

Mission of the Centre for Basic Research

To generate and disseminate knowledge by conducting basic and applied research of social, economic and political significance to Uganda in particular and Africa in general, so as to influence policy, raise consciousness and improve quality of life.

**Frameworks for Citizen Participation
in Local Governance**

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Workshop Report No.15/2002

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Opening Remarks by Executive Director (CBR)

The Executive Director, Dr. Nyangabyaki Bazaara, opened the workshop at 9:16am. He welcomed participants and highlighted the objectives of the workshop, which were to present, discuss and draw lessons from the Uganda, Kenya and Tanzania papers on 'Legal Frameworks for Citizen Participation'. He also provided a brief background on CBR, which he said started in 1988 as a labour studies group. In its formalisation, CBR was first registered as an educational trust and later, with the enactment of the NGO Act, re-registered as an NGO. CBR's mandate is to conduct social research in diverse aspects of life (among them land tenure, gender, economic policies and development and governance) with the aim of improving the living standards of Ugandans. To enhance research, CBR has over thirty researchers, possesses a resource centre equipped with books, documents and other research materials, which has been accessed by numerous affiliated researchers and readers. CBR also networks projects locally and internationally with institutions with similar interests.

Dr. Bazaara explained that Logo-link (i.e. Local Governance link) started as a Ford Foundation programme officers' learning and experience-sharing forum on governance but later it was decided to include Ford Foundation grantees in the forum. This enabled civil society organizations in Latin America, Africa and Asia to participate in the project. The Logo-link is coordinated by the Institute of Development Studies (IDS), Sussex while Centre for Basic Research co-ordinates the East Africa component. The main objective of the Logo-link is to develop a continuous channel for information exchange among civil society and local government actors in the area of enhancing citizen participation in local governance. To strengthen this process, Dr. Bazaara noted, CBR is finalizing modalities of disseminating relevant information and literature on its website and Internet. He observed that part of the benefits of CBR's membership is the ability to understand the operations of local governments in the region and internationally. He concluded by inviting participating organizations to always turn up when called upon to participate in Logo-link activities.

The Executive Director concluded by introducing the Chair of the first session, Mr. Frank Muhereza, to whom he handed responsibility for steering the first presentation by Mr. Audax Kweyamba from Tanzania.

Session One: Chairperson - Frank E. Muhereza

The Chair thanked the Executive Director and welcomed Mr. Kweyamba to present his paper on the Tanzanian experience.

Presentation One: "A Study on Legal and Policy Frameworks for Citizens Participation in Tanzania's Local Governance"

by Dr. Lauren Ndumbaro and Audax Kweyamba

Mr. Audax Kweyamba introduced the study as part of a large local governance comparative project that includes Africa and non-African countries which have in recent times embarked upon processes of democratisation. He said that as authors they consider this study to be a mechanism for monitoring and evaluating the democratisation process in Tanzania.

He pointed out that the central tenet of the paper was that questions of citizenship are central to any country that is breaking away from bondages of authoritarian and dictatorial governance, and one of the fundamental building blocks for citizen participation is the presence of enabling legal and policy frameworks that enshrine citizen participation in governance.

The analysis shows that notwithstanding moves in the direction of democratisation and increased citizen participation in governance in Tanzania, real democratisation is limited by the one-party (CCM) hangover that the authors trace back to the pre-independence struggles rooted in the 1940s. Two decades into independence (1960s-1970s) were characterised by a framework whereby citizens were seen more as 'subjects' of the policy-making process and development rather than partners. This era, according to the authors, was one of top-down citizen participation. Under this realm, local governments in Tanzania were inevitably victims of the centralist/top-down model; they acted as agents of central government in a manner that constrained avenues for citizen participation. According to the authors, not even the 1972 Decentralization Policy (*Madaraka Mikoani*) that promised deeper changes in central-local government relations managed to alter this domination of local government and poor citizen participation in the affairs of the state. The period 1980-2002, which the authors dub the 'corrugated road toward bottom-up model of citizen participation', is applauded for making commendable strides towards increased citizen participation in local government, in spite of the bumpy nature reform has taken. Among the landmark achievements mentioned were the role of civil society in influencing the 1998 Sexual Offences Special Provisions Act, the 1999 Land Act and Village Land Acts, and the NGO policy which is still in the making.

The paper concludes that whereas the 1960s-1970s legal and policy frameworks were largely of top-down model, some changes and innovations in the frameworks made beginning with the 1980s have led to improved citizen participation. This is attributed to activities of civil society mentioned above, coupled with external forces. These combined forces engendered a slight move away from centralist/top-down governance strategy to a somewhat

decentralised bottom-up governance model. For that matter, the authors state that the struggles for enhanced citizen participation in Tanzania have, despite the problems noted above, born fruit. The authors note that up to today, the state has the tendency of reverting to authoritarian techniques and legal restrictions in order to limit citizen participation in local governance. That being the case, a lot needs to be done in Tanzania especially in reforming the legal and policy frameworks so as to achieve a reasonable degree of citizen participation in local governance processes. Such legal and policy reforms should be accompanied by a political will to decentralise power in concrete ways that enhance citizen participation in Tanzania's local governance.

