# THE CONTRIBUTION OF DECENTRALIZATION TO THE REALIZATION OF THE RIGHT TO DEVELOPMENT: A CASE STUDY OF SOROTI MUNICIPALITY; UGANDA.

**OCHOM PETRONELLA**

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**A DISSERTATION SUBMITTED TO THE SCHOOL OF SOCIAL SCIENCES IN PARTIAL FULFILMENT OF THE REQUIREMENTS FOR THE AWARD OF MASTERS IN HUMAN RIGHTS AND HUMAN DEVELOPMENT OF NKUMBA UNIVERSITY**

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# DECLARATION

I OCHOM Petronella declare that this dissertation entitled **The Contribution of Decentralization to the Realization of the Right to Development: A Case Study of Soroti Municipality; Uganda** is my original work and has not been submitted to any institution of learning for an award of a degree or any other award.

Sign……………………………………..

Date………………………………….

# APPROVAL

This dissertation is submitted for examination with my approval as the supervisor

**Assoc. Prof. Michael Mawa**

Sign…………………………………

Date…………………………………

# DEDICATION

To my dearest loving parents the late James Faustine Ochom and Mrs. Margaret Agaro Ochom and my maternal relatives, this is to you all.

# ACKNOWLEDGEMENT

I am grateful to God Almighty for never, ever abandoning me from the time I was conceived to-date. Thank you Lord for all the lessons, Blessings and Favour that I have received, and continue to receive from you. When I look back at my life, I see you in every inch of it.

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# LIST OF ABBREVIATIONS

ACHPR – African Charter on human and Peoples' Rights

CSO – Civil Society Organisation

DDP – District Development Plan

DRTD – Declaration of the Right to Development

HRBA – Human Rights Based Approach

ICCPR – International Convention on Civil and Political Rights

LC – Local Council

MDF – Municipal Development Forum

MoLG – Ministry of Local Government

NGO – Non-Government Organisation

NRM – National Resistance Movement

OHCHR – Office of the Commissioner for Human Rights

RTD – Right to Development

SMDF – Soroti Municipal Development Forum

UBOS – Uganda Bureau of Statistics

UNDP – United Nations Development Programme

UNICEF – United Nations Childrens' Education Fund

# ABSTRACT

The study assessed the Contribution of Decentralization to the Realization of the Right to Development in Soroti Municipality. The study was motivated by the need to examine the relationship between Decentralisation and the Realization of the Right to Development which is often either overlooked or taken for granted. In some instances the right to development has been politicised thereby making it look like it's a priviledge rather than a right. The study was guided by the following objectives; to examine the 'State' of Decentralization in the Realization of Right to Development in Soroti Municipality; to find out the Relationship between Decentralization and the Right to Development in Soroti Municipality; and to establish the Influence of Decentralization on the Right to Development in Soroti Municipality. The study applied a descriptive design. Data was collected from 270 respondents by use of questionnaires and interview guide. The findings of the study reveal that; there is a strong relationship between 'state' of Decentralization and Right to Development in Soroti Municipality; Decentralization promotes equity and equality, accountability and participation; the Structure of Decentralisation has given opportunity to the people to fully participate in the development of the Municipality compared to what it was many years ago when Central Government controlled development activities from one centre. These findings clearly showed that the tenets of human rights are recognized and implemented through innovative ways like the introduction of the Municipal Development Forum (MDF) and so every person feels they are recognised and listened to by the Technocrats and Politicians of the Municipality. The researcher recommends that; the Local Government Act and Policy should be reviewed to include the Municipality Development Forum (MDF) so that the LG planning and programming is made to fully embrace the Rights-based Approach to Development; The LG should reduce bureaucracy to serve the people better. In this day of advanced technology there is no excuse for being slow and inefficient, use of so many papers and running around for signatures to authenticate a process; Local Government should make use of technology especially social media to reach all people with information and not just pin it on the notice board in the Municipality offices. Today every Citizen has a phone so LG can send out SMS messages and or social media messages on important information or changes in the Municipality; They should also endeavour to translate for those not able to read and write English so as to be all inclusive; Central Government should harmonize all line Ministry plans and programmes with LG to avoid clandestine issuance of directives which deny the LG the opportunity to collect revenue hence reducing their revenue purse and It is also recommended that Central Government financial releases should be streamlined to cater for completion of projects so that the conflict between the public and LG officials is done away with.

# CHAPTER ONE

# GENERAL INTRODUCTION

## 1.0 Introduction

Decentralization, which is devolution or transfer of powers from central government to local government, is an option that many governments, especially governments in sub-Saharan Africa and other developing countries have embraced with the objective of promoting service delivery, efficiency in governance, accountability, transparency and empowerment of the grassroots people through participation (Akpan, 2007). Alkire (2010) contends that People are the real wealth of nations and therefore the basic objective of development is to enable all people to flourish in varied and creative ways. Human development, Alkire adds, makes the centrality of people explicit. Unfortunately this is often overlooked in the haste to create economic growth and financial wealth in nations. Decentralization objectives that include participation and inclusiveness resonate well with human development objectives which also include participation and inclusiveness clearly brought to light by the Right to development. Critical to note is that there is very little evidence of empirical research done on right to development and decentralization; most of the research available is on the effect of decentralization on expenditure allocation or impact of service delivery (Akpan, 2007).

Okidi and Guloba (2006) affirm that decentralization entails the transfer of planning, decision-making and administrative authority from the central to local government authority. It is a system of government in which power is granted to local government or a process by which governance is moved from a centralised to decentralized system where people are in direct control. They add that Decentralization in Uganda is both a system and process of devolution of power from the centre to local authorities. It has had three phases thus 1955-1964 where strong local administration system was created in a context of a weak centre; 1964-1985 that saw the recentralisation of power and severe weakening of local administration; then 1987 to-date in which decentralization features a significant devolution of power to local authorities through programs to strengthen local systems. Today as we talk about the right to development and rights based approach to development, Joy (2003) urges that a human rights-based approach to development translates needs into rights. This study therefore measures the principles and building blocks of the right to development against those of decentralization with a view to

examine the realization of the right to development through implementation of programs as intended through decentralization.

This chapter is an introductory chapter of the study that presents the background to the study, statement of the problem, the purpose of the study, objectives of the study, research questions and the conceptual framework, significance of the study, justification of the study and scope of the study.

## 1.1 Background to the Study

Decentralisation of power to local authorities is often undertaken for several reasons. Its impact therefore can be assessed by looking at its practical purposes and objectives. Powers of local government vary and decentralisation processes differ substantially in the type and scope of power that is devolved (International Council on Human Rights Policy, 2002). In Mali for example, local governments were assigned responsibility for delivery of basic services, including health care, education, water, maintenance of roads and common land. In India, local authorities manage many aspects of economic development, including agriculture and fishing, land improvement, minor irrigation systems and water management, rural housing and electrification, and welfare programmes. When democracy returned to Chile, local authorities vastly increased their responsibility for social investments and services (Ibid). Some local governments promote and manage significant private sector investment programmes. Powers in relation to land use and planning, and authority over the maintenance of water resources, may also be devolved. Though central governments often retain control over mines, minerals, and the environment, responsibility in these areas may sometimes be devolved to district or state level authorities (International Council on Human Rights Policy, 2002). Human rights based approach to development has proved to be the best way for local governments to serve the people because the notion of devolving power to the local levels was to be able to serve the people better but this cannot be done if the principles of human rights based approach are not integrated into local government programming and service delivery. This study focused on the contribution that decentralization has made towards the realization of the right to development in relation to participation, efficiency and service delivery to the people.

### 1.1.1 Conceptual Background

The concepts of human rights and human development are essentially concerned with the empowerment of human beings and the enhancement of their capabilities; a linkage between the two concepts is necessary and inevitable (Olowu, 2009). Decentralization is a democratic mechanism that allows local governments to discern the needs and preferences of their constituents as well as provide a way for these constituents to hold local governments accountable to them (Ibid) therefore decentralization is considered a better option for human development. A human rights based approach to development is seen as both a means and an end. It requires that development programming should drift away from the common practice of employing external advisers to prescribe solutions to local problems in favour of an inclusive consultative process in which the knowledge and concerns of the local society are predominant (Lundberg, 2008). Decentralization does offer that opportunity because it is taken to be the strengthening of local institutions to play a more representative, responsive and constructive role in the everyday lives of local populations and the countries in which they live. Such strengthening usually involves some transfer of financial resources and decision-making power from central government (Ribot, 2002).

The neo-liberal right supports decentralization because it entails a further shrinking of the powers of the centralized state. The political left also supports decentralization because it is associated with an agenda of democratic deepening, with some progressive civil society organizations seeing decentralization as providing greater opportunities for influencing decision-making processes at the local level. Human rights based approach as a conceptual framework for the process of human development is based on international human rights standards and operationally directed to promoting and protecting human rights (OHCHR, 2006) therefore the adoption of decentralization, it is argued, enhances the rights based approach to development from a local perspective.

Advocacy of decentralization comes from various sources, inclusive of donor agencies and local pro-democracy movements and ostensibly from central governments themselves. It is then logical that decentralization is preferred because of its key elements such as participation, inclusiveness, empowerment and legality which are embraced by human rights (Crawford and Hartmann ed, 2008). Mubangizi (2014) asserts that the 1986 United Nations Declaration on the

Right to Development signalled the recognition that human rights and development are closely interrelated and was endorsed by the 1993 World Conference on Human Rights. Mubangizi further adds that a number of reasons exist to justify the relationship between development and human rights and they include; empowering people to demand justice as a right, not as a charity and also gives communities a moral basis from which to claim international assistance whenever needed and human rights form an important of good governance and democratization which are largely regarded as integral prerequisites for sustainable development among others. It then follows that human rights based approach to development gives people opportunity to participate in shaping the decisions that pertain to their human rights and to those responsible for implementing development programs, to know how to fulfil these rights through policy and ordinance making.

Human rights and development efforts are considered 'parallel streams' which address similar problems and share similar values. Both human rights and development efforts are seen as progressive and transformative, with the aim of bringing into being new worlds that are more prosperous, more humanly fulfilling, and more just (D'Hollander el al, 2013). The importance of local government in implementing human rights cannot be underrated because some fundamental human rights obligations fall within the ambit of local governments rather than the central government (Bosire, 2011) for example local government services like provision of clean water and sanitation, housing, solid waste management and education among others fall within human rights specifically economic, social and cultural rights. Bosire (2011) also posits that it is at local government level that people get to enjoy their rights more. Ekpo (2007) contends that by transferring decision making power to levels of government that are close to beneficiaries, decentralization can give citizens greater influence over the level and mix of government services they consume and greater ability to hold their officials accountability.

In 1993 the World Conference on Human Rights and the Vienna Declaration reaffirmed the indivisibility and interdependence of all human rights, and emphasized the interrelatedness between democracy, development and human rights and fundamental freedoms (D'Hollander el al, 2013). The human rights and development communities moved closer towards each other after the fall of the Berlin Wall. Symbolically, the 1993 World Conference on Human Rights and the Vienna Declaration reaffirmed the indivisibility and interdependence of all human rights, and

emphasized the interrelatedness between democracy, development and human rights and fundamental freedoms (Nyamu-Musembi, Cornwall, 2004). Effective decentralization is about creating a realm of local autonomy defined by inclusive local processes and local authorities empowered with decisions and resources that are meaningful to local people (Ribot, 2002) and so it is argued that HRBA key elements are better realised in a decentralized arrangement.

The UN Common Understanding captures in broad strokes what the concept of a HRBA stands for i.e. the establishment of a legal basis for development work by explicitly applying the human rights framework; the instrumental use of human rights standards and principles in development operations; and the emphasis on the awareness and structural capacity of both rights-holders (e.g. citizens) and duty-bearers (e.g. governments) (D'Hollander el al, 2013). It is argued that the application of the HRBA at local government level brings a lot of development benefits to the people and the region because it is all encompassing, targeting every human being at local government level. The selective application of the HRBA results in abuse of human rights and selective development benefits which does not resonate with the principles of HRBA to development as already noted herein.

Human rights concerns and advocacy in Uganda have concentrated at the centre/national level and the question of local government has largely been left to scholars of public administration who tend to concentrate on managerial performance and efficiency (Ahikire, 2002). Additionally, local government is largely viewed as a development issue in terms of service delivery (Ibid). A rights-based approach to local government allows for critical interrogation of people's relationship to local government institutions and the relations that emanate from them. Decentralisation in the context of rights raises issues of people as subjects in the whole question of citizenship and how they are located within the political economic and social processes of local government (Ahikire, 2002).

The service delivery functions of local councils are not merely the services government affords citizens; they are human rights obligations which local governments must comply with (Kirya, 2007). They are not favours from the ruling party or awards for loyalty and support, but rights that every citizen is entitled to regardless of their social, economic status or political affiliation (Ibid). It is therefore paramount that local governments respect, protect and fulfil human rights through service delivery programmes. The rights based approach to development recognises that

achieving development by securing rights is a political process because the rights holders (citizens) must claim their rights from the duty bearer (the state) which must deliver in accordance with the law (Ibid). This calls for the empowering of the rights holders to claim their rights and building capacity of the duty bearer to fulfil its obligations. The rights based approach emphasizes that in designing development programmes, local governments should ensure that key principles of the rights based approach to development which include empowerment, participation, accountability and the promotion of equality and non-discrimination are never left out (Kirya 2007).

## 1.1.2. Historical Background

The history of Decentralization in Uganda dates back to the colonial days and it was characterized by a system of administration that was exemplified by the African Native Authority Ordinance of 1919, which provided for the powers and duties of African chiefs in the colonial administration. Under the Ordinance, chiefs were appointed at the village, sub-county and county levels with powers to collect taxes, preside over native courts, and maintain law and order (Oloka, 2007). The 1962 constitution of Uganda established a decentralized system combining federalism, semi-federalism and unitary. It granted a federal status to the kingdom of Buganda and a semi-federal status to the kingdoms of Ankole, Bunyoro and Toro, and the territory of Busoga. It also provided for Councils to be established in the districts of Acholi, Bugisu, Bukedi, Karamoja, Kigezi, Lango, Madi, Sebei, Teso and West Nile (Mugabi, 2004). The local Administration ordinance of 1962 granted certain powers to local councils on matters such as their composition, oversight of land, local roads, rural water supply, education, local tax collection and certain health services. The 1966 crisis brought non-observance of human rights to the peak with the attack on Lubiri and the assault that was occasioned to the system of local governance in the non-kingdom districts (Oloka, 2007). Upon its abrogation in 1966 the new constitution centralized all powers. Executive powers were vested in the presidency and subsequent regimes did little to restore local governments in the country (Mugabi, 2004). Under the 1967 constitution, any semblance of an autonomous local government system disappointed and was followed by the enactment of the local Administration Act of 1967 which reverted the control of local government to what it was in pre-1950s colonial Uganda (Oloka, 2007). The military regime of Idi Amin (1971-1979) dissolved district and urban administrations, replacing them with provincial administrations led by Governors, most of whom were high-ranking

military officials. When Amin was deposed by Obote (1980-1985), a key protagonist in the 1966 crisis, the status-quo remained till 1986 when the Obote regime was also deposed by the NRM regime (Mugabi, 2004).

Oloka (2007) opines that the system of governance initially introduced by the NRM was also inherently anti-human rights; giving human rights with one hand and taking with another. Decentralization took place with regard to everything else except organised politics which remained centralized and monopolized. However Ojambo, (2012) contends that in 1986, the nascent National Resistance Movement (NRM) government initiated fundamental changes in local government which culminated in the enactment of the Local Government Statute of 1993 and the subsequent Local Government Act of 1997. Additionally, under the NRM, the 1995 Constitution, which adopted and further articulated the local government system of government, was promulgated. Decentralization therefore gained more prominence during the rise of the National Resistance Movement (NRM) government to power under the leadership of Yoweri Kaguta Museveni (Ibid). The current system of decentralization has become a more robust and a more elaborate system than any other that was ever attempted in the history of Uganda (Oloka, 2007).

Decentralization thus having taken root in Uganda, Soroti district is one of the decentralized districts. Soroti district, as it is known today, was curved out in 1912 at the recommendation of Sir Fredrick Jackson during the implementation of the decentralization policy. It owes its existence to the establishment of Kakungulu's Camp near Soroti Rock as an Administrative post to oversee Serere, Gweri and Soroti areas as directed by the District Commissioner in Mbale (UBOS, 2012). Under the rule of Semei Kakungulu, there was a considerable settlement in this area after forcefully clearing the forests using the locals. These developments further attracted even the Asian Community to start trading in Soroti district after erecting semi-permanent buildings (Soroti Municipal Council, 2015). Soroti that was the Headquarters of Teso region became a Town Council in the late 1960s and a municipality in 1994 (Ibid).

The administrative set-up of the municipality is meant to ensure smooth delivery of services to the population. At Municipal level, the Town Clerk is the in-charge as a Chief Executive of the local administration. The Assistant Town Clerk reports to the Chief Executive of the Local Administration. These are in-charge of the Divisions. In both cases they are assisted by

Technical staff. The Political structures range from LC1 to LC4 (Soroti Municipal Council, 2015).

### 1.1.3 Contextual Background

The principal objectives of decentralisation have historically included the promotion of accountability, transparency, efficiency in governance and service delivery, and the empowerment of the masses from grass-root levels through the promotion of the participation of individuals and communities in their governance (Ojambo, 2012).

The Local Government Act (1997), lists the following objectives; transferring real power to the districts (including functions, powers, responsibilities, and services) and reducing the workload of government officials working in central government; to ensure democratic participation in, and control of, decision-making by the people concerned; to improve service delivery ; to improve financial accountability by establishing a clear link between payment of taxes and provision of services and to provide for the election of local councils (and to improve the ability of local councils to plan, finance and manage the delivery of services to their constituents). Additionally, the policy aims at devolving substantive political, administrative, and fiscal powers and responsibilities to improve service delivery; to promote governance (transparency and accountability); democratize society; and alleviate poverty through collaborative efforts with NGOs, civic organizations and the private sector. The emphasis to day, according to Lundberg (2008), is that a human rights approach to decentralized governance is critical to protecting and promoting the freedoms of men and women to lead the kind of lives they choose in dignity, free of injustice and humiliation. It is argued here that for the Local Government Act aims and objectives to be achieved, a human rights based approach ought to be adopted because it broadens the concept of development to include political, civil, economic, social and cultural rights covered by the Universal Declaration of Human Rights (UDHR) through its key principles of participation, accountability, inclusiveness, empowerment and legality.

