless the national plan and budget comes together from both bottom-up and top-down, human rights-based decentralisation will not be effectively realised. This implies the need for processes to reconcile competing claims on resources at provincial and national levels. In its turn, this implies new responsibilities at the provincial level. All of this follows from, and is necessary to, a human rights-based approach to decentralisation. UNDP decentralisation support programmes may need to provide support for the change process at all levels of the governance system.

Human Rights-Based Design for Decentralised Governance

This section considers the following aspects of design: the concept or *vision* of the governance system aimed at; the way that its *form* is affected by the concerns that motivate the change; the relevance of the form pursued to the *history and culture* of the country.

While UNDP should not be responsible for the design of the national decentralisation programme and its specific objectives, it does have a responsibility for supporting programmes that are appropriately sensitive to context and for raising doubts when they are insensitive to context. The various rationales for decentralisation—explicit and implicit, singly or in combination—affect the way in which decentralisation is approached. Clarity and mutual understanding about the rationale for decentralisation, and the ability to help set objectives within the limits of what is appropriate and feasible, is key to the support role of UNDP.

A human rights-based vision of decentralisation: A human rights-based governance vision is one of subsidiarity, of inclusion, of mutual respect and regard, and of collective concern for human dignity and the realisation of personhood. Decentralisation expresses subsidiarity and concern for the dignity of the person in participating in the design of his/her own destiny. It becomes fully human rights-based when it is inclusive and non-discriminatory, equitable, and concerned for the acceptance of—accountability for—duty-bearers' obligations toward the realisation of personhood through respect for economic, social and cultural rights.

However, visions of decentralised governance vary. Not all visions will be appropriate or feasible as the next stage in governance development.⁹ Cultural sensitivity is required precisely because governance change advances in a step-by-step process. Attempts to take premature steps risks the reversal of decentralisation and the rights it realises. As with human rights generally, human rights-based decentralisation will be subject to progressive realisation.¹⁰

Government interest in pursuing decentralisation needs to be explicit to ensure that the goals and vision of decentralisation are shared and that UNDP support for decentralisation promotes what UNDP is in business to promote. Government's interest in decentralisation may have its own domestic origins or it may have been prompted by external stimulus, including advocacy by UNDP. UNDP's interest is in promoting sustainable human development—for which the realisation of human rights is a precondition.

Decentralisation may be pursued as a path towards the strengthening of statehood where ethnic or religious differences threaten the integrity of the state. Strengthening of statehood is not necessarily either a motive for, or a consequence of, the conferring of a degree of autonomy, but a federal governance structure that allows a degree of autonomy to its regions may deflect demands for secession or create a nation out of separate principalities without coercion. From a human rights perspective, it is important that there be national accountability for the respect, protection, promotion, and realisation of human rights at the local level.

Governments that have ratified human rights conventions are under treaty obligations that may argue for decentralisation as a strategy for meeting them. Enhancement of political rights, especially, may be a prime objective of decentralisation and a topic of advocacy by UNDP and other agencies. Different agencies, both multilateral and bilateral, will come with their own vision of what forms best fulfil these rights. UNDP can support the host country to reflect on alternative visions, philosophies and institutional designs as these relate to the national vision.

Donors have diagnosed lack of local administrative capacity to identify and implement locally relevant programmes as an obstacle to development. Thus, decentralisation is seen as a programme for local government administrative capacity development. However, this may lead simply to a programme for administrative deconcentration rather than a path to participatory governance and subsidiarity. Even where devolution of powers is envisaged, participation may not be a goal and it can easily become a means of shifting responsibilities that central government cannot meet—perhaps through lack of resources—to the local level where, similarly constrained, they may be even less well met.

A significant human rights concern is the availability and quality of public services. Much local government activity has been devoted to the improvement of local services, sometimes through

⁹ Different countries are at different stages on the path of governance development. This seems readily evident from consideration of, say, Somalia, Afghanistan, South Africa (with its many different cultures), Uganda, Thailand or India.

¹⁰ However, the concept of progressive realisation is meant to acknowledge that there is a development trajectory and that there are limits in any situation to what is possible as the immediate next step. It recognises the complexity of whole legal, administrative, judicial, fiscal-financial, multicultural systems and societal change. It is not meant to be an excuse for not identifying and aiming at that limit. And it certainly is not an argument for tackling the whole system by piecemeal projects. It argues for sustained strategic intervention.

privatisation, emphasising attempts to ensure feedback and accountability from those served. Whatever the merits of these attempts, especially from a human rights perspective¹¹, a simple focus on the commendable objective of improving services—government or private—runs the risk of diverting attention from the goal of participatory governance and the wider role of public administration as convener of the dialogue on the public good and actions to pursue it.¹² The risk arises when donors focus attention on services as the only appropriate response to concerns—health and education, especially—and when elected councils and their constituents have little role in the design of programmes presented for approval by local administrations.

In recent years, area level programming has been adopted for the attack on poverty. This recognizes both the specificity of the concerns and potentials of different areas and the need to engage people in addressing their own concerns. This is an appropriate focus of decentralisation. However, there is a possible tension here between getting results in poverty reduction and establishing governance processes for the longer run—a potential conflict in the choice of advancing economic and social rights rather than political and civil rights. But tension is most likely to stem from donors' concerns to show results. UNDP has an obligation to use the opportunity to support governance enhancement—with discernment about immediate priorities—and to avoid any conflict of interest it may have in reporting short-term results. The aim should be “both/and”. Thus, the local administration might be coached in its role of supporting participatory programme identification and design.

In some situations, there will be a focus on local urban government rather than, or in addition to, national decentralised structures. Attempts to improve urban governance are commonly motivated directly by human rights-based concerns around the condition of people and environment. Considerations that apply to decentralisation have general application also to strengthening urban governance. Decentralisation to urban authority can set a pattern and provide learning relevant to nation-wide decentralisation.¹³

Forms of participatory democracy: All governance reform is concerned with the achievement of progress towards an ideal system of governance. Yet donor agencies and countries differ considerably in their visions of this ideal. UNDP has a role in supporting countries in reflective discernment about the direction they wish to take. It has a role in noting where contributions by different agencies are incompatible. This easily happens when components of a decentralisation programme are drawn from different countries—Dutch, French, German, Swiss, British, and American models are among those that do not always work well together.

Where participation is seen simply in terms of elected councils, service delivery, and transparency and accountability to those served, concern for governance as an inclusive forum for decision-making about the common good and community self-help is in danger of being neglected.

