

Local Government reform in Kenya and Uganda in the 1980s: Resistance Councils, District Focus and the dissolution of Nairobi City Council

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INTRODUCTION

This paper compares the experience of local government reform in two states in East Africa. This study is the result of research carried out in Kenya in 1979—1981, 1987 and 1988 and the result of a recent visit to Uganda as part of an ODA/World Bank financed research project on the institutional framework of urban government. The paper is structured as follows: firstly we shall discuss the context and similarities in local government systems in East Africa; we shall then examine the contrasting political and economic history of Kenya and Uganda; in particular we shall focus on the experience of local government reform in the two countries finally we shall make some observations on the specific problems of urban management in the two countries. We shall conclude by arguing that an analysis which focuses on local government finance is important in understanding the possibilities for strengthening local democracy.

At this stage it is worth outlining the basic elements of the inherited local administrative structure in East Africa. There are fundamentally two systems in operation; firstly a colonial hierarchical system which runs from the President, Provincial commissioners to the District commissioners (DC), which historically was associated with control, law and order. The main focus of this system is at the district level, although it is often confusingly called the Provincial administration (Kenya). The alternative system is a basic anglophonic local authority system whose main function is the collection of local revenues and the provision of services (roads, solid waste, development control, primary education and health) responsible to an elected local assembly (council). An important recurring issue in local government in East Africa

and in India is the attempt to reconcile these two essentially competing systems.

During the 1960s and 1970s all three countries in East Africa understandably sought to strengthen the centre at the expense of local tiers of government in order to weaken potential sources of political opposition and to minimize the risk of ethnic fragmentation. While the precise reasons, political or administrative are ambiguous, there is a discernible trend in the 1980s, often with donor support, to reverse the previous trend and attempt to reform and strengthen local levels of government. It is in this context of increased decentralization that we should consider the contrasting experience of Kenya and Uganda.

KENYA

In the twenty five years since independence Kenya and Uganda have had contrastingly political and economic trajectories. Kenya has been characterised by economic growth and political stability while Uganda has been characterised by political instability and economic decline. The socio economic data confirms this picture: thus in 1989 GDP per capita was 360 US\$ in Kenya and 250 US\$ in Uganda, between 1965 and 1989 GDP per capita in Kenya had an annual average growth rate of 2.0 % while in Uganda there was an annual average decline of 2.8 %. The social indicators reflect the same trend: life expectancy at birth was 59 in Kenya and 49 in Uganda in 1989; infant mortality (per 000) is 68 and 99 respectively. (World Bank, 1991).

Nevertheless this overall picture does not reflect the political changes that have taken place since the mid 1980s. While historically Kenya

has been seen as an example of political stability in Sub-Saharan Africa. Indeed, as an Anglophonic "success" story, this is increasingly less so. The Moi regime has shown itself to be increasingly authoritarian and characterised by personal rule and patronage (Sandbrook, 1985). This has manifested itself in the *de jure* declaration of a one party state in 1982, the introduction of a queuing system for voting, the suspension of Habeas corpus, appointment of judges and as we shall see via the District Focus, the strengthening of the Provincial Administration at the expense of local authorities.

This political centralization combined with the increasing appointment of key positions on a patronage basis has substantially undermined the morale and decision making capability of the Kenyan Civil service and public sector; despite an impressive rearguard action in for example the key policy statement Sessional Paper no 1 of 1986. This weakness has been further exacerbated by the decline in public sector wages which has encouraged officers to devote an increasing amount of their time to generating alternative sources of income (Amis, 1989).

Finally during the last few years Kenya and Nairobi in particular has seen a period of public unrest and rioting and government repression associated with popular discontent for a multi party system. This was formerly accepted by an unwilling Kenyan Government as a result of explicit pressure from the donor community in 1991. Nevertheless despite all these political problems Kenya still has a robust and growing economy which has continued to grow rebounding from a bad period in the early 1980s. Kenya still maintains a reputation as a place where things "work"; a priori by the standards of Sub-Saharan Africa this is still a favourable economic environment for local government reform.

