Integrating Legal Empowerment and Social Accountability for improved local government performance and governance in the districts of Koboko and Maracha (LESA Action)

September 2020

Development Initiative for Northern Uganda (DINU) Project baseline report

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Abbreviations and acronyms

CBO	Community Based Organizations
CEHURD	Center for Health, Human Rights and Development
CSO	Civil society organization
DRC	Democratic Republic of Congo
DINU	Development Initiative for Northern Uganda
FGD	Focus group discussion
FY	Financial year
IEC	Information, education and communication
LC	Local Council
LESA	Legal Empowerment and Social Accountability
LLG	Lower local government
M&E	Monitoring and evaluation
NDP	National Development Plan
NGO	Non-governmental organization
NSA	Non-state actors
OPM	Office of the Prime Minister
PICOT	Partners in Community Transformation
UGX	Uganda shillings
USD	United States Dollars

ACKNOWLEDGEMENT

ABSTRACT

Center for Health, Human Rights and Development (CEHURD) and Partners in Community Transformation (PICOT) will be implementing a project titled, "Integrating Legal Empowerment and Social Accountability for improved local government performance and governance in the districts of Koboko, and Maracha" (LESA Action), under the Development Initiative for Northern Uganda (DINU). The objective of the project is to promote accountable and responsive service delivery in Koboko and Maracha districts using an innovative blend of Legal Empowerment and Social Accountability (LESA) strategies.

This study aimed to collect baseline data on project output and outcome indicators against which project results will be measured. The study used a mixed method design sequentially employing both descriptive cross-sectional and exploratory qualitative designs.

The key findings are: There are knowledge gaps on the mandates of key duty bearers; duty bears report they currently have capacity gaps, and are unable to effectively fulfill all their roles and responsibilities due limited facilitation of their offices; the RDCs appreciated more of their monitoring role than that of coordination; and women remain under-represented and disempowered. Duty bearers reported to engage citizens through community dialogue meetings (Barazas) but these are irregular. Engagement with other stakeholders is largely unstructured; planning meetings have not been effective in enabling citizens to influence the local government budgeting process; CSO's involved in governance-related work were few; citizen satisfaction with public services was generally low; and the capacity of citizens to hold duty bearers accountable is limited.

The study recommends the strengthening of the capacity of the duty bearers on their roles and responsibilities, as well as in governance and the local government legal and policy framework; enhancement of citizen awareness of the planning and budgeting processes, the opportunities and importance of their participation, and the mandates of the different duty bearers and feedback and accountability mechanisms; formalization of the modes of stakeholder engagement by local governments; and strengthening of the coordination and linkage of the different interventions in the in the Northern and West Nile regions generally and in the project districts specifically.

1.1   Introduction

Experience has shown that when communities are given clear and transparent rules, access to information, and appropriate technical and financial support, poor communities can effectively organize to identify community priorities and address local problems by working in partnership with local governments and other institutions to build small-scale infrastructure and deliver basic services.[1] Local governance has been promoted as a structural arrangement through which local people and communities can participate in the fight against poverty at close range. [2] Under the decentralization policy, service delivery institutions and their governance are decentralized in order to improve access to services, particularly for the rural poor.[3]

The 1995 Constitution of the Republic of Uganda as amended provides for community participation in governance matters. It provides that the State shall be based on democratic principles which empower and encourage the active participation of all citizens at all levels in their own governance (National Objective II (i)). The supreme law further provides that the 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 (National (Objective II (iii))

Accordingly, the Government of Uganda adopted a decentralization strategy in 1993, to bring political and administrative control of services at the point where they are actually delivered. Since then, Uganda's decentralization reform has been hailed as exceptional among developing countries in terms of the scale and scope of the transfer of power and responsibilities to the local level,[4] and such praise obviously makes Uganda's decentralization program a model for other countries to emulate.[5]

Under the legal framework created by the Local Government Statute (1993), the 1995 Constitution and the Local Government Act (1997), a thorough Local Council (LC) system was set up at five different government levels, ranging from the village (LC I), parish/ward (LC II), subcounty (LC III), county/municipality (LC IV), to the district/ city (LC V).

The District Local Council and the Sub county Council are established as corporate legal entities under the Local Governments Act (cap. 243) 1997 and are vested with powers to:

1.   Enact local laws necessary for the effective governance of the areas within their jurisdiction;
2.   Ensure accountability and transparency in conducting council business and using council funds;
3.   Ensure effective planning / budgeting to spur development and delivery of public services, and
4.   Monitor the delivery of public services on priority national programs.

1. The World Bank. Community-driven development. https://www.worldbank.org/en/topic/communitydrivendevelopment
2. Kauzya J.M (2003) Local government capacity building for full range participation: concepts, frameworks and experiences in African countries. ST/ESA/2003/DP 33 DESA Discussion Paper No. 3, United Nations
3. Bashaasha B, Mangheni M.N and Nkonya E (2011) Decentralisation and rural services delivery in Uganda. IFPRI Discussion Paper 01063
4. Steiner S (2006) Decentralisation in Uganda: Exploring the constraints for poverty reduction. GIGA working Paper No.31
5. David K.W. Ssonko, 2013. Decentralisation and development: Can Uganda now pass the test of being a role model? Commonwealth Journal of Local Governance, Issue 13/14: November 2013. http://epress.lib.uts.edu.au/ojs/index.php/cjlg

The main rationale was to transfer planning, decision-making and administrative authority from the central government to local governments; and to give people a greater chance to participate in development planning, decision-making and implementation. No doubt, the LC system has increased the opportunities for ordinary Ugandans to participate in the political governance processes of the country.[6] And, as part of the affirmative action program, one third of all council seats are reserved for women delegates.

The recently-published Third National Development Plan (NDP III) 2020/21-2024/25 has identified 18 program areas that have been designed to deliver an average economic growth rate of 7%, increase income per capita to USD 1,300, lower the poverty rate to 15.4%, reduce income inequality to 0.39 Gini-coefficient; and further improve health and education outcomes of the population. Among these programs is the Community Mobilization and Mindset Program, which aims "to empower families, communities and citizens to embrace national values and actively participate in sustainable development." Key results under this program include: increased participation of families, communities and citizens in development initiatives; and better uptake and/or utilization of public services (education, health, child protection, etc.) at the community and district levels, among others.

