

The London School of Economics and Political Science

**State effectiveness and the politics of urban  
development in East Africa**

**A puzzle of two cities, 2000-2010**

**Tom Goodfellow**

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## **Declaration**

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## **Abstract**

East African states in the 21<sup>st</sup> century face the challenge of some of the highest rates of urban growth the world has ever seen. Cities are expanding despite low levels of industrialisation and formal employment, in contexts where states often struggle to fulfil basic functions. This thesis aims to bridge a gap between the literature on cities and urban development and scholarship pertaining to the role of the state in developing countries, to explain why responses to the urban challenge are producing widely diverging outcomes in the region. Through a comparative case study analysis of Kampala, Uganda and Kigali, Rwanda, it analyses why attempts to implement certain urban policies and regulations have been much more effective in the latter than the former. It explores this divergence in relation to four critical aspects of urban transformation: physical development (urban planning and development regulation), livelihoods in the informal economy (with a particular focus on petty trade), urban public transport, and urban local taxation.

Most explanations for poor state performance focus on capacity, usually defined as bureaucratic competence. This study argues that this is inadequate, and that state effectiveness is highly dependent on the political context and the incentives for enforcement and compliance affecting state actors and urban social groups respectively. Through a process-tracing analysis drawing on six months of fieldwork, it highlights the importance of the credibility of government commitments, the sources of state legitimacy, the autonomy of different components of the state vis-à-vis social forces, and ingrained social power relations. It argues that these factors affect the degree to which formal state institutions are supported by (rather than conflicting with) informal norms. These state-society dynamics proved far more important than bureaucratic capacity in accounting for divergent state effectiveness with regard to implementing urban policy in the two cities under consideration.

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## Acronyms

### Uganda

CAO	Chief Administrative Officer
DP	Democratic Party
GT	Graduated Tax
IGG	Inspector General of Government
KCC	Kampala City Council
LGA	Local Government Act
LST	Local Service Tax
MoLG	Ministry of Local Government
NAFEBO	National Federation of <i>Boda-bodas</i>
NEMA	National Environmental Management Authority
NRA/NRM	National Resistance Army/National Resistance Movement
PSV	Public Service Vehicle License
RDC	Resident District Commissioner
UGX	Ugandan Shillings
UTODA	Uganda Taxi Operators and Drivers Association

### Rwanda

ASSETAMORWA	Association de l'Esperance de Taxi-Motos au Rwanda
ATIMIMORWA	Association of Mini-Motos
ATRACO	Association pour le Transport en Commun
CoK	City of Kigali (Kigali City Council)
CSR	Caisse Sociale de Rwanda (National Social Security Fund)
EDPRS	Economic Development and Poverty Reduction Strategy

GoR	Government of Rwanda
KVCS	Kigali Veterans Co-operative Society
LTR	Land Tenure Regularisation
MINECOFIN	Ministry of Finance and Economic Planning
MININFRA	Ministry of Infrastructure
MINALOC	Ministry of Local Government
OLL	Organic Land Law
ONATRACOM	Office National de Transport en Commun (Rwanda)
REMA	Rwanda Environmental Management Authority
RHB	Rwanda Housing Bank
RIT	Rental Income Tax
RPA/RPF	Rwandan Patriotic Army/Rwandan Patriotic Front
RRA	Rwanda Revenue Authority
RURA	Rwanda Utilities Regulatory Agency
RWF	Rwandan Francs

### **General**

CBD	Central business district
DFID	Department of International Development (UK)
EIA	Environmental Impact Assessment
LTO	Large Taxpayers Office
PT	Property Tax
TL	Trading License
UPT	Urban public transport
URT	Urban regime theory
USD	United States Dollars

## Prologue

It is September 16<sup>th</sup> 2008 in Wandageya, a bustling neighbourhood in Kampala. Wandageya, a triangle of land between main roads, is a multi-purpose hub of commercial activity. Backing onto a fresh fruit and vegetable market, this triangle is also a transport terminal crammed with taxis and *boda-boda* motorcycle-taxi drivers idly awaiting customers. Vendors fringe the muddy, pot-holed space, selling goods from shoes to chicken roasting on the spit. Dotted between them are small kiosks selling mobile phone credit, sugar cane juice and electronic goods. The area is strewn with rubbish, and in the rainy season the area becomes swampy and waterlogged. At these times water infused with waste all too easily mingles with the chicken being turned just a few feet off the ground. To make matters worse, sometimes the sewage pipes coming from the neighbouring slum of Katanga burst, with raw sewage joining the rainwater. In recent years this has been thought to be the starting place of cholera outbreaks that plague the city. If the area was not almost entirely unplanned, resulting in the blocking and building over of drainage and other infrastructure, this might be avoided.

On this day in September, a team of city law enforcers from Kampala City Council has arrived in Wandageya to remove the kiosks that have been built illegally in the road reserve. They have previously issued several warnings and the operation has been approved by the local police commander. At around 10am they descend, removing the kiosks and loading them onto a truck to ferry them away. However, at around 12.30pm the Inspector General of Police, Major General Kale Kayihura – the most senior policeman in Uganda – arrives at the scene in person. Kayihura orders the officers overseeing the procedure to stop immediately. He says that the operation is causing a traffic jam, demands that the removal exercise be halted and kiosks be put back. Some of the vendors weep before Kayihura in gratitude. Despite the subsequent protestations of the city government that their clean-up exercise has been completely undermined, life in Wandageya continues as normal.

Some months later, a fight breaks out in a nearby neighbourhood between a group of City Law Enforcers attempting to remove illegal street vendors and a group of Traffic Police who intervene in the vendors' defence. Initially the City Law Enforcers overcome the traffic officers, and speed off to escape in their vehicle. However, their path is soon blocked by a group of *boda-boda* drivers who form a barrier across the road. They have joined the cause of the vendors, as have a growing number of police officers arriving at the scene. The City Council men are soon outnumbered, and one of them is badly beaten by the policemen and *boda-boda* drivers, who are now acting in concert in an attempt to lynch him.<sup>1</sup>

How does government in a city become so dysfunctional that the chief of police intervenes specifically to protect people breaking the law? How do the different arms of government become so mal-coordinated that two sets of law enforcers virtually kill one another? And how do police officers come to side with the city's most notorious outlaws, the *boda-bodas*, against the Council's law enforcers? These incidents, far from unusual in Kampala, illustrate that it is a city of what Ugandans call 'untouchables': people protected from the state by actors who are able to offer this protection by virtue of their own state authority. The question is why, and how, this situation came about.

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It is 2003 in Nyarugenge, the heart of the Rwandan capital Kigali. The area around Nyarugenge central market is chaotic; the city population is bustling about on bicycles, *taxi-motos* (motorcycle-taxis) and *matatus* (minibuses). In the words of one observer it is as if the entire city population 'decided to take to the street at the same time'. Rotting garbage lines the nearby streets, which are also thronged with vendors, beggars and orphans, the latter a reminder of the country's terrible history. Those who cannot afford transport costs walk to work in and around the

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<sup>1</sup> Sources for this account include: Interview, Sabiti Makara, Senior Lecturer in Political Science, Makerere University, Kampala, 23 September 2009; *The New Vision*, 17 September 2008; *Daily Monitor*, 26 September 2008; *The New Vision*, 16 February 2010.

market from the nearby slums such as Ubumwe, a shantytown crammed onto a hillside minutes from the Nyarugenge market.

Fast-forward seven years to 2010. Urban growth has continued at an astonishing rate and the city's population has more than doubled, now standing at over a million. Yet it no longer feels as if all its residents have taken to the streets. The city is described as one where relative calm prevails even on busy weekdays, and the 'chaotic *matatu* cacophony' characteristic of most East African cities is absent. It has recently won a UN award due to achievements in relation to cleanliness and public order. In Nyarugenge, the marketplace has gone; in its place stands a multi-storey structure that will house 340 parking spaces and 420 shops. All the kiosks that once fringed the market have been removed. There are now virtually no vendors on the streets nearby, or indeed anywhere in the city.

Any street hawkers that do remain are hunted relentlessly by the state's law-enforcers. The city authorities have tracked all illegal vendors and are encouraging them to form co-operatives and find legal outlets to sell their goods. This is not easy now that Kigali's formal marketplaces and shops are already oversubscribed. However, if the police catch you vending on Kigali's streets, one vendor explains, they will confiscate your produce and may even imprison you. 'We are trying to make a living...how will we survive?', says another. Here, unlike in Kampala, no-one intervenes in their favour. On the contrary, they spend much of their day literally on the run from a tightly coordinated web of state authorities.

Meanwhile, the Ubumwe slum that housed many of them has vanished. Bulldozers flatten the earth to make way for paved roads zig-zagging across the hillside, and modern infrastructure that had been entirely absent – electricity, sewerage, fibre-optic cables – is being laid for a new central business district: the heart of the new city Master Plan. On the surrounding streets, bicycles have been banned and the *taxi-motos* are regimented in green helmets and uniforms stamped with their unique registration number. Far from being seen as outlaws like Kampala's *boda-*

*bodas*, they regularly plant trees, clean city streets and play a central role in maintaining Kigali's low crime rate.<sup>2</sup>

What kind of political circumstances fostered this transformation? Why are state actors implementing these new plans and regulations so rigorously and why is there no-one taking the side of groups disadvantaged by the change? In Kigali there appear to be no 'untouchables', and the state is not available as a tool for manipulation against itself. The question is: why not?

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<sup>2</sup> Sources for this account include: interview with street vendors, Kigali, 08.02.10; interviews with Rwandan officials and politicians, 2009-10; *Fontline World*, 7 March 2003; CoK 2007; *The Standard* (Kenya), 12 June 2010; *The New Times*, 24 June 2009; interviews conducted by Marion Warnica, *The Rwanda Initiative*, <http://www.rwandainitiative.ca/blog/?p=1529>, accessed 10.06.12.

## Chapter One

### Defining the research agenda

Rapid urban growth is one of the greatest challenges Africa faces in the 21<sup>st</sup> Century. Because most of the continent is still predominantly rural, acknowledgement of current and (especially) future development problems linked to urban growth and urbanisation on the continent has been slow. East Africa in particular is the least urbanised region in the world, and many international donors and NGOs working there barely have an urban programme to speak of; yet it is urbanising rapidly and has the highest urban growth rates of any region in the world (UNPD 2009; UN-HABITAT 2011).<sup>3</sup> The effective management of the urban transition is therefore more urgent here than anywhere else. Much of the urban growth is happening in the context of low levels of industrialisation, and cities are often unable to provide either jobs or basic services to their growing populations. Meanwhile global poverty itself is becoming increasingly urban (Ravallion et al. 2007: 92) and the living conditions of poor urban-dwellers are often abysmal (Hardoy et al. 2001; Davis 2006). In short, while African cities have generally been seen as sites of privilege and ‘urban bias’ (Lipton 1977; Bates 1981) leading to an under-estimation of urban poverty in recent decades (Satterthwaite 2003b; Marcus and Asmorowati 2006; Beall and Fox 2009), they now indisputably constitute a major development concern.

Governments are responding to this challenge in very different ways, producing starkly contrasting outcomes. The purpose of this study is to explain some of these differences. There has been a marked tendency to analyse African development issues in universalising terms that emphasise the ‘African’ dimensions of a problem, rather than looking at the differences in dynamics between similar countries (Booth

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<sup>3</sup> The distinction between urban growth and urbanisation is an important one, the former referring to the increase in absolute numbers of urban-dwellers and the latter to an increase in the proportion of the population in urban versus rural areas (Dyson 2010). The former is proceeding at a globally unprecedented rate; the pace of the latter on the continent as a whole is more contested (Potts 2009; Fox 2012; Potts 2012).

2011:3).<sup>4</sup> Analysing difference is critical if we want to understand the range of possibility for the development of states and cities in low-income countries and provide insights into how future outcomes could be shaped. The overarching purpose of this study is therefore to analyse the causal mechanisms behind differing trajectories of urban development between two countries that share many demographic, historical and socio-economic similarities.

Uganda has a higher percentage of slum-dwellers than all its neighbours according to some sources (SID 2008) and its capital has become renowned for shanty settlements prone to fatal flooding and cholera outbreaks (Mabasi 2009), as well as its pot-holed streets and crumbling infrastructure, crippling traffic congestion, public disorder and violent riots. One journalist captured the widespread despair at the state of the city when he wrote that ‘Kampala is a city in a mess – one sprawling garbage heap and slum.’<sup>5</sup> Kigali, meanwhile, has become the envy of the region: increasingly immaculately planned, orderly and fêted internationally as a ‘model, modern city’ by UN-HABITAT in 2008.<sup>6</sup> There is much to be critically interrogated in these depictions but they do correspond to some fundamental differences in the form urbanisation has been taking in two states at similar levels of both urbanisation and economic development, particularly since 2000. Indeed it was after the turn of the millennium that the sharp divergence between the two cities really emerged. Consequently, while historical dynamics are considered in some depth, the empirical core of this thesis is focused on the decade 2000-2010.

These glaring differences cannot be explained by poverty or economic growth: GDP per capita is very similar in both countries (marginally higher in Uganda), and economic growth rates have likewise been similar in recent decades.<sup>7</sup> Nor are these differences side-effects of major variance in economic structure: in both countries 70-80% of the population work in agriculture, with services contributing around half

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<sup>4</sup> A particularly notable example of this is Bates (2008), who goes so far in ‘continentalising’ the problems of African statehood that he writes as if *all* states in Africa have failed in recent years, and all for the same set of reasons.

<sup>5</sup> ‘Victimising KCCA, Police’, *The Independent* (Uganda), 17.02.12.

<sup>6</sup> <http://www.unhabitat.org/content.asp?typeid=19&catid=564&cid=5666>, accessed 27.04.11.

<sup>7</sup> World Bank <http://data.worldbank.org/>, accessed 24.03.12.

of GDP and industry just a quarter or less.<sup>8</sup> By and large, official policies on tackling urban development issues are also similar in the two states. What the observable divergence between the two cities does reflect is dramatic differences in the extent to which policies are actually *implemented*. This study argues that the explanation for this lies above all in domestic politics: in the differing machinations of power and the strategies and tactics of political and social actors that exist between the lines of policy documents, laws and grand plans.

A deeper understanding of how these cities are evolving – and indeed how all cities on the continent are evolving – therefore requires analyses of urban development that incorporate rigorous political analysis. Both now and in the future, dealing with urban development challenges will not simply be a matter of ensuring economic growth and ‘getting the policies right’. As spaces where large amounts of resources are accumulated, inequality is concentrated and civic difference is articulated, cities give rise to daily political struggles that condition how effective states are in relation to the policies they put in place to shape city development. It is well known that governments choose particular policies to serve political ends as well as developmental ones; but the extent to which they actually implement them can also be deeply political. This thesis is premised on the proposition that the politics of policy implementation and non-implementation is an important development issue in its own right.

The overarching question posed in this study is as follows: **Why is the implementation and enforcement of urban development policies and regulations more effective in Kigali than Kampala?** There is no literature explicitly addressing this question. Searching for potential explanations in pre-existing scholarship therefore requires exploring what the broader literature on cities and states in the developing world has to offer. This chapter undertakes a review of certain key bodies of literature, and in so doing highlights gaps the research aims to fill. The following two sections consist of a historiography of development thinking on urban challenges in low-income countries, followed by a consideration of some of the

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<sup>8</sup> World Bank indicators, <http://data.worldbank.org/indicator>, accessed 07.06.12.

relevant literature on the state and on urban politics. These sections highlight how interdisciplinary cross-fertilisation is necessary to answer the central question (a task taken up in more detail in Chapter Two). This is followed by an outline of the general argument of the thesis, and how it will add value to the field of Development Studies. A final section presents the thesis structure, with brief summaries of each subsequent chapter.

### **1.1 The political deficit in mainstream approaches to urban development**

Since the ‘development project’ began in the mid-20<sup>th</sup> Century,<sup>9</sup> the role of cities in development has been by turns hotly debated and virtually ignored. After being the focus of early efforts at import-substitution industrialisation, cities basically fell out of favour with the international development community in the 1980s (Rakodi 1997; Beall and Fox 2009). This was particularly evident in Africa, where structural adjustment and the increasing disillusionment with post-colonial states saw cities reframed as sites of privilege feeding off the countryside and impeding development, as theorised by Lipton (1977) and Bates (1981). Consequently the vast majority of development interventions since this time have been focused on rural areas, where most of the poor live in many developing countries.<sup>10</sup> However, if the 1960s and 70s were indeed the ‘halcyon days’ of city life in Africa (Bryceson 2006), by the 1980s this was dramatically changing (Amis 1989). Structural adjustment and the decimation of public formal employment represented a deliberate neglect of urban development and took a dramatic toll on cities (Mkandawire 2002; 2003; Potts 2007). Yet they continued to grow in Africa, fuelling concerns about ‘over-urbanisation’ on the continent (Fox 2012) and contributing to perceptions of urban crisis in the developing world more generally (Davis 2006).

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<sup>9</sup> By this I mean the conscious effort to assist low-income countries through international development assistance in the wake of the second world war and decolonisation.

<sup>10</sup> Agriculture was indeed neglected in the 1960s and 1970s, and this needed redressing. Yet the prescriptions emerging from the Bates critique, exemplified by the Berg report (World Bank 1981), largely failed to address agricultural underdevelopment in subsequent decades (Bezemer and Headey 2008), while at the same time actively promoting the neglect of cities (Beall and Fox 2009).

Despite a range of policy and academic approaches to the urban problem in recent decades, the literature reveals a surprising lack of political analysis in its treatment of urban development challenges. Moreover, the question of why many states have so severely failed to address these challenges remains largely unresolved and few analytical tools have been developed for explaining differences in development outcomes between cities in similar contexts. This section traces the evolution of urban development thinking over the past half-century, with a view to identifying what is missing in relation to answering the central research question.

### *From planning to management*

Around the time of Africa's 'independence decade' in the 1960s, urban planning was popular both among the governments of newly-independent countries and their international sponsors, reflecting a general faith in state planning globally at the time. Urban physical planning was seen as an integral part of the then-esteemed practice of development planning (Gans 1963; Conyers and Hills 1984). From the 1950s to the 1970s it represented 'the embodiment of the dream of a brave new world', and the urban planning profession was 'a magnet for the brightest and best of those involved in government' (Taylor 2004: 4). However, in Africa as elsewhere city master planning consistently underestimated the pace of urban growth (Mabogunje 1990) and plans often took many years to produce. Consequently, they were 'often out of date even before they were completed' and in the context of post-independence economic and demographic change, 'most of what was implemented had not been planned, and informal development overwhelmed the assumptions and projections of the plans' (Taylor 2004: 4).<sup>11</sup>

Part of the reason planning fell out of favour was therefore because it was deemed to be highly ineffective in developing countries. However, more ideological factors were also at play as the 1970s drew to a close. As noted above, the development industry was shifting gear, and there was little interest on the part of donors in supporting urban planning or indeed supporting state planning more generally.

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<sup>11</sup> Note that debates around urban planning will be discussed further in Chapter Four.

Planning was reconceptualised as a typical form of rent-seeking in light of analyses by influential figures such as Krueger (1991), to the extent that it came to be seen by many 'as the devil incarnate';<sup>12</sup> a perspective that in many respects reaches its apex in the work of Easterly (2006). In place of planning emerged a discourse of 'urban management'. While this concept had long existed as an administrative counterpart to physical planning (Wekwete 1997), the 1980s reframing of the term turned it on its head, envisaging a much slimmer role for government. The growing enchantment with all things non-state saw management as involving a broad range of civil society and private sector interests (Rakodi 1997; Wekwete 1997), with government acting as 'enabler'.

This was the environment in which the Urban Management Programme (UMP) – a collaborative programme involving the World Bank, UNDP and UN-HABITAT – emerged in 1986 (World Bank and UNHCS 1989; Farvacque and McAuslan 1992; Bernstein 1994; Jones and Ward 1994). The UMP was presented as 'promoting new paradigms' around partnership and the empowerment of local actors (Mehta 2005). Around the time of its emergence scholars were starting to recognise the crisis into which cities had been plunged (Stren and White 1989), partly as a consequence of structural adjustment (Mkandawire 2002). Ironically, however, this recognition of crisis further boosted the momentum behind neoliberal managerial approaches because of the hardening conception of the state as problem rather than solution. The idea was to 'replace long-term physical planning, which had no real impact on city development, with daily action-oriented urban management', and the influence of these ideas was such that 'master planning disappeared progressively from the priorities of developing countries' (Biau 2004: 8). Just as the emphasis shifted in practice, so it did in relation to academic discourses. To the extent that development literature dealt with cities, it moved away from a concern with regional and urban planning (Friedmann and Alonso 1975; Rondinelli 1975) and

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<sup>12</sup> Susan Parnell, UCL public lecture, 17.01.12.

towards concern with defining the scope of urban management (Lee-Smith and Stren 1991; Mabogunje 1992; Stren 1993; Mattingly 1994; McGill 1998).<sup>13</sup>

Two points regarding this shift away from a discourse of planning are particularly relevant to the question at hand. The first is that in the context of disillusionment with the state, planning was cast aside without adequate attention to the nature and causes of the failures of implementation that made it so unsatisfactory (Taylor 2004). There was an ambiguity regarding how planning was viewed even within neoliberal circles. On the one hand it was rejected because of states' seeming inability to implement; but on the other, the land-use and zoning regulations that accompany planning were often criticised on the grounds that they were implemented *too harshly and rigidly*, forcing the poor into illegality (De Soto 1989). Both problems were subsumed under generalised critiques of post-colonial states as being ineffectual, bloated and prone to corruption. Missing from this was analysis of the incentives causing differential implementation of different kinds of state policy, and the systematic disaggregation of state performance in relation to different urban development issues.

Second, in moving from a discourse of planning to one of management, urban development issues were further depoliticised.<sup>14</sup> While planning theory has itself been criticised for being politically 'sanitised' (Friedmann 1997), in practice planning is a highly political tool, reflecting power struggles and group relations, often in highly inequitable ways (Yiftachel 1998; Flyvbjerg et al. 2002; Harrison et al. 2008). Indeed, the close links between conventional planning and the interests of political elites partly account for the appeal of the new concept of urban management, and

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<sup>13</sup> These shifts reflected changing attitudes towards city planning in the developed world (Ambrose 1986) but also the more general reorientation away from traditional conceptions of 'public administration' towards the 'new public management' (NPM) paradigm (Gray and Jenkins 1995; Hood 1995). NPM approaches are acknowledged even by their proponents as being ill-suited to situations where corruption poses major threats to public service integrity and basic state organisations and institutions are weak (Dunleavy and Hood 1994). As such, the application of NPM to developing countries was always questionable. See Larbi (2006) for a discussion of NPM in developing country contexts.

<sup>14</sup> This is part of a more general problem of development discourses being depoliticised, a phenomenon widely recognised and discussed (Goldsworthy 1988; Ferguson 1994; Harriss 2001; Hickey 2005).

there was good reason to welcome greater attention to non-state actors, partnership and negotiation. Yet rather than addressing the power relations embodied in planning practice head-on, the discourse of managerialism simply removed politics and power from the debate. The ideal of partnership under an 'enabling' state often obscured power inequalities rather than attempting to redress them.

In sum, the paradigm of state planning had been too top-down, could not keep up with urban growth, and did not offer a sophisticated approach to implementation – the latter forming its greatest Achilles' heel (Taylor 2004). However, the management discourse that replaced it lacked a concern with power and eschewed strategic engagement with the causes of urban development problems in favour of a focus on the day-to-day. Furthermore, it did little to address the planning paradigm's weaknesses with respect to the implementation question, so provides few answers for this study. The recognition in the 1990s that management was ill-equipped to deal with the scale of urban development challenges and was weak as an analytical concept (Stren 1993; Jones and Ward 1994) subsequently led to another shift to a concern with 'urban governance'.

#### *From urban governance to 'the right to the city'*

The evolution of urban management into a new concept of urban governance was relatively subtle compared with the paradigm shift described above. As the extent of social dislocation in post-adjustment cities became increasingly clear, a less technocratic, more forward-looking and inclusive approach was sought as the 1990s wore on. This took shape in UN-HABITAT's Global Campaign for Urban Governance from 1999. The concept of 'governance' comes closer to acknowledging the degree to which cities are contested spaces characterised by struggles for resources and control, and in theory focuses attention on more squarely on competing interests and the relationality of power (Healey 2004; Pieterse 2008). It more explicitly highlights the particular roles of civil society and the private sector in the governing of cities, and provides opportunities for thinking about integrating the poor and

marginalised (Beall 1996; Devas 2001; Devas et al. 2004). It also paralleled the shift from early New Public Management approaches in the 1980s to 'second generation' public sector reforms, with a greater focus on public-private partnerships for urban services (Crook and Aye 2006).

However, these approaches largely continued the trend by which government was reconceptualised as an organisation less concerned with 'doing' than 'ensuring that things are done' by (and in partnership with) other actors (Kaul 1997; Batley and Larbi 2004). The governance discourse was thus an evolution of new public management-influenced approaches rather than a qualitative break. As Doornbos (2001) notes, the concern with governance in developing countries originated not in academia but among donor organisations, epitomised by the work of Kaufmann and his colleagues at the World Bank (Kaufmann et al. 1999). It also emerged almost simultaneously with the normative 'good governance' agenda and is often equated with it (Doornbos 2001: 93). UN-HABITAT's conception of good urban governance involved a concern with 'sustainability, subsidiarity, equity, efficiency, transparency and accountability, civic engagement and citizenship, and security, which are all defined as interdependent and mutually reinforcing' (Pieterse 2008: 66). The assumption that all these things would happily develop together left power 'unexplained and therefore unexposed' (Pieterse 2008: 68), reflecting general wariness among donors about acknowledging the significance of messy processes of political struggle and coalition-building. Ironically, at the city level, where politics is an inescapable aspect of daily life, there has been a particularly strong tendency to frame 'urban governance entirely in terms of urban management' (Beall 1996: 3).

Even work that sought to move beyond this managerial conception has arguably not managed fully to transcend donors' depoliticising imprint on the concept of governance. For example Devas (Devas 2001) considers a multiplicity of urban actors in his analysis of governance but says little about the roles of political parties, factions, clientelistic relations and the political bargaining both among state actors and between state-and non-state actors that shapes urban political life and development outcomes. The difficulty in shaking off these prescriptive, managerial

associations is exacerbated by the fact that much development research is funded by the donor community, and some of the academics writing about urban governance – such as William Dillinger (1994) and Michael Cohen (2001) – are or were based at the World Bank.

Despite all this, politics has not been entirely absent from discourses on cities in the developing world. Paralleling the conceptual shifts from planning to governance has been the emergence of discourses around active citizen participation in urban affairs, which over time have become more explicitly political. ‘Community participation’ was considered a ‘buzzword’ back in the 1980s when the management paradigm came in (Midgley et al. 1986), but by the following decade concerns were being raised about the extent to which the emphasis on participation was itself ‘depoliticising’, due to its failure to engage with the problem of power relations (White 1996; Cleaver 1999). Consequently, there have been efforts to ‘re-politicise’ the participation discourse, resulting in conceptions of ‘empowered participation’ and ‘empowered deliberative democracy’ (Fung and Wright 2003a; Fung 2004).<sup>15</sup> To a large degree these have been focused on urban areas, drawing inspiration in particular from the experience of participatory budgeting in Brazilian cities (Santos 1998; Baiocchi 2001).

The idea that ‘participation must be political’ to be meaningful (White 1996: 1) gathered strength through a renaissance of Henri Lefebvre’s (Lefebvre 1968) idea of the ‘right to the city’. The radical underpinning of this idea that it is not national citizens but all those who *inhabit* a city – legal citizens or not – should have a say in decisions made either by the state or any other organisation that will affect urban space. He conceives of the right to the city as not only a right to participation but the right to appropriation: ‘to be physically present in the space of the city’ and ‘to produce urban space so that it meets the needs of inhabitants’ (Purcell 2002: 103). The idea has proved powerful among those concerned more generally with the inequities of urban development, stimulating scholarship on the subject by eminent

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<sup>15</sup> Note that this more or less coincided with a revival of interest in urban planning through the lens of ‘collaborative’, more participatory planning processes (Healey 1997).

urban scholars from a range of disciplines including John Freidmann (1995), David Harvey (2003; 2012), Don Mitchell (2003) and AbdouMaliq Simone (2005). In the late 2000s its popularity was such that it was adopted as the theme for UN-HABITATs fifth World Urban Forum in 2010 (UN-HABITAT 2010), where academics and community organisations such as Slum Dwellers International alike were touting the slogan.

*The continuing need for political analysis of urban development processes*

While discourses of empowered participation and the 'right to the city' cannot be accused of lacking attention to politics, they remain strongly normative rather than analytical, revealing little about why so many states in the developing world struggle to cope with the challenges of urbanisation. Poor service delivery in cities is assumed to reflect a lack of responsiveness to citizen needs and inadequate opportunities for participation. This, however, is only part of the picture. As the work of Patrick Heller (Heller 2000; 2001) and Harriss et al (2004) has shown, the role of political parties, social movements and trade unions has been central in cases of sustained improvements in local state performance. Citizen participation without robust institutions and organisations, which may take a long time to build, can be limited and ephemeral in its achievements. Moreover, in situations where states lack resources and are institutionally dysfunctional, demands for rights are often simply channelled into clientelistic relationships and populist vote-catching tactics that do little to enhance state responsiveness or effectiveness. While a concern with rights and citizen involvement has a vital role to play in development, its counterpart must be an analysis of what urban politics actually looks like in the cities most in need of the realisation of these rights. Above all, an analysis of *how states function in cities* is needed if we are to understand the complex ways in which they respond to citizen demands in varying circumstances.

Between these radical participative approaches and the more mainstream thinking on urban governance, there is therefore a gap in terms of political analysis. While the shift from a planning paradigm to a management one threw out the baby (the

state and politics) with the bathwater (inflexible top-down approaches to urban development), the governance approach has only partially rehabilitated political considerations. Meanwhile 'right to the city' discourses have been highly abstract and theoretical, and as such rather divorced from developing world urban realities, while governance research has exhibited the opposite tendency, lacking theory development. Indeed many writings on urban governance reflect the divide identified by Robinson (2006) whereby cities in developing countries are seen as sites for development intervention and not theory development.

Admittedly this attention to palliative solutions in developing world cities reflects very valid concerns with urgent development challenges such as poor provision of water, sanitation and other basic urban services (Hardoy et al. 2001; Satterthwaite 2003a). However, vital though it is to identify these problems and potential roles for development actors, a deficit nevertheless persists regarding political analysis and theorisation about how cities are actually governed in developing countries. Without this kind of analysis, normative conceptions of 'better urban governance' offer little by way of solutions (Beall and Fox 2009: 202). What is needed is a greater attention to the causal processes underpinning policy failure, which in turn requires a clearer focus on politics and the state.

## **1.2 Politics and the state through an urban lens**

In seeking to address the question of effective policy implementation in cities, several bodies of literature outside those specifically concerned with urban development in low-income countries provide relevant insights. Some of this literature is discussed in detail in Chapter Two, which develops an analytical framework for this study. However, certain trends in the political economy and political science literature are discussed briefly here in the interests of providing a broad overview of the most relevant academic themes, while highlighting the contribution the study hopes to make at the interstices of these diverse areas of

scholarship. As well as being a study of cities, this is a study of states,<sup>16</sup> and the literature on states is rich in ideas that can help make sense of why policy implementation is or is not effective. Yet just there remain gaps in the urban development literature that might be filled by a keener attention to politics, there are ways in which the literature on states could benefit from insights gleaned by a study of the socio-economic, political and spatial qualities of cities. Cities are, after all, where much state-building takes place (Tilly 1989; 2010).

*The state in developing countries: moving the debate beyond capacity and autonomy*

Two concepts have underpinned much of the literature on state performance in developing countries. The first and more straightforward is that of 'state capacity', which has obvious relevance given this study's focus on policy implementation. Skocpol (1985) and Rueschemeyer and Evans (1985) consider high levels of technical expertise, graduate skills and the ability to collect and deploy substantial revenues as fundamental indicators of state capacity; indeed bureaucratic competence or quality is often considered more or less synonymous with capacity (Haggard 1990; Geddes 1994). A second concept that recurs in the literature on states' developmental performance is that of 'autonomy', defined by Skocpol as when states are able to 'formulate and pursue goals that are not simply reflective of the demands or interests of social groups, classes, or society' (Skocpol 1985: 9). Sometimes the term 'relative autonomy' is used (Trimberger 1978), reflecting the inability of states to act *entirely* independently of social forces; something that led Evans (1995) to famously reconceptualise the idea as 'embedded autonomy'.

The discourse of autonomy draws heavily on Weber's argument about how modern public administration 'segregates official activity from the sphere of private life' (Weber 1922/1968: 987) and the attendant suggestion that a state's 'developmental chances' are enhanced to the degree that they can operate

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<sup>16</sup> Note that definitional issues concerning the state and attendant concepts such as 'state actors' and 'state action' will be discussed in detail in Chapter Two.

according to ‘an “autonomous” logic inherent in their technical structure’ (ibid: 1002). Paralleling this Weberian strand in recent work on the state have been neo-Weberian arguments about why African states specifically have often failed to develop. Weber argued that the separation of official and private life ‘stands in extreme contrast to the regulation of all relationships through individual privileges and bestowals of favour’, which he termed patrimonialism (ibid: 987-988). This argument is reflected in discourses on ‘neo-patrimonialism’ in Africa, in which scholars such as Hyden (1983) and Bayart (1993a) highlight the importance of ‘affective’ networks through which leaders draw on charismatic rather than legal-rational authority. Thus ‘autonomous’ states of the kind celebrated for bringing development to East Asia (Amsden 1989; Wade 1990; Woo-Cumings 1999) are contrasted with ‘lame leviathans’ commonly found in Africa (Callaghy 1987).<sup>17</sup>

Both capacity and autonomy will be discussed in more detail in Chapter Two’s analytical framework; at this stage it will suffice to say that they are both highly problematic with respect to solving the puzzle at hand. The states being studied here both score poorly on most indicators of capacity, and if anything the superior implementer – Rwanda – has the greater capacity deficit, as later chapters illustrate. Autonomy, meanwhile, suffers from serious conceptual problems, both because ‘complete isolation from social pressures is a myth’ (Mkandawire 2001: 302) and because of the way it assumes that states are unified actors. Indeed neither capacity nor autonomy adequately accounts for the degree to which forces *within the state itself* can impede implementation.<sup>18</sup> States are never monolithic and at the lowest levels of development state incoherence can be especially problematic. As Geddes (1994: 7) notes, it is critical to understand ‘the sources of the competing interests of different actors within the state’. This is where the

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<sup>17</sup> These analyses are highly problematic, not least since the term ‘neo-patrimonialism’ has often been applied rather uncritically to virtually all African states ranging from the least to the most successful, as Crook (1989; 2010) notes. Recent work on ‘Developmental Patrimonialism’ has attempted to provide a more nuanced analysis that highlights important differences between forms of patrimonialism and can therefore account better for divergent development outcomes (Kelsall et al. 2010; Crook and Booth 2011; Kelsall 2011).

<sup>18</sup> This is a point acknowledged in much of the policy studies literature, including classic studies such as Pressman and Wildavsky (1984), as will be discussed further in Chapter Two. Such insights have percolated surprisingly little into discussions of state capacity in developing countries.

literature drawing on traditions of political sociology and the ‘anthropology of the state’ provides important perspectives, and where I suggest that an urban focus offers particular advantages.

Migdal (1994: 15) points out that states consist of far more than the top level elite, disaggregating multiple levels of state authority and how their roles shift and overlap in response to social forces. He distinguishes between ‘the trenches’ at the very bottom, ‘the dispersed field offices’ that decide on local resource allocation, ‘the agency’s central offices’ based in the capital city and the ‘commanding heights’ of top executive leadership. Each of these levels faces a very different ‘calculus of pressures’ from various sectors of society (Migdal 1994: 16-17). The question for Migdal is therefore not whether a state can be autonomous but how different social forces exert themselves on various levels in the state hierarchy. The challenge of understanding how states work is to interpret ‘The cacophony of sounds from the wildly different arena in which components of the state and social forces interact’ (Migdal 1994: 17). Developmental performance is therefore not only conditioned by ‘a certain kind of organization of the state and private sector’ (Wade 1990: 27) but by the extent to which the state itself is ‘an organization divided’ (Migdal 1997: 231).

Yet Migdal and other scholars concerned with state-society relations and development have generally not explored how in urban contexts these ideas can be pushed further. For example in capital cities *all* the levels of state to which Migdal refers – from the ‘trenches’ to the ‘commanding heights – are usually present simultaneously, often creating forms of gridlock in practice that are difficult to resolve through principles of subsidiarity. Moreover, the everyday ‘banal practices of bureaucracies’ through which people learn about the state (Corbridge et al. 2005; Sharma and Gupta 2006: 11) are far more prevalent in urban settings, as described in Lipsky’s classic studies of ‘street level bureaucrats’ who ‘implicitly mediate’ relations between cities and the state (Lipsky 1971; 1980). Here interactions with police officers, city officials, traffic authorities, building inspectors and local tax collectors take place constantly. The resultant ‘learning’ means that urban-dwellers

understand that the state is ‘a diverse entity with multiple layers...and centers’, some of which are sources of redress and others sources of grievance (Gupta 1995: 331), and can target their needs and demands in ways that play one state agency off against another in search of a payoff. These issues of internal state coherence and coordination are both central to the implementation problem and particularly pertinent in developing country cities.<sup>19</sup> The following section expands on these ideas through an examination of what conventional urban political science can offer this study.

