

Chewing more than one can swallow: A commentary on the creation of new districts in Uganda. Some compelling considerations

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1. Introduction

Local government is one of Uganda's iconic democratic symbols, especially in the manner in which it transfers power and functions from central government to local governments, and promotes public participation at the lowest levels through established structures.² This is largely because before 1993, when decentralisation as a presidential policy was established, local administration structures manifested state autocracy and central government hegemony.³ This paper analyses the process of devolution and transfer of powers to local levels, public participation, democratic governance, and autonomy through creating more districts in Uganda. Devolution and transfer of powers and responsibilities entail some degree of autonomy. In Uganda this autonomy is manifested in districts as pillars of local governance, given the powers and functions granted to them.⁴ In Uganda a district is the basis of local government system and the unit under which other lower local governments and administrative structures evolve.⁵ Structurally, a district is the basic unit of the local government and a swivel of political and administrative power.⁶

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² See the long title the long title to the Local Governments Act Cap 234.

³ Mamdani (1996:23).

⁴ Section 30(1) of the Local governments Act obligates local government councils, subject to the Constitution to:

(a) exercise all political and exercise executive powers and functions;

(b) provide services as it deems fit with the exception of functions, powers and services listed under Part I of the Second Schedule to this Act,

(c) protect the Constitution and other laws of Uganda and promote democratic governance; and

(d) ensure the implementation and compliance with Government policy'.

⁵ Article 207 of the Ugandan Constitution states that:

'In this Chapter, a reference to a local government includes—

(a) a district council;

(b) an urban council;

(c) a subcounty council; or

(d) any other unit prescribed by law to replace any of the councils mentioned in paragraphs (a), (b) and (c) of this article'.

⁶ Article 177 (1) of the Constitution provides that:

'(1) Subject to the provisions of this Constitution, for the purposes of local government, Uganda shall be divided into the districts referred to in article 5(2) of this Constitution.

(2) The districts referred to in clause (1) of this article shall be taken to have been divided into the lower local government units which existed immediately before the coming into force of this Constitution'.

There are now 80 districts in Uganda down from 33 in 1986 when the current regime came into power 23 years ago.⁷ Uganda has a population of about 29.7 million people.⁸ This translates into an average of 375000 people per district. Between 1986 and 1997 eleven new districts had been created. In 2000, 11 new districts were created, while in 2005, a year preceding the 2006 elections, 22 new districts were created. In 2006, a year that followed the elections, 9 districts were created. So far, this year alone, 14 new districts will soon be approved.⁹

The process of creation of, or changes in, boundaries of a district is governed and articulated by the Constitution.¹⁰ Demarcation of boundaries is an important component of a visible process of devolution of power. It is a process through which local needs are identifiable in a sustainable and non-conflictual manner. This however, would have required a more independent body which is free from political manipulation.¹¹ Under the 1995 Constitution, Parliament is empowered to alter district boundaries or to create new ones.¹² However, this process must be supported by the majority of the members of Parliament.¹³ The district councils may also alter the boundaries of lower local government units and/ or create new ones within a district, if empowered by Parliament to do so.¹⁴ Changes in, or alteration of, district boundaries are rationalised by three distinct factors. First, the changes or alteration must be based on the need for effective administration. Secondly, they must be based on the need to bring services closer to the people. Thirdly, the means of communication, geographical features, population density, economic viability, and the 'wishes of the people concerned', must be considered.¹⁵ Creating more districts is aimed at creating more autonomous and public participation spaces necessary for nurturing democracy, development and service delivery at local levels. Against this backdrop, this paper proposes to interrogate the present legal and policy framework behind the creation of new districts in Uganda.

1.2 Questions

What is the rationale for creating new districts in Uganda? Can the creation of many districts enhance political autonomy and improve service delivery at the same time? What policy implications and financial burdens are reflected in the creation of new districts?

1.3 Problem

The creation of new districts has put more expenditure pressures on local governments and taken away the resources that otherwise would be used to increase and improve service delivery.¹⁶ It is estimated that wages and salaries alone for a new district is about Shs1.2 billion (or \$500000 per annum). Impliedly,

⁷ *The Daily Monitor* July 21, 2009.

