

Impact of Multiparty Politics on Local Government in Uganda

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Abstract: *Following years of civil strife, Uganda implemented a strategy of political decentralization with the promulgation of the 1995 constitution and the enactment of the Local Governments Act two years later. While this experiment in governance was long hailed as an African success story, the advent of a multiparty system in 2006 is threatening the gains achieved through decentralization. Not only has the nature and style of decision making been affected, but multiparty politics has undercut the foundation of local government independence. This study examines this change in fortune by interviewing 60 local government officials throughout Uganda. The results provide a firsthand perspective on how multiparty politics has impacted decision making and service delivery in this developing country. The study begins by recounting the historical development of local government and political parties in Uganda. Attention is then focused on the current problems faced by local governments in maintaining their financial independence, responding to the challenge of new district creation, and the implications of administrative recentralization. The study concludes with two brief case studies that illustrate the direct impact of political parties on local government operations.*

Introduction

The rapid change in Ugandan national politics following the re-establishment of political parties in 2006 is well documented.¹ What is much less researched is the impact that political parties are having on the actual operations of district and local governments. The study sought to fill this void by interviewing 60 officials in district and local governments throughout Uganda in a nine-month investigation. These officials were located in 22 regional districts and virtually every major municipality, often in very remote parts of the country.

The researchers interviewed these officials in their offices and sometimes in their homes or other places if they wanted the interview to be completely private. It was understood that all responses would be kept confidential unless the situation being discussed had previously been made public. While a formal script was not followed in the interviews, the same set of issues was discussed with each participant. The interviewers took copious notes during the interviews and then compared these notes for completeness and accuracy.

Also interviewed were officials in key central government agencies and organizations including the Ministry of Local Government, Uganda Local Government Association, Local Government Finance Commission, Uganda Management Institute, and the Anti Corruption Coalition Uganda. The officials were quite helpful in providing access to internal documents that are not readily accessible to researchers outside Uganda. Newspaper reports were relied upon to follow local government political developments that evolved during and following the interviews.

History of Local government in Uganda

The system of local government in Uganda has oscillated between centralization, decentralization, and recentralization. Prior to independence in 1961, the British established

agreements with Uganda's four major ethnic groups to allow for some degree of local governance. The most important of these agreements was with the Baganda, a very large ethnic group of 5.5 million people that occupies the strategic area along the north coast of Lake Victoria.² The *Kabaka* (king) of the Baganda was given significant tracts of land and authority over his people in exchange for loyalty to the crown. The British also designated the Baganda as the administrative elite of the Uganda colony. Three smaller ethnic groups were also accorded special powers in the traditional kingdoms under their control. The most notable was the Acholi that occupied the north-central region of the country and formed the core of the British-controlled military.³ The remainder of the country was divided into 11 districts that were governed by a local district governor who ruled to a large extent through tribal chiefs.

In 1955, the colonial administration enacted the District Administrations Ordinance which gave some powers to the local governments over service delivery. However, most power remained centralized as reflected in the enactment in 1959 of the Local Administrations Ordinance which gave the colonial governor power to appoint chairmen and members of appointment boards. Real devolution of power to local governments did not come until the enactment of the 1962 federal independence constitution which created four provinces, below which were districts, sub-counties, parishes and village administrations. The new constitution, through the Local Administrations Ordinance, also empowered the local councils to determine their own composition, collect taxes, and administer lands, local roads, rural water supplies, education and health among other key functions.

The decentralized structure was overthrown by the Milton Obote and Idi Amin regimes immediately following independence in favor of direct central government control.⁴ Under Obote's first regime (1963 to 1971), the Urban Authorities Act (1964) and the Local

Administrative Act (1967) recentralized most of the service delivery functions that had been devolved to local governments by the 1962 constitution. The minister of local government was given extensive power including the authority to determine the number of local councils and approve council elections and bylaws. During the Amin era (1971-1979), ten provinces were created that were directly ruled by military governors. Created by decree, these provinces were mainly administrative units that helped the central government oversee district operations.

