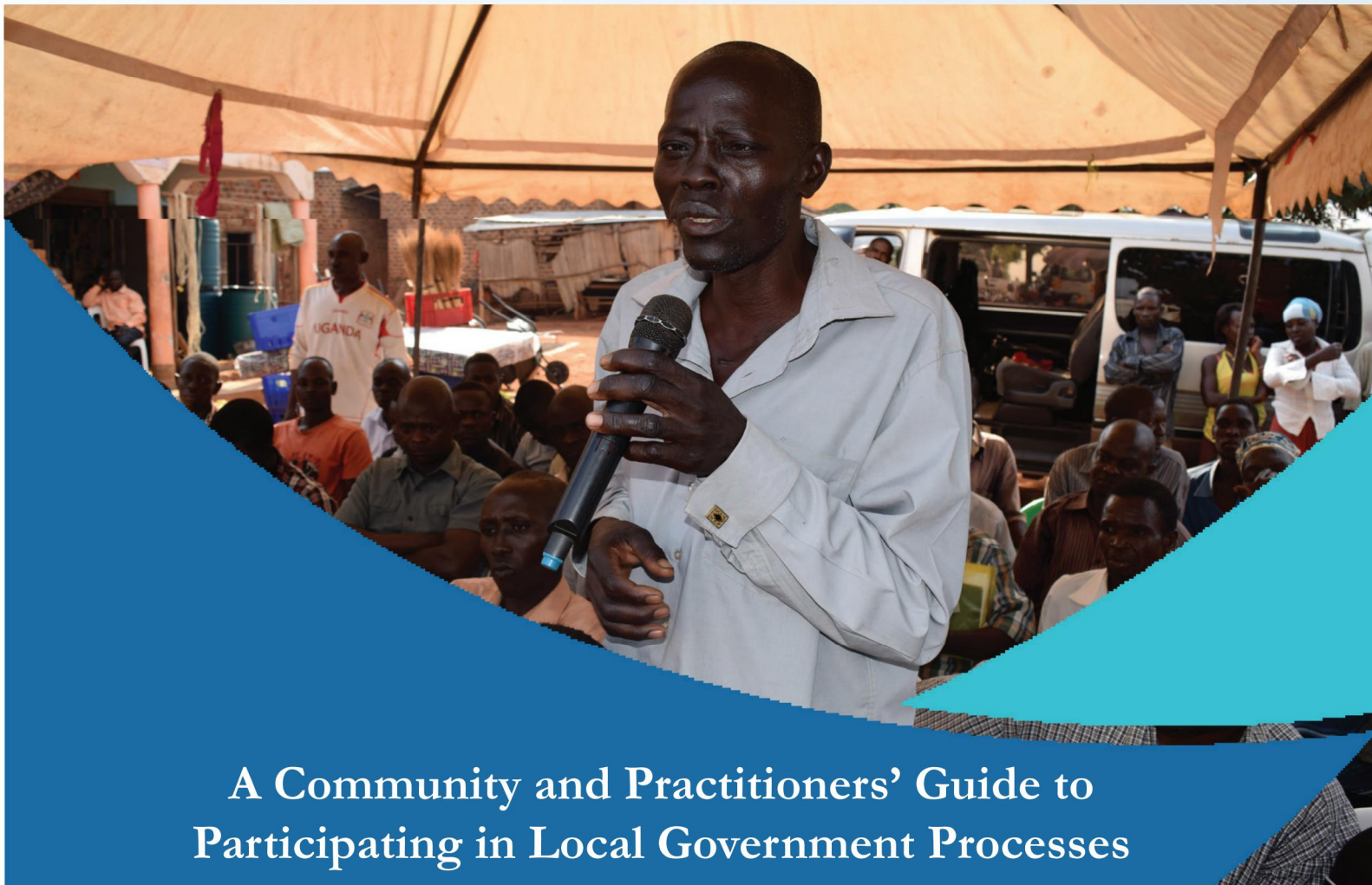




**ISER**  
Facilitating Social Justice

INITIATIVE FOR SOCIAL AND ECONOMIC RIGHTS

# Realizing Social Rights under the Decentralization System in Uganda



**A Community and Practitioners' Guide to  
Participating in Local Government Processes**

June 2018

*With funding support from*



International Development Research Centre  
Centre de recherches pour le développement international

**Canada**



## Introduction

Pursuant to the changes ushered by the 1995 Constitution, the structure of government in Uganda is categorized into two, namely, the Central and the Local Governments. Enshrinement of the Local Government system arises from government policy or strategy on decentralization that was launched in 1992.<sup>1</sup> Through a mixture of various forms of decentralization, including devolution, de-concentration and delegation, the decentralization process entails the distribution of powers, functions and responsibilities between Central and Local Governments.

In addition to its exclusive functions and responsibilities, the Central Government is primarily charged with formulating policies, making regulations, setting standards and enforcing compliance; monitoring, evaluating, coordinating and supporting service delivery and; provision of service that cannot be effectively or efficiently undertaken by local government due to factors such as economies of scale and requirement for highly specialized manpower. On the other hand, Local Governments implement national and local policies and deliver services within their areas of jurisdiction,<sup>2</sup> and this is aimed at bringing services nearer to the people and ensuring that people actively participate in the governance of their country.<sup>3</sup> The roles, functions and duties for which local governments are responsible are broadly stated by the Constitution and elaborated in the Local Governments Act, Cap 264.

The Local Government system in Uganda is based on a five tier system consisting two levels thus the higher and lower local governments and three levels of administrative units. The district is the primary service delivery unit<sup>4</sup> and consists of both rural and urban local governments and administrative units. The local governments are body corporate entities and are essentially tasked with service delivery, which is undertaken through elected political leaders and appointed technical staffs. The administrative units are non-body corporate, whose functions include coordination and monitoring of service delivery, resolving minor local problems or disputes and maintenance of law, order and security, within their jurisdictions.

---

1 Local Government Sector Investment Plan (LGSIP) 2006-2016

2 Local Government Sector Investment Plan (LGSIP) 2006-2016 page 8

3 John A. Okidi and Madina Guloba (2006), Decentralization and Development: Emerging issues from Uganda's experience. Economic Policy Research Centre, Kampala. Occasional Paper No. 31

4 Article 176(1), chapter 11 of the 1995 Constitution of the Republic of Uganda as Amended

Being people-centred decentralization in Uganda and its complete fulfilment is best understood and attained in consideration of the provision and enjoyment of individual and community entitlements. The Local government system is actually designed to complement the mandate and efforts of central government not only in the respect, protection and promotion of human and social rights but also as a medium through which such rights can be fulfilled. Local governments have high stakes and mandates in the sectors of water, environment, agriculture, health and education, which are bedrocks for various social rights including the right to food, water, shelter, education and clean and healthy communities and environments.

