The Dynamics of District Creation in Uganda

The Development Network of Indigenous Voluntary Associations (DENIVA)

Final Study Report, October.

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This study entitled the ‘Dynamics of District Creation in Uganda’ was commissioned in December 2010 and undertook a highly rigorous and consultative process to reach this level. Several scattered pieces written by civic leaders, media commentators, and critical sections of the Ugandan public administration, policy analysts, and scholars have been consulted about the accelerated creation of Local Administration units in Uganda.

In the course of the study, relevant Uganda Government Ministries, civil society institutions, technical and Political staff of Local Administrations and scholars made invaluable contributions and critique of data and varied texts.

Every day, in our board rooms, civil society meetings, classrooms and even in drinking places, debates abound around illusive questions such as; to what extent have the number of new local Administration units become a drain on the national resources? Do citizens feel that public resources and services are too distant from their communities? Are citizens yearning for closer critical engagement of the state in pursuit of their rights? Has the state reneged on its role as the custodian of social welfare for all, leaving those feeling or actually excluded to ‘retreat to their tribal enclaves’? Or is the multiplication of Districts in Uganda an appalling case of political manipulation of local interests? This study provides evidence into these and related public discussions.

I would like to acknowledge the dedicated and tireless work of all those involved in coordinating this work, especially the DENIVA staff in the good and democratic governance Program and ActionAid International Uganda which provided not only the resources but critical insights as well. The vigilance and critical input by the technical leadership of the Ministry of Local Government undoubtedly enriched this study, thus making it responsive to the needs and aspirations of the varied research users of the findings of this kind.

It is therefore our hope that this study and its findings serve as reference for all key development institutions, development partners, and any interested stakeholders in our collective effort to make efficient and effective public administration a reality, thereby providing a sound base for a more prosperous Uganda and a better life for all.

Justus Rugambwa
Executive Director
Development Network of Indigenous Voluntary Associations, DENIVA
ACKNOWLEDGEMENT

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It is difficult to exhaust the list of partners within the civil society; however we shall attempt to mention a few. The Uganda Local Governance Association (ULGA), All the Civil Society Networks in the study areas mentioned above, Advocates Coalition for Development and Environment (ACODE), Anti Corruption Coalition Uganda, Inter Religious Council Uganda, Human Rights Network, the Uganda National NGO Forum and Makerere University, Department of Political Science and Public Administration.

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LIST OF ACRONYMS

CSOs  Civil Society Organisations
DENIVA  Development Network of Indigenous Voluntary Associations
DPSF  Decentralisation Policy Strategic Framework
DTMWG  Decentralisation Technical Management Working Group
EAC  East African Community
FGD  Focus Group Discussion
JARD  Joint Annual Review of Decentralisations
KII  Key Informant Interview
LG(s)  Local Government(s)
LGSIP  Local Government Strategic Investment Plan
MoFPED  Ministry of Finance, Planning and Economic Development
MoLG  Ministry of Local Government
MoPS  Ministry of Public Service
MPs  Members of Parliament
NAADs  National Agricultural Advisory Services
NGO  Non-Governmental Organisation
NPA  National Planning Authority
NRM  National Resistance Movement
NSDS  National Service Delivery Survey
OVC  Orphans and Vulnerable Children
PHC  Primary Health Care
PPAs  Priority Programme Areas
PRDP  Peace, Recovery and Development Plan
PWDs  People With Disabilities
TASO  The AIDS Support Organisation
UAAU  Urban Authorities Association of Uganda
UFA  Uganda Federal Alliance
ULGA  Uganda Local Governments Association
UPE  Universal Primary Education
USAID United States Agency for International Development
EXECUTIVE SUMMARY

The study on the “Dynamics of District Creation in Uganda” was commissioned by the Development Network for Indigenous Voluntary Associations (DENIVA) to examine the underlying factors that influence the creation of new district administration units and analyse the benefits of this trend in Uganda. The results of the study are aimed at informing the Decentralisation Policy through the Joint Annual Review of Decentralisation (JARD).

It is important to note that the creation of local administration units is neither new nor unique to Uganda. It has been a prominent trend in the developing world, and countries such as Benin, Burkina Faso, the Democratic Republic of Congo, India, Indonesia, Nigeria and Vietnam, among others, have created many new units since the 1990s. However, little effort to explain and document this trend has been made. According to the study findings, creation of district administration units has been attributed to; increased globalization; increased people’s awareness and civic consciousness on participation and governance; decentralised governance and biased political motivations. Overall, there is no common agreement on the optimal number of sub governments that any given country should have.

Some advantages of district creation have been identified by the study to include but not limited to the ability by new districts to ensure a more holistic and efficient delivery mechanism of administrative and other services such as, good roads, public transport, schools, hospitals, clean water, post-harvest storage facilities, immunisation of children and to enhance the sense of belonging and ownership. Also, district creation increased local participation in decision-making processes and promoted cultural identity.

Largely the study established that the hurried creation of new districts has faced several challenges to government namely: the high public administration costs; fragmented service delivery with reduced economies of scale; increased ethnicity; and human resource constraints¹ to deliver decentralised services which all undermine national unity and regional integration.

The study recommends that the creation of any new administrative units should come out of a felt need of the local people and thereafter a proper analysis of the scientific and quantifiable set of indicators and pre-requisite factors such as population, service delivery and access, revenues and general economic viability before approval of any district creation. In addition, there should be an assessment of the resource endowment of the proposed locality to ensure sustainability of new the districts. Also, the current administrative structure of Uganda should be reviewed and rationalised.

¹ 50% of the districts in Uganda (December, 2010) were manned by acting Chief Administrative Officers while an equivalent number has Deputy Chief Administrative Officers in Acting capacity.
Chapter One

1.0 INTRODUCTION

Uganda after 1986 experienced massive reforms including decentralisation that "wished to avoid competitive politics that would appeal to the population on grounds of ethnicity, religion, or regional particularism" (Hesselbein, Galooba-Mutebi & Putzel, 2006). Given the legacy of violence in Uganda, decentralization was largely to; enhance the states capacity, limit ethnic fragmentation, and avoid perpetual conflicts. Decentralization thus aimed to reduce the work load of central authorities, improve local control and ownership over services, allow local managers to make independent, context driven, decisions, and improve accountability through a better system of local monitoring, and to enhance service delivery (Birungi, Kwagala, Nansonzi, Onweng & Trondsen, 2000: 32). The decentralisation process has considerably succeeded to; improve institutional strength, empower citizens, encourage participatory development, improve service delivery and create employment opportunities (Okidi & Guloba, 2006).

However, Uganda’s decentralization process has had several flaws. For instance, the excessive demand for, and creation of new districts has led to an unmanageable level of administrative fragmentation. This has introduced a paradox, as some such districts are ineffective, this has to some extent sparked a desire for more district creation, as groups believe that if they were able to have authority over their own districts, they would receive services more efficiently and effectively. An additional concern is a return to ethnically based patronage networks in Uganda. While the original goal of Museveni was to inhibit ethnically-based patrons from controlling villages, increasingly Museveni has used group identity to continue authoritatively governing the state through controlled patronage networks. Museveni continues to exert strong control over these mechanisms, by presiding over local fiefdoms such as districts, and on this basis has been able to gain access to resources and opportunities for patronage (Green, 2008).

This report has been prepared in accordance with the Terms of Reference (TOR) provided by DENIVA for undertaking the study on district creation and decentralisation in Uganda. The study thus focused on; the ideology behind the creation of new districts in Uganda vis-a-vis other ideologies like regional tier, federalism and East African Integration, the success of new districts to take services closer to the people, the challenges, lessons learnt and the cost of “over decentralisation”. The study further identified key stakeholder roles, alternative strategies for strengthening decentralisation beyond creation of new districts and recommendations to inform DENIVA/CSOs lobbying and advocacy strategy on decentralisation and contribute to decentralisation policy and the joint annual review of decentralisation (JARD).

The report is thus structured as follows. It starts with the executive summary followed by chapter one that presents chapter one as the introduction that combines the study background and related literature review. Chapter two gives the study process and methodology. Chapter three gives the trends, ideologies, dynamics and dilemmas of district creation. Chapter four highlights the successes, challenges and lessons learnt from district creation. Chapter five presents stakeholder analysis, alternative strategies for district creation and advocacy points while chapter six presents the emerging issues, key recommendations and the way forward. It ends with references and relevant appendices.
1.1 HISTORICAL BACKGROUND

The system of Local Governments (LGs) in post-independence Uganda has alternated between loose and tight central government control (Uganda’s Decentralisation Policy Strategic Framework (DPSF), 2006). Thus, the context of local administration has always centred on how best to promote local development amidst diverse peoples, with distinct corporate and cultural identities embedded in elaborate institutions of governance. Thus, four distinct phases are discernable: First, under the pre-independence period (1900-1962) there was strong local administration in the context of a weak centre; second, under post-independence period (1962-1985) there was centre domination of local administration by weakening local administration; third, under the decentralisation phase (1986-2005) LGs were granted even more important powers over local development management and Fourth, under the fragmentation Phase (2006 - 2011) there has been unprecedented growth in the number of districts in Uganda. In all the four phases the trials of balancing central vis-à-vis LGs’ authority to minimize conflict and maximize local and national development have continued. These four phases are explored next.

1.1.1 Pre-Independence Period: 1900 – 1962

The present-day Uganda was created by the British between 1890 and 1926. On the one hand, it was made up of Kingdoms such as present-day Bunyoro, Buganda, Ankole and Tooro which had central leadership under kings and exercised power through chiefs and clan leaders. On the other hand, Uganda had societies without a central leadership but rather were headed by chiefs or clan leaders. These societies for instance include the: Langi, Lugbara, Acholi, Karimojong, Bakiga, Iteso, Bagisu, Sebei and several Bantu and Padhola groups of Bukedi. Thus, before independence, local administration in all Ugandan societies was not uniform.

By 1962, Uganda had no specific law for regulating the operations of Local Governments. However, in the run-up to independence in 1962 some tentative steps were taken by the colonial government to promote democracy and effective local administration. For example, some powers were devolved to local authorities through the District Administrations Ordinance of 1955, which allowed them to elect district council members, granted them major obligations over service delivery and also allowed them to collect local revenue. But actual power over borrowing and expenditure remained with central government with local technical personnel reporting to central line managers.

Furthermore, the Local Administrations (Amendment) Ordinance in of 1959, gave the colonial governor power to appoint chairmen and members of appointment boards. The actual devolution of power to local administrations took place with the enactment of the 1962 semi-federal independence constitution. The local administration system was based on regional governments called provinces. There were four provinces namely; Northern, Eastern, Buganda, and Western). Within these provinces, demarcations of Districts, Counties, Sub-counties, Parishes, and Villages as local administrative units were curved out.

The administration of the above units was not uniform. For instance, the 1962 Constitution, through the Local Administrations Ordinance of (1962), granted significant powers to local councils with regard to their own composition, collection of local taxes, land administration, local roads, rural water supplies, agricultural extension, primary and junior secondary education, dispensaries and preventive health services. However, the Kingdom of Buganda had federal status with exclusive powers over customary and traditional matters and over a broad range of public services, while the Kingdoms of Bunyoro, Ankole, Tooro and Busoga territory had quasi-federal status with customary
and traditional powers. Local leaders in Buganda and the other kingdoms signed agreements with
the central government to provide such services. In contrast, the rest of the country was demarcated
into districts whose functions were centrally determined. Thus, such a system was prone to
persistent centre-local government tensions.


