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Communities of Practice Joint Event on  
Decentralization and Local Governance, Human Rights and Gender  
Yerevan, 13-15 June, 2006

## CASE STUDY : Applying a HRBA to Municipal Development in Bosnia & Herzegovina

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- Background/brief summary of the local context

Accession to the European Union (EU) has become one of the most eminent political and economic goals for Bosnia and Herzegovina (BiH). A prerequisite for achieving accession is to effectively adopt, incorporate and respect international and European standards of human rights. The EU Charter emphasizes that the Union is founded on the indivisible, universal values of human dignity, freedom, equality and solidarity; ... it is based on the principles of democracy and the rule of law. It places the individual at the heart of its activities... by creating an area of freedom, security and justice. These principles reflect globally shared values and underline the importance of the rule of law, non-discrimination, participation, accountability and empowerment as the basis for effectively achieving the United Nation's Millennium Development Goals (MDGs).

BiH suffered aggression and nearly four years of war. This period resulted in the death and displacement of thousands in the name of ethnicity. Even today, many BiH municipalities are experiencing post-war syndrome and are not able to address the perceived discrimination of minorities or of other vulnerable groups in their communities. This is partially due to the lack of political will but is also due to the lack of awareness of their responsibilities for promoting and fulfilling human rights criteria and the absence of a structural and systematic framework for addressing these shortcomings.

According to the UNDP Early Warning System report, mistrust between population groups prevails to a significant extent and reconciliation has not made much progress in BiH. Furthermore, the country faces a post-socialist transition challenge, persistent poverty, (17.8 percent of the population living under the poverty line) exacerbated by the high unemployment rate of approximately 40 percent. Poverty constitutes a threat to human security, livelihood and dignity. Mitigating the negative impact of such socioeconomic stress on people's lives is particularly important not only to prevent social exclusion of vulnerable groups but also to prevent relapse into violent conflict.

It is therefore essential to strengthen awareness and the capacity of BiH institutions for respecting, protecting and fulfilling the human rights of all citizens of the country regardless of their national and religious background and to deepen awareness of the nexus between human rights and development.

- Background on RMAP\_2006

The Rights-based Municipal Assessment and Planning Project (RMAP) was initiated by UNDP Bosnia and Herzegovina, together with OHCHR and the BiH Ministry for Human Rights and Refugees (MHRR), as a human rights assessment project and began functioning in October of 2002.



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RMAP has since evolved into a project which provides support to the lowest level of government in BiH – municipalities. The project helps municipalities in formulating rights-based development plans as well as providing technical assistance for the implementation of identified priority projects and measures. RMAP uses a rights-based perspective to deepen and broaden the analyses of local needs, potentials and service planning. Until now, RMAP has facilitated the drafting of 13 rights-based municipal development strategies in BiH.

RMAP coaches BiH municipalities in adopting a multi-sectoral approach to municipal assessment and planning that is highly participatory (in some municipalities the planning involves up to 150 people), with a focus on the inclusion of the most vulnerable groups and by combining a RBA with a more standard, local development analysis. Sectors covered by the strategies relate to the local economy, participation in public affairs, education, health, social protection, culture and a healthy environment. (For more information on RMAP, please visit: [www.rmap.undp.ba](http://www.rmap.undp.ba)).

The present RMAP\_2006 programme framework therefore has a strong focus on capacity building for local planning, project formulation and implementation that promote local development as well as the enjoyment of human rights. Additionally, beginning in 2006, RMAP established a seed funding facility of approximately USD 40,000 per municipality, covering in total 15 municipalities (both present and future planning rounds,) in order to jointly move with local partners from the planning phase to implementation and to show that a participatory planning process leads to immediate change.

Overall, the new RMAP program is composed of four components/ key activities: (i) Assessment and Planning, (ii) Implementation and (iii) Policy, with (iv) Capacity building of municipal and other stakeholders being a crosscutting activity through all components.

- How does the project fit into the overall UNDP programme portfolio?

