

NEW COUNTIES IN UGANDA: Gerrymandering or Promoting Service Delivery?

Daniel R. Ruhweza*

The Parliament of Uganda, which is already one of the largest parliaments in Africa just passed a law creating more counties in various districts of Uganda. This means that more constituencies have been created and by necessary implication the Electoral Commission will be required to organize elections for more Members of Parliament in Uganda. The move to create more constituencies was reportedly started by President Yoweri Museveni and effected by the Minister for Local Government Adolf Mwesigwa.¹

In a missive to the Minister for Local Government, the President argued that the creation of new counties was based on the fact that some districts were over-populated and yet had only one constituency.² The President further argued that the creation of more constituencies was also necessary to help resolve ‘complicated administration issues,’ separate various ethnic groups, and also counter poor planning in some of the “one-constituency districts.”³ The President additionally explained that the extra constituencies were needed so as to resolve the friction between leaders, address the need to “emancipate” some tribal groupings, bring services closer to the people, and address the challenge of removing the domination of bigger ethnic groups in some districts.⁴

At first glance, the reasons advanced by the President appear genuine and quite understandable. It is obviously unfair for one ethnic group to dominate all opportunities available in a county or district at the expense of others. It goes against the well entrenched constitutional provisions against discrimination based on ethnicity. However, the solution is not in creating a separate constituency which divides the people further. The solution to this issue is already provided for by existing legislation which has led to the establishment of state institutions such as the Equal Opportunities Commission, the

¹* *Attorney and Lecturer at Law, School of Law, Department of Law and Jurisprudence, Makerere University*

Stephen Kafeero & Abubaker Kirunda ‘Museveni: More MP seats in 2016’ The Daily Monitor available at <http://www.monitor.co.ug/News/National/Museveni--More-MP-seats-in-2016-/688334/2610908/-/pjedgk/-/index.html>, last accessed Friday 7 August 2015. See also Edris Kiggundu, ‘Why Museveni wants 36 new constituencies’ The Observer Newspaper, 18th May 2015 available at <http://observer.ug/news-headlines/37900-why-museveni-wants-36-new-constituencies>, last accessed Friday 7 August 2015.

² Edris Kiggundu, ‘Why Museveni wants 36 new constituencies’ The Observer Newspaper, 18th May 2015 available at <http://observer.ug/news-headlines/37900-why-museveni-wants-36-new-constituencies>, last accessed Friday 7 August 2015.

³ *Ibid.*

⁴ Article 63 of the Constitution mandates the EC to demarcate constituencies taking into consideration the population quota – a figure arrived at by dividing the number of inhabitants of Uganda by the number of constituencies; means of communication; geographical features; and that each county, as approved by Parliament, has at least one Member of Parliament; except that no constituency shall fall within more than one county.

Uganda Human Rights Commission, Education Service Commission, the Health Service Commission, among others.

There are also other avenues which can be evoked in order to address situations of real or apparent discrimination. These are provided by the Constitution of the Republic of Uganda, the Local Government Act, the Penal Code Act, The Judicature Act, among others. State practices from South Africa, Australia, United States of America and other nations show that instead of separating people based on their ethnicity, it is wiser to have a form of positive discrimination like, the South African Black Economic Empowerment policies which are targeted at uplifting the hitherto marginalized black people without necessarily segregating them from the well to do ethnic groups. In fact, the government of the Republic of South Africa has encouraged black people to buy properties in the predominantly white areas instead of creating their own. This was all done in the move to promote the Rainbow nation – a reflection of different ethnic groups or nationalities who together form the Republic of South Africa. Another example of positive discrimination is the addition of 1.5 points to every girl child that seeks to be admitted in a public university. Therefore, creating more constituencies simply because ‘the Pokot of Amudat would never feature in the leadership in Karamoja...(or)... [T]he Baruuli of Nakasongola would not easily feature in leadership...’ is insufficient. It only continues to highlight the ethnic differences between people and merely sweep them under the carpet instead of focusing on concrete interventions to address these issues by, among other things, appointing individuals to positions of leadership based on merit and not ethnicity.⁵

