

Local Government Capacities in East Africa

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Abstract. *East Africa which traditionally consisted of Kenya, Uganda and Tanzania has practised a system of centralisation for several decades following independence. This had the effect of weakening institutions resulting in them being incapable of delivering services. The capacity issues are critical as the lack of professional staff is a challenge. The meagre allocations to the development budget implies that there is limited or no development. Local government has in this context broad experienced financial and staffing challenges and lacked autonomy to make decisions. The underdevelopment of the rural areas relative to infrastructure is a challenge and there has to be rural transformation in this regard. New Public Management has influenced reform strategies and more specifically decentralisation. The reform strategies did impact positively on implementation of the Millennium Development Goals (MDGs). However, the quest for a sound economy and a reduction in poverty levels is yet to materialise. Despite these challenges, East Africa is comparatively better off than the other regions on the Continent.*

Keywords: *local government; capacities; service delivery, East Africa, Kenya, Tanzania, Uganda, financing and economic performance.*

Raktažodžiai: *vietos valdžia, gebėjimai, paslaugų teikimas, Rytų Afrika, Kenija, Tanzanija, finansinis ir ekonominis veiklumas.*

Introduction

East African countries practiced centralized system of governance for more than three decades after independency. The practice weakened local government institutions rendering them incapable to deliver services. Since the last decade of the last century the countries have been embarking on decentralization reforms by adopting policies and restructuring institutions with the aim of improving service provision capacity of local governments. This goal of this paper is, by drawing data from documentary sources to assess power and resource capacity of local governments in East Africa. Three issues are analyzed, the degree of autonomy of the local government, the human resources management, quality and staffing levels on

local government level and adequacy and reliability of financing (with focus on Tanzania and Uganda situation). The analysis is preceded by three sections intending to enable the reader to understand the profile of the East Africa region, the history of local governance in the region and the current system of local government.

Background of East Africa Region

The East Africa region traditionally comprises three countries namely Tanzania, Kenya and Uganda. These countries have always been governed through a unitary structure of governments except the recent Kenya which is moving towards a quasi-federal structure following the 2010 constitutional reforms. Historically the three countries gained their independence from the British colonial administration in 1961, 1963 and 1962 respectively. At independency they inherited almost a similar system of governance and the local government in particular. The post-independence period however sparked into different practices both in terms of policy and administration. Tanzania for instance operated through “*ujamaa*” (socialist) policies while Kenya remained largely capitalist. Uganda experienced frequent policy reshuffles depending on the interest of the coup that was in the reins of power. The countries however maintained centralized political and governance systems practicing marginalization of local governments through enacting legislations that incapacitated local authorities rendering them almost dysfunctional.

The last decade of the 20th century was an era of reform in the region. In search of efficiency and delivery of public services the countries engaged in series of political, economic and governance reforms with each adopting a public sector reform strategy. By the mid of the first decade of the 21st century the countries had undertaken major institutional and policy reforms aiming at improving the economy and service delivery. A recent report on implementation of Millennium Development Goals (MDGs) shows that countries in the region are making a considerable progress towards achieving MDGs. For instance in case of provision of Universal Primary Education all the countries have exceeded 90% net enrollment rate, closely heading towards achieving 100%. Pupil-teacher ratio has reached acceptable standard in Kenya (45:1) but remains above average in both Tanzania and Uganda [Kakande 2010]. The countries have also made a considerable progress towards attaining gender parity. There is however still serious challenges in reducing Child Mortality Rate as many children especially infants are still dying of preventable diseases. This is also the case as maternal health is concerned¹. HIV prevalence is reversing with Uganda achieving attaining a relatively better performance than Kenya and Tanzania². East Africa countries are yet to build a sounding economy and achieve a satisfactory reduction of poverty levels albeit the growing economic potential.

¹ Maternal deaths per 100,000 is highest in Tanzania, 950, followed by Kenya 488 and Uganda, 435 (ibid.)