First set of plenary questions

- 1) *Geoffrey Tukahebwa*: In which ways have single-party and multiparty systems affected citizen participation?
- 2) *Dick Nyai*: What is the commonality in the manner of decentralisation in all the three East-African systems?
- 3) *Assumpta Tibamwenda*: What lessons can be drawn from the hasty implementation of the tax system in Tanzania and its adverse effects on citizen participation?
- 4) *Nyangabyaki Bazaara*: What are the differences and similarities in factors leading to decentralisation in the region? To what extent are global forces constraining or enabling citizen participation? How does this relate to ways governments are constituted and the extents to which political parties participate in local governance?
- 5) *Yasin Olum*: What is a citizen and what criteria are used in Tanzania to determine citizenship?
- 6) *Frank Muhereza*: Is there a comparative situation of citizen participation in the three East African countries?

Response to first set of questions

- 1) In Tanzania, the political parties screen candidates and then people choose from the screened candidates.
- 2) Parties and chiefs were abolished in 1962, and to date there are no chiefs in Tanzania.
- 3) Democracy should involve power sharing.
- 4) Tanzania still suffers from the single-party hangover, which is felt especially in how people find difficulty in expressing themselves freely.
- 5) The local government reform begun in 1996 but it has not yet fully taken off.
- 6) There is no initiative on behalf of the government to sensitise people about effective citizen participation in governance.
- 7) After the 2000 elections citizens are only interested in voting and after that they leave everything to elected officials.

- 8) An example of state manipulation of citizenship as a way of stifling opposition is the case of General Mwanga, who was stripped of his citizenship because he was against the government.

Second set of plenary questions:

- 1) *Fred Mwesigye*: How do we conceptualise participation and criteria of determining citizenship?
- 2) *Maureen Nakirunda*: What classes of people participate and what pushes them to do so; is it the state or their own consciousness as citizens? What structures hinder or promote participation in Tanzania?
- 3) *Onen Chan*: To what extent can local governments participate? And about the Zanzibar demands for secession, why does the Tanzanian government resist this?

Response to the second set of questions:

- 1) There is indoctrination of the masses instead of sensitisation, which implies that after elections they look on to the leader for everything.
- 2) The study established that as a result of indoctrination, Tanzanian people could not put leaders to task or hold them accountable. Therefore after elections, leaders like parliamentarians and councillors are left to do what they like.
- 3) Citizenship should ideally mean where one was born or has lived since independence. But for the case of General Mwanga, it was merely political witch-hunting to deny him citizenship after growing and serving the Tanzanian army up to such a high rank.
- 4) The authors would recommend that political participation shall involve all classes of people in Tanzania.
- 5) The Zanzibar and Pemba question is historical in nature and has the element of ethnicity. For example, those in Zanzibar and people in Pemba are considered to be Arabs and there is reluctance to have them participate in leading the country.

Mr. Frank Muhereza thanked Mr. Audax Kweyamba for his presentation and appreciated participants who raised comments on it. This marked the end of session one and the Chair was passed on to Dr. Kiyaga - Nsubuga to steer Session Two.

Session Two: Chairperson - Dr. Kiyaga-Nsubuga

Dr. Kiyaga appreciated the Chair and called on the presenter of the Kenyan case study, Mr. Adams Oloo, to present his paper. He noted that a similar pattern would be maintained whereby, after the author's presentation,

there would be a plenary followed by responses and then other questions where there was need and time allowed.

Presentation Two: "Citizen Participation in Local Governance: The Case of Kenya" by Adams Oloo and Karuti Kanyinga

Adams Oloo pointed out from the onset that the paper focuses specifically on Kenya. He observed that the post-colonial regimes of Jommo Kenyatta and Daniel Arap Moi respectively had had no reason to institute legal, institutional and policy frameworks for popular participation, since the interest of these regimes were better served by elitist, bureaucratic centralist models, best served by District Development Committees. However, as part of the broader project on democratisation in East Africa, the study set out to provide a description of the frameworks for citizen participation in local governance that exist in a diverse range of regions and countries, and an assessment based on perspectives gathered through this and other existing research of how well these work to enable citizen participation and why. The paper provided an insightful conceptual framework of community development and participation, detailing decentralization, local government systems, and participation. Using this analytical framework, the authors analyse the local development policies and initiatives for popular participation in Kenya.

