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Editorial

This issue of *KIU Journal of Social Sciences* touches on governance, development and organizational management. Kyohairwe, Auyeh, and Mwesigwa examine various aspects of citizenry participation in decentralized political settings. Kyohairwe argues that whereas citizens are hoped to bring their governments to account, in Uganda's decentralized system, the activism of many citizens participating in the political process is foiled by their pursuit of egocentric interests. Accordingly, she argues that the opportunities for citizenry participation in political processes that are offered by the country's decentralized setting should be complemented by efforts towards building a politically effective citizenry. Auyeh examines the political and administrative context within which civil society organisations in Uganda emerged and are operating. He contends that while decentralisation opened an operational sphere for these organisations to mushroom, their effectiveness is hampered by shortfalls in the levels of their internal democracy, accountability and transparency. On the other hand, taking the case of Hoima District Local Government, Mwesigwa reports that citizenry participation in political governance significantly contributes to the quality of social services delivery, the inference being that citizens should actively participate in the political governance of their local governments. Indeed, in another article, he implicates voters' behaviours for the incidence of poll violence in Uganda, further emphasising the prominence of their role in causing and solving governance and development related problems in the country. Kyohairwe discusses the question of quotas of women representatives to political decision making organs. Grounded on an insightful theoretical review, the paper examines the arguments for and against the quotas and the modes through which the quotas are implemented before reporting the findings of a study that probed the relevance of these quotas.

Opolot, Natolooka and Kibikyo write on women's rights to land; transnational and multinational corporations; and pro-poor growth policy respectively. Starting with examination of the indispensability of land in production, Opolot's paper discusses the socio-political hindrances to women's access to land as well as the consequences of the deprivation of women's land rights after which it makes a case for women's right to land. Natolooka notes the potential of transnational and multinational corporations to contribute to *both* the observance and abuse of social and economic rights in their host

countries. Subsequently, the paper recommends the regulation of these organisations, to ensure that they do not promote the abuse of social and economic rights in their host countries. Finally, Kibikyo examines the pro-poor growth policies implemented in Uganda in the 1990s and 2000s, giving specific attention to the performance of the policies at micro and macro levels.

Under organisational management, Natolooka discusses the applicability of Herzberg's Two Factors Theory of motivation to Bank of Uganda. Using primary data elicited from a cross section of employees of the Bank, he concludes that the theory is applicable to the Bank albeit partially, meaning that application of the propositions of the theory in the Bank, and similar organisations, should be judicious. Kayombo et al. report the findings of a study that delved into the quality of piped water in Dar es Salaam City. They report that household water in the area is contaminated with faecal coli form, an indication of secondary contamination and inadequate treatment. Finally, Salami reports evidence of relationship between job stress, counterproductive work behaviour and negative affectivity.

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Part One

Governance and Development

Weak Publics, Strong Institutions? Re-assessing the Relevance of Citizens Political Participation in Uganda's Local Governments

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Abstract. Strong institutions emerge from powerful publics. This paper considers these publics to include “individuals in direct contact with government agencies”, “the geographical community” and “special interest groups”. These are instrumental in the government decision-making processes because they can influence government’s actions. They are presumed to possess the competences required to evaluate their government’s inputs, assess the performance of public programs and seek policy influence as legislators. Their political activities are also presumed to have an underlying objective of influencing government to address citizens’ needs and to refrain exercising arbitrary power. While Uganda’s decentralized system of government offers opportunities for citizen’s participation in political processes, the activism of many citizens participating in the political process is foiled by their pursuit of egocentric interests. Consequently, their citizenry roles, and the institutions this role is intended to influence, are feeble. Therefore, it is argued that although opportunity for political participation is a necessary condition in the building of strong institutions, such opportunity must be complemented by an effective citizenry.

Keywords: Political Participation, Local government councils, Public Choice Theory

1 Introduction

Political participation appears in the contemporary debates as a cardinal way of empowering citizens. The virtue of participation in which the governed are involved in their government is widely conceived as a cornerstone for democracy. It is a channel of communicating citizens’ preferences and influencing policy decisions in favour for the public goods. The political participation practice though varies across the globe, which in many instance defeats its essence. The participants come to a political scene with the aid of factors and actors that eventually compromise their participatory citizenry roles. This paper reviews theoretical assumptions held on political participation, and attempts to assess ways in which these rally with the political participation in Uganda.

2 Theoretical Framework and Assumptions

2.1 Publics and Institutions

In the existing scholarly work, the terms Publics and institutions may carry diverse meanings. For the purpose of this paper however, Publics signify “the individuals in their direct contacts with Government agencies”, “the geographical community or “the interest groups” (Johnson, 1992:248-9). The Publics in this context therefore signify citizens. Institutions on the other hand consist of the government agencies and the Legal Code that regulate the structures of these agencies. Institutions provide opportunities for the publics to participate. They may be national or local in nature, consisting of a range of agencies such as commissions or Boards, or they may sub-national level governments like municipalities, districts, political party structures or other local political structures.

The key assumption held here is that strong institutions endure with powerful citizens who are capable of indulging into political participation in a fair manner. The Subsequent discussions therefore attempts to assess which publics dominantly participate and to assess the participants and the nature of institutions they operate in. Because institutions are varied, sub-national level governments are the focus of this discussion. Since the Publics also connote a wide range of categories, the discussion opts to zero on one contemporary phenomenon of women social group.

2.2 Concept of Political Participation

While the definition of the concept of political participation remains controversial, it is considered to be “activities by private citizens that are more or less directly aimed at influencing the selection of government personnel and/or the actions they take”(Verba and Nie 1972:2). In a similar manner, political participation is conceived as “those actions of private citizens by which they seek to influence or support government and politics” (Milbrath and Goel 1977:2). Parry Geraint et al on the other hand use a broad definition of political participation to signify “taking part in the process of formulation, passage and implementation of public policies” (Geraint, Moyser et al. 1992:16). According to Sherry Arnstein however participation is “the redistribution of power that enables the have-not citizens, presently excluded from the political and economic processes to be deliberately included in the future” (Arnstein 1969:216).

The first three perspective of political participation suggest the citizens’ active role in influencing political outcomes, which does not only depend on the government system but also on social attitudinal characteristics of individuals

(Almond Gabriel and Verba 1963; Verba and Nie 1972). However, Arnstein's definition has an additional flavour concerning a fair share of resources and opportunities above the citizen's inducement of social reforms. Her definition also signifies that participation connotes "empowerment" of the have-nots in determining how information is shared; goals and policies are set, financial resources are allocated, programs are operated and how benefits are parcelled out (p.216). In Verba et al contention, political participation activities are considered to be participatory; and participation is limited to the government and to a system with regular and legal ways of influencing politics (Verba, Nie et al. 1978).

2.3 Essence of Participation

Political participation is perceived as a citizen's attempt to influence the government decisions. It is seen as a way of communicating citizen's preferences to the government; and also as a process of setting goals, and choosing means and priorities to obtain such goals. Participation is further seen as a key political formula for democratization. In its residual functions, political participation is also theorized to serve as an education device through which civic virtues such as responsibility are learned (Verba and Nie 1972). Citizen's participation is considered to be instrumental in the government decision-making processes based on the assumption that they have capabilities to influence government actions. The publics are presumed to possess competences to evaluate their government's inputs, observe public programs to assess the performance, and seek to influence policy decision as legislators. They aim at influencing means of implementing government decisions. The publics are further presumes to be instrumental in changing government behaviour so that it responds to citizens needs and desires and to refrain it from exercising arbitrary power. It also aims at promoting accountability and leaders' responsiveness. Participation of the citizens is also intended to change citizen's behaviour by providing therapy to alienated and socially disturbed citizens, and by enabling persons to exercise and enhance their vigilance over government. It also helps them to develop their leadership skills (Johnson, 1992:256-258)

While political participation arguments seem to vary, a convergence of most views seem to be about realizing democratic values. In simple terms, David Beetham considers democracy to signify "the collectively binding decisions about the rules and policies of a group, association or a society...subject to the control of all members of the collection considered as equals" (Beetham 1999:154). Beetham thus reiterates the relevancy of observing the two democratic principles of *popular control and political equality*. Popular control underlines direct individual participation in decision-making process through equal rights to vote on law and policy. He notes that direct decision-making is practical in small organizations; and that citizens of complex societies make indirect decisions through elected representatives. The

principle of political equality in democracy is equality of votes between electors, equal rights to stand for public office, equal conditions to make one's voice heard and equal treatment at the hands of legislators. Beetham's views are agreeable to argument of Verba and Nie' claiming that the extent of democracy in a nation is measured basing on such political rights (Verba and Nie 1972:334).

Citizens thus highly engage in political participation so as to realize democracy. On the other hand however we also recognize that effective political participation is obtained under democratic governance. Indeed Aars and Offerdal rightly observe that "democracy is measured not only by the degree to which actually pursued policy mirrors citizen's opinions, but also by the degree to which citizens actively take part in shaping political decisions" (Aars and Offerdal 1998:207).

2.4 Modes of Political Participation

Political participation is theorized to appear in a number modes and activities which Verba and Nie classify into two critical modes: 1) electoral modes of activity which influence leaders by applying diffuse pressure; and 2) the non-electoral modes of activity that influence leaders through communication of information. The electoral modes include voting and campaign activity and are considered to be the major ways in which individuals participate in politics. The non-electoral modes include citizen-initiated or particularized contacts, and group organization activity (Verba and Nie 1972:46-7). These prepositions have been perceived by a host of other political theorists who consider participation activities as particular actions like: joining pressure groups, attending public inquiries and making demonstrations, holding meetings with representatives, lobbying, petitioning and problem presentation to public offices. The actions also extend to writing letters, making a monitory contributions, and seeking public office (Prewitt and Verba 1975; Milbrath and Goel 1977; Geraint, Moyser et al. 1992)

Voting is a tool of selecting the political leaders that has minimal communication but exerts influence over leaders through generalized pressure. Its scope and outcome are considered to be broad covering all citizens. Similar to the voting, political campaigns are also seen as an activity for exerting pressure and influence on the political leaders. Campaigns however are commended for their ability to convey moderately high information to the government and the public in comparison to the vote. Communal activities as a way of participation convey much information to leaders but they may exert low, moderate or high pressure depending on the prevailing circumstances. With particularized contacts, there is high information given to the political leaders but a low pressure for their responsiveness.

In addition to the above range of modes of political participation, Sherry Arnstein develops yet another conception of citizen's participation. In her

Ladder of Citizen Participation, Arnstein demonstrates that participation occurs at eight different levels as indicated in Figure 1.

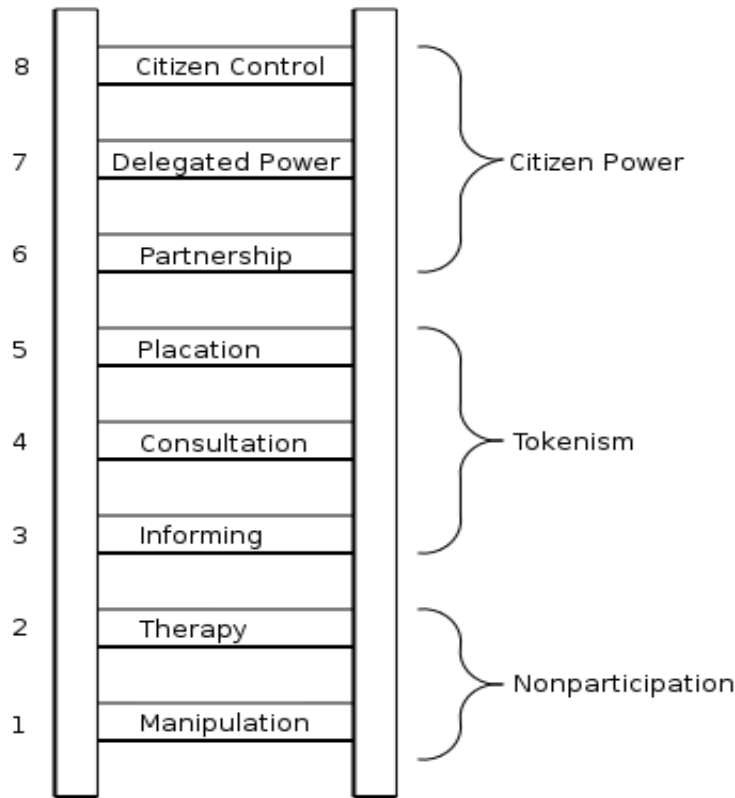


Figure1: Eight Rungs on a ladder of citizen Participation
Source: Arnstein (1969)

The types of participation arranged in a ladder pattern with each rung corresponding to the extent of citizen's power. At a lower level, Arnstein considers participation as "manipulation" or "therapy" Arnstein finds these rungs more as non-participative but rather appear to be are created as conditions to enable power holders to "educate" or "cure" the participants.

In the middle of the ladder, she perceives participation to appear in form of "informing" "consultation" and placation. Informing and consultation enable the have-nots to hear and to have a voice although the participants may lack power to ensure that their views are heeded to. With placation however, the form of citizen's participation becomes a higher level tokenism enabling them power to advise while the power to decide remains with the leaders. Yet in the topmost rungs, participation is conceived to serve as "partnership" that enables the citizens to negotiate and engage in tradeoffs; as "delegated power" and

“citizen control” where the have-not citizens obtain a higher hand in decision making or full managerial power (Arnstein 1969:217).

A general observation of Arnstein’s theoretical conception of participation not only informs us of the typologies but also the gradation of ways in which citizens and the leaders relate in the participation process. Her analysis underscores the essence of the have-nots having real power in the participation process. Whilst critics of Arnstein’s participation theory argue against the banding of all citizens as homogeneously powerless “have-nots”, her theory remains relevant in assessing the citizen’s participation in the Ugandan context.

3 Methodology

3.1 Political Participation in Uganda

Political participation in many studies is largely assessed in form of electoral modes of activity like voting, campaign activity and political representation. We recognize however that participation additionally covers a wide range of non-electoral mode activities like particularized contacts, pressure groups activity, demonstrations, campaign activism, lobbying, petitioning and holding political meetings.

The electoral and non-electoral modes are certainly too many for a quick analysis within this paper. For methodological and analytical simplifications, this paper as earlier noted centres on a study of women as one category of citizens emphasized in the contemporary political participation debates. It considers the current trend of involvement of women – as former “have-not” citizens – in an attempt to make them directly influence policy decisions and for democratic purposes. The data used in the paper is part of a bigger study on women political representation in Uganda local governments (Kyohairwe 2009). The major focus relates to the factors and actors influencing women political recruitment process and how these impact on their political performance within the local government institutions. The data collected in 2006/2007 covers nine local governments (rural and urban) and 54 respondents through in-depth interviews.

3.2 Women Political Participation in Local Councils

Local government councils in Uganda comprise of male and female councillors who represent constituencies. The councils also consist of other councillors that include: 2 youth councillors (1 male and 1 female); 2 councillors with disabilities, (1 male and 1 female); and women councillors that form one-third these councils (the other categories form two thirds of the council) (Uganda 1997: Sec 10 and 23). Further, the local governments consist of executive committees with a chairperson, Vice chairperson and a number of secretaries

not exceeding three of whom *at least one must be a female* (Sec 16 and 25 of the Act). The women representatives therefore have reserved seats (quotas) that have enabled their numerical political participation to an average of 30% in the national legislatures and 40% in the municipalities and district local government councils (Kyohairwe 2009).

3.3 Council Women Quotas

Council women quotas are institutional structures created to enable women participate and be recruited into politics. Legally, local government council women quotas are provided for, under Article 180 (2) of the Uganda constitution. The law stipulates *one third* of the membership of each local government council to be reserved for women. This law is operationalised by the Local Governments Act (LGA 1997) that specifies the mode of council constitution to include the women quotas and provides the formula to obtain the women numbers and constituencies (Uganda 1997:Sec 108 & 110). The women constituencies are averagely two sub counties – twice as big as ordinary constituencies – and these are added to the ordinary constituencies. This is what the existing literature terms as “add-on” method of women quotas (Ahikire 2003; Goetz 2003b). The Uganda mode of women quota differs significantly from quotas elsewhere that consider the reserved seats as part of the ordinary constituencies.

Some empirical arguments about women quotas in Uganda have critiqued the relevance of women councillors in as far as their political effectiveness is concerned (Tamale 1999, Goetz 2003b, Ahikire 2003). They appraise women’s ability to use ‘voice’ to publicize issues of concern to women, to use electoral leverage to press demands on decision makers, to trigger better responsiveness from the public sector for their needs, and better enforcement of constitutional commitments to women’s equal rights. Goetz in particular argues that the women political quotas brought women into politics “on the principal of extending patronage to a new clientele and extending the state”; and that women basically serve as “a large vote bank” (Goetz 2003b:120). The critique further points to absence of institutionalized political parties as a huge shortfall in the women political participation with minimal means of asserting their rights to be fronted as candidates in open elections, of bringing membership pressure to bear on party executives to introduce gender sensitivity in the staffing of party posts, or using the dynamics of multi-party competition to develop political clout around a gendered voting gap.

4 Findings

The study about that assessed women political representation in Uganda established that women at local levels are at 41%, a number that is slightly higher than at national level where women occupy 30% (Kyohairwe 2009).

4.1 Factors Influencing Women's Participation in Uganda

Women political participation representatives can be clearly understood based on analysis of a number of indicators. One key indicator used in the study was political recruitment. The rating by the respondents ranged from being “*very important, important, less important and not important*” and the findings of “*what*” influences participation of women was as per Table 1.

Table 1: Factors Influencing Selection of Female Councillors and Political Leaders (N =54)

Factor	Councillors		Political Leaders	
	Frequency	Percentage	Frequency	Percentage
1)Government Laws	49	90.7	52	96.3 #2
1)Financial abilities	49	90.7	13	24.1 #10
3)Personality	48	88.9	49	90.7 #4
4) Knowledge	45	83.3	42	77.8 #6
5)Political Party	41	75.9	47	87.3 #5
6)Education	39	72.2	50	92.6 #3
7)Previous Experience	38	70.4	37	68.5 #7
8)Regional Balance	30	55.0	54	100 #1
9)Marital Status	22	40.7	20	37.0 #9
10)Religion	7	12.9	31	57.4 #8

Note: Rating for councillors in descending order of importance; # = position

Table 2 illustrates the degree of factors influencing women recruitment within Ugandan district and municipal councils. The analysis divided the rated factors into 2; one part consisting of the first 5 highly rated factors in each category of politicians assessed and the other part comprising the remaining least rated factors per category. Using this approach it is realised that of the ten theorised factors for political recruitment, *government laws* scored highly in the recruitment of the councillors and the political leaders. Other major factors rated high as very important in the women councillors' recruitment into the council included *financial abilities* that was equated with government laws rated at 90.7%, followed by *personality, knowledge and political party* in their descending order. On the scale of political leaders however, regional balance scored topmost (100%) as a very important factor for their recruitment proceeded by *government laws, education, personality and political party* ranked in their order of importance respectively.

4.2 Additional Recruitment Factors

Further in depth interviews revealed a number of other factors influencing women political participation. These included past performance, Ambition and self-esteem, Confidence and Assertiveness, personal abilities, personal choice, physical appearance and beauty. Others were, social and interactive and all-

embracing attributes, having good campaign strategies, having a genuine character, personal behaviour, family background and family ties, tribe, custom and beliefs, and trade-offs between husband and wives as well as candidates political positions.

4.3 Sources of Electoral Support: Who influences Recruitment?

The theorised actors involved in the recruitment of councillors included close relatives, local associations, national politicians, local media, predecessors, religious institutions (church or mosque) and local business people. The rating of the electoral support ranged from “great extent” to “not at all” and the findings indicated the level of extent for each actor category as per Table 2.

Table 2: Sources of Electoral Support (N=54)

Actor	Frequency	Percentage
Close Relatives	47	87.0
Local Associations	43	79.6
National Politicians	42	77.7
Local Media	35	64.8
Predecessor	26	48.1
Church or Mosque	21	38.9
Local Business People	5	9.3

Table 3 indicates that of the seven theorized actors in the recruitment process, close relatives emerged the most influential, followed by local associations and national politicians. Least of all factors were considered to be the local business people, religious institutions and predecessors while the local media rated as having a moderate significance.

4.4 Factors versus Essence of Women Political Participation

The above study findings indicated that women political participation as councillors is highly influenced by *government laws (which sets women reserved seat/quotas)* and *financial abilities*. The study findings also illustrate that *close relatives* and *local associations* dominate the category of actors who influence women political participation. However, to what extent can such enabling factors of participation reflect on the theorized essence as reflected in the literature? I will examine two of the political participation aims.

4.4.1 Government Influence

To determine the extent of women political participation in Uganda, we need to assess the impact of the participation activities on the political decision makers. To begin with let us examine women participation as a way of communicating

their preferences to the government and as a process of setting goals, and choosing means and priorities to obtain such goals.

Earlier part of this discussion noted that communication in political participation is effected through such activities as political meetings, consultations, petitioning, writing letters, demonstrations and riots. The literature also considers such activities like particularized contacts of individual citizens or use of group of citizens with government officials as alternative ways of communication. However, as Verba and Nie observe, there is a need to comprehend the extent to which citizenry knows its own interests and to assess the citizen's abilities to calculate the consequences of their acts. They also envisage a possibility of inadequacy in communication because citizens are not active enough or their participation is unequally active (Verba and Nie 1972:4-5). These observations seem relevant to Uganda's women political participation where not only there is a problem of being less knowledgeable about the public wrongs and communication procedures but also where different interest manifest. It is also clear that like elsewhere, Uganda women have different social categories which of course generate differences in their interests and level of participation. They additionally have a number of obstacles – structural and individual – that inhibit their potentials as political actives in communication activities. Consider for instance the literacy levels of men estimated at 76.8 compared to 57.7 for women (Index-Mundi 2009). Could we envision an illiterate group of women – perhaps with a few elites – to easily convince the government on the goals, and means and priorities of policy making for their own benefit? Or how imaginable is it to have elite and non-elite groups of women to conceive common interests towards which the government action should be directed? Moreover, we need to appreciate that women's reproductive and domestic roles enable them marginal time for political interaction and updates.

Therefore, if there is an influence that women do through communication to the government, this should be expected to be quite minimal and spearheaded by women elites who may more often prefer individualized contacts for their personal interests. On a number of occasions, it may not be surprising to find women interest groups being mobilized by men—either government representatives or local and national politicians. Their communication activities to the governments are therefore regulated by men interests and by the political leaders to whom the women communication is directed. In circumstances of men and political intervention, how can women claim to know their own interests and assess their abilities to calculate the consequences of their acts? It should be noted however that this argument does not totally dismiss the possibility of women influence in the Ugandan political decisions. Their votes for instance are considered to be imperative and presently, no political contestant would neglect mobilization of women for support. Also women increased political participation especially through particularized contacts and community activities seem to induce the government's responsiveness with

regard to support of their projects, individual contributions, employment offers, and political support. We may say here that it is a “scratch my back and I scratch yours” game.

4.4.2 Democracy

Existing political literature clearly indicate that political participation thrive under democratic governance as noted in Verba and Nie as well as David Beetham. However it is also noted that democratic governance can only be sustained through effective political participation. What I regard as effective political participation here relates to the practical *citizens’ popular control* and *political equality* underlined in Beetham’s theory of democratization. Democratization calls for equal rights for all citizens including rights to vote, to stand for and hold a public office, to speak up and challenge incumbent leadership, and to associate freely with fellow citizens in political activity. It also demands equality of votes between electors, equal conditions to make one’s voice heard and equal treatment at the hands of legislators (Verba and Nie 1972; Beetham 1999). These include fundamental human rights as indicated in the Universal Declaration of Human Rights Charter of 1948, and other rights enshrined in national constitutions.

It is no doubt that Uganda constitution stipulates the fundamental human rights and freedoms of individuals. These among many include the equality and freedom from discrimination, rights to property ownership, rights to education for all, and rights for women and affirmative action in favour of marginalized groups. Of the many stipulated rights, I particularly underline the rights for affirmative action for women that relate to their equal treatment with men in terms of equal opportunities for political, economic and social activities as provided for under Article 33 of the Constitution. Accordingly the democratic principles of popular control and political equality seem to be implied under the women rights provisions of the constitution. But what is the actual practice on the ground?

Uganda through women political quotas as a form of political affirmative action attempted to eliminate women political marginalization and to create opportunities for women political participation through representation. This can be regarded as an effort to enhance women popular control through indirect decisions of increased women political numbers. Indeed women numbers have since risen to about 30% in the national parliament and to about 40% in the district and municipal councils to date. However, it has been realised that the provision of quotas serves to include women in the political positions but does little to enhance their other participatory rights and capabilities.

It may also be right to argue that women’s rights in Uganda remain much of the legal provisions than a practice. The laws stipulate rights to vote candidates of own choice. However how many women are influenced to vote candidates of other people’s choices through simple inducements of money and

material things like soap and sugar simply because they are vulnerably poor? And for women who have abilities to run for political positions, how many of them are not prohibited by their husbands or by family sole-chores. With such domestic and reproductive roles as well as the dominance of the men over women lives, can women realize their freedom of association which is necessary for enhancing the political participation of women? We note of late also that the government is increasingly intolerant about the public political demonstrations, which aggravates the problem related to realization of citizens' rights to association and expression. A few women that escape the men's prohibition on assembly and association at the family level meet challenges of the state machinery employed to suppress such collective actions. One would imagine therefore how participation in terms of demonstrations, petitioning, and other ways of communicating to the government can thrive. With lack of popular control and political equality in the Uganda political system as advocated by David Beetham, can we claim that women participation is enhancing or depicting democracy in Uganda?

5 Conclusions

The above arguments of course must take into account the fact that whether women have ability to influence political decisions or not they must participate simply because the structures provide for their reserved positions which must be filled. The best alternative women who occupy such political positions are those who have financial capabilities of financing their campaigns and "buying" votes of the powerless publics. Even at the political deliberations level, it is not unusual in the Ugandan situation to find councillors being "bribed" with money or other benefits in order for them to pass a certain decision not in their favour. Would it be ideal to theorize a situation of citizens' power relating to citizen's control, delegation, and partnership as indicated in the top rungs of Arnstein's ladder of citizen's participation for the perpetually poor women?

One other important issue to note on the significance of women political participation is the sources of their support who are predominantly close relatives and local associations. Women political participation is greatly hampered by particularized contacts with these relatives and colleagues who overwhelm them with personal demands on such issues like employment, school fees, party contributions and other personal needs. Interests of relatives and social groups often pose diversional challenges against the real essence of political participants who become feeble and inefficient in the participation process. In the end, the majority of political participants remain in the category of Sherry Arnstein's nonparticipants with their political presence being for purposes of manipulation and therapy. Their informing, consulting and advisory roles to the government leadership remain as a token since the power

holders retain the rights to decide and act. The political participants, who in this sense are the publics, remain consistently weak and so are the institutions they operate in that they are manipulated by those with political power for personal gains.

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Civil Society and Decentralisation in Uganda

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Abstract. This paper examines the political and administrative context within which contemporary civil society organisations in Uganda emerged and are operating. This is with the conclusion that the decentralisation of political and administrative structures opened an operational sphere for these organisations to sprout and impact the livelihoods of their target beneficiaries. The paper argues that, nevertheless, due to shortfalls in the levels of their internal democracy, accountability and transparency, the organisations have not taken full advantage of the opportunities that their decentralised operating environment offers, with the result that they have turned out to be ineffective.

Keywords: Non-governmental organisations (NGOs); Grassroots organisations; Uganda

1 Introduction

Non-Governmental Organisations (NGOs) are described as independent, non-profit, non-partisan voluntary associations (Paul 1999, p 3; Brown and Korten 1991, p 4; Walter 1999, p 1). The World Bank defines NGOs as groups and institutions entirely or largely independent of government and characterized primarily by humanitarian or co-operative, rather than commercial, objectives” (World Bank Operational Directive on NGOs No. 14. 70 as in Korten 1991, p 21). Korten argues that the term non-governmental organizations embraces a wide variety of organizations and the NGO sector sometimes seems to be a confusing polyglot” (1995, p 185ff). Clearly, what we see here is that it is difficult to have a precise description of NGOs, there is agreement that NGOs can effectively serve as vehicles to democracy.

Similarly, although the expressed objective of decentralization is to bring power closer to the people, and although the wish to access NGO funds might have triggered government gesture to allow the NGOs (civil society) have an expanded free public sphere of action (Bebbington 1993, p 25). Government hoped that as partners in decentralization NGOs would help promote good governance. Given this expectation, using content/textual review and analysis, this article seeks to examine whether NGOs tried to utilise a free public sphere

made available to them by government, through decentralization and thus become viable vehicles of democracy.

2 An Expanded Free Public Sphere of Action

Although the direct and expressed objective of decentralization is to bring power closer to the people, and the desire to gain access to NGO funds (Bebbington 1993, p 25) could have triggered government to give NGOs (civil society) an expanded free public sphere of action. The state expected NGOs (civil society) to be partners in decentralization to promote good governance.

But, for decentralization to be able to enhance good governance, active citizen participation either individually (within the LCs), or through CSOs (in this case, NGOs) is a prerequisite (Tukahebwa 1998, p 26, emphasis added to original). That said, have the existing NGOs tried to utilize a free public sphere made available to them, through decentralization, to be viable vehicles of democracy?

To begin with, although decentralization was introduced Uganda in 1987 through the Resistance Councils (RCs, later Local Councils, LC system 1-5) (Kisubi 1996; Museveni 1997), decentralization on a large scale was the result of the decentralization policy and the Local Governments (RC's) Statute that was enacted in November 1993 and became effective on December 31, 1993. The objectives of the decentralization policy have been explicitly stated in many so official publications and political statements, and have been specified in the Local Government (RCs) Statute of 1993, whose preamble states that, "a statute to provide for the decentralization of functions, powers and services to Local Government (RC's) to increase local democratic control and participation in decision-making and to mobilize support for development which is relevant to local needs" (Local Government (RCs) Statute of 1993). Although this preamble clearly portrays the overall objectives of the decentralization policy an elaborate set of the decentralization policy objectives was given by Bidandi Ssali as:

- a) To promote popular participation at all levels
- b) Attempt to empower local residents who until recently were the objectives of state power by creating organizational structures that provide for citizens decision-making; and
- c) Holding regular local elections such as the ones under the NRM administration so as to give legitimacy to the local leadership and to enable the constituencies to control their leaders and hold them regularly accountable (1994).

Since decentralization was meant to enhance participation and accountability, it is instructive to ask that; how do NGOs actually come to be fitted in to the decentralization frame work?

Though the decentralization policy ... builds upon participatory democracy within RC's, later LCs (Museveni 1997), through this policy government sought to widen a free public sphere available to civil society organization, in this case, the funded democracy NGOs. The importance of this gesture is that the availability of a wider public sphere would certainly enhance the NGO potential to empower and to promote democracy.

How would the NGOs empower and to promote democracy? The state expected NGOs or civil society to be 'partners in decentralization' in order to enhance good governance. But success in this endeavour hinged on the presence of active participation individually (in the LCs) or through civil society organizations (in the NGOs). The point here is that active citizen participation is a vital variable in the link 'NGOs—decentralization—democracy.' To understand whether or not decentralization enhances the ability of NGO to promote democracy within the LCs and NGOs, we need to have a closer look at participation in the LCs and the NGOs. Examining participation in the LCs is necessary because the LC system is the main vehicle for political participation in Uganda and NGOs must interact with LC to secure active participation. In fact, as Kwagala (1998) notes, "in all the districts, the LC system is key facilitator to the mobilization actually increased participation within the Local Councils?

3 Decentralization and Participation in the Local Councils

In a Study of the 'Effects of the Decentralisation Reform in Uganda' conducted by the Makerere Institute of Social Research (MISR), researchers analyzed this problem and came up with a sobering conclusion that, "...there is poor participation at L. C. I and L. C. II levels" (MISR 1997, p 29). The question that led to this conclusion was taken up in a related study conducted by USAID-Kampala on 'Democracy and Governance in Uganda.' Interestingly, USAID study on participation reached a conclusion that was similar to that of MISR (USAID 1996, p 69); that there was poor participation at the LC1 and LC2 levels. Poor participation did not end here. The level of participation got even lower at the higher levels, LC3 – LC5 (Kasfir 1998; Tukahebwa 1998).

These findings by USAID and MISR would be read that the idea of decentralization having the ability to promote popular participation in decision-making in the LC systems at all levels was overstated. In practice, at the lowest level, LCI, citizen participation ended at the election time, and the tendency was for local councillors to promote their views on behalf of the people. Most councillors did not attend Local Council meetings and did not take feedback from the higher levels. In reality, a councillor only promoted what she or he thought was best for the *people* (DENIVA *et al* 1997). Besides, the higher one moved in the LC hierarchy the more remote and exclusionary the LCs became.

Why was participation within the LC system poor at the time? Tukahebwa (1998) writes that poor participation in the LCs was brought about by a variety of factors:

- a) There is some form of disinterestedness among the people regarding what goes on in the LCs. Such disinterestedness, or rather apathy, has been attributed either to the failure of the executive committee members to mobilize the people, or to lack of civic competence.
- b) High poverty in the rural areas is a big factor that largely impedes participation.
- c) And since decentralization has been a top-down approach...participation is largely seen as a government obligation rather than a people driven process (Tukahebwa 1998, p 27).

This feeling was made strong by the fact that LCs were the only platforms for political participation. Since the anticipated results of decentralization, that is, increased individual participation in the LCs seemed not to have been realized. Without active participation in the local public affairs how could people hold public officials accountable? Without active participation it was difficult to hold public officials accountable.