After the overthrow of Amin in 1979 by the Uganda National Liberation Front backed by Tanzanian troops, Milton Obote returned to power and abolished the provinces. The country also saw the reenactment of the Urban Authorities Act (1964) and the Local Administrations Act (1967). The following year, after the disputed national elections won by the Uganda People's Congress (UPC), Yoweri Museveni formed the National Resistance Army and went into the bush to wage a five-year protracted struggle against Obote. The guerrilla war was successful in overturning the second Obote regime in 1986.⁵ The long struggle for power led to the total collapse of any local government structure that existed as most of the officials had fled for their safety. To provide security and some element of governance in the newly captured areas, Museveni formed national resistance councils in each village and town under NRA control. The councils would then elect a representative to a regional body, which in turn elected representatives to control the district.⁶

A variation of the NRA model was recommended to parliament in the Report of the Commission of Inquiry into the Local Government System and formed the basis of the Local Governments Act.⁷ The primary difference between the new system and the original NRA model was that citizens at each level of government would directly elect district chairpersons, mayors, and district and local councilors. Part of the justification for direct elections was to

circumvent the tribal chiefs who were widely viewed as having been politically corrupted by the Amin and Obote regimes.⁸

Based on the recommendations of the Mamdani Commission, the Resistance Councils Statute was enacted in 1987 to reverse the recentralizing of local government. Additional changes occurred in 1993 when local governments were empowered to provide improved service delivery.

Most of the provisions of the Resistance Councils Statute and other empowering legislation were incorporated into Chapter 11 of new constitution that was promulgated in 1995. A key principle of the new constitution was a commitment to establishing a decentralized form of government. This commitment to decentralization became fully realized two years later when the Ugandan parliament enacted the Local Governments Act in 1997. The new law built upon Uganda's experience under British colonial rule, the governing structure created by President Museveni's National Resistance Army during the guerrilla war, and the continuing interplay of ethnic, tribal, and religious conflicts.

The politics of decentralization

President Museveni made two major political decisions after assuming power in 1985 that directly impacted local governance.⁹ His first decision was to reorganize the National Resistance Army into the National Resistance Movement (commonly called The Movement). The NRM formed a variation of a one-party state by defining itself as an all-inclusive movement. Political parties were not banned, but were brought under the NRM organizational umbrella.¹⁰ The restructuring was implemented despite the fact that political parties had extensive followings and a long history in Uganda before and after independence. The NRM justified its action as

being necessary to reestablish national unity since President Museveni was very critical of the role political parties played in the demise of democracy.

The second critical decision made by Museveni was to divide the country into 34 large regional districts, plus the city of Kampala as an urban district. The district boundaries were presumably created in such a way that the extensive Baganda kingdom was divided into at least four districts to dissipate the political power of the *Kabaka*. The Baganda agreed to this structure largely because of Museveni's immense popularity at the time and because he had arranged for the return of the *Kabaka* from exile in Great Britain. The Baganda have since had second thoughts about the division of the kingdom and increasingly insist on forming what they call a *federo* (federalism) system that would essentially reinstitute the rights and powers granted to them by the British.¹¹ The frustration of the Baganda was reflected during the deadly street riots of late 2009 and a call by Museveni to further restrict the powers of the traditional kingdoms.¹²

This period before the reintroduction of multiparty politics was in many respects the high point of decentralized local government in Uganda. Party politics did not exist and the president's power was unchallenged. The central government demonstrated a high degree of commitment and political support to local governments through financial and administrative autonomy.¹³ Thus the governance system created by the Local Governments Act became widely recognized by the international community as a model for political decentralization.¹⁴ Most Ugandans appeared to accept the district and local council structure and the direct election of district and local officials. Indeed, many developing countries sent teams to observe how this experiment in local governance was being implemented.

The country was ruled from 1986 to 2005 under the Movement (no party) system of government. The Movement Act and the Movement (Elections) Regulation Act, passed in 1997,

suspended political party activity, made everyone a member of the Movement, and required that all elections be based on the merits of the candidates. Two national elections were held under the Movement system in 1996 and 2001, both of which were easily won by Mr. Museveni.

Pressure from foreign sources and the former political parties forced the NRM to compromise on multiparty politics by agreeing to repeal Article 269 of the constitution and any other laws and regulations that restricted the activities of political parties at the national level.¹⁵ The Political Parties and Organisations Act was enacted in 2002 to enable the dormant political parties to reestablish themselves officially and allow their candidates to challenge President Museveni and the NRM in national and local elections pursuant to Articles 72 and 73 of the constitution. The president agreed to this change with the justification that governance had evolved to a point under his leadership where Uganda could move to the next stage of democratization.¹⁶ Hence, a national referendum was held in 2005 in which 92.4% of Ugandans voted for a return to a multiparty system of governance.¹⁷ The Political and Organisations Act No. 18 was passed in 2005 against the background of a successful transition from the Movement to the multiparty system.

