Legal and Policy Frameworks for Citizen Participation in Local Governance in East Africa: a regional report

LogoLink Research – Legal Frameworks for Citizen Participation East Africa Regional Report

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LogoLink is a global learning initiative aimed at strengthening citizen participation in local governance. Through a network of partners, LogoLink provides spaces for exchange, reflection and research on diverse experiences around the world, and encourages learning and action for participatory local governance. LogoLink is hosted by the Participation Group at the Institute of Development Studies, University of Sussex, UK.
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1. Introduction

Each of the countries of East Africa studied here – Kenya, Tanzania and Uganda – have moved from centralised authoritarian regimes in the 1960s, 70s and 80s to more democratic and decentralised forms of governance. This is an ongoing process. Kenya has undergone a transition to a multi-party form of governance within the last decade, but attempts at decentralisation have been limited and only partially implemented, and formal channels for citizen participation are rare. Tanzania has also moved to a multi-party system of governance and is currently undergoing a wide-ranging programme of local government reform aimed at increasing citizen participation in local governance and expanding local government capacity. Uganda has retained a ‘no-party’ system, but of the three countries, it has the most ambitious decentralisation programme and the most elaborate legal framework for involving citizens and civil society in local governance.

The movement towards democratisation in East Africa has created new legal and policy frameworks for citizen participation at local level. These frameworks may be necessary for creating avenues for participation, but may not always be sufficient to ensure that quality participation takes place. This paper examines the legal and policy frameworks for citizen participation in East Africa with this in mind, and attempts to examine how these frameworks have been taken up (or not) in practice as spaces for participation. I start by looking at some of the key concepts concerning participation in local governance in East Africa, including democracy, citizenship and decentralisation. I then explain the historical context of local governance in the region and look at the constitutional framework for local governance. Next, I look briefly at national laws relating to participation. The next and longest section examines the structures of local governance in each country and looks at different forms of participation (including indirect/representative forms, direct forms and joint action between citizens and local government). The penultimate section addresses both legal measures for strengthening accountability in governance and advocacy and mobilisation by civil society that fulfils this function. I conclude by summarising the constraining and enabling factors that affect implementation and take up of the frameworks for participation examined and looking at the prospects for further developments.

This regional report is written as a contribution to the ongoing LogoLink Research Project on Frameworks for Citizen Participation in Local Governance, a comparative projects on frameworks for participation in local governance worldwide. This paper is based on library and internet research and country reports by the following researchers:

- Adams Oloo and Karuti Kanyinga (Kenya)
- Dr. Lauren Ndombaro and Alex Kweyamba (Tanzania)
- Dr. Nyangabyaki Bazaara (Uganda/East Africa)
2. Key concepts

Democracy and democratisation are deeply contested concepts in East Africa. In Tanzania especially, but also in Uganda and Kenya, attempts were made by post-colonial governments to critique Western models of multi-party democracy as colonial impositions and to develop alternatives based on idealised versions of ‘indigenous’ forms of governance. These often led, however, not to real citizen participation but instead to increasingly autocratic forms of governance. The language of democracy also became the language of dissent and pressure for change, both by internal opposition groups and by donors.

In post-independence Tanzania, President Mwalimu Julius Nyerere and ruling party Tanganyika African National Union (TANU) embarked upon Ujamaa, or ‘the African path to socialism’, incorporating alternative conceptions of democracy. In the Arusha Declaration (which set out the principals of Ujamaa), Nyerere argued that the ‘existence of democracy’ and socialism is intertwined:

A state is not socialist simply because its means of production and exchange are controlled or owned by the government, either wholly or in large part. For a country to be socialist, it is essential that its government is chosen and led by the peasants and workers themselves. (Nyerere 1968: 16-7)

He critiqued, however, democracy in capitalist countries: ‘A political democracy which exists in a society of gross economic inequalities, or of social inequality, is at best imperfect and at worst a sham’ (ibid: 5). Western multi-party models were argued not to apply to Africa because there were no fundamental class cleavages around which opposed interests would organise; because African political parties emerged from nationalist anti-colonial struggles and were therefore expressions of unity, not competition; and because multi-party democracy was not compatible with ‘consensual decision-making methods of indigenous conceptions of governance’ (Luckam n.d.: 2). The rhetoric that accompanied this alternative conception of democracy incorporated concepts of ‘citizen participation’:

We must safeguard and strengthen our democratic procedures: we must get to the position where every citizen plays and active and direct role in the government of his local community, at the same time as he plays a full role in the government of his own country. (Nyerere 1968: 103)

As we shall see in the next section, however, in practice, the spaces for citizen participation in local or national governance and especially spaces for dissent outside of the one-party system remained limited.

In Kenya, meanwhile, one-party and often authoritarian regimes under Jomo Kenyatta and Daniel arap Moi were justified through reference to African traditional values and consensus-based forms of dispute resolution. One-party ‘democracy’ was further justified by arguing that office-holders elected at a local level ‘performed a “linkage” function by working for their “community” interest at the national level’ (Crook 1999: 116).
After the victory of Museveni’s National Resistance Army in **Uganda** in 1986, Uganda has been governed in a ‘no-party democracy’. Part of the justification for this system was to promote national unity and reconstruction after years of civil conflict, as political parties had tended to fragment along ethnic lines. As in Tanzania, democracy has been conceptualised in economic as well as procedural terms. The National Resistance Movement’s (NRM) Ten-Point Programme defined democracy in three elements: parliamentary democracy, popular democracy, and ‘a decent level of living for every Ugandan’ (Brock *et al.* 2002: 3). Again, ‘popular democracy’ is a critique of Western multi-party democracy, as the NRM regime holds that citizens can participate in decision-making directly without divisive party structures. Critics, however, insist that the NRM is a political party in all but name (Bazaara 2002: 5), and that ‘no-party democracy’ effectively ‘neutralises, delegitimises and disallows divergent tendencies’ (Brock *et al.* 2002: 37).

**Citizenship** under these conceptions of democracy goes beyond simple definitions of country of birth or nationality. In the ‘movement’ system in Uganda, every citizen was deemed to be a member of the NRM and therefore both eligible and ‘duty-bound’ to participate in local governance (Crook 1999: 117). In the early days of the NRM government, then, as during ‘villagisation’ in the years after the Arusha declaration in Tanzania, citizenship also implied joining in citizen mobilisation and societal change. However, especially in the Tanzanian case, this did not always include participation in decision-making. Citizenship in all three countries is also to some extent rights-based: the constitution of each country lays out both the ‘inalienable’ rights of citizens (see section 3.2) and their duties and responsibilities (e.g. the duty to participation in elections (Uganda, Articles 59(2-3))). In Kenya, citizenship can be withdrawn if these duties are not adhered to, for example if a ‘citizen has shown himself by act or speech to be disloyal or disaffected towards Kenya’ (Article 94(1) of the Constitution).

**Decentralisation** is another key yet contested term. While decentralisation of power and finances is necessary to make citizen participation in local governance meaningful, it is not sufficient to ensure real participation or accountability. Decentralised administrations can be as bureaucratic as centralised administration and can sometimes represent bringing ‘oppression closer to the people’, for example under colonialism. Furthermore, ‘meanings differ’. In the East African context, reforms carried out in the name of ‘decentralisation’ can lead to an increase in power of the centre. For example, the 1972 Decentralisation Policy in Tanzania abolished elected local councils, but set up district development committees accountable to the centre. The term has broadly three meanings: ‘Decentralisation has been variously defined as deconcentration (spatial relocation of decision making), delegation (assignment of specific decision making authority), and devolution (transfer of responsibility for governing understood more broadly)’ (Samoff 1990: 515). As we shall see below, each of these meanings has been in evidence in attempts at decentralisation in East Africa.
In each of these countries, popular, alternative conceptions of democracy were advanced but not realised. Instead, each experienced periods of autocratic or authoritarian rule. In recent years, however, Tanzania and Kenya have seen the return of multi-party elections, as a result of both internal and donor pressure.

### 3. Historical context and constitutional framework

#### 3.1 Historical context of local governance

Although Kenya, Tanzania and Uganda have experienced widely divergent leaderships and ideology, their structures of governance have moved in remarkably similar directions. Gibbon writes:

> All not only became single-party or non-party regimes, but continued to allocate an extremely limited role to representative institutions, to maintain a four-tier system of government dominated by strong central and provincial authorities, and to separate representative bodies in the lower two tiers from any meaningful revenue base. (Gibbon 1994: 12).

Furthermore, all have experimented with limited forms of decentralisation and deconcentration, and have experienced in recent decades a contraction of the central state along with a cutback of state services.

In pre-colonial East Africa, local governance was a truly local affair in the sense that there were no central or national systems for local administration. There were some forms of participatory governance: in Uganda, major decisions were taken by community consensus while household heads, clans, elders and chiefs were responsible to the community (Chandwong 1999: 1). (Only Buganda, now part of Uganda, had a King with an administration of tax-extracting chiefs (Tidemand 1994: 23)). In Kenya, tribes were traditionally governed by councils of elders instead of individuals (Smoke 1994: 62). In the case of Tanzania, chiefs were normally chosen democratically (or sometimes hereditarily) and were accountable to their subjects: ‘abuse of honour and trust bestowed upon a chief by the people could lead to his removal’ (Shivji and Peter 1999: 8). As discussed above, in Uganda, Tanzania and Kenya, traditional and pre-colonial systems of consensus-based decision-making and dispute settling were later invoked by post-colonial governments in an attempt to recreate an African form of democracy (Crook 1999: 116).

These forms of local governance were replaced in the colonial period in Uganda and Kenya by a ‘system of chiefs invented by the British rather than in any way traditional’ (Tidemand n.d.: 224), though the Buganda monarchy and local chiefs and headmen were co-opted wherever possible. This form of ‘indirect rule’ was in essence a deconcentrated system of administration and dominance in which colonial power extended to the local level. The chief had a wide range of powers...
vis-à-vis the peasantry, and was responsible for tax collection, law and order, road maintenance, and ensuring specific crops were grown (ibid). Headmen and chiefs were selected by the Provincial Commissioner and remained wholly subservient to him. Tanzania (Tanganyika) was colonised first by the Germans, who retained a highly centralised form of governance; but when it was ceded to the British after the First World War, a similar chief-based system of indirect rule was adopted.