Given that one of the assumptions behind decentralisation is that in the absence of active participation by individuals, however, civil society - here NGOs - would take up the public space unoccupied by individuals and be able to enhance participation and promote good governance. This article therefore examines whether public space that government made available through decentralization and was unoccupied by individuals in the LCs was consequently occupied by NGOs.

4 Decentralisation and Increased Participation in NGOs

Has decentralisation increased participation within NGOs? The 'Report of the workshop on the Decentralization Process' that described the experiences and the role of NGOs in Uganda suggests that NGOs ought to take decentralisation seriously (DENIVA *et al* 1997, p 15). The report further spelt out the manner in which NGOs would fill the space made available through decentralization. The primary NGO constituencies being the larger society, NGOs are therefore expected; 1) to build the capacity of civil society to demand accountability from LCs for the utilization of financial resources available to them; and to 2) demand greater participation in decision-making processes. In the short run, NGOs are expected to develop relationships with the LCs. This relationship would enable them to influence decision-making at all levels of local government. It would help them involve local grassroots groups in the planning process and to develop plans and programmes on the basis of priorities from the grassroots communities. The NGOs are also expected to facilitate LCs to put in

place effective accountability structures just as they have done for their donor (DENIVA *et al* 1997, p 15). Generally, NGOs in civil society are expected to function as serious partners in decentralization to promote good governance in the country.

The report further suggested that the decentralization policy put in place opportunities for NGOs. The challenge was therefore on NGOs to utilize the available opportunities for the purpose for which they have been put there i.e., participation, democratic control and good governance. In fact, the onus was on NGOs to ensure that they occupy a free public space which has been created at the district and other local government levels.

The strength of the NGO sector, and of civil society in general, would depend on whether or not the interaction between the NGOs and local governments or LCs become mutual and antagonistic (DENIVA *et al* 1997, p 15). But did the interaction between NGOs the LCs become conducive to give NGO the strength to meet the challenge of utilizing a free public space at the district and other local government levels for participation, democratic control and good governance?

Unfortunately, the interaction between NGOs, local councils, and the local government officials was hostile. The absence of clearly defined guidelines for interaction between NGOs and the LCs meant that NGOs were increasingly put under huge pressure to operate under the control and direction of LCs (DENIVA *et al* 1997, p 16). This NGO inability to utilise a free public space at the district and other local government levels for participation, democratic control and good governance was also evident in the findings of the study conducted by Tukahebwa in the districts of Rukungiri and Mbale.

Tukahebwa noted that NGOs that were operating in Rukungiri and Mbale were found to be dependent upon the districts for financial assistance; and financial assistance to NGOs was found to be incorporated in the district departmental budgets. In addition, although the NGOs in question were regarded to be supplementing local government activities, they were also compelled to register with district authorities, the very authorities monitoring their activities (Tukahebwa 1998, p 30).

The point here is that the presence of several constraints cannot allow NGOs to function effectively. While the NGOs in Rukungiri and Mbale were rather financially dependent and were registered, the level of participation in these democracy NGOs was low. On this issue Tukahebwa argues that besides low participation, the local membership of some NGOs such as ACFODE that operated in Rukungiri district was limited to elite women around Rukungiri Town (1998. p 28). To emphasize this point Tukahebwa further argued that democracy NGOs that attempted to influence government policies did not exist at the grassroots level where they were needed most.

Given this, can one claim that; 1) decentralisation led to increased participation within the NGOs, and enhanced the NGO ability to 2) affect public policy formulations, 3) advance group interests distinct from state interests, 4) hold the state and its officials accountable, and generally 5) provide

an alternative autonomous power base distinct from that of the state? Other constraints notwithstanding, without active participation and without wider operational parameter, it is difficult to see how democracy NGOs can effectively succeed in achieving these goals. Though government tried to expand a free public sphere through its decentralization, it seems that democracy NGOs still face hurdles that undermined their chance to promote participation and democracy. What are these hurdles?

5 Internal Culture of NGOs

This section examines the internal culture of NGOs and the key question is that if a free public sphere action were easily obtainable, can democracy NGOs utilise that space to be effective vehicles of democracy? The existence of autonomous NGOs and a free public sphere are not the only aspects needed in the mix to make NGOs to support the liberal institutions and practices. Nwokedi writes that there are civil societies without democratic ideals (Nwokedi 1993, p 3). Besides, Diamond observes that not all civil societies have the same potential to perform democracy-building functions (Diamond 1994, p 11). The point here is that it is not just any dense civil society that can promote democracy, and it is not the high number of donor-funded democracy NGOs that can be taken to congenial and supportive of democratic pluralism.

For an NGO to qualify to be promoting democracy, it 'must articulate democratic values' and 'pursue actions that challenge the non-democratic regime' (Ndegwa 1996, p 7). For NGOs to be effective vehicles of democracy, they must consequently be willing to promote democracy'. The goals and methods of NGOs must be supportive of democracy and must be geared towards developing democracy. The internal culture of NGOs therefore is one of the key factors that influence (positively or negatively) the ability of NGOs to serve as vehicles of democracy. The internal democratic or undemocratic culture of NGOs largely influences the way they socialise their constituencies into either undemocratic or democratic forms of behaviour.

5.1 Are Democracy NGOs Supportive of Democracy?

Although democracy assistance has led to a prolific growth in the number of NGOs in Africa not all NGOs are founded to promote democracy, and even if some organization may have had democracy-oriented agendas, at the outset, not all such organizations stick to them. In fact, as Powerll and Seddon argue that the reason for the mushrooming of these organizations need to be examined on a case by case basis but, crudely speaking, they range from the authentic to the fraudulent" (Powell & Seddon 1997, p 7; Nsibambi 1998, p 3). The reading of this description is that not all NGOs are genuine. Many scholars agree that civil society organizations (in our case NGOs) have diverse and complex goals (Green & Matthias 1995, p 569; Nyangabyaki-Bazaara & Kintu-Nyago 1999)

often achieved by acquiescing in regime injustice, even within their own field of operation. In Uganda, for instance, while civic organizations with 'women empowerment related agendas'-Action for Development (ACFODE), International federation of Women Lawyers (FIDA)-Uganda, the National Association of Women's Organisation of Uganda (NAWOU), Uganda Women's Finance Credit Trust limited (UWFCT), the Women's International Resource Centre (ISIS-WICCE)-Uganda received huge external funding from the World Bank, the Austrians, SIDA. While it cannot also be denied that these NGOs have made some noticeable achievements in empowering women as part of the democratization process.

Regarding the link internal culture of NGOs and their effectiveness in promoting democracy, Oloka-Onyango writes that despite impressive gains the women's movement failed to achieve its autonomous and independent growth"(1997, p 122). Okuku also wrote NGOs did not co-exist easily with the state, their relationship is antagonistic and the practice of ACFODE, for example, contradicts anti-statism (1997:89).

When NGOs choose to have the states serve some of their interests or parochialism that often stems from the leadership of certain organisations. This soft pot is quickly exploited by the regimes for easy co-operation or inclusion. Parochialism in this sense therefore erodes the; 1) autonomy of NGOs and 2) their theoretical characteristic of anti-statism.

Though some democratic elements might still feature in the mission91997 goals of NGOs that have parochial leaders, and though NGOs might register success in their activities. NGO concern with how the state can serve some of their organisational interests reduces their autonomy and ability to serve as countervailing power to the state, and their effectiveness in policy advocacy (Korten & Quizon 1995; Riker 1995). NGOs can avoid parochialism by being grounded on the spirit of voluntarism, and by not being driven by opportunistic and economic considerations that undermine their ability to promote democracy.

5.2 Are Democracy NGOs Grounded on Voluntarism?

Unfortunately, the founding of some NGOs is not always based on the desire to promote democracy, but on various and usually personal complex goals. Bazara-Nyangabyaki & Kintu-Nyago noted that NGOs were not only the new provider of employment, but government also encouraged the formation of NGOs for the purpose (1999, pp 28-29). It might be difficult to perceive how NGOs founded to provide employment evolves into vehicles of democracy. But since empowerment involves, among others, transforming the economic circumstances of the currently powerless (Sandbrook 1993), founding NGOs to offer employment is a way of economically empowering the unemployed.

This argument sounds convincing, however, because governments use the instrument of organizing and political elite appropriation to control and regulate

NGOs. What guarantee is there that all NGOs in Uganda are founded to promote democracy?

We can characterise several democracy NGOs in Uganda as 'business entities and not 'viable vehicles of democracy'. Indeed, given that a democratic internal culture largely influences the way in which civil society socialises its clients. Many funded democracy NGOs lack the democratic ideals suggests that, this organization cannot be congenial and supportive of democratic pluralism. The evidence from Uganda indeed shows that direct funding encouraged the emergence of 'opportunistic organisations' that call themselves NGOs but have no popular base at all. Many opportunistic or fake organizations have been created as survival strategies for the unemployed or resource traps for the greedy. Several NGOs in Uganda belong to the category of organizations founded for economic and personal reasons and not promoting democracy.

As Nsibambi noted, such briefcase NGOs were founded to tap resources from donors or government (1998, p 3). They are NGOs akin to private businesses rather than democracy NGOs, and the economic factor has been a central force in pushing most organizations into the NGO sector. Now, since the growth NGOs has been resource-led, it is unlikely that most of the funded democracy NGOs can have goals and methods that are supportive of democracy and geared towards strengthening civil society to promote democracy. Indeed, as Bebbington and Riddell contend, the growth of such organizations clearly does not contribute to a strong civil society (1995, p 882).

Other aspects of the internal culture of NGOs which are of interest are, accountability and the decision-making processes. In fact, a lot of empirical evidence generated from several scholarly works (Dicklitch 1996; Okuku 1997) showed that in some donor-funded NGOs in Uganda like Action for Development (ACFODE), Uganda Human Rights Activists (UHRA) and Foundation for Human Right Initiative (FHRI), accountability was alien to them and the decision-making process of some organizations was unsatisfactory

With regard to ACFODE, Okuku (1997) made an interesting discovery that, although the leaders of this organisation claim to be accountable to their members simply because they have always held elections every two years with 'one-woman-vote'; which is a sign of transparency. According to ACFODE's leadership, the organisation was not particularly democratic. On this issue, Okuku also notes that; 1) even though ACFODE's financial reports are prepared in time, the members are not informed and not given sufficient opportunity to examine them; and 2) instead of the financial reports, economic projects, civic education, regular meetings and elections are the only indicators of ACFODE's accountability (1997, pp 88-89). Regarding UHRA, Okuku discovered that it was run on personal basis. Although it was claimed that UHRA's executive director was influenced by its members, since he is a direct appointee of the Board of Directors and not of elected by membership, he was

accountable to the Board. There was therefore an undemocratic nature of decision-making in UHRA. Yet, as Okuku noted, for those organisations that claim to extend civil liberties and a democratic culture, democracy must be seen to be practiced” (1997, p 84). With regard to FHRI, the important finding made was that, like most NGOs, power in FHRI rotates around the founding director (1997: 87).

While the donors goal was to fund organizations that would increase accountability, at least for the USAID (Hearn 1999, p19), some funded democracy NGOs, were did not observe accountability, and their decision-making processes were undemocratic. This DENIVA et al (1997) report that presents the experiences and role of NGOs in Uganda contained empirical support in this regard.

According to this report, some democracy NGOs belonged to individual, and they did not implement what they set out to do (DENIVA et al 1997, p 23). The report further suggested that, since agreements are signed in Kampala, the objectives of some NGOs remained unknown, and there was limited transparency or no transparency in several NGOs. Some organizations had no established mechanisms for local control; there is lack of information flow (1997, p24) and there was wasteful competition or rivalries among NGOs (DENIVA et al 1997, p 21ff; Bazara-Nyangabyaki and Kintu-Nyago 1999, p 15).

In addition, other studies also provided good evidence that suggested that the internal culture of existing NGOs in Uganda was undemocratic and therefore not supportive of democracy. Edwards & Hulme (1995), for example, argued that the initial enthusiasm about the NGO role in empowering popular organizations has been followed by a growing concern that grassroots support organization (GSOs) are neither as accountable to the sectors for whom they work, nor are they representative of them as been the claim in the past. Similarly, in his evaluation of the role of the NGOs in Karamoja-Uganda, Wabwire (1993) concluded that foreign NGOs were driven by the agendas set from their countries of origin; foreign/international NGOs were accountable to their constituencies at home. Okuku (1996, p 91) similarly wrote that several donor-funded NGOs were not accountable to the people they intended to benefit, but to the source of financial flows from where they expect to receive more. Mamdani (1996, p 94), also agreed noted that NGOs were unaccountable to the people.

Now, since NGOs expected to promote democracy are themselves characterized by some undemocratic practices; how possible can these organizations effectively empower the people and promote democracy? We need to resound the call made by the African NGO Self Reliance and Development Advocacy Group (ASDAG) that its member NGOs must foster democratic processes in their own internal decision-making and projects (ASDAG 1991, p 2). Existing NGOs must become transparent accountable organizations that have streamlined democratic decision-making process if they are to serve as viable vehicles of democracy. Furthermore, unless the problems

of internal democracy, transparency and accountability (to borrow Beckman & Jega's description (1996, p 258ff) are addressed, increased funding of NGOs by donors would in Bebbington and Riddell's description, concentrate power, widen the gap between organisational leaders and its social base, and finally weaken, but not strengthen civil society (1995, p 882).

6 Conclusions

The paper examined a situation where government tried to expand a free public sphere of action available to the NGOs in civil society; through decentralization. Even though, the assumption was that it was up to NGOs (civil society) to utilise the available free public sphere. NGOs made little progress to utilise this sphere. The resultant low participation coupled with other constraints meant that the space created through decentralization did not contribute much to enhancing the functioning of NGOs. Despite the fact that NGOs would actually register successes with an easily obtainable free public sphere of action, the paper argued that the presence of a free public space and NGOs to occupy it does not mean that organisations actually utilise the available space. The organizations are plagued by problems like internal democracy, accountability and transparency and these certainly erode the effectiveness of NGOs in an odd relationship that simply cannot allow them to function effectively.

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Political Participation and Local Government Performance in Uganda: a Case Study of Hoima Local Government

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Abstract. This study examined the contribution of citizens' participation in their local political governance to the performance of local governments in Uganda, taking the case of Hoima District Local Government. It was carried out because the delivery of social services in Uganda is reportedly declining, despite increase in the number of administrative districts (local governments) in the country. Data collection focused on whether citizens' participation in their local governance contributes to local governments' effectiveness in service delivery. Using structured questionnaires, data were collected from a sample of 96 respondents, who included representatives to local councils and lay members of the local government studied. The data were analysed using Spearman's Test, Multiple Regression and the Bonferroni test. The findings were that the participation of voters in the political governance of their local governments significantly contributes to the quality of services offered by these governments. Therefore, the paper calls upon citizens to actively participate in the political governance of their local governments.

Keywords: Public management; Decentralisation; Political inclusion

1 Introduction

Great substance is increasingly attached to political participation whenever stakeholders attempt to analyze the performance of local governments in Uganda and beyond. In regard to that, political participation is taken (by analysts and/or others interested in the subject matter) to be a significant factor in local government performance. The concept political participation means different to different people. The presence or levels of political participation among those hitherto excluded from active involvement can well be regarded as a *sine quo non* with the varying magnitude of local performance. Unfortunately, whether we believe (or agree) that political involvement is significant, it seems more likely that the same awareness fails to be recognised by the powers that are. They instead prefer to let things go "the natural way". It remains unclear whether the natural forces can be left to take charge of what has for so long

been hijacked by the central governments in most countries (including the so called “more developed”).

In this study, political participation has been treated as “mass political involvement through voting, campaign work, political protests, civil disobedience, among others” (*Berman and Murphy, 1999:362*). It is further envisaged that the more individual voters, including those exonerated by demographic factors (Mwesigwa, 2010), get involved, the better the local government climate. For that matter political participation is assessed depending on the frequency a local citizen is involved in the institution of local government. This is not to say that the writer is not aware of the existing variations among different citizens. The bottom line remains that every citizen should be allowed to get involved in the way they can using the potential that exists within them. By inference therefore, the weaker members within particular communities (such as the elderly, PWDs and minors) will ultimately benefit from the economies of scale.

This study presents political participation as a long-standing phenomenon in Uganda which has persisted through many generations. In fact, political participation dates back to the pre-colonial societies. Political sociologists for instance argue that, prior to colonial occupation; most communities in what came to be called Uganda were already organized under feudal monarchies. And indeed, different paradigms of political participation were evident through deeper cooperation with the monarchs’ programs and projects. Unfortunately, in 1894, the different communities were compelled to begin signing agreements with the British colonial administration (following the proceedings of the Berlin conference). The kingdoms included; Buganda (1900) followed by Bunyoro, Toro, Busoga et al. As a matter of fact, there was outstanding political participation, in form of resistance to colonial rule, by some kingdoms such as Bunyoro. The British colonialists reiterated through an indirect rule strategy, where Baganda chiefs were employed in the clerks’ offices, mainly to ensure that resistance was thwarted in addition to directly rewarding the Baganda loyalists for their collaboration during colonial occupation (Karungi, 2007). Most of these loyalists through chunks of land such as Buyaga, Bugangaizi and other sister lost counties which have until now failed to be returned from Buganda back to Bunyoro.

On the contrary, during colonial occupation, political participation rose through vigilant individuals forming local political parties such as the Uganda National Congress (1952), the Progressive Party (1955), Democratic Party (1956), and Uganda National Movement (1958). Conversely, upon being granted self-rule in 1962 (Government of Uganda, 1962), the scale of political participation did not calm rather it enlarged. Cases in point are; the 1966 Kabaka Crisis (Rupesinghe, 1989), the imperial coup de tat of 1977 (Mamdani, 1986), the 1979 overthrow of Amin (Metz, 2000), the subsequent overthrow of President G. Binaisa, Oyite Ojok and Milton Obote II (Langeth and Mujaju,

1996) as well as the overthrow of Gen. Tito Okello in 1986 by the National Resistance Army/Movement (Makimu, 1996).

The above evidences were real manifestations of political participation, which is not only inherent but indeed continuous, since societies are in constant formation and re-formation. Although the re-birth of local governance in Uganda took shape in 1992 (Museveni, 1992; Bidandi, 1992) at the expiry of the Interim Resistance Councils and Committees, human actions (through political participation) have ever since remained boundless. Regrettably, very little data is available regarding their (political participation) end product on the performance of local governments. This study therefore sought to establish the relationship between the two variables.

1.1 Objectives of the Study

The purpose of this study was to determine the contribution of Political Participation on the Performance of Local Governments in Uganda. The objectives of the study were:

- a) To establish the differences in voter perceptions about political participation in Hoima Town Council.
- b) To establish the contribution of non-political participation to local government performance in Hoima Town Council.
- c) To establish the contribution of conventional participation to local government performance in Hoima Town Council.
- d) To establish the contribution of unconventional participation to local government performance in Hoima Town Council.

1.2 Research Hypotheses

The study was mainly guided by the following hypotheses which were formulated in regard to the objectives:

- a) There is no significant difference in voter perceptions about political participation in Hoima Town Council.
- b) Non-political participation does not contribute to local government performance in Hoima Town Council.
- c) Conventional participation does not contribute to local government performance in Hoima Town Council.
- d) Unconventional participation does not contribute to local government performance in Hoima Town Council.

2 Methodology

Proportionate Stratified Sampling was used in selecting respondents to the questionnaire. This is a technique whereby simple random samples are gotten

from different sub populations with the conviction that once the different strata (sub-populations) are represented, they would satisfy the research objectives on grounds of equal (homogenous) representation of samples (that are proportionate) to the stratum (Amin, 2005). The concentration on voters was mainly purposeful as they are the ones who have an effect on and are affected by any form of (none) political participation in their habitual residences. The sample constituted respondents as shown in Table 1.

Table 1: Respondents

Parish (ward)	Councillors		Voters		Totals
	Males	Females	Males	Females	
Western	03	02	24	20	49
Northern	02	02	22	21	47
Totals	05	04	46	41	96

Primary data was mainly collected using Structured Questionnaires for two categories, that is, the voters and the voted (local councillors). A questionnaire is a carefully designed instrument for collecting data in accordance with the specifications of the research questions and/or hypotheses (Amin, 2005). Accordingly, the questionnaire for the local councillors was formulated with 30 items which were used to measure supportive behaviour and influencing behaviour in local government performance. Such behaviour includes voting, boycotts, strikes and public marching. In order to maintain quality, the Likert scale ranging from 1- strongly agree, 2- agree, 3- neither agree nor disagree, 4- disagree, 5- strongly disagree, was used to test councillors' perceptions. More so, voters were covered using a questionnaire of 28 items spread through the same Likert scale. The above were intended mainly to measure how voters choose, adopt, implement and respond, using a particular form of political participation be they conventional or unconventional plus their effectiveness in local governments.

Table 2: Reliability

Factors	Cronbach's alpha)
Demographic features	0.8531
Concept of political participation	0.9036
Objectives of political participation	0.9748
Results of political participation	0.8905
Effectiveness of political participation	0.9249
Conventional political participation	0.9038
Unconventional political participation	0.8498

Table 2 above presents the analysis of all the diverse dimensions, which revealed satisfactory alpha values and when a critical analysis was made, values were not less than 0.75. As a consequence implying that there was a consistent adherence to the prescribed level and therefore, reliable among all the factors

(Demographic features, Concept of political participation, Objectives of political participation, Results of political participation, Effectiveness of political participation, Conventional political participation and Unconventional political participation). It is the above consistency which became instrumental in the ultimate discussion and analysis of all the hypotheses at the subsequent stages. Other statistics were generated using the statistical package for social scientists (SPSS) software. The scale of relationship between political participation and local government performance was generated using the Pearson's Correlation Coefficient (r). On the plus, the Simple Linear Regression Analysis was used to determine the extent to which conventional and unconventional political participation contributed towards the (none) performance of local governments in Uganda. The performance of local governments was measured using the Factor Analysis Approach in order to determine what exactly could be the most important factor in local government performance.

3 Findings

The leading group of respondents (48%) was aged between 20 and 38. This indicated that local governance mainly attracts the young generation. By inference, such voters and councillors may have less knowledge about proper local government development by virtue of age. Concerning the gender dimension, most of the respondents, for both voters and councillors, were males (53%). This percentage reveals that most local government activities were male dominated. The circumstances which account for this unevenness originated from the socio-cultural traditions which favoured males against females in most affairs of life. The average age was therefore 28 years. Given the country's education system, most of those respondents ought to have already finished their tertiary education. Amongst the respondents, 9% were local councillors while the remaining were voters. As for the voters, 43% had voted only once, 39% were second time voters and the rest had voted twice.

3.1 Perception of Political Participation

The first hypothesis (H_0^1) stated that, "There are no significant differences in voter perceptions about political participation" was first tested using the Spearman's rank Correlation Coefficient as shown in the correlation matrix below (see Table 3). The outcomes revealed considerable relationships in voters' perceptions about political performance. There was a significant positive relationship between voters' perceptions and local political participation ($r=0.436$, 0.435 , P -value less than 0.01).

Table 3: Spearman Zero Order Correlation Matrix

	Concept of political participation	Local government environment	Knowledge of voters	Commitment among voters
Concept of political participation	1.000			
Local government environment	.486**	1.000		
Knowledge of voters	.342**	.325**	1.000	
Commitment among voters	.348*	.299*	.453**	1.000

**Correlation is significant at the .01 level (2-tailed)

* Correlation is significant at the .05 level (2-tailed)

There was a significant positive relationship between local government environment and political participation and commitment among voters ($r=0.325$ 0.299 P-Value less than 0.01). This indicates that the concept of political participation, local government environment, knowledge of voters and commitment among voters lead to political participation and hence local government performance. The concept of political participation contributed more to local government performance, compared to local government environment, knowledge of voters and commitment among voters respectively. By implication, the null hypothesis “there are no significant differences in voter perceptions about political participation” was out rightly accepted implying that voter perceptions cannot be differentiated from political participation in local government operations.

3.2 Non-Political Participation and Local Governments Performance

The second hypothesis (H_{20}) “Non-political participation does not contribute to local government performance” was tested using a multiple regression analysis in order to predict the concept of non-political participation. The results are shown in Table 4.

Table 4: Multiple Regression Model

	(β)	t	Sig.	R ²	Adjusted R ²	F	Sig
(Constant)		5.445	.000	.491	.481	2.74	.018
Political participation	.431	2.521	.013				
Local government environment	.315	2.206	.029				
Knowledge of voters	.301	1.865	.047				
Commitment among voters	.255	1.540	.126				

Dependent variable: Local Government Performance.

From the regression module above, non political participation was linearly related to local government performance ($F=2.742$, $Sig = 0.018$). Non political participation contributed 38.4% of the total variance in local government Performance. The local government environment ($Beta = 0.431$) contributed more compared to knowledge of voters ($Beta=0.315$) and commitment among voters ($Beta=0.299$) respectively. This denoted that the aspect of knowledge among voters and commitment among voters significantly enhanced on local government performance in Hoima town council.

3.3 Conventional Participation and Performance of Local Governments

Hypothesis 2 (H^1_0) “Conventional Participation does not contribute to the performance of Local governments” was tested the correlation and regression analyses. The outcomes of the correlation revealed that there was a positive significant relationship between conventional political participation and local government performance [$r (96) = .521$, P was less than 0.01]. The clear indication here was that the greater and resilient the conventional participation is, the better the performance of local government. Conventional participation includes voting, attending campaign meetings, signing petitions, lawful demonstrations and joining boycotts. More so, tests of regression revealed that there was a linear relationship between conventional participation and local government performance in Hoima town council [$F (1, 87) = 32.543$, P less than 0.01] (Table 5).

Table 5: Conventional Participation and Performance of Local Government

Model		Unstandardized Coefficients (β)	Std Error	Standardized Coefficients	t	Sig.
1	(Constant)	1.596	.353		4.515	.000
	Conventional Methods	.544	.094	.518	5.702	.000

Dependent Variable: Local Government Performance

Conventional participation methods were a significant contributor to local government performance. The outcome of the model summary produced an Adj. R^2 of .260. This implied that conventional participation methods contributed 58% to the performance of local governments in Hoima town council. It thus signifies that if local governments are to be better performers, they ought to have all the conventional participation methods and the enabling atmosphere. Cognizant of the results illustrated above, it is positive to suppose that the null hypothesis (H^3_0) was rejected and the alternate one (H^3_A), “conventional participation significantly contributes to performance of local governments in Hoima town council” was therefore upheld.

3.4 Unconventional Participation Performance of Local Governments

Hypothesis 4 stated that “Unconventional Participation does not contribute to the performance of local governments” was tested using a bivariate correlation matrix. The outcomes of the above test proved that there was a moderate significant positive relationship between unconventional participation and local government performance [$r(96) = .409$, P was less than 0.01]. By inference, the use of unconventional methods is important for local government performance. The same hypothesis was subjected to a post hoc Bonferroni test and it showed that local government practitioners did not agree in sum to the issues of unofficial strikes, damaging property and personal violence as illustrated in Table 6.

Table 6: Results of the Bonferroni test

Conventional method	Areas of differences in responses	Mean difference	Sig.
Participating in unofficial strikes	Agree versus disagree	2.01	.000
Damaging property	Disagree versus agree	1.65	.000
Personal violence	Agree versus disagree	1.45	.001
Protest meetings	Agree versus disagree	2.31	.000

The significant differences illustrated above were majorly in avenues perceived by local government practitioners in the relationship between unconventional participation and local government performance and different issues of participation as vindicated above. It was not very clear whether any participation in unofficial strikes had any significant contribution to local government performance, some respondents agreed while others disagreed by the mean difference of 2.01 and the significance of P less than 0.01. Analyzing both bivariate correlation matrix and the Bonferroni results, it is clear that the assumption earlier postulated under the null hypothesis (H^3_0) cannot be held true but the alternate hypothesis (H^3_A) will then be upheld.

4 Discussion and Conclusion

In this study it has been discovered through testing of the hypotheses that political participation contributes much to the performance of local governments. In spite of this, local governments ought to perform in a bid to stand the test of time. This study assessed what were the most critical issues of local government performance as regards stakeholders' role is concerned. The variable of local government performance had 12 items. These were not so many items and so stakeholders' attitudes could easily be isolated from other factors in political participation. This was mainly possible because five items were isolated from the rest (regular voting, contact of an official in the community on some social problem, attendance at a political rally, contact of a

local official in the community on some personal problem, and working with a local group on a community problem). All the 5 items generated a total of 78% of local government performance.

Local government performance is mainly influenced by the voters' vigilance to act, demand and cause to act those in local government management. However, this may not always be the case especially in developing countries like Uganda where the magnitude of citizen awareness is yet low. But this is not to say that voters' contribution through the avenues postulated above were not in existent in Hoima town council. If the scale of conventional participation can be enhanced, local government performance can be improved. Most of all, sensitisation programs by civil society organizations, is one of the necessary means. This recommendation was proposed by Mwesigwa (2010) and held that social capital was yet lacking in Uganda. In this study, we cannot wholesomely conclude that if local government performance is to be enhanced, then, political participation is necessary in Uganda. This is evidenced by the fact that other contributing variables (Mwesigwa, 2010) are in play. These include levels of education, incomes, gender, and age.

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Women Political Quotas and Relevance of Women Representation: the Case of Uganda

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Abstract. This paper discusses the question of quotas of women representatives in political governance in Uganda. Grounded on a theoretical review, it examines the arguments backing the women representative quotas and modes through which the quotas are implemented. Thereafter, it reports the findings of a study that investigated the nature and relevance of these quotas, with respect to the number, and purpose, of women that they allow to access political decision making.

Keywords: Gender; Affirmative action; Electoral democracy

1 Introduction

The modes of gender quotas vary globally ranging from mandatory seats – in legislative assemblies, committees, governments and political parties – to voluntary option. Two familiar types of electoral gender quotas identified by Dahlerup include; *candidate quotas* and *reserved seats*. With candidate quotas, a minimum percentage of women candidates for election is specified and is applied to political party lists. This form of quota may be laid down in the national constitution, electoral laws or laws for respective political parties but in other instances, political parties may adopt a voluntary quota approach without any legislation. Reserved seats on the other hand are a form of women quota, which by legislation a number of seats for women for a legislature is stipulated (Krook 2004a; Dahlerup 2005). Dahlerup however additionally observes that in some instances, quotas may be gender-neutral where a maximum percentage of either sex is set for candidates on party lists or reserved seats (p142). Krook particularly notes that while all of quotas types appear world over, reserved seats are common in Africa, Asia and Middle East; party quotas are common in Western Europe; and national legislative quotas are more pronounced in Africa and Latin America. Indeed reserved seats are noticeable in Uganda's national and local politics through national legislative quotas; in Tanzania where 20% of national seats are reserved for women in

proportion to the number of party seats; and in Kenya and Arab states through appointments (Dahlerup 2005:142).

For quotas justification, the existing literature indicates that over a couple of years, women quotas have been instituted as a political measure in a number of countries in an attempt to remedy social disadvantage that women have always experienced in the “selection by merit” political processes. It is widely acknowledged that open selection of political candidates has often underprivileged women’s access to political power in larger numbers. The literature recounts effects related to socio-cultural barriers, socioeconomic developments as well as political institutions (including the political culture, electoral systems and political party ideology and organisation) upon women recruitment into political arenas (Lovenduski and Norris 1993; Reynolds 1999). Dahlerup similarly considers gender quotas to draw legitimacy from the discourse of women under-representation due to exclusionary practices of the political parties and the political institutions at large. She conceives quotas’ cardinal aim as to increase women representation in publicly elected bodies or appointed institutions as governments, parliaments and local councils (Dahlerup 2005:141)

Dahlerup thus enlists a number of advantages accruing to the use of women quotas which among other arguments include: compensation for actual barriers preventing women from attaining a fair share in political positions; minimising shortcomings of token women in organisations; realising equal-rights citizenship; ensuring a gender balanced political decision-making that entails women experiences and interests (Dahlerup 2005:144). While such claims tend to pursue an normative account of women historical marginalisation, parallel arguments on the initiation of women political quotas concerns women political activism, political equality, the political elites strategic aims and the process of international norm transfusion (Krook 2004a; Squires 2007). Krook argues that quotas are an outcome of women’s efforts to mobilise more women for political representation. She also recognises that quotas are applied by political parties due to the contagion effect and are embraced by political elites for power consolidation over party representatives and political rivals. Her third explanation for gender quotas concerns the normative notions of equality and representation with such claims of fairness, proportionality and democratisation. In the final contention Krook’s view on quotas is that influence of the global quota trends by trans-national actors and networks through information sharing and campaigns.

The claims for gender quotas however have met contestation of the critics who argue that in pursuance of equality, they discriminate against men by giving a preference to women which implicates them as unfair and anti-democratic. Quotas are considered as undemocratic because they limit the voters’ choice by stipulating the category from which to select which sometimes leaves out other better qualified candidates. When legislated, they also viewed as interference in party organisation and priorities upon which

social categories are imposed. They are further seen as enabling group identity competition with regard to material benefits (Krook 2004a; Dahlerup 2005). In the earlier quota report series on Africa Experiences however, Dahlerup had observed that:

If we take the actual exclusion of women as a starting point, that is, if we recognize that many barriers exist that prevent women from entering the realm of politics, then quotas is not seen as discriminating (towards men), but instead as compensation for all the obstacles that women are up against. When all these impediments are removed, quotas will no longer be necessary, it is argued. In this respect quotas are a temporary measure. It may take decades, though, before all social, cultural and political barriers preventing equal female representation are eradicated (IDEA 2004:17).