## **The structure of Local Governments in Uganda**

The operations of Local Governments in Uganda are under the supervision and guidance of the Ministry of Local Government (MoLG). The Ministry oversees the Government structures and their operation at local levels to ensure social-economic transformation in Uganda.<sup>5</sup>

The Ministry of Local Government has two Directorates namely; the Directorates of Local Government Administration and that of Inspection which works to ensure that there is sustainable, efficient and effective service delivery in the decentralized system of governance in Uganda.<sup>6</sup>

The Ministry has the mandate to implement development projects and programmes. Among the programmes being implemented under the supervision of the MoLG include Community Agriculture Infrastructure Improvement Program (CAIIP), Markets and Agriculture Trade Improvement Program (MATIP), Support to Local Government Sector Investment Plan (LoGSIP), Uganda Good Governance and Accountability Programme among other programmes.<sup>7</sup>

Among the mandates of the MoLG are; to inspect, monitor and where necessary offer technical assistance, support supervision and training to all Local Governments. It is the mandate of the ministry to coordinate and advise Local

---

5 <http://www.gou.go.ug/ministry/ministry-local-government> (accessed on 29th November 2017)

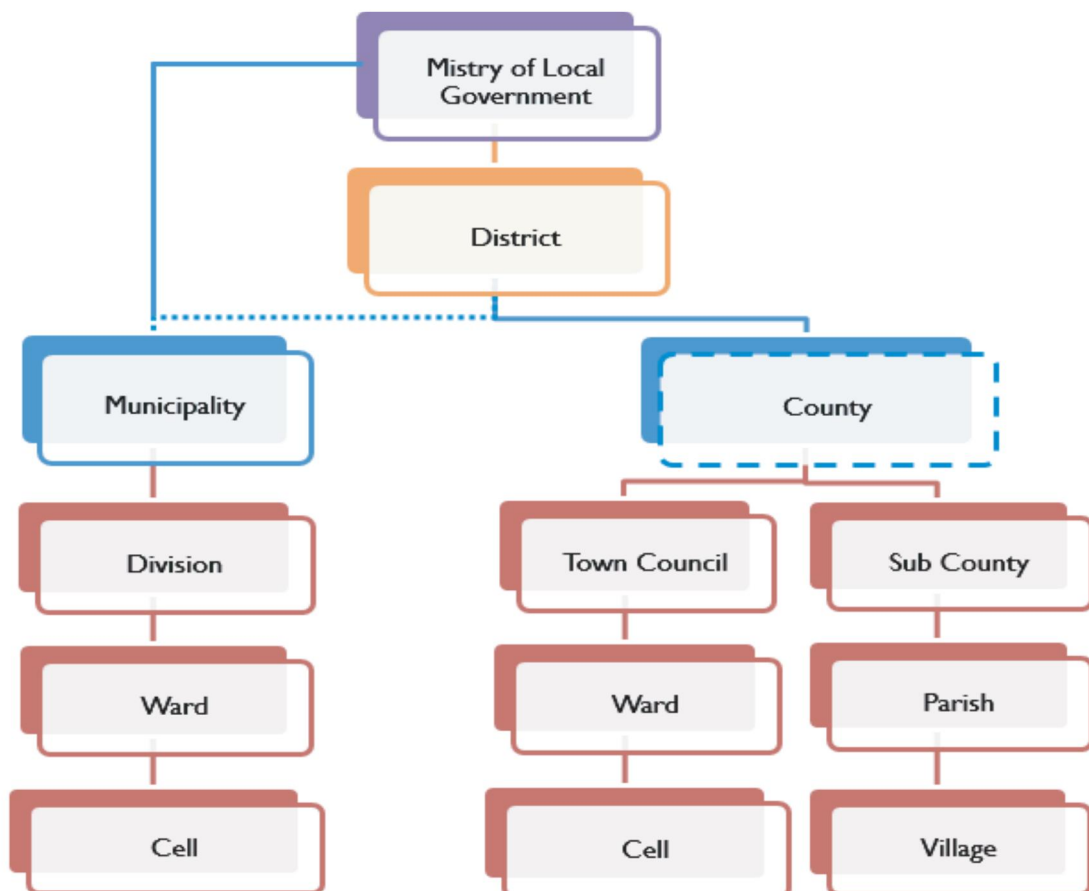
6 <http://www.molg.go.ug> (accessed on 29th November 2017)

7 <http://www.molg.go.ug> (accessed on 29th November 2017)

Governments for the purpose of harmonization and advocacy and last but not least to act as a liaison ministry with respect to other central Government Ministries, Departments and Agencies, private sector, regional and international organizations. The head of the Ministry is politically appointed by the president. On the technical side, the ministry is headed by a permanent secretary.

At the Local Government level, Uganda is sub-divided into districts that are comprised of sub-counties, parishes and villages and either one or more counties. It is mandatory for each district to have at least one town council, but others have more than one while others municipalities, depending on the size of the urban settlement. Below is an illustration of the Local Government set-up in Uganda.

### The Local Government set-up in Uganda



**NOTES:**

- i) The dotted lines on the county denote that the counties are not active as much as they are provided for in the constitution and the Local Governments Act section 46 and 47.
- ii) The dotted lines from the municipality to the district indicate that the municipality to some extent reports to the district.
- iii) The bold line linking the municipality and the Ministry of Local Governments means that the municipalities report directly to the ministry.

Each district has a Council comprised of councilors representing the lower local governments and special interest groups.<sup>8</sup> Politically, the district is headed by a District Chairperson<sup>9</sup> who presides over a five – person Executive Committee whose members are appointed by the Chairperson, from within the Council. There is a similar arrangement for the lower Local Government councils; the Municipal and Division Councils are headed by a Mayor and Division Chairperson, respectively, who likewise preside over a five-person executive committee, elected from within the respective Councils. The District Chairperson is an elective position.

The executive committee is, among other duties, mandated to initiate and formulate policies which must be approved by the council; oversee the implementation of the Government and the council's policies and programs; monitor and coordinate activities of Non-Governmental Organizations (NGOs) in the district and take remedial action where necessary.<sup>10</sup> It is important to note that except for the chairpersons of lower local governments and the vice chairpersons of municipal councils, and subject to section 19 of the Local Governments Act, all elected officials are part time and only paid allowances as in accordance with the First Schedule.<sup>11</sup>

On the technical side, the district is headed by a Chief Administrative Officer (CAO), appointed at the national level, by the Public Service Commission.<sup>12</sup>

---

8 Section 23 (c)(d) of the Local Governments Act

9 Section 12 of the Local Governments Act

10 Id., Section 17.

11 Id., Section 29.

12 Article 188, the 1995 Constitution, Section 63 of the Local Governments Act specifies that the “chief administrative officer for every district shall be appointed by the district service commission.”

The same commission also appoints the Deputy CAO and the Town Clerks of Municipal Councils and their deputies. The rest of the local government technical staffs are locally appointed by the District Public Service Commissions. The CAOs and Town Clerks preside over their respective Technical Planning Committees (TPCs) comprised of heads of department, with provisions for cooption of more members. The TPCs are among others mandated with the responsibility of formulating and implementing plans and coordinating and integrating all the sectoral plans of lower level Local Governments for presentation to the District council.<sup>13</sup>

## **Summary of the Local Governments' offices mandate in social service sector**

### **1. The Administration and Human Resource Department headed by the Chief Administrative Officer or Town Clerk for the Municipal Council**

This department coordinates the overall functionality of the District and the lower Local Government at Sub County or town council level. These offices are responsible for the implementation of lawful decisions taken by the District council and coordinating, supervising and monitoring the activities of lower local council employees and departments to ensure that accountability and transparency are observed in service delivery. The CAO or Town Clerk acts as a liaison between the Central Government and the District Council.<sup>14</sup> Among the responsibilities of the Administration department are holding technical planning committee meetings, attending sectoral committee resolutions, guide departmental heads and facilitate departmental activities. The human resource department is responsible for overseeing the recruitment process, placement, retention and capacity building.

