Are They Effective? 
An Audit of Social Accountability Mechanisms in Local Government Processes in Uganda

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<tr>
<td>ACAO</td>
<td>Assistant Chief Administrative Officer</td>
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<td>ACODE</td>
<td>Advocates Coalition for Development and Environment</td>
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<tr>
<td>ADHO</td>
<td>Assistant District Health Officer</td>
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<td>BoG</td>
<td>Board of Governors</td>
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<td>CAO</td>
<td>Chief Administrative Officer</td>
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<tr>
<td>CAP</td>
<td>Community Action Plan</td>
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<td>CEAPs</td>
<td>Civic Engagement Action Plans</td>
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<td>CNDPF</td>
<td>Comprehensive National Development Planning Framework</td>
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<td>CSOs</td>
<td>Civil Society Organizations</td>
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<tr>
<td>DCAO</td>
<td>Deputy Chief Administrative Officer</td>
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<tr>
<td>DCDO</td>
<td>District Community Development Officer</td>
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<tr>
<td>DDP</td>
<td>District Development Plan</td>
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<tr>
<td>DEO</td>
<td>District Education Officer</td>
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<td>DHO</td>
<td>District Health Officer</td>
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<td>DWO</td>
<td>District Water Officer</td>
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<td>FGDs</td>
<td>Focus Group Discussions</td>
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<td>FM</td>
<td>Frequency Modulation</td>
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<td>GTF</td>
<td>Governance and Transparency Fund</td>
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<td>HUMCs</td>
<td>Health Unit Management Committees</td>
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<td>IDIs</td>
<td>In-depth Interviews</td>
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<td>IDRC</td>
<td>International Development Research Centre</td>
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<td>IG</td>
<td>Inspectorate of Government</td>
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<td>ISER</td>
<td>Initiative for Social and Economic Rights</td>
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<td>KIIIs</td>
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<td>LC</td>
<td>Local Council</td>
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<td>LGA</td>
<td>Local Government Act</td>
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<td>LGBFP</td>
<td>Local Government Budget Framework Paper</td>
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<td>LGCSCI</td>
<td>Local Government Council Score Card Initiative</td>
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<td>LGDPG</td>
<td>Local Government Development Planning Guidelines</td>
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<tr>
<td>LGs</td>
<td>Local Governments</td>
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<tr>
<td>LLG</td>
<td>Lower Local Government</td>
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<td>MoH</td>
<td>Ministry of Health</td>
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<td>NAADs</td>
<td>National Agricultural Advisory Services</td>
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<tr>
<td>NDP</td>
<td>National Development Plan</td>
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<tr>
<td>NGO</td>
<td>Non-Governmental Organization</td>
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<tr>
<td>NODPSP</td>
<td>National Objectives and Directive Principles of State Policy</td>
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<td>NPA</td>
<td>National Planning Authority</td>
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<tr>
<td>NRM</td>
<td>National Resistance Movement</td>
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<td>NUSAF</td>
<td>Northern Uganda Social Action Fund</td>
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<tr>
<td>OPM</td>
<td>Office of the Prime Minister</td>
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<td>PAS</td>
<td>Principal Assistant Secretary</td>
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<td>PLHA</td>
<td>People Leaving with HIV/AIDS</td>
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<tr>
<td>Abbreviation</td>
<td>Full Form</td>
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<td>PWDs</td>
<td>Persons with Disabilities</td>
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<td>RDC</td>
<td>Resident District Commissioner</td>
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<td>SA</td>
<td>Social Accountability</td>
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<tr>
<td>SAS</td>
<td>Senior Assistant Secretary</td>
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<tr>
<td>SCDO</td>
<td>Sub County Development Officer</td>
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<tr>
<td>SDS</td>
<td>Strengthening Decentralization for Sustainability</td>
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<tr>
<td>SMCs</td>
<td>School Management Committees</td>
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<tr>
<td>TPC</td>
<td>Technical Planning Committee</td>
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<tr>
<td>UKaid</td>
<td>United Kingdom Agency for International Development</td>
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<tr>
<td>UPE</td>
<td>Universal Primary Education</td>
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<td>USAID</td>
<td>United States Agency for International Development</td>
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<td>VHTs</td>
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Social accountability (SA) has been advanced as a key strategy to tackle development and poverty challenges in many countries, including Uganda. It is considered one of the principal ways through which to strengthen local governance institutions, and increase citizen participation and engagement in public oversight and accountability processes.

However, while there is much written about the goals and objectives of social accountability, there is limited analysis of the mechanisms and tools used to achieve the stated goals. Accordingly, the Initiative for Social and Economic Rights (ISER) has conducted a study on the status of SA mechanisms in local government service delivery in the six districts of Bushenyi, Iganga, Kyenjojo, Kayunga, Kumi and Mbale. This research, which forms part of ISER’s broader Social Accountability and Community Participation Project, is implemented with support from the International Development Research Centre (IDRC). The broader project, which seeks to interrogate – from a legal lens – the use of social accountability mechanisms in Uganda, posits that SA mechanisms have fallen short of their stated accountability goals because of inadequate institutionalization or anchorage in formal accountability mechanisms. It is ISER’s view that facilitating links between formal and social accountability mechanisms serves to mutually reinforce and enhance the responsiveness of both forms of accountability mechanisms.

Moreover, many of the goals targeted by social accountability mechanisms already exist as legal rights: for example, the Ugandan Constitution guarantees citizen participation in public affairs. The assumption underpinning this research is that it is better to view the types of citizen voice and engagement targeted by social accountability in terms of legal rights of participation.

The study was conducted at the following four levels: household, community, sub-county and district. The research sample, which consists of 18 sub-counties, 36 parishes, 72 villages, 858 households, 24 Focus Group Discussions, 48 key informants and 12 in-depth interviews, was selected with guidance from the 2014 National Population and Housing Census provisional results. The study provides an analysis of existing social accountability mechanisms in the areas of health, education and water and also looks at the relevant legal and policy framework. Researchers looked at informal social accountability mechanisms, such as dialogues, radio talk shows and Community Score Cards, in service provision across the sampled districts.

The research also analyses the functionality of accountability structures provided for under the law such as inter alia Health Unit Management Committees (HUMCs), Water User Committees (WUCs), School Management Committees (SMCs), and Barazas – a form of public dialogue implemented in accordance with a presidential directive. Drawing on both its quantitative and qualitative findings, the research draws conclusions on the level of institutionalization, functionality, reach and effectiveness of existing social accountability mechanisms and makes recommendations on how to improve reach/participation and effectiveness of social accountability mechanisms.

This report provides information that is pertinent for government officials, technocrats, civil society and other stakeholders, particularly relating to the mechanisms available for citizen involvement in accountability processes. It also provides a baseline for further project interventions and an impetus for similar studies to be conducted in other districts and regions.
of the country. The report forms part of our commitment to advocate for improvement of the quality of service delivery through active citizenship, which in our view requires policy prioritization of the participation and inclusion of poor and marginalized groups in the planning, implementation and accountability oversight of duty bearers.

Salima Namusobya

EXECUTIVE DIRECTOR
ACKNOWLEDGMENTS

This research is a product of ISER’s Social Accountability and Community Participation in Local Government Service Delivery project, coordinated by Mr. Ebunyu Charles. The core research team comprised of Dr. Juma Nyende, - Project Advisor, Dr. Fred Bateganya – social science consultant who oversaw the research process from tools development, to data collection, testing and quality assurance, analysis and report writing. Associate Professor Christopher Mbazira and ISER Executive Director, Ms. Salima Namusobya were legal researchers on the project and provided the legal analysis for the study; and Ms. Angella Nabwowe Kasule – Programs Director at ISER who was greatly involved with the research at all stages, played an oversight role and provided editorial support. ISER is also grateful to all of the research assistants who participated in the research process including Ms. Orikiriza Fiona and Mr. Arthur Nsereko.

ISER is particularly grateful for the technical input as well as the mobilization and guidance provided by the Chief Administrative Officers (CAOs), Resident District Commissioners (RDCs), District Chairpersons, District Community Development Officers (DCDOs), Senior Assistant Secretaries (SAS), Sub-County Community Development Officers (SCDO) and other duty bearers at the sub-county-, parish-, and village- levels in the districts in which the research was undertaken, which eased access to the communities. This appreciation is also extended to all of our respondents, who generously availed their time, cooperation, and comprehensive inputs without which this study would not have been so greatly enriched.

Ms. Nokukhanya Mncwabe and Moses Alfred Nsubuga provided editorial support.

ISER is pleased to acknowledge the continued technical and financial support of the International Development Research Center (IDRC).

Design and Layout
Opiny Shaffic
EXECUTIVE SUMMARY

This report presents findings from a study undertaken to interrogate the status of social accountability mechanisms in local government processes in Uganda, which focused particularly on the health, education and water sectors. The study, which was conducted in the districts of Bushenyi, Iganga, Kayunga, Kumi, Kyenjonjo and Mbale, used a mixture of qualitative and quantitative methods. The fieldwork was preceded by a comprehensive review of existing literature and analysis of the legal and policy framework on social accountability and participation. The quantitative fieldwork was conducted between October and December 2015 and a total of 858 households out of a planned 900 were covered, which constitutes a response rate of 95%. The qualitative research was conducted between October 2015 and June 2016. Research validation was conducted in June 2016 in all of the districts under study.

The objectives of the research included inter alia: generating better evidence and understanding of the status of existing social accountability mechanisms at local government level; determining the level of citizens’ awareness of and participation in local government processes; identifying the factors impeding the effective use of social accountability mechanisms; and providing concrete solutions by which to increase the effectiveness of existing social accountability mechanisms to enable them serve their objectives in promoting accountability in local government service delivery processes (with particular emphasis on the sectors of water, health and education).

Research findings show that many of the goals targeted by social accountability mechanisms already exist as legal rights under the Constitution and other laws of Uganda. Furthermore, there have been efforts to put in place mechanisms to enable social accountability and community participation in the executive, legislative, planning and implementation functions in local governments. As such, a number of formal and informal social accountability mechanisms and practices exist in local government service delivery processes. However, both the formal and the informal mechanisms have significant weaknesses and challenges that undermine their efficacy to galvanize citizen participation in public accountability processes and positively impact on service delivery.

For purposes of this research the term “formal” is used to refer to those social accountability mechanisms that are provided for under particular laws or executive orders, while “informal” is used to refer to the mechanisms that are not specifically provided for under any act of parliament but are recognized through usage or agreement among stakeholders. Some of the formal mechanisms examined include local council meetings, Health Unit Management Committees (HUMCs), School Management Committees (SMCs), and Water User Committees (WUCs); whereas the informal mechanisms studied include among others community Score Cards, radio talk shows, public protests, and community dialogues. The Baraza Initiative that resulted from a presidential order was studied as a special mechanism used by Government in social accountability.

The following are some of the key findings emanating from the research:

» People are generally not aware of the social accountability mechanisms that exist. Only 479 respondents (56%) reported the existence of social accountability mechanisms in their communities; 204 respondents (24%) reported having no social accountability
mechanisms in their communities; while the remaining 175 respondents (20%) did not know whether or not any social accountability mechanisms existed in their communities.

» Even where they are aware, people are unable to guarantee the full establishment and functionality of social accountability mechanisms. As such, the functionality of social accountability mechanisms varies widely among the districts: in part this is attributable to the idiosyncrasies of the different mechanisms in question as well as the discretion local government leaders have in terms of their operationalization.

» The responsiveness of duty bearers to peoples’ demands through social accountability mechanisms is not guaranteed; neither does participation guarantee that people’s opinions will be taken on board. This is exacerbated by the fact that enforcement remedies are generally administrative sanctions or court application, which largely remain out of reach – especially for poor and marginalized groups. There are limited sanctions and rewards for non-compliance.

» The law makes provision for formal social accountability mechanisms, which are more systematically established. However, significant design and implementation weaknesses limit the capacity of these formal mechanisms to effectively realize their accountability goals. For example only 225 respondents (26%) reported having functional Health Unit Management Committees (HUMCs) within their communities, while 547 (64%) and 352 (41%) reported that School Management Committees (SMCs) and Water User Committees (WUCs) were non-functional in their communities respectively.

» Informal social accountability mechanisms’ lack of legal backing makes their implementation and enforceability tenuous. There is also no policy commitment to transform the current ad hoc implementation into systematic application, and they lack feedback mechanisms.

» The Baraza has significant potential to enhance accountability for service delivery by local governments and if properly organized and documented, it presents a great platform for the acquisition and dissemination of useful information by the citizens.

» Both formal and informal social accountability mechanisms have failed to facilitate the realization of their stated goals due to various procedural and substantive weaknesses limiting their effectiveness. For example, the use and implementation of recommendations from social accountability mechanisms is not institutionalized and remains ad hoc. This limits the impact of these mechanisms in serving the accountability goal and positively impacting on service delivery.

» Corruption was considered to be the leading obstacle to the efficacy of social accountability mechanisms. According to the field research, 264 respondents (31%) identified corruption as the biggest hindrance to having or supporting effective social accountability mechanisms. Corruption was followed by a lack of access to information by 259 respondents (30%), weak community structures 196 respondents (23%), weak legal framework 39 respondents (5%) and low literacy levels 39 respondents (5%).

» Currently there is no linkage established between existing social accountability mechanisms and formal accountability mechanisms used for upward accountability.
In light of the above, this report makes the following recommendations:

**Harmonize and reform the existing legal and policy framework to expressly make provision for informal social accountability mechanisms:**
Current legal and policy provisions of significance for the existence and operationalization of informal social accountability mechanisms require reform in order to expressly recognize, define, synergize and articulate the roles and obligations pertaining to informal mechanisms. The Local Government Act for example should expressly recognize the use of informal mechanisms of social accountability.

**Establish legally recognized links between social accountability mechanisms and existing statutory accountability institutions and mechanisms used in vertical accountability:**
Formal accountability mechanisms instituted by government for upward accountability and social accountability mechanisms should be mutually reinforcing. Accountability institutions like the Auditor General should consider reports from social accountability meetings.

**Institutionalize in local government processes the use and implementation of both formal and informal social accountability mechanisms:**
Formal and informal social accountability mechanisms should be incorporated into local government project cycles (planning, scheduling, and implementation); procedural guarantees, such as access to information and advance notification of meetings, should also be factored. Institutionalization will also necessitate adequate budgetary allocations to facilitate the smooth functioning of the mechanisms.

**Use of rewards and sanctions to incentivize participation in and enhance enforcement of social accountability mechanisms:**
The current disjuncture between law and practice fails to effectively compel service providers, in their capacity as duty holders, to fulfill their mandates where social accountability mechanisms are concerned. Therefore, this recommendation proposes the use of reward and sanctions schemes to enhance the performance of such public officials.

**Implementation of legal reforms to remove barriers to participation:**
By way of example, exceptions to the right of access to information under the Access to Information Act are very wide and subject to abuse by public officials. Requirements for the public’s access to information include procedures not amenable to the vast majority of Ugandans and which also have cost implications in terms of fees and transport.

**Making the law more accessible and strengthening adeptness at mobilizing public participation of citizens:**
Mobilizing communities to participate in social accountability mechanisms can be accomplished through among other things: partnerships between government and civil society organizations; use of existing cultural and religious institutions; innovative use of technology including mobile phones, etc.
1. INTRODUCTION

Despite registering several achievements in the sphere of good governance, Uganda still faces a myriad of development and accountability challenges, which can partly be addressed through implementation of effective social accountability mechanisms. While many of Uganda’s policies, laws and standards are comparatively up-to-date and in tandem with those of other polities, their implementation and enforcement remain weak. Social services, especially in the health, water and education sectors, continue to be functionally weak; and the fragmented social protection mechanisms, which exclude the majority of people in the informal sector, render a large part of the population uncovered and thus vulnerable to a range of injustices.¹ The United Nations observes that:

Sound governance, including transparency and accountability, are not yet a universal norm, resulting in 85 percent of Ugandans living in disadvantaged rural areas with hunger and food insecurity….²

Oxfam’s participatory assessment of governance needs revealed that the key factors contributing to poor governance and accountability in Uganda include citizens’ limited awareness of their rights; weak accountability mechanisms at the local level; inadequate interface between citizens and government authorities and; limited capacity of civil society to hold the government accountable.³ These factors are attributable to several development challenges the country faces: for instance, according to the 2014 Poverty Status Report by the Ministry of Finance, Planning and Economic Development, 21.4 million Ugandans (in a total population of 34 million) remain either poor, or at risk of poverty. It is further acknowledged, under the National Development Plan that Uganda’s development progress continues to be constrained by gender inequalities and social vulnerabilities that are generally associated with demographic characteristics such as age, disability, unemployment, ethnicity, and the like. Other inhibiting factors include poverty, natural disasters and corruption.⁴

While it is true that not all of Uganda’s development challenges are the product of poor governance, many can directly or indirectly be addressed by strengthened social accountability mechanisms. Increasing ‘citizen voice’ and improving public accountability, are among the core premises of the ‘social accountability’ concept. “Social accountability” refers to a broad range of actions and mechanisms that citizens and communities can use to hold accountable public officials working in all arenas, from local service-delivery to national-level policy processes. Among the social accountability mechanisms used in Uganda include citizen scorecards; public media campaigns; signing of client charters; Local Council meetings and community accountability meetings (locally referred to as “Barazas”) and so forth. Notwithstanding the mixed results of the varied social accountability mechanisms available in Uganda, the main impediment to the efficacy of any social accountability process appears to be whether the mechanism in question is embedded in law, entrenched in systems and well-understood and appreciated by local communities, who are after all the people such mechanisms are intended

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¹ See United Nations Development Assistance Framework for Uganda, 2010 -2014 p.5
² Ibid
³ Oxfam GB, A Rapid Participatory Assessment of Key Governance Issues in Uganda, (April 2011)
to benefit.

For purposes of this research, the term “formal” is used to refer to those mechanisms that are provided for under particular laws or executive orders, while “informal” is used to refer to the mechanisms that are not specifically provided for under any act of parliament, but which are recognized through usage or agreement among stakeholders.

This research interrogates the use of social accountability mechanisms in Uganda, based on the hypothesis that social accountability mechanisms fall short of their stated accountability goals due to insufficient institutionalization or linkages to formal accountability mechanisms. The study thus posits that improving such links can bolster the responsiveness of social accountability mechanisms. Notwithstanding the fact that many of the goals that social accountability mechanisms seek to obtain already exist as legal rights - for example, the Ugandan Constitution guarantees the right of citizens’ to participate in public affairs – enjoyment of these rights is fraught with challenges. The assumption guiding the research is, therefore, that the types of citizen voice and engagement targeted by social accountability efforts are better viewed as participation rights. The study further assumes that the enjoyment of such rights is most constrained among poor and marginalized persons.
2. METHODOLOGY

The study adopted a cross sectional study design, which used both quantitative and qualitative methods and techniques; quantitative data collection and information gathering was conducted simultaneously in all six sample districts.

The field study was preceded by a review of existing literature on SA mechanisms and legal analysis of national laws and policies on social accountability and participation, in particular those applicable under local government system.

2.1 Research questions

1. Which SA mechanisms exist in Uganda; what is the prevalence of their use by rights holders demanding better social services from public officials/local governments?
2. What difference in efficacy is there between informal SA mechanisms and those provided for under the law? What benefit, if any, can informal SA mechanisms derive from being embedded or provided for under the law?
3. Are there any linkages between existing informal SA mechanisms and formal accountability mechanisms currently used in public accountability processes?
4. What factors inhibit the efficiency of both informal mechanisms and those provided for under the law? What measures, within the Ugandan context, are required to enhance the efficacy of existing SA mechanisms?
5. What benefit, if any, can formal and informal SA mechanisms derive from institutionalization in local government processes?

2.2 Study areas

The study was conducted in the six districts of Kyenjojo, Bushenyi, Kayunga, Iganga, Mbale and Kumi. Three factors were considered in the selection of study districts, namely 1) districts implementing the USAID funded Strengthening Decentralization for Sustainability (SDS) Project, and 2) districts with both urban and rural divides, and 3) districts that have established social services committees such as Water User Committees (WUC), School Management Committees (SMC) and Health Unit Management Committees (HUMC) – the efficacy of the committees was not a determinant factor for their selection.

2.3 Sample size and selection

A reasonably large and representative sample size of 900 respondents was used for the quantitative component of the study, which translates to a representative sample of 150 households per district. The formula was determined in accordance with three key precision factors: (i) estimated prevalence of awareness of/participation in SA mechanisms was estimated at 50% (0.5) of the population in each of the six districts; (ii) the desired level of confidence was set at 95% (standard value of 1.96); and (iii) the acceptable margin of error in this study was set at 5% (standard value of 0.05).

\[ S = \text{Sample size} \]
\[ P = \text{Proportion of the population estimate covered by the intervention} \]
\[ q = \text{Difference between } P \text{ and } 100 \]

---

5 The assumption was that SDS has among others improved on social accountability
Z=The value in the Z table corresponding with the 95% level of confidence chosen for the study (1.96)
E=Precision of the estimate

Participants for the qualitative aspect of the study were selected using a non-probability sampling technique: specifically, the study parishes and villages were purposively selected from areas not participating in the quantitative component of the study.

2.4 Data collection methods
Data collection methods for the qualitative data included; Desk review, Focus Group Discussions (FGDs), Key Informant Interviews (KIIIs) and In-Depth Interviews (IDIs). Quantitative data was collected using House Hold (HH) questionnaires.

FGDs were held with youth, women, local leaders and persons with disabilities (PWDs). Key informant and in-depth interviews were conducted with duty bearers at the local government level, including Chief Administrative Officers (CAOs), Assistant Chief Administrative Officers (ACAOs), District Community Development Officers (DCDOs), District Education Officers, District Health Officers (DHOs), District Water Officers (DWOs), Sub County Development Officers and Parish Chiefs. Additional information was also gathered from radio talk shows, and during the validation process – from duty bearers at the district and sub-county levels.

2.5 Data collection process and management
Data collection was undertaken by 15 research assistants, who received a 3-days training before conducting a half-day field pre-testing of the data collection instruments.

This research deployed an elaborate data management system. Each of the three research teams were overseen by a supervisor who ensured that all research assistants followed the random selection technique and indeed engaged with the selected respondents. All questionnaires were individually checked to ensure that information was accurately captured. A team of experienced data entry clerks attended to coding and data entry using Epidata entry screen. The data sets were cleaned of any errors prior to the performance of any analysis. Trained assistants transcribed all of the qualitative interviews and discussions. Interviews were transcribed verbatim to minimize the potential loss of meaning and ensure that the integrity of narratives was upheld.

