



12 March 2024

The Rt Hon. Joseph Ntakirutimana
Speaker of the East Africa Legislative Assembly
Afrika Mashariki road
Arusha, Tanzania

RE: Petition by the Africa coalition on public service on the deteriorating state of public services in the East African partner states

This petition concerns the deteriorating state of public services in the East African partner states.

Background

The petition is submitted to the East Africa Legislative Assembly by the Initiative for Social and Economic Rights (ISER) which hosts the Africa coalition on public services, composed of over 500 motivated and nonpartisan Civil Society Organizations (CSOs) and Individuals that advocate for gender responsive, accountable, inclusive, and quality public services across Africa.

ISER is a non-governmental organisation that strives for social economic justice. ISER has been monitoring social economic rights for over a decade.

We the undersigned draw the attention of the East Africa Legislative Assembly to the deteriorating state of public services within partner states of the East Africa Community, resulting in severe socio-economic inequalities, delayed development and hindered the attainment of the 2030 Sustainable Development Goals.

The poly crises: Covid 19 pandemic, high cost of living, and climate change underscore why partner states must pay greater attention to socio-economic rights, particularly strengthen public service delivery in key sectors like health, education, and social protection.

Central to the aforementioned challenges is the increased strain on already weak and under-financed public services. A rapid expansion of private actors in public service delivery and the rising sovereign debt further compromise inclusive access to quality public services.

In response to these socio-economic realities, a concerned group of people across Africa came together and formed the African Coalition on public services and penned their demands in [The Africa We Want: Reclaim Public Services](#) which urged state parties to invest in quality public services.¹ The manifesto underscores the fundamental role of public services in reducing

¹ <https://iser-uganda.org/wp-content/uploads/2023/10/The-Africa-we-want-manifesto-Final.pdf> (last accessed 1 March 2024).

socio-economic inequities, realising interconnected human rights, strengthening the social contract between the state and its peoples, and mitigating the proliferation of unregulated private actors providing social services.

Our petition to this Legislative Assembly is anchored on the following;

1. Article 5(1) of the East African Treaty provides that “the objectives of the Community shall be to develop policies and programmes aimed at widening and deepening co-operation among the Partner States in political, economic, social and cultural fields, research and technology, defence, security and legal and judicial affairs, for their mutual benefit.” (emphasis added)
2. Pursuant to Article 5 (3) (a) of the East African Treaty, partner states commit to the attainment of sustainable growth and development by the promotion of a more “equitable economic development within the Partner States and which would in turn, raise the standard of living and improve the quality of life of their populations.”
3. Article 5 (3) (h) of the East African Treaty obligates partner states to undertake such other activities calculated to further the objectives of the community, as partner states may from time to time undertake in common.
4. Article 6(d) of the East African Treaty noting the fundamental practices of the community include “good governance including adherence to the principles of democracy, the rule of law, accountability, transparency, social justice, equal opportunities, gender equality, as well as the recognition, promotion and protection of human and peoples rights in accordance with the provisions of the African Charter on Human and Peoples’ Rights.”
5. Article 102 of the East African Treaty emphasises strengthening and cooperation on education.
6. Article 117 (b) of the East African Treaty emphasises the promotion of the management of health delivery systems and better planning mechanisms to enhance efficiency of health care services within the Partner States.
7. Article 120 of the East African Treaty emphasises “a common approach towards the disadvantaged and marginalised groups” and with regard to poverty alleviation and working conditions.
8. Article 122 of the East African Treaty which recognises importance of women as “vital economic link.”
9. Article 130 of the East African Treaty particularly 130(4): “The Partner States shall accord special importance to co-operation with the Organisation of African Unity, United Nations Organisation and its agencies, and other international organisations, bilateral and multi-lateral development partners interested in the objectives of the Community.”
10. The African Charter on Human and Peoples Rights (the Banjul Charter).
11. The African Union Agenda 2063
12. The 2030 Agenda for Sustainable Development

13. The African Commission on Peoples and Human Rights' recent landmark General Comment No 7: State Obligations Under the African Charter on Human and Peoples Rights in the Context of Private Provision of Social Services re-affirms the state's primary obligation to fund functional public services and regulate private actors in social services² and Resolution 434, on the Need to Develop Norms on States' Obligations to Regulate Private Actors in the Provision of Social Services.
14. The Protocol to the African Charter on the Right of Citizens to Social Protection and Social Security, 2022.
15. The Abidjan Principles on the Right to Education³ re-emphasize the obligations of the state to provide public education and regulate private actors in education.
16. This year the African Union declared 2024 the year of education.⁴
17. The Africa We Want: Reclaim Public Services, a People's Manifesto.⁵

Why access to quality, inclusive and gender-responsive public services is important?