### *Urban political science and its limitations*

Cities are spaces where states are particularly incapable of acting autonomously. In large cities especially, the concentration of diverse, powerful and often organised interests means that to proceed effectively state actors have to form coalitions with multiple social forces. In the 1980s, after a period in the doldrums (Sapotichne et al. 2007; Orr and Johnson 2008), Western urban political science gained a new lease of life exploring these issues through ‘urban regime theory’ (URT) (Fainstein and Fainstein 1983; Elkin 1985; Stone 1989; 1993; Ward 1996). This refocused attention away from stale debates on ‘elitism’ (Hunter 1953; Mills 1956) versus ‘pluralism’ (Dahl 1961), towards the formation of long-term informal coalitions at the urban level. It was spurred by a recognition that ‘to be effective, governments must blend their capacities with those of various non-governmental actors’, resulting in coalitions that are then carefully protected by all participants (Stone 1993: 6). Stone states his concern as being how political actors forge the ‘capacity to act and accomplish goals’ in cities, something he sees as being ‘fused’ through the highly contested process of forming of urban regimes (Stone 1989: 229). Unlike the

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<sup>19</sup> These issues can be exacerbated by decentralisation, which central governments often embark on to create local clients and can effectively fragment the state, with dubious outcomes for development (Crook 2003; Green 2010). The broader literature on decentralisation is an obvious point of reference to the central question of this study, but one of its limitations in this context is that much of it is largely concerned with the relationship between decentralisation and *rural* development (see for example (Leonard and Marshall 1982; Conyers 1983; Parker 1995; Manor 1997; Crook and Manor 1998; Johnson 2001; Bardhan 2002), though there are some exceptions (such as Dillinger (1994) and Faguet (2004)). Issues relating to decentralisation will, however, be addressed in several subsequent chapters.

discourses on urban management and governance applied to the developing world, this perspective has the merit of engaging directly with the power dynamics that constitute politics, highlighting the unevenness and struggle in regime formation process (Painter 2001). It is also highly pertinent to questions of policy implementation while recognising that autonomy is not an option.

However, having been developed in relation to the United States, there are fundamental limitations regarding URT's applicability in developing country settings. The idea of government having to 'blend' its capacities with other actors assumes that a clear division between private actors and the state exists to begin with (Fainstein and Fainstein 1983; Elkin 1985). This especially unclear in many developing country contexts, where economic and political elites have often been closely 'fused' since these states were created, rather than being distinct and independent bargaining partners. Complicating matters further, in developing country cities the state itself is pervaded with informal relationships and rule systems to a particularly high degree (Beall 2007). Thus while Western urban political science is primarily concerned with how interests jostle to exert influence on the state, assuming that the state is fully institutionalised and functional, the state itself needs to be problematised in much more fundamental ways in the contexts being considered here.

A parallel problem with theories from Western urban political science is that they tend to assume that interests in civil society politically organise and articulate their interests in a particular way. In the developing world, many interests are not organised along these lines, or not organised at all (Moore and Putzel 1999; Rakodi 2001a). Instead of organising themselves politically as social movements or pressure groups vis-à-vis the state, city-dwellers often direct their demands towards individual political patrons (Walton 1998; Beall et al. 2011). The fact that so much economic activity in these cities is informal – as discussed in Chapter Five – also has a significant bearing on the kinds of institutional channels open for economic interests to participate in regime-formation. The kinds of organisation and

bargaining that would lead to the durable urban regimes theorised in URT do not really take place in these contexts.

URT is therefore ill-equipped to act as a central theoretical foundation for thinking about politics in cities in low-income countries. However, it nevertheless usefully highlights some of the more universal dilemmas of governing cities. In high and low-income countries alike, cities are sites of wealth accumulation, valuable land, and sizeable markets, thus rendering them highly 'relevant territory' (Putzel 2008) for the exercise of control even in states that completely neglect large proportions of the urban (and rural) populations. Consequently they are focal points for contestation between the state and other actors, necessitating constant bargaining among political and social forces. Despite its developed world biases, URT's focus on the centrality of efforts by state actors to fuse their interests with those of non-state groups highlights the critical importance of the nature of political bargains struck and coalitions formed.

A focus on how relationships between state actors and urban social forces are negotiated can greatly enrich our understanding of policy implementation. While much of 'implementation studies' literature that emerged in the 1970s focuses on internal dynamics within state bureaucracies (Lipsky 1980; Barrett and Fudge 1981; Pressman and Wildavsky 1984), some more recent approaches that are more tailored towards developing countries engage explicitly with state-society relations as a central feature of the implementation problematic. In particular, Thomas and Grindle (1990) provide helpful insights here in their work regarding the different kinds of implementation difficulties encountered by different varieties of policy. Some policies, they argue, provoke resistance primarily in the bureaucratic arena, while others provoke it largely in the public arena. Urban development policies and regulations (while not something they explicitly discuss) are of the latter variety, because if implemented their costs are dispersed widely and swiftly among urban groups, invoking widespread public responses. This implies that such policies are likely to become highly politicised, and that the obstacles to implementing them are primarily political rather than bureaucratic in nature. Thomas and Grindle's

framework does not address why different states would have such varying experiences in implementing the same kinds of policies; but its implication is that this would be due to differences in *political resources* available to each government. Put differently, the kinds of social forces that political actors can draw on to bolster themselves politically, and the way in which they do so, impact on the effectiveness of policy implementation. The validity of these ideas is further explored through the comparative perspective provided in this thesis.

### **1.3 Contribution the literature on cities and states**

The aim of this study is to explain why and how policies aimed at shaping city development in Kampala and Kigali from 2000-2010 met with such differential outcomes. The literature on urban development in low-income countries has largely focused on immediate solutions to material challenges and is ill-equipped to answer this kind of comparative puzzle. Meanwhile potential explanations relating to state capacity and state autonomy have serious limitations. The study aims to cross-fertilise and build on existing scholarship to explain *state effectiveness* in urban policy and planning implementation. A central premise is that this requires analysis of bargaining in the city both among political elites and between these and other key elite and popular groups. These patterns of political bargaining are seen as being conditioned by historical and structural factors that shape the political resources and incentives available to governments, but also by the agency of particular state actors charged with enforcing policies and social actors affected by them. By empirically examining these state-society interactions we can better understand the processes through which patterns of implementation and non-implementation replay themselves on a daily basis in each city.

It is argued that these bargaining processes determine the nature of political intervention<sup>20</sup> in the arena of urban development, which may either serve to implement policies and regulations or actively undermine implementation. The

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<sup>20</sup> This term is chosen instead of 'state intervention' to highlight the fact that political and bureaucratic actors within the state can often intervene in multiple conflicting ways. Political intervention is discussed further in Chapter Two.

capital city setting and its multiple overlapping arenas of state activity, alongside the intense contestation over urban space among rapidly growing urban social groups, provides constant opportunity for political actors to intervene as mediators, protectors and enforcers. Yet the mode of interaction between the agency of leaders and the historical-structural conditions in place in each of the two contexts has created highly differing *intervention incentives*. These condition who and what political actors intervene to protect or enforce and how they do so. The study identifies some of the conditions under which political actors are incentivised to intervene in ways that make the state more, as opposed to less, effective in realising stated policy goals.

This research aims to make both an empirical and theoretical contribution. Empirically, it provides fresh data on city level politics and administration in Kampala and Kigali regarding how policies and regulations are understood, implemented, contested and obstructed at different levels of the state hierarchy and between state and societal actors. Theoretically, it aims to contribute in two respects: to the analysis of cities and urban development, and to the analysis of states in low-income countries. These will each briefly be addressed in turn.

#### *Contribution to the analysis of cities and urban development*

One aim of this study is to advance research on the particular roles of cities – settlements characterised by ‘urbanism’, which is defined in relation to population density, size, social heterogeneity and compressed inequality<sup>21</sup> – in processes of development and change. This contribution is linked to a particular conception of ‘urban development’; a term that is not used here as a blanket application of the highly contested concept of ‘development’ to urban areas, but to highlight certain domains of development-related activity that are specifically urban in nature. The four areas of activity this study focuses on are defined as *physical development (planning and construction)*; *livelihoods in the informal economy (with a particular*

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<sup>21</sup> This draws on the classic definition by Lewis Wirth (1938), as well as incorporating Tilly’s (2010) focus on inequality.

*focus on petty trade); public transportation; and urban taxation.* This does not reflect any holistic or normative conception of development and there is no pretence that this study will directly address such critical issues as economic growth, health, education, justice, gender relations or any of the other vital aspects of development more broadly conceived. The advantage of this parsimonious lens on urban development is that it allows a tight focus on a set of interrelated policy challenges with spatial implications that should form part of a government's overall 'urban strategy'.

The particular areas of urban development studied here are chosen because property, trade and transport constitute the economic lifeblood of many large cities. In urban areas characterised by little industrialisation and a vast informal economy (as is the case in both the cities being researched and in most African cities), construction, petty trade and public transport comprise a substantial part of the urban economy and employ a large proportion of the population. These three sectors are thus central both to the lives of the urban poor and to government efforts to control how cities develop. Moreover, if not legislated for and regulated to some degree, they can result in severe negative externalities including environmental degradation, spatial segregation, traffic gridlock, soaring road fatalities, crime, black marketeering and many other ills with which developing country cities are often associated.

The fourth area of study, urban taxation, is included for two reasons. First, because it intersects with the previous three: a large proportion of local municipal revenues in developing country cities derive from local taxes on property, trade and transport. Regulations pertaining to these sectors are often linked to state efforts to mobilise revenue from them. Second and related, a focus on local revenues provides further insights into the effectiveness of the state at city level. On the one hand, the ability to raise revenue can itself be seen as an indicator of state effectiveness; on the other, implementing other policies effectively may partially depend on the amount of resources mobilised at city level. Moreover, taxation

provides important insights into the nature of the bargains underpinning politics and development (Di John 2011).

All four of these domains involve potentially very large sums of money, and thus are critical for elites. Consequently they have a tendency to be highly politicised, providing a particularly sharp lens on the different ways political elites manage priorities and potential conflict according to the pressures and incentives they face. They illustrate how elites mobilise particular popular constituencies, but also how urban social groups themselves attempt to shape their relations with political actors over key issues affecting their lives. Focusing on these domains therefore facilitates the political angle on urban development that is missing in much of the existing literature. It also facilitates a further academic contribution regarding how urban politics affect the development of states. As such it draws on the tradition, associated particularly with Charles Tilly (1989; 1992; 2010), of exploring the relationship between cities and state-making.

#### *Contribution to the analysis of states in the developing world*

Developments since 2000 have seen a growing preoccupation with concepts such as state failure and fragility on the one hand and state 'effectiveness' on the other, reflecting a shift from cold war debates around state-capitalist relations to concerns about the basic coherence of states in the twenty-first century. The new language has been enthusiastically adopted by the policy community but theorisation has not caught up with policy discourse. While research into the characteristics of state fragility and resilience has progressed substantially (Putzel and Di John 2011), the concept of state 'effectiveness' remains under-theorised and the inadequacies of the capacity/autonomy approach are increasingly apparent. Much of the neo-Weberian and 'developmental state' literature, discussed further in Chapter Two, under-explores how degrees of autonomy and capacity relate to other factors such as legitimacy, credible commitment and social power relations. While these are admittedly complex concepts that are difficult to measure, they play important

roles in the degree to which states are effective. This study attempts to address some of these problems by tackling the 'state-effectiveness' concept head-on.

In so doing, it fills some critical gaps. Commenting on one of the weaknesses in academic inquiry on states, Geddes (1994: 14) rightly notes that:

state capacity to translate preferences into actions has received surprisingly little attention in the explicitly statist literature [...] To observers of less developed countries [...] it is clear that the articulation of independent state preferences, difficult as that may be to achieve, cannot by itself accomplish anything. Preferences matter very little if officials cannot carry out the policies they choose.

Yet Geddes too replicates some of the patterns of this literature by associating the ability to *choose* certain policy directions with politics (via the idea of autonomy) and the ability to *implement* them with technical factors (capacity). In fact, the separation between these two realms is much less clear cut, and political constraints impact not only on policy choice but also on implementation. As a way of moving beyond this autonomy-to-choose/capacity-to-implement divide, the present study explores questions of how forms of political intervention unrelated to technical capacity impact on policy implementation itself. It thus helps to address the misguided assumption that 'politics surrounds decision-making activities while implementation is an administrative activity' (Thomas and Grindle 1990: 1170). Moreover, while much of the state-focused literature tends to take a unitary approach towards 'state intervention', this study disaggregates the state and explores the incentives for different kinds of interventions by different actors within the state machinery, examining how these impact on the overall coherence and effectiveness of the state.

## 1.4 Structure of thesis

The four domains of urban development outlined above form the basis for four empirical chapters (Four-Seven). Prior to this, issues of theoretical and methodological design, as well as historical and institutional context, are addressed. The chapters are arranged as follows.

**Chapter Two** outlines an analytical framework and research design tailored specifically to making sense of the complex constellation of forces that impact on state effectiveness. It defines the key terms and highlights some relevant debates, before putting forward a number of theoretical propositions that the study aims to evaluate and further develop. It then goes on to consider how to combine analysis of historically-rooted causes with proximal ones and account for the role of path dependence, addressing issues of institutional structure and agency. This is followed by an account of the overall research design as a comparative case study with a focus on causal mechanisms and theory-guided process-tracing methods. There is no detailed discussion of methodology before the end of Chapter Two, due to the amount of theoretical literature on the state and institutions that this chapter seeks to engage with. Only when the conceptual scaffolding has been constructed are concrete issues of research method addressed in full.

**Chapter Three** presents an analytical literature review that places the two case study cities in their national historical and institutional context and draws out some of the themes of the thesis in relation to existing literature. For each case it gives attention to the legacies of violent civil conflict, the role of the capital city in national history, and the institutional framework around decentralisation and land management, which are critical issues for any study of urban development. The question of institutional path dependence and how it can be factored into the analysis of contemporary policy implementation in each case is considered.

**Chapter Four** is the first of four chapters rooted in the empirical field research, each of which follows a similar structure. This chapter is devoted to questions of urban

planning and urban development regulation. Beginning with a brief account of key concepts and dilemmas in the relevant literature, it then moves on to describe the formal institutional framework in each city. Noting the similarity between the formal mechanisms in place, it then discusses in depth the differential patterns of implementation regarding efforts to control the physical transformation of the two cities. It provides a number of examples of effective versus ineffective implementation in Kigali and Kampala and analyses the political and social relationships underpinning the political interventions driving these contrasting outcomes.

**Chapter Five** explores efforts to implement regulations around urban livelihoods in the informal economy, with particular attention to market and street trading. After briefly examining some of the key concepts and issues in the informal economy literature, it provides contextual background on economic informalisation in each city and outlines the formal institutional frameworks pertaining to trade order. It then contrasts the successes and failures of the state in managing and redeveloping urban marketplaces, which have become virtually ungovernable spaces associated with explosive violence in Kampala but were radically transformed in Kigali. It then explores the enforcement of regulations concerning street trade and informal activity more generally. In so doing, linkages between political and social actors and the contrasting strategies of political elites are analysed.

**Chapter Six** focuses on a critical aspect of urban informality that epitomises the contrast between the two cities: public transportation. After highlighting certain key issues relating to urban transport in Africa, it presents the formal institutions and policies with respect to transport management in each city. Following this, it explores the remarkable contrast in terms of regulation of urban informal transport, focusing in turn on the lucrative *matatu* minibus and motorcycle-taxi industries. The accounts of each of these sectors will analyse linkages between political elites and urban organisations, and the kinds of political intervention that have enabled or obstructed effective regulation in each case.

**Chapter Seven** turns to local state revenues. It begins with a brief discussion of issues and challenges associated with local (and specifically urban) taxation. Then the formal rules around fiscal decentralisation in each city are discussed, building on the discussion of decentralisation in Chapter Three. Following this it explores the main strengths and weaknesses in revenue collection in each city. Devoting particular attention to taxes associated with urban property, the chapter finds – unlike the preceding chapters – serious weaknesses of implementation in both cases. While Kampala’s experience reflects the same kind of populist interventions that hampered effectiveness in the sectors discussed in chapters Four to Six, Kigali’s reflects a mix of very effective and very ineffective implementation depending on the kind of local tax in question. This chapter thus illustrates the degree to which effectiveness is politically conditioned and dependent on the nature of specific activities and processes.

**Chapter Eight** concludes. It begins by reflecting back on the empirical evidence collected in the previous four empirical chapters in relation to some overarching themes induced through the research process. It then returns to the theoretical propositions posited in Chapter Two, re-evaluating them in light of the evidence, before broadening out to a discussion of how political bargaining impacts on the relationship between formal and informal institutions and the significance of this for state effectiveness. Finally, it assesses the implications of the research for cities in the developing world and particularly the study of urban Africa.

## Chapter Two

### Analytical framework and research strategy

The literature on states in developing countries has become increasingly saturated with concepts for analysing state performance, as calls to 'bring the state back in' (Skocpol et al. 1985) have borne fruit. On the one hand, a concern with 'developmental states' (Leftwich 1995; Woo-Cumings 1999) and a renewed interest in the Weberian characteristics of states both in terms of bureaucratisation (Evans and Rauch 1999; O'Dwyer 2006) and legitimacy (Englebert 2000; Gilley 2006) have become widespread. On the other, concerns with state weakness (Migdal 1988; Thies 2009), state fragility and 'failed' states (Herbst 1996; Rotberg 2004; Putzel 2006) have precipitated a general concern with state-building (Spruyt 2002; Fukuyama 2004; Vu 2010).

Amidst all the interest in these problems, key concepts have been subject to increasing strain, their meanings often becoming blurry or even being consciously 'stretched' (Sartori 1970). Making sense of the overcrowded conceptual terrain to address questions of comparative state performance is a pressing concern not just academically but for policy-makers and practitioners, who use many of these concepts with increasing frequency and abandon (Gutiérrez et al. 2011). This chapter aims to cut a clear path through a dense web of theoretical material, specifying the particular attribute of states that is considered most pertinent to the subject under study – *effectiveness* – and how it can be conceptualised and observed.

The first section of the chapter explores problems with existing usage of the term state effectiveness in various academic and donor discourses and proposes instead a simple and non-normative definition, before specifying the concept in detail and addressing a number of potential problems. Following this, a second section draws on a wide range of literature on states, institutions and state-society relations to make five overarching theoretical propositions about the drivers of state

effectiveness. The third section frames the problem of state effectiveness in relation to institutional debates, highlighting the importance of history and path dependence, the relationship between formal and informal institutions and the vexed question of structure and agency as they apply to state effectiveness. The fourth and final section deals with the more concrete aspects of research design and methodology, explaining the choice of a comparative case study approach and justifying the choice of cities, before discussing the research and analytical methods used.

## **2.1 Clearing the ground: definitions and conceptual problems**

Amidst the many prominent terms relating to state performance, one notion that has gained currency in recent years is that of the 'effective state' (Unsworth 2005; Green 2008; Leftwich 2008a). An important point came in 1997 when the World Bank partially reversed its strongly anti-state stance since the 1981 Berg Report (World Bank 1981), claiming that 'without an effective state, sustainable development, both economic and social, is impossible' (World Bank 1997: 158). There is, however, a distinct absence of conceptual clarity in much of the literature about what exactly constitutes an effective state. Definitions often depend on the eye of the beholder: hence a research group concerned with citizenship defines an effective state as one that is 'inclusive, democratic and just' (Eyben and Ladbury 2006: 1) while a political scientist interested in political organisation defines it in relation to the degree to which state bureaucracies are professionalised (O'Dwyer 2006).

Moreover, definitions tend to be highly normative and there is little consensus on which aspects of an idealised state are integral to effectiveness. To take one example, some authors see accountability as being a critical aspect of effectiveness (Maass and Mephram 2004) while others suggest that accountability exists in tension with effectiveness (Unsworth 2005: 2). A more rigorous analytical specification of 'state effectiveness' is desirable given the currency of the term and efforts to operationalise it. This necessitates a specific and limited definition, which

means accepting that effectiveness does not necessarily represent a package that includes accountability, democracy, developmentalism and all the other qualities one might want states to have.

*What is a state and what is a government?*

A first priority is to define the state itself. This article builds on Stepan's definition of the state as being much more than just the government, comprising 'the continuous administrative, legal, bureaucratic and coercive systems' in a particular polity that aim to structure relationships between civil society and public authority (Stepan 1978: xii). States constitute the entire apparatus through which government operates and are rarely coherent and unified actors (Migdal 1997). The government itself is an organisation consisting of a group of politicians who collectively constitute the *executive authority* in a state at a given point in time. 'Government' in this study will be taken to refer to the *national* government unless otherwise stated. Governments have a unique role within the state system (or more accurately, set of systems): to direct and co-ordinate it in the interests of enacting policies relating to the affairs of a particular territory and its relations with other territories. The government thus makes decisions and policies that state systems are supposed to implement.<sup>22</sup>

In the interests of stripping states of their 'myths of unity and omnipotence' (Migdal 1997: 222), further basic distinctions can also be made. The term 'politicians' is used in the thesis to refer collectively to people who hold or seek to hold *political office* (a position of authority in a public decision-making body) at some level within the state and may not be part of the government (the *executive* authority). They may be linked to the political organisation (such as a party) that dominates the government,

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<sup>22</sup> A third and related concept is that of *regime*, which can be thought of as the *form* or *mode* of government. It is a broader concept than government in that it incorporates not only the actors comprising government but the institutions and rules through which they govern, but is narrower than 'state', which refers to the whole administrative 'arena' (Mann 1984). To avoid overcomplication, 'regime' is not used analytically in this study and only appears where common usage renders it appropriate or when referring to literature that does employ the term analytically.

or may be part of the political opposition. Either way they are to be firmly distinguished from bureaucrats or officials, who are recruited to local or national organisations of the state in order to implement the policies of governments through rule-bound processes, but who do not generally have a formal link to any particular political organisation. Politicians holding office are thus situated within the state but constitute just one aspect of it.

An important point flowing from these definitions is that states themselves do not make decisions or have a 'will' of their own. It is therefore nonsensical to say, for example, that 'states are fragile when state structures lack political will' (OECD 2007: 2). However, although states cannot have a will, they can – broadly speaking – be said to 'act': given that both bureaucrats and politicians are agents embedded within state structures, the actions of either can be construed as the 'action' of the state. So long as we recognise that states are not monolithic actors and often act in highly contradictory ways simultaneously, there is no problem with referring to 'state action' (following Evans 1995) to describe what state actors (politicians and bureaucrats) do in their official capacities. Whether or not these actions or efforts are *effective* with respect to actually implementing official policies is a different issue, and one to which we now turn.

### *What is state effectiveness?*

Every state is more effective at some things than others (Skocpol et al. 1985), and even some of the weakest states in Africa exhibit 'islands' or 'pockets' of effectiveness (Crook 2010; Leonard 2010). Hence rather than categorising states as definitively effective or ineffective, it makes sense to focus on particular instances of state effectiveness and the processes through which they are realised.<sup>23</sup> Above all, for reasons noted above, a definition of state effectiveness needs to be analytically useful and specific rather than normative and broad. The non-normative

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<sup>23</sup> This allows us to overcome the tendency to think in totalizing terms like 'state strength', which Fukuyama (2004: 7) defines as 'the ability of states to plan and execute policies and to enforce laws cleanly and transparently'. This definition contains far too many different activities, requiring very different kinds of resources and circumstances, to be of much use.

definition used here specifies state effectiveness as being evident *when the stated aims of government codified in policies, laws and regulations are translated into accomplishment*. This understanding of state effectiveness bears close resemblance to the concept of implementation as defined in Pressman and Wildavsky's classic study, in which to implement means 'to carry out, accomplish, fulfill, produce, complete' a particular policy (Pressman and Wildavsky 1984: xxi). Lack of implementation, by contrast, 'should not refer to failure to get going but to inability to follow through' (ibid: xxii). Notwithstanding some of the problems of the way implementation has been conceptualised in the policy studies literature (see below), the usefulness of a focus on implementation when attempting to analyse the effectiveness of particular state policies – rather than define normatively what constitutes an 'effective state' – is difficult to deny (John 2012: 23).

This approach to state effectiveness also echoes Crook (1989: 211), who proposes measuring the effectiveness of an institution in relation to 'the degree to which it routinely fulfills its own stated goals or tasks'. Similar definitions also exist in the literature on bureaucratic effectiveness.<sup>24</sup> However, it is important to outline several reasons why this study is framed in terms of state effectiveness rather than organisational, bureaucratic or administrative effectiveness, despite the breadth of existing literature on the latter.<sup>25</sup> First, this study engages with a growing discourse around 'effective states' and seeks to answer questions about the effectiveness of the state *as a whole* in relation to specific goals. In some senses this is the inverse of the focus of the organisational literature, which tends to assess the effectiveness of particular state agencies in relation to their whole range of goals. Examining state effectiveness implies a rather different approach from assessing the effectiveness of a particular organisation, given the incoherence and organisational multiplicity of the state (Migdal 1997; North et al. 2009). Notwithstanding the methodological

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<sup>24</sup> For example Rainey and Steinbauer (1999: 13) define a government agency as being effective when it 'performs well in discharging the administrative and operational functions pursuant to the mission'.

<sup>25</sup> See for example Scholz (2011); Hale (1996); Simon (1998); Rainey and Steinbauer (1999); Grindle (1997) Therkildsen and Tidemand (2007) and Uphoff (1994). In one review of just the more development-oriented strands of this literature Leonard (2010) finds sixty-two hypotheses about what causes organisational effectiveness.

challenges this poses (see Section 2.4), the effectiveness of the state as a 'set of systems' is an important subject of study; especially because in relation to the policy issues of interest, several national ministries and local government authorities are sometimes involved simultaneously.

Secondly, the focus in the bureaucratic/administrative literature on internal organisational dynamics means there is often little attention to state-society relations, power relations in society at large and questions of state legitimacy as they impact on effectiveness. As Leonard (2010) notes, many classic approaches to the effectiveness of particular agencies focus on managerial attributes and organisational functions, giving relatively little weight to political context.<sup>26</sup> While these internal issues are crucial for organisational performance, for state effectiveness their importance relative to political economy factors may vary depending on the policy area in question. Many texts cited by Leonard (2010) as giving primacy to managerial explanations are explicitly concerned with implementing rural development programmes. There is reason to believe that some of the urban issues considered here, which relate to implementing planning, regulation and taxation in complex political environments, *necessarily* require an approach that goes beyond managerial/organisational explanations. Effectiveness in relation to these matters depends heavily both on public compliance and co-ordination between multiple government agencies, as well as qualities internal to particular organisations.

Another obvious port of call here is the literature that focuses not so much on the effectiveness of particular organisations as on how implementation is shaped through the interaction *between* different state organisations. It was in relation to such questions that 'implementation studies' flourished as a sub-discipline in the two decades from the early 1970s onwards (Barrett and Fudge 1981; Pressman and Wildavsky 1984; Sabatier 1991; Hill and Hupe 2002). For the purposes of the present study, this body of work fills some of the gaps identified in relation to the literature discussed thus far. It usefully highlights the degree to which

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<sup>26</sup> See for example Esman and Uphoff (1984); Grindle (1997).

implementation is far from being a linear process starting with a decision that is then progressively translated into an outcome, highlighting instead the need for an approach that takes the range of *actors* involved in addressing a policy problem, and the ways in which they bargain and reshape policy on the ground, as a starting point for analysis (Barrett and Fudge 1981; Sabatier 1991; John 2012).

However, while its attention to inter-organisational relations and ‘bottom-up’ as well as ‘top-down’ aspects of implementation is highly relevant, the focus of this literature is generally on processes of bargaining that take place in ‘implementation structures’ that consist of formally-constituted organisations within the state and private sector (Hjern and Porter 1981; Hill and Hupe 2002). In this regard, like Urban Regime Theory, it offers only limited potential for analysing processes that take place within the institutionally complex informal bargaining environment of cities in the developing world. More generally, the attempt to rigidly separate implementation from all other aspects of the policy process, creating a distinct field of study that aimed to formally model implementation in isolation from broader processes, is now generally considered to have ‘largely failed’ (John 2012: 23).

The ‘state effectiveness’ approach adopted here instead encompasses the broader political economy in which states operate and how this impacts on effectiveness at a systemic level in contexts of states and societies with low levels of formal institutionalisation. This means accounting for factors that are ‘deeply rooted in social and economic structure’ and in a sense ‘far removed from the state’ (Leonard 2010: 98), exploring the complex relationships between the state and ‘social forces’ (Migdal et al. 1994). With this in mind, the literatures on organisational effectiveness and policy implementation are here considered less suitable as an anchor for analysing state effectiveness in urban contexts than the literature on institutions, defined as both formal and – crucially here – informal rules and norms (see Section 2.3).

There are many aspects of states’ roles in development that the above definition, focused narrowly on implementation (while recognising that this is a highly non-

linear process) completely leaves out. This, however, is precisely the point. If 'state effectiveness' is to assume a meaningful role in the development lexicon amid the sea of other descriptive and analytical terms pertaining to states, then it needs limiting in scope. In particular, this definition deliberately excludes consideration of questions of responsiveness and the processes through which policies, laws and regulations are decided upon in the first place. Public decision-making – while critically important – is a separate issue from effectiveness. The assumption here is that once decisions are made and policies in place, effectiveness should be judged in relation to whether the state succeeds in realising those policies and decisions.<sup>27</sup> Before entering into further discussion of what drives state effectiveness, some further potential problems with, and implications of, the above definition will briefly be discussed.

#### *State effectiveness and development*

A first point of clarification relates to the question of how state effectiveness relates to development, which bears mentioning not least because of the salience of the 'developmental state' paradigm. There are clear links between state effectiveness and development; after all, policies and initiatives that are not translated into accomplishments are unlikely to have much developmental impact. Yet the relationship is not straightforward, despite the fact that some observers equate the idea of an effective state with that of a developmental state (Green 2008: 12). This study cautions against collapsing these categories, following Leftwich (2008b) who argues that the developmental state is just one of four possible 'ideal type' models through which states have progressed in modern times,<sup>28</sup> all of which require state

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<sup>27</sup> There is of course an issue to consider here in that some policies (for example decentralisation policies) have responsiveness itself among their most important goals, and thus it is difficult to assess their effectiveness without assessing responsiveness. However, following Crook and Manor (1998), who make a distinction between *effectiveness*, *responsiveness* and *process* in their assessment of decentralised state agencies, there is good reason to consider responsiveness and effectiveness as distinct elements of state performance. The former is better thought of in terms of 'inputs' fed into the state rather than the delivery of 'outputs'. Effectiveness as defined here relates to the latter. While there are important relationships between the two, analysing these in detail is beyond the scope of this study.

<sup>28</sup> The others being the Anglo-American model, social democratic model and Soviet model.

effectiveness in order to succeed. 'Developmental states' are usually described as featuring a 'developmentally-oriented' government with a strong nationalist ideology, a powerful bureaucracy, and state provision of certain normative goods (Johnson 1982; 1999; Leftwich 2000). None of these qualities is logically necessary for a state to be effective in achieving certain policy goals. However, there are clear reasons to believe that 'developmentally-oriented' governments will have an interest in pursuing state effectiveness, because without effective state institutions and organisations, their developmental inclination is unlikely to bear fruit.

One can therefore make four logical propositions about the relationship between state effectiveness and development to clarify why it is better not to conflate 'developmental' states with 'effective' ones, despite some obvious crossover. First, a) it is not necessary for a state to be developmental to be effective, but b) a developmental orientation *incentivises* the pursuit of effectively functioning state systems. Meanwhile, c) Effectiveness is necessary for developmental transformation, but d) Effectiveness is not *sufficient* to ensure development. The last point is important as a reminder that as defined here, effectiveness in and of itself has no normative content: it can be put to 'good' or 'bad', 'developmental' or 'anti-developmental' uses. State effectiveness is simply a descriptive tool relating to the degree to which decisions (however made) are brought into *effect*.

#### *State effectiveness and autocracy*

This raises the potential objection that state effectiveness simply means governments doing as they please, rendering it basically tantamount to dictatorship. This merits brief discussion, not least because certain state-led effective developmental transitions have happened under authoritarian regimes (Wade 1990; Kohli 2004; Leftwich 2005). The relationship between regime type and development is highly contested and the empirical evidence inconclusive (Przeworski et al. 2000; Mkandawire 2001; Khan 2005; Leftwich 2005; Ross 2006). However, the idea that a state might be more effective (as defined here) the freer it is from democratic constraints is intuitively reasonable and even tentatively

supported by the analyses of Kohli, Khan and Leftwich. It is clearly not *necessary* for states to be dictatorial to be effective even at low levels of development, as the recent experience of states such as Botswana and Mauritius testify (Carroll and Carroll 1999; Mkandawire 2001). Nevertheless, there is no sense in denying that authoritarian government and effectiveness do sometimes coincide – quite spectacularly in some cases. Few would dispute that the state in the Soviet Union was effective (even if not efficient) at bringing about the structural transformation of its economy, or that the Chinese state has been effective in achieving export-driven economic growth.

However, regime type can only go so far in accounting for effectiveness. The most critical differences between democracy and autocracy relate to how policy decisions are made: i.e. to responsiveness and accountability rather than to effectiveness in implementation. There are obvious affinities between democracy and responsiveness, but effectiveness can be shaped by a range of factors – explored in the following section – that do not easily map onto regime type. Under some circumstances (and in relation to certain policies) autocracies could be more effective due to a lack of democratic obstacles and checks on implementation procedures, but in other instances they may be less effective due to a lack of legitimacy, poor lines of accountability or lack of popular engagement with policies.

Besides, it is clear that not all dictatorships are effective at much other than violent repression. For example, while Idi Amin's regime in Uganda was comprehensively autocratic, it was rarely effective. It is true that some goals, for example the expulsion of the Asian community in 1972, were effectively accomplished. Yet militarily expelling a widely resented, prosperous minority in a poor country where the majority is excluded from economic rewards is relatively easy to effect. Many other policies, such as comprehensive land reform, which the Amin regime passed into law in 1975, were barely implemented at all (Okuku 2006). Ultimately there is not likely to be any *general* relationship between effectiveness and regime type; just as the relationship between developmentalism and democracy is complex and contested, so too is that between regime type and effectiveness. To the extent that

regime type has an impact on effectiveness in individual cases this needs to be observed in more specific mechanisms in order to yield generalisable insights.

### *State effectiveness and central-local relations*

When considering the effectiveness of policies and regulations implemented in a particular locality, it is clearly insufficient to focus on the national (or local) state alone. The vertical disaggregation of the state and analysis of inter-governmental relations between tiers is of great importance, especially under conditions of decentralisation. Both the cases being studied here, and indeed the majority of states in the developing world, have undergone decentralisation in recent decades; writing in 1994, Dillinger noted that out of the 75 developing and transitional countries with populations over 5 million, 'all but 12 claim to be embarked on some form of transfer of political power to local units of government' (Dillinger 1994: vii). Donor organisations were active in promoting this, as 'decentralisation fever' gripped the international community from the 1980s onwards (Tendler 1997).

The debate on decentralisation has generally been framed in terms of its benefits for both responsiveness and effectiveness or, more commonly, efficiency (Bardhan 2002; Crook 2003). Advocates tend to consider central states as 'inherently unresponsive' (Dillinger 1994: 8) and that accountability is likely to be better at lower levels of government, an assumption vindicated by some studies (Faguet 2004) but 'assailed by experience from practice' according to others (Tendler 1997; Craig and Porter 2006: 96). The picture is equally mixed with regard to effectiveness (Crook and Manor 1998). Decentralised authorities' performance is highly context-specific and depends on a range of factors, foremost among which are the motivations of the government undertaking decentralisation and the commitment of central authorities to the particular policy goals in question (Crook 2003). The extent of democratisation and, in particular, meaningful multiparty competition can also have important impacts on central-local coordination and the effectiveness of decentralised government in practice (Crook and Manor 1998; Crook 2003).

Recent decentralisation programmes are not, however, the only important influences on central-local relations. Historical differences in terms of both pre-colonial and colonial structures of rule can also have important impacts on the nature of central-local government relations, with implications for state effectiveness (Mamdani 1996; Englebert 2000). Moreover, where highly centralised governments have well-organised systems of local agents this can sometimes outweigh some of the supposed advantages of decentralised local government (Bardhan 2002: 191). Relatedly, the degree to which decentralisation programmes actually involve *deconcentration* of central state organisations rather than *delegation* or full *devolution* – to use a classic tripartite distinction (Rondinelli et al. 1989) – may be very significant in terms of overall effectiveness.

The implications of decentralisation for the state in cities specifically is relatively under-researched, partly due to rural biases in the way decentralisation has been both designed and discussed in the development literature.<sup>29</sup> Yet problems relating to central government interference with local government mandates are arguably *particularly* relevant in capital cities, where stakes are high and the tussle between overlapping tiers of government is particularly intense. Certain publications on decentralisation and development, such as Manor (1997), Tandler (1997) and Grindle (2007) discuss these problems in general but rarely their urban ramifications. Informal intervention by jealous central authorities in contexts where power has formally been decentralised is likely to have critical effects on the relationship between decentralisation and effectiveness in urban areas.

In sum, as with regime type it is impossible to say categorically that state effectiveness is enhanced or undermined by decentralisation *per se*. Effectiveness depends ultimately on other factors, which may interact with decentralisation in significant ways. Having established the general contours of state effectiveness as conceptualised in this study, the following section presents a theoretical discussion of some of the main factors that drive it.

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<sup>29</sup> See Chapter One, footnote 19.

## 2.2 Five theoretical propositions

In seeking to understand state effectiveness with regard to particular policies and regulations, this study adopts what has been termed a theory-guided process-tracing methodology (Falleti 2006), which will be discussed in greater detail in Section 2.4. In this I follow Hall's (2003a) approach by beginning with a specified set of broad theoretical propositions that identify relevant causal factors about what might cause the outcome of interest. The whole comparative case study is thus rendered 'theoretically explicit' from the outset (Aminzade 1993), which facilitates the evaluation and development of the theoretical propositions through the case material (Mahoney 2010: 125).

The propositions outlined here are broad because they aim to provide a logical background framework for analysing state effectiveness *in general*. In other words, they are not tailored from the outset to the cases at hand or to the urban policy issues under consideration, the aim being to begin with an analytical prism for the basic drivers of state effectiveness that can be applied to my cases but potentially also more broadly. There is clearly no single cause for effective state action, and a web of interacting causal elements is at play. The five propositions outlined below attempt to aggregate these under five concepts (two of which were already touched on in Chapter One). These are: capacity, autonomy, credible commitment, legitimacy and social power.