### **2. The District Chairperson and the Executive Committee**

The District Chairperson presides over meetings of the Executive Committee of the District Council, monitors the implementation of the council decisions in the district. The chairperson on behalf of the Executive oversees other persons

---

13 Section 36 and Section 30(1)(2), Local Governments Act

14 Section 64 and 65 of the Local Governments Act

employed in the District, monitor the implementation of projects and provision of Government services and by law the District chairperson is mandated to reports to the Executive at least once a year.<sup>15</sup>

### **3. The Resident District Commissioner (RDC)**

Every District has a Resident District Commissioner (RDC) who represents the Office of the President. The RDC is the head of security in the district; he or she coordinates the administration of government services in the district, advises the District Chairperson on matters of national nature that may affect the District and its programmes. The Office of the RDC is also tasked with monitoring and supervising the activities of local governments, sensitizes the public on government programs and policies; carry out other functions as may be assigned by the president or prescribed by parliament among other duties.<sup>16</sup>

## **Highlight of key service delivery departments in the Districts**

### **Department of Education and Sports headed by the District Education Officer**

All Districts in Uganda have a department of education headed by the District Education Officer (DEO) whose role is to coordinate and provide technical and professional guidance in the management of education laws, policies, sports development plans, strategies, education programmes in the District and council decisions.<sup>17</sup> The DEO is assisted by a number of Inspectors of schools and sports officers. This sector is responsible for supervision, provision of technical and professional advice, facilitating teacher training programmes, school inspections, monitoring and maintaining an up to date teachers' personnel data bank.<sup>18</sup> The department is directly responsible for primary education in the district but also to a small extent secondary education covering both private and public institutions. There is a Secretary of Education from the political side appointed by the District Chairperson.

---

15 Section 13 of the Local Governments Act

16 Section 70 of the Local Governments Act

17 <http://psc.go.ug/publications> (accessed on 1st December 2017)

18 <http://psc.go.ug/publications> (accessed on 1st December 2017)



## **Department of Health headed by the District Health Officer**

The health sector at the district and sub-district level is governed by the District Health Management Team (DHMT) led by the District Health Officer (DHO) and consists of managers of various health departments in the district. The heads of health sub-districts (HC IV) are included on the DHMT. The DHMT oversees implementation of health services in the district, ensuring coherence with national policies. A Health Unit Management Committee (HUMC) composed of health staff, civil society, and community leaders is charged with linking health facility governance with community needs.

In summary, the DHO is responsible for the overall coordination and planning for the health service delivery in the district, creating a network base with partners, mobilizing resources, managing medical supplies and maintaining health equipment and facilities, supervising other health centers in the District, implementing policies and enforcing professional code of conduct among other duties.

## **Works Department headed by the District Engineer**

Each District has a works department headed by the District Engineer with a number of senior civil engineers and mechanical engineers in the same department. The District Engineer provides technical advice and guidance to other civil Engineers and stakeholders. The department is responsible for enforcing engineering and works policies in the district. The District Engineer prepares work plans and budgets for technical works in the district, support approval of building plans in the district. It is the duty of the Engineer working with other engineers in the department to ensure that all civil works such as roads, water and sanitation systems are in good shape and properly maintained.<sup>19</sup>

## **Community Development Department / Community Based Services**

This department is headed by the District community Development Officer (DCDO) and under him or her there is a Senior Community Development Officer in charge gender, culture and community development; Senior Community Development Officer in charge of disability and elderly; Senior Labour Officer in

---

<sup>19</sup> <http://psc.go.ug/publications> (accessed on 1st December 2017)

in charge labour employment and industrial relations and Senior Probations and Welfare Officer in charge of probation, youth and children. There are also community development officers at every Sub County, Division or Town Council.<sup>20</sup>

The DCDO is responsible for coordinating community based services in the district and overseeing the implementation of Government and NGO programs, liaising with civil society organizations and stakeholders on matters regarding community development. The DCDO has the mandate to mobilize and empower communities to participate in the development processes, access social services and demand for accountability in public and community based initiatives. This office also promotes social protection, equality, equity, human rights, culture and decent work conditions.

## **Production and Marketing department**

The production and marketing department is headed by the District Production and Marketing Officer (DPMO) with so many other officers working under him. These officers include; the Principle Agriculture Officer, Principle Veterinary Officer, Principle Entomologist, Principle Fisheries Officer and Principle Commercial Officer. The production department is responsible for the delivery of extension services, dissemination of technologies or supplies for agricultural related programs and supervision of household on-going activities for food security and household income. The DPMO is responsible for the coordination, management and monitoring of the production, delivery of and marketing programmes, projects and activities in the district. Overall, the department is responsible for preparation of production and marketing budget, actions plans, detection or control of the threat and occurrence of pests and animal epidemics in the district. The department also regulates veterinary and animal husbandry activities for farmers.<sup>21</sup>

## **Local Governments' responsibilities in ensuring service delivery**

Decentralization is expected to contribute to development by empowering the people and institutions including public, private and civil institutions; improving access to basic services; increasing people's participation in decision-making;

---

20 <http://psc.go.ug/publications> (accessed on 1st December 2017)

21 <http://psc.go.ug/publications> (accessed on 1st December 2017)

assisting in developing people's capacities; and enhancing government's responsiveness, transparency and accountability.<sup>22</sup> Therefore, Local Governments should ensure democratic and accountable governance, provide basic services and promote social and economic development as illustrated below:

**a) Encourage community participation:** Local Governments must ensure involvement of the community in matters discussed by them. In practice this means that it must not only consult with the community, but also allow and promote community participation in decision-making. This is a better way of providing services as needed by the communities rather than always relying on decisions or thoughts of community representatives.



**b) Provide basic services:** Local Governments must ensure that each member of the community has access to basic social services, as provided for under the Local Government Acts.<sup>24</sup> These include primary health care, education services, provision of clean drinking water and sanitation and shelter among others.

---

22 Article 176 (2) (b) of the 1995 Constitution as amended

23 Article 176 (2) b of the 1995 Constitution of the Republic of Uganda as Amended

24 Section 30 (1) (2) of the 1997 Local Governments Act

c) Promote development and healthy environment: Local Governments must take measures of substance to encourage social and economic development as well as promote a safe and healthy environment by ensuring clean air and water. They must take measures to prohibit, restrict, prevent, regulate or abate grass, forest or bush-fires, poor waste management and water pollution among others and ensure the general local environment protection.<sup>25</sup>

d) Respect, protect, promote and fulfill human rights: The Constitution broadly enjoins Local Governments to respect, protect, promote and fulfill human rights, such as the rights to education, health, water, a clean and healthy environment, and housing.<sup>26</sup>

- Respect: Local Governments must refrain from interfering with the realization of a right – for instance, not engaging in illegal eviction.
- Protect: Local Governments must not allow others to undermine the realization of a right – for instance, allowing companies to pollute the drinking water supply.
- Promote: Local Governments must do everything possible to facilitate the realization of a right – for instance, by teaching people about reproductive health rights and encouraging preventive measures.
- Fulfill: Local Governments must take all necessary positive steps to ensure that the community is able to avail itself of all protected rights. For example, Local Governments must fund and maintain roads to make services easily accessible.