However, the implementation of decentralization appears to have concentrated more on administrative objectives as a means of promoting popular democracy and less on service delivery which would have led to economic transformation and better lives for the majority of Ugandans, and now new districts are being created without corresponding improvements in service delivery.[7] Vision 2040 has identified weak civil society and civic participation as one of the challenges constraining the country's development.

The NDP III acknowledges that failure to accompany the decentralization of social service provision with fiscal decentralization has made the decentralization policy inefficient, pointing out that services are "largely re-centralized"[8] and the share of the budget executed at local governments is "dismal". While the number of local governments has increased from 133 (including municipalities) in FY 2015/16 to 168 in FY 2018/19, the share of local government transfers of the national budget has on average stagnated around 10%, below the NDPII target of 30%, making it very difficult for local governments to deliver on their mandate and undermining the quality of social services, including education, health, roads, agricultural extension, and natural resources management, among others.

Under NDP III, Government intends to enhance the involvement of NGOs/CSOs at national, sector and local government levels in annual planning, and to strengthen social accountability by introducing community score cards of local government performance.[9] Social accountability, which means engaging citizens in holding public officials and service providers accountable, is a popular remedy for public sector performance weaknesses, figuring prominently in many international donor-funded projects and leading to widespread replication.[10]

Research on the politics and governance of service delivery in developing countries has highlighted the importance of accountability as a driver of effective service delivery, good governance, and citizen empowerment.[11] Legal empowerment refers to the use of laws and human rights frameworks to increase relatively powerless populations'

6. Julia Kloess, 2004. Uganda's decentralization program and its consequences for women's empowerment. Student Research, University of Economics and Business Administration (WU Wien)

7. David K.W. Ssonko, 2013. Decentralisation and development: Can Uganda now pass the test of being a role model? Commonwealth Journal of Local Governance, Issue 13/14: November 2013. http://epress.lib.uts.edu.au/ojs/index.php/cjlg

8. Some of the services that have been recentralized include building primary school classrooms, toilets and providing furniture under Ministry of Education and building health centres under Ministry of Health.

9. Program intervention under Objective 4: 'Strengthen the performance measurement and management frameworks for local leadership and public sector management.'

10. Derick W. Brinkerhoff and Anna Wetterberg, 2015. Gauging the effects of social accountability on services, governance, and citizen empowerment. Public Administration Review. https://onlinelibrary.wiley.com/doi/full/10.1111/puar.12399

11. Richard Batley, Willy McCourt, and Claire Mcloughlin, 2012. The politics and governance of public services in developing countries. Public Management Review, 14(2):131-45.

control over their lives. [12] Legal empowerment can help curb corruption and promote accountability in education, health, budgeting, formal and informal justice systems, and democratic governance.[13] Legal empowerment substantially overlaps with social accountability approaches, since social accountability, at least implicitly, often involves people learning about and acting on their rights to health, education, and other government services.[14]

Social accountability uses information, participation and civic engagement to facilitate citizen demand for more effective public services.[15] A key aspect of social accountability is that communities define their goals and work to attain them. Social accountability incorporates both collaborative and confrontational strategies,[16] but non-confrontational approaches, particularly the community scorecard, have been more popular. [17]

There has been successful citizen engagement with state actors to enforce accountability for service delivery, including in Uganda. In the health sector, for instance, these approaches have been relatively useful in addressing absenteeism, medicine stock-outs, discrimination and petty corruption.[18]

Another randomized field experiment[19] on community-based monitoring of public primary health care providers in Uganda found that communities that had been encouraged through village meetings to be more involved with the state of health service provision and had their capacity strengthened by localized NGOs to hold their health providers to account for performance, had become more involved in monitoring the providers, and the health workers were investing higher effort into serving the community. The study documented large increases in utilization and improved health outcomes – reduced child mortality and increased child weight – that compare favorably to some of the more successful community-based intervention trials reported in the medical literature.

However, social accountability has been combined with legal empowerment to deliver more compelling results in improving basic services, including access to justice by vulnerable communities in Uganda. Legal empowerment is defined as "the use of law to increase the control that disadvantaged populations exercise over their lives."[20] It also refers to "the process of systemic change through which the poor and excluded become able to use the law, the legal system and legal services to protect and advance their rights and interests as citizens".[21] Legal empowerment can enhance social accountability interventions by opening new avenues for advocacy and action, and by providing concrete mechanisms for redress for rights violations.

Center for Health, Human Rights and Development (CEHURD) and Partners in Community Transformation (PICOT) will be implementing a project titled, "Integrating Legal Empowerment and Social Accountability for improved local government performance and governance in the districts of Koboko, and Maracha" (LESA Action), under the Development Initiative for Northern Uganda (DINU). DINU is a Government program funded by the European Union through the Office of the Prime Minister. The program aims to improve livelihoods in the five sub-regions of Acholi, Karamoja, Lango, Teso and West Nile.

12. Stephen Golub, 2020. Using legal empowerment to curb corruption and advance accountability. U4 Anti-Corruption Resource Centre, Chr. Michelsen Institute; U4 Issue 2020:4. https://www.u4.no/publications/using-legal-empowerment-to-curb-corruption-and-advance-accountability

13. Stephen Golub, 2020. Using legal empowerment to curb corruption and advance accountability. U4 Anti-Corruption Resource Centre, Chr. Michelsen Institute; U4 Issue 2020:4.

14. Stephen Golub, 2020. Using legal empowerment to curb corruption and advance accountability. U4 Anti-Corruption Resource Centre, Chr. Michelsen Institute; U4 Issue 2020:4.

