

MOTION FOR A RESOLUTION OF PARLIAMENT URGING GOVERNMENT TO IMPLEMENT THE REGIONAL GOVERNMENTS ESTABLISHED IN ARTICLE 178 OF THE CONSTITUTION

(Moved under Rule 55 of the Rules of Procedure of Parliament)

WHEREAS Article 176 of the Constitution of the Republic of Uganda, 1995 provides that the local government system to be based on the district as a unit of administration under which there shall be such local government and administrative units as Parliament may by law prescribe;

AND WHEREAS Article 178 of the Constitution allows two or more districts to cooperate to form a regional government;

AWARE THAT under Article 178 (3) of the Constitution the regions of Buganda, Bunyoro, Busoga, Acholi and Lango agreed to form regional governments;

FURTHER AWARE THAT under article 178 (4), the headquarters of the regional governments were declared to be Mengo Municipality in Buganda, Hoima Municipality in Bunyoro, Jinja Municipality In Busoga, Gulu Municipality in Acholi and Lira Municipality in Lango;

NOTING THAT Paragraphs 2, 4, 5, 10 and 13, of the Fifth schedule to the Constitution imposes an obligation on Parliament to prescribe by an Act of Parliament the composition of a regional Assembly, the grounds and procedure for removal of the chairperson of a regional government, the number of regional Ministers, the representation or regional land board on land board of each district that forms part of the regional government, the gazetting and ownership of national heritage sites;

FURTHER NOTING THAT on the 8th of December, 2009, Government introduced in Parliament a Bill entitled "the Regional Governments Bill, 2009", which sought to provide for the establishment of regional governments;

RECALLING THAT the Regional Governments Bill, 2009, although saved by 9th Parliament, expired at the Commencement of the 10th Parliament;

RECOGNISING THAT the operationalization of Regional Governments was considered during the development of the National Development Plan II and Vision 2040 wherein, Government proposed to establish five strategic cities of Hoima, Nakasongola, Fort portal, Moroto and Jinja;

FURTHER RECOGNISING THAT in 2015, Cabinet, approved to upgrade four regional administrative centres of Arua, Gulu, Mbale and Mbarara, one in each of the regions of Uganda;

CONCERNED THAT whereas article 178 (13) of the Constitution commenced Regional Governments on the 1st of July 2006, Parliament has not put in place the necessary legal framework for the operationalization of Regional Governments;

COGNIZANT OF THE twelve year delay in operationalizing Regional Governments as well as the need to comply with the Constitutional command as contained in Article 178 of the Constitution of the Republic of Uganda,

NOW THEREFORE be it resolved that Parliament urges Government to:

1. re-introduce before Parliament a Bill to operationalize regional Governments as commanded by article 178 (4) and paragraphs 2 and 4 of the Fifth schedule to the Constitution of the Republic of Uganda;
2. commence the processes leading to the creation of Mengo Municipality, Hoima Municipality, Jinja Municipality, Gulu Municipality and Lira Municipality as commanded by article 178 (4) of the Constitution;
3. commence the processes leading to the establishment of the five strategic cities of Hoima, Nakasongola, Fort portal, Moroto and Jinja as provided in the National Development Plan II and Vision 2040;
4. consider elevating the Municipalities of Jinja, Arua, Mbale, Gulu and Mbarara as cities;

I beg to move.



Moved By:

Hon. BIRAAHWA MUKITALE ADYEERI STEPHEN (MP)

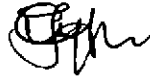
BULIISA COUNTY, BULIISA DISTRICT



Seconded By:

1. Hon. Lufafa Nelson (MP)

Butembe County, Jinja



2. Hon. Nakayenze Galiwango Connie (MP)

Woman Representative, Mbale

3. Hon. Tayebwa Thomas (MP)

Ruhinda North County, Mitooma District

5. Hon. Bernard Atiku (MP)

Ayivu County, Arua



6. Komakech Lyandro (MP)

Gulu Municipality, Gulu District

Laid at Table by:
**BILLS
SUPPLEMENT No. 15**

Hon. Adolf Mwesige
the Minister of Local Govt.
BILLS SUPPLEMENT

26th November, 2009.
on 8/12/09
SENT UNDER
Signature

to the Uganda Gazette No. 57 Volume CII dated 26th November, 2009.

Printed by UPPC. Enacted by Order of the Government

Bill No. 20

Regional Governments Bill

2009 *SCA*

THE REGIONAL GOVERNMENTS BILL, 2009

MEMORANDUM, DEC 2009 ★

The object of this Bill is to provide for the establishment of regional governments in accordance with the Constitution as amended by the Constitution (Amendment) (No 2) Act, 2005 (Act No.21 of 2005); to provide for the functions and services of the regional governments; to provide for the formation by regional governments of regional assemblies and the composition, functions, services, speaker, and committees of regional assemblies, to provide for headship of regional governments and for Ministers of regional governments, to require cooperation of regional governments with Central Government; to provide for a chief executive officer and staff of regional governments; to make financial provision for regional governments and for districts which do not form regional governments; to make provision for elections in respect of regional governments; to provide for take over of the administration of regional governments by the President in special circumstances and for related matters.

ADOLF MWESIGE,
Minister of Local Government.

THE REGIONAL GOVERNMENTS BILL, 2009

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A BILL for Act

ENTITLED

THE REGIONAL GOVERNMENTS ACT, 2009

An Act to provide for the establishment of regional governments in accordance with the Constitution; to provide for the functions and services of the regional governments; to provide for the formation by regional governments of regional assemblies; and to provide for the composition functions, services speaker, and committees of regional assemblies; to provide for headship of regional governments and for Ministers of regional governments; to require cooperation of regional governments with Central Government; to provide for a chief executive officer and staff of regional governments; to make financial provision for regional governments and for districts which do not form regional governments; to make provision for elections in respect of regional government; to provide for take over of the administration of regional governments of the President in special circumstances and for related purposes.

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY

1. Interpretation

“currency point” has the meaning assigned to it in the Schedule to this Act;

“Minister” means the Minister to whom the functions of Minister under this Act have been assigned by the President;

“region” means the area of jurisdiction of a regional government;

“regional assembly” means a regional assembly formed under section 15;

“regional chairperson” means the regional chairperson referred to in section 6.

PART II—REGIONAL GOVERNMENTS

2. Establishment of regional governments

(1) Two or more neighbouring districts may cooperate to form a regional government to perform the functions and services specified in the Fifth Schedule to the Constitution and in this Act in relation to regional governments.

(2) A district shall not be taken to have agreed to enter into a cooperation arrangement to form a regional government unless—

- (a) the proposal to join the regional government has been approved by resolution of the district council by a majority of two-thirds of the members of the district council; and
- (b) the decision of the district council has been ratified by not less than two-thirds of the sub-county councils in the district.

(3) Subject to subsection (1) and to the provisions of the Constitution, the districts of the regions of Buganda, Bunyoro, Busoga, Acholi, Lango, specified in the First Schedule to the Constitution, shall be deemed to have agreed to form regional governments for the purposes of this section.

(4) The headquarters of the regional governments deemed to have been established in subsection (3) shall be as follows—

- (a) in Buganda, Mengo Municipality required by the Constitution to be created by Parliament;

- (b) in Bunyoro, Hoima Municipality required by the Constitution to be created by Parliament;
- (c) in Busoga, Jinja Municipality;
- (d) in Acholi, Gulu Municipality; and
- (e) in Lango, Lira Municipality.

