



*Gender Transformation & Empowerment*

# DELIVERING FOR CITIZENS



A RESOURCE PACK ON THE ROLES AND RESPONSIBILITIES  
OF DUTY BEARERS IN SOCIAL ACCOUNTABILITY

May 2013





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## ACRONYMS

|              |                                        |
|--------------|----------------------------------------|
| <b>ACAO:</b> | Assistant Chief Administrative Officer |
| <b>CAO:</b>  | Chief Administrative Officer           |
| <b>CBO:</b>  | Community Based Organization           |
| <b>CDO:</b>  | Community Based Organization           |
| <b>LC:</b>   | Local Council                          |
| <b>NGOs:</b> | Non-Governmental Organizations         |
| <b>MPs:</b>  | Members of Parliament                  |
| <b>PDCs:</b> | Parish Development Committees          |
| <b>RDC:</b>  | Resident District Commissioner         |

### Introduction

Duty bearers are an essential partner for enhancing social accountability. It is widely acknowledged by writers on social accountability that for it to be effective duty bearers should work in tandem with other actors. Interventions that have taken place on social accountability indicate that public offices and officials who are in charge of managing public resources and affairs have specific roles to play in enhancing social accountability. These roles are defined by various laws and regulations that guide them in the performance of their duties.

The resource pack exposes users to:

1. The relevant selected laws in Uganda that enhances social accountability;
2. The roles and responsibilities of selected duty bearers in social accountability; and
3. The roles of citizens in enhancing social accountability.

Section One of the resource pack provides information on the relevant laws in place in Uganda to enhance social accountability;

Section Two provides information on the roles and responsibilities of selected duty bearers in social accountability; and

Section Three provides information on the roles of citizens in enhancing social accountability

Section Four is a conclusion of the pack.

# SECTION ONE

## LAWS IN UGANDA ON SOCIAL ACCOUNTABILITY

Provisions in the Constitution of Uganda affirm the notion that public resources are held and should be managed and used by public officers for the benefit of Ugandans. Article XXVI (i) of the National Objectives and Directive Principles of State Policy of the Constitution of Uganda affirms this and states that *“All public offices shall be held in trust for the people”*. As a result, Ugandans should know how their resources are used and participate in processes that promote transparency, accountability and effective use of their resources. In light of this, a number of Articles in Uganda's Constitution promote social accountability. Article 38(1) of Uganda's Constitution states that:

*“Every citizen has a right to participate in the affairs of government individually or through his/her representative in accordance with the law”.*

Article 38(2) states that:

*“Every Ugandan has a right to participate in peaceful activities to influence the policies of government through civic organizations”.* Citizens can therefore through civic organizations play a critical role in the management of public resources by actively participating in the policy making and implementation processes of government programs.

Article X of the National Objectives and Directive Principles of State Policy of Uganda's Constitution mandate the State to take all necessary steps to involve the people in *‘the formulation and implementation of development plans and programs which affect them’*.

Article XXVI (ii) of the National Objectives and Directive Principles of State Policy of Uganda's Constitution makes it incumbent upon

public officers to be answerable to the people. The article further outlaws corruption and abuse or misuse of power by holders of political and public office.

Article 17 of the Constitution of Uganda provides for the rights and responsibilities of citizens. Citizens according to Article 17 (g) and (i) are obliged to pay taxes and to combat corruption and mis-use or wastage of public property.

The media is an important stakeholder in enhancing social accountability. Freedom of the media is promoted by the Constitution of Uganda. Article 29 (1) of the Constitution of Uganda provides for freedom of speech and expression which shall include freedom of press and other media.

Citizens can express their dissatisfaction with public services and bad governance through peaceful methods provided for in the Constitution. Article 29 (d) of Uganda's Constitution provides for freedom of assembly and the right to demonstrate peacefully and unarmed and to petition.

The Constitution provides for the three arms of government. The three arms of government; Executive, Legislature and Judiciary each play vital roles in enhancing social accountability. Details of the roles each arm of government plays in enhancing social accountability will be discussed in Section Two of the handbook.

### **Subsidiary Laws of Uganda on social accountability**

Apart from the Constitution of Uganda, Parliament has passed several laws that are intended to promote social accountability. These laws include: **Access to Information Act, 2005**-The Act in essence promotes access to public information in order to among others equip citizens with information to strengthen good governance. Information on planning and management of public resources should therefore be accessible to the public. Information

according to the Act includes: written, visual and electronic information.