Many accounts of state performance in the developing world attach supreme importance to bureaucratic capacity. Both political scientists and economists have analysed state performance in terms of capacity (Skocpol et al. 1985; Geddes 1994; Levy 2004; Besley and Persson 2009), often using the term more or less interchangeably with effectiveness; something this thesis strongly rejects.<sup>30</sup>

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<sup>30</sup> In much development discourse the two are conflated or confused. Some donor approaches do appear to distinguish between capacity and state effectiveness, but in ways that are ultimately circular. For example, in a World Bank publication we are told that 'lack of capacity for an effective state is a binding constraint' (World Bank 2005: 1), but also that 'Capacity development requires an effective state' (ibid: 5). It is therefore unclear whether capacity is a prerequisite of building an

Following Putzel (2006), capacity is here defined more narrowly, referring to the skills (e.g. for budgeting and programming), institutional systems (e.g. regarding recruitment, policy formulation and financial management), number of educated personnel, and financial and technical resources within the state bureaucracy.<sup>31</sup> It is towards these that 'capacity building' initiatives are generally targeted in developing countries. Other factors that have been highlighted in relation to state performance, such as administrative continuity and the presence of expatriate experts, can also be thought of as elements of capacity (Crook 1989). It is clear why all these factors should in theory enhance state effectiveness. **Proposition one** is therefore that states will be more effective at implementing policies and regulations the greater their bureaucratic capacity.

There are, however, many reasons to believe that effectiveness in translating policy to accomplishment is a deeply political matter and therefore influenced by a far greater range of factors than these technical capacities alone. While some authors do acknowledge that lack of capacity can itself be politically driven (Geddes 1994; Levy 2004), it is also necessary to analyse the factors that facilitate or impede effective state action even when the necessary capacities are present. The debate on the 'relative autonomy' of the state is important here. Already touched on in Chapter One, it has a long history dating back to Marx's analysis of the 'completely independent' position of the state in France under Louis Bonaparte (Marx 1852/1963) and Weber's hugely influential contribution, discussed previously. Subsequently, mid-late twentieth century neo-Marxists such as Poulantzas (1973)

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effective state or outcome of it, and if building capacity is distinct from building an effective state, no clues are given as to what the latter actually involves.

<sup>31</sup> The concept of capacity used here differs substantially from some of the broader (and more normative) conceptions in the academic literature on African statehood, such as that adopted by Englebert (2000). Englebert explicitly uses 'capacity' interchangeably with the idea of 'developmental capacity', which he measures for quantitative comparison by combining two indicators: the choice of policies governments make and the 'quality of governance' they provide (Englebert 2000: 25). While this may tell us something about development, it is clearly far removed from the narrow conception of 'capacity' employed here. There are also many other ways of defining capacity, particularly in the civil war literature (see Hendrix (2010) for an overview). Many of these, however, refer specifically to states' capacity to resist insurgency and are rather tautological (Kocher 2010); they are also of little use as more generic conceptions of state capacity. Note that some authors effectively combine capacity with aspects of autonomy into a measure of 'bureaucratic quality' that takes account of insulation from political pressure (Knack 2001; de Rouen and Sobek 2004). This is a more normative perspective that goes beyond capacity as defined here.

worked with the concept, while from a completely different perspective Huntington argued that political institutionalisation comes about when states 'have their own interests and values distinguishable from those of other institutions and social forces' (Huntington 1968: 20). In the 1980s and 1990s, the idea of autonomy was central to renewed interest in the state's role as an autonomous actor in spurring economic transformation in certain parts of the developing world (Rueschemeyer and Evans 1985; Geddes 1994; Leftwich 2000).

As already noted, the concept is problematic; as North *et al* argue, the idea that economic and political systems can be independent 'has deceived modern social science' (2009: 269). Others have argued that most 'developmental states' actually had intimate relationships with private sector actors even as they disciplined them (Evans 1995; Johnson 1999; Doner et al. 2005; Whitfield and Therkildsen 2011). Nevertheless, even if deeply insufficient, the wealth of valuable literature on this issue cautions against entirely discarding the notion of autonomy in relation to particular issues. For example Trimberger (1978: 4) offers important insights about successful 'revolutions from above' being led by military and civil bureaucrats who were autonomous in the sense that they were not recruited from and did not form close ties with the dominant landed classes in the societies in question. More generally, the nature of ties between the state and *particular* social forces is clearly important. In fact, autonomy relative to dominant classes is often achieved by way of states becoming *less* autonomous relative to subordinate classes (Rueschemeyer and Evans 1985: 63).

The idea is therefore useful insofar as we can talk of the autonomy of particular arms of the state *vis-à-vis* particular groups and in relation to specific goals. This is also relatively observable; it is possible to find evidence for institutional and organisational linkages between components of the state and social groups, while a generalised 'autonomy' is difficult to verify empirically. **Proposition two** is therefore that states will be more effective at implementing particular policies and regulations the more autonomous their agencies are *vis-à-vis* interest groups that may be negatively affected by those policies and regulations.

Many analyses of state performance look no further than capacity and autonomy, though some of the less scientific approaches may refer to the importance of 'political will'. This has been defined as the 'slipperiest concept in the policy lexicon', usually defined only by its absence (Hammergren 1998: 11). Questions about what it is, whose will is at issue and how it can be measured are rarely addressed; it is more of a rhetorical 'black box' than an analytical concept (ibid: 13). However, the commitment of governmental actors and organisations to policy goals is clearly relevant (Crook 1989; 2010), although genuine commitment is difficult to observe and verify. Also important (and more observable) are perceptions among social actors affected by a policy about whether the government is strongly committed to it, because compliance is more likely if there is a *credible* commitment to implement. Shepsle (1991) argues that credibility can be achieved in two main ways: a) because binding constitutional mechanisms disable discretion and coerce governments into acting in accordance with their commitments; and b) because the incentives that caused a particular commitment to be made remain in place, providing reason to believe the commitment will hold. In the latter case a commitment is 'motivationally credible' because it is 'incentive-compatible and hence self-enforcing' (Shepsle 1991: 247). In developing countries political actors usually have considerable discretion, as the rule of law for elites is not yet fully established (North et al. 2009). The source of any commitment's credibility is therefore likely to be motivational.

Where the very survival of a political elite depends on them successfully developing the productive sectors of an economy, this kind of credible commitment plays a critical role (Whitfield and Therkildsen 2011). The investment of rents in long-term projects that yield relatively few immediate gains, something that has been identified with 'developmental patrimonialism' (Kelsall et al. 2010; Kelsall 2011), is likely to enhance motivational credibility. Credibility is further enhanced through cumulative actions, when rewards and punishments are consistently applied, giving credence to the idea they will continue to be in future and helping to create 'routinized compliance' (Crook 1989: 490). Conversely, such compliance is

undermined when government commitments are not credible, because people are less likely to follow laws and regulations if they believe state actors will turn a blind eye on payment of bribes. Moreover, where government commitments are not credible to state actors themselves, formal organisational rules have less force; incentives for corruption and negligence are greater where people believe that government commitment to enforce a policy or regulation is weak. **Proposition three** is therefore that states will be more effective where government commitments are motivationally credible both to the social actors affected by them and the state officials supposed to implement them.

A fourth factor proposed as being central to effectiveness is legitimacy and – crucially – the nature of a state’s *sources* of legitimacy. Legitimacy is another difficult and contested concept, though its importance is difficult to deny.<sup>32</sup> I follow Gilley’s proposition that ‘a state is more legitimate the more that it is treated by its citizens as rightfully holding and exercising political power’ (Gilley 2006: 500), drawing on a long tradition emphasising the validity of subjective views in defining legitimacy (Weber 1922/1968; Lipset 1959; Merelman 1966).<sup>33</sup> Logically, legitimacy should enhance state effectiveness due to a positive impact on compliance and acquiescence (Gilley 2009). Indeed, without some kind of implicit social contract ‘state institutions themselves have difficulty functioning and surviving’ (Buzan 1991: 64).

Yet the nature of *sources* of legitimacy also matter profoundly (OECD 2010: 48). If a government is considered legitimate largely because of state performance – in other words because the state functions well and delivers core services – this provides incentives to maintain and enhance state effectiveness, producing a virtuous cycle. If instead governing elites garner much of their legitimacy through

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<sup>32</sup> Huntington, for example, called it a ‘mushy concept that political analysts do well to avoid’ before going on to say that it was ‘essential’ to understanding late 20<sup>th</sup> Century democratisations (Huntington 1991: 46).

<sup>33</sup> Again this contrasts with Englebert’s argument that a state is legitimate ‘when its structures have evolved endogenously to its own society and there is some level of historical continuity to its institutions’ (2000: 4). In this view legitimacy is considered to be a ‘structural condition’ and the judgements of the population are irrelevant.

clientelistic relationships to supportive client groups, there is less incentive to make the broad delivery of services through the state more effective (Keefer and Vlaicu 2008). **Proposition four** is therefore that states will be more effective where the sources of their legitimacy relate to state effectiveness itself, as opposed to clientelism or other bases of legitimacy.

The final concept posited as important for state effectiveness relates to the even more complex and contested issue of power itself. Without delving into the protracted debates about how to define power, the point here is that ruling elites' mechanisms of control 'necessarily extend beyond the limits of the state', which itself often operates 'on the basis of other, already existing power relations' (Foucault 1980: 122). Hence it is worth highlighting the importance of *social* power, which has been defined as the ability to produce effects not simply through coercion but through working to affect people's perceptions, dispositions, and interests (Rummel 1976). Lukes famously argues the case for a 'third dimension' of power whereby the powerful can shape the actual preferences of the powerless so that the latter willingly consent to domination (Lukes 1974/2005: 28). In contrast, Scott (1990) maintains that such acquiescence is always accompanied by 'hidden transcripts' of internal rebellion. With or without such internal resistance, however, power relations that foster acquiescence are likely to reduce overt resistance to attempts by public authorities to implement policies, and therefore facilitate state effectiveness.

In considering why social power relations are more conducive to acquiescence in some contexts than others, Michael Mann's concept of 'infrastructural power' (as distinct from coercive power or military capacity) is helpful, referring to the state's ability 'to penetrate civil society, and to implement logistically political decisions throughout the realm' (Mann 1984: 113). This is distinct from state capacity as defined here, because the ability for the state to penetrate social life may have more to do with traditions of social control and patterns of communication than bureaucratic capacity. While difficult to measure, proxies for infrastructural power might involve deeply-embedded social norms that allow for the penetration of civil

society by state organisations and facilitate direct state involvement in social and economic organisation. It is this kind of power that facilitates effective surveillance, propaganda dissemination and the control of information more generally, all of which are conducive to exercising the ‘third dimension’ of power. Thus one can theorise that states with a greater degree of infrastructural power are more likely to achieve acquiescence. **Proposition five** is therefore that states will be more effective where they have a greater degree of infrastructural power.

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The above propositions are not intended for operationalisation into a testable hypothesis, but for guiding iterative process-tracing to assess their validity, explore relationships between them and identify causal mechanisms that facilitate state effectiveness. Together they broadly encompass not only the technical capacities of states but the political resources available to governments and the incentives for enforcement and compliance affecting state actors and social groups respectively. As well as exploring the five propositions above, however, through an inductive approach to the case material this thesis develops a more integrative argument about the type of institutional environment that facilitates effective state action. In drawing together insights about the role of the above factors, the thesis will show they can come together to fundamentally shape the relationship between formal and informal institutions: a relationship that is at the heart of accounting for degrees of state effectiveness. In order to provide a theoretical basis for thinking about how institutional environments evolve, the following section turns to questions of the relationship between historical and proximate causes in social scientific research, and between institutions and agency.

### **2.3 History, institutional development and political agency**

This is not primarily a historical study; it aims to understand causal processes through which state effectiveness or ineffectiveness is produced in the

contemporary era. Nevertheless, history is incredibly important. The processes of bargaining, negotiation, enforcement, compliance and resistance that are studied empirically here take place in the context of formal and informal institutions, conceived as ‘humanly devised behavioural rules that govern and shape the interactions of human beings’ (Lin and Nugent 1995: 2306-7). The different ways in which formal institutions (such as laws or regulations) interact with informal ones (e.g. norms embodied in routinised, predictable patterns of behavior) are important areas of research about which relatively little is yet understood (Helmke and Levitsky 2004). Moreover, institutions of all kinds cannot be adequately understood without attention to their evolution through processes of historical continuity and rupture. This section briefly explores theoretical perspectives on how institutions evolve and change, why this matters for analysing causal processes and how institutions and agency interact in everyday contemporary politics.

#### *Causality and path dependence*

This study does not seek to isolate individual causes in order to elevate one factor above all potential others, entering the ‘trap of infinite regress’ (Peters 1998; Mahoney 2000: 527). Rather it is predicated on the assumption that when faced with multiple causal factors in complex political environments it is often ‘the larger combination that generates the outcome’ of interest (Mahoney 2008: 418). There is a wide range of potential ‘obvious’ answers to the question of why state effectiveness is more prevalent in Rwanda than Uganda.<sup>34</sup> The perspective adopted here, which accords with the principles of comparative historical explanation in the social sciences (Mahoney and Rueschmeyer 2003; Mahoney et al. 2009), is that understanding the critical interactions between factors is more important than separating them in pursuit of ‘ultimate primacy’ (Mann 1986: 3). Theory-guided process-tracing allows for the exploration of such interactions, and also for attention to specificity without sacrificing generalisability. Through exploring

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<sup>34</sup> To name a few: the Rwandan government is more dictatorial; the nature of the colonial experience created different power relations in each country; the ethnic map is different; the Rwandan regime is less corrupt; the legacy of the Rwandan genocide facilitates obedience; the Rwandan government cares more about development. All of these are considered in various ways throughout the thesis.

theoretical propositions such as those already outlined, the study of specific contexts can yield generalisable insights.

The range of causal elements at play does, however, raise questions about historical versus proximate causality and the role of each in the analysis. Here the idea of institutional path dependence is useful, because it highlights how certain patterns of behaviour that are *self-reinforcing* come into play as a result of contingent historical events. It therefore has great power for explaining differences between cases that one might otherwise expect to be similar. Simply put, path dependence is the idea that 'once a country or region has started down a track, the costs of reversal are very high' (Levi 1997: 28). 'Increasing returns' systems kick in; in other words 'the *relative* benefits of the current activity compared with other possible options increase over time' (Pierson 2000: 252). Originating in the field of economics and the study of technological development (Arthur 1994), the importance of 'increasing returns' mechanisms for the development of institutions is now widely acknowledged (Mahoney 2000; Pierson 2000). Moreover, these kinds of 'self-reinforcing dynamics' are arguably particularly intense regarding political issues pertaining to power relations and credible commitment (Pierson 2000). These theoretical developments have gone some way to redressing what Moore termed 'a widespread assumption in modern social science that social continuity requires no explanation' (Moore 1966: 485).

Not all institutions emerging out of historical experiences are 'path dependent'; to use the term loosely renders it rather meaningless (Mahoney 2000). Some historical trajectories (the long history of monarchy in Rwanda and its implications for present day power relations, for example) demonstrate the 'status-quo bias' of political institutions (Pierson 2000: 257), but are not path dependent in the strict sense. Path-dependent explanations involve an identifiable contingent event – a 'critical juncture' or 'branching point' that has triggered a new institutional matrix that has become self-reinforcing through logic of its own (Mahoney 2000; Pierson 2000). The combination of broader, persistent historical trajectories and more recent 'branching points' shapes the institutional matrix we observe in particular contexts.

Yet while institutional origins are important, and are discussed in relation to each case in Chapter Three, so too are the mechanisms through which institutions are perpetuated.

Sinchcombe's (1968) distinction between 'historical causes' and 'constant causes' is helpful here, serving as a reminder that defining the 'original' moment in which an institutional trajectory was generated can only be part of a causal explanation of contemporary behaviour. Equally important is to 'explain continuity in activity in terms of the ongoing presence of a set of pressures and incentives' (Ikenberry 1994: 30). These pressures and incentives can be thought of as historically or structurally determined, yet they are reconstituted by the contemporary actions of human agents. Indeed the importance of retaining a focus on agency despite the 'institutional turn' is starting to be emphasised (VonDoepp 2009; Leftwich 2010). Attention to agency is necessary with a view to further clarifying the approach to causality and the role of institutions adopted in this study.

#### *Institutions and agency: intervention and political bargaining*

On the whole, recent institutional theory has treated institutions as rules or norms that 'structure', 'govern' or 'constrain' human action (Thelen and Steinmo 1992; Lin and Nugent 1995; North 1995; Hodgson 2006; North et al. 2009). Agency is considered in a secondary role; as being exercised against a prior institutional backdrop. The structure/agency distinction has often been restated as a divide between institutions (rules) and organisations (players) (North 1990; Lawson 1997). Elsewhere, engaging with agency has involved analysing how individuals navigate on the basis either of 'calculus' or 'culture' within institutional constraints, reflecting the biases of rational choice and sociological approaches respectively (Hall and Taylor 1996). All these approaches represent attempts to overcome the classic 'dualism' of twentieth century social theory, whereby philosophies of action evolved largely without attention to institutional context, while sociological approaches were overly structural (Giddens 1979). In many respects, however, they

reproduce it by neglecting to explore the ways in which structure and agency are mutually constitutive (Hay and Wincott 1998).

The approach taken in this study accords with Giddens' (Giddens 1979: 255) argument that 'the reflexive monitoring of action both draws upon and reconstitutes the institutional organization of society', a sentiment echoed in some 'new' institutional debates (Thelen and Steinmo 1992: 10; Hay and Wincott 1998: 956). This implies a need to give more attention to social *action* as a factor in the reproduction of institutional matrices: 'institutions do not just work 'behind the backs' of the social actors who produce and reproduce them' (Giddens 1979: 71). In the context of this study, the core empirical research is focused on these agency factors and how they reproduce institutional patterns, with particular consequences for state effectiveness.

If agency can be thought of as 'Intervention in a potentially malleable object-world' (Giddens 1979: 57) then *political agency* is intervention by political actors with potential to shape socio-political outcomes. The term 'effective state action' can be used to describe situations where political or bureaucratic agents act in ways that produce effective state policy implementation. Yet this, of course, is not the only type of political agency and can be contrasted with actions by political agents that work against state effectiveness (even if they are effective with respect to some other outcome). In sum, political agency consists of interventions that can either impede or facilitate effective state action.

One form of intervention that may impede state effectiveness is when political agents actively seek to establish a direct relationship with certain groups of people, unhindered by formal institutions and organisations. Such interventions can be thought of as *populist*. In a rigorous discussion of the history of this much-contested concept, Weyland proposes a new definition of populism as: 'A political strategy through which a personalistic leader seeks or exercises government power based on direct, unmediated, uninstitutionalised support from large numbers of mostly unorganized followers' (Weyland 2001: 14). Interventions that seek to build support

in this way reflect a 'weak commitment to substantive policies' (Weyland 2001: 11), and are often predicated on deliberately undermining state institutions. They are often remarkably effective strategies for mobilising popular support (not least in urban Africa, as argued by Resnick (2012)). However, they can informally institutionalise patterns of behaviour that actively clash with the institutions of the state; as such there is a low level of what one might term, 'institutional congruence' between the formal and informal.

In contrast, where institutional congruence is high because informal norms of behaviour perpetuated by political actors support formal institutions rather than undermining them, state effectiveness is likely to be enhanced. Institutional theory has explicitly highlighted the importance of informal norms for backing up laws and regulations to make them effective (Hodgson 2006; Khan 2010). It is often the informal norms that 'do much of the enabling and constraining that we attribute to the formal rules' (Helmke and Levitsky 2004: 734), and it makes intuitive sense that formal institutions work better where supportive behaviour is already informally normalised or incentivised. Populist behaviour by politicians is unlikely to further this end because it is a strategy based on building support through actively marginalising formal organisations and processes.

Thinking in this way about political strategies and the tactical interventions that accompany them underscores the need to consider political agency in terms of individuals as well as organisations, despite the fact that much contemporary institutional theory is concerned with organisations as the key 'players' of interest.<sup>35</sup> While premised on an understanding of the pivotal role of political organisations in development, this study is more directly concerned with institutional relationships both within political organisations and between individual actors representing organisations and those outside them. These types of relationships can be thought of as ongoing processes of *bargaining*, which broadly speaking is of two varieties. The first relates to the (often informal) negotiation of pacts among political and other elites about how to use power in ways that ensure both rents and stability

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<sup>35</sup> See the debate between North and Hodgson on this issue in Hodgson (2006).

(Putzel 2008; North et al. 2009). The second involves processes through which elites reach mutually agreeable understandings with popular interests in society (Beall 2008; Di John and Putzel 2009),<sup>36</sup> in ways that may or may not involve populist strategies and tactics. The outcomes of this bargaining process have been conceptualised in recent scholarship as embodying the ‘political settlement’ in a given state (Khan and S. 2000; Khan 2005; Di John and Putzel 2009; Khan 2010; Walton 2010). The political settlement can be defined as ‘the dynamic relationship between elite interests and the broader array of interests in the society’ (Parks and Cole 2010: viii).

Rather than the settlement *per se*, the causal processes of interest here are embodied in the bargaining itself; after all, political settlements are dynamic and ‘evolving all the time’ (Khan 2010: 22). Often associated with clientelism and corruption, habituated forms of political bargaining can feed into social norms, taking on an institutional quality of their own. Yet being informal and often dependent on the actions of individuals, these norms represent what Hodgson (2006) terms ‘agent-sensitive’ institutions, meaning that they are sensitive to change dependent on the types of ‘player’ and the personalities involved, such as the political organisation or individual leaders. This study interprets political bargaining as taking place at the nexus of structure and agency; as both influenced by and impacting on formal and (especially) informal rules that pertain in a given society. It is hard to observe bargaining *per se*, but what can be observed are the interventions of political agents and how these interact with the responses of social actors in terms of compliance, negotiation and resistance to policies and regulations.

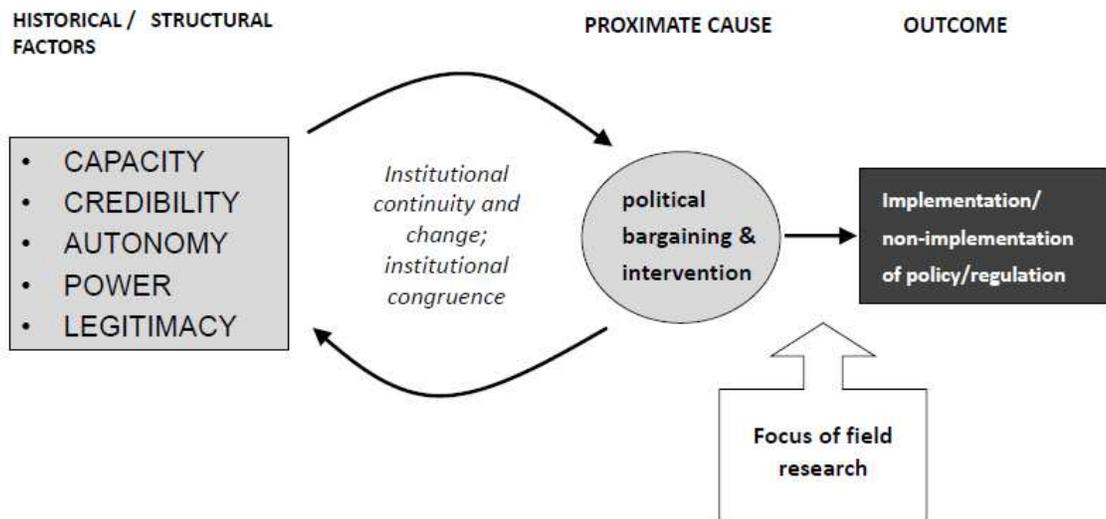
To conclude, the research undertaken in this project is concerned with both institutions and action. Institutions, Ikenberry suggests, ‘evolve in response to

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<sup>36</sup> Drawing on Putzel and Di John (2009: 15), elites can be defined as major capitalists in possession of valued assets, people wielding substantial power over the allocation of property rights, those who possess authority to bargain on behalf of religious communities, and those who lead major political organisations.

changing environmental conditions and ongoing political manoeuvring but in ways that are constrained by past trajectories’ (Ikenberry 1994: 387). In putting contemporary political bargaining and interventions – the political ‘manoeuvres’ in question – at the heart of the research but analysing them in an institutionally rooted way, this study moves beyond institutional explanations that take for granted the processes of institutional reproduction. It also highlights the importance of congruence between formal and informal institutions, something that both influences and is influenced by bargaining actions, with potentially important impacts on state effectiveness. The prism outlined in this chapter for understanding the processes impacting on state effectiveness is depicted in a simple stylised diagrammatic form in Figure 2.1.

**Figure 2.1: Deconstructing state effectiveness**



## 2.4 Research design and method

### *The macro-design: comparative case study analysis*

The remainder of this chapter provides an account and justification of the particular research design chosen and some description of the more specific methods used. The research is framed as a comparative case study, due to the suitability of this form of research strategy for investigations that are 'both historically interpretive and causally analytic' (Ragin 1987: 35). Case studies offer unique insights into causal mechanisms, which are the central object of the study (Gerring 2007: 47), and are in many respects the classic method of generating new ideas that can subsequently be used to generate testable hypotheses (Gerring 2007: 39). Moreover, case studies are considered particularly appropriate for research on contemporary events, sharing many of the same techniques of history but adding 'two sources of evidence not usually included in the historian's repertoire: direct observation and systematic interviewing' (Yin 1994: 8).

A *comparative* case study approach is appropriate because the study seeks to generate insights that can be generalised to the level of theory (Yin 1994 37) and because state effectiveness is much more meaningful in comparative light. Two-case comparisons have a distinguished history dating back to Mill (1843). The decision to use just two cases is also pragmatic, given the necessarily in-depth nature of case study research, which involves lengthy qualitative processes and the triangulation of findings through multiple methods of data collection (Cresswell 1998; Silverman 2000). Structured, focused comparisons (George and Bennett 2005) also allow scope for in-depth within-case as well as cross-case analysis and can trace multiple paths of causation, analysing the non-linearity of causal processes in a given case while still benefiting from comparative perspective (Mahoney and Rueschmeyer 2003). As this is not a hypothesis-testing study, many of the concerns about 'small-N' research raised by authors such as Geddes (2003), which relate to possibilities of spurious correlation, do not apply.

The decision to take cities as the primary unit of comparison is justified in relation to the research questions. All the policy areas of interest relate specifically to governing a bounded urban space and involve government functions that are formally decentralised to the level of city government in whole or part. Moreover, the particular nature of institutional configurations at city level make cities suitable units for comparative analysis (Macleod and Goodwin 1999). In this study it is the fate of efforts to shape the city's development as a whole that is of primary interest, and although all analysis 'involves breaking wholes into parts', in case study research (by contrast with variable-oriented research) 'the whole predominates over the parts, shaping the understanding and interpretation of each separate element' (Ragin 1987: 83). The broader national and international dynamics at play are of course crucial; we need therefore to understand cities in relation to dispersed activities and relationships at various scales (Robinson 2005; Ward 2010). However, the dependent variable (effective implementation of urban policy and planning) can only be *observed* in cities. Given a particular interest in the challenges facing large, 'core' cities and the high level of urban primacy in both countries, the inclusion of any of the (much) smaller cities in either country in the research design would not have been appropriate.

The selection of these two *particular* core cities out of a potentially very large universe of cases is justified on the following grounds. Africa is the region of particular interest, due to its large number of states considered weak, fragile or ineffective and its many fast-growing cities. Within its 53 states there are many core cities; but the location of government in a capital city has particular implications in terms of overlapping spheres of the state, so it is better to compare two capitals than a capital and a non-capital. Beyond this, the most problematic aspect of case selection is balancing similarity with difference. The approach taken is essentially based on Mill's (1843) 'method of difference', whereby two cases with a large number of commonalities exhibit different outcomes in relation to a particular phenomenon (in this case the effective implementation of urban policies). In this design, research is aimed at exploring the causal factors that produce that difference in very similar cases (Przeworski and Teune 1970). Stated differently, it is

what Gerring (2007) terms a 'diverse' case study comparison or Tilly (1984) terms a 'variation-finding' or 'individualising' comparison, because the two cases vary significantly on the particular outcome of interest, but are nevertheless highly comparable.

It is obviously not possible to find two cases that have every circumstance in common save one, as posited in Mill's ideal type. In comparative politics of any kind this can only be approximated by finding cases that share important similarities in relation to the question of interest. Kampala and Kigali are among the most comparable capital cities in Africa. Uganda and Rwanda are very similar in terms of their economies (largely agricultural, with little manufacturing industry), levels of poverty, population densities, levels of urbanisation and democratic institutionalisation. The political regimes in place also have a shared background: the Rwandan Patriotic Front (RPF) in Rwanda literally formed *inside* the Ugandan National Resistance Movement (NRM), and both came to power through protracted guerrilla struggle after devastating periods of civil conflict (Waugh 2004; Green 2011a).<sup>37</sup> The cities themselves, too, are similar: Kampala is certainly larger, but by 2010 both were cities of around 1-2 million inhabitants located in infrastructurally-challenging terrain of hills and swamps, sharing similar tropical climates as well as having little by way of formal employment.<sup>38</sup>

Sufficient similarity, then, is not in question. Neither is difference on the dependent variable, which can certainly be termed extreme and will be illustrated throughout the study. The usual concerns about selection bias do not pose problems with this kind of case study design. Arguments against 'selection on the dependent variable', made for example by Geddes (2003), are against selecting a number of cases that lack variation on the dependent variable and therefore cannot account for why the

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<sup>37</sup> Important differences do of course exist between the countries: the experience of British versus Belgian colonialism and the unusual scale and trauma of the genocide in Rwanda being prominent among them. However, these countries are nevertheless much more comparable than most.

<sup>38</sup> According to the most recent UN estimations, Kampala's (night-time) population was 1,598,000 and Kigali's 939,000 (UN-HABITAT 2011). Daytime populations are probably considerably larger, and in any case all figures are approximations and differ considerably by source. The Rwandan government estimated that Kigali's population already hit a million in 2006 (CoK website; <http://www.kigalicity.gov.rw/spip.php?article9>; accessed 10.06.12).

phenomenon of interest did not occur elsewhere.<sup>39</sup> This study, however, has deliberately selected cases that vary widely on the dependent variable. These criticisms also have little relevance for studies concerned largely with causal mechanisms. In fact, in studies of this nature ‘selecting on the dependent variable might be a very reasonable thing to do’ (Peters 1998: 57). A more pertinent potential criticism might be that the variation in the dependent variable between the two cases is ‘truncated’ – in other words they do not exhibit the *full* range of variation (King et al. 1994: 130; Collier and Mahoney 1996). However, the cases vary about as much as is possible without introducing other biases that would be more damaging to the comparison.<sup>40</sup>

#### *Within-case design and methods*

The operationalisation of the project involves the selection of particular areas of urban activity, as already outlined in Chapter One. Accordingly, within each city case study there are four detailed studies that can be thought of as ‘cases within cases’. In each city there is study of a) urban planning and the regulation of construction, b) managing marketplaces and regulating petty trade, c) governing and regulating public transportation and d) generating local revenue through urban taxation. The central research question is posed in relation to each of these: *why is the implementation and enforcement of policies and regulations more effective in Kigali than Kampala?* The idea of ‘effectiveness’ has already been discussed extensively. Now the remaining key terms in the question will be briefly outlined.

The question makes a distinction between *policies* and *regulations*. Policies are defined here as proposed courses of action pursued by governments that may or

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<sup>39</sup> For example Skocpol (1979) is criticised on the grounds that by studying three states in which revolutions did occur and none in which they did not, she cannot draw valid conclusions about the causes of revolution.

<sup>40</sup> There are surely states in more developed countries able to implement policies more effectively than in Kigali, but to compare states at very different levels of development would violate the principle of similarity central to the research design. Equally, there are core African cities, such as Kinshasa in the DRC for example, where the state is considerably less effective than in Kampala. However, Kinshasa is over five times the size of Kigali and the Congolese state is barely functional, which again would severely jeopardise the comparison.

may not have accompanying laws and regulations. A policy is an 'explicit statement of a governance objective' which "frames' subsequent action' (Healey 1997: 214). The important point is that policies reflect *stated aims* of governments with regard to particular issues even though they may not be codified in legislation.<sup>41</sup> While policies are therefore stated aims, guiding principles and proposed plans of action, regulations are *binding restrictions on behaviour*, codified in laws, urban ordinances and other documents that specify punitive measures if broken. In other words, unlike policies they 'change legally or administratively enforceable rights' (Hopkins 2001: 201). In the sphere of urban physical planning, zoning and other forms of land use and construction regulation are particularly important. For the various other aspects of urban development explored in this study, regulations pertaining to utilities such as public transport and economic activities such as market vending will also be under scrutiny.

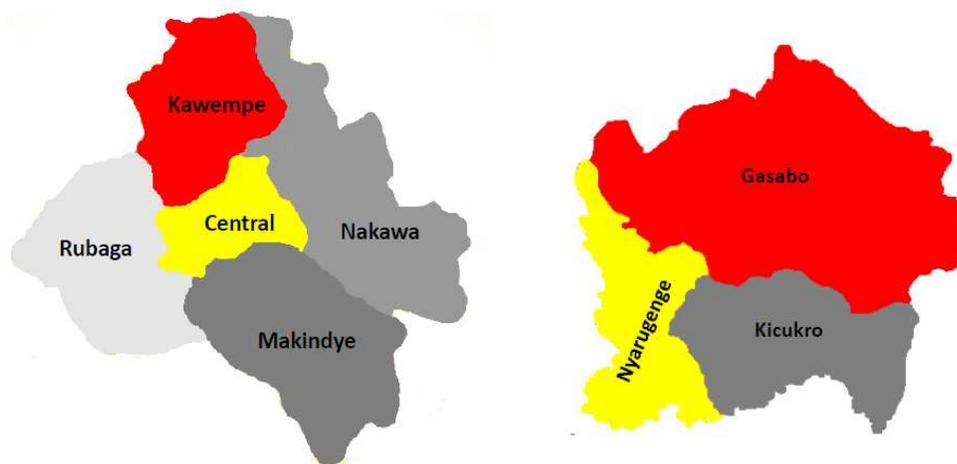
This conceptual distinction between policy and regulation relates to another distinction in the question: that between *implementation* and *enforcement*. So far the discussion has largely referred to implementation, the broader of the two terms which in this study is sometimes used as shorthand for both. Essentially, to implement is defined here as to *put something into effect according to a definite procedure*. When referring to policy as defined above this may mean to create the laws and regulations needed to translate stated aims into reality, or it may mean undertaking particular actions in accordance with the policy to bring something into effect. Enforcement is a specific aspect of implementation that refers to *ensuring compliance to those rules that are already codified in laws and regulations*. Strictly speaking we should write about the *implementation* of policy and the *enforcement* of regulations. The distinction is raised because state effectiveness entails both the translation of policy into laws and regulations, and the subsequent enforcement of those.

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<sup>41</sup> Notwithstanding the differences in the way the terms 'policy' and 'plan' are sometimes used, there is no logical problem in this context with discussing urban plans as types of policy rather than as a separate category; indeed as Healey (1997: 218) points out, planning is 'a style of governance within a policy-driven approach' that in fact 'could be equated with that approach'.

Focusing the research within each case also entailed a degree of geographic specificity. This is not so much because of the size of the cities as the number and complexity of local government structures within them, which themselves were central objects of research. In both countries, there are five tiers of local government, with the city government itself being the highest. In Kampala, the tier directly below City Hall is called the *Division*, of which there are five. Research focused on two of these: Central Division, which contains the central business district (CBD) and most valuable properties, and Kawempe Division, which contains some of the poorest parts of the city and largest slums, as well as some relatively wealthy areas. In Kigali, the level below the City is called the District, of which there are three. Again, two districts were chosen for similar reasons: Nyarugenge District, which is home to the CBD and some of the older upmarket areas, and Gasabo District which contains both low-income settlements and some of the newest and wealthiest neighbourhoods. Where research was focused on the particular dimensions of interaction between tiers of government, or between the state in general and urban social groups, particular attention was given to these Divisions and Districts (see Figure 2.2).

**Figure 2.2. Kampala's Divisions (left) and Kigali's Districts (right)**



*Source: created by the author from various sources*

The specific research methods used were in keeping with common prescriptions about case study research and the need to pursue a range of approaches, triangulating findings with multiple data sources (Yin 1994; Cresswell 1998; Gerring 2007). The most important method was interviewing, which encompassed local and national politicians, bureaucrats, business representatives, donor representatives, members of civic associations (for example associations of particular groups of urban workers), civil society organisations and individuals involved in the areas of urban activity under consideration. In total over 200 interviews were undertaken in six months of fieldwork, divided among several trips over a period of almost three years between January 2009 and December 2011, although the bulk of research took place from September 2009-February 2010.

These interviews are detailed in Appendix 1. Where necessary, identities have been anonymised due to the sensitive nature of certain subjects or at the request of interviewees.<sup>42</sup> Interviewees were selected through snowballing and purposively, in order to explore a wide range of opinions and perspectives on the issues in question, albeit within the confines of what was possible as a single researcher in the given period of time (Gaskell 2000). Interviews were semi-structured, based on topic guides for the issues being researched and question lists tailored to the particular roles of different interviewees. They ranged between around thirty minutes and two hours in length, with the average being about an hour. More uniformly structured interviews were not appropriate due to the range of issues under consideration and types of interviewees. The diversity of interviewees, encompassing not only voices from a range of positions within the state but those outside state systems wherever possible, was necessary given a conception of state effectiveness that is deeply rooted in political economy and urban state-society relations as well as the internal dynamics of state organisations.

Alongside interviewing, archival research was undertaken in both city government and national archives, as well as an extensive review of relevant press coverage on

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<sup>42</sup> A list identifying certain interviewees more clearly will be provided to the thesis examiners separately.

particular issues over a five-year period. This was supplemented by observation (for example of council meetings, new developments and infrastructure, the form of urban informal settlements, the character of urban informal activities and the interaction of urban-dwellers with authorities) and the collection of basic quantitative data with respect to local taxation. The selection of particular methods to address the core thesis questions and sub-questions pertaining to the various fields of inquiry is outlined in Appendix 2, in accordance with the guidance provided by Mason (2002). This appendix also provides some reflections on problems and challenges associated with the interview process, and a list of basic data that was sought in each city for the purposes of comparison.

