

Sustaining good governance in water and sanitation in Uganda

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Monograph 168
January 2010

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Acknowledgements

I wish to thank the Uganda Ethics Network Organisation, the Governance Unit of the United Nations Development Programme in Uganda, and Mr James Kiyimba of Community Development Integrated Initiatives, Uganda, for providing information and support for the compilation of this monograph.

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Acronyms

ACORD	Agency for Cooperation and Research in Development
ACCU	Anti-Corruption Coalition of Uganda
ARI	Acute Respiratory Diseases
CDA	Community Development Action
CESCR	Committee for Economic, Social and Cultural Rights
CIDI	Community Integrated Development Initiatives
CBO	Community Based Organisation
CRC	Citizen Report Card
CSC	Community Score Card
CSO	Civil Society Organisation
DWSCG	District Water and Sanitation Coordination Committee
EIA	Environmental Impact Assessment
FY	Financial Year
HEWASA	Health through Water and Sanitation
IEC	Information, Education and Communication
IWRM	Integrated Water Resources Management
JSR	Joint Annual Government/Development Partners Sector Review
LG	Local Government
LWF	Lutheran World Federation
MDGs	Millennium Development Goals
MFPED	Ministry of Finance, planning and Economic Development
MIS	Management Information System
MOE	Ministry of Education
MOH	Ministry of Health
MOLG	Ministry of Local Government
MWE	Ministry of Water and Environment
NWSC	National Water and Sewerage Corporation

NETWAS	Network for Water and Sanitation
NGO	Non-Governmental Association
PPDA	Public Procurement and Disposal of Assets Authority
SHS	Shillings
SOCADIDO	Soroti Catholic Diocese Integrated Development Organisation
SSWARS	Sustainable Sanitation and Water Renewal Systems
SWAP	Sector Wide Approach
UNDP	United Nations Development Programme
UENO	Uganda Ethics Network Organisation
UMURDA	Uganda Muslim Rural Development Association
UN	United Nations
UWASNET	Uganda Water and Sanitation Network
VAD	Voluntary Action for Development
WATSAN	Water and Sanitation Network
WEDA	Women's Economic Development Agency
WHO	World Health Organisation
WBI	World Bank Institute
WSSD	World Summit on Sustainable Development

Executive summary

Uganda is blessed with many rivers and lakes, and abundant groundwater. Yet this plentiful supply of water is not easily accessible to many Ugandan families in both urban and rural areas. Access to safe drinking water and sanitation are fundamental to the health, human survival and development of any society. However, these basic necessities are still a luxury for many Ugandans, with national access to rural water supply being registered at 63 per cent, overall coverage for urban areas being estimated at 61 per cent and national latrine coverage for the financial year 2007/8 being estimated at 62,4 per cent. Despite an increase in access to drinking water and latrine coverage, there are still extremely large variations from district to district. For example, latrine coverage in Rukungiri stands at 99 per cent, but the districts of Abim, Kotido and Kaabong lag behind with an extremely low coverage of just two per cent.

Even though safe drinking water and basic sanitation are essential to good health and development, they have not been given the political priority they deserve. The share of the national budget for the water and sanitation sectors in the financial year 2004/5 stood at 4,9 per cent, but had dropped dramatically to 2,8 per cent in the financial year 2007/08, and is expected to drop even further in the 2008/9 financial year. This is a clear indication that the sectors are no longer on the government's priority list, despite assertions to the contrary.

Efforts to prevent death from diarrhoea, or to reduce the burden of other water and sanitation-related diseases are doomed to fail unless action is taken to utilise the available sector resources efficiently and effectively. With a declining share of the national budget going to water and sanitation, and dwindling political priority for these sectors in most local governments, there is a need to put much greater emphasis on improving governance in the sector so as to attain Target 10 of Millennium Development Goal 7.

It is a conclusion of this monograph that good governance in the water and sanitation sectors, combined with citizen empowerment in the planning, budgeting and monitoring of water and sanitation service delivery, is essential not only for these services to reach the poor, but also for the attainment of the Millennium Development Goals (MDGs) of halving the proportion of people without sustainable access to drinking water and basic sanitation.

While in general the MDGs represent a global commitment and a shared responsibility to reduce human poverty in its basic dimensions, easy access to water and sanitation will also assist in restoring human dignity and reducing hunger and illness, among others. Although the MDGs apply to the country as a whole, they can be achieved most effectively through action at the local level, since it is here where inequalities between people can be addressed most effectively. Therefore the need to localise the MDGs, with every local government developing specific targets to address imbalances in their specific jurisdictions, is of paramount importance. In addition, law enforcement, and community participation and ownership are crucial for the attainment of the desired MDG targets.

Eight years after the world pledged to reduce by half the proportion of people without sustainable access to safe drinking water and basic sanitation, the question still looms large in Uganda: How is the country faring and what can be done to enhance the attainment of the MDG targets on water and sanitation?

This paper attempts to answer these questions by making several recommendations that could be crucial to enhancing the capacity of the Ugandan government to attain the MDG targets on water and sanitation by 2015. The recommendations include adopting a rights-based approach, domesticating the right to water through the Constitution, using social marketing (see Chapter 7) to improve the delivery of sanitation services, adopting transparency, accountability and participation as guiding principles, and popularising the localisation of MDGs.

The recommendations are being proposed in response to several key governance challenges that may keep Uganda from attaining the MDG targets on water and sanitation. These include a decrease in investment in the sector, an overlap of institutional roles among the key actors in water and sanitation, a lack of sufficient professional and technical staff to facilitate delivery, inadequate coordination at district level, poor accountability that is manifested in the occurrence of corruption, limited transparency and insufficient opportunity for public

participation in decision-making. These specific governance-related issues are compounded by larger challenges that could impact on Uganda's ability to achieve the MDG targets on water and sanitation namely rapid urbanisation, population growth and the impact of climate change.

It is clear that a more intensive, efficient and concerted effort needs to be made by all stakeholders in order for Uganda to sustain the achievements made to date in providing greater access to water and basic sanitation.

This paper is presented with the recognition that the government of Uganda will need full participation by all actors, including civil society and the general public, for it to meet its international commitment to halve the proportion of people without access to safe water and basic sanitation by 2015.

1 Introduction

In September 2000, 189 heads of state adopted the Millennium Development Goals (MDGs). These set clear, numerical, time-bound targets for making real progress by 2015 in dealing with the most pressing issues faced by developing countries. Cutting by half the proportion of the world's population without access to clean drinking water and adequate sanitation is one of the targets embedded in the MDGs. Water is critical for meeting all the MDGs, including eradicating extreme poverty and hunger, achieving universal primary education, promoting gender equality and women's empowerment, reducing child mortality, improving maternal health, combating major diseases and improving environmental sustainability. Water is also important for ensuring human security.

In August 2002, at the World Summit on Sustainable Development (WSSD) held in Johannesburg, South Africa, the MDGs were reaffirmed and additional targets relating to water and sanitation were added under the Johannesburg Plan of Implementation. It was recognised that water and sanitation were fundamental to poverty eradication and sustainable development. While the MDG for water initially referred only to halving the proportion of the population without sustainable access to improved water sources, at the WSSD it was declared that

sanitation is as important for health and poverty reduction as is safe water, and this resulted in the addition of a target on sanitation.

Since then, Uganda has joined the rest of the world in setting up a framework and strategies at national level for achieving the MDG targets. This paper focuses on the progress Uganda has made in attaining the MDG targets on water and sanitation and concentrates on the governance framework for delivering that country's water and sanitation MDG targets. In particular, it focuses on the institutional framework for delivering the targets by 2015, the monitoring and accountability framework, and public participation in decision-making as it relates to water and sanitation. The current state and progress towards attainment of the MDG targets, as well as the level of investment made to ensure the targets are reached by 2015 are addressed.

Questions are addressed on whether the current state of progress is sustainable, and whether delivery of targets by 2015 can be agreed. The paper then goes on to propose that in order for Uganda to sustain the progress made so far and to enhance its capacity for meeting the MDG targets by 2015, it needs to adopt several interventions, including the adoption of a rights-based framework. Such a framework is required as water and sanitation encompass several rights that need to be taken into account in order to enhance Uganda's capacity to sustain and meet the MDG targets.

SCOPE OF THE STUDY

This paper is presented within the context of enhancing Uganda's efforts to attain its MDG targets for water and sanitation through good governance and the use of a rights-based approach in the delivery of water and sanitation services. Although Uganda is considered to be one of the few countries in sub-Saharan Africa that is on track to attain its MDG target on water and, indeed, the number of people with access to safe drinking water and sanitation has gone up since the MDGs were adopted, there is a need to focus on identifying the challenges that still have to be addressed before 2015.

The paper limits itself to analysing governance issues in the water and sanitation sector. Within the broad governance framework, the paper specifically focuses on the institutional framework for the delivery of water and sanitation in Uganda, the monitoring and accountability framework for tracking delivery, and public participation with the focus being on end-users in the sector. The

paper also analyses investments made in the water and sanitation sector over the last eight years with the aim of presenting the argument that without adequate funding the sector will not be able to put in place an adequate governance framework to enhance the attainment of the MDG targets. The paper deals with the issues of corruption only as far as they manifest themselves in problems with governance.

The different challenges for urban and rural areas, including issues of inequity, are also analysed. It looks at how access to drinking water and sanitation service is evolving, considers the trends in urban and rural areas, and how these relate to the achievement of the MDG targets. It focuses on the importance of strengthening governance in the sector as a means of enhancing Uganda's capacity to attain the MDG targets, and makes several proposals in this regard, including the need to adopt a rights-based approach.

2 Introducing MDG 7 Target 10

INTRODUCTION

The MDG Report for 2008 notes that the world is on track to meet the targets of halving the proportion of people without access to safe drinking water and sanitation (UN Millennium Development Goals 2008). However, based on current trends, this may not be the case for sub-Saharan Africa owing to factors such as high population growth, low government expenditure, particularly in regard to operation and maintenance, and conflict and political instability.

The report observes that global water use has grown at more than twice the population rate of the past century. Although there is not yet a global water shortage, more than 40 per cent of the world's population lives in river basins with some form of water scarcity. The report further states that more than 1,2 billion people live under conditions of physical water scarcity, a condition that occurs when more than 75 per cent of river flows are withdrawn. Another 1,6 billion people live in areas of economic water scarcity where the unavailability of human, institutional and financial capital limits access to water, even though adequate unutilised water is in fact available to meet human needs. These conditions are prevalent in much of sub-Saharan Africa. Symptoms include a lack

of, or under-developed water infrastructure, high vulnerability to short and long-term droughts, and difficult access to reliable water supplies, especially for rural people.

It is emphasised that while 1,9 billion people have gained access to safe drinking water since 1990, there are still an estimated one billion people without safe sources of water. Sub-Saharan Africa faces great challenges in this regard as it is the home to more than one third of the world's population that lacks access to improved drinking water.