At independence in 1962, Uganda’s administrative structure consisted of 18 districts, evenly
distributed in the Northern, Eastern, Central (Buganda) and Western regions. In the demarcation of
the districts, the British colonialists were guided by the tribal groupings existing in the country. In
the North five districts were created that is, - Acholi, Lango, Karamoja, Madi (all named after the
largest ethnic groups in the area) and West Nile district which grouped together the Alur, Jonam,
Lugbara, Kakwa, and others. In the East also five districts were created namely; Teso, Bugisu, Sebei,
Busoga all named after the predominant ethnic groups in the area) and Bukedi which had an
ethnically diverse population comprising the Bagwere, Samia, Bagwe, Banyoli, Iteso, Jopadhola and
others. In the Western region, four districts of - Ankole, Bunyoro, Tooro were created (all named
after the biggest ethnic groups in the area) and Kigezi which had an ethnically diverse population
comprising; the Bakiga, Bafumbira, Bahororo, and Banyarwanda among others. In the Central
region, since Buganda was largely autonomous it was accorded a special status and its four districts
of East Mengo, West Mengo Masaka and Mubende were administered indirectly through the
Kabaka's government. Buganda which has always been more multi-ethnic than homogeneous
consisted of diverse ethnic groups such as Bakoki, Bahima, Banyoro (both Bairu and Bahuma),
Baruli, Banyara, and Bakenyi. In addition, it had Rwandans, Barundi, Japadhola and even Luo except
that the Baganda constituted the majority group in the region. Thus, district creation in all the
provinces and regions had tribal and ethnic connotations.

For instance, while the four regions or provinces as they were called then, were created for the
purpose of easing administration and ensuring that various provinces co-ordinate the activities of
the districts under their jurisdiction, the British colonialists largely based the administrative
structures on tribal and ethnic groupings that had existed for centuries.

The Urban Authorities Act (1964) and the Local Administrations Act (1967) re-centralized most of
the service delivery functions that had been assigned to local administrations by the independence
constitution. First, they provided the minister responsible for local government with extensive
powers over local administration, including determining the number of local councils, approving
council elections and bye-laws, and dissolving the councils themselves. The minister could even take
over any local administrations that, in his view, lacked the ability to function effectively. Secondly,
the authority of district commissioners, who were centrally appointed, was vastly increased to
include controlling planning, financial matters and maintenance of law and order.

From 1945 until after independence, Uganda was divided into four provinces. During at least part of
this period, the provinces were subdivided into districts. The status of the provinces changed to
regions, with no administrative function. Districts became the primary divisions. In 1974 provinces
were re-introduced as the new primary sub-divisions of Uganda. The country was divided into ten
provinces, which were directly ruled by governors. The districts remained as secondary sub-
divisions, and were increased in number from 18 to 38. The province was an additional tier to the
existing local council set up of district, county, sub-county, parish and village councils. Created by a
Decree of Government, the provinces largely remained an administrative convenience to assist government to oversee district operations.

### Table 4: Territorial Development Trends

<table>
<thead>
<tr>
<th>No.</th>
<th>Province</th>
<th>Former Territory</th>
<th>Capital</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Busoga</td>
<td>Busoga</td>
<td>Jinja</td>
</tr>
<tr>
<td>2.</td>
<td>Central</td>
<td>West Mengo</td>
<td>Kampala</td>
</tr>
<tr>
<td>3.</td>
<td>Eastern</td>
<td>Bugisu, Bukedi, Sebei, Teso</td>
<td>Mbale</td>
</tr>
<tr>
<td>4.</td>
<td>Karamoja</td>
<td>Karamoja (North and South)</td>
<td>Moroto</td>
</tr>
<tr>
<td>5.</td>
<td>Nile</td>
<td>Madi, West Acholi (part), West Nile</td>
<td>Arua</td>
</tr>
<tr>
<td>6.</td>
<td>North Buganda</td>
<td>East Mengo, Mubende</td>
<td>Bombo</td>
</tr>
<tr>
<td>7.</td>
<td>South Buganda</td>
<td>Masaka</td>
<td>Masaka</td>
</tr>
<tr>
<td>8.</td>
<td>Northern</td>
<td>Acholi (East and part of West), Lango</td>
<td>Gulu</td>
</tr>
<tr>
<td>9.</td>
<td>Southern</td>
<td>Ankore, Kigezi</td>
<td>Mbarara</td>
</tr>
<tr>
<td>10.</td>
<td>Western</td>
<td>Bunyoro, Tooro</td>
<td>Fort Portal</td>
</tr>
</tbody>
</table>

*Source: Ministry of Local Government, Districts of Uganda; 2009*

In 1980 the provinces were abolished and the number of districts reduced from 38 to 33 and each was named after its capital. The Buganda region was named Central. This situation largely remained unchanged until 1987 when proposals for decentralisation started to emerge.

#### 1.1.3 The Decentralisation Phase: 1987 – 2005

In 1987, the National Resistance Movement (NRM) Government set up a Commission of Inquiry to review the Local Government System and propose suitable adjustments. The commission recommended the need to adapt decentralization as a form of governance among others. On the basis of its recommendations, the Resistance Councils and Committees Statue of 1987 was enacted to amend the Urban Authorities Act of 1964 and the Local Administrations Act of 1967.

In 1992, the Government of Uganda embraced the policy of decentralisation to improve governance, promote democracy and improve service provision. This was later anchored in the Resistance Councils Statute of 1993. Decentralisation was further entrenched in the 1995 Ugandan Constitution which provided for further devolution of powers and functions. It further emphasised giving power to the people to manage their own development. According to the new strategy, “real democracy had to be organized at all levels from the village up, by elections to people’s committees, parliament, and on the basis of a decent standard of living so that ordinary people could resist the blandishments of unprincipled politician”. The Ugandan constitution of 1995 further stipulates that there shall be a decentralized system of governance “to ensure people’s participation and democratic control in decision making”.

The National Objectives and Directive Principles of State Policy declares that the state shall be guided by democratic principles of decentralization and devolution of government functions and powers to the people at appropriate levels where they can best manage and direct their own affairs.

The Local Governments Act was enacted in 1997 to operationalise the 1995 Constitution. The Act provided for a system of locally elected representatives with both legislative and executive powers. Local Governments are mandated to elect their own political representatives, who are charged with
the responsibility to formulate laws, develop, and execute locally specific plans and budgets to deliver mandated services to the local population. The devolution of state power to sub national governments(districts) has given rise to a number benefits, among them, a decentralised decision making system, increased citizen participation, and a high sense of ownership and control in the delivery of services and determination of the development agenda.

1.1.4 The Fragmentation Phase: 2006 – 2011

In 2006, the districts were 78 (Ocwich, 2005). In July 2009, 14 districts were created. These were: Zombo carved out of Nebbi district; Amudat carved out of Nakapiripirit district; Otuke carved out of Lira district; Lamwo carved out of Kitgum district; Kyegegwa carved out of Kyenjojo district; Buikwe carved out of Mukono district; Buyende carved out of Kamuli district; Namayingo carved out of Mayuge district; Luuka, carved out of Iganga district; Kiryandongo carved out of Masindi district; Ntoroko carved out of Bundibugyo; Serere carved out of Soroti district; Mukuju and Kisoko carved out of former Tororo district. This made the total number of districts eighty two (82). By 1st July 2010, the number stood at one hundred eleven (111) districts and one (1) city. This number is likely to increase to 132 after cabinet approved the creation of twenty (20) more districts including Rwampara, Kasese and Kyotera- Kakuuto among others.2

1.2 THE TRENDS SINCE 1986

With regard to district creation, the Mamdani Commission of 1987 noted that, ‘quite often, the response of governments to popular demands for a more responsive administration (such as, better services) has been to create new and smaller units. However, undoubtedly the increase of administrative units is a ‘costly affair’.3 Thus, although the Mamdani Commission raised the political profile of local councils, it did not provide them with ample authority or autonomy in the management of financial and human resources. In 1980 districts were reduced from thirty seven (37) to thirty three (33). They remained thirty three (33) districts until 1990 when Kalangala was created to make them thirty four (34) districts.

The Mamdani Commission after national consultations recommended the review of the then existing number of districts. However, the Commission simultaneously received eleven (11) requests for new districts out of which it recommended only four(4). Consequently, the districts of Kibale, Kiboga, Kisoro and Pallisa were created to make the total number of districts thirty eight (38) in 1991. In 1994 Ntungamo district was created to increase the total number of districts thirty nine (39).

Three years later, on the 20th March 1997 six (6) districts of Adjumani, Bugiri, Busia, Katakwi, Nakasongola and Sembabule were created to make the total number of districts forty five (45). On 28th November 2000, eleven districts namely; Kamwenge, Kayunga, Kyenjojo, Mayuge, Pader, Sironko, Wakiso, Yumbe were created and deemed to have started retrospectively on the 1st of July 2000 while Nakapiripirit, Kaberamaido and Kanungu started effective July 1st 2001. Consequently, the total number of districts by 2001 was fifty six (56).

2http://ugandaradionetwork.com/a/story.php?s=36484#ixzz1Z8Es5pb4
3 Mamdani Commission, 1987
In 2005, Government announced creation of twenty two (22) new districts increasing their total up to seventy eight (78) districts and by 2008; the total number of districts had risen to eighty three (83). By 1st July 2010, the number of districts stood at one hundred eleven (111) and one (1) city. In 2011, a total of 20 new districts were announced that might come into existence with effect from July 2012.

The growth of districts has been accompanied by population growth as well. For instance, the population of Uganda increased from six and a half (6.5) million people in 1962 to an estimated thirty three (33) million people in 2010; which represents a five-fold population increase while the districts’ growth rate has been higher namely; a six-fold upsurge.

However, it was noted that even this population increase does not justify the current unusual growth in the number of districts in the country, since the population size of most districts does not fit in the factors currently considered for the creation of new districts namely economic viability, population, geography, cultural identity, people’s request and the quest for proximity of services (Mukunya, 2009). Unfortunately, the way these parameters have been operationalised lacks clear-cut benchmarks and the criteria for district creation have not been strictly adhered to especially over the last five years. Consequently, the creation of new districts in Uganda is at best haphazard, arbitrary, and hard to defend (Green, 2008) and in the past fifteen (15) years, more than seventy (70) districts have been created, although majority of them are struggling financially, as they are unable to generate local revenue. “We would like to know from you, Mr. Minister; is there a benchmark being followed before a district is created?” asked Florence Kintu (Kalungu Woman Member of Parliament), who is also committee chairperson (see Sulaiman Kakaire, 2011).

By 2008, Uganda had the 4th largest number of sub-national administrative units (Green, 2008) and came after Russia (83 federal subjects), Philippines (82 provinces) and Turkey (81 provinces). But, this was when Uganda had 79 districts. Currently, Uganda has one hundred and eleven (111) districts and one (1) City, and should be in the first position as a state with the largest number of sub-national administrative units in the world. Also, Uganda has the smallest average number of people per sub-national administrative unit (district) among large countries in Africa (Green, 2008). The major argument put forward by proponents of new districts is that they bring services nearer to the people. To establish this claim, there is need to carry out a study on whether new districts really result into effective and efficient service delivery.
Chapter Two

2.0. THE STUDY PROCESS AND METHODOLOGY

The study processes and methodology included methods and techniques developed by the team to capture both quantitative and qualitative data in line with the objectives and expected results.