Uganda's experiment in democracy began to take a negative turn with a series of political decisions that resulted from President Museveni's desire to continue as president despite the constitutionally mandated limit of two terms or 10 years in office.¹⁸ Because the NRM dominated the parliament, the term limit clause was easily overridden in anticipation of the 2006 multiparty election.¹⁹ This move permitted President Museveni to stand for a third term in office, which he won amid accusations of vote rigging and political intimidation by the opposition.²⁰

Table 1: Parliamentary Seats by Political Party and Presidential Elections Results

Political Party	Parliamentary Seats	Presidential Elections
National Resistance Movement	191	59.26%
Forum for Democratic Change	37	37.39%
Uganda Peoples Congress	09	0.82%
Democratic Party	08	1.58%
Conservative Party	01	
Justice Forum (JEEMA)	01	
Independents	36	
Vacant	01	

Source: African Elections Data Base (2006).

The 2006 election resulted in four major parties having seats in parliament and showing some degree of following in the presidential election. Table 1 shows 284 persons were directly elected members of parliament; i.e., 215 constituency seats and 69 district women representatives. The constitution mandates that each district will have a directly elected woman member of parliament. The parliament is currently composed of 211 NRM members, the FDC has 38 and the UPC has 9.²¹ As regards to local council election outcomes in 2006, the Electoral Commission²² shows that NRM has 50 district chairpersons, FDC has 4, UPC has 1, Democratic Party 1, and 13 are listed as independents. Thus the NRM has substantial numerical strength in both the parliament and the districts.

Acceptance of political parties

The introduction of political parties at the district and local level was initially viewed with some apprehension when they were re-activated in 2006.²³ For instance, the Anti Corruption Coalition predicted that, “*Under multiparty politics, the formulation of policies will*

not be based on facts but on emotions.”²⁴ Others were more willing to give the new multiparty system an opportunity to evolve. One administrator commented at the time, *“The people are not used to multiparty politics and need to be stimulated to start appreciating and effectively operating under a multiparty system. It is like a cock that has been tied for so long. Even if it is untied, it has to be chased for it to run.”*²⁵

The field interviews found a mixed reaction to the new multiparty environment after having been in place for three years. Many local leaders felt that local governments were unable to handle the conflicts that multiparty systems inevitably generate. This point was particularly apparent where district chairpersons were of one party and a major part of the council was from another. A common complaint was that everyone was jockeying for the upcoming election in 2011. In one district, *“The councilors would censure the chairperson or try to poison every initiative made by the opposition.”* In another district, *“All leaders not from the NRM are seen as enemies and anti-government. Hence good ideas get outright rejected, creating endless conflicts.”* A frequently raised concern was that *“local politicians do not understand how their issues relate to national issues.”* While complaints were readily reported, the general feeling expressed was that *“local government should have been left nonpartisan, but the multiparty system is now a fact of life and everyone needs to adjust to the new reality.”* Part of this reluctant willingness to accept the new reality is that, according to the constitution, conditional grants that mainly finance the districts will keep coming no matter what party or parties control the local district.

It was interesting to note the aggressiveness with which many local leaders confronted the potential discord created by the multiparty system. It was not uncommon for district and local leaders to comment that party conflicts did not occur in their jurisdiction because they

worked hard to include opposition party members in the administration. The most common strategy is to meet privately with party representatives (caucuses) prior to council meetings and work out compromises. Another common strategy is to make sure that minority party leaders are given secretarial positions that allow them to participate in executive council meetings. Indeed, the field interviews found that district and local governments could work effectively in a multiparty environment if the party leaders, and particularly the district chairperson, wanted it to work. Where such an environment fails to evolve, the decision-making process is easily deadlocked. For instance, the Lira district (dominated by UPC councilors, but with an Independent chairperson) and Sembabule district (dominated by NRM councilors but headed by an independent chairperson) had great difficulty functioning, much to the detriment of the people they serve.

