

Social Accountability In Uganda



Internal Discussion Paper
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"I [Opio Geoffrey Atim] understand and have hereby complied with the university's policy on plagiarism. I declare this work to be my own and that it is properly referenced. I have not copied it, or let anyone copy from me."

1. Social Accountability

The concept of social accountability 'affirms direct accountability relationship between citizens and the state and puts them into operation. It refers to the broad range of actions and mechanisms that citizens can use to hold the state to account, as well as the actions on the part of government, civil society, media and other societal actors that promote or facilitate these efforts'¹

Social accountability mechanisms exact accountability from duty bearers to improve service delivery and quality. These mechanisms enable civil society to engage with and monitor the public resource management process including: Planning and resource allocation; expenditure management; performance management; public integrity and oversight.

Social accountability mechanisms are usually demand driven but can also be initiated by the duty bearer. Apart from improving service delivery and quality these mechanisms do improve the relationship between the state and the citizens.

'The CSA argues that social accountability is a fundamental human right, It is fundamental for the purposes of realizing human needs and all the human rights and as such it must be exerted on an ongoing day to day basis'²

1.1 The Social Accountability System

Discuss the concept of the state as an accountability system and its five processes.

Using the rights based approach the state is responsible for delivering services to realise the rights of its people. Because of its obligation to realise people's rights progressively within available resources, any wastage can be viewed as a violation of people's rights. In order to prevent wastage of resources and violation of people's rights the state must act as a mechanism for ensuring that duty bearers take corrective action in instances where public resources are ineffectively used or abused. To affect this and the right to social accountability a number of public resources management processes must work together these include: Planning and allocation of resources; Expenditure management; Performance management; integrity management and oversight.

¹ Siker and Cosic 2007 P 3

² Handout session 2 March 2011 P7

Planning and resource allocation: This is the first process in the public management system. The process is meant to identify needs and allocate resources to address the most pressing needs within the resources available in order to prevent wastage of the available resources. The process is started by the executive arm of government officials responsible for public service delivery that draw up strategic plans which act as a roadmap for the implementers to undertake in order to deliver .

For the process to be effective it does require a needs and situational analysis to be able to identify the most pressing needs and the best way to address them. Once the most pressing economic and social needs are identified and prioritised then they can be costed and a budget and resources such as human resources are then allocated to them. Clear strategic plans and budgets with set guidelines promote a more effective expenditure management which improves performance and identifies problems thus preventing miss use and abuse of public resource and this also promotes and improves the role of the oversight.

Expenditure management: Once resources and a budget are allocated to implement what is planned for there is need to understand how these public funds are effectively spent and adequately accounted for. Expenditure management is about the effective execution of the budget and does include producing accurate and reliable financial information to be able make informed decision making. It does also prevent misuse of resources allocated to be able to progressively realise the rights of the citizens within the resources allocated. Poor expenditure management is very likely to lead to over or under expenditure affecting future resource allocation. With Fewer resources an agency may fail to effectively implement its strategic plan which does also lead to poor performance. This also has effects on integrity and oversight. It should be noted that a poor strategic plan and budget does lead to poor management of the resources allocated.

Performance management: After the allocation of resources and budgets, strategic plans are implemented through a performance management process which is important for on going monitoring and evaluation and making management decisions which is also important for understanding how duty bearers perform in implementing their plans to address people's most pressing needs and get value for money. Performance Management is concerned with the internal monitoring mechanisms and controls to minimise the risk of mismanagement and abuse of public resources to be able to ensure effective implementation of the plans developed in the strategic planning process. In order to monitor and manage performance there is need for an effective performance reporting system .adequate and skilled human resources to effectively implement the

plans and thus important to maintain an effective human resource management system. Poor performance does affect expenditure leading to wastage of resources. I.e. once there is a weak internal control measure it does lead to mismanagement of resources.

Integrity Management: In order to prevent ineffective use and abuse of public resources the executive and senior management must ensure that an effective public integrity mechanism are in place and are working. Duty bearers have the obligation to take corrective measures in instances where public resources are abused in order to realise people's rights, mechanisms in place to realise this may include Human resource management directories, disciplinary units, disciplinary databases and preventive methods to limit the scope for conflicts of interest and corruption.³ It's very important during the resource allocation and planning to plan for integrity management as this improve in future resource allocation and prevent leakages caused by diversion of resources, conflict of interest which can eventually lead to provision of poor tenders and services which do also affect expenditure management and performance management. All these eventually impact on the ability of oversight bodies like the parliament to be able to hold the duty bearers accountable and monitor these services.