Government ministries, departments and agencies, statutory corporations and bodies, government commissions and local governments have designed various avenues through which the public can access information. These include: websites, notice boards, publications in print media, messages on television, radio, radio talk shows and radio spots among others. These avenues are put in place to encourage flow of information and feedback from citizens on government plans, programs and service delivery among others.

Government has introduced guidelines that encourage finances released for services to be publicly displayed and published in newspapers. For instance budgets for Universal Primary Education, for example, are displayed on school notice boards (Bazaara 2002:15). However, even councillors complain that audit reports are not available, even upon request, due to corruption and irregularities (*Adong et al. 2002: 36*).

**Local Government Act:** The Constitution of Uganda creates the system of decentralization under Article 176. Article 176 (2) (b) in particular adopts the decentralization system to ensure peoples' participation and democratic control in decision making. Peoples' participation can take different forms including:

➤ **Indirect forms of participation:** In this form of participation election of local councillors including representatives of marginalised groups such as women, people with disabilities and youth provide the mechanism through which the public participates in decision making. In this method, the citizens assume that the councillors will represent their views and consult them regularly to ensure that ideas and views exchanged emanate from the people.

- **Direct forms of participation:** The most common form of direct participation by the public in decision making is through meetings. The meetings enable the citizens and leaders to identify the people's priorities in order to effectively plan, budget and initiate programs to meet their priorities. Government has also established various structures to enable the citizens to participate in the planning, implementation and oversight of service delivery. The structures include: Parish Development Committees (PDCs) which discuss the priorities of the area which should be included in the sub-county and district development plan and budget conferences that allow citizens to directly participate in the budgeting process. The conferences are attended by not only councillors, but also department heads, sub-county chiefs and councillors, members of civil society, MPs, and other members of the public (James et al. n.d.: 16). Budget plans and expenditure must be publicly displayed as a provision for ensuring accountability (Bazaara 2002: 16). Citizens in line with Article 29(1) (e) the Constitution of Uganda can use Community Based Organizations and associations to initiate activities that enable them to participate in 'bottom-up' forms of development planning and budgeting.

Other laws that the government of Uganda has enacted to improve accountability include: Communication Act; Public Procurement and Disposal of Public Assets Act; Finance Act; Budget Act; NGO Registration Act; Political Parties and Organizations Act.

Legal frameworks are necessary to allow for citizen participation in governance, because they can be used to hold government accountable in cases where citizens are not being involved in accountability processes. However, the existence of legal frameworks is not always sufficient to ensure effective participation. In order to give effect to existing legal frameworks for public participation in governance in Uganda, the government has instituted programs

to actualize social accountability. “*Barazas*” is an initiative of the government of Uganda to enhance civic engagement between leaders entrusted with the management and oversight of public funds and citizens.

Local governments have also instituted oversight committees to ensure that the public participates in maintenance of government facilities. The committees that local governments have put in place to enhance the public's oversight roles in service delivery include: School Management Committees (SMCs); Water User Committees (WCs); Health Management Committees (HMCs); Project Management Committees (PMCs) among others. These committees are comprised of citizens selected by villagers to oversee the usage and maintenance of the government facilities.

# SECTION TWO

## ROLES AND RESPONSIBILITIES OF SELECTED DUTY BEARERS IN SOCIAL ACCOUNTABILITY

### 2.1. ADMINISTRATIVE LEADERS IN LOCAL GOVERNMENTS

#### 2.1.1. The Chief Administrative Officer

The Chief Administrative Officer (CAO) is the head of the administrative wing in the district. CAOs are appointed by the Central Government through the Public Service Commission. The CAO is deputized by the Assistant CAOs. The CAO is responsible for supervising the deputy CAO(s), the Chief Finance Officer, the District Education Officer, the District Health Officer, the District Planner, The Human Resource Officer, the District Engineer, the District Natural Resources Officer and the District Community Based Services Officer.

#### 2.1.2. Whom does the CAO report to in the district?

The CAO reports to the district chairperson.