The report also notes that while the number of people in developing regions with improved sanitation facilities has increased by 1,1 billion people since 1990, there is a need to improve sanitation facilities for about another 1,6 billion people in the next seven years as more than 2,5 billion people remain without improved sanitation, half a billion of them in sub-Saharan Africa. Of the people without improved sanitation, 70 per cent live in rural areas, while in urban areas the provision of sanitation facilities has failed to keep up with the population growth. Moreover, many of the sanitation facilities in the developing world, according to the report, do not ensure hygienic disposal of human waste. Open defecation jeopardise the entire communities and increases the risk of diarrheal diseases, cholera, worm infestations, hepatitis and related diseases.

ACCESS TO WATER

The MDG targets for water and sanitation halve the proportion of people without sustainable access to safe drinking water and basic sanitation by 2015. This means that half the people who are not currently supplied must be provided with water and sanitation by 2015, while the current level of service must be maintained for those who already have access.

Access to safe drinking water, as defined in Target 10, means the use of improved water supply technologies such as household connections, public standpipes, boreholes, protected wells, protected springs and rainwater collection. Safe water sources should provide at least 20 litres at a distance of no further than 1 km. In the converse, unimproved water sources include unprotected wells, unprotected springs and water provided by vendors and tanker trucks (Commission for Sustainable Development 16, 2008).

These definitions have their limitations. The UN Millennium Task Force on Water and Sanitation notes that water storage and conveyance infrastructure

should form part of the water-supply target in order to assess the attainment of the target more effectively. This is necessitated by demographic shifts to urban centres and climate change, among others.

Furthermore, the target does not define the number of people to be reached by 2015 in absolute terms, but rather the proportion of the population that should by then have been given water and sanitation. This means that the actual number of people to be reached will to a great extent depend on population growth rates, which will not only affect the number of people to be reached, but also the cost and financing strategies to be implemented to supply them with water. The ability of Uganda and other countries to meet their targets will depend, *inter alia*, upon both their ability to mobilise the required human and financial resources, and the strategies for deploying them.

Meeting the water access target will also depend on the types of settlement within which the target groups are located, namely rural settlements, small towns, large towns or cities. The types and rates of transformation that will be employed between these different types of settlement will greatly influence the choice of strategies for pursuing Target 10. In the case of Uganda, where most people are located in rural areas, some of which have a poor infrastructure and are difficult to reach, meeting the target will require the fast-tracking of strategies and entail the use of mass approaches to reach communities.

In addition, changes in population densities within the various rural or urban settlements, as well as the location of population growth centres in relation to water supply resources, public water systems and tourist resorts will also affect the ability to meet Target 10. Furthermore, changes in the socio-economic profiles of people in different settlement types will also affect the choice of strategies.

Target 10 provides for safe drinking water without defining the word 'safe', making it difficult to really measure the number of people with access to safe water. For this reason most of the data provided on Target 10 focuses on water delivery rather than on water quality. Reference to people who have access to improved water sources does not necessarily mean that their water is safe. Minimum standards do therefore need to be set within the context of the MDG in order to estimate the actual number of people having access to safe drinking water.

Notwithstanding the shortcomings in the definition of access to water in MDG 7 Target 10, water access, as defined, is still important since it is a

fundamental human right. The former Secretary-General of the UN, Kofi Annan, has noted that: ‘Access to water is a fundamental human need and, therefore, a basic human right. Contaminated water jeopardises both the physical and social health of all people. It is an affront to human dignity’. In his keynote speech at the Commission on Sustainable Development 16, the chair of the UN Secretary General’s Advisory Board on Water and Sanitation, His Royal Highness, the Prince of Netherlands observed that: ‘the flow of water symbolises the cycle of life. As water flows through the countryside, it nourishes and cleanses the surrounding land. When the flow stops, so does life itself. There is no substitute for water’ (Commission for Sustainable Development 16, 2008). He noted that water is at the forefront of sustainable development and a key factor for socioeconomic development and food production. Sound and sustainable management of water resources may reduce the effects of climate change. Water and sanitation contribute the most to improving health and comprehensively reducing poverty. Accordingly, water was essential for achieving the MDGs and sustainable development, particularly in Africa, he said.

Kofi Annan further said that water is also essential for achieving economic growth. For example, every dollar invested in water and sanitation results in at least US\$7 worth of productive activity. Twelve per cent of sub-Saharan Africa’s national health budget is spent on sanitation-related diseases and 50 per cent of hospital beds are occupied for the same reason. If the MDG 7 Target 10 is achieved, it will lead to three billion more workdays, and slash premature deaths. Two hundred million days of school attendance could be gained by reducing diarrhoea. Without achieving MDG 7 Target 10 on water and sanitation, it will not be possible to achieve other MDGs in Africa on health, education, child mortality and gender equality. Water is key and it is for this reason that the UN declared 2008 the International Year of Sanitation.

Africa has the lowest total water supply coverage of any region in the world. About 300 million people in Africa lack access to water supply and about 313 million lack access to adequate sanitation. The World Health Organisation (WHO) reports that approximately 50 per cent of all Africans suffer from one of six water-borne diseases.

The UN formally declared the right to water on 26 November 2002. It noted that the right to water was indispensable to leading a life of human dignity and was a prerequisite for the realisation of other human rights. In its General Comment 15, the Committee on Economic, Social and Cultural Rights of the

UN Economic and Social Council (E/C.12/2002/11) stated that: ‘The human right to water entitles everyone to sufficient, safe, acceptable¹, physically accessible² and affordable³ water for personal and domestic use’. General Comment 15 provided the first ever implicit reference to the right to water and the responsibilities that governments have in delivering clean water and adequate sanitation for all.⁴

The right to water is established within internationally guaranteed human rights standards that ensure fundamental freedom and the dignity of individuals and communities (See Note 3). These standards provide for the relationship between the individual and the state, and the governmental obligation to respect⁵, protect⁶ and fulfil⁷. The Universal Declaration on Human Rights (UDHR) lays the foundation for the international human rights framework within which the right to water is located (The UDHR was adopted by the General Assembly of the United Nations on December, 10 1948). Article 25 of the declaration provides that: Everyone has a right to a standard of living adequate for the health and wellbeing of himself and his family⁸. Article 12 of the International Covenant on Economic, Social and Cultural Rights provides for ‘the right of everyone to enjoyment of the highest attainable standard of physical and mental health’ (International Covenant on Economic, Social and Cultural Rights, G.A. res. 2200A (XXI), 21 U.N.GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force January 3, 1976). This provision was reaffirmed in Article 24 of the Convention on the Rights of the Child, which guarantees children the highest attainable standard of health and requires states to take appropriate measures to combat disease and malnutrition within the framework of primary healthcare. This includes the provision of clean drinking water (Convention on the Rights of the Child, 1989).

The right to water places an obligation on all states to ensure that the minimum essential level of the right is realised. This includes ensuring that people have access to enough water to prevent dehydration and diseases. Other immediate obligations include non-discrimination and respect for the protection of the existing enjoyment of rights (World Health Organisation 2003).

The recognition of the right to water is dependent upon resource availability and is embodied within the principle of progressive realisation, which defines the realisation of human rights within the constraints of available resources. It also creates a constant duty on states to move quickly and effectively towards the realisation of the right to water. This precludes neither any particular form

of government nor economic system to bring about change. Steps towards the realisation of the right to water must be deliberate, concrete and targeted as clearly as possible. Steps taken may include legislative, administrative, financial, educational and social measures, or the provision of remedies through the judicial system.

Enshrining access to safe and sufficient water as a right is important because it means that water is a legal entitlement, rather than a commodity or service provided on a charitable basis. It also means that mechanisms available in the UN Human Rights System are used to monitor the progress of state parties in realising the right to water and to hold governments accountable (WHO, *The Right to water*, 2003).

ACCESS TO SANITATION

Basic sanitation under MDG 7 Target 10 has been described as the lowest cost option⁹ for securing sustainable access to safe, hygienic and convenient facilities and services for excreta and sullage (domestic water waste) that provide privacy and dignity while ensuring a clean and healthy living environment (UN Millennium Project Task Force 2008). Basic sanitation can thus be said to have four key features, namely accessibility on a sustainable basis; the ability to meet the basic human needs of safety, hygiene and convenience; a service provision for both excreta and sullage disposal; and culmination in a clean and healthy living environment (Wright 2007).

The implication of this definition is that sanitation must be available at both community and individual level. Like access to water, access to sanitation as described above has limitations in terms of its definition and implementation because of the following:

- The target does not define the absolute numbers of people to be reached by 2015, but rather the proportion of the population that should be given basic access to sanitation by that year.
- The strategies for pursuing access to sanitation will in addition depend on the types of settlement within which target groups are located.
- Changes in population densities within the settlement types, as well as the location of population growth centres will affect the strategies for ensuring access to sanitation.

Access to sanitation is also recognised as a fundamental human right. As stated in General Comment No. 15, states have the obligation to ensure that everyone has access to adequate sanitation (UN Committee on Economic, Social and Cultural Rights, 2002). According to the final report of the special rapporteur of the UN Sub-Commission on Human Rights, the right to sanitation implies that states are required to ensure that everyone has access to safe, accessible, acceptable and affordable sanitation facilities in or near their homes and public institutions (Human Rights and Access to Water and Sanitation, 2007). Just as in the case of water, the right to sanitation includes the following features (Hoffman 2003):

- Availability of sufficient sanitation facilities
- Quality sanitation facilities should be designed in such a manner that they minimise health hazards, are conducive to good hygiene practices and are consistent with the privacy and dignity of individuals, taking into account the cultural preferences of users and the special requirements of certain individuals and groups
- Accessibility, which comprises of:
 - physical accessibility, i.e. within reach for all sections of the population
 - affordability, with sanitation facilities being free or affordable
 - non-discriminatory accessibility, and
 - accessibility to information on sanitation issues.

The right to sanitation relies on the state to create opportunities for active community participation in, for example, the design and maintenance of low-cost sanitation units, as well as the right to hygiene education, since transmission of disease may occur even when sufficient water and sanitation facilities exist because of unsafe behaviour. According to the UN special rapporteur on adequate housing Miloon Kothari, in some cases hygiene education is necessary to stimulate greater demand for sanitation facilities. The rapporteur also emphasises the interdependence of the right to water and the right to sanitation. The right to water, particularly the right to safe water, cannot be realised without adequate sanitation being available at the same. Conversely, the right to hygiene and adequate sanitation cannot be realised without access to a minimal amount of water on a regular basis (Hoffman 2003).

3 General overview of the water and sanitation sector in Uganda

The water and sanitation sector is considered to be a priority sector in Uganda as it impacts on the quality of life and the overall productivity of the population. Water is considered to be a key strategic resource that affects key national productive sectors, including agriculture – still the mainstay of Uganda’s economy, industry, hydro-power generation, fisheries, tourism and environmental conservation (Government of Uganda Report 2008, 19).