Designing forms that build on context: Decentralisation changes the architecture of relationships. It implies a shift in norms and the values they reflect. Such changes cannot be achieved simply by edict or legislation, much as legislation may be necessary to induce change and provide for accountability. Nor can changes in relational norms be assumed to follow when new institutional designs demand them. Consequently, attempts to adopt governance patterns as ready-made whole systems copied from other contexts are unlikely to succeed.

Decentralisation can have the effect of increasing the power of local power holders and an increase in violation of human rights. Not least, it can create a new class of power holders if local

¹¹ Privatisation does not ensure subsidiarity.

¹² These concerns make demands on the awareness that UNDP can bring to bear with regard to leading edge thinking on democratic public administration. See e.g., ref. [14]

¹³ The LIFE programme offers examples of approaches of community self-caring not oriented to dependency on infrastructure and on donors to provide it. [7]

officials—elected as well as appointed—are not fully accountable and truly expressing the consensus of the people. These considerations call for attention to the risks inherent in specific situations, and to the need for decentralisation strategies and processes that mitigate these effects.

Because each country is at its own stage in its development, change needs to evolve from its own cultural and historical context, and its own institutions. These are the starting points for progress and the determinants for what might be achieved in the short run.

Special considerations apply in countries that have deeply rooted patterns of leadership and authority and traditional patterns of decision-making. Complexity is added when different patterns in different areas of a country require harmonization within a national framework of decision-making. Here, the right to cultural expression, the functionality of existing systems, and the consequences of their erosion come into view. Different forms may co-exist between local levels provided that they are compatible at their interface with higher levels of government.

UNDP has a responsibility for supporting a process of self-determination that seeks to respect and build on these differences. In this regard, UNDP needs access to consultants competent to bring a broad perspective on governance systems (rather than expertise in a specific model) and a professional ability to support a reflective process that assists the country to generate its own visions and choices from its own culture and history.

Most important is the concept of embarking on a path of constructive next steps rather than attempting to realise in one leap a presumed ideal state for which the country is not ready. In this connection, it should be noted that different arrangements allow different degrees of control by participants and project/programme managers. The appropriate degree to which control is shared will be different for different situations.¹⁴

The major theme raised here is that of finding appropriate next steps on the path to fully participatory decentralised governance in forms appropriate to the country. (In this connection, deconcentration¹⁵—or devolution—may, or may not, be appropriate to promote as the next steps towards decentralised participatory governance.¹⁶ Of no less importance is increasing the range of human rights of concern in the governance policy and programme agenda. Governance discourse should show sensitivity and responsiveness to the full range of human rights concerns even as some receive priority attention. Sensitivity requires effective monitoring of human rights and responsiveness needs to be supported by effective accountability provisions. All branches and levels of government and civil society have roles in monitoring, responsiveness and accountability and there is a vital role for a national human rights institution—commission or ombudsman. Support for decentralisation cannot be seen as separate from building all parts of this system. Whatever the stage of progress toward decentralisation, increasing awareness of the scope of, and sensitivity to, human rights concerns will be a primary goal.

Human Rights-Based UNDP Programme Design

This section considers the characteristics of human rights-based UNDP support programmes. Previous sections have laid out the rationale for these characteristics and the concerns that they address are necessarily referred to again.

Given the above considerations, human rights-sensitive UNDP programmes will be:

- human rights-based in rationale, objectives, and method

¹⁴ See ref. [6]

¹⁵ Deconcentration is the transfer of power to local offices of the central government. Devolution is the transfer of power to subnational political entities.

¹⁶ Crook et al. see deconcentration as a necessary first phase of decentralisation for Zambia, prior to devolution. [1]

- designed to support development of the country's capacity to develop its own national governance reform programme and, to the degree appropriate in the country context, through a participatory process
- designed as learning programmes in which the country self-organises its own reforms with outside support as requested
- evolving and strategic rather than predefined
 - designed to support changes in roles and norms
 - concerned to lay the groundwork and provide the necessary preconditions for decentralisation
 - systemic in scope

Human rights-based

The Programme Support Document (PSD) will reflect an explicit human rights-based rationale, objectives and method. UNDP will support programmes that advance a country on the path to participatory governance that attends to the full range of concerns regarding the condition of people and communities when seen through a *human rights lens*.

Mechanisms for observing, reporting and analysing the many dimensions of human rights status need to be built into the governance system together with response and accountability mechanisms.

Designed to support country's self-reorganisation

Given that the CCA-UNDAF-CCF process indicates UNDP support for a national decentralisation programme, the PSD process itself should be the occasion for securing country ownership for self-organising change. The support programme will place particular emphasis on coaching for self-reorganisation and the avoidance of prescriptive expertise. It will support capacity development for new governance systems. Expertise will be provided in process consultation mode as a resource to national design and change facilitation teams. UNDP and its consultants will have no implementing responsibility. UNDP responsibility will be for *on-the-job coaching*¹⁷ and *reporting for quality control*, for delivering *material support* as agreed, for its role in *monitoring and evaluation*, and for *maintaining evolving mutual understandings with the client entity*.¹⁸

Built-in learning

Programmes will be designed to support the country in a step-by-step learning process. They will provide for UNDP responses to the needs of the succession of activities called for as these become identified as new programme components. The change programme will unfold according to an initial strategy subject to continuous review.¹⁹

Evolving and strategic²⁰

"Plans for decentralisation should be strategic rather than predefined."²¹

¹⁷ Coaching teams to play their roles in managing participatory processes and in supporting shifts in governance processes, roles, and norms implies considerably more than training them in facilitation skills. It requires coaching them to act as process consultants and developing such skills as, for example, duty-bearers analysis. In this context, too, it implies developing human rights awareness and sensitivity.

¹⁸ See ref. [5]

¹⁹ See ref. [5]

²⁰ These notes refer to strategy with reference to the process of promoting decentralized governance. Strategies for promoting human rights that might be adopted by decentralized governance raise different concerns. But they, too, must account for the interdependence of rights. Strategy here is, in part, about the priority to accord to each concern for rights deprivation in order to make progress with the whole and, in part, about the degree of deprivation represented by each and our compassionate response to it.

This applies both to national decentralisation plans and to UNDP support. UNDP support will be programme support. This means that the initial elements of the programme will be defined along with clearly specified activities and performance criteria. For the rest however, there will simply be acknowledgement of the broad strategy to be followed, the scope of assistance envisaged, and clarity about how UNDP will stay in touch with and respond to evolving needs.