It is now over two decades since Uganda adopted decentralisation, a system of government considered as a pathway to improving governance in terms of democratization and service delivery. Today Uganda's level of accountability for public resources and service delivery

remains deplorable. On political decentralisation, the main indicators of which include the number of elected sub-national tiers, the existence of direct elections for local governments, and the turn-out and fairness of such elections, Uganda scores very highly (Ojambo, 2012). Meaningful engagement of the electorate in democratic governance requires transparency in the relationship between government officials and citizens and an empowered citizenry capability of punishing their government representatives if they fail to do so (Bainomugisha el al, 2015). It can be argued that this state of affairs arises from Uganda's failure to incorporate rights based approach to development into decentralization programming and implementation.

Uganda's adoption of a system of devolution of power was partly and largely necessitated by considerations of political expediency at a time when security was a major concern for the NRM regime (Ojambo, 2012). Concerns about resources, be they fiscal or human, may still apply but they no longer pose a threat to the Government. Ojambo (2012) emphasizes that the effect of this has been the reversal of the commitment to the system of Local Government by the central government, which now appears to emphasis a desire to run the Government more from the centre than through Local Governments, many of which are now proving problematic in the new multiparty political dispensation. This is evidenced by central Government's continued disbursement of funds from the centre and some Government Ministries, like Ministry of Works and Transport still controlling implementation of some projects at Local Government level.

Mugabi (2004) contends that Uganda's devolution was preferred because it gives citizens and their elected representatives' decision-making power and grants local level Governments' discretionary power to act independently in their areas of jurisdiction thus reducing central Government control. To this end, the Local Government Act gives mandate to the Local Governments to make and implement their own development plans; to make, approve and execute their own budgets; to mobilize and expend resources according to their local priorities; to appoint statutory committees, boards and commissions; to make ordinances and by-laws that are consistent with the Constitution and other existing laws; to hire, manage and fire personnel and to implement a broad range of decentralized services previously handled by the center (Mugabi, 2004). Devolution of power resonates well with the principles of human rights based approach which include participation, inclusiveness, accountability empowerment and legality. This, according to the Office of the High Commissioner for Human Rights (OHCHR) 2006

publication on principles and guidelines for strategic poverty reduction, promotes poverty reduction while enhancing development as a right.

The claim that decentralization promotes peoples' participation in the way they are governed is premised on the assumption that people understand their roles in the decentralized programme. One of the challenges evident in Uganda's decentralized programme is, however, that the government appears to operate under the illusion that people know their roles in the decentralized system, an assumption which is absurdly wrong, especially in a country where the illiteracy level is still quite high (Ojambo, 2012). Under the said illusion, districts have been created all over the country without conducting civic education to empower the masses for the purpose of meaningfully getting involved in local administration. The effect of this rather sporadic, radical approach to decentralization, which entails a total shift in the manner in which governance is conducted, has led to a clear lack of consistency and compliance with the requirements under the decentralization legal framework (Ibid). From a human rights perspective, the human rights based approach is a tool for empowerment that acknowledges that the situation of people cannot change for the better without the peoples' ownership (Hausen and Launiala, 2015). It is argued that the high illiteracy levels of the population coupled with government illusion that people know their roles in a decentralized system can be harmonized through the adoption of the rights based approach whose key principles put the people at the centre of development.

## 1.2. Statement of the Problem

In his book, "Development as Freedom", Amartya Sen (1999) notes that there are two distinct visions of the development process: one that requires sacrifices, by privileging economic growth to the detriment of peoples' rights; and the other a "friendly" development defined as a "process that expands real freedoms that people enjoy". In Uganda, decentralization is a channel through which development as a process that expands real freedoms that people enjoy is attainable. The objectives of decentralization give ground for people to enjoy real freedoms.

Decentralization has, no doubt, brought many benefits closer to the people at Local Government level. The main objectives of decentralization in Uganda are well known and they are: increased Democracy, Accountability, Empowerment of the people; Responsiveness and to Improve

capacity of the people to Participate in the Decision-making process as well as to Promote local ownership of programmes. This is in line with the principles of Rights-based Approach championed by the Declaration of the Right to Development.

Soroti Municipality is among the many decentralised units in Uganda that struggles to maintain sustainable socio-economic and political development. Today the emphasis is undoubtedly on the adoption of the Rights-based Approach (RTD) in programme implementation and political as well as socio-economic participation of the people because Rights-based Approach to development strongly focuses on the people rather than their outcome. Although there is a framework for planning and implementation of Local Government programmes, the principles of Rights-based Approach to development, which resonate with the objectives of decentralization are still not utilised on an equal scale hence lending credence to the fact that participation, accountability, empowerment, legality and inclusiveness may be on paper but not in practice as was intended. So the problem that was investigated by this study is "how much contribution has decentralization had to the realization of the Right to Development in general?"

## 1.3 Main Objective

To assess the relationship between decentralization and the realization of the Right to Development in Soroti Municipality

## 1.4 Objectives of the Study

This study will be guided by the following objectives

1. To examine the 'state' of decentralization in the realization of right to development in Soroti municipality.

2. To find out the relationship between decentralization and the right to development in Soroti Municipality

3. To establish the influence of decentralization on the right to development in Soroti municipality.

**1.5 Hypothesis of the Study**

Decentralization has no relationship with the Realization of the Right to Development in Soroti Municipality.

**1.6 Scope of the Study**

**1.6.1 Time**
The study will focus on a five year period from 2011 – 2015.

**1.6.2 Content**

The study will examine three independent variables vis-à-vis the realization of the right to development. The study will focus on 'state' of Decentralisation; the relationship between Decentralization and the Right to Development in Soroti Municipality; the influence of Decentralization on the Realization of the Right to Development in Soroti Municipality.

**1.6.3 Sample size**

Total population of Soroti Municipality is 49,685; targeted population of Soroti Municipality is 831. The sample size for this study is 270 respondents drawn from the target population. Sample size is determined using Slovin's formula (Yamane, 1967) and it is thus:

$$n = \frac{N}{1+N(e)^2}$$

Where 'n' is the Sample

N is the population

E is the level of precision (0.05)

- $n = \dfrac{831}{1+831(0.05)^2}$

- $n = \dfrac{831}{1+831(0.0025)}$

- $n = \dfrac{831}{1 + 2.0775}$

- $n = \dfrac{831}{3.0775}$

- $n = 270.024$

## 1.7 Significance of the Study

This study will add new knowledge about the contribution of Decentralization to the Realization of the Right to Development in Soroti Municipality. The study will also enlighten readers on the value of Rights-based Approach to Development. Scholars, Policy makers, Development partners and Development workers could also refer to this study to enrich their studies/ work.

For Nkumba University, this study will contribute to empirical knowledge and will influence academic curriculum in the line of development studies and present opportunity for further research studies.

# CHAPTER TWO

# LITERATURE REVIEW

## 2.0 Introduction

The literature review presents relevant research studies that have been conducted by several authors on decentralization and the human rights based approach to development; examining the link between the two and pointing out emerging issues, successes and failures wherever they have occurred. The research is both empirical and theoretical in nature, further strengthening the study and providing it with a more solid base to develop arguments from. The theories used in this study have been proved to still be relevant and therefore play a significant role in guiding this study.

This chapter presents relevant literature on the contribution of decentralization to the citizens' realization of the right to development at local government level. It presents an analysis of the Right to Development from the perspective of some authors and the Declaration on the Right to Development and also presents the relevant theories on decentralizations and human rights including the conceptual framework at the end of the literature review.

## 2.1 Analysis of the Right to Development

Article 1.1 of the Declaration on the Right to Development provides that;

> *"The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized."*

Article 1.2 of the Declaration on the Right to Development provides that;

> *"The human right to development also implies the full realization of the right of peoples to self-determination, which includes, subject to the relevant provisions of both International Covenants on Human Rights, the exercise of their inalienable right to full sovereignty over all their natural wealth and resources."*

The Right to Development was proclaimed in the Declaration on the Right to Development, adopted in 1986 by the United Nations General Assembly (GA) in its resolution 41/128 and is also recognized in the African Charter on Human and Peoples' Rights and the Arab Charter on Human Rights and re-affirmed in several instruments including the 1992 Rio Declaration on Environment and Development, the 1993 Vienna Declaration and Programme of Action, the Millennium Declaration, the 2002 Monterrey Consensus, the 2005 World Summit Outcome Document and the 2007 Declaration on the Rights of Indigenous Peoples (United Nations Human Rights Office of the High Commissioner 2013).

Article 2.1 of the DRTD puts the human being at the centre of development (Mawa, 2002). The Article states "the human person is the central subject of development and should be the active participant and beneficiary of the right to development". Mawa (2002) emphasises that the Article recognises personal potential, capability and skilfulness in 'self-fulfilment'. It then follows that development must be looked at in terms of access to basic needs such as health, education and food - the social indicators of life expectancy. The provision of basic needs is therefore an essential investment in people as a way toward human centred development.

Article 3 of the Declaration mandates States to have the primary responsibility for the creation of national and international conditions favourable for the realization of the right to development The second preamble of the DRTD and Article 3 of the declaration give states the responsibility for the creation of an enabling environment and for States to act collectively in global and regional partnerships. Article 4 allows States to act individually as they adopt and implement policies that affect persons not strictly within their jurisdiction and Article 2 allows States to act individually as they formulate National Development policies and programmes affecting persons within their jurisdiction. The findings of this study explain the level to which Uganda and specifically Soroti Municipality has embraced and implemented development programs in accordance with the provisions of the DRTD particularly Articles 1,2 and 3 among others.

Piron 2002 writes; the DRTD affirms that human rights are indivisible and interdependent. This ensures that equal attention is given to economic, social and cultural rights as to civil and political rights, and that human rights are addressed in an integrated manner, not through the separate realization of individual rights. Piron continues to say that the DRTD places the human person at the centre of development. To justify Piron's argument, in Article 2(1), 4(2), and 8(1) of the DRTD, Development is not defined solely in terms of economic growth, but as a

"comprehensive" and multi-faceted "process", with social, cultural, political as well as economic elements. Therefore the development process should be respectful of all human rights and fundamental freedoms and help the realization of rights for all (Art. 1 and 6). Failure to observe rights constitutes an obstacle to development (Art. 6(2)). The study finds that political interferences make it difficult for the human being to be placed in the centre of development but being a young democracy, there are signs that the municipality is on the right path of development.

According to article 1 and 2 of the DRTD, the RTD has five main characteristics: The RTD is inalienable; It is a process securing the right to participation; It is a process in which all human rights and fundamental freedoms should be realized; It is an individual and collective right and the RTD underlines the right of people to self-determination (Piron, 2002). In the study findings, the characteristics of the DRTD exist as a process because "political handcuffs" still prevail and will continue to prevail for a while as the growth in democracy continues to take place.

The word 'inalienable' appears in the first paragraph of the 1986 UNDRTD and it underscores the importance of the RTD that cannot be encroached upon and cannot be bargained away. The inalienable character of the RTD is also underlined by the 1994 International Conference on Population and development (ICPD) (Piron, 2002). Consequently the RTD cannot be set aside for any reason including the lack of development. The right is inherent to the nature of mankind and should be fulfilled in a sustainable manner. Human beings are therefore the subject of development.

The expression 'every human person and all peoples are entitled to participate' in the RTD clearly spells out participation as a right. Participation is the root of development. The entitlement to participate ensures that no one is left out on any ground, whatsoever. The right to participation emphasizes the prohibition of discrimination and highlights the need for transparency and accountability in the development process. Women, youth and indigenous groups should be part of the process and be part of the sharing of the benefit of development. The right to participation builds on article 21 (1, 2 and 3) of the Universal Declaration which provides that:

*(1) Everyone has the right to take part in the government of his country,*
*directly or through freely chosen representatives;*

*(2) Everyone has the right of equal access to public service in his*
*country and*

*(3) The will of the people shall be the basis of the authority of*
*government; this will be expressed in periodic and genuine elections*
*which shall be by universal and equal suffrage and shall be held by*
*secret vote or by equivalent free voting procedures.*

This provision clearly highlights the importance of participation to any society. In the same vein, article 25 of the ICCPR and the common article 1 of the two 1966 Covenants, highlight the importance of the right to participation that was emphasized by the 1990 African Charter for Popular Participation in Development and Transformation which aimed at ensuring a meaningful participation of African peoples in Africa's development. In the study, participation is seen to exist but it is not wholesome as some people still have doubts while others are subjects of patronage. High illiteracy levels do not help the situation hence participation is still unsatisfactory.

Article 1 and 2 of the DRTD underscore the composite character of the RTD by emphasizing that development does not only deal with economic, social, cultural and political wellbeing, but it is also a process in which no human right or freedom should be forgotten. It includes '*all human rights and fundamental freedoms*'. In other words, economic, social and cultural rights as well as civil and political rights are the substance of the RTD (Piron, 2002). The African Charter on Human and Peoples Rights (ACHPR) is the only instrument in which the RTD is binding and this clearly brings out the composite character of the RTD which includes economic, social and cultural rights with a strong stance for respect of freedoms (Ibid). Its article 22 reads:

*1. All people shall have the right to their economic, social and cultural*
*development with due regard to their freedom and identity and in the*
*equal enjoyment of the common heritage of mankind.*

2. *States shall have the duty, individually or collectively, to ensure the exercise of the right to development*

The RTD is therefore not based on favour or charity but it is an entitlement.

The Vienna Declaration recognizes that the RTD implies a process ensuring the realization of 'all human rights and fundamental freedoms'. Paragraph 5 of the Vienna Declaration reads:
*All human rights are universal, indivisible and interdependent and interrelated.* It is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms. The state is the primary duty bearer of a composite right, but should be assisted by the international community through cooperation (Piron, 2002). This study hinges on the DRTD and other related documents as herein discussed to find the level to which states have undertaken their duties to promote and protect human rights and fundamental freedoms to cause development owned by the citizens, to take place.

## 2.2 Theoretical Review

It is a general view and belief that decentralization brings tangible benefits to the developing world, increasing material welfare and reducing the alienation of traditional societies when faced with centralized and modernizing bureaucracies. Theoretically this is plausible but practically decentralization seldom lives up to its promises (Ingham &Kalam, 1992). It's been found that only strong states are in position to cede a realistic range of powers. Decentralization has been successful in conscious opposition to the state and for that reason it is often short-lived (Ibid). At the centre of decentralization is the Rights-based approach to development which is defined as an integrated, multi-disciplinary and tri-faceted framework for the formulation, articulation and implementation of development policy, planning and programming (Diokno, 2002). The rights based approach ensures the meaningful and systematic inclusion and empowerment of the most vulnerable in society (Boesen and Martin, 2007). This study assessed the inclusion and empowerment of the people in development programming and implementation.

Several scholars assume that decentralization increases the power of sub-national governments however Falleti (2005) disagrees and instead proposes a sequential theory of decentralization that has three characteristics thus; defines decentralization as a process; takes into account the

territorial interests of bargaining actors and incorporates policy feedback effects in the analysis of bargaining situations. Falleti argues that the sequencing of different types of decentralization (fiscal, administrative and political) is Key in determining the evolution of inter-government balance of power. Bardhan (2002) contends that decentralization and devolution of power cannot be uniformly done world over because the territorial domains of sub-national governments vary enormously from country to country. A province in India or China can be larger than some countries in the world and therefore it makes sense to have federalism and therefore devolution of power to the provincial state governments may still keep power to the people more centralized (Ibid). It is clear that decentralization and all its characteristics in such a situation cannot be implemented unless the federal states further devolve power to small units and adopt a human rights based approach to development whose key principles of participation, empowerment, accountability and inclusiveness are also emphasised by decentralization system.

Agrawal and Ribot (2000) believe that actors, power and accountability underlie decentralization. They affirm that without an understanding of powers of various actors, the domains in which they operate and to whom and how they are accountable, it is impossible to know to what extent meaningful decentralization has taken place (Ibid). Sen (1997) argues that the emphasis on human capital, especially development skills and productive ability spread across the population, contributes to shifting the focus from just merely development to a more 'people friendly' approach; which human rights based approach is all about. It is clear that the approach of decentralization is very closely related to human rights and therefore a rights based approach to development should be a desirable phenomenon. This study assessed how decentralization and human rights co-exist and what aspects of human rights based approach ought to have been adopted so as to have meaningful development.

The pragmatic rights talk makes demands on ensuring accountability by recipient states. Citing Ferguson (1999), Nyamu and Cornwall (2004) agree that talking rights is a 'vehicle for increasing the accountability of government organisations to their citizens and consequently increasing the likelihood that policy measures will be practically implemented (Nyamu and Cornwall, 2004). Rights based approach works to sharpen political edges of participation in the wake of the instrumentation of mainstreaming and to make critical linkages between participation, accountability and citizenship (Ibid). This study examined the right to development

as promoted by the processes of decentralization that include participation, accountability, empowerment and inclusiveness.

The rights based approach evolved from the two concepts of development theory and practice which had been treated differently. Citing Shivji (1999) Mohan and Holland (2001) contend that developmentalists are seeking to reformulate their concerns in relation to rights while human rights advocates take on development issues in relation to rights, arguing that development without rights has very little meaning and legitimacy especially in the south where a majority of the people are poor. African countries embraced decentralization for reasons that include efficiency, equity, participation and democratization, service provision, National cohesion and local empowerment, poverty reduction and development (Ribot, 2002). Consequently Mohan and Holland, (2001) cite writers like Amartya Sen (1997) who conceptualized poverty in terms of human capabilities and entitlements; they agree that Sen's work provides policy analysts with frameworks for linking entitlements to resources, which are human rights based approach. The study exposed the human rights based approach to development principles which resonate with decentralization aims and objectives and therefore ought to have been embraced.

According to Manzo (2002), the right to development is a command address to those engaging in development and it reaffirms their obligations to recognise the central role of human rights in development. The advent of the right to development in 1986, Manzo argues, brought rights and development much closer, validating and reinforcing the state-centric parameters of the right to development. Keba Mbaye, an African distinguished jurist is strongly credited for helping formulate the concept of right to development and push for its adoption by the United Nations (Manzo 2002). Decentralization is one of those forms thought to be a vehicle of development as seen in the 1980s in Africa and elsewhere where decentralization was closely associated with structural adjustment programmes and neo-liberal reform agenda (Crawford and Hartmann, 2008). Globalization has also played a role in increasing agreements as a tool for the empowerment of the poor people because globalization is often associated with progressive growth in market relations and with the global integration of capital, trade, investment, communications and technology (Manzo 2002). This study examined the concept of right to development at local government level specifically looking at how the key elements of human rights based approach have been linked to aims and objectives of decentralization to enable people enjoy the right to development.

