

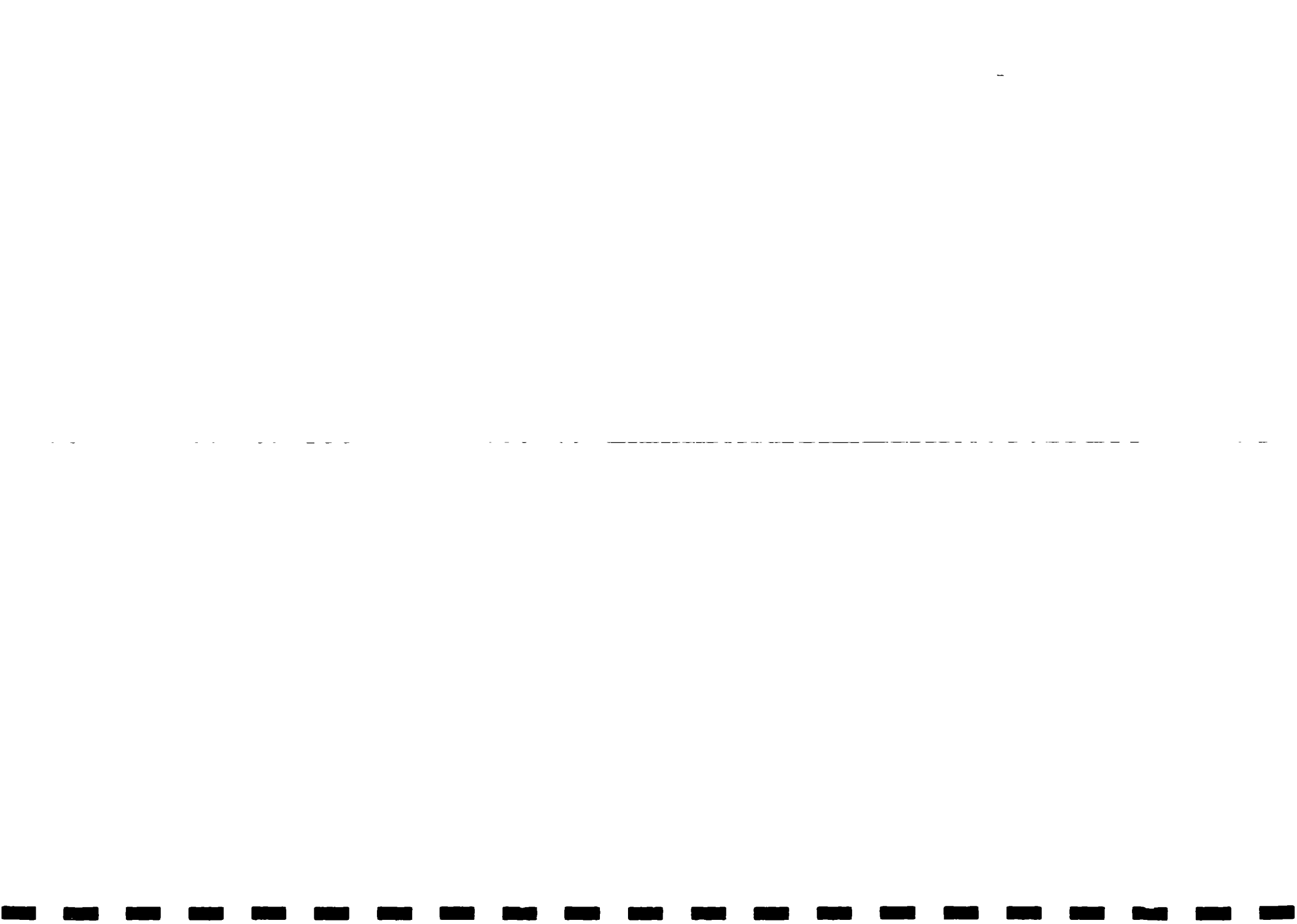
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**Government enabling practices : experiences from  
the water sector in Uganda**

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Title; Government enabling practices; Experiences from the water sector in Uganda.

CONTENTS

Chap.1: INTRODUCTION

- 1.1 Background
- 1.2 Problem statement
- 1.3 Research questions
- 1.4 Justification
- 1.5 Methodology
- 1.6 Limitations
- 1.7 Organisation of the paper

Chap.2: CONCEPTUAL AND THEORETICAL ISSUES

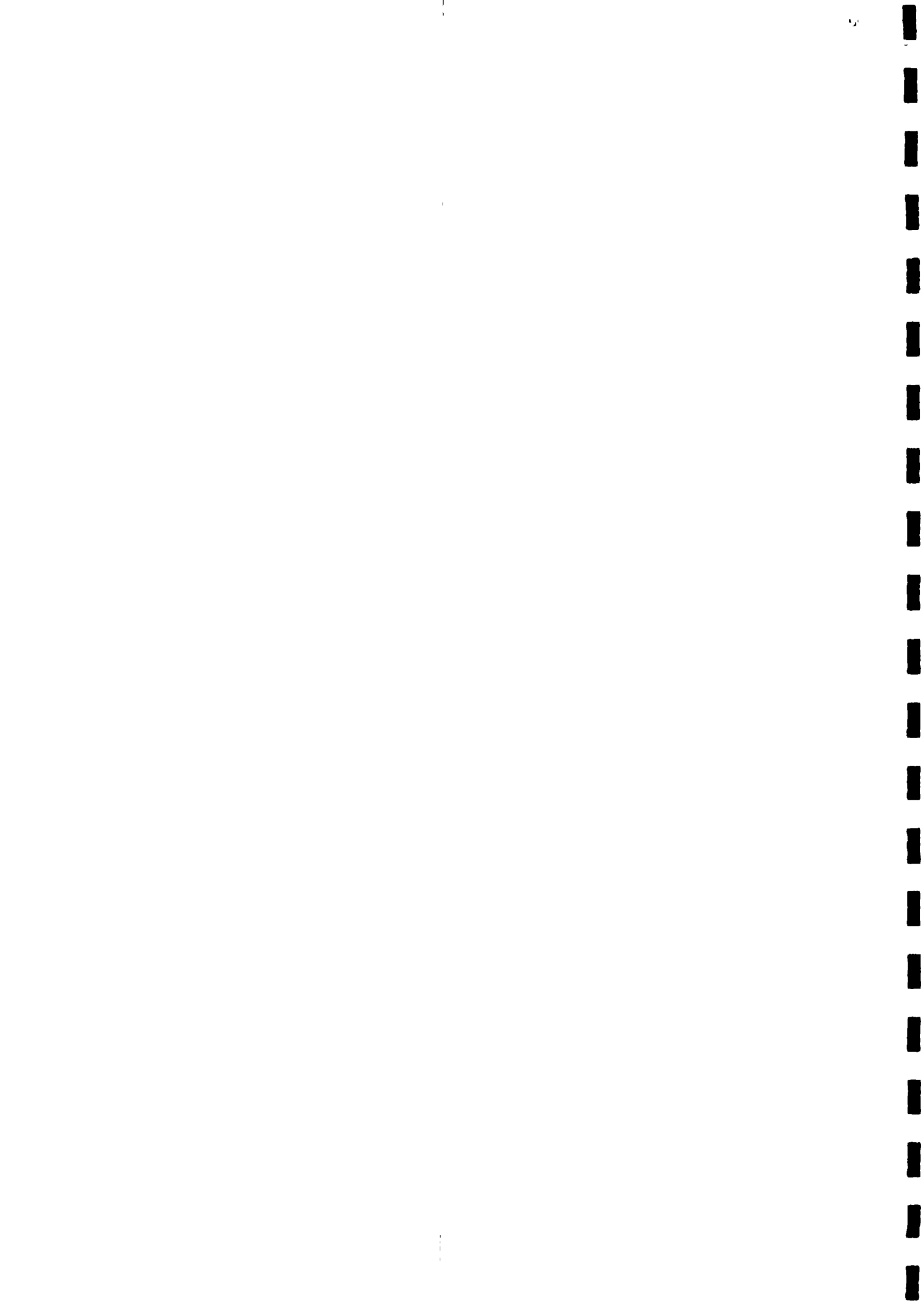
- 2.1 Introduction
- 2.2 The concepts 'enablement'/'enabling government'
- 2.3 Types and dimensions of enablement
- 2.4 Concepts related to enablement
  - a) good governance/good government
  - b) decentralisation
  - c) democratization
  - d) participation
  - e) empowerment

Chap.3: STATE AND NON-STATE ACTORS' ROLES AND RELATIONSHIPS IN UGANDA'S WATER; HISTORICAL AND CONTEMPORARY CONTEXT

- 3.1 Introduction
- 3.2 The era of state expansionism (1962-1971)
  - 3.2.1 State provision and expansion of services
  - 3.2.2 Operation and maintenance of water supply systems
  - 3.2.3 Reduced role for local governments
  - 3.2.4 Non-state actor's roles in service provision and the form community participation
  - 3.2.5 Relations between government and non-state actors
- 3.3 The period of service decay (1971-1986)
  - 3.3.1 Deterioration of government services
  - 3.3.2 Repulsion of non-state activities
  - 3.3.3 (Re)Emergence of Non-state providers in response to unmet needs
- 3.4 The recovery period (1986-1996)
  - 3.4.1 Political-administrative changes towards democratization and good governance
  - 3.4.2 Private-business sector involvement
  - 3.4.3 The not-for profit sector
  - 3.4.4 Water provision through state agencies

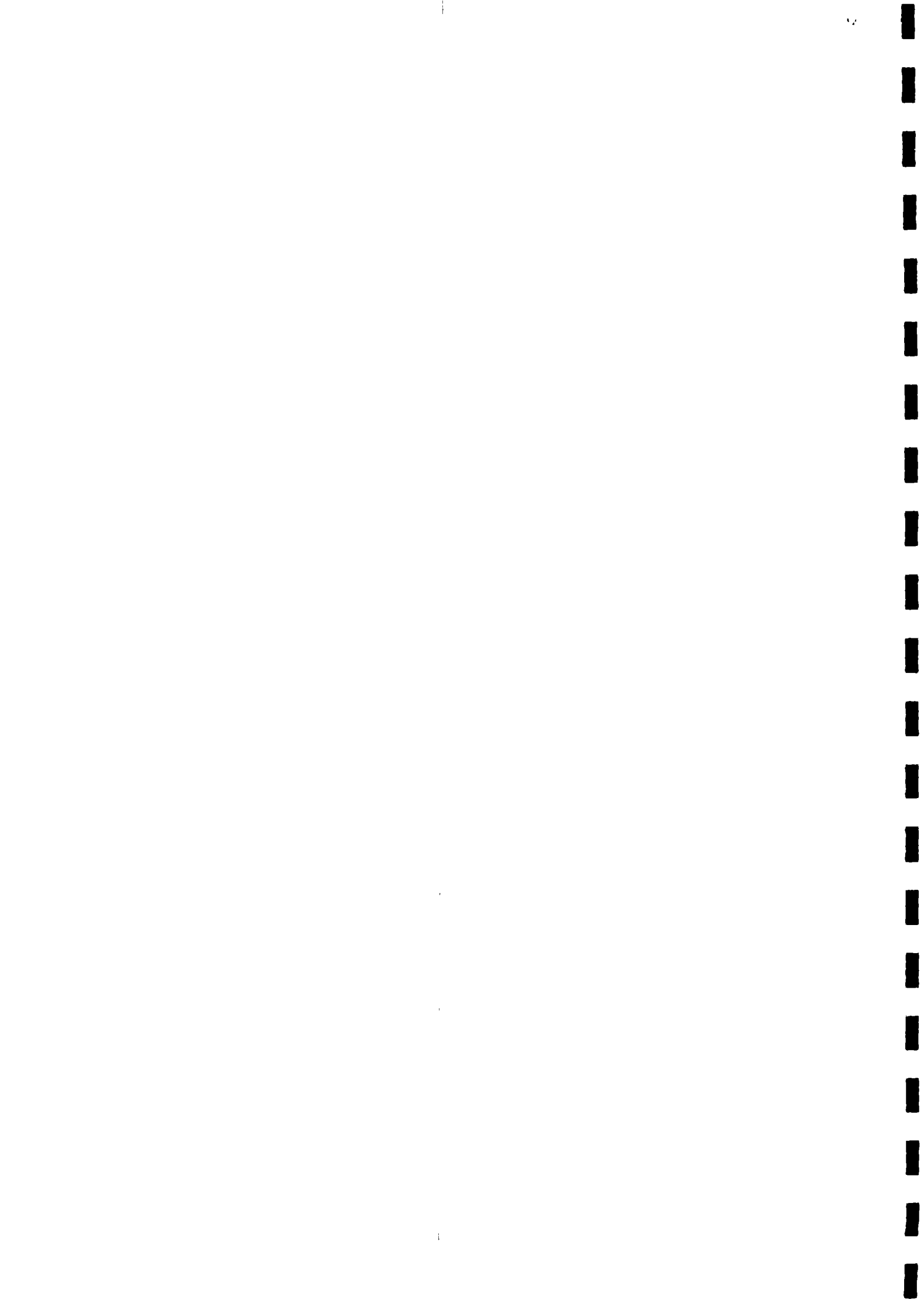
Chap.4: ASPECTS OF ENABLING GOVERNMENT IN UGANDA'S WATER SECTOR; POLICIES, PRACTICES, AND EXPERIENCES

- 4.1 introduction
- 4.2 Changes in the organisation and functions of government and its agencies



- 4.2.1 Changes within government
- 4.2.2 Inter-governmental changes
- 4.3 Legal framework for enablement
  - 4.3.1 legal setting at National level
  - 4.3.2 Sectoral legal setting
  - 4.3.3 District level legal frameworks
- 4.4 Policy framework
  - 4.4.1 National level policies
  - 4.4.2 Sectoral level
  - 4.4.3 District level
- 4.5 Government Planning processes
- 4.6 Issues of finance and budgeting
- 4.7 Arrangements for administration
- 4.8 Government-NGO relationships
- 4.9 Enabling strategies and actions for the private
  - business sector
- 4.10 Aspects of Community Enablement
- 4.11 Community enablement, Market enablement, and the
  - poor
- 4.12 Impact of government practices on non-state
  - actors and vice versa

Chap.5: Conclusions





### Acronyms used

(GA - means its a government agency, NG - means non government)

ACORD	Agency for Cooperation and Research in Development (NG)
CAO	Chief Administrative Officer
CBMS	Community-Based Maintenance System
CBO	Community-Based Organisation
CP	Community Participation
DAC	District Action Committee
DANIDA	Danish International Development Agency
DENIVA	Development Network of Indigenous Voluntary Associations
DWD	Directorate of Water Development (GA)
GOU	Government of Uganda
HPM	Hand-Pump Mechanic
IMSC	Inter-Ministerial Steering Committee
LC	Local council/committee
LWF	Lutheran World Federation (NG)
MNR	Ministry of Natural Resources
NETWAS	Network for Water and Sanitation (NG)
NGO	Non-Governmental Organisation
NRM	National Resistance Movement
NWSC	National Water and Sewerage Corporation (GA)
O&M	Operation and Maintenance
RC	Resistance council/committee
ROU	Republic Of Uganda
RTWSP	Rural Towns Water and Sanitation Program (GA)
RUWASA	Rural Water and Sanitation East Uganda Project (GA)
SNV	The Netherlands Development Organisation
SWIP	South-Western Integrated Project (GA)
UNCHS	United Nations Centre for Human Settlements (Habitat)
UNICEF	United Nations Children's Fund
URDT	Uganda Rural Development and Training programme (NG)
VLOM	Village Level management of Operation and Maintenance
VWSC	Village Water and Sanitation Committee
WATERAID	(British NGO) (NG)
WATSAN	Water and Sanitation Project (GA)
WDD	Water Development Department (GA)
WES	Water and Environmental Sanitation
WSC	Water and Sanitation Committee
WUA	Water User Association
WUG	Water User Group



## CHAPTER ONE INTRODUCTION

### 1.1 Background

In recent years, the perception of the role of government in promoting social and economic development has undergone significant change. Beginning the late 1970s, there has been a tremendous departure from the view dominant in the 1950s and 1960s by which the state was seen as the direct provider of social services and major implementor of development actions. The new thinking is one in which the state should at most be a 'residual provider' of public goods and services (World Bank, 1983 cited in Wuyts, 1995;2), concentrating its efforts to providing an 'enabling environment' in which alternative providers can flourish. Direct state provision is thus to be only one option, the others being the activities of the private business sector, non-governmental non-profit organisations (NGOs), Community based organisations (CBOs)<sup>1</sup>, and individual consumers.

With reference to developing countries, particularly in Sub-Saharan Africa, the traditional role of the state is best understood by referring back to the post-independence period of the 1950s and 1960s. In many countries, the governments of newly independent states sought to steer their economies through heavy government investments in industry, infrastructure and social services. The governments epitomised the 'developmental state' projected as the prime mover of development (Helmsing, 1996). Consequently, in many countries, such services as health, education, water supply, electricity, etc were provided (and produced) by government and its agencies.

By the mid 1970s, however, the optimism held in respect of the developmental state had melted into disillusionment. The failure to realise the much hoped for progress came to be associated with the over-extension of the state (World Bank, 1994a) and what came to be termed as 'government failure'. This interpretation is best reflected in the World Bank's 1994 publication on Adjustment in Africa;

[Sub-Saharan Africa's] economic performance ... began deteriorating in the mid 1970s. ...the symptoms of the malaise were everywhere. ...The physical infrastructure, already poor, deteriorated from lack of maintenance, and the quality of government services suffered. ... The main factors behind the stagnation and decline were poor policies - both macro-economic and sectoral - emanating from a development paradigm that gave the state a prominent role in production and in regulating economic activity ... governments became over-extended, particularly relative to their weak institutional capacities... (World Bank, 1994a, pgs.17-21)

It is this diagnosis which provided the basis for the new perception about what the role of government should be and the consequent public sector reforms that have characterised the last more than ten years. The reforms called for pluralism in the delivery of public goods. The state became required not only

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<sup>1</sup> Distinction is made between CBOs and NGOs. CBOs refer to grassroots membership organisations formed for the benefit of the members, while NGOs are intermediate professional organisations founded to serve the interests not of the founders, but of other members of the population especially the poor.

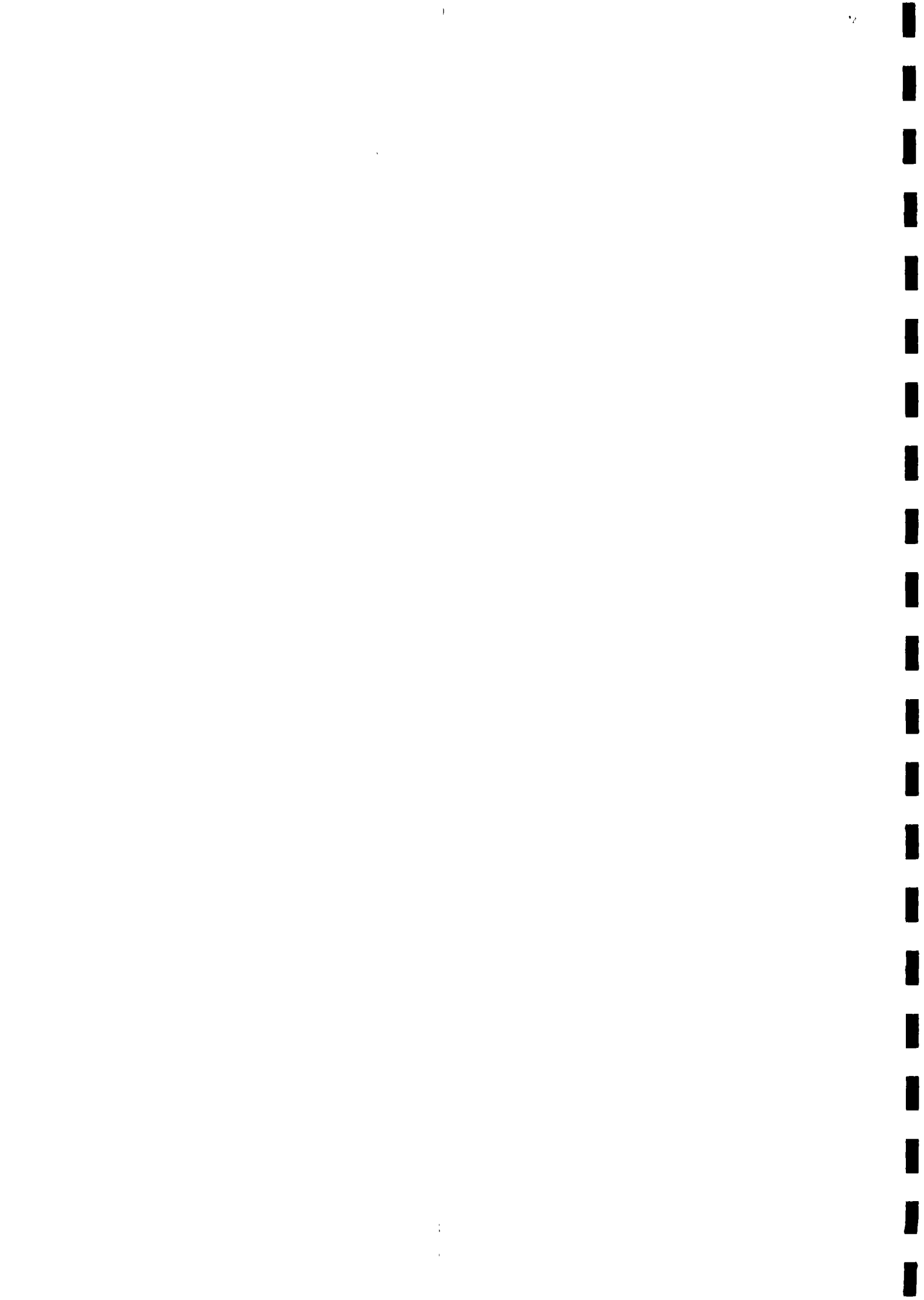


to do fewer things, but to do what it does in competition with alternative suppliers (within and outside the public sector) (Wuyts, 1996). The underlying premise is that development actions should take place under conditions of competition, consumer responsiveness, and increased stakeholder involvement. The new orthodoxy thus requires the state to take on a redefined role; that of providing a framework or an 'enabling environment' within which the multiple range of actors should work (World Bank, 1992; Bennet, 1995). The state is required to facilitate and promote the formal and informal business sectors and entrepreneurs (market enablement), to coordinate and enhance the efforts of community members and community-based organisations (community enablement), and to transform the structure and functions of central and local government, the relations between them, and their relations with the market and the community (political enablement) (Burgess et al cited in Helmsing, 1996.p.5). The adoption of this new role by the state demands that it changes the ways in which it is organized and in which it behaves in order to accommodate, but also to facilitate the operations of others. The called for changes are multi-dimensional, requiring; (a) changes in policies, plans, programs, incentives and legal frameworks, (b) changes in inter-institutional relationships; between levels of government as well as between government and non-government institutions, (c) intra-institutional changes within government itself aimed at better management (Helmsing, 1996.p.7)

### 1.2. *The Problem*

In Uganda, the problems of centralised social and economic activity were aggravated by the political and economic turmoil that wrecked the country during the 1970s and early 1980s resulting into nearly a total collapse of the social and physical infrastructure. Like the rest of the services, water supply whose provision was centralised in a government department and a parastatal agency greatly deteriorated. A number of non-state initiatives in the form of community groups and NGOs emerged to fill the vacuum created by the weakness of state agencies, and these actors became important providers of basic services, including domestic water supply. Their activities largely went on without support from the state.

The calls for a changed role for government in the second half of the 1980s, therefore, came in the wake of an already increasing presence of non-state actors, even though in the water sector, the formal private business sector was still almost absent. Since 1986 when relative stability returned to most parts of the country, the government has formally agreed to work towards an 'enabling environment' by undertaking reform measures that seek to change its role while at the same time promoting non-state actors. However, the specific actions undertaken and how they have been implemented is a matter that demands investigation. This study, focusing on the water sector in Uganda,



investigates into the changes being implemented to create enabling conditions.

The objective of the study is to find out how government policies and practices for the water sector have been changed to create an enabling environment for non-state actors, and how the changes have been experienced. In other words, the objective is to establish what 'enablement' constitutes in practice.

### **1.3 Research Questions**

- a) What changes are taking place in the organisation of government to create enabling conditions?
- b) Is there a clear government policy defining its relationship with other actors? What enabling actions does this policy stipulate?
- c) What factors guide the choice of the type of enabling actions, and under what conditions is one type of enablement preferred to the other (eg when is community enablement to be preferred to market enablement or vice versa)
- d) How, in practice, has the enabling policy been implemented, and what changes are there comparing government actions in the 'pre-enablement' and 'during- enablement' periods?
- e) How have government practices influenced the operations of non-state actors and vice versa?

### **1.4. Justification**

Although there is a bulk of literature documenting such related aspects as: government failures, the need for government reform, as well as the different options in which the state should be reorganised (World Bank, 1989, 1992, 1994a, 1994b), and whereas there is increasing evidence on the role played by non-state actors (Uphoff, 1986; Rondinelli, 1991; Arossi et al, 1994; World Bank, 1994a), the relationship between government and other actors and how it is changing seems to have received little attention. Most of the literature on enabling governments is *normative* i.e. only about what governments should do. This study is an attempt to survey what governments are *actually doing*. Besides, the rolling back of governments and their adoption of new roles is being done with a high degree of experimentation, allowing significant room for applying new and diverse innovations. This study is thus also justified by the need to explore the practices being innovated to suit





specific conditions. The results of this study will contribute to the on-going search for a better insight into the processes of governmental reform and improved service delivery.

#### **1.4. Methodology**

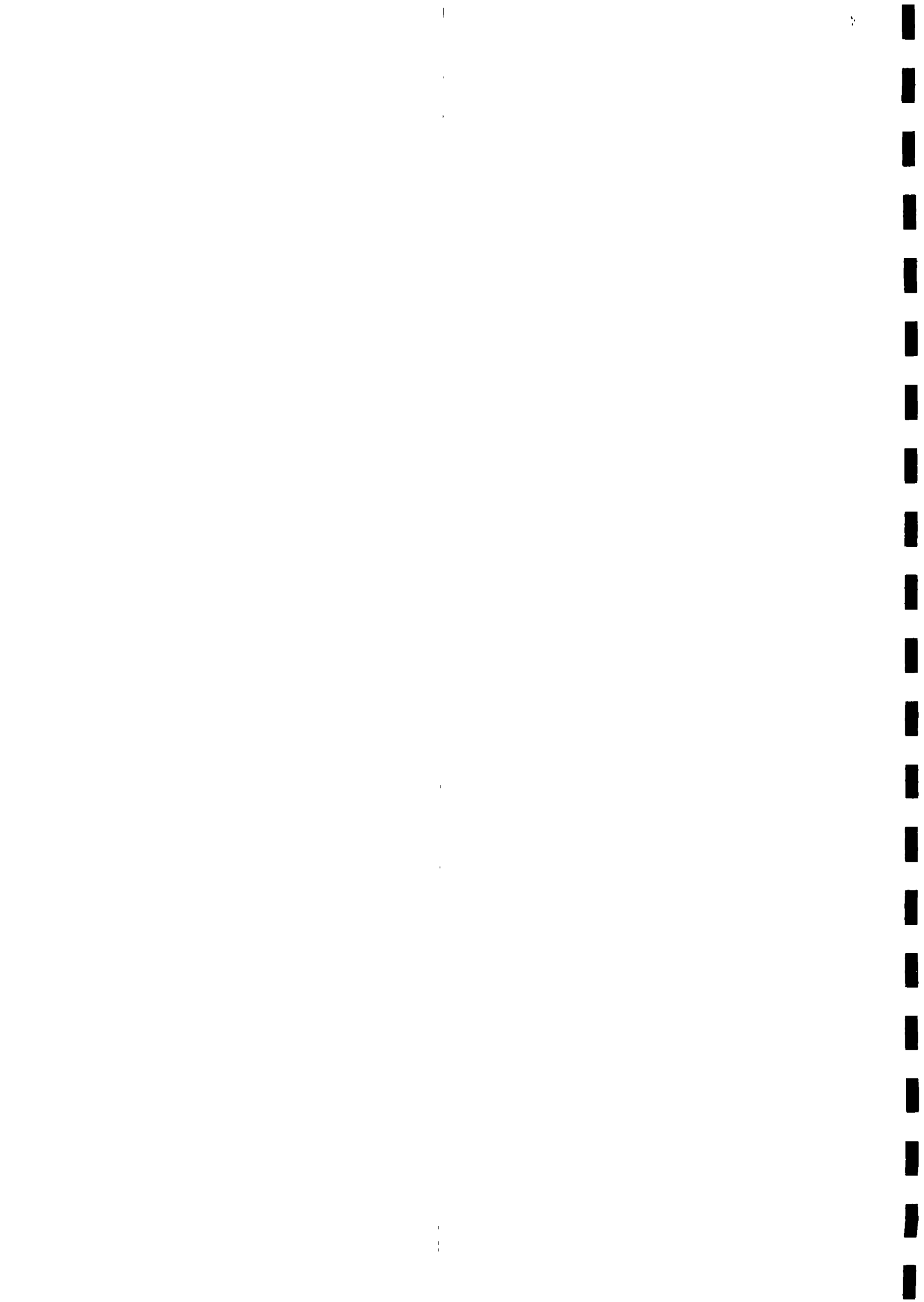
Owing to the limited research and academic work that has currently been accomplished on the subject of 'enabling government', this study is not approached from a strong theoretical perspective. Rather, the study takes an exploratory approach with the intention of inquiring into new ways that governments are experimenting with as they face changing roles.

The study draws largely on secondary sources of data, and only a few key interviews with persons who work with water agencies in Uganda. Literature from an on-going UNCHS project on enabling approach for shelter was utilised in addition to literature drawn from the publications of International agencies such as the World Bank and the UNDP. Uganda Government documents from the relevant ministries and agencies, together with documents from the non-state actors in the Ugandan water sector provided the necessary data.

Starting from the premise that non-state provision of water in Uganda existed de-facto since the 1970s, i.e. in absence of enabling conditions, this study examined the changes taking place to propagate an enabling environment. The investigation involved reviewing the evidence and examining from the perspective of, on one hand, the government, and on the other, that of non-state water providers, how government policies and actions vis-a-vis non-state actors in the water sector have been redefined and experienced. The study looks at the changes taking place at different levels of government (National, sectoral/ministerial, and local). The investigation is guided by a framework of analysis set out in chapter.2.

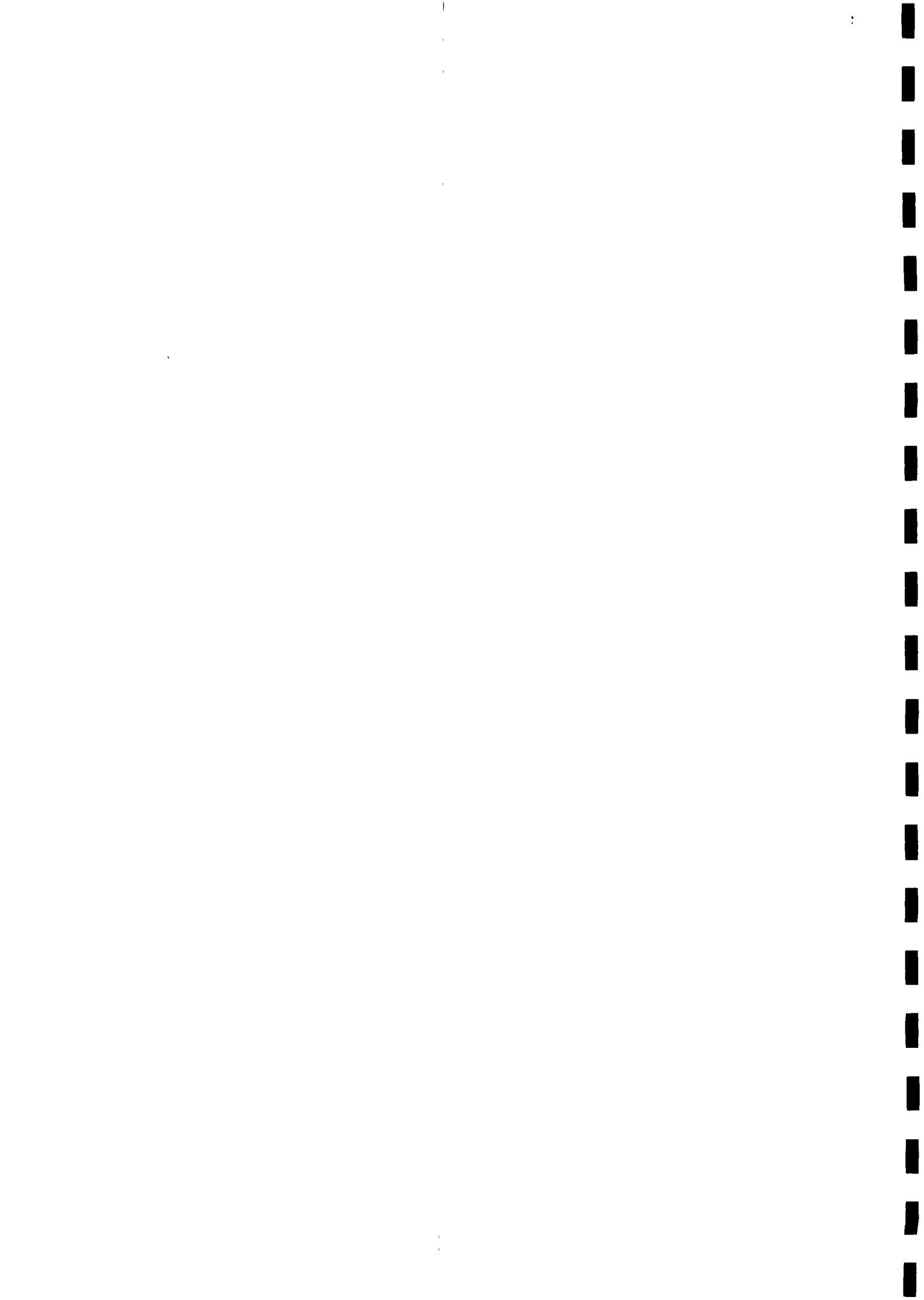
#### **1.6 Limitations**

This study is conceived and executed in certain unavoidable limits. Its scope is undoubtedly narrow. It does not look at experiences in other countries and it is confined only to the water sector. The study does not enter into the famous state-market debate, it does not question whether in the first place, there is need for change in the role of and functioning of government, and it takes the need for an enabling government as given. Methodologically, the study draws almost exclusively on secondary sources, and more so, only those which we were able to access, a good number of which are government documents. Therefore, while the evidence reviewed may be rich and diverse, it cannot be claimed to be comprehensive or even fully representative.



### *1.7 Organisation of the Paper*

This paper is organised into five chapters. The first is the introductory one which introduces and identifies the problem, states the research questions, the justification and the methodology adopted. The second chapter provides a theoretical and conceptual base that leads to the formulation of an analytical framework that later guides chapter four. Chapter three, placing the discussion in the framework of the changing political context, traces the evolution of roles and relationships in the Ugandan water sector. The findings of the study in terms of government policies and practices, and experiences with them are discussed in chapter four, and finally, the emerging conclusions and implications are discussed in the fifth and last chapter.



CHAPTER TWO  
CONCEPTUAL AND THEORETICAL ISSUES

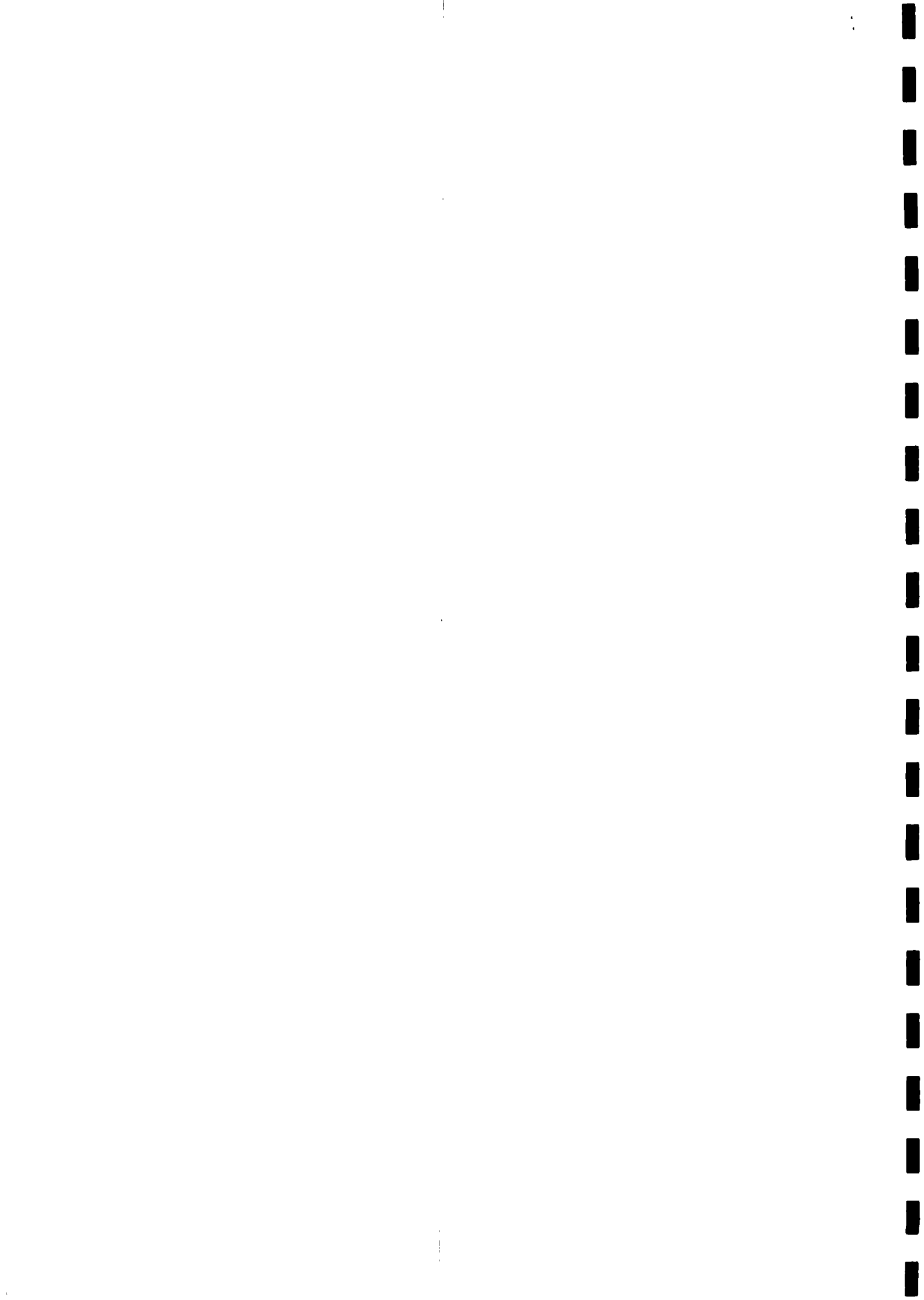
*2.1 Introduction*

The issues of enablement and enabling government are relatively new, and as such one can hardly find a concrete theoretical framework in which to place them. Nevertheless, some scholars and agencies have written on the subject and useful albeit non-comprehensive frameworks can be drawn from their work. In addition, there are important streams of development philosophies and concepts that are closely related and indeed contributory to the issues of enablement. These include the concepts of 'good governance', 'decentralisation', 'democratization', 'community participation', and 'empowerment'. While these concepts are different, they are at the same time closely intertwined. This chapter discusses these frameworks and concepts, and comes out with a frame that will be used to guide our analysis in chapter four. We will begin with the conceptualisation and evolution of the concepts of enablement and enabling government.

*2.1 The concepts of enablement and enabling government*

The call for an 'enabling approach' started to frequently appear in development literature during the second half of the 1980s. But work related to enabling approaches dates earlier than this, although the term 'enabling' as such may not have been used. Such forerunning work can be traced to such writings as those of Korten (1983) on the limitations of centralized service delivery approaches, in which he emphasized the need for flexibility in the procedures of implementing agencies, participation, changes in attitudes and skills, capacity building, accountability, and local control (Korten 1983 cited in Helmsing, 1996). The World Bank in its 1983 *World Development* report distinguished between the state's role as producer and as a regulator, stressing its task in the latter role as requiring a change in policies in order to foster competition, reduce uncertainty, simplify procedures and encourage technological development (World Bank, 1983, p.48-52). Later in 1989, The World Bank in its publication *Sub-Saharan Africa; From crisis to sustainable growth* had as one of its themes the 'strengthening of the enabling environment'. This was to be achieved through the provision of incentives and infrastructural services in order to foster efficient production and private initiative (World Bank, 1989, p.4). Several other international bodies with sectoral concerns also made explicit their advocacy for the creation of enabling governments in their respective sectors of interest.

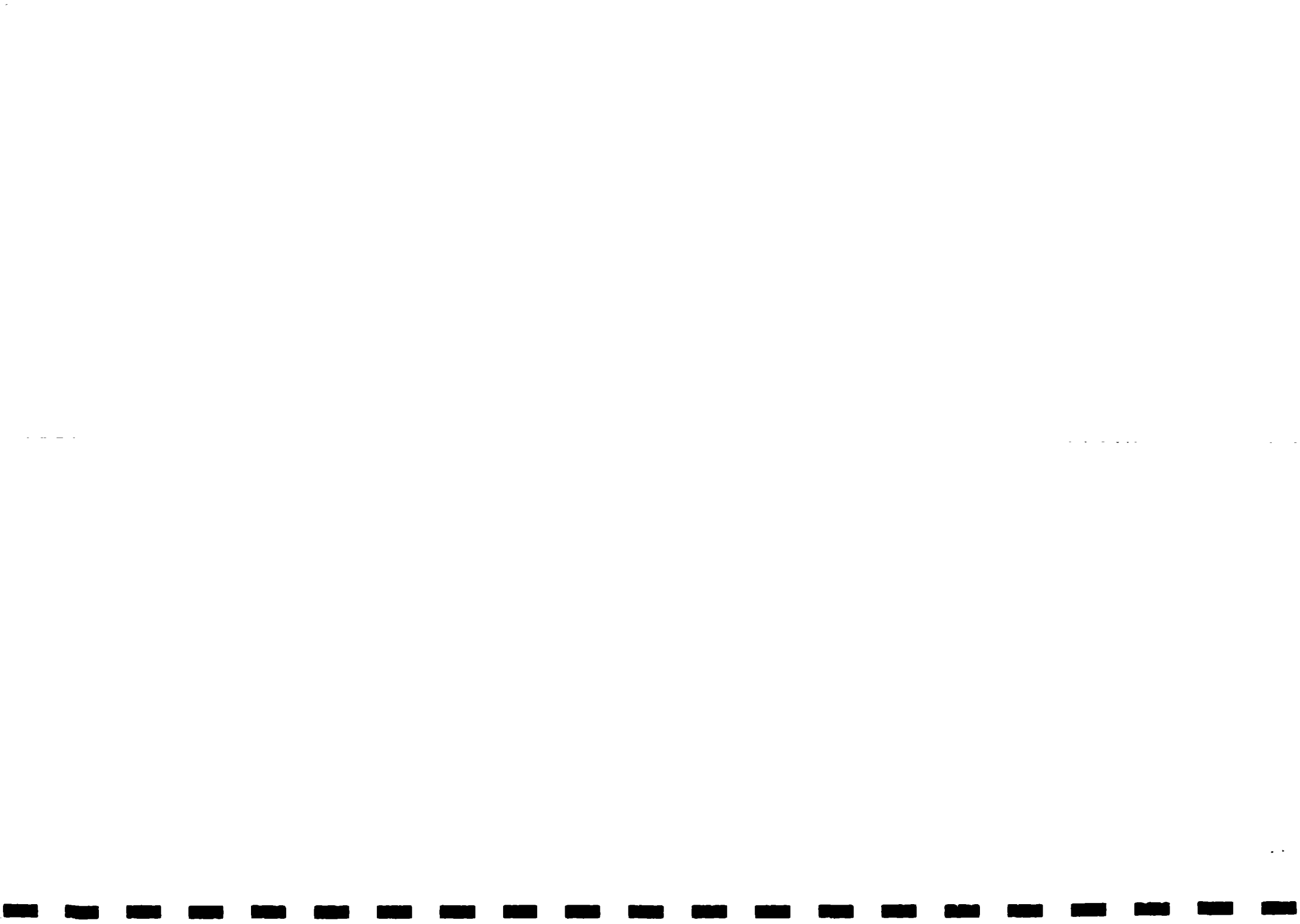
The UNCHS (Habitat) was one of the pioneering agencies to popularise the enabling approach. UNCHS' 1988 *Global Strategy for Shelter to the year 2000* called for changes in the approaches to shelter, emphasizing that governments



needed to reduce their role in actual implementation and instead direct their efforts to facilitating households, community organisations, NGOs, the private sector, and other actors to provide housing and other urban services (Berghall, 1995;50). The new role of governments as facilitators rather than providers was also addressed in the World Bank's 1991 urban policy framework, published in *Urban policy and economic development: an agenda for the 1990s*, which ascribed a greater weight to markets, but reserved the state's role of stepping in where markets cannot work (World Bank 1991 cited in Helmsing 1996). The UNDP in the 1990 *Human Development report* noted the need to use the energies of all the actors in the urban scene, this being particularly important given the limited financial and human resources of municipalities and central governments. It stated the imperative for governments to shift from directly providing services such as shelter and urban infrastructure, to enabling others - informal and formal producers, community-based and non-governmental organisations, and urban residents themselves to provide them, noting that enabling strategies can yield the highest returns.

In the field of water and sanitation, the 1992 World Bank's *World Development Report* emphasized the need to re-think institutional arrangements in the provision of clean water and sanitation facilities, with a view of better meeting peoples needs without compromising the environment. Among other changes, it urged for the separation of provision and regulation roles, in which case governments were to concentrate on regulatory roles; expanding the role of the private sector; and increasing community involvement. The need for creating an 'enabling environment' was stressed, stating that governments must concentrate on defining and enforcing an appropriate legal, regulatory and administrative framework. The tasks in such a role were enumerated as including re-writing legislation so that water markets can come into existence, re-writing contract laws so that the private sector can participate with confidence, building a capacity for environmental and economic regulation, developing mandates that encourage conservation, and enforcing quality standards where possible. Governments were called upon to create conditions under which other providers as well as consumers could play their parts (World Bank, 1992, p.108-113).