The analysis of data in this study is guided by a logic of process-tracing, an approach that is specifically tailored to the analysis of causal mechanisms (George and McKeown 1985; King et al. 1994; Mahoney and Rueschmeyer 2003; George and Bennett 2005). This involves gathering multiple forms of evidence and large numbers of different observations to construct a narrative with attention to sequences in causal chains, and is in many ways a natural correlate of case study research (George and Bennett 2005; Gerring 2007). It is particularly well suited to this study given the definition of effectiveness employed, as it was designed specifically to ‘investigate and explain the decision process by which various initial conditions are translated into outcomes’ (George and McKeown 1985: 35). It also applies well to studies concerned with path dependence and how institutions are remade over time (Pierson and Skocpol 2002).

Methodologically, process-tracing has a close affinity to elite interviewing, due to the suitability of the latter for analysing processes of political decision-making and important developments within government over time (Tansey 2007). This thesis has not, however, relied solely on interviews with elites, which would clearly have been insufficient to answer the questions posed. Because of the diversity in the nature of interviewees, the thesis aims to be as explicit as possible about interview sources throughout, notwithstanding the need to protect the identity of certain respondents. Multiple sources were always sought for any evidence that is

presented in support of particular facts, and where appropriate, if there is any reason to doubt the reliability of a particular source this is mentioned in the thesis. Where direct interview quotations are used, this is generally because their content is particularly interesting and appears to offer insight into wider trends. However, the thesis makes no claim that particular individuals quoted are necessarily representative of the groups in which they are a part, and aims to be explicit about the likely biases particular interviewees' responses reflect.

In the context of process-tracing, interview material is used alongside other sources to help piece together the events in causal chains, assess the causes and consequences of particular decisions taken and explore the ways in which the relationships between particular actors over time feed into particular outcomes. As such, the interview material is not used to encapsulate the opinions of whole categories of people or provide evidence of the prevalence of particular views and feelings. Consequently, while interviewees were categorised according to the specific issues being researched as outlined in Appendix 2a, they were not formally coded. Interview material was largely used to uncover and substantiate purported facts about particular events, decisions and relationships. Where the data on these purported facts conflicts in ways that are considered significant for establishing solid evidence, this is highlighted in the text.

Moreover, depending on the nature of the issues in question, some parts of the thesis rely more on interview data than others. In cases where a particular event was some time in the past, for example, more weight might be given to newspaper articles, reports and other documentation from around that time due to a lack of access to people who were present at the event. Certain parts of the thesis that discuss the formal policy and regulatory framework, or analyse data such as that provided on taxation in Chapter Seven, are also less heavily dependent on interviews than those that are attempting to analyse complex practices within the informal economy. On the other hand, where certain data were difficult to acquire in 'hard' form – i.e. were not codified in official documents or records, due the largely informal or unregulated nature of the activities in question – it was

necessary to rely more on anecdotal interview evidence to substantiate particular facts. Data such as the exact proportion of land plots held under particular types of tenure, the number of public transport vehicles in the city, or the number of buildings constructed illegally – all of which were surprisingly hard to come by – would be typical examples.

As noted previously, this study specifically adopts a *theory-guided* process-tracing approach (Falleti 2006), which can be thought of as a variant of process-tracing that involves presenting narratives based on empirical data against a backdrop of ‘theoretical priors’ (Bennett 2006; Mahoney 2010). As Aminzade argues, ‘By making the theories that underpin our narratives more explicit, we avoid the danger of burying our explanatory principles in engaging stories’ (Aminzade 1993). Theoretical priors also facilitate the design and conduct of the case study research itself, allowing for the pursuit of data that can validate or invalidate particular theoretical propositions, as in In Hall’s (2003b) conception. This involves explicitly making theoretical propositions about causal processes and then collecting many and varied ‘causal process observations’ (Mahoney 2010: 124), enabling the researcher to assess the presence of patterns that can help determine which causal theories are most valid. The further development of theoretical propositions and hypotheses can then proceed inductively from the empirical case material.

Process-tracing is not without its pitfalls, and its inferences can be very difficult to subject to strict tests (Geddes 2003; Gerring 2007). However, if used properly it can help bring rigour to qualitative case study research. Because of the number of ‘noncomparable’ observations from diverse sources that it involves (Gerring 2007: 173), allowing us to analyse which potential causal factors are actually ‘activated’ in a process and which are not, it ideally provides ‘more opportunities to *refute* a theory, not more opportunities to evade refutation.’ (King *et al* 228). It is therefore a key tool in the iterative process of building theory and generating hypotheses. When gathering and analysing data through process-tracing, one is repeatedly confronted with problematic questions, dead ends and challenges to the research design and the very premises on which the research is based. This should be seen as

positive (George and Bennett 2005), adding rigour to the research exercise and forcing the researcher to face up to difficulties and inconsistencies that may mean readjusting the analytical prism as research and analysis proceeds. This kind of iterative process certainly been the case with this study, and much of what has been presented in this chapter reflects this.

## Chapter Three

### Kampala and Kigali in historical and institutional context

This chapter examines the history of Uganda and Rwanda, some of their primary socio-economic, political and institutional characteristics and the role the capital cities play in these broader stories. The two case studies are taken in turn, with three main sections for each. The first of these provides a broad-brush historical background, outlining the pre-colonial and colonial origins of the state, the post-independence period, political dynamics leading up to the present day and the experience and legacies of violent conflict. Attention is paid to historical continuities and institutional ‘branching points’. A second, shorter section discusses the role of the capital city in this history and the city’s most fundamental characteristics.

The final section on each case study focuses on key institutional factors with particular relevance for this study. Chapter Two developed an analytical prism for thinking about state effectiveness in general. However, for a given policy issue there are also specific institutional factors that merit special attention, and for the issues explored in this study two institutional matrices are of special importance. The first pertains to decentralisation: the rules and practices governing relationships between different tiers of government, how these have evolved and how they are codified in law. The second relates to land, in terms of the codification of land rights and tenure systems. For each of these, the historical development and basic characteristics will briefly be outlined, with particular attention to how these formal institutions play out in the capital city. Other relevant policy frameworks, for example those relating to urban planning and regulating urban economic activity, are taken up in the relevant empirical chapters that follow.<sup>43</sup> In most cases, they are dependent in various ways on the institutional architecture relating to land and

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<sup>43</sup> In other words, the policies and institutions will be discussed as follows: urban planning and development regulation (Chapter Four); urban marketplaces and petty trade (Chapter Five); urban public transportation (Chapter Six); specifically *fiscal* decentralisation (Chapter Seven).

decentralisation, hence the need for a dedicated discussion of these two issues in this chapter.

### **3.1 Uganda: historical context and legacies of conflict**

Uganda's extraordinary history is well-documented, and doing justice to this complex and troubled history in a few pages is impossible. This section merely aims to highlight some of the historical trajectories most relevant to this study. Due to space constraints, the pre-colonial and colonial periods cannot be discussed in detail. It is important to note, however, that Uganda is one of the world's most ethnically fractionalised countries, comprising at least two hundred different entities prior to British colonialism (Jørgensen 1981). Crudely speaking, today the northern part of the country consists of Nilotic and Sudanic-speaking people organised into relatively small, segmentary communities while the south is characterised by historic Kingdoms of Bantu-speakers with historically high levels of social organisation (Karugire 1980; Mafeje 1998; Chrétien 2003). Among these is Buganda, which in the nineteenth century became particularly powerful (Mafeje 1998). The Buganda Kingdom, led by the Kabaka (King) became the focal point for British indirect rule in the Uganda protectorate and was basically used to help colonise the surrounding areas (Twaddle 1993). Consequently, it was privileged in terms of government jobs, university places and control of economic resources, laying the foundations for subsequent ethnic animosity (Apter 1967; Kasfir 1976; Kasozi 1994; Hansen and Twaddle 1998; Chrétien 2003; Golooba-Mutebi 2008b).

In the 1920s and the decades that followed, many Asians were brought in to build the Uganda Railway from Mombasa to Entebbe and settled in Kampala (the colonial capital in Buganda) forming a new middle class (Mamdani 1973: 15; Kabwegyere 1995; Van Hear 1998). They reportedly controlled 97.5% of trade in Kampala by 1953 (Makara 2009: 108). The first political parties were, however, dominated by indigenous Ugandans. By the early 1960s there were three main political players: the Protestant (and Northern)-dominated Uganda People's Congress (UPC); the

Catholic, Baganda-dominated<sup>44</sup> Democratic Party (DP); and *Kabaka Yekka* (KY - 'the King Alone'), the party of the Protestant Baganda elite based at Mengo – the seat of the Buganda Kingdom now within the boundaries of Kampala (Karugire 1980; Mutibwa 2008). The former two were moderate nationalist parties and the latter effectively a pressure group lobbying for the retention of Buganda's privileges, hastily assembled by the monarchy after its failed bid to secede in the run-up to independence (Mutibwa 2008).

#### *From independence to the 'Bush War'*

As independence loomed, *Kabaka Yekka* entered into an improbable alliance with the UPC – the nationalist and progressive party which had largely formed to *oppose* Mengo's demands and was led by a Northern Ugandan, Milton Obote (Mutibwa 2008). This anti-Catholic 'marriage of convenience' won the elections at independence in 1962, and consequently Uganda entered independence on the back of a very fragile coalition, with Obote as its first Prime Minister and Kabaka Mutesa II as President. The monarchy secured federal status for Buganda under the independence constitution (Mukholi 1995), which papered over acute differences between the parties (Karugire 1980), and it was not long before the alliance unravelled. A political crisis in 1964 set Obote's government on a collision course with Mengo and in 1966 Obote lost patience with Buganda's monarchy altogether, unilaterally abrogated the independence constitution and assumed the role of president. When the Kabaka appealed to the UN for help, Obote sent out troops to occupy his palace, killing hundreds or possibly thousands in the 'Battle of Mengo' and sending the Kabaka into exile (Kasfir 1976; Kasozi 1994; Rubongoya 2007).

These events precipitated two decades of dictatorship, instability and violence for which Uganda became infamous across the globe. In 1967 Obote introduced a new republican constitution, abolishing Kingdoms and vesting vast powers in the presidency, before banning opposition parties two years later (Mukholi 1995). Government dependence on the military grew and Obote's 'turn to the left' from

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<sup>44</sup> 'Baganda' is the collective term for people from Buganda; 'Muganda' is the singular.

1969 alienated his Western allies (Mamdani 1983). In January 1971 General Idi Amin took advantage of the President's vulnerability and swept to power in a bloodless coup while Obote was abroad. Amin's coup was greeted with acquiescence internationally and scenes of jubilation at home, particularly among the Baganda, who generally despised Obote (Mutibwa 1992; Golooba-Mutebi 2008b).

However, Amin's rule involved blatant ethnic exclusion as he promoted ethnic kinsmen from the West Nile region to key posts in government and military (Lindemann 2010: 69) and purged Obote's ethnic kin (Golooba-Mutebi 2008b: 10). As brutal killings proceeded throughout the 1970s, decision-making became a monopoly of the military establishment (Lindemann 2010: 73). In 1972 Amin launched his notorious 'economic war', expelling almost the entire Asian community – around 50,000 people (Van Hear 1998) – and redistributing their assets among the *mafutamingi*, a class of corrupt businessmen linked to the military (Mamdani 1973; Muzrui 1975; Mamdani 1983). The economic consequences were catastrophic (Brett 2006), and the economy spiralled into *magendo* (the black market).

This was a critical juncture in Uganda's history, ushering in an institutional culture that amounted to 'if you don't get rich when you're in power, you never get rich'.<sup>45</sup> Theft itself 'gained respectability'; a way of life became normalised in which 'any means of making money was acceptable provided it succeeded' (Mamdani 1983: 52, 54). Moreover, while the *mafutamingi* were closely linked to the seat of power, they operated outside formal state structures and were effectively an 'economic rival to the state' (Kasfir 1983: 95). These patterns of behaviour became self-reinforcing given the opportunity cost of following formal rules and regulations under the circumstances, and the repercussions of the Amin years were severe and long-lasting. As Rubongoya (2007: 50) notes, 'the social consequences of Amin's regime have left generations of Ugandans without the normative structure vital for a normal functioning society.'

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<sup>45</sup> Interview with Chairman of a civic organisation 30.09.09.

Amin was overthrown in 1979 by Obote and a new force led by Yoweri Museveni from Ankole in Western Uganda (Museveni 1997; Amaza 1998). After a rapid succession of interim leaders, in 1980 an election that was widely believed to be rigged brought Obote back to power (Amaza 1998; Brett 2006). Museveni concluded that Obote could never be trusted and decided to resort to arms again, setting off for the bush with a handful of men and rifles to forge a guerrilla war (Museveni 1997). From 1981 Museveni's National Resistance Army (NRA) fought a five-year insurgency from central Buganda, as the Obote government (followed by the military junta of Tito and Bazillio Okello from 1985-6) ruled in an exclusionary and despotic manner (Rubongoya 2007; Lindemann 2010). Adhering to Nkrumah's Clausewitzian dictum that 'all military problems are political', Museveni set out to gain power through 'a protracted people's struggle' (Amaza 1998: 28), primarily by building relationships with Baganda and progressively incorporating them into the NRA (Museveni 1997; Amaza 1998: 30-35). This rapport with Buganda culminated in an alleged wartime pact in 1985 between Kabaka Mutebi (exiled son of Mutesa II) and Museveni to restore the Buganda Kingdom when the NRA seized power (Oloka-Onyango 1997; Kasfir 2005). This alliance subsequently caused Museveni problems like those identified by Trimberger (1978) regarding the danger of forming close ties with dominant landed classes before taking power.

#### *The National Resistance Movement period*

Museveni proved a master of clandestine political networking, becoming the first guerrilla leader to overthrow an African government (Southall 1988: 64). On January 29<sup>th</sup> 1986 he was sworn in as President, promising 'fundamental change' rather than a mere 'change of guard' and a transformation of governance (Museveni 1997: 172). Western allies were quick to emerge, and Museveni was willing to accept economic prescriptions from Washington provided that donors did not meddle in politics (Hansen and Twaddle 1998). This implicit deal was successful; privatisation and liberalisation proceeded apace while donors allowed Museveni to establish a 'no-party democracy' under the aegis of the National Resistance Movement (NRM)

(Oloka-Onyango 2000; Carbone 2008). Meanwhile, the new government fought continuing insurgencies (Lindemann 2010), the most brutal and protracted being in Acholiland in the North.<sup>46</sup>

For the first ten years of his rule, Museveni and the NRM were generally popular both with the war-weary population at home and abroad. His initial reconstruction programme – especially measures with respect to economic recovery,<sup>47</sup> gender equality, education and HIV/AIDS<sup>48</sup> – met with considerable success and approval, and he provided donors seeking an African success story with an intellectually sophisticated yet compliant partner (Hansen and Twaddle 1998; Kuteesa et al. 2010; Tripp 2010). His decision to reinstitute most of the ancient Kingdoms in 1993 (albeit in a purely ‘cultural’ role) also ensured support in Central and Western Uganda. However, the honeymoon period ended in the mid-1990s when discontent grew over the no-party system, land reform, and continuing instability in Northern Uganda. From 1996 onwards democratic accountability was waning, with NRM hegemony entrenched alongside corruption, clientelism and ethnic exclusion (Mwenda and Tangri 2005; Rubongoya 2007; Lindemann 2010; Tripp 2010). The manipulation of elections in 2001 precipitated further disillusionment, and even though multi-party politics was finally re-instated for the 2006 elections, Museveni’s decision to amend the Constitution so he could stand for a third term was for many the ultimate betrayal (Kobusingye 2010). He stood yet again in 2011 and was re-elected by a landslide, with little pre-election violence; he therefore continues to enjoy widespread support, notwithstanding widespread accusations of rural ‘vote-buying’ that may have helped secure this (Green 2011b; Mwenda 2011; Powell 2011).<sup>49</sup>

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<sup>46</sup> For more on the government’s war in the North against the Lord’s Resistance Army, see Allen (2006), Dolan (2009), Allen and Vlassenroot (2010).

<sup>47</sup> Uganda’s growth since the NRM takeover has averaged 6.5%, resulting in a remarkable seven-fold increase in the size of Uganda’s economy over the period (Tripp 2010: 2). In 1993, Museveni invited the previously expelled Asians to return and reclaim their properties, providing a further boost to the economy (Rubongoya 2007).

<sup>48</sup> On the HIV/AIDS reduction, see Putzel (2004).

<sup>49</sup> On the violent upheavals that broke out some months after the 2011 election, see Goodfellow (2011).

### *Trajectories of continuity and change*

Transforming Ugandan society proved harder than Museveni anticipated. Some argue that the NRM cadres shared the same outlook as those they displaced (Amaza 1998: 149), and many bureaucrats working in civil service after 1986 had been there since the Obote-Amin period, exacerbating resistance to change.<sup>50</sup> While the *mafutamingi* mentality was resilient, NRM politicians layered onto it a new form of politics based on their experience of guerrilla struggle and the co-optation of other social groups. This 'was to become a hallmark of the NRM-NRA administration, even in the civilian sector' (Amaza 1998: 150). The combination of decades of socially legitimised black marketeering and ethnic clientelism with a new cadre of politicians adept in clandestine and tactical bargaining thus had a profound impact on Uganda's political culture.

Efforts to balance competing interests during the 'bush war' also had a self-reinforcing legacy. These practices were critical to the NRM's success in constructing a broad enough coalition to win power in a fractured country (Tripp 2010), but then constrained its autonomy with respect to various groups, with implications for peacetime state effectiveness. Bargaining between groups with conflicting interests often caused contradictions in state policy and the tabling of laws to please one group that were politically difficult to implement due to the interests of another.<sup>51</sup> Commitment to organisational goals was eroded during the Amin and war years (Makara 2009: 224), and reversing this trend was not foremost among the NRM's many achievements. Not only was the *mafutamingi* culture persistent but the NRM's political skills helped make it relatively sustainable. In other words, the politics of clientelism and self-interest became sources of government legitimacy among certain groups, as later chapters demonstrate.

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<sup>50</sup> Interview with judge, 27.01.10.

<sup>51</sup> See Goodfellow (2012) on the tactical uses of the law in contemporary Uganda.

Meanwhile, the pervasive influence of a 'neoliberal moral code', with its emphasis on maximising individual utility (Wiegatz 2010: 126), may have exacerbated these trends. In the 2000s, many officials and politicians were said to arrive in office asking '*nfunila wa?*' (Where do I gain?), and literally demanding of constituents seeking services '*ovakko ki?*' (what can you give me?).<sup>52</sup> All of this fed a serious credible commitment problem. Trust in formal state institutions was very low,<sup>53</sup> and Museveni's populist efforts to connect personally with social groups led him to attack state agencies seeking to mediate his power (Carbone 2005: 8), often rendering them unable to fulfil their formal functions effectively.

### 3.2 The role of Kampala

Colonial Kampala originated in 1890 when Captain Lugard arrived at Mengo,<sup>54</sup> the capital of the Buganda Kingdom thought to have been the most populous urban agglomeration in the East African interior in the 19<sup>th</sup> Century (Fallers 1960), and built a fort on a nearby hill. Although the colonial authorities based their administrative capital at Entebbe, trade flourished around Lugard's camp and Kampala rapidly became the Protectorate's core city by the 1940s (Munger 1951: 76). For most of the colonial period it remained a 'dual city'; Mengo (the African settlement, also known as the *Kibuga*) and Kampala (the European/Asian residential areas and commercial centre), developing side by side (O'Connor 1983). The municipal boundaries of the latter excluded most African residential neighbourhoods and the seat of the Kingdom (Munger 1951: 31). Shanty towns soon developed around Mengo, prompting an incoming colonial town planner to remark on 'this state of chaos and almost licensed breach of all reasonable development'.<sup>55</sup>

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<sup>52</sup> Interview with KCC and Division officials, cited in Makara (2009: 254, 257).

<sup>53</sup> This was particularly true in Kampala, where Afrobarometer data indicates that over half the population had little or no trust in local government, the ruling party or the police (Afrobarometer 2010).

<sup>54</sup> Note that in this section the term 'Mengo' is used to refer to the geographic area of that name, while in other sections it is used as shorthand for the Buganda Kingdom elite, whose headquarters are based in Mengo.

<sup>55</sup> A. E. Mirams writing in 1931, quoted in Omolo-Okalebo et al (Omolo-Okalebo et al. 2010: 161).

The disparity between Mengo and Kampala is typified by the colonial government's expenditure on the latter in 1954-5, which was *two hundred times* the amount spent by the Buganda Kingdom on Mengo in the same year (Makara 2009: 103).<sup>56</sup> By mid-century, Kampala and Mengo combined had 36,000 residents, including around 1,500 Europeans and 15,000 Asians in Kampala alongside some 20,000 Africans in Mengo (Munger 1951: 17-19). Meanwhile, the founding of Makerere University rendered the city 'the principal center of higher education in all of East Africa' by the mid-twentieth century (Munger 1951: 12), contributing to fairly strong competences and bureaucratic capacity regarding healthcare and state administration by independence. Only in 1968 were the municipal boundaries of Kampala, by then the official capital, extended to include Mengo (Yahya 2007). Kampala City Council (KCC) thus took over the unplanned half of the city consisting mainly of private '*mailo*' land owned by chiefs (see below) alongside the colonial, planned areas (Nkurunziza 2006; Nuwagaba 2006). Important elements of dualism remained with respect to land tenure as city growth spiralled after independence. Most slums proliferated in the *mailo*-dominated areas (Nuwagaba 2006).

Kampala's post-independence development was severely thwarted under Amin and during the war years, when many people retreated into subsistence in the hinterlands (Bryceson and Potts 2006) and even within Kampala urban farming became a primary source of food and income (Amis 2006; Nuwagaba 2006). KCC's capacity was decimated by war and neglect: having possessed 227 items of engineering equipment in 1970, it had only 44 in 1988 (KCC 1997). After 1986 Kampala's population began to expand again swiftly, reaching a million by the mid-1990s and around 1.6 million by 2010<sup>57</sup> (UN-HABITAT 2011). It also continued to dominate Uganda economically: by 2008 over 80% of the country's industrial and service sectors were based there and it generated over 50% of the entire country's GDP (Giddings 2008). Liberalisation in the NRM period reinforced this trend towards

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<sup>56</sup> Note that the native government consistently protested against colonial interference in Mengo itself (Nkurunziza 2006: 165).

<sup>57</sup> These figures are approximations; the last census in Uganda was in 2002, which estimated the city population at 1.2 million (RoU 2005). All such official figures are based on night-time populations in any case, and Kampala's daytime population is thought to increase to up to 3 million (Lambright 2012: 6).

Kampala's primacy, contrasting with efforts towards regional distribution of industrial activity in the 1960s (Makara 2009: 22).

Despite being a hub of great wealth, a Participatory Poverty Assessment in 2000 indicated insidious poverty in Kampala that Uganda's celebrated macro-level indicators had not captured (Amis 2006). Income levels certainly increased in the NRM era, but factors such as disease burdens, environmental degradation, payment of regular bribes to authorities and inadequate infrastructure were perceived by many to have worsened their overall condition (ibid). Moreover, the urban farming mainstay of the 1970s-early 1990s was largely unavailable by the mid-2000s due to overcrowding and increasing land prices (ibid: 178-80). Infrastructure rebuilt early in the NRM period was decaying and the innumerable potholes in Kampala's roads were notorious across the region, coming to symbolise government corruption and neglect.<sup>58</sup> They combined with a traffic problem of similarly legendary proportions, poor driving and the prevalence of *boda-boda* motorcyclists to contribute to soaring traffic fatality rates.<sup>59</sup> Sanitation and waste management were extremely poor; in 2000 just 9% of Kampala's population were served by a central sewer system (Makara 2009: 15). Tens of thousands of people each year suffered from intestinal infections and acute diarrhoea, and cholera was on the rise.<sup>60</sup> All these issues were central to public discourse and city politics, providing endless fuel for the passing of blame between the NRM and the opposition – particularly the Democratic Party, who provided a string of city Mayors. Woven into the fabric of Kampala's politics are institutions relating to decentralisation and land, to which we now turn.

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<sup>58</sup> One of many newspaper articles on this reported how trade nose-dived for several businesses due to a single pothole that has evolved into a 'lake' of 25 metres in length, deep enough to bring vehicles to a total standstill in the rainy season (*The Monitor*, 27.08.10).

<sup>59</sup> Uganda has more accidents than Rwanda, Burundi, Congo, Tanzania or Kenya. Accidents rose from 5,674 in 1990 to 19,528 in 2006, and deaths from 778 to 2,034 annually over the same period (*The New Vision*, August 29, 2008). In Kampala alone, between 2000 and 2006 there were 66,498 accidents reported with 2,059 fatalities. (*The Monitor*, May 27, 2009).

<sup>60</sup> 'Without planning, urban areas wallow in filth and disease' *Daily Monitor*, 06.04.10.

### 3.3 Institutions for decentralised governance and land management in Uganda

#### *Decentralisation*

Decentralisation effectively began under colonialism with a series of ordinances empowering local governments under indirect rule (Mamdani 1996). This process, however, was derailed under Obote and came to a standstill under Amin (Katono 2007: 74). After the NRM victory it was rekindled. Basic local government statutes appeared in 1987-1988 and pilot programmes in 1993-4, before Uganda's 1995 Constitution and 1997 Local Government Act (LGA) fully enshrined decentralised governance. To a considerable extent this decentralisation architecture originated in the Resistance Council (RC) system created during the NRM's 'Bush War' from 1980-86. The five tiers of RCs created in wartime were reconstituted for peacetime as Local Councils: LC1 (Village) to LC5 (District) (Makara 1998; Golooba-Mutebi 1999). Peacetime decentralisation was therefore linked to the original NRA strategy for building local support and undermining the base of other political forces (Kauzya 2007; Makara 2009). However, decentralisation also happily coincided with Uganda's major donors' policy preferences (Wadala 2007: 41).

Districts were the highest level of local government. These proliferated rapidly over the NRM period: the original 22 in 1986 had multiplied to 112 by 2010 (Makara 2010).<sup>61</sup> Levels LC3-LC5 had formal governance roles while the lower levels served merely administrative purposes. In Kampala – the only officially-designated 'city' in Uganda, with only four tiers of government rather than the usual five – local government primarily involved KCC (equivalent to a District) and five City Divisions (Central, Kawempe, Makindye, Nakawa and Rubaga) below it. Each was headed by an elected Chairperson (the Mayor in the case of KCC), a directly elected council, and an administrative arm headed by an appointed Chief Administrative Officer

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<sup>61</sup> Green (2010) analyses this ongoing process of district creation as a strategy of political patronage.

(CAO, or Town Clerk in the case of KCC).<sup>62</sup> The total number of permanent bureaucratic staff in KCC (including the five city divisions and all units below) was 1050 in 2009.<sup>63</sup>

The NRM's decentralisation programme was among the most radical and ambitious in Africa (Hansen and Twaddle 1998; Nsibambi 1998; Asimwe and Musisi 2007). In Kampala specifically, 80% of services were devolved to KCC; everything in Kampala except national roads, secondary and tertiary education fell within its remit.<sup>64</sup> However, this impressive devolution on paper is misleading in certain ways. First, when it comes to finance, local authorities were rendered relatively impotent (Nsibambi 1998). While much of the budget was undeniably channelled through the LC system (Lindemann 2010: 104), control over finance was lacking because most of it consisted of transfers from central government that are 'conditional' in nature (Lambright 2011). Thus the centre was channelling money to Districts 'but not power' (Wadala 2007: 59). While Districts do have the constitutional power to raise their own local revenue, in most rural areas only 5% of their resources were acquired this way (Ahmad et al. 2006: 11). The situation in Kampala was rather different but far from unproblematic, as Chapter Seven illustrates.

There were also substantial problems of overlapping jurisdictions within districts between the Chairperson, the CAO and the Resident District Commissioner (RDC), whose duty was to 'represent the President and Government in the District' (Kabumba 2007: 30-31). All three had a mandate to 'coordinate' government functions in the district in various ways (LGA Articles 13, 64 & 71), but given that one was an elected politician answerable to the city population and the others were appointed officials, this was a major source of conflict. In Kampala's five Divisions a further source of confusion was the 'double loyalty' of Division officials who were supposed to answer both to the Division Council and the Kampala CAO, who often

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<sup>62</sup> In 2011 the city governance structure changed radically, though this does not affect the period under discussion in this thesis. See epilogue for more information. See also Goodfellow and Titeca (2012).

<sup>63</sup> Full spreadsheet of KCC staff obtained from KCC, January 2010.

<sup>64</sup> Interview with local government official, 06.02.09.

gave them starkly conflicting directives. Conflict between bureaucrats and politicians was a serious issue in the Divisions (Makara 2009: 252-4).

Local autonomy was further hampered when central government reclaimed the (previously decentralised) power to appoint and dismiss CAOs, arguably the most powerful players in any district. Meanwhile, political decentralisation 'reconstituted the district as the arena of competitive local politics', with some perverse effects (Asiimwe and Katorobo 2007: 316). New layers of local democracy tended to fuel corruption, for example. The high costs of campaigning, for which there were few public resources, led local politicians to award tenders to themselves and to their financial sponsors (Makara 2009: 253), 'a logic that is increasingly being accepted by the voters themselves' (Wadala 2007: 53). By the late 2000s decentralisation and its paradoxes seemed increasingly driven by the NRM's overriding aim of retaining power in the face of electoral pressures. Decentralisation was employed to this end by fragmenting important geo-political areas (Crook 2003), building clientelistic networks locally (Green 2010; Tripp 2010), dispersing threats to the centre into the periphery (Green 2011a) and buying off ethnic groups excluded from the national 'elite bargain' (Lindemann 2011).

The situation in Kampala was particularly problematic because the design of decentralisation in Uganda was 'clearly focused on rural areas', reflecting the NRM's 'populist rural focus' (Makara 2009: 24). The tendency was to assign urban authorities responsibilities such as provision of basic services without attention to the enormous difference in infrastructural complexity and expense of providing these in urban vis-à-vis rural contexts (Makara 2009: 19-20; Yahya 2007). Meanwhile, the valuable land and lucrative assets at stake in the city inflamed the competition between the many competing tiers of government overlapping in one space (Lambright 2012). On top of all this, the donor-driven preoccupation with perfecting formal managerial processes in the City Council at the expense of actually improving outputs and outcomes did little to improve the Council's capacity to deliver results on the ground (Stelman 2012).

### *The land question*

Institutions pertaining to land use and ownership are always critical for questions of urban development. Uganda has a complex web of overlapping and unresolved land issues,<sup>65</sup> but this section focuses only on Buganda, the region in which Kampala is situated and also the subject of the most contentious land debates. The origins of the Buganda land controversy date back to the 1900 'Buganda Agreement', which provided the Kingdom's ruling elite with large amounts of private land (Nkurunziza 2006; Mutibwa 2008).<sup>66</sup> The British believed that they were formalising individual land rights that already existed, but in fact they were instituting a fundamental shift (West 1972; Rugandya 1999; Okuku 2006: 7). The new form of private land tenure – which came to be known as *mailo*, due to the measurement of land allocations in square miles – had profound implications for Uganda's future. It institutionalised legal inheritance of land and created a new hereditary ruling class (Richards 1963), which rapidly grew as plots were sold and subdivided (Troutt 1994: 20). Meanwhile, peasants occupying *mailo* land found themselves disenfranchised, their customary rights over land eradicated with the stroke of a pen. Further colonial laws ensured that peasant rights over land remained weak (Bazaara 1997; Okuku 2006).

After independence, the 1966 crisis and subsequent Public Lands Act (1969) stripped the Buganda Land Board of the control over former Crown Land it had won four years earlier. *Mailo* was then formally abolished in 1975 by Amin's Land Reform Decree, which nationalised all land in Uganda and converted *mailo* titles into 99-year leases (Okuku 2006; Batungi 2008). However, the decree was barely implemented and when Obote returned to power in 1980, land policy was in

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<sup>65</sup> Uganda as a whole has a wide range of diverging systems of land tenure, and the search for a plausible way to harmonise them continues (see Batungi 2008). Reports were drafted in 2007 on the need for a harmonised National Land Policy for the whole country (RoU 2007b) but there was little evidence of moves to implementing this.

<sup>66</sup> Of Buganda's estimated 19,600 square miles, the Agreement gave the British control of 9,000, designated 'Crown Land', alongside some 1500 square miles of forest (Article 15). The remainder was to be granted as private freehold property to the Kabaka and around 3,700 local chiefs and royals (Englebert 2002: 352). For more on the Agreement and its contemporary implications for land politics, see Okuku (2006); Nkurunziza (2006); Green (2006).

considerable disarray (Okuku 2006: 11). Baganda landlords' attachment to *mailo* was as strong as ever in the 1980s, and the system was still highly disadvantageous to the peasants occupying the land. This meant that the NRM – who while fighting their guerrilla war had allied themselves with *both* the Baganda peasants and Buganda landed elites (Oloka-Onyango 1997; McAuslan 1998; Kasfir 2005) – would inevitably face real difficulties resolving this thorny issue on their arrival in power.

The NRM therefore faced a Catch-22 on land. A first priority was the need to visibly reverse the trend of the previous three decades whereby the state had progressively strengthened and often abused its powers over land.<sup>67</sup> Second, and related, was the desire to keep the alliance with Baganda elite alive by officially reinstating *mailo* and protecting the interests of powerful landlords. A third priority, however, was to not alienate Baganda peasants by entrenching their position of virtual serfdom, especially as since 1986 returnee landlords had been vigorously evicting poor peasants in favour of those who could pay (Green 2006: 375). These aims did not sit happily together and in its efforts to balance them the relationship between the NRM government and the Buganda Kingdom became increasingly strained over time, particularly after the passing of the 1998 Land Act. This aimed to bring greater tenure security for *mailo* occupants, who were legally protected from eviction on the simple condition that they paid an annual nominal rent of 1,000 shillings (around \$0.50).<sup>68</sup> Resistance from Baganda landlords was fierce, and passing this act was one of the greatest political battles Museveni had faced since taking power (Green 2006: 377).

The dispute worsened with the Land (Amendment) Bill, tabled in 2007, which further strengthened the rights of tenants on *mailo* against eviction and was passed into law amid acrimony at the end of 2009. Widely considered a 'political bill' rather than one aimed at serious changes, its passing was unlikely to change much in

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<sup>67</sup> Interview with Robert Opiyo, KCC Registrar of Land Titles, 22.01.10.

<sup>68</sup> This was fixed at a very low rate in recognition of the fact that occupants had been deprived of land historically since 1900 (interview with Sarah Kulatwa Basangwa, Acting Commissioner for Land Registration, 18.01.10).

practice.<sup>69</sup> It also proposed nothing that would resolve the difficulty of enforcing urban development regulations on privately-owned land – or indeed on public land, as Chapter Four illustrates. Nevertheless, these land disputes were significant for both Uganda’s and Kampala’s politics in the period under discussion.

### **3.4 Rwanda: historical context and legacies of conflict**

Like Uganda, Rwanda has attracted a large scholarship. The genocide in particular resulted in an outpouring of literature in both Francophone and Anglophone academia. Again, there is no space to discuss history over the *long durée* in detail, and this section can do little more than highlight some of the historical trajectories of greatest relevance. Like Buganda, Rwanda was among the most powerful Kingdoms in the Great Lakes region of Africa by the time colonialism took hold (Chrétien 2003). Unlike Buganda, however, a division between agriculturalists and cattle-rearing pastoralists evolved over time. While smaller in number, the latter came to have certain advantages because ‘cattle, as mobile capital, provided the capability for exchange and influence’, especially in times of drought (Chrétien 2003: 81). It was in the nineteenth century under the rule of *mwami* (King) Rwabugiri (1860-1895) that this distinction between Hutu (the agriculturalists) and Tutsi (the cattlekeepers) started to sharpen, particularly in the context of a new agricultural *corvée* forced labour system, *uburetwa*, that exacerbated the inequality between them (Newbury 1988; Chrétien 2003: 186-187; Erlebach 2006: 51). In this phase, ‘Hutu was constructed as a subject identity alongside Tutsi as an identity of power’ (Mamdani 2001: 102).<sup>70</sup>

As with Buganda, the Kingdom’s high level of organisation made a deep impression on European explorers. Here the hierarchy was even more pronounced: under Rwabugiri a system of ‘cow chiefs’, ‘land chiefs’ and ‘hill chiefs’ exercised tight

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<sup>69</sup> Interview with Erias Lukwago, Lawyer and MP for Kampala Central, 12.10.09. On the political struggles around this bill see Goodfellow and Lindemann (2010; 2013) and Goodfellow (2012).

<sup>70</sup> Note, however, that the historiography of Rwanda in pre-colonial and colonial periods is highly contested, not least with respect to when the Hutu/Tutsi distinction was actually introduced (Chrétien 2003; Vansina 2004).

control over the population (Chrétien 2003: 175). As Britain established its authority in Buganda, Germany incorporated Rwanda and Burundi into German East Africa and instituted a sort of indirect rule (Louis 1963: 129). After Germany's defeat in World War One, Belgium was granted a 'colonial trusteeship' over Rwanda and Burundi and governed them together as Ruanda-Urundi from the colonial capital Usumbura (now Bujumbura, capital of Burundi) (Dorsey 1994). They continued a policy of indirect rule, which served effectively to 'intensify a system of political oppression' (Newbury 1988: 207) with the Tutsi aristocracy acting as key intermediaries, implementing various forms of forced labour and taxation as well as playing key roles in local justice systems (Newbury 2000; Pottier 2002; Vansina 2004; Erlebach 2006; Clark 2010a). Moreover, from 1926 to 1936 the colonial state was reorganised and racialised, making chiefship explicitly a Tutsi privilege underwritten in law and emphasising that Tutsis were a superior race from the Horn of Africa (Mamdani 2001: 105). By 1959, every chief in Rwanda was Tutsi, as were all but ten of the 559 sub-chiefs (Straus 2006: 181). These developments were to prove fateful for post-colonial Rwanda.