The first local councils in Kenya were created in the colonial period for white settlers to defend their interests and decide on local affairs. Local councils for indigenous peoples did not appear in Kenya until after 1924 (they began in Uganda and Tanzania at around the same time), but these were fully appointed and restricted to rubberstamping the decisions of the colonial administration. After nationalist agitation, some councillors were elected, but fully elected councils were not instituted until after independence. These councils are mainly significant because they established the framework and structures for post-independence local government, as they had little real function or power. Although system allowed for some degree of representation and decentralisation, it was a deconcentration rather than devolution of colonial power, and may have served to increase colonial authority:

Most local government systems in Africa were developed during colonial rule earlier in this century both as a means of imposing control and of educating the indigenous people in the practices of colonial powers. (Smoke 1994: 61)

It is interesting to note, however, that even this system of colonial domination was justified with the familiar rhetoric of democracy and decentralisation: Lord Creech Jones, the British Colonial Secretary, stated:

I believe that the key to success lies in the development of an efficient, democratic system of local governance. I wish to emphasise the words efficient, democratic and local. (quoted in Smoke 1994: 66)

In the brief period before and after independence, East Africa experienced the flourishing of ‘modern’ mass politics and civil society, in the form of mass parties, independent trade unions, parents’ associations, youth organisations, peasant unions and demands for democratisation (Kiondo 1994: 51; Tidemand 1994: 23). Civil society groups as well as formal political parties participated in demands for independence; however, the political space opened by the independence movement was quickly closed again in the years after independence in the move towards one-party regimes and state-centred development.

Tanganyika gained independence in 1961 and merged with Zanzibar to become Tanzania. The chief system was immediately abolished, while district, town and municipal councils were retained. These were elected with universal adult suffrage, with a limited number of councillors co-opted by the council or
appointed by ministers. Julius Nyerere’s TANU government declared a single-party state in 1965, and this had serious implications for both local governance and civil society. The chairmen of the district councils were no longer elected; the district chairman of the party became ex officio chairman of the council (Shivji and Peter 1999: 12). The Local Government Elections Act of 1965 stipulated that all councillors had to be TANU members (Bazaara 2002: 7); the supremacy of the party over all political activities was enshrined in the constitution (Ndumbaro and Kweyamba 2002: 3). This curtailed the independence and abilities of both local government (which ‘was perceived and treated as an implementing agency of the central government rather than a representative body of governance answering to local needs’ (Shivji and Peter 1999: 13)) and civil society organisations (there were ‘systematic efforts by the state to penetrate/dissolve civil society and remould it in the image of the state itself’ (Kiondo 1994: 51). The state was seen as the principle vehicle for development, leaving little space for autonomous forms of organisation or independent local governments. In 1977, TANU became Chama Cha Mapinduzi (CCM), and the constitution formalised party control over mass organisations and politics; large swathes of civil society were ‘demobilised’ through corporatism (Luckham n.d.: 8-9).

However, after the Arusha declaration of 1967 spelling out the ‘African path to socialism’, some degree of participation was provided for through a new emphasis on the village as the site of development and as the basic unit of organisation. ‘Villagisation’ became compulsory in 1973, and nine million peasants and pastoralists were relocated in villages (Shivji and Peter 1999: 13). Villages were to be governed by a Village Assembly, made up of all adult members of the village, and a Village Council, elected by the assembly; in effect, however, these functioned under the control and supervision of the district council and Ministry of Local Government. They allowed, however, for some degree of citizen participation in local governance:

The objectives were predominantly developmental and welfarist as opposed to providing an enabling framework for local democratic governance and participation in decision-making. Yet the establishment of village assemblies and village councils by statute for the first time created the organs at the village level with the potential of providing the necessary organisational framework for village democratic government. (ibid: 16)

Meanwhile, local government was progressively undermined both in terms of revenue and influence after repeated clashes with the centre and criticism for heavy-handed methods of tax collection (Ndumbaro and Kweyamba 2002: 5). In 1972, representative institutions at local levels (district, town and municipal councils) were abolished altogether and replaced by government appointed Regional and District Development Committees. This was instigated ‘on the recommendations of an American management consultancy company which seems to have perceived governance as a managerial project’ (ibid: 14). Although it was labelled a ‘decentralisation’ policy (and known popularly as
'Madaraka Mikoani' or 'Power to the Regions' (Ndumbaro and Kweyamba 2002: 5), in essence the reforms represented a deconcentration of the government bureaucracy from the centre to the regions and districts. It was, however, justified by reference to 'citizen participation':

In this system, popular participation was to be promoted through participation in development committees, officially introduced as instruments of popular control and development from below. In practice, the committees were institutions of control for the central government. As time went by, participation waned, the quality of services deteriorated and the administration established itself as firmly in control. (Eriksen 1997: 256)

Partially because of these failures, elected district councils were reintroduced ten years later alongside the deconcentrated central government institutions.

The 1980s were marked in Tanzania by severe economic crisis and by the re-emergence of civil society to both help cope with the crisis and to press for change. The economic crisis thus became a crisis of political legitimacy for the CCM and led the government to embark on a process of political liberalisation (Ndumbaro and Kweyamba 2002: 7). Other factors included donor pressure for democratisation and the break up of the Soviet Union (which discredited the socialist model for governance). In the late 1980s, the Nyalali Commission investigated a return to multi-party democracy and consulted a wide range of citizens. This was accompanied by an upsurge in activity by civil society groups, including mass organisations, pro-democracy groupings, women's groups, professional associations and trade unions. The majority of those consulted favoured retaining a single-party system but with sweeping reforms (Luckham n.d.: 22). This was seen as a sufficient mandate for change, and a multi-party system was introduced in 1992. Local government was reformed accordingly, but fairly minimal changes were made, with the exception of a provision mandating that one quarter of the members of local councils be women (Shivji and Peter 1999: 19). The return to multipartyism also had major implications for civil society: the split between the party and civil society restored autonomy to civil society, but also blocked their access to central government, especially disadvantaged groups (women, youth, islands, regions) that once had reserved seats (Luckham n.d.: 26). The local government system is currently undergoing a broad series of reforms under the Local Government Reform Programme (LGRP), which began in 1996. This will be discussed further in Section 5.

**Uganda** gained independence in 1962. The post-independence Constitution contained a bill of rights and provided for a multi-party democracy (Bazaara 2002: 8). Local government structure remained relatively unchanged, except for some democratic reforms. Local councils were elected through one-person one-vote secret ballots; political parties, however, screened the candidates. The chief system was abolished, although chiefs were reinstated in 1967 to settle ‘minor’ civil cases (Tidemand n.d.: 225). The political space that was opened by
Independence began to close again by the mid-1960s. In 1967 President Milton Obote introduced single-party rule and a central state-dominated system of local government in which all councillors were nominated by Minister of Local Government (Tidemand 1994: 24-5). His regime, characterised by human rights abuses and a dictatorial style, was overthrown in a military coup by Idi Amin in 1971. Amin cited, among a list of 18 reasons for the coup, grievances such as 'lack of freedom to air political views,' 'the failure of political authorities to organise any elections and the proposed three-plus-one electoral method which would only favour the rich'; Amin’s despotic regime, however, did not improve on these conditions (Ihonvbere 2000: 51). The 1970s in Amin’s Uganda were characterised by a breakdown of the productive sectors of the economy, ‘economic war’ against the Asian business community (Brock et al. 2002: 2), and a widespread breakdown of law and order in rural areas (Tidemand n.d. 225). Amin introduced some local government reforms, including a law allowing for the election of chiefs at parish, sub-county and county level; however these tended to be rigged or overturned (Tidemand 1994: 25). The disorder in the countryside allowed corrupt chiefs near-total power, including extortion, arbitrary arrest, land-grabbing and even murder by proxy (Tidemand n.d.: 226). ‘Democracy’ was restored in 1980, but the elections that returned Obote to power were widely regarded to be rigged, sparking off a bloody five-year civil war that ended with the victory of Museveni’s National Resistance Army (NRA) in 1986.

In the Luwero Triangle, the NRA’s main area of operation during the civil war, the NRA established community-based Resistance Councils (RCs) responsible for maintaining law and order. For the peasants involved, ‘it was a new way of exercising democracy at the local level’, and the RCs ‘became a potential forum for popular control of all government institutions’ (Tidemand n.d.: 228). When the NRA captured Kampala in 1986, the RC system was extended nation-wide. The RCs had the ability to report or punish abuses of power by government soldiers and became responsible for collecting taxes, maintaining peace and settling disputes. In addition, they became responsible for the distribution of goods such as sugar, soap, paraffin and salt (ibid). Threats of withholding these were a particularly effective way of ensuring participation and attendance at RC meetings! The structure of the RC system is as follows: all adult members of a village make up the RC1 Council; this council elects a nine-member RC1 Committee. RC1 Councils elect the RC2 Council at parish level; the RC2 Council elects the RC3 Council at sub-county level, which in turn elects the RC4 Council at county level, which in turn elects the RC5 council at district level (ibid: 229). This 5-tier system became the basis for the current local council system, enacted in 1997.

In the interest of maintaining stability, the NRM banned all party political activity and instituted a ‘no-party’ system, which was enshrined in the 1995 constitution. Despite the restriction on political parties, however, the constitution allows for a number of mechanisms that enable citizen participation in local governance and in political activities. These will be discussed in the next section.
Kenya gained independence in 1963. The independence constitution gave strong powers to the regions and instituted a very decentralised system of governance that offered legislative powers, financial capacity and executive authority to local governments (Oloo and Kanyinga 2002: 13). However, this was short lived. In 1964, President Jomo Kenyatta’s Kenya African Nationalist Union (KANU) party merged with the Kenya African Democratic Union (KADU) party to effectively create a single-party state. The constitution was amended to return powers over police, education, health, agriculture, livestock and land acquisition to central government, a centralisation that remains in force (Smoke 1994: 71).