#### 2.1.3. What are the roles and responsibilities of the CAO?

- ➔ The CAO is the head of the District Public Service and provides leadership in developing district plans, reviewing, monitoring and implementation of government policies and plans of Central government and District Council;
- ➔ Ensures that planning is done;
- ➔ The CAO oversees the use of public resources and ensures that they are used well and accounted for;

- He/she ensures that lawful district council decisions are implemented;
- Provides technical advise and guidance to district political leadership to ensure effective and lawful council decision making;
- Advises and guides local councils and the departments responsible for implementing government programs on education, health, roads, water, agriculture among others;
- The CAO must ensure that accountability for public resources is done and that they are used transparently;
- Supervises district and lower council staff and ensures that they implement their activities as planned,
- Coordinates district and lower council staff and monitors implementation of Central government and district programs;
- Acts as a liaison between the district councils and Central government to ensure that government policies are effectively implemented and that national objectives of the country are achieved;
- Ensures safe custody of district properties, records and documents of council;
- In partnership with security agencies in the district, the CAO ensures that law, order and security in the district is maintained.

## **2.2. Deputy Chief Administrative Officers**

Deputy CAOs are commonly called Assistant Chief Administrative Officers (ACAOs). The ACAO reports to the CAO. A district will usually have a deputy CAO and ACAOs.

### 2.2.1. Why are ACAOs relevant?

They deputize the CAO in managing and coordinating the implementation of government and council policies and laws in order to improve the welfare of citizens in the areas in which they work.

### 2.2.2. What are the roles and responsibilities of ACAOs?

Provide administrative support services to the District Council and the technical Departments;

- Initiate and formulate/develop District policies, plans, strategies and bye-laws in partnership/liaison with other Heads of Department;
- Supervise and coordinate proper management of the human resource issues in the District;
- Manage and provide efficient utilization and accountability of all resources of the
- Administration Department;
- Carry out the role of deputizing for the CAO;
- Provide technical support and guidance to the technical departments on matters relating to administration.
- Coordinate safe custody and proper management of Council records; and
- Supervise the upkeep and provision of the safe custody of Council properties and assets.

### 2.3. Assistant Chief Administrative Officer (ACAO) in charge of a county

The ACAO in charge of a county reports to the Deputy Chief Administrative Officer. The ACAO in charge of a county assists

the CAO in coordinating and monitoring all administrative and development programs in the county.

### **2.3.1. What are the roles and responsibilities of the ACAO in charge of a county?**

- ➔ Enforce accountability for financial and other public resources in the County;
- ➔ Assess the service delivery performance levels in the County;
- ➔ Enforce compliance to Government policies by NGOs in the County;
- ➔ Monitor County abidance/adherence to National and District priorities, policies, programmes and legal obligations;
- ➔ Prepare periodic Reports regarding activities in the County and submitting them to the relevant authorities; and
- ➔ Provide technical support on implementation of Government policies in the county.

### **2.4. The Sub-County Chief**

The sub-county chief is appointed by the District Service Commission after successfully passing through an interview. The Sub-County Chief reports to the Local Council III chairperson and the CAO.

The Sub-County Chief supervises the Community Development Officer (CDO), Agricultural Officer, Veterinary Officer, Fisheries Officer, Parish Chief, Senior Accounts Assistant and Head Teachers of Primary schools.

#### **2.4.1. What are the roles and responsibilities of the Sub-County Chief?**

- ➔ Manage the implementation of all Districts bye-laws and Government policies, projects, programmes and lawful directives;

- Carry out general administration of the Sub-County in conformity with Government
- regulations and policies; District Ordinances or bye-laws; and Trust Fund or Secretariat by lower Councils;
- Collect and account for Local Government revenue in the sub-county;
- Execute orders and warrants issued by any court of competent jurisdiction;
- Assist in the prevention of crime and maintenance of law, order and security in the Sub-County;
- Collect date and keep records of Council;
- Provide technical support to the Local Council III in planning, budgeting and Implementation of Government programmes; and
- Supervise and monitor the implementation of socio-economic development projects.

### **2.5. Parish Chief**

The parish chief carries out the overall administration and management of a Parish Unit in the Local Government. He/she reports to the Sub-County Chief.

#### **2.5.1. What are the roles and responsibilities of the Parish Chief?**

- Prepares and compiles reports on parish operations for the attention of the Sub-County Chief;
- Collects and accounts for Local revenue in the Parish;
- Prepares work plans and budgets for the operations of the Parish;
- Enforces the implementation of National and Local Government policies, programmes and Council bye-laws in the Parish;

- Undertakes the mobilization of the Parish Community for Government development
- programmes and projects; and
- Provides technical support to the Parish Council on any matters relating to lower Local Government governance.