15. https://www.opensocietyfoundations.org/sites/default/files/lep-working-paper-20120701.pdf

16. Fung, A. & Kosack, S. (2014). Confrontation and collaboration. Blog No.5. Transparency and Accountability Initiative

17. Joshi, A. & Houtzager P.P. (2012). Widgets or watchdogs? Public Management Review, 14:2, 145-162

18. Maru, "Realizing the right to Health", 2015

19. Martina Björkman, Jakob Svensson, 2009. Power to the people: Evidence from a randomized field experiment on community-based monitoring in Uganda. The Quarterly Journal of Economics, vol. 124, Issue

20. Golub S. & McQuay K. (2001). Legal Empowerment: Advancing Good Governance and Poverty Reduction. Law and Policy Reform at the Asian Development Bank

21. Commission on Legal Empowerment of the Poor, (2008). Making the Law Work for Everyone: Volume One., Report of the Commission on Legal Empowerment of the Poor

The LESA Action, which blends social accountability and legal empowerment strategies, will promote accountable and responsive service delivery in the districts of Koboko and Maracha in the West Nile region. The overall objective of the project is to promote accountable and responsive service delivery in the two districts using an innovative blend of Legal Empowerment and Social Accountability (LESA) strategies. This report summarizes baseline data on the key project indicators to inform monitoring and evaluation (M&E), district local government planning, and advocacy during the project implementation period and beyond.

1.2   Objective of the study

The objective of the study was to collect initial data on project output and outcome indicators against which project results will be measured.

2.   METHODOLOGY

This chapter presents the research methodology used in the study and it is presented under the following subheadings: study design, study population, sample size, study setting, sampling procedure, determination, definition of variables, inclusion and exclusion criteria, data collection procedures, data management, research instruments, ethical consideration, analysis, study limitations and dissemination of the results.

2.1   Area of study

The study was carried out in the six project sub-counties in districts of Koboko (North Division, Lobule, and Kuluba) and Maracha (Oluffe, Tara and Oleba sub-counties) in the West Nile region.

Koboko district is situated on the extreme corner of North Western part of Uganda, in West Nile region. It is at the point where Uganda orders the Democratic Republic of Congo (DRC) and South Sudan – the point the three countries meet is called "Salia Musala", a Kakwa word for the traditional "three cooking stones" arranged in a rectangular form. The district is bordered by the Republic of South Sudan in the North, Yumbe district in the East, DRC in the West and Maracha district in the South. The district headquarters are located in Koboko town, approximately 574km from the capital Kampala. The district has a total land area of 820.8 sq.km (316.9 sq. miles), and 1,285m (4,216 ft) above sea level.

On its part, Maracha district started operations during FY 2010/11 after it was created out of the then Maracha-Terego district that existed for three years without clear administrative headquarters. In FY 2010/11, the Maracha-Terego district was collapsed and Maracha district was created with Terego county seceding to Arua district. Therefore, the end of the FY 2019/20 marks nine years of Maracha district existence as a fully-fledged local government with is commercial and administrative headquarters in Maracha Town Council.

Maracha district is made up of one county (Maracha County), seven sub-counties and one town council (Maracha Town Council) with 42 parishes/wards and 411 villages/cells. The 2014 population and housing census estimated the district population at 186,147 people. Maracha District has 8 lower local governments (LLG) Units that is Maracha Town Council, Yivu Sub county, Nyadri Sub county, Tara Sub county, Oluvu Sub county, Oluffe Sub county, Kijomoro Sub county and Oleba Sub county.

2.2   Research design

The study used a mixed method design sequentially employing both descriptive cross-sectional and exploratory qualitative designs. Qualitative methods are especially useful in reflecting participants' points of view and capturing their experiences. The design has also been chosen because it is appropriate in studying groups or populations at a particular point in time.

2.3   Study population

The study population consisted of community members who were above the age of 18 years. The study considered of women and men aged 18 years of age within the six project sub-counties of Koboko and Maracha districts in the

West Nile region of Uganda. The other respondents in the study included district and sub county technical officers and political leaders; as well as civil society representatives.

2.4   Sampling techniques and procedures

A purposive or purposeful sampling strategy that is, hand-picking cases that are expected to benefit for the study, was used. The study used identical sampling techniques where the same participants in FGD were also asked to provide quantitative values to this study. A multilevel sampling was also used to identify duty bearers from this population. An average of 10 participants from each subcounty were carefully selected and in-depth personal interviews were conducted with them.

2.5   Project objectives

The project has three specific objectives, which include:
1. To enhance communities' capacities to hold duty bearers accountable for improved service delivery.
2. To enhance the capacities of duty bearers on their roles and responsibilities in governance for improved service delivery.
3. To build the capacity of Civil Society Organizations (CSO)/Community Based Organizations (CBO) to monitor and assess government's compliance with its obligation to fulfil economic, social and cultural rights.

The dependent variables in this study are the project monitoring and evaluation (M&E) indicators. The study accordingly used the M&E indicators of the project including their gender responsive and good governance aspects, to develop the data collection tools and gather data. The independent variables are: demographic factors, marital status, age, level of knowledge, sex, importance of community participation, role of communities in budgeting process, and service-related structural design.

2.6   Project indicators

The M&E indicators on which data were collected are shown in the table below, along with the variables.

Objectives	Indicators	Variables
Strengthened capacity, gender-responsive good governance and the rule of law at the level of local government authorities and empower communities to participate in improved local service delivery	A gender responsive governance in planning, budgeting, implementing and monitoring of local government processes	• Existence of gender-specific goals/interventions in LG plans, budgets and monitoring processes; • Proportion of citizens that report benefiting from gender-specific interventions.
	Level of citizen participation and accountability in the local government processes	• Opportunities for citizen participation in LG processes; • Citizens that report meaningfully involved in LG processes;
Downward accountability of local governments to its constituents is strengthened by empowering citizens, CSO, media, NSAs, private sectors in their interaction with local governments	% of citizen's satisfaction with delivery of public services, accountability and governance (disaggregated by sex)	• Level of satisfaction with delivery of public services as viewed by women and men; • Proportion of citizens that have utilized existing LG accountability mechanisms; • Level of satisfaction with existing LG accountability mechanisms.
	Level of stakeholder participation in planning, budgeting and monitoring LG programs	• Stakeholders that have participated in planning, budgeting and monitoring of LG programs.
Enhanced communities' capacities to hold duty bearers accountable for improved service delivery	Platforms established to hold duty bearers accountable	• List of existing platforms to hold duty bearers accountable. • Proportion of citizens that are aware of existing platforms to hold duty bearers accountable. • Proportion of citizens that report utilizing existing platforms to hold duty bearers accountable.
To enhance the capacities of duty bearers on their roles and responsibilities in governance for improved service delivery	Number of community plans that advance into implementation phase	• Number of duty bearers who are aware of their roles and responsibilities in the provision and improvement of service delivery. • Number of community plans that have advanced to implementation phase in the past financial year.
	Active involvement of CSOs to monitor and assess government's compliance with its obligations to fulfil economic, social and cultural rights	• Number of CSOs that are aware of the obligations of duty bearers. • Number of CSOs that are aware of existing mechanisms for holding duty bearers accountable. • Number of CSOs that participate in planning, budgeting and monitoring of LG processes and programs.

