Why local realities matter for Citizens’ Voice and Accountability

Lessons from Mwananchi Uganda pilot projects

Pourquoi il est important de prendre en compte les réalités locales dans la participation citoyenne et la reddition de comptes

Por qué las realidades locales importan para la asunción de responsabilidades y la participación ciudadana.

Andrew Kawooya Ssebunya
Why local realities matter for Citizens’ Voice and Accountability.
Lessons from Mwananchi Uganda pilot projects

Andrew Kawooya Ssebunya
is a senior Poverty Analyst with Development Research and Training (DRT)*
kawooyaandre@yahoo.co.uk, kawooyaandrew@gmail.com, * info@drt-ug.org

Abstract. This is about an action research study of the citizen voice and accountability implemented by the Mwananchi Governance and Transparency Fund Program in Uganda. The three piloted governance innovations, which include the Bataka informal justice model, child education monitors and the Village Budget Clubs, were tested for five years. As a result of these mechanisms, service delivery institutions have responded better to community priority needs in agriculture, education and justice thematic areas. Community participation has been enhanced and citizens have been empowered to use the given accountability spaces. In discussions, petitions, community radio and by means of their representatives, they now demand accountability. In Kibaale District, the panel of elders have made it possible for community members to litigate civil and referred criminal cases in formal courts. The process has eased the formal courts’ workload, delays and or a lack of justice. The three initiatives demonstrated that having a voice and accountability is possible if the initiative works within the local realities or locally-based processes that locals know and appreciate. In that way, the members of the community collectively participate in and direct their own development in what is referred to as a ‘best fit’.

Keywords. Accountability, Action Research, Mwananchi, Citizens’ Voice, Interlocutors, Innovation, Uganda

1. Introduction

For decades, good governance has meant mimicking ‘good policies’ and ‘good institutions’ prescribed by the capitalist democracies (Ha-Joon, 2003). Millions of dollars in aid have been spent, but with total failure as the result (Booth, 2011). The Mwananchi program sought to address this problem of misallocations by discovering what assistance really works for the poor. People look to government for solutions, but often are disappointed. In a search for peace, prosperity, better roads, food and security - to mention only a few - people will always look to government.

During the last two decades, the Government of Uganda has undertaken significant public sector reforms. In particular, the government has implemented a decentralized, liberalized, privatization and restructuring processes. Public service delivery is fully decentralized with national ministries playing a coordination, monitoring and policy making roles. The private sector also fulfills a complementary role. Proponents of the decentralization process assumed that such system works better than the previous system because it is closer to the people and better understands the needs of the citizens. However, this is not always true. Even in a decentralized system, people still must deal with bureaucracies and service delivery gaps.

The following important question remains unanswered. What really works best for the poor? David Booth wrote that the right development approach is ‘best fit’ rather than ‘best practice’. No governance template is valid everywhere and at all times. Therefore, best fit is the only single approach that will be truly meaningful to the people. By best fit, Booth means working with the grain, building on existing institutional arrangement with recognizable benefits. In other words, building on existing and community based systems works better. This also means replacing direct support to facilitate local problem solving by empowering the people themselves to employ collective action.

It should be noted that good governance and institutional development is increasingly becoming a
fashionable concept for many developing institutions. However, the state need not be the sole provider of solutions. Ordinary citizens need not always look to government for answers. Although institutions are important, there is a need to transform them beyond the framework of the state to self-governance. Many developing countries face the dilemma of ‘free ride’ where people are reluctant to contribute to the delivery of public services. Community-based approaches, such as ‘bulungi bwansi,’ which refers to ‘collective action’ programs, in Buganda during the 1950s ended years ago.

Models of informal accountability, such as the one Mwananchi implemented in Uganda, address specific development problems in government’s provision of public goods or public services. These problems include the ‘free ride’ and government accountability (Tsai 2007). Solidarity groups, such as clans, tribes, religious institutions, self-help and public advocacy groups play significant roles in responding to the development problems. When democratically elected leaders fail to respond to the citizens’ needs, the latter turn to informal or semi-democratic systems. This paper provides case studies of the Lira, Kibaale and Masindi districts where these models have been tested.