2.1 The Study

District creation in Uganda like in other developing countries has been synonymous with the decentralisation policy as a remedy for many governance problems. Decentralisation reforms in Uganda have been praised because of their scope and depth (Francis and James 2003). With district creation, power has been de-concentrated and devolved to five levels of local government. Countries such as Benin, Burkina Faso, the Democratic Republic of Congo, India, Indonesia, Nigeria, Vietnam, and Uganda, among others, have created new administrative new units since the 1990s. Thus, this study came amidst key debates on whether increasing sub-national increases their effectiveness or whether government should focus on strengthening the existing governance structures to reduce some of their dilemmas.

The view that creation of new districts brings services nearer to the populace has been contested. Analysts propose that government should instead provide the enabling environment with the necessary infrastructure for example; roads, health centres, electricity, communication and market creation. The availability of such services would then guarantee proper planning, budgeting, implementation, monitoring, and evaluation of community projects. Other analysts recommend strengthening the lower local Governments with adequate resources (finances and technical) to be able to meet the people’s needs. However, with little attempts to document and explain this trend especially in Africa, the sketchy existing literature has attributed district creation to various factors, namely; the need to take services nearer to people, ethnicity, and political calculations to win elections, and gerrymandering, among others (Suberu 1991; Mawdsley 2002; Fitrani, Hofman et al. 2005; Malesky 2005).

2.2 Objectives of the Study

The study had 6 objectives namely:

i. Review the ideology behind the creation of districts in Uganda against other emerging ideologies like regional tier, federalism, and the spirit of the East African Community.
ii. Assess the extent to which new districts have succeeded in taking services closer to the people and the cost of “over decentralisation.”
iii. Provide other strategies for strengthening decentralisation beyond creation of districts.
iv. Spell out challenges, lessons learnt in the past and provide possible recommendations that will inform DENIVA’s/CSOs lobbying and advocacy strategy on decentralisation.
v. Develop a stakeholder analysis stating who is key within the field of decentralisation in Uganda, design messages for targeting each set of the people involved and to

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4 a practice of political corruption that attempts to establish a political advantage for a particular party or group by manipulating geographic boundaries to create partisan, incumbent-protected, and neutral districts.
vi. inform the decentralization policy and the joint annual review on decentralization (JARD)

2.3 Methodology

The study on the creation of new districts applied a multi-pronged methodology so as to tap into stakeholders’ understanding and key perceptions on district creation and enhance the authenticity of the findings. The approaches included review of the policy and legal documents, research reports, Key Informant Interviews, questionnaires, group discussions and field observations. The study team developed data collection tools for both qualitative and quantitative data. The Terms of Reference (ToR) set out six broad methodological aspects as spelt out below.

2.3.1 Review of Secondary Data

The study involved a critical review of the literature on the legal and institutional framework of Local Governance and decentralization in Uganda. The literature reviewed ranged from the 1995 Constitution of the Republic of Uganda, the Local Governments Act, Cap 243, the Decentralisation Policy Strategic Framework (DPSF), the Local Government Sector Investment Plan (LGSIP) and the criteria for district creation in Uganda. The review of literature and secondary sources of data also revealed some sketchy information on the subject of district creation in Uganda, Nigeria, and Burkina Faso. A synthesis of key issues emerging from the review is contained in the findings.

2.3.2 Study Coverage

The study focused on Uganda but field data was collected from sixteen districts of Kanungu, Buhweju, Mbarara, Kyenjojo, Kibaale, Hoima, Apac, Pader, Agago, Moyo, Soroti, Sironko, Butaleja, Sembabule, Gomba and Mukono. The districts were selected from all four major regions of Uganda based on the criteria and period of establishment (old, middle, and new). The field study teams had letters of protocol from DENIVA which facilitated easy entry to the districts and positive feedback from the respondents.

2.3.3 Sampling Criteria for District Selection

The study was conducted in sixteen districts selected from all four regions of the country. The selection of districts also took into account the need to sample at least mother or original districts, districts that were created during the second phase and new districts in the recent 2006-2011 phase. In order to further examine the dynamics involved in a district division, the study was extended to two districts with an impending split.

Table 5: Sampled Districts for the Study
<table>
<thead>
<tr>
<th>Region</th>
<th>District</th>
<th>Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>Northern</td>
<td>Apac</td>
<td>● Northern Region</td>
</tr>
<tr>
<td></td>
<td>Moyo</td>
<td>● West Nile Region</td>
</tr>
<tr>
<td></td>
<td>Pader</td>
<td>● Northern region</td>
</tr>
<tr>
<td></td>
<td>Agago</td>
<td>● Recently curved out of Pader (Phase 4) 2006-2011</td>
</tr>
<tr>
<td>Eastern</td>
<td>Soroti</td>
<td>● Eastern Uganda and Old District in colonial Uganda (Teso)</td>
</tr>
<tr>
<td></td>
<td>Sironko</td>
<td>● Eastern region</td>
</tr>
<tr>
<td></td>
<td>Butaleja</td>
<td>● New District (2006) and Subdivided from Tororo</td>
</tr>
<tr>
<td>Western</td>
<td>Mbarara</td>
<td>● Western region</td>
</tr>
<tr>
<td></td>
<td>Kanungu</td>
<td>● New District 2001</td>
</tr>
<tr>
<td></td>
<td>Buhweju</td>
<td>● Third Generation district – Ankole, Bushenyi, Buhweju</td>
</tr>
<tr>
<td></td>
<td>Kyenjojo</td>
<td>● Curved out of Kabarole District</td>
</tr>
<tr>
<td></td>
<td>Hoima</td>
<td>● Original Bunyoro Region Headquarters</td>
</tr>
<tr>
<td></td>
<td>Kibaale</td>
<td>● Curved out of Hoima 1997</td>
</tr>
<tr>
<td>Central</td>
<td>Gomba</td>
<td>● Newly Created</td>
</tr>
<tr>
<td></td>
<td>Mukono</td>
<td>● Central Region</td>
</tr>
<tr>
<td></td>
<td>Sembabule</td>
<td>● Central Region</td>
</tr>
</tbody>
</table>

### 2.3.4 Key Informant Interviews (KII) and Focus Group Discussions (FGDs)

The literature review was backed by carefully thought-through 209 key informant interviews and 29 Focus Group Discussions. Four categories of key informants were contacted – Central Government, the 15 Higher Local Government, Lower Local Government, Civil Society representatives. The key informants were selected on the basis of their knowledge of functions of the local government. A checklist to guide the interviews was prepared, basing on the research questions outlined in the ToR.

Respondents included Chief Administrative Officers, District, and Sub County Chairpersons, Councillors at Higher and Lower Local Government Levels, Civil Society Representatives, security officers, students, and teachers in technical colleges, church leaders, traders, youth, elders, women, market vendors, and opinion leaders including representatives of the Kingdoms of Buganda and Bunyoro.

To minimise the limitations of purposive sampling, the study used an in-depth interview guide and Focus Group Discussions to draw out the contextual, historical, and current issues about decentralisation. In both interviews and Focus Group Discussions, decentralisation was examined along the following lines: emerging forms of participation and how ethnic identity is constructed; political bargaining between the central and local governments in the process of local governance; district creation and its effects on service provision.
2.4 National Level Consultations

The consultations were made with officials from Government Ministries and other national level players namely; Ministry of Finance, Planning and Economic Development (MoFPED), Ministry of Local Government (MoLG), The Uganda Local Government Association (ULGA), Makerere University, Action Aid Uganda, the Uganda National NGO Forum, the Development Network of Indigenous Voluntary Associations, (DENIVA), Judiciary, Development partners and CSOs involved in governance work. The consultations were useful in mapping out the stakeholder views on the creation of new districts. These consultations revealed two major points of departure, namely, the economists’ or the expenditurist perspective and the empowering and service delivery perspective with the former emphasising cost effective gains, while the latter proponents stressed the service delivery benefits for the masses.

2.5 Consensus Panel

A joint consultative meeting composed of the Niche Consulting Group, Action Aid Uganda, DENIVA, officials of the Ministry of Local Government, Makerere University, Ministry of Education and the Judiciary was held to share initial findings, triangulate information gathered from the field and gain further insights on the subject.

2.6 Validation Meeting

Following the consultant’s production of a draft report DENIVA organised a validation meeting with senior officials of the Ministry of Local Government. Other participants included representatives of the Uganda National NGO Forum, Action Aid Uganda, ACORDE, ULGFC and DENIVA. While the contributions and comments made at the validation meeting were largely incorporated and have informed the finalisation of this report, it was noted that some of issues generated were beyond the scope of the ToR. Equally true is the fact that such issues required significant exploration at the time of the study but which was not possible given the time and financial exigencies.

2.7 Stakeholders Review

The report was discussed by a cross section of stakeholders selected in accordance with the advice of the client. Comments and clarifications emerging out of the stakeholders’ forum were incorporated before final submission.

2.8 Data Compilation and Analysis

Quantitative data was entered using Epi Data and analysed using SPSS. Care was taken to record all field findings including direct voices.

2.9 Study Limitations

The study was appropriate in terms of its timing at the peak of district creation with a seven -fold growth in the number of districts in Uganda since independence. It also coincided with increased questioning of the rationale and speed of creating the districts which has had a negative effect on the
creation of lower administrative units. Despite these favourable factors, the study coincided with the 2011 general elections and so political sentiments which could have in a way influenced the findings. The time and resources allocated to the study were limited vis-a-vis the scope of the study which all negatively affected its comprehensiveness. Appointments to meet political leaders were difficult to get since they were at the time involved in active campaigns. However, the study team was patient and reliable to ensure that accurate data is collected.
Chapter Three

3.0 THE TRENDS AND IDEOLOGIES OF DISTRICT CREATION

The findings of this report are based on extensive literature review and information gathered from 209 interviews and 29 Focus Group discussions conducted from 6th December 2010 and January 31st 2011. Overall, there are differing views on the phenomenon of district creation.

3.1 District Creation Trends and Current Status

Districts created in Uganda have increased from 16 districts in 1959 to 111 districts and one city in 2010 and are likely to increase to 132 by July 2012. The status and trends in district creation are shown in table one below.