In 1969, control over the Graduated Personal Tax was transferred from local to central government, stripping local governments of most of their revenue. Central government had the power to dissolve local councils including the elected membership, replace them with central government-appointed commissions, and vet local government budget and development plan proposals (Oloo and Kanyinga 2002: 14). Furthermore, centrally-appointed Provincial Commissioners oversaw many aspects of local government and local development.

Daniel arap Moi became president in 1978, and in 1983 instituted a limited decentralisation programme through the District Focus for Rural Development (DFRD). Moi indicated his support for citizen participation and announced:

First, the people will be directly involved in the identification, design, implementation and management of projects and programmes. This will make development to be more consistent with the needs and aspirations of wananchi [the people]. Secondly, the decision-making structure will center around the districts themselves. (quoted in Barkan with Chege 1989: 431)

Despite this, however, the District Focus represented more of a deconcentration of central power than any real devolution of power to the districts. The main changes involved giving more powers to appointed District Development Committees (DDCs) and District Commissioners, with no increase in power for elected councils. Citizen participation remained limited: despite some formal provisions for project proposals to be initiated at sub-locational level and ‘floated-up’ to the DDCs, Kanyinga found that

In Kiambu at least, making proposals about projects and decisions about their implementation is basically the preserve of the sub-chief and his allies. Ordinary people are rarely if ever consulted over a project. The most powerful individuals control the distribution of resources. (Kanyinga n.d.: 97)

However, Barkan argues that ‘public access to the locus of decision-making has increased simply because district institutions now play a greater role in the policy-making process’ (Barkan with Chege 1989: 445): in other words, citizens have to travel less far to lobby decision-makers. He concludes, however:
Put succinctly, decentralisation to the district level and the empowerment of the rural population are not the same, not least because the former has resulted more in deconcentration than in devolution. (ibid: 446)

Despite the weakness of democratic local government and the absence of a clear legal framework for citizen participation, Kenya retained opportunities for participation in its strong voluntary sector, particularly in Harambee self-help groups (Oloo and Kanyinga 2002: 16). Harambees are rooted in traditional resource pooling among Kenyan peasants, and formed a mechanism for participation in development projects. They became officially recognised with independence in 1963 as local collective voluntary initiatives in social development projects. However, they also tend to be ‘a means for politicians to establish themselves as brokers by gaining state funds for projects’ (Kanyinga n.d.: 95). Under Kenyatta, Harambee meetings were ‘small and autonomous communal gatherings’ (Barkan with Chege 1989: 437). Moi, however, integrated them into his District Focus, so that they had to be approved by the DDCs. This in effect ended their independence and turned them into an instrument for political mobilisation by the centre.

As has been widely recognised, after the end of the cold war development donors and international financial institutions (IFIs) shifted their attention towards ‘good governance’. Undemocratic countries such as Kenya that had previously been supported to prevent them from going communist now faced pressure for reform. The effect on Kenya was the conditionality of democratisation attached to development lending and aid. Simultaneously, internal pressures for democratisation increased, in the form of both pro-democracy groups and popular protests:

- Faced with a potentially mobilised population, and a determined donor constituency seeking to lend liberal democracy some degree of credibility, President Moi was ultimately pressured into opening a political space, and rendering the contestation of political power more competitive. (Ajulu 2001: 197).

In 1991, Kenya repealed the single party legislation; in 1992 the first multi-party elections occurred. However, 'nearly all actors of the democratisation endeavour assumed that the micro-level issues of governance are subordinate to those at the macro-level' and little attention was paid to local governance in the process of democratic reform’ (Oloo and Kanyinga 2002: 19). There were also limits to the democratisation process nationally. Having initiated the process towards multi-party elections, major donors then ignored the electoral irregularities responsible for giving KANU an undeserved majority in parliament for fear of destabilising the country (see Brown 2001).
3.2 Constitutional framework

The constitutions in each of the countries in East Africa guarantee a range of rights. While these are not sufficient to guarantee effective participation in local governance, they are a necessary precondition for enabling free and effective participation. The constitutions in East Africa are also in some senses the result of citizens' participation: In Kenya and Tanzania civil society organisations and popular movements played a major role in forcing the constitutional changes that enabled multiparty politics, while in Uganda the 1995 constitution was the result of a process of participatory consultation (Bazaara 2002: 10).

Kenya's constitution at independence guaranteed a wide range of rights as well as a system of checks and balances on central power. However, ‘thirty-four years and nearly as many constitutional amendments later, that constitution has been changed so radically that much of its former character is mere palimpsest’ (IEA 2002). Most of the checks and balances have gone as power has been centralised in the role of the president; derogation from the bill of rights is allowed as long as the Preservation of Public Security Act remains in place, as it has since 1978 (ibid). However, there is still formal provision for a range of rights, including rights to life, liberty and security of the person; freedom of conscience, of expression and of assembly and association; protection from slavery and forced labour, from inhuman treatment, from deprivation of property, from arbitrary searches and entry; freedom of movement; and protection from discrimination. However, while these rights are guaranteed irrespective of ‘race, tribe, place of origin or residence or other local connexion, political opinions, colour, creed or sex’, protection from discrimination is guaranteed on the grounds of each of these categories except sex (Kibwana 1992: 7). This indicates that such discrimination may be legally and constitutionally allowed.

Tanzania's constitution also guarantees a range of rights. The bill of rights, however, was not incorporated into the constitution until 1984 (23 years after independence) (Ndumbaro and Kweyamba 2002: 9). Among the rights guaranteed are the ‘right to freedom of opinion and expression and to seek, receive and impart or disseminate information and ideas through any media regardless of national frontiers’ and ‘the right of freedom from interference with his communications’ (Article 18(1)); ‘the right to be informed at all times of various events in the country and in the world at large which are of importance to the lives and activities of the people and also issues of importance to society’ (Article 18(2)); and the right ‘to freedom of association, subject to laws of the land, to freely and peaceably assemble, associate and cooperate with other persons, express views publicly and more specially to form or join associations or organizations formed for the purposes of preserving or furthering his beliefs or interests or any other interests’ (Article 20(1)). This broad provision of rights, however, is constrained through the existence of a number of ‘claw-back clauses’ that provide exceptions or limitations (Ndumbaro and Kweyamba 2002: 9).
Among these are clauses such as ‘without prejudice to law’ or ‘in accordance with the law’, and ambiguous phrases such as ‘public benefit’ or ‘national interest’. In addition, article 30(1) provides limits to the exercise of rights: ‘Human rights and freedom shall not be exercised by a person in a manner that causes interference with the rights and freedoms of others or of the public interest’. Article 30(2)(e) further limits the guaranteed rights by making them subject to other laws of the land. It also gives the state authority to enact legislation ‘for the purpose of imposing restrictions, supervising and controlling the formation, management and activities of private societies and civil society organizations in the country’ (Ndumbaro and Kweyamba 2002: 10).

**Uganda’s constitution** was enacted in 1995 after a long and participatory process. A 21-member commission was set up in 1989 to collate proposals from Ugandans both within and outside the country. ‘Working for four years, the Commission employed every available opportunity to collect views from Ugandans – interviews, public meetings, debates, essay competitions, seminars and workshops as well as solicited written memoranda’ as a basis for drafting the constitution; in addition ‘interest groups, community and professional associations and academic institutions were all involved in the debates on the draft constitution’ (Ihonvbere 2000: 53). This involvement of civil society actors was ‘critical to the constitution-making process’ (Oloka-Onyango 2000: 1). Women’s groups and organisations representing people with disabilities were particularly important in ensuring the constitution was written in gender-neutral language and ensuring recognition for women’s and minority rights and representation at all levels of government (ibid). While some scepticism of the government intentions remained, Constitution was widely seen to have been drafted under a democratic process. The Commission received a total of 25,542 submissions and had consulted many more people through a nationwide series of seminars and meetings (Ihonvbere 2000: 53). It collated these submissions into a draft constitution, which was then debated and enacted by a newly elected Constituent Assembly, which included some representation for women and the disabled.

Unlike Kenya’s constitution, the preamble to Uganda’s constitution begins by recognising sovereignty in the people of Uganda, rather than the state. It claims that the Constitution is enacted with the people ‘having fully participated in the Constitution-making process’. It furthermore states a commitment to ‘the principles of unity, peace, equality, democracy, freedom, social justice and progress’. References to ensuring democracy and participation occur throughout; the specific clauses related to participation will be discussed in section 4.

The Constitutional Commission declared that ‘the whole constitutional draft document should be viewed as a “human rights instrument” conveying rights and obligations to the ordinary Ugandan citizen in their totality’ (Oloka-Onyango 2000:...
and a wide range of rights, both civil, social and economic, procedural and substantive, are recognised. Civil and political rights include equality before the law (Article 21(1)); freedom from discrimination on the ‘ground of sex, race, colour, ethnic origin, tribe, birth, creed or religion, or social or economic standing, political opinion or disability’ (21(2)); habeas corpus (28); freedom of speech and expression, freedom of the press/media, academic freedom and freedom of thought, freedom of religion, freedom to peaceably assemble, freedom of association and freedom to join unions (Articles 21(1)(a-e)); right to participation (38(1)); and freedom of information (41(1)). Economic and social rights include the ‘right to development’ (Article IX), and the ‘fundamental rights … to social justice and economic development (Article XIV), including rights to ‘education, health services, clean and safe water, work, decent shelter, adequate clothing, food security and pension and retirement benefits’ (Article XIV (b)).

Because of the ambitious nature of the constitution and the wide range of rights guaranteed, the constitution often reads more like a wish list than a substantive statement of rights that are guaranteed in practice. In particular, economic rights have been impossible to realise in a country that is characterised by deep and widespread poverty. Its contents, then, should be seen as a set of ambitions to work towards, rather than ‘the last point in a nation’s political life’ (Ihonvbere 2000: 57).

4. National laws relating to participation

Kenya and Tanzania have recently moved to a multi-party electoral system in which the president and parliament are elected based on universal adult suffrage, allowing for indirect participation at a national level through the electoral process. Uganda has retained its ‘no-party’ system that bans party-political organisations, meaning that this indirect form of participation is more curtailed. However, of the three countries, Uganda has the most explicit constitutional and policy framework for national-level citizen participation.

