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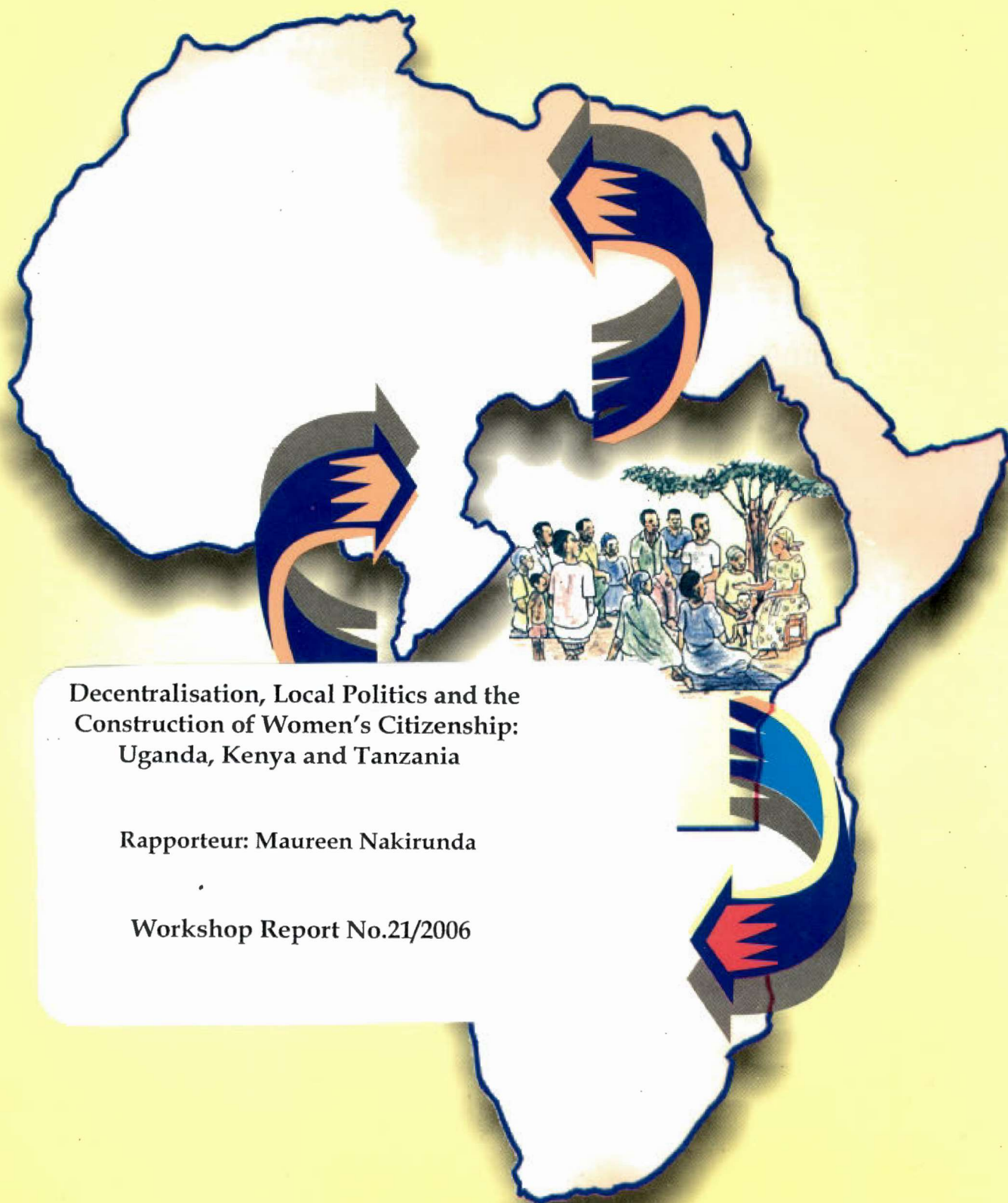
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Decentralisation, Local Politics and the
Construction of Women's Citizenship:
Uganda, Kenya and Tanzania

Rapporteur: Maureen Nakirunda

Workshop Report No.21/2006

Mission of the Centre for Basic Research

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

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DAY I

1. Introduction and Overview

1.1 Introductory Remarks

Dr. Simon Rutabajuuka, Executive Director, CBR

Dr. Simon Rutabajuuka warmly welcomed participants to the first regional workshop on behalf of the Centre for Basic Research. He said CBR had been in existence for over 15 years carrying out research on a range of issues of social significance in Uganda and Africa at large. He took a few minutes to introduce CBR and its work, which had been to carry out research mainly in the humanities and social sciences in the areas of constitutionalism, civil society, governance, gender, environment, and labour. He singled out these areas mainly because of their relevance to Decentralisation in Uganda.

He further thanked the International Development Research Centre (IDRC) for supporting the Project. He noted that this was collaborative regional Project with the Institute of Development Studies, University of Nairobi and the Institute of Development Studies, University of Dar es Salaam. He welcomed the collaborating institutions – IDS, Nairobi and the IDS, Dar es Salaam.

The Executive Director informed participants that the Project would contribute significantly to generate requisite knowledge not just for academic purposes but to influence policies and decisions of governments at different levels – central, local and non-state actors (including members of civil society) for the purpose of improving people's quality of life nationally and regionally.

1.2 Remarks by IDRC Representative

Ms. Mercy Rurii, Research Officer, Idrc-Esaro, Nairobi-Kenya

Ms. Mercy Rurii apologised for Pamela Michele Golah's absence due to health reasons. She informed participants that the Decentralisation, Local Politics and the Construction of Women's Citizenship Project was supported under IDRC's Women's Rights and Citizen's Rights, a new Project Initiative.

1.3   Official Opening Remarks

Mr. Benjamin Kumumanya, Representative of the Permanent Secretary, Ministry of Local Government, Republic of Uganda

Mr. Benjamin Kumumanya noted that there was need to research into the government sector, as Parliament had passed amendments and laws on decentralisation. He pointed out that LCs were supposed to be the highest political authority in their area of jurisdiction with the following functions:
1. Delivering services as the Council deems fit.
2. Exercising political and executive authority.
3. Upholding all the laws of the land.
4. Promoting democratic governance.
5. Implementation and compliance of all government policies.