2.7 Data collection methods and instruments

Data were collected from primary and secondary sources. Primary data consisted of information gathered directly from the respondents in the field through key informant personal interviews and focus group discussions (FGDs). Primary data were collected physically from the respondents. This facilitated the collection of firsthand information directly from service providers, service beneficiaries and program managers at the local government project level at the district and subcounty.

Interview guides were used to collect responses from the respondents. The responses were recorded by the research assistants verbatim; each participant was asked questions in the same order. Key informant interview guides were used to collect data from duty bearers, while focus group discussion (FGD) guides were used to collect data from rights holders/service beneficiaries. Interpreters were used during data collection from the local community representatives who would prefer to communicate in the local language during FGDs to facilitate effective communication between respondents and members of the research team.

Secondary data were collected from official records and reports of the central and local governments. The research team analyzed the district development plans, annual budgets and work plans, and annual reports.

2.8 Data analysis and presentation methods
Data collection took place in June 2020. Raw qualitative data gathered from the field through interviews were transcribed into MS Word computer application, cleaned, edited and analyzed using thematic content analysis.

2.9 Quality control
The data collection tools as drafted by the consultant were submitted to CEHURD for review, input and approval. Members of the research team, including those provided by CEHURD, PICOT and the local government partners were thoroughly briefed and an opportunity given to have their feedback, which was incorporated into the final drafts. The draft findings were presented to the CEHURD team for validation and input, and the feedback informed the drafting of the final report.

2.10 Study limitations
The study was affected by two major challenges. The schedule and design of the study was hampered by the global outbreak of, and response to, the COVID-19 epidemic. The national lockdown and restrictions on public gatherings meant that data collection was delayed and that planned FGDs with community members had to be scaled back due to restrictions on meetings and public gatherings.

2.11 Data storage
All information gathered in the course of this study will be filed and kept under lock and key at CEHURD Offices for 5 years. It will also be used only for purposes of this Action.

2.12 Dissemination Plan:
The report will be disseminated to the district leaders and heads of departments, sub county leaders during meetings and training sessions in the two districts. The report will also be disseminated to various Community Health advocates who will be empowered to advance the right to health in the communities of Koboko and Maracha.

This chapter presents the research findings of the study and provides data on the seven main indicators of the LESA Action project. It is presented under subheadings representing the seven different indicators, namely, governance capacity of duty bearers; gender responsiveness of governance structures; accountability institutions and structures; citizen participation; stakeholder participation; civil society involvement; and meaningfulness of participation.

3.1   Governance capacity and gender responsiveness

Project indicator: **A gender responsive governance in planning, budgeting, implementing and monitoring of local government processes.**

3.1.1   Introduction

This subsection considers two linked aspects: the capacity of duty bearers to fulfill their responsibilities to citizens, and the capacity of citizens to hold duty bearers to account. To understand the capacity of duty bearers to fulfill their roles and responsibilities in governance generally, and particularly in planning, budgeting, implementation and monitoring of public services in their areas of jurisdiction, this study sought to establish the knowledge levels in this respect. The argument is that leaders and service providers cannot effectively fulfill their mandate without adequate knowledge of their roles and responsibilities. On the other hand, citizens cannot effectively hold the different duty bearers accountable unless they know their specific roles and responsibilities.

Therefore, the study asked selected duty bearers in governance positions their understanding of their mandate, and what role they play in the planning, budgeting, implementation and monitoring of public services in the district. Conversely, the team also sought the understanding of the same among community members. We compare their responses to the functions of key local government-level duty bearers as stipulated in the Local Government Act Cap. 243. We then consider gender responsiveness of governance in local government processes.

3.1.2   Understanding of the mandate of the parish and sub county chiefs

Respondents from the sample of sub county chiefs correctly highlighted some of their roles that were consistent with those stipulated in the Local Governments Act Cap. 243. These include: coordinating and guiding the collection of community needs for the annual budget; guiding the council on budget guidelines to facilitate decision-making; forwarding community budget needs to the upper-level local government in line with their mandate (e.g. if the need is a road, it is forwarded to the district local government); drafting budgets and work plans and implementing them; and working with political leaders to monitor implementation of government programs and projects.

Some of the relevant roles that were not mentioned by the sub county and parish chiefs participating in the baseline study but are stipulated to be within their mandates by the Local Governments Act Cap. 243 (sec.69) include: the chairing of the technical planning committee; implementing the decisions of the Council; collecting and accounting for the local revenue; obeying and executing orders and warrants issued by any court of competent jurisdiction; assisting in the maintenance of law, order and security; assisting in the prevention of crime and public nuisance; and detecting, apprehending and bringing offenders to justice.

However, there were also roles and responsibilities that parish and sub county chiefs cited to be within their mandate yet legally they are not. Some of these include: mobilizing citizens to implement community activities; controlling the development of infrastructure; and soliciting for community feedback on services provided. This suggests that parish and sub county chiefs may be expending energy and resources on trying to fulfill roles and responsibilities that are not within their mandate, while putting less energy or even neglecting some of their core roles and responsibilities.

3.1.3 Understanding of the mandate of the district chairperson

According to the Local Government Act Cap. 243, the district (LC V) chairperson is the political head of the district. Some of the most relevant functions (sec. 13) of the district chairperson include: monitoring the general administration of the district; monitoring the implementation of council decisions; monitoring and coordinating the activities of the municipal and town councils and of other lower local governments and administrative units in the district; on behalf of the council, oversee the performance of persons employed by the Government to provide services in the district and to monitor the provision of Government services or the implementation of projects in the district; and coordinating and monitoring government functions as between the district and the central government.