The main laws relating to citizen’s participation in national governance in Kenya are those related to the electoral process. Since 1992, elections have occurred under a multiparty, one-person-one-vote system with secret ballots. Both the President and Parliament are elected, although the President wields the most power, with little in the way of formal checks and balances (IEA 2002). However, one or two women are appointed to the legislative body in a (token) attempt to ensure minority representation (Kibwana 1992: 9). In practice, the electoral process contains many flaws that constrain effective citizen participation. Allegations abound of vote rigging, double voting and thousands of people being excluded from the electoral rolls (Brown 2001). The run up to the 1992 elections was characterised by civil strife, human rights abuses and ethnic cleansing by the ruling elites in the Rift Valley Province. Elections can thus intimidate citizens rather than empower them.
In addition to elections, there is a limited policy framework for encouraging citizen participation in Kenya. The Poverty Reduction Strategy Paper (PRSP) developed in conjunction with the World Bank and IMF is intended to be under the ‘ownership’ of both the government and civil society, and the Bank claims broad-based participation of civil society in the adoption and monitoring of the poverty reduction strategy tailored to country circumstances will enhance its sustained implementation. (World Bank, quoted in Pettifor 2001)

However, there was little ‘authentic participation of civil society’, and the PRSP focused on IMF/World Bank priorities such as privatisation and economic liberalisation rather than the immediate demands of the poor, such as safe water (Pettifor 2001). When a Jubilee 2000 group attempted to ‘participate’ by marching to the World Bank offices to deliver a letter of protest, the march was dispersed with riot police and tear gas and the protestors were imprisoned. Thus, even the limited avenues for citizen participation in national governance – such as elections or civil society consultation over poverty reduction strategies – remain characterised by intimidation and autocratic rule. Ajulu concludes:

If democracy is understood broadly to include ingredients such as periodic elections, free press, respect for human rights, an independent judiciary, rule of law and a greater role for civil society, then Kenya’s multi-party process does not seem to be heading in that direction. Indeed, political processes since the opening of a democratic space in 1990 have not been about deliberate construction of democratic institutions. Rather, over the last decade, the country has witnessed an attempt to close the democratic space altogether. (Ajulu 2001: 197)

**Tanzania** also experienced a move to multi-party elections in the 1990s. Although the first of these was won by CCM, the ruling party, the election was thought to be free and fair. However, national elections are an indirect method of citizen participation, and in Tanzania this is further complicated by the fact that only registered political parties and not individuals may legally contest elections. Both the President and Parliament are directly elected, except for 15 women MPs who are appointed on the basis of recommendations by the Federation of Tanzanian Women\(^1\) (Kibwana 1992: 9).

Unlike in Kenya, Tanzania’s constitution specifically guarantees participation: ‘Every citizen has the right and freedom to participate fully in the process leading to the decision on matters affecting him, his well-being or the nation’ (Article 21(1)). A further chapter is devoted to ‘people’s power’ (Ngware 2000: 64).

National laws, however, can also restrict the scope for citizen participation. In particular, there are stringent regulations on the activities and registration of

\(^1\) This is based on a law dating back to 1985. I have been unable to ascertain whether this is still the case.
political parties, civil society organisations, private companies and the media. Civil society organisations and non governmental organisations (NGOs) are prevented by law from ‘being political’, although there is no explicit definition of what ‘being political’ involves. This law was used to deregister the Women’s Council of Tanzania (Baraza la Wanawake Tanzania (BAWATA)) after it published a document before the 1995 general election on issues of concern to women. Zanzibar’s Majira newspaper was also banned (temporarily) on the grounds of political activity (Ndumbaro and Kweyamba 2002: 10-11). Despite these restrictions, there have in recent years been both an increase in the number and membership of civil society organisations and in their level of influence and participation in national governance. This will be discussed further in section 6.

Of the three countries in this study, only Uganda has resisted pressures to adopt a multiparty democracy. Instead, representatives at all levels are elected on the basis of ‘merit’ within a ‘no-party’ system (based on universal adult suffrage and secret ballots). This method of indirect participation is supplemented by various laws and mechanisms to enable representation of minorities and direct participation of the populace. These help to claim an alternative form of democracy and to deflect donor pressure for multiparty reforms (Hauser 1999: 626). For example, the NRM’s Fifteen Point Programme claims

> Fully aware that there can be no universal understanding or universal application of democracy, the Movement has over the past years established a non-partisan and all inclusive participatory democracy, which recognises all the people of Uganda as the sovereign. Today, authority of the people is exercised through a council system stretching right from the village up to the highest national level. … The establishment of complimentary (sic) structures to the local councils notably the Youth and Women Councils and the Movement Committees have been instrumental in institutionalising democracy and form a basis for political empowerment of the people. (NRM 1999: 23)

As we shall see below in the case of local government, the existing mechanisms for participation can be much more limited than this statement suggests. In particular, clientelism and corruption can limit the effectiveness of participation, while separate councils for women and youth can conversely remove them from mainstream decision making. Much more than in Kenya and Tanzania, however, there is at least a detailed legal framework for participation in place.

Uganda’s constitution includes a number of direct references to participation and to civil society. This is particularly apparent in the articles of Section II:

(i) The state shall be based on democratic principles which empower and encourage the active participation of all citizens at all levels in their own governance.

(ii) All the people of Uganda shall have access to leadership positions at all levels, subject to the Constitution.
(iii) The state shall be guided by the principle of decentralisation and devolution of governmental functions and powers to the people at appropriate levels where they can best manage and direct their own affairs.

(iv) The composition of Government shall be broadly representative of the national character and social diversity of the country.

(v) All political and civic associations aspiring to manage and direct public affairs shall conform to democratic principles in their internal organisations and practice.

(vi) Civic organisations shall retain their autonomy in pursuit of their declared objectives.

Participation is accorded as a right, for example in Article 38:

(i) Every Uganda citizen has the right to participate in the affairs of government, individually or through his or her representatives in accordance with law.

(ii) Every Ugandan has a right to participate in peaceful activities to influence the policies of government through civic organisations.

The constitution also promises to involve people in ‘the formulation and implementation of development plans’ (Article X) and lists ‘participatory democracy’ as one of the principles of the movement (70(1)(a)). In addition, the Constitution recognises the operation and independence of NGOs and human rights organisations, and promises resources to human rights organisations (Article V (i-ii)).

Unlike Kenya or Tanzania, Uganda’s constitution allows for direct democracy through referenda. Under Section 74, a referendum on change of the political system may be called either by a majority of Parliament, by a resolution passed by majority in at least half of district councils, or by a petition signed by at least 10 per cent of the registered voters of two thirds of constituencies. Under Article 259 of the constitution, citizens may also petition to change the constitution; these are subject to approval by parliament and by referendum.

Citizens may petition for the recall of members of parliament under Article 84 of the constitution. A petition for recalling an MP must gain the signatures of two-thirds of the registered voters and must include a statement of grounds for recall (these may include mental or physical incapacity, misconduct or ‘persistent deserting of the electorate without reasonable cause’). The petition, however, must be presented to the Electoral Commission, who will conduct an inquiry into the validity of the grounds for removal.

Uganda’s constitution also provides for minority representation at a national level. Article 32 prescribes affirmative action, while Article 36 states, ‘Minorities have a right to participate in decision-making processes and their views and interests shall be taken into account in the making of national plans and programmes’. Article 78 guarantees one parliamentary seat per district for women and allows
Parliament to provide representation for people with disabilities, youth and other disadvantaged groups.

5. Local Governance

In each of the countries studied here, local government structures provide the main frameworks for citizen participation in governance at the local level. This participation can take different forms. **Indirect forms of participation** include election of local representatives (which occurs in all the countries studied here), mechanisms for representation on local councils of marginalised groups such as women or youth (Tanzania and Uganda), and parallel governmental structures for marginalised groups (Uganda). **Direct forms of participation** include village assemblies (Tanzania and Uganda), budget conferences that allow citizens to directly participate in the budgeting process (Uganda) and citizens’ initiative in ‘bottom-up’ forms of development planning (Uganda, Tanzania and Kenya). **Joint action** refers to spaces for citizens and civil society groups to interact with local government in policy-making, including consultation and joint projects.

One of the starting points for this research is that legal frameworks may be necessary to allow for citizen participation in local governments, but the existence of legal frameworks is not always sufficient to ensure effective participation. This section will therefore attempt to address not only the frameworks for participation in local government but also some of the limitations to participation within the contexts of these frameworks. These limitations may include insufficient devolution of power to local levels, insufficient or conditional finances, lack of accountability or corruption of elected representatives and civil servants and marginalisation of disadvantaged groups.

5.1 Structures of local governance

‘Uganda has one of the most ambitious decentralisation programmes amongst developing countries’ (GoU 2001: 10). It has a five-tier system of local government, ranging from the LC1 at village level to the LC5 at district level. This system emerged out of the Resistance Council system discussed in Section 3. Each level has different functions, although in practice these may overlap somewhat (Civil Society Organisations Taskforce for PEAP Revision 2000: 19). The LC1 (village level) is responsible for some dispute resolution and tax collection as well as linking communities to higher authorities and ‘mobilising the community for collective contributions to development projects’ (James et al. n.d.: 10). A participatory poverty assessment (PPA) in nine districts found that people consider the LC1 to be the most important level of leadership, with a daily impact on village life (Chandwong 1999: 7). The LC2 (parish) is intended to ‘coordinate and monitor’ LC1s and provide a link between village and sub-county; however, ‘the LC2 has few functions and controls limited resources, therefore having less impact on people’s lives’ (James et al. n.d.: 10). LC3s may enact bylaws and levy and collect taxes and also ‘formulate, approve and execute sub
county budgets’ (Raussen et al. 2001: 462). James et al. (n.d.: 10) found that ‘Villagers generally feel quite removed from the sub-county level (LC3), except at times of tax collection, and their assessment of its political, administrative and technical performance is generally quite negative’. The LC4 has a very limited role in local government: ‘As one LC3 chairperson put it, “LC4 is there to complete the system”’ (Ahikire n.d.: 9). There is more power, however, at the district level (LC5), which is meant to provide services, insure implementation of government policy, plan for the district, enact district laws, monitor performance of government employees, levy, charge and collect taxes, and formulate approve and execute district budgets (Raussen et al. 2001: 462). These higher levels of local government (LC3-5) generally seem distant to people in rural communities and unresponsive to poor people’s needs, even though they control the most resources (Chandwong 1999: 7; James et al. n.d.: 9). This is something that emerged strongly from civil society consultations for the Poverty Eradication Action Plan:

District local Government has established itself more firmly and is now able to plan for the local areas. It (decentralisation) is good but real power is still concentrated in the hands of politicians at district level. The local communities at LC1 level have very little power or even information and hence cannot do much. Yet they are the ones closest to the people. – Adjumani participants (quoted in Civil Society Organisations Taskforce for PEAP Revision 2000: 19)

Local governments in Uganda (LC3 and LC5) ‘have the power to raise revenue in their area through the collection of fees and taxes,’ including ‘personal graduated tax, produce taxes, market dues, licenses and taxes specific to individual districts’ (James et al. n.d.: 7). However, LGs are highly dependent on central funding which account, on average, for 90 percent of their income’; local revenue collection is ‘at best static’ and is falling in many areas (ibid). There are up to 26 different transfer systems for central government funding (GoU 2001: 6). A fiscal decentralisation programme, however, will rationalise these into three main types: Unconditional Grants, Conditional Grants, and Equalisation Grants. Unconditional Grants are intended as a type of ‘core’ funding and pay for the salaries of administrative staff; their use however is not ‘tied’ or specified by central government. In 2000/01, they made up 15% of transfers (James et al. n.d.: 7). A recent study confirmed that this was not even enough to cover basic management and administration costs (GoU 2001: 17). Conditional Grants, ring fenced for specific projects, make up nearly 75% of transfers to local government (ibid). These have increased in recent years with the establishment of the Poverty Action Fund (PAF) as part of the Highly Indebted Poor Countries (HIPC) initiative, which stipulated that debt relief funding must be specifically targeted at reducing poverty (James et al. n.d.: 8). The programmes that conditional grants (CGs) fund are formulated nationally, therefore local governments have little control over the Conditional Grants revenue; furthermore,

The involvement of LC3 level and below in the planning and implementation of the PAF-CG grants is almost non-existent. This results
in a weak sense of local ownership; limits the mobilisation of local 
resources and local contributions and threatens poor future O&M 
[operation & maintenance]. (GoU 2001: 26)

Equalisation grants are intended to 'equalise needs and local resources' and 
provide extra funding to poorer districts (ibid: 17). However, these grants are 
spread over half of all districts yet make up less than 1% of total transfers, and 
are too small to have much impact (ibid). While there is extensive political 
devolution in Uganda, then, the central government retains considerable power 
over local governments’ fiscal capacities. This is recognised as a problem, for 
example in a government paper on fiscal decentralisation:

In brief: if present trends continue, with local governments increasingly 
becoming the local implementers of national sector programmes, the 
scope, role and justification of decentralised locally-accountable service 
provision, as envisioned in the Constitution and the 1997 Local 
Governments Act, will be progressively undermined. (GoU 2001: 11).

Kenya has an essentially one-tier form of local government (see Smoke 1994). 
There are four types of local authority: municipal councils, town councils, county 
councils and urban councils. Municipal councils represent large urban areas 
such as Nairobi and provide a wide range of services, including education, 
electricity, sewerage and water. Town councils represent smaller urban areas 
and provide a smaller range of services. County councils represent rural districts 
and provide basic services. Urban councils are councils that are in preparation 
to become town or municipal councils; they remain under the control and 
direction of the county councils. In addition, District Development Committees 
that cover the same geographic areas as County Councils but are appointed by 
central government serve to advise upon and enact development policy and play 
a role in the budgeting process. In some cases, similar committees have been 
instituted at the division, location and sub-location level. They thus fulfil roles 
that are elsewhere undertaken by elected local governments (Barkan with Chege 
1989: 443-6).

In both terms of power and of finances, local governments in Kenya are 
extremely limited. Control of the Graduated Personal Tax (poll tax) passed to 
central government in 1969; the grants compensating for the loss of this revenue 
have been gradually eroded since then. In the 1960s, local government 
accounted for almost 20% of public expenditure; by 1990 local authority 
revenues accounted for only 5.9% of total public revenues and county, town and 
urban council revenue made up only 1% of the total (Smoke 1994: 77). Local 
authorities can raise revenue from a variety of sources, but this is subject to 
approval by the Ministry of Local Government. Potential sources include market 
fees, land rates, water charges, bus park charges, house rents and trade 
licences (ibid: 78). In addition, local governments must seek central government 
approval for their spending, which further limits their autonomy (Bazaara 2002: 
14).
Tanzania is currently undergoing a Local Government Reform Programme (co-sponsored by the government and donors) in order to facilitate decentralisation and increasing citizen participation in governance at a local level; this will change the power and structures of local administration substantially (MoRaLG 1998: 3-4). Currently Tanzania has a complex five-tier form of local government. The kitongoji at block (formerly 10-house cell) level is the lowest level; this is followed by village assemblies and village committees; ward development committees; divisions; and district councils and district development committees. The District Councils have the most powers, and take responsibility for planning and implementation of development projects, collection of revenue, physical planning and infrastructure development, trade and industrial development, and provision of services (divided into health, education, water, culture, community development, engineering, cooperatives, lands, trade and natural resources) (Eriksen 1997: 258). Division and ward levels exist mainly for administrative and development planning functions. Village councils and assemblies, under the LGRP, may have some tax raising powers and may also enact bylaws; these must however be approved by the district (Shivji and Peter 1999: 46). The kitongoji chairperson has some executive and planning powers, but these overlap with those of the village council (ibid: 48-9). In addition, all levels play a role in the development planning and budgeting process: ‘planning for development projects starts at the lowest level … and works its way upwards’ in at least 13 separate steps before the plans are authorised in parliament (Erikson 1997: 258-268). The LGRP will transfer a number of additional services from central government to local governments (primarily the district level). These include primary and secondary education; primary healthcare and district hospitals; water and sanitation; land use and planning; feeder roads and community roads; agricultural extension services; sports and cultural activities; environmental protection; and facilitation and monitoring of NGOs and other service providers (Shivji and Peter 1999: 21).

Under the LGRP, local councils have ‘financial discretionary powers and powers to levy local taxes’ (MoRaLG 1998: 5). They can pass budgets with their own priorities as well as the mandatory expenditure set by the central government. Central government, in turn has an ‘obligation’ to supply local government with unconditional grants and other forms of grants (ibid). The tax base, however, remains small, and the type of revenue raising activities available also tend to have the lowest yields (Bazaara 2002: 14). This greatly restricts the capacity of local government. Eriksen noted that the lack of funds ‘gives the whole process of planning a surreal character’, as the plans were unlikely to get financial support but go through the lengthy and complicated bureaucratic process regardless: 93% of proposed projects are ‘simply not approved’ (Eriksen 1997: 267-8). In some cases, local authorities entrust service provision to non-governmental ‘District Development Funds’ due to their own restricted finance (Kiondo 1994: 68).
5.2 Indirect forms of citizen participation

**Election of representatives** is the most common avenue for ‘participation’ in local governance in East Africa and is one of the most basic forms of ensuring accountability. In **Kenya**, local authorities are elected with universal adult suffrage and secret ballots in multi-party elections. The chairperson of the local authority is then chosen from among the councillors (Bazaara 2002: 12). In **Tanzania**, the *kitongoji* chairperson is elected by residents and automatically becomes a member of the village council. The remaining members of the village council, including the chairperson, are elected by the village assembly, which consists of all adult members of the village (Shivji and Peter 1999: 19). The Ward Development Committee is made up of village chairpersons, the district councillor for each ward, several ward level officials, and the Ward Executive Officer, who is appointed. The District Council is directly elected by the electorate, with one councillor per ward. The first multi-party local elections were held in 1994. In many areas, the CCM (ruling party) candidates ran unopposed; it lost power in five major councils, however, including Dar es Salaam, and the majority of voters polled considered the elections to be free and fair (Ngware 2000: 71). In **Uganda**, LC1s, LC3s and LC5s are elected through 5-yearly elections with universal adult suffrage; the chairperson of each of these councils is also directly elected. LC2s and LC4s, however, are indirectly elected by councillors on LC1s and LC3s, respectively. This system allows unpopular councillors (at village, sub-county and district level, at least) to be voted out at elections; in practice, however, this rarely happens and the councils have a relatively stable membership (James *et al.* n.d.: 10). Representation is further challenged because membership of local councils is almost exclusively drawn from richer households; this is in part because of the ‘goodwill gestures’ such as soap and salt expected to be distributed in election campaigns and in part because of levels of literacy and conceptions of status (ibid). This led Kabalore participants in the PEAP revision process to complain: ‘Democracy is limited to the incompetent rich who can buy votes’ (quoted in Civil Society Organisations Taskforce for PEAP Revision 2000: 19). Adjumani participants concluded:

Democratisation is good in terms of regular elections. … It also easily lends itself to manipulation; politicians are able to manipulate people by simply organising meat eating parties. (ibid)

Elections are also often not enough to ensure accountability. The fees charged by the LC1 chairperson once elected are resented (ibid). At higher levels people complain about lack of contact with their elected representatives, for example: ‘[The LC5 Councillor] has not done anything. Since he was elected, we have never seen him. He has left this village and his house has collapsed. (Sub-county technical staff, Tororo, quoted in Adong *et al.* 2002: 37).