New systems need to be good enough to avoid co-option or breakdown of local governance. The systems and competencies required for the protection of human rights in the operation of decentralised governance need to be developed strategically and with an understanding of the sequences involved.²² UNDP will be concerned to ensure that the human rights preconditions for decentralisation are adequately protected. Of particular concern is the risk that local power holders will control the participatory process and that human rights abuses will increase. UNDP has a responsibility for making its own assessment in regard to these matters. It will wish to ensure that the competencies required by those undertaking new roles—both in the reform process and as a consequence of decentralisation—are adequately developed. Inadequate accountability systems and proficiencies have led to the failure of decentralised governance and a return to central government control. However, people become proficient only by taking responsibility and practicing their role. This calls for oversight, not control.

The development of legal and accountability frameworks is likely to be a key element of a decentralisation strategy. While there are limits to what legislation can do to assure human rights, the determination and enforcement of requirements and prohibitions may do much to support progress and shift both actual and expected behaviour. Existing frameworks—constitutions, human rights laws, treaty obligations, as well as national declarations endorsing community values, group rights, development objectives etc.—should be used to the full.

A national human rights institution (a commission or ombudsman) is a potentially important—and ultimately vital—element in a human rights accountability system. Support for the development of its capacity to deal with issues arising from decentralisation, for its civil society underpinnings, and for the capacity of parliamentary, judicial, and administrative response, may all be strategically significant to the decentralisation process.

Designed to support changes in roles and norms

There will be explicit awareness that a move to decentralised participatory governance requires changes in roles and norms.²³ Strategies will reflect understanding of the dynamics of values shift and the requirements of incremental steps on the path of change. The role of, and support for, leadership in bringing about these changes will be a focus of attention.²⁴ Changes in roles and norms requires education and public awareness programmes. These need to be informed by an understanding of the dynamics of values shift and how this can be used to identify and transcend current values. Leadership coaching may well be appropriate and needs to be similarly informed.

²¹ See ref. [8] p.17.

²² Several rights are preconditions of participatory democracy including freedom of speech, and assembly, and freedom from discrimination. Systems that need to be developed are likely to include a “human rights system”—a Human Rights Commission or Ombudsman’s Office underpinned by civil society and administrative reporting structures and linked to parliament, cabinet and president’s office by processes for accountability. Accountability systems generally, including an office of public audit, also need to be put in place.

²³ For example, in Africa, the roles of chiefs are likely to change. They may still play valuable roles but the new relations between chiefs and citizens will call for changes in attitudes and relational behaviour that need to be directly supported. Changes in the way in which officials and public relate will call for similar attention

²⁴ This implies the application of values analysis technology that is available although it is believed to have not been used by UNDP.

Awareness of the implications of decentralised governance for the redistribution of power and influence and of how this might be accommodated may not be explicit in the PSD but it should be a clear requirement of the consultant's task.²⁵

Laying the groundwork

UNDP's contribution to assessing the scope of a programme to support decentralisation needs to be informed by an awareness of preconditions for decentralisation, especially those relating to human rights and the capacity for financial management and accountability. UNDP's contribution is to bring experience and key questions offered in discussion, rather than prescriptive advice on what should be done.

Systemic

Decentralisation has systemic impact. Change at the local level will be counterproductive if the adaptive changes needed in central and middle level governance are not simultaneously addressed. There will be a need, too, to engage with many ministries and agencies at all government levels, as well as with civil society and the private sector, with complementary upstream and downstream activity.²⁶ Parallel projects—e.g. for the reform of ministries—should not proceed independently. The strengthening of the human rights system²⁷ is likely to be an element in an overall programme.

A decentralised system of governance may need to be put in place piece by piece. A strategy of starting with pilot provinces and districts and gradually extending to the rest of the country is all but inevitable given:

- the lack, in most cases, of sufficient resources to support the needed changes simultaneously countrywide
- the burden of development tasks imposed on an already overworked public sector
- the need to test new processes

This implies initially operating parallel processes. This increases the burden on the public service and it might need to be supported through the transition. There is a danger that the neglect of functions because of administrative overload will bear on those with little voice and greatest need. How best to deal with overload may be an important question. This is not a good time for downsizing the public sector. Temporary inequities may be inevitable with some areas being favoured with a larger share of resources. This, and the desirability of a commitment to give special attention later to currently relatively neglected areas, needs to be publicly acknowledged. However, to use concern for equity as an argument for proceeding with decentralisation countrywide could spread resources too thinly to the point of failure. As a partner in the decentralisation process, UNDP should bring an awareness of such specific concerns to government and guide its own actions accordingly.

System coherence does not require absolute conformity by all areas to standard procedures. Standardization is required where necessary to provide comparability for aggregative consistency. Given this necessary conformity, provinces and districts should be encouraged to

²⁵ This document assumes that consultants will be used to provide expert experience and coaching for nationals responsible for managing the change process. The CO is assumed to have an overall directive role, which, however, requires a level of professional understanding of the decentralisation task. Opportunity should be taken to learn from consultants and for CO capacity development, but it is critical for UNDP to have a credible independent view and the ability to say what is expected of consultants.

²⁶ LIFE programmes model an iterative process for an upstream-downstream-upstream pattern of change.

[7]
²⁷ That is, a national human rights institution, civil society capacity to underpin it, and institutionalized mechanisms for securing accountability.

develop procedures that suit them while providing for their evaluation and for exchange of experience.

The Nature of Support Offered by UNDP

This section looks at PSDs for UNDP support for human rights-based decentralisation.

UNDP's role is in support of national capacity development. Support for the development of capacity for self-reorganisation has implications for the PSD with regard to the resources supplied, the objectives and activities pursued, the management structure for the support programme, and for the drafting of the PSD. Responsibility for managing the change process will necessarily rest with the country and this may require the creation of a national change management support unit. Process consultation for setting this up, for team-building and on-the-job coaching for the team, is likely to be the key programme element. What is then required is core support for the continued operation of the team and underwriting of specific capacity development activities, as and when these become defined and requested by government.²⁸

Thus, PSDs will not have a fully predefined set of activities to be carried out at specified times. Decentralisation changes the roles not only of those in the local areas, but also those in central and middle level tiers of the governance system. It is important to envisage support for intervention at all levels²⁹ and engagement of all actors—including NGOs, CBOs, universities and the private sector. A need for a national programme for legislation is likely; and public education is almost certain to be a component of a national programme. Modelling and coaching for “responsibilities” (duty-bearers) and systems analysis (undertaken by groups) is also likely to be necessary.