3. Name of regional government

A regional government may adopt its own name

4. Regional government to be body corporate

A regional government shall be a body corporate with a common seal with power to sue and be sued and to hold and dispose of land and shall have power to do all things that may be done by a body corporate and shall be subject to all obligations to which a body corporate is subject.

5. General powers of regional government

(1) Subject to the Constitution, a regional government formed under this Act shall be the highest political authority within its region and shall have political, legislative, executive, administrative and cultural functions in the region.

(2) A regional government shall, in particular; have in relation to the region, the functions and services conferred upon a regional government in the Fifth Schedule to the Constitution, and by this Act and may make laws which shall have the force of law in the region.

(3) Subject to this Act and to the Fifth Schedule to the Constitution, the executive and administrative powers of the regional government shall extend to the execution and implementation of the laws enacted by the regional assembly established under section 14 and other laws operating in the region and the management of the affairs of the regional government.

(4) A regional government shall make development plans for the region which shall include district development plans.

6. Regional chairperson

(1) A regional government shall be led by a regional chairperson elected in accordance with this section.

~~(2) A person shall not be qualified to be elected a regional chairperson unless—~~

- (a) he or she is a citizen of Uganda by birth as defined by article 10 of the Constitution and one of whose parents or grandparents is or was resident in the region and a member of the indigenous communities existing and residing within the borders of the region as at the first day of February, 1926;
- (b) he or she is qualified to be a member of Parliament; and
- (c) he or she is not less than thirty five years of age;

(3) A regional chairperson shall—

- (a) be directly elected by universal adult suffrage at an election conducted by the Electoral Commission;
- (b) be willing and able, where applicable, to adhere to and perform the cultural and traditional functions and rites required by his or her office;
- (c) where applicable, upon election, be given instruments of office by the cultural or traditional leader of the region; and
- (d) be the political head of the regional government.

(4) A regional chairperson shall perform the following functions—

- (a) preside over the cabinet of the regional government;
- (b) monitor the general administration of the region;
- (c) monitor the implementation of the regional government decisions;
- (d) monitor and coordinate the activities of the participating districts of the region;

- (e) coordinate and monitor government functions between the region and the Central Government; and
- (f) ensure that the functions and services for which the region is responsible are efficiently and effectively delivered in the region

(5) The regional chairperson shall make a report to the regional assembly on the state of affairs in the region at least once a year.

(6) A regional chairperson shall serve for the same term as members of the regional assembly of the region.

(7) A regional chairperson shall attend the meetings of a regional assembly but shall have no right to vote.

7. Role of traditional or cultural leader

Where a traditional leader or cultural leader exists in a region the traditional leader or cultural leader shall—

- (a) be the titular head of the regional government;
- (b) be the titular head of the regional assembly and shall open, address and close the sessions of the regional assembly; and
- (c) enjoy the benefits and privileges and roles as provided for in article 246 of the Constitution and by Parliament and the regional assembly.

8. Specific functions and services of regional governments

The functions and services for which a regional government is responsible are as follows—

- (a) secondary education and tertiary institutions except national universities and other national institutions;
- (b) regional roads;
- (c) regional referral hospitals other than national referral hospitals and national medical institutions;

- (d) co-ordination, monitoring and supervision of agriculture;
- (e) forests other than national parks and wildlife reserves managed by the Government,
- (f) culture;
- (g) cultural and traditional lands;
- (h) promotion of local languages, crafts and antiquities;
- (i) water;
- (j) sanitation;
- (k) to levy surcharge or cess subject to the approval of Central Government;
- (l) functions and services surrendered voluntarily by a district council or district councils,
- (m) receiving copies of financial accountability of districts to the Central Government to enable the regional government to monitor and supervise the implementation of government programmes.

9. Ministers of regional government

(1) A regional government shall have regional ministers who shall be appointed by the regional chairperson of the regional government with the approval of the regional assembly.

(2) The number of regional ministers of a region shall be not more than five; two of whom shall be female.

(3) Of the Ministers, at least two shall be appointed from persons who are not members of the Assembly but who are resident in the region.

(4) A person shall not be qualified to be appointed a regional minister unless he or she qualifies to be a Member of Parliament.

(5) The functions of regional ministers shall be together with the regional chairperson to formulate, and implement the policies of the regional government

10. Vacation of office of regional minister

The office of regional minister shall become vacant—

- (a) if the appointment of the holder of the office is revoked by the regional chairperson; or
- (b) if the holder—
 - (i) resigns;
 - (ii) becomes disqualified to be a member of assembly.

11. Vote of censure of regional minister

(1) The assembly may by resolution supported by not less than two-thirds of all members of the assembly pass a vote of censure against a regional minister on any of the following grounds—

- (a) abuse of office or wilful violation of the oath of allegiance or oath of office prescribed in relation to the office by regulations;
- (b) misconduct or misbehaviour,
- (c) physical or mental incapacity, namely; that he or she is incapable of performing the functions of his or her office by reason of physical or mental incapacity;
- (d) mismanagement; or
- (e) incompetence.

(2) Upon a vote of censure being passed against a regional minister, the regional chairperson shall, unless the regional minister resigns his or her office, take appropriate action in the matter.

(3) Proceedings for censure of a regional minister shall be initiated by a petition to the regional chairperson through the speaker signed by not less than one-third of all members of the regional assembly giving notice that they are dissatisfied with the conduct or performance of the regional minister and intend to move a motion for a resolution of censure and setting out particulars of the grounds in support of the motion.

(4) The regional chairperson shall, upon receipt of the petition, cause a copy of it to be given to the regional minister in question.

(5) The motion for the resolution of censure shall not be debated until the expiry of thirty days after the petition was sent to the ~~regional chairperson.~~

(6) A regional minister in respect of whom a vote of censure is debated under section (5) of this section is entitled during the debate to be heard in his or her defence.

12. Cooperation with Central Government

A regional government shall cooperate with the ministries of the Central Government but on policy matters they shall liaise with the office of the President.

13. Recognition of cultural diversity and equitable distribution of resources

(1) Each regional government must recognise and respect the different cultures existing within the region.

(2) A regional government shall ensure that there is equitable distribution of the resources in accordance with a formula worked out by Government in consultation with regional governments.

14. Removal of regional chairperson from office

(1) Subject to subsection (3), a regional chairperson may be removed from office by the regional assembly by a resolution supported by at least two-thirds of all the members of the regional assembly on any of the following grounds—

- (a) abuse of office;
- (b) corruption;
- (c) incompetence;
- (d) misconduct or misbehaviour;

- (e) such physical or mental incapacity as would render the regional chairperson incapable of performing the duties of regional chairperson;
- (f) failure or refusal without justifiable reason to implement lawful decisions of the regional assembly.

(2) Notwithstanding subsection (1), the office of a regional chairperson shall fall vacant if—

- (a) the holder resigns in writing addressed to the speaker;
- (b) the holder without reasonable cause or notification of the speaker, fails to attend four consecutive meetings of the regional assembly;
- (c) the holder is found guilty of the violation of the Leadership Code and the punishment imposed includes the vacation of office;
- (d) the holder accepts appointment to a public office;
- (e) the holder is sentenced to death or to imprisonment exceeding six months without the option of a fine;
- (f) the holder has been convicted of an offence involving moral turpitude within the preceding six years; or
- (g) circumstances arise which disqualify the holder from occupying the office under any other law.