2.6 Data analysis
Quantitative data was analyzed based on the study objectives and variables. Data was disaggregated by sex/gender, marital status, age, occupation, level of education, household wealth indicators, and location (rural-urban and district). Qualitative data, which was analyzed both manually and electronically, was collected from groups of women, youth, men, and the elderly.

2.7 Ethical issues
All study protocols and documents were submitted to the Uganda National Council of Science and Technology for necessary clearance and authorization to conduct this research study.
As required by the Council, the research adhered to all known and internationally accepted
ethical considerations. It specifically ensured that respect for respondents was upheld subsequent to the attainment of their free, informed and on-going consent.

An informed consent form served to assure respondents that the study would uphold their anonymity and the confidentiality of all information shared; also that the study would take steps to avert any possible risks, including the compromise of any potential benefits associated with their participation in the research.

2.8 Respondents’ socio-economic characteristics

2.8.1 Gender and marital status of respondents
858 face-to-face interviews were conducted during the study: of these respondents, 521 (61%) were female and 337 (39%) were male. 657 (77%) of the respondents reported to be married (legally or cohabiting), 99 (11%) were widowed, 27 (3%) were divorced and 75 (9%) were single.

2.8.2 Respondents’ distribution by location
Study respondents were drawn from the six (6) districts of; Bushenyi, Iganga, Kayunga, Kumi, Kyenjojo and Mbale. While Bushenyi, Mbale and Kayunga met the planned number of 150 respondents per district, Iganga had 112, Kyenjojo 147 and Kumi 149 respondents. Bad weather and impassable roads contributed to the inability to meet the entire district sample, especially in respect of Iganga. The eighteen sub counties/divisions that formed the study area are presented in the table below:

<table>
<thead>
<tr>
<th>District</th>
<th>Sub county/ Division</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bushenyi</td>
<td>Central</td>
<td>Urban</td>
</tr>
<tr>
<td></td>
<td>Bitooma</td>
<td>Rural</td>
</tr>
<tr>
<td></td>
<td>Kyeizoba</td>
<td>Rural</td>
</tr>
<tr>
<td>Iganga</td>
<td>Northern Division</td>
<td>Urban</td>
</tr>
<tr>
<td></td>
<td>Namungalwe</td>
<td>Peri-Urban</td>
</tr>
<tr>
<td></td>
<td>Namalembe</td>
<td>Rural</td>
</tr>
</tbody>
</table>

Table 1: Participating sub counties
### Are They Effective? An Audit of Social Accountability Mechanisms in Local Government Processes in Uganda

<table>
<thead>
<tr>
<th>Location</th>
<th>Urban Area</th>
<th>Suburban Area</th>
<th>Rural Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kayunga</td>
<td>Kayunga Town Council</td>
<td>Urban</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Kangulumira</td>
<td>Peri-Urban</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Busana</td>
<td>Rural</td>
<td></td>
</tr>
<tr>
<td>Kyenjojo</td>
<td>Kyenjojo Town Council</td>
<td>Urban</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Butunduzi</td>
<td>Peri-Urban</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Butiti</td>
<td>Rural</td>
<td></td>
</tr>
<tr>
<td>Kumi</td>
<td>Kumi Town Council</td>
<td>Urban</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Atutur</td>
<td>Peri-Urban</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mukongoro</td>
<td>Rural</td>
<td></td>
</tr>
<tr>
<td>Mbale</td>
<td>Industrial</td>
<td>Urban</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Wanale</td>
<td>Peri-Urban</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Busiu</td>
<td>Rural</td>
<td></td>
</tr>
</tbody>
</table>

#### 2.8.3 Age and primary occupation of respondents

The ages of respondents varied across the sample: 353 respondents (40%) were aged 45+ years; 204 respondents (24%) were aged 35-44; 210 (25%) were aged 25-34 years; and 91 respondents (11%) were aged 15-24 years. Youth respondents thus constituted approximately 36% of the total sample.

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6 In Uganda the youth demographic category applies in respect of persons aged 16-36 years.
Respondents were asked to state what they considered to be their main occupation or source of income: 450 respondents (52%) self-identified as peasant farmers; 200 (23%) were self-employed; 49 (6%) were teachers; 36 (4%) were casual workers. Those who did not consider themselves to be formally employed identified themselves as the following: housewives 49 (6%); 20 (2%) were students; and the remaining 25 (7%) were categorized under other minor categories.

Table 2: Respondents’ occupation

<table>
<thead>
<tr>
<th>Occupation</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Peasant farmer</td>
<td>450</td>
<td>52</td>
</tr>
<tr>
<td>Self employed</td>
<td>200</td>
<td>23</td>
</tr>
<tr>
<td>Housewife/Unpaid work</td>
<td>49</td>
<td>6</td>
</tr>
<tr>
<td>Teacher</td>
<td>49</td>
<td>6</td>
</tr>
<tr>
<td>Casual worker</td>
<td>36</td>
<td>4</td>
</tr>
<tr>
<td>Student</td>
<td>20</td>
<td>2</td>
</tr>
<tr>
<td>Others</td>
<td>54</td>
<td>7</td>
</tr>
</tbody>
</table>
2.8.4 Respondents’ education level
Respondents’ education levels varied, ranging from no education to tertiary degree: 396 respondents (46%) had a primary education; 213 (25%) 35 (4%) sat for O and A levels respectively; 30 respondents (3%) reported possessing a diploma; 26 (3%) had a university degree; 33 (4%) had other forms of education such as adult functional literacy; while 125 (15%) respondents had never attained any form of education.
2.8.5 Household wealth indicators

In order to establish the respondents' wealth profile, an inventory of wealth indicators was compiled. Respondents were asked to identify which of these items they owned: 694 respondents (81%) owned a phone; 623 respondents (73%) owned a radio; 508 respondents (59%) owned livestock (a major form of capital that can be easily converted into money to meet other obligations); 398 respondents (46%) owned bicycles.

Table 3: Wealth indicators among respondents

<table>
<thead>
<tr>
<th>Item/property</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Radio</td>
<td>623</td>
<td>73%</td>
</tr>
<tr>
<td>Television</td>
<td>173</td>
<td>20%</td>
</tr>
<tr>
<td>Telephone</td>
<td>694</td>
<td>81%</td>
</tr>
<tr>
<td>Livestock</td>
<td>508</td>
<td>59%</td>
</tr>
<tr>
<td>Bicycle</td>
<td>398</td>
<td>46%</td>
</tr>
<tr>
<td>Buildings / dwellings</td>
<td>775</td>
<td>90%</td>
</tr>
</tbody>
</table>

From the above it is clear that people are already in possession of gadgets that could potentially be utilized to enhance their participation in, and by implication the effectiveness of, social accountability mechanisms. For example, the views of citizens can be solicited during radio talk shows discussing pertinent local development issues, the status of service delivery or proposed projects to be implemented within a specific period. Similarly, local governments can use the talk-show platform to provide an account of service delivery progress or implementation over a particular period. Radios and telephones provide the most efficient means of facilitating access to information with regard to service delivery. As indicated in the wealth indicator table above, the majority of Ugandans own radios and telephones; consequently, if an appropriate platform is developed, citizens would be placed in a position to ably provide their views in respect of and track implementation of relevant projects.

2.8.6 Household income per season

Most respondents (358) earned more than UGX 250,000 ($74) last season (four calendar months); 237 respondents (28%) earned less than UGX 100,000 ($30); while 117 (14%) earned between UGX 101,000 and 150,000 ($30-44) during the same season.

7 A season = 4 calendar months
### Table 4: Respondents’ income per season

<table>
<thead>
<tr>
<th>Income UGX</th>
<th>Income USD</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>less than 100,000</td>
<td>30</td>
<td>237</td>
<td>28</td>
</tr>
<tr>
<td>101,000-150,000</td>
<td>30 - 44</td>
<td>117</td>
<td>14</td>
</tr>
<tr>
<td>151,000-200,000</td>
<td>44 – 59</td>
<td>82</td>
<td>10</td>
</tr>
<tr>
<td>201,000- 250,000</td>
<td>59 – 74</td>
<td>64</td>
<td>7</td>
</tr>
<tr>
<td>250,000+</td>
<td>74+</td>
<td>358</td>
<td>41</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>858</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

### Figure 4: Respondents’ income in the past four months

The pie chart above indicates that 28% of respondents earn less than UGX 100,000 ($30) over four months (the estimated agricultural season). 42% earn UGX 250,000 ($74) plus over the same period; however, this translates to an income of less than $ 1 per day, which is not at all generous when cost of living and occupational trade trends are considered.
3. LITERATURE REVIEW

Since the early 2000s, the number of publications attempting to conceptualize, describe and assess social accountability initiatives has steadily increased. Several papers have focused on conceptualizing social accountability and understanding why it matters; others have conducted stocktaking exercises of the social accountability initiatives found in various regions of the world.

There is growing recognition and acceptance among governments, donors and civil society groups and other stakeholders that citizens and communities, in general, have an important role to play with regard to holding public officials accountable. This is accomplished through such measures as for example, flagging and reporting corruption, consultation and oversight in respect of the allocation of resources, participating in and contributing to public dialogues on local service delivery. Social accountability is thus an approach with increasing appeal to both public sector and civil society stakeholders, who regard it as a tool by which to improve local governance processes. Owing to this interest, the accountability agenda has given rise to a set of often overlapping concepts and terms. These include local voice, social accountability, active citizenship and civic engagement. Over the last decade, numerous examples have emerged to demonstrate how citizens can make their voices heard and thus effectively engage in making the public sector more responsive and accountable.

The interest in social accountability mechanisms has seen significant funds flowing into initiatives intended to strengthen transparent and accountable governance.

This literature review focuses on the theory and practice of accountability, first in general terms and later with specific reference to the case of Uganda, since the country’s local government processes form the focus of this research project. Of additional and particular interest is examining the participation of the poor and marginalized in said processes – this constitutes a key priority of the project, although it is not extensively covered in this report.

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10 UNDP (2010). Fostering social accountability: From Principle to Practice, Oslo-Norway, Oslo Governance Centre Democratic Governance Group Bureau for Development Policy


3.1 The general concept of accountability

Before delving into the definition of ‘social accountability’, it is important to first explore the term ‘accountability’ more generally. Bovens defines ‘accountability’ as “a relationship between an actor and a forum, in which the actor has an obligation to explain and to justify his or her conduct; the forum can pose questions and pass judgment and; the actor can be sanctioned”. Accountability can on the one hand imply a virtuous state, in which case it is equated to the state of ‘being transparent’; conversely, accountability can refer to a mechanism by means of which duty bearers are able appraise rights holders of their actions. Various prefixes have increasingly been added to the term ‘Accountability’, for purposes of highlighting the distinctive ways in which accountability is approached or manifests in the public domain. Common prefixes include ‘social’, ‘political’, ‘financial’ and ‘performance’ accountability. Against this backdrop, accountability can thus be seen to consist of the following three elements:

a) A duty bearer’s obligation to inform a right holder

b) A right holder’s right to: (i) probe or question the information proffered; (ii) conduct by the duty bearer (where conduct implies action, inaction/restraint)

c) Passing judgment on the information provided or the conduct (action/inaction) of the duty bearer(s)

In the public domain, accountability can also be instituted as a mechanism for social relations in a public service delivery system, providing roles and obligations to both rights holders and duty bearers.

Forms of accountability

As abovementioned, accountability can be instituted with a focus on performance management in terms of accomplishment of objectives, and/or achievement of results and impacts. In that respect, therefore, it can be used as a measurement tool for purposes of rewards and sanctions against an individual, group or institutions. Accountability can also be focused at democratic/political institutions and processes: in this respect, it entails oversight of public officials and agencies with respect to their responsiveness to political leaders and decisions, and in regard to the fulfillment of public trust and citizen’s expectations. The other perspective is financial accountability, which is mostly focused at ascertaining the compliance of officials and agencies with laws, regulations, and procedures in relation to the allocation, use/expenditure, and reporting on the financial resources and powers entrusted to them.

In contrast, social accountability is a mechanism that involves a wide range of strategies, many of which fully or partially involve other forms of accountability. It is a framework

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14 Generally see, Bovens, M. (2010), Two Concepts of Accountability: Accountability as a Virtue and as a Mechanism. West European Politics, 33, 946-967

that relies on the civic engagement of ordinary citizens and Civil Society Organizations.\(^\text{16}\)

**Answerability and Enforceability**

Irrespective of its form, it is important to observe that the concept of accountability has two key core tenets, namely: answerability, which implies the right to receive a response and the corresponding obligation to provide one; and enforceability, which implies the capacity to enforce action and seek redress for non-performance or fulfillment of a right.

Answerability, as an obligation to provide answers regarding political decisions and/or actions taken, can be fulfilled in two ways. Firstly, by making publically accessible relevant government information, for example budgets, etc. This method may not necessarily require feedback mechanisms or further scrutiny. The second approach is by providing explanations and/or justifications, not only for the actions and decisions taken but also for the omissions or failure to act.

Enforceability requires that sanctions for illegal and inappropriate actions and decisions must be available and applied. Therefore, answerability must be enforced by sanctions that may not only be legally founded but could also be derived from professional codes of conduct, reward systems for good behavior or performance.

**To whom is accountability owed?**

Brinkerhoff identifies four categories of actors to whom accountability is owed, that is state agencies, citizens and CSOs, special public and marginalized groups and international actors.\(^\text{17}\)

However, since citizens are the core beneficiaries of public service delivery, they stand out among the categories of those to whom accountability is owed. It is no wonder then, that citizens’ involvement in initiatives geared towards demanding accountability of elected leaders improves the quality of social services.\(^\text{18}\) Social accountability demands that citizens participate in planning processes; monitor the implementation of the plan and where necessary demand accountability,\(^\text{19}\) thereafter as part of the assessment process.

In as much as the impact of social accountability mechanisms depends on their breadth, depth, representativeness and capacity, CSOs also generally have a significant role to play in public accountability processes.\(^\text{20}\) The role of CSOs extends beyond interest aggregation and advocacy, extending to such contributions such as the gathering and disseminating of key information, etc., thereby empowering citizens to become knowledgeable and informed actors, particularly in regard to public policies, programmes and other undertakings in the delivery of public services.

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\(^{16}\) Mary Bitekerezo et al (March 2008), Uganda: Policy Note on Social Accountability, World Bank.


\(^{19}\) Anne Marie, Goetz and Rob Jenkins 2001. Hybrid forms of accountability

public service delivery processes.\textsuperscript{21}

In as much as they are a part of the general citizenry, sub-groups that have a history of exclusion and marginalization are often further disadvantaged by their lower economic and social-political status, as a result of which they typically have diminished agency in public services and accountability processes.\textsuperscript{22} In addition to lacking agency, such groups often lack representation in policy and decision-making dialogues. Worse still, CSOs representing the poor and marginalized have generally struggled to obtain information from public agencies, which sometimes perceive them as aligned to the interests of the political opposition.

The donor community is among the more prominent of international actors that demand or are owed accountability. However, globalization is increasingly adding new actors – especially those preoccupied with constraining government policies and behaviors.\textsuperscript{23} These actors include both individualized agencies and international agreements and treaties such as the global climate convention. There are also international civil society groups, such as Transparency International, which in some instances collaborates with local affiliates.

**Locus of the types of accountability**

Accountability can be horizontal, whereby processes and demands exist and emanate from within the same system. An example is the state system where the state establishes its own institutions to check on the accountability and performance of its institutions and organs. In the vertical case, the demand for accountability emanates from outside the system and thus involves the engagement of non-state actors such as citizens and CSOs.

The locus of Social Accountability is discernible from the roles of varying actors in public service delivery processes, that is, from the supply and demand sides. Despite the interrelated association of the respective sides to both vertical and horizontal accountability, it is argued that the supply-side is more prominent and synonymous with horizontal accountability and conversely the demand side to vertical accountability. As such, the supply side thrives within the system through the exercise of hierarchical authority. On the other hand, the demand side mainly entails the expression of citizens’ demand for access to information and participation.\textsuperscript{24}

Irrespective of the type of accountability, however, the following factors remain crucial in enforcing accountability mechanisms.

- Involvement and collaboration with the state
- Good level of democracy
- Good level of capacity among the actors involved

\textsuperscript{21} Brinkerhoff (2001), Op. cit. at p.18
\textsuperscript{22} Ibid., p.18
\textsuperscript{23} Ibid., p.19
\textsuperscript{24} Godber Tumushabwe, Elijah D. Mushemeza, Lilian M. Tamale, Daniel Lukwago and Eugene Semakula (2010), Monitoring and Assessing the Performance of Local Government Councils in Uganda: Background, Methodology and Score Card, ACODE Policy Research Series No. 31. p.10
3.2 Social accountability

Social accountability’s increased prominence and support in recent years is due to frustrations with and limitations of other forms of accountability, which has tended to confine accountability processes to formal institutional structures. Malena et al define social accountability as “an approach towards building accountability that relies on civic engagement, i.e., in which it is ordinary citizens and/or civil society organizations who participate directly or indirectly in exacting accountability.” Fox observes that “Social accountability is an evolving umbrella category that includes: citizen monitoring and oversight of public and/or private sector performance, user-centered public information access/dissemination systems, public complaint and grievance redress mechanisms, as well as citizen participation in actual resource allocation decision-making, such as participatory budgeting.”

The chart below sets out the core tenets of social accountability and the four questions in relation to which can be derived the general scope of the term ‘Accountability’, namely: (i) To whom is accountability owed? (ii) What gives rise to the demand for accountability? (iii) What are the forms of accountability? (iv) How can accountability be enforced? This study posits that the focus of social accountability is on the engagement of citizens and CSOs; it entails and arises from public demand; it is vertical in nature and thus involves non-state actors and; requires community empowerment.

Figure 5: An illustration isolating the central tenets of social accountability

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26 Malena et al (2004a) op. cit.
Relationship between vertical and horizontal social accountability mechanisms

External mechanisms include processes instituted and enforced by the Office of the Auditor General, the Police and the Inspectorate of Government, central government line ministries, national parliament and the judicial system.

It has been noted that formal mechanisms overwhelmingly emphasize political and financial accountability, without a similar focus on the promotion of social accountability – where the latter processes tend to emphasize active local participation and downward accountability mechanisms. Existing formal accountability relationships and trends tend to favour upward control systems rather than downward accountability to the citizenry.\(^28\) However, there is evidence to suggest that the most successful programs tend to be implemented by local governments that have some discretion and are downwardly accountable.\(^29\) For example, Local Government Councils, which were conceived as essential to the balance of power between central government and the citizens, have instead become the main agents through which national politicians exert political control over the electorate.\(^30\)

Furthermore, according to Mansuri and Rao, literature is rife with cases in which decentralization is used to tighten central control and increase incentives for upward accountability rather than to increase local discretion.\(^31\) The absence of robust mechanisms for downward accountability tends to go hand in hand with complex reporting and planning requirements, which are usually beyond the capacity of local actors and become a tool for retaining control and assigning patronage.\(^32\) As such, a critical look at the existing social accountability mechanisms reveals that many of them are largely devoid of citizen participation and thus weak in terms of applying the concept of social accountability.

As noted earlier, there is no clear coordination system linking social accountability mechanisms to public accountability mechanisms, thereby enabling each to feed into the other in order to enhance their respective effectiveness. By way of example, the findings of statutory audits are not formally made available to non-state actors, a move which would facilitate their informed participation in informal social accountability processes. Local oversight is most effective when other, higher-level institutions of accountability function well and communities have the capacity to effectively monitor service providers and others in charge of public resources. Equally worrying is that there exists no system for auditing outcomes or public satisfaction, since satisfaction surveys are not currently an established practice of local government processes.

However, it has been noted that local participation appears to increase rather than diminish the need for functional and strong institutions. It also requires agencies implementing donor-funded projects to have the capacity to exercise adequate oversight, although this does not imply that they ought to assume the role of a higher-level accountability agent in the place

\(^{30}\) Ibid
\(^{31}\) Ibid
\(^{32}\) Ibid, p.7
of a non-functional state. Therefore, it would seem that what is necessary for effective local oversight are reforms that enhance judicial oversight, allow for independent audit agencies, and protect and promote the right to information and a free media among others.\(^\text{33}\)

It has been argued that ultimately, the effectiveness and sustainability of social accountability mechanisms is improved when they are “institutionalized” and when the state’s own “internal” mechanisms of accountability are rendered more transparent and open to civic engagement. Social accountability mechanisms should additionally be linked to existing governance structures and service delivery systems.\(^\text{34}\)

**Community participation**

As a concept whose core tenet entails civic engagement, social accountability mechanisms should ideally be synonymous with active and effective community mobilization and participation. Indeed, it is not uncommon for the terms ‘social accountability’ and ‘community participation’ to connote civic engagement.\(^\text{35}\) Indeed, the term ‘social accountability’, while relatively new, is intended to define a more robust mechanism of civic engagement thereby building on earlier iterations of citizen participation in public accountability processes.\(^\text{36}\) It is in this context that we deem it important to briefly explore ‘community participation and mobilization’ in civic engagement mechanisms.

**Understanding community participation and mobilization**

The term participation can be understood as a matter of principle, a practice or an end in itself.\(^\text{37}\) The term is often modified with adjectives such as community, citizen, popular, peoples and public. Brager et al define participation as “a means to educate citizens and to increase their competence”.\(^\text{38}\) The World Bank, similarly, defines participation as “a process through which stakeholders influence and share control over development initiatives, and the decisions and resources which affect them”.\(^\text{39}\) FAO defines it as “[a] process of communication among local people and development agencies during which local people take the leading role to analyze the current situation and plan, implement and evaluate development activities.”\(^\text{40}\) As such, these definitions see participation as a process through which decisions that affect the lives of citizens can be influenced and thus a mechanism dispersing some political power from political representatives to political subjects.

\(^{33}\) Ibid, p.8
\(^{39}\) World Bank (1995), op. cit. p.3
\(^{40}\) Food and Agriculture Organization of the United Nations (1998) Social Economic and Gender Analysis (SEAGA) Programme, FAO, Geneva
Norman et al formulated a framework that focuses on four stages at which participation can occur, namely: decision making; implementation; benefits and evaluation stages. While some participation interventions are designed in a manner that involves a systematic engagement of all the stages, others commence or conclude mid-way while still others restrict their focus to just one of the four stages.

However, for participation to be effective communities need to be mobilized through various fora including meetings and media platforms such as radio, television and printed material. The arguments for community mobilization include the assumptions that:

- Inadequate social Mobilization reduces the capacity of the community to demand for services; to manage and sustain their community investments and; to assume economic opportunities.
- Lack of access to information leads to poor decision-making.
- Lack of access to information limits accessibility to essential services, thus making participation throughout the development process challenging.
- Information is critical for behavioral change and empowerment of the poor and vulnerable.
- Lack of functional skills makes people less productive and inhibits their ability to effectively plan and benefit from socio-economic opportunities.
- Empowered communities have better standards of living; better health and more actively participate in community initiatives.