Dahlerup's argument emphatically stresses the barrier cause and the need for compensation in respect to gender quotas suggesting issues of equality and fairness. By recognising temporal nature of quotas, he alleviates the threats of the speculated gender imbalances (in disfavour of men) which could be regulated by political institutions. In any case, numbers largely define the nature of representatives – the gender proportionality regarding representatives' characteristics. There is thus a limited indication of marginalization of men in relation to their substantive roles. In this sense, we can perceive gender quotas as a justification for descriptive and symbolic – “standing for” – representation. This argument is compliant with such claims that consider quotas as being adopted for political strategies of elites and parties or as a global fashion based on international norms. However the extent to which we can limit quota representatives to this “standing for” form of representation is an issue of debate considering theses underlying the Critical Mass theory which suggests that critical masses may translate to critical acts.

Whilst women quotas are defended, their critics argue that they achieve little in reducing male-female disparities in political positions, Birgitta Dahl observes that quota system alone is insufficient to promote women participation if a multitude of organisations like political parties, education systems, NGOs, trade unions, churches do not take initiative of promoting women within their own systems (Dahlerup 2005:143). The challenges of such affirmative measures have equally been echoed by scholars like Mary Segers (Walzer), Iris Young (Young) and Sandra Harding (1991), who are critical of the attempts to redistribute available opportunities within the frameworks of the existing social and political structures. Young for instance considers such attempts as largely maintaining a status quo of structural division of labour and basic processes of allocating positions; while Mary Segers regards such affirmative actions as “a lonely policy, a voice in the wilderness” that can achieve little if they operate independent of policies directed at reducing disparities in wealth, status and power (Tamale 1999: 23 & 25). These views turn round to underscore the significance of social cultural, socio-economic and socio-political barriers identified by Dahlerup. Accordingly the critics seem not to contest the use of

quotas but rather to suggest supplementary strategies for making them more effective.

1.1 Quotas in the Ugandan Political Realm

Like elsewhere in the world, political quotas in Uganda were created in recognition of the gender imbalances in public arenas. Beginning with one woman seat on the Resistance Councils committees in 1986 – Secretary for women – women quotas were extended to National Resistance Council (Tamale) in 1989 where each of the 39 districts was represented by a woman MP (Byanyima 1992; Tripp 2000). In 1995, a new Constitution of Uganda was inaugurated and promulgated. The new law institutionalised one national women MP per district and introduced 1/3 minimum women representation in the local councils amongst other variable quotas for special interest groups (Uganda 1995; Uganda 1997; IDEA 2006).

This form of affirmative action was meant to address the structural causes of marginalisation for women among other disadvantaged categories like the aged and the disabled. The political affirmative action measure however was intended to be momentary, aimed at bringing women on board and enabling them to participate in decision making arenas in certain numbers. As such, the government constitutionally instituted one-third seat quota for women at local council level and one woman for a district representative in the national legislature. As a transitory measure, Article 78 (2) of the Uganda Constitution clearly stipulates:

Upon expiration of a period of ten years after the commencement of this Constitution and thereafter, every five years, Parliament shall review the representation under paragraphs (b) and (c) of clause (1)¹ of this article for the purposes of retaining, increasing, or abolishing any such representation and any other matter incidental to it (Uganda 1995).

As a temporary measure and as a matter of quota principle (as in Dahlerup's view), the law-makers who established Uganda women quotas were of hope that gender gaps in politics would be neutralised over time – a valid explanation of the stated periodic quota reviews. After ten years of women quota legislation, the constitutional reviews upheld the women quotas and those of other disadvantaged groups maintaining that special interest groups were still necessary to be represented in legislatures. They realized that direct elections continued to be problematic for such representatives and as such, quota law sustainably exist to date with ongoing debates suggesting an increase to 40% women representation.

2 Importance of Women Representation in Uganda

The study conducted on local governments in Uganda explored perception held on women political representation in Uganda (Kyohairwe 2009). The

respondents were asked “how important is it to have women in the local councils” and the crosscutting response agreeable to all was that it was *Very important*. Raised arguments in relation to this response varied but virtually all answers given were classifiable according to the existing theoretical claims for women representation. While some claimed that women representatives were necessary to cater for women interests, others raised issues suggested that women representation is a fair and justifiable cause. Yet, other responses implied issues of accountability, responsiveness and women experiences as suggested in the literature.

2.1 Representing Women Interests

Arguments for women representation have always followed a claim that women representatives who share experiences and interests of their fellow women hold a better position of “acting for” them compared to men. Women are also theorized to possess diverse ideas, values, priorities and styles from their own experiences which are regarded as being of great importance in the political representation processes. Women representative thus would be expected to substantively advance policies that address unique concerns of women such as women’s health, child care and work issues. In real essence however, do women political representatives represent women interests?

Anne Phillips’s observation about women interest holds that, “Women occupy a distinct position within society: they are typically concentrated for example in lower paid jobs; and they carry the primary responsibility for the unpaid work of caring for others. There are particular needs, interests, and concerns that arise from women’s experience, and these will be inadequately addressed in politics that is dominated by men” (Phillips 1995:66). She considers such experiences to cover sexual harassment and domestic violence, unequal position in the division of paid and unpaid labour, and their exclusion from most arenas of economic and political power. Darcy et al equally believe in ideological advantages associated with women representation pointing specifically to the reliability of women in “feminist legislation” on such policy issues as affirmative action, abortion rights and day-care for children (Darcy, Welch et al. 1994). Reynolds in a supportive argument claims that electoral system employing exclusive mechanisms to a large degree membership of a particular ascriptive group (women or otherwise), signifies a possible omission of their respective *interests* in decision-making (Reynolds 1999:549). Pro-women interest theoretical arguments therefore seem to defend women representation on accounts of women shared characteristics and similar experiences that generate issues of commonality requiring deliberate policy attention.

Issues concerning women interests were constitutive of the perceptions held about representation in Uganda. Within the given responses, the issue of women interests was shared amongst men and women respondents, and many

of the interviewees hinted on it in one way or another. Women's own experiences also sounded a convincing claim for their possibility of representing women interests. Although the answers varied, the common arguments were that women have particular issues for representation which men cannot easily articulate; that women representatives lobby and advocate for women rights and that women representation is essential for airing women opinions and priorities. Some of the respondents also held a conviction that women representatives are essential in matters of disadvantaged groups like the children and the elderly – the social categories with no own specific representatives in the councils – who form part of the social roles that women carry on.

Identifying that there exist women interests is agreeable with such an argument that women need to be represented in order to cater for women interests as raised in the literature. It suggests that women are custodians of their fellow women's interests compared to men and implies a likelihood of men's "selfishness" marginalizing women's interest when they [women] are absent in political arenas. The opinions further indicate that women share experiences and issues of commonality suggesting common characteristics that are ably represented by fellow women. In Pitkin's view therefore, this may imply that female councillors "stand for" women while on the other hand the opinions relating to existence of women issues signify that female councillors "act for" fellow women.

2.2 Controversies on Women as a Social Category

While the argument of women interests happen to be at the forefront of women representation, a wide range of core controversies noted in the representation process emerge from the social categories in which women present and their nature of constituencies. Two questions that arise here are: 1) If the women form a special interest group (as it is presupposed) what are their interests that are supposedly represented and how can their interests be delineated from interest of their entire constituencies? 2) If the women are not a special interest group, what are they and how ably can their interests be represented?

An interest group, according to a Wikipedia encyclopaedia is considered to be "an organized collection of people who seek to influence political decisions". However, Eric Schattschneider argues that interests groups may be organized (known, identifiable and recognizable) while others are unorganized (Schattschneider 1975:27-29). Organized interests groups according to Schattschneider differ from unorganized interest groups in that they are self-conscious and form most intense and developed active groups. Schattschneider holds that "special interest organizations are most easily formed when they deal with small numbers of individuals who are acutely aware of their exclusive interests" (Schattschneider 1975:34). He thus considers organized special interest groups as being distinguishable by a crucial common element of being

“all-exclusive” which means that they possess a clear margin separating them from other groups.

In a related view, Schattschneider explores issues of regarding special interests and public interests. He notes that “public interests refer to general or common interests shared by all or by substantially all members of the community” while special interests “are interests shared by only a few people or a fraction of the community; they exclude others and may be adverse to them” (Schattschneider 1975: 23). He realizes that in a complex society, there exist interests that are shared by all or substantially all members of the community and others which are not shared so widely. He further notes that whereas the society is made up of different interest groups, some groups hold interests of common good and others share particular interests with exclusive nature of benefits for the respective groups. Schattschneider’s however appreciates the complexity of making an apparent differentiation between special interest and public interest groups as well as among organized and unorganized groups.

Schattschneider’s views on interests and interest groups reveal a number of issues on Ugandan women representation. We realize that the nature of Ugandan women can neither qualify as organized group nor can they be considered to be a special interests group by Schattschneider’s standards of the definitions. Like elsewhere, and as Sylvia Tamale observes, Uganda women cannot be perceived as a faceless monolithic with respect to class, race, religion, age, ethnicity and any other known social categories (Tamale 1999:74) and so are the issues that stand out to be represented. Because of the overlap of the women social categories, the women group becomes unorganized, imbued with diverse interests of each social category. Moreover women numbers seem to be extremely exceeding the level of the theorized special interest groups. Indeed Anne Phillips considers the presumption that all women share the same preferences and goals invalid. She regards this claim as erroneous on accounts of absolving representatives from any responsibility for finding out what the represented actually want; and by lending legitimacy to representatives with unrepresentative policies (Phillips 1995:157). Indications of other feminist research consider representing women interest as unattainable pointing to such situations of distrust, uncrystallized interests, and women heterogeneity, while acknowledging the practicability of non-biologically female representatives to represent such interests (Celis, Childs et al. 2008).

These arguments therefore suggest a conclusion that the interests which are categorized as women interests are very difficult to delineate from other interests and therefore may be treated as public interests. It therefore becomes the onus of the represented to authorize political representatives and hold them accountable for such interests if they are regarded as outstanding and beneficial for the public that constitute women.

2.3 Controversies on Women Constituencies

While the women social category remains imbued with vast ambiguities, the issue of women interests is further complicated by their nature of constituencies. Urbinati and Warren observe that the modern state has introduced a territorial residence as a fundamental condition for political representation vis-à-vis the status and corporate-based representation which existed pre-contemporary democracies. They note that territorial constituency has indeed demonstrated a historical significance of political equality by progressively including more masses of individuals in the power sharing (Urbinati and Warren 2008:389). Whereas the argument for political equality of geographical constituencies is seemingly convincing, Urbinati and Warren contend that territoriality identifies only one set of ways in which individuals are involved or affected by collective structures and decisions. They realize the existence of many non-territorial issues such as religion, ethnicity, nationalism, social movements, and gender, professional or individual identities that consist of non-territorial interests. They also note the prevalence of extra territorial issues like migration, global trade, and environment. The territorial and non-territorial factors, according to Urbinati and Warren comprise of international formal institutions actors like World Bank and United Nations, and a multitude of transnational movements, NGOs, associations and social networks each of which making representative claims and serving representative functions (p.390).

Given these social interest frameworks, Urbinati and Warren review the theoretical controversies regarding whether representatives should represent individuals or corporate interests. They conclude that in the modern constitutional democracies there is a representation of individuals whose only commonality is residence. They note thus, that however much a residency-based electoral representation progressively include more social classes within territorial communities, such people are ‘only a “demos” insofar as their primary interests and identities are geographically in nature’ (p.396). For non-geographical constituencies formed on basis extraterritorial and non-territorial identities like gender, race, or global trade, they are considered to be represented as long as they intersect with circumstances of location, resulting into incidental relationships between democratic autonomy and forms of representation.

It is clearly noted that women representatives derive authority from diverse groups with various interests which generates multiple legitimacies and insurmountable electoral accountability demands. This is an explicit challenge in representing women interests as Anne Phillips notes;

“... the basic question is soon entangled with such issues as the relative priority of local versus national interests, the role of political parties and the nature of political questions. It tends to be complicated also by the differences between representing a single principal and representing diverse political constituency” (Phillips 1995:145). She further observes however:

“The programs offered by competing political parties can never capture the full range of relevant issues... it becomes necessary to pursue some additional form of representation that deals with as yet unspecified areas of concern”(p157).

The impact of principal-agent relations between organisations or individual actors and women representatives is further implied in the formalistic views of representation that underline the relevance of authorization and accountability (Pitkin 1967). The principal-agency effect is also acknowledged in Habermas (1989) who consider political parties, interests groups and corporatist organisations as important in setting political agendas where as the public, civil society, media, and legislature leadership and debates influence opinions and formulate preferences (Urbinati and Warren 2008:389). Moreover, as Bobbio (1987) and Gargarella (1998) argue, maintenance of the principle-agent relationship is difficult for such reasons as information deficits and corruption (ibid).

Different principals including the government, political parties and other social organizations and the entire electorate or constituency render the issue of interest representation cumbersome. The principals not only have cross-sectional diverging interests but also multiple interests amongst themselves. This may prove a representatives’ puzzle of establishing the wishes that will make them seem accountable. We particularly recognize the way in which representatives have to accommodate themselves with incredibly excessive demands of those who authorize them. Moreover, we need to appreciate that on the inside of the legislators themselves, there are personal values and parochial interests that do not necessarily tally with concerns of the represented at all times.

The issue of constituencies therefore becomes imperative in analyses of women representatives in the Ugandan local governments where they are elected by adult suffrage and they represent two sub counties in the district or municipal divisions in the municipality. They are elected by female as well as male voters. They are further nominated and sponsored by their individual political parties, massively supported by their relatives, friends, colleagues in their local associations and by national politicians as seen in Chapter 6. Female councillors therefore derive their authority from multiple principals but they are expected to distinctively cater for interests of the unorganized women group. The crux of the matter is that women are part of the constituencies and the multiple principals that female councillors represent; and that the public interests from which women benefit is an equal responsibility for female councillors. Therefore, what interests are not women interests?

2.4 Controversies of Ugandan Women Interests

The findings regarding women interests according to responses obtained during the study indicate that issues of women interests pose a big challenge to female

councillors. In the study, a number of issues pointing to women as a contestable holistic social category and the effect of constituencies were raised with an indication that these are recognised problems of their representation process. Some arguments highlighted the way

Women in council fail to champion women's cause but that rather they prefer championing needs of their constituencies, the people who elect them. Many other views pointed that women normally present general issues [not women issues]. Other arguments emphasized that services are demand-driven and that actually men come forward to demand more services than women. Yet others considered women problems as being too many and too diverse to be sufficiently addressed by women representatives. There were also some arguments related to influence of the political party ideologies and the conditioning government programs that set policy priorities. These leave women with minimal leverages for the would be intentions to focus on women interests because either such issues will have been covered under the government key priorities or they are totally overshadowed by other government program or political party key concerns. Moreover, the label for women representatives in Uganda has generated a lot of ambiguity. Naming such representatives as "women councillor" woman councillor", "councillor for women" or "women representative" has left malleable chances of interpretation and understanding the meaning of the nature, the role and purpose for such representatives. The different labels put to female councillors particularly signify their "double-face" as descriptive as well as substantive representatives. It also reveals the complexity of delineating women interests from interests of their electorates or other actors. It demonstrates the difficulty of differentiating special interests from public interests and reveals that in many instances, the interests to be represented are demand-driven by individuals or by selection agencies.

2.5 Women Representation as a Virtue of Democracy

Women representation is theorized to a signifier of justice (Mackay 2004), and women absence in legislatures is considered as a form of alienation that retards their pace for equalization (Reynolds 1999). Darcy et al hold that women are a social category – like racial, ethnic, religious, or linguist groups – which a just society includes in its political deliberations. They thus consider a legitimate political regimes to be democratic if cross-sectional social groups form part of their government institutions (Darcy, Welch et al. 1994:18). In Iris Marion Young's view of a democratic public is that it "should provide mechanisms for effective recognition and representation of the distinct voices and perspectives of those of its constituent groups that are oppressed and disadvantaged" (Young 1990:184). Failure of such mechanisms is considered to result in policy outcomes that perpetuate supremacy of the dominant groups (Phillips 1995:21) and of course such a condition cannot be regarded as democratic.

Democratic institutions in David Beetham viewpoint that are characterized by two principles: *popular control and political equality* (Beetham 1999:5). Popular control underlines direct participation in decision-making process or having a control over decision makers which suggests ability to hold them accountable and responsive. Political equality on the other hand relates to arguments of equal votes, equal rights and opportunities to stand for a public office and equal conditions to make one's voice heard (p154). In his justification for the democratic principles, he underlines the normative values of *equal human worth or dignity* and *human self-determination or autonomy*.

Recurring claims of women representation centre on some or all of these normative arguments as some of the findings for this study indicate. As a democratic value, women representation in Uganda was viewed as fair in as far as their comparative population numbers is concerned. Considering that in Uganda women constitute 51% of the total population (UBOS 2002) and that they are a "backbone of the economy"². These was an agreeable stand for most responses obtained in the on women presence in the Ugandan local politics. A lot of emphasis was found to be related to having women representatives for ensuring electoral and financial accountability. Women were considered to be more accountable and if we hold so, then there is a possibility of having a corresponding accountable government when they are included. Since accountability is considered as an indicator of democratic governance, therefore women political inclusion in one way signifies democracy. However, women political presence is in other ways considered as a strategic aim for legitimizing the governments in the global democratic context regarding the virtue for social justice. Such views generally suggest that women councillors are symbolic representatives.

3 Perceptions on Ugandan Women Quotas: Do Numbers Matter?

The study sought the position of respondents on whether they proposed an increase or decrease of women percentage in local councils or whether they preferred maintenance of the 1/3 quota. Regarding the council quotas, of the 54 respondents, 38 (70.4 %) proposed an increase of the quotas while 16 (29.6%) held an opinion of maintaining the 1/3 women quota. Of the 70.4% who suggested an increase in the council women quotas, 11 advocated 40% increase while 27 agitated for 50% percent women political positions in the legislatures. None of the respondents suggested a decrease or abolition of women (Table 1).

Table 1: Views on Number of Women in Local Politics

<i>N=54</i>	Frequency	Percentage
a) Increase quotas for Local councils	38	70.4
40% increase	11	29*
50% increase	27	71*
b) Reduce the quotas	0	0
c) Retain 1/3 quotas	16	29.6

* Percentages calculated out of the 38 respondents who agitated for increasing quotas

Table 1 revealed that women quotas are massively supported in the Ugandan politics. The agitated increase was that quotas should be adopted in political parties and that it should continue to be enshrined in the Uganda constitution. A further inquiry on why the perceptions indicated that respondents agitating for 40% increase argued that legislation should provide for more women representatives slightly above the current 33% because women are still unable to compete on their own with men. Others argued for 40% women representation on the basis that the major political parties (NRM and FDC) had already proposed incorporation of 40% women quotas and therefore it was considered appropriate. Yet other agitators of 40% women representatives considered it as a fair share for women basing on their past political numbers.

For the respondents advocating 50% increase, their arguments cantered on the core issue of gender parity with claims of women being the majority of the Ugandan population. The key argument was that politics ought to be balanced in numbers and decisions of men and women and argued that only a few women (as in the current quotas) could not influence decisions. Others argued that women had given a lot of support to the government and therefore the government should recognize their efforts by equating their numbers with men. And yet, related to the critical mass theory, others held that women possess a lot of determination and that they can achieve a lot once they are many in politics. To strike a gender political balance of numbers, respondents suggested a two-member constituency representation; one of whom being a woman as the following excerpt states:

“The number of women should be increased. At least let there be a woman councillor representing every sub county like what males do... even I would advocate for the same in the parliament, where a woman should represent a constituency not a district because a woman is overloaded yet we get the same resources. For instance when they are giving us a constituency development fund, it is the same amount as that of councillors who represent a single sub county yet we have to go to a bigger constituency [two sub counties]. So that brings us a big disadvantage... Of course, let us be 50-50” Female councillor Bushenyi LG.

As previously noted, the concern of this councillor related to issue of women constituency. While this expression points to the constituency size, the underlying issue regarding the composition of such constituencies causes equivalent tension to women representatives. The large constituencies that are composed of cross-sectional social groups who vote for the women councillors incontestably pose a great challenge to women representatives. We note that the diverse social groups have diverging interests upon which political representatives' accountability is gauged. Whereas ordinary constituencies consist of such similar social groups, the women representation problem is inflated by the gigantic size of their constituencies.

Yet other arguments concerned maintenance of 1/3 women representation stemming from the perception that in spite of being many, only a few of them made contributions in council deliberations. Also, many respondents (mostly men) argued that the law has been favourable enough for women to offer women a political springboard from which they can compete for themselves citing such affirmative action measures in education and employment. They thus maintained that the current quota numbers were sufficient and that for the rest of the political opportunities, women ought to contest with men. Others however considered a further quota increase as a way of marginalising men. Such views held that if the law provided for 50% women quotas for instance and left other women to compete for open seats, then the number of women representatives would supersede that of men. In another perspective, this was also viewed as a way of disadvantaging some men whose capabilities of political representation were incomparable to some women that would come on board as a matter of increased quotas. On a more critical note, other respondents (particularly women) argued that increasing women numbers without proportional increase in resources to facilitate their councillor duties was bound to be meaningless because even with the current women numbers there were said to be a lot of hiccups in effecting government and own plans. Yet others viewed increase of women numbers as a probable source of contagion effect on other special interest groups.

This argument accordingly suggest that an increase of women without deliberate measures to cater for other marginalised groups would generate contention amongst council legislators and certainly there is likelihood of difficulties in the modalities and implications in increasing numbers of each and every marginalised social category. A further women quota increase therefore would perpetuate group quota demands in a similar way Krook and Squires conceive the effect of strategic aims of elites and political parties in quota adoption.

For those with the view of maintaining the current 1/3 women numbers, a possible fear of women superseding men and the latter's subsequent marginalization if quotas are raised was noted. Their arguments support a claim of the quota critics who argue that quotas may be a source of gender inequality. In another way however the opinion suggests that as a temporary measure, there is possibility of some women having already overcome barriers for political competition to rend the purpose for the quotas minimal. The opinion of the KCC councillor who considered representation to be "to some extent" suggests that even women token councillors can suffice as presented in Crowley's arguments relating to Critical Mass Theory.

4 Significance of Critical Masses in Political Representation

The above discussion revealed a number of issues relating to women political representation. It indicated that women representation is perceived as

imperative for attending to women interests but also for democratic values. The views for women interests show that women hold similar experiences and share interests and therefore are capable of representing women interests better than men. Other prepositions also stress representation capabilities of some women compared to men suggesting that given political opportunity, women may perform political roles sufficiently especially in matters that concern them. These views suggest that women representatives can be perceived as being capable of “acting for” women.

The democratization arguments held that women presence is necessary as a matter of justice considering their population fraction and their contribution to the state regime and the economy as a whole. Such opinions also consider women political presence as symbolically and substantively being a matter of human rights, accountability and responsiveness. These views largely depict women representatives as *descriptive* and *symbolic* representatives implying their “standing for” representation nature but also suggest the “acting for” representation when we consider issues of their personal accountability and responsiveness.

Numerically, it is revealed that there exists unanimous urge for women’s presence in politics in large numbers. Opinions on women quotas indicated a big support for increased women reserved seats on such claims as: women’s enduring barriers that disable them to favourably compete with men; and the women’s huge constituencies. Arguments relating to women persistent barriers suggested the possible effect of polarization that emphasizing cultural gender differences in political representation as theorised in the Critical Mass theory. The issue of women huge constituencies may equally be conceived as a polarizing strategy of men (the political dominant group) to frustrate women political ambitions. Importantly, we note that these constituencies were designed when women ceased to represent women councils that were relatively small and relevant to women interests. The legislation of 1/3 council quotas could have minimised chances for assimilating the women who had a possibility of allying against men’s influence. The alternative strategy for the male dominants thus would be to designate bigger constituencies in which individual women could face a *status levelling* problem so as to depict women as inadequate substantive representatives. The big constituencies of course subjects women to visibility and they end up overachieving in a most strenuous way or under achieving as a result of the circumstances for representation.

In this view, arguments for gender parity or increased quotas seem sensible in the Uganda political aspect. Moreover, as pointed out, women big political numbers may be justifiable considering the women numbers in the population and their role in the economy and in the previous regime. We realize however that there is some satisfaction with the level of the current women quotas of 1/3 (33%) which is closer to the Kanter’s titled groups of 65:35 ratio. Considering that at a legislated minimal 33% quota, the current total women numbers in the councils stand at an average of 41% (as established in the empirical study) a

disapproval of quota increases on account of possible men marginalization might hold. In fact, if we refer to Kanter's typology, the current women representation in local councils is classifiable as a balanced group and therefore the contest about increased quotas in this sense may be regarded as appropriate.

The overall view of Uganda women quotas at the local level seems to indicate that increased numerical numbers is more of fairness arguments. As argued by Dahlerup, Uganda quotas are a form of compensation for women barriers and a reward for their contribution to the political regimes and the economy. It is intended to attain some level of gender equality at least in political numbers which is a component of democratisation values. As such the approach may be considered to relate to symbolic and descriptive representatives who "stand for" others. The question of women substantive roles however keep hanging in balance because as it appears, what is represented is highly dependent on diverse critical actors whose interests keep 'shifting goal posts'.

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¹ Paragraph (b) refers to one woman representative for every district and (c) refers to other interest groups' representative as army youth, workers, persons with disabilities and any other to be determined by parliament

² The 2002 Uganda census report corroborates this argument by indicating that women comprise 48% of the population engaged in economic activities, 63.1 % of the unpaid family labour and 77% in the subsistence farming (see UBOS 2002). The WB report on Gender and Economic Growth in Uganda also indicated a women contribution of 72.6% of GDP from Agriculture by 1997 while Agriculture earns 49% Of the total GDP (see Ellis, Manuel et al 2006).

Debunking the Impasse in the Debate on Culture and Women's Land Rights in Africa

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Abstract. This paper discusses the question of women's right to access land in Africa. Starting with examination of the indispensability of land in production, the paper discusses the socio-political hindrances to women's access to land. Subsequently, it highlights the consequences of the deprivation of women's land rights after which it makes a case for women's right to land.

Keywords: Women emancipation; Land law; Women's rights

1 Introduction

The dominant discourse on the denial of women's land rights in Africa unequivocally condemns the role of culture as the central problem. To this effect reference is normally made to an essentialist static culture that ascribes land rights to men at the expense of women. Arguably, in many ways debates on women's land rights have not effectively deconstructed the male - bias conception of 'culture' in debates on African women's land rights. Normally there is a misconception that culture is inherently patriarchal and found in traditional 'customary' land tenure systems in Africa, which oppress women's land rights. On the other hand, the 'modern' privatized 'free hold' and other variants are not culture but 'western' and they empower women's rights to land. Hence anything culture is African, pre-modern and oppressive of women while Western modernization is not culture and necessarily emancipates women's rights. However, to polarize "traditional" and "modern" land tenure systems can be misleading, and to attempt to replace one with the other can be unhelpful. Land tenure systems are complex and flexible and are difficult to classify as distinct models.

Why can't we broaden the debate in order to expand horizons for researching land tenure systems and women's emancipation in Africa? For example, there are hints on matriarchy and broadly speaking other instances of female driven cultural forms that empower women in African societies but

there is limited interest in this theme; but why are feminists shy on researching matriarchy? Few like Ife Amaduime in *Male Daughters and Female Husbands* and in several instances Cheik Ante Diop did this a while ago but they seem to have attracted no followers, at least not among Ugandan feminists. We need to either empirically disapprove matriarchy altogether or delve into it in search for alternative frameworks for analyzing land rights in Africa. Otherwise, is it scientifically proven that actually customary tenure is uniform in its oppressions of women's land rights in Africa; or even in a small but multi-ethnic formation like Uganda? Be it as it may, for how long should we flag this ill-conceived notion of 'male' dominated customary tenure *ad infinitum* as the reason behind denial of women's land rights? Beyond andocentric are there no alternative frames for debating land rights in Africa?

This recognition has been the basis of a number of widely divergent analytical positions on the social relations of women to land, particularly in African contexts. An outline would suggest the following typical boundaries. The first, liberal inclined women in development (WID) approach, denounces traditional customary tenure systems common in Africa as inherently oppressive and central to the denial of women's rights to land. The way out for this school of thought is to renounce customary land tenure systems for modern variants hinged on western private modes of land ownership, which they see as favourable to women's claims, ownership and control over land. The second, inclined to orthodox gender and development (GAD) approaches, contend that the solution to women's challenges to land ownership lies in establishing a niche in the egalitarian communitarian ethos embedded in African traditions; it is argued that traditional land tenure systems are respectful of women's rights to land and have institutionalized mechanisms to guarantee land rights to women. Thirdly, are those inclined to neo – GAD approaches that are driven by a post-modern contempt for polemics and proffer a pragmatic gender, women and development stand point; that the issue is neither resolved in the modern private modes nor traditional customary tenure systems but in identifying and promoting what empowers women's land rights in either forms or better still create hybrid land tenure systems.

The essay is divided into five parts. Part II is a presentation on the concept of 'culture' as deployed in our analyses of the dynamics of women's land rights. Part III then discusses the debates on the cultural dimensions of the women's land rights elsewhere and Uganda. Part IV then focuses on teasing out the changing cultural interfaces with women and land rights for the better and Part V makes conclusions and way forward.

2 Clarifying 'Culture' in Land Tenure Systems Analyses

There are so many references to culture in academia so it suffices to explain its usage in this essay. Culture is interpreted as a lived social identity of both

physical and metaphysical nature. In physical terms cultures take on tangible form, for example land, and at times non-tangible symbolic forms such as unwritten rules or norms about to go about planting crops on the land. In metaphysical terms culture is spiritual binding humans to superhuman powers. Humans have diverse and dynamic cultures but each retain boundaries to their cultural spaces even where overlaps occur e.g. when we become members of sub-cultures e.g. social clubs or other cultures through marriage. We thrive on cultures because through culture we obtain identities, livelihoods and reproduce ourselves. However cultures are dynamic in that they learn, borrow, assimilate and sometimes reject some aspects from other cultures, even when these are superimposed on them. A typical example is the resilience of many African identities against the onslaught of accelerated modernization driven by the global information age.

Culture is power but the invocation of cultural power varies and could be inequitably distributed in society as a result of both vertical hierarchies e.g. class and horizontal hierarchies within same groups. Gender analyses specifically focus on social relations between men and women and interest themselves in establishing how power is mediated through inequalities in relation to socioeconomic, political, cultural and ecological resources. Given the above, in the essay we consider culture in women's land rights an integral product of specific gender relations in a society. Gender relations to land are dynamic and culturally defined in space, time and mediated by both traditional and modern frameworks and institutions. Culture permeates power relations transferred through horizontal social structures e.g. beliefs, norms and traditions, recently being redefined as horizontal inequalities (HIs) as articulated by Stewart (2008). And on the other political spaces and processes, which are moderated by the traditional vertical inequalities of class, ethnicity (tribal), race, and gender, in defining the nature of gender relations.

International law recognizes the dual nature of cultural rights. On the one hand, cultural rights cover arts, sciences, and local knowledge. On the other hand, the term means respect for cultural differences. Such differences exist among groups or collective identities. Thus from a legal perspective, culture is a way of talking about collective identities (Anaya 2004). Human rights law recognizes that landholding systems constitute a central aspect of peoples' cultures, providing a key criterion of 'identity'. In this paradigm, protection of ancestral land becomes crucial for the sustenance of a cultural system, and without such protection, it is difficult to maintain collective identity of an indigenous group.

This brings us back to the central concept of women's land rights. Women as wives, mothers, grandmothers and sisters play a significant role in assigning the key identity to individuals and groups. Women should therefore, be articulating their right to land as nothing short of a cultural right. This perspective asserts that women's land rights should be legally recognized from

specific cultural dimensions such as spiritual attachment, traditional territoriality and reproduction of livelihoods. Hence the right of women, like others, to use their lands also refers to their ability to access the resources that sustain life as well as to the geographical space necessary for the cultural expression and social reproduction of their group (Upadhyay and Upadhyay 2002).

Similarly there is an obvious connection between people's right to use their land and their survival, as without access to their land, communities cannot access their means of livelihood. Women are the core agriculture producers and should culturally enjoy this right to land in two aspects: the right to a collective existence and the right to subsistence. Associated with the right to life is the right to health. In this context, the obligation to protect an environment is important because if the environment is not conducive, peoples cannot live on their lands. In this sense, the environment is not an abstraction but represents the living space, the quality of life, and the very health of human beings, including generations unborn" (quoted in Gilbert 2006).

A major problem regarding land in Uganda is that policy is still designed without finding out the real situation on the ground. Similarly, a major challenge in culture and land rights research is coming up with relevant questions to enlist the correct and accurate responses. However, I found a set of intriguing and useful demonstration of what could constitute a useful set of research questions from a 'cultural perspective' to include the following: what cultural knowledge has been invoked in dealing with women's land rights in the different studies (spaces, policy contexts, etc?) How are women's cultural rights to land negotiated, claimed and reinforced? How are women deploying cultural knowledge in framing their land rights? Are women utilizing, contesting, or subverting existing cultural knowledge, generating new cultural knowledge? (See. Methodological notes on the IDRC/CBR 'Women, citizenship and land rights in the Context of Decentralization'). It would be useful to deploy these questions to defining the major tenure types under review.

2.1 Private Property and Women's Land Rights

Private or capitalist property relations are western cultural constructs and have their own challenges for women's land rights as does the customary tenure systems akin to traditional African settings. The western land tenure system pays high tribute to the notion of individual land ownership; a "land system is in fact a property system" or a "commodity" (Simpson 1976), that is even if land does not enter the market (Bohannan 1967). The classical western conception of land ownership assumes a bundle of consolidated rights and a single "owner" of that bundle of rights who is identifiable by formal title rather than informal relations or moral claims (Singer 1996). Land rights and deeds have to be registered to guarantee the security of tenures (Simpson 1976), since

land is physically immovable and everlasting. Tenure has to do with rights to land against or with other persons, with the consequence that rights to land can become an attribute of the land—in other words, “rules of tenure encompassing with those of the group in the same parcel of land” (Adeyoju 1976).