1. Improved public service delivery in key sectors like health, education, and social protection plays a crucial role in fostering economic development and regional integration, aligning with the fundamental objectives of the East African Community, in furtherance of the realisation of the AU 2063 Agenda and the realization of the Sustainable Development Goals (SDGs).
2. Public services are key for persons to enjoy their social and economic rights as provided for under the different laws of the treaty states.
3. Quality public services are key to building trust among citizens and fulfilling the social contract between partner states and their citizens. This approach aligns with the East African community commitment to harmonious development that benefits every partner state.
4. Quality public services are integral to the principles of good governance, social justice, and accountability, key pillars to the fundamental principles that govern partner states as outlined under Article 6 (d) of the treaty.
5. Quality public services empower women. Women are most detrimentally affected when there is poor quality public education, limited public health services and limited social protection.

² <https://achpr.au.int/en/documents/2022-10-20/general-comment-7-state-obligations-under-african-charter-human> (last accessed 1 March 2024).

³ <https://www.abidjanprinciples.org> (last accessed 1 March 2024).

⁴ https://au.int/sites/default/files/documents/43425-doc-EX_CL_1476_XLIV_Rev.1_-_CONCEPT_NOTE_with_Roadmap_AU_Theme_E.pdf (last accessed 1 March 2024).

⁵ <https://iser-uganda.org/wp-content/uploads/2023/10/The-Africa-we-want-manifesto-Final.pdf> (last accessed 1 March 2024).

East Africa Community partner States, to date, struggle with weak public health services and inadequately equipped public schools, lack of access to clean and safe water, expensive and often inaccessible electricity, and limited social protection.

What explains the poor state of public service delivery in East African partner states?

6. **Under investment and limited resources:** Many East African partner states face public budget constraints and limited resources allocated towards public services, resulting in inadequate infrastructure, understaffed facilities, and a lack of essential supplies and equipment. No East African country has met the Abuja declaration target for health. Current health spending in Africa is \$188 per capita compared to \$4000 in high income countries.³ World Bank has noted that low income countries will have to double their pre-pandemic health spending.⁶ By contrast, East African countries intend to reduce annual public spending by \$4.7 billion.⁷ Such underinvestment compromises equitable and quality public service delivery especially detrimentally impacting the poor. Only 1% of the poorest children in South Sudan completed school.⁸ In Tanzania, 6 in 10 children aged 10-14 in public schools can't read or understand a simple text.⁹ The World Bank assessment of East and Southern Africa found 8 in 10 children struggle to read and understand a simple text by age 10 and are "learning poor."¹⁰ Over 18 million girls in Africa miss school.¹¹ In sub-Saharan Africa, lifetime learning loss is estimated to be US\$300 million, or 7 per cent of GDP.⁴

⁶ World Bank (2021) From Double Shock to Double Recovery – Implications and Options for Health Financing in the Time of COVID-19 Technical Update: Widening Rifts,

[https://openknowledge.world-](https://openknowledge.worldbank.org/bitstream/handle/10986/35298/From_Double_Shock_to_Double_Recovery%20Revision%2020210916.pdf?sequence=5&isAllowed=y)

[bank.org/bitstream/handle/10986/35298/From_Double_Shock_to_Double_Recovery%20Revision%2020210916.pdf?sequence=5&isAllowed=y](https://openknowledge.worldbank.org/bitstream/handle/10986/35298/From_Double_Shock_to_Double_Recovery%20Revision%2020210916.pdf?sequence=5&isAllowed=y) (last accessed 7 March 2024)

⁷ Oxfam (2021) Extreme Inequality in Numbers p.4, <https://www.oxfam.org/en/east-africa-extreme-inequality-numbers#:~:text=Even%20before%20COVID%2D19%2C%20debt,spending%2028%20times%20as%20much> (last accessed 1 March 2024).

⁸ Oxfam (2021) Extreme Inequality in Numbers p.4, <https://www.oxfam.org/en/east-africa-extreme-inequality-numbers#:~:text=Even%20before%20COVID%2D19%2C%20debt,spending%2028%20times%20as%20much> (last accessed 1 March 2024).

⁹ Twaweza (2023) Delivering quality education? 10 insights from public primary schools in Tanzania, https://twaweza.org/wp-content/uploads/2023/11/2023_KF_BL_report_10insights.pdf (last accessed 11 March 2023).

