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Decentralisation and Urban Governance in Uganda

By

Sabiti Makara

Supervisor: Prof. Tom Lodge

Thesis submitted to the
University of the Witwatersrand, Johannesburg
For the award of a Ph.D in the Faculty of Humanities

2009

Declaration

I declare that this is my own work which, to the best of my knowledge, has not been submitted to any university for any academic award.



Dedication

This work is dedicated to the memory of my late father, Eliab Makara who taught me that life and work have the same meaning, and to my late grandmother Egransi Baroza, under whose care and guidance I grew to realise my childhood dream.

Acknowledgement

I am indebted to many people for their contribution to this work. I thank my supervisor Professor Tom Lodge, who despite the challenge of transferring from Wits to Limerick University retained and guided me to the end. It is a privilege accorded to very few students and I am lucky to have associated with him in this regard.

To the members of my family, especially my wife Beatrice Kabahinda, children: Janet Kukundakwe, Jessica Namara, Joy Asiimwe and Joseph Ruteikara and to my dear mother, Medias, I owe you a pat on the back for all kinds of support to me. It was never a bed of roses, it was a struggle throughout.

I am grateful to Makerere University for a grant that enabled me to pursue this degree. Last but not least, I thank my colleagues who contributed in various capacities to the process of writing this work: William Muhumuza, Paul Omach, Andrew Ellias State, R. Sibongile, Kitty Tweyanze, Aziz Manuel Kanyemibwa, Mable Ekyarikunda, Beatrice Kabahinda, Charity Makara, Arthur Makara and P.Bwire Lumumba. I am equally grateful to all persons who responded to my questionnaires and interviews, and offered information in all forms that enabled the writing of this work. Bravo!

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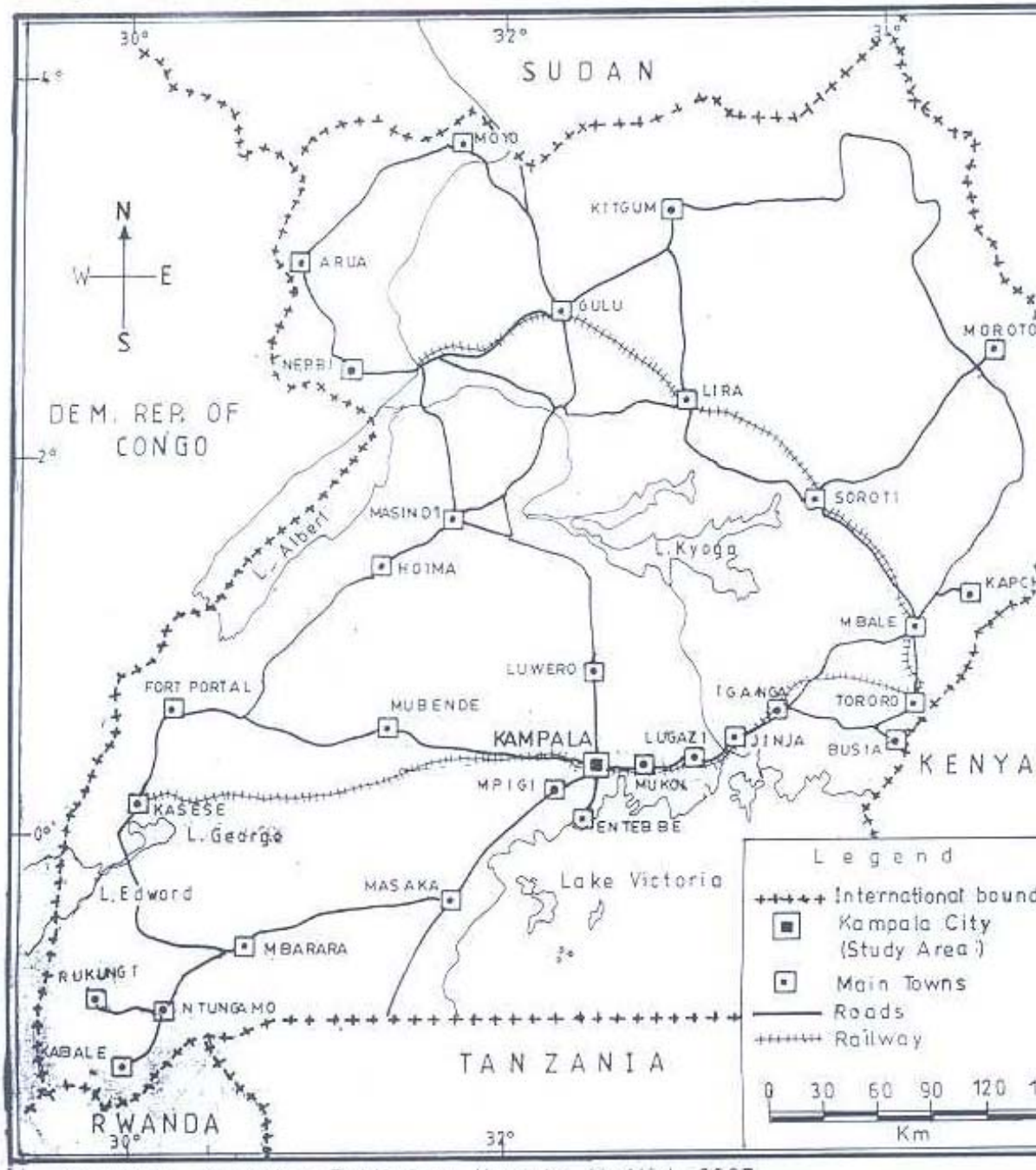
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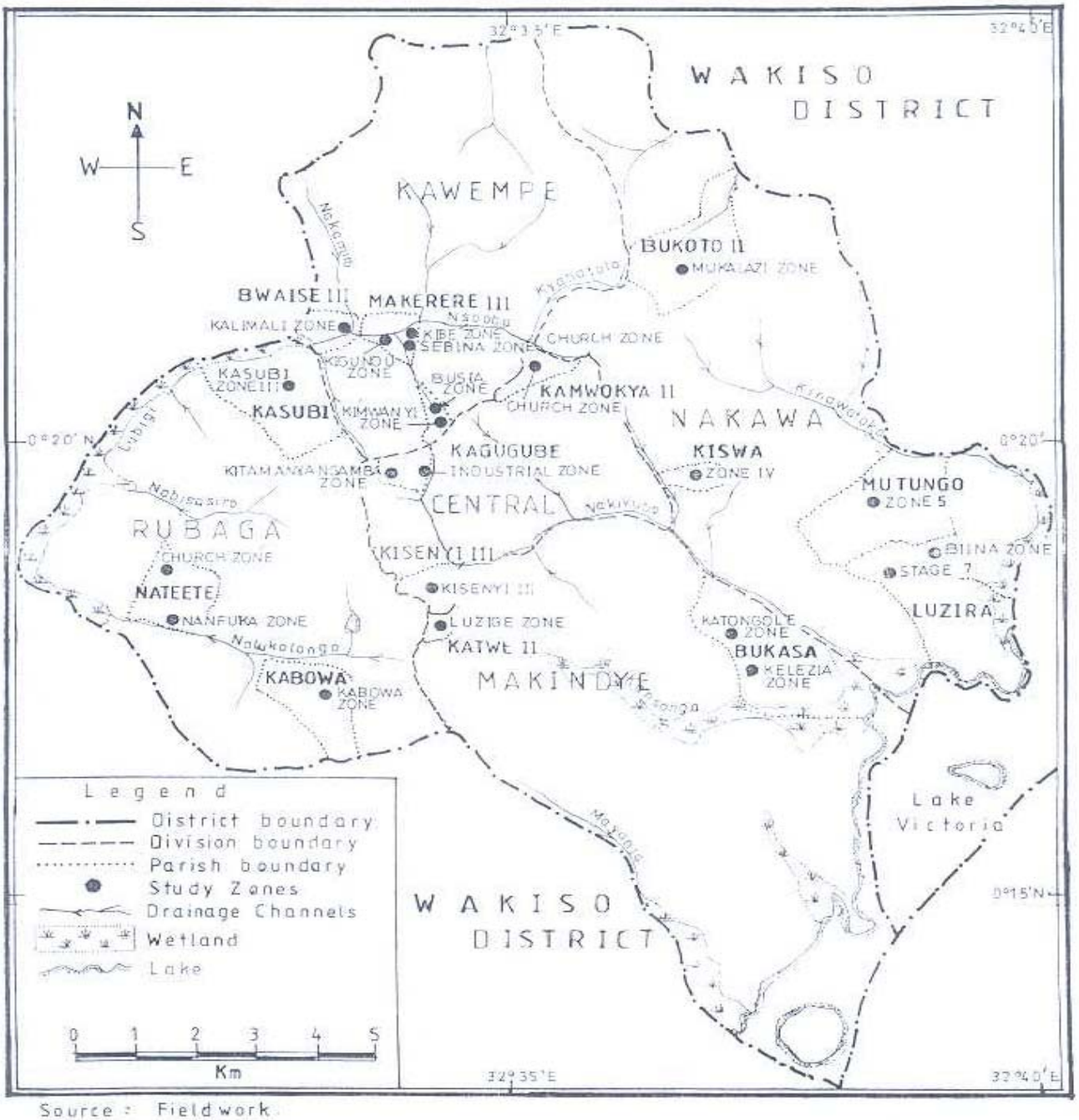
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Source : Macmillan Publishers Uganda Limited, 2007.

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Source : Fieldwork

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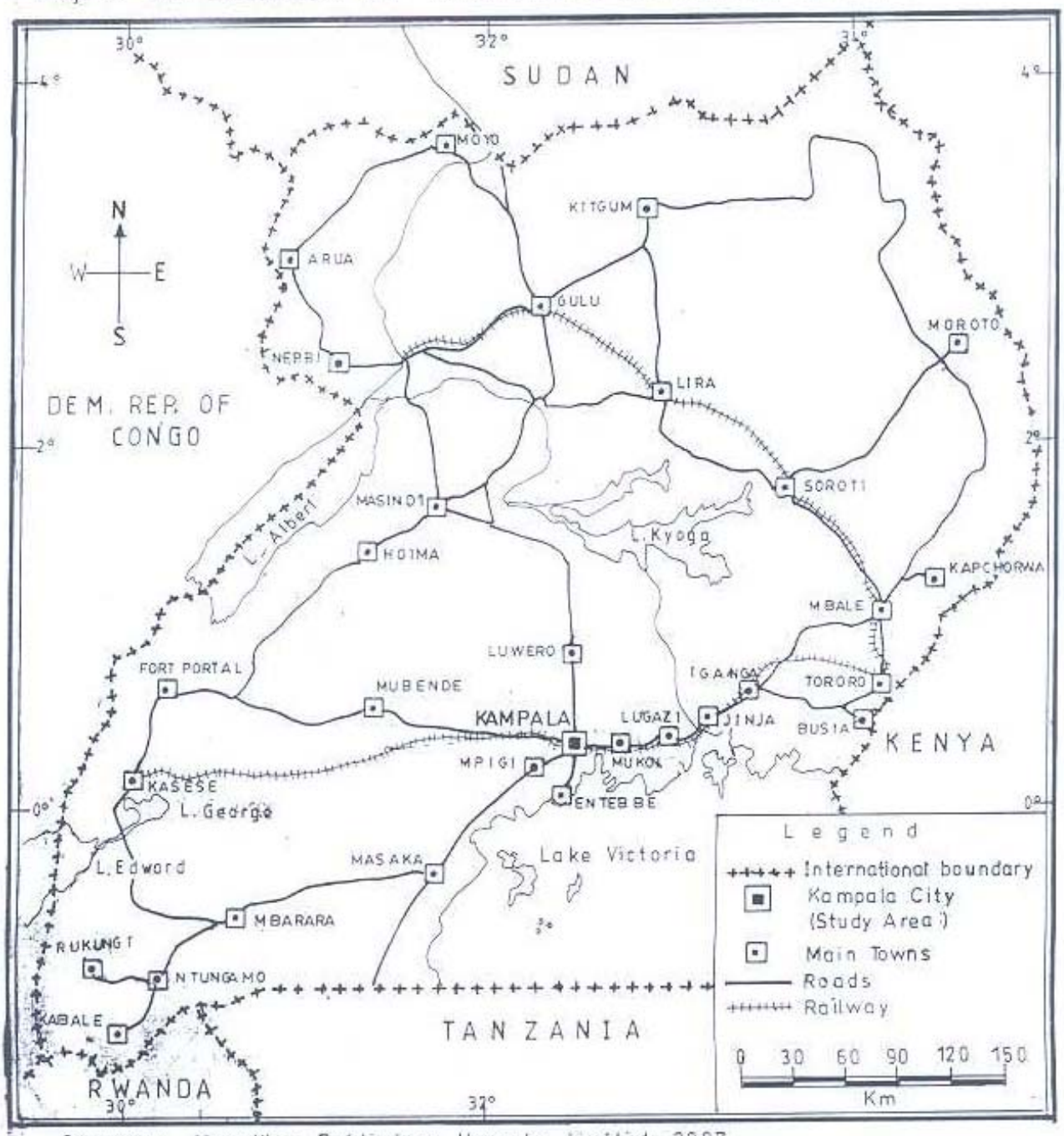
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List of Acronyms

AMREF: African Medical Research Foundation
ARVs: Anti –retroviral drugs
ASDM*: Alternative* service delivery mechanism
ASDM: Alternative Service Delivery Mechanisms
BEUPA: Basic Education for Urban Poor Areas
C3F: City Community Challenge Fund
CA: Constituent Assembly
CAO: Chief Administrative Officer
CBOs: Community Based Organisations
CBR: Centre for Basic Research
CDRN: Community Development Resource Network
CRS: Catholic Relief Services
CSOs: Civil Society Organisations
DANIDA: Danish Development Association
DENIVA : Development Network of Indigenous Voluntary Associations
FUP: First Urban Project
GDN (Global Development Network
GDP: Gross Domestic Product
HIV/AIDS: Human immuno-deficiency virus/Acquired immuno-deficiency virus
IBRD: International Bank for Reconstruction and Development
IDA: International Development Agency
IMF: International Monetary Fund
KACHEPA: Kamwokya Community Health and Environmental Protection Association
KCC Kampala City Council
KCCC Kamwokya Christian Caring Community
KCCRC: Kampala Central Community Resource Centre
KCDP: Kampala Community Development Programme (KCDP)
KCEP**:** Kampala Community Empowerment Project
KEJ: Kampala- Entebbe- Jinja,
KICHWA: Kisenyi III Community Health Workers Association
LCs: Local Councils
LGDP: Local Government Development Project
LGFC: Local Government Finance Commission
MFPED: Ministry of Finance Planning and Economic Development
MKYDA: Mengo Kisenyi Youth Development Association
MOLG: Ministry of Local Government
MWHC: Ministry of Works, Housing and Communications
NGOs: Non Governmental Organisations
NRA: National Resistance Army
NRM: National Resistance Movement
NWSC National Water and SewerageCorporation
PATC: Principal Assistant Town Clerk
PDCs: Parish Development Committees

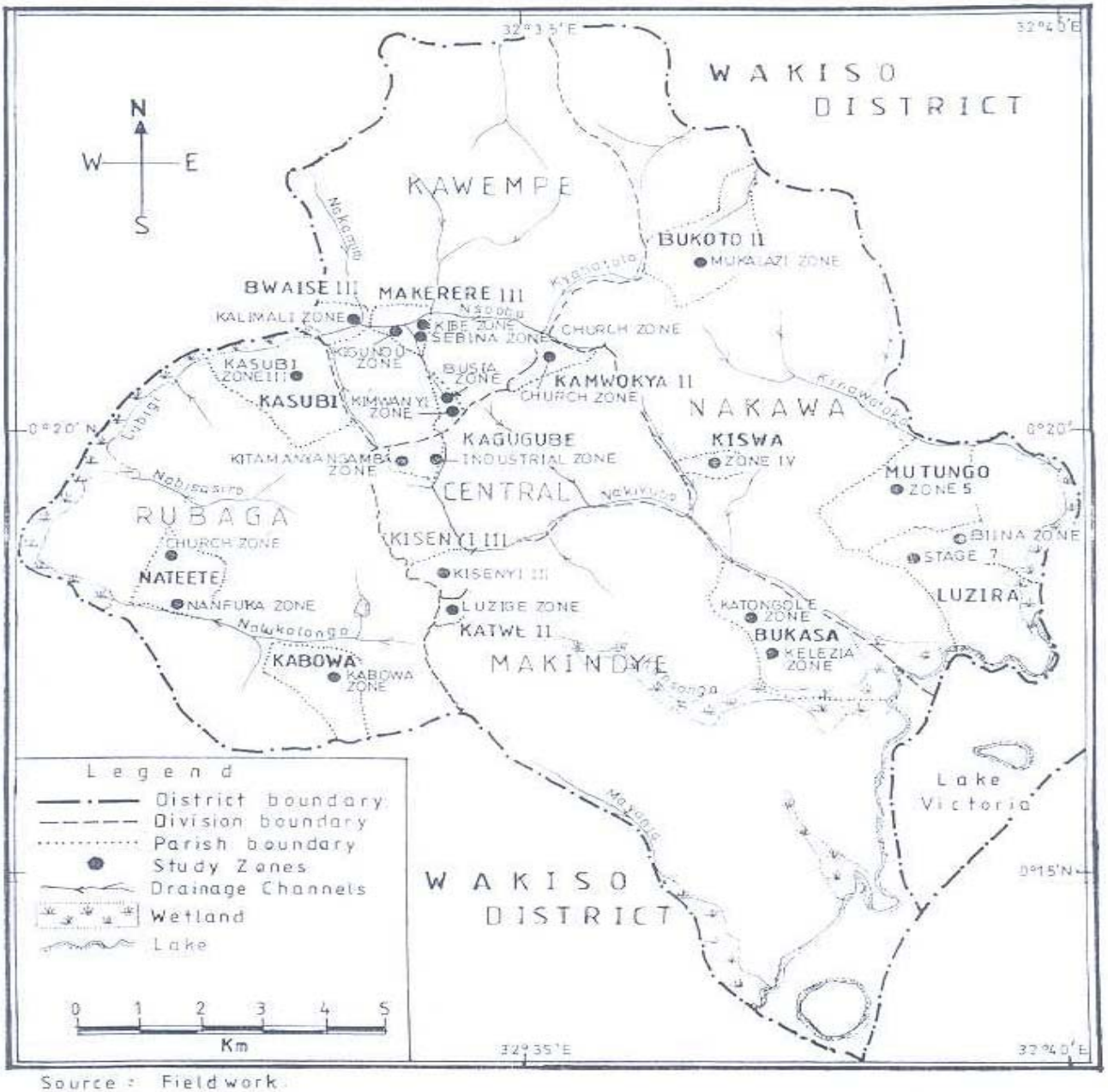
PEAP: Poverty Eradication Action Plan
PEPFAR: Presidential Emergency Plan for Aids Relief
PHC: Primary Health Care
Plan for Modernisation of Agriculture (PMA
PSRRC: Public Service Review and Re – organisation Commission
PTAs: Parents and Teachers Associations
RCs: Resistance Councils
RDC: Resident District Commissioner
SAP: Structural Adjustment Programme
SFG: School Facility Grant
SFR: Strategic Framework for Reform
UAAU: Urban Authorities Association of Uganda
UDHS: Demographic Health Survey
UEB: Uganda Electricity Board
UFUP: Uganda First Urban Project
ULAA: Uganda Local Authorities Association
UNCDF: United Nations Capital Development Fund
UNCHS: United Nations Centre for Human Settlements
UNCTAD: United Nations Conference on Trade and Development
UNESCO: United Nations Educational Scientific and Cultural Organisation.
UNFPA: United Nations Fund for Population Activities
UNICEF: United Nations Children's Fund
UPC: Uganda People's Congress
UPE: Universal Primary Education
USDF: Uganda Slum Dwellers Federation

Map 1. THE LOCATION OF MAIN URBAN CENTRES IN UGANDA.



Source : Macmillan Publishers Uganda Limited, 2007.

Map 2. LOCATION OF THE STUDY ZONES IN KAMPALA DISTRICT.



Source : Fieldwork

Abstract

The study examines the nature and context of the debate on state-society relations, focusing on the socio-economic and political reforms that have taken place in the governance of the public realm in the past three decades. It analyses the process and impact of the new governance reforms undertaken in Uganda since the early 1990s on the performance of state institutions. It focuses on the implementation of the programme of state reform through decentralisation; putting in perspective the ramifications of the claim that decentralisation brings about effective, efficient, participatory and citizen-focused service delivery in the management of public organisations, including urban authorities. Drawing from the peculiar failures of state institutions in post-colonial Uganda, the study critiques the theoretical and empirical premise of devolution by attempting to link the process of institutional recovery to experimentation with the "new governance models" as applied to the management of the urbanisation process. It interrogates the claim that decentralisation reforms bring about demand-driven service delivery, democratic discourse and greater organisational performance. Anchored in the premises of *good governance* theorem, the study questions the realities of decentralisation in engendering a new official behaviour, taming rigid bureaucratic practices, engineering a new service culture and espousing a dictum of state-civil society engagement. These goals raise the key argument, that is, whether the quest for realisation of organisational change in the implementation of urban governance reforms in Uganda has been facilitated by the conscious readiness of the state to realise tangible public goods such as popular accountability, improved livelihoods of the ordinary people and the increased capacity of the state to build sustainable management systems.

Furthermore, the study discusses and questions the capacity of decentralisation to adequately address the myriad of urban governance challenges that include explosion of the urban population, high poverty levels, scarcity of employment, poor service delivery, deterioration in urban infrastructure, low management capacities and a poor management culture, raising complex political questions surrounding the decision making process that seem to have undercut the possibility of a new governance model to effectively take root.

This study concludes that although decentralisation has improved relations between government officials and the ordinary people, there are still many challenges in the management of Kampala city. The challenges encountered in urban service delivery include the failure of state institutions to perfom their functions, lack of pro-poor policies, demotivated local government officials and prevalence of corruption. The interventions of civil society in service delivery have helped the ordinary people to survive. However, civil society organisations have their own limits and weaknesses. The attempts by government to reform the public sector generally have yielded some positive attitudes but have also lacked commitment and resources to realise tangible benefits to the ordinary urban dweller. Finally, while decentralisation created strong hopes of better service delivery, tangible results in the case of Kampala city have been minimal. The study suggests that successful decentralisation requires a dynamic pro-people urban policy, increased avenues of popular participation; cultivation of trust, horizontal power relations and strong accountability mechanisms in the public domain.

Chapter 1

Background to the study: Decentralisation and urban governance

1.0 Background to the Study

Decentralisation and urbanisatiion are global phenomena that have increasingly gained social, economic and political significance in the last five decades or so. Much as decentralisation has been perceived as a process of reforming state structures, cutting down on bureaucratic inertia, opening up avenues for participation of civil society and creating an efficient system of service delivery, many critical observers still argue that decentralisation is not a panacea.[1] Nevertheless, democratic decentralisation is irresistible amongst the local communities because it gives them the opportunity to gauge their leadership, decisions to take or not to take, resources to use and bargaining with higher authorities on various issues of local concern[2]. Moreover, most citizens are interested in how the government spends tax-payers' money. Therefore, decentralisation opens up possibilities of people questioning how public money is used or misused[3] In Uganda local taxes include: property rates, ground rents, licencing fees, permit fees and fines, and until recently; personal graduated tax[4]. These opportunities for citizen-state engagement or dialogue could be lost in countries where democratic decentralisation is completely absent (Mawhood 1993).

The argument pursued by this study, simply stated, is that whereas bureaucratic management dominated the social organisation of society for much of the last century[5], it is also accused

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[1] Oyugi Walter.(2000)."Decentralisation for Good Governance and Development:The Unending Debate" in Development Dialogue.Vol.21,No.1,Spring.See also Manor,J, (1999)The Political Economy of Democratic Decentralisation.The World Bank.

[2] Cameron Robert. (2002). "Central Local Financial Relations in South Africa: in *Local Government Studies*, Vol. 28, No.3.See also,Cameron Robert. (2003). "Politics-Administration Interface: The case of the city of Capetown" in *International Review of Administrative Sciences,* Vol. 69.

[3] Davey,K.(1994).*Taxing a Peasant Society: Graduated.Tax in East Africa*. London: Knight.Also,Davey Kenneth, (1996). "Central – Local Relations" in Davey K. *et al, Urban Management: The Challenge of Growth*. Aldershot: Ashgate Publishers Ltd.

[4] See Local Government Act, Local Government Revenue Regulations.

[5] On ideal-type bureaucracy, see H. Gerth & C.W Mills, *From Max Weber: Essays in Sociology* London: Routledge & Kegan Paul (1948)

of "red-tape" where "bureaucrats are over-lords responsible for this inefficiency"[6] Although it has for long been contended that it could hardly be imagined that large scale complex organisations could be managed without application of bureaucratic principles, it is also conceded that bureaucracy shelters incompetent and indifferent individuals, ineffective coordination of functions and dysfunctional roles, and yet, it represents a "concentration of potential power that it threatens existing values or even the existing system.[7]" Moreover, bureaucracies may be potential strongholds of conservatism, partly because the policy makers of such organisations represent vested interests which they are reluctant to change. Geist and Fava contend that reform movements in almost every city have invariably been opposed by bureaucrats who ironically claim to work in the public interest. In centralized bureaucracies, all this is done in the guise of "protecting" the organization and its management system.[8]

Worldwide, the shift in organizational management to the new governance model is laying emphasis on three critical areas.The first of these is the issue of globalisation that has created the so-called "global village," where socio-economic activities are said to be inter-connected. Second is the issue of neo-liberal reforms championed by international financial institutions led by the World Bank, that have fundamentally altered the ways in which organizations in fund-recipient countries should operate, with emphasis being placed on prudent fiscal management, accompanied by accountability, formal public participation and transparency. These tenets of "good governance" have generally been accepted in most countries as opening a space for "dialogue" between public officials and the other members of society. The third aspect is democratic governance. This has arisen because the end of the last century witnessed a wave of democratization in almost every corner of the world more specifically in the Third World. The wave of democratization significantly affected the ways central governments controlled power. The locus of democracy has been at the local level where the ordinary man or woman resides. Thus, a combination of these interlocking factors as well as the realities of the poor people, the fiscal crises afflicting many third world

[6] See Noel P. Gist & Sylivia F. Fava, *Urban Society*, New York: 5th Edition, Thomas Y. Cromwell Company (1964), p.340
[7] Ibid, p.340
[8] Geist and Fava (1964:340)

countries, the unstoppable population explosions in the third world cities have but made the governance of third world cities a critical issue that ne to be addressed. The problem however, is not that Africa is over-urbanised. If anything, Africa is in comparative terms with other continents, under-urbanised.

Urbanisation in the Third World has raised concern at international as well as in individual countries. *The UN World Urban Population Report of 2003*[9] *reported that the urban population had reached 3 billion and was expected to reach 5 billion by 2030.* It revealed that over the last 50 years, the world has witnessed a dramatic growth of its urban population. The speed and the scale of this growth, especially concentrated in the less developed regions, continue to pose formidable challenges to individual countries as well as to the world community. It was further reported that monitoring these developments and creating sustainable urban environments remained crucial issues on the international development agenda.

According to the report, the world's rural population is anticipated to decline slightly from 3.3 billion in 2003 to 3.2 billion in 2030.Forty-eight per cent of the world's population lived in urban areas in 2003. It was projected that the urban population would exceed the 50 per cent mark by 2007.This would mark the first time in history that the world urban residents would be more than rural residents. Given that trend, it was projected that the world urban population would rise to 61 per cent by 2030.

The world's urban population was estimated to grow at an average annual rate of 1.8 per cent, nearly double the rate expected for the total population of the world (almost 1 per cent per year). At this rate of growth, the world's urban population would double in just 38 years. This rate would be the highest ever in human history.[10]

It was noted with some concern that population growth would be particularly rapid in the urban areas of less developed regions, averaging 2.3 per cent per year during 2000-2030.

[9] Department of Economic and Social Affairs (DESA), Population Division. 2003.*Highlights of the Final Report: World Urbanization Prospects*, accessed at http://www.unpopulation.org
[10] Ibid

Almost all the growth of the world's total population between 2000 and 2030 is expected to be absorbed by the urban areas of the less developed regions. By 2017, the number of urban dwellers will equal the number of rural dwellers in the less developed regions. In contrast, the urban population of the more developed regions is expected to increase very slowly, from 0.9 billion in 2003 to 1 billion in 2030. The average annual growth rate of this population is expected to be 0.5 per cent between 2000 and 2030, compared to 1.5 per cent recorded during the previous half-century.

The process of urbanization is already advanced in the more developed regions where 74 per cent of the population lived in 2003. The proportion of the population living in urban areas is expected to increase to 82 per cent by 2030. The share of the population that is urban is lower in the less developed regions: 42 per cent in urban areas in 2003, and expected to rise to 57 per cent by 2030.

The problematique associated with rapid urbanization and the governance of cities in Africa is to be understood within the context of the modernization paradigm- that is one that advocates for a social transition from rural to urban livelihood This assumes that most of the educated and other young people searching for opportunities in the modern sector of the economy would have the impulse to move to towns. In this sense, there is an "urban pull"[11] that influences the social set up of rural people. Urban areas are perceived as potential places of "good life," new ideas, industrial employment, better wages and education.[12]

As a point of historical reference, the fact is that from the ancient times, cities in the world, including Africa, had been centres of civilization and innovation. The contention however, is that in Africa; urbanization is problematic due to the social ramifications that come with it- the lack of industrial establishments, small pockets of formal employment, lack of services and poor management. The cities in Africa present distorted images of what really they are- high rise buildings, highways, elegant official cars, and world connections. Such images

[11] Dukakis-Smith David. (1997). The Third World City. London: Routledge. City. London: Routledge.
[12] Ibid

create in the minds of rural opportunity seekers what has come to be known as "twilight effect[13]."

Dukakis Smith argues that we should not be asking why there is any population explosion in third world cities because the obvious answer is that the people are already worse off in the countryside, hence the escape root is the city.[14] Similarly, Perlman counsels that it is a waste of effort for policy makers and scholars to concentrate on the negative side of urbanization; that instead, the focus should be on the creative energies of the people and their survival strategies.

The problem is rather that in Africa, very rapid urbanization is taking place under fiscal strains, shortage of infrastructure and services, lack of jobs, and prevalence of questionable systems of management[15].

This study contends that although research on urbanization in Africa and elsewhere has been undertaken, little has focused on its linkage with good governance[16]. The study will examine and analyse the interplay between the "professed" objectives of decentralisation and its promise for better, effective and efficient service delivery. By examining the nexus between the role of the state vis - a - vis the role of non-state actors in governance, the study aims to unravel the actual changes in the urban system.

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[13] Bradshaw Y.W. and Rita Noonan. (1997). "Urbanisation, Economic Growth, and Women's Labour-Force Participation: Theoretical and Emperical Reassenssment" in Gugler Joseph (ed) Cities in the Developing World: Issues, Theory and Policy. Oxford: Oxford University Press.

[14] Perlman J.E. (1993). "Mega Cities: Global Urbanisation and Innovation" in Shabbir Cheema (ed), Urban Management: Policies and Innovation in Developing Countries. Honololu: United Nations University, p. 37.

[15] See Stren, R. (1994). Towards a Research Agenda for the 1990's: An Introduction" in Stren Richard (ed). Urban Research in the Developing Countries, Vol. 2: Africa. Toronto: Centre for Urban and Community Studies, Unviersi9ty of Toronto.

[16] The Contribution of Urban Development to Economic Growth and Povery Reduction in Sub-Saharan Africa". By Christine Kessides – World Bank www.citiesalliance.org. See also Bradshaw Y. W. and Noonam Rita (1997)"Urbanisation, Economic Growth and Woemn's Labour Force participation in Joseph Gugler (ed. Cities in the Developing world: Issues, theory an dpolicy, Oxford University Press".

1.1 A brief Historical Reflection

At the time of gaining political independence from the British colonial masters in 1962, Uganda inherited a fairly decentralised governmental structure. District as well as urban local governments had been granted powers over their local matters since 1952. The promise of democratic governance both at local and national levels was evident in the immediate post colonial period. The first independence government of Uganda was elected on the basis of multi-party competition. Similarly, local governments comprised largely elected councils. In socio-economic terms the country had great promise. The economy was fairly sound while social infrastructure was reasonably developed, compared to many other colonial states in Sub-Saharan Africa[17]. Unfortunately, this promise of prosperity was not to be realized. The post-colonial state in Uganda became not only authoritarian, it experienced episodes of anarchy, dictatorship, a collapsed economy and a failed state. These failures affected the performance of both the central state functions as well as the local governments. The cumulative effect was the alienation of the citizenry from the government.

Local governments in the post-colonial period in Uganda worked fairly well between 1962 and 1966. The year 1966 was a turning point in Uganda's political history. The long-standing conflict between the Kingdom of Buganda (in the central region) and the central government under Prime Minister Milton Obote, culminated into a violent attack on Lubiri, the seat of Sir Edward Mutesa, the King of Buganda, who doubled as the ceremonial head of State of Uganda. His forceful removal from power marked the beginning of political troubles in Uganda. The new Constitution that was hastily drafted effectively outlawed the existence of traditional rulers. In 1967, the introduction of a republican Constitution and a new Local Administration Act, led to centralisation of powers hitherto enjoyed by local authorities. All officials of local governments were to be appointed by the government. Local governments had to increasingly depend on the government for financing as it took control of most of the sources of revenue. Local governments' budgets had to be approved by the Minister of Local Government, as indeed, was the case with most decisions including byelaws made by local councils. Increasingly also, local councils were dominated by

[17] IBRD, (1962), The Economic Development of Uganda. Baltimore: John Hopkins University Press.

nominated councillors rather than the elected ones. Since there were no general elections between 1962 and 1980, there were also, no local elections.[18]

The situation was made worse by Idi Amin's military coup in 1971 in which Milton Obote, who had declared himself President since 1967 was overthrown. Between 1971 and 1979 when Idi Amin ruled, martial law replaced constitutional law. Civil and human rights were abused with impunity. Many Ugandans who worked for central as well local governments "disappeared" or were killed in the broad daylight on the orders of the military officers. Civil society went underground, as telling truth to the government was considered a crime. Moreover, civil avenues of engaging with government were limited as the Parliament and Local Councils had been abolished under Legal Notice No.1, of 1971. During Idi Amin's time elected local governments were abolished throughout the country. Military men or militia were posted to man local administration posts. From the parish to the district, most of the administrators had some military training. They ruled by decree.

Amin's tyrannical rule was ended by a combined force of Tanzanian Peoples Defence Forces (TPDF) and Ugandan exiles (Uganda National Liberation Front (UNLF) who routed him out of power in May 1979. The post-Amin period however, was a short-lived celebration.[19] The new UNLF government was characterized by instability, political greed, and faultering legitimacy that it failed to govern effectively. In 1980, a multiparty general election was held. This too, was unable to resolve the all-important question of installing a legitimate government as the electoral process was contested as fraudulent by the opposition parties. Consequently, the government formed by the Uganda Peoples Congress (UPC), the party that claimed victory in the election was to face resistance from rebel forces of the National Resistance Army (NRA) (1981 – 85). Thus, while the UPC attempted to return some semblance of civil rule in contrast to Amin's military dictatorship, the rebel insurgency in the central region of Buganda, made it impossible for the government to exert

[18] Nsibambi Apolo, The were no or even local elections between 1962 and December 1980
[19] Avigan & Honey (1981), War in Uganda: The Legacy of Idi Amin. Dar es Salaam: Tanzania Publishing House Ltd.

effective control over all parts of the country. During the reign of UPC under Obote II, most local government councillors were nominated. Most of these councillors happened to be the functionaries of the ruling party. In other words democratic local governance could hardly be realized through these councils.

In January 1986, the NRA, the rebel army led by Yoweri Museveni captured Kampala, the seat of political power in Uganda. The rebels formed a broad-based government with the National Resistance Movement (NRM) as the lead partner amongst the cooperating parties. The NRM's vision for a country, long shattered by conflicts, economic malaise, social disorder, and political instability was contained in the *Ten-Point Programme of NRM.* Point No. 1 in this document was *restoration of democracy.* One of the key indicators of the NRM's intentions to rekindle democracy was re-introduce local councils (Resistance Councils (RCs) at village, parish, sub-county, county and the district. These councils were popularly elected. In launching the decentralisation process in 1992, the RCs were remarkably useful as a starting point in re-building institutions of local governance.

The purpose of this brief background to Uganda's socio-economic and political crisis is to highlight the case of failure of effective governance and its effect on the performance of national and local institutions. Uganda's decentralisation study could be a test-case of a country where on the one hand, crisis diminished prospects for institutional growth, and on the other hand, a deliberate policy framework could progressively assist a process of building such institutions. But also, it is a case of cumulative legacy in institutional decline whose impact overbears on such efforts – for example, the persistence of patron-client politics, inefficient allocation and utilization of public resources, superficial participation, extended central control and a weak civil society. Such factors have all, but combined to weaken the case for decentralisation and its promise of the anticipated strong state-civil society relations in decision making, and effective and efficient delivery of public services.

My decision to test-case the efficacy of decentralisation on Uganda's urban administrative systems was based on several claims, rather prematurely; that it had succeeded in service delivery and popular participation in rural areas[20]. Although I was not motivated in the direction of a comparison of the rural and the urban, my primary intention was to establish the possibility of successful linkage, if all in the urban social process. Given the challenging social and economic constraints that urban residents face in their daily lives, their social networks, and interactions with their local political system, I was interested in establishing what decentralisation could have done or not done to impact on the social life of an ordinary urban resident. Knowing that the vast majority of Ugandans (about 80 percent) live in rural areas, my choice of a study of the impact of decentralisation on the urban sector was not intended to negate the social significance of the greater number of the national population, but rather, to focus on a sector that receives less critical analysis, and seems to be taken for granted in the public policy process. Thus, my curiosity was further triggered right from the initial stages of thinking about this study that a coherent urban policy does not exist in Uganda. Moreover, I noticed that urban governance regulations were outdated. As a result, policy pronouncements are adhoc and haphazard. Policy implementation appears bizarre and unsystematic, resources are not only insufficient but also wasted, public participation is superficial and democratic governance appears to be a myth.

This study on decentralisation and urban governance, takes an overview of urbanisation in Uganda by focusing on Kampala City – the capital of Uganda. As Gombay has noted in the case of Kampala and other third world cities, the problem of urbanization is not simply an explosion of the urban population, nor is it an issue of lack of adequate finances to run them, lack of expertise and good managers;it is a problem of people's welfare, finding something to do for their livelihood,the environment they live in,the systems of entitlements and rights and the kind of services they can expect from the urban authorities[21].

Uganda with a population of 24.7 million people (2002 Population Census), has 13.8% of its people living in urban areas. 40% of the urban population lives in Kampala. The

[20] Nsibambi, A. (1998), Decentralization and Civil Society in Uganda. See also, Steffensen (2006),
[21] Gombay Christie. (1994). "Eating Cities: Urban Management and Markets in Kampala". Cities Vol. 11 No. 2.

population of Kampala is 1.2 million, which indicates it is a large city. Moreover its population triples every twenty years. This large population makes Kampala not only Uganda's largest urban area but also the largest district (in terms of population size). The rapid growth of Kampala city both in physical and demographic terms is explained by high fertility, natural increase, decline in mortality, internal and international migrations.Kampala is also a primate city and hub of economic,social, commercial,industrial and political activities that attract internal and international migrants.Generally,all the urban centres have experienced growth over the last thirty years due to increase of commercial activities and expansion of administrative units.More than official studies have revealed,the great expansion of Kampala may be attributed to *informality,* that is the large informal sector that has allowed several small businesss sector operators to erect businesses that enable them to survive and live in the city.

In Kampala City as well as other urban areas in Uganda, service delivery systems have over the years, fallen far below normal expectations of most of the urban residents. Not only have planning functions faltered but financial, human and physical management of such resources is perceived as poor, ineffective and inefficient. Worse still, public officials are generally perceived as corrupt and incompetent. Thus, in the era of decentralisation, there has been a lot of anticipation that this state of affairs could change for the better. Indeed, the extent to which far these have been successful has not been critically analysed. This study takes up that challenge.

1.2 Rationale

Commentators on decentralisation and urban service delivery have suggested that demographic growth of cities and their contribution to national economies show that cities work.[22] It is further suggested that while service failures could be a result of resource constraints, there is evidence to the effect that most national governments already commit substantial resources to urban services. Dillinger further argues, that while decentralisation bring about changes in the structure of urban service delivery, it does not necessarily bring

[22] (Dillinger, 1994) Decentralization and its implications for service Delivery

improvements, and that this could partly be explained by the motivations for decentralisation, which "appear only tangentially related to administrative reforms.[23]"

On the specific case of Uganda, urban service delivery has deteriorated over the years (1970s and 1980s) due to a combination of institutional decay, collapse of management systems, fiscal crises and subsequent loss of confidence by the residents in their political and bureaucratic leadership. This situation as described by Philip Amis[24] in a cautionary note, that in the Uganda context, especially the urban one; it would be "misleading to discuss institutions in terms of crisis when decay has been going on for at least twenty years.[25]" Amis found that urban service delivery was characterised by three trends: (i) most urban councils had inadequate resources to provide sufficient quantities as well as quality services (ii) the central government dominated service delivery in urban areas (by provision of key services such as water, electricity and trunk roads),[26] and (iii) some services were provided by the communities themselves. Since the time of his research, some innovations have been initiated in urban service delivery as well as in management systems, which need to be analysed. These innovations include: contracting out of certain services, outright sale of non-core assets, enhancement of revenue collection through tendering to the private collectors and partnerships with non-governmental organizations to provide services to communities. These new initiatives have engendered among other things, in most urban councils: reduction of non-core staff, computerized systems of accounts, introduction of results-oriented management styles, introduction of tender boards as well as a new planning culture that requires that local councils and non-governmental groups give inputs into local governments' plans. The objective is to increase people's participation in service delivery and to improve direct responsibility, accountability and responsiveness in the whole local government system. These initiatives took root after decentralisation was introduced as a

[23] William Dillinger, (1994) Decentralisation and its Implications for Service Delivery. p.8
[24] See Philip Amis (1998) *Urban Management: Service Delivery undersrtress*, p. 215
[25] Philip Amis (1998) "Urban Management: Service provision under stress" in Holger Hansen and Michael Twaddle (eds). Changing Uganda, despite the paucity of published works on Uganda's urban management and service delivery, Amis found that in Jinja municipal council, decentralisation was improving service delivery.
[26] Water in Uganda is provided in both urban and rural areas by government statutory bodies. Water is provided by The National Water and Sewerage Corporation.

modus operandi of local government but we have little knowledge of what effect they could have had on service delivery and the well being of ordinary urban citizens, hence the need for this study.

This study attempts to take stock of the various manifestations of decentralisation and the effect they could have had on urban service delivery. There is need to know what changes if at all, have taken place and the implications of these changes. The specific aims of the study are basically three (i) to assess the effectiveness of service delivery by urban local governments, (ii) to assess the contributions of stakeholders (NGOs, community groups and private organisations) to the processes of urban service delivery and (iii) to determine whether or not, the new initiatives brought about by decentralisation have crafted a novel governance "concept" to the urban resident in Kampala. In the final analysis, the study aims to make a theoretical and empirical contribution to the better understanding of the link between decentralisation, state-society relations and "good governance".

In retrospect, the years of economic collapse and political strife that Uganda experienced in the 1970s and early 1980s negatively affected the management, resource base and service delivery capabilities of most urban areas including Kampala. As a consequence, this historical socio-economic and political collapse of the country left most of the urban infrastructure in a sorry state: roads were in a state of disrepair, streets were dark, garbage littered the streets, law and order were not enforceable and social service sectors were neglected. This kind of situation prevailed under conditions of state-inspired-violence (especially under Idi Amin's rule): when political organisations were banned, local authorities were not elected and local authorities' managers (who were centrally appointed), were outrightly corrupt and incompetent. A combination of professional ineptitude and severe fiscal crises impacted negatively on the lives of most urban residents. Ironically, the urban populations continued to increase, exerting more pressure on the already inadequate facilities in the city and other urban areas. Due to people's loss of confidence in the urban management systems - largely due to corruption and failure to deliver any meaningful services, the urban residents adopted two strategies: either to by-pass the formal channels or to provide their own services where the city authorities should have acted.

When the National Resistance Movement (NRM) came to power in 1986, the central government attempted to re-equip the key departments of urban authorities especially the department of Works to atleast reduce the garbage heaps and to clear pavements. The strategy of centrally determined supply was seen to be unsatisfactory partly because the local state officials had for many years, got involved in a negative culture of corruption, neglect of work, and mismanagement coupled with lack of professional skills and work ethic.

In 1992 when the Uganda government decided to implement a decentralisation strategy, it devolved most of the management functions to elected local councils, which were granted legal powers to determine their own priorities, collect their own revenues, draw strategic plans, spend according to the budget and evaluate their own performance. The philosophy underlying decentralisation in Uganda is that the elected representatives will act as "watchdogs", that is, perform oversight functions over the local managers, be trustees of the people in the provision of public goods and services, and ensure that timely, efficient and quality services are rendered to their constituents; to whom they are accountable. This philosophy is laden with contradictions. Since representatives are elected on their promises of improving the conditions of their localities, the urban residents expect them to deliver quality services, yet the realities of fiscal constraints faced by the urban authorities may not permit adequate fulfillment of such promises. The gap between expectations and actual deliverables frustrates the voters. While, the decentralisation philosophy conceives local representatives as trustees of public interest, on the contrary, they are negatively perceived by the people as corrupt and colluding with local managers to perpetuate corruption and diversion of resources meant for service delivery.

The Uganda government has put in place several measures to ensure accountable, effective, efficient and quality delivery of public services. Such measures include: an autonomous tender board[27] for each district or municipality, an accounts committee for each local government, and institutional scrutiny by the central government's the Inspector General of

[27] These were recently (2005) replaced with Local Contracts Committees.

Government (IGG), the Office of the Auditor General (AG), as well as elaborate procedures to be followed in all local governments' transactions (The Financial and Accounting Regulations, 1998). The question that remains is whether or not, these measures have engendered good governance practices at the local level.

1.3 The problem of urban governance in Uganda: focus on Kampala

Until 1980, Uganda was not considered a highly urbanised country. This situation has dramatically changed within a spell of two decades. *The Population Secretariat*[28] has expressed the problem of urbanisation in Uganda, in terms of high fertility, fast growth of urban areas and high a rate of rural-urban migration. Between 1980 and 2000, the urban population in Uganda increased three times from 940,000 to 3.5 million or 14% of the population. With an estimated rate of population growth 6.4% in urban centres, it is estimated that by 2025, about 18.6 million people will be living in Uganda's urban areas. This will be approximately half of Uganda's population. This will have significant implications for service delivery. It will worsen the already serious problem of poor and inadequate housing conditions, inadequate water supply, poor waste disposal, very high urban unemployment, street children and the homeless.

Kampala, the capital of Uganda and the seat of national leadership is experiencing the highest population pressures as well as the greatest failure to cope with the demand for social services. In 1980 the population of Kampala was 460,000 people, in 1991, it was 774,000 and in 2002 it reached 1.2 million. It is estimated that by the year 2025, Kampala will have a population of 3.5 million people. With these indicators, the assumption that Uganda is not a highly urbanised country is false. Unfortunately, the policy makers seem to have continued to live with this false assumption, considering that the development plans of Uganda do not strike a balance between rural and urban development; clearly tending to favour rural development.

Two critical issues make urbanisation in Uganda problematic. The first is that since 1960 when the World Bank mission assessed the development needs and priorities of the country

[28] Population Secretariat (2001)

(IBRD, 1962), only 4% of the population lived or worked in urban areas, today this has raised to 13.9% of the population. Secondly, due to economic and political malaise that befell the country in 1970's and 1980s, the productive sectors of the urban economy collapsed terribly, yet the urban population continued to grow. Concurrently, the collapse of state and economic capacities did not spare the infrastructure, service institutions, administrative capacities and personnel. Besides, the collapse of socio-economic and administrative capacities led to "informalism" in most urban systems. Since urban planners neglected their planning function, unauthorised structures sprung up in all corners of the urban centres. Since the administrators failed to keep law and order, several informal (or illegal) groups took over control of the urban areas. Moreover, as services such as water or health could no longer be provided, individuals, households and groups organised to improvise their own service delivery mechanisms. The officials resisted these "self-help" groups. However since official alternatives were limited, the official response was more often than not, one where corruption was perpetuated.

The Ministry of Finance, Planning and Economic Development (2000) report based on participatory poverty assessment found that Kampala residents associated KCC with poor planning, bribery and corruption, poor sanitation and high taxation rates. In that report, the aspect of poor sanitation is reported as appalling, for example: only 9% of Kampala's population is served by a central sewer system, 12% by private pit latrines, 72% share pit latrines and 2% have no any form of sanitation. This is, but one of the aspects where the KCC has not done much to improve the conditions of living of its urban dwellers. The KCC itself does not deny its problems. In its own assessment (KCC, 2001, *Local Government Budget Framework Paper for_Financial Year 2001/2002* admits that the sewer network mainly caters for the civic centre and its utilisation capacity is estimated at only 50 percent. The KCC report is very candid in its assessment of the problems facing the city. In particular, the issue of poverty is highlighted as the main problem, (KCC, 2001)[29] report asserts:

> the urban poor in Kampala are much more disadvantaged (than the rich) because they live in very poor and shanty housing conditions and lack access to supportive social network. Most of the population (54%) lives in

[29] KCC, (2001) Local Government Budget Framework Paper for Financial Year 2001/2002 p.2

> one-roomed houses (muzigos). Poverty is one of the underlying causes of low functional accessibility to health services since most people cannot afford service costs.

Other problems highlighted in the KCC report include an inadequate resource envelope, influx of people to the city during the day, inadequate central government support to city feeder roads, poor drainage and sanitation, inadequate classrooms, unvalued properties in the city, a large workforce resulting in a large wage bill, adverse effects of government policy on local revenue; and lack of funding for restructuring programmes.

While KCC is realistic in the assessment of its problems, one important thing to observe is that it tends to "externalize" them. The list of problems cited above does not reveal the internal management problems of KCC. KCC in the same report shows proudly, how revenue collection has improved over the years. It also shows how government has significantly increased grants to KCC. However, there is a general impression amongst the people that KCC is corrupt which contributes to its failure to deliver better services (*Ministry of Finance, Planning and Economic Development* 2000). It must be conceded that the KCC as an organisation seems to be alerting itself to its management problems. According to its budget framework (KCC, 2001) KCC has progressively realised that it cannot continue the way it has been described above. It has embraced privatisation of markets and revenue collection, initiated property valuation as well as restructuring of its own organisation. Despite these moves, it is not yet clear what strategies are in place to improve service or to strengthen civil society and private sector partnership in the governance of the city. *The Ministry of Finance, Planning and Economic Development 2000 ibid), repor*ted that Community Based Organisations (CBOs) , and NGOs were finding it convenient to by-pass KCC bureaucracy, and to work with local communities; and that wherever KCC worked with CBOs and NGOs it was simply in search of their funds.

1.4 The Structure and Responsibilities of Urban Local Governments in Uganda

The decentralisation policy in Uganda presents a new phenomenon in the renewal of efforts by the government to restructure and reconstruct state and society relations at the local level.

It is designed to shift some powers, hitherto controlled by the centre to the lower local governments. It hinges on the premise of correcting the historical distortions that denied the ordinary citizen a role in public affairs. The decentralisation policy is anchored on encouraging popular participation in the production and provision of public services, effective and efficient delivery of services by government, making public officials more responsive and responsible for their official activities; the effect of which is the desire by government to promote accountability, good governance and democratic practices both in government and society.

The framework in which the above goals are pursued has been provided for in the Constitution 1995 and the Local Government Act 1997[30]. In the preamble to the Constitution, the *National Objectives and Directive Principles of State Policy*, the democratic principles are stated as follows;

The state shall be based on democratic principles, which empower and encourage the active participation of all citizens at all levels in their own governance.

(i) All the people of Uganda shall have access to leadership positions at all levels, subject to the Constitution.

(ii) The state shall be guided by the principle of decentralisation and devolution of governmental functions and powers to the people at appropriate levels where they can best manage and direct their own affairs.

(iii) The composition of Government shall be broadly representative of national character and social diversity of the country.

(iv) All political and civic associations aspiring to manage and direct public affairs shall conform to democratic principles in their internal organisation and practice.

(v) Civic organisation shall retain their autonomy and pursuit of their declared objectives.

In addition to the above declared broad objectives of state policy which emphasize decentralisation as the *modus operandi* of managing public affairs, chapter eleven of the Constitution on local governments gives further basis of intergovernmental relations. It specifies the functions and powers of local governments as well as the parameters of citizen

[30] These laws repeal the Urban Authorities Act 1964 and the Local Administrations Act, 1967

participation in public affairs. The Local Governments Act 1997 furnishes the details of how these goals are to be attained in practice.[31]

In terms of legal, political and administrative set up, the implementation of the decentralisation policy aims to constitute a reform of the local government system. However, it remains to be seen if it has transformed state-society relations in terms of addressing people's concerns, such as effective delivery of services, value-for-money (as result of paying taxes), being consulted by public officials (both elected and bureaucratic), involvement in determination of the priorities of their locality and encouraging meaningful participation of the people in government programmes.

It is necessary to understand whether or not elected representatives have been able to cause local government officials to be more responsive, action-oriented, accountable and more inclined to initiation of "pro-people" programmes. For this to happen, local governments should have control over sizeable amount of resources to parcel out, well trained and experienced personnel, and should have management systems inclined to efficiency, accountability and transparency. On the other hand, if societal organisations (non-state actors) are weak, they may not effectively engage local officials to secure meaningful responses to their needs and aspirations. These organisations may also suffer from internal weaknesses such as intra-organisational conflicts, inadequacy of programmes, resource constraints, problems of managerial competence and insufficiency of information. Owing to Uganda's checkered political history, the system of local government and societal (people's) organization are not only nascent; they are also inexperienced and experimenting with the newly granted space of engagement with each other. We are interested in the outcomes this engagement.

The Constitution and the Local Government Act provide for both district (rural) and urban local governments.[32] Section 5 of the Act designates a City Local Government as an

[31] Section 2 of the Local Government Act 1997

[32] Section 4(2) of the Local Government Act provides for Rural Local governments as the district council and the sub-county council. Section 4 (3) provides for local governments in the city as the City Council and the Division Council. Section 4(4) provides for Local Governments in Municipality

equivalent to a District Local Government. Section 6 of the Act designates a Municipality or a Town Council as a Lower Local Government of the District in which it is situated. Notwithstanding this provision, Section 80 of the Act provides that urban local governments have autonomy over their financial and planning matters in relation to the district local councils. However it requires that their plans be incorporated in the plans of the district. In other words, the urban local governments have independent legal existence apart from the district. They have their own elected councils, which perform legislative, administrative and planning functions. These functions are detailed in the Act[33]. Urban local governments like their district counterparts receive grants from the central government and collect their own revenue, which they spend according to their own priorities. They are therefore, expected to provide services to their constituents.

1.5 The key objective of the study

The key objective of this study is to assess the effects of decentralisation (devolution of powers and responsibilities) on urban local governments, focusing on Kampala City Council in order to ascertain whether the objectives of good governance (better service delivery, accountability, more efficient and effective management and consultative and participatory decision making) have been achieved in KCC. The ultimate goal of the study is to suggest ways in which urban governance can be improved for the betterment of management systems and the synergy between stakeholders and the managers of KCC.

The justification for studying urban local governments in the era of decentralisation was prompted by a number of factors: First, in the original designs of Uganda's decentralisation policy, urban areas were generally subsumed to be part of rural districts[34]. Secondly, there is a tendency on the part of policy makers in Uganda to perceive urban areas, as "enclaves" of privileged elites, yet there is evidence to suggest that the majority of the people in the urban areas are affected by poverty and social deprivation as their counterparts in rural areas. Thirdly, as the decentralisation process unfolded in the 1990s, the urban authorities were assigned extensive responsibilities without adequate resources to meaningfully execute

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as the Municipal Councils and Division Councils. Section 4(5) the Local Government in Town Council.

[33] Local Government Act, Schedule 2 parts 3 and 4.

[34] See for example, the Local Government Commission Inquiry Report (1987) where urban authorities were assumed as part of District Resistance Councils.

them. Fourthly, it may be assumed that the urban population could be more forceful in articulating their demands on their local governments. It may be assumed that the urban population has the advantage of easier access to information through newspapers, radio and other mass media. In addition, most non-governmental organisations (NGOs), business associations, trade unions and other civic groups have their headquarters in urban areas. It may also be assumed that the existence of these media and associations encourages people's engagement with local authorities, which in turn may make the latter more responsive, accountable and effective in provision of public services. Fifthly, I was challenged in the initial stages of thinking about the relationship between decentralisation and its effects on management of urban authorities, that urban local governments could possibly be less effective than even the district ones. Officials of urban authorities were accused by the urban dwellers for allegedly being corrupt, inefficient, arrogant, unresponsive and uncooperative. Given that decentralisation had introduced competitive elections for representatives at various levels of local governments, one would have expected a new mechanism of "checks" whereby elected officials act as "watchdogs" on the behaviours of local government officials, since they now act as supervisors to the latter.[35] It could further be assumed that the elected representatives would be very keen on their representative function because that would be the basis on which they would seek re-election. Besides, it would be assumed that the quality of urban-based councilors would be much better than the rural based ones, since they are comparatively better educated, informed and possibly materially better-off to pursue the role of representation largely in public spirit.[36] Finally, in preparing this study, I was prompted by a general awareness of the still quite limited range of studies that address recent developments in African local government ion any detail[37], A detailed study of Kampala's situation may help to enrich comparative analysis of modern African city affairs.

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[35] The Local Government Act 1997, Sections 68 and 69 – all officials working for a local government are hired, supervised and fired by the council of that Local government.

[36] Although no research has been done in Uganda on this aspect, elsewhere in East Africa Roger Southall and Geoffrey Wood (1996), "Local Government and the return to Multipartyism in Kenya" African Affairs Vol. 5, No 381 p. 523 found that local elites tended to pursue their own interests rather than the claim to serve the people.

[37] Only recently has intellectual interest in urbanization in Africa began to flourish, for example Stren 1994, Swilling 1997, Halifani 1997, Robinson and White 1994, Even then, there is dearth of literature on this subject on the particular case of Uganda.

The colonial government controlled the migration of African populations to urban areas, the end of colonialism saw rapid migration to urban areas. Over the last thirty years, Uganda experienced an explosion of urban population, for example, between 1980 and 2006, the urban population increased three-fold. A recent population report[38] outlines the main causes of urban population. Population dynamics manifested in urban population growth and internal migration (especially rural to urban).

The key factors behind this population dynamic are varied but the main ones include: rural poverty, political instability, landlessness, and natural population growth. Persistent rural poverty has caused people to migrate to urban areas with the hope of improving their livelihood. Political insecurity is another factor that has led to the increased urbanization rate in the Northern region. Insecurity has displaced a number of people, resulting into a large influx of the population relocating to urban areas for protection. This causal factor explains why Gulu and Lira Municipalities are among the largest urban areas in Uganda today.

Other factors such as land have contributed significantly to the urbanization process in Uganda. First many rural areas have suffered fragmentation of land, leaving too small pieces for commercial farming. Secondly in the most of the central region (Buganda), the land tenure system favours landlords at the expense of tenants. As a result many of the landless tenants end up in urban areas. This has also complicated the urban land usage especially in Kampala where urban planning has been undermined. This comes about because the urban authorities do not own the land therefore cannot effectively plan for its usage.

In recent years, Uganda has experienced some economic growth and political stability. These have contributed to the expansion of existing urban centres, especially Kampala. There has also been rapid growth of hundreds of small trading centres in the country side, particularly along highways and major road junctions. Economic liberalisation policies

[38] Uganda Republic of, (2007). State of Uganda Population Report 2007: Planned Urbanization for Uganda's Growing Population. Kampala: UNFPA.

which have been pursued by the government of Uganda have generally encouraged economic activities around urban areas. While in the 1960s the government pursued deliberate policy of regional distribution of industries, the liberalization policies have concentrated most of such activities around the main urban centres especially around Kampala. These factors have had the effect of pulling the population to urban areas. The population explosion in urban areas has posed a challenge to policy makers and implementers.

Decentralisation has been implemented in Uganda since 1992, but no comprehensive study has focused on its affects on the performance of urban authorities. This study intends to establish whether or not; decentralisation has made the urban local authorities more responsive, effective and accountable in meeting the demands and aspirations of their constituents. Besides, little is known about how the organised realm of public sphere (the community-based organisation, NGOs and professional groups) has been engaged with urban authorities in articulating the demands of their members either through elected representatives or directly with the urban authorities, or even making contributions towards better service delivery in the urban areas.

Essentially a synergy between the urban authorities and civil society associations is important because it is assumed it translates the claims of decentralisation -"empowerment", "participation" and "ownership" of programmes into reality. It is assumed it gives non-formal actors a role in planning, implementation and sustenance of local projects or programmes. This study aims to understand how the organised public realm of society has interfaced with urban authorities in service delivery to the urban population.

1.6 Kampala City: A Case Study

In Uganda, there are thirteen municipalities and over sixty towns. There is however only one city - Kampala. It is the largest urban area in Uganda with a population of 1, 208, 54 (2002-population census). My choice of Kampala as a case study was motivated by a number of factors: First, in comparison with other urban areas, it has had tremendous growth in population size, for example, the population was 458,503 (in 1980), 774 024 (1991) and

1,208,544 (in 2002) which indicates that in a spell of twenty two years, it has almost trebled. This is particularly important because the next biggest urban areas are Gulu Municipality (113,144), Lira Municipality (89, 871), and Jinja (86, 520).[39] Secondly, Kampala is an important case study because it is the biggest commercial and industrial centre in Uganda. It is also Uganda's capital city. Most international and national organisations, including NGOs have their headquarters there. The two main public universities: Makerere and Kyambogo are located there. Given that Kampala's population is ever increasing, there is a constant strain on the services that the Kampala City Council (KCC) can afford to offer. This is compounded among other things, by inadequate grants from the central government, insufficient local revenues, inadequate managerial competencies of KCC staff, managerial systems (information technologies, accounting and budgeting systems and equipment), poor motivation of staff (salaries and compensation packages) and the large range of services to be offered. These factors exist within the context where decentralisation has increased people's expectations for better services, the elected local political leaders are expected to account to their constituents by delivering on their election manifestos and the central government is demanding that value-for-money be seen in terms of services delivered by KCC. Popular expectations arise within a perspective, which perceives the local bureaucratic managers and the politicians as serving their own interests instead of public interest. The city managers are perceived as corrupt, incompetent, unprofessional, arrogant, unresponsive, wasteful and unaccountable. While the basic premise of decentralisation is to create organisational incentives in terms of better service delivery so that the constituents may be more willing to pay taxes and to cooperate in planning and implementation of service delivery, the KCC still faces difficulties of getting this voluntary will from its constituents, for example, tax revenues continue to fall below budgeted targets.

Due to the above factors, the situation in Kampala City still leaves a lot to be desired. Historically, the political and economic problems that the country suffered in the 1970s and 1980s led to the collapse of the city's infrastructure and other capabilities. Secondly, the increased population in the city still utilizes the infrastructure that was laid mostly in the

[39] Gulu Municipality ranks second in urban population largely because of insurgency which has pushed large numbers of people from the villages to the urban area.

1960s for a smaller population at that time. The situation in Kampala City epitomises the urban crisis in Africa (White and Stren 1989) in the sense of ineffective local responsiveness, political participation, service delivery mechanisms, local democracy and resource mobilisation and utilisation. The unusual extent in a wider African setting to which Ugandan national authorities had promoted decentralization make Kampala a very useful study case for exploring the viability of decentralization as a strategy for reforming governance.

I developed interest in studying the link between decentralisation and urban governance after observing that the design and the general implementation in Uganda was clearly focused on rural areas. Yet, on a critical observation, the urban areas and their population had been equally devastated by institutional decline over the years of political and economic malaise that afflicted the country in the 1970s through the 1980s. In particular, the economic down-turn had hit the urban population in the formal employment really hard: as salaries became worthless, goods and services became scarce even for those with some money, resorting to black-market supply locally termed as "Magendo". Theoretically, therefore, the ideas that relate to institutional reforms such as efficient government, market driven prices, private – public partnerships, public participation in provision, accountable, effective and transparent; collectively termed as governance norms and practices appeared not to be in place as the government of Uganda embarked on the road to decentralisation. It appeared like the NRM government had introduced the new policy for populist purposes, to establish itself and to convince the rural dwellers of its intentions to do something about the sorry state of community services. The populist rural focus of the government appeared to relegate the importance of the urban areas in the policy of decentralisation. In the initial policy papers on decentralisation, the government had not emphasized problems of urban areas.

Little attention given to urban areas in policy terms, had failed to recognize the facts on the ground, for instance, a rapid rate of population growth, declining service delivery, a weak urban economy and weak local government system. Though these factors adversely affected the poor, the so-called middle class was not spared. Particularly important, was the issue of

weak governance structures. Not only had institutions of local governance collapsed over the years, the notions of good governance as envisaged in the decentralized system was critically absent. Laws governing urban areas were absolete.[40]

The planning function of the urban areas appeared to have ceased to exist. The process of an individual developer getting building plans approved was not only tedious, costly but also corrupt. Every developer seemed to understand that the only way of getting plans approved was by releasing some kind of 'incentive" to the officials in the Planning Department of the urban authority. Officials on their part complained of lack of tools, including lack of maps for planning purposes. For several years, Kampala City did not have a Master Plan. A World Bank funding under its *Uganda First Urban Project* made it possible for a Master Plan to be made in 1994. However, this plan has not been implemented because of technical problems such as the need for compensating the developers, who already have erected structures on the land meant for other various purposes. Lack of effective planning has complicated matters for most urban areas. Urban residents have taken development into their own hands – they construct buildings at any place without approval of the urban authority. Besides, the urban dwellers are aware that the building inspectors have abandoned their assignment, and whenever they come, they are easily bribed.

The other complication arises from unclear national land policy. There is dominance of mailo (free-hold) land tenure or private landholding. The constitution proclaims that land "belongs to the people" has made urban planning rather tenuous. Individuals, who hold pieces of land, even in areas that are planned for infrastructural development, resist the efforts of the urban authorities to enforce proper land use. The reason is that such land-owners have their rights protected by the Constitution. As such, it is required under the law that such landlords be adequately compensated, in the event of the urban authorities putting such land to other uses. The complication of the land issue especially in Kampala city has resulted in mushrooming of unplanned structures (slums), poor infrastructure, blocked

[40] For example, the urban authorities were governed under the Urban Authorities Act (1964). The Public Health Act (1964), The Rating Decree (1979). These laws had become irrelevant in many aspects of urban governance. The Current Local Government Act (1997) deals with all Local Government broadly.

drainage, regular occurrence of infectious diseases, lack of services and a host of social problems that afflict the lives of urban communities. On the part of the part of the urban authorities, the critical issues revolve around failure to collect revenue (especially property tax and ground rents), enforcement of the laws and regulations, to ensure safety of their citizens and do deliver public services.

Kampala city is divided into five (5) Administrative Divisions: Kampala Central, Rubaga, Nakawa, Makindye and Kawempe. Each Division is a fully fledged local government. A Division is headed by an elected chairperson, [41]and administered by an elected council. The Division Councils make decisions mainly through technical committees. The Chairperson appoints the executive committee (cabinet) amongst elected councilors.

The City Town Clerk is the overall administrative officer of the city. Each Division is administered by a Principal Assistant Town Clerk, who is responsible to the Division Council as well as the City Town Clerk. This double loyalty on the part of the Division officials is a major source of conflict in urban councils. Division officials sometimes receive conflicting directives from both authorities. For example, whereas the Division authority is responsible for collection of revenue for on-ward transmission to the City Headquarters, there are times when councilors at the Division level, demand use of the money at source. This breaks the law. The city headquarters may also fail in their financial obligations to the Division Councils. Such factors undermine the process of participatory and democratic decision making and management.

1.7 The Genesis and Process of Decentralisation in Uganda

Uganda's decentralisation programme began from the "populist" stance of the NRM in 1986[42]. This stance tended to assume that the Local Government system and the ideology of

[41] Division Chairperson does not carry the title of Mayor, which is exclusively reserved for the over-all City Mayor.

[42] The system of *Bukiiko* (people's councils) formed during the war (1981 - 85). These were meant to solicit popular support for the NRM war, see The Ten-Point Programme of the NRM.

the ruling political organisation were like two sides of the same coin[43]. The Commission of Inquiry into the Affairs of Local Government in 1987 confirmed this position:

> To define Resistance Councils and Committees as organs of the state; and therefore institutions of Local Authorities is to deny them of their very rationale. For the first function of RCs is that of a "watchdog": it is to resist any tendencies on the part of the state officials towards abuse of authority or denial of the rights of the people. Neither can RCs be defined as organs of the movement, for to do so would be to restrict their membership to only those who uphold the programme of the NRM[44].

In spite of this observation by the Commission of Inquiry, the RC structures through which the Local Government system operated were at the same time structures of the NRM.

In 1992 the World Bank concluded a study, *Uganda: District Management Study.* This study highlighted the need for reforming the Local Government system in Uganda on the following premises: first, the country had embraced the Structural Adjustment Programme (SAP) as a *modus operandi* for macro-economic management of the national economy. SAP assumed that (i) Uganda's public sector was overextended, (ii) the government needed to cut its public expenditures, (iii) the government needed to create an enabling environment for the market, and suggested that Uganda's decentralisation programme should aim at supporting macro-economic reform[45]. Furthermore, the World Bank report placed emphasis on the key elements of the decentralisation programme to include: (i) increased management efficiency, (ii) increasing popular participation at the local level, and (iii) improving financial performance through increased revenue generation and rational expenditure decisions.[46]

The World Bank team found that most local authorities were neither strong nor viable. It noted that most local authorities spent "more resources in maintaining their existence as

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[43] The widespread formation of Resistance Councils (RCs) was initially to create a system to solicit support for NRM after taking over power in 1986, see Sabiti Makara (1992) The Role of Resistance Councils in Promoting Democracy in Uganda

[44] Republic of Uganda (1987) Report of the Commission of Inquiry into the Local Government System p.22 Resistance councils (RCs) were the first version of local government introduced under the NRM.

[45] World Bank (1992), Uganda: District Management Study (report prepared for Uganda Government) p.ii

[46] World Bank p.iv!

organisations than they (did) on delivering programs and services to their constituents."[47] The report asserted that the envisioned decentralisation programme would be successful if it involved an institutional framework that sought among other things to (i) increase the 'ownership' of the process of decentralisation, (ii) understanding what it means and what it can do for the individual citizen, (iii) ensure it was sustainable, (iv) create autonomy, influence and control at the local level, and (v) have the capacity to survive its creators.[48] In other words, local governments under the programme of decentralisation were expected to evolve, build and sustain strong and viable organisations capable of delivering services, based on democratic processes and effective and efficient management systems. The findings of the above study signify that a combination of the NRM government's convictions and donors' advice made the foundation for the policy of decentralisation that was launched in Uganda in October 1992.

It is important to note that the initial focus of the policy of decentralisation was the rural district. Thus, little attention was placed at the role of the urban authorities. In Uganda, there has been a tendency, historically to 'marginalise' urban authorities in public policy. During the colonial period, there was insignificant urbanization.[49] The immediate post-colonial governments retained the urban areas as gazetted areas of control by the government. In the realm of policy making in Uganda, the urban areas are stereotyped as settlements of the privileged elite. For example, the Commission of Inquiry into the Affairs of Local Government held that the separate management of urban and rural districts constituted "official and unofficial "apartheid.[50]" This attitude led the commissioners to recommend to government a unified management system for urban and rural districts.[51] In fact, the Commission's recommendations for implementation to government were haphazard.[52] Later the World Bank team on district management study findings contradict

[47] Ibid, World Bank (1992) p.ix
[48] Ibid, World Bank p.ix
[49] David Apter (1961) The Political Kingdom in Uganda pp. 236 – 247, also, P. Gutkind, The Royal Capital of Buganda, hms, The Royal Commision of East Africa (Report 1955).
[50] Republic of Uganda, (1987) Report of the Commission into the system of Local Government p.53
[51] Ibid, Report p.55. A minority report by Commissioner Apolo Nsibambi rejecting this position is appended to the report.
[52] Ibid, Report (1987) p.55. The commission admitted that there were bound to be problems in the course of implementation of their recommendations

those of the Commission and assert that some of the municipalities earn much more revenue than the surrounding rural districts. The World Bank report saw the issue of merging urban authorities with rural ones as "potentially explosive… since some of the districts fortunate enough to contain one of the main (rich) urban centers would be able to divert a significant part of their revenue to rural services if the money went directly to the (district) Treasury.[53]" The report recommended that urban and rural districts be separate entities.

The above arguments for and against autonomous existence of urban authority serve to demonstrate the precarious position the urban authorities found themselves in before decentralisation and the challenges they still face thereafter. Quite clearly, the policy makers in Uganda seem to uncritically buy into Lipton's (1977) arguments of "urban bias."

1.8 Locating the Conceptual Underpinnings of this Study

An understanding of decentralisation policy and its effects on the management of urbanisation in Uganda is conceptualised within the framework of the broader policy of state reconstruction[54] and the reforms of the entire public service in Uganda. The renewed efforts by the government to rebuild institutions of the state in Uganda since 1986 is a response to the negative centralizing tendencies of the 1960s and the socio-economic and political crises of the 1970s and 1980s. The centralisation tendencies culminated into the promulgation of the Local Administration Act 1967[55] and the crises that followed Amin's coup in 1971[56]. Thus, the pre - 1986 period was characterised by a weak state and economic mismanagement.[57]

One of the fundamental policy initiatives in the post-1986 period has been the deliberate effort to rebuild institutions of local governance. This has taken the form of decentralisation.

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[53] World Bank (1992) District Management Report, p.56

[54] Omach, Paul.(2000). The African Crisis Response Initiative: Domestic Politics and Convergence of National Interests. African Affairs 99(394):73-95.

[55] The Local Administration Act 1967 centralised most of the powers hitherto enjoyed by the local authorities into the hands of the Minister responsible for Local Administration.

[56] Amin's dictatorial rule was characterised by murder of innocent citizens, collapse of the economy and social disorders.

[57] (Mutibwa (1992), Uganda Since Independence: A Story of Unfullfilled Promises, Karugire (1980), A Political History of Uganda, London: Heinemann.

Technically, decentralisation is a relative term. According to Rondinelli[58] decentralisation is defined as the transfer of responsibility for planning, management and resource raising and allocation from the central government and its agencies to (a) field units of central government, (b) subordinate units of levels of government, (c) semi-autonomous public authorities and, (d) area-wide non-governmental private or voluntary organisations. Rondinelli argues that due to the complexity and scope of decentralisation, it is necessary to distinguish among the major types of decentralisation, these include: deconcentration (transferring administrative authority while retaining control at the centre), delegation (transferring certain managerial responsibilities for specifically defined functions to organisations that are outside the regular bureaucratic structure), devolution (creation or strengthening of sub-national units of government with legal, administrative, political and financial powers to enable them to act autonomously from the centre) and privatisation (a situation where government divests itself from the responsibility for certain functions and transfers them to the private sector). As Rondinelli points out, these forms of decentralisation have been attempted in many developing countries, either simultaneously or separately at different times. In Uganda, the design of decentralisation has evolved towards devolution. The statute of 1993[59] and the Local Government Act 1997 put in place a new system of local government, which has elements of both types of decentralisation.[60]

The objective of Uganda's decentralisation policy combines both political and administrative criteria suggested by Mawhood.[61] Mawhood argues that since the basic principle of decentralisation lies in centre - local relations, if a government decentralises political decision-making, including financial and administrative jurisdictions, then that is proper decentralisation.

In Uganda, the decentralisation programme was designed;

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[58] Rondinelli et al, (1983: 9)

[59] The Resistance Council Statute 1993 started with a design of decentralisation that was basically deconcentration. Later the local Government Act 1997 put in place a devolved model.

[60] Devolved functions under the Local Government Act 1997.

[61] Mawhood, P. (1993), "Decentralisation: The Concept and The Practice" in Mawhood P. (ed), Local Government in the Third World: Experience of Decentralisation in Tropical Africa (2nd Ed). The Africa Institute of South Africa.

> ... to build a more democratic government that is responsive and accountable to the public, to promote capacity building at the local level; and to introduce local choice into the delivery of civil services, fostering a sense of local ownership. The administrative changes resulting from decentralisation aim to bring decision making closer to the population and to permit better communication between local leaders and the population to which they are responsible. This creates a situation conducive to local decision making founded on local options and circumstances[62].

From this perspective, decentralisation is conceived in terms of better service to the people. It is also assumed that once decentralisation is undertaken by government, the local people will "own" the government programmes, they will be more willing to participate and possibly contribute to the design and implementation of the programmes and even be more willing to pay taxes. However, we are cautioned that this may not always be the case. It is observed that public investment alone though desirable is not a sufficient condition for the success of decentralisation. There are behavioural and sustainability problems that are likely to be encountered.[63] Moreover, decentralisation comes with new practices in a local environment that lacks adequate structures, facilities and human skills. A recent study on decentralisation and participation has found that in two districts [Mukono and Rakai in which the study was carried out], there was no effective delivery because of the unfounded assumption about what could be achieved through popular participation.[64] Other studies on Uganda's decentralisation have claimed that "...because decentralisation has been a top-down approach, though not authoritarian, participation is largely seen as a government obligation rather than a people-driven process.[65]" It is thus, pertinent to argue that depending on the purpose of participation, decentralisation may undermine rather than promote empowerment of the citizenry.

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[62] Langseth "Civil Service Reform: A General Overview" in Villadsen S. and F. Lubanga, Democratic Decentralisation in Uganda, pp 14-15.
[63] Ibid, Langseth p.15

[64] Fred Mutebi-Goloba (1999), Decentralisation. Democracy and Development Administration in Uganda: Limits to Popular Participation. p.10, PhD thesis, London School of Economics and Political Science.
[65] G. B. Tukahebwa, "The Role of District Councils in Decentralisation" in Apolo Nsibambi (ed), Decentralisation and Civil Society in Uganda. p.27

Decentralisation in Uganda has also been equated to democratic governance. For example, it has been argued that since decentralisation "... implies devolution of powers and grassroots participation, local democracy is being greatly strengthened.[66]" Although decentralisation has entailed transfer of financial, some legislative and administrative responsibilities to the local authorities, real power is still retained at the centre. The framework within which decentralisation was designed and operates in Uganda is tied to the political wishes of the NRM regime. While some studies have argued that political participation should not be seen in the context of elections, on the contrary, the interests of the NRM regime in embarking on decentralisation are revealed in the electoral process especially, at the local level.[67]

The ultimate goal of decentralisation in Uganda is perceived to be "good governance." It has been argued that "although decentralisation is not the same thing as good governance, the quest for good governance necessarily entails democratic decentralisation."[68] A working group coordinated by the Ministry of Justice and Constitutional Affairs and composed of various representatives from government ministries, non-governmental organisations, donors, police and prisons met and discussed, and came up with a definition of what good governance entails in the Ugandan situation:

> Good governance is the exercise of politico-administrative and managerial/authority and order which is legitimate, accountable, transparent, democratic, efficient and equitable in resource allocation and utilisation, and responsive to the critical needs of promoting human welfare and positive transformation of society...[69]

This definition of good governance tells us little about public officials who may abuse office or prove to be incompetent. The adoption of the working definition may however, serve as a benchmark for understanding the intentions of the government. Even then, that definition is state-centric. It does not include the role of civil society. This study is centred on the interface between the state and the public realm. It is conceived within a generic perspective

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[66] Villadsen S. "Decentralisation of Governance" in Villadsen S. and Lubanga F. Democratic Decentralisation in Uganda. p.60
[67] Ibid, Goloba-Mutebi (1999), p 1
[68] Nsibambi Apolo, "Introduction" in Nsibambi Apolo (ed) 1998, Decentralisation and Civil Society in Uganda p.2.
[69] Definition reproduced from Nsibambi A, "Introduction" ibid p.5.

of governance whose locus is in public administration. Rhodes[70] identifies seven arenas of governance of which two are directly relevant and applicable to public administration (specifically, the role of the state in delivery of public services) - these are: "new public management" and "good governance."[71] New Public Management perspective refers to the introduction of private sector management methods to the public sector through performance measures, managing by results, value-for-money, and closeness to the customer. New Public Management involves marketisation in the public sector - introducing incentive structures into public service provision through contracting-out, lease-markets and consumer choice.

Good governance has been a public sector management trend championed by the World Bank. From the World Bank's perspective, there are three strands of good governance: systemic, political and administrative. The systemic use of governance is broader than government, covering the distribution of both internal and external political and economic power. The political use of governance refers to a state enjoying both legitimacy and authority derived from a democratic mandate. The administrative use of governance refers to efficiency, openness, accountability and audited public service.[72] This study is a deliberate attempt to test whether or not these tenets of governance have been utilised by state actors in the process of decentralisation in Uganda. It also proceeds on a critical note that the World Bank's design of governance tends to be technocratic, and concerned with stability.[73]

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[70] Rhodes (2000), , R.A.W., "Governance and Public Administration" in Jon Pierre (ed), 2000, *Debating Governance: Authority, Steering and Democracy*.

[71] Ibid, Rhodes, R.A.W., "Governance and Public Administration" in Jon Pierre (ed), 2000, *Debating Governance: Authority, Steering and Democracy*. pp.56-57. Rhodes identifies seven strands of governance that are relevant to public administration. These include: corporate governance, new public management, good governance, international interdependence, socio-cybernetic systems, new political economy, and networks.

[72] A combination of "new public management" and "good governance" typologies of governance appear to be the dominant strands that are applicable to donor-driven third world countries. For example, the "package" of public service reforms in Uganda which include among others, decentralisation are designed in this World Bank framework.

[73] World Bank 2000, "Decentralisation: Rethinking Governments", World Development Report 1999/200, World Bank / Oxford Press, p.107

Hyden suggests that the most important empirical dimensions of governance derive from the conditions and the means available for the governed to hold the governors accountable for their decisions and actions i.e. citizens' influence and oversight[74]. These include: the degree of political participation, the means of preference aggregation and methods of public accountability. If these elements are embedded in the public policy process on one hand, on the other, responsive and responsible leadership will entail attitudes of political leaders as public trustees. According to Hyden, this covers their orientation towards the sanctity of the civic public realm: readiness of the public officials to share information with citizens, adherence to the rule of law and openness of public policy making. Hyden also proposes social reciprocity which refers to the extent to which citizens or groups of citizens treat each other and how far voluntary organisations are capable of tolerating each other and transcending boundaries of primary social organisation such as kinship, ethnicity or race. The interaction between citizen-influence, oversight, responsive and responsible leadership and social reciprocities is what constitutes the civic public realm of governance.

In the Ugandan situation, these variables have been applied to public sector reforms, including decentralisation since the early 1990s - largely initiated by the donors. However, there are few studies that have tested how such reforms have operated, their success and failure. Specifically, there are very few studies that have attempted to test how the "good governance" tenets have applied to the urban sector (since the introduction of decentralisation policy in 1992) in Uganda.

1.9 Unpacking: "Good Governance"

Governance is technocratic, state-centric, market-oriented and civil society-driven. It is the delineation of what it does in particular circumstances that defines its character and function in society. The term governance is still mainly confined to the technocratic and state discourses, and it is arguably, yet to enter the vocabulary of popular politics. For example, Hirst argues that the technocratic usage of governance at times, poses a threat to the

[74] Hyden, G. (1992), "Governance and the Study of Politics" in Goran Hyden, and Bratton M. (eds). Governance and Politics in Africa, p 15

conventional forms of government.[75] The market and private interests appear to be the main concern of the technocratic mode of governance. It is recognised that the markets need state regulation but are reluctant to accept the extension of state power. Both the private/market interests and civil society distrust the state. Hirst observes that most of the contending interests agree that governance is good "provided the state limits the scope of its actions to what it has capacity to do and accomplish."[76] He concludes by arguing that the nation-state can not be wished away for the following reasons: (i) it is a legitimate source of authority in society, (ii) it has institutionalised means managing conflicts, (iii) it has the legitimate means of regulating power struggles and above all, democracy matters because it provides the mechanisms for consulting and respecting interests involved in the decision making process.

Local governance in the context of the interface between the state and markets, has been reluctantly accepted by the central authorities in this era of decentralisation not least because it promotes "agencification" of power centres, that is taking away power from the centre and allocating it to sub national power centres as well as non-state actors. These include: formal public bodies (e.g health boards, school boards), charitable organizations and registered private companies. What these agencies have in common is their involvement in delivery of public services, pursuit of public policy goals and spending public money. Critics of this "agencification" view the role of these agencies as "unelected state[77]". Thus, although these agencies are not elected, they act on behalf of both the central and local governments, wield a lot influence and spend colossal sums of public monies, yet they are not directly accountable to the tax payers and voters. Painter et al (ibid) argue that while the positioning of these agencies is claimed to be technical efficiency, this may be at the expense of allocative efficiency. They act business-like, yet government does not operate on business principles and does not aim to achieve typical business goals. Government acts on the basis of common good. This raises a major point of contention in new governance.

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[75] Hirst, P. (2000) "Democracy and Governance". In Pierre, J. (ed). Debating Governance: Authority Steering and Democracy. Oxford: Oxford University Press.
[76] Ibid, Hirst, (2000, p 14)
[77] Painter et al (1997), "Local Authorities and Non Elected Agencies: Strategic Responses and Organisational Networks" Public Administration. Vol. 75 No. 2.

The above approach to public service delivery has involved contracting out and indirect state provision-where the state is kept in the background. This is viewed critically as taking away the ability of the government to govern.[78] This perspective is shared by Hirst who posits that governance implies a strong state – a well defined institutional framework for regulating society, coordinating partners, defending national sovereignty and providing direct services not provided by the non state agencies. Thus, despite the perceived advantages of new public management, that is: economy, efficiency and effectiveness, there is concern that this type of governance "hollows" the state.[79] For example, privatisation limits the scope of public intervention. This may lead to citizen frustration. This arises from the lack of direction of investment by the state. Moreover, some non-state agencies monopolise provision of certain services which leaves the ordinary citizens without alternative services. There is also loss of accountability. First, the tax payers pay levies to non-elected agencies, which do not take responsibility. Secondly, the citizens face a double jeopardy- they lose the legitimate claim to be served by the state both as voters and tax payers. Hence at the time of paying taxes or voting, the citizen loses the firm ground for holding the government accountable.

Kirkert suggests that the weakness of new public management may be overcome by adopting public governance.[80] Unlike public management, public governance is broader and encompasses both internal and external relations between the different levels of government and other actors. Public governance therefore, involves policy networks, private companies, and civil society groups. The policy oriented goals of such groups are shared and coordinated in manner that could lead to improvement in public governance.

Kirket's public governance propositions are in line with theorisation offered by Jon Pierre[81]. Amongst the key writers on governance, Jon Pierre's contribution to the understanding of governance is coherent, systematic and easy to follow. First, Pierre posits that governance is a strategy to define the role of the state in society. Second, it is a process of restructuring and

[78] Sorensen, in Sorensen and Lubanga, (1997), Democratic Decentralisation in Uganda.
[79] Opcit, Rhodes 1994)
[80] Kickert,W.J.M;Erik Han Klijn and Joop,F.M Koppenjan.(eds).(1997).Managing Complex Networks:Strategies for the Public Sector.Sage.
[81] Opcit Jon Pierre (2000), Debating Governance.

transforming the state. Thirdly, it presents a situation where formal authority meets informal sources of authority. In all the three aspects, Pierre does not suggest that the state should shrink. Instead Pierre proposes a perspective that delineates "old" versus "new" governance. *Old governance* raises questions about the process and outcomes of the policy formulations through "political brokerage." This approach is labeled as "state centric". The state-centric approach assumes that the state has the political and institutional capacity to steer society and to deliver services. *New governance* denotes a situation where instead of *steering*; the state simply becomes one of the policy actors, coordinated in a manner that produces particular actions. The state however is generally perceived as a necessary partner in the whole scheme. Thus, while old governance is associated with the situation where the state takes the leading role in the coordination and steering of other societal actors, new governance tends to be associated with what has come to be termed as *self governance*, a situation where multiple actors, independently, jointly, or in agreement over certain courses of action, pursue particular goals in society. They may do so in concert with the state or at times, without it. Self governance simply means that some roles that were previously performed by the state are taken over by other actors. In most decentralised counties, this type of governance is now on the rise. In this case, civil society has become a key player.

Conceptually, new governance has come to imply first, that there is some distinction between production and delivery of services. In decentralised systems, service delivery remains the responsibility of the state at the level of planning; core financing, supervision while service production may be done by other actors on their initiative or in partnership with the state. In the latter case, the role of the state is limited to supervision, coordination, and giving policy direction. However, there have been some problems with this arrangement. These include lack of interest on the part of state officials to supervise and guide the actors, absence of coherent goals and policies, and in the same cases state officials wanting to obstruct the efforts of other actors. Corrupt behaviour is often observed in this process. As Hirst[82] puts it, civil society and NGOs have come to distrust the state because they see it as captured by private commercial interests, corrupt politicians and unaccountable bureaucrats. Nonetheless, it is generally admitted that market forces and private interests

[82] Opcit, Hirst.

require regulation and restraint because they too, may pursue goals that may undermine the legitimate sources of power in society. Private actors do accept that for them to be effective there is a need for a political framework, sufficiently conducive for their activities–a stable regime, rule of law, an efficient administration, and systems of accountability as well as stable micro-economic policies and an active civil society.

While the practice under the above arrangement is to devolve service production to self-regulating agencies in order to reduce bureaucratic hierarchies, the reality is that citizens look to the state as the "provider" of services. This arises from the long-held traditional role of the state of "tax and spend". Government bureaucrats have been accustomed to this arrangement. The citizens on their part are generally accustomed to "confronting" government to demand their rightful services. The complexity comes with multiple providers under the new governance. It raises the question of where the citizens should point their finger for accountability. At the same time, the self regulating groups do not necessarily assume they have the obligation account to the tax payers. In many cases, they create new vertical hierarchies whereby they tend to account to their sponsors rather than the beneficiaries of their services. These associations in some instances, may even prove to be less accountable than the government agencies. They sometimes behave as if they were "private" governments whose pre occupation is to put "efficiency" before answerability.

New governance, nevertheless, provides opportunities for public choice or what Hirschman termed "voice" and "exit" options.[83] The traditional statist model creates high levels of expectations within society, especially in the third world, that the state has the capacity to provide almost everything. This has proved to be untenable due to fiscal crisis, poor service delivery, inefficient management and the growing influence of globalisation. The new governance mode provides avenues for "voices" – the act of complaining or organising to complain or protesting with the intent of achieving a certain desired quality or quantity of service. On the other hand, "exit" implies that the client of a particular organization generally opts to leave for another organization that provides a better service or benefit. It is

[83] Hirschman (1993)

argued that the more clients exit, the more an organization becomes conscious of its deterioration and wakes up to repair itself.

Hirschman's "voice – exit" model suffers fundamental flaws. First, it assumes a high level of civic consciousness and organisation within society. Secondly, it assumes that there is adequate competition amongst the organizations wishing to retain clients. In situations of inadequate supply at the organizational level, the kind that are experienced in third world countries, the voice – exit model experiences problems. In a situation where most people are illiterate, unemployed, under-provided, and suffer from debilitating forms of poverty; both voice and exit may exist only in theory, the practice is that they are generally pre-occupied with eking out a living or 'survival', hence, the quality of service is compromised. This partly explains why there is little engagement between the ordinary citizens and local government service providers. The service consumers seem to be only theoretically part of the "partnership." In cases where only one service provider is selected for a particular area, the citizens have no option, but to accept the service or to lose altogether. In such a case, the option of "exit" is closed.

In terms of urban governance, it is observed that there has been a shift from the spatial and structural aspects of governing cities. The shift has involved a move from hierarchies of government to political negotiations between various stakeholders, for example, between the rulers and the ruled. This has implied a shift from "government" to 'governance' – the latter denoting mechanisms, processes, and institutions through which citizens and groups articulate their interests.[84] While the term *local government* is associated with a formal description of powers and responsibilities of urban authorities, *local governance* means greater diversity in organisation of services, flexibility, variety of actors, even transformation of forms of local democracy. These governance forms may imply new forms of citizenship. Local governance is also perceived to mean a "place of local dialogue[85]". *Good Governance* carries with it a premise of institutional design that is open and

[84] Montgomery et al (2003), Cities Transformed: Demographic Change and its Implications in the Developing World.
[85] Ibid, Montgomery (2003), p.358

accountable to civil society in general, and effective in terms of financial management and policy implementation.

Good governance also involves an effective balance between the raising of revenue and proper expenditure of that revenue on services and investments that are based on accountable decisions (Montgomery et al, ibid). Good governance occupies a space between *governability and governance.*[86] Governability is defined as the capacity to make decisions and implementing rules. Governability tends to be formalistic and rule-bound. On the other hand, governance as already discussed, denotes leadership, cooperative efforts and achieving common goals. As Mc Carney puts it, local governance in the context of third world cities, involves the dynamics of local institutional challenges, local political forces and day-to-day fiscal constraints.[87] Mc Carney argues that although governance may be seen as in terms of global hegemony (globalisation), its practical relevance lies with the local realities. The focus of governance in this regard is on the efficient use of resources, cutting fiscal deficits, effective development management, and enhancing markets. The local and external elements of governance have been at the centre of the debate. Mc Carney counsels that instead of rejecting governance as an "external" notion of reo-liberalism, it should be weighted against all its merits such as involvement of citizens in municipal budgeting, inclusion of groups in exercise of authority and public discussion of public projects.

A working model that resonates with the framework of our study is proposed by Shah and Shah in what they term as *citizen-centred governance* principles that include: *responsive governance* – the idea that governments should do the right thing that is deliver services consistent with citizens' preferences.[88] *Responsible governance*, that is, government should it right – in a prudent fiscal process, and *accountable governance* that is, that local

[86] Leftwitch, A. (1994), "Governance, the State and the Politics of Development". Development and Change. Vol. 25. See also Guy, B. Peters, (1998), "Governance Without Government? ,Rethinking Public Administration" in Journal of Public Administration Research and Theory. Vol. 8 No. 2.
[87] McCarney, P.L.(2000), "Thinking about Governance in Global and Local Perspective: Consideration on Resonance Between Two discourses", in Urban Forum. Vol. 11 No. 1, p.1
[88] Shah and Shah,(2006) The New Vision of Local Governance and the Evolving Roles of **L**ocal Governments. In Local Governance in Developing Countries. Washington D.C: The World Bank Institute.

governments should be accountable for their actions to the citizens – with integrity and in public interest.

1.10 Connecting Good Governance with Decentralisation

Classical analyses of governance have directly connected local governance with decentralisation or what is generally termed as the decentralisation theorem. Oates[89] in his theorem argues that local governments understand the concerns of local residents.[90] Maddick asserts that local councils are of great value because they understand the needs and aspirations of local people, the potentialities of local actions and their limitations.[91] While Maddick notes that councilors may present a scenario of "the blind leading the blind" due to their limited experiences, local discussions are quite responsive to local needs. This encourages fiscal responsibility, efficiency, interjurisdictional competition and innovation. According to these propositions, such an ideal decentralized system ensures a level and combination of public services consistent with voters' preferences while providing incentives for efficient provisions of services.[92] This however is the ideal. Evidence exists that suggests that decentralisation as a form of local autonomy easily falls prey to the "elite capture" problem of the central and local bureaucracies, that is to say, decentralisation may fail to tame corruption, misuse of public office and could undermine local democracy.

1.11 The thesis of this study

There seems to be unfettered and an almost euphoric belief amongst intellectuals, policy makers and the general populations in Uganda and in may other countries, that decentralisation will result in better service delivery, increased participation in policy processes, accountability, democratic practices; which will lead to good local governance. Despite this great promise some studies have pointed out that such benefits may not be that obvious and should not be over-generalised. For instance, Prud'homme has observed: "Decentralisation measures are like some potent drugs… when proscribed for the relevant illness, at the appropriate moment and in correct dose, they can have the desired salutary

[89] Oates, W. E. (1972). Fiscal Federalism. New York: Harcourt Brace Jovanovich.
[90] Maddick, H. (1963),Decmocracy, Decentralisation and Development.
[91] Ibid, Maddick (1963) p.157.
[92] Opcit, Shah and Shah, (2006)

effect; but in wrong circumstances they can harm rather than heal."[93] In assessing the effects of decentralisation on urban governance, both the promises and the potential weaknesses are critically taken into account. Thus, rather than dwelling on the so-called "urban problematique", this thesis contends that decentralisation and its aims, processes, solutions and outcomes of reconstructing state-society relations, and of rebuilding institutions of local governance has a great potential of engineering local development, democracy, and social welfare. The task of this study therefore, is to search for ways of how this has happened in the realities of Uganda's urban setting.

1.12 Methodology

The study design was both quantitative and qualitative. Qualitative design allowed collection of data through both secondary and primary data techniques. Extensive review of literature and analysis of policy documents was undertaken to establish the status of the issues, for example the progress of decentralisation in Uganda over the last two decades, the changing trends of urbanization and an historical overview. An historical overview was particularly done to inform the study about the social economic and political formations of the country in the period before the country gained political independence. I was interested in the kind of political heritage that the colonial rulers handed to the post-colonial ones, and the effect it could have had on the policies made thereafter. I proceeded from the firm ground that it would only be escapist to study a country's political policies as if the past history was non-existent. In short, I believed that an historical perspective served a critical juncture in connecting the current policy trends with the political history of the country.

An extensive analysis of policy documents was a key undertaking of this study. Most policy documents were searched for in the government departments, especially, the Ministry of Local Government, Public Service, the Population Secretariat, the Uganda Bureau of Statistics, Decentralisation Unit, the Local Government Finance Commission, and the libraries at Makerere University, Centre for Basic Research, KCC Library, and Uganda Management Institute. Another set of documents was collected from various NGOs and

[93] [42] Remy Prud'homme "The Dangers of Decentralisation" The World Bank Research Observer Vol.10, No.2, 1995 p.201.

CBOs in Kampala. These included: Concern Uganda, DENIVA, KACHEPA, Community Development Resource Network (CDRN) and many others. Most interesting in this endeavour were documents obtained from the five KCC Division offices as well as the headquarters of Kampala City Council (KCC). I obtained minutes of these local councils, of committees of council, tender boards, budget framework papers, three-year development plans, capacity building plans, official correspondences, investment plans, statistical abstracts, lists of pre-qualified suppliers, as well as some audited accounts. These documentary sources served to highlight what the policy makers at the various levels of government had planned to do or were actually doing in relation to the issues the study was interested in. I also used these sources to cross-check some of the information that was later collected from the primary sources.

Review of academic literature was done throughout the process of the study. This was done for analytical and comparative purposes, to strengthen the perspectives of the on-going debates.

1.12.1 Primary Data Collection

Primary data collection was largely qualitative – involving interviews with key informants. Most of the key informants were people occupying positions of authority in Local Governments, Civil society, and private businesses. Besides, ordinary citizens were also interviewed through semi-structured questionnaires. People managing community-based projects were interviewed at various levels.

1.12.2 Type of Data Collected

The following types of data were collected:

- Management Processes and systems;
- Participatory decision making processes;
- Social and economic policies;
- Service delivery systems;
- Financial management systems;
- Public-private partnerships in service delivery;
- The contribution of civil society to service delivery;

⊗ The government practices and policies: accountability process, legal regulatory frameworks, project management, and "self provision" delivery of services, political decision making and changing urban policies.

1.12.3 Sampling Procedure

The sample for key informants was largely purposive, that is, it targeted persons in positions of authority, who were thought to possess deep knowledge about the policies of their organizations. The purposive sample for Local Government officials included both political and administrative leaders:

Table 1: Showing Political Leaders

Position	**No. Interviewed**
KCC Division Chairpersons	3
KCC Division Members of Executive Committee	10
Ordinary Division Councillors	15
Chairpersons of Committees of Council	3
Deputy Speakers of Division Councils	2
Chairpersons of Local Council (LC1)	7

Table 2 : Showing Administrative/Management Personnel

Position	**No. Interviewed**
Town Clerks of KCC Divisions	4
Deputy Town Clerks of KCC Division	1
Planning officers of KCC Divisions	5
Chief Finance Officers of KCC Divisions	5
Clerk to Council of KCC	5
Division Head, Gender and Social Welfare	4
Division Head, Education, KCC	3

Division Engineer, KCC	3
Trade Development Officer, KCC	2
Public Health Officers |KCC	3
Division Medical officers	4
Law Enforcement officers	3
Budget officers	2
Council Agents (Parish Chiefs) – [Group Interview]	10 [Group Interview]

1.12.4 Key Informants Interviewed at KCC Headquarters

Political Leaders:

It proved difficult to interview the Mayor and Members of the Executive Committee. However, I managed to interview the Speaker of the Council, six ordinary councilors, and three chairpersons of the committees of council. However I understood that since most of the actual service delivery is a responsibility of Division Council it would be rewarding to concentrate my efforts there. I did exactly that.