Table 6: Number of Districts in Uganda under different Governments since 1959

<table>
<thead>
<tr>
<th>YEAR/DATE</th>
<th>NO. OF DISTRICTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1959</td>
<td>16</td>
</tr>
<tr>
<td>1962</td>
<td>17</td>
</tr>
<tr>
<td>1968</td>
<td>18</td>
</tr>
<tr>
<td>1971</td>
<td>19</td>
</tr>
<tr>
<td>1974</td>
<td>38</td>
</tr>
<tr>
<td>1979 (January)</td>
<td>40</td>
</tr>
<tr>
<td>1979 (May)</td>
<td>22</td>
</tr>
<tr>
<td>1979 (August)</td>
<td>33</td>
</tr>
<tr>
<td>1980 (August)</td>
<td>33</td>
</tr>
<tr>
<td>1991 (March 15th)</td>
<td>39</td>
</tr>
<tr>
<td>1997 (March 20th)</td>
<td>45</td>
</tr>
<tr>
<td>2000 (November 28th)</td>
<td>56</td>
</tr>
<tr>
<td>2007 (July)</td>
<td>80</td>
</tr>
<tr>
<td>2009 (December 22nd)</td>
<td>97</td>
</tr>
<tr>
<td>2010 (July 1st)</td>
<td>111</td>
</tr>
<tr>
<td>2012 (July) [20 New Districts Expected to Start.]</td>
<td>132</td>
</tr>
</tbody>
</table>

Source: Ministry of Local Government

The information in Table 1 can graphically be illustrated by Figure 1 below. According to this analysis, it is clear that districts have increased seven fold since 1959. Thus, while there are objective criteria to be followed when creating a district, there is no evidence that this has been strictly adhered to at all.
3.2. The Indicators of a Successful District

The Local Governments Act, Cap. 243, in schedule II spells out a number of powers and services that have been devolved to the Local Governments. Coupled with the overall objective of decentralisation, Government of Uganda has had at its forefront poverty reduction as its major goal. Decentralization on its part aimed to devolve power to the lowest levels to ensure that decisions on investments are made at the level where service consumers are. Good service provision has been said to help people to transition out of poverty, for example through education, health, and other basic social services.

Successful devolution depends on a number of factors which include:

- Quantity and quality of services.
- Functional governance structures/system.
- Ability of citizens to demand for accountability.
- Level of community participation in decision making processes.
- Ability of LG to mobilise local resources for development.
- Clear and transparent channels for accountability and transparency, including effective communication.

While all new districts struggle to attain these indicators as a yardstick of good performance, it remains to be seen how performance on these indicators will be tracked in the new districts. There is
a need for a deliberate plan to monitor and evaluate the performance of new districts as a government imperative. This is an appropriate entry point for CSOs to apply a wide range of instruments among them the Community Score Card in order to ascertain the growing levels of citizen satisfaction, if at all. It should be also be the guide to any expenditure tracking efforts where investments are correlated to the critical indicators of district success in accordance with laid down mandates, service delivery packages and standards.

The study established that some Local Governments in spite of having been in existence for some reasonable time were far from being fully functional. A case in point cited during consultations at the national level was that of Nebbi District Local Council failing to put in place a structure for accommodating Council Meetings but instead continues to rent private facilities to hold council meetings. This is a complete departure from the notion that older districts tend to perform better the new ones. A district like Koboko in the same region has been acclaimed for taking off at a much faster speed in terms of establishing basic infrastructure for local government operations.

The issues of participation in decision making and accountability were reported to be moving towards a downward trend in spite of local government administration being brought closer to the people. It was for example reported that there was minimal consultation in the process that led to the creation of some of the new districts, especially where people reported that they had the issue of demanding for district status at a political rally attended by the president.
3.3. A Review of the Current Governance Ideologies in Uganda

One of the key study areas was to make a comprehensive analysis of contemporary governance ideologies such as decentralisation, regional tier, federalism, and the East African Community and also gain insight into citizen perception and understanding of these ideologies. The following section outlines these ideologies.

The study found that the concept of decentralisation is well known and fairly understood by 196 respondents while 36 had no knowledge and 6 were not sure. A number of respondents acknowledged that decentralisation as a concept and its benefits have been understood by a good portion of the population although the actual implications and implementation modalities are yet to be fully appreciated. The slogan, ‘bringing services closer to the people’ is being directly translated to mean bringing district headquarters and resources nearer to the communities. This is in turn seen as a way of increasing the capacity of the local government to respond to the needs of the people while also enhancing the monitoring of government programmes.

Federalism was known by 12 respondents but with different perceptions which ranged from ‘returning Buganda Kingdom Properties (ebyaFFE) to Buganda’, to the attainment of self-autonomy by some geographical parts of the county, with specific reference to Buganda. 196 respondents did not know it while 36 were not sure. For the Regional Tier or Government 20 respondents knew it, 180 didn’t know it, while 38 were not sure. Finally, 95 respondents knew the old East African Community of the 1970s when there were the East African Common Services and free movement to all parts of the then East Africa. 95 % of respondents did not know the new East African Community while 48 respondents were not sure of the concept or ideology. The respondents’ perceptions and understanding of the ideologies is given in Figure 5 below and thereafter, a summary of the study findings on each ideology is given.

Figure 2: Knowledge and Understanding of Current Governance Ideologies

Source: Dynamics of District Creation Study in Uganda, 2010
Decentralisation

Decentralization is the transfer of legal, political, administrative and financial authority in order to plan, make decisions and manage public functions and services. The transfer is from central to lower levels of administration. There are four types of decentralization; deconcentration, devolution, delegation and privatization. Uganda’s Decentralization Programme consists of an innovative combination of three of the four forms of decentralization as described below but with greater emphasis on devolution.

The Local Governments Act, Cap 243, provides in Schedule 2, for a clear and legally based distinction between the roles of central and local governments. Central government was charged with setting national policy and standards, inspecting, supervising, monitoring and co-ordinating activities of local governments to ensure that they comply with national policies and standards. It was also given responsibility to mentor and give advice and support to local governments. Local governments, on the other hand, were assigned responsibility to implement a broad range of devolved services listed in parts 2-5 of the same Schedule, in addition to any other lawful activities that they would wish to undertake for the development of their respective areas.

The Local Government councils, which are popularly elected, were given most of the authority that had previously been vested in the minister responsible for local government. They have powers to approve their own development plans and budgets; to oversee the implementation of those plans, and programmes and projects implemented by central government in their respective areas; to appoint statutory bodies such as District Service Commissions, Contracts Committees and Local Government Public Accounts Committees; and to manage staff. Devolution of powers and functions to LGs has been proven to be an effective instrument for enhancing good governance, promoting democracy, improving service provision and local development.

The LGA also gives effect to the affirmative principle that is aimed at elevating participation of the marginalized groups. This requires the provision of a quota system of reserving 30% seats in local councils for women and 2 seats (female and male) for youth, elders and persons with disabilities. Government has privatized a number of services that used to be provided by the state; it has devolved substantial powers to local governments; and some central government functions have been de-concentrated by having central government representatives in districts.

The ultimate users and beneficiaries of decentralization are the grassroots communities to which the policy has devolved decision making and planning responsibilities through a participatory bottom-up process.

Table 5 below illustrates the benefits and possible costs of decentralisation.
## Table 4: Summary of Benefits and Possible Costs of Decentralisation

<table>
<thead>
<tr>
<th>Mode of Decentralisation</th>
<th>Anticipated benefits</th>
<th>Possible costs and problems</th>
</tr>
</thead>
</table>
| Devolution               | Participation  
Gives voice to poor  
Facilitates communication of popular preferences  
Incorporates the poor  
Promotes political stability  
Facilitates local planning  
Better access to decision makers  
Faster response to issues  
Able to mobilise local resources | Capture of political office by local elites  
Inadequate resource base of devolved political bodies  
Increased financial cost  
Local political confrontation between different groups  
Lack of skills among legislators  
Lack of clear agendas  
Voting the only form of participation |
| Deconcentration           | Better coordination of services and development activities  
Improved access to decision makers  
Quicker response to local issues  
Planning undertaken on an area basis  
Central agency relieved of routine decisions | Inadequate capacity to perform tasks  
Public servants still fail to reach the poor  
Local elites get better service  
Additional resources allocated  
Public servants lack ability to mobilise local people |
| Delegation                | More extensive form of decentralization  
Decision making and administration of public functions given to local administrations  
Semi-autonomous and accountable to the centre  
Efficient and effective service delivery mechanisms | The central government retains very minimal power over the local governments  
Create public enterprises or corporations to run service delivery  
Service fees may be levied directly on social services by the service providers |
ii). Federalism

Federalism is a political concept in which a group of members are bound together by covenant with a governing representative head. The term "federalism" is also used to describe a system of the government in which sovereignty is constitutionally divided between a central governing authority and constituent sub national units. Under federalism power is shared between national and provincial/state governments, creating what is often called a federation. Both the central government and the regional government control the same territory and citizens. It is a philosophy or ideology of political organisation which involves a combination of the principles of centralisation, non-centralisation, and power sharing.

In Uganda, the concept of federalism is propagated mainly by the Buganda Kingdom which viewed themselves, from historic times, as an advanced grouping that should have capacity and should take charge of their own affairs. Federo, as it is commonly called, has a major objective to integrate the different constituent units, not by making them lose their identities and relative autonomy, but by providing for their differences and diversity in the central organisation and guaranteeing that they all have a say in the conduct of Buganda’s affairs.

The study established that although there is still clamour for a federal form of government, this has been overtaken by the immediate benefits accruing from a higher sense of autonomy attained under the district status. The study further established that the ‘federo’ system of government is almost exclusively demanded by the Buganda Kingdom in comparison to other ethnic groupings. The Buganda Kingdom had been granted ‘federo’ by the colonial masters as a reward for their collaboration and support. Further analysis on how such perception related to the efforts of the Uganda Federal Alliance\(^5\) (UFA) reveals that the population was merely excited by the first ever a female presidential candidate but not as an embrace of the ideals of federalism as claimed.

A further inquiry into the respondents’ perceptions on the federal question revealed ambiguity in understanding the concept and its practice. Critics of the Uganda Decentralisation policy argue that under this system of government, functions, power and responsibility are delegated to lower units and can be unilaterally un-delegated any time, either by an administrative directive or by amendment of the laws including the Constitution itself. They further argue that delegation and its scope are at the discretion of the Central Government and institutions of the day where districts are mere agents of the Central Government. In the context of creating new districts and administrative units the possibility for a cohesive governance system under federalism becomes increasingly diminished.

The study further noted that while there is still a lot of talk and incongruent directions to the federo question, the absence of a constitutional provision calls for taking back the subject to parliament. If ever this happens, there will be need to make effective consultation on the type of federal system appropriate for Uganda or any other sub national units that may opt for federation.

**iii) Regional Government**

Article 178 of the Constitution of the Republic of Uganda provides for a regional tier government (co-operation among districts) as an alternative to federalism. It states that “two or more districts shall be free to co-operate in the areas of culture and development as set out in the Fifth Schedule to this Constitution and may for that purpose, form and support councils, trust funds or secretariats, subject to the following—

a) Such co-operation shall conform to the democratic principles enshrined in this Constitution;
b) The councils, trust funds or secretariats so formed shall not have power to levy taxes; but Parliament may make provision enabling them to raise funds in addition to funds made available to them by the co-operating districts;
c) The terms and conditions of the co-operation shall be embodied in a charter signed by the consenting districts and deposited with the Speaker of Parliament”. The regional governments take care of regional matters in the particular regions like schools, health services, feeder roads, culture, land, local services, local government, local development plans, and local economic policy among others.

Regionalisation seems to be the next strategic step that government will take as an effort to stop the sporadic creation of districts. The current trend is expected to climax into all counties being upgraded to district status. Once this is done there will only be need for higher and more economically viable governance level that will rationalise the powers and mandates of the entire local government institution and structure. The Ministry of Local Government is in the process of commissioning a major study on the local government set up in Uganda with a view to rethinking the entire sub national administration system.

**iv). The East African Community**

The Treaty for East African Co-operation 1967 established the East African High Commission, the East African Common Services Organisation, and the East African Community as successive joint organisations of the said countries to control and administer certain matters of common interest and to regulate the commercial and industrial relations and transactions between the three Countries of Kenya, Tanzania, and Uganda. This would be covered by means of a central legislature to enact laws relevant to the purposes of the joint organizations. This treaty was officially dissolved.