He informed participants that the Local Government Act, 1997, stipulates that a third of local council members must be women. He noted also that there are parallel Women's Councils and the chairperson of the Women's Councils is automatically the Secretary for Women's Affairs at LC 1 and LC 2. The idea is to bring women's issues into LC agendas. For other statutory commissions, like the District Service Commission and the Local Government Public Accounts Committee, one out of its members must be a woman, according to the Act.

Mr. Kumumanya posed the questions: "What has been achieved over time?" and "How have women faired in the last 10 years when the Law (Local Government Act) has been in place?" He pointed out that a platform has been provided for the potential of women to be seen and for women's issues to come onto local government agenda. In his view, women had gained experience in successive councils. Currently, a number of deputy speakers and deputy chairpersons are women, more importantly, one district managed to produce one female chairperson at LC 3.

Mr. Kumumanya stressed that the role of research should be to help generate more sophisticated information to be used by gender activists by coming up with clear examples on the real gender distortions, and to inject new ideas into old debates.

He emphasized that gender mainstreaming is never complete until there is a budget line for gender. He argued that there is need for a study of the different grants. He also posed the question, "How do we involve women and men in budgeting?" and stressed the need to interrogate the decentralisation that a country is pursuing as this determines what local government can do. In the case of Uganda, Central Government is trying to take back some of the local government powers, for example Kampala District.

1.4 Project Overview

Dr. Josephine Ahikire, Project Coordinator, CBR

Introduction

Dr. Ahikire informed participants that this Research Project was coordinated by CBR to be implemented in collaboration with the Institute of Development Studies, University of Nairobi, Kenya, and the Institute of Development Studies, University of Dar es Salaam, Tanzania.

As way of introduction, Ahikire pointed out that decentralisation as a concept and policy reform has been so generalised and there seems to be consensus even among those who would otherwise fundamentally disagree on many other issues. Secondly, she noted that in the new millennium, 'no discussion of democracy would be complete without some reference to decentralisation' (Manor 1999). She posed the question: "What opportunities and contradictions are embedded in the region?" Ahikire emphasized that: (i) The contexts are different in terms of the histories of the 3 countries – The East African context – colonial heritage; (ii) Also, the forms of decentralisation - for example, district focus in Kenya, and citizen participation and participatory development in Uganda and Tanzania. (iii) Actors – central, local state, 'community' and Donors – that is, heterogeneous. In Uganda, more than 70% of district budgets are donor-funded.

Rationale

Dr. Ahikire justified the Project by mentioning the need to examine the emerging gendered patterns of political engagement since decentralisation is under-theorised and gender blind, concealing dynamics of power. She noted that the whole question of gendered construction of citizenship beyond formal definitions to unveil differentiated relationships of belonging, action and accountability between citizens and many different institutions that have influence over people's lives.

Proposed Research

Ahikire informed participants that CBR drafted the tentative proposal. She said that areas of emphasis would be:

- Women's rights as a central focus – a rights-based approach to decentralisation and local government in a gender perspective.
- The local – proximity breathes more life into gendered identities.
- Gender focused inquiry beyond enumerative dimensions.

General Objective

- To create a better understanding of women's location within the decentralisation processes with the aim of influencing policy, both national and regional.

Tentative Thematic Areas

The Coordinator provided the following highlights:

1. **Gender Inequality and the Question of Social-Economic Rights in the Context of Decentralisation**

   Objective: To analyse local government processes and identify critical points at which women's rights are either protected or abused.
   On many initiatives of rights, focus has been on political rights. The issue of social, economic and cultural rights has not been emphasized. Health, education, shelter and sanitation are handed out. They are not seen as rights.

2. **Gender Dimensions of Localism and Ethnicity**

   Objective: To examine the gendered ways in which local ethnic identities become operable in local politics vis-à-vis unitary citizenship.
   People have freedom for cultural determination, which emphasizes the 'us' and not 'them'. In Uganda, the division of districts to form new districts is because of the 'us' and 'them' phenomenon.

3. **Women's Political Representation and Strategic Presence in Local Government**

   Objective: To investigate the various capacities of women to make legitimate claims in decentralised spaces.
   What these numbers mean, what kinds of claims are possible, and who is the guarantor of these claims.

4. **Decentralisation and Women's Access to Justice: Relations and Outcomes**

   Objective: To establish gender dynamics in the administration of justice at local levels and implications for women's rights (what are the defining moments?).
   The issue of justice at local level is very crucial to women in Uganda.

Envisaged Project Activities
Ahikire informed participants that the anticipated Project activities were: Workshops, Research, Publication - books and policy briefs, regional conferences and capacity building programme- mentoring young researchers.

Expected Outputs
She said that the likely outputs from the Project were:
- Publications – background papers, working papers, books and policy briefs.
- Policy influence, including mobilisation.
- Research network.
- Modest contribution to research capacity.

Overview of the Workshop

Ahikire gave an overview of the next two days as: The presentation of Background papers from Uganda Kenya and Tanzania; Synthesis of context and issues; Concretisation of key areas for investigation; and, Networking and having fun! She ended by welcoming and thanking all the participants, acknowledging the presence of those from Kenya (Winnie Mitullah, Karuti Kanyinga and Mercy Rurii) and Tanzania (Rose Shayo, Edison Nyingi and Yahaya Namada).

Discussion in Plenary

A number of points were raised – one was that there was need to include cultural rights, because in the case of Uganda, it is the cultural rights that have a direct impact on the socio-economic and political rights of women. Under decentralisation, women are immersed into the cultural norms that pull them back. This is a strategic dilemma; when we decentralise, we pick what is valuable to the locals and what they decide to have. How do we ensure that some of the norms are not replicated in the decentralised system? How do we decentralise and respond to the local norms to achieve the common good and national good? When talking about decentralisation, we privilege cultural identities that further marginalise women's interests.