There have been two contrasting examples of local government reform in Kenya in the 1980s we shall consider firstly the District focus strategy launched in 1983 to coordinate development in Kenya and secondly the consequences (unintended reform) associated with the dissolution of Nairobi City Council in 1982.

The District focus for Rural Development Strategy was launched in Kenya in 1983 as an attempt to increase popular participation in decision making and to establish the importance of the Districts (41) as the central unit in coordinating rural development and planning. This was seen not only as an attempt to encourage

decentralization, rationalise development initiatives but also as an attempt to limit excess public expenditure. In particular the planning, implementation and control of development projects at the local level was cited as being inefficient by an important review of public expenditure that was carried out in 1982.

The strategy was to involve District Development Committees (DDCs) as the key decision making unit in terms of reviewing ongoing projects, new proposals from lower tiers, priorities for the future, and endorse the districts annual submission of projects to ministries. The membership of this body includes the following: District Commissioner (Chair), District Development Officer, district representatives of ministries, MPs, Clerks and Chairs of local authorities (Kenya Govt, 1984). In this new system at least in theory the DDCs will have to approve and act as a clearing house for all local authority development projects.

There is in this a clear political aim to bring local authorities under greater control by "[shifting] substantial new planning responsibilities to the field administration [provincial administration], especially the District Commissioners who were expected to play more important roles both in policy formulation and implementation" (Wallis, 1990, 443).

Thus in this reform the Kenya Government has sought to resolve the tension and ambiguity between the Provincial Administration and the local authority system by basically strengthening the former and creating a system where it is controlling the latter. There is in this strategy also an attempt, despite its rhetorical commitment to decentralization, to increase central control via the provincial administration and an attempt to marginalise and weaken the local authority system.

It is interesting to consider this strategy in practice. Firstly the new system has been criticised as placing too many conflicting roles on the District Commissioner specifically that of "policeman" and the main development individual through his or her position on the DDC. As an example the DC is specifically responsible for organising elections; how it is asked when fully 18 out of 41 DCs are facing petitions for misconduct (rigging) in the 1988 election can the same officer "forge unity ... or to mobilize support for Development purposes" (Kimari, 1988, 50).

Secondly many local authorities, especially the larger municipalities for example Nakuru,

Thika and Eldoret have felt unhappy with the system where the DDC is in a position to approve their projects seeing it as an unnecessary and unwelcome tier of government; this view was actively conveyed to the author in 1987 and 1988. A more substantive criticism is that the DDCs only have the right of approval they do not have the responsibility for clearly defined expenditure and revenue collection which is the responsibility of the local authorities.

Indeed it is possible to suggest that there are pressures from sections of the donor community (World Bank) to place a greater emphasis on strengthening the local authority system. The rationale for this is that the local authority system being concerned with revenue collection and expenditure are better institutions in which to emphasise the importance of financial discipline and control. The importance of the latter is of course increased during periods of structural adjustment which have affected Kenya throughout the 1980s. The importance of local government finance will be apparent from the following discussion concerned with the varying fortunes of Nairobi City Council during the 1980s.

In the early 1980s Nairobi City Council (NCC) had become a byword in Kenya for inefficient and corrupt local administration. In 1983 NCC was dissolved for maladministration, poor delivery of public services and corruption particularly over plot and house allocation and a Commission set up to administer Nairobi. As a vivid example it was reported in 1980 in a low income housing project (inner Umoja) that 58 % of the plots were directly allocated to councillors and officials. In the last nine years there has been a succession of new administrations often with a military flavour like that of Brigadier Wilson Shigoli which rather like a coup d'état have claimed that with military discipline and management that they could run Nairobi. Each of these administrations have collapsed and after a few years have been replaced for persistent "high level fraud, corruption, inefficiency, [and] no commitment".