Local Governments are also responsible for monitoring the delivery of services within their areas of jurisdiction, supervise or monitor the implementation of socio-economic development projects, construction, rehabilitation and maintenance of roads not under the responsibility of the Central Government, among others.<sup>27</sup>

---

25 Part 4, Para. 5 of the Second Schedule to ss. 30, 31 of the Local Governments

26 Article 20 (2) of The 1995 Constitution of the Republic of Uganda as Amended

27 Section 69 (3) k 6 the 1997 Local Governments Act cap 243; Part 2 of the Second Schedule to the 1997 Local Governments Act cap 243

## **Individual and Community Entitlements under the Local Government System**

Citizens under the jurisdiction of Local Governments are entitled to the provision of basic services so as to enable communities to enjoy their basic rights. Such entitlements include but are not limited to the following rights:

### **The Right to clean and safe Water**

The right to water is provided for in the Constitution under the National Objectives and Directive Principles of State Policy (NODSP).<sup>28</sup> Under Objective XXI, the State has a duty to take all appropriate measures to promote a good water management system at all levels, make water available and accessible to all persons. In case of any water polluted supplies, the local authority shall take lawful measures to avert possible threats to life.<sup>29</sup>

Councils at all levels of Local Government have the mandate in liaison with the ministry responsible for water and natural resources to provide water and maintain water services.<sup>30</sup>



---

28 Objective XXI of the 1995 Constitution of Uganda, as amended.

29 The Public Health Act 1935 section 103 (a)

30 Part 1 and 2 of the Second Schedule to the Local Governments Act

The human right to water entails four important aspects or principles which include the principle of availability, accessibility, quality and quantity and affordability of water. Councils at all levels of Local Government must ensure that the water supply systems are in good working condition and properly maintained to avoid water shortages. Councils are required to implement a step-by-step development plan to ensure that vulnerable groups such as the poor, women, and children have improved access to safe and clean water.<sup>31</sup> A person is entitled to use any natural source of water nearest to him or her for domestic use, firefighting or irrigation of subsistence farming.<sup>32</sup>

The water Act also provides for the establishment of water user committees and associations. These are made up of different individuals who are mandated to perform duties in relation to keeping and maintaining water sources clean and functional.<sup>33</sup>

## **The Right to Food**

The right to food is usually discussed in the constitution of the republic of Uganda under the social and economic objectives<sup>34</sup> Food security exists when all people, at all times, have access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life.<sup>35</sup> The Local Government Act enjoins Local Governments to ensure food security in their jurisdictions.<sup>36</sup> Everybody in Uganda depends on land to grow a number of food and cash crops, build homes and other services that are essential for survival. It is important to note that at individual household level, land is supposed to provide basic needs such as food, firewood and space for keeping animals.<sup>37</sup>

District councils should also provide measures to prevent and contain food shortages, including relief work, the provision of seed, and the storage of foodstuffs.<sup>38</sup>

---

31 Part 1 and 2 of the Second Schedule to the 1997 Local Governments Act

32 The Water Act 1997 section 7 (a and b)

33 The Water Act 1997 section 50 (1-3)

34 Objective XIV of the 1995 Constitution of Uganda

35 Objective XXI of the 1995 Constitution of Uganda, as amended.

36 Part 2 and part 4(9) of the Second Schedule of the Local Governments Act.

37 The National Land use Policy 2006 section 3 (S5)

38 Section 9 Part 4 of the Second Schedule to the Local Governments



The Nutrition Action Plan requires each District to have a Nutrition Coordination Committee and Nutrition focal persons/officers in local governments and at the community level.<sup>39</sup> These are tasked with the responsibility of coordinating all food nutrition activities, monitoring local food and nutrition status, promoting the incorporation of food and nutrition issues into local government plans, advocating for the establishment of local food and nutrition committees, providing advice on food and nutrition matters to executive committees and local governments.<sup>40</sup>

## **The Right to Adequate Shelter**

In Objective XIV of the NODSP, the State asserts that all Ugandans enjoy the right to “decent shelter.”<sup>41</sup> Such a guarantee enjoins Local Governments to provide and promote adequate housing that provides to residents access to water and sanitation; a clean and healthy environment; accessible roads and transport; and proximity to health care, schools and other community services. Local Government is involved in housing in three ways; as development planner for housing, owner of Government land, and provider of housing-related services.