² For more information on East Africa MDGs performance see Kakande (2010)

Historical Development of Local Governance in the Region

The post-colonial East Africa inherited a centralized system of governance but with a fairly active local government system. In the first decade of independence East Africa states demonstrated a movement towards a relatively higher level of centralization of institutions of governance with states taking powers of self-governance away from the civil society and local communities in particular to ruling political parties and or executive branch of government. In Tanzania this was realized through enactment of the Decentralization Act in 1972 that disbanded local governments at the same time centralizing powers to regions and district development committees. In Uganda the Local Administration Act, 1967 introduced decentralization by deconcentration. Following enactment of the Transfer of Functions Act, 1969 local governments in Kenya lost control of their mandatory functions to central government [14]. This tendency towards centralization was also the case elsewhere in Africa [19]. Centralization however was never a blessing but a curse. Many studies on decentralization indicated that the disbanding of local government resulted into a serious deterioration of service delivery almost leading East African states to crisis of governance [6; 3; 5; 4].

With the results of centralization weighing up heavily on the capacity and performance of the state the pressure for decentralization increased forcing them to decentralize institutions. Earlier decentralization strategies undertaken by government focused at relieving themselves from financial and service delivery burdens they had been carrying. This resulted into a creation of less-autonomous local governments required to handle as many functions as central government determined than their capacity could allow. In Tanzania reintroduction of local governments began with establishment of urban councils in 1978 and formally in 1982. It was until the 5th Constitutional Amendment in 1984 when at least local government obtained a Constitution mention. Uganda, whose history was characterized by frequent coups, had never experienced political decentralization until in 1986 when the National Resistance Movement (NRM) came to power [15]. In Kenya Central control of local government remained so tight that Oyugi [7] thought of them being neither 'local' nor 'government'.

Tanzania's 1980s decentralization reforms did not significantly change the power status of local governments neither did it improve their capacity to deliver services. Instead, continued to subject them under strict control of the State and the ruling Party [3; 13; 5]. Local governments remained largely starved of finances, understaffed in terms of skilled personnel and without autonomy to make decisions. The situation was almost not dissimilar in Uganda and Kenya. For instance the passage of Resistance Councils and Committee Statute No. 9 of 1987 in Uganda conferred administrative powers and responsibilities to local governments but not fiscal and political autonomy. In 1993 however, local governments were strengthened through passing of Local Government (RCs) Statute. This Act empowered local governments to collect and expend local revenues for local development. Kenyan local governments continued to experience a tighter control by central government with the

ministry for local governments exercising enormous fiscal, human resources and decision making powers over local governments [4].

A serious move towards strengthening local governments in East Africa began during the awakening of the New Public Management oriented public sector reform strategies in the region in mid-1990s. In Uganda and Tanzania this was earmarked by decentralization by devolution reforms in mid and late - 1990s respectively. It is during that period States took concerted efforts to transfer political, administrative and fiscal powers to local governments. For instance, in 1995 Uganda entrenched into its Constitution the devolution of government powers and functions. Art II (iii) of the Constitution states that: *“The State shall be guided by the principle of decentralization and devolution of governmental functions and powers to the people at appropriate levels where they can best manage and direct their own affairs”*. This was subsequently followed by the adoption of Local Governments Act, (1997) empowering local governments to make decisions concerning their areas of jurisdiction. Efforts that were undertaken by Tanzania government included formulation of decentralization by devolution policy in 1998, the passing of the Local Government Laws [Miscellaneous Amendments] Act in 1999, Launching the Local Government Reform Program in January 2000 and passing of the Local Government Regulations 2000 all committing the government to devolve powers. In Kenya however, policy reforms that began in 2003 did not culminate into empowering of local governments especially after the Government rejected the Boma’s draft of new constitution putting forward an alternative that eventually became rejected in the 2005 Constitutional Referendum [4].

Efforts to reform the system of local government in East African were taken after the conviction that centralized systems have failed to efficiently deliver services. It therefore became increasingly acknowledged by governments that the capacity of local governments to efficiently and reliably deliver services to the people largely depended on devolution of roles, resources and authority from central government. Yet, a general assessment of the implementation of decentralization by devolution reforms in East Africa suggests that the reforms are yet to reach a logical conclusion. This is because central governments continue to encroach on the powers of local governments and largely still influence budgetary allocations of the latter. Comparatively however East Africa is far a better step off in strengthening local governments than many other African regions. For instance by 2001 Uganda was considered a probable country with the clearest legal framework for decentralization in African continent, also transferring highest amount of resources to local governments [12]. The 2010 Constitutional Reforms in Kenya has given to Counties enormous powers than enjoyed by other devolved authorities elsewhere in Africa. Albeit the functioning local government institutions Tanzania remains the only country in the region whose local authorities still lack a robust power base.

