



GLOBAL RIGHTS ALERT



4th Annual National Conference on Economic, Social & Cultural Rights

Topic: Local Government, Devolution and Service Delivery

Theme: Local Government and Service Delivery in Uganda: Achievements, Challenges & Way Forward

20th – 21st September 2017

Makerere University, Main Hall

Conference Report

September 2017

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LIST OF ACRONYMS

ACODE	Action for Development and the Environment
CAO	Chief Administrative Officer
CEHURD	Centre for Health, Human Rights and Development
DPCs	District Police Commanders
DHOs	District Health Officers
EOC	Equal Opportunities Commission
ESCRs	Economic, Social and Cultural Rights
GIZ	German International Cooperation
GRA	Global Rights Alert
HMCs	Health Management Committees
ISER	Initiative for Social & Economic Rights
KCCA	Kampala Capital City Authority
LC V	Local Council V Chairperson
LC	Local Council
LGs	Local Governments
MP	Member of Parliament
MoGLSD	Ministry of Gender, Labor and Social Development
NETPIL	Network of Public Interest Lawyers
NGOs	Non-Governmental Organizations
NRM	National Resistance Movement
OPM	Office of the Prime Minister
PILAC	Public Interest Law Clinic
RDC	Resident District Commissioner
SMCs	School Management Committees
SDGs	Sustainable Development Goals
SHUREA	Strengthening Human Rights Research and Education in Sub Saharan Africa
UCCA	Uganda Consortium on Corporate Governance
UGLA	Uganda Local Government Association
UHRC	Uganda Human Rights Commission
UN	United Nations
UNDP	United Nations Development Programme
USAID	United States Aid

1. INTRODUCTION

This summary captures a two- day programme of presentations, panel discussions and plenary at the 4th National Annual Conference on Local Governments and the realization of economic, social and cultural rights under the theme, “*Local Government and Service Delivery: Achievements, Challenges and the Way Forward,*” which took place from 20th -21st September 2017 at Makerere University Main Hall, Kampala, Uganda.

The Conference had over 800 participants from the public, policy makers, corporate actors, private sector, officers from independent statutory bodies, practitioners, activists, academia, university students, secondary school students, researchers, development partners and local governments. The organizers of the two-day conference included: Initiative for Social & Economic Rights (ISER), Centre for Health, Human Rights and Development (CEHURD), Public Interest Law Clinic (PILAC), Strengthening Human Rights Research and Education in Sub –Saharan Africa (SHUREA), Uganda Consortium on Corporate Accountability (UCCA), Uganda Human Rights Commission (UHRC), Global Rights Alert (GRA) and Uganda Local Governments Association (ULGA).

2. RECOMMENDATIONS OF THE CONFERENCE

To improve on service delivery in Local Governments, the following recommendations are proposed;

i. Autonomy of decentralized units

To address the problem of lack of autonomy in local governments, Central government must be encouraged to relinquish some of its formal powers to local governments. This would ensure that Local Governments are able to make decisions on how to increase their tax base as well as be able to address service delivery challenges quickly without having to depend on Central Government.

ii. Budget allocation to Local Governments

The funding gap of Local Governments should be addressed by Central government increasing the national budget allocation of 11.6%. The mount allocated in the previous budget is not sufficient to address the service delivery needs of all the 121 districts in the country. The creation of new districts should be halted unless proper consideration of the budget allocation to Local Governments is reviewed.

iii. Reforming the existing legal and policy framework

Reformation of the existing legal and policy framework should be done by government to provide for informal social accountability mechanisms and establish a legally recognized link between social accountability mechanisms and the existing statutory accountability institutions like the Auditor General. This would give them stronger legal backing and strengthen enforceability resulting into improved local government service delivery.

iv. Citizen Engagement for better service delivery

Citizens should hold the Government accountable and demand for better service delivery through meaningful engagement by for example ensuring that Health Users Management Committees are fully constituted and functional in every district. One way of improving this is through partnership with civil society organizations that can mobilise communities to engage and facilitate dialogue.