The UNDP BiH Country Programme Action Plans (CPAP) for 2005 – 2009 defines the rights-based (RB) approach as an underlying principle in achieving the MDGs that have been specifically tailored to BiH. From the perspective of a RB approach, poverty encompasses multiple forms of deprivation that go beyond mere physical needs and closely relates to the denial of a broad variety of human rights, particularly the lack of effective and meaningful participation for the poor in the policies that affect their lives. Unless the RB approach is taken into account throughout the entire process of development support, the country cannot achieve the MDGs in a sustainable manner by and beyond 2015. Whereas the lack of enjoyment of some rights, in particular economic and social rights, is substantially part of the poverty definition, all human rights should be part of a strategy to overcome poverty. This is especially relevant for development settings such as BiH, where discrimination and exclusion patterns prevail. As such, the rights-based approach is crucial to achieve the MDG goals.

Four specific components of the RMAP project fit squarely within the strategic outcomes of the UNDP Country Programme (CP 2005 – 2009) of “strengthening the capacity of municipalities and CSOs to manage and participate in long-term sustainable socio-economic development within a framework of human rights and rule of law”.



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- Is it a stand alone initiative, or is it integrated into a broader programme?

Strengthening of local governance is a key area of the democratic governance pillar of the BiH CO programme. Multi-annual thematic (return, housing, rights-based planning) and area-based (Srebrenica Regional Recovery Program) interventions of UNDP BiH focus on local capacity building and have implemented US\$ 13,229,300 in 2005.

Within the overall structure of the UNDP CO, RMAP\_2006 is a key part of municipal interventions addressing the programme areas of local governance as well as local pro poor initiatives.

- Project rationale/strategy

Based on a recent UNDP survey, almost half of BiH municipalities do not have any development strategies or have not updated their strategies in recent years. Among municipalities with valid strategies, there are serious shortcomings regarding implementation and follow up, as just a half (50%) of them have developed an action plan for the implementation of the strategy and set up a formal structure within the existing municipal administration tasked with strategy implementation. Moreover, only 24% of municipalities that completed a development planning process have enacted financial plans for strategy implementation, while only 11% of municipalities stated that they have adequate financial resources at their disposal to implement their plans.

The majority of municipalities point to their lack of skills related to basic policy, planning and project cycle management. This indicates a large need for technical assistance targeted to the local level in order to build capacities that would enable municipalities to improve their performance and accountability in order to actively contribute to the development of their communities.

On the other hand, based on the BiH mid term development strategy review, there is further evidence that despite growth, inequality is rising, with the poorest and most marginalized segments of the population being further sidelined.

RMAP\_2006 is designed as an effective response to the lack of planning, project development and implementation capacities at the municipal level in BiH. These shortcomings also impact on the enjoyment of human rights in BiH municipalities.

- Why was this specific approach selected for this project?

Responding to inequitable development and the pattern of exclusion at the municipal level is a key objective of the programme. RMAP developed and tailored the RB methodology as an effective tool to concretely address social inclusion in BiH municipalities by using human rights analysis to identify the underlying causes of exclusion, inequality and discrimination and lack of accountability for development.

RMAP inclusion and consultation mechanisms are designed to reflect the important human rights principles of participation and non-discrimination in local development, and ensures, on this basis, citizens' participation in the identification and response to (political, social and economic) exclusion at the municipal level.

RMAP thus assists local BiH institutions in preparing for effectively dealing with an important concept (the Social Inclusion Agenda) related to EU accession and membership.



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- Established dialogue with national/local counterparts?
- Participatory approaches in the project development phase?

The BiH Ministry for Human Rights and Refugees (MHRR) has been a strategic partner of RMAP since its inception, not only in relation to setting up and design of the program but also for effectively linking a local level initiative up to the national level.

However, the most obvious RMAP partner is the local community that is in the drivers' seat throughout the entire process. Throughout the process, different interests are represented for example public, private, the NGO sector, individual citizens, etc. Broad participation and dialogue is secured through established planning bodies, partnership groups, focus groups that place stress the inclusion of the poor and vulnerable. Moreover, the process flow not only develops a feeling of ownership, but also ensures that all decisions are endorsed by citizens.

- Methodology for establishing baseline?
- How was this information incorporated into the project design?
- Capacity needs assessment?
- Was it carried out? What methodology was applied? What gaps were identified?