The Current Local Government System and the Degree of Autonomy of Local Governments

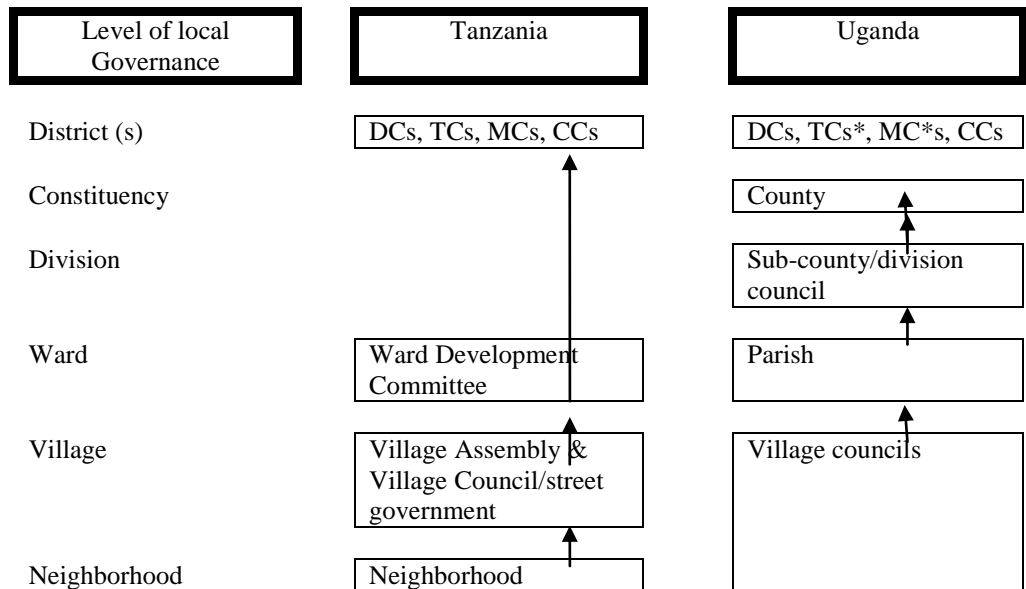
The system of local government in East Africa countries is based on democratically elected councils governed through a political body chaired by the mayor or council chairperson. This body works hand in hand with a technical organ that deals with day to day administration of council activities and discharging of council functions. The council administrative structures are organized into various departments including planning, education, health, agriculture, finances *etc.* Councilors supervise these departments through various committees created by the local government council. In Kenya this arrangement has been changed as the country is heading to implement the new Constitution of 2010. Under the new Constitution, Kenya will run a devolved, quasi-federal, governance system in which Counties have been established as separate governance entities assuming previous responsibilities of local governments³. The implementation of this new governance arrangement is still at the nascent stage neither is a relationship between traditional local government system and newly established county system has been resolved. In this paper therefore the Kenyan local government system will be marginally treated and the concentration given to Uganda and Tanzania.

In both Tanzania and Uganda the local government system is divided into urban and rural councils. Generally urban local governments comprise of city councils, municipal councils and town councils. These make a higher level category of local governments. Rural local governments are basically made up of district councils and account for more than 79% of local governments in Tanzania and 83% in Uganda. This is not surprising as more than 70% of East African population lives in rural areas. Under the higher level category of local governments there are lower level governments and administrative units. Unlike local governments administrative units are not body corporate and they largely for coordination purpose. The structure of Tanzania and Uganda local government system is presented in Figure 1 below.

As it is indicated in Figure 1 above the neighborhood is a lowest administrative unit in Tanzania. It is governed by elected chairperson and representatives who together form an executive committee. An equivalent unit in case of Uganda is a village. The lowest government in Tanzania starts at the village level. The village government is made up of the village assembly and the village council the former being the supreme decision making authority in the area. The village council is constituted by members of the neighborhood and is headed by an elected chairperson. The day to day administration of the village council is conducted by the Village Executive Officer (VEO) who is employed by the higher local government authority. An equivalent of VEO in Uganda is a Parish Chief and comparable level is the Parish (local council II).