Levels of participation include the anti-participatory, manipulative, incremental and participatory modes.

**Figure 6: Levels of participation**

```
<table>
<thead>
<tr>
<th>Levels of Participation</th>
<th>Description</th>
</tr>
</thead>
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<td>Non Participation</td>
<td>Substitution of participation</td>
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<tr>
<td>- Manipulative</td>
<td>The powerless get a chance to hear and say</td>
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<td>- Therapy</td>
<td>They can advise and negotiate but no power</td>
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<td>Tokenism</td>
<td>The community with majority decision making seats or managerial power.</td>
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<td>- Consultation</td>
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<td>Higher Tokenism</td>
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<td>Full Participation</td>
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<td>- Delegated Power</td>
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<td>- Citizen Control</td>
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42 Golam M Mathbor (2008); Effective Community Participation in Coastal Development., Chicago Ill, lyceum books
43 Quoted in Golam M Mathbor (2008); ibid at p.12
Citizen participation and accountability
Evidence shows that there is often a direct correlation between public agencies' level of accountability to citizens and the extent to which the served communities are organized in the exercise of their voice and advocacy.  

Despite its obvious benefits, however, effective participation can be hampered by several factors that may not necessarily arise from the inefficiency or ill intention of the duty-bearers. For example, the attendance of community meetings can be hampered by such things as prohibitive transport costs, a lack of resources to secure food and whether or not locals are willing to incur such costs.

In as much as participation can be used to attain varying development goals, it can also be abused. There is a difference between the real power needed to affect outcome of the participation process and common practice of going through the ritual of participation. Referring to a message in the poster by French students saying thus 'I participate, he participates, we participate, you participate…they profit,' Mathbor observes that participation without distribution of power is an empty and frustrating process for the powerless.

Figure 7: Community participation tools

Adapted from Tumushabwe et al

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46 Mathbor (2008), Op. cit. at p.16 & 17
47 Ibid, p.17
48 Tumushabwe et al (2010) op. cit. at p.11
Democracy and participation of the poor
Rondinelli joins many others in observing that decentralization often brings about structures, processes and practices that allow women and minorities to participate in policy decision making. However, the participation of the poor has, until recently, been confined to the procurement of own services such as public schools, health centres and housing units. This notwithstanding, the poor often exercise a relatively low level of influence in decision making processes, in the absence of control exercised over power centres occupied by persons that are neither poor nor the intended beneficiaries of services for the poor.

The paucity of facilitation of participation in community meetings is often over-amplified among disadvantaged community members such as poor farmers, women, youth and people with disability. While women’s attendance of village meetings is not uncommon, the same cannot be said of meetings held at the sub-county and district levels, which is where the majority of decisions affecting local communities are made. This is due to high transport costs coupled with a reluctance or unwillingness to travel long distances on account of other demanding household chores or husbands prohibiting their participation.

Accountability and democratization
Democratization is intended to bring about processes and structures that enhance the state’s accountability to its citizens. In part this is accomplished through political processes such as elections and governance systems; the strong link between local government and public accountability inclines towards the adoption of the former in order to improve the latter.

3.3 Local government and participation in Uganda
Governments in Africa have since the 1980s implemented reforms to public service delivery systems; decentralization, in the form of local government, has been among the interventions at the centre of this effort. The shift in governance structures has been shaped by various factors including political, economic and social reasons, influenced by both internal and external factors and stakeholders.

Among the major assumptions driving decentralization is the belief that shifting power and responsibilities from the centre to lower units will improve service delivery. It is believed that such a shift creates local structures and systems that enable local people to effectively participate in matters concerning and affecting them. It is therefore presumed that such participation functions as the basis for decision-making and resource allocation thereby

51 Ibid., p.7
focusing resource utilization on local and popular priorities. To uphold such assumptions, however, it is important to be cognizant that the mere shifting of the responsibility base is not an end in and of itself but rather a process through which local service delivery may be improved. As noted by the IDD research news brief, decentralization must be accompanied by sensitive and effective mechanisms ensuring the participation of all citizens, including the poor, in decision-making processes. Decentralization must, further, be reinforced by mechanisms that render elected leaders and appointed public officers accountable to the local citizenry for policy and expenditure choices. Unfortunately, such mechanisms are sometimes resisted by individuals and institutions at both the local and central government levels.

In Uganda, the Local Governments Act Cap. 243 establishes a system that offers opportunities, and in some cases obligations, for participatory decision making within various local government levels. For instance, one of the objectives of the Act is:

“…to ensure democratic participation in, and control of, decision making by the people concerned;”

The Act also provides for elaborate accountability systems in both the horizontal and vertical directions.

At the different decision making levels, the Act provides seats for people with disabilities, women and youth. It also provides for local community voice in the budget formulation process, which entails a multi-level consultative process. At its core, the Act lays down an elaborate local election system, in which the most offices are competitively contested through universal adult suffrage.

Social accountability monitoring
Tumushabwe et al observe “Traditional monitoring initiatives are often not only limited in time and scale but also to the delivery of goods and services. They largely ignore the important issues of governance and political accountability. Yet, local government performance monitoring initiatives that integrate governance indicators are a cornerstone to creating the vertical and horizontal accountability through building effective citizens’ demand for quality service delivery and accountability.”

Agarwal, et al cite a case study of two social accountability processes in Uganda and India where it was concluded that the contrasting experience suggests that community

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53 International Development Department (May 2002), Decision-Making : Citizen Participation and Local Accountability, IDD research news Local Government, Birmingham, University of Birmingham
54 Section 2 (b) Local Governments Act Cap. 243 (Uganda). Also see Part 3 (1) of the Second Schedule of the Act, on the functions of urban councils.
55 The Act puts in place an elaborate local government structure of both political and technical officers and an institutional setup that allows for various checks and balances within the entity and to the outside including central government and the communities within their jurisdiction.
56 Generally see s.10, 23, 47 and 118 concerning the constitution of the local councils and elections for special interest groups.
monitoring does not guarantee better public services. That while the Uganda and the India interventions used relatively similar citizen report card tools to inform villagers of service performance and outcomes, they differed in their use of NGO activism. Consequently, whereas NGO facilitators in Uganda were more active in pressuring service providers and identifying vocal villagers to become involved, in India, communities were not as well supported by NGOs in terms of understanding how to use the report card’s information to extract accountability from teachers.\textsuperscript{58}

Since the focal subject of this study is social accountability mechanisms, this research is interested in the monitoring of public service delivery, more especially that undertaken by the local citizenry. As can be seen in the preceding sections, this focus arises from the realization that monitoring remains a central part of community engagement in local service delivery systems.

**Research scope**

While extensive literature exists that examines social accountability in Uganda, focus on social accountability mechanisms in local governments is limited and there appear to be no studies examining locally available or accessible social accountability mechanisms.\textsuperscript{59} Existing literature also falls short in providing a comprehensive contextual analysis on special interest groups’ – such as the poor and marginalized – participation in social accountability mechanisms embedded within local government structures and processes.\textsuperscript{60} For example, notwithstanding its overall objective of assessing the participation and access of citizens and poor communities in agricultural programmes of the National Agricultural Advisory Services (NAADS), the project brief fails to comment on the form and extent of inclusiveness.\textsuperscript{61}

The research explores the utility of institutionalization, procedural and remedial enforceability of social accountability mechanisms in local government processes and proposes alternatives that will enable the poor and marginalized to be sufficiently informed, facilitated and involved in processes that concern their lives. It will also propose measures to reward or sanction duty holders as a means of enhancing or correcting their performance.


\textsuperscript{60} Ibid

\textsuperscript{61} NGO Forum (2013) Social Accountability in Practice: A Primer on Key Emerging Issues in NAADS Monitoring. Uganda National NGO Forum Policy Brief No.5
4. THE LEGAL FRAMEWORK RELATING TO SOCIAL ACCOUNTABILITY AND CITIZEN PARTICIPATION IN LOCAL GOVERNMENT PROCESSES IN UGANDA

It has been demonstrated that the basis of social accountability can be political as well as legal. The law serves to do the following: entrench decentralization as a formal system of Government; define legal structures, with defined procedures and different mechanisms for the exercise of power; make provision for and ensure citizens’ civic participation. In the case of Uganda, the law has achieved this by defining an elaborate system of local government, built mainly around the district as the political unit, below which various other structures are found.

This section reviews the legal framework for decentralization and political participation, particularly emphasizing the structures, mechanisms, procedures, obligations and rights, which the law has defined to promote social accountability. What emerges from this review is that the law has promoted social accountability and participation by creating various legal rights, mechanism, structures and procedures that in principle involve people in policy development, budget formulation, law-making and planning processes at local government level. Despite this, there are some variances between the law as formulated and implemented, particularly as a result of weak linkages between the legal rights to participation and existing mechanisms for social accountability. It is also clear that in spite of some gaps, in general the problem is not with the law, but rather with its interpretation and implementation.

4.1 The Constitution of the Republic of Uganda, 1995

As the Supreme law of the country, the 1995 Constitution is a critical piece of legislation as far as defining the system of governance is concerned. As part of the National Objectives and Directive Principles of State Policy (NODPSP), the Constitution provides that “[t]he State shall be based on democratic principles which empower and encourage the active participation of all citizens at all levels in their own governance”. This is in addition to stipulating that “[t]he State shall be guided by the principle of decentralization and devolution of governmental functions and powers to the people at appropriate levels where they can best manage and direct their own affairs”. In addition, the NODPSP provide that the composition of Government shall be broadly representative of the national character and social diversity of the country. Relevant to the subject of this analysis is Objective XXVI which provides that all public offices shall be held in trust for the people and that all persons placed in positions of leadership and responsibility shall be answerable to the people. It further states that all lawful measures shall be taken to expose, combat and eradicate corruption and abuse or misuse of power by those holding political and other public offices. In this provision, social accountability is amplified and the citizenry is

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63 Objective II(i).
64 Objective II(ii).
65 Objective II(i) - (iv), 1995 Constitution.
66 Objective XXVI, 1995 Constitution.
assigned the right to hold their leaders accountable. This aspiration can rightly be relied on as the basis for social accountability in LGs.  

In the substantive part of the Constitution, Article 1 provides that all power belongs to the people, to be exercised in accordance with the Constitution. Similarly, the Constitution provides that all authority in the State emanates from the people of Uganda; and the people shall be governed through their will and consent. Provisions on decentralization are found in Chapter 11, with some provisions that relate to social accountability. Article 176(1) provides that the system of local government in Uganda shall be based on the district as a unit under which there shall be such lower local governments and administrative units as Parliament may by law provide. In Article 176(2), the Constitution defines 7 principles that apply to local government. Of these principles, principle (b) stands out as the most relevant to the subject of discussion, and provides that “decentralization shall be a principle applying to all levels of local government and, in particular, from higher to lower local government units to ensure peoples’ participation and democratic control in decision making” [Emphasis added].

Outside Chapter 11, there are provisions that empower citizens and define their powers to demand and take part in their governance. This is articulated under the Constitution as the right of every Ugandan citizen to participate in the affairs of government individually or through his or her representative. This is in addition to the right to participate in peaceful activities to influence the policies of government through civic organizations. These provisions establish participation as a legal right in Uganda and open the doors for citizens to participate in the affairs of their LGs as well as hold their representatives accountable. The provisions are complimented by other provisions in the Bill of Rights that guarantee the freedoms of expression, assembly and association, as well as the right of access to information. It is within this constitutional context that social accountability mechanisms and citizen participation within the local government setting should be understood.

4.2 The Local Governments Act (LGA), Cap. 243

The principle legislation governing decentralization in Uganda is the Local Government Act (LGA) which, in addition to designating the different local government structures, deals with a number of operational issues and defines various mechanisms and procedures that among others promote social accountability and participation. In a manner uncommon with other legislation, the LGA defines its objectives in section 2. Among these is the objective to give full effect to the decentralization of functions, powers, responsibilities and services at all

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67 The Constitution itself gives guidance on the role of the NODPSP. These are intended to guide all organs and agencies of the State, all citizens, organizations and other bodies and persons in applying or interpreting the Constitution or any other law and in taking and implementing any policy decisions for the establishment and promotion of a just, free and democratic society. In Article 8A provides that the country shall be governed based on the NODPSP.
68 Article 1(1).
69 Article 1(2).
70 Article 38(1).
71 Article 38(2).
72 See Article 29.
73 See Article 41.
levels of local governments.\textsuperscript{74} This is in addition to ensuring democratic participation in, and control of, decision making by the people concerned,\textsuperscript{75} as well establishing a democratic, political and gender-sensitive administrative setup in local governments.

Indeed, the above objectives underscore among others the aspirations of community participation, social accountability and affirmative action for marginalized groups. Thus, it can be rightly said that the Act ably takes into account the rationale for the decentralization policy as far as its objectives are concerned. What remains to be done is a review of the law to determine the extent to which it promotes the realization of these objectives.

\subsection*{4.3 Specific laws and policies providing for social accountability mechanisms}

There are several specific laws in Uganda, aside from the Constitution and the Local Government Act, which establish social accountability mechanisms and citizen participation platforms as set out below.

\subsubsection*{4.3.1 The Education (Pre-Primary, Primary and Post-Primary) Act, 2008}

Section 4 of the Education Pre-Primary, Primary and Post-Primary Act (hereafter referred to as the Education Act) states that provision of education and training to the child shall be a joint responsibility of the State, the parent or guardian and other stakeholders. This is the first inroad for citizen participation in education service delivery. In relation to the responsibility of a founding body of a government-aided school, the mandate extends to participation in policy formulation, education advocacy, participation in the school’s management and other duties.

Section 28 provides for the establishment of Boards of Governors (BoGs) and School Management Committees (SMCs) for the purposes of oversight in respect of the running of secondary and primary schools respectively. Furthermore, the Act under s.28, obligates the Minister to make consultations before making any decision provided for under s.28 (2). The challenge with s.28 is that it is not comprehensive in terms of the duties of the SMCs and BoGs’ bodies. While the Act stipulates what the minister may, by regulation, do in relation to these bodies, it is silent on the duties of these bodies more generally. It does not, for example, stipulate how often they should meet, for what purpose, appointment procedures, gender is totally ignored in the composition of such a body, and so forth. This therefore leaves rooms for differences in implementation that affect the effectiveness of these mechanisms.

\subsubsection*{4.3.2 Water Act, 1997}

Specific to social accountability, s.50 of the Water Act provides for Water User Groups and Water and Sanitation Committee, while s.51 provides for Water User Associations. Water User Groups (WUGs) may be established by individuals or households to collectively plan and manage the point source water supply system in their area.\textsuperscript{76} Water user associations on the other hand are established where a water supply system is serving more than one water user group (WUG) and each group must have a representative on the water user

\textsuperscript{74} Objective (a).
\textsuperscript{75} Objective (b).
\textsuperscript{76} Section 50 (1) of the Water Act, 1997.
The details of the roles and responsibilities of the WUCs are established under the *Ministry of Water and Environment District Implementation Manual, 2013* and they include the following: To appoint water source caretakers (WSCs) to manage the day today operation and maintenance of water facilities; including cleaning the surroundings, carrying out preventive maintenance and minor repairs of the water facilities, to ensure proper use and maintenance of their water facilities, to collect cash or contributions in-kind from water users for the purpose of maintaining the water facilities and to open a bank account and ensure safe custody of money collected. Furthermore, the WUC's responsibilities include selection of technicians like Hand Pump Mechanics, plumbers and gravity flow scheme attendants for training by the district; to pay for the services of the technicians; report repair requirements beyond the financial capacity of the water user communities and technical capacity of the technicians to the Sub-County; and pay for the cost of the spare-parts for repairing their water facilities.

The District Implementation Manual further States that Civil Society Organizations involved in water and sanitation activities in the districts are required to take part in the district planning and budgeting process and to integrate their plans with those of the districts.

Chapter 5 of the DIM recognizes that community mobilization and sensitization are important components in the implementation of water and sanitation activities, and describes the critical requirements, processes and activities relevant to mobilizing and engaging communities to participate in safe water and sanitation activities. The manual for example notes that provision of improved safe water and sanitation services to communities should follow a demand-responsive approach which requires that community members are made aware of the benefits of improved water supplies and good sanitation so that they can demand service improvements with the support of the local governments and NGOs/CBOs.

### 4.3.3 Public Health Act, 1935

Different from the education and water sectors, the main law in the health sector is from the colonial era. The Public Health Act is one of many colonial-era laws still applicable despite the protracted time that has elapsed since they came into force. This Act came into force in 1935 and was intended to preserve public health. It vests significant powers in the health minister; however, it also confers powers on local authorities and sanitary boards. The Act provides that from time to time the minister may constitute sanitary boards, which shall exercise similar powers to local authorities as and when the need arises.

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77 Section 51 (1) of the Water Act, 1997.
78 The purpose of the manual is to support and guide sector stakeholders in the implementation of water, sanitation and hygiene (WASH) activities in order to enhance coordinated and harmonized action and provide guidelines for implementers at district level, including District Local Governments and civil society organizations (CSOs). The manual sets out the policy and institutional environment as well as sector stakeholders’ roles in line with the Sectorwide Approach to Planning (SWAP) and the sector approaches for harmonized strategies.
79 Every local authority shall take all lawful, necessary and reasonably practicable measures for preventing the occurrence of, or for dealing with any outbreak or prevalence of, any infectious, communicable or preventable disease; to safeguard and promote the public health; and to exercise the powers and perform the duties in respect of the public health conferred or imposed by this Act or by any other law.
as much as sanitary boards are established under this law, the discretion to constitute them lies with the Minister; hence, they are not a mandatory structure as is the case with SMCs established by the Education Act. Under s.8 of the Public Health Act, an advisory board is also established. A criticism of this Act may be that it vests excessive power in the minister and does not provide a platform for the general community to make their voices heard. Consistent with the title of this law, its focus is the preservation of public health with limited social accountability and citizen participation mechanisms. This law is obsolete and many of its provisions are not applicable in Uganda. It is not surprising therefore that specific guidelines were developed to create mechanisms for the management of hospitals and health centres as shall be seen later in this section.

4.3.4 Guidelines on Health Unit Management Committees for Health Centre II and Health Centre III, 2003

The Guidelines on Health Unit Management Committees for Health Centre II and Health Centre III, were passed by the Ministry of Health (MOH) in 2003. They provide a framework that guides the operations of Health Unit Management Committees (HUMCs) for all health Centre IIs. They provide for the functions of the committee in paragraph 1, which include monitoring the general administration of HC II on behalf of the Local Council (LC) and the Ministry of Local Government, in accordance with the policy and the guidelines of MOH.

In addition, under paragraph 1(1.2) such committees supervise and oversee the management of finances at health facilities; approve the annual budgets prepared by the Health Centre management team; ensure that annual work plans are drawn reflecting priority needs; monitor funds released to the Health facility; authorize reallocations within the facility; and ensure that funds throughout the health sub-district are accounted for to the Chief Administrative Officer (CAO).

Paragraph 1(1.4) is to the effect that HUMCs should further monitor procurements, storage and utilization of all goods and services in line with local government regulations; they foster improved communication with the public, encouraging community participation in health activities within and outside the unit.

Paragraph 2 provides for the composition of the HUMC and states that the committee shall be composed of six members: a chairperson, who must be of high integrity and not holding a political position; a secretary who must be the in-charge of the health unit; three respectable public figures of high integrity and not holding any political position; and the parish chief where the unit is located. In nominating the committee members, paragraph 2 (iii) provides that, it is preferred that the members be from different parishes taking into account gender responsiveness.

The mode of operation of the committee is also provided for under paragraph 3: the chairperson presides over all meetings, two thirds form quorum for any meeting, the committee meets quarterly, but the chairperson may also convene a special meeting in consideration of a special subject or three or members may in writing request for such a meeting. According to paragraph 3 (iv) issues are decided by a simple majority and minutes are supposed to be maintained by the secretary at the health unit.
Three years is stipulated by the guidelines as the ordinary tenure of committee members, with membership restricted to a maximum of two consecutive terms. According to paragraph 3(3.4) a serving member may resign by means of written notice to the appointing LC with one month’s notice. The appointing LC may also remove a person from membership pursuant to paragraph 3(3.6) if they are satisfied that a member is incapable, by physical or mental illness, or has been absent for 3 consecutive meetings without good reason or has been convicted of a criminal offence in a court of law or is involved with health unit business transaction as a trader, supplier or contractor without having declared his/her interests to the committee.

A committee member may co-opt a person to any meeting if they consider it beneficial according to paragraph 3(3.7); however such a person shall not have voting rights. The committee is permitted to constitute sub committees – from existing members – to deal with specific issues. According to paragraph 3(3.9) the committee members are entitled to an allowance based on approved government rates.

The provisions on the composition of the committees of HC II and HC III are similar in terms of the committee member numbers and duties, with the exception that whereas HC II requires a person of high integrity for a member of the committee, HC III guidelines under paragraph 2 require that a qualifying person should be educated and of high integrity and each parish should be represented. Instead of a parish chief as a committee member, a Centre teacher of the zone where the HC III is located becomes a member.

The functions are similar to those of HC II under paragraph 3 of the HC III guidelines, the mode of operation, removal from office and allowance provisions are as those of HC II.

4.3.5 Guidelines on Hospital Management Boards for Referral Hospitals and District Hospitals 2003

In terms of Guidelines on Hospital Management Boards for Referral Hospitals and District Hospitals, according to paragraph 1 board functions include providing – on behalf of the Ministry of Health (MOH) – the strategic vision and direction of the hospital; inputs into health policy; examination and approval of the annual work plans, budget and reallocation of funds as proposed by the hospital management team; monitoring implementation of annual work plans and budget performance; fixture of ceiling for single item expenditure; monitoring tender awards and performance.

Paragraph 2 provides that, the board shall be composed of 9 members and 4 ex officio members: a chairperson, who must be a prominent public figure with at least Senior Six education qualification and not holding political office; a prominent lawyer with experience in corporate legislation; a senior health worker with proven professional standing and excellence not employed by hospital; a representative from MOH at the level of a commissioner; CAO from one of the districts; a prominent business person; a prominent civil engineer; and one representative from the hospital. Pursuant to paragraph 2 the Ex officio members include: the Hospital Administrator, Officer Nursing division, Principal tutor and a District Director of Health Services (DDHS) from another hospital. The chairperson presides over all meetings, according to paragraph 3(3.1) English is the