Meanwhile, the majority Hutu were mostly poor, landless, engaged in ever more forced labour and deeply resentful (Lemarchand 1982; Newbury 1988; Pottier 2002). Conditions were ripe for social upheaval, especially since the colonial system introduced new educational opportunities and influences that allowed for the emergence of a radical Hutu counter-elite even as it simultaneously emiserated most of the Hutu population (Mamdani 2001: 105-6). By the late 1950s, with independence on the horizon, there were four main political players in Rwanda: the Belgian colonial authorities, who were starting to shift their support towards the Hutus; the emergent radical Hutu counter-elite; the Tutsi traditionalists linked to the monarchy; and the Tutsi and Hutu moderates who were calling for gradual change (Straus 2006: 177). The Hutu radicals were represented by two parties, the most militant being the Party of the Movement for Hutu Emancipation (PARMEHUTU). The Tutsi traditionalists and moderates were represented by the Rwandan National Union (UNAR) and Rwandan Democratic Assembly (RADER) respectively.

*From the 'Social Revolution' to the outbreak of war*

All these parties were created in rapid succession in the second half of 1959 (Mamdani 2001: 120-121), after the *mwami* died suddenly and unexpectedly while in Burundi. Fearing for the future of the Tutsi elite, the traditionalist UNAR resorted to violence, triggering counterattacks against Tutsi chiefs and a period of generalised violence in November 1959 in which hundreds were killed (Reyntjens 1985; Mamdani 2001: 123). Belgium intervened and threw its weight decisively behind the Hutu majority as preparations for independence accelerated (Reyntjens 1985: 268-272). This U-turn involved installing Hutu chiefs until they outnumbered the previously omnipresent Tutsi ones, as well as developing an embryonic Hutu-dominated administration and armed force (Mamdani 2001: 124). In the summer of that year, national elections were held and PARMEHUTU won by a landslide. The following year the monarchy was abolished and the state declared a Republic, with PARMEHUTU leader Gregoire Kayibanda as its president. These events, termed 'the Social Revolution' by the new regime, were followed by independence from Belgium in 1962 (Mamdani 2001; Golooba-Mutebi 2008a).

Many Tutsis fled Rwanda in the 1959 violence and soon elements of UNAR that sought to reclaim power were organising militarily abroad, resulting in a series of armed raids in 1962-1963. Within Rwanda, the new elite reacted by excluding and persecuting Tutsis, branding them all 'allies' of the *inyenzi* (cockroaches) conducting the raids (Mamdani 2001: 127-9). Many Tutsis were killed in ethnic massacres from 1962, but worse was to come. Fearing that UNAR rebels abroad would link up with Tutsis within Rwanda, Kayibanda's regime reacted with panic to a new round of raids in 1963-4, leading to state-sanctioned killings of anywhere between 5,000 and 20,000 civilians (Straus 2006: 186-7; Mamdani 2001: 130). This precipitated the exodus of a further 200,000-300,000 Tutsis into exile, bringing the total number of Rwandese refugees in surrounding countries to almost half a million (Golooba-Mutebi 2008a: 7).

By 1967, UNAR had renounced armed struggle and settled into life in exile (Semujanga 2003), ushering in a period of relative calm in Rwanda. However, this fragile stability was shattered in 1972, when a Hutu rebellion in Burundi led to the genocide of up to 200,000 Hutu by Burundi's Tutsi-dominated military regime. In Rwanda, refugee inflow, elite anxiety and escalating violence manifested in tension between Hutu from the north of the country, who felt persistently excluded, and those from Kayibanda's homeland in the South. In July 1973, Juvénal Habyarimana led a military clique from the north-west to power in a military coup (Straus 2006: 191). Habyarimana initiated efforts towards reconciliation between Hutu and Tutsi and a shift from racial language towards one of two 'ethnicities' destined to share Rwanda (Mamdani 2001: 140-1). Under his newly-formed party, the National Revolutionary Movement for Development (MRND), Habyarimana cultivated a discourse of national development and attracted large sums of international aid (Uvin 1998). Economic growth accelerated and from the mid-1970s Rwanda was considered an 'oasis of price stability and strong economic growth' in a poorly-performing region (Nkuete 1990: 154), with real GDP growth of over 7% from 1977-1985 (Nkuete 1990: 27).

There was no major anti-Tutsi violence reported from 1973-1990 (Mamdani 2001: 143), which contributed to donor perceptions that Rwanda's troubles were over and that it increasingly represented a model of African development (Uvin 1998). However, this benign picture was deceptive. Rural development projects remained largely systems of spoils with profits channelled towards MRND 'big men' (Lemarchand 1982; Prunier 1995; Des Forges 1999: 40), and landlessness and inequality were actually growing (Erlebach 2006: 60-61). The refugee problem remained unresolved, worsening after Obote returned to power across the border and stepped up persecution of Tutsis living in Uganda (Waugh 2004: 20-24). Moreover, despite the lack of overt violence, Tutsis were excluded in virtually all walks of life inside Rwanda. While a system of quotas was supposed to govern appointments, the reality was very different. Out of 143 mayors in the country, none were Tutsi, and there was just one Tutsi officer in the army (Golooba-Mutebi 2008a: 13).

By the late 1980s, land scarcity in Africa's densest country was intensifying; some retrospectively view Rwanda as 'caught in the Malthusian trap' (André and Platteau 1998: 1). Meanwhile, an economic crisis unfolded due to the global collapse in the price of coffee, followed by drought (Des Forges 1999: 41). Furthermore, in addition to donor pressures to both adjust the economy and liberalise (Mamdani 2001; Golooba-Mutebi 2008a), by 1990 new pressures were mounting from abroad: since Museveni's victory in Uganda, Rwandese (mainly Tutsi) exiles who had fought alongside him in the NRA had been quietly forming their own force within its ranks. Denied citizenship rights in either Uganda or Rwanda, they were preparing to reclaim their rights in the latter by force, resolving the refugee problem once and for all (Prunier 1995; Otunnu 2000; Kinzer 2008). In October 1990, as Habyarimana's domestic problems escalated, the Rwandan Patriotic Army (RPA) invaded from Uganda with Museveni's tacit support (Waugh 2004: 45).

#### *Civil war and the 1994 genocide*

The October 1990 invasion was disastrous. The RPA's opponent, the Rwandan Armed Forces (FAR), was assisted militarily by Belgium, France and Zaire and inflicted massive losses on the RPA in just a few days (Waugh 2004; Kinzer 2008). Major General Paul Kagame, an exiled Rwandese Tutsi who had previously been Museveni's Chief of Military Intelligence, returned from a training exercise in the USA and took over the rebel force, leading them into the inhospitable Virunga Volcanoes on the Uganda/Rwanda border to regroup and re-train (Waugh 2004; Kinzer 2008). Andrew Mwenda describes how, having faced the strong fighting machine of the FAR and failed so dramatically, the RPF was forced to radically reorganise:

'For the RPA to survive, let alone prevail, required high levels of ability and organisational efficiency [...] When Kagame arrives he finds a disaster. It is like the allied forces at Dunkirk. That was a learning process for Kagame. [In the Virunga volcanoes] the conditions were so harsh that anyone with a low level of commitment would run away, and anyone who was physically weak died [...] the conditions were extremely tough, the population hostile. They had to attract

people who were physically strong, and had high commitment to the political objectives and were willing to make extraordinary sacrifices for the end. [...] So those four years [1990-94] were the incubation period during which they went through a very strong furnace.<sup>71</sup>

Despite its failure, the RPA's 1990 attack precipitated massacres of Tutsi in northern Rwanda alongside mass arrests of opposition. This worsened when RPA attacks resumed in early 1991 (Straus 2006: 192-3). By 1992 formal peace talks were underway (Des Forges 1999: 48) but insecurity empowered the hardliners in Rwanda's regime who designated all Tutsis as enemies (Straus 2006). Their supporters funded a barrage of propaganda, and racist messages dominated print publications such as *Kangura* and the notorious *Radio Télévision Libre des Mille Collines* radio station. Particularly militant was a circle of influential people from Habyarimana's home region known as the *Akazu* ('little house'), co-ordinated primarily by his wife Agathe (Gourevitch 1998; Des Forges 1999).

Throughout 1992, the MRND were training youth militias that came to be known as the *interahamwe* ('those who fight together') all around the country (Prunier 1995; Straus 2006). In February 1993, after another wave of anti-Tutsi pogroms, the RPA contravened the previous year's cease-fire in a massive attack from the north, further eroding trust between the parties (Des Forges 1999: 87-88). The Arusha peace accords were signed that summer and a UN peacekeeping organisation was brought in to help implement them, but new coalitions were crystallising as distrust grew behind the scenes (Dallaire 2003). After the Hutu president of Burundi was assassinated by Tutsis in October 1993, the hard-line elements of the MRND and other newly-formed parties formed 'Hutu Power', a movement whose role in instigating genocide would be critical (Des Forges 1999; Dallaire 2003).

Efforts to implement new power-sharing rules in early 1994 repeatedly stalled amid broken promises, clandestine civilian training, inflammatory racist radio propaganda, the drawing up of lists of Tutsi civilians, and warnings about vast supplies of machetes and further massacres that were leaked to Dallaire. As Des

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<sup>71</sup> Interview with Andrew Mwenda, 20.01.10.

Forges (1999: 114) notes, 'warnings of catastrophe were many and convincing', but the UN retained strict limits on the mandate of its small force, constraining its ability to intervene (Dallaire 2003). On April 6<sup>th</sup> the aeroplane carrying President Habyarimana and his Burundian counterpart was shot down near Kigali airport, probably by radical elements within Habyarimana's own regime.<sup>72</sup> By April 8<sup>th</sup>, hardliners had taken control of the government, the moderate Hutu Prime Minister had been brutally killed along with the ten Belgian peacekeepers sent to protect her, the RPA had resumed the war, and the genocide had begun.

Much has been written on the horrific events that unfolded in Rwanda from April-July 1994.<sup>73</sup> At least 500,000 Tutsi civilians were slaughtered, along with around 10,000 moderate Hutus; a further 25,000-60,000 Hutu leaders and civilians were killed by the RPA (Des Forges 1999; Straus 2006). Some sources put the total death toll at 800,000 or even a million. Debates continue on the extent to which the genocide was 'meticulously planned' in advance, as is suggested by Des Forges (1999) and Melvern (2000; 2004), or more contingent in nature (Straus 2006). There is, however, consensus among scholars that it was genocide (the fastest in recorded history), that around three-quarters of the pre-genocide Tutsi population in Rwanda were killed, that it was carried out by large numbers of civilians as well as *interahamwe* and formal government forces, and that elites were responsible for orchestrating it. The majority of the killing took place in the first two weeks (Straus 2006: 60), though it was finally brought to an end only when the RPA took Kigali on July 8.

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<sup>72</sup> While the shooting down of the plane has long been an issue of controversy, the Trévidic report of January 2012 supports the argument that the assassination was the work of MRND hardliners rather than the RPA.

<sup>73</sup> The most authoritative account is probably Des Forges' (1999) 600-page testimony, which documents the massacre in great detail. Prunier (1995) provides another influential account. The most scientific approach to providing an explanation of the genocide's proximate causes is provided by Straus (2006). Mamdani (2001) is particularly strong on the historical evolution of the Hutu-Tutsi divide in the colonial and post-colonial periods. An important insider story from the UN perspective is given by Dallaire (2003), and a rich journalistic account from an outsider visiting in the wake of the horror is provided by Gourevitch (1998). A damning indictment of the international community's role in Rwanda before the genocide is provided by Uvin (1998), and the failures of international intervention are painstakingly chronicled by Melvern (2000; 2004).

### *The Rwanda Patriotic Front period*

The remnants of the MRND having fled to Zaire by the time the war ended, the Rwandan Patriotic Front (RPF – the political organisation derived from the RPA) formed a 'Government of National Unity' with other moderate opposition parties. Pasteur Bizimungu (an RPF Hutu) was sworn in as President, with Kagame as Vice President and Minister of Defence. Around 700,000 Tutsi exiles, finally able to return home, poured into the country from Uganda, Burundi, Tanzania and Zaire (Newbury 2005: 277). However, in the closing days of the war some two million Hutus had followed the previous government across the border, leading to a new refugee problem of colossal proportions in Eastern Zaire. International NGOs rushed to set up refugee camps, notoriously failing to demilitarise the remnants of Hutu Power in the process (Pottier 1996; Uvin 1998; Pottier 2002; Chrétien 2003; Rugumamu and Gbla 2003; Prunier 2008). The RPF was deeply concerned that almost a third of the country's population were in camps abroad, and scaremongering among Hutu Power leaders in the camps militated against many refugees returning of their own volition (Gourevitch 1998). Consequently, the RPF decided to invade Zaire and pursue a strategy of forced repatriation on a massive scale in late 1996 (Newbury 2005; Pottier 2002), leading to the war that toppled Mobutu and turned Zaire into the DRC.

The influx of over a million 'new caseload' refugees in 1996-7 was another tectonic shift in a deeply traumatised country shaken by political crises from the moment the RPF took control. Incursions from Zaire, internal security issues and the violent closure of refugee camps within Rwanda led to multiple ministerial sackings from 1995 (Des Forges 1999; Reyntjens 2004; Prunier 2008). As the decade wore on, the government was 'manifestly torn between two tendencies': on the one hand it was attempting to rebuild the justice system, promote reconciliation and allow for the restitution of the properties of returnees, but on the other was so preoccupied with internal security that policing was violent and arrests arbitrary (Chrétien 2003: 338-339; Des Forges 1999). In 2000 intra-governmental tensions culminated in a raft of resignations by frontline politicians including President Bizimungu (Reyntjens 2004:

181; Lemarchand 2007: 7). Kagame assumed the presidency and the power of the RPF inner circle was consolidated.

By this time the RPF had solid alliances with donors including Britain and the US, who played very minor roles in pre-genocide Rwanda but for whom failure to prevent the bloodshed was a source of mounting guilt. Economic growth soon recovered to levels similar to those of the pre-crisis Habyarimana years and remained robust. In 2000, as the government consolidated itself politically, it also released its ambitious development blueprint, *Rwanda Vision 2020*. This outlined an agenda for the development of high value-added agriculture and a knowledge-based economy, envisaging Rwanda as an ICT and logistics hub for the East/Central Africa region. As the first decade of the millennium progressed, impressive improvements in health, gender, education and corruption indicators cemented the government's 'donor darling' status and levels of aid continued to rise, reaching almost \$1bn annually in 2009 (OCED DAC 2010). Over a third of this was provided as General Budget Support, giving the government considerable leeway with expenditure priorities (Purcell et al. 2006: 14).

However, the RPF government has been subject to fierce criticism since its inception. Reports of RPA killings of civilians during the civil war,<sup>74</sup> massacres of refugees in Rwanda in 1995 and, above all, atrocities on an allegedly vast scale in the DRC from 1996 onwards constituted major sources of criticism (Prunier 2008). Even the early seminal accounts of the genocide by Prunier (1995) and Des Forges (1999) are critical of the RPF, and long-term observers of the region such as Mamdani (2001), Pottier (2002), Reyntjens (2004; 2011) and Lemarchand (2007) have lamented the government's dictatorial tendencies, veiled ethnic exclusion and miscarriages of justice. A 2011 book bringing together the work of a large number of scholars working on contemporary Rwanda was also overwhelmingly critical of the exclusionary nature of Rwanda's post-genocide development trajectory (Straus and Waldorf 2011). Meanwhile, Anglo-Saxon donor governments have hailed

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<sup>74</sup> Shortly after the genocide a UNHCR Mission headed by Robert Gersony resulted in a report detailing RPF killings of tens of thousands of civilians during 1994. The report was suppressed by the UN for fear of destabilising the new regime (Des Forges 1999: 554-6).

Rwanda's developmental progress, success in overcoming corruption and ethnically-based politics, and innovative transitional justice mechanisms.<sup>75</sup> Some academic authors and other commentators also provide a less negative outlook on particular issues (Daly 2002; Baker 2007; Golooba-Mutebi 2008a; Kinzer 2008; Clark 2010a; Booth and Golooba-Mutebi 2011).<sup>76</sup>

### *Trajectories of continuity and change*

The events of 1994 were certainly a critical juncture in Rwanda. At a formal organisational level they led to almost total decapitation and renewal of the state bureaucracy; levels of both 'institutional memory' and administrative and technical skills in the new government therefore were low,<sup>77</sup> contrasting with the above-noted bureaucratic continuity in post-1986 Uganda. The judicial infrastructure and legal profession was likewise decimated (Clark 2010a: 20). Moreover, the new political culture was deeply rooted in the military proclivities of the RPF (Dorsey 2000) and patterns of upward accountability and strict discipline could cause hesitancy regarding decision-making at middle and lower levels of the state.<sup>78</sup> This combined with the skills deficit, as well as the relatively weak colonial educational legacy and education indicators that remained substantially behind those in Uganda for most of the decade,<sup>79</sup> to contribute to low levels of bureaucratic capacity as defined in this study.

Meanwhile, important and interlinked trajectories relating to credible commitment, legitimacy and autonomy were born out of the genocide and circumstances of RPF victory. Crucially, the RPF, unlike the NRM, did not embed itself among the

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<sup>75</sup> It is important to note, however, that the system of *gacaca* courts for trying genocide perpetrators has divided opinion among observers. For critiques see Kirkby (2006); Ingelaere (2007); Straus and Waldorf (2011), and for a thorough analysis of *gacaca* and competing perspectives on it see Clark (2010a).

<sup>76</sup> The journalist Andrew Mwenda also provides stalwart support for Kagame in regular columns in *The Independent* (Uganda).

<sup>77</sup> Interview with director of parastatal organisation, 11.18.09.

<sup>78</sup> Interviews with foreign investors. 07.12.09; 11.12.09.

<sup>79</sup> For example, primary school completion rates in Rwanda were substantially lower than those in Uganda at the beginning of the decade, lagging behind until 2009 when they actually surpassed those in Uganda (World Development Indicators, <http://datatabank.worldbank.org/ddp/home.do>).

population of a particular region and build strong links with the rural population, which was viewed with some suspicion as it was predominantly Hutu (Prunier 1998; Mamdani 2001; Mkandawire 2002). After its victory, given its 'systemic vulnerability' (Doner et al. 2005) in potentially hostile terrain, the RPF was aware of the need to justify itself both domestically and internationally by delivering concrete security and development outcomes (Hayman 2007; Hayman 2009). This has important implications for 'motivational' credible commitment, as will be explored in subsequent chapters. Elite autonomy from certain interests is also worth reflecting on. RPF forces were largely comprised of Tutsi exiles who fought their way to power without forging major alliances with existing economic or landowning elites, by contrast with the NRM, and echoing Trimberger's (1978) analysis. As earlier chapters have argued, the idea that states can be termed 'autonomous' *per se* is highly problematic and in post-1994 Rwanda the state was deeply entangled with contemporary (even if not past) economic elites. Nevertheless the fact that it did not forge such a broad network of linkages in wartime still has implications for its ability to push through policies that might impact negatively in the short term on large groups of people.

Thus, while capacity was low in post-1994 Rwanda, a number of factors facilitating state effectiveness were evident. Deeper historical trajectories are also significant; Rwanda has a long history of structured hierarchical power relations, as noted above. Increasing returns to these relationships over time arguably facilitate the 'third dimension' of power (Lukes 1974/2005) because 'positive feedback over time simultaneously increases power asymmetries and renders power relations less visible.' (Pierson 2000: 259). The recent centrality of effective implementation to state legitimacy and credibility provided a particular impetus for the RPF to exploit these older power dynamics; indeed, as Doner et al (2005: 332) have argued in relation to East Asia, 'systemic vulnerability' incentivises governments to 'take advantage of existing institutional endowments'. However, the ethnic question at the heart of the RPF's vulnerability necessitated very careful and strategic uses of power, which led to strict limits on the discussion of ethnicity in public life, accompanied by constraints on political space (Beswick 2010). The longer historical

trajectory of power has therefore been utilised in particular ways by an elite dependent on power relations being less visible. A long history of power has thus combined with institutional dynamics of a particular nature stemming directly from 1994.

### **3.5 The role of Kigali**

While some authors argue that a settlement located at present-day Kigali existed 500 years ago,<sup>80</sup> its official foundation dates to 1907 when the German Richard Kandt was appointed Resident of Rwanda. The site was chosen because, at the very centre of the country, it maximised potential both for broadcasting power and acting as a crossroads for national and regional trade. Under the Germans and during the initial period of Belgian rule Kigali remained a small colonial outpost, the capital for Ruanda-Urundi being at Usumbura (Bujumbura). It therefore grew relatively slowly, even as the Belgians embarked on a road-building programme linking Kigali to other towns and the neighbouring colonies through hundreds of kilometres of roads by the mid 1920s. Despite the growth of the cassiterite trade in the wider area from the 1930s (Dorsey 1994), by the middle of the century its population was still only around 6,000<sup>81</sup> – much smaller than Kampala around the same time.

With independence in 1962, Rwanda and Burundi became separate republics and Rwanda's national ministries and diplomatic embassies were located in Kigali, fuelling its growth (Oz Architecture 2007a: 17). City growth rates of 5-8% from the 1950s led to a population of over 200,000 by the early 1990s (Oz Architecture 2007a; UNPD 2009). Aside from the old colonial core at Nyarugenge, the government area in Kimihurura and later the industrial area South-east of the city centre, the city's growth was largely unplanned under Kayibanda and Habyarimana. Plans for extensive high-rise residential development, intended to address the problem of low-density development that characterised Kigali's evolution and

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<sup>80</sup> See Mukarutabana (2007) for a discussion of this history and for further bibliographical references.

<sup>81</sup> CoK website; <http://www.kigalicity.gov.rw/spip.php?article9>; accessed 10.06.12.

posed challenges for infrastructure and transport (RoR 1974; 1990), were never realised. Instead, the city densified through unplanned shanty settlements and by the mid-1980s the population density in Kigali was higher than at any other point since independence (See Table 3.1).<sup>82</sup>

**Table 3.1: Growth of Kigali since Independence**

	1962	1984	1999
<b>Urban population</b>	6,000	160,173	354,273
<b>Built-up area (square km)</b>	3	15.9	45.13
<b>Average density (persons/hectare)</b>	20	105	79

Source: Oz Architecture (2007a: 19)

Evidence of a strong rural-urban divide was apparent in the 1970s and 1980s (Jefremovas 2002: 125) and urban primacy was extreme, with 57% of Rwanda’s urban population living in Kigali by 1990 (UNPD 2009). This was a tiny proportion (3%) of the population as a whole, given Rwanda’s low level of urbanisation, exacerbating perceptions of a disjuncture between the capital and the masses. Despite this, Kigali was also home to sprawling and completely unplanned low-rise slum settlements, and there were few buildings larger than the now-famous *Hotel de Milles Collines*. With retrospect, people now often speak of Kigali before 1994 as being ‘really like a big village’.<sup>83</sup>

This was the backdrop against which the horrific events of 1994 unfolded in the capital. Its abandonment by the Hutu population, urged to flee by radio broadcasts, meant that when the RPF took Kigali they found a devastated wasteland. Rose Kabuye, a senior RPA officer who became Kigali’s mayor immediately after they took control, explains that ‘the city was deserted. When Kigali fell the streets were empty. The houses were empty apart from the survivors and the bodies and the dogs.’<sup>84</sup> The emptiness did not last long; survivors emerged and many incoming Tutsi refugees based themselves in Kigali. They arrived within weeks, occupying

<sup>82</sup> Note that the massive growth of the city after the genocide resulted in further sprawl, bringing density down again and reproducing some of the problems of the 1970s, particularly in relation to transport (See Chapter Six).

<sup>83</sup> Interview with Rose Kabuye, 12.02.10. This sentiment was reflected in numerous other interviews.

<sup>84</sup> Interview with Rose Kabuye.

empty houses they found: 'it was random settlement. People would just open a house and go in, and stay in. Because there was nowhere else you could put them.'<sup>85</sup>

Two years later, with the return of the 'new caseload' refugees from DRC, the city felt the strain of post-conflict urbanisation under the most extreme circumstances imaginable. While the RPF attempted to discourage 'new caseload' refugees from overwhelming Kigali given its acute housing shortage,<sup>86</sup> many headed there due to the relative anonymity of the large city context.<sup>87</sup> The government did not prevent people from returning to properties they rightfully owned, even though these were now being inhabited by other people – often genocide survivors. The latter were 'very bitter' about government efforts to implement rules on the restitution of properties for returnees:

'They were saying 'these people killed us, destroyed our property, and you are telling me to get out of his house?' Those were some of the arguments, and the arguments were pertinent – but for the government, we had to sort it out...and it was very difficult. It took 3-5 years to completely sort it out. This was a bad period for Rwanda.'<sup>88</sup>

In some cases perpetrators and survivors even shared the same property.<sup>89</sup> Crimes relating to ongoing property disputes were bitter and plentiful, and prevalent in the 1996-98 period was the practice of throwing stones incessantly onto the tin roof of a neighbour's house as a way of hounding them out – something perpetrated against both Hutus and Tutsis.<sup>90</sup> The RPF struggled to consolidate its hold on power with a range of informal policing mechanisms in Kigali's burgeoning informal settlements (Baker 2007). The growth of the city in this period spiralled out of government control, surpassing even its soaring growth in the 1980s, with an average urban population growth rate of 18% from 1995-2000, something virtually

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<sup>85</sup> Interview with Rose Kabuye.

<sup>86</sup> Interview with Rose Kabuye; see also Prunier (2008).

<sup>87</sup> Interviews with local officials, 17-18.02.09.

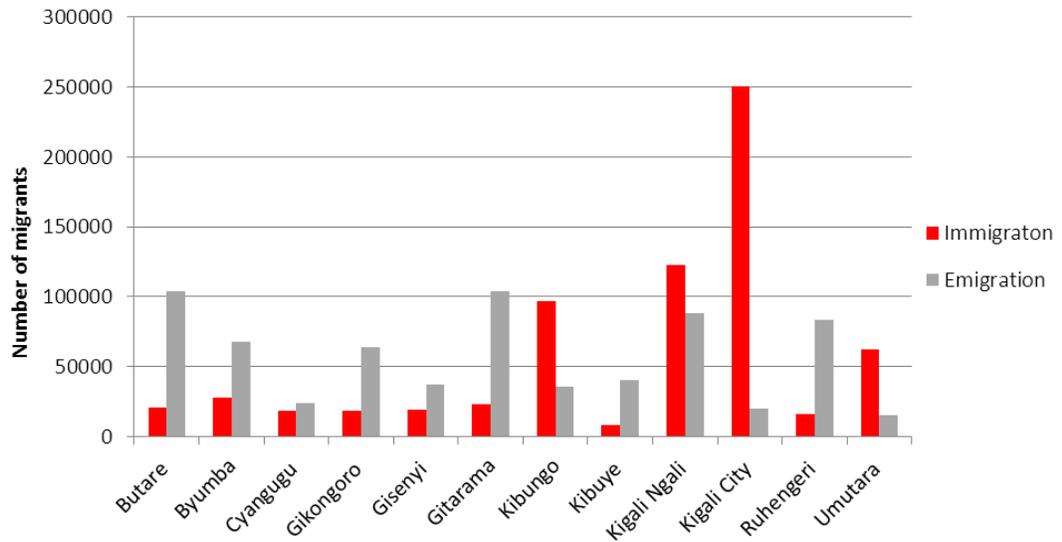
<sup>88</sup> Interview with Rose Kabuye.

<sup>89</sup> Interview with Rose Kabuye.

<sup>90</sup> Informal conversation with a researcher, February 2010. This became such a problem that very strict sentences were introduced for this practice, and it eventually died out.

unprecedented anywhere in the world in the last sixty years.<sup>91</sup> It was not only returning refugees that boosted these rates: internal migration within Rwanda was overwhelmingly to Kigali and its surrounding areas ('Kigali Ngali'), as Figure 3.1 demonstrates.

**Figure 3.1: Internal Migration in Rwanda**



Source: (RoR 2002: 40)<sup>92</sup>

Despite this extremely difficult period, the government managed to stabilise Kigali and in the new millennium it gained a reputation as a site of remarkable security and order.<sup>93</sup> Alongside these developments, the sense that was emerging under Habyarimana of Kigali as a place of elites divided from the rural masses (Rumiya 1985) persisted and even increased. Levels of poverty in the city were certainly much lower than for the country's other four provinces (RoR 2007). However, as with Kampala, macro-level figures are skewed by the presence of most of the country's wealthy elite in the city and also mask dynamics of urban poverty not covered by income measures, including transport costs, high prices and environmental hazards (KIST 2001b). Moreover, as subsequent chapters demonstrate, the government's effectiveness in transforming the city has

<sup>91</sup> According to UN statistics, the only time a (marginally) higher growth rate has been seen anywhere since 1950 was in Western Sahara in the late 1970s (UNPD 2009).

<sup>92</sup> This data is based on surveys undertaken in 1999-2000.

<sup>93</sup> See Goodfellow & Smith (2013 forthcoming).

sometimes been very problematic for poorer residents, and there are unresolved tensions inherent in its strategy for a more urbanised society.

### **3.6 Institutions for decentralised governance and land management in Rwanda**

#### *Decentralisation*

As in Buganda, pre-colonial institutions and indirect colonial rule provided a foundation for later decentralisation in Rwanda. Under the first post-independence regimes large sums of development aid and training were channelled to commune-level authorities, which were perceived to be central to processes of local development. However, despite Habyarimana's rhetoric about empowering communes, during his regime so-called 'communal development projects' largely served to facilitate control of the population by local burgomasters (Uvin 1998: 41-43). Decentralisation under the RPF has been explicitly framed in contrast with this, as a deliberate move away from the centralisation and what is often termed a 'culture of obedience' prevalent under the previous regime.<sup>94</sup>

The RPF's decentralisation programme was designed as a three-phase project, laid out in the 2000 Decentralisation Policy. The first phase (2000-2005) established basic structures for decentralised governance, with phases two (2006-2010) and three (2011-2015) targeted towards increasing capacity at ever-lower levels of government and enhancing government responsiveness locally (MINALOC 2007: 7-8). Phase Two began with a re-districting exercise. Prior to this point Rwanda had consisted of 106 districts in 12 provinces, two of which were 'Kigali City' and 'Kigali Ngali' (Kigali Rural). Since 2006 Rwanda has had just thirty districts and five provinces, one of which is the City of Kigali (CoK) (see Figure 3.2). Below the districts are 416 *sectors*, 2,146 *cells* and 14,876 *imidugudu*<sup>95</sup> (villages) the lowest formal level of government consisting of around 100 households (Purdeková 2011: 477). In the City of Kigali there are three districts (Nyarugenge, Kicukiro and Gasabo), which are

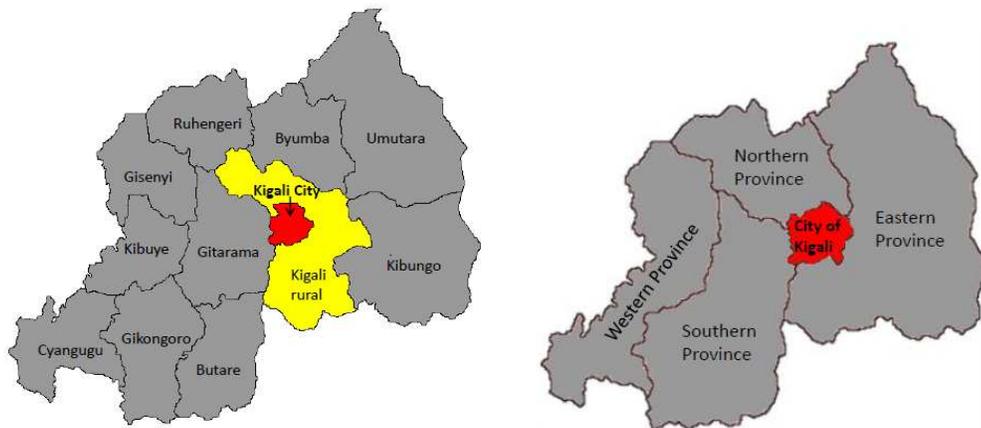
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<sup>94</sup> Interview with Fred Mufulukye, Ministry of Local Government, 19.02.09.

<sup>95</sup> *Imidugudu* is the plural and *umudugudu* the singular.

divided into 32 sectors, 161 cells, and 1,061 *imidugudu*.<sup>96</sup> An even lower administrative unit called *nyambakumi* (consisting of just ten households) also existed formally until 2006 (Purdeková 2011: 477) and despite being abolished in that year was reportedly still functioning in 2010.<sup>97</sup> The approximate number of permanent bureaucratic staff within CoK, its three districts and all subsidiary levels of government was around 800 in 2010.<sup>98</sup> This amounted to 0.08 local government staff per capita, a figure very similar to that in Kampala (0.07 per capita).<sup>99</sup>

**Figure 3.2: Rwanda provinces before and after the 2006 redistricting exercise**



*Source: created by author from various sources*

<sup>96</sup> Kigali City website, CoK. 2009. Kigali City Website: <http://www.kigalicity.gov.rw>. Accessed 06.05.11.

<sup>97</sup> Interview with Kigali resident A, 05.02.10.

<sup>98</sup> Interview with John Karera, finance and human resources official, CoK, 25.11.09. 75 of these staff worked in the central CoK office, with the rest being based in the Districts and below.

<sup>99</sup> These figures must be considered very approximate given the dearth of reliable, up-to-date population for either city. To calculate these per capita figures I have used population data from (UNPD 2009) in both cases, for uniformity. It is also important to note that the slightly higher number of staff at the city level in Kigali does not mean that bureaucratic capacity *per se* was higher than in Kampala. The implementation of the kinds of policy discussed in this thesis involved more than just the city government and the tiers below it, and there is reason to believe that by many conventional indicators of state capacity Uganda scored more highly. While recent figures on total numbers of civil servants are elusive, a 1997 IMF report documented that Uganda had on average 1.16 civil servants per 100 citizens to Rwanda's 0.47 in recent decades (Mkandawire 2010). Indeed, despite a reduction in government employment in Uganda from the mid 1980-mid 1990s, government employment grew substantially from the mid-1990s onwards, and spending on government salaries soared (Therkildsen 2006: 59-60). The legacy of higher numbers of university students per capita in Uganda up till 2005 (World Development Indicators, <http://datatabank.worldbank.org>) also suggests a more educated bureaucracy, and most local government staff in Kampala did have diplomas and degrees (though unfortunately similar information on educational attainment of staff in Kigali was not obtained).

This second phase was accompanied by a number of new laws including the ‘Law determining the structure, organisation and functioning of the City of Kigali’ (Law No. 10/2006),<sup>100</sup> which devolved some responsibilities previously located at the city level to its three districts. The City Council’s roles were thereafter largely confined to overseeing and monitoring the activities of the three districts and the sectors below. Local tax collection became exclusively the responsibility of the districts; CoK itself retained only a small budget and raised no revenue (See Chapter Seven). Much development aid flowed from national ministries to districts, which were responsible for issues such as primary education, strengthening health infrastructure and maintaining healthcare centres, the maintenance of prisons, secondary education, human resources for healthcare, and land management and planning (MINECOFIN 2007).

In tandem with decentralisation, *imihigo* (a system of ‘traditional’ contracts) was used extensively after 2006 as a tool for accountability and the target-setting at all governmental levels right down to the *umudugudu*. *Imihigo* consisted of agreements through which local governments pledge to implement measures outlined in annual plans. *Imihigo*, in the government’s words, ‘has a strong focus on results which makes it an invaluable tool in the planning, accountability and monitoring and evaluation processes (RoR 2010: 1). Thus while the decentralisation programme formally transferred resources and powers downwards, giving administrative structures a new legitimacy (not least with donors), it was paradoxical in its effects. In reality the country’s unusually tightly structured and hierarchical society meant that higher authorities were far better placed to capitalise on the top-down aspects of decentralisation than the lower rungs were to feed decisions upwards. Indeed, *imihigo* can be seen as leading to ‘deeper permeation of society by the state’, representing ‘a very localised public pledge of compliance with national policies’. By the late 2000s *imihigo* was even being extended down to the level of the family (Purdeková 2011: 484).

This intense societal penetration was also reflected in *umuganda*, the monthly

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<sup>100</sup> See Appendix 3 for a further discussion of these laws.

community works day from 8am-12pm on the last Saturday of every month. Nominally 'voluntary' but very strongly encouraged, this consisted of activities such as building houses for genocide survivors or cleaning public spaces, followed by a local community meeting. Through activities such as *imihigo* monitoring and *umuganda* meetings, information was certainly passed upwards through the political system, in line with the government's claims about a two-way decentralisation process. However, this reflected mechanisms of upward accountability more than decision-making from below (see Appendices 2b-2e). Some observers even suggest that 'the effects are the exact opposite of the discourse' and that the activities conceptualised as being part of decentralisation have 'directly strengthened authoritarian rule' (Purdeková 2011: 486).

It is therefore questionable whether the decentralisation programme was empowering local authorities and communities, particularly given that the formal decentralisation framework moved considerably faster than capacity development at local levels (Putzel and Golooba-Mutebi 2010). In contrast with claims of increased local autonomy, even local officials regularly made statements about how Rwanda's progress 'all comes from high office', 'when government decides, we follow' and 'if they say, you obey'.<sup>101</sup> Moreover, regarding Kigali specifically, the Law No. 10/2006 effectively re-established the CoK as an arm of the *central* state at the city level, co-ordinating the three districts within it rather than forming a distinct decentralised tier in its own right.<sup>102</sup> Kigali's mayor was given particularly strong powers in relation to implementing the city Master Plan, itself vested with considerable authority backed by central government (see below and Chapter Four).

Politically, decentralisation probably strengthened the RPF, particularly given restrictions on local level campaigning by political parties. The 2003 Constitution states that political organisations are not allowed to campaign in elections at district level and below. Ostensibly motivated by concerns about local politics becoming

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<sup>101</sup> Interviews with local officials, 16-17.02.09.