The analysis argues that decentralisation is one method of organising the operation of the state at least in theory. However, where the countervailing power of civil society is absent, or ineffectual, or in the absence of a contest, the institutional, legal and policy framework for decentralisation answers to and is informed much more by the interest of the incumbent regime, than the normative of participation of citizens as a right. Thus, decentralisation per se, does not translate into citizen participation in the governance process. In the Kenyan case, the existing local government legislation (Local Authorities Act Cap 265) narrowly confines citizen participation through representative democracy, and the institutional framework of the District Focus for Rural Development, which has impeded or restricted popular participation in local governance. The authors also assert that the degree and type of decentralisation appropriate for a regime also varies with the amount of resources controlled by the ethno-regional base on which it rests, but in Kenya this relationship is not linear.

Mr. Oloo observed that as with the Tanzanian case already dealt with, the origin of local authorities in Kenya can be traced to the beginning of colonization. However, in Kenya the colonial top-down/centralised model has remained wholly intact up to today. The evolution of local authorities in Kenya clearly shows that they have all along been instruments of state control (*to contain participation and competition*) from the higher institutions. This was the case during the Kenyatta regime (1963-1978) and the Moi regime (1978 to the present).

The presenter concluded that over the years, the Kenyan government's decentralization strategy has always been a tool of control over local development. For example, under the District Focus for Rural Development (DFRD) strategy, local-level development committees operate in highly centralised systems and only minimally extend participation in the local community. The post-independence government, especially after the adoption of the DFRD strategy, gradually and systematically disempowered local government councils without empowering the newly created local development committees, that remain mere tools of the centre. This is mainly due to the fact that the decentralization structures have continued to mirror the centralized structures, thus reproducing the vices of the centre. Nonetheless, in spite of weaknesses within the decentralization processes in Kenya, some shifts in the power base from the state to society are visible. Above all, there has been a proliferation of civil society accompanied by relative outspokenness in ways that have provided an alternative forum for citizen participation outside the state. This visibility of civil society has provided citizens with fora for the realization of political aspirations where the state institutions have lost credibility. This is essentially true of the role played by, among others, non-governmental organizations in Kenya.

This ended the presentation of the Kenya paper and the Chair called on panelists to discuss the paper.

First set of questions to Adam Oloo's paper:

- 1) *Nyangabyaki Bazaara*: Asked the presenter to throw more light on the electoral procedures based on the political party system in Kenya. He also wanted to know whether local authorities in Kenya raise revenue.
- 2) *Dick Nyai*: What is the citizen response to the existing local government colonial administrative structure?
- 3) *Max Diba*: To what extent does the minority participate, e.g. women and other civil societies.

Response to first set of questions:

- 1) Under the single-party system, the party could decide on candidature depending on the person's allegiance and loyalty to the central party - KANU. With the multiparty system in place now, one's candidature is determined by ethnic groupings and clan influence.
- 2) An election in Kenya today is a KANU affair.
- 3) Ethnicity is fertile in Kenya today. The only places where there is a difference is Nairobi because of its cosmopolitan nature and diversity of tribes. But in - case of an election still the Kikuyu dominant because of their dominance in the region.
- 4) From 1963-69 the local revenue from graduated tax, health fees could be collected. However, local authorities sought permission from the central government to spend it and this even happens to-date. The level of illiteracy

- among local councillors aggravates the problem and, as a result, people have no faith in local councils.
- 5) Kenya is undergoing a constitutional review process.
 - 6) Chiefs are major beneficiaries of the local administration because in areas where there are no magistrates they arbitrate.
 - 7) However, people are advocating for *Majimboism*, that is federal system, and the abolition of unelected chiefs.
 - 8) Affirmative action based on gender has not taken root. For example, out of 222 members of parliament in Kenya there are only 8 women members of parliament.

Second set of questions:

- 1) *Kiyaga-Nsubuga*: What are the real objectives of participation? Why participate? And why does a political system become vibrant when people participate? There is an inherent process for the central government to hold on to political process on one hand and on the other to liberalise. Why the ambivalence? How can the citizens be protected from elite capture?
- 2) *Yasin Olum*: Clarification is needed as to why the shift of power from the state to the civil society on the one hand and how citizens can be empowered on the other by the state can take place without it decentralizing power?
- 3) *Fred Mwesigye*: Under what circumstances can we expect participation to take place? How come Kenyan society has remained passive despite its iron centralization?
- 4) *Richard Sewakiranga*: Give a comparative view about the Kenya 'three-piece' model and Uganda's individual merit system? Do you consider Kenya decentralized?
- 5) *Batiibwe*: Is the legislature in Kenya throwing out any laws like is happening in Uganda?

Response to the second set of questions:

- 1) Yes there is decentralization in form of decongestion and de-concentration but with no actual transfer of powers to local governments. In other words, there is no actual autonomy among the people. Thus people are now removing the legitimacy from the government to the non- governmental organizations. People consider the NGOs as more legitimate.
- 2) In Kenya the executive has so much power over the judiciary and parliament. The president in 1983 called for snap elections. He has so much power. He has the final word on who becomes the judge depending on the case in point. For example, in the case of the 'Goldenberg' scandal where government ministers swindled 14 billion dollars, the executive prevailed over the judiciary to cover up the case.