A rights-based approach to development increases peoples' desire for dignity and the satisfaction of their basic needs through the integration of politics of development and change together with capacity-building and creativity. This creates better synergy that promotes the existence of strong social movements, political awareness and solidarity; and also creates development alternatives to the models that hinder the fulfilment of rights (Chapman el al, 2005). Decentralization key elements are enhanced by Rights-based development which incorporates a vision of ethics and inclusiveness emphasizing that poor and marginalised people have rights and responsibilities by the mere fact that they are human beings. This approach thus is beneficial when it is integrated with politics – for purposes of making sure legal frameworks support and promote the rights of the poor; organizing dimension–for political change and rights to build peoples' leadership, organisation and togetherness for collective struggle; practical and creative angles – to support education and innovations in development to give meaning to rights and create opportunities to challenge oppressive practices and paradigms (Ibid). The study also looked at decentralization governance and ethics in the realization of the right to development and what contribution this may have had or not had on development.

Chapman el al (2005) contend that a rights based approach to development is inherently a political approach when one takes into account power struggle and a vision of a better society as key factors of development. They argue that the political approach opposes the depoliticized interpretation of development which hinges on focusing on problems "as purely technical matters that should be resolved outside the political arena" without conflict and yet they are matters that are entrenched in differences of power, income and assets. Therefore rights cannot be realized without changes in structure and relationship of power in all their forms (Ibid). The study explored the political structure at decentralization level and how the right to development is embraced within the decentralization policy at implementation.

Rights and participation are interconnected and empowerment is the vehicle for their success however practically, this interconnection is often lost when for instance decision-making excludes the marginalized and poor people (Chapman el al, 2005). Even when there is opportunity, through advocacy to change power dynamics to favour the marginalised and the poor, it is lost when the advocacy approach takes the shape of focusing on policy reform which requires and engages a lot of lobbying and given the time and energy spend, it is not a surprise

that the marginalized and the poor end up being forgotten in this maze hence their continued exclusion from the decision-making opportunities (Ibid). Decentralization, it is argued, provides the avenue for participation, inclusion, empowerment and decision-making to take place even among marginalized poor people.

Diokno (2002) emphasizes that in the centre of rights based development is the human being who is the active participant, owner, director and beneficiary of development. In this context, three components of rights based development standout thus; it's based on the principles of human rights; respects the normative content of human rights and is coherent with the nature and level of the state's human rights obligations. Development, it is believed, that is centred on the establishment of a decentralized system offers good opportunity for rights to be entrenched and enjoyed by all regardless of their status. The study explored the right to development in a decentralized system of government.

Diokno (2002) also drives the point of rights based development home by pointing out seven reasons that justify the centering of development efforts into human rights; emphasizing that human rights go beyond human needs, aspirations, ideals and goals – they are freedoms and entitlements. The reasons for centering development into human rights include; Formulate and pursue development goals in terms of human rights so that development issues are addressed holistically and multi-dimensionally to uphold human dignity; Human rights impose certain duties and responsibilities upon states in order to regulate relations between people and the state in order to ensure development plans and programmes comply with human rights; Human rights are legally enforceable entitlements especially the right to reparation where other rights have been violated. This ensures development focuses on the intended impact on the lives of people recognizing the implications on enjoyment and realization of human rights; Human rights set checks, rules, norms, and limits on state actions and non-state actors in order to shape the process of policy formulation and implementation to enhance development; Human rights also address issues of discrimination, equity and power that maybe left un attended to or not properly addressed by development efforts; Human rights are the ends and means to achieve a quality life consistent with one's humanity and dignity therefore the realization of human rights through participation is the goal of all development efforts and finally Human rights impose the duties for individuals to exercise their rights responsibly and to act responsibly to enhance the development process (Diokno, 2002). With the seven reasons for centering development into human rights,

this study set out to find out the processes and programs of local government and how they have incorporated human rights, if at all, in the implementation of development programming to achieve development in a decentralized system.

## 2.3 The 'State' of Decentralization

## 2.3.1 Structure of Local Government

Ugandan's decentralisation reform initiated in 1992 through a presidential policy statement is recognised as one of the most far-reaching local government reform programs in the developing world and also as one of the most radical devolution initiatives of any country at this time (Steiner, 2006). The intention of decentralization was presented by the Government then as a process of "bringing services closer to the people". Decentralized governance represented part of the political strategy for the Museveni regime to install a new and revolutionary concept of democracy; democracy that is participatory, grass-roots based, and popular. It was thus a priority to implement decentralisation rapidly and holistically (Steiner, 2006). It was first enshrined in the Local Government (Resistance Councils) Statute of 1993 and later in the Constitution of 1995 and the Local Governments Act of 1997 so as to make it a legal process. The local government system is formed by a five-tier pyramidal structure, which consists of the village (LC1), parish (LC2), sub-county (LC3), county (LC4), and district (LC5) in rural areas, and the village (LC1), ward or parish (LC2), municipal division town, or city division (LC3), municipality (LC4), and city (LC5) in urban areas (Steiner, 2006). This was intended to make the decentralization system all inclusive and ensure participation starts right from the grassroots to the centre. This study examined the decentralization structure with the aim of finding out whether it supports the right to development specifically looking at the key elements of a rights based approach which include participation, inclusiveness, empowerment and legality.

## 2.3.2 Organization of Local Government

Local Government Councils are the highest political authority in their areas of jurisdiction, with both executive and legislative powers. The Local Government Councils have been granted wide-ranging powers and therefore can make local laws (Ordinances) not inconsistent with the constitution or any other law (Mugabi, 2004) of the land. The organization of Local Government

in the structure that was previously talked about creates avenues for inclusive participation in the attainment of real freedoms which are key in development. The composition of Local Councils stems from the inclusive participation of the people that is afforded by Decentralization and so Local councils are responsible for the delivery of the majority of public functions and services and these are listed in the second schedule to the Local Government Act. This study examined how organization of Local Government has enabled people in the realization of the right to development.

The clear and distinct difference between Local Government Councils and Administrative unit Councils is that a Local Government Council is a body corporate with perpetual succession and a common seal and therefore it may sue or be sued in its corporate name (Mugabi, 2004). Each Local Government Council has a directly elected chairperson and elected councillors representing demarcated electoral areas, two councillors (one male, one female) representing the youth, two councillors (one male, one female) representing persons with disabilities and women councillors forming one third of the council (Steiner, 2006). This clearly shows the Inclusive participation of the people in the development agenda however the literature seems to only indicate inclusive participation to this end but does indicate whether there are channels to consult the people or even get feedback on issues of interest to them. This study assessed the level of communication between the electorate and the elected as part of the development agenda. At lower Local Government Council however two elderly persons (one male, one female) above the age of fifty five (55) years are nominated by the respective executive committees for approval by the respective council. Urban councils are responsible for service delivery in urban areas and they enjoy both financial and planning autonomy (Mugabi, 2004). This does indicate the inclusive participation of people of different age groups. However the literature seems to suggest that the inclusive participation of the people stops at elections of their leaders. This study intended to find out how the right to development is realized in this kind of local government organisation.

An administrative unit council on the other hand is not a corporate body. Its functions are to resolve problems or disputes; monitor the delivery of services and assist in the maintenance of law, order and security (Mugabi, 2004). Administrative unit councils at the county level consist of all members of the sub-county executive committee in the county; at the parish level, all members of the village executive committees in the parish; and at the village level, all persons of

eighteen years of age or above residing in the village (Ibid). The ex-officio members of Administrative unit councils at the county are all district councillors representing electoral areas in the county and at the parish level, all sub-county councillors representing electoral areas in the parish (Mugabi, 2004). The literature shows the volume of issues the elected members have to contend with at different levels since they are the same people. In the inclusive participation mode, the expectation would have been that different people are elected at different levels so that the leaders have time to interface with their electorate, with fewer issues to advocate for and shared responsibilities. This study looked at how this participation system contributes to the realization of the right to development as stipulated in the Declaration of the Right to Development.

### 2.3.3   Processes of Local Government

Local Governments develop their own District Development Plans (DDP) that outline the planned programmes, budgets allocated to those programmes, the implementation of those programmes and the likely outcomes. The DDPs are often aligned to the National plans and budgets including the implementation period (Steiner, 2006). This is often done through leaders elected by the people from villages in the spirit of inclusive participation. However the literature does not indicate whether the ever meet with their leaders before the leaders get involved in the planning programmes. This study was concerned with the utilization of the objectives of decentralization which, together with the principles of Rights-based Approach, would lead to citizens' realization of the right to development.  The outcome of this study will be the measurement of the implementation of the DDPs in accordance with the objectives of decentralization and the principles of Rights-based Approach.

Development Plans are a legal requirement for all higher and lower local governments in Uganda. Section 35 of the Local government Act (Cap 243) requires district councils to prepare comprehensive and integrated development plans incorporating plans of lower Local Governments (MoLG guidelines, 2014). The expectation here is that the elected leaders consult with their electorate to get views to be included in the development plan of Local Government but most often it is not the case. Development plans form a basic tool for implementation of decentralized development programs and services by Government and non-government actors in

Local Governments. Local Government plans are also key instruments that support the national development management processes in Uganda (MoLG guidelines, 2014). This study looked at the effectiveness of decentralization on the peoples' realization of the right to development with respect to the planning and programming done for development according to the objectives of decentralization and the principles of Rights-based Approach.

## 2.4    The Relationship between Decentralization and the Right to Development

The relationship between human rights and development is complex and multi-dimensional. The Concept and operation of human rights and development have brought about the possibility that rights have become a practical guide to setting priorities and allocating resources in development work and point to new collaborations across sectors between development and human rights promoters (Nelson and Dorsey, 2003). Decentralization, looked at as creating a realm of local autonomy defined by inclusive local processes and local authorities empowered with decisions and resources that are meaningful to local people (Ribot, 2002), can be argued to be key in implementation of rights based development because it borrows from the principles of human rights based approach such as participation and inclusiveness among others. As the interaction between Human Rights and development continues to grow, NGOs and development agencies are forced to re-define missions, test new methodologies, re-allocate funding and re-train staff, all to accommodate the changes significant for development (Nelson and Dorsey, 2003). This ofcause is relevant for decentralized units as well and therefore this study explored how decentralization has enhanced the rights based approach principles to actualize development in the municipality the way the decentralization policy so states.

Bosire (2011) argues that the local government function is key to the realization of certain basic rights and fundamental human rights obligations including the right to development. The view that, decentralization and human rights leads to better protection of human rights and therefore prosperity for all at local government level, cannot be ignored. Local governments have the responsibility of providing services such as housing, solid waste management, water and sanitation services and education among many others which are captured as rights under economic, social and cultural rights as fundamental rights hence the link between decentralization and human rights. The rights-based approach works in tandem with international development targets, focusing on poverty alleviation and human development. In this regard, all

human rights are to be perceived as components of human development as well as platforms for achieving it (Olowu, 2009). However, while scholars in many other nations of the world have done extensive work in defining economic, social and cultural rights implementation as an effective platform for development, the contribution of African scholars on the African context of the subject has been relatively paltry and incomprehensive (Ibid). It is therefore a strong affirmation that provisions in the African charter and the convention on Economic, Social and Cultural rights, the Universal Declaration of Human Rights among other human rights instruments have provisions that, if operationalized, will see tremendous success in local government service delivery. This study analyses the extent to which decentralization has led to the enjoyment of human rights particularly in programming and implementation.

Development as a right is measured by internationally agreed standards ensconced in international human rights treaties. These standards offer benchmarks for progress and establish accountability for state and non-state actors (Nelson and Dorsey, 2003).  Where development is looked at as a matter of fulfilling human rights, states are seen to have legally defined obligations to protect and promote their citizens' rights to food health care, education, etc., and to choose a development path that moves rapidly toward their fulfillment. Development is therefore steadily shifting from being a need and development work as gift, to being a right and the goal of development assistance as an obligation to assist in fulfillment of individual entitlements (Ibid). Bosire (2011) asserts that local governments have constitutional mandates and when these mandates are fulfilled, international human rights obligations like those found in the right to development for example, the ICCPR and the African charter as earlier mentioned are fulfilled. In affirmation, this assertion strongly shows the relationship between decentralization and human rights which, if implemented, will metamorphosize development and will ensure the realization of the right to development at local government level (Ibid) and this is the gist of matter that this study set out to analyse.

It should be noted that the African Charter on human and peoples' rights 1986 is silent on decentralization (Bosire, 2011) but has a provision for the right to development (Article 22 (1&2)). While human rights institutions in Africa largely exist like the Africa charter that guides the respect, promotion and protection of human rights, local government institutions to guide their operations don't exists however  efforts to establish institutional cooperation in regional local governments like the pan African ministerial body on local government and

decentralization, the all African ministerial conference on local government and decentralization and the united cities on local government association are in place to guide the establishment and operations of local government (Ibid). Also to note here is that a human rights approach extends obligations from national governments to international responsibilities of rich countries and the international human rights treaties provide for sharing of responsibility for the attainment of both human rights and development especially in the poor countries (Nelson and Dorsey, 2003) like Uganda (Ibid). Therefore, in affirmation, African governments' efforts to establish decentralization units is an attempt to include that which was not even provided for in the African charter of peoples' and human rights. This study focused on the performance of decentralization with regard to human rights in light of the presence of local legal human rights instruments that guide the respect, promotion and protection of human rights and against the absence of legal instruments that guide the operations of local governments in Africa.

The relationship between human rights and development can also be clearly seen in commitments of NGOs to human rights based strategies and mandates and the implications of those commitments for project and program planning in diverse political and social settings and in diverse organizational structures; exploration of the underexploited links between development, environment and the protection of civil and political rights which for many years were done separately without systematic coordination  and the emergence of movements to assert and gain leverage from internationally recognized economic and social rights (Nelson and Dorsey, 2003). This influence on development priorities, partnerships, advocacy strategies and indicators offers promising new approaches for NGOs, and reflected in parallel trends in international agencies such as UNICEF and UNDP and by a handful of development aid donors and NGOs (Nelson and Dorsey, 2003). Local governments are the most appropriate levels for enjoying and exercising some fundamental human rights (Bosire, 2011). Article 1(1) of the ICCPR and article 22 (1 and 2) all protect community participation at local government level as a right to participation in the pursuance of their economic, social and cultural development; the preamble of the European charter of local self-government provides for the right of citizens to participate in the conduct of public affairs at the local level. This further emphasizes the impact of decentralization and human rights in the concept of decentralization however the study will analyse this link with a view to finding out if these instruments are often used in development programmes and programming at local government level and what contribution this approach has had or not had on the realization of the right to development.

## 2.5    The Influence of Decentralization on the Right to Development

Decentralization is a means of improving the effectiveness, efficiency and responsiveness of the public sectors by transferring decision making power to levels of government that are close to beneficiaries. Decentralization gives people greater influence over the level and mix of government services they consume and greater ability to hold their officials accountable (Olowu, 2009). It is also anchored on key pillars such as participation, inclusiveness, empowerment and accountability to enhance development, in the same way as the Human Rights based Approach (HRBA). The human rights-based approach to development is based on the recognition that human rights and development are closely interrelated and mutually reinforcing (Ussar, 2010). In a development dispensation where the local people are fully engaged and involved, rights must be at the centre that's when development is witnessed at all levels from the household to the district and this speaks to the enjoyment of the right to development because the right to development is also anchored on the same key pillars as decentralization. This study assessed the level of interconnectedness between decentralization and the right to development, specifically in relation to its programming and project implementation in accordance with its pillars.

Uganda is one of the countries that fully embraced decentralization in order to deliver better public services to the people. The Local Government Act 1997 places responsibility for delivery of most services with local government. Akpan (2007), citing Kator (1997) contends that the objective was to ensure that delivery of services was responsive to local needs and also that the available limited resources were utilized in the efficient and effective manner; and this is also the concern of HRBA. The HRBA aims to integrate human rights into development programming in order to support a conceptual shift from development based on externally devised, charity-focused aid provided to passive recipients to looking at development as a process that empowers people through an inclusive and participatory approach (Ussar, 2010). In affirmation, it is noted here that the press in Uganda is awash with stories about how decentralization programmes that could have benefited all people have not been implemented or were badly implemented resulting in the setting up of commissions of inquiry into implementation of these programmes. In many of the reports that are circulating on decentralization, people and household benefits are lumped up in relation to services offered but as to whether these people individually benefit remains an assumption. This study also assessed the integration of human rights into development at local

government level in relation to the enjoyment of the right to development in terms of participation, inclusiveness, empowerment and accountability.

Mugabi, (2004) asserts that the district, which is the basic unit of local government, is responsible for major functions and services previously carried out by the central government. Therefore district councils are responsible for functions and services including but not limited to: primary education, secondary education, trade, special and technical education; hospitals other than referral and medical training centres; health centers, dispensaries and aid posts; the construction and maintenance of feeder roads; the provision and maintenance of water supplies; agricultural extension services, land administration and surveying; and community development (Ibid). The meaningful and successful provision of these services point to the importance of embracing human rights approach to development. The HRBA focuses more on "rights" rather than "needs". It is an approach that looks at specific development problems that leads to a comprehensive understanding of problems to be addressed and facilitates the identification of effective, inclusive and sustainable solutions to those problems; the approach is based on the identification of 'rights-holders' and corresponding 'duty bearers' in specific development contexts, and the promotion of their capacities to claim their rights and fulfil their duties respectively (Ussar, 2010). The study focus is on provision of functions and services with specific regard to HRBA key principles which are also key principles of decentralization. The measurement of the level of service delivery is anchored on levels of participation, inclusiveness, accountability and empowerment which ought to be at the centre of all programming and implementation at local government level.

Development is measured by the quality and efficiency, coupled with transparency of service delivery at local government level however the challenge often times seems to come from management of development projects where issues of accountability and quality of work cloud the intentions of the projects being implemented (Mugabi, 2004). This happens when HRBA is either selectively incorporated or ignored completely. The HRBA is a framework for analysing development challenges and for planning meaningful responses. It provides an opportunity for stakeholders to look at specific situations that lead to a comprehensive understanding of problems to be addressed and facilitates the identification of effective, inclusive and sustainable solutions to those problems. The HRBA is therefore a tool for *looking at* development and for *doing* development (Ussar, 2010). This study explored the relationship between decentralization

and the right to development in the programming and implementation of services at local government level and the importance of decentralization to the realization of the right to development.

## 2.6    Conceptual Framework

A conceptual framework is the basis of a research problem. It stems from the theoretical framework and usually focuses on the section which becomes the basis of the study. Whereas the theoretical framework consists of the theories or issues in which the study is embedded, the conceptual framework describes the aspects selected from the theoretical framework to become the basis of enquiry (Kumar, 2011). The conceptual framework in this study describes the aspects in decentralization which, if implemented, will cause a desired outcome which is the Right to Development; with the help of factors such as decentralization policy among others.