In 1997 the government of Uganda initiated reforms in the water and sanitation sector intended to put them at the forefront of delivering efficient and cost-effective services. These reforms included initiating a sector-wide approach to planning. At the strategic level the government is also pursuing and actively promoting the principles of Integrated Water Resources Management (IWRM) to ensure sustainable water resources management and development in Uganda.

The sectors have clear sets of goals and targets for delivery to the population of Uganda by 2015. These include achieving 100 per cent coverage of safe water and sanitation in urban areas by 2015, with 80 to 90 per cent effective use and functionality. It also includes achieving 77 per cent safe water coverage and 95 per cent sanitation coverage in rural areas by that year, also with 80 to 90 per

cent effective use and functionality. The percentage of coverage is related to the percentage of the population having access to an improved water source within a distance of 1,5 km in rural areas and 0,2 km in urban areas. Sanitation coverage refers to the percentage of the population having sanitation facilities in their place of residence.

The achievement of these targets is set within a policy and legal framework that includes the National Water Policy, the Water Statute, the National Water and Sewerage Corporation Statute, the Land Act and the Local Government Act. Other policies that are relevant to the water sector include the National Environment Management Policy, the National Wetlands Policy, especially as outlined in chapter 6, the Fish Farming Policy and the National Gender Policy, which addresses the need for gender-responsive planning. Additional legislative frameworks of importance to the water sector include the National Environment Statute, the Water Resources Regulations and the Waste Discharge Regulations. This broad and varied policy and legal framework is set within the overall constitutional framework of the country, which lays out the broad legal and policy framework within which all sector policies and legislation must be developed.

The implementation of the policy and legal framework of the water sector is facilitated by an elaborate institutional framework. The Water Statute provides for the establishment of a multi-sectoral Water Policy Committee, a Water and Sanitation Committee, and Water User Groups and Water User Associations to ensure sustainability and participation by communities. Civil society organisations have also been actively involved in the water sector and as of 2004 there were over 180 non-governmental organisations (NGOs) and community-based organisations (CBOs) involved in water and sanitation activities in Uganda.

Under the Sector Wide Approach (SWAP) framework, funding for the water sector is provided by government and development partners through general budgetary support. Information from the Department of Water Development and the National Budget indicates that a sizeable amount of the funding for the water and sanitation sector comes from donor funding through direct project interventions.

Funding for rural water and sanitation, including the operation and maintenance of systems, is provided directly to local governments by the central government through conditional grants. There are also equalisation grants that are provided to the least-developed local governments. Funding for urban water and sanitation is mostly project-based.

The sector has established monitoring and evaluation frameworks that are guided by an elaborate indicator list. Monitoring is done through the Joint Annual Government/Development Partners Sector Review (JSR). The sectors also carry out joint technical reviews to assess technical and financial performance, and annual water-sector performance reports are prepared and circulated to all stakeholders.

However, in spite of the sweeping reform process undertaken by government in water and sanitation, the existence of a well-articulated policy and legal framework supported by an elaborate institutional framework, and an increase in funding from both government and development partners, the sectors still face a number of challenges that bring to the fore the question of whether Uganda will actually be able to achieve MDG 7 Target 10.

It is important to note that Uganda's own targets for water supply and sanitation are higher than those contained in MDG 7 Target 10. While the MDG targets aims to halve the proportion of the population without sustainable access to safe drinking water and basic sanitation, the country itself targets 100 per cent and 77 per cent access to water and sanitation for urban and rural areas respectively. That notwithstanding, there is increasing concern that governance issues, especially the corruption that is plaguing the sector, may affect its ability to achieve its well-laid out plans on water and sanitation.

4 Progress towards attaining MDG 7 Target 10

The latest government report for the water sector indicates that Uganda is on track to meet the MDG target on water (Ministry of Water and Environment 2008, 23). The report indicates that the number of people with access to water within a 1,5 km range for the period 2007/8 was 63 per cent for rural areas and 61 per cent for urban areas, against targets for the same period of 63 per cent and 58 per cent respectively. Government was thus able to meet its rural target and exceed the target for urban areas by three percentage points. Further details from the Ministry of Water and Environment (MWE) 2008 report are given in Table 4.1.

With seven more years to go and assuming that all factors remain constant, the above statistics seem to suggest that Uganda will achieve the MDG target for access to water in 2015, especially in the rural areas. However, close scrutiny of the statistics shows that as far as access to water in rural areas is concerned, the percentage of people having access to water has stagnated at 63 per cent in the past two years and is not expected to improve in the 2008/09 period. Although in urban areas access to water is ahead of projections at 61 per cent, it is expected to drop back by one per cent in the 2008/09 period.

However, it is important to note that access figures in terms of progress towards the attainment of the MDG target on water are average percentage

Table 4.1 Progress towards attaining MDG 7 Target 10 on access to water in Uganda (2004/05-2007/08)

Access % of people within 1,5 km (rural) and 0,2 km (urban) of an improved water source	Achievement				Target		
	2004/5	2005/6	2006/7	2007/8	2007/08	2008/09	2014/2015
Rural	61,3%	61%	63%	63%	63%	63%	77%
Urban	No data	51%	56%	61%	58%	60%	100%

figures. They do not reflect the variations and actual situation on the ground across the various districts in the country. An examination of the district reports reveals that there are wide ranging variations in the different districts and counties. Some of them, in fact, lie well below both the national and MDG targets.

The question to consider is whether it is correct to let some communities remain without sustainable access to water just because the national and MDG targets are being achieved? Take the example of Kaabong District, where access to safe water is only 12 per cent, or Kotido, which has less than 30 per cent access, or the over 46 counties in the country that have less than 20 per cent access to safe water. The districts with the least access to safe drinking water are also those whose sub-counties have the least access to water. For example, 88 per cent of the sub-counties in Kaabong, 43 per cent in Yumbe and 31 per cent in Kisoro have less than 20 per cent access to safe drinking water. These variations tell the real story of access to water for the rural poor in Uganda, who are in the majority, and reflects the glaring inequity in terms of access to water in the country. This is important because findings for 2008 indicate that the variation in the national average of people with access to improved water is by 1:243 people. In fact, this ratio is likely to be higher in some locations as these are average figures.

An important aspect of improved access to water in Uganda is the manner in which the national target is arrived at. The government uses proxy figures and assumptions to arrive at national access averages. For example, in the case of access to rural water, the government's statistical analysis from which it derives



Many communities still use unprotected water sources because such water is free

progress towards achieving the MGDs assumes that protected springs serve 200 people per spring, that shallow wells and boreholes serve 300 people each and that gravity-flow schemes serve 150 people each.

These figures ignore the fact that in reality access to water is still a problem for many Ugandans in spite of government's best efforts, and the fact that there has been growth over the years in the number of people with access to safe water. Investigations into access to water in both rural and urban areas indicates that there are still some areas where there are far greater numbers of people than the assumed numbers actually accessing a single water source, causing congestion and long delays at water points.

Statistics used to determine national access rates for rural and urban water services are derived from various government institutions, including district governments and town councils. While efforts are being made to verify this data, there is still uncertainty about the district and town council information being reliable and up-to-date. With this in mind, it is important to include a margin of error in the information provided so as to obtain a more realistic

picture of the actual proportion of people with access to safe water in Uganda. This is especially so as the government in its own report acknowledges the unreliability of its sources of information at district level (Government of Uganda 2008, 26).

One of the ways of solving the problem is provided by an MDG localisation initiative supported by the UN Development Programme (UNDP). The organisation has assisted the Uganda Bureau of Statistics in Kasese and Soroti to harmonise the process of data collection at district level to avoid duplication and the misuse of scarce resources. It was discovered that different district departments tended to collect data individually, which often led to duplication and resulted in some vital statistical information required for planning at both district and national levels being omitted. The UNDP initiative allowed Soroti and Kasese districts to rationalise and harmonise data and information-gathering across all sectors. The initiative has demonstrated that local governments have the ability to generate and provide reliable data if they are well facilitated.

Apart from the inherent contradictions in the manner in which data and information is gathered, it has come to notice that several improved water sources established over the last eight years have remained operational for a short time only, ceasing to function and never having been repaired. An example is the Mbirizi Water Works initiated two years ago, which was in operation for only two weeks.¹⁰ A related concern is that some improved water sources, such as water pumps in eastern Uganda, are located in areas where the water table drops so low in the dry season that the pumps cease to be of use to the community, which then has to revert to unclean and unimproved water sources.

The issue of cost also greatly affects access to water, especially among urban dwellers in slum areas. While there has been improved access in terms of the number of standpipes erected, many people continue to use unimproved water sources because they cannot afford to pay the cost of accessing an improved water source. A 20-litre Jerri can of water in Uganda costs between 200 and 300 Uganda shillings, an amount that is too high for many urban slum dwellers. In fact, this amount is much higher than the unit cost paid by more affluent members of the public who are connected to the national water main, who pay on average only 120 shillings per 18 litres of water.

It is clear from these figures that the issue of cost brings with it the issue of equity. The question arises whether access to water based on the number



A community in northern Uganda lining up for long hours to get water

of water points provided in a community, rather than the actual number of people with access, is actually a good measure for determining progress towards attaining the MDG target on water. The alternative might give a much clearer picture of the actual number of people having access to water in Uganda.

Compounding the problem of access to water for urban slum dwellers are corrupt practices. A disturbing phenomenon discovered during the course of writing this paper was that some community members entrusted with running the water points and ensuring their continued functionality use their positions to extort money from the public by demanding higher than prescribed fees for the water under their care. It was also discovered that in urban slum dwelling communities, water cartels or 'mafias' control particular water sources and use these to extort money from the public. These water cartels also at times connive with local government officials to limit the number of accessible water sources in order to deliberately create water scarcities so that they can continue to charge exorbitant prices for safe water.

These problems indicate a major governance gap in the water sector that needs to be dealt with urgently. The abuse of responsibility by community members also raises the bigger issue of leadership and the role this plays in ensuring that the MDG target on water is met. It is clear that there is a need to nurture leadership from the community level up to ensure that the gains made in the provision of safe water are not lost. Training on ethical behaviour could be included as a component in the training provided to water-use groups at community level.

STATUS AND PROGRESS TOWARDS ATTAINING THE MDG TARGET ON ACCESS TO SANITATION IN UGANDA (2004–2008)

The statistics for sanitation indicate that the number of people with access to improved sanitation in the year 2007/8 was 62 per cent for rural areas and 74 per cent for urban areas, against targets for the same period of 64 per cent and 74 per cent respectively. Information from the MWE (see table below) shows that there has on average been a one percentage point increment every year for the last three years in terms of access to improved sanitation in rural Uganda (Government of Uganda Report 2008, 19).

It is important to note that while the government has set targets for meeting the requirements for access to improved sanitation for urban areas at 77 per cent for the 2008/9 period and projected 100 per cent coverage in 2015, no statistics were provided on progress towards meeting these targets until 2007/08.