- 3) In the constitutional review process people are giving their views for change. Most are saying regions should be given semi-autonomous powers and power should be devolved to the people.
- 4) Though Kenya is not fully decentralized and power is not devolved to the people, there are instances e.g. concerning land disputes between the Njuchek and Meru ethnic groups, where it is the traditional leaders to pass judgment and these instances have left the local people satisfied.
- 5) Legislature is doing nothing about democratization because President Moi throws out most of the reform laws.

This marked the end of the second session and Dr. Kiyaga - Nsubuga thanked the presenter, Adams Oloo for the paper and recognized the plenary for raising critical comments on it. The Chair passed on to Mr. Geoffrey Tukahebwa to steer Session Three.

Session Three: Chairperson - Mr. Geoffrey Tukahebwa

Mr. Tukahebwa thanked Dr. Kiyaga for ably steering the previous session. He would retain the same sequence of deliberations and called on Dr. Nyangabyaki Bazaara to make his presentation of the Uganda case.

Presentation Three: "Decentralisation and Citizen Participation in Local Governance in Uganda" by Dr. Nyangabyaki Bazaara

According to Bazaara, his paper explores the legal and political frameworks for citizen participation in local governance in Uganda. As part of the broader international framework on democratisation, the Ugandan study aimed at contributing to a comparative analysis of different country frameworks and the range of conditions that mediate these frameworks to enable participation. The author explained that the Ugandan framework for participation is now popularly known as political decentralisation that warrants attention for being considered home-grown and being participatory-oriented in design compared to other countries that are implementing decentralisation reforms. Thirdly, it is claimed that Uganda is one among decentralising countries that has shown a strong commitment to ensuring that it succeeds via constant reforms. The study is based on desk research by the author.

In the conceptual analysis section, the author concurred with the rest that decentralisation has different meanings. It is historically known in Uganda to mean, among others: in the past 'decentralised despotism' (as coined by Mahmood Mamdani), and in these days, greater *participation* of the population in the formulation of policies and downward *accountability* of the leadership to the people through regular elections. He also observed that distinctions have been made of different types of decentralization ranging from *deconcentration* and

delegation, which the author says does not promote participation and which was common during the aftermath of the Second World War. He describes this as administrative decentralization. However, in another usage, decentralization is associated with *devolution* of decision-making powers to elected local authorities. The author argues that this form of decentralisation holds the best prospects for citizen participation as citizens participate through representation and can hold representatives accountable through threats of recall. In contrast to *administrative* decentralization characterised by *decongestion*, this form of decentralization is termed *political* decentralization.

It is under this framework that the author delves into participation and democracy in Uganda. In Uganda, according to the author, there are two contending views concerning the substance of democracy. While the proponents of pluralism argue that there cannot be democracy without *multi-parties*, the NRM argues that genuine democracy is realised through *popular* forms of governance. The NRM's popular democracy at local levels is crafted along the institution of popularly elected Local Councils (LCs) and at national level 'individual merit'. To the NRM, political parties are imports and not suitable for underdeveloped polities like Uganda. This is because, historically, parties are based on sectarian identities such as religions and tribal sentiments, which have bred chaos and disunity in the past.

The NRM conception of popular democracy helped restructure the colonial local government structure in fundamental ways. Not only did the local council system improve citizen participation but it also dismantled the dictatorial state in the person of the colonial Chief. Legislative, executive and to some extent judicial powers, which in the colonial and part of the post-colonial periods period were wielded by chiefs were transferred to elected Local Council officials. This transition went along with changes in the election practices that originally engendered lining behind candidates but later reverted to the ballot box under universal adult suffrage.

The author attributes the evolution of the legal framework for the improved citizen participation to the 1993 Local Governments (Resistance Councils) Statute that devolved a series of hitherto centrally-wielded state powers to elected local authorities (Resistance Councils). These RCs, however, underwent further reform with the promulgation of the 1995 Uganda Constitution that affirms the principle of devolution of functions and powers to 'democratically elected councils on the basis of universal adult suffrage'. Under the reform, the Local Government Act, 1997, amended the 1993 Local Government Statute. Under this arrangement, Local Government is characterised by a dual administrative 'technical' and political 'popular' structure operating side by side.

