

CHAPTER 6

‘THE DEVIL IS IN THE DETAILS’: ENSURING PARTICIPATION AND OWNERSHIP OF DEVELOPMENT PROGRAMMES FOR PERSONS WITH DISABILITIES IN MOZAMBIQUE

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Summary

In recent years, the issue of ownership of development cooperation programmes has gained centre stage among donors and recipient governments. This interest has been driven by a concern shared among donor and recipient countries for making aid more effective. Previous research on disability and development has exposed the precarious conditions under which persons with disabilities live, revealing the systemic inequalities between those with and without disability. This research supported the case for increased funding for persons with disabilities through international cooperation, aimed specially at the poorest regions of the world. Nonetheless, we know from previous research that international cooperation may produce perverse results by weakening democratic processes in recipient countries. Still unexplored in the literature of disability and development are the conditions necessary for international cooperation to support the flourishing of a democratic culture in recipient countries. The present paper contributes to this important debate by examining the extent to which those programmes support a dialogue between civil society organisations (CSOs) in general (particularly organisations for persons with disabilities) and state institutions. Primarily, this paper focuses on two ongoing projects in the domain of gender-based violence and social protection, both funded by the European Union (EU) and implemented in Mozambique. The paper draws upon the perspective of the key stakeholders involved in the implementation of those programmes, through semi-structured interviews, to highlight the centrality of the political economy analysis and data disaggregation to ensuring participation and ownership of development programmes by persons with disabilities in Mozambique.

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1 Introduction

Previous research on disability and development has exposed the precarious conditions under which persons with disabilities live, exposing the systemic disadvantage between those with and without disability,¹ a phenomenon termed the ‘disability and development gap’ by Groce and colleagues.² These studies were instrumental in raising awareness, among development actors, of the plight of persons with disabilities all over the world, with a particular focus on the so-called Global South, where an estimate of 80 per cent of people with disabilities live. Further research complemented and reinforced these conclusions, pointing to gaps in funding to disability issues, and revealing, for instance, that less than 0.5 per cent of all Official Development Assistance (ODA), between 2014 and 2018 (\$3.2 billion) was aimed at disability inclusion,³ and only 3 per cent of OECD human rights funding went to disability rights issues in 2017.⁴ Additional research in the area has exposed the fact that persons with disabilities are traditionally excluded from the design and implementation of development programmes.⁵

One of the guiding principles in international cooperation is the ownership of development programmes.⁶ However, in practice, international cooperation can produce perverse results. For instance, studies that assessed the participation of persons with disabilities in national Poverty Reduction Strategy Papers (PRSPs) suggest that their involvement was limited, and in general they remained invisible.⁷ While in theory the PRSP process aimed to enhance ownership participation and

- 1 N Groce et al ‘Bridging the gap examining disability and development in four African countries’ (2018) <https://reliefweb.int/report/world/bridging-gap-examining-disability-and-development-four-african-countries-0> (accessed 10 May 2021); UN Department of Economic and Social Affairs ‘Realization of the rights of persons with disabilities by, for and with persons with disabilities, UN flagship report on disability and development’ (2018) www.un.org/development/desa/disabilities/publication-disability-sdgs.html (accessed 10 May 2021).
- 2 N Groce & M Kett ‘The disability and development gap’ Leonard Cheshire Disability and Inclusive Development Centre Working Paper Series: No 21 (2013) https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3385372 (accessed 15 May 2021).
- 3 D Walton ‘Fact sheet: Disability-inclusive ODA: Aid data on donors, channels, recipients’ (3 July 2020) <https://devinit.org/resources/disability-inclusive-oda-aid-data-donors-channels-recipients/> (accessed 12 May 2021).
- 4 CANDID & HRFN ‘Advancing human rights: Annual review of Global foundations grantmaking – 2018 key findings’ (2021) www.issuelab.org/resources/38475/38475.pdf (accessed 24 May 2021).
- 5 International Disability Alliance ‘Preliminary results of the first Global Survey – December 2018 to January 2019’ (2019) www.internationaldisabilityalliance.org/global-survey-preliminary-results-2019 (accessed 28 May 2021).
- 6 OECD ‘Paris Declaration on Aid Effectiveness’ (2005) www.oecd.org/dac/effectiveness/parisdeclarationandaccraagendaforaction.htm (accessed 30 December 2021).
- 7 A Dube ‘Participation of disabled people in the PRSP/PEAP process in Uganda’ (2005) *Disability Knowledge and Research Programme* <https://gsdrc.org/document-library/participation-of-disabled-people-in-the-prsppeap-process-in-uganda/> (accessed 24 May 2021).

accountability, its design and implementation suggest that governments were more concerned with satisfying donor requirements and deadlines than genuinely committed to meaningful involvement and accountability towards their citizens.⁸ In this respect, international cooperation may contribute to the democratic deficit.⁹ Conversely, development agencies can leverage their influence by establishing bridges between civil society organisations construed more broadly, and the recipient government. The history of the PRSP process in Africa and Asia evinces examples of development agencies acting as facilitators, by bringing together government and local civil society organisations (CSOs) including OPDs to work alongside.¹⁰ As such, it is important to question the very nature of international development cooperation programmes and discuss explicitly the type of cooperation and conditions that support the development of a democratic culture. The present paper contributes to this important debate by examining the extent to which those programmes support dialogue between CSOs in general, and DPOs in particular, with state institutions.

This paper proceeds as follows. The first section presents the context of the emergence of ownership, emphasising its importance in ensuring aid effectiveness. Additionally, it discusses the centrality of participation in ensuring ownership. The second section, focusing on the General Comment 7 of the Committee on the Rights of Persons with Disabilities (the Committee), articulates specific state party obligations to closely consult and actively involve persons with disabilities in decision-making processes related to the Convention, and clarifies the role of international cooperation. Critically, the section presents a framework for the inclusion and participation of persons with disabilities, which informs this paper. The third section presents and discusses the findings. The paper concludes by highlighting its contribution to the debate on aid effectiveness, ownership and participation within the field of disability and development.