³ Article 1 (3 &4) of the Kenyan Constitution establishes two layers of government, the national level government and the county. Article 18 provides for continuing existence of local government authorities but they are neither given any power nor assigned functions. Only counties are recognized as major units of devolution (for instance see Article 186, 209 and 210 of the 2010 Kenyan Constitution)

Figure 1. Levels of Local government in Tanzania and Uganda



Source: authors

**in Uganda a MC and TC are considered lower level governments*

Key: DC=district council; TC=town council; MC=Municipal Council, CC=city council

The next level of local government in Uganda after the Parish is a sub-county in rural areas or a division in the urban (local council III). A sub-county is made up of parishes in that area. It is run by an elected committee and a chairperson as a political organ and a sub-county chief as a technical personnel who is also the supervisor of other technical officials such education, health, social welfare and extension officers working at the sub-county level. In Tanzania an equivalent of the sub-count is a ward governed by the Ward Executive Officer. However, in Tanzania the ward is not a local government but an administrative unit serving for coordination purpose. Village chairpersons and executives converge at the ward level for planning purposes and discussing matters concerning the ward through an organ called Ward Development Committee. This organ is chaired by an elected ward councilor who is also a representative of the ward to higher local government levels. The Ward Executive Officer is the secretary of Ward Development Committee.

Uganda system of local has an intermediary level before the district (local council IV). This level is called the County, which is made up of several sub-counties. An equivalent level in Tanzania would be a constituent but there is neither a government nor administrative unit at this level only, an elected Member of Parliament. The county is constituted by all members of executive committees of sub-

counties who in turn elect the executive committee of the county from among themselves.

The major local government authority in both Tanzania and Uganda is organized at the district level. In Uganda this level primarily comprises of district and city councils while in Tanzania it include district, town, municipal and city councils. It is this level which is entrusted with major responsibilities of the local government. It directly relates with the central government but also provide guidance and supervision of the lower local government. They are required to handle both mandatory and permissive functions. Mandatory functions include primary and secondary education plus technical education in the case of Uganda, primary health care (district hospitals, health centers and dispensaries), local roads and works, agricultural extension services and livestock development.

Degree of Autonomy of Local Governments

The power status of the local government can be assessed by analyzing the extent to which the Constitutional and legal framework devolves political, administrative and fiscal powers to local government. A review of decentralization institutional framework indicates that even though the policy framework for decentralization focuses on achieving decentralization by devolution ideals, local governments are more autonomous in Uganda than Tanzania. In the case of the former powers of local government are not only guaranteed by the Constitution but also supported by sounding local government legislation.

Councils have been installed as supreme decision making authority in their area of jurisdictions. In Tanzania local government can make by-laws but subject to the approval of the minister responsible for local government. The minister may also disapprove. This is however not the case in Uganda where procedures for enacting bylaws under Section 38 of the Local Government Act does not give a minister such powers⁴. The fact that local authorities in Uganda can easily make by-laws enables them to facilitate the process of service delivery. Makara (1998) observes that with decision making powers central-local relations have improved and local Government leaders have gained confidence but central government officials still want to claim control over local authorities. In Tanzania the central-local relations have relatively improved but there still many cases of governing local governments through administrative commands and directives from central government officials including senior officers of the incumbent party.

Human Resources

⁴ The best he/she can do is, within ninety days, return the bill with his or her comments to the relevant council for modification or other appropriate action.

In this part we focus on selected aspects of the human resources management, quality and staffing level on local level.