We have attempted to compare these statutory functions, with the responses from the field. Of the stated statutory functions, the district chairpersons described their mandate and roles to include: supervising and monitoring the activities of the local government; scrutinizing the budget with his or her executive committee to ensure it is in line with priorities and ensuring it is presented to the Council for approval; monitoring budget implementation to ensure value for money; etc. However, the district chairpersons indicated that they have currently have capacity gaps, and are unable to fulfill all their roles and responsibilities due limited facilitation of their offices. They reported that they need more skills in the areas of budgeting. They also reported limited capacity to effectively monitor projects, citing insufficient fuel to make monitoring visits and time to read and internalize reports.

> *"I try as much as possible to fulfill my roles but there are logistical challenges. The number of vehicles is not enough… fuel is a big problem. I am allocated 1.5 million shillings (for fuel) per quarter which is used up in one month, yet I have to be in the field most of the time. My office is incapacitated." – LC V chairperson, personal interview*

On their part, rights holders too, had a fair knowledge of the mandate of the district chairperson, as the political head of the district, with the responsibility to supervise the implementation of public services provided by the different hierarchies of local government in the district. However, there was a major knowledge gap on the chairperson's responsibility to put into effect the decisions of the Council, including the budget – which role many thought belongs to the Chief Administrative Officer (CAO), who is "in-charge of money".

3.1.4 Understanding of the mandate of the resident district commissioner

According to the Local Government Act Cap. 243, the Resident District Commissioner (RDC) represents the President and the central government in the district and their role is largely coordination between the district local government and the central government. They are responsible for coordination and administration of central government

services in the district; for advising the district chairperson on national issues that may affect the district or its plans or programs, and particularly the relations between the district and the central government; and for monitoring and inspecting the activities of the local governments. This study assessed the understanding of the mandate of RDCs by the RDCs themselves and the community members.

The responses indicated that the RDCs appreciated more of their monitoring role than that of coordination. One RDC described themselves as "the chief monitor" of government projects and programs in the district, while community members described the work of the RDC as a "reporter of the President about happenings in the community", as a "security officer", etc. Equally, there were knowledge gaps among community members on the mandate of the RDC, CAO, LC V, DCDO and how they differed. A few respondents thought that beyond the LC, there was no other office they could seek redress.

Some community-level respondents felt that RDCs do not account to the community because they were "just appointed from above" and not voted by the citizens. While some political leaders were of the view that re-election implied that citizens were satisfied with the services provided or overseen by their offices, many respondents reported that even elected leaders have a tendency of "not returning" to the electorate after being voted into office and they generally felt that political leaders are not truthful.

> *"Since we are not the ones that vote them into those offices, they behave the way they want because they know we cannot remove them from office… When someone wants to intimidate you he does not go to the LC or police, but to the RDC," - respondent in Lobule sub county, Koboko district*
>
> *"For some district leaders like LCV, you need to just go to their office and report your issues but if you didn't go to them, they will never come back to you," - respondent in Lobule sub county, Koboko district*

3.1.5 Understanding of the mandate of the chief administrative officer

According to the Local Government Act Cap. 243, the chief administrative officer (CAO) is the head of the public service in the district and the head of the administration of the district council and is the accounting officer of the district. The CAO is responsible for the implementation of the decisions of the district council; supervision, monitoring government councils in the application of the relevant laws and coordination of the activities of the employees of the district and lower councils and ensuring accountability and transparency in the management and delivery of the public services; capacity for planning in the district; and acting as the liaison officer between the district development council and the central government. The CAO also chairs the district technical planning committee.

These roles and responsibilities were not well understood by members of the community. During FGDs, the CAO was for instance, described as "the overall leader of the district"; coordinator of the "activities of the community with the president's office"; "president of the district"; etc.

3.2   Gender responsiveness of governance structures

Project indicator: A gender responsive governance in planning, budgeting, implementing and monitoring of local government processes

The policy and legal frameworks provide for women to be involved in governance at all levels. The Local Government Act requires that one third of local government councils are constituted by women. In addition, one of the two youth representatives and one of the two representatives of persons with disabilities have to be female. This representation is expected to result into gender-responsive governance in planning, budgeting, implementing and monitoring of local government processes. Indeed, no plan is approved without a clear element of gender.

In spite of these frameworks, respondents felt that women remain under-represented and disempowered. Their governance capacity remains low, as they are overall less educated, lack skills and are short on confidence. These challenges are exacerbated by negative cultural attitudes, perceptions of gender roles, and religious norms that teach that women should not talk in public, among other social factors.

With regard to governance, this study considered women representation in elective positions as a proxy for their participation in decision-making. While the Local Government Act Cap.243 prescribes at least one third of the local government councils to consist of women. This study found actual proportion to be lower. A baseline survey conducted by Uganda Bureau of Statistics (UBOS) in 2017, found that in Koboko, only 87 women hold LC III positions out of a total of 210 positions, which translates into 41.4%. However, while this proportion is higher than one third, Koboko ranked 107th among the districts with the highest representation of women. On its part, has a relatively higher proportion of women at the same level of governance, with 71 women (44.9%), and ranks 58th.

3.3   Accountability institutions and structures

Project indicator 2: Platforms in place to hold duty bearers accountable

District level respondents in Koboko report that they convene monthly planning meetings with partners every first Monday of the month. CEHURD was invited to start participating in these meetings. These meetings are convened by the district community development officers, largely to hear from non-state partners on progress of their interventions. Another avenue through which duty bearers engage with citizens is through community baraza's (dialogue meetings) convened at the parish and sub county levels. Duty bearers indicated that these forums are an effective platform for them to account to citizens because they enable them to share progress on projects, and to respond to questions, give first-hand information and clear suspicions. Unfortunately, the baraza's are not convened regularly, do not follow any schedule and are poorly attended. Duty bearers reported that they are convened only "when need arises", and agreed that they need to be better organized, to become regular and to improve mobilization, presentations to be better prepared, and attendance to be standardized to include as many community-level stakeholders as possible. Duty bearers report that community members fear to come for meetings because of apathy, limited knowledge, low levels of literacy and lack of motivation.