2 Aid effectiveness: From Rome to Accra

Aid effectiveness has gained centre stage over the past 15 years since the adoption of the Paris Declaration on Aid Effectiveness in 2005. Preoccupation with aid effectiveness grew from the realisation that aid is heavily driven by donors, resulting in deficiencies in the way it is delivered.

8 TN Mwendwa et al 'Mainstreaming the rights of persons with disabilities in national development frameworks' (2009) 21 *Journal of International Development* 662.

9 See, for instance, a report commissioned by the UK Department for International Development. It found that international development cooperation bolstered the influence of donors to the 'detriment of Parliament and CSO', therefore undermining government accountability towards its citizens. E Macamo 'Political governance in Mozambique: Final report' (June 2006) www.open.ac.uk/technology/mozambique/sites/www.open.ac.uk.technology.mozambique/files/pics/d70313.pdf (accessed 30 December 2021).

10 D Fritz et al 'Making poverty reduction inclusive: Experiences from Cambodia, Tanzania and Vietnam' (2009) 21 *Journal of International Development* 673.

Chief among these hindrances is the fact that aid programmes were poorly designed for the local context, competing donor agendas in a single country, leading to limited impact of development efforts.¹¹

At the turn of the millennium, in the framework of the Millennium Development Goals (MDGs), donor and recipient countries came together to address the issue of aid effectiveness, that is, how to maximise the impact of aid in recipient countries. For the first time in Rome in 2003, developing countries, donor countries, and the heads of multilateral and bilateral development institutions, came together in the framework of the Development Assistance Committee (DAC) to outline the principles of aid effectiveness.¹² The Rome Declaration paved the way to the 2005 Paris Declaration on Aid Effectiveness. The Paris Declaration is built around five core principles, namely: Ownership, Alignment, Harmonisation, Managing for Development Results, and Mutual Accountability.¹³ Each principle is operationalised by a set of indicators (12 in total).¹⁴ Thus, the principle of Ownership, arguably the cardinal principle of aid effectiveness, states that:

OWNERSHIP ...

Partner Countries Exercise Effective Leadership over their Development Policies, and Strategies and Co-Ordinate Development Actions

14. **Partner countries** commit to:

- Exercise leadership in developing and implementing their national development strategies through broad consultative processes.
- Translate these national development strategies into prioritised results-oriented operational programmes as expressed in medium-term expenditure frameworks and annual budgets (Indicator 1).
- Take the lead in co-ordinating aid at all levels in conjunction with other development resources in dialogue with donors and encouraging the participation of civil society and the private sector.

15. **Donors** commit to:

- Respect partner country leadership and help strengthen their capacity to exercise it.¹⁵

The Rome and Paris Declarations succeeded in galvanising both donors and recipient countries to introduce reforms aimed to make the aid industry more effective. For instance, recipient countries embarked on a process to draft national development plans or PRSPs, one of indicators of ownership according to the Paris Declaration. The PRSP was employed in

low-income countries to operationalise the MDGs, constituting a condition for those countries to qualify for debt relief.¹⁶ The aim of PRSP

11 T Carothers 'The deeper struggle over country ownership' in OECD *A governance practitioners' notebook: Alternative ideas and approaches* (2015).

12 OECD 'Rome Declaration on Harmonisation' (2003).

13 Paris Declaration on Aid Effectiveness (n 6).

14 See section III of the Paris Declaration on Aid Effectiveness (n 6).

15 Paris Declaration on Aid Effectiveness (n 6).

was to foster local ownership of development programmes; participation of local actors, specifically groups in a vulnerable situation; and accountability and transparency, through a functional and capable governance system.¹⁷ Despite the new dynamics created by the new discourse on aid effectiveness, critics pointed out the excessive focus on procedures to promote ‘harmonization and alignment’ between donors and recipient countries.¹⁸ While acknowledging its importance, its critics maintain that the excessive focus on procedure may overlook the fact that ‘aid Effectiveness is a political issue’.¹⁹ In this connection, due prominence must be granted to ‘the factors on both sides of the aid relationship that can work against more effective delivery and put in place incentives that support it’.²⁰

Furthermore, others have criticised the assumptions contained in the blueprint of the Paris Declaration. Faust argues that the ‘vision’ that supports the Paris Declaration ‘ignores the political, iterative [competitive] and experimental character of governance endogenous to democratic settings, which leave little room for encompassing ownership with regard to far-reaching policy reforms’.²¹ Instead, he argues, the focus must be on ‘procedural ownership – a consensus about core institutional features of democracy and individual rights regarding the basic institutions that guide the political process’.²² However, while stable democracies might be in better position to achieve ‘encompassing ownership’ – the ability to reach consensus of policy content – most emerging democracies (a description that characterises the bulk of recipient countries) are still struggling to set up and agree on the rules of the game.²³

As ownership, participation in the design and implementation of development programmes has emerged as a crucial principle of aid effectiveness²⁴ and process indicator of ownership. This stems from the belief that ‘aid will be most effective if its ultimate beneficiaries are

16 The Heavily Indebted Poor Countries (HIPC) Initiative was launched in 1996 by the International Monetary Fund and World Bank ‘with the aim of ensuring that no poor country faces a debt burden it cannot manage’; see IMF ‘Factsheet: Debt Relief Under the Heavily Indebted Poor Countries (HIPC) Initiative’ (23 March 2021) www.imf.org/en/About/Factsheets/Sheets/2016/08/01/16/11/Debt-Relief-Under-the-Heavily-Indebted-Poor-Countries-Initiative (accessed 10 May 2021).

17 M Elkins at al ‘Are Poverty Reduction Strategy Papers associated with reductions in poverty and improvements in well-being?’ (2018) 54 *The Journal of Development Studies* 377.