The International Water and Sanitation Centre (IRC) in its 1993 publication, *Community Management today, The role of communities in the management of improved water supply systems* identifies the creation of an enabling environment as a necessary condition for successful community management of water supply systems. It maintains that, creating such an environment involves removing constraints, and then establishing incentives and supportive legislation. The key issues which need to be considered in this process are stated as, (a) political will, (b) strategic planning, (c) policy and





legislation, (d) decentralisation, training and education, public education and social marketing, and monitoring and evaluation (IRC, 1993;27)

## 2.2 The Types and dimensions of Enablement

Enabling can be seen as multi-dimensional since it may often involve different levels of government; different types of non-governmental actors; enabling for different purposes; in different ways and to different degrees. Three kinds of enablement may be noted here as distinguished by Burgess et al 1994 (cited in Helmsing 1996, p.4).

The first one is Market enablement which concerns facilitating and promoting the formal and informal business sectors and entrepreneurs to provide market solutions for the production, distribution and exchange of goods and services. It involves removing market obstacles, mobilising resources, and encouraging entrepreneurship among others (ibid). The expectation is that releasing forces of the market would increase the supply of goods and services, would make them available at lower prices, and that it would generate long-term growth and employment. This would benefit the majority poor. However, other scholars have presented different and somewhat opposing views about the effect of market enablement on the poor, particularly the urban poor, some predicting a favourable effect, some others a positive but limited impact, others a negative effect, and yet others, a neutral effect (Helmsing, 1996).

The second kind is Political enablement. It is defined as "a transformation in the structure and functions of central and local government, the relations between them, and their relations with the market and the community." This transformation is thought to be achieved through 'political/administrative decentralisation, democratization, managerial and institutional reform, the widespread use of NGOs and community based organisations and through adopting enabling strategies towards the market and the community in the allocation of material and financial public goods and services' (Burgess et al 1994, p.59 cited in Helmsing 1996, p.5). The drive for political enablement is grounded in the argument that past development strategies failed partly due to excessive government centralisation and bureaucratization, but also due to weak inefficient inflexible and unaccountable local government (Ibid).

The third type is what they refer to as Community enablement. They define it as "a strategy adopted by central and local government to coordinate and facilitate the efforts of community and neighbourhood-based organisations to initiate, plan and implement their own projects according to the principles of self-determination, self organisation and self management" (Ibid). An important element in the community enablement approach is that of community



participation which will be discussed further in the coming sections.

There is recognition that the perception and usage of enablement is still problematic with a tendency to equate it with one or the other of the three types discussed above. The failure to distinguish the three kinds is also reflected in the relative importance that has been attached more on market enablement, less on political enablement and even further less on community enablement (Burgess et al 1994, p.73 cited in Helmsing 1996, p.5).

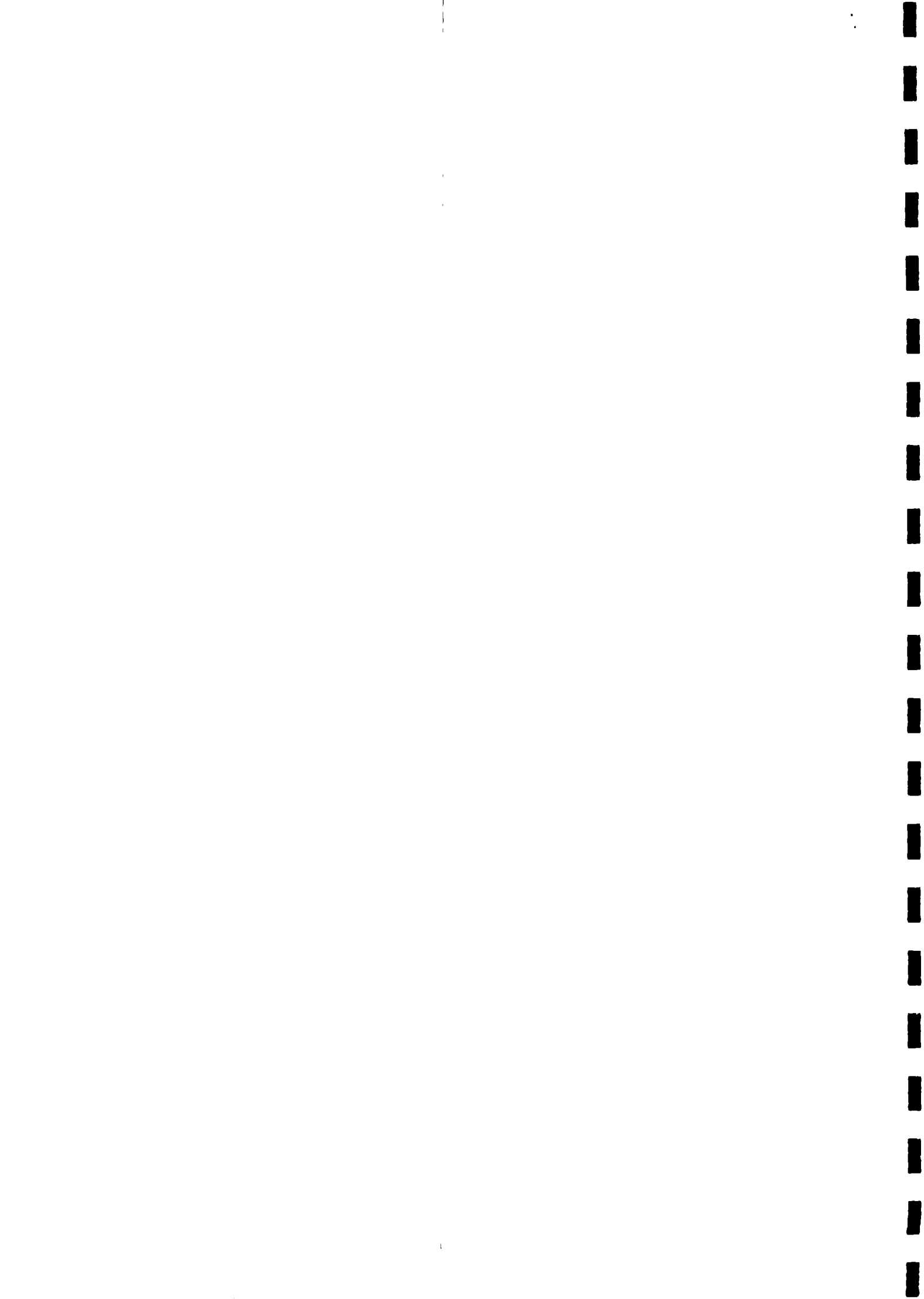
With respect to the levels at which enabling measures may be undertaken and the organs involved, Burgess et al note that the central state develops enablement strategies for the market, the local state and the community, while in turn, the local state puts in place enabling strategies for local markets and local communities. That in certain contexts, a national focal institution may be mandated to establish enabling measures for the market, the local state and the community. The authors also recognise that NGOs may often mediate the inter-relationships among different actors (ibid).

Helmsing (1996), identifies different dimensions of enablement; a) that it involves different relationships between government and the parties whom government policy is meant to direct in which case it may be possible to distinguish community enablement from market enablement, b) that it involves policy shifts changing not only what government should do, but also how it should do what it does, c) that it involves change in inter-institutional arrangements, and this has two variants to it; one about the arrangements between government and non-government institutions, and the second about the arrangements between different levels of government, and d) that it entails intra-organizational changes within government itself.

Bennet (1990), talks of an emerging 'post-welfare agenda' in the intergovernmental relationships, and in the relationships between governments, markets, and non-governmental organisations. That this emerging paradigm takes on diverse characteristics across countries, but it also has important identifiable common themes. These are; (a) governmental responsiveness to customers - involving a shift 'away from the concept of "services" delivered to all in need as of right instead to a concept of demand as expressed through preferences revealed through meaningful judgements stimulated by realization of the costs involved' (Bennet, 1990, p.13). There is also a shift from direct service delivery by government to provision of an appropriate 'regulatory environment'. Another dimension in this theme is the shift of emphasis from central to local levels, (b) innovation in the organisation of service delivery - government no longer the necessary provider of services, and the source of finances not necessarily broad-based general taxes. Instead

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government opens up to such options as out-contracting, public-private partnerships, NGOs, etc, and sources of finance are diversified to include user-charges, fees, licences etc., (c) Managerial reform (internal accountability) - involving changes within government to improve its efficiency and responsiveness to its customers through its overall management structure. Bureaucratic decisions are to be replaced by a managerial framework that allows demand-supply responses, (d) re-interpretations of representation (external accountability) - involving the widening of the concept of representation to include accountability to, not only electorates, taxpayers and higher level government, but also local businesses and other customers, (e) innovations in finance and cost-recovery - away from reliance on taxes to user charges, fees, licences etc, and also innovations in tax systems towards a cost-benefit relationship. Another variant of this theme is the move towards closer matching of intergovernmental responsibility assignment and tax assignment, and (f) shifting the boundary of government - partly based on the belief that less government, of itself, is a good thing. This is linked to the 'government failure' argument, that government does more harm than good when seeking to correct market failures. In addition, that government intervention assures the 'production and maintenance of dependency' - undermining self-reliance and market alternatives (ibid.pgs 14-23).

Concluding this section, it is important to make a few inferences from what we have discussed above so far. It appears that the proponents of the enabling approach (World Bank 1983, 1989, 1991, 1992, 1994a, 1994b: UNCHS, 1988: UNDP, 1990) are, implicitly though, (i) basing on the assumption that when enabling interventions are deployed, the objects of enablement (individuals, communities, private sector, NGOs) will respond positively, and (ii) overstating the state's capacity to perform better under a new role. It also appears that their commentators as reviewed above (Burgess et al, 1994: Helmsing, 1996: Bennet, 1990) have concentrated more on discerning the patterns and directions that the enabling approach is taking, than questioning its premises. While this is not the motivation of this study, by reviewing the experiences with the enabling approach in Uganda, we hope understand better whether these premises are justified.

### *2.3 Concepts related to enablement*

#### *a) Good governance/good government*

Good governance is closely intertwined with political enablement, but its relevance also traverses market and community enablement.

Good governance formed a major theme of the World Bank's 1989 publication on

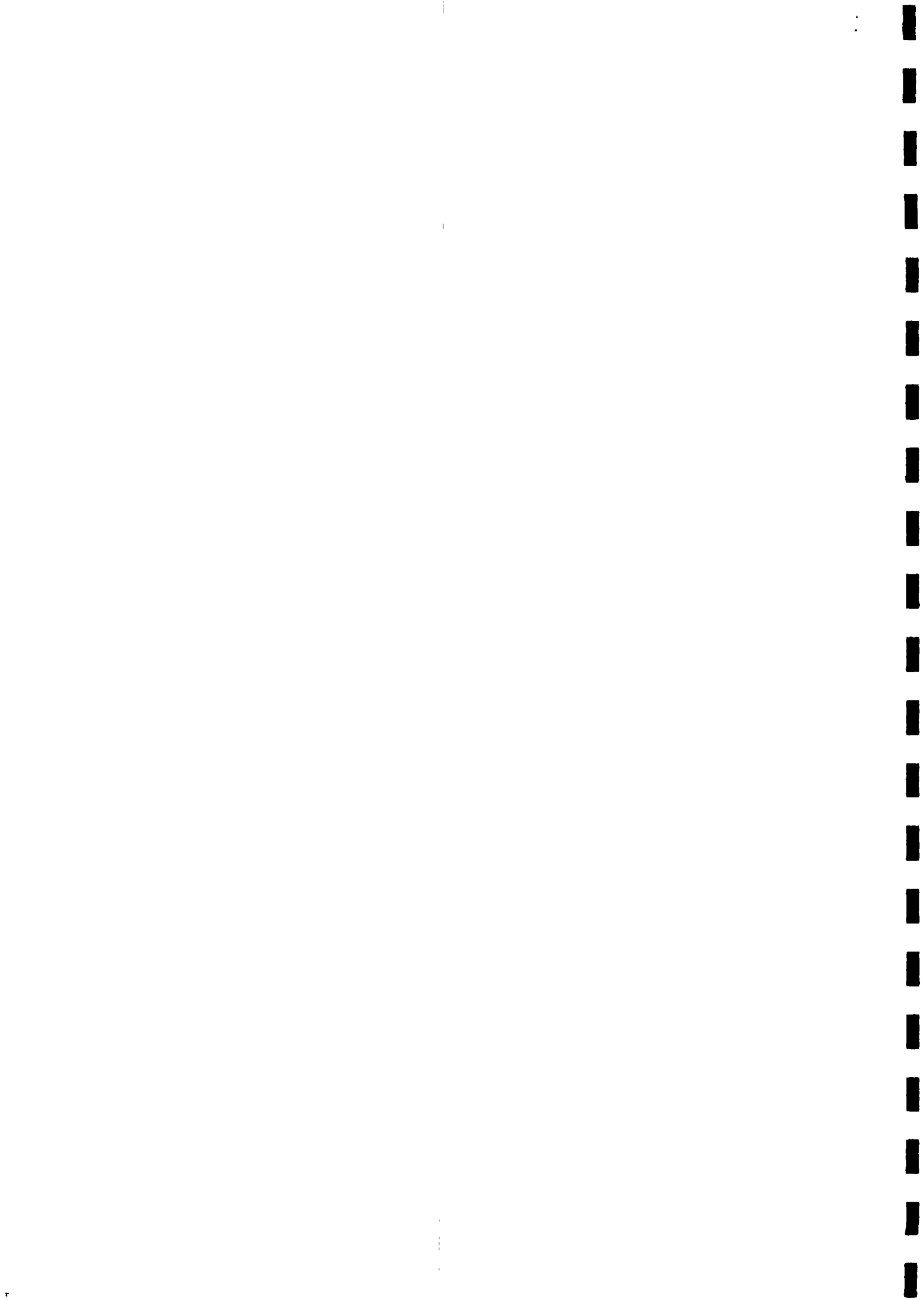


Sub-Saharan Africa. Governance was defined as 'the exercise of political power to manage a nation's affairs' (World Bank, 1989, p.60). The development problems of Africa were traced to an underlying 'crisis of governance' characterised by among others corruption, lack of accountability, and disregard of the law. These evils were making it difficult for the success of economic policies that were being implemented and it was observed that what was needed was not only less government, but also better government. Establishing good governance was seen as requiring political renewal which necessitates attacking corruption and strengthening accountability achievable through encouraging public debate and nurturing a free press (ibid, p.6). Archer (1995 cited in Helmsing 1996, p.6) notes that Good governance is centred on three issues namely, the role of competitive markets (the economy), government responsibility to manage (the state), and the importance of private rights and individual initiative (civil society), the three being required to organically relate.

Important for good governance is the building of capacities of local governments, public enterprises, private sector, non-governmental as well as grassroots organisations to enhance their effective participation. Specifically, governments would need to give more autonomy to local governments such as for local generation of revenues; to give clear mandates and managerial autonomy to public enterprises; and to ensure genuine delegation of responsibilities to private and not-for-profit sectors (World Bank, 1989, p.5). Thus decentralisation, both within government and to institutions outside government, is seen as very crucial for good governance. Good governance is also interpreted to embrace democratization, requiring a restructuring of the relationships between the state and civil society. Decentralisation within government and democratization are considered to be at the core of good governance and therefore ultimately essential for the creation of an enabling environment. Both deserve more treatment here.

#### *b) Decentralisation*

Two contrasting forms of decentralisation which need to be distinguished here are; (i) *deconcentration* - in which responsibilities are transferred to the field staff of government agencies such as ministries without necessarily transferring the authority for decision making, and (ii) - the one considered necessary for good governance - *devolution* - by which authority is transferred to elected officials answerable to the publics whom they serve, but highly autonomous from central government control (Cheema and Rondinelli, 1983). The rationale for decentralisation within government is to move government authority to sub-national levels. Three elements of reform relating to decentralised service delivery can be identified; (a) the clarification of functional responsibilities between levels of government, (b) the authorization of revenue sources corresponding to functional





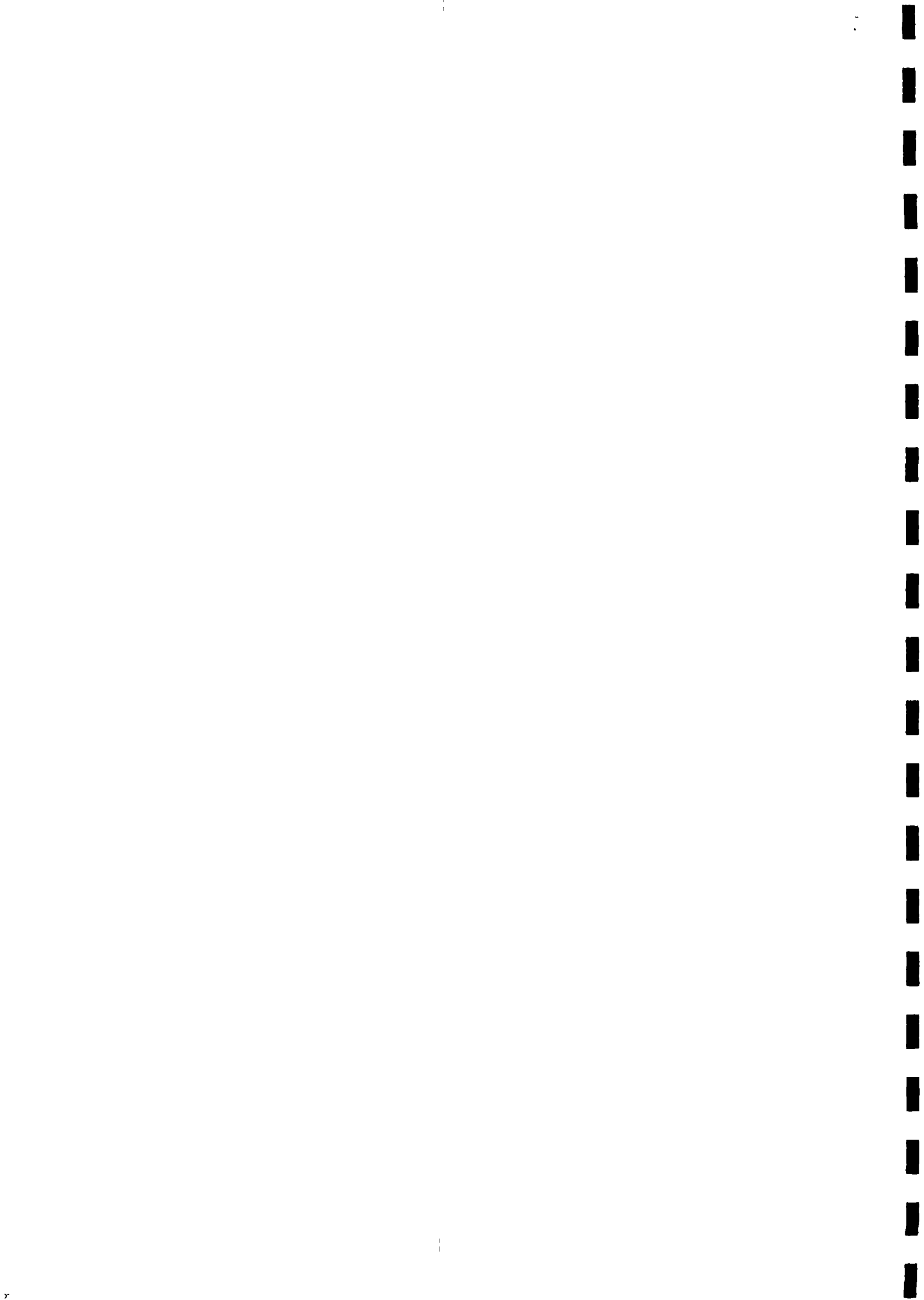
responsibilities, (c) the institution of a system of accountability that encompasses both regulation by central government, and incentives for responsiveness to local constituents (Dillinger,1994 cited in Helmsing,1996:45).

Decentralisation is seen as one of the policy initiatives that can help to overcome the limitations of both governments and markets, increasing the benefits from local public goods and improving collective activities (World Bank,1994:73). In the case of infrastructure provision, decentralisation is absolutely relevant since in most situations infrastructure provides public goods of a localised nature (ibid:74). Other benefits from decentralisation include responsiveness to local needs, efficiency, improved accountability, and greater ability to raise revenues (Fox,1994 cited in Helmsing,1996:45).

It is also recognised, however, that decentralisation does not automatically produce gains, and if poorly planned and executed, may actually add to the costs than reduce them (UNDP 1993 cited in Helmsing,1996:44). The World Bank (1994a:75) also notes that decentralisation is not inherently good or bad, and its success depends on the incentives it creates, the capacities it can draw on, and the costs it imposes. Fox argues that devolution works well for delivering some services, but not for others. That it is most effective when economies of scale are limited, local choice is strongly desired, different tastes for services exist, benefits from service delivery mostly accrue to local residents, and strong local governments exist. It is least effective when there are many beneficiaries across wide geographical areas, tastes for services are homogeneous, and economies of scale and economies of geographical areas are significant (Fox,1994 cited in Helmsing,1996:45). A major question regarding decentralisation remains how to find the optimum balance in the distribution of functions between the different levels of government.

#### *c) Democratization*

The concept of Democratization is enshrined in Good governance and is fundamental to political enablement. It is seen as concerning the configuration of social relations, institutional roles, and rights and obligations between a state and its citizens (Fowler,1992). Fowler notes that a democratic system exists when "the people" who comprise the polity are able to control those who rule, or otherwise exercise authority, in their name' (ibid.p.2). Democratization is also seen as traversing the concepts of decentralisation and empowerment, and the latter two are often associated with the extension and consolidation of democratic rights and reforming the state-civil society relations. Democratization is identified as a key element in political enablement because it is thought that it would make local elites accountable to the local electorate hence decreasing the incidence of rent-



seeking. Further, that representation would serve better the local needs and priorities. Political freedom is also seen as inherently productive and innovative (Helmsing, 1996:47). Thus, democratization, together with political decentralisation are seen to offer the context in which local governments provide enabling strategies to local markets and communities (ibid).

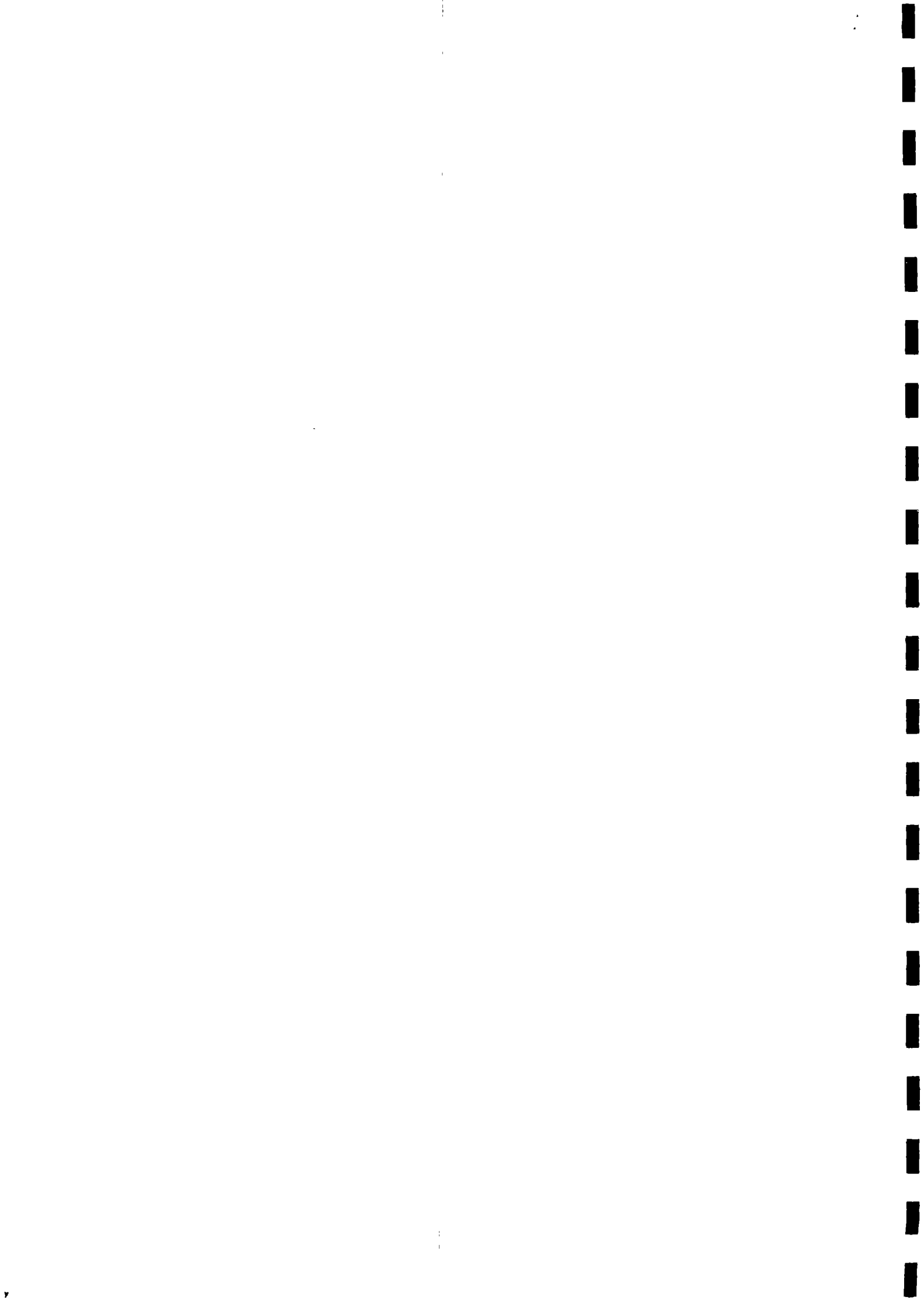
#### d) *Community Participation*

The concept of Community participation (CP) is central to the question of enablement, and is particularly relevant to community enablement. But it also has strong linkages with political enablement. CP has since the early 1970s become a catch phrase in development practice. The concept has, however, also attracted wide definitional and conceptual variations. These range from the extreme cases where CP is taken merely as a means of lowering production costs through mobilising community contributions, to the opposite extreme cases where it is seen as an end in itself equated with the empowerment of the community members to take charge and control of their own lives. The first extreme is associated with the top-down approaches where community members may only be invited at the implementation stage to, for instance provide labour, without involving them in the decision-making. The other extreme is best reflected in the views of Pearse and Stiefel (1985.p.25) who contend that CP is manifested by 'organised efforts to increase control over resources and regulative institutions on the part of groups and movements of those hitherto excluded from control'. In between the two extreme views are various strands with differing levels of decision-making and intensity of participation.

Community participation is now seen as being central to community provision of services, that without it programs are likely to founder at the implementation stage or to be short-lived (World Bank, 1994.p.76). Participation should be ensured as early as at the formulation stages, and it should involve all groups of beneficiaries. However, several authors also warn about the risks, dangers, or costs of participation especially if not well planned (Tendler, 1982; Midgley, 1986; Brett, 1996; World Bank, 1996). The World Bank (1994.p.78) adds that participation is also not a panacea even in the sectors where it is most relevant. That participation works best together with, not in place of, good governance.

Two frameworks for understanding CP by Samuel Paul and James Midgley will be mentioned here.

Paul (1987.p.2) defines CP as 'an active process by which beneficiary/client groups influence the direction and execution of a development project with a



view to enhancing their well being ...<sup>2</sup>. He develops a framework that seeks to analyze CP in terms of three dimensions, namely; its objectives, intensity, and instruments, and the interrelationships between the three. That the objectives of CP as an active process are (a) empowerment, (b) building beneficiary capacity, (c) increasing project effectiveness, (d) improving project efficiency, and (e) cost sharing. These objectives are organised in a hierarchy with empowerment at the highest level and cost sharing at the lowest. The objectives may overlap, and they may be pursued simultaneously. The intensity relates to how far and to what extent the beneficiaries take part in project activities. In order of hierarchy from the least intensive to the most intensive, he distinguishes four levels of intensity; (a) information sharing, (b) consultation, (c) decision-making, and (d) initiating action. A project may start at a low level of intensity and move up the ladder. The instruments refer to the institutional devices used to organize and sustain CP. In order of increasing complexity the categories of instruments are (a) field workers of the project agency, (b) Community workers/committees, and (c) User groups. On the interrelationships between the three dimensions of objectives, intensity, and instruments, he notes that the instruments and the levels of intensity could be adopted for any of the objectives. But, that certain combinations of these dimensions are more likely to be consistent and hence more effective than others in a given project context (ibid, pgs.2-7).

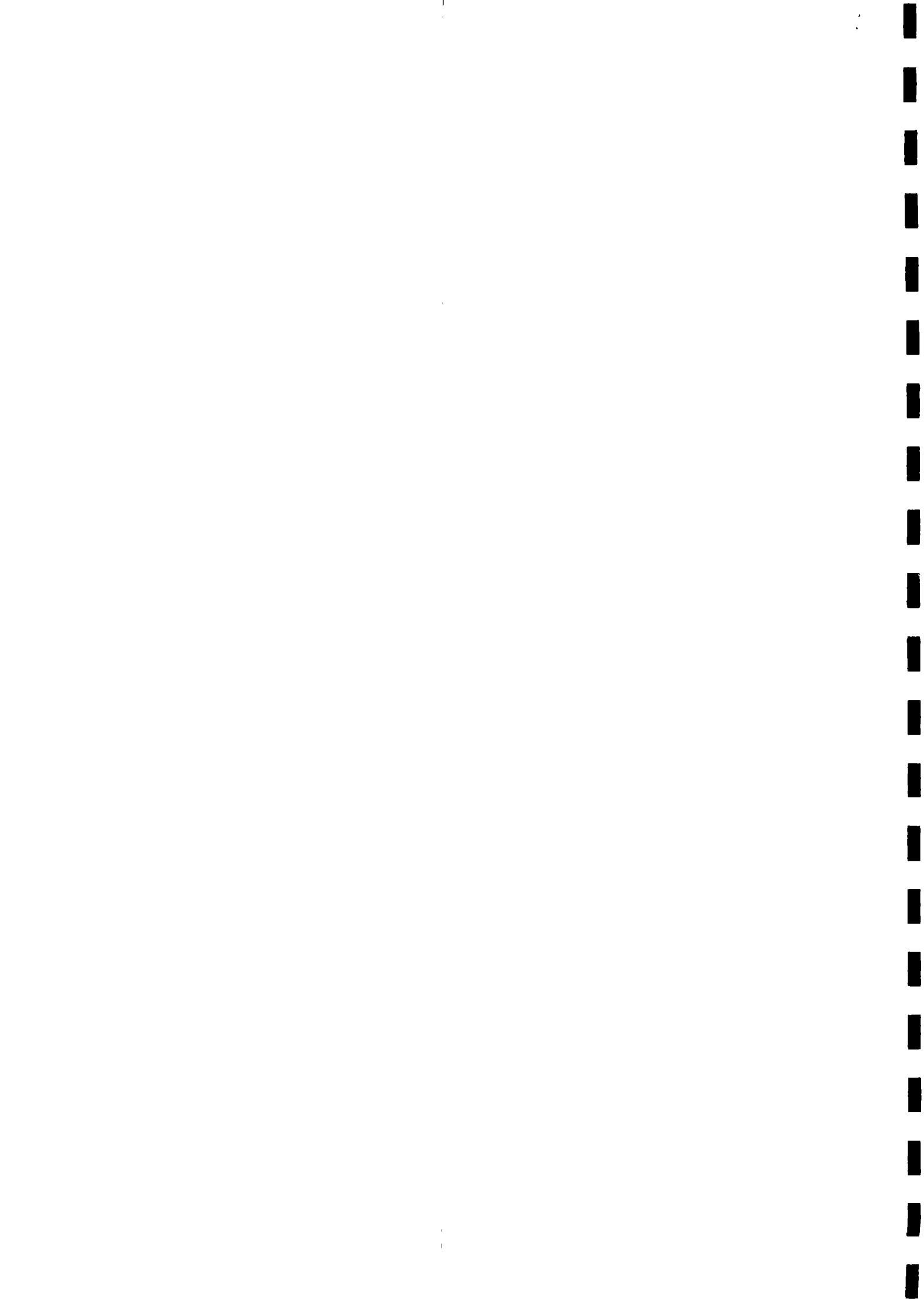
Midgley (1986) raises three questions of 'who' participates, 'what' participation entails, and 'how' it can be promoted. He goes ahead to develop a typology of state responses to community participation. Four modes of responses are identified; (a) the anti-participatory mode in which the state is not interested in community participation, sees it as a threat, and actively suppresses it, (b) the manipulative mode in which the state supports CP, but does so for ulterior motives such as to strengthen its political control over the masses, (c) the incremental mode characterised by official support for CP, but with an ambivalent, vague, and adhoc approach to its implementation, and (d) the participatory mode in which the state fully approves of and actively promotes CP through devolution of power.

e) *Empowerment*

Central to the question of enablement is also the concept of empowerment. Empowerment goes beyond the notion of working collaboratively with groups of people as expressed in the concept of participation. Empowerment is concerned with 'increasing the power and control of groups of intended beneficiaries

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<sup>2</sup> His definition leaves out participation outside projects because it was formulated for purposes of reviewing participation in development projects.



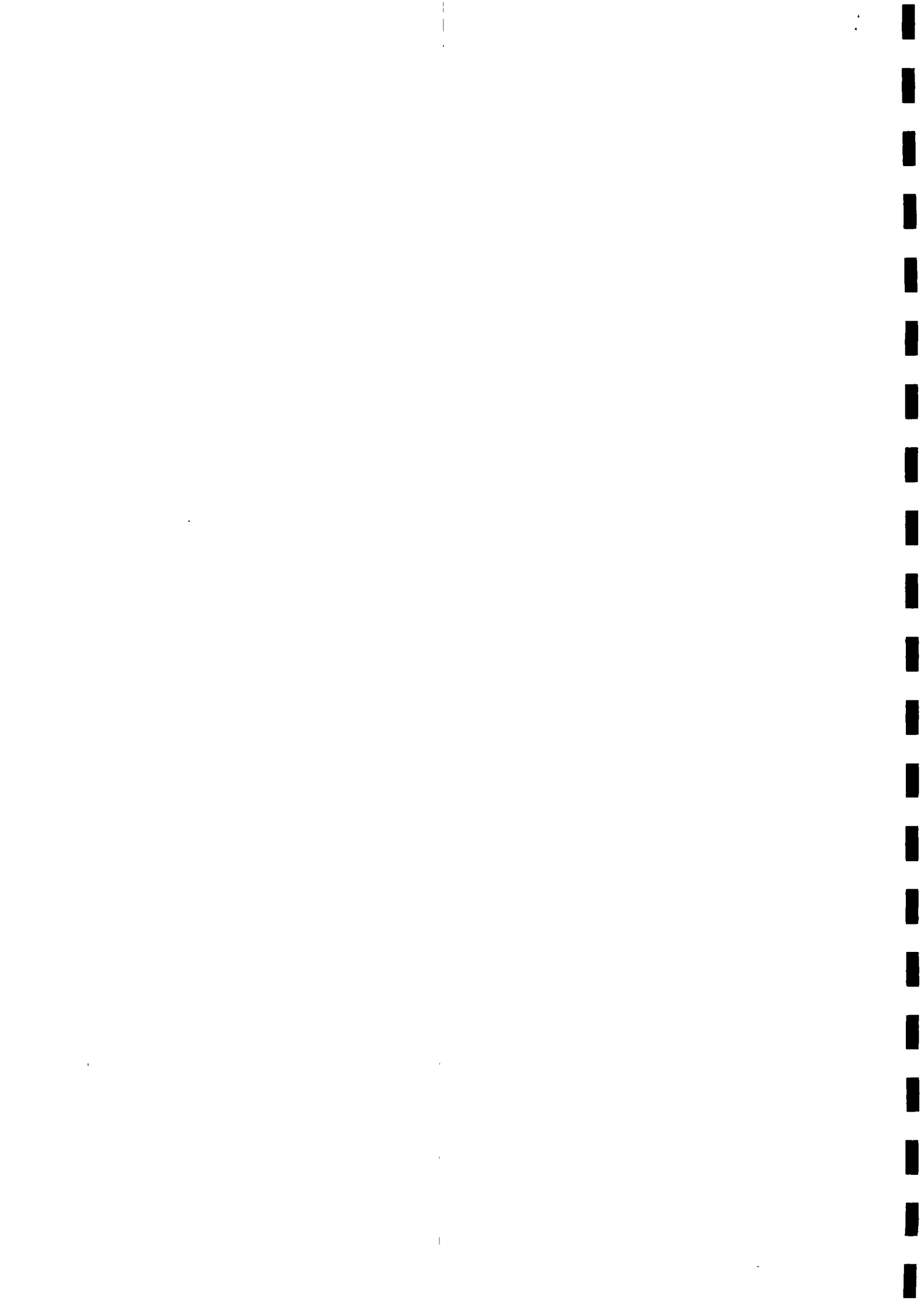
over the circumstances of their own lives, so that they are in a position to become their own development agents in the future' (Thomas,1992,p.118). The origins of the idea of empowerment refer back to the early 1970s and is associated with the work of such figures as Paulo Freire (1972), Schumacher (1973), and Mahatma Ghandi. Fowler (1992;8) notes that there are two distinct views on empowerment; one which sees empowerment as a process by which ordinary people take on greater responsibility for their lives. Underlying this view seems to be the objective of unburdening the state and shifting its responsibilities to the citizens; the second view associated with Freire's writings sees empowerment in terms of enhancing people's ability to achieve their rights and emancipate themselves. It is feared that many governments in a hurry to reform are more likely to pursue the first view, shifting responsibilities to the beneficiaries without giving them the means and building their capacities to be in full control.

#### *2.4 Synthesis and the emerging analytical framework*

The discussion in this chapter this far has brought out a wealth of issues on the subject of enablement. While the different writers reviewed above tend not to contradict each other, they obviously use different languages and put varying emphasis on different aspects of the subject. Here we attempt to sum up the commonalities that emerge.

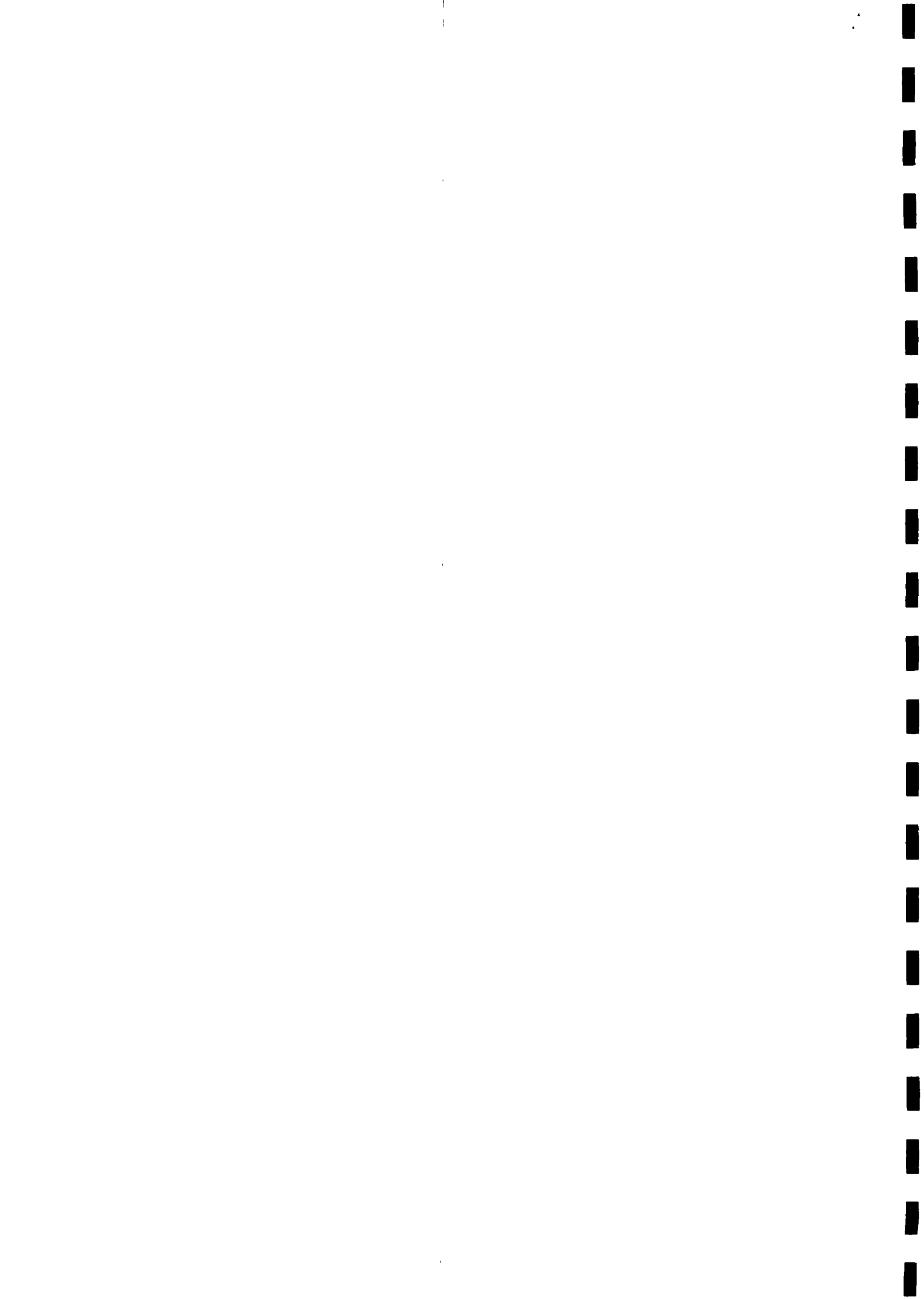
The writers do not offer a precise definition of enablement or enabling government, but they seem to agree on what it involves; promoting, facilitating, regulating non-state actors who include individual consumers, households, community groups or organisations, NGOs, and the private sector (formal and informal) to provide goods and services, in this case water supply. Burgess et al (1994) go a step further and distinguish between market, community and political enablement. The enabling approach seems to be premised on the assumption of positive response from those being 'enabled' as well as the states comparative advantage in an enabler role than a provider one. There is consensus that enablement involves various changes including among others, changes in the quality of governance, policies, legal frameworks, roles, attitudes, institutional arrangements, incentives, administrative arrangements, and internal organisation of government.

Thus our analysis of the changes effected to create enablement which comes in chapter four is based on the assessment of (a) changes in the political context and in the organisation and functioning of government; decentralisation of power to local levels, democratisation processes, improvements in internal management and accountability, (b) legal framework to promote and protect non-state actors; their legal identity, procedures for obtaining legal recognition, their degree of autonomy, their legal





obligations, (c) policies or policy changes concerning non-state actors; is there a clear policy, is there a clear division of roles between state and non-state actors provided for in the policy, are there provisions for full participation of non-state actors e.g. delegating responsibilities to them, out-contracting, and partnerships with government?, (d) government planning processes; room for inputs from non-state actors in sector or local government planning, institutional planning arrangements allowing participation of non-state actors, actual weight of non-state actors' voice in government planning, incorporation of non-state actors' plans in government plans (e.g. do they have to fit pre-existing government plans or they can lead to reprioritisation, convergence in government plans/priorities and those of non-state actors, 'subsidiarity' principle in government planning (planning at lowest level possible, (e) finance and budgeting; changes in budgeting and accounting procedures, government budget allocation to non-state actor involved schemes, resource mobilisation and spending powers of non-state actors, (f) administrative arrangements; place of non-state actors on government administrative charts, mechanism for government coordination of non-state actors, (g) changes in actual roles of NGOs and private sector, their relations with government, their influence on government policy, (h) user participation; objectives of involving users, intensity of participation, institutional arrangements or instruments for user participation, stage(s) in project cycle at which participation takes place, participation of different categories of the population.



## CHAPTER THREE

STATE AND NON-STATE ACTORS' ROLES AND RELATIONSHIPS IN THE WATER SECTOR:  
UGANDA'S HISTORICAL AND CONTEMPORARY CONTEXT

## 3.1 INTRODUCTION

The configuration of roles and relationships between the state and non-state actors in Uganda's water sector today is largely a product of a historical process whose beginning dates back to the early post-colonial days. Understanding these roles and relationships as they stand today, therefore, requires an analysis informed by that evolutionary process. This chapter traces this process and lays a relevant bench-mark to the analysis in chapter four, by especially highlighting the nature of state - non-state relationships during the pre-enablement era.

The evolution of roles and relationships between the two sets of actors in the water sector, however, has to a large extent not been different from that in other basic services sectors such as health and education, and is best understood as having been shaped by the processes that affected the social services sector in general<sup>3</sup>. Consequently, the discussion in this chapter treats the processes in the water sector in the broader context of the processes in the area of social services as a whole.

Three major phases of this evolutionary process are identified, namely; (i) the post-colonial expansionist phase of the 'developmental' state, (ii) the period of service decay dating from the early 1970s to the mid 1980s, and (iii) the reconstruction and enabling phase from 1986 to date. The structure of this chapter follows these phases. Important to note is that, the middle phase, that of state service decay and collapse, was at the same time characterised by two important processes viz; the first one, an external one, is the ideological change that brought a new perception about the role of the state, and the second one internal, is the enormous proliferation of NGOs and CBOs in the field of social services in Uganda. These processes are also discussed in this chapter.

The comparison of the situations under the three phases pays particular interest to the role and weight of the state in service provision, the roles of different types of non-state actors, the form of community participation and how it was mobilised, the arrangements for operation and maintenance (O&M)

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<sup>3</sup> Written work on this subject is also heavily generalised for social services as a whole, or more elaborate on health, education, and law and order (Nabuguzi, 1995; Semboja and Therkildsen;1995; Hyden, 1995; Fowler, 1995; Passi, 1995; Tidemand, 1995; de Coninck, 1992; Macrae et al, 1995; Brett, 1992). Little remains written specifically on the water sector.



of water facilities, the roles of local governments, and the relationship between the state and non-state actors. These aspects then, constitute our frame of reference through out the chapter. We begin with the post-colonial phase.