mode of communication, quorum for meetings is by simple majority, the board meets quarterly and decisions are by simple majority. According to paragraph 3(3.3) all members hold office for a term of 3 years and cannot serve for more than 2 terms consecutively.

The board may: appoint sub-committees to handle specific matters; appoint - finance, planning and development committee, a disciplinary committee, welfare and industrial relations committee and quality assurance & research committee. Paragraph 3(3.2)(iii) provides that the board may also constitute ad hoc committees to deal with matters arising.

Although this research focuses on the education, water and health sectors, the following laws have been analyzed either because they have a cross-cutting effect or for comparison purposes:

**4.3.6 National Forestry & Tree Planting Act, 2003**

The National Forestry & Tree Planting Act was assented to in June 2003 and came into force in August of the same year. It has several provisions that provide platforms for social accountability and citizen participation. It expressly spells out both who is permitted to participate and the specific circumstances in which they may do so.

Under s.52 a National Forest Authority (NFA) is established as an authority to handle all matters relating to forests as prescribed by the Act and it is guided by a board of governors whose selection criteria can be found under s.55. The board consists of 7 members appointed by a minister; they must be of high integrity with experience in environment management. Two of the seven members of the board must be female. In relation to participation and social accountability, this law has several sections that bring the local governments and communities on board. Section 6 provides that a minister may declare a proposed area as a central forest on the advice of the board after consultation with the local council and local community in whose area the proposed forest reserve is to be located. Section 7 provides the procedure for declaring a central forest reserve, and the language used in the section indicates that before any declaration can be made under s.6 a minister must among other things consult with the local community through public meetings and other means that offer the local community an effective opportunity to express their views concerning the declaration to reserve. In addition there is a requirement that an environmental impact assessment should be carried out and that there should be a notice to the public in appropriate print and other media to inform the public of the intended declaration. Similar provisions can be found in s.9 and s.10 in relation to declaration of a local forest reserve.

The law provides in s.28 that there shall be a management plan prepared by a responsible body in consultation with the community wherein a forest is located. Furthermore the law requires that an Environmental Impact Assessment (EIA) be carried out by any person who intends to undertake a project or activity that may have significant impact on the forest.

A district forestry office is established under s.48 and such an office is mandated to advise the district council on all matters relating to forestry, promote awareness and many other duties.

Forestry committees are established in terms of s.63, which also provides for their
composition. This section is gender sensitive and requires that of the four persons who may be nominated to serve on the committee in terms of s.63 (2) (d) at least one be female. The mode of the selection and nomination for the persons specified in the preceding provision is transparent i.e. by public advertisement.

The National Forest law is therefore alive to the need for citizen participation and social accountability.

4.3.7 Uganda Wildlife Act, 1996
The Uganda Wildlife Act provides for different social accountability mechanisms and the participation of different entities. As with many laws within this category, it establishes an authority and a board to handle the affairs that arise under the law. The Act further provides under s.12 for the appointment of local government wildlife committees if a local government considers it necessary. This means that it is not mandatory for such committees to be established. This kind of discretionary approach has served to undermine the effectiveness of a number of social accountability mechanisms. However, when such a committee is in place it is mandated to submit annual reports to the board on all activities relating to wildlife. Section 17 provides the procedure to declare wildlife conservation areas; however, citizens are left out of the consultation process and only local governments are considered. This is an example of consultation through representatives as opposed to the active participation of citizens in matters concerning and affecting them.

4.3.8 The National Environment Act, 1995
The National Environment Act establishes several committees to handle different environmental issues. Section 7 establishes a policy committee on environment, which is a high-level committee that does not necessarily provide a platform for citizens’ participation in its affairs. Section 10 mandates the establishment of four different technical committees as and when it is deemed fit; these committees are specialized as seen in the section. A local environment committee may be established pursuant to s.16. This is established on the advice of the district environment officer whose office is established under s.15. Furthermore, the authority may establish a district environment committee after consulting with the district council. The Act tends to sideline the communities and there is very limited space for their participation in the activities concerning the environment.

4.3.9 Public Finance Management Act 2015
The Public Finance Management Act is a relatively recent law compared to other laws discussed in this analysis. This law regulates public expenditure and provides for the national budget cycle in planning for a financial year. It permits participation of citizens in the budget processes. Under s.9, Government offices are mandated to consult while they draw the budget framework paper for a financial year, and timelines are provided to allow for the timely planning and execution of different tasks. In a broader sense, the PFMA provides a framework for citizens to follow up at the different stages of the budget cycle and to raise questions where processes are not adhered to. Changes introduced by the implementation

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81 A technical committee on soil conservation, licensing of pollution, biodiversity and environmental impact assessment.
of this law include early release of funds to facilitate service delivery at the local level.

Section 12 reinforces the role of parliament to analyze policy issues and to advise the different ministries accordingly. Furthermore, parliament is charged with the duty to ensure that public funds are utilized in a manner that is transparent, accountable, effective, and sustainable.

**4.3.10 The Public Order Management Act, 2013**

Although promoted as an Act that is meant to give effect to the freedoms of association and assembly under the Constitution, the Public Order Management Act and its implementation may serve to limit public participation and the effectiveness of social accountability mechanisms in Uganda. The Act seeks to regulate public meetings to provide for the duties and responsibilities of the police, organizers and participants in relation to public meetings; to prescribe measure for safeguard; public order and for related matters. Under the Act, a public meeting is defined as a gathering, assembly, procession or demonstration in a public place or premises held for the purposes of discussing, acting upon, petitioning or expressing views on a matter of public interest. \(^{82}\) Although the Act only requires organizers to give notification to the police for meetings, the implementation of the law has been different, with the police declining the holding of some meetings. \(^ {83}\) Furthermore, s.7 prohibits spontaneous meetings which are defined as unplanned, unscheduled or unintended public meetings. In addition s.10 criminalizes participants and organizers who may act contrary to some of the provisions; the penalty for contravening the section is imprisonment or a fine up to 24 currency points.

As seen in this section, it is less a question of a lack of an enabling legal framework than it is the propagation and implementation of social accountability mechanisms in to participate in the affairs of government, and to influence government policies. Consequently, some of the enabling Acts of Parliament have given effect to the Constitution and provided for some social accountability mechanisms. However in practice, the various social accountability mechanisms used are largely informal and implemented in an ad hoc manner without the necessary remedial and enforceability procedures. Notably, even the mechanisms provided for under the law are implemented without critically assessing their limitations, for example regarding inclusiveness in participation, or ensuring maximization of their potential to enhance public accountability as shall be discussed in subsequent sections. The result is a disconnect between constitutional guarantees on the one hand and the laws and practices upholding social accountability in local government processes in Uganda on the other.

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\(^{82}\) Section 4 of the Public Order Management Act

\(^{83}\) Ibid, s.5
5. ANALYSIS OF EXISTING SOCIAL ACCOUNTABILITY MECHANISMS AND TOOLS UNDER THE LOCAL GOVERNMENT SYSTEM IN UGANDA

According to McNeil and Mumvuma, social accountability can be achieved through citizen participation in public policy making, participatory budgeting, public expenditure tracking, citizen monitoring of public services, citizen advisory boards, and lobbying and advocacy campaigns.\(^{84}\) In this regard, participation is not perfunctory but should be linked to the “citizen’s voice”, which requires the state to move beyond consultation to more direct forms of influence over spending and policy decisions.\(^{85}\) It is in this context that social accountability has been defined as an approach used to enhance government accountability and transparency through a wide range of actions by citizens intended to hold the state to account as well as part of government, media and other actors that facilitate these efforts.\(^{86}\)

One of the approaches states have used to promote social accountability is “localizing” governance through systems promoting decentralization of legislative, executive and in some cases judicial powers. What such systems of decentralization have done is construct institutional frameworks through local governments mandated to exercise political power; which have been combined with mechanisms to promote the responsiveness and accountability of authorized political leaders. Different countries have approached decentralizing power in different ways, with some reserving greater central control and others giving local structures, in many cases federal states, greater autonomy and latitude. In many cases, governments still maintain technical officers to implement government policies and take overall responsibility for accountability. Notably in a number of countries – including Uganda – the laws, institutions, and policies governing economic, social, and political affairs deny a large part of society the chance to participate on equal terms because the rules of the game are unfair.\(^{87}\)

The local government setting in Uganda provides both for mechanisms under the law and informal mechanisms not anchored in law, all of which are intended to facilitate social accountability. Examples of mechanisms embedded in the law include democratically elected councils,\(^{88}\) participatory budgeting cycles and School management Committees (SMCs) and community meetings on accountability (Barazas).\(^{89}\) Examples of mechanisms not embedded in the law include citizen scorecards, radio talk shows and community dialogues.

88 Article 176(3) of the Constitution
89 The use of Barazas in promoting local government accountability was established as a government directive announced by the president on 26th January 2009.
The study found that varying forms of social accountability mechanisms and practices are used in the districts sampled: 479 respondents (56%) reported the existence of social accountability mechanisms in their communities; 204 respondents (24%) reported having no social accountability mechanisms in their communities; while the remaining 175 respondents (20%) did not know whether or not any social accountability mechanisms existed in their communities.

Local council meetings were the most prevalent form of social accountability mechanism reported in all six districts: 379 of the 479 respondents (79%) who reported the prevalence of social accountability mechanisms spoke of local council meetings. This was followed by Barazas, which were cited by 62 respondents (13%); knowledge of social accountability and media campaigns (expressing and demanding) was reported by 34 respondents (7%); familiarity with community notice boards was confirmed by 7 respondents (1%); familiarity with public demonstrations as a social accountability mechanism was expressed by 6 respondents (1%).

When asked about which social accountability mechanisms were in use in their localities local government leaders identified several social accountability mechanisms as can be seen from the interview excerpts below:

“Social accountability mechanisms in the district include Barazas, suggestion-boxes, CSO reports, notice boards, and community score cards, but among all these Barazas are the most effective.”

According to another leader, “Barazas, budget conferences, council sessions, technical planning meetings, community scorecards and annual performance review meetings are some of the social accountability mechanisms in the district. They are all effective and they complement each other.”

“Rights holders are involved in local government process[es] through participatory planning meetings at villages, parishes, sub counties and the district. They help to identify problems and prioritize them.”

“We normally have community interactive meetings like Barazas that...[are] directly managed by the OPM. The CAO and all heads of department on [a] yearly basis are expected to go around sub counties explaining how government programs have progressed and how much they spent, and the communities are allowed to ask questions.”

“We have quarterly meetings where information for different projects is disseminated; then the council meetings where different committees sit. We have the mayor’s time too on radio where different issues are discussed, and people call in and ask questions about different issues and are answered. We used to have
Barazas in line with NAADs but it was killed.”

“We do it through the local council meetings, local radios, FM radios and as a Community Development Officer (CDO), I work with Village Health Teams (VHTs) who mobilize people door to door for participation like in immunization.”

As some of the officials explained further, the local governments had preferences for some mechanisms over others, and also had opinions on which mechanisms were more effective.

“The most effective tool for social accountability is the radio talk show because of the coverage. For a Baraza you can call people to come to the sub county but the distance will stop …[some] from coming. I am saying the radio.”

A CDO from one of the study districts noted that they also use council sessions as a forum to present progress reports – these were argued to be more effective because they are held on a quarterly basis.

“We prefer other mechanisms like village meetings, sectoral meetings as well as the Town Council Planning Committee (TPC) meetings.”

5.1 Political representation as a social accountability mechanism

One of the primary ways in which social accountability could be promoted is ensuring that people are given the opportunity to choose their leaders, most preferably through elections. Indeed, the Constitution provides that the people shall express their will and consent through regular, free and fair elections or referenda, as to the representatives to govern them and the manner in which they wish to be governed. Giving effect to these constitutional provisions requires laws and procedures that are conducive to the expression of the peoples’ will and consent. It is on the basis of this that the Constitution makes provision for the election of members to run local governments. Local government councils are designated as the basis of local government, which are to be elected every five years.

The general conclusion to be derived from a study of the laws and procedures is encapsulated in the words of Devas and Grant:

“The local council system in Uganda was designed to create opportunities for participatory decision-making at all levels. It has been quite successful in this. There are multiple opportunities for citizens, including the poor, to participate in public meetings and elections, from the village level up to the district. Gender and minority interests are protected (in principle at least) through reserved seats for women, youth and disabled at each level. There is a system of annual budget...
conferences at each level, giving citizens some opportunity to have a voice in the choice of priorities for the coming year.\footnote{102}{Nick Devas & Ursula Grant Local Government ‘Decision-Making—Citizen Participation and Local Accountability: Some Evidence from Kenya and Uganda’ (2003) 23 Public Administration and Development 307, at p.312.}

The law defines the composition of the councils and confers them with both legislative and executive powers.\footnote{103}{Article 180(1) of the Constitution and section 9(1) of the LGA.} Both the Constitution and the LGA set clear criterion for constituting the district council. These include: the person must be a citizen of Uganda;\footnote{104}{Article 180(3) and Section 9(2).} the persons must be elected to the council;\footnote{105}{Article 181(4).} one-third of the membership of the council is mandatorily reserved for women;\footnote{106}{Article 180(2)(b)and Section 10(e).} two slots are reserved for youth,\footnote{107}{Article 180(2)(c).} two slots for people with disabilities (PWDs);\footnote{108}{Section 10(d).} and two slots for the elderly.\footnote{109}{Article 180(2)(c).} The inclusion of representatives of special interest groups needs to be underlined to the extent that it makes provision for social accountability for the special groups through special representation. The approach of the law in this regard is connected to the constitutional provisions, which as seen above in Article 32, require the State to take affirmative action in favour of marginalized groups for the purposes of redressing existing imbalances against them.\footnote{110}{See also section 23 LGA for criterion for constituting Lower local government councils which speaks of the same parameters as that of the district council.}

It should be noted, however, that the above notwithstanding, there is a question regarding the extent to which the elected structures translate into effective representative democracy. Although it is not within the scope of this legal and policy exposition, this is an issue that requires further attention. Experts have argued that despite decentralization’s promise for more accountable government, results have been mixed at best and there are many examples where decentralization has not led to greater accountability.\footnote{111}{See Serdar Yilmaz, Yakup Beris, and Rodrigo Serrano-Berthet Local Government Discretion and Accountability: A Diagnostic Framework for Local Governance World Bank Local Governance & Accountability Series (July 2008).} This failure is mainly attributed to the retention of discretion in decision-making at the centre, with devolution becoming meaningless. In the case of Uganda, for instance, it has been argued that despite devolution in health care, key decisions and drug provision remain the prerogative of the center, but salaries and staffing are that of the district, undermining local incentives for efficiency and responsiveness.\footnote{112}{Ibid, at p.17.}

Similarly, the representation of special interest groups has not been without controversy. There have been calls for the removal of these groups from political representation, on the ground that they no longer serve their purpose. It has also been argued that the NRM Government has used the special representation system to strategically maintain its dominance, rather than serve the interests of these groups.\footnote{113}{See Ragnhild L. Muriaas and Vibeke Wang ‘Executive dominance and the politics of quota representation in Uganda’ (2012) 50 The Journal of Modern African Studies 309.} The limited impact of the
system is also linked to the limited skills and effectiveness of those occupying such seats,\textsuperscript{114} which compromises their effectiveness for meaningful participation. Indeed, this special representation has also been the subject of litigation. In the case of \textit{Kasozi Robinson and others vs Attorney General},\textsuperscript{115} the procedures for the elections of representatives of the army, persons with disabilities, the youth and workers were contested. This was among others on the ground that the election of some of these groups, particularly persons with disabilities and workers, was done in a manner that excludes certain sections of these groups in essence denying participation of some persons in processes where they are eligible to participate. The Court held that the laws in terms of which the elections of special interest groups were held were void on ground of wrongful delegation.

The Constitution mandates the Electoral Commission to organize, conduct and supervise all elections at the local government level.\textsuperscript{116} The Constitution goes further to specify the qualifications for those desiring to stand for LG elective offices.\textsuperscript{117}

Provisions on elections are also indicated in the LGA, which dedicates the whole of Part X to this subject. This Part deals with all issues related to organizing, contesting and voting in an election at the Local Government level. Among the matters dealt with are demarcating electoral areas,\textsuperscript{118} election of representatives of special interest groups,\textsuperscript{119} election petitions,\textsuperscript{120} electoral offences and illegal practices,\textsuperscript{121} and terms of office for the elected officials.\textsuperscript{122}

One of the powers conferred on people, which could aid social accountability, is the power of the electorate to remove from office an elected official. However, in some respects, such removal is not done directly by the people but through other elected representatives. For instance, s.14 of the Act allows the district council to remove the chairperson from office by a resolution supported by two-thirds of all members of the council. The grounds the law gives as justification for such removal include: abuse of office, corruption, incompetence, misconduct or misbehavior; and physical or mental incapacity.

The question that arises here is why the electorate that directly elected these persons to the council is not involved in their removal. The possible answer to this is that the decision to remove a chair directly elected by the people is a crucial one that must be handled with care. Thus, the non-involvement of the electorate is cured by the strict procedure laid down in the law. Despite such reasoning, the electorate would definitely desire to have an input into the process. It is also not always obvious that the council members will be

\begin{itemize}
\item \textsuperscript{115} Consolidated Constitutional Petitions No. 37 of 2010, 40 of 2010 and 48 of 2010.
\item \textsuperscript{116} Section 101 LGA
\item \textsuperscript{117} See Article 183(2)(a). It is provided that a person is not qualified to be elected district chairperson unless he or she is qualified to be elected a Member of Parliament. See also Article 80.
\item \textsuperscript{118} See sections 108 - 110.
\item \textsuperscript{119} Sections 117 and 118.
\item \textsuperscript{120} Sections 138 - 146.
\item \textsuperscript{121} Sections 147 - 159
\item \textsuperscript{122} Article 170.
\end{itemize}
working in the interest of the public. However, removal of other councilors from council is left to the electorate. This allows the electorate opportunity to recall representatives that they believe have failed in their mandate.

It is also worth looking at the grounds the law provides for the removal of an elected member of council. The grounds for removal of the Chairperson are elaborate, all of which call for accountability from the Chairperson. The first ground for removal of a councilor is clear, however the second ground is ambiguous, lacking in certainty and specificity. Simply interpreted the ground calls for accountability from the councilors; however the electorate is not aided sufficiently in terms of when they can put the councilor to task to explain any actions or omissions which could lead to the revocation of their mandate.

The deficiencies in the representative system of participation therefore have pushed practitioners and scholars to encourage direct public participation through various social accountability mechanisms as shall be examined in subsequent sections.

5.1.1 Policy decision making and public participation

The LG councils transact their business predominantly through meetings. They are mandated under the law to discharge their functions by meeting at least once in two months. Noteworthy is the fact that the law allows the public to attend these meetings, though the law also allows the presiding officer or by resolution of council to exclude public attendance in some situations.

The councils may also discharge their functions through standing committees, or working committees, and these also transact their business through meetings guided by Regulation 9. Deliberations in these meetings are by qualified members and participation by any person who is not a member may constitute an offence. It is expected however that the matters discussed are those that touch on the affairs of the community.

The question that arises here is whether these councils and committees actually have due regard to the affairs of the poor and marginalized groups. The Local Government Act s.10 outlines the composition of the council which includes representatives of the youth (one female and one male). The Act further states that there shall be a representative of

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123 Regulation 7 of Local Government Councils Regulations.
124 See Section 14(1) ... (a) abuse of office; (b) corruption; (c) incompetence; (d) misconduct or misbehavior; (e) such physical or mental incapacity as would render the chairperson incapable of performing the duties of chairperson; (f) failure or refusal without justifiable reasons to implement lawful council decisions.
125 Regulation 7(1) ... (a) failing to declare his or her assets within three months after assuming office.
126 The social accountability mechanisms that enable direct public participation include both formal mechanisms that are embedded in the law, as well as informal mechanisms that have evolved from practice.
127 See Regulation 9(1), The Local Government Councils Regulations PART III, LGA.
128 Under Regulation 9(3) the public can be excluded if the deliberations are of a confidential nature and under Regulation 9(4) a member of the public can be excluded if they behave in a disorderly manner.
129 Section 22 LGA.
130 See Regulation 24.
131 See Regulation 23 and note 77 above.
132 See Regulation 14, The Local Government Councils Regulations PART III, LGA.
133 Local Government Act Section 10 (4) outlines the representation of people with disabilities, women and youth.
persons with disabilities including one female. At the lower Local Government council, the Act states that the women shall form one-third of the council.

In spite of the above, however, the participation in the meetings by the public in theory helps to ensure transparency of the proceedings. Even when members of the public are not allowed to take part, their presence allows them to know what is transpiring in the meetings, and the decisions being made in the councils. In addition, the presence of the public alerts the members to the fact that they are being watched and may be required to account for their decisions. This may propel the councilors to act more cautiously and to ensure that they make decisions that benefit the people.

The above notwithstanding, the question of whether the poor and vulnerable public is aware of this allowance and in reality attends such meetings in order to utilize this mechanism of accountability is one that needs to be investigated, lest the mechanism remains confined to paper.

The law requires that the proceedings of these meetings be recorded and records relating to council functions be kept; this is the responsibility of the clerk. The law allows access to such information: it stipulates that any person other than a member of that council requiring a copy of the minutes may receive a copy on payment of a fee prescribed by the council.

The law can be said to provide mechanisms for social accountability by allowing access to the minutes and records of council business, however there is simultaneously a claw-back if a fee must be paid before access is granted. Such a fee may be prohibitive, especially for indigent persons.

Secondly, the law requires that said minutes are kept in the English language, which definitely undermines easy utilization of the minutes by those who cannot read and understand English. Also worth noting is that not all members of these local government councils are well versed in the English language and not all council deliberations are held in the English language. Bearing this in mind, it will therefore be challenging for council members to follow up on whether the records are a true reflection of what transpired during council deliberations.

It should be noted that the law notwithstanding, there are challenges in as so far as public participation in meetings and influencing decisions is concerned. It has been argued that the level of participation is much lower than that suggested by the legislation, in part because meetings at village level do not happen as frequently as they should. Yet, budget conferences are attended by relatively few, and the language and style of these effectively exclude many.

