# Decentralization and Conflict in Uganda: Governance Adrift

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Abstract: This study examines the challenges that threaten one of Africa's most ambitious experiments in political, administrative and fiscal decentralization. Based on extensive interviews with local government leaders throughout Uganda, the research uncovered a complex interplay of conflicts that impact decision-making effectiveness. The sources of these conflicts center around (a) the impact of national politics on local government as the country approaches the 2011 election, (b) the inability to meet rising citizen demand for services as the tax base of local governments continues to erode, (c) the corrosive impact of social conflicts stemming mostly from poverty and illiteracy complicated by tribal and ethnic differences, and (d) the challenges of developing honest and effective leadership in local government. Can Uganda unravel this web of conflicts to bring meaningful governance to this young nation? Indeed, many countries within the developing world are watching this experiment with a great deal of interest.

#### Introduction

The Uganda experiment in local government was born out of a blend of idealism and practical necessity. The idealism arose from a nation that dedicated itself to building democracy after years of brutal despotism. The practical necessity came from the need to provide basic services in an environment where local government had essentially disintegrated. The result was a multilayered system of directly elected district and lower local councils with significant responsibilities for delivering basic services. The international community strongly supported this action and hailed it as an example of how other developing countries should proceed with nation-building. While the local government system was initially well accepted, Ugandans now appear increasingly disenchanted with the corruption, mismanagement, and bitter political conflicts that are regularly reported in local newspapers. These concerns have led to a

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# http://www.africa.ufl.edu/asq/v11/v11i4a1.pdf

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ISSN: 2152-2448

questioning of whether decentralization can continue as a viable system of local government in Uganda. Indeed, many observers express concern that Uganda is now at a major crossroad in determining the future of democratic governance.<sup>2</sup> Thus, this study examines why Uganda's local government system appears to be falling short of its founders' expectations that decentralization would improve the capacity of local councils to deliver services and be more responsive to citizen needs.

This paper seeks to gain a deeper understanding of the sources of conflict through interviewing elected and appointed officials who are on the front line of governance. Twenty-two districts were visited over a nine-month period: Central Region—Kampala, Kayunga, Masaka, Mukono, and Sembabule; Western Region—Bushenyi, Hoima, Kabale, Kibaale, Masindi, and Mbarara; Northern Region—Arua, Gulu, Lira, and Maracha-Terego; Eastern Region—Iganga, Jinja, Mayuge, Mbale, Sironko, Soroti, and Tororo. Districts in each region were selected because of prolonged conflicts and mismanagement or because of their reputation for effective service delivery.

Over sixty interviews were held with district chairpersons, chief administrative officers and some technical officers, resident district commissioners, speakers, and councilors at the district level as well as mayors, town clerks, speakers, and councilors at the municipal level. Also interviewed were political leaders who were important in establishing the local government system. Each participant was assured full confidentiality, which is why no names are mentioned in the study. A formal interview script was not followed to facilitate an open discussion, but the researchers made sure the same standard questions were asked in all the interviews, and interviewer notes were compared for accuracy. In addition to the interviews, the researchers met with officials of the Uganda Local Government Association, the Local Government Finance Commission, the Uganda Management Institute, and the Uganda Ministry of Local Government for additional insights. The researchers also attended the Joint Annual Review of Decentralization and the Africa Local Council Oversight and Accountability conferences for further insights.

The study begins by providing a brief history of how the present day local government system evolved. Four conflict areas are then examined in detail. The first conflict source stems from how power struggles pose challenges at the central government level as President Museveni fights to maintain control of Uganda impact the local political environment. The second conflict source, which is largely an outgrowth of national politics, stems from the increased fiscal constraints being placed on local governments by politicians seeking to mollify the demands of citizens. The third conflict source arises from the corrosive impact of social conflicts stemming mostly from poverty and illiteracy complicated by tribal and ethnic differences. The fourth conflict source stems from the frequent failure of political and administrative personnel to provide local citizens with honest and effective leadership. The article concludes with thoughts and recommendations as to the future of local government in Uganda.

# Background to Decentralization: We Were an Army of Children!

Uganda, like most African countries, is an artificial nation created by the British from a highly diverse assortment of ethnic groups. To manage this landlocked nation of 31 million people, the British devised a modified federal structure of local government that recognized five kingdoms (Ankole, Buganda, Bunyoro, Busoga, and Toro) and administered the remaining areas through administrative districts. Each kingdom and district recognized traditional chiefs or appointed local chiefs who reported to a district commissioner. The largest of the kingdoms was Buganda, which occupies the area along the northern edge of Lake Victoria and includes the capital city of Kampala. This ethnic group of 5.5 million was favored by the British to fill administrative positions within the colonial government. However, to keep the Baganda under control, the British favored other groups, primarily the Acholi in northern Uganda, to provide military manpower.<sup>3</sup> Following independence, Milton Obote, the first leader of Uganda (1962-1971), used his influence within the military to overthrow the federal constitution and depose the Buganda king (kabaka). He then centralized the government system with the 1967 Republican Constitution. Idi Amin (1971-1979) then used the military to overthrow the Obote government.<sup>4</sup>

The atrocities committed by Amin, and then Obote during his return to power (1980-1985), led to a continuation of civil strife, with guerilla groups fighting in different regions of the country. The most important of these groups and eventual winner was the National Resistance Movement (NRM) led by Yoweri Kaguta Museveni.<sup>5</sup> As the NRM army gradually claimed territory, a problem arose of how to govern the people now under its control. Local government officials had fled, but the NRM lacked sufficient manpower to fill the administrative void. The problem was solved by having each area establish its own local government, called a resistance council. The initial task of these councils was to assure military security, but police, health, education, and other basic functions were soon added. Political liaison was maintained with the NRM through a district administrator appointed by the movement.6

