

**The role of development assistance  
in  
the promotion and protection of human rights in Uganda**

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**Thesis submitted in fulfilment of the requirements of the degree Doctor Legum  
(LLD) of the University of Pretoria, South Africa**

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And with Professor Frans Viljoen as co-supervisor**

### **Declaration**

I declare that this thesis, which I hereby submit for the degree Doctor Legum (LLD), at the University of Pretoria, is my own work and has not previously been submitted by me for a degree at this or any other tertiary institution.

**Signature of student**.....

**Signature of supervisor**.....

**Signature of co-supervisor**.....



## **Dedication**

This study is dedicated to my late father, Professor Enoka Rukare, who will always be my beacon and inspiration.

## Acknowledgments

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## Summary

Uganda, like several developing countries, is a recipient of development assistance. This assistance, which is provided by rich developed countries, supports among others human rights programmes in these countries. Development partners that provide this assistance wield considerable influence arising from the assistance they provide. This study seeks to determine what role development assistance plays in the promotion and protection of human rights in Uganda.

The study establishes that, similar to several African countries such as Malawi, Zambia, Kenya and Ghana, Uganda is aid-dependent. Although Uganda is committed to reducing this dependence, it is concluded that without this vital lifeline of development assistance, Uganda would not be able to fully fund and run its human rights programmes or development budget.

The study further establishes that international cooperation and the provision of development assistance are embodied in international human rights treaties and declarations. However, while there is an obligation to provide development assistance, stipulated in international human rights treaties, the study establishes that some development partners do not recognise this obligation. A model convention providing for the obligation to provide development assistance is elaborated in this study.

The study arrives at the conclusion that development partners through the provision of development assistance have advanced the human rights agenda

in Uganda, though sometimes impeding the development of an authentic domestic human rights culture. The study recommends that there is a need to reverse this situation. The study concludes with several recommendations aimed at making Uganda own its human rights agenda.

**Keywords:** Development assistance, development partners, human rights, development, local ownership, right to development, law of development, development assistance treaties, aid modalities, budget support and project support.

## List of Acronyms

ACHPR	African Charter on Human and Peoples' Rights
ACRWC	African Charter on the Rights and Welfare of the Child
ACP	African Caribbean Pacific
APIR	Annual PEAP Implementation Review
APR	African Peer Review
APRM	African Peer Review Mechanism
AU	African Union
BTC	Belgium Technical Cooperation
CBO	Community-Based Organisation
CBR	Centre for Basic Research
CERD	International Convention on the Elimination of All Forms of Racial Discrimination
CHRAJ	Ghana's Commission on Human Rights and Administration of Justice
CIA	Central Intelligence Agency
CIET	Community, Information, Empowerment, Transparency
CIDA	Canadian International Development Agency
CSO	Civil Society Organisation
CPAP	Country Programme Action Plan
CORET	Consulting, Research and Training Centre
DAC	Development Assistance Committee
DANIDA	Danish International Development Agency
DCI	Development Cooperation Ireland
DFID	Department for International Development (UK)
DPSF	Decentralisation Policy Strategic Framework
DRC	Democractic Republic of Congo
DNIEO	Declaration on Establishment of New International Economic Order
EAC	East African Community

EC	European Commission
EU	European Union
FCO	Foreign and Commonwealth Office
FHRI	Foundation for Human Rights Initiative
FIDA	Federation of Women Lawyers
FINNIDA	Finish Department for International Development Cooperation
FOCA	Friends of Children
FY	Financial Year
GDP	Gross Domestic Product
GTZ	German Technical Cooperation
GNI	Gross National Income
GNP	Gross National Product
GoU	Government of Uganda
Govnet	Network on Governance
HDI	Human Development Report
HIPC	Heavily Indebted Poor Countries
HIV	Human Immunodeficiency Virus
HIVOS	Humanist Institute for Cooperation with Developing Countries
HRBA	Human Rights-Based Approach
HRW	Human Rights Watch
HURINET	Human Rights Network
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICJ	International Court of Justice
ICT	Information Communication Technology
IDP	Internally Displaced Persons
ILO	International Labour Organisation



IG	Inspectorate of Government
IGG	Inspector General of Government
IHRN	International Human Rights Network
IMF	International Monetary Fund
JAF	Joint Assessment Framework
JARD	Joint Annual Review of Decentralisation
JLOS	Justice, Law and Order Sector
KNCHR	Kenya National Commission on Human Rights
KHRC	Kenya Human Rights Commission
LC	Local Councils
LG	Local Government
LGBT	Lesbian, Gay, Bisexual and Transexual
LGSIP	Local Government Sector Investment Plan
LRA	Lord's Resistance Army
MCC	Millennium Challenge Corporation
MDGS	Millennium Development Goals
M & E	Monitoring and Evaluation
MGLSD	Ministry of Gender, Labour and Social Development
MoFPED	Ministry of Finance, Planning and Economic Development
MoLG	Ministry of Local Government
MoPS	Ministry of Public Service
MoU	Memorandum of Understanding
MP	Member of Parliament
MTE	Mid-Term Evaluation
MTEF	Medium Term Expenditure Framework
MTR	Mid-Term Review
NEPAD	New Partnership for Africa's Development
NAM	Non-Alignment Movement

NDP	National Development Plan
NIEO	New International Economic Order
NGO	Non-Governmental Organisation
NOK	Norwegian Krone
NRA	National Resistance Army
NRM	National Resistance Movement
OAU	Organisation of African Unity
ODA	Official Development Assistance
ODI	Overseas Development Institute
OECD	Organisation for Economic Cooperation and Development
OHCHR	Office of the United Nations High Commissioner for Human Rights
OSF	Open Society Foundation
OSI	Open Society Institute
OPEC	Organisation of Petroleum Exporting Countries
PAF	Poverty Action Fund
PAS	Para legal advisory project
PCDIA	Parliamentary Committee on Defence and Internal Affairs
PDCO	Parliament Development Coordination Office
PDG	Partners for Development and Governance
PEAP	Poverty Eradication Action Plan
PMA	Plan for the Modernisation of Agriculture
PRSC	Poverty Reduction Support Credit
PRA	Popular Resistance Army
PPTAP	Promoting partnerships with traditional authorities' project
PSC	Public Service Commission
PSI	Policy Support Instrument
PSIDP	Parliamentary Strategic Investment and Development Plan
PRSP	Poverty Reduction Strategy Paper

RTD	Right to Development
SAHRC	South African Human Rights Commission
SIDA	Swedish International Development Agency
SIP	Strategic Investment Plan
SWAP	Sector-wide Approach
SWG	Sector Working Group
TA	Technical Adviser
UDN	Uganda Debt Network
UDHR	Universal Declaration of Human Rights
UGX	Uganda Shillings
UHRC	Uganda Human Rights Commission
UJAS	Uganda Joint Assistance Strategy
UK	United Kingdom
UJCC	Uganda Joint Christian Council
UN	United Nations
UNCTAD	United Nations Conference on Trade and Development
UNDG	United Nations Development Group
UNDP	United Nations Development Programme
UNELAMP	United Nations Elections Assessment and Monitoring Project
UNDRD	United Nations Declaration on the Right to Development
UPE	Universal Primary Education
UPPAP	Uganda Participatory Poverty Assessment Project
USA	United States of America
USAID	United States Agency for International Development
USD	United States Dollars
WB	World Bank
WTO	World Trade Organisation

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