Oversight: Oversight is an ongoing process that limits the discretion of the executive arm by monitoring its decisions and holding the executive accountable. For effectively their role is totally independent from the executive and is provided for in the constitution. the major players/actors in oversight include the parliament who also approve plans/budgets and over see the implementation of these budgets. The auditor general is also a major actor in the oversight role and is responsible for auditing, they may not have a direct role in resource allocation but their reports and recommendations may influence the process. Over sight bodies do include the Parliament, Auditor general. Once the role of oversight is compromised an agency is likely to have a budget approved without strong internal controls thus compromising on the performance and expenditure and also giving chance for abuse of office

1.2 A rights-based approach

Social accountability as defined by CSA is a fundamental human right where all persons/citizens have the fundamental right to obtain justification and explanation for the use of public resources, performance of public officials and whereas the state is the social accountability system whereby public officials are supposed to provide justification

³ CSA Session 10 handout 2011

and explanation on their performance and take corrective action where public recourses have not been used effectively to realise human rights and capabilities.⁴

The World Bank defines social accountability as an approach for building accountability that relies on civic engagement in which ordinary citizens and or civil society organisations participate directly or indirectly in exacting accountability.⁵

The right to social accountability overcomes the limitation of the definition of accountability as articulated by UN framework that looks at accountability as a normative and does not explicitly guarantee the right to obtain justification from the state in progressively realising the human rights and capabilities in instance of shortage of available resources⁶

Social accountability is incorporated in the 1995 constitution of Uganda, which adopts the principle that public offices are held in trust for the people and requiring that all public officials be answerable to the people.

Social accountability is also enshrined in the constitution 1995; Article 38(1) *"Every Ugandan has the right to participate in the affairs of government individually or through his or her representative in accordance with the law"*. And 38 (ii) states that *"Every Ugandan has the right to participate in peaceful activities to influence the policies of government through civic organisations"*. This guarantees the sovereignty of citizens of Uganda in the governance of the country particularly showing how central the citizen's power is in governance and management of public affairs of the country.

In addition to the constitution there a several mechanisms and laws that allows for and hinder social accountability which include Local Governments Act, NGO Registration Act, Access to Information Act, Communications Act, Press and Journalism Statute, Public Procurement and Disposal of Public Assets Act, Finance Act, Budget Act, and the Political Parties and organizations Act.

'Social accountability in Uganda faces Key challenges which include obstacles related to an enabling environment like political culture and corruption in the administrative system. Socio-cultural factors which may hamper the effective participation of citizens in public decision making and undermine mechanisms for genuine downward accountability of leaders and administrators'-MoFPED democratic governance and accountability programme

⁴ CSA session 2 handout march 2011 GM P7

⁵ World Bank, 2004f: 1

⁶ Colm Allan- Strengthening social accountability in Malawi December 2009

The constitution of Uganda-*chapter 4*, Guarantees civil and political rights as constrained in the international instruments such as the ICESCR which Uganda is a signatory and ratified to.. It does also make reference to economic and social rights however these categories of rights are relegated to the section of National objectives and considered more of guidelines thus lacking the legal capacity. Such as the right to health in Uganda which without the legal framework limits health users (right holders) from holding health workers(duty bearers) accountable for their actions such as negligence leading to maternal deaths.. There are a few poorly defined economic and social rights that can be considered legally binding. This does show the unwillingness of government to provide substantial rights that are legally binding. The failure to place equal emphasis on all these rights does have an implication on the realisation of such rights. To give undue emphasis to the right to life and the right to health may fail to realise the right to life.

