

# 4th ANNUAL NATIONAL CONFERENCE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

20th - 21st September 2017

## CONCEPT NOTE

**Topic:** *Devolution and Service Delivery*

### Theme:

*Local Government and Service Delivery in Uganda: Achievements, Challenges and the Way Forward*

### **1. Introduction**

In the last three decades, both political and development scientists have promoted devolution of governmental powers and functions as a vehicle through which to promote democracy, empower communities and bring services closer to the people. Devolution has also been viewed as a way of promoting greater participation of local communities in their localities with the effect that it allows for the expression and accommodation of diversity. It is also a form of promoting self-determination. Devolution has taken many forms, the most extreme in some countries being federalism, while others have opted for decentralization, with the centre holding substantial powers. Decentralisation has taken the form of the creation of local government structures, with a mix of both elected officials and appointed bureaucrats. Indeed, in the 1980s, peaking in the 1990s, several international organisations, including the International Monetary Fund (IMF) and the World Bank advocated for devolution of governmental powers. It is in this context that many countries in Africa, Uganda inclusive, devolved powers and functions.

In the case of Uganda, devolution has taken the form of decentralisation, which dates back to the colonial state under which it was designated as local administration. However, after some political disagreements, the system disintegrated following the adoption of the Republican Constitution in 1967, which built a strong unified central government. The last blow to decentralisation came during the dictatorship of the Idi Amin government (1971 to 1979). However, in 1987 the new National Resistance Movement (NRM) government, took steps to re-establish local governance. More concrete measures came in 1993 when the Local Government (Resistance Council) Statute, Act 15 of 1993, was adopted, devolving a number of powers to elected local councils. This was followed with a more comprehensive legal framework in the 1995 Constitution. The Constitution announced that the state would be guided by the principle of decentralisation and devolution of governmental functions and powers to the people at appropriate levels where they can best manage and direct their own affairs. Among the constitutional local government principles is the principle of ensuring peoples' participation and democratic control in decision-making, in addition to ensuring the full realisation of democratic governance at all local levels. In terms of functions, the local governments exercise executive functions, defined legislative powers and, uniquely, some judicial powers. In 1997, the Local Government Act was adopted to effect the Constitution.

It is in the above context that local government and service delivery should be considered, especially because the services they deliver are critical to the realization of ESCRs. The law considers the district to be the lowest level of government, followed by lower structures from sub-county through to the parish up to the village. The local government structures are manned by both elected and appointed officials. Several services have since been devolved to the local governments, with Government arguing that decentralisation is a means of bringing services closer to the people. This is the reason government has advanced in the creation of more districts, which has seen an increase from less than forty in 1986 to over 110 in 2016. Notably, the role of local governments in service delivery will be critical to the realization of the Sustainable Development Goals (SDGs).

The questions that could be asked though are as follows: Has decentralisation and district creation resulted in improved service delivery in sectors such as education, health care, water and sanitation, housing, electricity and road infrastructure close to the people? How have local governments performed in the last 20 years as far as service delivery is concerned? What challenges have local governments faced and how could these be overcome? Are there lessons and best practices that could be learnt from other jurisdictions? What is the role of the citizens/beneficiaries in service delivery processes at the local government level? Are local governments well capacitated to play their role in achieving the Sustainable Development Goals? It is these and other questions that will be addressed at the **4th Annual National Conference on Economic, Social and Cultural Rights**.

### **The 4th Annual National Conference on Economic, Social and Cultural Rights**

The idea of an Annual Conference on Economic, Social and Cultural Rights was born in 2014, at the behest of Government processes that flagged the need for constitutional reforms. The Conference was at the time conceived as a forum to advocate for the inclusion of economic, social and cultural rights in the Constitution. At the 1<sup>st</sup> Conference in September 2014, the question of the justiciability of ESCRs took centre stage. The 2<sup>nd</sup> Conference in September 2015 confronted the subject of the state of socio-economic services, focusing particularly on the issue of exclusion and vulnerability. The subject of development planning and use of the Human Rights Based Approach as well featured prominently at the 2<sup>nd</sup> Conference. The subject of business and human rights was flagged as a serious issue. One of the outcomes of the 2<sup>nd</sup> Conference was the birth of the Uganda Consortium on Corporate Accountability (UCCA) including a decision that the 3<sup>rd</sup> Conference addresses the subject of business and human rights under the theme: *Accountability versus Social Responsibility in the Era of Business Human Rights Abuses in Uganda: International and Domestic Policy and Legal Responses*.