As an undertaking initially focusing on municipal assessment and analysis only, RMAP completed its first phase in mid 2004. As a result of this, the Consolidated Municipal Assessment Report, highlighting common trends and crucial shortcomings, as well as 20 Individual Municipal Assessment Reports were published, providing a critical and detailed overview of the human rights and development situation in BiH. Furthermore an innovative and fully fledged Methodology on RB assessment was developed and promoted. The consolidated report, as well as the RB assessment methodology can be downloaded at: <http://www.rmap.undp.ba>.

By using assessment reports of RMAP's first phase as a basis and in order to assist national stakeholders in actively addressing development and HR shortcomings, RMAP, in cooperation with the MHRR, was extended to include a planning component in 2004.

A survey performed by UNDP in November 2005, involving 125 municipalities, revealed a huge need for a comprehensive and multi-sectoral approach to local development in BiH as so far almost 50% of BiH municipalities have not yet come up with local strategies to better target needs and improve municipal performance. As a part of the same questionnaire, 81 BiH municipalities, out of a total of 91 replies received, have applied to be considered for the next round of RMAP RB municipal development.

UNDP RMAP has therefore, subsequently sharpened its capacity development focus. The RMAP\_2006 project framework evolved into a programme which implements a comprehensive, three-phased approach to local development, covering assessment, planning as well as implementation.

Under the present structure of RMAP\_2006, the RB community profile, which is the result of a 6-8 month participatory process and which is based on a use of tailored tools and methodology for assessing and analyzing the status of local development is the baseline for the subsequent planning and implementation process.



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- Was a capacity development strategy prepared for further implementation?

The future objective of RMAP\_2006 is to upgrade a successful pilot programme of municipal policy and planning design, promoting human rights & fundamental freedoms, to the national level in BiH by institutional anchoring and building of regional and national support structures for capacity building and knowledge transfer.

This will be achieved by designing and agreeing on a unified and inclusive methodology with national and international partners, sensitizing for anchoring an inclusive and RB approach in the legal/ institutional framework; the strengthening of national / regional support structures for knowledge and skills transfer to municipalities on policy, planning and implementation skills; and the creation of knowledge management tools for methodology sharing and exchange. These aims will result in the institutionalization of a nationally owned support mechanism for addressing lack of policy, planning and implementation capacities within BiH municipalities, as well as for a participatory, accountable and transparent local planning process promoting human rights.

- Identification of key stakeholders
- What methodology was applied?

The goal of RMAP is for the community to have full ownership of the rights-based strategies. For this goal to be achieved, the rights-based strategies are developed as “community strategies”, not only as the strategies of the local government. To ensure that as many members of the community as possible are participating in the process of strategy creation, RMAP has developed mechanisms for wide-ranging inclusion in the assessment and drafting process.

At the beginning of the assessment process, RMAP teams actively engage a comprehensive list of all possible and interested stakeholders in compiling the assessment. In intensive cooperation with NGOs, local communities (MZs), and municipal officials, RMAP makes an initial assessment of the human rights situation in the municipality as the basis for the planning exercise. Wide ranging participation is ensured through the Partnership Group (PG) which includes representatives of all segments of the community. Also, Focus Groups (FG) and individual meetings are organized in locations most convenient for ensuring full participation of the vulnerable parts of the population such as the Roma, returnees, elderly, youth, rural population, etc. as to avoid elite, or majority capture of the process. In this sense, RMAP, by applying a rights-based approach, defines and gives true meaning to equity and social inclusion.

Throughout the rights-based planning process the community is in the drivers’ seat from the definition of the community’s vision, to the selection of projects and measures for the annual action plan. During the meetings of the PG, as the decision-making body, consensual decision making is employed to ensure that decisions of crucial importance for the community are endorsed by the citizens. Besides the results achieved by the strategies, the process itself is a tool for fostering dialogue in ethnically fragmented communities in BiH by bringing them to the same table and providing for equal participation. Hence, in addition to the feeling of ownership of the rights-based strategy, the foundation for future peace-building is set through the planning process.

The local governments’ executive and legislative arms have a key role in taking the lead in regards to the logistic set up of the whole process and all meetings, in the drafting of the rights-based strategy, as well as the implementation phase. The Municipal Development Team (MDT), headed by the Mayor, is formed at the beginning of the assessment process, and its role is to lead the RB assessment and planning process at the municipal level. Also, ongoing communication is established with the Municipal Assembly, which has



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representatives in the MDT. After the drafting of the strategy by the MDT and RMAP, and approval by the PG, the Municipal Assembly finally adopts and confirms the priorities set in the strategy. Upon adoption, the rights-based strategy, in average covering a five years period, becomes a 'living document' which is implemented by the executive branch of the municipal government and adjusted based on changing circumstances with assistance from RMAP.