The lack of service delivery has often been cited particularly the ever increasing piles of rubbish which can be seen in central and residential Nairobi. In 1989 it was reported that of the 40 refuse trucks 30 have broken down. (Weekly Review, 11, 8, 89). Indeed at one point during the late 1980s NCC felt it necessary to intervene to stop residents in Buru Buru estate from organising their own private refuse collec-

tion system. Furthermore there were increasing criticisms of NCC from industrialists who were worried at the deterioration of infrastructure in the industrial area.

Nairobi City Council and Commission have both suffered (or benefited) from a more critical and investigative press than any other institution in Kenya; almost every year the Weekly Review runs a major expose along the lines of "Is Nairobi Governable?" In part this may reflect the fact that the city has been seen as a rival centre of political power to the National government and moreover has been consistently controlled by an "opposition" ethnic group. (Kikuyu, (Muranga district)). The press coverage on NCC throughout the 1980s is revealing; there is no perceptible shift in that the problem is no longer one of individuals, corruption or inefficiency but also one of finance. NCC's finances are in a terrible state: it is owed substantial debts by other agencies in the Kenyan public sector but also itself owes large amounts to other public agencies.

NCC and other municipal authorities have been caught in a classic local government, squeeze; namely increasing pressures to increase expenditure (increases in inflation, population, incomes and expectations) alongside declining revenues. (Technically, most local authorities are insolvent.) Between 1982 and 1987 real expenditures of municipalities in Kenya declined by 12 % while urban populations were rising at an estimated 7 % per annum. In the case of Nairobi per capita revenues declined so that in 1986 NCC collected 55 % of the 1983 figure. This is not surprising given the inelastic and unbuoyant nature of NCC's revenue base. The important Sessional paper (no 1 of 1986) acknowledges this per capita decline in expenditure on urban infrastructure and commits the Kenyan Govt to significantly increase urban investment in the future.

The key to NCC's problems and local government finance in general lies in 1973 when the central government took over Graduated personal tax (a local income tax) from the local authorities and then systematically failed to pay the compensating grants. It is difficult to interpret this move in any other terms other than as a direct attempt to weaken the autonomy of local government in Kenya. The long run inviability of NCC (run by an elected council, quasi military or commission) was partly recognised in 1989 when NCC was allowed to introduce a "service charge" which is a fixed fee on em-

ployees in Nairobi on a graduated scale. Nevertheless NCC remains an example of poor urban management despite an apparently favourable economic environment.

UGANDA

The recent history of Uganda is well known: political instability and authoritarian rule leading under both the Amin and second Obote regimes to a large scale abuse of human rights (Kanyehamba, 1988); the expulsion of the Asian community in 1973 in Amin's economic war; a dramatic decline in economic activity and exports and a demonetization of the economy — reversion to subsistence — as individuals sought to survive. Furthermore there has been a process of institutional decline in Uganda's public sector as individuals ceased to effectively work as they pursued other income earning activities; a middle ranking civil servant (Assistant secretary) in real terms earns only 5 % of his 1975 salary in 1988 (Chew, 1990). Finally Uganda has been particularly severely hit by the AIDS pandemic.

The assumption of political power by the National Resistance Movement (NRM) led by Museveni in 1986 marks a significant political and economic change in Uganda's recent history. There has been a marked improvement in political stability and despite earlier difficulties there appear to be clear signs of economic recovery and rehabilitation; furthermore the prospects for continuing political stability are promising — in particular in terms of the establishment of a political coalition committed to development, a disciplined army and a pragmatic economic policy which has achieved a high level of external (donor) support (Hansen and Twaddle, 1988; Loxley, 1989).

On the economic front the Uganda economy has grown at over 6 % per annum for the last three years; however there are many structural problems which still have to be faced, most notably on the international front. Uganda has been very badly hit by the collapse of the price of coffee on which it is totally dependent for foreign exchange; despite increases in production Uganda in dollar terms received in 1990 only 44 % of its 1986 export earnings. Indeed the most recent export earnings are the lowest in the 1980s; the result has been a worsening balance of payments situation which has mainly been supported by foreign loans.

In this situation Uganda by 1991 had a debt-service ratio of 106 % (Uganda, 1991); while it is very difficult in the medium term to imagine an alternative economic strategy the Ugandan Government is certain to lose a considerable amount of its economic sovereignty.