The new political landscape

The real impact of introducing a multiparty system in Uganda was found in the changed attitude of the NRM and the central government toward local governments. This point was most clearly seen in the willingness of the central government to sacrifice district and local governments to achieve political advantage in the upcoming 2011 election. First, the central government significantly reduced the financial independence of local governments by directly intervening in their collection of tax revenues. Second, new districts were created primarily to gain political support with total disregard for their financial viability. Third, key local government administrative offices were recentralized which weakens the ability of local governments to challenge central authority.

Revenue policies

The new political landscape under the multiparty system became apparent when opponents of the NRM picked up on the fact that local tax policies were a volatile political issue. This realization came to light with a very unpopular source of local revenue called the Graduated Tax. The G-tax, which was first imposed by the British in the 1930s, required that all adult males and fully-employed females must pay an income tax and carry a card at all times showing proof of payment. Adding to the unpopularity of the G-tax was the heavy-handed way in which the tax was often collected. It was not uncommon for tax collectors to enter villages in the middle of the night with armed police to arrest people. Another tactic was to establish road blocks to catch tax evaders as they tried to enter Kampala.²⁶

Opposition parties began to gain political traction with this issue by calling for the elimination of the G-tax. President Museveni responded to the challenge in 2006 by arbitrarily suspending the tax. The justification for this action was the unpopularity of the tax and that local governments spent too much money in collecting the tax. Unfortunately for district and local governments, the G-tax contributed more than 80% of their discretionary income.²⁷ The national government agreed in principle to replace the lost money, but the effect was to make district and local governments almost totally dependent financially on the largesse of the central government.

Since its abolition, the inadequate and inconsistent compensation provided by the central government left local governments critically constrained financially. They are not able to finance critical services such as meeting council sitting allowances, supervision and monitoring of local government projects, and co-funding of foreign donor-funded projects.²⁸ Another problem initiated by multiparty politics is the interference in local revenue collection by central government, ostensibly to win political support.²⁹

This same scenario continues to be replayed as local taxes on taxi parks, motorcycle transporters, and any other local tax that is deemed unpopular by some voting constituency, is set aside by the central government. Each individual action is supported by the government with its own rationale, but the end result is the continued erosion of local government financial and political independence.³⁰ The seriousness of the problem, as shown in Table 2, is reflected in the loss of locally generated revenues following the 2006 election.

Table 2: Local Revenue Collections for selected districts, 2005-2007

District	Actual USH FY2004/5*	Actual USH FY2006/7*	Percent Change
Arua	1,184,895,164	137,347,992	- 88%
Bushenyi	1,366,214,720	441,930,082	- 67%
Gulu	301,491,381	153,604,719	- 49%
Hoima	592,594,054	345,693,145	- 41%
Iganga	274,229,446	86,978,590	- 68%
Jinja	822,198,000	359,621,856	- 56%
Kampala	24,294,796,000	23,005,704,000	- 05%
Lira	835,354,519	230,686,000	- 72%
Masaka	462,807,559	256,566,873.	- 44%
Mukono	1,807,008,894	589,358,460	- 67%
Soroti	462,780,980	242,419,000	- 47%

*1,000 Uganda Shillings (USH) = 0.35311 Euros or 0.52219 US Dollars.

Every local government leader interviewed expressed strong concern about the financial health of their district or municipality. Problems immediately began to appear that local governments were unable to resolve. One of the most pressing problems mentioned in the

interviews was government pensions that had been funded primarily by the G-tax. With the loss of revenue, the central government was asked to take over funding, but the idea was rejected. The result in one district was that 500 people retired from local government and their only recourse to secure a pension was to go to court. Another district leader claimed the G-tax brought in 2 billion shillings, but locally raised revenues are now bringing in only 500 million. *“When constituents look at you, they don’t care who you are or how much education you have. Are you responding to their needs? People expect wonders. We have 880 kilometers of roads but money to maintain only 80 kilometers.”*

The central government justifies its intervention in local tax policies by assuring that new sources of tax revenue will be created and the lost revenue will be made up in the form of grants. The difficulty with new tax sources, according to local government leaders, is that easily collectable taxes and taxes that would raise substantial revenue are retained by the central government. The tax sources left over, such as the hotel tax and service tax, either fail to raise sufficient revenue or are too hard to collect. In any case, the hotel tax is only applicable to those areas such as the Kampala district and a few districts with sizeable municipalities.