The NRM takeover of the government in 1986 presented a major challenge. How could government services be delivered given the continuing political and military opposition that was still active in the northern areas? The most efficient way would be to create a highly centralized government. However, this approach would be unpopular among the idealistic NRM followers with their deep seated revulsion against the centralized, autocratic regimes of Amin and Obote. Another concern was that outside donor countries, whose financing was essential to the survival of the new government, were pressing for decentralization.<sup>7</sup>

A compromise was found via the Mamdani Commission, which in 1987 recommended the creation of a central government while at the same time converting the already established resistance councils into local councils (LCs) that would be coordinated through districts.8 This decentralization reform policy was launched in 1992 through a presidential policy statement that was followed by the Local Government statute of 1993. Decentralization was then made part of a new constitution in 1995 and officially implemented in the Local Governments Act of 1997 that is still in force.

The end result was the creation of 45 districts that were divided into five administrative levels. Districts, including the city of Kampala, are the highest local government level, while sub-counties, municipalities, towns, and city divisions are lower local government levels. The key political organ at each level is the council, which includes directly elected members and members that represent specific groups, namely women, youth, and persons with disabilities. Each local government was designated a legal entity with delineated power to raise taxes and provide basic services.<sup>9</sup>

Professional leadership would be provided by the chief administrative officers of the district and town clerks. Until recently, they were appointed by district service commissions that in turn were appointed by each council upon the recommendation of the district executive committee. Public contracts were let through district tender boards that were also put in place by the council. Finally, a resident district commissioner was appointed directly by the president to head the security committee, monitor the implementation of central government programs, and serve as the president's personal representative in the district. A degree of external legitimacy was given to the new structure by the United Nations, which brought in an international team, primarily from Denmark and Zimbabwe, to provide a formal, legal structure to the arrangement.

What is important to note is that Uganda's local government system was founded with a great deal of idealistic fervor. This point is reflected in an interview with an older NRM politician who participated in the bush war and the formation of the new local government system: "We were an army of children. We were all very young and very idealistic in going up against someone like Idi Amin. It was exciting to build a new form of government based on democracy that was the total opposite of the regimes of Amin and Obote." With the passage of time, this system is beginning to feel pressures that are taking a toll on effective governance. Many people interviewed claim that President Museveni is abandoning decentralization as the price for staying in power. Others point to the inability of local governments to deal with the social tensions caused by poverty, illiteracy, and tribalism. Many, like the older NRM politician, just see a loss of idealism among local leaders as causing decay: "We worked hard to make the new system work. Now it has all changed because the new generation only cares about itself."

# Central Government Challenges: The President is Killing His Own Child!

The National Resistance Movement committed the new government in 1986 to promoting democracy through direct elections and full transparency. Because the NRM felt that much of Uganda's problems were the result of corrupt political parties, a "movement only" government emerged in which candidates for office would be judged on the merits of their character and qualifications. Moreover, the NRM was to serve as an umbrella organization that would include all political parties, including some like the Democratic Party (DP) and the Uganda People's Congress (UPC) that were already well established in the country. However, pressure from the international community and growing opposition to movement-only rule led in 1992 to political parties becoming reactivated. After a national referendum in 2005 followed by an amendment to the constitution, political parties were permitted to compete openly in the 2006 election.

Observers of Ugandan politics claim the shift to a multiparty system was the result of political intrigue.<sup>11</sup> They speculate that political parties were re-established in exchange for an

agreement to remove the term-limit provision of the constitution that restricted President Museveni to ten years in office.<sup>12</sup> The Uganda parliament voted to remove the term limit, but reportedly only after a number of representatives received large sums of cash.<sup>13</sup> The NRM justified removing the term limit on the grounds that President Museveni was still a relatively young man and much more needed to be accomplished in fulfilling the NRM mandate. Also, NRM reforms had succeeded to a point where Uganda could move to the next stage of democratization under a multiparty system.<sup>14</sup> The end result was that parliament approved the term limit change in 2005. President Museveni was elected to a third term the following year.

The re-establishment of political parties was viewed with a great deal of suspicion in terms of the potential impact on local government. <sup>15</sup> The Anti-Corruption Coalition predicted: "Under multiparty politics, formulation of policies will not be based on facts but on emotions." 16 Others were more willing to give the multiparty system a chance to develop. "The people are not used to multi-party politics and need to be stimulated to start appreciating and effectively operating under a multi-party system. It is like a cock that has been tied for a long time. Even if it is untied, it has to be chased for it to run."17 The general impression from the interviews is that local government might have been better off if left nonpartisan. The local governance system is not sufficiently mature politically to handle the additional stress of party conflict. Parties also provide opportunities for political intervention that can be very upsetting to the decision making process. However, political parties are now viewed as a fact of life and local governments need to cope with their new environment. Indeed, the interviews found that many local governments were able to work successfully in a multi-party environment if the political leaders, particularly the district chairpersons (DCP) and mayors, want it to work. Where compromise fails to evolve, conflict arises and the decision making process is easily deadlocked. For instance, party conflicts in Lira and Sembabule districts have led to virtual stalemates in decision making.

Another consequence of creating a politically competitive environment that is of concern to local government officials is the apparent shift in attitude of the NRM toward local government as key elements of decentralization are being sacrificed to gain political advantage. These sacrifices include the creation of new, often unviable districts to assuage local political interests, the recentralization of key local government offices, and arbitrarily setting aside of unpopular sources of local revenue. The stress these policies have placed on local governments led one of Museveni's former supporters to exclaim, "The president is killing his own child!"