**Fig.1. A Conceptual framework showing the Contribution of Decentralization to the Realization of the Right to Development**

**Independent Variable**                                          **Dependent Variable**

Decentralisation                                                        Right to Development

| Decentralisation | Right to Development |
|---|---|
| • Participation<br>• Accountability<br>• Empowerment<br>• Inclusiveness<br>• Legality | • Improved quality of life through Education, health, clean water, good roads. etc |

**Intervening Variables**

| Intervening Variables |
|---|
| • Decentralization policy<br>• Role of CSOs<br>• Development Partners |
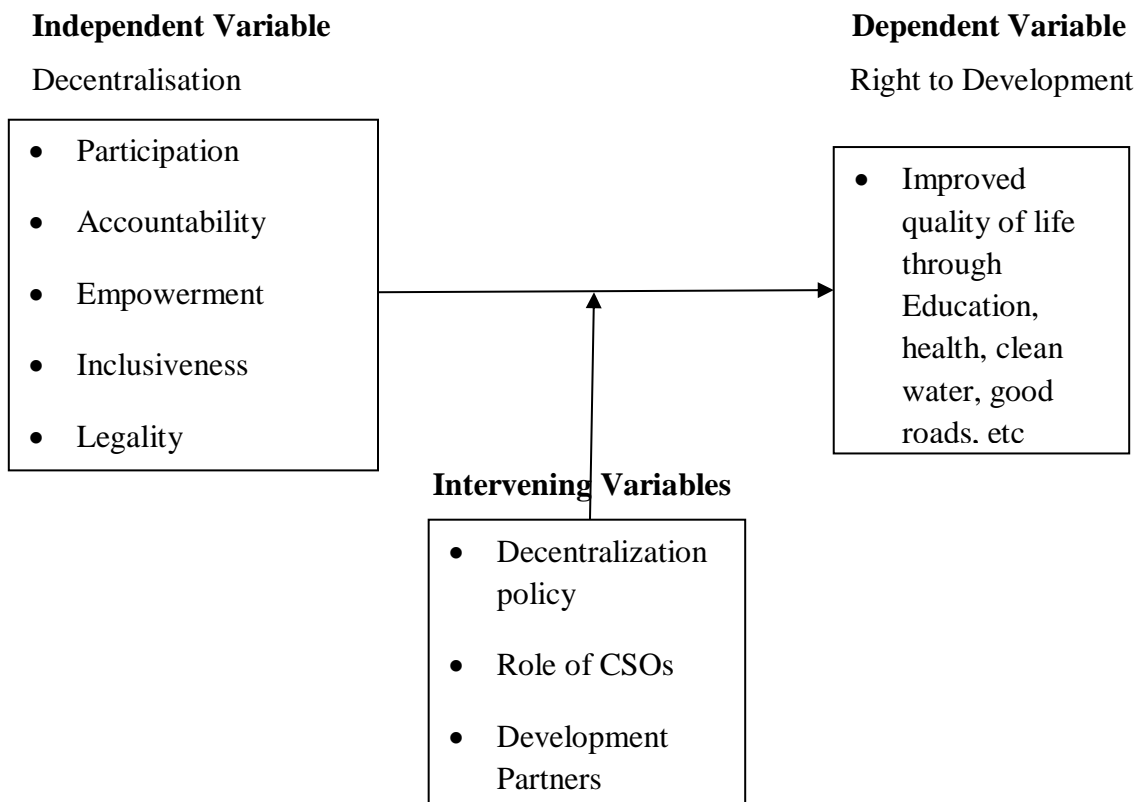
Adopted from: www.thesisclinic.co.uk/blog/a-guide-to-understanding-the- conceptual-framework-in-a-better-way/

The above conceptual model illustrates the conceptualization of decentralization and the right to development. The model shows how decentralization (Independent variable) contributes to the Right to development (dependent variable) and the how Decentralization policy among others (intervening variables) influence decentralization to realize the enjoyment of the right to development. In this conceptual framework decentralisation enhances service delivery through participation of the people in their own development thereby improving the quality of life of the people through education, health, food security and many others. Improved quality of life is also enhanced by the influence of decentralization policy among others and development partners among others.

# CHAPTER THREE

# STUDY METHODOLOGY

## 3.0 Introduction

This study is aided by a methodology that enabled the researcher gather relevant information from the field which is analysed and logically presented in the next chapter. The study was done using both quantitative and qualitative research methodology. Research methodology is a way to systematically solve the research problem. It may be understood as a science of studying how research is done scientifically (Kothari, 2004). Research methodology has many dimensions and research methods do constitute a part of the research methodology.

This chapter focuses on the instruments and tools that were used to conduct the study. It describes the research design that was used, the study population, sampling and sample size, data collection methods, measurement of variables and data analysis.

## 3.1 Research Design

A research design is the arrangement of conditions for collection and analysis of data in a manner that aims to combine relevance to the research purpose with economy in procedure. The research design is the conceptual structure within which research is conducted; it constitutes the blueprint for the collection, measurement and analysis of data (Kothari, 2004). The main function of a research design is to explain *how* you will find answers to your research questions. This study applied a combination of descriptive and correlation study design. According to Sekaran, 2003 this study design is preferable in this kind of study because of its capability to enable wide selection of the population in the study and its ability to incorporate quantitative and qualitative approaches. Descriptive design relies on observation as a means of collecting data. It attempts to examine situations in order to establish what is the norm, i.e. what can be predicted to happen again under the same circumstances. 'Observation' can take many forms, depending on the type of information sought, people can be interviewed; questionnaires distributed, visual records made, sounds and smells are also recorded (Walliman, 2011).

In this study, descriptive design was useful in data collection by use of the interview and questionnaire guides. Correlation design was used to examine a relationship between two concepts; an association between two concepts – where there is some kind of influence of one on the other; and a causal relationship – where one causes changes to occur in the other (Ibid). Correlation was chosen for this study because of its ability to measure relationships between two variables of decentralization and the right to development.

## 3. 2.  Study Area and Population

Soroti district is located in Eastern Uganda and was originally part of Teso sub-region covering Kumi, Katakwi, Kaberamaido, Amuria, Bukedea, Ngora and Serere districts. The district is 393kms from Kampala, to the East of Uganda. Soroti District covers approximately a total of $2,662.5Km^2$ of which 2, 256.5 $Km^2$is land and $406Km^2$ is water (UBOS, 2012). Soroti Municipality is located in Soroti District and is composed of three divisions of Northern, Eastern and Western. The district has a total population of 62,500 (Soroti municipality Statistical abstract, 2012), Soroti Municipality has a total of 49,685 (Uganda investment Authority, 2016).
The study population is a selected section of a population from whom the required information to find answers to a research question is obtained (Kumar, 2011). The study population in this study was 831 people. This population was chosen because it is within the scope of the study. The population consists of councillors, planners, the mayor, Technocrats, Heads of institutions, Youth, Women, Men, members of the Municipal Development Forum and Interest groups like the aged and disabled. However through sampling, the actual target population was established.

## 3.4 Determination of Sample Size and Selection

**Table 3.1**: Showing target population, respondents and sample size based on Slovin's **sample Determination Model.**

| Respondent Category | Parent Population | Sample size | Sampling Technique |
|---|---|---|---|
| Councillors | 25 | 8 | Stratified |
| Planners | 2 | 1 | Purposive |
| Mayor | 1 | 1 | Purposive |
| Technocrats | 20 | 8 | Purposive |
| Heads of institutions | 90 | 10 | Purposive |
| Youth | 200 | 95 | Systematic random |
| women | 190 | 53 | Systematic random |
| Men | 183 | 68 | Systematic random |
| Interest groups e.g. disabled, aged, etc | 120 | 26 | Systematic random |
| **Total** | **831** | **270** | |

**Source:** Adopted from Soroti Municipality development Plan 2015

## 3.5 Sampling Techniques and Procedures

The table above gives an exact numerical picture of how the researcher derived the sample of 270 respondents using various sampling techniques. For instance purposive sampling is considered for the Planner, Mayor, technocrats and Heads of institutions because of the factual nature of information sought from them. Stratified sampling gives the researcher discretion of choice of respondent well placed to give required information. The councillors are subjected to stratified sampling because they represent different divisions of the municipality and will therefore give a clear situational description that will allow the researcher to make clear analysis and make satisfactory conclusions. Systematic random sampling is chosen for the youth, women, men and interest groups because they are many compared to other target groups in the study scope and therefore reaching them becomes easier when a representative number is arrived at through the systematic random sampling.

### 3.6 Data Collection Methods

Two data collection methods were used thus; a questionnaire and face-to-face interview.

### 3.6.1 Questionnaire

A Questionnaire is a suitable method for collecting quantitative data. This method of data collection is usually called a survey. A questionnaire enables a researcher to organize the questions and receive replies without actually having to talk to every respondent. As a method of data collection, the questionnaire is a very flexible tool (Walliman, 2011). A questionnaire is a written list of close-ended or open-ended questions; the answers to which are recorded by respondents (Kumar, 2011). A Questionnaire was used to gather quantitative data and it is designed following the research objectives to collect information underlying the research variables earlier developed in the study.

There were 270 questionnaires administered with the assistance of five young people who were given a debrief on who to reach out to and explain the purpose of the research besides sharing the introductory letter. Out of the 270 questionnaires that were distributed, only 264 questionnaires (representing 98%) were returned because six people could not be traced to return the questionnaires. The data in this study is therefore based on 264 questionnaires that were returned.

### 3.6.2 Interview

Interviews are particularly useful when qualitative data is required. Interviews can be used for subjects, both general or specific in nature and even, with the correct preparation, for very sensitive topics. They can be one-off or repeated several times over a period to track developments. The interviewer is in a good position to judge the quality of the responses, to notice if a question has not been properly understood and to encourage the respondent to be full in his/her answers. Face-to-face interviews can be carried out in a variety of situations: in the home, at work, outdoors, on the move (e.g. while travelling) and can be used to interview people both singly and in groups (Kumar, 2011). The researcher employed a face-to-face key informant interviews to get indepth information under study. These key informants were identified based on position, knowledge and experience in regard to the field of study. The interviews were done

with the Mayor, technocrats, the Deputy Town Clerk, the chairman of Municipal Development Forum (MDF) and Councillors who were very knowledgeable and very willing to participate.

## 3.7 Desk Research

Information was also obtained from different scholarly material referred to as secondary data sources and these included articles, journals, books and the internet. This information is continuously referred to in the study. Government reports, scholarly writings, other researches and NGO reports enriched this study especially the literature review and the theoretical review. All the authors of the material used in this study have been duly acknowledged.

## 3.8 Data Procedure

The researcher collected data using interview and questionnaire guides as well as desk research for secondary data. The data gathered was edited, coded, checked, cleaned and compiled by use of Excel sheet and analysed using SPSS. It was also evaluated and analysed to give adequacy of the information in answering the research questions (Mugenda and Mugenda, 1999) and formatted in a way that could be analysed, organised and compiled into a report.

## 3.9 Data Analysis

Likert scale was used to measure variables under study. The likert scale has five response categories namely; No comment, strongly disagree, disagree, agree and strongly agree (Amin, 2005). These response categories are flexible and easily constructed. The sex of the respondents and their levels of education were measured at nominal scale while age of the respondents was measured by interval scale (Mugenda and Mugenda, 1999). Information was organised and presented by tabulation; mainly focusing on bio-data and responses of the respondents to the different questions arranged in the questionnaire. Qualitative data was analysed from the responses given by the informants interviewed. This information was used to corroborate the responses generated from the questionnaires. The researcher then processed the data using the Statistical package for social scientists (SPSS); computer package software used for analysing empirical data (Amin, 2005) which was logically structured according to the research questions.

## 3.10 Limitations

1.   There was a challenge of getting the right people to fill the questionnaires among the men, women, youth and people with disability because of high levels of illiteracy since the questionnaires were written in English; inability to see among people with disability since the questionnaires were in hard copy form. However the researcher was able to overcome this by using research assistants who were well briefed about the target groups. They were told to tick for those who were illiterate and blind. Fortunately most of the respondents could write and understands the questionnaire well.

2.   There was a challenge of meeting the councillors because they were on recess and in their constituencies. However on the one day that the researcher was interviewing the mayor, some appeared at the council offices because they had a meeting and the research had to wait for the whole day to meet them. They were fortunately very cooperative.

3.   The researcher also had a challenge of data processing using the social science computer program (SPSS) because of lack of knowledge of how it is applied and how to accurately interpret the results generated by use of this program. However the researcher was able to find someone who assisted and showed has data is processed using SPSS and the researcher was able to complete the report.

## 3.11 Ethical Considerations

A letter of introduction was obtained from Nkumba University and the researcher made several copies which she presented to every key informant before the interview. Copies were also given to the selected research assistants who went around collecting the questionnaires filled. Issues of confidentiality, safety and integrity were verbally emphasized in both the interviews and questionnaire distribution. This was mainly because the researcher did not have adequate time to write to all the target audience to inform them about this study and seek consent from them. However for those who were not comfortable participating in this study, the option to opt out was also available. The researcher did not seek written permission from all authorities to be contacted during the study to explain the purpose of the study to all respondents and seek their consent to participate in this research because she was known to many of the people in council

and they had also acknowledged that many students often went to interview them for academic reasons. They have a policy that requires students seeking information for academic purposes to only produce a letter of introduction from the institution as evidence of the authenticity of their study and also to be able to assist institutions that decide to cross-check if the students actually conducted the study with their assistance. Every body's decision to participate or not to participate was respected and truthfulness was emphasized. The researcher undertook to make sure no plagiarism takes place to affect the research. Maximum care has been taken to ensure that all sources of information consulted have been fully acknowledged in the final report.

# CHAPTER FOUR

# PRESENTATION, ANALYSIS, DISCUSSION AND INTERPRETATION OF FINDINGS

## 4.1 Introduction

This chapter focuses on the findings from the field. One of the tools used to collect data was a questionnaire in which much of the data analysed here relies. 270 questionnaires were distributed but only 264 were returned and 6 respondents couldn't be reached. The presentation, analysis, discussion and interpretation done in this chapter is based on 264 questionnaires and Six participants interviewed. All the questions were in line with the study objectives. The purpose of collecting this data was to be able to give credence to statement of the problem that led to the necessity of carrying out this study. The findings are discussed under the specific objectives.

## 4.2 Demographic Information

The respondents are classified according to gender, educational level, age and occupation expressed in figures and tables below.

### 4.2.1. Gender

The respondents in this study considered were both male and female as represented below.

**Table 4.1: A table showing Respondents by Gender**

**Gender**

|       |        | Frequency | Percent | Valid Percent | Cumulative Percent |
|-------|--------|-----------|---------|---------------|--------------------|
|       | Male   | 147       | 55.7    | 55.7          | 55.7               |
| Valid | Female | 117       | 44.3    | 44.3          | 100.0              |
|       | Total  | 264       | 100.0   | 100.0         |                    |

Source: Primary Data

**Fig. 2: A pie chart showing the percentage of respondents by Gender**
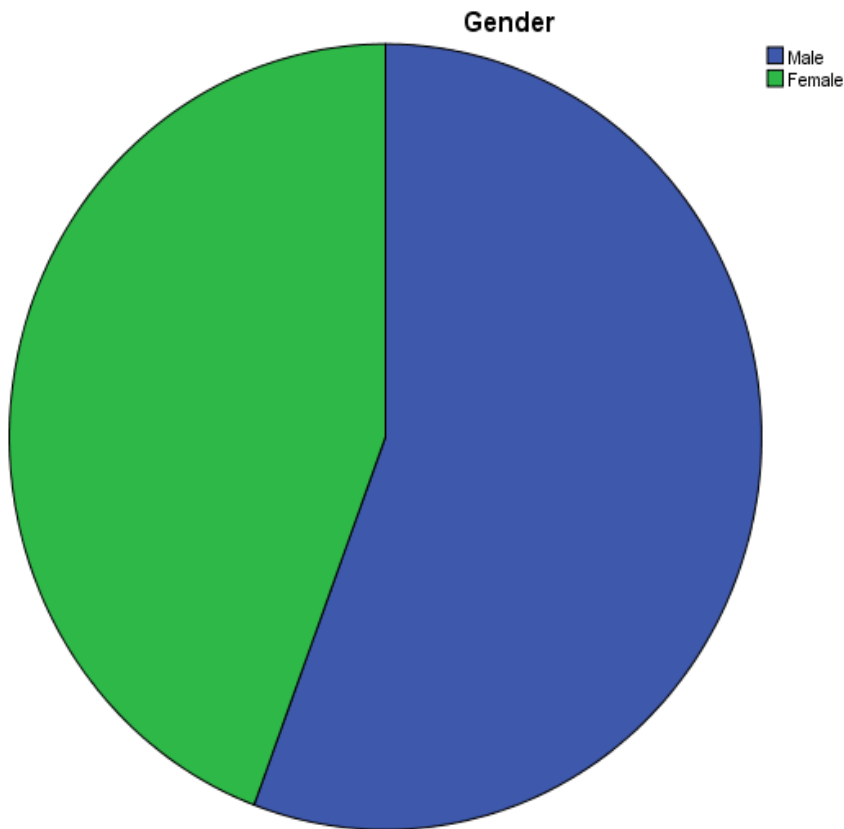


Source: Primary Data

In human rights approach to development, the gender aspect is very critcal in service delivery and participation. This study involved both male and female respondents who were given questionnaires to fill and who were interviewed. Table 4.1 and fig 1. Above give a ckear picture of participants by gender. Analysis of the results shows that 46% were female and 54% were male partcipants. This suggests that there is higher participation among the male than among female and that the male could be more empowered than the female pointing to the fact that culturally the patriarchal nature of society where the males dominate is very evident. Women are often times relegated to domestic work and less involved in development matters.