Support for decentralisation does not mean simply support for local activities. Both upstream and downstream programme components should be envisaged. This is essential with regard to the inevitable redesign of the policy-planning-programming-budgeting system and changes in the roles of middle-level and central agencies.

Human rights are interdependent and action to realise human rights may need to be multi-sectoral and call for focused efforts by several external, as well as national, agencies. This places a special responsibility on UNDP for the co-ordination in the design and implementation of agency programmes. UN agencies may need to focus at an area level and it may be important for several agencies to work in the same area. Thus, the UNDAF would need to identify complementary roles for each of the UNS agencies and a *strategic geographic focus of activities*. The UNDP has a role in mediating with government and the agencies with regard to determining geographical areas of specific focus. PSDs will note arrangements for agency coordination.

The UNDP has a role, too, in supporting government to secure coordination of, and consistency between, other external agency programmes. (This might mean UNDP taking a secretarial role in a country-led donor partnership forum as it has, for example, in Malawi.)

Responsibility for the design of the national decentralisation programme rests with the country and UNDP's task is to support the development of the country's capacity to undertake that task. But UNDP will wish to be in a position to exchange with government its informed assessment of progress and concerns it may have with regard to aspects of the programme it perceives as being in need of attention. Not least, these should include human rights-based concerns. Routine provision should be made in the PSD for exchanges with government on these matters.

²⁸ Ref. [5] deals with the rationale for this and consideration of how it should be set up.

²⁹ And for the processes for the interaction between levels. This is a matter of defining who does what in decision-action processes—*not simply defining functions*—and supporting people to take up their roles. See [5] p. 54.

Human rights considerations support self-determination (and therefore the need for capacity development) and call for national execution of programmes. National capacity is needed for national execution and the PSD may need to include support to develop this.³⁰

The completion of even a first round of a decentralisation process could take years. It is important to specify the achievements that will constitute completion of that first round and it is appropriate that UNDP express an intent to continue support for decentralisation until those achievements are realised—subject, of course, to an evident commitment by government also to continue to pursue the programme.

Programme Management Considerations

This section considers points to attend to with regard to programme management.

Most of these concerns would be valid for programmes without a human rights-based focus. However, they are noted here because human rights-based concerns will not be effectively addressed if they are not attended to.

Support for capacity development for decentralisation calls for programmes whose specific content evolves as decision-action processes are redesigned, as roles are re-allocated, and as the need to develop competencies and support people in taking up new roles becomes defined. This implies a deep engagement and continuing dialogue with government and a deal of patience and flexibility, as well as responsiveness, by both government and UNDP, to evolving programme needs. It also requires mutual accountability. It requires commitment by both parties to be responsive to the continuously learned requirements of the programme—on government's part, it requires the exercise of "political will".

Even where the programme is directly serving the Office of the President, Parliament, and the Cabinet as joint clients³¹, and even where there is strong commitment to human rights-based decentralisation, there may be reluctance by some parties to act as needed to effect change. Decentralising governance implies redistributing power and influence. Consultant's skills with approaches to easing shifts in the distribution of power are called for. Resistance to change may be unavoidable, but countries are sensitive to the regard of the international community, especially on human rights issues, and may find this reason enough to act even in difficult circumstances if that regard is in question.

Programme support implies mutual UNDP-government obligations of a contractual nature and, in a learning programme such as a self-reorganising programme for decentralisation must be, there needs to be a continuing review of necessarily evolving mutual expectations. Maintaining that review on a regular basis ensures that the expectations gap is held to a minimum.

The role of the Country Office in ensuring that the UNDP support programme is serving the *appropriate primary client* (or joint clients i.e. the persons or entities that have the mandate and authority for conducting the change process) is critical. The nature of the *mandate for the change process* and the *authority to pursue it* will determine the potential for success of the country's decentralisation programme.³² A working partnership and clear understandings between the UNDP and the client system are vital to supporting this and the Country Office bears

³⁰ In one country, an appropriate need for budget reallocation under NEX was pursued not by provisions for this but by undeclared misrepresentations of how cash was spent. This led to a misplaced suspicion of wrongdoing and consideration of ending NEX—this in spite of assistance to financial management because expatriate assistance was perceived to be playing a policing function and not trusted to understand or find a way to do what was needed.

³¹ Such high level joint clients are likely to be essential for the effective execution of a decentralisation programme. Overall responsibility will need to be above the ministries of finance and interior, especially, and the civil service.

³² See ref. [5]

responsibility for appraising the viability of arrangements for the management of both the country programme and the UNS support components.

Maintaining informed oversight of the UNDP (and national) programme will make a major demand on senior Country Office officials. One aspect of this will be in maintaining oversight of the work of consultants engaged in the programme. This will include identifying and briefing consultants who have the required process consultation competencies, a human rights-based decentralisation orientation and awareness, and relevant substantive experience and expertise.³³ Briefing and periodic debriefing should be concerned not simply with the current status of the programme but also with the professional performance of the consultants. This means that the Country Office will need to maintain a significant professional engagement in the programme.

Major challenges to implementation are likely to be faced arising from resource constraints. While support for capacity development for a single part of the governance system may not be expensive, support for capacity development for decentralisation implies ongoing and in-parallel support for many levels and systems from grass roots to parliament, the administration, and the judiciary, to elected local bodies, NGOs and CBOs. The challenge is both in the mobilisation of resources and in the coordination of activities. Such provision will need to be envisioned in PSDs. Effective strategies will be realistic with regard to resource constraints.

Implications for Performance Monitoring and Assessment

This section considers issues in the assessment of UNDP's performance in support of the national programme.

Since the goal is to support the development of national capacity for self-reorganisation towards decentralised participatory governance, achievement will be *national* achievement. UNDP should not be accountable for this nor should it take credit for it. What UNDP is accountable for, and what it should take credit for, is the support it has given to capacity development. This affects the nature of performance reviews.