From the 3rd Conference, it was decided that the 4th Conference should address the subject of local government and the realisation of economic, social and cultural rights. Much as districts have been flagged as vehicles for the realisation of these rights, the reality presents another picture. Local Governments not only have capacity challenges but have serious resource deficits, which has crippled their performance. Yet, as a matter of fact, crucial powers and functions that would enhance the performance of these governments have remained at the centre. It is on the basis of this that the reality of local governance should be unmasked; challenges discussed and a way forward found.

### **a. Objectives of the Conference**

The aim of the 4th Conference is to contribute to public dialogue about local governance and service delivery in order to find solutions to the problems constraining effective service delivery by local governments. The specific objectives are:

- a) To put in context local governance in Uganda and its relationship with the realisation of economic, social and cultural rights as manifested in the delivery of such services as education, health care, water and sanitation, electricity and infrastructure services, among others;
- b) To examine the performance of local governments in Uganda as far as service delivery is concerned and the challenges they face with a view of finding solutions and charting a way forward in this regard;
- c) To examine the role of social accountability and citizen participation in influencing social service delivery;
- d) To examine the capacity of the local governments as key vehicles for realization of the Sustainable Development Goals; and
- e) To discuss comparative approaches as far as local government service delivery is concerned with a view of determining best practices that could be emulated

### **3. Participants and structure for the conference:**

The Conference is targeting up to 600 participants including policy makers, corporate actors, private sector, officers from independent statutory bodies, practitioners and activists, academics, researchers, development partners, community groups and members of the general public who will be directly involved in the conference. The wider population in Uganda will benefit indirectly from the outcomes of the conference.

Participation in the conference is open to all members of the public, but key stakeholders and special interest groups will be targeted for specific invitations to provide particular input.

The conference will comprise of Keynote speeches by eminent persons, panel discussions and plenaries. There will also be exhibitions by organizations working on ESCRs and documentary screenings.

### **4. Venue and Time**

The Conference is scheduled to take place from 20th - 21st September 2017 at the Makerere University Main Hall. The venue for the Conference was carefully selected to enable open access by the public and target university students who constitute a big percentage of the youth population and the future leaders of the country.

## **5. Expected outcomes:**

The conference is expected to be agenda-setting, and to produce tangible outcomes, including but not limited to raising awareness about the relationship between local governance and the realisation of economic, social and cultural rights. This in addition to examining the challenges local governments face and finding practical solutions to these challenges. The Conference will generate a report summarising key debates and discussion, and a Resolution detailing key messages to policy makers resulting from the discussions at the Conference. Most importantly, however, the Conference intends to bring ESCRs into the larger national policy debates and increase knowledge and understanding about ESCRs in Uganda.

## **6. About the Organizers:**

### **Initiative for Social & Economic Rights (ISER)**

ISER is an independent, not-for-profit human rights organization responsible for promoting the effective understanding, monitoring, implementation and realization of Economic and Social Rights in Uganda. This they do by promoting a Human Rights Based approach to the design and implementation of legal and policy frameworks relating to Economic and Social Rights; building awareness about Economic and Social Rights and exploring strategies for securing their realization; broadening individuals' and communities' access to Economic and Social Rights in Uganda; strengthening community participation in the design and implementation of social and economic policies and programs that affect them; ensuring government accountability for Economic and Social Rights through community empowerment; and mobilizing and building capacity of Non Governmental organizations and the media to advocate more effectively for Economic and Social Rights including using Regional and International mechanisms. ISER also hosts the Uganda Consortium on Corporate Accountability (UCCA).

### **Human Rights Network – Uganda (HURINET)**

Human Rights Network–Uganda (HURINET–U) was established in 1993 by a group of eight human rights organizations and was formally registered as an independent, non–partisan and not for profit organization in 1994. The identity of HURINET–U lies with its diverse membership of over 50 members across the country. Membership is drawn from national and international organizations that are committed to a wide range of human rights issues which are complementary in terms of areas of focus including Child Rights, Women's Rights, Peace and Conflict Resolution, Economic, Social and Cultural Rights and Civil and Political Rights. HURINET–U is currently a hub to 8 national coalitions that include; The National Coalition on Human Rights Defenders, The National Coalition for Police Accountability and Security Sector Reform, The National Coalition on Economic, Social and Cultural Rights, The National Coalition on Access to Information, The Uganda Coalition on the International Criminal Court, The National Coalition for Transitional Justice in Uganda, The National Coalition on Human Rights Education, The National CSO Stakeholders' Forum on the Universal Periodic Review Mechanism. The mission of HURINET–U is; to foster the promotion, protection and respect of human rights in Uganda though lining and strengthening the capacities of member organizations. The vision of HURINET–U is to work towards; a society free of human rights abuse.