Administrative Staff interviewed at KCC headquarters also fell far below my target. Thus only the following officers were interviewed: Deputy Director of Finance, Director of Planning, Planning Officer (physical), Clerk to Council, Public Relations Officer, Senior Personnel Officer, and Senior Land Officer and Senior Committee Clerk and Senior Environmental Officer.

1.12.5 Other Selected Key Informants

This category of respondents was considered important for their deep and special knowledge of decentralisation and urban issues as shown in table 3:

Table 3: Showing Selected Key Informants

Hon. Jabeli Bidandi Ssali	Former Minister of Local Government

Mr. John Sempewo	Senior Committee Clerk (retired)
Mr. Kiwanuka Misisi	Former Chairperson, Mukono District and former Resident District Commissioner, Kampala
Mr. Paddy Nahabwe	Senior Population Officer
Mr. Iddi Basajjabalaba	Senior Statistician, Local Government Commission.
Mr. Lawrence Banyoya	Secretary, Local Government Finance Commission.
Mr. P. Mutabwire	Commissioner, Local Government
Martin Onyach-Olaa	Principal Economist, Ministry of Local Government.

1.12.6 Category of Respondents Interviewed within Civil Society

These key informants fell into three categories: the NGO sector, the CBOs and the business sector. Target respondents were mainly those directly involved in implementing programmes which had some policy or service implications to local governance. Direct interviews were conducted with top officials while group discussions were held with the members of their organisations.

1.12.7 Administration of Questionnaires

Questionnaires were administered on a non-probability sample of 300 respondents. Only 203 questionnaires were returned fully filled. Data obtained through the questionnaires was intended to capture the issues affecting ordinary citizens, their local initiatives, complaints, compliments and communal efforts in solving some of the problems they meet in their daily lives.

The geographical coverage of the questionnaire interviews was pre-determined, that is, 60 questionnaires per administrative Division of Kampala City. Hence, 5 (five) Divisions, 300 questionnaires. Two approaches were adopted for questionnaire administration. Some were left for respondents to fill themselves while some were directly administered by the principal researcher or his assistants. The principal researcher had five research assistants. Most of

the directly administered questionnaires were returned. Poor returns were experienced with the self-administered questionnaires.

While the questionnaire administration followed a non-probability sample, care was taken to ensure gender balance, age differences, and the geographical locations. Specifically I targeted the less privileged areas of the city.

Table 4: Showing areas where Questionnaires were administered in Kampala

Division	**Area (LC1)**
Kawempe	Kibe Zone Kimwanyi Zone, Wandegeya Kikwebo Zone 1 Kikuubo Zone IV Makerere III (Sebina) Kamalimali Zone Kigundu Zone Busia Zone
Makindye	Area (LC 1)
	Katongole Zone, Bukasa Kelezia Zone
Lugaga	Church Zone Kasubi Zone III Kabowa Zone Nanfuka Zone Senyondo Zone Serwadda Zone
Nakawa	Kiswa Zone IV Bukoto – Mukalazi Zone Luzira Stage 7 Zone Mutungo Zone 5 Bina – Luzira Zone
Central	Kagugube (Industrial) Zone Kisenyi III Kagugube (Kitamanyagamba Zone) Katwe – Luzige Zone Kamwokya III (Church Zone)

1.12.8 Challenges experienced in Questionnaire Administration

These challenges included: non-cooperation from prospective respondents, failure to fill the questionnaires necessitating several visits to one respondent and complaints that "research

has no value." Others complained of lack of time to sit down for thirty minutes for an interview. The problem with urban residents is that they rarely have sufficient time for unscheduled activities (such as interviews). Some of the interviewees requested to be paid for the time they would be spending, being interviewed. Although research ethics do not allow this, some of the local residents, especially the unemployed women appeared too needy not to get some kind of "tip". I would part with "something small" out of courtesy after the interviews.

Group discussions tended to be more friendly and productive. This was partly because interviews were pre-arranged for days, and at time convenient to the members of the group to be interviewed. In each parish where I administered the questionnaires, I held at least one group discussion. Group discussions served a very important in the whole process of this study, that is, they served to bridge the information gap left between interviews and other sources such as the documentary sources and participant observation.

1.12.9 Observation

I observed the conditions of living of the residents in several of the unplanned (slum) areas where the study participants were found. The common sites included: blocked sewers, smelly environments, homes filled with flood water, lack of toilet facilities, flies hovering over food stuff, and so on. Apart from these miserable conditions of living it was also observed that there were several initiatives undertaken by people themselves such as routine cleaning of their neighbourhoods, such as desilting the drains. In Kimwanyi area, there was a time table for each adult member from each homestead to contribute weekly labour or alternatively make financial contribution towards cleaning up the dirty environment. Most of the feeder roads leading to neighhourhoods were maintained through communal contributions. Further, I noted that although LC meetings have not been as regular as they were reported to have been in the past, there was still a strong spirit of communal efforts to deal with local problems and issues.

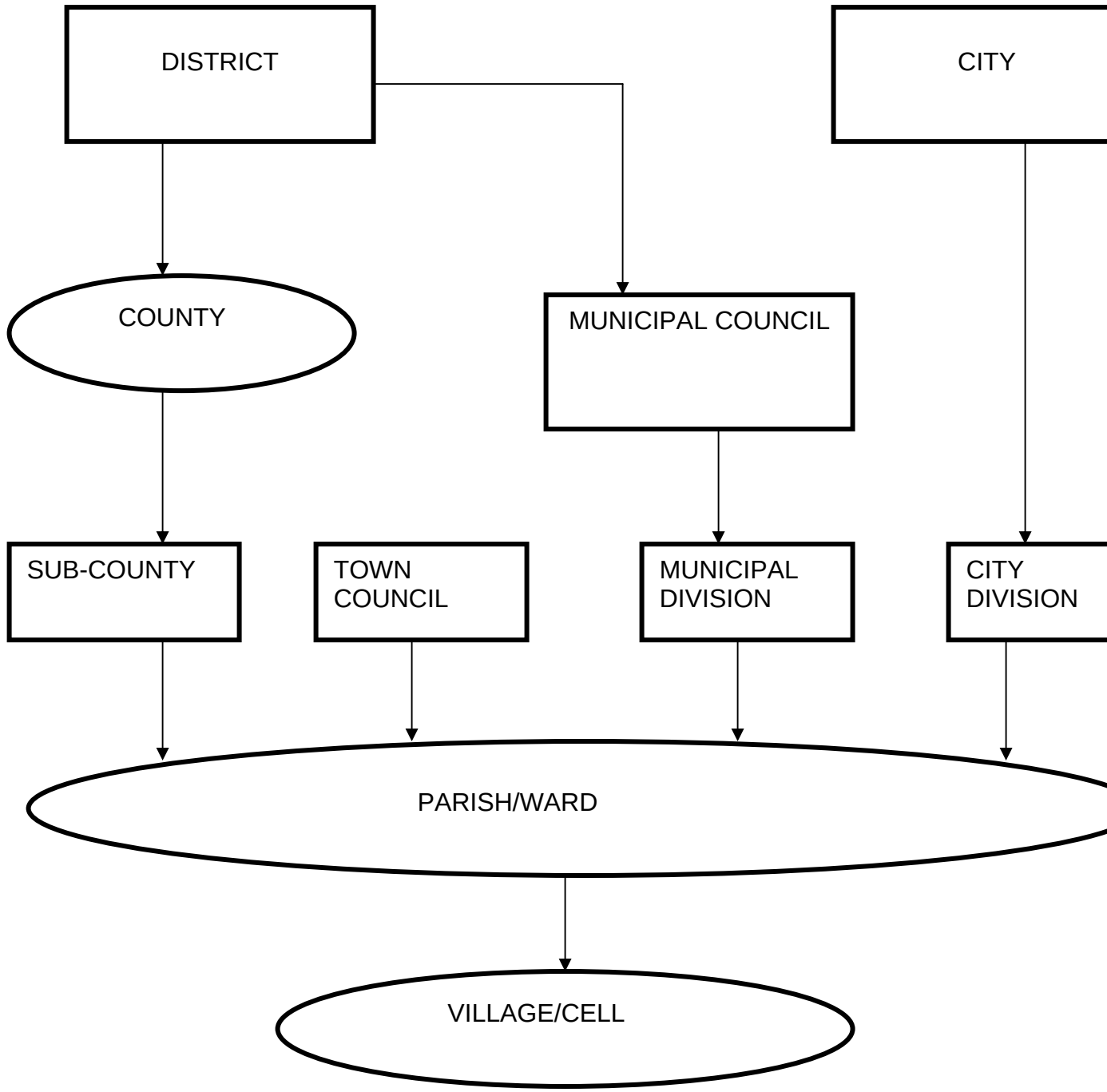
1.12.10 Data Processing and Analysis

Data collected through qualitative techniques was analysed disaggregated and analysed thematically to make sense out of what the respondents suggested. This data was later integrated with that obtained by questionnaire, observation and secondary sources. This triangulation helped the researcher to derive meanings from activities studied at various levels.

1.12.11 Success and limitations of the Study

The purpose for employing a combination of techniques of data collection was to ensure that the analysis was sufficiently deep and sensitive to the themes under investigation. However, the study was limited in the sense that only the case of Kampala City was done to represent the whole urban mileu of Uganda. Although a case study was found convenient in terms of the research undertaking that this author could conveniently and ably handle within the limitations of resources and time, still a knowledge gap remained. There is a dearth of knowledge on small towns and other mushrooming urban centres. Unfortunately, this study could not stretch that far. That notwithstanding, doing a case study allowed the researcher to engage the broad governance issues and to collect sufficient data to deepen the understanding of the issues. An extensive literature review was done for this purpose. This helped not only in sharpening the perspectives.

The Local Council Set-Up in Uganda



Chapter 2

Decentralisation and Urban Governance: A Theoretical Framework

2.0 Introduction

The purpose of this chapter is to provide the theoretical and conceptual framework within which public sector reforms; particularly decentralisation reforms have taken place world-wide. It examines the perspective of the African and third world socio-economic and political realities that affect the managerial and administrative capacities and outcomes. It takes cognisance of the fact that reforms take place in a given context and are driven by political and economic ideologies. These have specific bearings on the outcomes of specific policies in specific locations. The connection between decentralisation and urban governance in Africa and Uganda is put in perspective and its outcomes critically analysed in this chapter.

Since the 1990s, decentralisation has become a key constituent of governance[94]. The World Bank (2000) points out that by the end of the last decade, some 95% of democracies have had elected sub-national governments and that countries everywhere large, small, rich and poor - are devolving political, fiscal and administrative powers to sub-national tiers of government. Most Third World countries undertaking reforms of their economies have at the same time restructured their government, to give priority to local governments and local institutions. The World Bank (ibid) argues,

> Decentralisation itself is neither good nor bad. It is a means to an end, often imposed by political reality. The issue is whether it is successful or not. Successful decentralisation improves the efficiency and responsiveness of the public sector while accommodating potentially explosive political forces. Unsuccessful decentralisation threatens political forces. Unsuccessful decentralisation threatens economic and political stability and disrupts the delivery of public services.[95]

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[94] World Bank 2000, World Development Report 1999/2000: Entering the 21st Century p.107.

[95] World Bank ibid p.107. And on p.108, Uganda and South Africa are cited as some of the most successful cases of decentralisation.

Other authors familiar with Third World problems also argue that even if decentralisation is not a panacea for the multitude of such problems, it is worth attempting[96]. Mawhood goes on to assert:

> Decentralisation suggests the hope of cracking open the blockage of a central bureaucracy, curing managerial constipation, giving more direct access for the people to government and the government to the people, stimulating the whole nation to participate in national development plans.[97]

For both the World Bank and Mawhood, the issue of decentralisation seems to suggest an ideological standpoint that is desirable for its own sake. While not disagreeing with the utility that comes with decentralisation, the primacy of decentralisation lies in its policy content, design and outcomes.[98]

Uganda's decentralisation programme has earned praises. According to Francis and James "one of the most ambitious (institutional reforms in Uganda) has been its decentralisation policy, held to be one of the most far-reaching local government reforms in the developing world."[99] Villadsen[100] on his part, claims that Uganda's "decentralisation process is thus far more comprehensive than in any other African country."[101] These observations give us the impression that Uganda's decentralisation policy has been successful. However, even if this was to be the case, the indicators of such success need to be presented in a comparative manner.[102] Even if one is not swayed by claims of success, the rational measure of policy success is the output of its goals.[103]

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[96] Opcit, Rondinelli (1984). Decentralisation in Developing Countries: A Review of Recent Experiences. World Bank Staff Working Papaers No. 581. Washington DC: World Bank.
[97] Opcit, Mawhood (1993), p. 1.
[98] Conyers, Diana. (1986). "Decentralisation and Development. A Framework for analysis". *Community Development Journal*. Vol.21 No.2.
[99] Francis and James (2003) "Balancing rural poverty reduction and citizen participation: The contradictions of Uganda's Decentralisation program" World Development Vol. 31 No 2, p. 325.
[100] Villadsen, S (1996). "Decentralisation of Governance" in Sorensen Villadsen and F. Lubanga, Democratic Decentralisation in Uganda: A New Approach to Local Governance., p. 60.
[101] Ibid, Paul Francis and Robert James, (2003). Also Villadsen S1 "Decentralisation of Governance" in Sorensen Villadsen and F. Lubanga, Democratic Decentralisation in Uganda: A New Approach to Local Governance.
[102] Olowu, (2001) "Decentralisation and Practices under structural adjustment and democratisation in Africa" Democracy, Governance and Human Rights. Paper No4, UNRISD, Geneva.
[103] Ibid, Dele Olowu (2001)

As noted in the previous chapter, Uganda's decentralisation programme was largely designed with a rural bias.[104] Service delivery which is the cornerstone of Uganda's decentralisation programme was directed at the population. The initial policy agenda tended to relegate urban issues such as urban poverty, services, management and governance. Yet, when the urban areas were granted some autonomy as substantive local governments, they faced several challenges, in many cases far greater than those encountered by rural district authorities.[105] The challenges faced by urban authorities in service delivery are compounded by financial, technical and managerial and political constraints. There is a need to establish with certainty what decentralisation has done to mitigate these problems. However, in proceeding to capture the complexity of these issues, we need to understand the contexts and perspectives of decentralisation.

2.1 Decentralisation in Perspective

There has been growing consensus amongst scholars, policy makers and development practitioners since 1970s that development, good policymaking and practice are not a preserve of the central bureaucratic agencies alone. The dominant thinking over the last two decades has evolved around partnerships between government agencies and other organisations in society as well as individual citizens. It has been argued for example, that decentralisation opens the state system to competitive societal forces by allowing political pluralism to replace single party systems, markets to replace state controlled prices and civil society to provide services where the state is weak[106]. Mawhood posits that decentralisation creates a situation where autonomous bodies will have a constructive dialogue with the centre.[107] It is however, also, important to observe that for decentralisation to be meaningful, one important condition should prevail: the state and other elements in society

[104] Opcit, World Bank (1992) Uganda: District Study, a report by the World Bank team of experts which gave the foundation to Uganda's policy of decentralisation as well as donor support to the policy.

[105] The challenges of urban authorities include: waste disposal, water and sanitation, health, education, bush clearance, road-works and addressing development issues of their residents. Some of the services the urban authorities have to provide are "self-provided" by individuals and families in rural Uganda such as most of the water and waste disposal..

[106] Olowu, D. (1993). "Local Insitutions and Development: The Nigerian Experience" in Goetz G. Edward and Clarke E. Susan, The New Localism: Comprative Urban Politics in a Global Era. London: Sage Publications. Sandbrook, R. (1993), The Politics of African's Economic Recovery. Cambrige: Cambridge University Press.

[107] Opcit, Mawhood (1993).

should be democratic.[108] This is because most decentralising states simply transfer powers and responsibilities from the hierarchies of the centre to those of the sub-national authorities. The transfer of responsibilities alone may not constitute a democratic method of managing society. It may not transform state-society relations which should be the crux of the matter.

2.2 The Meaning of Decentralisation

Decentralisation means different things to different people. To Rondinelli et al,[109] Mawhood[110] decentralisation means a system of autonomous local governments, to Wunsch and Olowu it means "self-governance" of the local communities - their values and innovations.[111] For Tostensen et al decentralisation means freedom of civil society and the whole realm of associational life to organise their membership to engage in actions that are beneficial to them or to question the state.[112] Both formal and informal groups are actively engaged with the state demanding that public officials be accountable to the citizens. Similarly, Sandbrook argues that there is a linkage between decentralisation and the notion of empowerment, whereby previously deprived groups such as: women, peasants and minorities develop a sense of agency and usefulness by making decisions that enable them to expand their autonomy and capabilities.[113] This however, points to the endemic weaknesses in civil society namely: lack of capacity, confidence and autonomy. According to Sandbrook it is possible for civil society organisations to overcome these weaknesses, first of all, by mobilising their membership to confront government, to push it to be more responsible; and secondly, to overcome passivity within their membership.[114] This in turn, will help them to remain de-linked from the state and therefore, to act independently. In this way, the engagement between the state and civil society could gradually produce conditions

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[108] Crook, R.C and Manor, J (1995), "Democratic Decentralisation and Institutional Performance: Four Asian and African Experiences compared". *Journal of Commonwealth and Comparative Politics* 33(3).
[109] Opcit, Rondinelli et al (1984)
[110] Opcit, Mawhood (1993)
[111] Wunsch, S. and Olowu, D. (2000). "The Failure of the African Centralised State" in Mukandala R. (ed). African Public Admnistration: A Reader. Harare: AAPS Books.
[112] Tostensen, A. et al (2001), Associational Life in African Cities: Popular Responses to the Urban Crisis. Stockholm: Nordic African Institute.
[113] Opcit, Sandbrook (1993)
[114] Ibid, Sandbrook

favourable for a developmental and democratic society. This is supposed to be the ultimate goal of decentralisation.

2.3 Decentralisation versus Centralisation

The world is experiencing a tremendous upsurge towards local democratic governance.[115] This trend is underpinned by several factors: first, in most Third World countries, authoritarian regimes that dominated the first two decades of the post-colonial Africa are crumbling under pressure from both internal as well as external forces. Secondly, in most of the African countries, severe socio-economic crises have undermined the legitimacy of undemocratic regimes. Thirdly, most of the African authoritarian regimes seem to have realised that by continuing to hold power at the centre, this has generated a source of weakness rather than strength.[116]

The authoritarian practices of the post-colonial state in Africa were inherited from its predecessor - the colonial state. The post-colonial state however, failed its mission, to significantly reform the state. Instead, a semblance of local autonomy that had been created by the colonial state was either abolished or undermined in the search for national unity, centralised planning and development.[117] Centralisation of power had the effect of breeding dictatorship, consolidating one-partyism, cronyism and intolerance of the views of opposition groups.

The post-colonial African leaders were obsessed with maintaining their grip to power by creating cliques of cronies and ensuring unquestionable loyalty. These tendencies undermined most forms of autonomous organisation in society. This state of affairs, according to Ake created a situation where the state was no longer a *res republicae* for all, but for some.[118] These authoritarian tendencies undermined the legitimacy of the state,

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[115] The World Bank, (2000) World Development Report (WDR) 2000/2001: Attacking Poverty.
[116] See Dele Olowu (1993) in Wunsch and Dele Olowu The Failure of the Centralised State in Africa
[117] Kasfir, N.(1993). "Designs and Dilemmas of African Decentralisation" in Mawhood P. (1993). Local Government in The Third World.
[118] Ake, C. (2000). "Deeper into the Original Sin: The Context of the Ethical Crisis in Africa's Public Services" in Rwekaza Mukandala. African Public Administration: A Reader. Harare: AAPS Books, p 495.

which according to Kasfir had now to rely on force rather than persuasion.[119] Centralisation manifested not only in political behaviour and practices of the leaders, it also affected the administrative systems.[120]

The negative effects of centralisation of power were compounded by the severe fiscal crises that afflicted most African countries since the 1970s. According to Mutahaba et al,[121] the poor state of finances in most African countries has been attributed to two factors: initially fiscal deficits were a result of escalating expenditures by governments' commitments to development as a response to the pressures for enhanced public services, where the government was seen as a provider for most of the services in society. Another factor has been the depressed scale of economic activity[122] resulting in the economic crisis that plagued most African states in the 1970s and 1980s.

The economic crisis in Africa has had three effects on the conduct and management of public affairs. First, the political leaders had fewer resources at their disposal to dispense patronage. While this was in itself a blessing because it had the effect of weakening their hold of power at the centre, it had adverse effects on the people's well-being. At the same time, due to the deepening weaknesses in the resource base at the centre, civil society organisations began to emerge, either to provide for their membership (in areas where the state previously had a monopolistic role) or to press the governments for services that should be provided by the state.[123] Secondly, the poor economic performance in most African countries took place at the same time as there was increased urbanisation characterised by rapid increase in population which necessitated increased investment in service delivery.

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[119] Opcit, Kasfir, (1993), p: 24.

[120] In some countries like Uganda, centralisation of power in the mid-1960 led the ruling party to appoint party stalwarts in all local authorities, See Karugire (1980), Mutibwa (1992), and Satyarmurthy (1986).

[121] Mutahaba et al, (1993: 16)

[122] Ranodi C. (1997) attributes the economic crisis in Africa to unfavourable international terms of trade.

[123] Mutahaba et al, (1993) *Vitalising African Public Administration* p.9. argue that despite the economic down turn, the demands on the state were over-whelming; increased demands for jobs, schools, health facilities when the state capacity to provide was weak.

Yet, this happened when, state capacity was too weak to give an adequate response.[124] Thirdly, the weak capacity of the state and the economic decline forced most the Sub-Saharan African countries to seek for assistance from international financiers especially the World Bank and the International Monetary Fund. These financial institutions impose conditionalities which the aid recipient countries have to comply with. Such conditions include: cutting down public expenditure, reduction in public employment, scaling down activities of government and privatisation[125]. In effect, these measures have engendered a fundamental change in the conduct of public administration in donor-supported countries. One of these changes has been the restructuring of the state from centralisation to decentralisation. Such a change has largely entailed allowing sub-national units of government to acquire some powers and responsibilities outside the direct control of the centrally-based officials. In the particular case of Uganda, the acceptance by the government of the donor-driven economic policies in the late 1980s contributed significantly to the local government reform of the early 1990s. In the context of the neo-liberal economic regime, decentralisation is perceived as a critical measure in reducing the "commandist" role of the central bureaucracy and creating a role for local communities to participate in policy agenda of the government.

2.4 The Primacy of Local Government Reforms

The upsurge towards revitalising local governments in most post-colonial states especially in Africa in the 1990s has been necessitated by a number of factors: first, the fresh search for legitimacy of the state. Second, the attempt by governments to meet the increasing internal and external pressures for democratic governance and thirdly, the attempt to revitalise the mechanisms of service delivery and to meet the challenges of new expectations in public management and state-society relations. The legitimacy of the state in Africa and particularly in Uganda has always been contested. Its claim for control over societal forces has remained weak. The policies of the colonial state in Uganda were resisted by popular

[124] Stren, R. (1989) "Accountability in Africa". EDI/World Bank, Strenghtening Local Governments in Sub-Saharan African. EDI Policy Seminar Report No. 21. Washington D.C: The World Bank, p. 20.

[125] Mutalaba et al (1993: 11) list the key policy reforms in the World Bank and IMF structural adjustment programmes to include *interalia:* restrictions of demand, devaluation of currencies, liberalisation of trade, elimination of subsidies, budget balancing, price incentives, privatisation of public enterprises and price de-controls.

forces.[126] In general, the post-colonial state in Africa has tended not to fare any better than its colonial predecessor.[127] Hyden argues that the post-colonial state in Africa is similar in many respects to the colonial state because both chose to govern by without engaging the majority of the people.

It is probably not very useful to disconnect the authoritarian practices of the colonial state from those of the post-colonial state. While it is argued that the first few years of independence were relatively prosperous for most African states (Manor 1999), other evidence suggests that it was at the same time that the African leaders overextended the "boundaries" of the state into the space previously occupied by other organisations in society.[128] For a while, savings generated by the post-war commodity boom enabled African states in the 1960s to expand services, replacing or taking over civil society agencies in doing so. These developments reinforced authoritarian state predispositions. In Uganda, the immediate post-colonial government abrogated the independence Constitution in a bid to consolidate itself in power.[129] In other post-colonial African countries, the responses to pre-independence local government arrangements varied but the temptation towards centralisation and weakening local governments was prevalent.[130] Weakening local governments and other autonomous organisations in society had the effect of undermining the legitimacy of the state itself.[131] Thus while the post-colonial regimes attempted to govern in isolation of the prevailing social forces in society their success was limited because this undermined their very source of legitimacy.

The renewed efforts by the state in Africa to reinstate institutions of local governments and to allow civil society organisations some space may be seen as an attempt by the states to search for new avenues of legitimation as well as readiness to face the challenges imposed by realities of internal and external pressures to act more democratically and rationally.

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[126] Mamdani, M. (1976). Popular Resistance Struggles by African Workers 1945 and 1949.
[127] Goran Hyden. No Shortcut to Progress p.44.
[128] Opcit, Wunch and Olowu (1993).
[129] Kanyeihamba, G.W, (1976). Constitutional Law and Government in Uganda; Also see, Karugire, S. (1980), opcit. This move led to abolition of semi-autonomous local governments.
[130] See Stren R. (1989), Halifani M. (1997), Oyugi (1993), Mawhood (1993).
[131] Lalaye & Olowu Dele (1989) "Decentralisation in Africa". EDI/World Bank, s*trengthening Local Governments in Sub Saharan Africa.* EDI Policy Seminar Report No. 21. Washington DC: The World Bank

There is a sweeping wave towards decentralisation and reforms of local government with the aim of allowing sub-national units of government to enjoy some degree of autonomy, to act on priorities of their local areas and to elect representatives. Decentralisation is seen to promote social learning, decongest the centre, empower local communities, and to introduce administrative efficiency, effectiveness and responsiveness.[132] It is argued that since decentralisation brings authority loser to the people, it promotes appropriate action on their needs and aspirations. Crook and Manor in their work on South Asia and West Africa found that several groups advocated for decentralisation for several reasons: economists pursued decentralisation as a means of stopping rent-seeking behaviours of the leaders, pluralists hoped it could give interest groups space to organise, autocratic leaders welcomed decentralisation because it could act as a substitute for democracy, democratic leaders saw it as a way of making governments more responsive to local needs while community mobilisers perceived it as a means to achieve things through cooperation with the local communities.[133]

The ongoing decentralisation reforms in most African and many other countries have been precipitated by a number of factors. The most important factors include: the realization by central governments that they are unable to effectively deliver services, the high and increasing incidence of poverty in both rural and urban areas; the failure of centralised organisations to work efficiently or cost-effectively and the failure of their managers to be adequately responsive to the needs of the people, and in some cases the collapse of managerial systems themselves. These factors have, over the years, culminated in the failure of the centralised organisations to mobilise resources, to motivate their staff and to be innovative. Thus, decentralisation is a response to a myriad of problems of organisational failures.

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[132] Olowu, D. (2001). Decentralisation and Practices under Structural Adjustment and Democratisation in Africa".

[133] Crook R. C. and Manor, J. (1998). Democracy and Decentralisation in South Asia and West Africa: Participation, Accountability and Performance, p. 1-2.

2.5 Inter-governmental Relations and Service Delivery

The new reforms have entailed centre-local relations. There is a tendency to transfer powers to local governments with some legal mandates. The mandates require local governments to collect some revenues and to spend it on local priorities, to have discretionary powers over locally employed staff and to plan for the development of their areas. The central governments have undertaken to offer a range of grants to local governments, to maintain security, to engage in macro-economic planning and to monitor and tender advice to local governments.

The decentralisation reform requires local governments to avoid "centralisation" at the immediate local government, district or municipality level. Meaningful decentralisation involves organised dispersal of power in society both in political as well as economic sense. This means sharing power and responsibility between several sub-national authority units which have jurisdiction over their areas in terms of providing services to their constituents.

The other important aspect of the local government reforms is their *modus operandi*. The core issues in a local government reform are basically two: one, is financing local services and the other one is political. According to Rondinelli et al these two factors are fundamental to the implementation of decentralisation.[134] The alternative modes of financing local services (Rondinelli et al 1989) are identified to include:

(i) *Public goods* which are consumed jointly and simultaneously by many people from which it is difficult to exclude anyone. These goods may be financed from taxes, e.g. public roads,

(ii) *Open access goods*, these too, are jointly consumed by people. Such goods may include rivers and most natural resources;

(iii) *Toll goods,* these may be provided on the basis of people's ability to pay, thus, exclusion is feasible. Such goods may include electricity, schools, hospitals and others;

[134] Rondinelli et al, (1989). "Analysing Decentralisation Policies in Developing Countries: A Political Economy Framework" Development and Change. Vol. 20 No. 2.

(iv) *Private goods,* these are consumed by individuals on the basis of ability to pay. Those who are unable to pay are excluded.

According to Rondinelli et al the above classification of goods can help local governments to determine when to apply market mechanisms of provision, co-production or quasi-market principles.[135] The underlying assumption in this classification is the search for equity and efficiency. The issue is that since local governments are public organizations, the public expects them to provide services without marginalisation of the vast numbers of citizens. At the same time, local governments must be cost-effective in the process of rendering services, thus those goods which service a larger private end of individuals should be paid for by those who can afford. In reality however, these models of public service provision depend on concrete circumstances of a particular country. Rondinelli et al also concede that any tendency to over-rely on the market for provision of public goods may raise the profit motive above not only equity but also may lead to over-use of certain resources.[136]

This model of public service provision could have successfully worked in more developed countries but is likely to be inappropriate for poor countries. It has been observed for example, that in developing countries like South Africa this model of public service provision may encounter problems.

> Poverty renders service delivery (in local governments) by the private sector unaffordable (to the poor). The absence of a visible, indigenous private sector leaves foreign companies as the only significant players. Although involvement of these companies brings foreign investment, in certain instances it causes serious political problems[137].

It may further be argued that although the private provision model has become prevalent, there is need for local governments to take an active role by putting in place regulatory frameworks, monitoring and structuring the arrangements in which the private sector plays a role. Regulatory agencies may themselves be consumers of scarce resources. They may as

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[135] Ibid, Rondinelli et al, (1989), p. 66.
[136] Ibid, Rondinelli et al, (1989), p. 67.
[137] David Minakola and Vincent Murunga, "The Role of Alternative Service Delivery in South Africa" in *Africa Insight* Vol. 3, No 1, 2001, p30. They argue that local communities tend not to trust private sector providers..

well as require new types of skills to operate them. It has been noted that the shift from, urban "administration" to urban "management" has made them relevant in this era of new management.[138]

Arrangements for service provision similar to the ones described by Rondinelli et al (1989) have been experimented in Uganda since 1992. Local governments have adopted the following mechanisms of service provision: contracting out, outright sale of non-core assets, tendering markets, bus and taxi terminals, engaging private companies to collect revenues such as property tax and collection of debts. Moreover, it is observed, that during the period of state collapse in Uganda, several self-help groups and community-based organisations emerged to provide for their communities. It is also important to note that local governments' engagements with each particular group produce different forms of interactions and results. These may be in form of co-funding, start off capital (seed money) or whole funding, leaving the community to takeover sustainability of the service. These alternative options and their outcomes impact differently on, and are perceived differently by communities. These actions, perceptions and their implications for public policy in Uganda have not been unraveled.

The political *raison d'etre* for local government reforms is that the success of decentralisation depends on the political commitments of central and local governments. However, this depends on the political and other motives of the elites in both central and local governments. Observers of decentralisation in Uganda have asserted that President Museveni's NRM government has shown serious commitment to the decentralisation policy.[139] Despite these claims, it is important to note that Museveni's regime has held power since 1986 to date, facing little challenge. Besides, the local government structures were legally required to serve as NRM structures as well. For example, Section 25 of the Movement Act required that all village councils serve as Movement organs. In essence, this complicated the task of those citizens who, in their ideological persuasions did not subscribe

[138] See Stren R. (1993) "Urban Management" in development assistance: an elusive concept" in *Cities*, May 1993.
[139] Opcit, Lubanga, F. X. 1996, Nsibambi, A. 1998, Hyden, G. 1998, Regan, A., 1998; Makara, S. 2000.

to the thinking of the NRM. In a 2005 through an amendment of the constitution, the "no-party system" was scrapped, and the multiparty system, reintroduce.[140]

Thus, although the NRM (until 2005) had claimed to be a movement and not a one-party state, it did operate like the latter. The reality of the politics of decentralisation in Uganda tends to vindicate Manor's argument that the real reason why national politicians accept decentralisation is because they wish to "use decentralisation to connect their regime with social groups and to sustain or revive their party organisations."[141] As Makara and Mamdani argue[142], Museveni's government in Uganda was willing to decentralise because decentralisation was seen as an alternative to full democratisation, and as a means of gaining legitimacy for the NRM regime, which it lacked after capturing power by the barrel of the gun in January 1986.

In most studies of decentralisation the political objectives of the policy are usually downplayed. Writers on decentralisation tend to emphasise the technocratic objectives[143]. The critics of this approach argue[144] that this has led decentralisation to be linked to ambiguity and capacity to "conceal more than it reveals", causing it to serve as a mere political instrument of the state actors. Eaton has summarised the motives of politicians in adopting decentralisation thus:

> ...Even where national politicians genuinely supported decentralisation for the broad benefits it promises to deliver, they continue to meddle in the activities that have been officially devolved.[145]

As a recent study of decentralisation in Uganda, Francis and James has argued[146], little attention has been paid to the ways in which the newly established system of

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[140] See Makara, S., Rakner, L. and Svsand, L "Turnround: The National Resistance Movement and reintroduction of a Multiparty system in Uganda" in J. Kiiza, Makara, S. and Rakner, L. (eds) (2008) *Electroral Democracy in Uganda* Fountain Publishers, Kampala.
[141] Manor, J. (1999). The Political Economy of Democratic Decentralisation, p. 33.
[142] Opcit, Makara, S. (2000) and Mamdani (1995).
[143] Opcit, Rondinelli et al, (1989), also Rondinelli and Cheema, (1983)
[144] Slater, D. (1989). "Territorial Power and the Peripheral State: The Issue of Decentralisation" Development and Change. Vol. 20 No. , p. 501.
[145] Eaton, K. (2001). "Political Obstacles to Decentralisation. Evidence from Argentina". Development and Change. Vol. 32 (1) p. 105.
[146] Opcit, Francis and James (2003)

decentralisation has functioned at the local level. According to these authors[147] the "no-party" system promoted as a "Movement system in Uganda, has gained political 'capital' and self-perpetuation through decentralisation. In other words, decentralisation has helped the survival of the regime by forestalling the pressure from local elites and the international donor community for more democratic reforms. Francis and James summarise their observation thus:

> In these circumstances, decentralisation has provided a democratic gloss in the eyes of both international donors and local actors. Over time however the movement style of politics began to take on some characteristics of traditional one-party rule.[148]

These authors further observe that decentralisation in Uganda was undertaken by the government for two principal reasons: one was the "technocratic" and the other was "patronage". The "technocratic mode" priotises national targets especially poverty reduction.[149] The "patronage mode" draws on the language of participatory planning, which in the context of lack of resources and the capture by the local elites", is reduced to a ritualised performance with little meaningful citizens' involvement.[150]

In the sense of what James and Francis call the "technocratic" mode of decentralisation, there is a tendency for the bureaucrats to stick to their hierarchical methods of work, for instance, the lengthy bureaucratic procedures, which is non-participatory and non-consultative. To assume that the bureaucratic technocrats will become more democratic in decision-making may simply overstretch the expectations. In developed countries like Britain, it is observed that while the primacy of local authorities is to encourage the participation of citizens in decision making, this may just be a classical wish. According to Stuart (1996) local authorities in Britain have not prepared themselves for such a role. Departments of local governments perform limited functions, for example, while local authorities may try to speak on behalf of their communities, they consider this role as

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[147] Ibid, Francis and James (ibid, p.327)
[148] Ibid, p.327)
[149] See also, Nsibambi, A. "Making Democratic Decentralisation an Instrument for Poverty Eradication: Uganda's challenge" Paper presented at the UNDP's Development Forum, Kampala on 4 April 1997.
[150] Opcit, Francis and James, p.326.

peripheral to their work.[151] In less developed countries, technocratic competence itself is a problem. Pointing out this problem in Uganda, Brett observes:

> Effective policy implementation is equivalent to the difficulty of the tasks they perform. Where these are complex and require continuous supervision, neither management nor day to day maintenance can be left to amateurs. Staff must be employed with appropriate skills.[152]

Similar concerns about the calibre of Uganda bureaucrats are expressed by Goetz and Jenkins who observe[153] that the local governments in Uganda hardly have the technical capacity in areas of planning, implementation and monitoring of government policies. These authors find no link between decentralisation and poverty eradication, especially for the poorest of the poor, who continue to have no influence on both local and national policy frameworks. According to Goetz and Jenkins,

> Local authorities often have at their disposal even more resources – symbolic and material – with which to resist effort to address the needs of the poor, whether these are initiated locally or by national and international agencies. For most part, especially remote and largely obscured from the scrutiny of the media or public advocacy groups, local political environments frequently reduce the incentives for elites to re-orient the priorities.[154]

From this observation, it is important to ascertain the extent to which these kinds of claims "remoteness", aloofness of elites or what others call "elite capture" (Olowu, 2001) have affected service delivery. In an urban setting like Kampala, has the implementation of decentralisation reduced the great numbers of socially disadvantaged people or visa versa? With the increased ability to collect local taxes, increased central government's grants, a relatively organized civil society and the watchful media, it is expected that KCC should be able to deliver better services to the people. However, it is contestable whether or not, KCC has done much better in creating a more accountable, transparent and responsive organization than one that existed before decentalisation. On the contrary, the local public

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[151] John Stuart, "Democracy and Local Government" in Paul Hirst and Sunil Khilmani (eds). Reinventing Democracy Oxford: Blackwell Publishers,1996.

[152] For details, Brett E. A. (1993: 47) Providing for the Rural Poor: Institutional Decay and Transformation in Uganda. Chapter 3

[153] Goetz, M.A and Jenkins, R. (1998). "Creating a Framework for Reduction of Poverty-Uganda Country Report, Commisioned by DFID, p. 34.

[154] (Ibid p. 33)

media has cited cases of vested interests in tendering processes and in service delivery which portray KCC as a corrupt organization.[155]

Also evidence that civil society has been active in demanding and pressing KCC to live to its desired expectations is yet to be seen. The situation in KCC seems to be a semblance of concentration of power which as Harris observes[156], could lead to those with wealth and status to dominate the process of decision making, culminating in concentration of power in the hands of a few elites, leaving the poor more disadvantaged than was the case before decentralisation.

Scholars have posited that although organisational theory cannot escape the influence of Max Weber[157] who emphasized hierarchical management in which higher offices supervise lower offices, obedience to command is expected to be prompt (and in many cases unquestionable), bureaucratic rules take an upper hand, it is equally important that managerial innovation and a shift towards less authoritarian methods are desirable in this modern era. Indeed, the problem of management in most of the African countries, including Uganda is two fold: first it is the failure of the bureaucratic systems themselves and secondly it is the failure to innovate. In Uganda, not only did the state and economic collapse over the years lead to managerial collapse, technological backwardness, shortage of skilled managers, low morale and poor pay, but all put together, led to the failure of public service systems to deliver services.[158] Thus, the promise of decentralisation to improve service delivery is also largely dependent on whether or not managerial system are revamped, revitalized and significantly improved, including attitudes of public personnel.

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[155] See for example, New Vision July 15, 2003. In controversy between Uganda Electricity Transmission Company and KCC over demolition of people's homes by the electricity company, the Mayor of Kampala, Sebaana Kizito said "It is the duty of the people that they build in a right place", while the City Engineer, A. Byandala contradicted the mayor, saying KCC is overwhelmed with plans, saying. "What matters are land titles that accompany the plans . . . we go ahead and approve."

[156] Harris, R.L. (1983. "Centralisation and Decentralisation in Latin American" in Cheema & Rondinelli (eds). Decentralisation and Development. p. 511.

[157] Herbert H. Werlin "Poor Nations, Rich Nations: A Theory of Governance" in Public Administration Review Vol 63, NO 3, May/June 2003, pp 329 – 342. Werlin argue that the Japanese model of management innovations was successful because it moderated the Weberian bureaucratic type by adopting: self-management work team, job rotation, flexible job classifications, use of persuasion rather than commands, welfare corporatism, innovations from below etc

[158] Langseth, (1996).

2.6 Urbanisation

As early as 1961 in a foreword to a book Urban Research Methods edited by Jack Gibbs, Kingsley Davis wrote about the trends of urbanisation in the following words:

> The speed of change in the relative recency of truly mass urbanization have left national and local governments without consistent policies of dealing with the resulting problem. At the moment whether one looks at highly industrial or at the agrarian regions, it appears there is a growing awareness of urban problems but a great uncertainly as to the best method of dealing with them. Although governments frequently express antipathy to the growth of cities, the whole process of urbanisation is so massive and so intimately bound up with the coveted goal of economic development that is probably impossible to stop.[159]

While the growth of cities and urbanization in general is seen as a movement towards change and human progress. The United Nations, concern[160] is equally noted that in most of Third World countries urbanization has not been accompanied by socio-economic development, physical infrastructure and administrative capabilities to handle problems attendant increased urban populations.[161]

Urbanisation itself is defined by United Nations a whole range[162] of governmental organisation and processes for planning at all levels, for decision making and for performing public services related to an urban area. This definition however does not cover all aspects of urbanization. According to Dukakis-Smith[163], the United Nations has categorized urban areas in terms of their various populations thus: settlements of over 20,000 people as urban, of more than 100,000 people as cities and more than 5,000,000 as big cities. Nevertheless Dukakis – Smith maintains that the United Nations' estimates do not tally with the realities on the ground in several cases. Gibbs for example, gives several other characteristics of urban areas with their variations.[164] For the purposes if this study, the concept of urbanisation is taken to mean a socio-economic and political dynamic pertaining to human

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[159] Kingsley Davis, 1961. "Foreword" to Jack P. Jibbs, Urban Research Methods, Princeton N.J, D. Van Nostrand Co. p xxi.
[160] UN, (1970). Administrative Aspects of Urbanisation. New York: Department of Economic and Social Affairs, United Nations p. 4.
[161] Dukakis – Smith, D. (1997). The Third World City.
[162] Opcit, UN (1970), p. 7
[163] Opcit, Dukakis-Smith (1997), p.2.
[164] Jack P. Gibbs (1961), Urban Research Methods, in his "Introduction.".

livelihoods in specific urban settlements. It is a dynamic that involves the interplay of social, economic and political forces and the people's needs, desires and aspirations. This dynamic underscores the essential premise that the people who live and work in urban areas need the provision of services and goods: they desire to a reasonable quality of life and they aspire to secure opportunities such as jobs and material as well as social well being.

In this context, it expected that the government policies will be designed to put in place frameworks through which the needs, desires and aspirations of urban people will be met. The basic assumption in such policy framework would be that the government knows what people's needs, desires and aspirations are. It would solicit views on how they could be met and consequently, would make attempts towards getting them met. In reality however, in poor countries like Uganda – long afflicted by political conflicts, economic decline and mismanagement, institutional decay and social disorders[165], the conditions for proper policy planning, economic development and political stability have not been sufficiently salubrious to allow long term planning and sustenance of certain respectable levels of service delivery. While urbanization in terms of large concentrations of human settlements in Uganda is relatively a new phenomenon, largely spanned off by the colonial administration, urban settlements existed before the advent of colonial rule (Anderson 2000, Southall and Gutkind 1956).[166]

The conditions hat pertained during the pre-colonial times were such that the urban areas formed around the nucleus of the King's palace where servants and soldiers lived. The advent of colonial rule had similar effect except that colonialism introduced new social dynamics along Western norms and values such as: extended trade, commerce and industry, urban planning and infrastructure development. During colonialism, the "modern" urban areas were segregated. For example in Kampala and other urban areas in Uganda, there were segregated places for Europeans, Indians and Africans planned on racial

[165] Twaddle, M. et al. (1988). "The Changing State of Uganda" in Twaddle, M. & Hansen, H. Developing Uganda.

[166] IBRD, (1962). The Economic Development of Uganda.. These researchers demonstrate a historical fact that there existed large urban settlements especially in Buganda where Kibuga, the capital city of the kings of Buganda sprawled over large areas with thousands of people. Thus, it is known through their research that Kampala city already existed before the colonial invasion of Uganda.

superiority/inferiority order. The quality of service provision too, followed that pattern[167]. For example Apter described Kampala thus:

> … Kampala itself with its street lighting, its sewage disposal, its public park, and its gracious and generally clean streets where the homes of wealthy Asians and bangalours of European civil servants looked out from superb gardens of the Kampala hills.[168]

Apter describes the social structure of the urban areas where trade was dominated by Asians. Africans, by 1952 constituted only 2.5% of trade in Kampala.[169] In any case, Africans operated on the fringes of the municipality. Similarly high positions in the civil service were reserved for Europeans. So segregated was Kampala to the extent that Southall and Gutkind describe[170] the development of modern amenities in Kampala urban area during its early days as "the rapidly growing foreign town of European and Asian officials and merchants soon distinguished (itself) sharply from Uganda's capital, whose character changed too shortly".

2.7 Legal and Social Framework for Urban Development

Apart from the social structure of urbanization during the colonial rule, the political and administrative development of Kampala needs to be highlighted. The legal framework for orderly urban growth was laid down in the Uganda Townships Ordinance of 1903, which among other things gave the Governor the power to define the boundaries of towns, to make rules and to levy rates. In accordance with this law, Kampala was gazetted a township in 1906. It was directly administered from the centre by the officials of the Protectorate Government and financed directly with funds from the government.[171]

The full status of the municipality was accorded to Kampala under the Local Government (municipalities) Ordinance of 1947. This was supplemented by the Town and Country Planning Ordinance of 1948. The Local Government (municipalities) Ordinance had two

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[167]Ibid, Southall.A and Gutkind.P.(1956)**.** *Administrative Problems in Greater Kampala*
[168] Apter, D.. (1961). The Political Kingdom in Uganda: A Study in Bureaucratic Nationalism, p. 241.
[169] Opcit, Apter D (1961). The Political Kingdom in Uganda, Princeton N.J; Princton University Press 1961 pp 240 – 241. Apter argues that despite the 1933 Trading Centres Ordinance
[170] Opcit, Southall and Gutkind, p. 4.
[171] Ibid, Southall and Gutkind, p. 4

fundamentals outcomes: (i) Kampala was raised to an autonomous municipal government with some financial, legislative and executive authority and (ii) its political and administrative status was raised by appointment of the Mayor and deputy Mayor. At that time, there was no significant urbanization in Uganda outside Kampala. The towns of Jinja and Mbale began to expand only in the 1950s. Important to note here is that all over the country, the colonial administration had established administrative headquarters at the district, county and sub-counties. It was around these administrative centres that trading places and other activities evolved. In terms of planning, the European residences were still excluded from those of Asian traders and the African quarters. The superiority of the European residences went with better services and infrastructure that they were commonly referred to as *"kizungu"* (white only areas) in East African and Ugandan towns. Thus, the point emphasised here is that the colonial system of urban planning was based on racial segregation. Ironically, the post-colonial regimes inherited similar urban planning systems – with the new African ruling elites and petty bourgeoisie occupying the *"kizungu*" areas, while the rest of the ordinary people were relegated to slums and other unplanned areas, often without provision for services such as piped water, road access, electricity, schools and health clinics.

The post-colonial urbanization has been a paradox of sorts. To the ordinary Ugandan (or African), the fact that the new African ruling elites had occupied the "*kizungu"* area originally inaccessible to Africans had a demonstration effect. The new aspirations of the educated and African business elites changed from the contentment with the so-called "African housing quarters" to occupation of the exclusive urban areas previously for government administrators or European residents. This shift in aspirations of African elites complicated the system of service delivery. In the first instance, service systems had been planned for few European and Asian housing quarters. The rapid expansion of residences and other structures could not be matched with adequate services. Second, there seems to be a negative attitude of the privileged elite towards provision for the poor.

Moreover, resources for government to expand the provision of services were also scarce. According to White[172] urbanization in Africa has been taking place very rapidly under difficult circumstances. The rapid growth of urban population had been taking place under stressful economic conditions. Thus, the rate of urban population growth has outstripped availability of financial resources, the capacity to plan and to provide meaningful services. White argues that despite these constraining factors, this should not serve as an excuse for government to neglect the unstoppable urbanisation already in high motion, or what Dukakis-Smith 1997 calls "over-urbanisation."

In Uganda, a high rate of urbanization has taken place since the 1970s, during which period the country suffered a severe economic decline and political strife. Ocheng demonstrates[173] the negative performance of the economy during that time, characterised by poor economic policies, industrial decline; especially following Amin's expalsion of the Asian entrepreneurs in 1972 as well as the decline in exports. The paradox of increased rate of urbanisation within a context of declining economic situation had negative effect on the economy, the capacity of government to provide services as well as copying mechanisms adopted by the urban dwellers.

The survival strategies of the Kampala people have class dimensions, that is: each social class has its variety of copying mechanisms. This is due to shortage or failure of the government services, which affect each social class differently. For example, civil servants (especially, the middle and the lower cadres) have to engage in several other activities such as urban farming, poultry keeping, petty business to be able to afford basic needs (shelter, food, clothing, children's school bills and medical care). Due to the low level of industrialization, jobs in the formal private sector are also very scarce. Most people in the private sector are engaged in trade and small businesses. Bigsten and Kayizzi-Mugerwa[174]

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[172] Stren, Richard & White, Rodney. (1989). *African Cities in Crisis: Managing Rapid Urban Growth*.
[173] Ocheng (1998)
[174] Bigsten, A and Kayizzi-Mugerwa (1992). "Adoption and Distress in Urban Economy, Kampala". World Development 20(10).

analyse the adoption and distress in Kampala's urban economy.[175] These authors conclude that activities which were formally regarded as "informal" have turned out to be "formal" even for senior government officials. In summary, they capture the situation in Kampala thus: …

> Diversification (of economic activities) has been the main household response to the economic decline. It has helped urban dwellers to meet some of their most pressing needs, food, shelter and housing but fell short of satisfying their basic needs. There has been a sharp cut in living standards. Only a handful of people in Kampala are satisfied with their current lot while some slum dwellers live in unspeakable misery. The main casuality of the uncertainty related to earning a living in Uganda has been the modern sector, notably government. It has undergone "casualisation" as the quality of services and the income of those engaged in the sector declined. For many in the urban economy the "residue" sector has become a source of livelihood.[176]

What needs to be added on the living condition of people in Kampala and their copying mechanisms is two-fold. First, as the economic conditions hardened, households adopted a "ruralisation" approach[177] where people crowd in one room, do odd jobs, live with relatives or friends, bring food from up country to subsist on or give up more nutritious foods, give up modern medical treatment for traditional ones, their children go to poorer schools or none at all, etc. The second aspect is "fueling the government system", where "fueling" means use of private resources to induce public officials to give preferential treatment (in service delivery) to an individual which other citizens are entitled to, but denied. This has been more common with the "middle" class. In those cases, corruption is seen to be part of making government work. These tendencies have, for a long time become part of the unprofessional conduct of public service in Uganda. At times, a service may appear to be scarce simply because the officials have "hoarded" it, to create "artificial" shortage so that it could be provided only to those members of society who "fuel" the system. Thus, inadequacy of public services may either be real and "artificial". Corruption and other unethical conduct by

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[175] Ibid, Bigsten, A. and Kayizzi Mugerwa, S. (1992), "Adoption and Distress in the Urban Economy: A Study of Kampala households" World Development. Vol. 20, No. 10, See particularly p.1427 for activities of different classes and survival of strategies

[176] Ibid, Bigsten, A. and Kayizzi – Mugerwa, S. (1992), p. 1438.

[177] Bryan, R. (1978). Cities of Peasants: Explorations in Urban Analysis London: Edward Arnold Publishers.

government officials undermine the efforts by governments to provide services and the trust that citizens have in government.

The urban governance situation in Uganda has not been studied carefully. Like in many other African countries, it may end up constituting crises for which policy makers may not have prepared[178]. While the Uganda government has devolved some responsibilities and powers to both district and urban local governments, it remains to be established as to what extent this policy has engendered state society relations in the urban setting. As Halfani[179] in his study of urbanization in East Africa found out, the governments' bureaucratic machinery controls a minimum sphere of urban development. Halfani asserts that the failure of government stems from the gap between what governments are able to do and what people's demands and wishes are. As Castells, puts it, the main contradiction is that:

> We are still helpless when we wish to act on cities and regions because we ignore the source of their social change and fail to identify with sufficient accuracy the political process underlying urban management. As a result, we are left with urban systems separated from personal experiences, with structures without actors, actors without structures, with cities without citizens and citizens without cities.[180]

Indeed this observation is apt in relation to this study. Kampala and most urban areas in Uganda fit this critique. For example, most urban settlements in Uganda are unplanned, which complicates the task of urban officials to collect property tax and ground rents. This also makes service provision difficult since officials may not even be aware of new structures coming up in various places within the boundaries of greater Kampala.[181] The city authorities blame the unplanned structures on the land tenure system, whereby KCC controls the least land in the city. Most of the land belongs to Buganda kingdom and individuals property owners. As an indicator of service delivery problem, by 1991 only 8% of Kampala residents had running water in their houses. (KCC 2000 Report) concedes that the planning

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[178] Stren, R.(1994), "Towards a Research Agenda for the 1990's: An Introduction" in Stren R. (ed). Urban Research in the Developing Countries, Vol. 2: Africa. Toronto: Centre for Urban and Community Studies, University of Toronto.

[179] Halfani, M. (1997). "The Challenge of Urban Governance in Africa: Institutional Change and the Knowledge Gap" in Swilling M. (ed). Governing Africa's Cities

[180] Castells, M. (1983). The City and the Grassroots: A Cross-Cultural Theory of Urban Social Movements. London: Edward Arnold

[181] Kampala has expanded from the original "seven hills" to several hills in the last twenty years

department of the KCC lacks basic equipment for surveying. In 1994 with assistance of the World Bank a new master plan for Kampala was drawn. However, much of the city had already grown without a plan.

Despite these handicaps to service delivery by KCC, the Kampala Urban Study Training Program (1995) suggested to KCC measures for improvement of services with a focus on "demand–driven partnership", recommending that "KCC move towards developing "partnership" with groups" in planning and service delivery. Kampala Urban study[182] suggests:

> The demand-driven approach to service delivery is essentially the institutionalization of the formation of partnership between communities be they groups of households, local association, small - scale commercial institutions and business associations, and lower resistance councils, or any combination of these, and public institutions such as the Kampala City Council, parastatals, Central Government, or any combination of these[183].

Demands are defined as those needs of the community which are backed by willingness to contribute towards the service in terms of money and or labour. The underlying principle in the demand – driven approach is that the services should be "owned" and managed by the community. Partnership in this regard, refers to the relationship between the community and public sector agency such as KCC. The role of the public agency in such a partnership is to make sure that the community understands the cost, management, maintenance and service implications of the technology available, guidelines for the partnership, roles of partners as well as finances available. Transparency is a critical element because for the partnership to work, information sharing is an essential element. Accountability on all sides is also important. This is particularly so because some level of trust should develop within the partnership. Trust based on well developed accountability mechanisms should make it possible for services to be "owned" and sustained over a long period of time[184].

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[182] Kampala Urban Study was a study commissioned by the World Bank in 1990 to study the structures and institutions of Kampala in order to improve service delivery.

[183] Kampala Urban Study Training Program, p. 12.

[184] KUS Training Program (1994). Demonstrates cases of demand – driven projects undertaken in Kampala by non – governmental agencies and multilateral agencies where this approach was experimented with some level of success. Examples include: (i) Kalerwe Drainage (and Project with support from the International Labour Organisation (ILO), done with Kalerwe community to man age floods. (ii) Community Management Project (Plan International) providing basic services like latrines, water standpoints, schools in Mulago II, Bwaise III,

With an increasing urban population, inadequate resources and services, this approach seems to be feasible. However the extent to which KCC has been able to utilize it, and if at all, its outcomes remain unknown. A critical study of KCC budgets since 1997 to date does not reveal much about the adoption of this approach. For example, over this period, what appears clearly in KCC budgets is that the component of administration, combining the Town Clerk's Office and City Council administrative expenditures consumes a disproportionate share of the budgets.

2.8 Importance of urban governance

For the purposes of this study, a *governance* approach has been deliberately adopted. The rationale for a *governance* approach is given. This means a deliberate shift from the traditional urban management approach. Various ramification of *governance* are debated and a clear reason for the preference of a *governance* approach to the study of urbanisation is given.

The typical Weberian "ideal" bureaucracy where rules and regulations, routines, hierarchy, directives are emphasised has been the modus operandi of managing organisations for the most part of the last century.[185] The concern of the bureaucratic management of organisation is authority, discipline, rationality and efficiency. The problem with bureaucratic management however is that it tends to be rigid, less innovative, risk-avoiding and organisation centered. Discussing the issue of bureaucracy in Africa Nnoli and Oyugi argue[186] that African cultural and political practices have not been conducive to attainment of the benefit of the Weberian bureaucratic model because the rules tend to be "bent" in a primordial fashion. Similarly, Leonard observing the situation of bureaucratic management in Africa comments:

Kawampe I and II. World Bank/UNDP also sponsored a similar project on water and sanitation in Katwe, p.15.

[185] Beetham, David (1987).*Bureaucracy.*.

[186] Nnoli, D. (2000). "Public Administration" in R. Mukantala (ed.) *African Public Administration: A Reader*. Harare: AAPS,Alan Lawton and Aidan Rose, Organisation and Management in the Public Sector, (pp. 29-41). Oyugi, W. (1988). "Bureaucracy and Democracy in Africa" in Oyugi et al (eds). Democratic Theory Practice in Africa.

> Africans are unusual among the World's elites in the extent of their patronage obligation to the poorer people and the strength of the moral pressures they fulfill. For these reasons and for selfish ones that are far more universal, state organizations in Africa are extensively used to pursue informal, personal goals of their managers rather than collective ones that are formally proclaimed.[187]

Leonard further asserts that unlike Europe or United States, Africa has different managerial values, and that the problem in Africa is absence of what he calls "bureaucratic hygiene."[188] Lack of "bureaucratic hygiene"– includes failures of systems of accounting, auditing, procurement, contract compliance and personnel management. According to him, these elements introduced in Africa by Westerners, have been on the decline.

Important to note in this regard is the fact that in most African countries both in central government and local governments, political patronage interferes with the bureaucratic order and functioning. Consequently, the ordinary citizen is not properly served. This is compounded, in the case of poor countries like Uganda, by the lack of adequate resources, skilled and technically competent personnel and collapse of the managerial systems. In terms of managing urban local governments in Uganda, bureaucratic "hygiene" has been far from the norm. As we noted earlier, only with the advent of decentralisation has some semblance of order been restored. This needs to be contextualised and analysed.

2.9 A Governance Approach to Urbanisation

In both theory and practice, there is a growing trend towards governance in public organizations including urban authorities. "Governance" does not have a specific or fixed meaning. It is used in most places as a generic concept but its common usage underlies the roles of three agents in society: the state, the market and "civil society".

World Bank defines[189] governance as the manner in which power is exercised in the management of a county's economic and social resources for development. World Bank's

[187] David K. Leonard, (1987). "The Political Realities of African Management." *World Development* Vol. 15, No 7 p. 901.
[188] Ibid, Leonard p. 903). See also, Mazrui, Ali A (1970)."Political Hygiene and Cultural Transition in Africa" in Journal of Asian and African Studies, Vol. 5, No. 1-2.
[189] Opcit, World Bank (1992)

emphasis is on "good governance" which is taken to be synonymous with four elements: sound public sector management (efficiency), accountability, exchange and free flow of information (transparency) and legal framework for development (justice, human rights and civil liberties). In its earlier report, *Sub– Saharan Africa: From Crisis to Sustainable Growth*, World Bank observes:

> Ultimately better governance requires political renewal. This means a concerted attack on corruption from the highest to the lowest level. This can be done by strengthening accountability, encouraging public debate, nurturing free press and empowering the women and the poor by fostering grassroots organizations….[190]

Beyond the World Bank's perspective, the debate on what governance is, remains varied and at times, controversial: yet it is a useful one. Almost all commentators and analysts who have utilized the concept of governance have adopted it to particular circumstances and realities. What is critically prevalent, especially in the developing countries, is the dominance of neo-liberal policies. These, in one way or the other, claim to promote "good governance". The Ugandan policy reforms ranging from macro economic restructuring, civil service reforms, liberalisation, privatisation and decentralisation claim to have elements of "good governance". More specifically the policy of decentralisation is pursued in order to promote good governance.[191]

It is argued that the ascendance of neo-liberal governments in several countries in the 1970s and the 1980s onwards saw the rise of economic and political restructuring of the state: deregulation of markets, privatisation, reduction of civil service, introduction of "managerialism" and other institutional reforms[192]. It is noted further that the restructuring deprived the state of its traditional sources of power and therefore governance is seen as part of the strategy to re-define the role of the state in society.[193] Pierre posits that there are two meanings of governance: "old governance" and "new governance".[194] To him … "governance refers to sustained coordination and coherence among a wider variety of actors

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[190] Opcit, World Bank (1989, p 6)
[191] Nsibambi, A. (1998), Sorensen and Lubanga 1996, Government of Uganda, 2001)
[192] Opcit, Pierre, (2000) p.1-2
[193] Ibid, Pierre, p. 2
[194] Jon Pierre, "Introduction: Understanding Governance" in Jon Pierre (ed) Debating Governance Oxford University Press, 2000, p. 3 'old governance' is "state centric" or emphasises the role of the state while "new governance" is "society centric", the role of he non state actors in society in provision of services and self governance. Pierre concedes that neither perspective makes prejudgments about the focus of power.

with different purposes and objectives".[195] Such actors may include: political actors and institutions, corporate groups and interests, civil society and informal groups and transnational organizations. In such a situation, some of the roles that were previously performed by government may be taken over by these other actors. According to this logic, that is the reason why the concept of governance is broader than government. Thus, governance is the synergy between the state and the non-state actors.

Since governance is a very broad concept, it is important that several of its elements are delienated so that those aspects are consistent with a specific study like this one are identified and utilized to explain issues in specific situations. As Hirst puts[196] it, governance should be seen as means by which an activity or a set of activities is controlled so that it produces a set of acceptable outcomes. For this reason, it is the debate about states and markets. He argues[197] that for instance, if the market was left to govern society it would breed "liberal anarchism". Since the state is seen to be overextended, and the market and other forces in society are supposed to limit that extension, it is imperative that the limited state be democratic and efficient.

Governance is also perceived as a response to the inherent weaknesses in the state and the market. Rhodes has pointed out that the shift from traditional public administration to governance was the result of loss of faith by students of public administration in the state because "…bureaucrats were conceived as self-serving who sought to maximize the agency budgets". The public interest had become a myth.[198] The marketisation too, was fragmented and had lost control or coordination.

Within the various perspectives on governance, Minogue, et al, have summarized the argument in the context of neo-liberal reforms whereby:

> from the distortions produced by the government interventions; public sector reforms followed the same logic, blurring the distinctions between

[195] Pierre ibid, p 4
[196] Opcit, Hirst, (2000, p.24)
[197] Ibid, p.24)
[198] Rhodes R.A.W. (2000) "Governance and Public Administrations" in Jon Pierre (ed) Debating Governance

> "public" and "private"…introducing private sector disciplines into the public sector… To examine the government or the public sector was to examine the state in Economic reforms have focused on liberating the operations of the markets the context of its broad relations to society and economy…[199]

In this regard, it is claimed that the shift in the emphasis to public management as a typology of governance is occasioned by the failure of the state to steer development and at times acting as a barrier to development. Public bureaucracies are failing to manage efficiently. Public service is seen as "too inflexible and rule-bound to respond to the changing needs" of society.[200] In pursuit of public management, private sector principles have been adopted for management of public sector organizations. The private sector principles include: "managerial capacity, flexibility and competitive drive essential for the efficient and effective provision of activities previously assumed to be the province of the public sector" (ibid p. 3).[201] The public sector in most countries is being reviewed to take care of these fundamental changes for instance; local governments have to tender for more work to competitive private sector organisations.

The imperative elements of public sector management are identified by Minogue to include:

i) managers should be given, the freedom to manage, they must be under corresponding obligation of accountability for their performance,

ii) efficiency mechanisms must be promoted: managers must be cost-conscious, efficiency review mechanisms be put in performance agreements for senior managers, service targets should be designed and above all, methods of measuring customer atisfaction/dissatisfaction should designed[202];

iii) decentralized accountability (financial delegation), and

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[199] For a detailed debate on the shift in analysis from traditional public administration to public management, Minogue, Polidano and Hulme (1998) "Introduction: the analysis of public management governance" in Martin Minogue et al (eds) *Beyond the New Public Management,* Cheltonham, Edward Edgar.
[200] Ibid, Minogue Polidano and Hulme
[201] A similar discussion in Owen Hughes ( ) Public Sector Management and Administration
[202] Martin Minogue "Changing the State: concepts and practice in the reform of the public sector" in Minogue, Polidano and Hume (ibid 1998: 27). Programmes for customer care could include: citizens charter, customer care programmes and quality management initiatives in addition to standards of service delivery, openness, consultation with service users, value for money and choice.

(iv) the gap between customer expectations and satisfaction must be narrowed.

Public sector management principles have been introduced in most local governments including Uganda's urban local governments. However, the success of these mechanisms in the developed industrial societies cannot be assumed for poor countries. It is generally acknowledged that the concept of a "customer" which has been borrowed from private sector management does adequately apply to a public service consumer, who is at the same time a citizen and a taxpayer. In poor countries, where poverty and illiteracy are high, the assumptions that an ordinary citizen will make choice amongst alternatives presented in the provision of public service is greatly compromised by his or her failure to access all the information as well as his or her limited options. Most ordinary citizens believe that after paying taxes, the government should provide the public services on the basis of the taxes.

Advocates of the public sector management approach tend to assume that the new approach will open up bureaucratic systems to scrutiny and transparency. On the contrary, most government information including local governments, for instance in Uganda remains inaccessible. The behaviour of the political and bureaucratic elites also remains attached to the old ways. Hence, the quest for "good governance" through new public management remains contentious in many respects in Uganda's public sector.

Some elements of public sector management which are claimed to promote "good governance" have been attempted in the implementation of Uganda's decentralisation policy, these include:

(i) "value for money" accountability where it is emphasized that money's worth of service must be seen instead of "paper" accountability,

(ii) institutional accountability whereby each organ of the local government is charged with a particular responsibility has to account for its activities in its work plan and budget;

(iii) representation whereby the elected representatives of the people constitute a "body corporate", the council of each local government level to which the administrative staff account. This representative element also acts as a "voice" of the people in

determining priorities of each local government. The representatives also oversee the implementation of programmes of the local government concerned;

(iv) at managerial level, the recommendations of the civil service reform require the local government to practise results –oriented-management;[203]

(v) and competitive examinations conducted by the District Service Commissions are held for promotions in local governments.

Despite existence of these limited "benchmarks", to promote good governance through new public management principles, there are grey areas of patrimonialism – the tendencies towards favouratism, corruption, nepotism and political cronyism have tended to undermine the efficacy of "good governance" through public management principles. Efficiency and effectiveness, the pinnacles of new public management suffer at the altar of political expediency. Following that logic, the claim that better management will increase the citizens' willingness to pay taxes and contribute towards programmes could be greatly reduced.

2.10 State–Society Relations as "Good Governance"

While attempts have been made to reform the public sector by introducing some public management principles in the process of implementing decentralisation in Uganda, the missing link has remained on restructuring and reconfiguring state – society relations in that the process. It is claimed in Uganda, that decentralisation is a means of "bringing power closer to the people". This may in itself be an empty usage of political rhetoric. Alternatively it may imply "decentralized despotism"[204]. "Good governance" is a qualified concept by the World Bank that is distinguishable from the generic and broader concept of governance[205].

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[203] Ministry of Public Service, Public Service Reform 2000-2004, Result Oriented Management (ROM) means that each department and every senior administrative staff must be rated on the basis of set goal, and achievements or accomplishments within a given specific period.

[204] Mamdani, M. (1995). And Fire Does Not Always Beget Ash: Critical Reflection on the NRM. Kampala: The Monitor Publications.

[205] For example, RAW Rhodes (2000) identifies atleast seven usages of the concept governance. In my view, limiting governance to "good governance" helps to limit its scope and application to a few variables that can be used in this study.

Good governance is limited to three levels of government accountability[206]. These are (i) political accountability whereby the constitution subjects the political leadership to credible electoral processes with limited periods of office, (ii) legal accountability emphasises an objective and reliable judicial system, law enforcement and court administration, (iii) and bureaucratic accountability, that is, efficient and effective delivery of services. This definition has been criticised for being state-centric. However, while there is no need for a limited state, the state in Africa is still a major actor and mediator in social and public policy. In Africa and in poor countries like Uganda, a sound state system is necessary to build institutions for economic and political stability. The latter elements are pre-requisites for both democratic governance and efficacious state-society relations. State–society relations are an interplay between state actions and those of other actors in society. Contextualised in the sense of good governance, non-state actors play significant roles in promoting democracy, advocating for the rights of their membership, self–provision and above all in engaging the state to meet its obligations. By engaging in service delivery, non-state actors become either independent providers or co-producers with state agents, in both cases they lie in the realm of the market. By engaging the state actors in continuous dialogue, they become watchdogs against abuse of the public office, enhance accountability, and prompt effectiveness of the state actors. In short, they play a representative function, which logically, promotes a democratic engagement. In addition, by occupying the space where the state has failed to perform its mandated functions they enhance values of collective citizenship and collective action. Thus while new public management discussed above deals with the quality of government as an aspect of good governance, the notion of civil society (non state actors) promotes good governance by virtues of participation, representation, responsiveness and self–determination. The question then is, how do these play at the local level, and more precisely for our purposes, at local urban level?

Uganda's civil society is weak.[207] The key factors militating against the vibrance of civil society include among others: political instability, preoccupation with economic survival, low levels of literacy, ethnic conflicts, predominance of an agricultural economy and low

[206] Opcit, McCarney (2000), p.3
[207] Mujaju 1998, Makara, S. (1998). Political and Administrative Issues in Decentralisation" in Nsibambi A. (ed). 1998. Decentralisation and Civil Society in Uganda.

levels of industrilisation. In respect of the latter aspects, government policies seem to have undermined civil society. First, the agricultural-based cooperative societies and unions were undermined by the government's macro-economic policies of liberalisation. Secondly, the trade union movement was co-opted into the NRM government by appointment of some of its leaders to parliament. The women's organizations to a large extent, have also been co-opted for government support.[208]

Despite the weaknesses of civil society organizations in Uganda there is evidence to suggest that during the tenure of the NRM in power, an atmosphere conductive to the growth of civil society has prevailed. Nonetheless, civil society organizations have had to engage in themselves in "censorship" in the ways they deal with the government, taking limited options: either to be apolitical or to support state activities.[209]

While the growth of the civil society in Uganda could be attributed to relative political stability and a liberalized economic policy. The key factor facilitating their expansion seems to be donor support. According to Dicklitch[210] most civil society organizations are donor-dependent. The donors tend to believe that civil society organizations are less bureaucratic, more participatory and reach the more disadvantaged people. Equally, the new approaches adopted by government for provision of services under decentralisation require that organized groups have some input in policies of local government including their budget framework. Some civil society organizations have played key roles in this arrangement.

In conceptual terms, the term civil society remains confusing due to the competing usages it attracts[211]. Although Robinson and White[212] warn that "any attempt to compress the idea of civil society into homogeneous and virtuous stereotype is doomed to failure". A broader conceptualization of civil society should include as many non-state actors as possible. It is

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[208] Trip Mari Aili. (2001), "Women's Movements and Challenges to Neopatrimonial Rule: Preliminary Observations from Africa". Development and Change. Vol. 32(1).
[209] Dicklitch, S. (1998). "The Incomplete Democratic Transition in Uganda" in Remonda Bensabat-Kleinberg & Janine Astrid Clark (eds), Economic Liberalisation. Democratization and Civil Socieity in Developing World.
[210] Ibid, (1998)
[211] Robinson, M. and White, G. (1998). The Democratic Developmental State: Politics and Institutional Design, p. 299.
[212] (ibid, p. 299)

well known that not all non-state actors are necessarily "virtuous". However, a diagnosis of their internal behaviours should reveal their strength and weaknesses. Prejudging them may be methodologically dangerous. Moreover, White and Robinson argue[213] that while… "there is a strong argument to the effect that both state and civil forms of provision have intrinsic, albeit different, strength and weaknesses, the question arises as to the extent to which some kind of complimentarity can be organized in the provision of services between state agencies on one side and civic organizations of various kinds on the other[214]. From this perspective, it is plausible then to talk of a synergy between state agencies and non-state actors in provision of services. Thus, unlike situations where the state agencies impose their will and bureaucratic formalities a non-bureaucratic synergy is seen as more productive, producing people-centred governance outcomes.[215]

2.11. Linking Good governance and decentralisation in the urban context

Following decades of institutional decline and economic distress, urbanization in Uganda grew without adequate policy frameworks, financial and managerial capabilities. Due to low-level industrialization and meagre opportunities for formal employment, the informal sector expanded in almost all sectors. By 1992 when decentralisation was launched to begin a new process of institution building countrywide, to "bring the state back in" to use Peter Evans phrase, "informalisation" was the order of the day rather than the exception. KCC admits that most of the Kampala's present residential areas have been developed without following the formal procedures. In many places, there are no access roads, and no drainage channels or sanitation facilities. Thus, even with more powers, responsibilities and resources, the KCC administration faces a daunting task of restructuring the city already taken over by "illegal" developers. However, it appears pertinent to argue that the failure of the state to responsibly execute its role is not the fault of the people.

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[213] Ibid (1998, p.6)

[214] Gordon White and Mark Robinson, (1998) "Towards Synergy in Social Provision: Civic Organizations and the State", in Martin Minogue, Charles Polidano and David Hulme Beyond the New Public Management Chaltenham: Edward Edgar.

[215] Swilling, M. (1997). "Introduction" in Swilling (ed). Governing Africa's Cities. Johnannesburg: University of Witwatersrand Press.

As several commentators on the Third World cities have observed the problem of the third word cities is a problem of governance resulting from failure of the city governments to develop the institutions and priorities that are related to citizens' pressing problems[216]. Specifically, African cities have been neglected by both national governments and the donor community.[217] Tostensen et al note[218] that while Africa used to be the least urbanized part of the world, today, it is experiencing unprecedented high rates of urbanization. Rakodi and Stren blame[219] African governments for rural bias in their policies, yet urban conditions continue to deteriorate. Stren (ibid) observes that the urban situation in Sub-Saharan Africa might reach crisis levels since governments' responses to increased urbanization are constrained by internal and external factors such as severe financial crises, the debt burden, donor pressures and political instability.

Uganda's case of urbanization needs a broad but focused policy, which is presently non-existent. This is imperative because as the Population Secretariat (2001) has noted that urbanization in Uganda might constitute a new crisis. The Population Secretariat has expressed the problem of urbanization in terms of high fertility rate, high rates of rural-urban migration, uncontrolled growth of urban areas and a high rate of urban population growth of 6.4%. According to the Population Secretariat, while the total urban population was 940,000 in 1980, it is presently estimated to be 3.5 million and is projected to reach 18.6 million people in 2025. According to these estimates, half of Uganda's population will be living in urban areas by 2025. These indicators clearly demonstrate that the "myth" that Uganda is a dominantly rural country may be placed and lacking in the long term development planning.

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[216] Hardoy E. Jorge and Satterwaite D. (1997). "Building the Future City" in Gugler Joseph, *Cities in the Developing World.* Oxford: Oxford University Press., Rakodi, C. (1997),). "Global forces, urban change and Urban management in Africa" in Rakodi Carole (ed). *The Urban Challenge in Africa: Growth and Management of its Large Cities.* Tokyo: United Nations University, Aina, T. (1997). The State and Civil Society: Politics, Governments and Social Organisation in African cities" in Rakodi C. (ed). *The Urban Challenge in Africa: Growth and Management of its large cities*, ToKyo: United Nations University., Gugler, (1997).Cities in the Developing World: Issues, Theory and Policy. Oxford: Oxford University Press., Perlman, J. (1993), "Mega-Cities: Global urbanization and Innovation", in G. Shabbir Cheema (ed). *Urban Management: Policies and Innovations in the Devleoping Countries.* Honolulu, East-West Centre.Opcit, Stren, (1994)

[217] Ibid, Janice Perlman (1993) questions the World Bank why it commits less than 15% of its development aid when statistic show that in the decade after 2000, up to 80% of the people worldwide will be living in urban areas and that in the Third World the urban population will grow at a rate of140, 000 per day, p 26.

[218] Opcit, Tostensen et al (2001). *Associational Life in African Cities: Popular Responses to the Urban Crisis.* Stockholm: Nordic African Institute.

[219] Opcit, Rakodi (1997), Stren (1994)

With the above trends in mind, three issues make urbanization in the Uganda problematic. When the World Bank assessed the development needs and priorities of Uganda at the time of gaining independence from British colonial rule in 1962, only 4% of the population lived and worked in urban areas, today it is 16%, and if projections are something to go-by, a half of it will be living in urban areas by 2025. The second issue concerns the low productive capacities of the urban economy. As consequences of economic malaise that befell the country in 1970s and 1980s the formal economy collapsed such as industries and large commercial undertakings yet the urban population continued to grow. Thirdly, the collapse of the economy and political instability led to institutional decline of state institutions, consequently the urban as well as the rural infrastructure lay in ruins, and service delivery stagnated while household incomes declined.

The challenge of urbanization in Uganda lies in whether or not the government will evolve a long-term urbanisation policy. It is a question of whether in the short and medium term; the urban local governments will utilize the opportunities created by the current decentralisation policy to promote institutional mechanism for enhancing a new managerial spirit and a governance agenda to a multifaceted mileu of urban issues. My present study intends to contribute towards urban governance taking decentralisation as a starting point in tackling entrenched social, economic and political issues in Uganda's urban setting challenging the seemingly one-sided belief in official circles that the locus of development is to do with "rural development".

Chapter 3

Local Governance in Uganda: An Historical Overview

3.0 Introduction

Historical and contemporary analysis of socio-economic and political developments in Uganda reveals what Low terms as a "dislocated polity".[220] The historical development of Uganda as a nation has been a chequered one – where chaos as opposed to order has been a norm rather than an exception. The main cause of social and economic troubles has been political instability. While the British colonial rule (that lasted sixty-eight years) had created a mixture of direct oppression and a semblance of political order under their policy of "indirect rule", the post-colonial state in Uganda for the most part, has been characterized by chaos, dictatorship, economic misery, social disorder and collapse of the institutions for service delivery.

This state of affairs affected not only the development and growth of national institutions but also the local ones. In particular, the local institutions have been victims of the political malaise at the national level. In this chapter, a retrospective overview summarises the developments of the local government system in Uganda. Specifically, the focus is on urban local governments, their relations thereof with the urban society and their capacity to serve or promote the welfare of their constituents. Reflection on these issues is made on the colonial and the post-colonial periods.

3. 1 The Colonial Heritage of Uganda's Local Government System

African societies in Uganda were at various stages of socio-economic and political development by the time of colonization. Several European explorers, missionaries and

[220] D.A Low 1988 "The dislocated polity" in H. Hansen and M. Twaddle Uganda Now, pp 36-53. Low argues that prospects of building a united and integrated Ugandan nation since colonial times through the post-colonial period had eluded its leaders.

colonizers acknowledged that there was an elaborate indigenous system of administration in Uganda especially in the kingdom of Buganda.[221] For example, Kenneth Ingham writes:

> The leading part played by the Baganda in the affairs of the Protectorate was also due to its indigenous system of centralized, autocratic and bureaucratic government.[222]

It is precisely for the same reason of Buganda's elaborate traditional bureaucracy that the British colonial rulers used the services of Baganda agents to establish their hegemony throughout the country.[223] The role of Baganda agents however, should not be romanticised. While it has been equated with "sub-imperialism"[224], that is a thesis that cannot be sustained.

The development of modern local government in Uganda owes its genesis to the British colonial policy as they deemed it expedient and practical. The development of the modern or Western style local government in Uganda began from the premise of enforcing law and order and introduction of hut tax (later poll tax). It was designed within the framework of Lugard's so called "indirect rule"[225] a convenient administrative method of exploiting local talent and values, and resources to minimize the costs of administration in colonial entities. The principle of indirect rule was described thus:

> [Indirect rule] is designed to adopt for purposes of local government the tribal institutions which the native people have evolved for themselves, so that the latter may develop in a constitutional manner from their own past, guided and restrained by the traditions and sanctions which they have inherited, moulded or modified as they may be on the advice of British officers, and by the general control of those officers.[226]

Burke further notes:

> As the Baganda already had an admirable (administrative) system in the operation, it followed that the solution to the impasse of ruling territories

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[221] Uganda was formally declared a British Protectorate on April 1, 1893 when the British flag (The Union Jack) was hoisted in Kampala by Gerald Portal.

[222] [86] Kenneth Ingham, 1962, A History of East Africa, p 239

[223] Ibid.Ingham

[224] Ibid Ingham

[225] Lugard F.(1922). The Dual Mandate in British Tropical Africa. London.

[226] Quoted in Fred G. Burke (1964) Local Government and Politics in Uganda, p.33. According to Burke p. 34 when the system of indirect rule would be attempted in areas that had no traditional centralized systems it run into serious trouble.

> characterized by political anarchy was to superimpose a similar chiefly hierarchy over Buganda's "unorganized" neighbours. Thus, "indirect rule" in its original sense was replaced by an indirect style of indirect rule.[227]

It is important to note nevertheless, that the British indirect rule when applied to Uganda was stark with contradictions. The first observation is that sheer administrative convenience rather than genuine concern for the well-being of the subjects was its philosophical foundation. Secondly, despite its claim of "preserving" native authority and values, the sovereignty of the native authority was surrendered to the British government. In the case of Uganda, several agreements, including the famous *Buganda Agreement* of 1900 were instructive to the effect that the king (Kabaka) of Buganda become a sub-sovereign to the king of England.[228] Thirdly, the adoption of the Buganda model of administration for local administration throughout the country was itself a contradiction, which according to Karugire "had been effectively undermined by the European intrusion."[229] Throughout the colonial period, the main instrument of colonial administration at the local level was the African chief. The Native Authority Ordinance of 1919 formalized the institution of the chief. The main purpose of this Ordinance was to clarify the powers, duties and privileges of African chiefs in all areas of the Protectorate except Buganda. Under this law, the chiefs were given powers to prevent crimes, to arrest offenders, to prohibit Africans from carrying arms, and to require Africans to provide compulsory and free labour for public projects. The institution of the chief was the main contradiction and negation of indirect rule. Not only was the chief alien to segmented societies especially in the Northern part of Uganda, where clans collectively made decisions, it introduced to these societies "one-man rule."[230]

The powers of the chief extended to arrest, seizure, and control over allocation and use of property were almost unlimited. Under this law, the chief had power to issue orders to be obeyed by Africans residing in his area of jurisdiction and in all his actions "proper" or

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[227] ibid Fred G. Burke, p 34
[228] Full discussion of the implications of the Buganda Agreement 1900 in Samwiri R. Karugire (1980) A Political History of Uganda pp. 100-104. For legal and political interpretation of the Agreement, see also Grace Ibingira (1976) The Forging of an African Nation, Viking Press, 1976.
[229] Opcit, Karugire (1980), p 123.
[230] Ibid, Karugire, p. 124

"arbitrary" he was only ultimately answerable to the District Commissioner.[231] The new role of the African chief pushed his powers beyond traditional limits. In the traditional sense, a chief was part of society and not above it. The chief's powers were defined by tradition and not by the dictates of foreign superiors. Worse still, in segmented societies such as those in Northern Uganda, the attempt by the British to handpick some obsequious people to act as chiefs in place of "decentralisation" traditional clan leaders was met with resistance and resentment.[232]

Even the colonial officers themselves held indirect rule as a system of governance in doubt. For example, the Governor of the Uganda Protectorate wrote in 1939 that, "a system of "indirect rule" although we had none of us heard about the phrase and no clear intention of establishing any particular system… it could not be otherwise when you were extremely lucky if you got an assistant for a district with a hundred thousand and there were no such things as regular police forces or departmental representation in the districts. All you could infact do was to explain what you wanted to some "Native Authority," and he – or she was generally only too anxious to please, the result was that it was done."[233]

Colonial administration relied on expedience rather than the force of customary law.[234] The substitution of the employees for traditional chiefs was carried further in Uganda than any other East African territory. This was similar to the Nigerian colonial situation which also happened to be a British Protectorate. The British administrators deposed "stubborn" local chiefs. For example, the Oba of Lagos was removed in 1951 and in 1954 the king of Bonny was deported. The key mission of the British administrators was to establish effective political control and to ensure free trade, especially along the Niger River and the coast. Sometimes military and naval forces were used to achieve this end.[235] This was to the extent

[231] Fred G. Burke opcit pp. 34-35. In accordance with the Native authority Ordinance 1919, the chief could arrest one of his subjects, try the offender in his court, pass judgment, and levy a fine or imprisonment. See also David Apter (1961) The Political Kingdom in Uganda pp 224-225 the chiefs in Buganda had a dual loyalty to Kabaka and the Protectorate Government.
[232] Opcit, Karugire (1980), p. 125.
[233] Uganda Protectorate (1939) Native Administration: Note by the Governor Entebbe: Government Printer (p.4)
[234] Uganda Protectorate (1939). Administrative Instructions, p.5.
[235] See J.F.A Ajayi (1962), Mulestones in Nigerian History, Ibadan University Press, pp 28-36.

that the colonial masters exacted obedience of their new employees by ensuring that the District Commissioner supervised the "Chiefs" and his supervisory role extended "to the conduct of every minor official down to the village clerk or constable" (Uganda Protectorate, ibid, p.5). This type of administration had direct implications for state-society relations. For example, it is noted that in colonial administration, not only were all civil servants directly answerable to the Governor, this had other implications for society as a whole. It was noted:

> … There is thus an inevitable neglect of communal feelings and loyalties and of imponderable but great forces of local tradition and hereditary which have played so large a part in the history of our own [British] and other civilized countries…In so far as the African masses are concerned the government is not only uncontrollable, it is immovable; and if it administers through a centralized bureaucratically controlled civil service right down to the contact with the peasants in his village, it becomes in fact obliged to impose a rigidly authoritarian system throughout. There is neither a place nor opportunity for dissent and opposition, the only choice is between the acquiescence or agitation, subservience or sedition.[236]

Although Karugire suggests[237] that colonial administration and the Uganda Protectorate existed merely on the "law books" and "maps of the Land Office", his observation is partially correct, for the colonial masters not only had great influence, they actually dominated the state of affairs in Uganda.

Colonial administration and influence was established through treaties with African kings or chiefs, persuasion as well as force-the latter usually applied where resistance was encountered. Nonetheless, the colonial administration was neither democratic nor community-spirited. As Hannigan observes[238], colonial administration "did little…to develop a community-spirit" as the District Commissioners remained policy makers and chief executives while chiefs acted as tax collectors and law enforcement agents. In many respects therefore, the colonial administration was detached from day to day lives of ordinary Africans except in matters of rigorously enforcing law and order. As Low

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[236] Uganda Protectorate, (1939) Native Administration, ibid pp 5-6
[237] Opcit, Karugire (1980)., p. 142.
[238] Hannigan, D. (1958), A Royal Technical College of East Africa. Efficiency Against Self Expression in Local Government. East Africa Institute of Social Research Conference. p.4.

observes[239] in this respect: "Singularly few Africans realized that in dealing with British administrators they were dealing with the agents of a huge Leviathan which was quite prepared to swallow them up."

The "huge Leviathan" in this case, one supposes that Low meant the structure of the British administration and their policy interventions. Indeed whether positive or negative, there was no alternative left for Africans, for the choice was either concession or subjugation to British authority. For example, the British colonial officer in Toro received orders in 1896 that stated:

> It is clear that the good government, security and general progress are matters in which we are directly interested and it is equally certain that the local chiefs look to her H. M's representatives for guidance in their local affairs and recognise his general authority over them.[240]

Thus, true to the design and intentions of colonial rule, the claims that "indirect rule" retained the authority of traditional and local rulers is far fetched. Lugard himself, one of the architects of this policy claims in The Dual Mandate in British Tropical Africa, p.5 that the mission of their policy was "to inculcate in the natives a sense of individual responsibility, of liberty and justice and to teach their rulers how to apply these principles". In addition, Lugard does not seem to have had much faith in his so-called principles, for he writes further … "in the interest of good government, the right of confirming or otherwise, the choice of the people of the successor to a chiefship and disposing of any ruler for misrule or otherwise adequate cause is reserved to the Governor."

The issue here therefore, is the contention as to whether "indirect" rule promoted "liberty" of and "justice" for ordinary natives and taught their rulers how to apply them when the choice of the people could be disposed without further reference to them. The administrative framework put in place in Uganda under "indirect rule" has been summarized by Morris and Read[241] as, "at best paternalistic and at worst autocratic". Similarly, in terms of social and

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[239] Opcit, Low (1958), p.7.
[240] Quoted in D.A. Low " The Anatomy of Administrative Origins: Uganda, 1890-1902" p. 12, Paper Presented at the East African Institute of Social Research, Kampala Conference January 1958.
[241] Morris , H. F. and Read, J.S. (1972). Uganda: The Development of its Laws and Constitutions.

economic development Ehrlich observes that the "Imperial policy at that time was of self-sufficiency in contrast to ideals of development and welfare of the native.[242]

Colonial administration affected the conduct of local affairs in two significant ways. These are issue of land and culture. Through the Buganda Agreement, land was appropriated to the chiefly class, thus the ordinary peasants became a tenant, and a subject of exploitation by both the chief and colonial administration.[243]. In matters of culture and customary law these too were tempered and sometimes confused. For example, Kenneth Ingham observes:

> Lesser courts frequently tried people for offences which had neither legal nor traditional sanction. In some areas a refusal to assist in building a church might result in a man finding himself in court.[244]

Thus, while certain traditional customs were not considered repugnant to morality, the colonial administration found it expedient to discourage them. However local chiefs, having become protégés of colonial administration took it upon themselves to give application to cases that had neither the force of modern nor customary law, as the case of building churches cited above by Ingham. There were however, cases where colonial administration took exception to its imposition of their law and allowed customary procedure to prevail.[245] Largely, it is difficult to ascertain whether or not "indirect rule" in Uganda contributed significantly to the development of "modern" African local "self-government." By self-government, meaning effective participation of ordinary people in governance of their locality, especially, given that the institution of the local chief became more despotic and sometimes totalitarian than had been the case before the advent of colonial rule.

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[242] Ehrlich C. "The Uganda Economy 1903-1945" in Vincent and Harlow, A History of East Africa II also, Cyril Ehrlich, "Cotton and the Uganda Economy" East African Institute of Social Research, Kampala, (Conference) January, 1957.

[243] See, Grace Ibingira, The Forging of an African Nation

[244] Kenneth Ingham (1958). The Making of Modern Uganda, p.169.

[245] Ibid, Kenneth Ingham (1958) The Making of Modern Uganda pp. 168-69 for example, in 1918 the colonial administration reminded Buganda Lukiiko (the Buganda Legislature) that under the 1900 Agreement they had also no power to make laws. However, the Governor later admitted it was a mistake.

3.2 Colonial Government Reforms at the Local Level

The African post-colonial governments inherited a relatively developed system of local government from the British colonial administration and as Kasfir argues[246] such elements of a modern local government system took effect only in the second half of the 20th century. Before that time there is little evidence that the British system of "indirect rule" had created an efficacious system of local government in Uganda. In the rural areas, the colonial administration helped to preserve tribal entities under the watchful eye of the local chief while the urban areas were removed from the native administration (especially in those areas where Europeans and Indians were more numerous such as Kampala and Entebbe township). As Sathyamurthy puts it:

> The district boma during the colonial era might be said to represent not merely the symbol of central authority but the central authority itself."[247]

The structure of power for most of the colonial period was hierarchical, centralized and controlled from above, right from the Governor, Provincial Commissioner, District Commissioner down to the chiefs. The implementation of administrative directives was equally hierarchical. For example, The Administrative Instructions issued by the Protectorate Government in 1940 had this say:

> The Provincial Commissioner is, within the limits of his province, the principal executive officer of government and is personally and directly responsible to the Governor for the peace and good order of his province and for the efficient conduct of all public business therein.[248]

The same instructions add that the Provincial Commissioner was empowered to issue directives to any officer serving in his province "preferably by word of mouth."[249] In addition, in cases of emergency, the Provincial Commissioner was empowered to act as "the sole judge" and to issue orders, "Which must be carried out by the recipients without delay."[250] Similarly, the District Commissioner was in position to do the same in relation to the district, as was the Provincial Commissioner to his province, to exercise "similar

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[246] Opcit, Kasfir (1993).
[247] Sathyamurthy T.V (1966), "Central–Local Relationships at the District Headquarters" East African Institute of Social Research Conference, January 1966, p.1. The word boma meant a seat of colonial authority.
[248] Uganda Protectorate (1940) Administrative Instructions Entebbe: Government Printer, Published by Authority, p 1
[249] ibid p. 1
[250] ibid p. 1

authority and control."[251] This serves to demonstrate that central control was greatly tightened on local administration, leaving little room for local initiatives.

The policy shift from the highly centralized structure and operations of the colonial administration began with the change of policy in the Colonial Office in Britain in 1947. On 25 February 1947, the British Secretary of State for Colonies Mr. Creech Jones sent to governors of all African colonies a confidential dispatch in which he emphasized that there was a need to reform local governments, which needed to be "*local*", "*efficient*" and "*democratic*" by stating thus:

> …"local" because the system of government must be close to the common people and their problems, "efficient" because it must be capable of managing the local service in a way which will help to raise the standards of living, "democratic" because it must not only find the place for the growing class of educated men, but at the same time command the respect and support of the mass of people.[252]

This policy shift in the British government's colonial policy sparked off a series of reforms in the structures and operations of the colonial government in Uganda. The first of such developments was the designing of the *Development Plan for Uganda*[253], the very first of its kind in the country. The second initiative was the promulgation of the *African Local Governments Ordinance and District Councils Proclamations and Regulations*, 1949 the fundamental aim of this ordinance was: "An ordinance to define the composition of African local governments and to make provisions for reconstitution of African councils throughout the protectorate[254]". Among other things, the 1949 Local Government Ordinance sought to (i) establish district councils and other councils, (ii) to allow for establishment of "standing committees" of the councils (iii) allow councils to make byelaws applicable to natives subject to the approval of the Governor.

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[251] ibid p. 1
[252] Quoted in Fred Burke, (1964) Local Government and Politics in Uganda p. 38
[253] See Apter David, opcit, p. 238 in reference to Uganda's first Development Plan in which the Protectorate Government intended to embark on improvement of agriculture through mechanization. Apter posits that the scheme run into trouble with Basoga and Baganda because there had not been effective consultations and was opposed.
[254] Preamble to The African Local Governments Ordinance 1949

Despite the promulgation of the 1949 Local Government Ordinance, the limited scope of the jurisdictions and the powers of councils therein, little seems to have been achieved in the line of "Creech-Jones dispatch" regarding "local", "efficient" and "democratic" government. Not only did the ordinance fail to repeal the Native Law Ordinance of 1938, the powers of the chiefs, District Commissioners and the whole bureaucratic structure was further entrenched.[255]

Furthermore, the 1949 ordinance, as was the case with previous laws applied only to African natives. Going through the proclamations appended to the ordinance, it is evident that democratic local governance was not to come through the ordinance. In all councils save for Buganda (to which this law did not apply), the majority of councillors were appointed or nominated either by traditional rulers or by the District Commissioners. The ordinance also created a new form of privilege for the chiefs. Since councillors were elected mainly from amongst chiefs and other notables, the institution of the chiefs was further enhanced. Not only were the administrative powers of the chiefs strengthened they also acquired legislative powers. Moreover, at lower courts, the chiefs also acted as judges. It is doubtable therefore, that when Creech-Jones thought of "democratic local governance" in reference to the "mass of people" he had in mind the form of local government created under the 1949 ordinance.

Commentators on the local government ordinance of 1949 have asserted that the colonial government severely hedged its devolution of authority to the district council."[256] This is because although the ordinance allowed the councils to become corporate bodies, for example, with powers to raise taxes, to make financial decisions, to borrow money, to invest surplus funds and to be in charge of important services like agriculture, veterinary, forestry, education and others of primary nature, all decisions of district councils were subject to

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[255] Section 4 (1) of the Ordinance; "The Chief shall be appointed or approved by the Governor by such other persons the Governor shall authorise … and (chiefs) shall be responsible to the Governor"…
Section 4 (2): "Every chief shall administer such Protectorate laws as he is legally competent to administer and in particular he shall administer the provision of the Native Authority Ordinance"…
Section 5: "The District Commissioner in charge of any district, or any other person authorised by the Governor in that behalf, may appoint such financial, standing and advisory committees as may be necessary for proper administration of the district. Such consist of persons as the District Commissioner shall think fit to appoint and shall be presided committees shall over by The district Commissioner…

[256] Ibid, Fred Burke ibid, p. 40

approval of the central government. Other commentators on the above local government reforms vindicate the direction that they took. For example, Sathyamurthy argues:

> In order to facilitate a quick and efficient performance of their duties, the district officers, pre-eminent among them the district commissioner and provincial commissioner were given adequate powers, and provided with sufficient scope for the exercise of initiative.[257]

While Sathyamurthy does not see anything wrong with centralisation, even under the reforms, it was evident that the local councilors were ill prepared for the demanding responsibility that came with the reforms. The new responsibilities of councils as political bodies, which included, formulation of policies, planning, budgeting, raising funds locally, law making and ensuring law and order were extensive in scope. However, for all these, it is unlikely that the Africans at the time were adequately trained to shoulder them satisfactorily. Sathyamurthy notes:

> District level legislators [were] for the most part men with very poor [academic] qualifications and little understanding of the border issues involved in district wide planning, let alone national planning. Their past professional and political experience (most of them were) traders and ex teachers [of primary schools] being confined to the narrow limits of a village or group of villages, it [was] extremely difficult for them to expand their horizon in general interest of the district as a whole.[258]

Given this calibre of councillors, the district officials retained most of the responsibility for planning and administration. Under the general guidance of District Commissioner, the district team, composed mainly of district technical officers was, in reality, responsible for policy matters. There is little surprise that the councillors were largely of low quality. The mode of selection of those men was not competitive. A few notables including chiefs were merely handpicked based on patronage. They were either traditional rulers or prominent chiefs. There were no competitive elections. Elections provided for in the 1949 ordinance were confined to a few country level notables. Taking the case of Busoga district, for example, the district council was to be constituted as follows: 22 ex-officio councilors, up to 20 nominated councillors, and one elected councillor for every 1500 tax payers within the

[257] Opcit, Sathyamurthy, p. 1
[258] Ibid, Sathyamuthy, p. 5.

district.[259] In another case of Bunyoro-Kitara, the council was to be constituted as follows: 33 ex-officio councilors, up to 29 nominated councilors and 10 elected councillors.[260] Moreover, the main weakness of the reform was the tendency to limit the leadership of the councils to ex-officio members of the council.[261] This was clearly undemocratic. Besides, the central government reserved powers in two important areas. In most local governments created under the 1949 ordinance, the agenda for the business of the council had to be sent to the District Commissioner for his consideration and approval before council convened for the business.[262] The District Commissioner had power under the 1949 ordinance to cause the chairman of council to call a meeting at any time while the Governor retained power to dissolve any council at anytime.[263]

Notwithstanding the centralisation tendencies of the central government in the local government reform process, it is noted that the conduct of local government business was relatively effective and efficient. This was because the district officials were purely technical (apart from the chiefs). They were capable of planning for and administration of the district. To a large measure, they were not involved in local politics, which tended be characterized by internecine conflicts and shrouded in intrigue, and at most times, parochial to the extent of undermining positive change. On their part, the local notables who found themselves in the councils were not "downwardly" accountable since they had not been popularly elected. Infact, they were largely accountable to the central government since the law empowered them to work for order and "good government."[264] For example the *Busoga District Council Regulations* 1949, section 17 (1) provided, "The council may from time to time make byelaws for the good rule and the government of the district". This provision runs

[259] Busoga District Council Regulations 1949, Section 5.
[260] The Bunyoro – Kitara Rukurato Regulations, section 4. In addition, section 7, the Omukama (King) was to have at least two Babito (members of the royal clan) in the council.
[261] In case of the Kingdom areas of Bunyoro, the King was the chairman of council, in Ankole, the Enganzi (Chief Minister) in Toro, the Katikiro (Prime Minister) and in non – Kingdom areas such as Karamoja, Kigezi, Lango, West Nile, Bugisu, Bukedi, Karamoja Teso, a senior ex-officio would be the chairman, in his absence another senior ex-officio would preside.
[262] See for example Bugishu District Council Regulations, section 16
[263] See Busoga District Council Regulations section 12 (2), Governors Power see section 3 (2)
[264] See for example *The African Local Governments Ordinance* 1949 Section 5 "No bye-law made by a District Council shall be repugnant to a Protectorate law, regulation or order, or to any Act of Parliament… any such bye-law which is so repugnant shall be deemed to be null and void and of no effect". It is important also to note that the Native Law Ordinance was not repealed by the 1949 ordinance. See section 9, of the 1949 ordinance.

through all the regulations of local councils except Buganda. "Good government" is this sense was the implicit way of making sure that, the councilors did not oppose the central government.