The author concludes with some critical points on the shortcomings underlying the Ugandan case. Among others, he observed that genuine participation is not only dependent on secure legal and policy framework but also on the availability of resources. For that matter, despite the seemingly

generous devolution of power to local government in Uganda, one serious problem is the lack of adequate resources to implement decisions. In many instances, local governments depend on the central government and donors for funds to carry out certain programmes. In addition, the author noted that one has to reflect on the literacy levels of the population and the extent to which they get information about their local government. A population, that is not accessing information or is not knowledgeable enough cannot hold the leadership accountable. Moreover, there have been tendencies in local governments of elites being embroiled in conflicts of personal interest such as in awards of tenders. Such factors can compromise the participation of the people in political processes.

First set of questions to Bazaara's paper:

- 1) *Dick Nyai*: Questioned the argument that lining behind candidates was the most democratic form of electing leaders saying it created avenues for perpetuating bribery.
- 2) *Maureen Nakirunda*: Why has government responded to political interests in Kibaale, Ntungamo and Rukungiri while similar ones in other parts of the country are being suffocated?
- 3) *Sewakiranga*: There is need to explore participation and popular participation as real issues of governance. For example, Uganda is writing a lot about policy; what is it doing about decentralization?
- 4) *Mwesigye*: Clarification needed on which is under what i.e. in terms of the town council and municipal council? Dick Nyai clarified the issue raised by noting that Town councils are equivalent to LC III (Sub-County) while municipalities are at the level of LC IVs. However, he questioned the rationale of government creating many districts and cast doubt whether this would not lead to ethnic manifestations?
- 5) *Assumpta Tibamwenda*: Has civil society changed, and if so, what is its contribution?
- 6) *Adams Oloo*: How different is the individual merit system in Uganda from a single-party system?

Response to the first set of questions:

- 1) There is need to toe the middle line when conceptualising democracy in Uganda, this should involve the good aspects of individual merit and multiparty systems.
- 2) There is a need for citizens to take destiny in their own hands through exercising appropriate leadership and governance.

Second set of questions:

- 1) *Dick Nyai*: What is decentralization?

- 2) *Yasin Olum*: Define the Movement system?
- 3) *Frank Muhereza*: I am baffled by the proliferation of new districts. Don't they increase the tax burden on the taxpayer?
- 4) *Yasin Olum*: To what extent do we conclude the purpose of decentralization?
- 5) *Musoke Muyiyya*: Can participation in itself ensure public accountability?
- 6) *Audax Kweyamba*: To what extent is *Kabakaship* real?

Response to the second set of questions:

- 1) Kabakaship is a form without substance.
- 2) Creation of new districts takes down resources to areas that had previously been denied resources and delivery of services.
- 3) Movement is not a single party but a broad-based government though some can argue that it ceased to be a movement in 1993.

This marked the end of the third session and the Uganda presentation and Mr. Tukahebwa thanked Dr. Bazaara for the presentation. The Chair passed on to Mr. Samson Opolot to steer Session Four.

Session Four: Chair - Samson James Opolot

The Chair informed participants that the fourth and final session sought to re-evaluate the critical concepts of the workshop that seemed to remain abstract to a number of participants but more so, to redefine them as to their relevance to the delivery of citizen participation in local government in the three East African countries. He facilitated the formation of three groups and informed them that the task was for each group to deliberate, among others, the following issues and concepts:

- Participation, citizenship, democracy, decentralization, autonomy
- Why should governments hand over or share power?
- What are the legal and policy frameworks: do they enhance or stifle participation and why?
- The nature of electoral laws and processes: are they democratic and do they enhance participation?
- Is power in the region effectively devolved to local authorities?
- Are local governments real or symbolic?

Each group was asked to elect a secretary and moderator who would guide the debate and report to the plenary.

Group One

I. Definition of the following concepts:

Participation:

- i) By participation we do not only mean taking part in elections, meetings, but also in the development process. There should be a mechanism of the

elected representatives to consult the local people and represent their interests in parliament.

Citizenship:

- i) The constitutions precisely define citizenship. (Parents must have been in Uganda before independence; any one born in Uganda except those born to refugees (e.g. Indians born in Uganda).
- ii) Rights of citizenship and ownership of property and voting.

Democracy:

- i) Having freedom of association and assembly to fully participate in determining who will govern them and how they will be governed.
- ii) Individual rights have to be respected and people need to be free to make own informed choices.
- iii) Respect of opinions of others even if it is the majority.
- iv) Political leaders should be accountable to the electorate; welfare of the people is catered for.

Decentralization:

- i) Is about spreading powers to the lower levels through the delegation of duties with no autonomy or devolution of duties and powers to the lower levels. Local units to man own affairs and resources for their development while remitting a certain percentage to the central government.
- ii) Equalization grants to less developed regions and equitable distribution of resources.

Autonomy:

- i) They are semi-independent but have to operate under a national framework with a central government presence. For the case of Uganda, the Constituent Assembly legislated that the RDC chairs the security (LDUs) organs of the district to check the powers of the chairman.

II. *Why should people give up power or share power?*

- i) To realise development for the whole country.
- ii) Legitimacy of the Government.
- iii) Consolidation of political power at the centre.
- iv) Having checks and balances on the executive.