**Table 4.2: showing respondents by Age group**

**Age**

| | | Frequency | Percent | Valid Percent | Cumulative Percent |
|---|---|---|---|---|---|
| | 20-29 | 93 | 35.2 | 35.2 | 35.2 |
| | 30-39 | 73 | 27.7 | 27.7 | 62.9 |
| Valid | 40-49 | 46 | 17.4 | 17.4 | 80.3 |
| | 50-59 | 27 | 10.2 | 10.2 | 90.5 |
| | 60 and above | 25 | 9.5 | 9.5 | 100.0 |
| | Total | 264 | 100.0 | 100.0 | |

Source: Primary Data

**Fig. 3: A Pie Chart showing percentage of respondents by Age Group**
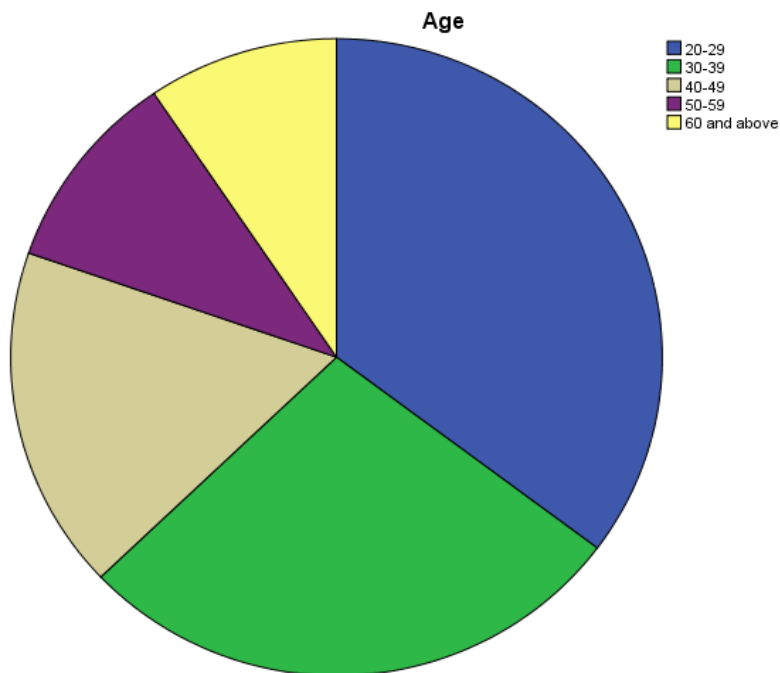


Source: Primary Data

Analysis of the results in Table 4.2 and Fig 2 above reveals that the majority of the respondents were aged between 20-29 years (35.1%) disaggregated into 18.5% male and 16.6% female and

followed by those aged 30-39 years (24.8%) disaggregated as 13.7% male and 11.1% female. The age group 40-49 year is (18.5%) disaggregated as 9.6% male and 8.8% female; 50-59 years is (12.5%) disaggregated as 7.0% male and 5.5% female while respondents above 60 years (9.2%) disaggregated as 4.8% male and 4.5% female. This indicates that most of the respondents are very young people and may also imply that the young people are very interested in development matters of the municipality therefore being a very rich resource for implementation of development programs in the municipality. Again critical to note here is that the young males between the ages 20-29 years (18.5%) are more active than their female counter parts of the same age group (16.6%); the male between age group 30-39 years (13.7%) are more active than the female of the same age (11.1%) as shown in the table 1 and fig.2 above.

### 4.2.2 Level of Education

The respondents were requested to indicate their highest level of education. The researcher sought to find out the level of the different categories of respondents. The table below shows the findings of the researcher on the level of education of the respondents.

**Table 4.3: A table showing Respondents by Education Level**

**Level of Education**

| | | Frequency | Percent | Valid Percent | Cumulative Percent |
|---|---|---|---|---|---|
| | Primary | 25 | 9.5 | 9.5 | 9.5 |
| | Secondary | 108 | 40.9 | 40.9 | 50.4 |
| Valid | Tertiary | 103 | 39.0 | 39.0 | 89.4 |
| | None | 28 | 10.6 | 10.6 | 100.0 |
| | Total | 264 | 100.0 | 100.0 | |

Source: Primary Data

**Fig. 4: A Pie Chart showing percentage of respondents by Education level**
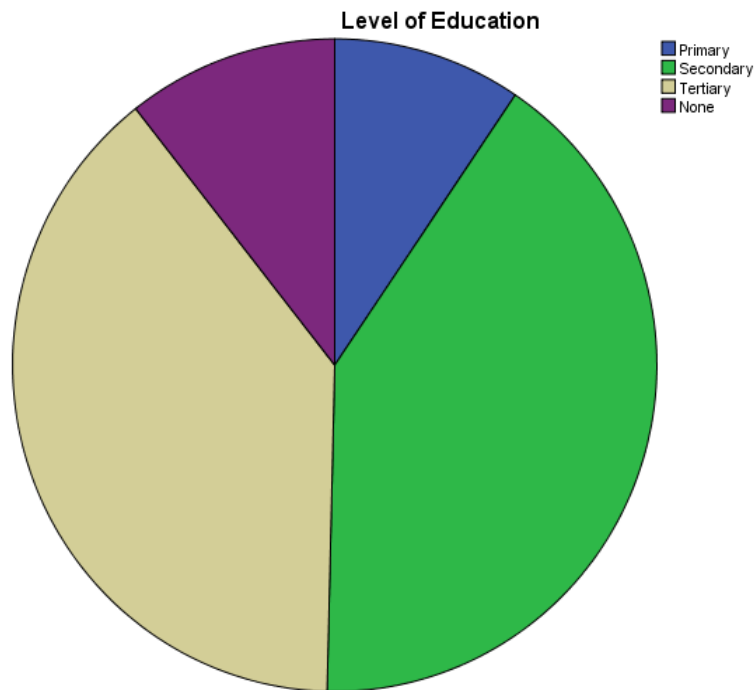


Source: Primary Data

The questionnaires distributed required participants to indicate their level of education. The respondents sought to find out the education level of different categories of respondents that include primary, secondary, tertiary and none. Table 4.3 and fig. 4 above show the findings of the researcher on the respondents of this study. Table 4.3 and fig.4 above show that a majority of the respondents had attained secondary education (41.1%) and (39.6%) had attained tertiary education. This is an indication that literacy levels are quite high therefore levels of participation and empowerment are high because people are able to read and understand program documents and implementation of programs. In human rights approach to development, this indicates that many people understand their rights and exercise them.

**4.2.3 Occupation**

**Table 4.4: A table showing Respondents by Occupation**

**Occupation**

| | | Frequency | Percent | Valid Percent | Cumulative Percent |
|---|---|---|---|---|---|
| Valid | Civil Servant | 58 | 22.0 | 22.0 | 22.0 |
| | Privately Employed | 60 | 22.7 | 22.7 | 44.7 |
| | Self Employed | 52 | 19.7 | 19.7 | 64.4 |
| | unemployed | 76 | 28.8 | 28.8 | 93.2 |
| | Retired civil servant | 18 | 6.8 | 6.8 | 100.0 |
| | Total | 264 | 100.0 | 100.0 | |

Source: Primary Data

**Fig. 5: A Pie chart showing respondents by Occupation**
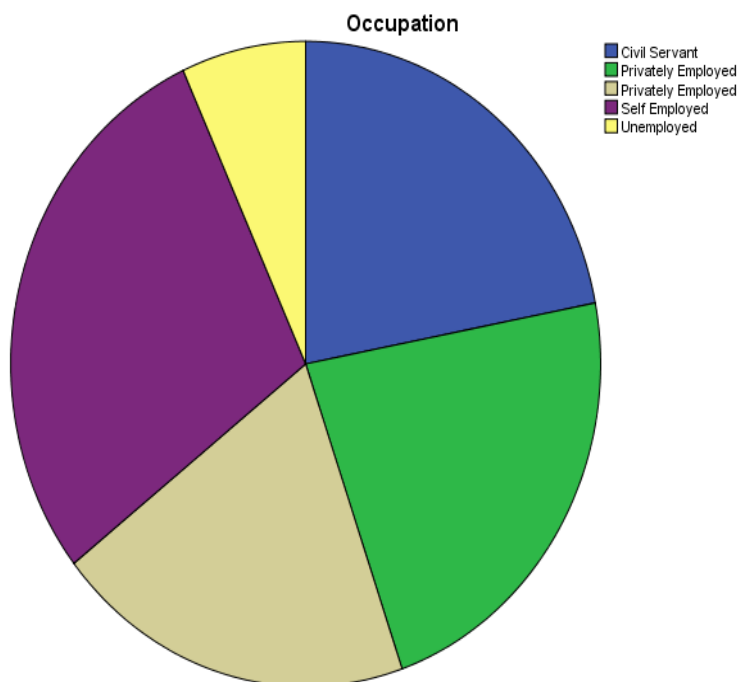


Source: Primary Data

The analysis of the results in table 4.4 and fig.5 above reveals that the unemployed are the majority at 30.9%; followed by the privately employed at 22.6%; civil servants at 21.8%; self-

employed at 19.2% and the retired civil servants at 6.7%. This indicates that the rights based approach to development is being neglected hence the high level of unemployment affecting the young people between 20-29 and 30-39 years who are the most productive. This in turn affects service delivery and empowerment therefore human rights approach to development needs to be fully embraced to solve the unemployment problem through increased opportunities for employment beyond the civil service.

## 4.3. Findings

The purpose of the study was to examine the relationship between decentralization and the Right to Development in Soroti Municipality. The findings are presented according to the objectives of the study as descriptive statistics percentages. The qualitative results obtained from the interviews with key informants are presented in part as direct quotations.

### 4.3.1 The 'State' of Decentralization

### 4.3.1.1 Structure of Local Government

**Table 4.5: The structure of the local government administration is representative**

|       |                   | Frequency | Percent | Valid Percent | Cumulative Percent |
|-------|-------------------|-----------|---------|---------------|--------------------|
| Valid | I don't Know      | 13        | 4.9     | 4.9           | 4.9                |
|       | Strongly Disagree | 11        | 4.2     | 4.2           | 9.1                |
|       | Disagree          | 38        | 14.4    | 14.4          | 23.5               |
|       | Agree             | 146       | 55.3    | 55.3          | 78.8               |
|       | Strongly Agree    | 56        | 21.2    | 21.2          | 100.0              |
|       | Total             | 264       | 100.0   | 100.0         |                    |

Table 4.5 above shows that 146 respondents representing 55.3% agree that the structure of the Local Government Administration is representative while 38 respondents representing 14.4% disagree. Those that disagree are people who believe that some categories of people like the youth and other tribes found in the municipality are less represented in the Local Government Structure. There is also a general perception that the presence of a tribes-mate, youth, woman or person with disability ensures that issues of those categories of people will be addressed.

Meanwhile 56 respondents representing 21.2 strongly agree that Local Government Administration is representative while 11 respondents representing 4.2% strongly disagree, an indication that inclusive participation as it was intended is not evident. Generally speaking, the statistics give an indication that people are satisfied with the current Local Government Administrative structure even if there may be certain flaws. However 13 respondents representing 4.9 did not know about Local Government representation indicating that there is no effort to ensure all people know and understand their role in Local Government structural composition.

The Deputy Town Clerk Soroti Municipality had this to say about the Local Government Administration representation

> *"The Structure of Local Government is adequately representative because a municipality is classified as Local Government and its body corporate, with the town Clerk and Chief Administrative Officer (CAO) appointed by Government and report to the Permanent Secretary".*

He further gave the structure of local government composition thus;

> *"The structure of Local Government is composed of the Executive Council which is composed of the Mayor; Deputy Mayor; Secretary Social services; Secretary Finance, Administration and Planning and Secretary Production. Then there is Council which is composed of the Speaker, Deputy Speaker and standing committees for Finance, Administration and planning; works and social services. Finally there are the technocrats that include the Town Clerk who is the head of civil service and accounting; the Deputy Town Clerk who oversees the departments of Administration, Production, Finance, Community, works and Technical services, Education, Health, Audit and Environment. The municipality has three divisions, Northern; Eastern and Western division with four wards each and 78 cells. At the Division and Wards, the structure is the same as Municipality".*

The Deputy Town Clerk emphasised that the structure is just a guide for each person and department to draw objectives and that lead towards the achievement of the municipality goals and ultimately the National Development Plan.

**Table 4.6: The structure supports accountability**

| | | Frequency | Percent | Valid Percent | Cumulative Percent |
|---|---|---|---|---|---|
| Valid | I don't Know | 6 | 2.3 | 2.3 | 2.3 |
| | Strongly Disagree | 19 | 7.2 | 7.2 | 9.5 |
| | Disagree | 76 | 28.8 | 28.8 | 38.3 |
| | Agree | 125 | 47.3 | 47.3 | 85.6 |
| | Strongly Agree | 38 | 14.4 | 14.4 | 100.0 |
| | Total | 264 | 100.0 | 100.0 | |

Table 4.6 shows that 125 respondents representing 47.3% agree that the Local Government structure supports accountability while 76 respondents representing 28.8% disagree. This can be attributed to the efforts of the municipality development forum (MDF) which has actively made sure that regular meetings are held and Local Government officials and Technocrats talk to the people and answer their questions on matters that are of interest to them as the beneficiaries. However 19 respondents representing 7.2% disagreed that the LG structure supports accountability. This is attributed to the factor that Government processes of release of funds is unrealistic and confusing because incomplete projects are often carried forward and completed three to five years ahead. The statistical also show that 38 respondents representing 14.4% strongly agree of the structure supporting accountability because they know and understand Government procedures on release of finances and procurement processes too. They therefore don't mind having a project completed in three to five years' time. Then there are 6 respondents representing 2.3% who don't know anything to do with accountability. This could be an indication that information is not passed to them using channels they have access to.

The Municipal Development Forum (MDF) is one of the Associations the researcher came across in the field. When asked about the Association's president, he said

> *"The Municipal Development Forum is the brainchild of World Bank*
> *through the Uganda Support to Municipal Infrastructure Development*

*(USMID) which was established in 2013 to link the municipality to the people and has a representation of all the people from all walks of life including NGOs, institutions, traders, slum dwellers, transporters among many others".*

He went on to say,

*"While in the past, participation of the people in municipality programmes and projects was for all the wrong reasons because of politics and luck of right information, today the participation of the people is very high because of the involvement of the Municipal Development Forum".*

The MDF President also said there is proper flow of information and dispute resolution between the technocrats, councillors and the general public in a satisfactory manner. Municipal officials are often asked to address the public through meetings commonly known as 'Barazas'(a brainchild of the Office of the Prime Minister) organised by the MDF and all department heads must attend and answer any queries and concerns of the people.

**Table 4.7: The current structure of local government promotes human rights**

| | | Frequency | Percent | Valid Percent | Cumulative Percent |
|---|---|---|---|---|---|
| Valid | I don't Know | 14 | 5.3 | 5.3 | 5.3 |
| | Strongly Disagree | 11 | 4.2 | 4.2 | 9.5 |
| | Disagree | 69 | 26.1 | 26.1 | 35.6 |
| | Agree | 136 | 51.5 | 51.5 | 87.1 |
| | Strongly Agree | 34 | 12.9 | 12.9 | 100.0 |
| | Total | 264 | 100.0 | 100.0 | |

According to table 4.7, 136 respondents representing 51.5% affirm that the structure promotes human rights while 69 respondents representing 26.1% disagree. This is attributed to the high level of participation of the masses in the municipality development activities and programs through MDF. Whereas 11 respondents representing 4.2% strongly disagree, 34 respondents representing 12.9% strongly agree indicating that those who strongly disagree do not expect

partial enjoyment of human rights but full enjoyment which is not the case in the Municipality. While 34 respondents representing 12.9% that strongly agree are comfortable even with a semblance of enjoyment of human rights, 14 respondents representing 5.3% don't know anything, indicating that more needs to be done to make sure they too get to know and understand human rights as promoted by the Local Government structure.

The Deputy Town Clerk had this to say about information sharing which is a human right and key in a development dispensation;

> *"Everyone in the Municipality that needs information can easily access it and complaints of any nature are often taken to the MDF team that takes up the matter with the Municipality Technocrats and gives feedback to the complainants".*

The frequent public fora, well known as Barazas, that are organised by the MDF are a platform for the people to interface with the Politicians and Technocrats on matters of development in the municipality. Therefore, according to the Deputy Town Clerk,

> *"Human Rights are enjoyed by everyone in the Municipality although sometimes we face situations that make people think their rights are not respected, by and large we try our best to respect human rights and act within the law".*

**Table 4.8: Local government policy should be reviewed to change the structure**

|       |                   | Frequency | Percent | Valid Percent | Cumulative Percent |
|-------|-------------------|-----------|---------|---------------|--------------------|
| Valid | I don't Know      | 35        | 13.3    | 13.3          | 13.3               |
|       | Strongly Disagree | 11        | 4.2     | 4.2           | 17.4               |
|       | Disagree          | 40        | 15.2    | 15.2          | 32.6               |
|       | Agree             | 95        | 36.0    | 36.0          | 68.6               |
|       | Strongly Agree    | 83        | 31.4    | 31.4          | 100.0              |
|       | Total             | 264       | 100.0   | 100.0         |                    |

Ironically, Table 4.8 above gives a clear indication that people are not happy with the policy of Local Government. Some 95 respondents representing 36% agree that the Local Government policy should be reviewed; but 83 respondents representing 31.4% strongly agree that the policy should be reviewed. This is an indication that the people want the LG policy to be reviewed to include MDF as part of the LG structure so as to enhance inclusive participation beyond elections. People now see less of the councillors and more of the MDF officers because they appear to fill a gap left behind by their elected leaders. While 40 respondents representing 15.2% just disagree to the changes made to the policy, 11 respondents representing 4.2% strongly disagree saying that MDF will only be a disruption to the political agenda implemented through LG and there unacceptable. However 35 respondents representing 13.3% don't know probably because they don't even know the contents of the LG policy and what is expected of them by the policy.

The Councillors interviewed, lauded the work of the Municipal Development Forum. One Councillor said

> *"MDF has made our work easy. We no longer have to face the people to talk on behave of the Municipal Technocrats but simply work with the Municipal Development Forum (MDF) to put in place ordinances that help streamline activities of the council and the people in the municipality".*

Another Councillor had this to say

> *"In budget conferences and performance review meetings, we simply go to support what has already been agreed upon at division level because the justification will have been given and we would have already participated. By the time the budget is taken to council, we don't spend much time debating because of the processes it will have gone through. All we now do is to allocate funds according to priorities".*

Another Councillor agreed saying

> *"Monitoring has also become very easy for us because of the role of MDF. The people actively monitor government projects implementation and where they are not satisfied with the works, they report to the MDF which causes a meeting between the technocrats and the people where we also participate to support the people".*

Another Councillor supported the review of the LG policy to include MDF structure so that it is legally recognised. He said

> *"As it stands now, MDF is a World Bank initiative and only partially recognised by government through Ministry of Gender. However they have no funding yet their activities are enormous and support development. If included in the LG policy, they will be well support to do an even better job".*

### 4.3.1.2. Organisation of Local Government

**Table 4.9: The local government is very well organised that service delivery is great**

| | | Frequency | Percent | Valid Percent | Cumulative Percent |
|---|---|---|---|---|---|
| Valid | I don't Know | 19 | 7.2 | 7.2 | 7.2 |
| | Strongly Disagree | 37 | 14.0 | 14.0 | 21.2 |
| | Disagree | 129 | 48.9 | 48.9 | 70.1 |
| | Agree | 58 | 22.0 | 22.0 | 92.0 |
| | Strongly Agree | 21 | 8.0 | 8.0 | 100.0 |
| | Total | 264 | 100.0 | 100.0 | |

In Table 4.9 above; 129 respondents representing 48.9% disagree that Local Government is well organised to give good service to the people mainly because of the many projects that Local Government has either failed to start or has started and failed to finish. It is also attributed to the fact that people are not convinced with the accountability that the Technocrats give to the people at the "Barazas". The inevitable rolling over of planned projects due to inadequate or lack of funds has also compounded the problem. Another 58 respondents representing 22.0% agree that LG is very organised and this may be attributed to the many meetings that Technocrats have the opportunity to explain to the people what is happening with the projects in the Municipality. While 37 respondents representing 14% strongly disagree that LG is very organised because of the same common rhetoric of delay of release of funds, delay in procurement, poor workmanship that can't be explained convincingly by the Technocrats among other reasons, another 21

respondents representing 8.0% strongly agree that LG is very organised because of the fact that the LG Officials appear to be closely working with the communities and are sensitive to their needs. The LG Officials are quite close to the people through regular meetings organised by MDF. However, 19 respondents representing 7.2% do not know anything because they don't see any progress of projects started and some not even commenced.