There are no mechanisms that guarantee the representation of women in local governments in **Kenya**. In **Tanzania**, however, one quarter of all councillors must be women. At the village level, the village assembly elects women to join
the (mostly male) *kitongoji* chairmen to make up the village council. At district level there are reserved seats, elected by the entire electorate (not just women). In Uganda, the 1995 constitution stipulates one third of councillors at all levels must be women. This had the immediate effect of introducing 10,000 women into a local government system that had previously been dominated by men (Ahikire 2001: 1). The mode of election is essentially an 'add-on' system: elections for women councillors are held after constituencies hold their normal elections in order to top up the number of women (ibid: 16). This can lead to low turnouts because of 'voter fatigue' and confusion as many men do not realise that both men and women are eligible to vote for the women councillors (ibid: 16-7). In addition, women are generally expected to contest the women councillor elections and not the regular elections. Women councillors may find themselves marginalised within council meetings – they speak less and tend not to occupy the most heavily contested posts. The effect of women councillors may remain limited – a study by Adong *et al.* found:

*The overwhelming message from a range of participants in all three Districts is that women's participation in the Local Council system is largely ineffective, that the spaces provided by that system are gendered, and that this excludes women at all three levels of the LC system examined by the study.* (Adong *et al.* 2002: 43)

Despite this, however, reservation of seats for women has opened a limited political space for the participation of women in local governance, which entails a 'great potential for change since it has moved women from total deletion and silence to a rather high degree of visibility' (Ahikire 2001: 42).

The local governance system in Uganda also guarantees representation of marginalised groups, unlike in Kenya and Tanzania. At every level of local government, there are two seats guaranteed for youth (one of whom must be female) and two seats guaranteed for the disabled (one of whom must be female). Unlike reservations for women, these seats are not elected by the entire electorate. Instead, the youth representatives are elected by the youth electoral college derived from the Youth Council structure (see below) and disabled representatives are selected through the National Union of Disabled People of Uganda (Ahikire 2001: 16).

**Uganda** also has a system of Women and Youth Councils that run parallel to the local council system. These discuss issues of sectional interest and provide independent forums for organisation and debate, but their finances and decision-making powers are extremely limited. Their impact is much disputed. PEAP civil society consultations concluded: 'The women and youth councils have been marginalised. To date there is no clear policy on organizing and financing these institutions' (Civil Society Organisations Taskforce for PEAP Revision 2000: 20). However, Chandwong reports from a participatory poverty assessment that 'particularly involvement of women in the LC system and Women and Youth Councils was viewed as positive' as expressed in this quote by a woman from Bugarama, Bushenyi:
We now have a platform to meet and form a pressure group for our cause. We meet and give our views even amidst men. For young ones, it is a chance to get trained on how to live in unity and to be good leaders for tomorrow at all levels. (Chandwong 1999: 9)

Adong et al. (2002: 32) found similar positive perspectives and an opinion that Women and Youth Councils helped amplify women’s voice; however, as expressed by a woman councillor from Lira, the impact of this voice is intermittent:

At times the LC1 invites the participation of Women’s Council, at times not – they invite them when they want something done – for example when they wanted to clean up the town – then the Women’s Council was invited to mobilise women. (ibid: 40).

Furthermore, the existence Women’s Councils may contribute to the marginalisation of women within local governance:

One frequently articulated argument suggests that these structures are without ‘teeth’, but that their very existence as a ‘women’s space’ makes people feel that the Local Council structure is not a ‘women’s space’. (ibid: 43)

Indirect forms of participation present in East Africa such as elections, reservation of seats and special councils for marginalised groups may not always have the desired effect of increasing citizen voice and participation within decision-making and governance. They do, however, form initial and basic means for holding representatives accountable, raising visibility and capacity for marginalised groups, and creating spaces in which citizens can organise and mobilise.

5.3 Direct forms of citizen participation

In addition to indirect forms of participation through council elections, local government structures in Uganda and Tanzania also provide for direct participation through local assemblies, which are made up of all the residents of a village. In Uganda, the village assembly is the lowest tier of government and forms a deliberative body in which all adult residents may take part (Bazaara 2002: 12). It is also the lowest rung of the development planning process and discusses budgeting and use of resources (James et al. n.d.: 16). However, Attendance at meetings is not high, in part because of the limited resources at stake and in part a perception such decisions were the prerogative of elected representatives. Far from being a catalyst for local development initiatives, funds were often not even sufficient to undertake petty works such as the maintenance of the village well. (ibid)

In Tanzania, the Village Assembly consists of all adult members of the community, and is described by section 141 of the 1982 Local Government Act:

(a) as the supreme authority on all matters of general policy making in relation to the affairs of the village; and
(b) shall be responsible for the election of the village council; and
(c) shall be responsible for the removal from the council of any or all of the members of the council. (quoted in Shivji and Peter 1999: 36)

In theory, then, quite substantial powers are given to direct democracy. However, this is limited by the lack of operatives provisions stipulating how these procedures should happen; in practice the ‘Village Assembly behaves like an electoral college, not a decision-making body with ultimate powers of control, supervision and authority over other village organs’ (ibid).

Another means for direct participation in Uganda is the district budget conference, which directly solicits citizen input into the district budget and district development plans. The conferences are attended by ‘not only councillors, but also department heads, sub-county chiefs and councillors, members of civil society, MPs, and other members of the public’ (James et al. n.d.: 16). Budget plans and expenditure must be publicly displayed as a provision for ensuring accountability (Bazaara 2002: 16). However, civil society organisations are not always aware that they may attend budget conferences and District Council meetings, and this limits their ability to participate (Adong et al. 2002: 50).

The budget conference is one rung in the procedure of ‘bottom-up’ development planning in Uganda. This process is meant to begin by each village or community producing a ‘Community Action Plan’. These are then incorporated by the Parish Development Committee into a Parish Plan, which is then passed on to the sub-county level. The resulting Sub-county Plan may be implemented at sub-county level if resources are available; sub-county plans are also passed up to the District, which convenes the District Budget Conference. The District Technical Planning Committee then produces an integrated plan based on the recommendations of the committee; this is ratified by the District Council (James et al. n.d.: 16). In Tanzania, development project proposals begin at village level and work their way upwards through thirteen levels of government and bureaucracy (Eriksen 1997: 258-263). As a result, ‘the influence of the local community is very limited. Planning is totally dominated by the administration at the ward, district and regional levels’ (ibid: 264). Similarly, in Kenya proposals for development projects are meant to ‘bubble up’ from the grassroots, but again through a series of bureaucratic filters (Barkan with Chege 1989: 446). In practice, ‘ordinary people are rarely if ever consulted over a project’ (Kanyinga n.d.: 97). Thus, while development planning in East Africa allows some degree of citizen participation, this participation is curtailed through passing the decisions and plans through a series of bureaucratic filters, removing citizen control.

Opportunities for direct participation in local governance, though to different extents, do exist in each of the countries studied here. The avenues that do exist, however, are relatively limited in capacity, control limited resources and tend to be dominated by ‘higher’ levels of government or bureaucracy.
5.4 Joint Action

Joint action between local governments and civil society may open up spaces for citizen participation in governance. This tends to take two forms in the East African context: joint action on developing poverty knowledge and methods of consultation, and joint provision of services. **Joint action on poverty knowledge** has been most pronounced in Uganda, particularly in the **Uganda Participatory Poverty Assessment Project** (UPPAP). UPPAP is a three-year collaborative project between donors, the Government of Uganda and civil society organisations. Its aims are:

- To enhance knowledge about the nature and causes of poverty and to generate and apply strategies for poverty reduction;
- To enhance District government capacity to plan and implement poverty reduction strategies using participatory methods;
- To develop systems for participatory and qualitative poverty monitoring; and to establish capacity for participatory policy research in Uganda (Brock et al. 2002: 23)

It thus allows (in theory at least) citizen participation in developing the knowledge used by District governments in planning that affects them and allows civil society participation in the consultation process. The inclusion of civil society organisations as gatherers and analysts of UPPAP data was expected to fuel a significant shift in the way that data is regarded, used and owned, with the public, and even poor people, assuming a more central role as generators and users than previously. (Brock et al. 2002: 24)

One direct result of UPPAP findings was an increase of 386 per cent in the budget allocation for the water sector (ibid: 25). However, the actual impact of UPPAP on local governments may be limited. It became aimed mainly at supplementing the poverty knowledge of the Ministry of Finance, Planning and Economic Development rather than informing the planning procedures of the districts:

Research in one of the Districts where UPPAP was implemented reveals very low awareness of the process except in the actual communities covered by UPPAP, which remember it in association with the Community Action Plan that it funded; no evidence was found that the findings have been used in policymaking or planning activities at LC5 level or below. (ibid:26)

In addition, the UPPAP study ‘had little impact in terms of building networks or constituencies for a different kind of poverty knowledge in the planning process’ (Adong et al. 2002: 26). Furthermore, Participatory Poverty Assessments need to be regarded not as ‘mechanisms of enfranchisement’ of poor people in the planning process, but rather as methods of consultation and knowledge generation (James et al. n.d.: 24).

In addition to the UPPAP process, there has also been involvement by and consultation of civil society organisations in the revision of the Uganda’s Poverty Eradication Action Plan (PEAP) / Poverty Reduction Strategy Paper (PRSP).
This included regional consultations of at least 644 civil society participants (Civil Society Organisations Taskforce for PEAP Revision 2000: ii). While the PEAP/PRSP is not led by nor designed for local governments, its conclusions are formulated national poverty reduction policies that affect the type, focus and amount of Conditional Grants to local governments. In Kenya, PRSP development processes also involved consultation of civil society (see for example, NGO Working Group on the World Bank 2000). Civil society contributions, however, were generally ignored (Pettifor 2001), and again, the PRSP process is not aimed at local government.