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134 See Section 62(3).
135 Regulation 10(2) The Local Government Councils Regulations PART III, LGA.
136 Regulation 10(1) The Local Government Councils Regulations PART III, LGA.
137 Devas & Grant (note 4 above), at 313. A study conducted by the Council for African Policy (CAP) in 2013 on the extent of participation in budgeting processes in the districts of Soroti, Ngora and Bukedea found that although the districts have tried to establish and implement participatory budgeting processes,
5.1.2 Decision making in legislative processes

The legislative powers of LGs are derived from Art 206(2)(a) of the Constitution. It provides that Parliament shall make laws enabling LGs to make laws, regulations or other instruments for the administration of their areas of jurisdiction. Pursuant to this provision, the LGA has provisions relating to LG legislation. The same LG council that wields executive powers holds the legislative powers exercised by LGs. District councils hold delegated legislative power to enact ordinances while the lower local government (LLG) councils hold delegated legislative power to enact by-laws for as long as they are not inconsistent with the Constitution or any other law made by the national legislature. The LGA goes further to prescribe the procedure for legislation.

Bills can only be introduced by members of the Council. As elected representatives of the citizenry, councilors are rightly clothed with the powers to introduce the bills. However, it is uncertain whether communities are actually consulted prior to such an initiative, and if so, to what extent the poor and marginalized groups are involved in such consultations.

The legislative processes features some procedures the public could seize upon to participate in the process. There is a mandatory requirement to publish, at least fourteen days before it is debated, any bill slated for debate by the council. Publication of the bill entails *inter alia* availing copies to the public. The law further recommends publication of the bill in any other manner as is customary in the area. This allows an avenue through which the community gets to participate in the legislation processes of LGs. It is at this point that the public can make inputs into a bill that was initiated without prior consultation, and one may argue that this fosters both community participation and social accountability. During such publication the community has opportunity to put their elected representatives to task and also to question them on matters pertaining to the bill in question.

However, despite the good intentions of the law, it is important to consider whether there are mechanisms in place to ensure that effective publication to the public is practically effected and public input actually obtained and considered. More vital is whether this publication trickles down to even poor and marginalized groups within the community. Noteworthy is the fact that such publication may require considerable resources, which a given LG may not have at their disposal. Such a lack of resources has the potential to compromise the effectiveness and validity of the whole exercise.

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performance in this regard is being hampered among others by the resource constraints which the districts are facing. This has forced the districts to limit the number of people invited for the budgeting meetings because of the inadequacy of funds to meet the meals and transport needs of the participants. Center for African Policy Inclusive and Participatory Decision-Making in Local Government for the Realization of Health and Education Services: A Case for Participatory Budgeting in Ngora, Soroti and Bukeeda in Eastern Uganda (2013).

138 See sections 147 - 159.
139 See Section 38.
140 See Section 39.
141 See The Local Government Councils Regulations PART IV, LGA.
142 See Regulation 15(1) and 22(1).
143 See Regulation 16(1).
144 See Regulation 16(1)(c).
145 See Regulation 16(1)(d).
Following successful publication of the bill, it is then eligible for debate. Only council members are expected to be involved in the debates in line with council meeting guidelines. Council members are, therefore, expected to represent the community matters raised on the bill’s publication for the public. There is however no guarantee that the community’s views about the impending law will be tabled, heard and considered during the council debate. Though as earlier pointed out, the public is permitted to attend council meetings, which would allow for any follow-up on the actions of their representatives including in relation to inputs on the bill.

Upon the bill being passed by members, it is sent to the Attorney General for scrutiny to ensure Constitutional legal validity. Upon effecting the Attorney General’s recommendation, if any, the bill is signed by the chairperson of the respective LG council as an ordinance or by-law. The law must then be publicized, through publication in the gazette within the jurisdiction of the LG as previously done with the bill. These publication requirements are not only to ensure the community is put on notice, but also afford the community opportunity for social accountability. It gives the public the opportunity to monitor the implementation of the law, or even, to question its wisdom.

In addition to the above, the Constitution provides another avenue for accountability in the legislative processes. Article 137 allows any person who alleges that an Act of Parliament or “any other law” is inconsistent with or in contravention of the provisions of the Constitution to petition the Constitutional Court for a declaration to that effect. This provision in effect allows any member of the public to exercise social accountability using a judicial approach, but only if their grievance is connected to contravention of the Constitution. However, there is so far no recorded case that has taken this approach. This could be linked to the challenges which local communities face in using the courts of law, which includes lack of technical skills, ignorance of the law, poverty and the paucity of legal skills.

5.1.3 Planning powers
In terms of planning, the Constitution accords district LGs planning powers by requiring them to prepare comprehensive and integrated development plans incorporating the plans of lower local governments for submission to the National Planning Authority (NPA). The LGA operationalizes the constitutional provision by placing the planning mandate on the district council. The Act requires every district to establish a technical planning
committee\textsuperscript{155} and a planning unit\textsuperscript{156} charged with the duty to coordinate all planning activities of LG councils and submit an integrated plan to every council for consideration.\textsuperscript{157} It is worth noting that the law provides for participatory planning by advocating for a bottom top approach. The LGA provides that:

\begin{quote}
The district council shall prepare a comprehensive and integrated development plan incorporating plans of lower level LGs for submission to the National Planning Authority, and lower level LGs shall prepare plans incorporating plans of lower councils in their respective areas of jurisdiction.\textsuperscript{158}
\end{quote}

The prerequisite of incorporation of the lower level LGs’ and councils’ plans by those on a higher level offers a platform for the lower councils to participate in the planning processes of the district. The prerequisites also offer a basis for the lower councils to hold the higher councils accountable once the final district plans are found not to have considered the proposals emanating from the lower councils deemed to be more attuned to the communities than the district council.

Local Government Development Planning Guidelines (LGDPG) provides the LG with guidance in terms of their exercise of planning powers.\textsuperscript{159} The guidelines are based on the 2009 Comprehensive National Development Planning Framework (CNDPF), which outlines the principles and guidelines to be followed in developing national and decentralized long and medium term development plans. The CNDPF is intended to \textit{inter alia} provide an arrangement for harmonizing national level planning with planning at sectoral and LG levels and define the responsibilities of different players involved in all stages of development planning.\textsuperscript{160}

According to the LGDPG, institutions and stakeholders expected to be involved in the planning process at LGs in addition to the LG institutions seen above include:

\begin{itemize}
  \item Lower Local Government Technical Planning Committees responsible for coordinating the planning process in their areas of jurisdiction (LGA).
  \item Civil society organizations, faith based organizations, and community-based organizations, which are required to participate in all stages of the planning cycle (LGA/ CNDPF).
  \item Private sector organizations and enterprises required to participate in all stages of the planning cycle (LGA/ CNDPF).
  \item Citizens /communities required to participate in initial stages of the planning cycle, plan implementation and oversight (LGA/ CNDPF).
\end{itemize}

\textsuperscript{155} Section 36.
\textsuperscript{156} Section 37(1).
\textsuperscript{157} Section 37(4).
\textsuperscript{158} Section 35(3). See Section 36(2) as well. Article 190 of the Constitution also requires the District councils to incorporate the plans of lower level local governments for submission to the National Planning Authority.
• District, urban and sub-county physical planning committees, which have physical planning mandates under the Physical Planning Act, 2010.161

From the detailed list above, one sees a deliberate effort to ensure participatory planning at LG. It can be said that the legal framework actually creates an institutional framework that promotes community participation.

Furthermore, the LGDPG prescribes that the planning process consists of three main stages: consultations and data collection; actual plan formulation; and plan approval and submission. It is stipulated that:

Consultations and data collection will take place concurrently at all levels (district, municipal, sub-county/town council/division, parish/ward and village/cell) beginning in the eighth month of the fourth year of the District Development Plan implementation.162

This stipulation expressly provides for and advocates for community participation right from the grassroots at village level.

However, although the legal framework allows a bottom-down approach to planning, the freedom to plan is not absolute. The LGDPG do not allow the LGs to plan with total disregard of the National Vision and the National Development Plan (NDP). It is demanded that the higher local governments (HLGs) will:

• Adapt the provisions of the National Vision and the NDP strategic positions on each of the crosscutting issues;
• Adopt government policies, action plans and operating guidelines regarding these issues (in particular the responsibilities of LGs, CSO and private sector in implementing those policies), where applicable;
• State how the LG will address each of the crosscutting issues in its 5-year plan and in the annual budget; and
• Send appropriate guidance to municipal and LLGs on this matter as they prepare their development plans.163

From the above stipulations it is clear that the purportedly free community participation is actually restricted by the requirement to keep in mind the National Vision and the NDP. This has been argued to render LGs’ powers hollow.164 However, this should not be perceived at as doing away with community participation.

Although the legislative scheme described above has the potential to ensure social accountability and bottom-up planning, the reality on the ground is fraught with challenges.

The reality check provided by Francis and James is instructive in this regard:

To what degree have the new institutions created by decentralization promoted local participation in decision-making? The formal system of planning is supposed to proceed in an integrated bottom-up manner. Each village produces a Community Action Plan (CAP) based on local needs and priorities. Parish councils incorporate these plans into parish plans, which in turn are synthesized into sub-county plans. The District Technical Planning Committee is then supposed to produce an integrated plan based on sub-county plans and the deliberations of a budget conference of key stakeholders, and this plan is ratified by the District Council. In practice, however, the system scarcely articulates at all between levels. First, priorities from LC1 and LC2, if they reach higher levels, are rarely actually incorporated into sub-county plans. Second, given the limited capacity and experience of politicians and civil servants, at the sub-county level plans of any quality or realism rarely materialize. When they do appear, plans are generally based on over-optimistic estimates of revenue, which, as the following analysis shows, is scarcely available for “development” at all.\(^{165}\)

A Study carried out in the districts of Ngora, Soroti and Bukedea in 2013 affirms the conclusions above. After interacting with communities, civil society actors and local leaders, it was concluded that a number of challenges were affecting effective participatory budgeting, including the negative attitudes by residents, which among other things arose from frustrations at the authorities’ failure to meet the priority needs identified by the people. It was also discovered that although the districts were regularly organizing district budgetary conferences, there were a number of challenges that affected full community participation in these conferences. This was among others because of the fact that all the planning structures envisaged by the law had not been established. In addition, the districts lacked vital resources to organize sufficient numbers of planning meetings in a regular manner that reached the grassroots.\(^{166}\)

**5.1.4 Financial powers**

The financial powers of local governments are based on two constitutional principles, namely: local governments must have a sound financial base with reliable sources of revenues\(^ {167}\) and local governments must be enabled to plan, initiate and execute their own projects and programmes within their local areas.\(^ {168}\) These principles are given a legal framework under the LGA which details sources of local government finances, acceptable expenditures and procedures, as well as controls over local government financial powers. The Act guarantees and mandates local governments’ right and obligation to formulate,
approve and execute their budgets and plans provided in the budgets.\textsuperscript{169} However, these rights are not absolute, since local governments are mandated to accord national priority programme areas preferential budget outlays.\textsuperscript{170} Where they detract then the Local Government Finance Commission,\textsuperscript{171} the Minister of Local Government and the President will intervene.\textsuperscript{172} Much as these institutions are in place to check the abuse of powers, the provision has received criticism on the basis that:

\begin{quote}
[T]his provision should be critiqued to the extent that it stifles participatory local government budgeting. As indicated above, one of the strengths of participatory budgeting is that the budgeting process accords priority to local needs identified by the local community. Although some times the local priorities may be consistent with the national priority, there could be instances when this is not the case and this is the essence of legislation.\textsuperscript{173}
\end{quote}

To further prevent abuse of powers, a number of tools have been put in place to guide local governments in the exercise of their financial powers. These tools include the District/Urban Local Government Development Plan (DDP), the Local Government Budget Framework Paper (LGBFP), and Budget. These three tools are expected to be in harmony as opposed to mutually exclusive.\textsuperscript{174} The DDP can therefore be said to be an in-road for the participation of the community in the budgeting process, despite the shortcomings of the give and take approach already discussed above under the planning powers.

To further promote participation of the community in the budget processes, the Local Government Budget Committee issues elaborate budgeting guidelines with timelines for local governments.\textsuperscript{175} A look at the guidelines speaks to some level of community involvement. Prominent in encouraging this is the late December Budget Conference which
brings together the full council, NGOs, civil society; moreover, through this forum, issues of the poor and marginalized groups are likely to be articulated by NGOs and civil society. During this conference, the previous years’ financial performance (revenues as well as expenditures) is reported as well as the previous year’s achievements and shortcomings. This allows for the social accountability and involvement of the community in assessing performance of the councils. Still in the conference, the sector objectives, development programmes and projects are presented with their associated budget implications. The processes also allow for review of the prioritized interventions including proposed reallocations across sectors and within budget lines. From the above, it goes without saying that the policy provides a forum where the views of poor and marginalized groups can be heard. However, whether their concerns are actually articulated during such processes is a question that needs to be investigated. Indeed, as illustrated above by the case of Ngora, Bukedea and Soroti, there are still a number of challenges that hinder effective community participation in such processes, which to some have become perfunctory.

To foster accountability, the LGA forbids spending outside the budget. It is provided that no appropriation of funds by a local government shall be made out of the funds of the council unless approved in a budget by its council. The law goes further to forbid withdrawal of monies from the general fund account or any other accounts of the district without the approval of the Auditor General or his or her representative. The Act further obligates the chair of the council to cause the preparation and laying before the council estimates of revenue and expenditure for the next ensuing financial year no later than the fifteenth day of June. More to the above, the Act makes it mandatory for every local government council and administrative unit to keep proper books of account and other records in relation thereto and to balance its accounts for that year and produce statements of final accounts within four months from the end of each financial year. This is to be followed by an audit by the office of the Auditor General. In as much as all these nuts and bolts are put in place by law to ensure accountability, they do not allow for social accountability and community participation notwithstanding the fact that the communities are the essence of local governments.

5.1.5 Administrative powers
The administrative powers of local governments are based on the constitutional principle that the system shall ensure that functions, powers and responsibilities are devolved and transferred from the Government to local government units in a coordinated manner. Administrative functions in this discussion allude to the implementation of government and local government policies and the execution of laws by the local governments. Under the LGA, the administrative powers of local governments are held by district officers, district service commissions, departments and administrative councils at the different administrative units.

176 Section 82(1).
177 Section 82(2).
178 Section 82(4).
179 Section 86.
180 Section 87.
181 Article 176(2)(a).
182 See Section 45 which establishes administrative units at county, parish and village levels in the rural
The administrative powers of a District local government are entrusted to the Chief Administrative Officer. The Town Clerk has administrative powers over an urban administrative council like a town, municipality, and a city. The Chief Administrative officer or Town Clerk is assisted by Deputies and assistants. Other administrative functions are performed by Heads of Departments and district officers appointed by the District Service Commission.

Community participation in the administrative function of local governments was expressly provided for during the 2008 amendment of the LGA in which all persons of eighteen years or above residing in a given village who are willing to be members can put themselves forward for nomination to the village level administrative council. In this respect, a platform is provided where all able-bodied and willing adults can be part of the implementation of policies and the execution of laws and exercise social accountability at the village level. The challenge that arises here though is the effectiveness with which all the persons in the village can actually reach consensus on how to exercise their powers. More to it is the question of the extent that poor and marginalized groups are allowed an audience at the village level.

The level of community participation varies as one goes up the ladder; from the parish and county levels the numbers of administrative council members diminishes. The councils are constituted by members of the lower executive committees and councilors who represent the said levels at the next higher local government. Community participation is thus reduced to representative participation.

Worth, however, is the composition of the executive committee at each parish and village administrative unit. The LGA expressly provides for a vice chairperson who shall also be secretary for children’s welfare, a secretary for youths, a secretary for women and a secretary for the affairs of persons with disabilities. It goes on further to make it mandatory for women to constitute at least one-third of the executive committee members. It can be observed that there is deliberate effort made to provide marginalized social groups, including women, with some semblance of a footing in the administration of the units.

5.2 Formal social accountability mechanisms created under the law
According to the LGA, some of the functions local governments are responsible for, in terms of their administrative powers, include education services, medical and health services, water services, road services, agricultural services amongst others. Numerous Acts of Parliament provide for different community-based structures to support the delivery of the different services, which structures allow for community participation and social accountability.

and urban areas.
183 See Section 64.
184 See Section 65.
185 See Section 66.
186 See Section 46(1)(c).
187 See Section 47(2)(b), (h), (i) and (j).
188 See Section 47(3).
189 See Second Schedule, Part 2-5.
The section below looks at the water, health and education sectors.

5.2.1 School Management Committees
The Education Act 2008 provides for Board of Governors (BoG) or School Management Committees (SMCs) to be convened for the relevant education institution.\textsuperscript{190} The composition of the BoG should, by law, include one local government representative nominated by the district councils’ standing committee responsible for education, one nominee of the local council and two representatives of parents of the school.\textsuperscript{191} The composition of the SMCs, on the other hand, should include one local government representative nominated by the district councils’ standing committee responsible for education, one representative of local council executive committee who shall be the Secretary in-charge of education at a parish council, or the sub-county chief or his or her representative, one person elected by the sub-county or city division or municipal whichever is the case and one representative of parents of the school.\textsuperscript{192} These structures offer a platform through which community participation and social accountability can be realized.

5.2.1.1 Functions of School Management Committees
A significant number of respondents reported knowing at least one function of SMCs, with 316 (37\%) respondents reporting mobilizing parents as the biggest function of SMCs. Other functions reported were: managing schools with head teachers 266 (31\%), supervising school projects 235 (27\%) and ensuring that pupils attend school 162 (19\%).

However, while the functions of the SMCs are clear under the Act, their functionality is not guaranteed. 547 (64\%) respondents reported that SMCs were non-functional in their communities. This finding mirrors the findings of a report compiled during the 23\textsuperscript{rd} Education and Sports Sector Annual Performance Review (ESSAPR), which indicates that within the 24 sampled districts, only 61\% of primary schools were deemed to have functioning SMCs; this despite District Education Officers approving 95\% of the primary school SMCs they reviewed.

5.2.1.2 Source of information about School Management Committees
271 (32\%) respondents reported that they learnt about SMCs through word of mouth, while 267 (31\%) respondents reported hearing about SMCs after attending school meetings. Only 5 (0.6\%) and 3 (0.3\%) respondents got to know about them through Barazas and radio respectively.

5.2.1.3 Access to education information
247 respondents (45\%) among those who were aware of the functionality of the SMCs, reported not having access to education-related information. A slightly higher number of 300 respondents (55\%) reported having access. However, on being able to advocate for matters regarding education, 597 respondents (70\%) reported not having a voice, whereas 261 respondents (30\%) were satisfied that they did have a voice.

\textsuperscript{190} See Section 28 The Education (Pre-Primary, Primary and Post-Primary) Act, 2008.
\textsuperscript{191} Ibid, Third Schedule Part II, s. 3.
\textsuperscript{192} Ibid, Second Schedule Part II, s. 3.
5.2.1.4 Influence and participation in education decisions

Asked about how respondents influenced education decisions in their communities, 478 (56%) respondents reported doing so by attending meetings, 43 (5%) by participating in the election of SMC members, and 41 (5%) serve on SMCs.

Regarding participation in meetings where decisions related to education were made, 466 (54%) respondents reported attending school meetings. The other forms of participation were through the attendance of the following; council meetings 27 (3%), SMC meetings 48(6%) and Barazas 17(2%). It must be noted that 300 (35%) respondents reported not having participated in any such platforms.

5.2.1.5 Negotiation with Local Government and SMCs

651 respondents (76%) and 549 respondents (64%) reported having no negotiation opportunity with local government leaders and SMCs, respectively, with respect to education-related matters. On the other hand, 207 (24%) and 309 (36%) respondents reported having some degree of negotiation with local government leaders and SMCs, respectively.

5.2.1.6 Inclusiveness and representation in SMCs

The majority of respondents 468 (55%) did not know how SMCs are formed. 350 (41%) and 40 (5%) respondents reported that SMCs are formed by election and appointment, respectively.

In terms of inclusiveness, 341 (40%) respondents reported that women are represented on SMCs. On representation of the often-marginalized groups, 237 (28%) respondents affirmed that youth were represented, while 194 (23%) and 325 (38%) reported the representation of persons with disabilities (PWDs) and the elderly respectively.

5.2.1.7 Limitations of SMCs

As with other mechanisms, SMCs also have various limitations attributable to both internal and external factors, as attested by the excerpts below:

"- The ineffectiveness of SMCs is attributable to among other things: shortcomings of the existing policy framework, structural and supervisory weaknesses; all of which can be addressed”.
- While the Education Act spells out the constituencies that must be represented on SMCs… there are no clear stipulations on the qualifications nominated representatives must possess. Consequently, persons who do not possess even the most basic competencies in education and institutional management find themselves appointed to SMCs and assigned the onerous task of providing strategic guidance and supervision support to school administrators.
- The situation is compounded by the District Education Office’s failure to adequately induct and sensitize newly convened SMCs.
- Some SMC members put themselves forward for nomination with the expectation of financial remuneration for their service; and when this expectation is not realized, they resort to abandoning their mandate or harassing school heads
An official from the Mbale education office noted with concern that some Chairpersons of SMCs have over stayed while others keep coming back because the foundation bodies that have the mandate of selecting members keep bringing back the same people. “Members are not elected but selected. Many of them do not even have their children in the schools they head. There is no proper training for the members, or even simple inductions on their roles.”

“Over stay of SMC members has hindered the development of these schools because community members have lost interest in these members and as such their contribution is very much reduced.”

A local government leader in Kumi also expressed dismay over the influence of foundation bodies; “For the SMCs, normally the Foundation bodies are in charge and you cannot choose leadership without them. They want to run the school the way they run a church. The foundation body brings six members who hijack operations of the SMC [given] the[ir]… big numbers.”

Lack of academic qualifications was also cited as a reason for poor performance. In Kumi, an official from the education office blamed the weakness of the SMCs on the Education Act 2008 which is silent about the qualifications of SMCs.

“One of the requirements is that you should be wedded in the church but no mention of educational qualification is made, [despite][t]his ha[ving] a bearing on performance.”

“In Mbale, a foundation body appointed a treasurer for Busiu primary school who knew nothing about accounting.”

Notably, callers on one of the radio talk shows noted that the functionality of the local accountability committees such as the SMCs was not convincing. That for example some Chairpersons of the SMCs have been implicated in dubious activities, such as conniving with head teachers to misuse school resources.