2. The Mwananchi program

Mwananchi was a five year program that the Department for International Development (DFID) supported. The Overseas Development Institute (ODI) coordinated the program. The program sought to increase the voice of citizens and accountability so that ‘citizens effectively express their views and interests and hold governments to account for their actions’. The program’s rationale was that ‘civil society, media, and elected representatives are better able to understand and support the use of evidence-based approaches to shape policies and practices that meet the interests of the citizens.’ The program focussed on promoting institutional capabilities, institutional accountability and improving the response of institutions to the needs of the poor. This program was implemented in five other countries namely Malawi, Zambia, Sierra Leone, Ghana and Ethiopia. The program was implemented in Uganda with 10 partners and coordinated by the Development Research and Training (DRT) organization. The partners were Lira NGO Forum, Masindi district NGO Forum, Masindi District Education Network, Cross Culture Foundation of Uganda, Community Development and Child Welfare Initiative, Forum for Women in Democracy, Kalangala District NGO Forum, World Voices Uganda, Kibaale Civil Society Organizations Network and Kapchorwa Civil Society Organizations Alliance. Each partner piloted innovative governance model at a local level.

2.1 Program Approach and Methodology

The Mwananchi program was an action research that provided a response to the question what works for the poor? Outcome mapping (OM) was used to measure change. An explanation of the ‘game-changers’ and the context-dependent behavior and how they influenced citizen voice and accountability was obtained (Tembo, 2012). The changes involved in citizens’ voice and accountability are complex and dynamic, because they involve webs of relationships among citizens and state actors. The program sought to understand the behavioral changes of some key governance interlocutors or actors (namely civil society, media, elected representatives and traditional leaders) in bolstering the citizens’ demand for accountability. Ten organizations were provided with ‘small’ grants to implement innovative pilot good governance and accountability focused projects in the six Districts of Luwero, Kibaale, Kalangala, Masindi, Lira and Kapchorwa.

3. Findings

3.1 Bataka Court Innovation

The Government of Uganda follows a fully-fledged legal regime that was inherited from the British colonialist. Today, the Judiciary is the third arm of Government, under the doctrine of separation of powers. Exceptional matters that require constitutional interpretation are taken to Constitutional Court. A legal case can be registered at any of the three layered courts in the judicial structure. Uganda has a pyramidal judicial structure with a Supreme Court, a Court of Appeal and a High Court of Uganda. The decisions of the Supreme Court are binding. There are also three levels of magistrates. These are the Chief Magistrates, Magistrates, Grade 1 and Magistrates, Grade 2. Other subordinate courts include Family and Children Court and tribunals such as the land and tax appeals tribunals. Despite the ‘rich’ judicial structures, poor citizens cannot access justice due to the expense of facilitating legal officers, as well as the cost of transport. Complainants are required to provide financial facilitation to lawyers for them to handle their cases. Court cases are also handled in English which is prohibitive for some local speakers.

The Bataka court justice system is a community-based informal justice service delivery model that World Voices Uganda (WVU) initiated to enhance access to justice by means of informal community justice systems (Bataka achieving change. This approach allows partners to understand what happened, why it happened and how it happened. Action Research is a natural way of acting and learning at the same time. It occurs in a spiral manner (action and reflection).

Outcome Mapping (OM) is a participatory methodology that enables partners to understand change in the behavioral patterns of project actors. The approach helps partners to know the roles, relationships and performance of actors using matrices to fill particular changes achieved.

WVU was initiated in 2004 to respond to violations of human rights, rampant corruption, poor health and ethnic conflicts that were damaging the moral and sociopolitical fabric of Uganda’s society. WVU has for years developed recognition in enhancing access to justice for the poor, protection and promotion of human rights, good governance, accountability as well as conflict resolution and management.