18 UN Economic and Social Council ‘Background study for the development cooperation forum: Towards strengthened framework for aid effectiveness’ (April 2008).

19 AK Paksi ‘Aid effectiveness agenda and the politics of ownership in donor-recipient relationships’ (2019) 3 *Islamic World and Politics* 537.

20 UN Economic and Social Council (n 19).

21 J Faust ‘Policy experiments, democratic ownership and development assistance’ (2010) 28 *Development Policy Review* 515.

22 Faust (n 22) 526.

23 As above.

24 F Zimmermann ‘Ownership in practice’ Report of informal experts’ workshop, Paris: OECD (September 2007).

consulted and engaged in defining its priorities'.²⁵ Critics have pointed out that the process that led to the Paris Declaration was 'state centric', did not engage the 'full range of stakeholders', notably CSOs.²⁶ Critically, they pointed out that the ownership indicator, 'which requires countries to have "operational development strategies"', was linked to the World Bank's assessment of countries' PRSPs, a process which 'had been accused of taking a tokenistic approach to civil society engagement'.²⁷

This lack of inclusiveness has reverberated at the national level, where CSOs grew increasingly sceptic about the process of drafting the national development plans. Accordingly, critics contend that the process was still primarily driven by donors, and less by a genuine motivation to meaningfully include the most marginalised groups.²⁸ Empirical evidence corroborates the lack of facilitating conditions in recipient countries, namely, limited technical capacity among OPDs to influence the process, tight timelines for consultation, lack of coordination among government departments, and clarity about responsibilities to implement disability policy.²⁹

The Accra Agenda for Action (2008) attempted to redress some of these critical issues in at least two ways. First, the Accra Agenda for Action sought to 'broaden country-level policy dialogue on development' by explicitly calling on recipient governments to work more closely with parliaments, local authorities and CSOs in preparing, implementing and monitoring national development policies and plans.³⁰ Concertedly, the Accra Agenda called for donors' commitment to support efforts to increase the capacity of development actors (mentioned above) including 'research institutes, media and the private sector – to take an active role in fostering dialogue on development policy'.³¹ Second, the Accra Agenda for Action emphasised the need to create 'strong institutions, systems, and local expertise', as the necessary conditions to enable recipient countries to 'fully own and manage their development processes'.³²

The Accra Agenda for Action introduced several additional commitments. Crucially, it enjoined both recipient and donor's countries to 'ensure that their respective development policies and programmes are designed and implemented in ways consistent with their agreed international commitments on gender equality, human rights, disability and environmental sustainability'.³³ The latter commitment provides the

25 Zimmermann (n 25) 6.

26 UN Economic and Social Council (n 19).

27 Zimmermann (n 25).

28 Dube (n 7).

29 K Dube 'Causes and effects of claims for rights: Why mainstreaming in Africa matters' in M Berghs, T Chatika & K Dube (eds) *The Routledge handbook of disability activism* (2020) 435-450.

30 OECD 'Accra Agenda for Action' (2008) para 13(a).

31 Accra Agenda for Action (n 31) para 13(b).

32 Accra Agenda for Action (n 31) para 14.

basis for mainstreaming disability issues in development cooperation programmes. In this connection, the CRPD provides further guidance in relation to the inclusion and participation of persons with disabilities in international cooperation programmes (article 32), as discussed in the next section.

3 Inclusion and participation of persons with disabilities in international cooperation

The present section articulates the obligations attached to specific state parties to closely consult and actively involve persons with disabilities in decision-making processes as related to the Convention, and clarifies the role of international cooperation. Outlined below is the relevant framework, formulated on the basis of General Comment 7 of the Committee (GC7),³⁴ to ensure that persons with disabilities are meaningfully consulted and actively participate in public decision-making process.

Although article 4(3) and the GC7 deal primarily with the inclusion of persons with disabilities at the national level, I argue that their remit extends to the context of international cooperation (see article 32). In this respect, the focus is on the extent to which international cooperation supports the given framework, and ultimately the realisation of objectives of the Convention (article 32(1)). Accordingly, in reading GC7, four main pillars can be identified.³⁵

First, state parties must create an enabling legal framework, conducive to the inclusion and participation of persons with disabilities. As such, state parties must draft and approve laws that enable persons with disabilities to create, register and run their own association; moreover, the legal framework must safeguard the rights of associations to represent their constituency, in the design, implementation, monitoring and evaluation of policies and laws. The relevant laws must also ensure that organisations of persons with disabilities have access to funding from different sources, without compromising their autonomy in deciding their advocacy agenda.³⁶ Moreover, the laws must bind state authorities to consult and actively involve persons with disabilities, including women, girls and

33 Accra Agenda for Action (n 31) para 13(c).

34 CRPD Committee General Comment 7 on the participation of persons with disabilities, including children with disabilities, through their representative organisations, in the implementation and monitoring of the Convention (2018) UN Doc CRPD/C/GC/7 dated 9 November 2018.

35 General Comment 7 presents a complex framework, which includes state party obligations, as well as specific operational guidance and exemplification to ensure inclusion and participation of persons with disabilities. The list presented in this paper is not exhaustive. Rather, I propose identifying its main elements clustered into viable categories to fit the framework of the present paper.