The main reasons contributing to the collapse of the East African Community were lack of strong political will, lack of strong participation of the private sector and civil society in the co-operation activities, the continued disproportionate sharing of benefits of the Community among the Partner States due to their differences in their levels of development and lack of adequate policies to address this situation.

The Treaty for re-establishment of the East African Community was signed on 30 November 1999 and entered into force on 7 July 2000 following its ratification by the original three Partner States – Kenya, Uganda and Tanzania. The Republic of Rwanda and the Republic of Burundi acceded to the EAC Treaty on 18 June 2007 and became full Members of the Community with effect from 1 July 2007. The EAC aims at widening and deepening co-operation among the Partner States in, among others, political, economic and social fields for their mutual benefit. To this extent the EAC countries established a Customs Union in 2005 and the establishment of a Common Market. A
Monetary Union is envisaged by 2012 and ultimately a Political Federation of the East African States.

The **Vision** of EAC is a prosperous, competitive, secure, stable and politically united East Africa; and the **Mission** is to **widen and deepen Economic, Political, Social and Culture integration in order to improve the quality of life of the people of East Africa through increased competitiveness, value added production, trade and investments.** Its core values are professionalism, accountability, transparency, teamwork, unity in Diversity and allegiance to EAC ideals.

The objectives of the Community are to develop policies and programmes aimed at widening and deepening co-operation among the Partner States in political, economic, social, and cultural fields, research and technology, defence, security and legal and judicial affairs, for their mutual benefit. The East African Community aims to strengthen and regulate the industrial, commercial, infrastructural, cultural, social, political, and other relations of the Partner States in order to promote accelerated, harmonious, and balanced development and sustained expansion of economic activities for equitably shared benefits.

The regional integration process is at a high pitch at the moment as reflected by the encouraging progress of the East African Customs Union, the signing in November 2009 and ratification in 2010 of the Common Market Protocol by all the Partner States. The consultations on the Monetary Union, which commenced in 2009, and fast tracking the process towards East African Federation all underscore the serious determination of the East African leadership and citizens to construct a powerful and sustainable East African economic and political bloc.

Notwithstanding this speed, the EAC federation requires cohesion amongst the Partner States in order to fully function. In relation to the creation of new districts in Uganda, the East African Community may be undermined by Uganda’s emphasis and concentration on intra-territorial strengthening as opposed to the promotion of the EAC values and goals of common interest and trade. On the other hand, it can be argued that if the EAC representation depends on the numbers of constituent sub-national governments, within each of the member states, then the creation of new districts will be strength in this endeavour. It should also be noted that the Republic of Tanzania has over 160 districts although the only varying factor is that it is geographically bigger than Uganda.
3.4 The Ideology behind the Creation of New Districts in Uganda

The creation of new districts in Uganda has received a lot of attention in the last six years (2005-2010) as part of a greater public expenditure debate. The counter arguments to this view suggest it is a plausible strategy to increase government presence amongst its population in line with the decentralization policy and pro-poor governance. This was the view held by respondents in Bukwo and Kanungu districts; others viewed it primarily as a source of patronage by the NRM to win elections. It is further argued that district creation has been more successful in entrenching the ruling NRM, than other forms of patronage like new cabinet posts and new parliamentary constituencies. In contrast to the personal emoluments of ministers and Members of Parliament, the creation of a district is seen to bring money to the countryside and thereby benefiting the local people (Green, 2008). It is true that whereas some districts such as Amuria, Isingiro, and Amuru have attempted to demonstrate both physical and financial benefit to the local population, others such as Butaleja have been slow at demonstrating this effect. As such, the “benefit principle” varies from district to district.

Citizens interviewed at the various levels attributed a number benefits and developments to district creation. Among benefits mentioned by respondents was the bringing of administrative services closer to the people (35.7%), opportunity for autonomy and self-identity (21.40%), upgrading of rural growth centres (14.30%), employment opportunities (12.50%), improved social services (10.10%), and economic benefits (6.00%).

Figure 3: Benefits from District Creation

Source: Dynamics of District Creation Study in Uganda, 2010

3.3.1 Forces in favour of the creation of New Districts

The literature review revealed that many countries across the world mainly in Africa have in recent years created many new local administrative units (Green, 2008). This trend and its underlying processes have gone unnoticed in the academia to understand this phenomenon. Thus, the key
dilemma is lack of consensus on which reasons should be prioritised in creating new districts. Should it be economic, political or socio-cultural? The study showed that political factors and convenience (80% of the respondents) more than economic and / or socio-cultural factors (20% of the respondents) have largely influenced the creation of new districts in Uganda.

Also, the literature showed that district creation is neither new nor unique to Uganda. It is a historical trend which in many cases has been influenced by political motivations. Generally, while it is recognised that scientific and rational criteria would add value to promote efficiency and effectiveness of local administration and service delivery (Falleti, 2005), the second dilemma is that there is no consensus on the optimal number of districts that any country should have. The table below presents a quick analysis of the perceptions accompanying district creation in Uganda as explained above.

Figure 4: Perception of Factors that have Influenced District Creation

![Figure 4: Perception of Factors that have Influenced District Creation](image)

Source: Dynamics of District Creation Study in Uganda, 2010

Beyond perceptions, the literature reveals that many factors have influenced the creation of districts in Uganda. According to Green (2008) and Nsamba (2009) these include the following: the implementation of decentralisation policy and practising local governance; the need to improve service delivery; the colonial and post-colonial processes of identity construction and ethnic conflict management; political expedience or the inability of government to resist local district creation demands; the removal of regional opposition; power capture, retention and resource control all motivated by political patronage (also see Oyuku-Ocen, 2008).

The study revealed that the process of creating new districts and /or new administrative units is a two way process. 71 respondents said that new districts depict government’s desire to cascade service delivery while 167 respondents said that new districts are a response to the citizen demands for self-identity and effective service delivery. For instance, the implementation of the decentralisation policy since 1992 has led to an irreversible process of self-discovery and increased
citizens’ demand to effectively participate in local governance. Also, decentralisation is conceived and understood by most Ugandans to mean “drawing power and resources to themselves”.

**Global Trends:** The study revealed that with increased globalization people’s awareness and civic consciousness about participation and governance has also increased. 60 respondents (25%) held this view. This is coupled with the impact of economic and social changes in the last 20 years characterized by liberalization, privatization and market reforms which brought forth new demands on central governments prompting them to re-assess their limited capability to deliver services effectively. This increasing need for participation in governance has led to an accelerated process of decentralization generally (Brillantes and Cuachon, 2002:1). The demands for transparency and accountability in India through a citizens movement known as India Against Corruption (IAC) with the aim to demand strong anti-corruption laws, the citizens demand and active participation in influencing the return to Constitutionalism and the rule of law in Kenya, are some of the factors cited as strong forces influencing the local push for new districts in Uganda as well. However, if this view is taken seriously, then it presents a mismatch in focus because while the other countries are pushing for more national governance demands, Uganda is rooting for very unrealistic interests aimed at sub dividing the country at the expense of demanding for a more focussed national and collective good governance agenda.

However, there is evidence indicating that District creation actually leads to better results giving an example of districts like Pader, Isingiro, Amuria and Kanungu, among others. The study established that in demanding for district status, people think they can work better than others if granted their own district. Respondents from Kanungu district for example, asserted that prior to the creation of the district, service delivery under the mother district was poor. The creation of Kanungu was justified by the respondents as the only way of improving the development of the local area which had lagged behind because of its hilly nature and geographical location as well as marginalisation. The respondents argued that it was such remoteness and distance for Government oversight that led to a high crime rate, the worst of them all, being the death of over 1,000 people burnt in a fire under the religious sect of a one Kibwetere.

Respondents in Kanungu district stated that big districts are difficult to manage and monitor citing that the creation of Kanungu district had brought such services as transport, health, education, and the judiciary, among others, closer to them. In explaining the above result, a respondent had this to say during one of the focus group discussions: “Prior to the attainment of district status, Kanungu was only a small village only known for the big Catholic Church at Makiro. Travel to Rakisingri, our former district headquarters, had to be planned for days because we did not have regular transport means apart from pickups. With the attainment of district status, our small village trading centre was upgraded to a town council, after upgrading what was originally a small County Administration headquarters. Today we call it Kanungu town with regular transport, visitors and other services. Quite a number of developments have taken place and many more are coming.”

In Butaleja district, a respondent had this to say; “It was the most difficult time. They would walk on foot in a strange place with no friend to turn to for accommodation or any form of assistance. We had to attend court in Tororo, and to pay certain taxes, among others, yet received very little in terms of service delivery with a broken down road network, very few transport vehicles came to Butaleja”.

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6 This was revealed during one of the Focus Group Discussion in Mukono District, December 2010.
Popular Demand for Self Governance: The study established that there is a popular demand for self-governance leading to popular calls for districts, in underserved or marginalised areas of the country. 143 respondents (60%) supported the calls for self-governance through district creation.

Figure 5: Community Response to District Creation

In support of their view, a respondent had this to say:

“When children become of age they are left to make their own homes. The type of home they build of course depends on the resources available to them and their capacity to put them to use while at the same time looking out for other ways to improve their lives. New districts could be looked at in the same context. The beginning is in most cases difficult but conditions get better as they gain a firm footing in their legal and service delivery mandates.” – Hasahya Henry, Elder in Butaleja District.

Naturally, over time, such calls have degenerated into “separatist” agitations built on old ethnic and other differences. This takes us back to the historical view that created strong links between ethnicity and sub-national administrative units. While some scholars have argued that ethnic identity and politics in Uganda are not directly and indirectly linked to the colonial processes, the colonial state not only set up, but also left in place an institutional apparatus that promotes ethnic identity. This was mainly done through a political arrangement that emphasised territorial citizenship and rights as a mode of suppressing nationwide resistance to state power.

Therefore the arguments to the effect that district creation is a form of ethnic manipulation whose purpose is not bringing services nearer to the people but to contain tribal sentiments by dividing up a group of people (Nsamba, 2009) is another form of thought that should be pursued. Equally, the creation of districts is regarded as a promotion of cultural identity and purity. A total of 24 respondents held the view that the creation of new districts has been magnified by existing and underlying ethnic and cultural tensions that characterize Uganda. Districts that emerged out of such sub-ethnic tensions include Nakasongola, Kayunga, Butaleja, Kibale, Kyenjojo, Kamwenge, Buliisa, Budaka, Butaleja, Amudat and Abim, Namayingo, among others.
In Butaleja District, the study established that the major reasons for establishment of the district were two fold, namely, marginalised service provision and a long standing ethnic conflict between the largely Nilotic Tororo District and the Banyole who are Bantu. The service delivery thresholds at the time of establishing Butaleja district in 2006 was quite low especially as demonstrated by a poor road network and other forms of service access such as schools and health units. The district now boasts of health sub-district and an additional 9 primary schools. The road network has been improved to link with the neighbouring Budaka, Namutumba and Tororo Districts. The service industry has grown and the first Bank in Butaleja, Stanbic Bank opened its doors to its customers in March 2011.