#### New Districts: Museveni Himself was Surprised!

Political decentralization has long been supported by academics and the international community as a way to improve governance and the delivery of services. 18 The assumption is that creating more elected local governments will increase the effectiveness of administration by bringing services nearer to where they are consumed and make government more responsive to the wishes of the people. This belief was clearly part of the justification for creating forty-five districts when the Local Governments Act was enacted in 1997. This number has since increased to eighty-one districts as of 2009, with many more are under consideration by parliament.

Several positive reasons can be found for creating these new districts in addition to improved governance and service delivery. First, many people feel marginalized in a rural country like Uganda where travel to district headquarters from a remote area can be quite arduous. Second, the government may try to lessen local conflict by separating tribal and ethnic groups into districts with their own governments.<sup>19</sup> This strategy was most clear in the case in Tororo District where the Japadhola and Banyole groups have long contested the control of agricultural lands to the point where crops were being destroyed, homes burned, and people killed.<sup>20</sup> On the other hand, splitting of districts can increase conflict between ethnic groups. For instance, the proposed division of Tororo district has caused severe conflicts between the Japhadola and the Iteso. The Minister of Local Government was even forced to issue a warning that local leaders must desist from inciting their subjects into violence.<sup>21</sup> Third, a new district can breathe economic life into a poor region by bringing an immediate influx of financial resources. According to one report, the central government provides each new district between \$280,000 to \$560,000 to construct district offices and purchase vehicles, office equipment, and other amenities.<sup>22</sup> The creation of jobs and letting of government tenders also serves as an economic stimulus, particularly for the town in which the new district headquarters is located.

The problem with new district creation is that political considerations often dominate decision making, primarily because new districts can be a key tool for consolidating political support prior to an election.<sup>23</sup> New districts allow the party in power, in this case the NRM, to reward its local followers with jobs and contracts as well as making them politically more noticeable in parliament. One study found a strong statistical association between election support for the NRM and the creation of new districts.<sup>24</sup> It should be noted that local citizens can mount considerable pressure in demanding district status. For instance, one proponent literally ate a rat in front of President Museveni as a sign of disenchantment with the delay by the central government in granting his area district status.<sup>25</sup>

The field interviews reflected growing concern, if not frustration, over the rush to create new districts.<sup>26</sup> This frustration was reflected in an interview with a councilor from a new district formed in the northwest region:

The Maracha-Terego District was formed three years ago out of Arua District, but they can't get agreement on the district headquarters. The Minister of Local Government didn't agree with how the majority of councilors voted. Thirteen councilors wanted Kubala as the headquarters, while six wanted Nyadri. Two abstained. The MP for Nyadri contested the vote and stalemated the decision. Eight sub-counties protested the minister's decision and went to court. At the present time, all the district's affairs are run from the old district headquarters in Arua. They even drive Maracha-Terego trucks around town. Museveni himself was surprised to learn that the new district was still without a government.

Concern over the creation of new districts has led to some strong reactions. The African Peer Review Mechanism expressed serious reservations about the economic viability of the new districts. In addition to the added financial cost and supervision burden, they will compromise the effectiveness of the new and old districts because they must now share the same limited

resource base.<sup>27</sup> Even donor governments whose contributions make up a sizeable part of the national budget complain that new districts have been created without a systematic assessment of their viability and insist that this process should stop.<sup>28</sup>

# Recentralization: The Council Was Bullying the CAO

A major element of the Local Governments Act is the decentralization of administrative services. Acting through a district service commission, each council was to be responsible for recruiting, compensating, and disciplining its own staff. The members of the district service commission were appointed by the council on the recommendation of the district executive committee with the approval of the central government's Public Service Commission. The most significant appointments made by the district service commissions were the chief administrative officers (CAO), the deputy CAOs, and town clerks.

The Local Governments Act designated the CAO (with equivalent language for town clerks) the chief accounting officer and head of the administration. To balance this power, the CAO was made responsible to the general direction of the elected district chairperson and the council. The district council could by a two-thirds vote remove a CAO from office on the grounds of abuse of office, incompetence, misconduct or misbehavior, physical or mental incapacity, or failure without justifiable reasons to implement lawful council decisions. The chief justice would then constitute a tribunal of justices to investigate the allegations and report whether a *prima facie* case existed. The key point is that removal of a CAO or town clerk was purposely intended to be a very difficult process, and few administrators were ever successfully removed.

The problem experienced with this division of power is that district chairpersons and legislators would frequently go beyond their legal role as set out in the Local Governments Act. Until recently this was possible because the chairpersons were able to use their appointment power to get whatever they wanted. The district service commission, public accounts committee, and tender board were appointed by the district executive committee and ratified by the council. Also, the internal auditor works under the CAO but reports to the council. Moreover, the actions of district chairpersons were often reinforced by councilors who, coming from poor economic backgrounds, found the money in district and local government budgets to be very tempting. The result is that district chairpersons and elected councilors habitually sought to override government regulations for their personal gain. While CAOs were not free from corruption and illegality, the law made the administrative officers accountable for all their district's actions, but it was silent on making the politicians accountable for their misdeeds.<sup>29</sup>

Many administrators who resisted political pressures were terminated by their respective district service commission. The response was for the CAO to seek judicial intervention under the Local Governments Act. While the outcome could result in a lucrative settlement for the administrator, the process could be quite time consuming. For instance, a case was brought by a CAO who was terminated for stopping the deployment of military personnel to run polling centers in her district. The CAO responded by obtaining a judicial tribunal ruling against the termination. However, the district service commission which was controlled by the district chairperson countered by forcing her to retire "in the public interest." It then took another ten

years of legal wrangling before a judicial review once again overruled the district and awarded the CAO a financial settlement.<sup>30</sup>