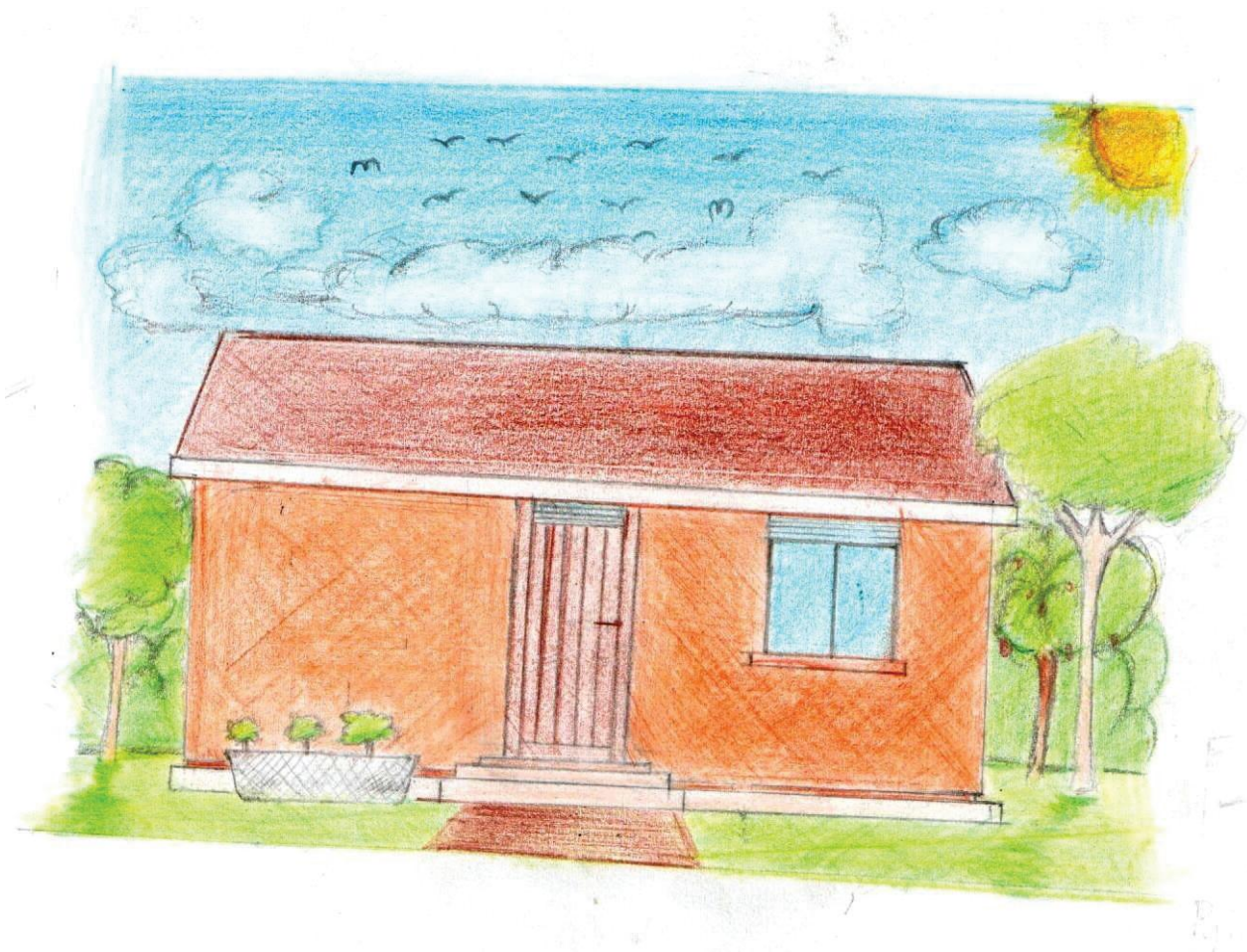
---

39 National Nutrition Action Plan 2011 – 2016 Section 6.2

40 The National Food and Nutrition Strategy 2005 Section 8.4.2

41 Objective XIV(ii) of the National Objectives and Directive Principles of State Policy

An independent District Land Boards is mandated to allocate land that is not individually owned by a person or any authority, support the registration and transfer of interest in land and handle any other matters connected with land in the district in accordance with the law.<sup>42</sup> The Constitution further protects the interests of land owners in articulating that “every person has a right to own property...”<sup>43</sup> This means that Local Governments, including municipalities, councils, administrative units and private landlords, must act fairly before they can evict someone from his or her land, or house. In addition to that, Local Governments (urban councils) are responsible for promoting schemes of housing.<sup>44</sup>



## **The Right to Health Services**

The right to health services is provided for under the National Objectives and Directive Principles of State Policy, which mandates the state to ensure that all Ugandans enjoy rights and opportunities to access health services, clean and safe water.<sup>45</sup>

---

42 Article 241 of the 1995 constitution of Uganda as amended

43 Article 26(1) of the 1995 constitution of Uganda as Amended

44 Section 3(18) Part 3 of the second schedule to the Local Government Act

45 Objective XIV (b) of the 1995 constitution of Uganda, as amended



Every local authority shall take all lawful, necessary and reasonably practicable measures for maintaining its area at all times in clean and sanitary condition, and for preventing the occurrence in the area. The Local Governments are supposed to protect the citizens against any nuisance or condition liable to be injurious or dangerous to health as well as taking legal proceedings against the person who is deemed a threat to public health.<sup>46</sup> The NEMA Act states that every person has a right to a health environment and that it is the duty of every citizen to maintain and enhance the environment. Additionally, citizens should inform the responsible authorities of any potential activities that can negatively affect the environment.<sup>47</sup>

Councils at all levels of Local Government are mandated to extend medical and health services to the local levels. These services may include primary health care services; providing referral; medical training; community-based health care centers, dispensaries, sub-dispensaries and first-aid posts; maternity and child welfare services; programs to control the spread of communicable diseases, including HIV/AIDS, Leprosy and tuberculosis; rural ambulance services; vector control and environment sanitation; and various forms of health education.<sup>48</sup>

In reality, Councils at all levels of Local Governments have the duty of implementing different government policies and programs; carry out frequent supervision of hospitals and health centers in order to ensure they are in a good state and services are being offered and being able to monitor health workers absenteeism.



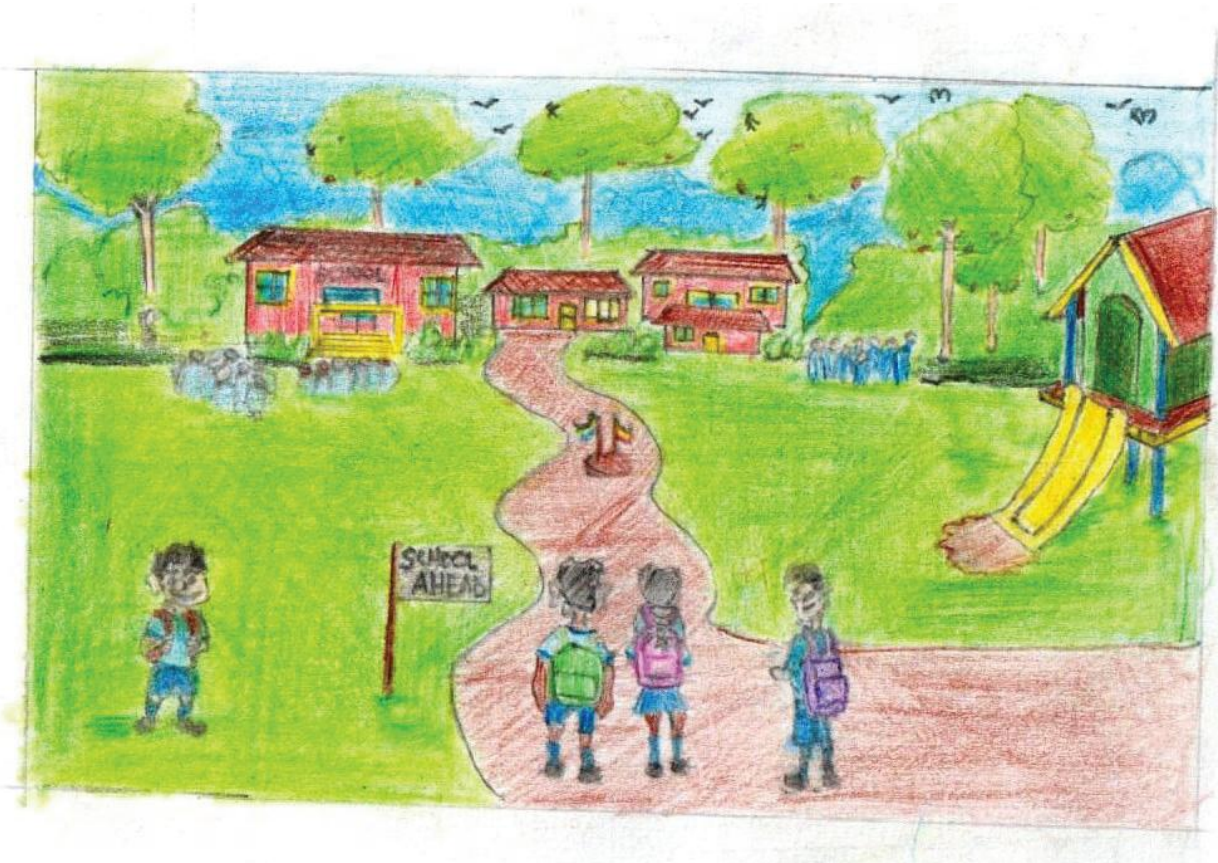
46 The public Health Act 1935 Section 55