### 3.2 THE ERA OF STATE EXPANSIONISM (1962 - 1971)

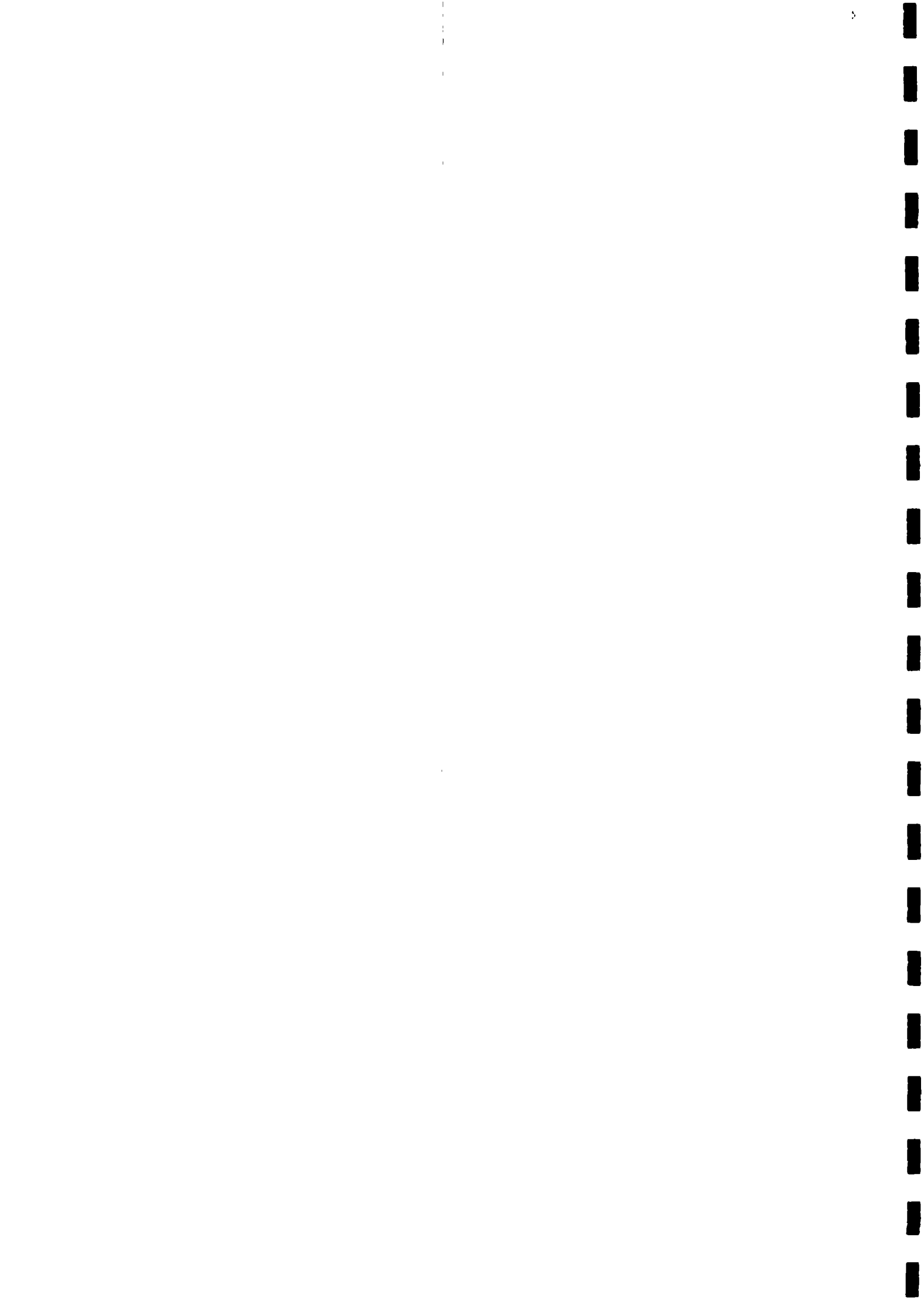
At the time of independence from colonial rule in 1962, Uganda inherited a relatively well functioning set of social and infrastructural services. Many writers point to the fact that Uganda's standing both economically and in terms of basic services was among the most prospering in Sub-Saharan Africa (de Coninck, 1992; Nabuguzi, 1995; Macrae et al, 1995). Statistics on basic service coverage at the time of independence show that 18% of the rural population<sup>4</sup> (UNICEF, 1989 cited in de Coninck, 1992) and 80-95% of the urban dwellers (Doyle, 1990;26) had access to safe water supplies . Both state and non-state agencies took on important but gradually changing roles in service provision.

#### 3.2.1 State provision, expansion, and centralisation of services

State-provided services which were during the colonial period mainly under the local administration were significantly expanded in the years after independence. As in most other Southern and East African countries, the government of the newly independent state in Uganda saw itself as the motor of development and provider of services (Nabuguzi, 1995;192). It followed the then existing ideology of the 'developmental state' and sought to both centralise and expand economic activity and service provision. The politics of the time demanded of the new nationalist, indigenous governments a promise of 'free' services to the people in exchange for political support (Semboja and Therkildsen, 1995;20; Ayoade, 1988 cited in Helmsing, 1996). The promises in turn fed popular expectations about free social services as 'the fruits of independence' (Ayoade, 1988 cited in Semboja and Therkildsen, 1995;20). Important to note, however, is that the coverage of services was non-uniform in terms of population groups and areas, with a concentration in the initially semi-federal kingdoms of the south (especially Buganda) including Kampala, the capital. Another important feature of the period, which was to be found in other countries in the region as well, was that the initial expansion was achieved through the extension of central government field agencies and para-statal organisations into all regions and districts, rather than reliance on local government institutions or other private or mixed intermediary organisations (Mushi et al 1992 cited in Helmsing, 1996). The responsibility

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<sup>4</sup> This figure only refers to installed capacity, and actual coverage could have been lower. Although this percentage appears to have been low, it is regarded as having been relatively reasonable compared to, for instance the early 1980s when it fell to below 5%.



for water supply was highly centralised under the control of the governments Water Development Department (WDD) (Narayan, 1995;36). Soon after independence, the WDD bought the Craelius company, a private firm which had during the colonial days been contracted for bore hole construction and hand-pump fitting. The firm's staff were retained by the WDD. The WDD expanded water services by constructing 747 new boreholes, an additional to some 4,342 constructed by the colonial administration (Doyle, 1990;25-27). In 1969, the National Water and Sewerage Corporation (NWSC) was created as a para-statal, and was charged with operating and maintaining urban water systems in the major Urban areas of Uganda (Kavutse, 1995;118). The state's tendency to limit the role of local governments and non-state institutions is taken up further in sub-section 3.2.3.

### 3.2.2 Operation and Maintenance (O&M) of water supply systems

A system of preventive maintenance was initially used, inherited from the colonial administration. Under this system Local governments employed 'pump greasers' to service (lubricate and tighten fulcrum bolts) 30 to 50 pumps each, spread over a geographical area of approximately 200 sq.kms. The system was somewhat inefficient with each pump in reality being visited only about four times a year (Doyle, 1990;24), and it eventually disappeared when local governments were abolished (see next sub-section). Repairing and overall Maintenance of rural water sources, especially hand-pumps, was vested in WDD's Borehole Maintenance Units (BMUs) (Okuni and Rockhold, 1995;201), which operated under some limited deconcentration, with 15 regional offices dispersed over the country each serving several districts. The regional offices which were equipped with a service rig and staffed by a crew on government salaries received reports of breakdowns and sent field staff to carry out the necessary repairs (Okuni and Rockhold, 1995;201, GOU/NCC, 1994a;156). Community maintenance of hand-pumps was, during this period, never considered because such a job was decried to be too sophisticated and therefore best left to the highly technical BMU staff (Doyle, 1990;27).

### 3.2.3 Reduced role for local governments

In the early years of independence, there was substantial devolution of power to federal and semi-federal kingdoms which was effected through the 1962 constitution. The kingdoms had powers to tax, to draw budgets, and to provide services. In areas where kingdoms did not exist, state services were provided through district councils, but these were dependent on the centre for funding. They, however, received only limited funding and thus they remained relatively deprived of services compared to the kingdom areas. However, the semi-federal arrangement was only short-lived as it was abolished in 1966. This event dismantled the role of local governments since it swept away the structures for both state service provision at the local level as well as for mobilising





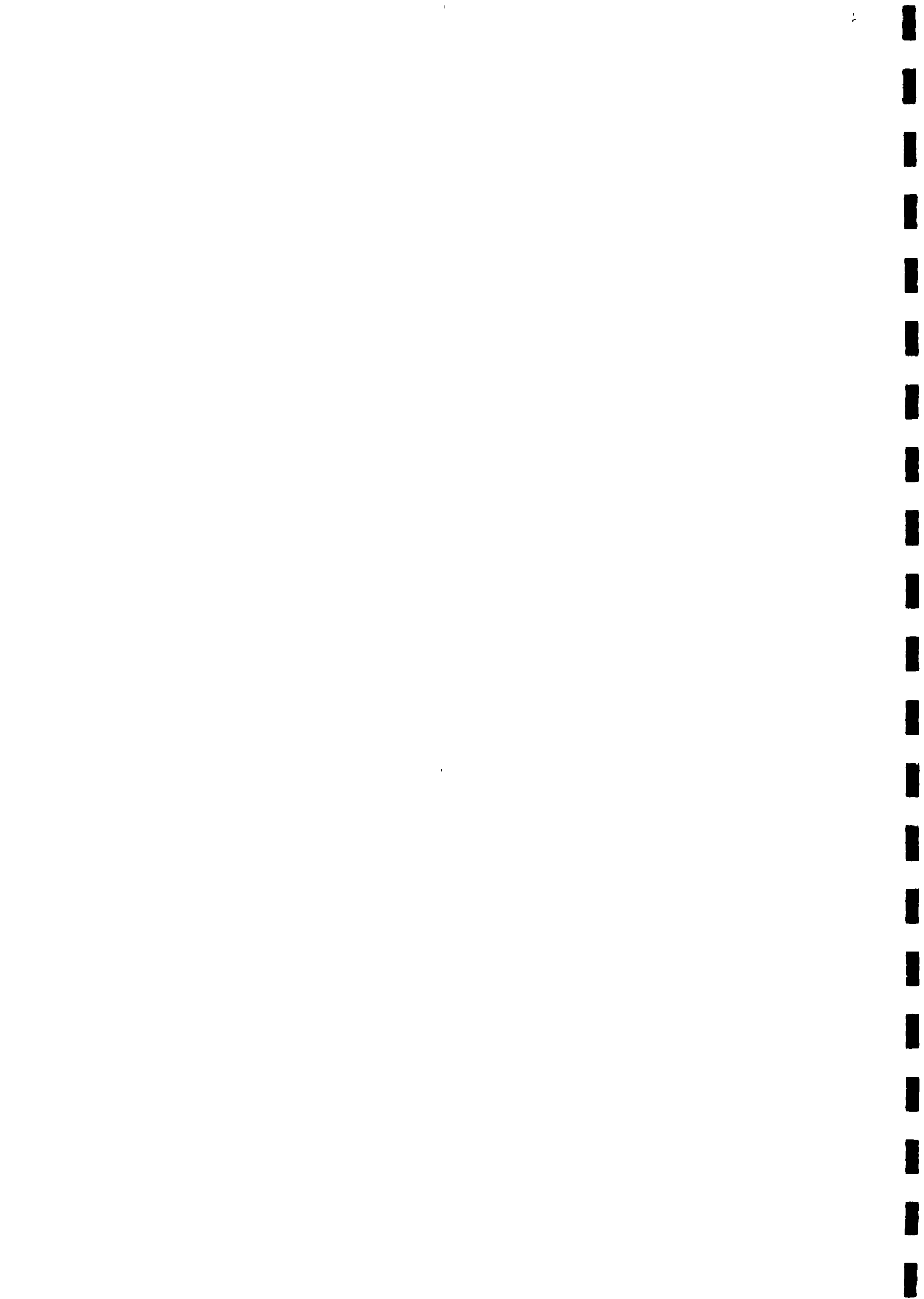
community self-help (Nabuguzi, 1995; Semboja and Therkildsen, 1995). Nabuguzi adds that through an earlier Act, the Urban authorities Act of 1964 and then later, the Local Administration Act of 1967, the local government became highly centralized, and the powers of district administrators were circumscribed and concentrated in the central government (ibid.p.193). With the 1967 Local Administration act, the name was changed from "local government" to "local administration" reflecting the scrapping from them of substantial powers. The Mamdani Report (1987: cited in Barnes, 1994;13) states that after 1967, there was an increasingly dictatorial system that put an end to all local-level democratic institutions that could give form to local initiatives. Similarly, there was a lapse of almost all services previously rendered by the districts such as the 'pump greaser' system, due to lack of authority and financial resources. The 1967 act, together with the 1964 act remained in force until 1993.

#### 3.2.4 The role of Non-state actors and the form of community participation

Dating from the colonial period, churches and mission-based NGOs continued during the first decade of independence to assume significant responsibility for drinking water supply, education and health especially in the rural areas. With regard to water supply, these institutions were important providers of point water sources in rural areas (Okuni and Rockhold, 1995;201). Church-based services, however, also had a historical concentration in the south.

Community participation during the period was mainly conceived in the form of the government's Community Development Programmes, which were planned and implemented by central government functionaries (Muzaale, 1996;10). Thus, while community self-help activities were important, these were particularly used to contribute to government initiated schemes. Nabuguzi (1995), notes that the matching of community and state resources was indeed a major contributing factor to the rapid expansion of state-run services. Mobilization of communities was mainly through the system of government chiefs (Semboja and Therkildsen, 1995: Muzaale, 1996;10), and it frequently took the form of compulsion, being enforced with punitive sanctions (Mamdani, 1975 cited in Semboja and Therkildsen, 1995). This directive approach, rather than promoting a spirit of community participation ended up eroding it. While water programmes enjoyed some good degree of popularity with the local people, the directive approach seemed to have discouraged local initiatives and instead fostered the view of "the government borehole" (White and Birungi 1990 cited in Muzaale, 1996).

Meanwhile this period also witnessed the advent of some international Multi-lateral and Bi-lateral agencies supporting service provision activities. UNICEF began working in Uganda in 1962 through its Eastern Africa office



(GOU/UNICEF, 1994). An important observation here is that there was, during this period, an absence of the private business actors in providing basic services.

### 3.2.5 Relations between government and the non-state actors

The post-colonial government's intention towards the historic church and mission-based NGOs was clearly to reduce their role and ultimately to stifle them (de Coninck, 1992; Nabuguzi, 1995). The execution of this intention was made easy by the prosperity of the economy which enabled the government to have resources to extend its own presence. Thus for instance the government took over the control of mission schools. NGO activities were therefore to be circumscribed and confined to residual fields such as welfare (de Coninck, 1992). But because the state's capacity remained insufficient to cover all areas of the country, a more or less tolerant attitude towards NGOs was maintained but this was clearly meant to be only for a limited time. As de Coninck writes;

Even if, during the 'golden era' of Uganda, the state had little choice but to leave the extension of ...services to NGOs, especially in the more remote rural areas, the assumption always was that NGO involvement would be transitional, pending state take-over once resources allowed (de Coninck, 1992:12).

The overall result of these government actions and attitudes was, as was indeed the aim, a reduction on pluralist and non-state activities. By 1971, the state had either majority or significant minority shares in all service enterprises, including in urban water supply and distribution (Nabuguzi 1995:194). The centralizing tendencies were continued during the early 1970s under the Amin regime, but were doomed to collapse as discussed in the next section.

## 3.3 THE PERIOD OF SERVICE DECAY (1971-1986)

The advent of the Amin regime in 1971 marked a change in the environment for service provision. Under the new regime the economy stagnated, state institutions were militarised, human rights were abused, while civil society institutions were further suppressed. Service levels continually deteriorated and by 1980, rural safe water coverage had dropped to less than 5 per cent from 18 per cent of the 1960s (GOU/UNICEF, 1994), while urban coverage dropped to 30% from more than 80% (Doyle, 1990,29). The tense situation affected the performance of both state and non-state agencies as discussed below.

### 3.3.1 Collapse of the O&M system and the general deterioration of government services

The political and economic hardships reduced the political impetus for state-provided services (Semboja and Therkildsen, 1995)<sup>5</sup>. There was also reduced

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<sup>5</sup> Nabuguzi (1995:198), however, warns that the analysis of the events in this period should distinguish between physical service installations and actual service delivery to consumers. He notes that there was some continued



funding from government for services and this greatly affected the operation of government agencies. The BMUs of the WDD which had traditionally been entrusted with repairing and overall maintenance of rural borehole installations were rendered non-functional due to lack of funding and the general breakdown in the government system (Okuni and Rockhold, 1995). Moreover, the boreholes were dispersed over 15800 sq.kms on average. This required that, to repair one borehole, a mobile team had to travel in excess of 200 kms round trip, necessitating several days travel due to poor roads (Doyle, 1990;29). While the boreholes suffered from disrepair<sup>6</sup>, communities could not organise to repair them since they were a property of government, moreover, as will be shown in the next sub-section, there was no political space for getting involved in group activities. But even, the "U-one" pump type which was used at the time was not amenable to village level maintenance. Its parts were not standardized and the down-the-borehole components were imported. To make matters worse, during the 1979 liberation war, WDD lost tools, equipment, spare parts, office equipment, records and vehicles (Doyle, 1990;29).

During the early 1980s, the government through UNICEF attempted some rehabilitation by replacing old hand-pumps with new, standardised ones, and provided standardised training and tools. Whereas UNICEF recommended to government the adoption of a policy regarding community ownership of the pumps, this idea was rejected. The ownership of the hand-pumps remained in the hands of government, and yet the WDD's maintenance program continued to run into bottlenecks. The government's response time to address repairs often exceeded six months, with the result that at any one given time during the early eighties, more than 50 per cent of the pumps were not in service (Narayan, 1995;36: Doyle, 1990;30). While UNICEF provided all the capital requirements plus technical assistance and training, government failed in its commitments to meet the recurrent costs including salaries<sup>7</sup>, allowances and fuel causing only 36 out of 570 WDD staff to turn up regularly for work (Doyle, 1990;30).

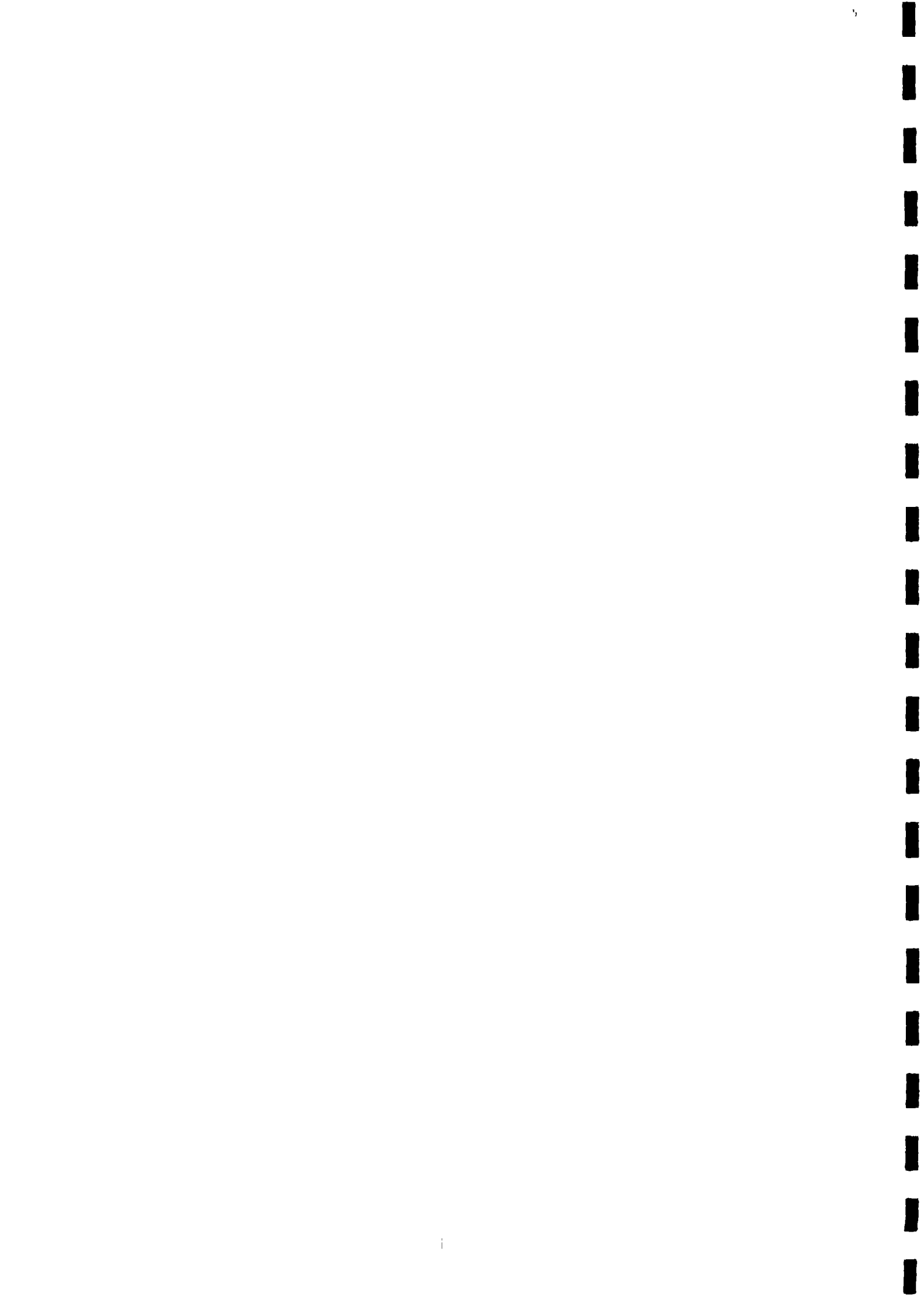
Similar inefficiencies characterised the NWSC, as well as other state agencies

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physical expansion in services, especially during the early 1980s, but this was only illusory since the state had no capacity to run and maintain the facilities, the consequence being that actual service to the consumers deteriorated.

<sup>6</sup> Government estimates during 1979-80 showed that 75% of all hand-pumps had broken down, many for more than six months (Doyle, 1990;29).

<sup>7</sup> Staff salaries, for instance, represented only 1-2% of actual living costs, and were not paid for several months (Doyle, 1990;30)



in other sectors. The situation was also marked by shortages in skilled staff as the highly trained manpower fled the country beginning in the early 1970s. Meanwhile, the military government did not revitalise the role of local governments. Instead it centralised even further by organising district administrations into ten provinces each under a powerful governor responsible to the president (Nabuguzi, 1995;194, Barnes, 1994;13).

### 3.3.2 Repulsion of Non-state activities

The changed political-economic environment after 1971 also resulted in many donors and foreign NGOs withdrawing their support or keeping well away from the country (de Coninck, 1992;12). Soon after the military coup in 1971, UNICEF which had been in the country for nine years withdrew its operations (GOU/UNICEF, 1994). Events taking place in other sectors such as the government's expulsion of the Asian business community signalled an atmosphere of insecurity to the international community. Even local NGOs could not thrive in the circumstances. Group activities were perceived as potentially subversive, and were actively discouraged (Muzaale, 1996;10). Doyle (1990;29) characterises the regime as having been 'anti-participatory' as far as water activities were concerned. By default then, churches remained the major service providers. The states' tolerance for church activities was also not to last for long, and in a few years they were also subject to intimidation. The state sponsored assassination of an Anglican church Archbishop in the mid-seventies served as a clear warning that church activities no longer enjoyed the privilege of immunity from state sanction (de Coninck, 1992).

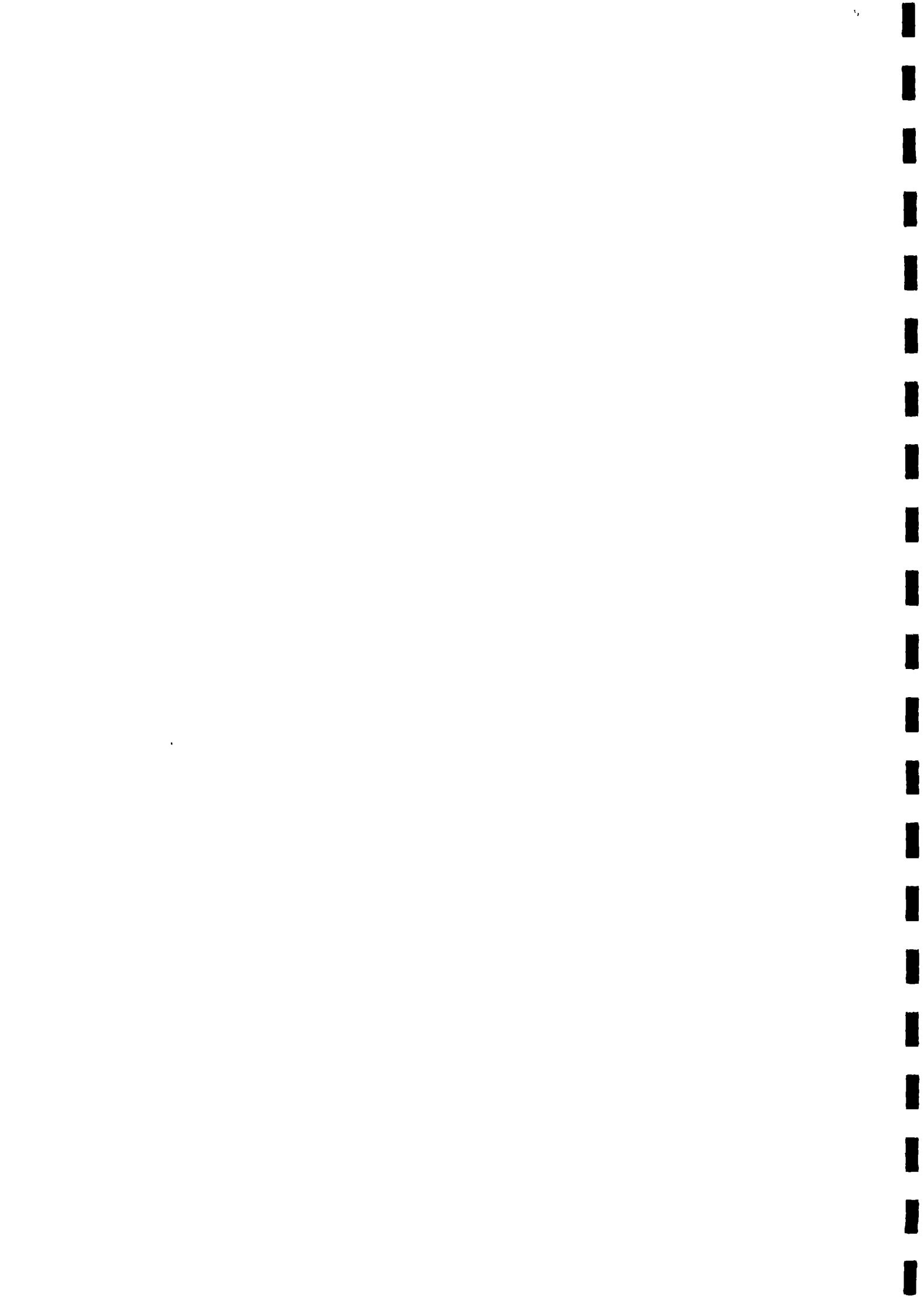
Whereas the Amin regime also attempted to utilise community contributions to government community development programmes, forceful means were used to realise people's participation. For this purpose, government replaced the traditional local chiefs with military functionaries to coerce people to work for the maintenance of rural roads, water sources, and other communal schemes locally known as 'bulungi bwansi' (Muzaale, 1996;11).

### 3.3.3 (Re)Emergence of Non-state providers in response to unmet needs

After the fall of the Amin regime in 1979, the international community renewed its interest in the country. However, the nature of interventions by the international community tended to be predominantly relief oriented shaped by the need to help the country so ravaged by war and economic decay. For instance by 1980, more than 50 foreign NGOs were already operating under the 'Karamoja emergency', later followed by similar operations in the West Nile region and the 'Luwero Triangle'<sup>8</sup> (de Coninck, 1992;13). For instance during

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<sup>8</sup> These regions were some of the worst hit by war, or the least developed. Luwero Triangle was where the war that brought NRM to power began and was fought most, while Karamoja and West Nile are some of the least developed areas in the country.





1979 and 1980, several British-registered NGOs such as ACORD, Oxfam, Action Aid, and Save the Children Fund established or re-established in Uganda. With the exception of Save The Children, the rest either had or later in time started water programmes. Other NGOs which established themselves in Uganda around the same time include Lutheran World Federation (1979), and WaterAid (1983). It was after the liberation war that UNICEF also re-opened its operations in the country.

During the second Obote regime (1981-1985), there was a sudden proliferation of CBOs and local NGOs<sup>9</sup> which emerged in response to the vacuum created by the many years of the collapse of state provided services. In a survey carried out in 1983, majority of the rural population expressed dissatisfaction with government maintenance of water facilities, and suggested that they themselves were willing to make the repairs if they were trained and equipped to do so (Doyle, 1983 cited in ...1990;31). Whereas the government then attempted some rehabilitation of services including water under UNICEF support, the persistence of the civil war did not allow significant impact. Thus the NGOs, CBOs and churches played a substitutive role for state services in the wake of political, economic and security deterioration, incapacitating the state's own institutions (de Coninck, 1992).

Something that we surprisingly find totally undocumented is the role of the informal private-business sector in water distribution that could have emerged in urban areas during the 1970s and early 1980s<sup>10</sup> in form of water-vending and water (re)selling from utility-provided stand pipes. Till today, water-vending and (re)selling remain - from my personal experience with Ugandan urban areas - important and widely used means through which water is distributed to a good fraction of urban dwellers, especially the poor, but also the non-poor when the piped urban supply system fails or is on ration.

#### 3.3.4 Relations between the state and Non-state actors during the early 1980s and the nature of community participation

The relationship between government on one hand, and NGOs and CBOs on the other was, during this period of the early 1980s essentially of a *laissez-faire* nature. The increasing number of these organisations benefitted from almost complete freedom of action so long as they did not challenge the legitimacy of the state, or threaten its interests in other ways (de Coninck, 1992). However, whereas non-state activities were not discouraged, neither did they get much support from the state. Instead, they heavily relied on local resource mobilisation and foreign funding.

Community participation and self-help activities during this period took two forms. The first was the attempts of the government then to revitalize community participation through the revival of district councils and village councils known as "Mayumba kumi". To solicit community participation, the councils used an incentive system in which essential commodities such as

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<sup>9</sup> Some writers have used such terms as the "flooding" of NGOs, and the "invasion" of NGOs to refer to the great influx of NGOs in the Uganda during this period (see for instance Dicklich, 1994;1, Weekly Topic, 5 march, 1993;18).

<sup>10</sup> These forms of water distribution certainly could not have been widespread, if existing at all, during the 1960s since as already mentioned urban water coverage was about 90%.



sugar, soap and salt were distributed to those who contributed to community work. This system of mobilising participation, however did not have a big impact and can be comparable to the approaches that preceded it in that it was not bottom-up oriented (Muzaale, 1996;13).

A second form of participation, and one which constitutes an important feature of this period is that in which people on their own initiative or through NGOs engaged in development projects to provide for their unmet needs. For water supply, such initiatives were usually focused on protection or improvement of springs and wells, and constructing small dams (Mudoola,1990;42).

Another important feature of this period was an external one, the advent of the neo-liberal ideology with a new perception of what the role of the state should be. However, for reasons related to the same political and economic strife that continued in the country during the first half of the eighties, this change in thinking did not shape much the modes of service delivery nor the relationship between government and other actors. A structural adjustment programme which was attempted in 1983 was quickly engulfed by the civil war and subsequently abandoned. It was not until after 1986 that the new the reform programme started to be implemented. The events after 1986 are dealt with in the next section.

#### **3.4 THE RECOVERY PERIOD (1986-1996)**

The end of the civil war in 1986 and the coming to power of the National Resistance Movement (NRM) government set a stage for apparently far reaching changes in the organisation of government, in its roles as well as in its relationship with non-state actors. However, whereas we may characterise the period after 1986 as the enablement era, it is difficult to point to a particular point in time or in policy when the government adopted an enabling approach for water sector, since no particular policy event was set to mark the beginning of an enabling era in the sector. Rather, the movement towards an enabling role appears to have been incremental, having found its roots in the ideology of self-reliance and popular participation which the newly installed NRM regime propagated. The shift towards an enabling approach has been subsequently effected through different and somewhat unintegrated, but non-contradictory policies and actions. The different policies and actions - both in the water sector and in the broader context of the country's governance - have come about at different times during the course of time, and they should better be understood as evolving out of a learning process, rather than as a concrete, well integrated set of proactive enabling measures.

##### **3.4.1 Political-Administrative changes towards democratization and good governance**

In terms of the political framework, the NRM set up a multi-tier system of committees and councils that starts at the village level and hierarchically builds through the parish, sub-county, county, district up to the national level<sup>11</sup>. This is known as the resistance council/committee (RC) system (now renamed the Local Council [LC] system). All the adult population in a village constitute a village council and elect amongst themselves a committee of nine

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<sup>11</sup> In urban areas, the councils operate under different names from the ones named. In order of hierarchy upwards, they are referred to as; Village (LCI), ward (LCII), division (LCIII, only found in the capital city), town (LCIII), Municipal (LCIV), and city councils (LCV).



people (LC1)<sup>12</sup>. The various LC1 committees in a parish in turn constitute a parish council which elects from amongst its self a parish committee (LC2). The procedure is repeated for the sub-county level (LC3), and the county level (LC4). For the district level (LC5), the committee is elected indirectly through electoral colleges made of sub-county councillors to the district. At the National level, there is a National Resistance Council (NRC), now called the Parliament, with members representing constituencies<sup>13</sup> elected through adult universal suffrage. Thus the LC1 and the Parliament are directly elected, while LC2 to LC5 are indirectly elected.

The LCs at the different local levels are charged with a range of responsibilities and powers including initiation and implementation of local development activities, adjudication in local conflicts, keeping law and order, and social and political mobilisation of the people. Local water supplies are also included in the range of development activities that LCs are supposed to take charge of. The LC system was founded on the basis of the philosophy of popular participation which the NRM government propagated right from the time it ascended onto power. Thus the application of the concept of community participation under the NRM regime represents a major shift from the previous forms of participation in that the government has tried to build the mechanism for participation from the bottom, and more importantly, it has gone beyond the contribution of labour to involve people in planning and decision-making. Thus the institution of the LC system is seen as constituting a major move in the decentralisation process.

In addition, the government embarked on a full scale local government strengthening and decentralisation process which was officially launched in 1992. Thus the process was set to shift the locus of both the political and administrative framework of government from the central to the district level and below. The decentralisation programme was designed with the following stated objectives; a) to transfer real power to the districts and thus reduce the load of work on remote and under-resourced central officials, (b) to bring political and administrative control over services to the point where they are actually delivered, thereby improving accountability and effectiveness, and promoting people's feeling of "ownership" of programmes and projects executed in their districts, (c) to free local managers from central constraints and, as a long term goal, to allow them to develop organisational structures tailored to local circumstances, (d) to improve financial accountability and responsibility by establishing a clear link between the payment of taxes and the provision of services they finance, and (e) to improve the capacity of local councils to plan, finance and manage the delivery of services to their constituents (Decentralization secretariat, 1994;2). As these objectives portray, it can be expected that the decentralisation process would have significant implications for service delivery.

The implementation of the decentralisation process tends to be far reaching. The process was authenticated with the enactment of the 1993 Local Governments (Resistance Councils) Statute. With the exception of a few functions which are

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<sup>12</sup> The nine positions on an executive committee are chairman, V/chairman, secretary, secretary for finance, secretary for defence, secretary for youth affairs, secretary for women affairs, secretary for information, and secretary for education and mobilisation (Nsibambi, 1991;279)

<sup>13</sup> A constituency is defined to have a minimum of 70000 inhabitants.

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of a national nature (defence and national security, arms and ammunitions, banks and exchange control, citizenship, immigration, foreign relations, higher institutions of learning, hospitals etc), the rest were decentralised to districts. These include; (a) education services, excluding secondary and higher education (b) medical and health services excluding hospitals, (c) the provision and maintenance of water supplies outside the jurisdiction of NWSA, (d) feeder roads, (e) all field services and activities of every decentralised ministry (ROU, 1993;59).

At the district level, the district council is the substantive political organ with the LC5 chairman as the political head. On the other hand, the District Chief Administrative Officer (CAO) (formerly called the district executive secretary), who is a civil servant, is the executing head. The districts have the powers to raise their own revenues, draw their budgets and make the expenditures. Government transfers, where they are given are in form of block and equalisation grants, leaving the districts the discretion to allocate the funds according to their locally determined priorities. The districts also have powers to make bye-laws, and to recruit and administer their personnel. Decentralization goes further down below the district to the sub-county level, where 50% of the revenues collected as taxes are retained. Each district has a District Development Committee (DDC), which is the main organ for the coordination of development in the district. The District Local Council (DLC) has different sub-committees called working committees in charge of sectoral planning. Water activities are supposed to be assigned to one of the working committees of the DDC.

Other changes in government functioning have included civil service reforms which were commenced at end of the 1980s. The objectives were the payment of a minimum living wage and the introduction of a result-oriented management, both intended to lead to improved public service delivery (de Haan, 1996;9). The reforms followed an action plan which among others sought to rationalize ministries and districts. This had the aim of 'producing smaller, more accountable organisations that perform only core functions, thereby releasing funds for improving remuneration and allowing additional opportunities for private sector expansion' (ibid). Reviews were carried out both at ministry and district levels to reconsider the role of government, set objectives and priorities, agree on performance indicators, remove redundant staff, and streamline capacity-building plans.

The various changes can be interpreted as moves towards 'good governance'. The LC structure with an open and competitive election system in which voting is by lining up behind the candidates is seen as a very transparent political structure. People contest as individuals, and affiliation with political parties during campaigns and elections is forbidden (Brett, 1992). The Ugandan LC system, however, is not without criticism. One of its weaknesses is that the indirect electoral system above the village level tends to distance representatives from voters, especially at the LC5 level. However, some measures are being taken to increase the responsibility of representatives to their voters and in the next LC5 elections, committees will be elected through adult universal suffrage. The second criticism is that whereas the system would be most effective at the lowest level where representation is clearly high and accountability is easily enforceable, this is precisely the level where resources are most limited. At higher levels where resources are relatively more, questions of accountability are more complex and cases of embezzlement and patronage are not uncommon (Brett, 1992). Notwithstanding these areas of weakness, the system constitutes substantial devolution of





power to the local level. Dissatisfied voters can recall their representatives and replace them.

#### 3.4.2 Private-business sector involvement in service delivery

The state has since 1987 opened up to the private sector. Besides the open government policy to attract foreign investors in all sectors of the economy, the state has set out to divest itself from most public utility corporations. Even in the basic service sectors including water supply, the government is encouraging private-business sector participation. The specific measures being attempted to stimulate private sector participation will be discussed in chapter four. In the water sector, private-business entrepreneurs are beginning to engage in activities that originally were the domain of centralised government water agencies. These activities range from the more technical such as borehole drilling, manufacturing of hand-pumps and spare-parts, hand pump repairing, and water distribution, to the less technical ones as distribution of hand-pump spares. In urban areas where piped water systems predominate, private-business players are beginning to experiment with innovative modalities of water distribution, such as through coin operated water dispensing systems (Kalebu LTD, 1995).

#### 3.4.3 The not-for profit sector

The number of NGOs and CBOs already large from the early 1980s has continued to increase after 1986, and into the 1990s. By 1990 a figure of 300 local NGOs were officially known to DENIVA, (the local NGO network), while 600 more had applied to the NGO registration board for registration. A conservative figure of 24 international NGOs was known to the Ministry of Planning (de Coninck, 1992:14). Two years later in 1992, the World Bank estimated the total number of local and international NGOs to be in the range of 800 to 1000 (World Bank, 1992 cited in Nabuguzi, 1995;206).

Meanwhile, the number of NGOs involved in water activities were estimated to be 27 in 1994 (Dillon, 1994;1). But this figure obviously excludes hundreds of small village based groups and associations carrying out water improvement activities on a small scale, especially in rural areas. International NGOs with, or supporting water programmes in the country include Action Aid, ACORD, PLAN International, World Vision, Cpar, Water Aid, Avsi, Vedco, CARE, SNV and others. Local NGOs involved in water activities consist mainly of church-based development programmes. The different NGOs have different modes of operation in water activities. While some are dealing in solely water and sanitation activities (e.g Water Aid), others are running specific water projects but also working in other sectors (e.g CARE), others are running integrated or multi-sectoral development projects encompassing water supply (e.g ACORD), and yet others are involved in water activities as part of emergency and relief work (e.g OXFAM) (Dillon, 1994;1).

The relationship between government and NGOs and the NRM regime did not immediately become cordial. While the regime needed the NGOs in rebuilding the country, and by necessity had to widen the space to accommodate them, a few developments soured the government's view about NGOs. The first one was the increasing number of "briefcase NGOs"<sup>14</sup> which tended to give all NGOs an

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<sup>14</sup> "Briefcase NGO" is commonly used in Uganda to refer to NGOs which are claimed to exist, or which only exist in name with no offices and no operations on the ground. "Briefcase" reflects the behaviour of their proprietors who carry the 'NGO' documents in their briefcases soliciting for



unsavoury reputation (Dicklich, 1994;2). The second one was the continued political unrest in the northern parts of the country and the suspicion that most of the NGOs in that region were aiding rebel groups. These two reasons prompted government to exercise some measure of control on the operations of NGOs. Accordingly, in 1989 the government passed the NGO Registration Act which established an NGO Registration Board under the Ministry of Internal Affairs<sup>15</sup>. The Board was charged with registering NGOs<sup>16</sup> and 'monitoring' their work<sup>17</sup>. It was also given powers to reject NGO applications and to revoke or deny renewal (NGO Registration Statute, 1989;S.7&9). The registration was to go through a rather lengthy process, involving a written recommendation of the chairman RCI, and endorsement by chairmen of RCII and III and the District Administrator (DA) of the area where the NGO intended to operate (ibid;S.12[5]). There is no doubt that the Act was passed more as a security measure than one seeking to facilitate or coordinate the work of NGOs (see also de Coninck, 1992;15: Dicklich, 1994;7-8). The specific relations between water related NGOs and government will be discussed in chapter four.

Today the government recognises the role of NGOs in implementing or supporting development programmes. As a big step towards accepting NGOs as important actors, the government now seems to be even encouraging active policy dialogue with NGOs to make their contribution more effective. In the Background to the Budget and National Development Strategy document for the years 1996/97 and 1996/97 - 1998/99 respectively, the Ministry of Planning and Economic development urges NGOs to have a forum at the National level to discuss project and programme implementation, and to have an on-going practical policy dialogue with government (MFEP, 1996;125).

With regard to the role of communities, a clear difference is noticeable compared to the situation during the 1960s, 1970s and early 1980s. Communities are particularly assuming almost full responsibility for O&M and management of water supplies in rural and small towns through a Community-Based Maintenance system (CBMS), and government is actively supporting them to play this role. A detailed treatment of this aspect will come in chapter four.

#### 3.4.4 Water provision through state agencies

Meanwhile the government itself has since 1986 attempted to rehabilitate the existing water infrastructures as well as to expand to new areas. Responsibility for water supplies is under the Ministry of Natural Resources

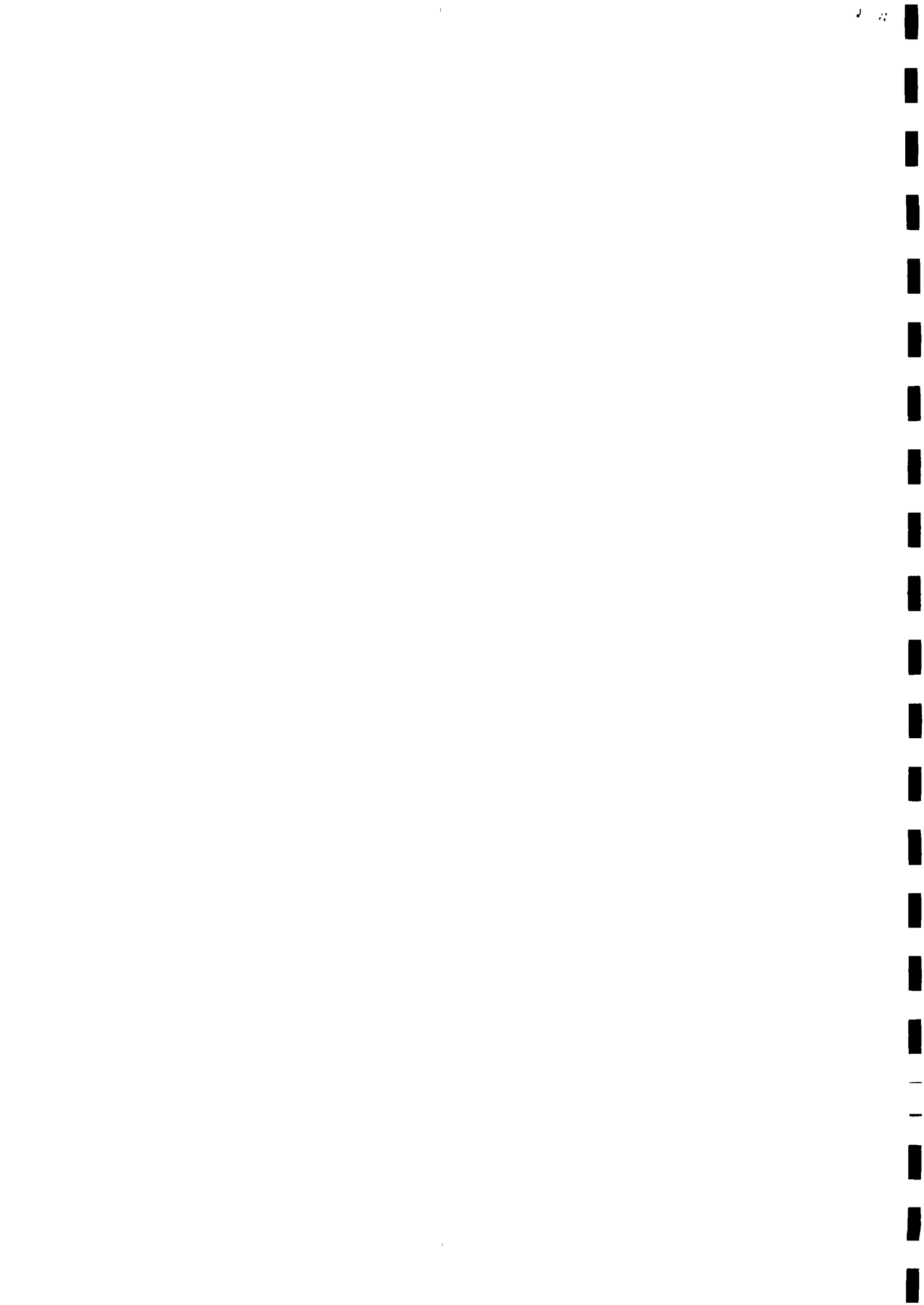
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funding.