The Deputy Town Clerk had this to say about funding of municipality projects; *"The purse of the Municipality is already thin and continues to get thinner when the Central Government gives directives that affect the Municipality revenue collection"*. He cited a case where the Minister of Works and Transport directed that fees collected from taxi and bus owners should be collected by the associations and not the Municipal Council. This directive has affected the Municipality's revenue purse adversely. The deputy town clerk said

> *"It's unfortunate that many people will not agree with us and they are justified because it doesn't make sense starting a project then roll over till funds are available. Sometimes when the funds are released, the initial works have to be repeated because of wear and tear"*.

The Deputy Town Clerk's explanation highlights the disagreement a majority had about the LG being poorly organised.

**Table 4.10: Local Government is Transparent**

|  |  | Frequency | Percent | Valid Percent | Cumulative Percent |
|---|---|---|---|---|---|
| Valid | I don't Know | 8 | 3.0 | 3.0 | 3.0 |
|  | Strongly Disagree | 37 | 14.0 | 14.0 | 17.0 |
|  | Disagree | 145 | 54.9 | 54.9 | 72.0 |
|  | Agree | 59 | 22.3 | 22.3 | 94.3 |
|  | Strongly Agree | 15 | 5.7 | 5.7 | 100.0 |
|  | Total | 264 | 100.0 | 100.0 |  |

Table 4.10 above shows that 145 respondents representing 54.9% disagree that Local Government is transparent because the accountability that is given by the Technocrats is not

convincing to them and tenders are not awarded in an open and satisfactory manner. Many people also believe the technocrats are corrupt in all their dealings with the public and therefore don't care about value for money. Meanwhile 59 respondents representing 22.3% agree that Local Government is transparent because the different departments of LG put up accountability information on the notice board and procurement processes are done openly for all to witness and whoever needs information on anything of public interest gets it. Another 37 respondents representing 14.0% strongly disagree that LG is transparent because of the unjustified rhetoric that the LG Technocrats have subjected the people to each time they have their meetings. The people believe that Technocrats have become so predictable in their communication to the people that they have lost trust and are beginning to show signs of fatigue. 15 respondents representing 5.7% strongly agree that LG is transparent because they appreciate that LG Technocrats take time to update the people on what they are doing and why certain projects stall. 8 respondents representing 3.0% do not know about LG transparency they don't see it, believing corruption is the only way to get things done in the Municipality.

The Mayor blamed politicians for this kind of perception when he says

> *"Politicians have engaged in too much politicking that they have brainwashed the minds of the people to believe government simply doesn't care and the technocrats are simply feeding their own interests instead of working for the people".*

He cited situations where politicians have focused on projects that the municipality starts and rolls over to the next budget year if Central Government does not release funds that financial year. As a result one year projects can take two to three years to be completed. He said

> *"When the campaign period approaches, politicians focus on unfinished projects in the municipality as a result of corruption and make promises that such situations won't happen when they are elected. Ofcause when they get elected, the story changes hence the poor perception of the people of the Municipality's ability to deliver".*

He adds that the revenues collected by the Municipality are much less compared to the service delivery needs; for instance the Municipality collects 4 million shillings from the market but spends 7 million shillings on garbage collection and provision of other services. The mayor concluded that *"The thin purse has crippled the operations of Local Government hence the Distrust from the public".*

**T**able 4.11: Local Government is Accountable

|  |  | Frequency | Percent | Valid Percent | Cumulative Percent |
|---|---|---|---|---|---|
| Valid | I don't Know | 9 | 3.4 | 3.4 | 3.4 |
|  | Strongly Disagree | 28 | 10.6 | 10.6 | 14.0 |
|  | Disagree | 91 | 34.5 | 34.5 | 48.5 |
|  | Agree | 109 | 41.3 | 41.3 | 89.8 |
|  | Strongly Agree | 27 | 10.2 | 10.2 | 100.0 |
|  | Total | 264 | 100.0 | 100.0 |  |

In Table 4.11, While 109 respondents, representing 41.3% agree that Local Government is accountable because of the public meetings code named "Barazas" that are organised by MDF where all Technocrats and Politicians come interact and answer the concerns of the people. They also cite the participation of the public in budget conferences of the Municipality; another 91 respondents representing 34.5% disagree that Local Government is accountable because they are not convinced by what the Technocrats say or display on the Municipality notice board believing they are being taken for granted. Meanwhile 28 respondents representing 10.6% strongly disagree because what they are told is not what they are seeing and they believe sometimes the Technocrats protect corrupt officials or situations. Another 27 respondents representing 10.2% strongly agree that Local Government is accountable because compared to the past when information was a priviledge of the few, today it is available to whoever needs it and where cases of bribery occur, there is a mechanism to address them. However 9 respondents representing 3.4 do not know anything and often times believe nothing will change.

The Mayor said this, of accountability

> *"The involvement of the people right from the planning and budgeting of the Municipality to implementation, monitoring and evaluation, has made them appreciate accountability of the municipality".*

This is because of, he adds, *"The establishment of MDF which has given people a platform to get involved in the LG projects and activities"*.

**Table 4.12: The Local Government organisation does not promote Participation**

| | | Frequency | Percent | Valid Percent | Cumulative Percent |
|---|---|---|---|---|---|
| Valid | I don't Know | 5 | 1.9 | 1.9 | 1.9 |
| | Strongly Disagree | 40 | 15.2 | 15.2 | 17.0 |
| | Disagree | 61 | 23.1 | 23.1 | 40.2 |
| | Agree | 131 | 49.6 | 49.6 | 89.8 |
| | Strongly Agree | 27 | 10.2 | 10.2 | 100.0 |
| | Total | 264 | 100.0 | 100.0 | |

Table 4.12 shows that 131 respondents representing 49.6% agree that Local Government does not promote participation because MDF is not part of the LG structure and so it cannot be part of LG. Many know MDF as an autonomous entity whose role is to check if the programme implementation of LG is in line with its' objectives. There are 61 respondents representing 23.1% that disagree that LG does not promote participation because people fully participate in all review meetings at the municipality, planning and budgeting meetings and also often come together for community service (see appendix IV). They affirm that different sectors also periodically hold training sessions to equip the people with skills such as monitoring and evaluation, human rights protection and promotion dispute resolution and arbitration among others (see appendix V). Another 40 respondents representing 15.2% strongly disagree that LG does not promote participation because they believe MDF is in partnership with the LG and therefore LG being a legal entity, it is seen as the promoter of participation. Yet 27 respondents representing 10.2% strongly agree that LG promotes participation because the Technocrats and the Council allow people to engage in monitoring and evaluation activities, and also give feedback publicly to Council and the Technocrats on the implementation of Government projects. However five respondents representing 1.9% do not know whether LG promotes participation or not because they are not engaged in anything believing participation in anything is by appointment by council or the Mayor.

The Councillors interviewed on this matter decried the laziness of the people and poor attitude to cleanliness and hygiene. One Councillor said

> *"There is a common belief among the people that when they elect leaders, they have elected servants who should make sure Government cleans their compounds and takes away the rubbish. This affects the spirit of participation for all activities including meetings for development projects".*

Another Councillor agreed saying *"My constituents want me to cause Government to dig up and level their pathways and community roads, provide free health services, bring people to clean their homes etc because they elected me to be their voice".* She adds that those who participate make work easier and lighter for them too. One other Councillor said *"The concept of participation is still new and people have not come to terms with it so I believe as time goes-by participation will pick up and will lead to the much needed development".*

## 4.3.1.3 Processes of Local Government

**Table 4.13: There is too much bureaucracy in Local Government**

| | | Frequency | Percent | Valid Percent | Cumulative Percent |
|---|---|---|---|---|---|
| Valid | I don't Know | 14 | 5.3 | 5.3 | 5.3 |
| | Strongly Disagree | 9 | 3.4 | 3.4 | 8.7 |
| | Disagree | 23 | 8.7 | 8.7 | 17.4 |
| | Agree | 99 | 37.5 | 37.5 | 54.9 |
| | Strongly Agree | 119 | 45.1 | 45.1 | 100.0 |
| | Total | 264 | 100.0 | 100.0 | |

According to table 4.13 above, 119 respondents representing 45.1% strongly agree that there is a lot of bureaucracy in Local Government which makes it hard for people to participate. This often arises from the processes involving awarding of tenders; getting paid after contract is done and handed over to the municipality, getting licenses or renewing them among other services. Yet 99

respondents representing 37.5% agree that there is too much bureaucracy in LG and this is attributed to processes of LG in getting services like tenders, licences, procurement, payments by LG for services rendered etc. This category of respondents still has faith in the LG system albeit not strong. Meanwhile 23 respondents representing 8.7% disagree that there is too much bureaucracy in LG because if one has all their documentation right, then they are promptly and properly attended to. They however agree there are long and sometimes unnecessary delays in getting documents attended to because of the long and laborious system demands. There were nine respondents representing 3.4% strongly disagree that there is too much bureaucracy in LG because Government systems are slow but very accurate therefore the delays are necessary to avoid unwanted mistakes. However 14 respondents representing 5.3% do not know anything about bureaucracy at the LG because they never have any business with LG

The Deputy Town Clerk said

> *"Local Government processes are elaborate because of the need to be transparent and accountable. Documentation is important and several people handle documents right to the conclusion of the transaction so as to eliminate monopoly which encourages corruption to thrive beyond controllable levels".*

While he acknowledged corruption still exists, he emphasises that the laborious processes of transacting with the Municipality puts checks and balances to ensure it is controlled.

The Mayor agrees adding, *"The high poverty levels and the existence of unmet needs often forces people to adopt corrupt tendencies however the processes we have at the Municipality try to reduce these tendencies so that work is done as expected".*

The Councillors interviewed, shared the same views with the Mayor and the Deputy Town Clerk. One Council emphatically said

> *"We cannot do things hastily because we want to please people but we try explain to them why the delays are necessary and how important it is for them to have proper documentation that have been given due diligence. We also tell them all the documentation is manually done and someone has to move them from office to office. Amidst all these we also know that*

*we are dealing with people who are being politically influenced and lied
to by selfish people".*

**Table 4.14:** Service delivery should be centralised because Local Government has
failed

|  |  | Frequency | Percent | Valid Percent | Cumulative Percent |
|---|---|---|---|---|---|
| Valid | I don't Know | 14 | 5.3 | 5.3 | 5.3 |
|  | Strongly Disagree | 65 | 24.6 | 24.6 | 29.9 |
|  | Disagree | 92 | 34.8 | 34.8 | 64.8 |
|  | Agree | 58 | 22.0 | 22.0 | 86.7 |
|  | Strongly Agree | 35 | 13.3 | 13.3 | 100.0 |
|  | Total | 264 | 100.0 | 100.0 |  |

In table 4.14 above, it is evident that 92 respondents representing 34.8% disagree with the statement that service delivery should be centralised because Local Government has failed to deliver. This is largely attributed to the fact that MDF has demystified the processes of Local Government and made it possible for the local people to participate in their development and enjoyment of their rights. However this argument is defeated by the fact that MDF is not legally enshrined in the Local Government Act and therefore its achievements cannot be made part of LG achievements but rather partnership achievements. Another 58 respondents representing 22.0% agree that indeed service delivery should be centralised because Local Government has failed to deliver. This category of people believe for one to get a service, one needs to know someone in the LG offices or council and that it's the constituencies where Councillors come from that get served better, often before all other constituencies accounting for poor services in some constituencies the Municipality. Yet 35 respondents representing 13.3% strongly agree that service delivery should be centralised because they believe politicking and tribal favours have taken over the mandate of LG to deliver services to the people. They want Central Government to take over because they believe those that will be mandated to deliver services to the LG will have no bias. However 65 respondents representing 24.6% strongly disagree with the statement

that service delivery should be centralised because LG has failed to deliver services emphasising that service deliver will take much, much longer especially so if there is no minister from the district or county to lobby and influence the line Ministry for consideration. With over one hundred districts in Uganda now, annual allocations to all of them will not be possible. Then again, 14 respondents representing 5.3% do not know whether service delivery should be centralised or not because rampant corruption has choked service delivery so either way, they don't see any progress for the better.

The Deputy Town Clerk said

> *"Municipal budgeting is done using the bottom-up approach which involves people right from the cell level who send their 'wish list' to the ward level where it is expanded and send to the division level then to the Municipality where a budget conference is held and representatives of the Municipal Development Forum are invited to participate".*

He reiterated that MDF has made the processes at the Municipality so easy that each Technocrat works while knowing anytime they can be called upon to explain to the people what he and his department are doing towards the development of the Municipality through service delivery. He said;

> *"The processes at the Municipality are transparent and people who are not satisfied with any office or department report to MDF where upon the president will cause a community meeting (Baraza) to have the Technocrats address the concerns and queries raised by the people".*

At the time of this research, many of these meetings were taking place to sort out the issues of land evictions and ownership in the Municipality and all stakeholders were actively involved. The Councillors agreed with the Mayor and Deputy Town Clerk's submission on this matter.

**Table 4.15: The Local Government processes are very smooth and straight forward**

| | | Frequency | Percent | Valid Percent | Cumulative Percent |
|---|---|---|---|---|---|
| Valid | I don't Know | 14 | 5.3 | 5.3 | 5.3 |
| | Strongly Disagree | 45 | 17.0 | 17.0 | 22.3 |
| | Disagree | 132 | 50.0 | 50.0 | 72.3 |
| | Agree | 62 | 23.5 | 23.5 | 95.8 |
| | Strongly Agree | 11 | 4.2 | 4.2 | 100.0 |
| | Total | 264 | 100.0 | 100.0 | |

Table 4.15 shows that 132 respondents representing 50% disagree while 45 respondents representing 17% strongly disagree with the statement that Local Government processes are very smooth and straight forward because of unclear information given to people about procedure and documents needed for whatever assistance they seek. A case in point given by many respondents who disagreed is on ground tax where different notices are issued to the public with different amounts and warnings. Common among such cases are police fines, acquisition of trade licenses and awarding of tenders. Another 62 respondents representing 23.5% agree and 11 respondents representing 4.2% strongly agree that Local Government processes are very smooth and straight forward because instructions issued on paper are also physically explained to the people who seek such explanations. The challenge here is that its' not uniformly done hence the dissatisfaction of many with LG processes. However 14 respondents representing 5.3% do not know anything about Local Government processes are very smooth and straight forward because they have never had reason to seek any services from LG.

The Deputy Town Clerk however attributes this dissatisfaction to the fact that the Local Government policy is not in tandem with the Local Government Act and this has caused confusion and loss of revenue for the Municipality. Giving an example he said while the Municipality had been collecting taxes from the bus companies, the Minister of Works and Transport gave a directive that the Municipality should stop collecting dues and let the taxi and

bus associations do so yet the taxi and bus companies expect services from the Municipality. He pointed out that the Decentralisation Act also allows the Municipality to collect taxes from businesses such as taxis and bus companies. He emphasised, *"It is such confusion that makes the public loose trust in the Municipality Officials".*

**Table 4.16: The Local Government processes are not Transparent**

| | | Frequency | Percent | Valid Percent | Cumulative Percent |
|---|---|---|---|---|---|
| Valid | I don't Know | 20 | 7.6 | 7.6 | 7.6 |
| | Strongly Disagree | 47 | 17.8 | 17.8 | 25.4 |
| | Disagree | 133 | 50.4 | 50.4 | 75.8 |
| | Agree | 57 | 21.6 | 21.6 | 97.3 |
| | Strongly Agree | 7 | 2.7 | 2.7 | 100.0 |
| | Total | 264 | 100.0 | 100.0 | |

Table 4.16 shows that 133 respondents representing 50.4% disagree and 47 respondents representing 17.8% strongly disagree that Local Government processes are not transparent because communication to the public on tenders and other issues of concern is given to the public by way of notices on the noticeboards of the Municipal Council. Members of the public are free to go and read. The challenge with this communication is that its' centralised and not many people get to the municipal offices to read the notices, let alone notices being issued in English only. Another 57 respondents representing 21.6% agree and seven respondents representing 2.7% strongly agree that Local Government processes are not transparent because few people get information from those they know at the Municipality offices. People are made to visit Municipality offices several times before they are told the truth. Every transaction anyone makes with the Municipality requires several appearances before one is attended to. Yet 20 respondents representing 7.6% don't know anything to do with Local Government transparency or the luck of it because they have no reason to interface with LG officials.

The Mayor and Deputy Town Clerk both said the issue of transparency in the LG depends on who is dealing with the LG and how frequent their interface is. The Mayor said

> *"People who have come to the Municipal Council to get licences or renew them, participate in the procurement system or to lodge a complaint will talk about the Municipality being very transparent but those who have tried once or twice and were unfortunate not to find officers, who also have to go to the field besides attending meetings, trainings and seminars in Kampala, they will tell you we are not transparent".*

The Councillors also agreed with the Mayor and one added that

> *"It is inevitable for the Technocrats, the Mayor, the Town clerk or Councillors to be in one place from Monday to Friday because a lot of other things happen elsewhere that need our presence. People should bear with us and gives us some credit".*

## 4.4 DISCUSSION

The study intended to examine the 'state' of Decentralization in the Realization of Right to Development in Soroti Municipality. The study examined the 'state' of Decentralization in terms of Structure, Organisation and Processes of Local Government and the relationship between Decentralization and the Right to Development.

The findings in this objective reflect a strong satisfaction of the people with the structure of LG being representative; it supports accountability and promotes Human rights. However there is also a strong desire to have the Decentralization policy reviewed to include the Municipal Development Forum whose achievements have enabled the people to enjoy Human rights.

The Organization of LG also draws satisfaction in terms of its ability to be accountable to the people and its promotion of participation of the people in the Municipality development programmes. However the LG Organization is faulted for its unsatisfactory service delivery and transparency in its transaction with the people, which the Municipality officials also blame on Central Government financial releases and line Ministry directives to the Municipality.

The respondents strongly agree that there is too much bureaucracy in LG and that LG processes are not smooth and straight forward mainly because of the frequent changes that keep occurring are people transact with the Municipality. Often times the changes are communicated in writing but pinned on the Municipal Council notice board where few will see it and the majority only get to know when they need to be attended to. The findings on LG processes also show that there is a general dissatisfaction of the people with service delivery being centralised because they feel service delivery may be worse than it is now. They feel reviewing the Decentralization Policy would improve service delivery. The public also feels that LG processes are transparent but probably not in the way people would desire. While communication and instructions are often issued in writing, it's only those interested and those who can read and write in English who get to benefit.