*Monitoring and evaluation: ...such initiatives [as decentralisation] are very long term in nature, where impacts and results cannot realistically be measured in the short term.*³⁴

While impact indicators are our ultimate concern—that is, advances in the realisation of human rights—UNDP should be especially concerned to evaluate its own professionalism in the field of human rights decentralisation. It should also be concerned about capacity development and therefore be reporting on benchmark achievements of progress in system reform.³⁵ Benchmarks should be used primarily to guide programme management not to judge UNDP performance. Such benchmarks should be explicit. It is neither appropriate nor feasible to attempt to define all benchmarks in the PSD. However, they should be defined from the start of programme implementation and they should evolve as the programme evolves. These, and not simply output and impact, should be seen as results for which UNDP is accountable. We deliver on what we measure so we must measure what is important. Where output and impact might be slow to become manifest, indicators of these may have little relevance for programme management.

Country Office performance is to be judged by the design of its support programme, performance of its obligations under the PSD, its proactive management of country relations, responsiveness to the needs of programme development, and its management of consultants for whom performance benchmarks should also be developed and amended as the programme proceeds.

³³ UNDP will have no responsibilities for conducting the change process or implementing new arrangements. Responsibilities will be most effectively held by nationals if, by design, consultants are not permanently on site.

³⁴ See ref. [16]

³⁵ See ref. [13]

There is always a risk that the client system will not perform to meet programme goals. *It is essential that the Country Office should not feel at risk of automatically being judged to have performed poorly should this happen.* The main risks are those borne by the country, or by particular population groups whose rights are at risk if decentralisation is botched or ill-conceived. UNDP shares responsibility for the country's non-achievement only to the extent that this is the consequence of UNDP's poor performance. Its responsibility is with regard to meeting its own obligations and to its advocacy in holding government to its obligations.

An aspect of performance relevant here, however, is with regard to the Country Office's sensitivity to human rights concerns. A grasp of issues discussed in these recommendations is important to high performance in this respect.

Since building the capacity for learning and adaptation is a key objective of a decentralisation support programme, an element to support national M&E capacity should be considered for inclusion within the programme. An early task of programme implementation should be the design of M&E to serve that learning process. It will need to take account of other reporting demands but these should not be allowed to displace this prior objective.

Reporting for ROAR: To repeat, in supporting a process of self-organisation by the country itself, the *country* is responsible for achieving "results". UNDP is responsible for providing such support as is best designed to promote country capacity development. UNDP should not be claiming results that have been achieved by the country. As noted above, UNDP performance should be appraised by the appropriateness of the relationship maintained with the country and its effectiveness in support of capacity development. Assessments in both of these respects involve human rights criteria. UNDP behaviour needs to reflect values and principles of self-determination, inclusive participation, non-discrimination, subsidiarity, consensual decision-making, transparency and accountability. Acting according to these principles calls for skills whose application can be evaluated by criteria that should be made explicit.

The tables in Annex 3 are intended to help in assessing the degree to which rights-based criteria are reflected in decentralisation programming. It is not to be expected that programmes should necessarily aim to meet all the criteria shown in the left-hand columns of these tables. Progressive realisation of rights-based decentralisation implies that there will be circumstances in which the situation is more nearly described by the right-hand column, and appropriately so.

Annex 4 offers a checklist of questions, linked to the text of this document, to prompt reflection on what needs to be done.

Annex 1: Potential Impacts of Decentralisation upon Human Rights³⁶

For	Against
<ul style="list-style-type: none"> • Promotes democracy because it provides better opportunities for local residents to participate in decision-making. • Increases efficiency in delivery of public services—delegation of responsibility avoids bottlenecks and bureaucracy. • Leads to higher quality of public services because of local accountability and sensitivity to local needs. • Enhances social and economic development, which rely on local knowledge. • Increases transparency, accountability and the response capacity of government institutions. • Allows greater political representation for diverse political, ethnic, religious, and cultural groups in decision-making. • Increases political stability and national unity by allowing citizens to better control public programmes at the local level. • Spawning ground for new political ideas, leads to more creative and innovative programmes. 	<ul style="list-style-type: none"> • Undermines democracy by empowering local elites beyond the reach of central power. • Worsens delivery of service in the absence of effective controls and oversight of standards. • Poor quality of services due to lack of local capacity and insufficient resources. • Gains arising from participation of locals offset by risks of increased corruption, and inequalities between regions. • Promises too much and overloads capacity of local governments. • Creates new or ignites dormant ethnic, religious rivalries. • Weakens states because it can increase regional inequalities or lead to separatism or undermine national financial governance. • Gains in creativity offset by risk of empowering conservative local elites.

³⁶ Cited from *Local Rule: Decentralisation and Human Rights*, 2002, International Council on Human Rights Policy in the report of UNDP/BDP/IDG *Capacity Development Workshop on Decentralised Governance and Poverty Reduction*, Marrakesh, December 2002.

Annex 2: Good Programming Practices

Elements necessary, specific, and unique to a human rights-based approach³⁷

- a) *Assessment and analysis in order to identify the human rights claims of rights-holders and the corresponding human rights obligations of duty-bearers as well as the immediate, underlying, and structural causes of the non-realisation of rights.*
- b) *Programmes assess the capacity of rights-holders to claim their rights, and of duty-bearers to fulfil their obligations. They then develop strategies to build these capacities.*
- c) *Programmes monitor and evaluate both outcomes and processes guided by human rights standards and principles.*
- d) *Programming is informed by the recommendations of international human rights bodies and mechanisms.*

Other elements of good programming practices that are also essential under HRBA include:

1. *People are recognized as key actors in their own development, rather than passive recipients of commodities and services.*
2. *Participation is both a means and a goal.*
3. *Strategies are empowering, not disempowering.*
4. *Both outcomes and processes are monitored and evaluated.*
5. *Analysis includes all stakeholders.*
6. *Programmes focus on marginalized, disadvantaged, and excluded groups.*
7. *The development process is locally owned.*
8. *Programmes aim to reduce disparity.*
9. *Both top-down and bottom-up approaches are used in synergy.*
10. *Situation analysis is used to identify immediate, underlying, and basic causes of development problems.*
11. *Measurable goals and targets are important in programming.*
12. *Strategic partnerships are developed and sustained.*
13. *Programmes support accountability to all stakeholders.*

³⁷ Adapted from UNDP, *The Human Rights Based Approach to Development Cooperation: Towards a Common Understanding Among UN Agencies*

Annex 3: Criteria for Appraising Human Rights-Based Decentralisation

Tabular Presentations

The criteria offered in these tables apply the elements of good HRBA programming to the specific requirements of decentralisation programming. They are intended to help in assessing the degree to which rights-based criteria are reflected in decentralisation programming. It is not to be expected that programmes should necessarily aim to meet all the criteria shown in the left-hand columns of these tables. Progressive realisation of rights-based decentralisation implies that there will be circumstances in which the situation is more nearly described by the right-hand column, and appropriately so.