<sup>15</sup> Setting up the Board in the Ministry of Internal Affairs - which is the ministry in charge of security - instead of the Ministry of Planning and Economic development reflects how security oriented this action was.

<sup>16</sup> Prior to 1989, NGOs were registered either under the Companies Act or the trustees and incorporation Act (Dicklich, 1994;7). The National Council of Women also used to carry out some registration but mostly of NGOs working in the field of Women and Children.

<sup>17</sup> Monitoring was mainly an attempt to control their access to the local population through local officials and RCs (de Coninck, 1992;15).



(MNR)<sup>18</sup>. Contrary to the expectation that under the new thinking the government's own operations would be shrinking, the government, through its agencies and various projects appears to be reaching out to wider areas of the country than ever before. We haste to add, however, that the government's apparent expansion is under a different orientation from that of the 1960s, and could have been made possible by involving non-state actors in various aspects of implementing its water programmes. Today the operation and supply of water in the nine major urban areas (Kampala, Jinja, Masaka, Mbarara, Entebbe, Mbale, Tororo, Gulu and Lira) is under the NWSC. The NWSC is supposed to run on a self-financing basis.

The water supplies of rural areas and all towns not covered by NWSC are under the jurisdiction of the DWD. In collaboration and with support from international funding bodies, the DWD is implementing several water projects. These include (for peri-urban and small towns); a) The Small towns Water and Sanitation Projects (3 of them each with different funding; STWSP/KFW, STWSP/IDA, STWSP/ADB). These projects cover a large number of small towns in western, central, eastern and a few in northern Uganda, (b) The Northern Uganda Reconstruction Programme/ Emergency rehabilitation of small urban centres (NURP/ERSUCs) operating in north and north-eastern Uganda. In rural areas, the following projects exist; (a) The Rural Water and Sanitation Eastern Uganda project (RUWASA). This operates in eight districts in Eastern Uganda (Mukono, Iganga, Jinja, Kamuli, Paliisa, Tororo, Mbale, and Kapchorwa), (b) WATSAN - covers 20 districts in western, northern and north-eastern. It is supported by UNICEF working together with other local and international NGOs namely; SNV, AVIS, CARE, and World Vision, (c) Gravity flow schemes (GFS) -supported by both the GOU and SNV, the Netherlands development organisation. It operates in several districts, while prospecting continues in the rest of the country, (d) Boreholes for earth stricken areas (e) SWIP (South-West integrated project) - supported by UNICEF and covers 10 districts in the South-western part of the country. There are other proposed projects whose operation has not taken off (ROU/MONR, 1995).

As a result of the combined activities of government and non-government agencies, substantial improvements seem to be taking root in the Ugandan water sector. The current coverage of safe water supplies compared to the past years is reported as shown in table 1.

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<sup>18</sup> However, some other ministries have important roles related to water activities, namely; The Ministry of health - responsible for hygiene education and promotion of safe drinking water and sanitation, The Ministry of Local Government - through town and municipal councils is legally responsible for urban supplies, but also for community mobilisation for water activities, The Ministry of Finance and Economic Planning - overall coordination and negotiating funding with donors, The Ministry of Women in Development, Youth and Culture - promoting the role of women in planning and managing water supplies, and social mobilisation (RUWASA, 1995;6)



Table.1

Safe Water coverage in Uganda for different years <sup>19</sup>											
	<u>Year</u>										
	1960s	70s	80	83	88	90	92	93	94	95	96
Coverage (%ge)											
Rural	18	16	5	-*	13	21	26	26	-	31	35
urban	88	30	-	35	-	60	65	65	75	75	-

Sources; GOU/UNICEF (1994;7,74), Background to the Budget 1990/91;131, 1995/96;12, 1996/7;20, de Coninck (1992;3), Semboja and Therkildsen (1995;5), National Water policy, 1996, UNICEF (1994;52), Doyle, 1990;26,29.

\* Data for some years not available.

The figures in the table clearly reflect the developments in the provision of basic services in Uganda as discussed in this chapter, with a substantial decline in safe water coverage during the seventies that anti-climaxes in the early eighties, only to pick up steadily in the late eighties. The table also reveals that water coverage has been and remains higher in urban areas.

#### Conclusion

Having set out the developments that underlie today's water sector in Uganda, it is important to summarise the major trends and threads running through the foregoing. The discussion reveals that the historical context of water supply and other basic services has been one characterised by great changes overtime. The 1960s saw an initial government expansion and centralisation of services, complimented by deliberate efforts to stifle both local government's and non-state agencies' roles, a directive approach to community participation and a conspicuous absence of private-business actors in the area of basic services. The 1970s witnessed continued centralisation and expansion of state activity, but with a lack of the means to do so, leading to severe degeneration and collapse of services. Non-state activity was suppressed. The early 1980s, in the wake of the inadequacies of state provision, typically reflected in the failure to maintain hand-pumps, were characterised by the emergence of more or less parallel and substitutive services provided by church-based organizations, and community groups often assisted by NGOs, operating in a somewhat laissez-faire environment vis-a-vis the state.

While a lot remains to be discussed in chapter four, this chapter has also

<sup>19</sup> Note that coverage varies widely between districts, with as low as 5% overall coverage in districts like Kiboga, and as high as 70% in districts like Moroto (GOU/UNICEF, 1994;74). Note further, that figures refer to installed capacity.



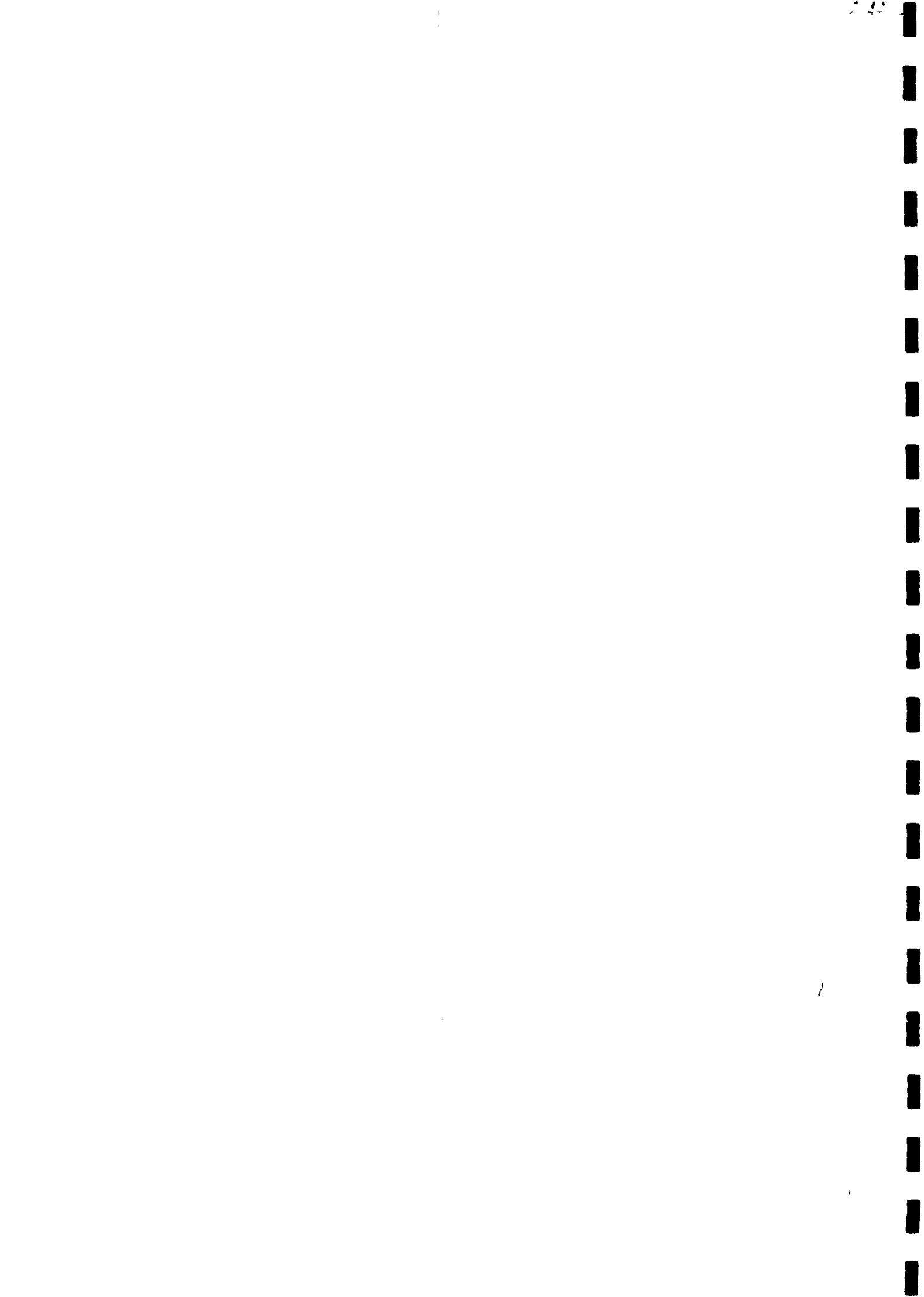


shown that there is now extension of the government's water programmes, but under a changed orientation that seeks to devolve powers to local authorities, involve more the private-business sector and the consumers of the water services, and to acknowledge (and support) the de facto and still increasing role of NGOs. An important feature of the water sector in the contemporary period thus becomes this new orientation, the analysis of which forms the subject of chapter four following.

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## EVOLUTION OF ROLES AND RELATIONSHIPS IN THE WATER SECTOR

PERIOD	Role & Weight of the state	Role of LGs	role of NGOs & CBOs	Role of Priv.sector	Govt R/S With Non-state actors	Form of CP	means of mobilising CP	O&M	Safe Water Coverage
1960s	Major service provider  Expanding investment  (WDD & NWSC)	initial role in maintenance -curtailed 1966	supplement govt. esp. remote areas (point sources)	Absent	- 'transitional tolerance'	Lbr. & materials	-Directive (coercion) - chiefs, -ext.staff	LG. (pump-greasers) (shortlived)  -WDD -(BMUs)	18% (rural)  88% (urban)
1970s	Major provider & investor but incapable	More curtailing thru. centralisation	Very ltd (churches) -suppressed	Absent	-antagonistic -anti-participatory	mainly Lbr	-chiefs -military agents	BMUs (non-functional)	16% (rural)  30% (urban)
'EARLY 80s	State services collapsed (75% of handpumps in disrepair)	Very ltd role	-substitutive -self-help	-substitutive (informal water vendors)	Laissez-faire (condition of non-pol.)	Lbr, Materials, Cash, -also some Dec.making	-incentives -self-organisation	BMUs (Non-functional)	5% (rural)  30-35% (urban)
AFTER 86	Changing to 'facilitator'	Major roles under Dec. -planning -finances -implementation	-Communities (O&M) -NGOs (-supplement gov't, -collaboration	contracting from govt, & communities  -Drilling -construction -distribution of inputs	Combinations of suspicion, supportive, but mainly supportive	-Dec.making -Management -cash, Lbr, Materials	-LCs WUGs WSCs Ext.staff	CBMS (VLOM) (rural)  NWSC (urban)	30-35% (rural)  60-75% (urban)



CHAPTER FOUR  
ENABLING ASPECTS IN THE UGANDA WATER SECTOR; POLICIES, PRACTICES AND  
EXPERIENCES

#### 4.1 Introduction

This chapter presents the findings of this study, discussing the situation of the enabling approach as observed in the Ugandan water sector. In light of the frameworks discussed in the second chapter, the research questions raised in chapter one are addressed. The structure of this chapter is guided by both the features of enablement identified in our analytical framework as well as the research questions. First we look at the changes in the organisation and functions of government and its agencies, then the legal framework, the policy framework, the planning processes, issues of finance and budgeting, Administration, actual roles of NGOs and private sector and their relationships with government, and aspects of community participation. In the last two sections of the chapter, we address the factors influencing the choice of enabling approaches and the impact of enabling actions respectively.

#### 4.2 Changes in the organisation and functions of government and its agencies

These changes will be treated under two distinguishable dimensions namely, (i) those that have taken place within government and government agencies (intra-organizational), and (ii) those that have affected the relations and functions across different levels of government.

##### *4.2.1 Changes within government and its agencies*

Intra-organizational changes in government are necessitated by the need to improve the internal competence of state agencies. This in turn arises out of the recognition that delegating functions to non-state actors is not sufficient to improve general service levels. A strong, competent government is needed to set and enforce the framework in which non-state players can operate. In the case of the Ugandan Water sector, we shall discuss the changes in the organisation of the Ministry in charge of water supply, the districts, as well as the water agencies under the ministry.

At the level of the ministry, a major change in the water sector was the restructuring in 1992 of the formerly Ministry of Water and Mineral resources, and later the Ministry of Water, Energy, Minerals and Environment protection which was responsible for water affairs in the country, and the consequent amalgamation of its departments with departments from other ministries to form the Ministry of Natural resources. This was part of national-wide public service reform that saw the reduction of the number of ministries from 38 to 21. The reform followed an action plan whose one of the major components was



the rationalisation of ministries and districts. This rationalisation component had the aim of producing smaller, more accountable organisations that perform only core functions (Langseth, 1995;373). The merging of ministries was followed by an evaluation of the role of the ministry and a consideration of the activities to be privatised or coordinated between ministries.

At district level, a similar rationalisation exercise took place to reconsider the role of government, set objectives and priorities, agree on performance indicators, remove redundant staff, and specifically focus on capacity-building plans, including retooling and staff development (ibid). District restructuring in some districts such as Rakai resulted in a reduction in district administration departments from as many as 26 to as few as 8 (Rakai district, 1994;33). Overall, the exercise came out with an almost 50% collective reduction in staff at both ministerial and district levels, but this reduction was greater at the ministry level.

Changes were also effected in the government water agencies. What was formerly the Water Development Department (WDD) was changed from a departmental status to a directorate. The department and now the directorate, is in charge of water supplies in rural and small urban centres. The change was to signify the changed role of the agency from a direct provider and operator of water facilities to more of a regulator (see details of new roles in next section). A good indication of the DWD's new roles is the strengthening of its capacity for monitoring and evaluation activities. Although the department performed the monitoring roles in the past, it had no systematic monitoring system, it relied on progress reports from individual projects. The DWD now has a new organisational set up which includes a Monitoring and Evaluation (M&E) unit. The M&E unit is logically located in the Inspectorate and Support services department of the DWD, which is in charge of coordination and monitoring of all district water activities. A comprehensive monitoring system is being developed (Jacobi, 1994;1-6)

Other internal developments have included human resource development programmes, capacity-building, and actions to bring about accountability and transparency. The skills and management training programme in the NWSC, which commenced in 1993, and is on-going up to 1997 is one such a development. The programme intends to provide training for all levels of the workforce including senior management, with the objective of improving technical and management skills within NWSC, but also to develop a training capacity within the corporation that will continue to meet its training and skills development needs. Skills management and training accompanying the on-going programmes of institutional development and legal reform was seen as prerequisite for





improved performance (Kane, 1995;110). An important feature of these training programmes was the shift from a purely technical oriented training that characterised previous NWSC training, to the incorporation of management and consumer relations courses. A look at the list of topics for senior and middle managers reveals an 'enabling' orientation. The list reads; institutional development, corporate planning, commercial orientation, management information systems, leadership, organisational behaviour, and customer relations (ibid).

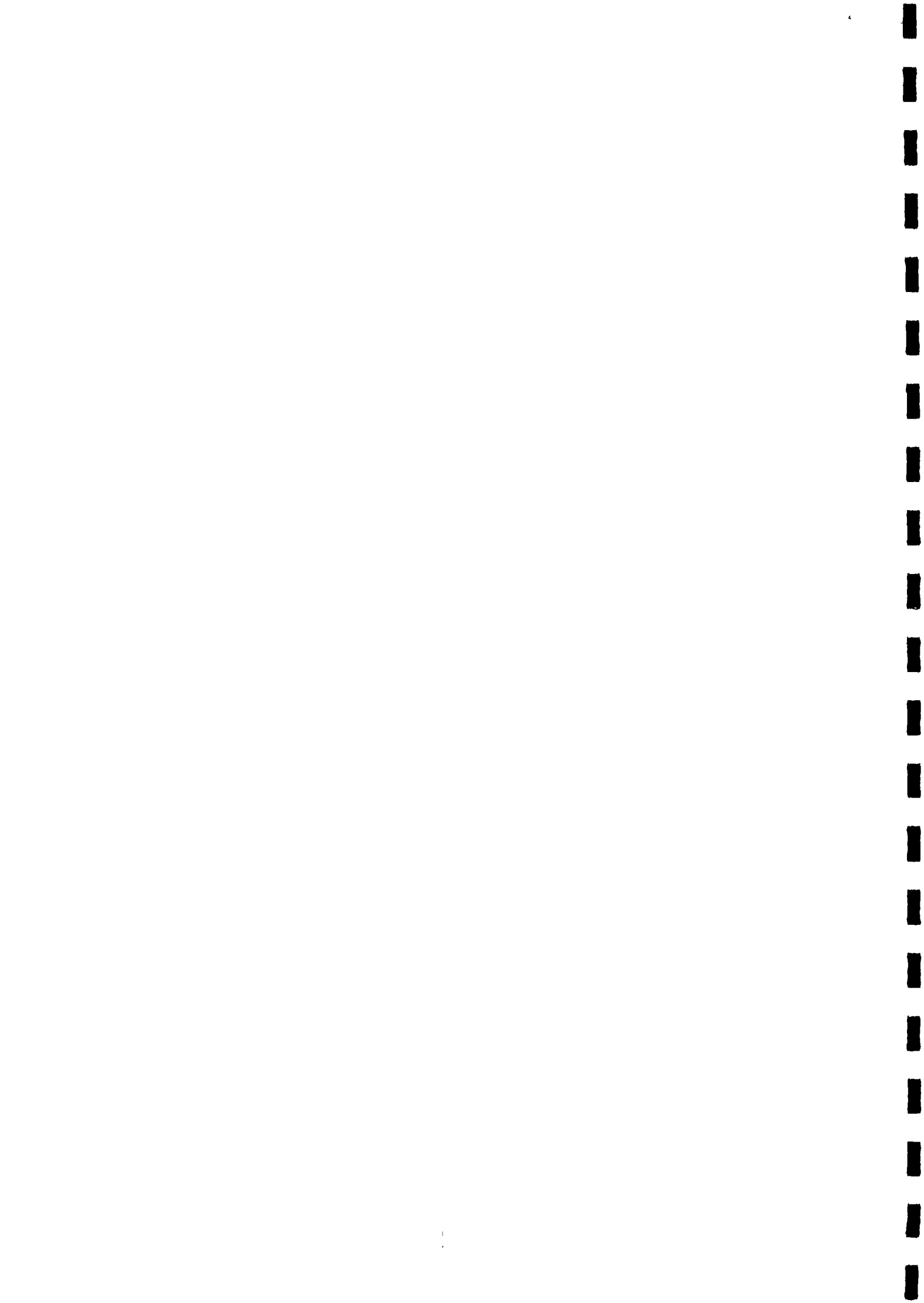
Similarly, the DWD is now paying renewed emphasis on Human Resource Development (HRD). Since 1994, the DWD has got a Human Resource Development Support Unit (HRDSU) charged with facilitating coordination, communication and collaboration among various HRD stakeholders in the sector, who were previously applying fragmented efforts often leading to unnecessary duplication and ineffective results (Omara, 1994;1-12)

The reforms have also included the redesigning of job descriptions elements of corporate restructuring and measures for financial discipline. These changes seek to instill a business culture which has hitherto been visibly lacking in the public sector (Langseth, 1995).

Whether, in practice, these measures are really working can be contested. In an urban management study by Meijer (1994), carried out in Mbale Municipality - Mbale being one of the major urban areas in Uganda - it was found out that the role of local government in Mbale - in policy and in practice - was restrictive rather than enabling. On one hand the local government was characterised by too much bureaucracy, corruption and lack of transparency - which repelled private sector development - while at the same time, services provided by district government and para-statal were both inadequate and expensive. The Mbale NWSC had disconnected many water consumers who failed to meet the payments for the increased water tariffs. Complaints from the community members and the commercial sector indicated lack of responsiveness to people's needs and lack of transparency. Some complaints can be reflected in the common phrases which the researchers came across; 'we pay tax and nothing happens' and 'the extra-tea-money' (bribe) involved in dealings with (some) government officials (Meijer, 1994;67,68). In addition it was found out that there was little participation in the urban management process by other non-state sectors. (ibid;75)

#### **4.2.2 Inter-governmental changes**

The decentralisation programme already mentioned in chapter three has brought with it significant changes in the running of water affairs at different

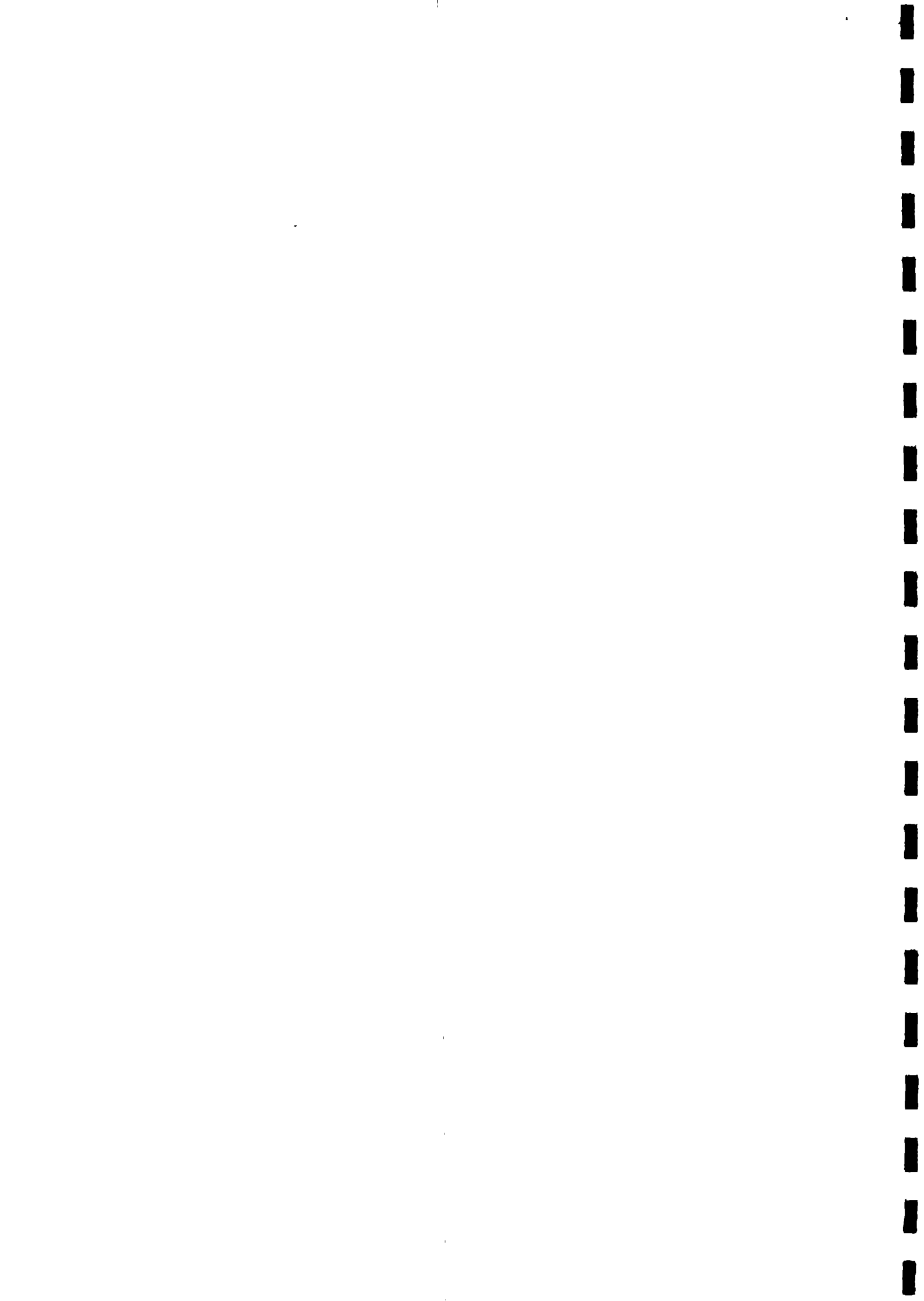


levels of government. Historically, the WDD operated as a traditional centralized organization with regional water offices, each serving several districts. The department was responsible for all the aspects of water supply in rural and some urban centres including policy formulation, overall planning, implementation, and operation and maintenance. Over the last three years, the role of DWD has been undergoing a redefinition such that it sheds off most of its traditional responsibilities. The directorate is now supposed to concentrate on; (i) policy formulation, (ii) Planning and supervision of capital development works, (iii) Human Resource Development, (iv) back-up support and advisory services, (v) liaison, (vi) monitoring, and (vii) regulation. While physical implementation is to be out-contracted, the supervision and management of contractors is supposed to be (gradually) handled by the district administrations (RUWASA, 1995;5, Kavutse, 1995;118). As stipulated in the sixth schedule of the Local Government (Resistance Councils) Statute, 1993, the provision and maintenance of water supplies outside the jurisdiction of NWSC is one of the functions that has been transferred to the district and Urban councils.

Meanwhile the offices of the regional Water engineers have been abolished, and their roles transferred to the districts (Irumba, 1994). All field officers of DWD now come under the direct supervision of the districts' Chief Administrative Officer (CAO) (DWD 1994a;10), who is the highest civil servant in the district. The following functions originally handled by DWD are now decentralized to the district;

- (1) Planning the development of rural water schemes, including spring protection, provision of shallow wells, boreholes, and piped water schemes.
- (ii) Planning the development of urban water supply systems
- (iii) Mobilising resources for development work (although part of this role remains done at central level as well).
- (iv) Executing the development of rural, urban, and institutional water schemes.
- (v) Operating and maintaining urban water supplies in areas not under NWSC and other undertakers.
- (vi) Monitoring and supervising the work of NWSC and other undertakers within the district
- (vii) Monitoring and providing technical guidance in the operation and maintenance of rural and urban water systems (within the district, while the overall monitoring and technical guidance remains the role of DWD) (DWD, 1994;4,10)

In line with this, the governments recurrent finances have also been decentralized, and districts now make their own revenue and expenditure budgets. They are empowered to raise revenues from graduated tax, fees,



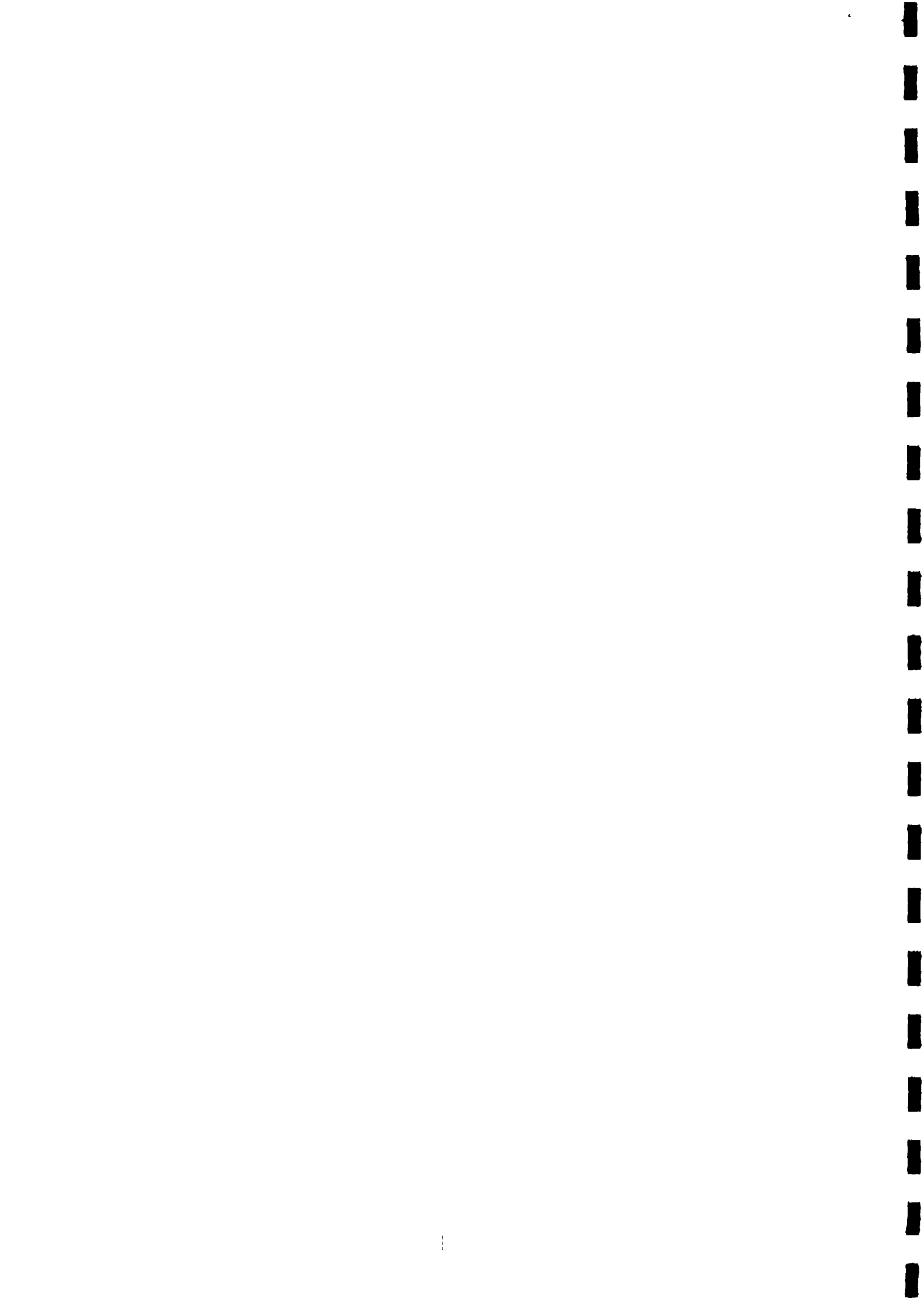
licences, permits and other local revenue sources, as well as external sources (ROU, 1993). In addition, districts prepare their own plans which are then to be integrated into national level plans. The District Development Committee assigns responsibility for water to its most appropriate committee, which takes charge of preparing and evaluating plans.

At the sub-county level, the decentralization policy allows sub-counties to retain 50% of the locally raised revenues. The sub-county committee which draws the sub-county budgets has authority over the use of these funds. Meanwhile, as already mentioned, the LCs at village, parish and sub-county levels are charged with identifying, initiating, and implementing development activities. Activities for clean and safe Water are under their jurisdiction, alongside other activities such as road works, schools, community health and so on.

The total effect of the political, administrative and financial decentralization reforms is a new system where local budgets and priorities are the responsibility of the districts, local administrative staff are answerable to local councils, the district development committees prepare and evaluate water development plans, and the local committee is the backbone of a decentralized service allocation system (RUWASA, 1995;7)

However, difficulties remain in seeing these changes through.

The process itself sets major challenges especially with regard to capacity requirements at district level. As Dillon (1994.p.7) notes, it requires experienced water engineers for each district to develop and oversee water supplies, and also additional manpower resources for logistical, administrative, planning, budgeting and information collecting activities. It is to be noted, however, that even after decentralisation, district capacities remain miserably low. A recent RUWASA document lamented the weak, and in some cases the non-existing capacity in the five districts where the first phase of the project has been implemented. These weaknesses mainly related to lack of appropriate skills for management, planning, financial control, accountability, as well as specialised knowledge e.g concerning drilling (RUWASA, 1995;14). In addition three particular weaknesses were identified in the districts where the second phase of the project is to be implemented. These are; (a) lack of budgets for water supply and sanitation, (b) lack of experience in planning and management (particularly financial management), and (c) inadequate technical skills in specialised areas such as participatory communication, hydrogeological investigations and supervision of deep drilling (ibid;15). Thus it seems that the transfer of major responsibilities to the districts can only be gradual, the pace being set by how fast district



capacities are established.

#### 4.3 Legal framework for enablement

In analysing the legal framework for enablement, it is important to distinguish the framework set up at different levels, namely the national, the sectoral and the sub-national level. This is in line with our theoretical framework (Burgess et al, 1994) which pointed to the different levels at which enabling interventions may be undertaken. We begin with the relevant legal framework at the national level.

##### 4.3.1 Legal setting at National level

Three national-level legal enactments which are relevant to the processes in the water sector are;

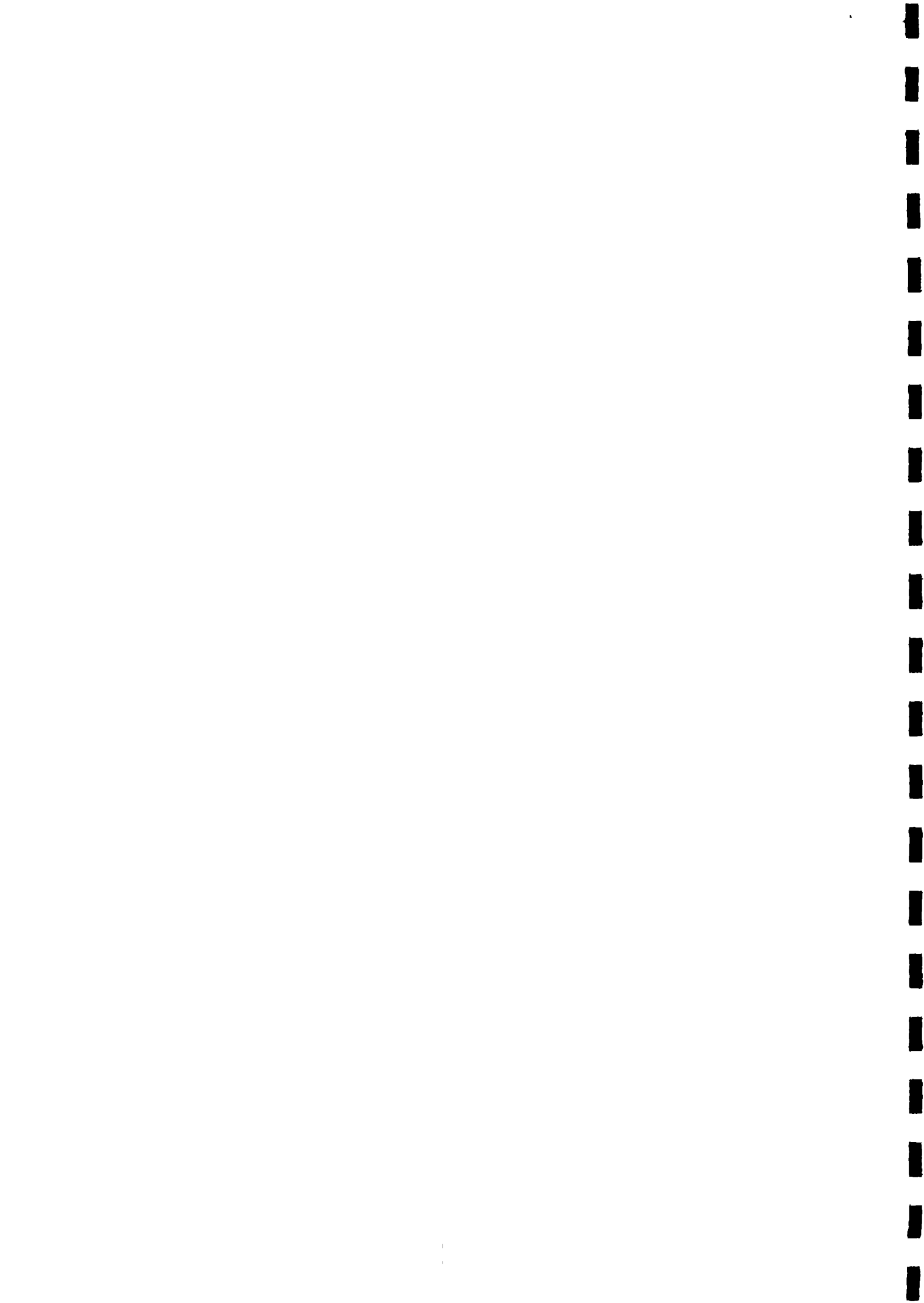
(a) The newly promulgated *National constitution (1995)*, which embodies particular clauses that directly relate to the water sector; particularly recognising clean and safe water as one of the rights and opportunities that all the citizens should have access to,

(b) *The Non-governmental Organisations (NGOs) Registration Statute (1989)* which provides for the registration of all NGOs and monitoring of their work by a Board established under the Ministry of Internal Affairs. NGOs are required to declare their activities, their areas of operation, their source of funding, and to work through local authorities (see ch.3).

(c) *The Local Governments (Resistance Councils) Statute (1993)* which marked the beginning of a full-scale decentralisation drive by which most government functions are to be managed and performed at local levels. In their own words, the government refers to this statute as "an enabling law that opens the doors for a continuous process of decentralisation and creates a framework for autonomous decision making" (ROU/Decentralisation Secretariat, 1994;8). The statute establishes local councils (district, city, municipal, town, division, county, and sub-county) as corporate bodies. It also establishes District Development Committees (DDCs) which are charged with all the development matters of the district, and also establishes Working Committees under the DDCs.

##### 4.3.2 Sectoral legal setting

At the sector level, the legal framework is currently vested in three instruments namely; (a) *The Water statute (1995)*, (b) *The National Water and Sewerage Corporation (NWSC) Statute (1995)*, and (c) *The National Environment Statute (1995)*. As can be deduced from their respective years of enactment,



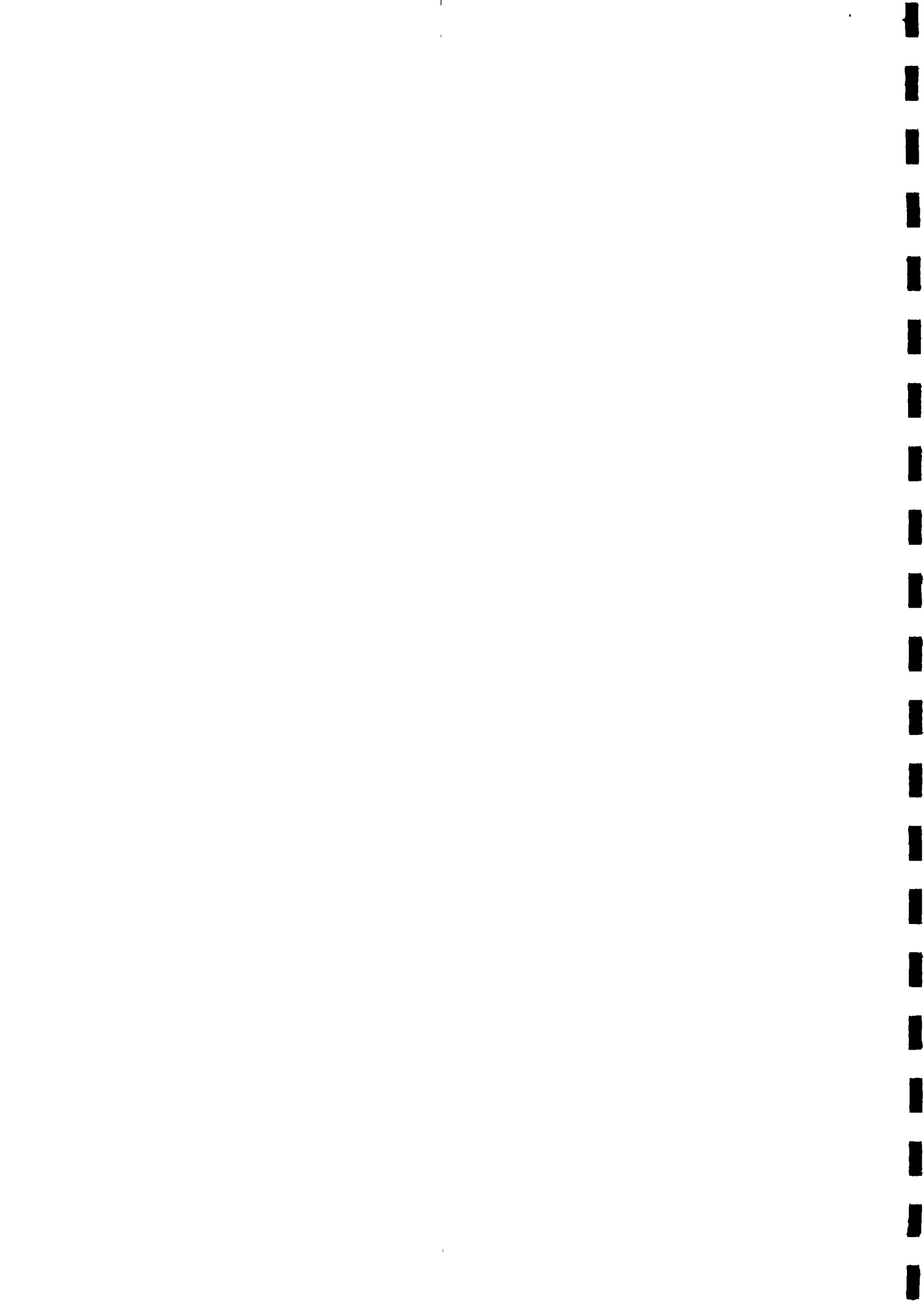


all the three instruments are very recent (as are the policy instruments which will be discussed in the coming sections) and have been a result of the ongoing search for a better legal framework. The timing of these enactments has not followed the conventional trend by which actions follow legislations and policies. Instead, in Uganda, the implementation of most actions has preceded the policies and legislations. To a large extent, therefore, rather than setting in motion new actions, the current legislation has served to legitimise actions already being implemented. Perhaps the newness reflects the present government's new commitment to creating an enabling environment for the sector. Methodologically, however, the newness of these statutes means that this study cannot evaluate how they have been translated into practice. Nonetheless, they represent a major bench mark for the implementation of the sought after changes in the sector. We discuss each in turn.

a) *The 1995 Water Statute*

For many years the legislation for the regulation of the water sector was inadequate, outmoded - having been of colonial origin - and scattered under different laws, decrees and Acts. For instance different aspects affecting the sector were previously contained in the Water works Act, others in the Mining Act, others in the Public Health Act, and yet others in the National Water and Sewerage Corporation decree (no.34 of 1972), without any comprehensive policy that unified them (Min.of Water & Mineral Development, 1989). Both the segmented nature of laws as well as their content posed a constraint to the implementation of vital changes that have been initiated since 1986. The lack of clearly defined sector laws (and policies) was noted as one of the major drawbacks in the Sector's development strategy and Action Plan of 1989 (ibid). The institutional restructuring which was proposed at that time could not be accommodated in the legal and policy framework that was in place. For instance while Water Committees began to be formed in some areas as early as 1986, these had no legal identity. These and other shortcomings prompted a water sector legislation study which led to the preparation of the new Water Statute that was enacted in November 1995 (MNR, 1996).

Striking is the mission which the Statute is meant to serve; " A Statute to provide for ... ; and to facilitate the devolution [*emphasis mine*] of water supply and sewerage undertakings" (The Water Statute, 1995;7). The Statute (Div.7,Art.50 [1-3]) provides for the formation of **Water User Groups** (WUGs) by a set of individuals or households for the purpose of collectively planning and managing point source water supply system in their area. Such a User Group is also empowered to collect revenue from persons using the water supply



system for the maintenance of the system<sup>20</sup>. The Water User Group may operate through a Water and Sanitation Committee (WSC) which would be the executive organ of the group. Where a water supply system is established by and is serving more than one user group, the Statute provides for the formation of a Water User Association (WUA) from Water and Sanitation Committees of several user groups (The Water Statute, 1995 Div.6, Art.51[1]).

Thus we can note three outstanding accomplishments of the new statute, namely, (i) bringing together all the relevant legislation affecting the sector under one comprehensive document for the easy accessibility to all the interested parties in the sector, (ii) establishing a legal identity for WUGs, WSCs, and WUAs, and finally, (iii) providing for the devolution of authority over and responsibility for water supply to communities.

(b) *The National Water and Sewerage Corporation (NWSC) Statute (1995)*. This provides for the continued existence of the agency as a corporate body, operating on a sound commercial basis, and in line with the provisions of the Water Statute and Action Plan.

(c) *The National Environment Statute (1995)*. This establishes the National Environment Management Authority (NEMA) and empowers it to, in collaboration with the lead water agency, establish the minimum water quality standards for different purposes including for drinking water (Part VI.S.26). The statute also makes provisions regarding the restrictions to the extraction of water from natural water bodies (Part VII.S.35).