Table 4.2 Progress towards attaining MDG 7 Target 10 on access to sanitation in Uganda (2004/05–2007/08)

% of people with access to improved sanitation (households and schools)	Achievement				Target		
	2004/5	2005/6	2006/7	2007/08	2007/8	2008/09	2014/2015
Rural	57%	58%	59%	62%	64%	69%	77%
Urban	No data	No data	No data	74%	74%	77%	100%



Unimproved sanitation facilities are still a common feature

Inability to clearly benchmark progress raises the question whether government will actually be able to meet the MDG target for sanitation within the set time. Furthermore, comparison between the 2006/07 report and the 2007/08 report shows a big discrepancy in terms of progress, with the latter giving totally different projections on progress to the attainment of the MDG target on sanitation for urban households. It is clear that the issue of consistency needs to be addressed in order to provide confidence about the progress being reported.

However, even in the case of rural sanitation, for which comparative data is available, it is clear that the overall percentage improvement figures do not necessarily reflect the actual situation on the ground properly. This is because there are large variations between the different districts and their sub-counties. For example, districts such as Kaboong, Abim and Kotido still have below two per cent latrine coverage; Nakapiripirit has less than 35 per cent, while Moroto is below 10 per cent. Kitgum has latrine coverage of less than 20 per cent, while Pader, Bukwo and Bukedea are below 40 per cent. Such statistics point to a very uneven situation as regards the provision of sanitation, but this



Children queue to access toilets

is not reflected in the reports, which portray positive improved sanitation coverage in the country.

An important feature of the disparity in access to improved sanitation in some rural areas is the fact that certain cultures permit open defecation. This was, for example, given as one of the explanations for low toilet coverage in some districts; we were informed that men were permitted to defecate in the open as they went about their daily duties of tending to their animals, and that women believed that they would become barren if they used a pit latrine. It is clear that improving access to sanitation is not merely a matter of improving the physical facilities, but also requires intensive community education and sensitisation. Specifically, efforts will need to be concentrated on some community practices that may run counter to the objective of ensuring access to sanitation for 77 per cent of all Ugandans in the rural areas by 2015.

However, even where there is improved sanitation, especially in schools, the types of sanitation facilities and the number of people who have to access a single toilet facility raises the question of whether the nature of toilets provided is adequate and meets the required sanitary standards for Uganda to assert that it has met the MDG target on sanitation.

One of the reasons for the inadequacy of sanitary facilities is a lack of community participation in the decision-making process. Communities complain that they are seldom if ever consulted on where facilities will be located, or even what the most appropriate facility should be. An interesting case study illustrates this point. A community in Kaempe Division reported on the circumstances surrounding an improved toilet facility built in the dry season in a water-logged area. The community knew that this area flooded during the rainy season and that it was therefore an unsuitable location for a pit latrine. However, they were not consulted by the officials who built the toilet. The toilet filled with water seepage even before it became operational. The officials who commissioned the toilet brought in a cesspool emptier to remove the water on the day the toilet was opened officially by a high government official. The toilet has never been used because it has been filled with water ever since, and the community continues to use the old unsanitary facility.¹¹

Cost is also a big impediment to access to sanitation in Uganda, especially in urban areas. Several improved toilets in urban and slum-dwelling areas are unused or barely used because the community cannot afford the cost of accessing the improved facility.



An improved sanitation facility stands unutilised by the community because they cannot afford the cost of accessing it

5 Investment in water and sanitation in Uganda

It is important to note that progress towards the achievement of the MDG water and sanitation targets has not been matched by consistent investment in the sector. Statistics from the MWE indicate that, as shown in the table below, investment in terms of the percentage share of the national budget for the sector has vacillated for the period 2004/05 to 2007/08 (Government of Uganda Report 2008, 26).

Table 5.1 Water and sanitation sectors – percentage share of the National Budget (2004/05 to 2007/08)

Financial year	2004/05	2005/6	2006/07	2007/08	2008/09
% share of National Public Expenditure	4,9%	4,4%	4,1%	2,8%	1,87%

Based on the level of national investment in the water and sanitation sectors between 2000/01 to 2007/08 it is not possible to conclude that the full investment required will be made to achieve the MGD targets on water and sanitation by 2015. National investment in the sector has not only been inconsistent and

declined over the years, but there is no guarantee that the necessary funds will be made available in the next seven years leading up to the 2015 MDG deadline.

The table demonstrates the steady drop in the level of investment in water and sanitation in Uganda as a percentage of the national budget. In 2007/08, the water and sanitation budget stood at a mere 2,8 per cent of the total budget and a further drop to 1,8 per cent was projected for the financial year of 2008/09 (Government of Uganda Report 2008, 40). The government needs to match its commitment to the MDGs with the necessary investments in order for it to have a chance of meeting the agreed international targets by 2015. The steady decline in funding for water and sanitation runs counter to the government's assertion that water and sanitation are key priority areas. The MDGs are about poverty and in order for Uganda to meet its other MDGs it should invest more heavily in water and sanitation, but this is not reflected by the budget allocations of the past eight years.

It is important to note that the vacillation and decline in the percentage of the national budget going to the water and sanitation sector is also reflected in the actual budget allocation going to the sector in the period 2001/02 to 2007/08. It was projected in 2005 that the investment requirement for rural water supply and sanitation to meet the 2015 targets is in the range of US\$951 million, while the corresponding urban investment figure is around US\$481million¹². The table below, derived from the Government of Uganda Report 2008, shows that the level of investment previously and currently going into the water sector is still below what is required, even if donor support is included. The table also shows that while donor funding has continued to contribute significantly to

Table 5.2 Water and sanitation sectors – actual budget allocations (2001/02 to 2007/08)

Financial year		2001/02	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08
Amount contributed in millions of Uganda shillings	Donors	106 305	163 335	8 267	97 692	112 109	79 822	42 058
	Government of Uganda	54 040	48 750	60 371	58 680	45 265	73 105	88 468

investments in water and sanitation, it has also not been consistent in terms of the amount of money injected in the sector annually.

Moreover, in addition to the annual fluctuations in investment, it is clear that not all the funds budgeted for are released in any given year. For example, of the 2007/08 budget allocation of 130,5 billion shillings, only 120,5 billion shillings, or 92,3 per cent of commitments, was released (Government of Uganda Report 2008, 24). Worse, there is evidence that the funds actually released in a specific year are not always employed in that year. According to the report, of the 125 billion shillings released for water and sanitation in the 2006/7 financial year, only 120 billion shillings was actually spent. In 2007/8, of the 128,9 billion shillings released, only 122,8 billion was spent, which implies an expenditure level of 95 per cent only. The under-expenditure was blamed on procurement delays and there appears to be a need for streamlining procurement procedures in the sector.

An examination of the breakdown of the investments in terms of the average cost per beneficiary of new water and sanitation facilities also indicates that funding has not been uniform. For example, although investments in rural areas have increased consistently with expenditure growing from US\$31 per beneficiary in the year 2004/05 to \$38 per beneficiary in 2006/07 and \$45 per beneficiary in 2007/08, investments in small towns have been inconsistent, ranging from \$72 in the year 2004/05 to \$93 in 2005/06, then dropping to \$58 in 2006/07 before rising once again to \$93 in 2007/08. It should be noted that these investments only cover new water and sanitation facilities and do not show the amounts spent to cover continued access to water and improved sanitation for existing users.

An analysis of investments in rural and urban areas indicates that urban areas continue to receive the lion's share of water and sanitation funding. In the year 2006/07, rural water supply and sanitation received 42,1 billion shillings compared to the 66 billion shillings that went to urban water supply and sanitation (Government of Uganda Report 2008, 45, 51). In 2007/8, the rural/urban split was 42 per cent and 38 per cent, which means that the 20 per cent is unaccounted for. While there are clear reasons for these splits, it still raises the question of whether there will ever be optimal coverage of the rural areas in Uganda, where over 80 per cent of the population lives.

Lastly, it is obvious that the bulk of the investments in the sector are going towards the provision of water, rather than sanitation. This could explain why Uganda is on track to meet the MDG target on water, but not that of sanitation.

6 The governance framework for delivering MDG 7 Target 10

INTRODUCTION

Most governance assessments of water and sanitation focus on the relationships between agencies responsible for the services and those who receive the services. Little or no consideration is given to individuals, households and settlements that do not have relationships with these formal agencies. Yet governance principles recognise that power sometimes exists outside formal authorities and government institutions, and that this can extend to relationships between citizens and government.

This paper takes a holistic approach in its analysis of the governance applicable to water and sanitation in Uganda. It not only examines the institutional arrangements for delivering the MDG targets on water and sanitation, but also considers public participation in decision-making processes and the ability of the public to demand access to these services through the established monitoring and accountability framework.

THE INSTITUTIONAL FRAMEWORK FOR THE DELIVERY OF MDGS IN UGANDA

The institutional framework for water and sanitation resides within the wider government planning approach. This allows government to coordinate all investment going into the sector, and to provide oversight and to monitor implementation to ensure the attainment of the MDGs.

The institutional framework for the delivery of MDG targets on water and sanitation in Uganda is also set within the overall legal and policy framework for water and sanitation, as embodied in the National Water Policy, which determines both the short and long-term strategies for the sector, and the Water Statute, which details the various institutional arrangements for the sector.

In order to determine whether or not Uganda will be able to meet its MDG targets it is important to determine the extent to which the existing institutional framework will be capable of delivering. This section examines the framework and the extent to which it is capacitated to deliver. The term ‘institutional framework’ comprises a variety of arrangements¹³, but for the purpose of this paper the focus is on the agencies that have been given the responsibility for delivering water and sanitation, and to meet the MDG targets by 2015.

The institutional framework for water and sanitation in Uganda has three levels – national, district and community. The national level comprises seven ministries¹⁴, which are responsible for policy formulation, regulation, monitoring, planning and coordination, quality assurance and guidance, and capacity building. The ministries have several but joint liability to deliver water and sanitation.

The MWE is principally responsible for setting national policies and standards, managing and regulating water resources, and determining priorities for water development and management. Under this ministry function is the Directorate of Water Resources Management¹⁵ and the Directorate for Water Development¹⁶. The former is responsible for promoting and ensuring the rational and sustainable utilisation of water, while the latter has the responsibility of providing overall technical oversight for the planning, implementation and supervision of delivery of urban and rural water and sanitation services across the country. Working in conjunction with the MWE is the National Water and Sewerage Corporation, a parastatal responsible for providing water and sewerage services to 22 large urban centres across the country.¹⁷

While the MWE bears the primary responsibility for delivering access to water and sanitation, it works together with five other strategic ministries to realise its mandate, as follows (Government of Uganda Report 2007, 33):

- The Ministry of Health, which is responsible for the promotion of hygiene and sanitation in households through its environmental health division
- The Ministry of Education and Sports, which is responsible for education in hygiene and the provision of sanitation facilities, as well as the hand-washing-after-latrines-use promotion in primary schools
- The Ministry of Gender, Labour and Social Development, which is responsible for gender responsiveness and community development/mobilisation
- The Ministry of Agriculture, Animal Industry and Fisheries, which is responsible for water use on farms and the management of water for farm production, including irrigation, animal husbandry and aquaculture
- The Ministry of Finance, Planning and Economic Development, which mobilises and allocates funds to the different ministries

In addition, at the national level, within the sector-wide approach to water and sanitation, one committee and one working group have been set up to facilitate the coordination of all activities on water and sanitation in the country. These are the Water Policy Committee and the Water and Sanitation Sector Working Group.