## **2.6. Resident District Commissioner**

### **2.6.1. Who is a Resident District Commissioner?**

The Resident District Commissioner (RDC) is a public officer appointed by the President in accordance with Article 203 of the Constitution of Uganda as amended.

### **2.6.2. Who is an assistant RDC?**

An assistant RDC deputizes the RDC. In the absence of the RDC he/she carries out the roles and functions of the RDC.

### **2.6.3. What are the roles and responsibilities of RDCs?**

- The roles and responsibilities of the RDC are provided for in the Constitution of Uganda and include:
- Coordinate the administration of government services in the district;
- Monitor and oversee local government programs more generally on behalf of Central government;
- Advise the district chairperson on matters of a national nature that may affect the district or its plans and programs and particularly the relationship between the district and the government; and
- Carry out such other functions as may be assigned by the president or prescribed by parliament.

## 2.7. The Police

The Uganda Police Force is provided for under Article 211 of the Constitution of Uganda and regulated by the Police Act.

### 2.7.1. What are the roles and responsibilities of the Uganda Police Force?

- ➔ To protect life and property;
- ➔ To ensure that law and order is maintained;
- ➔ To prevent and detect crime; and
- ➔ To cooperate with the civilian authority and other security organs like the army, local defence units among others and with the general population of Uganda.

### 2.7.2. What roles does the public need to play to make the Police function well?

- ➔ Report any wrongdoers to the nearest police station in your community;
- ➔ Share information with police on any matter that affects law and order in the community;
- ➔ Attend meetings organized by the police force to sensitize the community on security matters and other issues that are relevant for enabling the police perform its roles;
- ➔ Come forward as witnesses in cases where their input is required to enable the courts to punish wrongdoers;

### 2.7.3 What roles can the police play to gain public trust in the force?

- ➔ Educate the public about their roles and responsibilities;
- ➔ Re-brand itself as a force that can cooperate with civilians to maintain law and order;

- ➔ Reduce on corruption and bribery that has characterized the police force and reduced public respect for it.
- ➔ Organize activities that aim to build public trust and interest in the valuable work that the Uganda Police Force undertakes.

## **2.8. Political leaders in districts**

The administrative officers in the district work hand in hand with the politically elected leaders and the RDC's office to ensure that government programs are implemented in line with national and district policies, plans and budgets.

The political head of the district is the Local Council V Chairperson. At the local council III level (sub-county) the LCIII chairperson is the political head of the sub-county. In municipalities (LC IV) the Mayor is the political head of a municipality. The LCV and III chairperson and the Mayor work with councillors to enable the district and central government to achieve its objectives. The district Councils, LCIVs and III Councils are set up in a way that enables them perform their functions. Each council has an Executive Committee and Standing/Working committees through which council conducts its business and makes decisions. Each council elects a Speaker to oversee council business.

Within council, an Executive committee is appointed by the LC chairperson and approved by council. Each Executive committee is made up of at five persons at least one of whom should be female. This does not prevent the chairperson from appointing more females on the Executive committee of a local council at the three levels.

The roles and responsibilities of local councils at various levels are spelt out in the Constitution of Uganda and the Local Government Act.

### **2.8.1. What are the roles and responsibilities of local councils?**

Financial management and oversight: Local councils at LCV, IV and III levels are responsible for monitoring and evaluating delivery of government programs. In collaboration with the administrative leaders in the district, they monitor and evaluate government programs to ensure that there is value for money. In cases where they detect anomalies, they should bring their findings to the attention of the CAO and relevant head of department.

Political functions & Representation: Local councillors are elected every five years to represent Ugandans of various categories including: men, women, youth and People with Disabilities (PWDs). As representatives of the people, they are charged with the responsibility of finding out the concerns of their electorate and ensuring that these concerns are brought before council and to the attention of the CAO and relevant head of department for discussion and redress where possible.

Legislative and related legislative functions: Local councils at district level make ordinances while at Sub-County level they make bye-laws. These laws are made to address concerns where no legislation is in place to do so. For instance, where councillors detect gaps in education provision, child labour or drug abuse and there are no national laws in place to address the gaps, they can make ordinances at district level of bye-laws to address the problem. It should be noted here that laws are made to address a problem particularly where none is in place to deal with the issue at hand.