The central government sought to give administrators greater protection from the political pressures being placed upon them by undisciplined chairpersons and councilors. Parliament provided this protection by amending the Local Governments Act in 2006 to stipulate that senior level administrators would no longer be subject to their respective district service commissions. Instead, they would be appointed by the Public Service Commission of the central government and assigned to districts by the Ministry of Local Government. Also, the tender boards were disbanded in favor of contract committees composed of administrative and technical personnel chaired by the CAO. While the administrators are still legally under the control of their respective elective bodies and evaluated by the district chairperson, recentralization effectively changed the working relationship between legislators and administrators.<sup>31</sup>

Most administrators, as one would expect, saw the change in a very positive light because, as one informant stated: "the council was bullying the CAO before recentralization." They also note the present fiscal reality that 95 percent of local government funds come from the central government and the central ministries want to make sure the money is being properly spent. As expected, elected officials were more mixed in their reaction with many being concerned about the long-term impact of recentralization:

Recentralizing the CAO took away local power. The CAO now feels superior. He acts arrogant over the councilors and they now feel powerless. He even decides who can attend meetings in Kampala. This is the death of decentralization. For instance, the elected people know they can build latrines cheaper in their villages, but the civil servants choose to ignore them. The elected people can't monitor or supervise the tender committee. Only the executive monitors. In effect they monitor themselves.

Many elected officials noted a change in the working relationship with the CAO. A "you are not our employee" attitude is forcing more turnover as councils only need to complain to the Ministry of Local Government to seek a change instead of going through a judicial tribunal.

The goal of recentralizing the higher level administrators was to improve accountability and enhance the performance of local governments. While it is too early to pass judgment on this action, several important questions remain to be answered. Has recentralization seriously damaged the accountability link between elected and appointed officials at the district and local level? Will political pressure on administrators by elected officials merely shift to other forms of pressure such as using the central government ministries or members of parliament to force CAOs to make decisions they deem more favorable? The most important concern is whether the recentralization of these key administrative positions is just the first step in a broader effort by central government ministries to eliminate local control over resources?<sup>32</sup>

# Resource Conflicts: No Representation without Taxation

Decentralization in Uganda differs significantly from most other developing countries in terms of the range of services devolved to local governments.<sup>33</sup> Among the services provided are the delivery of education, providing health care through hospitals and health centers, the provision of water supplies, the construction, rehabilitation and maintenance of local roads, and field services including agricultural extension, protecting the forests and the environment, and poverty eradication. To pay for these many services, the constitution and the Local Governments Act empower local governments to collect specified taxes, licenses and fees in accordance with laws passed by parliament. It was recognized that local revenue sources would be insufficient to meet the mandated expenses. To cover the local deficits, the central government was mandated to provide grants paid directly to the districts from the Consolidated Fund. The districts and local governments could then formulate their budgets and plans provided the budgets were balanced.34

The linchpin for the district and local governments in holding this financial arrangement together was initially the graduated tax (commonly called the G-tax). Created by the British in the 1930s, the G-tax was a personal income tax levied on all adult males no matter their employment status and all adult females in full-time employment. This tax, while highly unpopular, raised approximately 85 percent of local government generated revenue. Much of the unpopularity was because the G-tax served essentially the same purpose as an identity card for Ugandans. If not produced on demand, an individual could face serious legal difficulties. Another problem was the way the G-tax was collected. For instance, tax collectors would enter villages with armed police and drag defaulters from their homes, often in the middle of night.<sup>35</sup>

The popular distaste for the G-tax came to a head in the 2006 election when opponents of President Museveni promised to repeal the G-tax if elected.<sup>36</sup> Not to be outflanked, the president announced the suspension of G-tax collections. To justify this action, the president made the point that G-tax collections were inefficient. As much money was being spent in collecting the tax as was actually being collected. Instead of the G-tax, the government promised to increase central government transfer funds and then pass legislation to create taxes that would be more palatable to the public.<sup>37</sup>

Once the president and the NRM were returned to office, the election promises fell short. The Local Government Finance Commission reports that only 5 percent of district and local budgets now comes from local sources.<sup>38</sup> While conditional grants were increased, the amount transferred was well below the revenues generated by the G-tax. Also, the substitute taxes approved by parliament in 2008 failed to meet the needs of local government. The hotel tax helps larger population centers, but it provides little income for towns and villages with few if any hotels. The local service tax works well with salaried people but raises little revenue from rural peasant populations. The property tax has the problem of local government not having sufficient funds to hire and train assessors, plus the fact that a large percentage of the land is occupied by squatters.

The bottom line is that potential local revenue sources available to local governments are very limited in the funds collected, too politically volatile, uncollectable, or do not respond to the unique needs of communities, particularly those in areas disrupted by war. A sales tax is

presently being discussed within government circles because it could raise the necessary funds. However, President Museveni is opposed to a sales tax claiming that it would result in double taxation between central and local governments.<sup>39</sup>

Concern with local government funding and the failure to meet resource demands was noted as a major source of conflict by virtually every person interviewed. "The central government collects the easy taxes and those keep rising." "The president arbitrarily exempts local businesses from taxation and his word is law." "After the G-tax was removed, our local government simply stopped working." "It would be OK if the central government gave us the net of what we lost, but the finance people in Kampala want to use the money for themselves."