The second issue was to look at citizenship from the issue of claiming rights and obligations, and accessing rights and resources. What does decentralisation mean in terms of women accessing socio-economic rights? How does decentralisation affect women's citizenship? This is crucial when we are looking at local spaces.

There was also a key question raised about the relevant theoretical perspective, i.e., Women in Development (WID) or Gender and Development (GAD) approach. Some research areas will entirely require WID while others will situate themselves in GAD. The key issue within the GAD approach is relations. The critique of WID was that it was not looking at relations between men and women. Yet, very clearly, we are talking about women within the GAD approach.

There was an issue about the need to unpack participation in local governments in terms of gender – men's and women's space, opportunities, that is, the question of who was participating in the decentralisation processes and procedures, and who was benefiting?

Presentation of Background Papers

2. Uganda Background Paper

2.1 Decentralisation, Local Politics, and the Construction of Women's Citizenship: The Case of Uganda

Hon. Dora C. Kanabahita Byamukama, Member of the 7th Uganda Parliament, Mwenge South & Director, Law and Advocacy for Women in Uganda

The presenter noted that decentralisation has emerged as one of the most favoured approaches to good governance and sustainable development, and that Uganda has successfully implemented decentralisation of services and to some extent, resources. She emphasized that the principle question in this paper was: whose aspirations are fulfilled in the current decentralisation drive and with what consequences? Ms. Kanabahita informed participants that decentralisation was enshrined in the 1995 Constitution of Uganda and further detailed in the 1997 Local Government Act. She stated that the 1995 Constitution provided that the State shall be guided by the principles of decentralisation and devolution of government functions and powers to the people at appropriate levels where they could best manage and direct their own affairs. While the Local Government Act states that women should form a third of district councils and parish and village committees, she wondered whether women's presence on these councils and committees could translate into economic and social reforms that address gender inequalities in the communities.

The Background Paper was arranged along the thematic areas in the tentative proposal:

1. Gender Inequality and the Question of Social and Economic Rights in the Context of Decentralisation

Kanabahita informed participants that economic, social and cultural rights of women are enunciated in the 3 main international legal treaties that Uganda is a signatory to: (i) The International Covenant on Economic, Social and Cultural Rights (ICECSR); (ii) The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW); and, (iii) The African Charter on Human and People's Rights. Therefore, enforcement of economic, social and cultural rights needs to be examined in the context of the local level decentralisation. She regretted that in Uganda, economic, social and cultural rights have not been given the kind of attention that political rights have got. That attention to some extent has been given the global agenda of poverty eradication without refocusing this to the local levels.

She noted that local governments to some degree, exercise executive powers, legislative powers, financial and planning powers, administrative powers and quasi-judicial powers, and that these Local Government powers have an impact on gender

equality and economic, social and cultural rights. She posed the following questions: Are Local Government executive, judicial and legislative powers being optimally used to address gender inequality and economic, social and cultural rights? Are Local Council decisions enforced? How can Local Government effectively address socio-economic prevalent issues such as female genital mutilation, cohabitation, defilement, domestic violence, maternal mortality, etc? How have local governments used their legislative powers to enact by-laws and ordinances that address various socio-economic and cultural issues? Kanabahita contended that decentralisation offers an opportunity for local participation in decision-making, more so, in the implementation and accountability of the local government programmes.

2. Gender Dimensions of Localism and Ethnicity

The presenter argued that decentralisation in Uganda has led to localism; for example, districts are formed along ethnic lines. That decentralisation has led to the ethnicisation of several aspects including the recruitment of staff and management of the human resources. Therefore, there is need to examine the quest for new districts and how local ethnic identity becomes operable and how gender operates to construct these identities.

On this issue, the presenter noted that locality and ethnicity affects women differently from men. She pointed out the issue of marriage where a woman acquires the domicile of her husband, if she had not had the same domicile before. However, a married man is domiciled. She asserted that only the woman is obliged to get subsumed and lose her identity upon marriage. She made an observation that the issue of locality and ethnicity poses very unique challenges to women as opposed to men. She said the right of domicile is a very important because it confers permanency in a location, and it confers the right to vote and be voted for. When a married woman vies for office in Local Government, the first hurdle she faces is that of locality and ethnicity, whereas this is not usually the case with most men. More important is access to justice; for example, a woman married in another locality and ethnic group may find it very hard to use Local Council Courts that are presided over by her in-laws.

3. Women's Political Representation and Strategic Presence in Local Government

Kanabahita informed participants that legal provisions for affirmative action in the 1995 Constitution of Uganda and the Local Government Act, 1997, have increased women's political representation in local councils and Parliament with a minimum number of a third of elected LC seats reserved for women and a woman representative in parliament from each district. She revealed that despite these provisions, gender issues are compartmentalised within the Women's Council system and within the under-funded and poorly equipped district Directorate of Community Services. At the same time, because district planning is based on sectors

and doesnot incorporate a gender perspective, the meaning of gender mainstreaming within sectors is neither understood nor operationalised.

The presenter highlighted several issues that have remained unresolved: Whether women's representation should continue to be based on quantity or quality; the geographical size of the area that women represent; the unclear constituency that they represent and whether they should be eligible for more than two terms on the affirmative action seat.

4. Decentralisation and Women's Access to Justice: Relations and Outcomes

The presenter informed participants that Uganda has three legal systems: (1) Customary law derived from ethnic-based traditional culture; (2) Religious laws, in particular those based on the Koran and Muslim way of life; and, (3) Statutory laws.

She mentioned that the decentralised system of Uganda is based on Resistance Councils (now renamed Local Councils), which were established in 1986 countrywide at village, parish, subcounty and district levels. She made an observation that the enactment of the Resistance Committees (judicial powers) Status in 1987 resulted in the administrative units being vested with judicial powers. In 2006, this Law was amended to provide for the separation of the judicial function from the executive and legislative function in the decentralised setting and also provide for at least 2 women out of 5 to serve on the Local Council Court.