Table 1: Human Rights-Based UNDP Programme Identification Process

Indicated By	Contrasted With
<ul style="list-style-type: none"> • UNDP clear about its purpose of supporting country to realise UDHR and convention goals to which country has committed • CCA provides for UNDP-country dialogue on human rights-based decentralisation and its support requirements • on request, UNDP supports country-led process to explore human rights-based governance vision • vision of self-organised national decentralisation programme publicly generated, country-led and owned 	<ul style="list-style-type: none"> • UNDP less than emphatic or clear about its human human rights perspective and operational significance • human rights perspective not introduced into CCA dialogue on decentralisation • prescriptive assistance for national programme formulation • decentralisation programme not driven by publicly generated, country-led and owned vision

Table 2: Characteristics of Human Rights-Based Decentralised Governance

Expressed By	Contrasted With
<ul style="list-style-type: none"> • subsidiarity in decision-making and action • non-discriminatory inclusion and access to consensual participatory processes with increasing local role in decision-making authority • public administration has role as convenor of public discourse on common good • public dialogue about the formulation and prioritisation of objectives, the forces at work, the obligations of duty-bearers, and the roles of communities and agencies in addressing concerns • concern for the condition of people and communities seen from a human rights perspective (and informed by status reports) drives the agenda of local councils 	<ul style="list-style-type: none"> • processes less than inclusive, subsidiary, and/or fully participatory • administration's role primarily one of service provider • public consultation limited to seeking "buy-in" response to project proposals • concern of local councils is with attracting project funding and who gets the schools and clinics

<p>and public discourse</p> <ul style="list-style-type: none"> • concern for equity in resource allocation • transparency and accountability—and capacity of a national human rights institution with constitutional, legal, judiciary, parliamentary, and civic society capacity to support this • inter-sectoral programmes (with CBO, NGO, and private sector roles as appropriate) • overall coordination of policies and programmes through effective processes at central and provincial levels guided by human rights criteria • public sector budgeting both top-down and bottom-up 	<ul style="list-style-type: none"> • neglect of development of human rights system • independent sector programmes; CBO, NGO, private sector not mobilized • inadequate provision for central and middle level roles for policy and programme coordination or for sensitivity to human rights criteria • public sector budgeting remains top-down
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Table 3: Human Rights-Based Design for Decentralisation

Expressed By	Contrasted With
<p>Design provides for:</p> <ul style="list-style-type: none"> • consensual participatory processes with increasing local role in decision-making authority • subsidiarity in decision-making and action • non-discriminatory inclusion and access • progress towards equity in resource allocation • transparency and accountability—and capacity of a national human rights institution with constitutional, legal, judiciary, parliamentary, and civic society capacity to support this • progress towards vision by steps that build on culture and history and are feasible given the nature of current governance and human rights status • role for public administration convening and responding to public discourse on the common good • administration creates human rights-focused inter-sectoral programme teams at local level supported by central ministries and their regional offices • local programme budgets determined by processes that mediate local decisions at regional and national levels to provide 	<p>Design does not provide for attributes on left.</p>

<p>regional and national coherence and equity</p> <ul style="list-style-type: none"> elements of design form coherent whole (not mix of elements drawn from a variety of other systems) 	
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Table 4: Human Rights-Based Decentralisation Programme Design

Expressed By	Contrasted With
<p>Design process:</p> <p>UNDP offers support for country self-organization</p> <ul style="list-style-type: none"> provides non-prescriptive support, as requested, to develop country capacity to develop its vision, policy, and national programme for decentralisation, and to contribute to CCA process and UNDP programme definition support to country provided for informed consideration of alternative governance forms <p><u>Programme content:</u></p> <ul style="list-style-type: none"> UNDP offers programme support that is responsive to country learning not project support (thus meeting both human rights-based and capacity development principles) thus, scope and ultimate objectives of support clear but country-led identification and design of programme components and their immediate objectives an ongoing activity thus, strategic rather than predefined programme; emphasis is on evolving strategic intervention with coherent programme elements design based on informed, reflective, country discernment of alternatives and human rights-based considerations design informed by human rights and other prerequisites for progress with decentralisation design informed by a strategic understanding of feasible next steps in governance design provides for attention to changes in relational norms—more than simply public education and human rights-awareness programmes 	<ul style="list-style-type: none"> UNDP advocates successfully for decentralisation, CCA-UNDAF-CCF includes support programme, which is then developed by visiting experts in consultation with local officials and experts support designed as series of projects not as learning programme design based on expert advice that replicates systems from other countries without reference to preconditions for success (especially with regard to human rights, cultural norms, and accountability systems) decentralisation seen as replacing one system by another not as development process

<ul style="list-style-type: none"> • creates feasible processes/roles given history, culture, values, present governance, human rights status, and people's skills • protects against loss of rights through domination of local powerholders • design provides process consultation and coaching support for capacity development for the facilitation and guidance of the national decentralisation programme (UNDP has no direct responsibility for results) • design supports capacity development of governance system where capacity development seen as the determination of who does what in decision-action processes, supporting people to take up their roles by securing mutual understanding and acceptance of new roles and the relational norms they imply, competence in role performance, and needed material support • capacity development of national public accounts and human rights institutions with constitutional, legal, judiciary, parliamentary, and civic society capacity to support this • design addresses all levels and aspects of governance as a coherent whole, not simply local treated separately from centre, middle, and grass roots levels • country's need for donor agency roles in decentralisation support programme clarified under UNDP leadership of country team and in country-led donor consortium • design supports interagency coordination with analysis of interdependence of human rights and of needed interagency synergy • human rights monitoring supported to provide disaggregated data and situation reports on status of particular groups used in planning • support provided for capacity for analysis of trends in human rights and forces driving these 	<ul style="list-style-type: none"> • activities limited to human rights awareness programmes • immediate feasibility of new roles not considered • role of local powerholders not specifically addressed • little support given to developing national capacity for self-organising change • only skills training and expertise provided • national public accounts and human rights institutions not seen to be integral to human rights-based decentralisation programme • multiple projects for good governance and in support of decentralisation but without coordinated design or management • lack of shared view of needs of decentralisation and of agencies' support roles • potential interagency synergy from analysis of interdependence of human rights unrealised • human rights data not used in planning; monitoring provision and data disaggregation not supported • capacity to analyse and respond to trends not supported
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Table 5: Human Rights-Based Support for Decentralisation by UNDP