The problem with direct central government grants, they claim, is that local governments lose their independence. With local government income approximately 95% dependent on the central government,³¹ it is nearly impossible for district and local governments to initiate local improvements without getting the approval of the central government. *“We built the district headquarters out of our own money. We could never think of doing something like that today.”* In conclusion, the introduction of multiparty politics has eroded the independence of the local governments, thus overturning the gains made under decentralization.³² The Local Government Finance Commission³³ concurs, *“The objectives and gains of decentralization have been*

frustrated as the local governments are dependent on handouts from the central government which are sometimes insufficient to fully pay the salaries of the staff leading to accumulated salary arrears.”

Creation of new districts

Another distinct change in the local government environment resulted from the creation of new regional districts. When new districts are created, the central government provides between USD 280,000 to USD 560,000 to construct offices and purchase vehicles, office equipment, and other amenities.³⁴ In addition, each district is allowed to elect at least one new woman member of parliament and to hire an assortment of political and administrative officials. Another reason for the creation of new districts is that local tribal leaders are able to consolidate their power through districts that exclude other tribal groups.³⁵ Consequently, many believe that President Museveni and the National Resistance Movement became very tempted to provide money, jobs, and influence by creating new districts in exchange for pledges of political support.³⁶ In other words, the creation of new districts is used as a ploy to win elections in a multiparty dispensation.³⁷ The end result is that districts increased from 34 in 1997 to 83 in 2009. Based on proposed legislation, it is estimated that 101 districts will be in existence by 2011.³⁸

The field interviews found district and local government leaders highly frustrated about the constant creation of new districts. Many felt they were being created mostly *“to satisfy the egos of local tribal leaders and gain their political support.”* Of particular concern was the central government’s seemingly lack of regard for the financial viability of these new districts. When a new district is created, leaders complained, *“It divides the already limited revenue base of the original district. The end result is two weak districts that cannot provide meaningful*

services to local citizens.” This concern over district fragmentation was reinforced by donor governments whose contributions make up over half of the national budget. They are insisting that the creation of all new districts be stopped unless the government conducts a systematic assessment of their viability.³⁹

The unsustainable nature of the new districts quickly became apparent to the researchers. First, they learned not to attempt interviews in rural new districts on Monday or Friday. Most of the senior professional staff does not work on these days because they are traveling to and from their homes in Kampala or other urban centers. The “code” word from the staff was that such officials were attending “training programmes in the capital.” Second, technical staff frequently complained that so much money was used in their budget to cover salaries little was left over to do actual work in their district. Third, the ability to organize many of the new districts was very limited.

Clear examples of the problems created by ill-conceived new districts were found in the interviews. The new Maracha-Terego district could not be made operational because the central and local governments could not agree on the site of the new district headquarters. Sembabule district had gone two years without being able to hire its administrative staff. Further, ethnic conflicts within districts have increased at the onset of multiparty politics and the creation of new districts. The split of Tororo district into Kisoko and Mukuju districts has left the major tribes, the Iteso and Japhadola, at high levels of tension as they fight to take control of the Tororo municipality. The tension is reflected in the actions of a local citizen who ate a raw rat while standing before President Museveni to protest the delay in splitting the Tororo district. He now dares the Japhadola to eat a lizard if they think Tororo belongs to them. A local newspaper quoted the opposition as saying the creation of districts is “*primarily a source of patronage in the*

ongoing need for President Museveni to win election through the 'popular vote.' But after the lines are drawn, rats and lizards are left to fight."⁴⁰

Administrative recentralization

A central tenet of the Local Governments Act was that district and local councils would be responsible for recruiting, compensating, and disciplining their staff. This task would be accomplished through a district service commission that would be appointed by the council on the recommendation of the district executive committee and approved by the central government's Public Service Commission. The most important appointments made by the district service commissions were the district chief administrative officers (CAO) and town clerks (which are equivalent to city managers in the United States). The CAOs and town clerks are particularly important because they serve as the chief accounting officer and the head of their respective administrative staff. To balance this power, the professional executives were subject to the policy direction of the elected district chairperson or mayor and their respective councils.