Development Planning: Local Councils are responsible for planning for their districts, municipalities and sub-counties at the various levels. For them to be effective, government through the Ministry of Local Government has put in place a planning and budgeting cycle to guide their work right from the Parish Development Committee.

The councils are charged with the responsibility of ensuring that citizens participate in the planning and budgeting cycle.

Constituency servicing and monitoring service delivery: Leaders are expected to address issues affecting their electorate. They can do this in a number of ways. For instance, they can work with various partners in the Non-governmental Organizations, Private sector and individuals to address the challenges facing their constituencies. In order to effectively do this, they must identify the concerns of their electorate and network with partners who can complement existing government programs to address arising issues in their constituencies. For example, some councillors have successfully partnered with NGOs to advocate for improving education for both boys and girls, others have advocated for better water services in their electoral areas while others have attracted private sector investment in their constituencies.

Attend meetings of lower local Councils: This enables councillors to listen to issues and concerns of their Sub-Counties. In some cases, councillors at district level have used the meetings to communicate to local councillors at sub-county level on pertinent issues and also provided guidance to the lower local councils on issues where they may not have knowledge and expertise.

## **Parliament**

The government of the Republic of Uganda is made of three arm; the Executive, the Legislative and the Judiciary. The legislative arm of government is the Parliament. its established by Article 77 of the Constitution and is presided over by the Speaker, in her/his absence, by the deputy Speaker both of who are elected by members of Parliament from their number.. The current 9th Parliament of Uganda is made up of 375 members. Of these 112 are district women members of Parliament (MPs); 10 represent the army; 5 represent the youth, 5 represent persons with disabilities (PWDs) and 5 represent

workers. The others not elected by citizens are appointed by the President. An example of MPs not appointed by citizens was the former Prime Minister of Uganda Hon. Apollo Nsibambi. Most of the work of Parliament is done through committees.

### **2.10.1. What are the roles and responsibilities of Members of Parliament?**

#### **Legislative Roles**

- ➔ To make laws for peace, order, development and good governance in Uganda;
- ➔ Introduce Bill in Parliament for discussion
- ➔ Make national policies on national development

#### **Oversight role:**

- ➔ Oversees how public funds are used;
- ➔ Approval of the national budget
- ➔ Monitoring and evaluation of public service delivery
- ➔ Conduct investigations and enquiries: Through the various committees discussed below, parliament investigates and makes enquiries over the use of public funds and management of public affairs.

#### **Constituency Role/Political Representation:**

- ➔ Identify needs of their constituencies and present them in Parliament for debate and solution
- ➔ Speak on behalf of their constituencies during Parliamentary debates and committee meetings
- ➔ Communicate to District Councils discussions and decision of Parliament
- ➔ Attend meetings of Local Councils as ex-officio members

### 2.10.2 Standing Committees

Article 90 of the Constitution of Uganda provides for committees of parliament and specifically provides that:

- ➡ Parliament shall appoint committees necessary for efficient discharge of its functions.
- ➡ Parliament shall, by its rules of procedure, prescribe the powers, composition and functions of its committees.
- ➡ In the exercise of their functions under this Article, committees of Parliament-
  - a) May call any minister or any person holding public office and private individuals to submit memoranda or appear before them to give evidence;
  - b) May co-opt any MP or employ qualified persons to assist them in the discharge of their functions;
  - c) Shall have the power of the high court for;
    - (i) Enforcing the attendances of witnesses and examining them on oath, affirmation or otherwise;
    - (ii) Compelling the production of documents; and
    - (iii) Issuing a commission or request to examine witnesses aboard

There are 11 standing Committees and each of the members of these committees is responsible for carrying out the specific functions of the Committee as follows;

- a. The Public Accounts Committee;** examines the audited accounts showing the appropriation of the sums granted by Parliament to meet the public expenditure of the Central Government and the Judiciary. The Chairperson of the Public Accounts Committee scrutinises and guides the debate of the Auditor-General's report by the House.