This complex notion of land is absolutely essential to the western system of land tenure, as well as to the market-oriented economy (Bohannon 1967). However, for these very reasons, it is difficult and often harmful for empowering women and indeed local people’s rights to land in pre-capitalist or emerging nascent market economies like Uganda. Instead, it opens up the land to grabbers and encourages women and the poor people’s loss of rights to land. A number of researches attest to this predicament.

One solution that Western development experts initially promoted to overcome the shortcomings of customary law was to give land titles to individuals. Esther Mwangi, a land rights researcher at Harvard University, notes that governments in East and Southern Africa followed the course of land titling, in an effort to ensure that individuals had legal power over their land. This policy was expected to help women secure legal rights to properties that they owned or inherited. In the areas where I have been working, the privatization process has actually stripped women of their access,” (Kimani 2008). Ms. Mwangi told *Africa Renewal*. During titling operations, it was mainly men who got their names on the documents because they were deemed to be the “household heads.” Widows lucky enough to get land were allocated the smallest lots. The number of polygamous households across Africa has complicated things further. Often senior and junior wives, their children and several sets of in-laws compete for access. “As the legal land title holder, the man can do whatever he wants with the land,” explains Ms. Mwangi. “Some just sell the land without informing their wives” (Kimani 2008).

According to the above study, land rights activists suggest that one way to give women guaranteed access to land is to separate formal ownership of land from the ability to use it. Thus, while the land may be registered in the name of a man, he would be barred from selling it without the consent of his wife or wives or other heirs (Kimani 2008). However, as research on a similar reform in Uganda, the “Consent Clause” in the 1998 Land Act, demonstrated this has not successfully empowered women’s rights to land because of legalities like who is the rightful wife? Which land is co-owned, etc (Nakirunda, 2010).

But such ideas may be easier proposed than implemented and resistance has been recorded in affected countries. First of all, they require changes in the law. Activists for women’s land rights have tried to have laws passed in many countries, with mixed results, notes Ms. Izumi. In Uganda, where there was very active lobbying by the Uganda Land Alliance for both men and women to be listed in title deeds as co-owners, the bill came to parliament repeatedly and failed each time. In part, explains Ms. Izumi, there was resistance by the private sector (Kimani, 2008). In Tanzania, where land is owned by the state but assigned on the basis of long-term leases (usually lasting 99 years), businesses

argued that collective ownership would make it hard to use land as collateral for bank loans or as a source of income. “They argue that if buyers have to get consent from family members before land can be sold or utilized in a certain way, it will be very difficult. It doesn’t facilitate the land market,” says Ms. Izumi. That argument, Ms. Izumi notes, overlooks the fact that women often do not benefit from such private land transactions or use land as collateral. That is because they generally do not control financial resources in the family and cannot afford to buy land. Even when they do, they still have difficulties getting credit, because in many countries they need the consent of their husbands to apply for loans (Kimani 2008). In this instance it is clear that imposing private tenure practices faces resistance from men because they could martial individual, corporate and public institutional defences against women’s roles in arbitrating land in a market economic context.

Aiming at imposing private land holdings, colonialism is castigated to have institutionalized and worsened patriarchy – male domination culture - that undermines women’s effective rights to land in Africa. Before the interruption of the traditional life by colonialism, the laws governing land acquisition were based on the right of “burning or the axe.” Whoever cleared the forest had the right to use the part cleared and pass it on to his clan or sons, in patriarchal groups, or her clan or daughters in matrilineal communities.

Under colonialism Wanyeki (2003) points out, the superimposition of Statutory and Religious laws over customary land tenure systems institutionalized patriarchy and the systematic reduction of women’s land rights in Africa. This was done through Statutory Law that declared some land to be “crown land,” which could only be accessed through the colonial government, which the post colonial governments have retained. Broadly speaking this intended to promote private tenure systems and for that matter law ownership has but benefited limited rights of specifically wealthy African women to land. In other instances, colonialism recognized religious norms and institutionalization or made them law; that is from polygamy under *Sharia* in Moslem territories e.g. northern Nigeria to monogamy in Christian territories in eastern Africa. Whereas Christianity did not seek to change the land laws, their insistence on monogamy as the only acceptable form of marriage has had far reaching effects, especially on women’s ability to own land. The monogamy that the church promotes is not based on equal partnership but on the subservience of women to men (Wanyeki 2003: 171). The revelation from this complex interaction of forces is that most of the challenges to women’s land rights arise as much from the ‘traditional’ land management systems e.g. customary tenure in Uganda, as from the post colonial ‘modern’ private ownership systems.

The reference to matrilineal communities resurrects my earlier concerns about the negligence of matriarchy and other forms of women driven agency in cultures in analyses of women’s rights to land, especially in Uganda. Do we still have matrilineal societies in Uganda? What lessons can be drawn on the

cultural realities defining women's land rights in such communities? If they no longer exist, can we archive what existed and inform present day debates and policies on land?

2.2 Customary Tenure and Women's Land Rights

This form of tenure is the most derided for its denial of women's rights to land in Africa. Contrary to expectations however the recent land tenure reform in Uganda actually re-invigorated customary land tenure. By definition customary land tenure are "systems where some social authority or local political entity exercises administrative rights over land" (Lawry 1988). An important aspect of customary land tenure is the principle of "first occupancy", giving overriding special rights to the first settlers in a particular area (Adeyoku 1976). Individuals have rights to land usually in the form of usufruct rights by virtue of their membership in a particular social group. Bruce (1988) observes that group hierarchies in many societies can be defined by common descent or common residence, or by a combination of both common descent and residence. He points out that usually a customary land tenure system applies significant group control, reflecting some group interest, over land that is apportioned for the relatively exclusive use of individuals or families of the group. As a consequence, most customary land tenure systems tend to prohibit customary users from selling land to outsiders. As a result on one hand customary land tenure systems are often vilified as negative by perpetrators of private tenure as a bottleneck to land reform that seeks to open land to individual rights to transfer ownership (Tripp, 2003; Kobusingye 2002), but others highly idealize and romanticize the customary ways of indigenous peoples in dealing with the denial of women's land rights (Shiva 1988).

Land and Equity Movement in Uganda (LEMU) research observes that in 1998, the government of Uganda revolutionised land rights in the country. For the first time, "traditional" or "customary" ownership of land (i.e. without any official papers) was legally recognised. Local systems of justice were allowed to determine land disputes, but the state also gave the right to go to local courts, which have very low fees (less than \$1) and where hearings are without lawyers. The state also outlawed any discrimination in local "customary" rules (Adoko and Levine, 2009). Unfortunately, the situation for women and their right to land is still terrible and seems to be getting worse leading many a women's land activist to castigate the revamped customary land tenure system.

Many critiques agree that since colonialism customary tenure has been under siege causing competing land tenure systems where it remains strong and altering and or destroying it in some areas. Consequently it was weakened and does not exist in pure form to provide the safeguards for women's rights as it used to in the past (among others Ahikire and Obaikol, 2009; Nakirunda 2010; Ssewakiryanga 2010). For that matter, the problem is not the tenure system in itself but rather in its management under the renewed dispensation.

After revamping customary land tenure, Adoko et al. rightly explain, the state has ignored the clan system, instead of supporting it and holding it to account, so clan leaders are no longer clear about their powers and responsibilities. The state is not protecting rights, because justice is not available from local courts (it is perhaps hard for a western reader to imagine how bad the situation in the justice sector is). LEMU has identified many factors behind this. Court members are not trained in customary land law. How can they uphold women's rights if they don't know in what form they exist? Courts function with no support or oversight. Our examination showed that lower court "judgments" rarely make reference to evidence. Though sometimes guilty of bias or corruption, they often give judgment defending the rights of women. However, land grabbers simply ignore these judgments. The courts don't know how to enforce them, and so shrug their shoulders and tell the victim (who won the case) to take it – at their own expense – to a higher court. As this is repeated, the victim eventually gives up, unable to afford to proceed (Adoko and Levine 2009).

This calls for an examination of land reform in view of addressing women's land rights. According to Marjolein Benschop (2003) currently Uganda, Tanzania and Kenya are parties to the relevant international human-rights instruments, and are thus bound to their obligations (*to protect women's rights*) under international law. While Uganda has translated a number of these obligations into its constitution, comprehensive constitutional review is yet to take place in Tanzania and Kenya. Even though the women's lobby in Uganda and Tanzania has been pushing for new land legislation that recognizes women's equal rights and to land the adoption of affirmative action, Kenya's land law reform is still in its initial phase. This matrix which was developed by Benschop demonstrates the following pattern of land reforms and their specific areas of change in the three countries East African countries.

Table 1: Status of East Africa's Legislation on Women's Rights to Land

Women's Rights	Uganda	Kenya	Tanzania
Gender-based discrimination prohibited	YES	YES	Partly (allowed in application of personal law and customs)
Discriminatory customary laws prohibited	YES	Partly	NO
Women's equal right to acquire land/housing	YES	YES	YES (explicitly in Section 3(2) of the Land Act and the Village Land Act
Spousal co-ownership presumed	NO	NO	YES (Section 161 of the Land Act)
Women's equal inheritance rights:			
For Widows	NO	NO	NO
For Daughters	Partly	Partly	YES

Source: UN-Habitat, 2003

Under the statutory laws in Kenya and Uganda, inheritance rights have been given recognition, but these laws still do not include equal inheritance rights for widows and their application is still quite limited. In Tanzania, a statutory, uniform law on inheritance is urgently needed. In all three countries, customary laws and traditions still play an important role and often block women from owning landed property. Uganda has made an effort through its 1995 Constitution, which prohibits discrimination on grounds of sex, while the Village Land Act of 1999 prohibits the application of customary law if it denies women lawful access to ownership, occupancy or use of land. Implementation of such provisions is the next step. An indeed the question that arises is: what is the impact on women's land rights so far?

3 Old Wine in New Bottles: Limited Change in Women's Land Rights

A review of the landscape on land reform and women's rights in Africa done by Wanyeki (2003) concluded that overall women have the statutory legal right to inherit land but the degree to which they can exercise that land right in practice is constrained. The central constraining factor remains the necessity for male mediation and the dominance of customary practice. Overall, regardless of reform and tenure type women are the losers. Ahikire (2010) reiterates this claim in recent research on 'women, citizenship and land rights in Uganda and also concludes that women are cutting their coat according to the size of the cloth available - their collective agency is clearly situated in the current terrain of land administration – which adds up to the limited ability to exercise their legal rights!

Ahikire and Obaikol (IDRC, 2009) provide some statistics showing a terrain loaded with administrative and legal inertias for moving the women's land rights agenda forward. We are reminded that over half (50%) of land in Uganda is unregistered. Implying that there is limited scope of private land tenure holdings in the country and obviously these titles are predominantly owned by men and not women. Even then, a survey in 10 districts established that almost the same amount of land (45.3%) owned by respondents in the study did not have any document to show ownership of land. And there was a high rate of marriages that were not officially registered implying no rights of claim for women whose land rights are principally through marriage. For that matter there is need to address the evils in customs, traditions and cultures in order to make tangible benefits for women in land tenure reforms. For example, often customary marriages are not registered. Why not register them? Why not address weaknesses in customs that commercialization of dowry and promote the treatment of women as men's property? And, why not tackle the notion that women cannot (in fact should not) therefore own property in their own right?

It is clear that in a country like Uganda, the customary land tenure system is not only predominant but also still considered the most egalitarian in attempting to address women's land rights. That abuses and pressures around it could have destroyed these qualities necessitates affirmative action to address those emerging weaknesses other than seeking to suffocate this tenure type in the haste to do away with 'negative' culture. For example, although it is not stated whether this was by omission or commission, a study by Ahikire and Obaikol reveals that most of the land disputes (70.4%) are heard in customary courts and only 18.8% in Magistrate or modern courts. They conclude that this presents a contradiction; customary norms often prevail leading to areas of conflict between constitutional requirements and customary norms. However, contrary to widely held denunciation of customary tenure, the study is positive that the most durable protection of women's land rights is under customary realm (IDRC 2010).

Nevertheless, what Tripp (2003) reminds that because the knowledge bases of customary ownership have been eroded since the time of colonialism, women's access to land became significantly more precarious as the protections traditionally ensured by the clan system peeled away, the clan system they are seeking to preserve is no longer one that affords women the supports it is once said to have guaranteed. Consequently, women, both rural and urban, have responded to the renewed interest in protecting customary laws and practices through collective strategies, which in Uganda have included a movement to ensure women's access to and ownership of land. Women have also adopted individual strategies of purchasing land and taking their land disputes to court.

The agency of women is recognized in contemporary studies however while a cross section of predominantly urban middle class women could be going the route of individualized land ownership, the bulk of women being poor and rural are negotiating rights within the customary domain. This is important to note given the limited emancipation enjoyed by women even under the structures put in place by the Land Act 1998.

It is still true that the underlying challenges for women's equal rights to access, own and control land is as a result of the persistence of discriminatory laws, policies, patriarchal customs, traditions and attitudes in various countries that are still blocking women from enjoying their rights. Even where statutory national laws recognize women's rights to land, housing and property, "traditional" values prevail amongst judges, police officers, local councillors and land officials. They often interpret statutory laws in what at present are understood to be "customary ways", as a result of which women are deprived of the rights they should enjoy under statutory law (HABITAT, 2003).

In addition, as Nakirunda (2010) asserts, that legal reform has legitimized women's rights in Uganda, it not enough, because generally women's land rights have not been prioritized at the level of implementation. Protection of women's rights to land is compromised by weak enforcement of affirmative law. In Uganda, the Consent Clause (under Land Act 1998, Cap 227),

provisions to have the marital home and land registered jointly have come into force, to enable the widow remain the registered right holder of the land and house with the authority to sell, mortgage or carry out any other transaction. However as Nakirunda (2010) pointed out, here again, the consent clause can be read to apply only to land that is both residential and not to plots of land further from the house and in addition the question is the existent to which consent can be practiced when it is gotten through violent means, when husbands resort to violence and physical abuse to coerce consent from their wives!

Also challenging for women are the unnecessarily high costs and elitist procedures of acquiring private land titles and leases. The overemphasis on privatization, individual freehold tenure and rigid planning and registration procedures that are costly, lengthy and often inaccessible to the (urban) poor deepens the gap between those who can and those who cannot afford and these are invariably African women. The critique of legal policy frameworks is that by and large such laws and policies are gender neutral, but do not address existing discrimination. Cultural attitudes and lack of clarity about implementation of such provisions go hand in hand to prevent the implementation of joint titling for spouses. Laws related to marital property and inheritance rights remain discriminatory in most Sub-Saharan African and various other countries (HABITAT, 2003).

4 Consequences of Denial of Women's Full Land Rights

Thirty years after the adoption of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), many girls and women still do not have equal opportunities to realize rights recognized by law. According to Human Rights Watch, for example, in many countries, women are not entitled to own property or inherit land. Women's rights have not been observed in some countries as much as expected; in some places claims are made that women's rights will be respected more, yet policies are sometimes not changed enough—or at all—thus still undermining the rights of women. However as part of the campaign to force governments to implement reforms with tangible dividends for women's limited rights it is important to express the important role an equitable land ownership environment for women and men would play in human development worldwide.

The adage empower a women and you would have empowered the world is borne out of this reality in development. United Nations reports have accumulated data to suggest that attaining equal rights of women to access and own land will propel development in poor countries because the price of their landlessness has caused the following consequences:

- a) *Global food insecurity*: women as producers are denied land so net food productivity declines and famines set in (FAO cited in Kimani 2008).
- b) *Feminization of Poverty*: as globally women regardless of nature of unemployment or employment swell the population of the world's masses of the poor (Robbins, 1999).
- c) *Women are invisible in non-farm employment*: Ironically, landlessness enslaves women to the land. For many women, unpaid work in and for the household takes up the majority of their working hours, with much less time spent in remunerative employment (UNICEF, 2007).
- d) *Women's limited land rights affect future generations*: Denial of women's rights to land transforms into poor opportunities for children and especially future generations of girls. Women's equal rights and influence in the key decisions that shape their lives and those of children must be enhanced in three distinct arenas: the household, the workplace and the political sphere.
- e) *HIV and AIDS exacerbate women's land problems*: According to (Kimani, 2008) the spread of HIV/AIDS and the stigma associated with the disease have only made women's land rights more precarious. Widows of men who die from the disease have often been accused of bringing the malady into the family, possibly leading to the confiscation of not only their land but other property.
- f) *Women more vulnerable to climate change*: Many of the above factors also combine to make women more vulnerable to the impacts of climate change, as the United Nations Population Fund (UNFPA) explains: Women - particularly those in poor countries - will be affected differently than men. They are among the most vulnerable to climate change, partly because in many countries they make up the larger share of the agricultural work force and partly because they tend to have access to fewer income-earning opportunities.

These arguments call for a deeper interrogation of culture and its role in arbitrating rights of women to land in Africa. Given the above circumstances, is it useful to remain vague on the claims about culture in the denial of women's land rights? What specific cultural elements are useful in safe guarding equitable rights to land? What lies beyond patriarchal and the andocentric issue that can provide alternative frames for redefining the land rights question in Africa? How can we map, document and promote the positives in African cultures which are supportive of women's land rights? How do we get beyond the impasse – the pessimism – grounded in debates on culture, women and land rights in Africa?

5 Is it all lost? Some Moves in the Right Direction

Albeit is slow and sometimes back and forth ways, something positive is being realized in the social movement to improve women's land rights in Africa. The concerted constitutional reforms have not gone ineffective because they have engendered laws and simply need to be accompanied with support from states and partners to ensure that these deliver effectively by walking their talk (Nakirunda 2010). Indeed as Ahikire (2010) points out some women especially in urban areas have utilized the opportunity to register land either in their names as sole or co-owners. Women are also utilizing land dispute resolution mechanisms at local level. Specifically, LC courts were said to have created an opening/vent for community and women have utilized them albeit with varying degrees and outcomes. And the on-third representation of women on all land justice structures was being followed in ensuring women's presence in land administration processes.

Elsewhere, Kimani (2003) points at some positive achievements sometimes precipitated by health conditions, for example in Swaziland, women cannot own land because they are considered minors under the law. Yet some HIV-positive women who lost access to land after their husbands died were able to negotiate with a female chief to persuade other chiefs to give the widows land they could use to secure their livelihood. Similarly, in Kenya, community watchdog organizations and other groups providing home-based care for those living with HIV/AIDS are intervening. When they encounter property grabbing, they negotiate, mostly with male members of the family, for women and girls to retain access to the land and property.

In Rwanda, the government passed a law in 1999 giving women inheritance rights equal to those of males, overruling traditional norms by which only male children could inherit. This has enabled widows and female orphans of the 1994 genocide to secure land. In Ghana, reports IFPRI, cocoa production is changing land relations. Growing the plants is labour-intensive, and increasingly men and women are negotiating exchanges of labour for land. Under the process, which is called "gifting," the married woman is given a piece of land as payment for her work. The community recognizes the gift as an irrevocable exchange of land for labour, and the woman continues to own it even in the event of separation. Currently, UN agencies such as FAO, the UN Development Fund for Women (UNIFEM) and UNDP are working with non-governmental organizations to raise awareness among women of their rights and to support efforts to entrench equality of access in national laws (Mary Kimani, 2008: 10).

6 Conclusion and Recommendations

Land is a vital asset for millions of Africans and a critical resources for development and can provide economic security, incentives to protect the environment, increased social status and especially for women. However, in Africa, the poor mostly have rights to land, forests, or pastures when resources are held as common property Pietrowsky (2006) meaning that women's rights to land are more resilient within communal ownership settings. However, outside communalism, redefined customary laws can also threaten land rights. Customary laws, while protecting common property, can often prevent women from owning and inheriting land. New approaches to improve land rights Reform that reflects customary tenure has to ensure that rights of women, groups, and the poor are safeguarded. To do so, the new approaches to improve land rights should provide legal advice to inform the poor of their rights; provide guidance to banks and the poor, mores so women to affordable and flexible lending rules to accommodate group rights. Most important of all is to recognize that there is no one-size-fits-all solution to reforming land rights in Africa. Innovative approaches to property rights can achieve equity, protect the environment, and improve the lives of the poor.

Albeit is slow and sometimes back and forth ways, something positive is being realized in the social movement to improve women's land rights in Africa. This actually means much more theoretical and action research has to be conducted to delve deeper into the dynamics of culture and land rights in Africa and the place of women's rights therein. The issue of culture as an impediment to promoting women's land rights is pertinent but often poorly articulated causing an impasse that needs to be debunked by critical research. Cultures are pervasive and manifest themselves different in spaces – e.g. different ethnic and policies e.g. the different land tenure policies. Culture then should not be essentialized in the negative. Rather by getting at the bottom of these dynamics we could yield lessons for way forward in improving women's land rights

Implementing land reform it itself does not add up in the absence of institutionalizing mechanisms to back the reforms with building capabilities of beneficiaries to place to intended use and outcomes. Hence revamping customary tenure and then leaving the judiciary and local traditional structures in the dark on how to implement their roles was a mistake that needs to be addressed. This is emphasized because the evidence is that almost 80% of Uganda's land is under this customary ownership, and it is acknowledged that Customary law for most tribes in Uganda gives women considerable rights, far more than state law allows under the freehold title system. The challenge is that customary law is not always being applied. There are many reasons for this - including the fact that many of the customary authorities (clan leaders) don't know their own unwritten law any more (Adoko and Levine 2008).

In addition there is much needed is reform of the judiciary to enhance capacities to handle land conflicts while at the same time paying attention to

specific plight of women. The evidence suggests problems like gross understaffing, ignorance about customary law in practice, ignorance of tenure systems and land rights, encumbrances in accessing, using and benefiting out of courts, which among others need to be addressed Nakirunda (2010). As a result, court roles are being usurped and misused by lower level government structures e.g. Ahikire (2010) recommended against the extension of land jurisdiction to Local Councils, after women in Mukono District complained that: “LC I executive committees should *by law* be barred from handling cases involving land, and should also be prohibited from involving and meddling in land sales because LC I is ‘too close for comfort’ and in issues of land, self interest often thrives” (Ahikire, 2010: 7).

Besides reforms of the systems, the state has to facilitate implementation and enforcement to work through integrating the customary justice system with its own, so that courts can supervise and hold the clan systems to account. Facilitate procedures for appeal against the clan judgment, but ensure enforcement of judgments if there is no appeal – which must be brought by the loser. Again, this is not about resources. Actually, in some contexts local leaders e.g. in Teso have written down their customary land law, which could take limited support from the state to disseminate to both the clan elders and the members of the lower state courts and the magistrates and once there is legal integration of the two justice systems, others can help in the work of training clan and state courts in record keeping, or in the principles of evidence and natural justice (Adoko and Levine 2008).

There is need to bring parity into regional legal reforms such that there is correspondence in working towards equitable and effective land tenure regimes in East Africa. According to UN HABITAT (2003), existing legislation in the three East African countries ranks Tanzania's new land laws are the most elaborate and also contain most provisions on women's equal land rights. Tanzania is the only East African country to have included a presumption of co-occupancy in its legislation. In Uganda, only a few provisions related to women's land rights were included and a clause on spousal co-ownership added. In Kenya, although a growing number of women have acquired land through co-operatives or land buying companies, in general most women do not have the means to buy land or houses. Under the statutory laws in Kenya and Uganda, inheritance rights have been given recognition, but these laws still do not include equal inheritance rights for widows and their application is still quite limited. In Tanzania, a statutory, uniform law on inheritance is urgently needed. In all three countries, customary laws and traditions still play an important role and often block women from owning landed property. Uganda has made an effort through its 1995 Constitution, which prohibits discrimination on grounds of sex, while the Village Land Act of 1999 prohibits the application of customary law if it denies women lawful access to ownership, occupancy or use of land. Implementation of such provisions is the next step.

Civil society efforts activism should go beyond the assumption that modern tenure are pro-women's rights while customary tenure systems are anti-women's rights. It is important to reflect on Tripp's (2003) observation that, while the most dramatic changes in land tenure reform today is that, for the first time since the pre-colonial period, states are giving legal recognition to existing African tenure regimes, which are being treated on par with the freehold/leasehold systems. Ironically, at the very time that these gains are being won in the name of the rural poor, the pastoralists, women, and the landless, African women have mounted new movements to eradicate customary land tenure practices and fight for the rights of women to be able to inherit, purchase, and own land in their own name. "Feminist lawyers working with these movements have argued that customary law in the present day context has been used to selectively preserve practices that subordinate women. Rather than seeing customary land practices as a basis on which to improve women's access to land, they are advocating for rights-based systems that improve women's ability to buy, own, sell, and obtain titles on land": where is the evidence that free hold/leaseholds work better for, and may be even better still what, women?

Concerted effort to educate masses that land is life but denying women land is to limit its potential and often destroys altogether is important. People should learn about their cultural rights to land and that women are central to land management, its productivity and sustainability but should first have the equal rights in order to fulfil these roles. In articulating advocacy for women's land rights, both modern and traditional authorities over land should be respected and supported to deliver their best. This is crucial because a contemporary "traditional" land tenure system such the revamped "customary land tenure" system in Uganda can be more adaptable, efficient, and productive than a single land tenure system created out of the historical accident of European physiocracy. Thus, even if a government opts for a policy of individual land titles and freehold as the basis of a modern land tenure system, it can still consider how to build the new policy on the well-tested, community based, traditional tenure systems. Hence the policy makers who are building new systems should consider the operational principles behind the traditional ways, which have been developed and tested over a long period of time.

Finally, it also calls for joining roles and resources in targeting broader cultural change in attitudes to women and development, because those who decide land allocations have particular cultural understandings of the role of women in society. So wider gender disparities in economic and political power also need to be addressed. For that matter, as Adoko and Levine (2008) concluded, the state justice system on its own will still never be able to defend the rights of all women (and men). Women's land rights will not improve until three changes happen. The first is that attitudes towards customary law have to change, both within government and in the distant world of academia and NGOs. Secondly, the government has to be proactive about improving the situation, and thirdly, policy should be based on evidence, not on

preconceptions. Ultimately, we have to decide whose voice counts in deciding how to protect land rights - only those of us who live in town, are educated, have money and know how to handle courts? Or those of the rural women whose lives we say we want to help?

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Do Transnational and Multinational Corporations Promote or Violate Social and Economic Rights?

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Abstract. This paper reports the findings of a study that explored whether Transnational Corporations (TNCs) and Multinational Corporations (MNCs) promote and/or violate social and economic rights (SER). The findings were that TNCs and MNCs promote SER by persuading host governments to meet their human rights obligations; exerting pressure on the host governments of corrupt regimes by threatening to withdraw their operations; being present and reaching on the ground in developing nations' communities and engaging with the people who live there, and reporting on anti-corruption programmes and operations, among others. The study also found that while they promote SER, TNCs and MNCs also violate SER in various ways including abuse of loopholes in the world trade organization to violate SER; evasion of responsibilities; their dealings in disposing off, and relocation of highly dangerous activities; dealing in fraudulent activities; and engagement in false and wasteful competition.

Keywords: International trade; Industrial regulation; Human rights

1 Introduction

The term 'Transnational Corporation' (TNC) refers to an economic entity or a group of economic entities operating in two or more countries, whatever the legal framework, the country of origin or the country or countries of activity, whether its activity is considered to be individually or collectively.¹

Another definition, from the Commission on Transnational Corporations of the Economic and Social Council (ECOSOC) is that, TNCs are enterprises, irrespective of their country of origin and their ownership, including private, public or mixed, comprising entities in two or more countries, regardless of the legal form and fields of activities of these entities, which operate under a system of decision-making permitting coherent policies and a common strategy through one or more decision-making centres, in which the entities are so linked, by ownership or otherwise, that one or more of them may be able to exercise a significant influence over the activities of others and, in particular, to share knowledge, resources and responsibilities with the others.²

TNCs are made possible by improved international communications which provide rapid containerized transshipment and foreign travel, easy communication of information, and international mobility of capital.³ Although TNCs grew most rapidly in the 1960s, the foundations were laid in the inter-war period, notable examples being Ford, Vauxhall, and Philips. In the mid-1980s TNCs accounted for 14% of UK employment and 30% of UK exports. The corresponding figures for France were 24% and 32%. TNCs are probably the major force affecting world-wide shifts in economic activity, since the largest have a turnover greater than the Gross National Product (GNP) of many less developed nations. Although a developing nation may benefit from the construction of a plant for a TNC in terms of jobs and markets, it has been argued that the price is a loss of local control.⁴

On the other hand, Multinational Corporations (MNCs) are corporations that have their facilities and other assets in one or more countries other than its home country. Such companies have offices and/or factories in different countries and usually have a centralized head office where they co-ordinate global management. Like the very big TNCs, very large MNCs have budgets that exceed those of many small countries. According to Investopedia, nearly all major MNCs are either American, Japanese or Western European, such as Nike, Coca-Cola, Wal-Mart, America on Line (AOL), Toshiba, Honda, Toyota, and BMW, among others.⁵

To many scholars, TNCs and MNCs are the same. According to Wikipedia, the other names for Multinational Corporations (MNCs) are Transnational Corporation (TNC) and Multinational Enterprise (MNE). The International Labour Organization (ILO) has defined an MNC as a corporation that has its management headquarters in one country, known as the home country, and operates in several other countries, known as host countries.⁶

2 How do TNCs and MNCs Promote Social & Economic Rights?

Economic and Social Rights, also called Second-Generation Rights, are those rights connected to the social and economic features of life. They include rights such as access to food, water, housing, healthcare, work, adequate standard of living, education, and social security. Special rights of Children, Women, Minorities and Persons with disabilities also fall in this category.⁷

Economic and Social Rights began to be recognized by governments after World War I. They ensure different members of the citizenry equal conditions and treatment. Like first-generation rights, they were also covered by the Universal Declaration of Human Rights, and further embodied in Articles 22 to 27 of the Universal Declaration, and the International Covenant on Economic, Social, and Cultural Rights. In the United States of America, President Franklin D. Roosevelt proposed a Second Bill of Rights, covering much the same grounds, during his State of the Union Address on 11 January 1944.⁸ Generally, TNCs and MNCs contribute to the Development and Realization of Social and Economic Rights in various countries in varied ways as follows.

First, while there is no doubt that the diplomacy and influence of the international community is fundamental to changing corrupt regimes, TNCs and MNCs are in a unique position to promote change and persuade governments to abide by their human rights obligations. TNCs and MNCs enact positive influences resulting from self interest and the pursuit of profits, for example, increasing employment, increasing available capital, technology, knowledge, improved management and positive contributions to labour relations and administration. The standards that TNCs and MNCs bring to developing nations should be and are always higher than the incumbent ones. By doing all these, TNCs and MNCs promote to the development and realization of Economic and Social Rights. 9

Second, TNCs and MNCs usually exert pressure on the governments of corrupt regimes by threatening to withdraw their operations. If governments, even established developed world democracies, fail to comply with corporate demands, they risk the withdrawal of corporate activity, which has become increasingly mobile. With this sort of power, capable of altering the world's economic and political systems, TNCs and MNCs are able to promote the development and realization of social and economic rights and other human rights in general.10

Third, the promotion of social and economic rights is within the TNCs and MNCs reach. They are present on the ground in developing nations' communities and engaged with the people who live there. They are often extracting massive profits either from natural or human resources. In this situation, an obvious moral duty exists to reinvest some of these profits in order to construct a decent life for the local communities. By doing so, the help in the development and realization of social and economic rights of persons where they operate.11

Fourth, the revealing spotlight of a developed civil society, which should accompany TNCs' and MNCs' operations in the developing world, can force changes in the developing "host" nations. The exploitation of workers by local producers can go unnoticed, but if high profile TNCs and MNCs engage in such activities, NGOs and activist groups will sound alarm bells around the world. TNCs and MNCs engaged in these societies have the opportunity to demand adherence to human rights, which local governments will have little choice but to comply with, hence, promoting the development and realization of social and economic rights.12

Fifth, Transparency International Report (2008) on promoting revenue transparency in oil and gas industries states that International Oil Corporations (IOCs) (which are also TNCs and MNCs) show better results in reporting on anti-corruption programmes and operations than in the area of payments to host governments, making payments transparency the weakest area evaluated. Companies such as Shell and BG Group demonstrate best practice, making available relevant information on their anti-corruption strategies and efforts13,

which are essential to the development and realization of social and economic rights.

Sixth, it is widely accepted that technological progress is an important factor in protecting the natural environment. If increased technology could contribute to improved environmental management capacity, then TNCs and MNCs are key to achieving sustainable development, because they are the main transmission mechanisms of technology to developing countries. In 1995, over 80% of global royalty payments and license fees were paid by TNCs and MNCs subsidiaries to their parent companies.¹⁴

Besides, TNCs and MNCs are not only the major technology innovators, but they also possess skills in the safe handling, transport, storage, use and disposal of toxic materials, and in the development of pollution abatement technologies. Moreover, TNCs and MNCs can positively contribute to sustainable development through the transfer of environmental managerial skills that are not available to host developing countries.¹⁵ Given the foregoing, therefore, TNCs and MNCs are seen to be some of the drivers, driving the vehicles of development and realization of Social and Economic Rights.