III. Legal and policy Framework:

- i) In Kenya there is only the Act of Parliament Cap 265, Laws of Kenya which states what local Governments shall do.
- ii) The Uganda Constitution is very elaborate - there is a whole chapter on local governance. Then in the Acts of Parliament - there are drawbacks that work to emphasise the powers of the centre.
- iii) There are contradictions e.g. the Uganda Local Authorities Association and Urban Authorities.
- iv) Local government minister makes statements, IGG, the chair of local government and the Attorney General make statements too, so who should be listened to?
- v). There is contradiction between popular and legal standards for political office.

IV. Electoral Laws and Practices:

- i) In Uganda there are presidential and parliamentary elections, and then the elections of LC 1,2,3 take place before the LC5 elections. After the presidential and parliamentary elections, there is a lot of election fatigue that the voter turn-up drops.
- ii) Secondly, results of the presidential elections influence the outcome of the parliamentary and other elections.
- iii) In Kenya a three-piece type exists. The common view is to stagger elections but over a longer period of time not under 6 months as in the case of Uganda where you have presidential in March and by August there is legislation down to the local levels. The problem is it blurs the voters' view.
- iv) It is important for the president to have a running mate like in the United States system.

V. What are the Electoral laws, Mechanisms: Are they Democratic or Constitutional?

- i) Yes they are constitutional.
- ii) In Kenya only parties nominate while in Uganda no parties nominate.
- iii) Both are non-democratic. They stifle one system: Uganda bars parties and Kenya bars independent merit.
- iv) In Kenya both internal and foreign parties pushed for multiparty.

VI. Electoral law and Participation:

- i) Kenya law does so. However, the election date is the presidential secret, even if there is a deadline.
- ii) The president alone can dissolve parliament and only after that can electoral processes, e.g. the Electoral Commission commence.

VII. Is Power devolved to local Authorities?

- i) In Uganda some powers are e.g. planning and bye-laws.
- ii) Powers over schools.
- iii) Basic social services, and
- iv) Natural resources.

VIII. Is local Government Power real or theoretical?

- i) Still theoretical centrally because 50% of the funding is from the centre.
- ii) Also see watchdogs like the Resident District Commissioner and District Security Officer.
- iii) Are resources sufficient? No resources are insufficient.

IX. Purpose of Participation:

- i) Accountability.
- ii) Efficiency
- iii) Transparency, and
- iv) Empowerment.

X. Does the legal Framework facilitate participation?

- i) It could however;
- ii) Poverty
- iii) Ignorance/Illiteracy, and
- iv) Patronage.

XI. Are the local leaders accountable?

- i) Sometimes depending on the character of the leader.
- ii) Patronage with the centre.
- iii) The consciousness of the people.

XII. Different policy Frameworks in East Africa:

- i) Kenya still has a colonial Administrative system.

- ii) Tanzania and Uganda reformed but differentially one-party system in orientation.

XIII. How can the local Government be dissolved?

- i) Power to recall has never been passed or legislated. Even the signatures needed make it an expensive process.
- ii) The parliament can recommend to the president to take over a local government but not to be handed over to the ministry of local government.

a) What is the local government resource base?

- i) Can tax local resources e.g. tobacco.
- ii) Graduated tax can be collected but the ceilings are set by the central government.
- iii) In all, it is a narrow tax base and dependent on the central government.

b) How does this affect participation?

- i) Poor service delivery compromises legitimacy.
- ii) Reduces democratic values and participation as people see these organs as empty.

Group Two

I. Definition of concepts:

Participation:

- i) Engaged in a process, where one has direct interest and the outcome serves his/her presumed interests and must be part and parcel of the conception and resolution through dialogue.

Citizenship:

- i) Are the origin, history, culture, material, loyalty and societal affinity to an area on which duties and rights are bestowed by the state?

Democracy:

- i) Legitimate exercise of power by the people.

Decentralization:

- i) The relationship between the centre and locality in which relative autonomy is transferred to the locality.

Autonomy:

- i) Relative independence from the central Government.

Elitism:

- i) The dominance of a political process by an enlightened or influential group.

II. Factors that have lead to Decentralization?

- i) External pressure.
- ii) Political legitimacy
- iii) The failure of the state.

III. Legal and policy Framework: what do the different constitutions say?

- i) Contradictions in terms of laws.
- ii) The spirit of the law is not reflected in the language.
- iii) Discrepancy between theory and practice, for example, of revenue collection and power to tax.

b) Implications:

- i) Laws are made for the elected but not the electors.
- ii) Penalties are prohibitive.

IV. What are the different electoral laws, mechanisms: are they democratic? Or constitutional?

- i) Some are some are not.

V. Is power devolved to authorities?

Yes:

- i) Does the power exist in theory or practice?
- ii) In some it is there, in others it is not.