It is also important to note that the councillors' problems were not limited to their lack of adequate academic qualifications. They were lacking in other respects, which affected service delivery to the community. Some of their other limitations included: failure to understand procedures, petty bickerings, as well as their obsession with personal pursuits. It is reported for example, that when the Finance Committee was presented with the estimates of expenditure and revenue, the inevitable question from the members of the committee was: "What about our subsistence allowance?" Hannigan (1958:6). Hannigan found several complaints about councillors. The complaint was "The councillors do not understand what is going on … They vote for local or self interest. The committee system is abused" Hannigan (ibid p. 6). Thus given the need for local government to be efficient and the desire for popular control, the two principles were far from balancing specially in regard to service delivery to the community.

3.3 Urban Development and Governance Reforms

By 1902, the Protectorate Government was decidedly determined that Uganda unlike its neighbouring territory of Kenya, was to remain a largely African country.[265] The policy position was that the colonial government would discourage large settlement of Whites and other foreigners. The colonial policies in Uganda tended to favour a peasant-dominated agricultural system. Part of the reason for colonial officials' inclination towards discouraging White settlements is to be found in the 1900 Buganda Agreement, which appropriated most of the land in Buganda to the chiefly establishment.[266] Because the 1900 Agreement had given most of the land to the landed gentry and early colonial policies had encouraged small-holder peasants cultivation of cash crops especially cotton, these two

[265] Cyril Ehrlich, (1957) "Cotton and the Uganda Economy" ibid p. 1, quotes Sir Harry Johnston (the first British Commissioner to Uganda) declaring that at he was not in favour of large foreign settlements in Uganda. According to Morris, H. S (1968) The Indian in Uganda London: Weidenfeld and Nicolson, p. 24, it became an official policy of the Protectorate Government that Uganda was "primarily an African country"

[266] Opcit, Kenneth Ingham (1958) The Making of Modern Uganda pp 106-114 discuses the complexities created b the new land tenure in terms of investments by foreigners

factors discouraged large White settlements. Consequently, most of the Whites who lived in Uganda were mainly administrators, living in the first two large urban areas of Kampala and Entebbe.[267] Kampala grew faster than Entebbe largely for two reasons: first, it comprised for the most part, the *Kibuga*, the large capital of Buganda Kingdom, which one of the pioneer colonial officers, Lord Lugard found in place by the time he established his fort at Old Kampala in 1890. The *Kibuga* is reported to have been a large urban settlement with thousands of inhabitants as well as visitors to the *Kabaka* (King of Buganda) located at Mengo hill (now part of Kampala).[268]

The second important factor that contributed to the growth of Kampala was the large number of Asian immigrants whose economic occupation was mainly retail trade. Alongside the *Kibuga,* Kampala itself, branded a "town of foreigners", despite attaining a Township status in 1906 grew very slowly because the native government of Buganda and the Buganda landowners resisted the government's enchroachment on their land and their *Kibuga*. Gutkind reports[269] that *lukiko* (Buganda's legislature) made a resolution requesting the Provincial Commissioner to act in order to "prevent people (foreigners) from taking land from our *Kibuga"* and to "respect the right of our capital which suffers because of the proximity of the British town of Kampala".

The British administrators were also careful in dealing with the Buganda establishment in order to avoid unnecessary conflicts where possible. This cautious policy slowed the rate of urbanisation. For example in 1915, Governor Frederick Jackson wrote:

> I am fully aware that the Kibuga will present us with considerable difficulties in years to come. Present difficulties will not make it possible for us to give this area the kind of attention which is required … It will be wiser for us to treat each mater… as it arises as a special case and to consult at all times with the Chief Minister (of Buganda).[270]

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[267] Entebbe town was for the most of the colonial period, the seat of colonial administration white Kampala was commercial centre. Entebbe was preferred by the colonial administrators because of its quiet environment as well as its strategic position, being located at the shores of Lake Victoria.
[268] Gutkind, P. (1961). TheRoyal Capital of Buganda pp 13-17
[269] Ibid, Gutkind, P. (1961). p 24)
[270] Ibid Quoted in Peter Gutkind, (1961), p. 24

The Governor perhaps had good reasons to move a bit cautiously because the Baganda were consistently pervasive in their suspicion about the continued growth of Kampala, fearing that the "European Township" of Kampala would "eat up" their *Kibuga.*[271] Thus contrary to what some commentators claim, that the colonial administrators found the Baganda more progressive than other indigenous people of Uganda[272], this appears questionable. What seems to emerge from historical accounts, especially in respect to the development of Kampala suggests that the neo-traditional forces in Buganda stood in the way of development for a long time. Nevertheless, most of the modern cash economy was concentrated in Buganda, hence the continued growth of Kampala and other towns[273]. As Southall and Gutkind (1956: 8) noted, the European and Asian urban settlement especially in Kampala presented to the Baganda a new life of economic opportunities on one hand, and on the other, an encroachment on their traditional authority.[274]

More broadly, the social, economic and political development of urbanization in Uganda introduced new dimensions of social reality in the hitherto predominantly rural peasant African society. In socio-economic terms, the rise and the development of urban areas marked a new trend of life for Africans in Uganda. Kampala and other towns grew as centres of modern economic activity. Although Kampala was not an administrative centre as were most other urban areas in Uganda, it had the largest population of foreign settlers in the country. It was clearly marked off as a township for Whites and Asians while the Africans lived in the nearby *Kibuga,* if not in the villages. Kampala township had planned streets, water systems, electricity and other sanitary services. The adjacent *Kibuga* lagged behind in terms of modern services largely due to the intransigence of traditional leaders. However, it soon became a matter of serious concern to the Protectorate Government because of its squalid and unsanitary conditions, which harboured a source of diseases to the

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[271] Ibid, Gutkind, p. 27.

[272] Christopher Bakwesegha, "Patterns, Causes and Consequences of Polarised Development in Uganda" in Salah E L – Shakhs and Robert Obudho (1974) Urbanisation, National Development and Regional Planning in Africa New York: Praeger Publisher

[273] B. W. Langlands (1968/69) "On the disparity in the distribution of economic activity in Uganda". University of East Africa Social Science Council Conference: Geography Papers, Makerere Institute of Social Research (Kampala).

[274] Aidan W. Southall and Peter Gudkind, Townsmen in the Making: Kampala and its Suburbs (p. 8) report that the demand for land by Europeans and Asians are from the *Kibuga* post to Baganda as a political threat and an economic temptation.

foreign population of the nearby Kampala. By 1930, the colonial government was already concerned about the problem of malaria, which affected the population numbers, which made the situation worse.[275] While the unsanitary conditions persisted in the neighbourhoods of Kampala, the influx of migrant labourers from rural areas in search of employment swelled the population numbers, which made the situation worse.[276] "Pathetic bands of ill-clad country-folk, looking more like refugees than pioneers of a modern industrial age, were always seen plodding in single file along the roads, their eyes fixed on the way to Kampala, their few positions carried in bundles on their heads". However, it was not only the intransigence of the traditionalist that could be blamed wholly for the poor sanitary situation in Kampala, the colonial policies were the underlying cause of the problem. The Protectorate Government in Uganda encouraged a dual system of local administration: the urban system fully financed by the government and the rural district administration. For example, Southall and Gutkind observed in the case of Kampala and its neighbourhoods:

> The overwhelming superiority of the Municipality in wealth and the provision of service over Mengo and Kibuga or any other part of the densely settled surrounding areas is becoming a major source of friction.[277]

Indeed the disparities in service provision in the Kampala township on one hand, and the neighbouring *Kibuga* could be seen in the disparate financial expenditures on either side[278]. It was reported for example, that central government spent $4000,000 on Kampala in 1954/55. Corresponding figures for Buganda Government on Kibuga were $17,619.

The reasons for poor service delivery in *Kibuga* ranged from poverty that afflicted most Africans to the reluctance of Buganda Government administration to rigorously enforce collection of rates as well as other taxes. Morever, the *Kibuga* was not a corporate body as Kampala was, hence its funds were pooled together with those of the Buganda Government. Thus the *Kibuga* as an urban area suffered from lack of effective urban services. There were also reports of corruption and financial impropriety in Buganda government.

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[275] Opcit, Kenneth Ingham (1958) The Making of Modern Uganda pp. 242-244
[276] Ibid, Kenneth Ingham ibid, reports p. 243.
[277] Opcit, Southall and Gutkind (1956. p. 11.
[278] Ibid, Southall and Gutkind (1956) p.13.

One of the key historical key sources on the growth, conditions and development of urbanization in East Africa is a report known as the East *African Royal Commission* 1953 – 1955.[279] On the specific issue of urbanization, in East Africa, the Commission reported *interlia,* that: first towns were generally a new development in East Africa, that the part played by Africans in the social organisation and economic activities of towns was marginal. The Africans, were however, "regarded socially and financially as liabilities for whose housing and welfare the urban authorities (were) responsible."[280] Second, that the theory of *indirect rule* as well as the attitudes of European administrators created a view that towns were not "a suitable habitat for a permanent African society." Towns were generally perceived as bases for administrative and commercial activities rather than as centres of "civilizing" influence. The Commission further noted, that Africans were confined to their "primitive" tribal areas in the outskirts of the towns, and those that aspired to abandon their customary ways of life found themselves excluded from the social and cultural life of the town.[281] In policy, planned dwelling places were reserved mainly for Europeans while the Africans lived in un-serviced areas surrounding the towns. Generally, the official colonial policy was to encourage Africans to live in the rural areas.

The Commission noted that there was no sound urban policy capable of controlling managing and providing services in all parts of urban areas. It was suggested that such a policy would need to include (a) an urban development policy which would take into account all factors of the situation, (b) an administrative machinery capable of supervising and guiding the such a policy, (c) an administrative system which would give serious consideration to the special needs of the Africans, and would cause improvement in the deplorable conditions of the urban areas.

In a careful review of local governments generally, and particularly of urban local governments, a 1961 Commission established to inquire into the relationship between the

[279] Her Majesty's Stationery office, East Africa Royal Commission 1953 – 1955 Report, Presented by the Secretary for the Colonics to (British) Parliament London, June 1955.
[280] Ibid, p. 201.
[281] Locit p. 201.

central government and other authorities found that by that time (a year before Uganda attained independence) that "Uganda [was] a land of peasant cultivators[282]" and that towns were neither numerous or large. There were only about ten towns with a population exceeding 5000.

Addressing itself to the question of rural-urban nexus, the Munster Commission observed[283] that Africans had been treated by the Protectorate Government as belonging to district councils even if they happened to live in towns. The social history of towns, their racial and ethnic as well as economic features had created a distinction between urban and rural district local governments. The urban authorities were considered non-African while district authorities were regarded as African local governments. The Commission observed:

> The confusion brought the existence of two administrations in the same area and held up the introduction of democratic government. Though there are councils or boards in all sizeable towns, no town, not even Kampala, had an elected council. Councils are nominated by central government. The non-Africans get no training in the democratic process, and the African's vote must be given for the district council to which he belongs and not for the authority in which he lives.[284]

The Commission was concerned that all towns and trading centres were non-African, occupied mainly by Indian traders. Worse still, the Indians living in small towns and trading centers were not paying taxes to the district authorities to which these settlements belonged.

Inconsistencies in the structure and administration of urban authorities led the Munster Commission to suggest as follows: first, that the municipalities and towns should be based on geographical instead of a racial conception. Secondly, urban authorities should provide services such as housing. Thirdly, urban authorities should become an integral part of the local government system. Fourthly, non-Africans should be conscious of the need for the town as a whole and Africans should be allowed to be part of town. It was further observed that there was need for the urban local governments to create a sense of a community and

[282] Munster Commission (1961) "Report of the Uganda Relationships Commission" London: Colonial Office. p. 120
[283] Munster Commission (1961) p. 120
[284] Munster Commission Report (1961) p. 121.

finally, as much as possible municipalities should be able to raise their own revenue and to be self-sustaining.[285]

The Commission however, noted that their suggestions were likely to be opposed by European and Indian residents for two reasons: first, enlargement of municipal authorities to include the surrounding areas occupied mainly by Africans were likely to be resisted because those areas would bring more problems than income to the urban authorities. Secondly, it had always been the practice that those individuals with "a stake in the municipality- meaning those who make financial contribution should be allowed a voice in control of affairs."[133] The Commission observed further that franchise should be extended to as many residents as possible but noted that this was also likely to be resisted. According to the Commission:

> Witnesses have represented to us that sudden introduction of the national franchise in urban areas would put the government of the towns at the mercy of those who have little experience in public or business affairs, and that abrupt replacement of those experienced people who at present manage the towns might injure the services and destroy the confidence of the business community.[286]

Though the Commission does not specify the witnesses, it may be inferred that such witnesses could have been either Indians or Whites, who for more than half a century had dominated urban affairs and excluded Africans from access to services largely funded by central government from public taxes. It is doubtable that African witnesses could express such views at that time.

It is important to note that popularly elected urban local government had not been encouraged by the protectorate government. For example, even when Kampala attained a municipality status on January 27, 1947 the chairman and the members of its council were all nominated by the governor and "were responsible to him not to the citizens of

[285] Ibid, Munster Commission report, pp.120-123.

[286] Ibid, Munster Commission, p.12.

Kampala[287]". On the critical point of local democracy (at the time when independence was due) in urban areas, the Munster Commission made an ernest observation:

> … it is inevitable that African interests and sentiments will ultimately predominate in the municipalities as in central government. The other races who have been largely responsible for building up these areas may at first take this hardly. We hope that they will realise that the new regime is in the nature of things and will not be discouraged from continuing to play their part in the management of municipal affairs.[288]

In a critical review, the Munster Commission further noted that "urban government in Uganda was politically backward[289]" and recommended that it should be given priority. Not only were services reserved for Whites and Indians, there was no democratic governance. There was no popular participation in the affairs affecting residents of Kampala and other urban areas. While there had been attempts on the part of the protectorate government to gradually increase popular representation in district local government; similar steps had not been taken for urban local governments.[290]

Similarly,strained socio-economic and racial relations, particularly between Indians and Africans creeped into policies (especially, pre-independence nationalist policies). It was well established that while the Africans in Uganda unlike their counterparts in the neighboring Kenya had been favoured by the British policy that insisted that Uganda was to be primarily an African country, which gave them priority in matters of land ownership; relations between Asians and Africans were only superficially cordial.[291] In the main, Indians controlled the bulk of the trade in most of the urban areas. They were wealthier compared to Africans. Largely also, they had little interest in public affairs except in matters that concerned their sectional communities. Indians controlled retail trade, acted as middlemen in the cotton business and owned nearly half of all the cotton ginneries and disposed of more than half of the crop.

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[287] Opcit, Kenneth Ingham, (1958) pp 242-243. The first Mayor of Kampala, Mr. A.N. Maini who was an Indian was inaugurated on March 1,1950

[288] Opcit, Munster Commission report, (1961) p.125

[289] Ibid, Munster Commission report, p. 128

[290] For example, steps had been by the government under the District Administration Ordinance of 1955to allow district councils some more powers to recruit chiefs which appeared as a radical departure the 1949 ordinance. See also Fred Burke 1963, p. 40

[291] H.S Morris (1968) The Indians in Uganda pp. 143-145.

While the Indians became successful business people both the British administrators and Africans viewed Indians with suspicion. "Indians success was seen to be a threat to Africans commercial development and laws were enacted in 1926 and 1932 to control marketing and distribution."[292]

There was a move by the protectorate government to limit the role of Indians as middlemen especially in the cotton trade. The Africans were pointing an accusing finger at Indians as "cheats". Besides both Europeans and Africans, especially after the Second World War feared that the Indians could "find ways of safeguarding themselves by converting their economic strength into political power, thus, permanently excluding Africans from commerce and industry". Moreover, Africans were jealous of Indians success and the former tended to blame "their frequent failures…to the entrenched position of Indians."[293]

Thus, in political terms, the Indians business community suffered a double jeopardy: both colonial administrators anxious to dispel the political anxieties of African nationalist groups by implicitly turning their attention to Indians "exploiters". At the same time, the African nationalists targeted their attention at Indians who by 1953 controlled 97.5 percent of the trade in Kampala while 80 percent of all African traders were making an annual profit of £50 or less. The success of Indians was attributed to family ties and business skills, which Africans did not possess.[294]

Within the political and administrative framework that prevailed in towns during the colonial days, the contacts that existed between Africans and Asians were largely limited to buyer-seller relations, otherwise, they lived worlds-apart. Indians were perceived by the Africans as "protected" by the colonial political machinery and were privileged through that arrangement. Although most Indians considered Uganda as their home country, they were less interested in challenging the political status quo than the Africans. It has been argued

[292] George Delf, (1963) Asians in East Africa London: Oxford University Press pp. 26-27 argues on his part, that the success of Indians could not seriously be taken to have stunted African progress.
[293] Opcit, H.S Morris, (1968) p. 144.
[294] George Delf (1963) opcit, pp. 57. Delf notes that in 1953 and again in 1959 Africans in Uganda boycotted Indian shops. Indians were accused of exploiting ignorance of Africans and cheating them.

that while the relations between Africans and European administrators were analogous, the Africans unlike the Indians hoped to replace the Europeans after independence while the Indians did not have such aspirations.[295] In fact, they were apprehensive about the likelihood of a precarious business situation if Africans took over political power.

Throughout the period of colonial administration, the dual structure of local government, which was on one hand, urban and foreign-dominated and on the hand, rural and African-based, had had serious implications for the kind of local government that developed in the country. As Engholm puts[296] it,…"anything concerning native administration fell exclusively within the competence of the administration; anything concerning trade and commerce was (usually) considered the special concern of immigrants. In more specific terms the power and influence of the migrants made them felt… through organised pressure groups."[297] Overall, the development of local government in Uganda under the British colonial administration tended to emphasize technical efficiency rather than popular participation and broad consultative governance.

3.4 Post – Colonial Local Government

Much of what has been written on local governance in the post-colonial era in Uganda has tended to emphasize the ethnic and anthropological issues that have undermined the efficiency of local government at the grass-roots level.[298] A critical overview of the developments in the system of local government in the post colonial era in Uganda seems to suggest that while the colonial administration maintained a strong hand in its administrative style, the post-colonial governments tightened their grip further by use of administrative instruments that were inimical to growth of democracy and participatory decision making. Part of the explanation as to why the post-colonial government did little to promote grass roots democratic governance could be attributed to the failure of the post-colonial leaders either to effectively sustain the colonial structure or to imaginatively innovate governance

[295] Opcit, H.S. Morris, opcit p. 159
[296] Engholm, G. (1966). The Decline of Immigrant Influence on the Uganda Administration 1945-52. East African Institute of Social Research Conference, Kampala, Uganda, p.1)
[297] Ibid, Geoffrey F.Engholm, (1966) "The Decline of Immigrant Influence on the Uganda Administration (1945-52", paper written for the East African Institute of social Research Conference, Kampala, January 1966
[298] Burke, F. (1964). Local Government and Politics in Uganda. Colin Leys (1967). Politicians and Policies in Acholi-Uganda. Nairobi: EAPH,

modes capable of absorbing the new expectations of the Ugandan people after independence. Thus, whereas the British colonial administrators as representatives of an imperial power felt little obligation to govern democratically, the post-colonial leaders had made commitments during their anti-colonial campaigns to rule more democratically than their colonial predecessors had. Ironically, for the most part of Uganda's post-colonial period, this promise has been a pipe dream.

3.5 Centralizing Tendencies in the Post-colonial Era

Whereas in the last years of colonial administration, deliberate step-by-step policy initiatives were made by the colonial government to increase participation of Africans in the local government administrative process, this was gradually reversed and halted by the post-colonial governments. This is to be seen in the Urban Authorities Act 1964 and the Local Administrations Act, 1967.[299] It is useful to begin with a synthesis of the Local Administration Act, 1967 because it represents a broader framework of the administrative style adopted by the post-colonial government.

The background to the local government system adopted in the first decade of independence suggests that the constitutional arrangements under which Uganda attained independence from the British were tenacious and perpetuated the duality under which the colonial rulers had administered the country.[300] At the same time, the new post-colonial leaders were anxious to strengthen their hold on the structures of power which to them, appeared fluid, hence their desire to centralize power at the center.

Under the Local Administration Act 1967 almost all, the powers were centralized in the Minister in charge of local administrations. The Minister's powers extended from regulation of council activities, financial management, tender boards and contracts, down to minute issues in a remote village. A discussion of some of these aspects demonstrates the extent of

[299] The Local Administrations Act was to provide for administration of District Councils. It is important to note the change from "local government" to "local administration".

[300] Under the Constitution of 1962, two system of local government were adopted: full federal arrangement between Uganda Government and Buganda Kingdom, semi-federal arrangement for other Kingdom areas (Ankole, Bunyoro and Toro) and district administration for the rest of the country.

centralisation[301]. Under the Act, Local Councils lost their autonomy in matters of decision making, for example, a meeting of a district council could not be convened without approval of the Minister.[302] Not only had the Minister to receive a copy of the minutes of every council meeting[303], he had the veto power almost in every matter deliberated upon by the council. For example, the standing orders of a council would have no effect until approved by the Minister. In such case if the Minister made revocations or variations in the standing orders made by a council, these too, had to be approved by the Minister.[304] Even in matters of constitution of a committee of a council, the Minister had the final word. For example, the members of any committee of a council would not exceed eight members without the permission of the Minister[305] and in the case of the Finance Committee of the Council a Local chairman, had to be appointed by the Minister.[306] In the substantive area of day to day administration of the district, the Secretary-General (with his Assistant), who was the overall administrative authority in each district, the role of council was to nominate five names from amongst its members, send them to the Minister who would appoint anyone from the list sent to him. The district council had no powers to remove the Secretary-General once appointed.[307]

Apart from the extensive powers of the Minister in the appointment of key persons in the administration of the district, which extended the patronage of the Minister and the authority of the central government in local affairs, the law required the district council to maintain order and "good government"[308] within the area of its authority. It was the "duty of the administration (district council) to cooperate with government to assist in the prevention of

[301] The centralizing tendencies under the Local Administrations Act 1967 were probably for greater than that attempted by the colonial administration because the colonial administration left some of the matters of cultural importance to the local authorities, which the new rulers now tampered with.
[302] Local Administration Act 1967 Section 3 (3)
[303] ibid, section 4 (1)
[304] [0] ibid, section 5 (2)
[305] ibid, section 21 (2)
[306] ibid, section 21 (3)
[307] ibid, section 14 (2) on the nomination of names and section 15 (3) only the Minister could dismiss the Secretary General. Section 15 (4) The Secretary General would not vacate office by the virtue of a council being dissolved.
[308] Ibid, Section 23 (1)

commission of any offence, assist in the arrest of any offenders…[309]". Above all, the Minister retained the power to dissolve any council by issuance of a statutory instrument to that effect, should he feel satisfied that "it is in public interest to do so."[310]

In the key function of a council such as law making, financial management and administration as well as the general administration of the district, the powers of council were severely undermined by the overall powers of the Minister to sanction every action and detail. In the case of byelaws of the council, whereas the law allowed each council to make them as such, the Minister had to approve any byelaw before it could have effect.[311]

The Minister's most important source of power was in the area of financial management. Whereas the law created local councils as corporate bodies with powers to raise and spend revenues of council, the reality was that real power on financial matters of any council lay with the Minister. Several sections of the law demonstrate this power. The budget containing the estimates of revenue and expenditure of each council had to be approved by the Minister[312]. In case the Minister disapproved the whole budget of a council, section 58(8) provided that:"no expenditure shall be incurred, no revenue collected nor shall any of the provision of the estimates be put into operation without prior approval of the Minister."

The Minister had the power to withhold the grants due to any council if he was not satisfied with the performance of any council.[313] The Minister controlled not only centrally administered finances such as block grants, all financial matters and transactions were sanctioned by him, ranging from appointment of tender boards executing of actual contracts to fixing of rates and levies.

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[309] Section 24 (1). By implication the councils became an extension of the state rather than a representative body of the people.
[310] Ibid, section 9 (3) and under section 25 (3) the Minister was empowered to take over any services of a council if he felt the council was not performing them to his satisfaction
[311] Ibid, section 37
[312] Ibid, section 58 (5) specifically states that before any expenditure on any item is incurred by council the Minister's approval had to be obtained first. Under section 30 (1) the council was allowed to enter contracts of less them shs 30,000 only. Beyond that, the Minister had to approve.
[313] Ibid, section 78. However under section 78 (3) he would give a hearing to the representatives of a council before with-holding the grants or releasing them if they convinced him. In our view, this was the most manifest way of extending patronage.

Earlier in this chapter the powers of a chief as an instrument of colonial rule were discussed. It is amazing to note how the institution of a chief was entrenched further in the post-colonial era, the purpose of which was to tighten the grip of government on the ordinary people rather than creating an atmosphere for democratic governance and participatory decision-making. Under the Local Administration Act the local chief's responsibilities are described to include: serving as an intelligence agent, assuming police duties by preventing crimes, apprehending offenders and administering justice. For example, section 40 (I, d) the chief was authorized:

> to detect and bring offenders to justice and to apprehend all persons whom he is legally authorized to apprehend …. And for any of the purposes mentioned in this subsection, he may without warrant, enter at any hour of the day or night any place in which he has reasonable grounds to suspect that illegal drinking or gambling is taking place, or to which dissolute or disorderly are resorting.[314]

This section of the Local Administration Act appears repugnant to the spirit of local good governance. First, the chief in this regard, seems to have been given absolute powers to violate human rights with impunity. Secondly, if the colonial administration is accused to have introduced "one man " rule in most clan-based traditional societies, the colonial chief was directly answerable to the District Commissioner and did not enjoy such autonomy to exercise direct ruthless personal rule as the post-colonial law gave him. The chief under this law became the law unto himself. The law authorized the chief to issue orders from time to time "to be obeyed by persons residing within the local limits of his jurisdiction to secure the enforcement of any law". Going by this law, the chief's powers went beyond any law governing public service. There is no other law in Uganda, which authorized any other public officer to act arbitrarily, on one's own accord and without restraint of the law as the chief could operate.[315]

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[314] Ibid, section 41.

[315] There is no section in the Local Administration Act 1967 restraining the extensive powers of the chief. See also section 43 "Any person who without lawful authority disobeys or fails to comply with any lawful order (issued by a chief) shall commit an offence".

It is imperative to note that the difference between the chief under colonial administration and the chief under the post-colonial administration is that under the former, the chief was an instrument of the state whereas under the latter the chief became an embodiment of the state apparatus at the local level. The chief represented the dictatorial tendencies that characterized the post colonial state where local authorities were deprived of effective powers which were concentrated at the headquarters in Kampala, the remaining power at the local level was left to a chief. In 1990 the Public Service Review and Reorganization Commission observed in respect of the system of local government established under the Local Administrations Act 1967[316], thus:

> powers were concentrated in the central Government in Kampala and Entebbe. It would not be possible for any local authority or agency to perform any task without prior reference to the headquarters…Whatever few powers were left to them were subjected to the approval of the Minister of Local Government in Kampala…This resulted in the collapse off almost all services rendered by the districts because of lack of authority and financial resources.[317]

Indeed, this observation critically captures the difficulties that confronted the local authorities in their day-to–day operations. As it has been shown, the local administration law required all local authorities to consult and seek the approval of the Minister almost on every minute detail. One is left to wonder whether the Minister had all the time and ability to deal with all those issues. It seems not far fetched to suspect that inefficiency and possibly corruption resulted from these over-detailed "consultations". At the same time, over-centralisation should have had negative effects on the performance efficiency and cost-effectiveness of the local authorities considering several trips senior district officials needed to take in order to secure the much needed Minister's approval on all items and issues. Thus, it is argued in this study that Uganda has not had a tradition of good local governance, and that elements of it have began to emerge in a decade or so, this is the point it is attempting to emphasize. Even then, this study further argues that the decentralisation so far attempted in Uganda is highly politicised due to the nature of the political system under which it has evolved, that it has tended to be a "hostage" of its "creators".

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[316] The Local Administration Act 1967 remained in force until it was first repealed in 1993 under the Resistance Councils Statute 1993 and again by the Local Government Act 1997.
[317] Quoted from World Bank (1992) Uganda: District Management Study opcit, p. 9.

3.6 Deficit of Local Democracy

It takes the patience of a curious student of Uganda's politics to note that although the British engineered reforms of local governments from 1949 onwards, and the country was engulfed in national struggles for independence, no direct elections took place until 1958.
The first only truly competitive general elections took place in March 1961, which were won by the Democratic Party (DP) and proceeded to form the first African pre-independence government under its leader, Ben Kiwanuka. In preparation for independence, another general election was held on 25th April1962.This time though; a coalition of Uganda Peoples Congress (UPC) and Kabaka Yekka (KY) left DP with minority seats hence, on the opposition. This resulted in the UPC-KY alliance that formed the first independence government in October 1962.It will be noted that the elections which preceded independence were highly competitive both at the local and national levels.[318]

What will make an observer of Uganda's national and local governments more curious is the fact that from 1962 through the 1960s and 1970s no national local elections were held. While Idi Amin advanced the this as one of the reasons for ousting Obote from power in 1971,he himself did not organize one. For example, one observer of this phenomenon writing in 1977 noted: "Though two elections were held in the country's pre-independence period, no national or local elections have been conducted during Uganda's existence as an independent state." [319]

The pre-independence elections were held following the Wild Commission Report 1959. Despite the recommendations of the Wild Commission for direct elections, Buganda, which had all along had a chiefly *Lukiiko* (local legislature), boycotted the 1961 elections and in the subsequent elections of 1962, the *Lukiiko* nominated its members of Parliament under

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[318]Samwiri Karugire (1996).*Roots of Instability in Uganda*. Kampala: Fountain Publishers.pp.40-48.
[319] Norman W. Proviser. "National Electoral Process and State Building: Proposals for National Elections in Contemporary Uganda." *Comparative Politics* .Vol.19, No.3, 1977, p.308.For further details see Colin Leys (1965) *Politicians and Policies in Acholi, Uganda* .Nairobi: EAPH; pp.13 -31; Cherry Gertzel (1974)*Party and Locality in Northern Uganda*. London: Commonwealth Studies, No.16. Anthlone Press; Fred Burke (1964).*Local Government and Politics in Uganda*. Syracuse University Press.

the KY umbrella. The rest of the country, however, directly elected their local and national leaders at these elections.[320]

Nevertheless, the story of democratic elections was to begin and end with the pre-independence elections. The first post-independence elections were to be held in 1980 –the controversial ones that returned Milton Obote to power. Owing to the controversies of these elections, proper local elections were not held. Instead, party wards nominated their councillors to the district councils and the lower district structures. For the reason of prolonged absence of democratically elected structures at the local level, most observers argue that a reasonable degree of democratic local governments existed immediately after independence, and have begun to gain momentum under the NRM regime since 1986.[321]

3.7 Urban Authorities Administration in the Post-Colonial Era

The centralisation tendencies of the post-colonial governments affected the administration of both district and urban authorities. In the case of urban authorities, the Urban Authorities Act 1958 though amended by the Urban Authorities Act 1964 but it was generally not repealed. One of the key issues that affected the administration of urban authorities was the issue of ownership of towns. Section 63A of the Urban Authorities Act classified towns as follows:

If found in Buganda, they are Buganda towns. If outside Buganda they are local administration towns. Others were classified as government towns such as Entebbe, Njeru and Mubende.[322] The other municipal authority was Kampala City Council which had been incorporated by a Royal Charter dated 28th September 1962[323]. Under the Urban Authorities Act 1958 (as amended by the Urban Authorities Act 1964) all towns under Buganda

[320] ibid Samwiri Karugire (1996).*Roots of Instability in Uganda*. Kampala: Fountain Publishers. pp.40-48.
[321] See Kasfir, Nelson."No-Party Democracy in Uganda." *Journal of Democracy* Vol. 9, No. 2, April 1998, pp. 49-63;Kasfir, Nelson, 'The Ugandan elections of 1989: power, populism, and democratization', in Holger B. Hansen and Michael Twaddle (eds), *Changing Uganda. The dilemmas of structural adjustment and revolutionary change*, London: James Currey, 1991; Kasfir, Nelson, '"Movement" democracy, legitimacy and power in Uganda', in Justus Mugaju and Joe Oloka-Onyango (eds), *No-party democracy in Uganda. Myths and realities*, Kampala: Fountain, 2000, pp.60-78;Kjaer, Mette, 'Fundamental change or no change? The process of constitutionalising Uganda', *Democratization*, 6:4 (1999), pp.94-113.
[322] Kampala City and Jinja Municipality were government towns.
[323] Kampala City and Jinja Municipality were government towns.

Government were responsible to the Minister responsible for local administration in the Buganda government and not the central government.[324]

In respect of the government towns, the Minister responsible for local government in the central government retained as much power over urban authorities as those he had over district authorities[325]. The Minister reserved the power to appoint the Chairman and Deputy Chairman of any urban council. Whereas the Minister retained the power under the Act to provide for appointment or election of councilors and other senior officers of urban councils, the Act exempted the Minister and councils in case of breach of law from wrongdoing; for example, section 10 of the Act reads:

> All acts of a council or of any person acting as Chairman, deputy to the Chairman, councilor, Town Clerk or other municipal officer, as the case may be, shall notwithstanding that it be discovered that there was some defect in the election or appointment of any such a person or that he was disqualified or unqualified for election or appointment, be as valid and effectual as if such person had been duly elected or appointed and qualified.

This is particularly important because the power to appoint a Council Chairman and a Deputy to the Chairman and some councils was reserved for the Minister to exercise under section 7(1). Senior Officers of the urban councillors were though appointed by councillors subject to the Minister's approval.[326] To the extent of the importance of the Minister's powers in matters of appointment and their tenure of office as well as their terms and conditions of work, the urban council to which the officers in question were presumably responsible, had no power to dismiss them without the consent of the Minister. Urban councils were left with residual powers in matters of appointment of junior staff such as council agents, servants and workers for whom the councils would make staff regulations: ranging from appointment, assignment of duties, discipline to terms and conditions of service. However, even such staff regulations were subject to the Minister's approval.[327]

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[324] Section 2A (1) of the Urban Authorities Act 1958.
[325] Section 3, 4, 5, 6, 7 of the Urban Authorities Act, 1958
[326] Section 24 of the Urban Authorities Act 1958. These officers included: The Town Clerk, the Treasurer, Medical Officer of Health and the Engineer.
[327] Ibid, Section 27 (2).

In addition to the powers of the Minister relating to constitution and control over urban councils, had powers to approve standing orders of councils, byelaws and their contractual process and obligations.[328] The Minister also reserved the power to dissolve urban councils.[329]

Whereas the law required the council to procure goods and services through a tendering process, following its standing orders, the same law undermined the due process meant to strengthen accountable management by inserting in Section 31(3b) that such a contract shall not be invalid only because of failure to observe any standing order made under the Act. Whatever the reason for insertion of such a clause, it was likely to promote unfair dealings and to abate corrupt tendencies.

In terms of financial management, local authorities (both district and urban) are reported nevertheless to have been self-sustaining and accountable. It is noted:

> During the 1960s, the local authorities operated annual budgets that realized surplus which accumulated on the reserve accounts. These reserve funds were used as the main source of capital financing. Generally the liquidity position at that time was sound and some investments were financed from revenue contributions.[330]

The sound financial position of local authorities in 1960s may be attributed to a number of factors: first, the economy of Uganda was healthy and growing. Secondly, there was a high rate of tax compliance amongst citizens partly because the local authorities were delivering services effectively. Thirdly, corruption was minimal as most public servants were relatively well paid. Public service ethics were also still very strong deriving from the standards that had been set by the British administrators. These were however ruined by subsequent governments which run down the machinery of public service. For example in 1970s under the military rule of Idi Amin, the economy was run down, service delivery institutions collapsed, the local authorities were run by appointed military officers and there were no elected bodies. As there were insufficient finances in the central government treasury, there

[328] Ibid, Section 59B, .
[329] Ibid, Section 62 (4), also Section 29 (2) of the Act.
[330] J. L. B. Rucogoza, "The State of Local Government Finances" in Republic of Uganda (1998) "Report of the Ministry of Local Government Annual Consultative Assembly for 1988/89", p. 54

were also insufficient funds for local authorities. Consequently, infrastructure and social services were gravely affected. It is observed that the situation was so serious that it nearly "reached crisis proportions[331]".

During the 1970s, corruption in the local authorities also became rampant. The chiefs went "on rampage, embezzling the little that was collected". Market-masters did the same.[332] The years of political and economic decline affected the management of local authorities in many various ways: in urban areas property rates could not be collected because the Government Valuation rolls were out of date and Licence Fees were below actual values because the Ministry of Commerce took too long to revise them. In addition, the result was that Graduated Tax (personal tax) became the most dominant source of revenue, even in urban areas, where its contribution to urban authorities in the 1960s formed a minor fraction.[333]

3.8 Institutional Decline and Its Implications for Kampala City

In Kampala City Council, internal management had been in a state of flux: budget controls had collapsed due to inadequate revenue thus, cash transactions were the mode of operation. Staff salaries were not only inadequate, they took months in arrears. This was in addition to the fact that there had been cases of some departments being over-staffed.[334] The poor pay given to Kampala City Council workers, as noted did not help this situation:

> The Municipality can not afford to raise salaries and wages… Staff can not live on their salaries and therefore, have to find other means of supplementing their incomes, some of which are almost certainly corrupt. In any event few staff do a full day's work and or have commitment to public service.[335]

When decentralisation was introduced in 1992, Kampala city council became an autonomous, self-accounting and self–regulating organization. However, the implications of

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[331] Ibid, Rucogoza, p. 55
[332] Ibid, Rucogoza, p. 58
[333] DAG/ILGS, University of Birmingham, (1988) "Development of Local Administration in Uganda: Kampala City Council – The current Condition" Kampala, (Consultancy Report) pp 10-11
[334] Ibid, (pp 16-19) while the lower levels were over-staffed 40% of the senior positions were by 1988, not filled due to failure by Kampala City Council to compete for skilled manpower with other agencies.-
[335] Ibid, p. 16

institutional decline over the years had serious implications for its management and faced new challenges. In a report submitted by Kampala City Council to the Chairman of Parliamentary Session Committee[336], the main challenges to Kampala City Council were identified as follows: the health department of the council lacked basic equipment, rodenticides and other materials to control mosquitoes, vermins and (other sources of diseases) including bush clearing and desiltation of drains. At that time, out of the council's budget of Shs. 850 million for these purposes only Shs.100 million could be raised. In the Engineering department, the situation was not much better, for example only 30% of the garbage could be collected.[337] Other problems identified in the Engineering Department included; insufficient street lighting, over-flooding due to blocked drainage channels, congestion in the city due to poor traffic management and lack of road signs and road maintenance.

In the planning department, only 30% of Kampala can be identified as a planned area. The rest is planned individually, thus, Kampala lacks a comprehensive plan. Part of the problem of planning in Kampala is a result of land tenure system where individual *mailo* land is 45%, *Kabaka* (king of Bunganda) holds 27%, freehold 3%, Kampala city council has 15% and Uganda Land Commission has 10%. Other problems are identified as: lack of equipment (especially for cartographic work and surveying), shortage of skilled planners, ineffective control over building structures and lack of control over service bodies such as water and electricity which are provided by Government corporations. The consequences of inadequate planning include: poor building structures, unplanned neighbourhoods, lack of access roads and lack of services, growth of slum areas and inadequate open spaces.

The main problem of Kampala city council is inadequate financing. About 70% of locally raised revenue is spent on recurrent items leaving only about 30% for capital development. The problem of financing is conceived in two important respects: first, government grants are specified for certain items (they are conditional grants) on government priorities,

[336] Kampala City Council (1996: September, 1996) "Kampala City Council's Position"
[337] Kampala City Council, ibid p. 8, it is noted that council had a prior to 1972, a fleet of 63 refuse trucks for population of 300,000 people, but today with a population of 1,200.000 they have only 22 trucks. This leaves most of the garbage in Kampala uncollected.

therefore, the city council can not use them on its own priorities. The second financial problem is related to lack of long term financing. The argument is that Kampala city council needs to invest in provision of services, and then be able to collect taxes from the population which appreciates the delivery of services.

The financial resources, planning, and provision of health services and infrastructure remain the key challenges of most urban authorities and in Kampala city the challenge is even greater. In Kampala city more than 50% residents are not connected to water supply system, 70% of the sewerage system serves less than 10% of the Kampala's population and almost all wastewater remains untreated. This situation is made worse by the fact that most of Kampala population is poor. There has been decline in employment due to the low industrial base. This complicates the task of management of the city. Criminal activities have sprung up all over the place. Thus, while the management of Kampala city council may not be up to the task, the challenges are also over–whelming, making the governance of the city a complex one.

Chapter 4

Decentralisation: The Case of Rebuilding Institutions of Local Governance in Uganda

4.1 Introduction

It is a well-established fact that any process of change does not take place in a vacuum, but rather in a given socio-economic and political context. While the world wide resurgence of decentralisation as a governance model has increased in the tempo and practice in developed, underdeveloped and the Eastern Europe (former socialist countries) this trend presents two trajectories for understanding the process of decentralisation itself. The first perspective is to generalize it as a "new" form of governance that is relatively value-neutral and applicable to all societies that desire to establish new norms of self-governance at the local level, espousing the principle of "subsidiarity."[338] This is the driving force behind what is usually termed as *democratic decentralisation.*[339] While the universal tenets of decentralisation such as: self-governance, fiscal autonomy, devolution of powers, market decentralisation and state-society relations (or civil society) are generally presented as the basic principles of decentralisation in any country, these may only constitute a good starting point in the study of decentralisation. They may not give the explanations as to why particular countries adopt decentralisation or why they prefer certain forms of decentralisation to others. In other words, decentralisation while retaining specific general principles on the other hand, its practical aspects are contingent to specific situations. Thus, it is important to delienate the specific conditions under which this take place in particular countries. It has been noted that countries emerging from many years of civil conflict, such as Mozambique and Uganda, the decentralisation design had to take into account peculiar circumstances as much as it has had to take cognizance of the peculiarities of the countries of former socialist countries of Eastern Europe, which have only recently emerged from highly centralised communist systems.[340] In such countries, decentralisation was adopted for

[338] The principle of "subsidiary" refers to a system of governance whereby decisions are taken by the people or are taken in close consultation with the ordinary people.
[339] Opcit, Crook and Manor.
[340] For a detailed discussion of varied rationale for design of decentralisation, see Jannie Latvack and Jessica Seddon (eds) Decentralisation: Briefing Notes (pear) World Bank Institute. A Leftwich "Governance, the State

purposes of mitigating conflicts, reinstating service delivery system and putting in place some elements of people's participation. To that extent, while high-sounding objectives of decentralisation will be proclaimed, these are likely to have a narrowly focused agenda rather than broadly constituted goals.

In this chapter, I review the stated strategic objectives of decentralisation in Uganda. I do this by taking a retrospective outlook at the post-colonial history of the country and focusing on the last three decades. I examine the socio-economic and political situation before and after adopting decentralisation. Basing on that situational analysis, I locate Uganda's decentralisation into the comparative perspectives. In this context, I argue that decentralisation may be based on sound policy initiatives but the practice tends to be shaped by the wishes of the implementers, which may affect the original intentions and outcomes of the policy.

Much of the literature on Uganda's policy of decentralisation has not endeavoured to link its implementation process with the institutional decay that bedevilled the country. Thus, in analyzing the process of decentralisation and what it hoped to achieve, we are likely to miss a point. The objectives of decentralisation emphasise popular citizen participation, demand for accountability, active civic engagement and effective representation, but these raise a pertinent question: how are the people who have not known peace or a generation that has not voted supposed to engage in questioning state power? In a situation where naked brutal power has been exercised in the past on any individual questioning or suspected to hold views contrary to those of the state, how is he/she likely to overcome fear of the state?

At another level in Uganda where scarcity of goods and services has been the norm rather than an exception, analyzing people's perceptions about service delivery as well as their voluntary contributions towards service provision is also fairly problematic because scarcity had for a long time taught ordinary people three unique lessons: first, that government services are a "privilege." Secondly, that payment of taxes to government is not only a duty

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and the Politics of Development" Development and Change Vol 25, 1994 p, 369, on the trump of liberal ideas over the undemocratic socialist regimes in Eastern Europe.

but also a *non-quid proquo* payment[341], and thirdly, that in most cases, for an ordinary citizen to receive a public service he/she needs to bribe the officials. The officials too, have perceived it as "normal practice" to be "appreciated" by recipients of services.[342]

In addition to the above issues, there is the all important question of transforming power relations both bureaucratic power as well as political power. In a good amount of literature on decentralisation, the issue of the politics surrounding decentralisation is treated as a given, yet it is the most important question.[343] It is important for two reasons. Those holding state power wish to use the process of decentralisation to legitimize their rule or to achieve the goals of their party.[344] In this context, those of the dominant state ideology marginalize those citizens with differing political views. Secondly, although many decentralisation policies have been initiated in the name of democracy, some non-democratic regimes have embraced decentralisation for reasons of legitimizing their regimes and even perpetuating their non-democratic agenda. Such regimes will not nurture decentralisation as a process of returning power to the civil society. It is argued in this regard that many countries, especially in Africa seem to be interested in decentralisation in order to entrench *de facto* one party rule.[345]

On the part of multilateral and bilateral financiers of the Third World governments, led by the International Monetary Fund and the World Bank, the issues of critical importance in the design of decentralisation programmes are political stability, open macro-economic policies (liberalization), more efficiency, and market mechanisms in service provision, public accountability and a working legal system.[346] They have little concern for how power is

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[341] *Quid proquo* payment, means payment without expectation for any returns

[342] Corruption and corrupt practices in Uganda were generally seen as "normal practices". See for example Roger Tangri and Andrew Mwenda (2001).

[343] David Slater "Territorial Power and the reripheral state: The issue of decentralisation" Development and Change Vol 20 No 3, 1989. Slater argues that the decentralisation does not necessarily empower local constituencies, politically. Power is usually retained at the centre. He quotes (p 514) Nyerere, former president of Tanzania to have said in 1970s that decentralisation means "the government was moving its guns to the rural areas". See also D. Slater "Debating decentralisation: A reply to Rondinelli" Development and Change Vol 21, No 3, 1990.

[344] Opcit, Dele Olowu, (2001). "Decentralisation and Practices under Structural Adjustment and Democratisation in Africa"

[345] Ibid, Dele Olowu (2001)

[346] Opcit, Jannie Latvack and Jessica Seddon, (1999). Decentralisation Briefing Notes

organized at the national level, this undermines the neo-liberal and pluralistic spirit in which decentralisation as a mechanism for democratization and development is perceived.

4.2 Uganda: "The Bloody Pearl"[347]

Some scholars do acknowledge that the ramifications of government policies undertaken in the 1990s in Uganda reflect the downward trend the country had suffered in the 1970s and 1980s are due to bad political leadership.[348] This has a significant implication in terms of understanding the policy of decentralisation. First, it has to be understood within the whole framework of macro-economic reforms undertaken by the government at the end of the 1980s, which means it is connected with what has come to be known as the era of recovery.[349] Secondly, it is understood in terms of advancing the idea of "good governance" (Brett 1995, Regan 1995, Nsibambi 1995). This implies it is premised on returning government to the people and the people to government. But most importantly, decentralisation is seen in terms of rebuilding institutions of local governance.[350] These promises apart, the literature on post-conflict recovery and rebuilding of points out that by 1986 both the Ugandan economy and society had collapsed.[351] Collier notes that by 1986 when the current government of NRM came to power, 7% of the population were displaced, per capita income had declined by 40% since 1971, the stock of capital investment had greatly declined, contract enforcement had broken down, political and bureaucratic leadership had become opportunistic, and corruption was easily tolerated in public service and above all, the system of trust had totally collapsed.[352]

As a reflection of loss of confidence in the state, the ordinary people had retreated from the public transactions to the private realm (into the informal sectors[353]). The result was that

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[347] "The Bloody Pearl" is a title of a book written by Michael Lewis Richardson (1980) Published by Majestic Books Atlanta. It is about the suffering endured by Uganda as a country and the Ugandan people under Idi Amin. The subtitle is chosen here to recast the institutional decay in Uganda.
[348] Opcit, Collier and Pradhan 1998, Southall 1988, Katorobo 1995, Regan 1995, Brett 1995, 1993.
[349] Opcit, Collier and Reinikka 1999.
[350] Opcit, Nsibambi 1998, Makara 2000.
[351] Opcit, Collier 1999, p. 2.
[352] Ibid, Collier (1999).
[353] Detailed treatment of "magendo" or black marketeering see Phirimoni R. Banugire, "Class Struggle, Clan Politics and the Magendo Economy" Mawazo Vol 2, No 2, 1985. Also, Jossy R. Bibangamba, "Macro-level

government coffers were not getting taxes and since the government officials had become predatory, the little money government received was misappropriated or stolen. Gross domestic product (GDP) had declined by 13% (1971-1986[354]). Moreover, skilled human capital run out of the country or were forced out[355]. In the midst of the collapsing economy, those at the helm of power at the centre were feeling insecure and therefore, over-centralised power, destroyed centres of local activity and undermined avenues of local governance. In this process, avenues of local participation, accountability, transparency and political legitimacy were closed. Grassroots structures of managing the local economy were undermined. Thus, there were no viable centres to counterveil state power. In the process, governments undercut their avenues of attaining legitimacy hence, they had to resort to the only means available of violence.

The collapse of the economy and the society had implications for the ordinary Ugandan. Goods and services became extremely scarce that a system of allocations of items dubbed "essential", such as soap, sugar, salt, clothes, beer, soda etc had to be improvised. This had a social cost because the predatory public servants extended corruption and extortion in the process of allocating scarce commodities[356]. And because the society had collapsed, freedom of speech and association had been denied, there were no viable means of checking on corrupt officials, who were becoming extremely rich as the majority of Ugandans were sliding into poverty[357].

4.3 Understanding State Collapse in Uganda

The indicators of state collapse and malfunction more often become more apparent to, and are more easily felt by the urban residents of any country. This is because in less developed

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Constraints and the Growth of the Informal Sector in Uganda" in Jonathan Baker and Poul Ove Pederson (eds) The Rural-Urban Interface in Africa The Nordic Institute, Uppsala, 1992.

[354] Opcit, Collier (1999) argues that if GDP had instead been growing by that percentage, the economy would have doubled between those years.

[355] The case of Idi Amin expelling Asians from Uganda in 1972.

[356] Opcit, Bigsten and Kayizzi-Mugerwa (1992) "Adaption and Stress in the Urban economy: A case of Kampala Households" World Development Vol. 20, NOID, p. 1426, note that corruption in public service has been rampant which explains why the housing sector is dominated by public servants despite their meagre salaries. For this reason many government projects are mismanaged.

[357] The officials and the local middlemen in the process of distribution of scarce commodities came to be known as "Mafutamingi" – easy money makers

countries, rural areas tend to be remote and less susceptible to price changes in the short-run. Moreover, the harsh conditions of living and severance are usually part of the rural livelihood. The heat and momentous changes of political power, for example, by violent means such as military coups bear directly on the residents living in a capital city. In Uganda, as in many other countries in the third world, where violent changes of power have taken place, insecurity of human life follows, armed robberies next, and then scarcity of goods and services. Residents of Kampala, the capital city of Uganda, who have lived there through 1970s to date, will tell stories of losing everything they worked for to renegade soldiers, of rape of their wives and children, of robbery at road-blocks staged by government soldiers, and of extensive violation of human rights of their neighbours, relatives and other people they know. Horror reports of people "disappearing", kidnapped or brutally murdered at the hands of state officials were commonplace during the regimes of Amin and Obote in the 1970s and 1980s[358].

The human rights violations were accompanied by economic hardships and mismanagement that brought the country to its knees. Industries closed down due to lack of spare parts, goods became scarce due to lack of foreign exchange to import them, and even those traders with the money could not stock their businesses lest they would be killed or their stock robbed. This situation is captured by Jamal and Weeks who observe . . .

> perhaps of all sub Saharan African countries – Uganda must take the dubious honour of being the country that experienced the widest range of misfortunes in the last two decades. During a regime of singular economic mismanagement and political repression, Amin reduced a once-prosperous and promising country to one of the poorest in the world[359].

Indeed during the 1970s and the first half of the 1980s, life was short and brutal. Idi Amin's nine year rule 1971-79 left a mark of terror on Uganda's history. His was a state of blood[360].

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[358] See George Kanyeihamba. (1988) "Power that rode naked through Uganda under the muzzle of a gun" in Hansen & Twaddle, Uganda Now. London: James Currey. Dan Mudoola (1988), "Political Transition since Idi Amin: A Study in Political Pathology", in Hansen & Twaddle, Uganda Now. London: James Currey. Christine Obbo, (1988) What went Wrong in Uganda?", in Hansen & Twaddle, Uganda Now. London: James Currey. Richardson (1980), After Amin: The Bloody Pearl

[359] Vali Jamal and John Weeks (1993) Africa Misunderstood

[360] Henry Kyemba, The State of Blood: The Inside Story of Idi Amin.

The return of Milton Obote to power through the disputed elections of 1980 was a short-lived victory. From 1981 to 1985, Obote's government had to fight rebels of the National Resistance Army (NRA) and other insurgents. In the process, Obote's soldiers lost a sense of discipline. Like Amin's, Obote's soldiers ravaged villages, raped women, killed, and robbed, with impunity[361]. But unlike Amin, Obote's government attempted to rebuild the economy. With the assistance of the World Bank and the International Monetary Fund (IMF) as well as bilateral donors, there was slight improvement in the economy as a whole. It is important to note that by the time Obote returned to power, the economy had virtually collapsed to the extent that all exports were non-existent other than coffee which accounted for 98% of foreign earnings. Even then, due to smuggling and abandonment of coffee shambas by farmers, the coffee available for export was less than half the level it was before 1972[362]. This state of affairs complicated the task of Obote's government to deal with institutional and social decay that had prevailed in the country for a decade, it is therefore difficult to account for Obote's achievements or failures during his second time in office. But very little seems to have been achieved.

The institutional distortions of the "lost" decades had serious implications on the Ugandan society as a whole. The physical infrastructure such as roads, telephones, schools, hospitals, water supply had either deteriorated or experienced systemic failures. Morale in the public service was very low. Public policy implementation was unreliable and unpredictable as departments lacked basic tools like telephone, fax, paper and even pens. Above all, the salaries were too miserable to motivate public servants to work efficiently and effectively for government. It is reported in a study by Bigsten and Kayizzi-Mugerwa that during the hard times, civil servants were hit worst amongst all categories of the Ugandan society because they lived on salaries from government which had miserably declined to the extent that for a senior staff, a monthly wage could only buy food for a week for a family of four to

[361] See F.W. Bwengye, The Agony of Uganda. From Amin to Obote. London: Regency Press.
[362] Keith Edmonds, (1988). "Crisis Management: Lessons for Africa from Obotes' second term, in Hansen & Twaddle, Uganda Now. London: James Currey

six people[363]. The reactions of public servants to their poor conditions of work in government were varied.

According to Bigsten and Kayizzi-Magerwa, civil servants' survival strategies included: obtaining a second job in addition to the one he/she has in government[364], venturing into the informal private sector, changing family diet for inferior foods, growing their own food on some pieces of public land or in the backyard of their homes, rearing poultry and animals, while others left the public service altogether.

Besides the low morale of public servants and professionals, the state of public service institutions was lamentable. Scholastic materials for schools and drugs for hospital and dispensaries were lacking. Water supply in both rural and urban areas became unpredictable. Most of the people resorted to other sources of lighting and energy supply as electricity supply became eratic. Urban residents were particularly hit by the collapse of public services as they could not be privately provided. Most hospitals and schools in Uganda are government owned. Electricity and water supply are controlled by public bodies. Therefore the collapse of the state sector had direct bearing on the provision of these services. There is need to conceptualise and to come to grips with the issues of state collapse. What is state collapse? According to Gilbert Khadiagala, state collapse is understood to mean a fundamental institutional problem, manifesting itself in the inability of state arrangements to provide meaningful social action[365]. Since the state in its institutional mode needs to extend its authority and derive legitimacy as an indispensable force in the organization of society, there is a problem when it collapses because its purposive role in steering society disappears.

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[363] Opcit, Bigsten Arne and Kayizzi-Mugerwa ibid, 1992, p. 1430 Also, Mahmood Mamdani, "Uganda: Contradictions of IMF Programme and Perspective" Development and Change Vol 21, No. 3, 1990, indicates that wages earned by civil servants declined in real terms by 26.4 percent annually between 1980 – 1984. Also, David Himbara and Dawood Sultan, "Restructuring the Ugandan State and economy: the Challenge of international Bantustan"
Review of African Political Economy No. 63, 1995

[364] Many teachers up today serve in government schools as well as serving in other schools to make ends meet. Medical doctors and other professionals still serve elsewhere in addition to their official jobs. In a survey of Kampala households, Bigsten and Kayizzi-Mugerwa (1992) ibid, p427 found hat 75% of public servants had other "profit making activities" in addition to their official jobs.

[365] Khadiagala, Gilbert M. "State collapse and Reconstruction in Uganda" in I. William Zartman, (1995). Collapsed States: Disintegration and Reconstruction of Legitimate Authority Boulder Colorado: Lynne Reinner publishers p.33

Khadiagala argues that state collapse is more than mere institutional weakness[366]. Institutional weakness may imply organizational dysfunction, but state collapse implies the failure of the state to "penetrate and coordinate activities in society and society itself"[367].

The problems arising from the collapse of the state are three-fold: it is unable to deliver political goods, it is unable to mobilize society for productive activities and relies for its existence on the use of brutal force of coercion. As a result, civil society and community organizations withdrew from the public arena and retreat from "apolitical" activities to the private realm of life. Without a sufficiently legitimate state, the private realm is also 'disorganised' and uncoordinated. This increases incidences of banditry, disorder and informalism. As the state collapsed "society carried on"[368]. As Zartman puts it "the state pulled into itself and imploded, became a black hole of power"[369]. This was the case of the state in Uganda. Power withered away from the rulers while holding onto state machinery (especially the coercive one). Indeed as Sandbrook puts it "Political decay feeds on itself. As consent declines, politicians rely more heavily on pay offs and [use of] force[370]."

The results are instability, corruption, crime and rebellions. Also, economic problems deepen as state coffers dry up. Systemic institutional decay occurs. In comparative terms, Uganda's systemic institutional decay had its counterparts in Chad, Zaire (now Democratic Republic of Congo) and Central African Republic. In these countries, the state collapsed.

4.4 Decentralisation as a Response to Institutional Collapse

Decentralisation in Uganda as a mode of governance has developed through three phases: the first one between 1986 – 1992 was known as Resistance Councils and Committees (RCs). The second phase 1993 – 1997 may be termed as a reform of local government through RCs which were re-named Local Councils (LCs). The third phase is the present one, since 1997 is known as Local Government. Each of these phases is characterized by its

[366] ibid, Khadiagala p.34
[367] Ibid, p.35
[368] Zartman, William I. "Introduction: Posing the Problem of State Collapse" in I. Williams Zartman Collapsed States, p.1
[369] Ibid Zartman, p.7
[370] Sandbrook, R. (1985). The Politics of Africa's Economic Stagnation. Cambridge: Cambridge University Press, p. 114.

own policy objectives and has served a specific purpose in institutional "re-engineering". In this section I analyse the contribution of each of the above phases to the process of rebuilding institutions of governance in Uganda.

4.4.1 Decentralisation Phase I: Resistance Councils (RCs)

The genesis of RCs is to be traced in the ideological persuasions of the National Resistance Movement (NRM) and its guerilla army known as the National Resistance Army (NRA) which organized and fought Obote's Uganda People's Congress (UPC) government 1981 – 1985 and the short-lived Tito Okello's military junta in 1985. RCs were organisational instruments for mobilizing rural peasants in NRA's pursuit for power in the bushes *of Luwero Triangle*[371]. The RCs were perceived by the NRA as "people's power" or "popular democracy" and also, as "an integral part of the National Resistance Movement[372]".

When the National Resistance Movement (NRM) came to power in January 1986 after a successful guerilla war, its leaders defined democracy in three ways: parliamentary (or representative) democracy, people's committees and a decent level of living for every Ugandan. On assuming state power, the NRM embarked on establishing RCs at grassroots level in every village and urban areas. The main tasks of the RCs were to deal with lawbreakers in cooperation with chiefs and police, discussing local development projects, and to act as forums for dealing with corruption and misuse of office by government officials. Above all, the RCs were responsible for screening recruits into police, army and prisons "in order to avoid anti-social elements warming their way into these institutions as has been the case in the past."[373] The NRM government constructed a pyramidal structure of RCs – RC I at the village, RC II at parish, RC III at sub-country, RC IV at country level and RC V at district level. At the national level, the NRM established the National Resistance Council (NRC). The structure was indeed an NRM structure. It is important to note that the establishment of RCs introduced a new spirit of people's participation in local governance because every female and male adult was a member, especially at RC I (village council). It

[371] Resistance Councils and Committees were known as Obukiiko in the area captured by NRA from the government soldiers. see The Ten Point Programme of the NRM Kampala: NRM secretary, p.8
[372] Ibid, The Ten-Point Programme of NRM, p 8
[373] Ibid, The Ten-Point Programme of NRM, p 8

was the first time in the contemporary history of Uganda that village councils were established by government. Representatives directly elected at each of the lower levels formed a council at the next higher level except the NRC, which was initially composed of "historical" members[374]. A parallel structure for urban councils was also put in place on the same pyramidal design. In the case of urban RCs, the structure was RC I (cell), RC II (parish), RC III (Division), RC IV (Town). All towns and municipalities had their RCs set up to RC IV except Kampala City, which doubles as a district hence RC V. The functions prescribed for all levels were the same in rural as well as urban areas.

The people enthusiastically embraced the new governance structures as they appeared to involve them in some form of decision-making. At the same time, the government was interested in them because they helped the NRM, which had no national structures as it came to power to reach the grassroots. Moreover, the NRM had come to power through the power of the gun and needed the support of the people to establish and buttress its regime. The RC structures offered the NRM the opportunity to convince its opponents and the international community that although it had taken power by the gun, it had devised a system, which embraced all Ugandans. The NRM introduced a system of governance it branded a "no – party" system. The NRM claimed that the "no–party" system was superior to multiparty and single party systems because the "no–party" system was "broad–based" and "all–inclusive" and its main pillar was the RC system. According to Kasfir's analysis:

> The village-level RCs are a textbook example of participatory democracy, with all adult residents gathering to decide village issues, electing a council to govern and judge local cases and recalling any elected officials who have lost their onfidence[375].

This romantic perspective of RCs existed briefly when RCs were first established in 1986 and a few years that followed. The underlying motivation of the NRM government was to create a new structure that could achieve twin objectives: first to secure legitimacy for its

[374] At all local levels, elections were conducted not by secret ballot but by residents openly lining behind candidates of their choice. The candidate with the biggest number of votes was elected. However, it turned out later that people would tend to elect relatives, friends, etc, and competence was lost as a criterion for holding a public office. Between 1986 and 1989, the NRC was not elected.

[375] Nelson Kasfir, "No-party Democracy" in Uganda. Journal of Democracy, Vol 9 No 2, 1998 p. 54

new government, secondly, to undo or uproot and undo the support for the political parties; and thirdly to justify its new ideology of "no-party" system governance. The claim of the NRM was that every citizen was free to participate in the governance of his village and elsewhere if elected at any higher level. As Kasfir notes again, RCs served the NRM's "no-party" ideology very well "so long as they remained the institutional expression of popular participation, they supplied no party democracy with its most persuasive justification[376]". Kasfir is quick to point out correctly however, that popular participation in RCs was difficult to defend because popular participation ended at village level[377].

The RCs had their own institutional problems. These ranged from conflicts with chiefs, police, magistrates and failure to understand their jurisdiction[378]. At their inception, RCs tended to believe they had replaced chiefs. In some areas RCs argued that during the civil war they had done without the chiefs, therefore they could still run their own affairs without them. More confusion was found in some areas where the chiefs themselves stood and were elected as RC chairmen[379].

The important question that was constantly raised was whether RCs were organs of the people, of the state or organs of the NRM. The assumption that they were organs of the people was based on their organisational nature as well as the tasks they were to undertake. As noted earlier, they operated at grassroots as people's assemblies and participation in them was voluntary on part of all the adult residents of a particular area.

On the other hand, this view of RCs being organs of people's power was contestable given that they were imposed from above, they were a creature of the state and not the people themselves. They could for instance not be compared with cooperative societies, which are normally created by people for a specific purpose.

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[376] ibid, N Kasfir, 1998, p 54
[377] ibid, N Kasfir 1998, p 54
[378] Sabiti Makara, " The Role of Resistance Councils in Promoting Democracy in Uganda" (unpublished research report) Makerere University, 1992
[379] Expedit Ddungu, "Popular Forms and the Questions of Democracy: The Case of Resistance Councils" p. 15

At the same time, they were at inception, not defined as organs of the state because the key organs of the state such as the chiefs, police, prisons, etc, remained intact. Moreover, in their formative years, RCs had no legal existence as the law prescribing and regulating their activities was not enacted until 1987.[380] It was possibly more accurate to see RCs as organs of the NRM because their creation was facilitated by the cadres of NRM and their overall direction originated from the Special District Administrators (SDAs) at the district level and the NRM Secretariat.

The enactment of the enabling laws created two perspectives in which RCs could be understood.[381] On the one hand, they remained organs of the NRM, which on the other hand, they became organs of the state. In the latter capacity, they operated as organs of local government. Implicitly, however, this new legal status of RCs had one important implication, the pretension that they were organs of "people's power" ended. This could not have been least expected because RCs had been branded "organs of people's power" by NRM cadres and some intellectuals alike without much careful analyses of what they stood for[382]. RCs had not arisen out people's consciousness, their roles were defined by the state and their ideological dispensation defined for them by the cadres of NRM. They were not civil society organizations but state organizations. It is surprising that soon or later, the members of the executive committees began to solicit bribes from the residents as well as questioning what benefit was there for them to spend all their time on community matters.

The broader problem with RCs was the context in which they were supposed to operate. First, the NRM required them to operate as non-sectarian organizations (religious, political affiliation, ethnic or racial). This, at the surface appeared well reasoned in view of the fact that the sectarian tendencies had undermined the Ugandan society for a long time. However, the real logic behind NRM's reasoning was different. It was to require the RCs to toe one single ideology of the NRM, that of "no-party". In the process, NRM had hoped to build and conscript members of RCs as ideologues of the "no-party" system.

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[380] Resistance Councils and Committees Statute No 9, 1987.
[381] ibid, Statute 1987.
[382] Opcit, Expedit Ddungu, "Popular Forms and the Questions of Democracy: The Case of Resistance Councils in Uganda" CBR Publications No 4, 1989 M. Mandani, "NRA/NRM: Two Years in Power"

Secondly, during the elections of RCs, campaigns for particular positions on the committees were not allowed. The logic seems to have been for NRM to have its ideologues obtain positions in these committees. Thirdly, on paper, the RCs were free to move a vote of no confidence in any member of the committee if they were dissatisfied with his or her performance or conduct. At the beginning, this seemed plausible and in several instances, it happened. However, there were two problems with the system of moving and effecting votes of no confidence. One was that if a member of RC in question happened to be a relative of socially powerful people, the mover of the motion would be witch-hunted. The second problem was associated with how the affected person related with NRM cadres and other officials. The mover of such a motion of no confidence in such a politically connected person would be branded all kinds of names such as *kipinga*- "retrogressive", "partisan", sectarian and so on. The result was that within RCs, there were "untouchables". The latter point coincides with Mamdani's observation that the NRM has been reluctant to extend democracy beyond individual rights, thus, the "NRM has championed the cause of rights only so long as it does not threaten its hold on power[383]". This is a pertinent observation. The NRM has used RCs over the years to extend its ideological orientation of "no-party" system, undermining all other political tendencies in society. Thus, in reality, RCs have not been autonomous vehicles for championing democratization of society in Uganda.

4.4.2 Decentralisation Phase II: From Resistance Councils to Local Councils

In the above section, I have shown and analysed the nature and characteristics of RCs in their formative phase. I have pointed out that the definitional roles of RCs were in many cases unclear and at times, confusing. In this section, I show how RCs turned into structures of local government with definite roles and responsibilities. In effect, therefore, the study of Uganda's decentralisation in functional terms begins from 1992, when the President of Uganda launched decentralisation. Although the term Resistance Council (RCs) was retained, it now, implied a structure of local government.

[383] Opcit, Mahmood Mamdani, And Fire Does Not Always Beget Ash: Critical Reflections on the NRM, Kampala: The Monitor Publications, 1995 p.103

The President of Uganda in his inaugural speech for decentralisation acknowledged that the system of RCs existing prior to decentralisation was weak. He said in reference to RCs, "we feel that the system has a number of weaknesses, which might, if unattended to, cripple all our effort.[384] In his speech, he pointed out the weaknesses of the existing local governance system to include:

(i) The existing personnel system was neither answerable to Local Authorities nor to Central Government. This was making it difficult to control and discipline the civil servants at local level.

(ii) There were no clear lines of authority with respect to services provided by Central Government line ministries.

(iii) There were no clear relationships between the Central Government and Local Government in financial matters.

(iv) The existing structure of Government tended to preserve the sectoral approach to development and to promote duplication of efforts. It was inefficient and wasted resources.

(v) The existing local government structures tended to require the Local Authorities to give rubber stamp approval to decisions taken at the headquarters of Ministries.

(vi) The elected officials of Local Authorities, such as the District Chairperson had no power commensurate with his/her status. They operated under the shadow of centrally appointed District Administrators.

The President Museveni noted that the existing system of Local Government allowed civil servants undue freedom to do whatever they wanted "while the Local Councils and their chief executives looked on hopelessly[385]". He noted further, "it is therefore not fair for District Councils to be so dependent on a work force over which they have no control[386]." These observations are pertinent because the system of local government then worked within the framework of the Local Administrations Act, 1967 which had centralised power – personnel, financial, legislative and decision-making. In short, the local governments were dependent on the headquarters of the Ministries for approval even in simple administrative matters.

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[384] President Yoweri Museveni's address at the launching of the Local Government Decentralisation Programme on October 2, 1992, p.6 reproduced in Decentralisation in Uganda: The Policy and its Philosophy, Decentrlisation Secretariat, 1993

[385] ibid, President Museveni's address, p. 5

[386] ibid, President Museveni's address, p. 5

The launching of decentralisation promised to reverse these centralizing tendencies. The main changes announced by the President in this respect included:

(i) The elected local leaders such as the District Chairperson were to have political powers together with the Council to make decisions.

(ii) The civil servants were to become employees of the district council - appointed, controlled and disciplined by the District Service Commission.

(iii) In addition to grants from the central government, local governments would collect local taxes, use them at their discretion and allocate them according to their local needs and priorities.

(iv) It was no longer necessary for local governments to refer budgets to the Minister for approval. The role of the Ministry of Local Government was to supervise the implementation of government programmes and to issue guidelines.

Broadly, the changes ushered in by decentralisation in 1992 entailed a number of changes in the system of government. The new principle became one where governmental decisions would be taken as close as possible where the effected people are. For instance most service sectors, such as primary education, health services (both curative and public), child welfare, control of communicable diseases, water services, paving roads, Local Government police and prisons, agriculture, and others of local nature were decentralized to local authorities. Besides, District Resistance Councils were allowed to make byelaws without reference to the Minister. The power of the Minister to revoke byelaws was removed. The local councils only needed to send their byelaws to the Attorney General for publication in the government gazette to be effected as local laws.

The most fundamental innovations arising from the new policy of decentralisation under the *Local Government Statute*, 1993 were basically three: a separate personnel system, intergovernmental fiscal relations and a new power structure. Under the separate personnel decentralisation, the District Service Commissions were introduced to recruit, discipline and dismiss local government civil servants as opposed to the *unified personnel* system, which existed before decentralisation. Under the unified personnel system, all employees of the local governments were central government employees controlled centrally by the Public Service Commission. The locally based personnel suffered from double loyalty, they reported both to their ministry's headquarters as well as to the local councils with which

they worked. This had significant implications for the accountability process. The civil servants at the local level felt that they were more accountable to their superiors at the ministry because their promotion or career advancement depended more on the latter than their immediate political bosses at the local level. Similarly, the locally based civil servants controlled financial and other resources that came directly from their sector ministries down to their departments at district. Largely therefore, the civil servants were their own masters at the local level.

The introduction of the separate personnel system entailed fundamental changes in the personnel system at the local level. First, District Service Commissions took over the personnel function at the local level from the main Public Service Commission, which only retained the function of recruiting, promoting, disciplining and dismissing the central government employees. The advantages of a separate personnel system were envisaged to include accountability and efficient management, responsiveness, quality personnel, recruitment of relevant competences and human resources in matters that were seen in terms of expertise relevant to the needs of the constituents and the locality. The underlying objective was that if civil servants were recruited to serve a particular local council, they would be loyal and committed to it. They would take directives from the local councils and its leadership and would be answerable to them for their actions. At the same time, the idea of separate personnel for local government was based on the belief that the civil servants would be more effective and efficient since they would work with people with interest in local projects and development programmes at that level. In essence, too, supervision of civil servants by the political leaders would be closer and realistic. This would harmonise the development programmes of the local councils.

In tune with the above expectations was also the idea of responsiveness on the part of civil servants. The new perspective was to see the civil servants not as detached bureaucrats from the local circumstances but as part of the social processes at the local level. In this respect, the civil servants would be expected to respond to local needs and circumstances, thereby deliver socially relevant solutions to local problems. In turn, the local people were expected to be more willing to contribute either in kind or financially to local projects because they

would be seeing the real benefits of their money or labour. As a result, local constituents would be willing to pay taxes, which would facilitate the work of local government at their level.

Envisaged too, was a very high calibre of personnel at the local level. It was a well-established fact that the poor performance of local governments was not only due to excessive centralisation and lack of sufficient discretion in most matters but largely due to the poor calibre of personnel at the local level.[387] To reverse this trend, the new District Service Commissions were given powers to hire all categories of personnel for both district and urban councils in each district from the lowest cadre such as cleaners to the most senior person such as the Chief Administrative Officer (CAO) for the district or Town Clerk for the municipality or town.

The separate personnel system though appropriate and relevant for full scale decentralisation met skepticism and doubt in some quarters. This was not surprising because both central government officials, politicians as well as locally based civil servants had for long, been based on a system of patronage and bureaucratic red-tape through which they made personal gains by way of what used to be known as "oiling the system". This meant that local officials bribed their senior officers for them to be promoted or gain other favours. With the introduction of this new system, the local officials were required to report and account to the local politicians as well as constituents for their performance. Some of the doubts rose from the senior central government officials who doubted the capacity of the newly created District Service Commission to handle complex personnel matters. More importantly, officials in the ministries saw the new personnel as a process of taking away their powers and resources. Until personnel decentralisation set in all matters of personnel were handled at the headquarters of the ministry of Public Service. With decentralisation in place, most ministries retained functions relating to the policy, guidance, capacity building, inspection and issuance of direction. The ministries were no longer the "bee-hives" for the officials. Decentralisation in the form of devolution entailed "separate governments", that is, central

[387] F.X. Lubanga, "Human Resources Management and Development in the Context of Decentralisation" in Apolo Nsibambi, Decentralisation and Civil Society in Uganda, Kampala: Fountain Publishers, 1995

on the one hand, and local on the other. The implication of this to the central government officials was that they would no longer issue directives to the local governments especially in matters of personnel management.

The locally-based officials, hitherto, employed by the central government were apprehensive about the new personnel system. They complained that they had been "sold out and abandoned" by the central government.[388] The apprehension, perhaps, had grounds. The civil servants feared that the local politicians would victimize them based on ethnicity, religion, and other parochial grounds. In 1960s, these parochial sentiments characterized employment in the decentralized local governments of that time. There was a common sectarian saying in some areas especially Buganda which went like "*guse oli mwana wami*? - "whose child are you?" This tendency occurred also in other parts of Uganda[389]. The civil servants reckoned those sentiments and felt that the return of the separate personnel system would herald the return of those inward sentiments and compromise meritocracy and seniority as the benchmarks for career development in government service. The fears of the civil servants were also based on grounds that corruption, nepotism and clientalism, which have pervaded the Ugandan society and the public realm would work against the more upright and professional civil servants. The more profound fear that pre-occupied civil servants was the fact that they were now to be "localized", that is they were to become employees of a single local authority. They would no longer be automatically promoted to higher ranks in the central government, as was the case under the unified personnel system. If a civil servant reached the highest level in a local authority, that meant the apex of his or her career, there would be no further openings for him or her. If one was to join the central government for a higher position, that meant applying afresh and sitting for interviews on a competitive basis with other people desiring to gain that position.

The concerns of the "local" civil servants have some merits. Under the present system, there is already a wide spread practice for the local authorities to recruit "home boys and girls", meaning those graduates who hail from a particular home area. On the broader picture, this

[388] According to F. X. Lubanga, ibid, some of the members of the District Service Commissions were former middle or low cadre civil servants without university degrees

[389] Martin Doornbos(1976), on "Kumanyana movement" in Ankole in his book, Not all the King's Men

may encourage recruitment on non- merit basis, increase corruption and nepotism and compromise public service efficiency in the long run. Besides, the national image of the public service is likely to fade with time when civil servants have attachments to their "local issues" and politics. Moreover, with the rampant scarcity of jobs in the country, there is also some temptation for the "better-connected" and the well to do to influence the local politicians and the District Service Commission to secure jobs for their sons and daughters or relatives. The result will be a growing non-professional public service–dominated by particular sections of the people, a tendency that will make the local public service impenetrable and non-transparent. The likely consequences will defeat the original objectives of decentralisation, that is, accountability and efficiency will be at stake with that kind of public servants.

In bid to forestall the likelihood of lower standards of public service at the local level the central government with the assistance of the donors instituted the capacity-building project, which has helped in the training of local councillors, civil servants and heads of statutory bodies in the management of decentralized service delivery, including management of personnel matters. The ministry of Local Government has also issued guidelines on the management of personnel functions at the local level[390]. The guidelines have helped to stem the wave of political victimization that confronted the civil servants in the early years of decentralisation. The local politicians have gradually come to the understanding that in disciplining civil servants as well as terminating their contracts, the principle of natural justice has to be followed; otherwise, the cost implications involved to compensate the aggrieved employee can be astronomical.[391]

Despite the existence of the separate personnel system, working conditions have not been better for civil servants in the local government. First, there is a problem of low pay, which is a general problem also in the whole government structure. However, it is perceived at the local level that central government employees have some advantages over the local

[390] Uganda,Republic of.(2003).Human Resource Management in Local Governments:Participant's Handbook.Kampala:.MOLG.

[391] In the case of wrongful termination of the Chief Administrative Officer for Kabale district the district council was ordered to pay shs.200 million. In the case of the Town Clerk of Mbarara, his interdiction was reversed by the court of law.

government ones, namely: that the central government employees have more access to allowances such as travel, off-station, facilitation, imprest and others. The second problem is that local governments have a tendency to delay the salaries of their employees. Some councils have gone up to eight months without paying salaries to their workers while some have diverted the money meant for salaries to other activities.[392]

Another problem for decentralized personnel management seems to stem from functions of the District Service Commissions. Although these statutory bodies are enshrined in the Constitution (1995) and the Local Government Act 1997, they lack sufficient funding, they have small secretariats and the calibre of persons on these commissions is generally low and highly politicized. Besides, these commissions have a narrow mandate. Their functions are limited to recruitment and disciplinary actions of the employees. They have nothing to do with the routine matters of employment of local government workers, a function that is vested with the Chief Administrative Officer. Therefore, the welfare of workers does not feature in the functions of the District Service Commissions.

In Uganda, the local government workers are not unionized. This means they have no common voice through which to speak out on their grievances and dissatisfaction with work conditions. The local authorities associations – the Uganda Local Authorities Association (ULAA) and the Uganda Urban Authorities Association (UUAA) tend to focus on what they consider to be "big" issues affecting the relations between their member authorities and the central government. The plight of local governments' workers has not featured prominently on their agenda. Thus, much as the separate personnel system was conceived to increase efficiency, responsiveness and accountability on the part of the local government employees, the issues of motivation, career path development, training, working conditions and retirement benefits have not been adequately addressed. Two daunting issues still stand out unresolved. There is the issue of retirement benefits. The local governments have up to now,

[392] The Minister of Local Government complained in his address at "Decentralisation Implementation Review Workshop", held at Colline Hotel on 23 February 1995 that Iganga District Council had not paid salaries for 8 months, and Kampala City Council had not paid salaries for 3 months. That this was embarrassing to government and undermining decentralisation. Mbarara District Council diverted teachers' salaries to other activities.

no independent pension scheme for those who retire from their service. They have to make claims from the ministry of public service. The other key issue concerns payroll. This too, is still centralized. Low paid workers at the local level such as nurses, teachers and agricultural assistants have to use their meagre resources to go to the capital city, Kampala to check with the ministry of public service whether their names appear on the payroll when their salaries do not come to the district three or so months after employment. This is the reason why many local government employees detest transfers from one station to another because that involves missing their salary for some months, as adjustments are being made on the payroll in Kampala.

Finally, there is the issue of "elite capture". This concept means the tendency of the bureaucratic and powerful political players to use decentralized and locally mobilized resources for their own benefit rather than allowing such resources to trickle down to programmes intended for the local communities. Under the separate personnel system in Uganda, the bureaucratic officials have at times allied with the local politicians to divert or misuse resources intended for development programmes.[393] This is partly because the professional life of the appointed officials depends not on the organizational principles but on the "popular" approval of the local politicians who approve of them as good "boys "or "girls". In other words, they are ready and willing to cooperate in the political and economic manoeuvres of the local politicians and their powerful allies in society. This tendency has undermined the efficacy of both the decentralisation policy and the separate personnel system. Thus, while the locally based bureaucrats under the former unified personnel systems were branded "semi-gods", the new system seems to have made them puppets of the local politicians, a tendency that has greatly perpetuated corruption in the local governments, to the extent that there is now a common adage that the decentralisation policy was another way of "decentralising corruption". Much of this goes on undetected by the watchdog institutions of the central government such as the Inspector General of Government (IGG) and the Auditor General because it is systemic, involving the appointed

[393] Several cases of awarding tenders to unqualified companies are common occurrence. Diversion of funds from one vote to another is also rampant. Because some powerful elites in the society assisted local politicians during their elections, they do whatever is possible to reward them with either jobs in the local authorities or securing tenders for them to supply goods or services. Any attempt by the appointed officials to block such deals will "spoil" their jobs, so they comply or "cooperate".

officials, the local politicians and the powerful persons in the society. The situation that has prevailed in the Uganda under decentralisation is typical of what Conyers warned us of, that there is a danger that decentralisation will tend to strengthen the positions of the local elites and in the process perpetuate inequalities.[394]

4.4.3 Centre – Local Relations under Decentralisation

The spirit under which the decentralisation policy gained ground in Uganda may be discerned in the words of President Museveni's support for it. In support for the new policy of decentralisation Museveni writes;

> The message has been clear: Central Government can only be pretentious if it claims to have the capacity to provide and oversee development at grassroots. Central Government should just be a facilitator, because sustainable development can only be locally driven and supported. The role of the Centre will be to "set the stage" but not to "act out" the play[395].

The message indeed is very clear. The idea behind decentralisation, at least the type of devolution that was envisaged in Uganda was intended to roll back the over-extended and inefficient central government. The key objectives were in tune with the new neo-liberal agenda which required a smaller but more effective central government leaving the rest of the activities to the "local state" and the people. Most federal states have used the same principles that advocate for a strong central government that is capable of governing effectively, a "local state" that regulates activities at the local level and creates conditions that guarantee people's rights and freedom[396]. To cement the idea of devolution in Uganda, Museveni argued,

> We are prepared to allow our people who are short on experience, systems and practices of local governance but long on their commitment to democratic order to experiment with the new structures, systems and procedures so long as we maintain a capacity to recognize and correct errors[397]

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[394] Diana Conyers, "Decentralisation and Development: A Framework for analysis" in Community Development Journal vol 21, no 2, 1986.
[395] President Museveni's keynote address at the opening of the "Regional Conference o Local Self-Governance, Peoples Participation and Development" Kampala 30th August 1993.
[396] See for example, the basis of United States federalism in Clint Bolick, Grassroots Tyranny: The Limits of Federalism, Cato Institute, Washington, DC, 1993.
[397] ibid, Museveni's Key note address 30th August 1993.

Museveni's support for devolution was borne out of number of factors. First the experiment with RCs had helped his NRM government secure broad support within the masses especially in the rural areas. Secondly, the reforms that were taking place in other section of the public sector in Uganda necessitated a devolved form of governance. The key reforms that were taking place in the first half of the 1990s include: the privatisation programme[398], the macro-economic reform or Structural Adjustment programme[399], and the public sector reforms[400]. These neo-liberal reforms could only operate with a measure of success if the whole governmental structure was revisited and overhauled. Thus it is no exaggeration to observe that decentralisation was conceived as part and parcel of the "package" of reforms. This observation is important in view of the fact that although RCs as local institutions were claimed as a "home grown initiative"[401], they operated under the Local Government Act 1967 until 1993. RCs on their part secured the political objectives of the NRM. The new ideas of efficiency, effective governance, a small central state – are concepts that are blended with the neo-liberal reforms ushered in by the donors, and taken up by the NRM government.

Thirdly, there is the issue federalism. In some parts of the country, especially in the central region of Buganda, there was (still is) a strong demand that the form of local government under the new constitutional dispensation that was on-going in the early 1990s take the form of federalism. Decentralisation was introduced by the government towards the time when the Constitutional Commission was due to complete its report[402]. To some people, especially among the Baganda elites, decentralisation was timed to undermine their demand for a federal arrangement of local government. In the wake of drafting and debating the Local Government Bill, the pro-federalists argued, that the policy of decentralisation as presented

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[398] Geoffrey B. Tukahebwa, "Privatisation as a development policy" in Holger B. Hansen and M. Twaddle, Developing Uganda, London: James Currey, 1998.
[399] Paul Collier and Sanjay Pradhan, "Economic Aspects of the Transition from Civil War" in Hansen and Twaddle (eds), 1998.
[400] P Langseth, "Civil Service Performance in Uganda" in P. Langseth, J. Katorobo, E. Brett and J. Mionene (eds) Uganda: Landmarks in Rebuilding a Nation, Kampal: Fountain Publishers, 1995
[401] Phares Mutibwa, Uganda Since Independence: A Story of Unfulfilled Hopes London: Hurst and Co. 1992
[402] Decentralisation was launched in October 1992, while the Constitutional Review Commission handed in its report on 31 December 1992. See World Bank, "Voices and Choices at Macro-leviel, increasing the Value of Participation in country-owned poverty-reduction strategies, Uganda Process case study" at www.worldbank.org/participation/webfiles/Uganda. This report found that decentralisation in Uganda was hastly implemented without adequate capacity at the local level to manage it well.

in the bill was a constitutional matter since it sought to entrench a unitary form of, as opposed to a federal, government . . . They submitted that exacting the bill would amount to pre-empting and prejudicing the Constitution making exercise"[403].

Although the bill was passed in December 1993, some sections of the population remained uneasy about decentralisation. It could possibly be true that the government timed the introduction of the policy to undercut the demand for federalism. This also may explain the motivation of the government to allow extensive powers at the time, to be devolved to the local level. This could be so because there is possibly little that a federal system could offer, apart from perhaps each "local state" having is own constitution that decentralisation did not entail in Uganda.[404] The important point to note is that decentralisation can only stand to achieve significant measure of success if the central government leadership is committed to the principle of sharing power.

In Uganda while some sections of society either doubted the commitment of central government to devolve power or were skeptical about the intentions of the government, the policy was implemented on well-laid principles of sharing power between the centre and the periphery. Why were some elites skeptical? Apart from the political culture of centralisation that the bureaucratic officials had known for most of their lives in public service, which taught them that power flows from the centre, there were other reasons. First decentralisation meant loss of power and patronage for the officials in the central government ministries. Secondly it also meant loss of control and field visits (which meant loss of allowances for officials). The latter has been termed as "administrative tourism" by some critical observers[405]. Secondly, the other source of bureaucratic resistance was the institutional framework which gave local authorities autonomy to do whatever they felt was

[403] Francis Lubanga, "The Process of Decentralisation" in Soren Villadsen and Francis Lubanga, Democratic Decentralisation in Uganda Kampala, Fountain Publishers, 1996: p. 55

[404] In the case of Ethiopia, under the 1994 Constitution, powers that are more extensive were granted to regions including the right to secede, which is not the case in Uganda. Asmelash Bayene, "Decentralisation as a Tool for Resolving the Nationality Problem: The Ethiopian Experience" in Regional Development Dialogue Vol. 21, No 2, 2000.

[405] Apolo Nsibambi's assertion in *Proceedings of the Constituent Assembly* March 28, 1995

appropriate for their localities and hence, ceased to be subservient to the wishes and whims of the senior government officials in the central government ministries. This resulted in a tendency on the part of the latter to attempt to derail and even frustrate the process of decentralisation. These officials contended that there was no capacity at the local level to manage government business and resource efficiently and effectively[406].

The third and the most fundamental source of problems with the new centre – local relations was political. While on one hand, the NRM leadership had gone all out to implement decentralisation, on the other hand, its political intentions were suspect by some other circles. The pro-federalists argued that decentralisation, was not an effective way of empowering local areas. This issue was hotly debated in the Constituent Assembly (CA) 1994 – 1995. The arguments of pro-federalists took the following tone:

> The fundamental struggles which have gone on in this country and which are still persisting revolve around the sharing of the "national cake" equitably between the different parts of Uganda . . . We want to suggest that we use a federal constitutional formula[407].

This line of argument contended that decentralisation gives only "borrowed power" from central government to local authorities which the centre could withdraw anytime if it wished to do so. The same view contended that if a federal model is used it would have two effects, one; it would distribute national resources as well as allow local entities to harness their own local resources, leading to equitable distribution of national resources and local development throughout the country. According to this view, it would also create real power at the local level, which power would countervail the power of the centre, thus minimise the dictatorial tendencies of the centre.

The pro-federalists had another argument that the units (districts) to which decentralisation had devolved power were too small to be efficient and self-supporting. On this line of thought, they argued that federal units would be larger based on regional units, and thus

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[406] This was partly correct because decentralisation was a new form of administration; both local government officials and local politicians had no previous knowledge in handling the new responsibilities independent of the centre. Expectations of the population were also too high, hoping for a quick transformation of their areas.

[407] Apolo Nsibambi (Presidential Nominee to the CA) submitting his views on the debates on the form of local government 28 March, 1995

would have economies of scale in terms of providing services such as roads, major hospitals and other large undertakings. Other arguments were based on the uniqueness of each region of Uganda. It was argued that each region of the country was uniquely endowed, therefore, such endowments - cultural, social and economic would facilitate regional development. This argument pointed out that the centre was milking and exploiting some regions without returns to such areas- in terms of services[408]. This argument dismissed decentralisation as to mean "go and develop yourself" without consideration of what your area was contributing to the national income[409].

Arguments for decentralisation as opposed to federation were varied. They run from the historical experiences of 1960s when Uganda was run on a semi-federal arrangement to the definition of concepts of decentralisation versus federalism, and to the practical outcomes of adopting either system. The first argument was that in the 1960s, the federal arrangements under the 1962 Constitution created a special status for some regions; the rest of the country was ruled on the basis of decentralisation. The pro-federalists were challenged if they could articulate a federal arrangement that covered the whole country. Amanya Mushega posed questions:

> What criteria are we using for creating either district or region? Are we going to use tribe, are we going to use culture, are we going to use geographical features? This has to be clear. And I want to say here that, if the federalists would articulate their programme covering the whole of Uganda, then their case would be easily followed[410].

In this connection, it was argued that the principle had been agreed that power be given to the people and the unit to be used was the district. And that the principle for giving power to the people was decentralisation. Amanya Mushega argued that the regional tier had no basis. He used an analogy to demonstrate his support for decentralisation, thus:

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[408] Dick Nyai (Ayivu country) argued that a few people at the centre were deciding what is good for Uganda, which translated into what was good for themselves. He argued further that there was no electricity in Arua yet the region's tobacco growers were contributing 38 billion to the income of Uganda.

[409] ibid, Dick Nyayi contributing to the debate in CA on 28 March 1995. See proceedings of the Constituent Assembly 29 March 1995.

[410] Amanya Mushega (Delegate for Igara East in the CA) contribution on the debate on the motion on local government. See proceedings of the Constituent Assembly 29 March 1995

> To say that my child, I am giving you, but let it go further to your aunt, then to your mother and your brother, by the time it reaches you, then it will be contaminated. Why not give it directly?[411].

The argument shared by the supporters of decentralisation in this regard was that as much power could be devolved to the district so that it gets sufficient power as a federal state would have, without creating a regional tier.

The issue of administrative costs also was considered and debated in the Constituent Assembly. Some delegates argued that the regional tier would increase the costs of administration leaving less resource for development. It was contended…"the national cake" we are talking about, we are not serious. These institutions will eat up the whole "national cake", I do not think we can afford it"[412].

There was also lack of understanding of the differences in concepts of decentralisation and federalism. Some delegates in the CA viewed decentralisation as "just a mere process which can be adopted through unitary system and federal system"[413]. Other arguments in the CA initiated proposals that instead of using concepts like "decentralisation" and "federalism", a "neutral" word "devolution" should be used instead[414].

4.4.4 Implications for the Debate on the Nature of Local Government

In the final analysis, two positions emerged from the constitutional debate about the nature and character of the local government that was adopted for the new Constitution. The principle of decentralisation was adopted as the basis of local government system in Uganda. At the same time, it was agreed that districts which wished to cooperate for purposes of cooperation in development and culture could do so by coming up with a charter for that purpose. Federalism was defeated not because it was not desirable but it was deemed to take power further away from the people. There were also political undertones that

[411] Amanya Mushega, CA Proceedings 28, March 1995.
[412] Wandera Ogalo (Delegate for Bukhooli South to the CA) contributing to the local government motion in the CA, 28 March 1995. (CA Proceedings March 29, 1995).
[413] Damiano Lubega (Delegate to CA, Rubaga Division South) contribution on local government debate in CA, 28 March 1995.
[414] Besweri Mulondo, contributing to the debate on the motion on local government in the CA (CA Proceedings 29 March 1995)

undermined federalism[415]. It is also understood that by the NRM government introducing decentralisation in the period preceding the Constituent Assembly, it had thrown "bait" because most local leaders at the district level had begun to enjoy autonomy and power, which they would guard jealously. This seems to have significantly reduced the popularity of the federal option.

4.4.5 Democratic decentralisation in the context of an authoritarian centre

The irony of pursuing the goals of democratic decentralisation in Uganda is that the debate in the CA and other policy initiatives ignored the centre, which has since 1986 functioned based on one dominant political player; the NRM (Movement) and its leader Yoweri Museveni. The NRM has kept itself in power under a *defacto* one-party system which; its proponents call "no party" or "movement", which critical observers have aptly noted; simply means no other political party has a role in the governance of the country[416]. Ignoring the authoritarian tendencies of the centre has implications as to whether the local structures can be truly democratic or not. Thus, it appears paradoxical that one can talk of a democratic local governance when the centre is undemocratic. The point here is that while most donors and some local observers tend to generously appraise the participatory nature of local governance system in Uganda, they have intentionally ignored the limitations imposed by centre on local avenues of participation.

This is partly because the country has had a notorious legacy of murderous authoritarianism in the past (i.e. before 1986), the measurement and appraisals of policy and political performance under the NRM regime are gauged on the basis of past regimes, which does not help the current regime to do better. If anything, the local council system has forged a place for the regime to gain credentials on the "democratisation" plane undeservedly. However, only recently have some critical insights began to emerge. Tripp, for example has observed:

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[415] It was viewed within the circles of the NRM that some delegates who subscribed to multiparty form of governance as opposed to "no party" of the NRM had supported some Baganda delegates on federalism for political convenience and not convictions.

[416] Nelson Kasfir (1998). The World Bank (www.worldbank.org/participation/webfiles/Uganda) ibid. also observes that NRM was a one-party system which was not threatened by prospect of losing elections.

> As many African countries moved towards electoral democratisation in the 1990s, Uganda remained essentially authoritarian, but incorporated democratic innovations in varying degrees. To portray a semi-authoritarian state like Uganda as a country without oppression is to gloss over numerous continuing violations of rights of association and free speech[417].

Tripp argues that although the leaders of the current regime in Uganda may not be compared with the notorious dictators like Idi Amin, Bokasa Macious Nguema and Mobutu, the extent to which they have monopolised power, extended patrimonial rule is "reminiscent of African authoritarian regimes"[418].

According to Tripp, in "semi-authoritarian states like Uganda; there is a new game in town"[419].Basically,distinguishing semi-authoritarian and authoritarianism is a matter of degree. Uganda is under an authoritarian regime in which the ballot box can not change the top leadership, where the word of the "big man" is law,[420] Visible or covert military power lies behind most of the decisions, human rights are violated with impunity, political opposition is decreed, power is personalised in the chief executive and so on. Given this plethora of characteristics, Uganda under the NRM has been more or less an authoritarian state since 1986. This complicates the task of labelling the policy reforms for example, decentralisation, as democratic.

Secondly, a point that is linked to the above is the fact that organising autonomously outside the framework of the state is either suspect or circumscribed. In the framework of centre local relations, power was conferred to local government. This means, at least theoretically that local governments are free to do whatever they like at local level. On the contrary, this does not include rights to challenge the state. On paper, the underlying assumption under these relations was that the centre and local authorities would be in constant engagements and consultations. What has emerged over time is that the local authorities are growing

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[417] Aili Mari Tripp, "The Changing Face of Authoritarianism in Africa; The Case of Uganda" Africa Today Vol.50, no 3. (Spring 2004:p4).
[418] ibid, Tripp, p. 5
[419] Ibid, Tripp, p.6.
[420] (J. Oloka-Onyango (2004) "'New Breed' Leadership, Conflict and Reconstruction in the Great Lakes Region of Africa:A sociopolitical Biography of Uganda's Yoweri Kaguta Museveni" inAfrica Today.Vol.30. Makara, Sabiti, et al .(2003)Voting for Democracy in Uganda.Kampala:LDC Publishers.

accustomed to receiving directives from above which they have to implement; otherwise they might be branded "anti-government". This tendency has its own implications.

It means that the local authorities are increasingly more conscious of being accountable to the higher authorities, which undermined accountability to the people below the very basis of decentralisation[421]. Equally, so these tendencies have either undercut or compromised the independence and autonomy of the organised groups in civil society. They too are aware that not only do have they to declare their budgets and programmes to the authorities, they have also to tread lightly on matters considered "political", otherwise, their registration is revoked or they are banned altogether.

Thirdly, the legacy of intolerance runs through the whole structure of government. In the early years of RCs, the whole governance system was open to every citizen. At that time, the NRM stance was anti-sectarian. The idea was that since political contestation was on the basis of individual merit, no one would be excluded on the basis of race, tribe, religion, gender and so on, from achieving a political position in the whole structure of government. This has changed greatly. During the elections of local councils 1997 and 2001, the NRM secretariat bankrolled some candidates contesting for chairmanship at LC5 and LC3. This was meant to ensure that the local leaders at those levels would remain loyal to the movement. The question is, if the movement is "broad based, inclusive, non-partisan" espousing the principles of "participatory democracy, "accountability", "transparency" and ensuring every Ugandan has access "to all positions of leadership" and such access is based on "individual merit" in elections[422]; why then should the NRM have sponsored specific candidates? This indeed is the extent of the contradiction that the NRM has ushered and finds itself in. The important point is that it has created ambiguity and in some cases, a sense

[421] See the report by Marios Obwona *et al* (2000) Fiscal Decentralisation and Local Government Finance in Relation to Infrastructure and Service Provision, NALAD and EPRC in conjunction with DANIDA and the World Bank. They argue that accountability has been undermined at the local level by two factors (i) reduction in local revenue and (ii) over – dependence by local governments on central government grants.
[422] Article 70 of the Constitution of the Republic of Uganda, 1995.

of oppression amongst those who wished to associate freely and to organise politically, independently of the state party, which is not allowed by the Constitution and other laws[423].