#### **4.3.3 District level legal frameworks**

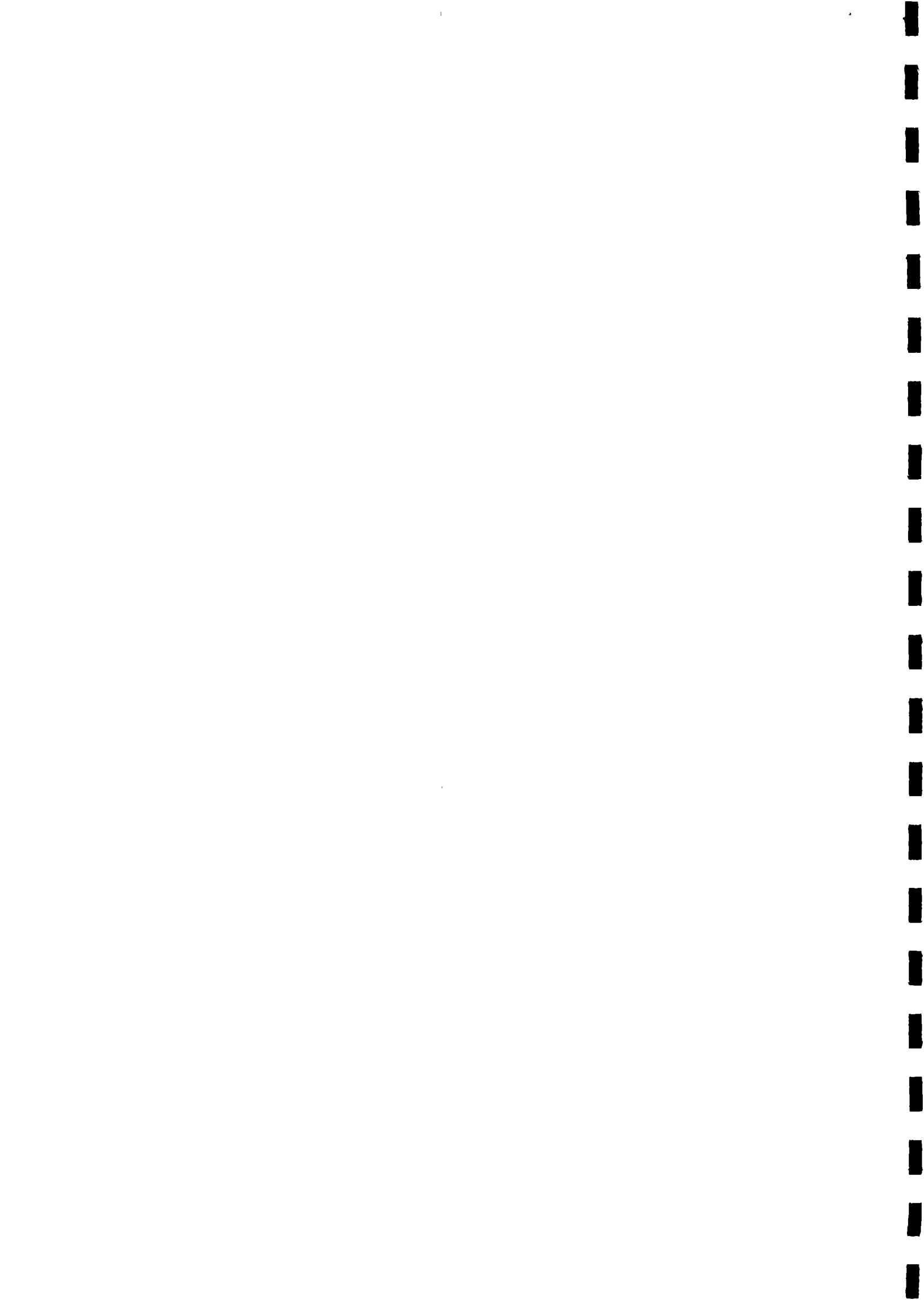
District councils are empowered by the Local Governments Statute (1993.III.S.14) to make local laws (bye-laws) in relation to their functions and responsibilities. Local laws are, however to be made in accordance with the Constitution and any other enactment by the legislature. Even below the district level, local councils (LC 1,2 and 3) can - as long as they are not contravening higher level enactments - pass bye-laws relating to their functions and responsibilities.

#### **4.4 Policy Framework for enablement**

Perhaps, no where are changes to create an enabling environment urged for and anticipated to be greater, than in the realm of government policy. We shall

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<sup>20</sup> The statute does not mention whether or not the WUGs own the water supply system or the facilities thereof. However, the National Water Policy does (see section 4.4.2a).



treat the policy framework according to the level to which it applies, beginning with national level, to sector level and on to district level.

#### *4.4.1 Policy framework at National level*

Three relevant policy changes at this level are;

(a) The decentralization policy - dating earlier than the provisions of the 1993 Local Governments statute - which has roots in the NRM's 1986 Ten Point Programme and its participatory philosophy. The policy, from the beginning, sought to promote self-reliance, community participation and democratic rule through grassroots structures, the Resistance councils and committees. This policy has now evolved to greater scales and has been refined and applied to most government functions. Its application in the water sector is detailed in the sections ahead.

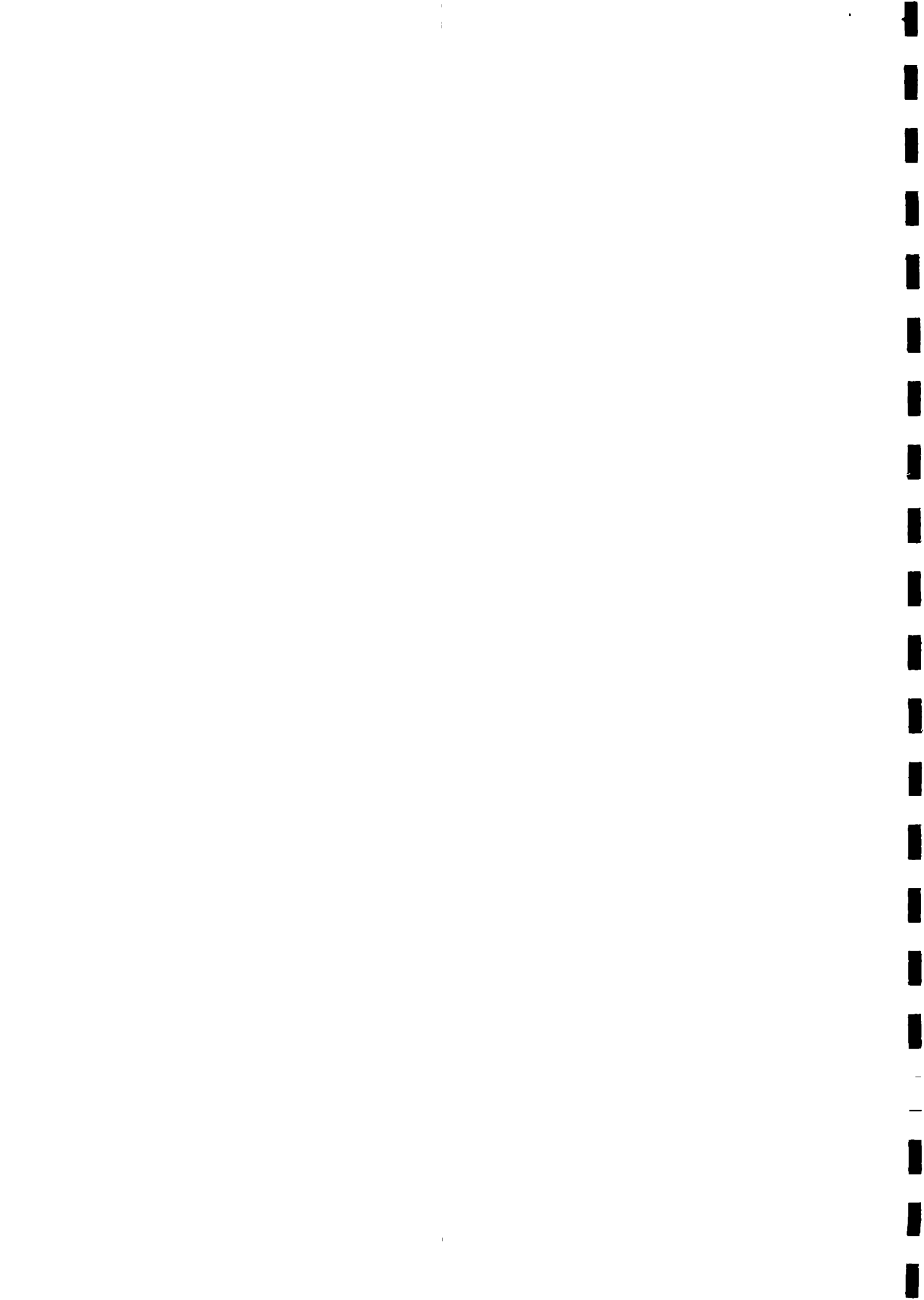
(b) The privatization policy which seeks to divest government from service corporations at the same time encouraging and facilitating private sector participation in all the activities of the economy, no less in the water sector.

(c) The National Science and Technology (S&T) policy (1993) which has as its goal for the water sector "to promote S&T activities that would improve the quality and quantity availability and utilisation of ground and surface water" (UNCST, 1993 cited in Kasozi, 195;116). The policy outlines four strategies for achieving this goal two of which are relevant for our discussion namely; (a) supporting research and development activities that help to improve the utilization of water, and (b) encouraging S&T investigations aimed at improving clean water supply systems for urban and rural especially arid and semi-arid areas (ibid). The policy is intended to guide top government and sectoral planning machinery in incorporating S&T aspects in their policies. With a new emphasis on searching for water technologies that are affordable and maintainable by communities, which should at the same time be attractive for the Ugandan private sector to supply, this policy takes on significant relevance.

#### *4.4.2 Policy framework at Sector level*

##### *a) The National Water Policy (1996)*

The Water policy was intended to 'assist decision-makers and resource users in determining "who does what" and "how", and in making priorities in the national context as well as the sectoral, private sector, local and individual levels' (National Water policy, 1996;3). The new policy is developed in line with the principle of "Some for all - rather than more for some", which came out of the New Delhi Global Consultation on Safe Water and Sanitation held in

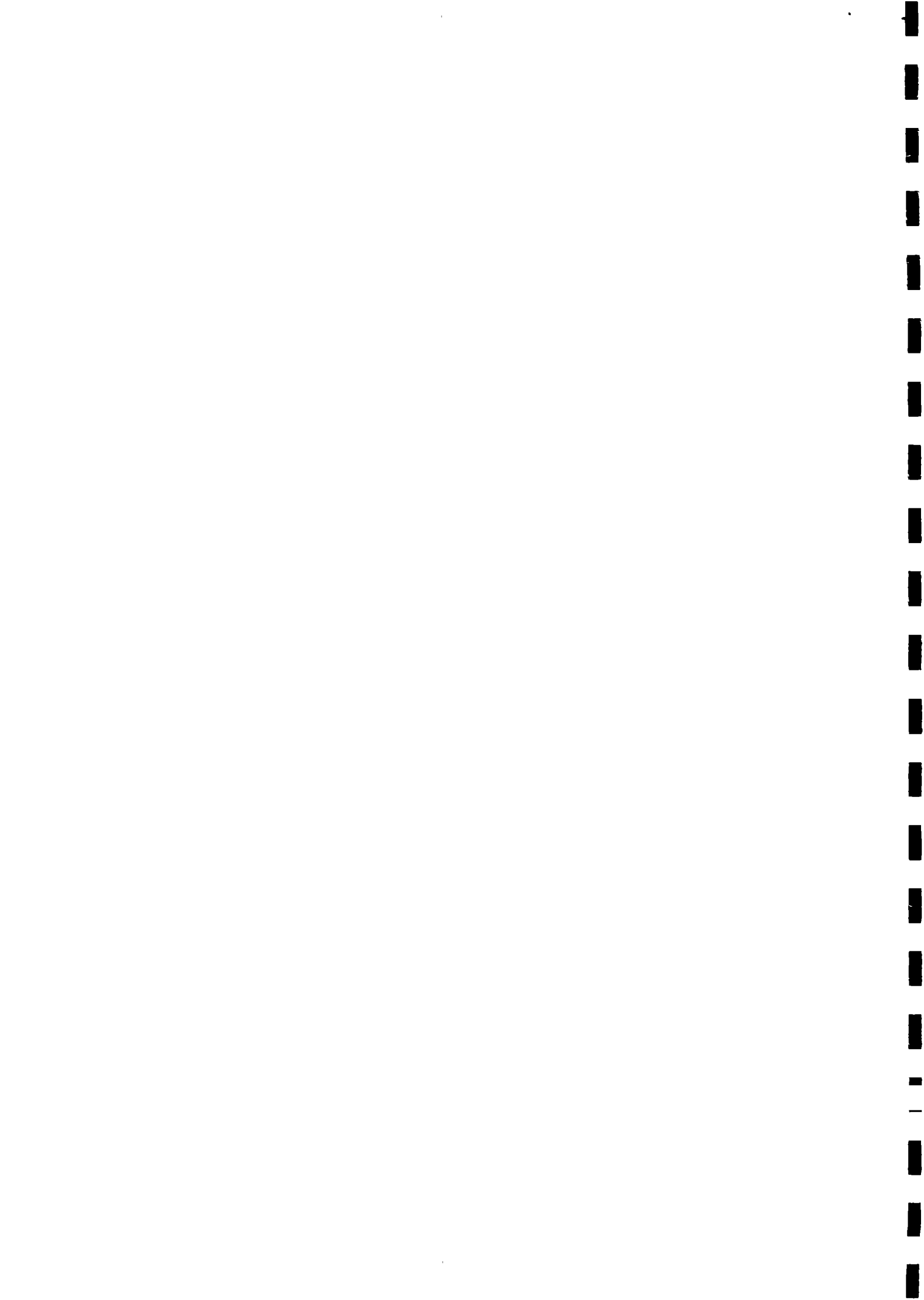


1990 (ibid;13). In addition, the policy is formulated in the context of several international declarations that embrace the objectives of the International Drinking Water Supply and Sanitation Decade, now continued under the Global Forum for Water Supply and Sanitation which among others provides for (a) treating water as an economic, social and environmental good, (b) relying on markets and prices to determine water allocation among various sectors and user groups, and (c) involving the beneficiaries and the private sector in managing water at the lowest appropriate level (ibid;4).

The policy document pays attention to the roles of the private business sector and NGOs. It recognises the role the private business sector can play in the implementation of water activities such as in; design, construction, operation, maintenance, training, capacity building and commercial services. Specifically it is noted that borehole drilling will increasingly be passed on to the private sector while the DWD retains only enough plant and equipment to respond to specific emergency situations. The role of NGOs is treated as supplementing the efforts of the government, and ensuring that the concerns of the underprivileged are incorporated in the national development process. The policy calls for the strengthening of government-NGO relations through the establishment of a regular forum for information exchange as well as formulation of guidelines for harmonised and coordinated NGO operations (National Water Policy, 1996;12).

Meanwhile, the governments policy objective for water supply is stated as (combined with that for sanitation); "provision of safe water within reach...based on management responsibility and ownership by users, to 75% of the population in rural areas and 100% of the urban population by the year 2000 with an 80%-90% effective use and functionality of facilities" (Ibid;13). The guiding principles include among others; 1) institutional reforms promoting an integrated approach and including changes in procedures, attitudes and behaviour and the full participation of women at all levels in sector institutions, 11) Community management of services, backed by measures to strengthen local institutions in implementing and sustaining water...programmes, 11i) sound financial practices, achieved through better management of existing assets, and widespread use of appropriate technologies. In line with the theme of 'some for all - rather than more for some', a fundamental principle to guide the planning and allocation of public funds for water supply development activities is that priority will be given to those segments of the population who are presently inadequately served or not served at all. (p. 13).

As for the strategies, three areas are spelt out;



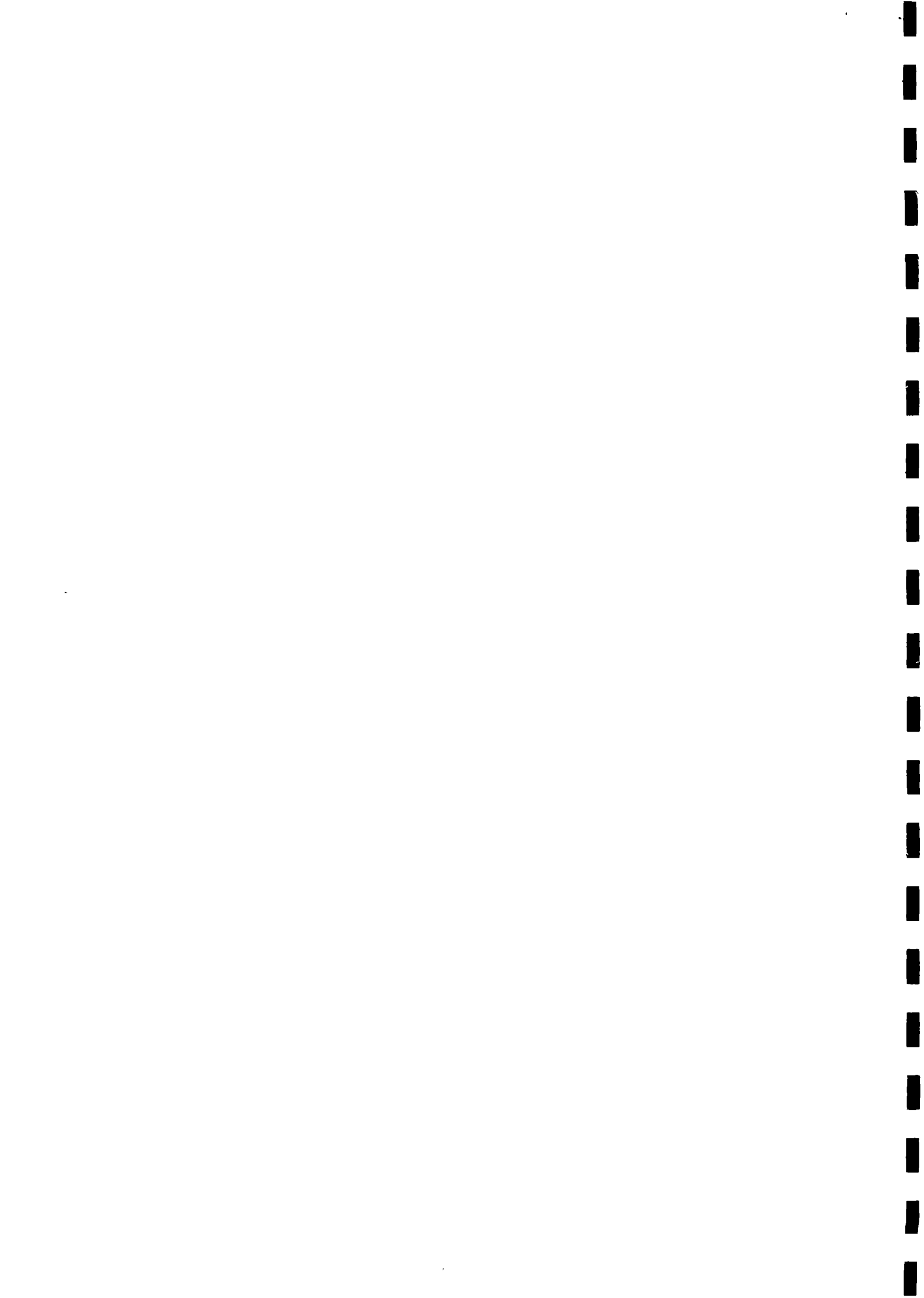


1) technology and service provision; A criteria is set for the service levels in rural and urban areas specifying the minimum quantity and the distance from the water source. It is, however, added that a demand-driven negotiation approach should lead to a level of service chosen with due consideration to walking distance, number of users per outlet, access to alternative water sources, as well as social barriers. That if users choose service levels above the basic level, they will be required to meet the added costs of such services (ibid;14). It states that appropriate low-cost technologies should be selected, offering good possibilities for community participation. It recommends for rural and peri-urban areas, the use of point sources such as protected springs, hand-pump equipped shallow wells, boreholes and gravity-fed piped schemes, leaving engine driven pumps for urban areas where regular power and trained staff can be ensured. An important policy prescription here also, is that technologies should be standardized to safeguard the community-based maintenance system, but that the technical specifications of technologies should be available in the 'public domain' to avoid monopoly situations and over-dependence on donor standards (ibid;15).

ii) Financing subsidies and tariffs; It stresses that public utilities should be financially viable. It pays particular attention to the urban poor, stating that tariff structures with cross-subsidies where appropriate should ensure that services can sustainably be available to the urban poor. In large urban schemes (utility-operated), the tariff structure is supposed to be designed such that it covers capital, operation and maintenance costs. It also recommends a progressive tariff structure to discourage wastage and excessive consumption. Further, that mechanisms for varying tariffs with rises in costs of provision should be in place. Whereas in urban areas the tariffs should cover total capital costs, in rural and peri-urban areas, they should recover only part of the capital costs depending on the technology used (ibid;16).

iii) management and sustainability aspects

Emphasis is on capacity-building particularly at district and lower levels in tune with the decentralisation process, equal opportunities for women's participation in community management activities, and participation of the private sector in construction and actual provision of services. The Community-based maintenance system (CBMS) is qualified as the principle operation system for rural and peri-urban areas. The policy is elaborate on the differentiation of the operation and maintenance system at different levels of water area hierarchy. Thus at village level, it provides for a water source committee (a minimum of whose half should be women), and two caretakers for each source. The committees are entrusted with collecting funds for preventive maintenance and repairs, and for overall responsibility for the maintenance of the facilities. At sub-county level, a greater role is ascribed



to the private sector. There is a sub-county water and sanitation committee, but its role is, together with the LC3, to select hand-pump mechanics and spare-part dealers. Repairs are undertaken by the so selected mechanics, while spare-parts are distributed through local private business operators. At district level, distribution of spares is through district level private spare-part dealers selected by the manufacturers. Districts may have Borehole Maintenance Units to handle repairs beyond the capacity of sub-county mechanics<sup>21</sup>. The DWD at national level retains the role of monitoring the general performance of the maintenance system, and to take policy and corrective action that may be deemed appropriate. (ibid;17-18).

There is also considerable emphasis laid on the issues of sustainability and ownership of the water facilities. It is stated that sustainability should be a prime objective of all water supply interventions. This highlights the importance of both the institutional and cost-recovery aspects of the water systems. The Ownership of all protected water sources in rural and peri-urban areas including gravity flow schemes is vested in the users, while in urban areas it remains with central government, but with a long-term objective of working out the modalities to pass on the ownership to urban users. The Policy is not explicit, however, about whether the 'ownership' so granted to the users also allows them to, for instance, sell off or lease out the water facilities.

A major policy change was the provision for introduction of management and performance agreements or contracts, even for point sources under the management of WUGs. The policy also empowers LCs at sub-county and village levels to enact appropriate by-laws to complement the Water statute and its subsidiary regulations.

(b) *The National Water Action Plan (WAP) (1995).*

The WAP was prepared by government to provide a framework for the proper management of water resources. While the National Water Policy is broader and addresses all aspects of water, the WAP pays particular attention to the management of water resources. The WAP provides a framework which outlines policy options and guidelines for protection, development and management of Water resources. The Action plan adopted and operationalized the guiding principles for Water resources management as derived from the Dublin-Rio de Janeiro (UNCED) process and Agenda 21's chapter 18 on freshwater resources. The guiding principles relevant here include;

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<sup>21</sup> Note that the maintenance of protected springs is entirely left to communities since by virtue of the nature of the technology, this type of facility is not easily liable to breakdowns.



- a) The 'subsidiarity principle', that is, development and management of water resources at the lowest appropriate levels,
- b) the recognition of the role of government as an enabler in a participatory, demand-driven approach to development,
- c) the recognition of water as a social and economic good,
- d) the essential role of women in the provision, management, and safeguarding of water,
- e) the important role of the private sector in Water management (MNR/DWD, 1996;6)

The action plan sets forth a number of strategies in line with the above principles. The strategies are categorised into three viz;

- 1) those that support an enabling environment - through recognizing government's role as an enabler, appropriate legislation, regulatory control, economic incentives, and the WAP-process to provide a dynamic management framework;
- 11) those guiding institutional development - through cross-sectoral coordination, integrated approaches to project development, delegation of functions to the lowest levels possible, private sector involvement, participation of women, and development of water resources management at all levels;
- 111) those that promote better planning and prioritization capacities - noteworthy among them are; prioritization of domestic demands for water, and promotion of economic incentives to avoid water wastage (National Water Policy, 1996;7).

(c) *The National Environment Management policy (1994)* which among other things seeks to promote the aim of sustainably managing and developing water resources in a coordinated and integrated manner so as to provide water of acceptable quality for all social and economic needs (National Water Policy, 1996;6).

#### **4.4.3 District level policy setting**

With the decentralisation policy in place, each district adopts its own local policy for water supply. This might be regarding the roles of different actors in the district, support to community initiatives, financing of water services, and so on. District policies, however, are conceived in the framework of and consistent with the national and sectoral policies. The Local Governments (Resistance councils) Statute, (1993.S.21[1-3]) provides for the election of seven sectoral working committees (but with an allowance for the district council to appoint any others as it may decide) which are charged with district sectoral policy development and planning. None of the committees



prescribed by the statute is specifically on water supply, but the DDC<sup>22</sup> is supposed to assign the water responsibilities to its most appropriate working committee. In accordance with the statute, the matter is in the hands of the DDCs to decide whether the committee is to be exclusively for water (and sanitation), or whether these responsibilities may be assigned to one of the statutory committees.

#### 4.5 Government Planning Processes

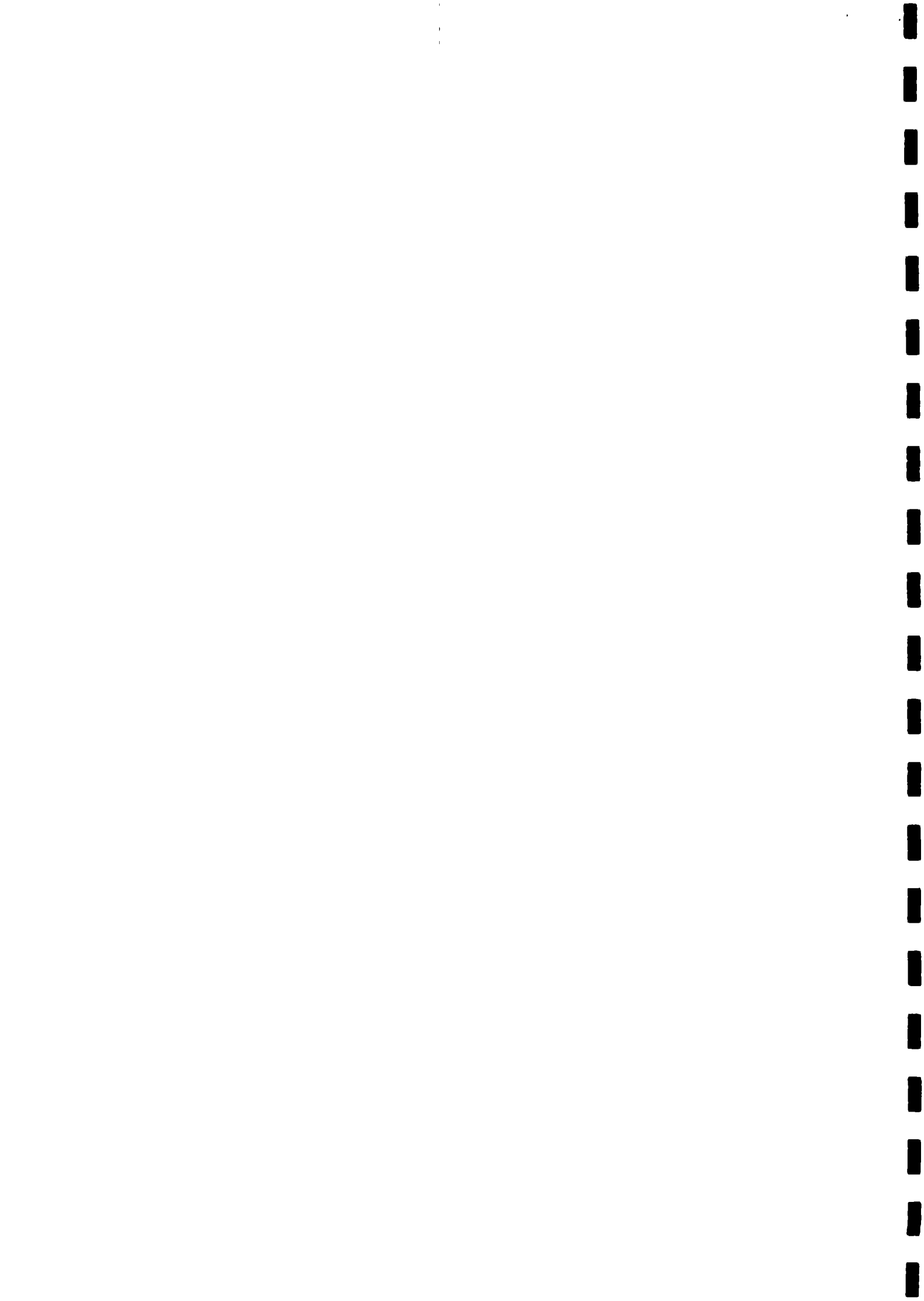
A shift to an enabling approach requires that government no longer sees itself as the 'know it all' planner. From our framework in chapter.2, the extent to which governments at different levels are accepting an 'enabler' role could be reflected in how they alter their planning processes to accommodate, integrate and harmonise with the inputs and interests of non-state actors. This section points out some illustrations of such changes observed in the case of Uganda.

Rakai district exemplifies district planning processes that have been reoriented to an enabling stance. The districts five year Development Plan for the period 1994/95-1998/99 was formulated "based on extensive consultation, full-scale political involvement, community participation, and ... democratic decision-making" (Rakai district, 1994;iii). The district plan recognises the on-going activities in the water sector by NGOs, namely Inter-Aid, Lutheran World Federation, and Church of Uganda. The district plan has as one of its goals for the water subsector, to increase the functioning of water supply points from 60% to 90% by the year 2000, and interestingly, the two strategies to achieve that goal are stated as; (i) training of pump mechanics, caretakers and committees, (ii) setting up of maintenance funds at community level. In yet another goal which is to 'increase women's participation in water and sanitation activities', the strategies are stated as (i) increasing women membership on water and sanitation committees, (ii) increasing women representation in water source caretakers and pump mechanics, (iii) training women in water and sanitation management aspects (Rakai district, 1994;103). Clearly, all the above strategies can go a long way to contribute to Community enablement.

In the RUWASA programme - which is a government water project - planning inputs from non-state actors, particularly NGOs and communities, and cross-

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<sup>22</sup> DDCs are composed of members of the District Local Committee, one representative from each county, the DES, and one representative from each Town or Municipal council in the district. The DDC is answerable to the District Council.





checking with their each other's plans for the sector is ensured through a Project Coordination Committee (PPC). The committee is composed of (as per 1994) among others, representatives from WaterAid, Busoga Diocese, and AMREF, the NGOs that work on water activities in the same area as RUWASA. The Committee meets every three months and is responsible for reviewing and approving RUWASA's project plans and strategies (RUWASA, 1994; annex C).

At lower levels, planning in the RUWASA programme is done in consultation with community-elected structures namely District Action Committees, Sub-county Water and Sanitation Committees (SWSCs), and Water User Groups (WUGs). For instance the SWSC is the one that prepares a parish implementation priority list, indicating the order in which to undertake mobilisation and implementation in the different parishes that may be existing in a sub-county. Meanwhile the WUGs work together with the water-source construction teams to draw a workplan, detailing the sequence and timing of the construction activities (RUWASA, 1991).

It is difficult to establish how big a 'voice' non-state actors have during the joint planning process with government. Similarly, it could be dangerous to assume that the outcomes of these joint planning processes are always mutually agreed by both sets of parties. In one of the sub-counties of Kabale district where an integrated environment management project was being proposed (ROU/MNR, 1994), with spring protection as one of its eight components, the prioritization process - allegedly done after 'wide' consultations with communities - resulted in the Water Component being ranked last. The reason given was that churches (Kabale Catholic Diocese) and other NGOs (none in the sub-county in question, though some in the neighbouring sub-counties) were already providing water (ibid;81). Ridiculously, only 20% of the population in the sub-county were known to have access to clean and safe water (ibid;28). Meanwhile, whereas communities are reported to have been consulted, no mention is made as to whether the said churches and NGOs had also been consulted. It would appear, therefore that the planners (a joint team of experts from the MNR and district staff) were in a haste to relieve themselves of the responsibility for water provision and shift it to NGOs and churches under the pretext of participatory planning and role division.

#### 4.6 Issues of Finance and Budgeting

The decentralisation policy in place has devolved financial powers to LC 3 and LC 5. They are supposed to consider water activities for prioritisation and accordingly allocate the funds that are usually required as often agreed in the cost-sharing arrangements between NGOs and sub-counties.



In Mpigi district where, following the decentralisation process, the district council, the district administration, and local communities are jointly implementing a district-wide water and sanitation project in collaboration with UNICEF, DWD, and AVSI, an international NGO, a capital budget of Uganda shs.75 million (U.S \$ 80,000)<sup>23</sup> was allocated by the district to supplement sub-county budgets for WATSAN activities (Semogera and Kiwanuka, 1995;235). In turn, the sub-counties have allocated substantial amounts - as high as Ug.shs.12m or U.S \$.13000 in some sub-counties - as capital budgets for WATSAN activities (ibid;236). In 1994, Twenty five out of thirty three sub-county councils in Mpigi district had budgets for water activities.

In addition, under the decentralisation policy, districts are operating under new budgeting rules. In the past, districts treated separately, the funds internally generated and those from external sources. This was because externally acquired resources were not considered to be 'owned' by the districts. Districts are now required to include in their budgets, the resources accruing from external sources, be they from donors, central government or any other sources (ROU/Decentralisation Secretariat, 1994;27).

Changes are also being effected in donor budgeting and accounting procedures to get them in tune with government decentralisation. Government has proposed that donors should (i) show the schedule of resources available to specific districts for implementation activities, (ii) send resources (cheques and materials) directly to districts (UNICEF is already doing this), (iii) disburse funds to community representatives (elected by the communities themselves) (EEC/EDF are already using this system), (iv) review accounting and reporting procedures, (the WATSAN project has already established a system of multipartite letters of understanding and annual plans of action agreed between districts, UNICEF, and central government), (v) establish community based and financed systems (almost all donor-funded water programmes are asking communities to finance O&M costs, and in some cases part of the capital costs) (ROU/Decentralisation Secretariat, 1994;29).

However, reports of LC officials at district and lower levels embezzling funds abound. For instance in a recent issue of Uganda's leading Newspaper, The New Vision (Oct.5th, 1996), it was reported that the chairman of Mbarara district council (C/man LC 5) had been charged with abuse of office in connection with some Uganda Shs.100 million (U.S \$ 100,000). Meanwhile the Public Accounts Committee had revealed that in general, over 75% of the graduated tax collections in Mbarara district had been misappropriated by district

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<sup>23</sup> The percentage of this to the total budget is not given, but district budgets are usually in the range of 3-5 billion U.shs.



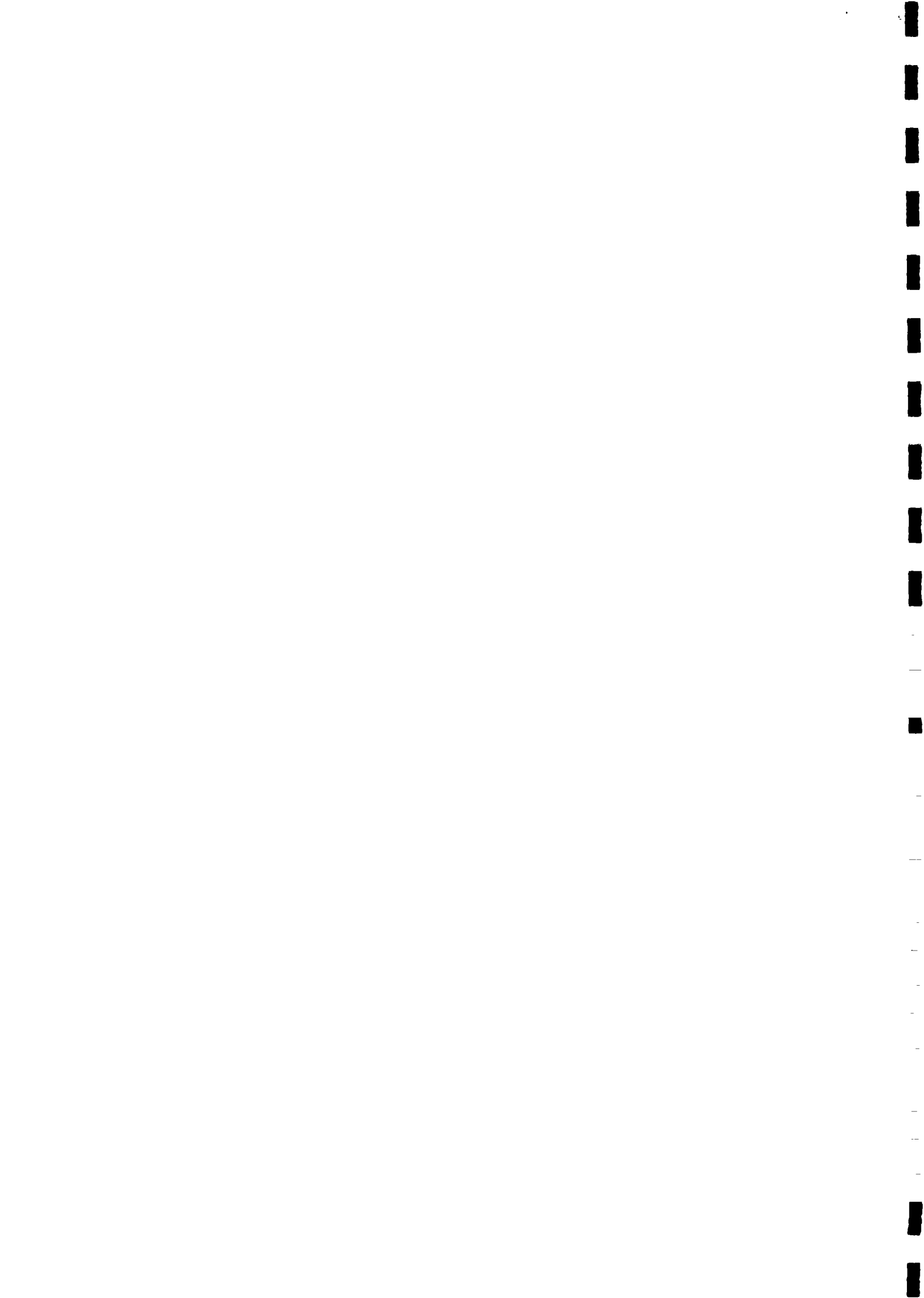
officials. In a similar occurrence, Uganda shs.76 million (U.S \$ 76, 000) of the tax collections in another district, Pallisa was reported to had been disappeared in the hands of sub-county officials. Since the sub-county and district are now the major spending levels, mismanagement at these levels means that most development activities will be stalled. It could be said, therefore that in some districts, devolution of power through the LC system rather than being enabling, has only served to shift the 'eating' locus from the centre to the local levels. Nevertheless, the fact that the cases of mismanagement are now being exposed and prosecuted could be itself be an indication that the process of enforcing accountability has been set in motion.

#### 4.7 Arrangements for Administration

Coordination of community water schemes is mainly done through elected committees. Above the village level, these usually include the parish, sub-county, and district committees. In the RUWASA programme for instance, the SWSC is supposed to keep the LC3 executive committee informed about the progress of project activities as well as to monitor the implementation of activities (RUWASA, 1991).

The government extension workers namely the Community Development Assistants and Health Assistants - who have traditionally been responsible for linking communities with the district, and for monitoring the progress of water activities continue to play this role. However, these tend to be only active in areas where NGOs and other donor-funded projects operate (such as in SWIP, RUWASA), in which case they are paid some allowances.

Further, the governments decentralisation process appears to be affecting the administrative structures of donors and NGOs. To a large extent, the administrative structures of large international NGOs and donors have tended to be centralized with offices in the capital, perhaps designed to deal with government ministries rather than individual districts or communities. Government has of recent asked these agencies to, among other things; (i) consider geographical decentralisation of their offices and activities, (ii) emphasize 'district-based' development as is already being pursued in the case of the Hoima District Integrated Community Development Project and the Rakai district development Programme, (iii) establish committees to coordinate community involvement, (iv) establish other coordination mechanisms such as a system of 'desk officers', 'area officers', using district officials and combination of more than one of the above (ROU/Decentralisation Secretariat, 1994;31).

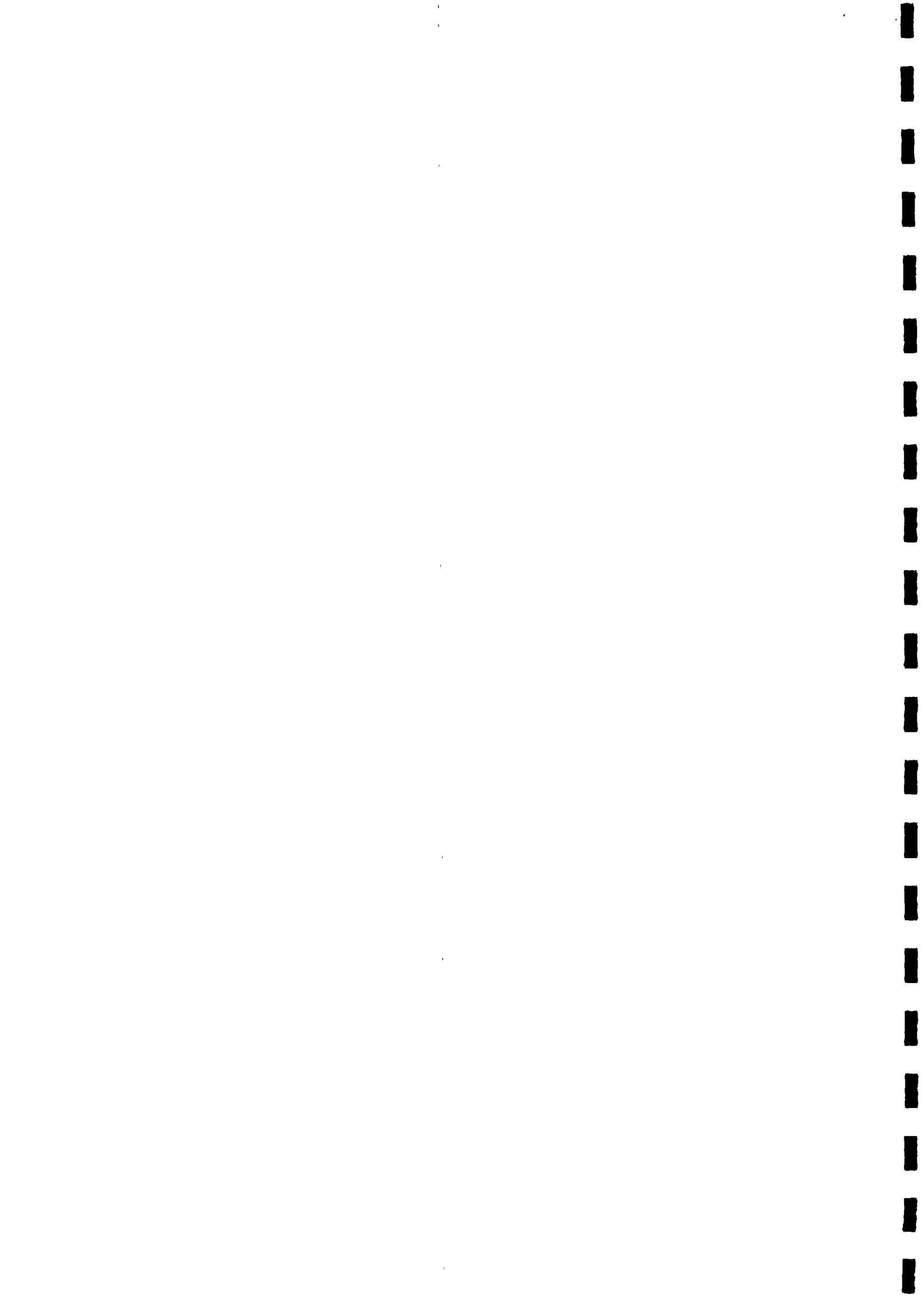


The system of coordination committees mentioned in (111) above, has been applied in the DANIDA-funded RUWASA programme. In addition to the Village Water and Sanitation Committees (VWSCs, now changed to WUGs) and Sub-county Water and Sanitation Committees (SWSCs) which are common in most other water programmes, RUWASA also has District Action Committees (DAC), a Project Administration Committee (PAC), a Project Coordination Committee (PCC), and at the highest level, an Inter-Ministerial Steering Committee (IMSC). The different committees have different roles according to their spheres of influence. While for instance the DACs are district specific and are concerned with the operations within the boundaries of their districts, the IMSC is concerned with issues of a national or inter-ministerial nature (RUWASA, 1994; annex B&C).

However, a number of problems seem to remain regarding the extent of coordination and the administrative mechanisms used.

To a large extent, coordination between districts and non-state actors, especially NGOs remains poor. An officer in each district is supposed to be allocated responsibility for liaising with NGOs in the district and the DDC is supposed to incorporate NGO activities in the district plan and to monitor implementation. In practice, however, it appears that these arrangements are not effective. In some districts, District Administrations have made some attempt to find out what NGOs are doing and to bring them together (Heidenreich, 1994;29). In most, however, there remains only a tenuous, or even a complete lack of coordination between districts and NGOs. In Mbarara district for instance, only a loose relationship appears to exist between ACORD and the district officials. The ACORD officials only go to the district when they have a problem they can not solve by themselves. As if to 'pay them in the same currency', the district administration even when called upon rarely responds since it is not under any previous commitment (see ACORD, 1995).

Meanwhile an Aid Coordination secretariat formed in 1986 and based in the Prime Minister's office which is charged with overseeing and coordinating donor assistance including that provided by NGOs, seems to be doing far less than expected of it. The secretariat is supposed to harmonise, coordinate, monitor and evaluate the performance of NGOs (Odoch, 1994;3). It used to convene monthly meetings for NGOs which used to attract a large attendance from NGOs, but meetings are now less frequent and the agenda tends to be haphazard, with a few vocal individuals dominating (Heidenreich, 1995;29). There are some kind of conflicting inter-ministerial roles in handling NGO matters, between the Ministry of Finance and Economic Planning, the Ministry of Internal affairs, and the Prime Ministers office (Odoch, 1994;3).