47 The NEMA Act section 3

48 Section 2 Part 2 of the Second Schedule to the Local Governments Act ; Section 7(c) Part 4 of the second schedule to the 1997 Local Governments Act

## **The Right to Education**

Article 30 of the Ugandan Constitution states that, “everyone has a right to education.”<sup>49</sup> The right must be respected, protected, and promoted by all persons and agencies or organs of the government including Local Governments. Section 4 of the Education Act states that education is provided as a right to be enjoyed by all persons; the Act adds that it is a joint responsibility of government, parents and other relevant stake holders to ensure that the child attains quality education training.<sup>50</sup> The Local Governments Act mandates the Local Governments at all levels to meet their responsibility to provide education services, including the following; early childhood learning centers, primary, secondary, trade, special needs education and technical education.<sup>51</sup> It is important to note that some of the services mentioned are yet to be decentralized much as they are provided for thin the Act.



---

49 Article 30 of the 1995 Constitution of Uganda, as amended

50 The Education Act 2008 section 4 (1 and 2)

51 Section 1 Part 2 of the second schedule to the Local Governments Act

In addition, Local Government has the responsibility to fulfill these rights by aiding and supporting the establishment and maintenance of schools, libraries, art galleries, museums, tourist centers and providing bursaries to assist in the education of children of persons residing in the district.<sup>52</sup> This should be done to ensure that many schools in Uganda, especially those in rural areas, get basic resources, such as libraries, proper staffing and adequate classrooms which are essential for the children's development.

## **The Right to Clean and Healthy Environment**

Article 39 of the 1995 Ugandan Constitution provides that every Ugandan has a right to a clean and healthy environment adequate for their health and wellbeing. Everybody is entitled to live in a decent environment while the local authority or environment committee is tasked with bringing to book any person who conducts activities that threaten the environment.<sup>53</sup>

The Local Government and the National Environment Acts provide for establishment of the District Environment Committee at the District and Local Environment Committee at lower Local Government levels to ensure that this right is respected, protected, promoted, and fulfilled by all persons and corporations.<sup>54</sup>

These committees are mandated to monitor the administration in their areas and report to the district council.<sup>55</sup> They are intended to assist in preservation of the environment through protection of forests, wetlands, lake shores, streams and prevention of environmental degradation.<sup>56</sup> The environment committees further prohibit the “depositing on any street, public place, unoccupied land of any refuse, rubbish, and abandoned vehicles or any other material or thing,” and provide for the removal of such waste.<sup>57</sup>

---

52 Section 7 Part 2 of the Second schedule to the 1997 Local Government Act cap 243

53 The National Environment Act section 3 (1, 2 and 3)

54 Part III of the Local Government Act cap 243 (Local Government set up)

55 Section 26(7) (j) of the 1997 Local Governments Act

56 Section 15 part 2 of the Second Schedule to the 1997 Local Governments Act

57 Section 3(b) Part 3 of the Second Schedule to the Local Governments Act

However, despite the regulatory framework relating to the right to a clean and healthy environment the Local Government environment committees in Uganda have on a number of occasions failed to address activities which may damage the environment. This is attributed to the non-functionality of these committees which has paved way to activities such as pollution by commercial factories or 2) deforestation driven by the activities of commercial investors.



## **Opportunities for Engagement by the Community**

Article 38 of the 1995 constitution guarantees citizens the right to participation in the affairs of government either individually or through representatives. There are several activities through which the communities can participate in government programs. For example budget meetings held at different levels where communities engage on which priority areas local governments need to focus in terms of service delivery.

It is also the duty of citizens to engage in the fight against corruption or wastage of public resources.<sup>58</sup> Local Governments have an obligation to consult with communities in all decision-making processes.<sup>59</sup> To meet this obligation, Councilors are elected to represent and serve the community in realizing people's Constitutional rights to basic services.<sup>60</sup> However, a distinction must be drawn between representation through elected leaders and participation of citizens. The former only empowers representative to relay before a council the voices of the people while the latter empowers citizens to directly take part in decision making. Citizens are given opportunity to participate in Local Government activities by forming water user committees or groups to collectively plan and manage the water source in their communities.<sup>61</sup> The committees oversee the water source on behalf of the Local Government.



58 Article 17 (i) of the 1995 constitution of Uganda, as amended

59 Local Governments Act

60 Article 176(2)b of the 1995 Constitution of the Republic of Uganda as Amended

61 The Water Act 1997 Section 50 (1,2 and 3)

A Councilor should consult the people on issues to be discussed in the Council where necessary.<sup>62</sup> When Councilors provide opportunities for such public consultations, members of the community can use such opportunities to engage Local Government over its rights obligations. The district chairperson; village, parish and Sub County council chairpersons; and other officials should be appointed through elections by universal adult suffrage.<sup>63</sup>

However, in many cases communities' right to participate is denied and if not, opinions and views are ignored. Therefore, in order for their Constitutional rights to basic services to be fulfilled, Local Governments should involve the communities in decision making and also take their views and opinions seriously.

## **Citizen Participation in Local Government: Holding Government Accountable**

There are many different ways people can participate in Local Governments and be involved in council decision-making processes,<sup>64</sup> and ensuring better service delivery. Some suggestions for ways in which individuals can engage with their Local Government and hold Local Government accountable at various levels includes the following:

**Monitoring and supervision:** Local Governments' activities are monitored and supervised by varying state and non-state establishments, including Central Government Ministries Departments and Agencies; Office of the Resident District Commissioner; Security organs; Civil Society Organizations and statutory local committees. There are also ad hoc committees that are established when a government project is being undertaken in a particular area for instance construction of roads, schools, health facilities among others. Community Project Management Committees (CPMGs) are usually established to monitor performance and ensure utmost transparency in the execution of any government projects. Individual community members also have a right to monitor implementation of government programmes.<sup>65</sup>

---

62 Section 8 (1) (1) Part 2 of the Third Schedule to the Local Governments Act

63 Section 111 of the Local Governments Act; Article 183 (1) b of the 1995 Constitution of the Republic of Uganda, as amended

64 Section 2 (b) of the Local Governments Act of 1997 cap 243

65 Section 71 (1) (d) of the 1997 Local Governments Act and Article 203 (3) a of the 1995 Constitution of the Republic of Uganda as Amended