(3) For the purposes of removing the regional chairperson under subsection (1) other than under subsection (1) (e) a notice in writing signed by not less than one-third of all members of the regional assembly shall be submitted to the speaker—

- (a) stating that they intend to pass a resolution of the regional assembly to remove the chairperson on any of the grounds set out in subsection (1);

____(b) setting out the particulars of the charge supported by the necessary documents, where applicable, on which it is claimed that the conduct of the regional chairperson be investigated for the purposes of his or her removal.

(4) For the avoidance of doubt, where a petition has been submitted to the speaker under subsection (3), a person shall not withdraw his or her signature supporting the petition.

____(5) The speaker shall within twenty-four hours after receipt of the notice referred to in subsection (3), cause a copy to be transmitted to the regional chairperson and the Minister.

(6) The Minister shall evaluate the notice in consultation with the Attorney General and if satisfied that there are sufficient grounds for doing so, shall, within twenty-one days after receipt of the notice, constitute a tribunal consisting of a Judge of the High Court or a person qualified to be appointed as a Judge of the High Court, as chairperson and two other persons all of whom shall be appointed by the Minister in consultation with the Chief Justice, to investigate the allegations.

(7) A person shall not be eligible for appointment as a member of the tribunal unless that person—

- (a) is a person of high moral character and proven integrity, and
- (b) possesses considerable experience and demonstrated competence and is of high calibre in the conduct of public affairs.

(8) For the purposes of the removal of the regional chairperson on grounds of physical or mental incapacity under subsection (1)(e), here shall be submitted to the speaker a notice in writing signed by not less than one-third of all the members of the regional assembly—

- (a) stating that they intend to pass a resolution of the regional assembly for the removal of the regional chairperson from office on grounds of physical or mental incapacity; and

(b) giving particulars of the alleged incapacity.

(9) The speaker shall, within seven days after receipt of a notice under subsection (8), cause a copy to be transmitted to the regional chairperson and the Chief Justice.

(10) The Chief Justice shall, within seven days after receipt of the notice transmitted under subsection (9) and in consultation with the Medical Council, constitute a medical board comprising three qualified medical specialists to examine the regional chairperson in respect of the alleged incapacity and to report its findings to the regional assembly and shall inform the chairperson of the constitution of the medical board.

(11) The medical board shall examine the chairperson within fourteen days after its establishment.

(12) The chairperson shall submit himself or herself to the medical board for examination on a day and time determined by the board.

(13) If the medical board determines that the relevant chairperson is by reason of physical or mental incapacity unable to perform the functions of the office of regional chairperson and the regional assembly passes the resolution for his or her removal supported by the votes of not less than two-thirds of all the members of the regional assembly, the regional chairperson shall cease to hold office.

(14) If the medical board, after the expiration of the period of fourteen days referred to in subsection (11), reports that the relevant regional chairperson has failed or refused to submit to the medical board and the regional assembly passes the resolution for his or her removal supported by the votes of not less than two-thirds of all the members of the regional assembly, the chairperson shall cease to hold office.

(15) The speaker shall convene the regional assembly within fourteen days after the receipt of the report of the tribunal or medical board.

(16) The motion for a resolution for the removal of the chairperson shall be moved in the regional assembly within fourteen days after the receipt by the speaker of the report of the tribunal or the medical board, failure of which shall render the resolution time-barred.

(17) The regional chairperson is entitled to appear in person and be heard during the proceedings of the regional assembly relating to the motion for a resolution under this section.

(18) The expenses of the tribunal and the medical board shall be met by the relevant regional government.

PART III—REGIONAL ASSEMBLIES

15. Regional assembly

The districts forming the regional government shall form a regional assembly.

16. Composition of regional assembly

(1) A regional assembly shall consist of—

- (a) one directly elected representative from each county within the region elected on the basis of universal adult suffrage at elections conducted by the Electoral Commission;
- (b) representatives of women, who shall not be less than one-third of the membership of the assembly;
- (c) two representatives of the youth, a female and a male elected at regional level by the executive committees of the district youth councils;
- (d) two persons with disability, a female and a male elected at regional level by executive committees of the councils of persons with disabilities at the district level;

- (e) representatives of indigenous cultural interests in areas where there is a traditional or cultural leader, nominated by the traditional or cultural leader but not exceeding fifteen per cent of the members of the regional assembly;
- (f) district chairpersons in the region who shall be ex-officio members with no right to vote.

(2) A regional assembly may act notwithstanding a vacancy in its membership.

(3) The presence or the participation of a person not entitled to be present or to participate in the proceedings of a regional assembly shall not by itself invalidate those proceedings.

17. Functions of regional assembly

(1) A regional assembly shall have power to legislate on matters within its jurisdiction.

(2) The power of the regional government to legislate shall be exercised by bills passed by the regional assembly and assented to by the regional chairperson.

(3) The laws made by the regional assembly shall be in conformity with the Constitution and the national laws and shall be consistent with national policies.

(4) A bill for a regional law passed by a regional assembly shall be forwarded to the Attorney General through the Minister to certify that the Bill is not inconsistent with the Constitution or any other law enacted by Parliament before the regional chairperson signs the law.

(5) Where the Minister with the advice of the Attorney General is of the opinion that a bill for a regional law contravenes or derogates from the Constitution or other law passed by Parliament, he or she shall, within ninety days, return the bill with his or her comments to the relevant assembly for modification or other appropriate action.

(6) A Bill enacted by a regional assembly and signed by the regional chairperson under this section shall be published in the official *Gazette* and in the national media.

(7) The public shall be given access to any regional law passed or to be passed by the regional assembly.

(8) ~~The Minister shall by statutory instrument~~ prescribe the procedure to be followed in the enactment of a regional law.

(9) Laws made by a regional assembly—

- (a) shall be known as regional laws;
- (b) subject to the Constitution, may regulate the functions and services conferred on a regional government by this Act;
- (c) shall be published in the *Gazette*;
- (d) shall come into force on the date of publication in the *Gazette* or such other date as may be provided in the regional law;
- (e) may prescribe fees where appropriate for any service rendered by the regional assembly;
- (f) for the avoidance of doubt, may prescribe in relation to any contravention of the law—
 - (i) any fine not exceeding two hundred and forty currency points or imprisonment not exceeding ten years or both;
 - (ii) increased penalties in respect of repeated or continued offences;
 - (iii) a requirement that the court shall make an order forfeiting any instrument or thing in connection with which the contravention was done.

18. Speaker of regional assembly

(1) A regional assembly shall have a speaker elected by the regional assembly from among its members.

(2) A person shall only be taken to have been elected as a speaker if the votes cast in his or her favour are more than fifty percent of all the members of the regional assembly.

(3) The speaker of the regional assembly shall, in relation to the regional assembly, perform similar functions to those of the Speaker of Parliament.

(4) If during the election of a speaker only one person is nominated, that person shall be declared elected speaker.

(5) The speaker of a regional assembly shall be on part time service of the regional assembly.

(6) The speaker may be removed from office by the regional assembly by a resolution supported by not less than two-thirds of the members of the regional assembly on any of the following grounds—

- (a) abuse of office;
- (b) incompetence;
- (c) misconduct or misbehaviour;
- (d) such physical or mental incapacity as would render the speaker incapable of performing the duties of speaker; or
- (e) failure without reasonable excuse to call two consecutive meetings of the assembly

(7) For the purposes of removing the speaker, a notice in writing signed by at least one-third of all members of the regional assembly, shall be submitted to the regional chairperson stating their grounds and that they intend to pass a resolution to remove the speaker

(8) Where a notice is submitted to the chairperson under sub-section (6) no person shall withdraw his or her signature from the notice

(9) A notice made under sub-section (6) shall be submitted to the ~~regional chairperson by the clerk to the regional assembly~~ and the chairperson, within thirty days after receipt of the notice, convene or cause the convening of a meeting for the removal and election of a speaker.