The NRM's political philosophy is clearly outlined in its Ten Point Programme with its emphasis on discipline, participation and decentralization. This programme remains to be fully integrated into Ugandan legislation. Thus in 1991 there was a continuing process of reviewing through a participatory process the Constitution and nature of the Democratic institutions in Uganda.

There has been a similar process going on in relation to local government in Uganda with a Commission of Inquiry into Local Government reporting in June 1987. The recommendations of the Commission have not yet been implemented and are still under discussion. Local Government is at present (1992) in a state of constitutional and administrative uncertainty although it is likely that the outcome of these two reviews will strengthen democracy and the decentralization process.

The major innovation of the NRM administration is the establishment of the Resistance Committees (RCs) as a hierarchy of popular democratic units. The RC system was modelled on the structures used by the NRM in Western Uganda during their guerilla war against the second Obote regime. There was in this a Maoist attempt to build up local support for the ongoing guerilla war. As the guerilla campaign developed the NRM became convinced of the importance of RCs as democratic institutions in their own right (Twaddle, 1988, 317).

The RC system is a series of Committees in which the representatives are elected by the layer below which they operate and are accountable to; thus the bottom tier RC1 elects delegates to RC2 who elect delegates to RC3 and so on until RC5, which is the District level. At the National level is the National Resistance Council which is analogous to a National Assembly or Parliament. The five RC levels with their geographical areas are village (RC1), parish (RC2), sub-county/town council (RC3), county/municipality (RC4) and district/city (RC5).

The RC structure includes both rural and urban areas; the district in many ways is the main focus of the system. In each district the RC statute 1987 provides for the post of a District

Administrator and a District Executive Secretary; the former is a political appointment by the President and is directly concerned with political and administrative matters. Meanwhile the latter is basically the chief executive officer in the district and is primarily concerned with implementation and development matters. This reform has effectively separated the two contradictory roles of the historic district commissioner.

The RCs are intended to be the main democratic input into local authorities and their policy making. They are also charged more directly with overseeing not only the implementation of Government policy in a particular geographical area but also the conduct and behaviour of Government officers. Thus "Generally monitor the administration in its area and report to the appropriate authority any incidents of mal-administration, corruption and misuse of Government property." (RCC Statute, 1987, 84). There is a clear political intention that the RCs are a democratic and accountable body to control Government officers and in particular a popular 'watchdog' on corruption. The elimination of corruption, which is the other side of the emphasis on discipline, is an important part of the NRM's ideology; the elimination of corruption and misuse of Office are explicitly mentioned in the NRM's Ten Point Plan. We shall consider the impact of the RC system in terms of local government in relation to Uganda's second largest urban area Jinja.

Jinja is Uganda's second largest urban area with a population of 60,979 in 1991. It lies on the main rail and road links between Uganda and Kenya. It was developed in the 1950s as a major industrial centre attracted to the cheap electricity associated with the construction of the Owen Falls dam on the Nile. This was part of a conscious attempt by the Colonial Administration to develop an industrial and manufacturing capacity in East Africa; within Jinja this was mainly to involve the development of the textile industry (Southall, 1988, 57). Jinja is unusual as an African city in that it was planned as an industrial urban centre.

Jinja shows clear signs of the physical planning that was actively carried out providing a well demarcated road and plot layout, an impressive level of infrastructural provision and an imposing Town Hall. There are very clear signs that Jinja was influenced by physical planning ideas associated with the New Town movement. It is a debatable point whether this

impressive level of infrastructure was sustainable in the 1960s without a high level of subsidy; it is clear, however, that without a successful local economy it was not.

This problem was to be greatly exacerbated by the expulsion of the Asian community in 1972 who were particularly important in Jinja's economy; indeed they were not only traders but formed the town's professional and industrial bourgeoisie. Jinja perhaps more than any other urban centre in Uganda, was associated with the Asian community. Whatever the precise reasons by 1991, with the exception of the main road to Kampala, Jinja while pleasant did show signs of major physical decay and lack of maintenance.