Right to information Act

The constitution of Uganda 1995 provides for the right of access to information with the access to information Act of 2005.the act prescribes the classes of information referred to in that article; the procedure for obtaining access to that information, and for related matters this does apply to all information and records of public bodies including Government ministries, departments, local governments, statutory corporations and bodies, commissions and other Government organs and agencies, unless specifically exempted by the Act. The purpose is to promote transparency and accountability in all organs of the State by providing the public with timely, accessible and accurate information this is expected to result into empowered public which is able and willing to take charge of their own affairs and demand public accountability, good governance and effective implementation of programmes that affect them thus effecting provisions in the Uganda Constitution 1995; Article 38(1) *"Every Ugandan has the right to participate in the affairs of government individually or through his or her representative in accordance with the law"*. And 38 (ii) states that *"Every Ugandan has the right to participate in peaceful activities to influence the policies of government through civic organisations."*

Information according to the act includes written, visual and electronic.

However there are some exceptions with information regarding security and information that interferes with the right to privacy of any person. All information regarding planning and management of recourses is supposed to be placed in the public domain.

Most of the public institutions including Government ministries, departments, local governments, statutory corporations and bodies, commissions have designed a number of avenues through which the public can access information at national and local level which include notice boards, websites, publications in print media and radio among them. CSO's in Uganda have accessed information routinely through annual performance reports and request that are made to these various bodies this has improved in the role CSO's can play in social accountability in Uganda.

2. Social Accountability Monitoring: A Case Study

2.1 Organisational context

Uganda National Health Users'/ Consumers Organisation (UNHCO) mission is to "advocate for health consumer rights and responsibilities". UNHCO perceives its mission as a fundamental component of the broader quest for good governance, embracing accountability and the promotion of integrity and human rights in Uganda. The goal is to "improve the quality of life of all people in Uganda through a rights-based approach". Since its inception in 1999, UNHCO has been implementing programmes that advocate for a strong institutionalized platform that is able to articulate voices of consumers of health goods and services.

The strategy is through; Raising awareness among health service users, providers and policy makers about health rights and responsibilities; Policy research, Advocacy and review processes to address access, equity, quality and accountability; Creating synergies with other CSOs, relevant Government departments, development partners, strategic allies and establishing a constructive working partnership with the media; and Feedback to promote and improve communication between users and providers by strengthening referral and redress mechanisms and building a partnership for constructive engagement and conflict resolution.

UNHCO has championed the Rights Based Approach (RBA) to healthcare delivery and spearheaded the development and adoption of the Patients' Charter, whose objective is to provide a policy and legal framework for empowerment of health consumers enabling them to demand for high quality health care and promote accountability in the health sector. UNHCO is the secretariat and lead agency for Voices for Health Rights (VHR) which is a coalition of 14 Civil Society Organizations (CSO) working to promote the right to health. The organization also represents civil society at various committees at the

health ministry; Health Policy Advisory Committee; Public Private Partnerships for Health; Sector Budget Working Group; National Health Insurance Taskforce, National Newborn Steering Committee

UNHCO aims at influencing policy and practice for the Rights to Health. The Organisation carries out health research and policy analysis and advocates for better access to quality health care through lobbying for better national health policies, and monitoring the implementation of existing policies in Uganda

Health as a Human right is also enshrined in several legal instruments that Uganda has ratified. These include the Universal declaration on human rights; the WHO constitution; International Covenant on Economic, Social and Cultural Rights (ICESCR), Convention on the Rights of the Child (CRC), International Convention on the Elimination of all forms of Discrimination against Women (CEDAW), the African Charter on People's Rights (ACHPR) and several others. The right to health entitles individuals to information and participation in health care for purposes of improving management, sharing experiences, upholding transparency and accountability.

The government of Uganda is committed to ensuring access of all people to high quality health care services as granted in the constitution of Uganda (Social and Economic Objective No. XX of the 1995). Uganda government is progressively realizing the right to Health by championing the development of the legal framework through the development of the patient's charter In 2009, Ministry of Health finalised the Patients Charter in partnerships with civil society organisations led by UNHCO. The charter spells out the rights and responsibilities of patients and health workers. The objective of the patient's charter is to empower health consumers to demand quality care, to promote the rights of patients and to improve the quality of life of all Ugandans. To achieve the desired outcomes the patients are expected to take responsibility of their life as stipulated in the charter.

As a follow up, UNHCO has made sure by highlighting this important government undertaking by clearly spelling it out in the Health Sector Strategic Investment Plan III (HSSIP) (2010/11-2014/15) The HSSP puts the client and community in the forefront and adopts a 'client centered' approach .it notes that the responsibility for health lies primarily with individuals, household and community (as right holders).The social values as detailed in the Uganda's Patients Charter, which include the right to health; participation and accountability are also incorporated in the HSSP III as one of the Key

guiding principles for its implementation. The right to health requires that health facilities (goods and services including health worker services must be accessible to everyone.