3 What is the potential of TNCs & MNCs for Violating Social and Economic Rights?

While it has been indicated (in the foregoing section) that TNCs and MNCs make significant contributions in promoting Social and Economic Rights, they are also seen to be detrimental to their development and realization. To augment this thesis, eight perspectives are worth elaborating: TNCs' and MNCs' violation of human rights through uncontrollable urge for profits; their violation of human rights through the loopholes in the world trade organization; their violations of human rights through interventions in conflicts; their evasion of responsibilities; their violation of human rights through dealing in, disposing off, and relocation of highly dangerous activities; their commitment of fraud/dealing in fraudulent activities; their engagement in false competition, and compromising of host governments into violation of human rights. These are elaborated as follows:

3.1 Violation of Human Rights in Pursuit of Profits

All TNCs and MNCs follow the same logic: systematic use of the disparities between countries arising from unequal development in order to increase their profits. By doing so, they all, overall, accept the increase of these inequalities and the degradation of the quality of life of whole swathes of the world's population. These practices, which are in effect throughout the whole world, have been meticulously furthered by the policies of the international financial

institutions: after having largely contributed to the spiral of debt of poor countries, the International Monetary Fund (IMF) and the World Bank (WB) have imposed structural readjustment measures favourable to the TNCs and MNCs. By impoverishing these countries, these measures have violated the human rights of these countries' populations such as the right to health and to life.¹⁶

3.2 Abuse of Loopholes in the World Trade Organization

With the arrival on the scene of the World Trade Organization (WTO) and the absolute priority given to trade over all other considerations, the last brick of the edifice was put into place. The TNCs and MNCs have since had essentially free rein within a framework tailor made by the IMF/WB/WTO triumvirate to serve TNCs' and MNCs' interests. The unbridled privatizations that the WTO has championed, alone, have substantially added to the power of today's TNCs and MNCs. This supremacy goes hand in hand with the perpetration by TNCs and MNCs of serious and widespread human rights violations, violations that rival those caused by governments, which are often complicit. These violations concern: damage to the environment; Child labour; Financial crime; Inhuman working conditions; Ignoring of workers' and trade union rights; Attacks on the rights of workers and the murder of union leaders; The corruption and illegal financing of political parties; Forced labour; The denial of the rights of peoples; Perversion of government functions; The non-observance of the precautionary principle; and Criminal neglect entailing the death of thousands of persons, among others.¹⁷

3.3 Intervention in Conflicts

For a dozen years or more, Mercenary Companies (TNCs/MNCs), mostly based legally in the United States, the United Kingdom and South Africa, have been offering their services to governments. They have the ability to intervene anywhere in the world and have already taken part in numerous conflicts in Africa, Latin America and Asia, Afghanistan and Iraq, where the United States army out-sources logistic and support tasks to Mercenary Supply Corporations. During their intervention, they are alleged to violate people's human rights. For example, Mercenaries from DynCorp are "accused of procuring minors in Bosnia". Moreover, this very company, in 2001, signed a contract for \$3 million with the United States Department of Defence for logistic support and training of rebels in South Sudan. This situation is disturbing in that the transnational character of the activities of the TNCs and MNCs allows them to be exempt from the purview of national and international laws and regulations that they consider unfavourable to their interests.¹⁸

3.4 Evasion of Responsibility

TNCs and MNCs, as economic agents, are, in theory, subject to the law of a country, to the jurisdiction of its courts. The transnational group has not, as

such, a distinct individual personality for each of the entities that constitute it, with the result that these entities can be held accountable for their acts only in a diffused manner, thus, exploiting the different interests of the various countries within which they operate. In order to evade their responsibilities, the TNCs and MNCs recur to diverse abusive practices, including: the transfer of activities prohibited in one country to another with less stringent regulations and/or the obtaining of the least constraining regulations possible by threatening government and workers with relocation to another country.¹⁹ In China, for example, numerous subcontractors of TNCs and MNCs such as Walt Disney, Wal-Mart, Nike and Reebok, “patently violate Chinese labour laws and disregard the guidelines that the TNCs and MNCs are supposed to hold them to.”²⁰ In Columbia, during public hearings on Nestlé, held in Berne on 20 October 2005, the council of “judges” condemned Nestlé’s practices in this country and deemed them “unacceptable from a multinational that claims to be worthy of the good reputation and trust it receives from its customers. The judges upheld that Nestlé had overstepped all tolerable limits, be it in the poor quality of its products, its neglect of environmental protection, its policies of undermining working conditions, its implacable hostility towards trade unions, or the aggressive promotion of its economic policies.” Further, the council launched an appeal to all concerned to “denounce Nestlé’s actions and those of other multinationals that violate human rights and expose their employees to violence or dire poverty” and to take measures in Switzerland and in the international arena “in order to force Nestlé to respect the rights of trade unions, as stipulated in international conventions and the Colombian constitution, and, if necessary, by taking cases to ordinary courts of law.”²¹

3.5 Dealing in Highly Dangerous Activities

It is also argued that TNCs and MNCs deal in, dispose off, and are relocators of highly Dangerous Activities. A case in point is the Bhopal.²² On the night of December 2nd, 1984, for example, over 40 tons of lethal methyl isocyanate (MIC) gas spilled out from Union Carbide's pesticide factory in Bhopal, India. With safety systems either malfunctioning or turned off, an area of 40 square kilometres, with a resident population of over half a million was soon covered with a dense cloud of MIC gas.... In the first three days after the accident, over 8,000 people died in Bhopal, mainly from cardiac and respiratory arrest. Since the disaster, over 20,000 people have died from exposure-related illnesses, and of the approximately 520,000 people exposed to the poisonous gases, an estimated 120,000 remain chronically ill. The local survivors’ organizations estimate that 10 to 15 persons continue to die every month. Further, some 100,000 persons who never received any compensation at all still require intensive medical attention. As for the site, it still has not been cleaned up and thus continues to contaminate the area’s groundwater.²³

3.6 Dealing in Fraudulent Activities

It is argued that TNCs and MNCs are agents of fraud. It is noted that since the fraudulent bankruptcy of Enron, the United States energy broker, several TNCs and MNCs have hit the front pages. *Parmalat: “the robbery of the century”*, is a case in point. Parmalat, the Italian agri-business TNC, collapsed in 2002 following a financial scandal, leaving a loss of CHF 22 billion (€ 14 billion) and wiping out some 135,000 investors. The indictments related to the manipulation of its share price on the stock exchange, interference with the oversight authority Consob and false audits. Saved in extremis from bankruptcy by the Italian government, the company is now undergoing a “restructuring” by Enrico Bondi, its current director. According to Bondi’s attorney, Marco De Luca, “A crash leaving a hole of € 14 billion is impossible without the support of financial institutions.” For this reason, Bondi has filed claims for damages of over CHF 60 billion against the following banks: UBS, Deutsche Bank, Bank of America, Citigroup and J.P. Morgan. This last has already paid out some CHF 230 million to settle court actions and claims for damages.²⁴

3.7 Involvement in False Competition

It is also argued that TNCs and MNCs engage in false competitions to exploit people, thereby abusing or violating their rights. A case in point is the Swissair. Following the collapse of Swissair, its profitable subsidiaries were allotted to various share holders. Gate Gourmet, for example, was bought by Texas Paris Pacific, which is financed – just as Swissair was – by the biggest Swiss bank, UBS. Gate Gourmet, which still employs over 34,000 workers through the world, artificially lowered the prices of sandwiches in London in order to put pressure on the workers in Geneva to accept a 12% reduction in pay, refusal of which would have resulted in closing down Gate Gourmet, according to a document containing the manipulated figures given to the workers.²⁵

3.8 Compromising Governments into Violation of Human Rights

In general, many countries not only tolerate on their national territory the violations committed by TNCs and MNCs, but they give them their blessing and even participate actively in them. The ruling elites of the North spare no effort to assure the expansion of their own TNCs and MNCs. As for those in the South, for the most part they worry very little about these violations, aiming above all to integrate themselves into the world’s upper social crust, to enrich themselves and to maintain their power, oblivious to the needs of the overall population of their countries. It is also true that certain countries of the South simply do not have the means or the ability to supervise the harmful activities of TNCs and MNCs, not to mention facing up to the threats and blackmail to

which they are subjected. For examples, the French government allocated € 16 billion in 2004 to save Alstom and France Télécom. The British government has had to invest € 37.5 billion since 1993 to support its railroads (Rail track, now Network Rail), even though they were privatized over ten years ago. The United States government injected some \$35 billion into the airline industry since 2001 to save both the construction and the travel sector. And the Swiss government spent CHF 2 billion in an effort to save its national airline, Swissair. Considering all the preceding, it is obvious that there is a pressing need for governments to act to promote an international legal framework for TNCs & MNCs protecting human rights.²⁶

4 Recommendations

In order to mitigate the havoc created, and make TNCs and MNCs more accountable for their Human Rights Violations, the following are particularly very paramount.²⁷ First, is the need to come up with a set of direct legal binding (Code of) standards that are amenable to enforcement. The Code should take the form of a treaty that is ratified by states and places specific direct obligations on TNCs/MNCs with regard to human rights obligations (including ESCRs obligations). The institutional framework for the implementation of such a treaty should be placed within the mandate of an independent body such as the now abolished UN Centre on TNCs/MNCs. Alternatively, there could be created a new organ within the UN or another international forum.

Second, the task of implementation could be left to the existing bodies such as the UN Commission on Human Rights or the Sub-Commission for the Promotion and Protection of Human Rights. Regulation should also be encouraged at the national level by governmental and non-governmental bodies. TNCs/MNCs would also be required to adopt internal regulations in line with such an international code.

Third, is the need to strengthen state responsibility in dealing with human rights violation. Certainly, the need for such a legally binding code cannot serve to exclude the importance of state responsibility in controlling private actors. This has indeed been recognized by similar initiatives such as the UN Draft Code, which emphasizes that “nothing in this (Draft Code) shall be construed as diminishing, restricting, or adversely affecting the human rights obligations of States under national and international law. Nor shall they be construed as diminishing, or adversely affecting more protective human rights norms”.

Fourth, within the framework of the UN Human Rights Treaty monitoring bodies, the Committee on Economic, Social and Cultural Rights should, in line with its practice, adopt a general comment defining the nature and scope of the obligations of TNCs/MNCs under the International Council of Economic, Social and Cultural Rights (ICESCR). The Committee should also extend its role in this regard by requesting information from governments and NGOs

(through the state reporting procedure) on how TNCs/MNCs and other businesses affect the rights protected under the ICESCR. The Human Rights Committee should exercise similar functions under the *International Covenant on Civil and Political Rights* (ICCPR) apart from the need for it to encourage and accept complaints concerning states' inability or unwillingness to control violations of human rights by private actors, including TNCs/MNCs.

Fifth, in specific relation to the African human rights system, the African Commission should, through its State reporting procedure, accord further attention to the question of private actors, particularly TNCs/MNCs and their impact on the rights under the Charter. Within its promotional mandate under Article 45 of the Charter, the Commission should pursue the question of private actor responsibility through the raising of awareness in its seminars and functions.

Sixth, the *Social and Economic Rights Action Centre and the Centre for Economic and Social Rights v. Nigeria* (SERAC) Case shows, significantly, the importance of the complaints procedure under the Charter in highlighting the effects of the activities of TNCs/MNCs on human rights, including ESCRs. This is particularly relevant in view of the uniqueness of the Charter in its inclusion of ESCRs along with other rights and subjecting all the rights to the same means of enforcement under the Charter. Thus individuals and NGOs must be encouraged to take advantage of the wide latitude that exists under the Charter in so far as "standing" to bring petitions is concerned.

Seventh, the Commission and the proposed African Court on Human Rights (when it comes into force) should utilize the inclusion of the concept of duties under the Charter to develop a jurisprudence that imposes direct duties on private actors. At a more general level, the jurisprudence in the European and the Inter-American human rights systems that have now moved to entrench the horizontal applicability human rights norms is commended to the Commission and the proposed Court. In the African context, therefore, states must act in due diligence to ensure and protect human rights (including ESCRs) from private actor violations. This entails the adoption and enforcement of constitutional, legislative, administrative and other measures. The control of private actors (including TNCs/MNCs) would more often than not fall within a State's criminal and civil laws.

Eighth, the possibility of civil suits against private actors (TNCs/MNCs) based directly on municipal Constitutions should be envisaged. The examples of the 1990 Constitution of Cape Verde, 1992 Constitution of Ghana, 1994 Constitution of Malawi and the 1996 South African Constitution, all of which admit the horizontal application of the respective Bills of Rights are recommended to other African States in this regard.

Ninth, given the current situation, the making of TNCs and MNCs more accountable for their Human Rights Violations depends largely on the effectualization of the United Nations Human Rights Sub-Commission's Norms. If they are adopted (which depends above all on the commitment of

governments and the fight by social movements and NGOs), these Norms will give hope of being able to deal with human rights violations by TNCs/MNCs. The adoption of these Norms, now in the hands of the Commission on Human Rights, would constitute a test of the credibility of the future Human Rights Council.²⁸

Tenth, there is need to harmonize Civil and Criminal Liability of TNCs/MNCs. As already noted, there is great diversity in states' approach to the civil and criminal liability of TNCs/MNCs, especially for extraterritorial conduct. This liability is mainly based on domestic law with little reference to international human rights norms. National courts also apply widely diverging standards related to jurisdiction, admissibility, conflict of laws procedures and liability criteria. This legal patchwork creates both barriers to justice for victims and distorts competition by holding some companies to higher standards than others. An international treaty would address these issues by defining the relevant criminal and civil liability standards as well as procedural guarantees which would either be directly binding or transposed into the domestic laws of member states. Such a treaty would 'harmonize' or set minimum standards by referencing international human rights law and defining other relevant standards. Further, this treaty would clarify bases of jurisdiction for domestic courts, provide a conflict of laws procedure and establish mutual recognition and enforcement of judgments. Within the European Union, these issues have been settled by Council Regulation 44/2001.²⁹

Eleventh, there is need to holding TNCs/MNCs accountable through an International Tribunals with Special Jurisdiction. Attempts to develop regulatory frameworks encompassing universal human rights standards for transnational corporations and subjecting TNCs/MNCs to standards of operation compatible with universal human rights provisions have proven to be inadequate in terms of enforcement and redress. Currently there is no international tribunal designed to effectively address human rights violations committed by TNCs/MNCs and provide redress to victims of such violations. Human rights litigation against TNCs/MNCs is possible only on the domestic level either through the jurisdiction of domestic courts where the judiciary may be weak or through extraterritorial jurisdiction of foreign courts. Creating an International Tribunal, therefore, with jurisdiction over corporate crimes and human rights violations, is seen as a viable solution to the absence of effective means to enforce human rights against MNCs. Thus, the creation of an International Tribunal with special jurisdiction is seen as one possibility to adequately address TNCs/MNCs human rights accountability.³⁰

Moreover, the applicable norms on which to base such an International Tribunals with Special Jurisdiction already exist, i.e. the UN Norms on the Responsibility of Transnational Corporations and Other Business Enterprises with Regard to Human Rights (the UN Norms). Although the UN Norms do not have the status of an international treaty, they contain a list of duties and obligations by which TNCs should abide. In particular, they recognize the

general obligation of TNCs and states to “promote universal respect for, and observance of, human rights and fundamental freedoms.” In other words, TNCs shall abide by international human rights deriving from other recognized human rights instruments.³¹

Lastly, there is need to involve the International Criminal Court (ICC). One area of international law where obligations clearly reach to private actors and where a powerful enforcement mechanism has been set up to hear complaints is International Criminal Law (ICL). With the entry into force of the Rome Statute of the International Criminal Court (ICC) in July 2002, the ICC now has authority to prosecute certain international crimes. The ICC currently has jurisdiction over the crimes of genocide, crimes against humanity and war crimes. The ICC may exercise jurisdiction over these crimes where: (1) the accused is a national of a state party to the ICC, (2) the alleged crime was committed on the territory of a state party or (3) in situations referred to the Court by the UN Security Council. The ICC currently has 108 member states. The ICC has jurisdiction only over “natural persons.” A proposal submitted during the Rome Diplomatic Conference to extend the jurisdiction of the ICC to “legal” or “juridical” persons was not accepted, but could be reconsidered during the current ongoing Review Conference (in 2010).³²

The Rome Statute provides criminal responsibility for an individual who “for the purpose of facilitating the commission of such a crime, *aids, abets* or otherwise *assists* in its commission or its attempted commission, including providing the means for its commission.” Noting the role that private companies may play in fuelling armed conflict, commentators have examined how this provision may be used to establish criminal liability “for a supplier of small arms, the managing director of an airline that ships prohibited weapons or even a diamond trader.” While demonstrating the requisite intent may pose special challenges depending on the circumstances of the case, it is argued that *knowledge* of such crimes is easier to establish on the international level since “intense publicity about war crimes and other atrocities” is often made known by UN and NGO reports and the popular media. The Prosecutor actively investigates the role of economic actors in situations under ICC jurisdiction. NGOs can play an important role here in prompting such investigations by submitting communications and evidence to the Office of the Prosecutor. The Prosecutor “shall analyze” and may seek additional information from “non-governmental organizations” or “other reliable sources” in deciding to pursue an investigation.³³

On the other hand, there is also need to resurrecting the proposal presented at the Rome Diplomatic Conference granting ICC jurisdiction over legal persons. These proposals have several advantages. First, an ICC investigation of company officials for complicity in international crimes would have high visibility and therefore the potential to deter businesses from involvement in armed conflicts and to promote due diligence. Second, the Prosecutor is independent of states and more likely to bring such an action. The ICC’s

indictment of Sudanese president Omar al-Bashir, for example, shows that the Prosecutor is not shy in pursuing high-profile or controversial cases. Third, prosecution of a company official would have benefits in terms of establishing an important material legal precedent in International Criminal Law.³⁴

There are also benefits to extending ICC jurisdiction over legal persons. First, not all corporate crime can be reduced to individual actors. Illicit conduct may be the product of corporate policy or may have been devised by an individual no longer in the company. Second, individuals may be scapegoated or shielded in opaque corporate structures, and there may be no deterrent effect to the company in such circumstances by only prosecuting one or more of its officials. Third, where profit accrues to a legal entity due to direct or indirect participation in atrocities, prosecution of individuals does not remedy this injustice. Fourth, corporate criminal liability allows victims to access to corporate assets.³⁵

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¹⁷ *Ibid.*, pp.3-4.

¹⁸ *Ibid.*, p.6.

¹⁹ *Ibid.*, pp.9-10.

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³³ *ibid.*, pp.39-40

³⁴ *ibid.*, p.42.

³⁵ *ibid.*, p.42.

Pro-Poor Growth Engineering in Uganda in 1990s and 2000s

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Abstract. Although Uganda pioneered poverty eradicating policies in the 1990s on one hand, and recorded fast growth rates and poverty eradicating feats on the other hand; irrelevant and inconsistent policies and practices greatly bogged down the pro-poor growth efforts. This paper reviews empirical evidence of the determinants, policies and practices of pro-poor growth in Uganda in the 1990s and early 2000s. The paper argues that among others, contradictions between reality, policy and practice were important impediments to pro-poor growth. The contradictions had origins in macro or micro causes, staff capacity problems in policy formulation, low levels of democratization, and donor dependency. Theoretically, the review seems to indicate that macro-policies in education and population control tended to have had greater impact on poverty than growth while micro policies were more effective on growth than poverty after 1986. The implication of this was that poverty solutions needed more macro than micro policies while growth required more micro than macro approach. The paper recommends: 1) a micro approach to growth on one hand, and corresponding macro approach to poverty eradication on the other; 2) capacity development in policy formulation and research; 3) increase democratization; and 4) a reduction in donor dependency (197 Words).

Keywords: Economic reform policy; Recovery; Development

1 Introduction

Pro-poor growth analyses have concentrated on poverty and growth determinants but ignored mismatches between policy and practice on one hand, or questioned the relevancy and implementation on the other hand. This masked more important issues that reproduce these problems. This paper sets out to investigate the policy relevancies and implementation failures of pro-poor growth in Uganda in 1990s and 2000s. The paper argues that irrelevant and at times contradictory policies are a major cause of poverty and stagnation. The paper has three parts. Part one is the reality as evidenced by determinants of poverty and growth. Part two are the poverty and growth policies and practices. Part three is the discussion.

1.1 Reality of Poverty and Growth as Bed Fellows

Human rights activists are increasingly demanding that growth and poverty reduction should move together in what is termed pro-poor growth. This also meant that an increase in an economy's ability to produce goods and services in a year had to be matched by, a reduction in poverty increasing ability of people to earn US\$1-2 dollars (Shs. 1800-3600=) per day. Unfortunately this was not the case.

Despite a steady economic growth averaging 5 % per annum, both absolute poverty and inequality were unstable and increasing. First absolute poverty was 56 per cent in 1992, fell to 34 per cent (7.2 m people) in 1999/2000, but rose to 38 per cent in 2004. Significant in the poverty reduction were the gains in literacy levels. Literacy rates rose from 65 per cent in 1997 to 70 percent in 2003, with more than 68 per cent of the population aged 10 years and above literate due to Universal Primary Education (UPE) and Functional Adult Literacy (FAL). Second, like poverty, inequality was 36.4 per cent in 1992/3, fell to 34.7 per cent in 1997/8 and rose again to 42.8 per cent in 2004. While the urban (47.7 per cent) was higher than the rural inequality (36.3 per cent), the post-1997 increases were in reverse order being 5.2 and 3 per cent rural and urban areas respectively.

Poverty and inequality were due to more visible causes such as differences in asset base, insecurity, and falling producer prices and agricultural slow-down; heavy expenditure in social sectors; increased fertility and mortality; and social and cultural factors such as alcoholism (RoU, 2004:28-30; RoU, 2004:15-8).

1.1.1 *Population, Household Size and Dependency Ratio and Growth and Poverty*

Population growth tended to impact on poverty more than growth caused. Not a factor in 1992, a high dependency ratio emerged as a major cause of poverty in 2000. Evidence showed that a one per cent increase in dependency ratio increased poverty by 16 per cent (RoU, 2004:24-30). This was explained by the high fertility rate of Uganda of 3.4 per cent per annum only third to Nigeria and Yemen in the World.

Like dependency ratio, a big family size was yet another poverty cause although it declined between 1992 and 2000. Evidence showed that an increase in household size by 1 per cent increased poverty by 4 per cent in 1992 falling to 2 per cent in 2000 (White, 1992; RoU, 2004:24-30). The reduction in poverty was due to PEAP interventions put in place in 1997 such as UPE and immunizations that gave fees relief and cut health costs reducing morbidity. Yet population impacted negatively on growth.

Available evidence showed that population growth retarded economic growth in such a way that an increase in former by 1 per cent this year slowed the latter by 2.1 per cent two years later (Kobusingye Akiiki, 1996). This was

due to the fact that Population growth led to higher competition for social services such as overcrowding in schools resulting into low-quality graduates. The situation was so grave that given the country's population growth rate of 3.4 per cent, the minimum annual rate of growth needed to avoid stagnation was 7.1 per cent ($2.1 \times 3.4 = 7.14$). Unfortunately, such a growth rate was difficult to achieve. With the exception of 1995, when the economy grew at over 7 per cent per annum, such growth was rare. In 1995, the rare 7 per cent growth rate was due to the coffee boom price of US\$1.5 per kilogram. On the contrary, recent international coffee prices were comparatively poorer. In 2005, for instance, coffee price was less than US\$0.3 per kg-about 5 times lower than its 1997 levels. Hence, given a limited capacity to generate a growth rate of over 7 per cent per annum, there was need to control population growth and fertility. Unfortunately, there was no policy to handle the malaise as I show ahead. Yet, growing population posed further problems in the social sectors.

1.1.2. Education

Although education was good for both economic growth and poverty reduction, the influence on the latter was greater than on former in Uganda. While a 10 per cent increase in enrolment caused growth of 0.87, the same change reduced poverty by 12 per cent (RoU, 2004:24-30; Nuwamanya, 2004). Interventions in education sector though would reduce poverty threatened to have less impact on growth.

Education impact over the decade has been dynamic within education types and overtime. In 1992, all education types were found to be poverty combating with higher levels of education fighting poverty more than lower ones. For instance, a one per cent increases in enrolment reduced poverty by 12, 22, and 31 per cent in primary, ordinary and advanced levels respectively. Higher poverty eradicating capacity was explained by ability to get employed if one had higher than lower academic qualifications (RoU, 2004:24-30). This condition shifted towards the end of the decade when neither primary nor advanced level education was relevant for poverty eradication.

In the millennium, only ordinary level remained as the type relevant for poverty reduction. A one per cent increases in ordinary level enrolment reduced poverty by 15 per cent (RoU, 2004:24-30). The reasons for ordinary level poverty combating power in the 2000s needed further research. But, it could also be explained that the officially accepted entry to the civil service employment was ordinary level. The implication was that this new trend of events necessitated change in policy in the millennium in line with the research findings as opposed to primary education that the government emphasized. In practice, it suggested a need for a shift from Universal Primary (UPE) to Senior Education (USE). But this did not occur as I show immediately. OECD (2005:164) explained the superiority due to the fact that composition effects that resulted into large numbers of low-skilled workers that entered the labour

market slowed labour productivity growth down. There was sufficient evidence to support this OECD theory. In 1995, a USAID (1995) study of small-scale industries (SSI) in Uganda showed that the majority of workers were of low capacity. Despite high-flying impact on education, it was poor on growth. A ten per cent increase in education enrolment increased growth by 0.87 per cent between 1987 and 2000 (Nuwamanya M, 2004).

General national studies don't inform us on who moved out of poverty when government provided free universal education (UPE). One wonders whether it was the entire household or the household head or child and after what period. Nor do such studies explain what happened to the parents who moved their children to private schools as far as poverty was considered.

1.1.3. Agriculture and Export

Unlike education and population whose impact on poverty exceeded growth, agriculture moved in opposite direction. Uganda evidence showed that export growth, foreign aid and other capital inflows significantly influenced growth through public sector investment in the 1980s and first half of the 1990s. Particularly, a one per cent exports growth and foreign aid caused growth by about 72.6 and 25.6 per cent respectively (Obwona, 1998). This was explained by strong currency transaction involved in exports trade. The implication of such findings were that export growth alone of 10 per cent was capable of delivering the much needed growth rate of 7.3 % per annum using state corporations. Unfortunately, agriculture was not being seriously targeted as I show ahead and exports contributed just 12.5 per cent of GDP in 2003, of which most exports were agricultural products.

As a backbone of the economy, agriculture fared badly with respect to exports and poverty eradication. Evidence showed that agriculture caused poverty both in 1992 and 2000 and was increasing. A one per cent increases in people employed in agriculture-increased poverty by 9 per cent in 1999 increasing to 10 per cent a year later (RoU, 2004:24-30). Close scrutiny, however, revealed that the increasing poverty in agriculture was not general but isolated with sharp differences between crop and non-crop. While farmers in the crop moved into poverty, non-crop moved out. Reasons for those moving into poverty included falling agricultural prices and crop diseases. Further explanations included poor income re-distribution mechanism that denied some sections of the society from benefiting in the growth. In Uganda, agriculture income was not taxed so that better incomes in non-crop cannot be tapped to benefit the losers in crop agriculture.

In summary, direct macro-policy intervention in education, population and agriculture were used to combat poverty and cause growth. Direct policies had greater impact on poverty than growth while indirect micro policies had more impact on growth than poverty after 1986. The implication of this was that poverty policies needed a direct macro-approach while growth policies needed

a micro approach. Hence, direct intervention had a higher impact on poverty although it killed sustainability. In addition to the combined approach, poverty and growth were also pursued individually as well.

1.2 Reality of Regional Development and Poverty

Poverty in Uganda had historical and ethnic political angles. It was true that the Western and Central regions were better off than their Eastern and Northern counterparts. Historically, LDCs were regions characterized by uneven regional development. In Uganda, the Southern was relatively better off than the Northern and North Eastern parts. This historical factor worsened due to insecurity in the past two decades. While the north was under insurgency since 1987, the East was be-devilled by cattle raiding.

It was also true that these former regions combated poverty better than the latter two. A one per cent increases in people living in southern reduced poverty by 18 and 19 per cent in central and west in 1992 respectively (RoU, 2004:24-30). Notable was the improvement in the poverty-reducing magic of the two regions, the supremacy of central region over western, and the emergency of eastern out of poverty in 2000. Over time, a one per cent increases in people reduced poverty by 29 and 27 per cent respectively (RoU, 2004:24-30). These regional differences were partly explained by history insecurity and ethnic politics. Lastly, another event worth mentioning was that central region surpassed western in poverty combating efforts in the millennium (RoU, 2004:24-30). Generally, falling poverty displayed improving life conditions. But as indicated earlier, growth was at times pursued singly.

1.3 The Washington Conspiracy

While IMF and World Bank concentrated on inflation and privatization since the 1980s, evidence indicated that developments in the financial sector had greater impact on economy than the current donor focus. For instance, financial development and credit to the private sector impacted on growth in a mixed manner. While financial repression impeded growth, credit to the private sector promoted it. The implication of this was that government needed to set optimal targets for both growth and inflation programs that optimised both. Evidence indicated that an increase in financial repression by 10 per cent led to stagnation by 7.2 per cent between 1967 and 1996 explained by low levels of diversification of the financial assets and instability. On the contrary, an increase in credit to the private sector by 10 per cent increased growth by 9.2 per cent over the same period (Kasule Juma, 1998:89). This impact on growth was explained by fact that higher credit contributed to both purchasing power as well as in investment. Despite the reality, policy dictated by donor community, underplayed investment in preference for price stability.

Interestingly, inflation impact on growth in Uganda was not always negative with short and long run effect contradicting with the long run gains, superseding the short-run losses. The effect of inflation on growth were in such a way that in the short run, an increase in inflation by 10 per cent reduced growth by 0.2 per cent. The negative effect was explained by erosion of profitability on investments, discouraging investments and reducing the level of economic growth. But evidence also indicated that in the long run inflation fuelled growth by 0.6 per cent between 1987 and 2000 (Nuwamanya M, 2004).

The long run positive relationship had explanations in Snowdown (2002:143) arguments that it was not inflation *per sec* but rather the inflation level and stability that mattered. Snowdown emphasised that in the long run, low and stable inflation was conducive for growth. Like the World Bank, Snowdown, does not explain how low the inflation rate should be although he like his other contributors to the debate, the World Bank seem to use the highly performing Asian economies (HPAEs) figures. During the 1970s and up to late 1990s these countries kept low rates of inflation. For instance, both Singapore and Malaysia maintained inflation rates of 4 while Indonesia and Korea's recorded 8 and 9 per cent respectively. Other LDCs averaged 18 per cent (World Bank, 1993). The Uganda data seems to satisfy both conditions of low level of inflation that was kept below 5 per cent, and the stability of inflation. The implication was that in order to promote faster growth inflation targeting needed a medium to long-term targeting as opposed to the short-run that the country practised. This meant that what was required was to target an average figure for the medium and long run instead of a constant fixed annual figure of 5 % per annum.

Second, although empirical evidence indicated that both public and private investments were conducive for growth, the former was more productive than the latter. Evidence indicated that increasing investments by 10 per cent enhanced prosperity by 0.4 and 0.9 per cent for the private and public sectors respectively between 1987 and 2000. This was interpreted to mean that an underdeveloped infrastructure inhibited on growth and needed improving. The superiority of public over private investment was because these investments created confidence in private investments especially if directed in infrastructure and utility development that promoted growth (Nuwamanya M, 2004). This realization does not only question privatization policy without continued government involvement in investment promotion, but also explains the stagnation in the 1990s and 2000s.

1.4 Concluding Reality of Poverty and Growth

The Uganda experiences of reality of pro-poor growth showed that policies to reduce poverty were singly secured but could also be severally achieved. While both growth and poverty were pursued using either education, population control, or agriculture. In the same country, regional emphasis was also used to

combat regional poverty particularly in North. Lastly growth was pursued through control of inflation, credit to the private sector, and private and public investments.

In pursuing both these noble causes, the experience seems to show that direct, macro-policies on education and population had greater impact on poverty than growth on one hand; while indirect, micro policies had more impact on former than latter on the other hand after 1986. The implication of this was that poverty policies needed a macro-approach while growth policies needed a micro approach in Uganda. These results also reveal a trade-off between speed and sustainability of poverty eradication. While direct intervention was unsustainable but fast; the indirect methods through growth were both unsustainable and slow. Direct interventions such as in education were fast but unsustainable, those indirect interventions such as in agriculture were slow but sustainable although one had to contend with problems of distribution. Currently, most agricultural activities were not taxed. But reality greatly contrasted with policy on one hand; and practice on the other.

2 The Pro-poor Growth Policies and Practices

The economic and social policymaking process in Uganda rotated around Poverty Eradication Action Plan (PEAP) revision and the budget process. Since the enactment of the budget act 2001, budget making went through several stages of consultations. The formulation stage had become very participatory especially in attendance. The nine months process begins in October with a consultative workshop way through to the reading of the budget in June the following year.

Participants at the workshop are drawn from diverse groups including parliamentarians, civil society, donors, academicians, researchers, and policy makers. The aim is to include all interests of the stakeholders into the budget using the PEAP as guide. At this stage, choices are made and medium term expenditure framework (MTEF) ceilings are assessed through sector wide goals (SWGs) and compromises reached. SWGs meetings commence to produce the SWG budget framework papers (BFP) (UDN, 2003:5). Generally and comparatively, neither the policies nor practice were in tandem with reality as elaborated by population, education, agriculture, investment, credit to the private and public sectors, inflation, and regional development.

2.1 Pro-poor Growth population Policies and Practices

Despite the urgent need for a population policy, reality and practice contradicted greatly creating problems bordering policy irrelevancy on one hand; and also fuelled poverty and stagnation on the other hand. First, issues to counter population explosion were not seriously taken and the only attempts

being made were addressed in the Domestic relations bill (DRB) that was in formative stages (RoU, 2004b: 153). The DRB was an amalgamation of all domestic related marriage, divorce, separation, and inheritance and property rights laws.