The members of the Water Policy Committee, established under the Water Statute of 1995, comprise representatives from government ministries, local government, the private sector and NGOs. The committee's basic mandate is to advise on water policy, standards for service delivery and priorities for water resources management. The Water and Sanitation Sector Working Group, on the other hand, has as its main mandate the development of policy and the provision of technical guidance.¹⁸

At the district level, the institutional water and sanitation framework includes local governments empowered to provide water services by virtue of the Local Government Act. They receive conditional grants from the central government and also undertake additional resource mobilisation from development partners and NGOs. They are responsible for appointing and managing private operators for urban piped water schemes that lie outside the jurisdiction of the National Water and Sewerage Corporation.

At community level, the community is responsible for demanding water supply and sanitation facilities (Government of Uganda Report 2007, 34). An examination of the institutional framework for water and sanitation reveals that it is an elaborate and well-articulated one. At the national level, besides the MWE there are several other ministries that have crucial roles. All of these contribute to Uganda's commitment to meet the MDG targets on water and sanitation. However, in presenting its progress reports, the MWE does not capture the level of involvement by the other sector working group members.

It is possible that greater cumulative activity could be attained if the investments by all the ministries involved were combined and presented jointly, and they were assessed in terms of the total contribution to the MDG targets. It would, in fact, not be unreasonable to expect that, in the spirit of the sector-wide approach, all the ministries coordinating their activities under the sector working group would issue a joint report on progress. However, so far coordination has not entailed joint reporting. One has to examine the individual ministry reports to determine investments relating to water and sanitation in order to arrive at a compound figure on water and sanitation expenditure in any given year, and assess whether these investments are sufficient to put Uganda on track to achieving its MDG targets by 2015. The different ministries continue to invest in projects, which are generally funded by donors, on an individual basis and without necessarily consulting with each other, or coordinating their activities. In fact, it is possible to find more than one ministry undertaking water and/or sanitation activities in one district while other districts receive no attention.

An analysis of the institutional framework also brings to the fore an overlap in terms of roles and responsibilities among the different actors in the sector. The question needs to be asked whether this does not create a conflict in mandates that could affect implementation and, ultimately, the attainment of the MDG targets. An example is the fact that both the Water Policy Committee and the Water Sector Working Group provide policy advice to the ministry. And while there is a relatively high degree of coordination at national level within the working group, this has not always been the case at the district level. The weakness this creates within the coordination framework could impinge on the ability of government to meet its water and sanitation targets by 2015.

While there is a clear distinction in the mandates of the MWE and the National Water and Sewerage Corporation, this has not always resulted in efficiency. Finally, a review of the human resources needed to drive the institutional

framework for delivery on the MDG targets reveals that the MWE does not possess the necessary technical and professional staff to execute its mandate. Many of those currently working for the ministry hold only un-confirmed positions, a situation that creates tenure insecurity for employees.¹⁹

But it is not only the DWE that has human resource constraints. The districts, which are under the decentralisation system have the responsibility of providing water services, also have problems finding the employees to deliver the right professional and technical services at local government level (Government of Uganda Report 2008, 10). If Uganda is to achieve its MDG target of 77 per cent access to water in rural areas, it will be necessary to scale up funding to local governments through conditional grants, and to assist them in finding the right kind of technical and professional staff.

MONITORING AND ACCOUNTABILITY FRAMEWORK TO TRACK PERFORMANCE

To assess whether Uganda will achieve its MDG targets on water and sanitation by 2015, it is necessary to examine the monitoring and accountability framework that has been established by government to track performance and delivery.

Government has established a monitoring, evaluation and reporting framework for water and sanitation. The framework provides for the setting up of clear policy objectives that include, inter alia, the provision of sustainable safe water within easy reach to 77 per cent of the population in rural areas and 100 per cent of the urban population by 2015, with a rate of 80 to 90 per cent effective use and functionality of facilities.²⁰ It must be reiterated that this target is higher than the MDG's, which aims to halve the percentage of people with access to water and sanitation by 2015.

The policy objectives have guided the establishment of a sector performance framework that contains a detailed analysis based on ten golden indicators. The sector performance monitoring system is intended to improve the sector's fiscal and physical effectiveness in order for targets to be achieved more efficiently, thereby contributing to poverty eradication and better health for Ugandans and hopefully facilitate the attainment of the MDG water and sanitation targets.

The annual water and sanitation sector reports are based on these indicators. The reports presents the single most elaborate and detailed annual review of the water and sanitation sectors in Uganda. It is presented within the golden

indicator framework and measures progress on the provision of water and sanitation against each of the indicators. The target date for the indicator framework coincides with the 2015 MDG target date. However, since the targets set by government for water and sanitation are higher than the MDG targets, should Uganda meet its golden indicators it will automatically have met the MDG targets.

The most comprehensive monitoring and accountability processes for the sector are provided by the annual Joint Sector Reviews, which provide an overview of progress towards achieving the sector's undertakings. A key question is whether there is complementarity between the golden indicators and the undertakings given in the Joint Sector Reviews, and whether individually and collectively these enhance the attainment of the MDG targets. The reviews do, in fact, reflect such complementarity, but it is important to note that the reviews do not necessarily espouse the basic tenets of governance since not all the key sector stakeholders are involved. The reviews are rather elite affairs attended mainly by government, development partners and Kampala or urban-based NGOs. Here again it becomes clear that there is need for greater public participation in decision-making at all levels to create a sense of ownership of the processes and to facilitate the attainment of the MDG targets.

An analysis of the golden indicators under the sector performance measurement framework shows that they are indeed drawn to facilitate the process of attaining the national MDG targets on water and sanitation. The golden indicators focus on the key MDG targets and provide the framework for the MWE's annual assessment on water and sanitation performance. According to these targets, Uganda is well on track to achieving its MDG target on water, but not on sanitation.

Besides the golden indicators and the Joint Sector Reviews, there are other mechanisms used to monitor the sector. These include quarterly and annual progress reports by the district water offices and urban water supply authorities, consolidated quarterly and annual progress reports by the Department for Water Development and the MWE, and the submission of an annual policy statement to Parliament.

The monitoring and accountability framework is not only meant to ensure the delivery of the MDG targets, but also to control corruption in the sector. Accordingly, the MWE is in the process of implementing an action plan intended to enhance transparency and accountability. The plan includes, among

other things, measures to enforce mandatory public notices on funds released; the transparent allocation of district water and sanitation conditional grants (DWSCG) allocations; an improvement in procurement responsibility; planning, procurement and contract management audits, and improved community sensitisation.

Based on 11 identified issues relating to transparency and accountability, progress has already been witnessed in several areas. For example, several districts now place public notices at sub-county level to advertise the funds released at district and sub-country level. In addition, the ministry is generally also compliant with the government regulation requiring procurement planning and is audited on a regular basis for procurement and audit compliance by the Public Procurement and Disposal of Assets Authority). The MWE has intensified community mobilisation through its Integrated Rural Water and Sanitation information, education and communication (IEC) strategy, which includes the setting of monitorable variables and milestones before construction starts. Community participation in the water and sanitation sector has been enhanced by means of a newly formed programme aimed at improving governance through social accountability, communication and transparency. The programme is implemented in essence through Citizen Report Cards (CRC)/Community Score Cards (CSC), which are intended to provide feedback about the adequacy, efficiency and quality of water services.

To enhance transparency and accountability at district level, the MWE has developed a training-of-trainers manual, which is intended to guide sector extension staff, district and local governments, NGOs and the private sector on community mobilisation. The manual provides a package of participatory tools and methodologies aimed at encouraging community ownership and participation during the planning, reconstruction mobilisation, construction and the post-phase of putting in place water and sanitation facilities. It is expected that the tool will also enhance the proper operation and maintenance of water and sanitation facilities by the users so as to ensure sustainability.

A very important issue in terms of institutional mandates and how they affect monitoring and accountability at district level relates to procurement. Several water projects and contracts are commissioned at national level, but are expected to be implemented at district level. However, district and community leaders are seldom involved in the planning and decision-making process concerning the siting of water projects. District officials are neither involved in the

planning nor the procurement for such projects. Because the district leadership and the communities lack a sense of ownership as a result, they do not participate in ensuring the continued functionality of these facilities, many of which break down and are left unused.

The need for greater coordination between national and district levels and for districts and communities to participate in decision-making to resolve problems cannot be overemphasised. Both central and local governments carry the mandate for delivering water and sanitation services, and they need to devise better working and coordination mechanisms to enhance the possibility of attaining the MDG targets. An opportunity is lost to control corruption on large projects when there is no participation by district leaders and the community. Non-involvement also creates resentment at district and community levels, which affects the sustainable functionality of the improved water and sanitation resources.

Civil society plays an important part in monitoring and tracking the performance of the water and sanitation sector, and in promoting transparency and accountability. Various NGOs provide information to the principal ministry annually on their investigative findings at national and district levels on access to water and sanitation, functionality, and corruption and accountability.²¹ This information plays an important part in the monitoring process.

Civil society, in particular, serves an important function in addressing corruption in the water sector. Findings indicate that Uganda loses about US\$300 million per year as a result of corruption and procurement malpractice and that government would save 30 billion shillings annually by eliminating such losses alone (New Vision 2008). The Auditor General's Report indicates that an estimated 20 per cent of the value of public procurement is lost through corruption resulting from weak procurement systems, yet procurement accounts for 70 per cent of public expenditure. Information from the Public Procurement and Disposal of Assets Authority states that a minimum of US\$64 to US\$85 million is lost to corruption in procurement in Uganda each year (New Vision 2008).

Corruption²² occurs at different levels in Uganda. There is corruption at an individual level, which occurs mostly between individual members of the public and public officials. There is corruption in business, which as far as the water sector is concerned, mostly involves private water contractors or water providers and government authorities, especially during procurement, but also

Table 6.1 Types of corruption identified in the water sector in Uganda²³

-
- Payment to get a water connection
 - Stealing of money collected by local committee members
 - Bribery to falsify a meter reading
 - Extortion in repair and maintenance service
 - Bribery to expedite repair work
 - Supervisors charging subordinates rent in exchange for preferential shifts, work locations or responsibilities
 - Bribery to expedite water and sanitation connections
 - Collusion between private water vendors and public water officers to prevent network extensions to preserve a monopoly
 - Bribery for reconnection in case of default
 - Political corruption by politicians who influence the diversion of resources from one area to another more influential constituencies
 - The awarding high-cost contracts for lucrative deals in areas where simple low-cost contracts would suffice
 - Control of water points and the charging of exorbitant fees by water mafias in slums
-

in service delivery. Finally, there is political corruption, which takes place in the higher echelons of public administration and on a political level. All these forms of corruption plague the water sector. The table below lists the types of corruption that have been identified by stakeholders as occurring in the water sector in Uganda.