v. Awareness raising on Sustainable Development Goals

While a lot has been done by UNDP to translate the Sustainable Development Goals (SDGs) into 10 languages, this information has not trickled down to the common man. Similarly, LGs need to be empowered to implement the SDGs. There is need therefore to address the information gaps on the implementation of the SDGs.

vi. Private Public Partnerships

Encourage Local Governments to enter into private public partnerships to improve on service delivery. These arrangements between Local Government and the private sector for provision of public infrastructure, community facilities and services in general guarantees quality service delivery through a competitive process.

3. CONFERENCE PROCEEDINGS

The 4th Annual National Conference had remarks made by Dr. Christopher Mbazira, Ag. Principal School of law and Coordinator PILAC, VC Makerere University, Prof. Barnabas Nawangwe given by Deputy Vice Chancellor Academic Affairs Dr. Okello Ogwang and by Country Director GIZ given by the Head of Governance and Civil Society Dr. Moss W. Michael.

a) Progress on Implementation of the 3rd Annual National ESCR Conference recommendations by Mr. Arnold Kwesiga, Coordinator UCCA

The presentation on the implementation of the recommendations of the 3rd Annual Conference under the theme “*Business and Human Rights in Uganda: Accountability versus social responsibility for corporate abuses*” was made by Mr. Arnold Kwesiga the Coordinator of UCCA.

The presentation focused on the need for businesses to operate in society as instruments contributing to the welfare of society rather than as mere profit generating businesses. Therefore, a policy and legal framework that re-emphasizes corporate responsibility to respect human rights but also strengthening existing mechanisms around the environment impact assessments and environmental bodies to ensure that different corporate actors undertake studies before they engage in activities that will impact on the environment was encouraged.

b) Key Note Address: Devolution and Decentralization in Africa: Drivers, Success, Challenges and the Future by Prof. Jaap de Visser

The Keynote address was delivered by Professor Jaap De Visser on, “*Devolution and Decentralization in Africa: Drivers, success, challenges and the future.*” The keynote address

looked at among others: the importance of Local Governments; how the system of LGs work; powers of LGs; comparative analysis of LGs in Africa with focus on Kenya, Ethiopia and South Africa historical and inevitable reality; deepening democracy; taking services closer to the people; limit to central power; mechanism to accommodate diversity. A check list for LGs based on the following parameters: deepening democracy, promoting development, limiting power at the center and encouraging diversity was posited. Emphasis on the design of LGs was recommended in order to have effective service delivery.

The Key Note was followed by a panel discussion comprised of; Dr. Singiza Douglas- Researcher on LGs, Ms Winifred Ngabiire- Executive Director, GRA and Hon. Ojara Mapenduzi-District Chairperson Gulu District commenced. The panelists tested the check list to score local governments in Uganda, challenges LGs face, as well as the performance of LGs in bringing services closer to the people.

c) Report of Social Accountability and Citizen Participation in Local Government Service Delivery Processes by Ms. Salima Namusobya

This session focused on the findings and recommendations from a report commissioned by ISER in collaboration with the International Research Centre. The Report looked at the mechanisms that people have been engaging to look at social accountability and enjoying their rights to participate. The general objective of the research, was to improve community participation and accountability for better service delivery in local government.

The findings of the research are made in detail in the report [found at https://www.iser-uganda.org/images/downloads/Are_They_Effective_An_Audit_of_Social_Accountability_Mechanisms_in_Local_Government_Processes_in_Uganda.pdf]. The report highlighted challenges among others; lack of access to information, weak community structures, weak legal frame work and low literacy levels that limit participation. Recommendations made in the report included among others to create legally recognized links between the formally recognized social accountability mechanisms and the statutory recognized accountability institutions mechanisms that are used in fostering accountability.