⁸ See World Bank 2006.

⁹ *The Daily Monitor* July 21, 2009.

¹⁰ See Article 179 of the Constitution.

¹¹ See De Villiers (2006:29). In South Africa for instance, alterations in district boundaries is governed by a Boundary Demarcation Board where views of the public are solicited and meaningfully engaged.

¹² See Article 179 (1) (a) & (b) of the Constitution.

¹³ See Article 179 (2) of the Constitution.

¹⁴ See Article 179 (3) of the Constitution.

¹⁵ See Article 179 (4) of the Constitution.

¹⁶ Kadiresan & Onyach-Olaa (2009).

about Shs25 billion or (\$14 million) is being consumed by only the 24 new districts created between 2004 and 2009.¹⁷ Statistically, according to the above figures, central government allocation to local governments as a percentage of public expenditure has declined from around 47 per cent in 2001/02 to only about 22 per cent in 2008/09.¹⁸ This weakens not only service delivery systems but also impacts heavily on the essence of the political and fiscal autonomy of local governments.

I will argue that though the Constitution provides for the creation of new districts, the procedure is not well defined and open to abuse and manipulation. This results in the creation of many districts which are not economically sustainable. The net result is the imposition of the unnecessary financial burdens on meagre available resources. Ultimately this negatively impacts on service delivery and overall performance of decentralisation, which not only as a good governance tool, but also a pillar of democracy, an auxiliary for accommodation of diversity, and, an engine for economic development.

2. Compelling arguments for creating more districts in Uganda

2.1 Good governance

One of the reasons why there is an unequivocal demand for new districts in Uganda is the desire to promote good governance. Good governance has been a subject of discussion since the 1990s. It has its origins in the policy of the World Bank where emphasis was placed on proper exercise of political power in order to manage a nation's affair better.¹⁹ The World Bank takes the view that good governance is a precursor to development.²⁰ Thus according to the World Bank good governance must relate to the exercise of political power for development. According to Francis N. Botchway, good governance has its own shopping list: 'accountability, transparency, anticorruption, rule of law, advancement for women, democracy and decentralisation'.²¹

For International Monitor Fund (IMF), good governance has been a precondition for financial support, for some time now, not only to national government but also to local governments that may wish to access its funds.²² Even at international level good governance is heralded as a means to eradicate poverty. To this end the United Nations Development Program (UNDP) argues that "it is only with good governance that we can find solutions to poverty, inequity and insecurity".²³ Relating good governance to creating more districts, it could be argued that only at local level can good governance be promoted, because of the proximity of the people to their leaders. They can demand explanations quicker and easier than at national

¹⁷ Kadiresan ibid

¹⁸ See 2009-2010 budget Estimates of Uganda

¹⁹ The World Bank (1989).

²⁰ The World Bank (1997).

²¹ Botchway (2001:3).

²² See generally IMF: 'Good Governance: The IMF's Role' (last modified July 2, 1997)

<<http://www.imf.org/external/pubs/ft/exrp/govern/govindex.htm>> [{"Code of Good Practices on Fiscal Transparency - Declaration of Principles, April 16, 1998, (1998)37 *I.L.M.* 942, 942 "].

²³ United Nations Development Program: 'Governance Policy Paper' (last modified Jan. 1997) <<http://magnet.undp.org/policy/>> [hereinafter UNDP]. See Ann Seidman et al., "Building Sound National Frameworks For Development and Social Change", who has a contrary view. online (last modified May 1999) at <<http://www.dundee.ac.uk/cepmlp/journal/html/article4-1.html>>

level or in cases of bigger districts. Thus the process of creating new districts is in fact in line with the promotion of good governance; hence spreading its benefits to the lowest levels in a country. It is also a means through which poverty questions may be addressed better because of proximity to the people. Secondly, taking decision making to the lowest levels synchronises development since priorities are best made at the lowest levels.²⁴