VI. Are there resources to implement those local government reforms or policies?

- i) Yes but not rationale.

VII. Are local leaders accountable?

- i) Not accountable to the people.

VIII. What are the differences in policy Framework?

- i) Kenya still has colonial legislations.

IX. How can the local government be dissolved?

- i) In Uganda it is the president who shoulders responsibility in case the district is dissolved for six months.
- ii) In Tanzania the president can dissolve a local administration.
- iii) In Kenya the minister of local government can dissolve the local government.

X. Powers to raise resources and spend what does this mean in terms of participation?

- i) Uganda local governments have power to raise resources and spend.
- ii) In Tanzania the centre collects money and it is the centre that later spends it on the local government.
- iii) In Kenya councils can raise revenue but seek authority from the government to spend it.

XI. What are the real objectives of participation?

- i) Empowerment.
- ii) Accountability.
- iii) Good governance.
- iv) Participation enforces obligation of sense of ownership and gives self-respect.

XII. What are the prerequisites for citizen participation?

- i) Enabling legal and policy framework.
- ii) Accountability.
- iii) Results.
- iv) Civic competence.
- v) Enabling environment.

a) How can citizens hold leaders accountable?

- i) In Tanzania no mechanism until after years.
- ii) In Uganda, hold public meetings on bazaars.

- iii) Summon leaders.
- iv) Hold regular meetings.

XIII. What would be the appropriate balance between central government and local government control?

- i) Clear role definition and differentiation.
- ii) Well articulated national visions goals.

Group Three

I Definition of concepts:

Participation:

- i) Were people getting involved in decision-making process?
- ii) Being accountable or holding leadership accountable.
- iii) Getting involved with design of programme.
- iv) In other words it involves power e.g. citizens have power to say no or yes over an issue.
- v) It involves taking part in identifying a problem, designing and representation.

Citizenship:

It is in four categories:

- i) Birth
- ii) Naturalization
- iii) Descent/decendant
- iv) Qualification or application
- v) The law recognizes race. Citizens should be recognizing by Tax, Rights to vote and focusing on production.
- vi) Production or what you can afford to do, rights and obligations; for example, if there is war, you have to fight, then you demand for which participation.

Democracy:

There should be a level field for people competing for political office in Elections.

- i) Should ensure that there is a balance of interest between the majority and minority, despite the former's victory over the later in elections.

- ii) The people should have power to allocate resources.
- iii) It is a useful way of changing leadership.

Decentralization - Four forms:

- i) De-concentration
- ii) Devolution/ peoples participation
- iii) Privatisation
- iv) Delegation.

Autonomy:

- i) It refers to power to decide.
- ii) It also means capacity to finance your own programmes.
- iii) Free to reject or accept.
- iv) Must have power/ capacity, ability to make independent decisions.

Local Government:

- i) Means giving power to the local authorities from the central government through legislative and judicial means.

II. Factors that led to reform (Decentralization):

- i) Political support to the Government.
- ii) Giving power to local people i.e. local people were left out and were lacking political power.
- iii) To solve fiscal problems. Help people on accountability through use of public service.
- iv) The mood among which citizens i.e. people had suggested in different ways like wars.

III. Legal and Policy Framework:

- i) In Kenya they still follow the colonial legacy of administration.
- ii) Uganda through the Local Government Act legalizes decentralization.
- iii) In Tanzania it is state allocation of resources to local areas under the jurisdiction of chiefs. And the state manages how the money should be spent.
- iv) In Uganda there is local planning.

IV. What do the different constitutions say about the law?

- i) Election system: Kenya and Tanzania practice the multiparty system and in Uganda it is the movement type of system.
- ii) In Uganda parties are operational though with legal restrictions for them to operate on full scale.

V. Is power devolved to the local Government?

- i) Yes it is in Uganda i.e. personal. In Kenya it is centralized. Tanzania is to some extent better than Kenya.
- ii) The power exists in theory especially in Kenya and Tanzania, but in Uganda there is a difference.

VI. Are there resources?

- i) Inadequate resources.
- ii) Capacity building and method of mobilization should be enhanced.

VII. Objectives of Decentralization/Participation:

- i) Kenya so colonial.
- ii) Uganda, the devolution of local Government rests to with people. It is more democratic and member countries should emulate.
- iii) Collective participation in legal framework.
- iv) Once the law is designed, implementation becomes easy.
- v) It becomes more legitimate in implementing people's participation.
- vi) Enlisting participation in policy and legal framework is to have it implemented.
- vii) It can lead to better accountability. Streamlines information flow both top-down and down-up and better identification of local needs.
- viii) Managerial efficiency because of better equipment.
- ix) Free leadership.
- x) Internalising externalities.
- xi) Attitude of choices of people e.g. changes in position, atmosphere and climate.
- xii) Increase democratic control.