- b. **The Committee on Rules, Privileges and Discipline;** enquires into any complaint of contempt of Parliament or breach of privilege or any matter of privilege which may be referred to it and recommends to the House the action to be taken.
- c. **The Committee on the National Economy;** reviews, considers, and scrutinizes all matters relating to National Economy generally, finance and any other matter referred to it by the House.
- d. **The Committee on Appointments;** Is responsible for approving on behalf of Parliament, the appointment of persons nominated for appointment by the President under the Constitution or any other appointment required to be approved by Parliament under any law.
- e. **The Committee on Government Assurances;** Scrutinises the assurances, promises and undertakings given by Ministers and other agents of Government in Parliament from time to time and report on;
  - i. The extent to which those assurances, promises and undertakings, have been implemented; and
  - ii. Where implemented whether the implementation has taken place within the minimum time necessary for the purpose.
- f. **The Committee on Commissions, Statutory Authorities and State Enterprises;** Examines the reports and audited accounts of Statutory Authorities, Corporations and public enterprises and in the context of their autonomy and efficiency, to ascertain whether their operations are being managed in accordance with the required competence and where applicable in accordance with sound business principles and prudent commercial practices;
- g. **The Committee on Equal Opportunities;** Monitors and promotes measures designed to enhance the equalization of opportunities and improvement in the quality of life and status of all peoples

including the marginalized groups on the basis of gender, age (elderly, youth, children) disability or any other reason created by history, tradition or custom for the purpose of redressing imbalances which exist against them.

- h. The Committee on HIV/AIDS and related matters;** Coordinates HIV/AIDS activities of Parliament and provides a link between Parliament with the Uganda AIDS Commission in combating the epidemic in Uganda;
- i. The Committee on Science and Technology;** reviews, discusses and makes recommendations on scientific and technological content of all Bills laid before Parliament; initiates Bills on strategic issues of science and technology for national development and continuously monitors, evaluates and assesses activities in public institutions and any other bodies engaged in national science and technology development.
- j. The Budget Committee;** considers the national Budget and compile amendments and refer them to the relevant Committees and carries out other functions relating to the national Budget as may be assigned to it by Parliament or any Act.
- k. The committee on Local Government Accounts<sup>37</sup>;** Examines the audited accounts in relation to the report laid before Parliament by the Minister for Local Government showing the appropriation of the sums granted by Parliament to Local Governments. The Committee reports to Parliament twice a year.

Where a member of the public feels that a certain issue such as mismanagement of funds at the local Government level, or that certain commitments and pledges by Government Minister have not been fulfilled then they can raise the issue for investigation with a specific committee through a letter or direct interface with the chairperson of the committee or any of the members.

## Sessional Committees

Sessional Committees have the following functions-

- ➔ To examine and comment on policy matters affecting the Ministries covered by them;
- ➔ To initiate or evaluate action programmes of those Ministries and Sectors and to make appropriate recommendations on them;
- ➔ To examine critically Bills brought by Government before the House before they are debated;
- ➔ To examine critically Government recurrent and capital budget estimates and make recommendations on them for the general debate in the House;
- ➔ To monitor the performance of Ministries and Departments; and
- ➔ To ensure Government compliance.

They include; The Committee on Information and Communication Technology; Committee on Defence and Internal Affairs; Committee on Physical Infrastructure; Committee on Gender, Labour and Social Development; Committee on Finance, Planning and Economic Development; Committee on Social Services; Committee on Foreign Affairs, Committee on Presidential Affairs, Committee on Legal and Parliamentary Affairs; Committee on Public Service and Local Government; Committee on Agriculture, Animal Industry and Fisheries; Committee on Natural Resources; and Committee on Tourism, Trade and Industry.

Similarly it is possible for a member of the public to initiate dialogue with the members of these committees on areas of concern.

### 2.10.4. Select Committees

Parliament may, at any time, upon a motion appoint a Select Committee to be nominated by the Speaker, for the consideration

of such matters as the House may refer to the Committee and to report on any such matter to the House.

### **2.10.5. Ad Hoc Committees**

Parliament may at any time, by resolution, appoint an Ad Hoc Committee to investigate any matter of public importance that does not come under the jurisdiction of any Standing or Sessional Committee or has not been dealt with by a Select Committee.

### **2.10.6. Oversight role of Parliament**

- Article 164 makes Permanent Secretaries accountable to Parliament for funds in their ministries and gives MPs powers to monitor all expenditure of public funds.
- Every year, Parliament, through committees, considers the details of how money that was given to Government Departments has been spent in service delivery.
- The committee members may question ministers and public service officials in the course of committee deliberations of how the money was spent and why it was spent in a particular manner.
- These checks and balances ensure that Government funds are well spent.
- A member of the public may write to a specific committee raising concern about the inefficiency or failure by a particular Government body to deliver services.