> *"The baraza's are a good way to give feedback to our people and to account to them. But there is a gap in the area of participation; women are shy… they don't participate in the discussions. I think it comes from society norms and also religious beliefs… You know, our culture perpetuates perceptions about gender roles that keep women in the kitchen. When it comes to religion, the Muslims believe the women should not talk in public. It is a big problem because there may be issues that are specific to women that need to be captured" – District Chairperson, personal interview*

On the other hand, community members who participated in the FGDs report that they do not have any clear mechanism in place through which they receive timely and regular feedback on the budgets and work plans from their political and technical leaders. They report that district leaders only engage councilors but not the community. The study further explored how the district and sub county local governments engage with other stakeholders, including the mass media, CSOs, farmer groups, the private business sector, and others. The responses indicate that there is no structured way in which the district local governments of Koboko and Maracha engage with the media. The district officials reported that they usually grant interviews to journalists who seek information from the district administration, and that the districts do not have the resources to convene regular media briefs/press conferences which would have been instrumental for giving citizens and stakeholders updates/progress reports, maintaining transparency and for scrutiny.

Engagement with the civil society has largely been semi-structured. CSOs participate in the district technical planning committee meetings to share progress and next steps. However, this study found that there are no written guidelines to guide the work of these committees, clarify their mandate and formalize their membership. Respondents indicated that there is no common district-level forum that brings together CSOs operating in the two districts, and hence CSO attendance of meetings with the district officials is not coordinated and depends on the interests of individual organizations with regard to the issue to be discussed.

The agricultural sector is even less coordinated as there are no active district farmers' associations in Koboko and Maracha districts that can represent farmers' interests in local government forums.

However, the private business sector seems better organized; the district local governments engage business people through the district chapter of Uganda National Chamber of Commerce and Industry, a nationwide umbrella organization for the private sector.

3.4   Citizen participation

Project indicator 3: Level of citizen participation (in planning, budgeting and monitoring) and accountability in the local government processes

District local governments have powers to make and implement their own development plans; to make and execute their own budgets, and to use resources according to their priorities. Budget priorities are, in principle, determined through a bottom-up planning process. The bottom-up approach is participatory and consultative where needs are identified such that resources can be channeled appropriately to services that meet citizen needs.

The process starts with village planning meetings, convened by parish chiefs, to identify the needs of the village (LC I). The views from the village level are prioritized, forwarded to the parish and then to the sub-county where they are integrated with the recommendations of the sub-county budget conference into the sub-county plan. The district technical planning committee coordinates and integrates all the plans of lower level local governments into the district plan/budget for presentation to the District Council.

The Koboko District Development Plan 2015/16-2019/20 pledges to strengthen the bottom-up approach in all its planning at all levels and to ensure partnership with its clients and development partners. On its part, the Maracha District Development Plan 2015/16-2019/20 states that the bottom-up planning approach has been generally embraced and the identified loopholes have been filled over the ensuing planning regime, but acknowledges that more effort still has to be made towards full realization of the ideal implementation.

Major challenges and weaknesses were identified in this planning process and its implementation. Even though the process is reported to be poorly attended, it still gathers a large volume of interests and ideas yet the budget resources are limited. One respondent among duty bearers referred to the breadth of ideas gathered as a "wishlist" to describe how unrealistic it normally is.

This created a sense of frustration on the part of citizens who keep submitting ideas that never make it to the budget. The frustration is compounded by the fact that citizens who submit views at the grassroots level are neither involved in the prioritization process nor in the budgetary allocations. The responses indicated that these functions are instead undertaken by the parish and subcounty chiefs and the District Technical Planning Committee.

Some FGD participants report that they have never attended a planning/budgeting convening in their community and that leaders have at times only engaged them after decisions have been taken. Regarding water and sanitation for instance, they have reportedly only been consulted about where a borehole should be located and not in the earlier processes of planning for it.

Another challenge is that the feedback mechanism is not clear to both the duty bearers and the citizens. Duty bearers acknowledged that they are not able to convene feedback meetings and baraza's as broadly and regularly as needed due to budgetary constraints. One subcounty chief stated that they do not have any specific way in which they give feedback to the community. From the responses, it appears that views are gathered from the citizens simply because it is a statutory requirement.

Respondents report that the grassroots planning meetings are held in only selected villages and that community members no longer feel that their views are given due value. FGD participants felt that views gathered from the grassroots are not valued as much as those gathered from elite stakeholders, such as influential NGOs and development agencies. These challenges have contributed to a general loss of morale among citizens and poor participation in community planning meetings.

3.5   Stakeholder participation

Project indicator 4: Level of stakeholder participation in planning, budgeting and monitoring local government programs

Duty bearers in both Koboko and Maracha districts report that they involve stakeholders, including "the community", sub-counties, private business sector, political and technical leaders, civil society and development partners in the planning and budgeting processes. The duty bearers report that they engage these stakeholders through regular, pre-scheduled meetings, memberships to committees, and the budgeting planning forums.

A key pre-scheduled meeting is that of the District Planning Unit, which holds quarterly meetings attended by the "active" stakeholders. The meetings are used to share updates and feedback. Other critical structures are the Parish/ Ward Development Committees, and the District Technical Planning Committees. The development committees identify parish/ward development potentials, opportunities, challenges, and priorities. Duty bearers cited these committees as one of the avenues through which they involve community groups, opinion leaders and CSOs that are active in specific areas in local government planning, mobilization and project monitoring. The other platforms are the budget conferences that are held during the budget process at subcounty and district levels, bringing together a broad range of stakeholders and community representatives.

However, the findings indicate that the districts involve the stakeholders more to harness their contribution than promote stakeholder participation as a human rights issue or legal requirement. Members of the district technical planning committees report that they normally get the inputs of the non-state actors only during the budget conference, which comes once a year, in October.

Stakeholders, including grassroots community members, feel that their contribution to the budget and planning process is neither influential nor meaningful. They report that many times only leaders are given a chance to speak, and for those get a chance to speak, their ideas are either shot down or never get reflected in the final plans, budgets and work plans. Respondents reported that the development committees had never been orientated on their roles and responsibilities since they were appointed, and that they have largely remained dormant. Health unit management committees, school management committees, water committees and other service committees have at best had mixed success as vehicles of citizen participation in the monitoring of their respective services.

