

Uganda

Author: Andrew Siddle¹

Introduction

Uganda's Constitution, which was adopted in 1995, makes express provision for decentralisation. Objective II of the Constitution contains two provisions which are relevant in the context of democratic decentralisation.

Paragraph (i) provides that the State shall be based on democratic principles that encourage the participation of all citizens; and paragraph (iii) provides that the State shall be guided by the principle of decentralisation and devolution of governmental functions and powers to the people at appropriate levels.

The constitutional recognition of decentralisation promotes local democracy (see Mugabi 2004). On the other hand, the establishment and operation of decentralised institutions have been hampered by capacity and resource constraints (Ahmad, Brosio and Gonzalez 2006), which present serious obstacles to local democracy. In addition, a very serious barrier to local democracy is the fact that the decentralisation process has been marked by 'the decay of local administration, the poor service delivery, and wholesale plunder of public resources' (Ojambo 2012: 4).

About ICLD

The Swedish International Centre for Local Democracy (ICLD) is part of the Swedish development cooperation. The mandate of the organization is to contribute to poverty alleviation by strengthening local governments.

This report is part of a publication series that investigates local democracy in the 19 countries where the ICLD municipal partnership programme operates.

This report covers events up to 31 May 2019. Events occurring after this period are not considered.

General country analysis

Section 176 of the Constitution states that the system of local government shall be based on the district as a unit under which there shall be such lower local governments and administrative units as Parliament may by law provide. The constitution initially divided the country into 39 districts, but the number has since grown to 112.

The Local Governments Act was enacted in March 1997 to give effect to the constitution. Among other things, the Act allocates functions and services between the national and local governments, makes provision for the political and administrative set-up of local governments, the district public service, finance and local elections. It provides for local governments to be established under the district, these being the

¹ Research Associate, Graduate School of Business, University of Cape Town
Email: asiddle@iafrica.com

District or City Council, the Municipal Council, the City Division Council, the Municipal Division Council, the Sub-County Council and the Town Council.

The constitution does not specifically define the relationship between national and local governments.

Fiscal decentralisation

District councils are mandated to perform a range of functions. Section 30 of the Municipal Governments Act provides that certain services must be provided by district councils while other levels of local government have the discretion to perform other services as they see fit, provided that they do not fall within the category of functions reserved for national government. Therefore the allocation of expenditure responsibilities among local government tiers is not clear.

In any event, district councils provide education services as well as medical and health services by running hospitals. They are furthermore tasked with the provision of maternity and child welfare services and the control of communicable diseases such as HIV/AIDS, leprosy and tuberculosis. Districts must control the spread of diseases and provide rural ambulance and primary healthcare services.

Section 191 of the Constitution provides that local governments shall have power to levy, charge, collect and appropriate rents, rates, royalties, stamp duties, personal graduated tax, cess, fees on registration and licensing and any other fees and taxes that parliament may prescribe. Local governments have some discretion under the Local Governments Act in

setting tax rates but only after consulting with the Ministry of Local Government.

The constitution also provides in section 193 for grants to local governments from the national government. These are unconditional grants, conditional grants and equalisation grants. The constitution specifies the manner in which the unconditional grant is calculated. In terms of section 195 of the Constitution, with the approval of the national government, a local government may, for the carrying out of its functions and services, borrow money.

Under section 77 of the Local Governments Act, local governments have the right and obligation to formulate, approve and execute their budgets and plans. Budgets must be balanced, and national priority programme areas must be given preferential budget outlays.

Political decentralisation

Section 176 (3) of the Constitution states that the system of local government shall be based on democratically elected councils on the basis of universal adult suffrage. Section 181 (4) provides that all local government councils shall be elected every five years. The Local Governments Act provides that each local government council has directly elected councillors representing demarcated electoral areas, as well as councillors representing special interest groups, these being elected by electoral colleges. There is no prohibition on independent candidates participating in elections.

Every local government council is obliged to appoint an executive committee, chaired by a chairperson (who, in the case of a city council, is called a mayor), who is directly elected. Section 180 of the Constitution provides that a council

shall be the highest political authority within its area of jurisdiction and shall have legislative and executive powers to be exercised in accordance with the constitution. This suggests that national government cannot ordinarily interfere in the affairs of local government. District councils and lower councils may make laws or by-laws, but these are subject to the power of national government to refer them back for modification.

The constitution specifically refers to accountability, and provides that all public offices shall be held in trust for the people, that all persons placed in positions of leadership and responsibility shall, in their work, be answerable to the people. The Local Governments Act and the Public Finance Accountability Act 2003 provide for accountability mechanisms, such as auditing of accounts by the Auditor-General, oversight by public accounts committees at district level, internal audits and inspection and monitoring of local governments by line ministries. There are, however, no specific provisions for public participation mechanisms.

Conclusion: possibilities and barriers for municipal partnerships

The clear policy intention to promote decentralised governance provides opportunities for partnerships; however, implementation of this intention is hampered by capacity and resource constraints, which will present a barrier to successful partnerships. Another barrier is that circumstances and context may differ so greatly that experiences of one partner may not be relevant to the other.

References

- Ahmad, E., Brosio, G. and Gonzalez, M., 2006. 'Uganda: Managing More Effective Decentralization'. IMF Working Paper, Fiscal Affairs Department WP 06/279. Washington: International Monetary Fund.
- Mugabi, E., 2004. Paper prepared for the First Conference of Regional Assemblies of Africa and Europe organised by the Regional Assembly of Tuscany under the patronage of the Italian Presidency and the United Nations Department of Economic and Social Affairs (UNDESA). September 17-18, 2004. Florence, Italy.
- Ojambo, H., 2012. 'Decentralisation in Africa: a critical review of Uganda's experience.' *Potchefstroom Electronic Law Journal/Potchefstroomse Elektroniese Regsblad*, 15(2), 69-88.

Legislation

- The Constitution of Uganda 1995
- The Local Governments Act, 1997 Cap. 243
- The Public Finance and Accountability Act 2003