## **2.11: THE JUDICIARY**

The Judiciary (also known as the judicial system) is the system of courts that interprets and applies the law in the name of the state. The judiciary also provides a mechanism for the resolution of disputes.

**2.11.1. What are the roles and functions of the Judiciary?**

- ➡ To hear and make a judgement/decision on civil and criminal cases: In Uganda civil and criminal matters are handled by the lower Magistrate courts (Grade One and Grade II and Chief Magistrates) and the superior courts of record on Appeal.
- ➡ To interpret the Constitution and the laws: In Uganda, the judiciary has the power to pronounce laws null and void/non-functional. The Constitutional Court may make a law non-functional if it is not in disagrees with the provisions of the Constitution.
- ➡ To promote human rights, social justice and morality; The constitution provides that judicial power is realized/got from the people and shall be exercised by the courts in the name of the people and in line with law and with the values, norms and aspirations of the people.

# SECTION THREE

## THE RIGHTS & ROLES OF CITIZENS IN SOCIAL ACCOUNTABILITY

### 3.1. Rights of citizens in enhancing social accountability

Citizens play critical roles in enhancing social accountability. In order for citizens to be effective in this regard, they should know their rights and responsibilities in social accountability and be empowered to demand for accountability from public officers entrusted with authority to manage public resources and affairs. The Constitution of Uganda provides for the rights and roles of citizens with regard to social accountability. According to Article 38(1) of Uganda's Constitution:

*“Every citizen has a right to participate in the affairs of government individually or through his/her representative in accordance with the law”.*

Article 38(2) states that:

*“Every Ugandan has a right to participate in peaceful activities to influence the policies of government through civic organizations”.* Citizens can therefore through civic organizations play a critical role in the management of public resources by actively participating in the policy making and implementation processes of government programs.

Citizens can join associations including civic organizations to enable articulate issues that affect the interest groups that they represent. Article 29 (1) (e) of the Constitution of Uganda gives them this right.

Article 17 of the Constitution of Uganda provides for the rights and responsibilities of citizens. Citizens according to Article 17 (g) and (i) respectively are obliged to pay taxes and to combat

corruption and mis-use or wastage of public property. As tax payers, citizens therefore have a right to demand for accountability from those entrusted with the management of public resources. The implementers of government programs in local governments include: the CAO, ACAOs, district engineer, district health officer, district agricultural officer, district education officer, district CDO and the police. At sub-county level the officers entrusted with the management of public resources and affairs include: the sub-county chief, CDO, Agricultural Officer, Veterinary Officer, Fisheries Officer, Parish Chief, Senior Accounts Assistant and Head Teachers of Primary schools. It is important for citizens to know the roles of the various public officers as outlined in section two of the resource pack. Other public officers who contribute to ensuring that public resources are well spent are the RDC whose duty among others is to monitor the delivery of services in the district. The RDC is assisted by the Assistant RDC and Sub-county Internal Security Officers at sub-county level.

The media is an important stakeholder in enhancing social accountability. Freedom of the media is promoted by the Constitution of Uganda. Article 29 (1) of the Constitution of Uganda provides for freedom of speech and expression which shall include freedom of press and other media. This section therefore provides freedom for citizens to communicate their appreciation or dis-satisfaction with service delivery through various mediums including media.

It is important for citizens to call in during radio talk shows, write articles to newspapers and use social media like face book to communicate with their leaders. Citizens also have a right to demand for feedback on their communication. For instance, if citizens have called in during a radio talk show to express their dissatisfaction with a particular service, the leaders should give them feedback on the questions that they may not have been in position to answer during the talk show. It is important for leaders to record contacts

of citizens during such radio talk shows and any correspondences so that they respond to issues raised by citizens systematically.

Citizens can express their dissatisfaction with public services and bad governance through peaceful methods provided for in the Constitution. Article 29 (d) of Uganda's Constitution provides for freedom of assembly and the right to demonstrate peacefully and unarmed and to petition.