The Local Governments Act made the removal of a CAO or town clerk a very difficult process. They could be removed from office for cause by a two-thirds vote of their council. The Uganda chief justice would then constitute a special tribunal of justices to investigate the allegations and determine if a *prima facie* case existed. This process was quite time consuming and the councils would be required to pay the salary of the dismissed executive as well as the salary of the replacement until the termination was decided. One recent case took more than ten years to resolve after a CAO was terminated after she refused to deploy military personnel to run polling centers in her district.⁴¹

The problem that initially arose in the Ugandan local government system was that elected officials frequently sought to go beyond their legal mandates either as a show of power or for

their own financial gain. Standing in their way was the professional executive. While professional executives are not free from illegality and corruption, the law made them directly accountable for their district's actions.⁴² This point was well made in an interview:

“The primary cause of conflict in the past was the failure to appreciate different roles within the council. There is no clear separation between policy and politics. The chairpersons and elected councils want to be the boss, but the legal responsibility falls under the CAO. If they ask him to do something illegal, he will put it in writing. The Inspector General can investigate, but it takes time. The administrative people were not strong enough to stop illegality.”

The reintroduction of political parties further aggravated the situation by heightening the desire to control appointments and valuable government contracts. All too often the CAO or town clerk became the focal point of contentious factions in the growing struggle for power between the political parties.

The central government sought to give greater protection to the senior executive staff by amending the Local Governments Act in 2006. The amendment stipulated that chief administrative officers, deputy chief administrative officers and town clerks would now be appointed by the central government's Public Service Commission and assigned to specific districts or municipalities by the Ministry of Local Government. Also, the CAOs would now appoint and head the powerful contracts committee in their respective districts (to replace the district tender boards that were put in place by the councils). While the CAOs continue to report to their respective district chairperson and council, recentralization effectively changed the nature of their working relationship.⁴³

The reaction of local government leaders to the change was decidedly mixed. Many felt the elected executives and councils had unfairly bullied the professionals and they would now be free to do their jobs. Many CAOs and town clerks felt they could now be neutral brokers in working to reduce tribal and political tensions within their jurisdiction. Of course, they would still be under the council's rules and regulations and would be evaluated by the district chairperson or mayor. Other respondents felt the change marked the death of decentralization. *"The CAO now feels superior. He acts arrogant over the councilors and they now feel powerless."* Some respondents were also suspicious of the motives of the central government. *"They took the CAO, now they are trying to take over production, health, and education. The councils are now constantly receiving new guidelines which cause considerable confusion. The elected people now have nothing to do."*

The danger to Ugandan local government posed by recentralization is that it gives the political party that controls the central government greater direct control over the districts and municipalities. Whichever party controls the presidency after the 2011 election will control the appointment of the professional executives. This power could be used to undermine district chairpersons and mayors who represent opposing political parties. Adding the power of appointment to the fact that central government grants account for 95 to 97% of local finances, leaves little discretionary decision-making power in local hands. As one political opponent noted, *"We are becoming nothing more than contractors."*

Related Developments

The rapidly unfolding scene of disarray in Uganda's local government continued following the conclusion of the formal study. These include the central government's attempt to control the capital city of Kampala, attempts to find a political compromise with the Buganda,

and growing direct interference of political parties in the affairs of local government. These and other battles will most likely become exacerbated by the 2011 elections.

Takeover of Kampala

The Uganda central government introduced a new bill in parliament that would enable the central government to take over the administration and development of Kampala City as well as parts of the major suburban municipalities of Entebbe, Mukono, and Wakiso.⁴⁴ While details are unclear, the bill proposes to give the NRM controlled central government a direct role in the running of Kampala through a metropolitan authority. The mayor will most likely become ceremonial and the central government will appoint an executive director who will run the Kampala City Council. This move is vigorously opposed by the Baganda establishment as a ploy by the government to take over their land and reduce the kingdom's strength by taking away its heart. Politically, the NRM views Kampala as an opposition stronghold with the Democratic Party and the FDC holding most of the seats in parliament and local councils. The mayor (an independent) is quoted as saying, "*The move is a ploy to grab the city after failing to win its leadership through the adult suffrage system.*"⁴⁵