(10) The office of the speaker shall fall vacant if the holder resigns from the office or accepts appointment to a public office or dies.

(11) A Chief Magistrate shall preside at the election of the speaker of a regional government.

(12) The speaker shall—

- (a) preside at all meetings of the regional assembly;
- (b) be charged with the overall authority for the preservation of order in the regional assembly and the enforcement of the rules of procedure of the assembly; and
- (c) perform functions which are similar to those of the Speaker of Parliament as may be consistent with this Act.

19. Tenure of members of regional assembly

Members of regional assemblies shall serve for the same term as members of district councils.

20. Committees of the regional assembly

(1) A regional assembly may establish standing and other committees or organs for the efficient discharge of its functions.

(2) The representatives of cultural interests shall constitute the standing committee on cultural matters.

(3) The standing committee on cultural matters shall have exclusive jurisdiction on the cultural matters of the region.

(4) In this section "cultural matters" include the following—

- (a) the choice and installation of a traditional leader or cultural leader,
- (b) all traditional and cultural matters relating to the traditional or cultural leader and to the institutions of the traditional leader or cultural leader as well as royal members of the traditional leadership;
- (c) the choice, appointment and succession to clan and sub-clan leadership;
- (d) clan, traditional and customary matters;
- (e) matters relating to cultural funeral rites, cultural succession and customary heirs;
- (f) cultural or traditional lands, sites, shrines and installations;
- (g) clan lands, sites, shrines and installation; and
- (h) traditional, customary and cultural practices which are consistent with the Constitution.

(5) In carrying out its responsibilities under subsections (3) and (4), the standing committee on cultural matters shall consult the traditional or cultural leader of the region as well as the relevant clan leaders.

(6) A decision of the standing committee on cultural matters shall not be effective until the decision has been approved by the traditional or cultural leader of the region and, in the case of succession under subsection (4)(a), by the clan or cultural leader's council.

21. Quorum of regional assembly

(1) Quorum for taking decisions by a regional assembly shall be one third of all the members of the regional assembly.

(2) The quorum of a regional assembly where no decision is to be taken shall be as prescribed by the rules of procedure of the regional assembly.

22. Voting in regional assembly

(1) Except as otherwise provided in this Act, any question proposed for decision by a regional assembly shall be determined by a majority of members present and voting.

(2) The person presiding in the regional assembly shall have neither an original nor casting vote; and if on any question before the regional assembly the votes are equally divided the motion shall be lost.

(3) Representatives of cultural interests as defined in section 2 shall not vote on any partisan matter and in any case may vote only on cultural matters.

(4) A matter shall be considered to be of a partisan nature if in the course of its being tabled or debated in a regional assembly it is declared by a majority vote of the directly elected representatives to be partisan.

23. Rules of procedure of regional assembly

(1) A regional assembly may make rules of procedure to regulate its own procedures and the procedure of its committee.

(2) The Minister may by regulations approve standard rules of procedure to be adopted by regional assemblies.

PART IV—ADMINISTRATION AND STAFF OF REGIONAL GOVERNMENT

24. Regional Chief Executive Officer

(1) There shall be a regional chief executive officer for each regional government.

(2) The Public Service Commission shall appoint persons to hold or act in the office of regional chief executive officer including the confirmation of their appointments and the exercise of disciplinary control over such persons and their removal from office.

25. Functions of the regional chief executive officer

(1) The regional chief executive officer shall be the head of the public service in the regional government and the head of the administration of the region and shall be the accounting officer of the region.

(2) The regional chief executive officer shall—

- (a) be responsible for the implementation of all lawful decisions taken by the regional government;
- (b) give guidance to the assembly and their departments in the application of the relevant laws and policies;
- (c) supervise, monitor and coordinate the activities of the regional government and its employees and departments and ensure accountability and transparency in the management and delivery of the council's services;
- (d) develop capacity for development and management of the planning function in the region;
- (e) supervise and coordinate the activities of all delegated services and the officers working in those services;
- (f) have custody of all documents and records of the assembly;
- (g) act as a liaison officer between the regional government and the Government,
- (h) advise the chairperson on the administration of the region;
- (i) assist in the maintenance of law, order and security in the region;
- (j) carry out any other duty that may be assigned by the regional government from time to time.

(3) In addition to the duties under subsection (2), the regional chief executive officer shall perform all statutory duties and functions which he or she is required to do under any other law.

(4) The office of the regional chief executive officer shall not remain vacant for more than three months after the office falls vacant.

26. Other Staff of regional governments_____

(1) The Minister in consultation with the Minister responsible for the public service shall establish appropriate staff structures for the effective administration of the region.

(2) The Minister in consultation with the public service commission shall provide to regional governments the services of such public officers as may be reasonably required for the effective administration of the region.

(3) The public officers to be provided under subsection (2) may include public officers from a district council or officer in the service of a regional government or the Central Government.

27. Clerk to regional assembly

The regional chief executive office shall assign duties of clerk of the assembly to a senior public officer in the employment of a regional government

PART V—FINANCIAL PROVISIONS

28. Financial provisions for regional governments

(1) Where a regional government is established, the government shall work out a formula of grants to the regional government having regard to the Seventh Schedule to the Constitution.

(2) A formula shall be agreed upon by financial experts in regard to the grants to be sent to the regional government to run the devolved functions and responsibilities

(3) The Minister shall in consultation with the Minister responsible for finance, appoint financial experts for purposes of subsection (2).

(4) Grants sent to the region may change in light of economic and social conditions such as population and other similar considerations.

(5) During the period that the President has taken over the regional government the functions and services of the regional government shall be financed by direct appropriation from the national budget to a regional vote.

(6) Government shall determine appropriate sources of revenue for regional governments which shall include fees, rates, levies and loans.

9. Grants for districts not forming regional governments

(1) A district which does not wish or is not able to enter into a cooperation arrangement to form a regional government shall be paid an equalisation grant.

(2) The equalisation grant payable under subsection (1) shall be based on the incremental costs met by the Central Government in managing the regional government.

(3) The President shall cause to be presented to Parliament proposals for the money to be paid out of the Consolidated Fund as equalisation grant under subsection (1).

(4) The proposals made under subsection (3) shall be made at the same time as the estimates of revenue and expenditure under article 55 of this Constitution and shall state the sums of money that are to be paid to each district.

10. Financial year.

The financial year of a regional government shall be the period beginning from the 1st day of July and ending on the 30th day of June in the year following.

11. Appropriation of funds.

(1) No appropriation of funds by a regional government shall be made out of the funds of the regional government unless approved in budget by its regional assembly.

(2) Monies shall not be withdrawn from the general fund account or any other accounts of the regional government unless the withdrawal has been approved by the Auditor General or his or her representative:

(3) No financial obligation shall be placed on a regional government by the Government after the enactment of the Appropriation Act without providing for funds for the discharge of that obligation.

32. Accounts.

Every regional government shall keep proper books of account and proper records in relation to the accounts and shall balance its accounts for that year and produce statements of final accounts within three months from the end of each financial year.