Related to the above, one of the District Officials noted that the absence of a token of appreciation has forced some school heads to use the Universal Primary Education (UPE) capitation grant money to facilitate SMCs, which is contrary to the rules and regulations governing the utilization of those funds.
5.2.2 Health Unit Management Committees

Under the provision of health services, the Department of Quality Assurance in the Ministry of Health (MoH) has issued numerous guidelines on Health Unit Management Committees (HUMCs) for the various health centres at the different local governments. Some of the functions of the HUMCs include: monitoring the general administration of the hospitals or health centres in their jurisdictions on behalf of the local councils and the MoH or Ministry of Local Government (MoLG) as the case may be; managing of the facility’s finances; advising upon, regulating and monitoring allocation and use of finances; monitoring the procurement, storage, and utilization of all hospital goods and services in line with LG regulations to mention, but a few. All the functions as highlighted here touch social accountability and community participation in LG processes.

225 respondents (26%) reported that functional Health Unit Management Committees (HUMCs) existed within their communities. 77 respondents (9%) attested that there were no HUMCs in their community. It should be noted however that the majority, 556 respondents (65%) did not know whether or not there were HUMCs within their communities or whether HUMCs were functional if present. As can be seen in the table below, responses on this matter are fairly consistent across districts.

<table>
<thead>
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<td>150</td>
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<td>Kyenjojo</td>
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<td>111</td>
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</tr>
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<td>Kayunga</td>
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</tr>
<tr>
<td>Kumi</td>
<td>7</td>
<td>49</td>
<td>93</td>
<td>149</td>
</tr>
</tbody>
</table>

5.2.2.1 Functions of Health Unit Management Committees

Most respondents were aware that HUMCs perform a number of functions. Of these, 112

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(13%) emphasized mobilizing the community as a major function of the HUMCs. Other functions reported included inter alia: supervising the in-charge 94 (11%), supervising Health Centre projects 669(78%) and ensuring that health workers attend work 72(8%).

5.2.2.2 Source of information about Health Unit Management Committees
152 (18%) respondents reported learning about HUMCs through word-of-mouth. 32 (4%) respondents heard of these committees during community outreach shows, while 29 (3.%) and 10 (1%) respondents learned about HUMCs after attending a meeting at the health centre and through radio respectively.

5.2.2.3 Access to health information
Regarding access to information, 129 respondents (15%) reported not having access to health-related information; while 96 respondents (11%) reported that they did have access to health-related information.

On being able to advocate for matters regarding health, 747 (87%) respondents reported not having a voice compared to 111 (13%) who felt they do have such a voice.

In response to communities’ complaints regarding limited or zero access to information, the District Health Officer (DHO) from one of the research districts denied that citizens’ access to information is compromised; he stressed that a lot of information is made available at all health centers and that it is in fact citizens who do not take initiative to read this information. “This information is written in both local and English languages with pictures that are easy to understand. This still brings us to the high levels of illiteracy. The health centers have a lot of talking wall information but the people do not use them.”

5.2.2.4 Influence and participation in health decisions
Respondents reported influencing health-related decisions within their communities in a number of ways. 94 (11%) did so by attending health centre meetings, while 10 (1%) and 8 (0.9%) said that they did so by electing HUMC members and being HUMC members, respectively.

Regarding participation in meetings where decisions related to health were made, 79 (9%) respondents reported attending health centre meetings. Other forms of participation were through attendance of the following: council meetings 36(4%), HUMC meetings 10(1%) and Barazas 15 (2%). It should be borne in mind, however, that 718 (84%) of the respondents did not participate in any such platforms.

5.2.2.5 Negotiation with Local Government and HUMCs
766 respondents (89%) and 776 respondents (90%) reported having no negotiation with local government leaders and HUMCs with respect to health related matters. In contrast, only 72 respondents (11%) and 82 (10%) respondents reported having entered into some degree of negotiation with local government leaders and HUMCs respectively.

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202 One of the DHOs during research validation held on 8th June 2016
5.2.2.6 Inclusiveness and representation in HUMCs

The majority of respondents 767 (89%) did not know how HUMCs are constituted and only 64 (7%) respondents stated that HUMCs are constituted through elections and 27 (3%) said they are constituted by appointment.

In terms of inclusiveness, 87 (10%) respondents reported that women are represented on the HUMCs, while 65 (8%) and 81 (9%) respondents reported representation of the youth and the elderly, respectively. A further 58 (7%) respondents reported that persons with disabilities (PWDs) were also represented on the HUMCs.

5.2.2.7 Limitations of HUMCs

The HUMCs, just like other sectoral committees, are not immune to constraints.

“Prominent among these is inadequate funds to facilitate the convening of meetings, which in turn has implications on the number and frequency of meetings and related deliberations.

-Whereas the minimum education level of members is an ordinary level certificate, some members of HUMCs are disadvantaged by their inability to fully comprehend their roles.

-Delayed appointment of new members which results in committee members serving even after the expiry of their term of office.”

It was noted that committee members sometimes exceed the scope of their responsibilities to the extent that they encroach upon the operations of the facilities.

The local government official from one of the sub counties in Mbale noted that the HUMCs pose a significant challenge to his sub county: “Some chairpersons have served for over 15 years; there are no regular meetings. This has affected the operations of the HUMCs and the health facilities in this area.”

Lack of resources to facilitate members’ performance of their mandates was mentioned as a limitation to the smooth operation of HUMCs. An official from the Health Office of Kayunga noted that HUMCs are underperforming in part because they lack motivation.

“This is a voluntary position and they are supposed to sit quarterly. One of the functions of the HUMCs is to witness the delivery of the drugs, which... they do not do [sometimes]. The HUMCs are supposed to provide oversight and monitoring of health service provision including the presence of the medical staffs at the facility and check mistakes like the watchman giving drugs.”

Leaders also highlighted the laxity of health unit In-Charges as another limitation. One

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203 Extract from an article by a Senior Planner, Ministry of Health about the need to strengthen HUMCs to improve health service delivery, published in the ISER ESRA Brief of December 2016. It can be accessed online at [http://www.iser-uganda.org/images/downloads/ISER_ESRA_Brief_December_%202016.pdf](http://www.iser-uganda.org/images/downloads/ISER_ESRA_Brief_December_%202016.pdf) (accessed on 1\(^{st}\) March 2017)

204 Sub County Chief of Busiu in Mbale at a research validation held on 8\(^{th}\) June 2016 in Mbale town

205 Kayunga local government official at research validation held on 10\(^{th}\) June 2016 in Kayunga town
of the officials in Mbale noted that there are always plans for HUMCs to meet; however, they are yet to receive a meeting report.\(^{206}\) He further noted that responsibility for the formation of such structures vests in the In-Charges, who are sometimes compromised— for example, some committee members collude with health centre In-Charges to get facilitation even without attending meetings, thereby surrendering their oversight role to the In-Charge whom, as personnel of the health facility, the committee is supposed to oversee.

5.2.3 Water User Committees

The Water Act allows for the formation of water user groups and water and sanitation committees.\(^{207}\) The Act permits local authorities to oversee the formation of water user groups and associations within their jurisdictions.\(^{208}\) The committees formed are responsible for water supply, sanitation and hygiene in the area.\(^{209}\) These are the other structures that offer a platform through which community participation and social accountability can be realized under LG.

352 respondents (41\%) reported having functional Water User Committees (WUC) in their communities. With 86 out 150, Kayunga district had the highest number of respondents reporting the existence of functional WUCs. On the lower side, however, Bushenyi district had only 22 respondents reporting the existence of functional WUCs. Details on the WUCs by district are presented in table 6 below:

<table>
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<th>Total</th>
</tr>
</thead>
<tbody>
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<td>Bushenyi</td>
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<td>Iganga</td>
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</tr>
<tr>
<td>Kayunga</td>
<td>64</td>
<td>86</td>
<td>150</td>
</tr>
<tr>
<td>Kumi</td>
<td>70</td>
<td>79</td>
<td>149</td>
</tr>
</tbody>
</table>

5.2.3.1 Knowledge on functions of Water User Committees

Respondents were asked whether they knew of functional WUCs. The majority 352 (41\%) claimed not to have functional WUCs. According to participants, WUC functions included: maintenance 246 (29\%), cleaning water points 225 (26\%), holding of regular meetings 86 (10\%), implementation of any water by-laws 70 (8\%) documenting and keeping accurate

\(^{206}\) Mbale District official during research validation held on 8\(^{th}\) June 2016 in Mbale town
\(^{207}\) See s.50 - 52 The Water Act Cap 152.
\(^{208}\) Ibid, Section 52(2).
\(^{209}\) Ibid, Section 50(3)(b).
records of meetings 35 (4%).

5.2.3.2 Source of information about Water User Committees
307 (36%) respondents reported that they learned about WUCs through word of mouth. Only 42 (5%) and 3 (0.3%) respondents heard about WUCs through Barazas and radio respectively.

5.2.3.3 Access to water related information
550 respondents (64%) reported not having access to water-related information, and the rest 308 respondents (36%) reported having access to information. However, disappointingly, 645 (75%) respondents reported having little to no voice when it came to water-related matters.

It is clear from the above findings that there is limited or no access to water-related information; this despite the fact that WUCs and other forms of community engagement and dialogue have been in existence for five or so years. It is, however, also important to clearly distinguish between accessing information and effectively utilizing that information by having the voice to discuss or demand on the basis of what is offered up by the information. It is one thing to have the information and another to have the voice to advocate for a (better) service.

5.2.3.4 Influence and participation in water decisions
Asked how they influenced water decisions in their communities, 297 (35%) respondents reported doing so by attending meetings, and participating in electing WUC members or serving on WUCs.

Regarding participation in meetings where decisions relating to water were made, 297 (35%) respondents reported attending water point meetings. Other forms of participation reported included: council meetings 62(7%), parish meetings 54(6%) and Barazas 45 (5%). However, it must be noted that 479 (56%) respondents reported not participating in any platform where they were likely to speak out and influence decisions.

5.2.3.5 Negotiation with leaders and WUCs
682 respondents (79%) and 627 respondents (73%) reported having no opportunity to negotiate with local government leaders and WUCs respectively over water-related matters. On the other hand, only 176 (21%) and 231 (27%) respondents reported having some degree of negotiation with local government leaders and WUCs respectively.

5.2.3.6 Inclusiveness and representation in WUCs
The majority of respondents 575 (67%) did not know how WUCs are constituted. 217 (25%) and 66 (8%) respondents reported that WUCs are constituted through elections and by appointment respectively.

Regarding inclusiveness, 231 (27%) respondents reported that women are represented on WUCs, while 221 (26%) and 150 (17%) respondents reported that the elderly and youth, are represented. In contrast, 87 (10%) respondents reported that persons with disabilities
(PWDs) were represented at meetings.

5.2.3.7 Limitations of WUCs

There are notable challenges faced by WUCs which has resulted in their collapse within the first year of water source installation:

“- Non-functionality of WUCs in some areas is due to inadequate local government supervision.
- Some WUCs are not trained on their roles and responsibilities, notwithstanding the requirement that WUCs members are supposed to receive regular training on how to manage water sources.
- There is lack of commitment from some members of WUCs attributed to the voluntary service that the WUCs render to the community.
- Political interference has also affected the performance of WUCs whereby some political leaders wrongly advise water users not to pay fees reasoning that it is the responsibility of government to repair for instance broken bore holes.”

According to the Mbale District Water Officer, WUCs have similar challenges to committees in other sectors, such as education and health. “Committee members have over stayed. Communities do not turn up for the meetings; the ones who turn up are the ones near the water source and keep on getting elected to the committees over and over. There is a challenge of no resources to train the WUCs yet this is supposed to happen every two years.”

In Bushenyi District a Sub County official noted that citizens’ spirit and commitment has wilted in some villages with water points because the functionality of the WUCs is still not reflected. “Lack of motivation affects the work of the local structures, not only the WUCs but also others and they end up abandoning their duties at the expense of service delivery.”

The Chairperson of Mukongoro Sub County in Kumi also mentioned that the reason local structures have failed is the lack of motivation of any sort. “The committees work full time but are not given any token of appreciation. For WUCs; no one has endeavored to reach out to the communities with the guidelines. There are so many questions about the management of the contributions. You collect 50,000shs, the borehole takes three months without breaking down and then people will start asking where the 50,000 members collected is. If it cannot be accounted for, the citizens will stop collecting.”

In addition to the above, an official from Kayunga District Water Office highlighted the lack of citizens’ ownership of projects; “The functionality of the WUCs is still wanting. They only perform a few things and leave out their critical duties. The WUCs are formed after the water

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210 Extract from an article by the Kayunga District Information Officer about the functionality of WUCs, published in the ISER ESRA Brief of December 2016. Available online at http://www.iser-uganda.org/images/downloads/ISER_ESRA_Brief_December_%202016.pdf (accessed on 1st March 2017)

211 Mbale District official during research validation held on 8th June 2016 in Mbale town

212 One of the CDOs from Bushenyi District during research validation held on 8th June 2016 in Bushenyi town

213 Local government official from Mukongoro Sub County in Kumi District during research validation held on 7th June 2016 in Kumi town
points have already been established and this will mean that they do not own the project but do the work with a lot of gainful expectations.”

Findings reveal that there are some general weaknesses that cut across mechanisms provided for under the law.

5.2.4 General challenges of local accountability committees

No direct participation by individuals - Participation in many of the mechanisms provided for under the law is on a representative basis, whereby members are elected to serve on the committee as representatives of their communities. This was identified as a weakness because some elected members ultimately do not represent communities’ views or even consult them prior to making decisions. Some participants also mentioned that Committee members are co-opted such that they pay allegiance to the very duty bearers whom they are supposed to hold to account.

Irregularity of meetings – It was noted that although local accountability structures such as Health Unit Management Committees, Water User Committees and School Management Committees, are supposed to meet regularly, this is not always the case. This was confirmed by one of the DHOs, who had the following to say in respect of HUMCs:

“There are always plans for the HUMCs to meet; but there has never been any communications about their meeting, neither do I receive any meeting reports from the committee because meetings are not held. Certain useful information is not received by the members and this limits their capacity to perform their duties. Some HUMC leadership lure health center In-Charges into facilitating them without even attending any meetings. By doing this the committee members surrender their oversight role to the In-Charges of the health centers.”

Poor publicity about the work of the mechanisms – Many district leaders conceded that the committees are doing poorly in publicizing social accountability mechanisms through meetings or Information, Education and Communication (IEC) materials in contrast to the publicizing of its immunization programmes, which use a lot of publications to create awareness among citizens. However, he noted that the health department displays all public funds received on its notice board. He further noted that health center In-Charges are requested to display the public funds received; however, they have not been consistent about doing so.

Resource constraints - Findings further show that despite HUMCs being required to sit quarterly and being entitled to receive training from the department, meetings and trainings are rarely held and resource constraints are generally blamed for this. According to the Assistant District Health Officer (ADHO) of Kayunga, many of the members have neglected their duties because the committees have not been properly inducted or trained and they do not receive any cash incentives.

214 Kayunga District official during research validation held on 10th June 2016 in Kayunga town
215 Mbale District official at the research validation workshop held at Wash and Wills Hotel in Mbale District on the 8th June 2016
216 Mbale District local government Official at the research validation workshop
“It is only the chairpersons of the HUMCs who are working. All of them are supposed to witness the delivery of the drugs but they sit back and keep on asking the chairperson when they will be called for a meeting.”

**Expectation of financial reward by committee members** - The Community Development Officer from Bushenyi District noted that some of the local accountability structures are not functional due to a lack of motivation, with committee members abandoning their duties thereby compromising service delivery. This attitude has spilled over to citizens who ask whether there will be “something” (money/soda) in return for their attendance of local government planning meetings or even Barazas. He also singled out Water User Committees for not frequently inspecting water sources, which has resulted in the roads leading to these water sources becoming overgrown and bushy.

“At the water source one will be welcomed by buzzing bees and flies camping in the stagnant water. This could be dangerous to the lives of the citizens. Much as we know that these positions are voluntary, certain mechanisms have to be instituted to motivate the committees.”

The above findings show that the existence of a legal requirement providing for implementation of a social accountability mechanism does guarantee the establishment of that mechanism in all districts. However, the findings also show that the establishment of legally required mechanisms does not guarantee their efficacy. As such, social accountability mechanisms that are provided for are subject to various constraints that undermine their efficacy.

The research has revealed common weaknesses to include that Committee members overstay their terms of office and become complacent; lack of facilitation for meetings; expectations of remuneration by elected Committee members, discretionary powers of local government leaders, for example in convening meetings; and lack of trust and ownership of projects by community members limiting their participation.

### 5.3 The Baraza initiative

Barazas are in a special category of semi-formal social accountability mechanisms. First adopted in 2009, “Barazas” are a Presidential initiative to create space for citizens’ discussion and evaluation of the performance of government programs within their

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217 Remarks by a Kayunga District official during the research validation workshop held at Katikoomu Hotel in Kayunga District on the 9th June 2016
218 Discussion by Kyeizooba Sub County official during research Validation workshop held at Muzza Hotel in Bushenyi District held on the 8th June 2016
Barazas are designed to empower communities and citizens to demand better service delivery and accountability; and improve information and communication about government programs and projects. Government representatives are expected to present their activities during the previous year; report on funds received from the central government; their spending; and thereafter, the public is afforded the opportunity to respond with questions, queries and analysis of their own. Through Barazas, central and local government leaders and implementers get insight into issues affecting communities and they are provided an opportunity to make an input to the issues raised.

The research team attended 4 Barazas in the districts of Adjumani, Amolatar, Gulu and Bundibugyo which were organized by the Office of the Prime Minister and also interviewed a number of local government officials as well as officials from the Office of the Prime Minister regarding the use of the Baraza as a social accountability mechanism. Citizens also provided feedback about the Baraza during radio talk shows. Although some of the Barazas were not well attended, there was active participation from the citizens. The citizens raised several issues of concern and the duty bearers had to provide a response. The issues raised ranged from shoddy construction work to corruption among officials and contractors. For example, there were complaints about a market that the District Engineer reported to have cost UShs 54 million. This was disputed by the citizens who said the actual cost of the market is about UShs 20 million and they demanded further explanation on how the UShs 54 million was used to construct a small market. Concerns regarding high levels of corruption and shoddy project work, limited involvement of citizens in service delivery processes, reluctance of some officials to react among other dominated the Baraza.

The team concluded that the Baraza has significant potential to enhance accountability for service delivery by local governments and if properly organized and documented, it presents a great platform for the acquisition and dissemination of useful information by the citizens. However, some of the drawbacks of the Baraza as currently implemented are looked at below:

First of all the Barazas are facilitated intermittently and enforced in an ad hoc manner. They appear not to have a well laid out and understood engagement and feedback mechanism, and there are no set standards defining their management. Implementation of the Baraza depends on the plans and availability of facilitation provided by the Office of the Prime Minister where it is housed. As such, holding of the Baraza is adhoc and frequency differs

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221 Ibid.
222 Ibid.
223 Baraza held on 24th February 2017
224 Baraza held on 30th June 2017
225 Baraza held on 29th June 2017
226 Baraza held on 14th July 2017
227 For example the Baraza held in Gulu was not well attended despite being held in a central location near the town market.
from district to district. Some NGOs are involved in facilitating Barazas in the districts where they operate, but these focus on the sectors of interest to the particular NGO.\textsuperscript{228}

It was noted that accountability mechanisms such as the Baraza are not even fully trusted by the community due to lack of a feedback mechanism.\textsuperscript{229} According to Hon. Musumba,

\begin{quote}
- People believe that OPM representatives come to simply accomplish accountability but not to listen to community members’ complaints. The loss of trust is a significant hindrance…consequently people are reluctant to be open about service delivery, preferring instead to engage in it secretly.
\end{quote}

She further stated that citizens lack confidence that they will be safe if they divulge information, and they doubt that their issues will be handled sensitively and confidentially. Indeed this was confirmed during one of the validation workshops where some district officials admitted that they would retaliate against individuals who make accusations against them during Barazas.\textsuperscript{230}

The research further found that in some cases, there is lack of knowledge or awareness about the Baraza that hinders participation. Often times people do not know that they are entitled to have a say in what gets done within the district. During the radio talk shows conducted in Mbale\textsuperscript{231} and Bushenyi\textsuperscript{232} districts, citizens reported that they only hear about Barazas on radios and that they are predominantly held at the district headquarters, which favors only the citizens of the town or nearby sub counties.

Most respondents did not know of or had only heard about Barazas by word of mouth. Only 62 (15\%) said that Baraza was one mechanism for social accountability. Those who admitted to knowing the Baraza initiative confessed that they are no yet popular as seen in the excerpt below;

\begin{quote}
...The Baraza system has not yet been very popular; I remember they have been used at least only once in the mayor’s gardens. Basically it is the health department and the NAADs programs that have at least used the Baraza to address the people in this area…
\end{quote}\textsuperscript{233}

Because Barazas are convened once annually in each district, their popularity and impact is not acutely felt by citizens. Only citizens around the district headquarters where a Baraza is conducted are able to attend and participate in them.

\textsuperscript{228} For example the Initiative for Social and Economic Rights (ISER) facilitates quarterly Barazas in collaboration with the Kayunga District Local Government, but these are confined to the health sector.

\textsuperscript{229} Interview with Hon. Salaamu Musumba, former Kamuli district chairperson in a critique of social accountability mechanisms at the local government level, ISER ESRA Brief published in December 2016, available online at \url{http://www.iser-uganda.org/images/downloads/ISER_ESRA_Brief_December_2016.pdf} (accessed on 1\textsuperscript{st} March 2017)

\textsuperscript{230} Kumi District Official during research validation held on 7\textsuperscript{th} June 2016 in Kumi town.

\textsuperscript{231} Radio talk show on Open Gate FM in Mbale District on 8\textsuperscript{th} June 2016

\textsuperscript{232} Radio talk show on Bushenyi FM on 8\textsuperscript{th} June 2016

\textsuperscript{233} Female participant at a Focus Group Discussion held in Kayunga on the 19\textsuperscript{th} November 2015.
Researchers also found that there are also practical impediments such as transportation costs, for example, which make participation prohibitive. The Barazas also cover all areas of service delivery within a short time, which limits detailed engagement and response to the issues raised by the participants.

5.4 Informal mechanisms for social accountability

As stated in the introduction section, we have for purposes of this research categorized informal social accountability mechanisms as those not provided for under a specific Act, but are legitimate to the extent that some of them are implemented under MOUs signed with local governments, or recognized through regular use.

Unlike the mechanisms in the preceding section that are provided for under the law, there is no legal requirement for the establishment of informal social accountability mechanisms. Nevertheless there are a number of informal and legally ad hoc initiatives that facilitate direct participation of the communities in social accountability within the LG structures. Some of these initiatives come from government, while others are initiated by CSOs, development partners or the community. The informal accountability mechanisms are perceived to be stronger on citizen participation, and promotion of social accountability. However, an analysis of these mechanisms reveals that they are largely ad hoc, not institutionalized and the fact that they are not rooted in the law makes them susceptible to several weaknesses, which render them ineffective in achieving their intended goals. Some of the informal mechanisms are analyzed below.

5.4.1 The Uganda Local Government Councils Score-Card Initiative (LGCSCI)

The Uganda Local Government Councils Score-Card Initiative (LGCSCI) is an initiative of Advocates Coalition for Development and Environment (ACODE) launched in 2009. ACODE enters into MOUs with the various Local Governments and implements this initiative in conjunction with Uganda Local Government Association (ULGA), which is a legal association of the LGs. The first assessment covered ten (10) districts for the FY 2008/09, it rose to 30 in 2013/2014 and dropped to 26 in the most recent assessment.