2.2 The right to social accountability

The project proposes to monitor Health Sector Strategic Plan III and National Budget to be able to identify if the budget is consistent with the priorities of the HSSP and Assess the Extent to which Resources Allocated Affect Access to Essential Medicines which is the HSSP III priority. The activity shall involve policy and Budget analysis using social accountability tools. To be to analyse the Budget its important to understand the resource allocation in Uganda as described below.

RESOURCE ALLOCATION

Country: Uganda

1. Provisions governing the Resource Allocation process

Provision	Implications/impact
Public Finance and accountability Act 2003	
The Budget Act 2001	Prior to 2000 Budget was being made by MFPED ⁷ the Situation changed with the enactment of the Budget Act 2001 which regulates the budgetary procedures for a systematic and efficient budget process. The Budget Act 2001 has made the budget process more open, transparent and consultative involving all stakeholders. It does set key dates for delivering Key Budget documents and how different stakeholders are involved in the Budget Process.
The Judicature Act 1996	
Local Government Act 2002	
Local government finance commission act 2003	
Public procurement and disposal of public assets Act 2003,	
Prevention of corruption Act 1970	
The National audit Act 2008	
Access to Information act 2005	

⁷ Ministry of Finance, Planning & Economic Development

Public service standing orders, statistics act 1998	
Local government financial and accounting regulations 2007	
National Audit Act 2008	
National Planning Act 2002	
Medium Term Expenditure Framework (MTEF).	
fiscal decentralization strategy (FDS)	

Variable	Implications/impact
Cash, Accrual or Modified Accrual Budgets and Accounting Systems	
Centralised or decentralised budget decision-making <ul style="list-style-type: none"> • Administrative structure of government • Powers of sub-national ministries of finance 	<p>Article 191 of the Constitution, 1995 and Section 81 (1) of the LGA, 1997 empower local governments to formulate, approve and execute their budgets and plans and to collect revenue and spend it.</p> <p>This is limited by the requirement to follow the national priority programme areas priority.</p> <p>Section 178 (3) of the LGA, the Local Government Finance Commission (LGFC) is required to inform the Council and the President through the Minister of Local Government (MoLG) for appropriate action if a local government budget significantly detracts from these priorities.</p> <p>According to Articles 176(2) (e) and 193(1) of the Constitution, the central government makes appropriate measures to enable</p>

	<p>local government units to plan, initiate and execute policies and to provide funding to local governments in form of unconditional, conditional and equalization grants. These grants and the budget ceilings give a lot of power to central government on budgets and plans made by the district, thus making local government budgets just a condition for disbursements of funds from the central government.</p>
Constituency/Proportional representation electoral system	
National and/or local Legislatures	<p>Under Article 193 (5) of the Constitution, district councils are obliged to indicate how conditional and equalization grants obtained from the Government are to be passed onto the lower levels of local government.</p>
Power of Legislature (to amend/approve budgets)	<p>The Budget Act 2001 spells out how the Parliament gets involved in the budget process through the Parliamentary Budget committee and Budget Office. The Committee scrutinises the preliminary estimates and the macroeconomic plan, reviews the national budget and compiles amendments which are referred to various Committees</p> <p>The Budget Office Provides budget related information to all Committees, Submits reports on economic forecast, budget projections and options for reducing the</p>

	budget deficit,Identifies and recommends bills that provide for an increase/decrease in revenue/budget,Prepares analytical studies on specific subjects,Gives general advice on the budget and national economy
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2. Events in the Resource Allocation Process

Event, with description	Date, timing
National Budget workshops. This brings together all government at national and local level, donors, civil society, research organisations to review the MTEF discuss macroeconomic framework and kick start the work of sector working groups	October-December
District budget conferences with result to Local government Budget framework papers. Issues here are also revived and considered by Sector working groups.	October-December
Inter- ministry consultations that result to National Budget framework papers and update of the MTEF.	October-December
Preparation and presentation of the budget framework to cabinet for approval	January-march
Preparation and presentation of the budget framework to cabinet for approval	April
Submission and discussion of estimates for ministries	15 th May
Finalisation of Budget allocation plan MTEF	May
Final budget approval	May
Budget speech	15 th June