2.2 Democratic autonomy and empowerment

It is an undeniable fact that, to a large measure, district, rather than central governments, may promote democratic governance. It follows that the more districts one may have, the greater the incidence of a democratic culture in a given country. In this paper democracy is looked at from three angles: as an important component of good governance; secondly, as a precursor to development, and thirdly, as a basis for institutional stability and legitimacy.²⁵ The demand for democracy, its progress and respect have to be premised on imperatives, such as elections, institutions, and honest debates preceded by changes peoples' life for the better.²⁶

Principally, periodic, free and fair elections are key indicators for the enjoyment of democracy.²⁷ This may happen quite regularly at national level where stringent conditions are in place for the qualifications necessary to stand for elections.²⁸ Often a large number of people, (in most cases minority groups), who would ordinarily be potential candidates are disqualified because of inadequate education and financial levels.²⁹ Thus where a group has been alienated politically at a national level pursuing political claims at local level is a logic option.³⁰ Secondly, the realisation of democratic governance can only be achieved if it is localised at a district level because of increased number of electoral offices. But that is the flip side of the coin. One can have periodic elections without tangible results on the ground to show for it since a legitimate democratic process is predicated on quality service delivery.³¹ In this way local government though creation of many districts offers the avenue through which democracy can operate as a constant reminder for improved better life, since the electorate and the leaders are closely interwoven.

2.3 Accommodation of diversity

Critiques of creation of many districts in Uganda argue that it is worrying to create new districts mainly on tribal and sectarian considerations³² over and above legal and disciplined economics consideration. This view is wrongly premised on the post-development democracy argument which asserts that national

²⁴ De Visser (2005:21).

²⁵ Botchway (2001:3).

²⁶ David Apter (1987).

²⁷ Guenther Roth & Claus (1968: LXXXV).

²⁸ In Uganda the qualifications for one stand for a Member of Parliament are similar to qualifications for one to stand as a district Chairperson.

²⁹ For instance the qualification of the Member of Parliament is dependent of the level of education one has. He or she must have an advanced level of education or its equivalent.

³⁰ Kymlicka (2004:27).

³¹ Howard (1983: 467).

³² *The New vision* (June 2009). See also the *Daily Monitor* (July 15th 2009), where a cabinet Minister threatened to resign if district headquarters were allocated to a different area, a position he admits is based on tribal sentiments. On-line at http://www.monitor.co.ug/artman/publish/news/Dr_Otaala_ruv_nbs_amok_over_Tororo_8808_0.shtml.

interests are subordinate to ethnic or regional autonomous governance and identity demands.³³ Thus, strong autonomous powers may exacerbate ethnic tensions and national disintegration.³⁴ However, this is a hollow argument since neglecting the wishes of an identifiable ethnic and or/ cultural group may lead to despondence and alienation. Article 10(a) of the Constitution of Uganda, read together with the Third Schedule of the Constitution recognises 65 indigenous communities Uganda, which existed in as at 1st February, 1926. The key question is: how does the present constitutional setup recognise diversity, and, how is this setup manifested through creation of new districts? The starting point is in the preamble. The first preambular paragraph opens with the first person plural “we” signaling that there is more than one category of people in Uganda. In part III of the directive principles of state policy, the Constitution aspires to integrate all people in Uganda, while recognising the existence of diverse cultures and ethnicities among others. Thus, ‘[e]verything shall be done to promote a culture of cooperation, understanding, appreciation, tolerance and respect for each other’s customs, traditions and beliefs’.³⁵ In addition, the fact that the Constitution aspires to protect marginalised groups among others as a matter of right,³⁶ presupposes that some ethnic groups like the Batwa,³⁷ demand special attention and protection. Firmly, the Constitution obliges each regional government to recognise and to respect the different cultures existing within a given region.³⁸ It is my argument that this can be made possible through creation of separate districts for the different groups as envisaged by the Constitution.