Reflective of the poor coordination, there tends to be a concentration of donors/NGOs in some districts compared to others of similar or even greater need for support (ROU/Decentralisation Secretariat, 1994;32).

#### 4.8 Government-NGO relationships

Enablement is about relations between government and other actors. In the case of the water sector, NGOs are one such set of other actors that inter-relate with the state.

To begin with, it is important to mention some of the broad features which, in addition to the historical aspects of the government-NGO relations in Uganda, could have also contributed to shaping the nature of the relationship today. These mainly relate to the characteristics of water provision in the country, and the very nature of the NGOs involved in the sector. First, for a long time today, government has remained unable to reach all areas of the country, especially rural areas with safe water services. NGOs which have been involved in water activities, be they local or international, have in most cases been rural-based, operating in the remote areas where government water services have been lacking. By virtue of this, both governments and NGOs themselves have always and continue to see the role of the latter as supplementary to that of government, reaching out to populations not reached by government<sup>24</sup>. Second, most NGOs with water programmes such as ACORD, ActionAid, and so on did not from the beginning have water provision as their objective, but have come to incorporate it as their clientele request it, or as they find that a water programme is important to achieve other developmental goals. In such cases, such NGOs may not necessarily have stronger competencies in water issues than government, and may indeed have to greatly rely on it to implement their programmes. And third, since most NGOs have a water programme as part of a larger list of programmes (such as education, health, rural development etc), the relations between a water programme and government may have much to do with the broader relationship that the NGO as a whole has with government. We now turn to the relationships which we treat under six strands, namely; instances of fruitful relationships, conflictual relationships, government-side constraints, inter-NGO constraints, government policy on NGOs, NGO influence on government policy, and the independence of NGOs.

(a) The first aspect of the relationship is that where NGOs in the Water sector have fruitful relationships with government and government agencies

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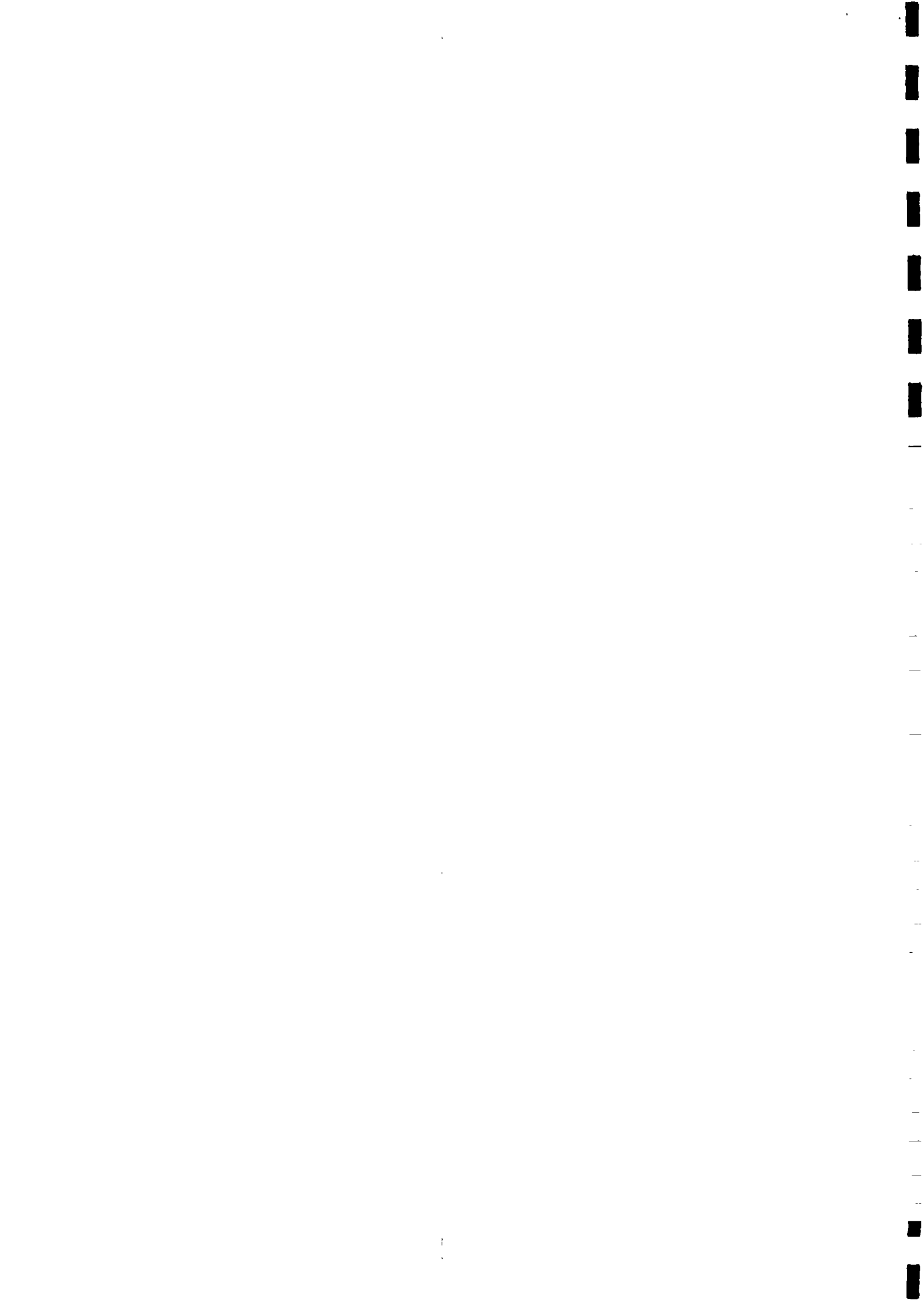
<sup>24</sup> This is, for instance, the perception reflected in the National Water Policy (1996).



reflected in the level of their collaboration. For instance some NGOs are - though to a limited extent - working to strengthen and increase the implementational capacity of government institutions within the sector (Dillon, 1994;2). Apart from some which are rehabilitating and repairing existing water supplies established long ago by government, in others cases they are involved in government capacity building. WaterAid's activities are a clear demonstration of this kind of involvement. WaterAid has beginning in 1992 took on the reconstruction and enlargement of the Bwera Water Project (in Kasese district) which had been started on a small scale in 1987 by the then WDD, and had remained dysfunctional (Copeland, 1995;62). In addition WaterAid has been involved in training gravity engineers for the DWD. This can be considered an important element of capacity building at the national level since government is paying increasing emphasis to the development of gravity flow water schemes as a form of intermediate water technology. At lower levels, other NGOs also extensively train government extension workers and other staff operating at district and community level (Dillon, 1994).

At the same time, most NGOs in the sector work through or use government extension workers. These normally include community development assistants, health assistants, and others in the related sectors. In most cases, such extension staff do not even belong to the Ministry of Natural resources which has responsibility for water activities. Instead, they mainly are from the line ministries such as health, and Gender and community development. The practice of NGOs working through government extension staff has great advantages - such as saving the NGOs' own staff requirements, or rather lowering their staffing costs and compensating staff shortages, which most NGOs frequently face. It also has the potential effect of harmonising of government and NGO activities.

In addition - and as we noted in the earlier sections - most if not all NGOs work in close collaboration with LC officials at different levels. The spectrum of activities in which LC officials are usually important include community mobilisation, enactment and enforcement of by-laws, issues of land acquisition, and in some cases, vetting of candidates to be trained as HPMS. At higher levels such as at LC 3 and LC 5, their role also enters the financial sphere, since they control budgets. In a study by Heidenreich of NGOs in Uganda, many NGOs commended the LC system as providing a conducive atmosphere for development work and facilitating social mobilisation. Many community-based NGOs interviewed carried out their work in close collaboration with LCs (Heidenreich (1995;29). Specifically in water activities, LCs have been very important where issues of land acquisition have been important in the location of water sites. In the ACORD water programme for instance, an agreement regarding land rights is signed between the landowner and the Water



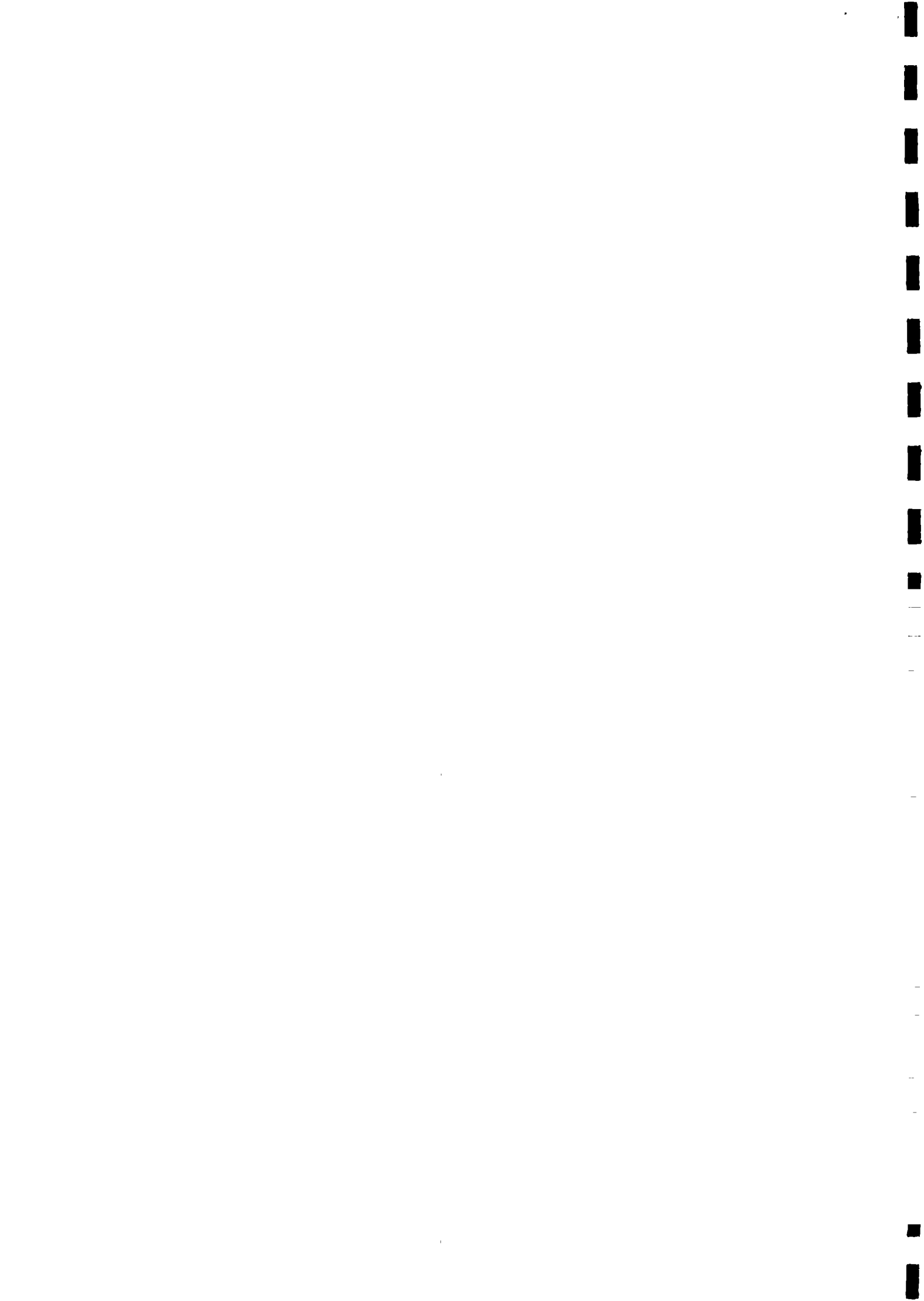
Committee and endorsed by the LCs before construction work begins. In addition, the LCs work together with the water committees to enforce the rules governing the water points (Rwabambali et al, 1995;230). In general, many NGOs are actually rely on LCs for mobilisation for meetings, identification of local problems, as well as identification of resource people (Dicklich, 1994;8).

In addition, and in comparison to the pre-enablement era, NGOs can now work closely with their district officials. In earlier days NGOs had to consult with ministry headquarters which brought some conflicts with local authorities who felt overlooked (Wabwire, 1992). Of course it also involved delays, bureaucracy, and other problems. Even big donors can now directly deal with district governments. In Rakai district, DANIDA and Save the Children Fund (SCF) support the district and channel the funds through the district administration (Rakai district, 1994;35).

(b) A second observation is that, much as NGOs may have fruitful relations with governments or their agencies, this relationship is not always non-conflictual. For instance, the NGOs which work through government extension staff, some normally pay some allowances or incentive fees to these staff, while others do not (Dillon, 1994;4). Dillon found that NGOs did not have guidelines about the payment of allowances to government extension workers. This may be a source of some serious misunderstandings. NGOs operating in neighbouring communities may, to similar extension staff who perform similar work, pay different rates or in some cases some may not pay them anything at all while others do pay them. This obviously raises discontent among those who are less paid or not paid at all.

In other cases - and this is mainly because government remunerates its extension staff very poorly - the extension workers finding better rewards in working with NGOs may choose to pay less attention to their official government work especially where such other work includes activities not directly related to water activities. A case in point is Community Development Workers whose scope of work may in addition to water activities have to do with roads, schools, and so on. Problems also arise in the reporting relationships since extension workers are faced with a dual command, from their parent government departments as well as from the NGOs they work for (Dillon, 1994).

And finally - and this could be of serious magnitude - the extension staff are likely to be acutely demoralised to the extent of neglecting their official work when the NGO activities come to an end, or when the duties assigned to them are terminated and together with them the payment of allowances is



stopped. The magnitude of this last problem is even greater where the extension staff have been used to a good working environment facilitated by the use of NGO vehicles, as well as other facilities such as telephones, computers, and stationery. This problem has been anticipated in the WaterAid supported Bwera water project (Copeland, 1995;63).

These problems associated with the use of government extension staff by NGOs can also be envisaged to exist, and indeed they do exist, when NGOs work with or through LCs. A case in point is reported in the WaterAid programme where LC officials could not attend meetings unless lunch was to be provided (Copeland, 1995;62). Yet, much more than in the case of the extension staff, the problem in the case of LCs might be greater stemming from the fact that LCs have been expected to continue working on a voluntary basis and are not paid at all by government.

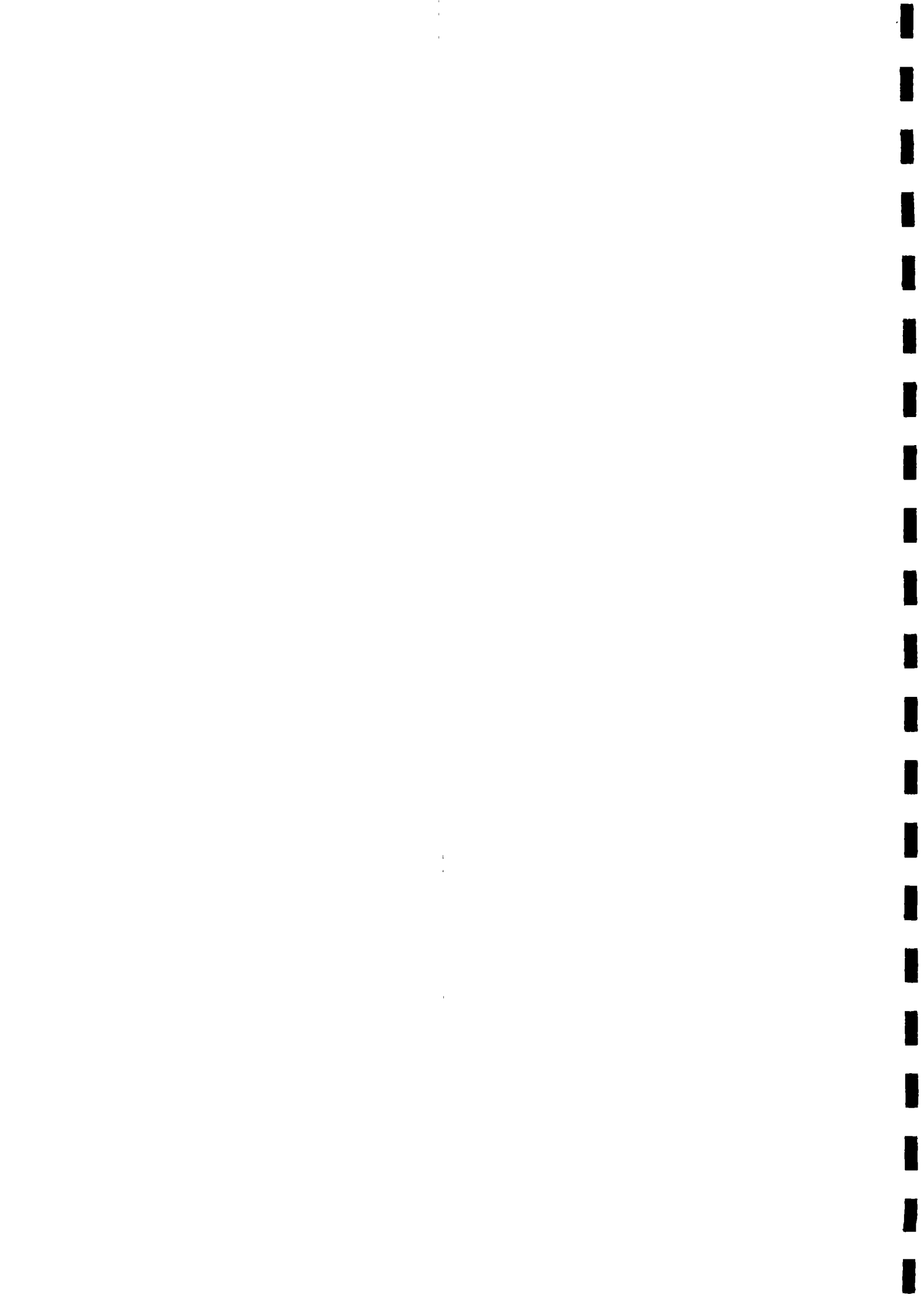
Relations between NGOs and district governments tend to vary across districts. Whereas in districts such as Luwero, NGOs are considered important players in the development of the area and are treated as such, in others a different scenario may exist. A good example where NGOs are seen with animosity is Arua district. In a project proposal document for environmental management capacity building in Arua district<sup>25</sup> - for a project which had as one of its components, water provision through spring protection - a section of one chapter was devoted to cautioning about the involvement of NGOs in the project. The section starts from the assertion that most of the project activities can be implemented by the district departments if resources are available. It then proceeds that;

the district capacity has in the past been crippled by NGOs 'poaching' qualified staff from the district. ... The district officials as well as the politicians are of the opinion that some NGOs operating in the district lack transparency... Another argument against contracting NGOs to implement activities is that project designs are often changed by the NGOs as soon as the implementation begins, and in some such cases the original objectives have been compromised. Generally, it is felt that the appearance of the NGOs as implementors have been a donors' wish rather than the wish of the district. At the end of projects, NGOs have often retained the project assets to the detriment of the sustainability of the project activities (ROU, 1994;15).

This quotation represents the picture in which some district governments hold NGOs, or rather, it shows that conflictual relationships do exist at district level. Moreover, problems of this kind would exist with or without decentralisation. It is not surprising that what was proposed was the strengthening of the district to implement projects (itself), and the strengthening of its mandate to 'coordinate' (read 'control') the activities of others. The document lightly mentioned that NGOs will be contracted to implement certain activities, but neither were such activities specified nor

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<sup>25</sup> The document was produced by a joint team of the district staff and technical staff from relevant ministries.





were the procedures of working with NGOs given attention. The Project organisation chart which was proposed had no place for NGOs.

What needs to be realised is that even within a given district, relations between the district officials and different NGOs in the same district may vary depending on the type of NGO and its orientation. This is illustrated from what was stated later in the proposal referred to above, that churches and CBOs were effective in mobilising people and that they could be used. Thus, like in the historical days, churches seem, in some districts, to continue to occupy a more tolerated position than non-church-based NGOs. Perhaps the relations between NGOs in a given district and their particular district government should not be seen as having independent existence. In the case of Arua district, it can clearly be deduced that these relations were shaped by past experiences with the work of NGOs.

(c) Thirdly, the relations between NGOs and governments are marked by constraints stemming from the government's side. Interviews carried out among NGOs with water programmes (Dillon 1994;6) revealed several disabling factors that can be blamed on government; (i) There is lack of up to date local and regional specific information on water issues necessary for project planning. Indeed, as part of the governments' enabling role, sufficient information needs to be provided to non-state actors if they are to confidently and effectively participate. (ii) In some cases district governments fail to fulfil the financial obligations set out in the letters of agreement signed between them and NGOs. This is largely attributed to the districts' low revenue bases. However, it could also be due to maladministration or lack of commitment among district officials as the next two points suggest. (iii) Most NGOs point to difficulties in working with district officials due to lack of adequate transparency and accountability. (iv) Low motivation of government staff, mainly attributed to poor remuneration. (v) Lack of drilling rigs - which are supposed to be provided by DWD. Government has a total of only 20 rigs, 10 of which are assigned to donor and NGO assisted programmes (MNR, 1996;14). (vi) Conflicts in the reporting relationships of government extension workers. (vii) Lack of sufficient guidelines from DWD (see also Dillon, 1994;10). The subjects on which guidelines were reported to be insufficient include the hardware available in Uganda, the minimum standards of work, and allowances for government extension workers. It is in no doubt that government by failing to provide sufficient guidelines on these aspects leaves room for enormous difficulties on part of the NGOs, especially those without long experience in the sector. (viii) Delays involved in clearing imported goods and government taxes on NGO imported materials.



Other constraints mentioned by NGOs include the Difficulties in locating trained and experienced technical manpower, particularly for short-term contracts (Dillon, 1994;6). Whether this constraint is from the government's side cannot be assertively stated. What is important to realise here is that whereas a latent assumption behind the enabling approach is that non-state actors are often well equipped compared to government in terms of skills and other requirements to perform the roles in question, in countries such as Uganda where technical skills are acutely lacking, non-state actors may find themselves in as the same difficult situation as government.

In other cases government officials have not been responsive to NGO pleas for certain kinds of support, while in other instances they fail to play what should be their part. This was for instance evident in the ACORD programme where appeals to the District Water Officer to facilitate inter-NGO coordination efforts were fruitless (ACORD, 1995;6). In the same programme, implementation of water activities proceeded in the belief that the sanitation component would be handled by government health extension workers who never did. This adversely affected the success of the water activities as both the technology used<sup>26</sup> and winning the commitment of the community members required health-behaviour change among the communities (ACORD, 1995;5). In other related occurrences, ACORD's efforts to have the DWD carry out borehole repairs that were found to be beyond the capacity of the local mechanics were frustrated by lack of response from both the district administration and DWD (ACORD, 1995;7).

(d) Important to note is the fact that NGOs' constraints do not solely stem from the government's inability to successfully create enabling conditions. Serious problems also emerge from the relationships among NGOs themselves. Many NGOs acknowledge the presence of conflicts between the operational strategies of different NGOs working in the same locality or district (Dillon, 1994;6). Such include cases where for instance an NGO requires a community to contribute to both the capital and maintenance costs of a water facility, while another meets all the capital costs. One illustration of this kind of problem is that experienced in the ACORD water programme where another NGO working among the Rwandese refugees settled in the same area started implementing a shallow hand-dug well programme in the refugee camp. It provided all the necessary materials and even paid for skilled and unskilled labour. The communities around the refugee camp among whom ACORD was working

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<sup>26</sup> Most of the water sources being constructed under ACORD's support in the Oruchinga valley depend on rainwater run-off for recharge. Latrine coverage in the area, however, is low and this has negative implications for water quality (ACORD, 1995;5).



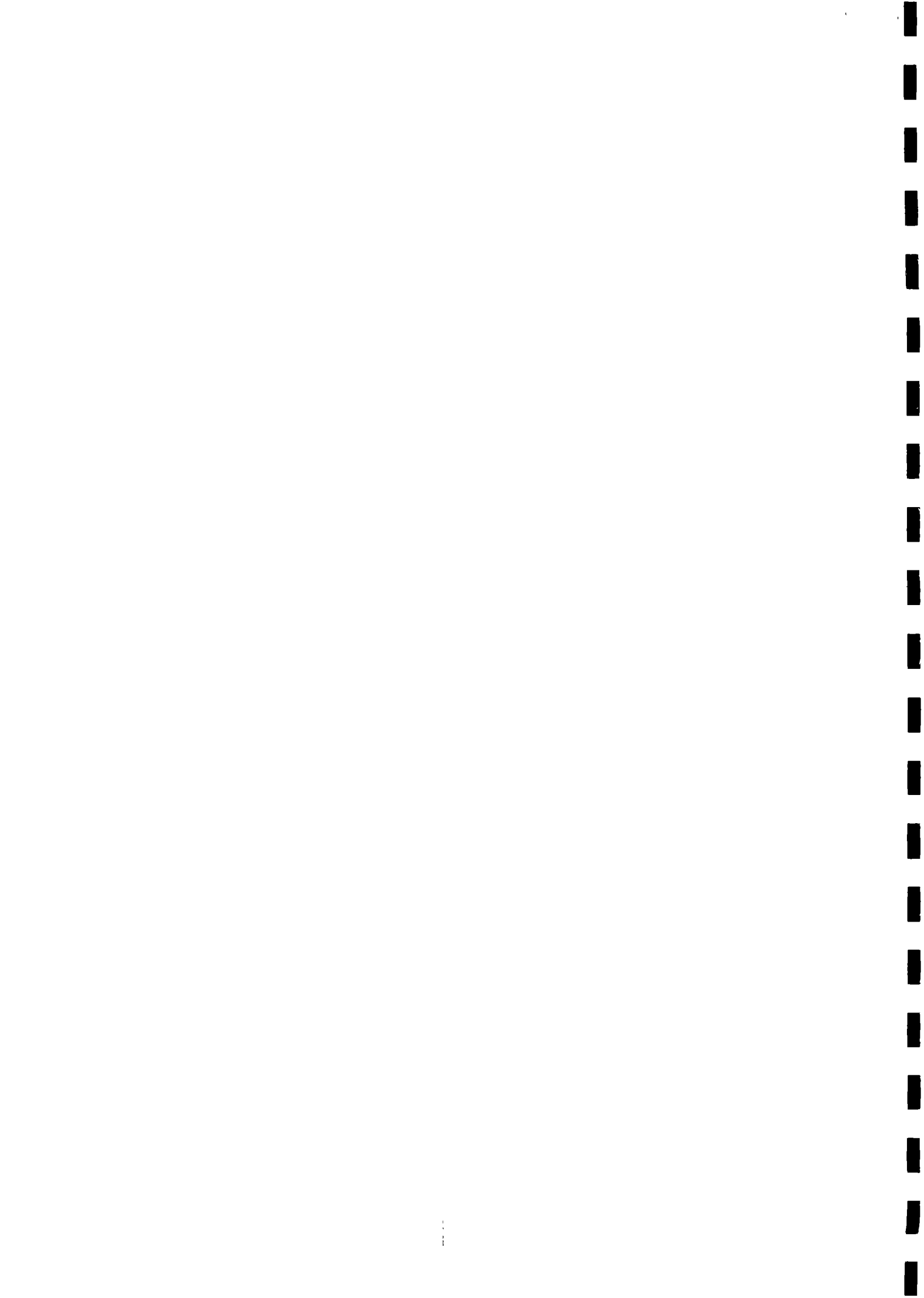
then started demanding to be paid for their participation (ACORD, 1995;6)<sup>27</sup>. Similarly, differences in the terms on which government extension staff are employed as already discussed, can be a source of serious conflicts. While the conflicts amongst NGOs themselves may not be attributed to government, as part of its enabling role government is certainly expected to work to reduce such conflicts.

(e) Since most NGOs in the water sector are not involved solely in water activities but are involved in a range of other activities, their relationships with government can also be traced to the broader issues of relations between government and NGOs in general. In question here is the government policy on NGOs. It may be argued that there has been a policy vacuum regarding NGOs in Uganda, despite the pronouncements often found in government documents and in the speeches of government officials. Government's dealings with NGOs appear to remain adhoc, often formalised only for specific convenience. Apart from the policy to have NGOs registered as enshrined in the 1989 NGO registration ACT, there is no explicit government policy on NGOs. Yet as we already discussed, the 1989 NGO registration policy is more of a control measure than a facilitative one. Partly, the problem is also attributed to lack of sufficient information on NGO activities in the country - and this is recognised by all those who have written on NGOs in Uganda (Nabuguzi, 1995; de coninck, 1992; Heidenreich, 1995; Dicklich, 1994). In the face of insufficient information, it seems attempts at integrating NGO activities in the national policies are based not on well known facts but on what government thinks NGOs should be doing. Consequently, there is a continued tendency to assign NGOs a role of 'filling in gaps' i.e. doing what government is unable to do, and as we shall see later, a role of 'putting a human face' on Structural adjustment (Heidenreich, 1995). An adhoc policy approach has also translated into government practices and contacts with NGOs being rather informal and poorly coordinated as observed in the case of Karamoja district by Wabwire (1992). Specific to the Water Sector, although NGOs are referred to in the National Water Policy, and although government is working together with several NGOs to implement various water programmes, there are no explicit policy guidelines for NGOs working in the sector.

As for the 1989 NGO Registration Act, whereas it is reported that the NGO registration process has not been used by government to interfere with NGO activities, and whereas no organisation that applied had been refused

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<sup>27</sup> Note that while ACORD tried to solve this problem by approaching the District Water Officer and requesting him to facilitate inter-NGO collaborative meetings, there was no response - which links to our earlier point on the lack of government responsiveness to NGO requests. ACORD had to suspend work in those areas (ACORD, 1995;6)



registration by november 1993 (Heidenreich, 1995;28,23), there have been some complaints from NGOs that the Board does not handle applications expeditiously with undue delays in processing the registration (Odoch, 1994;2). Further, the Board has not put in place any clearly written guidelines (apart from what it provided in the statute) to NGOs. It would appear that the board has become another organ of idle bureaucracy complicating the initiation of new NGOs rather than easing it<sup>28</sup>.

The presence of the Aid Coordination Secretariat has not helped the situation, as we have already indicated its limitations, mainly lack of serious work procedures (Heidenreich, 1995;29) and conflicting inter-ministerial roles in handling NGO matters, between the Ministry of Finance and Economic Planning, the Ministry of Internal affairs, and the Prime Ministers office (Odoch, 1994;3).

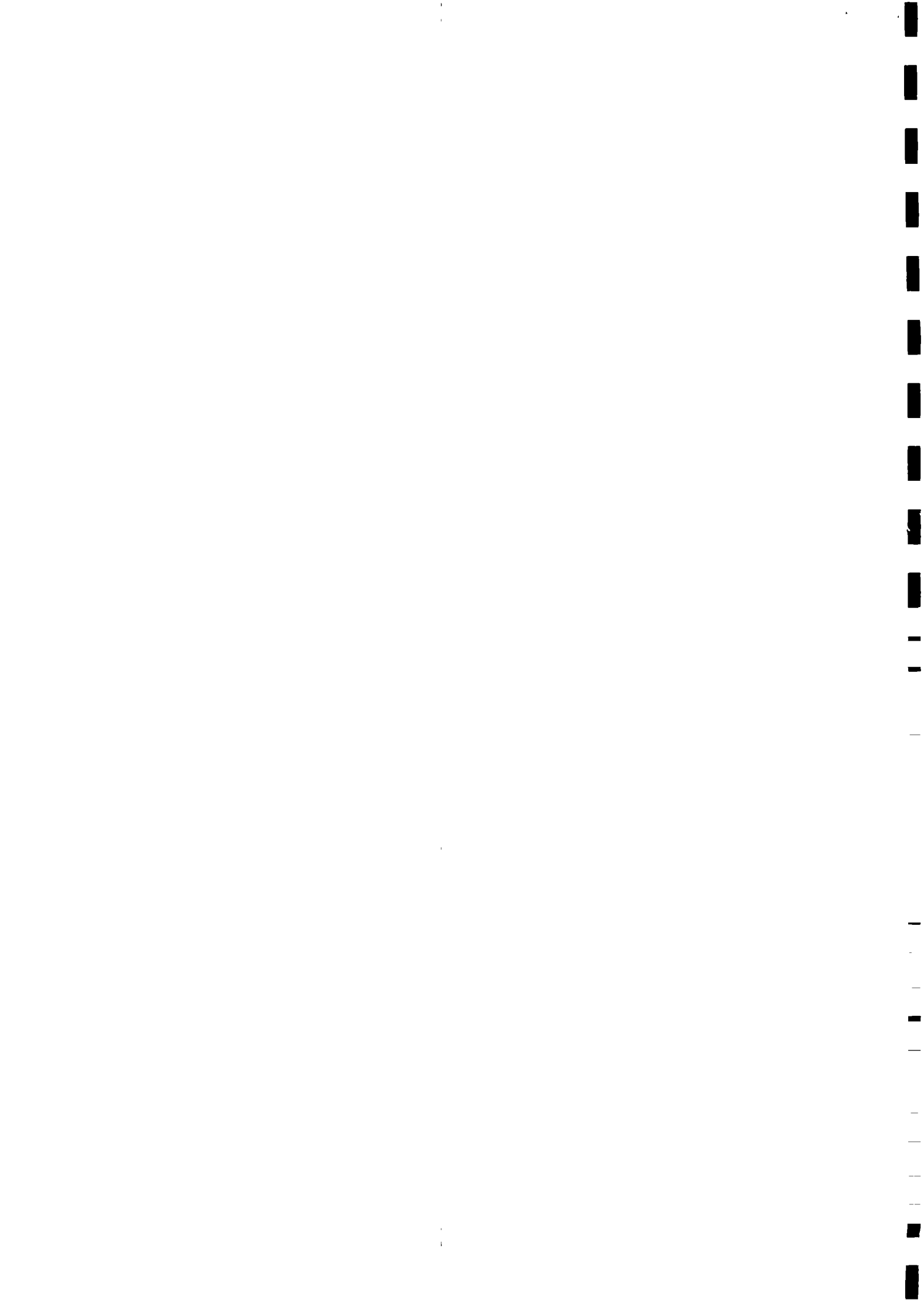
(f) Another point relates to the capacity of NGOs in the water sector to influence government policy. Studies of NGOs in Uganda (de Coninck, 1992; Heidenreich, 1995) show that indigenous NGOs in the country still have little influence on government policy especially at the national level. While international NGOs and donors involved in the sector such as WaterAid and SNV no doubt have relatively more access to and influence on the Ministry and the DWD, most indigenous water organisations do not. But NGOs as a whole are not sufficiently consulted by government prior to taking decisions which indirectly or even directly affects them (de Coninck 1991 cited in Heidenreich, 1995;34). This has been attributed in part to the lack of an institutional framework through which NGOs can access government decision-making processes, as well as lack of capacity on part of NGOs to play an advocacy role (Heidenreich;34). It can be expected that the formation of sectoral Networks - in the water sector the NETWAS<sup>29</sup> - will provide the necessary institutional framework, while at the same time raising the voice of the indigenous NGOs.

(g) Finally to what extent are NGOs recognised as development agents in their own right, not merely as organs compensating government failures? Heidenreich (1995) notes that although indigenous NGOs have little influence on government policy, the government expects them to play a role; basically that of providing services that the government cannot provide due to lack of

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<sup>28</sup> Dicklich (1994;8) notes that the Board has actually controlled which NGOs it deems unacceptable (at times on unjustified grounds) and considerably delayed their registration.

<sup>29</sup> NETWAS is a newly formed consortium of agencies involved in water and Sanitation activities in Uganda.





sufficient capacity or resources. The government has not yet recognised NGOs as independent actors with a separate and distinct role from government. The relegation of the role of NGOs to that of 'filling gaps' has been compounded by attempts to use them to 'put a human face' on structural adjustment. The latter came with the launching of the World Bank's Programme for the alleviation of poverty and social costs of adjustment (PAPSCA). The PAPSCA programme was supposed to become a focal point within government for the coordination and monitoring of poverty reduction work<sup>30</sup>. While the programme has attempted to work through some NGOs and CBOs, indigenous NGOs highly criticize it as a top-down effort. A proposal of the World Bank for a tripartite system of NGOs, government and donors in designing and implementing projects for poverty alleviation is seen by NGOs as a last resort, in the apparent absence of other useful options. Whereas the proposal would be a welcome idea to NGOs, they view it as having come late i.e. after structural adjustment, and as resembling relief more than development (Heidenreich, 1995;35,45). Heidenreich adds;

The World Bank by using NGOs to 'put a human face' on structural adjustment, weakens their independent position in society. Rather than addressing the fundamental problems of structural adjustment programmes, which make it impossible for governments to provide social services, the World Bank uses NGOs to provide social services in the government's stead. In this role, NGOs are not independent organisations ... but instead are extensions of an incapacitated government. (p;56)

#### 4.9 Enabling strategies and actions for the private business sector.

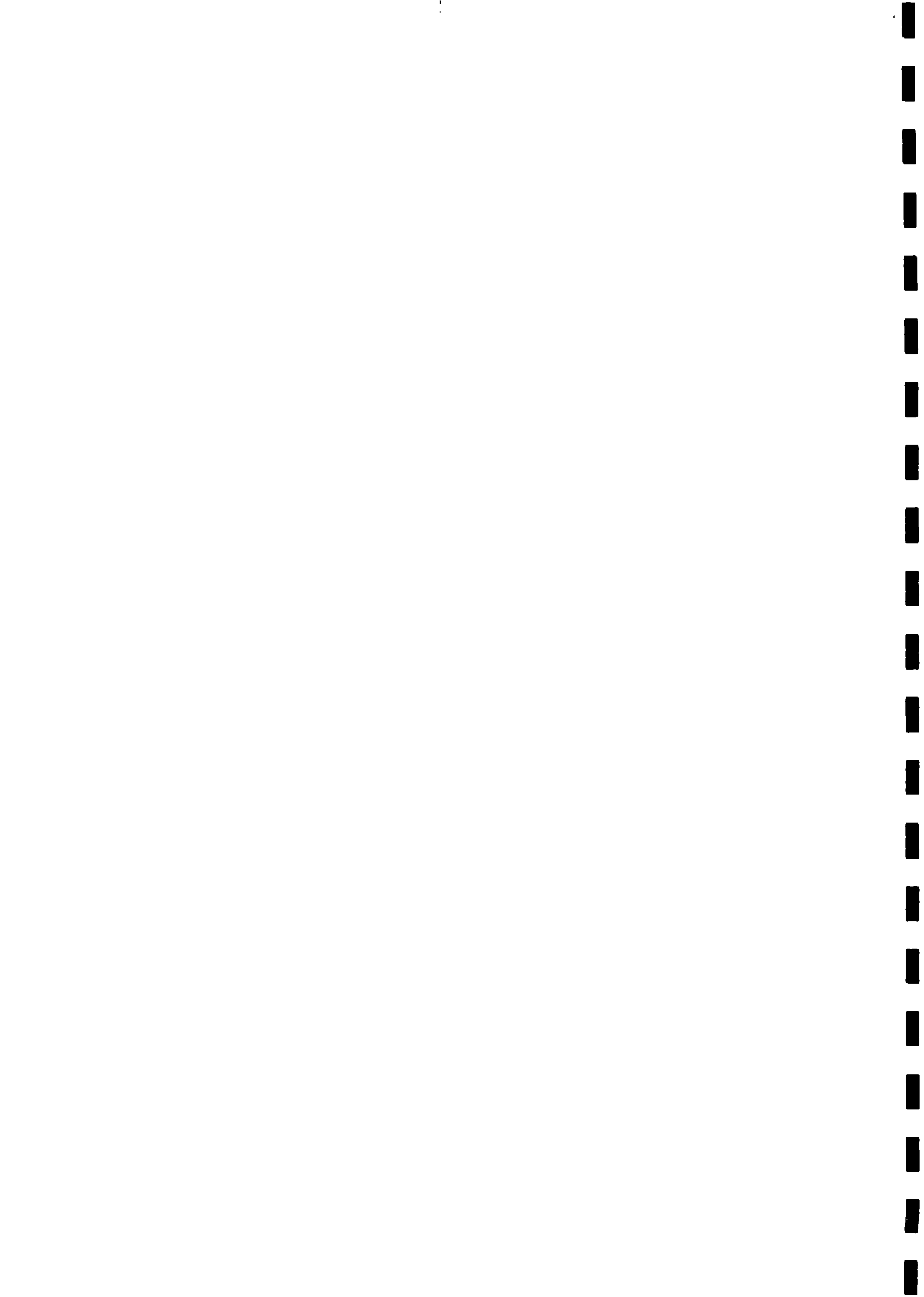
The promotion and facilitation of private entrepreneurs to participate in the water sector is one of the major elements of the enabling approach for the sector. Our discussion in chapter three indicated that historically, the private-business sector had no role to play in the delivery of water supply, the only exception having been the water vendors in urban areas. In this section we will take up the discussion of the recent developments that are increasingly making it possible for the private business actors to actively participate in different aspects of water supply.

The earlier sections of this chapter which dealt with the policy framework highlighted the position of government policy on the participation of the private sector, particularly as enshrined in the privatisation policy, but also in the National Water Action Plan. Beyond these broad policy frameworks, there are specific strategies that directly target to enable private business actors. Three such strategies which we shall discuss here are the standardisation of water technologies particularly hand-pumps, use of competitive tendering, and the training of private-business actors.

##### (a) Standardisation of hand-pumps

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<sup>30</sup> The programme was involved in providing a range of social and physical infrastructure including water supplies, schools, assistance to women, PHC, low cost sanitation, etc (Johnson, 1996;2).



The government has over the last three years attempted to promote local production of water technologies and technology components. In conjunction with the Uganda National Bureau of Standards (UNBS), the government has developed standards for handpump equipment. This is meant to provide the minimum quality standards that private suppliers should adhere to. Further, the government has qualified the U3 (India Mark II and III) handpump types for deep well settings. This has helped to harmonize training approaches and skill development for handpump technicians. It is expected that it will also make it possible for the private-business sector to get more involved in supplying spareparts and other inputs (Okuni and Rockhold, 1995;202). The process through which the setting of standards and the choice of hand-pump types was carried out paid particular attention to the requirements for facilitating the private sector actors. For instance in order to remove barriers to the extensive use of small contractors in the installation work, Ease of Installation was used as one of the criterion in the process of standardisation (DWD, 1996a;1).

(b) Tendering and competitive bidding

It is now government policy to have the construction of water facilities transferred to qualified contractors selected through competitive bidding (DWD, 1994b;6). Awarding of contracts is to follow a stage of pre-qualification where appropriate. In several of the cases where private contractors have been used in the drilling and construction of water sources, for instance in Luwero (Makooma, 1995;139), and in Kyotera, Kasese and Fortportal towns under the RTWSP (ROU, 1995b;11; DWD, 1996;8), contracts have been awarded through competitive bidding. Contract terms and specifications were formulated by the consultants in consultation with DWD and - in the case of Luwero - with Plan International, an NGO working in the district.

(c) Training for private-business actors

As part of the process of facilitating private business actors, government provides training to Spare part dealers, HPMS, spring protection Masons, and in some cases to contractors. In the case of Luwero, the consulting firm was responsible for the training of Spare part dealers and HPMS (Makooma, 1995). In the RTWSP, bidders are offered a brief training including an initial contract as part of the training (DWD, 1994c). The training of contractors is particularly expected to make it possible for small and new contractors to compete favourably.

Other facilitative measures include, for instance, the supply of tools to HPMS on loan terms, allowing them to pay from their earnings as is done in the RUWASA programme (Okuni and Rockhold, 1995;203), and defining contract terms for instance requiring communities to make their contributions in cash (DWD,



1994b). We now look at some of the experiences of private business sector participation.

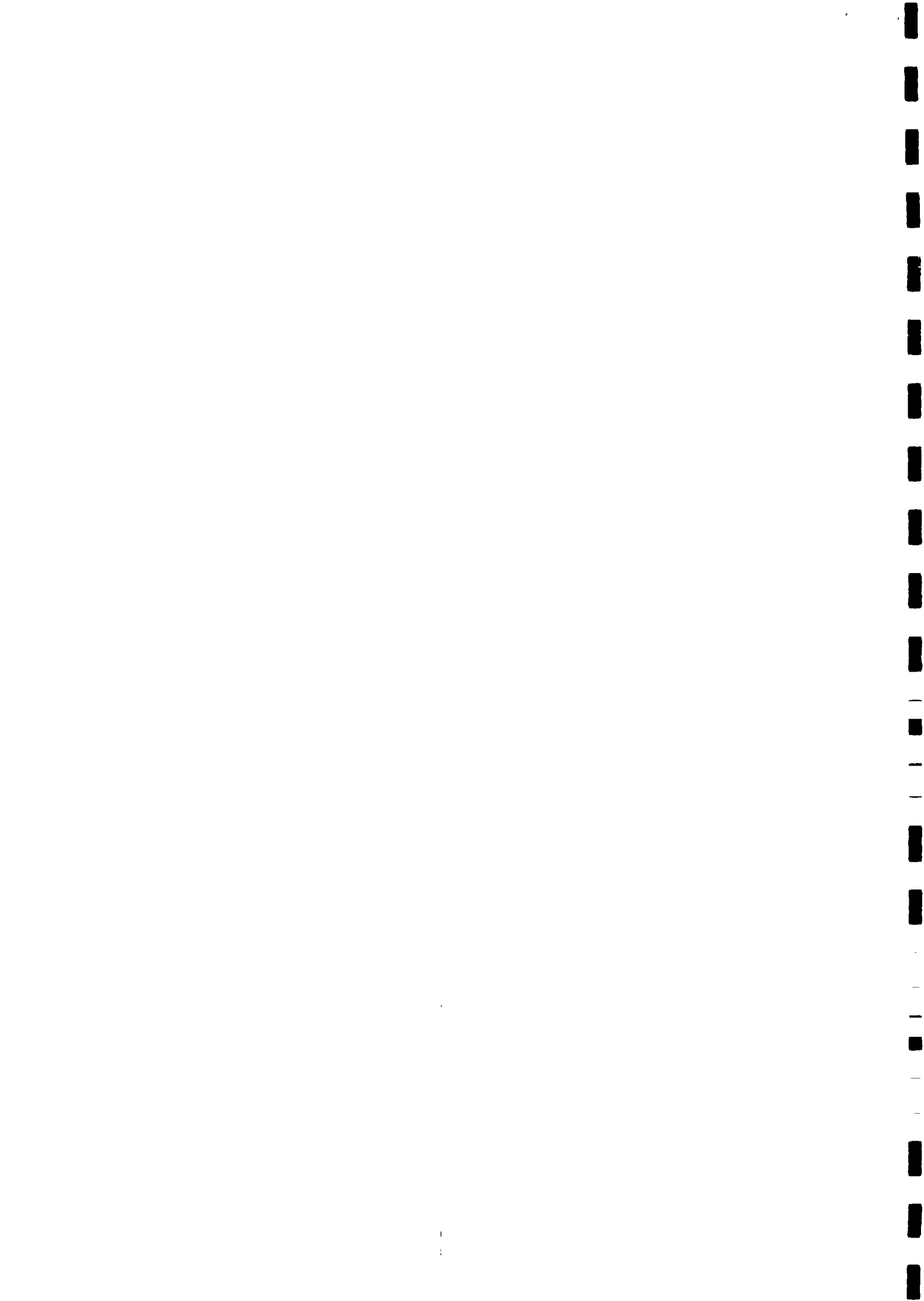
*Private business sector participation*

The range of activities in which the private business actors have been involved include drilling, construction, consultancy services, spare part distribution, and repairing. One of the government water programmes that pioneered the involvement of private business actors was the RUWASA programme. In early 1993, RUWASA started distributing spareparts through existing private dealers. By April 1995, US.\$ 1750 worth of spareparts had been reported sold through private dealers. Success with this distribution system has, however, varied in different areas, being more effective where the number of handpumps is large enough to allow profitable business for the dealers (Okuni and Rockhold, 1995;203).