Urbanisation: The study established that it is the intention of government to increase the rate of urbanization in Uganda, currently considered to be one of the lowest (8%) in Sub Saharan Africa. 12 respondents (5%) supported district creation on the basis of this view. While it has not come to the fore, the creation of districts and administrative units is also seen by government as a strategic move to reduce the rural urban migration and therefore lessen the pressures on the few existing urban centres. Urban centres by default attract high concentrations of economic activities, labour, and services.

Any place, village or town, which houses district headquarters, is immediately upgraded to town council status and this comes with some benefits in the short and long run. The volume of services required to immediately operationalise a district is low at the beginning. However, a number of providers and new business opportunities have been seen to get attracted by the market created with the district formation. There was sufficient evidence to show that the new district headquarters and towns constitute large concentrations of skilled labour, trade and commerce. The district headquarters have attracted a cross section of businesses.

Creation of Employment Opportunities: a whole range of technical and political appointees are usually ascending to official positions once a new district is established. This include the Chief Administrative Officer (CAO), deputy CAO, Assistant CAOs, Resident District Commissioner (RDC), deputy RDC, and a District Auditor, the District Planner, Head of the Community Based Services, Director of Health Services, Head of Production, Education Officer, Agriculture Officer, Veterinary Officer, Personnel Officer, Gender Officer, Youth Officer, Probation Officer, District Engineer, Extension Officers, Finance Officer, Information Officer, Inspector of Schools, Land Officer, District Security Officer, and a whole host of security personnel including the District Police Commissioner, among others. A new set of district councillors representing special interest groups (such as women, the youth and the disabled), averaging out to around 12 per new district, must also go on the payroll. Finally, a new district must also accommodate a district Chairman, and several council representatives (Green, 2008).

Inclusion of marginalised groups in development processes. The study revealed that a number of groups have been streamlined into the various development programmes and are assured of active participation in issues that directly affect them. The youth, women, children the elderly, HIV/AIDS infected persons and people with disabilities have secured participation either in the local leadership councils as a result of affirmative action or have secured leadership and active roles within the civil society sector. This has enabled them gain a number of technical skills to influence policies that directly affect them and the community as well as hold leaders accountable for issues that directly have an impact on the ordinary citizens. The children are believed to have benefited from UPE which is the responsibility of all Local Government to provide and with smaller districts,
it is easier to monitor and ensure that all children go to school as mentioned by one of the respondents in Agago district who thought that while under Pader district, follow up of school going children was poor as well as an improved health facilities with the strengthening of health centre four dispensaries at district level for provision of healthcare to HIV/AIDS community and other groups like the elderly, children, PWDs, among others who do not necessarily have resources to seek health care from other places beyond the district boundaries.

The table below indicates the levels of perceived benefits by different categories with the women seemingly gaining most at 73.5 percent, the youth at 70.6 percent, People with disabilities (PWDs) and children at 64.7 percent, people with HIV/AIDS at 61.8 percent, while the elderly gained the least with 58.8 percent. Most of the gains were said to be related to capacity building mostly from CSOs; involvement in planning processes; support with economic enterprises; support to access counselling, testing and healthcare services; among others.

**Figure 6: Level of Benefit among marginalised groups**

<table>
<thead>
<tr>
<th>People</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Women</td>
<td>73.5</td>
<td>26.5</td>
</tr>
<tr>
<td>Youth</td>
<td>70.6</td>
<td>29.4</td>
</tr>
<tr>
<td>Elderly</td>
<td>58.8</td>
<td>41.2</td>
</tr>
<tr>
<td>PWDs</td>
<td>64.7</td>
<td>35.3</td>
</tr>
<tr>
<td>HIV/AIDS</td>
<td>61.8</td>
<td>38.2</td>
</tr>
<tr>
<td>Children</td>
<td>64.7</td>
<td>35.3</td>
</tr>
</tbody>
</table>

Source: *Dynamics of District Creation Study in Uganda, 2010*

Enhanced accountability and transparency: Respondents further said that the availability of administrative offices close to the community would increase the interface between the communities and government. The community saw this as an opportunity for enhanced local governance accountability.

### 3.4. CHALLENGES OF DISTRICT CREATION

Scott-Herridge (2002) has cautioned that while decentralization has potential advantages, it also has serious challenges. Some of the challenges include; financing, human resource capacity and elite capture and these are discussed in this section. One of the most critical challenges faced by local
governments is their low financial resource base due to limited sources of local tax revenue and overdependence on grants from the central government. This challenge is vital because all activities performed by local governments (LGs) require adequate financial resources. The importance of adequate financial and staff resources was also recognized by the World Bank’s World Development Report (1999). For Uganda’s decentralized governance, the political and administrative aspects moved faster than the fiscal decentralization.

While proponents acclaim district creation for bringing services closer to the people, increased empowerment of the communities and increased participation of local communities in decision making processes, another school of thought looks at continued creation of districts as a mere increase of demands on the central government. Green (2008) concluded that decentralized services were not matched with adequate financial resources for LGs to deliver services effectively. Currently, LGs in Uganda obtain their finances from four main sources: locally generated revenue, such as market dues, trading licenses, rent, and rates; government grants; donor and project funds for specified activities; and fund-raising from well-wishers. However, LGs also depend heavily on subventions from central government. This dependence of LGs on funding from the central government increased when the graduated tax, which contributed 80% of the local revenue, was abolished in 2005. Central government transfers to LGs account for 30 to 37% of the national budget and constitute about 95 percent of LG revenue (Onyach-Olala, 2007). Central government grants are largely earmarked for specific services. But, a slight degree of flexibility is allowed with restrictions.

**High Cost of Administration:** The study revealed that the creation of new districts leads to high costs in administration both with the mother districts and new ones which leads to poor service delivery. In some new districts, service delivery is still impaired by low economies of scale. Agago and Moyo districts cited constant drug stock-outs at the health centres and poor road conditions. On the other hand, some districts have developed faster than the mother districts such as in the case of Kanungu. Equally true some districts created at the same time have grown differentially due to a number of factors. Cited in this category were Kyenjojo and Wakiso districts which are said to be developing faster than their counterparts. Isingiro and Koboko districts on the other hand are developing much faster than their counterparts, including Butaleja. This argument further views the creation of new districts as a balkanisation of the country into unviable economic units which promotes a huge administrative cost.

On a more strategic level, this trend is seen as a contradiction to the efforts of and Uganda’s drive for the creation of the East African Federation and the eventual formation of an African Union Government.

**Institutional capacities:** In addition to the foregone, the creation of new districts has been reported to face numerous challenges especially in the initial stages when the new units are finding their footing. Among the potential challenges identified is the absence of appropriate infrastructure and facilities required to provide a favourable environment for Local Government setup. Some of the districts like Ntoroko by August 2011 had most of their staff operating under one tree with each desk representing an office. In addition, to this, is the challenge with housing which makes most of the staff to operate from another district which is the case with Agago, Sheema, Dokolo, Butaleja, among others. The study found out that new districts have difficulty in attracting qualified personnel to key positions. A total of twenty six (26) new districts in July 2011 operated at a minimal level of 8 percent staffing and these included the districts of; Agago, Butambala, Buhwenju, Bukomansimbi,
Bulambuli, Butabala, Buvuma, Gomba, Kibuku, Kiryandongo, Kole, Kween, Kyankwanze, Lamwo, Luuka, Lwengo, Maracha, Mitooma, Namayingo, Napak, Ngora, Ntoroko, Nwoya, Rubirizi, Serere and Sheema. The overall Local Government staffing level stands at 44 percent which is not a good indicator in terms of resident technical capacities to facilitate administration, planning, budgeting, implementation, monitoring and evaluation of government programmes in the district because the districts operate often below 20 percent of the required national threshold.

Rural-Urban Influences: As the control of local spaces by national and local elites increases with the creation of more districts and the political use of service provision, so does the division between rural and urban districts. Whereas urban districts like can attract and retain qualified staff, rural districts often cannot. As such service provision in the rural districts is undertaken by understaffed district administrations that can neither monitor, supervise contractors, nor effectively engage the community. Without the human resources needed to implement, monitor, and supervise services, the absorptive capacity of these districts is reduced, and they cannot use all the money accorded to them by the central government. The unspent balances attract a penalty from the central government in the form of reduced funds to the district in the next financial year which further cripples service delivery.

Post Conflict Handling: In districts affected by conflict, the situation is even worse. According to the Peace, Recovery, and Development Plan (PRDP), the human resource gap in the conflict affected districts is 51%, and yet the same districts are supposed to implement the PRDP programmes in addition to existing commitments. In conflict circumstances, where people experience migration within and outside their home districts, and where access to education is seriously reduced, the pool of skilled human resources is very small. Operating with only 49% of posts filled, the absorptive capacity of the districts is poor, and it is questionable whether they can deliver development as envisaged by the PRDP. This could explain why despite several reconstruction programmes, the region has yet to attain development levels comparable to the southern part of the country and that people in the north continue to feel marginalised. The failure by districts to deliver on the promise of service provision and socio-economic development tends to result into demands for new districts from those who feel marginalised, a process which fuels further fragmentation as clearly manifested in the eastern part of the country that has the highest number of newly created districts.

Split Economies: On another front, the creation of new districts has been reported to weaken the older districts especially when the new districts have been the major sources of local revenue for the mother districts. Apac district was reported to have weakened as a result of the curving out of Oyam and Kole. Kole District was for example reported to have the biggest and booming local markets which had been major sources of local revenue for Apac. The people of Kole were, for example, reported to be more productive in terms of Agriculture and therefore had better local revenue base which had hitherto been remitted to Apac. Mukono District has lost several sources of income to Buikwe and Buvuma Districts in areas of corporate tax form SCOUL, now in Buikwe, and local revenue from major fish landing sites like Katosi. The impending split of Kibaale District into Kagadi, Bugangaizi and Kibaale districts, threatens to leave Kibaale district with not a single source of revenue given its poor resource endowment.

Territorial Conflicts: The promotion of political rather than administrative objectives in the practice of decentralisation has generated tensions, within and between regions. There are boundary conflicts between Pallisa and Namutumba, Tororo and Butaleja, Mbale and Budaka, Kyenjojo and
Kabarole. Internal ethnic conflicts and tensions are seen in the districts of Kasese, Kaabong, Nakapiripirit, and Tororo. This is in contradiction to the national objectives and directive principles of state policy, that provides for “all organs of the state and the people of Uganda shall work towards the promotion of national unity and, peace and stability; and every effort made to integrate all the people of Uganda, while at the same time recognising the existence of their ethnic, religious, ideological, political and cultural diversity”. While creation of districts along ethnic/linguistic lines can be justified as recognition of ethnic diversity, it undermines national unity since it breeds isolationist tendencies and ethnic animosity thus rendering some communities helpless and weak. In some areas it has created a sense of a territorially defined citizenship at the local level.

In Karamoja sub-region the phenomenon of territorial citizenship has increased ethnic conflict between the Jie and Dodoth. This could be attributed to the creation of Kaabong district which is predominately comprised of the Dodoth. Boundaries have increased sedentarism of nomadic Karamojong reducing interaction as moving with animals to water points outside ones area is a problem. This limits access to land, participation in local governance processes, and leaves decision-making to only those considered natives of the district. When justifying granting districts to Pallisa and Butebo counties, Hon. Malinga lamented that “there is unequal distribution of schools, health services and all social services, based on tribal differences.” Ethnic identity becomes the axe upon which all rights and privileges are determined. Since there are groups — for example like the Pokot in Nakapiripirit and Ike in Moroto which cannot claim ethnic dominance in the district, their options are limited to fighting it out with the dominant groups so as to access those rights considered to be group rights.