Thus, promotion of local democracy at district levels premised on ethnic diversity increases a sense of involvement in the affairs of the state as recognised by our own Constitution. Writing on the Québec’s special federal status in Canada, David Miller refers to the recognition of ethnic interests in a country as a kind of ‘nested identity’, in that Quebec had one leg in itself as a federal state and another in the rest of Canada.³⁹ François Boucher argues for asymmetric federalism for the regions that may have unique histories and experiences within a single national state.⁴⁰ Thus, in Uganda, where [B]uganda’s unique experiences and history still remained unresolved, the creation of special districts to cater for the demands could be better done through asymmetric decentralisation or federalism. This would imply that any other ethnic groups that are not part of the Buganda’s culture or tradition would have to be geographically carved out of the existing Buganda; hence a demand for new districts.⁴¹ Though it is an acceptable fact that some of the new districts are based on ethnic considerations,⁴² it is my view that creation of a district to accommodate ethnic interests would pass constitutional and legal muster.

³³ Howard (1991: 412-19).

³⁴ Bayart (1993: 41-59).

³⁵ See directive objective principle of state policy No.III.

³⁶ See directive objective principle of state policy No.III.

³⁷ Batwa are an indigenous people in the great lakes region and are found in Burundi, Rwanda Democratic Republic of Congo, and Uganda.

³⁸ See Article 12 (1) of the Constitution.

³⁹ Miller (1998: 66).

⁴⁰ Boucher (2008:12).

⁴¹ Nakasongola district in Uganda is one such ethnic district that was carved out of the original Buganda because though formerly part of Buganda region was never part of the Buganda culture.

⁴² See ‘Leave Out Tribalism in the Creation of Districts’, *New Vision*, Wednesday, 24th June, 2009 available on line at <http://www.newvision.co.ug/D/8/14/685770>.

2.4 Economical and developmental incentives for creating new districts

In the discourse for devolution of power, in which creation of more districts in Uganda may be justified, two main views are predominant: the economics approach and the political economy approach.⁴³ The economics approach for devolution of power examines the distribution of income, the maintenance of a stable economy, and the efficient allocation of resources. To that end, devolution of power is a tool of macro-economic stability and discipline. Devolution of power is permissible as long as it reduces costs, promotes efficient production, and does not subvert the supra-structural arrangement for stability and predictability.⁴⁴ The view of the political economy school appears to be broader. It considers both economic and political power as important components for devolution of powers and functions from central government to local government in a definite but separate manner. For instance, to devolve power one must have capacity to utilise that power in terms of resources.⁴⁵ Therefore this power is would be “merely a shell” if it were not preceded by power to collect and utilise revenue. Secondly, in political economy language, even if power is devolved to local governments, if there is not the mechanism to sufficiently limit corruption and abuse of power, no economic benefit would ensue. Creating new power centres in the form of new districts acts as a sufficient check.⁴⁶ Some studies have indicated a correlation between decentralisation and development, showing that high development levels accompanied more autonomy.⁴⁷ However, De Visser calls for caution before accepting certain findings relating to the relationship between decentralisation and local development.⁴⁸ According to the learned author, there is evidence that sometimes decentralising [power] is a ‘fair weather’ policy in that it can only succeed in well developed states. He however argues that given the institutional limitations in less developed states, moving decision making to lower levels minimises on the many problems that underpin underdevelopment and economic stagnation.⁴⁹ Consequently, as De Visser argues, the none performance of decentralised systems especially in third world countries should not be sufficient ground to argue against the role of decentralisation in tackling underdevelopment.⁵⁰ If institutional hindrances bedevil less developed states then they equally affect some big districts in Uganda. In this regard, creating more districts would bypass bureaucratic hindrances to development.

3. Faulty policy considerations for creating new districts

At a policy level, the creation of new districts is prompted by the need to improve administration. This is because administrative decentralisation aims at transferring decision making, resources and responsibilities for the purpose of delivery of services. Administrative decentralisation may also take the form of de-concentration of authority and responsibility from one level to another, without breaking the

⁴³ Loughlin (1986:1-4).

⁴⁴ Ibid.

⁴⁵ Botchway (2001:31).

⁴⁶ Loughlin (1986:1).

⁴⁷ Cleote (2002:282), cited in De Visser (2005:22).