Fourthly, the principles of decentralisation and the basis on which centre - local relations were constructed in the case of Uganda's policy of decentralisation presuppose the idea of citizens' *voice* and exit *options*. People's voice assumes that the population is empowered through decentralisation and less government involvement in many activities at the local level, which means that the people are the masters of their own destiny. They organise, plan and execute those projects beneficial to their own lives. The Constitution of Uganda article 1 states "All power belongs to the people who shall exercise their sovereignty in accordance with this Constitution". This idea of people's sovereignty is operationalised by article 176 (b) of the Constitution which says: "decentralisation shall be a principle applying to all levels of local government and in particular, from higher to lower local government units *to ensure peoples participation and democratic control in decision making"* (emphasis added).

This provision is the constitutional basis of people's voice in local government matters. The question however is to what extent are the people involved in decision making? As our research findings show, people's enthusiasm about attending village council meetings has waned. At the same time, the evidence from the research shows that people's organisations or community based organisations (CBOs) such as reciprocal saving and lending trusts have no linkage with the system of local government. Some suggestions that decentralisation would renew the spirit of communal work locally known as "bulungi bwansi"- (for the good of the nation) are over-optimistic[424]. Instead, what has happened is that decentralisation has created the impression amongst the ordinary citizens that their taxes which are paid to local

[423] Sabiti Makara (ed) Voting for Democracy in Uganda: Issues in Recent Elections Kampala: LDC Publishers 2003. See also, J. Oloka – Onyango, "New Breed" leadership, conflict and reconstruction in the Great Lakes Region of Africa: A Sociological Biography of Uganda's Yoweri Kaguta Museveni" Africa Today Vol 50 No 3, (Spring 2004). He argues that the main characteristic of Museveni's regime is their perpetual fear of opposition politics. Nelson Kasfir, "The Uganda elections of 1989: power, populism and democratization" in Holger Hansen and Michael Twaddle (eds) Changing Uganda London: James Currey 1991, p 247. Kasfir argues that democratization is achieved only when the people are assured that they can organize freely, they can vote freely and elections can put the government of the day at risk. This last bit has not happened in Uganda for the last eighteen years

[424] Mohammed Kisubi "The process of decentralisation" in Petter Langseth and Justus Mugaju (eds) Post Conflict Uganda: Towards an Effective Civil Service Kampala, Fountain Publishers, 1996

government if not misused by local government officials should be sufficient to pave roads, provide safe water and build schools. A new terminology which weakens the spirit of decentralisation has evolved. It is "*nfunilawa?"* which means "where do I gain?"

The culture of "*nfunilawa?"* resulted from many years of economic austerity in society where everyone had to fend for himself by doing all sorts of things to survive or gain. According to Brett, this created a "society in which everyone was involved in enterprise culture - whether legal or illegal, formal or informal"[425]. This tendency has had both positive as well as negative effects on the social behaviours of citizens. They hold a strong belief that whatever one does, he or she has to gain, which is individualistic in nature and opportunistic in orientation. On the negative side, the citizens view local government officials as motivated by self interest and gain in whatever programme they happen to design for the community. There is a sense of mistrusting public officials and their motives. The public officials are perceived as having ulterior motives. This belief is reinforced by rampant corruption and lack of accountability in the public arena, nominally termed as "eating"[426].

The implication of such perceptions is far reaching. It negates voice options, undermines people's zeal to demand accountability from public officials and sometimes leads to lack of interest in public affairs (apathy) as well as participation in and maintenance of public projects. As the findings of this study demonstrate, there is very low citizen participation in local government projects. As it has been noted earlier, the exit options for ordinary citizens at the local level are also limited. The limitations arise from a number of factors; first, the state structure at all levels is intertwined with the "party" structure of the NRM. This implies that alternative political agenda cannot be pursued by citizens who may wish to do so. Secondly, the idea that decentralisation allows citizens at the local to choose from available options in services is tenuous because of high levels of poverty in the country - 38% of Ugandans live on less than one United States' dollar per day. Thus, even when the state has created opportunities for private sector competition and reduced its over-arching role, this

[425] E. A. Brett, "Creating the basis for democratic transition in Uganda: the problem of governance" in P. Langseth. This culture, according to Brett partly contributed to the of NRM's acceptance of liberal economic reforms, which it had resisted initially when they came to power

[426] "Eating" means gaining from underhand activities of the officials. The opposite of "eating" is "starving" meaning that the public office one occupies does not offer loopholes for "eating".

has not necessarily translated into better access to goods and services for the ordinary citizen. The purchasing power is simply too low for the majority of citizens. Moreover, high illiteracy rates and insufficient access to information make matters worse[427].

The above concerns are known to policy makers in the government[428]. However they remain optimistic, hoping that decentralisation will bring decisions closer to the population and permit better communication between the service providers and the population. The government also believes that with time, the people will be more willing to co-fund production of services because they will be able to appreciate the value of the service to them as individuals and communities. The government hopes that attitudinal change will occur over time[429]. However, more than ten years ever since decentralisation was launched, awareness about decentralisation has increased but attitudes and perceptions about what government does or should do have changed slowly. This has not been helped by the weak civil society (or local organisational bases). Apart from proliferations of largely foreign or foreign-funded non-governmental organisations, civil society in Uganda suffers from economic deprivation, ethnic alliances and internal weaknesses within these organisations. Due to these inherent weaknesses, the state became pervasive and remains the only source of power in society[430]. Alternative organisations were (and are still) suspect by the state, which created a sense of fear and at times resistance within the population.

4.5 Fiscal Decentralisation

The linchpin of decentralisation lies in the fiscal arrangements made for central and local government. This becomes particularly important if such arrangements providing for revenue sharing, collection and spending powers are constitutionalised thus, they are backed by statutory instruments in terms of regulations, rights and discretions. One important thing

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[427] Although FM radios have increased few Ugandans can afford a radio set. The two leading newspapers, The Monitor, (independent) and The New Vision (government) circulate largely in urban areas and still less than one-percent of the population afford and read them. Television remains a luxury.

[428] Decentralisation Secretariat (MOLG), Decentralisation in Uganda: The Policy and Its Implications, 1994: pp24-26.

[429] A. Regan, "Decentralisation Policy: reshaping state and society" 1998, in Holger, B. Hansen and M. Twaddle, Developing Uganda. James Currey. London 1998.

[430] See Susan Dicklitch and Doreen Lwanga "The Politics of being non – political: the human rights organizations and the creation of a positive rights culture in Uganda" Human Rights Quarterly Vol 25 No 2, 2003

to note about Uganda's centre local relations – particularly in respect to fiscal and financial arrangements is that they are embedded in the Constitution. First, article 180 of the Constitution provides,

> A local government shall be based on a council which shall be the highest political authority within its area of jurisdiction and which shall have legislative and executive powers to be exercised in accordance with this Constitution."(emphasis added).

This is imperative because it declares a local government council as a *fully-fledged government*. For this purpose, each local government has a legislative body (council) with its own speaker as its leader. A local government also has its executive (cabinet) with the chairperson as its executive head. The voters directly elect all councils in the constituency of a particular local government. The chairperson amongst the elected councillors nominates the executive. Nominated persons for cabinet are subject to approval by the council. In short, there is a sense of democratic practice in this process.

A local government may be rural or urban. For rural district, there are urban councils (towards municipalities) as well as lower rural local government known as sub-counties[431]. It is important to note that although municipalities and towns (urban councils) are lower local governments i.e. below the district, the district council does not control them directly. They are local councils in their own rights, with their executive (cabinet) and responsibilities. In other words, although urban councils are lower local government in relation to the district, unlike the rural sub-counties, they are not functionally subordinate to the district councils. In fiscal terms, urban councils receive their grants directly from the government, collect revenue and expend it according to their own priorities.

The second aspect to note is that a local government council is designated under the Constitution and the Local Government Act 1997 (section 7) as "a body corporate with

[431] In Uganda, there are 80 districts (including Kampala city which has a district Status, (and the only one of its kind in the country). There are 13 municipalities and 66 Towns. There are 903 sub-counties. All these are local governments. There are other councils, which have no local government status. These include country, parish and village. These are designated as administrative Councils.

perpetual succession and a common seal, and may sue or be sued in its corporate name". In other words a local government has a legal personality[432].

The motivation of the central government to decentralize powers to local government in Uganda was based on three inter-related factors: It was envisaged that local councils were the most appropriate institutions to take more relevant decisions for the people and understand their problems better than the distant central government. Secondly local councils would be more responsive, accountable and effective in the provision of public services. They would listen and respond to people's demands and queries more timely. This would increase people's willingness to co-produce services with government agencies. Besides accountabilities would be shared. And more important, the willingness by the people to pay taxes would increase since the value for the money would be seen in terms of services provided by the local government. Thirdly, elected local councillors would have a strong sense of responding to the problems of their constituents since that is the only way they would reclaim their votes at the next elections.

The above premises have always been laid down in most decentralizing countries[433]. At issue in Uganda's fiscal decentralisation programme are factors that does not rhyme well with he principles laid down in the Constitution and the statutes which need to be critically examined.

The Constitution and the Local Government Act specify three types of grants to be given by the central government to local governments: *unconditional grants, conditional and equalization grant*. Unconditional grant is given as a minimum grant to the local government to run decentralized services[434]. Conditional grants are given for services agreed

[432] The legal personalities distinguishes a local government from the administrative entities which does not have such legal rights, privileges and liabilities. An administrative entity derives its existence from the local government.

[433] See Jannie Litrack, Junaid Ahmad and R. Bird, Rethinking Decentralisation in Developing Countries Washington DC, The World Bank, 1998. For an excellent treatment of fiscal decentralisation, Roy Bahl, "How to design a fiscal decentralisation program", and Paul Smoke "Strategic Fiscal Decentralisation in developing countries" both in Shahid Usuf et al (editors) Local Dynamics in an era of Globalisation Washington DC, the World Bank 2000.

[434] Constitution of the Republic of Uganda article 193, unconditional grants are given basing on the formula provided in the Constitution schedule 7.

between the central government and local governments so that they are provided by the local governments. The conditional grant may not be used for any other purpose apart from the one for which it is provided. Equalisation grants are given to those local government lagging behind the national average standards in service delivery. They are special grants provided to cater for that kind of shortfall.

Apart from grants provided by the central government, the Constitution (article 191) and the Local Government Act (section 81) empower local governments to levy taxes and rates which include: graduated tax, stamp duty, registration fees, property tax, cess and any other tax approved by the local councils in its area of jurisdiction.

Despite the detailed sources of finance for local governments, most of them have experienced cash flow problems stemming from inadequate government funding. Although in comparative terms, the funding of the local governments by the government have increased, the collection of local revenue has been declining. The central government funding has increased from Uganda Shillings (Ushs).241 billion in 1997 to Shs.688 billion in 2003, representing an increase of 185 percent[435]. During the same time, most local government's own revenue has declined, especially graduated tax, from Shs.67,3 billion in 1997 to 36,96 billion in 2002, at short fall of 45 percen[436]. The decline in the local governments' revenue is attributed to a number of issues. Local government have tended to over-rely on one key source of tax, that is graduated personal tax, paid by each adult male of the age of eighteen years and above and a woman of similar age, in gainful employment. This tax contributes the bulk of tax revenue for all district local government and urban councils, including Kampala City Council until recently when it created other sources. The graduated tax is very sensitive to political "temperatures" to the extent the whenever there is an election, the incidence of taxpayers avoiding it is very high[437]. It is also generally understood that graduated tax is a regressive tax. It is collected harshly by local chiefs and

[435] Martin Onyach-Olaa "Local Government Planning and Budgeting in Uganda: A survey of issues" in Basic Principles of Decentralisation,. Uganda Management Institute (Training Manual) 2004.
[436]Ibid , Martin Onyach-Olaa, p 29.
[437] Since 1996 there have been several national and local elections, which have played a great part in the incidence of tax avoidance.

resented by local people. It is also costly to collect in addition to being unproductive[438]. One important observation that is pertinent to make is that local governments have not been innovative in terms of creating avenues for getting their own revenues. This has created a dependence syndrome on the central governments funding for most of the local governments activities. The local governments on their part argue that the centre retained most of the lucrative sources of funds such as sales tax, customs duty, motor vehicle registration, value added tax and many others, leaving local governments with trivial sources of income. The local governments further argue that the central government wants this status quo so that it may control local governments indirectly. The latter argument may hold some truth because whereas central government funding to local governments has been increasing as indicated above, the bulk of it has been in terms of conditional grants – which are tied to the government's own priorities and leave no flexible discretion for local governments' use. It has been noted that in 1997 there were only ten conditional grants which have since increased to thirty two by 2004[439]. There is no doubt therefore, that increased central government's funding to local governments has increased finances available to the latter, albeit reduced their discretionary powers and autonomy. A local government in a decentralized system of governance can only assert itself vis-à-vis the central government on the important issues only if it is self-sufficient financially. Conversely if the local governments are on the arm-string of the centre, they will have little option, but to be subservient and weak. This will have the net effect of defeating the principle of purpose and spirit of devolution.

It would also be unfair to some extent, to apportion blame for the failure of the local governments to raise sufficient local revenues without critically examining the role of the NRM government in this aspect. Whereas the law allows local governments to collect

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[438] Ian Livingston and Roger Charlton, "Financing Decentralised Development in a Low Income Country: Raising revenue for Local Government in Uganda" Development and change vol 32, No 1, 2001. These authors argue (pp 87 – 90) that the regressiveness of graduated tax increases tax avoidance and in some cases it causes riots, eg the Iganga riots of 1994. One member of parliament in 2003 has drafted a private members bill (Ekullo Epak, MP) (which is not yet debated) seeking abolition of graduated tax. See also, Mette Kg Mette Kjaer "The Dynamics of Taxation, reciprocity and Service delivery: illustrations from the Ugandan districts" Paper prepared for presentation at Makerere Institute of Social Research November, 2003.

[439] Opcit.,Martin Onyach-Olaa, p 31

revenue from various sources at the local level, the attitudes and interests of the ruling NRM leaders and cadres have discouraged some individuals and groups from paying certain taxes. A clear example is the tax levied on motor bike transporters locally known as *boda boda*. These are popular and numerous in most urban areas helping the poor youth to gain some living by transporting passengers to various short-destinations. Most urban councils including Kampala City Council levied a fee on them, payable per year. In the case of KCC it has been Shs 10,000 per month for the license for each motor bike. Because these lumpen proletariats have always tended to vote with the opposition to the NRM in urban areas, the NRM leaders including President Museveni directed that *boda boda* transporters should stop paying taxes to urban authorities claiming that they were "exploited" and "harshly treated" by the tax collectors. As Ademolekum observes, the problem in some African States, especially in one party states, most of the leaders in government (both central and local) owe their positions to the ruling party. Uganda under the NRM has been a quasi-one-party state and thus, the national leaders have tended to ensure that the most influencial leaders in local governments share their idealogy so that there is little opposition to the ruling party. According Ladipo Ademolekum such tendecies have made the difference between devolution and deconcentration less meaningful. On several ocassions, President Museveni has directed the Mayor of Kampala to stop collecting any taxes from boda boda operators. Opposition groups claim that Museveni in issuing such orders is seeking cheap popularity from such groups. Nevertheless, Museveni has never been popular in Kampala. Instead, his party has been consistently losing elections in the city[440]. The presidential directive was not negotiable. It did not leave room for local councils to reconsider their methods of tax collection or even to reduce the tax. It only slapped a ban on that tax. This may have the effect of discouraging other taxpayers from attending to their tax obligations.

The insufficient funds available to local councils have affected intergovernmental relations amongst local government themselves. The principles enshrined in the laws provide for sharing revenues and responsibilities among the various layers of local governments. For each district local government the locally raised funds are supposed to be shared as follows:

[440] Lidipo Ademolekum, "Promoting African Decentralisation" in Public Administration and Development Vol 11, 1990, p 286.

the lower local government-sub-county retains 65% of all revenue it collects in a financial year. It remits to the district 35% of the revenue collected. Then, the remaining 65%at the sub-county level becomes 100%. Of this amount, 25% it remitted to all village councils, 5% is given to parish council and another 5% is given to the county council. In the urban areas the formula is different. A division[441] in the urban area retains 50% of the revenue collected and remits 50% to the municipal or the city council. After receiving these funds from the divisions, the municipality or city has statutory obligation to give a grant of 30% to divisions, from the funds it has received[442]. In the same spirit, the law provides that each division gives the village councils 25% of its total collections as well as the grant received from the municipal or city council, and 10 percent parish councils. The principle of revenue sharing is based on the idea that since each local government and administrative unit has specific functions to perform, it should have resources to manage its own affairs. In fiscal terms, the cornerstone of the principle is to encourage the citizens to pay taxes and benefit from them through projects initiated at the local level. With the decentralized funds shared by multi layer units of local government and administrative units, this also has the element of encouraging multiple centres of accountability.

Nevertheless, there have been problems with the distributive principle embedded in the decentralisation system in Uganda. Most district and municipal local governments have increasingly become dependent on central governments grants for financing their budgets and programmes. As noted earlier, local revenue sources have been declining in actual terms. This has meant that district or municipal governments have not been, in many cases, able to meet their distributive responsibilities, as the law requires[443]. In Kampala city, this researcher found that the last time the village councils received the 25 percent grant from their divisions was 1998. Most of the division finance officers at the division level blamed it also on the failure of the KCC to remit to divisions the statutory 30 percent. Therefore, the problem seems cyclic, embedded in the web of accusations and counter-accusations.

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[441] A division in the urban area is equivalent of a rural sub-country.
[442] The Fifth Schedule of the Local Government Act 1997, provides a formula to be followed by the city or municipality in providing the grant to divisions, regulations 14, 15 and 16 of the schedule
[443] Fifth Schedule of the Local Government Act, regulation 14 (2)

There has also been a persistent complaint at the local level, especially at village level, that even when the 25 percent is remitted, it ends up in the "pockets" of the local council executives who claim it is used for office expenses and "official" duties such as travel and meals for the executives. The executive members claim that the amounts remitted are usually too small to initiate meaningful projects at village level. In some villages, even the whole executive may not know that the 25 percent remittance was made, as some chairpersons have ended up putting it to persona use[444]. The result has been, fewer people are willing to pay taxes, which has greatly weakened the financial resource base of local governments. It was reported to this researcher that even local council officials, not only avoided taxes, they encourage their relatives and other prominent people in their villages not to pay. Thus, the materially better off people in the villages are the leading tax avoiders. In quiet response, the peasants and the poor attempt to avoid taxes too, until harassed by ruthless chiefs and local militia (local defence forces).

Urban areas have a relative advantage over rural areas in terms of revenue sources. These include licenses, graduated tax, property tax, service charges and many others. Despite the existence of sources for local revenue most urban local government have not been able to exploit them fully. For several years urban authorities had become accustomed to relying on personal graduated tax like the rural district authorities. By 1996 even KCC relied heavily on personal graduated tax as its main source of revenue. Although it is known world wide, that property tax has always constituted the main source of revenue for urban authorities, as indeed it used to be the case in Uganda before 1972, this source of revenue had declined significantly over the years due to hyper inflation, absence of up-to-date valuations, failure to enforce tax collection by the authorities, obsoleteness of the Rating Decree of 1979, and unclear ownership of properties within most of the urban areas.[445]

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[444] This researcher did not follow up the issue of local level transfers of funds with administrative units. In the rural areas most sub-countries have not had a problem with district authorities in sharing revenue as the sub-country is the collecting centre.

[445] The problem with property ownership in most urban areas in Uganda was that most of the properties belonged to the Asians and other foreigners who were forced out of the country by Idi Amin in 1972. The Care-Taker body the Departed Asians Properties Custodian Board (DAPCB) defaulted on property tax payment to local authorities almost on all its properties. The properties have been returned to their rightful owners under the current government has streamlined ownership and eased matters for tax collectors in urban authorities.

The urban authorities have awakened up to various sources of local revenues. Parking fees, licensing, revaluation of properties for tax purposes, and market fees have reduce their dependence on personal graduated tax with time. Also, most urban authorities have introduced private tax collectors, who act as agents of the local authorities for commission on amounts collected for the latter. On the other hand rural district local government have continued to rely more heavily on the major source of local revenue – personal graduated tax. They have a problem with the idea of imposing a tax on rural land and houses because such a move would not only be unpopular, it would also be politically explosive. Besides, 90 percent of the poor people live in the rural areas. Imposing a tax on their small properties could aggravate poverty and be counterproductive to government efforts to fight it. At the same time, the rural rich people pay less tax compared to the urban poor in Uganda. The rural rich people pay at best a minimum of Shs.100,000 as personal graduated tax. A suggestion by the Local Government Finance Commission (LGFC) that possibilities should be explored to the effect that the rural rich people with large pieces of land, large herds of livestock and businesses pay more tax has not been explored[446]. Further more sales tax – a tax imposed on consumers as they purchase and consume goods and services, which would be an effective source of revenue for local governments does not exists in Uganda. Moreover when local governments introduced service charges in dispensaries and other service providing institutions, they were ordered by the government to suspend it indefinitely during the presidential elections of 2001[447]. Due to limited sources of revenue, most local governments, as noted earlier, rely more on central government grants than their own resources. This has limited their flexibility in determining their priorities, thus, they tend to act as if they were mere conduits of government funds and programmes. For example the former chairperson of Mukono district complained at the *National Forum for Implementation of Decentralisation* (Kampala, June 18 – 19, 1998) that "More conditional grants will simply erode people's power to make decisions which affect them directly.

[446] Local Government Finance Commission "Fiscal Decentralisation in Uganda today" Commission report No 2. March 1998. The commission had suggested that a tax called "rural enterprise tax" be introduced for the rich people.

[447] President Museveni who was a presidential candidate in 2001 ordered all authorities especially in health sector to halt the service charge in all government health facilities.

The spirit under which fiscal decentralisation was conceived and implemented in Uganda was driven by the principle that decentralisation would promote equity, efficiency, and poverty reduction in society. One of the key considerations was that some areas had lagged behind others in development and service delivery. From this point of view, the central government considered the idea of equalization grants. These grants constitute monies paid by the central government to local government as subsidies or as special provision for least developed areas, based on the degree to which the local government of that area is lagging behind the national average standard for a particular service or services. The Local Government Act 1997 stipulates that the local government councils should make requests for and indicate how their councils would use equalization grants. For some years, equalization grants were not given owing to the condition that average service standards had not been established. The government commissioned a consultancy study, which has established service standards. A few local governments have gained access to this grant in recent years.[448] The Local Government Finance Commission has been working on a review of formulae for different grants.[449] The aim of the LGFC's involvement in grant allocation principles and formulae is to limit the influence of strong politicians and local government lobbies in the whole process of allocation, which could lead them to gain unfair advantage over others.[450]

4.6 The Link between decentralisation and Accountability

The success or failure of the design and implementation of any fiscal decentralisation programme depends on whether or not it produces a feeling within the community that they will gain from the changes brought by the process, they are participating in decision making, they receive sufficient feed back on what the government does, and trust their elected and appointed officials. The benefit of this process would include greater empowerment, effective representation, participation by all groups (inclusion) tangible benefits to the

[448] Equalisation grants were paid out in 1999/2000 following a study by the LGFC. It is now providing subsidies to 34 districts and 40 urban councils. During the FY 2001/2002, Shs 4.33 billion was transferred as equalization grants.
[449] Local Government Finance Commission "Fiscal Decentralisation Strategy" 2002.
[450] Lawrence Banyoya "Financing of Decentralisation in Uganda" in Basic Principles of Decentralisation UMI, 2004

community and signs of poverty reduction[451]. More so, an accountable system of local government should be responsive, sensitive and answerable to the needs of the population it is created to serve[452]. In addition, accountability assumes vertical and horizontal linkages in the whole structure of the government[453]. Vertical linkages are based on the upward accountability, that is lower local governments to higher ones and onward to the central government. But this also involves the central government attending to its obligation, so it is a two-way process. Horizontal linkages on the other hand, involve intergovernmental relations at the local level as well as their relations with the local communities and groups. The bending thread in the whole process of governmental relations with communities and groups is the idea of trust[454]. Citizens will trust the government only if they believe it will act in their interest, feeling that if they engage in the activities of public good, the government will reciprocate by providing support to the community, groups and individuals. In a cyclic momentum, there is a kind of "give and take and take and give "process in the conduct of public affairs on both sides. The linchpin of this process is the bureaucratic elite who should be accountable for performing decentralized functions efficiently, providing the necessary services to the communities, and working towards satisfying the needs of the various social groups.

At the same time, the existence of the elected bodies of representatives serves to strengthen the bond between the local governments and the people. This is particularly so if the electoral system caters for various groups to participate in the choosing of their representatives. Socially marginalized groups are able to gain a voice in public decision-making[455]. The idea behind representation is that the representation with hold bureaucratic officials accountable. Representatives will also have interest in bargaining with fellow councillors to get programmes and projects done in their constituencies, and these are likely

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[451] Harry Blair, "Participation and Accountability at the periphery: Democratic Local Governance in Six Countries" in World Development Vol. 28, No 1, p 23, 2000.
[452] Keshai C. Sharma "The Capacity, Autonomy and Accountability of Local Government in Local-Level Governance: The case of Botswana" in Regional Development Dialogue Vol 18, No 2, 1997.
[453] M. Shamsul Haque, "Local Governance in Developing Nations: Re-Examining the Question of Accountability" in Regional Development Dialogue Vol 18, No 2, 1997.
[454] V. Braithwaite and M Levi (eds) Trust and Governance New York: Russell Sage Foundation, 1998
[455] For example, in Uganda, the Constitution requires that at least a third of each local council must be women. Each local council must also have representatives of the persons with disabilities.

to be more effective and successful since the local communities stand to gain from their proper implementation.

In Uganda's case, the foundations were laid for local accountability by the decision of the government to decentralise the personnel function, financial management, creating elected councils and devolving service delivery responsibilities to the local government. The argument of the government is that decentralisation creates opportunities for people to see the "value for money", that is their taxes. Thus, behind the logic of the government's thinking is that there is a likelihood of a greater correlation between service delivery and people's willingness to pay taxes, obey laws and cooperate with government in development activities.

The constitution of Uganda, the Local Government Act and The Local Government Financial and Accounting Regulations require that public officials be transparent, accountable and responsive. For example, local governments accounts are supposed to be public and accessible, the public accounts committee of each local government is supposed to scrutinise the expenditures and ensure that funds were properly expended. The administration of the local government has no powers to spend any money unless sanctioned by the council.

These regulations and procedures notwithstanding, the original intention of the government to create accountable administration at the local level seems to be at variance with the extent of graft existing in the local government today.[456] The Local Government Finance Commission (LGFC), a body charged with the responsibility for intergovernmental finance matters. The LCGF noted that while the government created an adequate institutional framework at local level for promotion of trust, confidence and accountability, that would lead citizens to know how their resources are used, decisions are taken and which projects are planned and implemented, "unfortunately very few local governments practice such

[456] New Vision . . . For example, it was reported that KCC was failing to account for Shs. 1,5 billion. The Town Clerk of KCC failed to give satisfactory accountability for it to the Public Accounts Committee of parliament on three times he appeared before it.

public accountability"[457]. The LGFC report concludes, "Without trust therefore, there is no basis for social cooperation and voluntary compliance with laws and regulations that would ideally benefit everyone"[458]. Thus, there is a link between the levels of accountability on the part of local government on the one hand, and on the other the willingness to pay taxes, cooperate in public projects and to obey laws on the part of the citizens. The Local Government Finance Commission strongly associates the declining local revenues of local government to failure by the latter to be adequately accountable and to deliver services to the population. As pointed out earlier, local revenues of local governments have declined to nearly a half of what they were nine years ago. The Local Government Finance Commission shows that in 1998/99 financial year, all local governments collected Shs.109 billion but by 2001/2002 financial year it had declined to Shs.78 billion[459]. As a result, the composition of local government funding stands as follows: central government transfers 80%, contributions by non-governmental organisations 12% while own local revenue is only 8%[460].

Although the local governments have become increasingly dependent on central government grants, it is not prudent to assume that the local governments are well founded and capable of providing services, as one of their key accountability to the people. The Local Government Finance Commission study found that local governments' financial problems are compounded by the deficit financing on the part of the central government. For example, the findings revealed that there was a funding gap of Shs.153 billion for all local governments if they are to deliver services efficiently and effectively. This gap exists even if all local governments were able to collect all their local revenues they need to be funded by government[461]. The problem of under-funding stems from two sources. First unconditional grants were initially given to local governments without sufficient knowledge of what the services would cost local governments. Secondly as the government has continued expansion of services to be delivered at the local level, it has increased the number of

[457] LGFC, Mobility and Generating Local Revenues, a report of a workshop, February 2003, p. 12
[458] Ibid, LGFC report (2003) p. 11
[115] LGFC Revenue Sharing Study, report no 6, June 2002, p. 55
[459] Ibid.LGFC Revenue Sharing Study, report no 6, June 2002, p. 55
[460] LGFC report 2002, ibid, p. 54
[461] Ibid.LGFC report 2002, p. v

conditional grants. This has burdened local governments since these grants are not within the mandate of the local governments to vary them or to adjust them for their local priorities. This has had the effect of undermining the essence of decentralisation, which is basically designed to serve local priorities. Besides, it has been reported[462] that conditional grants demand that local governments account for each of the various grants, which is time consuming and laborious, apart from creating a culture of top-down accountability amongst the bureaucrats, as it used to be the case before decentralisation. In this process, downward accountability is given less emphasis by the local government officials. This tendency has undermined the principle of subsidiarity, that is, the concept of getting decisions and accountability closest to the lowest level of local government. What the central government has tended to do in this respect is that it has created a system of "force – accounts" whereby it retains discretionary authority to initiate projects and programmes which it supervises and implements, letting local governments act as its principal agents.

According to Silverman,

> Within the context of the top-down principal agency model, local governments exercise responsibility on behalf of central governments, or sometimes, parastatals. When acting as Principal Agents under such circumstances, local governments do so under the direction and supervision of central government agencies . . . The characteristics of principal agency . . . do not depend on the extent to which local governments are, or are not, autonomous with respect to any functions they might undertake[463].

Likewise, it is understood that for decentralisation to achieve its fiscal objectives of economic efficiency, improved accountability and resources mobilisation, citizen preference should be reflected in budget outcomes at the subnational level[464]. Thus, in the case of Uganda, the aim of the central government appears to be the increasing use of local governments as principal agents for implementation of its own programmes. The problem however, is that when such programmes are not successfully implemented partly because

[462]Ibid. LGFC report 2002, p. 57. It is noted in this report that thirty poverty action funds (PAF) transferred as conditional grants require local government officials at the district to make thirty separate quarterly reports to the ministry

[463] Jerry M. Silverman Public Sector Decentralisation: Economic Policy and Sector Investment Programs World Bank Technical Paper No. 188 The World Bank, Washington DC, 1992, P. 2

[464] Richard M. Bird and Francois Vaillancourt, "Fiscal decentralisation in developing countries: an overview" in Richard Bird and F. Vaillancourt (eds) Fiscal Decentralisation in Developing Countries, Cambridge University Press 1998

they were not conceived at the local level by the beneficiaries, the central government blames local government officials for the failures and not itself or its own officials. As the Local Government Finance Commission study has aptly noted, there has been a tremendous increase in sector specific funding rather than integrated funding, as it puts it:

> There is no discretion available to Local Governments within and between sectors in line with local priorities, which undermines the local ownership of programs. Sector guidelines and policies are often very rigid and largely by– pass local government structures. This results in lower Local Governments having little involvement in planning and little information about the services that should be delivered in their areas. The system therefore becomes unresponsive to community needs[465].

The report concludes "Local Governments heads of departments are increasingly operating as local officers of the line ministries, as opposed to officials working for the Local Government"[466]. It has therefore been suggested that the whole system of grants be reviewed if a sense of community ownership of programmes is to be achieved and local governments are to gain sufficient and reasonable autonomy[467].

4.7 Participatory Planning and Society-Oriented Accountability

Local governments in Uganda were revived with a view that they can make a significant contribution to economic development, to revitalisation of the market and the empowerment of social groups and communities (including the marginalised ones). Thus, they are perceived as appropriate institutions for creating an atmosphere conducive to socio-economic development as well as democratic governance in society. This is what has been termed "bringing power to the people". As it has been noted earlier in this chapter, the centre-local relations in the process of decentralisation aimed at leaving the centre with the responsibility for policy while much of the responsibility for service provision was devolved to local governments. At the same time, the idea also embedded in the process of decentralisation is that the higher local governments should not 'centralise' power, that is, they should let the lower local governments, community groups and private entrepreneurs

[465]Opcit. LGFC, (2002) report of Revenue Sharing Study p. 57.
[466] Ibid.LGFC, (2002) ibid p. 58
[467]Ibid. LGFC (2002,) suggest that conditional grants and Local Government Development Project Funds be merged into a Development Transfer System (DTS) to increase local governments' access to discretionary funds which will cater for local priorities.

play their part in production and provision of services. These ideas are derived from a neo-liberal adage that "a good government is one that governs least".

The underlying principles of Uganda's decentralisation are that (i) the community will be empowered to set its own priorities and demand for services they need rather than being determined and supplied by the government officials, (ii) the government officials will design services according to the priorities of the community (iii) by the community determining what it wants, it will be more willing to participate in the co-production of services and (iv) in this way the civil servants will be more responsive and accountable to the community they serve. The result is envisaged to be empowerment of the communities since they will be able to own and protect the service and see the value for their money. The real value for money is seen in terms of services provided by the government, which will encourage the members of the community to pay taxes and cooperate with the government. Besides, they will gain throughout the process of learning, to demand accountability from public officials[468].

The other aspect of society-oriented accountability is the application of market mechanisms in the production and provision of services. This is the unstated objective of decentralisation in Uganda, but one, which has evolved, with the increasing application of the ideas of new public management in Uganda's public sector. Although Oyugi argues that privatisation is not part of decentralisation[469], the trends in Uganda's mode of service provision at the national and local levels have geared towards the market provision of public services. The market provision mode has gained momentum based on the argument that government is a poor performer when it comes to doing things that lie within the realm of the market such as trading, manufacturing etc. The market is seen as likely to be more responsive to the needs of society and because of market competition, assuming the citizens get enough information, are likely to get better choices and at lower costs.

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[468] James Katorobo, "Action Planning in Decentralisation" in Sorensen Villadsen and Francis Lubanga, Democratic Decentralisation in Uganda

[469] Walter Oyugi, "Decentralisation for Good Governance and Development: The Unending debate " in Regional Development Dialogue Vol. 21 No 1, 2000

A further argument is that a private entrepreneur is motivated by profit making, therefore he or she will have to cut costs of production and be more efficient[470]. The process of private provision in Uganda at the local level has taken the following forms: contracting out, contract management and leasing out. The most common form is contracting out of service provision to private providers. This has been common with large infrastructural projects such as roads, school buildings, hospitals etc. The other form that is common is contract management. This is different from contracting out in a sense that this means that a structure or facility exists but is poorly managed by the government officials. The new arrangement is that a qualified and experienced manager is hired who runs services on behalf of the local authority so that it continues to provide services to the public while the manager gets a commission fee from government for his or her management services. The third form is leasing out. This has involved leasing out facilities to private operators. It has been more common with markets, public toilets, taxi and bus parks. Unlike the case of contracting management, leasing-out means that the leases pays a specific competitive fee to the local authority so that he or she operates the facility and gains profit. In this case, the local authority retains the power to inspect and supervise the facility, to see if the lease is maintaining standards and charging reasonably.

Studies have established that private provision, especially leasing out serves a dual purpose, first the facilities get better managed and attract more clients, and secondly, the financial returns to the local authorities increase. A study by the Crown Agents for the Uganda government[471] established that when Kampala city council contracted out the management of public markets in 1994, in the following year the income to the council increased by 23 percent from Shs.50.8 million to Shs.88 million per month, while it reduced operational costs by half from Shs.173.8 million to Shs.88 million per year. The market administrators

[470] Most of the services and goods whose value exceeds Shs500.000 and below Shs1,000,000 have to be procured through selective biding. Goods and services whose value exceeds Shs 1,000,000 have to be tendered through competitive biding by private suppliers. Robert J. Bennet, Local Government and Market decentralisation: Experiences in industrialised, developing and former Eastern bloc Countries United Nations University, Tokyo, 1994. also Tukalebwa G. B. "Privatisation as a Development Policy" in Hansen and Twaddle (eds) Developing Uganda James Currey, 1998

[471] Crown Agents, Uganda: Enhancing District Revenue Generation and Administration Final Consultancy Report for Uganda Government (1996) contract No. 95 – 4387A

were reduced from 215 to 35 employees. At the same time, the report indicates that vendors were attracted to take up more stalls in the market after contracting out. In Kampala City Council, this mode of service provision has generally shifted to private contracts. These range from tax collection, licensing, resurfacing of roads, supply of equipment and consumables, managing parks and facilities to cleaning and collection of refuse. This model has been replicated in most other local governments.

The process follows from the constitutional provisions, the Local Government Act and the Financial and Accounting regulations. The constitution provides for a tender board for each district responsible for receiving and evaluating tenders on their own merit. In most local governments any service or good whose cost is beyond Shs.1 million cannot be purchased in-house, it has to be identified and given to the tenderer to supply a good or service.

While market mechanisms of accountability may have improved the financial position of the local authorities, reduced bureaucratic bottlenecks and increased the participation of private sector in public sector provision, several flaws still exist in the system of service delivery at the local level. This author found that in Kampala the system of private provision is prone to abuse. First, the transparency of the tender board is questionable. Several respondents indicated that the membership of the tender board comprises the "friends" or political supporters of the mayor and not necessarily technically competent people to handle supplies and purchasing[472]. It was argued that they do what the mayor or other influential members of the council wish them to. Thus, its independence and autonomy were in doubt[473]. Secondly, the Local Government Act stipulates that any political or administrative leader in the district tenders, such a pecuniary interest should be disclosed to the council. Throughout the country, local politicians and civil servants have been using proxy companies to bid for tenders or to front for their relatives and political or business friends. It is common knowledge that the tendering process is neither fair nor accountable. Some studies have

[472] Vested interests of powerful councillors in securing tenders were reported. The case in point are the tenders given to Basajjabalaba to manage the two most profitable markets of Owino and Nakasero in Kampala Central division. This act is clearly against the anti-monopoly laws.
[473] We report full controversies of this deal in the subsequent parts of this work.
See the Local Government Finance Commission, Revenue Sharing Study (report No 6) 2002 p 54.

revealed that this process "is seriously abused by (mainly local) politicians and civil servants"[474].

Thirdly, management of tenders has proved problematic. The bureaucratic officials at the division in municipalities and sub-county in the rural district complain that they are not directly in charge of implementation of the projects undertaken by the contractors because the latter owe their allegiance to the district officials who gave them the contract in the first place. There is also a wrong assumption found in several government reports and speeches made by government officials that the local communities "own" the tendered projects in their areas. To the contrary, the local communities are neither involved in the project designs nor in their supervision. An innovation in this respect was made during the implementation of the Local Government Development Programme (LGDP) funded by the World Bank and other donors to require every local government investment to originate from the parish investment committee which is required to identify local needs, prioritise them and come up with a locally-relevant project[475].

Under the LGDP guidelines a parish investment committee is required to carry out extensive consultations with the local communities in order to come up with an investment plan. It is also required to raise 10 percent of own revenue to co-fund the project in question, to match the funds released by the government. In addition the parish investment Committee has to demonstrate that it possesses the capacity to oversee the project and has funds to cover the operational costs as well as sustaining the project in the long term. While the LGDP has put local infrastructure in place such as access roads, stand water pipes and drainage channels as this author observed in all divisions of Kampala, (and elsewhere in the country) the so-called participatory approach was glaringly missing. In the first place, the parish as a planning body does not exist in the local government laws. In the second place, the parish investment committees were not popularly elected. A few notables were hand-picked by local councillors to constitute the committees so that their parish does not "miss government money". Of more importance, at parish level, there are no funds since a parish is not a local

[474] Local Government Finance Commission, Revenue Sharing Study (Report No 6) 2002, p 54
[475] Ministry of Local Government, Second Local Government development Programme (LGDP11): Operational Manual for LGs, Kampala, September 2003

government but an administrative entity. It was revealed to me that in reality, the 10 percent co-funding for local projects is raised by the division authorities in order to get as many projects as possible in their area[476].

Besides, other problems of accountability have surfaced at the parish level. The parish investment committees have no funds to enable them oversee local projects, let alone, sparing a lot of their valuable time to supervise them. The reality is that as the division officials are planning projects for various areas in their jurisdiction, they approach the members of the parish investment committees to write minutes and sign them, which the division officials pick up as a "request" from the local community. The actual project designs and implementation schedules are done by the division officials. In any case, the so-called parish investment committees have neither the expertise nor the experience to design projects. Most local notables joined the parish investment committees with anticipation that in the course of projects getting to their areas they would personally benefit by getting some allowances, which has not the case with LGDP funds[477]. The principles behind these funds is that funding for projects should be demand-driven, that is, the community concerned should request for funds for a specific community need. Because of this principle, an operational and monitoring component is included in the funding for local government officials to oversee the implementation of the projects in their area. However, the parish investment committees do not share in these allowances although they are also supposed to monitor the projects yet it is part of work for which they are paid salaries. There evidence on the ground is that most of the local investments have lacked effective community participation and accountability to the "beneficiaries" is ubiquitously absent.

The contractors for local projects have been accused of doing "shoddy" work. Public outcry is all over the country that local contractors are cheating the public by putting schools without adequate cement and other materials, building roads which are washed away by

[476] One Key informant told me that the 10% of the funds the divisions raise for their LGDP projects is the reason why for most of the time, the 25% remittances to village councils have not been made, that, after all, they are "tapping" more money for their projects by payment of 10% co-funding for LGDP funds.

[477] At the inception of LGDP, many members of the lower local councils had wanted to constitute themselves into investment committee only to find that the guidelines did not allow it. They had also anticipated to personally benefit from "allowances". See MOLG, Investment Planning Guide for Sub-counties and Lower Councils Kampala, 1998.

rains a few weeks later, building drainage systems with slabs and culverts of poor concrete mixtures which collapse as vehicles pass, to mention but a few examples, yet these works are more often than not certified by the local governments' engineers and the contractors are paid[478]. For example universal primary education (UPE) schools built in Soroti district under school facility grant (SFG) lacked adequate cement and were on the verge of collapsing over the pupils which prompted the minister in charge of primary education to order for their demolition. Another example observed by this author in 2003 was the Kazo road in Kawempe division –one of the five municipalities of Kampala where the culverts were breaking down and drainage getting blocked even before the work was completed. The contractor was however paid.

Several reasons have been given for lack of accountability in the local projects. The contractors complain that they receive a small fraction of the actual payment[479] They give a fraction in advance to local government officials so that they get assisted with the information regarding the tender, for example, the reverve price. This helps them to bid successfully because they have prior information. They also complain that to get the actual tender, a payment must be made to some of the influential members of the tender board. They say "there is no free tender". As a result, they provide less quality and quantity in actual work so that they can also make some profit. In other words, they fit the work within the money that is remaining after bribing their way through to get contracts.

On the part of the lower local government officials, the complaint is that they have little say over tenders because it is the district tender board which awards the contracts. They deny any involvement in the tendering process or receiving "kick-backs". Their argument is that they have no power to influence the tender board. They argue that they can not take bribes from prospective tenders because in case their bid is unsuccessful, it would back-fire on them. Notwithstanding their denial of corrupt practices, the local government officials do secretly share information with the prospective tenders that is why some of them resist

[478] The then minister for Local Government Tarsis Kabwegyere has suggested that the whole issue of tendering should be revisited but no concrete proposals have been made to that effect.
[479] A number of business people interviewed for this study complained of "kickbacks" to Local Government officials

transfers from one station to another. Transfer of a local government civil servant to another station means loss of "contacts", which means "business" deals established with businessmen or women who supply goods or services to that station.

One middle level officer who had been transferred from Central Division to Makindye Division in Kampala confirmed to this author that when he was in the Central Division, he would build a house every year out of such business. He complained that Makindye division was "dry" and has no "business". Such behaviours and "business deals" contravene section 79(4) of the Local Governments Financial and Accounting Regulation, which stipulates thus:

> Councillors and members of the (tender) Board and employees of the council are prohibited from being suppliers or contractors of the council either directly or indirectly.

Moreover, even for suppliers and contractors, the regulation require them to be people of proven integrity (section 74(c) of the Financial and Accounting Regulations). This only happens to be the written word. The reality is that connivance between suppliers and local government officials is rampant and much of it systemic and it is hard to detect. In this process, those parties involved thwart accountability.

4.8 Accountability and Public Participation

Decentralisation has always been advocated as "people power" and for inclusion of previously marginalised groups to articulate their views and contribute to decision-making processes. Thus, devolution such the one that has been introduced in Uganda over the last one decade is seen as an appropriate institutional framework for individuals and communities to express not only their preference in choosing how their needs can be met but also supporting or protesting the activities and behaviours of government and its agents. This process leads to an atmosphere conducive for the people to participate in government. It is also claimed that it empowers communities in decision-making processes. The programme of decentralisation in Uganda was conceived and implemented with the above notions in mind. The question however, is: to what extent have communities held local officials accountable? First, the government of Uganda has noted thus,

> Accountability requires community level institutions where the quality of service delivered is discussed; and a link between these institutions and management of service. Service users must be able to insist on a good service.[480]

The central government views the local governments in the perspective of involving local communities in the delivery of public services. This perception is held in the belief that "strong local democratic institutions" will help in attacking poverty in the following ways: first, representative local institutions will take pro-poor decisions and secondly, they should bear in mind that "lack of power is itself a dimension of poverty[481]". Thus, in its poverty action programme, the government intends to deliver services, which target the poor, and to improve the public perceptions and ownership of the local political and administrative processes[482]. However, the government too, realises that there is "widespread dissatisfaction with public services[483]", at the local level. A good example to demonstrate this dissatisfaction by the public with the services of local governments is the failure of the latter to plough back into market facilities in Kampala, which has encouraged the vendors to create their own market structures outside the established ones[484]. Although such actions are considered illegal, it is one way used by the people disaffected with the work of local governents to get an exit.

Secondly, other government studies have revealed that "participatory planning and budgeting were apparently non-existent"[485] at the village level. Whenever some meetings were organised by local government officials with the local residents, the latter perceived them as some form of teaching and not consultation[486]. Although local residents are given room to ask questions at such meetings, these could not be a sign of consultation because the agenda of the meetings were not circulated well in advance. The other problem is that the village residents do not debate issues in depth because the local officials do not supply sufficient information to them. Lack of information remains a serious handicap to effective

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[480] Uganda Government, The Poverty Eradication Action Plan (PEAP: Summary Version 2002) p 15.
[481] ibid, p, 14
[482] ibid, p, 14
[483] A study by Crown Agents, ibid, 1996 found that in Kampala area there were 46 illegal markets.
[484] Uganda government Participatory Planning for Poverty Reduction (report) Kampala, 2000 p.4
[485] ibid. report
[486] ibid, report 2000

participation by ordinary people in local government affairs in Uganda. Thus, although the government established structures to implement poverty reduction-strategies[487], the reality is that participation of the ordinary people in these programmes is minimal and remains a preserve of central and local government officials. The point of convergence in all these studies is that there is a rigorous demand for accountability at intergovernmental and intra-governmental levels.

The third aspect of local participation and accountability is the role of the non-governmental organisations in local governance. The popular perception among local citizens is that of "organising" so that the NGOs, especially foreign ones can "give us something". The idea is not necessarily to create associations for empowerment but to "gain". As some critical observers have put it the NGOs have a tendency to create parallel arrangements in the community . . . "which can undermine the role of elected councillors in the linkage between the community and local governments responsible for service delivery."[488] Service delivery itself is seen as partnership between the communities, local governments and non – governmental organisations.

In the course of this study, it was difficult to establish the contribution of the communities to service provision. What was observed is that some communities on adhoc basis did "self-help" activities. Even then, it is usually after the chairperson or member of the village executive committee puts in efforts to mobilise the residents to work on a water spring, access road, bridge and other small works which affect the lives of a section of the community[489]. International NGOs' have made a significant contribution to community level service provisions targeting the poor communities and taking care of the shortfalls of the local governments. Examples of NGOs' operating in Kampala include *inter alia* Plan International which has built primary schools and provided piped water in Kawempe

[487] The World Bank, Uganda Strategy, 1997, see David Craig and Doug Porter "Poverty Reduction Strategy Papers: A New Convergence", World Development, Vol, 31, No 1, 2002. Martin Onyach–Olaa and Dong Porter, "Local Government Performance and pecentralisation in Uganda: implications for central Government and Donors" 2000.
[488] ibid, Participatory Planning for Poverty Reduction (report) 2000, p.9
[489] For example, people in Kyebando in Kawempe division contributed money, KCC gave them a grader. The money they collected was used to open up a new road.

division. It is also taking care of the welfare of children orphaned by AIDS. Another NGO called AMREF is operating in Kawempe division providing Aids awareness programmes. The problem however, is that most NGOs' expect the community to contribute towards the service they intend to provide. Community contribution in most projects has been minimal; hence, the NGOs' go ahead and provide the service with their own resources. This gesture in philanthropy is certainly good and welcome especially for the very poor but it creates a dependence syndrome. As people get used to handouts, they lose the momentum to struggle for a better hard earned living, and initiative is lost. This is not to suggest that some NGO's have not genuinely contributed to positive attitudes of their beneficiaries. Many advocacy organisations such as Action for Development (ACFODE), DENIVA, HURIPEC, HURINET, Uganda Debt Network (UDN) to mention but a few, have actively worked with local communities on issues of poverty reduction, women's issues, human rights, development and a range of governance issues which have sensitised the communities for their better living.

The issue of accountability at the local level remains problematic with or without the activities of NGOs. As NGOs supply services that the local governments should have supplied the local communities get reprieved in their numerous problems; they become less conscious of the need to demand for their share of accountability from the local officials. This tendency is accentuated in Uganda by the government's directives to the NGOs to do "development" work and not "politics". Their beneficiaries are made aware of this silence requirement, which prompts their quiescence on controversial issues. This however, is a negation to the idea of development of a dynamic and vibrant civil society. It cripples the idea of a democratic society with the capacity to take on challenging roles and to question those who are supposed to do their responsibilities in public offices and society.

Finally, it is imperative to note the policy makers see that decentralisation as an instrument not only for promoting good governance but also as an instrument for fighting poverty. The government's strategy in this regard has been to identify key areas of funding at the local level termed as *priority areas.* These areas constitute the bulk of central government's grants to local governments. Despite increased funding by the government of local governments, a

number of factors persist which weaken the implementation of poverty-reduction strategies through decentralisation. These include lack of effective participation in decision making at the lower levels of local government, lack of adequate finances, lack of qualified personnel at the sub-county level and inadequate local governments at the local level[490].

A combination of these factors together with low levels of accountability, transparency, inefficient and ineffective service delivery make it tenuous to link the success or failure of the poverty reduction strategies with decentralisation. Moreover, at the micro-level, what matters most for the poor to overcome poverty is the availability of credit and access to productive assets such as land which remain largely in the hands of the better–to–do people[491]. Thus whereas PEAP was conceived by the government with four principal aims of creating an enabling environment for sustainable growth, good governance, enabling the poor to raise their incomes and improving the quality of life of the poor, the question that these policy objectives raise is: how have they translated into material well-being of the poor? The second question is, if any material well-being has been registered in the lives of the poor, to what extent is it a consequence of decentralisation?

Evidence suggests that there are scores of improvement in social service delivery in the country. Education has registered significant enrolment of primary school-going children from 2.6 million in 1996 to 7.3 million in 2003. This is attributed to the introduction of universal primary education (UPE) for all primary school going children in 1997[492]. The government has also put aside significant amounts of financial resources to cater for construction of school buildings under the school facility grant (SFG). This has alleviated the poor conditions under which children were studying before the introduction of UPE in some areas. In some areas especially in the North and Northeast, some classes used to be conducted under the tree shades or in grass thatched, temporary structures. The SFG is helping to remedy the situation. Nevertheless, most critics of the UPE programme contend

[490] Uganda Government, National Programme for Good Governance in the Context of the Poverty Eradication Action Plan. 2000, p.19

[491] Charles Lwanga-Ntale, "Uganda's Decentralisation Policy and its Implementation Framework" in UMI, Basic Principles of Decentralisation 2004.

[492] Under the UPE programme, children between the age of seven to twelve who are enrolled in government aided schools are exempted from paying tuition and other bills except that parents have to provide for their lunches, stationery and uniform.

that the programme is giving poor quality education. On the other hand, the government argues that while it is attending to the issues of quality improvement, the programme is helping children who would possibly have never had any opportunity to go to school. Going by the increased numbers of enrolment, the UPE programme is successful partly because it has greatly reduced the levels of illiteracy that was rampant in the country. Primary school enrolment stood at 62.3% in 1992, in 2003 it was 86%. This is attributed to the implementation of UPE. The other area where service delivery has improved is water and sanitation. Access to safe water in rural areas has increased from 18 percent in 1991 to 55 percent in 2002. Access to safe water in urban areas has increased from 54 percent to 63 percent in the same period.

Under the Health Sector Strategic Plan, the government has outlined a minimum health package. The key issues are primary health care and prophylactic practices. Thus, emphasis is on immunisation of children against preventable diseases, clean environment, maternity care, health education, as well as providing basic medical care within the reach of the ordinary people- especially in the rural areas. Under the latter programme, the government is constructing or upgrading 214 health centres throughout the country. These are constructed to include a theatre, maternity ward, and general outpatients ward. A minimum of one qualified doctor and nurses are posted there. This programme is in addition to the existing larger district hospitals. This has helped to bring services nearer to the people. The problem still is that several complaints are raised that there are insufficient drugs. Each of these health centres has a management committee comprising local residents. Again, these complain that they have very little influence on what the doctors and nurses do in their daily routines. The original idea of having local management committees for health centres was to increase local ownership of the facilities and to generally oversee the centres. But the practice is that members meet only when called upon. Therefore, their influence in the day-to-day running of the health centres is minimal. Studies have revealed that in the health sector, there have traditionally been low levels of demand for accountability by users[493]. Unlike schools where parents–teachers associations (PTA's) have for long time had

[493] Emmanuel Ablo and Ritva Reinikka, "Tracking Study for Health and Education" in District Integrity Workshop in Uganda" (report) IGG and Work Bank Institute 1999.

influence largely because the parents made contribution towards the running of schools, such a practice did not exist in health centres[494]. For this reason, medical personnel have not been subject to any significant demand for accountability at the local level.

While emphasis in studies has always been placed on accountability to the local communities, intra-organisational factors affecting the levels and conditions requisite for proper effectiveness and performance tend to be ignored. For example, in Uganda, conditions of work for public service workers are poor, which may induce the workers to engage in unethical conduct such as soliciting bribes. A trained medical doctor working in a government clinic receives on average Shs.500,000= (equivalent to about US dollars 300) per month. A trained primary school teacher receives Shs. 120,000 (equivalent to about US dollars 80) per month. This kind of remuneration not only demotivates, it also tempts the public service workers to engage in corrupt practices, which in Uganda has come to be known as "making the ends meet". Thus, even if the institutions of government are vigilant on checking corruption, with poor pay for public workers, their efforts will be frustrated. In any case, higher level corruption amongst the senior civil servants and politicians, themselves well paid, exacerbates the problem. *The District integrity Workshop* report (1999) points out:

> It is generally believed by the stakeholders that while President Museveni is capable of curbing the high level or "Grand Corruption" that is evident in Uganda, he has become increasingly less willing to do so. Also he is apparently beginning to underestimate negative effects and adopt a new level of tolerance to corrupt practices by insiders[495].

The report quotes President Museveni as saying, "Corruption is not hurting development as long as the money does not leave Uganda[496]". This high level of tolerance of corruption percolates in the whole society. It affects the perceptions of local leaders in charge of delivering services and affects the quality of service delivered. "Grand Corruption" breeds and nurtures petty corruption. For example, the District Integrity Survey carried out in 1998 found among service users in one of the districts-Mbale, that 73 percent of those interviewed

[494] For many years, the running of schools countrywide has suffered low capitation by government which necessitated parents to step in with extra contributions to run schools and top up teachers' salaries
[495] District integrity Workshop, 1999, p.47
[496] ibid, p.47

believed that a bribe was usually demanded in order for one to get a service from the local service providers. The same study found that 77 percent of the service users were aware that paying a bribe is bad and there was consensus that corruption makes services inefficient, it is morally repugnant and deters development.

The more important point to note is that while local governments have been tasked with the responsibility of managing public funds and services, the risk of "grand corruption" at the national level, becoming "grand" at the district and lower levels is gradually eating into resources meant for service delivery. Cases have been reported where councillors have accused the members of executive and technical staff for engaging in tendering for services contrary to the law[497]. Besides, the trend of corruption becomes entrenched when some of the services are still controlled from the centre, such as school grants. A chain of predators along the way take portions to the extent that by the time actual delivery is done, only a small fraction of the intended service goes to the beneficiaries[498]. In a tracking study of service delivery, it was found that a bulk of central government grants to districts intended for services were captured by the local elites at the district. In some cases, as little as only 13 percent reaches the intended beneficiaries[499]. This systematic local capture has manifested itself in various ways: first, the central government does not have the capacity to supervise the use of the grants up to the beneficiary level. Second, the local governments do not have enough auditors to follow up the actual use of the funds released to lower local governments. Third, the local communities do not get sufficient information that funds have been released and the purpose for which they are intended. In most cases, poor communities lack the means and organisational capabilities to tackle the more influential local elites. Fourth, the local elites are connected through family, marriage, clan and other social relations that protect them from the rest of the community in their "dubious" dealings in appropriating public resources. Fifth, the power structure in Uganda, both at the centre and

[497] Geoffrey Tukahebwa, "The Role of District Councils in Decentralisation" in Nsibambi, A Decentralisation and civil society in Uganda

[498] [154] Ablo and Reinikka (1999) ibid.

[499] Ritva Reinikka and Jacob Svensson, "Local Capture: Evidence from a central Government Transfer program in Uganda" The Quarterly Journal of Economics, May 2004

the local level is built on patronage to the extent that such acts of mis-appropriation by elites of public resources are conceived as political rewards for supporting the "system."[500]

Such was the case with a government micro-finance (Entandikwa Scheme) which was intended to give concessional loans to the poor to start up small income generating projects. The funds ended up with the more influential local elites who defaulted on payment, claiming, it was a political reward for their support to the movement system and President Museveni's bid for presidency in 1996 and 2001[501]. Political patronage more than anything else, seems to have been the most debilitating factor in local accountability. The councillors are elected on the so-called individual merit, where the most powerful local elites in the area use money and other influences including political connections to gain votes. This system of power borders on zero-sum politics, right from the top to bottom. It lacks the checks and balances, even after decentralisation. As Hyden has observed:

> . . . traces of the past are also to be found in the actions of the NRM. The notion of politics as a zero-sum game in which the winner takes all, is evident in the approach which the NRM takes towards government. Patronage continues to be part of the way of governing[502].

What makes political corruption more glaring at the local level in Uganda is that the local leaders perceive it as an "investment" The candidates standing on "individual merit" sponsor their own campaigns and if they win, they hope to recoup their "investment gains". As Thomas and Barkan have observed, the candidates for elections in Uganda spend too much

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[500] Anne Matte Kjaer, "Old brooms can sweep too!" An overview of rulers and public sector reforms in Uganda, Tanzania and Kenya" Journal of Modern African Studies, Vol 24, September 2004. Also critical, Roger Tangri and Andrew Mwenda "Corruption and cronyism in Uganda's privatisation in the 1990s" African Affairs Vol 100, 2001.

[501] William Muhumuza. (2007) Credit and the Reduction of Poverty in Uganda: Structural Reforms in Context.Kampala: Fountain Publishers.

[502] Goran Hyden "The Challenges of Constitutionalising politics in Uganda" in Hansen and Twaddle (eds) Changing Uganda. James Currey, London, 1991.p, 113

money on their campaigns and the public expects to be "facilitated."[503] This "expensive" politics has distorted both representation and accountability, for personal gains of councillors override the public interest and not vice versa. Thus, it is not the pro-people candidates who win the votes; it is the more wealthy who do. This leaves the marginalised groups voiceless, as it is only those with the necessary connections with the influential groups and personalities, who enter the ring of the beneficiaries, such as gaining tenders to supply or to get jobs for their friends and relatives.

[503] Thomas M. and J. Barkan, (1998), "Corruption and Political Finance in Africa". (Mimeo) Prem Unit, World Bank, Washington. Also quoted in Floribert Ngaruuo, A Political Economy of reform for service delivery: the case for administrative decentralisation in Africa" Nordic Journal of African Studies Vol.12, No2, 2003.

Chapter 5

Urban Governance and Service Delivery in the Context of Decentralisation in Uganda

5.1 Introduction

The 1990s witnessed fundamental changes in the way the local governments, the private sector and society were interacting and working together in the production of goods and services. The new *modus operandi* revolved around the newly found "wisdom" of public sector reforms, involving decentralisation, privatisation, "lean" governments and result – oriented service delivery. Urban governance, within the context of these reforms is seen as a successor to the traditional systems of local government. Local government has always been associated with formal description of powers, responsibilities and politics[504]. With a change towards local governance, urban authorities have to deal with rapid changes, multiple and complex stakeholders. Within this context, "urban governance" has implied greater diversity in the organisation of services, greater flexibility, a variety of actors, even a transformation of forms that local democracy might assume[505].

While most of the public sector reforms have taken place largely at macro level (national) by way of re–shaping and remodelling the methods and attitudes that were applied in the past, the more effective impact could only be felt at the local level, where individuals and communities interact more frequently with the local governments. Urban governance in the context of developing countries is striving to come to terms with the "new governance" framework of doing things, that is, to shed off the traditional bureaucratic management practices[506].

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[504] Mark R. Montgomery *et al,* Cities Transformed: Demographic and its Implications in the Developing World Earthscan/National Academy of Sciences, London, 2003
[2] ibid, p.358.
[505] ibid, p.358.
[506] [3] Patria L. Mc Carney "Considerations on Governance from a Local Perspective: Towards a Framework for Addressing Critical Disjunctures in Urban Policy" in Paul Collins (ed), Applying Public Administration in Development, John Wiseley & Sons, Chichester, 1999.

On the part of local authorities, the key issue at hand is that the local governments are under increased pressure from all sides to render services more efficiently and effectively. The local communities on their part are becoming more conscious, demanding and assertive[507] while at the same time the main issue remains that local governments should be vehicles for democracy, not just service delivery[508].

In the practical world of local government managers as well as the national leaders, the call upon them, particularly coming from international donors and NGOs is to practise "good governance", the elastic connection between politics and administration, creating an area where both have to be concerned with how power and authority are structured in various contexts, with a view of interfacing with the civil society; unlimited by bureaucratic formalism[509]. In this connection, then, the market forces could play a significant role in the arena that was previously designed and designated as an exclusive empire of officialdom. As Smith puts it, the separation between "the polity" and the "economy" had to cease in their jurisdictional significance[510]. These perspectives have been attempted in Uganda's "age" of reforms[511]. For this study, a number of questions arise regarding the application and benefits of the new approaches to management of local governments. Specifically, have the political and administrative elites been able to change their "traditional" behaviours? Have the institutional mechanisms changed to be flexible and adaptive to the requirements of new organisational modes of operation? Is there better, effective and efficient service delivery? Are the various stake–holders involved in decision making? This chapter seeks to explore and analyse Uganda's urban service delivery in the context decentralisation, with a view of coming to terms with the realities posed by these questions.

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[507] Paul Collins "The Last Fifty Years and the Next Fifty Years: A Century of Public Administration" in Paul Collins (ed) ibid.
[508] Paul Collins, State, Market and Civil Society: Towards a partnership? "Paul Collins (ed) ibid. See also the discussion by Adrian Leftwitch, "Governance, the State and the Politics of Development" Development and Change Vol 25, 1994.
[509] Martin Dornbos, "Good Governance": The Rise and decline of a Policy metaphor. Journal of Development Studies Vol 37, No 6, August 2001.
[510] Michael Peter Smith, City, State and Market, Basil Blackwell Inc. Oxford, 1988.
[511] Justus Mugaju, Uganda's Age of Reforms: A Critical Overview Fountain Publishers, Kampala, 1996

5.2 Characteristics of the Urban Setting in Uganda

Uganda is predominantly a rural country with the majority of the people living in rural areas. According to Uganda's population census (2002) the country's total population was 24, 748, 977 people. The distribution of the population by region was as follows: Central region 6, 683, 877, Eastern 6, 301, 677, Northern 5, 345, 964 and Western 5, 417, 449. Of the total population, the majority of the people (86, 1%) live in rural areas, and 13, 9% live in urban areas. The rural – urban population by region is shown below.

Table 5: Showing Distribution of Rural – urban Population

Region	Rural Population	Urban Population	Percentage of Urban Population
Central	5, 000, 019	1, 683, 868	33.67%
Eastern	5, 872, 468	429, 207	7.3%
Northern	4, 868, 843	477, 121	9.8%
Western	5,978, 836	438, 613	7.33%
Total	**21, 720, 166**	**3, 028, 809**	**13.94%**

Source of data: Uganda Bureau of Statistics 2002

As the table above shows, the rate of urbanisation in most regions is less than 10 percent of the population. Central region is relatively more urbanised because Kampala City with a population of 1, 208, 544 is located there. If Kampala was excluded from the central region, its urban population would be 475, 324 which would not be any much different from the rest of the other regions.

The urban structure in Uganda is defined by the Local Government Act (1997). It includes City, Municipality and Town. Each City, Municipality and Town comprises Divisions which are also local governments. Local governments have corporate existence. Therefore, they are self – accounting units. Below the Division, there are administrative units, namely: parish and village (cell). Under the Local Governments Act (section 6) a "Municipal or a Town Council shall be a lower Local Government of the district in which it is located". This provision however, does not apply to Kampala, which is both a city and a district[512].

[512] Kampala City is the only city in Uganda. It also doubles as a district. There are 13 municipalities and 66 towns in the whole country.

Most urban areas grow naturally because of trading, manufacturing and administrative locations. In Uganda, since the colonial times, the establishment of a district post has always tended to create a new town. For example, the recent increase in districts from 39 in 1993 to 56 today has led to the creation of new towns. Under such conditions, new towns are gazetted regardless of whether or not they meet the population criteria. The Local Government Act, Third Schedule (regulation 32) stipulates the criteria for establishing and gazetting an urban area as a town or municipality. According to this regulation, a town should have above twenty five thousand inhabitants. A municipality should have above one hundred thousand inhabitants and a city, above five hundred thousand inhabitants. Other conditions that need to be satisfied for gazetting an urban area as a town include having capacity to meet its costs of service delivery, having its own offices, having a Master Plan for land use and presence of water resources. The regulation, however, is explicit on the issue of establishment of district towns, whether the above conditions are satisfactory or not. Section 32 (2) of the Local Government Act states that "Where a district headquarters is established, the area shall be declared a town". This explains why many towns have smaller populations than that required by the regulations. The tables below demonstrate this.

Table 6: Showing Urban Population in Central Region by District

Region	**District**	**Urban Population**
Central	Kalangala	3063
	Kampala	1, 208, 544
	Kayunga	19, 984
	Kiboga	11, 882
	Luwero	55, 278
	Masaka	75, 680
	Mpigi	10, 217
	Mubende	51, 092
	Mukono	141, 990
	Nakasongola	6, 590
	Rakai	21, 303
	Sembabule	4, 025
	Wakiso	462, 277
Central region total urban Population		1, 683, 868

Source: *Uganda Bureau of Statistics (2002 census)*

Table 7: Showing Urban Population in Eastern region by district

Region	District	Urban Population
Eastern	Bugiri	18, 664
	Busia	37, 947
	Iganga	38, 009
	Jinja	100, 337
	Kaberamaido	-
	Kamuli	11, 221
	Kepchorwa	8, 902
	Katakwi	7, 294
	Kumi	8, 367
	Mayuge	8, 933
	Mbale	70, 437
	Pallisa	23, 919
	Sironko	11, 235
	Soroti	41, 470
	Tororo	42, 473
		429, 209
Eastern region total Urban population		

Source: *Uganda Bureau of Statistics (2002 census)*

Table 8: Showing Urban Population in Northern Uganda by district

Region	District	Urban Population
Northern Region	Ajumani	20, 022
	Apach	10, 292
	Arua	75, 326
	Gulu	113, 144
	Kitgum	42, 929
	Kotido	13, 509
	Lira	89, 781
	Moroto	7, 504
	Moyo	12, 427
	Nakapiripit	1, 658
	Nebbi	65, 255
	Pader	9, 949
	Yumbe	15, 325
Northern region total urban population		**477, 121**

Source: *Uganda Bureau of Statistics (2002 census)*

Table 9: Showing Urban Population in Western Region by district

Region	District	Urban Population
Western	Bundibugyo	14, 161
	Bushenyi	37, 887
	Hoima	38, 656
	Kabale	45, 757
	Kabarole	40, 605
	Kamwenge	13, 838
	Kanungu	11, 949
	Kasese	59, 136
	Kibaale	4, 822
	Kisoro	10, 627
	Kyenjejo	15, 377
	Masindi	25, 515
	Mbarara	92, 115
	Ntungamo	13, 342
	Rukungiri	16, 826
Western region total urban population		**438, 613**

Source*: Uganda Bureau of Statistics (2002 census)*

According to figures (in the tables) above, central region represents 55.6% of all the urban population in the country. The other three regions, Eastern has 14.2%, Western 14.5% and Northern 15.8%. It is important to note that the figures above represent one or more urban areas in a district. For example, Mukono district has a number of towns: Mukono, Lugazi and Njeru. Masaka district has Masaka Municipality, and Lukaya town. However most of the districts have one major urban area, for example, Kabale, Nakapiripit, Ajumani, Kitgum, Apach, Kabarole, Moroto, Kibaale, Hoima, Kisoro, Ntungamo, Kyenjojo, Kumi, Kapchorwa, Rukungiri, Moyo, Sembabule, Katakwi, Sironko. In that case, the figures represent the population of the main urban area in the district. Also, as it was pointed out earlier, most of the towns' population fall far below the stipulated number required them to be gazetted as urban councils. So, most of the urban authorities have been created administratively by statutory instruments issued by the Minister of Local Governments under the Local Governments Act (section 8 (3) which stipulates;

> Subject to the Town and Country Planning Act, the Minister may, in consultation with the District with approval of Cabinet after satisfying himself or herself that the requirements under paragraph 32 of the Third Schedule are met, declare an area to be a town.

Owing to the fact that most of the towns have been created for political and administrative convenience most of them do not have the basic, essential facilities that one would ordinarily expect in a town. For example, most rural – based towns like Kanungu, Ajumani, Nakapiripit and others do not have electricity supply. Just because they happen to be headquarters for the districts, they were gazetted as towns. The buildings in most of these towns hardly have approved plans. For some of these towns, the populations happen to be too small to be able to raise local revenue that could provide and sustain delivery of services such as water, roads, garbage collection, public health and education. They are, in reality part of the rural setting. The motivation for the local leaders to demand that some areas be gazetted as urban areas is sometimes due to their desire that once gazetted; the central government will have to finance them so that they can deliver a minimum level of services. The rural elites feel that the creation of such a town in their area brings a market for their rural products. Logically also, the upgrading of rural built centres into towns leads to appreciation in value of buildings, forces the government to provide money for basic services such as safe drinking water, providing public health workers for the area, electricity and other amenities.

Uganda's urbanisation process is rather haphazard. First the country has no clear urban policy. Secondly, the *Town and Country Planning Board* is largely dormant. Thirdly, the country suffers a critical shortage of qualified physical planners[513]. Ironically, the few physical planners available in the country are largely unemployed partly because most of the towns are financially constrained to employ them.

Similarly, surveyors and valuers who are available in the country are either in private practice or unemployed for the same reason, above. The net effect of the failure by the government and the urban authorities to employ and utilise qualified technical personnel in urban affairs has led to urban areas being administered like rural village areas in Uganda, where if a person wishes to erect a structure on his piece of land, one simply picks building materials and erects one. This type of urban "development" needs to be brought into the

[513] Until about seven years ago when Makerere University introduced courses in urban planning, there was no single institution in the country offering such courses. Up to now most urban areas have no physical planners.

focus of the government because as the population of these centres grows without proper planning, the lives of the people will continue to be at risk. Waterborne diseases, diseases spread by vermin, unhygienic dwellings and filthy environment will continue to affect the health of the people. As the urban population grows, there is need for government to come up with policies to deal with the situation. This is particularly important for the ever emerging so – called "trailer" towns[514]. These develop spontaneously along the highways without any form of planning. There are no proper streets, some buildings are built on places where the bigger structures would have had their pit latrines. In some cases, buildings are facing in different directions. As such, most buildings are established without any form of sanitary disposal[515]. For example, in Rukungiri town, it was reported that out of the existing 3014 structures only 1422 have any form of sanitation. The remaining 1592 have no sanitation facility, which means that the users of these buildings either use the verandas, plastic bags or use any available bushes for sanitary disposal[516]. Thus, in Uganda the definition of a slum as an overcrowded, unplanned and poorer section of an urban area needs to be extended to mean almost every part of most of the towns. This is the reality, for most towns that sprung up mostly in the 1970s, none of them has any central sewer system.

The above sanitary conditions, combined with the absence of proper infrastructure such as properly marked streets, access roads, medical clinics, schools and proper waste disposal leave the lives of the inhabitants of these towns not only at the risk of infectious diseases but also, to bear the inconvenience of blocked drains, flooded compounds and houses, nasty smells from rotting solid waste and the irritating sight of flies and other insects (from garbage heaps) hovering over their meals and drinks. Cases of cholera, dysentery, other abdominal diseases and malaria are too frequent in Uganda. While it is assumed that the urban areas should be cleaner than the rural areas, to the contrary, cholera is more recurrent in urban areas including Kampala city, than in the rural areas[517]. This is a clear indication of the gravity of the risky health environment in urban areas. Malaria which is easily spread by

[514] The term "trailer" town is associated with towns that spring up as a result of trailers or heavy carriage vehicles parking in a place overnight on their long distance journeys.
[515] Augustus Nuwagaba, Urbanisation and Sustainable Human Settlement: The case of Uganda "at www.gruppo-cerfe.org\pdf\nuwagaba
[516] This was revealed by the Town Clerk of Rukungiri town on 29th October, 2004 to the *Orumuri* newspaper reporter. See *Orumuri* 9 November 2004
[517] KCC has a permanent quarantine compound for cholera cases at Old Mulago hospital.

mosquitoes from unattended bushes and blocked drains is the biggest killer disease in Uganda. Available data shows that most of the piped water connections by 2000 were largely in Kampala, Jinja and Entebbe. The rest of other towns suffer from lack of safe drinking water .The table below demonstrate the gravity of this problem.

Table 10: Showing Current Size and Structure of Urban Water Market in the Year 2000

	KEJ 1	Large Towns 2	Small Towns 3	Urban Sector
Grouping Towns	7	26	45	78
Population	1, 610, 000 55%	980, 000 33%	340, 000 12%	2, 930,000 100%
Water Connections	29,200 63%	15,800 34%	1400 3%	46, 400 100%
Sewer Connections	100, 00 72%	3800 28%	0 0%	13,800 100%
Water sales in cubic mill metres	19 mill m 3	4 mill m 3	0, 3 mill m 3	23, 3 mill m3
Revenue in mill US	13 81%	2, 8 18%	0, 1 1%	16 100%

Source: *Uganda Urban Water Sector Reform Study June 2000*

Notes:

1. KEJ = Kampala, Entebbe, Jinja, Njeru, Kajansi, Mukono and Seeta

2. Large towns = towns with population exceeding 15, 000 excluding KEJ

3. Small towns = all towns with population of 5000 – 15, 000 and including smaller gazetted towns.

The figures above indicate that the coverage of safe piped water is small (46,400) connections throughout all urban areas, whose population was estimated by 2000 to be 2, 930,000[518]. Worse still, the sanitation problem is alarming in Uganda's urban areas. The table above indicates zero connection to the sewer system for all small towns, which means that sanitation facilities are a matter of improvisation by the residents in those towns.

Nevertheless the National Water Sewerage Corporation (NWSC) which is the main provider of water and sewerage facilities has extended its services in the recent times from its original nine major towns of Kampala, Jinja, Entebbe, Mbale, Tororo, Masaka, Mbarara, Lira and Gulu to include more towns since 1996[519]. Much of this expansion has been donor funded. For example, the expansion of water works under Gaba III Project to produce more 80, 000 cubic meters of water was funded by donors at a cost of US dollars 16, 5 million, extension of water services in Entebbe town cost Euros 16, 25 million and similar works were funded for Jinja and Njeru towns. According to NWSC report, most of Kampala's peri – urban areas now receive piped water. These include; Bunamwaya, Kireka, Seeta, Seguku, Lubowa, Nansana, Gayaza, Nnabingo and Buddo. NWSC asserts that if all the major capital works at Gaba III are completed, there will be enough water to meet Kampala's needs[520].

Apart from NWSC, the management of water and sanitation in small towns in Uganda falls under three organisational settings:

(i) The Ministry of Water, Lands and Environment is responsible for provision of water through its Department of Water Development (DWD). The DWD plans, develops, regulates and provides the water services.

(ii) The Ministry of Local Government through local councils is responsible for water and sanitation in urban areas not served by NWSC.

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[518] As indicated earlier, the urban population in Uganda was 3, 028, 809 according to the Population Census 2002.The above figure was an estimated of the urban population by 2000. The above figures an estimate of the urban population by 2000

[519] NWSC is a corporation owned wholly by the central government. Its report indicates it has extended services to other urban areas of Kasese, Fort Portal, Kabale, Bushenyi, Soroti and Arua. It now serves 15 towns.

[520] Uganda – Small Towns Water and Sanitation Project – Implementation Completion Report (World Bank Report No 27529) – Credit to the Republic of Uganda of 42, 3 million. Report date 19, December 2003. Accessed at http://www.w&s.worldbank.org/serv

(iii) The Ministry of Health is responsible for policy guidance on environmental sanitation in both rural and urban sectors of the country[521].

Thus, although towns as local governments fall under the direct responsibility of the Ministry of Local Government, the latter does not have direct control over the supply and regulation of water resources. This could possibly explain the low level of participation in the World Bank supported project which was executed by the DWD. Under the World Bank supported *Small Towns Water and Sanitation Project,* the DWD supplied water and some sanitary services to eleven towns[522]. The water project was intended to address the problem of unsafe water sources from which the residents drew water such as boreholes, springs, rivers and open streams. The objectives of the project more broadly were: to reduce poverty, improve the health of the people and to encourage the demand – driven approach through people's participation. But as the project review revealed, the last objective was not achieved due to the lack of capacity of the communities to participate. The report attributed this to lack of clarity in the role the community was supposed to play, the ambiguous nature of their responsibilities and potential conflicts due to the overlapping functions[523]. In other words, there is apparent lack of coordination amongst the service departments of the government when it comes to urban service provision. This does not affect the water sector alone. The other utilities such as electricity, telephones and highways lie outside the control of the urban local authorities in Uganda.

5.3 Trends in Uganda's Urbanisation

When the first reliable population census was done in Uganda in 1959, Uganda's urban population vis – a vis the rural population was negligible. Of the total population was 6, 202,

[521] ibid, Uganda Urban Water Sector Reform Study, 2000
[522] The tons include: Busia, Kalisizo, Kyotera, Lugazi, Luwero, Lyantonde, Malaba, Ntungamo, Rakai, Rukungiri and Wobulenzi.
[523] Uganda – Small Towns Water and Sanitation Project – Implementation Completion Report (World Bank Report No 27529) – Credit to the Republic of Uganda of 42, 3 million. Report date 19, December 2003. Accessed at http://www.w&s.worldbank.org/serv

154 persons (96.2%) of this population lived in the rural areas, while the urban population was 247, 404 (3, 8).[524]

[524] Two issues need to be noted: (i) the figures exclude other races eg Indians and Europeans and (ii) the figures for African urban population are increased by inclusion into the definition of "urban" area of large chanks of peri – urban Kampala and Jinja towns. These peri – urban areas were still, largely rural areas of East Mengo in the case of Kampala (cf 76, 559 in the table above). We need to note further that although the 1959 population census is the basis of modern statistics in Uganda, it was not the first census in the country. Other census had taken place in 1911, 1921, 1931 and 1948, but are said not to have been as systematic as that of 1959 (cf. Uganda Census 1959, p 1).

Table 11: Showing the distribution of African Population of Towns and Trading Centres[525]

1. Towns:(a) With 500 Africans or more -	Number	2. Peri – Urban Areas:	Number
Kampala . .		Kampala . .	
Jinja		Jinja	
Kabale		3.Trading Centres:	
Entebbe		(a)With 00 Africans or more -	67, 781
Mbale		Rhino Camp . .	8, 778
Lugazi	24, 056	Katwe	
Fort Portal	19, 828	Pakwach . .	
Tororo	10, 186	Pabbo	
Soroti	9, 087	Warr	
Gulu	8, 433	Bugaya	3, 457
Arua	7, 744	Kabasanda . .	2, 048
Kitgum	7, 647	Yumbe	1, 426
Mbarara	4, 818	Kasawo	1, 223
Masaka	4, 618	Parombo . .	1, 060
Lira	4, 043	Kapeka	988
Iganga	3, 991	Magora	868
Moyo	3, 242	Kayunga . .	850
Moroto	2, 724		802
Njeru . .	2, 457		664
Mubende . .	2, 152		593
Bundibugyo . .	2, 048	(b) Others …	540
Kasese	1, 965		507
Butiaba	1, 931		
Masindi	1, 922		
Serere	1, 741		
Kamuli	1, 596		9, 841
Busembatia . .	1, 510		
Kumi	1, 149		
Hoima	1, 135		
Amuria	967		
Katakwi	963		
Kalisizo	951		
Kaliro	783		
Masindi Port	706		
(b) Others	656		
	577		
	571		
	547		
	520		
	7, 650		

Source: *Uganda Protectorate, Uganda Census 1959 African Population, 1961 p 91*

[525] The population census 1959 (p 17) report notes that towns were a recent phenomenon in Uganda. They grew largely due to government activities and the growth of non – African economic activities and industry. This explains why the population was higher around Kampala, Jinja, Entebbe, Lugazi and Mbale. Apart from Entebbe which was the seat of government, these were emerging large commercial centres and Jinja was already established as an industrial town.

The emphasis placed on the 1959 census is because the subsequent censuses use it as the basis of demographic trends in Uganda

Table 12: Showing Trends in the Growth of Urbanisation in Uganda 1969 to 1991

No of Urban Centres with (1000)	1969	1980	1991
Above 500	0	0	1
100 – 499	1	1	0
50 – 100	0	0	2
10 – 20	6	4	14
5 – 10	8	10	26
2 – 5	10	26	36
Total No of Urban Centres with population of 2000+	28	48	92

Source: *Uganda National Report and Plan of Action (Habitat II) August 1995*

The growth in the number of urban centres seems to explain the growth in the urban population during the same period (see the table below).

Table 13: Showing Trends of Urban Growth in the biggest Towns (1969 – 1991)

Rank	Urban Area	Status	1969	1980	1991	1969 - 1980	1980 – 1991
1	Kampala	Municipality	330700	448503	774241	3, 14	4, 7
2	Jinja	Municipality	47, 872	45060	60979	-0, 58	3, 35
3	Mbale	Municipality	23544	28039	53987	1, 68	5, 96
4	Masaka	Municipality	12987	21123	49585	7, 7	8, 89
5	Entebbe	Municipality	21096	21289	42763	0, 09	6. 36
6	Mbarara	Municipality	16928	23253	40970	3, 55	5, 16
7	Soroti	Municipality	12398	15048	40070	1, 86	9, 11
8	Gulu	Municipality	18170	14958	38291	-1, 86	8, 55
9	FortPorta	Municipality	7147	26806	32789	11, 69	1, 83
10	Kabale	Municipality	8236	21469	29246	9, 21	2, 81
11	Lira	Municipality	7340	9122	27568	2, 09	10, 05
12	Tororo	Municipality	15977	16707	26783	0, 43	4, 29
13	Arua	Municipality	10837	9663	22217	-1, 1	7, 57
14	Kasese	Municipality	7431	9917	18750	3, 06	5, 79
15	Busia	Town	1146	8663	27467	19, 45	10, 65
16	Mityana	Town	2263	2547	22215	1, 14	19, 84
17	Iganga	Town	5958	9899	19740	4, 88	6, 27
18	Lugazi	Town	N/A	10439	18828	-	5, 53
19	Njeru	Town	4637	3880	36731	-71	20, 43

Source: *National Housing and Population Census (MFPED) 1995 P 47*

As the demographic trends show from the table above, the urban centres grew very slowly during the period 1969 – 91. This is largely explained by Amin's expulsion of Indians in 1972 (who owned most of the commercial enterprises), the insecurity that engulfed the country and the collapse of the industrial sector. It is not surprising, for example, that the industrial town of Jinja registered negative (-0, 58%) growth. In the northern part of the country, towns of Gulu and Arua could have registered negative growth during the same period due to the insecurity factor[526]. On the other hand, the border (or near border) towns of Busia, Kabale, Fort Portal, Masaka and Iganga experienced momentous growth during that period. This growth could be attributed to the "magendo economy" (illicit, or black - market trade) that became synonymous with the Amin's regime and the border towns. Otherwise, most other towns experienced slow growth during that period.

The period 1980 – 1991 shows steady urban growth. This is largely because the economy had begun to pick in the first half of the 1980s and at the beginning of the 1990s (when the census was done)[527]. It is noteworthy that I have not included a discussion of the urban demographic trends in 1991 – 2002 because data available is not clearly disaggregated for clear analysis. However it is important to note that the trends show that between 1980 and 2002 the urban population more than tripled, that is from about 940, 000 persons in 1980 to 3, 028, 809 in 2002. This trends confirms the estimates contained in the report of the Uganda Population Secretariat[528], which projects that by the year 2025 about 18, 6 million will be living in urban areas, warning that an increase of that proportion would worsen the already poor living conditions in Uganda's urban areas. This will require careful planning since Uganda's population of below 15 years constitutes 52% of the population.

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[526] During Idi Amin's regime ,there was systemic witch-hunting of soldiers who hailed from Acholi and Lango .Then ,during the liberation war of 1979 and thereafter ,West Nile region was a target for Uganda National Liberation Army (UNLA) which caused many people to flee to Sudan .For detail , see Paul Omach, opcit .2004.

[527] See, World Bank, Uganda: Country Economic Compendusm World Bank Washington DC, 1982, p 75 indicates that by 1980 almost 40% of industries had ceased operations. The operating ones were at 20% of their capacities. The industrial sector had been beset by shortage of foreign exchange, lack of competent managers and sheer neglect. See USAID, Country Program Strategic Plan: Uganda 1992 – 1996 Vols. 1 & 2 p 13 (vol. 1) indicating that there was a promise towards industrial recovery as more foreign exchange became available and the commitment of government towards more private ownership of industries rather than the predominantly public ownership of the 1970s and 1980s.

[528] See, Republic of Uganda (Population Secretariat), Uganda: Population, Reproductive Health and Development Kampala, 2001.

5.4 Living conditions in Uganda's Urban Areas

Living conditions in most of Uganda's household can be described as poor, whether rural or urban. Although several studies describe the rural areas to be worse off than the urban areas, the conditions in the latter are not enviable at all. The conditions of living in most urban areas are the central concern of this study. A broad description of the countrywide conditions of living is done here before dealing with the specific situation of the urban sector (See the table below).

Table 14: Showing Distribution of Households by Housing Characteristics 2000 – 2001

	Residence		
Housing characteristics	**Urban**	**Rural**	**Total**
Electricity			
Yes	43.9	2.4	8.6
No	56.0	97.3	91.2
Missing	0.1	0.3	0.3
Total	**100.0**	**100.0**	**100.0**
Source of Drinking Water			
Piped into dwelling	5.1	0.1	0.9
Piped into yard/plot	7.0	0.1	1.1
Public tap	51.2	1.5	8.9
Open well in yard/plot	0.1	0.0	0.0
Open Public well	6.8	28.3	25.1
Protected well in yard/plot	0.2	0.1	0.1
Protected Public well	10.9	17.0	16.1
Borehole in yard/plot	0.2	0.2	0.2
Public borehole	13.6	26.4	24.5
Spring	1.3	9.4	8.2
River, stream	0.3	8.8	7.5
Pond, Lake	0.6	5.3	4.6
Dam	0.2	1.6	1.4
Rain water	0.4	0.4	0.4
Tanker truck	0.1	0.0	0.0
Bottled water	0.7	0.0	0.1
Gravity flow scheme	0.0	0.6	0.5
Other	1.4	0.2	0.4
Missing	0.1	0.2	0.2
Total	**100.0**	**100.0**	**100.0**
Time to Water Source			
Percentage <15 minutes	62.7	15.4	22.5
Midian to water source	9.2	29.9	29.6
Sanitation Facility			
Flash toilet	9.1	0.5	1.7
Traditional Pit toilet	79.9	78.3	78.5
Ventilated Improved Pit Latrine	7.9	1.1	2.1
No facility, bush, field	2.7	19.1	16.7

	Residence		
Housing characteristics	**Urban**	**Rural**	**Total**
Other	0.2	0.8	0.7
Missing	0.1	0.2	0.2
Total	**100.0**	**100.0**	**100.0**
Flooring Material			
Earth, Sand	19.3	59.9	53.8
Dung	7.1	3.0	26.6
Parquet or polished wood	0.6	0.1	0.2
Vinyl, asphalt strips	24.7	3.5	6.6
Ceramic tiles	0.4	0.0	0.1
Cement	47.8	6.4	12.5
Other	0.1	0.1	0.1
Total	**100.0**	**100,0**	**100.0**
Number	1,174	6,711	7,885

Source: Uganda Bureau of Statistics, *Uganda: Demographic and Heath Survey Entebbe, 2001.*

From the table above, only a negligible number of Ugandans living in rural areas have access to piped water (1.7%). The main source of water for rural households is open wells, protected springs and boreholes. In the urban areas, although access to piped water has reached 63%[529], only 5% of urban households have running water in their homes. This has serious implications for the kind of sanitation that the majority of Ugandans have. By about 58% in urban areas drawing water from a standpipe, this has definite advantage of securing safer drinking water. Still, a good 37% of urban dwellers draw water from unsafe and probably contaminated sources. This, however, is a significant improvement when compared to the situation in the 1970s and 1980s when piped water in the most urban areas was either unavailable or rationed eg in the case of Kampala. In Kampala for example, most of the peri – urban residents such as Kawempe, Bunanwaya, Namungona, Kireka, Namugongo, Kiwatule, Kisasi, Busega etc had no connections to the piped water system until 1999 - 2000[530].

Since most of the homes in Uganda do not have access to piped water, sanitation remains a big problem both in the rural and urban areas. This ugly situation is captured by *The Demographic and Health Survey Report* (2001) which notes:

[529] See National Water & Sewerage Corporation report (2004)
[530] These are Peri – urban areas within a radius of 5 miles and below from the city centre.

> Households without proper toilet facilities are more exposed to the risk of diseases like dysentery, diarrhoea, and typhoid fever. Most households (79 percent) in Uganda use traditional pit latrines, this is true in both rural and urban areas. Flush toilets, as well as ventilated improved pit (VIP) latrines are less common in rural areas than in urban areas. Overall, one in six households in Uganda has no toilet facilities of any kind[531].

Indeed, although the problem of toilet facilities is more acute in rural areas it is equally a serious problem in the urban areas, for example, only 9.1% of all urban households have flush toilets, 79.9 have pit latrines while about 3% have no any kind of toilet facility at all. In Kampala, the households without any form of toilet are as high as 6, 4%. The residents use polythene bags (commonly known as *buveera*) and drainage channels for disposal of their waste[532].

The housing sector in Uganda also remains poor. In the rural areas, the vast majority (93%) of houses are temporary with floors made of earth, with only 7% having cemented floors. In Uganda's urban areas the situation is better but still unenviable. While 66% of urban homes have cemented floors, 33% of them are made of earth. The poor state of housing in the country contributes significantly to the poor health conditions of the people. Overcrowding especially in urban slum areas is a key source of health hazards. The Ministry of Works, Housing and Communications (MWHC) in its recent ministerial statement pointed to this problem thus:

> . . . poor housing, especially, crowded and not properly constructed housing contributes to the incidence of diseases, especially respiratory infections which were rated as number two cause of morbidity in Uganda[533]. (emphasis added)

The Ministry of Works further notes that such housing tends to be located in places with poor drainage and which are bushy. Poor drainage systems and bushy neighbourhoods are

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[531] UBOS, Uganda: Demographic and Health Survey Report, Entebbe, 2001, (p. 16).
[532] See The Monitor, March 18, 2005, which quotes the Kampala Health Inspector Dr. Mohamed Kirumira who reported that there had been a reduction in households without any form toilet facilities from 10% to 6, 4% over the last five years. However, about 100, 000 families in the slums of Kampala still had no any form of toilet facility.
[533] Ministry of Works, Housing and Communications, Budget Framework Paper Financial Year 2004/05 – 2006/7 p. 36.

breeding grounds for mosquitoes, which are responsible for spreading malaria that is the number one killer disease in Uganda[534].

Although the MWHC is responsible for the housing policy, it is not responsible for direct provision of housing in the country. Much of the housing is privately provided either by private companies, owner – built, community or by the government owned parastatal company – the National Housing and Construction Corporation. The latter builds houses and sells them to private home buyers[535]. Under the policy of decentralisation, the local governments are responsible for planning and implementation of housing programmes and activities within their areas of jurisdiction. However, due to the historical as well as contemporary constraints at the district or municipal levels, which include inadequate financial resources, human resources, planning capacity and other administrative capacities, there has been no effective guidance and control of housing development. As a result, slums have mushroomed in every urban settlement. These are largely unplanned housing units, built with poor materials, without approved plans, and without proper sanitation facilities. This situation should not be blamed solely on private developers. The urban authorities have failed in their responsibility to plan, zone and service land within the areas of jurisdiction to direct the course of investment and development. At the same time, private developers tend to place houses at any available land without following proper planning procedures that may have been laid down by the urban authorities. The consequence of this kind of haphazard development is the sprawling slums all over most of the urban areas in Uganda.

In its National Plan of Action for Human Settlements Development, the MWHC has identified the following programmes for improvement of urban settlements: -replication of low cost housing schemes, slum upgrading in all urban areas, development of appropriate housing finance initiatives for all income groups and development of sites and service schemes in all urban areas[536]. Such programmes, the Plan reveals, will be tenable through the government's effort to eradicate poverty, create jobs, increase access to serviced land and integration of environmental infrastructure and services. Moreover, the MWHC states that the

[534] Ministry of Works, ibid. p. 38
[535] Houses constructed by National Housing and Construction Corporation tend to target middle class or higher class, and not the poor. Their houses are generally more expensive, except that they are usually set in a planned environment.
[536] MWHC, ibid p 39.

"policy objective of government is to directly support the improvement of the living conditions of the people living in slums and informal settlements."[537]

The government's programme of action on settlements appears promising but tangible results are yet to be seen. The table below shows the housing characteristics in Uganda.

Table 15: Showing Distribution of Dwelling Type by Locality, 1995/1996

Type of House	Urban	Rural
Independent House	37	71
Tenement (muzigo)	51	5
Huts	3	22
Others	9	1
	100	**100**

Figures may not add up to 100 due to rounding off errors.

Source: *Uganda National Household Survey 1995/96 Report,*(Ministry of Finance, Planning & Economic Development) Entebbe, 1998.

The percentage of rural house ownership is higher (71%) because most of the rural houses are built with simple and cheap materials. The low level of urban house ownership 37% indicates the levels of income and poverty amongst the urban dwellers, most of whom (51%) stay in mainly single room tenements (in Uganda, they are known as "muzigo"). This added to the 3% who dwell in huts and the 9% in dwellings of no specific description shows the extent of urban poverty and deprivation in Uganda. Most of the unemployed or under–employed urban dwellers find such tenements affordable relative to their incomes. It is not uncommon to find two to five, or more unemployed persons living in a single room of 10ft by 10ft, usually without water supply, electricity and toilet facilities, whereby such people especially the youth, pull together to contribute for the rental cost of such a room.[538] This is common amongst the hawkers, car–washers, wheel–barrow pushers water vendors, evening markets vendors, prostitutes, shoe cleaners, "boda–boda" cyclists, etc.

The problem of housing in Uganda's urban sector is compounded by the fact that the projects of low–cost housing schemes, which would cater for the housing needs of the poor sections

[537] MWHC, ibid p 40.
[538] See Augustus Nuwagaba "Urbanisation and Sustainable Human Settlements: The Case of Uganda" www.gruppo-cerfe.org/pdf/nuwagaba about 56% of Kampala residents live and share a room (average 4 – 6 persons).

of the urban society, who are the majority, are inadequate. The attempt by the government of Uganda to implement a low – cost housing scheme was done in the early 1990s at Namwongo, in Kampala at a cost of US dollars 4.2 million funded by United Nations Centre for Human Settlements (UNCHS), Shelter Afrique and the Uganda government. This was intended to construct 500 houses for the poor who were living in one of the worst slums at Namwongo. However, the Namwongo project disadvantaged the poor further. The rich people as well as Senior Civil Servants in Kampala used their influence in KCC, secured the grant money, bought off the poor from their plots of land and constructed executive houses. The result was that the poor people created another their little income slum in the swampy area in the neighbourhood of Namwongo[539].

The problem of appropriate housing in Uganda is further exacerbated by two critical factors: these are the land tenure and the financial credit system. The Constitution of Uganda vests all the land in the people of Uganda. Article 237 of the Constitution states:

> Land in Uganda belongs to the citizens of Uganda and shall vest in them in accordance with the land tenure system provided for in this Constitution.

The Constitution, Article 237 (3) prescribes four systems of land tenure: (a) customary, (b) freehold, (c) mailo (mile land) and (d) leasehold. Under these land tenure systems, the security of *bonafide* occupants of the land is guaranteed by the Constitution. Whereas, the tenure system guarantees the rights of citizens and entrenches their private interests in the land, there is one dimension that has been left unattended; this is the role of urban authorities in the matters of planning. Article 237 (7) provides that Parliament shall make laws to enable urban authorities to enforce and implement planning and development. Such laws are not in place. This has complicated the task of planning development in all urban areas. For example, in Kampala, most of the land belongs to "mailo" landowners, 45 percent. This makes planning difficult on the part of the city authorities.

[539] Since the Namwongo "fiasco", no other such project has been developed by either the central or the urban local authorities. The new slum area near Namwongo is known as "Soweto", a worse slum than Namwongo was. See also Frederick Temple and Nelle Temple "The Politics of Public Housing Nairobi" in Merile. S. Grindle, Politics and Policy Implementation in the Third World Princeton University Press, New Jersey 1988. These authors found that a similar low – cost housing scheme in Nairobi was taken over by the middle and upper income groups.

Table 16: Showing Land Distribution in Kampala

Agent	%
Uganda Land Commission	10
Kampala City Council	15
Freehold	3
Kabaka	27
Mailo	45
Total	100

Source: Kampala Urban Study 1994

The table above demonstrates the dilemma of KCC authorities in managing developments on land that they do not own. In Kampala, particularly traditional mailo landowners have been intransigent towards the policies of the city authorities. These landlords sell land, as and when they wish, in very small bits, leading to erection of over–crowded, unplanned and unserviced housing establishments. Other landlords simply do not want to sell the land, even if they have no capacity to develop land, sometimes located in prime areas. They simply turn the land to subsistence agricultural use sometimes in the heartland of the urban area. Such uncoordinated development has contributed significantly to the ever-increasing slums in Uganda's urban areas.

The other factor that has undermined the establishment of proper housing in Uganda is lack of housing finance. Most commercial banks in Uganda prefer to lend out monies on short term rather than long-term investment basis. They also charge high interest rates currently standing between 18 to 25 percent per annum. With these kinds of interest rates very few people do dare to borrow for long term investment such as housing. The state–owned Housing Finance Company gives out loans especially for buying houses. This one too, charges high interest rates of about 10% per annum. Moreover, for Housing Finance Company to advance a housing loan, the prospective borrower must possess a land title, an approved building plan, bills of quantities, etc. These processes have high costs attached to them, which most ordinary developers are unwilling or unable to bear or would avoid if they could. The bank (Housing Finance) also has lengthy procedures that a prospective borrower has to follow. Besides there are allegations by some borrowers that bank managers demand kickbacks before processing and releasing loans. As a result, many poor people have to do with the over–crowded tenements or putting up illegal and unplanned structures.