36 Para 61(e) of General Comment 7.

children with disabilities. Lastly, the law must grant persons with disabilities seats in institutionalised bodies, including temporary ones, at the local and national level.³⁷

Second, state parties are enjoined to prohibit practices likely to discriminate against the rights of persons with disabilities to be closely consulted and actively involved in the decision-making processes related to the Convention.³⁸ State parties must adopt and implement legal and regulatory frameworks and procedures to ensure full and equal involvement of persons with disabilities, through their representative organisations, in public decision-making processes;³⁹ and must put in place measures (through policy and other legal means) ensuring that persons with disabilities are not deterred from participating, and are adequately consulted by third parties (family members, service providers, etc).⁴⁰ The latter requirement entails, among other consequences, the raising of awareness in the general public concerning the rights and capabilities of persons with disabilities to participate. It also entails that OPDs must be trained to increase their advocacy competences and human rights knowledge.⁴¹ Moreover, state parties must provide necessary accommodation and support to ensure all persons with disabilities, including women, girls and children with disabilities, are able to participate in the design and implementation of laws and policies and other decision-making processes that affect their lives. This includes, for instance, the provision of sign language and braille for those with hearing and visual impairment, as well as disability and age assistance. At the heart of this dimension is the concept of inclusive equality elaborated by the CRPD Committee in its General Comment 6. Accordingly, inclusive equality embraces a substantive model of equality, which 'seeks to address structural and indirect discrimination and takes into account power relations'.⁴² The concept of inclusive equality encompasses:

- (a) a fair redistributive dimension to address socioeconomic disadvantages;
- (b) a recognition dimension to combat stigma, stereotyping, prejudice and violence and to recognize the dignity of human beings and their intersectionality;
- (c) a participative dimension to reaffirm the social nature of people as members of social groups and the full recognition of humanity through inclusion in society; and
- (d) an accommodating dimension to make space for difference as a matter of human dignity.⁴³

Third, state parties must ensure that the venues where consultation processes take place are inclusive and accessible to persons with

37 Para 54 of General Comment 7.

38 Para 51 of General Comment 7.

39 Para 53 of General Comment 7.

40 Para 52 of General Comment 7.

41 Para 60 of General Comment 7.

42 Para 10 of CRPD Committee General Comment 6 (2018) on equality and non-discrimination (2018) UN Doc CRPD/C/GC/6 dated 26 April 2018.

43 Para 11 of General Comment 6.

disabilities. As mentioned above, the consultation process must enable meaningful engagement with established groups, as well as marginalised groups who might not be formally organised. Therefore, state parties must adopt creative strategies to reach out to diverse constituencies of persons with disabilities, including marginalised groups, not merely relying on traditional generic and online consultations. In circumstances where the unavailability of transport might prevent persons with disabilities from participating, state parties must provide financial support to cover those and other consultation expenses.⁴⁴ Moreover, state parties must provide 'meeting assistance and support' to persons with psychosocial and intellectual disabilities to be able to participate substantially.⁴⁵ Finally, state parties must ensure access to information (CRPD article 9 and 21, as a pre-condition for participation) in accessible formats, including through Information and Communication Technology for persons with disabilities.⁴⁶

Fourth, it is important to ensure the transparency and accountability of consultation processes. The first requirement includes the allocation of sufficient time for consultation, considering that many of the organisations of persons with disabilities have limited human, material and financial capacities. Moreover, state parties are exhorted to engage in good faith with organisations of persons with disabilities, according to the demands of mutual respect and giving due weight to their contribution.⁴⁷ Critically, public consultations with OPDs should 'aim to reach collective agreement' [that] 'respond[s] to the diversity of persons with disabilities'.⁴⁸ Finally, it is important to ensure proper accountability. As such, the law must create mechanisms that enable persons with disabilities to seek redress and challenge decisions adopted without their meaningful involvement. This includes both administrative and judicial mechanisms, which must be embedded in 'the legal frameworks governing the consultation and involvement of organisations of persons with disabilities, and national anti-discrimination legislation, at all levels of decision-making'.⁴⁹ Moreover, these mechanisms must also compel state parties and other entities to explain the rationale of certain decisions, and the extent to which the views of person with disabilities were considered.⁵⁰

The figure presented below sums up the framework from a CRPD perspective. In this framework, the role of international cooperation is construed more broadly, according to the extent to which it supports the goals and purposes of the Convention. On a narrower construal, it shows the extent to which the different dimensions are enabled to operate

44 Para 46 of General Comment 7.

45 As above.

46 Para 45 of General Comment 7.

47 Para 48 of General Comment 7.

48 Para 47 of General Comment 7.

49 Para 65 of General Comment 7.

50 Para 48 of General Comment 7.

independently, highlighting their articulation into a system intended to ensure the meaningful participation of persons with disabilities in development programmes.

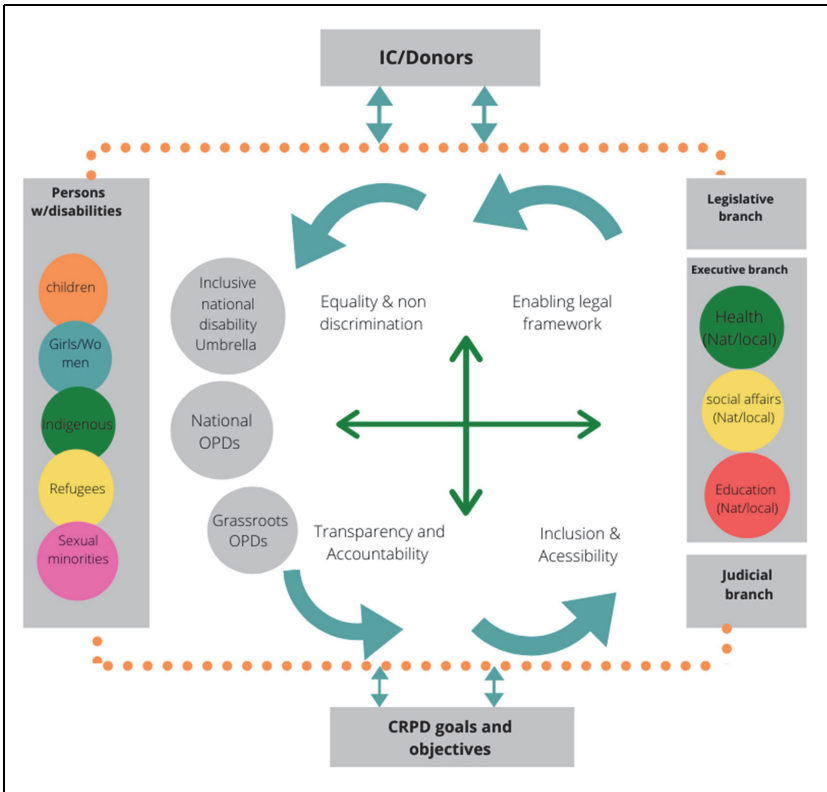


Figure 1: Framework on the inclusion and participation of persons with disabilities in international development cooperation.⁵¹