She further said that the decentralised political and legal environment in Uganda has increased women's access to legal and judicial services and consequently justice as the Local Council Courts are easily accessible by the local people; they are operated by the people's appointed representatives; use the local languages in their proceedings; are devoid of technicalities; are expeditious in handling cases; and handle simple civil cases rather than criminal cases.

5. Women, Conflict and Decentralisation

Kanabahita explained to participants that the Lord's Resistance Army (LRA) under Joseph Kony took up arms shortly after the National Resistance Movement (NRM) came to power in 1986 and she noted that the ensuing 2 decades of war have devastated much of Northern Uganda. She pointed out that the war is marked by extreme brutality against the civilian population as between 80 – 95% of Northern Uganda's 1.7 million people are displaced; abducted children make up the majority of LRA forces – approximately 35,000 children have been abducted over the course of the conflict with girls comprising 10 – 30% of child abductees. She emphasized that women and children are increasingly targeted in armed conflict, that the impact of conflict on women has dire consequences; rape is a weapon of war. Gender-based violence in form of defilement, rape and domestic violence are rife in areas of conflict. Kanabahita argued that women are traumatised by the effects of the war, including bearing unwanted children, contracting HIV/AIDS and suffering from psychological trauma all their lives. Women who bear children of rebels are

ostracised from the communities. She posed the following questions: "How has conflict impacted on women's rights? What types of abuses have these rights faced? What are the available avenues for redress of abuses? Do Local Government operations take into account women's unique challenges in war situations?"

The presenter informed participants that the three most accessible and responsive avenues for victims (and their families and clans) of forced marriages by the LRA rebels to seek reparation are: (1) Local Council Court system, (2) The Family and Children's Courts and (3) Inter-clan reconciliatory mechanisms. She made an observation that the Local Council System provides a link between the statutory bodies and local customary law, that it is within this system that some victims of LRA forced marriages are seeking legal remedy, most often in the form of child maintenance and damage compensation.

She stated that conflict has a poverty dimension; for example, women are forced to do all kinds of jobs in order to survive and provide for their families. It also has another dimension where social and religious norms no longer have a significant place in the community. She said social and religious norms, in some instances, oppress women and in other instances protect them, and thus expressed the need to examine the impact of conflict on women in relation to distorted social and religious norms, trends and implications.

2.2   Discussant

Ms. Judy Kamanyi, Executive Director, Kituo Cha Katiba

Ms. Judy Kamanyi thanked the presenter for sharing pertinent issues, especially since it was under decentralisation that men and women were given opportunity to make informed choices.

The discussant, however, noted a number of issues: Firstly, that although the title of the Paper was, "Decentralisation, Local Politics, and the Construction of Women's Citizenship: The Case of Uganda", the presenter made no attempt to deconstruct citizenship and to link it to decentralisation.

Secondly, the discussant noted that the thematic area, "Gender Inequality and the Question of Social and Economic Rights in the Context of Decentralisation" should factor in cultural rights. She pointed out that although the Ugandan Constitution is among the most sensitive, it had this far failed to protect women's rights, particularly in the cultural setting.

Thirdly, the discussant agreed with the presenter's assertion about the need to establish whether women's presence in local government had indeed translated into women's socio-economic and cultural rights. She pointed out that what was more important was the budgeting for gendered needs, for example, "Do health centres have facilities to address specific women's and men's needs?"

Finally, the discussant pointed to the need to address the use of women and girls as weapons during intra-armed conflict. She also argued that it was women

who advocated for conflict resolution while men perpetuated war, yet conflict resolution and peace building initiatives left out women.

2.3 Discusión in Plenary

A note was made that about the need to look at the history of decentralisation in the three countries as one that was not static, but was moving towards devolution. Critical questions were posed: "Is Uganda's decentralisation, for example, a new form of devolution, an attempt to move from delegation to devolution? How much political responsibility/authority is given to local governments?"

As regards women's issues, the following questions were asked: What do the forms of decentralisation mean for women's rights and empowerment? What are the implications of administrative forms of decentralisation for gender issues? Do numbers matter? What really matters? Does numerical strength make a difference in terms of policies? Concerning women, conflict and decentralisation, what gender issues are exhibited in northern Uganda? Are we likely to see different gender dynamics? How are local councils in conflict areas equipped and supported to address conflict issues, internally displaced persons and conflict resolution, and gender issues?

Participants agreed that there was need to carry out an ethnic mapping to find out how different ethnicities handle gender issues and the resultant gendered practices, particularly in the context of decentralisation, and what kind of values were brought into play in the decentralised systems.

3. Tanzania Background Paper

3.1 Tanzania Women in the Decentralised Economy:
Progress, Problems and Constraints

Dr. Rose Shayo, Institute of Development Studies, University of Dar ss Salaam

Dr. Shayo gave a solid background of decentralisation in Tanzania highlighting the various phases of the decentralisation programmes from the colonial time to the contemporary period. The presenter noted that the first phase (1884 – 1961) saw the introduction of the system of indirect rule. She made an observation that governance was in the hands of traditional chiefs empowered by the law to exercise some (limited) administrative, executive and judicial powers.

She argued that in the post-colonial period or second phase (1961-1972), the Government of Tanganyika did not scrap or restructure the inherited local government systems. She commented that the national government adopted the existing local institutions (Native Authorities) to involve the people in the local communities in the process of self-government. She noted that three categories of local government bodies were established, namely: the District (DC) and Town

Councils (TC) and one Municipal Council (MC). She pointed out that immediately after independence, elected District Councils and Regional Commissioners (RC) replaced the chiefdom system that was re-introduced by the British state.

The presenter mentioned that phase three (1972-1982) of the decentralisation process started with the decision of the government to abolish the local government authorities in 1972. She commented that many of the functions previously performed by national ministries were transferred to regions and districts where former local officials and technical officers continued to serve as members of the national civil service. She added that the regions and districts were to plan and implement local development activities, and administer their own local affairs, all with very minimum interference from the central government. However, the responsibility for national planning and development activities remained with the central ministries.