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1. Mwananchi governance models include a community based civil court system called ‘Bataka court’, Village Budget Clubs and the Child Education Monitors.
2. More information can be seen on www.mwananchi-africa.org
3. Action research is a flexible spiral process that allows action aimed at...
Courts). It is in keeping with the strategy to empower ordinary citizens to establish their own justice agenda and to engage their elected leaders, duty bearers or service providers, media and civil society in dialogue and community debates.

The Bataka justice model was implemented in Kyaterekera and Ruteete sub-counties of Kibaale district. The concept ‘Bataka’ comes from “Omutaka,” which is a ‘Bantu’-speaking native term that means ‘a native or bonaide resident.’ Hence, Bataka is plural for boniide residents. The Bataka court model is based on a historical judicial system in which communities and members of clans met to resolve their issues on a daily basis. The Bataka courts adjudicate civil cases that include domestic and family issues and conflicts over land or succession. World Voices Uganda facilitated the election of the panel of elders, trained them in their roles and simple judicial systems and laws, created awareness of the system and encouraged communities to embrace it.

Unlike the formal courts, Bataka Courts are more accessible to the poor. The courts are established within the communities, matters are decided quickly and there are no legal or court costs. The community-based courts are acceptable to the communities given their historical perspective. The crimes are considered to be community problems and all citizens are concerned about them. Consequently, the decisions of the courts emphasize reconciliation and social harmony. The courts serve to prevent crime because everyone in the community will share their opinions which are used to decide the cases (judgment). This fosters greater respect for the law within the community.

The court consists of a panel of seven elders elected by the community. The elders must be persons of moral standing and command respect within the community. They must also be middle aged, trustworthy and knowledgeable of the social and political aspects of the community. Cases are brought to any panel of elders who, in consultation with the other members, convene a community meeting or council. The meeting is held in an agreed, central space within the community. Such cases can be decided quickly or at a day-to-day basis. Judgment can be made within a day unlike the formal courts that may take months or even years. Cases are heard in an open space and with the participation of all community members. Community members assume the roles of prosecutor and judge. Witnesses are heard from both sides (plaintiff and defendant) before a decision is made. A judgement is rendered immediately after hearing all of the witnesses. Cases that involve confidential matters, such as conjugal issues, are heard in privacy by a few elders. An appeal to the mainstream system is allowed, if a party is not satisfied with the judgment.

A number of similar informal systems have existed and are still being practiced in many communities. In Malawi and Bangladesh, almost 80 and 60 percent of all disputes respectively are solved by customary justice fora. In Bangladesh, such systems are called Salish. In Sierra Leone, 85 percent of the population falls under the jurisdiction of customary law, defined under the constitution. In the same way, about 80% of Burundians take their cases to the ‘Bashingantahe.’ In Rwanda, ‘Gacaca’ courts were also established to assist in view of the case backlog. The Acholi in Uganda still practice ‘Matoput’ with councils of elders (See Ewa Wojkowska;2006)

![Figure 1. A bataka court session in Kibaale](image-url)
3.2 *Village Budget Clubs Influence Change at the Local Level*

The Village Budget Clubs (VBCs) are community-based initiatives implemented by The Forum for Women in Democracy (FOWODE) in Kasaala Parish, Luweero Sub County (Luweero District). The project seeks to enhance the capacity of grassroots communities to demand for accountability by monitoring the Community Development Driven Programme (CDD), National Agricultural Advisory Services (NAADS), restocking Programme and public Health services delivery.

VBCs are community groups consisting of 20 members (12 women, 8 men). FOWODE has worked with four VBCs. The community selects the VBC members during a community meeting. Persons of high character who are respected members of the community are selected.

After receiving training in budget analysis, monitoring, advocacy, communication and documentation, VBCs use a community-based tool to monitor the delivery of agriculture and health services quarterly, to document emerging issues and to organize a consultation meeting to agree on issues of advocacy. VBCs then organize an interface meeting with the duty bearers and monitors progress in discharging their commitments.