Overall, in most urban areas the majority of the people live in unhealthy and squalid conditions. Such conditions continue unabated despite the clarity of law regarding public health. For example, the law gives powers to local authorities in respect of ensuring public health thus:

> It shall be the duty of every local authority to take all lawful, necessary and reasonably practicable measures for preventing or causing to be prevented or remedied all conditions liable to be injurious or dangerous to health arising from erection of dwellings or premises on unhealthy sites or sites of insufficient extent or from overcrowding, or from the construction, conditions or manner of use of any factory or trade premises, and to take proceedings under the law or rules in force in its area against any person causing or responsible for continuance of any such condition.[540]

Whereas *The Public Health Act* empowers the local authorities to prevent erection of buildings unsuitable for human habitation, the urban authorities have not been successful in this respect. It is now generally believed by many prospective land developers that once a building has been erected (with or without an approved plan) the urban authorities would find it difficult to demolish it. This belief is reinforced by the corrupt tendencies on the part of some law enforcement agents of local authorities. Otherwise, *The Public Health Act* sections 72 and 73 grant authority to local authorities to demolish buildings constructed without approval of the local authority. Illegal buildings however, are politically condoned by both lower councils and councillors at higher levels of local authorities for the sake of populist votes[541].

Inadequate service delivery and failure to enforce regulations can not all be blamed on the failures of urban authorities. Several other factors have greatly contributed to the sorry state of services in Uganda's urban sector. First, local authorities are operating against the background of the many years of economic decline in the country which affected both rural and urban populations. Secondly, the failure by the central government to adequately fund local authorities. Thirdly, the local authorities are conscious that they are dealing with vast majorities of people who are highly impoverished. Fourthly, some of the public services lie

[540] The Public Health Act (Cap. 269, Laws of Uganda) Section 58. See also The Monitor March 6, 2000, The Mayor of Kampala said most of the buildings had no approved plans.

[541] Lower Local Councils (LCs) especially LC1 members have tended to resist the Law Enforcement agents urban of councils, especially when attempting to demolish illegal buildings in their area.

with other bodies (public and private) over which the urban authorities have no control. For example, Uganda Electricity Board (UEB) now privatised to Umeme Company is responsible for electricity supply throughout the country. The inadequacy of electric power whose supply currently stands at 44 percent in urban areas and 2. 4 percent in rural areas can not be blamed on local authorities. Electric power supply is not only inadequate, there is constant rationing (or load shedding), its cost is prohibitive and discourages the poor from getting connected to it. As Shs. 420 per unit consumed, which on average for a two–roomed home comes to about Shs 40, 000 – 60, 000 per month, in a country where 38 percent (9, 2 million of the 26, 8 million Ugandans in 2005) of the people live on less than one US dollar per day, that cost of electric power leaves most of the poor and even some so–called middle class people with limited options, but to seek for alternative sources of energy, including candles, paraffin (tin lamp) – for lighting homes at night, charcoal and firewood for cooking food. These alternatives are certainly destructive to the environment and are health hazards to the people using them[542].

Finally on this section of the chapter, a discussion must be made of the nuisance of garbage (solid waste) in Uganda's urban areas. This is one critical area where urban authorities have registered the worst score in their performance. Heaps of uncollected garbage constitutes what the Public Health Act describes as "nuisance". In Uganda's urban areas, this is indeed a nuisance everywhere. Although the Public Health Act obliges "every local authority to take all lawful, necessary and reasonable practicable measures for preventing occurrence of, or for dealing with any outbreak or prevalence of, any infections, communicable or preventable disease, to safeguard and promote the public health . . .", this function of urban authorities has posed a key challenge to them[543]. It has been suggested that most of the towns lack the financial resources and equipment to collect all the solid waste produced in Uganda's urban areas[544]. The large amount of solid waste in Uganda's urban areas is also attributed to the nature of food consumed in the country, which is largely green bananas (matooke), cassava,

[542] See New Vision, March 24, 2005 report of Uganda Bureau of Statistics, which indicates that 75 percent of Uganda households use Kerosene candles (tadooba) to light houses, and 97 percent of them use firewood to cook meals.

[543] In 1998 local councils election the Mayor of Kampala Christopher lga was voted out on grounds that the city was littered with garbage. He was referred to as "cholera" or Kasasiro, due to the cholera out break at the time in the city. The Mayor of Mbarara municipality Robert Rutehenda was also called Kasasiro (garbage) and voted out in 2001.

[544] See Gordon Mwesigye and Sabastian Bigirwenkya "Challenges of Urban Management in Uganda" Basic Principles of Decentralisation UMI, 2004

yams, potatoes, and fresh beans etc, all of which contribute significant amounts of solid vegetable waste. It is estimated that on average households produce 0, 8 kilograms per head of solid waste in Kampala[545]. This would infact, has not been a big problem if it were collected regularly and in time and perhaps recycled. By its nature, vegetable solid waste is easier disposed off, and left to decompose, unlike industrial waste, which needs sophisticated processes of recycling and management. At present, due to the low level of industrialisation, Uganda has not yet experienced serious problems of industrial waste disposal. Nonetheless, in most urban areas in Uganda, vegetable solid wastes are left to decompose at market places, hotel premises, road pavements, motor vehicle parks and residential premises. The solid waste skips are left uncollected, full of garbage for weeks overflowing by the roadside, swarmed by flies and vermin, releasing dangerous and stinking gases in the environment, accelerating the transmission of communicable diseases especially in areas occupied by the urban poor[546].

The problem of solid waste disposal extends beyond the places where it is produced and the collection of the garbage itself. It affects other areas, especially where it is finally dumped. For example Kampala City Council (KCC) dumps its solid waste at Kitezi in Wakiso district. This garbage is not treated but left to decompose naturally. The people of Kitezi have complained that the water sources in the area have been contaminated by the leakage of metalic and medical substances from the dump site. Kampala residents produce about 750 tons of solid waste every day. This garbage is simply collected and dumped without being sorted. The consequences of such garbage dumping at Kitezi have been severely negative on the population there. The chairman LC III of the area has reported that recently, twenty heads of cattle died, and the fish farmers have complained that their stock is dying mysteriously[547].

In the final analysis service delivery in most urban areas remains inadequate and more seriously so in the smaller built up areas – trading centres, which do not receive any form

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[545] See Philip Amins, Urban Management in Uganda: Survival Under Stress (unplushed research report). Birmingham Administration Group, University of Birmingham, 1992 Amis found that 93% of the solid waste was of vegetable matter.

[546] See, Orumuri November, 11, 2000, where residents of Mbarara municipality were petitioning the new mayor over the return of garbage in a town that had seen improvement in cleanliness over the last four years.

[547] See the New Vision, March 7, 2005. The Chairman LC III Mr. Cephas Kasozi reportedly said "we have no where else to go but an irritating smell engulfs the area especially during the rainy season. As a result, the value of houses has gone down".

central government or even district financial support. It is in such areas that the willingness of the people to provide some would be urban services to themselves is more evident than anywhere else. This is not to suggest that in bigger urban areas the situation is much better. A consultancy study carried out in Jinja municipality council conceded that it "seemed to be confused in that Jinja (was) a clean urban area yet the municipal SWM (solid waste management) system barely functioned. The answer is of course, the very high percentage of waste that households directly recycle[548]". We should add, as our findings suggest in the next sections of this chapter will show, that in most of the urban areas where service deficits do exist, the people simply improvise.

5.5 The State of KCC in the Provision of Services

Kampala City Council (KCC) is the case study for this thesis. The choice of KCC as an organization was deliberate. Kampala City is a prime urban centre in Uganda – being the only one with a population of over 100, 000 people (its population being 1.208.544). It is the main industrial and commercial centre, as well as the capital city of Uganda. It is therefore, a relevant and appropriate place and organization to study. My view is that the ramification of policy initiatives and change in KCC have wider implications for the rest of the urban sector in Uganda.

A brief history of Kampala reveals that, it is the oldest urban establishment in Uganda with a dual character (traditional and modern). It is originated from the pre - colonial establishment of the *Kibuga* and later the colonial fort and commercial centre[549]. Established at around 1890, the colonial city of Kampala began and continued to grow through the century that was to follow and has entered another one. In 1906 Kampala became a planning area and was declared a township in 1913. On 1st January 1949, Kampala was upgrated to a municipality with appointment of 31 councillors and a mayor for the first time.

Kampala received a charter as a city council in September 1962, a few days before Uganda was declared independent on 9th October 1962. During all this time Kampala had remained a smaller planning area comprising mainly the areas of old Kampala, Nakasero and Kololo.

[548] Philip Amis, ibid p 67.
[549] P. Gutkind,opcit, The Royal Capital of Buganda. *Kibuga* refers to the King (*Kabaka)* of Buganda's royal capital which the colonial administrators found in existence at this site. The colonial office was moved to Entebbe in 1893 which acted as the capital of Uganda until independence in 1962.

The expansion into Greater Kampala occurred in 1968 when the Mengo Municipality, Nakawa Town Board and Kawempe Town Board were incorporated into its boundaries to expand the city. This expansion brought areas like Makerere, Lubaga, Namirembe, Mulago, Lungujja, Nateete, Ndeeba and Makindye into the city. Greater Kampala became a city of 80 square miles[550]. Kampala today is approximately 238 square kilometres[551].

The present city of Kampala, apart from being a busy commercial and political capital, is unique in its set up, relative to other urban and rural local governments in Uganda, it is also a district[552]. It is divided into five divisions, namely: Central Division, Kawempe Division, Nakawa Makindye Division, and Lubaga Division[553]. Each Division has its own elected chairperson, its own council and administrative structure. However though the Divisions' Councils are not subordinate to the Kampala City Council and have separate mandates by law, the administrative structure of the Divisional Councils are subordinate to the KCC administration in many respects. All the administrative personnel at the Divisions are appointed by the Kampala District Service Commission. They are posted and supervised by the Town Clerk of Kampala, who is the Chief Executive Officer of the whole city administration. In other words the Divisional Officers owe allegiance to two masters. On the one hand, they have to serve the council of the Division, which has the powers and the mandate over all the employees within its jurisdiction. On the other hand, they have to serve the higher authorities at the "centre" i.e. KCC, as the Divisional Officers call it. Nevertheless, in daily operational terms, each Division Council has its own budget, raises its own revenue and spends on the basis of its own decisions. The role of the 'centre' (KCC) is in the areas of policy coordination, human resource management, relations with the central government, relations with the foreign funders and streamlining management at all levels.

Establishing the state of Kampala city and its administration, KCC requires careful analysis, which I attempt in this section of the chapter. I have utilized documentary review to capture some elements of its pre–decentralisation period. I have used the interviews conducted in Kampala with Local Councillors, KCC officials and other informed citizens to evaluate the

[550] See KCC, Kampala City Handbook, 2000
[551] ibid, KCC P 17
[552] All other municipalities and towns are located within rural districts. Kampala city is the only district that is urban.
[553] City Divisions have the Status of municipalities under the Local Governments Act, 1997 (as amended in 2004)

opinions that they have on the state of KCC, especially as regards its capacity and efficiency in delivering services. At the same time, I carried out a non–probability sample of three hundred (300) adult residents of Kampala, of whom two hundred and eight (208) filled questionnaires and returned them from October 2003 to April 2004. Although the sample was based on non–probability sampling method, it targeted areas that are "traditionally" less endowed with services.

All the above listed areas, where the questionnaires were administered lie in the marginalized slumy suburbs of Kampala. These are areas where the majority of the city dwellers live and where services are critically needed. Although I observed some service deficiencies in the posh, rich people's areas such as Nakasero, Kololo, Bugolobi, Mbuya and Upper Naguru, such deficiencies do not include lack of say, water or food in the homesteads. I thought that administering questionnaires in the latter areas would possibly reveal little in respect of improvement or absence of it, as a result of implementation of decentralisation in Kampala. Issues concerning both the better to do and the less endowed areas were captured through interviews with key informants, official reports and minutes of the local councils.

5.6 A Retrospective Look at KCC

There is no doubt that the design of this study was largely guided by Kampala's recent history. The older residents of the city talk of "the glorious days when life was good[554]". In the 1960s and early 1970s the city had a well maintained road system and reliable, clean running water, while solid waste was promptly collected and disposed of. In terms of administration, KCC was an efficient and effective organization. The KCC of those times was self – sufficient financially[555]. The council was supposed to be elected according to the *Urban Authorities Act,* 1964 but this was not the case. Then the Minister for Regional Administration issued a statutory instrument declaring that all the councillors be appointed by the Minister. The Mayor and the Deputy Mayor were also appointed and were ceremonial[556]. However these two people had to be persons of integrity and high social standing in society. For example, Mr. Walusimbi–Mpanga the Mayor of Kampala (1971 – 1982) was a wealthy

[554] This sentimental reference to Kampala was revealed to me by Mr. Charles Sempewo, former Senior Committee Clerk (KCC), 1966 – 1995 in an interview with him on May 10, 2004. This was in reference to a clean city, splash gardens, dancing halls and efficient administration of that time.
[555] Interview with Charles Sempewo, Mary 10, 2004. The main source of funding at that time was property rates and ground rent which the urban residents were willing to pay because services were also good
[556] Hon was Minister for Regional Administration during the 1960s (Interview with Charles Sempewo).

man, who if salaries for KCC workers delayed due to shortage of money in KCC, would guarantee in the bank and salaries would be paid. He would also donate all his sitting allowances to charities such as Sanyu Babies Home (a home for disadvantaged children). These councillors worked largely through committees and for this, they were not paid. It was a public services. They would only receive sitting allowances when they sat as a council[557].

The day–to–day administration of the city was under the Town Clerk, who was a civil servant (chief executive officer) of the city, appointed by the Public Service Commission. The Town Clerk was a senior civil servant. He was responsible to the council and the Minister for Regional Administration. It is understood that though the appointment of Town Clerk was through the Public Service Commission there was always some politicking for this important position[558]. This was done in part, to promote the interest of the ruling party, the Uganda Peoples Congress (UPC)[559]. Despite the political interests of the ruling party in the appointment of senior administrators, there was no compromise on the question of effective service delivery and accountability to the council. The council was the policy making body and administrators had the responsibility of implementing the policies, which they were able to do to the satisfaction of the council. It is however important to note that the services delivered by KCC in the 1960s and early 1970s were relatively satisfactory partly because of four factors: first the population of Kampala was relatively small. Secondly the size of Kampala city before 1968 was also smaller, covering mainly the central business district of Old Kampala, Nakasero, Kololo and the industrial area[560]. Thirdly, the areas that constituted the "original" Kampala was inhabited at that time, largely by the more affluent Indian business and working class and the European professionals, business persons and administrators. This class of people were able to pay their taxes and to exert influence over the KCC to deliver services. Fourthly, even for Africans living on the fringes of Kampala, opportunities for gainful employment existed with the numerous industrial and commercial

[557] ibid, interview Charles Sempewo. According to Sempewo, councillors would meet for committee work after 5: 00pm on days they appointed themselves.
[558] ibid, interview with Charles Sempewo. Sempewo revealed to me that for example, the Town Clerk of Kampala 1964 – 1971 Mr Yoshua Kaduyu was former President Obote's Schoolmate and friend. The Chief Medical Officer of Health, another important position in KCC was held by Dr. Gesa, a personal physician for President Obote.
[559] This was a convenient way of taking care of UPC since most of the people in Buganda region and Kampala tended to Support the Democratic Party (DP), the opposition party.
[560] Kampala's size greatly increased when in 1968, the Mengo municipality (covering a large part of the present Lubaga Division), Nakawa and Kawempe Town Councils were incorporated part of the greater Kampala

concerns that were coming up[561]. Although these could not absorb all people that needed jobs, the situation was not hopeless. Moreover, as soon as the post – colonial government took the reign of the government, it increased the threshold of minimum wage across the board for all the workers[562]. The wage policy had the effect of attracting more people from rural areas to urban areas, especially Kampala. Thus, Kampala's population grew rapidly in the 1960s. The table below demonstrates Kampala's population trends.

Table 17: Showing Population Trends in Kampala

Year	Population
1906	35, 000
1915	42, 000
1949	61, 000
1962	201, 000
1969	330, 700
1991	774, 241
2002	1, 208, 544

Source*: Figures for earlier years i.e. 1906, 1915, 1949 and 1962 are estimates obtained from Kampala City Handbook (2000) p 20. The figures for the later years: 1969, 1991 and 2002 are actual figures based censuses.*

The growth of Kampala's population would not have been so much of a problem if the facilities and services had continued to grow to match its needs. The years of economic collapse and political instability (1970s and early 1980s) brought the city services to a mere shadow of its former self. (This was discussed in chapter 4 of this time).

Through the 1970s and 1980s, Kampala city services came to a near standstill. Politically and administratively, accountability to the population was non–existent as military men took over as councillors, especially during Idi Amin's regime. Moreover, due to the callousness of Amin's regime, the population had no avenues of articulating their demands into the political

[561] See Republic of Uganda, Water for Progress: Uganda's Second Five – Year Plan 1966 – 1971, (1966). The plan shows several planned and actual industrial and commercial concerns financed by both the government and the private sector. There was also a deliberate employment policy, encouraging Africans to enter formal employment (cf chapter 12 of the Plan). The Plan was not fully realized as it was interrupted by Amin's Coup in 1971.

[562] See Vali Jamal and John Weeks, Africa Misunderstood or Whatever Happened to the Rural –Urban Gap, (1993) p 37 discuss the trends of increment in wages since 1957 through to 1967. According to these authors, there were a buoyant wage increases over this period. This was to see a dramatic decline between 1972 and 1980 (when a monthly wage could only fetch a week's food for an average household).

system. The whole system of local government was militarized and the people lived in perpetual fear for their dear lives.

Economically, Amin's expulsion of business people of Indian origin in 1972 marked the beginning of Uganda's economic woes. Basic needs of life such as salt, soap, sugar, etc became scarce and were rationed by the local officials. Only the politically–connected people could access sugar and other basic needs of life[563]. Indian business concerns, buildings and factories were allocated to Amin's soldiers and political cronies, who had no experience in running such businesses. The new economic class came to be known as *mafutaming*[564]. This was a non–productive class, to the extent that it lived on rentals from buildings they did not erect and the one–time wholesale shops were turned into shops for selling bananas and second–hand clothes and other petty items.

The return to civilian rule after the disputed elections of 1980, that brought back Milton Obote to power as president was unable to revitalize the system of local government to what it was in the 1960s. Kampala remained a ghost city – littered with garbage, roads and pavements remained unattended, water supply was eratic, streets were unlit and KCC as an organization was perpetually broke. Moreover, the high levels of corruption in KCC were untamed.

The consequences of economic decline and political instability on Kampala and KCC were a "fairy tale". KCC's capacity to deliver any meaningful services crippled over the years. The table below demonstrates this.

[563] opcit, Yoramu Barongo, "The De – Embourgoisement of the Ugandan society".
[564] *Mafutamingi* meant a well –oiled 'money' class. This literally meant people who had "fallen into free things".

Table 18: Showing KCC's Position of the Engeneering Plant and Equipment, 1970 & 1988

PLANT TYPE	No. (1970)	No. (1988)
Mobile air compressor	1	0
Bitumen heating kettle	3	0
Berber green mixer plant	1	0
Bitumen sprayer	1	1
Cesspool emptier	1	1
Concrete mixer	8	0
Tipping lorries	12	2
Flat lorries	3	2
Road rollers	8	2
Vibrating rollers	8	2
Water tank	1	1
Water pump	3	0
Tractors	5	7
Mortuary van	1	0
Refuse lorries	12	10
Three – wheeled road roller	4	0
Vans/pick – ups	8	1
Trailer	1	0
Cars	2	2
Road burner	1	0
Hand Mowers	118	5
Traxcavator	1	
Towed mowers	18	3
Platform lorry	1	0
Compactor	2	2
Grader	2	2
Dozer	1	1
TOTAL	**227**	**44**

Source: KCC, Strategic Framework for Reform: A Way Forward (1997)

As the table above demonstrates, the City Engineer's department, which is the main service sector in the city lacked most of the equipment necessary to deliver the much needed services in the city. By 1988, it had less plant and machine capacity than it possessed in the 1970s. It could not repair roads because it had no loader, bitumen heating kettle, no concrete mixer, and no road roller. While KCC had twelve refuse lorries in 1970, it had only ten in 1988. KCC could not effectively cut bushes around the city because while it had 118 grass mowers in 1970, it had only 5 remaining in 1988. Worst of all, it had no mortuary van. This sorry state of affairs in KCC by the end of 1980s was deeply frustrating to its residents.

A combination of inadequate municipal services and wide-spread poverty affected the lives of most of the people viciously. Yet, because the situation of rural poverty was equally alarming, many people especially the youth were flocking the city in search of work, which was unavailable. Many youth including reasonably well educated ones ended up in all sorts of odd jobs such as car-washing, selling water in slums, trading in informal markets and hawking[565]. This led to a continued increase in Kampala's population. According to KCC,

> It is this uncontrolled influx of people into the city that places a serious strain on KCC service delivery system's ability to cope. Although it is a statutory responsibility for KCC to provide numerous services (eg clean water, sanitation, healthcare, garbage collection, road construction, electricity, schools, traffic control, recreation) an uncontrollable population explosion demand, there are no sufficient funds to finance them. The result is public discontent[566].

Since the 1950s when 160km of roads were constructed, Kampala's tributary and feeder roads have remained the same, and 90 percent of them are in a bad condition due to the lack of repair[567]. With the increased population, there is need for new roads. The result is that the traffic jam at peak hours in Kampala is a nightmare for motorists[568]. Due to the financial problems KCC has been grappling with the problem of roads. Most of the roads in the suburbs of Kampala are seasonal roads. When it rains they are slippery, and when it is hot, the dust clouds Kampala. According to KCC, it has no funds to engage in heavy capital

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[565] A friend I studied with at school, who completed Advanced Certificate of Education worked as hawker in early 1990s Owing to failure to break even and upon my advice he returned home. See Jossy Bibangamba "Macro – level Constraints and the Growth of the Informal Sector in Uganda" in Jonathan Baker and Paul Ove Pedersen (eds) The Rural – Urban Interface in Africa The Scundinavian Institute of African Studies, Uppsala, 1992

[566] KCC, opcit, Kampala City Handbook 2000 p 20

[567] Ibid,p. 20

[568] [67] ibid KCC p 21

investment such as roads. KCC estimates that a kilometre of bituminized road costs between US$200,000–250,000 without taking into account compensation for owners of land and property along which the road will pass[569].

Table 19: Showing the Nature and Location of Roads in Kampala City

Division	Earth Roads in km	Gravel Roads in km	Bitumen Roads in km	Total Km	%
Central	2, 265	5, 030	136, 790	144, 085	24, 5
Kawempe	0	39, 277	9, 393	48, 670	8,3
Makindye	14, 311	58, 271	27, 035	99, 617	17, 0
Nakawa	6, 217	84, 270	57, 611	148, 098	25, 2
Lubaga	9, 923	89, 864	46, 653	146, 440	24, 9
Others	0, 348	0	0	0, 348	0, 1
Total	33, 064	276, 712	277, 482	587, 258	100
%	5, 6	47, 1	47,3	100	

Source: Uganda First Urban Project, *Institutional Development Component, Final Consultancy Report,* 30 June 1995, p 67

The problem of service delivery in KCC has not been limited to poor roads. Other sectors also suffered neglect. For example, although KCC is responsible for the provision of primary school education in the city, the last primary school was built in 1958 during the colonial times[570]. Thus, over the years, private schools had become the main sources of education service, for example, by 1997 there were 78 public primary schools. At the same time sanitation in these schools was deplorable as most of the schools had pit latrines that threatened the health of the pupils. Water-borne diseases in schools have been prevalent. KCC asserts that water–borne toilets are "too expensive[571]". After the introduction of the universal primary education policy by the central government in 1997, KCC estimated that to accommodate all the children in primary schools, it needed 1013 more new classrooms to implement the new government's policy[572].

Other service sectors in KCC declined over the years but the worst case in terms of municipal responsibilities was its lack of capacity to collect solid waste (garbage). Most of Kampala's

[569] With a grant of 6 million United States dollars given by Japan Government some traffic lights at major junctions of Wandegeya, Natete, Nakawa and Bakuli have been installed.
[570] See KCC, Kampala City Position, September 1997 p. 18. However, between 1992 and 1997 it had built five new schools at Kyambogo, Kansanga, Kiwatule, Busega and Namirembe.
[571] ibid, p. 20
[572] ibid, p. 19

residents feed on *matooke* (green bananas) and other fresh foods. The *matooke* meal preparation leaves large amounts of peeling and the meal is also cooked in banana leaves. These contribute significantly to the amount of solid waste in the city. It is estimated that on the average, Kampala residents produce 1kg of solid waste per capita[573]. With the ever increasing population in the city, the challenge of waste management has been enormous. To grasp the extent of the problem, it is estimated that by 1991 KCC had the capacity to collect only 13% of the garbage in the city[574]. The table below demonstrates this.

[573] KCC, Strategy to Improve Solid Waste Management in Kampala City (2002) p. 3
[574] ibid, p. 3

Table 20: Showing Waste Generation and Collection in Kampala

Year	Population	Average Monthly Refuse Generation (tons)	No of Refuse Trucks Available	No of Refuse Containers	Average Quantity of Waste Collected (tons/month)	Percent Coverage	Disposal Method used
1969	330, 700	8, 929	12	Unknown	7, 000	78%	Unknown
1980	458, 503	13, 755	10	Unknown	Unknown	Un known	Open dumping
1991	774, 241	26, 000	9	320	3, 500	13%	Open dumping
2002	1, 208,544	36, 256	20	500	14, 000	39%	Sanitary land filling

Source: KCC, *Strategy to Improve Solid Waste Management in Kampala City* (2002) p. 3

From the table above, it is clear that Kampala has been and remains a dirty city. For example, while the city population had grown to about two and half between 1969 and 1991, the capacity of KCC to collect garbage in 1991 was half of what it was in 1969. While KCC presently collects 39% of the garbage, the rest of 61% remains littered all over the city. Even with 500 refuse containers scattered in, and around the city, these containers are a nuisance to the population where they are located. The most common sight is that containers overfill and over flow with rotting, uncollected garbage, attracting blow - flies, vermins, and the stench coming from them choking the travellers and households in its neighbourhood. Diarrhoea diseases are associated with this uncontrolled garbage very common in Kampala.

The factors responsible for poor solid management in Kampala range from high vegetable matter estimated to be 73. 8% of all solid waste[575], to poor methods of disposal at household level, and the failure by KCC to provide small rubbish bins at various points along the streets[576]. The problem of solid waste management in Kampala is attributed largely to the cost of collection and disposal which is estimated to be Shs. 10000 – 25.000 per ton. KCC estimates that even if the lower costs of Shs.10, 000 is used, it needs Shs. 363 million per month, which translate into about Shs 4.4 billion a year[577]. Given the financial constraints

[575] ibid, KCC, p. 4
[576] For a person walking on the streets of Kampala it is a practical problem to get where to responsibly deposit a used napkin because there are no rubbish bins. Hence, even for the main street where vegetable waste is less, paper and other disposables litter the streets.
[577] Opcit. KCC, p. 5

that KCC has been experiencing, this amount of money seems to be big. Thus, KCC sums the problem of solid waste management this way:

> Solid waste management is currently one of the most critical services, whose quality and coverage causes serious public outcry. The major bottleneck in the provision of solid waste management service is the lack of adequate resources. The level of service coverage is still inadequate with serious negative environmental consequences. In addition to public health and sanitation issues, the uncollected waste finds its way into the drainage system, which gets blocked leading to widespread flooding and damage to property and infrastructure[578].

This is a candid observation and analysis of the consequences of service failure in solid waste management. Most of Kampala's outlying areas face serious drainage problems as well as floods whenever it rains heavily. This is partly due to unplanned settlements which have been erected by their owners haphazardly without proper drains. On the other hand, it is due to the uncollected heaps of solid waste which block the existing drainage systems where they happen to exist.

Floods in Kampala are a constant hazard to its residents. In areas such as Nateete, Kalerwe, Kamwokya, Bwaise, Kajansi and Katwe, the residents of these slum areas live under terrible conditions whenever it rains heavily. The housing structures of such areas are largely semi-permanent or temporary, mainly occupied by the poor, thus when the floods come, they destroy their small properties and put their lives at risk. It is well known that residents in these areas sometimes seek refuge at other people's homes fearing that floods could sweep their homes and take their lives. In terms of hygiene, these areas are the worst hit in Kampala. The floods usually break down their temporary latrines, releasing the faeces into their flooded environment, which further puts their health at the mercy of all sorts of epidemics. This deplorable environmental situation affects the lives of Kampala people in all negative ways, but KCC seems helpless or unable to cope with this problem which has been persistent over the years[579].

The situation of service inadequacies and failures in KCC have their historical roots in the fiscal crisis that KCC experienced over the years. As we pointed out earlier, the political and

[578]Ibid. KCC. p. 7

[579] In recent years KCC has approached the Word Bank for a grant to deal with this problem but we shall deal with that issue in detail later.

economic crisis that befell the country in 1970s and 1980s gravely affected the whole public realm, including KCC. The available data shows that government's funding for local governments declined in 1970s, and was critically very low in 1980s. The Table below demonstrates this.

Table 21: Showing Recurrent Expenditure to Ministry of Local Government in the 1980s to 1991

Financial Year	Millions of Shs.	% of Total Budget
1983 / 84	21, 6	3, 58
1984 / 85	37, 6	2, 13
1985 /86	46, 9	1, 13
1986 / 87	170, 1	2, 12
1987 / 88	381, 5	1, 40
1988 / 89	1, 409.4	2, 42
1989 / 90	1, 648.6	1, 62
1990 / 91	3, 763.2	3, 47

Source: Philip Amins, *Urban Management in Uganda: Survival Under Stress* Report of Development Administration Group, University of Birmingham (1992) p. 13.

From the above figures, it is evident that the funding of local governments constituted a small fraction of Uganda's budget in the 1980s. Since the local government derived their funding from the Ministry of Local Government, the poor funding by the government also meant poor funding for localgovernments[580]. Moreover, most of the local governments, especially the urban ones, including KCC had lost most of their sources of revenue. In the case of KCC, its over dependence on graduated tax rather than property rates was a clear indication of loss of municipal revenue[581].

In KCC the critical problems of finances and financial management made service provision more difficult to attain. Not only were financial resources very scare in KCC, the little available was mismanaged or misappropriated. For example, a study conducted by *Uganda First Urban Project* revealed the following: first, that over the years, the Financial Procedures issued in 1963 had not been followed in the management of finances in KCC. The

[580] Amis opcit, shows that the priority of government funding in 1989/90 were ministries of Defence 37%, Finance 14, 6% and education 17, 1% respectively.
[581] Graduated Tax is a poll tax paid by every male adults of 18 years and above as well as women who are gain fully employed. Property rates could not be collected because of ownership problems of properties on the city

second observation is that KCC lacked competent managers, including finance managers. Thirdly, although KCC was allowed by the law to borrow for long term and medium term investments, it had not been able to borrow for those purposes. Instead it preferred short term borrowing in form of overdrafts from banks, which attracted high interest. Thus, KCC was perennially indebted to the banks. Fourthly, the financial management and accounting systems had totally collapsed[582]. For example, the report laments:

> KCC's financial accounting was of very poor quality. It is also mentioned that KCC's last statement of audited accounts produced without external assistance was for F.Y 1978 /79. Since 1986 a number of attempts have been made by consultants to prepare final accounts, but these were not successful. Loss of documents, poor recording of incomes and expenditure and currency restructuring influenced the accuracy of accounts. In F. Y 1988 / 89 accounts were reconstructed and balanced using assumptions[583] ... (Emphasis mine).

This state of affairs in respect of financial management and accounting combined with some corruption and misappropriation of funds left the financial health of KCC in a bad shape. For example it was reported in another study that market administrators responsible for collection of market dues on behalf of the city council were colluding with senior city administrators to levy high amounts of market dues on market vendors so that both could benefit illegally from the collections. In other words, most of the money collected from market vendors was not reaching the city treasury, but instead, ended up in the pockets of some individual employees of KCC[584]. This explains why in the case of Owino market, despite the dues paid by the vendors, no service improvements had been made by KCC since 1972[585]. This is not surprising, much of the money collected by KCC employees was "lost" since KCC as an organization had no reliable tax data base[586]. Generally it was observed within government circles that financial management in all local governments had virtually collapsed. The practice of banking money collected by public officials was no longer a normal practice. Much of the cash collected was usually given out as advance to the staff or councillors, and in

[582] Uganda First Urban Project, Financial Report on Institutional Development 30 June 1995
[583] ibid, p. 9
[584] Christie Gombay "Eating Cities: urban management and markets in Kampala" Cities Vol 2, NO 2, 1994
[585] ibid, p 89. Gombay explains that the big shots at KCC headquarters demanded that each senior market administrator was expected to deliver certain amounts of money to his or her boss in exchange for the security of his or her job at the market or else, lose it or get transferred.
[586] opcit, First Urban Project report, p. 4

many cases it was never returned. The financial records of local governments were totally in a mess. Duplicate copies of receipts and other documents were often not properly kept[587].

In terms of institutional capacity, most local governments during the years of economic and political instability declined. They lost the capacity to attract and retain competent, skilled and professional workers. This is partly because the salaries were extremely low. Thus, the morale of workers who remained was too low to deliver meaningful services. Moreover, they had no tools, equipment and systems to enable them to do their jobs properly. Ironically, there was over–employment in most local governments, including KCC, at the lower ranks. It was estimated that there were 24.955 workers paid by the District Administrations and 2.659 paid by central government in all districts of Uganda by 1992[588]. This was despite the fact that the lowest employee salary scale (U8) earning Shs. 3, 400 per month and the highest salary scale (U1) was earning Shs. 138, 684 per month[589]. The large numbers of employees were complicating the matters of service delivery within the local governments because they constituted a drain on the meagre resources available. Besides, the proper channels of employment had for a long time faulted, many influential people in local government got their relatives and friends into the employment of local governments. Such people would enter as temporary workers only to rise to middle or top ranks of the local authorities by default[590]. As a result, most local governments were over – staffed prior to decentralisation. *The Commission of Inquiry into Local Government* found that this was clearly the case in a local government. It observed:

> Evidence was gathered that recruitment into the ranks of established staff was often locally manipulated and tailored to give advantage to those already servicing with authorities in the grouping scheme. This "in–breeding" enabled men and women without any qualification, and without any in–service training, to start as messenger or road gang, and rise up to the top as administrative Secretaries or Supervisors of Works or Internal Auditors[591].

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[587] The practice of taking advances on mere chits even by the supervisors of cashiers had become institutionalized and was known as "104". See for detail, the discussion within the government, of these practices, Report of the Decentralisation Workshop held October 2, 1992 (organization by the Ministry of Local Government).

[588] See World Bank, Uganda District Management Study 1992

[589] ibid, pp 40 - 43

[590] Republic of Uganda, Report of the Commission of Inquiry into the Local Government System, 1997.

[591] ibid, Republic of Uganda, Report of the Commission of Inquiry into the Local Government System, June 1997 p. 79

Temporary appointment had become a disguised method through which heads of departments would get employment for their friends or relatives. This became a self-perpetuating tendency owing to the fact that most district service committees were malfunctional due to the low calibre of people appointed to such committees[592].

KCC suffered a situation of bloated staffing. By 1995, KCC had 2257 staff (both technical and support staff. A good number of them were not well trained[593]. Many of the lower cadre employees (support staff) were recruited on temporary terms. Recruitment was haphazard and merely expedient as noted by the UFUP report thus:

> Employees were recruited unlawfully on "temporary" terms (even up to 1994), although it was known that the jobs should have been filled on permanent basis. In some Departments, an even more shortsighted policy was adopted, recruiting graduates and diploma holders as group employees. These expedients have added heavily to KCC staffing problems.[594]

The situation described above simply shows the nature of the crisis–ridden KCC in the 1970s and 1980s, where employment relations were defined by the patrimonial tendencies. It was an indication of a failed organization because normal employment procedures had almost ceased to work. Staff were often assigned duties but without a specific post or designation. In such cases there were no staff evaluations[595]. Promotions were very rare, and in most cases depended on how one related with the boss, sometimes informally. As a result of this kind of situation, as well as very low pay, the morale of the workers was equally low. This was described as mere "survival" rather than devotion and loyalty to the work of the organization.

These practices undermined the known organizational norms of human resource management such as incentives and equity, efficiency and effectiveness, professional conduct, loyalty, division of labour and unity of command[596]. With the kind of "management style" that had existed in KCC, there was little hope for both the old and the young that they could make a career in that organisation but worked merely to survive. For a modern organisation to operate with efficiency and effectiveness, Max Weber advises

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[592] ibid, p 80. Evidence was gathered by the commission that there were "cases of hardly literate persons who had been appointed to Service Committees" of some districts.
[593] KCC, Uganda First Urban Project (p.10). It was noted that 50% of junior staff had no idea of book keeping..
[594] opcit, Uganda First Urban Project report, p. 48
[595] ibid, p. 49
[596] Weberian principles of organization,see Max Weber, Economy and Society edited by Guenther Roth and Claus Wittich, University of California Press, 1968 Chap xi.

> The official, who is not elected but appointed by a master, normally functions, from the technical point of view, more accurately because it is more likely that purely functional points of consideration and qualities will determine his selection and career[597].

The KCC of the 1970s and 80s did not fit the Weberian concept of administration and management, for it had lost the zeal for technical competences and its reward system was in quandary.

All the issues discussed above put together reveal that a national crisis had been brewing for some years, and it affected the whole spectrum of public life. KCC which we have examined in retrospect, was not spared by the fiscal, political and administrative crisis that plagued the country. Hence, in discussing the crisis in KCC it has been useful to grasp the national picture because KCC was part of it.

5.7 Decentralisation as a framework for Service Delivery in KCC

When the policy of decentralisation was put in place by the government in 1992, a new political and administrative dispensation dawned on the country's local government system. KCC which had become dysfunctional as an organization in almost every practical aspect of its operations gained a sense of rejuvenation. This section of the chapter describes KCC's organizational framework under the decentralisation and analyses how it has utilised the opportunities and dealt with the challenges in the recent years.

Politically, KCC is administered as any other district[598]. It has an executive Mayor, who is also the chairperson of the district. The Mayor is elected by universal adult suffrage by voters in the whole city (district). The Mayor of Kampala has powers conferred upon that office, the same as a chairperson of a district. These are specified in the Local Government Act (section 14) which include the *inter alia,* monitoring administration of the district, coordinating activities of the municipalities and towns in the district, overseeing the performance of persons employed in the district, and performing all functions necessary for the good of the district. Section 14 (4) stipulates that in the performance of his or her duties, the chairperson of a district or city mayor shall be answerable to the District Council.

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[597] Max Weber, Economy and Society Vol 2, (edited by Guenther Roth and Claus Wittich) pp. 960 - 1961

[598] Kampala City is the only urban council in Uganda with a status of a district. All other districts in the country are rural

The District Council in the case of Kampala (KCC) is composed of directly elected councillors. There are 72 councillors in all[599]. These represent constituencies, the women, the youth and the disabled persons. It is imperative to note that the law requires that at least one third of the councillors of any local government must be women[600]. According to the Local Governments Act (section 10: 11) a local council at any level of local government is the highest political authority within its area of jurisdiction and has both legislative and executive powers. Each local council is presided over by a Speaker or Deputy Speaker (in the absence of the former) both of whom are elected by the council[601]. Most work of the local councils is done by standing committees. In the case of KCC the standing committees are: Finance and Planning, Health and Environment, Education and Sports, Works, Traffic and Physical Planning, and Gender, Welfare and Community Services. The statutory boards are: the District Land Board, the District Service Commission, District Tender Board and District Human Rights Commission[602].

The two most active boards are the District Service Commission and the District Tender Board. The District Service Commission is responsible for all matters pertaining to human resources recruitment, disciplinary control and termination in the district. The District Tender Board on its part is responsible for matters of procurement of goods, services and work in the district. Every urban council is authorized by the law to create its own tender Board[603]. The District Tender Board is the only procurement authority in the district. Procurement is normally done through competitive bidding although selective bidding is also allowed. The KCC political structure, like all other districts has a sub district level known as Division. Kampala has five divisions, namely Lubaga, Kawempe, Central, Nakawa and Makindye[604]. A city Division under the law is equivalent to a municipality, but in a rural district, it is

[599] KCC, Kampala City Council's Position (Paper) September 1996, p 4
[600] Local Governments Act Section 11 (e).
[601] Before decentralisation, the councils were presided over by the Chairperson of the district or Mayor. In the case o Kampala the Mayor was ceremonial and had no executive powers i.e. up to 1987.
[602] KCC is the only district council with a human rights Commission. Its mandate is to monitor human rights in the city. It was created by KCC in 1998.
[603] Local Governments Act (Section, 95). This particular provision was a point of contention between the former chairman of Kampala central Division Mr. Ziritwaula and the City Mayor Sebana Kizito as to whether or not Divisions could not have their own tender Boards. This law was amended to allow city Divisions have their Tender Boards. However, no Division has done so on account of expenses involved.
[604] Although Makerere University and Kyambogo University have always been represented in KCC as "Division", due to their high concentration of population, high tax returns and need for specific services, they have never been gazetted as such.

equivalent to sub-county .The exception though is that unlike any other municipality[605], a city Division does not have lower local government. And unlike a rural sub-county, a city Division has more resources and more specialized urban services. What is important to note is that the Divisions in the city are local government in their own rights under the law. They have their own elected chairpersons (who are not entitled to the title of mayor[606]), their own elected councils, technical staff and control their own revenue and expenditures. The Division are closer and directly accountable to the people.

As we have noted above, although Division Councils are lower local governments, they are not subordinate to KCC. They have their independent legal existence especially in the terms of their decision making and planning powers. Division Chairperson too, are not subordinate to the Mayor except in matters which need their co-operation for the good management of the city. Secondly, parish and village councils are not local governments, they are administrative units. They have no legal corporate status. Thirdly, there is one exception to be noted with the administrative structure. Essentially, the personnel matters of KCC, that is, all matters relating to recruitment, discipline and promotions are handled by the District Service Commission. In matters relating to the practice of administration, all established offices are under the supervision of the town Clerk. In other words, all established staff at KCC headquarters and those serving in the Divisions are directly responsible to the Town Clerk[607].

Personnel "centralisation" has both advantages and disadvantages. The main advantage is that the personnel standards are maintained and irregular appointments are minimised. The other advantage is that these employees can be deployed to work in any part of the KCC, as the Town Clerk deems fit. On the other hand, the staff who work at the Division level suffer from the problem of *double loyalty.* At the Division they are responsible for implementation of Division Council decisions. For purposes of reporting, they have to report to the Town Clerk. This problem was captured by the Principal Assistant Clerk of Kawempe Division thus:

> The major problem with administrative accountability is double allegiance. The local politicians may want to pull you down, yet it is the Town Clerk who recommends for promotion[608].

[605] Other municipalities in the country have lower local governments known as Divisions.
[606] Other municipalities have Mayors.
[607] The Division Councils have some powers to recruit support staff according to their needs. The Division Council pays these from its local revenue.
[608] Interview with Ms Ruth Kijambu, Principal Assistant Town Clerk, Kawempe Division, May 5, 2004

This is a real problem because the chairperson of the same Division had also expressed views which suggested that Division politicians were not happy with the present personnel system. He said:

> Technical people are still bureaucratic. They are not pro-people. Sometimes they tend to refer to the headquarters, instead of implementing Division Council decisions[609]

What can be understood from the fore going is that local politicians want to maximise their power. At the Division, the local politicians do not want to hear anything to do with KCC headquarters. They feel that the headquarters should not have any role in local matters. Yet in reality Divisions are not self sustaining. They depend on the technical guidance given by the headquarters staff, as well as that of those stationed at the Division. In reality, the staff of KCC working at the Division level have misgivings about the local politicians. They contend that councillors tend to regard the council as if it were a career and they demand for money all the time. In other words, they regard the local council as a source of income. Beside, it was reported that Councillors spend a lot of money during their campaigns for election, hoping that they could recoup it from the council once elected, which leads them into frustration when they later discover that local councils are financially constrained, almost, at all times. Thus the councillors even go to the extent of attempting to do illegal activities such as lobbying for tenders to supply goods or services to the Council, an act prohibited by the law[610]. In the course of their pursuit of such deals, they are told by the technical staff that such a thing is illegal. In retaliation, the councillors try to wich-hunt the officers, calling them names or branding them "thieves" or accusing them of incompetence in the Council[611]. From this point of view, most officers feel that working at the Division is less enjoyable and hazardous. There is a strong sense that if the officers were not 'centralized' and protected by the law, they would find it difficult to work at the Division.

Moreover, whereas some local politicians brand the technical officers "uncooperative" and "bureaucratic", it is argued that if the local politicians were to have their way, they could

[609] Interview with the Chairperson, Kawempe Division Mr. Takuba on 23 April, 2004.
[610] This was revealed during a meeting with the technical committee of Kawempe Division on 20 April 2004. Many other interviewees working at the Division level also voiced it. The law forbids councillors from supplying their councils.
[611] Interview with one officer who did not want to be named 20 April 2004

simply drain the local council of its funds and no services would be provided. All Finance Officers interviewed for this study expressed the above sentiment. On their part, the councillors contend that the technical officers are corrupt and tend to undermine service delivery. They assert that the technical officers connive with tenderers and other suppliers to inflate the prices of goods and services with deliberate intentions of making personal gains by way of a given percentage of the price as commission. As one technical officer has put it there is a barrage of accusations and counter – accusations on both sides. He said:

> There is a tendency for some people to pursue their objectives rather than the objectives of the organization (KCC). Some people say "nfunila wa? Politicians come to council with a view of making ends-meet, not motivated by service delivery to the people. Yet some officials are also self-serving[612].

It is argued that the way the whole system of local government operates, it lacks one fundamental thing – *a system of values*. It is observed that there are no core values. Such core values would have "efficient and effective service delivery", "public spiritedness" and a "sense of commitment to organizational goals[613]". Ideally a system of core values would have been expected to be the benchmark of excellence not only in the local governments but in the public service as a whole. However, such values were eroded by many years of social and political decay in the country, whereby civil servants resorted to their jobs as posts for "survival" rather than commitment to such values, and the system of popular representation had totally collapsed. Civic competence in the whole public realm declined significantly to the extent that leaders and public officials see little value in serving more of public interest rather than their own. As one a prominent public servant has pointed out:

> You can not be transparent when you do not know what to do and those you are leading do not know what to expect[614].

It is argued in this respect that the Ugandan society condones corruption, to the extent that, when a councillor or a civil servant becomes wealthy overnight, members of society perceive him or her as "smart" or "hard"–working". The honest counterpart who serves the government with honesty and dedication is perceived as either "lazy" or "un–enterprising".

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[612] Expressed by Mr. John Gatheni, Senior Assistant Town Clerk, Lubaga Division. Interviewed on 25 May 2005. *Infunila wa?* Literally means that almost every other person working for local councils has a tendency of saying "where do I gain?"

[613] Ibid, Mr John Gatheni. Expressed during Hamy interview with him on 25 May 2004.

[614] Kiwanuka Musisi, former chairperson, Mukono district and former Resident District Commissioner Kampala, Interviewed on 8 June 2004.

As a consequence, there is that latent drive by both local officials and politicians to maximise "self–interest" by illicit means in order for them to be better–off. This tends to undermine both political and administrative accountability. Accordingly, some observers say that local politicians who are supposed to be the "watch–dogs" for people's interests have let them down.

Nevertheless, it is not always the case that the people are not watching the graft and impropriety that take place in local governments. For example on 24 May 2004 a team of KCC officials visited Kisasi, a suburb of Kampala in Nakawa Division to inspect a road that was being fixed. The team found out that stone pitching had been done by the contractor without sufficient cement mix. As they were putting the case of bad workmanship to the contractor, the *boda boda* cyclists at the site interjected by saying "*naffe twabilaba dda kyoka twatya okubyogela*[615]. This exemplifies two things. First the ordinary people are keen observers of whatever the local officials are doing with public money, in such a case, delivering shoddy work. Secondly they lack an effective *voice* to articulate their disapproval of such lack of "value–for–money" projects. Poor service delivery is blamed by the contractors on the systematic of corruption in the local councils. The tenderers clearly state that "there is no such a thing as a free tender". One contractor dealing in the paving of roads would often say, he takes no blame for poor road making, because he does the work equivalent to the money that remains after a ring of officials have taken their "cut", which in some cases was in the range of 20 to 50 percent of the project fund, and as a businessman he also has to make profit. In such circumstances, a smaller fraction of the project fund was actually committed to the implementation of the project itself[616]. It is no wonder therefore, that most of the gravel roads done in Kampala last one or two years or less, because the right amounts of gravel were not used or drains were not done. Not only the gravel roads, a tarmac road done between Kasubi and Bwaise in 2003 is already worn out. This, I observed during the conclusion of my field work in 2004. The situation regarding abrogation of professional and public service probity is cyclical within all local governments, particularly in KCC. First it is a behaviour that has been inherited from "thuggery" of the past when unqualified and inexperienced people occupied public offices by virtue of patrimonial relations, and

[615] Literally meaning "we saw these faults longtime ago but we had no way of expressing them" Narrative made to me by Mr. John Gatheni (ibid) in an interview 25 May 2004.

[616] Interview with a road contractor who declined to be named 4 May 2004. The contractor declined to be named for obvious reasons he could lose contracts if he did.

"plundered" the limited resources that were meant for public use[617]. It is no news in Uganda that until mid – 1990s, the civil servants would take months without getting their salaries, not because government had not released the cheques but because some influential person was trading with the money or slicing away some chunks for himself or herself in form of "ghost" payments[618]. The second associated problem has been the low salaries for civil servants and the gross levels of inequity they entail. Within KCC, this has been excerbated by the salaries that local politicians get vis–a–vis those of lower civil servants. For example the Mayor of Kampala receives well over 6 million shillings a month, and the Division Chairperson of Central Division receives over 5 million shillings a month. The other chairpersons of Divisions too, receive handsome salaries in millions of shillings per month. These salaries exclude luxurious four–wheel drive cars bought, maintained and fuelled by the local government funds, in addition to other legalese attached to their official positions. For example, during my fieldwork, it was revealed to me that the Chairmen of Central Division receives Shs.500.000 per week for incidental expenses and his mobile telephone bills were met by the Division. Senior civil servants though not formally highly paid enjoy the "benefits" of their offices. At the middle and lower ranks, the salaries are simply miserable. The lowest paid in the cadre of support staff earns Shs.80.000. Save for grand corruption that the better-paid officials practise in form of "kickbacks" on tenders and other trading activities, petty corruption is rampant and justified by lower ranking officials as "survival". One version for explaining the petty corruption can be captured from this revelation:

> Our department of Law Enforcement is critical to all departments in this Division but it is the most marginalised. No good salary, no confirmation and no benefits. How do you expect him (a Law Enforcement Officer) not to accept Shs. 100.000 from an offender when he earns a salary of Shs. 120, 000 a whole month[619]?

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[617] This particular practice was very common during Amin's regime when illiterate or semi – illiterate soldiers would be appointed Provincial Governors and other high-level offices. Such people had no regard for books of accounts or proper administrative procedures. To them receiving "gifts" for services rendered was normal. These negative legacies persist in the public service of Uganda.

[618] The Public Service Review and Re–organisation Commission found that the whole structure of Public Service including the teaching service, local governments, health service etc had "ghost workers" i.e. people supposedly working for government, whom government paid regular salaries, but were non – existent at all. Their salaries went to the bank accounts of their-would-be supervisors. For detail, Petter Langseth "Civil Service Reform Programme" in Petter Langseth & J. Mugaju Towards and Effective Civil Service Fountain Publishers, Kampala, 1996 p 55

[619] Interview Mr. Charles Bagenze (Senior Law Enforcement Officer, Kawempe Division) who also complained he had been in an acting position for five years without knowing why that should be the case (Date of Interview 20 April 2004).

Another observer hinted in respect of the delays by KCC to approve building plans, that some property developers have found it "normal" either to "oil the system" of the officers at the KCC Planning Office or to "tip" the Law Enforcement Officers "to keep a blind eye" as he or she develops his or her property[620].

"Survival" as it is termed in KCC circles, has become so routinised and institutionalized amongst the KCC workers in all sorts of jargons that if one is not familiar with them, he or she may end up not receiving a service. Jargons like *ovakko ki?* (What can you give me?) are used lightly towards people who come seeking services at their offices. Because a jargon like this one carries an intonation of a slang, common offenders understand it well, they part with some money and get cleared quickly, especially within the ranks of the Law Enforcement Officers. The other clients of local governments simply wait for "normal" procedures to take their course. They may wait indefinitely until their luck comes. This intricate method of extortion keeps local government officials going, keeping their jobs jealously, leaving a casual observer wondering why they never resign or complain loudly like other workers in other sectors. The explanation lies in the unveiled "benefits" that they receive illicitly. The kind of unprofessional behaviour described above is most prevalent amongst the lower ranks of workers.

The middle level managers who are the key persons in project implementation are equally dissatisfied with their conditions of work. This is largely due to two factors: they lack adequate tools and equipment to do their work efficiently and effectively. For example, in most essential departments such as public health, education, community and social welfare, engineering and production, not a single one had a departmental vehicle in all the five Divisions of Kampala. Officers interviewed for this study wondered how a Public Health Inspector or Inspector of Education would travel around the Division without a car. Public Health Inspectors for instance, are supposed to enforce public hygiene and trade orders, but this can not effectively be done due to lack of transport. Some vehicles at the Division level are shared but this means that departments have to do bookings in turns. In such cases, urgent cases can not be attended to. A case in point to illustrate this dilemma was in Lubaga Division. On the 1 May 2004, the Probation Officer was called upon by the Councillor of

[620] Godwin Othieno, Physical Panner, Nakawa Division. Narrated this to one during an interview, 1 June 2004.

Najjanankumbi area reporting a child neglected by her mother. The mother of the child would lock the child inside her house, and leave the child crying the whole day without food. The child had become terribly malnourished. When the neighbours noticed it, they reported the matter to the Councillor. This prompted the Councillor to urgently call the Probation Officer to immediately come to the rescue of the child. The Probation Officer could not take immediate action that day because there were no means transport to enable her to do so. She eventually got a vehicle from the Senior Assistant Town Clerk on the following day which she used to pick the kid whom she took to Mulago hospital's Mwanamujimu Child Feeding Centre[621].

The point being made here is that in KCC, the few facilities therein, tend to be more available to the top administrators than the middle managers and lower level workers who do the actual work in the field. Another example is the planning departments in all Divisions. In all Divisions, physical planners complained of lack of equipment and tools such as maps, drawing pencils, theodolite and even drawing tables. For example, physical planners reported that they use their meagre resources to buy drawing pencils for use at workplace. In Nakawa Division, the drawing table in the physical planning office was a private property of one of the planners!

Apart from inadequate or lack of tools and equipment, the issue of inadequate salaries comes up again. The middle managers such as the Medical Officers of Health, Engineers, all of whom are university graduates, some with some post–graduate qualification earn "pennies" for their hard work. For example, a graduate Engineer earns between Shs. 500, 000 – 700, 000 (equivalent to about 300 – 400 US Dollars) a month. The tricky part of it is that these are the officers who handle projects and programmes involving large sums of money. For example one Engineer put it this way:

> Salaries in KCC are too inadequate. The ratio of the highest paid is 21: 1. The Engineer may be paid about Shs.500.000 per month and yet this is a person in charge of Shs.5 billion of project money per year. This is tempting[622].

[621] Narrated tome by Ms. Restey Kabajwara, Coordinator of Welfare and Community services, Lubaga Division on 22 May 2004.
[622] Expressed by Mr. Ronald Sebanenya, Division Engineer Kampala Central Division in an interview with him on 13 May 2004. It should be noted the salaries for Local Government staff are pegged to the government salary scales across the board.

Indeed, as pointed out above, the conditions of work especially in terms of remuneration are disappointing and *tempting.* All investment projects at the Division level, including the central government –funded Local Government Development Project (LGDP) activities are handled by the Division Engineer, and they run in billions of shillings yet the Engineer earns a mere Shs. 500.000 a month. The temptation for officers to engage in unprofessional collusion with contractors to over – invoice the local government is real and alive partly due to poor pay for officers. Through observation, I noticed that almost every officer at the Division possessed a personal motor vehicle. If it were to be the case that officers don't get their money by other means other than salaries they receive from their jobs no officer would own and maintain a car, besides feeding themselves, their families and paying for their accommodation. This "temptation" is certainly not confined to local government workers alone, it spans through the entire public service of Uganda. This persistent problem of low wages was identified about fifteen years ago by the Public Service Review and Re – organisation Commission (PSRRC) that observed thus:

> The current extremely low salaries/wages paid to members of the Public Service can be taken as the number one contributory factor to corruption. The lowest paid staff (at that time) according to the Circular Standing Instruction No. 6 of 1990, is paid a salary of only Shs.2, 591 per month (about US Dollars 5.8) . . . The highest paid official receives a salary of Shs.12,155 per month, equivalent to US Dollars 2.7. . . (These) extremely low salaries make it impossible for the majority of staff to meet their daily basic needs, for example education of their children, feeding, clothing and taking care of the medical needs of themselves and their families. This has for a long time been a major contributory factor to widespread corruption[623].

That was about fifteen years ago. Since then, salaries have been revised upwards in all sectors of the public service. However, inflation and other factors have continued to eat into real incomes earned by civil servants. For example, while the rate of exchange for the Uganda shilling to a US Dollar in 1990 was Shs. 450, it now stands Shs.1750 to a Dollar. Government has not been adjusting salaries to cater for inflation. Infact, salaries have remained static for the majority of civil servants since mid–1990s except for political leaders such as Members of Parliament, District Resident Commissioners, Ministers, District Resident Commissioners,

[623] Extract from chapter 14 of the *Report of the Public Service Review and Re – organisation Commission of Uganda* 1989/1990 reproduced in A. Ruzindana et al, Fighting Corruption in Uganda Fountain Publishers, Kampala, 1998, p 19

Ministers and other top politicians. Therefore, this gratuitous inequality in salaries within the whole of public service makes corruption attractive. As the PSRRC further observed, some sections of Public Service offer opportunities for corruption, this is termed as "eating" while others with less of such opportunities are termed as "dry" areas. Such opportunities for corruption have "negative impact on the morale of staff who continue to depend on their salaries and allowances [and] makes it difficult for any meaningful work to be performed in some districts[624]". The report concludes by lamenting the fate of the more honest public officers, thus:

> They see so much corruption going on, apparently successfully and with impunity while they continue to suffer and tighten their belts because they have chosen to remain honest[625]. (Emphasis added).

5.8 Kampala City Council Strategic Framework for Reform

To a large extent, Uganda has been going through several institutional changes in the 1990s, with a view of transforming the way the public service works. The main transformative changes have hinged around liberalisation of the economy, public service reform and decentralisation. These affect one another in a number of ways, particularly in the areas affecting the realm of public organisation and how they are supposed to cope with new organizational cultures. This seems to be the fundamental problem. Many old ways of doing things still persist in their organisational framework. As experts of organizational ecology advise us . . ." in determining organisational change, cause and effect logic is blurred because some changes symptoms of organisational decline rather than causes of failure[626]. This seems to be the case with implementation of decentralisation in KCC. As we pointed out in earlier chapters and to some extent in this one, one thing seems to be starkly clear – that is KCC as an organisation was a shadow of its former self by 1990. Thus, if some of the things are not being done right, it is partly because of the general institutional decline in the whole governmental system and also because the newly introduced institutional arrangements are still in their infancy. Besides, organisational development itself, as a process is gradual, incremental and enduring, and its results are realized after a considerable length of time. It is for this reason I that turn to the review of KCC, ten or so, years.

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[624] ibid p. 24
[625] locit. P. 24
[626] See Joel A. C. Baum, "Organisational Ecology" in Stuart R. Clegg, Cynthia Hardy & Walter Nord, Handbook of Organisation Studies Sage Publications London.

Although Kampala district began to enjoy decentralisation in the early 1990s and to deal with the challenges that it posed, KCC had not had a strategic plan for decades and possibly, never before. Its first strategic plan was drafted in 1997. My purpose in reviewing the Strategic Framework for Reform (SFR) is that it is the first "home–grown" policy that admits the pathetic state of affairs in KCC. In the identification of Kampala's problems the SFR states:

> There has been general outcry by the citizens of Kampala about the pathetic level of services …Vehicles, equipment and tools needed for solid waste management, road construction and maintenance, street lighting etc at best could be described as scanty and run down …The total KCC budget in 1988 was only 362 million shillings. These comparisons have no doubt that by 1988 the city was in shambles[627].

In taking stock of the problems of KCC and in designing a way forward, KCC took 1988 as the year when it began to re–examine itself and gain a sense of "self–examination, self–criticism and accepting that something was wrong[628]". The new directions in tackling these problems emphasised *interalia:* openness, innovations, team building and accountability. However in its effort to put things right it met obstacles. It states: "Despite many efforts by KCC to intervene in the process of
service delivery, the desired effect was not achieved[629]".

A number of reasons are cited for poor service delivery. These include:

- ◊ lack of strategic planning and management systems resulting in disjointed efforts in the implementing of various improvement programmes.
- ◊ lack of commitment to organisation by its employees.
- ◊ lack of finances to meet increased public demand for services.
- ◊ inability to realise full potential in revenue collection due to unwillingness to pay and economic hardships of the debtors
- ◊ unplanned changes in top management resulting in disruptions of Council programmes.
- ◊ lack of effective financial management systems
- ◊ inadequate and outmoded laws
- ◊ absence of institutionalized communication and consultation procedures between the internal and external stakeholders.

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[627] KCC *Kampala City Council Strategic Framework for Reform,* p. 2
[628] ibid, p. 5
[629] locit, p. 5

◊ undue political interference and procrastinations of decision making by Councillors, causing delays in the implementation of Council programmes.

With the SFR in place the mission of KCC was conceived as: "To provide and to facilitate the delivery of quality, sustainable, customer–oriented services, effectively and efficiently".

This is fundamental to our understanding of KCC because as an organisation it had always existed without a stated mission. This could have greatly contributed to its perennial troubles. It acted for most of the time as a reactive and a crisis management organisation. It also acted very bureaucratically but inefficiently. Its organization was far from the ideal and productive bureaucracy. It lacked financial, physical and human resources to enable it do a good job or deliver services. Therefore, its adoption of the SFR was long overdue.

The issue then is, how was SFR intending to help KCC recover? A number of proposals were put forward in SFR, *interlia:*

◊ that KCC intended to shift emphasis from being a deliverer of services, to a regulator and enabler.
◊ that it was to undertake reforms of its bureaucracy by "right – sizing", and training its workforce into a well – knit productive resource.
◊ that it was to strengthen its regulatory and enabling functions by operating with consensus and establishing rapport with its stakeholders, and to improve its public image.
◊ that it was to undertake more prudent fiscal responsibility.

In view of the above strategic goals, KCC critically observed that its conception of SFR was no "accident". It had no choice but to embark on this, "having tried all other ways without success[630]".

The envisaged strategies to achieve the above goals were identified in the SFR to include: contracting out, privatisation, outsourcing non–statutory functions, divestiture of non–core assets, and rationalization of its organisation and creating an effective incentive system for staff motivation. Other strategies were: to put in place a sound financial management system,

[630] The highlighted strategic goals are contained in SFR document (ibid) p. 6

effective revenue mobilization and expenditure control. In addition, it proposed measures to establish benchmarks for good performance, accountability, monitoring and evaluation, effective audit systems and information management system. Apart from more effective revenue mobilization strategies, KCC intended to engage the government to disburse funds in line with article 193 of the Constitution.

Critically, the SFR initiative though conceived at the behest of the World Bank through the Uganda First Urban Project (UFUP) was a step in the right direction for KCC. KCC had a bloated staffing structure, over– departmentalization, and lacked well qualified managers. These factors had negative effect on the implementation of the World Bank–sponsored First Urban Project (FUP) in Kampala. As a review of FUP points out:

> As part of the First Urban Project (FUP), launched in 1991 with funding from IDA and restructured in October 1993, it was agreed that KCC should concentrate on its actions to rebuild its organizational capacity and implement a plan of action to improve KCC's finances and operations. However, the progress in achieving the targets put forth in FUP, was slow and fragmented and it was realized that fundamental changes in KCC's organization and management, within the context of the evolving decentralisation, were needed[631].

As an example of revenue performance in KCC working within the FUP, the improvements were less than expected. The table illustrates this.

Table 22: Showing KCC's Actual Income 1991 – 94 (Ushs.Million)

Source	Year	Year	Year	% increase 1991/2	Projection 1994/95
	1991/92	1992/93	1993/4		
Markets Tax Parks Others	608 337 79	625 345 98	629 386 83	3.5% 14% 5%	638 588 80
Total				7, 5%	

Source: *Uganda First Urban Project, Fourth Quarterly Report, 30 June 1995 p. 5*

As indicated in the above table the overall increase was 7, 5%. This low performance was attributed to lack of adequate commitment by KCC management to attaining the desired targets. It was also noted that "policy issues on contracting out collection of income from

[631] Core Team (World Bank experts) *Overview of SFR and Progress* (2003), p. 1

Markets and Taxi Parks got badly confused thus causing a delay" in implementation[632]. For example while it had been anticipated that KCC would collect an average income of Shs.100 million from the Taxi Parks from June 1994, the Council received the average of Shs.42 million per month, losing an income of Shs.60 million."[633]

Again, it is important to note that in policy terms, the SFR was a leap forward because it signified that KCC was ready to critically censor itself and accept criticism as an organization that had failed to deliver on its mandate to the people. It was also a realization that the "traditional" mode of management had miserably failed therefore, there was urgent need to do something differently. For example as indicated above, while KCC suffered cash crises year after year, it had not been able to collect revenue due to it because it probably understood that the people were less willing to pay taxes where there was no visible service delivery on its part.

Furthermore, the organizational design and operation of KCC alienated it from the people it was meant to serve. Innovation and partnership had not been part of the ways KCC operated. KCC was popularly known for its corrupt ways and unresponsiveness which had always many property developers generally preferred to bribe KCC's Law Enforcement Officers so that they would allow them to build rather than taking their building plans to the City Planner for approval. My finding from the respondents who filled the questionnaire reveals that 69.2% who had built houses in Kampala had no approved plans. The reasons they advanced for this include: delays in approving plans by KCC (46.2), lack of land titles (80.8%), the process of approval requiring a lot of money (6.8%) and lack of knowledge about procedures 50% while those conversant with them (42.3).

Although the main factor contributing to erection of illegal structures around Kampala is the system of land tenure, the cumbersome process of approving and building plans in KCC tends to discourage developers from going through the proper channels of development.

Finally, it is imperative to note that three interrelated factors explain the motivation of KCC's move towards reforms contained in the SFR, these are: the government's policy of

[632] Uganda First Urban Project, *Quarterly Report,* 30 June 1995, p. 5
[633] ibid. p. 5

decentralisation, the public service reform and the intervention of the external financiers especially the World Bank. Decentralisation placed new challenges on how local governments had traditionally functioned. It has placed the challenge of service delivery at the hands of the local governments. Local governments received finances from central government but they needed to collect their own revenues in order to be able to function properly. Efficiency in using resources became an imperative and a necessity. Organisational rationality and discipline became inevitable. In all these, the expectations of the people for better service delivery were higher than the previous times. More important they had a stake and role play legally defined in the statute books. In other words, the SFR initiative was a strategy that KCC could afford not to do if it was to implement decentralisation properly.

The civil service reform which took place in the early 1990s required an initiative like SFR to be understood at the local level. Three key components of the civil service reform required a deeper understanding to be implemented. These are "right – sizing" the workforce, "rationalizing" the organization and changing the work modes to a "result – oriented" approach. Through "right – sizing" KCC reduced its workforce by retrenching 1302 staff between 1992 and 1995. Through rationalization, KCC merged most of its several departments into directorates in order to streamline the management and organisation of its bureaucracy as well as improving allocation of work tasks and efficiency. However, one element of the package of institutional change that has not been effectively implemented is result – oriented management. The explanation given is two – fold: there are still inadequate tools and equipment to enable workers to it, and the incentive system is still insufficient to see it through. In, other words, the wages are still very low and the morale of workers equally low. Nevertheless, there are clearer lines of authority, workers have specific tasks, top managers are hired on performance contracts and departmental budgets are followed. Above all, there is a functioning council, a political body that oversees the implementation of policies and presses technocrats for answerability. These not withstanding, KCC is still grappling to get things right. The levels of service provision are still poor as demonstrated by several examples given in the earlier sections of this chapter. This is attributed to budgetary constraints, poor tax returns, political interference, excessive expectations on the part of the population and rampant poverty afflicting the majority of Kampala residents.

Chapter 6

Urban Management, Strategic Sector Reforms and the Politics of Service Delivery in Kampala

6.1 Introduction

Taking a retrospective look at Kampala, the city, capital and the main commercial centre of Uganda leaves no doubt that it has experienced serious institutional decline. As the country's economic and political institutions shrunk into abyss, the city too, witnessed its own institutional demise. Yet again as the process of re-building the country gained momentum in late 1980s through the 1990s, Kampala also gained some sense of recovery. The linchpin of Kampala's institutional revival was at the wheels of the policy of decentralisation. The basis of decentralisation has been discussed in the earlier chapters of this thesis. What needs to be understood more clearly is the new "ways of management" in Uganda's local government generally, and whether or not, they constitute viable and effective mechanisms of service delivery, strategic planning, fiscal discipline and better resource management. In other words, have the new reforms produced management efficiency? The second issue that needs clearer grasp is the institutional framework that is set in motion by the "new managerialism" in KCC. There is need to understand the linkages among various stakeholders, the mechanisms of managing such linkages or what Rhodes would call "steering."[634]

The focus of this chapter is KCC's recent drive towards the "new governance mode" that gravitates within an inescapable dualism. On the one hand, an organisation like KCC seems stuck in the "old bureaucratic mode", while on the other hand, it is striving to adapt to the "new governance mode". The latter produces its own complex set of values, goals, and outcomes for which the existing institutional set-up was not crafted to handle efficaciously. This notwithstanding, a process of learning has been taking place and KCC an organisation now has a mission, vision and specific goals – something that was lacking in the past. Using the evidence that was gathered during the fieldwork done in Kampala, I examine and analyse the reforms in KCC in terms of its organisational structures, rules and goals. As one senior officer in KCC put it:

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[634] R.A.W Rhodes, "Governance and Public Administration" in R.A.W. Rhodes (2000) opcit. Also Mathew Flinders "Governance in Whitehall" in Public Administration, Vol. 80 No 1, 2002; Vivien Lowndes and Chris Skelcher, "Dynamics of Multi – organizational Partnerships: An Analysis of Changing Modes of Governance" in Public Administration Vol. 76, 1998.

> Decentralisation is like raising a football team. Its success depends on the kind of team you field, how effectively it is trained, how effectively it is equipped and the level of motivation you put in place for their motivation to attain excellence in the field[635].

This kind of thinking underscores the higher morale that is now reigning in KCC – a positive and optimistic view of the process of reforms taking place in KCC. Under the decentralised mode of governance, the administration of Kampala has changed in various ways: in the way, the headquarters deals with its sub–governments (divisions), in management of human resources, fiscal management, popular accountability and control, and methods of work. Despite these changes in KCC, however, a host of weaknesses persist. The discussion that follows from here focuses on these issues. In this chapter, we are concerned with how KCC has implemented reforms initiated as part of the Strategic Framework for Reform (SFR), and how such processes have been achieved in terms of service delivery in Kampala.

6.2 Background to Reform

By the end of the 1990's Kampala City Council had lost most of the material, human and financial capacities that it needed to deal with the problems afflicting the city. Two developments have been instrumental in "breathing fresh air" in the working of KCC through the 1990s to date. These developments are: the implementation of the policy of decentralisation initiated by the government and the organisational reforms supported by the international donors. While decentralisation activated political and administrative changes in all local governments, including KCC, by making local bureaucratic officials answerable to elected officials (local councils); the reforms were designed to restructure, review and change how KCC could operate more efficiently and effectively as an organisation. The reforms were designed within the context of decentralisation. Decentralisation made local governments corporate entities with a full range of responsibilities, mandates and resources. The gist of the reforms was to enable the local governments become accountable, self–sustaining, and transparent and service–deliverers.

In KCC, the reforms started back in 1991 when the First Urban Project (FUP) was initiated and implemented with the World Bank's IDA funding, channelled through the Uganda

[635] Mr Steven Higobero, Principal Assistant Town Clerk, Central Division in an interview with him on 4 May 2004.

government. The main goal of FUP was to re–build institutional capacity and to initiate infrastructure investment of KCC[636]. However, after two years of implementation, FUP noted that it was "evident that sustainable capacity building after a long period of institutional deterioration involves processes, which take longer than the stipulated two years of consultancy support."[637] Drawing lessons from the FUP, it was noted and recognised that, "fundamental changes in the way KCC [was] managed and run needed to be made in the context of the overall policy of decentralisation in the country whereby financial resources and functions were being devolved to lower levels of government to ensure more efficiency and effective delivery of basic services."[638] In attempt to get reforms done in KCC, the SFR was evolved by a combination of efforts of World Bank technical experts, KCC managers, councillors and the KCC labour union. The main elements of SFR are:

(i) rightsizing of KCC's staff in order to retain only the core staff for functional responsibilities associated with moving KCC from the traditional department–based organisation to a service–based centre structure;
(ii) contracting out selected functions (both service and management) and
(iii) improving financial management.

The concept of *alternative service delivery* mechanism (ASDM) was initiated within the context of the above parameters[639]. In view of this concept, KCC has since the mid-1990s undertaken, first to bring private sector service providers on board. This has been done through contracting out service delivery functions. The aim is to reduce overhead costs of running the services as well as increasing efficiency in service provision. The second element has been gradual restructuring in order to maintain core staff at the headquarters since most of the services are devolved to the Divisions. The third aspect has involved improvements in financial management, for example, in areas of information management through the integrated information management and privatisation of revenue collection functions. Fourthly, non–productive assets have been divested.

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[636] UFUP (1993) *First Output Report* reported that most of the components of the project were not achieved because of historical institutional bottlenecks in KCC.
[637] ibid, p. 1
[638] World Bank, *Uganda Local Government Program* Report No. PID 7841 (25 October, 1999) pp 9
[639] ibid, p. 10.

Given the aims and benchmarks of SFR, the KCC has re–organised itself to work as a less bureaucratic, and more of a service provider–organisation. Thus, the question that is pertinent is whether or not, KCC has, in the last ten or so years, acted as a more efficient, effective and accountable organisation in terms of service delivery to the people it is meant to serve. As experts on local government remind us:

> Local government performance is a primary concern to every citizen in the community because there is an expectation that all government resources are to be used efficiently in providing the highest level of public services. In turn, the local government has the responsibility to ensure that the programs that it provides meet their stated objectives and are cost effective[640].

Performance measurement therefore involves, controlling costs, comparing processes (i.e. terms of technology, approach or procedure, maintaining standards, and comparing sectors (i.e. whether a service is better provided by public or private body[641]). While such performance indicators are clearly of technical nature, they may not adequately tell a true picture of what happens in local governments. They may therefore, be inadequate in that sense. Local governments are not profit–making organisations, they are public bodies, whose performance measurement is political and social. They produce public goods consumed by a variety of people who hold differing perceptions of satisfaction and appreciation of services. Thus, while internally, a local government needs to contain costs, use resources prudently and motivate its staff to do a public job, the measurement of performance is what the citizens say about the level and quality of service. For our study, this is the strategy that was taken. By interviewing the people and observing what KCC has done or not done, we are able to tell whether the KCC reforms are productive or not.

Through interviews and the survey, the first step of our study was to establish through a random, non–probability sample of 208 adults who filled the questionnaire citizens' perceptions concerning living conditions in the city. The key indicators we chose were: housing, source of power, (domestic fuel), education for children, type of road to one's residence, medical services and waste disposal. This list includes the key services that most municipal governments provide. The logic behind our enquiry was geared towards attaining

[640] Michael Schaeffer, Municipal Budget, World Bank, 2000 p. 30
[641] ibid, p. 31

greater understanding of what the kind of services have been provided by KCC, and to what extent the ordinary citizens in the city are satisfied with them or not.

Roads are the main challenge to service provision in KCC. The road network in Kampala is estimated to be about 900km. Most of the roads in Kampala are gravel (600km) while 300km are tarmac. The challenge is that these gravel roads need regular maintenance as rains wash their surfaces away every rainy season. At the same time, the tarmac roads are not in any better shape as they require higher maintenance costs. KCC estimates that a kilometre of a tarmac road costs about 200.000 US Dollars. Moreover, apart from the central business district and its vicinity, the greater Kampala roads have no street lights. By 2003, only 77 km of the 900km of Kampala roads had security lights[642]. What seems to be important to note seriously is that although KCC has been building capacity to provide the much–needed infrastructure, it still falls far bellow its targets. The table below demonstrates this in respect of the road service provision.

Table 23: Showing Road Service Provision in Kampala City Council in Kilometres

Item	Activity	1999/ 2000 Target	1999/ 2000 Achieved	2000/ 2001 Target	2000/ 2001 Achieved	2001/ 2002 Target	2001/ 2002 Achieved
1	Patching pothole son tarmac roads	100.000	31.000	130.000	50.000	100.000	38.000
2	Periodic maintenance (tarmac roads)	170	35	200	23	150	24
3	Construction of side walks	600	-	600	-	600	-
4	Repair of side walks	20.000	-	20.000	-	20.000	-
5	Light grading of gravel roads	600	235	600	125	600	28
6	Periodic maintenance of gravel	600	150	600	108	600	100

[642] KCC, *Kampala District Budget Framework Paper* 2002/3 p. 5. There are 2780 installed street lights out of the desired 16. 000. KCC estimates, it needs Shs. 26 billion to light up the whole city.

	roads						
7	Replacement of manhole cover	500	20	500	100	500	90
8	Installation of culverts	1000	120	1100	130	1000	200
9	Upgrading of round abouts	5	5	2	-	3	-

Source: *KCC, Kampala District Budget Framework Paper 2002 / 2003*

From the table above, the evidence is that most of the planned road improvements over a period of three years continuously fell far below the targets. There were no plans for construction of new tarmac roads. Thus, not only are most of the tarmac roads in Kampala full of potholes, the gravel road too, are in sorry state. Worse still, the way the main roads in the city were constructed leaves one wondering as to why they have no side walks to the extent that cyclists and pedestrians have to move along the road with motor vehicles. The situation of road use has been worsened further by the *boda–boda* (motor cycles) whose riders seem not to understand traffic rules or follow traffic signs, which has resulted in unnecessarily high occurrence of accidents[643].

The low and poor level of performance in the road sector is attributed to lack of adequate financial resources in KCC, high costs of road construction and maintenance and the heavy rains and floods that Kampala experiences[644]. This notwithstanding, the point that is rarely mentioned by the public officials is that of poor workmanship or substandard roadwork[645].

Our respondents in the disadvantaged areas reported that there had only been slight improvements in their road network construction and maintenance, compared to the period before 1995. Asked whether the access road to their homes was tarmac, 48, (23. 1%) reported yes, while 160 (76. 9) reported no. On the question of the regularity in maintenance of gravel roads, the following were the responses. The table below shows the reported number of times a year a murram road is respondents' residential neighborhoods.

[643] One ubiquitous observation is that Kampala city lacks road signs and road markings. This contributes not only to the high number of accidents but also traffic jams and offences.
[644] During the financial year 2002/2003 KCC re – gravelled only 19. 5km of it roads.
[645] This author observed a road that was being re – sealed between Old Kampala Police junction and Namirembe road which lasted only about a month to wear.

Table 24: Showing number of reported times a murram road is paved

Times	Frequency	Percent
Atleast once a year	56	26.9
Never at all	72	34.6
We do it ourselves	64	30.8
I don't know	16	7.7
Total	**208**	**100**

Source: *Field survey findings*

From the table above, it is clear that in most areas the conditions of gravel roads, especially in the congested areas is still poor. While 26.9% of the respondents reported that their access roads are maintained by KCC at least once a year, the majority, 34. 6% reported that their roads are perennially in a bad state while 30.8% maintain their access roads, by mobilising communal labour or village council executive collecting some money from residents to pay labourers to fix their access roads.

The significance of what of what was reported by the respondents can be correlated with what KCC reports to have done. For example during the financial year 2002/2003, KCC re–gravelled only 5.7 km in Lubaga Division, 6.5 km in Makindye Division, 9.3 km in Kawempe and 6.3 km in Nakawa Division. Although Central Division also has some gravel roads, no works were done on them. During my field study (August 2003 to June 2004) we were able to observe some improvements on road works, for example, the following roads had been paved or re– ravelled:

Table 25: Showing roads that had been improved in 2004

Name of Road	Division	State of the Road
Bwaise – Kasubi	Kawempe/Lubaga	Tarmacked
Kalerwe – Bwaise	Kawempe	Tarmacked
Kawempe Police – Mbogo	Kawempe	Tarmacked
Kibuye – Makindye	Makindye	Tarmacked
Salama Road	Makindye	Tarmacked
Ntinda – Kisasi	Nakawa	Tarmacked
Bwaise – Lugoba	Kawempe	re–graveled
Kamwokya – Kyebando	Central/Kawempe	re–graveled
Mengo – Balintuma	Lubaga	Tarmacked

These are few of the examples of the roads that we observed. During the interviews with chairmen of Kawempe and Lubanga, each of them had an ambitious programme for roads that were either to be opened or re – gravelled. Two observations need to be made about roads works. First the political leaders have roads as a priority because a new road or a re – gravelled road is a "vote–catcher"[646]. Roads are more visible as political projects, that is, they are, relevant as a point of reference when political leaders are counting their achievements while in office to their voters. Secondly, roads are a priority of the central government's programme of poverty eradication campaign. The road sector therefore, gets priority funding from the government to local governments. This priority has been greatly assisted by availability of the World Bank–funded Local Government Development Project (LGDP) which has availed funds to the government, specifically for investment by local governments in local–level projects, among which, roads are a key priority. The idea behind this kind of local investment is that if the citizens see projects being implemented in their localities, this could increase their willingness to pay taxes to local governments. Thus in most areas we visited during the course of this study, we observed that most roads were being worked on. However a large sign–post was always placed with words *"This is a local Government Development Project (LGDP)"*. To the ordinary people, whether the financial resources for LGDP came from World Bank or KCC is not something they are seriously bothered about. What they mind is that a road or any other project is done in their locality by their local government[647].

Apart from roads works being a key source of "political capital" for local leaders, they are a meaningful economic investment for local governments. Whenever a good access road is opened in an area, the value of the property of the residents appreciates considerably because tenants want to live in places which are more easily accessible especially, by public transport. Thus, during our interviews with all Engineers in Kampala's five Divisions, roads were

[646] In an interview with Mr. Takuba (Chairman Kawempe Division) on 23 April 2004, he listed the number roads done under his tenure (so far 3 years) in office, in fulfilment of his election manifesto as including: Kafero road, Kiwonvu, Kyabakadde, Church road, Kimera, Mukalazi, Muganziwaza, Jakana, Lugoba, Tula, Spencon, Komamboga, Kizanyilo, Nakamilo and Nabukalu. He said when he meets people on his tours through the Division, the voters are appreciating his work.

[647] According to one key informant at Makindye Division, sometimes local leaders get false credit for roads done by central government in the city. Under the Local Government Act, trunk roads are a responsibility of the central government. When the government works on them, local residents come to praise local leaders for the work they "have done".

number one priority for most of the parish development committees that requested for projects under the LGDP funds.

The challenges involved in providing infrastructural services in Kampala are numerous. The first is technical (both human and physical). In all the five Divisions of Kampala, there is one qualified Engineer in each Division[648], against the established posts of five per division. On the side of the plant and machinery, the Divisions, which are the nerve–centres of service provision, share one grader between themselves. In other words, the capacity of the Divisions to routinely maintain roads is severely constrained by lack of equipment. These two problems are compounded by another problem of inadequate financial resources. For example, the problem is of Central Division that most of the roads under its jurisdiction are tarmac. On one hand this may appear like an advantage, on the other, this is real a problem because roads in the central business district wear out quickly due to heavy traffic, which means that they have to be fixed routinely. Yet, the cost of fixing tarmac roads is not comparable to that of gravel roads. Tarmac roads cost far much higher. It is estimated that the cost of tarmacking one kilometre of a road is shs.500 million equivalent to about US Dollars 300.000. In one way or the other, this is responsible for the persistent complaints from Kampala residents about the poor workmanship evident on the streets, which is so ubiquitous, to the extent that many observers sometimes wonder whether some of the road works were done under supervision of a qualified Engineer. However, one Engineer explained:

> Inadequate finances are the cause of the kind of sub – standard roads you sometimes see or some people complain about. Me, as an Engineer can't do sub – standard work, it is against my professional training and ethics, but when you requisition for money from the authorities based on the bills of quantities for a specific work you are to undertake, they say "there is no enough money take this and see how to do it". As a public servant, I can not refuse to do what I am told to do, so I do whatever can be done with the available funds[649].

These are the words of the Engineer in charge of Central Division, who further gave an example of work done on Kiyembe lane in the central business district of the city where they had to fix the road with stone chippings instead of asphalt concrete, due to the financial

[648] During our study visit, we found that the Engineer in charge at Kawempe was an Assistant Engineer; there was no substantive Division Engineer.
[649] Interview with Mr. Ronald Sebanenya, Division Engineer Central, on May 2004

limitations. The road lasted only two years before wearing out, and needed to be worked on, again.

The other challenge associated with the road sector service provision is the unplanned built-up locations. Since most of the land use in Kampala is unplanned, people built structures without due regard for the existing structure plan of the city. Some structures stand on areas that are planned for roads. In such cases, opening a new road is a big problem for KCC authorities because of the difficulty involved in demolishing those structures. Local politicians and popular opinion leaders prevail to the extent that if the structures are to be demolished for public works, the owners have to be adequately compensated. This is done regardless of the legal status under which one occupies the land. This complicates the whole process of road construction in Kampala city. Further complication originates from the land tenure system in the city where most of the land is under *mailo land* tenure system. For holders of this tenure, their rights to any form of land use is a constitutional matter. They have absolute rights over their land. Thus, for KCC to undertake any public works it has to seek a judicial order declaring that the land is needed for public works that are in public interest. Even then, compensation to such a land owner must be done at competitive commercial rates. According to Physical Planners interviewed for this study, the owners of mailo land have been partly responsible for retardation of development in the city because they lease their land to small– plot developers who congest the locations with unplanned structures. In turn, when KCC decides to extend services to those areas, there is lack of land on which to lay them[650].

In the financial analysis, KCC finds itself in a "catch–twenty two" situation. Whereas previously, that is, before decentralisation, the municipal services were limited to a few planned places, today decentralisation has increased people's expectations for services, including the marginalised areas. Thus, when the local authority completes fixing a road in one neighbourhood, the next one places its demands for its area. This is partly due to the historical legacy of marginalisation of most of the areas in Kampala. For most people in these

[650] In interview on 19 May 2004 with Mr Robert Ndiwalana, the Physical Planner for Makindye Division, he underscored the point that mailo land was a big problem for development in Kampala. He said most of the under – development in Makindye and Lubaga division is due to mailo land tenure. He attributed the development in Nakawa division to existence of public land, which is controlled by KCC. He attributed the rise of "rich man's" slums in Kisugu, Kansanga, Muyenga to mailo land tenure

areas, municipal services are not a given, they come as god–sent. Thus as Samuel Humes puts it, local governments face a daunting task of providing an environment for economic and social development since indications are that there is "paucity for these amenities so essential if progress is to be achieved[651]". Indeed, advocates of decentralisation argue that the primacy of local government in infrastructural service provision lies in factors such as: identification of local preferences, application of relevant technology, appropriate costs (local people know the right prices), increased accountability through participatory decision making and equity, by choosing the type of infrastructure beneficial to large sections of the community[652]. Thus, taking the case of Uganda in the period of decentralisation, the tasks of infrastructure provision were assigned to local governments. This however, seems to have posed a big challenge to the latter. Not only do local governments complain of the high costs of providing services, they also complain of being overburdened by the central government with too many of these responsibilities, yet financial resources raised locally and from the central government are insufficient to cope with them.

Local government investments have only become possible because the World Bank is responsible for funding most of them. In 1999, the Uganda government received credit of 80.9 US million Dollars from the World Bank under the *Local Government Development Program* for purposes of financing local investments by local governments. The rationale for World Bank involvement is underpinned by the belief that such investments would create capacity at the local level by increasing the willingness of the people to pay taxes to local authorities, alleviating poverty and enhancing community participation in decision-making and project management.

6.3 The Local Government Development Programme

The Local Government Development Programme (LGDP) was conceived by the government of Uganda and supported by the World Bank. The specific objectives of the LGDP are: to enhance locally generated revenue base, create affordable local investments, increase participation of the local communities in development activities, and to help local governments experiment with alternative ways of raising revenue and providing services.

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[651] Samuel Hulmes, "The Role of Local Government in Economic Development in Africa" Journal of Administration Overseas Vol. 12, No 1 (1973) p. 21.

[652] See Jessica Seddon, "Decentralisation of Infrastructure" in Jannie Latvak and Jessica Seddon, Decentralisation: Briefing Notes (opcit)

These objectives were informed by a realisation that most government projects have tended to be "top–down", which has limited the involvement of key stakeholders and target beneficiaries. As a result, the perception of the people towards such projects is one of seeing projects as 'external' to their community, leading to failure to own them – which undermines the sustainability of such projects[653]. LGDP therefore requires 10 percent contribution from the beneficiary community as counter funding for project resources originating from the LGDP fund. This is intended to enhance community ownership of the project, and involve local communities in the project in their areas so that they have a stake in it. Moreover, the project idea is supposed to originate from that community itself. As the World Bank asserts:

> Successful implementation of this project is, therefore, dependent on a strong sense of ownership by the clients, effective community participation and consultation, identification of the most appropriate, affordable, cost–effective solution . . . proper design [and] proper provision for operations and maintance[654].

These benchmarks, it was envisaged, would be operationalised through the parish development committees (PDCs) which would conceive, discuss and forward project proposals to the higher levels of local government. Our finding on this "participatory approach" bears some contradictory results. In some areas, the ordinary people were consulted, in other areas, such consultation never took place.

6.4 Participation and Consultation in Local Public Investments

In Kamwokya (Central Division) in Kampala, LGDP funds to the tunes of Shs.38 million were earmarked for that parish. A parish council was convened to determine the priorities, these were: street lighting, safe water provision and drainage. The parish council immediately identified drainage as the main priority for the area. The Shs.38 million, however was not sufficient for the drainage project. The councillors approached an NGO called *Concern International,* which agreed to counter fund the project by giving another Shs.38 million. The project was successfully implemented[655]. On the other side there is a Kagugube case (also in Central Division). The Division decided unilaterally to set up a public

[653] World Bank *Uganda Local Government Project,* Report No. PID7841 (1999).
[654] ibid p.5
[655] The narrative was made to me in an interview with Mr. James Kakooza, Chairman LC1, Church Zone Kamwokya II, on 29 April 2004. I observed that the drainage channel was being built and the Northern side of Kamwokya no longer floods.

water–borne toilet in Kivulu, Kagugube parish. The toilet is reported to have cost Shs. 47 million. According to the residents interviewed in this area, their councillor at the Division decided to request for the construction of the toilet without consulting the residents of the area. For many years, the toilet had no water connected to it. During these years, thugs vandalised and stole the installations. Because the community was not consulted, the facility was never utilised by its members. A proprietor of a private school in the vicinity, whose school had no toilet facilities, requested the local leaders to allow his students and staff to use the toilet. When his request was granted, he replaced the installations, connected water to the "public" toilet and "appropriated" it for private use.

Between the two examples there is something to learn about people's participation in LGD projects. For example, of the 208 respondents who were asked whether they are regularly consulted on local projects, 96 (46.2%) said "yes" while 112 (53.8%) said "no". This is significant because in some areas of local, residents are consulted on development projects while in others, they are not.

Table 26: Showing indicators of the projects in which Kampala residents have been consulted

Activity	Frequency	Percent
Road construction	32	15.4
Water and drainage	48	23.1
Sanitation and toilets	8	3.8
School construction	8	3.8
Street lights	8	3.8
Poverty eradication projects	8	3.8
Garbage collection	8	3.8
	88	42.3
Total	**208**	**100**

Source: *Field survey findings*

Roads, water and drainage have a strong showing in the table because these are the areas where KCC activities have been more visible. The majority of the respondents 88 (42.3%) indicated garbage collection because gave it is a nuisance in Kampala city. It is reported that almost every meeting of local residents, the issue of garbage comes up frequently.

Table 27: Showing Profile of Some of the KCC Projects respondents identified in their area

Area	Project
Luzira Stage 7 Zone, Nakawa Division	KCC through Kampala Urban Sanitation Project (KUSP) put a large water tank, at Luzira C.O.U. Primary School. Under the same project, public toilets and piped water have been planned for the area.
Bukasa, Katongole Zone, Makindye Division	KCC has built a new primary school, Bukasa KCC Primary School. There is also a BEUPA school.
Sebina Zone, Kawempe Division	KCC has worked on the drainage channels
Kimanyi Zone Kawempe Division	KCC has constructed a public toilet in the area
Kitamanyagamba Zone, Central Division	KCC has put in place street lights
Serwadda Zone, Kabowa, Lubaga Division	KCC has worked on Wamala – Kabuusu road
Church Zone, Kamwokya II, Central Division	KCC has graded Kisalasalo – Kyebando road. Drainage channels have been dug in Kifumbira Zone
Kibe Zone, Kawempe Division	KCC has put in place ecosan toilets in two Zones ie Kibe and Kiggundu
Nakamiro Zone Kawempe	Drainage channel was done
Komamboga Kawempe Division	Protected spring was done

In most cases, residents reported that their leaders do not always consult them on development projects and many areas (at LC1) have no such projects. Residents in Bukasa, Makindye Division reported that although they are usually consulted, their ideas are rarely implemented. This is sometimes due to the perceived pecuniary interests that local leaders have in the implementation of projects.[656] For example, the residents of Mukalazi Zone in Bukoto, Nakawa Division reported that they are usually consulted by LCs at the early stages of conceiving projects but not in the implementation process because, "We shall ask how much money they were given for the project which they are usually unwilling to reveal, so we are consulted on the project but not on money spent."[657] On the other hand, the residents of Nanfuka Zone, Nateete in Lubaga Division were consulted on the construction of a road in

[656] Similar findings were reported in another study, Republic of Uganda, *Uganda Participatory Poverty Assessment Report* ,2000 pp 106 – 110. It is reported that ordinary people think that corruption and self – enrichment by leaders in government from top to bottom are the cause of failure of government – sponsored projects in the local communities.

[657] Focus group discussion with the residents of Mukalazi Zone, Bukoto in Nakawa Division held on 29 May 2004.

their area but some of residents 'frustrated' or obstructed the proposal altogether. A respondent said:

> KCC officials came here and met with us. We had a village council meeting where we decided that a road connecting this area and Mutundwe (the adjacent village) be constructed. However some people down the stream frustrated the idea because their houses would be demolished in the course of constructing the road. Up to this day, we have not had the road, we have to go all around to get to Mutundwe[658].

In another area, Kikuubo Zone in Kawempe Division, the respondents reported that the problem with consultations is that they are done when the policy makers have already made up their minds about what they want and that the "consultation" becomes a mere formality. One respondent asserted:

> We have been consulted on the garbage collection fee that is about to be introduced. Although many residents here do not approve of it, we know that KCC and private companies have already fixed the fee[659].

From the above perspectives, it is clear that the modes and rationale for consultations or participation are varied. The dominant perception amongst the ordinary citizens is that corruption in government structures is widespread, they are merely cosmetic and that popular decisions are not always implemented.

At the lowest level (LC1) i.e. zone or village, the majority of the residents reported that the frequency of village council meetings was satisfactory as the table below shows.

Table 28: Showing Frequency of Meeting at LC1 (Village Council)

Period for meeting	Frequency	Percent
Once a month	136	65.4
Once every 3 months	56	26.9
Once in 6 months	8	3.8
Others	8	3.8

[658] Respondent in Kikuubo Zone, Kawempe Division (interview held on 24 May 2004).
[659] Respondent in Kikuubo Zone, Kawempe Division (interview held on 24 May 2004).

Total	**208**	**100**

From the table above, there is evidence that regular consultations do take place at the lowest level (LC1) as 65.4% reported that village council meetings take place very month. If that is added to 26.9% where some villages have their meetings at least within three months, that is more than 90% indication of local – level consultation. Moreover, when respondents were asked whether they personally attend such meetings, the findings pointed in a similar direction as the table below shows.

Table 29: Showing attendance of LC1 Meetings by the area residents

Attendance	**Frequency**	**Percent**
Yes	192	92.3
No	16	7.7
	208	**100**

When the same respondents were asked what key issues they are consulted about, the results were that 144 (69.2%) reported the issue of security of their neighbourhoods was the main priority at all meetings. A miserable 48 (23.1%) scored development projects as a key issue at the village council meetings. "Other issues" scored 16 (7.7%) as their key priorities. Security is indeed, a priority because the LC1 is in–charge of its neighbourhood security affairs. For example, they employ locally hired militia known as Local Defence Forces (LDF), who are supervised by the LC1 Chairperson and his / her Secretary for defence. The LDF patrol the area at night. They are fully armed, and are usually in constant communication with the police. This partly explains why most areas in Kampala are relatively safe. Incidents of crime do occur and when they do, they are a subject of discussion at LC1 meetings. The residents on their part voluntarily pay Shs.1000 per homestead each month for this purpose.

6.5 Conduct of Local Council (LC) Executive and Other KCC Leaders

In several cases, as has been noted, the residents were not consulted on development projects. There is therefore paucity of knowledge about what their LC's, or higher local governments have done in the area. The reasons advanced by respondents for failure by the LC' s and local governments to consult them, include: the corrupt tendencies on the part of LC executives, incompetence of some LC chairpersons, some LC leaders lack programmes for their areas,

the failure of higher local governments to remit the statutory 25 percent, LC executives are pre – occupied with "survival" rather than doing their public duty[660].

As respondents reported, some LC leaders in Kampala, are engaged in extortion of monies from traders, by imposing illegal levies which generate monies that end up not in the KCC treasury but in the private pockets of LCs. It was reported for example, that LCs create illegal markets that are not gazetted by KCC. For example, street trading along Nakivubo and Channel streets has persisted, despite KCC's efforts to clear the streets of such activities. It is reported that the LCs levy and collect money from the street vendors for private gain. Another case is that of "Arua" park in Central Division. The former Resident District Commissioner (RDC) of Kampala[661] reported to this author that LCs of that area impose unofficial levies on the trucks which park there. During his tenure as the RDC, he received complaints from the truck owners, he intervened on their behalf by directing the LCs not impose unofficial and illegal charges on the business people, but to no avail. According to him, the LCs "would find other ways of going about it". These tendencies have had some negative effects on the way LC officials conduct their official business.

In Central Division, especially in the central business district, most LC chairpersons have been in office since 1980s to date because the LC activities, are positions from which they make a living, thus at election time, they will do anything possible including bribing voters, so that they keep them in office. The other tendency is that in the central business district the LC officials have created cliques around them. Once a chairperson is elected to LC office, he makes sure that he nominates an executive committee composed mainly of his friends, who will "cooperate" with him.

These tendencies are difficult to eliminate because in Kampala, they constitute an election machine for local leaders. Leaders vying for higher positions in local government depend on the LC leaders at the LC1 level to mobilise voters for them. Thus, once elected, the leaders in higher positions of local government find it difficult to check the illegal activities of the LC leaders at the lower level. Because there is excessive abuse of power by LC and local

[660] LC executives work on voluntary basis that is they are not paid for the public duty. This, to some extent has discouraged the more respectable people from accepting to be elected in those positions.
[661] The former RDC of Kampala is Mr. Kiwanuka – Musisi (interview with him on 8 June 2004).

government officials, some people now believe that the city was better managed before decentralisation. One key informant holding this view gave the example below to illustrate his point.

> In 2003, the State Minister of Health, Mr. Mukula closed on informal food market on Channel street, where about 500 people operate, due to the poor sanitary conditions of the place. That food market is in the neighbourhood of an open sewer, where flies originating from the sewer swarm the food. It was suspected that these people were cooking their food with dirty water from the channel. When the Minister inspected the place, he closed that food market but the LCs of the area appealed to our chairman (Central Division) who ordered that the market be re–opened. Now, if the Minister can be defied what about a mere health worker like me[662].

This example illustrates clearly that the people occupying positions of leadership in local government in Kampala have become predatory through client – patron networks. These networks have become so institutionalised that they have alienated the ordinary people whose trust in the local council system has waned over time. The networks also frustrate local government civil servants from doing their work properly. These networks seem to characterise the whole political realm in Uganda under the NRM regime which has entrenched these client – patron relations as a basis of retaining political power both at the centre and the local level. As one study observes "In recent years in Uganda, becoming an MP (or local councillor/leader) has often been referred to as "getting a job"[663].