A Panel Discussion and Plenary of the same was moderated by Mr. Peter Kibazo. The Panel discussants consisted of; Hon. Geoffrey Bassajabalaba LC V Chairperson Bushenyi District Local Government, Hon Richard Rwabihika LC V Chairperson Kabarole District Local Government, Mr. Joseph Musenero Information Scientist and Coordinator Baraza at the Office of the Prime Minister (OPM) and Kidde Johnson the Head Development Unit, Kayunga District as well the Community Health Advocate working for greater Mukono. The challenges of social accountability mechanisms both informal and formal were discussed affirming the findings of the report. The report of on *Social Accountability and Citizen Participation in Local Government Service Delivery Processes* was launched.

4. PARALLEL SESSIONS

a) Decentralization and Natural Resource Governance moderated by Ms. Rachael Mugarura

The session highlighted the challenges of decentralization and natural resource governance like; lack of transparency and accountability in revenues collected; lack of appropriate information on the sector; lack of clarity in the role of Local Governments; pollution; conflict of roles between the local government, parliament and the Ministry of Energy and Mineral Development. Recommendations to address these challenges included; revisiting and streamlining the roles of the different stakeholders in the sector, public awareness, decentralization of revenues collection and critical decision-making powers in this sector, among others. The need to implement the *Odoki Commission* recommendations on local governments was also highlighted as well.

b) Decentralization of Health Care and the realization of the Right to Health

The Session was constituted by the following panelists: Mr. Serebe Bosco - the District Health Officer of Kyankwanzi District; Mr. Kabanda David - the Programme Coordinator CEHURD, Ms. Edith Senfuma - the Community Health Advocate Buikwe District and Dr Peter Waiswa - an Associate Professor of Makerere School of Public Health.

The nexus between the political system and the health system was discussed in relation to decentralization. It was shown that decentralization of the health system has not improved efficiency and productivity partly because of numerous many health centres that are not functional. It was noted that while the physical structures are in place, there do not have adequate staffing, medicines or necessary equipment's. The panel discussion focused on negligence in the health sector, poor resource allocation to pay the medical workers leading to increased cases of theft of medicines from health centres to private clinics. The failure of the health system was attributed to inadequate funding, poor resource allocation and failure to attract qualified staff to work in the health sector.

c) Ensuring Inclusive and Equitable quality Education moderated by Angella Nabwowe

The Session was facilitated by Ms. Angella Nabwowe - the Programs Manager, ISER; Dr. Lusambu Mukasa - the Assistant Commissioner Basic Education, Ministry of Education and Sports; and Mr. James Nkata - the Central Region Representative of Association of Local Government Accounting Officers in Uganda/ the Chief Administrative Officer, Mityana District and Moderator was Mr. Peter Kibazo.

The session focused on whether the local government system could provide inclusive equitable and quality education. It was observed that there are structures and bodies that are ideally required to achieve inclusive and quality education in a decentralized system., the Parents Teachers Associations (PTAs) and SMCs. It was noted that despite the policy of decentralization, a lot of power had been retained at the center which leads to mistakes and oversights. There was need therefore, to empower the lower structures created since they are more in touch with the local realities of a given area. Discussion then moved to whether Universal Primary Education (UPE)

was free. It was the contention of the Ministry of Education and Local Government representatives that education is the responsibility of both the government and the parents and that it was only prudent that both these stakeholders contributed to the same.

The mandate of the government to provide free and compulsory elementary education under the Convention of the Child was discussed and Ministry representatives were reminded that the country has been using the UPE milestone to report positive strides in elementary education before International Human Rights monitoring bodies. The ministry and local government officials relied on the 1995 Constitution of the Republic of Uganda and the Education Act to emphasize that education was a partnership and both the government and parents had roles.

5. DAY TWO OF THE CONFERENCE SESSION PROCEEDINGS

a) Role of Local Governments in achieving Sustainable Development Goals moderated by Ms. Salima Namusobya

The Session was moderated by Ms. Salima Namusobya. The panels were combined into one to discuss the Sustainable Development Goals (SDGs). The panelist included; Mr Innocent Ejolu - from UNDP; Mr Okello Martin from ULGA; Miss Patricia Nduru from UHRC; Mr. Galiwango Samuel - Senior Economist Policy and Implementation OPM, and Mr Jjemba Evans from EOC.