Issues

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FOWODE is a non-partisan women’s organization operating in Uganda. It grew out of the Women’s Caucus of the 1994 Constituent Assembly (CA) that debated and passed the 1995 Constitution. The organization envisions ‘a just and fair society where women and men participate equally in and benefit from decision making processes’. The mission of the organization is ‘to promote gender equality in all areas of decision making through capacity development, community empowerment, policy engagement and strategic partnership.

The VBC project increased transparency and accountability among the service providers at the community level. The project enhanced supervision and responsibility among actors. Community members followed up on the service delivery of health centers and the agricultural programs. As a result, better agricultural inputs are distributed. The project enhanced the capacity of the community members to engage with their duty bearers. For instance, the community of...
Kyeunze petitioned the Chief Administrative Officer (CAO) to rectify the lack of adequate drugs and immunization outreach. The CAO commissioned an audit, which eventually resulted in reinstating a health officers’ duty roster, recruitment of two security guards (to prevent drug leakage) and the termination of the health unit in-charge.

3.3 Child Monitors: Where children hold education leaders accountable

Universal Primary Education is a human right, a fundamental component of poverty eradication and one of the Millennium Development Goals (MDG; Goal 2). The Government of Uganda, together with other commonwealth countries, is committed to providing quality and relevant education for all by 2015. Such commitments follow standards, such as classroom spaces to accommodate only 40 pupils and being instructed by fully trained teachers. In the same way, governments are required to allocate at least 20% of their recurring budgets to education. Universal Primary Education (UPE) enrolment has increased from 2.5 million children to almost 8.8 million today. However, the gains in public primary education are being eroded by the deteriorating quality of delivery and the unchanging school dropout rate.

According to Forum for Education NGOs in Uganda (FENU 2011), only 23% of children who enroll in primary schools complete primary seven. In fact, 32% of primary one pupils drop out of school before primary two. The reasons for the dropout range from a lack of interest (by parents and pupils), early marriage, early pregnancies, unofficial costs, sickness, inadequate hygiene and poor sanitary facilities, sexual harassments and child labor.

The average classroom-to-pupil and textbook-to-pupil ratios are still 1:94 and 1:3 respectively. In Masindi, the pupil-to-desk ratio stands at 5:1 and the latrine-to-pupil ratio is 1:95. This facility gap affects the performance of pupils, especially in rural schools of Masindi and Lira districts. Of the 2,191 pupils that sat for the PLE in 2011 in Masindi only 9% passed in division one and 54% in division two. Of the 66 schools, 22 had no pupil passing in division one (according to Masindi district Local government development plan). The UWEZO Uganda report for 2011 reveals that 93% of the P.3 pupils tested could not correctly read a primary two level English story and that 87% of the same level could not solve numerical division sums of primary two level. Therefore children under UPE are not learning. The Education budget declined to 14 percent from 17 percent in the period of 2007/08 to 2012/13. The sector is also challenged by delays in releases of the funds. More than 1,374,000 children of school age do not attend school despite availability of a universal education program. Automatic promotion is another challenge to the delivery of the service. Politicians and parents also misinterpreted UPE as being free. In addition, absenteeism was high among teachers in the Lira and Masindi districts. In Lira, teachers’ lesson development and lesson plans were not being developed. Children are stakeholder in the education service delivery and, if properly involved, would identify and divulge the root causes of the problem s of education.

The two local CSO platforms, Masindi District Education Network (MADEN) and Lira NGO forum (LNGF) attempted to address these education challenges by organizing child monitoring and child advocacy clubs to influence service delivery in both districts.

Both partners implemented a primary education engagement project in the Lira and Masindi districts. MADEN operated in six selected government-aided primary schools in Mirya and Kimengo sub-counties. LNGF operated in 10 schools of Lira sub-county and town council.