The MDT together with a newly set up Steering Committee (SC) then moves from the project and measures identified in the strategy to the selection of priority projects, the project document formulation and subsequent implementation.

- How did the environment enable or hamper programming with a rights-based approach?

Initially and during the 1<sup>st</sup> phase of RMAP (mid 2002-mid 2004) the municipal officials were not involved during the assessment in any other way but as information providers, until the assessment report was finally drafted. This created a situation whereby some municipalities felt that they had little ownership over the document; hence the report did not serve as a good basis for the planning phase.

Under the present project setup, and since initiating the 2<sup>nd</sup> phase, RMAP involves the municipal officials from the very beginning of the process, and has also increased capacity building measures in regards to the training of municipal stakeholders throughout the whole process of assessment and planning. Through the initial signing of the Memorandum of Understanding which specifies all of the steps to be taken, the basis for equal partnership is laid down, as this has proven to be the best technique to increase ownership, overcome scepticism on some sides, and ensure proper foundation for the creation of the rights-based development strategy.

Raising the capacities of the claim holders to claim their rights, as well as the ability of the duty holders to deliver those rights is one of crucial aspect of RMAP work in BiH municipalities. By introducing international human rights standards as the framework, and basis for mounting development interventions, RMAP brings into the local officials' view the obligations towards the rights holders, and how to fulfil them. Furthermore, the techniques for the inclusion of citizens, along with familiarization and training in the planning tools usage are transferred to both, the municipal officials, and the citizens that participate in the process. Transfer of other skills, such as SWOT analysis, action plan development and project design and implementation skills are also transferred since RMAP actively builds capacities via targeted training measures.

- How did it integrate HRBA and gender mainstreaming?

Gender aspects related to the collection and analyses of disaggregated data have been incorporated in the RMAP\_2006 tailored tools (see below). These tools are used at different stages of the assessment process as well as guidance for the drafting of the RB community profile.

Further and via focus group technique existing inequalities between men and women in access to and control over resources and benefits of development are directly addressed as part of the methodology of the RMAP\_2006 analytical process. Within the capacity building activities a focus on genuine participation of women in decision making is ensured and gender sensitive criteria are part of the implementation manual and taken into account during project formulation in the implementation process.



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- Tools that have been developed by/ are used in the project

Assessment & Planning tools:

- Legal background papers (RMAP-developed tool which helps teams while assessing development and HR situation in the municipality; it provides general information on legislation, organisation and financing of a given sector)
- Multi-sectoral RB checklist (RMAP-developed tool which ensures comprehensiveness of data collection by providing sector specific targets, indicators, and methods of data collection)
- Secondary data list / analysis (among its more obvious purposes is to provide data, it is also utilized to show how a specific municipality compares with other municipalities in terms of conditions and changes in conditions; it comprises both dependent and independent variables)
- Comprehensive human rights checklists (used as a background document and providing fully fledged information on relevant sources, core contents and interpretations of key and relevant international and national human rights standards)

In addition and among the analysis mechanisms/tools used or refined by RMAP\_2006 are: community population analysis, local economic development assessment, responsibility analysis; qualitative data analysis and capacity assessment.

- Monitoring and Evaluation framework
- How was M&E carried out and what were the data sources?

In mid 2005, an external review mission recommended continuation of the programme and suggested the strengthening of the capacity building focus, which was subsequently incorporated in the present round of RMAP municipal development planning initiated at the beginning of 2006.

An internal evaluation of the programme achievements and effectiveness before launching the present round of municipal development planning has shown that all 10 reviewed RMAP partner municipalities, make active use of the strategies in their annual planning and that all of them had moved into implementation of projects by themselves or with the assistance of other donors. Some of the more proactive municipalities have used the strategy as a tool for donor-coordination or small donor conferences. The overall feedback from municipal partners received so far is that both the process as well as the outcome is appreciated and helps to strengthen and guide local development initiatives. This is underlined by the high number of applications (81 municipalities) received as a response to the above mentioned survey before the launch of the present phase.