Federalism and the Regional-tier Proposal

President Museveni is opposed to federalism in Uganda because it would create chaos and power conflicts between the regions and the central government.⁴⁶ Nevertheless, the Baganda want a federal system of government in which a regional government is headed by the *Kabaka* as presented to the Sempebwa Commission in 2003.⁴⁷ Thus, in order to quell Buganda's demands for a federal system of government, the central government came up with an arrangement in which districts that want to federate could do so under a regional-tier arrangement by amending Article 178 of the constitution. Beside the Baganda, political parties

like the FDC also oppose the regional tier. The FDC states, “*It is clear from the Odoki and Sempebwa Commissions that most Ugandans want federalism.*”⁴⁸ Although a constitutional amendment to enable the regional tier was made in 2005, it has never taken off because some people think it is not in good faith, yet others think it will only add to the confusion already in local governments. For example, the regional tier will allow for regional governments headed by elected leaders, which will run certain programmes, but districts will continue to report to the central government.⁴⁹ In short, the regional tier issue and decentralization are bound to become important issues in the 2011 elections.

Direct Political Party Interference

Local governments were perceived in the Ugandan constitution to be government organs and not political appendages of a sitting government. Many times, local governments have been used as grass root organs for the NRM⁵⁰ especially during elections. It is possibly for this reason the FDC blocked the holding of LC1 elections in 2006 by going to court (Appendix - Case 1). Further, while all the constitutions of the all the political parties have not been scrutinized, the constitution of the ruling party does not seem to favour coexistence in a multiparty system, since NRM members are deemed to be working against their party if they serve under the chairmanship of another party (Appendix – Case 2).

Conclusion

The Uganda experiment in local government provided an interesting laboratory for testing the vibrancy of this young democracy. While instances of corruption and mismanagement are all too common, one cannot help but be impressed by the number of elected and professional leaders who are dedicated to making the system work. Sadly, the deterioration

of the broader system of governance brought on by the re-introduction of political parties is causing serious damage to the effective delivery of local government services. The experiment can still be salvaged, but it will require a major recommitment by President Museveni and the leaders of the other political parties to rebuild local democracy. Indeed, many people in Uganda are beginning to ask, is the drive for power among the political parties worth the destruction of local government?

Endnotes

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APPENDIX

Two cases will serve to demonstrate the effects of multiparty politics and decentralization in Uganda.

Background:

Under the Local Governments Act (1997), the lowest unit of administration is the village council (Local Council 1 or LC1), followed by the parish council (Local Council 2). Parishes are combined to form a sub-county (Local Council 3) in a rural area, or a Town Council in an urban setting. Local Council IV is a loose combination of the sub counties and Town Councils in a county (in an urban setting, Municipal Councils are LC4). All the counties are then combined together to form a District (Local Council 5). LC1 and LC4 (in rural areas) are simply administrative units, and not local governments.

Local Council 1 is important as it is the structure that is actually on the ground and in contact with the people. It is an important service delivery link for mobilizing people to take children to school or immunization, or participating in communal work, and is a medium for communication (important messages are communicated from higher local governments through LC1). It is composed of nine people, namely the Chairman, Vice-chairman, Secretary for Defense, Finance, Education, Information and Mobilization, Youth, Women and the Disabled. The LC1 holds monthly meetings in which the council (all members of a village) review matters such as security, health, education, besides other issues.

On the political front, LC1 serves as a mobilization and communication tool especially in times of elections, thus politicians fight to control the LC1 unit. LC1 also serves as a village court, recognized in law by the judicial system. In short, LC1 wields considerable political power since culturally people in Uganda obey and respect their leaders, especially in rural areas. The last LC1 elections were held in 2002 (long before the multiparty dispensation) by residents in a village (the village council) lining up in the back of their candidates or a symbol chosen by each candidate. Originally all the positions were filled by the entire council electing a person to each position. This was later revised when an amendment to the LGA empowered the chairmen to choose people to work with from the village after their election, subject to ratification by the

village council. This has caused widespread apathy since people feel they have been stripped of their power. Since they were set up by the movement government before the onset of multiparty politics, LC1s are usually viewed as an appendage of the current NRM government.