Many local government leaders perceive funding dependency to be a form of recentralization. They claim that central government ministries see local governments as enjoying too much autonomy and conditional grants are a way to reverse this trend.<sup>40</sup> One district chairperson complained, "We are becoming nothing more than contractors for the central government." Interestingly, the 10 percent spending flexibility allowed local governments in dispensing conditional grants also creates problems because ministries do not want to see local governments reallocating funds from their functional area to other uses. This further increases their desire to recentralize functions and regain fiscal control.

Another interesting claim by a number of local government officials is the belief that payment of the G-tax was important in building citizen responsibility. Men in particular were forced to work in order to pay the tax which in turn gave them a connection to their local government. Now, officials complain, they want a free ride with the government paying for everything.<sup>41</sup> "People no longer work to raise graduated tax money. Men only eat, drink and produce children." Reversing a famous American Revolutionary War expression, a councilor proclaimed, "People need to realize that there is no representation without taxation."

#### Societal Conflicts: It's Like Teaching Them How to Dance

District and local leaders consistently reported on the conflicts they experience in working with elected councilors. They see many councilors being put into power on the basis of unrealistic promises that citizens have no way to evaluate or don't care to evaluate. This problem is traced mostly to illiteracy and poverty, which are then complicated by ethnic differences.

#### Illiteracy, Poverty and Expectations: The Magic Road to Riches

Uganda is a land with fertile soil and lush vegetation which means that people rarely go hungry. What people do lack is money and education. Despite the government's vigorous effort to promote universal primary and secondary education, the literacy level remains around 70 percent. In terms of individual wealth, 35 percent of the population is below the poverty line. While many citizens are relatively well educated and financially secure, most people struggle to survive in a subsistence economy. To people living in this environment, the thought of becoming a district councilor would seem like an easy way out of poverty. Aspiring local politicians often sell what little they have, borrow heavily from friends, and make whatever promises seem expedient to get themselves elected and on the "magic road to riches."

A very rude surprise awaits these poor, uneducated councilors when they assume their duties. They expect salaries, or at least large expense allowances, and health benefits. What they discover is that councilor allowances are set by the Local Governments Act to be 20 percent of locally collected tax revenues for the previous year. Given the recent reduction in local revenues, their allowances are even more at risk. In practical terms it means that a typical councilor might receive approximately 100,000 shillings per sitting (US \$50), and payment is often late. Councilors are required to attend six district council meetings each year and six meetings of standing committees. Each trip necessitates travel and hotel expenses that are often not reimbursed in a timely manner. The problem of councilors' expectations is aggravated by the fact that members of the executive committee and the speaker are paid salaries. The councilors think these members are "eating with the CAO."

The councilors quickly become aware that district budgets consist of billions of shillings. Because they often do not understand or appreciate how government operates, they become suspicious, and friction begins to grow. For instance, a conditional grant transfer of 100 million shillings sounds like a reward to the administrators if the councilor does not understand the breakdown of these funds and expenditure lines.<sup>44</sup> This problem is worsened when councilors learn of gross misuse of funds and the lack of financial accountability. They ask themselves, why can't we have some of this money? Is it corruption to get back money they feel is owed to them for winning election to office? In their villages they are now viewed as "the big man," and their voters expect them to deliver with contracts and jobs. 45

A problem that closely parallels the poor economic backgrounds of many councilors is their lack of education and limited facility in English, which is the official language of local government. While council debates can be held in local languages, the minutes and documents are all maintained in English. Some administrators reported in the interviews how they sometimes hide important facts by writing them in technical language which the councilors obviously would not be able to understand. A more serious problem is that councilors often do not comprehend the laws under which they operate. Respondents claim this causes councilors to feel inferior and insecure which translates into a need to assert themselves. The Ministry of Local Government does provide training for new legislators, but these programs are conducted in English, focus on laws and procedures that are often beyond their comprehension, and many councilors are reportedly more interested in getting their allowances than sitting through dull training sessions.

The problems of poverty and illiteracy combine to create potentially volatile conflict situations. Many councilors believe that power belongs to them because they were elected. They look at the council as a source of money and will try to undercut anyone who stands in the way of getting what is due them. Frustration over the attitude of these councilors is reflected in an interview with a town clerk:

There is ignorance of the laws, mostly among the councilors. They think the council should be able to do whatever it wants. Councilors don't see this as corruption. It is more a lack of appreciation and understanding of the law. This problem then leads into corruption. We need to educate them. However, we tried capacity building seminars, but it didn't help. It is more a reflection of where they come from; poverty, bad families, trying to use politics to find economic security. They may come to serve, but they see all this money.

Other negative comments included: "The elected councilors have unrealistic expectations. They compare themselves to the technicians with salaries. They see themselves as political bosses and they should get a vehicle." "They see the government as having all the money, but no money is set out for them. Why can't they get a million shillings?" Another wryly concluded, "All they know is that today is Tuesday."

The respondents were in general agreement that the quality of the councilors is deteriorating. The challenge is how to reverse the trend. The most widely proposed solution is to require a minimum level of education, perhaps an "O" level. President Museveni opposes this action on the grounds that education is not a measure of character. Many educated councilors and district chairpersons have also been arrested for corruption and unethical behavior. From a political perspective, the uneducated, poor population is a solid voting base for the NRM. Imposing an educational requirement would most likely alienate this voting block. Moreover, it is argued that the universal primary and secondary education programs will eventually solve the problem. A second possible solution is to increase the allowances of the district councilors to attract better quality individuals to government service. Given the financial shortfall presently facing districts and local governments, the problem of remuneration will get worse before it gets better. In fact, many respondents commented that councilors in many parts of the country are refusing to attend legislative functions unless they are given their full allowances in advance.