<sup>102</sup> Interviews with finance officials, 23-24.11.09.

ethnically confrontational, this meant people could only stand for election as individuals, recalling Uganda's 'no-party democracy'. In reality most, if not all, local leaders were RPF members even if not campaigning as such.<sup>103</sup> The prohibition of local party campaigning was formally lifted in 2007, but most opposition parties lacked funds to set up local offices (EOM 2008: 236) and the legacy of RPF hegemony both nationally and locally defined the kind of politics that is really possible locally, posing persistent barriers to local party activity (Beswick 2010: 236). Informally, the ban seems to have effectively remained in place; some interviewees in 2009 seemed unaware that it had even been lifted.<sup>104</sup> Others noted that 'officially we have many parties; but really there is one'.<sup>105</sup>

In conclusion, while the devolution of functions and revenue collection proceeded rapidly in post-2000 Rwanda, in 2010 power seemed to rest as surely as ever with the centre. However, the paradoxes of Rwandan decentralisation differed substantially from those in Uganda. In both cases, the local authorities were largely dependent on transfers from the centre, but Rwandan District autonomy was curtailed by weak local state capacity, an ingrained sense of hierarchy and hesitancy towards decision-making, and the overwhelming dominance of the RPF. This contrasted with Uganda, where districts were arenas for competitive politics, overlapping jurisdictions and split loyalties, and the revoking of previously-devolved powers by the centre was a recurrent feature (Lambright 2011; 2012). In Rwanda, and Kigali specifically, the local governments were so closely steered by the centre that such interference was unnecessary.

### *The land question*

For most of Rwanda's history the vast majority of land was governed by customary law: it was collectively owned but families enjoyed usufruct rights over land they occupied (RoR 2004). With the onset of colonialism, the only areas not governed by customary law were urban areas and some areas under the jurisdiction of the

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<sup>103</sup> Informal conversation with a researcher, 02.02.10. Interview with Kigali resident A, 05.02.10.

<sup>104</sup> Interviews with local officials, 16-17.02.09; See also Beswick (2010: 234).

<sup>105</sup> Interview with independent Rwandese development consultant, 17.02.09.

church. Thus formal land laws applied only to ‘foreigners and religious missions’ (Barrière 1997: 10) and were of little relevance to most Rwandans (Pottier 2002: 181). There was nothing like the 1900 Agreement in Buganda transforming the relationship between peasants and the land on which they lived and worked. Customary law involved subdividing plots through systems of father-to-son inheritance, which given Rwanda’s population pressure resulted in increasing numbers of tiny parcels of land (RoR 2004). Immediately at independence, legislation attempted to change the system but to little effect: few people registered their transactions, and regulations were easily circumvented (Pottier 2002: 181). Habyarimana was very critical of the fragmentation of farming land, arguing that it ‘blocks the development of the countryside’ (quoted in Nezehose 1990: 38). A radical law in 1976 thus shifted ownership of land from ‘the community’ to the state; but this too made little difference in practice (Sagashya and English 2009: 3). When economic crisis hit in the late 1980s, panic sales of plots through the informal land market precipitated an escalation of land conflicts in the run-up to the genocide (André and Platteau 1998).

After 1994 and especially after the ‘new caseload’ refugees returned in 1996, a further land crisis ensued, paralleling Kigali’s housing crisis outlined above. This prompted the government to launch its controversial *imidugudu* villagisation campaign in December 1996 to reverse the problem of dispersed settlement and low agricultural productivity.<sup>106</sup> Meanwhile, numerous reports argued for the rationalisation and privatisation of land ownership (Clay et al. 1995; Karake 1997; Republic Rwandaise 1998, cited in Pottier 2002).<sup>107</sup> After some years in the making, the 2004 National Land Policy set out the aims of consolidating land plots for sustainable agriculture, ensuring equal access to land regardless of gender or ‘origin’, and establishing mechanisms for land registration and tenure regularisation (RoR 2004). The urgency of these issues in Rwanda merits repeating: ongoing (inter and intra-family) land disputes, extreme population pressures and growing

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<sup>106</sup> For critiques of this programme, particularly in relation to its impacts on inequality and rural poverty, see Van Leeuwen (2001), Pottier (2002) and Ansoms (2008).

<sup>107</sup> The urgency of the need for land reform at this time, and the problems and challenges of addressing it, are discussed by Van Hoyweghen (1999).

landlessness, refugee return and an extraordinary level of land fragmentation were critical issues (RoR 2009b). In 2008 there were an estimated 7.9 million land parcels in Rwanda, with average land parcel size being just 0.35 hectares (Sagashya and English 2009: 12, 1).<sup>108</sup>

The 2005 Organic Land Law (OLL) set the new policy in stone, creating one unified legal and administrative system for land ownership. However, under the new system important distinctions exist. Those who held land under customary law (i.e. most rural landowners) were entitled to a documentary title in the form of a renewable lease for a term of 3 to 99 years; but those who ‘invest in Rwanda by carrying out works of a residential, industrial, commercial or similar character on land’ (i.e. investors mostly in urban land) were granted freehold title (OLL, Article 6). In addition to these two forms of individual ownership, there was land officially vested in the national and local state. This was further broken down into *state public land* (including lakes, rivers, national parks, state roads, etc.) and *state private land*, which was not public but owned either by the national state, districts or by the City of Kigali. Ministerial and presidential orders followed the OLL to establish a new structure for land governance. Land administration, planning and surveying were relocated to a National Land Centre, below which sat the Office of the Registrar of Land Titles, District Land Bureaux, and Land Committees at the Sector and Cell level (Sagashya and English 2009: 8-9). The government has also embarked on a major Land Tenure Reform (LTR) programme in order to implement the OLL, with considerable support from DFID (Sagashya & English 2009).

The government took the ‘urban question’ more seriously than most African governments (DFID 2007), recognising the benefits of urbanisation, and incorporating this into its overall framework for land reform (ICAS 2010). Its development plans envisaged the country’s level of urbanisation increasing from 17% to 30% by 2020, and the land tenure reform programme evolved to reflect this (RoR 2009b). However, there were underlying problems regarding the form of

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<sup>108</sup> By November 2011 this figure had increased to around 10 million. This huge number of plots was almost equivalent to the number of people in Rwanda; on average, every household had at least three plots (interview with land official 09.12.11).

urbanisation envisaged and the ability of ordinary Rwandans to meet the requisite standards of urban development. The emergence of the Kigali Conceptual Master Plan, with its strong emphasis on attracting investment and promoting a particular vision of urban form,<sup>109</sup> left large sections of the population vulnerable to expropriation. As Chapter Four demonstrates, the plan was vested with great authority – indeed with the force of law (DFID 2007: 26) – but many rules and regulations to mitigate its impact upon the urban population were not in place at the time of the plan’s completion, a source of concern to some observers (DFID 2007: 11; Ilberg 2008; Kairaba 2008). Thus while the OLL was aimed at increasing tenure security, other aspects of the government’s urban development vision risked undermining this.

Despite the emphasis on individual land ownership, the state retained ‘rights to expropriation due to public interest, settlement and general land management through procedures provided by law and prior to appropriate compensation’ (OLL, Article 3). The 2007 Expropriation Law established that ‘public interest’ covered a flexible range of activities including 22 types of public interest acts but also ‘any other activities aimed at public interest which are not indicated on this list that are approved by an Order of the Minister in charge of expropriation’ (Law 18/2007, Article 5). This has been interpreted in a way that includes private investments for commercial purposes that fit broadly with the Master Plan (DFID 2007: 26). Investors therefore have incentives to persuade the government to consider their projects as ‘public interest’, because if they succeed the government will manage the messy business of expropriation on their behalf.<sup>110</sup>

## **Conclusions**

This chapter has highlighted some of the contextual issues most relevant for the empirical chapters that follow. It provided a brief and necessarily selective history of each case study country, drawing out some historical antecedents central to

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<sup>109</sup> See Goodfellow and Smith (forthcoming).

<sup>110</sup> Interview with government adviser, 14.02.10. See Goodfellow (2013 forthcoming) for a more detailed discussion of expropriations in Kigali.

questions of state effectiveness including the evolution of state-society relations in key periods of historical transition, legacies of conflict and the means by which contemporary ruling elites came to power. It also provided brief historical narratives of the two capital cities, which in both cases have been central to national economies and the development of the post-colonial states as well as sites of struggle over resources such as land and housing. Finally, it considered institutional development in relation to decentralisation and land, which are of particular relevance for the chapters that follow and for processes of urban development more generally.

Answering the questions posed in this study requires a multi-scalar approach that simultaneously focuses on the national, metropolitan and local level. Much about why state effectiveness differs in the two cities is written into the national histories and institutional frameworks discussed here. This chapter has noted the fragmentary nature of the Ugandan polity since its inception, the difficulties in maintaining a coalition capable of governing the diverse and unruly post-colonial state of Uganda, and the current government's relative successes in doing so by bargaining, forming alliances and playing groups off against one another. It has also considered Rwanda's continued existence over hundreds of years as a unified kingdom, its unusual levels of hierarchy and the current government's incentives to maintain legitimacy through delivering observable results.

This big picture is necessary for understanding meso- and micro-level political interactions on specific issues of the kind examined in subsequent chapters. Yet, while necessary, it is not sufficient to explain them. Recalling the discussion of state effectiveness in Chapter Two, this study makes no claim that either state is effective or ineffective *per se*. Regarding certain issues such as combating HIV/AIDS the Ugandan state has been remarkably effective (Putzel 2004), and regarding issues such as rural poverty-reduction and increased agricultural productivity some claim that the Rwandan state has been ineffective (Ansoms 2008; 2011; Newbury 2011). Explaining why, in relation to many questions of urban development, Rwanda has been much more effective than Uganda therefore requires examining how these

broader historical and institutional dynamics interact with local and specifically urban issues. In the four chapters that follow, this is undertaken through rigorous comparative research in accordance with a structured, focused comparative case study model laid out in Chapter Two. These chapters provide a cohesive body of new empirical evidence on the two countries, which at times problematises any simple account of differing effectiveness that might be easy to uphold based on this chapter's review of existing literature. They therefore contribute to a deeper and more nuanced understanding of politics in the two countries, and of the mechanisms of state effectiveness more generally.

## Chapter Four

### **The challenge of urban development control: regulating construction (and destruction)**

This chapter explores the effectiveness of the state in the shaping cities at a very fundamental level: through institutionalised processes of urban planning and the regulation of land use and construction, which together I term ‘urban development control’.<sup>111</sup> In Africa, many of today’s large cities were planned from the outset by colonial powers. However, despite this brief phase of colonial planning at a time when most African towns were still relatively small, after independence many of them grew at astonishing speed and with very little adherence to plans and regulations. This has certainly been the case for Kampala and Kigali, where only parts of the central and government districts bear evidence of concerted planning and where – in both cases – unplanned urban growth spiralled in the four decades between independence and the turn of the twenty-first century. It was only thereafter that the two cities radically diverged with respect to planning and construction regulation, with Kampala continuing on the same course of ‘laissez-faire’ urbanisation but Kigali exhibiting the striking imprint of a new era of planning and regulation. It is in this field that the two cities exhibit some of the starkest of the contrasts motivating this study.

The chapter begins with an introduction to the idea of urban development control, contemporary debates and some of the key challenges with regard to planning and regulation in Africa. This is followed by a brief outline of the formal institutions pertaining to construction and land use regulation in the two case study cities. The chapter then explores empirically how urban development regulations are actually used in practice and the degree to which they are enforced in each city. This is followed by a section exploring cases of attempts to evict people from particular settlements and demolish them in the interests of implementing major transformative urban plans. Finally, conclusions are presented about the differential effectiveness of urban development control in the two cities.

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<sup>111</sup> This is also a term often used in Uganda (usually in relation to its absence).

#### 4.1 Urban development control: concepts, issues and challenges

The spread of modern practices associated with planning and regulating the development of cities is thought to have originated in Europe and the United States in the late nineteenth century, in response to congestion in overcrowded, disease-ridden urban slums (Hall 2002). *Plans* can be thought of as sets of agendas, visions, policies, designs and strategies for physical development (Hopkins 2001), encapsulated in a 'two-dimensional layout of the physical form of the city' (Neuman 1998). *Urban development regulations* – in the form of zoning ordinances, land use regulations and building codes for example<sup>112</sup> – are clear rules concerning 'what is built, where it is built, and when and how it is built' (Kaiser et al. 1995). Historically, in many cases regulations preceded formal 'comprehensive', 'master' or 'structure' plans, with the consequence that the latter had to defer to existing zoning on any potential issues of legal dispute (Sullivan and Michel 2003). In the United States for example, from where much planning theory and practice emanates, it is generally the case that:

Zoning ordinances (rules governing the use and intensity of use of land) [...] are municipal laws. No development can occur without conforming to these laws. In contrast, the "master plan" is advisory, has no force of law...the city council consults the plan but is not bound by it. (Birch 2008: 142).

While the relationship between planning and the law has been a source of controversy at times,<sup>113</sup> there has also been a wider debate over the past half-century about whether 'comprehensive' plans designed by technical experts according to rational principles are desirable at all (Allmendinger 2002). Jane Jacobs threw a literary grenade into the field of planning with her explicit critique of the

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<sup>112</sup> There is some crossover in the use of these terms and their exact meaning depends on context. However, in general *land use regulations* refer to the 'user purpose' assigned to different parts of a city (e.g. commercial, high-density residential, industrial, etc). *Zoning* can be thought of as a method of land use regulation that specifies not only land use in a given area but details such as maximum plot size, setbacks from the road and building height. These specifications are often contained in local ordinances, passed in accordance with whatever comprehensive/master plan is in place. Other forms of *building regulations* (e.g. regarding materials, health and safety standards) may also accompany these.

<sup>113</sup> See for example Sullivan and Michel (2003); Haar (1955).

profession, *The Death and Life of the Great American Cities* (Jacobs 1961). Jacobs claimed that planning practice was fundamentally opposed to how cities actually worked, building on her earlier argument that 'There is no logic that can be superimposed on the city' (Jacobs 1958: 127). Some prominent urban scholars immediately criticised her for encouraging unplanned urban development, eroding the state's role in relation to comprehensive infrastructure and improved housing (Mumford 1962).

Echoes of these debates can be found in contemporary discourses on competing approaches to planning,<sup>114</sup> and Mumford's critique resonates in relation to developing countries where the adoption of policies minimising state planning led to 'laissez-faire' urbanisation on an enormous scale (Beall et al. 2010). As Chapter One noted, the turn against planning in the 1980s meant that it 'almost passed away' (Biau 2004: 7), exacerbating trends towards unplanned growth in Africa. Since the turn of the millennium there has been something of a revival in urban planning; the fragmentation of urban infrastructure and increasing intra-urban spatial inequality (Graham and Marvin 2001) precipitated 'recognition that planning is a much-needed integrative mechanism' (Taylor 2004). However, the extent of unplanned urbanisation in the developing world today reflects not only the bias against planning in the 1980s and 1990s but ongoing failures of implementation even when comprehensive plans have been in place. So long as serious problems of state effectiveness in relation to planning remain, the resurgence of interest in it is unlikely to yield many results.

Even during the attack on planning, land use and construction regulations largely remained in place, although with planning authorities emasculated after the 1980s, implementing them became even more difficult.<sup>115</sup> Moreover, when effectively enforced, regulations often came under attack for restricting livelihood and shelter options, forcing exit from the formal sector and stifling urban economies (Rakodi 2001b; Brown and Lloyd-Jones 2002). The resurgence of interest in planning since

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<sup>114</sup> For a review of the main competing visions of planning, see Fainstein 2000.

<sup>115</sup> See Gombay (1993) for a discussion of this in relation to Kampala.

2000 is therefore still dogged by numerous unresolved issues. Some authors argue that the earlier discrediting of urban development control was justifiable, and that resources should not be directed towards it (Rakodi 2001a).

Yet while planning and regulation can clearly be problematic if poorly or harshly implemented, and it is important to be aware of the potential 'dark side' of urban planning as a tool of social control (Yiftachel 1998; Flyvbjerg et al. 2002), this does not mean they should be rejected altogether. Engaging with vital questions of urban service provision, health and safety, drainage, transport and vulnerability to natural hazards requires some framework of urban development control. The growing acknowledgement that urban populations are particularly vulnerable to disasters associated with climate change (Pelling 2003; Dodman and Satterthwaite 2008; Pelling and Wisner 2009) strengthens the case for planning. The question of the relative merits of different models and theories of planning is beyond the scope of this study. This chapter instead focuses on the equally critical issue of why and how plans are effectively implemented in some cases but not others. This chapter illustrates how similar institutions for planning and development control in Kampala and Kigali yielded sharply contrasting outcomes, primarily because of the divergence between informal institutions that lay behind the apparently similar laws and regulations. The formal framework in each city will now briefly be outlined.

## **4.2 Institutional framework for planning and regulation**

### *Uganda*

The national framework for planning and development control in Uganda is a combination of laws from the colonial and early independence periods and those instituted since the promulgation of the new Constitution in 1995. The ruling National Resistance Movement (NRM) adjusted the legislation impacting on urban planning and development control only sporadically and gradually, often in line with its celebrated decentralisation programme. The resulting framework was therefore

a mixture of old and new legislation as well as national laws and local ordinances. Nationally, it is rooted in provisions in the following pieces of legislation: the Town and Country Planning Act (1951; revised 1964); the Public Health Act (1969); the Constitution (1995); the National Environment Statute (1995); the Local Government Act (LGA, 1997); the Land Act (1998); the Land Regulations (2004); and the Physical Planning Act (2010) and the Kampala Capital City Act (2010).<sup>116</sup> Also in preparation during the period of writing up was a new Building Control Bill. In terms of urban plans, the 1994 Kampala Structure Plan was still theoretically operational, though its 10-year remit was over. Urban development regulations were laid out in annexes to the Structure Plan but being repackaged under a forthcoming Building Control Bill, and a new Master Plan was also in the pipeline.<sup>117</sup>

Formal procedures for gaining permission to build mostly involved decentralised authorities, which in Kampala meant KCC and the five city Divisions. Following the laws listed above, urban development control was specified as taking place through the following six steps. First, developers who wanted to build had to obtain clearance with regard to the registered ownership of the land. Once cleared, they then had to obtain the relevant forms and pay a fee to KCC to allow them to apply for planning permission. Third, they applied for approval of their building plans to the Building Inspector or Plans Clerk at the city Division in which they were hoping to construct. At the Division, applications were scrutinised by a planner, health inspector and building inspector who had to ensure that they fit with the Structure Plan and did not contravene the Public Health Act or any other relevant local regulations and zoning ordinances.<sup>118</sup> If considered likely to have any effect on the environment, an Environmental Impact Assessment (EIA) would be required in accordance with the National Environment Statute.<sup>119</sup>

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<sup>116</sup> This latter was passed in the period of writing up, and was not in force in the 2000-2010 period under discussion, so will not be discussed here.

<sup>117</sup> For a detailed discussion of this legal framework see Appendix 3.

<sup>118</sup> With respect to land use regulations, public land always had a pre-specified land use attached to it. However, on private land – which formed the vast majority of land in the city – there was no pre-existing land-use specification and it was up to individual planners whether or not they approved the land use requested on the building application (Interview with physical planning official, 13.10.09).

<sup>119</sup> 'How to put up a safe building' (no date), *Infoseries 2*, KCC.

Fourth, once the Division was satisfied with the application it was sent to KCC, where technical recommendations were made by a technical officers' committee involving officers from all five Divisions. Fifth, the building application was passed to the Works Committee in KCC, which was composed of elected politicians rather than technocrats who assessed the technocrats' recommendations and made some of their own. Any decision to reallocate land use (e.g. from residential to commercial) had to be taken by this committee (though if considered 'major' changes they would need to go to the National Physical Planning Board).<sup>120</sup> This committee met three times monthly. Sixth and finally, the plans were passed to the full Council, which sat at least once every two months, for the final say and full approval.<sup>121</sup> When the plans were approved, the developer was required to allow KCC engineers to inspect the development at every stage of the construction process. Once completed, a final inspection took place by the KCC technical team after which, if they were satisfied that the building conformed to plans, the KCC Chief Town Planner issued an occupation permit.

### *Rwanda*

On coming to power in 1994, the Rwandan Patriotic Front (RPF) found a virtual vacuum of legislation pertaining to cities. What little there was they considered to be deeply insufficient and outdated (MININFRA 2008: 19). As noted in Chapter Three, government priorities in the mid to late 1990s were security and resettlement on a massive scale. Consequently the more general question of how to manage and plan cities was not really addressed until the turn of the millennium, after which a raft of policy documents and new legislation appeared in rapid succession. Particularly relevant here are *Rwanda Vision 2020* (2000); the National Decentralisation Policy (2001); the National Land Policy (2004); the Economic Development and Poverty Reduction Strategy (2007); and the National Urban Housing Policy (2008). Central pieces of legislation include the Organic Land Law (2005); the Kigali City Law (2005); and the Expropriation Law (2007). Also vital is the

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<sup>120</sup> Interview with Savino Katsigaire, Director of Urban Development at Ministry of Lands, Kampala, 20.01.10.

<sup>121</sup> Interview with Robert Ndiwalama, Urban Planner, Kampala, 05.20.09.

Kigali Conceptual Master Plan, published in 2007 and officially launched in February 2009, and the Rwanda Building Control Regulations (2009).<sup>122</sup>

As in Kampala, against this institutional backdrop there was a complex decentralised process for obtaining a building permit. A person interested in obtaining a permit needed to submit their documents to District office for whichever of Kigali's Districts they hoped to build in, along with a project proposal and plans for their building that had to conform to an extensive checklist. They were required to include detailed architectural drawings, identify suitable certified construction and supervision companies and, in the case of storied or public buildings, obtain an Environmental Impact Assessment from a company certified by the Rwanda Environmental Management Authority (REMA) (MININFRA 2009).

At the District, the plans were scrutinised in relation to the laws and regulations, and the District Land Bureau was supposed either to provide a building permit or inform the client why it could not be issued within 30 days (Ibid: 7). In areas that had not yet been formally zoned in detail you would not be given a permit to build anything new at all, and could only apply to rehabilitate existing buildings.<sup>123</sup> As in Kampala, after completion it was necessary to obtain an occupation permit before the building could be utilised. It was again the responsibility of the District Land Bureau to issue an occupation permit (or provide a reason for not issuing one) within 30 days, after having received a report showing that the building was constructed following the approved plans. After this point, no-one was allowed to renovate or change the building's original design or structure without permission from the Bureau (MININFRA 2009).

The institutions for urban development control in the two case study cities exhibit remarkable similarities, despite the fact that the evolution took place over a longer period and in a more piecemeal fashion in Uganda. In both cases, there were still gaps and grey areas; but it is nevertheless clear that if urban development control

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<sup>122</sup> For further detail see Appendix 3.

<sup>123</sup> Interview with Rueben Ahimbisibwe, Infrastructure Official, Kigali, 25.11.09.

was lacking in Kampala vis-à-vis Kigali, this was not due to the absence of laws, regulations or formal procedures in the former. It was a question of implementation.

### **4.3 Failures of enforcement in Kampala: ‘everybody does whatever he wants’**

In Kampala from 2000-2010, planning was barely implemented and the procedures described above were constantly undermined. A government Commissioner for Land Use Regulation and Compliance pointed out that ‘Almost everybody who has eyes can see that there is a problem’.<sup>124</sup> For some observers, the principal reason for this was that private land ownership was so widespread in the city – particularly in the form of *mailo* land (RoU 1992; MoLG 2006). Around half of the land in Kampala was thought to be composed of *mailo*.<sup>125</sup> However, while it was true that in the colonial period these areas were largely ignored by British planning efforts, to attribute a lack of urban development control early in the twenty-first century to the prevalence of private land is unsatisfactory for the following reasons.

First, in terms of *planning*, it was well within the power of government to expropriate private land when building, for example, a road or other public facility. The Constitution states that a person’s private property may be appropriated by the state ‘where it is necessary for public use and in the interest of defence, public safety, order, morality or health’ (Article 26). Even stronger provisions appear in the Town and Country Planning Act and Land Acquisition Act, and were reiterated in the

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<sup>124</sup> Interview with Vincent Byandaimira, Commissioner for Land Use Regulation and Compliance, Ministry of Lands, Kampala, 28.01.10.

<sup>125</sup> Reliable figures on the proportion of land held under different tenure systems in Kampala are very difficult to come by. According to one source, 45% of land in the city is *mailo*, 27% is controlled by the Buganda kingdom under the Kabakaship, 3% is freehold, and the remaining 25% constitutes public land, of which 15% is controlled directly by KCC and 10% by the Kampala district Land Board ‘on behalf of the people’ (*The Independent*, 02.04.12). While some other sources (e.g. Nkurunziza 2006) concur with the 45% *mailo* figure, another report on land in Kampala states that ‘more than 52%’ of land in the city is *mailo*, with 30% administered to KCC but leased to private interests, 8% held by the government and 7% held under freehold and ‘by institutions’ (which presumably would include the Kabakaship land) (Giddings 2008: 13). The latter assessment is considered more realistic and compatible with what anecdotal evidence suggests about the amount of land in the city held by the Kabaka. Some sources even suggest figures as high as 75% for the amount of *mailo* land in the city (Nuwugaba 2006). The chairperson of Kampala’s District Land Board admitted in 2012 that the city authority had ‘no up-to-date inventory’ of land in the city (*The Independent*, 02.04.12).

Kampala Capital City Act. Therefore the nature of land tenure should not prevent the government from implementing plans. Second, urban development *regulations* applied to all land, regardless of ownership, tenure system or means of acquisition. Private land did pose certain difficulties because landowners could themselves specify the land use subject to approval by the planners (see footnote 118). When landowners were powerful there was little that weak planning authorities could do to ensure the chosen use accorded with existing regulations.<sup>126</sup> However it was also the case that powerful individuals leasing *public* land (and most public land in the city is privately leased)<sup>127</sup> could simply have the land use reallocated, or get away with blatantly contravening the pre-specified use. In fact, as will be shown below, many of the starkest examples of failure to implement land use and zoning regulations were on public land.

The problem in contemporary Kampala was therefore a failure of regulatory enforcement on all land, private and public; something affirmed by several interviewees. For the former Chairman of Kampala Central Division, for example, ‘the land issue is not a problem, but the problem is lack of enforcement of policies...everybody does whatever he wants...the city is just developing.’<sup>128</sup> There were ‘adequate laws in this country to help proper planning’, explained one official from the Ministry of Local Government, ‘but the problem is enforcement and lack of will’.<sup>129</sup> Rather than being about the legal framework, there are reasons to believe that politicians and bureaucrats often had interests in *not* enforcing policy. To get to the root of why the ‘will’ was not there and the interests that were at play, we need to look in detail at some particular cases of failed urban development control, which were not in short supply.

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<sup>126</sup> Interview with a physical planning official, Kampala, 13.10.09; interview with building inspector, 07.10.09

<sup>127</sup> See footnote 125; this was also confirmed in an interview with local politician, 06.01.10. In 2012, city officials voiced concerns that public land in the city had mostly been given to investors and ‘was being wiped out’ (*The Independent*, 02.04.12).

<sup>128</sup> Interview with former local politician, 29.09.09.

<sup>129</sup> Interview with Isa Gumonye, Principal Urban Officer, Ministry of Local Government, 08.10.09.

*The impotence of land use regulation in the 'scramble for remaining open spaces'*<sup>130</sup>

'Kampala', a local politician explained, 'basically is a swamp, apart from the elevated areas'.<sup>131</sup> The enforcement of land use regulations takes on particular importance under these topographical conditions. Yet the blatant contravention of land use regulations posed enormous challenges as city growth spiralled, particularly since the turn of the century. The approval of certain developments over others bore little relation to the rules above. For example a damning report on KCC's practices published by the Ministry of Local Government in 2006 notes that 'In the Lugogo drainage basin and the Kazinga Channel, commercial developments of a dubious nature have been approved. Yet the Kyadondo Rugby Club proposal which is keeping with the land use has been blocked.' (MoLG 2006: 22). In fact, even as KCC was refusing the environmentally sound proposal for a 49-year lease submitted by the Rugby Club, they were selling off parts of the rugby pitch to other developers for projects in breach of the zoning and land use regulations.<sup>132</sup> Meanwhile, some of the most striking examples of 'dubious' construction in the city's remaining open spaces were beginning to unfold.

Centenary Park, located close to the city's commercial centre, was Kampala's only public park. By the middle of the 2000s it long had been neglected and was considered a dangerous hideout for criminals. In 2005, Sarah Kizito – wife of a city Councillor from the NRM, Godfrey Nyakana – was given a 10-year lease by KCC to manage the park, with the specific remit to plant trees and flowers and install public washrooms.<sup>133</sup> The beautification of the park was supposed to take place in accordance with a set of strict environmental regulations, one of which was that no permanent buildings were to be erected other than the washrooms.<sup>134</sup> In marked contrast to the plans that were approved, Kizito fenced off the park and proceeded to bring in builders to construct permanent buildings. 'All those structures on

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<sup>130</sup> This was a phrase used in a report on land abuse in Kampala by the Ministry of Local Government Commission of Inquiry (MoLG 2006: x).

<sup>131</sup> Interview with local politician, 06.01.10.

<sup>132</sup> Interview with Isa Gumonye, 08.10.09.

<sup>133</sup> 'Centenary Park Fenced Off', *The New Vision* 29.07.05

<sup>134</sup> Interview with planning official, 05.10.09

Centenary Park were built contrary to our consent', one local planning source affirmed. 'The only park we have in Kampala has been eaten up.'<sup>135</sup> Several attempts were made to halt construction, but 'of course intimidation was used', and KCC found itself unsupported in its efforts. In the end, KCC attempted to take Kizito to court, but the case was withdrawn 'on instruction from His Excellency the President.'<sup>136</sup> Others confirmed that Nyakana – with Museveni's support – directed that the court case be halted.<sup>137</sup> After the construction work finished it was no longer a park at all but a complex of semi-outdoor restaurants and bars popular with the elite and growing middle class.

While Centenary Park was Kampala's only major park, there was also just one dedicated children's playground north of the city centre that was also quietly sold off, and without passing through any of the planning or regulatory channels was by 2009 being developed into shops. The developers in this case were mostly veteran soldiers. More generally, veterans were said to have 'taken most of the open spaces. They come and sit on them, construct their makeshift buildings...they build markets there, shops, which are not approved of council...without any guided development control whatever'. As former soldiers, these people were 'untouchable', with 'blessing from high authorities'.<sup>138</sup> The bond between army veterans and top NRM cadres was very strong even after years of peace and demobilisation. Veterans claimed to be 'strange squatters of the ruling party', and whenever there was open space publicly owned by KCC 'these people grab it.' Were it not for the blessing from above, 'it would be easy' to remove them.<sup>139</sup>

Meanwhile wetland areas, which had been gazetted as 'inalienable environmental zones' in 1995 (Nkurunziza 2006: 178) were also being developed. The Nakivubo channel, a vital artery running through the city, performing a vital drainage function and carrying stormwater and wastewater towards Lake Victoria, was progressively

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<sup>135</sup> Interview with local politician, 06.01.10.

<sup>136</sup> Ibid.

<sup>137</sup> Interview with building inspector, 19.01.10.

<sup>138</sup> Interview with local politician, 06.01.10.

<sup>139</sup> Ibid.

encroached upon by hotels and industrial enterprises. Local state actors overseeing planning tried in vain to stop the construction of a roofing manufacturer on the channel: ‘they are a big organisation with big personnel...so they went ahead and continued’.<sup>140</sup> The problem of industries sited in wetlands and too close to housing was also widespread.<sup>141</sup> Even when industries were not inappropriately sited they were said to ‘break all the rules’ on waste, often discharging it illegally into the wetland areas.<sup>142</sup>

*‘Men with guns’: developers versus construction regulation*

Even more prevalent than contravention of land use and zoning laws was the construction of buildings flouting other basic regulations such as those concerning height, distance from the road, connection to drainage and other infrastructure, provision of parking, fire escapes, and access for the disabled. The technical officer’s committee at KCC was generally rigorous; in October-November 2007 for example, 51% of plans submitted were rejected on grounds such as land use inconsistencies, inadequate parking, inadequate provisions for sanitation, excessive plot coverage by buildings, encroachment onto road reserves, inadequate drainage plans, septic tanks too close to buildings, and failure to obtain clearance from NEMA.<sup>143</sup> However, the rigour of planners in terms of formal procedure made little difference given the informal processes that accompanied and followed them.

Upmarket hotels, which proliferated in Kampala especially after the decision to host the 2007 Commonwealth Heads of Government Meeting in Uganda, were major culprits. For example the construction of the Imperial Royale Hotel, one of a chain of hotels owned by the Asian property mogul Karim Hirji, a major NRM-supporter,<sup>144</sup> commenced despite the fact that its plans were rejected by KCC. Hirji’s architects ‘had proposed...several extensions protruding and going straight into the

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<sup>140</sup> Ibid.

<sup>141</sup> Interview with independent planning consultant, 18.09.09.

<sup>142</sup> Interview with local politician, 06.01.10.

<sup>143</sup> Building plans submitted and approved (Annex to minutes of the Water, Works and Roads Policy Committee for 2007, acquired from KCC).

<sup>144</sup> ‘Ugandan Asians Key To NRM Occupation of Buganda’, *Buganda Post*, 28.11.09.

road’, but although these were strongly rejected by the committee, ‘the developer was adamant’ because the high authorities ‘bless him whatever he is doing’. Consequently he just ‘started building without approval’. In the end, to get their occupation permit the developers ‘had to yield to some of the demands of the planners’; but these were minor victories for the state authorities and, in the words of a public works committee member, ‘if you look at that hotel it is more or less in the middle of the road.’ The hotel affected visibility of a central road junction to the extent that now ‘the junction is more or less dead and the would-be road that would be serving many people, they turned it more or less into the entrance to the hotel.’<sup>145</sup> While this illegal construction was going on, inspectors’ access to the site was extremely difficult. The Division Building Inspector confirmed that the developer’s armed guards were under strict instruction not to ‘allow anyone to access the site without the client present’, which the client almost never was.<sup>146</sup>

Another commonly breached set of regulations, particularly in Central Division, were those relating to the ‘skyline’: for example in the central business district (CBD) buildings were supposed to have at least eight floors. While all the approved plans for this area specified at least this number, in practice most developers considered it a waste of resources to build that high as commercial enterprises were very reluctant to rent properties above the second or third floors. Given the absence of a law stating that buildings needed to be completed after a certain amount of time, developers often simply built as many floors as they chose and then stopped, maintaining that the building was still ‘in progress’ if examined. Around 30% of the buildings in the CBD contravened ‘skyline’ regulations. Even more common were failures to provide disability access and lifts, the absence of the latter rendering the higher floors even more unappealing to business;<sup>147</sup> indeed it was common to see several completely disused floors in central shopping malls.

Most common of all was failure to provide parking space, with serious and long-term consequences for the city. Kampala’s hilly topography, unplanned

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<sup>145</sup> Interview with local politician, 06.01.10.

<sup>146</sup> Interview with building inspector, 19.01.10.

<sup>147</sup> Interview with building inspector, 07.10.09.

development and population density rendered the widening of roads very problematic, and space was so tight that there was little room for parking behind buildings. Moreover, the already abysmal traffic situation crippling Kampala's economy would be worsened by extending street parking. Parking in the basement of commercial enterprises was therefore considered a critical means of coping with urban growth; hence its central importance in construction regulation. Yet around 90% of shopping arcades in the CBD put parking in their plans but neglected to create it, instead filling the basement area with shops (the basement being considered far too profitable to devote to parking). During construction this breach was hard to spot: 'they raise the frame of the building and at this point you can't tell they won't put parking space in, so you can't stop them.' Then, however, 'they partition it all and leave no parking'.<sup>148</sup>

In early 2009 the Minister of Local Government, Kahinda Otafiire, performed an extraordinary U-turn that illustrates one of the ways in which the state is rendered so ineffective regarding these issues. In December 2008 he had publicly condemned KCC for allowing the construction of shopping arcades in breach of regulations, and announced that he was giving KCC until January to ensure the necessary alterations were made, or he would dismiss senior KCC staff.<sup>149</sup> In response, on January 2<sup>nd</sup> KCC produced a list of 48 major commercial buildings they discovered were in breach of Building Rule 21 and Section 133 of the Public Health Act: each had failed to provide parking as well as contravening other rules (e.g. 'The well for human lift has been converted into small shops', 'No fire alarm systems installed').<sup>150</sup> KCC then demanded that all these developers convert the relevant areas back into parking spaces or face closure and legal action, giving them a 28 day ultimatum. However, shortly after this announcement was made, Otafiire ordered that all action against these buildings be halted until a 'harmonized position' between the developers and KCC was reached. 'Even before fourteen days had elapsed [he] came in and said "stop"', recalls a KCC source. 'That's what I call political interference.'<sup>151</sup>

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<sup>148</sup> Ibid.

<sup>149</sup> 'Demolish illegal structures, Gen Otafiire tells KCC', *Daily Monitor*, 16.12.08.

<sup>150</sup> List of buildings in breach of parking provision regulations, obtained from KCC, January 2010.

<sup>151</sup> Interview with local politician, 06.01.10.

No further public explanation was made regarding Otafiire's decision and as of a year later there was no progress towards a 'harmonised position'; the subject appeared to be closed. When asked why this complete U-turn had come about, city planning officials responded in euphemisms, stating that the developers had 'persuaded' Otafiire to change his mind<sup>152</sup>, or that the developers managed to 'get sympathy' from central government politicians as often happens when issues of regulatory enforcement come to a head.<sup>153</sup> One added that 'once [politicians] defend those private developers they expect something in return'.<sup>154</sup> As if the regulatory enforcement situation was not already bad enough, this event set a new precedent, one official explained. The Minister had claimed that he was making exceptions of these businesses, but 'once they start talking of exceptions then the whole thing fails.'<sup>155</sup>

Around 50% of the buildings in Kampala's CBD were in breach of basic regulations, with more appearing all the time.<sup>156</sup> According to virtually all sources interviewed, this was emphatically not because of a weak legal and regulatory framework. The overriding reason for these failures lay in the blockage of implementation by politicians. As a former Chief Town Planner explained:

'We have building codes, we have many regulations and urban bylaws, but they are flouted with impunity. Somewhere some politician, a councillor will come and say 'you leave that to me, I'll handle it...and that's the end of it...you'll never get to stop it now. It gets worse and worse. You can go and stop construction on a building site, but the next day you'll go back, you'll find guards there, with guns.'<sup>157</sup>

Political intervention – a word sometimes used in explicit contradistinction to 'interference' both by politicians and the more wary of bureaucrats<sup>158</sup> – was 'like a

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<sup>152</sup> Interview with planning official, 05.10.09

<sup>153</sup> Interview with town planner, 11.02.09.