Nevertheless in this hostile economic environment associated with extremely low wages and salaries Jinja Municipal Council (JMC) has managed to survive as an institution. This was primarily as it was able to exploit a buoyant source of income; namely market dues and to a much more limited extent Graduated Tax. In 1989/90 market dues accounted for 26 % of JMC's total revenue, in previous years and the estimate for 1990/91 are all in excess of 40 %. Graduated tax was around 15—20 % of total revenue. Furthermore JMC is effectively completely autonomous in revenue terms from the Ugandan government. The collection of market dues has allowed JMC to tax one of the most dynamic and robust sectors of the Ugandan economy; namely agricultural food production primarily for domestic consumption. In addition they have also had access to tax the informal transport (minibus) sector. This represents a successful example of taxing the "informal sector".

In Uganda's economic crises these two sectors have in fact proved remarkably resistant; indeed the argument can be extended that these two sectors actually expanded as a result of Uganda's economic difficulties. The clearest example was the switch to food crops from export crops, itself the result of political insecurity and inappropriate macro economic policies on farm gate prices and/or exchange rates, which has directly benefited JMC. In this shift JMC's gain has in many respects been the Ugandan Treasury's loss. As a result of this JMC has been able to isolate itself in revenue terms the almost total collapse of its industrial sector.

Astonishingly JMC's total revenue in real terms increased at an annual growth rate of

187 % between 1987 and 1989/90 or as 1987 may exaggerate the increase between 1988/89 and 1989/90 JMC's municipal revenue increased in real terms by 67 %. The RCs have been actively involved in attempts to increase revenue and in financial management. This in part reflects their role as a public watchdog on the behaviour of local officers but also the political reality that by increasing revenue and limiting expenditure (unnecessary) they will be able to increase the amount that is diverted to the capital fund which can be spent on visible projects to "repay" voters.

In the recent past reports and complaints over malpractice in the collection of revenue in markets have led in Jinja in the past to some interesting innovations. Three times since 1988 the RCs have directly become involved in market revenue collection in order to attempt to ascertain the monthly revenue and establish an appropriate daily average. In 1988 the average daily market revenue in Jinja was 370,000 Ushs which leapt to 900,000 Ushs in February 1988 when the RCs participated in the process. How much this large discrepancy is to do with seasonal and daily variations and how much could be accounted for by non collection of revenue and how much by embezzlement is not clear.

The RCs carried out a similar exercise in March 1990 and maintained a daily average of 400,000 Ushs in comparison with the Council's daily figure of 300,000 Ushs. However the Treasurer countered that the RC average daily figure was in fact 377,540 Ushs while the revenue's collectors average daily figure was in fact 346,750 Ushs and that the discrepancy could be accounted for by religious and public holidays. Furthermore the previous weak's average was 419,273 Ushs. This small example taken from the Council's minutes highlights the RCs and the Treasurer's Department concern to monitor revenue collection.

That the RCs should be prepared to become involved in revenue collection is politically interesting as local politicians across the World like to distance themselves from tax collection. However we should not overemphasize this as the motivation is as likely to be in terms of controlling the administration and generating a surplus for capital projects rather than in encouraging taxation as a principle. Indeed the RCs in Jinja in 1991, with RC elections due in 1992, were apparently less enthusiastic.

Because of the 'hand to mouth' nature of JMC's finances the Treasurer's Department has

effective control on expenditure. The Treasurer's Department monthly Report on the implementation of the Council's policy to the Finance Committee involves a regular statement of income and expenditure. This is the major instrument of financial control and monitoring as it systematically compares the monthly figures with the budget estimates of revenue, recurrent and capital expenditure. Furthermore the Treasurer prepares a statement explaining the variances or the difference between the estimated figures and the monthly actual. This was routinely done on a monthly basis.