Human resources capacity: Autonomy over local government personnel

Through a District Service Commission Ugandan local governments have power over appointment, supervising promoting and disciplining of all staff in the local government service including the Chief Administrative Officer. With this power the local governments are better position to ensure effective accountability because there is a very minimal chance for dual allegiances. Contrary to decentralization policy Tanzania continue to practice a centralized system of recruitment. Because of this practice the local government service comprises of staff from various appointing and disciplinary authorities including the President or the Prime Minister in case of local government Executive Directors, the minister for local governments for heads of departments and the Teachers Service Department for teachers [8]. The procedure for councilors to remove the council Executive Director from his office is cumbersome and ambiguous that in many cases councilors has only succeeded by resorting to political pressure. In this situation it is very difficult to ensure accountability as councilors have nothing significant they can do if the central government is not willing to take a requisite action.

Human Resources Capacity: Quality and Staffing Levels

Tanzania's local governments are relatively staffed with qualified personnel. At least a middle level post in the local government service requires a diploma and the minimum qualifications for lowest carder is a pass certificate in secondary education or in technical training. The local government bureaucracy at district/municipal levels is to a larger extent sufficiently staffed. However there are still serious shortages of teachers and health service professionals especially in rural areas. This largely curtails the ability of local government to provide better services. Uganda is also facing the same problem [1; 2]. For example, Jean et al [2] reveal that a number of local governments in Uganda have unstaffed posts. This problem is exacerbated by low pay, salary delays and lack of equipment. A case study of Kanungu district reported existence of only two doctors working in the main hospital in the district instead of necessary five. The case further reveals that two of the health centers were not manned by medical officers [2]. The problem of lacking sufficient qualified personnel especially in rural councils largely affect service delivery capacity of local governments in both Tanzania and Uganda.

Adequacy and Reliability of Financing

This part focuses on different interrelated aspects of the local finance, namely on the independence of the budget management and the reliability and adequacy of local fundings.

Fiscal Capacity: Taxing and Spending Powers

The power to spend resources based on local plans and priorities is essential for the capacity of the local governments to deliver services. In both Tanzania and Uganda local government councils have been given planning and budgetary powers. They can also collect local taxes and expend resources. This power is however affected by overdependence on central government allocations as the major source of local government financing. Expending powers is relatively high on resources obtained from own source and fairly in unconditional central government allocations and not on conditional grants which are always followed by strict guidelines. In Tanzania there are instances where central government interventions have altered local government plans in mid of budget implementation. For instance in 2006 contrary to local government plans the government directed local governments to build a secondary school in every ward⁵. A study conducted in 2009 revealed that this decision had a negative impact on councils' financial positions as it was not correspondingly followed by decentralization of funds to effect the implementation [8].

Fiscal Capacity: Reliability and Adequacy of Local Government Financing

Local governments play an important role in the delivery of public services. It is therefore important that fiscal resources are made available in time and in sufficient amount to enable them to play this role effectively. Both Tanzania and Uganda local governments still face many challenges in terms of adequacy and reliability of financing. First local government activities are largely funded from central government allocations which are also not always readily available. Councils own revenue source account to less than 10% of total local government budget meaning that the dependence rate to central government is over 90%.

Secondly the overall share of total government budget allocated to local government spending remains relatively small especially in Tanzania. For instance an average of actual share of local spending on overall government spending in three consecutive financial years from 2007/08 for recurrent and development expenditures was 23.8% and 15.5% respectively. The average local government spending on overall government budget in the same period was 21.2% [18]. The Local Government Fiscal Review, 2007 further reveals that almost two third of recurrent expenditure is spent on personal emoluments [17]. Uganda local governments are

⁵ By then the provision of secondary education was still the responsibility of the central government

relatively receiving a higher share of national budget compared to their Tanzania counterparts. According to Jean *et al* [2] the share of total funds distributed to local governments is 24%. Whether the disbursement is reliable it is the question of further exploration.

The third challenge involves cases of late to partial disbursement. It is increasingly becoming common that in many council's first quarter allocations are received in the end of the second or in the third quarter of the year. In an interview conducted by the author in one of the Tanzania's local government council in May, 2009 a senior local government council leader reported that although they were already in the last quarter of the financial year his council was yet to receive, from the government, the allocations of the third quarter [8]. One can still doubt whether that year's third and or fourth quarter allocations ever reached the council. In the financial year 2011/2012 only 55.9% of planned development and 79.4% of recurrent budgets were received by local government from central government transfers⁶. The study by a local NGO observed that towards the mid of the third quarter of the financial year 2011/2012, 93% of the schools were yet to receive capitation grants from the governments. Few schools that managed to get funds only got an average of Tanzania shillings 517/- per student instead of the planned 10,000/ shillings⁷

The above noted challenges have several implications on the capacity of local government to deliver services. One of the implications is there is partial or no implementation of local government plans. Meager allocations for development budget suggest little to nothing developmental being undertaken at the local level. Health and education facilities are obviously ill-equipped to deliver such services because local governments are financially unable to procure necessary goods and services from service providers.