Second politicians condoned increased child production. For instance, President Museveni himself headed the campaign for a big family size and was at times supported by some district leaders and Ministers. Interestingly, while the President campaigned for a large population, party (NRMO) support for the population explosion project depended on level of education. While the elite opposed, the relatively less educated and job-insecure supported the project. Why does Museveni support big family size?

Museveni's advocating for big families could be strategic or economic. Initially, a socialist, he used to believe much in the power of the masses in military victory. Recently, however, he shifted his support market ideology citing that big economies such as China had bigger purchasing power. Ironically, however, the purchasing power of China per capita was very high meaning that population alone was not a good basis for a country's purchasing power. The confusion that existed in population control also brewed in the education sector.

2.2 Timely Political Intervention in Education

Despite the fact that secondary education was important for poverty eradication, current policy in education emphasized the latter through the Universal Primary Education (UPE) scheme. Secondary education policy was subordinate and rotated around grant-aiding 270 (out of 840) schools, construction of new schools and classrooms in existing ones, rehabilitation, bursary schemes and incentives to private investors in the sector (RoU, 2005b: 159-60). As of 2005, there were 840 government-aided secondary schools receiving support in form capitation grant, teachers' salaries, utilities, meals and general maintenance. But this secondary education benefited only 20 per cent of 25 million Ugandans, the majority of whom were from the higher income groups and urban families. This state of affairs suggested that there was an immediate need *in policy review*, research, and policy formulation at the national level but this was hampered by several problems.

First, the minimum entry requirement into the civil service was ordinary level (Senior four). Unfortunately, ability to analyze research results and policy formulation required post-graduate education necessitating for building capacity at the national level in research and policy formulation in the civil service. But this contradicted the World Bank view that emphasized primary over secondary education as earlier explained.

A head of his bid for 2006 presidency, Museveni promised free secondary education (USE) for all in 2006. The scheme targeted students who sat for Primary Leaving Examinations (PLE) in 2005 and those who completed

primary under Universal Primary education (UPE) in 2004 and 2003 but dropped out due to fees. The policy would move progressively until all levels were covered. There was an estimated 300,000 beneficiaries at a cost of sh100b (US\$ 50m) in the first year. The USE scheme targeted the low-income groups and children from rural families. The government would pay sh15, 621 (US\$7.50) per student per term and a lump sum of sh7m (US\$3500) per secondary school. The latter was expected to reduce the cost for the continuing students. In the meantime, government would continue paying teachers' salaries, supply textbooks, laboratory equipment and chemicals and the construction of classrooms in government schools.

Pessimists and optimists were both interested in the success of the scheme each side. The former group argued that USE would face several problems such as exclusion, finance, and quality as experienced in UPE before it. First, the enrolment of public and private schools implied that about half of the students would miss out if private schools were excluded. There were an estimated 700,000 students enrolled in the secondary sub-sector, with 370,807 in the 780 public schools and another 317,114 in private. Second, the national resource envelope was still small; and almost half of the national budget was donor-funded. Yet all sectors yearned for more. Currently, the donor communities financed more than half of the sh620bn (US\$310m) education sector budget. Third and last, like UPE, USE would face problems of poor student-teacher ratio, overcrowded classes and shortage of textbooks that could impact negatively on quality. But optimists counter-argued that quality would be maintained through bodies like the Education Standards Agency (ESA) and the inspectorate departments in the districts if strengthened and well facilitated. In addition, the new policy that emphasizes sciences required construction of well-equipped laboratories in all public secondary schools. USE also needed construction of a secondary school in each of the 327 sub-counties of the 970 sub-counties that lacked publicly aided secondary school. The presidential promise materialized in 2007 and Uganda was the first country in Africa to implement universal and free secondary education. Arguably, education was important for indulging in economic activities like agriculture.

2.3 The Mess in Agriculture

Comparing reality with practice displayed agriculture as providing a good example of wastage of resources on one hand; that also tended to cause shortages in others on the other hand. First, while reality showed that poverty was increasing among crop and decreasing among non-crop farmers the disbursement of funds run in the opposite direction. On the contrary, practice showed that more funds were spent on crop agriculture than non-crop agriculture. This state of affairs suggested that there was lack of either a proper analysis of the problem of poverty among crop farmers on one hand; or that the funds were misdirected. A more plausible explanation, however, was that the

expenditure in crop and non-crop agriculture actually masked the huge administration costs in the agriculture Ministry. With the exception of defence, education, and health; all ministry budgets comprised simply salaries and lacked or had a very small a development budget. To compound problems, even projects outside the agriculture Ministry displayed similar wastage. An example was the Plan for Modernization of Agriculture (PMA) that was run outside the Ministry but did not perform better either.

Established in 2000, the Plan for Modernization of Agriculture (PMA) was the principle policy on agriculture in Uganda. It was not an investment plan but rather showed the vision for agriculture. It was comprehensive and covered all renewable natural resource sectors. The particular aspects targeted included research and technology, advisory services (NAADS), rural financial services, processing and marketing, natural resource management, and provision of physical infrastructure including water, roads and energy (OPM, 2005:3). One problem with PMA, however, was the limited coverage and prioritization or sequencing. First, PMA operated in 18 out of the 79 districts in the country. The PMA aimed at improving incomes, reducing food insecurity, creating gainful employment and a good environment for sustainable natural resource management. Second, most PMA resources went to advisory services (NAADS) and feeder roads as opposed to immediate needs of farmers. For instance, in 2005, NAADS accounted for the bulk of the PMA budget of 28 per cent. Similar other PMA projects funds went to feeder rural roads. But as one can imagine, seeds to farmers were more of a priority than advisory services or rural roads. Without planting, advisory services and rural roads would not be needed for farmers. While policy was lacking, the practice was dictated by both donor dependency in the investment and financial sector and politics in the regional development.

2.4 Swallowing the Washington Bait and Hook

While facts showed that an increase in credit to the private sector caused an almost equal increase in growth, practice showed that both the volume of credit as a percentage of GDP as well as the share of credit to the private sector declined between 1995 and 2000 compared to 1985 and 1994 suggesting policy irrelevancies. Uganda's credit to GDP was 17.8 per cent between 1985 and 1994 but reduced to 15.4 per cent between 1995 and 2000. The lower credit/GDP was explained by the low savings. While greater than Tanzania, the ratio was smaller than Kenya's that was almost three times that of the Uganda figure at 43.2 per cent. Table 1 also showed that the major difference between Kenya and Uganda development was the availability of credit to the private sector. This suggested that if Uganda wanted faster growth, it had to increase the credit to GDP ratio (See Table 1). But policies to mobilize capital did not indicate increased credit would generate high growth due to the prohibitive interest rates.

Table 1: Credit and Investment as % of GDP 1975-2000

	Credit/GDP ratio		Public Investment (lg)			Private Investment (lp)		
	85-94	95-00	75-84	85-94	95-00	75-84	85-94	95-00
Uganda	17.8	15.4	-	5.5	5.6	-	6.7	12.5
Kenya	52.9	43.2	8.9	8.1	4.5	8.8	7.6	10.7
Tanzania	34.6	10.0	-	7.0	3.3	8.6	14.5	13.0

Note: (lg= government investment; lp =private Investment; (CR/GDP =change credit to private sector to GDP ratio; GDP=Gross Domestic Product

Source: World Bank Development Indicators 2004

Traditionally, bank credit discriminated against industry due to the nature of the security borrowers offered. Although banks normally demanded land, the business community possessed other types of security; partly leading to sector bias. While trade and other services sector held the lion's share of bank credit, claiming 54.3 %, manufacturing accounted for 23.2 %, agriculture constituted 8.8 %, Transport, Water and Electricity sector's 10.5 %, the building and construction sector remained at 3.3 %, mining and quarrying activities remained low at 0.2 % of the loans portfolio in 2003. The bias against industry was not only unique to PSOs but also general and historical.

Uganda's banking sector frustrated export trade and industry because of the unrealistic collateral demands. Banks demanded land titles and factories as collateral (security) for export guarantees in particular and credit in general, and refused export confirmed orders or mineral reserves as mortgages. The irony was that no land in Uganda could guarantee the huge export values usually involved. Some Banks in Africa like the EXIM Bank in Cairo, Egypt, were innovative and accepted confirmed orders as guarantee. Mining faced similar discrimination as exporters. Like exporters banks frustrated miners, and capital markets. Local banks refused to accept mineral reserves as collateral security. Bias against lending to the mining sector created the problems of under exploited mineral deposits due to lack of capital to invest in the sector. Ugandan banks needed to explore the viability of confirmed export orders and mineral reserves for loan security in order to boost growth and export and mineral sector and industrialization in general.

The failure to mobilise cheap development capital was racial and historical and not general. While the Asian businessmen in the country managed to solve this problem by pooling resources together for investment, this was not the case with black Africans in Uganda. There was lack of mutual trust among African traders leading to failure to cooperate to form partnerships and companies, unlike the Asian businesses which thrived on family partnership, and this sort of spirit needed to be inculcated among African traders (RoU, 1968:3-4). Hence, there was need for campaigns to educate the African communities in the country to cooperate and form companies in preparation for growth and industrialization. Mobilization of the local masses could be done using the

existing institutions in which people had trust like the kingdoms, churches or clans. Ironically, while black Africans found it easy to contribute to social events, this was not the case for business. But probably the colonial government that created African peasants and Asian traders did the biggest harm that has not been rectified by subsequent regimes.

Second, during the colonial and post-colonial times the European and Asian commercial banks, which existed, did not extend credit to Africans although they gave credit to other racial groups. The cause for the segregation was not clear but might have been lack of security. The government loans to aspiring businessmen and industrialists were also inadequate (RoU, 1968:3-4). In order to enable Africans access loans, UCB was started in 1950 by the colonialists. As it has been argued, the reason for which it was created is even greater now than in the colonial times. Instead of selling UCB, government should have considered other alternatives like reducing staff, closing some loss-making branches, contract management and maybe selling some shares to Ugandan businessmen. Privatization of the indigenous banks likely Uganda Commercial Bank (UCB) robbed the Africans of clear sources of bank credit. Hence, capital became one of the main contending issues to enterprise development in Uganda.

The current strategy to mobilize credit had two tiers of banks in the urban areas and micro finance institutions (MFIs) in the rural areas. While banks were wholesale to both deposit taking and credit extension to the MFIs, the MFIs were expected to act as retail in both deposits taking and credit extension to the rural agents (RoU, 2004b: 47). This threatened not only increasing inequality and poverty between rural and urban communities; but also interest disparities between the urban and the rural since MFIs charged higher rates than banks.

Table 2: Value-Addition by Employment and Industries (Million shillings)

Sector	Micro(1-4)	Small (5-9)	Medium (10-20)	Large (100+)	Total UBI
Manufacturing	34848	43832	103263	427690	609632
Trade	393836*	199526*	99970	41607	734939
Hotels	77956	43821	16259	17657	155693
Finance	160	7761	49024	194328	251273
Services	36653	45250	81817	31111	194832
Others	42582	31510	55664	284031	413788
Total UBI	586035	371700	405998	996424	2360157

Notes: UBI =; * =

Source: Statistical Abstract 2004:29

According to UBOS (2004) profitability of enterprises in Uganda was highest in trade with 67.8 %, agriculture with 19.6 %, utilities with 16 %, transport with 36 %, and posts and telecommunications with 36 % per annum. While bank rates averaged 24 per cent per annum, Micro Finance Institutions (MFIs) rates ranged between 120 to 360 per cent per annum. Since high interest rates hurt

investment, urban areas would thrive in investments more than rural areas. This arrangement did not only complicate the already rural-urban bias on one hand, but also caused inconsistencies in the big and small investments on the other widening the rural-urban income inequalities and suffocating small businesses that had higher value adding.

Although manufacturing (26 %) particularly among the medium and large firms had the highest gross output, the highest value adding was registered by the trade (31 %) especially among the small and micro enterprises. Other sectors that fared well in value adding included finance particularly the large firms employing 100+ workers.

Yet big investments would not be forthcoming as a result government crowding out the private sector. Since 1995, Bank loans to the government were growing while it dwindled to the private sector. In 1995, advances to private sector were 50 per cent while government had less than 10 per cent. In 2003, however, Bank loans to the government exceeded those to the private sector being 37 and 41 per cent respectively. The increase was due to budget deficits (RoU, 2004b:40; 45-50). Yet credit to private sector was not the only obstacle to investment but also the lack of supporting public investment.

2.5 Handcuffing Public Investment

Despite the fact that public was more productive than private investments, existing policy of privatization emphasized only the latter showing policy inadequacy. Privatization started unofficially in 1989 with the sale of some six firms. In 1992, putting 142 SOEs on sale officially launched the project. World Bank estimated sale proceeds at about US\$500 million and a solution to the annual US\$200 million subsidies to SOEs. Basing on the optimism of reducing the subsidies and a revenue haul, the bank supported the process beginning with a US\$48.5 million loan in 2001. The process delayed due to intervention by Parliament that halted it twice over issues of corruption. A timetable was drawn to sell all SOEs by 1995. By 2005, several years off schedule, some 38 parastatals remained including strategic ones such as the Uganda Railways Corporation (URC), National Insurance Corporation (NIC), Kinyara Sugar Works (KSW), National Housing and Construction Company (NH &CC) and Uganda Dairy Corporation (UDC).

The principal objective of privatization was to reduce the budget deficit arising from the loss making SOEs (PERDS Act 9/1993). The majority of SOEs were commercial while the rest were loss-making and needed discontinuing. This was to be achieved through the reduction of the role of the government in the economy and a corresponding promotion, development and strengthening of the private sector development (PSD), the improvement of the performance of the SOEs still under state ownership and control to relieve financial drain and the administration burden, and raise revenue by divestiture of SOEs.

The second objective of privatization was to increase efficiency in SOEs through rehabilitation and restructuring, promotion of local entrepreneurs, promotion of institutional arrangements, policies and procedures by ensuring efficient and successful management, financial, accounting, and budget discipline of SOEs; separation of ownership from management functions and enforcement of accountability. The push for divestiture and efficiency generated a new set of owners of property in Uganda.

The policy of privatization kept public investment to as low as 5.6 per cent of GDP compared to private investment of 12.5 per cent for Uganda between 1995-00. Public investment policy concentrated on provision of incentives and encouragement of the private sector; provision of public good; and reducing inequality among the people (RoU, 2004b: 8-9). These low levels of public investment impacted negatively on growth but government cunningly gave other reasons for the slowed growth.

In the RoU (2004b:47-50), government acknowledged the slow growth attributing it to fear of inflation, budget deficit, and crowding out private sector. The inadequacies of a private sector-led growth were cunningly sidestepped although slightly hinted upon. It was argued that government feared to create inflation by indulgence in the public investment. For a period spanning to over a decade, inflation was fixed at less than 5 per cent from 1992/3 to 2002/3 and viewed increasing it beyond 5 per cent as not a viable option (RoU, 2004b: 35).

The problems in both investment and financial sector, as already explained, were a donor policy that emphasized privatization and rolling back of the state on one hand; and the fixing of inflation at 5 per cent on the other although evidence indicated otherwise in both cases prompting one to suspect a conspiracy. Evidence revealed that public investment had greater growth generating potential than her private counterpart as already explained. In addition, facts also showed that while inflation retarded growth in the short run, it actually facilitated growth in the medium and long run. Given these contradicting interests, it was thought necessary to gradually reduce donor dependency to create avenues for freedom of action in order to create faster growth. At the moment, the donor community footed more than half of the Ugandan budget making it impossible to severance of ties abruptly. As if fate had it, the woes of poverty eradication were further compounded by local ethnic politics as well as I show in the regional development.

2.6 Ethnic Politics and Regional Development Policies and Practices

The contradiction between reality and practice was best displayed in regional aspect. While regional poverty showed the north was the poorest followed by Eastern with 46 per cent, Western with 31.4 per cent, and lastly Central with 22.3 per cent people below the poverty line; the budget allocation to the regions did not indicate a spirit to eradicate poverty regionally (RoU, 2004b). Table 3

shows the central government (CG) allocations to local government (LG) in values and percentages.

Table 3: Central Government Development Transfers to LG 2005/6 (million Shs)

Region/Grant	Northern		Western		Eastern		Central		Total	
	Amount	%		%		%		%		%
Rural water	4.0	15.2	8.5	17.2	8.56	17.9	7.2	16.2	28.3	16.8
LGDP-roads	9.3	35.2	16.6	33.3	14.8	31.1	20.2	45.6	60.9	36.3
PHC-health	0.59	2.2	14.9	3.4	1.3	2.8	1.86	4.2	5.45	3.2
SFG-education	8.7	32.7	1.67	30	17.1	35.8	9.86	22.3	50.5	30.1
NAADS-agric	3.9	14.7	7.9	15.9	5.8	12.3	5.08	11.5	22.7	13.5
Total	26.5	100	49.6	100	47.7	100	44.2	100	168.1	100
		15.7		29.5		28.4		26.3		

Note: LG =Local Government; LGDP=local Government Development Programme; SFG=School Facility Grant; PHC=Primary Health Care; NAADS=National Agricultural Advisory Services

Source: Draft Estimates of Revenue & Expenditure (Recurrent & development) 2005/6

Practically, the Northern, the poorest region, received the least budgetary allocation of 15.7 per cent; while the relatively better off regions of Western and Central received 29.5 per cent and 26.3 per cent respectively. Although the anomaly was blamed on allocation criteria that based on population and area covered (See Table 2), it had historical and ethnic overtones. While the former was self-evident, the latter situation whereby the west received a bigger share than expected also coincided with the fact that President Museveni also originated from Western region suggesting that the marginalization of the North was deliberate. Incidentally, President Museveni believed that Western was marginalized. During the 2006 Presidential campaigns, he said, ‘For those saying I go home, I do not want to go home because *my people* are still marginalized.’ But probably conscious that he had pushed favouritism of the Western region too much, he came up with the campaign slogan ‘Prosperity for all.’ The North was not deceived and overwhelmingly voted against him in the 2006 elections as they had done five years earlier in 2001. Unfortunately, even if projects like Northern Uganda Rehabilitation Project (NURP), Karamoja Development Association (KDA), and Northern Uganda Social Action Fund (NUSAF) existed none had an objective of bridging the regional development gap between the South and the North but rehabilitation. NUSAF started in February 2003 and was a US\$130 World Bank sponsored project operating in 18 districts in Eastern and Northern Uganda. The programme objectives among others included the empowerment of beneficiaries in terms of identification, prioritization and planning of projects that met their needs through financing and business development.

2.7 Concluding Policy and Practice of Poverty and Growth

Concluding policies and practices concerning poverty and growth shows jumbling up of policies on one hand; and distortion by both the donors and local politics on the other hand. Looking at policies, they were delayed in education; non-existing in regional development; in formative stages over population growth control; incomplete and inadequate in investment; and irrelevant in the financial sector. On the other hand, practice showed that the donors messed up policies regarding inflation, investment and in the credit market over fears of inflation. As such, the policy makers toyed the World Bank line blindly. On the local scene, ethnic politics dogged the regional development; condoned and fuelled population explosion; gave promises over senior education (USE instead of implementing it, and to some extent spent more money on administration than the actual problem at hand as was in agriculture.

3 Conclusion and Recommendations

In terms of theory, the review experience seems to show that macro-policies on education and population had relatively greater impact on poverty than growth while micro policies were more effective on growth than poverty after 1986. The implication of this was that poverty policies needed a more macro-approach while growth policies needed a more micro approach in Uganda. The results also tended to suggest a trade-off between the speed and sustainability of poverty eradication efforts.

The recommendations one can derive from this review was that for a more meaningful pro-poor growth there was a need for: 1) a micro approach to growth on one hand, and corresponding macro approach to poverty eradication on the other; 2) capacity development in policy formulation and research; 3) increased democratization; and 4) gradual reduction in donor dependency to foster growth and eradicate poverty.

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Election Violence in Uganda as a Consequence of Voter Behaviour

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Abstract. This study reports the findings of a study that delved into the correlates of poll violence in Uganda. The findings were that up to 74% of the incidence of this violence is due to voters' ignorance about election violence; perception of the consequences of poll violence involvement, in turn, due to ineffectiveness of the civic education provided to them. Accordingly, it is concluded that responsibility for election violence primarily lies with the voters, contrary to the widely held view that poll violence is instigated by political parties.

Keywords: Electoral reform; Political activism; Democracy

1 Introduction

Many African countries including those in the East-African region have in recent past been engaged in the implementation of democratic Reforms as an effort to better the socio-economic and political climate. In this respect, most countries in the region including Uganda, have thus, been regularly under-going national elections (Cowen and Lakso, 2002:1; Brennan, 1982; Hague, et al, 1998; Hillman and Hendel, 1970; Van Loon and Michael, 1981; Lawson, 1989; Janda, et al. 2001; William and Nancy, 2003; Lowi, T. 1976). An election is believed to be one of the democratic paths towards realizing “good” governance.

In some former British colonies (such as Uganda), local elections were held based on universal franchise since 1920s. Uganda's case reflects that, there were not any universal countrywide elections from 1900 until 1958 when LegCo elections were held. These were followed by the 1961 direct/ popular elections when the colonial administrators demanded so (Gingyera-Pinycwa, 2006:4 and the Movement Secretariat, 2000:33). Although elections cannot be equated with democracy, it is a fundamental principle of a liberal democratic theory and practice (Cowen and Laakso, 2001). This is so especially if it is a free and fair electoral competition, which includes the possibility of criticizing

government's decision-making and of offering alternatives. Once an election meets the above criteria, then voters are able to choose between one set of decisions and another and more generally, hold the elected accountable for their actions.

In spite of the fact that, the 1961 elections were largely boycotted by the Buganda Lukiiko, the Democratic Party won 19 seats in Buganda and a further 24 seats outside Buganda. In April 1962, indirect national elections were conducted and UPC won 37 seats (The Movement Secretariat, 2000:34). A similar development took shape in Kenya and Tanganyika (now Tanzania). In Tanganyika, elections were not held until 1960 October when the Tanzania African National Union (TANU) under Mwalimu Nyerere, demanded so following a nation-wide mobilization from all masses calling for a national government.

The above struggles were all intended to realize "good governance" which has been defined as "less government that concentrates its efforts less on direct interventions and more on enabling people to be productive". It has also been contended that, in a liberal democracy, good governance entails such institutionalized democratic values such as: openness, popular participation (Kabwegyere, 2000; Rondinelli and Cheema, 1983:296; Barkan and Chege, 1989:433), accountability (The World Bank, 1995; Olum, 2003:4), decentralized authority (Nsibambi, 1998), the rule of law, fairness (Nagujja-Kassujja, 1997), equity and a sense of duty.

On the contrary, Marxist scholars argue that, the notion 'good governance' should be perceived within the framework of social movements. To them, any meaningful good governance must start from the bottom rather than from above. The idea of regular elections therefore, should be conceptualized as a revolutionary concept of democracy that is participatory (Government of Uganda, 1995; The United Nations, 1979; and Mwesigwa, 2007:16). This is alluded to by the disciples of the bottom up theory who emphasize the extent to which competitive elections render governments accountable to the governed (Hague, R. et al. 1998: 96). While the procedural democratic theorists describe specific principles about how government should make decisions on the grounds of universal participation, political equality and majority rule (Janda, et al. 2004: 17-18). These postulations point to the guise that prepossess that an election should be grass-root and popular, as opposed to representative, elitist and parliamentary, as one of the means towards good governance (United Nations Development Program, 1997; The World Bank, 1993 & 1989; Nsibambi, 1998; Hyden, 1992).

It seems therefore, that, elections in eastern Africa have not received the necessary attention it deserves albeit its contribution to good governance. The modern political path solely agrees that democratic governance and elections are inseparable in contemporary societies.

Considering the above observations, it would appear that new Paradigms are required. This study therefore, aims to identify what might be considered the most plausible of such Paradigms, hence, its present tentative title.

1.1 Problem

Election violence remains a “popular ingredient” of both national and local elections in eastern Africa generally and Uganda in particular. The previous presidential and parliamentary elections in Uganda (2001 and 2006) bear testimony to this effect. The consequent election petitions both for presidential and parliamentary hopefuls cannot be under-estimated. The 2010 National Resistance Movement (NRM) party primaries have reportedly painted a gloomy picture on the quality of national elections Uganda expects to conduct. The 2007 national elections in Kenya that was marred by bloodshed is no exception either and even the recent Kenyan referendum on the national Constitution left little to be admired. Zanzibar islands in Tanzania have never had any peaceful election either.

Self-seeking politicians in the region have continued to shatter the voting power (disfranchise) among voters in eastern Africa. This is presented, as it seems more prevalent, through rejecting some voters by not counting their votes, counting the favoured votes several times, creating ghost voters/ polling stations, loss of lives among voters, unwarranted imprisonments, voter intimidation (by heavy politicians and/or the security agencies), manipulation of constitutional arrangements (plus deliberate delays in passing the electoral bills by parliament) and outright electoral rigging manifesting through varied dimensions. According to Mkandawire (2008:22), the summation of this “classic” approach is that, leaders choose voters not the opposite (notably coined as choice-less democracy). That is probably why; defeated incumbents reject (or denounce the projected) election outcomes as flawed, a connotation the opposition uses to castigate the same elections as “not free and fair”. Although in some cases the opposition fails to reject the electoral results while their (opposition) senior politicians accept cabinet posts (in the supposedly illegitimate government).

The genesis of such election malaise stems from “the unlevelled ground” on which different political parties/players are placed giving an upper hand to the proposition incumbents against the opposition. Consequently, the electoral power and the type of relationship the electors have with the people they elect remain absurd; voter turnout, especially in areas dominated by the opposition, remains low compared to the eligible electorate (Flanigan and Zingale, 1991), something which is unnatural.

Different countries have often been using secret ballots, improved civic education and ensuring relative political stability (security-wise) and assuring transparency during elections. External observers are oftentimes invited to ensure that voters are assured of free and fair election result as well as painting

confidence to the donor-driven elections at the international spectrum. It however, remains a controversy since direct elections are amiable to manipulation by incumbent political parties and/or leaders. On the other hand, indirect elections would be unacceptable in our modern times, considering that they are less participatory in nature. Secondly, a direct election in the First-Past-The-Post system is too easily manipulable in favour of a solitary victor. In contrast, elections based on Proportional Representation may not easily work in the developing countries like those in eastern Africa given the essential niceties involved.

If the concern of Election Violence is not comprehensively dealt with, realizing a peaceful post-election climate may remain hypothetical. Consequently, the vacuum of an efficacious legal avenue for voters to voice out their views could spark a terrible toll. The above observations provoked the question of the effect of voter behaviour on election violence in Uganda. That is why this study aimed to ascertain the consequence of voter behaviour on electoral violence in Uganda. Given that purpose, the hypotheses were generated and tested;

1.2 Hypotheses

Hypothesis 1: The Perception of voters on electoral violence

H^1_o There are no significant variations in voters' perceptions on electoral violence.

H^1_A There are significant variations in voters' perceptions on electoral violence.

Hypothesis 2: The Contribution of Political Parties to Election Violence.

H^2_o Political Parties do not significantly contribute to election violence in Uganda.

H^2_A Political Parties significantly contribute to election violence in Uganda.

Hypothesis 3: The Contribution of Voter Motivation to election violence

H^3_o Voter Motivation does not significantly contribute to election violence in Uganda.

H^3_A Voter Motivation significantly contributes to election violence in Uganda

Hypothesis 4: The Contribution of Civic Education to Election Violence.

H^4_o Civic Education does not significantly contribute to election violence in Uganda.

H^4_A Civic Education does not significantly contribute to election violence in Uganda.

2 Methodology

Respondents to the questionnaire were selected using purposive sampling. This technique is judgmental and so samples are got on the assumption that they would assist to satisfy the objectives of the study. In this study, attention was mainly put to voters because they are the beneficiaries and victims of all forms of election violence in Uganda. The study sample was composed of voters from two urban centres: Hoima and Kigoroby as illustrated hereunder.

Table 1: Respondents' Councils

Local Council	Number of respondents	
	Males	Females
Hoima town council	33 (50.8%)	32 (49.2%)
Kigoroby town council	28 (50.0%)	28 (50.0%)
Totals	61 (55.0%)	51 (45.0%)

The samples presented in table 1 above were determined using the rule of the thumb approach. It was thus resolute that at least 111 voters (respondents) would be used in the study. Data was collected using the questionnaire of 24 items which were on a five Likert scale of 1= Strongly Disagree, 2= Disagree, 3= Neither agree nor Disagree, 4= Agree, and 5= Strongly Agree. The items generated from the questionnaire were subjected to a content validity test and results revealed 0.7914. This result meant that the questions designed for the study were valid and hence, would produce the envisaged outcomes suitably. Further, a reliability test was held and outcomes reflected the following:

Table 2: Reliability

Characteristics	Reliability (Kuder-Richardson)
Demographic characteristics	0.6511
Political parties	0.7498
Voter motivation	0.7801
Civic education	0.6977
Election violence	0.9192

From the table above, the Kuder-Richardson for the four main scales, minus demographic features, was above 0.6, implying that all the scales used in the study; political parties, voter motivation, civic education and election violence were coherent and dependable. Using the statistical package for social sciences software (SPSS; Version 11.0), descriptive statistics was generated. In addition, the Pearson Correlation Coefficient (r) was used in order to determine the degree of the correlation between election violence and political parties, voter motivation and civic education. Further, in a bid to establish the extent to which political parties, voter motivation and civic education contributed to election violence, a simple linear regression was used. Moreover, Factor

analysis was used on election violence in order to divorce what actually mattered for the most part in this notion.

3 Results

Most of the respondents (48%) for this study were ranging between 18 and 42 years. This exposed the fact that most of the people who engaged in active politics were young. The vindication here is that most of those voters had little or no interest of scrutinising candidates and parties in relation to the country's history or put different, little focus is vested to what some candidates may have contributed while holding other capacities rather than the ones they compete for. On the aspect of gender, most of the respondents were males (55%). This figure reflects that elections are more appealing to the male gender/ voters than their female counterparts. Analytically, this male dominance was mainly caused by tradition and awareness. Among these voters, 25% had voted twice, 18% had voted thrice, 51% had voted once and the rest (6%) had never voted before. By implication therefore, 57% of the respondents had either voted once or never while only 43% (less than 50%) had voted more than once (had dependable voting experience). This justifies the fact that a greater percentage of the voters, were merely being driven by emotions rather than what ought to be.

3.1 Hypothesis One

The variations in voters' Perceptions of electoral violence. Hypothesis one (H^1_0) stated that "there are no significant variations in voters' perceptions on electoral violence" was tested using the analysis of variance and outcomes revealed that significant variations in voters' perceptions on election violence existed. Voters merely sided with two arguments in respect to violence being stage-managed [$F(3, 79) = .587$, p is more than 0.05]; and voter's psychological inferiority being more responsible for election violence [$F(3, 79) = .328$, p is more than 0.05)]. For other aspects of election violence there were significant variations in voters' perceptions. The above test thus shows that there are distinctions but does not show where the same distinctions come about. Therefore, a post hoc Bonferroni test was conducted and results showed that voters differed considerably in their responses to opinion of election violence as illustrated in table 4 below:

Table 4: Bonferroni test

Election violence	Areas of variations in opinion	Mean difference	Sig.
Level of election	Agree versus disagree	1.67	.000
Interest in election	Don't know versus Agree	1.56	.000
Political parties	Agree versus disagree	2.00	.000
Security agencies	Disagree versus agree	1.25	.000
Voter knowledge	Agree versus don't know	1.44	.002

Table 4 above reveals that the significant distinctions were in the ways stakeholders perceived the association between election violence and the different factors as illustrated. By inference, in view of the analysis of variance and the Bonferroni test outcomes, it can be held that the null hypothesis (H^1_0) was abandoned and thus upholding the alternate hypothesis (H^1_A).

3.2 Hypothesis Two

The Contribution of Political Parties to Election Violence. In order to test hypothesis two (H^2_0) which stated that “Political Parties do not significantly contribute to election violence in Uganda”, simple regression matrices were conducted. The outcomes revealed that voter behaviour did not necessarily translate into election violence in Uganda. The same end result was sustained on grounds that there was no linear relationship between voter behaviour and election violence [$F(1, 76) = 3.765$, p is more than 0.05]. When a simple regression was performed in a bid to determine the magnitude to which voter behaviour envisaged election violence, it generated the following outcomes:

Table 5: The Contribution of Political Parties to Election Violence

		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
Model	B		Std. Error	Beta		
1	(constant)	2.587	.508		5.075	.000
	Election Violence	.306	.152	.199	1.941	.048

Dependent Variable: Election violence

Table 5 presents a model summary of the regression yielding an Adj. R^2 of .418. This outcome reveals that political parties discreetly explained 46% of the Election violence in Uganda. And therefore, political parties presented a strong forecaster towards election violence. The outcome was also validated by the fact that more people who are seriously inclined towards particular political parties and organizations were often having high hearted anger, especially the opposition.

Therefore, looking at the above outcomes one realizes that it is justifiably clear to argue that the null hypothesis (H^2_0) remained less popular and instead the alternate one (H^2_A) “Political Parties do not significantly contribute to election violence in Uganda” was maintained.