The inner circle represents the first level of analysis, depicting the relationship between state institutions and persons with disabilities through their representative organisations. When necessary, state institutions may directly engage persons with disabilities to ensure diversity (illustrated by the dotted lines). Here, disability identity intersects

51 Adapted from: A Cote 'The unsteady path – Towards meaningful participation of organisations of persons with disabilities in the implementation of the CRPD and SDGs' (2020) & the CRPD Committee General Comment 7.

with other identities (shown by the left column). The four pillars or dimensions of participation that enable this relationship to occur are presented at the centre of the circle (Enabling legal framework; Equality and non-discrimination; Inclusion and Access; and Transparency and Accountability). The second level represents inputs from international cooperation programmes, with the view to ensuring that the process runs smoothly at the national level, therefore contributing to strengthening the four pillars, and ultimately to the achievement of the CRPD goals and objectives.

It is important to reiterate that the figure above encapsulates a bare-bones theoretical version of the framework, which, although inspired from the General Comment 7 and CRPD jurisprudence, does not attempt to be exhaustive. In practice, however, the framework is far more complex. As noted in article 32(1) of the CRPD, international cooperation may include a range of stakeholders, such as 'international and regional organisations', but also UN agencies and the private sector. The latter actors (and not state institutions) may be the ones who implement development programmes, and are therefore responsible for ensuring inclusion and participation for those with disabilities. Nevertheless, regardless of the practical circumstances of implementation, the four dimensions highlighted above create the necessary regulatory framework for the inclusion and participation of persons with disabilities in development cooperation programmes. The present paper, therefore, presupposes the normative framework outlined in Figure 1.

4 Programme characterisation

This paper is subsumed under my ongoing PhD research project focusing on the inclusion and participation of persons with disabilities in international cooperation development programmes. Primarily, the research focuses on two EU funded development projects in the domain of gender-based violence (the Spotlight Initiative) and social protection in Mozambique.

The Spotlight Initiative is a multiyear programme covering 28 countries across five regions of the globe.⁵² Mozambique is one of the beneficiary countries in the African region. The African programme focuses on 'sexual and gender-based violence (SGBV), early marriage (with linkages to the eradication of harmful practices) and sexual and reproductive health rights (SRHR)'.⁵³ The programme is implemented by five UN Agencies⁵⁴ in collaboration with government agencies and CSOs. In Mozambique, the programme covers three provinces, namely Gaza,

52 Africa (8), Asia (4), Caribbean (6), Latin America (6) and Pacific (4) <https://spotlightinitiative.org> (accessed 14 April 2021).

53 Spotlight Initiative 'Country programme: Mozambique' (2018).

Nampula and Manica. It is also implemented at central level (capital), covering, principally, related legislative work. With EU seed funding totalling 500 million euros for a period of four years (2019-2022), the Spotlight Initiative is thought to be the 'largest global effort to end all forms of violence against women and girls'.⁵⁵

The second project, *Monitoria Comunitária Independente (MCI) ao Programa de Subsídio Social Básico (PSSB)* is a five-year project (2018-2023), implemented by a consortium led by *Plataforma da Sociedade Civil Moçambicana para Proteção Social (PSCM-PS)*.⁵⁶ The project's objective is to improve the quality and impact of social protection programmes, and promote their transparency through awareness raising, access to information, and active citizen participation in the accountability of social protection programmes, with emphasis on the PSSB. The project has three interrelated components: a Citizen Report, where beneficiaries of PSSB express their views of how the programme is being implemented; Focal Groups, where the main concerns raised by citizens are discussed; and an Action plan, which consists of discussion forums where citizens' concerns are presented to local leaders and service providers. With funding of 2.5 million euros from the EU through the Support Programme of Non-State Actors (PANNE II), the project is implemented in six provinces and a total of ten districts.⁵⁷

These projects have an explicit commitment to the foundational principle of 'leaving no one behind' (LNOB) in common, meaning 'ending extreme poverty in all its forms, and reducing inequalities among both individuals and groups'.⁵⁸ To operationalise this commitment, 'explicit and pro-active attempts are needed to ensure populations at risk of being left behind are included from the start'.⁵⁹

5 Research approach and methodology

As indicated above, the present paper is part of an on-going PhD research project. The preliminary data in this article was collected through semi-structured interviews. Purposive sampling was used to recruit research participants. Stakeholders involved in the implementation of programmes

54 United Nations Children Fund (UNICEF); United Nations Development Programme (UNDP); United Nations Women (UNW); and United Nations Population Fund (UNFPA).

55 Spotlight Initiative <https://spotlightinitiative.org> (accessed 14 April 2021).

56 The consortium includes the Forum of Mozambican Association of the Disabled (FAMOD); Associação dos Aposentados de Moçambique (APOSEMO); Ação para o Desenvolvimento Comunitário (ASADEC); CEPIC; and APITE.

57 Niassa province: Districts of Lago and Mandimba; Cabo Delgado; Metunge; Montepuez; Tete; Chiuta, Angonia; Sofala; Caia; Muanza; Inhambane; Jangamo; and Inhambane Cêu.