Dr. Shayo revealed that during the period 1982-1996, a new decentralised system (the Fourth Phase) of government administration was introduced. She stated that the main aim for reintroducing the new system of local governments was "to provide a more meaningful decentralisation of government administration by facilitating more effective democratic participation in decision-making and implementation at the village, district and regional levels". As was the case in the former phase, she said, emphasis was on enhancing people's participation, particularly in community planning. She added that the reintroduction was based on a Chama cha Mapinduzi (CCM) decision in 1980 and a set of five acts passed by Parliament in 1982.

The presenter informed participants that the fifth phase (1996 to-date), which is the current phase of decentralisation, was introduced in the mid 1990s, and is popularly referred to as the Local Government Reform Programme (LGRP). She said that according to the LGRP report (1999), its implementation started three years later (2000). She pointed out that the main objectives of the current decentralisation were "to improve the quality of, and the access of public service provided through or facilitated by the Local Government Authorities (LGA)". In brief, the main emphasis of the current LGRP is to transfer duties and financial resources from the central to the local government levels.

The author argued that at the formative stage of decentralisation, gender was not a major issue of concern. She added that, indeed, the current phase was more tailored to meet the needs and interests of donors, and hence it was not people driven; citizens' participation in the formulation of the current LGRP was rather limited. She noted that the current LGRP was formulated with assumptions that were not gender specific, and although the Local Government Reform Commission was created to oversee the successful implementation of the decentralisation programme, their Terms of Reference did not include gender as a unit of analysis.

The presenter also explained to participants that the Constitution of the United Republic of Tanzania (1977) called for 30% inclusion of women in key decision-making organs, including local government institutions such as the District Councils, Ward Development Committee, Village councils etc. Before this amendment, the number of special seats for women was not more than 20% for

women councillors. Indeed, sections 35(1) (c) of the Local Government District Authorities Act 1982 and section 19(1) of the Local Government (Urban Authorities Act 1982) called for the inclusion of special seats for women in District councils. She stated that the Local Authorities (Councillor's Elections) Regulations (2005) urged every political party that contested for the 2005 councillors' election to provide a list of eligible women who were to be nominated for special seats for women councillors in not more than 30 days before the Election Day, 30 October 2005. The presenter pointed out that political parties that participated in the 2000 councillors' elections were able to surpass the 30% target that was set by the National Electoral Commission (NEC).

3.2 Discussant

Ms. Assumpta I. Tibamwenda, Deputy Coordinator, Programme Coordination Unit, Ministry of Local Government, Republic of Uganda

Ms. Tibamwenda pointed out that this study came at a time when the three East African countries were implementing decentralisation policies and programmes. She emphasized that the key issues for contemplation were: Understanding the location of women in the decentralisation process within the East African region, he location of women in local politics and construction of women's citizenship in the overall Local Governance structure and systems. She contended that studying gender differences could help us expand our definitions of women's politics beyond more formal political histories, for example their inclusion or exclusion and overall placement in the social realm.

The discussant posed the following questions: Who sets the agenda within the decentralised system (whether political, administration, legal, or fiscal? Is it the people, the state, or political parties? What is the influence of donors? What is the political question vis-à-vis the question of women? Is the women question peripheral or core business of decentralisation? Has the amount of legislation led to commensurate improvement of women's socio-economic and cultural rights? What is the institutional framework for supporting the women question (Ministry, TANGO, and Associations)? What is their contribution? Has the "women movement" isolated the women question in the decentralisation question?

Ms. Tibamwenda made a comparison on policy and legislative systems between Uganda and Tanzania. She noted that Uganda had oscillated between central government control and near greater decentralisation with three phases of efforts to decentralise, while Tanzania had oscillated between central government control, partial decentralisation, power revoking and greater decentralisation with five phases of attempts to decentralise. She explained to participants that Uganda had: the Decentralisation Policy Strategic Framework; the Local Government Sector Investment Plan; Local Government CB Strategy/Policy framework; standardised training materials; established a CBU within Ministry of Local Government supported by TWGs from LMs; developed Mentoring Guides; revamped the human

resource development functions in Local Governments; right sized and rationalised job qualification.

Ms. Tibamwenda emphasized the need for a trend analysis for the gender and women question across the three East African countries.

3.3 General Discussion in Plenary

The general discussion rotated around the following questions:

- What is the impetus for and purpose of decentralisation? How does this address the question of gender and women's citizenship?
- At what stage were the men and women in Tanzania involved? To what extent were the Tanzanians and Zanzibaris included in the set up of decentralisation. What is the place of women in the different phases of decentralisation in Tanzania? What are the new forms of decentralisation and what do they mean for gender issues?
- What is the legislative context and institutional frameworks in which gender issues are anchored? What policy frameworks exist for the advancement of gender equality in Tanzania? What is the gender question that they seek to address?
- If decentralisation is good, why are we re-centralising?
- Are we talking about 'Tanganyika' and Zanzibar or Tanzania?
- What implications are likely if decentralisation relegates key government functions to cultural manipulation, especially amidst cultural diversities.

Participants pointed to the need to:

- Expand understanding of the theory of decentralisation beyond the liberal perspective to the Marxist and people's choice theories/ notions.
- Situate the gender question within decentralisation and to frame it politically.
- Capture the 'others' voices/ experiences of decentralisation, i.e., middle-class and peasants.

4. Kenya Background Paper

4.1 Still on the Road: Decentralisation and Women's Citizenship in Kenya

Dr. Winnie V. Mitullah, Dr. Karuti Kanyinga & Dr. Kaendi Munguti, Institute For Development Studies, University of Nairobi

The authors pointed out that decentralisation was back as a fashionable discourse, which is different from colonial decentralisation. They asserted that recent

years had witnessed a global surge towards decentralisation and demands for devolution in particular. And there was renewed interest to give power, autonomy and resources to local level units, specifically in promoting participatory democracy at the local level and moving away from the centre. Attached to this new emphasis was the expectation that decentralisation would provide the space through which citizens could exert their influence on development policies at the local level and call the state institutions to account. That is, decentralisation was expected to embed 'accountability and ensure responsive state institutions. The authors argued that, at ' present, decentralisation was receiving interest because it promised to reform state-society relations, based on the need to democratise the development space in line with popular aspirations. To them, democratic decentralisation was the development of reciprocal relationships between the central and local governments and between the local governments and citizen.