The table highlights the wide range of corruption practices that take place. This major problem is basically an issue of governance and could inhibit the attainment of the MDG water and sanitation targets. In spite of the importance of water to survival in Ugandan, water governance has not yet received the prominence it deserves. Institutional dysfunction, poor financial management and low accountability mean that access to water for all Ugandans may remain but a dream.

The diagnosis of corruption in the water and sanitation sector in Uganda indicates that this is still a developing area of investigation. Anti-corruption efforts are often marred by narrow views and by biased perceptions of what corruption is and where the key risks lie. A better understanding of the forms of corruption, where corruption is concentrated and what the incentives are is needed to address the problem effectively.

Corruption is a key dimension of the governance challenge in Uganda's water and sanitation sector and needs to be recognised as an obstacle to meeting Uganda's MDG targets. It hinders the provision of resources and services that

are vital for life and development. Corruption in the water sector exacerbates the number of people who die of water-borne diseases every year because of lack of access to safe drinking water and sanitation. Efforts to tackle the multiple aspects of corruption should constitute a critical part of the government's efforts to meet the MDG targets on water and sanitation.²⁴ Anti-corruption efforts should aim at ensuring greater transparency and accountability at government and district institutions responsible for delivering water and sanitation services, and encouraging greater public participation.

The government's commitment to meeting the MDG targets on water and sanitation presents an unprecedented opportunity for it and civil society to work together. Unless corruption is dealt with, it will be difficult to sustain the progress made so far.

PUBLIC PARTICIPATION IN DECISION-MAKING PROCESSES RELATING TO ACCESS TO WATER AND SANITATION

The right to public participation in decision-making has evolved as part of a group of democratic rights that are considered fundamental to the realisation of the MDG targets on water and sanitation. Democratic strength is not merely a function of electoral processes; a true democracy must also incorporate transparent and participatory decision-making, and a government that is in constant dialogue with its citizens to shape and direct fundamental policies. Such pluralistic decision-making lies at the heart of democracy and a public space must exist where the government is informed about the public will (Mwebaza 2007).

The right to public participation is a political process in the public sphere in which all citizens have an equal right to take part in and determine the decision-making process at all levels. The extension of public participation from the political to the social and economic spheres arose out of the recognition that people cannot realise their economic and social rights if they cannot exercise their right to participate in decision-making around these issues. Accordingly, while economic and social rights can be seen as positive freedoms in terms of enabling citizens to realise their political and social rights, participation as a right can be seen as a positive freedom, which enables citizens to fulfil their social rights (Mwebaza 2007).

Public participation as an element of governance in the water sector in Uganda is important because, as was noted by Kofi Annan, former Secretary-General of the UN:

Good governance demands the consent and participation of the governed and the full participation and lasting involvement of all citizens in the future of their nation. The will of the people must be the basis of governmental authority. That is the basis of governmental authority. That is the foundation of good governance ... good governance will give every citizen, young and old, man or woman, a real and lasting stake in the future of his or her society (Annan 1997).

Public participation in Uganda is, therefore, about decisions and the manner in which they are made. It is about who has 'a seat at the table' during deliberations on how the interests of communities are represented. It is also about how decision-makers responsible for delivering water and sanitation are held accountable for the integrity of the process and the results of their decisions.

An examination of the governance framework for water and sanitation in Uganda shows that attempts have been made to provide for public participation in decision-making and that this has occurred at the highest level possible. The Water Policy Committee, which is the principal body statutorily mandated by law to provide policy guidance to the water sector, includes representatives of NGOs, who are presumed to represent the public. The same applies to the Water and Sanitation Working Group. The presence of civil society at the highest levels of policy making is an indication of Uganda's commitment to public participation in the water and sanitation sector. It should be noted that civil society participation in sector policy bodies and working groups is not unique to this sector. It applies across all the sectors in the country in line with government policy.

The pertinent question is whether the presence of civil society on these high-level bodies does make a difference. To what extent do NGOs influence policy decisions relating to water and sanitation? Is it possible to identify specific policy decisions at national level that have come about as a result of proposals made by NGOs? The argument normally is that all members of a policy committee or working group take collective responsibility for decisions made. However, how is the impact of civil society participation at that level to be measured if particular outcomes in terms of policy direction cannot be attributed to them?

Public participation in water and sanitation is not only provided for at national level. Similar arrangements exist at district and local levels. Every district in Uganda is supposed to establish a DWSCC and its membership should include NGO and CBO representatives. These committees have the important role of overseeing the implementation of water and sanitation programmes, as well as ensuring coordination among the providers of water and sanitation services. NGOs at this level have played a very active role, particularly as regards the monitoring of performance and ensuring accountability. The following case studies demonstrate some of the practical approaches being taken by civil society to enhance transparency and accountability.

CASE STUDY ONE

Improving governance in water provision through social accountability, communication and transparency in Luwero District

NETWAS Uganda in partnership with the World Bank Institute (WBI) and the Luwero District are implementing a governance through social accountability, communication and transparency project in Butuntumula sub-county and Wobulenzi town to obtain the citizens' experiences on water supply. The project hopes to employ CRCs to provide feedback to the public service agencies on the strengths and weaknesses of their work. The community is thus able to monitor and improve the quality of water provision through constructive feedback to the water providers.

CASE STUDY TWO

Citizens action for accountability and transparency in Kawempe Division

In the informal settlements of Kawempe Division, Water Aid, in partnership with CIDI, are facilitating Citizen's Action, a community-led advocacy project, to bridge the governance and accountability gap between slum dwellers and water and sanitation service providers. Citizen's Action is empowering slum dwellers to access the water and sanitation services to which they are entitled.

The project uses a rights-based approach to help the urban poor in five parishes of Kawempe Division to hold the government and service providers accountable through negotiations based on data collected by themselves. CIDI and Water Aid facilitate this engagement rather than mediate on behalf of the slum dwellers. Community-based monitoring and evaluation systems have been put in place to empower communities to participate in monitoring government water and sanitation programmes on a continual basis. They are able to identify community concerns such as corruption and discuss these during verbal interaction with service providers.

The project works hand-in-hand with the electronic media, in particular television and radio, and publishes a quarterly newsletter called the *Community Voices* in which slum dwellers are given a platform to voice their views, demand accountability and develop their Water and Sanitation Network (WATSAN) priorities. The project is helping the communities to demand their water and sanitation entitlements, and as a result of the improved communication strategy, communities are exposing corruption in the media.

These case studies demonstrate the capacity of the public to participate in monitoring the water and sanitation sector, provided the right supporting framework is made available. The process empowers the community and allows them to have access to the information they need to actively and meaningfully engage in decision-making processes on issues that affect their communities.

Perhaps the greatest opportunity for public participation in the water and sanitation sector is through water-use committees and water boards. Such committees are to be established at every water point in rural and urban areas. The committees are intended to give the community direct participation in the management and maintenance of water points and enable them to contribute financially to their sustainability. However, there is insufficient evidence to indicate that water-use committees are operational throughout the country. Neither government nor civil society has enough information to ascertain the exact number of operational water-use committees. But it is clear that the few committees and boards that have been established are operating under serious constraints. Most of them have expressed concern over the lack of support being received from district and local government officials as regards the maintenance of water points. Local governments complain of insufficient capacity to provide the required support.

Furthermore, there is the issue of training. Many of the operational water-use committees expressed ignorance about what their exact role should be. This implies that establishing water use committees in rural areas and water boards in urban areas is not enough in itself. For them to be effective it is necessary to provide some form of training to build their capacity in maintaining water sources and monitoring accountability at the district and community level.

It is clear that there is a need for greater effort to be put into the establishment and operationalisation of water-use committees and water boards. This can only happen if the location, status and operational capacity of all water-use committees and boards in the country can be identified. While this might be a big task, it is an essential one if government is to ensure public participation at these levels. Such participation is a key component of the governance structure in water and sanitation, and efforts need to be taken to create sufficient opportunities for the public to influence decision-making at the operational level, starting at the community level and ending at the national policy-making level. If the community does not have an operational framework within which to influence decisions, how can it be expected to have a voice at the much more removed national level. Operational and functional water-use committees and water boards will not only provide an opportunity for greater public participation, but also ensure that there is greater scrutiny and monitoring of water and sanitation services.

7 Critical governance issues and recommendations

INTRODUCTION

This paper has undertaken a holistic approach to governance in the water and sanitation sector in Uganda by examining the institutional arrangements for delivering the MDG targets, public participation in decision-making processes, and the ability of the public to demand access to water and sanitation services through the established monitoring and accountability framework. The analysis has shown that there are several critical governance issues that need to be addressed to ensure the attainment of the MDG targets.

CRITICAL GOVERNANCE ISSUES FOR WATER AND SANITATION

Summarised below are the key governance issues for the water and sanitation sector that have emerged from this paper.

- Overlapping roles and mandates of different institutions

- Duplication of interventions in some districts, while other districts barely have any interventions
- Declining investments because of declining budgetary support, which will affect the sector's ability to meet the MDG targets by 2015
- Insufficient human resources at national and district level to provide sufficient technical and professional support to ensure the delivery of the MDG targets
- Lack of sufficient opportunities for public participation in decision-making relating to delivery, especially in the monitoring and tracking of funding, and performance
- A need for greater transparency and accountability
- Inequity in access to services in urban and rural areas, as well as among districts
- Procurement bottle-necks that cause delays and create opportunities for corruption
- Lack of harmonisation in procurement at national and district levels, which creates conflict between these two levels and reduces the opportunity for public participation
- Limited capacity of local governments to provide reliable data on access to water and sanitation at community level
- Non-functionality of many of the water-use committees and water boards

RECOMMENDATIONS TO ENHANCE THE ATTAINMENT OF THE MDG TARGETS ON WATER AND SANITATION

Based on the nature of the governance issues that have been identified in this paper, the following recommendations are made to enhance the attainment of the MDG targets on water and sanitation.

Employ a rights-based approach

It has been shown that access to water and sanitation is a right issue that should be recognised. Analysis of the status and progress towards the attainment of the MDG targets has revealed that while there are concerted efforts by government to meet its international commitments, and several strategies and actions have been implemented to meet the targets, there is still much that can be done to

enhance government's capacity in this regard. It is proposed that in order for government to enhance its capacity it should employ a rights-based approach in the water and sanitation sector.

A rights-based framework would be appropriate since the water and sanitation sector impacts on several human rights issues. Some of the rights that are associated with water and sanitation are given in Table 7.1:

Recognising water and sanitation as a right allows MDG 7 Target 10 to be implemented within the framework of a rights-based perspective that informs people of their rights and entitlements, and empowers them to achieve those rights. This approach to implementing MDG 7 Target 10 ensures that its attainment is based on international human rights standards and that the norms, standards and principles of these instruments are integrated into national plans, policies and processes for delivering access to water and sanitation.