¹⁰ World Bank, Ending Learning Poverty: What Will it Take?,

[https://thedocs.worldbank.org/en/doc/e52f55322528903b27f1b7e61238e416-](https://thedocs.worldbank.org/en/doc/e52f55322528903b27f1b7e61238e416-0200022022/original/Learning-poverty-report-2022-06-21-final-V7-0-conferenceEdition.pdf)

[0200022022/original/Learning-poverty-report-2022-06-21-final-V7-0-conferenceEdition.pdf](https://thedocs.worldbank.org/en/doc/e52f55322528903b27f1b7e61238e416-0200022022/original/Learning-poverty-report-2022-06-21-final-V7-0-conferenceEdition.pdf) (last accessed 11 March 2023).

¹¹ Action Aid, ISER et al. (2024), Transforming Education Financing in Africa: A Strategic Agenda for the African Union Year of Education,

https://actionaid.org/sites/default/files/publications/Transforming_Education_Financing_in_Africa_report.pdf (last accessed 1 March 2024).

7. **Illicit financial flows (IFFs), corporate tax exemption and the failure of the wealthy pay their fair share of tax deprives partner states of valuable resources that would fund public services in East Africa.** For example in Tanzania, just a half of the amount lost annually to IFFs, US \$1.83 million could potentially finance Tanzania's social protection program for five years.¹² Uganda lost the equivalent of half of its 2020/21 health budget in IFFs.¹³ Across the continent, the equivalent of US\$29 billion in education finance was lost due to low tax and tax avoidance by multinational companies and wealthy individuals.¹⁴ Making multinational companies and the wealthy pay their fair share of tax is key to ensure sufficient investment in public services. A raise of the tax to GDP ratio by 5 percentage points could raise US\$146 billion per year in Africa.¹⁵
8. **East Africa is yet to leverage its abundant natural resources to fund public services.** East Africa is blessed with a number of mineral resources including titanium, fluor spar, zirconium, gold, diamond, oil, gas, cobalt, nickel, copper, iron ore, coal, uranium.¹⁶ In the context of social justice and good governance, achieving inclusive development encompasses conscientious utilization of natural resource and fair allocation of the available resources to finance quality public services and foster inclusive development.
9. **Partner states' exponentially growing debt burden that is diverting resources meant for public services towards debt repayments.**¹⁷ The region's debt levels are above the IMF debt to GDP ratio of 50%. In 2020-2021, more than a third of government revenues

¹² Afrodad (2022) Linkages between Illicit Financial Flows and Social Protection at p.22, <https://afrodad.org/wp-content/uploads/2023/01/Linkages-Between-Illicit-Financial-Flows-and-Social-Protection-Eastern-and-Southern-Africa.pdf> (last accessed 1 March 2024).

¹³ ISER(2022) Curb Illicit Financial Flows to Fund Public Services in Uganda, https://iser-uganda.org/wp-content/uploads/2022/07/Curb_Illicit_Financial_Flows.pdf (last accessed 1 March 2024); ISER (2022) Corporate Income Tax Structure and the Realisation of Human Rights in Uganda, https://iser-uganda.org/wp-content/uploads/2022/07/Corporate_Income_Tax_structure_and_the_realization_of_human_rights_in_Uganda.pdf (last accessed 1 March 2024); ISER (2022) Leveraging Progressive Taxation to Fund Public Services, <https://iser-uganda.org/wp-content/uploads/2022/10/Leveraging-Progressive-Taxation-to-Fund-Public-Services.pdf> (last accessed 1 March 2024).

¹⁴ Action Aid, ISER et al. (2024), Transforming Education Financing in Africa: A Strategic Agenda for the African Union Year of Education, https://actionaid.org/sites/default/files/publications/Transforming_Education_Financing_in_Africa_report.pdf (last accessed 1 March 2024).

¹⁵ Action Aid, ISER et al. (2024), Transforming Education Financing in Africa: A Strategic Agenda for the African Union Year of Education, https://actionaid.org/sites/default/files/publications/Transforming_Education_Financing_in_Africa_report.pdf (last accessed 1 March 2024).

¹⁶ <https://www.eac.int/why-invest-in-eac/natural-resources#:~:text=The%20region%20is%20also%20endowed,copper%2C%20coal%20and%20iron%20ore> (last accessed 11 March 2024).

¹⁷ International Monetary Fund, World Economic Outlook Database, April 2023

in East Africa (35.2%) were used on debt servicing.¹⁸ More money is spent servicing debt than public services like health, education and social protection.¹⁹ For example Governments in East African countries have spent five times their health budget on debt repayment with South Sudan spending 28 times its health spending on debt.²⁰

10. Government's unrealized mandate to adequately monitor and regulate private actors' involvement in the provision of public services has undermined people's access to affordable quality public services, particularly, the poor and the vulnerable. Across East African states, private health facilities hold people hostage for failure to pay medical bills, and charged exorbitant prices for life saving essentials like oxygen during the pandemic.²¹ Private schools charge exorbitantly aggravating inequality and exclusion with a growing discriminatory gap.