Generally speaking, the 'state' of Decentralization supports the Realization of the Right to Development in Soroti Municipality through improved accountability by public officials and increased participation of the people in development activities. However to be able to achieve full enjoyment of the Right to Development in Soroti Municipality, the areas of dissatisfaction need to be given attention so that all are included.

The researcher agrees with the proposal by Falleti (2005) of a sequential theory of Decentralization that has three characteristics thus; he defines Decentralization as a process that takes into account the territorial interests of bargaining actors and incorporates policy feedback effects in the analysis of bargaining situations. Agrawal and Ribot (2000) assert that actors, power and accountability underlie Decentralization. They continue to affirm that without an understanding of powers of various actors, the domains in which they operate and to whom and how they are accountable, it is impossible to know to what extent meaningful Decentralization has taken place. This study acknowledges these theories through the responses that agree with the Structure, Organisation and Processes of Decentralisation as being supportive to accountability and promotion of service delivery thereby enhancing the right to development through participation and empowerment.

**4.3.2 Descriptive statements on the Relationship between Decentralisation and the Right to Development**

**Table 4.17: Decentralisation promotes Equity and Equality**

| | | Frequency | Percent | Valid Percent | Cumulative Percent |
|---|---|---|---|---|---|
| Valid | I don't Know | 13 | 4.9 | 4.9 | 4.9 |
| | Strongly Disagree | 29 | 11.0 | 11.0 | 15.9 |
| | Disagree | 77 | 29.2 | 29.2 | 45.1 |
| | Agree | 124 | 47.0 | 47.0 | 92.0 |
| | Strongly Agree | 21 | 8.0 | 8.0 | 100.0 |
| | Total | 264 | 100.0 | 100.0 | |

Table 4.17 shows that 124 respondents representing 47.0% agree and 21 respondents representing 8.0% strongly agreed that decentralization promotes equity and equality because in the past people were lumped up under one representative but today, each category of people has a representation which promotes equity and equality because all voices are heard. This implies that people generally have strong support for local government unit despite the faults that exist and are optimistic that Local Government can play a great role in achieving good quality of life through rights based approach to development. Meanwhile 77 respondents representing 29.2% disagree and 29 respondents representing 11.0% strongly disagree citing the influence of politics, tribes and religion which have sharply divided people. Everything is done along the lines of political support and the tribe of the final decision maker. Sometimes even gender interferes with mandates so therefore Decentralization only promotes equity and equality on paper but not practically. In addition, the representation at council is not complete for instance some categories of people like the elderly and workers are left out and their issues can only be addressed if one of the other representatives cares to go beyond their constituents. Most of the respondents in this category were elderly, retired civil servants. Yet 13 respondents representing 4.9% did not know anything about Decentralization promoting or not promoting equity and equality.

The MDF President had this to say

> *"In the past, participation in Municipal affairs and development in the Municipality depended on who one knew in the system but today everyone can participate because MDF has given all people a platform to be heard and to participate in various ways. Regrettably, many more people don't want to participate, preferring to let others participate as they become spectators".*

He adds,

> *"People today have a sense of equality and equity because each time they come together in 'barazas' they listen to each other and appreciate and respect one another in their capacities".*

The Mayor of Soroti Municipality said,

> *"Community involvement is evident right from the grassroots and so development programmes are equitably distributed albeit with occasional interference from politicians seeking for votes. The planning and budgeting is done with the consideration of gender".*

One Councillor said

> *"It's difficult to please everybody but we try to share the little that is available with every division in an equitable and equal manner. We teach people to be fair to one another and to respect each one in their capacity. That is why for instance domestic violence in the Municipality has greatly reduced and we want to stamp it out".*

**Table 4.18: Local Government programmes encourage Participation**

|  |  | Frequency | Percent | Valid Percent | Cumulative Percent |
|---|---|---|---|---|---|
| Valid | I don't Know | 1 | .4 | .4 | .4 |
|  | Strongly Disagree | 18 | 6.8 | 6.8 | 7.2 |
|  | Disagree | 88 | 33.3 | 33.3 | 40.5 |
|  | Agree | 136 | 51.5 | 51.5 | 92.0 |
|  | Strongly Agree | 21 | 8.0 | 8.0 | 100.0 |
|  | Total | 264 | 100.0 | 100.0 |  |

Table 4.18 shows that 136 respondents representing 51.5% agree and 21 respondents representing 8.0% strongly agree that local government programmes encourage participation because all categories of people in formal or informal business are represented in the planning, budgeting, implementation, monitoring and evaluation of the Municipality programmes, although Central Government often causes confusion when they make decisions and hand them down to the LGs in unrealistic ways. Through MDF public meetings called 'barazas', people participate in Municipality development affairs as they hold their leaders and the Municipality Technical team accountable. Meanwhile 88 respondents representing 33.3% disagree and 18 respondents representing 6.8% strongly disagree that local government programmes encourage participation because participation is based on political party lines, tribal and religious lines which discriminate against those who are not in those categories. The most affected categories of people often left out are the youth, the illiterate and the elderly who are only remembered during elections. This explains the high unemployment rate in the municipality, rise of crime, rise of alcohol and drug addiction and gambling which have drawn a high participation of the youth who are idle. Only 1 respondent representing 0.4% didn't know whether LG programmes encourage participation or not because he is too busy for Municipality activities.

The Deputy Town Clerk said of participation

> "We have an Association called Municipal Development Forum (MDF)
> that has a full structure and is representative of all people of all walks of

*life in the Municipality. This Association has greatly assisted the Municipality to actualise participation in the real sense of it. People in Soroti Municipality can now not claim to be left out as far as participation is concerned. Everyone in the Municipality is participating at an optimum of 80% which is great for a Municipality like Soroti".*

The President of the Municipal Development Forum (MDF) gave an elaborate account of who MDF is and how it works with the Local Government. He said

*"MDF was established in 2010 is composed of Politicians, Technocrats, Transporters, Development Partners (banks), Religious Leaders, NGOs, cultural union, the Academia, Slum dwellers, CBOs, the Media, Professionals, Elders, PWDs, Individuals, Hoteliers, Retired Civil servants and Security Personnel. MDF has a structure which is composed of all these categories of members and committees are headed by the Technocrats. MDF is widely considered the link between the Municipal Council and the people. It conducts its business in an open and transparent manner; creating a lot of confidence among people to participate actively in the affairs of development of the Municipality. This has been the driving force for participation of the people in Soroti Municipality".*

Asked why some people don't feel they are participating, the Mayor said,

*"All opportunities for one to participate are available to everyone in the Municipality. I cannot force people to participate but I do encourage them to participate. The youth find gambling more satisfactory than participating in development activities and I think it's a personal choice one makes. So they should not blame their luck of participation on political parties or tribes or religion or luck of representation in council".*

**Table 4.19: Local government promotes Accountability**

|  |  | Frequency | Percent | Valid Percent | Cumulative Percent |
|---|---|---|---|---|---|
| Valid | I don't Know | 7 | 2.7 | 2.7 | 2.7 |
|  | Strongly Disagree | 25 | 9.5 | 9.5 | 12.1 |
|  | Disagree | 97 | 36.7 | 36.7 | 48.9 |
|  | Agree | 110 | 41.7 | 41.7 | 90.5 |
|  | Strongly Agree | 25 | 9.5 | 9.5 | 100.0 |
|  | Total | 264 | 100.0 | 100.0 |  |

In table 4.19, 110 respondents representing 41.7% agree and 25 respondents representing 9.5% strongly agree that LG promotes accountability because government releases are now published and the Municipality also publishes the same releases on the notice boards for all who care to know. By the time they go to talk to the people many are able to confirm what they are saying. The respondents attributed this to the frequent public meetings (barazas) where all Technocrats of the municipality and all politicians talk to the people and give answers to their concerns. However 97 respondents representing 36.7% disagree and 25 respondents representing 9.5% strongly disagree that LG promotes accountability because they are not satisfied with the explanations given to them when projects are rolled over. They also think figures are not given to them fully because some aspects like salaries are never talked about so there is a possibility that a lot of money goes to pay technocrats and politicians exorbitantly. It doesn't make sense if full disclosure is not made. They believe full disclosure is never made because they don't want to cause conflict between the LG officials, Central Government and the people. Yet 7 respondents representing 2.7% do not know whether LG promotes accountability or not since they are too busy to attend forums where such information is relayed to the people.

The Mayor regretted the challenges they face which include intermittent releases of money for projects. He said each year Local Government is told to roll over projects for lack of funds and this has led the Technocrats to loose morale to work because they cannot easily convince the

people that money was not released yet they continue to draw a salary. The Mayor went on to enumerate other challenges thus

> *"We lack funds for the Technocrats to supervise contractors, and high levels of poverty in the Municipality that impede collection of taxes which affects service delivery. For instance the Municipality collects four million shillings from the market as market dues and licences but uses seven million to give services to the market; there is also imposition of directives by the Central Government as it was with the directive from the Minister of Works and Transport that collection of taxes and dues from buses and taxis parks must be left to Associations to collect. It is these challenges that affect Accountability, Transparency and Confidence of the people on the Municipal Council Officials and Technocrats".*

The Councillors agree with the Mayor, and one of them reiterating that

> *"We work under very difficult conditions however we have no choice but to deliver because that is what the people want. When we deliver, people are happy and congratulate us but when we don't, we get rebuked and ridiculed by them".*

## 4.5 DISCUSSION

In this objective, the study intended to find out the relationship between Decentralization and the Right to Development in Soroti Municipality. The study assessed this relationship in terms of promotion of Equity and Equality, participation in Local Government programmes and LGs ability to promote Accountability.

The study shows that there is strong satisfaction among the people that Decentralization promotes Equity and Equality because all categories of people are represented in decision making and there is good feedback through public meetings (Barazas). This implies that Decentralization does support the Right to Development although some challenges still exist that impede full realization and therefore full enjoyment of the Right to Development.

There is also a strong satisfaction that LG programming promotes participation at all levels and among all people in the Municipality. This is largely attributed to the advent of MDF which has

an all-encompassing representation in their structure as shown in appendix III of this report. Although all people are represented in the MDF and Municipal Council structures, they are not left out is major decision making, training and information dissemination as shown in appendix IV and V of this report respectively.

The respondents' satisfaction is also registered in the LG's ability to promote Accountability. Again MDF is lauded for being the 'bridge' between LG and the people. The regular meetings organised by MDF have given people confidence that they are indeed part of the development process of the Municipality and they have the opportunity to directly express their views and concerns to the Technocrats and Politicians of the Municipality who in turn are happy to respond because they promised to serve the people. It is undeniable that the Municipal Council has been able to gain some confidence from the people through the activities of MDF however alot more remains to be accomplished.

There is no doubt that there exists a relationship between Decentralization and the Right to Development in Soroti Municipality. However, this objectives brings out the fact that Decentralization objectives resonate with the key elements of the Right to Development but this relationship has been clearly brought out by the advent of MDF which comes as an agent of change and indeed an agent of development although it is not legally recognized by the Local Government Act and the Decentralization Policy.

Citing Shivji (1999) Mohan and Holland (2001) contend that developmentalists are seeking to reformulate their concerns in relation to rights while human rights advocates take on development issues in relation to rights, arguing that development without rights has very little meaning and legitimacy especially in the south where a majority of the people are poor. These findings cannot be over emphasised in this study. The advent of the Municipal Development Forum (MDF), a brainchild of the World Bank, promotes the Right to Development by practically implementing the objectives of decentralization and the key elements of the Right to Development in the Municipality. This is a confirmation of Falleti's (2002) argument that the sequencing of different types of decentralization (fiscal, administrative and political) is Key in determining the evolution of inter-government balance of power. Therefore the Right-based Approach adopted by MDF confirms what Musembi and Cornwall (2004) say, works to sharpen political edges of participation in the wake of the instrumentation of mainstreaming and making critical linkages between Participation, Accountability and Citizenship.

**4.3.3 The Influence of Decentralization on the Right to Development**

**Table 4.20 There is good participation resulting in our Development in Soroti Municipality**

| | | Frequency | Percent | Valid Percent | Cumulative Percent |
|---|---|---|---|---|---|
| Valid | I don't Know | 7 | 2.7 | 2.7 | 2.7 |
| | Strongly Disagree | 27 | 10.2 | 10.2 | 12.9 |
| | Disagree | 98 | 37.1 | 37.1 | 50.0 |
| | Agree | 105 | 39.8 | 39.8 | 89.8 |
| | Strongly Agree | 27 | 10.2 | 10.2 | 100.0 |
| | Total | 264 | 100.0 | 100.0 | |

Table 4.20 above shows that 105 respondents representing 39.8% agree and 27 respondents representing 10.2% strongly agree that there is good participation that has resulted into development in the municipality because by holding responsible people accountable, development will be realised even if the projects are half done, atleast they see progress. MDF has championed participation through the regular public meetings (barazas) where information flow between LG and the public has been demystified. Meanwhile 98 respondents representing 37.1% disagree and 27 respondents representing 10.2% strongly disagree saying participation has been reduced to simple talk in meetings and nothing tangible is happening. To them participation means listening to the people and fulfilling their needs through completion of projects. The projects that they see are all half way done and that cannot be development. Yet 7 respondents representing 2.7% do not know whether development in the Municipality is attributed to participation. They think the NRM Government is simply fulfilling its pledges to the people slowly.

One Councillor interviewed had this to said,

> *"In the past, people would just sit and wait for Government to act through the District and had no opportunity to say anything. When there is damage or technical breakdown on a Government project or property as was known then, people would simply wait for the Government to come and*

*make repairs. That is not there today because people are fully involved in development activities and programmes of the Municipality".*

Many Councillors said the voice of the people is very power full and moves Government to act fast. The Mayor had this to say

*"In the past, working for Government was the best. No one would question you on anything because Government would announce all its plans and activities. Civil servants just wait to implement as they like. No accountability or transparency, no one monitored the quality of work on a Government project etc but today, participation has erased all that and people who are involved in the Municipality programmes and activities can attest to that".*

**Table 4.21 Transparency has led to our Development in Soroti Municipality**

| | | Frequency | Percent | Valid Percent | Cumulative Percent |
|---|---|---|---|---|---|
| Valid | I don't Know | 16 | 6.1 | 6.1 | 6.1 |
| | Strongly Disagree | 43 | 16.3 | 16.3 | 22.3 |
| | Disagree | 117 | 44.3 | 44.3 | 66.7 |
| | Agree | 68 | 25.8 | 25.8 | 92.4 |
| | Strongly Agree | 20 | 7.6 | 7.6 | 100.0 |
| | Total | 264 | 100.0 | 100.0 | |

Table 4.21 shows that 117 respondents representing 44.3% disagree and 43 respondents representing 16.3% strongly disagree that transparency has led to development in Soroti Municipality because of the failure by the Politicians and Technocrats to convincingly explain to the people why projects remain incomplete and instead get rolled over when their salaries are promptly paid every month. People feel development in the Municipality is as a result of fulfilment of political pledges made during elections but planned projects never get completed. They also attribute development in the Municipality to the ever increasing number of private

developers who have invested in good infrastructure. Meanwhile 68 respondents representing 25.8% agree and 20 respondents representing 7.6% strongly agree that transparency has led to development in the Municipality because people are now co-owners of projects they are given by the LG therefore it means they too have a stake in how those projects are developed, chosen, funded and implemented. This happens through the public meetings where Technocrats, Politicians and Civil Servants come together with the beneficiaries to plan and execute them. Another 16 respondents representing 6.1% do not know whether transparency has led to development in the Municipality or not however they do acknowledge that is development but by private people and very little by LG especially on roads and garbage collection.

The Mayor emphasised that transparency has indeed led to development in the Municipality and there is no doubt about that. He said

> *"Every Technocrat, Contractor, Politician and Civil Servant knows that they can be summoned to answer questions from the people and that decisions taken are implementable. This is because whatever we do at the Municipality is open and people participate fully. We have never imposed any project on the people but we go by their 'wish list' which comes during the budgeting period. We even explain to them why we are starting with one project and not the other and we assume they have understood".*

The Councillors did agree with the Mayor. In addition the Deputy Town Clerk said *"politicians are free to make their pledges and implement them but we never get involved because we as Civil Servants and Technocrats are here to implement Government projects and programmes".*

The councillors were in agreement too. One Councillor added,

> *"Sometimes it's we the Politicians who confuse people and we never want them to know. We promise them a lot of projects yet we have no capacity to fulfil the promises and we always ride on the fact that we will influence the Technocrats to help us fulfil our pledges. When this fails we go back to the people to blame the Technocrats instead of telling the truth. That's why many people have no trust in the Technocrats but instead trust their Politicians".*

Another Councillor said that,

*"The problem is compounded by the Members of Parliament who also want to remain relevant to the people by putting pressure on the Technocrats and Council to help fulfil their pledges to their constituents fast and when it's not done, they resort to alleging corruption in the District or Municipality without evidence".*

**Table 4.22 Our officials are Accountable all the time**

|  |  | Frequency | Percent | Valid Percent | Cumulative Percent |
|---|---|---|---|---|---|
| Valid | I don't Know | 21 | 8.0 | 8.0 | 8.0 |
|  | Strongly Disagree | 68 | 25.8 | 25.8 | 33.7 |
|  | Disagree | 109 | 41.3 | 41.3 | 75.0 |
|  | Agree | 49 | 18.6 | 18.6 | 93.6 |
|  | Strongly Agree | 17 | 6.4 | 6.4 | 100.0 |
|  | Total | 264 | 100.0 | 100.0 |  |

Table 4.22 shows that 109 respondents representing 41.3% disagree and 68 respondents representing 25.8% strongly disagree that LG officials' are accountable all the time. They believe that the LG officials are only fooling people with accountability that has no full disclosure. Sometimes projects are funded by donors but LG will still account for them as if they were Government funded. They also don't explain why unfinished projects are rolled over yet they benefit many people. Another 49 respondents representing 18.6% agreed and 17 respondents representing 6.4% strongly agree that LG officials' are accountable and they cite the availability of information for anyone to access to confirm what the officials are saying. They also said donors like to work with the Municipality to develop it because they are happy with the accountability reports often made by the officials which are public documents.  Yet 21 respondents representing 8.0% do not know whether officials are accountable or not because they don't even attend the public meetings which happen when they are busy in their businesses.