58 E Stuart & E Samman 'Defining "leave no one behind"' (2017).

59 As above.

under review were recruited through email invitation to participate in the study. Those include EU Delegation representatives in Mozambique, UN agencies, a network of local CSOs implementing the projects, and government officials. In addition, representative of OPDs were also recruited to participate as research informants (the table below shows in detail the demographic of research informants). Stakeholders were asked to reflect on the strengths and challenges of the programmes under review, including factors affecting the inclusion and participation of persons with disabilities, and the extent to which those programmes contribute to support dialogue between CSOs in general (and DPOs in particular) with state institutions. By 'state institutions', we mean all parts of the executive, legislature and judiciary. In total, 24 interviews were reviewed for this paper. All research informants were anonymised, to deter immediate or potential risks. The quotations appearing in this paper reflect patterns emerging from data, rather than individual responses. In addition to interviews, this paper draws from CRPD jurisprudence, as well as documents pertaining to the programmes under review (programme reports, budget reports, etc).

Informants identified as:	
Women	16
Men	8
Age Group	
18-34	5
35-44	10
45-54	7
55-64	2
Entity/type of informant	
OPD leaders	7
PwD ^a not affiliated in OPDs	5
UN Agencies	5
Donors	2
Mainstream CSOs	4
Government official(s)	1

a. Stands for Persons with Disabilities.

6 Findings

The data analysed to date reveals several factors that limit the participation of people with disabilities, preventing them from owning the policies and laws that development cooperation programmes aim to influence. These obstacles are clustered around two major themes; to which I now turn.

6.1 The institutional framework

Freedom of association and assembly are constitutionally guaranteed in Mozambique. The exercise of the right to assembly is subject to prior notification to authorities, a loophole which the government has taken advantage of to misinterpret the rights as contingent upon authorisation, and effectively 'disallow protesters on the basis of errors in the organizers' official applications'.⁶⁰ While most NGOs can operate without significant legal restrictions, human rights defenders and members of groups perceived as critical of the government policies are systemically the target of severe intimidation. Journalists and researchers are harassed, intimidated, arrested, and detained for reporting on the conflict in Cabo Delgado - a region in the north of the country, which has been targeted by terrorist groups since 2017.⁶¹ OPD leaders have reported difficulties in obtaining legal registration, owing to the high fees involved. While the exact fee is dependent on the size of the organisation statute, one of the leaders interviewed mentioned that his organisation must pay the equivalent of 300 USD. The lack of registration impairs OPDs' ability to operate and obtain funding, additionally affecting small and community-based organisations.

While disability issues are not, as yet, perceived as sensitive issues, OPDs are relatively willing to challenge government policies. Nevertheless, the general climate of intimidation, the lack of legal frameworks enabling CSO groups to participate in public policies debate, and the limited access to information (impacting disproportionately those with hearing impairment), make it difficult for OPDs to participate in and own development programmes, public policies and legislative processes, even when a commitment to LNOB exists. The ongoing process of drafting the Law on the Rights of Persons with Disabilities in Mozambique illustrates this predicament.

60 Freedom House 'Report freedom in the world 2021: Mozambique' <https://freedomhouse.org/country/mozambique/freedom-world/2021> (accessed 4 January 2022).

61 US State Department '2020 Country reports on human rights practices: Mozambique' www.state.gov/reports/2020-country-reports-on-human-rights-practices/mozambique/ (accessed 4 January 2022).

In 2014, the government launched the process of drafting the Law on the Promotion and Protection of the Rights of Persons with Disabilities (the Disability Law), with the aim of domesticating the CRPD. For this purpose, a technical committee was established, tasked with the formulation of a legal draft. The Forum of the Mozambican Association of Persons with Disabilities (FAMOD) was initially invited to be part of the Technical Committee in representation of OPDs. After an initial consultation with OPDs that took place in 2014, the process moved on, without gathering significant input from persons with disabilities. A draft of the Disability Law was considered and approved by the Cabinet in May 2017 and forwarded to Parliament for final approval. However, FAMOD sought to halt the process, on the basis that the proposed law had significant gaps, including limited inclusion and participation of person with disabilities in its diversity.⁶² Eventually, Parliament sent back the proposal to its proponent for review, a process which is still underway.

Owing to this intractable situation, CSO groups demand clear procedure and rules to govern public policy making. For instance, the former representative of the Mozambican Bar Association called for a ‘law of laws’ to be passed:

[T]hat is, a law that more clearly defines the process of drafting laws, which ... clearly defines the way in which civil society participates in the process, establishes a mandatory period in which proposals must be available to the public for consultation and contributions, and imposes the obligation to explain the rationale of policy choices. Only then will the recipients of the laws [the citizens] be able to own them [policies].⁶³

6.2 Programme design

The review of programmes, documents and related materials (project reports, attendance sheets, budget reports, etc.), as well as the stakeholders’ interviews, suggest that, despite the commitment to ‘leave no one behind’ (LNOB), there is nothing in those programmes to ensure the fulfilment of this principal commitment. For instance, the programmes under review do not address the manner in which the problems identified, affect persons with disabilities, including women, girls and children. Nor do they demonstrate how the proposed actions will address the problems faced by persons with disabilities. As a result, there are no specific indicators or budget lines for support and accommodation, and the monitoring and evaluation tools do not reflect the disability dimension. The stakeholders involved in the implementation of the Spotlight Initiative (UN agencies

62 Westminster Foundation for Democracy ‘Towards inclusive policies for persons with disabilities in Mozambique’ (2019).

63 Cerimónia de Abertura do Ano Judicial 2019 – Intervenção do Bastonário, Flávio Menete www.oam.org.mz/cerimonia-de-abertura-do-ano-judicial-2019-intervencao-do-bastonario-flavio-menete/ (accessed 14 April 2021).

and CSOs) do recognise these serious limitations. Yet they explain these deficiencies by stressing that the main donor (the EU) did not emphasise disability issues in the call for proposals:

UN agencies are usually good in complying with donors' conditions. So, I think that these issues [disability inclusion] were not highlighted in the EU call. Rather the emphasis was on GBV.⁶⁴

Irrespective of donor requirements, UN agencies have an institutional obligation to ensure disability inclusion. The UN Disability Inclusion Strategy provides guidance to agencies within the UN system to advance disability rights, as promoted in the CRPD and other agreed international legal and policy commitment.⁶⁵ When asked how the UN Disability Strategy informs the implementation of the Spotlight Initiative, the stakeholder demonstrated a basic unfamiliarity with the Strategy.