The President also opined that it is important to create more constituencies because the population in some of the districts had grown since the last census. Using Namutumba District as an example the President argued that creation of another constituency would ensure improved service delivery.⁶ However, this argument would mean that regardless of whether or not service delivery was effective in a district, a new constituency would be created merely because the population had increased. Such a reason – on its own- is problematic. On the one hand, there are many other districts whose populations are far larger than Namutumba and yet they were excluded from the process of creating more constituencies.⁷ On the other hand, when a leader allegedly merely grants extra counties to the people because they have demanded so without carefully considering the social, political and economic implications on such a decision leaves a lot to be desired. A leader ought to strike a balance by confronting the hard facts between the pressing demands of different groups and the availability of resources and personnel to implement these demands.⁸

⁵ For example, Betty Nambooze alleged that Justice and Constitutional Affairs, Gen. Kahinda Otafiire wants creation of a Bakiga-only county under Ruhinda North County in Mitooma district, which borders on tribalism. Available at <http://ugandaradionetwork.com/story/demand-for-counties-shoots-up-to-65#ixzz3iM8AjJd0> last accessed August 10, 2015.

⁶ Namutumba reportedly had a population of 253,260 people according to the 2014 census.

⁷ Districts with large populations include ‘Wakiso (2,007,700), Kampala (1,516,210), Mpigi (688,819), Mukono (599,817), Iganga (506,388), Tororo (526,378), Arua (785,189) Kasese (702,029), Hoima (573,903) Kabale (534,160) and Kibaale (788,714).

⁸ Olive Eyotaru, ‘MPS Want 65 More Constituencies, URN News, <http://ugandaradionetwork.com/story/demand-for-counties-shoots-up-to-65> , July 29, 2015 last accessed August 10, 2015. See also [Blanshe Musinguzi](#) ‘MPs Petition Parliament For More

Further still, as the current records from Parliament reveal, in spite of our rather large parliament, often times it is unable to raise the required quorum of one third in order to conduct its business.⁹ This means that the process has already been tried and tested and it has failed.¹⁰ There is therefore no need to flog a dead horse by creating more counties (and consequently more constituencies) since this will not resolve the issues highlighted by the President.

The aforementioned state of affairs has been branded by Betty Namboozee, who is the current Mukono Municipality Member of Parliament as well as Shadow Local Government Minister as ‘clear-cut gerrymandering of constituencies aimed to give NRM cadres “safe seats.”¹¹ The term **gerrymandering** has been defined to mean a process of dividing a particular state or territory into election districts in such a manner as to accomplish an unlawful purpose, such as to give one party a greater advantage over others. Gerrymandering has also been defined as ‘manipulating the boundaries of (an electoral constituency) so as to favor one party or class. While an investigation in each and every case is unable to be made so as to have incontestable evidence, the creation of these new constituencies, coming at a time when the country is preparing for elections next year (2016), gives more ground to suggest that what the President has engaged in, is indeed gerrymandering.

In light of what the Parliament has done, the number of MPs is going to increase from its current 386 to 425. This includes the number of directly-elected MPs as well as representation from affirmative action groups which include the youth, workers, PWDs and the army. Currently, each Member of Parliament earns 20 million Uganda shillings per month. It is expected – based on past experience- that the new parliament will increase this sum upwards regardless of the number of members. It should also be remembered that creating more constituencies will require the Electoral Commission (which had already budgeted and planned for the election process) to source additional funding to cater for these new constituencies. The creation of these new counties will also require that other public officers who will run these counties will need to be remunerated as well. All this will eventually be born by the tax payer and yet our economy is not large enough to bear this humongous public administration budget. Such is the unfortunate state of affairs that the nation has been exposed to.

Constituencies’ The Red Pepper Jul 22, 2015.

⁹ Ugandans can’t eat new constituencies, The Observer Newspaper Editorial, available at <http://www.observer.ug/viewpoint/editorial/38786-ugandans-can-t-eat-new-constituencies> last accessed August 8, 2015.

¹⁰ *Ibid*

¹¹ Edris Kiggundu, ‘Why Museveni wants 36 new constituencies,’ Supra note 2.

Conclusion

When the NRM/A government commenced its “revolution” in 1980, the idea was to have a State that will serve the interests of the people of Uganda, a State that will take special heed of the dire needs of its citizens and address them. A lot of this has certainly been achieved and the government should be credited for this. However, many policies have been promoted and attempts at implementing them have shown the State as being interested in self preservation instead of service delivery. The recent decision to create more constituencies is such a policy. It is one which is geared at political expediency and survival at the expense of the citizens of Uganda. While it might help the ruling class / political party to garner more seats in parliament, the cumulative result is that the public purse will suffer. Funds which would have been better utilized in improving the health standards of the citizenry will be used to create more useless constituencies as well as provide employment opportunities to those who are towing the correct line. This is most unfortunate.