More importantly for this study, there are indications that civil society organisations, because of the practical poverty knowledge developed in the course of their work, may be invited to participate in local governance when local government knowledge fails. In Uganda, development planning is meant to be ‘participatory’, and government planning guidelines call for

The involvement of all stakeholders including communities, Local Councils, Civil Society Organisations, including Non-Governmental Organisations, Community Based Organisations and members of the Private Sector. (Ministry of Local Government 2001: 13)

While in practice this participation is limited (see above), the space for participation by civil society organisations may increase when their poverty knowledge is sought. One gender-advocacy NGO stated:

When District Development Plans are made, they need to get as close to reality as possible, […] but sub-counties always show a different picture and the level of statistics are different [from sub-county to sub-county]. The confusion is a blessing in disguise. It starts with them not wanting us, but because we involve them from the start, they come round. […] We do our analysis, write it up and then do advocacy. […] Though they always say they haven’t the money to change things, sometimes somehow the allocations reflect some change. (quoted in Brock et al. 2002: 24)

Joint action between civil society and local government can thus be most effective in situations of mutual interest. The increasing prominence of civil society actors in policy making, however, can be resented:

In Uganda NGOs are now seen by some as “the unelected politicians”, who play more of a role in policy processes than legitimately elected local politicians and Members of Parliament. (ibid: 19)

Each of the countries in East Africa has, in the last two decades, experienced a rollback of the state and a contraction of state services (Gibbon 1994: 14). In many cases, while responsibility for services have been decentralised, finances for those services have not, and local governments lack the funds for effective service provision (see section on local government finance, above). One response to this situation is joint action between local government and non-governmental organisations for the provision of services. This is most pronounced in Tanzania. Kiondo attributes the growth in NGOs and Community
Development Associations in the 1980s to the lack of provision of state services (Kiondo 1994: 51). In one area of study, he found that a series of 'District Development Funds' that shadow local government had ‘all but displaced the local state’ (ibid: 76). The Hai Education Trust Fund, for example, functioned effectively as an LEA and was solely responsible for public education provision; the Hai District Council passed a bylaw ordering taxpayers to contribute Tsh.50 to the fund and ten-house cell leaders had to provide one school desk per year (ibid: 68-9). These public sources of funds were combined by private forms of revenue raising, such as donations by wealthy patrons (ibid: 76). Alternative provision of services is not always so closely coordinated with local government – Ngware reports:

There are a number of self-help and donor-funded projects in the country that are rarely coordinated by local authorities in their respective areas; thus people build schools and clinics without local authorities’ knowledge but demand equipment and manpower once they are founded. (Ngware 2000: 96)

Tidemand refers to this form of provision in Uganda as the “projectisation” and “privatisation” of service provision: services that would have been previously provided by the state are increasingly provided by NGO-run development projects or the private sector (Tidemand 1994: 44). In this context, ‘boundaries of “government” space and “civil society” space are easily transgressed by policy actors with multiple identities’, such as civil society organisations led by local councillors (Adong et al. 2002: 55). While these are often resented and frequently corrupt, they also may use their political powers to access development funds for districts that may have been otherwise unavailable (ibid: 54-6). In Kenya, acute lack of funding for local government has led to ‘decentralisation by default’, and ‘civil society especially in the 1990s has developed into an alternative to the state for the realisation of citizens’ aspirations where state institutions have lost credibility’ (Oloo and Kanyinga 2002: 21). Despite the general association between civil society and citizen participation that is often assumed, however, participation by civil society organisations and NGOs in the provision of local government services may actually reduce scope for accountability as it removes the services from the oversight of elected representatives. Kiondo points out that while District Development Funds are local, its leaders are not accountable to the taxpayers (Kiondo 1994: 76). Furthermore, despite overlapping service provision, civil society organisations may remain remote from local governments, undermining scope for joint action:

One thing that most [Community-Based Organisations] hold in common is a feeling that they are disconnected from the activities of the lower Local Councils, and that ‘poverty reduction’ activities, of the kind which they actually practice, are disconnected from the services and programmes of government. They largely exist in spite of local government, although sometimes they exist due to the failure of government to fulfil promises of service provision. (Adong et al. 2002: 58)
6. Strengthening Accountability

Efforts to strengthen accountability in East Africa take two general forms: legal and procedural mechanisms for holding local government and government officials to account, mobilisation and advocacy by civil society in order to strengthen accountability. **Legal and procedural mechanisms** for strengthening accountability include recall of elected representatives, transparency and access to information and anti-corruption bodies. Uganda and Tanzania both have procedures for **citizens’ recall of elected representatives**. In Uganda, the right of recall of elected representatives exists at both local and national levels, and this has been used to recall, for example, corrupt local chairmen (Bazaara 2002: 13). At national level, a petition signed by two-thirds of constituents can initiate the recall process; it is subject, however, to investigation by the Electoral Commission, which may reject the petition (Article 84 of the Constitution). Barriers also exist to recall at local levels, as a meeting must be called to initiate the action: ‘The problem is that it is the same Chairperson, the one you are trying to get rid of, who calls the meeting’ (male elder, Lira district, quoted in Adong et al. 2002: 33-4). Provisions for recall also exist in **Tanzania**. Kitongoji residents may recall the kitongoji chairperson, and the Village Assembly has power of recall over the Village Council. However, this rarely happens the procedures are at best unclear and the section of the 1982 Local Government Act that allows for this conflicts with another section of the same act (Shivji and Peter 1999: 36). **Freedom of information** is enshrined in the constitutions of both **Tanzania** and **Uganda**; accessing information, however, may be difficult. In **Uganda**, there is legislation specifying that matters related to finances must be publicly displayed and published in newspapers; budgets for Universal Primary Education funds, for example, are displayed on school notice boards (Bazaara 2002: 15). However, even councillors complain that audit reports are not available, even upon request, due to corruption and irregularities (Adong et al. 2002: 36). In **Kenya**, laws such as the Official Secrets Act greatly limit freedom of information and accountability of public officials (NGO Working Group on the World Bank 2000: 18). Mechanisms for strengthening accountability in **Kenya** include a governmental body for **monitoring corruption**, the Kenya Anti-Corruption Authority (KACA). This was set up as a condition for an IMF funding package and exposed major abuses of public funds by figures in central government, including ministers. It became, however, a victim of its own success, and in December 2000 the High Court ruled that KACA was unconstitutional (Pettifor 2001).

Each of the countries in East Africa has, in recent years, experienced a surge in NGO and civil society organisations and activities, including **increased advocacy by civil society for reform**. The number of civil society groups in **Tanzania** increased exponentially following political and economic liberalisation in the 1980s and 1990s. While they continue to be limited by legislation restricting their activities (see section 4), there are several recent examples of successful civil society advocacy for policy reform. Networks of women’s groups under the leadership of the Tanzania Media Women Association (TAMWA)
proposed and lobbied for the Sexual Harassment Policy that became law in 1998. The \textit{Haki Ardhi} (Land Rights Organisation) and women’s rights organisation together initiated a national debate on the Land Bill, which resulted in a greatly amended second draft bill addressing some of their concerns. NGOs also initiated efforts at developing a National NGO Policy and formulated an alternative policy proposal, thus indicating the ability of citizens groups and not just the state to formulate policy (Ndumbaro and Kweyamba 2002: 12-14).

In \textit{Uganda}, civil society organisations are taking an increasingly prominent role not just in responding to government policy but also in monitoring accountability. One good example of this is the Uganda Debt Network (UDN), a campaigning and advocacy NGO that was set up to promote debt relief. With the HIPC initiative, UDN turned its attention to anti-corruption activities and monitoring the Poverty Action Fund (PAF), the finances generated from debt relief. PAF Monitoring Committees have been set up in several districts, with varying degrees of success and responsiveness from government officials (Adong \textit{et al.} 2002: 52-3).

NGOs are also increasingly forming networks to increase capacity for developing and influencing policy. For example:

\begin{quote}
The NGO Forum is all about providing a platform for a collective and independent voice. … It will also stimulate Civil Society to act proactively to contribute to policy and legislative action and become a clear central point of contact for Government and other development partners, to engage effectively and deliver principled and well researched propositions. (Nyamugasira 2000: 1)
\end{quote}

In general, however, thus far participation by civil society has been largely limited to the ‘invited spaces’ of government consultation. This creates a dilemma: Civil society actors, and especially NGO poverty advocates, are at a critical juncture in Uganda today. To enhance their impact on policy, they can either remain relatively passive participants in processes into which government invites them, or can opt to exercise greater agency, act more autonomously and forge their own processes. (Brock \textit{et al.} 2002: vii)

In \textit{Kenya}, civil society networks are increasingly critical of government policy, corruption and lack of transparency (e.g. NGO Working Group on the World Bank 2000). Mobilisation by civil society groups, combined with the opposition’s appropriation of the decentralisation agenda, led the government in the mid-1990s to embark on a reform process aimed at ‘enhancing citizen participation in governance, boosting the accountability and transparency of local authorities and improving the delivery of local services’ (Oloo and Kanyinga 2002: 19). This agenda has however recently received less attention as domestic and international pressure focuses on constitutional change.

Mobilisation by civil society, as shown through these examples, forms a key channel for strengthening accountability in the policy process. Advocacy by women’s groups, in particular, may have been particularly important in ensuring
women’s perspectives are included and their rights are respected (e.g. in the Land Law and Sexual Harassment Policy in Tanzania).

7. Lessons and conclusions
Despite greatly divergent historical contexts and political countries, each of the countries of East Africa is moving (albeit at different rates) towards increasing systems for democratisation, decentralisation and citizen participation in local governance. With a complex five-tier system of decentralised local government, official recognition of civil society in the policy process and constitutional commitments to participation, Uganda has gone the furthest towards these ends. With its Local Government Reform Programme, Tanzania is in a state of transition but is moving towards strengthening decentralisation. Kenya has moved less far down this path, but there are significant pressures for change.

The forms as well as extent of frameworks for participation vary from country to country. Each country includes electoral methods of indirect participation, while in Tanzania and Uganda this is supplemented by guaranteed representation of women and marginalised groups. In Uganda, there are parallel local government councils for youth, women and the disabled. Direct forms of participation include village assemblies in Uganda and Tanzania and (limited) spaces for participation in the development planning process in all three countries. In addition, there are increasing spaces for the participation of civil society in local government, for example in consultation processes or in the provision of services. Further legal mechanisms for participation include referenda proposed by citizens in Uganda and citizens’ recall of representatives in Tanzania and Uganda.

Legal frameworks, however, are necessary but not sufficient for guaranteeing citizen participation. They are subject to both constraining and enabling factors that affect how they are taken up in practice. Constraining factors identified in this report include: limited powers to local government and participatory bodies, including an acute lack of fiscal power; conflict between channels for participation and bureaucratic structure; barriers to representation by marginalised groups; corruption and lack of accountability; and policy frameworks that are themselves restrictive. Enabling factors include mobilisation by citizens and action by civil society for policy reform, monitoring of local government and developing participatory forms of consultation.