235 A survey carried out in 2012 by DRT identified that communities used over 5 major mechanisms to receive information and give feedback namely: interaction with the local leaders and duty bearers in meetings, on telephone and through radio programmes.


of 2014/2015.\textsuperscript{239} The goal of the initiative is to strengthen citizens’ demand for effective public service delivery and accountability. The initiative entails undertaking annual assessments of the performance of local government councils; publication and dissemination of annual score-cards; and outreach and capacity building to empower citizens and local government leaders.

In 2014/15, ACODE shifted its focus from civic education to civic engagement, replacing civic education meetings with civic engagement meetings (CEMs) and replacing focus group discussions with civic engagement action plans (CEAPs). This was done with a view to developing awareness and tools for communities to meaningfully engage with their elected officials, to solve service delivery problems.\textsuperscript{240} This initiative has been found to be a worthwhile endeavor in promoting social accountability and community participation.

The evidence from the five districts where the CEAPs were pilot tested shows tremendous improvement in monitoring of service delivery by councilors and increased vigilance of citizens in demanding for better services.\textsuperscript{241}

However, the Local Government Council Score Card\textsuperscript{242} assessment results are largely dependent on documentary review leaving a smaller window for local community input. It also operates in only sampled districts,\textsuperscript{243} and is limited to political accountability and assumes that participation in council contributes a lot to the person’s accountability.

5.4.2 Radio talk shows
The Uganda Communications Commission (UCC) data of September 2015 shows that there were 292 active FM radio stations across the country. Radios, as media, are a key medium of communication at the local level. Radios run different programmes including; local news, talk shows, and question-answer programmes amongst others. Upon receipt of local news touching the operations of the local governments, debates are likely to be generated and quite often followed-up with talk shows. Locals have an opportunity to engage with their leaders on local government accountability through radio talk shows in which they are provided the opportunity to call in.

Notably, there is also a presidential directive for each radio station to offer free airtime for local leaders to provide information about service delivery. However this avenue has limitations as an effective tool of social accountability given the need to purchase air-time to

\begin{itemize}
\item \textsuperscript{240} Ibid, at p.5.
\item \textsuperscript{241} Ibid.
\item \textsuperscript{242} This initiative was, on a pilot basis, introduced and driven by Action for Development and Environment (ACODE), an NGO.
\item \textsuperscript{243} The local government score card applies a set of qualitative and quantitative indicators to assess how local government councils and their respective organs perform key responsibilities vested in them under the Local Governments Act, Cap. 243. See Godber Tumushabe et al: Monitoring and assessing the Performance of Local Government Councils in Uganda: Background, Methodology and Score Card (ACODE Policy Research Series No. 31/2010)
\end{itemize}
call in to address said local leader. Secondly there may not be enough time for considerable interactions given the limited time accorded to such programmes. Furthermore, there is no record keeping for follow up purposes during the radio talk shows which limits their capacity as an accountability mechanism.

5.4.3 Protests or demonstrations

Article 29 (1) (d) of the Constitution guarantees the freedom to assemble and to demonstrate together with others peacefully and unarmed and to petition. Every year a number of protests are documented through both national and international media. This section explores some of the protests and how the relevant authorities have responded.

In June 2016, pregnant women joined other residents of Mulagi Sub County in Kyankwazi District to mount pressure on the government to provide a standard maternity wing at their Health Center (HCIII). According to media reports, Nnalinya Ndagiire HC III was established in 1997 through the combined effort of the residents who contributed materials such as bricks, sand, and stones while Irish Aid supplemented these efforts. The health center serves a population of 10,000 people. After the pleas of the residents fell on deaf ears, the community was mobilized by the Health Unit Management Committee (HUMC) into a campaign, which saw the residents contribute materials for the construction of a maternity ward. Leonard Kasirye, a member of the HUMC, said that the community had contributed 15,000 bricks of the required 25,000, 15 lorries of sand and 10 trips of hardcore. Unfortunately, at the last minute a partner that had promised to support the project did not come through. The residents petitioned the Ministry of Health; however, no support was forthcoming, which the district health office attributed to the absence of funding.

In October 2016, health workers at Bumasikye Health Centre III in Mbale District protested persistent lack of drugs at the facility and asked the Ministry of Health to post them elsewhere. The health workers said they had not received drugs from National Medical Stores (NMS) since April 2015. Ms. Teopista Mukimba, a nurse at the facility said they had been borrowing drugs from other health centers but they were tired of this state of affairs. The sub-county chief, Ms. Annet Nandudu, said they had petitioned the District Health Officer over the issue in vain.

In the education sector, there is an unwritten practice that teachers’ demands are only heeded when they protest and strikes. On several occasions, schools have delayed opening or have opened but experienced intermittent disturbances on account of teachers’ strikes over salaries. Most teacher’s strikes affect the whole country and are conducted under the auspices of the Uganda National Teachers Union (UNATU).

Many of these strikes are called off after negotiations between UNATU and government officials. In as much as the issues are not immediately resolved, considerations are typically made in subsequent financial years. On March 18th 2015, teachers laid down their tools demanding that a promised 10% salary increment be included in the next budget. The government issued a

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statement asking all stakeholders to comply with school opening days quickly; and reminding teachers of other developments that had been put in place like funds for teachers’ Savings and Credit Cooperatives (SACCO).247

In November 2012, teachers under the leadership of UNATU threatened to strike over arrears in pay.248 Some had not received a salary for over six months, others had received half salaries and the rest had been mysteriously dropped off the payroll. The most recent teacher’ strike was documented in September 2016 where teachers again went on strike to demand a 20% pay rise.249 The government did not take this well and demanded that UNATU calls off the strike since government was the employer but rather.

Teachers’ strikes have sometimes necessitated the intervention of the president himself. In 2015 after the ministry of education officials failed to reach consensus with UNATU, the president stepped in with promises and the strike was called off.250

On 29th July 2013 the Daily Monitor newspaper reported that at least 4,600 primary school teachers in Kabale District laid down their tools over unpaid salaries. The teachers accused the government of making hollow promises to honor their outstanding remuneration.251 Mr Zadok Tumuhimbise, the chairperson of Uganda National Teacher’s Union Kabale branch, said some teachers had not received their April and May salaries, while none had received their June pay. Mr Tumuhimbise said they would continue with the strike until the government paid. Mr Frank Ntaho, Chief Administrative Officer of Kabale District, said the issue was beyond his jurisdiction but asked the teachers to continue teaching as they awaited government’s disbursement of monies.

On 28th October 2008 residents of Kakiika Sub County in Mbarara District, rose up in protest against the suspension of the construction of community water tanks in their area due to the alleged mismanagement of funds. Kakiika Sub County was prone to severe water shortages due to the lack of reliable water sources in the area.252 In the 2009/2010 financial year, Mbarara district local government had approved the construction of 118 water tanks in Kakiika Sub County at Ushs 73 million.

However, the project was suspended indefinitely after funds were mismanaged by the officials in charge of the project. Nzabuloni Buntu, Kakiika Sub County accountant, was arrested and charged with embezzlement of the project funds on the orders of Wilberforce Yaguma, then Mbarara LC 5 Chairman. George Byamukama, LC II chairperson Kakiika Parish faulted government for suspending the construction of the water tank because of one person who mismanaged the money for the community project. He however said that

249 http://www.reuters.com/article/uganda-strike-idUSL5N0HC17L20130916 (accessed 2 June 2017)
residents had not yet relented on their demand for clean water supply.

In his paper ‘service delivery protests, struggle for rights and failure of local democracy in South Africa and Uganda’, Christopher Mbazira states that a number of service delivery protests have taken place in Uganda. Comparatively, he points out that the protests in Uganda have not been as massive, drawn-out and well organized as those in South Africa.

Protests in Uganda not only target government structures but also service providing corporations such as National Water and Sewerage Corporation (NWSC) responsible for production and distribution of water; UMEME - an electricity distribution corporation in Uganda among others. Demonstrations directly targeting government officials are those related to poor service delivery such as bad roads, poor health services for example in Mulago National Referral Hospital.

Another formidable protest was that held at Kagadi Hospital, where in response to an outbreak of the Ebola virus in 2012, an isolation treatment ward was set up to take care of the virus victims. When government failed to care of them, patients protested by walking out of isolation wards demanding food and medical attention. Medical staff not wearing protective gear fled the hospital. The situation was ultimately controlled by the Deputy Resident District Commissioner who talked to the patients while wearing the protective gear.

Mbazira asserts that service delivery protests signify and area result of a breakdown in the rule of law; further, many protests are explained by the inefficiency of law, justice and order institutions due to corruption and mal-administration. This has resulted in people increasingly taking the law into their own hands, in many cases through mob-justice. Police stations have been attacked by people seeking justice and demanding for the release of the suspects of corruption-related charges so that they are dealt with by citizens themselves rather than the corrupt and inefficient police.

5.4.4 Citizens anonymous complaints

There are laws that provide for citizens to report any acts that contravene the rules and regulations guiding certain government processes. This means that citizens are empowered to oversee the proper implementation of government programs, by benchmarking the actions and omissions of the responsible personnel and seeking recourse within the parameters provided by the law.
A case in point is the Whistle Blowers Protection Act, 2010. The title provides for the rationale of the law as being intended to provide a mechanism through which individuals - both in private and public sector may in good faith disclose information relating to irregular, illegal or corrupt practices without being victimized. The law provides a platform on which concerned citizens may report illegal, irregular and corrupt acts or omissions without the fear of being victimized.

Section 2 provides that a person may disclose information where he or she believes that the information tends to show that a corrupt, criminal or other unlawful act has been committed or is likely to be committed, that a public officer or employee has failed, refused or neglected to comply with any legal obligation to which that officer is subject, that a miscarriage of justice has occurred and that such an act or omission is deliberately being concealed.

Section 3 sets out who may make such a disclosure; however in s.3 (3) it is implied that to have the protection under the law, one must have disclosed his or her identity to the officer in charge of receiving such complaints. There is no protection provided for anonymous reporters.

Section 4 provides for persons to whom disclosure may be made, including the employer of the whistleblower and externally the Inspectorate of Government, the Directorate of Public Prosecutions; the Uganda Human Rights Commission; the Directorate for Ethics and Integrity; the office of the Resident District Commissioner; Parliament of Uganda; the National Environment Management Authority; and the Uganda Police Force.

It is mandatory for an authorized officer to receive all disclosures made by a whistle blower, and a record must be entered indicating the time and place where the disclosure is made. An acknowledgement of the disclosure in writing must be given to the whistle blower and the disclosure retained by the officer must be kept confidential pending investigation.

However s.5 (3) gives discretion to the authorized officer to decide whether a disclosure reveals actionable impropriety and if he or she is satisfied, an investigation may ensue. A whistle blower has a right to receive in writing the reasons why the matter she or he reported was not further investigated. The law provides that even where a matter is dismissed, a whistle blower may re-file the complaint with the relevant minister.

Section 9 prohibits victimization of a whistle blower by any person on account of having made a protected disclosure. The lacuna in this section can be found in s.3 (3) where if a disclosure is made anonymously then the person finds no protection under this law. A whistle blower victimized as a result of disclosure, may find redress pursuant to s.9 (3), by filing a complaint to either the Inspectorate of Government or the Uganda Human Rights Commission. A victim may, further, seek redress by filing a civil action in a court of law.

Part VI of the Act provides for offences and penalties thereunder, it is an offence to disclose the identity if a whistle blower, disclosing the details of the disclosure, victimizing a whistle blower, making false disclosures and unlawfully failing to take action on the side of an authorized officer.
Part VII of the Act provides for rewarding a whistle blower where a disclosure is made and recovery of money is made based on the disclosure.

It should however be noted that the whistle blower Act remains underutilized as a mechanism for accountability.

**5.5 Weaknesses of informal social accountability mechanisms**

Research findings have identified several general weaknesses of informal social accountability mechanisms to include the following:

**5.5.1 Ad hoc and not institutionalized**

The lack of legal backing for informal social accountability mechanisms makes their implementation and enforceability problematic. The disjuncture between law and practice fails to fully incentivize service providers as duty holders whose performance can be enhanced through reward and sanctions schemes. It has been learned that combining incentives and sanctions is often effective for the success of social accountability by, for instance, offering rewards for accountable behavior (e.g. public recognition, positive feedback, bonuses, or promotion) based on client assessment, as well as sanctioning unaccountable behavior (e.g. public shaming, legal actions, demotion).\(^{258}\)

It was found that radio talk shows and community dialogues are mostly sponsored by civil society organizations which have an agenda and ensure that projects succeed. It therefore becomes questionable if these mechanisms would serve their functions without the push from civil society.

In a Key Informant Interview, the Community Development Officer (CDO) of Namungalwe Sub County in Iganga District noted that it is important to institutionalize social accountability mechanisms at both district and sub county levels because through them, citizens will receive better service delivery because of their participation in service delivery from the stage of design, to implementation and monitoring of the services concerned.

“There will be development in the community because people will abide by the law and maintain what is provided for them like boreholes; they will report in case they are underserved; they will report health workers charging for free services in the health facilities; thus better health services. If people are healthy then they can work hard leading to development.”\(^ {259}\)

**5.5.2 Lack coordination and feedback mechanisms**

There are no clear coordination and feedback mechanisms for informal social accountability mechanisms. Many of the mechanisms are initiated by non-state actors who have no clear way of ensuring implementation of the results by the local government system. While many organizations inform the relevant officials of the information from the communities, implementation is at the good will of the particular officer or the persistence of a particular

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\(^{259}\) Key informant Interviews with the Community Development Officer of Namungalwe Sub County in Iganga district conducted on the 20\(^{th}\) November 2015
Consultations and commitments are also made by the local leaders during radio talk shows but limited efforts are made to provide feedback about progress of implementation. One of the respondents noted “...We actually lack feedback mechanisms between us and the sub county officials and the people who are in charge of such government programs...” Respondents also noted that in some cases community members ask questions but the responsible officers do not provide answers and keep dodging until the citizens gives up in frustration. For example, in Mbale district in 2006, the government, wanting to extend water services to communities, identified people who were willing to have water points installed on their land. However, water points have never been established since then, and no feedback has been provided by government to date.

**Limited in scope:** The majority of existing social accountability projects target a few local governments and sectors. For example, although components of the Strengthening Decentralization for Sustainability (SDS) programme funded by USAID appear to be well of social accountability, the programme targets a few sectors and is being implemented in a handful of local governments. The interventions also tend to focus on specific groups, depending on the mandates of implementing organizations.

**Top-down approach:** While existing informal social accountability mechanisms are introduced by NGOs, development partners or government, most of them are devoid of active community participation in their design and attendant intervention(s). However, notwithstanding the contribution of such interventions, it is observed that their approach in engaging local participation is guided mainly by top-down processes that may limit their effectiveness. Following implementation of the Mwananchi Strengthening Citizen Engagement programme funded by the UKaid Governance and Transparency Fund (GTF) in several African countries including Uganda, Tembo concludes that current social-accountability programmes largely fail to acknowledge the dynamic nature of incentive-driven power plays and instead pursue technical processes that are removed from the contextual reality in which the citizens and state actors operate. As a result, the notion of citizen empowerment quickly loses its strength. It has been noted that there is little evidence to show that induced participation builds long-lasting cohesion. Even at the community level, group formation tends to be both parochial and unequal in that groups that form under the aegis of interventions tend to systematically exclude disadvantaged and minority groups and women, unless there is some kind of deliberate affirmative action.

**Limited enforcement mechanisms:** The expression of participation as a legal right
means that the right to participate is legally enforceable and a person is entitled to an effective remedy for its violation. It has however been observed that while participation is considered one of the key principles of a human rights-based approach to development and poverty reduction, little attention has been given to the practical elements required to ensure meaningful and effective participation of persons living in poverty.\textsuperscript{264}

It has been proposed that rights-based participation is particularly necessary in order to ensure that the poorest and most marginalized people can make their voices heard, because of its principled foundations of dignity, non-discrimination and equality.\textsuperscript{265} However, this will require a clear commitment and effective actions that go beyond a simple strategy.\textsuperscript{266} Social accountability must therefore move beyond treating participation as an ideal that is only desirable, to ensuring that it is an entitlement for everybody.

Furthermore, enforcement by the public or institutions responsible for accountability, such as the judiciary and national human rights institutions, can sanction the offending party or correct the contravening behavior.\textsuperscript{267}

\begin{itemize}
  \item \textsuperscript{264} Ibid p.5
  \item \textsuperscript{265} Ibid p.5
  \item \textsuperscript{266} Unicef Fact Sheet: The Right to Participation.
  \item \textsuperscript{267} Christpine Oduor, Institutionalizing Social Accountability in Devolved Governance, Institute for Economic Affairs (2015) p.13.
\end{itemize}
6. FACTORS AFFECTING THE EFFICIENCY OF SOCIAL ACCOUNTABILITY MECHANISMS

264 (31%) respondents identified corruption as the biggest hindrance to having or supporting effective social accountability mechanisms. Corruption was followed by a lack of access to information 259 (30%), weak community structures 196 (23%), weak legal framework 39 (5%) and low literacy levels 39 (5%). A distribution, by sex, of responses to the constraints to effective social accountability is presented in the table below.

Table 7: Factors affecting social accountability mechanism

<table>
<thead>
<tr>
<th>Constraint</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corruption</td>
<td>113</td>
<td>151</td>
<td>264</td>
</tr>
<tr>
<td>Lack of Information</td>
<td>94</td>
<td>165</td>
<td>259</td>
</tr>
<tr>
<td>Weak community structures</td>
<td>83</td>
<td>113</td>
<td>196</td>
</tr>
<tr>
<td>Weak legal framework</td>
<td>23</td>
<td>16</td>
<td>39</td>
</tr>
<tr>
<td>Low literacy</td>
<td>12</td>
<td>27</td>
<td>39</td>
</tr>
</tbody>
</table>

The above findings, in particular the lack of information, present a strong case for the low numbers of respondents who reported never previously having demanded services, and conversely, the high number of respondents who did not know about or support existing social accountability mechanisms.

6.1 Corruption

Duty bearers deliberately refuse to involve the citizens in planning for fear that questions about previous funding will arise. Bribery, nepotism, influence peddling came out as different forms of corruption that hinder citizens from participation. The citizens strongly believe that corruption is a major cause of failure in social accountability;
“… Me I think the reason why those people (duty bearers) do not want to involve us in planning and budgeting is when Government sends money they misuse it; they do not want us to know; duty bearers do not want us to know how they plan for the money and they aware that there will plan to misuse the funds to benefit only themselves. Some of our leaders are corrupt to the core and they are aware that involving us citizens will disorganize their plans of eating…”

6.2 Lack of awareness about social accountability mechanisms

The DCDO of Mbale during a KII said; “People are empowered legally to supervise service delivery in their areas; laws are there to support the people but the limited knowledge and awareness of their existence hinders participation.

379 (44%) respondents indicated that they were not familiar with any social accountability mechanism. This finding underscores the fact that social accountability mechanisms are yet to be fully understood by most respondents. While many 479 (56%) were able to report knowledge of social accountability mechanisms, the majority could not with precision pinpoint exactly what a social accountability mechanism is.

Qualitative findings about the Baraza system, as a social accountability mechanism, are consistent with the above finding: most respondents across the six districts had never heard about or were largely unfamiliar with Barazas.

“Never heard of Barazas, it is my first time to hear it. It has never happened at my sub county.”

“For me I have only heard about the Baraza on radio but I actually do not know what it means.”

Though some FGD participants in Kayunga reported hearing about Barazas, they noted that:

“The Baraza system has not yet become…very popular; I remember they have been used at least only once in the mayor’s gardens. Basically it is the health department and the NAADs programs that have at least used the Baraza to address the people in this area.”

The following tables, disaggregated by district, show the respondents’ knowledge about the existence of varying social accountability mechanisms

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268 Participant at a male Focus Group Discussion held at Akalabai village in Atutur Sub County, Kumi District held on the 19th November 2015.
269 Youth participant at a Focus Group Discussion (FGD) held in Bazar cell in Kumi Municipality on the 18th November 2015
270 Participant at male Focus Group Discussion in Atutur village, Atutur Sub County in Kumi District on the 19th November 2015
271 Female participant at a Focus Group Discussion held in Kyambogo village, Kayunga town council in Kayunga District on the 18th November 2015
### Table 8: Social Accountability (SA) mechanisms by district

<table>
<thead>
<tr>
<th>District</th>
<th>SA mechanisms</th>
<th>Count</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Mbale</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Baraza</td>
<td>4</td>
<td></td>
<td>5.5%</td>
</tr>
<tr>
<td>Community notice board</td>
<td>2</td>
<td></td>
<td>2.7%</td>
</tr>
<tr>
<td>Demonstrations</td>
<td>1</td>
<td></td>
<td>1.4%</td>
</tr>
<tr>
<td>Media campaigns</td>
<td>4</td>
<td></td>
<td>5.5%</td>
</tr>
<tr>
<td>Other (local council meetings)</td>
<td>62</td>
<td></td>
<td>84.9%</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td>73</td>
<td>100%</td>
</tr>
<tr>
<td><strong>Bushenyi</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Baraza</td>
<td>5</td>
<td></td>
<td>6.1%</td>
</tr>
<tr>
<td>Community notice board</td>
<td>1</td>
<td></td>
<td>1.2%</td>
</tr>
<tr>
<td>Demonstrations</td>
<td>0</td>
<td></td>
<td>0%</td>
</tr>
<tr>
<td>Media campaigns</td>
<td>3</td>
<td></td>
<td>3.7%</td>
</tr>
<tr>
<td>Other (local council meetings)</td>
<td>73</td>
<td></td>
<td>89%</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td>82</td>
<td>100%</td>
</tr>
<tr>
<td><strong>Kyenjojo</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Baraza</td>
<td>7</td>
<td></td>
<td>10.2%</td>
</tr>
<tr>
<td>Community notice board</td>
<td>0</td>
<td></td>
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</tr>
<tr>
<td>Demonstrations</td>
<td>1</td>
<td></td>
<td>1.4%</td>
</tr>
<tr>
<td>Media campaigns</td>
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<td></td>
<td>1.4%</td>
</tr>
<tr>
<td>Other (local council meetings)</td>
<td>59</td>
<td></td>
<td>87%</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td>68</td>
<td>100%</td>
</tr>
<tr>
<td>District</td>
<td>SA mechanisms</td>
<td>Count</td>
<td>Percentage</td>
</tr>
<tr>
<td>----------</td>
<td>-----------------------------------</td>
<td>-------</td>
<td>------------</td>
</tr>
<tr>
<td>Kumi</td>
<td>Baraza</td>
<td>13</td>
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</tr>
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<td>Community notice board</td>
<td>4</td>
<td>3.7%</td>
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<td>2</td>
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<td></td>
<td>Other (local council meetings)</td>
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<td><strong>TOTAL</strong></td>
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<tr>
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<tr>
<td></td>
<td>Demonstrations</td>
<td>1</td>
<td>1%</td>
</tr>
<tr>
<td></td>
<td>Media campaigns</td>
<td>13</td>
<td>13.5%</td>
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<tr>
<td></td>
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<td>61.5%</td>
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<tr>
<td></td>
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<td><strong>100%</strong></td>
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<tr>
<td>Iganga</td>
<td>Baraza</td>
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<td></td>
<td>Demonstrations</td>
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<td></td>
<td>Media campaigns</td>
<td>1</td>
<td>1.6%</td>
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<td>Other (local council meetings)</td>
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<tr>
<td></td>
<td><strong>TOTAL</strong></td>
<td>61</td>
<td><strong>100%</strong></td>
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6.3 Limited knowledge and understanding of the law relating to social accountability mechanisms

Although a number of citizens reported a level of familiarity, the majority reported having very little knowledge of the laws that underpin social accountability mechanisms. Many citizens were of the view that there are laws governing the operations of programs in the district; however, they were not sure how these laws operate. They observed that if the laws were in place and operational, public officials would not be able to steal and waste public resources to the extent that they currently do. Accordingly, they argued that although these laws are in place, their implementation is weak.