Child monitors are pupils who the project trained to track the teaching process in class. This monitoring process is based on a system of ‘class monitors’ who 40 years ago used to organize other pupils to collect exercise books for marking, reported stubborn pupils in class and those who spoke inappropriate language, particularly vernacular (local language). The model tested involved school monitors who were identified from Primary Five, Six and Seven in 16 primary schools. These were selected by other classmates and approved by the head teachers. The two organizations worked with a total of 288 monitors and advocacy club members. One half (50%) of these monitors were girls. The monitors work for one year, but may be re-selected in the following year on the basis of merit. These children are trained in monitoring, reporting and advocacy.

Each week, lesson monitoring sheets are distributed to the schools where the monitor daily ticks off only the lessons taught and cross marks those lessons that are missed. The pupils then sign and submit these to the head teacher who may act upon some of the issues that arise with the respective teachers that missed lessons. The head teacher records the action that she took (where necessary), signs the form, retains a copy and forwards the original to LNGF, MADEN and the school’s inspector.

In addition, the monitors and club members utilize suggestion boxes by which other members communicate their issues of concern. The suggestion boxes, which have been provided to each school, are opened every week by the monitor or club members in the presence of a patron (who is a teacher) and a member of the school’s management committee.

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1. Masindi District Education Network (MADEN) is a registered umbrella organization of all Civil Society Organizations (CSOs) in Masindi that operate in educational thematic area with the aim of ‘making education for all a reality’. MADEN was founded in 2005. Its core objective is “to harmonize, co-ordinate and to harness the educational policy and advocacy work by various education actors, such as learners, communities/children and local governance leadership”.

2. Lira NGO Forum is an umbrella body of Civil Society Organizations (CSO) operating in Lira District that was established in 1998. The organization was the first forum to be established in northern Uganda. The Forum is a membership organization that was formed to coordinate activities of CSOs, to mobilize resources, to advocate for the rights of the voiceless and to increase the capacity of CSOs and promote networking and information sharing among organizations.

According to the founders, the organization is a ‘laboratory for democracy’ (membership based), is a ‘green house’ for civil society. It facilitates membership capacity-building), coordinates and enables civil society to stand together and to consolidate advocacy strength.
4. Some of the success of this model

Some level of policy reform and practice has been achieved. In Lira, the implementers influenced the District Council to enact an education ordinance to regulate the performance and delivery of the educational service. MADEN popularized the UPE policy and community members are responding by contributing to the education service (by feeding students and paying for educational materials). The Parents and Teachers’ Association of Barapwo Primary school (Lira) constructed a teacher’s house alongside the one that was delayed by the district under NUSAF 2. In Kinuuma Masindi, the parents’ committee mobilized the community members to construct the head teacher’s office.

The projects empowered parents and pupils to engage duty bearers or service providers. In Masindi, Kigulya primary school parents rejected a grinding mill that was being constructed poorly. As a result, the district terminated the contract. Children of the pilot schools can understand and interpret the work plan and the lesson plan, as well as the syllabus and timetable. Through suggestion boxes, debating clubs, drama and community dialogues, which are commonly termed ‘barazas,’ pupils are given a platform by which they can make known what affects them. One boy of Omito Primary school in Lira said, “I come to school very early every day, but I stay hungry the whole day. I must tell the headmaster this problem through a suggestion box today.”

5. Challenges to the models

The Bataka courts are appreciated by different interlocutors and boundary partners, such as the Kagadi district magistrate, the District local government, scholars, members of Parliament, media and even Justice Law and order sector (JLOS). However, they have no concrete formal legal procedures that link them to formal institutions of justice. The implementers have attempted to engage government through policy dialogues and by closely working with three champions in parliament to enact a policy on informal justice systems. There is no breakthrough yet, but efforts continue.

There are no measures with which to enforce decisions made by the Bataka courts. Compared to formal courts which have the police and other enforcement mechanisms, the informal courts have none. This implies that decisions are often not binding and so the system mainly relies on social pressure and social harmony. Nevertheless, citizens’ collective involvement in the civil case litigation matters considerably.