3.6   Civil society involvement

Project indicator 5: Active involvement of CSOs to monitor and assess government's compliance with its obligations to fulfil economic, social and cultural rights

The Maracha District Development Plan 2015/16-2019/20 states that quarterly performance reviews with the stakeholders "will be encouraged" and commits to undertake annual individual department forums with "the larger stakeholders"; that review meetings with a "diversity of stakeholders" to discuss quarterly monitoring reports will be organized; and that joint supervision and monitoring of schools with "other key stakeholders" (Social Services Committee, District Executive Committee (DEC), RDC, CAO, etc.) will be conducted. It states that its monitoring and evaluation (M&E) strategy is designed to provide for an all-inclusive monitoring and evaluation by all actors in the

district and "for easy participation by all stakeholders", to enable stakeholders to track implementation and assess performance of plans.

The Plan specifically lists CSOs, Faith-Based Organizations (FBOs), private sector organizations (PSOs) among the stakeholders to be co-opted to participate in council and TPC meetings, and to take part in joint monitoring exercises by the technical, political and CSO bodies. The Plan further provides for annual reviews, which are to be attended by all key development actors in the district, including representatives of lower local governments, CSOs, FBOs, CBOs, PSOs, and selected citizen interest groups (youth groups, women groups, persons with disabilities (PWDs), PLHIV, etc.).

This study found that CSO's involved in governance-related work were few. In Koboko district, they were only 5 out of 22 CSOs registered in the district. In Maracha, they were only 2 out of 32 registered CSOs.

3.7   Meaningfulness of participation

3.7.1   Citizen participation in planning, budgeting and monitoring

Project indicator 6: Meaningfulness of participation: Number of community plans that advance into implementation phase

The development plans of Koboko and Maracha districts provide for the participation of citizens and other stakeholders, including non-state actors, particularly the civil society, in the district planning, budgeting and monitoring processes. However, a seat at the table does not necessarily translate into meaningful input into the official planning process and does not guarantee that the final plans and budgets will reflect the proposals of the citizens. Only where citizens and activists have proactively used these openings to hold duty bearers accountable - pushing them to maintain transparency throughout the process and to commit to addressing the issues that have been agreed in the session - has the 'engagement' resulted in impact. This study interrogated the reality of this participation and how meaningful it has so far been.

Respondents from among the duty bearers were generally of the view that stakeholders have been involved, but acknowledged that their views have not always made it to the final plans and budgets largely due to the diversity of views and interests that citizens and other stakeholders submit - including views and interests that are not consistent or in line with district and national priorities.

Responses from the community and other stakeholders indicated a number of projects that have been implemented after citizens demanded for them.

- In Oluffe Sub County, Maracha district, a road to the sub county headquarters was constructed after the community raised the issue.
- In Oluffe Sub County, Maracha district, Kuru Bridge connecting the sub county to neighboring Kuluba Sub County was also constructed after the community complained that their sub county was often cut off during heavy rains.

However, many respondents felt that their participation, where it happens, is only nominal, and that leaders continue to override their proposals blaming insufficient budgets.

> *"If you don't have a position in your community, then you cannot go for any monitoring with district people and it's is only the leaders like LCs that usually go for monitoring of projects or services with district leaders," - respondent in Lobule sub county, Koboko district*

3.7.2   Citizen satisfaction with services

Project indicator 7: Percentage of citizen's satisfaction with delivery of public services, accountability and governance (disaggregated by sex)

This study attempted to assess the extent to which citizens were satisfied with public services provided through the local government, including education, health, agriculture and production, water, roads, security/police, justice, environment and natural resources management, among others. Duty bearers and rights holders alike were of the view that public services were inadequate in terms of both quantity and quality. Only a few respondents from among rights holders and their representatives reported to be fully satisfied with all public services provided in their community. Respondents were least satisfied with health, roads, and education, justice and water services.

Table 1: Citizen Satisfaction with delivery of public services in Koboko district

	Lobule sub county N=8 (4F, 4M)			North Division N=8 (4F,4M)			Kuluba N=8 (2F, 6M)			Av. %
	F	M	%	F	M	%	F	M	%	
Education	2	5	87.5	0	0	0	0	0	0	29.2
Health 4	1	6	2.5	0	0	0	0	1	12.5	25
Agriculture	3	2	62.5	0	0	0	0	0	0	20.8
Roads	0	0	0	1	0	12.5	2	6	100	41.7
Water	2	1	37.5	0	0	0	0	0	0	12.5
Police, security, justice 1	1	2	5	0	0	0	0	0	0	8.3
Environment & natural res. Mgt. 4	4	1	00 -	-	-	2	1	3	7.5	45.7

In the three project ACTION sub counties of Koboko district, none (0%) of the respondents participating in FGDs reported being satisfied with all public services. However, respondent satisfaction varied across services. Environment and natural resources management registered the highest level at 45.7% of the respondents, while police, security and justice posted the lowest satisfaction at only 8.3% of the respondents.

Table 2: Citizen Satisfaction with delivery of public services in Maracha district

	Oluffe sub county N=8 (4F, 4M)			Oleba sub county N=7 (3F,4M)			Tara sub county N=8 (4F, 4M)			Av. %
	F	M	%	F	M	%	F	M	%	
Education 1	1	2	5	3	3	85.7 1	1	2	5	45.2
Health 1	2	3	7.5	2	3	71.4 1	3	5	0	53
Agriculture	0	0	0	2	1	42.9 0	0	0	1	4.3
Roads	0	0	0	3	2	71.4 0	0	0	2	3.8
Water	2	0	25 0	0	0	3	4	8	7.5	37.5
Police, security, justice 1	1	2	5	0	2	28.6 0	0	0	1	7.9
Environment & natural res. Mgt. 4	4	1	00 -	-	-	0	0	0	3	3.3

In the three Action sub counties in Maracha district, only one (12.5%) of the respondents participating in FGDs reported being satisfied with all public services. However, as was the case in Koboko, respondent satisfaction varied across services. Health services received the highest proportion of respondents who were satisfied (53%), while agriculture and production services received the lowest proportion at 14.3%.