### **Centre for Health, Human Rights and Development (CEHURD)**

CEHURD is an indigenous, non-profit, research and advocacy organization which is pioneering the enforcement of human rights and the justiciability of the right to health in Eastern Africa. CEHURD was founded in 2007 and was registered under the laws of Uganda as a company limited by guarantee. It was formed to contribute towards ensuring that laws and policies are used as principal tools for the promotion and protection of health and human rights of populations in Uganda and in the East African region. CEHURD realizes this through a set of programs: (1) Research, Documentation and Advocacy; (2) Community Empowerment; and (3) Strategic Litigation. CEHURD focuses its efforts on critical issues of human rights and health systems in East Africa such as sexual and reproductive health rights, trade and health, and medical ethics which affect the vulnerable and less-advantaged populations such as women, children, orphans, sexual minorities, people living with HIV/AIDS, persons with disabilities, internally-displaced persons, refugee populations and victims of violence, torture, disasters and conflict.

### **The Public Interest Law Clinic (PILAC)**

The Public Interest Law Clinic (PILAC) is the premier University Based Law Clinic in Uganda. Established in 2012, PILAC seeks to promote Social Justice through hands-on experiential learning as well as exposing students to 'live' cases of individuals who have been confronted by the law in its varied manifestations. The Clinic has a Clinical Legal Education (CLE) programme, which is intended to equip law students with public lawyering skills. PILAC has also extended the benefits of hands-on practical learning through the establishment of a Community Law Programme and mobile clinic (CLAPMOC), which is used to extend legal literacy sessions and other legal services to the communities around the university. PILAC also hosts the Network of Public Interest Lawyers which is an umbrella organization that brings together individual lawyers, CSOs/NGOs and law firms committed to public interest litigation and advocacy.

### **Uganda Human Rights Commission (UHRC)**

Uganda Human Rights Commission is a national human rights institution that was established on 6<sup>th</sup> November 1996 to promote and protect human rights in Uganda. Under Article 52 of the Constitution of the Republic of Uganda, 1995, its functions include monitoring the enjoyment and realization of all human rights (ESCR rights inclusive) in Uganda and Government's compliance with international treaties and conventions it has ratified. It also receives and initiates complaints of ESCR related abuses/violations and conducts ESCR advocacy and sensitization activities with stakeholders at national level and at the grassroots. UHRC produces Annual and Special Reports on its findings and recommendations and they are submitted to Parliament of Uganda to follow up implementation from its stakeholders. In May 2016, Uganda Human Rights Commission (UHRC) and the Danish Institute for Human Rights (DIHR) launched a preliminary web-based country guide that aims to be a resource for businesses, Civil Society Organizations, Governments, multilateral institutions and all other relevant local and international actors, to enable these actors ensure that business fosters sustainable development in line with human rights standards. UHRC is accredited with "A status" by the Global Alliance of National Human Rights Institutions (GANHRI), Geneva Switzerland, giving it enhanced access to the United Nations human rights system. It is also a member of the Network of African NHRI (NANHRI).

### **Global Rights Alert (GRA)**

GRA was established in 2008 and is a leading Non- Governmental Organization addressing natural resource governance in Uganda. The organization works to promote good governance in the management of Uganda's Oil, Gas and other Minerals. With human rights based approach in our interventions, GRA supports local communities 'access to information and create platforms for citizens' participation in decision making. Furthermore, because natural resource governance and exploitation often increases human rights risks and violations, GRA facilitates communities affected by natural resource exploitation to access justice. GRA supports communities by building their capacity to; advocate for transparency and accountability; monitor human rights trends and give them skills to meaningfully support the country's development programs. Building on human rights standards and principles, GRA works to ensure there is inclusion and equality in development processes with marginalized groups such as the poor; women, children and youth are specifically reached out to. Because free and informed civic engagement is an essential element for development in any democratic nation, GRA works to ensure that there is space for non-state actors- including citizens as individuals or in organized groups to speak, fulfill their responsibilities and hold duty bearers to account. In partnership with national and global actors, the organization advocates for the implementation of Extractives Industries Transparency Initiative (EITI).