⁴⁸ De Visser (2005:21-22).

⁴⁹ De Visser (2005:21).

⁵⁰ De Visser Ibid.

chain of the hierarchy of accountability from local units to the central government agency which has been decentralised.⁵¹ This would imply that creating new districts merely transfers powers and functions for the sole purpose of service delivery without tilting the power balance in a district. It also means that decision making is closer to people; hence resources and responsibilities are focused mainly on service delivery. But this is merely a theory. In practice administrative decentralisation means creation of new power bases irrespective of whether services delivery becomes effective or not.

Fault lines in the policy of creating new districts can also be seen in the fiscal capacity of newly created districts. Decentralisation is only sustainable if it can be linked to budgetary practices that are coherent and disciplined. To determine the extent to which decentralisation has been effective, one has to examine the extent to which resources are allocated from the central government to local government. This process is dependent mainly on factors, such as, interregional equity, availability of resources and local fiscal management capacity.⁵² A critical question is what happens when there is no concomitant source of revenue to sustain newly created districts?

For instance, central government is under an obligation to present a proposal to Parliament each financial year as to the monies to be paid out of the Consolidated Fund as unconditional grants, conditional grants and equalisation grants.⁵³ An unconditional grant is the minimum grant that the central government pays to local government to run decentralised services. It is equal to the sum of wage and nonwage components.⁵⁴

Thus, creating more districts has two consequences according to this formula: either the amount of money given to districts remains constant or it reduces.⁵⁵ Ultimately the anticipated benefits from the creation of more districts have little or no impact at all. It could be argued that equalisation grants, which refer to money paid to local governments as subsidies for least developed districts based on the degree of underdevelopment of a district, may amount to an immediate benefit. However, this results in a dependence syndrome of the local government in relation to the central government. Even if the creation of new districts is dependent on factors such as the wishes of the people, new districts may become burdensome on central government, with no tangible economic sense.⁵⁶ Moreover there is evidence that some of the newly created districts are a kind of political bribery, being an inducement to vote for a specific political party and usually the ruling party. Thus if the ruling party has the numbers in Parliament, as it does,⁵⁷ it can create as many districts as it wants without a significant input from independent stakeholders.

⁵¹ Work (2000).

⁵² Work Ibid.

⁵³ See section 83(1) of the Local Governments Act.

⁵⁴ See article 193 read together with the Seventh Schedule of the Constitution.

⁵⁵ Kadiresan & Onyach-Olaa (2009).

⁵⁶ See 'New Nakasongola Constituencies Rejected' *The Daily Monitor* July 2009. Available on line at

http://www.monitor.co.ug/artman/publish/regionnalspecial/New_Naka_songola_constituencies_rejected_88064.shtml.

⁵⁷ Currently the ruling National Resistance Movement (NRM) party has a two thirds majority in Parliament.

To argue against the creation of new districts in Uganda, is not to undermine the possible benefits of newly created districts. Rather this paper will focus mainly on the financial burdens that newly created districts confer on the nation. I will also explain the different resources needed to sustain a new district, and the overall effects on decentralisation programme in Uganda. This can only be done by assessing the functions of districts in general.

Under Part I of the Second Schedule Local governments Act, districts are mandated to perform a number of functions. They provide education services which have many components. For instance this includes nursery, primary and secondary education, trade education, special education and technical education. They also provide medical and health services by running hospitals (other than those providing referral and medical training), health centres, dispensaries, subdispensaries and first-aid posts. They are tasked with provision of maternity and child welfare services, control communicable diseases such as HIV/AIDS, leprosy and tuberculosis. They ensure control of spread of diseases, and provide rural ambulance and primary health care services. They also ensure vector control and provide environmental, sanitation and health education. In addition districts provide water services, including maintenance of water supplies in liaison with the line ministry. Finally districts are required to provide road services. This includes construction, rehabilitation maintenance of roads that do not fall under the responsibility of the central government. These responsibilities are clearly socio-economic in nature, and require that districts have enough man power, technical-know-how, sufficient natural resources, and financial resources. This raises another question: what does the term resources mean in the context of the functions performed by a local government?