These findings also show how political commitments turn out to be empty buzzwords, devoid of meaningful and tangible measurable content. The following statement (from one research informant) clarifies this point:

The problem is that LNOB is just a commitment and not a target ... yes it would be good if it was a target. But in the real world, it would be difficult to materialize in a project with two years of implementation ... So, what I'm saying is, yes, but we would have to leave something out.⁶⁶

This statement illustrates, moreover, the difficulties of designing and implementing a programme aimed at including all the perceived marginalised communities, in a context where both expertise and resources are limited. For instance, the Spotlight Initiative is dominated by women and feminist organisations with relatively little expertise on disability rights. They tend to work together to the exclusion of other population groups. When asked about how the leading organisation went on to form a consortium to implement the Spotlight Initiative, their response was 'because they have been working on the same issue and know each other for long time'.⁶⁷ In this relation, it is difficult for outsiders – OPDs who are traditionally marginalised – to be invited to join such a platform.

The governance and implementation structure of both programmes include representatives of groups considered marginalised. The Spotlight Initiative has at the governance level (National Civil Society Reference Group) a woman with disability, who was deliberately recruited to represent persons with disabilities (representatives of other groups, such as

64 Interview with a UN Agency Official.

65 UN Disability Inclusion Strategy, UN Chief Executives Board for Coordination (10 May 2019) UN Doc CEB/2019/1/Add.6 (2019).

66 Response from a UN Agency Official.

67 Response from women's rights organisation implementing the Spotlight Initiative.

LGBTIQ, were also recruited). These representatives, among others, are tasked to provide advice on their areas of expertise. The presence of a person with disability in the Reference Group is frequently presented as evidence of the programme's commitment to disability inclusion and LNOB. Yet in practice, her appointment amounts to tokenism representation, as the person is limited in what she can do to further disability inclusion, given the lack of awareness, resources, and space to advance the cause.

This holds true of the MCI project, also. Despite having a FAMOD delegation as its implementing partner in Niassa province, persons with disabilities are not adequately represented within the committees. Among eight existing committees in Niassa province, only one has a member who identifies himself as person with disability – the Mepapa Committee. There are several reasons for this disproportional lack of representation. First, the Committees were originally established by the District Services for Women Health and Social Action as Children's Protection Committees; and others were established as Water Committees (Comités de Agua). The Children's Committees were originally tasked with addressing issues of early and forced marriages, attending to children in a vulnerable situation, among others, while the Water Committees were tasked with addressing issues of Water Sanitation and Hygiene (WASH). Membership of these Committees 'was volunteer based ... there was no precondition attached, except that there must be representative of children', as observed by one representative of the District Social Services, reflecting on the Children's Committee. The MCI project capitalised on the existing structures – instead of creating new committees – and expanded them (to avoid duplication) to include aspects of social protection. Yet in doing so, the project did not pay sufficient attention to the configuration of these committees, so that their members remain largely the same, and persons with disabilities are seen only as beneficiaries that 'must be taken care of',⁶⁸ not as active participants in project implementation. Second, there is a lack of understanding of social protection from a disability rights perspective among Committee members who were trained only on aspects of PSSB – eligibility criteria, and target group, among others. Finally, MCI does not collect disaggregated data on disability, making it difficult to know objectively which groups of persons with disabilities are beneficiaries and participate in the project implementation.

Although implemented by local CSOs, there is no specific role for OPDs in the implementation of the Spotlight Initiative. Implementing organisations were recruited through a call for proposals put forward by UN Women. The requirement and the process itself proved to be exclusionary towards most local organisations, including those with

68 Response from a member of the Social Protection Committee in Mandimba district.

disabilities. To begin with, the call was published in English, and the proposal also had to be submitted in English (the official language in Mozambique is Portuguese). Moreover, the proponents had to be legally registered to be eligible.⁶⁹ There was a possibility to apply as a consortium, and indeed at least one group - led by Women and Law in Southern Africa (WLSA Mozambique) – applied, which enabled small organisations, including community-based organisations, to participate. Yet, owing to the fact that the guidance arising from the call for proposals did not go far enough to address issues of disability representation (as it did in relation to community-based organisation), coupled with the putative proponents' lack of awareness, the consortiums did not include OPDs. As result there is no OPDs among the implementing organisations belonging to the Spotlight Initiative. Stakeholders recognise this gap in stating that there ought to have been, in the call for proposals,

specific indication to include representative organisations of persons with disabilities, because what happens in the implementation is that because there is so many things to consider in the project of this nature, these issues [disability] are usually excluded.⁷⁰

Owing to these factors, both projects under review here failed to address existing unequal power relations not only within the disability movement, but more generally. For instance, persons with physical disability, largely ex-combatants with disabilities, or land-mines survivors, are likely to be the beneficiaries of the PSSB. As observed by a representative of Instituto Nacional de Acção Social (INAS), 'Niassa is a land of ex-combatants'. Ex-combatants with disability are relatively privileged within the disability community, because they have received specific protection and benefits, derived from their contribution in the colonial and civil wars. Thus, those who participate are individuals of relatively greater privilege in the community. Even a person with a disability, who is member of the Committee, is on that Committee because he is as local leader. As he puts it, 'I had to be part of the Committee because I'm a local leader, which means I have to know what is being discussed and represent the community'.