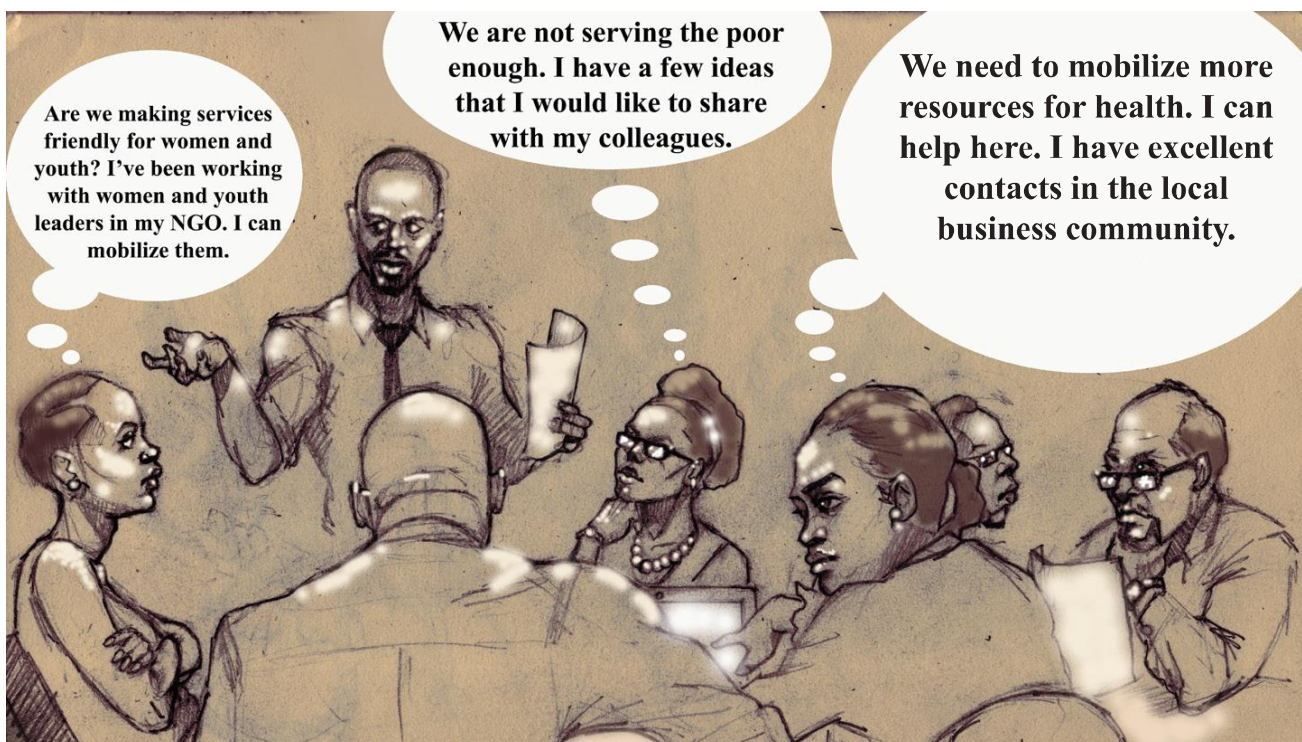


Attend council meetings: Across levels of Local Government, most Council meetings are open to public attendance in order to ensure that the Council operates in a transparent manner. It is a requirement for the public to be given prior notice of the time, date and venue for ordinary or special or urgent meetings of the Council. This can be by the use of radio, mobile public address system or door-to-door verbal notification. The exception is if the deliberations at a particular meeting are of a confidential nature, and thus the council can be allowed to meet without citizens' participation.<sup>66</sup> However the challenge with citizens attending council meetings is that, they are not allowed to participate in the proceedings of the same.

**Serve on accountability committees:** Several laws relating to social services provide for the establishment of committees to strengthen governance and promote accountability. Community members can serve on these committees such as the School Management Committees, Water User Committees, Road User Committees and Health Unit Management Committees. These committees are largely constituted by members of the community and are open to receiving concerns or ideas from individuals, either in writing or at public meetings.

## Attend and participate actively at budget conferences at all levels of planning.

Contributing to a Councilor-held consultation or making submissions on a council plan (including the long-term plan or annual plan) or other proposal. The citizens are required to make input in the budget at an initial stage of the planning processes. It is from the citizens' contributions that priorities for funding are set.



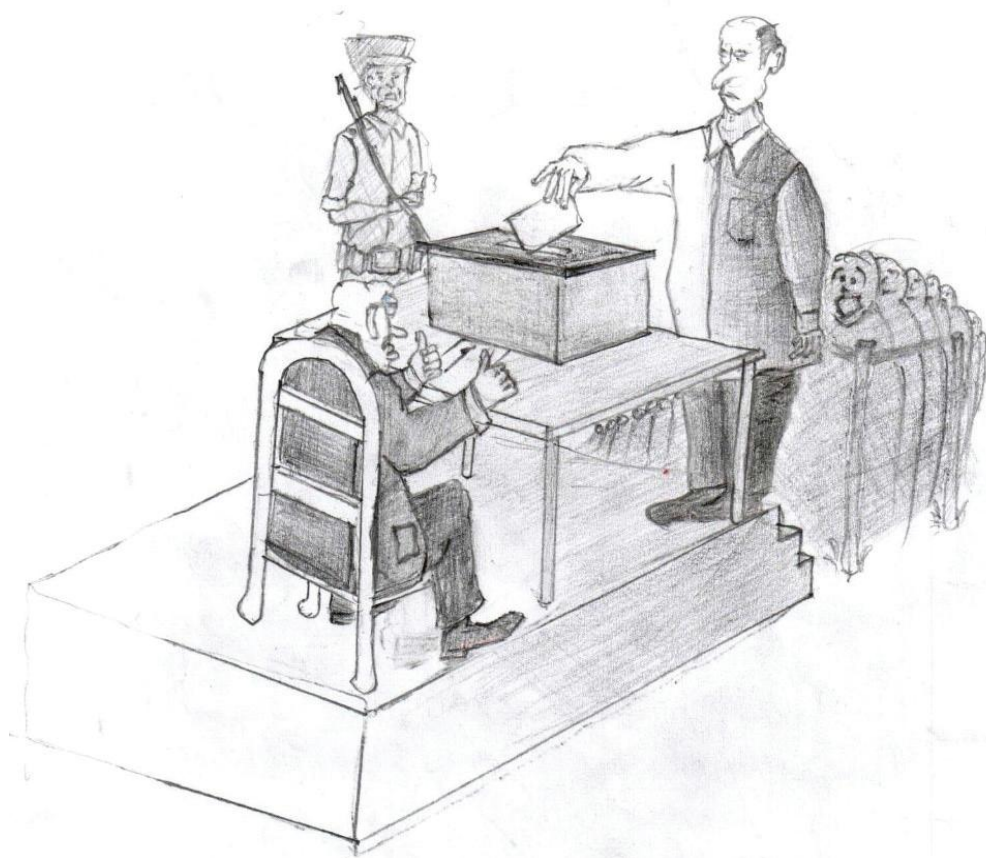
**Mobilize the communities:** the lower local government should encourage, support and mobilize people, material and technical assistance for self-help projects. Through local leaders, the citizens are mobilized to take part in Government service delivery processes from planning, implementation and monitoring.<sup>67</sup>

**Attend local accountability platforms such as the Baraza:** In a bid to improve information flow and feedback on social service delivery, the government through the Office of the Prime Minister conducts Barazas in Districts for leaders to provide feedback to the citizens. Where they are not satisfied with the information from the leaders, the citizens provide their views which can be incorporated or addressed in the next planning cycle. This being an open platform to all citizens, it should be the responsibility of the lower administrative unit leaders to mobilize all



citizens to attend the accountability platforms. Despite the challenges involved in the organization of Barazas, location and accessibility to the poor and marginalized citizens, the Barazas are a good platform for citizens to participate in service delivery processes.