**Case 1: Rubaramira Ruranga (Petitioner) vs. Electoral Commission and the
Attorney General (Respondents): Constitutional Petition 21 of 2006**

The onset of multiparty politics has had a great impact on the internal working of the LC1. The fact that no election has taken place since 2002 has made many of them dysfunctional. Monthly meetings rarely take place in some parts of the country. When the National Resistance Movement (NRM) government wanted to hold elections under the current law in 2006 to replace the LC1s then in position, the Forum for Democratic Change (FDC) went to court through their secretary for Electoral Affairs, Major Rubaramira Ruranga, who brought in a petition under Article 137(3) of the Constitution and the Constitutional Court (petitions and references) Rules (S1 No. 091) 2005, to challenge the constitutionality of certain provisions of the Local Governments Act (1997), the National Women Councils Act (NWCA), the National Youth Council Act (NYCA), and the regulations made under these acts.

The petitioner raised a number of issues, for example, in issue no. 5 he submits that the returning officer in Local Council Elections at district level is the chief administrative officer (CAO), while at the county, sub county, parish and village levels the presiding officers are respectively the county, sub county and parish chiefs. These officials are employees of the government, and are promoted and disciplined by a sitting government. Thus, while contesting elections at these levels, the governing political party through the government has direct control over these officials, which generates perceived bias on the part of these officers in favour of the ruling party. The main issue here was that the LGA (1997) regulations 3.6 (a), 7, 8, 9 and 11(3) of SI 319-1 imposed these officers on the Electoral Commission, in contravention of article 1(4), 62 and 65 of the Constitution (1995) which guarantee the independence of the Electoral Commission in its operations.

The Ruling and its impact

Court held that indeed the holding of the elections under the current law was in contravention of the Constitution (1995). The major impact of the ruling was to block the elections until there was a change in the law. The government response has been that it does not have the resources to hold the LC1 elections when a national election is in the offing in 2011. Consequently, the current office bearers (most of whom are NRM) remain in office until after the 2011 elections. In areas of the country where the LC1 cannot work with the higher local governments or the village council due to political differences, service delivery is disrupted. Since the LC1 is a court, those who may have political differences with the executive may not get justice. Still, where people would have made changes to replace inefficient LC1 executives, the chance is denied. Consequently, many LC1 councils are not meeting as they are viewed as time wasting and ritualistic. Thus, multiparty politics have served to bring about conflict even at the grass root level.

Case 2: Hoima Town council Executive Committee

Under the Local Governments Act, the chairperson and councilors of any local government are elected by adult suffrage. The chairperson will then choose his executive; i.e., the Vice chairman, Secretaries for Education, Health, Production and Finance, from among the councilors subject to ratification by the council. This arrangement seemed to work well until the onset of the multiparty dispensation. A chairman may come from a different party, while the majority of councilors come from another party. This situation not only makes the formation of the Executive Committee a very difficult task, but it also complicates the operation of the council. This is easily demonstrated by the case of Hoima Town Council in Western Uganda, where the chairman is from the opposition Forum for Democratic Change (FDC) party, while the majority of councilors come from the ruling NRM party. According to the Monitor newspaper dated 26th October 2009, Mr. Francis Atugonza, the Chairperson Hoima Town Council, is also the national FDC Secretary for Trade and Industry.

Mr. William Kuhinikira of the NRM party has been deputizing him but tendered his resignation, thus creating a crisis. He wrote, "Following the guidance and resolution of Hoima District NRM Delegates Conference of 21 October 2009, I have realized that it was a breach of the NRM constitution for councilors to serve under the FDC," Mr. Kuhinikira cited the NRM constitution amended in October 2005, under rule 4(b) which states that a member of the NRM or leader shall not act as an agent or allow themselves to be used to further the interests of any foreign power, political party, organization or individual in a manner that is detrimental to the interests of the NRM.

The *Monitor* newspaper of 2 November 2009 reports that two other members of the executive also resigned their seats following the NRM Delegates Conference, namely Ms. Mary Mugasa, the Secretary for Education, and Mr. Joseph Byesigwa, the Secretary for Finance. An attempt by the beleaguered chairman to appoint other councilors aborted when the council ended prematurely after a walk out by NRM councilors. The same paper reports the Town Clerk, Mr. Joseph Nsamo, as saying that there is no quorum in the executive, which brings service delivery to a halt in this Town Council. It is yet to be seen how this chairman will raise an executive in such circumstances, and how service delivery will continue in this council in light of such animosity or what will happen when this trend continues throughout the country.