Many district and local leaders take the problem of councilors in stride and try to work with it. Several leaders noted that four out of five councilors do not return for a second term, which means that a couple of years must be devoted to educating an entirely new class of councilors. A central government official exclaimed, "It's like teaching them how to dance." What helps is that councilors come to know that administrators and technicians are the only ones with knowledge about laws and projects. When councilors seek information, this is the opportunity needed to start training them to become legislators. One district has taken a more aggressive stance in working with councilors. They worked with local banks to loan councilors' money to buy *boda-bodas* [motorcycles]. They could use their *boda-bodas* to make money transporting people during the week and, most important, they had no excuse for not being able to attend legislative meetings. They also advised new councilors that if they wanted to be successful as legislators, they needed to go back to school. Many councilors were now completing their O-level certificates.

# Group Tensions: The CAO Has No Friends in This District

Potentially dangerous ethnic issues are always near to the surface in local government decision making.<sup>48</sup> In Masindi district, ethnic tensions arising from land disputes have led to several deaths.<sup>49</sup> To outsiders these ethnic concerns can take on an almost amusing quality. For example a public health administrator found his program undermined by the tribal belief that men who use latrines instead of the forest will not be able to produce children. In still other

situations, politicians have used tribal and ethnic conflicts for personal advantage.<sup>50</sup> An example here would be a member of parliament who was trying to undermine a district chairperson by dividing the district council along ethnic lines. The result of this intervention has been to make the district council virtually non operational.

Group concerns can play a very immediate role in district and local governments. As a mayor commented, "In my council, people will shoot down an idea simply because the person raising it isn't from the right ethnic group."51 This problem may be aggravated by the recentralization because many administrators now do not belong to the same tribe or ethnic group as the population they serve. Some subtle hints of resentment were expressed with comments like, "He isn't one of us," and "the CAO has no friends in this district." However, the CAO in a volatile western district claimed that coming from the outside has not posed a problem for him because a good administrator can handle ethnic differences. By not being from that group, the CAO can remain neutral and possibly serve as a mediator.<sup>52</sup>

Group issues have also been impacted by the protracted war with Joseph Kony and the Lord's Resistance Army in the northern region of Uganda by displacing thousands of people. The Masindi CAO reported that members of eighty-seven ethnic groups have moved into that region from the Congo, Kenya, and Sudan, as well as other parts of Uganda, but sub-county chiefs are having difficulty delivering services to these people because all the staff houses were destroyed in the war. A mayor expressed how displaced populations have impacted his town:

The Kony war messed up our town because of the influx of displaced people. These people flock to our town every day looking for jobs. They are excess baggage and seriously stretch our resources. It is hard to do planning because of displaced people from the war. They build where they shouldn't and knock over trash bins. Health care is a big problem. Local health centers are poorly Also, the budget doesn't match the real population. population is 100,000, but the budget is based on the permanent population of 40,000."

With the Lord's Resistance Army presently relocated in the Congo, many of these conflicts created by tribal and ethnic pressures on local government are beginning to ease. Displaced persons camps are being closed as these displaced groups are able to return to their home villages and countries.

# Leadership Capacity Building: Conflicts that Undermine the System

The Local Governments Act establishes overlapping centers of power.<sup>53</sup> The elected executives (district chairpersons and mayors) head the executive committee of the councils, the CAO and town clerks direct the technical staff, the resident district commissioner represents President Museveni, and the council speakers set the legislative agenda. These power centers often fail to appreciate the importance of their respective roles in building the delivery capacity of the district and local governments. It takes only one power center to bring the service delivery process to a standstill. At the same time, the primary source of leadership is when the four power centers agree to work together in meeting the challenges confronting their districts. The

Local Governments Act provides the structure, but it is the actors occupying the power centers who must make the system work.

# District Chairpersons and Mayors: Bringing All the People Together

The district chairpersons (DCP) and mayors are critical in setting the political tone for their district or local area. Through their power to appoint councilors to committees, political executives can very quickly create peace or conflict among competing groups. "They must be visionary to see the importance of bringing all the people together." This point has become even more critical with the advent of the multi-party system. The most successful districts and municipalities appear to be those where the executive makes sure that all political parties are represented in the executive committee. The same principle holds true where there are opposing ethnic groups. The DCP has to be perceived as being fair in making appointments or those not appointed will become a constant source of conflict in the council.

DCPs are often a source of conflict because they are the political focal point of their districts. They are generally considered more important politically than members of parliament (MP) who represent only a subsection of a district's population. Moreover, the DCP is continuously active politically within the district while the MP spends a substantial amount of time in Kampala. The result is that a politically savvy DCP is in a much better position to outmaneuver an MP should they find themselves in opposition. On the other hand, a DCP can attract political controversy if viewed as being in opposition to the ruling NRM. For instance, the district can be divided to make it less politically significant. Another example is the attempt to make the mayor of Kampala, who serves the dual role of chairperson in the urban district, an appointed position under central government control.<sup>54</sup>

The power accorded political executives by the Local Governments Act has not always been used effectively in working with administrative staff. This point is reflected in a newspaper assessment of conflicts between elected and appointed leaders within districts. Most of the conflicts resulted from a failure to understand regulations, respective roles, political differences and love affairs. The endless conflicts resulted in 70 percent of the CAOs being transferred in 2008.<sup>55</sup> The negative reputation of some DCPs in consensus building is further reflected in national assessments which rated the position of district chairperson as one of the most corrupt in the country.<sup>56</sup> According to Transparency International, some DCPs reportedly "rigged" their way into office and then used their power to appoint unqualified people to public boards and committees. These appointees then take bribes and share the bounty with the DCP.<sup>57</sup> Mayors are considered less corrupt only because less money trickles down to them. The Office of the Inspector General (IGG) regularly files extensive reports of misuse of office by political executives.<sup>58</sup>