Within this context, LCs and local governments have suffered the crude forms of corruption, lack of internal probity and a silent crisis of legitimacy. As a result, local officials are treated by the people with suspicion which engineers a general feeling that their motives are to serve self interest rather than the public good. This has undermined their credibility as "watch – dogs" of the people's interests, for example, in supervision of the works done by contractors in their area. For instance one opinion written in the Ugandan Press "Kampalans don't trust KCC" laments thus:

> Simple as it is, KCC is not an organisation with a very honourable track record and therefore does not earn a lot of respect from the ordinary town

[662] Narrated by Mr. John Lule, Inspector of Public Health, Central Division in an interview held on 17 May 2004.

[663] See Donna Punkhurst "Women and Politics in Africa: the case of Uganda" Parliamentary Affairs, Vol. 55, No1, (2002), p. 122. Also M. Mamdani, And Fire Does not Always Beget Ash: Critical Reflections on the NRM, The Monitor Publications 1995.

> folk. When it is not controversial, it is inconsistent, lacks seriousness and is at times drowned in malfeasance and outright corruption.

The opinion writer adds:

> By the time a typical city dweller gets home amidst dust–filled atmosphere, he has passed through the garbage–littered, traffic gridlocked and at times flooded streets. He has had to dodge prominent water–filled potholes. (Meanwhile) . . . those who are lucky to own television set may catch a glimpse of a smiling mayor easing out of the comfort of his car complete with personalised number plates. All these facilities courtesy of the lean coffers of a city that does not seem to work.

This near–poetic description of Kampala's situation is, but a representation of reality of what KCC is. Most press reports indicate that KCC leaders are "grabbers" and are short on accountability. For example, it was reported that the head teacher of Kiswa Primary School in Nakawa Division charged each student in the school Shs.5300, which totalled to Shs.9 million for construction of a pit latrine at the school, whereas the actual cost of the work was Shs.5.5 million, of which KCC paid Shs.4.5 million and Nakawa Division Shs.1 million[664].

The failure of accountability in KCC forced the World Bank in 2001 to appoint its own Director of Finance for KCC. The officer, however, quit KCC in February 2003 citing "massive corruption in KCC which was hampering service delivery[665]". Surprisingly, it seems that corrupt officials in the local governments have their patrons in the central government to cushion them. For example, it was reported that the former Minister of Local Government, Bidandi Ssali, while opening a seminar on accountability for District Chief Administrative Officers (CAOs) said:

> Sometimes I laugh when I hear that a CAO has "eaten" Shs.800 million . . . It is only that he has failed to account because he lacks the capacity to do so. Losing a receipt does not mean he didn't buy the items in question . . . It is a few rotten tomatoes making the whole basket appear rotten[666].

Comments of this kind, coming from a central government Minister may imply that the government is not keen on curbing corruption that is rampant both in central and local

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[664] See *Sunday Vision* 1 February 2004 under its special report "How decentralisation took corruption to the districts" Several other cases of similar nature in other districts, cf *The Monitor*, 8 October 2002 "AG orders Mbarara to account for Shs. 1.5 billion", *The New Vision* 25 February 2002 "KCC Poorly Managed".
[665] The Weekly Message 4 – 10 February 2003.
[666] *The Monitor* 19 November, 2002, p. 2

government departments. They encourage local officials to continue perpetuating graft in local government projects. Such practices are not in tandem with the principles of good governance. The net losers are the intended beneficiaries–the ordinary people. For example, it has been reported that the government lost about Shs.15 billion in poor classroom construction under the School Facility Grant that it extends to districts to put up schools for universal primary education. It is revealed in this context, that in a value–for–money audit done at 140 school construction sites, 45 percent were unsatisfactory[667]. Taking this as a case in point, the statement by the Minister referred to above, tantamounts to excusing or giving a blessing to this level of fraud in local governments. Such attitudes and behaviours seem to undermine the stated and the envisaged benefits of the local government development project in public investment whose goal is "to ensure improved delivery of basic services to the civic society and in the process, promote efficiency, effectiveness, transparency and accountability[668]".

6.6 Alternative Service Delivery Mechanisms

KCC's Strategic Framework for Reform (SFR) whose main objective was to transform KCC from a "supply-driven" to a "demand–driven" organization was an innovation that could have become a "white elephant" if it had not received substantial funding from the central government and the donors. This is particularly so because the local revenue base of KCC has remained narrow despite tremendous efforts by KCC officials to improve it over the years. At the same time, KCC as an organization remained bureaucratic, and lacking essentials tools to do its job of delivering serving effectively and efficiently.

Thus, KCC's move to experiment with alternative service delivery mechanisms (ASDM) was an idea that was likely to see SFR's goals to reality. The alternative service delivery mechanisms aim at:

(a) contracting out and privatisation of service delivery functions
(b) financing and management of key prioritized infrastructure,
(c) mobilization of revenue and prudent financial management measures and
(d) improvement of the KCC institutional capacity to deliver services.

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[667] The New Vision 7 April 2005. *The New Vision* reporting the findings of Anti – Corruption Strategy Report (2005).
[668] World Bank, (opcit) *Local Government Development Program*, p. 2

The ASDM was borne out of realisation within KCC that services were poorly delivered. For example most anti–malarial drains, especially in slum areas of Ndeeba, Nateete, Bwaise, Kisenyi, Kalerwe, Katanga and others, were inadequately tended, they had become overgrown with bushes and utilised by some residents for disposal of solid waste as well as human excreta, thus posing a threat to human life in terms of being breeding grounds for malaria–carrying mosquitoes and other organisms likely to cause communicable diseases. Besides, KCC garbage collection and disposal has been at a minimal level, leaving the residents to find their way of dealing with this problem. Physical infrastructure in the areas of road maintenance, street lighting and construction and repair of schools has been in a bad state. Simple works like filling potholes on aging roads could not be done.

Basic services like the examples given above could not be provided by KCC because its tax base has been narrow and most tax avenue sources have remained unexploited. This has largely been due to its lack of adequate information, poor record system, poor financial management, poor management and wastage.

In response to the above, ASDM was geared towards targeting areas that could enhance service delivery and in the process improve people's perceptions of KCC's image. In so doing, the people could pay taxes which KCC could use to reduce its financial deficits and plan investments. In assessing the internal capacity of KCC for instance, the World Bank observed: "The bottom line is that KCC still remains financially dependent on external resources to meet its capital investment needs[669]"

6.7 Fiscal Decentralisation and Management in KCC

The World Bank estimated that KCC revenues per annum were in the range of US dollars 10 to 12 million, of which recurrent expenditure was about 10 million US dollars, leaving a very marginal surplus for capital investment[670]. Based on this estimate, the World Bank projected that it would take KCC about eight years (from 2000) to be able to meet its operational and investment costs from its own resources. The issue raised by the World Bank on KCC on revenue dependence is, indeed critical. For example during the financial year 2001/2001, the budget of KCC indicates that for its budget of Shs.93.6 billion, its own local revenue was

[669] ibid World Bank (1999) p. 23
[670] ibid, p. 23

estimated at Shs.26.2 billion, central government contribution was Shs.16.7 billion, while external funding stood at Shs.50.7 billion[671]. This means that KCC's own revenue contributed less than 30 percent of its budget.

Looking at specific sources of revenue, the SRF objective of progressively raising revenue in KCC seems to be critical. The main sources include graduated tax, property rates, markets, trading licenses and motor–vehicle parks.

6.7.1 Graduated Tax: Its Contribution and Controversy

Graduated *tax;* this is a form of lead tax with varying rates depending on one's income, payable annually by all males of 18 years old and above, as well as females in the same age bracket, who are in gainful employment. This traditional form of tax was for a long time the main source of revenue for most local governments, including KCC. Despite tax incentives, including local government investment in services, the revenue from this tax has been declining. The table bellow illustrates this.

Table 30: Showing Graduated Tax Collection Performance

Year	Estimate	Actual Collection	Variance	Percent Performance
1998 / 99	4.700.000.000	3.862.608.912	-837.393.088	82
1999 / 2000	4.706.250.000	3.636.195.352	-1.070.054.646	-22.7
2000 / 2001	5.070.950.000	3.192.993.000	-1.877.957.000	63
2001 / 2002	3610.643.000		-810.312.167	
July/ October	1.203.457667	393.312.167		33

Source: *KCC, Budget Framework Paper 2002 / 2003 p. 36.*

Kampala as a district had obvious advantages over all other districts and municipal local governments in terms of collecting revenue from graduated tax because of being a capital city. Most senior civil servants, powerful industrialists and business people live and work in Kampala. These are high income citizens or workers. Since graduated tax as a personal income tax is deducted directly by the employers from their wages and remitted directly to KCC, this is a viable source of revenue for the KCC local authority. Moreover, because most of the senior civil servants and business executives have higher income compared to peasants in the rural districts, they normally pay the highest annual levy of Shs.100.000 per person.

[671] KCC, *Local Government Budget Framework Paper* 2002 / 2003, pp. 33 – 35.

According to KCC, this source of revenue had been growing over the years, for example from Shs.3.5 billion in 1997/8 to Shs.3.8 billion in 1998 / 99 but steadily declined since 2000.

The reason advanced by KCC for low returns on graduated tax include: poor assessment of tax–payers, late printing of tax tickets, most workers in Kampala paying graduated tax in other district surrounding Kampala, political interference (for example councillors discourage their residents from paying taxes[672]) and enforcement of graduated tax is usually late[673]. Of all these factors, the most critical one in reducing payment of local taxes to local authorities is a period during which elections are held. For example, in the year 2001 and 2006 there were elections for president, parliament and local councils. Presidential candidate (incumbent) Yoweri Museveni directed that the lowest thresh hold be reduced from Shs.10.000 to Shs.3.000. On the other hand, his closest political rival Kiiza Besigye campaigned on grounds that if he were elected he would abolish graduated tax. Besigye argued that all local governments in Uganda collect about Shs.40 billion and that this was a small fraction of Uganda's annual budget, which should not bother an ordinary person since it could be footed by central government if graft and wasteful tendencies were minimized. Graduated tax was still the centre of debates during the local councils' elections that followed the presidential ones. Because this tax was so much politicized, most local government collected lower revenues from this source. Since 2001, the debate on abolition or retention of this tax has raged on, including in parliament. In the parliament, a private members' motion was tabled aiming at abolishing graduated tax[674]. The reasons advanced in the motion. (a) it is a colonial tax which was introduced as poll tax to force local people to work for cash and pay direct tax, which was hated, (b) it is a regressive tax to the extent that the poor people pay proportionally higher tax compared to the rich and (c) its assessment is usually corrupt and unfair and its collection is ruthless and inhuman. Above all, the motion argues that its contribution to local government revenues, though the largest, is a small percentage of the total revenue in relation to grants and donor contribution. As a contribution to the national revenue it is a mere 3%. The motion further argued that the costs involved in collecting graduated tax are as high as

[672] In all Divisions where we conducted this study technical officers blamed low returns on taxes on councillors, whom they use populist politics to discourage their voters from paying taxes, yet councillors get heir allowances from these taxes.

[673] Graduated tax payment is enforced crudely by local police, mititia, and chiefs arresting tax defaulters forcefully tying their hands and bandling them on trucks

[674] The motion was proposed by Hon. Y. Okullo – Epak. See *The Monitor* 16 April 2004. Epak is quoted to have told parliament that graduated tax is "a levy with high nuisance value". Graduated has actually been avolished.

50% of the total collection. Moreover, other countries in East Africa such as Kenya and Tanzania had abolished it. Scholars who have studied this form of tax as far back as the 1960s have similar views as those contained in the motion. Southhall and Gutkind say:

> The introduction of a system of graduated tax in 1955, even with the low ceiling of Shs.120 per year maximum, gives the better off a slightly grater incentive to evade payment and throws the primitive nature of the system of collection into sharper relief[675].

These authors also observed that, at that time, the practice of chiefs in apprehending graduated tax defaulters was such that they tended to zero on pedestrians (or the poor) rather than "those on bicycles and still more, those in cars (because these were perceived to be) respectable citizens or chiefs or other persons of high status whom it would be insulting and improper to interogate[676]". Unfortunately, this is still the practice[677]. The local chiefs who stage road – blocks to check the tax defaulters rarely bother about those sitting in their cars, their main prey are pedestrians.

More recent studies of local government taxation, also point to the fact that graduated tax is very regressive and administratively difficult to collect[678].

It is important to note that although the Uganda government decentralized responsibilities to local governments; it did not create significant avenues for them to raise revenues to finance them. The revenue system has remained static while responsibilities have expanded

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[675] Opcit.See Southall and Gutkind, opcit, Townsmen in the Making (1956) p. 204

[676] ibid p. 204

[677] See Price Waterhouse Coopers, Local Revenue Enhancement Study (a report done for Local Government Finance Commission) November 2000. The report recommended that since the cost of collecting graduated tax was very high, the government should explore the possibilities of introducing a *Rural Development Tax* based on the acreage of land. The report says that this alternative tax would be much easier to administer than graduated tax. However this recommendation has never been implemented. Instead, government officials rejected the motion in parliament for abolition of graduated tax, saying that the proponents of the motion had not suggested an alternative source of revenue to replace graduated tax. This report also dispelled a widely held view that there is "anti – tax payment" culture amongst Ugandans. Their findings are similar to ours, in the sense that tax payers attach their preference to tax payment in relation to services rendered. See *The Monitor* 14 April 2004, angry residents protesting the behaviour of KCC tax agents who even checked people's homes, invading their privacy. One resident is quoted to have said. "They invade your home as if you have stolen millions of shillings"

[678] Ian Livingstone and Roger Carlton, "Financing Decentralised Development in a Low income country: Raising Revenue for Local Governments in Uganda" Development and Change Vol 32 No 1, 2001. See also, Uganda Government, *Report of the Commission of Inquiry into the Local Government* System (1987) p. 93. paragraph 242 where it was argued that graduated tax was "primitive, arbitrary in its methods of assessment . .. expensive to collect and that the collection exercise leaves room for extra–judicial extortion by the unscrupulous officials.

considerably. When we interviewed respondents in Kampala about their willingness to pay taxes, the following were the responses in the table below.

Table 31: Showing residents' willingness to pay local taxes

Issue	Frequency	Percent
Willing to pay if tax leads to development	56	26.9
I would dodge taxes if I can	32	15.4
I would pay some taxes and not others	8	3.8
I would pay those taxes that correspond to services rendered	96	46.2
I have no option but pay	16	7.7
Total	**208**	**100**

From the table above, there is evidence that most citizens are willing to pay taxes, if the taxes lead to development 26.9% and if they lead to better service delivery 46.2%. Only a minority 15.4% say they are unwilling to pay taxes. It should be further noted that for most ordinary citizens, local tax payment is synonymous with graduated tax, which is a compulsory annual tax levy. It is possible that our respondents were referring to graduated tax. Therefore given the high percentage of people willing to pay taxes, the problem of failure by KCC to raise revenue is largely due to poor or lack of services that the citizens expect it to offer[679]. Indeed, the Local Government Finance Commission (LGFC) a statutory body responsible for inter – governmental relations in Uganda has also observed that there is a relationship between citizens' willingness to pay taxes and service delivery. LGFC argues that citizens are likely to trust government only to the extent that they believe that it will act in their interests, it will be fair and reasonable, and likely to reciprocate the trust[680]. This trust seems to have been eroded during the many years when service delivery by government came to a standstill. However even after decentralisation, severe financial constraints and mismanagement still lead to unsatisfactory service delivery by local governments.

Kampala's unique position as a capital city makes it appear rich compared to other districts and municipalities in terms of revenue generation. In the year 2000/2001, KCC collected Shs.22.490.178.00 while total collection for all local governments (including Kampala) was

[679] See *Bukedde* 30 August 2004, the residents of Bwaise complained that KCC was not attending to Nsoba drainage channel. That, KCC worked on 8 kilometres. The rest was bushy silted, leading to pay taxes because their environment is not properly attended to, by KCC.
[680] LGFC, *Mobilising and Generating Local Revenue,* report of the Regional Workshops on the Best practices in mobilizing and generating local revenues, February 2004.

Shs.43.850.783.994. In other words, KCC alone collected about a half of what all other local governments collected. The problem however is that KCC caters for almost half of the urban population in Uganda, put together. In comparison with the rural districts, KCC service sector is relatively more expensive. For example, the rural districts do not have the responsibility for tarmac roads, which KCC shoulders. Rural districts do not have to cater for street lighting or street cleaning or garbage disposal. There is hardly any electricity in rural areas and rural dwellers utilize their solid waste for manure. In other words, per capita expenditure in rural areas for rural services is likely to be much lower.

6.7.2 Rates as a Key Revenue Source for Funding Municipal Government

As we noted above, graduated tax still constitutes a bulk of revenue that KCC collects although its percentage of all collections has been gradually falling since mid 1990s. The dominance of graduated tax revenue has been largely due to failure by KCC to collect property rates. Property rate is a tax on properties (e.g. private houses, commercial premises, factories etc) based on their rental value. In Uganda this tax is mainly levied on urban properties under the Rating Decree (1979). Despite the existence of this law, KCC has not been collecting this tax effectively because most properties had not been valued for years. According to one of key informants, between 1972 and 1992, there had not been any valuation in Kampala, yet this is supposed to be done every five years. However with assistance of the World Bank funding under the First Urban Project, valuations were done for most of the 15 rating zones in Kampala which was completed in 1994[681]. The table below shows improvements in the contribution of property rates to the revenue of KCC.

Table 32: Showing the Contribution of Property Rate to KCC Revenue

Year	Estimate (Shs)	Actual (Shs)	Variance (Shs)	Percentage
1998 / 99	3.485.386.00	1.568.288.475	-1.917.097.525	45
1999 / 2000	3.372.074.277	2.105.169.196	-1.266.905.081	62
2000 / 2001	3.821.076.677	2.884.013.000	-937.063.677	75
2001 / 2002	3.197.599.000		188.358.341	
July – October	11.065.866.333	877.507.992		82

Source: KCC, *Budget Framework Paper, 2002 / 2003*

[681] Another Valuation was taking place at the time of this study (2004) ten years later. After the expiry of the first five years, the Valuation was extended by a ministerial order

Figures were for three months (July – October).[682]

Evident from the table is the fact that even in recent years, property rates still contributed less revenue to KCC than graduated tax. Inspite of this, there has been tremendous improvement in the collection of this revenue, partly because the World Bank insists that KCC must do everything possible to ensure that property rates become the main source of revenue, the very reason the World Bank has directed some of its KCC funding towards improvement of this revenue source. A comparison of 1991 and 2003 reveals that revenue collection from property rates have actually increased about nine times. For example, KCC was collecting from this source Shs.405 million in 1991 compared to Shs.2.88 billion in 2000. During the period of this study it was revealed that improvements had been made in collection of property rates. For example, while Makindye Division collected Shs.238 million in 2002/2003, they collected Shs.630 million in 2003/2004. However, the arrears owed to the Division amounted to Shs.7.2 billion[683]. Thus, despite improvement in the collection of this revenue, the arrears owed (in rates) to KCC are alarming. Key informants attributed people's failure or unwillingness to pay rates to a number of reasons. It was reported that the rate–payers complained that there is no value-for–money in terms of service rendered by KCC. Rates are normally paid to local councils so that they may provide services. The key informants (who are KCC employees) argue that it is a case of an adage of "what came first, the chicken or the egg". The question they pose is: "where should KCC get the money to provide the services, if not from the tax payers?" Ordinary citizens interviewed on their part, argue that KCC acts like an extortionist organization, that its agents turn up, collect money and no visible services are rendered to their area[684]. In Nanfuka zone in 2003 there was a protest against taxation. Several other factors militate against collections of property rates. First, KCC does not do valuations in time to keep in tune with the new developments in the city[685]. Secondly, most of the developments in the city have no approved development plans, thus, it is difficult in some cases for KCC officials to know where new structures have been

[682] Source for 1991 figures, KCC, *First Urban Project Output Report,* September 1993, (appendix 3).
[683] Interview with Ms. Margaret Banura, Division Finance Officer, Makindye Division, on 23 May 2004. She intimated to me that KCC had wanted to cancel arrears but donors refused.
[684] Group discussion with the residents of Nanfuka Zone, Nateete, Lubaga Division, 13 May 2004.
[685] Valuations are supposed to be done every five years. Under the *First Urban Project* of the World Bank, 11 out of the 15 Rating Zones in Kampala were done (39.000) valuations in all by 1995.KCC blames its failure to do five – yearly valuation to two factors: (i) it has to go through the office of Government Chief Valuer to do valuations which is not only ill – equipped and understaffed, (ii) KCC needs lots of money to have valuations done periodically as stipulated in the Rating law, which is usually a problem to raise.

established. Thirdly, most private houses are owner – occupied. Key informants argue that it is "practically difficult to evict or auction someone's house. In Mankidye Division, for instance, ninety percent of the property is owner–occupied[686]".

Besides, property rates are politically sensitive in Kampala because most of the properties belong either to politicians, or politically–connected business people. Others belong to members of local councils. Apart from that, whenever KCC issues a demand note for property rate, a good number of tax–payers run to whoever politician they know to appeal on his or her behalf. This "politics" of taxation is more complicated by the fact that Kampala district is dominated by multiparty leaders, that is, most of the members of parliament, Division chairmen and the city mayor are multipartyist, something that does not go down well with the people in the Movement government. In many cases as the leaders in central government have been supportive of ordinary people to evade local taxes. For example some of the government leaders have been telling ordinary people that the government will fight to oust local leaders in Kampala including the mayor of the city because they do not support the Movement[687]. Our respondents observe that politicisation of tax collection is a major issue of concern for local governments, particularly in Kampala. A key informant in Makindye Division observes:

> In this area (Makindye Division) the multipartyists do not want to pay taxes, yet if you arrest them, the government will turn around and say "you are anti – Movement, you are undermining the Movement. On the other hand, the local leadership will also accuse you of arresting them because their political orientations[688].

Another respondent in the same Division sounded the same message saying:

> Sometimes when you are trying to enforce the payment of taxes someone may call the (Division) chairman. . . The chairman may call you ordering you to leave the tax payer alone. The chairman is our political boss, you have to comply with his order, this is the reason why tax returns are still very low[689].

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[686] Interview with Ms. Margaret Banura .
[687] See *The Monitor* 17, November 2004. *The Monitor* quoted the Presidential Political Assistant, Moses Byaruhanga telling people in Kisenyi II in Kampala at a meeting called by Minister Hon. Babu, the area Member of Parliament.
[688] Interview with Ms. Margaret Banura, Division Finance Officer, Makindye Division.
[689] Interview with Mr. Gidion Biryazahe, Council Agent Kibuye I, Makindye Division, 25 May 2004.

From these two related narratives; one is able to tell the level of political interference in matters of tax collection at the local level. Although Uganda collects one of the lowest taxes in Sub-Saharan Africa, that is 12 percent of Gross Domestic Product (GDP), still both the government and local authority leaders have not been keen to encourage the people to pay taxes. The government leaders have been pursuing a populist ideological line to secure a political base in Kampala, hitherto, controlled by multipartyists. On the other hand, the local leaders are doing everything possible to keep their constituencies, so that they may be re–elected. Both sides are pursuing lines of political survival, which have adversely affected the proper functioning of local government. Technical staffs are caught in–between these positions. For example, a Council Agent told me that councillors in his area have almost "taken over" the role of the Council Agent. They interfere at every point he tries to enforce any council order. In local vernacular he said "bakulemesa" – (they make you fail).

Apart from politicisation of tax collection, other technical and logistical issues have been raised in regard to collection of property rates. First of all, there is a problem of *ageing* properties. Since valuations are not regularly done, the owners of such properties usually contest the value that would have been attached to the property ten years ago. Secondly, some of the properties belong to people who work and live abroad. They are either under a care–taker or tenant. Neither of these, is willing or has responsibility to pay the rates. Thirdly, there is an issue of *ageing* families or individual members of families without proper sources of income. Some are widows. There is also no law to cater for such property owners, who live in their own home but without proper income. Fourthly, there is a problem arising out of KCC's lack of structure plans.

There are several properties without access roads, street name or proper location. In such cases, rate collectors **seldomly** fail to deliver demand notes. This inevitably complicates the task of collecting property rates. When this factor combines with the frequent complaint by the technical staff that they lack basic logistics like official transport to enable them move in the field to oversee to the collection of taxes this explains why arrears of Shs.7.2 billion in rate arrears (in Makindye Division alone) can not be effectively collected.

6.7.3 Trading License Fees

Trading license fees, though established as a means of enforcing trade orders are a major source of revenue to local authorities in Uganda, and in particular to KCC. Depending on the size of business, such as wholesale shop, retail shop, workshops, salons, factories etc, the business person(s) must obtain a license from the local authority to operate in their area of jurisdiction. The Licensing Act (1969) governs this fee. It requires that the officials of the local authority to satisfy themselves that they are appropriate for the purpose of the business being established and inspect the business premises.

Like other sources of revenue to local authorities, licence fees were not being collected properly in the past. The table below shows the revenue of KCC from licence fees in the 1990s.

Table 33: Showing KCC's Revenue Performance from License Fees in the 1990s

Year	Estimate	Actual	Variance
1990 / 1991	460.000.000	430.000.000	-30.000.000
1991 / 1992	529.000.000	469.000.000	-60.000.000
1992 / 1993	591.000.000	416.000.000	-175.000.000
1993 / 1994	503.000.000	599.000.000	+96.000.000
1994 / 1995	916.000.000	768.000.000	-148.000.000

Source: *Computed from the Overseas Development (ODA) report No. CNTR954387A for Uganda Government, Uganda Enhancing District Revenue Generation and Administration (1996)*

From the table above, it is clear that in the early 1990s licence fees, despite lower collections than the later years, were already a major and stable source of revenue for KCC. In 1990/1991 for example, license fees fetched Shs.430 million far higher than the revenue from grants from the central government to KCC which on average were Shs.8 million to Shs.10 million between 1900 and 1994.

In recent years, license fees contribute of millions of shillings to KCC. For example, in 1998/99, Shs.1.632.118.000, 1999/2000 Shs.1667.498.882, 2000/2001 Shs.2.587.775.000[690]. Despite the astronomical rise in revenue from license fees, a number of issues were raised by our key informants about KCC's reliance on this source strictly in terms of revenue collection. It is argued that trading licences are primarily intended not to boost the revenue of

[690] KCC, Budget Framework Paper 2002 / 2003.

KCC, they are supposed to be nominal fees for enforcement of trade orders. By making trade licence a source of revenue, KCC tends to relegate their primary function. Thus, many unlicensable premises are licensed for the sake of getting revenue for KCC treasury. This may lead to licensing of some businesses whose operations are injurious to the environment or human health[691]. Other arguments advanced by the key informants suggest that the drive by KCC to levy high licence fees as a major source of revenue tend to "kill" the small businesses. Further, it is suggested that owners of big businesses in the city, already pay multiple taxes to the Uganda Revenue Authority (URA) such as income tax, Value–Added–Tax, (VAT), import tax etc. to the central government and graduated tax to KCC, thus, it is not wise for the licence fees to appear as if they were another tax rather than a trade order fee, which should be a nominal fee[692]. In other words there is a strong view that KCC should not over–emphasise licence fees as a source of revenue, instead, such a fee should be attached to improvement of business environment, public health concerns and promotion of small enterprises to fight rampant poverty afflicting the majority of poor people in the city.

6.7.4 Parking Fees

Parking fees are a city levy on motor vehicle e.g. cars, buses, trucks and omnibuses that park in the city. These fees are levied at two levels: (i) bus, omnibus, truck and cars–for–hire parks, and (ii) street parking. In case of vehicle parking in designated parks, a monthly fee is imposed on each vehicle as well as daily fee. In case of street parking, this affects vehicles of transiting motorists. In the latter case, a rate is fixed based on per hour of parking, thus the charge is time–bound.

An important issue to note is that parking fees were in the past, not a major source of revenue to KCC. For example, KCC raised Shs.285 million from parking fees in 1990/1991. This has been increasing tremendously over the last few years. When street parking was first contracted to Greenboat Company, KCC was receiving Shs.30 million per month. When it was re-tendered to another company, Multiplex Limited KCC now receives Shs.80 million

[691] Interview with Albert Mukundane (Trade Development Officer) Makindye Division on 5 May 2004. The Minister of State for Planning Isaac Musumba accused KCC of licensing a metal workshop next to his residential house in Ntinda which he was forced to abandon (See New Vision 30 August 2004).
[692] Interview with Remmy Kagurusi, Licensing Officer, Central Division on 13 May 2004.

per month from this source. Parking fees from the city parks (for buses, trucks and cares) have also been earning KCC handsomely. Since 1990/91, increased revenue from vehicle parking fees reflects a growing interest and vigilance on the part of KCC to effectively oversee collections in parks, by setting clear targets and enumerating vehicles, which the tax agents of KCC were usually keen to under - state[693].

In the past, Uganda Taxi Operators and Drivers Association (UTODA) that collects parking fees, had been left with a free hand. They would collect as much money as they wished and give a small proportion of the collections to KCC as revenue. This had the effect of increasing taxi fares, which they would unilaterally increase to the chagrin of the poor travellers, who have no say whatsoever. The intervention by KCC in the affairs of the UTODA's management of vehicle parks has somewhat helped. KCC has fixed a charge of Shs.3500 for each taxi operating in its parks. This notwithstanding, UTODA has several agents all over the city. These agents impose extra charges as passenger "loading fees". These charges have no accountability of any kind as taxi touts at various stop–overs never give any receipts for the charges they impose. It has taken a court order to limit these illicit and to some extent, extortionist acts[694]. The point to note here is that although KCC has increased revenue from vehicle parks, neither the quality of service nor efficiency in management has improved. This is a serious issue because after the government divested its interest in the state-owned Uganda Transport Company (UTC), all transportation was left in the hands of the private sector. The theory is that competition makes the private sector more efficient than the public sector. In the case of Kampala's transport system, which relies mainly on private taxis (omnibuses) such efficiency gains have not accrued to the poorer sections of society.

The findings of the National Household Survey (1997) revealed that in general, fuel and transport take twenty percent of urban dwellers' incomes. For the self- employed persons, his income varies according to demand for one's stock. Transport costs can eat up into the business capital. The situation for transport is much worse for government employees in the lowest ranks who earn about Shs.100.000 – 150.000 a month. In most cases, they walk to

[693] In a recent enumeration exercise by KCC, it was found that taxis operating in Kampala were 7000. while UTODA (the tax agent) was always giving an estimate of 4000 taxis. Presently UTODA pays Shs. 260 million per month to KCC.

[694] A group calling itself Uganda Taxi Owners Association sued UTODA over these extensive illegal charges on their taxis. In a ruling by Justice Kiryabwire of the Commercial Court in May 2005, ruled that those extra charges on taxis were illegal and uncalled for.

their places of work because they cannot afford the cost of public transport. These include primary school teachers, police, clerks etc. People in this category try their level best to get accommodation near their workplaces[695].

6.7.5 Market Fees

Like the other sources of revenue for KCC, the markets have become a major source of revenue. While KCC collected Shs.533 million from the markets in 1990/1991, by 2000/2001 the actual revenue from this source was Shs.1.147.530.000. This means that the revenue almost tripled. The increase of revenue is attributed to two factors: first, KCC with a loan from the World Bank under the First Urban Project, rebuilt and expanded the markets in the city. In the markets are: Owino market, Bugolobi market, Nakawa market and Nateete market. The expansion meant that stalls increased, working conditions improved, and fees collection was streamlined. This improvement of markets has a direct relationship with the increase in revenue collection. It is an indication that when public services are improved, there is a higher responsiveness and willingness on the part of beneficiaries to pay municipal fees. The second factor that has contributed to more revenue from the markets is privatisation of collection. As we noted in the previous chapter, KCC officials engaged in collection of market revenues were corrupt to the extent that a bulk of revenue was not reaching KCC's treasury because its officials colluded in diverting it to their personal benefit[696]. Today, all KCC's markets are tendered to private collectors of market fees.

Increased market revenue notwithstanding, KCC still faces serious challenges in the management of markets. First of all, the project of expanding and modernising markets was conceived in the spirit of fighting urban poverty. The goal was to reduce unemployment and increase incomes of the urban poor. The primary goal was not to increase revenue for KCC. Secondly, the goal of modernising the markets was to create order in the city by reducing illegal and disorderly hawkers who crowded the streets of Kampala, increasing incidences of criminality. Today the challenge for the city authorities is to balance the primary goals of modernisation of markets and the secondary goals of generating revenue from the market

[695] One of the reasons why most slums are located near the central business district of Kampala is that lower income workers, including government employees, find accommodation in these areas. For school teachers, one of their survival strategy is to introduce and conduct illegal extra lessons for the pupils whose parents are willing to pay

[696] See *First Urban Project Output Report* September, 1993, p. 30. In June 1993 a Task force sent by KCC to check on cashiers' receipts and banking found that KCC was not receiving all the money collected on its behalf.

vendors. The secondary goal seems to have overrided the primary goal in the sense that, the privatisation of revenue collection has eaten into the profitability of the poor vendors working in the market because the levies are exorbitant. Almost invariably, KCC increases market levies every financial year[697]. In a recent increase of market levies, which the vendors resisted, the Kampala Town Clerk said:

> We have revised them (market levies) because our charges are lower compared to surrounding districts and municipalities. Inflation also led to the revision[698].

The Town Clerk is not revealing the real issues that KCC is confronted with, which are responsible for increasing the burden of levies on the poor market vendors. These are the World Bank loan and the failure of KCC to reduce its costs of administration. Since 1990, KCC has been securing loans from the World Bank under the First Urban Project and the Nakivubo Channel Rehabilitation Project[699]. The KCC repayment commitment to the World Bank per annum stands at Shs.1.7 billion. This amount of money imposes a heavy burden on the financial situation of KCC. The second issue is that KCC, despite the recommendations of the World Bank and its own Strategy for Reform (SFR) to drastically bring down its cost of administration; this has not been the case[700]. As a result of high levies in the markets, some of the vendors have left the market and returned to street hawking. Illegal street hawkers are a "headache" to KCC because they invite problems to it. They overcrowd the streets and make orderly business untenable. This raises complaints from the *bona fide* traders owning shops because hawkers undercut their prices and lower the volume of their business turnover. Other complaints are also raised by tenderers of the markets who are collecting revenue for KCC. As the number of market vendors decreases in markets, the revenue also decreases, hence the failure of the tenderers to meet the revenue targets set by KCC. In other words, KCC faces a "catch twenty–two" situation in regard to the purposes and goals of the city markets.

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[697] In an increase affected in 2004, the rates increased from Shs.75.000 to Shs.100.000 in Nakasero market, and an increase 25% affected all stalls in all KCC's twenty – seven markets.

[698] See *The Monitor* 6 November 2004. The Town Clerk also added that the increase was due to the cost of delivering services owing to increases in the costs of fuel and electricity.

[699] See Kiggundu Tamale, "Nakivubo Channel Rehabilitation Project (CR – 3203 – UG) and Local Government Development Program CCR. 3295 – UG" Paper Presented to KCC Stakeholders' Workshop at Botanical Beach Hotel, Entebbe, March 2004

[700] It was originally arranged between the World Bank and KCC that since most of the service delivery was to be done by contracting out to private providers and some non–core assets were to be sold out, KCC world retain a small staff to oversee the performance of the private providers. However, this was not done as per schedule, hence KCC still has large staff costs. See World Bank, *Local Government Development Program Report* (UGPE 2992) opcit, p. 45. KCC estimates that it requires US 2 million dollars to lay off some staff (retrenchment) to get to the optimal size. KCC says it does not have the money to implement the exercise of "right sizing"

Nonetheless, KCC has lacked focus in respect of these goals[701]. It has tended to emphasise revenue collection from the market vendors in total disregard for the primary goal of poverty reduction, to the extent that another successive hiking of market levies led to a protest by the vendors in Owino market[702]. Moreover, by KCC privatizing the collection of market levies in the markets, it undermined the local organisations that collectively articulated the interests of the market vendors[703]. It is a contradiction that KCC needs to resolve.

6.8 Trends in Revenue Collection and Management in KCC

As we have shown above, all the key sources of revenue for KCC have shown growth over the years. However, much of this growth is due to the new drive towards privatisation of the collection of revenue on behalf of KCC. It is a testimony to the fact KCC had failed to collect revenue. Improved revenue performance in KCC is largely a result of privatisation of revenue collection. Evidence exists to support the suggestion that privatisation of revenue collection reduces administrative costs in revenue collection and greatly improves revenue growth for local governments[704]. Also, the Local Government Act 1997 provides a sufficient framework for effective provision of services by the private sector through the District Tender Board. Competitive tendering serves as a means of bringing more efficient private sector actors on board. A comparative look at the revenue from various sources of revenue before and after full scale contracting out in KCC shows that the latter works better.

In mid – 1990s, Kampala City Council experimented with contracting out nine out of its thirty nine markets. In 1994/95 the revenue from the markets rose from Shs.50.8 million to Shs.61.75 million a month. At the same time the annual costs of administering the markets fell by half from Shs.173.8 million to Shs.88.2 million. Market administrators were reduced from 215 to 35[705] .

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[701] KCC, Budget Framework Paper 2001/2002 p. 42. KCC admits that it lacks information on markets and market activities and that the basis of its decisions is the statistics of 1994.
[702] See *The Monitor,* 13 January 2005. The Vendors have resisted the new rates imposed by KCC and Victoria International the company managing the market. Also in 2004, See *New Vision* January 17, 2004.
[703] Some of the Vendors associations include: Nateete Market Vendors Association (Nateete market), Mengo – Kisenyi Market Vendors Association (Kalutusi Market), Nakawa Maket Cooperative Savings and Credit Society (Nakawa Market), etc
[704] ODA, Uganda: Enhancing District Revenue Generation and Administration opcit p. 54.
[705] ibid, p. 54.

Table 34: Showing KCC (before privatisation) Sources of Revenue (October 1991 to June 1992) in Millions of Shillings

Source of Revenue	Actual Income	Performance (percentage)
Housing	34.2	1
Graduated Tax	846.5	31
Ground Rent	78.3	3
Rates	616.9	22
Markets	448.5	16
Car Parks	250.3	9
Licenses	351.3	13
Abbatoir	33.2	1
Weigh bridge	24.9	1
Other income	70.1	3
	2.754.2	**100**

Source: *KCC Treasurer, Income and Expenditure Statement October 1991 to June 1992*

Table 35: Showing Revenue after Privatisation of Revenue Collection (Millions of Uganda Shillings)

Source of Funding	1999/2000	1999/2000	2000/2001	2000/2001	2001/2002	2001/2002 July – Oct 2001
KCC Local Funding	Estimates	Actual	Estimates	Actual	Estimates	Actual
Graduated Tax	4.706.250.000	3.636.195.352	5.070.950.000	3.192.993.000	3.610.643.000	393.235.500
Property Rates	3.372.074.277	2.105.169.196	3.821.076.677	3.197.599.000	3.197.599.000	877.507.992
Ground Rent	350.000.000	442.350.987	535.924.782	727.199.000	727.199.000	133.472.045
Housing	329.675.263	310.865.290	348.920.350	347.260.000	347.260.000	81.762.660
Licences	1.667.498.882	1.821.310.856	2.600.000.000	2.684.587.000	2.684.587.000	797.966.950
Vehicle Parks	2.189.940.000	1.955.133.200	3.548.905.200	3.718.700.000	3.718.700.000	712.771.650
Markets	839.309.000	329.447.151	1.454.765.500	1.517.204.000	1.517.204.000	491.158.008
Debt Realisation	3.094.707.920	1.146.881.267	6.027.449.630	9.437.852.000	9.437.852.000	9.673.095
Other Income	1.766.784.056	2.187.171.097	2.006.380.817	1.558.622.000	1.558.622.000	1.562.771.857
Capital	1.506.364.000	1733.742.489	1.655.810.809	1.920.000.000	1.920.000.000	2.013.889.379
Total Local Funding	19.822.603.398	16.168.266.855	27.070.183.765	28.719.666.000	28.719.666.000	7.074.209.136

Source: *KCC, Budget Framework Paper 2002 / 2003*

A comparative look at the above tables shows that in 1991/92 KCC was collecting a mere Shs.2.7 billion in revenue. By the end of the financial year 2000/2001, it collected Shs.22.1 billion, a leap of ten times, in actual collections. Some of these sources of revenue have continued to grow for example, collections from vehicle parks presently contribute Shs.4 billion to the coffers of KCC, that is, Shs.3.2 billion from the main parks and Shs.828 million from the street parking per annum[706]. KCC also privatized collection of other fees and rates. For example KCC contracted the collection of licence fees in the Central Division to Victoria Insglass at Shs.2.52 billion per annum. It has raised the collection of revenue from this source by 80 percent in recent years[707]. The privatisation of market levies has increased income to KCC, for example when Owino market (the largest market in Kampala) was being managed

[706] KCC (Central Division), Budget 2003/2004
[707] ibid.

by Owino Traders Association; it was contributing Shs.50 million per month to KCC's coffers. However after fully contracting it to a business company, it fetches for KCC Shs.104 million a month that is Shs.1.08 billion a year. This is more than double the amount the association of the Owino traders were paying to KCC.

Other contractors for rates and licences include: Transmedia in Makindye Division which collects property rates. In the year 2003/04 they hit the target of Shs.450 million in collections and in 2004/2005 their collections reached Shs. 600 million. Another revenue collector, Ruseru Entreprises for Makindye Division collects licence fees. This has seen the growth of revenue from this source grow from Shs.130 million in 1997/87 to Shs.296 million in 2002/2003.As the above sample figures show, there has been rigorous efforts by KCC to collect revenue through contractors. The revenue yields indicate that KCC has done much better in revenue performance than before. This seems to be an indicator that the organisational and administrative framework created by decentralisation is appropriate for local governments to raise their own revenue and in the process, increase their autonomy in relation to the centre. This is however exceptional to KCC with multiple taxable sources, its problems notwithstanding.

6.9 Challenges of revenue collection and the politics of privatisation

Almost invariably, with exception of KCC, all other local governments in Uganda have experienced declines in their local revenue since 1997/98. This has caused serious concern in the government. For example, the chairman of the Local Government Finance Commission (LGFC) Dick Odur wrote to the President of Uganda on 8 April 2004 an advisory note that says in part, "The purpose of this advisory note is to bring to the attention of Government the issues perpetuating the decline in collection of local revenues by local governments" In the note, the chairman said:

> Whereas transfers from Central Government have been growing rapidly (from Shs.204billion to in 1997/98 to 616 billion shillings in 2001/02) the growth in local revenue has been disappointing.

It was noted in his advisory note that whereas the local revenues of the districts had grown to Shs.109 billion, they had declined to Shs.93.8 billion by 1999/ 2000. The reasons advanced by LGFC for the decline in local revenues include:

- ◊ There has not been a general reform in the collection and management of local revenues as was done in the case of central government where Uganda Revenue Authority was created and significant reforms undertaken.
- ◊ There is excessive local political interference with the taxation at the local level.
- ◊ There is poor tax administration at the local government level including weaknesses in assessment, collection and management.
- ◊ There are no tax registers in local governments for graduated tax, property tax, user charges, licences and fees.
- ◊ The system of billing liable tax–payers is generally poor and non – existent in most local governments.

The LGFC Chairman's letter concluded thus (opcit.)

> There is decline and low local revenue to sustain improvements in service delivery, and how to handle the future maintenance requirements of assets now being created in local governments.

The purpose of capturing the issues raised by the LGFC to the President of Uganda is to underscore the fact that whereas KCC was able to raise its tax base following its SFR and some other reforms pushed by the World Bank, the rest of the local governments in Uganda did not follow suit hence, the decline in their local revenue. It is also imperative to note that despite the growth in KCC's revenue, its local collections constitute only 34 percent of its budget per annum. This too, is not an enviable position. The bulk of the service requirements, especially the capital expenditure area is financed by the central government and donors[708].

KCC itself has had its share of difficulties in implementing its fiscal reforms. On the revenue side, there have been problems of internal as well as external nature in KCC's efforts to raise revenue. Internally, KCC faces a host of problems. First it is dealing with a city whose largest section of population are living in dire poverty, hence with limited capacity to pay taxes. Secondly, due to many years of institutional decline, KCC's capacity to deliver services was severely crippled. Thus, lack of a link between service delivery and taxes increases people's resistance or willingness to pay taxes. Thirdly, some taxes such as property rates were neglected over the years, thus getting people to pay them again, is a hurdle that KCC is

[708] See KCC, Budget Framework Paper 2002/2003, p. 9. KCC planned to spend Shs.81.5 billion but even with government and donor contributions, there was a shortfall.

attempting surmount, albeit with difficulties. Fourthly again in respect of property rates, most owners of properties in the city have accumulated arrears in rate payments. In some cases, these are very large sums of money probably beyond the ability of the property owner to pay.

Privatisation and contracting out of revenue collection in KCC has also had partial success. Sourcing qualified and competent firms to a do good job for KCC has not been easy. Most firms which apply for tenders to collect revenue or to offer services are either lacking in experience or finance capital to execute the jobs to the specifications and standard required by their employer, KCC. There are also, allegations of in–house trading, nepotism and corruption and collusion in the biding processes. For example during the budget conference for Makindye Division held on the 27April 2004[709], it was noted that while UTODA, was contracted to oversee parking of vehicles and collect revenue for the Division in the year 2002/2003 the Division received only three remittances from this source. In the case of Ruseru, a company charged with collecting licence fees, the Division officials noted that the company had lost or mismanaged data. This has led to some business units being our over–assessed, leading to resistance to tax compliance. Other cases reported in Makindye Division include Mahogany, a company that was contracted to check on illegal developers in the Division, but failed because it "lacked the capacity to effectively monitor, control and enforce planned development."[710] Three other companies were suspended for failing to live to their expectations after securing contracts with Makindye Division[711].

The processes of privatisation in KCC have been undermined by politics, collusion and influence peddling. Some cases standout very clearly and are detailed here. First there is the issue of graduated tax. This has been declining in all local governments largely because of the politics involved in it. This very factor made it difficult to privatize its collection. As pointed out earlier, it has been an election issue for both national and local electioneering. In particular, President Museveni when attacked by his rivals as well as popular opinion for scrapping this decadent tax during the 2001 presidential election campaigns, responded by issuing a directive to the affect that the unemployed youth could pay only Shs. 3000 a year

[709] KCC, Makindye Division, Proceedings of the Budget Conference held at Hotel International Muyenga.
[710] bid, p. 71
[711] The companies whose contracts were terminated are: Mohogany, Namba and Highway Trading Co.

and those aged beyond 60 years should be exempted. In Nyendo, Masaka district, Museveni directed:

> The Movement government has streamlined the administration of graduated tax. I have directed that unemployed youth should not be made to pay more than Shs.3000 per annum while 60 – year old Ugandans should be exempted from paying graduated tax[712].

The effect of this presidential directive has been felt by most local governments, including KCC. KCC, in particular has been collecting graduated tax from its residents without proper assessment. For this reason, most of the youth, who are either in disguised employment or are unemployed simply pay Shs.3000 as per residential directive. Others simply go to the neighbouring districts of Wakiso, Mukono and Mpigi and pay Shs.3000. Thus, although KCC had for long failed to privatize the collection of graduated tax due its complicated nature of collection, the presidential directive to the effect of a minimum tax of Shs.3000 made it even more difficult and uneconomical to contract out its collection.

Privatisation of revenue collection in the markets of Kampala has been the most controversial and least transparent of all the privatisation deals in KCC in recent years.

6.9.1 Controversial Deals in the Privatisation of Revenue Collection in KCC

On 28 November 2002, KCC handed over two of its main markets of Owino and Nakasero to two companies owned by a powerful local businessman called Hassan Basajjabalaba. The companies are Victoria International Trading Company which took the management of Owino market and Sheila Investments Uganda Limited which took overt the management of Nakasero market in the city centre. The two companies won their tenders in a controversial process that was questioned by the Council and which prompted the interdiction of the Town Clerk and intervention of the Minister of Local Government. First, of all, the KCC Tender Board in considering the awards of tenders to these two companies may possibly had not been aware that the companies belonged to one main proprietor[713]. Secondly they both offered the highest bids compared to their competitors. For example, Victoria International Trading company offered to manage Owino market at Shs.1.25 billion a year while the

[712] *The New Vision* 10 March 2001. Museveni said this in the heat of the 2001 presidential elections campaigns. Though he was a candidate he was also still the president so the directive was effected. This saw the dramatic fall in the local revenues of most local governments as this is the main source of revenue especially for rural district governments.

[713] Victoria International Trading Company is registered by Asuman Irungu and Aisha Murungi while Sheila Investments is registered by Sheila Nagitta and Bruhan Banuwine as directors

company that was managing the same market, Owino Traders and Transporters offered Shs.500 million[714]. Moreover, Victoria International Trading Company offered to pay all the money it offered for the tender at once (which it did on signing the contract).

The above notwithstanding, the Tender Board seems not to have bothered to check who the real owner of the companies was. This is important because the Tender Board, by its rules is not supposed to allow any particular company or individual to monopolise the tenders[715]. At the same time, when the Minister of Local Government learnt that Basajjabalaba's companies had taken monopoly of managing the city market he checked with the registrar of companies and found that the companies were not duly registered[716]. He ordered KCC to resind its offer but to no avail. There is a possibility that KCC Tender Board overlooked some if the key issues in offering tenders to these companies. Ordinarily, a tendering company is required to produce a certificate of registration, certificate of incorporation, tax clearance certificate, the names of its bankers and the names of its directors. If these were in place, there is no rationale for questioning the authenticity of the company in question. The other issue however is that these two companies had no previous experience of managing markets and its named directors are not well known business people. Experience in managing certain aspects of a particular business is one of the key prerequisites for awarding tenders. For example, the Minister of Local Government wrote to say, "It is inconceivable for a local government to award a tender to people who do not exist as business entities[717]". The minister added,

> It is now evident that the way in which the tenders were processed and the manner in which the awards were made lacked transparency and is likely to cause financial loss to KCC[718].

The minister insisted that he had obtained information from the chairman of the Tender Board that the members of the Tender Board exhibited "irregular behaviour" at the meeting that awarded the tenders to the two companies. The Minister said, he suspected that some of the members of the Tender Board could have been bribed.

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[714] Sheila Investment Uganda Limited was offered Nakasero market at Shs. 300 million. Other companies belonging to the same individual have taken KCC tenders for managing the city abattoir and Kalutusi market.
[715] Basajjabalaba had also earlier offered to re–develop the constitutional square into a shopping complex and in another bid he wanted KCC to lease to him the Nakivabo Channel so that he constructs shops.
[716] See Sunday Vision November 24, 2002. Despite the insistence by the Minister that the two companies were not registered, the Assistant Registrar wrote on 14 November 2002 to KCC authorities pointing out that the two companies were fully registered.
[717] ibid. See also, Sunday Vision, 24 November 2002. p. 2.
[718] ibid.

These controversial tenders caused accusations and counter – accusations. The lawyer for the two companies accused Mr. Bidandi Ssali, (the Minister) of having interests in Owino market, to which the Minister replied "I laugh off the silly assertion that I have a personal interest in Owino market, if I had that type of interest I would be the richest person in the city."[719]

The Town Clerk (Mr. G. Mwesigye) received his share of blame. On 22 November 2002, a full council of KCC sat and a motion was moved that Mwesigye, the Town Clerk be interdicted on grounds that he had interdicted the Secretary to the Tender Board[720], and that by ,so doing he was likely to cause financial loss to KCC. He was also accused of under declaring the stalls and shops in Owino market and that he had personal interests in the tendering process. The motion for the interdiction of the Town Clerk was supported by the majority of the councillors who immediately instructed that he takes leave from further conducting the business of council until further notice. In his defense, the Town Clerk claimed that he had at no time got directly involved in the tendering process. He explained:

> The executive committee discussed at length the tender for both markets. His worship the Mayor appraised the executive of the steps he had taken to let Basajjabalaba known of the developments and asked him to pick one market of his choice … and leave the other for someone else[721].

The Town Clerk further explained that the Mayor was of the opinion that it would not be politically correct for Basajjabalaba to take both markets, and that the executive committee had concurred with the Mayor who had instructed him before leaving for a trip to Paris to ensure that the Tender Board should not issue letters of award to anyone[722]. He argued that his act of suspending the Secretary to the Tender Board was in line with the instructions of the Mayor. He defended himself in respect of the stalls in Owino market, arguing that appropriate council organs had visited the market and established the actual number of stalls there.

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[719] The Town Clerk had suspended Mr. Fred Baguma, the Secretary to the Tender Board for disobeying his instructions not to communicate with the tenderers. Baguma alleged that the Town Clerk had advised him to "fall sick".

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[721] New Vision January 8, 2003 p. 5.

[722] ibid.

This story is a classic case of how privatisation has been handled in KCC. Many of such cases go unreported. This particular case became public because the various contending interests were unable to agree–the minister, the Mayor, the Town Clerk, the Council and the Tender Board. KCC tenders are complicated and enmeshed in a sophisticated web of powerful interests based on "unwritten rules" of give and take. It appears, this time around, some more powerful forces were at play, hence the failure of the city barons failure to agree on how to eat their cake and have it at the same time, for at the end of the day, Basajjabalaba's companies look the tenders up to this day. As one newspaper columnist in a related analysis has asserted:

> No body should ever deceive himself that the government has no interest in Basajjabalaba's empire. No government in the world can allow unfriendly forces to take over most of the strategic businesses in town. … the point I am making is, although Ugandans would feel happy to have one of them roaring all over the town, they would still remain in total wonder and bewilderment as to how the man has accumulated the billions[723].

The commentator's views, though focused on the "empire" of one man whose companies won the controversial tenders are revealing on the implicit political forces that possibly lie behind the sprawling "empire" under one man[724]. Under such circumstances, the local officials bargaining for their political survival succumb to the whims of the more powerful political forces, even if the rules of the game are fraudulently undermined with impunity. The case we have analysed above is a test case, as to whether KCC has what it takes to operate on the basis of transparency and fairness even under its own Strategy for Reform that calls for such values to be ingrained in its work methods.

6.9.2 Other Controversial Deals in KCC

The case detailed in the previous section is not an isolated incident in the award and management of tenders in KCC. In 1997, the Minister of State in the Local Government was petitioned by some concerned people that in the process of re-developing KCC's markets, there were irregularities and elements of corruption. Consequently, a probe committee was

[723] Ishaq Kintu Nganda "Let Bidandi Chair KCC tender board" in Weekly Message, 3 – 9 December 2002.
[724] See New Vision 20 May 2005. It reported that President Museveni ordered Bank of Uganda in 2004 to pay United States dollars 14 million to Standard Chartered Bank for a loan that Basajjabalaba had failed to pay. It reported that the directors of the International Monetary Fund had asked the government of Uganda to stop bailing out private businessmen because that contributed to the domestic debts.

set up to establish among other things: (i) whether Mr Steven Higobero, the coordinator for re- development of markets had been awarding sub–contracts to his own company M/S Midland Famusa Construction Company; (ii) whether vendors of Owino market were forcefully made to pay Shs. 200.000 in order to be included on the register for the new sub–divided stalls while they were already registered vendors; (iii) to ascertain whether M/s Alcon Inter national Uganda Limited was fairly awarded the contract to construct Nakawa market and (iv) to establish whether vendors' associations were in the whole process of re-development of the market in Kampala.

The findings of the probe committee revealed that M/s Midland Famusa Construction Company was formed by the Chairman of Owino Market Vendors Association Mr. Kayongo and the Coordinator of markets' development project, a Senior Official of KCC, Mr. Steven Higobero. It was revealed that Mr. Kayongo's daughter, Barbara Nabisera (a minor) was the chairman of the company and Mr. Higobero's son Nicholas Khijoma (a minor)[725] was the company's vice–chairman. The secretary to the company, David Kasiboka also a minor[726] was a son of Mr. Kanyana (a Senior Market Administrator). However the signatories to the company account and documents were the parents of these children.

In the case of re–development of Owino and Nateete markets, Midland Famusa Construction Company had taken sub–contracts for building slabs in the stalls without informing the committee that slabs were constructed at a cost of Shs. 110.000. The company had offered to build the slabs and be paid later. Despite the irregularities in the formation and composition of the company's directors (minors) and the fact that KCC employees in charge of markets were involved in tendering through this company, the probe committee's view was "Quality of the work of M/s Midland Famusa Construction Company Ltd was satisfactory and there was no complaint whatsoever on the quality of their work[727]". The committee though recommended that Mr. Steven Higobero "should be withdrawn from being a market coordinator so that his role in the M/s Midland Fumusa Construction Co. Ltd does not

[725] A p.3 pupil at Kitante Primary School
[726] A pupil at Nakivubo Settlement Primary School.
[727] KCC (undated) *The Report of the Probe Committee into the Alleged Corruption in the Redevelopment of the Privatised Markets of Kampala City Council*, p.52.

conflict with his duty as a Market Coordinator in KCC[728]". … Cases of this nature needed KCC to take strong corrective measures on the officials who are engage in breaking the law. For example according to the *Local Governments Financial and Accounting Regulations, 1998*, under Regulation 73 the District Tender Board is required to abide by the standards set by the Central Tender Board. But of more particular relevance in this case is Regulation 79 (4) which states "Councillors and members of the Tender Board and employees of council are prohibited from being suppliers or contractors of council either directly or indirectly". Thus under this Regulation, there is a *prima-facie* case that the KCC authorities should have brought against the officials involved in the executions of contracts while they held their positions as officers of Council.

6.10 The Politics of "Boda-Boda"[729]

Kampala city may be described as a "boda-boda city" because "boba-boda" cyclists plying the ups and downs of a city are a common sight. Because there is no formal municipal public transport e.g. buses, trams, etc public transportation is in the hands of the private omnibuses whose operations are non–scheduled, confused and prone to intermittent delays for a traveller keen to keep his or her time schedule. The "boda-boda" cyclists emerged as a spontaneous response and an alternative to the omnibus transport. The 'boda-boda' transport also came up because thousands of unemployed youth in the city were looking out for a means of survival. The boda-boda youth are organised in their group associations and have their own code of conduct, for example, their work ethic includes a high standard of honesty and fair charges for their clients[730]. Because of these virtues, this form of transport has grown tremendously in recent years. By mid–1990s, there was no tax levy on "boda-boda" activities. However as their activities increased in the city, KCC began to regard their activities as a taxable source of revenue. For example in 2002 Centra Division estimated that there were 865 operators in its area of jurisdiction. A levy of Shs.10.000 per month was imposed on each operator. This means Shs.120.000 per year. Cental Division estimated its budget of 2003/2004 to raise to Shs.1518 million from "boda-boda" operations. This is an addition to Shs.5000 each "boda-

[728] ibid, p.55. The committee simply recommends that the Markets, Coordinator simply be "*withdrawn*". The official is still a senior person in KCC

[729] Boda-Boda" – is a popular term applying to motor – cycles and ordinary bicycles which are hired for purposes of public transport by travellers around most towns in Uganda.

[730 0] It is the rarest of cases that these 'boda-boda'cyclists commit crimes against their clients.

boda" cyclists is required to pay for KCC number plate[731]. Although "boda-boda" levies are not reflected in KCC budgets, it was estimated they could raise for KCC about Shs.700 million per annum.

The "politics of "boda-boda" then began with their operators resisting the payment of levies imposed by KCC authorities. The operators complained of harassment and excessive "extortion" by the companies that were tendered by KCC to collect levies from them. It was noted by Makindye Division authorities:

> In F/Y 2002/2003, the District mooted an idea of registering all Boda-Boda and issue the same with registration numbers in the Divisions of operation. Makindye received 800 number plates and sold only 450 plates. The balance is still in the store. On top of paying for the number plates (Shs. 5000), the registered cyclists was to pay Shs. 9000 monthly fees. However the boda- bodas who bought the number plates, paid Shs. 9000 only once and that was all[732]

Whereas such a tax is provided for under Section 13 (g) and (h) of the Fifth Schedule of the Local Government Act, as bicycle licences and parking respectively and as sources of revenue for local governments, many central government officials in support of "boda-boda" cyclists resisting KCC and levies denounced the tax as "exploitation of the poor" or that such taxes are not authorised by the Act[733]. KCC on its part insisted that the "boda-boda" had to pay the levies since they used the city infrastructure. The Mayor of Kampala said:

> As a council we took a decision that all boda-boda operators pay a fee. We contracted firms that are collecting the money on our behalf. If they refuse to pay we are going to tell them to shift to another district[734]. The Central Division Chairman echoed similar sentiments, saying "We're going out bravely to collect taxes from boda-bodas and whoever feels that what we are doing is wrong, should take us to court."[735]

These assumptions on part of KCC officials seem to have underestimated the political weight behind the boda-boda operations. On 2 June the Acting Private Secretary to the President of Uganda, wrote to KCC authorities advising them to halt the taxation of *boda-boda* since the levy was "illegal". He argued that Shs.10.000 levy on each *boda-boda* per month was too

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[731] The motorcycles are already registered and licenced by the Uganda Revenue Authority (URA), the tax body of the central government. Thus, "KCC registration" is an additional fee and second registration.
[732] KCC (Makindye Divi sion) *Budget Conference Report* 27 April 2004, p. 12.
[733] The Act actually allows local government to collect such taxes
[734] *New Vision*, 21 May 2004
[735] The Weekly Message 22 June 2004

high. He argued further that there were 11,000 boda-boda in the city which meant that KCC was collecting Shs.110 million from them every month. He said that this was unfair because a person owning a shop pays license fee of Shs.70.000 a year while a *boda-boda* person pays Shs.120.000.

The logic of central government officials appears sound in terms of equity and fairness of taxation of the *boda-boda.* However, the whole saga centres on politics. First, ever since the NRM came to power in1986, most of the parliamentary seats in the city have been won by the politicians from the opposition. Since 1996 the mayoral seat and most of the KCC councillors have been people who subscribe to the opposition. As one newspaper reporter has put it: . . . "in Kampala it is government which is the "opposition[736]". These politicians draw most of their support from the rank and file of the "*boda-boda",* the unemployed and other youth in the lower classes. The strategy of the government appears to target these groups for future electoral victory on its side. It is reported that State House officials set aside Shs.170 million which they used to purchase 120 motor–bikes (*boda-boda*) and distributed them to various individuals through a State–House microfinance institution known as UMEA, which advances loans for the above purpose, payable in nine months[737]. Therefore, by KCC attempting to tax the *boda-boda*, it happens to be treading on the interests of State House.

Secondly it is admitted by State House officials that *boda-boda* operators also act as under–cover agents for the state. In the course of their operations, they collect information for the state security organisations[738]. Thus, the issue is not whether KCC has the legal rights to tax *boda-boda* operations or not, it is a much wider issue spiced up by strategic political interests and other considerations.

KCC itself, however, seems to have been unfair to the *boda-boda* operators because the levy appears exorbitant. As the ODA study pointed out sometime back, local governments need to put forward a positive image especially amongst the groups trying to survive. The report noted: "a particularly futile tax is that of *boda-boda* ... where the registration plate costs more

[736] [106] *Sunday Monitor* 13 June 2004
[737] ibid.
[738] ibid.

than the value of the license[739]" What seems to be emerging in KCC's drive towards mobilisation of more resource to finance service delivery is that, the process tends to target the weaker individuals and organisations such as the *boda-boda*. On the other hand the intervention of the central government officials in the matters of *boda-boda* is not a clear sign of enthusiasm that they are concerned with their economic plight but to exploit them, politically. As Kent Eaton has pointed out, national leaders will tend to support decentralisation only if it gives electoral advantage to their party's fortunes[740]. In the case of Kampala, the reverse has been true for the ruling NRM, hence the grounds for manipulating small groups such as *boda-boda.*

6.11 Political and Bureaucratic Patronage in Service Delivery

Decentralisation in Uganda and particularly in Kampala has ushered in a new regime of patron–client relations involving both local government officials as well as the central government ones. Almost every local government business is politicised–be it collection of revenue, awarding of tenders or delivering a service to a particular group. The point is that by its very nature and design, decentralisation is political; the only difference in this case being that the "politicisation" of the decentralisation process and its outcome in KCC undermines the rules of the games and the principles of good governance. In other words, decentralisation in KCC seems to undermine Chambers' 3-P model (Procedure, professionalism and Personal Commitment):"*procedure* and rewards with more down–ward accountability, professionalism which values and respects people and the individual and *personal* commitments which seek to serve those who are weaker and more deprived[741]". What the model implies is that decentralisation is supposed to create a reversal to the formerly centralised system through these principles.

In Uganda, both political and bureaucratic patronage systems seem to have been further entrenched by decentralisation. As one central government Minister publicly announced:

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[739] ODA, *Uganda: Enhancing District Revenue Generation and Administration*, opcit p. 57
[740] Kent Eaton "Decentralisation from above in Chile and Uruguay" Comparative Politics Vol. 1, No 1, 2004.
[741] Robert Chambers, "Public Management: towards a radical agenda" in Martin Minogue (et al) editors, Beyond the New Public Management: Changing Ideas and Practices in Governance (opcit) p. 118

> Some people will get to know that the days of honeymoon are over. Even simple tenders will go to our people (Movement supporters). How can we give you potatoes and you throw stones at us?[742].

The same Minister again is quoted to have told a press conference thus "NRM pockets are deep"[743] to the extent that the NRM was going to facilitate the District chairpersons, who are Movement mobilisers and sopporters[744]. The statement made by the Minister tended to conflate the policies of the government and those of the ruling Movement. This means that there are those in the government circles who see decentralisation not in terms of what the local authorities can do for their people, but in terms of entrenching wishes of the ruling party. Thus, this seems to explain why some government officials meddle in the affairs of local authorities.

Indeed available evidence shows that in KCC, some groups and individuals who are well connected to the state have held tenders for management of certain services, regardless of their performance. For example, the Uganda Taxi Owners and Drivers Association (UTODA) which manages the taxi parks is untouchable because "big people" in government lend them covert support to retain their tender[745]. As one key informant pointed out:

> Some of the contractors of services usually happen to be powerful people, may be not powerful companies but powerful people who feel more obliged to answer to the Mayor or a Minister rather than the Division authorities. This has made our work difficult. They say that they are managers of the service, for us as officials of the Division; we have no role in their business affairs[746].

The key informant pointed at UTODA, specifically by saying:

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[742] See *The Monitor,* 21 April 2004. The statement is attributed to Hon. Mike Mukula, Minister of State for Health while addressing people at the concentration of the Bishop of the Source of the Nile – Bishop Kamanya Lubogo.

[743] See *The Monitor* 6 November 2004 will be paid a salary of Shs. 2 million per month from the Consolidated Fund. The district Chairpersons have been receiving their pay from local revenues.

[744] In the new government policy, the district chairpersons started receiving their salaries of Shs.2 million a month from the Consolidated fund beginning with the financial year 2005/2006. Previously each district determined the emoluments for its Chairperson and other political leaders. Contrary to what Hon. Mukula was putting across, it is not only the NRM mobilisers who will receive the new pay. It will cut across.

[745] UTODA is known to rush to top offices of government whenever they feel threatened by other competitors e.g. when KCC was working on a proposal to streamline public transport in the city by getting a bus company to provide city transport services, UTODA is reported to have gone to the President. Up to now the bus service never took off.

[746] Revealed by a Senior Central Division Official in the Finance Department.

> Taking the example of UTODA. They collect lots of money daily but they are defaulting on their payment to us. UTODA has been giving us bouncing cheques but no one is touching them. In the past, some competitors came up to compete with UTODA for the tender for management of the taxi parks but these are simply untouchable whether they pay or not[747].

The above narrative shows clearly that KCC officials have problems in management of contracted services. They feel they are powerless in the face of these "powerful" contractors. The principles adopted by KCC are such that tenders should be awarded on competitive basis. This however, is not always the case. For example, the Central Division Budget 2003/2004 notes in the case of UTODA thus:

> The contract expires at the end of September 2003. There is need for early advertisement in order to get more competitive bids and have ample time for evaluations. We have conservatively budgeted at the current contract sum[748].

The problem with contracts management is not limited to the powerful forces that seem to over–rule KCC but also, the working relations that exist between the District Tender Board and the Divisions. There are persistent complaints at the Division level that the District Tender Board does not adequately consider the wishes of the Division in the awarding of tenders to service operators in their area. This itself, is a source of conflict and failure of control. The point of disjuncture is that on the one hand, the Tender Board awards contracts, and on the other, the Divisions officials are supposed to supervise the execution of the contract. What complicates the whole issue is not the process but the actual behaviour of the contractors, who tend to think that they are answerable to the Tender Board, the KCC headquarters or some influential councillors (who sometimes canvass for them to get the tender) rather than to the Division officials – the contract supervisors. The irony is that the contractors tend to think and behave in ways which suggest that they believe they have no contractual obligations to the Division and its officials[749]. This has caused strained relations between the Division politicians and the KCC headquarters' and the Mayor. For example Central Division politicians have been accusing the KCC Tender Board of "delays in awarding tenders and contracting "quacks" who produce shoddy work[750]".

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[747] ibid, The same Central Division Official.
[748] KCC, *Central Division Budget,* 7 June 2003
[749] Interview with Ms. Olive Kitui Deputy Speaker, Kampala Central Division 13 May 2004.
[750] This has been a source of conflict between the Central Division Chairpersons and the Mayor. In 2000, Mr. Ziritwaula (the chairman) of Central Division wanted his Division to have its own Tender Board since 2001, the

Rather than achieving economic efficiency and improved service delivery, tender processes and awards have tended to follow political bargaining and considerations. The whole process of managing tenders is based on balancing political factors and forces. For KCC, this has been complicated by the fact that most of the local political leaders are multpartyists while the national leaders are Movementists. In that delicate situation, the local leaders wanting to fend off the accusation from their national political adversaries, that they are favouring fellow multiparty supporters in these tender awards, do allow those who are connected to key state actors to secure the contracts regardless of the business credentials (such as experience, efficiency levels, capital outlay etc). This has been the case with large contracts like the case we have detailed above, such as markets, taxi park management, bus park management and many others. As a result of such considerations, the levels of service delivery have not only been questionable, they are also said to be either unsatisfactory or unfairly exploitative[751]. Rewarding political supporters of whatever kind has become the *modus operandi* of contract management.

The foregoing discussion may have given a picture that the struggles for control of tenders are between those connected to the state and the district officials only. At the local level too, there are scrambles for the same. Councillors, are particularly frequently cited as interested parties in getting contracts though the law forbids them from doing so. The explanation usually given is that … "Councillors spent a lot of money during the campaigns for their elections. They spent money for that purpose and are looking for money (from the council)[752]. It is further argued that …"politics is an investment, and no one invests to lose.

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new chairman Mr. Serunjogi has been pursuing the same goal but without much success. The Mayor, Mr. Sebaana Kizito believes that there should be one Tender Board for the whole of KCC. Since the personnel of the District is still centralised KCC would be reluctant to appoint a Secretary to the Division Tender Boards, even if Division Tender Boards were appointed. Under the Local Government Act, the law authorises Divisions in the city to have them, and if they can support them financially. The Mayor however insists that KCC as a district should operate as one entity. See *The Monitor* 2 January 2004 and also, revealed by Ms. Olive Kitui, in my interview with her.

[751] See *Procurement News*, 28 June 2004. For an example is cited of bus park management under Uganda Bus Operators Association (UBOA) which levies fees on each bus daily, yet the same buses are required also, to pay another Shs.50.000 for a monthly sticker. The bus operators say they are over – exploited by too many levies, yet the UBOA management has not shown any improvement on the bus terminal. UBOA in turn says its plans to re – develop the bus terminal have been frustrated by KCC which has not approved their plans. KCC on its part could not approve the plans because UBOA planned to erect a fuel station in the bus terminal contrary to the laid out plan of the area.

[752] Argument advanced by Councillor Joy Turyamureeba (Kyebando), Kawempe Division in an interview with her on 3 April 2004.

This is so whether at national level or local level[753]". As a result of this perception, two tendencies have unfolded at the local level. One is that of conflicts within the local councils and another, is that of appeasement. Since there are no enough contracts to go around for all councillors, the more influential ones tend to continuously "eat" while the less influential ones "starve[754]". The ensuing conflicts revolve around the "haves" and "havenots[755]". In order to stave off bitter disagreements and conflicts arising from the wrangles amongst councillors as to who takes what, most of the chairmen and their executive committees, quietly apportion tender awards to the "big headed" councillors so that they may "keep quiet" and cause less trouble. Thus, although tenders are awarded at the district level by the District Tender Board, the footwork is done at the Division level by the technical staff and the Division executive committee, as to which company should actually get the tender for this or that. The Tender Boards follows all the procedures, they look meticulously transparent but the actual process that leads to the final decision of the tender award is done at the Division, and the Tender Board itself is aware of these intricate processes and their logics. As one councillor put it:

> The technical staff do their work properly. "Properly" also means listening to their bosses (the executive committee). They (the technical people) have to agree with what their bosses tell them to do because they have to protect their jobs[756].

The councillor further asserted "A toilet done in Kyebando at a cost of Shs.12 million is in a sorry state. What explanation can be given for that kind of work?[757]", she asked It is argued that the reason why the contractors do shoddy work is because the contractual sum is divided between the contractors and the councillors who fronted for their company to secure the tender, otherwise, the "uncooperative contractors" are "blacklisted" by their patrons.

An example of alleged collusion between councillors, technical staff and the contractors is cited as Nicholas Enterprises, a company that won a contract for collecting license fees in Kawempe Division. The company's credentials were questioned by the councillors, its

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[753] ibid, Joy Turyamureeba

[754] At the time this study was being done, a conflict had rocked Kawempe Division Council based on this scenario.

[755] At the time this study was being done, a conflict had rocked Kawempe Division Council based on this scenario.

[756] ibid, Interview with Councillor Joy Turyamureeba.

[757] ibid, See also *Procurement News* 11 – 17 February 2004 The Minister of Local Government said he was aware tenders were influenced by political elites.

performance did not win their approval and the sub–contract that were offered under its supervision for collecting minor fees such as permits for wheelbarrow pushers, shoe–shines, street phone providers and evening markets etc were all, but contentious. Unlike its counterparts in other Division of the city, where collection of license fees improved in real terms, Nicholas Enterprises registered miserable results. In the meeting of the Finance and Economic Affairs Committee held on 8 November 2003, the members observed:

> there is little time left to the end of the year and M/s Nicholas Enterprises still owes the Division Shs.118 million which may be hard to realise in the remaining period of time[758].

In another meeting of the same committee, the members still queried Nicholas Enterprises. They alleged that Kawempe Division Council collected Shs.373.894.000 from license fees in 2002/2003 using its staff. After contracting out of this revenue source only Shs.381.919.500 was realised, yet of this sum Shs.59.419.500 had already been collected by the council staff. They also queried several sub–contracts which were irregularly awarded under Nicholas Enterprises, whose agents were not giving out proper receipts to the tax–payers, were mistreating and abusing the latter and the citizens were protesting their conduct[759]. M/s Nicholas Enterprises was questioned about its failure to remit Shs.20 million per month as the contract reported under assessment of some of the tax payers, and lack of regular communication and reports to the council. The councillors argued that this was a breach of the contract[760].

The poor performance of the Nicholas Enterprises and its execution of contractual obligations was also a matter of concern to the chairman Kawempe Division who in his communication to the ordinary council meeting of 29 August 2003 said that their hopes for revenue as a council should be pinned on a new company Impact Associates which was collecting property rates as revenue from license by Nicholas Enterprises had greatly dwindled[761]. The irony surrounding poor performance of Nicholas Enterprises, however is that the chairman admitted that the sub–contracts which were partly responsible for loss of license revenue to the council had been given with approval of the office of the PATC (Principal Assistant

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[759] Min FC 142/12/2003 (Finance and Economic Affairs Committee, Kawempe Division) of the meeting held 6 December 2003.

[760] ibid, the same Minute

[761] Kawempe Division Chairman's comments from the chairman to the Ordinary Council meeting held on 29 August 2003 at the Council Chambers Kawempe.

Town Clerk) with well–done terms of reference and approved by the executive[762]. This appears to be an uncritical admission that the failure by the contractor to execute his contractual obligations is partly shared by the executive committee and the senior management of the Division. Moreover during the course of the study, some councillors were pointing a finger at Nicholas Enterprises as one of those proxy companies fronted by the "big men" of the Division in securing this contract. They actually insisted that it belongs to them[763].

Despite the existence of influential forces who use their connections both within their local authorities and the state to beat the system in order to serve their own selfish interest, there is still some vigilance on the part of the councillors to check whether to value–for-money is realised or not. For example, in Kawempe Division the works, transport and physical planning committee noted with concern the shoddy works exhibited by contactors in reference to Muganzilwazza road, where the culverts broke before the road was handed over to the division and Kawaala road where the murram was washed away by the rains[764]. The committee members subsequently visited these works and recommended that the division Engineer should ensure that the contactors do a more thorough evaluation before the work was approved and contractors paid. This was done.

The implication of fraudulent practises in the privatisation process undermines decentralisation in a number of ways. First, the idea that decentralisation leads to link better service provision and improvement of tax payment is totally lost in this process. For example, in Kawempe Division the biggest tax payers are Makerere University and Mulago hospital, which have large population concentration, who are relatively well paid but receive minimum service from the Division. Both institutions bear the costs of maintaining their infrastructure such as roads and grass – cutting[765]. Secondly, because the contracting out process brings on board incompetent some companies, the quality of services rendered is in some instances,

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[762] Ibid, Kawempe Division Chairman (Comments from the Chairman), 29 August 2003

[763] The Councillors requested for anonymity on this point. The "big men" refers to the executive committee members or some of them

[764] Min. WPHP, 05/11/2003 AOB, of the Works, Transport and Physical Planning Committee, Kawempe Division, meeting held on 11 November 2003.

[765] Councillor Goretti Mayanja (Makerere III and II) complained in an interview held with her on 5 May 2004. It was until the LGDP funds were released that Kawempe Division installed streetlights at Makerere University at a cost of Shs. 14 million.

worse than that previously done by the local authorities. Thirdly, the public has a problem of knowing who to blame in case of poor service delivery. Most citizens do not know the mechanisms of contracting out therefore they do not know where to report when things are going wrong.

There is a general perception that local authorities are responsible for the taxpayers' money, and are the ones to deliver the services. Indeed when we interviewed the citizens this confusion about private providers and local authorities was not easily understood by most of the ordinary people. One respondent said: Tulaba bakola nguudo, oba bani, nze simanyi" (I see some people doing the road, who they are I don't know).

In view of the above the respondents to our questionnaire reported the following results.

Table 36: Showing Citizens Preference of a Service Provider in their Area

Agency	Frequency	Percent
Local Authority	40	19.2
Central Government	24	11.5
NGOs	80	38.5
CBO	56	26.9
Not Clear	8	3.8
Total	**208**	**100**

There above results show that there is a more positive image amongst the Kampala citizens towards NGOs and CBOs than that of both local and central government agencies in service delivery. This could probably be attributed to the feeling that the government agencies simply collect taxes and deliver less services or the population considers them as corrupt.

Several reasons were advanced to this question that was open–ended. Their responses include: NGOs are not corrupt, their projects benefit the people directly, NGOs involve people in their projects and are transparent with money. On the part of the government agencies, the respondent reported that the central government had come up with a bod-boda scheme[766] the local authorities were attending to drains and water sources. Surprisingly, although road construction and maintenance are the main local government investment projects in Kampala, very few respondents pointed out roads as a key service. This could

[766] *Boda boda* scheme of State House already referred to featured prominently, again to our surprise.

possibly explain the low rating given to local governments in comparison with NGOs and CBOs. It is also possible that citizens take roads as a prime responsibility of government hence they are taken for granted. Alternatively, because the majority people do not own vehicles, they perceive it that roads are not a service that directly benefit the poor lives. For instance, they may not be seeing the link between roads and poverty alleviation. This perception may also, be attributed to our methodology. Most questionnaires were administered in the economically disadvantaged areas of the city. The people in these areas are more likely to attach higher significance to CBOs and NGOs which deal with their poverty issues, directly than the local government- provided infrastructure.

What also emerges from the above perception is that the local government officials have little contact with the people, in terms of consultations, debates and sensitisation over issues and programmes done in the communities. Only in cases where the community, largely through their local councils, have demanded for a project, do they appreciate the contribution local authorities. Otherwise, the assumption that the strategic framework for reform, would lead to demand-driven projects does not seem to have materialised in practice, albeit, in exceptional cases. Indeed the Minister for Local Government has observed that even officials at the local level "may not know which grant is supporting which project or how much the project will cost. They may not even have a hand in ensuring the quality of work although the project may be taking place in their sub–country."[767]

The Minister has insisted that the people where the project is taking place must know the cost, and the contractor, and must have a say in the quality of work being executed. He argued that . . . "if need be, before the final amount of money is paid to the tenderer, the beneficiaries should first approve the work."[138] The Minister however, seems to have waken up to this reality too late. The intended beneficiaries of local government projects rarely have any say or control over them. Until now, the Ministry has not issued any new guidelines for local project, beyond the rhetoric of its officials.

[767] See *Procurement News* 11 – 17 February 2004. The Minister said the Tender Boards inflate the cost of services by 10 to 15 times the actual cost.
[138] ibid.

It has been noted that KCC, at the best of times has been able to collect and dispose less than fifty percent of the garbage. The rest remains uncollected and the residents use private means to get rid of it. KCC in recent years has argued that since the individuals and groups in their homestead and work places are responsible for generating solid waste, they should equally be responsible for it. Also part of this perception in KCC was reinforced by the fact that many residents in various places were privately paying some small groups (either private companies or CBOs) to collect their solid waste. This is the background upon which KCC decided to design its current policy of privatisation of garbage collection. The policy is known as Kampala Waste Ordinance 2000. The key elements of the new policy as contained in the Ordinance are:

(i) to get the private sector involvement in the management of solid waste with a view of getting greater efficiency, cost effectiveness and quality service delivery.
(ii) To shift responsibility of solid waste disposal by paying fee to private collectors which KCC shall subsidise.
(iii) To set standard fees for particular categories of solid waste collected.
(iv) To control indiscriminate disposal of garbage and provide for proper methods of collection. Other methods of disposal other than the officially sanctioned private collection agencies constitute an offence which may attract a severe penalty.

The ordinance was conceived within the goals of the Strategic Framework for Reform. According to Sebaana Kizito, the Mayor of Kampala,

> Kampala city cannot on its own manage the problem of garbage disposal. The Council lacks the resources to ensure efficient collection and disposal of garbage in the city, hence the need to involve private players is expected to result in improved service delivery while freeing some of the resources for KCC to attend to maintenance of roads, sweeping the city, running of schools and hospitals, street lighting repair of pavements etc[768]

The ordinance, as the solid waste disposal policy reflects standard neo–liberal doctrine. Couched in the World Bank type of policies, this one too, goes ahead to emphasise individual responsibility for public services. The Kampala Mayor says:

[768] Interview with the Mayor of Kampala, in New Vision, 17 May, 2004, p. 12

> it is important that the public recognises that the fundamental problem in garbage management in Kampala City has been lack of individual responsibility for garbage[769]

Following the enactment of the above Ordinance, Kampala residents are expected to pay Shs.500 per day for garbage collection per homestead. Congested area (slum) residents are supposed to pay Shs.1500 per month directly to the private collectors of the solid waste, who will provide a receipt for cash. Institutions, whether public or private are required to pay between Shs.50.000 to Shs.70.000 per skip (container) collected.

The above rates are so exorbitant where the greater numbers of the urban poor live on less than one United States dollar a day, (that is Shs.1750 in local currency). By KCC asking poor Kampala residents to pay Shs.1500 per month for collection of garbage is to deny them of an equivalent of a day's meal. KCC argues that their rates are much lower than the market rates[770]. This is misleading because there is no "market" for solid waste in Kampala or any other municipality in Uganda. It is thus difficult to understand the basis of their rates.

Moreover, it is a well established fact that a good number of children of the urban poor have dropped out of school under the universal primary education (UPE) where all children in government–aided schools are exempt from tuition and other charges simply because their poor parent do not afford school uniform, exercise books and pens. Why then, do KCC officials envisage that Shs.1500 will be afforded by the poor city residents? Looking at this policy, it is one of those that are not likely to succeed in the long run. The officials of KCC should have learnt from the LC1 official who collect on average Shs.1000 from each homestead as security fee per month. Situations have been witnessed when some residents simply close themselves inside their houses on hearing the voice of a member of LC1 executive approaching to avoid payment of security fees.

Other factors may not have been put under consideration in designing this policy such as the definition of a homestead. In congested areas of Kampala one building comprises several tenements (mizigo), may be five or ten; depending on the size of the building. Each tenement

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[769] ibid
[770] ibid.

(one room) is a homestead. This fact is likely to affect the implementation of the policy in a significant way.

It is possible that KCC will learn some lessons in the process of implementing the solid waste disposal policy since it is at the experimental stage in only two Divisions of Kampala Central and Kawempe. In Kampala Central Division, the tender was given to Nabugabo Updeal and in Kawempe to Engineers Investment Ltd. At this experimental level, the contactors are using KCC garbage trucks, while skips and truck drivers are paid by KCC. This has raised two questions. The first one concerns people's perception. It is argued that since the KCC trucks bought by the tax–payers are the ones ferrying the solid waste, the people are likely to perceive it that KCC is still the one doing the job, therefore there is no need to pay. The second one, concerns economic rationality of the whole project. "Indeed, since KCC is giving the trucks and the drivers, what is the contractor being paid for[771]?" Moreover, KCC meets the cost of running and maintaining the trucks. Most of the officials interviewed wondered the logic behind the contracting out of solid waste collection. Most of them are not sure that it will lead to cost–cuts or that their local governments will be able to benefit significantly.

While it is true that in the more affluent areas of the city such as Muyenga and Kololo, the residents were hitherto making arrangements for their garbage to be collected by private providers, the persistent question that has been raised by these residents is the rationale for their payment of property rates. These rates are ordinarily supposed to enable KCC provide service such as solid waste disposal. This may probably explain why the tax payers' willingness to pay this tax is low.

The logical point in the implementation of this policy also arises. First there are areas which traditionally have never had any form of official collection of garbage. They have always improvised owing to their peculiar circumstances. Most of such areas are in slums where there is hardly any form of planning hence, inaccessible because there are no roads. There is no possibility at the moment that these areas can be accessed, even by the private collectors of garbage. Secondly, the initial enthusiasm on the part of some contractors has waned. In the case of Engineers Investments Ltd which had won contract to collect garbage in Kawempe

[771] Question posed by Mr. Murambuzi, Senior Assistant Town Clerk, Kawempe Division in an interview with him on 11 November 2004.

Division which worked for a few months and failed to deliver. It was observed that the company had no previous experience in this kind of business. It was supposed to sensitise the population which it did not.

On commencing its operations, the population was not ready to pay or even to cooperate. When garbage heaps become worse than they were before, the residents complained bitterly. This also, then took a racial tone. The company belonged to Indian businessmen. The pre–dominantly African neighbourhoods in Kawempe as well as some councillors put their questions in racial connotations: "does it take an Indian" investor "to come from India to collect garbage here? Can't an African do the same?[772]". This question, rings a popularist tone. Mixed with the fact that the company had hoped to make profit in a short run and had failed to deliver, the contract was cancelled.

In the place of the above company, another one known as Norema Limited, was contracted for Kawempe Division. The new company had been one of the small groups that had been undertaking private collection of waste on private contract basis within the rich neighbourhoods, so it had some experience. It also engaged in sensitisation of residents, soliciting their support and explaining the benefits of their services. By the time of this study, it was not yet clear how much success the new company had registered. Whether the new company becomes successful or not, the intricate issues raised by the policy of privatisation of garbage collection will remain. There is the issue of the residents of Wakiso district, who live on the borders with Kampala, disposing their garbage in KCC skips. Although this has traditionally been a "normal" practice, however, now that the Kampala residents have to pay for their garbage collection, this may simply mean that they will be "paying for Wakiso residents".

The other intricate issue is that KCC has not come out clearly to explain to the residents, the kind of responsibility it has in the subsidisation of garbage collection. Most of the key informants in both Central Division and Kawempe Division where the experiment with private collectors of garbage is taking place did not know the extent to which KCC will be able to save money through this arrangement. Most of the ordinary residents interviewed,

[772] ibid. Murambuzi (interview).

complained that KCC was "cheating" them by imposing "another tax". They argued that since they pay property rates and ground rent, there is no logic for KCC not to provide the service of solid waste collection.

KCC on its part asserts that if the experiment with private garbage collection became successful it would be relieved of this burden. Indeed, in the case of Central Division where Nabugabo Updeal collects the garbage, there are signs of success. KCC maintains that it is already spending Shs.2 million daily on Kitezi landfill (where garbage is disposed of), and that it has improved the methods of disposal by sorting the solid waste. This means that KCC is spending about Shs.800 million a year on the landfill.

Our observations in the areas where the private collection of garbage and those where KCC still directly provides the service did not lead us to any clear conclusion as to which of the providers (private or public) was more efficient than the other. Moreover, some key informants were of the view that KCC used a wrong method of contracting out the function of garbage collection by involving large companies. They argued out that this function should have instead, been contracted to small community–based–organisations (CBOs). This argument is favoured because it has merits of reducing unemployment especially among the youth while at the same time, that kind of arrangement would have empowered the CBOs[773]. On its part, KCC's preference for large single private provider is based on the argument that if the services become unsatisfactory the contractor is accountable. The other argument is that a single contractor for a Division will be able to ensure that solid waste is disposed of in an orderly manner, and at the right time. Finally, as in other cases discussed earlier, KCC's main motivation in the privatisation of services has been in terms of cost–cutting. Therefore, KCC's preference for large providers takes into consideration the aspect of a provider who will not only deliver the service but also collect the service charge. The latter aspect is considered problematic for CBOs[774].

[773] The CBO approach has been successfully used in Dar-es-Salaam, Tanzania on the basis of similar arguments, See Mohammad Halfani, 1997 (opcit).
[774] It is not clear why KCC doubts the capacity of CBOs when several of them were already operating in almost every part of the city – collecting garbage and service charges for their ultimate use.

6.12 Non – Privatised Services

From the preceding discussion, it is clear that ASDMs adopted by KCC targeted areas which could easily attract a service fee or could be provided by private dealers in the market. Some services have remained core responsibilities of KCC. These include: provision of public elementary education, public health and medical services, environmental management and sanitation, social welfare and community services, and planning.

Whereas it has not been possible to establish very clearly what KCC could have achieved through its adoption of the strategy of alternative service delivery mechanisms (ASDM) in terms of cost saving and efficiency, we have been able to demonstrate that its efforts in area of revenue collection have yielded greater positive results than the situation was before decentralisation. In other words, KCC is a much richer organisation through its improved collection of local revenue, and attraction of central government grants and donor funds. Against the background of improved revenue in KCC, and by examining its performance in provision and delivery of the basic services, then one is able to come to some understanding of whether or not, KCC is achieving its SFR objectives. We do this by critically analysing the key components of some of the basic non-privatised services.

6.12.1 Education Services

Provision of public elementary education is a function devolved by the central government to local governments. This is partly a shared responsibility between the central government and the local governments. The overall education policy framework is a responsibility of a central government. Under decentralisation, the central government identified education, especially elementary education, as a key priority area of the government's effort to fight poverty. In pursuance of this goal, the government of Uganda introduced the policy of universal primary education (UPE). Under UPE, the state assumed responsibility for children's tuition fees, running cost of schools and payment of salaries for teachers in all elementary public schools, in order to enable all children of primary school going age to attend. The government, therefore, meets most of the costs of primary education, including construction of new schools buildings. As a result of the UPE policy, enrollment in primary schools increased from 2.6 million in 1997 to 6.695.998 children in 2001[775].

[775] Accessed at www.education.go.ug/statistics

Under UPE, the government releases funds on the basis of a capitation grant "which is meant to provide minimum facilities and resources necessary to enable Ugandan children of school going age to enter and remain in school and complete the primary cycle of education[776]". The goals of the policy are basically two: (i) to improve equitable access to basic education by removing the burden of paying school fees from the parents and (ii) to enhance the quality of primary education by facilitating schools with resources necessary to run them. The main instrument for implementation of the policy is that of calculating the number of children in schools as well as a review of available school structures and facilities in each district. Thus, districts with large numbers of school children and poorer facilities than other districts receive higher capitation and school facility grants (SFGs).

Since actual implementation of education policies is devolved to the districts and municipalities, the education grants are also devolved to these local governments. As noted earlier, the monies for payment of salaries for school teachers are also devolved to local governments as conditional grants[777]. So, once the financial resources reach the treasury of each local government it takes care of the needs of its schools and workers.

Although UPE has tremendously increased enrolment in primary schools, it has its own problems. A high pupil–classroom ratio in all government schools which means the number of children sharing a classroom being as high as 144 (Pader district) 129 (Mayunge district), 136 (Arua district) to as low as 46 (Entebbe municipal council) and 33 (Kalangala district)[778]. The issue here is that most schools are over – congested, making teaching ineffective in most government schools. The second problem associated with UPE concerns the motivation of teachers. Primary school teachers earn between Shs.100.000 – 150.000 (or on average 60 US Dollars) a month. This kind of salary can hardly motivate a teacher to do his job effectively, a part from the large numbers one has to handle in the classroom.

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[776] ibid.
[777] It is important to note that the payroll for established staff at local government level is centralised, although they practically get paid by the local government authorities.
[778] opcit, www.education.go.ug/statistics. It is important to note that Kalangala is a **sparcely** populated island district while Entebbe municipality too, having been the colonial – capital of Uganda, is also sparcely populated. The indicative pupils' performance, in these areas is not much better than in other districts due to other factors affecting UPE.

In the case of Kampala district, the situation is not very much different from other districts in terms of implementing UPE programme. In 2004 the pupil–classroom ratio in Kampala stood at 63. In the whole district there are 1.065 classrooms for 66.863 children in public schools. Data from KCC shows that Kampala district has the highest number of primary schools in the country. There are 793 primary schools, 459 pre primary schools 218 secondary schools and 33 tertiary institutions[779]. Of these, the government owned primary schools are 83. However, the UPE programme is not limited to only the government owned schools. Thus, there are 228government–aided primary schools. The rest are private schools. The enrolment in UPE schools stands at 130.339 pupils[780].

KCC employs 1413 primary school teachers. Despite this high number of teachers and schools, the teacher – pupil ratio is reported to be 1:110 in primary one and two and 1:55 in primary three to seven. Facilities are also inadequate, for example, the toilet facilities are at a ratio of 90 pupils per toilet[781]. The government UPE policy is that the pupil – toilet ratio should be 25 to 1.

In terms of financing, KCC accords high priority to education. In its 2000/2001 budget, KCC spent 13.02 percent, (Shs.10.6 billion) on education. Education budget allocation was only second to Works and Technical services which consumed 44.6 percent (Shs36.3 billion) of the budget. This is clearly in line with KCC's education objectives which include: improvement of the quality of universal primary education, service, greater enrolment and retention of children in the school system and development of capacity of its department of education to be able to deliver better and more efficient services. The policy goals include: provision of more school based facilities, well trained teachers, improvement of performance, effective planning, supervision and monitoring. The above objectives and goals indicate that KCC is committed to improvement and provision of quality education for the children of its residents. This too, is in tandem with the overall central government policy on education which aims at providing access to education to all Ugandan children under the UPE programme.

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[779] KCC, Budget Framework Paper 2002/2003, p. 67. Note that the data from the Ministry of education under – states the number of UPE pupils (66863) while KCC figures are higher (130.339). It is possible that the Ministry based its data on pupils in government – owned schools.

[780] ibid., Important to note also, is that local governments, including KCC are not directly responsible for secondary and tertiary education. Their main responsibility is primary education.

[781] ibid

While the commitment of KCC to provision of quality education service appears sound, the reality on the ground shows that public schools under KCC are facing a real crisis. As indicated above, a teacher–pupil ratio of 1:110 is not conducive to effective teaching. A programme for special–needs–education has been initiated by government at Kyambogo University. However it is not replicated at lower levels of the school system. Yet, KCC is handicapped by the government's policy of staff ceiling. KCC receives the money for the payment of teachers from the government. And the latter releases the money on the basis of approved staffing levels. In other words, KCC has no liberty to increase the number of teachers in its school without approval of the government. On the other hand, KCC is to blame for poor facilities in its schools. KCC receives funds for school facility grants (SFG) as well as unconditional grants from the government. It also raises its own funds. With these funds KCC only needed to make school facility a priority, then improvement would be there. It is an incredible situation that ninety pupils have to line up for a toilet. Even in the area of constructing schools, most other districts have done much better with the SFG than KCC which has constructed only five new schools since 1997.This means that a crisis in provision of education in Kampala would have been rife had it not be for the large number of private schools. This again may be the explanation as to why many children drop out of schools after primary one or two.

During the course of this study we were able to establish that while the official position of KCC is to have at least one primary school in each parish, this is not the case. For example, the following parishes have no public school: Kyanja, Mutungo, BukotoII, Kagugube, Bukesa, KololoI V[782]. Educationists blame the government for not giving sufficient support and incentives to the private providers of education[783]. There is also the issue of equity in access to education at two levels, at the level of gender and for children with disabilities. There is a general tendency for more girls than boys to enrol at the lower level of primary school, but girls tend to drop out in large numbers than boys as they progress to higher classes. In Kampala, by the time the children attend primary five to seven the gender is one to

[782] Mutungo Parish has no government owned school yet it has a population of 55.000 people.
[783] Private School Owners Association has been pressing the government over the issue of high taxes levied on their schools. They are arguing that they should not pay taxes since they are providing a public service that the government should have provided

one[784]. The higher drop out rate for female children is attributed to factors such as: employment in informal activities, AIDS illnesses, early pregnancies and the negative attributes of some parents towards females in attaining higher levels of levels of education. It was reported that most female children living in slum areas[785] such as Naguru, Kataza, Katanga, Bwaise, Nateete etc have a very high incidence of dropping out of school in the first two or three years of the school system.

Urban poverty which afflicts the greater numbers of Kampala residents affects the education of the poor. For example, while the government caters for tuition fees, teachers' salaries and school facilities in UPE schools, the children are required to pay Shs.10,400 per term for school lunch. This is not a large sum of money but many poor parents fail to raise it. Although a child may not be excluded from school for non – payment of the lunch fee, he or she will be excluded from taking lunch. This gravely affects the psychological predisposition of the child towards learning which has led to some children dropping out of school.

It is imperative to note that the Uganda government has been pursuing a policy of affirmative action for education of girls and persons with disabilities. The results have been encouragingly positive with access to education by females[786]. However, this has not been the case with persons with disabilities. Both the government and KCC have not put up schools that cater for special needs of the disabled children, especially at elementary and secondary level. Thus, despite the existence of the affirmative action for the people with disabilities to get access to equal opportunities in education[787], not much facilitation exists for them to do so.

In response to a high number of children's failure to access elementary education due to varied reasons, KCC has responded by putting in place an improvised, community based

[784] Narrative made to me by Mr. Lawrence Nserekko, Division Education Officer, Nakawa in an interview held with him on 2 June 2004. In Kampala more girls stay in school than in rural areas.
[785] ibid. Lawrence Nserekko (interview).
[786] Due to affirmative action in admissions to higher institutions of learning, for the first time in the history of Makerere University, more females 54 percent of the graduates in 2005 were females as opposed to 46 percent males.
[787] A programme for special – needs – education has been initiated by government at Kyambogo University. However it is not replicated at lower levels of the school system

programme known as *Basic Education for the Urban Poor Areas* (BEUPA)[788]. This programme is crafted on the basis of attracting the youth, who have not had access to formal elementary education because of factors beyond their control such as those who are orphaned, those doing informal activities for their survival, as well as those whose parents are too poor to afford the basics to enable them attend formal schools. Such basics may include small things like pencils, pens, exercise books, shoes, and school uniform. The BEUPA schools are spread throughout the whole of Kampala. Some of the youth attending these schools may be as old as 16 years, while there are also younger ones. Some are working as house maids or servants. The programme is flexible so that they are taught for say, one hour or two, then, they return to their work. The objectives of BEUPA are to enable such youth to gain basic education. The young ones are encouraged by their teachers to return to the formal school system. The teachers work on a voluntary basis, but KCC pays them a small allowance of Shs. 50.000 a month[789].

BEUPA is facing serious challenges. Although some residents in the communities offered their land to house BEUPA centres, some have turned around to make political capital out of it. For example, one lady councillor in Kibuli (Makindye Division) who offered to house a BEUPA centre on her land, threatened to evict them when she lost elections in 2001.

Measures towards improvement of education in Kampala have been attempted. These measures include *continuous professional development* (CPD) for teachers. This is a programme assisted by the Agha Khan Foundation which works in partnership with KCC to train teachers in developing instructional materials as well as having workshops and seminars aimed at problem-solving[790]. At another level, each Division has a Coordinating Centre Tutor (CCT). These liaise with school inspectors at the Division. This helps in coordination of education activities. In addition to the above, Parents-Teachers Associations (PTAs) have been strengthened. According to one key educationist, "these are more needed today than ever before because of the challenges involved in UPE. We need parents to appreciate these

[788] The programme is funded by Uganda government, KCC and German Technical Cooperation (GIZ). There are fifty six BEUPA Centres in the whole city.
[789] The BEUPA teachers live in those communities where it is located. Those we interviewed said KCC is failing them. The token allowance does not come in time. It delays.
[790] The Agha Khan Foundation does this through its programme known as Enhancement of Universal Primary Education in Kampala (EUPEK).

challenges and to assist in the learning of their children[791]". Besides PTAs, school management communities too, are being emphasised.