3.1 What is meant by availability of resources?

The question of what resources are available is usually a complex one particularly so for local governments in a poor county like Uganda. Chapman⁵⁸ argues that it is very difficult to use standards like ‘progressive realisation’ as a tool in assessing compliance if we do not understand what the phrase ‘maximum of its available resources’ means. The practical way to address the issue of resources is to look at the rights in question in the context of the International Convention on Economic and Social Cultural Rights (ICESCR), (to which Uganda is a signatory),⁵⁹ in combination with the means to realise those rights. Regarding local governments, an analysis needs to be made as to what resources are at the disposal of districts that have been created or subdivided. Robertson has identified several types of resources that may fall under this category.⁶⁰ They include the following:

3.2 Human resources

Human resources are, perhaps, some of the most important resources in the realisation of most social economic rights.⁶¹ Human resources may refer to medical personnel, who must run medical programs,

⁵⁸ Chapman (1995: 24).

⁵⁹ See the list of countries that have ratified the (ICESCR) online at <<http://www.ohchr.org/english/countries/ratification/3.htm>> (accessed on 2009-08-08).

⁶⁰ Robertson (1994:701).

⁶¹ Robertson (1994:704).

teachers, who must ensure that children are taught, or engineers, who must design and construct roads and bridges. Additionally, they also include economists and planners, who must ensure that budgets and resources are properly allocated. If health requirements, for instance, do not match the deployment of enough health personnel, then questions would be asked about the allocation of human resources in the protection of socio-economic rights. In the context of local government, creating new districts means that different portfolios such as the chairperson or the mayor, the speaker, heads of district service commission contracts committees, and financial commission, are in place. There is need to have a district engineer, and Chief Administrative Officers (CAOs) to mention but a few. This capacity requires time to develop. Hence, creating new districts strains existing capacity to delivery socio-economic rights.

3.3 Technological resources

At a district level just like at a national level, technological resources must be monitored to ensure that socio-economic rights are fully realised,⁶² giving rise to the need to examine concepts, such as, “technological mission”. The United Nations has defined this term as:

“An approach, methodology and activity established to solve a pressing local, national or international problem, while contributing to endogenous capacity building. It is a concentrated and time-limited endeavour which full utilises and further develops suitable technologies as essential tools to increase efficiency in attaining specific targets.”⁶³

Developing technologies in the context of ICESCR rights, and applying those technologies, are distinct issues.⁶⁴ The development of technologies will depend on the nature of the socio-economic rights that need to be addressed; applying those technologies is what international law considers to be a ‘step’ in realising socio-economic rights. The nature of technologies that are available to local governments is limited. To create more districts implies that the available technologies will be reduced in percentage terms.

3.4 Information resources

For rights to be properly realised at local government levels, claimants must know that they exist. Secondly for local governments to function properly, they must have access to information pertaining to more innovative methods of management and service delivery. The only meaningful way through which rights may be achieved, is through access to information. For example, if a programme adopted by a local government is to be challenged, the public must be aware of it, otherwise it will be very difficult to allege a violation of a right when you do not know the extent of the violation, and by whom.; Secondly if a local government is to adopt more efficient methods of water service delivery, they must have access to the latest technologies in water management and supply. Therefore, in this regard information becomes a vital resource in the delivery of services and an effective tool of administration. If information flow is difficult

⁶² Robertson (1994:705).

⁶³ See Core Program: ‘Report of the Panel of Experts on Technology Missions Advisory Committee on Science and Technology for Development’, 11th Sess., Prov. Agenda Item 3(c), at 4, 7, UN.Doc A/CN.11/AC.1/XI/2 (1990).

⁶⁴ Robertson (1994:706).

in an ordinary district, it may become aggravated by the creation of more districts out of it, often with no capacity to harness meaningful information as a resource.