In addition JMC at the local RCs request has also introduced a Financial Management Sub Committee to further monitor the Council's expenditure and income. This could in the prevailing circumstances be interpreted as an attempt by the RCs to control the Treasurer's personalised sanction on expenditure. A weekly statement of income and expenditure is produced by the Treasurer's Department for the scrutiny of the Financial Management Sub Committee; to regularly produce such information, given the circumstances of revenue collection and the general condition of the Department, is an impressive achievement in itself. There was no doubting the RCs enthusiasm for controlling expenditure.

Nevertheless there is considerable room for, and evidence of, misunderstanding and conflict in such a situation. The officers see it as unwarranted and 'unconstitutional' interference in their perceived role as implementors. They complained, for example, that they were being asked to account for statutory payments JMC was legally obliged to pay. Meanwhile the RCs saw it as a legitimate attempt and consistent with their perceived role of controlling expenditure and creating a capital fund for development projects.

In conclusion it is worth noting that the officers and the RC members do have different primary interests; thus the management are primarily concerned with continuing operation of JMC (the protection of the recurrent budget) while the councillors or RC members are more concerned with the tax burden and with visible projects (namely to expand the capital budget). However, what is also clear is that there is a very high level of accountability and a very clear understanding on all sides of the relationship between income and expenditure and the absolutely necessity of maintaining the latter. In this JMC as an institution has taken

an ambitious and brave political strategy on increasing revenues to create capital rather than a more conservative low revenue approach.

JMC has been the most successful municipality in Uganda in being able to generate capital for development projects from its recurrent revenue (there are no sources of credit and grants so JMC's finances are self contained) and on a per capita basis raises three times the amount of revenue that Kampala raises. In terms of US\$ JMC in per capita terms raises almost the same amount as Nairobi. That after twenty five years of economic decline and with the complete collapse of its economic raison d'être (industrial production) Jinja in terms of revenue collection can be compared to Nairobi's is quite frankly astonishing.

CONCLUSION

What conclusions can we make from the divergent experience of local government reform in these two very different countries of East Africa. The main conclusion seems to focus on the importance of well defined and non conflicting roles and secondly on the relationship between local government finance and political accountability.

The tension inherent in the inherited local government system between the hierarchical control system (provincial administration) and the local authority service and development system seems to have been better solved by splitting the DCs two functions as in the Ugandan case rather than further attempt to integrate them as has been the Kenyan case. Secondly the main conclusion seems to focus on the importance of local government finance. How can we explain the contrasting performance of JMC and the Nairobi Commission?

Firstly the national and local political environments have been markedly different; Nairobi like all capital cities has suffered from excessive political interference and donor support/intervention. Jinja meanwhile at least recently has been able to operate in a relatively unrestricted environment. Nevertheless JMC's revenue performance is considerable better than secondary urban areas in Kenya; it collects three times as much revenue per capita as for example Nakuru in Kenya.

The answer clearly lies in terms of the composition of municipal sources of revenue collection. The first observation is that both urban

administrations have been financially isolated from the success or failure of their respective industrial sectors; Nairobi from its successful industrial growth and Jinja from its collapse. Jinja has benefited from the buoyancy of its sources of revenue in particular market dues and graduated tax. Meanwhile despite the ever present corruption and incompetence scandals Nairobi has been critically weakened by the removal of GPT and its dependence on domestic rates. Buoyant taxes are those which easily (or automatically) increase in line with increase in population, inflation and economic growth e.g. sales taxes or income taxes. Property taxes which require constant revision are the antithesis of this. It is argued that buoyant taxes provide the key to effective urban government (Davey, 1989).

Jinja's better performance as compared to Nairobi is only to a limited extent explained by the RC system; as mentioned above the composition of taxes is at least as important. Similarly the poor performance of Nairobi is only partially accountable to the political system whether democratic or centrally imposed; the finances are so weak that the task was until recently impossible. A reasonable system of local government finance does seem to be a necessary but not sufficient condition for the encouragement of local democracy. This is further encouraged by systems which link the political process to the problems of local government finance which is the case in Uganda unlike systems like the District Focus strategy and the dissolution of Nairobi City Council in Kenya which separate the political and administrative process from local government finance.

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