### **3.2. Responsibilities of citizens in enhancing social accountability**

- ➔ A core responsibility of citizens is to hold government accountable.
- ➔ Citizens should participate in the government processes of planning, budgeting and monitoring and evaluation so that they acquire information that they can use to hold public officials accountable for improved public service delivery.
- ➔ Citizens in line with Article XXVI (iii) of the National Objectives and Directive Principles of State Policy of Uganda's Constitution have a duty to expose government failures and misdeeds and to participate in combating and eradicating corruption. Ongoing monitoring of government actions by citizens is therefore critical in fulfilling Article XXVI (iii).

Public participation is a key element/factor for the success of social accountability initiatives

### **3.3. What are the benefits for public participation in the governance process of their areas?**

- ➔ It leads to informed plans and government policies and programs;
- ➔ Creates ownership for government programs;
- ➔ It creates more transparency and accountability for public resources because people are aware of the money available for implementing government programs and can monitor how it is used;

- It increases the pace of development as resources are used better;
- It leads to overall development and improves service delivery;
- It deepens democracy because leaders become more answerable to the people who elected them;
- It is a requirement of government of Uganda and international organizations and institutions like the World Bank due to its benefits.

As already enumerated in Section One and Two, the administrative and political leaders in the district have to work hand in hand in order to effectively deliver services. In cases where matters are concerned with service provision, the CAO who is the technical head of the district and the district chairperson should be informed. There are different methods that the public can use to bring their issues and concerns to the attention of the CAO and LCV Chairperson. For instance, the concerned communities can:

- Write a letter to the CAO about the issue and copy the district chairperson;
- Call in to radio talk shows to express their concerns with implementation of services particularly where the CAO or his/her representative is being hosted;
- Seek for appointment to meet with the CAO and district chairperson;
- Petition the CAO and copy the district chairperson;

In all cases, it is important to have facts about the project/program in question and clearly write down concerns with it.

The councillors are responsible in collaboration with the CAO and sector heads to ensure that public funds are used effectively. Where anomalies are detected, the public can use various methods to bring

this to the attention of councillors and technical heads at various levels. For instance, if a road which is being constructed in a village is not being done in accordance with the specifications/contract, the parish chief should be notified. In case a letter is written on the issue, it should be copied to the sub-county chief, concerned sector head and the CAO as technical leaders. The same letter should also be copied to the area councillor and LCIII and LCV chairpersons who are the political heads of the Sub-County and District respectively.

For this process to happen, the citizens should seek for information on projects that will be undertaken in their areas from the parish chief or sub-county chief. It should be noted that the parish chief is the first point of contact with regard to technical matters in the district. Where a letter is written on the matter, the sub-county chief whom the parish chief reports to should be copied in on the letter in addition to the CAO. Bringing the issue to the attention of the concerned technical staff and political leaders in an area can assist in ensuring that the issues are addressed.

The government has put in place various mechanisms through which citizens can participate in governance. They include:

- Parish Development Committees (PDCs) through which planning begins at grassroots level. The time and venue for holding the PDC should be got from the Parish Chief.
- Budget conference which is usually held in December to review and prioritise interventions including proposed re-allocations across sectors and within budget lines. CSOs and individuals in the community should review the priority lists and see if some issues which communities regard as priorities are excluded from the list and raise them.
- During the budget conference consensus is sought about objectives, priorities and budget allocations in order for the

Budget Desk to prepare a final draft budget framework paper, including a tentative annual and medium-term revenue and expenditure budget.

- ➡ Community meetings which are usually organized by elected political leaders to inform the community on various government programs and issues. These are organized by area councillors and the timing and venues at which they are held can be got from the area councillor(s). In cases where the councillors or technocrats do not call any meetings to inform the community on various government plans, policies, programs and projects, the community can call for a meeting with the area councillors and technocrats.

### Conclusion

Technical staff headed by the CAO in the district cannot work in isolation of the political leaders of the district. Citizens should therefore be vigilant in accessing information on government

## SECTION FOUR

policies, plans and programs if they are to become indispensable players in the governance process. Having knowledge about the roles and responsibilities of various actors in the district, sub-county and parish levels equips the citizens with tools on whom to approach when they require attention to issues in their community. The handbook provides a brief highlight of the roles and responsibilities of administrative and elected political leaders and should be used hand in hand with the various guidelines that the two sets of leaders have in ensuring that the national objectives and development is achieved in Uganda.

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