33. Audit of accounts.

(1) The accounts of every regional government shall be audited by the Auditor General or an auditor appointed by him or her.

(2) The Auditor General may carry out surprise audits, investigations or any other audit considered necessary.

(3) The Auditor General shall give the report of the audited accounts to—

- (a) Parliament;
- (b) the Minister responsible for finance;
- (c) the Minister;
- (d) the Local Government Finance Commission; and
- (e) the Inspector General of Government

34. Internal Audit

(1) A regional government shall provide for an internal audit department.

(2) The head of the internal audit department shall prepare quarterly audit reports and shall submit them to the regional assembly giving a copy to the Minister and Auditor General

35. Regional contracts committees

(1) There shall be a regional contracts committee in each region.

(2) A regional contracts committee shall comprise five members nominated by the regional chief executive officer from among the public officers of the regional government and approved by the Secretary to the Treasury.

(3) Where practicable, the regional contracts committee shall include a State Attorney nominated by the Solicitor General.

(4) Members of the regional contracts committee shall be appointed with due regard to their technical competence and skills for the discharge of the functions of the regional contracts committee.

(5) Members of the regional contracts committee shall hold office for three years and shall be eligible for reappointment for only one more term.

(6) The quorum at any meeting of the regional contracts committee is three.

36. Functions of regional contracts committee

A regional contracts committee shall, in respect of the regional government perform the functions specified in sections 28 and 29 of the Public Procurement and Disposal of Public Assets Act, 2003.

37. Procurement and disposal unit

(1) Every regional government shall have a procurement and disposal unit staffed at the appropriate level and shall be headed by a procurement officer who shall be the Secretary to the regional contracts committee and who shall have no right to vote at a meeting of the regional contracts committee.

(2) The functions of the procurement and disposal unit shall be as specified in sections 31 and 32 of the Public Procurement and Disposal of Public Assets Act, 2003

38. Regulation of procurement and disposing-entities at the region by the Public Procurement and Disposal of Public Assets Authority

The Public Procurement and Disposal of Public Assets Authority under the Public Procurement and Disposal of Public Assets Act, 2003, shall regulate the functions of the procuring and disposing entities of the regional government, with a view to ensuring that the same standards are maintained as with procurement for the Central Government; and accordingly, the Public Procurement and Disposal of Public Assets Act shall, with the necessary modifications, apply to the procuring and disposing entities of a regional government.

39. Certain officers not to qualify to be members of Regional contracts committee

The regional chief executive officer and head of finance of a regional government shall not be qualified to be members of a regional contracts committee.

40. Reports of regional contracts committee

(1) Every regional contracts committee shall, publish regional quarterly summary reports of all procurements made by it during the quarter concerned containing such particulars as may be prescribed by regulations made under section 61.

(2) Every regional contracts committee referred to in subsection (1) shall give a copy of the published quarterly report to the regional assembly for which the procurement was made, the Permanent Secretary of the ministry responsible for regional governments and the Public Procurement and Disposal of Public Assets Authority.

41. Delegation of powers of contracts committee

(1) A regional contracts committee may recommend to the Accounting Officer to delegate any of its functions of procurement to a user department or a district contracts committee within the region.

(2) The Accounting Officer shall be responsible for supervising the operation of a user department or a district contracts committee to which procurement functions of the committee have been delegated under subsection (1).

(3) A user department or district contracts committee to which procurement functions have been delegated shall, from time to time, submit to the Accounting Officer reports containing such information as may be prescribed by regulations.

(4) In this section “user department” means any department, division, branch or section of the procuring and disposing entity, including any project unit or community groups working under the authority of the procuring and disposing entity, which initiates procurement and disposal requirements; and is the user of the requirements and includes such other body or bodies as may be prescribed by regulations made under section 61

(5) For the avoidance of doubt the Minister may make regulations under section 61 for the purposes of subsection (4).

42. Regulations concerning procurement

(1) Without prejudice to the general effect of section 61, the Minister shall, under that section prescribe such sanctions for the contravention of the provisions of this Act or of regulations made under this Act relating to procurement as may be necessary for ensuring due compliance with this Act or with the regulations.

(2) The Minister may, without prejudice to the general effect of subsection (1), for the purposes of that subsection prescribe in connection with a contravention referred to in that subsection—

- (a) a penalty not exceeding a fine of one hundred and twenty currency points or imprisonment not exceeding five years or both;
- (b) a higher penalty for a second or subsequent contravention;
- (c) a penalty not exceeding fifty currency points in respect of — each day on which the contravention continues; —
- (d) a requirement that a court which convicts a person of a contravention referred to in subsection (1), orders the forfeiture to the state of anything in connection with which the contravention was committed or derived from the contravention; or
- (e) a requirement that the court shall order the person convicted to pay compensation to any council which has suffered any loss as a result of the contravention.

(3) The Minister may, also by regulations prescribe in relation to the contravention of any of the provisions of this Act or regulations made under this Act relating to procurement, disciplinary penalties as follows—

- (a) in respect of minor omissions, commissions and non-compliance specified in the regulations, a severe reprimand from the Accounting Officer;
- (b) in respect of breach of the law involving major omissions, commissions and non-compliance specified in the regulations, interdiction for a period not exceeding six months from office with half pay;
- (c) in respect of breaches of the law involving grave omissions, commissions and non-compliance specified in regulations, dismissal from the Public Service and where necessary criminal proceedings at the instance of the Accounting Officer through the Director of Public Prosecutions; and

- (d) dissolution of the contracts committee in lieu of, in addition to, any of the foregoing.

(4) Any regulations to be made by virtue of this section shall be made after consultation with the Minister responsible for finance.

43. Use of district contracts committee of a district in the region. Where in the case of any regional government, there is for the time being no regional contracts committee appointed, the Secretary to the Treasury may, in consultation with the Permanent Secretary of the Ministry allow the regional government to use the services of a district contracts committee in the region.

PART VI—REGIONAL GOVERNMENT ELECTIONS.

44. Electoral Commission to organise regional assembly elections.

(1) The Electoral Commission shall organise, conduct and supervise election of the regional chairperson and members of a regional assembly of a region.

(2) The representative of youth shall be elected in a manner prescribed by regulations made by the Minister in consultation with the Electoral Commission.

(3) The representative of persons with disabilities shall be elected by an electoral college of representations of such persons from each district in the region in a manner prescribed by regulations made by the Minister in consultation with the Electoral Commission

45. Returning officers.

(1) The Electoral Commission shall, by notice published in the *Gazette* and local media, appoint a returning officer for each region.

(2) A person appointed returning officer shall be a person of high moral character and proven integrity.

(3) A returning officer may resign office by writing under his or her hand addressed to the Electoral Commission.

(4) A returning officer may be removed from office by the Electoral Commission where he or she—

- (a) is incapable of performing his or her duties under this Act by reason of illness or physical or mental infirmity;
- (b) is incompetent;
- (c) is proved to be partial in the performance of his or her duties under this Act,
- (d) is proved to have behaved in a corrupt manner in relation to his or her duties as returning officer.

(5) Where the office of returning officer becomes vacant, the appointment of a returning officer for the relevant region shall be made within fourteen days from the date the Electoral Commission is informed of the vacancy

46. Assistant returning officer.

(1) Every returning officer shall, upon his or her appointment, appoint in writing an assistant returning officer who is qualified as a voter and resident in the region, and notice of the appointment shall be forwarded to the Electoral Commission and publicised in the region and the *Gazette*

(2) A returning officer may delegate any of his or her duties to the assistant returning officer.