Of the constraining factors, it is the lack of powers for local governments and participatory bodies that is the most limiting. Citizen participation is seriously undermined if it has little effect and the most important decisions continue to be made by central government or regional bureaucracies. Lack of power also undermines interest in participation. For example, in Uganda, attendance at village assembly meetings is low because of the limited resources at stake (James et al. n.d.: 16). In contrast, attendance at the Resistance Council meetings were always high, in part because the councils had a wider range of
powers and controlled distribution of sugar and other goods (Tidemand n.d.: 228). This has led many local people to conclude that, despite the extensive decentralisation programme of recent years, Uganda was more decentralised twenty years ago than now (Adong et al. 2002: 32). Lack of substantive power for local government and citizens groups is a problem across all three countries, most notably in Kenya where bylaws and budgets are subject to the approval of the Ministry for Local Government and a deconcentrated central government bureaucracy performs many of the functions held by local governments elsewhere. Lack of financial power further limits local government capacity and autonomy. This was identified as a major constraining factor in all three countries: in Kenya, local governments have little impact because of the lack of funds (Smoke 1994); in Tanzania, local government planning processes have a ‘surreal character’ because their decisions are unlikely to be funded (Eriksen 1997); while in Uganda the conditionalities placed on local government finance threatens to undermine the whole decentralisation process (GoU 2001). A further constraining factor for citizen participation is the conflict between citizen participation and bureaucracy: participation tends to be filtered through bureaucratic and administrative procedures that may remove citizen control over the process. For example, while development planning in all three countries is supposed to be ‘bottom-up’ and originating from citizen participation at the lowest level, it is channelled through a series of bureaucratic layers (up to 13 in Tanzania (Eriksen 1997)) so that the final plans bear little resemblance to their initial forms. Related to this is the way in which representation for women and marginalised groups can be limited. The formats of meetings (including agendas, the reading of minutes, etc.) may be unfamiliar to the poor and serve to constrain certain actors while enabling others (Adong et al. 2002: 64). Reservation of seats for women does not guarantee that women’s views will be included in the decision-making process, while parallel structures for women and youth may conversely serve to exclude them from mainstream local government. Corruption and lack of accountability has also been raised as a constraining factor in each of the countries. Structures for representation may become structures for patronage, favouring certain groups over others, while perceptions of corruption alienate citizens from their elected representatives and local governments. Finally, policy frameworks themselves may be constraining of citizen participation. This is particularly notable in Tanzania where laws against political activity severely curtail the activities of the media and civil society groups (Ndumbaro and Kweyamba 2002).

Policy and legal frameworks can also, of course, be enabling factors, as discussed in this report. A second enabling factor is mass movements by citizens. In Kenya, popular protests led by student groups were one of the central factors leading to the return of multi-party elections; while in Uganda, the current decentralised system of local governance emerged directly out of mass mobilisation (Bazaara 2002: 16). Similarly, action by civil society for policy reform, such as the involvement of NGOs in Tanzania in reforming land laws to protect women and the poor, can form a channel for citizens to influence policy.
Civil society can also play a role in **monitoring local government** and helping to strengthen accountability. For example Poverty Action Fund monitoring committees in Uganda monitor the use of debt relief funds to ensure that the funds reach their intended recipients. Finally, civil society can help in developing **participatory methods of consultation**. The UPPAP process in Uganda both provided a channel for citizen participation and highlighted issues (such as lack of local government finance and limited access to information) that constrain participation, leading to action for reform (Chadwong 1999).

The recent expansion of civil society is one of the major pressures for democratic reforms in each of the countries of East Africa. Donor pressure, however, is also a key factor. Donor conditionalities on aid and lending – combined with social movements for change – forced Kenya to democratise in the early 1990s and played a major part in encouraging Tanzania to move to a multi-party system. In Uganda, the conditionality of multi-party government has not been attached to aid or lending, partially in order to protect Uganda’s economic liberalisation (Hauser 1999). Donors wield major power, however, and have contributed both to the increased involvement of civil society in government and to the decentralisation programme. A civil society activist in Uganda commented:

> The influence of international donors on the government … is great. Much of the space opened up here has been opened because of what the donors say. How far would it have opened up if the donors didn’t think it was the best way to do things? … What happens if donors stop pressing the government of Uganda to take on participation? What is likelihood that the government will continue creating the spaces necessary for NGOs to participate? (Brock et al. 2002: 41)

Conversely, the role of international donors in promoting processes of decentralisation and citizen participation may also make these reforms half-hearted or easily reversed (Bazaara 2002: 16).

With reforms for strengthening citizen participation in local governance underway in Uganda (with the fiscal decentralisation programme) and Tanzania (with the Local Government Reform Programme) and on the cards in Kenya (Oloo and Kanyinga 2002: 19-20), the prospects for increased participation in local governance in East Africa are fairly good. However, spaces that open for participation can also be closed. The frameworks for participation discussed here are still relatively fragile and may not be enacted fully. Furthermore, the constraining factors discussed here may leave a gulf between how the frameworks for participation operate in theory and how participation occurs in practice. The existence of legal frameworks is a first step towards enabling participation; however, the long-term effects of these frameworks have yet to be seen.
### Appendix 1: Local Government Structures
Note: LG=Local Government; CG=Central Government

#### Appendix 1.1 Kenya

<table>
<thead>
<tr>
<th>Unit</th>
<th>Area</th>
<th>Selection</th>
<th>Powers</th>
<th>Finances</th>
</tr>
</thead>
<tbody>
<tr>
<td>Municipal Council</td>
<td>Large Urban Areas. 22 in Kenya</td>
<td>Elected (multi-party). Committee system. Subject to control by CG</td>
<td>Broad range of services: sewerage, electricity, water, education, some development planning.</td>
<td>Subject to Ministry of LG. Mostly water charges, land rates, house rents, sewerage fees and grants for teachers' salaries. Dependent on CG for funding.</td>
</tr>
<tr>
<td>Town Councils</td>
<td>Small Urban Areas. 23 in Kenya</td>
<td>Elected (multi-party). Committee system. Highly controlled by CG</td>
<td>Less service responsibility. Some development planning.</td>
<td>Subject to Ministry of LG. Plot rents, licences, and market and bus park fees. Dependent on CG for funding.</td>
</tr>
</tbody>
</table>

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2 Based on Smoke 1994.
| District Development Committee | Parallel to Local Councils | Appointed bureaucrats and members of ruling party. | Make development budgets and plans and approve those submitted by Local Government. | Funding from central government development grants. |
### Appendix 1.2 Tanzania

<table>
<thead>
<tr>
<th>Unit</th>
<th>Area</th>
<th>Selection</th>
<th>Powers</th>
<th>Finances</th>
</tr>
</thead>
<tbody>
<tr>
<td>District Council</td>
<td>District</td>
<td>Directly elected; 25% female.</td>
<td>Make by-laws, levy taxes</td>
<td>Unconditional and conditional grants; some locally generated revenue</td>
</tr>
<tr>
<td>Division</td>
<td>Division</td>
<td>Mix of appointed members and elected representatives</td>
<td>Development planning and administration</td>
<td>Limited</td>
</tr>
<tr>
<td>Ward development committee (WDC)</td>
<td>Ward</td>
<td>Mix of appointed members and elected village councillors.</td>
<td>Development planning and administration</td>
<td>Limited</td>
</tr>
<tr>
<td>Village Council</td>
<td>Village</td>
<td>All kitongoji chairpersons, plus members elected by village assembly. 25% female.</td>
<td>Make by-laws (subject to approval by village assembly and district councils)</td>
<td>Dependent on district and CG</td>
</tr>
<tr>
<td>Village Assembly</td>
<td>Village</td>
<td>All adult members of the village</td>
<td>Election and recall of village council, supreme authority at village level</td>
<td></td>
</tr>
<tr>
<td>Kitongoji (former 10-house cell)</td>
<td></td>
<td>Directly elected kitongoji chairperson</td>
<td>Arbitration, development planning</td>
<td></td>
</tr>
</tbody>
</table>

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3 Based on Shivji and Peter 1999.
### Appendix 1.3: Uganda

<table>
<thead>
<tr>
<th>Unit</th>
<th>Area</th>
<th>Selection</th>
<th>Powers</th>
<th>Finances</th>
</tr>
</thead>
<tbody>
<tr>
<td>LC5 District.</td>
<td>LC5 District. 3-5 counties</td>
<td>Elected 5-yearly by universal adult suffrage (‘no-party’ system), with one third of seats reserved for women; representatives for youth and disabled elected through separate bodies</td>
<td>Provide services, monitor government employees, development planning, levy taxes, enact district laws.</td>
<td>Conditional and unconditional central government grants. 35% of locally generated revenue (graduated tax, licensing fees, market fees, etc).</td>
</tr>
<tr>
<td>LC4 County.</td>
<td>LC4 County. 3-5 sub-counties</td>
<td>Indirect election by LC3s. Reserved seats for women, youth and disabled.</td>
<td>Mainly administrative unit. Monitor service delivery, advise LC5 and parliament.</td>
<td>3.25% of total locally generated revenue.</td>
</tr>
<tr>
<td>LC3 Subcounty.</td>
<td>LC3 Subcounty. 3-10 parishes</td>
<td>Direct election, as LC5.</td>
<td>Enact bylaws; collect and levy taxes;</td>
<td>42.25% of total locally generated revenue.</td>
</tr>
<tr>
<td>LC2 Parish.</td>
<td>LC2 Parish. 3-10 villages.</td>
<td>Indirect election by LC1 committees. Reserved seats for women, youth and disabled.</td>
<td>Co-ordinate LC1 activities and provide a link to LC3s. Some development planning</td>
<td>3.25% of total locally generated revenue.</td>
</tr>
<tr>
<td>LC1 Committee</td>
<td>Village</td>
<td>Elected by LC1 Council, with reserved seats for women, youth and disabled.</td>
<td>Arbitrate in disputes; help collect taxes; 'identify development needs'</td>
<td>16.25% of total locally generated revenue. Service fees.</td>
</tr>
</tbody>
</table>

Based on James et al. n.d.
<table>
<thead>
<tr>
<th>LC1 Council</th>
<th>Village</th>
<th>Comprised of all adult members of village.</th>
<th>Elect and recall LC1 committee; discuss development plans</th>
</tr>
</thead>
</table>
8. Bibliography