Specific areas of improvement points towards efforts to further strengthen the planning, project and implementation capacities of the local planning bodies and institutionalize them after the end of the RMAP\_2006 facilitated assessment, planning and implementation process. Furthermore it is important to raise awareness on and build capacities for the effective linking of the municipal budgetary planning process and the adopted strategy.

In order to assess the present achievements and sustainability more formally, RMAP will in the second half of 2007 initiate a survey based on a detailed questionnaire related to assessing the perspectives on efficiency, effectiveness and sustainability of the methodology applied by all municipalities involved so far.



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- Describe the development of the tools. What were the challenges? How were they overcome?
- Describe the implementation of the tools. What were the challenges? How were they overcome?
- Impact of the tools
  - On project results and beneficiaries?
  - On project implementation processes?

While a series of helpful generic tools and manuals on a RB or HRB approach to development have been developed in the last years, there is, from a project/ program perspective, a need for the “translation” of existing tools and manuals in further tailoring approaches and methods that keep the essence of the principles of RBA but are, at the same time, applicable and simple enough in order to avoid analytical deadlock and lack of transferability to partners.

Tool development has to balance the fine line between precision/details related to HR analysis and assessment and practical usefulness and transferability. The application of an RB approach within a municipal assessment and planning process is based on the assumption that we can, by putting on a HR lens, come up with better solutions, than if one would simply stick to approaches and methods used so far.

This further calls for adapting a trans-disciplinary approach and the setting up of a team that reflects the perspective, methods and skills of economists, local governance experts and human rights practitioners to jointly work in tailoring a RB approach to local planning.

The challenge is to explore, in a more structured way, the question of “connectivity”: meaning a systematic attempt to connect the RBA to other accepted approaches, to learn and understand the language and the concepts of other disciplines (e.g. LED) and to discuss, identify and understand points of connections and establishing consensus. This includes an assessment and later consensus of the team at which points of the process HR analysis can add value.

The approach chosen by RMAP\_2006 was not trying to “reinvent” local development planning but to integrate HR with more standard development analysis. The strategic planning process of RMAP follows, in principle, established approaches. Also the LED assessment as part of RMAP is not much different from a standard LED approach. However there are some key differences that were inserted in the process from a HR perspective and which are reflected in the tools developed.

One is that RMAP has used the analytical framework developed within economic social and cultural rights to come up with a mapping tool for assessing the sectors of education, health and social protection. This forms the basis for a multi-sectoral approach to local development planning that goes beyond more narrow concepts (of LED or public administration reform) and is an added value as such for the municipal partners. The “RB checklists” guide staff and local partners on how to look at a given sector and what data to collect as a basis for the assessment, plus they structure the writing of the RB community profile which is the basis for the later planning process.

Non-discrimination analysis, which is at the core of the HR framework, is used to identify the most marginalized and vulnerable at an early stage of the process and then, linked to the participation principle, to efforts to try to incorporate them systematically, directly and indirectly (via focus groups) in the whole assessment and planning process and in the selection of priority projects for implementation.



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Within the RMAP implementation manual we have incorporated a HR checklist that is used as a scoring tool for participatory project selection, having also some “HR educational value”, as local implementers have to think and reflect on human rights, gender equality etc. when drafting the project documents.

Related to the “accountability principle”, we are using sectoral “Legal Background Papers” drafted for providing general information on legislation, organization and financing of a specific sector and defining responsibilities of different duty bearers with a focus on municipal responsibility. With this tool we address the question of accountability in the process of analysis, make sure that our strategies do not incorporate projects and measures that are not within municipal responsibility and are also a tool to address the respective duty bearer at higher government levels for problems within municipalities.

The impact of the tools developed and used can thus be summarized as:

- Enabling a multi-sectoral approach and analysis (adding value in particular in sectors of education, health and social protection)
  - Operational guidance to staff and partners on what to look at (targets), what indicators to look for, and how to collect data
  - Making a RBA, and why and how it adds value, concrete on making this process understandable to non-specialists and partners
  - Raising awareness and educating partners, rights holders and duty bearers, on HR and the related rights and responsibilities
  - Assisting in identifying and strengthening of accountability of government layers for local development
  - Assisting in identifying discrimination, exclusion and the root causes underlying problems of the lack of local development
  - Assisting in the identification and inclusion of the needs of the more vulnerable and marginalized groups in the assessment, planning and the implementation process.
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- Sustainability of the tools
  - To what extent are the tools sustainable beyond the UNDP project?