Further, the outcomes revealed that there was sharp convergence with political parties as a growing origin of election violence [$M= 3.98$, $SD=0.935$]; as portraying an upper value in electoral constituents [$M=4.08$, $SD = 0.977$] and constituencies with deep-rooted political parties [$M= 3.54$, $SD = 1.687$]. It was thus only in constituencies having strong political party roots where respondents were noncommittal [$M= 3.21$, 1.688]. Various reasons can be put used to validate this result such as most constituencies are yet poverty stricken and so they could deem it hard to soberly get organized in order to mount calculated demands against political parties. Put different, voters are uptight about political parties. This mayhem creates a lot of anxiety that immediately boils up into violence. We can also argue that even though voters are seemingly not aware of the consequences of election violence, some of them have opted to “play it cool” whenever such aggression tempers mount in area. Therefore, the tendency by some members to keep a low profile reflects that many voters in Uganda do not subscribe to election aggression. Even if they were to do so, violence remains one of the last resorts.

3.3 Hypothesis Three

The Contribution of Voter Motivation to election violence. The third hypothesis (H^3_0) stated that “Voter Motivation does not significantly contribute to election violence in Uganda”. To test this hypothesis, regression analyses were used. The outcomes of the regression revealed that there was a linear relationship between voter motivation and election violence in Uganda [$F(1, 76) = 32, 536$, p is less than 0.01]. The outcomes of the regression analyses were illustrated as shown below:

Table 6: Contribution of Voter Motivation to Election Violence

		Unstandardized Coefficients		Standardized Coefficients		t	Sig.
Model	B	Std. Error	Beta				
1	(constant)	1.577	.333			5.496	.000
	Voter motivation	.525	.075	.499		5.188	.000

Dependent variable: election violence

When we examine the table above, one realizes that voter motivation was a very important contributor to election violence in Uganda. The same table shows how the model summary yielded an Adj. R^2 of .258. by implication, voter motivation contributed at least 21% to the election violence in the

country. It can thus be argued that if voters are to be political vigilant and less violent, they ought to be provided with not only fair infrastructure and services but also timely information about why the ruling party at a particular time has not been able to do what it ought to have done during their tenure.

Given the outcomes presented above, it can be said to be true to deduce that the null hypothesis (H^3_o) was hence rejected giving way to the alternate hypothesis (H^3_A), “Voter Motivation does significantly contribute to election violence in Uganda”.

Test of Hypothesis 4: The Contribution of Civic Education to Election Violence.

Hypothesis 4 stated (H^4_o) stated that “Civic Education does not significantly contribute to election violence in Uganda”. The role of civic education on election violence was considered. It was indeed found the way civic education was conducted did not affect the voters’ behaviour. The correlation results were $r(61) = .021$, p is more than 0.05. This implied that there was no significant relationship between civic education and election violence. Moreover, the regression test showed that there was no contribution of the civic education to election violence. The Adj. R^2 was -.14 which implied that there was no contribution. These revelations vindicate that civic education among voters had no significance on election violence.

The above results were incompetence among civic educators; lack of clear sensitisation of the voters about the implications and dangers of lack/absence of civic education; politicization of the civic education curriculum by those who conduct it; continued use of English language on civic education materials among even illiterate communities; gross ignorance among voters; and poor mobilization by civic educators.

3 Discussion

In this study, it has been exposed through the different hypotheses tests that political parties do not contribute much to the election violence. In spite of that every voter requires to remain vigilant in order keep the state machinery at work. This study investigated what were the most fundamental aspects of election violence as far as voters in Uganda were concerned. The election violence variable had 18 items. However, these items were several, to detach the factors that voters associated more strongly with election violence, thus, a factor analysis was conducted. Out of 18 items, only 5 factors were segregated out. These were: knowledge about election violence; the consequences related to election violence; competence of civic educators; credibility of political parties; and, the core objectives driving voters in an election. The summation of the above factors yielded a total of 74% of the election violence.

In this study, it was noted that voter motivation is thought of in terms of awakening as well as sustaining the voters to have an inner positive feeling to

participate in all national and local elections. This implies that voter motivation does not automatically convert into election violence since election violence does not equal to voter motivation.

Election violence which is also known as election aggression depends on the human violence which is acquired from society as noted by Daniels and Gilula, (1970) cited in Mpaata (2009). Aggression is a consequence of frustration (Dollard et al., 1939 cited in Mpaata, 2009) although not all frustration can lead to aggression. Mpaata notes that, a frustrated person must have been expecting the attainment of a goal (2009). He points out several promoters of aggression including the mass media. Although Mpaata was mainly concerned with aggressive behaviour in schools, the same ideas seem to be relevant to voters and election violence. For example, whether we castigate the violent voters during electoral periods, they may not necessarily change since the cause of their violence is not just controlled by the environmental factors but a host of other significant factors in them. From this illustration, one may argue that even if one the security agencies continue to apply tear-gas among violent voters, the solution is far from reach using such an approach. By implication, violent voters have already had a cumulative frustration, anger and build-up which burst up incidentally during election seasons. Therefore, voter motivation does not actually tally with election violence (VM is not equal to EV).

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Part Two

Organisational Management

Applicability of Herzberg's Two Factors Theory of Motivation to Bank of Uganda

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Abstract. This paper reports the findings of a study conducted to authenticate the applicability of Herzberg's Two Factors Theory of Motivation to Bank of Uganda (BoU). From the findings generated through his research on 200 Engineers and Accountants in the United States, Herzberg concluded that there are two sets of factors influencing employees' satisfaction, namely, 'Motivator Factors' which (he contends) motivate employees; and "Hygiene Factors" which do not motivate. In concurrence, all the factors identified as motivators were found to be motivators to the respondents. In disagreement, however, the Hygiene Factors, which Herzberg purported don't motivate, were found to be motivators. Thus, it is concluded that the applicability of the theory is not universal.

Keywords: Motivation theory; Corporate governance; Non-financial rewards

1 Introduction

The term "motivation" is defined and understood differently by different scholars, depending on their level of scholarship and orientation. Viteles, for example, defines it as an unsatisfied need which creates a state of tension or disequilibrium, causing an individual to move in a goal directed pattern towards restoring a state of equilibrium by satisfying those needs (Chandan, 1999). Robbins and Coulter (2002), on the other hand, define motivation as the willingness to exert high levels of effort to reach organizational goals, conditioned by the effort's ability to satisfy some individual need. For this paper, however, the term "motivation" was, and should be, contextualised to mean deliberate efforts made for purposes of encouraging, inducing, convincing and persuading employees to work well and willingly in the best interest of the organization.

Efforts and desire to stimulate human efforts to better performance have existed since time immemorial. In 1919, for example, Fredrick Winslow Taylor, a renowned classical management theorist, came up with what is popularly known as the "Scientific Management Approach" – in which he sought to use scientific methods to define the "one best way" for a job to be

done (Robbins and Coulter, 2002). With time, however, the Scientific Management Approach to work, coupled with the entire Classical Management School of Thought came under bitter critiques from other scholars, for not only viewing employees as mechanisms of production but dehumanizing them. With such criticisms, new other approaches were postulated, among which was the "the Behavioural or Human Resources Approach", which focussed the study of management on human behaviour. Generally, the behavioural approach moved away from emphasising supervisory procedures and industrial engineering techniques (such as time and motion study), and focused on increasing production and managerial efficiency through understanding of people. Central to this approach is an increased understanding of the individual worker with emphasis on motivation (Chandan, 2002).

The Behavioural/Human Resources Approach hinges on two main bases. First, is the need to identify human behaviour(s) which increase(s) employee performance – such should be encouraged and maintained. On the other hand, human behaviour(s) which affect(s) employee performance should be identified and contained. Second, is the need to know and appreciate that human beings have needs, and it is the desire to meet these needs that drives them to work. Emphasis here is to identify these needs and try to meet them – that, this will heighten employees' motivation and performance.

On the basis of either or both foregoing bases, many scholars came up with different theories they purport can motivate employees in organizations. Notable ones, among others, include(d): Abraham Maslow (Hierarchy of Human Needs Theory), Douglas McGregor (Theory X and Theory Y), David McClelland (Three-Needs Theory), Stacey Adams (Equity Theory), Victor Vroom (Expectancy Theory), and Frederick Herzberg (Motivation-Hygiene Theory) (Robbins and Coulter, 2002). The challenge, however, is that: all the foregoing scholars view motivation differently, although some have slight similarities. The other challenge is whether or not each of them is applicable to all organizations. To avoid speculations and unnecessary generalizations, this study focussed on mainly one Theory: Frederick Herzberg's Motivation-Hygiene Theory, with emphasis on establishing whether or not the Theory applies to what motivate(s) employees in Bank of Uganda.

1.1 Herzberg's Two Factors Theory of Motivation

Herzberg's Two Factor Theory of Motivation also known as the Motivation-Hygiene Theory, was propounded by Frederick Herzberg, who, together with associates, conducted a research study based on interviews of 200 Engineers and Accountants working in eleven different firms in the Pittsburg area of the U.S.A. The findings of the study were that there are two sets of factors which affect satisfaction or dissatisfaction of employees (Saleemi & Bogonko, 1997).

The first set consists of 'Dissatisfies' or 'Hygiene Factors' or 'Maintenance Factors': these, according to Herzberg, are extrinsic and don't motivate

employees in any way but dissatisfy employees when and if (they are) absent. They include:

- a) Company policy and administration,
- b) Technical supervision,
- c) Interpersonal relations with superiors, subordinates and peers,
- d) Working conditions,
- e) Salary,
- f) Job security,
- g) Status,
- h) Personal life.

The other set is called Motivational Factors: these are related to the content of the job, i.e., they are inherent in the job rather than in the surrounding environment. They include:

- a) Feeling of achievement
- b) Recognition
- c) Challenging work itself
- d) Advancement
- e) Increased responsibility
- f) Opportunity for growth.

According to Herzberg, what motivate employees are only “Motivation Factors”; “Hygiene Factors” don’t in any way motivate employees. This study, therefore, was premised on the curiosity to establishing the applicability and authenticity of Herzberg's Two Factors Theory of Motivation” in motivating employees in Bank of Uganda.

1.2 Bank of Uganda

Bank of Uganda (BoU) is a public body wholly owned by the government. It was created by an Act of Parliament passed on May 24, 1966. In carrying out its responsibilities, it works very closely with the government, and in particular, the treasury, which is primarily concerned with the financial policies of the government. BoU is situated in Kampala, Uganda’s Capital City but has different Currency Centres in the Districts of Gulu, Mbale, Jinja Mbarara, Arua, Fort-portal, and Masaka. It started its operations on July 1, 1966, replacing the East African Currency Board, which since 1920 had served the entire East Africa, including at one time or another, Somali land, Ethiopia, Eritrea, and Aden. On August 15, 1966, the Bank commenced its operations by issuing Uganda’s own currency, the shilling.

The major objectives of BoU are: to maintain monetary stability and external assets reserve; to issue currency notes and coins; be the banker to government; act as a financial advisor to government and manager of public debt; to advise government on monetary policy; to be a banker to financial institutions; where appropriate, to participate in the economic growth and

development programmes; and to regulate, control and discipline all financial institutions, insurance companies and pension funds institutions.

In order to achieve the aforementioned objectives, it is imperative that BoU motivates its employees, by encouraging, inducing, convincing or persuading them to work well and willingly in best of its interests.

It should, however, be noted that BoU presents unique challenges in relation to motivation. In the first place, it is reputed for being one of the leading motivators and most competitive employers in Uganda, and one sees many people, qualified and unqualified, nationals and foreigners, yearning to join it. Secondly, a preliminary study showed there were a lot of resistance among top, middle and lower employees to voluntarily leave (BoU). To some, even with voluntary retirement (officially at the age of 55) accompanied by proportionately and relatively substantial cash benefits, they would still be unwilling to leave. What motivation techniques does BoU use to motivate its employees? Are those motivation techniques in conformity with Herzberg's Motivation-Hygiene Theory? Getting empirical answers to the foregoing questions provided the justification for carrying out this study.

2 Methodology

2.1 Study area, Population and Sample

The study was done in BoU in Kampala City and in three of its Currency Centres in Jinja, Fort portal and Masaka from October 1, to December 13, 2001. Of a total of 1015 employees in Bank at the time, a sample of 100 respondents was selected and used. Each function of the Bank was represented proportionately, on the basis of the number of employees in it per the total number of employees in the Bank as shown in Table 1.

Table 1: Population and Sample

BoU Function	Population	Sample	%
Supervision	47	5	5
Research and policy	65	6	6
Finance	97	10	10
Governor's Function	185	18	18
Operations	187	18	18
Administration	262	26	26
Currency Centres	172	17	17
Total	1015	100	100

Source: BoU Human Resources Research and Statistics section

The sample composed of respondents from three levels (top, middle and lower). To get the number of respondents of each level, the following formula was used: $\frac{NEL}{TNEB} \times 100 = NRRL$ where: NEL = Number of Employees in a

particular Level; TNEB = Total Number of Employees in the Bank; NRRL = Number of Respondents Representing that particular Level. Using the foregoing formula, each level was without doubt proportionately represented as shown in Table 2.

Table 2: Distribution of Respondents by Level in Organisational Hierarchy

Level of employees	Population in level	Sample	%
Top	69	7	7
Middle	237	23	23
Lower	709	70	70
Total	1015	100	100

Source: BoU Human Resources Research and Statistics section

The top level comprised of high ranking management employees, specifically it included the Deputy Directors, Directors, Executive Directors, Deputy Governor and Governor. The views of this group, however, were mainly represented in the sample by Directors and Deputy Directors of the various Departments in which the study was conducted.

Middle level respondents included Currency Officers, Deputy Currency Officers, Heads of Sections, Human Resources Officers, Senior Banking Officers, Principle Banking Officer, a System Administrator, a Bank Archivist, a Trainer Analyst, Bank Examiners, and Senior Programmers. Top and middle level employees deal with duties and roles which deal directly with the achievement of BoU's objectives. Most of them have specialised knowledge and skills in and of the roles they handle.

Lower level respondents comprised of the support staff. They are those who are so useful to the operations of the day-to-day running of the Bank but who do not deal directly with core roles of the Bank. They were represented by Senior Personal Secretaries, Personal Secretaries, Senior Banking Assistants, Banking Assistants, Procurement Officers, Senior Note Examiners, Note Examiners, Board Supervisors, Assistant Board Supervisors, Office Attendants, Senior Security Supervisor, Clerks, and Drivers.

Sampling at all the three levels was purposive for three main reasons. First, to ensure that all BoU functions were equally represented in the sample. Second, to enable the researcher gather specific relevant information on issues that were being investigated, and, third, to enable the researcher get only knowledgeable and confident respondents to generate the required data.

2.2 Data Collection Methods

A self-administered questionnaire was used as the main method of data collection. Nevertheless, formal interviews and informal discussions were also used to validate and supplements data collected through the self-administered questionnaire.

2.3 Data Processing and Analysis

Data processing went through four stages. First, interview and informal discussion responses were noted and then organised. Second, the self-administered questionnaire responses were thoroughly checked for detection and elimination of errors, and ensuring accuracy and completeness. Third, data (in the two foregoing steps) were then compared to find out similarities and differences. Similar findings were put in one category while dissimilar data were put in another. Lastly, relevant data were then sorted by relating them to the problem areas of the study; after which interpretations, judgements, opinions, conclusions and recommendations were made by the researcher. On the other hand, data analysis involved coding of close-ended questions whereby responses were grouped into categories in order to give exact figures of how many respondents cited or chose a particular category; this was mainly done through the tally method. Percentages and tables were also used among other statistical methods.

3 Findings

Respondents were asked the various motivation techniques BoU uses to motivate them. In total, they gave 17 motivation techniques, as follows.

- a) *Provision of Loans.* All respondents noted that BoU gave them loans which are motivating in a sense that they are not only convenient but interest free. They cited four loan types: Salary advance (payable within 12 months); Rent advance (up to 2 years); Housing loans (either for construction or buying of already finished houses); and Car loans (which must be recovered within five years).
- b) *Promotions.* This is another good motivator which respondents cited. It depends on some factors: availability of a higher vacant post which has to be filled by promoting a junior employee to occupy it; the kind of training and/or qualifications, skills and experience an employee possesses in relation to the higher job; and how hardworking the employee is. Respondents noted that when promoted, they get more enthused and motivated to work harder because their working efforts are appreciated.
- c) *Provision of Training.* All employees cited training as a significant motivator. It is decentralised at Departmental level; each Department is given chance to determine its training needs. Training is both on-the-job and off-the-job; short-term and long-term, depending on the nature and demands of the training course.
- d) *Provision of medical services.* All respondents cited provision of medical services to them as a major motivator. BoU does not only provide medical services to its employees but also to their immediate family members or relatives.

- e) *Transparent performance appraisal exercise.* Whereas employees in other organisations would be unwilling to be appraised, BoU employees showed that they liked it (the appraisal exercise). Each Department, including the Currency Centres, has a Departmental Appraisal Committee headed by the Departmental Director. The Committee also includes Deputy Director and Section Heads. Each employee (appraisee) is appraised by the immediate boss or supervisor (appraiser) who writes comments or a report arising from the appraisal exercise. Respondents noted that the appraisal exercise is done transparently, with justice, because even the proceedings of the report (arising from the appraisals) are written after both parties (appraisee and appraiser) have consented. Besides, respondents noted that in case the employee is not satisfied with the boss' appraisal, he or she can refer the matter to the Departmental Appraisal Committee for redress.
- f) *Provision of good working and enabling environment.* All respondents conceded that BoU provides superb working environment, which, not only facilitates good work, but motivates as well. The Bank provides tight security; has good offices which are well-equipped with utilities and facilities like computers, fixed telephones, and air conditioners, among others; and (has) good office arrangements which promote privacy. All these are visible features, which the researcher also observed and confirmed.

Other motivation techniques cited by respondents included:

- a) Paid leave;
- b) Pension (equivalent of 29% of each employee's salary on his/her behalf per month) for permanent staff and gratuity schemes for contract staff (20-25% on behalf of employees per month, which accumulates and is given in lump sum to the employee at the expiry of the contract;
- c) Job security;
- d) Provision of life insurance and death benefits;
- e) Provision of the 13th cheque at every end of year;
- f) Provision of subsidised meals;
- g) Provision of reasonable and prompt salaries;
- h) Special recognition of bosses;
- i) A good participatory management style;
- j) Provision and maintenance of a good corporate social culture; and
- k) Job enrichment.

4 Discussion and Conclusions

As already noted earlier, Herzberg's Motivation-Hygiene Theory contends that in every organization, there are two factors at play, namely, "motivators" - which motivate employees, and "hygiene factors" which don't motivate, although they prevent dissatisfaction (Robbins and Coulter, 2002). From the above findings, it is without any doubt that the "motivators" indeed motivate employees in Bank of Uganda (BoU). As cited above, achievement,

recognition, work itself (job enrichment), responsibility, growth in view of training and development, and advancement in view of promotion, were undeniably cited as motivators by employees of BoU. To this end, it is a foregone conclusion that Herzberg (on motivation factors) was and is still very right at least in the context of BoU.

On the other hand, the Hygiene Factors which Herzberg purported don't, in any way, motivate employees were completely disapproved by the findings. In the case of BoU, all Hygiene Factors were shockingly found and proved to be motivators. Indeed: provision of loans and medical services; execution of transparent performance appraisal exercise; provision of good working and enabling environment; provision of pension and gratuity schemes; paid leave; job security; provision of life insurance and death benefits; provision of the 13th cheque bonus; provision of subsidised meals; provision of reasonable and prompt salaries; special recognition and status of bosses; participatory management style; and maintenance of a good corporate social culture, were all found to be motivators. This therefore means that while Herzberg was proved right of motivators (motivating factors), findings proved him wrong on hygiene factors. This is because: both Motivators and Hygiene Factors, as Herzberg calls them, were beyond reasonable doubt proven to be motivators in BoU. Herzberg's Two Factor Theory, therefore, is not universalistic, and only applies partially in the context of Bank of Uganda.

5 Recommendations

Many changes have taken place since Herzberg propounded the Motivation-Hygiene Theory. Besides, the Theory was developed in the USA, and its research was based on only 200 Engineers and Accounts from only eleven Companies in the Pittsburg area. It is therefore not only deserving but absolutely logical that the Motivation-Hygiene Theory should be used selectively and contextually, as opposed to being universalistic.

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Application of Multivariate Statistical Techniques in the Assessment of Piped Water Quality in Dar es Salaam City

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Abstract. This study was carried out to assess the quality of water in Dar es Salaam city, Tanzania. Piped water samples at selected sites of water sources were analyzed for physical, chemical and microbiological qualities of water. Piped water samples included those from the household and main supply pipes. Factor Analysis (FA) was employed to determine the distribution and possible sources of contaminants in potable water. Results show that disinfection was negatively correlated with total coli form. Turbidity that enters the distribution system would reduce residual chlorine and renders the treatment inadequate by creating a chlorine demand. Household water quality was poor and contaminated with faecal coli form an indication of secondary contamination. The major contaminants in the piped water sources were faecal coli form, suggesting inadequate treatment and influence of turbidity. Turbidity is therefore a useful indicator of water quality assessment.

Keywords: Water quality; Contamination; Turbidity; Piped water

1 Introduction

Water is an essential and vital natural resource for agriculture, transport, domestic and other human activities and is a matter of serious concern today. Rivers and lakes have been exposed to wastewaters from industrial, agricultural, and domestic sources for decades. Consequently, the quality of water has rapidly deteriorated in many regions, and polluted portable and surface water is now a grave public health and ecosystem problem (White and Rasmussen, 1998; Wu, 2005). Furthermore, population growth and elevated living standards have been coupled with ever increasing demands for clean water (Li *et al.*, 2007). Underground water and surface water resources are contaminated routinely by anthropogenic activities such as agriculture and

industrial effluents and wastewater. Unsafe drinking water and inadequate sanitation facilities constitute one of the major causes of death as the result of waterborne diseases (Orewole *et al.*, 2006). While most people in urban cities of developing countries have access to piped water, several others still rely on wells, borehole and river water.

Water quality issues in Tanzania arise from both geological characteristics and anthropogenic effects. Most of the stream and rivers in urban areas of the developing countries act as surrogate end points for wastewater and effluent discharge from domestic and industrial establishments which can contaminate ground water. Thus, boreholes, wells, water reservoirs and rivers generally have poor quality water in the affected areas and are unsafe since people use untreated water from such sources. Such areas experience continuous outbreak of waterborne diseases such as diarrhoea, cholera and others.

Multivariate statistical methods such as factor analysis (FA) and cluster analysis (CA) are useful techniques for analyzing large and complicated (Perona *et al.*, 1999; Beatriz *et al.*, 2000; Ouyang, 2005). Such methods sometimes create new variables by reducing the number of original variables in the comparison and interpretation of the data (Lu, 2004; Zhang and Dong, 2004; Singh *et al.*, 2005). The FA and CA are capable of identifying groups and sets of variables with similar properties. Thus, multivariate techniques may allow a simplification of observations by finding patterns in data. Multivariate statistical methods have been widely applied to complex water quality data to extract more meaningful information (Vega *et al.*, 1998; Helena *et al.*, 2000; Wunderlin *et al.*, 2001; Bernard *et al.*, 2004; Singh *et al.*, 2005). The application of these techniques makes it easy to manage the surface water and freshwater and to evaluate spatiotemporal variations of water quality caused by natural processes and anthropogenic impacts.

The objective of the present work were; (1) to assess the quality of piped water in the view of bacterial, elemental and physiochemical characteristics of potable water (3) to determine source apportionment of the contaminants.

2 Materials and Methods

2.1 Study area

Dar es Salaam is the major industrial and commercial centre of Tanzania, located on the coast. The city is situated on latitude 6° 45' and longitude 39° 18' (Fig. 1 and Table 1). The main sources of water in the study area are through boreholes, wells, taps, water reservoirs and rivers.

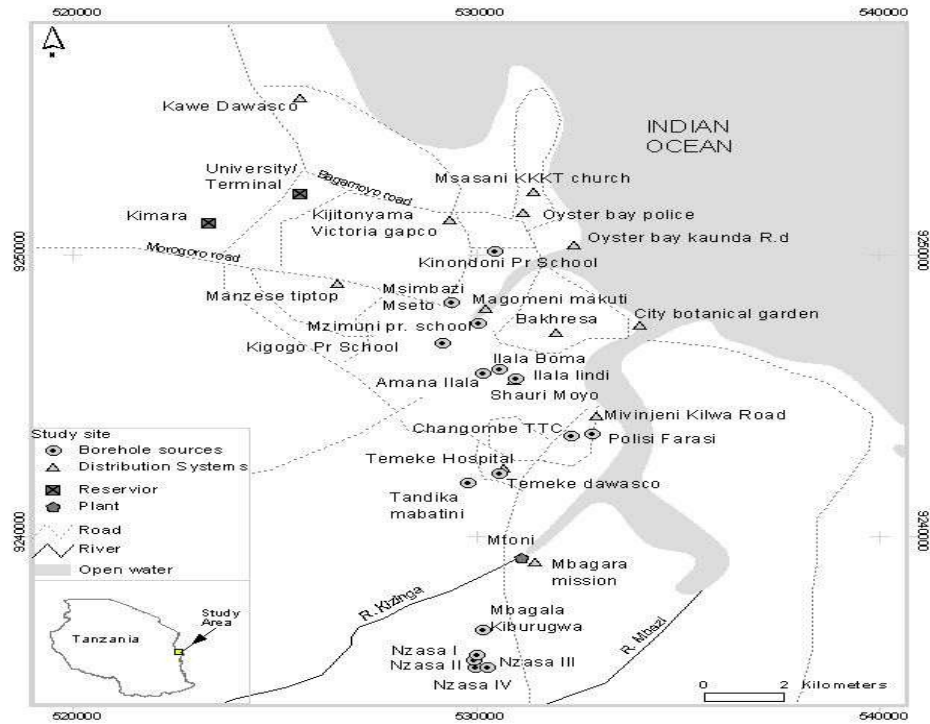


Fig. 1 Location of Sampling Sites

Table 2: Location and description of activities/establishment

Location	Code	GPS Coordinates		Activity/Establishment
		Easting	Northing	
City botanical garden	S1	9247042	0532509	City centre, adjacent to Indian ocean-near end point of sewage
Bakhresa	S2	9246788	0530411	City centre, Petroleum station
Magomeni Makuti	S3	9247618	0528672	Residential squatter area
Manzese Tiptop	S4	9248528	0525004	Residential squatter area
Ilala lindi Street	S5	9245088	0529395	Residential, Commercial
Mbagara Mission	S6	9238622	0529920	Residential, Church , Slum
Mivinjen Kilwa Road	S7	9243798	0531427	Residential,
Temeke Dawasco	S8	9241972	0529111	Residential squatter area.
Tabata matumbi	S9	9251053	0529613	Residential squatter area
Kawe Dawasco	S10	9255132	0524075	Residential
Kijito Victoria Gapco	S11	9250784	0527786	Residential, Petroleum station
Msasani KKKT	S12	9251772	0529872	Residential, Church
Oysterbay Kaunda Rd	S13	9249894	0530880	Residential,
Household 1	H1	9251824	0524050	Residential,
Household 2	H2	9247042	0532509	Residential, Industrial
Household 3	H3	9246788	0530411	Residential, Slum
Kimara Reservoir #	R1	9247618	0528672	Residential.
Terminal Reservoir	R2	-	-	Residential, University
Upper Ruvu Plant *	P1	-	-	Residential
Lower Ruvu Plant *	P2	-	-	60km to DSM, adjacent to river
Mtoni Plant *	P3	-	-	Residential, industrial

2.2 Water sampling

Samples were collected from 18 piped water sites (Table 1) using 500 ml polyethylene bottles for physical and chemical analysis of water quality characteristics. Water samples were purposively collected in routine, avoiding rainfall events and analyzed identically for pH, conductivity (EC), Total dissolved solids (TDS), Temperature (T), Chlorine (Cl), Chloride (Cl⁻), Turbidity (Tur), Colour (Co), Nitrates (NO₃⁻), Ammonia (NH₃⁻), Total hardness (TH), Aluminium (Al), Manganese (Mn), Iron (Fe), Calcium (Ca), Total coli form (TC) and Faecal coli form (FC). Water samples for microbiological examination were collected using 250 ml bottles. Sample bottles were always initially washed using deionised water and double-rinsed with the water to be sampled. Tap outlets were sterilized by burning using menthlayted spirit. Bottles were wrapped into an aluminium foil and transported in an ice box at 4°C to Dar es Salaam water and sewerage corporation central laboratory for analysis.

2.3 Determination of Physical and Chemical Characteristic of Water

Water quality characteristics such as pH, EC, TDS, Temperature, and Cl were determined directly on site using portable meters. I hope they had been calibrated. Other parameters such as turbidity, colour, were analyzed using Palin test. Chemical parameters were analysed using a Spectrophotometer (model 5000) at different wavelength using a specific tablet reagents. Fe, and Cl⁻ (520 nm), Mn, and NH₃⁻ (640 nm) NO₃⁻, Al, and alkalinity (570 nm). These methods have been used and recommended by Shanthi De Silva and Ayomi (2004)

2.4 Microbiological examination

Total coli form and faecal coli form were determined by employing Membrane Filter technique (MT). Coliforms in 100 mills of water sample was measured and filtered through a sterile membrane filter (0.45 µm) which retain all the bacteria. The membranes were transferred to sterilized petri-dishes containing M-FC media for faecal coli form and M-TC for total coli form in duplicates and incubated at 44°C and 37°C respectively for 24 hrs to isolate indicator organism in the water sample.

2.5 Statistical Analysis

Multivariate statistical analysis of the city water quality was conducted through CA and FA. Cluster analysis is a method which makes it possible to detect similarities or dissimilarities within a large group of objects characterized by a number of variables (Simeonova and Einax, 2002; Simeonova *et al.*, 2003; Rafael *et al.*, 2005). In this study, Ward linkage and correlation coefficient

distance was selected as the measurement between normalized data to classify variables into group that shared good correlations (Stephen and Brian, 2005). The FA is an ordination technique that creates linear combinations of variables to construct uncorrelated vectors that describe the dominant patterns of variance in the data (Goodall, 1954; Giraudel and Lek, 2001). FA was employed to identify variables that explain the most variance, and therefore, contain the most information (Theresa *et al.*, 2001; Simeonova *et al.*, 2003; Smith and Wachob, 2006). These data were carefully standardized.

3 Results and Discussion

Total coli form ranged between 0/100 ml to 33.66/100 ml, electrical conductivity ranged between 88.81 $\mu\text{s}/\text{cm}$ and 188.58 $\mu\text{s}/\text{cm}$, Turbidity 0.5 NTU and 3.1 NTU, total dissolved solids 42.28 mg/L and 160.83 mg/L, chlorine 0.1 mg/L and 0.65 mg/L, aluminium 0.03 mg/L and 1.43 mg/L, iron 0.00 to 0.33 mg/L, chlorides 37.9 mg/L and 98.67 mg/L, calcium 17.67 mg/L and alkalinity 112.33 mg/L and 158.67 mg/L (Table 2).

Pearson correlation coefficient values are shown in table (Table 3). Total coli form was negatively correlated with chlorine ($r_s=0.57$, at $P=0.05$), but positively correlated with faecal coli form, and calcium ($r_s=0.57$, at $P=0.05$). Total coli form increases with decreasing chlorine concentration in water. Faecal coli form was positively correlated with ammonia ($r_s=0.47$, at $P=0.05$). Chlorine was negatively correlated with total hardness ($r_s=0.48$, at $P=0.05$). Conductivity was also negatively correlated with pH but positively correlated with calcium. Colour was positively correlated with turbidity ($r_s=0.50$, at $P=0.05$) and alkalinity ($r_s=0.59$, at $P=0.05$). Turbidity was positively correlated with chlorides ($r_s=0.62$, at $p=0.05$). Aluminium was positively correlated with Iron ($r_s=0.52$) and ammonia ($r_s=0.49$).

Biplot of sites, elemental and physicochemical parameters suggest the distribution of water quality characteristics in piped water. Conductivity, calcium, Mn, total hardness and total dissolved solids are associated with one another and sites 6, 7 and 17 (Fig. 2). Total coli form, faecal coli form, alkalinity, colour, and nitrates are associated and correspond with sites 1 and 16. Presence of total coli form bacteria at such sites signifies inadequate treatment and faecal coli form suggesting contamination in such sites (Shayo *et al.*, 2007). Sites 13, 10, 5, 15, and 11 have high pH, turbidity, chlorides, ammonia and iron in that order relative to other sites but are within maximum permissible limits of WHO, (2008). Low mean values of chlorine, ammonia, iron and turbidity obtained from water samples collected at different points of use were below maximum permissible limit of WHO for drinking water. However, sites 4, 3, 2, 14, 18, 11, 5, 10, 15, 13 and 12 contained chlorine within maximum permissible limit of WHO (5mg/l) for drinking water.