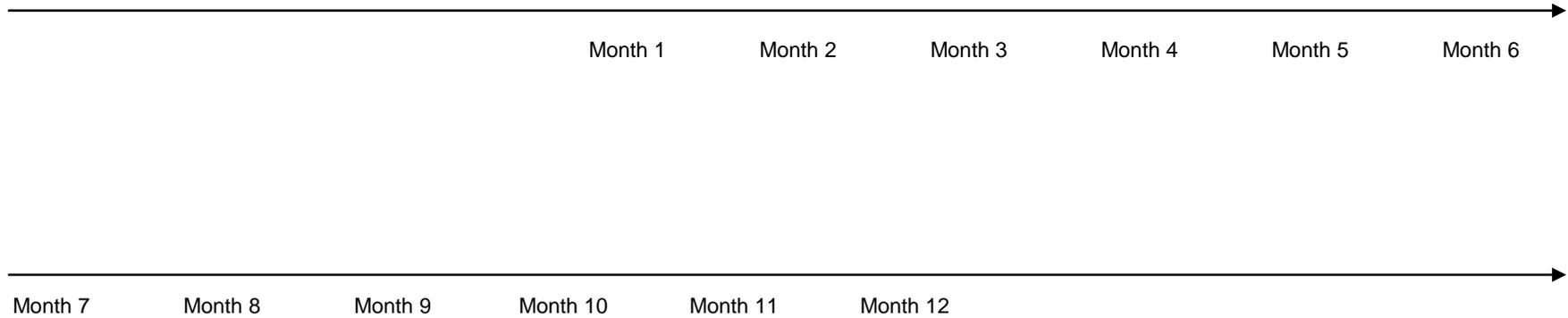
3. Documents produced by the Resource Allocation Process

Document	Document description	Date published/tabled	Publically available?
Marco-economic policy document	The paper is presented in line with the Budget Act, 2001; covers the government Medium Term Macro-Economic plan and Indicative Revenue Framework; Government Programmes for	April 2010	Available

	Social and Economic Development; and details of the Proposed Sector Plans and Expenditures. Spending restrictions are imposed by the Macro-economic policy document.		
Budget guidelines	These are circulated by the MoFEP to inform the different stakeholders about the guidelines , priorities and ceiling	August- October	Available
Sector ceiling	During the national Budget conference the MTEF is updated and this does determine sector budget ceiling.	December	Available
Sector investment plan	Is the basis where prioritisation and resource allocation is done	December	available
Policy and budget speeches	The Ministry of finance presents a budget policy statement to the cabinet and the parliament. This is where projections are made.	June	Available
Final budgets		June	Available

4. Resource Allocation Timeline

Once you have identified the main events in the resource allocation process and the documents produced, map these out on the timeline below. Be sure to indicate the beginning and end of your country's financial year. Feel free to create your own diagram to represent the process if you prefer not to use this timeframe.



5. Role players in the Resource Allocation Process

Role player	Role
Ministry of Finance and Economic planning	They are the over all in the budget process of the nation.
Parliament	Over see budget process, approval and amendment of the budget
Permanent Secretaries/Chief accounting officers	Permanent officers at Ministry level and Chief accounting officers at the accounting officers who report to executive and legislature. Their role is to draw up budgets at their level.
Heads of Department	These reports to the accounting officers of their departments. And are the implementing officers
Local councils	Local councils make plans and by laws to implement policies to address local problems thus

6. Civil Society Interventions in the Resource Allocation Process

<ol style="list-style-type: none"> 1. At national local level, CSOs/NGOs can play an important role in the budget process by taking the opportunity of the budget conferences that they are invited to. Civil society can actively participate and influence policy formulation, and prioritisation of resource allocation at this level. 2. Civil society can also have interventions of the budget process through the local communities who can be empowered to demand for services and engage in local level budgeting. 3. Analysis of draft budgets to identify if prioritises of the most pressing needs of the communities have been budgeted for before the budget is finalised. 4. Civil society can also influence the parliament by tabling its concerns in the budget since they are the ones that approve and amend the budgets
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7. Challenges faced