Based on applying its approach in cooperation with more than 15 BiH municipalities, RMAP has moved beyond a “pilot” that aims at testing and experimenting with a RB approach to local development, providing a field tested, alternative model on how to go over participatory local development planning.

Based on concretely applying the tools in former and present rounds of RMAP municipal development planning, RMAP\_2006 is now in a position to initiate the drafting of a “Community practitioners manual on RB local development” which will incorporate all tools, the process, as well as lessons learnt up to date. Overall this will enable a wider sharing of a model that can be useful for other UNDP COs and which could be adapted or replicated within other country contexts as well.

The manual is seen as a major tool to ensure the transferability of the achievements of RMAP within the BiH as well as in a broader regional and global context. Related to the BiH context, the ways forward have been further outlined in the section above dealing with “Capacity development strategy for further implementation” and the manual will be used to strengthen the already initiated policy discussion with national and international partners on a more unified approach to local development planning in BiH and a national capacity development programme.



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- Key lessons learned?
  - Delineation of authority is very complex in the BiH environment – multi-layered approach that goes both vertically (across the state-entity-canton-local levels governments) and horizontal (across all actors on one level: government, CSO, private sector, international community) is needed for successful implementation
  - Capacity building is a complex process and its impact assessment takes time. In addition, it should be thoroughly assessed and planned from the very start of any RBA project as it creates additional difficulties if to be enforced in the middle of the process
  - Selection of pro-active municipalities is crucial: from the very beginning there must exist a systematic way of selecting municipalities in order to avoid bias approach and to ensure competitive process (one wants to work only with the most cooperative as their participation is key)
  - BiH has a problem with reliable data due to the absence of an accurate census. This impacts on the successful implementation the program in various regards and it creates an additional problem of perceptions.
  
- What would you have done differently?

Strong participation of all stakeholders should have been foreseen from the very beginning of the process in 2002. At the beginning, during the assessment, all stakeholders should be invited, included and considered in the process since they are called upon again in the planning and implementation stages. RMAP\_2006 is now following such an approach but this was not the case when RMAP was initiated.

- Dealing with capacity gaps and other constraints (financial, political etc.)
- Challenges and how they were overcome
  - Capacity analysis: Capacity analysis required to distinguish between “inability” (which can then be addressed by capacity building) and “unwillingness”. Such capacity analysis is also complex in HR terms, in particular related to ESC right (assessing steps taken / progressive realization ...) and this is particularly difficult in a scarce data environment. Here there are also limitations related to the present status of ESC rights understanding when taken down to the grassroots level.
  - More targeted assessment of those discriminated against or left out via HR analysis does not per se avoid elite capture. Tasked to establish sustainable processes and also in regards to local ownership, one has often to rely on local champions, which will not always properly represent the most disadvantaged since they are often a part of the “elite”.
  - Building the capacity for accessing information and decision making of the weakest segments of the population and have the biggest capacity deficits is difficult, required is the creation of specific and tailored forums and takes time, which does not always correlate with the timeframe donors are willing to allow for projects to show impact.
  - A difficult challenge related to applying an HRBA to a local and participatory planning process is, how to react - without undue interference in participatory decision making - if such decisions (e.g. on choice of priority sectors for further planning) would result in “overruling” prior human rights assessments that already point towards specific sector deficiencies.



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- Finally, a generic challenge is the overstretched municipal capacities by multiple development planning processes as well as an overall lack of municipal capacities for development analysis and planning. This is why it is key to clearly communicate the added value of the process (RMAP: multi-sectoral approach, community strategy, concrete sector-specific measures and projects, subsequent implementation ... etc.) as well as to put a focus on targeted capacity building.

Overall these types of challenges call for the creation of "learning cycles" where the learning by doing in practice is constantly reviewed and linked to conceptual reflection and input from different disciplines in order to be adjusted, refined and then tested out again.

A possible dilution of RBA principle is one side of the coin to be taken into account. The other side relates to ensuring transferability and sustainable solutions.

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