Table 2: Mean Physicochemical Characteristics and Elemental Concentrations of Piped Water (N=18)

Site	TC	FC	($\mu\text{s/cm}$)	$^{\circ}\text{C}$	pH	NTU		mg/L									
			EC	Temp		Tud	TDS	Cl	Al	Fe	Mn	NH ₃	NO ₃	Chl	Ca	Alk	TH
S1	3.66	2	93.40	28.40	8.28	1.370	46.67	0.10	0.170	0.010	0.000	0.023	0.067	79.000	38.670	120.770	77.670
S2	0	0	90.00	29.50	8.43	0.800	45.60	0.43	0.120	0.000	0.003	0.001	0.120	51.000	31.330	122.000	67.000
S3	0	0	91.37	30.87	8.31	1.800	46.63	0.65	0.014	0.000	0.005	0.000	0.210	72.000	18.000	125.330	39.330
S4	0	0	88.81	30.03	8.15	1.570	43.40	1.08	0.190	0.010	0.004	0.017	0.123	88.330	21.330	123.330	54.000
S5	0	0	114.97	30.10	7.96	2.770	55.67	0.15	0.170	0.010	0.003	0.001	0.147	76.670	30.670	158.670	60.670
S6	1	0	289.67	30.47	7.69	0.870	145.03	0.14	0.060	0.040	0.036	0.002	0.233	66.670	55.670	141.670	100.330
S7	0	0	123.70	30.73	7.74	0.570	48.40	0.27	0.150	0.060	0.011	0.002	0.047	44.330	31.000	155.000	62.000
S8	1	0.3	188.57	29.57	7.40	0.500	83.03	0.19	0.300	0.010	0.003	0.022	0.560	37.900	66.000	122.400	66.000
S9	0.67	0	128.87	30.10	7.70	1.200	43.93	0.15	0.030	0.000	0.004	0.001	0.070	49.000	69.330	112.330	74.000
S10	0	0	91.47	30.53	8.19	2.130	45.10	0.13	0.290	0.240	0.004	0.073	0.247	60.330	28.000	129.000	107.330
S11	0	0	91.57	29.93	8.26	1.300	84.53	0.25	0.200	0.000	0.005	0.016	0.039	56.670	22.670	152.670	78.000
S12	0	0	96.13	30.53	8.17	0.870	47.80	0.35	0.200	0.100	0.004	0.001	0.257	75.670	17.670	123.000	65.000
S13	0	0	96.70	31.10	8.27	3.100	47.07	0.27	0.130	0.000	0.003	0.018	0.653	77.670	27.000	131.000	64.670
H1	0	0	124.80	31.27	7.84	1.370	45.80	0.41	1.430	0.040	0.005	0.002	0.070	75.000	41.430	120.670	45.670
H2	0.67	0	108.93	28.84	8.28	1.680	45.21	0.39	0.19	0.33	0.008	0.037	0.183	70	32.67	121.07	60
H3	3.33	2.3	122.61	30.98	8.18	2.18	42.28	0.17	0.32	0.1	0.004	0.021	1.951	98.67	32.67	176.5	93.67
R1	0	0	113.93	30.83	7.68	1.17	43.48	0.42	0.28	0.03	0.014	0.002	0.027	76.33	44.67	130	84.33
R2	0	0	99.68	30.73	8.34	1.37	160.83	0.75	0.2	0.02	0.004	0.008	0.325	82.33	44.33	123	87.33

Fc-Faecal coli form; Tc-Total coli form; Ec-Electrical conductivity; Temp.-Temperature; Tud-Turbidity; TDS-Total dissolved solids; Alk-Alkalinity; TH-Total hardness

Table 3: Pearson Correlation Coefficient Matrix of Physicochemical Characteristics and Elemental Concentrations of Piped Water (N=18)

	TC	FC	Cl ₂	EC	pH	TDS	Col	TUD	Al	Mn	NH ₄	NO ₃	Chl	Ca	Alk	TH
TC	1.00															
FC	0.76*	1.00														
Cl	-0.57*	-0.42	1.00													
EC	0.47	0.20	-0.39	1.00												
pH	-0.19	-0.06	0.30	-0.71*	1.00											
TDS	-0.07	-0.12	-0.13	0.23	0.01	1.00										
Col	0.13	0.05	-0.26	0.27	0.02	0.11	1.00									
TUD	-0.10	0.01	-0.07	-0.30	0.40	-0.30	0.50*	1.00								
AL	0.01	0.35	0.01	0.14	-0.22	-0.14	-0.11	0.04	1.00							
Fe	0.16	0.08	-0.14	0.26	-0.19	-0.16	0.08	0.02	0.52*	1.00						
Mn	-0.14	-0.44	0.22	0.27	-0.31	-0.02	0.21	-0.22	0.01	1.00						
NH ₄	0.41	0.47*	-0.31	-0.04	0.09	-0.13	0.19	0.26	0.49*	-0.16	1.00					
NO ₃	0.20	0.28	-0.06	0.08	0.17	0.12	-0.01	0.34	0.16	-0.23	0.25	1.00				
Chl	-0.01	0.21	0.21	-0.27	0.29	-0.23	0.24	0.62*	0.21	-0.21	0.16	0.27	1.00			
Ca	0.57*	0.29	-0.26	0.73*	-0.45	0.04	-0.02	-0.38	0.11	0.09	0.12	-0.09	-0.22	1.00		
Alk	-0.18	0.00	-0.17	0.04	-0.14	0.17	0.59*	0.26	0.03	0.22	-0.01	0.15	0.18	-0.34	1.00	
TH	0.33	0.27	-0.48*	0.14	-0.07	0.07	-0.03	-0.14	0.22	0.02	0.31	0.14	0.00	0.38	0.24	1.00

*Correlation significant at P=0.05 (2-tailed); Fc-Faecal coli form; Tc-Total coli form; Ec-Electrical conductivity; Temp.-Temperature; Tud-Turbidity; TDS-Total dissolved solids; Alk-Alkalinity; TH-Total hardness; Chl-chloride

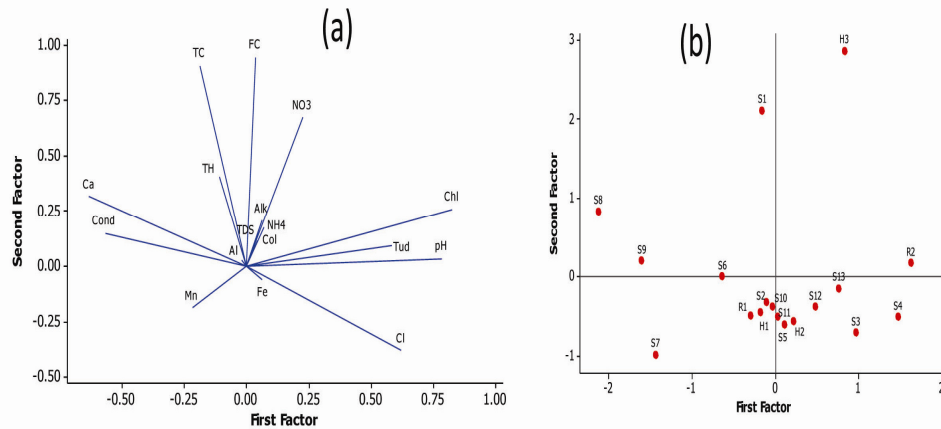


Fig. 2: Biplot of Principle Component Analysis (PCA) of sampling sites (a) and water quality variables (b) of Piped water (n=18).

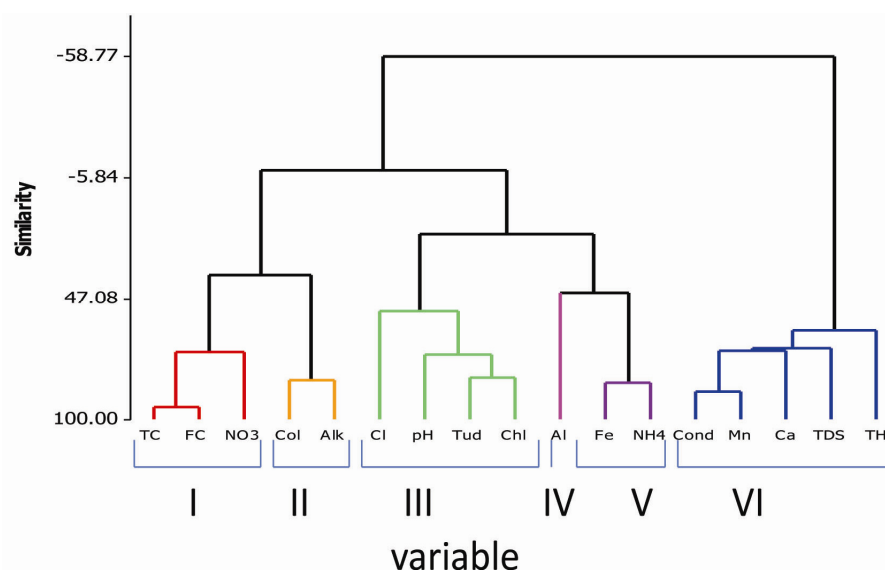


Fig. 3: Dendrogram of chemicals in drinking water samples at different Piped water sites (n=18)

Cluster analysis and factor analysis was performed on the data using Ward linkage and correlation coefficient distance. Results of Cluster Analysis are shown in Figure 3. Six groups of association with eigenvalue ≥ 1 were extracted in the analysis. Group I contain total coliform and faecal coliform as well as nitrates. Group II contained colour and alkalinity while group III contained chlorine, pH, turbidity and chlorides. Group IV contained aluminium while group V contains iron and ammonia. Group 6 contains manganese and calcium as well as electrical conductivity, total dissolved solids and total hardness.

The first factor accounts for 17.0 % of the total variance and contains chlorine, pH, turbidity and chloride with high variable loadings on this factor (Table 4) and correspond to group III of the cluster analysis. Chlorides may indicate the combination of chlorine with lime or alum to form chlorides of aluminium or calcium which is pH controlled. Chlorine content of piped water supplies was found to be positively correlated with turbidity ($r = 0.63$, $p=0.05$). Turbidity interferes with the maintenance a free chlorine residual by creating a chlorine demand (LeChevallier *et al.*, 1981). Turbidity that enters the distribution system would reduce residual chlorine and renders the treatment inadequate. The second factor accounts for 16.5 % of the variance and contains total coliform and faecal coliform as well as nitrates with high variable loadings on this factor. This may suggest identical origin which is a measure of faecal contamination of water or inadequate treatment, and thus a positive correlation ($r = 0.76$, at $p=0.05$). The third factor account for 14.8 % of the variance and contains manganese and calcium as well as electrical conductivity, total dissolved solids and total hardness. Dissolved ions and substances in water influences conductivity and total hardness. The fourth factor accounts for 12.8

% of the variance and contains colour, alkalinity and turbidity. This indicates that colour and turbidity are alkalinity controlled since it buffers the capacity of water by maintaining a fairly stable pH. The fifth factor accounts for 11.9 % of the variance and contains iron as well as ammonia with high variable loadings on this factor.

Table 4: Varimax Rotated Factor Loadings and Communalities of Physical, Chemical Variables and Microbiological Characteristics of Piped Drinking Water in Dar es Salaam City (N=18).

Variable	Factor 1	Factor 2	Factor 3	Factor 4	Factor 5	Factor 6	Communality
TC	-0.188	0.906	-0.062	0.07	-0.071	0.025	0.871
FC	0.037	0.945	0.168	0.117	0.001	-0.001	0.937
Cl	0.619	-0.381	-0.015	-0.412	0.292	-0.145	0.803
EC	-0.568	0.151	-0.703	-0.161	0.097	-0.202	0.917
pH	0.783	0.034	0.303	-0.055	-0.177	0.331	0.851
TDS	0.007	0	-0.828	-0.126	0.118	0.194	0.753
Col	0.044	0.113	-0.025	0.897	-0.042	0.013	0.821
Tud	0.582	0.094	0.255	0.468	-0.239	-0.09	0.697
Fe	0.062	-0.059	0.02	0.083	-0.873	-0.148	0.798
Al	-0.02	0.028	0.097	-0.093	-0.079	-0.888	0.814
Mn	-0.218	-0.186	-0.81	0.262	0.01	-0.02	0.806
NH4	0.068	0.173	0.137	-0.052	-0.903	0.051	0.875
NO3	0.225	0.674	-0.075	0.282	-0.104	-0.084	0.608
Cl-	0.824	0.26	-0.068	0.199	0.021	-0.279	0.869
Ca	-0.632	0.318	-0.432	-0.188	0.028	-0.193	0.76
TH	-0.109	0.405	-0.5	0.053	-0.469	0.341	0.765
Alk	0.061	0.208	-0.132	0.819	0.051	0.1	0.748
Variance	2.8977	2.8042	2.5184	2.1717	2.0212	1.2803	13.6935
% Var.	0.17	0.165	0.148	0.128	0.119	0.075	0.08

4 Conclusions

- Tape water at city Botanical garden and Temeke DAWASCO were contaminated with faecal coliform an indication of inadequate water treatment since chlorine levels were very low. Periodic monitoring of water quality characteristics at established hotspots of the local water supply network is required.
- Turbidity is a useful indicator of water quality since it influences the maintenance of residual chlorine and microbial assessment.
- House hold water quality were poor and contaminated with faecal coliform an indication of secondary contamination by the house reservoir tanks.

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Job Stress and Counterproductive Work Behaviour: Negative Affectivity as a Moderator

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Abstract. This study investigated the relationship between job stress and counterproductive work behaviour (CWB) and the moderator effect of negative affectivity on the relationship. Measures of job stress, negative affectivity and counterproductive work behaviour were administered on 422 secondary school teachers randomly selected from southwest Nigeria. Data were analyzed using hierarchical multiple regression. Job stress and negative affectivity were positively correlated with CWB. Negative affectivity moderated the relationship between job stress and CWB such that high levels of CWB occurred when job stress and negative affectivity were both high. The clinical implication of providing counselling interventions for reducing negative affectivity and facilitating positive affectivity and removal of stress from the work environment by employers are discussed.

Keywords: Stress, negative affectivity, teachers.

1 Introduction

There is a growing interest among organizational researchers on the topic of counterproductive work behaviour (CWB). CWB refers to behaviour of employees that harms an organization or its members (Spector & Fox, 2002) and it includes such acts as theft, sabotage, verbal abuse, withholding of effort, lying, refusing to cooperate and physical assault (Penney & Spector, 2005). Over the years, researchers have investigated similar set of behaviours using different terminologies which included: organizational delinquency (Hogan & Hogan, 1989), organization-motivated aggression (O’Leary-Kelly, Griffin & Glew, 1996), organizational retaliatory behaviours, workplace aggression and workplace deviance (Robinson & Bennett, 1995), revenge, and intimidation (Gallagher, Harris & Valle, 2008); and antisocial behaviour in organizations (Lee, Ashton & Shin, 2005).

To date, most research in this area has focused attention on identifying environmental antecedents of CWB, such as job stressors and identifying

personality traits such as affectivity, that may increase an individual's propensity to engage in CWB (Penney & Spector, 2005). Although many researchers agree on the interactionist perspective in investigating the contributions of both person and environmental variables in predicting behaviour, few have studied both with CWB in the same study (Aquino, Lewis & Bradfield, 1999; Penney & Spector, 2005; Skarlicki, Folger & Tesluk, 1999). Moreover, while a number of studies in this area have examined the relationships between job stressors and CWB in America, United Kingdom, Europe and other countries, to the knowledge of the present author, no study has been done among Nigerian organizations on such a topic. The purpose of this study is threefold: (1) to investigate the relationship between job stressors and CWB, (2) to examine the relationship between negative affectivity and CWB and (3) to assess the moderating effect of negative affectivity on the relationship between job stressors and CWB.

1.1 Counterproductive Work Behaviour

The growing interest in CWB is because CWB is a common occurrence in organizations and can have a tremendous negative impact on both organizations in terms of low productivity, increased insurance costs, lost or damaged property, and increased turnover (LeBlanc & Kelloway, 2002; Penney & Spector, 2005) and the people in terms of increased dissatisfaction (Keashly, Trott & Maclean, 1994) and expressed job stress. A useful framework for understanding CWB derives from the job stress literature. According to Spector (1998), the job stress model asserts that environmental stressors are perceived by individuals as such, leading to the experience of negative emotions such as anger or anxiety which may be followed by reactions to the stressors called job strains. Job strains can be classified as psychological, physical or behavioural (Jex & Beehr, 1991). Behavioural strains are means for individuals to cope with the stressors either by reducing the emotions elicited by the stressor (e.g. drinking alcohol, avoiding work) or by eliminating the stressor itself (e.g., talking with the supervisor, developing a solution) (Penney & Spector, 2005). Behavioural strains such as yelling at a co-worker, staying home from work and decreasing work quality or quantity can be described as CWB. While the psychological and physical consequences of stressors in the workplace are worrisome in and of themselves, the behavioural effects are of primary importance to employers and subsequently are the focus of this study.

1.2 Job Stress and Counterproductive Work Behaviour (CWB)

Job stress can be defined as the experience of unpleasant, negative emotions such as tension, anxiety, frustration, anger and depression resulting from aspects of work. This study adopted the structure of the occupational stress questionnaire (OSQ, Salami, 2003) as the theoretical framework of research.

This is similar to the occupational stress indicator (OSI) constructed by Cooper, Sloan and Williams (1988). Cooper et al. (1988) argued that stressful transactions are a product of two intervening systems: people both exert impact on and respond to their environments. In short, the process of stress depends on the person's appraisal of the situation which is what determines whether the situation is stressful or not. Stress occurs when the magnitude of the stressor exceeds the individual's capacity to cope.

OSI has six sources of job stress namely: factors intrinsic to the job, management role, relationships with others, careers and achievement, organizational structure and climate, and home/work interfaces (Siu, Spector, Cooper, Lu & Yu, 2002). However, seven sources of stress contained in the items of OSQ (see instrument section) was used in this study because it was based on data collected from workers in different organizations in Nigeria which included the teachers, nurses, civil servants and industrial workers (Salami, 2007). It is believed that the seven sources of stress in OSQ namely: workload, interpersonal problems, time pressure, working conditions, leadership problems, inadequate facilities and personal problems, are applicable to the secondary school teachers in Nigeria.

Counterproductive work behaviour (CWB) consists of volitional acts that harm or intend to harm organizations and their stakeholders (e.g., clients, co-workers, customers and supervisors) (Fox & Spector, 2005). Specific CWBs include abusive behaviour against others, aggression (both physical and verbal), purposely doing work incorrectly, sabotage, theft and withdrawal (e.g. absence, lateness and turnover). Other examples of CWB are emotional abuse, bullying, mobbing, deviance, aggression, retaliation and intimidation (Gallagher et al; 2008).

A number of job stressors have been linked to the performance of CWB including role ambiguity, role conflict, workload, organizational constraints, and interpersonal conflict (Fox, Spector & Miles, 2001; Miles, Borman, Spector & Fox, 2002; Penney & Spector, 2002). In a recent study, Gallagher et al. (2008) found that job tension was significantly correlated with intimidation, a form of CWB. An explanation for relation between job stressors and CWB can be based on the Hobfoll's (1989) conservation of resources (COB) theory. According to this theory, people strive to protect and retain resources under stressful conditions. Hence, it is proposed that individuals may perform counterproductive work behaviour as a reactive mechanism primarily cued by stressful circumstances that interact with their personality thus allowing them to protect themselves from future resource losses (Gallagher et al., 2008). An alternative explanation for the relationship between job stressors and CWB was that stressors may provoke, trigger or cue individuals to engage in CWB such as workplace aggression as a form of retaliation or attempt to restore justice to an unfair situation (Fox, Spector & Miles, 2001; Hershcovis, Turner, Barling, Arnold, Dupre, Inness, LeBlanc & Sivanathan ,2007). Therefore, it is

expected that the experience of job stress will be positively correlated with performance of CWB among the teachers.

1.3 Negative Affectivity

Negative affectivity is defined as the extent to which individuals experience distressing emotions such as hostility, fear and anxiety (Forgarty, Machin, Albion, Sutherland, Lalor & Revitt, 1999; Watson & Clark, 1984). Individuals who are high in negative affectivity are more sensitive and more reactive to negative events (Douglas & Martinko, 2001). Berkowitz (1993) was of the view that although people act aggressively when they feel bad (state negative affect), those who are high in negative affectivity are more likely to have the propensity to feel bad more often. They are more likely to experience distress and dissatisfaction, focus on their failures, and dwell on the negative side of life in general (Watson & Pennebaker, 1989). High NA reflects a wide range of negative states including fear, anger, guilt, disgust, loneliness and self-dissatisfaction (Schaubroeck, Ganster & Fox, 1992; Watson & Kendall, 1989). Research evidence have shown that negative affectivity was positively correlated with counterproductive work behaviour (Aquino, Lewis & Bradfield, 1999; Douglas & Martinko, 2001; Moyle, 1995; Penney & Spector, 2005; Skarlicki, Folger & Tesluk, 1999). Similarly, Fox, Spector & Miles (2001) found that negative affectivity related to both CWB towards organization and CWB toward persons. Penney and Spector (2005) asserted that when confronted with stressful conditions, high-negative affectivity individuals may ascribe more malicious motives to the actor leading to increased negative emotional arousal, which may lead to CWB. Individuals low in negative affectivity, on the other hand may give the actor the benefit of doubt and attribute the behaviour to more benign causes, enabling them to proceed without feeling the need to respond or retaliate with CWB.

Also there are research evidences to show that negative affectivity mediates or moderates the relationship between job stressors and work strains (Cassar & Tattersall, 1998; Lazarus, Rodafinos, Matsiggos & Stamatoulakis, 2009; Spector, Zapf, Chen & Frese, 2000). Research findings have indicated that persons under stressful conditions, who report high levels of negative affectivity are more likely to report counterproductive work behaviour, (Douglas & Martinko, 2001; Fox, Spector & Miles, 2001; Penney & Spector, 2005; Tepper, Duffy & Shaw, 2001). An explanation for this is that persons high in negative affectivity are believed to experience a hyper-responsivity mechanism as a response to perceived stressors (Perrewe & Spector, 2002). This phenomenon is similar to over-reaction such that behaviours are not necessarily in line with appropriate responses in a given situation. In addition to their potential fear of changing jobs, persons high in negative affectivity are likely to remain in unsatisfying jobs (Gallagher et al., 2008; Perrewe & Spector, 2002). Based on trait activation theory, this form of commitment may

lead to hyper-responsive assertive behaviours activated only under stressful conditions, similar to the fight or flight phenomena (Gallagher et al., 2008). Thus, stressful working conditions may provide the contextual cues that elicit counterproductive work behaviours. Persons high in negative affectivity may lash out in an effort to protect their own self-interests, rather than seek social support as an alternative coping mechanism. Therefore, it is proposed that while passive, less assertive tactics have been reported in previous literature (e.g. wasting time (Gallagher et al., 2008), persons high in negative affectivity will be more likely to perform counterproductive work behaviours under high job stress.

1.4 Hypotheses

Based on empirical evidences and theoretical background from the reviewed literature, the following Hypotheses were proposed. Experience of job stress will be positively correlated with counterproductive work behaviour (H_1). Negative affectivity will be positively correlated with counterproductive work behaviour (H_2). Negative affectivity will moderate the relationship between job stress and counterproductive work behaviour such that the relationship will be stronger for individuals high in negative affectivity than for individuals low in negative affectivity (H_3).

2 Methods

2.1 Participants

In total, 422 secondary school teachers (males=200, females=222) randomly selected from five states in southwest Nigeria were the respondents. The mean age for the sample was 36.75 years (S.D.=4.30 years, range=21-55 years). Levels of education of the teachers include, Nigeria Certificate in Education, NCE, B.A.Ed./B.Sc.Ed; B.A./B.Sc. & P.G.D.E.; M.Ed. The teaching experience of the teachers range from 2 to 26 years.

2.2 Measures

Occupational Stress Questionnaires (OSQ, Salami, 2003). This is a 50-item questionnaire that measures occupational stress factors viz: workload, interpersonal problems, time pressure, working conditions, leadership problems, inadequate facilities, and personal problems. Items are responded to on a 5-point Likert scale, ranging from strongly disagree, 1, to strongly agree, 5. Range of scores is 50-250. The coefficient of internal consistency (Cronbach's alpha) of the scale was $\alpha=.85$. The OSQ has impressive norms and

correlates highly ($r=0.75$) with the stress scale by Cooper, Cooper and Eaker (1988).

Negative Affectivity. The ten-item negative affectivity scale of the Positive and Negative Affect Schedule (PANAS; Watson, Clark & Tellegen, 1988) was used to assess negative affectivity. The negative affectivity scale of the PANAS consists of 10 words that describe negative emotions (e.g. afraid, scared, hostile). Participants were asked to indicate the extent to which they generally feel each emotion on a five-point Likert scale ranging from “Very slightly or Not at all” (1) to “Very much” (5). The Coefficient alpha for the negative affectivity scale in the current study was 0.87. The construct validity of the negative affectivity scale has been demonstrated by its correlations with measures of psychological distress (Watson et al. 1988).

Counterproductive workplace behaviour. The Counterproductive Workplace Behaviour Checklist (CWB-C; Spector, Fox, Penney, Bruursema, Goh & Kessler, 2006) was used with 45 item –CWB-C that described behavioural reactions and they were asked to indicate how often they performed each behaviour. The 45-item CWB-C was designed to be scored as either overall (all items) or as two subscales that are classified into CWB directed toward the organization or people. Responses were made on a 5-point frequency scale ranging from “never”(1) to “every day”(5). The CWB has good internal consistency for self-report and peer –report versions ($\alpha=0.89$ and 0.97 , respectively). For this study the internal consistency Cronbach’s alpha coefficient with the present sample was $\alpha=0.88$.

2.3 Control Variables.

Demographic variables included in this study (gender, age, and tenure) were used as control variables. These variables have been shown by previous researchers to have influence on the job stressor-CWB relationships (Gallagher et al., 2008; Penney & Spector, 2005). Gender was controlled for with a 0 representing Females and a 1 representing Males; Tenure was based on number of years employed with the current organization. Age was based on age of respondents in years.

2.4 Procedure

The respondents were administered the questionnaires in the secondary schools with the help of some research assistants who were three undergraduates and three postgraduate students. Informed consents of the teachers and the school authorities were obtained. Of the 500 questionnaires distributed, 450 were returned giving a return rate of 90%. However, only 422 (84.4%) were properly filled and used for data analysis while 28 were incompletely filled and were

discarded. The confidentiality of the information obtained from the respondents was guaranteed.

3 Results

The data obtained were analyzed using hierarchical multiple regression analysis in order to establish the relationship of job stress (independent variable) and affectivity (moderator variable) to counterproductive work behaviour (dependent variable). Using the recommendations of Cohen, Cohen, West and Aiken (2003) the interaction between job stress and the moderator variable (negative affectivity) in predicting CWB was tested. In step 1 I entered the three control variables. In steps 2 and 3, I entered the main effects, and in step 4 I entered the interaction terms as described in detail below.

Table 1: Means, Standard deviations and intercorrelation matrix of the demographic, predictor variable and CWB

Variable	M	SD	1	2	3	4	5	6
1.Tenure	9.65	9.32	-					
2.Age	36.75	4.30	.50*	-				
3.Gender ^a	-	-	.19*	.05	-			
4.Job Stress	113.85	3.80	.07	.08	.01	-		
5.N.A.	28.72	4.56	-.10	-.15	.02	.36*	-	
6.CWB	60.08	7.60	.05	-.02*	.20*	.32*	.34*	-

Note: N=422, Gender^a =(0=female, 1=Male), N.A.=Negative Affectivity, CWB=Counterproductive work behaviour, *p<0.05.

Results on Table 1 indicate that of the control variables, only gender was significantly correlated with CWB ($r=.20$, $p<.50$). Job Stress ($r=.32$, $p<.05$) and negative affectivity ($r=.34$, $p<.05$) were significantly correlated with CWB. These results provided support for the first and second Hypotheses.

Table 2: Hierarchical Multiple Regression Analyses Predicting CWB from Job Stress and Negative Affectivity

Predictors	R	R ²	ΔR^2	ΔF	DF	β	t
Step1	.20	.04		1.53	3,418		
Tenure						.04	.07
Age						-.03	.05
Gender						.14	1.34
Step 2	.35	.12	.08	5.84*	1,417		
Job Stress						.32*	7.56*
Step 3	.40	.16	.04	3.48*	1,416		
Negative Affectivity						.20*	3.53*
Step 4	.47	.22	.06	4.76*	1,415		
Job Stress x NA						.28*	6.42*

Notes: NA=Negative Affectivity, CWB =Counterproductive work behaviour, *p< 0.05(2-tailed test).

Table 2 reports the results from the hierarchical moderated regression of negative affectivity. First, after controlling for organizational tenure, age and gender in step 1, job stress ($\beta=.32$, $p<.05$) in step 2, independently explained 8% of the variance in CWB, supporting Hypothesis 1. In the third step, negative affectivity was significantly related to CWB ($\beta=.20$, $p<.05$) supporting Hypothesis 2. In the final step of the regression analysis, the interaction term of job stress x negative affectivity ($\beta=.28$, $p<.05$) was significantly related to CWB and provided additional 6 percent to the explanation for the variance in CWB. This is an indication that as job stress increases, CWB increases only for those with high negative affectivity. Job stress among employees low in negative affectivity did not increase their CWB. Thus, Hypothesis 3 was supported.

3 Discussion

The finding that job stress has significant association with counterproductive work behaviour (CWB) in the workplace supported Hypothesis 1. This is consistent with job stress literature suggesting significant correlations between job stressors and CWB (Fox, Spector & Miles, 2001; Gallagher et al., 2008; Miles, Borman, Spector & Fox, 2002; Penney & Spector, 2002, 2005). An explanation for these findings could be that employees who experienced job stressors such as interpersonal conflict, leadership problems, organizational constraints, heavy workload, organizational injustice etc. might have perceived the situation as unfair and reacted in such a way as to restore justice by reducing inputs (organization-targeted aggression) or act in a counterproductive manner to rebalance the input-output ratio (Cohen- Charash & Spector, 2001). In contrast, Aquino, Lewis and Bradfield (1999) argued that those who feel that their distributions are unfair are likely to blame the source of the decision and target the person responsible for the unfair distribution. Therefore, distributive injustice might lead to supervisor and organization-targeted aggression. Procedural injustice might likely lead employees to retaliate by engaging in aggression against the organization as processes and procedures are determined and implemented at the organizational level (Aquino et al., 1999). Interpersonal conflict is a trigger that can predict interpersonal, co-worker-targeted aggression. In contrast, stressors that are situational constraints may interfere with an individual's task performance or goals at work. (e.g. availability of resources). Situational constraints may lead to negative emotions such as frustration because they can prevent the employees from attaining their desired objectives and in turn are associated with organizational but not interpersonal aggression - a form of CWB (Hershcovis et al., 2007).

Hypothesis 2 stated that negative affectivity will be positively related to CWB. The results obtained indicated that negative affectivity was positively correlated with CWB thereby supporting Hypothesis 2. These results

corroborate the work of previous researchers who reported that persons who report high levels of negative affectivity are more likely to report counterproductive work behaviour such as abusive or aggressive behaviour toward co-workers, sabotage, stealing, and wasting time (Aquino et al.,1999); Douglas & Martinko, 2001; Fox et al. 2001;Moyle,1995; Penney & Spector, 2005; Skarlicki et al.;1999; Tepper et al., 2001). However, the findings from this study contradicted the work of some researchers who reported that negative affectivity did not correlate significantly with CWB (Douglas & Martinko, 2001; Gallagher et al., 2008; Hepworth & Towler, 2004). An explanation for the significant correlation found between negative affectivity and CWB in this study was that individuals high in negative affectivity were more sensitive to minor frustrations and irritations and were more likely to experience negative emotions such as anxiety, guilt, anger, rejection, sadness and distress. They perceived the world more negatively than low negative affectivity individuals. When they were confronted with stressful conditions the high negative affectivity individuals might have ascribed more malicious motives to the actor leading to increased negative emotional arousal which might subsequently lead to CWB. Individuals low in negative affectivity, on the other hand, might have given the actor the benefit of doubt and attributed the behaviour to other more benign causes, enabling them to proceed without feeling the need to respond or retaliate with CWB.

The third hypothesis predicted that negative affectivity would moderate the relationship between job stress and CWB. Significant interaction was found between job stress and negative affectivity when CWB was the criterion variable. Stronger relationship was found between job stress and CWB for individuals high in negative affectivity than for individuals low in negative affectivity. These results support the work of previous researchers who reported that negative affectivity moderated the relationship between job stress and CWB (Gallagher et al.; Penney & Spector, 2005; Skarlicki et al; 1999; Spector et al.,2000). They reported that high negative affectivity individuals were more likely to engage in retaliation (CWB) under job stressors than low-negative affectivity individuals. An explanation for the findings from this study could be that individuals high in negative affectivity appear to use more counterproductive means to cope with job stressors. The moderator results suggest that an individual's personality may impact how he/she responds to job stress.

Results from this study have some implications for career development of the teachers. The finding that job stress is a stronger predictor of counterproductive work behaviour will help to inform educational administrators, policy makers and teachers in the school system of the need to reduce the levels of job stress in the schools among teachers and thereby prevent CWB. This is because of the disastrous consequences of counterproductive work behaviours among the teachers. The educational administrators can achieve this by keeping workloads of teachers at manageable

levels, removing role conflicts and role ambiguity in the work of the teachers. Working conditions of the teachers including their job facilities should be improved. Furthermore, the finding that negative affectivity predicts CWB as well as moderates the relationship between job stress and CWB points to the need for the educational administrators, counselling and industrial/organizational psychologists to consider the joint effects of job stress and individual's negative affectivity levels. From the results of this study, low level of negative affectivity was associated with low CWB and high level of negative affectivity was associated with high level of CWB even with high job stress. Therefore, individuals high in negative affectivity will benefit more from the counselling psychologists' intervention programmes designed for reducing job stress and negative affectivity and improving positive affectivity of the teachers. Also it is suggested that individuals who possess some personality tendencies that may predict CWB should be screened out of the organization during the selection process.

In order to be able to interpret the results of this study adequately, there is need to point out a particular limitation. This is the use of cross-sectional design in the study which prevents the determination of causality. Future studies could embark on longitudinal research in order to be able to draw cause-and-effect conclusions. Despite the mentioned limitation, it can be concluded that this study has been able to show that job stress and negative affectivity were predictors of CWB, and that negative affectivity was a moderator of the job stress-CWB link. Also findings from this study have contributed to our understanding of counterproductive work behaviour by showing that CWB does not occur in a social vacuum. Rather, individual and situational/contextual factors play significant roles in determining whether individuals will perform CWB.

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