(3) An assistant returning officer may be removed from office by the relevant returning officer on the grounds stated in section 45(3).

(4) Where the office of returning officer falls vacant, the assistant returning officer shall act as returning officer until a substantive holder is appointed; and the assistant returning officer shall vacate office if the person appointed returning officer appoints another person to be assistant returning officer.

47. Polling stations.

(1) The polling stations established for the purposes of a general election shall apply for the elections of directly elected members of the regional assembly.

(2) In the case of representatives of the youths and persons with disabilities under section 16, the Electoral Commission shall establish a polling station at the headquarters of the regional government.

48. Presiding officer.

(1) A returning officer—

- (a) shall appoint one presiding officer and three polling assistants for each polling station;
- (b) may for good cause, at any time before or during the polling day, replace any presiding officer or polling assistant;
- (c) may appoint four counting officers to assist in tallying the votes cast by the voters on polling day.

(2) Where the presiding officer dies or is unable to discharge his or her duties on the polling day, the returning officer may appoint another person and where it is not possible, the eldest of the three assistants shall act as the presiding officer.

49. Voters registers and rolls

The voters registers and rolls maintained under the parliamentary elections law or any other voters registers or rolls maintained under any other law relating to general elections in Uganda shall apply to the elections of regional chairpersons and members of assemblies of regional governments.

50. Notice of election day.

The Electoral Commission shall issue a public notice which shall be published in the *Gazette* and the public media appointing a day or days on which elections of all or a category of regional government assemblies or shall take place.

51. Demarcation of electoral areas. —————

(1) The demarcation of electoral areas shall ensure that every county in a region is represented at the regional government and that no county shall be subdivided for the purposes of adding a part of it to another county.

(2) Despite subsection (1)—

- (a) whenever there are more women seats than counties in the region, the electoral areas for women representatives derived from subsection (1) the Electoral Commission may subdivide counties using a population quota determined by the Electoral Commission; or
- (b) whenever there are less woman seats than counties in the region, the electoral areas for women representatives derived from subsection (1) the Electoral Commission may bring together two or more counties using a population quota determined by the Electoral Commission.

52. Application of provisions of the Parliamentary Elections Act and Local Governments Act

For the election of the regional chairperson and the directly elected representatives of the regional assembly other than the representatives of women, the representatives of the youth and representatives of persons with disabilities, the Electoral Commission shall apply with such modifications as it may consider expedient the provisions of the Parliamentary Elections Act, 2005 and the Local Governments Act.

PART VII—MISCELLANEOUS

53. Land

(1) A regional government may establish a regional land board whose functions may include the following—

- (a) coordination and monitoring of land use in the region;

- (b) planning of land use in the region; except that if there is a conflict between regional land planning and Central Government land planning, the latter shall prevail

(2) A regional land board shall consist of—

- (a) all chairpersons of the district land boards in the region;
- (b) an equal number of members appointed by the regional government.

(3) A regional land board shall nominate one person to represent it on each district land board in its region.

54. National cultural heritage sites

(1) The Minister shall in consultation with the Minister responsible for culture, cause to be identified the national cultural heritage sites in a region.

(2) When identified under subsection (1) Parliament shall cause a list and particulars of the national cultural heritage sites to be published in the *Gazette*.

(3) The Minister may, after the publication of the list of national cultural heritage sites, by regulations made with the approval of Parliament, provide for the ownership and management of the cultural sites.

55. Take over of regional government by President

(1) Where—

- (a) the High Court determines that there is failure to comply with the requirements of section 13;
- (b) the regional government so requests and it is in the public interest to do so;
- (c) a state of emergency has been declared in the region or in Uganda generally; or

- (d) it has become extremely difficult or impossible for the regional government to function;

a regional government shall be liable to a take-over of its administration by the President in a manner similar to the take-over ~~of administration of a district under article 202 of the Constitution.~~

(2) In the circumstances described in subsection (1), the President may, with the approval of two thirds of the members of Parliament, assume the executive and legislative powers of the regional government.

(3) The exercise by the President of the power to assume the executive and legislative powers in subsection (2), may be done through such persons or officers as the President may appoint; and the legislative functions shall be exercised by making statutory instruments.

(4) Where the President assumes the exercise of the legislative powers of a regional government under this section, the President shall have no power to make laws on cultural matters as defined in section 20.

(5) Unless approved by Parliament for a longer term, the exercise by the President of the power to take over shall be for a period not exceeding ninety days.

(6) Upon the expiry of the term under subsection (5)—

- (a) the President shall hand back the administration of the region to the incumbent regional government; or
- (b) if Parliament decides that the prevailing circumstances still make it impossible for the incumbent regional government to resume the administration of the region—
 - (i) where the unexpired term of the regional assembly is longer than twelve months, the President shall cause elections to be held for a new regional assembly within sixty days; or

- (ii) where the unexpired term of the regional assembly is less than twelve months the President shall continue to administer the region until the next elections are held.

56. Remuneration

(1) A regional chairperson, a regional Minister, a regional chief executive officer, a Speaker of a regional assembly and members of a regional assembly shall be paid such remuneration as approved by the Minister in consultation with the Minister responsible for public service and the Ministry responsible for finance.

(2) The remuneration referred in subsection (1) shall be charged on the Consolidation Fund.

57. Oaths

The regional chairperson, speaker, members of the regional assembly and regional ministers shall not assume the duties of their office unless they have taken and subscribed the oath prescribed in relation to the office by regulations.

58. Commencement of regional governments

Regional governments shall commence on 1st July, 2006.

59. Disqualification of public servants

A person is not qualified to be a regional chairperson or a member of a regional assembly or a regional Minister if that person is a public officer or a person employed in any government department or agency of the government or an employee of a local government or any body in which the government has a controlling interest.

60. Persons not to hold two political offices

A person shall not hold a political office in a regional government at the same time as holding a political office in the central government or a local government.

61. Minister's power to amend Schedule

The Minister may by statutory instrument made with the approval of Cabinet amend the Schedule to this Act.

61. Regulations.

(1) The Minister may by statutory instrument make regulations for the better carrying into effect the provisions of this Act.

(2) Without prejudice to the general effect of subsection (1), the regulations made under that subsection may—

- (a) prescribe forms that may be used for the purpose of this Act;
- (b) prescribe any fees that may need to be paid in respect of anything to be done under this Act
- (c) prescribe in relation to any contravention of the regulations—
 - (i) a penalty not exceeding forty eight currency points or imprisonment not exceeding two years or both; or
 - (ii) a higher penalty for a second or subsequent offence;
- (d) appoint a date for the first meeting of the regional assembly after a general election.

Bill No. 20

Regional Governments Bill

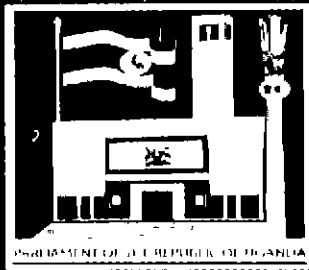
2009

SCHEDULE

CURRENCY POINT

Section 1, 60

Currency point is equivalent to twenty thousand shillings



BRIEF

DEPARTMENT OF RESEARCH SERVICES

THE LEGAL STATUS OF REGIONAL GOVERNMENTS IN UGANDA

For:

Hon. Mukitale Birahwa Steven

MP, Bulisa Constituency

FEBRUARY 2018

Authors: Esther Tumugye and Peter Akintola Othman

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There is no clear definition for the term “city” and definition differs from country to country. However, cities may be defined as a set of people and firms linked by economic and social relations in a tight web of physical connection and communication. Such areas often have significant population density and self-government, and possess distinct administrative, economic and geographical boundaries.