Challenges	Possible Solution
There is lack of avenues for cso's to engage with government structures	Improve avenues for interfacing CSOs with government structures at national and district level. This should be accompanied with making the relevant information

	accessible to all in need of it.
District and public not appreciating the work civil society organisations	Sensitize district leadership and the public about the value CSOs bring in bridging service delivery gaps as a result of limited government funding to community interventions
There was limited availability of government policies and legislation on budgeting processes among the CSOs. Even those which had them, they are limited by the technical expertise to interpret them. This was due to lack of simplified versions of these documents in forms easily understood by CSOs especially those in rural areas.	Simpler versions of budgets and technical support is needed
Lack of feedback from the government officials , trust and failure to share cso budgets with government officials	Strengthen CSOs involvement in national and district level planning, budgeting and feedback processes through regular meetings and joint support supervision and monitoring or resources and community interventions. The practice of declaring CSO budgets and plans will further improve mutual trust, transparency and better coordination of community interventions

3. Advocacy

Over the period of the Health Sector Strategic Plan III (HSSP) priority has been given to increasing access to *medicines* and other health supplies. The implementation of this component of the HSSP III is guided by the National Pharmaceutical Sector Strategic Plan (NPSSP II). In order to achieve this, government intends to continue to consolidate, strengthen and ensure an effective and harmonized procurement and supplies management system. The National medical store (NMS) is also to be strengthened during the implementation of HSSP III. The store's autonomy and funding allocations were increased by the Ministry of Finance in 2009/10 from total funding of 30% to 70%.

Following the above UNHCO is currently assessing the extent to which resources allocated to the health sector affect service delivery of medicines. Availability and access to medicines and health supplies is a key component of the health care system. There is a direct relationship between availability and access to medicines and attainment of the right to health which is embedded in the Goal of UNHCO's being '***To contribute to the improvement of the quality of life of Ugandans through the Rights Based Approach***'.

In order to influence the budget allocation, Budget analysis reports shall be disseminated and shared with various stakeholders identifying the bottlenecks and issues that can be influenced. The budget analysis reports shall be disseminated after production of the draft budgets in the budget cycle. Before this the entry point to the budget process shall be during national and district level workshop that is the first process in the budget cycle. After the dissemination of the budget analysis reports Adhoc meeting targeting the relevant stakeholders including Ministry of Finance, Planning and Economic Development (MoFPED), Budget and National Economy Committee of Parliament, these stakeholders shall be targeted because of their role in the budget process and thus can influence policy change.

Identify challenges you may face in conducting advocacy and propose solutions.

- Conflicting interest and failure to harmonise interests of the different advocacy partners. This can be addressed by developing clear objectives and identifying critical partners that are relevant in sharing the advocacy goals.

- Limited access to information as well as risks of misinformation, especially from the media. This can be addressed through strategic engagement with the relevant stakeholders.
- Lack of comprehensive expertise on budget analysis and understanding of the budget by civil society organisations.

Bibliography

Ahmad, R. (2008). Governance, Social Accountability and the Civil Society, JOAAG, Vol. 3. No. 1

Uganda debt network 2006 .How Pro-poor are local government Budgets in Uganda, review Report No 8

Ackerman, John M. 2005. 'Social Accountability in the public sector, A conceptual Discussion' Social development papers, Participation and Civic Engagement, paper No 82(Washington: World Bank, March)

Brautigam, Deborah. 2004, 'The people's Budget? Politics, participation and Pro-poor policy' Development Policy review 22,6(November)

Allan, Colm. Human Emancipation, Social Accountability, the State and Development – The limits of liberal and Marxist theories of development in realizing human rights in Africa. Centre for Social Accountability.

Folscher, Alta (ed). 2002. Budget Transparency and Participation: Five African Case Studies, Idasa, pp.308 -313.

Ramkumar, V. 2008. Our Money, Our Responsibility: A Citizen's Guide to Monitoring Government Expenditures. International Budget Partnership (formerly the International Budget Project), pp. 152 -157

Colm Allan 2009 strengthening social accountability in Malawi

Malena, Carmen, with Reiner Foster and Janmejay Singh. 2004 'Social accountability: An introduction to the concept and emerging practice' social Development papers, participation and civic engagement, paper 76(Washington: World Bank)

Hebron Timothy Mwakagenda 2010 social accountability monitoring in Africa, Public expenditure tracking surveys (PETS) in Tanzania as a case study