#### Resident District Commissioners: I'm the Shock Absorber

The role of resident district commissioner (RDC) was initially conceived by the NRM during the bush war as the person who would be responsible for making sure that resistance movement policies were being implemented, organizing the resistance councils, and assuring security. The most important function of this position was the political education of officials and citizens on

the principles of the NRM movement.<sup>59</sup> The Local Governments Act divided this position between the district chairperson, who would be the elected executive, and the CAO, who would be in charge of policy implementation. This division of duties left the RDC with the primary responsibilities of representing the president in the district and serving as chair of the district security committee. The RDC was charged with monitoring and inspecting the activities of the local governments in the district and advising the district chairperson on matters of a national nature that may affect the district. While technically a senior civil servant, the RDC is purely a political appointee. It is not uncommon for RDC offices to be covered with election posters of NRM candidates.

The perception today of the RDC's role in local government is one of sharp contrasts. Mayors were asked, "Who would you go to if your town faced a really serious problem?" Their answer was most often the RDC because he has the ear of the president. When DCPs and CAOs were asked about their perceptions, the response was mostly one of indifference if not disdain. "When a politician fails to get re-elected, make him an RDC." "They are political failures." "The RDC is just a spy and informer."

The researchers found the RDC to be among the most interesting to interview. As expected, almost all were former MPs, and some had even served with President Museveni in the bush war. Others were NRM stalwarts who had failed to gain an elected office. Most felt they were doing their best to work with the DCP and CAO of their district in representing the president even though they sometimes were not invited to meetings. A few were refreshingly honest: "I can't wait to leave this district. The people here do nothing but fight over issues that aren't really issues."

What seems clear from the interviews is that the role of the RDC has changed from what the Local Governments Act prescribed. The present focus appears less on monitoring local government activities and more on doing what the president thinks is important in that district to secure his re-election. An RDC described his job this way: "I'm the shock absorber for the president." Thus in a northern district the RDC focused on security issues, in a central district the focus was on securing the rights of women, and most often it was on settling land disputes, much to the chagrin of lawyers. 60 "Clear land titles do no exist in Uganda and it can take years to settle land disputes through the courts. Poor people trust me because I'm neutral and I represent the president. Since most land disputes are family wrangles, I usually can work out a compromise just be getting people to talk."

This image of the wise, senior politician was not universal. In some districts RDCs are at logger heads with the DCP over which of the two is supreme. Many districts complained that RDC was nothing more than a political instigator for the NRM. For instance, the president named the NRM candidate who lost his race for district chairperson to serve as the RDC in that same district. Another example arose when an RDC tried to arrest municipal officials who were legally trying to demolish a building owned by a politician.<sup>61</sup> Examples of such flagrant abuses of power appeared uncommon to the researchers. What is more important is that RDCs have for the most part allowed their role to evolve with events so they can be more useful to the president as individual problem solvers.

# Council Speakers: Just Cuddle-up to Them

Another important role in the district and local governments that is largely overlooked is that of the council speaker. The primary function of the speaker, who is full-time and draws a salary, is to chair the bi-monthly council meetings and to chair the business committee that determines meeting agendas. This position can be a source of conflict with the district chairperson because speakers can determine the course of a meeting by not placing an item on the agenda or refusing to recognize certain councilors. Moreover, the speaker can only be removed by a two-thirds vote of the council and with the consent of the Minister of Local Government. A DCP who cannot get along with the speaker is in trouble because the business of the council comes to a stop.

Perceptions of the speakers' position were mixed. Many respondents thought the speaker was a waste of money. As a full-time person, the speaker, in the eyes of most administrators, has little to do between the council meetings but meddle in their business. They claim the work of setting an agenda could be done in a couple of weeks before the council meetings. Other respondents, particularly councilors, see the speakers' role as important in terms of serving as a political harmonizer and a buffer between the administrators and the elected councilors. They also claim that a speaker cannot set an agenda intelligently without having full knowledge of what is happening within the government between council meetings. They also see the speaker as their public relations person and someone with whom they can talk. The end result is that most DCPs and CAOs view the speakers as unimportant, but not worth the political capital it would take to curb their power. "The speaker can destroy you easier than you can destroy him. It is easier to just cuddle-up to them."

#### Limitations

The political situation in Uganda is presently very fluid, and not all important areas of local government conflict could be covered in this article. One conflict area not examined in interviews is a simmering dispute between the Buganda kingdom and President Museveni regarding the establishment of a federal-like arrangement (termed *federo*) in which a regional government would be headed by the *kabaka*. President Museveni is opposed to federalism in Uganda on the grounds that it would create chaos and power conflicts between the regions and the central government. <sup>62</sup> This tension led to riots in September 2009 in which several people were killed. <sup>63</sup> A second unexamined conflict situation arose with the introduction of bill in parliament that would enable the central government to take over the administration and development of Kampala City plus parts of the major suburban areas of Mukono and Wakiso districts. The effect of the bill would be to give the NRM government a direct role in the running of Kampala through a metropolitan authority. The mayor would become ceremonial and the central government would appoint an executive director to run Kampala City Council. The Buganda leadership vigorously opposes this move as a government ploy to take over their land and reduce the kingdom's strength. <sup>64</sup>