Expressed By	Contrasted With
<ul style="list-style-type: none"> • process consultation used as mode of 	<ul style="list-style-type: none"> • primary mode of intervention is advisory

<p>intervention</p> <ul style="list-style-type: none"> • UNDP has no direct responsibility for defining or implementing changes, only for assisting country to do so • adequate national provision for authority and responsibility for change management as locus of programme support • PSD provides for core support for building change management capacity and for sustaining its operations • system-wide scope of programme allows for support at any level or branch of government and any relevant actors as need is revealed • support for local level capacity development in causal/responsibilities analysis • parallel upstream and downstream support activities provided for as needed • support at all levels for capacity development in policy-planning-budgeting-accountability system • UNDP leads coordination of UN agency activity and geographical locus • supports government in donor forum for coordinating external agency activity • provision for regular exchange with government on progress of UNDP and national programmes • UNDP clear about expectation that government will express its political will especially in relinquishing central power and funding • presses for strategy to avoid overload or spreading resources too thinly • expression of UNDP intent to sustain the partnership with government for the completion of defined objectives 	<p>and/or with direct responsibility for some results</p> <ul style="list-style-type: none"> • no overall change management structure advocated • capacity development support for change management not provided • scope of possible support narrowly defined and excludes key parts of system affected • local level support is for service design and enhancement without causal/responsibilities analysis • upstream and downstream activities uncoordinated • policy-planning-budgeting-accountability not treated as system or as in need of fundamental redesign to support human rights-based decentralisation • coordination and geographical focus of UN and other agency activity not effectively provided • donor agencies acting independently • UNDP takes minimal oversight role • time-bound projects without assurance that decentralisation will continue to be a priority concern
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Table 6: Programme management considerations

Aim For	Misses The Mark
<ul style="list-style-type: none"> • appropriate primary client(s) with overall mandate and effective management structure for oversight of decentralisation process 	<ul style="list-style-type: none"> • primary client lacks overall authority and responsibility for all aspects of decentralisation

<ul style="list-style-type: none"> • PSD makes adequate provision for managing the national decentralisation programme—overall responsibility, legal basis, executive authority, process management entity and its mandate • PSD is clear about the obligations of both government and UNDP—and beyond those of resource contributions • mandate explicit about human rights-based orientation as well as about other aspects of its mode of work • frequent joint UNDP-government reviews of progress and mutual expectations • reviews consider, especially, the response of the parties to the evolving needs of the programme • reviews openly discuss resistance to change and how to approach it as a shared concern • PSD spells out the roles of core consultants and criteria by which their performance will be judged • consultants are medium- and short-term only • programme will be nationally executed with capacity development support for this as needed 	<ul style="list-style-type: none"> • change management structure and mandate inadequate • PSD fails to reflect clear mutual understanding between government and UNDP and acceptance of process management arrangements and the national mandate for these; PSD discusses only resource contributions • human rights-based orientation not explicit in mandate for change • PSD provides only for MTR, tripartite, and end-of-programme evaluation • resistance to change not taken as responsibility shared by government and the support programme • PSD inadequately specifies qualifications and role designation of consultant and performance criteria • resident consultants are envisaged • either not NEX or NEX without needed support
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Table 7: Performance Assessment of Human Rights-Based Decentralisation Support Programmes

Aim For	Misses The Mark
<ul style="list-style-type: none"> • PSD builds in provision for M&E to serve learning and accountability needs of both UNDP and country and capacity development for this • performance evaluation is applied to both progress with decentralisation and UNDP support performance with indicators specified in PSD or provision for them to be developed in the course of the programme • performance indicators include those bearing on process consultation and support for systems change management • achievements for which country should take credit noted and attributed separately 	<ul style="list-style-type: none"> • PSD makes inadequate provision for M&E capacity development and role of nationals in M&E process • no provision is made (in PSD or otherwise) for evaluating UNDP performance other than in specifying achievements expected by activities; performance indicators are only for final outcomes and impacts • no indicators bearing on process consultation and support for systems change management • indicators of UNDP achievement are identified in PSD for which the country should take the credit

<ul style="list-style-type: none"> • achievement criteria and benchmarks of progress broadly identified in PSD with detailed benchmarks developed (and agreed) in course of programme • PSD acknowledges risks borne by country or particular groups from programme failures • PSD is explicit about human rights goals and performance criteria • ROAR reflects how UNDP performance supports advance of human rights-based decentralisation and assessment of competence in so doing 	<ul style="list-style-type: none"> • no requirement or provision for setting benchmarks in course of programme • risks are seen solely as potential obstacles to programme achievement of objectives • PSD does not directly link programme method or activity objectives to human rights goals • ROAR fails to reflect how UNDP performance supports advance of human rights-based decentralisation and assessment of competence in so doing
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Annex 4: Quality Assurance Checklist for HRBA Decentralisation Programming

Programme Development:

- Are the CCA-UNDAF-CCF-PSD processes used to support the country to explore its need for human rights-based governance, and the role of the UNS?
- Is UNDP's interest in supporting decentralisation—its human rights-based concern—made clear to government?
- Is UNDP clear and firm in its position on the human rights requirements of decentralisation and the conduct of the change process? Does it invoke constitutional, legal, and treaty obligations as appropriate?
- Is the CCA country-driven?
- Is a national visioning process timely? Does UNDP have a role in advocating for, is it ready to support, a national visioning process?
- If there already is government commitment to decentralisation, what drives it? Is it human rights-based? How does UNDP respond?
- Does UNDP advocate only for human rights principles in governance and avoid advocating for specific governance structures and processes?
- In discussions with government, specifically with reference to the support to be offered, how far are human rights-based criteria and their implications for design of governance made explicit and agreed to?
- Is UNDP clear that its aim is to support the country to reorganize itself by supporting the development of country capacity for the design and implementation of the decentralisation programme?
- Does UNDP bring an external vision with preconception of the forms that decentralised governance might take or is it truly supporting the country to design its own human rights-based forms?
- Is the PSD drafting process used to secure country-driven ownership of the support programme with clear understanding of the requirements of self-organizing change?