A rights-based approach to attaining MDG 7 Target 10 ensures that the following underlying key principles are addressed:

- Express linkage to rights
- Accountability
- Empowerment
- Participation
- Non-discrimination and attention to vulnerable groups (Annan 1997).

Implementing the MDG targets on water and sanitation requires holistic and integrated approaches to water governance, which basically refers to relationships that can be manifested in various types of partnerships and networks. A number of different actors with different objectives are involved, such as government, civil society organisations and transnational and national private sector interests. An important aspect of governance in this sense involves society as a whole and does not leave water management to the exclusive preserve of government.

Water governance covers a wide range of issues, namely financial accountability and administrative efficiency, equity and participatory processes, and the relationship between the political administrative entities and ecological systems. In general, water governance refers to the range of political, social, economic and administrative systems that are in place to develop and manage water resources and the delivery of water services at different levels of society

Table 7.1 Rights associated with water and sanitation

The right to life	The right to life is enshrined in Article 3 of the Universal Declaration on Human Rights and in Article 6 of the Covenant on Civil and Political Rights. A country's failure to provide adequate sanitation has in many cases been considered by international law as a violation of the right to life, since poor sanitation causes disease that can result in death.
The right to a clean and healthy environment	The right to a clean and healthy environment requires a healthy human habitat, including clean water, air and soil free from toxins or hazards that threaten human health. Water is a critical element of a healthy environment and there should be access to adequate amounts of clean water for both consumption and sanitation.
The right to water	The right to water is indispensable to leading a life of human dignity and is a prerequisite for the realisation of other human rights. The right to water entitles every person to have sufficient, safe, acceptable, accessible and affordable water for personal and domestic use. Water is a key factor for socio-economic development and food production. Sound management of water resources may reduce the impact of climate change. Water is essential for achieving economic growth. For example, every dollar invested in water and sanitation results in at least US\$7 worth of productive activity.
The right to food	The right to food is the right to have regular, permanent and unrestricted access, either directly or by means of financial purchase, to quantitatively and qualitatively adequate and sufficient food corresponding to the cultural traditions of the consumer. Adequate food will ensure a physical and mental, individual and collective fulfilling and dignified life free of fear. Water is critical to realising the right to food, which is part of the more general right to an adequate standard of living.
The right to health	Every woman, man, youth and child has the right to the highest attainable standard of physical and mental health. Water and sanitation are fundamental to the realisation of the right to health. Health is one of the components of an adequate standard of living. The right to health includes access to adequate health care, nutrition and sanitation, and to clean water and air.
The right to an adequate standard of living	The right to an adequate standard of living encompasses several specific rights, including the right to food, the right to health, the right to water, the right to the necessary social services, the right to clothing and the right to housing. The right to an adequate standard of living requires governments to consistently improve these rights. The right to an adequate standard of living is protected by Article 11 in the International Covenant on Economic, Social and Cultural Rights, and in Article 25 of the Universal Declaration of Human Rights.

(World Health Organisation, the Right to Water 2003, 371-2). Water governance is also dependent on a properly functioning legal and judicial system and electoral processes. It is important that these protect the rule of law and human rights, including the rights to water and a clean and healthy environment, and the right to health, which is greatly impinged on by poor sanitation.

Implementing the MDG targets on water and sanitation through a rights-based approach will ensure that the key tenets of governance are met. A water governance system is responsible for determining who gets water, when they get it and how much of it they will get. Effective water governance, therefore, requires the combined efforts of government, civil society, the community and the private sector. Water governance can be said to be effective when there is equitable, environmentally sustainable and efficient water use. Efficient use includes minimising transaction costs and making the best use of the resource. While there is no universal model for effective governance, the following basic attributes are some of its cardinal features (World Health Organisation, the Right to Water 2003, 373):

- Participation by all men and women
- Transparency in the form of free-flow of information
- Equity, with all groups in society having equal opportunities
- Accountability by government, the private sector and civil society
- Coherence provided by appropriate policies, laws and institutions
- Responsiveness to stakeholders
- Integrativeness for holistic approaches
- Ethical considerations, e.g. respect of traditional water rights

In November 2002, The United Nations Committee for Economic, Social and Cultural Rights (CESCR) accepted a General Comment on the right to water and sanitation (General Comment No.15 of 2002, E/C.12/2002/11). This provides the basis for designing a variety of activities that can enhance the attainment of MDG 7 Target 10 through a rights-based approach. One way to do this is to develop indicators that can be monitored and measured. The need for indicators was included in General Comment 15 (GC 15, paragraph 53), which states that indicators should be identified for national strategies or action plans, and be designed for monitoring at both national and international levels. It further states that indicators should address the different components of adequate water

supply, such as sufficiency, safety, affordability and physical accessibility, and should also be disaggregated by prohibited grounds of discrimination

Accordingly, given the golden indicator framework within which Uganda's progress towards the attainment of MDGs is presented, it would be necessary to first review the current indicator framework and then to determine its appropriateness for a rights-based approach. Once this is done, suggestions would then need to be made to amend or even develop a new indicator framework to facilitate the implementation of a rights-based approach to enhance the attainment of the MDG targets. Indicators could be developed at the following three levels:

- Structural indicators that would examine issues relating to current Ugandan laws, bodies and strategies
- Process indicators that would relate to how much funding is available and how resources are being allocated to water and sanitation
- Outcome indicators that would deal with what has been achieved and how many people actually exercise their right to water and sanitation in Uganda

Adopting the above rights-based indicator framework would go a long way to enhance Uganda's capacity to meet the MDG targets on water and sanitation. The current golden indicator framework, while excellent in its presentation, tends towards being quantitative in nature and process or outcome oriented. The main gaps in the framework appear to be an absence of structural indicators and the fact that it disaggregates data, especially according to gender and age.

Domesticate the right to water

The right to water should entitle every Ugandan to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic use. In practise the assurance of this right often suffers from a lack of political will and commitment, as is demonstrated by the steady decline over the years in the level of investment that is made available for the development of the water and sanitation sectors. It is recommended that the human rights approach to the delivery of water is followed in order to achieve the MDG targets. This approach stresses that it is the responsibility of the state to do everything possible to ensure that everybody has access to adequate water without discrimination.

Where a state fails to carry out this duty, the human rights implications make it possible for the state to be held accountable. Access to adequate water ought to not be a moral claim, but also a political and legal claim.

It is also recommended that the government of Uganda officially incorporates the right to water in its entirety in the Constitution and other sector frameworks to facilitate its full realisation. If poor people's demands for clean water and adequate sanitation are to be met, government will have to be more responsive and accountable to its citizens. Institutionalising the right to water through constitutional provisions will provide it with the standing it needs to garner more public and political recognition, and provide the impetus that is required to advocate for more investment to facilitate the realisation of the rights to water and sanitation.

Adopt transparency and participation as guiding principles for all water and sanitation governance issues²⁵

Considering the elements needed to tackle corruption in the water sector, two stand out, namely; transparency and participation. Transparency must come to characterise how public and private stakeholders conduct water-sector activities. Water budgets and rules of procurement need to be implemented in a transparent manner and disseminated to the public.

The public shaming of debarred contractors should be encouraged as a way of adding a social cost to any legal and financial penalties incurred (Thampi 2005).

Transparency is also encouraged by research and the sharing of information. Research is needed to establish who the major beneficiaries of corruption are. Tendered bids should be read aloud at community meetings, planning blueprints should be posted publicly, donor documents and water quality indicators should be uploaded onto websites and documentation -from service contracts to audit reports – should be written in to understand language. Such measures would help to change behaviour in the sector and create an environment in which transparency is expected and valued. Even where projects are highly technical in nature, or the issues involved require expertise, citizens should have the opportunity to demand basic information and explanations on, for example, infrastructure specifications, the experts hired, the contractors selected and the prices set (Global Integrity Report 2008, 117).

Throughout this paper, increased participation has been recommended as a mechanism for reducing undue influence and corruption. Participation by marginalised and vulnerable groups in water budgeting and policy development can provide a means for adding a pro-poor focus to spending. Community involvement in selecting the sites of rural wells and other water points ensures that poor villagers are not last in line when it comes to accessing water. Engagement in infrastructure planning or environmental impact assessments (EIAs) gives civil society a platform for holding decision-makers accountable for extending the benefits of new water mains or dams to everyone. Participation in auditing and performance monitoring of water utilities creates a system of checks and balances to establish whether contracts have been fulfilled and violators of water regulations punished (Global Integrity Report 2008, 117).

Transparency and participation build the very trust and confidence that accountable water governance demands. These are essential elements for keeping the lure of corruption low and the system functional. Transparency and participation help to reassure the public that they are heard and need not bribe to get their fair share of water and sanitation services. Private companies are given greater confidence that they do not have to sweeten their bids for water contracts. Industry is reassured that competitors are not gaining an unfair advantage by bribing their way around environmental rules. Of course, transparency and participation are no magic cure. They work in tandem with other measures, such as clear legal entitlements to water and strict sanctions against corrupt behaviour. They depend on whether the people have the capacity to use the information made available and participate effectively in decision-making.

The challenges notwithstanding, transparency and participation are prerequisites for ensuring that water governance is without corruption and that it is more accountable, democratic and equitable. Transparency and participation are indispensable elements for tackling corruption in the context of the global water crisis today. They are important principles for reforming governance frameworks and laying the foundation for anti-corruption strategies in the future. A critical crossroad has been reached that mandates a radical shift in the status quo of how water and corruption are addressed. Climate change, the search for fossil fuel alternatives, the expansion of commercial agriculture and continuing demographic trends (in terms of lifestyles, urbanisation and population growth) have made the need for a response urgent (Global Integrity Report 2008, 117).

Social marketing of sanitation

It was indicated earlier that while Uganda is on track to meet the MDG target on water, the target on sanitation still remains a long way from being attained. To meet the target for sanitation, it is recommended that more emphasis be placed on the social marketing of sanitation. This has the aim of increasing community knowledge and understanding of sanitation and its linkages to health. The ultimate goal is to create demand for improved services and behaviour change.

Social marketing is the name given to the approach of applying lessons from commercial advertising to the promotion of social goals. It is a systematic approach to influencing people's behaviour and thereby reducing public health problems. The social marketing approach is not merely motivated by profit, but is concerned with achieving a social objective. The aim would, for example, not only be to sell latrines, but to encourage their correct usage and maintenance. A good example is provided by a Ugandan NGO, Sustainable Sanitation and Water Renewal Systems (SSWARS), which works in partnership with Water Aid and the French Embassy to implement a people-centred approach to sustainable sanitation and water supply.

SSWARS has trained local masons in the construction of different toilet options that suit particular areas, it designs cheaper sanitation options for the poor slum dwellers in Kampala and, above all, it has constructed a Sanitation Centre in Kifumbira where community members learn about the different sanitation options available to suit their areas and pockets. It also organises WATSAN drama shows in the slums for community learning. This approach to sanitation has proved very effective and could be used as a case study and be employed on a larger scale to promote social marketing of sanitation services in Uganda.