In line with the Africa Manifesto on Public Services, we call on the East African Legislative Assembly to ensure **proper stewardship, financing and public commitment to equitable, quality public services:**

11. Partner states adequately finance quality public services.

- a. Partner states meet commitments for financing public services, for example the Abuja Declaration²².

¹⁸ Oxfam (2021) Extreme Inequality in Numbers p.4, <https://www.oxfam.org/en/east-africa-extreme-inequality-numbers#:~:text=Even%20before%20COVID%2D19%2C%20debt,spending%2028%20times%20as%20much> (last accessed 1 March 2024).

¹⁹ ISER (2022) Uganda's Rising Debt and Public Services: A Human Rights Impact Assessment, https://iser-uganda.org/wp-content/uploads/2022/09/Ugandas_rising_debt_and_public_services.pdf (last accessed 1 March 2024).

²⁰ Oxfam (2021) Extreme Inequality in Numbers, <https://www.oxfam.org/en/east-africa-extreme-inequality-numbers#:~:text=Even%20before%20COVID%2D19%2C%20debt,spending%2028%20times%20as%20much> (last accessed 1 March 2024).

²¹ Global Initiative for Social and Economic Rights (2022) Patients or Customers? The Impact of Commercialised Healthcare on the Right to Health in Kenya during the COVID-19 Pandemic, <https://gi-escr.org/en/resources/publications/the-impact-of-commercialised-healthcare-in-kenya> (last accessed 1 March 2024); ISER (2021) Profiteering Off A Pandemic: Private Sector and Health Services in Uganda during Covid 19, https://iser-uganda.org/wp-content/uploads/2022/03/Profiteering_off_a_pandemic.pdf (last accessed 1 March 2024); ISER (2021). How Did We Get Here? Uganda's Medical Oxygen Crisis, https://iser-uganda.org/wp-content/uploads/2022/03/How_did_we_get_here.pdf (last accessed 1 March 2024); Oxfam (2023) Sick Development, <https://www.oxfam.org/en/research/sick-development> (last accessed 1 March 2024).

²² < <https://au.int/sites/default/files/pages/32894-file-2001-abuja-declaration.pdf> > (last accessed 7 March 2024).

- b. Partner states refrain from austerity measures that undermine financing for public services.
- c. Partner states implement fair and progressive taxation policies and ensure that the wealthy pay their share of taxes.
- d. Partner states curb tax leakages like illicit financial flows, corruption, unjustified tax exemptions, and tax abuse among others.
- e. Partner states rethink the international financial architecture that deprives the community of vital natural resources. This includes supporting a reform of the global tax rules like the UN Framework Convention on International Tax Cooperation²³ and sovereign debt cancellation.

12. Partner states ensure **proper stewardship of public services and regulate private actors providing public services.**

- a. Partner states regulate private actors providing public services in law and practice.
- b. Make recommendations to the partner states on the adherence to international human rights standards on public services especially General Comment N^o.7 State Obligations Under the African Charter on Human and Peoples Rights in the Context of Private Provision of Social Services.
- c. Regularly monitor, assess and report on the state of public services provision throughout the East Africa community. This assessment should underpin partner states' policy approach towards improved essential service delivery.
- d. Strengthen cooperation with AU organs and regional parliaments on matters concerning public services like health and education.
- e. Make a resolution recalling the state obligations towards the delivery of quality public services and develop an East African law on public services that would serve as a guide for states and ensure standardization of services that would make portability easier as we move towards full integration and add new member states to the grouping.

13. Partner states **reinforce their commitments to equitable public services:**

- a. Partner states tackle intersectional discriminatory practices that bar their peoples from equitably accessing quality public services.
- b. Partner states establish mechanisms to ensure inclusive and meaningful participation of the populace in the design, implementation, and monitoring of public service delivery.
- c. Ratify the Protocol to the African Charter on the Right of Citizens to Social Protection and Social Security, 2022

²³ ISER (2023) UN Members Agree to a Framework Convention on International Tax Matters: Here is Why it Matters for Public Services in Africa, <https://iser-uganda.org/wp-content/uploads/2023/11/UN-Member-agree-to-a-Framework-Convention-on-International-Tax-Matters.pdf> (last accessed 1 March 2024).

Sincerely,



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