While the above measures have been taken to strengthen implementation of UPE in Kampala, they have been very successful in stemming poor performance of public schools. PTAs which previously contributed to raising monies for topping up teachers' salaries have been directed by the President not to do so[792].

Most of the public primary schools in Kampala which used to record excellent performance in national examinations are no longer able to do so[793]. This has forced most of the middle class parents to opt out of the public schools, and to take their children to private ones. This means that public schools serve mainly the children of the poor who have no options. While the government praises itself for introducing UPE as mass education referred to as *boona basome* (all must study), some cynical critics of the deteriorating standards in UPE schools call it *boona bakone* (all must be half–baked).

Data from our survey shows that 76.9 percent of parents had primary school going children while 23.1 did not. When asked about their preference of school for their children (public or private) 69.2 percent reported that they take their children to private schools while 30.8 of those with school going children reported that they take them to public schools. This finding is interesting because our survey was done purposely in economically disadvantaged areas of the city, though the respondents were randomly selected. It would be expected that the majority of parents in poor areas such as Bukesa, Nateete, Kimwanyi, Bwaise etc take their children to public schools. When probed to state the reasons why they take children either to public or private schools, most of the parents who take children to private schools cited

[791] Emphasised by Mrs. Merab Kariisa, Senior Education Officer Central Division as an interview with her on 17 May 2004.

[792] Museveni directed that parents must not be charged any extra money in UPE schools. This means that teachers have to do with the little salary the government pays. Museveni seems to be obvious of the high cost of living in urban areas.

[793] In the past, public schools such as Nakasero, Buganda Road, Kitante Hill, Shimoni, etc were reknown for their excellent performance record. The implementation of UPE and restrictions imposed by the government on the financial contributions by PTAs has negatively affected their performance. This has encouraged the unprofessional conduct by the teachers to illicitly solicit illegal payments from parents who desperately want their children to receive extra lessons and homework from the teachers, so that their children may improve their performance. This practice puts the children of the poor parents at a disadvantage because they are not able to make these illegal payments to the teachers, they receive little attention in class from the teachers.

reasons such as lack of government schools in their neighbourhood while there were several private schools in their area. For example, in the highly congested area of Bwaise there are nine private schools whereas there is no single government school. Most parents prefer the schools in their neighbourhoods because the children walk there to study, which cuts down the costs of transport. Although private schools are generally more costly than public schools, the parents are allowed by the school authorities to pay on a piecemeal basis which eases the financial burden on the parents. A good number of respondents also cited the deteriorating standards of performance in public schools as the reason for their preference of private schools. On the other hand, those parents who take their children to public schools say they are more affordable. For example, one respondent in Bukasa reported that KCC had done them great to construct a new public school in their area. Prior to that, parents had to walk their children to a Catholic mission school at Nsambya, five kilometres from the area. Thus, going by this logic, it reasonable interpret the overwhelming preference of private schools by the majority of parents interviewed, to absence of public schools in their neighbourhoods. Therefore, although KCC and the government are taking education, especially universal primary education as a key priority, the facilities, motivation of staff, instructional materials and the learning environment in the public schools are still inadequate and fall far short of parents' and children's expectations in Kampala. Had it not been for the large private sector investment in education, no one knows what kind of crisis KCC would be faced with.

6.12.2 Public Health, Sanitation and Environment Management

Under the Second Schedule of the Local Government Act, the functions of medical and health are decentralised to local governments. The district authorities are responsible for hospitals and clinics in their area (except the referral ones or those responsible for medical training), health centres, first-aid- posts, dispensaries, ambulance services, maternal and child welfare, vector control, health education, environmental sanitation, and primary health care. Medical and health services, like education, are a priority of the government as part of its policy to fight poverty. Thus, local governments have responsibility to ensure that they too, make it a priority.

Kampala district, being urban, is considered to be better endowed in terms of health indicators relative to the national ones. The table below shows the indicators.

Table 37: Showing National and Kampala Health Indicators

Health Indicator	Kampala	National
Life expectancy	56	43
Infant Mortality Rate	83	97
Mortality Rate	129	147
TFR	5.21	6.9
Teenage Pregnancy Rate	18.5	16.6
MR	-	506
Routine Immunisation	33.0	47.4

Source: *KCC Budget Framework Paper 2002/2003, p. 14*

On a critical note, the above indicators show a very marginal difference between Kampala and the national average indicators except for life expectancy. The generally poor health indicators for Kampala may be attributed to rampant poverty, inadequate public health facilities in the city and poor sanitation[794]. KCC health facilities are too inadequate and ill–equipped to deliver effective and efficient services. KCC does not own any hospital[795]. It owns twelve health centres across the city. Several hospitals and specialised medical service centres in the city are either owned by non– governmental organisations (especially religious organisations) or by private operators. Access to such medical facilities attracts a higher charge than the public ones. This may explain why at least half 150% of the pregnant women in Kampala still deliver unsupervised by qualified medical personnel, which is an embarrassing situation for a capital city of the country[796].

Most of KCC's efforts in the health sector have concentrated on public health education, sanitation and environmental concerns. Interviews with KCC's health workers revealed that the greatest emphasis is on sanitation. It was reported that latrine availability in the city covers only 80 percent and 76 percent of spring water is contaminated with human waste[797]. This is no exaggeration because our own observations in Kimwanyi, the slum area of Wandegeya suburb, two kilometres, and Nanfuka Zone in Nateete about four kilometres from the city centre, respectively, showed that people in these areas are living in very dangerous

[794] The sanitation situation was discussed in the previous chapter. Only to emphasise here that planned sewer system covers only the civic part of the city, having been laid during the colonial times.
[795] Unlike most districts which own district hospitals, KCC does not own one. Mulago Hospital and Butabika Mental Health Hospital, are referral hospitals owned by the government.
[796] See KCC, *Budget Framework Paper* 2002/2003 p. 14.One area where improvement in health provision, is safe water provision, discussed earlier in chapter five of this thesis.
[797] Information given by John Lule, Central Division Public Health Inspector in an interview on 17 May 2004.

health conditions. In Kimwanyi Zone, Concern International, an NGO built a public latrine there to alleviate these dangerous conditions. However, its use is limited because the attendant (responsible for its cleanliness) charges Shs.100 per entry. For the very poor people in this area, this is *a "lot* of money". A family of four, may require at a minimum Shs.800 a day to use a toilet. Since there are no alternative toilet facilities, the family members use plastic basins for urinating and plastic papers for *long calls*, right inside their houses. When darkness falls, they pour out all this waste in the drainage channel in the neighbourhood. They do the same thing at night, wake up very early and pour out the human waste into the channel. While conducting this study in this area, my research assistants and I encountered an extremely offending odour from the nearby drainage channel[798]. LCs on their part, have taken sanitation and hygiene in the area as a key issue. Every Saturday, they collect Shs.300 per household for labourers to open up the drainage channels. Put together, the cost of sanitary disposal is very costly to the residents of Kimwanyi, given their socio–economic conditions.

In Nanfuka Zone, Nateete area, the situation is not much better than that of Kimwanyi. Most homes do not have pit latrines. Drainage is also very poor. During the times when it is raining, this flat area is flooded all over. Just like Kimwanyi, the residents of Nanfuka Zone live in very dangerous health conditions. One of our respondents who lives at the rented premises with eight tenements (*mizigo),* reported that all occupants of these premises use one pit latrine, for which they have to queue especially in the early morning hours to dispose their waste[799]. I observed that the pit latrine had no door. For urinating, family members use a plastic basin and pour the urine into the pit latrine. The homes had no bathing facilities so, these tenants use their veranda to bathe at night, and in the morning they simply wipe their bodies from inside their houses. The situation is so bad that our respondent reported thus:

> In the morning we queue for this one pit latrine and enter in turns, but whoever is so had pressed and can't wait, goes back to his or her house, defecates and pours the stuff into the latrine later[800].

On the lower side of Nanfuka Zone, the situation is worse. Constructing pit latrines is very costly because the water table is high. Once a few feet are dug, the water fills up the pit.

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[798] Interviews were held with LCs and the people in this area on 8 April 2004. Mr. Abdul Kiggude Musisi, who said he was Kabaka's chief and a land lord in the area conducted us around during the observation of the area.
[799] Interview with Ms. Christine Namusoke who resides at the house of Mr. Jackson Kasozi, the LC1 chairman of this area. Interview date 13 May 2004.
[800] ibid, Christine Namusoke (interview).

According to the Defence Secretary of this area, what the residents do is that once the residents build latrines, they make a hole underneath which continuously drains the waste into the adjacent channel[801]. Many homes in this part of the area do not have latrines so they excrete directly into the channel, thus, waterborne diseases are very common.

In Kawempe Division, a situation similar to the ones described above does pertain. The whole of Kawempe Division except Mulago and Makerere areas, does not have a planned sewer system. This, combined with large, congested settlements in Bwaise, Makerere III, Kalerwe and Mulago makes sanitation a big problem. Most of these settlements are either in the wetlands or flat areas. Toilet facilities do not exist for most of the homes. Those that do exist fill fast because they are shallow, yet they can hardly be emptied because there are no roads leading to some of the residential areas. It was reported that even public latrines at the markets had been filled for a long time, but were still being used[802]. The Division has not been putting money aside for emptying filled up latrines. They pose an imminent danger to the health of the public.

Another important public health concern is vector control. This is an aspect which relates to household health. In all Divisions, there are vector control officers but their function is practically of no value to society because they lack chemicals and equipment to fumigate homes or bushes. Fumigation of homes has been left entirely to the private sector. This is a critical failing on the part of KCC since it could have contributed to the uncontrolled breeding of mosquitoes, which are a menace in the spreading of malaria, the number one killer disease in the country.

Food contamination also poses a danger to the health of Kampala residents. It was reported that there are several unauthorised food markets all over the city. Most food handlers in the markets have no certificates of medical fitness. Some prepare food in filthy places, drawing water for making the food from unreliable sources, and sell the food in open spaces. These practices go on unabated because the KCC officials do not inspect the food[803]. KCC officials

[801] Interview with Mr. Yahaya Semanda, Secretary for Defence, Nanfuka Zone LC1 on 13 May 2004.
[802] Concerns were expressed by Dr. Supe Nsibirwa, the Division Medical Officer, Kawempe in an interview with him on 28 April 2004. Similar observations were made Republic of Uganda, *Uganda Participatory Poverty Assessment Process: Kampala District Report* (MFPED), January 2000, pp 68 – 69.
[803] It was reported that most of the milk sold on the streets is adulterated or contaminated.

interviewed reported that most of the city orders are not enforced for two reasons. They complained that the Public Health Act is obsolete, that is, most of the sanctions attract minor penalties and fines. Secondly, that, there is a perceived view within KCC that since most people are poverty – stricken, they should be left to do anything to survive. These factors have made Kampala a disorderly city. Very delicate foods such as untreated milk and uninspected meat are sold widely in the city.

6.13 Challenges of enforcing Public Health Orders

The primary responsibility of a municipal authority is to ensure public order and to enforce its regulations. This is particularly important since cities are areas where very many people live and work. The failure to enforce public order and regulations may result in some harmful effects on the lives and well-being of some sections of the city population. In Kampala city, this has been particularly problematic, if not ignored.

In the past, the failure of city orders was blamed on poor governance and corruption. In the recent times the problem seems to lie with KCC's failure enforce health orders, and lack of proper planning. These factors have undermined the essence of what a city ought to be. It was reported that since KCC food inspectors have failed to compel food handlers to comply with the city regulations, this is a clear avenue for abating corrupt tendencies. KCC Law Enforcement Officials and Council Agents at their discretion, sometimes pounce on some groups, issue threats of arrest, which result in their victims offering bribes in order to continue with their business. For example, it was revealed that since most of the street vegetable sellers have no any form of storage in the city, they wrap their vegetables in plastic bags and sink them into the Nakivubo channel from where they retrieve them for sale the next day. Nakivubo channel drains human and other solid waste from all over the city, which means, the buyers will carry home contaminated vegetables. It was reported that this act goes on with the knowledge of the city law enforcement agents.

More knowledgeable sources also reported that some markets are emerging in ungazetted places e.g. at Wabigalo where most of the petroleum depots are located. The evening market traders use lit candles as they sell their food and other merchandise. Naturally, if a leakage of fuel was to happen at this place, it could cause a catastrophe to the city – as it would be in flames. More recently, several fuel stations have been constructed in the city without proper

planning. Many observers argue that if a fire was to break at one, it would affect the neighbouring one. In this sense, the danger of KCC's failure to plan is that it will affect many innocent people.

It may well be conceived by the city residents that KCC's failure to put the city to order represents a form of complicity with the people who break the regulations of the city. This perception has become particularly prevalent in the vogue of privatisation. It was reported for example, that when revenue collections was privatised, especially in respect to trading licences, the primary responsibility of KCC to carry out pre–inspection of premises and other requirements necessary for a business to be licensed was relegated. Instead, the private revenue collectors aim at raising the cash targets set by KCC. In the process, many businesses have been licensed without taking into consideration the environmental and health factors[804]. For example, premises licensed to operate as retail shops also operate as pubs (selling beer and spirits) in contravention of the Liquor Licensing Act. Worse still, most of these shops cum pubs have no places of convenience (toilets). So, strange as it appears, the beer drinkers at these premises, for lack of proper places of convenience simply urinate against the walls of the building or any place. This results in damaging buildings and unpleasant odours.

Part of KCC's failure to apply and enforce trade orders has contributed negatively to the filthiness in which Kampala is, and to the poor environmental health of the city. Some of the issues relating to the implementation of trade orders have been politicised, for example, when KCC yielded to the pressure of the licensed business community to get rid of thousands of hawkers from the streets, so that a proper business environment could prevail, the central government agents, especially the Resident District Commissioner (RDC) and his deputies insisted that before KCC orders the hawkers and vendors off the streets, it must find an alternative trading place for them. When KCC designated such a place for the vendors, they protested that it was far off the reach of their customers. On their part, the government agents have failed KCC to operate on the basis of its mandate of having an organised city. The RDCs say that getting the vendors, who litter every corner of the city, off the streets should

[804] Some "Briefcase" businesses have also been licensed e.g. a company purporting to offer employment was licenced in Central Division, when in actual fact, it was extorting money from unsuspecting job seekers. This terribly embarrassed the KCC authorities when the people who were fleeced by the company on the false pretence of giving them jobs turned to city authorities to complain.

not be KCC's priority. They accuse KCC of failing to do other "important" things it should have done[805].

The vendors do not only make the business environment difficult, they do not pay taxes but most critically, they contribute significantly to littering the city with all sorts of things they eat and sell–fresh maize, vegetables, fruits, bananas etc. KCC bears the increased costs of cleaning the streets. By some central government officials interfering with KCC's attempts to enforce trade orders, this simply complicates matters for the council. KCC authorities, for example, in 2003 closed a slaughter house at Kalerwe which was in deplorable hygienic conditions. However, a directive from some influential persons in the government ordered that it be opened. KCC obliged.

Moreover, matters have not been helped by Local Council officials, in respect of KCC enforcement of health and trade orders in the city. It was reported that before decentralisation, Council Agents (Parish Chiefs) would enforce city regulations effectively because they had adequate authority. With the coming of democratic decentralisation, power was vested with councillors at all levels, including the village (zone) level, therefore, unless the local council authorities cooperate with a Council Agent, he or she can hardly enforce any city regulation or order[806]. For example Council Agents revealed to me that Local Council Officials may erect an illegal market e.g. they erected one at Kikaya on the wetlands[807]. The Council Agents argue that what complicates the application and enforcement of city regulations is the double–pronged but not clearly defined approach, especially between the Council Agents and LCs in the course of implementing KCC decisions and orders. On one hand, the LCs have an assumption that they have all the powers (according to the Act) and that "power belongs to the people" (according to article 1 of the Constitution). On the other hand, the Council Agent is the officer of the Council responsible for implementation of its policies and orders. So, this

[805] The central government officials, especially the offices of the RDC in Kampala has created a "populist" stance towards the vendors in order to secure their political support for the Movement government. They also emphasise that some of the vendors are security operatives. At the time of this study, I met a senior security officer at Kawempe Division headquarters, who was pleading with Division authorities to let one man at the taxi stage continue making chapatti (fresh wheat petar bread) because he was a security agent. He was left to stay there.

[806] This was revealed during a discussion I held with Council Agents (Kawempe Division) at the headquarters on 22 April 2004. 15 Council Agents participated in the discussions. I am grateful to Mr. Murambuzi, the Senior Assistant Town Clerk for organising the meeting.

[807] Reported by Ms. Clare Mirembe, Council Agent for Kikaya parish during the above discussions.

has bred a conflictual situation that has undermined the work of KCC. According to the Council Agents, when they try to enforce any order, the LC says "I am the authority here". Yet, the LCs are sometimes involved in breaking laws such as selling some people's land, illegally. This arises because the LCs may have pecuniary interest in the sale[808]. However, when it comes to public duties like assessment of taxes, census, elections etc LCs are not cooperative because there is no monetary gain involved.

The Council Agents, like the City Law Enforcement Officers have no "love lost" in dealing with LCs because as the agents of KCC, they have traditionally had a negative record within the population. They are perceived by ordinary citizens as corrupt, ruthless, uncompromising in the name of enforcement of Council orders. Thus, whereas, LCs may also be ineffective, they are on the side of the people who elected them.

6.14 KCC's Attempts at Improvement of Service Delivery

Although KCC still faces a serious challenge of providing services through SFR, and it has failed to model itself into an efficient and effective organisation, there are some pointers towards improvement. According to the World Bank's assessment of KCC[809], its implementation of SFR has resulted into the following positive changes:

(i) improvement in provision of basic services such as grass cutting, street cleaning and refuse collection. Because these services were contracted out to private service providers, the overhead costs of these services were substantially reduced.

(ii) Organisational restructuring has reduced the wage bill.

(iii) To ensure accountability and sound financial management KCC has introduced: cost centre budgeting, preparation of realistic budgets, introduction of internal financial procedures and discipline, and strengthening of the audit function.

(iv) Through the divestiture process, unproductive assets were sold off.

(v) KCC has increased stakeholder involvement in its projects.

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[808] Every transaction involving sale of the land attracts a commission of percent for LCs, in addition to ekanzu (tune dress) for the chairperson. No traditional land sale transaction may be valid without the signatures of LCs in KCC.

[809] World Bank, *Project Appraisal Document on a Proposal for Credit in the Amount of SDR 16.50 Million to the Republic of Uganda for the Nakivubo Channel Rehabilitation Project,* April 13, 1999.

During the course of this study, we were able to observe some evidence that the World Bank – supported Nakivubo Channel Rehabilitation Projects, had reduced the flooding of main business district. At the same time, several tributary drains around the city had been fixed, leading to more smooth running of rain water. Also, as we pointed out earlier, through the LGDP several micro-investment projects such as: seasonal roads, pavement works and drainage projects have been undertaken by KCC.

Institutional capacity has also been undertaken in the areas of planning, budgeting, financial management and other aspects of management. Some examples of such improvements can be noted. KCC has strengthened its financial management capacity by installing the Integrated Financial Management System (IFMS). This is essential for financial accountability, transparency and monitoring. Moreover, when it be comes fully operational, all KCC's five Divisions will be networked, which will enhance further, the function of greater transparency and efficient management. Similarly, unlike in the past when local officials e.g. cashiers would receive cash which "disappeared" in their hands, KCC today emphasises that its customers bank the money for whatever services, directly on KCC's accounts, and produce a bank slip whereby the receipting is also computerised. Despite existence of IFMS, KCC lost Shs.1.7 billion through fraud in the course of 2006. The fraud led to the making of the Town Clerk and the Financial Controller.

6.14.1 The Planning Function in KCC

Another area of improvement is planning. Planning involves preparation of structure plans, that is land use planning. It also involves development planning. At both levels there have been improvements. As we noted earlier, KCC's last structure plan had been done in 1972. With the help of the World Bank's First Urban Project, a new structure plan was done in 1994. Division Planners have come up with detailed plans[810] for each parish. The problem however, is that these plans have not been fully implemented because KCC does not have financial resources for that purpose. Development plans have greatly improved since 1998. Three types of planning documents are produced annually: *the three year rolling plan* (the budget framework paper), the *capacity building plan* and the *annual budget*. Each Division comes up with these documents which are incorporated into the overall KCC plans.

[810] Detailed Plans are used for purposes of development control, gazetting roads, housing plans etc. Presently, the physical planners have adopted mixed planning for development.

Planning however, remains one of the critical challenges to KCC. Planners lack updated topographical maps (the existing ones were made in 1992). All Division planers lack the Geographical Information System (GIS), survey and other basic tools. Practically, the planning function is not effectively decentralised to the Division, for example, approval of building plans is done by the KCC headquarters. Key two critical factors undermine the planning function in KCC: the land tenure system, whereby most of the land in the city is owned by mailo (mile) land owners (private) and encroachment by private developers on creation areas. These two factors have impeded proper planning for recreation in Kampala.

The planning capacity in terms of human skills has had improvement only in the recent years. Each Division has at least one physical planner[811]. This is a relatively new development after decentralisation. KCC itself, traditionally did not take planning seriously, for example until 1989 it had no substantive planner[812]. It had generally been perceived in KCC that the matters of planning could be handled by the City Surveyor. This was certainly a wrong perception because a surveyor can not be a planner or vice versa. This appears to be the reason partly why the structure plan of 1972 was never implemented. It is not possible to implement a structure plan without planners.

Still to date, bureaucratic tendencies exist in the implementation of KCC's planning function. The technical planners are not the final authority on the planning activities. They plan and submit plans to the politicians, who lack any technical knowledge of planning. Besides, for the implementation of structure plans KCC is not the final authority. This authority is vested with the Town and Country Planning Board, which makes recommendation for gazetting a planning area to the Minister of Lands for the final authority. This tall order of bureaucracy tends to negate the idea of participatory planning which in theory is supposed to be the basis of the planning activity in all local governments including KCC[813]. This has tended to

[811] The first six planners were employed by KCC in 1989. This number was again boosted by another six in 2001. Before 1989 there was no department of urban planning.
[812] The Current Chief Planner was employed in 1999 to implement the new structure plan. Still, the problem with planning in KCC is that it lacks Stastistians and Economists. These are necessary if effective planning is to be realised in any organisation.
[813] World Bank, *Project Appraisal Documenton a Proposed Development Credit in the Amount of SRD 36.7 Million (50.0 Million US Dollars) and Development Grant in the Amount of SDR 55 Million (75.0 Million US Dollars) to the Republic of Uganda for the Second Local Government Project,* May 2, 2003, noted stakeholder involvement in projects was minimal which led to the beneficiaries to consider them as "external".

undermine people's support for KCC development activities in terms of stakeholder commitment, involvement and local capacity to sustain them. The assumption in the design of decentralisation that stakeholders, especially, local communities be constantly consulted and involved is not validated by the observations and interviews we carried out. Instead, the technical people come with their plans which are scrutinised by elected leaders at the Division level. But even at this level, there is a strong suspicion between the technical staff and the councillors. In matters of planning, the technical staffs have low regard for the political leaders. It was observed for example, that most of the plans submitted by the City Engineer either had no objection or were referred to him for final implementation by the Works and Technical Committee[814].

It is important to note that while planning has become a prominently critical area of management in KCC in recent years, the planners still complain that the planning department is still side–lined in terms of facilitation. It was reported that the whole department does not even have one vehicle to enable the planners to move in the course of their work. The planners wondered how they could collect planning data while they were confined in their offices[815]. It was argued that the administrators are given higher preference when it comes to allocation of financial resources. The technical staff feels marginalised in financial resource allocation.

6.14.2 Personnel Management

In structural terms, the implementation of SFR was supposed to produce a more open organisation. This does not seem to be the case since KCC employees do not yet have a career succession plan and a staff development policy does not exist[816], and the salary structure has not been reformed. The key objective of the SFR was to result in a smaller, well motivated and organisation–centred human resource policy. This is not yet the case because salaries in KCC are still pegged to the Central Government civil service salary structure, which is not at all motivating. Moreover, KCC has made matters worse, by employing some

[814] Several Minutes of the KCC (Works and Technical Committee) show this tendency.
[815] Interviews with Mr. Mpambara (Division Planner, Kawempe) Mr. Ndiwalana (Division Planner, Makindye) and Mr. Sebagala (Division Planner, Central).
[816] Interview with Ms. Annet Rwemereza (ibid) revealed that KCC does not have a training policy. At the time of this study (2004), her department was developing one.

of the senior staff on lucrative contracts whereas career managers and junior staff remain on the civil service salary structures. It was further reported that contractual senior staff block the career advancement of other senior and middle managers and block new ideas in order to protect their jobs[817]. In turn, senior managers, who are not on contract, press the Council to add a series of allowances on top of their salaries. Most of the top executives earn more in allowances than their official monthly salaries. It was observed that some of the allowances are questionably high[818].

This is demonstrated in the table below.

Table38: Showing the Relationship between Salaries and Allowances for the Audit Section of KCC 1998/99

Category of Employee Costs	Amount
Salaries	34.604.000
Housing Allowances	29.850.000
Transport Allowances	8.000.000
Responsibility Allowances	5.000.000
Lunch Allowances	18.000.000
Pension Gratuity	6.000.000
Total	101.654.000

Source: *Figures extracts from KCC, Budget Framework Paper 2002/2003 p. 3*

As the figures demonstrate in the above table, salaries as a category of employee benefit in KCC give a deceptive picture if one looks at the pay slip per se. However, the packs involved, and especially for the top officials mean that they are, in reality well paid. Monies expended at the discretion of the bosses far exceed the salary entitlements, for example, while Shs.34 million was budgeted for all staff in the Audit department, the chief of the section had Shs.18 million lunch allowance budgeted to spend at his or her discretion.

[817] Complains were raised by some managers and staff (both KCC headquarters and in Divisions) that KCC had retained some people at the top on contracts, paying them exceptionally high salaries when infact, they had retired from the public service. So they get salaries and pension which is not fair.

[818] Reference is made to Minute FC 107/08/2003, in discussion of Councillors allowances vis – a – vis those of the Executive Committee of Kawempe Division, where the Councillors had wanted the emoluments of the Executive members reduced so that those of the ordinary councillors could be increased. Under Minute *MIN KD 5/3/2003 Reactions to the Division Chairman's Communication,* the Councillors challenged him on the above issue. His response was that he would not sign the budget documents if councillors went on to press him that direction.

SFR as envisaged by KCC was intended to build a small and efficient organisation, run on the basis of core staff, but this has not materialised. Whereas official figures show a reduction of staff from 2,283 in 1996/97 to 1123 in 2001/02, the facts on the ground show that the Division authorities have been expanding their support staff. Since the employment of this category of staff is within the mandate of the Division Councils, they are not reflected in KCC's overall staffing position. This is also ironical, in the sense that as contracting out is taking place, the Division Councils are expanding their establishment. This tendency, certainly eats into resources that are arguably saved as a result of contracting out.

KCC's drive in its SFR is intended, to "liberate" resources for productive activities and extension of welfare services. On a more careful observation, however, evidence that financial resources have become more available for such services does not exist. In all the five Divisions of Kampala, the productive services of agriculture, fisheries, veterinary and horticulture were the most under–funded, year to year. Equally so, the welfare department which deals with children affairs, women issues and community services receives no priority funding. To demonstrate how these community functions are marginalised, the Central Division budgets over the years, make this case clear. In 2001/02 out of its budget of Shs.4.3 billion only Shs.36.7 million and 20.5 million was budgeted for the production sector and the welfare and community services sector respectively. In the 2002/03 budget of Central Division of Shs.5.8 billion, the production sector received Shs.42 million and the welfare and community sector Shs.179.5 million. Though the latter received some improved funding, its share of the budget was less than one only percent of the total. In light of the SFR objectives this is no good indictor because the budgetary share of the administrative sector continued to grow, for example for Central Division it grew from Shs.581.7 million in 2001/2002 to Shs.936.3 million. Equally alarming was expenditure on Council and its committees whose budget allocation grew from Shs.473.6 in 2001/02 to Shs.705.1 million. This raises two issues. The first one, is about the Council expenditures which nearly doubled for the same people and functions. One wonders what the rationale is, for such expenditure to increase. The second one, is the classic analogy of public administration, which generally posits that administrators usually expand their budgets as more resources become available. This seems to be the case for administrative expenditures in the Central Division of Kampala which have more than doubled over a period of two years. Thus, for KCC to assert that contracting out services and mobilising more resources, would result in better services to the community is

not a fact that is proved by the trends in budgetary priorities we have analysed above. There are some cases of improvement in service delivery in KCC, albeit, this is more associated with increased donor-funding, central government funding and divestiture than more prudent management or good governance in KCC.

Chapter 7

State-Civil Society Relations in Decentralised Service Delivery

7.0 Introduction

This chapter analyses state-civil society relations. It is an attempt to locate the place of civil society in society and to understand relations thereof that exist between civil society and the state, and to empirically establish the nature, rationale, as well as the *modus operandi* of the interface that exist between the two realms of public life. The objective of this analysis is to locate what agenda, if at all, are promoted by either civil society or state in society, either separately or cooperatively and to establish the kind of outcomes that have been engendered by that interface. Using case studies from Kampala city, we are able to demonstrate how this has unfolded in the era of decentralisation. We have proceeded from the premise that civil society plays a great role in service delivery to its members, encourage popular participation, and reaches out to vulnerable groups especially the very poor and marginalized people. We discern as Harbeson hypothesizes, that civil society is a critical factor in the advancement of "improved governance, viable state-society and state- economy relationships, and prevention of the kind of political decay that undermined new African governments a generation ago".[819] In the same vain we understand the state as a hegemonic institution with power that authoritatively allocates values in society. Beyond this definition however, the underlying reality of the African state and that of Uganda in particular, complicates the kind of analysis one can undertake, in the perspective of the state - society relations. This is precisely because for most of the post independence period, the Ugandan state collapsed. As the state "resurrected", it embraced the World Bank and IMF sponsored economic reforms - which not only limited government expenditures on social services but also pushed for privatisation and liberalisation of the economy. The effects of these developments left large sections of vulnerable or poor people unable to access services. Concurrently, the Uganda government instituted a local government reform in form of decentralisation, which was believed would promote popular participation, accountability and transparency in service delivery at a grassroots level. Although the decentralisation policy has been in place for more than a

[819] John W. Harbeson, "Civil Society and Political Renaissance in Africa" in John W. Harbeson, D. Rothchild and N. Chazan, Civil Society and the State in Africa, Boulder: Lynne Reinner,1994,p. 2.

decade, the modalities of how it could enhance partnership between civil society organisations and local government do not formally exist. Albeit, several civil society organisations are working within the framework of state decentralisation, a relationship that has hitherto, not received serious analysis in Uganda.

The methodological limitation that we have to contend with lies in the elastic boundaries of what civil society organisations do and contribute on the one hand, and on the other hand, what local governments do, on their part. Equally, it is now a well-established fact that local government officials, like their central government counterparts, are critically short on social probity and are engaged in corrupt behaviours which have undermined the very foundation of decentralisation - that is, providing services efficiently, effectively on the basis of popular accountability, participation and transparency. The critical issue that arises is: to what extent could such behaviours have affected the civil society - state relations at the local level where both operate? What could have been the responses of civil society organisations to such challenges? These questions become even more partinent because recent studies have pointed out that local government officials in Uganda undermine the work of civil society organisations because they perceive them as competitors rather than partners.[820] Thus, whereas both civil society organisations and local governments share a common objective of taking services closest to the local beneficiaries, especially those marginalised by the central government and "locked" out of the market because of poverty and vulnerability, the above negative tendencies that characterise the two sectors hurt the good goal of attaining that objective. The key issue therefore, is to critically examine the extent which both civil society organisations and local governments organise and operate at the local level and to assess the impact they make on their beneficiaries.

7.2 Recasting the Concept of Civil Society

Civil society is a normative term that is wide and elusive. However, for analytical purposes in this thesis, we will view civil, society as a realm of organised social organisation that is voluntary, self - regulating, self-supporting, autonomous from the state and bound together by a set of shared rules and values.[821] Functionally, civil society is conceived in terms of

[820] Abigail Barr, M. Fafchamps & T. Owens, "Non - Governmental Organisations in Uganda: A Report to the Government of Uganda" Oxford University, Centre for Study of African Economics, Decentralisation 2003.
[821] Opcit.Herbeson.

organised activities by groups to improve society, but are not part of the state or business.[822] In other words we will be emphasising civil society's benign properties, following the perspective adopted by authorities and developmental prescriptions that prescribe partnerships between the state and social networks or organisations. For the purposes of argument in this thesis, this quite qualified concept of civil society should suffice. Though conceptual clarity about civil society will remain a subject for debate, for our purposes civil society is characterised among other elements by, being that realm of society that is organised voluntarily without a motive for profit,[823] whose immediate interest is not to secure political power but to mediate between political power–holders and to promote the interest of those they represent, besides their members and beneficiaries. In a nutshell, civil society is distinct from the state, society and business. It is distinct from the state because an organized civil society group joins or forms government it ceases to be a part of civil society. It is also distinct from society because only that realm of society that is organized for a specific purpose can be described as civil society. Civil society goes beyond individual interests of private gain, hence it is not organized for profit making business. Civil society has been described in a more comprehensive and analytical manner by Taylor thus:

> …in a minimal sense civil society exists where there are there is tutelage of state power. In a stronger sense, civil society exists where society as a whole can structure itself and coordinate its actions through such associations. As an alternative or supplement to the second sense, we can speak of civil society whenever the ensemble of associations that influence the course of state policy.[824]

This conceptualisation is aptly relevant for our purposes for three reasons. First, it affirms the notion of free association organizing outside the state. Secondly, it emphasizes the idea of engaging the state in order to influence the outcomes of state policy. Thirdly, it reveals the continuous actions and activities, both within individual civil societies and between their variants. A composite outcome of all the three should mean a vibrant society or plural society, which is capable of taming the behaviour of the state, holding it accountable and keeping it in line with the rules of the game, a phenomena that has come to be termed as governance. Governance itself literally means the manner in which the associational life of a given society is organised, and the extent to which it engages the state and other elements of

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[822] Ibid
[823] Ibid
[824] Taylor, Charles (1997) "Involving Civil Society" in Goodin, R.E. & Philllip Petit, *Contemporary Prentical Philosophy: An anthology,* Blackwell, Oxford.

society. In this respect, civil society is seen as common denominator in shaping the rules of the game for a democratic society.

In respect of the market, civil society presses for fairness by playing a role on the side of those excluded by the market forces. As Held asserts, the free vote and free market are the key assumptions for guaranteeing that collective good is achieved.[825] With civil society mediating between these two essential processes in society, the liberal - democratic element is cemented in the society as a whole. Whether one is contesting or confirming the potential of a liberal-democratic notion of the state in producing the collective good, the essential element is a clear understanding of what civil society can or cannot achieve.

7.3 Civil Society in Uganda

In Uganda as in many countries in the world, civil society organisations constitute what has come to be known as the "third sector". They play an important role both at the level of advocacy (engaging with state policies) and at the delivery services. They are engaged with both the central as well as the local levels of the state.

Civil society in Uganda falls within two categories: the first is the formally constituted, non - governmental organisations (NGOs). The other category is widely known as community based organisations (CBOs). NGOs are registered with a statutory body known as the NGO Registration Board, under the Ministry of Internal Affairs. CBOs on their part, are either registered with the local government authorities or are operating more or less informally, without registration. Thus when the term civil society is used in Uganda, it largely refers to these two categories of voluntary organisations. The basic difference between NGOs and CBOs is their scale of operations and the size of membership. CBOs tend to be small, issue - focused and geographically localised. On their part, NGOs tend to be bigger in size of their membership, more broadly-focused and sometimes spatially spread out.

Historically, the NGO sector in Uganda used to be small, and to a large extent, dominated by religious groups engaged in charity and provision of some social services. This picture

[825] David Held (1995*) Democracy and Global Order: From the Modern State to Cosmopolitan Governance,* Polity Press/Stanford University Press.

changed in the 1990s when the NGO sector expanded rapidly. For example, a recent study of NGOs in Uganda reveals that there were 3499 NGOs registered with the NGO Board in 2000[826]. Despite their important role, the number of CBOs in the country is not known. Also, whereas the number of NGOs has proliferated in recent years, what they do, how they do it, with what means, is not well known. This notwithstanding, there is a widespread consensus at government policy level that civil society plays a significant role in the development process. It is noted for example:

> In a country as poor as Uganda with limited government capacity and profound social needs, it is urgent to expand partnerships in a decentralised framework in order to reach the poor and to offer interventions that are meaningful to their lives.[827]

It is further observed that civil society organisation possess a special comparative advantage, relative to government in that they are innovative in their activities, spontaneous in their operations, they enhance local popular participation and reach the needy more easily than the bureaucratic structures of government.[828] Similarly, the Uganda government acknowledges that NGOs and CBOs have "filled the considerable void left as a result of government incapabilities."[829] For example, by 1994 the contribution of the voluntary sector to the national economy was estimated to be United States Dollars 125 million, a figure that was equivalent to 30 percent of the financial aid to the country that year.[830] Besides, in the particular sector of health, the voluntary sector provided one third of hospitals beds.[831] This demonstrates the extent to which NGOs and CBOs are crucial to the development process and service delivery. This informs the position of the Uganda government thus:

> Rather than perceiving the voluntary sector as a substitute for the public sector, or NGOs as contractors for government, it will be preferable to pay attention to the characteristics that give them their strengths and weaknesses, and encourage them to exploit their comparative advantage wherever it may lie.[832]

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826 Abigial Barr, M. Fafchamps & T. Owens, "Resources and Governance of Non - Governmental Organisations in Uganda" Oxford Centre for the Study of African Economies, Working Paper Series 2004/6.
827 World Bank (1994)
828 ibid, World Bank (1994
829 Uganda Government, Ministry of Finance & Economic Planning, "Realising the Development Potential of NGOs in Uganda" Report of Workshop Kampala, 9 - 10 February 1994, p. 10
830 ibid, p. 7
831 ibid, p. 10
832 ibid, p. 11

In this sense, the Uganda government considers the voluntary sector as a key strategic partner in the development process.[833] In policy terms, therefore, the government encourages the work of the voluntary sector by extension of selective tax exemptions on materials donated to the NGOs. The position of the government is that whereas this is not a right, it is justifiable in that it should be seen as "a government contribution to the relief and development" that NGOs provide.[834] On the basis of this principle, NGOs in Uganda are selectively exempt from corporate taxes to the government since their activities do not involve profit making.

Despite the government's recognition of the role played by civil society organisations in the development process, we have little evidence of how civil society and the state relate in reality. This raises the question of whether the two are "partners", "adversaries", or "competitors" in service delivery. Equally important is the question of whether civil society organisations are internally democratic or whether they possess capacity to deliver services or not. The pertinent question then, is: to what extent are civil society organisations an alternative to the public sector? This very question is frequently asked by the NGOs themselves. In re-examining their own work vis-a-vis that of local government, a recent study by NGOs in Uganda has summarised the issue at hand thus:

> In the transformation of local governance and service delivery which Uganda has witnessed over the last decade, particular roles are envisaged for CSOs. On one hand, they are frequently identified as the actors that should be holding government to account and on the other hand, they are also increasingly involved in the implementation of privatised and decentralised service delivery, under agreements with the state through sub contracting practices[835]

This observation illustrates the ambiguous situation that civil society organisations find themselves, in dealing with the state institutions. It raises a further question: are CSOs and the state bedfellows? If they are, who checks the other? How does that facilitate or hinder accountability to the people? These questions will be addressed later but an examination of the framework in which CSOs and local governments work at the local level is necessary in order for us to understand the basis of these issues.

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[833] ibid, p. 21
[834] ibid, p. 25
[835] Gerald Twimukye et al "Biting the hand that feeds you? Explaining Sub-contracting and Accountability Mechanisms Between Civil Society Organisation and Local Government in Arua and Kabale Districts" CDRN/KADIFA/CEP-DR Research Report, Kampala, p.vii

7.4 The Civil Society-Local Governance Framework in Uganda

The framework in which CSOs and local governments work, though blurred, draws from the Constitution of Uganda (1995) and the Local Government Act (1997). The Constitution in its social and economic guiding principles, obliges the state to ensure that:

> (a) "all development efforts (of the state) are directed at ensuring maximum social and cultural well - being of the people" and
> (b) "all Ugandans enjoy rights and opportunities and access to education, health services, clean and safe water, work, decent shelter, adequate clothing, food security and pension and retirement benefits" .

The constitution affirms in the state policy objectives: "In order to facilitate rapid and equitable development, the State shall encourage private initiatives and self-reliance"[836]. At the same time, the Constitution declares that the democratic processes of the state shall be guided by "the principle of decentralisation and devolution of governmental functions to the people at the appropriate level where they can best manage and direct their own affairs". This state policy is operationalised by the Local Governments Act. In its preamble the Act states:

> An Act to amend, consolidate and streamline the existing law on Local Governments in line with the Constitution to give effect to the decentralisation and devolution of functions, powers and services . . . to ensure good governance, and democratic participation in, and control of decision making by the people. . .

Despite this broad view of "democratic participation" however, there is no single clause in the Local Government Act which stipulates how this is to happen in respect of citizens' group or civil society organisations. In other words, it falls short of putting in place the necessary mechanisms for popular participation and citizens' engagement with various levels of local government. This glaring lacuna in the laws has left CSOs to forge their space in the whole system of local state structures and to find their place. As Hyden points out, this seems to be the case in many third world countries. He argues that between the state and markets, "what has been overlooked is the whole sphere between the two, which relies neither on coercive power nor profit maximisation as its prime motivating force"[837].

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[836] These State Policy directive principles are operationalised by Article 38 of the Constitution.

[837] Goran Hyden, "Bringing Voluntarism Back In" in Joseph Semboja and Ole Thirkildsen, Service Provision Under Stress in East Africa p. 35

Despite the weaknesses in the law specifying the role of the CSOs in local governance, the national economic policy, either directly or indirectly has been favourable to the growth of the CSOs. In 1987 the Uganda government accepted a World Bank and International Monetary Fund (IMF) sponsored economic programme of Structural Adjustment Policies (SAPs) which was code-named the *Uganda Economic Recovery Programme*. The key elements of this programme were: liberalisation of trade, foreign exchange regime, privatisation of public parastatals, and control of government expenditures among others. This economic framework, which has worked for nearly two decades has had significant influence on how state-civil society relations have evolved in Uganda. First, the pre-1987 state in Uganda was hegemonic and violent, which discouraged the formation of active CSOs, except those that were engaged in "economic survival" activities for their membership.[838] With full entry of the international non- governmental organisations, as well as the mushrooming of local ones, the social space that had hitherto been threatened by the violent state was opened. In the be1980s the Western donors and international NGOs mistrusted the state; this made them channel significant amounts of the much-needed aid through the voluntary sector. In the process, the voluntary sector grew exponentially, to the extent that the registered NGOs which were estimated well over one hundred in 1987 grew into thousands.[839]

Secondly, the dominance of the neo-liberal economic reforms in Uganda had both positive and negative effects on the Uganda society which required the intervention of CSOs. On the one hand, economic reforms engineered the recovery of the economy. The economy has grown at an estimated average rate of 5 percent of gross domestic product (GDP) per annum since 1992. This has resulted in government's increased investment in infrastructure and services such as roads, safe water, primary health care and primary schools. On the other hand however, the social costs of adjustment have had their toll on some sections of society. Restructuring and down-sizing of public service which took place in the first half of the

[838] Nelson Kasfir, "Strategies of Accumulation and Civil Society in Bushenyi, Uganda: How Dairy Farmers Responded to a Weakened State" in John W. Harbeson, D. Rocthchild & N. Chazan, Civil Society and the State in Africa

[839] Silvia Angey & Christina Nilson, Financial Sustainability of Ugandan NGOs: Are we better than Government? CDRN Report, Kampala 2004 report that there were only 160 registered NGO in Uganda in 1987, which had grown to 4700 by 2003

1990s left thousands of Ugandans without jobs.[840] Equally, the privatisation of parastatals (public owned companies) had the similar negative effects on employment.[841] At the same time, the IFIs advised the Uganda government to impose a ban on the expansion of employment in public institutions. While Salaries which were increased slightly in 1996, though continuously adjusted, have not followed the rates of increase in price inflation.

These neo–liberal policies have also encouraged liberalization of trade, that is free flow of imports and exports. The main effects of this trade regime have been the dominance of imports on the market which encourages speculative business behaviour rather than investment in productive sectors. This partly explains why despite the statistical recovery of the economy, the industrial sector still constitutes only 7 percent of GDP. Little expansion of the industrial sector has also meant little expansion of formal employment. This possibly explains two dominant tendencies in the formal employment tendencies in Uganda: one is that most of the NGO sector is staffed by University graduates that informal trade dominates the market. Jobs in the formal sector have not been expanding over the years.

Whereas also statistics show that the incidence of poverty reduced from 56 percent in 1992 to 38 percent in 2000,[842] real poverty persists. For example one study has observed:

> The paradox of the fast growing economy and the perception among a cross section of the population that their situation has not changed, and in some cases has become worse, raises an important question[843]**.** . .

Moreover, more recent research indicates that most of the benefits of poverty reduction strategies went to the top 10 percent of the urban rich, or more than double the extent it benefited the poorest people. This concern is shared by the IMF in its assessment of Uganda's poverty reduction efforts. IMF/IDA Joint Staff Assessment in 2001 observed that although the government's efforts at the reduction of poverty have been good, the consumption of the richest increased by 20 percent while that of the poorest increased only by 8 percent.[844] The

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[840] Public servants were retrenched. The number of civil servants was reduced from 300,000 to 130,000

[841] As a policy, most of the parastatal organisations were sold

[842] Diego Angemi,, "An Overview of the national economy, in view of the Poverty Eradication Action Plan Revision", Discussion Paper No.7, MOFPED, November 14, 2003

[843] Nassozi K. Muwanga, Structural Adjustment Participatory Review Initiative (SAPRI): The Differences in Perceptions of Poverty" Paper written for Uganda NGO Forum, Kampala.

[844] IMF/IDA "Uganda Poverty Reduction Strategy Paper; Progress Report Joint Staff Report Assessment, 9 March 2001 (www.inf.org) See also Sam Hickey, "The Politics of Staying Poor: Exploring Political Space for Ooverty Reduction in Uganda" World Development, Vol.33, No.6,2005

issue therefore, is that the benefits of poverty reduction have not trickled down to the poorest of the poor, who remain marginalized and vulnerable.

The willingness of the donors, international NGOs and the encouragement of the government have contributed to the tremendous growth of the local voluntary sector. The main characteristics of the local NGOs is that they are formed with the aim of addressing local issues but also, targeting to be funded by either the foreign governments or international NGOs. In the latter respect they act like conduits of international finance to the local beneficiaries. This empowers them financially but at the same time weakens them. As some commentators have observed, local NGOs in Uganda suffer from a dependency syndrome and lack independent means of self-sustenance.[845] This has been sometimes attributed to the nature of the economic classes that exist in Uganda. Most of the people are poor and the middle class is economically weak.

It is also often argued that in Africa the problem is not only the smallest or weakness of the capitalist class that leads to a low local contribution to charity, that it is within the nature of the African societies to contribute towards lineage relationship of family, clan, tribe and ethnic groups where giving to charity is a personalised affair that depends on those reciprocal relationships.[846] Contestable as this argument maybe, recent studies reveal that in Uganda, membership contribution to the finances of local NGOs accounts for a mere 2.5 percent of their income while the bulk of it 80.3 percent comes from external funding agencies. This may well mean that the local NGO sector is embedded in opportunism rather than ultruistic drive to serve human needs and to solve problems. In Uganda, at least there are those NGOs that are formed solely for the purposes of soliciting external funding and do nothing for their purported beneficiaries. This category of NGOs is termed in Uganda as "briefcase NGOs."[847] It does not seem too wild to say that these tendencies have been encouraged by external funding agencies which seem to have the money to dish out without careful assessment of these so–called NGOs. This is the reason the opportunists have masqueraded as "philantoropists". The local people who are supposed to be the beneficiaries, including local council leaders tend to be suspicious of the motives of some NGOs. Some of their officials

[845] Opcit Abigail Barr et al (2003).
[846] Alan Fowler, "NGOs and the Globalisation of social welfare: Perspective from East Africa" in Semboja &Thirkildsen.
[847] Susan Dicklitch, *The Elusive Promise of NGOs in Africa: Lessons from Uganda*

drive expensive four wheel drives, arrive in the community and spend a few days talking to the people and then "disappear"! As Barr et al (ibid) observe… " It is conceivable that most NGOs would like to do more than talking but , given their limited financial means find it the quickest and cheapest way to have immediate impact that deals with the urgency of the situation.[848] Moreover this talking or what is referred to as "capacity building" seminars is another way of avoiding the rigours of accountability that are usually involved when a tangible service is delivered .After all, seminars are easy to justify by getting attendance lists signed by the participants Thus, while actual work done by an NGO official after talking to local people can not be quantitatively measured , accountability for funds will be made much easier by those attendance lists .The problem however seems to be with the international donors who shift their policy goals .The debate within the international NGO-system in the 1990s seemed to be on the side of "capacity building." It is sometimes argued for example, that the traditional NGO activity had concentrated on the supply side of delivering services, providing development programmes and helping the needy and so on .There is a shift towards the demand side, that is helping communities articulate their concerns and preferences, negotiating their positions with the public officials and agencies and to do it for themselves rather than someone else doing it for them.

The international NGO agenda has shifted to advocacy, empowerment and enabling communities. According to Clark "this is a micro-level of reflection of governance"[849] With this shift in approach , two things have happened in the local voluntary sector: (i) the local NGOs have increasingly became project implementers of the international NGO agenda or "outposts" and (ii) they are increasingly becoming subject to the tutelage of both donors and the state .In Uganda, two simultaneous processes have taken place in respect of the state donor–civil society relation .The first is that the donors who until 2005/2006 national budget have been contributing 52 percent of the budget revenue agreed with the government in 1997 to support the government budget through the sector wide budget framework. Instead of direct donor driven projects, it was agreed that donor resources come under the direct control of the state rather than to NGOs as was the case in early 1990s. Through this new method of donor funding to the government, the donors have gained a major stake in the economic

[848] Opcit.Abigail Barr et al, (2003),
[849] See John Clerk, "The Relationship between the state and the voluntary sector" www.gdrc.org/ngo/stae-ngo also Robert Chambers, "Spreading and Self-improving: A Strategy in Michael Edwards & David Hulme, Making a Difference for Scaling up

policy of the country. As one commentator has observed, during the meeting in the Ministry of Finance, Planning and Economic Development where economic policies are made, the donors sit "at the top of the table".[850] Donors in Uganda do not only fund the budget, they actually make government policies. Their involvement is perceived to be justified not only by the large amount of money they pour into the state coffers but also by the rationale of accountability. The donors' stated position is that this money is their taxpayers' money, so it should be used for purposes for which it is meant.

In the same way, by supporting the sector wide approach of funding the Uganda budget, the donors believe they could influence the government to be more accountable to the intended beneficiaries, especially the poor. Thus donors on the Ugandan policy scene are not just funders but actors who contribute to the various policy processes and are also aware of the power they wield in shaping policy.[851] The point to be made here is that the donor–state coalescence has increased over the last decade. This has in a way or the other reduced their commitment to civil society. In reality, there have been attempts on many occasions to incorporate civil society organizations into the donor–state dialogue. Though this is not necessarily negative, it has the potential or unintended effect of weakening civil society, whose primary role is to engage the state in its policies and public commitments, and to hold it accountable.

7.5 Role of Civil Society in State Policy Making

The key question here is: are state and CSOs bedfellows? The argument is that the relationship between the state and CSOs has skipped the attention of most policy observers in assessing the role of civil society in public policy making. Most observers' attention is focused on what CSOs do or what they do not do in their autonomous "world". Other analysts have tended to focus on the question of CSO engaging the state through lobbying. However there is an increasing trend towards CSOs working together with the state either at the central or at the local level.[852] At the national level, state–CSO relationship has been

[850] Richard Sewakiryanga, (2004) "The Corporatist State, the parallel state and Prospects for Representatives and Accountable Policy" in Brock K. et al, p.80

[851] Ibid. Richard Sewakiryanga, "The Corporatists state, the parallel state and Prospects for Representatives and Accountable Policy" in K. Brock, R. McGeeR J. Gaventa (eds) *Unpacking Policy: Knowledge, Actors and Spaces in Poverty Reduction in Uganda and Nigeria.* Fountain Publishers: Kampala (p.83

[852] William Muhumuza, "Unfulfilled Promises? NGOs Micro-Credit Programmes and Poverty Reeducation in Uganda". *Journal of Contemporary African Studies*, Vol.2, No.3,

characterized by joint policy dialogue and partnership in shaping economic policies. At the local level, the state has been decentralized by a framework of governance which is underpinned by the devolution of powers, responsibilities and fiscal resources to the local level. At the latter level, this policy framework has created opportunities for civil society to play its role of advocacy and service provision.

At the national level, the increasing role of CSOs has been triggered off in recent years by a number of factors. It is important to note that there has been a change of donor attitudes especially within the World Bank towards the role of the state in Uganda. Most Word Bank reports praise the Uganda government (and its President Yoweri Museveni) as a success story of the Bank's economic reforms in Africa. In other words, the World Bank and other donors seem to have been enthusiastic to showcase Uganda as its "brand–mark" of the much–criticized structural adjustment policies. In a bid to stave off the "noise" from the independent civil society organizations, the CSOs were gradually "incorporated" into the economic policy making process. The under–resourced NGOs have been more willing than not, to "cooperate" with these two powerful actors–the donors and the state. The invitation by the donors and the government is irresistible to CSOs because not only does participation in policy dialogues of the donors and the state give a CSO visibility, it also comes with opportunities that the CSOs can reach the top policy makers to put their side issues on the "table".[853] The interest of the state as well as the donors, is to bring the CSOs on board so that it can claim that policy consultations were broadly done and that a wide spectrum of stakeholders made their contribution to the policy. This lends legitimacy to the whole process of donor–driven policy making. Critical views however have merged within the CSO sector that indeed, there is a "conspiracy" between the state and the World Bank to use such consultations with CSOs so that they can claim that their policies enjoy popular consensus or they are home-grown to the extent that if they fail to bear fruits they do not carry the blame alone.

Evidence of CSO participation in economic policy making partnership with the state began in 1997 when the government carried out its first Uganda participatory poverty assessment project (UPAP). Several NGOs were invited to participate in these assessment activities. NGOs seconded personnel to carry out research and to participate in the analysis and

[853] Sewakiryanga, opcit.

discussion of the fundings. UPAP findings were translated into the first draft of what came to be known as Poverty Eradication Action Plan (PEAP).[854] The first PEAP was prepared in 1998. In 1999 however the World Bank and IMF required as a condition, for lending that the government revise PEARP according to their new framework known as Poverty Reduction Strategy Paper (PRSP).[855] While the framework principles and guidelines were drawn by the World Bank and IMF, the government was required to consult as many stakeholders as possible. This process again saw extensive consultations with CSOs. Thus, whereas the World Bank wanted its new framework for lending to be guided by its new policies under PRSP, and the Uganda government wanted the World Bank's money. CSOs were called in to "assist" a process that was already agreed upon by the two–main actors, that is the donors and the government. Moreover, although such a process of consultations helps the CSOs to get information on what the government and the donor plans are, many of them view the whole idea of their participation as adhoc and ill–prepared. For example it is noted:

> . . . along with the benefits, CSO involvement in formulation of Uganda PRSP also had a number of problems. For example, during the process it was clear that most CSOs lacked staff capacity to engage donors and policy planners in meaningful dialogue about macro economic issues. This remains a problem at both national and local levels. In Uganda only a few CSOs have the capacity to influence policy planning. As a result, there is a danger that CSOs might endorse positions about which they have little knowledge. . ..[856]

These views express the picture which mirrors the weakness embedded in the engagement between CSO–donor–state tripartite, where CSOs join probably not as equals but as just junior partners both in perception and capacity. Thus, to conceive CSOs as equal partners may seem to be misplaced. Besides, the participation of CSOs begins and ends at contributing their input into such policy processes. There is no evidence that they are consulted by either the donors or the government when such policies are being implemented. In this regard also, the attitudes of government officials tend to be eschewed to certain positions that CSOs find difficult to change, for example, it is noted by one of the key leading participants in these dialogues thus:

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[854] PEAP was initially prepared for 3 years

[855] PRSP were prepared for purpose of getting the much needed HIPC funds for poverty reduction.

[856] Zie Gariyo, "Participatory Poverty Reduction Strategy Papers: The PRSP Process in Uganda" Uganda Debt Network, Discussion Paper No.5 Kampala, 2002, p.31

> Some government officials still regard CSO participation merely as an exercise to legitimize the government agenda. They still view criticism from CSOs with suspicion**.** [857]

This raises even a more pertinent question, of accountability. By officials of CSOs participating in these policy dialogues: are they representing the interests of their membership or they are representing their interests and views? Evidence indicates that such officials or their representatives collect data, analyse it and take part in discussing the findings. One certain thing is that they are paid for it. There is no evidence that payment to those individual participants ever trickles down to their CSOs, rather it benefits the individuals involved. How then can such individuals from CSOs challenge the government on the same issues? Is it possible that those CSO individuals participating in the policy dialogues with the government would compromise the agenda of their own CSOs in the case of contradictions? As one observer has noted:

> The extent to which civil society participate is both positioned between and "manufactured" by the government and international development actors, is an important feature of invited spaces and the power dynamics that surrounded them. Such a position results in civil society actors being largely reactive, responding to resources offered for a particular range of activities and functions. This in turn limits their capacity to develop autonomous agendas and raises questions about where their accountability lies**.** [858]

The critical observation is indeed apt, considering the extent to which the donors and the government have "incorporated" CSOs in their agenda. For example, in 2005 the World Bank released United States $374, 000 to the Ministry of Finance for purposes of "strengthening" the partnership between civil society and the government in monitoring public expenditure. Instead of CSOs questioning the rationale for such a project or assessing the impact it could have on their own agendas, they responded by appraising it as "a good starting point, if only it can be beefed up with more funds to have appreciable impact". [859] They however assert, perhaps consciously, thus:

> It is also the view of civil society organizations that for them to be able to carry out effective monitoring of public expenditure they need to be in full charge of the resources set aside for this purpose. They need to apply

[857] Ibid.Zie Gariyo.p33
[858] Keren Brock, "Uganda Civil Society in the Policy Process: Challenging Orthodox narratives" in K Brock, R. McGee & J. Javenta (ibid.) 2004 p.100
[859] Uganda Debt Network (Newsletter) March 2005

> monitoring fools they have developed, and not to be straight jacketed into adopting tools developed elsewhere by people who are not familiar with our local situation[860]

Implied in this question is the idea that CSOs still have a conscious mind that tells them that they have to account to their constituencies, and not to give in to whatever the World bank and the government tell them. For example, some NGOs under the umbrella of DENIVA a local NGO network organization met in Kampala on 16 March 2005 to devise their own code of conduct, which was an attempt to defy a proposal by some donor organizations to impose their own on local NGOs. The move of this kind on the part of the CSOs appears to be a move towards reflecting on the reasons for their existence, and accountability within themselves and to their constituencies. However most of them seem to be accounting to the donors and lately, to the government a process that has undermined their democratic credential and autonomy.[861] This partly explains why most CSOs are engaged with development issues rather than holding the state to account or pushing it to expand democratic space.

7.6 Civil Society and its relationship with the Political Regime

The civil society-state engagement in Uganda in the area of democratisation is characterised complacency and cohabitation. Whereas CSOs have been the engine of change in several authoritarian states in Africa,[862] Eastern Europe, Latin America and elsewhere, this has not been the case in Uganda. The state has been the dominant player on Uganda socio-political space. When the present government of National Resistance Movement (NRM) came to power in 1986, its strategy for retaining power was to incorporate as many socio-political groups as possible in an arrangement it termed as "broad based" administration. It also restricted the activities of political parties, which by law were forbidden from sponsoring candidates for elections, addressing political rallies, displaying party colours, holding

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[860] Ibid.Uganda Debt Network (Newsletter) p.1

[861] Silvia Angey & Christine Nilsson, (2004) Financial Sustainability of Uganda NGOs: Are we no better than Government? CRDN, Paper No.7 Kampala

[862] Michael Bratton, "Civil Society and Political Transitions in Africa," in J.W. Herbeson, D. Rothchild and N. Chazan, *Civil Society and the State in A*frica, Chapter 3 Also, Mala Singh, "The role of Civil Society in Promoting Democratic Development: Some aspects of the South African Debate" in Ann McKinstry Micou and Birgit Landsnaes, *The Role of Voluntary Organisations* in *Emerging Democracies* Danish Centre for Human Rights 1993. Singh argues conceptualization of civil society's role in the democratization debate can not be divorced from the way the state is conceptualized. We can add that the nature of struggles that civil society engages in are largely shaped by the nature of the state, and its responses to such struggles.

delegates conferences, restricting them to their headquarters. The NRM improvised an arena of "corporatist" politics in which it created space for various interest groups-women, the disabled person, trade union, the army, the political parties etc by giving them slots in parliament and other public institutions. Because of the past violent and unstable politics that prevailed before the reign of the NRM, these groups joined the government willingly and unsuspicious of the NRM agenda. This "coalition politics" has, over the last two decades, had a critical impact on the growth and operations of the civil society in the country. First, because civil society organisations are largely represented in the state structures, they were assumed to be part and parcel of the government policy making process. Secondly, the groups that are represented find it difficult to go around to oppose government policies which they have helped to make. Thirdly, because of the "coalition" politics, civil society organisations perceive the state as a "partner". At most of their functions, a senior government official is more often than not invited to preside. CSOs in Uganda conceptualise the NRM government as a benevolent "partner" in whatever they try to do. The effects of such tendencies have undermined the capacity of CSOs to engage the state on critical issues of corruption, accountability and democratisation, to the extent that most CSOs refrain from active criticism of the state. CSOs also distance themselves from associating with the opposition politics lest the government will remind them that their registration may be cancelled. Thus, a combination of government control over the activities of political parties and "coalition" politics with CSOs has left a free reign for the ruling NRM to do whatever it desires unchecked.

Despite the limited space and engagement that CSOs have with the state in the arena of democratisation at the centre, there are a few CSOs that play an active role in holding the state to account. For example, the Uganda Debt Network (UDN) has consistently pressed the state to deal with the questions the foreign debt, and querying public officials on corruption and misuse of public funds. Human Rights CSOs notably, Foundations for Human Rights Initiatives (FHRI) have been vocal and critical of the government's handling of human rights issues. Those CSOs that deal directly with political issues such as the Uganda Joint Christian Council (UJCC) engage in dissemination of research findings and civic education, especially during elections. They also avoid a confrontational approach in their engagement with the state. Similarly, women's CSOs primarily deal with issues of gender, which is also a key State Policy. For example, a number of women CSOs have been

vocal on the issue of equality when the new Land Act was being debated in parliament, and more recently they have engaged the parliament on the draft legislation of the Domestic Relations Bill. Moreover the government itself created its own voluntary organisations such as the national women's council, youth councils and student union. Though these are not directly under any government Ministry, they are elected bodies nationwide. The government uses them to mobilise sections of society. At the same time, it would be misleading to call them NGOs since there are funded by the state and champion state agenda. In one way or the other, there has been a tendency by the NRM government to create a corporatist organisation of the state with a desire to co-opt every organised group.

These policy orientations have had the effect of promoting and perpetuating monopoly politics. Monopoly politics essentially refers to a situation where the ruling state-party prefers to discourage or to destroy autonomous civil society.[863] Under the no-party system of the NRM in Uganda since 1986, the ruling movement has tended either to undermine independent civil society groups such as farmers' cooperative societies or to attempt to broaden its support by "cohabiting" with CSOs, thus minimizing the space for independent civil society. Undoubtedly therefore, the state and the ruling movement are indistinguishable, almost in every aspect. This kind of political dispensation has taught CSOs either to "censor" themselves or face the wrath of the law if they acted otherwise.

7.7 State-led decentralisation and the role of the Civil Society

Whereas the NRM government controls political space at the centre, its major political contribution to politics and administration in Uganda has been its politics of decentralisation. Once it was firmly in control of the centre and having created a situation for a politically weak civil society at the centre, the NRM was willing to decentralise power to local government. Decentralisation helped local government to be allocated financial resources from the central government and allowed them to collect their own revenue. They are also allowed to enter partnership or even to sub-contract some work to CSOs. CSOs use the decentralised structure of the state to provide services to their targeted beneficiaries. They act as "gap fillers" where the local state institutions have not been able to deliver a certain desired service. Both NGOs and CBOs need the cooperation of local officials to mobilise the

[863] cf Issa Shivji, "The Democracy Debate in Africa: Tanzania" in *Review of African Political Economy* No.50, 1991.

people to participate in their activities. Other NGOs work directly in partnership with local councils. These relations between CSOs and local state structures/officials are seen to have some productive advantages, for example, the local councils may mobilize the local people to provide free labour while the NGO provides technical expertise and finances required for materials for a certain service or project. This working method is seen to increase people's ownership of the project as well as its sustainability. Some NGOs do not provide direct consumable services, so they sensitize the targeted communities hoping to empower them with knowledge and solutions to solve specific problems, for example HIV/AIDS NGOs are leading in this approach. Other NGOs sandwich direct service (i.e. material projects) with sensitisation or training aiming to create a self-sustaining community. Thus, contrary to what some observers have claimed that NGOs in Uganda hardly provide services but "talking",[864] evidence suggests that the contribution of the voluntary sector to service delivery in the country is great.[865] For example, of the major hospitals in the country, the government owns 55, NGOs 39, private sector 4. For the maternity units, the government owns 211, the NGOs have 144, and the private sector 12. Because of the critical role the NGOs play in health provision especially, the faith based NGOs, the government has in recent years approved grants for their health units. In the education sector, the NGOs still make a significant contribution. Government Grant-aided Primary School are 10,368 while NGOs own 455. For secondary schools, the government aided are 1912 while the NGOs own 1395. At the level of primary schools, the new programme of universal primary education (UPE) has increased government expenditure on the construction of new classroom blocks as well as establishing new schools. Secondary level education was pioneered by faith based NGOs during the colonial days. This explains the significant role that the NGOs are playing in that sector. The post colonial state also had an ambitious programme of building schools. The quality of service dropped in public schools and health centres in the 1970s and 1980s. Sustenance of public schools was taken over by the parents through their Parents-Teachers Association (PTAs).[866] PTAs contributed to the maintenance of school facilities and payment

[864] Claim made by Abigail Barr et al, (2003) opcit.
[865] See for example, Reinnika & Svensson, Working for God? Evaluating Service of Religious Not-for-profit health care providers in Uganda. The World Bank 2003. These researchers found that the non-profit health care was much cheaper and more affordable, with better quality service than the state-provided services
[866] Emmanuel Nabuguzi, "Popular Initiatives in Service Provision in Uganda, in Semboja & Ole Thirkildsen, (eds0, opcit. See also, Fabius O. Passi, :The Rise of People's Organisations in Primary Education in Uganda" in Semboja & Ole Thirkildsen, (eds), opcit

of teachers' salaries. Communities which were unable to form such associations witnessed total collapse of educational standards in their schools.

Whereas under the Universal Primary Education (UPE) Programme, the enrolment of pupils has almost tripled from 2.5 million in 1997 to about 7.5 million in 2000, it has also come with its own challenges. The teacher-pupil ratio per class stands at 1:110. This has watered down the effectiveness of teaching and lowered education standards in public primary schools. Although PTAs still exist, the government position is that they are not allowed to contribute to the welfare of school teachers. The government insists that it is the duty of the State to pay salaries. Salaries for teachers in public schools remain penury. This leaves the teachers without option but to conduct illegal extra classes for children whose parents are able to pay extra fees. Richer parents take their children to private schools which are constructed and managed either by private business people or NGOs. Community based initiatives have also been attempted to help children who cannot join UPE schools for one reason or the other.

7.7 Urban Livelihoods and the Response of Civil Society

There is no doubt that the majority of NGOs, whether international or local have their bases in Kampala. In a study of NGOs, involving 16 districts, which have a relatively high number of NGOs it, was revealed that, of the 3159 NGOs in those districts, Kampala has 1777 of the NGOs registered with the NGOs Registration Board[867]. This validates the commonly held assumption in Uganda that NGOs tend to be urban-based and rarely do they reach out to the most remote rural areas where the most needy people live. Logically, however, not all NGOs are formed for purposes of reaching out to the most remote areas of the country Some urban NGOs are formed to attend to specific needs of the urban population, ranging from professional classes, intellectual communities, policy dialogues, research and consultancy while others are formed specifically to alleviate the conditions of the needy and disadvantaged urban communities.

[867] Abgail Barr, Marcel Fafchamps and Trudy Owens. Non Governmental Organisations in Uganda: A Report to Government of Uganda, (December 2003).Centre for the Study of African Economies, Oxford University.

Urban living conditions in Uganda and Kampala in particular, leave a lot to be desired. Whereas it is true that the majority of the poorest people live in the rural areas,[868] the conditions of the urban poor are characterised by failure to meet basic needs such as water and food, which in Ugandan rural areas are easily secured even by the poorest households from their peasant gardens and open streams. In Uganda, the rural households depend on the exchange of physical resources between households. This serves as some form of safety net, that is, of relatives, friends, neighbours and other people. In other-words, the rural people have plenty of 'social capital' to rely on in times of need. For example, in case of a household lacking money to transport a sick person to a health centre, neighbours and relatives improvise a stretcher and carry the sick to the hospital. This kind of help is taken as a social obligation and responsibility in their neighbourhood relations. More often than not, a neighbour seeking to borrow a few sticks of matches or drinking water is not seen as begging but a reciprocal gesture because the same neighbour is likely to have taken one or two things from the other, previously in the same exchange relations. Similarly, the children in the neighbourhood eat freely at one another's homes. It is in extremely rare cases that a person will deny food to a neighbour's child. Such a behaviour would be condemned by members of the local community. In such cases, the offender could lose certain social entitlements in that community. This system of social capital sustains rural livelihoods but is rare in urban areas.

In the urban setting, the situation is much more different from the rural livelihood systems. The urban setting is governed by the cash economy, self satisfaction and individual success. The urban society is highly structured in terms of social classes and spatial differentiation. A few safety nets that exist are fluid and temporary. Housing a relative who happens to visit an urban resident is seen as generally acceptable but limited to a few days or in some cases, months of hospitality. This is partly because in the urban areas, an excessive number of over-staying guests poses a constraint on family budgets. It affects patterns of expenditure on essential items such as food, clothing, and tuition fees for children, transport costs and other needs.

[868] See World Bank, Uganda: The challenge of Growth and Poverty Reduction (1996) p.81. This reports notes that 27 percent of the poorest live in rural areas and 11 percent of them live in urban area. But it also notes that there is less economic disparity in rural areas (22 percent) than in urban areas (49 percent).

Kampala urban livelihood systems are characterised among others by lack of adequate employment opportunities for many people, lack of proper housing facilities, lack of proper sources of household income, lack of adequate infrastructure and services. In the city, people's livelihoods depend on cash and because many people lack employment, the majority of the people cannot afford the basic needs of life like food, decent clothing and shelter. Most poor people in the city engage in petty activities to survive. Poverty itself is perceived by urban residents as "a situation where one is surviving marginally due to lack of basic necessities, means of production and income."[869] The situation of the urban poor tends to degenerate into vulnerability or marginality due to lack of social networks, lack of public services, isolation or *marginalisation*, gender inequality and corruption by public officials.

Table 39: Showing Kampala Public Service Provision Indicators

Service	Level of availability	Access/condition
Sanitation	❑ 8 percent of Kampala residents have running water in their homes. ❑ 7 percent have access to safe drinking water. ❑ Protected water springs ❑ Most people use latrines	Most Kampala residents draw water in jerrycans from the spring sources or buy a 20 litre jerrycan from stand pipes.
Drainage	❑ Only 9 percent of the city is served by a central server system ❑ 5 percent construct their own septic tanks ❑ Most of Kampala floods when it rains ❑ Nakivubo channel rehabilitation project done at a cost of Shs 23 billion has improved drainage in Kampala.	❑ Low lying areas of the city suffer floods every time it rains heavily. ❑ KCC has worked on the channels but floods are still a problem. ❑ Poor drainage is worsened by people throwing garbage in the drains
Health services (Curative)	❑ Hospitals (11) mainly NGO owned. Of these 2 state owned ❑ KCC Clinics (7) ❑ Health centres (5)	❑ Of the 11 hospitals only 2 are government owned, Mulago and Butabika. ❑ KCC clinics and health centres are under-staffed with qualified personnel. ❑ Most poor people attend public clinics.
Public Health	❑ Every Division of the city has a Public Health Officer	❑ Public health officers lack adequate facilitation from

[869] MOFPED, "Uganda Participatory Poverty Assessment Process: Kampala District Report" (2000) p. 14

Service	Level of availability	Access/condition
	❑ A Public Health Officer is responsible for public health education in the communities. ❑ There is concern for the environment. ❑ Fumigation of homes was left to the private sector. ❑ Public hygiene is emphasised by KCC but most homes are built without approved plans. ❑ There is law enforcement to enforce city regulations.	KCC to do their job well. ❑ Housing Inspectors lack facilitation to go around the city. ❑ The staffing levels of Public Health Office are low.
Schools	❑ KCC owns 84 primary schools. ❑ These public schools are under the UPE programme ❑ Teachers' salaries are a responsibility of central government but paid through KCC. ❑ Schools are congested especially after the introduction of UPE. ❑ High running costs of schools - water bills, electricity bills, lunch, cleaning. ❑ School capitation grant insufficient ❑ Parents with children in city schools pay Shs 11,000 per term contribution.	❑ UPE has increased enrolment. ❑ Most children of the poor join public schools. ❑ Some congested areas such as Bwaise have no public school. ❑ Parents' contribution of shs.11,000 and other school needs for children may not be afforded by very poor parents even in UPE schools. Their children do not attend school. ❑ BEUPA schools have been improvised in the poor communities for out-of-school children.
Production services (Agriculture, Animal Husbandry, Fisheries and Cooperatives)	❑ Each division of KCC has an officer to run a section for these services. ❑ These sections are the most under-funded. ❑ Most of Kampala peri-urban residents depend on urban agriculture. ❑ Most of the milk, poultry and eggs are produced at small scale in people's homes. ❑ Several small cooperative societies exist in the city.	❑ Officers of these sections lack facilitation from KCC to do their job. ❑ Residents engaged in urban agriculture depend on their own skills. Do not get help from KCC experts. ❑ Due to lack of expertise, urban agriculture is largely at subsistence level. ❑ The small cooperative societies (mainly savings and credit) do not grow into large organisations.
Road and Infrastructure	❑ Roads are the main infrastructural service priority of	❑ Under the LGDP programme more access roads have been

Service	Level of availability	Access/condition
services	KCC. ❑ Most roads are gravel roads. ❑ A large network of city roads remains to be done. ❑ Due to the seasonal nature of the roads, they require constant grading which is costly.	opened by KCC. ❑ Low levels of community participation in these projects have been reported. ❑ Poor workmanship by contractors was reported ❑ Collusion between tenders and KCC officials in awarding tenders for works was cited.

Source*: Table constructed by the author from research findings*

The above table shows mixed results in KCC's service delivery. There are a few areas such as road construction and maintenance that have had real improvement. Another area where there have been improvements in the past few years is drainage. Two factors have contributed to the improvements in the road and drainage sector. The first one is the World Bank's grant to the Ministry of Local Government of US$80 million under the Local Government development Programme (LGDP). These funds are channeled through the districts down to the lower local councils. The objective of the grant is to fund local level infrastructure investment projects. In Kampala, most of the projects undertaken with this fund are roads and drains clearance. The second factor is another World Bank loan to KCC for Nakivubo Channel rehabilitation Project which amounted to Shs.23 billion. Apart from the Rehabilitation of the main Nakivubo Channel that carries away most of the liquid waste from the city centre. Tributary drains were also done at Nakamiro, Nsoba and Kamwokya. Drainage is a serious problem in Kampala because the city experiences heavy rains which flood the sprawling low income areas which happen to be on low lying valleys that are swampy and therefore prone to stagnant water. Constant flooding is a threat to human livelihood, that is, in extreme cases, poorly constructed homes get swept away and in other cases, the dangers of diseases such as cholera, dysentery, malaria and other water borne diseases pose a real threat to human life.

While progress has been recorded in the above mentioned areas, there are critical areas that KCC has given no serious attention. These include: fighting poverty, provision of welfare services, and the production sector (e.g cooperatives, marketing, fisheries, and urban

agriculture). These are areas which are critical to people's survival especially, the very poor of the poor.

7.8 The Role of Civil Society in Service Provision in Kampala: Case Studies

For this study we selected two leading direct service provision NGOs in Kampala. A direct service provider in this case we mean one which provides a material or welfare service apart from say advocacy. The purposively selected international NGO is known as Concern Uganda (CU). This NGO works directly with the structures of local councils. Another NGO we selected is known as Kamwokya Christian Caring Community (KCCC) a purely local NGO. This one too, was selected on consideration of its multi-functional operations. It is a faith-based organisation, providing services to the poor and acting as a behavioural change agent. In addition to these two NGOs, we selected four community- based-organisations (CBOs). These are: Kisenyi Community Health Workers Association (KICHWA), Kampala Central Community Resource Centre (KCCRC), Mengo Kisenyi Youth Development Association (MKAYDA) all located in the poor slums of Kisenyi, two kilometers from the city centre of Kampala. The fourth CBO selected is Kamwokya Community Health and Environment Protection Association (KACHEPA) located in another slum of Kamwokya in the outskirts of Kampala, four kilometers from the city centre.

The choice of the CBOs was out of consideration of the following factors:

(i) All the four groups are in one way or the other connected with Concern Uganda (the main funding agency).
(ii) They are located right within the communities where they work,
(iii) They are formed by residents of the area where they operate
(iv) Their membership and leadership are locally based.
(v) They are engaged in self-sustaining activities rather than depending entirely on out-sourced resources.

In the next section of the chapter, I describe what the CSOs are, what they do and how they do it. Later, a thematic analysis of the issues that affect their performance is done. We conclude the chapter with people's views of the relationship between CSOs and local councils in service delivery.

7.8.1 Concern Uganda (CU)

Concern Uganda is a local NGO with full financial support from Concern Worldwide.[870] It is founded on the basis of values of fighting poverty among the poor communities and to strengthen their ability to deal with their problems. For the last fifteen years, Concern Uganda has targeted poor communities, especially those affected by HIV/AIDS beginning their first programmes in Rakai district[871] in early 1990s they shifted to Kampala n 1995. Kampala city was the second worst hit area by HIV/AIDS after Rakai district. The most vulnerable people were/are the poor slum dwellers in the city. For not only was HIV/AIDS affecting the adult population mainly in these marginal areas, its social effects were alarming; increased poverty, lack of food, lack of tuition for children and other basic necessities of life.

The intervention of Concern Uganda was two-fold: to identify families whose adult heads were critically sick or had died of HIV/AIDS related illnesses. For those who were ill, Concern Uganda provided food rations, clothing and other basic necessities. For those families whose bread winners had died, Concern Uganda provided the much needed assistance to orphans, for example, clothing, food and even shelter. Shelter provision targeted female-headed households. According to the Project Manager for Kampala,[872] they targeted the poorest communities of the city, namely: Katanga, Nakulabye and Kagugube in their first two years of operating in Kampala. After evaluating this intervention of material assistance, Concern Uganda found that the project was unsustainable and was increasing dependence rather than independence and empowerment of the beneficiaries. Moreover, the impact of the project was not being felt in the community as it targeted individual households and the communities were not involved in the planning processes. This approach was found unsatisfactory and was abandoned. Since 1999, Concern Uganda has developed two programmes targeting the poor communities of Kampala, these are: Kampala Community Development Programme (KCDP) and Kampala Community Empowerment Project (KCEP). The difference between KCDP and KCEP is that the former involved Concern Uganda working with the communities on their own initiatives while the latter formally involves the local government structures and officials.

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[870] Concern worldwide is an Irish NGO operates in 30 countries worldwide. Started in 1968 to support victims of the Biafra war in Nigeria it has grown to cater for the poor in the Third World countries.
[871] Rakai district in Uganda was the most hit by HIV/Aids in late 1980s
[872] Ms. Rosemary Mbabazi, Project Manager(interviewed on 1st July, 2005)

7.8.2 Kampala Community Development Programme

Kampala Community Development Programme KCDP had two components: the first component was the socio-economic one, where Concern Uganda worked with other NGOs[873] the poor communities to get the economically empowered. Concern Uganda trained and availed credit finance to community groups on a lower interest rate than the banks and other micro-finance organisations.[874] The main target of Concern Uganda's credit scheme is mainly poor women. After training them in project planning and management, the women either as individuals or in groups identify viable micro projects which generate incomes that enable them meet their needs, pay tuition fees for their children and to live reasonably decent lives.

The second component of KCDP deals with environmental health. It targets sanitation, access to clean water and good hygiene practices in the slum areas of Kampala. The approach Concern Uganda uses is participatory. In the slum areas, communities are mobilised, they identify their priorities, priorities are ranked, costed and an implementation plan and committee are put in place. The community provides land, identifies its own contractor and supervises the project. Since Concern Uganda requires that the beneficiary community should contribute 20 percent of the cost of a project, the land, labour and supervision are computed into cash values to constitute a contribution of 20 percent or above. Thereafter, Concern Uganda provides the remaining funding for the project. "The approach has been more successful than when Concern Uganda used to help individual beneficiaries".[875] This approach is also seen to be sustainable because projects are owned by the community, it is cost effective because of the voluntary contribution of the members of the community, and the management is also effective because each project is managed by an elected committee of the community. Further, because most members of the urban community tend to be individualistic and selfish such projects bring back the spirit of the community. "It was found out that the absence of community spirit is due to lack of common capital, something they all share in common. We are now changing their value systems by doing things in which they all have common concern[876]."

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[873] In this case, FINCA Uganda, to provide training for women so that they may get credit for their own projects.
[874] Concern Uganda loan interest is below 10% while banks and micro finance institutions charge over 20% per annum.
[875] Ms. Rosemary Mbabazi (interview).
[876] Ibid.Ms Rosemary Mbabazi (interview

Concern Uganda identified common problems in Kampala's slums a lack of sanitation facilities, lack of safe drinking water and poor drainage. It therefore assisted in putting up the following projects: two toilet facilities in Kimwanyi and Soweto in Katanga slum (Wandegeya), 2 kilometers from the city centre. A water stand pipe was placed in Soweto.[877] In Nakulabye, another slum area, the communities identified lack of drains or blocked ones. Floods and mosquitoes posed big problems to the communities. Most people were suffering from malaria. Concern Uganda helped the communities by constructing a drain of 800 meters in Kiwunya (Nakulabye) and desilting others that had been blocked by garbage. In Kiyaye (also in Nakulabye area) the drains existed but due to KCC's failure to collect garbage from homes, the local people were dumping it in the drains that led to their blockage. When Concern Uganda asked the residents why they threw garbage in the drains they replied "Where do you want us to put it? KCC does not collect it".[878] Hence when Concern Uganda desitting the drains, it put in place health committees for each zone. These were tasked with ensuring that the residents exercise responsible dumping of their garbage. Concern Uganda also appealed to KCC which responded by providing garbage skips in the area. According to Concern Uganda officials, the problems of flooding and mosquitoes have significantly been reduced. In addition to supervising and ensuring that residents dispose off their garbage more responsibly, the health committees carry out seminars for residents and mobilise them over the weekend to engage in general cleaning, desilting drains, cutting bushes and sweeping their premises.

7.8.3 Kampala Community Empowerment Project (KCEP)

KCEP is another project undertaken by Concern Uganda. It is also implemented in Kampala. It targets the poor in slum areas It covers six parishes, three in Central Division and three in Lubaga Division. The parishes covered are Kamwokya II, Kisenyi II, Kisenyi III, Ndeeba, Lubya and Busega. The areas covered have a population of about 83,000 people. These areas were chosen on the basis of very high incidence of absolute poverty, poor sanitation and high incidence of diseases resulting from poor environment and sanitation. They lack services and HIV/Aids rates are very high. Moreover poverty in these areas is rampant

[877] Ibid.Ms Rosemary Mbabazi explained that this is an area where several people ate roasted pork but there was no clean water for them to wash or drink. Spring water in the area is contaminated.
[878] Ibid. Ms Rosemary Mbabazi (interview).

because there is lack of gainful employment. It was established that 65 percent of women in these areas are housewives who depend on their husbands, yet most of the husbands too, hardly have secure sources of income. In these areas 7 percent of families depend on small scale informal businesses. 92 percent of the population in these areas can read and write but have no functional skills to enable them gain income generating employment. 88 percent of the families live in rented one-room tenements, most of them built with temporary materials[879].

Concern Uganda initiation of the KCEP was motivated by the realisation that the city authorities were either overwhelmed in terms of services that needed to be provided in these areas or simply neglected them. Thus the design of KCEP differed from the earlier one of KCDP. KCEP sought to strengthen local government structures and CSOs to facilitate the poor communities in these areas to address their needs. The methodology adopted by Concern Uganda for KCEP was to place emphasis on participation of local authorities, parish development committees and CSOs in planning, implementation, monitoring and evaluation of community development projects. It was also a partnership between various stakeholders in the community. The first undertaking of Concern Uganda in this endeavour was to train such stakeholders in participatory methodology, taking them through the project cycle and highlighting areas of their involvement and intervention. Such training has emphasized project identification, prioritisation, teamwork, project implementation, monitoring and evaluation. This approach has aimed at ensuring that communities benefit effectively from both local government and CSO projects, minimise duplication of efforts of CSO and local governments and to encourage local communities to contribute to such projects.

Apart from empowering the CSOs, local government structures and local stakeholders, the other consideration that Concern Uganda had in mind was that local government projects were not benefiting the poor in the communities because they were not effectively consulted and did not participate fully in the project processes. Concern Uganda in its experiment requested the Kampala Central Division authorities to entrust it with some of the project funds they received from the Local Government Development Project (LGDP). Concern Uganda argued with the Division authorities that external contractors denied the local

[879] S. Bagaya, project officer KCEP (interview). He did the baseline survey on which the KCEP project design was based.

communities the opportunities of getting involved in projects and that this lessened the benefits of the projects to them. Kampala central Division agreed to the idea and released Shs 54,900,914 to Concern Uganda for the use in the construction of drains in Kisenyi III and Kisenyi II parishes. The estimate for Central Division, using an external contractor, was Shs.20, 301,964 to line up 220 metres of drains in Kisenyi III and shs.34,598,950 to line up 240 metres of drains in Kisenyi II. When Concern Uganda, together with its local stakeholders received the money, the same amount lined up 381 meters of drains and seven foot bridges in Kisenyi II and 442 meters of drains and five foot bridges in Kisenyi III.[880] The same amount of money did double the work on drains plus the bridges. This is a clear indication of a successful local state-civil society partnership.

Concern Uganda used local contractors within the two communities of Kisenyi. The local stakeholders and the community supervised the projects and the results were that the same amount of money produced more works to the benefit of communities. The approach used by Concern Uganda emphasized among other things, that there was more transparency in the execution of works and that the community leaders were involved in the whole project. This reveals that with the involvement of the beneficiary communities in public projects much more can be done with public money. It also proves that capacity building in terms of educating the community about its rights and obligations, if well handled can empower the people to protect their public interests. Moreover, community projects done by the people themselves eliminate the profit motives of private contractors and reduce corruption that characterises local government projects.

Despite Concern Uganda's successful experiment with this and other similar community projects, its approach has not been replicated by the local government authorities in KCC. According to the officials of Concern Uganda:

> This approach denies local government officials and those of the District Tender Board the chance to get money for themselves out of these projects.[881]

Concern Uganda is also facing challenges both positive and negative. On the positive note, most of the members of Parish Development Committees (PDCs) who were trained by

[880]Opcit. Ms Rosemary Mbabazi, project Manager (Interview)
[881] Ibid.Rosemary Mbabazi. Interview.

Concern Uganda, and who helped in the transparent implementation of projects have been elected local council officials. This is an indication that the committees have appreciated the good work they have done. However, Concern Uganda has now missed these dedicated people. It is planning to train another cadre of PDCs. Concern Uganda has also raised the voice of the people. In Ndeeba, another place where Concern Uganda works, an external contractor appointed by the District Tender Board was rejected by the PDCs. The PDCs quoted the works done in Kisenyi where more work was done for less money.

Concern Uganda faces some negative challenges. There are various local political forces that would not want Concern Uganda experiment to succeed. Such forces introduce local politics in the whole process for example:

> In cases where a successful project is undertaken with the cooperation of a Movement leader, the multi-partyists want to bring it down. In places where multi-partyists happen to be the local leaders, the Movement leaders brand Concern Uganda as promoting the agenda of people opposed to the government[882].

Because the ruling government is a Movement one, some local Movement supporters have been agitating that the PDCs should be re-constituted so that Movement leaders take the positions held by multi-partyists. In Kisenyi II, concern Uganda was forced to pull out because of the local political wrangles there.

Although KCC was helped by Concern Uganda, not only in the implementation of its projects, but also to strengthen the capacities of local communities and to improve KCC's poor reputation[883], the latter has failed Concern Uganda. KCC officials do not come to facilitate workshops organised by Concern Uganda. This is because Concern Uganda does not give them allowances for coming to the workshops[884]. KCC officials also tend to perceive Concern Uganda's funding of the community as a reason for them not to provide for those areas where Concern Uganda is operating. They view Concern Uganda as an alternative service provider to KCC. This, in a way, leads KCC to relegate those areas where Concern Uganda provides services.

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[882]Ibid. Rosemary Mbabazi . Interview.
[883] KCC was known by local residents only for forceful collection of taxes. Even where KCC provided services, they were not appreciated by the community because they were not involved.
[884] As its policy, Concern Uganda does not give cash allowances for attendance of workshops and seminars.

Beside partnership with KCC, Concern Uganda has provided direct material services to the communities and supported its partner CBOs. Concern Uganda built a protected spring well in Kimwanyi (Wandegeya) and a toilet in the same area. The spring well serves twenty thousand people and the toilet serves about five hundred people in that congested area. Direct service provision though important for the local communities has problems related to sustainability. For example, after putting up the toilet at Kimwanyi, a project committee was elected to oversee it. The idea was that they would collect money from the users and the money would be used by the committee to keep it clean as well as clean the environment around the area. This expectation turned into a pipe dream as the members of the committee could neither maintain the facility in good condition nor account for the money. Similar problems of project sustainability have been noted by Concern Uganda in other areas where it works, for example, in Ndeeba and Kisenyi. In other-words, Concern Uganda faces problems of project sustainability similar to those experienced by local governments.

It has been pointed out that the problems experienced by Concern Uganda in the implementation of its projects are three-fold: first, in building the capacities of PDCs, it neglected the local councils (LCs). This bred conflicts between the two local organisations. Secondly, in its capacity building endevours, it did not train Division level officials. Thirdly, its funding mechanisms are parallel to other funding from the local governments. This too creates conflicts. Moreover, the local people feel over-burdened by the requirement of 20 percent contribution they have to raise for each project[885]. In other words, for communities where economic survival is the way of life for members of the households, some people view Concern Uganda's public investment projects as increasing their personal poverty rather than offering solutions.

Concern Uganda's approach has however demonstrated that full participation of the community members in projects renews public confidence, creates transparency and improves accountability. Participation of the project beneficiaries increases efficiency, voice and ownership of the projects. One example of this is that the community leaders control the

[885] Concern Uganda, Kampala Community Empowerment Project - Mid Term Evaluation Report, September 2004 Although Concern Uganda calculates contributions by the community not in cash terms but time and other inputs, the members of the communities where it works get fatigued by the constant calls to attend meetings and labour contributions

money themselves and regulate its expenditure. Concern Uganda created Fund Boards in every community it serves. This is composed of 2 PDC members, 1 parish councilor, 1 member of the Division Finance department, 1 staff of Concern Uganda and 1 member of the community. All these members of the Fund Board have to meet and agree that a particular creditor needs to be paid on satisfaction that his or her service to the community has been properly executed. Two of the members of the Fund Board are elected amongst themselves to endorse the cheques after a decision for payment of a creditor has been arrived at by the whole Fund Board. Later, the Fund Board reports to the community about their transactions. This process is clearly transparent. The process of community activism has enhanced greater communication in areas where Concern Uganda serves. As KCEP project officer noted:

> The most important thing is to see change-taking place in people's lives. This has happened in Concern areas. We see people fully in charge of their affairs. We have seen what empowerment can do to make leaders accountable[886].

He pointed out that before Concern Uganda started operating in Kisenyi II, there was a serious problem of sanitation and drainage. The problem was very serious in areas occupied by very poor people in zones such as School View, Kakajo, Mbiro, Kiganda, Kiti, Luzige and Kigali. In these areas, the poor people could not construct pit latrines because the water table is high and it is expensive. Concern Uganda has constructed pit latrines in each of these zones. This has reduced the incidence of environmental diseases such as cholera and dysentery which used to be common in the parish[887]. I observed that Concern had lined up most of the drains and placed foot bridges in Kisenyi II and III, thus their claims of service delivery are evident.

7.8.4 Concern Uganda's Support to CBOs

Concern Uganda is not only a service provider, it is also a funding agency to CBOs. Presently it supports six CBOs. However, during the course of this study we were able to visit and gain knowledge from only four. These are: Kamwokya Community Health and Environmental Protection Association (KACHEPA), Kisenyi III Community Health Workers Association (KICHWA), Mengo Kisenyi Youth Development Association (MKYDA) and

[886] Suleiman Bagaya, project Officer KCEP (interview)
[887] Mr. Hilali, a member of PDC, Kisenyi II (interview

Kampala Central Community Resource centre (KCCRC).[888] KACHEPA and KICHWA are engaged in environmental health and sanitation. MKYDA is engaged in economic empowerment of the youth while KCCRC is providing information services and encouraging a learning culture in the community. It is important to note that apart from KCCRC, the other three organisations existed on their own before they received funding from Concern Uganda. A brief summary of the objectives of each of the CBOs is presented before analysis of the issues involved.

7.8.5 Kamwokya Community Health and Environmental Protection Association (KACHEPA)

KACHEPA is a CBO located in The densely populated slum of Kamwokya II parish. It was founded by local volunteers who were inspired and trained by a missionary doctor Sr. Miriam Duggan. She had done a survey in 1992 and found out that most of Kamwokya II residents suffered from ill-health due to the poor environment they lived in. She then started a community based health care programme which recruited local volunteers to train as community health care workers. The trainee volunteers formed an association which evolved into the resent KACHEPA. KACHEPA was formed on realising that in Kamwokya II sanitation was either lacking or very poor. For example, many homes had no any form of toilet and were using polythene bags to dispose of their human waste. Most residents were not attending to their home environs. Food handling was poor and unhygienic spring water was contaminated but most people drunk it un-boiled. Even when cheap food was available, most residents suffered from malnutrition. HIV/AIDS was wrecking havoc in the area. KACHEPA members realised that there was an information gap that is, community members lacked guidance, counseling and education. In May 1995 the first group of 52 voluntary community health workers passed the course. Since then, more community health workers have been trained. These health workers got together to form KACHEPA, which remained a loose association until 2002 when it was formally registered. KACHEPA has worked closely with KCC authorities in activities involving: Child immunisation, pest control, safe motherhood, protection of water springs, HIV/AIDS campaigns, health and sanitation, education and garbage collection and disposal.

[888] Other two organisations supported by Concern Uganda are: Bukaddemagezi Development Association and Micro Credit Development Trust. The first gives credit to the elderly people while the second also gives credit to poor women.

KACHEPA's vision is "to have an environmentally healthy Kamwokya with a health community working towards self-reliance and development"[889]. Its mission is "to contribute to the development of the communities by participating in environmental health and creating awareness in order to improve the quality of health and living standards of the most disadvantaged people".[890]

KACHEPA identifies the problems of its beneficiaries at three levels: vulnerability, lack of resources and inappropriate policies, institutions and process. Vulnerability is viewed in terms of both gender roles and poverty. They argue that ill-health affects mostly women and children. They argue that men leave their homes early morning to look for work and come late in the evening. According to their analysis, women shoulder the burdens of home management. Because most children in this slum area are not sent to school by their poor parents, they exhibit irresponsible social behaviours which aggravate the poor environment in the area. Poverty is seen to be the main contributing factor to poor sanitation, for example, most people in the area can hardly afford the cost of constructing a pit latrine. The result is that most human waste is disposed of in the nearby drainage channels. Lack of resources is associated with lack of skills, capital for investment, services such as; clean water, communication and electricity. Most of the people, both young and old in Kamwokya lack gainful employment. They resort to drugs and alcohol, habits which make their poor economic situation worse. Inappropriate policies and institutions are viewed as a result of poor and unresponsive government policies, absence of a strong local economy in the area, negative cultural practices and corruption in government. Clearly, although KACHEPA identifies these problems broadly, it does not have the capacity to deal with them at that broad level. From the interview I held with its leaders, it was evident that they could only do limited tasks.[891] They have been active in collecting garbage from homes in the area at a fee paid by the residents. This has, for the last couple of years, been their main occupation. Thus, to argue that they have been motivated by ultruistic motives and voluntarism is to miss

[889] KACHEPA Strategic Plan 2004-2006.
[890] ibid, Strategic Plan 2004-2006.
[891] Group discussion with KACHERA leaders at their office in Kamwokya II. the leaders are: Daisy Kamwezi (Chairperson), Ronald Mujambere (V. Chairperson), Ochieng Francis (Health worker), Mathias Mutinyu (Office Administrator) Kizito Charles (Volunteer).

the economic gain that the members of KACHERA make out of this "business". As a discussion group[892] we had an interview where a member conceded:

> The members of KACHEPA are driven by the desire to serve the community. But volunteers are divided between their personal needs and those of the CBO. So one can only give limited time to KACHEPA. This is because he or she has a family to feed, clothe and cater for. Moreover most of our members are paying rent for the houses they live in. How would one expect the volunteers to give all their time to KACHEPA, where there is no income?[893]

Indeed part time volunteers do not get any sizeable income from KACHEPA. They receive only a lunch allowance of Shs.2,000/= on the days they work, and this also depends on whether resources are available or not. In lean times they may each get Shs.1,000/=. However, full time members such as those on the executive committee get regular salaries which are called "allowances", that is, they receive full time payment[894]. In recent years, KACHEPA's internally generated resources have dwindled. Their main source as noted before was collection of garbage for a fee paid by residents. Ever since KCC privatised garbage collection to big companies, KACHEPA's role in this business has come to the end. Since they have no membership contribution as a form of fundraising, the income sources of KACHEPA are very limited. What started as a self sustaining organisation is largely dependent on external funding from Concern Uganda.

Concern Uganda has transformed KACHEPA into a more formal organisation First, it required and assisted KACHEPA to register as a community-based NGO in 2002. This was a condition for it to be funded by Concern Uganda. Second, KACHEPA's objectives have broadened to include: home care and support for patients who do not have care-givers, KACHEPA members visit and help them wash clothes, cook food or mop the house. Concern Uganda provides basic things for this programme. These include salt, sugar rice, soap, vegetables etc. This programme extends mainly to HIV/AIDS patients. Another activity is known as patient referral programme. This too, concerns mainly HIV/AIDS patients, where those who are critically ill are counseled by KACHEPA volunteers and helped to go to the hospital for proper treatment. The transport costs and other facilitation for

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[892] ibid (discussion group).
[893] Ms. Daisy Kamwezi, chairperson KACEPA during the group discussion.
[894] Each garbage collector was receiving Shs 60,000 per month from KACHEPA. The leaders were/are receiving salaries but refused to disclose them to me.

such patients is drawn from Concern Uganda fund. Also, in order to reduce the scourge of HIV/AIDS KACHEPA formed a drama group to sensitise the community about the disease. Drama shows are staged at public meetings, schools, places of worship etc. KACHEPA recognised that most of the adult population in their community were illiterate. So, they have started adult literacy education classes which are given by volunteers free of charge. Health education about public health and hygiene are done in the community These involve educating the communities about boiling drinking water, responsible disposal of domestic waste, keeping the homes and environment clean and others.

Looking at KACHEPA's activities and programmes, one gets a sense that its internal capacity to drive itself has dwindled. It is now largely dependent on Concern Uganda for funding and policy guidance. It is evident from the new programmes KACHEPA has evolved in recent years, that it has shifted from its original concerns of environmental and sanitary objectives to HIV/AIDS - which is one of the priorities of Concern Uganda. KACHEPA seems to have followed the path of other CSOs which implement external agenda rather than their own internally driven goals.