Elections: Citizens can participate in Local Council elections to vote or to be voted in office. Making submissions on the boundaries for constituencies (through representation arrangements). Every citizen who is above 18 years has a right to register to vote or be voted.<sup>68</sup> Through elections, citizens are able to elect leaders to represent them at different levels. If citizens are not satisfied with a particular leader's representation or tenure of leadership, he or she can be voted out through elections. Elections help to check those leaders who abuse their offices or misuse public resources and embezzle public funds. National and local elections can transform the community and is a vehicle for throwing out corrupt public officials. The constitution of the republic of Uganda allows citizens to choose their own political party for the purpose of being elected or supporting a candidate.<sup>69</sup>



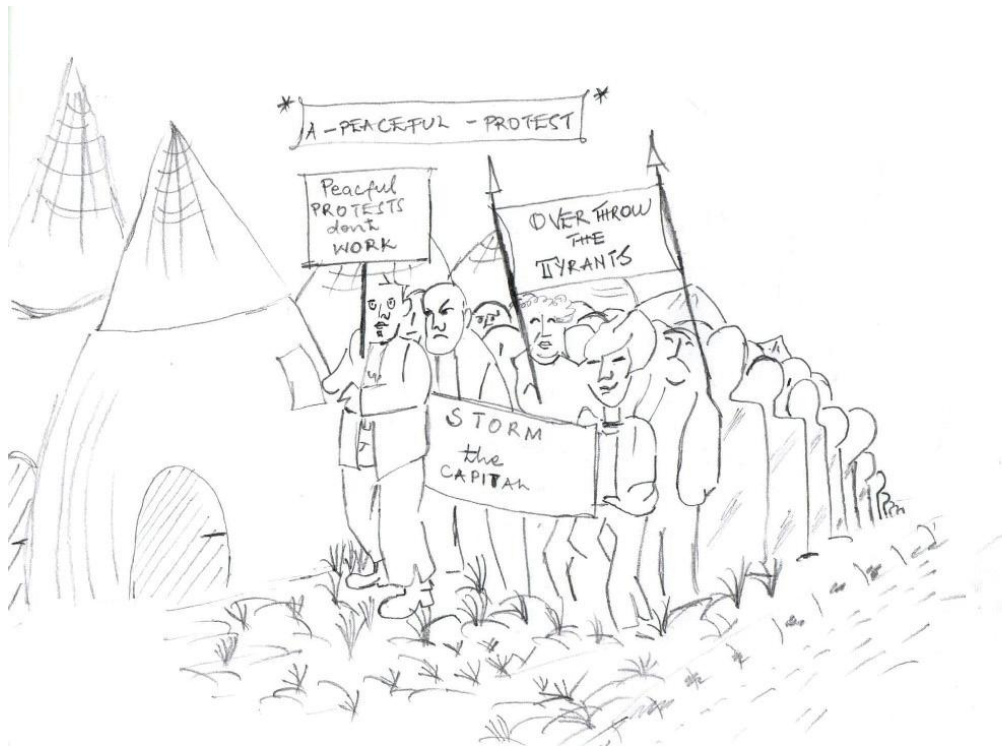
68 Article 59 of the 1995 Constitution of the Republic of Uganda, as amended

69 Article 69 of the 1995 Constitution of the Republic of Uganda, as amended

**Report poor service delivery:** If the Local Governments fail to fulfill their obligations of delivering social services, citizens can report such failures to their local officials. When reporting the problem to the district council, citizens can ask what they expect their respective local governments to offer in a particular financial year.<sup>70</sup> Citizens can also report to other government anti-corruption agencies such as the Inspectorate of Government, Police, Auditor General and Parliament.

**Prepare a press release and contact the media:** Newspapers, radio stations and TVs have the power to inform the Nation about a community's campaign. With free expression and freedom of speech constitutionally guaranteed, the media can elevate a community's voice so that it is heard by everyone, including Government officials.<sup>71</sup>

**Organize or participate in peaceful community demonstrations:** The Constitution guarantees to all citizens a right to peacefully assemble and demonstrate.<sup>72</sup> Holding a gathering and airing grievances in public is one way to get the attention of people in power. However, industrial actions or demonstrations can only be resorted to as a last resort after exhausting all possible peaceful means and have failed to yield positive results.



70 Section 26 (g) (i) of the Local Governments Act

71 Article 29 (1) a of the 1995 Constitution of the Republic of Uganda as Amended

72 Article 29 (1) d of the 1995 Constitution of the Republic of Uganda as Amended

Go to court. Local Governments are corporate bodies that can sue and be sued in their name.<sup>73</sup> People have the right to go to court to protect the community's rights. Individuals can also go to court to protect their rights.<sup>74</sup> Communities can work with NGOs where they feel it is too expensive or complicated to go to court.



## **People's Obligations in the Community**

Although Local Governments are mandated to do as instructed by the statutes, people are also obliged to play their part in order to make Local Governments' work successful. Citizens should perform duties and responsibilities as they enjoy their rights enshrined in the constitution.<sup>75</sup> Citizens should pay taxes as instructed, be patriotic and loyal to Uganda, engage in gainful work, contribute to well-being of the community, promote education by sending children to school and promote good sanitation. Article 17 of the Constitution of the Republic of Uganda lists the duties of a citizen.

---

73 Section 6 of the Local Governments Act

74 Article 50 (2) of the 1995 Constitution of the Republic of Uganda

75 Objective XXIX of the Constitution of the Republic of Uganda, as amended

Citizens should maintain good hygiene and help prevent diseases by having working latrines or toilets, hand washing facilities, and bathrooms; sleeping under mosquito nets and keeping water sources clean; avoiding deforestation and promoting reforestation; promoting good farming methods, such as avoiding soil erosion; and maintaining good health habits such as taking children for immunization and taking medicines as prescribed by a doctor. People should embrace and monitor government programs to ensure that tax payer's money is not put to waste. In general, citizens should follow and support Government's programmes in order to achieve improved service delivery.

## **Conclusion**

Local Governments, as discussed in this handbook, are fundamentally responsible for developing public infrastructure and providing a diverse range of services to citizens. The participation of the citizens is to ensure Local Governments fulfill their responsibilities. It should be noted that, the greater the participation levels in communities, the more likely council decisions and actions will match with the community's priorities and demands. Citizens have to exercise their constitutional rights and be part of service delivery processes.

The many layers of Local Governments provide citizens numerous opportunities to interact with leaders and press their public officials to deliver quality services and meaningful protections of citizens' human rights. By actively participating in the processes of Local Government, being aware of the rights guaranteed to citizens, and working to hold Local Government accountable, the quality of services delivered at the local level can be improved for all. Leaders and citizens must utilize the available community platforms to enhance citizens' participation and improve service delivery.



## About the Initiative for Social and Economic Rights

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](mailto:info@iser-uganda.org)

Website: [www.iser-uganda.org](http://www.iser-uganda.org)

Tel: +256 414 581 041

Cell: +256 772 473 929

Follow us  @ISERUganda

 @ISERUganda