The session highlighted the importance of the SDGs to consolidate on the strides made under the millennium development goals that ended in 2015. It noted that while the MDGs focused on poverty the SDGs look at sustainable development. The reduction in poverty levels due to MDGs was raised as well as the challenges that still persisted in the eastern and northern of Uganda affecting implementation. The importance of government at all levels to manage the vertical interaction in terms of how districts implement but also how they prioritize was agreed to be crucial for successful implementation. The SDGs therefore provide an opportunity to rethink how to move forward without leaving any one behind. The issue of inclusion was developed further to show how access to health, water and education affect all human beings.

The plenary session was interactive and focused on a range of issues but mainly on the importance of social inclusion and the need to domesticate the Sustainable Development Goals by unpacking them so that Local Governments can be able to monitor the implementation of the Goals on access to water, food, and education among others. Alignment of the SDGs to the NDP was emphasized as well as the dissemination of SDGs indicators to local governments.

b) Expecting more for Less: Financing for Social Services at the Local Level

This Session was moderated by Imelda and had three panelists; Mr. Emmanuel Bakisami from Advocate Coalition on Development in Environment; Mr. Dunstan Balaba - Chairperson of Association of Local Government Accounting officers, the Chief Administrative Officer of Kabarole District; and Mr. Ojara Gerald from ULGA the Vice Chairperson Northern region.

The session focused on the challenges that LGs face in generating revenue, staffing LGs, corruption and utilization of the little resources available to deliver quality services to the people. The financing of the LGs was put into context with a discussion on the different grants that LGs get; conditional grant which is 90% of the money received from central government goes into wages and salaries, and unconditional grants and equalization grants. The unchecked creation of new districts was raised as an issue that has increased the financing gap yet the resource base remains the same. Recommendations put forward included among others; public- private partnerships, utilizing opportunities from development partners; blended financing like the Entebbe express high way project where a private entity finances a road and uses road toll to recover the money. The risks of some of these ventures were mentioned like failure to recover the money spent, but it was generally agreed that the benefits to the LGs were enormous.

c) Transformation of Service Delivery in Kampala under KCCA and realization of ESCRs moderated by Mr. Gawaya Tegulle.

This session was moderated by Mr. Gawaya Tegulle and the Panelists included; Mr Charles Ouma - the Deputy Director Policy and Advisory Services in the Directorate of Legal Affairs at Kampala Capital City Authority; Professor Sabiiti Makara from Makerere University - a researcher of politics and public administration; and Dr Christopher Mbazira - the Ag. Principal of the School of Law Makerere University.

The panel discussion focused on the criteria of a district to become a city and the fairness of the legal and policy framework governing Kampala. The panelists agreed that for a district to be granted city status it must have significant population ranging from 500,000 people to 1,000,000 people as well as be a business hub. The discussion then focused on the legal and policy framework which was noted to have a mixture of technical officers, political offices, appointed offices and a Minister of Kampala. This was highlighted as cause of conflict and a move to re-centralize Kampala thus affecting service delivery. Panelists agreed that a good job had been done on beautification of the city, street lights, garbage collection, traffic lights and cleaning of the roads however structural problems still existed. Challenges like; poor planning in housing, roads that are not properly planned, the issue of slums in the city, poor drainage, corruption, poor standards at KCCA schools and so forth affected service delivery. The disparity in salary structure in KCCA was noted as a contribution to poor service delivery in the education and health sector. A comparison between the executive in KCCA, KCCA officials, medical workers and teachers was made and found to be unfair thus affecting service delivery.

d) Closure of Conference

The Conference was officially closed by Dr. Christopher Mbazira, the Principal, School of Law and Coordinator, PILAC. In his remarks he thanked the organizations and participants for coming to the conference.