#### **Conclusion and Recommendations**

This article investigated the sources of conflict that impact local governance in Uganda. Based on extensive interviews with local government leaders, it was found that power struggles at the national level and an apparent attitudinal shift on the part of NRM toward local government have resulted in policies that are leaving local governments administratively disoriented, fiscally impaired, and increasingly uncertain as to their future role in governance. Moreover, conflicts arising from the interplay of corruption, illiteracy, and ethnic tensions are inhibiting effective collaboration between elected and administrative personnel. This problem is further exacerbated when conflicts arise because local government leaders stray from their legislated roles. The result is that local government's capacity to deliver services effectively is being seriously compromised. This inability to deliver services is leading to growing public disenchantment that could ultimately lead to the undoing of Uganda's attempt to achieve democracy through decentralization. Some conflicts could subside following the 2011 election, since political leaders may feel less pressure to make politically expedient changes to the constitution and the Local Governments Act. It is also hoped that national and local government leaders, remembering the suffering that occurred under recent dictatorships, will be challenged to stop this slide into chaos.

The interviews suggested several policy changes that might help district and local governments alleviate some conflict areas and function more effectively:

- 1) Resolve the fiscal crisis of local government by instituting a viable change in the tax structure by possibly adopting a district sales tax.
- 2) Establish a special independent commission to evaluate the economic and political viability of proposed new districts.
- 3) Mandate that all district and local government elective offices be nonpartisan to reduce the stress caused by political parties.
- 4) Prohibit the further recentralization of administrative positions for five years to evaluate the impact of recent actions regarding the CAOs, assistant CAOs, and town clerks.
- 5) Expand the powers of the Inspector General of Government's Office to investigate and prosecute cases of fraud and corruption.
- 6) Redesign the position of resident district commissioner to reflect how the role has evolved as the political representative of the president.
- 7) Require an O-level certificate as a minimum qualification for serving as a district or local government councilor to assure effective conduct of legislative business.

It should be noted in conclusion that Uganda has important qualities working in its favor with respect to building a viable local government system. First, Ugandans have a deeply felt appreciation for democracy following the mistreatment they experienced under years of dictatorship. They know what it means not to be free. Second, most district and local government leaders are very professional. While corruption does exist, the researchers were impressed by the level of expertise and commitment often exhibited in the interviews. Third, while frustration was expressed with the quality of local councilors, it should not be overlooked that many councilors interviewed are working hard to improve the quality of life of their

citizens and appear just as dedicated to building a democratic Uganda as those who participated in the NRM bush war.

#### **Notes**

- 1 Kisakye, 1996.
- 2 APRM, 2007; Barken, 2005; JICA, 2008; Muhumuza, 2008; Robinson, 2006; Steiner, 2006.
- 3 Mudoola, 1993.
- 4 Amaza, 1998; Byrnes, 1990; Tukahebwa, 1998.
- 5 Kauzya, 2007; Mbazira, 2008.
- 6 Livingston and Charlton, 2001.
- 7 Krutz, 2006; Makara, 1998; Wadala, 2007.
- 8 Mamdani, 1987.
- 9 Ahikire, 2007; Byrnes, 1990; Golola, 2001.
- 10 Kauzya, 2007.
- 11 Muhumuza, 2008.
- 12 Barken, 2005.
- 13 Krutz, 2006.
- 14 JICA, 2008.
- 15 IRI, 2003.
- 16 ACCU, 2006, p. 13.
- 17 JICA, 2008, p. 49.
- 18 Stoker, 1988.
- 19 Makara, 1998.
- 20 Letters, 2004; Mafabi and Kolyanga, 2009.
- 21 Nampala, 2009.
- 22 Ocwich, 2005.
- 23 JICA, 2008; Muhumuza, 2008.
- 24 Krutz, 2006.
- 25 Kato, 2009a.
- 26 APRM, 2007.
- 27 Maseruka, 2008a; Robinson, 2006.
- 28 Mukundane, 2010; Tumushabe and Aruho, 2009.
- 29 MOLG, 2008b.
- 30 Talemwa, 2009.
- 31 APRM, 2007.
- 32 APRM, 2007; Ribot, Agrawal, & Johnson, 2006.
- 33 Livingstone and Charlton, 2001.
- 34 LGFC, 2009; TIU, 2005.
- 35 Francis and James, 2003.
- 36 Livingtson and Charlton, 2001.
- 37 Maseruka, 2008.
- 38 APRM, 2007; LGFC, 2009.

- 39 LGFC, 2007; MOLG, 2008a.
- 40 JICA, 2008.
- 41 JICA, 2008.
- 42 CIA, 2002.
- 43 Golooba-Mutebi, 2008; TIU, 2005.
- 44 Ssonko, 2008.
- 45 IGG, 2003.
- 46 IGG, 2008.
- 47 Kanyeihamba, 2002.
- 48 Kayizzi, 2006.
- 49 Mugerwa, 2009.
- 50 Muhumuza, 2008.
- 51 Mufumba, 2009, p 20.
- 52 APRM, 2007, Kato, 2009b.
- 53 Kabumba, 2007.
- 54 Kagalo, 2009.
- 55 Kato, 2009a.
- 56 IGG, 2003.
- 57 TIU, 2005.
- 58 Buregyeya, 2007; IGG, 2008; Ssengendo, 2008.
- 59 Byrnes, 1990.
- 60 Baguma and Nabukenya, 2009; Khadiagala, 2001.
- 61 Mugabi, 2009.
- 62 Mulondo, 2009; Musoke, 2009; Naluwairo and Bakayana, 2009; Ssempogo and Mulondo, 2009.
- 63 Businge et al., 2009.
- 64 Kagalo, 2009; Mugerwa, 2009; Naturinda and Mwranje, 2009.

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