.....

Annexure A

16th March 2015
Hon Minister
Ministry of Local Government
KAMPALA

RE: CREATION OF NEW COUNTIES (CONSTITUENCIES)

In my travels throughout the length and breadth of Uganda I normally pick up issues that are of concern to the people. Some are frivolous and can be ignored with explanations. Others, however, need to be addressed. The three that deserve being addressed are:

Streamlining administration and governance
Continuing to sort out issues of sub-colonialism that had emerged with colonialism and
Making it easy for planning for economic development based on our zonalization plan.

On account of pressure for districts, we now have quite a number of one constituency districts. These complicate administration and governance because you end up having three leaders over the same unit of administration and political representation: the LCV chairman, the Woman MP and the constituency MP. This is one factor that we should consider.

The second factor is the need to continue with the process of internal emancipation. The old colonial districts used to lump together the different groups of our people without paying attention to their identities. In such situations, the bigger group would dominate not only the local government but also the education system and the representation to parliament and other elective bodies.

Hence in Kotido, the Labwor who are Luo-speaking would be eclipsed by the Jie, who speak a branch of the Akarimojong. The two are mutually unintelligible.

The Pokot of Amudat would never feature in the leadership in Karamoja. The Baruuuli of Nakasongola would not easily feature in leadership. In Arua, you would imagine that all the people there are Lugbara—not knowing that there are Kakwas, Jonam, Alur, etc...

Then there is the problem of poor planning. The old Masaka district encompassed the crop areas of Masaka, the hilly areas of Kooki with their difficulty of getting water, the cattle areas of Lwemiyaga and Mawogola and the huge archipelago of islands of Ssesse. Planning for such a diverse area was totally absent.

On account of this, we created the Islands of Kalangala (Ssesse) whose population was only 16,000 at the time. It is now one of the most rapidly developing districts of Uganda.

Using the above three criteria, I think we should create at least 34 new counties (constituencies). It will not be correct to divide into two all the one constituency districts unless there is also the issue of diverse linguistic identities.

Therefore I would put the yardstick in terms of population, at 160,000 people so that each constituency is at least 80,000 people. Using those yardsticks, I would create constituencies out of the following districts:

Agago (227,000 people)
Amuria (183,000 people)
Amuru (190,000 people)

Arua (300,000 people)-Merging Ayivu with Arua municipality and dividing them into 3 constituencies

Manjiya (211, 683 people)
Bukedea (188,918 people)

Bukomansimbi (151,075 people)-near the threshold of 160,000 with some sub counties near Katonga river and some away from the river.

Bulambuli (177,322 people)
Dokolo (182,579 people)

Gomba (160,075 people)
Bulamogi (236,927 people)
Kibuku (202,680 people)

Kazo County and Nyabushozi county (328, 544 people)

Kibanda (268188 people)
Chua (204,012 people)
Koboko (208, 163 people)
Kole (241,878 people)

Jie (178,909 people)
Kumi (258, 073 people)
Kyankwanzi (214,057 people)
Kyaka (277, 379 people)
Luuka (241,453 people)

Maracha (186,176 people)
Ruhinda (185519 people)
Kashaari (194,000 people)
Busiki (253, 260 people)
Aruu (183, 723 people)

Pallisa (386,074 people)-to sort out the issues of the Bagwere and the Bateso.

Kooki (237,889 people)-part of Rakai (518,008 people)
Soroti county (247, 702 people)-part of Soroti (297, 154)
Mawogola county (191, 647)-part of Sembabule (252,994 people)

Tororo county-(187,164 people) part of Tororo district (526,378)

Kyadondo East (460,161 people)-create a municipality in Kira Town Council
Kyadondo North-(368,694)-separate peri-urban areas from rural areas
Aringa-(485, 582 people)
Okoro-(240, 368 people)

In addition to those, there may be need to look at three people in Kaabong and Moroto-the Tepeth of Mount Moroto, the IK of Morulongele and the Napore of Kabong. These are people that are totally different linguistically from the surrounding peoples e.g the Akarimojong.

Yoweri Museveni
President