National programme design—preconditions:

- Is there an awareness of preconditions—steps needed to provide the foundation blocks for moving ahead? Check with respect to:
 - of government to support self-reorganization process
 - The constitutional/legal framework, the judicial system, and the human rights system
 - The rights necessary to decentralised governance (are they already realised or should their establishment be a prior concern of a decentralisation programme?)
 - The protection of human rights in the operation of decentralised governance (Might opponents of decentralisation infringe human rights? Is there a danger of local authority becoming co-opted by local powerholders?)
 - Systems and competencies required of financial and performance accountability systems (Are accountability systems adequate to prevent corruption, misuse of resources, and abuse of administrative authority?)
 - Readiness of government to respond to ministerial and other resistance to decentralisation
 - Willingness of government to transfer funds and a degree of fiscal autonomy to local authorities
 - Key political parties' commitment to decentralisation (so that progress with decentralisation is not vulnerable to disruption with a change of government)
 - Does the design of decentralisation build on the present and historical context? Does it derive from an informed, reflective, discernment of alternatives?
- Does the design of decentralisation accommodate different cultures within the nation?

National programme design—political-administrative aspects of decentralisation:

- How inclusive is the participatory vision? Does it envision that the voices of women, minorities, the poor, and other disadvantaged groups, as well as the administration, the private sector, CBOs and NGOs, will be fully heard?
- What degree of participation is provided for in the short-run? Is it appropriate to what is readily feasible? How participatory is decision-making? Who really makes the decisions?
- Is the administration given the role of convening the public discourse on the common good?
- Is there overall coordination of policies and programmes through effective processes at central and provincial levels guided by human rights criteria?
- Is there transparency in decision processes and implementation?
- Is feedback and accountability built into the system?
- Is the pattern of sector-driven projects perpetuated?
- Is there a redesign of roles and responsibilities for all levels and processes—in the programming and budgeting system, especially?
- Are local areas encouraged to develop procedures that are locally appropriate while conforming to the requirements of compatibility with the larger system?
- Do immediate objectives for decentralised governance risk outcomes inimical to progress with human rights? (See Annex 1.)

See also *Preconditions* above.

National Programme Design—Financial-Planning Aspects of Decentralisation:

- Are planning processes driven by a concern for the condition of individuals and communities informed by human rights standards and monitoring?
- Do they support community self-caring? Or are they about attracting and dividing project funds?
- Is there public engagement in the identification of concerns, objectives and strategies for addressing these?
- Are they characterized by dialogue about consensus around the common good or by adversarial debate, lobbying for special interests, and majority rule? Are elected representatives the voice of their constituents—both their consensus and their dissent? What is the relationship between representatives and their constituents?
- Is there appropriate disaggregation of affected groups and appropriate targeting?
- Is duty-bearers analysis invoked?
- Are support roles for resource persons from NGOs, CBOs, universities and professional organizations provided for?
- Is the private sector encouraged to play a citizenship role?

See also *Preconditions* above.

National Programme design—Administrative Aspects of Decentralisation

UNDP programme design:

- How does UNDP support the development of country capacity to manage the governance change process? How does it understand capacity and its development? Does UNDP provide process consultation and coaching rather than prescriptive expertise?
- Does the PSD allow for programme components to evolve at upstream as well as at downstream levels?
- Does the decentralisation programme address the redesign of the policy-planning-programming-budgeting system at all levels from local to national?
- Is responsibility and authority for the national decentralisation programme held at an appropriate level, appropriately mandated, and jointly held as necessary (e.g. by Cabinet, Parliament and President's Office)?

- Does the national programme served by UNDP have a mandate that includes effective consideration of human rights issues relating to the form, content, and establishment of decentralisation?

UNDP programme implementation:

- Does UNDP sustain dialogue with the client system with regard to the implementation process with sensitivity to human rights dimensions of the process and the evolving design?
- Are issues of power shifts addressed openly, seeking mutual understanding and agreement about how they should be addressed?
- Is management of the change process informed by an explicit understanding of the dynamics of changing norms and the underlying values that they reflect? How is this accounted for in the content of the programme and in the way the decentralisation process is managed?
- How does decentralisation relate to other government reform initiatives? [e.g. are there separate programmes for ministry restructuring or civil service reform?] What needs to be done to harmonize these? What is UNDP's role in supporting government to respond to non-compatible administrative and financial structures and processes promoted by different agencies?
- Does the programme support on-the-job coaching in duty-bearers analysis and systems analysis as critical to evolving the human rights-based programme?
- Is the Country Office clear about what it should expect from consultants and their ability to approach their task through a human rights lens? Does it make these expectations clear to consultants and to government?
- Is support given to develop NGO and CBO capacity to support human rights-based decentralisation?
- Are efforts at local capacity development supported with attention to capacity for monitoring human rights concerns and the use of the resulting data as a focus for development programming?
- Is balance maintained between spreading resources too thinly and concentrating them too inequitably?
- Are measures taken to deal with government's administrative overload from the attempt to deal with both ongoing and development tasks, and in a way that is sensitive to human rights issues?
- Is programme implementation informed by an awareness of the interdependence of rights and the need for interagency coordination of design and implementation of complementary programme components?
- Does this provide for inter-sectoral programme identification and design?
- What is the role of the Country Team in the design and implementation of intersectoral support programmes? How does it support local self-determination and human rights-based programming?
- Is UNDP playing an effective role in securing donor inter-agency coordination of programme design and implementation?
- Is there a stated intent by UNDP to maintain long-term support for decentralisation? Does the Country Office foresee and pursue funding needed for the development of the support programme?
- Does the country have the capacity for NEX? What support is needed for country capacity development in this area?
- Is there provision for continual review of work plan, progress and mutual obligations between UNDP and government?

Monitoring and Evaluation:

- Does the PSD provide for the design of M&E that supports a continuing learning process and programme evolution?
- Are M&E processes inclusive? Do they serve all stakeholders needs?
- Is there provision for review and agreement between all parties on the design proposed for M&E in the course of programme implementation, and for update as found necessary?

- Is there provision within the Country Office to evaluate Country Office and consultant performance and are criteria established for so doing? Do these criteria include checks on the application of a human rights lens in the process and content of programme development and implementation?
- Is it clear that country achievements by human rights-based decentralisation programmes are attributable to the country and that UNDP programme (CO, CT, and consultant) contributions to these achievements are distinguished, reported and assessed both overall and separately?
- Is the extent to which programme support is addressed through a human rights-based lens considered in this reporting?

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