“I feel like laws are weak. The law does not support us the poor at all! It is the people in the government who want to grab our property.”

Other citizens believe that there are no laws or legal framework supporting social accountability, because if there were such laws there wouldn’t be daily complaints about the poor quality of social services and corruption with impunity leaders abusing public funds who ostensibly are left to walk freely in society.

“If there were laws, do you think people would not have been imprisoned? If really there are laws we would not have these bad roads. Look at the road from Mbale to Tororo, it has cracks and potholes everywhere and yet it was completed just last year. There are no laws!”

In communities where some knowledge of legal frameworks was exhibited, the office of the Resident District Commissioner (RDC) and the Inspectorate of Government (IG) were mentioned as government departments that fight corruption as well as the police whom citizens said had been observed making arrests of public officials.

Some citizens agreed that if laws are enacted and properly implemented, there would be minimal wastage of public resources, which would in turn lead to improved social services in the community.

“I wish that they will strengthen the laws, it will lead to better service delivery, for example in terms of health. The health workers will become more responsible and accountable; there will be better services in the health facilities; women will be able to give birth well at the health facilities in the hands of trained heath workers; and there will also be good hygiene in the health facilities.”

Study findings revealed that leaders are aware of the existence of the legal and policy framework relating to social accountability, and were able to mention a number of such laws that underpin social accountability mechanisms. Included among the laws mentioned by leaders were the Constitution, Local Government Act, Leadership Code of Conduct, the Anti-Corruption Act, and Inspectorate of Government Act. Local accountability structures

272 Male participant at a Focus Group Discussion held at Atutur village in Atutur Sub County in Kumi District on the 19th November 2015.
273 Participant during a Focus Group Discussion organized for women in Lwaboba village in Busiu Sub County in Mbale District held on the 20th November 2015
274 Female participant at a Focus Group Discussion in Boma North cell in Kumi Municipality held on the 18th November 2015
such as HUMCs, Road User Committees, Water User Committees, Parish Development Committees, and School Management Committees were also mentioned.

The Principal Assistant Secretary of Iganga District said that there are enough laws that support social accountability.

“Such laws are the Constitution, the Local Government Act, Public Finance and Management Act, Access to Information Act. These laws allow the citizens to ask for accountability from the leaders, and the same laws still require that public officials account to citizens using the existing mechanisms. However most of the laws are not implemented and that is why leaders are reluctant to provide accountability or information to citizens.”

When asked about the availability of legal instruments that support social accountability, the Deputy Chief Administrative Officer (DCAO) of Mbale District noted that there are so many laws that exist, so many anti-corruption laws that check leaders’ performance. Regarding availing information, he noted that this process has been liberalized; as such, public officers have a responsibility to provide information to the public, even on radios.

“Even if it is hard to know and measure how many people have listened to you during a talk show, it is important that we keep on giving information because the few who listen will always extend the information to other persons in one way or another.”

A local Government Official in Mbale during a KII said; “People are empowered legally to supervise service delivery in their areas; laws are there to support the people but the limited knowledge and awareness of their existence hinders participation. Sectors are supposed to implement projects, give feedback and properly account for the funds. In cases of any irregularities, the Office of the Auditor General will be there to analyze; the office of the Inspectorate of Government will ensure that quality services are provided and they will always swing into action if public officials misuse resources. The District Executive is also there to provide oversight and to ensure that projects are implemented effectively. So the laws are available.”

The district ACAO in Kumi emphasized the need to implement available laws:

“There are laws already [in place]… [its] only that implementation is still a challenge. We don’t need to have many laws, the ones government has enacted are sufficient, we only need different actors to enforce them.”

6.4 Limited access to information

The right to access information is guaranteed under article 41 of the Constitution and in the Access to Information Act, 2005. Since the enactment of Act, the government has undertaken several steps to ensure that the Act is implemented. Indeed both citizens and
local government leaders highlighted the importance of access to information as an enabler of effective participation in social accountability. It was noted “Citizens need to be able to access information so that they can ably participate.”

“We need access to information on government programs because we sometimes fail to participate in these programs because we lack information about them. For example people who can access information are the ones who can benefit from the NAADS program.”

However, a number of challenges exist that limit access to information for many citizens;

The first impediment to access to information is the wide range of exceptions to this right (i.e. where denial of access is justifiable) under the law. Article 41 of the Constitution creates an exemption where the release of the information is likely to prejudice the security or sovereignty of the State, or interfere with the right to privacy of any other person. The Access to Information Law, 2005 in Part III (s.23 - 34) also lists exceptions that are too wide in scope and contradict the Constitution in some respects. For example the list of exemptions includes cabinet minutes and those of its committees; this interferes with the enjoyment of the right to information by restricting access to vital public records.

Participants in a radio talk show shared the difficulties they face in trying to access information. During the radio talk show in Bushenyi, callers said it was not easy to get information from both technical and elected leaders, noting that efforts to obtain information is typically characterized as anti-government. Even politically elected leaders do not see the importance of reporting to their electorate until the successive electoral campaign period.

The complexity of the appeal system is yet another challenge to access to information. s.16 (2)(C), s.16 (3)(C) S.38 the Act provides that an appeal may be filed through courts of law or through an internal appeal to a public body. This has made access to information complex thereby denying the citizens their right to information. The appeal process is demanding and presents further delays in addition to the 21 days that the applicant may have to wait before the information requested is responded to.

The other challenge to access to information is the bureaucracy and public servants’ ignorance of the law. s.3 stipulates that the law is aimed at promoting an efficient, effective, transparent and accountable Government; however due to the bureaucratic tendencies within public institutions, bureaucrats typically deny requests for access to information on spurious grounds.

While there are multiple bureaucratic layers to delve through before technical leaders are willing to divulge information to citizens, politicians on the other hand have done very little to conduct themselves in a transparent or accountable manner. Questions such as “who are you?”, “why do you need information?” are frequently posed by officials reluctant to respond to queries or to provide information relating to social spending. This deflective line of questioning is designed to intimidate citizens and discourage them from

279 KII with a Bushenyi local government official held on 19th November 2015
280 Participant at a FGD for men at Kawete village, Kawete Parish, Namungalwe Sub County in Iganga District held on 20th November 2015
soliciting information from public officials. Below are some excerpts from the citizens who participated in the radio programs:

“Getting information from office bearers is extremely difficult and tedious. Sometimes one can be asked to put in writing the reasons why they need such information and asked to wait. Such practices make citizens shy away from seeking information. Even the notice boards where information is expected to be, sometimes you can only find old information like for the previous quarters or releases of one or two years ago, which are not useful for the current situation.”

On their part, the district leaders said that they share information through various means.

“Information is shared through radio talk shows, which happen at least every six weeks courtesy of the RDC’s free airtime.”

“Information is shared at the budget conferences with all stakeholders, during community dialogues which are quarterly, and on radio talk shows which are on a monthly basis. Communities are mobilized by writing to LC leaders and through phone calls.”

“From the district, we write memos and other documents to the lower levels. We also use notice boards at all public places including the parishes. Sometimes radio stations are used especially during the talk shows or by making announcements through which people will be informed of what is required of them.”

“Information is shared through the mobile public address system, also through Barazas, though these seem not to exist anymore.”

An official from Namungalwe Sub County in Iganga District noted that radio is the most common way of sharing information. “The local radio works well: every Wednesday, for example, people are sensitized to come for a free HIV test in the health facility. We mobilize people and talk to them about different issues – like recently, we talked to people who sell cooked food to encourage them to manage their garbage better, and we’ve also sensitized people about birth registration.”

“We use local public address system in almost every zone of the Town Council, we use notice boards at almost every parish. We use ‘Mukalakasa’ (Mega-phones) to mobilize people during health programs such as immunization.”

“It is through radio, notice board and village LC, but we also disseminate information here at the office.”

281 Caller on Open Gate FM radio in Mbole District on 8th June 2016
282 KII with Bushenyi District official held on 19th November 2015
283 KII with One of the DCDOs held on 19th November 2015
284 KII with Iganga District official held on 19th November 2015
285 KII with local government official in Bushenyi District held on 19th November 2015
286 KII with one of the Sub County officials In Iganga District held on 20th November 2015
287 KII with Kayunga District official held on 18th November 2015
288 KII with one of the CDOs held on 20th November 2015
One of the Deputy RDCs mentioned that it was a presidential directive for every sub county to have a notice board for information dissemination. She noted that notice boards are available but the information they provide is scant and formulated in a language not understood by many people.

“The language is English, with technical information that is hardly understood and the boards are also not regularly updated.”

A District CAO echoed the RDC’s concern: while all his sub counties have notice boards, technical language does prove to be a barrier to information accessibility. He hastened to add that this cannot be avoided as English is the only official language.

During the Key Informant Interview (KII) with the office of the Chief Administrative Officer of Iganga District, the Principal Assistant Secretary (PAS) noted that information is spread through correspondence; the district writes memos and other documents to the lower levels.

“There is also use of notice boards, suggestion boxes and posters at all public places including the parishes. Sometimes radio stations are used, especially during talk shows, to make public announcements.”

A District Health Officer (DHO) from one of the study districts said that the media plays a very crucial role when it comes to mobilizing and reporting to the citizens.

“As Kumi district, we use media to sensitize… citizens [on] …health projects and how they shall be delivered in each community or area. But citizens are also selective [as] to what they want to hear. If it is good news, everyone will listen but if it is to force the citizens to adhere to community sanitary projects like construction of latrines, they will not listen. For the Barazas, there is unresearched information and they depend on rumors. The way information is shared is a problem. For example, when a big truck delivers drugs and they run out within three days, people blame the health officials without finding out what and how much was delivered and how it was dispensed. Yes the truck is big but it delivers drugs to different units.”

Furthermore, the introduction of Public Private Partnerships (PPPs) in service delivery including health, education and water provision also presents challenges because the law was drafted in a way that directly mandates public entities to reveal information as requested. Accordingly private entities seem to be out of reach of the ambit of the law.

There has been persistent non-compliance with some sections of the law. Section 43 of the Act requires every minister to submit an annual report to parliament on requests for records or for access to information made to public bodies under his or her ministry, indicating granted or rejected requests and reasons for rejection. According to CIPESA,

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289 Political leader in Mbale during research validation held on 8th June 2016 in Mbale town
290 Kayunga District official during research validation held on 10th June 2016 in Kayunga town
291 KII with a local government official at Iganga District on held on the 19th November 2015
292 Submission by the Kumi District official during research validation at Kumi Hotel in Kumi District on 7th June 2016
there has never been such report from ministers since 2005 when the law was passed 293.

6.5 Limited participation by the citizens

It was noted that on many occasions citizens are invited to meetings with the leadership but respond to the invitation RDC Mbale reported that people are invited to hear their leaders account; however, on most occasions only a limited number of people attend.

Poor citizen participation is, however, attributed to various challenges. For example poor publicity and delays in notification of meetings was identified as a barrier to participation.

“There is no communication on what leaders intend to do for the citizens in a particular area, and whether there were any challenges registered in the process of offering such services. People are not informed about plans and what was executed. By the time the Barazas are held, people are still green, they are not in tandem with what their leaders planned for them. Although some may be aware, there is a challenge of information from the onset about government programs.” 294

Some participants noted that location of the meetings also sets back participation.

“It is not easy for someone from Ruhumuro, Nyabubare or Bitooma to attend a Baraza in Bushenyi because they want information! I agree that the citizens want to know about accountability, but holding the Barazas in the middle of town makes it look like the leaders do not want the citizens down here to know certain information.” 295

Most rights holders reported that there wasn’t adequate education and awareness about their role in the planning and budgeting process. In fact, citizens wondered how they could play a part in the planning and budgeting process despite not being invited to do so, let alone having insight into the location and date of the meetings. One of the many views given

“...for us participating is not the problem but knowing that we are supposed to participate and when to participate. Leaders take advantage of... should I call it our ignorance (of the process)... after all they (leaders) stand to gain when we do not participate…” 296

Mbale District CAO noted that accountability is a requirement for holding public office, because leaders hold office in trust and on behalf of the people. He affirmed that: “Leaders must explain the actions they take, why, how, when and where. So many approaches are used to explain our actions.” 297

In relation to this, a Kayunga District official commented that: “In service delivery there is a need to provide accountability to the citizens in [the] form of information because it is their
One of the officials from Namungalwe Sub County in Iganga District said it is important to institutionalize social accountability mechanisms at both district and sub county levels because through them, the citizens will receive better service delivery due to citizens participation from the design, implementation and monitoring of services.

“...then there will be development in the community because people will abide by the law and maintain what is provided for them like boreholes, they will report in case they are underserved, they report health workers selling to them services in the health facilities thus better health services. Even hygiene and sanitation improves like if people have latrines there is better health and if people are healthy then they can be able to work hard leading to development...”, Official from Namungalwe sub County in Iganga during a Key Informant Interview (KII).

Furthermore, a number of participants indicated having no trust in the mechanisms. One participant noted that even where they participate, there are no guarantees that citizen views will be considered.

Discretion is either upon the local government leaders or the NGO or Development partner running a particular project to take on a particular proposal.

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298 Kayunga District Official during research validation held on 10th June 2016 in Kayunga town
299 Key informant Interviews with Namungalwe Sub County official in Iganga district conducted on the 20th November 2015
7. CONCLUSION AND RECOMMENDATIONS

Following the preceding analysis drawn from the literature review, legal analysis and field research findings, it is evident that the legal backing for social accountability mechanisms already exists under the Constitution and other laws of Uganda. Moreover, there have been efforts to put in place mechanisms to ensure the engagement of social accountability and community participation in the executive, legislative and planning functions in local governments. Several constitutional provisions depict participation as a legal right in governance processes including local government. The law, including the Constitution and the Local Governments Act, entrench decentralization as the pivotal system for local governance, which system creates various structures, mechanisms and procedures for its operationalization.

However, as seen in both law and practice, social accountability in local government processes is principally manifested through political representation, establishment of community oversight committees and running of community accountability platforms. While these social accountability support interventions are legally founded and thus formal, they are faced with varying challenges including design weaknesses and operational limitations such as lack of financial, human and infrastructural capacity and insufficient knowledge and appreciation or rather acceptability, on the part of both duty bearers and rights holders.

There are also informal social accountability mechanisms in local government processes, and this category is largely constituted of the interventions not expressly provided for under the law and often initiated by non-state actors, especially Civil Society Organizations. The informal mechanisms, which include score cards, radio talk shows, demonstrations and community dialogues, are faced with challenges such as insufficient grounding within the law.

Generally, there are still significant procedural and substantive challenges that make both formal and informal social accountability mechanisms fall short of their stated accountability goals. It is one thing to have mechanisms in place and another to have them operational. Accordingly, the functionality of social accountability mechanisms varies widely according to district partly because of the peculiarities among local governments and the discretionary nature of decision-making in terms of some local government aspects.

The use and implementation of recommendations from both formal and informal social accountability mechanisms is not institutionalized in local government processes to enable systematic influence on service delivery and the there are no linkages to mechanisms and institutions used for upward accountability.

People are generally not aware of existing social accountability mechanisms; even where they are aware, they are unable to guarantee their full operationalization. Furthermore, there is no guarantee that opinions or findings arising from Social Accountability undertakings will be sufficiently considered in the local government processes. As such, responsiveness to the local peoples’ demands is not guaranteed; yet other remedies for redress or enforcement, such as courts of law, may substantively remain out of reach, especially for poor and marginalized groups, in terms of distance, cost and effective representation.
While the legislative and executive decision making processes allow for public participation including the provision for the public to demand for accountability, such intervention openings are at times drawn back by citizen apathy and other capacity challenges that may undermine effective public participation.

If social accountability is to serve its intended purpose, there is need for various interventions to be undertaken, including several policy and legal reforms. Recommendations to this effect are provided below:

**Harmonize and reform the existing legal and policy framework to expressly make provision for informal social accountability mechanisms:** While there are legal and policy provisions that may be of significance in the existence and operationalization of the informal social accountability mechanisms, the legal and policy framework requires to be reformed to expressly for the informal social accountability mechanisms especially in terms of definition, synergy, roles and obligations. This will not only guarantee their consistent use as a requirement but also the participation of non-state actors in local government accountability processes, with attendant repercussions for non-compliance. It is important for the Local Governments Act to not only have express provisions on informal social accountability mechanisms but also be in tandem with other laws, in that regard. Being the principal law on local government process, the Local Governments Act ought to clearly lay out benchmarks that would guide other laws of interest in local government management and service delivery.

**Institutionalize the use and implementation of both formal and informal social accountability mechanisms in local government processes – including institutionalization of procedural guarantees like access to information and adequate notification for meetings.** There is need for local governments to make both formal and informal social accountability part of their planning and policy development and implementation processes. This can be achieved by making social accountability mandatory in policy making and implementation, and requiring all local governments to develop and implement a social accountability policy that among other things details the available formal and informal mechanisms. Institutionalization will also necessitate adequate budgetary allocations to facilitate the smooth functioning of the mechanisms.

**Establish legally recognized links between social accountability mechanisms and existing statutory accountability institutions and mechanisms used in vertical accountability:** Formal accountability mechanisms instituted by government and external mechanisms of accountability instituted by citizens and civil society should be mutually reinforcing. This can be achieved through recognition and institutionalization of social accountability mechanisms that have been found to be effective within all the local government processes. For example formal accountability offices like that of the Auditor General and the Inspector General of Government should take into account social accountability reports generated through informal mechanisms, following community engagement.

**Use of rewards and sanctions to incentivize participation in and enhance enforcement of social accountability mechanisms:** The disjoint between law and practice fails to fully oblige service providers as duty holders whose performance can be enhanced through reward and sanctions schemes. It has been learned that combining...
incentives and sanctions is often effective for the success of social accountability by, for instance, offering rewards for accountable behavior (e.g. public recognition, positive feedback, bonuses, or promotion) based on client assessment, as well as sanctioning unaccountable behavior (e.g. public shaming, legal actions, demotion).\(^{300}\) Strengthening enforcement mechanisms will entail strengthening of complaints mechanisms at the local government level and penalties for non-compliance. Human rights enforcement entities including the judiciary, the Uganda Human Rights Commission, the Equal Opportunities Commission must have a role to play in social accountability processes. There should also be rewards good performance. It is important to recognize and reward non-state actors including Civil Society Organizations and local communities for their active roles in social accountability processes, whether formal or informal.

**Implementation of legal reforms to remove barriers to participation:** For example the exceptions to right of access to information under the Access to Information Act are very wide and subject to abuse by public official. The requirements for access to information by the public include procedures that may not be handy with most persons and also costly in terms of fees and transport. It is also important for the law to go further and provide for non-state actor participation in remedial interventions such as prosecution processes. Generally, effort ought to be made to ensure that the reforms provide for the facilitation of social accountability processes in terms of finances, time and processes.

**Making the law more accessible and strengthening adeptness at mobilizing public participation of citizens:** Mobilizing communities to participate will require partnerships with civil society organizations, use of existing cultural and religious institutions and innovative use of technology for example mobile phones. Making the law accessible should include translation of legal provisions relating to social accountability and developing popular versions that simplify the laws. There is need to sensitize rights holders about their roles and obligations with respect to public participation and social accountability processes – in order to address the paucity of information on the different social accountability mechanisms available, there is need to carry out public awareness campaigns that strongly emphasize community involvement and participation; ii) for the success and community ownership of the different local government services and interventions in existence, there is need for greater transparency and increased citizen involvement in decision-making that affects communities; iii) there is need to mainstream the involvement of youth and persons with disabilities (PWDs) not only in planning- but also in implementation- processes, in order to address the well-documented discrimination against them; iv) the responsibility of organizing *Barazas* should be decentralized from the Office of the Prime Minister to the districts; however, in order for this to be effective, a committee vested with the powers to convene *Barazas* in the districts and comprising local leaders, technocrats and representatives of Civil Society Organizations (CSOs) should be formed at the district level.

BIBLIOGRAPHY

Textbooks, articles and reports


Are They Effective? An Audit of Social Accountability Mechanisms in Local Government Processes in Uganda


33. Mbazira, C. (2013). Service delivery protests, struggle for rights and the failure of
local democracy in South Africa and Uganda: parallels and divergences.


52. Tembo, F.F. (2013). Rethinking Social Accountability in Africa: Lessons from the
Mwananchi Programme, Mwanainchi Programme viii.


55. UNDP (2010). Fostering social accountability: From Principle to Practice, Oslo-Norway, Oslo Governance Centre Democratic Governance Group Bureau for Development Policy

56. Unicef Fact Sheet: The Right to Participation.


Legal and policy documents


63. Guidelines on Hospital Management Boards for Referral Hospitals and District Hospitals 2003

64. Inspectorate of Government Act

65. Local Government Act


67. Public Finance Management Act 2015

68. Public Health Act, 1935

69. The 1995 Constitution

70. The Education (Pre-Primary, Primary and Post-Primary) Act, 2008
71. The Local Government Councils Regulations


73. Uganda Wildlife Act, 1996

74. Water Act, 1997

75. Whistle Blowers Protection Act, 2010
About the Initiative for Social and Economic Rights - Uganda

ISER is a registered national Non-Governmental Organisation (NGO) in Uganda founded in February 2012 to ensure full recognition, accountability and realization of social and economic rights primarily in Uganda but also within the East African region.

Contact information

Initiative for Social and Economic Rights (ISER)
Plot 60 Valley Drive, Ministers’ Village, Ntinda
P.O Box 73646, Kampala - Uganda
Email: Info@iser-uganda.org
Website: www.iser-uganda.org
Tel: +256 414 581 041
Cell: +256 772 473 929

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