3.5 Natural resources

Land as a natural resource is important in food production, as well as being a big determinant for water supply programs. Realisation of obligation bestowed on every district must, must locate the role of natural resources, like land, and how they are distributed at a local level, before once can articulate fully the function and role of local government. Protection of forest cover must take into account realities on the ground such as firewood as a source of domestic energy in many rural communities.

In addition, the a local government is under an obligation not to diminish certain collective resources, such as, freshwater bodies for safe drinking water and fishing to ensure that the rights to food and clean water are not violated by poor policies in running those resources. Hence, a district's performance would be scrutinised if it has not done that which would be acceptable in terms of its land redistribution programme and environmental protection. It is argued that subdividing districts into smaller ones does not increase natural resources from which local people would benefit. On the contrary stratification of natural resources opens the floodgates for depletion and over exploitation. So the key question is when is environmental protection strongest? Is it when there are more stratified power centres in form of new districts or where there is one strong district? I would argue that for local governments to effective protect the environment, they must be seen not only to be geographically strong and economically sound. Strong environmental protection may translate to efficient and improved delivery of services like water and electricity generation.

3.6 Financial resources

Financial resources create the biggest controversy in the analysis of compliance with the realisation of socio-economic rights.⁶⁵ Questions, such as, how resources available in terms of finance should be measured, will always result in challenging policy issues as well as political concerns. Indicators or benchmarks can be made to determine compliance with the requirements of the ICESCR. This does not mean that such benchmarks are free of any problems. For instance, there are many questions that should be answered first: Should such benchmarks reflect absolutes or percentages? Should they measure what a government has allocated to a specific programme or what is available to the government to spend in a given financial year? I have already made an argument for fiscal decentralisation as the policy behind the creation of new districts. Creation of new districts has put more expenditure pressures on local governments, and taken away the resources that would be used to increase and improve service delivery.

3.7 United Nations Development Programme (UNDP) Benchmarks: Deficiencies and loopholes

The approach suggested by a United Nations Development Programme (UNDP) Human Development Report, which measures the benchmarks in terms of per capita income on human development, is rejected

⁶⁵ Robertson (1994:710).

by Robertson on the ground that it is inequitable in the case of two countries with different levels of development. He instead suggests a measurement based on proportional societal resource consideration.⁶⁶ He argues that another indicator of compliance with benchmarks would be in the way the state has created ‘space’ through policy and legislation to ensure that the private sector is facilitated to enhance resources development and distribution.⁶⁷

4 Conclusion recommendations

It is not disputed that strengthening democracy from the grassroots requires devolution of powers to the lowest levels. This can be done, as is the case in Uganda by devolving powers to districts which are basic units of local government. The demand for more districts in Uganda has two dimensions, vis, that the process of devolving powers and functions is desirable and, if well managed has tangible results. Thus far, creating more districts would be seen as a vote of confidence in districts, and institutions of local government. Creating more districts does not only promote public participation, but leads to affirmation of the importance of local democracy as a *sine qua non* for development. Yet, if many more districts are created that would be legally and economically sustainable, the very policy that is intended to transfer power and responsibilities in order to improve on service delivery would ultimately become a boomerang. It is recommended that creation or new boundaries and alteration of existing district boundaries should be made by a neutral body.⁶⁸ This body should preferably be chaired by a retired high court judge. Secondly any new districts should be made following sound economic and financial judgments and not political and tribal expediency. These suggestions not don’t denigrate on the possible benefits of creating new districts. Where the need is glaring in order to strength local government democracy and improved service delivery, new districts may be created. This calls for changes to, not only the existing constitutional provisions relating to boundary demarcations, but also reforming the existing competences and capacities of districts generally.

⁶⁶ Robertson (1994:703).

⁶⁷ Robertson Ibid explains that the term ‘[s]pace’, in this regard, refers to capacity building through a meaningful policy and regulatory framework, so that the private sector can access certain resources to put it in a position to fulfil certain obligations that would otherwise have to be fulfilled by the state. For example, in Uganda, Universal Primary Education has been supplemented by a vibrant private sector in primary education.

⁶⁸ De Villiers (2006:29). I would argue that this neutral body should be headed by a retired Supreme Court Judge.

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