Uganda currently has a single city, Kampala, which is also the administrative capital of the country. In addition, there are regional administrative centres, located in some of the older towns in the respective regions of the country i.e. Gulu, in the Northern region; Mbale, in the Eastern region; Mbarara, in the Western region; and Arua, in West Nile region. Some government departments and agencies have established regional offices in these administrative centres as a means of getting services closer to the regions. In 2015, the government approved the upgrade of the 4 regional administrative centres of Arua, Gulu, Mbale and Mbarara into regional cities. In addition, the NDP II and Vision 2040 propose the establishment of 5 strategic cities in Hoima, for oil and gas; Nakasongola, industrial; Fort Portal, tourism; Moroto, mining and Jinja, industrial. Plans are underway to operationalise the same.

In December 2009, the Executive tabled before Parliament the Regional Governments Bill, 2009, which was read for the first time and referred to the Parliamentary Committee on Local Governments. Uganda’s proposed regional tier system of government was a response to demands from certain regions of Uganda for a federal system of government, including Buganda and Busoga. However, the law was shelved and been on Uganda’s law books for over a decade, pending an enabling law by Parliament.

In the past, the government has undertaken initiatives aimed at creating parity among regions and redressing challenges of equitable distribution

of resources. For example, regional ministries have been created for Karamoja, Bunyoro, Luweero Triangle and Northern Uganda. In addition, programmes have been targeted towards specific areas address challenges of equitable distribution of resources e.g. Northern Uganda Social Action Fund (NUSAF), Peace, recovery and development programme for northern Uganda (PRDP), Karamoja Integrated Development Programme (KIDP) and Karamoja Integrated Disarmament and Development Programme (KIDDP). While these initiatives and programmes have been established, the extent to which they have addressed the challenges of equitable distribution of resources cannot be verified.

2.1 THE LEGISLATIVE FRAMEWORK

2.1.1 The Constitution of Uganda:

a. Constitutional Mandate:

The Constitution of Uganda as amended in 2005, under Article 178, allows two or more districts to cooperate to form a regional government to perform the functions and services specified in the Fifth Schedule to the Constitution. This requires a resolution by a two-thirds majority of the district councils of each district approving the proposal to join the regional government.

Clause (3) of Article 178 presumes that the districts of the five regions of Buganda, Bunyoro, Busoga, Acholi and Lango have agreed to form regional governments for the purposes of the article, and at clause 4, proposed headquarters of each region are named, subject to Parliament creating them.

Each regional government will have a regional assembly, with powers to legislate on matters within the region. A regional government shall be a body corporate with power to sue and be sued and will be the highest

political authority in its region with political, legislative, executive, administrative and cultural functions in the region.

b. Functions and Services of Regional Governments:

The Fifth Schedule of the Constitution details the functions and services of the regional governments. It allows each one to adopt its own name and for a regional assembly composed of representatives directly elected at elections conducted by the Electoral Commission. The assembly will include representatives of women, youth and persons with disabilities, as well as representatives of indigenous cultural interests where there is a cultural leader. The assembly elects a speaker with roles similar to the Parliament speaker.

Paragraph 4 of the Fifth Schedule establishes the office of regional chairperson; a directly elected citizen by birth qualified to be a Member of Parliament and aged not less than thirty-five years. He/she will adhere to and perform the cultural functions and rites required by his or her office where applicable, while also being the political head of the regional government. There will be regional ministers and the regional governments shall cooperate with ministries of the Central Government and the President's Office.

Where a traditional leader or cultural leader exists in a region, he/she shall be the titular head of the regional government and shall open, address and close assembly sessions. He also appoints up to 15 percent of the assembly.

The Functions and services of regional governments include responsibility for secondary and tertiary education institutions except national universities; regional roads and hospitals; agriculture; forests, (except those managed by government), water and sanitation. District councils may choose to surrender some of their functions and services to the regional assembly.

The regional government shall receive copies of financial accountability from districts to the Central Government in order to monitor their performance.

c. Land management

A regional government may establish a regional land board to plan, coordinate and monitor land use in the region.

d. Financial allocation for the regional governments

Government shall create a formula for the allocation of unconditional grants to regional governments, in line with the Seventh Schedule to the Constitution, the advice of experts and in consultation with regional governments.

e. Recognition of cultural diversity and equitable distribution of resources

Each regional government must respect the different cultures existing within the region and ensure equitable distribution of resources.

d. Takeover of regional government by President

The law allows the takeover of the regional government by the president were the High Court determines that the requirement on equitable distribution of resources was not complied with. Takeover can also be done under conditions specified by law. Parliament must approve the takeover and the period should not exceed 90 days, unless parliament approves a longer term.

2.1.2 Enabling Law:

Article 206 of the constitution enjoins Parliament to make enabling laws to give full effect to the chapter on local governments. Article 178 (13) of

the Constitution states that regional governments were meant to commence on July 1st, 2006. In December 2009, government tabled before Parliament the Regional Government Bill 2009, but it was also shelved up to now.

2.1.3 THE REGIONAL GOVERNMENTS BILL 2009

The Regional Governments Bill 2009 provided for the establishment of regional governments, their functions, leadership, composition of the regional assemblies, and to require cooperation with the central government, among others. The bill is in line with Article 178 and the Fifth Schedule of the Constitution, with many sections that mirror the constitutional provisions.

Section 5 allows regional governments to make development plans for the region. Section 13 enjoins the regional governments to recognise the cultural diversity in the region and ensure equitable distribution of resources, based on a formula to be worked out by the Central government in consultation with the regional governments. Failure to do so can lead to takeover by the president.

Laws made by the regional assembly must be sent to the attorney general and minister in charge to confirm that they comply with the national laws.

A regional chief executive appointed by the national Public Service Commission would be the administrative head and accounting officer for the region. He/she acts as a liaison with the central government.

Part 5 of the law covers the financial provision for the regional governments, whereby funds shall be provide based on calculations by experts. These grants may change depending on dynamics like social economic changes and population. Section 28 (6) stipulates that the government will determine appropriate sources of revenue for each

regional government, including fees, rates, levies and loans. However, Section 31 prohibits withdrawal from the account without approval of the Auditor General.

The law provides for a regional contracts committee and the application of the public procurement and disposal of assets laws (Sections 35-43) in the business of the regional governments.

Land management is provided for under sections 53, with emphasis that where there is conflict between the regional and central government land planning, central government shall prevail.

Chairpersons of district land boards shall be members of regional land boards, alongside an equal number of members appointed by the regional government. The regional land board shall be represented on each district land board.

Section 55 explains the modalities for takeover of a regional government, while Section 61 gives the Minister power to amend the schedule to the Act. The Minister may also make regulations for better implementation of the Act.

2.2 PROSPECTS AND CHALLENGES OF REGIONAL TIER AS A TOOL FOR EQUITABLE DISTRIBUTION OF RESOURCES

The regional governments model as presented in the Constitution and the Regional Governments Bill 2009, with a municipality as its headquarters, does have potential for improving equitable distribution of resources in Uganda.

2.2.1 Potential Advantages of Regional Governments:

Below are some potential advantages of the regional governments system.