It was pointed out that in Kenya, there had been several attempts at decentralization; the most recent being the District Focus for Rural Development (DFRD) introduced in 1983. The main object of the strategy was to 'shift responsibility for planning and implementation of development from the headquarters to the districts'. Firstly, the responsibility for planning of multi-districts and national programmes was to be placed in the hands of the head ministries, while responsibility for the operational aspects of the district - specific rural development projects was to be delegated to the district'. Secondly, the strategy turned the districts into centres of development planning and co-ordination, project implementation, management, procurement of goods and services, management of personnel and provision of information. Thirdly, decision-making would centre on the districts. Finally, allocation of resources would be shared more equitably by directing to areas of most need.

According to the presenters, although its emphasis was on creating institutions through which people would influence development policies and implementation at the local level, the strategy became an avenue for patronage politics. Given the domination of men in Kenya's political space women had little voice in how the institutions of the DFRD operate. The District Development Committees (DDCs) and other institutions below it were and continued to be patronised by male politicians. DDCs also remained active institutions of political patronage throughout the Moi regime. Until 2002, Government administratively dominated DDCs and on many occasions threatened to lock out opposition political parties from the decentralised institutions and subsequently to lock them out of the development kitty. The authors posed the following questions: What is the current drive for decentralisation? Why is decentralisation coming back in vogue in different ways? How has decentralisation been designed in Kenya and with what consequences? Is decentralisation one of the structures for gender mainstreaming?

·The presenters noted that in all these experiences, there had been no place for women and gender issues; operation of decentralisation in Kenya had been blind to gender issues and did not seek to address gender inequalities. They argued that little effort was made to address constraints that faced women in channeling their development concerns through the avenues of decision-making. It was assumed that

women benefited from the decentralisation of power to local decision-making bodies due to their greater involvement in decision-making at community level. They pointed out that in many ways, DDCs became agencies of processing development projects that had been designed to satisfy political interests rather than the aspirations of local people including women. Because of domination of local politics by men, women issues were continually ignored.

The presenters contended that decentralisation tended to ethnicise administrative units, which resulted into a highly ethnicised society, racialisation of the administrative institutions, and unbalanced development. They argued that at the time when DDCs were effective as avenues for channeling state resources to the local level, various ethnic sub-groups sought to have their own distinct identity. The presenters also pointed out that the result was further ethno-regional fragmentation on basis of territory and space; space was given identity and territory was ethnicised. For example, Government created new districts in line with demands for new identities; new ethnic sub-groups evolved and acquired territorial and administrative status through decentralisation. They made an observation that while the process of deconstructing existing identities and constructing new ones was on-going in the political arena, important issues of gender equity, democracy and governance fell out of the reform agenda. The authors argued for the need to examine the politics of ethnicity in relation to decentralisation and women's citizenship. The authors further argued that in the construction of new territorial identities, the place of women in the evolving decentralised structures was ignored. They contended that the extent to which this threatened womens social and political citizenship was a matter of debate. The authors posed the following questions: (1) What is the nature of the relationship between decentralisation and ethnicity? (2) How does the inter-play between decentralisation and ethnicity affect women at the local level?

4.2 Discussant

Dr. Yasin Olum, Head, Department of Political Science and Public Administration, Makerere University

The discussant made an observation that the theory that the paper considered was liberal theory, for example, Structural Adjustment Programmes (SAPs) and the liberal reform of the State. He suggested that there are other theories that the authors could consider looking at.

He advised the authors to consider quality inferences, for example, what the past decentralisation models were and what could have been the failures of these models, as this would be helpful for identifying gaps in the past models.

He emphasized the need for an understanding of the notion of decentralisation. To this effect, he posed questions such as: With regard to the measurement of decentralisation, what are the indicators of being more or less

decentralised? Should we have a narrow localist perspective, or bring back state governance?

The discussant also noted that political participation and decision-making was fundamental. He asked the questions: What are the key decision-making and political issues that are significant for women that need to be engaged? Is it enough to talk about institutions of participation? (He argued that we can have institutions of participation and people don't participate). What are the factors that cause apathy that even with institutions, people don't participate in institutions of democratic governance?

The discussant pointed out that the paper was suggestive that if Kenya had opted for devolution, perhaps women would have benefited. He claimed that the failure of decentralisation to benefit women might be larger than the policy. He posed the following questions: What is decentralisation in Kenya doing for women? Does decentralisation have anything to offer for women? What is the place of women? Where are women located within decentralisation and ethnicity? To what extent will decentralisation facilitate or hinder the cause of women? Must issues affecting women be handled by women only? He argued for the need to broaden the focus to how men can be brought on board and also noted that citizenship was not well defined and advised that the authors needed to clearly come up with an interface between women's citizenship and decentralisation.

On patrimonialism, the discussant made comparison between Uganda and Kenya. He noted that patronage politics affecting Kenya was not different from what was happening in Uganda. For example, was a district created for the delivery of services or political purposes? How was decentralisation going to structure state-society relations? He argued for the need to look at the patron-client relations within decentralisation. Could decentralisation be a solution to ethnicity?

4.3 General Discussion in Plenary

An observation was made that people's demand for decentralisation was an indicator of the state's failure to deliver services; coupled by economic inequality and the need to take services closer to the people. Participants posed the following question: In trying to attain economic equality, how much room is there for women's issues? Are women homogeneous? It was noted that the political, socio-economic and cultural contexts (peace, war, land tenure) are very important in analysing decentralisation. What is happening to people's identities as a result of decentralisation? Participants agreed about the need for the definition and redefinition of community/local politics and what dynamics are taking place?