7.8.6 Kisenyi Community Health Workers Association KICHWA

Kisenyi Community Health Workers Association (KICHWA) is another environmental health CBO operating in the densely populated slum of Kisenyi, two kilometers from the city centre of Kampala. It was founded by four members in 1998 Its objectives are: to improve health in the area, focusing on hygiene in homes, improve drainage by desilting drains, educating local people on proper garbage disposal, encouraging construction of latrines and keeping them clean.

In addition, their other objective is to fight the spread of HIV/AIDS. KIHCWA was formed in 1998 after two local residents died of cholera and many other people were hospitalised for the same disease. It also came from a realisation that since KCC was not doing much about their environment, there was need for a healthy environment. Apart from taking a pro-active measure on the issues affecting the health of their community, they hoped to engage KCC to deliver services in their area. The issues of HIV/AIDS were added to their programme because there is a lot of sex activity in the area partly because most of the unemployed youth take drugs and alcohol and engage in sex recklessly. The young girls and women redundant,

because they either do not go to school or have no jobs. Many engage in selling sex as a means of survival. Girls as young as twelve or thirteen are already very active in commercial sex. Whereas there are structures of local government, the local council officials "fear to tell the people the truth because they seek cheap popularity."[895]

KICHWA has 30 members: 18 women and 12 men. Members subscribe Shs.5,000 per annum. Their office is a makeshift "box" made out of motor vehicle scrap. Like KACHEPA, their main activity is collection of domestic garbage from homes of the residents at a fee of Shs.200 – Shs.500, depending on the amount collected. Since 1998 when KICHWA was formed, this has been their main activity. In addition, they mobilise the local residents to de-sit the drains which are constantly blocked by indiscriminate and irresponsible disposal by local residents, some of whom are unable or unwilling to pay the fees to KICHWA for its collection. Again, like in the case of KACHEPA, KICHWA has lost the garbage collection business after KCC licensed Nabugabo Updeal company to collect garbage in Central Division. The company has exclusive right to do this business, and this has edged out the small operators like KICHWA. According to its officials, this has dealt a serious blow to their programme of "serving the community" they have served for years when KCC had failed them[896].

KCC and Nabugabo Updeal company are accused of imposing heavy charges for garbage collection and of eliminating small operators like KICHWA, which was likely to increase poverty in the community. From their arguments, it is evident that their garbage collection activity was paying them well. I asked them whether their association was purely a voluntary one. They asserted that they were driven by the "plight of the community" but also argued that voluntarism in a poor community was problematic because "people have to find what to eat". For example, they argued that their membership has been declining from 46 in 2004 to 30 in 2005. They attribute this to the decision of the executive committee's increase of annual subscription for members from Shs.2,000 to Shs.5,000, which some people could have found hard to pay. They argue that most of the people in the area live from "hand to mouth". On a critical note, however, it is possible that some members could have left KICHWA

[895] Suleiman Oduma (KICHWA Chairperson) said during our group discussion
[896] Group discussion with the officials of KICHWA who included: Mr. S. Oduma (chairperson), Mrs. J. Kizito (advisor), Mrs. Milly Waiswan (Secretary). Ms. Kabulo Zainabu (member of the committee), Ms Alice Naiga (Member of the committee), Mr. Kalanzi Edrisa (member) and Hadija Wasege (office administrator)

following the entry of Nabugabo Updeal company which is collecting garbage on commercial scale. This has meant lack of income for members that they used to derive to their benefit.

KICHWA presently has two sources of income. They are receiving grants from Concern Uganda and are engaged in sub-contracting street cleaning services with the Central division. Concern Uganda is supporting KICHWA's programme on HIV/AIDS campaign, desolating drains, public hygiene sensitisation, drama group and is giving them capacity building seminars. Such seminars emphasize planning, project proposal writing, project implementation, monitoring and evaluation. In addition, Concern Uganda paid for their working uniform (overcoats and gum boots).

In a move to survive and gain income, KICHWA members have taken a sub-contract to sweep and clean the streets in the city centre. For this, every member who offers his or her labour is paid a daily rate of Shs.4,000/=. Of this amount, KICHWA as an organisation retains 5 percent for administrative and other expenses. Also, not all the thirty members are working on the cleaning sub-contract. Only 14 members are involved, the rest of the members are engaged in their private income generating activities. As evidenced by the nature of activities KICHWA members are engaged in, voluntarism seems to be a secondary motive. It is clear that they are engaged in economic activities which are primarily geared to the satisfaction of their personal benefit[897]. Thus whereas the KICHWA members lamented loss of business of garbage collection in Kisenyi III, they have used their experience to gain employment in the city centre. The question that the members of the discussion group were unable to answer satisfactorily is whether or not they are now acting as an income generation group or were still volunteers. They however, insisted in their argument that they still serve the Kisenyi III community "in other ways". They cited their active participation in child immunisation campaigns as well as HIV/AIDS campaigns. From the discussion, it became apparent that they are becoming "commercial" in orientation. They suggested for example, that they are planning to bid for cleaning contracts in the districts around Kampala such as Mpigi, Mukono and Wakiso. Yet in this pervasive "commercial" orientation, their

[897] I observed during our discussion with KICHWA officials a young man who is not a member but an employee of KICHWA on the cleaning subcontract who came to collect their wages after some days of his absence from work, being ridiculed by the chairman. The chairman said: "These young people have no sense of responsibility. He disappeared for a whole week, now he wants money. These people fail as to complete contracts on time".

perspective still contains some benevolence of "helping" the disadvantaged members of the community. They argued that most of the residents of Kisenyi III lacked jobs and HIV/AIDS was affecting many people in the area who are dying of HIV/AIDS disease because of poverty-they lack medication and food, so they die sooner than later. Thus getting them jobs would be a solution to their poverty.

It appears doubtful that KICHWA would be able to handle large job assignments if they were to get them. They lack the management capacity to organise and coordinate activities on a scale larger than what they are today. Since 1998, they have not had a Board of Directors.[898] The organisation has been run by a few founder members constituting an executive committee which is not regularly elected but holds office perennially. They have no assets, no proper office, no office equipment (e.g. computer, type writer, photocopier etc.)[899] The chairman of the committee doubles as the chief executive officer. My observation is that if the larger section of the community in this impoverished slum area "live from hand to mouth "as the group discussion members described it, the KICHWA members are not living differently[900].

7.8.7 Mengo Kisenyi Youth Development Association (MKYDA)

Mengo Kisenyi Youth Development Association (MKYDA) is another fairly effective CBO[901]. Located in Kisenyi II, its main activities are commercial by design and operation. Its objectives are to fight poverty among the youth and to impart positive behavioural change on them. Founded in 1999 and registered as a CBO in 2000, its aim is to give life-skills to the youth in Kisenyi II (the central area) of this large slum area. Like the other CBOs, it is driven by voluntarism and non-profit making motives.

MKYDA's activities include: training the youth in skills that can enable them engage in gainful employment. Other activities are drama and sensitization of the population against HIV/AIDS, community policing and environmental concerns. Training includes tailoring, carpentry, wax candle making and computer usage.

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[898] At the time of interview 24 July 2005, KICHWA executive members told me they were planning to put in place a Board of Directors

[899] When I requested for some documents, the office attendant had to do copies in the town of Katwe.

[900] During the discussions, some members who work on the cleaning sub-contract were coming for their cash payments. The chairman himself was paying from his drawer. There were no voucher books to sign.

[901] Interview with Mr. Stalon Mutyaba, Manager MKYDA.

MKYDA has four departments: Vocational training, health and sanitation, behavioural change and advocacy. Here below are the activities under each department.

Table 40: **Showing Activities of MKYDA**

Department	**Activities**
Vocational Training	❑ Tailoring ❑ Knitting ❑ Carpentry ❑ Candle making ❑ Computer
Health and Sanitation	❑ Drainage desilting ❑ Public mobilization (hygiene) ❑ Door-to-door refuse collection ❑ Bush clearance ❑ Access road maintenance
Behaviour Change	❑ HIV/AIDS Prevention ❑ Peer Group education and guidance ❑ Human rights and community policing
Advocacy	❑ Youth empowerment seminars ❑ Approaching and working with local authorities ❑ Selling the ideas of MKYDA to donors and the community ❑ Participation in community activities ❑ Attending local council meetings

Data on MKYDA's vocational training activities is scattered. However, the manager availed data for two years. In 2004, sixty five trainees passed their in various courses.[902] Each trainee is asked to contribute Shs.3,000 (approx. US$2). This is used for purchasing materials which are necessary for training. In addition, trainees are required to bring extra training materials. Some of the money that the trainees pay is used to pay the instructors.[903] At the workshop, I observed trainees busy producing products of their trades. Wax candles, knitted ware and furniture of good finishing were available for sale. The trainees interviewed were all praises for MKYDA. Most of the trainees had elementary education and were loitering the city streets with hardly anything of value to do. Since most of the trainees hail from the same parish, they were advised by either their parents or friends to settle for this

[902] Interview with Mr. Stalon Mutyaba, Manager MKYDA.
[903] Instructors are not volunteers. They are technical people hired by MKYDA to work for a pay, except one Hajati Mariam Namutebi who after being helped by MKYDA in 2000, in knitting and tailoring now volunteers to help other trainees.

kind of training. Others had been inspired by their peers who had been trained there and are now working either on their own or employed. There is a case of a successful young man in the nighbourhood, who after training at MKYDA sold all sorts of things in the streets as a hawker, was able to save enough money to buy a wax candle making machine. He boasts of "making it from scratch".[904]

The problems associated with product samples produced by MKYDA trainees is that they lack marketing outlets. Some are indeed, in a rudimentary state. While some institutions such as schools would have taken some of their products such as furniture and sweaters, MKYDA does not have enough money to produce products on a large scale. MKYDA chairperson argues that if they had any significant funding they would put up workshops which would employ their graduates and act a source of income for their organization.

Besides training at its centre in Kisenyi II, MKYDA has another programme of training which is a joint undertaking between MKYDA, Concern Uganda and Lugogo Vocational Training Institute in Kampala.[905] MKYDA mobilizes the youth, Concern Uganda pays their training fees and Lugogo Vocational Training Institute trains them. This programme has run since 2002. About 150 youth have benefited form this programme. There is no indication of what those who completed course at Lugogo Vocational Institute are doing currently. However, the Manager of MKYDA says they intend to carry out a tracer study to establish the impact of their programme on the youth who benefited from it. I met one young man who was due to graduate from Lugogo Vocational Training Institute[906]. Having completed his O'level with poor grades, he roamed the streets of Kampala looking for any form of employment without much success. On learning about MKYDA–Concern Uganda sponsorship at Lugogo Vocational Training Institute, he approached MKYDA and got sponsored. He has studied electronic engineering. He is capable of doing computer software, computer and mobile phone repairs. Even before his graduation, he is working for a computer company and earning a living. This is yet another example of MKYDA's success story.

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[904] Robert Senyonjo, candle maker in Kisenyi, a graduate of MKYDA. His success has inspired many youth in the area.
[905] Lugogo Vocational Institute is a government owned institute.
[906] Ronald Kasibante (aged 23) was due to graduate in September, 2005. Interview held on 27 July 2005.

Apart from Vocational Training MKYDA is engaged in health and sanitation activities in Kisenyi II parish. They work as volunteers in desilting drains. They mobilize non-member youth to be involved in communal environmental activities. In this they work with local council officials and get support from KCC–Central division. In the month f July 2005, Central Division had released Shs.250,000 for MKYDA's public health activities.[907]

More interesting of MKYDA's activities is their human rights and youth behavioural change programme. This is a multi-faceted activity. It involves getting the youth off drugs and alcohol. It also involves campaigns against criminality and the spread of HIV/AIDS. This programme is targeting the deviant behaviours of the youth. Many of the youth in Kisenyi are already drug addicts as well as alcohol abusers. These lead them into unsafe sex activities. MKYDA's intervention has registered great success in reduction of criminality. They use peer group training follow-up and observation. First, a few youth are selected, trained and empowered in new behavioural orientation such as knowing the dangers of drug use and alcohol abuse. Some of those youth who have managed to abandon those habits are turned into trainers. They trained other youth. They have formed their peer clubs. Members of the peer clubs watch over those whom they know are engaged in criminal activities such as pick-pocketing, robbery and mugging. Those who are unwilling to change are reported to the police. Some of the hard core criminal gang members have left the area because of being watched all the time. As the manager of MKYDA put it:

> In 2003 we brought the police band to play music at the international AIDS day celebrations. Instead of our local youth getting down to enjoy it, they instead run away very fast. The gap between the youth here and the police was too wide.[908]

This has changed. MKYDA's Community Policing Department has been very active in youth behavioural change. The youth have been educated about their responsibilities and rights in the community. The programme has helped in educating the youth about the dangers of drugs on their mental health, the benefits of cooperating with the police when arrested for an offence, the rights of an offender in the law and the need and benefits of being a responsible citizen.[909] The other aspect of behavioural change is the campaign against the spread of

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[907] KCC funding to MKYDA depends on latter's proposed activities.
[908] Mr. S. Mutyaba (ibid), interview.
[909] It was reported that most of the youth arrested by police would not be released on bond because their colleagues would fear to go there to stand surety for them. As a consequence many youth ended up staying in

HIV/AIDS. Although the campaign is done through drama, posters, public seminars, youth peer groups and use of radio programmes, what has been achieved cannot be quantified. No one seems to know whether or not the youth have changed their sexual habits. However, the campaign is still on.

In many respects the programme of behavioural change has gone hand in hand with advocacy. The main challenge that MKYDA has had to deal with is the aspect of raising the voice of the youth in the marginalized area of Kisenyi. MKYDA reports success in terms of lobbying local councils to prioritise the activities of the youth. It has recently received support for its activities from British American Tobacco (BAT), the Rotary Club of Kampala Central, Uganda Taxi Operators and Drivers Association (UTODA) in addition to its main financier, Concern Uganda.[910]

Inspite of the successes recorded by MKYDA, it still faces challenges of organizational growth and self sustenance. Like the other CBOs discussed above, it has no office accommodation of its own. They are renting space in Mbiro zone, Kisenyi II which is partitioned with temporary materials to serve as workshops and an office. They complain of incessant increment of rental charges.[911] They also lack any secure source of income to sustain the organization. In recent years, Concern Uganda has been footing their bill for rent as well as administrative expenses. For example, the management committee which runs the organisation on daily basis gets part of their salaries from Concern Uganda's financial grants. In comparison with KICHWA and KACHEPA, MKYDA appears to be a better managed organization. It has an advisory board of nine members who were elected by their general assembly. This board is responsible for policy matters. It also appoints members of the management committee. The latter reports to the board. This management system is lacking in the other CBOs we have discussed. Apart from a relatively sound management system, MKYDA's products are visible both in material terms as well as in changing and

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detention longer than necessary. This is reported to have changed. The youth watch the streets of Kisenyi against any crime activities.

[910] BAT donated boots and gloves for the youth to work on the drains. Rotary Club of Kampala Central donated sewing machines, carpentry workshop tools, and packaging materials for candles. UTODA sponsors their international AIDS day celebrations. MKYDA's main financier is Concern Uganda. The Latter supports their organizational capacity building.

[911] My critical observation is that those tools, equipment and computers were at a risk of being stolen. Besides, their land lord has increased rent from Shs.300,000 to Shs.500,000 in 2005

empowering the previously marginalised people, who are there and willing to give a testimony to the credit of their organisation. This is a result of the capacity that MKYDA has built over a couple of years it has been in existence. For vocational training, they have the following equipment:4 computers, 2 printers, 1 scanner, 1 laminator, 13 ordinary sewing machines, 10 advanced sewing machines and a fully equipped training carpentry workshop. They have 1 trainer in computing for 8 trainees, and 2 trainers for 42 trainees in carpentry works.[912] My critical observation is that they have a large installed capacity that appears to be under-utilised. They have also, not been innovative enough. Their installed capacity is capable of generating some revenue, for instance, if they took on trainees who could pay full fees for training. This would go a long way in generating internal revenue to support their programmes, rather then depending on external funding. This however, is not their main goal. MKYDA on its part, is so far serving its intended objectives of changing people's lives and to a great extent, they have been successful.

7.8.8 Kampala Central Community Resource Centre (KCCRC)

Kampala Central Community Resources Centre (KCCRC) is a new project initiated by a partnership of CBOs that are supported by Concern Uganda. These CBOs are MKYDA, KACHEPA and KICHWA. Started in April 2004 with financial support from Concern Uganda, [913] the three CBOs created KCCRC to serve the following objectives: to promote a learning culture among the people in Kisenyi, to bring modern communication services to the area and to promote exchange of information. It was conceived on grounds that the people of Kisenyi have to go to the city centre to access telephone and other communication services such as internet. There was no library service in this area, which limits the learning opportunities of the people, especially the youth. It is envisaged to serve as a one-stop centre for services at reasonable cost for people in the area. The services provided include; library, newspapers, computer training, typesetting, photocopying, binding, public telephone and internet services. These services are deemed necessary in view of the information gaps that the Kisenyi communities experience. For example, most of the people in this area are too poor to afford the cost of buying a newspaper daily. The centre provides newspapers, whereby a reader pays a small fee and reads all the newspapers of the day at the Centre.[914]

[912] Observation checklist at their premises at Mbiro zone - Kisenyi II on 27 July 2005
[913] Concern Uganda provided funding for KCCRC of Shs.741,800 to start it up. Concern Uganda hoped the project would sell its services and become self sustaining in the long run.
[914] Most dailies cost Shs.800. Reading newspapers at KCCRC is at a fee of Shs.100.

Internet and telephone services at the centre are cheaper than the commercial rates elsewhere in the city. The overall objective of the project is that it will reduce poverty through improvement and access to information and communication technologies.

The project however, had a false start.[915] Started in April 2004, it was closed by the end of November of the same year. There was mismanagement, the workers were unskilled, the CBOs (that formed it) were squabbling, finances had been mishandled, there was poor record keeping and services were poor. These factors worked against the realisation of the objectives of the project. The community had not been sensitised or properly informed of the existence of the services at the centre. Moreover, the community at large and the local leaders had not been involved in the planning of the project. They therefore, perceived it as a centre for use by the founding CBOs, not for the community. It ran for seven months, April to November 2004, without realising any of its objectives. Concern Uganda, the main funder withdrew and it was closed until May 2005 when it resumed providing services to the community.

Before the Centre resumed, the project management committee was re-trained by KCEP staff on their roles, responsibilities and supervisory skills. In addition a new cadre of staff was recruited directly by Concern Uganda. There are two people working at the Centre; the Manager and a Documentalist. The manager is a University graduate and the documentalist is a Diploma holder. It is reported that the public response to the services of the Centre has been good. The library and newspaper readership has already gone beyond the small space available at the Centre. Other services are gradually picking up clientele. Due to increase in demand for the services at the Centre, Concern Uganda has set aside Shs.39 million to put up a floor to house the Centre on a building being constructed by Slum Dwellers Foundation in Kisenyi III.

This short story of KCCRC exposes a number of issues in the management of CBOs. First, whereas they are convinced about participatory management, they are not practicing it well enough. Secondly, their noble idea of a one-stop centre for such services, excellent as it is, could not be nurtured by their own imagination to fruition. Internal squabbles and self

[915] S. Bagaya, Project Officer KCEP (interview).

interest were wrecking a well thought out project. Thirdly, transparency in some of the CBOs is better preached than done. Lack of transparency led to the temporary closure of KCCRC. There were no books of accounts and expenditure was done without proper records.[916]

With reconstituted management under the watchful eye of Concern Uganda, KCCRC has seen a turn round. The local leaders have been incorporated on the board, services at the centre are advertised at local council meetings, the expenditures are sanctioned by the management team, financial and other records are meticulously kept.[917] All this, thanks to Concern Uganda which threatened at the re-opening of the Centre that if it were mismanaged again, support to the concerned CBOs would be withheld.

The CBOs own KCCRC only in theory. Each of the CBOs was supposed to contribute financially, to the setting up and running of KCCRC. This has not materialised. So far, the contribution of the three CBOs to KCCRC is the attendance of their representatives of the KCCRC board meetings. The salaries of the two workers at the centre, procurement of books, magazines, newspapers, all the furniture and equipment and rental payment for the building that houses the Centre are paid for by Concern Uganda. The creation of the Centre, though a good idea championed by the three CBOs; has added another organisation to the list of local CBOs dependent on Concern Uganda. Nevertheless, the management of Concern Uganda has no cause to complain. This happens to be one of their cherished ideas of changing the lives of the people in the disadvantaged areas of Kampala. Besides, it is argued that this and other projects under KCEP is the reason for the existence of Concern Uganda[918] - which is targeting reduction of poverty in both urban and rural areas.

Looking at the balance sheet of KCCRC, for the months of May, June and July 2005, there are little chances that KCCRC would meet the target of self sustenance. Although there was tremendous improvement in terms of percentage income, it was still far from meeting even

[916] Jesca Nantaba, the new Manager of KCCRC (interview)
[917] Observation checklist at KCCRC, Kisenyi II offices.
[918] Ms Rosemary Mbabazi (interview). She said money is not a problem of Concern Uganda, viable projects targeting poverty reduction are in short supply.

the monthly salary of one employee at the Centre.[919] However, the objective of the project is not commercial but social. The services offered at this centre are probably the only one of their kind offered by any other NGO or public organisation. Save for Centre for Basic Research (CBR), a premier research institution based in Kololo, the upper class suburb, no other service of this kind is known to exist in Kampala; especially in the marginalised areas of the city. Thus, even if KCCRC is unable to collect income capable of sustaining it internally, it is one project that has potential to impact positively on the lives of the poor, especially the youth-born and raised in conditions that are not conducive to scholarship and knowledge sharing. The students interviewed at the Centre appreciated the service[920]. The Centre's potential in reducing poverty and enhancing social learning will probably be realised in the long rather than short run.

7.8.9 Kamwokya Christian Caring Community (KCCC)

KCCC is a multi dimensional organisation. It deals with a multiplicity of problems affecting the most disadvantaged people in the community. It focuses on vulnerable people whose social situation has been gravely affected by conditions beyond their capacity to handle. Helping people in chronic poverty, social deprivation and diseases is the reason, passion and pursuit that drives KCC. [921] Founded in 1987 by Sr. Dr. Miriam Duggan, an Irish Franciscan missionary sister, KCCC is a faith and community-based CBO in Kamwokya II parish, a densely populated slum in the outskirts of Kampala. Though based in Kamwokya, KCCC delivers services in other disadvantaged areas of Kampala. The mission of KCCC is to improve the quality of life of the most disadvantaged and vulnerable groups in Kampala district through enhancing their capacity to identify and address their social, health, economic, spiritual, cultural and development needs".[922]

KCCC utilises an integrated and holistic approach to community development. It deals with the problems of vulnerable people at two levels: (i) providing support and treatment of people affected by HIV/AIDS and (ii) engaging vulnerable and marginalised people…" in

[919] KCCRC, Quarterly report (May, June and July 2005) indicates the incomes as follows: May, Shs 6,450 June 47,000 and July Shs.98,500/=

[920] The Centre has 16 chairs and three reading tables. Students overflow the place which is already too small to accommodate their demand for reading space. The older members of the community trickle in for public telephone and newspaper services.

[921] Statement by Mr. Francis Mbaziira, Executive Director KCCC (interview, 1 August, 2005)

[922] KCCC(2005) "KCCC Policy Statement P.1.

long term processes that enable them to have a voice, share experiences and learn about effective ways for tapping available environmental opportunities and overcome poverty, AIDS and other factors that negatively impact on their livelihoods"[923] KCCC inspiration is derived from their slogan:" Called to care, share and serve,"[924] that seems to reveal their Catholic faith concern as well as their charity orientation. Although KCCC is a Catholic Church founded organisation, the services are provided to members of any faith. For example, it started on the basis of local council system in Kamwokya II parish where people of all religious denominations reside. The main concern was (and still is) the control of HIV/AIDS in the area. The concern in 1987 was that AIDS was a new disease which most people had little knowledge of. Because AIDS patients would be emaciated and had terrible appearances, they would be isolated and stigmatised by people around them. KCCC intervened by sensitising the community about the disease and helping the sick.[925]

Starting as Christian pastoral work of visiting the sick, KCCC grew into a large organisation, diagnosing the problem of AIDS beyond being a physiological sickness. It was contextualised by KCCC members as a social, economic and cultural problem. Poverty was identified as one of the main causes and accelerator of AIDS. Besides, AIDS was seen not only as an infection that disabled the human capacities of the ones who were ill but also socially and economically effecting those close to them or who depended on them for their normal livelihoods. In this way, KCCC contextualised the problem in a very broad perspective that informed its objectives and programmes. According to KCCC officials:

> What started as a small Christian work, grew into a large project whose concerns went beyond matters of faith… to broad issues of poverty, HIV and other associated diseases, as well as orphans, street kids, food, and everything to do with vulnerability and destitution.

This perspective informs the objectives of KCCC which are:

- To provide, promote and support basic education, vocational skills training and functional adult literacy opportunities for the indigent and orphaned children, school drop-outs and the girl child through KCCCC informal school, Vocational training centre and school fees sponsorship programme.
- To provide health care services, counseling, bereavement care and psychological/spiritual support to persons infected by HVI/AIDS in the community.

[923] KCCC (2005), Policy Statement (ibid.)
[924] KCCC (2005),"Brochure".
[925] Because there was little information about the cause of AIDS, local people were associating it with witchcraft.

- To involve the community, particularly women in income generating projects.
- To provide shelter and rehabilitation to disadvantaged/vulnerable aged people and children.
- To plan, implement, monitor and evaluate youth development and sexual and reproductive health activities, personal development skills, entrepreneurial skills development, career guidance, peer support clubs and behaviour change for young people 10-25 years.
- To engage in projects for purpose of generating funds to run community services.
- To carry out research, compile and analyse data and disseminate findings on factors that affect vulnerable people especially those infected and affected by HIV/AIDS.

The broad concern of KCCC is the problem of HIV/AIDS which is estimated to have affected the lives of two million Ugandans with more than 500,000 having developed full blown AIDS. It is estimated that 65 percent of the total HIV/AIDS victims are young people aged between 14 and 30 years, two thirds of whom are female. In particular Kamwokya Parish with a population of 39,000 people, most of whom are youth is HIV positive, since most of these are young parents, their death leads to increase in the number of orphans and needy children.[926] These have to suffer deprivation of food, shelter, clothing, failure to attend school, lack of care; and may end up living on streets and engaging in criminal activities.[927] In response to these social problems associated with the HIV/AIDS disease KCCC has evolved programmes to help the vulnerable and disadvantaged people.

Table 41: Showing the Planned Activities of KCCC

Programme	Activities	Outputs
PRIMARY HEALTH CARE	❑ Prevention and control of HIV/AIDS and other diseases ❑ Investigation and diagnosis of diseases ❑ Treatment ❑ referral ❑ Child immunisation against preventable diseases ❑ Community education.	❑ Outpatient treatment at clinics at Kamwokya, Kyebando, Bukoto and Mengo-Kisenyi. ❑ provision of ARV drugs, 6289 persons on ARVs - 4,166 adult females, 1652 males and 471 children. ❑ 8,000 general patients receive treatment from KCCC clinics every year. ❑ 316 children are immunised every month. ❑ 350 Community Based

[926] KCCC, Brochure (ibid)
[927] KCCC, Brochure (ibid)

Programme	Activities	Outputs
		Health workers have been trained.
PERSONAL DEVELOPMENT SKILLS	❑ Motivation and personal Development skills workshops. ❑ Positive parenting seminars. ❑ Training Peers educators ❑ Formation of Peer support clubs (Treasure life Youth Centres)	❑ 120 Peer club members meet at Kamwokya ❑ 56 Peer educators trained in Mengo-Kisenyi ❑ 40 Peer educators trained in Kamwokya ❑ 46 Parents have been trained in positive parenting ❑ Behaviour change among the youth registered. ❑ Increased communication parents - children.
GENDER AND SOCIAL WELFARE	❑ Promotion of human rights ❑ Fighting domestic violence ❑ Promoting Gender parity ❑ Economic empowerment ❑ Fighting household poverty.	❑ Provided low interest loans to 237 households ❑ Income generating activities started ❑ Gender stereotyping reduced ❑ Building strong families ❑ More families enabled to send children to school.
CHILD WELFARE AND DEVELOPMENT	❑ Rehabilitation of disadvantaged and vulnerable children ❑ Children scholarship scheme ❑ Fostering children ❑ Strengthening the psychology of children to positive orientations.	❑ 1536 orphans and vulnerable children are supported in schools (65) primary (12) secondary and 10% tertiary schools. ❑ 250 children helped to settle from the streets. ❑ 120 community-based child counselors trained ❑ 42 children placed in foster homes. ❑ 300 children in KCCC informal schools.
VOCATIONAL SKILLS TRAINING AND DEVELOPMENT	❑ Equipping young people with hand on skills in tailoring, bricklaying, leather works etc. ❑ Apprenticeship for Vocational trainees ❑ Entrepreneurial skills imparted	❑ Every year 250 young people are trained at KCCC Vocational training centre at Kamwokya ❑ Every year 100 are sponsored by KLCCC to train at other Vocational schools.
FOOD AND NUTRITION	❑ Food provided to HIV/AIDS, TB and mentally sick patients. ❑ Patients advised to eat	❑ 6,500 form households affected by HIV/AIDS and poverty are supplied by KCCC with food

Programme	Activities	Outputs
	nutritious food ❑ Children under direct care of KCCC are fed at the centre	❑ 357 orphans and vulnerable children in KCCC Vocational informal school are fed.
PASTORAL CARE AND SUPPORT	❑ Giving spiritual guidance and counseling ❑ Spiritual retreats organised ❑ Group sharing and one to one spiritual sharing.	❑ Restoration of hope ❑ Increasing resilience ❑ 1,500 people benefit from pastoral care every year.
FUNCTIONAL ADULT LITERACY	❑ Equipping reading and numeracy skills to adults who have never gone to school, who are unable to read and write ❑ Help these people to count money and do some business	❑ 200 people are benefiting from this programme. ❑ Beneficiaries get to know how to read and write ❑ beneficiaries access loans and start small enterprises.

Source: Data compiled from KCCC (2005), Policy Statement **.**

The holistic approach employed by KCCC in dealing with the socio-economic and health problems of the disadvantaged people has earned it a lot of financial and other support from local and international donors. All the above programmes have for a long time been implemented from the church premises at Kamwokya. During the time of this study, KCCC was undergoing a physical transformation. A new school with a modern building (double storied) was being erected to absorb what used to be an "informal school" operated in church premises.[928] Most services rendered by KCCC are supported by international organizations. ARVs for treatment of HIV/AIDS patients are provided by the United States government through the Presidential Emergency Plan for Aids Relief (PEPFAR). In Uganda, this aid is coordinated by Catholic Relief Services (CRS). In addition to the medication, KCCC is receiving food for the Aids patients from USAID. Other food aid to KCCC is donated by the Indian Community in Uganda, United Nations Spouses Association, the World Food Programme, Feed the Children, and some individual members of the local community. According to the KCCC officials, most of the aid givers are more willing to give support to services than the personnel and administrative costs. The success of KCCCC programmes

[928] The new school building is to be named after Sr. Dr. Miriam Duggan, the founder of KCCC. The money for the school building (US$500,000) was donated by CARITAS-SWISS, a Catholic Charity organization in Switzerland. The office block was financed by CRITAS – Norway and Catholic Relief Services (CRS).

therefore, has largely been enabled by a large team of volunteers, who give their time and labour selflessly.[929] Thus, a combination of voluntarism and extensive donor funding have greatly helped KCCC's efforts in delivering services to the needy people. Here below is the extent of funding to KCCC.

Table 42: Showing the Funding to KCCC, 2004

Name of Donor	Amount in Uganda shillings	Period of Grant	Purpose of Grant
American Jewish World Service	95,757,321	1 Year	Psychological support
Angella Brandit	782,670	1 Year	
AVSI	64,790,000	1 Year	
Basic Needs UK	28,563,365	1 Year	Mental Heath
Binamungu	272,500	1 Year	Tuition Fees
CARITAS SWISS/Lexenburg	269,397,000	1 Year	Psychological support
CARITAS SWISS	150,000,000	1 Year	School Construction
COOPI	100,000,000	1 Year	Micro Credit
Concern Worldwide	18,416,000	1 Year	Community Health
CRS Life	55,508,593	1 Year	Food Support
CRS (Main)	274,596,517	1 Year	Psychological support
DARLOD	44,245,235	1 Year	Tuition Fees
CRS Construction	85,000,000	1 Year	Construction of office & Clinic
GLRA	17,832,000	1 Year	Foster Homes
INGERISH	7,310,000	1 Year	Tuition Fees
INGER Fund	3,255,000	1 Year	Tuition Fees
PEPFA/CRS	297,877,240	1 Year	ARVs therapy
INGRID & CRESTO	3,954,537	1 Year	Tuition Fees
Kampala City Council	4,462,000	1 Year	PHC activities
KARIN Fund	386,061	1 Year	Tuition Fees
LOINS Aid Norway	794,000	1 Year	Children donation
SCIAF	315,857,611	1 Year	Psychological support
TDH Italy	136,664,164	1 Year	Tuition Fees
RASKOB	76,141,550	1 Year	Psychological support
TRISHA WHITE Fund	9,782,000	1 Year	Tuition Fees
Total	**2,061,645,364**		

Source: *KCCC (2005) Policy Statement, p.12.*

[929] Mr. Peter Kayiira Byansi. Some of the volunteers are HIV/Aids patients whose lives have improved with the assistance of KCCCC.

From the table above, it is clear that KCCC's programmes have benefited from massive international funding. By Uganda's local standards one year's funding to the tune of Shs.2 billion. (or about US$1.2 million), KCCC is a well funded NGO. Surprisingly, it is one of those little known NGOs.[930] Going by this level of funding, and the extensive service provision that KCCC gives to the needy people and communities, KCCC is probably one of the largest local NGOs in Uganda. However, like most of the local NGOs, it is evident that KCCC is largely dependent on foreign funding. Local fundraising has not been attempted. As the list of funders shows, Kampala City Council is the only local organization that trickled in with Shs.4 million. The rest of the funders are foreign. The KCCC officials reported that although much of the funding is foreign, they have not had any "strings" attached to the aid they receive. It was further reported that the donors are impressed by three factors about KCCC, namely; its accountability and transparency, the voluntary spirit and actual delivery of services that has changed the lives of thousands of vulnerable people.[931] The KCCC officials contend that aid in itself is not bad.

> What matters is what you do with it, how you do it and the results you can show for it.[932]

In the case of KCCC, service delivery is supported by aid but it is not the prime mover of things in this organization. The main actors are the critical masses of volunteers whose commitment goes beyond the call of duty to ameliorate the suffering of fellow men and women, especially the victims of HIV/AIDS.

The management style employed by KCCC is also totally different from that of most of other NGOs in Uganda. KCCC managers and other workers neither have fancy cars nor air conditioned offices. They simply have working desks and computers.[933] Most of the staff stay out in the field leading volunteers. Some of the staff have no offices, they report in the morning, they are assigned duties and report back in the late hours of the afternoon. Apart from this horizontal management style, there is effective participation in the organization which take place at five levels:

(i) All workers and volunteers participate in the discussions of the programme to be done.

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[930] Many small and poorly funded NGOs make headlines in Newspapers and other media. KCCC does not.
[931] Mr. Peter Kayiira Byansi
[932] Mr. Francis Mbaziira, Executive Director KCCC (interview).
[933] I observed this during the interviews at their office in Kamwokya.

(ii) Management takes up ideas from such discussions for and designs programmes.
(iii) Management reports to the Board, which sanctions the programmes.
(iv) Communities are asked about the appropriateness of the programme and what their priority concerns are.
(v) The management ensures programmes are implemented, monitored and evaluated. This approach has enabled KCCC to accomplish most of their programmes satisfactorily–the very reason it is able to attract large amounts of funding from the donors.

KCCC however faces challenges like other NGOs in Uganda. It is an organization whose activities are aimed at alleviating the conditions of sick people. This is not only expensive but also stressful. "Giving care to people whose lives have been crippled by HIV/Aids is frustrating especially when their conditions fail to improve."[934] This was even worse before ARVs (AIDS treatment) became more available. The situation, however, has improved with free ARVs provided by PEPFAR. Even then, there are not ARVs to administer on every patient. At the same time, most of HIV/Aids patients treated at KCCC clinics are very poor and can not afford nutritional meals. KCCC is providing food to them and their families. This too, is expensive. It has been made possible by donors. A combination of ARV treatment and reasonable diet has helped many HIV/Aids patients regain normal lives.

Ordinarily KCCC would have expected the local communities to contribute to the sustenance of their programmes. This has not been forthcoming because most of the people in the areas where KCCC provides services are too poor to do so. Some donors also insist that KCCCC demonstrates that the local communities have commitment and willingness to make contributions and to take over the programmes once the aid grants come to the end. This shortcoming has, at times, discouraged some donors from giving grants to KCCC. On the other hand, KCCC has used its large team of volunteers to demonstrate to the donors that these members of the community are giving selfless support to the implementation and success of the programmes. The volunteers are the main reason that KCCC continues to attract large donor funding.

In terms of human resource management and motivation, KCCC employs a small skeleton staff of fifteen people who oversee the implementation of its programmes. These workers are

[934] Mr. Peter Kayiira Byansi

over-stretched and over-worked. Yet, the pay at KCCC is relatively small compared to other NGOs with similar tasks.[935]

The managers of KCCC argue that KCCC is a good service provider. Their argument is based on the large clientele they take care of. For example, they cite the good quality of health care they provide which attracts a large clientele[936]. This large number of clients over-stretches the care givers as Peter Byansi puts it:

> "…..care givers are fatigued, they are torn between giving care and providing for their economic survival as individuals".

Most caregivers are volunteers, who get no pay for the services they render to KCCC clients. The KCCC managers argue that if it had not been for constraints of financial resources, the volunteers would have been given some allowances to enable them get along. The problem, however, is that most donors are unwilling to accept proposals that seek to give allowances and staff salaries. Presently, staff salaries are budgeted for under the item of administrative expenses. In other ords, KCCC does not explicitly present requests for staff salaries to the donors, which could lead to their proposals being rejected.

Motivation of staff and volunteers at KCCC comes from work itself. Most of the volunteers are former and (some are still) beneficiaries of its services. "Giving back" is the inner driving force that keeps more than 350 volunteers of KCCC going. They have also been trained by the same organization in various approaches to care giving including: counseling, catering, nursing, community health, social work etc. In other words, most of the volunteers take personal pride in service to others in need. On the part of the employees, KCCC encourages team work and achievement of results. Management inculcates a spirit of love and care among the workers. One of the employees asserted that:

> it is all about positively helping and changing people's lives for the better….it is not about money. How much money can buy life?[937]

[935] The KCCC managers declined to give the details of the salaries in their organisation.
[936] I observed a long que of clients waiting to be attended to at KCCC clinic at Kamwokya when I went there for interviews. The managers estimate that 38,200 people are receiving health care from all KCCC clinics in Kampala. This is in addition to 1536 children KCCC is looking after.
[937] Interview with the coordinator, field care givers.

Constraints and challenges faced by KCCC have been managed by a combination of varied approaches. The greatest resource in this endeavour is the resilience of volunteers, who have forged partnerships with communities where KCCC services are provided. Every operational area is divided into cells. Each cell has a service committee.[938] They discuss their priorities and needs, and make inputs in the programme activities of KCCC. Besides, KCCC uses a transparent approach to accountability. The budget for a service in a particular area (cell) is discussed with the members of the cell committee before implementation. The beneficiaries of the service are given accountability manuals which they follow to ensure that implementation is done according to the guidelines in the manual. Through this process, the community gets to own the services.

At the level of the organization itself, KCCC uses rigorous accountability mechanisms. These include a finance committee that scrutinizes the activities to be funded. Management regularly reports to the same committee on the progress of planned activities and expenditures thereto. The budget itself is not operational until it has been approved by the Board of Directors. With these mechanisms in place, KCCC has attempted to act as an accountable organization both to its Board and the beneficiary communities.

One area where improvements need to be made is the motivation of staff. Some of the staff interviewed revealed a sense of resignation and perceived KCCC as "exploiting" them. They are overworked and under paid. Although most of those interviewed were unwilling to reveal their take home incomes, it could be discerned that their frustration was a result of comparing their salaries with colleagues in other NGOs. NGO workers in Uganda are much better paid than other workers in the public sector, for example, the medical workers in government hospitals. Asked if they would prefer to change and work in government departments, the key responses were two-fold: that, there is lack of transparency in government institutions, for example, the lower level workers only received orders from above, which was not the case at KCCC. The other key response was that though KCCC was not a well paying organization, it provided leadership which allowed the staff to get a sense of satisfaction from their achievements. For instance, attending to a client consistently until his/her condition or

[938] These cells in most cases follow the local council structure. Service committee members meet regularly to discuss issues affecting the service provisions in their area.

need improved. This feeling of "ownership of results" has been the greatest motivator of KCCC staff.

Put together, KCCC is a relatively well managed NGO. Its service provision though largely dependent on foreign funding has helped to save or sustain lives of many people in their dire need. Its voluntary spirit and organisational base goes a long way in cutting costs of service provision, enhancing efficiency and delivering visible services that account for its attraction of large foreign funding.

7.9 Assessment of NGO Service Provision in the Context of Decentralisation

The case studies detailed in this chapter illustrate that in the poor or marginalized urban areas, the interventions by NGOs and CBOs have helped to address some of the problems of the vulnerable sections of the community. The activities of the NGOs and CBOs either supplement the services of local governments or fill the vacuum in service provision. As we have noted in some of the voluntary sector cases, the compelling reason for their involvement in service provision was occasioned by the paucity of the much needed services in the communities marginalized by state institutions before and after decentralisation. In other cases, the voluntary sector sought to cooperate with local government structures to enhance service provision. The extensive intervention of the voluntary sector is also a demonstration that decentralisation has not adequately addressed the needs of the communities in the marginalized areas of Kampala city. For example, by the time Kampala City Council came up with the Solid Waste Ordinance, 2004, which sought to introduce private companies in the collection of garbage in the city, its logic was an admission on its part that it had failed to deliver on its mandate as a city authority. Besides, KCC reasoned that, after all, CSOs acting as private collectors were already collecting garbage for a fee.

In the case of KCCC, the driving force for its formation was the lack of concern by state institutions for people affected by poverty and HIV/AIDS problems. It is important to note that for a place like Kamwokya with thousands of people, there is no single public clinic and other social services.[939] What is even more interesting in terms of social service marginalisation in Kamwokya area is the divide between social classes. In Kamwokya I

[939] A new public school was under construction by the time of this study (2004-2005). KCC was also upgrading Kamwokya – Kyebando road.

parish on the upper side where the rich live, the sewerage systems, piped water supply and tarmac roads exist and are regularly serviced. Garbage is routinely collected by Kampala City Council. In sharp contrast, Kamwokya II parish in the lower neighbourhood, where the poor live, such services are absent. This area divide illustrates the failure of the official policies to provide equity and social justice to all members of society. There is practically no social security system in Uganda.

Thus, from a critical look at the marginalized area of Kampala city, the benefits of decentralisation have not sufficiently trickled down to the extent of a visible change in the communities living there. As the document of a British government sponsored project code-named City Community Challenge Fund (C3F) notes, Uganda's improved political stability and economic growth have led to drastic rural-urban migration and urban growth, especially in Kampala where facilities, originally designed for 600,000 now cater for nearly one and a half million people.[940] There is therefore increased pressure on Kampala's city infrastructure, rampant poverty and unemployment, high crime rates and the ever increasing number of street children.

The operational mechanism of the C3F project is similar to those of Concern Uganda. The C3F is premised on empowerment of the communities and helping decentralisation to work. C3F principle is that, if projects are initiated by the communities themselves, the livelihoods of the poor can be improved. Equally, C3F anticipated that, if the participatory model worked for the benefit of the community, the local governments could adopt it, and that would lead to their projects being more responsive to the needs and aspirations of the poor.[941] As the C3F project document puts it:

> It is recognized that the key to reducing urban poverty is the existence of good, responsive governance at the local level which, in turn, influences the efficient management of urban development and administration of services. It is therefore important that the local government process is democratic, accountable, participatory, transparent and embraces poor communities.[942]

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[940] C3F is a project focused at poor urban communities, aimed at improvement of services, increasing the voice of the poor and providing credit. It was initiated by the British Department of Foreign and International Development (DFID).

[941] Ibid. C3F. See www.c3f.org.uk.

[942] We did not independently evaluate the contribution of the C3F project during the course of this study. See www.c3f.org.uk

The emphasis in the decentralisation policy in Uganda, is indeed, placed on the above tenets of good governance. However, it is the practical aspects of those involved in the service delivery and the constraints of resources in local governments that have led to inadequacy of public services. As a result, two modes seem to dominate the provision of public services, vis: involvement of the private sector and activities of CSOs service delivery.

In Kampala City, KCC has virtually privatized the provision of almost every service – from toilet cleaning, road sweeping, garbage collection, collection of revenue etc. The rationale for the privatisation of service delivery has always been emphasized as increasing efficiency and effectiveness in services. This has tended to mean that only those people with financial means, especially the better-off in society consume the services. The negative implications of privatisation, such as relegating the poor are rarely highlighted. For example, the management of KIHCWA, the CSO which used to collect garbage in Kisenyi III argued that the KCC contractors of garbage collection, Nabagabo Updeal Company,was neither efficient nor pro-poor. Nabugabo Updeal collects garbage from homes of local residents at a fee of Shs.500 per small bag. If it is bigger, the household will pay Shs.1,000 per bag. In areas occupied by the poorest of the poor like Kisenyi III, Shs.500 or Shs.1,000 is "big" money.[943] Besides, Nabugabo Updeal Company, in bid to increase its clientele and to make more money, removed garbage skips from the road side where residents used to dump their solid waste. The result is that the poor people, who probably want to avoid paying for garbage collection, simply dump it in the drains, especially at night. The drains get blocked. According to KICHWA members, whereas KCC had promised that the contracting company for garbage collection would desit the drains as well, Nabugabo Updeal is not doing so. The environment around Kisenyi III has again degenerated.[944] At the same time, KCC is blamed for giving monopoly for garbage collection to one large company in both Central Division (to Nabugabo Updeal Company) and in Kawempe (to NOREMA). According to KICHWA officials, these monopolies lead to increase in poverty. This is because the smaller garbage collectors such as KICHWA members were getting some income from the "business" of garbage collection were edged out. Moreover, they as CSOs were providing community services such as desilting drains, health education and bush clearance, free of

[943] KICHWA was collecting a bag of garbage from each household for Shs.200. Shs.1,000 is equivalent of US$0.5. However, though appears as little money, for the vast population in Kisenyi most of whom have no employment, many household live on less than one US dollar a day.
[944] We observed this during our study visit there.

charge. They argue that such free services had reduced incidences of malaria, water-borne diseases and deadly cholera.[945] KICHWA had also helped to plant four stand water pipes with the financial assistance of Concern Uganda, and had lobbied KCC authorities which had also installed two stand water pipes in the area. This was intended to improve the availability of clean and safe water to the residents. The argument then is that, by KCC relegating CSOs like KICHWA and KACHEPA and preferring the services of environmental health to companies that are 'detached' from the community[946] and whose primary motive is to make profit, KCC was accelerating the increase of poverty and negating the role of community based actors in the affairs of their own community. The broad issue here therefore, is the contestation between privatisation of service provision by KCC and the perception among the CSOs that the privatisation drive is "hurting" the interests of the communities that are supposed to be intended beneficiaries of the services. There is the misplaced belief that privatisation delivers services better than public bodies. The evidence, however, indicates that private providers are more profit-driven than service delivery per excellence. This also puts to question the mode of privatisation that is opted for by government institutions. The argument is that the logic of privatisation does include participation of the community stake-holders, does not spread out the benefits to the beneficiary members of the community, and only concentrates and ends up serving a few vested interests. This argument is reinforced, among other things, by the fact that when KCC, for instance, in soliciting and vetting companies to do certain tasks on its behalf, it rarely consults the local communities or even, their leaders.[947] This, in effect, hollows the whole idea of popular participation that is more "preached" than done.

Accountability in service provision by CSOs can be understood at three levels. The first one is that they are institutional responses in area where both the state and the market have not had an adequate impact in addressing the problem afflicting people's lives. This is seen in

[945] It was reported that KICHWA members that since the inception of their activities, the last cholera cases occurred in 1998.
[946] One of the big companies, Engineers Investments, hired by KCC failed to collect garbage for a fee in Kampala Division because the local residents did not understand why they had to pay for a service that KCC authorities were supposed to do as part of their statutory duty. A new company called Norema was later hired. To get the Kawempe residents to pay for solid waste collection, Norema had to organize community sensitization seminars and to solicit the support of the resident in this venture.
[947] Cf. Uganda Debt Network (2003), Monitoring the use of the school facilities Grants for Primary Schools. The guidelines for local government's projects e.g. schools, require that the communities monitor implementation of projects.

terms of state failure and market imperfections. The second level is to see CSOs' interventions as enhancing the capabilities of the communities to be able to address their needs. The third level is the partnership between the CSOs and the state institutions in provision of services. In all the three perspectives, CSOs aim at empowering communities in one way of another. This makes it possible for the communities to get engaged and to take keen interest in the form and the processes through which a service is provided, or even the question the concerned organizations, as to why they are not receiving a service. This may engender harmony but it may also cause conflicts[948] between the CSO and the state actors. Although some observers hail Uganda as a "success story" in utilizing aid for reducing poverty and human development, and conclude that Uganda provides an excellent example to show that aid can work, the cases we have discussed in these pages indicate that this is an over-generalisation. Cases of CSOs reviewed, clearly indicate that they largely depend on foreign funding, and are generally weak. Moreover, except in isolated cases have CSOs empowered local communities to demand accountability from state institutions.

[948] Senin Abdulla, "Do Aid Projects Make a Difference?" www.open 2. net/making a difference/non-gov.org. Also Tomothy Shaw, "Uganda as an African" Developmental state: Projects for human Development/Security at the turn of the Millenium" www.shef.ac.uk/uni/academic/N-Q/perc/dev.

Chapter 8

Analysis and Conclusion

In this chapter, I reflect upon and review the issues that have been at the centre of the debate in this thesis. The key research question in this dissertation is whether or not decentralisation promotes good governance in urban management processes. Concomitant to this, are issues of prudent urban management, democratic decision making and participation and the contribution of civil society to the sustainability of urban service delivery mechanisms. The leading question is: does decentralisation lead to good governance, development and efficient and effective service delivery? And to what extent has decentralisation helped in the process of rebuilding state capacities for delivery of public services?

The conceptual underpinning of this study is based on the assumption that decentralisation is considered part of the processes of rebuilding state capacities and public sector reforms in Africa since 1980s. It is part of a deliberate effort to make local institutions work for the people. Amidst the extreme casualties of the poor economic performance, social disorders and political turmoil that characterized most African countries in the 1970s and 1980s, public sector reforms were considered and implemented as part of the institutional reform, undertaken by the donor community and the national governments. Such policies included: structural adjustment programmes, economic liberalization and deregulation of trade, divestiture of public enterprises, liberalised monetary regimes, civil service reforms and state decentralisation. Decentralisation was conceived as a deliberate policy, intended to decongest the centre, reduce bureaucratic delays, increase local participation in and implementation of programmes, increase mobilization of local resources for development, enhance efficient and effective utilization of resources for development, encourage popular accountability and transparency in decision making, hence accelerated development. Further, decentralisation was seen to deliver both democratic decisions in political terms and efficiency in managerial perspective. In decentralisation, political decisions and managerial actions are seen as two sides of the same coin.

In this thesis an attempt was made to relate the above themes with the empirical realities on the ground, through the case study of Kampala. This chapter interprets and puts in perspective, the issues that emerged from the study. Understandably, this necessitates going back to the research objectives – the political, managerial and partnerships in service delivery.

8.1. Assessing the Political Objectives of Decentralisation

Without much doubt, decentralisation is a political process. The form, the course and outcomes of decentralisation are dependent on the design of decentralisation Different states adopt various models to achieve their desired political objectives. For example, the Chinese use "democratic centralism" which emphasises integration of local government functions through a process that allows the central state to dominate decision making at the local level. On the other hand, the British and French models emphasise the "dual supervision of local governance"[949] - which allows the local leaders a significant voice in local matters but obliges the central government to provide the services. There is a strong element of central control. In the North American model, local governments are created by the States through their legislatures. The over-arching principle is to allow local governments exercise "home rule" in their specific areas of responsibility. There is a wide range of variations in local governance in the less developed countries (Mawhood 1993, Cameron 2002).

Inspite of the variations in models of local governance, the overriding principle is that local governance should be democratic – with clearly defined jurisdictional mandates. Most important, this is pre-eminent in terms of democratic elections at the local level, that is; popular representation as well as a significant control of locally raised resources and spending powers. This is generally conceived on the principle of *subsidiarity* (down-up system of decision making). Local participation is meaningless if local councils have no financial means of translating decisions into services. In Uganda's case of local governance, the political process leading to decentralisation was guided by populism of the ruling party, the NRM, the international donor framework of funding government programmes and the ideology of the NRM of appearing to be pro-people. In short, at the inception, in the late

[949] Anwar Shah (1986) "A comparative Institutional Framework for Responsive, Responsible and Accountable local Governance" in Anwar Shah (ed). ***Local Governance in Industrial Countries*** p.25
ibid, p 25

1980s the political objective of the NRM was to secure local legitimacy and to fit in the donor framework of funding. However, the implementation of the fully-fledged decentralisation clearly spelt out in the Constitution (1995) and the Local Government Act (1997) stressed the government's commitment to new rules of the game, that is, specific mandates for local governments and financing of the responsibilities given to local governments.

It is an imperative observation that although decentralisation was imposed from above, it was embraced at the local level. First, the design was appropriate and well thought out to cater for local conditions. Looking at the broad political objectives, one notices that decentralisation was designed to create responsible and responsive local governments. Sufficient political and administrative powers were devolved and sources of finance were spelt out. In other words, even if the ruling party hoped to gain electoral advantage in the process, this did not interfere with the need for a proper design of decentralisation. Secondly, local officials (both appointed and elected) gained a sense of ownership of their policies and pride in seeing some locally designed programmes being implemented. Many local conflicts were locally resolved, largely by consensus, except in cases where excitement and lack of experience bred unprincipled conflict.[950]

Decentralisation in urban areas had effects as in the rural areas, for example; holding of village meetings, security meetings, resolving domestic disputes; dealing with local land matters and so on. The main difference between the rural and the urban contexts of decentralisation is that, in urban areas, local residents tended to be very busy trying to meet their economic needs that they missed some of the village meetings. However, decisions arrived at such meetings were binding on every resident, for example, payment of Shs.1,000 per month by each household for village security is rigorously enforced by the LC officials. Thus, decisions arrived at by consensus at meetings created a forum for discussion of matters affecting the local residents. The problem arising from poor attendance of meetings is that LC officials made very many decisions, purportedly in the interest of local residents. In the process, some corrupt activities amongst the LC officials were reported, for example, they sign off land transactions at ten percent of the sale price. These monies are never accounted

[950] See Sabiti Makara (1998) Political and Relations in Decentralisation "in Nsibambi A., Decentralisation and Civil Society in Uganda," Kampala: Fountain Publishers

for. In Makerere II Zone, the Chairperson we interviewed said such monies were used for building an office for the village LC. However, there were no records of accountability for any monies the LCs collected, say, for signing passport forms, registering civil cases, fines and others. A general impression held by residents of LC officials is that they are corrupt and self-serving. Thus, while in the rural areas LC officials, especially the Chairperson tend to be respectable people or people of material wealth, to the contrary, in the urban areas, it is the under-employed who offer to serve on the LC Committee. This social status has tended to undermine their credibility as leaders in urban areas.

Local leadership has also faced other challenges. One of such challenges is the local leadership of Parish Development Committee (PDCs). PDCs at LCII are not catered for in the statutory arrangements of LCs because the basic planning authority at the lower level is LC1 (village), LCIII (Sub-county) and then (LCV), the district. Hence, PDCs created in the wake of the World Bank – sponsored Local Government Development Programme (LGDP) that supports local development/investment projects have no statutory powers. These are elected from amongst notable citizens in a parish. In some cases they are hand-picked by the Parish Executives Committee. The PDCs are charged with planning and over-seeing investment projects in the parish. All LGDP supported projects require that the PDC concerned, mobilises local residents to contribute ten percent (10%) of the cost of the investment. It was revealed that PDC officials connive with prospective contracting companies that vie to executive such projects – the company concerned pays the 10 percent to the PDCs which they use to secure funding from the District. Once the money is released, the PDCs who are the supervisors of the investment, cream off certain proportions of he money for themselves. In turn, the contractor does small or shoddy work which is "approved" by PDCs. The complexity with this, is that PDCs are not directly accountable to the people, both technically and politically. Projects implemented by PDCs have only had limited direct positive impact on the lives of the ordinary urban dwellers.

8.2 Good Governance and Service Delivery

In countries which have experimented with institutional reforms, there is great anticipation that such reforms will produce conditions suitable for good governance (S. Kayizzi-Mugerwa, (2002). In particular, decentralisation policies combine administrative, political and socio-economic tenets which make it possible for the ordinary citizens to manage their

affairs as effectively as possible at the local level. In the urban setting, decentralised governance was intended to address issues related to service delivery, greater community participation, creation of user-friendly policies, greater accountability and transparency in the financial management and service delivery.

The challenges encountered in urban service delivery range from failed state institutions, poor service delivery, demotivated local government officials, corruption and inefficiency as well as lack of resources to execute policies. The main problem is lack of policies that are pro-poor, that significantly reduce poverty and address social maladjustment. Whereas several attempts have been made to create a more efficient and effective organization, aiming to improve services on a sustained basis, the results have not been encouraging. The people lost confidence in the formal institutions. Instead, ordinary people created their own service institutions such as Parents-Teachers Associations (PTAs) in the management of schools. (Passi, (1995). PTAs supplemented the meager salaries of teachers and erected new buildings. When government medical services failed, the people resorted either to local herbalists or private medical practitioners. Although the economic reforms and decentralized service delivery undertaken in the 1990s may have attempted to revamp service delivery, this has not reached satisfactory levels. For example, in Kampala city only 10 percent of primary school education is provided by the State. The rest is in the hands of the private sector or religious organizations. The situation is worse in the health sector. Although KCC maintains health centres in each of its five Divisions, these hardly receive medical supplies. Our findings revealed that at these clinics, the main activity of the nurses is to carry out immunization of children against diseases such as TB, polio, and other preventable diseases. In any case, this is a programme sponsored by the Central Government. In Kampala, it is difficult to see a significant contribution of KCC to the medical services.

Most respondents interviewed during the study argued that the failure of KCC to provide services was associated with lack of good governance, which is associated with the prevalence of rampant corruption. Although the decentralisation policy has put in place measures to control corruption by ensuring that most of the decisions are arrived at through committees, this has not changed the popular view that KCC is largely a corrupt institution. Respondents asserted that it is difficult to get any KCC official to do anything for a client

without the latter parting with some form of inducement. To a large extent this is raised as the reason why many people embark on erecting illegal structures in most parts of the city. It is argued by the respondents that prospective small property developers dodge the process of getting building plans approved by KCC authorities because it could sometimes cost (in illegal payments) as much as the cost of constructing the house itself. In short, corruption has been a hindrance to the development process in Kampala.

The major limitations of the policy of decentralisation in Kampala included the land tenure in the city which is skewed in favour of individual landlords who are neither investing in its development nor willing to sell it to other developers. The result is that most of Kampala city is a sprawling slum. Land tenure systems have made urban planning very difficult in Kampala. Moreover, this study also found that the planning function of the city was ruins. Most of the tools and resources needed for planning were barely in place. This is even made worse by the fact that there is alarming scarcity of qualified urban planners. Those available prefer to work for private firms rather than government.

In technical, administrative and political senses, urban governance has remained problematic in Uganda, even in the era of decentralisation. It is difficult to talk of good governance in Kampala city. It is filthy, unplanned, mismanaged and unable to deliver effective and efficient services. It appears that Kampala has failed to overcome Uganda's socio-economic and political collapse of institutions and social order, which negatively affected the capacities of state institutions to deliver public services.

8.3 The Challenges of Fiscal Decentralisation

This is the most controversial aspect of decentralisation. Premised on assumption that decentralisation increases availability of resources to local projects, empowers local communities to control, own and direct projects at local level, in Kampala this assumption is only partially true. A comparative overview of the situation before and after decentralisation indicates that more financial resources are now available to Uganda's local governments as a result of decentralisation. Up to 36 percent of national financial resources today is devolved to the local governments. The bulk of the money is collected by central government and allocated to local governments in form of grants. Although the grants have availed more resources to local councils, most of the grants leave little or no room for discretionary

spending of the local councils. It has therefore been observed by the local councilors that the government has used its grant system to control their activities at the local level. This is perceived as undermining local autonomy and weakening the very essence of decentralisation.

Fiscal decentralisation, considered the main cornerstone of decentralisation has further been weakened by the marginal tax base of local councils. As I have discussed in this thesis, the local governments depended on direct taxes. However, the main direct tax-personal graduated tax was scrapped by the government in 2005. This was after all, long overdue. This particular tax had always been difficult and very expensive to collect.[951] The scrapping of this tax, however, left local governments with a very small tax base. Many local projects have stalled.

The main problem with local government finances, however, is not the amount available to local councils; it is the failure of effective use of money available to them. For example, Kampala City Council collects revenue amounting to Shs.22 billion, which is more than half of what all local governments in Uganda collect. However, KCC is perennially indebted and unable to provide meaningful services. During the course of this study it was revealed that the bulk of the money raised in KCC is spent on administrative activities rather than activities aimed at improving the provision of services. While the general assumption in decentralisation is that the elected political leaders would be mindful of services to their constituencies, the evidence gathered for this study in Kampala indicates that to the contrary, politicians (councilors) are deeply concerned with serving their personal interests. This has weakened their will to act as watch-dogs of people's interests, to check the excesses of the local bureaucratic officials. Because the commitment of the bureaucratic and political officials to service delivery is half-hearted, the willingness of he ordinary tax payer to pay his/her levies to KCC is less than expected. Most respondents argued that taxes paid to KCC amounted to a total loss since the benefits were hard to come by. While some scholars have argued that periodic election of local officials increased opportunities for citizens at the local

[951] A new local tax to replace personal graduated tax has been proposed in the 2007 budget. It is known as Local Service Tax. It is yet to be implemented, cf. Ian Livingstone and Charlton (1998) "Raising Local authority district revenue through direct taxation in a low developing country: Evaluating Uganda's GPT." Public Administration and Development Vol. 18, Issue 5.

to decide "persons whom they think can serve their interests on local councils,"[952] evidence gathered during this study reveals that this assumption needs to be re-visited. For KCC councilors, the talk does not match the deeds. Instead of romanticizing the political benefits of decentralisation in re-shaping local governments, especially KCC, it appears prudent to take a note from Akin Mabogunje's observation on the management of African cities when he asserts, "well known problems now confront us in new and bewildering guises."[953] My study has confirmed that political representation in KCC appears to be more of symbolic value than social value to the ordinary citizen.

8.4. A Critical Assessment of the Alternative Service Delivery Mechanism

More than any other local government in Uganda, KCC attempted to improvise a system of alternative service delivery mechanisms (ASDM), which was discussed at length in this thesis. Borne out of internal realization by KCC management that the state of service delivery fell far below normal expectation, and that the image of KCC among the Kampala people was negative, ASDM was conceived to rekindle people's hopes in its organisation. This internal perspective was reinforced by the external funders, especially the World Bank.

Alternative service delivery has registered some positive as well as negative outcomes. Some of the key positive indicators included: the ability of KCC management to restructure its organisation, ability to increase locally generated revenue, restoring people's confidence in the organisation of KCC; restoration of its planning function; streamlining the financial management function (e.g. installing a computerized financial management system); re-valuation of properties for purposes of taxation; drawing of the Kampala master-plan; rehabilitation of city markets; and generally putting a new sense of management in the city. In terms of actual service delivery, some major infrastructural works have been undertaken, notably the rehabilitation of the Nakivubo Channel at a cost of Shs.23 billion, aimed at controlling floods in the city funded by the World Bank. The fact that KCC is now credible enough to borrow such huge amounts of money indicates a return of confidence in its organisation.

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[952] See Onyach-Olaa, M. "The challenges of implementing decentralisation: recent experiences in Uganda" in *Public Administration and Development* vol.23 Issue 1, 2003, p.105

[953] Akin Mabogunje, "Overview of Research Priorities in Africa" in Richard Stren (1994) Urban Research in the Developing World (Vol.2), University of Toronto.

Despite the positive outcomes of ASDM in KCC, there have been persistent concerns amongst the Kampala residents that KCC is not doing enough to provide the much-needed services. To many Kampala residents, the benefits of ASDM appear not to be visible. The ever permanent sight of uncollected and rotting garbage littered all-over the city, makes it an uphill task for any official to convince Kampala residents that anything significant in policy terms has changed in KCC. Moreover, ASDM came with a package of cost-sharing, between KCC and Kampala residents. This requires every household to contribute a monthly fee towards collection of garbage. The ever present question asked by many residents is: "what does property rate tax do?" The residents answer their own question with another, by saying: "the very reason why KCC collects property tax is because it is a service tax for one's property. So, what purpose is it for now?" On its part KCC argues that urban residents need to share in the rising cost of running services. This would probably not have been a problem if the private companies providing services had been more efficient than KCC. Through documentation and observation, it was noted by this researcher that only one-third of the garbage in Kampala is actually collected by KCC. While this pathetic situation persists, the study also revealed that the bulk of the money collected by KCC is actually not only squandered but sometimes stolen by KCC officials.[954]

Lack of proper and transparent management of funds in local governments has created a popular opinion amongst residents that through the devolution of powers, the government "decentralized corruption." This opinion is borne of a popular view that officials of the central government are generally perceived as corrupt, hence, the practice has spread to local governments as well. These perceptions are not far-fetched. The evidence gathered during this study showed that some KCC officials connive with suppliers of goods and services to the council to cut a difference for themselves. Many respondents interviewed during the study strongly asserted that the poor service delivery in the city is largely a result of the connivance between KCC officials and suppliers in the process of attempting to provide certain services such as road works, drainage works and even garbage collection. The private provision of public service by agents contracted by KCC had in many cases done shoddy

[954] In January 2006, Shs.3,253,012,886 (equivalent to US$21 million) disappeared mysteriously from KCC accounts in the banks. The money was drawn on cheques properly signed by senior KCC officials. They were subsequently suspended and are facing charges of fraud in the courts of law.

work. It was also noted by many residents that they were dissatisfied with the private providers of services contracted by KCC, for example the unhygienic manner in which companies contracted to collect garbage carry it through the city. Unlike KCC which owns custom-built trucks to ferry garbage, the private contractors carry garbage in open trucks, littering roads and releasing a terrible stench to the people along the way.

While KCC innovated by adopting the ASDM mechanism, there were no adequate preparations put in place to supervise the contractors of services. KCC officials complained that lack of effective supervision of contracts has frustrated both the officials involved in service delivery as well as the citizens, who are supposed to benefit. Most KCC officials concede that the state of service delivery falls far below people's expectations. This is partly blamed on lack of guidelines to service providers and the supervisors. There are simply no set standards for service delivery. This makes it difficult to pin down the contractors on their failure to properly execute contracts. Cases of road works signed off as completed work and paid for, and immediately thereafter, washed off by rain water have been numerous. This shameful state of affairs has left KCC officials defenceless. If it is not a case of connivance, and corruption, it is a case of neglect of work. However, not a single case of KCC official was reported as disciplined for any of these offences in recent years. Although it was difficult to establish empirically, it was deduced by this researcher, through observation that poor service delivery in KCC was *systemic*, that is; most officials connected to a particular contract demanded to be "tipped" before a contract was awarded. Thus, while the design of ASDM was well conceived, intended to improve service delivery; its outcomes have been frustrated by the vested interests of KCC officials, both elected and appointed.

8.5 Public-Private Partnerships: A case of reinventing the wheel?

The theoretical underpinnings of decentralisation give a strong priority to effective and efficient mechanisms of bringing private providers in the arena of provision of public services. It is assumed that such arrangements create room for efficient and effective service delivery, apart from breaking the monopoly possessed by the bureaucratic organisations of government. Hence the public-private partnerships are conceived as a gateway to better citizens' preferences, value for money and reduction of transaction costs. But more broadly, the invitation of the private sector to participate in provision of public services is premised on the perceived multiplier effect it is envisaged to bring to the local economy, whereby local

entrepreneurs benefit in the process of producing a service – helping several members of the community to gain directly or indirectly. This approach has been attempted in Kampala. However, deriving from the findings of this study, it was revealed that advantages from this method of service delivery I have not been apparent. Instead, Kampala residents perceive contracting-out as part of the local |pork-barrel politics"

As this thesis has demonstrated, the wish by KCC to realize efficiency benefits through competitive bidding (using its tender board) and parceling out contracts to private companies only brought short-term benefits. Data presented in this thesis shows that here was a great momentum in this direction in the mid-1990s which increased the financial resources to the KCC Treasury However, these initiatives seem to have reached a dead end. This is partly because of three principal reasons: lack of official commitment, failure to follow a "rule-book"[955] and lack of reputation of the bidding companies. It has been argued by experts[956] that when any of these principles is neglected, the bid-giver, the local government in this case; is likely to suffer the adverse consequences of contracting out. In this thesis, it has been demonstrated that most of the service contracts awarded by KCC have been mismanaged. This has happened at two levels: first, it has been shown that KCC officials lack commitment in supervising contracts, second, there are no clear rules regulating operations for contract winners, and third, the KCC has more often than not, failed to keep its part of the contract (e.g. laying basic infrastructure) to allow the bidders operate smoothly. In turn, these factors have helped the bidders to default on their parts of the contract. Evidence has been given in this thesis that confirms the several cases where contractors have defaulted. For example, by March 2007, UTODA owed KCC Shs.2.5 billion in contract arrears.

While the drive towards public-private partnerships has produced mixed results in KCC, for example, increasing the revenue for the Council, there are serious concerns that have been overlooked. First, KCC has, by and large, gone beyond the initial design of public-private partnership and embraced full scale privatisation. For example the city markets which had been rehabilitated in the 1990s with a World Bank loan with the objective of creating employment and sustainable livelihoods for the urban poor have been sold to private

[955] See Andrew B. Whitford "Designing Markets: Why competitive Bidding and Auctions in Government Often Fail to Deliver" *The Policy Studies Journal* Vol. 35, No.1 2007
[956] ibid.

developers. For the NRM government and KCC which claim that their policy goals are geared towards poverty reduction, the sale of markets is a clear negation of such a policy. Secondly, the sale of lands and markets by KCC defeats the principles of transparency and good governance. Not only are such sales shrouded in some shoddy deals, they are never advertised or subjected to competitive bidding. This study established that the sales of lands, markets and other assets by KCC to private developers in most cases did not follow procedures established by the District Tender Board (DTB). At times the DTB was sidelined, proper valuation of such properties was not done, and the interests of the sitting tenants were ignored in such transactions. The Public Procurement and Disposal of Assets law was more often than not totally ignored by KCC. Sitting tenants under the law are supposed to be given first priority whenever a process of re-development of public assets is to be undertaken. However, vested interests in KCC (both local politicians and civil servants) are reported to have connived with rich private developers to marginalize the *bonafide* tenants in such sales. Newspapers have been awash with stories connecting big shots in Central Government and KCC in conspiracy to allocate strategic pieces of land, including city markets to private businessmen leaving thousands of market vendors unemployed. For example the Minister of Local Government, Kahinda-Otafiire addressing KCC emphasized:

> These markets must be developed. I can't make an apology and I will not preside over structures where tomatoes are sold on the ground. How do you blame Otafiire for developing markets? That's my job. Would I be a Minister for rearing goats?[957]

This was a direct defiance of President Museveni's directive to the same Minister contained in his April 19, 2007 letter that read in part thus,

> I am writing to direct you to stop a practice of Local Governments selling markets to private individuals. What are you looking for in privatizing markets where thousands of poor people are working? How can NRM be involved in such a type of feudalism?[958]

The President's letter to the Minister of Local Governments followed the latter's clear stance of fronting for a businessman (Hassan Basajjabalaba) to buy the central market of Nakasero where 2500 vendors work for a living.

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[957] See the Daily Monitor 2 July 2007, p.7
[958] Ibid, p.7

Besides, the dubious interests of local and central government's officials, it is KCC which has failed the development of the city. Not only has KCC been allocating plots without a clear re-development plan, stakeholders such as the Town and County Planning Board have not been consulted in such matters. There have been serious concerns over KCC's bid to sell whatever green area exists in the city. Many newspaper articles and people interviewed for this study suggested that KCC officials were engaged in corrupt deals involving sale of land. Although the government, including President Museveni has intervened, it has not succeeded in convincing KCC from engaging in "primitive privatisation" of the city. Thus, despite the theoretical argument that public-private partnerships and piece-meal divestiture of non-core assets by state institutions increases efficiency in allocation of resources,[959] this has not been the primary motive of KCC, where private interest have undermined public interest. This study found little correlation between privatisation in KCC and efficient public management.

8.6 Civil Society – Local Government Relations

One of the fundamental changes that have occurred in the local governance of urban areas is the increasing participation of civil society organizations. During the colonial and the immediate post-colonial period, this was not the case. Local administration as it was known then, was more of a formal structure and process of government business at the local level. The idea of society-based organizations having an active role in the matters concerning government business was not even contemplated. However, at that time, the people looked to the government to serve them, and in many cases there was a reasonable degree of government services. This encouraged the ordinary people to make voluntary contribution to public works, for example in Uganda – this was known as *bulungi bwansi* (for the good of the nation), where every able-bodied male person would voluntarily participate in maintenance of public works at the local level.

In today's local governance, it is almost impossible to ignore the contribution and participation of civil society. If they are not engaging the government, pressing for a particular course of action, they are collaborating to change the status quo. During the course of this study, it was revealed that civil society organizations had made significant

[959] Cf. Elizabeth Benret, Peter Grohmann and Brad Gentry "Public – Private Partnerships for the Urban Environment: Options and Issues" PPPUE Working Paper Series Vol. 1 UNDP/Yale University, New York 199.

contribution to the welfare of the urban communities, including paying for some drugs in the city clinics – for example the African Medical Research Foundation (AMREF) was purchasing drugs for KCC Clinics. Local NGOs, for example, Kamwokya Community Caring Centre (KCCC), with significant foreign funding (in billions of Shillings) was providing an extensive programme of care for the socially-disadvantaged, as well as AIDS/HIV patients**.**

It was noted during the study that the involvement of CSOs in local government came with the some advantages. Where partnerships between local governments and NGOs succeeded, there was improved service delivery and reduction in the cost of providing the service, for example KCC and Concern Uganda. Equally, people's participation in the planning and implementation of project activities improved as a result of seeing real benefits of their involvement. Where communities were very active, the NGOs were more willing to put more resources, hence an increase in the welfare and well-being of the beneficiaries. Local initiatives prospered more where the communities had more committed leaders than where they were not.

While the contribution of CSOs has helped in reshaping and re-defining governance at the local level, issues were raised by the respondents about the unpredictability of CSOs. NGOs especially the foreign ones had specific agenda which was resource-fixed and time-bound. If they supported an initiative for say, five years, no matter whether the project succeeded or not, they would wind it up, if that was life-span of their funding. This ended up frustrating the ordinary beneficiaries. Local sustainability of foreign-funded projects proved to be very problematic because of their design, targeting foreign resources. The local momentum was lost on the way. Most local beneficiaries' direct contribution in the financial terms was marginal. Local NGOs tended to be over-dependent on foreign funds.

The most debilitating effect of foreign-funded local NGOs is that they tended to be complacent when it came to engaging the local authorities to do their statutory duties and responsibilities or to ensure accountability. During the course of the study, I found little engagement between the NGOs and KCC on such critical issues. Instead, the NGOs were "busy" implementing their programmes. But also, within themselves, there was a problem of popular accountability. Evidence that local-foreign-funded NGOs were accountable to their

membership was not easily obtainable. Moreover, like it was the case at the national level, most NGOs sought to cooperate with local governments in the process of implementing their programmes. While there was some evidence of improved and accountable local leadership at the local level as a result of interventions by NGOs, for example, in areas covered by *Concern Uganda*, it could not be established whether this continued to be the practices at the end of the project cycle. Although imparting good leadership was one of the core objectives of the programme of *Concern Uganda*, there was no post-project analysis of such impact. Besides, the concept of good local leadership as understood by the NGOs, especially *Concern Uganda*, tended to be narrow. It took the perspective of local leaders who participated and were active in the grassroots programmes. The concept of good leadership did not include other qualities such as confronting KCC to account or to bring serves to the people. Failure to press KCC to account implied that the NGOs were supporting and sponsoring a weak and complacent leadership that was not able to transform the governance of the city. For example, in the many struggles the market vendors have waged against their eviction and sale of markets by KCC in the period 2004 – 2007, the local council leadership at all levels has not spearheaded any, in the interest of the affected people. Being part of a struggle against injustice and unfair treatment of sections of the population is and should be part of the leadership needed to bring about transformative government in the state-society relations. This quality of leadership is still lacking in Uganda's local governance.

8.7 Conclusion

This thesis has demonstrated that decentralisation as a key element of the governance reforms in Uganda has instituted a number of positive changes in the management of public affairs both at the centre and the local level. The most notable change in this process has been the returning of a system of elected councils. This has replaced the nomination or outright appointment of councillors. Thus, despite the weaknesses of the new local council system discussed in this thesis, still some elements of democratic rule are inherent in an elected system. Besides, the Constitution and other laws have proclaimed decentralisation as a pillar of the whole governmental process. This is clearly evident in terms of financial commitments of government to the local governments. Although these commitments have fluctuated over time, the principle of non-subordination of local governments still holds as a constitutional obligation and as a governmental principle. These commitments are the linchpins of the decentralisation programme.

The rooting of decentralisation has transformed local governance norms in fundamental ways – the ordinary people today look to the local governments to deliver services rather than waiting for the distant centre. This process has been helped the vigorous participation of local and international civil society organisations in providing services and engaging the state institutions at the local level to account to the people.

The thesis has discussed and demonstrated that despite the existence of elaborate regulations, rules and procedures put in place by both the government and the local governments, transparency, accountability and efficient delivery of services have continued to dog the operations of local governments in Uganda. However, it would be misleading to rubbish the modest gains made in governance as a result of decentralisation. The watchful eye of the office of the Inspector General of Government and the Local Government Accounts Committee of Parliament have pressed local officials on accountability. However, the local watch-dog – the District Accounts Committees have been disappointing. It is not easy to find evidence of their impact on enforcing accountability. As a result, fictitious supplies, over-invoicing, shoddy infrastructural works and other fishy deals have been paid for, eroding the concept of value-for-money; cherished in the decentralisation programme.

Given this over-arching failure of decentralisation to address the critical governance issues of society, the urban crisis in Uganda has deepened. It has moved from the managerial and political crises of the 1970s and 1980s to a new stage where patronage politics, pervasive privatisation of the public realm, alienation of local stakeholders and "self-serving" politics have taken a centre stage. The urban governance crisis appears to be a replica of the national governance problematique couched in psendo one-party kind of politics, conveniently code-named "Movement" politics. The Movement leadership was more interested in keeping the reigns of power than to allow full scale democratic governance at the grassroots. Consequently, the national leadership was not eager to tackle corruption both at national and local levels.

While corruption is wide-spread in Uganda's political and administrative structures, its intensity in Kampala City Council seems to have gone beyond imaginable limits. Decentralisation as a strategy for re-aligning urban politics and management has registered

dismal success in Uganda. Kampala as the main urban centre in the country has exhibited qualities of elite domination, economic exploitation of the masses of poor people, inadequacy of services and politics of marginalization. Clearly, this thesis found no significant correlation between good governance virtues of decentralisation and politics of empowerment – especially of the urban poor. This has been made even worse by privatisation of public assets and the policies of cost-sharing. This is in tandem with Martinassen (1997) who observes, that achieving high levels of devolution may or not be conducive to improving efficiency in resources utilization.[960] This is not far-fetched. A visitor to Uganda who observed the poor state of urban environment lamented:

> I walk around Kampala. I observe, talk to people, I watch their activities. What we call self-management and self-organising sounds like a fairy-tale here. Taking collective responsibility for environment, our neigbourhood and our society itself should be an instructive reaction not compulsion. Kampala is drowning in rubbish. Litter is everywhere. You live among this stench and filth. How come that you can easily organize communication in the city, security guards and market places, but self organizing to keep the city clean comes so hard? It is not a matter of money; it is a matter of good will.[961]

Such an observation reflects our concerns that in the policy framework of the government of Uganda – and indeed, in the decentralisation policy, the urbanization aspects were not given significant priority. These concerns are shared by other scholars who have critically observed the African urbanization problematique as follows:

> The urbanization process in Africa has over the years been subject to a variety of reactions and interpretations of what it is about. National governments have perceived the high rates of urban population growth as deeply problematic and have generally shied away from formulating any comprehensive policies for urban development.[962]

These authors note as I do in this thesis, that African governments seem to have embraced the "urban bias thesis" promoted by Michael Lipton and pushed by bi-lateral donor agencies, whose argument is that the focus of the poor African governments should be on rural development. Going by the fact that the African governments possess no effective

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[960] See John Martinussen. *Society State and Market* . London/New York: Zed Books 1998 pp 212 – 218.

[961] See (letter to the Editor) "Why is the City Drowning in rubbish and Stench?" by Lukas Nojaicki in Daily Monitor 26 September 2007 (p.18)

[962] Arne Tostensen, Inge Tuelten & Mariven Vaa(2001)"Urban Crisis, Governance and Associational Life" in A. Tostensen Inge Tvedtem and Mariven Vaa, (eds) *Associational Life in African Cities: Popular Responses to the Urban Crisis p.7*

mechanisms of containing urban population growth, it appears only wise that they should support urban service delivery and create opportunities for economic development. A similar argument is advanced by other scholars,[963] who argue that it should be obvious to the policy makers that the rural areas in Africa provide miserable opportunities for self-advancement especially of the educated elites. The emphasis therefore should be on balancing rural and urban development priorities. Even if economic opportunities are available in rural areas, they are hardly enviable. As demonstrated by the case of Uganda the fastest urban population growth took place between 1971 and 1986, when the country experienced severe economic and political upheavals. This serves to emphasise that the urbanization process should be seen as part and parcel of the development nexus, that is, it should be pursued with correct and appropriate policies simultaneously with rural development. Excluding either sector may simply be disastrous.

The problem with KCC is that it opted for full scale privatisation, that is selling off most of the Council's assets without exploring options for public management of municipal affairs. For example, they would have erected public boards to oversee public parks, street lighting, and markets as they do for public schools. Full scale privatisation means that the private entrepreneurs charge commercial rates for all services or goods, to the effect that the majority of poor people are unable to access certain services or assets. For instance, the sale of city markets to private developers means that the private proprietors may not allow certain sections of the population to do their businesses. Theoretically, this means that the allocative efficiency chosen by KCC brings higher costs to Kampala business people. Allocative efficiency refers to a situation where the services allocated to society increase the gains made by that particular society and not vice versa.[964] In choosing an option for the delivery of a public service, the Local Government must ensure that society does not lose in the process. Gains of allocative efficiency mean that there will be a sense of responsibility on the part of Local Government and accountability on the part of tax payers. The relationship should be reciprocal. The greater the gain from the service, the higher the willingness of the tax payer to meet his or her tax obligations. The failure of KCC to follow this principle in its

[963] See Carole Rakodi (1997) "Global forces, urban change, and urban management in Africa" in Carole Rakodi (ed) *The Urban Challenge in Africa,* p.19 and also Mahmood Mamdani (1996) *Citizen and Subject*, p.217.
[964] See Harry Kitchen (2005) "Delivering local/principal services" in Anwar Shah (ed) Public Services Delivery (p.121) The World Bank: Washington D.C

operations has rendered it a poorly managed institution. KCC has undermined the basic principles of decentralisation. It has failed to act as a political body which galvanizes the greatest interest of the electorate. It is an important principle of local government that an elected body makes decisions as close to the people as possible, hence be a champion of people's interests. However, as this thesis has discussed and elaborated at length, KCC as a legislative and decision-making body has let down the electorate.

It is notable that local government elections have been quite frequent in Uganda since 1989, but the difference made by election of a different set of Councillors in KCC after every successive election is difficult to quantify. Theoretically, it is ordinarily anticipated that if a councillor fails to deliver on his/her promises, the electorate will punish him/her at the next elections. What has happened in KCC is a high turnover of councillors; however the quality of decisions made by councilors has hardly improved. Year after year, the Kampala residents have experienced declining quality and quantity of service delivery.

This trend has affected the perceptions of the urban population who regard KCC with contempt, hence the reluctance to pay taxes. It is a classic case of a state that has failed to effectively penetrate society amidst a weak civil society. The state is looked upon, as in the modernisation critiques, as a lame duck, that is neither productive nor effective; but predatory. The local state (KCC) through decentralisation has failed to transform state-society relations to a level where legitimate concerns of society are effectively articulated and responded to. For example, the motion of transparency, one of the cardinal principles of decentralisation has suffered most in the shoddy deals transacted by KCC. The officials simply do not effectively communicate with the people. The presumed dialogue between the local officials and the people is glaringly absent, hence the weak link between citizenship and governance.

Finally, some key observations to sum up this conclusion. There is a need for pro-active approach and the need for trust. All that has been discussed in this thesis zeros on these pillars, which seem to stand firm in the debate over decentralisation and urban governance. The thesis has demonstrated at length that the failure of institutional reform is largely due to the behaviour of the actors in the public realm, whose conduct of public business is frozen in self-regarding tendencies. This has been solidified by the overall framework of the patron-

client politics that has permeated the state and society in most Third World Countries, failing them to function on the basis rationality and clearly laid out rules. This has undermined the chances of societal reciprocity, negating the anticipated chances of success of a good policy such as decentralisation. Many people in Uganda, observing the rapid institutional growth followed by a gradual decline at the local level, do argue that since the game of "eating by public officials" is back, decentralisation has become another "political hand-out" of state patronage.

It is undoubtable that decentralisation has created structural change in the relations of power between the centre and the local the local level. However, this only goes as far as the official lines of authority are concerned. On the ground, decentralisation has not been programmatic enough to change the way the people perceive themselves vis-as-vis the State. The common argument that decentralisation brings about pragmatism societal level has not fully materialized. In the urban areas, this is worsened by grinding poverty, unemployment, lack of food, shortage of services and the failure of officials to account for their actions.

The failure of behaviour change and lack of pragmatism have led to low levels of trust in the official activities of local councils, especially KCC (the case study). Most citizens expect little to be done by the local government unless it serves the interests of the officials concerned. The people hardly trust that either the central or the local government can do anything for the citizens where its officials have no vested interest. Thus, while centralisation in the past had exhibited all indications of a failed or weak state, especially in Uganda, there is still insufficient evidence to the effect that decentralisation has returned government to the people and the people to the government – which would be a clear indicator of good public governance. However, there is need to take note from Olowu (1995) who has cautioned that despite the weaknesses of implementation of decentralisation, this should be no reason to believe that the African soft state is any more efficient or technically superior to local institutions it seeks to control.[965] Needless to add, it is also prudent to make another conclusion that even if spaces have been created by decentralisation for civil society organisations to provide services, these can only complement the state but can hardly be an alternative to state provision. What is needed is a transformation of state – society relations.

[965] See Dele Olowu, "The Failure of Current Decentralisation Programs in Africa in James Wunsch & Dele Olowu T*he Failure of the Centralised State* (p.75)

Finally, for many African states which have failed to develop dynamic policies to address issues of urbanization, this is fatal mistake. Both positive and negative realities of modernisation and more recent, globalisation, expanded education, commerce and social needs that have inevitably driven urbanization. It is therefore instructive for decentralizing states, to take municipal governance at the core of policy processes, otherwise, the consequences of non-action will negatively impact on both urban and rural development. The recent efforts of the government of Uganda to recognize that the neglect of urbanization will have negative policy bearings is commendable. The recent *State of Uganda Population Report 2007* recognises this fact thus;

> The overall picture of the urban areas in Uganda is that of a systematic crisis. The urban system is not only failing to meet the demands of the rapid population growth within the context of poverty and marginalization, but its own basis for sustainability is also largely wanting in many ways such as support supervision, availability of personnel to plan based on statistics and ability to provide quality services.[966]

The *Population Repo*rt highlights the importance of urbanization in Uganda's policy framework. However, the action as to whether the government will come up with a clear urbanization policy sooner than later, is still to be awaited. In such a policy on urban governance, it will be imperative to address the issues of effective political participation, technical competence, efficient and effective use of public resources, popular accountability and above all planned livelihoods and poverty reduction; that way; the internal engine for economic development and social transformation will be switched on. However designing an effective urban policy which encompasses ideas of democratic decentralisation will need a shift in official attitudes. As long as the officials of government hold views like those of the Ugandan Minister of Local Government, effective policies to address the critical concerns of the urban poor will go down to naught. Mr. Kahinda Otafiire the Ugandan Minister of Local Government defending the sale of city markets by KCC officials recently retorted to the press "This is a capitalist economy. Capitalism has no human face. Man eats man; it's survival of the fittest"[967]

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[966] Republic of Uganda (200&0 *State of the Uganda Population Report; Planned Urbanisation for Uganda's Growing Population* (p.9)

[967] See H. Bogere & R. Mwanje "Museveni suspends sale of Markets, land in Kampala" The Daily Monitor September 25, 2007.

To counter such conservative ideologues, Larson and Ribot (2005:7) suggest that an effective decentralisation should focus on creating local institutions with real power to deal with undemocratic elements in society, local governments themselves should be strong and democratic and the central state should be strengthened by decentralisation. Larson and Ribot suggest further that the State should "be back-in"[968] rather than being "out" – that way decentralisation will have a great potential for success. It appears useful to suggest that the key issues in a programme of empowering the less privileged in the urban areas should be to give power to the people and their institutions rather than keeping it either in central or local governments. A classic example was Uganda's experiment with Resistance Councils in the mid 1980s – when the local people enjoyed real power (Sabiti Makara 1992, Ddungu 1989), or people's committees in Burkina Faso in the reign of Sankara. This proposal may appear populist but these two cases represented a situation of how people's power can effectively deal with serious problems by cultivating trust, horizontal power relations, initiating innovations and pragmatism and succeeding where the governments fatally fail. Remodelling decentralisation along those lines appears like a solution to the frustrations of formalistic state-controlled process of decentralisation. This way, the principles of non-subordination and subsidiarity will have real meanings to the ordinary citizen's empowerment and benefits in decentralisation.

[968] Anne Larson & Jesse Ribot, Democratic Decentralisation through A National Resource Lens" in Jesse C. Ribot and Anne M. Larson (2005*) Democratic Decentralisation through a National Resource Lens,* Routledge, Oxford.

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Appendices

Appendix I: Interviews

Group Interviews

Group Discussion 28th May 2004
KACHEPA Members:

Bahati shellina
Betty Wamala
Busulwa Fred
Daisy Kamwezi,
Damulira Paul,
Kafeero Bakulumpagi Benedicto
Kalanzi Edrisa
Kaluku Eria
Kasibante Ronald
Katabalwa Matilda

Group Discussion with Residents of Mulago I Parish, 3rd April 2004

Members:
Naiga Alice
Najjuma Lydia
Nalwoga Zaituni
Namagembe Sylivia
Nampewo Esther
Nasege Hadija
Ngobi Moses
Njuki Abdul
Mr. Ochieng Francis,

Group Discussion with Residents of Kimwanyi Zone (Katanga area), Wandegeya, 8th May 2004.

Members
Ronald Mujambere,
Rugogamu Henry
Ssegawa S. Brian
Ssekitoleko Robert
Wandera Bernardette

Group Discussion with women in Kasubi, Rubaga Division (Zone III – Kasubi). Date: 20.04.2004.

Group Discussion with Youth Group, Luzige Zone, Katwe, Central Division. Date: 15.04.2004.

Group Discussion. MKYDA 25 August 2005.

Group Interview with Community members, Kelezia Zone, Makindye.
Date: 21.04.2004.

Hajati Mulyamu Namutebi, Founder Member MKYDA, Separate Interview.
Harriet Kabongera. Resident. Bukasa/Katongole.

Interview with the residents of Bukasa/Katongole, 29th August 2005
Joweri Zawedde
Kabulo Zainab
Katongole Joseph

Kawempe Division Council Meeting held at Kawempe Division Council Hall. Date: 30 April 2004.

Group Discussion with members of Kisenyi III Community Health Workers Association (KICHWA)

Group Discussion with Residents of Kivulu I. Kagugube Parish. Central Division Concern Worldwide. Date: 14.04.04.

Meeting with LCIII Chairperson, Kawempe Division on 23 May 2004.

Meeting with the Youth of Luzira LC II Nakawa Division. Furniture Workshop 3 Workers 16 April 2004.

Meeting with Council Agents (Parish Chiefs), Kawempe Division, Date: 22 April 2004.

Meeting with the Technical Planning Committee Kawempe Division, 20 April 2004.

Meeting with Mengo Kisenyi III Women Movement Mobilisers Development Association (MKWMDA) 29th May 2005.

Meeting with Mengo Kisenyi Youth Development Association on 26th August 2005.

Interviews with Individual Participants

Dr. Nsibirwa Supe, Division Medical Officer Kawempe Division, Interviewed 28 May 2004.
Mr. Aine-Omugisha Benjamin, LCI Chairperson Zone 5 – Kiswa. Kiswa Parish. Nakawa Division. Interviewed 21 May 2004.
Mr. Bagenze Charles, Senior Enforcement Officer. Kawempe Division. Interviewed 20th April, 2004.
Mr. Bukenya Patrick. Probation Officer, Kawempe Division, 21 May 2004.
Mr. Charles Agwalu, Acting Division Engineer, Kawempe Division, Interviewed 28 April 2004.
Mr. Charles Kwehinda, Chairperson LC I Stage 7 Zone. Luzira Parish. Nakawa Division. Interviewed 16 April 2004.
Mr. Dan Kitaze, Parish Development Committee (PDC) Coordinator/Capacity Development Coordinator, Kawempe.
Mr. Deo Muhwezi, Assistant Finance Officer, Makindye Division, Interviewed 05 May 2004.
Mr. Deo Muhwezi, Assistant Finance Officer, Makindye Division. Interviewed 05 May 2004.
Mr. Gideon Baryazahe, Council Agent, Kibuye I Makindye Division, Kampala. Interviewed 25 May 2004.
Mr. Hakiza Joseph, Division Engineer, Rubaga Division, Interviewed 01 June 2004.
Mr. Hassan Kagwa, Vice Chairperson, Kikuubo Zone IV. Kanyanya Parish. Kawempe Division, Interviewed 20 May 2004.
Mr. Higenyi, senior Assistant Town Clerk and Mrs. Kitui Olive, Deputy Speaker, Kampala Central Division Council. Interviewed 23 April 2004.
Mr. Higobero Steven, PATC Central, Interviewed 26 May 2004.
Mr. Hilali PDC member (Kisenyi III) Coordinator for Kisenyi II. Uganda slum Dwellers Federation (USDF). 25 August 2005.
Mr. Ignatius Tumwesigye, Managing Director, Transmedia (Collectors of Property Tax and Ground Interviewed 25 May 2004.
Mr. James Kakooza, Chairperson. LC I Church Zone. Kamwokya II. Interviewed 29 May 2004.
Mr. John Gatheni, Senior Assistant Town Clerk, Rubaga Division, Interviewed 25 May 2004.
Mr. Johnson Ongom Olela, Assistant Finance Officer, Kawempe division. Interviewed 20 April, 2004.
Mr. Jonathan Musisi, Vice Chairperson, LCI Kamwokya II Parish, Church Area Zone. Interviewed 29 April 2004.
Mr. Justin T.W. Sendikadiwa, chairperson LC III, Rubaga Division. Interviewed 25 May 2004.
Mr. Kabugo, Personal Assistant to MD, Transmedia Company.
Mr. Kagurusi Remmy. Licencing/Advising Officer. Central Division. Kampala. Interviewed 13 May 2004.
Mr. Kiggude Musisi Abdul Magidu, Omwami wa Kabaka Owomuruka. Kimwanyi Zone (Katanga Area). Wandegeya. Interviewed 08 May 2004.
Mr. Kiseka G. Clerk to Council. Central Division, Interviewed 25 May 2004.
Mr. Kiwanuka-Musisi, Former Chairman, Mukono District/Former RDC, Kampala District. Interviewed 08 June 2004.
Mr. Kiyimba Khalid, Resident, Nanfuka Zone. Nateete. Rubaga Division, Interviewed 13 May 2004.

Mr. Lawrence Nsereko, Division Education Officer, Nakawa Division, Interviewed 02 June 2004.
Mr. Lule John. Pubic Health Inspector. Central Division, Kampala. Interviewed 17 May 2004.
Mr. Mpambara John Karusya, Division Planner Kawempe. Interviewed 26.04.04.
Mr. Mukholi David, Senior Engineering Assistant, Nakawa Division. Interviewed 31 May 2004.
Mr. Mukisa Yasin, Instructor at BEUPA Learning Centre. Makerere III. Interviewed 06 May 2004.
Mr. Mukundane Albert, Trade Development Officer Makindye Division, Interviewed 05 May 2004.
Mr. Mulambuzi David,, Senior Assistant Town Clerk and Mr. Tumuhairwe Fred. Administrative Officer. Kawempe Division. Interviewed 3rd May 2004.
Mr. Mutyaba Stalon, Founder Member, Director/Chief Executive MKYDA – Separate Interview.
Mr. Ndiwalana Robert, Physical Planner, Makindye Division Interviewed 19 May 2004.
Mr. Oduma Suleiman, Chairperson KICHWA, 04 May 2004.
Mr. Othieno Godwin, Physical Planner, Nakawa Division, Interviewed 01 June 2004.
Mr. Sam Nsubuga, Division finance Officer/Division Finance Controller Kawempe (23 May 2004).
Mr. Sebagala Henry, Division Planner, Central Division, Kampala. Interviewed 11 May 2004.
Mr. Sebamenya Ronald, Division Engineer. Kampala Central. Interviewed 13 May 2004.
Mr. Sempewo Charles, Former Clerk to Council/Senior Committee Clerk (1996-1995) Interviewed 10 May 2004.
Mr. Sulaiman Bageya, Concern Worldwide Uganda. Kampala Community Empowerment Project (KCEP). Community Development Officer in charge of Kisenyi II & III. Interviewed 23 August 2005.
Mr. Yahaya Semanda, Defence Secretary. Nanfuka Zone. Nateete. Rubaga Division. Interviewed 13 May 2004.
Mr. Zimbeihire Benard, Budget/Income Officer. Makindye Division. Interviewed 20 May 2004.
Mr.Chris Byekwaso, Division Finance Officer/Senior Accountant KCC, Central Division, Interviewed 14 May 2004.
Mr.Mukundane, Trade Development Officer Makindye. Interviewed 5th May 2004
Mr.Tumwine William, Principal Assistant Town Clerk. Makindye Division. Interviewed 04 May 2004.
Mrs. Goretti Mayanja, Councillor. Makerere III and IV. Kawempe Division. Interviewed 05 May 2004.
Mrs. Katende, Community Development Officer. Kawempe, Interviewed 21st April 2004.
Ms Rosemary Mbabazi, Project Manager, Kampala district. Concern Worldwide Uganda, Interviewed 18 July 2005.
Mrs. Merab Kariisa, Senior Education Officer. Central Division. Kampala. Interviewed 17 May 2004.
Ms. Annet Rwemereza, Senior Personnel Officer. KCC Headquarters. Interviewed 29 April 2004.
Ms. Carol Sekabembe, Clerk to Council, Kawempe Division, 20 April 2004.
Ms. Christine Namusoke, charcoal seller. Resident. Nanfuka Zone. Nateete. Interviewed 13 May 2004.

Ms. Grace Namala, Clerk to Council, Rubaga Division, Interviewed 26 June 2004.
Ms. Jesca Kibazo, Administrator, Kampala Central Community Resource Centre. Kisenyi II, Interviewed 25 August 2005.
Ms. Joy Turyamureeba, Councillor Kyebando East. Kawempe Division. Interviewed 3rd April 2004.
Ms. Kabajwara Resty, Coordinator/Head, Department of Welfare and Community Services. Rubaga Division. Interviewed 22 May 2004.
Ms. Mary Nsubuga, Welfare Officer/Youth Affairs Kawempe, 22 April 2004.
Ms. Nakiganda Sofia, Women Mobilisers. Kisenyi III group
Ms. Ruth Kijambu, Principal Assistant town Clerk, Kawempe Division Interviewed 05 May 2004.
Ms. Sekabembe Carolyne, Acting Clerk to Council, Kawempe Division, Interviewed 27 April 2004.
Ms.Banura Margaret, Division Finance Officer Makindye Division. Interviewed 25 May 2004.