With the introduction of electoral politics, politicians at the local and national level have used ethnicity as a basis for mobilisation. This was clearly articulated by Hon. Malinga when he accused Hon. Kafire Rainer, of “going through Budaka and Kibuku scaring the people and telling them that if an Itesot became LC V chairman, then they would destroy Pallisa”. In Kasese district, for example, the Basongora are not allowed to claim land because they are considered ethnically foreign although they are Ugandans. The dominant Bakonzo ethnic group claim that Kasese district is their ethnic cradle which was “achieved with blood from the Batooro and they cannot die again for the sake of the Basongora”. Their claim for such rights is seen as politically engineered and aimed at undermining the district. Fragmentation in particular defines and permanently creates conflict prone tendencies. Examples can be drawn from the Pokot and Pian in Nakapiripirit, and the Itesot and Japhadola in Tororo. “It engenders secession tendencies” hence districts sometimes represent and enforce specific cultural and ethnic interests.

The study reveals some sketchy but bold analysis of the question of creating districts. It highlights the gerrymandering of constituencies through the creation of new districts. “While there may be some legitimate need for creation of new administrative units including districts, creation of more districts and other administrative units accounts for the unintended increase in the size of Parliament and results into an ever growing burden on the tax payer. No matter what the justifications are for creating a large number of districts, there is no doubt that the rate at which districts are created, the manner in which they are created, often following ethnic and tribal lines, and the character of these districts demonstrates a high level of political and administrative disruption to Uganda’s development process” – (Green, 2008).

**Political Motivations:** Respondents observed that the creation of new districts was a ploy to reduce competition among politicians and create patronage. Whereas a number of plausible reasons behind district creation and with several of them having some truth, the best explanation for district
creation is that the new districts are being used as patronage. The Lango split in 1974 by the formation of Apac and Lira districts saw further subdivision when Amolator was carved out of Lira (2005), while Dokolo and Oyam were carved out of Lira and Apac respectively in 2006. Again, these divisions appear to be more related to the Lango region’s history as a UPC stronghold, rather than a response to conflicts arising from competing ethnic sub-groupings and livelihood patterns.

District creation therefore may not always be a collective demand by the grassroots people but a strategy by the political leadership to capture and retain power as well as manage local tensions. As such, it tends to appease a group of politicians or communities. This could explain the recent rapid rise in the number of districts to 111 as opposed to the 38 that existed in 1992. This has raised concerns about the relationship between political power capture, retention, and control of resources on one hand and the local governance processes on the other hand. The case in point is that of the long standing agitation by the Basongora of Kasese District to create their district which is viewed largely as an agenda of the local political leadership. As one Member of Parliament commented, “people are not consulted; the discussions are among politicians. The demands for a separate district for the Basongora are engineered by politicians who hold private meetings with Basongora.”

On the other hand, the creation of Oyam District was seen as a fulfilment of a presidential pledge made in 1998.

Equally important to note, is the fact that district creation mostly coincided with a delicate political process like the 2011 general elections with both the presidential and parliamentary candidates trying to use district creation to their advantage. As a result, it has been very hard for government to desist from creating new districts since this would be negatively used by the electorate against them. The momentum to create districts is hard to stop amidst such conditions. For instance, the twenty districts (20) promised by the president during campaigns were approved by cabinet and are likely to start in July 2012. This will push the total number of districts to one hundred and thirty two (132).

Paradigm shifts in the decentralization system. Initially, the decentralization system had been conceived under devolution. However, developments from 2005 have seen the powerful arm of the central government extended to meddle into the affairs of the local governments first by appointing the Chief Administrative Officers, the remuneration of the district council chairpersons, speakers and councilors and in 2010 declaring the remuneration (allowances) for LC1 Chairpersons. The shift in paradigms is unfortunate for Uganda’s decentralization system because the scene is now filled by the delegation form of decentralization and enhanced by the fact that local governments are poorly resourced with over 98 percent dependent on the central government.

This form of governance is likely to totally disarm the citizens of their right to demand for transparency and accountability in service delivery when the local leaders are all accountable to the centre either in terms of appointment, resource base, or their own remuneration in terms of salaries and monthly allowances.

Financial Constraints. Trends in local revenue financing indicate a gloomy picture on the future of local governments and hence their level of sustainability. Local governments are empowered to levy charge and collect fees and taxes, including rates, rents, royalties, stamp duties and registration and licensing fees, and the fees and taxes are specified in the Fifth schedule of the Local Governments Act, Cap 243. The percentage of locally raised revenue as a share of total funding of local

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7 Hon, Stephen Malinga, Minister of Health.
8 Hon. Betty Amongi
Governments has continued to fall each year; and in some local governments it is less than 3\% of their total budgets. Such local revenue performance levels threaten to undermine sustainability of gains reaped over the years from the implementation of decentralization reforms. With inadequate capacity to mobilize local revenues, local councils are hardly able to meet to consider pertinent local issues; their ability to monitor service delivery is undermined; local governments are unable to meet their co-funding obligations under various capital interventions; they are unable to provide for operation, maintenance and thus compromises sustainability of socio-economic investments; and above all, citizens are unable to hold local councils to account since they are not paying taxes.

Although it had been anticipated that the introduction of the local service tax and the local hotel tax would improve fortunes for local governments in terms of local revenues, the reality has been disappointing. Against a projected total yield of \textit{shs. 70 billion in the initial year and a lot more in the subsequent ones} (Ministry of Local Government Policy Statement for the FY 2008/09), the provisional figures indicate that the LST and LHT revenue yields during the FY 2009/10 stood at shs. 12.60 billion and shs. 5.90 billion (excluding Kampala) respectively. The projected performance for the FY 2010/11 is estimated at shs. 20 billion and shs. 13 billion for LST and LHT respectively.

Local Governments have therefore been left to depend on central government financing because each financial year, local governments are entitled to inter-governmental fiscal transfers\textsuperscript{10} in form of Conditional, Unconditional, and Equalization Grants, (DENIVA, 2010).

\textsuperscript{9} Ministry of Local Government’s Ministerial Policy Statement for FY 2011/12
\textsuperscript{10} The Local Governments Act (Cap 243).
Chapter Four

4.0. RECOMMENDATIONS, STAKEHOLDER ANALYSIS AND CONCLUSION

4.1 RECOMMENDED ACTIONS

a. The Constitution of the Republic of Uganda was very pragmatic in its provision for the creation of new districts. However, the process has been highly political and economically unattainable. According to the Ministry of Local Government Ministerial Policy Statement 2011/12; a total of 1.145 billion (in emoluments only) is required for a new district to be operational. This sets a much skewed approach towards planning and actual delivery of basic services, the later being the most affected victim amidst the limited resourcing environment for local governments. This effort combined by a low staffing level that stands at an average of 56 percent and 8 percent for the new districts, should send clear signals to the government to act otherwise.

The study therefore recommends that amidst all the above mentioned challenges, the creation of new districts should be halted until a proper process based on clear set of objectives that should consider efficiency, equity and macro stability of the decentralization process and further creation of new districts.

There is need to also consider establishing a more neutral body to oversee the creation of new or alteration of existing district boundaries (De Villiers, 2006:29) as one of the strategies for overcoming territorial boundary conflicts that arise as a result of spillovers from the creation of new districts.

b. The application of the criteria for the creation of districts and administrative units as provided for in the Local Governments Act, Cap. 243 and the 1995 Constitution need more attention as cautioned by the historic Mamdani Commission of 1987. The application of the criteria to create districts as outlined in the constitution should be reviewed and a more scientific process established. This should include undertaking a rigorous feasibility analysis prior to district creation and an elaborate approval process reinstated in ascertaining conformity to prerequisite factors such as population, service access, revenues and general economic viability as opposed to the political and tribal expediency exhibited in the current system. The rigorous assessment process will also assist government in addressing the operational, policy and systemic challenges that have resulted from the hurried process of district creation. In addition, efforts should be established to provide for the reversal of decisions to alter district boundaries should a district fail to produce viable results in terms of economic sustainability.

c. Government needs to recommit itself to the full implementation of the devolution system of governance where the citizens have stronger rights in terms of determining their destiny. They have the opportunity to hold local leaders accountable at all levels including the Chief Administrative Officers, Resident District Commissioners, and the Local Councilors. Recentralization of the CAOs, procurement, and payment of allowances for the Councilors by the Central Government is a major setback that needs to be revised so as to give the local
governments’ full control over their decisions but retain important policy and supervisory roles at the centre.

d. Districts should also have a revised funding mechanism that encompasses more flexibility in resource use as opposed to large amounts of conditional grants with direct ties and control from the centre. Therefore, more emphasis should be geared towards establishment of stronger accountability mechanisms that will effect proper resource allocation, management, transparency, efficiency, and effectiveness as well as accountability in service delivery and responsive leadership. This is the only strategy that will allow for good governance and participation to thrive at the local level with citizens participating in identifying their own local development priorities/interventions.

e. Strengthening capacity and infrastructure deficiencies in Local Government Administration Units. In order to deepen the implementation of the decentralisation policy, government needs to address the gaps that exist in terms of human resources and infrastructure. The absence of attractive factors at the local government like a good road network, staff housing, information, technology and communication facilities, mostly in remote areas have created a huge capacity deficiency that has further affected the level of service delivery.

f. There is need to carry out a study to assess the extent to which services have indeed been taken closer to the people as promised by the decentralization programme. This should consider reviewing the discretionary development budget for local governments to deliver basic social services like health care, primary education, roads, water, agriculture and sanitation. This exercise will then generate results that will assist to reduce on the level of political optimism as well as ethnic tensions that are generated by the urge for further fragmentation in the name of new district creation. Over alteration of boundaries leading to conflicting circumstances evident in most regions as a result of district creation will also be minimized. This study and discussions thereafter should be closely linked to the various ongoing governance ideologies that include the regional tier system of governance, federalism, and the East African Community.

4.2. STAKEHOLDER ANALYSIS

The decentralisation policy framework is implemented through the sector wide approach involving a number of institutions comprising the Ministry of Local Government and other central government ministries and agencies. The institutions particularly include the local governments, CBOs, NGOs, local government associations, development partners and the private sector. A sector working group provides effective coordination and harmonization while enhancing coherence, efficiency, and effectiveness in implementation of decentralized services. Table 3 outlines key stakeholders and their roles under decentralisation.