The Deputy Town Clerk scoffed at those who said LG officials are not accountable saying,

> *"Those are the people who stay away from public meetings and believe rumours spread by the enemies of progress. Those who have been attending and actively participating in our public meetings can attest to the fact that the LG officials are accountable and there is also evidence to that effect. However there are also others who still believe what used to happen in the past still happens today so they attend meetings to criticize even what is clearly explained with evidence. Sometimes we read letters from the Ministries to them in abid to convince them of Government directives and releases".*

The Councillors were equally unhappy with those who say LG officials are not accountable. One Councillor said

> *"It's unfortunate that even with the efforts of the MDF to bring all stakeholders together in a meeting for LG officials to give accountability and answer questions, some people can still claim LG officials are not accountable. Indeed those are enemies of progress".*

## 4.6 DISCUSSION

In this objective, the study intended to establish the influence of Decentralization on the Right to Development in Soroti Municipality. The study assessed this influence in terms of good participation resulting in development in the Municipality, transparency leading to development and LGs officials being accountable.

The study reveals in this objective that people are generally satisfied that good participation has resulted in development in Soroti Municipality. Respondents agree that MDF has enabled people to participate although participation is not at full scale. There is generally satisfactory understanding of Central Government procedures and processes and how the LG fits in, with taxes and dues collected in the municipality. This is a good precursor to development through participation.

There is however a general dissatisfaction with transparency as having led to the development of the municipality. Many people feel they are not convinced with the explanations given to the

people about Central Government releases for projects that are never completed believing there is no full disclosure of the truth because LG officials are avoiding conflicts between Central Government and the people. However LG officials blame Central Government for intermittent releases and lean on the LG officials to explain to the people on their behalf. This kind of blame game has the potential to impede all well intentioned plans and programme implementation as Technocrats could get forced out of LG into private consultancies and businesses where they would get self-satisfaction.

The LG officials' ability to account to the people also met dissatisfaction of the respondents with many claiming the LG officials do not give full disclosure of information on Central Government releases and the taxes they collect from the Municipality. The LG officials on the hand say they have evidence of what they say but some people simply want have political arguments without evidence. It does appear some people aim at discrediting the Central Government through LG and its officials and their voice is loudest in the public meetings. Their reasoning is helped by the intermittent releases of Government and clandestine directives from Ministers who are aware about how LGs fund some of their activities.

Chapman el al (2005) contend that a rights based approach to development is inherently a political approach when one takes into account power struggle and a vision of a better society as key factors of development. They argue that the political approach opposes the depoliticized interpretation of development which hinges on focusing on problems "as purely technical matters that should be resolved outside the political arena" without conflict and yet they are matters that are entrenched in differences of power, income and assets. Therefore rights cannot be realized without changes in structure and relationship of power in all their forms. This emphasises the findings of this study with regard to influence of decentralization on the Right to Development especially where transparency leading to development of Soroti Municipality and LG officials being accountable all the time are concerned. The issue of power struggle is evident and the political approach to development cannot be over emphasised.

# CHAPTER FIVE

# SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

## 5.0 Introduction

This chapter focuses on the summary of the Key findings, discussions of the findings, conclusions drawn and also shows the recommendations that the researcher developed, basing on the conclusions from the study findings.

## 5.1 SUMMARY OF FINDINGS

The study assessed the 'state' of decentralization in the realization of right to development in Soroti municipality specifically looking at the structure, organisation and processes of local government in relation to the realization of the right to development. The study also focused on the relationship between decentralization and the right to development in Soroti Municipality specifically looking at how decentralisation contributes to the realization of the right to development and where gaps still exist; then finally the study sought to establish the influence of decentralization on the right to development in Soroti municipality specifically focusing on program development and implementation and the involvement of the people in all the processes. Below is the summary of the findings of the study.

## 5.1.1 The 'State' of Decentralization

In this study, the 'state' of decentralisation was looked at inconsideration of the structure, organisation and processes of decentralisation in the realisation of the right to development in Soroti municipality. According to the findings, the structure, organisation and processes of decentralisation support accountability, promoting service delivery that enhances human rights particularly the right to development through participation and empowerment which are the desired outcomes.

However the organisation of local government according to the findings, does not deliver good service and this is attributed to limited and intermittent funding where in some financial years the technocrats are forced by competing demands and priorities to roll over some services to other financial years. It is also attributable to a narrow tax base which is getting narrower with pronouncements from the central government to allow associations collect taxes from their

members as opposed to the municipality doing it as mandated by the local government act and policy. Despite all this, it is generally agreeable that local government officials are accountable and the organisation of local government promotes participation of the people in development activities of the municipality at all levels. This is attributed to the World Bank initiative of the municipality development forum (MDF) which has a vast representation of all categories of people in the municipality and works closely with all stakeholders to plan, implement monitor and evaluate development projects and programmes in the municipality and often call meetings to give opportunity to the people to voice their concerns and grievances to the technocrats who in turn explain to the people the processes and procedures of government operations including accounting for funds received from central government and funds collected as taxes and fines within the municipality.

As far as the processes of local government are concerned, there is a generally strong agreement that there is no bureaucracy in local government and therefore decentralisation should not be done away with. This is attributed to the fact that information is available to all who need. The municipality technocrat have free access to the radio stations to explain to the people the processes of local government and central government which people are satisfied with. However they agree that processes are not smooth and straight forward because the guidelines to be followed are strict and any attempt to be flexible is often misinterpreted by stakeholders. The strictness of the guidelines is brought about by the dire need to fight corruption and corrupt tendencies.

### 5.1.2 The Relationship between Decentralisation and the Right to Development

The study reveals that decentralisation promotes equity and equality, accountability and participation. This is attributable to the advent of the Municipal Development Forum (MDF) which is all inclusive and has a representation of all people who live and work in the municipality. People generally agree that MDF has played a big role in linking the public to the technocrats and municipal politicians right from the grassroots to the municipality. People contend that if decentralisation is ever done away with, MDF would be no more and the right to development would be heavily abused because there would be no participation and empowerment from the grassroots. Although MDF is not yet incorporated into the local

government structure, the fact that it works closely with the local government structure promotes development hence the realization of the right to development.

### 5.1.3 The Influence of Decentralisation on the Right to Development

The study shows that generally speaking decentralisation has given opportunity to the people to fully participate in the development of the municipality compared to what it was many years ago when central government controlled development activities from one centre. This is mainly attributed to the advent of MDF and the acceptance of MDF structures and processes by the people, the municipal politicians and the technocrats of the municipality. Before the advent of MDF decision making, accountability and planning was the preserve of the municipality technocrats and politicians. The work of MDF directly relates to the desires of the people for better services and participation while at the same time it relates to the expectations of the people of the technocrats and the municipal politicians. The people also agree that while transparency is exercised, development in the municipality cannot be attributed to it but rather participation and empowerment of the people through MDF. Transparency is looked at by the people as a process that simply enhanced participation but not development of the municipality. The more transparent technocrats and politicians are the more people will participate because they gain confidence in the local government systems and willingly participate. The people do contend that sometimes technocrats fail to convince the people especially when a decision is taken to roll over projects or programmes that the people feel are very important to them. People also find it difficult to believe the municipality collections are less than the services demanded but because they pay taxes and fines to the municipality, they expect services and so the explanation of municipal funding being inadequate for service delivery is not convincing at all.

### 5.2 CONCLUSIONS

### 5.2.1 The 'State' of Decentralization

In examining the 'state' of Decentralization in the Realization of Right to Development in Soroti Municipality the findings show that the Structure of Local Government is representative, it supports accountability and it promotes Human Rights. The Organization of LG accountable and promotes participation while the Processes of LG are transparent. This is evidence of Decentralization being a vehicle for the realization of the Right to Development. In Soroti

Municipality, the Municipal Development Forum (MDF) is lauded as the change agent and driver of development by its structure and mandate however it is not a legal entity in the Local Government Act and Policy however the is a strong view that the Act and Policy should be reviewed to include MDF. This, it is believed, will accelerate development while promoting and enabling the enjoyment of the Right to Development.

However there are areas that still draw dissatisfaction such as poor service delivery which had some respondents agreeing to the centralization of service delivery for improvement, too much bureaucracy in LG and unclear LG processes which stand out as impediments to full enjoyment of the Right to Development. If these areas of dissatisfaction are addressed, full enjoyment of the Right to Development will be attained.

### 5.2.2 The Relationship between Decentralisation and the Right to Development

There is a strong relationship between Decentralization and the Right to Development in Soroti Municipality as evidenced by the respondents' affirmation of Decentralization promoting equity and equality, accountability and participation. Through the promotion of equity and equality, people play a great role in decision making, monitoring and evaluation of LG projects and programmes. Through participation people confidently express their views without fear or favour because they know they will be listened to and their concerns address and through accountability given by the LG officials publicly people know what comes from Central Government and what the Municipality corrects and how all these monies are used. Again the accolade is taken by the Municipality Development Forum (MDF) which is an all-inclusive platform with a representation of all people who live and work in the Municipality. Here political patronage and corruption are checked in favour of Development and enjoyment of Rights.

The people of Soroti Municipality are proud of the fact that they can hold their Technocrats and Politicians to publicly account and that they have access to all the information concerning development of the Municipality through their MDF platform.

### 5.2.3 The Influence of Decentralisation on the Right to Development

There is strong influence of Decentralization on the Right to Development in the area participation leading to development of the Municipality. It is generally accepted that people of all walks of life are actively participating in Municipality Development plans and programmes implementation through monitoring and evaluation, dialogue with the Technocrats and Politicians of the Municipality and transparency although transparency is a contentious matter. Some believe the LG officials are not transparent enough and so transparency cannot be listed as a precursor for development in the Municipality. Additionally accountability of the LG officials is equally contentious as they are blamed for not giving full disclosure of information that would have aided development to take place. However, LG officials and Municipality Councillors blame Members of Parliament for sawing seeds of discord while they know the truth about Central Governments' releases and also blame Central Government for intermittent release of funds to the Municipality.

It is very clear that issues of transparency and accountability in Decentralization hamper the realization of the Right to Development therefore it is prudent to pay close attention to these issues so as to enable people enjoy their Right to Development.

### 5.3 RECOMMENDATIONS

Based on the findings and conclusions of the study, the following recommendations were generated;

### 5.3.1 'State' of Decentralization

It is recommended that the Local Government Act and Policy should be reviewed to include the Municipality Development Forum (MDF) so that the LG planning and programming is made to fully embrace the Rights-based Approach to Development.

The LG should reduce bureaucracy to serve the people better. In this day of advanced technology there is no excuse for being slow and inefficient, use of so many papers and running around for signatures to authenticate a process. LG needs to embrace technology very fast.

### 5.3.2 The Relationship between Decentralisation and the Right to Development

Local Government should make use of technology especially social media to reach all people with information and not just pin it on the notice board in the Municipality offices. Today every Citizen has a phone so LG can send out SMS messages and or social media messages on important information or changes in the Municipality. They should also endeavour to translate for those not able to read and write English so as to be all inclusive.

### 5.3.3 The Influence of Decentralisation on the Right to Development

It is recommended that Central Government should harmonize all line Ministry plans and programmes with LG to avoid clandestine issuance of directives which deny the LG the opportunity to collect revenue hence reducing their revenue purse.

It is also recommended that Central Government financial releases should be streamlined to cater for completion of projects so that the conflict between the public and LG officials is done away with.

### 5.4 Contribution of the Study

The researcher strongly believes that this study has substantially contributed to the existing body of knowledge. When this study was conceptualized there were no sufficient answers to the research objectives. At this point now the researcher is confident that all answers to the objectives have been answered sufficiently. The researcher can now authoritatively assert that the study has been able to examine the 'State' of decentralization in the Realization of Right to Development in Soroti Municipality; generated information on the Relationship between Decentralization and the Right to Development in Soroti Municipality and established the Influence of Decentralization on the Right to Development in Soroti Municipality. The recommendations give an indication that some more work needs to be done in order to enable the people of Soroti Municipality enjoy full Right to Development and for all other Local Governments to learn from Soroti Municipality as documented in this report.

Consequently, the findings will be of help to Local Government Technocrats and Politicians, Central Government, the Legislators and Academicians.

## 5.5 Areas for further Research

This study focused on the contribution of Decentralization to the Realization of the Right to Development in Soroti Municipality. Further research could consider some of the following areas;

A study of this nature should be done in a Municipality where there is no platform of the Municipality Development Forum (MDF) to see if the findings are related to those in Soroti Municipality.

This study was restricted to Soroti Municipality which is one small of the areas where MDF exists yet MDF exists in fourteen Municipalities. Although there is a degree of confidence with which conclusions can be drawn from the results, the focus was narrow and so there is need to conduct a study of the same nature in all the fourteen Municipalities where MDF exists with the aim of comparing finds that will enrich the Decentralization Act and Policy if it is to be reviewed.

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## Appendix I

**Questionnaire**

This questionnaire is on the study concerning the contribution of Decentralization to the Realization of the Right to Development in Soroti Municipality. You have been chosen as a respondent and therefore I kindly request you to spare sometime and give your honest opinion to the issues herein posed. I do affirm that the information contained herein will be used purely and strictly for academic purposes only and will be treated with utmost confidentiality. Please do not write your name anywhere on this questionnaire.

Yours Sincerely,

**Ochom Petronella**

**Section A: Bio Data**

1. **Gender**    Male ☐         Female ☐

2. **Age**    20-29 ☐    30-39 ☐    40-49 ☐    50-59 ☐    60 and above ☐

3. **Level of Education**    Primary ☐    Secondary ☐    Tertiary ☐    None ☐

4. **Occupation**    Civil Servant ☐    Privately Employed ☐    Self employed ☐

   Unemployed ☐        Retired civil servant ☐

**Section B: Questionnaire**

Please tick a box below the number that best describes your opinion in the table below. Make sure not to skip any statement. Mark the numbers as described in the scale below:

**5-Strongly agree   4- Agree   3- Disagree   2- Strongly Disagree   1- I don't know**

| 01 | Structure of Local Government | 5 | 4 | 3 | 2 | 1 |
|---|---|---|---|---|---|---|
| 1. | The structure of the local government administration is representative | | | | | |
| 2. | Local government policy should be reviewed to change the structures | | | | | |
| 3. | The current structure of local government does not promote human rights | | | | | |
| 4. | The structure does not support accountability | | | | | |

| | Organisation of Local Government | | | | | |
|---|---|---|---|---|---|---|
| 1. | The local government is very well organised that service delivery is great | | | | | |
| 2. | Local government is transparent | | | | | |
| 3. | The local government is accountable | | | | | |
| 4. | The local government organisation does not promote participation | | | | | |
| | **Processes of Local Government** | | | | | |
| 1. | There is too much bureaucracy in local government | | | | | |
| 2. | Service delivery should be centralized because local government has failed | | | | | |
| 3. | The local government processes are very smooth and straight forward | | | | | |
| 5. | The local government process is not transparent | | | | | |
| **02** | **Relationship between Decentralization and Right to Development** | 5 | 4 | 3 | 2 | 1 |
| 1. | Decentralization promotes equity and equality | | | | | |
| 2. | Local government programmes encourages participation | | | | | |
| 3. | Local government promotes accountability | | | | | |
| **03** | **The Influence of Decentralisation on the Right to Development** | 5 | 4 | 3 | 2 | 1 |
| 1. | There is good participation resulting in development | | | | | |
| 2. | Transparency has led to our development | | | | | |
| 3. | Our officials are accountable all the time | | | | | |

Additional Information you may wish to include.

**Appendix II**

# Interview Guide – for Councillors and Municipal Administration

1. How is the Soroti municipality Administration structured?

2. Do you think this structure delivers effectively in terms of the right to development?

3. How is the municipality programming done and how much involvement do the people have in programme development and implementation?

4. Are the municipality financial statements easily accessible to the people?

5. What is the role of the people in monitoring and evaluation of the projects?

6. How is prioritization of programmes done? Are the people often consulted or informed?

7. In your view what changes would you like to see done to improve service delivery and promote the right to development?

## Appendix III

### The Structure of Soroti Municipal Development Forum (SMDF) AUG 2015-AUG 2017



**AKOL FLORENCE**
**VICE PRESIDENT**



THE REPUBLIC OF UGANDA



**EDEPU DAN**
**THE PRESIDENT OF SOROTI**
**MUNICIPAL DEVELOPMENT**
**FORUM 2015-2017**



**OCOLE ANDREW**
**General Secretary**



**ECAAT ROBERT**
**Secretary Publicity**



**ACHEKO PROSCOVIA**
**Treasurer**



**OMER PAUL**
**MAYOR SMC**



**BAANYA EMMANUEL**
**TOWN CLERK SMC**



**ASEKENYE DAMALI**
**PCDO SMC**



**ODIKHOR JOVANS**
**PATRON SMDF**



**Olinga Justine**
**CDO EASTERN DIVISION**



**Caroline Dekura**
**CDO WESTERN DIVISION**

**xxxxxxxx**
**CDO NORTHERN DIVISION (-)**



**SMC MAIN OFFICE BLOCK**



**ALLI MUSTAFA -PSO**



**OKIA DENIS Dev't Partners**



**BUTELE ADINAN JAFAR -**
**FBO'S**



**AKOL FRED- NGO'S**

| | | | |
|---|---|---|---|
| **AJENA JIMMY  Culture** | **ABULO CHRISTINE**<br>**SDI-Northern Division** | **OPIO JOSEPH**<br>**SDI-Eastern Division** | **ANUME PETUA**<br>**SDI-Western Division** |
| **ATIANGIRO ROBERT**<br>**Academia** | **MUGARUGA SHIRAJI**<br>**CBO** | **OBONGO JULIUS Media** | **OPUL JOSEPH –Professional** |
| **ESAMIJ DAVID ALFRED**<br>**Elders** | **OPULE EMMANUEL- PWD's** | **EJUU MARGARET ROSE -**<br>**Individuals** | **KIBET TONNY –Hoteliers** |

(Courtesy of SMDF)

## Appendix IV

## Activities led by SMDF that involve the people of Soroti District



A community dialogue meeting organised by SMDF for the people to interface with the municipality leaders (courtesy photo).



A consultative meeting with a cross-section of residents in one of the cells, regarding health and hygiene. SMDF often consults the people in all aspects that concern them including budgetary provisions of the municipality.

SMDF periodically mobilises people for general cleaning of the municipality (courtesy photo).


The success story of SMDF is anchored on the importance it attaches to inclusiveness (courtesy photo)

Leaders are not left out in the mobilization for municipality activities. Here the area member of parliament (in blue and white T-shirt) is seen actively participating together with the SMDF President next to him (courtesy photo).



Tree planting is one of the activities SMDF is emphasising because the town is very bear after all trees were cut down (courtesy photo).

**Appendix V**

**Soroti Municipal Development Forum training for members**



SMDF members benefiting from one of the capacity building workshops organised by SMDF. These are often held to impart leadership and other skills to the members through sectors they belong (courtesy photo).



Group-work participation to enhance further understanding during a capacity building workshop organised by SMDF (courtesy photo)