The village Budget Clubs faced resistance from the duty bearers who provide budget information reluctantly. Some duty bearers perceive the clubs to be monitors pushed to control their corrupt tendencies and so they keep on resisting. It is only through the community pressure that the leaders are able to divulge and act upon the information.

The child monitoring model created a special child in the school. This child is envied by other children and some teachers. In the beginning, some teachers resisted the process, but later embraced it after realizing the benefits. Although the monitoring process is simple, learning versus monitoring performance of teachers is another challenge that the children face. The time spent by monitors needs to be examined to ensure that they do not miss the benefit of lessons taught while monitoring performance.

6. What we learn from these small interventions

These pilot projects demonstrate the value of collective action as Naidoo (2010) and Babbington et al (2008) articulated. Collective action can be achieved if it is adapted to the local reality or builds on already accepted community based structures. Social networks and realities are rooted in the community. Mwananchi built on social realities that were already known and associated with in the community. The Mwananchi program reflects the understanding of Moser (1996), Krishna (2002) and Deepa et al (1999) that ‘communities endowed with a diverse stock of social networks and a civic association will be in a stronger position to confront
Box 2. Mwananchi introduces new monitoring tool to track teachers’ performance

Teachers’ attendance registers are used to monitor their performance in class. But this monitoring system doesn’t guarantee their commitment to teach, as many sign the attendance book and disappear. According to Mr. Ely Achol, director of studies at Ojwina primary school, it is difficult to track teachers’ individual weaknesses or understand their problems under such a system, since it focuses more on monitoring whether the teacher reported in at school or not. “This monitors attendance, but doesn’t influence performance. It requires a system that addresses more than one challenge to increase the grades,” he says. Meanwhile, after realizing that performance of primary schools in Lira district was deteriorating, Lira NGO Forum, organized an interface meeting for all stakeholders in which it was suggested that a new teachers’ monitoring tool be introduced. Participants opted for a teachers’ lesson plan as a new monitoring tool to track teachers’ performance. The District Education Officer, Mr. George Obua and administrators of six schools, attended the meeting. After the meeting, LNGF, in partnership with Development Research and Training (DRT), introduced the teachers’ lesson plan in the four schools (Lira, Omipo, Barapwo and Ojwina) where Mwananchi is being implemented. Within a short period, the method has started paying off. “Mwananchi programme has made curricula development, a long abandoned practice compulsory for all teachers. It has made administration very easy since it has controlled teacher’s absenteeism and late arrival,” said Ojwina Primary School Deputy Head Teacher Geoffrey Okello.

“If it was not for LNGF initiatives, Ojwina Primary School wouldn’t have completed its syllabus,” Mr. Anyii Nelson revealed in a community meeting held at the school. He said once the system is sustained, he expects the school to perform better in this year’s (2012) Primary Leaving Examinations. Similarly, Mr Godfrey Dila, Lira Primary school head teacher, says the programme has assisted in restoring order in the schools. “Teachers used to spend much of the time doing their own business, surrendering the classes to some pupils to lead others in singing. When you hear pupils singing, you may think that teachers are in class yet children are supporting themselves,” Mr. Dila says. He adds that, due to the absence of the teachers in class, some pupils used to absent themselves from school. Mr. Martin Echan, the Parents and Teachers’ Association (PTA) chairperson of Lira Primary School, confesses that while using old tools, it was difficult to achieve change even though teachers were always asked to change their attitude. Lango Koran (primary School Head teacher, Mr. Raymond Ayo (where practice was emulated) admits that he first resisted the approach, but he appreciated it after it saved him from running after teachers. “During the orientation process, I resisted the teachers’ lesson plan scheme. I thought it could not work. But within just a month, the scheme has simplified my supervising role. Currently, we complete our syllabus on time.”

Story by Rita Edwe (March 2012)

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