<sup>154</sup> Interview with ex-planning official, 11.02.09.

<sup>155</sup> Interview with planning official, 13.10.09.

<sup>156</sup> Interview with building inspector, 19.01.10. Other researchers have found that, specifically with regard to housing, 69.2% of survey respondents who had built houses in Kampala did so without approved plans (Makara 2009: 264).

<sup>157</sup> Interview with ex-planning official, 11.02.09

<sup>158</sup> Interview with Adolf Mwesigye, Minister of Local Government, 27.01.10; interview with town planner 11.02.09.

tradition' in Kampala,<sup>159</sup> and it often rendered the work of local officials virtually impossible. This is not to deny that corruption in the KCC bureaucracy was also a problem; it clearly was, often leading to the converse situation whereby developers connived with senior officials who were then able to block decisions by local *political* actors. The intervention could work both ways, as did the frustration: 'You decide to do something and then the other arm comes in to oppose it', explained Kampala's Deputy Mayor with respect to political decisions being overturned by bureaucrats. KCC officials with authority bestowed on them by central government (for example the Town Clerk) could easily override local politicians – particularly when they were members of the opposition. However, the involvement of officials in regulatory failure was likely to happen at earlier stages in the process, and more invisibly, through kickbacks when plans were approved or construction began (MoLG 2006). The politicians would usually play their parts later in the process, when ongoing inspections revealed prior regulation breaches and political actors found it in their interests to assist developers by blocking the technical team's efforts to move in and enforce the law.

*Rich man's slum, poor man's slum: Muyenga and Kawempe*

The failure to enforce construction and land use regulations also extended to residential areas – including very wealthy ones. In Kololo, an upmarket residential area in Central Division, around 50% of properties violated zoning rules in some way.<sup>160</sup> Far worse was the situation in Muyenga, another wealthy neighbourhood that became known as the 'rich man's slum'. Desirable in part due to its views over the city and lake, Muyenga Hill was a spot favoured by the elite after 1986, when rapid and unplanned real estate development took off as the wealthy capitalised on the newfound security and economic growth. The rush to divide and develop real estate in Muyenga led to grand houses that could barely be reached by road, some of the roads having been built over and the remainder being narrow, zig-zagging

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<sup>159</sup> Interview with local politician, 06.01.10.

<sup>160</sup> Interview with building inspector, 07.10.09.

and erratic.<sup>161</sup> Steep slopes combined with heavy erosion from poor drainage and excavations for further construction, resulting in ‘toppling’: the falling away of the hill’s earth and rocks. Residents and local politicians feared houses collapsing onto each other, and a major environmental shock would probably cause a catastrophe.<sup>162</sup> The Chief Town Planner claimed that powerful local landowners thwarted efforts to build roads and control development, adding that ‘Yes, the law allows us to do our job irrespective of whether a road runs in one’s land. But practically, things are very different’.<sup>163</sup> Given the situation in areas such as Muyenga, it comes as little surprise that in one study of African urban disasters from 2006-8, 30% of the major building collapses listed for the continent as a whole took place in Kampala, each killing 10-25 people (Pelling and Wisner 2009: 27).

The absence of planning in the city’s many and vast low-income settlements was even more severe, and Kampala’s slums are renowned for their squalor (Amis 2006). The absence of development control was unsurprising given that in Kawempe Division, for example, in 2010 there were just two people working on issues of planning and building control (which is decentralised to Divisions) for an area housing at least 200-300,000 people.<sup>164</sup> Kawempe housed some of the city’s worst slums, including the notorious Bwaise (see Figure 4.1). The Division Chairman reported ‘huge problems of illegal construction of all kinds’, that he was powerless to control: ‘I feel guilty walking around here but there is nothing I can do’, he claimed, given the absence of both staff and resources from KCC. The lack of planning made infrastructure provision extremely challenging, and ‘people are still using water from contaminated wells’.<sup>165</sup> Exacerbating the resource constraints, the lack of infrastructure caused widespread reluctance to pay local taxes, since people

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<sup>161</sup> Interview with Savino Katsigaire 20.01.10.

<sup>162</sup> ‘Posh Muyenga Hill in Danger of Slope Failure’, *Daily Monitor* 10.04.10.

<sup>163</sup> Charles Kyamanywa, quoted in *ibid*.

<sup>164</sup> Interview with Haji Nasser Kibirige Takuba, Kawempe Division Chairman, 15.01.10. There were supposed to be six planning staff at the Division. The solitary planner – who doubled up as building inspector – was on leave for two months at the time of my interview with the Division Chairman, with no replacement. During the interview the Chairman had a heated telephone conversation with the KCC Town Clerk on the subject of appointing more planners, and complained that KCC were being very unhelpful on this issue.

<sup>165</sup> Interview with Haji Nasser Kibirige Takuba, 15.01.10.

felt they received nothing in return.<sup>166</sup> This created a vicious cycle of chronically low local revenues and bad or absent city management.<sup>167</sup>

**Figure 4.1: Bwaise, Kampala**



*Source: author's photograph*

It was not only lack of resources that impeded development control in slum settlements: there was political bargaining at play here too. However, while the interventions that blocked regulatory enforcement in examples discussed previously mostly constituted behind-the-scenes bargaining between politicians and economic elites such as property developers, in the slums different kinds of arrangements were evident. These were more diffuse, longer-term, shifting and sometimes unspoken pacts between politicians and the urban poor. A KCC planner speaking to researchers from Makerere University pointed out that ‘you look at these slum settlements, we are not lacking the capacity to demolish them, but these dilapidated housing structures belong to people you may find difficult to touch’. In response to this, the interviewer in question asked whether this was because the owners of these dwellings were politically connected. ‘No’, responded

<sup>166</sup> Interview with Grace Binaiisa, Kawempe Division Finance Officer, 15.10.09.

<sup>167</sup> For more on constraints to local taxation, see Chapter 7.

the planner, 'They belong to people *who are powerful in their own way*' (Nawangwe and Nuwagaba 2002: 109, emphasis added). Whether they were the ethnic kin of political elites, former soldiers or just large groups of potential voters, it was thus possible for the poor as well as the wealthy to be 'untouchable', in the sense of being effectively exempt from regulations. This 'power' of the poor to remain beyond the state's regulatory purview is a central aspect of issues discussed in Chapters Five and Six.

#### **4.4 Regulatory rule in Kigali: 'we are all impaled on the Master Plan'**

The 1990-94 conflict in Rwanda was shorter than Uganda's long period of turmoil but its impact on the city was as great if not greater, as Chapter Three indicated. While urban planning between independence and 1994 was already minimal outside the government district, the majority of the city's unplanned growth happened in the ten years following the genocide. Describing Kigali at the turn of the twenty-first century, interviewees depicted a city overwhelmed by garbage, poor planning and unenforced development regulation. 'It was like Kampala', a City Official noted.<sup>168</sup> However around the year 2000 things began to change. With security established throughout the country and Rwanda Vision 2020 released, a new focus on urban order became apparent. The Kinyarwanda word *kajagari*, meaning disorder, gained currency. The implications of the term were broad-ranging: in the words of a District Mayor, 'Many people think *kajagari* is only slums but even renovation without authorization, no considerations of environment, is *kajagari*'.<sup>169</sup> This attitude was combined with new mantras about the importance of keeping Kigali clean, as a city official recounts:

'In 2000 I saw the president talking to urban youth and that is when I finally understood why cleanliness is so important to him. I asked myself 'come on Mr. President, of all the issues we are facing...cleanliness?? But the issue was not cleanliness *per se*, but the influence of cleanliness and orderliness in everything we do [...] When you go into African cities what you see is the hustle, the dust, the chaos – his message was 'can't

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<sup>168</sup> Interview with Bruno Rangira, Public Relations and Media Officer, CoK, 26.11.09.

<sup>169</sup> Claudine Nyinawagaga, cited in 'District Authorities Demolish City Hotel', *New Times*, 22 April 2009.

we do this differently?'. It is about a mindset [...] We have to be orderly, we have to be clean, we have to be modern. It is a new idea, a new identity.<sup>170</sup>

As noted in Section 4.2, around five years into the new millennium a raft of new policies and laws relating to urbanisation started to emerge, sometimes bearing striking resemblance to those in Uganda. Yet in Rwanda enforcement and behavioural norms also transformed to a remarkable extent. The Master Plan, in particular, was not taken lightly and was in constant use as a framework for action: 'We are all impaled on the Master Plan', one development consultant observed.<sup>171</sup> Even government ministers wanting to build in the city reputedly consulted with, and took seriously, the CoK planning office.<sup>172</sup> As well as finding a new zeal for urban planning, the government's concern with building regulations was bolstered by a number of building collapses in the mid-2000s, one of which resulted in four deaths.<sup>173</sup>

This is not to imply that illegal construction ceased entirely. Low levels of capacity at district level (along with local corruption, which had not been entirely eradicated, despite the government's strict stance)<sup>174</sup> meant that inappropriate building plans sometimes slipped through, and one source claimed that 'the government is in denial about the amount of illegal housing being built'.<sup>175</sup> However, evidence suggests two major differences from Kampala. First, illegal construction clearly was declining, both because of the government's strictness and because the process of obtaining a building permit was streamlined, having previously been extremely long-winded. Even basic observations around the city underscored the plausibility of the claim that illegal construction had reduced 'radically and abruptly'.<sup>176</sup> Second, when illegal construction that did take place was subsequently discovered, corrective state action was the rule rather than the exception. A fixed procedure was in place: the planning office first wrote the developer a letter; if this failed they

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<sup>170</sup> Interview with Bruno Rangira, 26.11.09.

<sup>171</sup> Interview with development consultant, 19.02.09.

<sup>172</sup> Interview with Justine Kayiraba, CoK City Planner, 27.11.09.

<sup>173</sup> Interview with Rueben Ahimbisibwe, former Building Inspector, CoK, 02.12.09.

<sup>174</sup> Interview with director of parastatal organisation, 18.11.09; interview with foreign investors, 05.12.09; 07.12.09.

<sup>175</sup> Interview with UN representative, Kigali, 25.02.09.

<sup>176</sup> Interview with Rueben Ahimbisibwe, 02.12.09.

issued a fine; and if fines were not paid and the contravention was substantial, they asked the developer to destroy the building, backed up by the threat of government demolition.<sup>177</sup> Taking officials' word that these procedures were followed would not provide sufficient evidence; but there were many clear examples and sources for triangulation, as the following sections testify.

*The power of land use regulation and the protection of open space*

If Kampala is a swamp set amid hills, Kigali is a deeper swamp amid higher hills. Given the terrain and climate in both cities, urban wetlands play critically important functions in relation, for example, to absorbing runoff water, improving water quality in situations of poor sanitation and attenuating floods. One of the sharpest contrasts between the two cities in 2000-2010 was the relative protection of major wetlands in Kigali vis-à-vis the encroachment and small-scale industrialisation documented in Kampala. In 2006, the Rwandan government commissioned a technical map of the city's wetlands (subsequently incorporated into the Master Plan), showing ecologically sensitive zones and highlighting areas that been inappropriately converted. The new legal framework prohibited construction of any kind within twenty metres of designated wetlands, and government policy was to rehabilitate wetlands that had previously been converted to other uses. In 2008, many houses occupying Kigali's wetland areas were demolished.<sup>178</sup> Plans were also underway to move the city's entire industrial area (containing 98 mostly small and medium-sized industries) from the wetland where it was built in the 1960s and 1970s to a new industrial park on Kigali's outskirts, which had been expropriated for this purpose and fitted with basic infrastructure by 2010.<sup>179</sup>

New acquisitions of land in wetland areas still took place, and developers still applied to build there. However, REMA always rejected these plans. There were repeated efforts to try to block the rulings of Environmental Impact Assessments,

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<sup>177</sup> Interview with Babas Edson, Building Inspector, Nyarugenge District, 09.12.09.

<sup>178</sup> Interview with Dennis Rugege, REMA, 10.02.10. This was one of a series of expropriations around 2007-8 that caused considerable controversy (see also below).

<sup>179</sup> Interview with Alex Ruzibukira, Rwanda Development Board, 08.12.09.

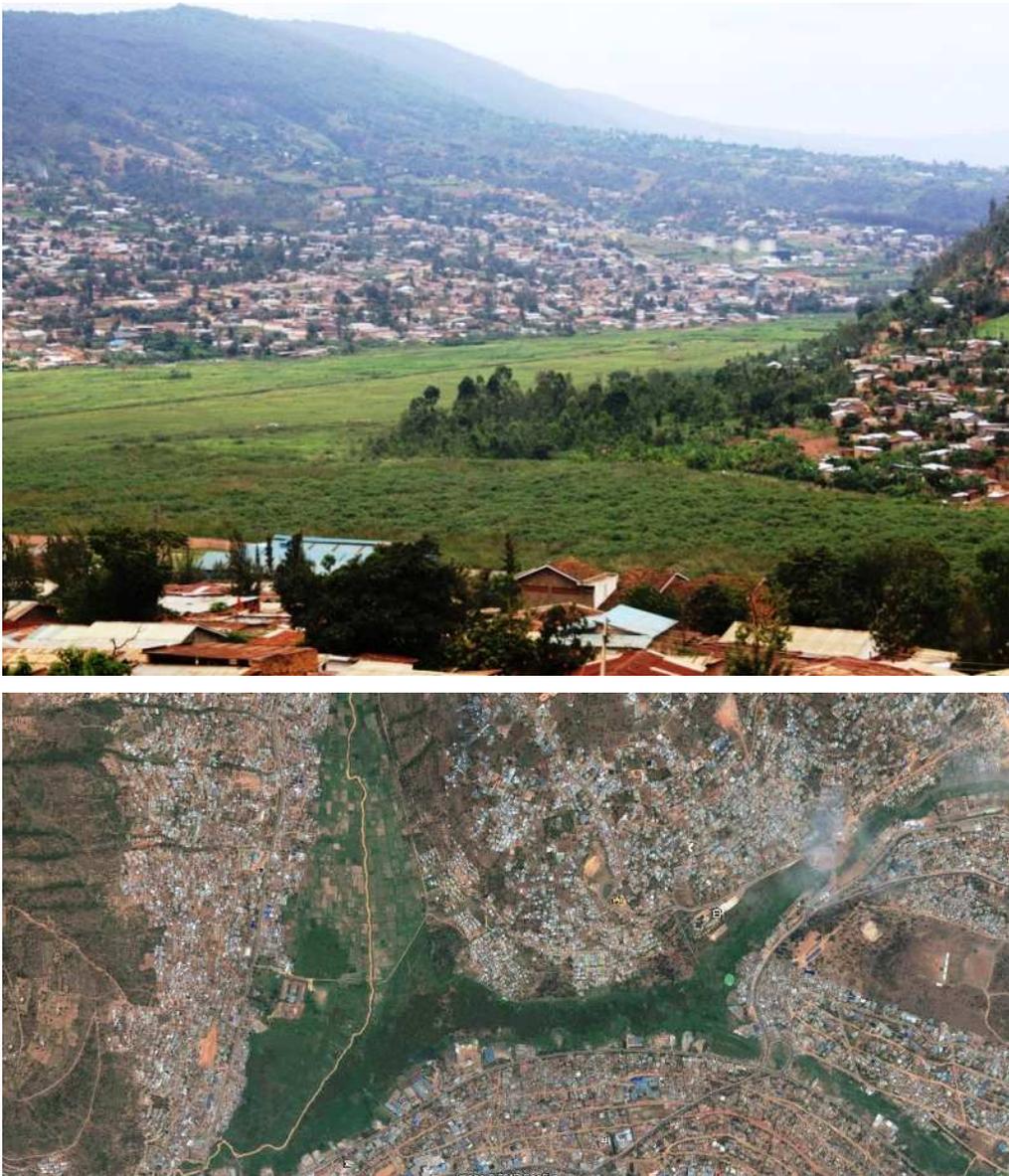
with some people going 'to the highest levels', but REMA officials maintained that they had 'not heard of *any* of these that have succeeded.'<sup>180</sup> Since the new emphasis on controlling urban development, very few new structures had been built in the wetlands; the main problem was thus dealing with those built before new regulations came into place. The relative openness of the urban wetlands is striking (see Figure 4.2). In the words of a REMA official, it reflected 'discipline in society'; the importance of orderly development and respect for open spaces had been emphasised so thoroughly that 'society is beginning to internalise it...the message has gone through and it has been accepted'.<sup>181</sup>

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<sup>180</sup> Interview with Dennis Rugege, 10.02.10.

<sup>181</sup> Ibid.

**Figure 4.2: Kigali's Gisozi wetlands, fringed by informal settlements**



*Source: author's own photograph and Google Earth (© 2010 Google)*

Ironically, while REMA legally had very strong powers (including those to veto decisions made by CoK), those of its equivalent in Uganda (NEMA) were in some respects stronger. There were strict regulations and codes of practice for EIA practitioners in Uganda that Rwanda had not yet set in place.<sup>182</sup> Yet in contrast to NEMA's failure to act against encroachment or changes of land use whenever wealthy investors (or poor 'untouchables') were involved, REMA successfully

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<sup>182</sup> Ibid.

blocked multi-million dollar developments in Kigali on environmental grounds. One example involved a large open space next to the golf course in Kigali's upmarket Nyarutarama area (Gasabo District). Proposals to develop this into a luxury housing and hotel complex by Dubai World fell through due to the latter's financial difficulties in 2008 and the cost of undertaking development in a landlocked country without locally-obtainable construction materials (a perennial problem in Rwanda). Subsequently, a Rwandese investor proposed an amusement park for the area, which CoK partnered and approved. However, as construction was beginning REMA stopped it, insisting that first an environmental clean-up operation was required due to the hazards of chemical waste from a nearby major hospital, hotel and informal settlement. REMA regulations stated that potential developers for this area would incur the (substantial) costs of this clean-up exercise themselves. With no developer yet willing to pay that price and no compromise on the government side on these conditions, the area lay abandoned in 2010.<sup>183</sup>

#### *Bulldozers and precedents: the state versus the hoteliers*

Kigali's hotel industry, which was growing alongside increasing investment and international presence in the 2000s, tells a very different story from that described in relation to Kampala. Towards the end of the decade several new major hotels were partially demolished by the authorities due to regulatory breaches. One was the Manor Hotel, which eventually opened in 2010 after a saga of several years that began in 2005 when a British investor began building what was eventually marketed as Kigali's first 'boutique hotel'. In 2006, CoK discovered he was building a commercial property without a permit in a residential area, and stopped the construction. The investor protested that he was new to Rwanda and that the rules were not clear, after which the District authorities advised that he undertake an EIA and noise assessment (given the residential location) before construction could be resumed. The District scrutinised the assessments and eventually allowed construction to continue.<sup>184</sup> Then, however, the developer began work on an

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<sup>183</sup> Interview with foreign expert based in Caisse Sociale Rwanda (CSR), 11.12.09.

<sup>184</sup> Conversations with investors and personnel involved in the project, Decemeber 2009.

extension intended as a sauna and massage parlour that was not approved or even mentioned in the EIA, raising concerns about the increased people, noise, vehicles and demands on sewerage that would result.<sup>185</sup> A new application was made for the extension, but the developer continued to build in the meantime, impatient with the long wait for a response. On discovering this, the District Authorities wrote to him in January 2009 requesting, in accordance with the official procedures, that the unapproved extension be destroyed. 'We gave him the opportunity to destroy it himself', explained the former mayor, 'so he could do it carefully and recuperate the materials'.<sup>186</sup>

The developer was adamant – perhaps even rather aggressive<sup>187</sup> – and when he refused to take it down the District Mayor appeared in April with bulldozers in tow and demolished the entire extension. This was a remarkable turn of events, for several reasons. First, the hotelier was the single largest British private investor in Rwanda to date according to embassy records, with around £5m in investments in the hotel project at this point; and this was a time where the government was working very hard to attract investors.<sup>188</sup> Second, the investor's wife was Rwandese and very well connected. The developer 'tried to use influence', the District Mayor explained:

'He went to the office of the Prime Minister – the Prime Minister called me on his behalf but I explained what was happening. The hotel owner tried to use some relationships he had [...] his wife is influential. But here if the law is not respected it is not respected...you cannot say 'I am friends with the Prime Minister', or even the Secretary General of the RPF – it doesn't work.'<sup>189</sup>

Those involved in the hotel project felt that the mayor was inflexible and the delays in granting permission inexcusably long.<sup>190</sup> Even some city officials suggested that the Mayor 'went too far'.<sup>191</sup> On the other hand, at various points the regulations

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<sup>185</sup> Interview with Claudine Nyinawagaga, former Mayor of Gasabo, 15.12.09. The Swedish ambassador reportedly moved out of his nearby house because of the scale of this commercial development in a residential area.

<sup>186</sup> Ibid.

<sup>187</sup> Interview with Rueben Ahimbisibwe, 02.12.09.

<sup>188</sup> Interview with foreign investor A, 05.12.09.

<sup>189</sup> Interview with Claudine Nyinawagaga, 15.12.09.

<sup>190</sup> Informal conversation with personnel involved in the hotel project, December 2009.

<sup>191</sup> Interview with city official.

and procedures were made explicit and, delays notwithstanding, the investor showed little respect for them, both changing the land usage and then building without a permit. Some observers suggested that this reflected an underlying arrogance and assumption that when doing business in Africa, rules and regulations are infinitely flexible. 'They broke all the rules...they are very lucky the whole hotel wasn't pulled down', admits another investor who followed the hotel's progress. 'It was supposed to be a residential house...they were submitting plans *after* each change was made, building the hotel on an *ad hoc* basis' as they obtained more funds. 'What they did was build a section, then submit the plans [...] the mayor went down about three times and warned them, and said "we have tolerated this so far", this shouldn't be here'.<sup>192</sup> The point, from the former District Mayor's perspective, was that 'We need to not create a precedent for people to start to construct and *then* ask for a permit.'<sup>193</sup>

It was clear that both politicians and officials and politicians at City and District level believed implementing plans and rigorously enforcing regulations was important not only for the city's development but for their own survival. The story of the second hotel, Golden Hills, confirmed why this fear was well-founded. This Rwandese-owned hotel located in Kiyovu, Nyarugenge District, was demolished in November 2009 after it became apparent the owner had not obtained a permit to turn one of his two neighbouring plots into part of a hotel, having only obtained clearance for the first. This demolition came about not because the authorities had knowledge that the hotel violated particular construction regulations, but because having been built without inspection it was impossible to know whether it had or not (for example regarding the nature of its foundations).<sup>194</sup> Despite ordering the demolition personally, the then Mayor of Nyarugenge was forced to resign because it later transpired that earlier in the year he had already known that unapproved developments were happening but turned a blind eye. Having previously demolished a residential house (worth around 100 million RWF (£100,000) and with

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<sup>192</sup> Interview with foreign investor, 05.12.09.

<sup>193</sup> Interview with Claudine Nyinawagaga, 15.12.09.

<sup>194</sup> Interview with Rueben Ahimbisibwe 02.12.09; Interview with District politician, 01.12.09. The loss to the developer from this demolition was around 200 million RWF (£200,000).

people ‘already living in it!’) on grounds of illegal construction, it was perceived to be inconsistent and suspicious that he did not order the hotel’s demolition sooner.<sup>195</sup> People in the local authorities had certainly been dismissed for less; local officials explained that they were ‘training themselves’ to follow the law to the letter, given that ‘slight things can make you out of office’.<sup>196</sup>

### *‘Zero tolerance’ and its discontents*

With the precedent set by the 2008 wetland demolitions, city officials claimed that in 2009-10 ‘the problem of building illegally has reduced or even gone to zero’, barring a few high-profile examples such as those above. For a city growing at such a rapid pace in a very poor country where little dedicated housing for low-income residents was being built, this raises questions about where the poorer urban residents were living, given the financial and regulatory obstacles to building legally. Finding a convincing answer to this question was difficult. Kigali’s population growth was in part accounted for by increasing settlement in ‘rural estates’ in the rural parts of the city, which actually comprised the majority of land within the official city boundaries drawn in 2006 (Oz Architecture 2007a). These estates were linked to the broader *imidugudu* villagisation programme.<sup>197</sup> Other explanations for the whereabouts of the new urban population included increasing numbers of people crowding into existing informal housing.<sup>198</sup> Some planned urban housing had been constructed for the poor, but only on a small scale and to house people evicted due to specific urban development projects (see below).<sup>199</sup>

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<sup>195</sup> Interview with Rueben Ahimbisibwe, 02.12.09.

<sup>196</sup> Ibid.

<sup>197</sup> These were planned sites reserved for low-income residents, where people were encouraged to work in sustainable farming, given cows and taught various methods. In 2009 there were eleven such sites in various degrees of construction in the rural parts of Nyarugenge District alone. There was ‘no plan to urbanise’ these areas’ and they remained sites for agricultural cultivation in the Master Plan (Interview with District politician, 01.12.09).

<sup>198</sup> Interview with UN representative, Kigali, 25.02.09.

<sup>199</sup> The only urban housing project for the poor by 2010 was the Batsinda project, consisting of around 250 low-cost housing units built to house people expropriated to make way for the new CBD (see below); consequently it did not actually expand the number of housing units available. Part of the point of the project was to show that a durable house could be built cheaply with compressed earth blocks, and the project succeeded in legalising construction with these blocks (Ilberg 2008). Opinion was divided on the merits of Batsinda and its replicability elsewhere in the city.

There was of course some small-scale illegal construction to accommodate the burgeoning urban population. Yet the widespread unplanned construction through which most developing cities grow, and through which Kigali itself grew for most of its post-independence history, had certainly been minimalised. A local brick manufacturer and local land broker confirmed that even though the construction industry in Kigali was booming, it was necessary to build with permission and exactly in accordance with permits. 'If you move to the left or to the right, that's *it*', he explained; 'there are people who say it is like Europe'.<sup>200</sup> In low-income areas, if people constructed anything illegally it was likely to be made of mud due to awareness of how soon it would be destroyed.<sup>201</sup>

The strong hand of the state on illegal construction by the poor is something that has been witnessed historically time and again across the world, particularly as countries develop and urbanise (Payne 2001; Durrand-Lasserve and Royston 2002; Potts 2006). Yet the commitment to a policy of zero tolerance to illegal construction over a sustained period (rather than just sporadic crackdowns), paired with a strict approach to construction even for the wealthy, is more unusual. For the most part, enforcement of the rules applied to all, regardless of wealth and investment potential; something that made this commitment much more credible. For investors, buying land in Rwanda was complicated enough in itself, but as one pointed out obtaining permission to actually build was 'far harder...because this is where they are really cracking down'. He continued:

'These are the things that I've been learning slowly....you can't just go and buy a piece of land anywhere and build on it...it's now the master plan designates that this will be here and here and here...interestingly [a Rwandese acquaintance] told me that his sister is selling [her land] because you can't build there, they won't allow her. She wants to build a small residential house and they are saying no...that area is designated hotels, apartments, high rise.'<sup>202</sup>

Meanwhile, some people seeking to invest on a much larger scale in the new planned CBD pulled out because 'they wanted to build high rise....and it's not zoned

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<sup>200</sup> Interview with local brick manufacturer, 11.12.09 (translated from French).

<sup>201</sup> Interview with Rueben Ahimbisibwe, 02.12.09.

<sup>202</sup> Interview with foreign investor, 05.12.09.

for that in the Master Plan, so we lost that investment.’<sup>203</sup> However, while these examples show that even the wealthy and well-connected may not have been exempt, these developments all came towards the end of the decade, and even then there were likely to have been some exceptions. Some observers argued that Nyarutarama was heading the same way as Muyenga in Kampala, with ‘monstrous structures’ occupying 75% of the land plot and encroachment on road reserves.<sup>204</sup> Nyarutarama was indeed a parallel in terms of its emergence as a post-war boomtown for elites.<sup>205</sup> Some critical voices within the bureaucracy argued that the city was following the path of Kampala in terms of unplanned development more generally.<sup>206</sup> However, these perceptions were largely based on the unplanned development that undeniably characterised Kigali’s growth for many years until the second half of the 2000s, and it seems unquestionable that there was a major shift around 2007. Even if they are not sustained forever, the demolitions, wetland evictions and strictness with investors described above did not, as far as this research has discovered, take place in Kampala at *any* point between the NRM taking power and 2010. While Kigali’s post-war development may have paralleled that of Kampala for a decade or so after 1994, the government subsequently perceived a still-open window of opportunity to ‘do things differently’, and was concertedly attempting to move through it.

A former Technical Advisor for the German Development Service, writing about planning practice in Kigali between 2005 and 2008, voiced serious doubts about the seriousness of the government with regard to urban planning. She noted that there was a considerable degree of ‘flexibility’ in the new urban planning tools, particularly as the new legal framework abolished old laws but arrived in piecemeal, leaving grey areas and missing decrees, and allowing CoK staff considerable

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<sup>203</sup> Interview with foreign expert, 11.12.09.

<sup>204</sup> ‘Complicated demolition decisions, humungous mansions, unplanned residencies and other problems’, *Focus Media*, 07.05.09

<sup>205</sup> Nyarutarama had various nicknames, particularly among the expatriate investor community, many of whom lived there. Among these were ‘Merci Congo Boulevard’, referring to the belief that the houses were built with mineral wealth from the wars in the Congo, and ‘Tutsi town’, reflecting the notion that it was a place reserved for RPF elites and wealthy Tutsi returnees. This was based on perception and anecdote rather than any hard evidence of the neighbourhood’s ethnic composition.

<sup>206</sup> Interview with director of parastatal organisation, 18.11.09.

discretion (Ilberg 2008). Notwithstanding the importance of these observations, it is worth noting that for much of the period she observed the Master Plan, zoning rules and building regulations were not in place or were only just emerging. This may in part account for these observations, and the framework for urban development control was considerably fleshed out from 2007 onwards. However, this is not to imply that planning in Kigali was necessarily inclusive and pro-poor even after these developments. There were still important gaps in terms of procedure, and it was the *manner* of implementation rather than the lack of it that posed challenges as the decade came to a close. The enforcement of laws (for example the Expropriation Law) without the accompanying measures and procedures in place constituted a continuing problem,<sup>207</sup> as the next section demonstrates.

#### **4.5 Transformative destruction: expropriation and eviction in the name of the Plan**

In urban contexts characterised by decades of unplanned growth, implementing transformative planning is as much about demolishing structures that currently exist as regulating what is built. The contrast between the two cities can be further highlighted in relation to two parallel attempts to evict communities in dilapidated areas of the city in order to redevelop them in line with urban plans. These are briefly examined in turn.

##### *Kampala: political bargaining and the obstruction of transformative planning*

The aforementioned ‘power’ of ordinary people in Kampala to provoke political intervention in their favour was clearly illustrated in the story of an urban development project that required evicting a large community in order to build a planned modern residential neighbourhood. In theory, the project was straightforward, and nothing in the framework for land or planning (See Appendix

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<sup>207</sup> An Expropriation Manual was being written at the time of research to address some of these concerns. On a return trip in December 2011, the manual had been produced, but was apparently not commonly being used (interview with land official, 09.12.11).

3) posed any obstacles. A dilapidated Kampala estate known as Nakawa-Naguru, built by the colonial government in the 1950s for African bureaucrats and itinerant labourers (Munger 1951: 17), was earmarked in the early 2000s for demolition and redevelopment (in accordance with the 1994 Structure Plan) as a 'satellite town' to draw congestion away from the city centre. After several years of delays, in 2007 a British company, Opecprime Properties Limited, finally signed a Public Private Partnership agreement with the government after winning the bid to undertake the redevelopment of the area. The \$300m proposal involved developing 5,000 housing units including 1,747 affordable flats that the displaced tenants would have an option to purchase at subsidised prices.<sup>208</sup>

In December 2007 the company was poised to begin, with the Minister of Local Government giving residents until the end of January 2008 to vacate the area, when the Inspector General of Government (IGG) intervened saying she wanted to investigate the tendering process after some tenants complained.<sup>209</sup> The investigation was not forthcoming and six months later, the increasingly impatient Minister issued a 'final and last' warning to the residents of the dilapidated structures to vacate within one month or face forceful eviction. This was immediately followed by a notice from the IGG directing tenants to stay put until the investigation was finished.<sup>210</sup> The outraged Minister responded with a declaration that the IGG could not 'use her position to frustrate government projects. [...] Nobody should act as if he or she is more powerful than the government'.<sup>211</sup> Following this, with the IGG's support, around 300 families (out of a total of over 7,000 in the estate) petitioned the High Court to halt the eviction. However, in October 2008, the Court ruled that the tenants were unjustifiably seeking to block the redevelopment and ordered that they pay costs of the suit to the Attorney General and Opecprime properties.<sup>212</sup>

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<sup>208</sup> 'Behind the Nakawa-Naguru estates story', *Sunday Monitor*, 15.02.09.

<sup>209</sup> 'Naguru-Nakawa land 'grabbed' from investor', *Sunday Monitor*, 15.02.09.

<sup>210</sup> 'IGG, Otafiire clash over Naguru Estate', *New Vision*, 18.06.08.

<sup>211</sup> 'Otafiire blasts IGG over Naguru estate' *New Vision*, 26.06.08.

<sup>212</sup> 'Naguru-Nakawa land 'grabbed' from investor', *Sunday Monitor*, 15.02.09.

After this point, the entire situation descended into a mess of mutual allegations of lying and malpractice, alongside fresh revelations that large parts of the land had been 'quietly parcelled out' and sold off to city businessmen during the hiatus.<sup>213</sup> At the time field research was completed in early 2010, the situation was still in stalemate. One urban planning official declared the whole project 'basically dead'.<sup>214</sup> It was believed by observers that the president himself eventually weighed in on the side of the tenants. 'Museveni blocked one of the biggest investments' the city has seen in recent years because of the petition, one political commentator noted, adding that 'when it comes to these mundane issues of evicting people and things like that he will become jittery....he has a fear of antagonising any constituency' and 'is unable to understand that he has to make trade-offs, [to] incur short-term costs for a long-term return'.<sup>215</sup> Most observers agreed that the failure of the plan to go ahead was lamentable, and it would have been a positive development for the city.<sup>216</sup>

Perhaps most extraordinary thing about the Nakawa-Naguru saga was that the estates sat entirely on government-owned land, rather than *mailo* or any other form of private land. Consequently there were no landowners involved, and no need for official expropriation of the land.<sup>217</sup> The fact that these plans could not get off the ground for years gives the lie to ideas that Kampala's failure to implement plans was simply due to private land ownership. Here was a project where land was already in the state's hands, for which a 'public interest' argument could easily be made and which included reasonable terms for existing tenants. Despite this, it remained unrealised on the basis of 300 signatures in a saga that lasted most of a decade. It clearly illustrates the agency of the tenants in rallying politicians to repeatedly intervene on their behalf against the efforts of other state actors to implement a long-planned urban project.

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<sup>213</sup> 'Naguru-Nakawa land 'grabbed' from investor'.

<sup>214</sup> Interview with Savino Katsigaire, Ministry of Lands, 14.10.09.

<sup>215</sup> Interview with Andrew Mwenda, journalist and political commentator, 20.01.10.

<sup>216</sup> Interview with various politicians, commentators and planners, September 2009-January 2010.

<sup>217</sup> Interview with Savino Katsigaire, 14.10.09.

*Kigali: expropriating into the future*

Widespread eviction for the purposes of commercial development in Kigali had already been taking place on a major scale prior to the new legal framework on land, planning and expropriation,<sup>218</sup> and in the absence of this guiding framework expropriation constituted ‘one of the most scandalous issues in Rwanda’ in the early years of the millennium.<sup>219</sup> To some degree this changed with the 2005 Organic Land Law and 2007 Expropriation Law. However, while some aspects of the controversy were addressed, the emergence of the highly ambitious Master Plan shortly after these laws were passed meant that expropriations accelerated after 2007, often justified in relation to the broadly-defined ‘public interest’ (see Chapter Three). The continuing lack of clarity over procedure did not prevent the Rwandan government from implementing controversial expropriation projects in the name of improving living conditions and the city’s commercial development, in sharp contrast with the experience in Kampala. Two particular incidences of expropriation by the government are briefly presented here: the case of Ubumwe, an informal settlement next to the city centre that was expropriated to make way for the new CBD in 2007-8 (see Figure 4.3); and the case of Gaculiro, a residential area in the North of the city expropriated in 2009.

Ubumwe was characterised by particularly poor housing and infrastructure. The new desire to tackle the problem of *kajagari* along with the emerging plan for an entirely new CBD spurred Kigali Mayor Aisa Kirabo Kacyira, who took office in 2005, to propose this settlement for expropriation. In July 2007, after a site was identified on the fringes of the city (Batsinda, in Gasabo District) for the relocation of the people to be displaced,<sup>220</sup> the city authorities began valuing all 336 properties in Ubumwe for the purposes of compensation, and asked the residents to relocate (RISD 2008). CoK itself did not have sufficient resources to build new houses for those expropriated, so entered into a partnership with Caisse Sociale Rwanda (CSR, the Rwandan Social Security Fund) who agreed to fund the construction of 250 low-

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<sup>218</sup> See for example Durand-Lasserve (2007).

<sup>219</sup> Interview with official at National Land Centre, 24.02.09.