Conclusions

1. Recent decentralization reforms in East Africa are relatively ingrained with the vigor to strengthen local governments. The 2010 Kenyan Constitution has even gone further to establish a more autonomous system of sub-national governments in the country. However the fact that the Constitution only establishes two levels of government the principle of subsidiarity remains largely undermined. The newly introduced Kenyan system of local self-governance is most likely to risk the capture of power and resources at the County level at the expenses of sub-county communities. The fact that the established 47 county governments remains larger units an effective local self-governance would need to go beyond the county level for a more capable and responsive system of service provision.

⁶ Prime Minister's Office Regional Administration and Local Government (2011) <http://beta.pmoralg.go.tz/lginformation/reportc41112.php> Accessed February 10, 2013

⁷ Hakielimu (2011) "matoke ya utafiti wa ruzuku kwa shule za secondary" <http://hakielimu.blogspot.com/2011/03/mkatokeo-ya-utafiti-kwa-ruzuku-katika.html> accessed February 10, 2013

2. The service provision capacity of Tanzania local government is largely affected by power status of local government than it is the case in Uganda. The local governments remain largely weak in terms of decision making, human resources management and fiscal autonomies. This is largely because the country still lack a robust Constitutional and legal framework that empowers local governments. This calls for a more serious institutional reform. Ongoing process of constitutional reforms in the country provides potential opportunities for citizens and local authorities to pressure for a substantive local government system.

3. The lack of reliable and sufficient finances as well as qualified and adequate service delivery professionals continues to be a serious challenge facing local governments in East Africa. This has negatively impacted on their capacity to deliver services. The adequacy and reliability of finances is contributed to by overdependence of the local government to central government that financing over 90% of their budget. Coupled by budget deficits, arising from poor economies, and discretionary power of central government on budget matters shortages and unreliable financing of local governments will always be expected. This implies that without efficient country's economic performance as well as enlarged local government owns resource base the financing of local government will continue to be a challenge.

4. Underdeveloped nature of most rural areas in the region contributes in reducing human resources capacity of the local governments. Compared to urban rural councils are many in numbers and are relatively underdeveloped in terms of infrastructure such as roads, electricity and housing. This has impacted negatively on their capacity to attract and retain qualified personnel especially in scarce professions such as health. Therefore, building capacities of local government would also imply rural transformation.

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Vietos valdžios gebėjimai Rytų Afrikoje

Anotacija

Rytų Afrika, kurią sudaro Kenija, Uganda ir Tanzanija, kelis dešimtmečius po nepriklausomybės vystė centralizuotą sistemą. Visa tai susilpnino institucijas ir to padariniu tapo jų negebėjimas teikti paslaugas. Gebėjimų problemoms tenka kritinis vaidmuo pirmiausia dėl profesionalaus personalo trūkumo. Skurdūs biudžeto asignavimai sąlygoja ribotą vystymąsi arba net jo nebuvimą. Vietos valdžia šiame kontekste patiria finansinius ir personalo trūkumo iššūkius ir stokoja autonomijos priimti sprendimus. Kaimiškųjų rajonų neišvystymas infrastruktūros atžvilgiu yra iššūkis ir reikalauja kaimiškųjų rajonų transformacijos. Naujoji viešoji vadyba veikė reformos strategijas ir dar labiau decentralizaciją. Reformų strategijos teigiamai paveikė Tūkstanmečio vystymosi tikslų įgyvendinimą. Tačiau sveikos ekonomikos paieškos ir skurdo lygio sumažinimas vis dar turi materializuotis. Nepaisant šių iššūkių Rytų Afrika yra palyginti geresnėje būklėje nei kiti Afrikos žemyno regionai.

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