Table 5: Stakeholder Analysis
<table>
<thead>
<tr>
<th>Stakeholder</th>
<th>Roles and Responsibilities</th>
</tr>
</thead>
</table>
| Parliament of the Republic of Uganda                            | • Responsible to make laws on any matter “for the peace, order, development and good governance of Uganda.”  
• Oversee the activities and programmes of the LG Sector.                                                        |
| National Planning Authority                                     | • Principal statutory agency responsible for the Coordinated and integrated framework for national planning.  
• Principal statutory agency responsible for the management of national and decentralized development planning in Uganda  
• Stipulates the countries medium term direction, development priorities and implementation strategies  
• Analyses and details current development status, challenges and opportunities.                                      |
| Decentralisation Technical Management Working Group (DTMWG)     | • Provides oversight over the implementation of the policy within the broader context of the Public Sector Management Working Group.  
• Promotes a broader understanding and appreciation of the national development process beyond sector perspectives;  
• Enhances more efficient allocation of resources through better coordination of budgeting arrangements within the sector;  
• Promotes reduction in administrative costs due to elimination of duplication and unnecessary overlap;  
• Fosters effective harmonization of management, supervision, coordination and reporting arrangements in all local governments; and  
• Provides a broader view of the extent to which the country is realizing the PEAP and Millennium Development Goals and objectives through decentralized interventions  
• Facilitates the implementation and deepening of the Decentralisation policy and enhances democratic governance in the country through developing and reviewing systems, structures, laws and guidelines on local governance; and  
• Coordinates training and capacity building in local governments for efficient and effective service delivery to the population. |
| Ministry of Local Government                                    | • Lead Institution responsible for the decentralisation policy and its implementation in Uganda.  
• Promotes decentralisation,  
• Updates the policy and legal instruments,  
• Coordinates implementation of sector policies at the local level,                                              |
<table>
<thead>
<tr>
<th>Stakeholder</th>
<th>Roles and Responsibilities</th>
</tr>
</thead>
</table>
| **The Ministry of Finance, Planning and Economic Development (MoFPED)** | • Sets policies and service standards  
• Responsible for mentoring, compliance inspection and support supervision of local governments.  
• Oversees management of the national economy and national development in partnership with the National Planning Authority (NPA).  
• Providing fiscal transfers to local governments to improve the effectiveness and impact of central government's support;  
• Studying and analyzing financial and output information from local governments; and  
• providing inputs for monitoring and mentoring local governments over the use and accounting for funds in the implementation of local government programs |
| **Ministry of Public Service (MoPS) and Public Service Commission** | • Responsible for all human resource policy matters in Public Service.  
• Develop strategies for attracting, retaining and motivating the workforce for effective service delivery at local levels.  
• Provides the National Framework for Human Resource Management and Development;  
• Reviews, formulates and ensures implementation of the Training Policy and Standards in the Public Service;  
• Provides technical guidance to central and Local Governments on training Policy and Standards;  
• Liaise with training institutions to ensure that training needs of the public service are catered for in the decentralisation process;  
• Issues guidelines to be followed by Local Governments in HRM/D; and  
• Provides guidance and backstopping to District Service Commissions. |
| **Other Sector Line Ministries** | • The functions and roles of other sectors with decentralisation responsibilities are defined in their respective line ministry instruments.  
• Members of DSWG in respect to service delivery |
<table>
<thead>
<tr>
<th>Stakeholder</th>
<th>Roles and Responsibilities</th>
</tr>
</thead>
</table>
| **Local Government Finance Commission (LGFC)**  | • Constitutionally mandated to advise government on distribution of revenue between central and local governments, and among local governments.  
• Responsible for establishing and maintaining an appropriate balance between the services devolved to local governments at different levels and the financial resources available to local governments (comprising central grants, locally generated revenues and grants from donors).  
• Chair to the Local Government Budget Committee (LGBC) that handles issues relating Local Government Finances.                                                                                                                                 |
| **Decentralisation Donor Sub-Group (DDSG)**      | • Coordinates donor input to avoid duplication.  
• Provides resources and technical expertise to deepen decentralisation.  
• Participates in DSWG consultations; and provides reference points with respect to best practices                                                                                                                                 |
| **Uganda Local Governments Association (ULGA)**   | • Provide a conduit for advocating for local governments, and for bringing to the attention of Government to issues of local government concern  
• Serve as voice for the Local Governments                                                                                                                                                                                                 |
| **Urban Authorities Association of Uganda (UAAU)**|                                                                                                                                                                                                                               |
| **Local Councils and Community**                 | • Identification of the development needs of the communities.  
• Approve Local Government Plans and Budgets                                                                                                                                                                               |
| **The Local Governments**                        | • Implement Government Policy  
• Mandated to manage local development  
• Deliver decentralised services  
• Mobilise communities to participate in local development  
• Oversee other actors in delivering decentralised services.                                                                                                                                                              |
| **Civil Society Organisations**                  | • Directly undertake social service investments by way of complementing public service.  
• Provide oversight to public institutions  
• Advocacy: play positive roles as strengthening the voices of the poor and enhance participation in development processes.  
• Policy advocacy work or holding Government and private corporations accountable.  
• Skills Development and transfer to Government.                                                                                                                                                                         |
| **Private Sector**                               | • Responsible for complementing government efforts in service delivery.                                                                                                                                                       |
4.3. CONCLUSION

In conclusion, Decentralisation in Uganda is a well conceived system of governance. However, whereas decentralisation has several benefits, there is a growing concern amongst some stakeholders that the creation of new sub-national entities is increasingly fragmenting the country and hence undermining the envisaged benefits of cohesiveness and rational utilisation of scarce resources.

Therefore, there is need to invest more attention towards addressing people’s fears and concerns to avert the syndrome of unresponsive governance on the part of government. The benefits of decentralisation that include good governance, citizen participation, access to employment opportunities, security in the sense of belonging and ownership, should be guarded as well as establishing a mechanism that will progressively address the challenges.

Most of the recommendations raised above, are policy related. The government should institute a mechanism of collaborating with other stakeholders like Parliament, development partners, civil society, the academia, media, and private sector through the Ministry of Local Government to achieve them.
References


DENIVA (2010): Performance of Local Service Tax and Local Hotel Tax in Uganda pp. 14


Kakaire, Sulaiman (2011). *No New Districts for Three Years*, *(Article)*. The Observer Newspaper, Monday, August 1st.


Appendix 1: Creation of Districts in Uganda: A Case for Small Districts

1.0 INTRODUCTION

Government of Uganda adopted a decentralized system of governance in which political, administrative, planning and financial powers were transferred from the Central to Local Governments. Under Article 176 of the Constitution and Section 3 of the Local Governments Act, the local government system in Uganda is based on the district as a unit under which there are lower local governments and administrative units.

2.0 CREATION OF DISTRICTS

The creation of districts started way back in the colonial period. The justifications for alteration or creation of new administrative units have varied from one Government to another. The number of districts (inclusive of Kampala City Council) as they evolved over time since is summarized in the table below:

<table>
<thead>
<tr>
<th>YEAR/DATE</th>
<th>NO. OF DISTRICTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1959</td>
<td>16</td>
</tr>
<tr>
<td>1962</td>
<td>17</td>
</tr>
<tr>
<td>1968</td>
<td>18</td>
</tr>
<tr>
<td>1971</td>
<td>19</td>
</tr>
<tr>
<td>1974</td>
<td>38</td>
</tr>
<tr>
<td>1979 (January)</td>
<td>40</td>
</tr>
<tr>
<td>1979 (May)</td>
<td>22</td>
</tr>
<tr>
<td>1979 (August)</td>
<td>33</td>
</tr>
<tr>
<td>1980 (August)</td>
<td>33</td>
</tr>
<tr>
<td>1991 (March 15th)</td>
<td>39</td>
</tr>
<tr>
<td>1997 (March 20th)</td>
<td>45</td>
</tr>
<tr>
<td>2000 (November 28th)</td>
<td>56</td>
</tr>
<tr>
<td>2007 (July)</td>
<td>80</td>
</tr>
<tr>
<td>2009 (December 22nd)</td>
<td>97</td>
</tr>
<tr>
<td>2010 (July 1st)</td>
<td>111</td>
</tr>
<tr>
<td>2012 (July)</td>
<td>132</td>
</tr>
</tbody>
</table>

Source: Republic of Uganda (1987) and other sources
3.0 THE CASE FOR SMALL INSTEAD OF LARGE DISTRICTS

As seen from above, there has been an increase in the number of districts in the Country. As the number of districts increased, there has also been a corresponding reduction in the sizes of district and 70% of them now comprise only one county. The table below indicates the number of counties in each district.

Table 2: Numbers of districts indicating their number of counties

<table>
<thead>
<tr>
<th>Districts with 1 county</th>
<th>69</th>
<th>69.9%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Districts with 2 counties</td>
<td>36</td>
<td>36%</td>
</tr>
<tr>
<td>Districts with 3 counties</td>
<td>03</td>
<td>3.3%</td>
</tr>
<tr>
<td>Districts with 4 counties</td>
<td>01</td>
<td>1.1%</td>
</tr>
<tr>
<td>Districts with 5 counties</td>
<td>01</td>
<td>1.1%</td>
</tr>
<tr>
<td><strong>TOTAL:</strong></td>
<td>112</td>
<td>100%</td>
</tr>
</tbody>
</table>

The reduction in the sizes of the districts has also made Government to realize a number of advantages namely:

(a) Effective Administration

The creation of smaller districts promotes effective administration because the leaders of the district are in close touch with the people; i.e. the proximity of Government as opposed to absence of Government.

(b) Less costs in monitoring and supervision of individual districts

Under the Local Governments Act, line Ministries monitor, inspect and offer technical guidance to districts. With small districts the costs of performing these functions are minimized due to reduced area of coverage.

(c) Effective and efficient service delivery:

The creation of smaller districts makes it easier for the local population to access services. The distance to the district headquarters is brought nearer. A person from Minakulu sub-county seeking services from the district headquarters finds it much cheaper to travel to Oyam district headquarters than the original costs the same person incurred in travelling up to Apac.

(d) Self-identity and cultural recognition:

The creation of the new districts helped Government solve the problem of culture and co-existence of the various groups in the country. A Councillor coming from Amudat and who speaks Pokot and Kiswahili in the past found difficulties in communicating with other Councillors coming from other parts of Nakapiripit who speak Ngakarimojong. In this case, the creation of Amudat from Nakapiripit district solved the problem of self-determination and fulfilment to the local Pokot population.

(e) Wishes of the people:

A number of other communities in the country have also seen their wishes being granted following the creation of new and smaller districts. These include for example the Kakwa in Koboko, Banyole in Butaleja, and Kumam in Kaberamaido districts. This has also led to an increase in the number of students admitted to Universities on Government sponsorship under the district quota system. Instead of sending 10 students for example to the University under the same scheme from the original Mbarara district, now you find 40 students, including those coming from Isingiro, Kiruhuura and Ibanda districts.
(f) Good performance by districts

It has also been observed that the excitement of getting new districts have made some of their leadership to set high goals. Such districts have exhibited very high performance, better than the parent districts. Cases in point include among others Nakaseke and Kyenjojo.

(g) Acceleration of development

The establishment of new and small districts has seen acceleration in development in the country. New districts attract development in terms of physical structures such buildings for offices. Private businesses also set up amenities such as hotels, banks, shops, schools. Cases in point include Koboko and Kyenjojo Districts, formerly small trading centres that have since grown into large urban centres and graduated to Town Councils.

There are spectacular cases like Pader District where there was virtually no permanent structure. The phenomenal growth of Pader as a planned urban centre is solely attributed to creation of the district.

(h) Good Governance and transparency

Decentralization is meant to promote good governance and transparency. The Local leaders are made more accountable in a population which is smaller and one that can easily watch and hold them accountable. It is for this reason that Governments is encouraging the formation of Barazas to enable the local population have a say in the way they are governed; by holding both the political and administrative leadership accountable.

Hon. Adolf Mwesige

Minister of Local Government

Kampala