With regard to participation, there is need to understand what is going on at the different local levels, as each level has different interests. There may be different reasons for participation or lack of participation at the different tiers/levels. Participants wondered what the processes of decentralisation bring about at different levels of the community. It was noted that one of the aspects is participation in decision-making. Participants asked the following questions: Are

women interested in participating in decentralised governance? How do you measure interest; is it in turning up to vote or standing for political office? If women are not interested in participating; why? How do women exercise agency, if they cannot self-organise?

It was noted that there were two definitions of citizenship: (i) the legal i.e., a person belonging to the nation, state, and (ii) the socio-cultural definition, which falls outside the formal/legal definition. Citizenship is segmented into different layers. Is women's citizenship different from general citizenship? An observation was made that the paper concentrated so much on women's citizenship but did not address the question of political space.

DAY II

5. Synthesis f Key Research Issues from Background Papers and Discussions

Ms. Maureen Nakirunda

The rapporteur synthesized the following research issues from the Background Papers and discussions of day one.

Crosscutting Issues
- Definition and indicators of decentralisation.
- History and nature (characteristics) of decentralisation.
- What is the impetus/drive and purpose for decentralisation?
- Theoretical and conceptual frameworks.
- The forms of decentralisation. The three East African countries have some form of decentralistion. What the new forms of decentralisation mean for gender relations and women's empowerment? Are the gains women have achieved a result of delegation, deconcentration or devolution, or is it a result of the constitutional provisions?
- Qualifying where past models have failed in addressing gender equality and women's socio-economic and cultural rights.
- Mapping out the gaps and constraints in the decentralisation process.
- What services are being decentralised, to what level?
- Women's Citizenship: Gendered construction of citizenship beyond the formal definitions to unveil differentiated relations of belonging and accountability. E.g., cultural entities define forms of citizenship. Look at citizenship from the angle of claiming rights and obligations. How does decentralisation affect women's citizenship? How does decentralisation address the question of gender and women's citizenship?

Gender Inequality and the Question of Socio-Economic and Cultural Rights in the Context of Decentralisation
- What does decentralisation mean in terms of women accessing socio-economic and cultural rights? It should go beyond political representation to citizenship rights and access to services.
- The nature of people's engagement with local government on economic issues and people's livelihoods, including the informal sector.
- What is happening to people's identities as a result of decentralisation?
- Definition and redefinition of local politics and the dynamics taking place.
- What are the kinds and forms of voices in local spaces – the poor middle class?
- Ethnic Mapping, particularly how different ethnicities treat gender issues and practices in the context of decentralisation. The kinds of values brought into play.
- Local institutions and implications for women's access to justice.

- How women's organisations link with the institutions of power at local level – How do women's organisations enhance or constrain women's access to socio-economic and cultural rights?
- Existing legislation to address gender inequality – What types of policies exist?
- Can we look for gender equality in an undemocratic process? Is socio-gender equality part and parcel of what defines democratic governance and what decentralization means?

Women's Political and Strategic Presence in Local Government
- Examine the emerging gendered patterns of political engagement, political participation and decision-making.
- Do numbers matter? What really matters? Does numerical strength makes a difference in terms of policy processes? To what extent does decentralisation facilitate of hinder the cause for women?
- What was happening during Resistance Councils (RCs) in terms of the centre-local? What was gained or lost in terms of opportunities? What experiences have been gained in successive councils?
- Performance of the women's movement in the decentralisation context.
- Patronage politics: Patron-client relations within decentralisation, particularly in service provision and access to resources. Does patron-client politics affect women in local politics? How do women organise to change?

Women, Conflict and Decentralisation
- How are local councils in conflict areas equipped and supported to address conflict issues, internally displaced persons, and conflict resolution? For example, are we likely to see different gender dynamics in Northern Uganda?

6. Operational Research Agenda and Prioritisation of Research: Key Questions

Following the rapporteur's presentation of the synthesized research issues, participants in plenary discussion identified research issues and questions along the following themes:

Cross Cutting Issues

1. Citizenship and Identity

Citizenship

Participants made an observation that the general notion of citizenship conventionally had only one meaning, that is, of membership in a community/state/country, as one is defined to fulfil certain rights. It was pointed

out that the state had obligations to protect and promote one's citizenship: Participants noted that the notion of citizenship had to be expanded, e.g.,

1. What are the obligations of the state to its citizens? Are we able to enjoy the rights in the same manner; civil and political rights on the one hand, and socio-economic and cultural rights on the other? Women are not enjoying these rights not because the state has blocked them but because of the socio-economic and cultural environment in which they are located.
2. What are the obstacles to women enjoying their legal and political citizenship?
3. What is social citizenship? Cultural entities define forms of citizenship.
4. There is need to deconstruct and investigate/interrogate citizenship, particularly the gender dimension.
5. The notion of citizenship presupposes active engagement. Therefore, we need to analyse the ways in which women organise.
6. How do women citizens engage in local governance? Are citizens aware of their civil and political rights and obligations? What is the source of this information?
7. What is the understanding of citizenship? Who constitutes a citizen?

2. Identity

1. The gender implications of different forms of identity (name, community, domicile, legal, social status, membership, etc.).
2. Are women faced with an identity crisis/ challenges at the local level? Link space and identity versus decentralisation and gender relations.
3. For whose purpose are districts created?
4. How do we gain or lose identity?
5. Changing identities and gender relations.

Specific Research Issues

1. Socio-Economic and Cultural Rights

1'. Do women enjoy the same socio-economic and cultural rights as men?
1. What are the social constraints that face women in the context of decentralisation? Does decentralisation alleviate or reinforce these constraints? What does decentralisation mean for various basic services?
2. What is the level of service delivery (trends/ timeframe)? What services are women getting? At what level? Who provides these services? What constraints do women face in accessing these services?
3. What are the implications of access to and ownership of productive assets (movable and immovable) for women's economic rights?
4. What is the relationship between cultural institutions, norms, and values and the decentralisation processes: Does decentralisation entrench or destabilise cultural norms and values? And if so, in what ways?