1. **Autonomy:** The measure of autonomy would be an advantage to the region. The system is less restrictive than district local governments in

terms of control of resources such as forests, rivers, land, among others.

2. **Control over institutions:** The opportunity to be in charge of some of the education institutions and the regional health institutions would enable the regions to plan and supervise them better than the central government and district structures are deemed to at the moment. They could also partner directly with international aid partners to improve service delivery and consumables such institutions.
3. **Increased accountability:** The cultural leader as a titular head with powers to appoint 15% of members of the regional assembly is presumed to have the interest of his/her subjects at heart, compared to some district authorities. Based on this premise, it is believed that they (either as titular heads or through the representatives on the assembly) would better prioritise the needs of the communities in terms of resource allocation and have greater motivation to hold the corrupt and errant district authorities accountable.
4. **Subventions from Central Government:** Finances (unconditional grants) would still be allocated from the consolidated fund, according to a formula to be decided by government with Parliament approval and with consultation of the regions. Any delays in remittances could affect development plans of the region.
5. **Revenue Generation:** Although the regional governments would not be allowed to levy taxes, they are allowed to raise revenue using mechanisms that would be acceptable.
6. **Resource management:** There are advantages of several districts jointly coming together to commonly manage and plan for development, especially where there are natural resources (such as rivers, lakes, wetlands, forests) that stretch beyond district boundaries and previously caused squabbles between districts.
7. **Control over land management and development:** Land allocation, monitoring and development is another area that the

regional government could utilise to raise finances and also to build infrastructure and develop the area for the benefit of the people.

2.2.2 Potential Challenges of the Regional Governments System:

Despite the advantages, there are likely pitfalls with the regional government system and these are outlined below:

1. **Allegiances to electorate:** The fact that a majority of the Regional Assembly and the chairperson are elected under universal suffrage could be both an advantage and a hindrance. The same political challenges faced by districts may still recur at regional government level.
2. **Limited control of resources:** Certain aspects that are critical to development are reserved for the central government, in terms of policy and implementation, and this may prove to be a hindrance for some regional governments. For example management of forest reserves and national parks which are big sources of revenue, including foreign exchange, stays under the authority of the central government. Moreover, the central government is to determine the appropriate sources of revenue for the regional governments.
3. **Rejection by regions:** The regional tier system has been roundly rejected by the biggest region in Uganda, Buganda, as well as some others which express doubt about the model. Some have observed that this is the reason an enabling law has never been enacted, and without the law, the system cannot come into force.
4. **Potential disagreements within regional governments:** There is potential for the regional governments to be fractious unions of districts (the proverbial feet of clay), given that the districts are at liberty to choose either to belong or opt out of the regional government. This means that there is no guarantee that a regional government formed today would hold together forever. This can lead

to political and cultural quarrels, as well as limiting development plans.

5. **Cultural Tensions:** The pre-eminence of a cultural leader as titular head in the regional assembly and government could give rise to cultural tensions in regions that are ethnically diverse.
6. **Presidential takeover:** The laws give the central government power to take over a regional government that is judged to fail on equitable distribution of the resources to its people. This could ensure all round development, but there is potential that the failure of the regional government can be influenced or engineered, leading to the sanctioning of a takeover.

2.3 Creation Of Regional Cities:

2.3.1 Basic Requirements for Creation of City:

It is expected that Uganda's population in cities will have reached 20 million by 2040. Kampala alone is projected to become a mega-city of more than 10 million by 2030. In 2015, Uganda's Cabinet approved the upgrade of the 4 regional administrative centres of Arua, Gulu, Mbale and Mbarara into regional cities. In addition, the NDP II and Vision 2040 propose the establishment of 5 strategic cities in Hoima, for oil and gas; Nakasongola, industrial; Fort Portal, tourism; Moroto, mining and Jinja, industrial. There are plans underway to operationalise the same.

The basic requirements for creation of a city differ across countries. In Uganda, the following are the basic requirements for creation of a city:

a. Resolution to establish a city:

The councils of existing administrative units (such as municipal and councils) should resolve to form a city as requirement for the decision to be taken. These resolutions have to be made in conformity with existing regulations and guidelines and should be supported by minutes of the

meeting(s) unanimously agreeing that administrative unit be elevated to a city status.

b. Population quota:

The Local Government Act Cap 243 sets a precondition that an administrative unit to be demarcated as a city should have a population of approximately 500,000 inhabitants. However, the population requirement has since been reviewed to 300,000 - 350,000 inhabitants as few municipalities met this population.

c. Possession of Master Plan:

The administrative unit should possess a Master Plan that presents comprehensive land-use plans for the area both for current and future development purposes.

d. Capacity to meet cost of delivery of services:

The administrative unit should have adequate revenue streams to meet the cost of running its administrative functions, delivering services to the population and sufficient water sources. In addition, the city should be able to meet at least 50% of the cost of its projects.

2.3.2 Benefits of creation of a city:

Cities have varying roles, both locally and globally. The creation of a city would lead to several benefits as enumerated below:

a. Supply of good 'quality of life':

Locally, cities ideally provide a set of services and products that are needed by their residents and for which these residents would contribute directly or indirectly. Creation of cities permits supply of a good quality of life for the city's current and future residents. This quality of life is

reflected in the services and goods that city residents are able to access including transportation, entertainment, health services, education etc.

b. Enlargement of Local Economies:

Formation of cities allows local economies to benefit from increased and wider consumption of goods and services and this promotes expansion of local economies. In cities, there is a concentration of high-earning individuals, with high consumptive powers that can support local economies that provide various goods and services. There exists a marked difference in purchasing power between consumers in cities and those in rural areas due to the higher incomes of city dwellers.

c. Proximity to services:

People are drawn to cities where there exists a concentration of services including employment, education, entertainment and accommodation. In addition, cities bring people close enough to share each other's company, culture and ideas.

d. Creation of markets for firms and individuals:

The creation of cities closes the gap between the producers or suppliers and consumers, thereby facilitating the spread of a particular good or service. Cities take advantage of diversified consumers and inputs, generate innovation, and push forward social progress.

e. Increased subventions from the central government:

The establishment of a city would lead to creation of administrative units within the city, at the level of municipalities. These administrative units would receive increased funding from the central government to facilitate service delivery to the city residents e.g. construction of city roads, schools and health centres and garbage collection etc. The Ministry of Finance estimates that a newly created city would require at least UGX 59.25 billion in the first year of its existence as compared to a new district

which would require UGX 16.63 billion. These funds would be used for instance to build and operate offices, set-up and run the service commission, pay salaries and gratuity for political leaders and salaries, allowances and gratuity for staff.

f. Employment opportunities:

The establishment of a city would lead to creation of more administrative units, called divisions, which would provide employment for many individuals. In addition, businesses and investors would be attracted to the new area, leading to opportunities in the private sector for both locals and other immigrants.

Uganda's proposed regional tier system of government was proposed in response to demands for a federal system of government. However, because the law has never been operationalised, this system of government is yet to be tested.

The proposal to upgrade regional administrative centres, into regional cities is long overdue as a measure bring the services closer to the regions. Despite the benefits that come with cities, there are certain pitfalls that need to be addressed to ensure that sustainable cities. The establishment of cities attracts many residents, from the rural areas, and those that fail to get jobs and do not have money to sustain themselves in town contribute to the creation of slums. In addition, there are other challenges including crime, natural disasters, environmental degradation, and poverty in the cities.

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