Construction of water facilities in the RUWASA programme is also gradually being shifted to private contractors. Construction work was originally carried out by the project's own staff. Privatisation of construction started with out-contracting of spring protection on a pilot basis, but with the aim of gradually privatising all water supply installation work. By June 1996, a total of 24 springs were protected using private contractors, and 32 more were shortlisted (MNR/DWD, 1996;15,17). It is planned that in the project's second phase which is to run for the period 1996-2000, the project's construction equipment will be sold and all construction work will be undertaken by the private sector.

In SWIP, where like in most other programmes the cost of HPMS training was to be paid by the sub-county, some of the HPM candidates were so keen about their prospected jobs, and they paid for the training themselves when their sub-counties delayed to (Poluha, 1993;21).

While in the case of RUWASA and SWIP private sector participation has been on a small-scale, the process has been far reaching in some three sub-counties of Luwero district, with all the construction work being undertaken by private contractors (Okuni and Rockhold, 1995;203). Different categories of private sector actors have been involved including Consultants, a Contractor, a Hand-pump Manufacturer/Supplier, Spareparts Dealers, and Handpump Mechanics (Makooma, 1995;138). According to Makooma, even the communities through their water user committees were in this project conceived as a private entity. The different private sector actors assumed different roles;



(a) the Consultants<sup>31</sup> was responsible for carrying out a detailed water survey, and for the carrying out all the tendering procedures and selection of contractors. He also undertook the final selection of the water point sites, supervision of the construction, and training of trainers, facilitators, hand-pump mechanics and spare part dealers. The consultant also had to ensure that at each stage of the construction process, the contractors workmanship was in compliance with the provisions of the contract. (b) The Manufacturer/supplier was to ensure that not only was the demanded hardware in stock in sufficient quantity, but that it also complied with the specifications of the Uganda National Bureau of Standards. (c) The contractor was selected through a process of competitive bidding. In compliance with the specifications of the contract, he was responsible for undertaking the various aspects of the construction work including, drilling, pumptesting, testing water quality, and installation of hand-pumps. (d) the Spare part dealers were nominated by the SDC and trained to carry out stocking and selling of hand-pump spares. They would buy spares from the manufacturer on a wholesale basis and sell them to HPMS and caretakers at retail prices. (e) The HPMS were also nominated by SDC and trained for their work. They signed contracts with WUCs and were paid by the WUCs depending on the work performed. HPMS were responsible for both preventive maintenance as well as repairs. (f) the WUCs were elected by the communities and trained by the PDC trainers assisted by the extension staff. Each WUC included two caretakers trained by the HPM to carry out simple preventive maintenance and repairs (Makooma, 1995;139).

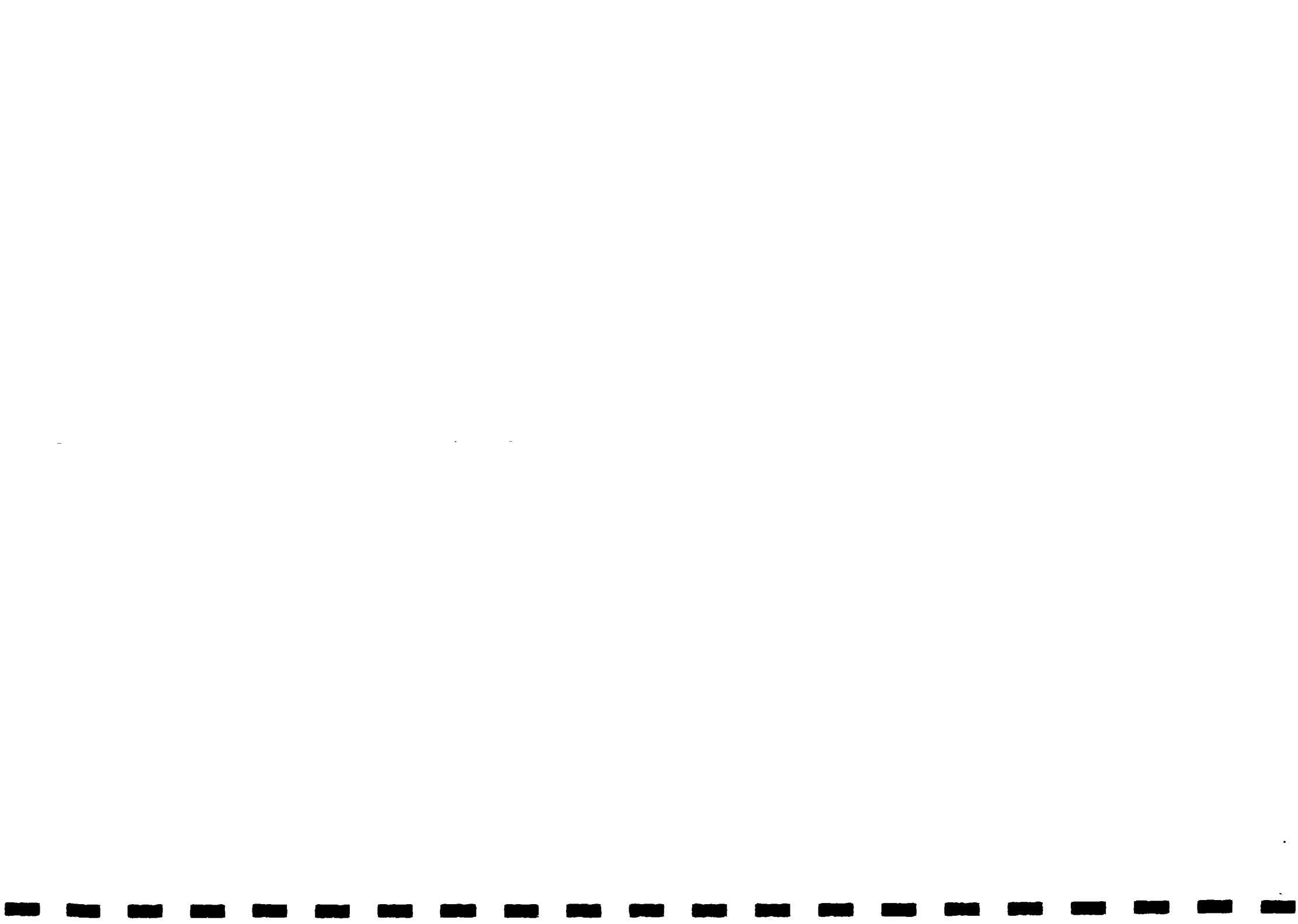
Meanwhile, private-business oriented entrepreneurs are also beginning to engage in the development of water distribution systems and points. An interesting example of private water distribution system is one undertaken by Kalebu LTD. This agency which registered as a limited liability company in 1995, is already operating in seven suburbs of Kampala, Uganda's capital. The company distributes water through coin operated water dispensing systems (Known as Cycontrol). The company tends to operate in areas where water supply is inadequate (Kalebu, 1995;1-3), with its geographical spread targeting areas where government services have not reached.

The discussion of private sector involvement this far, portrays the process as having been rather a smooth one. Some challenges, however, have been experienced and more could be anticipated.

First, the distribution of spare parts has been found to be less profitable where the number of water installations that use a given kind of spares is

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<sup>31</sup> The consulting group consisted of a private engineering consulting firm (Carl bro U Ltd), DWD, and UNICEF.





limited. As a result private dealers - those already trained moreover - have shown little enthusiasm to continue in that role. This particular problem was experienced in the RUWASA programme (Okuni and Rockhold, 1995;203).

Secondly, some problems have been experienced in having private contractors to work with community members, and to use community contributions towards the capital costs. Often, community contributions in form of labour and materials are not delivered in time as required by contractors, while in some cases, contractors have argued that materials contributed by communities complicate accounting for quality. As a result, in some programmes, for instance the RTWSP, the policy in place now requires community contributions to be in cash (DWD, 1994b;6). This is likely to make it even more difficult for communities to raise the contributions since, for the majority, raising cash could be much more difficult as compared to contributing labour and materials in kind.

#### 4.10 Aspects of Community Enablement and Community Participation

Unlike the private business sector whose roles in the water sector are entirely a new creation, the community sector - that is community groups and individual community members - has through the decades played some roles in water provision (see chapter 3). Thus whereas interventions for market enablement have sought to attract new market agents into the sector, those for community enablement have, to a large extent worked to increase the capacity of and institutionalise the almost de-facto role of the community sector. At the same time, however, interventions for community enablement have, like those for the private business sector sought to bring about a transfer of certain roles and responsibilities away from government and government agencies to non-state actors. This section is devoted to the discussion of the strategies adopted for community enablement and the experiences with them.

##### *Strategies for community enablement*<sup>32</sup>

Three somewhat related strategies that have been used will be discussed here namely, the promotion of simple and locally appropriate technologies, community institution building and training, and promoting the role of women.

##### (a) Technology issues

We have already pointed out the interventions regarding water technologies in relation to enabling the private business sector namely, the standardisation and promotion of local production of technology. A second dimension of these interventions relates to how they can enable communities and individuals in

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<sup>32</sup> What we have considered here are what, from our analysis stand out as the key strategies that have been used. They have not been explicitly stated as such by government.

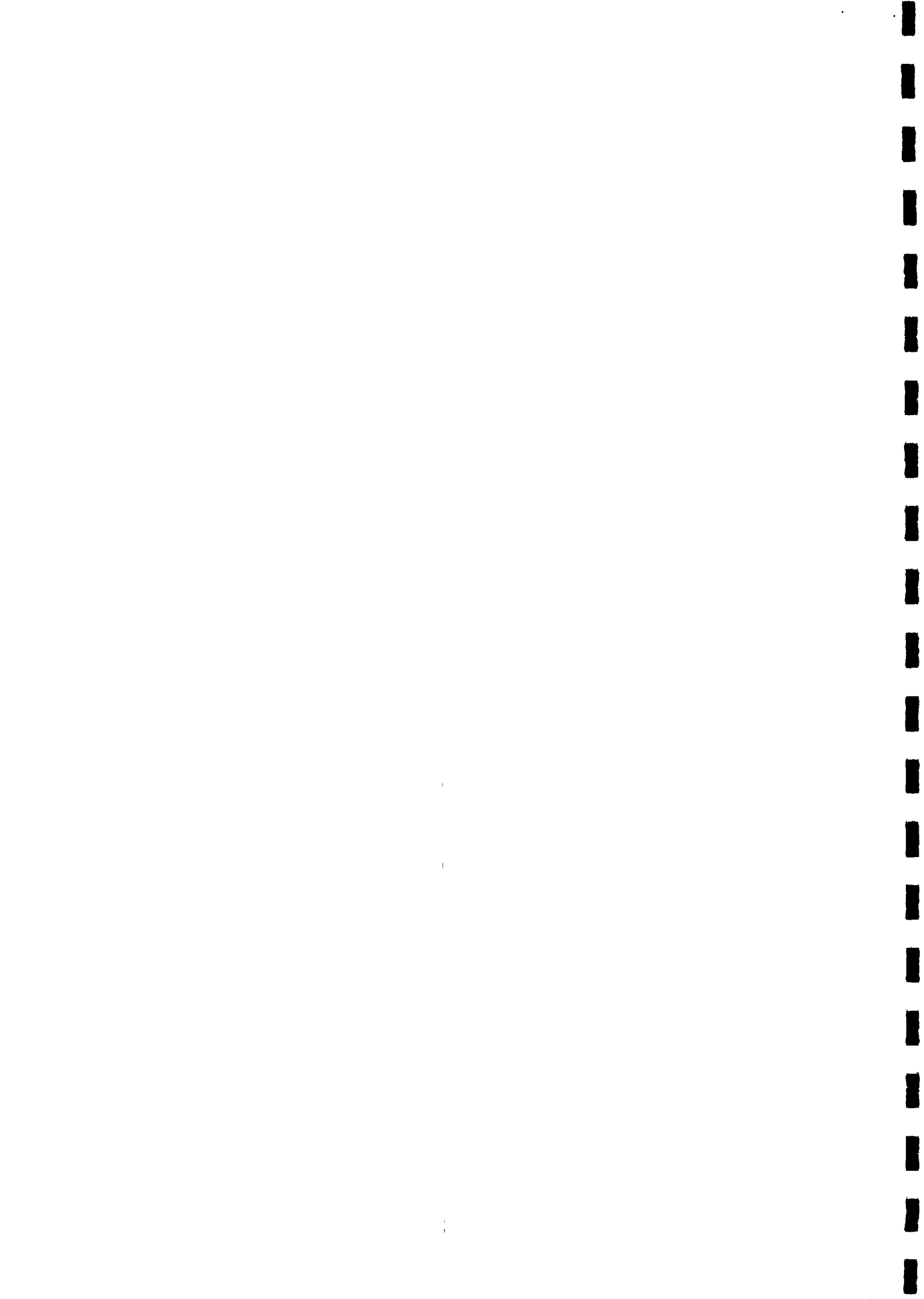


providing and managing water supplies. Important for Community enablement is promoting the use of technologies that are (i) preferred by communities/water users, (ii) are locally available, (iii) are affordable by the users, both in terms of capital costs and maintenance costs, (iv) are simple, easy to install and easy to maintain. The four conditions are considered important for communities to be able to effectively and sustainably operate and manage their water systems.

Government Water programmes in Uganda are now taking an approach to the planning of water systems by which communities decide the type of water facility they want (whether borehole, spring, shallow well, etc). In the RTWSP for instance, communities are provided with information on different possible options of water facilities/technologies, indicating their advantages, disadvantages, and the costs. The communities are guided by technicians and local extension personnel to understand the working of different options, but are left to make the final selection (DWD, 1994b;6). There is also emphasis on the use of locally produced or locally available technologies. While for over 50 years boreholes have been the most widely used technology, there is now focus on non-borehole technologies (UNICEF, 1994;157) such as protected springs, gravity-fed schemes, rain water harvesting and so on. For instance, government is - in most cases in collaboration with NGOs (WaterAid, SNV, Care) - making explorations for gravity-fed water schemes in various districts, implementing model schemes in Mpigi, Nebbi, Moyo, and Arua districts, while such schemes are already in operation in Kasese and Kapchorwa districts (ROU, 1995b;21).

In the case of hand-pumps, the standardisation procedure carried out by government was based on a criteria which clearly reflected the features that would make water technologies amenable to community O&M and management. Nine criteria were used and these were; international specification, ease of installation and/or repair, suitability for Community-Based Maintenance, reliability, abrasion resistance, user preference, cost of the pump, cost of spareparts, and local manufacture (DWD, 1996a;1). The assessment involved attaching a weight to each of these criterion and then assessing the different types of pumps against each. Important to note is that amongst the criteria, CBMS (VLOM) suitability carried the highest weight, reflecting the importance that was attached to the communities' role.

Other strategies to promote appropriate and affordable technology have included strategies that aim to 'de-mystify' technologies such as through UNICEF's 'do it yourself' manuals for spring protection and rain water harvesting (UNICEF, 1994b;78).



(b) Community institution building and training

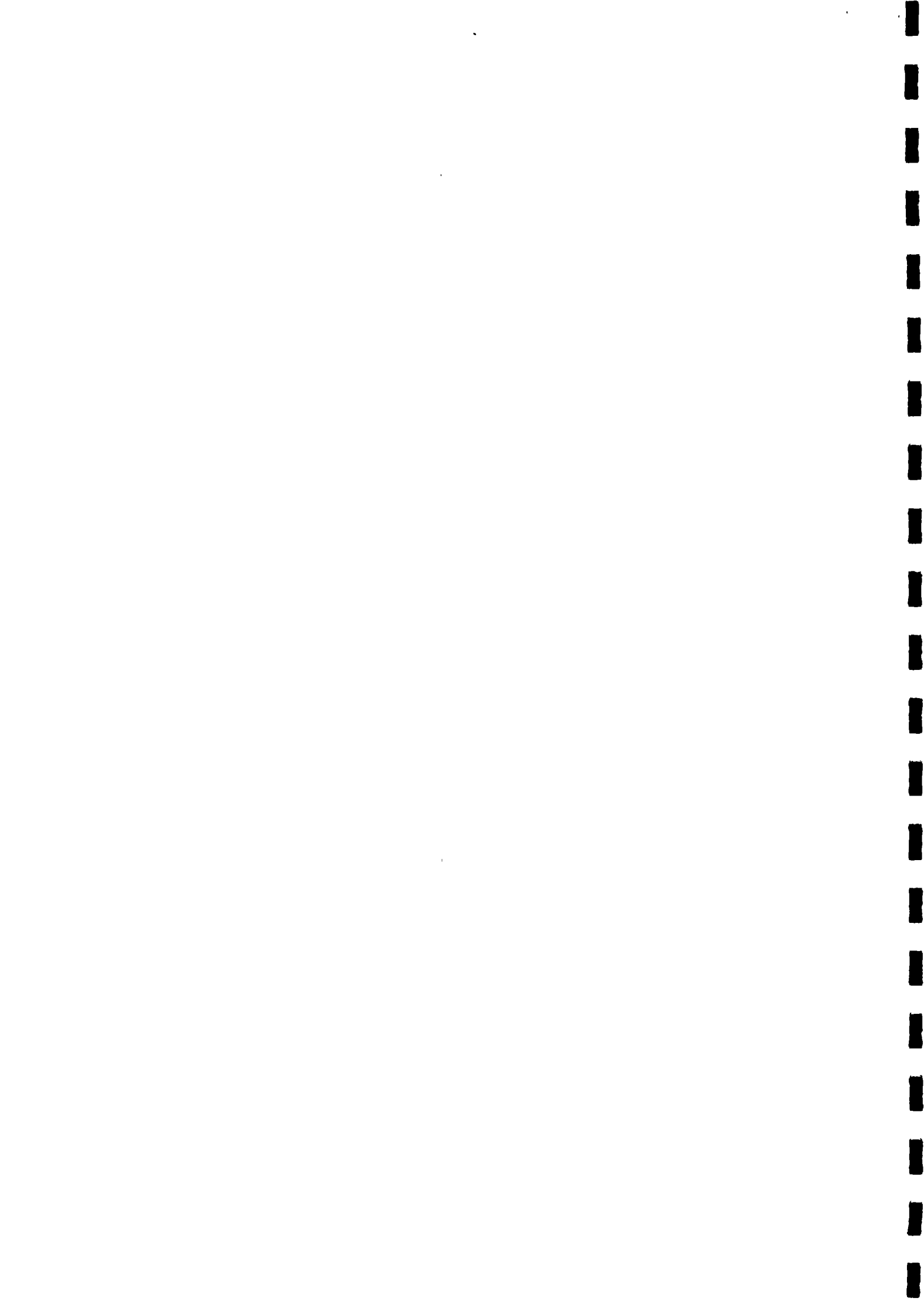
A major development in the organisation of roles and responsibilities in the water sector over the last ten years has been the institutionalisation of the Community Based Maintenance System (CBMS), sometimes called Village Level management of Operation and Maintenance (VLOM). Under the CBMS, the user communities accept responsibility for the water facilities, they organise for day to day as well as occasional maintenance and repair, and they finance the costs of O&M (DWD, 1996a;1). The system is based on a number of community institutions and structures namely, Village Water (and Sanitation) Committees (VWSCs), Sub-county Water and Sanitation Committees (SWSCs), Caretakers, and Hand-pump mechanics (HPMs). In more recent years, VWSCs have been replaced with Water User Groups (WUGs)<sup>33</sup>, and their representative committees, the Water User Committees (WUCs). Another structure, the Water User Association (WUA) is also a newer development and this is used in the case of piped systems where more than one WUG is served by the same system. Work on Committees is usually not paid, but caretakers are often exempted from communal work (Poluha, 1993;21).

While the first attempts to introduce CBMS in Uganda date as far back as 1984 (UNICEF, 1994;156), it did not take root until after 1986 when UNICEF supported programmes popularised it in a few districts such as Luwero and Mbarara. Even then, however, the system was often introduced without sufficient prior mobilisation of the communities, and in Mbarara for instance, Committee members did not pay sufficient effort to their role and most of the pumps run out of service in a short time. Overtime, the system has been refined and as already mentioned, WUGs and WUAs are now established by statute. Today, most if not all government and NGO supported water programmes use the CBMS. Every water source is run by a committee including a caretaker or two. There is usually one HPM per subcounty. Before the distribution of spareparts was turned to private dealers, districts and sub-counties were required to open stores for the distribution of spareparts.

The caretakers are trained to carry out simple repairs and equipped with the necessary tools. The HPMs are trained for major repairs and also equipped with tools and in some programmes, with a bicycle (CIDA/SIDA, 1993 cited in Narayan, 1995;37). The committee members are trained in a range of skills such as book-keeping, financial management, mobilisation and communication skills, and management of their water sources. The RUWASA programme for instance has, in eight districts formed and trained a total of 2759 VWSCs and

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<sup>33</sup> The original VWSCs were based on administrative boundaries which did not necessarily reflect the stake of the residents in a given water source. WUGs are based on the actual beneficiaries.



67 SWSCs, and it has trained 3990 caretakers and 28 HPMS during the period 1991 to december 1994 (ROU, 1995b;16). In some programmes, a good example being SWIP, all training is first conducted at district level in the form of "Trainers of Trainers". The trained district staff then train sub-county level trainers, who in turn train those selected to perform duties. In this way, it is planned that there is always some skilled trainers to train replacements for those who for some reason do not continue with their work (Poluha, 1993).

(c) Promoting the role of women

Involving women in the execution of water programmes has been increasingly recognised as an important ingredient of promoting community management of water services. Government programmes and others have attempted to go beyond merely involving community members, to ensuring that the participation of women in the planning and making decisions about water activities is raised. This is based on the increasing recognition that women, as the primary users and collectors of water, have a big stake in the quality and reliability of water supply. In the RUWASA programme it was made a requirement that at least half of all committee members should be women. This was implemented, and indeed on some committees there were more women than men, while in other cases women occupied key positions such as that of chair, vice-chair or treasurer. By 1995, women constituted about 5% of committee chairpersons and 10% of treasurers for WUCs in the RUWASA programme (Okuni and Rockhold, 1995;202).

Attempts have further been made to involve women in O&M, and also in the technical aspects of it. In several villages served by the RUWASA programme, people trained as water-source caretakers were women. In a bid to encourage the selection of women for training as Hand-pump mechanics (HPMS), RUWASA devised a system in mid 1994 whereby the training of female HPMS is fully funded by the project, while sub-counties that select male candidates were required to meet 25% of the training costs (Okuni and Rockhold, 1995;202).

Other strategies adopted to increase women's participation include taking into consideration women's work-day calendar when scheduling meetings, developing and modifying training and communication materials to reverse the stereotypes on gender roles (Musoke-Odur, 1995), monitoring project activities by gendered variables as is done in the RUWASA programme, and holding gender sensitization seminars and training courses (Mutono, 1993;44).

An important observation here is that while all the above actions are being pursued by government programmes, similar, and often more far reaching interventions are being employed by NGOs towards communities. Indeed, in most cases, NGOs in the sector have pioneered such interventions, and in other cases worked with government to implement them. Clear examples include Plan





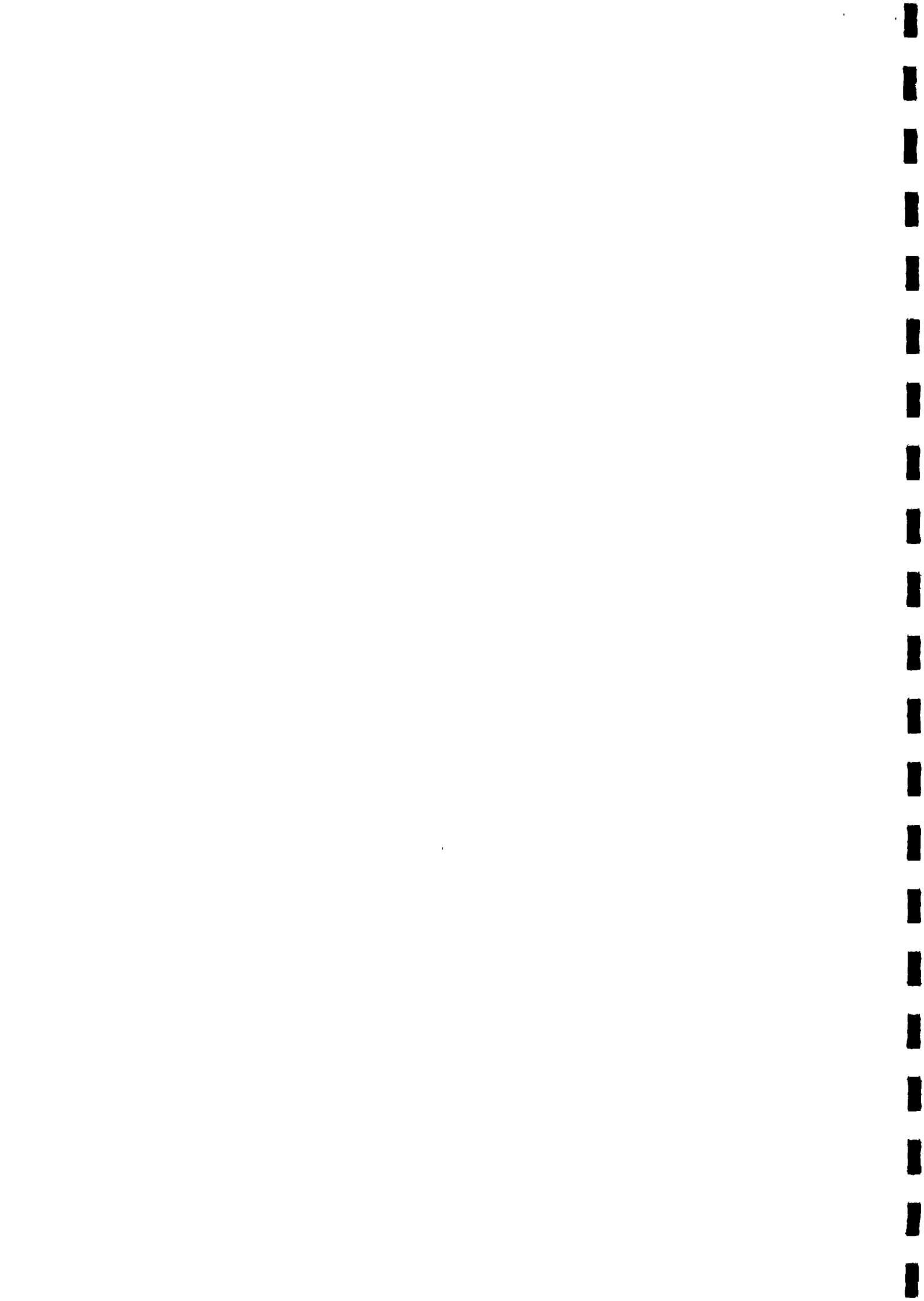
International and WaterAid both of which are using the CBMS approach, paying attention to gender considerations and promoting community choice of technologies. Similarly, donor agencies are both influencing government policy in these directions and supporting it to implement the changes. We have already mentioned that UNICEF supported programmes pioneered the CBMS. The role of donors will be returned to in the sections ahead.

Having looked at the specific interventions that have been pursued to promote communities' role, we now briefly look at some new directions and developments which stand out to be characterising the move towards community enablement in Uganda's water sector. These will include new issues in the concept of participation, the shift from a supply-driven to a demand-driven approach, movement towards community management for urban water supplies, and new issues in O&M.

#### *Re-definition of Community participation*

The interpretation, and indeed the application of the concept of community participation to water activities has no doubt moved beyond the mere contribution of labour and materials as was in the past. Water programmes now seek to have the intended users actively take part in all the important aspects of executing the water supply system right away from the planning and design stage. In the RTWSP, for instance, after the initial promotion stage, a mobilisation phase follows in which WUGs and WUCs are immediately delineated. The WUGs/WUCs from then on form the institutional basis for participation, and in the third stage termed as the "participatory planning and design phase", they actively take part in problem identification, choice of the technology options, and determining the service level. Their participation then continues through the construction and O&M phases, ultimately leading to the full take over of the ownership and management of the water facilities (DWD, 1994c). In addition, water programmes are increasingly seeking ways of opening up participation to all sections of the beneficiary groups, especially through using participatory methods and tools in problem identification and in other decision-making processes. Participatory methods and tools such as community mapping and responsibility charts have been adopted in RUWASA (Odolon, 1995) and WaterAid (Pinfold, 1995), and they have helped to make community participation easier and more involving since they are more comprehensible to ordinary people. We have in the last section already noted how the participation of women is being promoted. Thus we see two broad major dimensions in the re-definition of participation;

(i) the widening of the concept of participation, that is by going beyond men to include women, and beyond elites and leaders to include ordinary people, and beyond labour contributions to include decision making. These shifts can



be understood in the context of Midgely's framework - in terms of 'who' participates, and 'what' participation entails (see ch.2) - as improving the quality of participation.

(ii) the deepening of the concept - by using WUGs and WUCs to mobilise participation instead of chiefs and extension workers as was in the past, having empowerment as an ultimate objective, (see also Pauls framework in ch.2). According to Paul (1987), empowerment is the highest level objective that participation should aim to achieve.

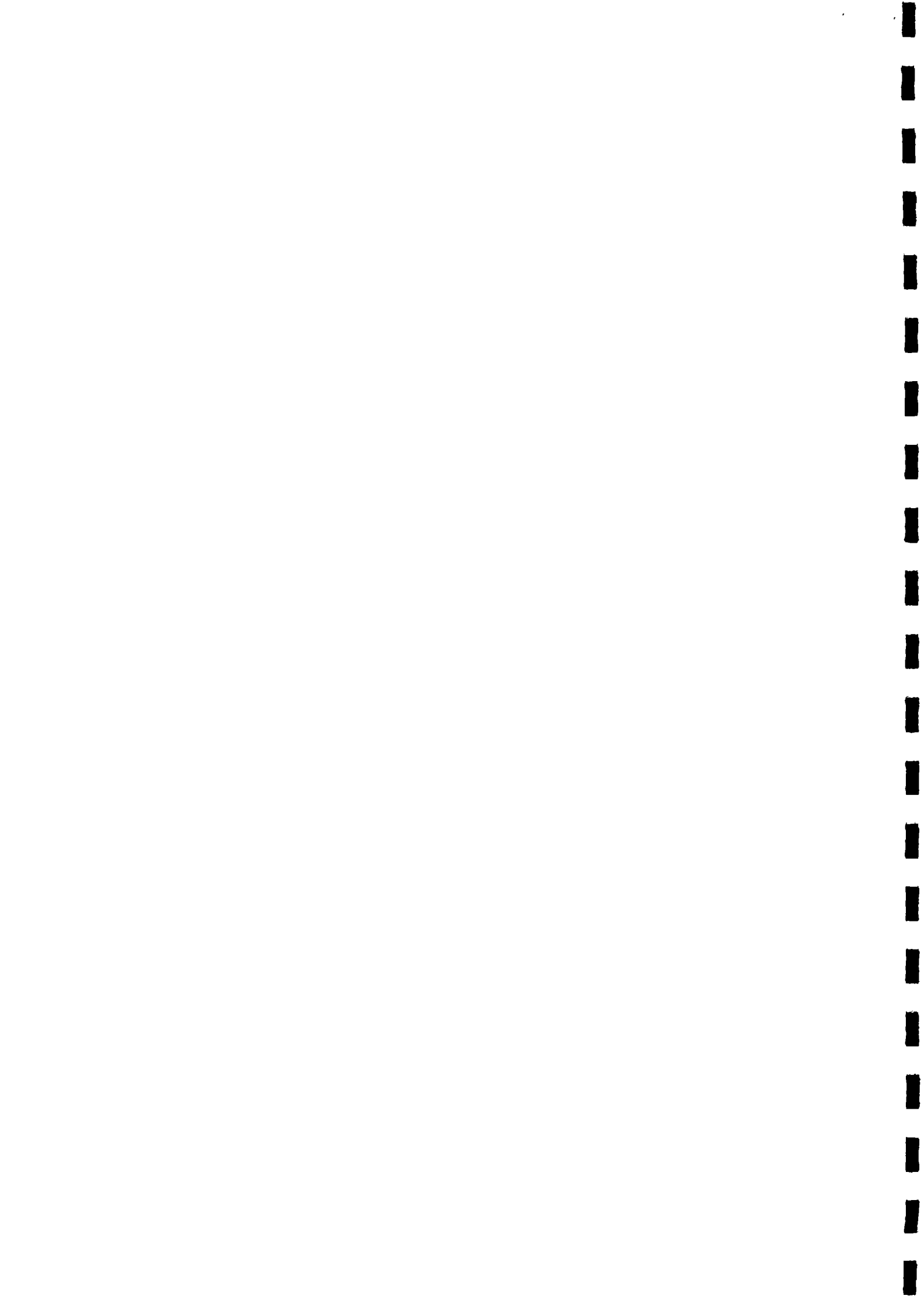
Referring to Midgley's framework again (Midgley, 1986), what can be observed is that the government's (re)action towards community participation has over the years moved from 'anti-participatory' mode of the Amin regime in the 1970s, through the 'incremental' mode of the early and mid 1980s, and now to a 'participatory' mode in which peoples' participation is fully approved and actively facilitated .

*The 'demand-driven' approach*

Traditionally, government provision of water services was based on a supply-driven approach in which efforts were made to meet planned schedules and physical targets. Even in the early years of recent government water programmes such as RUWASA and SWIP, an overriding aspect of the programmes was expansion into new villages and new districts without responding to community demand for services (Mutono, 1995;170). Today government programmes are increasingly adopting a 'demand-driven' approach<sup>34</sup> by which support is only given to activities which are genuinely required and requested by the beneficiaries. The approach is for instance being used in the RTWSP, having been explicitly stipulated in the policies and guidelines for the programme (DWD, 1994b;1), and more recently, provided for by the National Water Policy (1996). As used for the RTWSP, the approach is such that "individual towns or groups within those towns, first decide[ing] whether or not they want to participate in the program, and then deciding the type of water supply ... they want" (DWD, 1994b;1). The beneficiaries also determine the key elements of the project at the planning stage bearing in mind the cost implications. The demand-driven approach no doubt represents a movement from a concept of 'services' delivered to all, to one of government responsiveness to 'customers' as Bennet (1990;13) rightly observes (see ch.2), but it in this way lacks the merit good character that was assumed by the development state.

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<sup>34</sup> Some variation seems to exist in the terminology used. Some times it is also referred to as a "demand-driven negotiation approach" (e.g in the 1996 Water Policy), and some times as a "negotiations-driven approach" (e.g in DWD, 1994b)



*Towards Community Management for urban water supplies*

The NWSC which is responsible for water supplies in 9 major urban areas of Uganda is also making moves towards a community-oriented approach to water provision. In 1994, the corporation commissioned a study to investigate and develop a community management policy and strategy for a pilot peri-urban community-managed water supply and sanitation system. The corporation sought to set up within its structure, a community management unit, implement the Community management programme initially in one area, Jinja-Njeru (a peri-urban part of Jinja town), and then spread the system to other NWSC towns. Among others, the study was supposed to assess the applicability of WUGs as used in DWD projects to urban settings. Under the programme, NWSC intends to revise its approaches to determining service levels and Operation, Maintenance and replacement (OMR), by involving groups of urban water users (MNR/NWSC, 1994). Meanwhile in a related development, the management of urban water supplies has over the last few years been opened to community participation through the formation of Joint Management Committees (JMCs)<sup>35</sup> (ROU, 1995b;8). JMCs are composed of local leaders of the urban authority and representatives of the users. JMCs are charged with a number of roles including revenue collection, supervision of O&M staff, and linking users to government. They have been formed in more than 16 towns (Kavutse, 1995;118-119). In another related development, the NWSC-Mbarara has experimented with the use of LC officials in the management of the urban water supply and collection of the charges in some parts of the town<sup>36</sup>.

*From 'repair-after-breakdown' to 'preventive maintenance'*

Government programmes are assisting communities to move from the original maintenance system in which repairs awaited when handpumps broke down, to a system in which regular preventive maintenance is carried out. In the case of RUWASA (Mutono, 1995;172, Okuni and Rockhold, 1995;203), WUCs are encouraged to buy the requirements for simple maintenance while caretakers are trained to open the pump head and carry out simple maintenance on routine basis. The more difficult tasks are referred to the HPMS. In addition, WUCs are asked to get into a two year contract with their local HPMS to perform preventive maintenance. By april 1995, Okuni and Rockhold (ibid) report that 117 such contracts had been signed. While repair-after-breakdown is both expensive for communities and would in most cases require back-up support from government, preventive maintenance is expected to keep the maintenance of facilities within the capacity of the users.

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<sup>35</sup> However, JMCs are formed as a short-term measure awaiting the establishment of a more rational management structure.

<sup>36</sup> Interview with Sekayizi.A., Asst.Area Manager, NWSC-Mbarara, oct.26th, 1996.



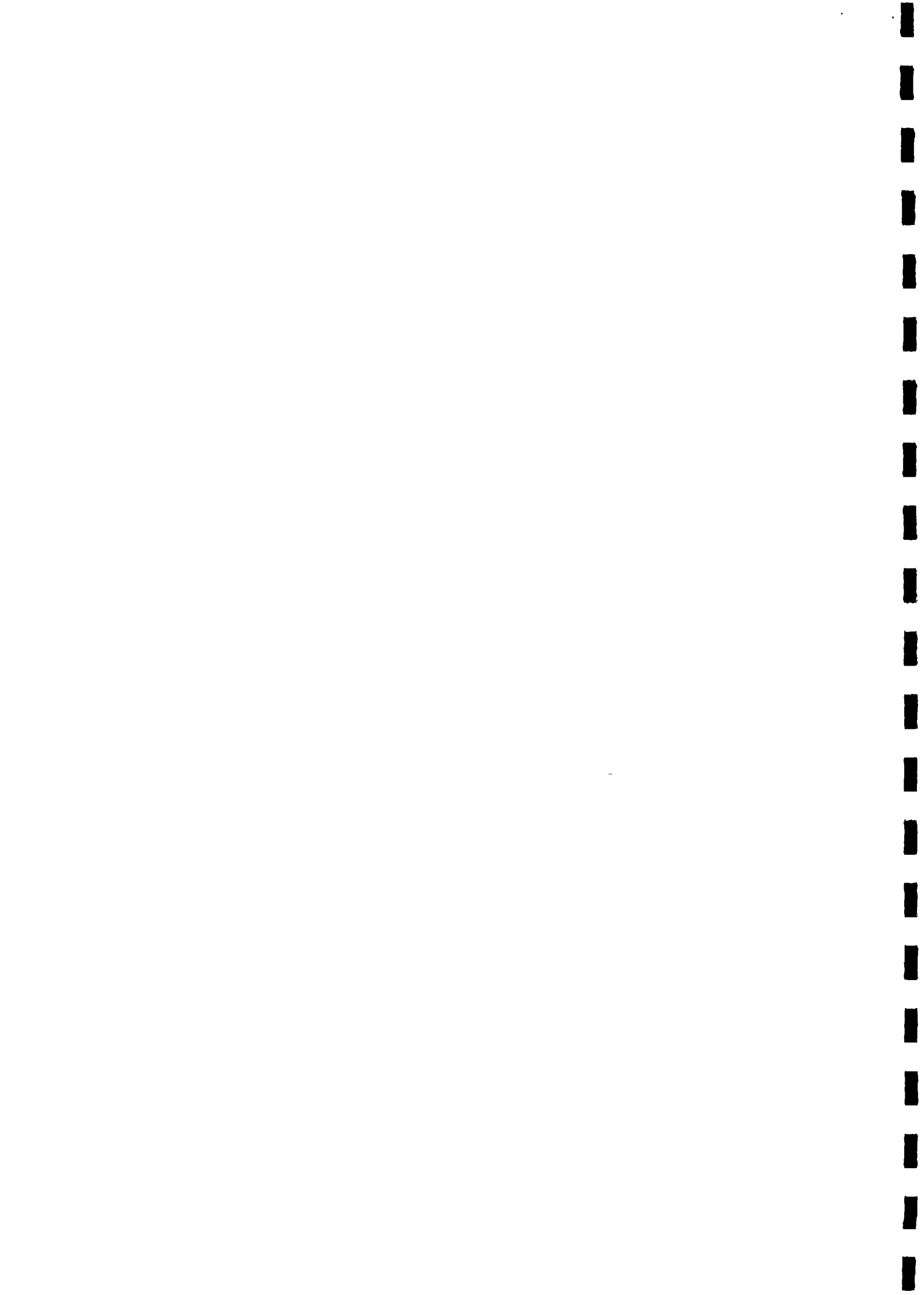
*Some challenges for community enablement*

The efforts to establish a re-defined role for communities and to alter their relationship with government have, in practice met with a number of challenges.

The first has to do with the capacity needed to sustain and upscale the initiated systems. While the DWD has actively seen the CBMS implemented, communities in which the system is still new clearly need back-up support before they take full-charge, but this appears not to be sufficiently provided. For instance the Ministry's half-year report (july-december, 1994;23) shows that no resources were allocated to this activity during that financial year, and more constraining, most of the Borehole Maintenance staff were laid off as part of the civil service reform exercise. This kind of scenario means that in absence of back-up support, responsibility will be just thrown to communities. Whether they will carry it on for long is questionable. Meanwhile CIDA/SIDA, (1993 cited in Narayan, 1995;37) note that enormous difficulties remain in applying throughout the country a decentralised water-systems maintenance approach through a CBMS. That while the system depends heavily on the district level, district level capacity remains limited especially after special 'project units' have been removed.

In other cases the implementation of the CBMS has been faulted from the beginning. For instance a monitoring study carried out in the WATSAN programme after more than one and a half years of operation revealed that handpumps had been installed even where no committees had been formed. In fact, very few committees had been formed and no organised maintenance was being done. Only 15% of the communities had collected O&M funds and spareparts were not readily available. These inadequacies combined with the fact that the hand-pumps used had a very short service life before repair which rendered the water supply system dysfunctional in a very short time. In Wobulenzı township, majority of the boreholes have been mishandled and poorly maintained in spite of the availability of spareparts at the district headquarters, and the existence of a training programme for local mechanics (Mukasa, 1995;7).

Another problem relates to the articulation of the communities' roles with those of other actors. We have already mentioned how implementation problems have arisen where the community can not deliver the in-kind materials or the labour they are supposed to contribute according to the contractors schedule (DWD, 1994b). This difficulty has been experienced in the WaterAid programme as well (Pinfold, 1995;213). Given that community members have to combine their responsibilities for a water programme with their usual work - which might be a reflection of seasons or other reasons - communities may not be ready with their contributions when the contractor wants them to or vice





versa. This obviously leads to both planning and implementation uncertainties and delays.

Further, while allowing communities to choose the location of the water source is considered an important aspect of community participation in decision-making, there are incidents where the community's preferred site for the location of the water source is found not to be technically feasible. In some areas of Kamuli and Iganga districts (under the RUWASA programme), the lack of convergence between community choice and technical feasibility often led to loss of interest in the water source by the community members who felt the water source was located too far away from them (Mutono, 1995;172). In Kamuli district where the initial single-most incentive for participation had been a reduction in the walking distance to the water source, this problem became widespread, seriously affecting the levels of participation. A related problem is when the community's preferred type of water source is not technically feasible as reported in the ACORD programme (ACORD, 1995;15).

In some cases, decision-making on water affairs has remained a monopoly of local elites. A study in Mbarara and Apac districts (Groundwater Research Group, 1994 cited in UNICEF, 1994;156) found that decision making about water systems was mostly done by the LC executives and chiefs without consulting with the masses. Communities felt that they were excluded by the LCs from planning water services and only allowed to participate in maintenance and operation. This problem was partly attributed to illiteracy among majority of the population which make it easy for LCs to dominate.

Yet elsewhere, other factors such as (in)availability of access roads affect the extent to which communities can determine project activities. In Apac and Mbarara districts, villages in deep rural areas were not served by borehole programmes. Local leaders and water engineers claimed that the heavy weight and poor manouverability of drilling rigs led to boreholes being drilled primarily along main roads. Additionally, business people in trading centres were biasing the location of new boreholes in their favour (Groundwater Research Group, 1994 cited in UNICEF, 1994;157). The indication here is that community members themselves are not a well integrated lot that has similar interests. Instead, there is a reasonable degree of differentiation - with some members such as businessmen and local leaders more enlightened than the rest - enough to pose a challenge to the notion of a 'community' that can be enabled together to pursue common interests.