5. How does decentralisation affect the informal economy and with what implications for women?
6. What are the economic rights of women and women's economic space within the decentralised system?
7. What does the tension between customary laws and statutory laws mean for women in a decentralised context within alternative/ informal institutions dispute mechanisms (such as Local Council courts, khadhi courts, ecclesiastic courts, and clan courts in the case of Uganda). LC courts are quasi-judicial and the law they administer is customary. In addition, Uganda has set up land tribunals. What are the forms and institutions of justice within the decentralised system?
8. What are the implications for women's access to justice of quasi-judicial systems?

2. Ethnicity

1. Ethnic mapping and inherent gender relations. Focus needs to be put on ethnic values that interface with local governance, with Ethnicity as a driving force behind decentralisation and how gender is played out.
2. Women's agency and ethnic definitions of leadership and governance should be considered.
3. Ethnic tensions, decentralisation and gender issues: Who are the actors, losers and winners?

3. Justice

1. "Access" to justice in decentralised arrangements.
2. Type of the laws (customary and ecclesiastic, statutory) and content of the law pose constraints to justice.
3. Clash between the cultural aspects and Local Council courts.
4. Justice in the sense of what women would like to see.
5. Do Local Council courts operate? How? Over what cases? Records, supervision and enforcement?
6. Interface between family courts and Local Council courts.
7. What types of local institutions protect or can be used to protect women's rights and advance gender equality?
8. Factors that determine women's choice of justice systems.
9. Defining moments in the administration of justice at the local level (trends, cases, landmarks).
10. The condition under which women lose rights.
11. Conditions that promote or erode women's access to justice.

4. Political Patronage

1) The forms and characteristics of patronage politics.

2) Who are the actors/actresses in patron-client relations at local level?

3) Patronage politics forms relations with people outside their sphere of influence for domination through control and distribution of development resources. How are support constituencies and networks built? Patronage politics involves willing power within the local context. In most cases, women play as clients and not necessarily as part of patronage.

4) What kinds of patron-client relations are brought about/ engendered in the process of decentralisation?

5) How does decentralisation impact on patron-client politics and with what consequences on women?

6) What does patron-client relations do to women at local governance/decentralised systems? Do women gain or lose in decentralised patronage?

5. Women's Political Representation and Strategic Presence in Local Government

1. Identify and distinguish between institutions of local governance and political institutions and women's representation.
2. The judiciary and women's representation.

6. Women's Movements/ Organisations

1. How have women's movements performed under different forms of decentralisation?
2. What challenges and constraints are faced by women's movements under decentralisation?
3. What are the legal provisions that inform the women's movements?
4. How women are organising, and with what implications for the articulation of their rights within the decentralisation processes.
5. What are the different forms of women's movement?
6. To what extent are women's movements advancing the women's cause/ agency versus the state? Whose interests are they representing?

7. Women, Conflict and Decentralisation

1. There is need to unpack conflict.
2. What kinds of conflict have emerged?
3. How are local councils in conflict areas equipped and supported to address conflict issues, internally displaced persons, and conflict resolution? E.g., are we likely to see different gender dynamics in Northern Uganda?
4. How armed conflict affects decentralisation and gender dynamics.
5. What are the gender dimensions of service provision?

7. Organisational Issues

Consensus was reached on the following issues:

7.1 Unit of Analysis (Level/layers)

1. Decentralisation will be analysed as far as there is an engagement (direct interface) between the people and state processes at the local level.
2. Tiers and districts.
3. The district and below as the unit of analysis, i.e., activities/functions; type of authority – administrative, financial, service provision, legal; to what level – LC1, LC3; to whom the powers are given; PRSPs; representation.
4. Are we going to take project or programme and analyse the gender gains? Will we use a case study approach?

7.2 One Study versus Separate Studies within a Country

8. Each country is expected to conduct several studies focussing on different aspects, and to produce one report with several chapters.
9. Each country should produce a book and journal article.
10. The research Project should produce and East African book and a comparative journal article.

7.3 Research Themes

The main focus of the research Project is decentralisation and how gender plays out within the decentralisation context. Participants agreed on the following research themes:

i) Gender Inequality and the Question of **Socio-Economic and Cultural Rights** in the Context of Decentralisation.
ii) **Ethnicity and Identity.**
iii) Access to **Justice.**
iv) **Women's Representation and Participation** in Local Government.
v) Women, **Conflict** and Decentralisation.

8. Contribution of the Planned Research Project

Participants noted that the planned research Project would contribute:

- New definition of decentralisation and how it affects women; decentralisation from the women's socio-economic and cultural rights. This research Project will problematise the definition of decentralisation.
- Knowledge in the area of legislation.

- Investigating the impact of numbers. What are the dynamics of the women's numerical representation?
- Linking women's movements and organisations to the sources of power at the local level/decentralisation.
- Capturing what the ordinary voices are saying about women's citizenship and whether these people's voices are different, noting how these voices differ or reinforce each other.
- Interrogating the interface of development theory and gender-related theory and with what results.
- Analysing what strategies women have taken to develop.
- Comparison of the women, experiences of decentralisation within the different countries.
- Does policy to address gender issues matter?

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15. **Frameworks for Citizen Participation in Local Governance**; by Samson James Opolot and Frederick Ssali, Held at Hotel Africana, Kampala – Uganda, on 26th July 2002; 28p.
16. **Post-Colonial Studies in Africa;** Report of a workshop held at Hotel Africana, Kampala – Uganda, on 2-3 July 2001, Prepared by Dr. Yasin Olum, Edited by Richard Ssewakiryanga, 2003. 68p.
17. **Industrialisation in Uganda: Challenges, Sectoral Mix, Labour Conditions and Policy;** Report of a Workshop held at Fairway Hotel, Kampala – Uganda, 12-13 August 2003. Prepared by Nsubuga Charles Henry and Sheila Gashishiri, 2003. 51p.
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20. **CBR Capacity Building Programme Gender and Decentralization,** Report of the Workshop held at Colline Hotel, Mukono, 10-12 April 2006, Rapporteur: Maureen Nakirunda, 32p.
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