VIII. Does it lead to effective participation?

- i) It requires active citizenship i.e. gender labour. Women are not fully active especially during meetings. They are absent citing domestic chores.

IX. Are leaders accountable?

- i) To some extent.

X. What are the differences in policy framework for citizen participation?

- i) There are differences in allocation; in Uganda power has been shifted to the local levels. It has moved a long way but there is a problem of some leaders not pushing resources to the local areas.
- ii) In Kenya the local authorities can collect revenue but have no power in spending it.

XI. Prerequisites for Citizen Participation:

- i) Should be resident for one to participate
- ii) Information
- iii) Interest/ consciousness from people
- iv) Financial resources
- v) Gender element
- vi) Responsibilities
- vii) Cultural things
- viii) Self-esteem
- ix) Poverty
- X) Legal framework and the law must be secure
- xi) Taxes
- xii) Nature of leadership/character.

XII. How can citizens hold them accountable to them?

- i) Regular elections and transparency.
- ii) Media should become vigilant in disseminating information to the citizens.

XIII. What would be the most appropriate balance between central and local government?

- i) There is power that cannot be decentralized to the local authorities.
- ii) Negotiation - local government has a way of posing a threat to the central government.
- iii) Principal subsidiary, which cannot be centralised.
- iv) Strengthening of the law.
- v) Awareness especially in information.

Closing Session: Executive Director's closing Remarks

The Executive Director concluded the workshop by thanking the members for attending and actively participating in discussing the issues at hand. He noted that though we are neighbours in the East African Region, it was interesting how little we knew about each other in terms of governance. Hence the workshop served as an important eye-opener about other forms of governance in the region. Dr. Bazaara also noted that the type of governance in Uganda has changed tremendously in terms of security and citizen participation. He said next time the workshop would involve more people from both the mainstream ministries and practitioners to come and reflect on policy and governance models.

He concluded by requesting Mr. Dick Nyai, a Liberator and former Member of Parliament, to give a vote of thanks to the audience. Mr. Nyai in turn thanked the Executive Director, presenters and members present for their participation in the workshop. He advised members to always act and think like brothers and colleagues and also build a strong pillar of democracy among the people. He said this should begin by changing the attitudes of the people.

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CBR Workshop Reports

1. **Pastoralism, Crisis and Transformation in Karamoja**; Report of a Workshop Organised by CBR and held at the Faculty of Science Makerere University, August 14 - 15, 1992, by Joe Oloka-Onyango, Zie Gariyo and Frank Muhereza; 26p.
2. **Women and Work: Historical Trends**; Report of a Workshop Organised by CBR, and held at the Faculty of Science, Makerere University, September 7-10, 1992, by Expedit Ddungu, James Opyene and Sallie Kayunga; 61p.
3. **Workers' Education**; Report of a CBR Workshop held at the Faculty of Veterinary Medicine, Makerere University, March 19-20, 1993, John Jean Barya, Sallie Simba Kayunga and Ernest Okello-Ogwang; 47p.
4. **Pastoralism and Crisis in Karamoja**; Report of the Second CBR Pastoralism Workshop held at St. Phillips community Centre, Moroto, January 28-29 1994, by Frank Emmanuel Muhereza and Charles Emunyu Ocan; 19p.
5. **Regional, Workshop on Public Interest Environment Law and Community-Based Initiatives for Sustainable Natural Resources Management in East Africa** held at Colline Hotel Mukono, in August, 1996 by Samson Opolot and James Opyene; 37p.
6. Report of a Workshop Organised by CBR on "**A Dialogue on Gender Dimensions of Agricultural Policy in Uganda**" held at Fairway Hotel Kampala, May 3-4, 1996, by Samson James Opolot and John Ssenkumba; 58p.
7. **Report on the Proceedings of the NOTU/CBR Seminar: Worker' Social Conditions in Uganda Today** held at held at Pope Paul VI Memorial Community Centre on 22-23 July 1997, by John Ssenkumba and Crispin Kintu; 27p.
8. **Report of the ENRECCA Workshop on "Modernity, Development and Institutional Change: A Dialogue Towards the Next Millennium"** held at Lake View Hotel Mbarara, 21 – 28 February 1998, Charity Kyomugisha; 38p.
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13. **GWESA Research Methodological Workshop Report**; held at Hotel Triangle, Jinja, on 21-23 July 1999, by Winnie Bikaako and Raphael Musoke. 41p.
14. **Building Healthy Cities: Improving the Health of Urban Migrants and the Urban Poor in Africa**; held at Hotel Africana, Kampala – Uganda, on 2-3 July 2001, by Charity Kyomuigsha. 74p.
15. **Frameworks for Citizen Participation in Local Governance**; by Samson James Opolot and Frederick Ssali, Held at Hotel Africana, Kampala – Uganda, on 26th July 2002; 28p.