"I am not satisfied with the services my office is offering to my community because these services are inadequate and not all people access them due to limited resources," – sub county chief, Koboko district

"We are talking about water in our community, the district takes a long time to approve water requests and this is why we have a problem with water. For example, when you go to my village in Oniba, we applied for a bore hall in 2008 and since then we have no water," - FGD participant, Oleba sub county, Maracha district

The main concerns with health services include understaffing, negative health worker attitudes, medicine stock-outs and lack of emergency services. There were also concerns that roads are poorly maintained and become impassable during the rainy season. Citizen concerns with the education services are about poor quality services and poor performance in national examinations, especially by rural government primary schools. Respondents report that access to safe drinking water is limited, and that in some of the locations in the study area, people share open, unsafe water sources with livestock.

Community representatives participating in FGDs reported a high prevalence of corruption with the justice system, particularly the police and the health system, as well as in the security apparatus.

> *"The police are doing their work but if you don't give them money, they will not help you and they will say they don't have money for fuel. For Lobule health center and at the district health center, if you don't give them money for fuel, then the ambulance will not help you because the health workers will say they don't have fuel,"* - FGD participant, Lobule sub county

> *"The UPDF are not doing well. For example, one day I was travelling and I met two UPDF officers who asked for my ID and I gave it to them but they also picked my wallet and took my 50,000/=. I reported the issue to Agikor [military] detach and I was told to go back to where the officers were but I have failed to recover my money to date,"* - FGD participant in Oleba sub county, Maracha district

Duty bearers partly attributed the inadequacy of services to the stress caused by refugees. Koboko district has a big refugee population, including an estimated 25,000 self-settled refugees from the DRC, which has created competition for services. Respondents report that refugees contribute to congestion at water sources, in schools and in health facilities. Refugees receive support from implementing partners, particularly NGOs, but respondents report that this support is not sufficient, and some services that refugees need are not supported at all, and have to rely on government services.

4. EMERGING ISSUES AND RECOMMENDATIONS

4.1 Emerging issues

a) Public services have major gaps

The baseline findings show that services are not only inadequate but their provision has major gaps which the proposed LESA Action project should help fill. The delivery of key services such as health and education is affected by low quality of services, while water and sanitation are not adequate to satisfy both the nationals and refugees in the two border districts.

b) Awareness of the law is low

While there is limited knowledge of the policy and legal framework, and there is limited use of byelaws, the respondents generally feel that the existing policies and laws are adequate and can go a long way in helping to improve service delivery and access if effectively enforced.

c) There is limited awareness of the roles of duty bearers

There is limited awareness of the specific roles and responsibilities of the different duty bearers within the local government system. Responses from the citizens indicate this lack of clarity is widespread, which undermines their ability to hold duty bearers accountable on their specific roles. The findings indicate that many citizens have information that is incomplete, incorrect or unclear about the mandates of the local council chairpersons, the sub county chief, chief administrative officer and resident district commissioner.

d) The capacity of citizens to hold duty bearers to account is limited

It is also clear that citizens have low confidence in the governance capacity of most duty bearers, with their major concerns being lack of the best interests of, and respect for, communities and their views; poor attitudes on the part of service providers; lack of sincerity on the part of political leaders; and corruption among technical leaders and justice actors.

e) Stakeholder expectations are high

The expectations of duty bearers and rights holders alike are high. The overall feeling among duty bearers is that the central government and local governments do not have the requisite capacity to provide adequate public services, and that non-state actors particularly NGOs and development partners have a major role to play in filling existing gaps. Several duty bearers recommended that the proposed project be extended to the rest of the sub counties, and leaders in Koboko were hopeful that it would help mitigate the challenges posed by the high refugee population. They also hoped that the project would help translate critical laws into the local languages to improve awareness as part of legal empowerment. On their part, community representatives expect the project to improve social services and improve accountability. The findings show that the level of citizen satisfaction with public services is very low.

There are mechanisms in place for communities and non-state actors to participate in planning and budgeting, but these mechanisms are either not fully exploited or have been rendered ineffective due to a variety of reasons, including rigidity, indifference and apathy. Flexibility in budgeting is very limited because the bulk of the funding is from the central government and it is conditional, while local revenues are poor. The findings indicate that many citizens do not feel that their participation in planning processes can have a significant effect on the final outcomes which seems to have negatively affected their morale.

The findings further indicate that local government engagement with key non-state actors is largely ad hoc and unstructured. This study did not find any structured mechanism through which the district local governments and lower local governments engage with key non-state actors, particularly CSOs, development partners, media, business community and others. Hence, information sharing and feedback mechanisms are weak, which undermines the ability of citizens and other non-state stakeholders to hold duty bearers accountable.

Affirmative planning for women is yet to have a significant impact on the status of women in Koboko and Maracha districts generally, and in positions of leadership in particular. Women do not feel that their representation in local government councils has helped improve their benefits from budgets. Respondents indicated that men in leadership positions remain far more vocal than female counterparts, and attributed this to the low self-esteem, lower levels of literacy among women, and social prejudices.

4.3   Key recommendations

4.3.1 Recommendations to CEHURD

1. There is a need to translate the most relevant laws or to develop popular versions and information, education and communication (IEC) materials to facilitate awareness creation of the law as part of legal empowerment of grassroots citizens. Some of the key laws include the Constitution, the Local Government Act, and others.
2. Strengthen the capacity of the duty bearers on their roles and responsibilities, as well as in governance and the local government legal and policy framework.
3. Enhance citizen awareness of the existing planning and budgeting processes, the opportunities and importance of their participation, and the mandates of the different duty bearers and feedback and accountability mechanisms.
4. Strengthen the capacity of the civil society in local government planning, budgeting, implementation and monitoring processes. There is a need to mobilize civil society organizations into district-level forums in Koboko and Maracha district to enable them speak with one voice in their representation of the community and vulnerable groups and in monitoring and advocating for economic, social and economic rights.

4.3.2 Recommendations to the District Local Governments

5. The district local governments should formalize the modes of engagement with key stakeholders and citizens, by establishing or strengthening the platforms of engagement to make them structured and facilitated.

4.3.3 Recommendations to the Office of the Prime Minister

6. The Office of the Prime Minister should strengthen the coordination and linkage of the different interventions in the in the Northern and West Nile regions generally and in the project districts specifically – including refugee interventions – to maximize synergies between the LESA Action project and projects implemented by other actors, including non-government actors.