7 Discussion

Both projects achieved impressive results. Over the past three years (except for 2020), the MCI project contributed to consecutive increases of subsidies to PSSB, raising the share of GDP, from 0.3 in 2015 to 0.7 in

69 UN Women 'Call for proposal EVAWG MZ 2019/001 on ending violence against women and girls' (2019).

70 Response from an official working for a UN agency.

2019, and increasing the number of beneficiaries with disabilities from 4 per cent in 2014 to 5.3 per cent in 2019.⁷¹ Moreover, the project established local and national forums where government, donors and CSOs came together to discuss social protection issues. Likewise, the Spotlight Initiative, ‘strengthened partnerships with civil society government institutions and the EU Delegation, bringing these diverse stakeholders together’ at provincial and national level, as well as facilitated ‘consultations that led to the passage of key legislation such as law on child marriage’.⁷²

These developments have contributed to ownership of the law on child marriage by some groups, mainly women and feminist organisations who directly participate in the project implementation (in the case of the Spotlight Initiative). Conversely, because representative organisations of person with disabilities are not included in the project implementation, they are likely to be left out of ownership of the policies and laws that the projects seek to influence. Although there is no desegregated collected data on this phenomenon, both programmes include certain persons with disabilities mostly as beneficiaries.⁷³ However, it seems that only those that require minimum or no accommodation are more likely to participate, as one informant put it:

Communication is a major obstacle to work with person with visual and hearing impairments ... We are working with the Ministry to develop some material in braille and sign language in the scope of GBV prevention ... now, people with albinism, [physical disability] in principle, are easy to communicate with ... whereas a person with intellectual disability is difficult to know how to interact with them.⁷⁴

Three things need to be considered to ensure participation of persons with disabilities, and ultimately ownership of the very laws and policies that these programmes seek to influence. First, the findings highlight, on one hand, the centrality of a political economic analysis in development cooperation and ownership, as highlighted in relevant literature.⁷⁵ For instance, the political economy analysis of the CSO is apt to single out the fact that given the history of exclusion of and stigma towards disability, the disability movement is still somehow disconnected from the mainstream CSOs. It is apt likewise to point to the heterogeneity and internal divergence within the disability movement, and to the fact that there are

71 INAS ‘Relatório Anual 2019’ (2020) & Oxford Management Policy & OIT ‘Avaliação da Estratégia de Segurança Social Básica: Documento de síntese’ (2014).

72 Spotlight Initiative ‘Mozambique annual narrative report’ (2019).

73 Some informants have reported working with persons with disabilities and have used photos of some activities as evidence, although they were unable to provide desegregated data on disability.

74 Response from an official working for a UN Agency.

75 Faust (n 22); and Zimmermann (n 25).

groups that are more marginalised than others.⁷⁶ This critical realisation might have led (in the contexts under discussion) to specific strategies and incentives to engage persons with disabilities through their representative organisations or other means. The lack of these crucial insights perpetuates the domination of mainstream groups who are more organised and claim to 'speak for those without voice'.⁷⁷ In this sense, development programmes perpetuate, rather than challenge, the status quo by not addressing power relations within CSOs and society more broadly.

Second, these findings highlight the centrality of data disaggregation if the development community is to take seriously the commitment to LNOB. LNOB needs to be more than a simple nominal commitment. There must be concrete activities and indicators on disability, and a system of monitoring and evaluation able to capture and make sense of the collected data.

Third, there is the need to move beyond awareness of disability to more concrete actions aiming to support disability inclusion in practice. This includes setting up mechanisms and tools to support disability inclusion. This may involve rethinking the typical framework of personnel working in traditional development agencies by including disability focal points, with the aim of bringing in the expertise needed on these issues. Typically, these professionals are 'highly qualified ... trusted and valued by both international agencies and national authorities, and act as important interlocutors between international and national policy elites, and as gatekeepers to both'.⁷⁸ More importantly, it is essential that development agencies and mainstream CSOs open themselves up to engage with persons with disabilities and their representative organisations, as they are the prime sources of knowledge on disability. Fortunately, the new EU Disability Strategy 2021-27 seems to be moving in the right direction, although the details are yet to be pinned down. For instance, through this Strategy, the EU commits 'to support CSOs to ensure that representatives of persons with disabilities can participate in all relevant processes through specific and inclusive structured dialogues, at EU, partner countries and global level'.⁷⁹ But as the age-old wisdom has it, the devil is in the details – as ever, something that in theory seems simple, might in reality be far more complex.

76 Westminster Foundation for Democracy 'Towards social, economic and inclusive policies for people with disability in Mozambique' (2020).

77 Response from an official working for a UN Agency.

78 P Kamruzzaman 'Understanding the role of national development experts in development ethnography' (2017) 35 *Development Policy Review* 39.

79 European Commission 'Union of equality: Strategy for the rights of persons with disabilities 2021-2030' (2021) <https://ec.europa.eu/social/main.jsp?catId=1484> (accessed 4 January 2022).

8 Conclusion

This paper seeks to examine the extent to which development cooperation programmes contribute to supporting the dialogue between CSOs in general, and DPOs in particular, with state institutions, as an indication of the level of ownership by persons with disabilities of these programmes, or the policies and laws they seek to influence. The findings suggest that the programmes under review do promote greater collaboration between CSOs and state institutions, therefore contributing to the ownership of those programmes, policies and laws that these programmes seek to influence. However, despite the existence of a commitment to LNOB, persons with disabilities continue to be excluded, mostly seen as mere beneficiaries, and not as active participants fully able to contribute to the public debate.

The preliminary analysis of the data enabled the identification of two sets of issues that place conditions on the participation of those with disabilities, preventing them of owning the very policies and laws that development cooperation programme aim to influence. This includes the lack of proper legal frameworks and the programme design, which is severely deficient from a disability rights perspective. The findings corroborate previous research that acknowledges the centrality of data and political economy analysis in the practice of participation and ownership. The interest and value of the present paper reside in its contribution of a theoretical framework, based on the CRPD, to understand inclusion and participation of person with disabilities – a key indicator of ownership of development programmes, and ultimately of aid effectiveness.