By-laws to enforce sanitation

The precarious position Uganda is facing as it attempts to meet its MDG target on sanitation has been demonstrated. Problems arise from cultural practices in many communities that promote unsanitary practices and the general lack of capacity in both central and local government to enforce laws and by-laws that promote good community sanitation. In spite of this general lack of capacity, there is still need to pass more by-laws at local government level. By-laws are a

common feature of enforcement at local government level and can play a very important role in promoting good sanitary practices.

By-laws to promote sanitation are not a new phenomenon in Uganda and while several districts in Uganda have them, the majority do not. A participant in one of the consultative meetings reminisced of a time when by-laws promoting good hygiene and sanitation were enforced and local chiefs moved around the communities inspecting toilets, water sources, storage facilities and other facilities meant to promote good hygiene and sanitation. The weekly visits ensured that even the most resistant of community members would meet the required sanitation standards. Encouraging districts to enact sanitation by-laws and designate health inspectors to enforce them would go a long way to enhancing Uganda's capacity to meet the MDG target on sanitation.

Develop sanitation-specific budgets at national and district levels

One of the key findings of the research done for this paper is that Uganda lags behind its MDG target on sanitation because of the low prioritisation of hygiene and sanitation at national and local government levels, and the inability of local governments to plan for hygiene and sanitation. Local governments also seem to fail when it comes to combining initiatives that promote hygiene and sanitation for maximum impact and efficiency, for example by linking improved sanitation facilities with hand-washing campaigns.²⁶ To deal with these challenges, one possible action would be to develop sanitation-specific budgets at national and local government levels. This would not only enable sanitation to receive the priority it deserves, but would also allow the implementation of a more holistic and comprehensive planning process to encompass the different aspects of hygiene and sanitation.

Popularise and localise the Millennium Development Goals

Localising MDGs is the process of adjusting MDG indicators and targets to fit area-specific circumstances (country, region, district etc). It is recommended that the MDGs are popularised at district and community levels by means of strengthening the capacities of local governments, Civil Society Organisations,

community members and other stakeholders to promote their participation in MDG processes. This would help them to define their local water and sanitation priorities and set local targets, as well as to monitor and review the implementation of national development plans. The localisation of MDGs will also promote their prioritisation in local government budgeting and planning processes, and eventually the attainment of MDG targets.

The impact that the localisation of MDGs can have is demonstrated in Mpigi District, where the localisation process is under way. Working with Water Aid, the district authorities have engaged in raising local awareness about MDGs. The initiative has resulted in the translation of the MDGs into the local language and the organisation of drama shows and community radio broadcasts to promote community awareness. The MDG localisation team in has translated 'Millennium Development Goals' into Luganda as 'Ebigererwa Munkulakulana bye kyasa' to promote better understanding by the community. The district has also put in place a data bank to manage and monitor the functionality of water sources.

Simultaneously, the local leaders and civil servants have participated in capacity development activities to enhance their skills for MDG-based planning and monitoring initiatives. These parallel approaches to raising awareness and strengthening capacity has inspired a genuine participatory planning process in the district. Citizens are now agitating for their local water and sanitation priorities to be included in local government development plans. The local administration has also been enabled to significantly increase the rate of resources going to water and sanitation service delivery.

This example demonstrates that modest yet valuable outcomes that can be realised from the localisation of MDGs. Further examples are provided by the efforts of UNDP, which facilitated the government process of mainstreaming MDGs in the Poverty Eradication Action Plan. The UNDP has also supported the Parliamentary MDG Forum, which has conducted a series of sensitisation and awareness-creation initiatives to popularise and localise MDGs. It is recommended that the localisation of MDG targets on water and sanitation be extended to all districts.

8 Conclusion

Research for this paper has shown that Uganda is on course to meet the MDG target on water, but not the target on sanitation. However, further progress faces several challenges, namely the reduction in annual financial resources being made available to the water and sanitation sector; problems with governance, in particular those concerning the institutional arrangements; monitoring and accountability; too little public participation; and the public's inability to demand water and sanitation services as a right. All these challenges present a real threat to Uganda's efforts to meet the MDG targets on water and sanitation by 2015, and steps need to be taken now to address them.

It is in the context of these real threats to the attainment of the MDG water and sanitation targets that this paper has proposed several recommendations, the main ones being the following:

- Implementation of a rights-based approach
- Domestication of the right to water through a constitutional provision
- Adoption of transparency and accountability
- Popularisation and localisation of the MDG targets

The adoption of a rights-based approach to assist in meeting the MDG targets would entail reviewing the golden indicator framework currently in place for measuring progress towards 2015 and then bringing it into line with a human rights framework for water and sanitation that would then be used to measure progress and assess implementation. Such a human rights indicator framework would guarantee that as Uganda meets its human rights obligations relating to water and sanitation, it would automatically meet its MDG targets.

Notes

- 1 The provision for safe and acceptable water for personal and domestic use means that, in practice, water must be safe for drinking and household uses. Drinking water should be free from microbes, parasites, and chemical and radiological hazards that constitute a threat to a person's health. It must also be acceptable in terms of colour and odour so that individuals will choose this water rather than polluted alternatives that may look attractive. The WHO's guidelines for drinking-water quality provide the basis for the development of national standards that, properly implemented, will ensure the safety of drinking water.
- 2 Physical accessibility of water in this regard requires everyone to have safe and easy provision of adequate facilities and services in order that clean drinking water is secured and useable.
- 3 Ensuring the affordability of water requires that services match what people can pay. Matching people's ability and willingness to pay implies the need for a demand-driven approach. It may require offering a range of levels of service and technologies through mechanisms such as pricing policy and tariff regulation.
- 4 Prior to this, the UN Committee on Economic, Social and Cultural Rights had adopted a General Comment in 2000 on the right to health whose normative interpretation included factors that determine good health, such as access to safe drinking water and adequate sanitation.
- 5 Respect in this regard requires the state to refrain from interfering directly or indirectly with the enjoyment of the right to water.
- 6 The obligation to protect requires the government to prevent third parties, such as corporations, from interfering in any way with the enjoyment of the right to water.
- 7 The obligation to fulfil requires the government to adopt the necessary measures to achieve the full realisation of the right to water.
- 8 The inclusion of the provision on the lowest cost option is intended to take cognisance of the fact that the relative cost for delivering sanitation services may differ from one place to another, depending upon local circumstances and imperatives including population density and size, access to drinking water supply and physical conditions such as soil type or level of water table.

- 9 Information provided by a participant at a consultative stakeholders' workshop held on 2 December 2008 at Hotel Africana, Kampala, Uganda.
- 10 Information provided by Community Integrated Development Initiatives (CIDI), a local community organisation working on water and sanitation issues in Uganda.
- 11 This projection was made in the Uganda National Water Development Report 2005. The amounts have most likely gone up in the subsequent years.
- 12 These institutional arrangements include the legislation detailing the applicable rights and obligations, public policies setting objectives and responsibilities. decision-making and consulting institutions, cultural norms and values underlying the varied approaches by different actors, informal and traditional institutions that underpin the historical water management practices and financial arrangements for the charging of fees, taxation, markets, sanctions etc.
- 13 The ministries include those of Health; Finance Planning and Economic Development; Water and Environment; Local Government; Education and Sports; Agriculture; and Gender, Labor and Social Development.
- 14 The Directorate of Water Resources Management has three departments, namely Water Resources Monitoring and Assessment, Water Resources Regulation; and Water Quality Management.
- 15 The Directorate of Water Development has three departments, namely Rural Water Supply and Sanitation; Urban Water Supply and Sanitation; and Water for Production.
- 16 The National Water and Sewage Corporation is also expected to plough back surpluses generated by it into infrastructure improvement and new investments.
- 17 The Water and Sanitation Sector Working Group is composed of the Ministry of Water and Environment (MWE), National Water and Sewerage Corporation (NWSC,) the Ministry of Health (MoH), the Ministry of Education (MoE), Ministry of Local Government (MOLG), Ministry of Finance Planning and Economic Development (MFPED) development partners and NGOs. It has two working groups, one for water production and the other for sanitation.
- 18 In recognition of this problem, the 2007 Government of Uganda Report for Water and Sanitation calls on government to expedite the formal process of filling vacant posts in the ministry and to confirm the appointments of those already in service.
- 19 The other policy objectives include: (1) To manage and develop the water resources of Uganda in an integrated and sustainable manner so as to secure and provide water of adequate quantity and quality for all social and economic needs of present and future generations with the full participation of all stakeholders; and (2) to promote development of water supply for agricultural production in order to modernise agriculture and mitigate the effects of climatic variations on rain-fed agriculture.
- 20 The NGOs include Uganda Water and Sanitation Network (UWASNET), Network for Water and Sanitation (NETWAS), Anti-corruption Coalition of Uganda (ACCU), Community

Integrated Development Initiatives (CIDI), Agency for Cooperation and Research on Development (ACORD), CARITAS, Community Development Association (CDA), CONCERN WORLD WIDE, Health thru Water and Sanitation (HEWASA), Lutheran World Federation (LWF), PLAN International, Soroti Catholic Diocese Integrated Development Organization (SOCADIDO), Uganda Muslim Rural Development Association (UMURDA), Voluntary Action for Development (VAD), WaterAid and Women's Economic Development Agency (WEDA).

- 21 There is no universally agreed definition for corruption. However, for purposes of this report, the term corruption will be used according to Transparency International's definition, namely: 'Corruption is the abuse of entrusted power for private gain. A distinction is normally made between petty corruption and grand corruption. The former typically involves small payments made to secure or expedite the performance of routine, legal or necessary action, such as getting a water connection, while the latter typically involves large amounts of money and the parties involved normally go to great lengths to conceal the transaction. Petty corruption tends to involve low-level staff, while grand corruption tends to involve politicians, senior officials and high-level engineering staff.
- 22 Derived from interviews with stakeholders conducted by CIDI.
- 23 The anti-corruption initiatives of the government of Uganda consist of several laws including the Prevention for Corruption Act, the Penal Code, the Inspectorate of Government Act, the Public Finance and Accountability Act; the Leadership Code, the Public Procurement and Disposal of Public Assets Act, and, the Auditor General Act. Other anti-corruption initiatives include the Inter-Agency Forum, chaired by the Ministry of Ethics and Integrity, and the establishment of an anti-corruption court. The Donor Democracy and Governance Group is also contributing to the fight against corruption in Uganda.
- 24 Adopted from the Global Corruption Report 2008, 110–120.
- 25 It has been proved that hand-washing reduces diarrhea among children by 47 per cent and Acute Respiratory Infections (ARI) by 30 per cent.
- 26 The need for sanitation-specific budgets at national and local government levels was one of the key recommendations proposed by key stakeholders in Uganda's water and sanitation sector at a validation workshop of over 100 participants held on 2 December 2008 at Hotel Africana, Kampala.

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