The endeavour to mainstream women into the execution of water programmes has equally been problematic in NGO and government programmes alike. In ACORD, a major flaw was that during some of the activities for which a long day's work



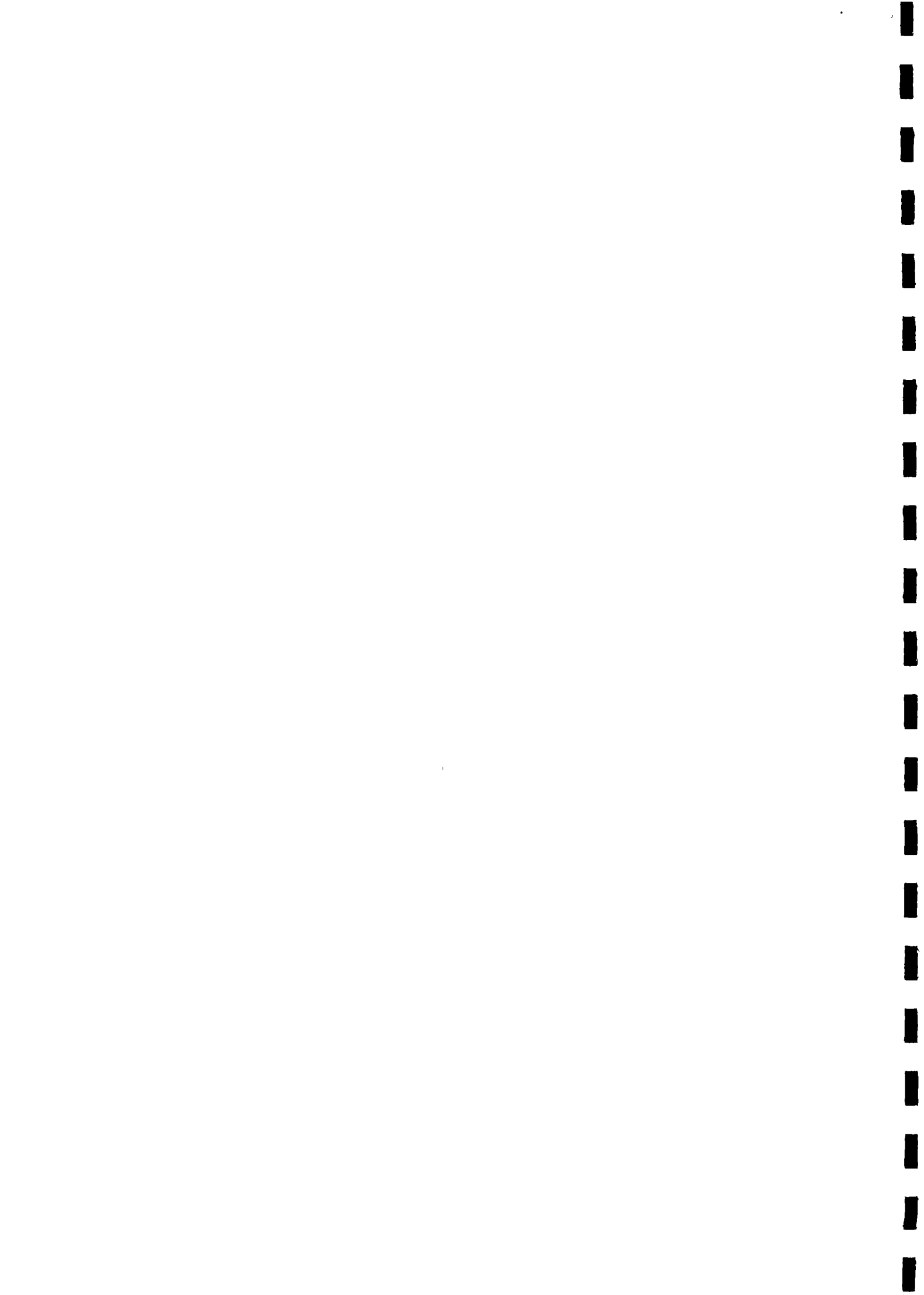
was anticipated, women would often have to come together to prepare meals as men worked with the technicians or the educators. Yet in such cases this was also interpreted that women had 'participated' since they had 'contributed' to the success of the day's work (ACORD, 1995;13, Rwabambali et al, 1995). Writing about the participation of women in water activities, Rwabambali et al (1995;230) mention that;

"During the construction [of water sources], women also participate e.g in collection of local materials and cooking meals for the working groups".

This kind of role division would not only deprive women of the opportunity to take part in important processes of the programme, but it would also reinforce their feeling that their husbands represent them. If we refer to Paul's framework mentioned in our chapter two, then it is clear that ACORD by assuming that women have 'participated' since they collect materials and prepare meals is employing the weakest objective of community participation. From the Gender perspective, this form of 'participation' only serves to reinforce women's marginal role in the development process, by relegating them to spheres far detached from decision-making.

In addition, the requirement that at least half of the committee members should be women had its own problems. In Bukalimo, one of the areas under the RUWASA programme where I participated in an evaluation study, community members had been drawn into electing what turned out to be not-so-capable women on the committee out of the obligation to have half of the committee as females. In three villages, some female committee members had abandoned their committee roles either due lack of approval from their husbands, or to the incompatibility of the committee role with their domestic roles, or both. Even RUWASA's system of training females as HPMs seems not to have taken root, for not very clear reasons. After more than a year since the inception of that system, Okuni and Rockhold (1995;202) report that only one female HPM had been trained out of the 21 that had been initially selected.

An assumption which seems to underlie the enabling approach is that when enabling actions are implemented, the objects respond positively. Some experiences, however show that the response may not always be forthcoming. Copeland (1995;62) reports thus about WaterAid's activities in Bwera. That the general community attendance at meetings is only about 2% and usually no more than 5%. He notes that the attendance is equally poor even during what could be considered important events such as handover ceremonies. This signals a serious problem for entrusting the communities with important roles that management of water systems constitutes. The gravity of the problem is such that even elected representatives do not attend unless WaterAid is to provide lunch for them. Of course such a problem may not necessarily exist in all programmes, and it may have much to do with how a particular NGO enters into



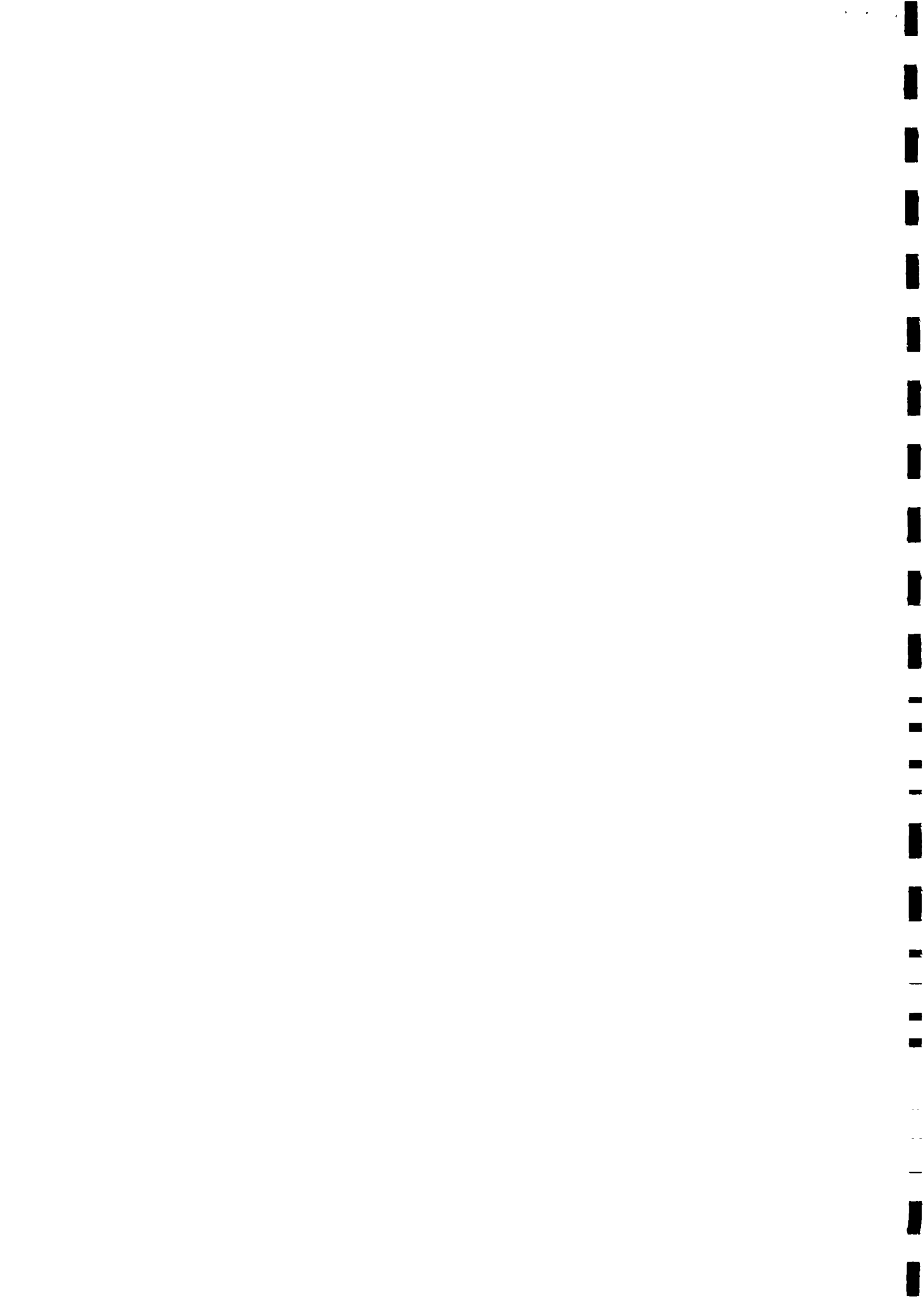
a community, the strategies that it employs, the incentives available for community members to participate, and a number of other factors. For instance in this particular case of WaterAid, it is reported that the local structures namely the chiefs and LCs were not invited to become involved until the project realised that the rate of payment of O&M funds by the community members was falling below the necessary level required to maintain the project (ibid;64). Whereas other programmes may not face a similar problem, what this particular one shows is that the participation of community members is not something that will always be forthcoming whenever called for.

There have been incidents of embezzlement of community funds by those placed in charge of collecting, keeping or administering them. This was a problem in WaterAid supported Bwera communities (Copeland, 1995;63). The same problem however is also not absent, or is even perhaps worse in community management schemes supported by government agencies as reported in NWSC-Mbarara (Sekayizi; interview) and RUWASA (Okuni and Rockhold, 1995;203). In NWSC-Mbarara where the corporation involved LCs in the management of water supplies and collection of charges, the most LC officials failed to remit the collected revenues to the corporation. In RUWASA, those placed in charge of sub-county spare part depots mismanaged the funds. These examples warn us that whereas decentralisation of financial and other management roles may reduce problems of accountability, it does not by any means eliminate them. Problems related to financial (mis)management have been compounded by lack of accounting skills among community members including those elected to be treasurers (Copeland, 1995;63).

Other difficulties concern how the capacities created in communities such as through training, can be retained in the communities over time. In the case of the WaterAid-assisted Bwera project, it was feared that the trainees and technicians groomed under the auspices of the CBMS would sell their skills elsewhere at rates that their committees would not afford in order to keep them (Copeland, 1995). The problem stems from the fact that WaterAid pays the local staff at the going NGO rate, which is many times higher than the market wage rate. The NGO rate then sets a bench mark expectation which would certainly not be afforded by the community upon the withdrawal of WaterAid. Dillon (1994;5), also reports that community members trained by NGOs often eventually drop out due to several reasons including loss of interest, migration, conflicts with others, and so on.

The foregoing section has revealed that while a lot can be expected from the developments relating to community enablement, enormous challenges remain.

#### *Role of donor Agencies*



Donor agencies have for a long time and continue to constitute an important category of actors in the country's water sector. In financial terms, up to the tune of 90% of the investments in the sector (including sanitation) comes from donor sources (MNR/DWD, 1996;7, Kalanghuka-Kayondho, 1994;4). This kind of weight that the donor community has in the sector raises interest in how they could be influencing or being influenced by the current processes of re-defining roles and relationships in the sector.

The donor community in Uganda's water sector includes multi-lateral agencies such as UNICEF, EEC and the World Bank, Bi-lateral agencies the most notable of which is DANIDA, and a multitude of other international co-financing agencies and NGOs most of which channel their support through their Uganda-based branches. The various donors are influencing the events in the sector in a number of ways that contribute to enablement.

First, some donors have been important in initiating new approaches and in influencing government to adopt them. UNICEF's pioneering support for the CBMS already referred to is a case in point. Secondly, many donors are offering support to the DWD both financially and in form of technical advice for the design of the different forms of enabling measures and their implementation. For instance, DWD's study on water technologies which preceded the standardisation exercise was carried out with both financial and technical assistance from UNDP/World Bank Water and Sanitation Program based in Nairobi (DWD, 1996a). And thirdly, donors, through conditionalities attached to the support they offer, have often required government to adhere to certain working practices some of which encompass enabling elements. A good example in the case of this last point is the World Bank's support to the PAPSCA programme, in which one major requirement was that government implements through NGOs and CBOs (Evans, 1994;2, Johnson, 1996).

UNICEF being one of the major donor players in the Ugandan water sector, a brief mention of its particular role is justified. UNICEF's efforts to initiate a community-based model of water provision in rural areas of Uganda during the mid eighties was at first interrupted by the climax of the civil war during 1985-86. When the country recovered from war after 1986, UNICEF's country programme was able to continue with the CBMS. By 1990, 194 community-based mechanics had been trained (GOU/UNICEF, 1989;11-13). During the 1990-95 country programme, a Women and Community Mobilisation component was established with a goal of assisting women to play a larger role in community-decision-making. Meanwhile, UNICEF made use of the decentralisation policy and it decentralised decision-making on budget allocation to districts. And now for the ongoing country programme which is for the period 1995-2000, the objectives for the Water and Environment Sanitation (WES) component are stated





categorised as follows;

(i) A community capacity building objective; To improve community capacity to plan, construct, manage and effectively use water and sanitation facilities, with special emphasis on increased participation of women.

(ii) A service delivery objective; To strengthen the capacity of sub-counties and districts to deliver services which support communities in planning, construction, management, maintenance, and effective utilisation of water and sanitation interventions.

(iii) A National Policy objective; To strengthen national capacity to develop policies and guidelines for technical and human resource development and quality assurance (UNICEF, 1994b;23).

Thus from the objectives of the kind above, what can be observed is a cross-cutting feature of building capacity at the various levels; community level, sub-county level, district level and national. Interestingly, at each level, the capacities to be supported are for a different purpose. Thus, for instance while at the community level the capacity is for implementing, at national level it is for policy development; reflecting support for a separation of roles for different levels of government typical of the enabling approach. In line with the above objectives, the WES sectoral component is organised into corresponding programme components, namely a community enablement component, a strengthening capacity for service delivery component, and a capacity building for policy development and quality assurance component.

Meanwhile, the country programme has also devolved planning to the district level. All activities to be assisted by the country programme are expected to be reflected in the sectoral plans and budgets at district level, and to be approved by the district council (UNICEF, 1994b;41) (Also see Annex for the national implementation framework and WES management structure).

Thus, although we are not able to extend this discussion to the rest of the donor agencies in the sector, the UNICEF case illustrates that donors have been active agents of the changes in the sector.

Yet in some ways, donors have at the same time caused frictions and acted in ways that are subject to question. For instance while the donors' insistence on government need to work through NGOs and CBOs may be well intentioned, and may indeed contribute to the deconstructing the tradition of a 'provider' state, many NGOs see this as a top-down approach from donors that is threatening to erode their independence (Minsing; interview<sup>37</sup>), perhaps

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<sup>37</sup> Interview with M.Minsing, Uganda Women's Finance and Credit Trust's technical advisor. Novib, The Hague, sept, 1996.



making them an extension of an incompetent government (Heidenreich, 1995). In other cases, project staff working on donor funded programmes have, due to the need to meet donor requirements such as deadlines and physical targets compromised issues of capacity building and sustainability.

#### 4.11 Community enablement, market enablement, and the poor.

We noted in chapter two that difficulties remain in distinguishing the different forms of enablement. With particular reference to market and community enablement, the fear is that the failure to distinguish the two - both theoretically and in practice - might result into an overriding concern with market enablement, often to the disadvantage of the poorer sections of the population who might not be able to express their preferences through market mechanisms.

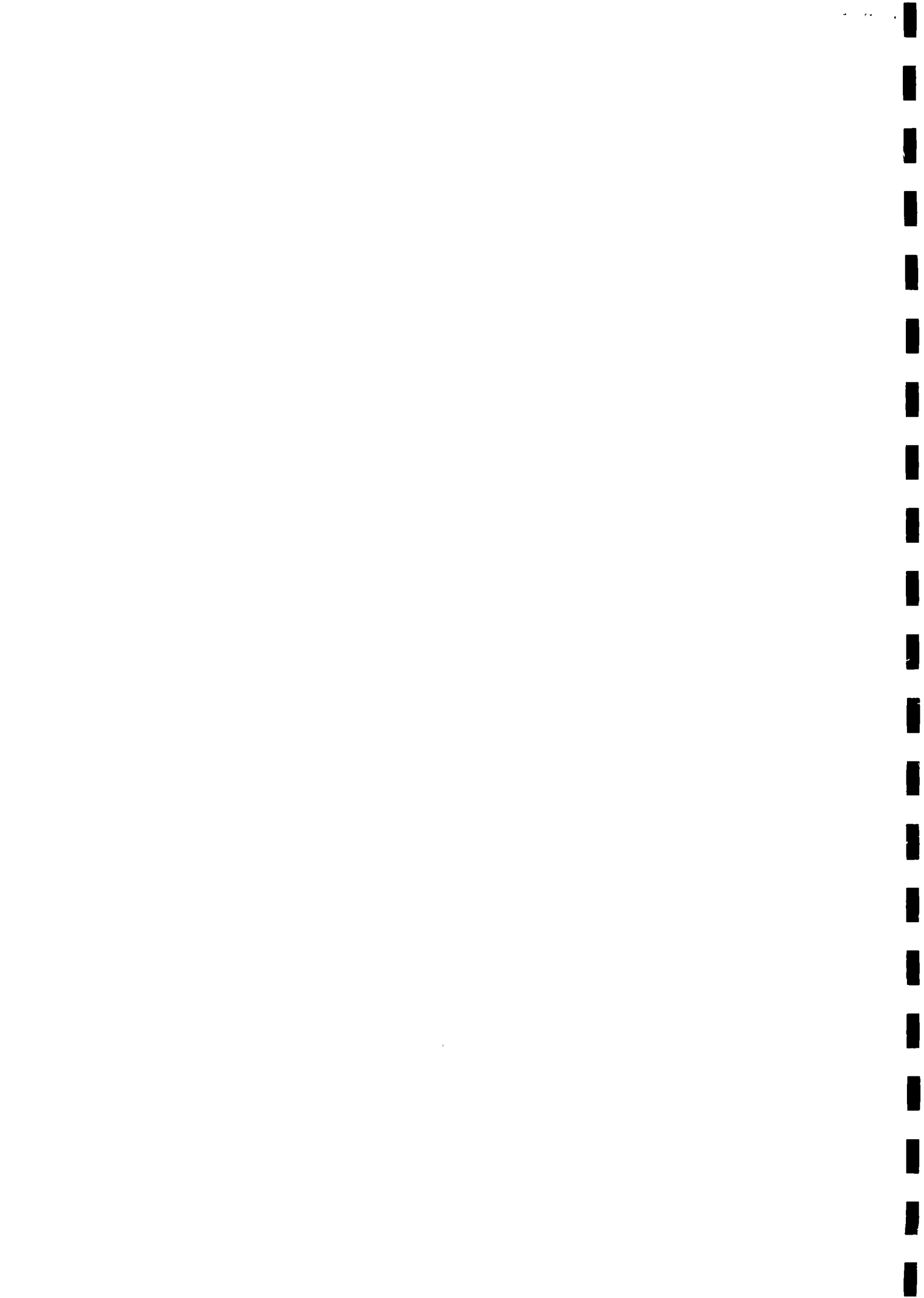
From our analysis, it seems that in the Uganda's case, the distinction between community enablement and market enablement as applied to water provision tends to be blurred by the fact that market principles are increasingly being applied in community-based delivery of water services. One important aspect of this is that the 'costs' involved in delivering water services are becoming a very important consideration in determining key issues of the service such as the service levels and the water technology to be used. For instance whereas in the first phase of the RUWASA programme, beneficiaries were only required to meet the O&M costs, in the second phase, and also in the RTWSP, beneficiaries have to pay part of the capital costs (DWD, 1994). Indeed, the communities' choice of a given technology option from a range of possible options is largely based on whether they afford it. Thus revelation of preferences in community-based approaches is increasingly being subjected to market-like principles, which makes the boundary between the two forms of enablement unclear.

Nonetheless, a few factors are identifiable which appear to determine whether the tendency is more towards a market-oriented approach or a community-oriented one.

The first one is the service level. In the RTWSP, the programme ensures that communities get a basic level of service<sup>38</sup>, while encouraging a higher level for those who can afford it. Consistent with the provisions of the National Water Policy (MNR/DWD, 1996;14), if users choose service levels above the basic level, they are required to meet the added costs of such services. Thus,

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<sup>38</sup> Basic level for water supply is defined as "a protected year-round supply of 20 litres per capita per day, ... within 250 to 500 metres of all households and serving 200 to 300 persons per outlet" (DWD, 1994;2 P&G)



although such users continue to be supplied from the same community water system, their demand is, above a certain level of service satisfied through market principles.

The second factor is the extent to which the benefits from the water source are individual or communal. In the RTWSP for instance, while the community contributes the equivalent of one year's O&M costs as their contribution to the construction of their community water supply, for private connections the cost is fully borne by the beneficiary (DWD, 1994b;5). The same reason also explains why a tariff system that is determined on the basis of the level of consumption is used in urban areas, while in rural areas, community members usually pay a uniform amount to operate and maintain a shared water facility.

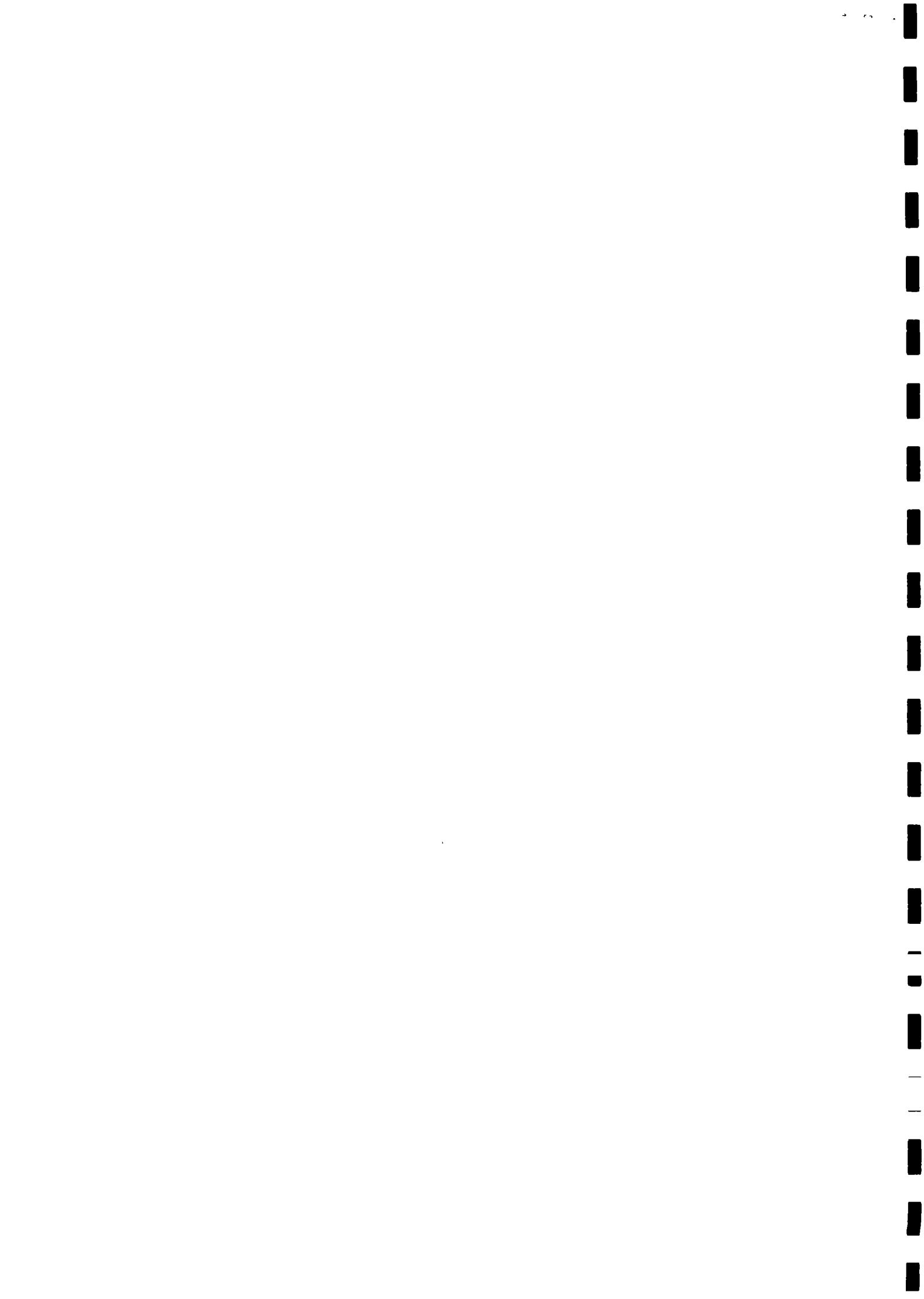
Thirdly, the structural differences between urban and rural areas and the associated difficulty in organising community participation in urban areas seem to be the explanation for using community enablement in rural areas, and commercialised supplies such as the self-financing basis of the NWSC, in urban areas. Whereas a 'community management' approach is being tried in urban areas, this is intended to operate in peri-urban and rural-side urban areas where the community values and structures are more of a rural than urban nature.

And finally, a kind of 'ability to pay' principle appears to apply especially in urban areas to cater for the urban poor. The National Water Policy (1996;16) stipulates that tariff structures with cross-subsidies where appropriate should ensure that services can sustainably be available to the urban poor.

#### 4.12 Impact of government practices on non-state actors and vice versa.

While, it is expected that the government practices we have been discussing have some influence on the operations of non-state actors, it is also possible that the behaviour of non-state actors and their operations influence the operations and organisation of government. This section briefly discusses such influences. We begin with the influence of government practices on NGOs, then on communities, private business sector, and finally, the influence of these other actors on government.

A major impact of enablement can be seen in the ideological and developmental disposition of NGOs. While NGOs had a historical involvement in provision of services including water, their dominant approach tended to be rather relief oriented and coloured by a religious stance. During Uganda's turmoil years this stance was obviously maintained to keep at peace with the ruling governments. In recent years, however, NGOs are being more secularised,



employing professionals, pursuing developmental rather than relief oriented goals, using political-laden catch-phrases such as 'empowerment', challenging government ways of doing things, utilising community participation, and even employing cost-recovery measures. In many ways, even church programmes themselves are becoming less distinguishable from those of other NGOs (Heidenreich, 1995;26). Whereas a number of other factors such as donor requirements could have inspired this change, it could also be that given the current political atmosphere in the country, NGOs and churches now do not have to show that they are nothing else but religious in order to survive.

In addition, NGOs are actively seeking for ways in which to take advantage of the opportunities created by changes in the working of government. They themselves recognise that the government decentralization process will go a long way in changing their modes of operation, and improving their operational environment (see Rwabambali et al, 1995;231, Dillon, 1994;2). At the Water Sector Conference of 1994, the Director of Lutheran World Federation - one of the NGOs in the sector - recognising the changes taking place in the organisation of government called for increased collaboration between governments at district level and NGOs to enable the latter adapt their role and functioning in order to aid the operation of the sector under decentralisation (Dillon, 1994;2). Particularly recognised is the need for NGOs to open up offices at district level to facilitate easy and frequent contact with the district staff, collaborative planning, promoting liaison meetings and field visits with government staff, and promoting formal training sessions for government water-related staff. Indeed, some NGOs already operate offices at district level. NGOs see in decentralisation a highly promising better working environment. In line with mainstream public administration theory, they contend that 'bringing political and administrative control to the point of system delivery, accountability, appropriateness, effectiveness, and community ownership of projects can be improved (Dillon, 1994;6). NGOs recognise the role government, even at the low levels, can do to facilitate their work. Copeland (1995;63) writing on the problem of water abuse (through car washing, brick-making, and construction) faced by the Bwera/WaterAid project noted that the problem would be solved by passing bye-laws, and having the chiefs and LCs to enforce them.

Again NGOs themselves recognise the importance of allowing private sector participation in different aspects of delivering water services. Dillon (1994;5) notes that most NGOs which have completed the implementation stage are finding it difficult to go through the process of 'project hand over' to the beneficiaries. He partly attributes the difficulty to the communities' lack of supplies and sufficient technical capacity to continue the maintenance. From the findings of his consultations with different NGOs in the





sector, he mentions that NGOs contend that promoting the private sector will help ensure project sustainability - through among other ways, availing the necessary supplies and capacity through the private sector.

Regarding the influence on communities, decentralisation and community involvement in some areas have worked to arouse a kind of development consciousness among communities that clearly replaces the government-dependency attitudes that prevailed in the era of the 'developmental state'. In some districts such as Mpigi, it is reported that the district receives a steady flow of applications from the communities for inputs that are not locally available. Since such applications are on the basis of what the communities have considered as appropriate, and affordable it can be said that the idea of service provision being 'demand-driven' is slowly taking root. The decentralisation process, particularly of finances has brought about tremendous changes at the community level. Sub-counties now draw and manage their own budgets, and depending on their prioritisation, water activities forms a major component of their capital expenditure (Semogera and Kiwanuka, 1995).

The impact of community enablement practices have gone beyond involving community members as individuals or as groups of water users. Other community-based structures for whom interest in water activities was not the original motivation for affiliation are making use of their institutional status to address water related activities. In some three sub-counties of Mpigi district, Women's groups have incorporated water activities in their scope of activities (Semogera and Kiwanuka, 1995;236). In other cases, enablement is strengthening the institutional structures of communities in tremendous ways. In Kasese district where WaterAid is supporting a gravity flow water scheme, a water user-group has evolved into an NGO. The Bwera water association is now a registered indigenous NGO (Copeland, 1995;62).

In the case of the private business sector, not much can be said, since its role in water activities is only a nascent one. What can be said, however, is that a role is now emerging, and in response the size of private business actors is also increasing. For instance, MNR/DWD (1996;43) reports an increasing number of applications for drilling licences by private drillers.

And finally, a few observations on the influence of non-state actors practices on government. [to be elaborated further]

\* Chapter 5 (conclusions) still incomplete, not here.



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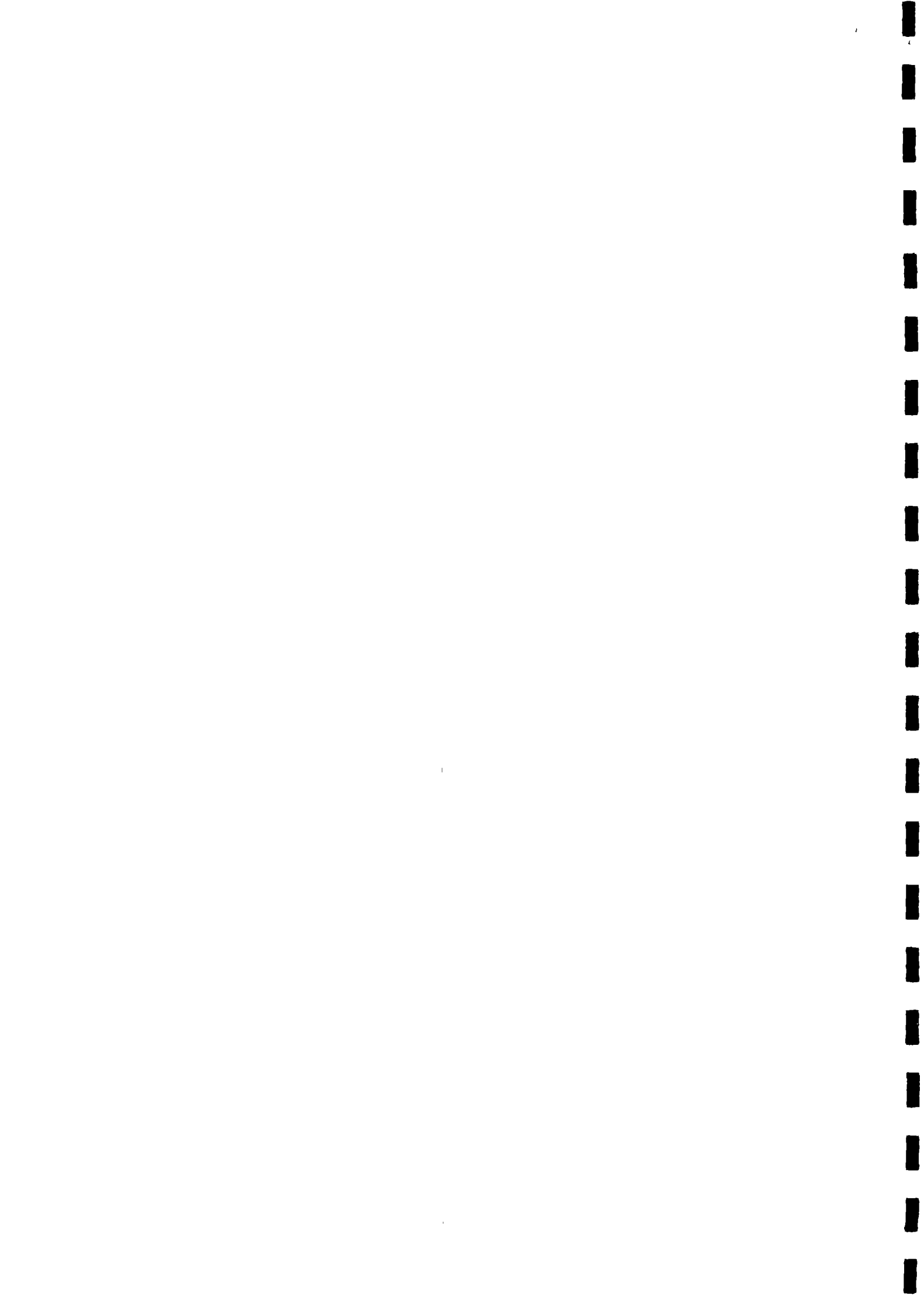
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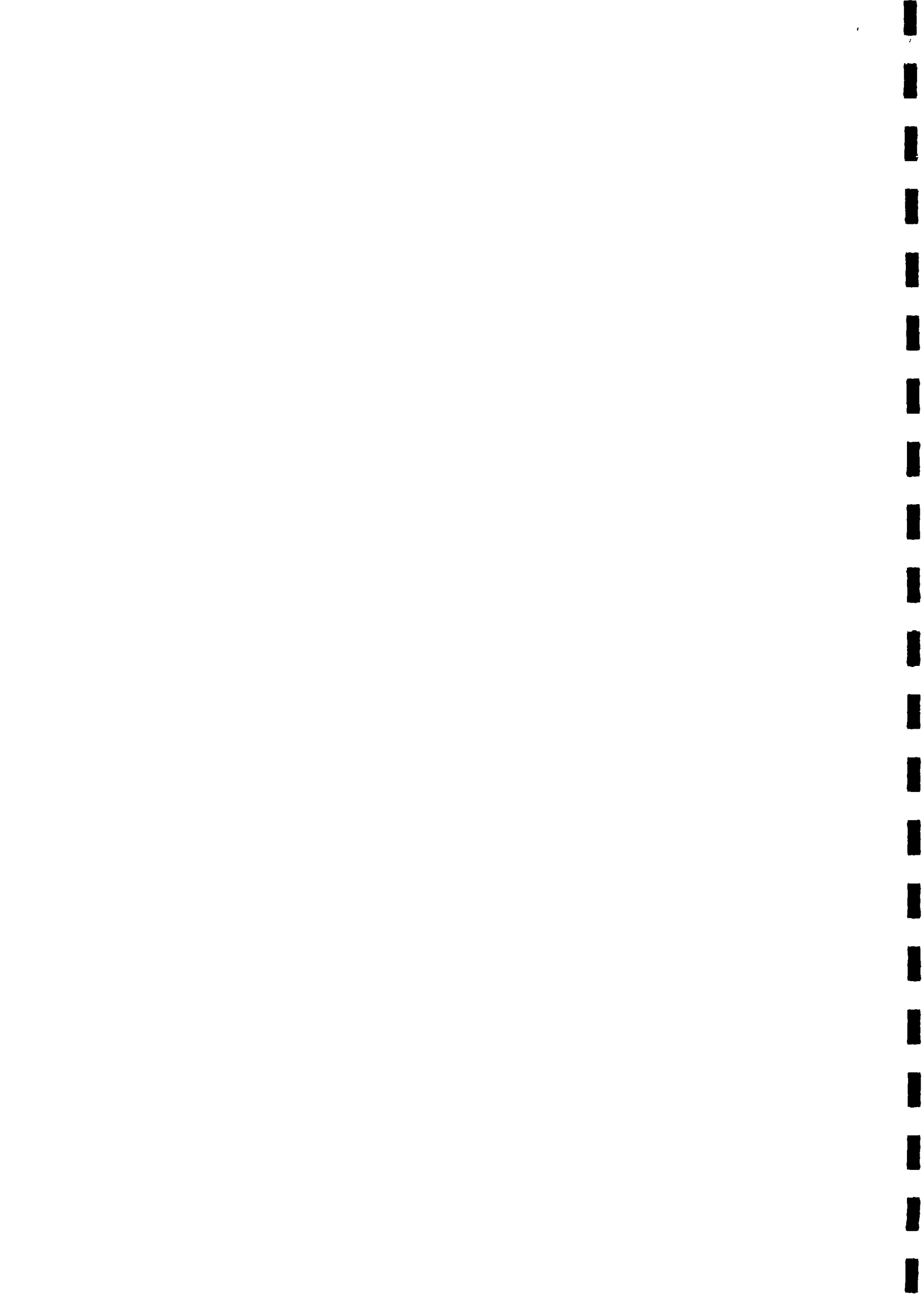
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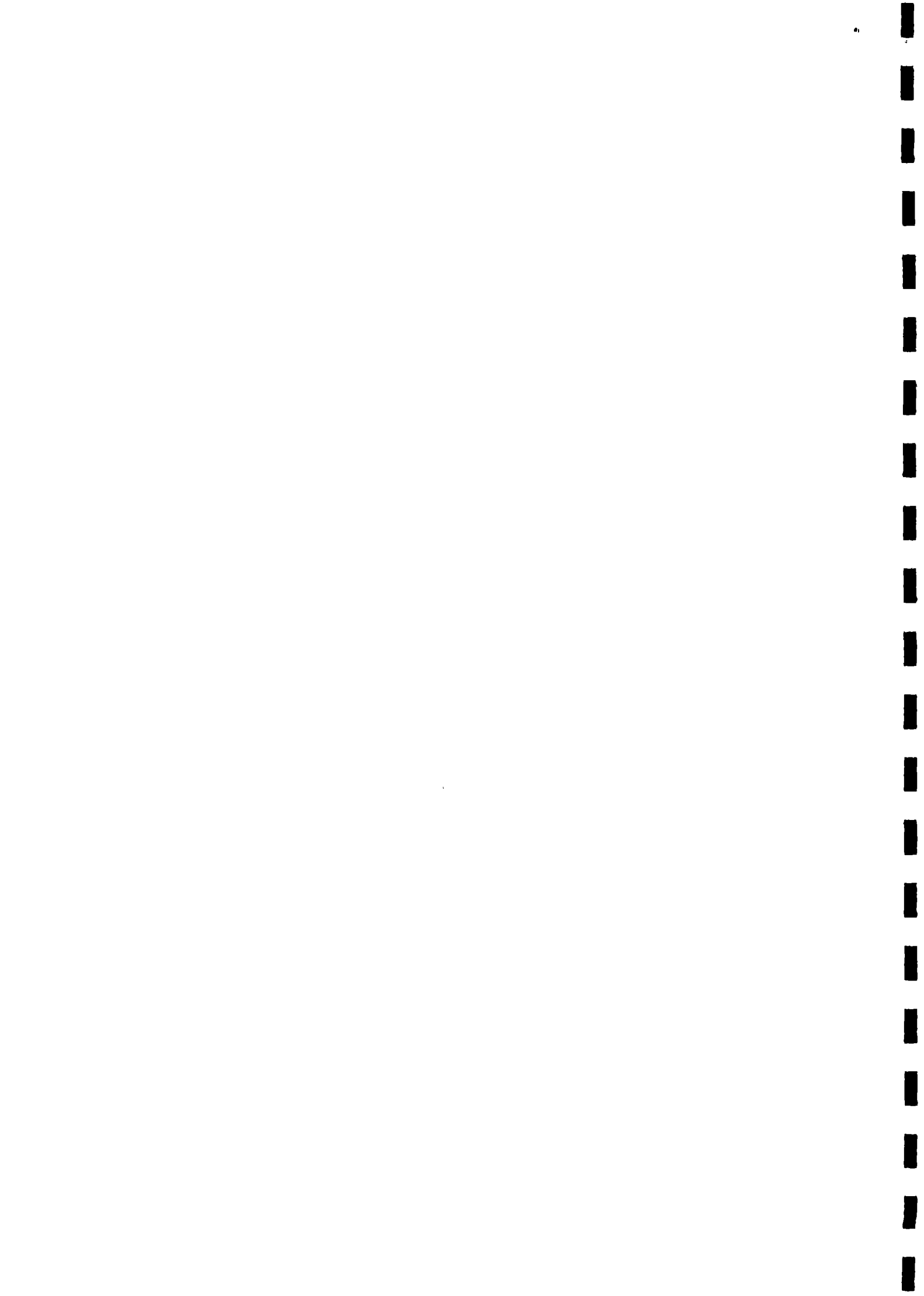
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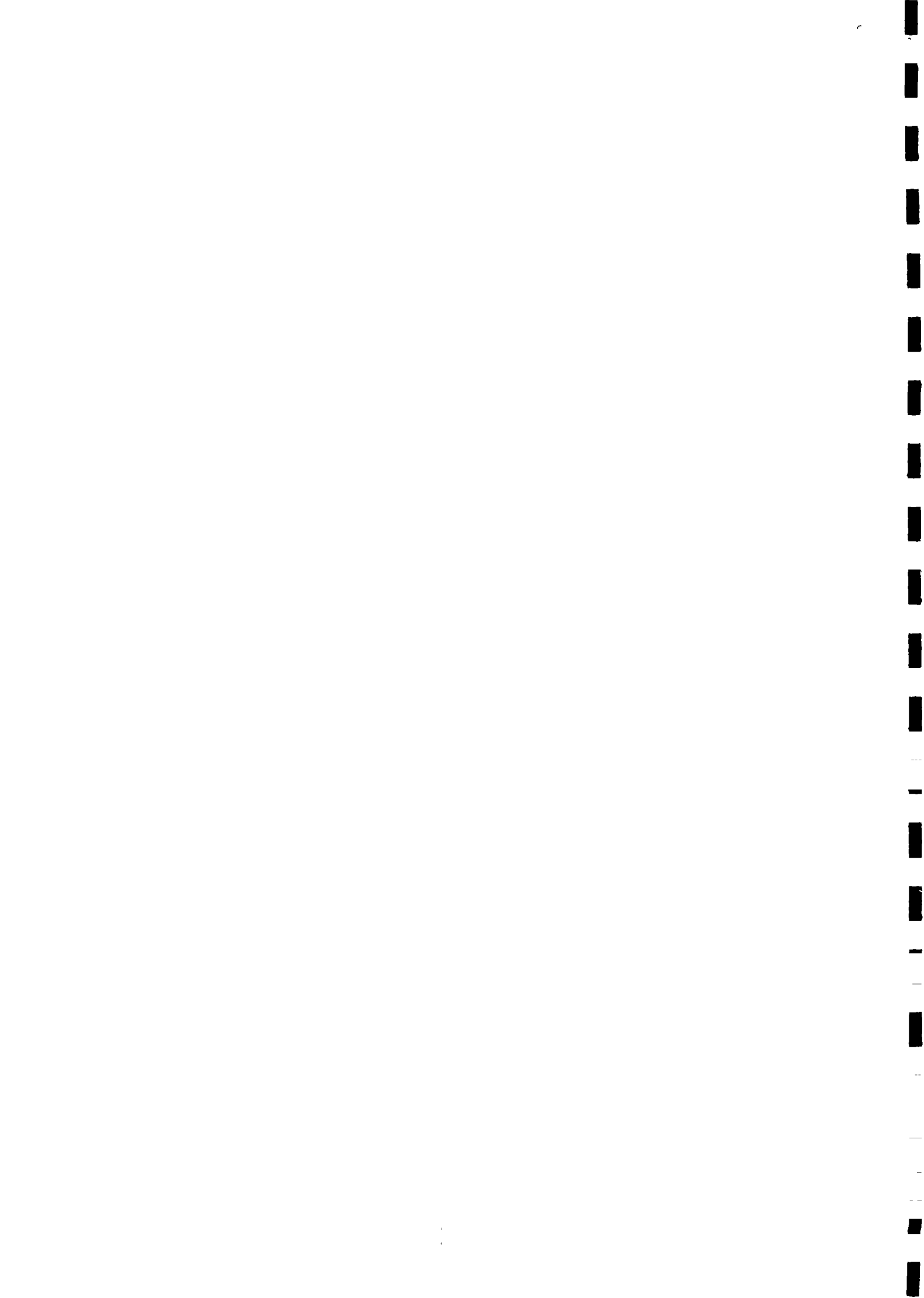
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