<sup>220</sup> See footnote 199.

cost housing units at Batsinda. In exchange, CSR was given ownership of the Ubumwe land to sell off to investors for the new CBD after fitting it with infrastructure. A third partner, the Rwanda Housing Bank (RHB), was brought on board with the task of providing loans to the former Ubumwe residents (the vast majority of whom were low-income) so that they could afford to purchase houses in Batsinda.<sup>221</sup>

Of Ubumwe's 336 households, 136 relocated to Batsinda, while over a hundred others moved elsewhere in the city or back to rural villages out of necessity or choice. Sixty-seven households resisted eviction altogether, mostly on the grounds that they were not happy with the level of compensation, though in other cases because they argued their livelihoods required them to be close to the city centre and they could only afford to move on foot.<sup>222</sup> In response to their complaints, the city government invoked the Expropriation Law, explaining that the CBD was a project in the 'public interest', and in July 2008, bulldozers came in and forced the sixty-seven remaining families to leave. Some of these residents who had resisted complained to the Ombudsman, and it appears that there was recognition that they were unfairly treated and the compensation was inadequate, which increased pressure for the refinement of expropriation procedures noted above.<sup>223</sup> The particular controversy around this expropriation did not, however, prevent further expropriations from taking place – on the contrary, they further accelerated and progressed to a far larger scale. In mid-2009 the government expropriated the entire 140 hectare informal residential area of Gaculiro, consisting of 3,600 houses of varying sizes and standards, for the development of a new 'satellite town' containing both housing units and commercial facilities, much along the lines of the proposed Naguru-Nakawa project in Kampala.

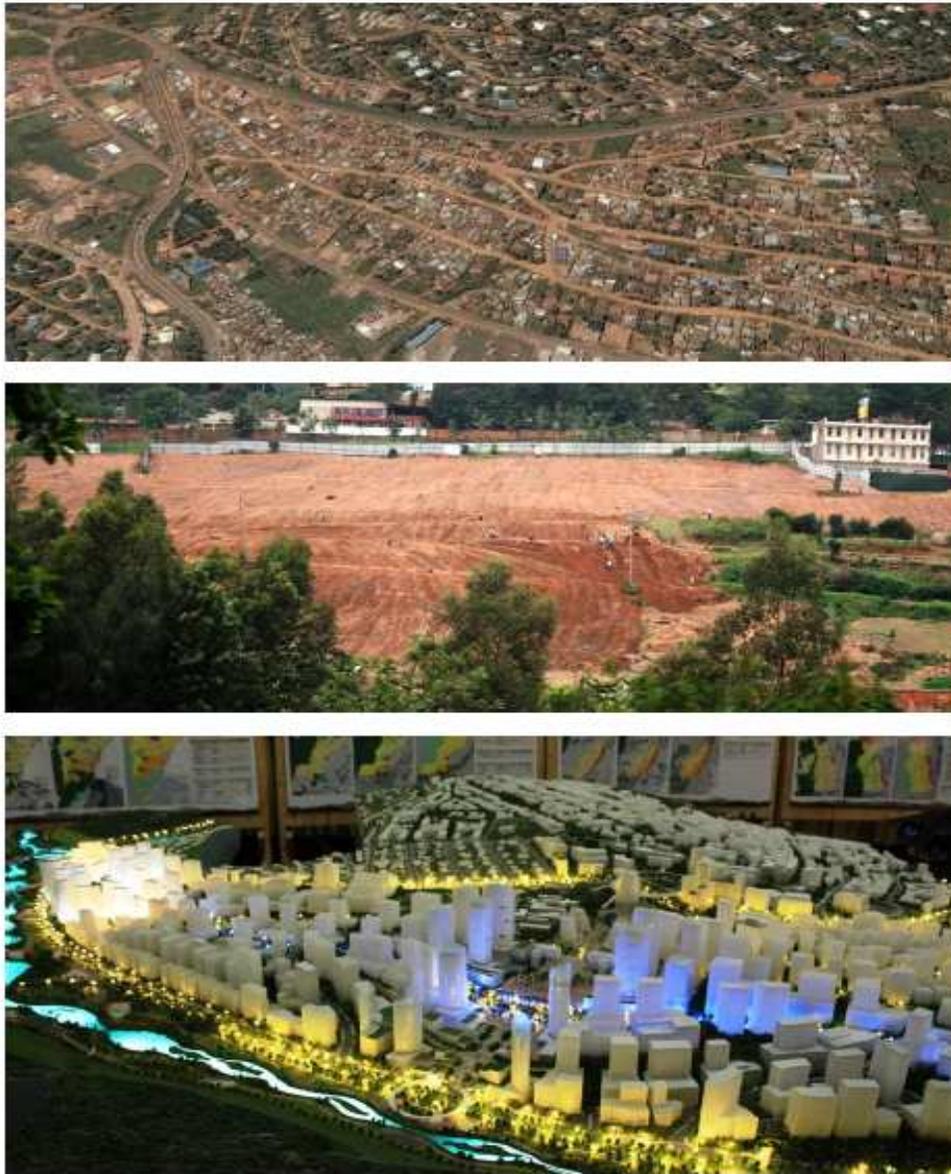
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<sup>221</sup> Interview with former CoK official, 10.12.09.

<sup>222</sup> Interview with former CoK official, 10.12.09.

<sup>223</sup> 'Kiyovu residents decry demolitions', *Focus Media*, <http://allafrica.com/stories/200807290996.html>; accessed 12.02.10.

**Figure 4.3: Ubumwe before and after expropriation, and as envisaged in the Master Plan**



*Source: Google Earth (© 2010 Google) and author's own photographs*

The speed and seeming ease of the expropriation and eviction process in Gaculiro were remarkable.<sup>224</sup> In part this reflected increasing acceptance of expropriation,

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<sup>224</sup> Between two research trips, the first ending in March 2009 and the second commencing in November 2009, the government had expropriated the entire area.

partly due to 'sensitisation' on the importance of planning.<sup>225</sup> Participatory meetings found that 'resettlement with compensation' was even positively perceived by some (Ilberg 2008: 4). On the other hand, sheer force is likely to have played a substantial role in Gaculiro, as it did in Ubumwe, though it was more difficult to obtain information on the people expropriated in Gaculiro and the impact on their livelihoods. However, CSR staff admitted that the population was 'scattered' and some 'went very far from town'.<sup>226</sup> Moreover, the kind of help offered by way of the Batsinda project and RHB loans was not offered to those in Gaculiro. It appears that many ended up in 'rural estates' outside the urban part of the city where they have fewer livelihood options, increased transport costs and may lack the skills necessary to earn a living.<sup>227</sup> The government argued that while 'the transitional time is very hard...we have systems that absorb people economically and socially', and after a few years people are happy with the change.<sup>228</sup>

Whatever the impact of the expropriations, the point here is that the government moved to implement major projects embedded in the Master Plan through eviction at a pace that was inconceivable in Kampala, despite similar plans and the securing of a huge amount of investment in the latter. For better or worse, the swift expropriations in Gaculiro, affecting tens of thousands of people and executed in just a few months, contrast starkly with the Naguru-Nakawa case in Kampala where a chain of conflicting interventions by political and social actors blocked a similar project for much of the 2000s. In Kigali further waves of expropriation were under way in 2010, with 4,700 households on 150 hectares of land near the city centre already valued for expropriation.

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<sup>225</sup> See Purdeková (2011) on the prevalence of 'sensitisation' as a term referring to top-down civic education in Rwanda. A concern with 'sensitisation' reflects the government's more general interest in inculcating norms of 'problem solving' as civic virtues to facilitate conflict resolution (Clark 2010: 223). The government's *ingando* 'solidarity' camps also play an important part in this discourse of educating people to work together as citizens (Mgbako 2005).

<sup>226</sup> Interview with official, Caisse Sociale Rwanda, Kigali, 02.02.10.

<sup>227</sup> Interview with community leader A, 17.12.09.

<sup>228</sup> Interview with Vincent Karega, Rwandan Minister of Infrastructure, Kigali 09.12.09.

## Conclusions

This chapter has explored some of the most striking contrasts in the effectiveness of the state in the two cities under scrutiny. In Kampala, many failures of urban development control were the consequence of reigning social norms through which ordinary urban-dwellers appealed to politicians to block the attempts of other state actors to regulate or evict them. Meanwhile, illicit deals between elite developers and those in positions of political or bureaucratic authority also prevailed over policy and law. The result was an environment in which more or less anyone whose interests were threatened in the short term by urban plans or regulations could find a supporter within a state agency with the power to aid their cause in exchange for financial or electoral support. As a Ugandan government official working on urban issues noted, with one eye on the comparison with Rwanda:

‘In Kigali if the City Council has decided to something, that’s it – you’ll have nowhere to run to. But here in Uganda and in Kampala in particular, if a decision is made by Kampala City Council and somebody is implementing the contrary, and you try to stop it, they will run to another place for support. And they will get the support. KCC will be told ‘please wait. Leave that matter. We are investigating’. In the process, the developments are going on – the investigation report by that third party will never come out [...] if it ever comes up, the project will be complete. So it defeats your reasoning and your energies of fighting.’<sup>229</sup>

The urban political process could thus be viewed as a series of interventions in favour of people seeking a mutually beneficial bargain. The bargains involved politicians essentially generating institutional conflicts that obstructed the functionality of the state system; indeed the deliberate creation of ‘a degree of conflict’ by ‘individuals in high authorities’ was noted by some respondents.<sup>230</sup> Thus politicians were often working against the state itself. When the exercise of state authority is prevented at a building site, for example, by men with guns, this constitutes a clear undermining of the state in a basic Weberian sense. Consequently, in contrast to the ‘pro-planning’ state interventions observed in Kigali, many decisive political interventions in Kampala took the form of ‘anti-planning’ interventions, reminding the urban population that the government was

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<sup>229</sup> Interview with Isa Gumonye, 08.10.09.

<sup>230</sup> Interview with local politician, 06.01.10.

happy to waive formal rules in their favour. This affected the credibility of the whole framework for urban development control, to the extent that even major developers in the city made little attempt to disguise their flagrant disregard for it. It also meant that politicians were increasingly seeking legitimacy with social groups through this kind of intervention, creating a self-reinforcing dynamic of state ineffectiveness.

For the government in Rwanda, the determination to persevere with transformative but disruptive urban planning projects reflected elite perceptions of ‘a big danger if the future if the question [of urban settlements] is not addressed...the country may end up not being an organised country. There will be environmental hazards and there may be social, economic insecurity.’<sup>231</sup> The expropriation of the Ubumwe settlement was partly justified by the CoK authorities on the grounds that ‘this community was becoming a security concern’ (Kairaba 2008). Managing urbanisation was thus seen, like so many other issues in Rwanda, as a security issue, and much of whatever support and legitimacy the RPF government had hinged on its credibility with regard to minimising insecurity. As such there was sufficient consensus within the elite – from the city’s mayor and local politicians to the President and national ministers, all of whom were members of the RPF – that implementation mattered.

Bolstering this was the fact that alongside the domestic security agenda, the government also drew its international legitimacy from its push for results and strict stance on corruption; indeed its ongoing efforts to attract investment, which were crucial to its broader development agenda, depended on these factors. Kigali played a central role here: it was viewed by the government as somewhere that must ‘lead’ the rest of the country by example<sup>232</sup> and as a critical site for Rwanda’s engagement with the international donor and investment community (Goodfellow and Smith 2013 forthcoming). The close engagement between CoK and urban planners from the United States and Singapore (the latter representing a development success

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<sup>231</sup> Interview with Vincent Karega, 09.12.09.

<sup>232</sup> Interview with various government sources in Kigali, February 2009.

story the Rwandan government aspired to above all others) was further evidence of this.<sup>233</sup> Urban development in Kigali therefore largely took place through unilateral state interventions that supported plans and regulations. The ‘elite bargain’ embodied in the Master Plan thus looked very different from the elite collusion on display in Kampala, which reflected a generalised understanding that stimulating a degree of division and undermining institutional congruence could play into the hands of elites of all stripes.

In short, disorganisation was perceived as an opportunity by elites in Kampala, but presented potentially grave threats in Kigali. Part of the pact underpinning the collective elite project in Rwanda was the unacceptability of *visibly* exposing disjunctures between the formal institutional framework and actual behaviour or breaking ranks more generally. On the domestic front, by publicly subjecting elites to rigorous standards of behaviour the government could potentially limit dangerous perceptions among the majority that elites were freely ‘eating’ at their expense. However, preparing Kigali as a ‘Singapore for Africa’ while simultaneously attempting to limit perceptions that the city was an elite playground was a difficult balance to strike, and resulted in slums and five star hotels being demolished in tandem.

It was not only with regard to physical change, the bricks and mortar of development, that striking contrasts regarding effective policy implementation could be observed between Kampala and Kigali. In terms of the human element too – the lives and livelihoods of the urban majority seeking a living in the informal economy – efforts to regulate and shape development met with hugely varying outcomes. It is to this subject that Chapter Five now turns.

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<sup>233</sup> Interviews with city officials, February and December 2009.

## Chapter Five

### Governing the urban informal economy: petty trade and public order

This chapter explores the degree of effectiveness with which the state regulated the economic activity of people engaged in petty trade in Kampala and Kigali during the first decade of the twenty-first century. In the context of low levels of industrialisation, small scale trading has historically been among the most important livelihood options in both cities, whether in the form of selling goods in legally gazetted marketplaces, running pavement kiosks or vending fruit on street corners. Efforts by the state to control and tax these activities were multifarious and the links between state actors and petty traders dense and complex. As with physical planning, these efforts met very different outcomes in the two cities.

This chapter explores the political economy of petty trade in Kigali and Kampala to assess why policies and regulations were implemented so much more effectively in the former. It begins with a discussion of the highly contested concept of the 'informal economy' and its significance for this research. This is followed by a section describing the historical evolution of informality in general and petty trade in particular in the two cities, before outlining the relevant formal institutional framework. The chapter then turns to the core empirical material, first exploring how attempts to shape urban commercial activity unfolded in a critical urban space: the marketplace. Taking each city in turn, the politics of marketplace management and its effects on effective policy implementation is explored. Following this, the chapter turns to the question of how and why informal street vending and hawking *outside* the arena of the marketplace was so much more tightly controlled in Kigali than Kampala. Finally, the analysis is drawn together and conclusions are presented.

## 5.1 Urban informality and petty trade: concepts, issues and challenges

### *The concept of the 'informal economy'*

Keith Hart first introduced the concept of the urban 'informal sector' in a 1971 conference paper on Ghana, published in 1973 (Hart 1973). He argued against the Marxist-influenced notion that most urban-dwellers in developing country cities were an 'unemployed' labour reserve, instead presenting the activities of the urban poor as economically dynamic and 'a means of salvation' where wage labour is scarce (Hart 1973: 67). Far from being marginal, he argued, these workers provide 'many of the essential services on which life in the city is dependent' (Hart 1973: 68). Thus urban petty economic activity was recast from being a space of failure to one of opportunity and potential success. Hart basically defined the informal sector as work outside public or private sector waged employment, comprising a range of activity (both legal and illegal) from urban farming and beer manufacturing to street hawking. The International Labour Organisation embraced the concept in a 1972 report but modified it, presenting it as a more rigid and universal structural feature of developing economies characterised among other things by ease of entry, small scale of operation, family ownership and unregulated markets (ILO 1972).

From early on the concept was widely criticised in the academic community. Bromley (1978) argued that it reflected a crude, logically inconsistent dichotomy, providing no clear guidelines about how to classify most urban economic activities. Harriss (1978) and Moser (1978) likewise attacked the rigid dualism of the informal/formal distinction. Yet the concept's popularity soared, enjoying a 'meteoric career in the world of policy' (Peattie 1987). In the late 1980s De Soto published *The Other Path*, an ebullient celebration of informal activities in relation to housing, trade and transport in Peru (De Soto 1989). De Soto's argument about what the 'informals' could achieve if laws and regulations were relaxed chimed with the ideological spirit of the times. His ideas were enthusiastically adopted by the World Bank, and Peattie's criticism of the distinction as an 'utterly fuzzy' impediment to analysis (Peattie 1987: 851) fell largely on deaf ears. In the 1990s the

concept remained in constant currency, but the terminology began to change. References to the informal 'economy' were increasingly preferred to the more homogenising term 'sector' (Feige 1990; Makaria 1997). MacGaffey, meanwhile, adopted the term 'second' economy in preference to both 'informal' and terms such as 'parallel', which ignore the degree to which the two 'economies' intersect (MacGaffey 1991).

Even among those who agreed that the concept was analytically valuable, opposing normative approaches were apparent by the 1990s. While de Soto (1989) and Chazan (1988) presented informality as assertiveness and dynamism on the part of civil society in the face of over-regulation, the 'informalisation' perspective developed by writers such as Castells and Portes (1989) and Meagher (1995) presented a different perspective. Far from being a form of 'entrepreneurial triumph', they posited growing informality as 'a strategy on the part of dominant formal sector interest groups to defend their conditions of accumulation in the face of crisis' by ensuring a flexible (and vulnerable) pool of informal labour (Meagher 1995: 260). These perspectives reasserted the role of the state and elite interests in creating informal economies.

Despite constant criticism, the concept has repeatedly been reinvented (Chen 2006; Meagher 2010). Following Lindell (2010: 5), this study accepts that the idea of informality has 'modest analytical value', and works with a broad definition based on a number of key characteristics. It classes as informal those activities that in some respects 'lie beyond or circumvent state regulation' (Lindell 2010: 5) and posits a continuum of formality-informality rather than a clear dichotomy. Despite rejecting oversimplistic definitions that view informality as virtually synonymous with tax evasion (Spiro 1997), the extent of taxation by the state and extent to which modes of tax collection conform to formal rules are here considered central to an activity's position on that continuum. Equally important, however, is the extent to which working conditions are governed by policies and regulations that are implemented and enforced.

The sheer diversity of unregulated or partially-regulated economic activity makes it counter-productive to specify the concept further. The relationship between informal activity and the state is complex and politicians can be complicit in it: informal enterprises often enter what Tendler (2002) terms a 'devil's deal' with politicians, whereby they are unofficially exempted from taxation and compliance with regulations in exchange for votes. This study concurs with Lindell's (2010: 17) observation about how 'the state may suspend the law and resort to the 'state of exception', which itself can be seen as a technique of power.' Arguing that there is an 'essential antithesis between state power and informality' (Centeno 2006) thus oversimplifies reality, because some of the actors partaking in this political bargaining are part of the state. Yet sometimes the conflict between informal activities and state actors is very real, even while deals are simultaneously struck with other state actors. In this regard, distinctions between politicians and bureaucrats (see Chapter Two), as well as the national and local state, can be critical. Informality is therefore a sphere in which *the relationship between an economic activity and the state is highly ambiguous*. Turning to petty trade, these issues will be unpacked further.

*Petty trade and the state: on the hazy boundary between formal and informal*

Informality proliferated in the wake of structural adjustment because the contraction of formal sector jobs left most city-dwellers little choice but to seek informal livelihoods (Meagher 1995; Cross 1998). Street vending was among the more appealing options, requiring only a minimal capital outlay. It burgeoned in African cities – particularly among women (Mitullah 2003), and in the poorest countries where access to finance was scarce and there was little industry; indeed Brown and Lyons (2010: 33) claim that 'Street traders are the largest groups in the informal economy, after home-based workers'. Despite this, in some ways petty trade sits oddly with the informality discourse. Urban traders are rarely 'beyond' state reach<sup>234</sup> because their work is highly public, making it difficult to avoid taxation of some kind. When trading legal goods, they often pay some (usually

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<sup>234</sup> At least not in the way that petty commodity producers might be, for example. See Moser (1978).

local) taxes but not other (often national) ones; but the degree to which they are actually subject to taxes can be highly arbitrary (Lourenço-Lindell 2002). Meanwhile, the belief that they generate rubbish, obstruct traffic and comprise a public nuisance underscores their *perceived* informality (Mitullah 2003), though this has little to do with conventional definitions of the informal economy.

If the boundary between formality and informality has become increasingly blurred over time (Centeno 2006; Hart 2006), petty trade often straddles this boundary. However, due to their visibility, vendors occupy a special role in relation both to government discourses about ‘cracking down’ on informality and politicians’ populist efforts to boost urban support. By virtue of their visibility and numbers, they are paradoxically both vulnerable and, potentially, collectively powerful (Thulare 2004: 17). Relations between vendors and the state therefore tend to be characterised by both conflict and co-operation (Lindell 2008), but the *form* this conflict and co-operation takes can vary widely by context. This is not just a question of which regulations are in place. Focusing solely on the regulations themselves, as have De Soto, Trager (1987) and others, obscures critical issues in the political economy of informality regarding how those regulations are used and implemented. The prevailing assumption has been that the more ambitious the regulations, the more cause for escape and thus the more informality (Lomnitz 1988: 54). However, in some contexts ambitious policies and regulation to reorder petty trade *do* effectively reduce informality (for better or worse) while in other cases they do not. This should be examined empirically.

This chapter is not, therefore, about regulation versus non-regulation or good versus bad regulation. It instead addresses a neglected aspect of the informal economy debate: why similar regulations are implemented much more effectively in some contexts than others. Moreover, to understand fully the differential state effectiveness in the two cities with regard to managing petty trade, we should also look beyond regulatory frameworks. This means considering the broader policy context in terms of stated government agendas regarding the ‘modernisation’ of

commercial areas, and examining the relative degrees of success in meeting these policy goals.

## 5.2 Contextual background and institutional framework for petty trade

### *Uganda*

Uganda is a canonical case of economic informality, due to the development of its notorious *magendo* (black market) economy in the Idi Amin period (Kasfir 1983; Prunier 1983). In the context of Amin's 'economic war', the formal sector contracted, government authorities were starved of revenues and the state was debilitated vis-à-vis informal networks (Kasfir 1983: 86). By 1980 two thirds of Uganda's GDP consisted of *magendo*, a remarkable increase from the 3% estimated a decade earlier (Green 1981). In his classic study, Green argued that *magendo* created its own class structure, with up to 500 very wealthy *mafutamingi* at the top, some 2,500 *magendoists* in the middle and vast numbers of *bayaye* (basically meaning 'thugs') who comprised the labourers, drivers, street vendors and thieves at the bottom (Green 1981).

Top-level *magendo* often involved informal production and smuggling, yet at the level of the *bayaye*, petty trade was a central livelihood strategy. The typical *magendoist* 'distributed his stock to 'his' *bayaye* to retail at every nook and corner of the town at *magendo* prices' (Mamdani 1983: 53-4). Petty trade was especially critical for urban women, for many of whom the Amin period was not a period of economic crisis but a time when females first came to have 'a legitimate claim on the cash economy' (Ahikire 2003: 28). Significantly, economic informalisation did not end with the ousting of Amin; the *magendo* system 'became even more powerful after liberation' (Kasfir 1983: 92). While Obote's second government expanded public sector employment, *magendo* reinvented itself in the context of salaries so low that even formal workers sought other ways to earn money in order to survive; incomes were falling fast in this period (Jamal 1991). Under Obote II the state grew 'more porous', enabling new linkages between informal activities and

state actors who either partook in them directly or took bribes to facilitate them (Kasfir 1983: 101).

By the time Museveni took power in 1986, these patterns were thoroughly established. Moreover, while the NRM consolidated its power over the state, the ‘streamlining’ of KCC in the context of structural adjustment and the lack of employment in other sectors led to increasing illegal trade that city officials would happily ignore for the right price (Gombay 1994: 88-9). An ILO study found that in Uganda 83.7% of urban employment in the 1990s was informal; significantly higher than neighbouring Tanzania (67%) and Kenya (58.1%) (Palmer 2004). Trade continued to play an enormous role in this; in Kampala alone there were fifty-five legally gazetted markets and perhaps as many as 150 ungazetted ones by 2010.<sup>235</sup>

Like most governments, the NRM viewed vendors ‘as a problem that has to be controlled’ (Mitullah 2003: 10). National laws and urban ordinances were invoked to this end, foremost among which is the Markets Act. Its most fundamental premise is that ‘No person or authority other than (a) the administration of a district; (b) a municipal council or (c) a town council shall establish or maintain a market (Markets Act, Cap 94, Section 1). Under this act local authorities were entitled to make bylaws regarding issues such as the location of markets and fee-setting. In terms of street trade, the 2010 Kampala Capital City Act reaffirmed provisions in earlier laws<sup>236</sup> by specifying that it was the city authority’s role to ‘Prohibit, restrict, regulate or license the sale or hawking of wares or the erection of stalls on any street’(Kampala Capital City Act, Third Schedule, Section 3a).

More locally, KCC’s Markets Ordinance affirms its exclusive right to grant licenses for establishing markets, but allows for contractual arrangements between KCC and firms or individuals intending to invest in maintaining markets and contains a range of other regulations (KCC 2006b). While vendors in legal markets were generally

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<sup>235</sup> Goodfellow and Titeca (2012) explicitly compare Kampala in 2010 with Gombay’s analysis from the early 1990s.

<sup>236</sup> Such as the Urban Authorities Act (1964), Trade and Licensing Act (1964) and local ordinances such as the KCC Maintenance of Law and Order Ordinance (KCC 2006a).

subject to some combination of monthly rent and daily dues (collectively termed *empooza*), street trade was regulated through permits. Itinerant hawkers were given legal recognition in some parts of the city and some were allocated permits, while stationary street vendors, considered to be the most obstructive and problematic form of petty trade, were wholly illegal (Akihire and Ampaire 2003: 18).

There were also important policy developments in the Museveni period concerning how and by whom markets were to be owned and managed. A drive to privatise marketplaces by selling leases to entrepreneurs appeared around 2005. This decision followed the privatisation of market services such as revenue and waste collection, and caused a furore in Kampala. Privatising services was contentious enough (Lindell and Appelblad 2009), but the decision to actually sell off market land – first to private companies and, more recently, to vendors’ associations themselves – caused a legal, regulatory and political maelstrom in the city.

### *Rwanda*

Even without the catalyst of Amin’s ‘economic war’, there are reasons to believe that Kigali was also a site of above average levels of informalisation from the 1970s onwards. From 1970 to 1990, Rwanda’s urban growth rates consistently outstripped the African average (UNPD 2009) even though there was very little by way of formal sector employment to absorb this population. A small industrial area was developed in Kigali from the 1970s, but industrialisation remained nascent partly due to the expense of importing materials to a landlocked, resource-poor country (Behuria 2011). By the end of the 1970s only a fifth of the city population worked in industry, with the remainder in agriculture and (mostly informal) services (Munyaneza 1994). A report from 1990 confirmed that most inhabitants of Kigali worked in the fields or other ‘unregistered’ activities rather than the formal economy and suggested that a change of ‘mentality’ was needed. It also highlighted how urban unemployment was leading to ‘delinquency of all kinds’ (RoR 1990: 40). Yet with regard to petty trade, in the 1980s the city authorities did ‘everything in their power to organise markets’ (RoR 1990: 28). Informal activity on the streets was to some degree

controlled; this was perhaps best exemplified by the institution of a weekly ‘poor people’s day’, whereby poor people were allowed to come into the city on Fridays only and beg for money.<sup>237</sup>

The most intense period of trade informalisation was therefore probably in the years immediately after 1994, which is unsurprising given the other priorities at the time (see Chapter Three). A 2001 study indicated that in areas outside the CBD up to 94% of businesses were unregistered (KIST 2001a: 28). In terms of petty trade, a city official noted that 1999-2000 was probably the apex of a ‘serious problem’ of street vending and pickpocketing<sup>238</sup> and a 2000-1 survey classified 22.1% of Kigali’s population as traders and hawkers (RoR 2002: 74). Many interviewees noted that the streets in central Kigali were lined with informal kiosks, vendors and orphans begging in the early years of the millennium. There was a ‘rapid increase’ of street children after 1994 (KIST 2001: 34-5) and in 2001 an estimated 7,000 children were living on the streets in urban areas (HRW 2006: 3). Alongside trade, older youths would engage in informal service activities such as sitting on the street with typewriters to type up documents for people and providing telephones for use for a small fee.<sup>239</sup> One source noted that, in contrast with 2009, ‘it was like a typical African city centre’.<sup>240</sup>

This was the highly informalised environment the RPF sought to transform in the process of implementing its broader urban development vision from the early 2000s. As far as marketplaces were concerned, the 2006 Law on the Functioning of Districts states that District Councils must approve where markets are built (Law No. 08/2006: Article 20), while in Kigali specifically the decision to ‘fix’ or ‘remove’ a marketplace has also to be approved by the City Mayor and the Minister of Local Government (Law No. 10/2006: Article 236). Markets were addressed in further

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<sup>237</sup> Interview with a local brick manufacturer and land broker, 11.12.09. He explained that ‘town on Fridays was full of old people with sticks, beggars. It was almost obligatory to give them money’ (translated from French).

<sup>238</sup> Interview with Bruno Rangira, CoK Public Relations Officer, 26.11.09.

<sup>239</sup> Informal conversation with a researcher, 02.02.10.

<sup>240</sup> Interview with foreign consultant, 26.11.09.

detail through the five-year District Development Plans (DDPs).<sup>241</sup> Street trade was decentralised to district governments in law (Law No. 10/2006: Article 157), and at the local level there were projects for working with and organising informal traders such as the 2007 Kigali City Hawker's project (CoK 2007).

Having provided some brief contextual background and outlined the formal framework for regulating petty trade in the two cities, the next sections turn to the reality of how the sector was governed in each. In Kampala, where managing marketplaces was cited by officials as one of the biggest challenges of the city's development in the twenty-first century,<sup>242</sup> many policies barely got off the ground and the regulatory framework was rendered largely impotent. In Kigali, by contrast, a plan to reorganise marketplaces ushered in a radical transformation of petty trade in the city. Each case is examined in turn.

### **5.3 Kampala's marketplaces: the politics of protest and populism**

'[Markets] are everywhere, they are a mess. It's politics, and nothing else.'<sup>243</sup>

Critical to understanding how marketplaces became so problematic in Kampala in the early twenty-first century is the role of key players in the city who perceived the enormous benefits the informal economy could offer them politically and economically. These included President Museveni himself and Kampala's mayor from 1998-9 and 2006-11, Nasser Ntege Ssebagala; but also wealthy businessmen who became embroiled in city politics after purchasing leases to marketplaces with the stated intent of developing them into modern commercial centres. The state was highly ineffective in its engagement with marketplaces even before the turn of the century (Gombay 1994) but the decision to privatise markets in the 2000s, combined with the return to multi-party politics, rendered them sites of an intense scramble for control and influence that undermined state institutions even further. Moreover, a growing tendency for market vendors to resort to violence as a means

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<sup>241</sup> See Appendix 4a for a diagram depicting the procedures for reporting on DDPs.

<sup>242</sup> Interview with local government official, 06.02.09.

<sup>243</sup> Interview with Dr. Stephen Mukiibi, Head of Architecture, Makerere University, 10.02.09.

of expressing their discontent with state policies alarmed politicians, precipitating populist interventions that heightened policy confusion and perpetuated disregard for formal procedures. In what follows, I trace the evolution of the politics of Kampala's marketplaces, with reference to three of the city's largest, analysing the processes through which the state was persistently rendered ineffective.

### *Owino market and the seeds of discontent*

Central to the marketplace 'problem' in Kampala was Owino market,<sup>244</sup> which with a daytime population of some 50,000 people including 7,000 vendors was the largest market in East Africa.<sup>245</sup> Its evolution illustrates some of the ways in which different arms of the state were implicated in the proliferation and fragmentation of organisations within marketplaces, compromising the legitimacy and effectiveness of KCC. Controversy began when Godfrey Kayongo, Owino's Chairman since 1987, was accused in a 1997 report by the Inspector General of Government of grossly mismanaging funds issued for the development of the market under a World Bank project aimed at providing improved livelihoods for the urban poor (IGG 1997). Through deals struck with certain KCC officials, Kayongo made himself a major shareholder (in his daughter's name) of the construction company awarded the tender to develop the market, which siphoned off funds and violated the approved construction plans (IGG 1997). He was further accused of massively under-reporting the number of market stalls in the market to KCC, enabling him to keep large proportions of the market dues he was responsible for collecting and passing to the city authorities.<sup>246</sup>

While there was evidently informal collusion between Kayongo and people within KCC, the formal policies and institutions of the council were severely undermined: the World Bank-funded redevelopment was shambolic and city regulations and

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<sup>244</sup> At some point in the 2000s this market was formally renamed St. Balikudembe (a more 'Bugandan' name), but most people still used the original name Owino.

<sup>245</sup> Interviews with Godfrey Kayongo, Chairman of Owino Market Vendors Association, 13.10.09; Adolf Mwesigye, 27.01.10.

<sup>246</sup> Interview with vendors at Owino Market, 13.01.10. Revenues from markets will be discussed in further detail in Chapter Seven.

taxes were enforced arbitrarily, if at all.<sup>247</sup> Developments in the second half of the 2000s, however, worsened the situation by layering factional rivalries on top of the already rampant corruption. In the context of the government's drive after 2005 to sell off the leases to the marketplaces, Kayongo set up another company called the 'Stall and Lockup Owners Association' (SLOA) to collect money from vendors and purchase the lease in their name.<sup>248</sup> As a Limited Company with a maximum of 50 shareholders, SLOA necessarily excluded most vendors from control over the market and its spoils – as some vendors soon realised, subsequently establishing their own rival group<sup>249</sup> with the aim of mobilising vendors against Kayongo. They considered him an NRM 'stooge', claiming that he 'treats the market as his own property' and abolished marketplace elections in 1993 to make himself 'a dictator – Chairman for life!'.<sup>250</sup> On taking their grievances to Kayongo, his supporters reportedly beat them with sticks.<sup>251</sup> Kayongo himself interpreted their activities as part of efforts by 'tycoons' to prevent vendors purchasing the lease through SLOA by co-opting and 'spreading gossip' among them.<sup>252</sup>

This rivalry between the two groups resulted in continuing efforts by each to seek political patronage and scupper the other's plans for greater control over the market, culminating in a violent clash in June 2009 when the Minister of Local Government came to the market to try and resolve the issues, only to be 'whisked away' amid the chaos.<sup>253</sup> In 2010 the issue was still completely unresolved. Similar situations prevailed in several of Kampala's other marketplaces. The decision to sell off the market leases at a time of opening political competition had tipped the sector into turmoil, and formal state policies and regulations were consigned to irrelevance as political figures waded in with illicit deals and populist gestures. This approach was personified above all in Ssebaggala, the city's first directly elected mayor under decentralisation.

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<sup>247</sup> See Chapter Seven for a discussion of how this affected revenues.

<sup>248</sup> Interview with Godfrey Kayongo, 13.10.09.

<sup>249</sup> 'St. Balikkudembe Produce Vendors and Traders Co-Operative Society'.

<sup>250</sup> Kayongo was still in place in 2010, after over two decades.

<sup>251</sup> Interview with vendors at Owino Market, 13.01.10.

<sup>252</sup> Interview with Godfrey Kayongo, 13.10.09.

<sup>253</sup> 'St. Balukudembe vendors fight before minister', *The New Vision*, 11.06.09.

### *Nakasero Market, Ssebaggala and marketplace populism*

Ssebaggala was a Muslim Muganda closely linked to neither the Protestant Monarchy nor traditional Catholic Baganda elites, though he was associated with the dormant Democratic Party in the period when campaigning explicitly under a party-political ticket was formally outlawed (Lambright 2012: 4). He built his popular appeal around being the son of a vendor in Nakasero market in the city centre, with an agenda to empower vendors to take control of their own marketplaces. His catchphrase was 'seya', a local adaptation of the word 'share' used by the urban poor to denote camaraderie. This was Ssebaggala's way of saying he was 'one of them',<sup>254</sup> and 'Seya' subsequently became the nickname accompanying his slogan, 'forward with the common man's revolution.'<sup>255</sup> As such, he exhibited the classic characteristics of populism as it manifests in urban areas, which Resnick (2012) defines with reference to anti-elitist discourse, policy messages oriented around social inclusion, and the profession of affinity with an underclass by a charismatic leader.

Elected for the first time in 1998, Ssebaggala was forced to leave office the following year when he was arrested in the United States on fraud charges and imprisoned for 11 months.<sup>256</sup> Remarkably, this only increased his popularity; he returned in 2000 to a hero's welcome, though by this time had been replaced as mayor. His popularity was such that initially he decided to run for President of Uganda as an independent candidate for the 2006 election, but he subsequently tempered his ambitions and ran again for mayor instead, winning decisively in 2006. The markets were critical sites of support; it is estimated that 90% of Owino market vendors were DP supporters.<sup>257</sup> However, despite a popular mandate rooted in promises to empower vendors, he almost immediately made a dramatic 'U-turn' and embraced his predecessor's privatisation agenda, negotiating the 49-year lease

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<sup>254</sup> Interview with Sabiti Makara, 23.09.09.

<sup>255</sup> Interviews with Erias Lukwago, 12.10.09.

<sup>256</sup> 'MPs declare Seya unfit for Cabinet', *Daily Monitor*, 02.06.11.

<sup>257</sup> Interview with local trade development officers, Central Division, 05.10.09.

of some of Kampala's largest markets to private companies with close links to political elites.<sup>258</sup> Nakasero was one of several markets leased to a company owned by Hassan Basajjabalaba, a prominent funder of the NRM and Chair of its Entrepreneur's League; Ssebaggala reportedly took a 10% bribe to award him this lease.<sup>259</sup>

Anger at Ssebaggala's perceived betrayal grew among vendors, bolstered by the fact that the supposed investors did nothing to improve conditions in the markets, even as they introduced increasingly exploitative revenue collection systems.<sup>260</sup> The scale of vendor discontent was evident by early 2007 and Ssebaggala made another 'U-turn' again to proclaim his support for vendors' rights, saying he would halt the sale of Nakasero, although KCC had already taken the payment for it (as, presumably, had he).<sup>261</sup> Perhaps sensing both a problem and an opportunity, Museveni then weighed in and usurped the Mayor's role as the 'saviour' of market vendors, embracing a discourse of vendor empowerment that led to a surge of NRM support in the markets.<sup>262</sup> In July 2007 he gave clearance to the vendors to redevelop Nakasero market themselves, something that bureaucrats privately admitted was probably unachievable.<sup>263</sup> This set a critical precedent for presidential intervention in marketplace issues that were formally decentralised to the city authorities, as well as making redevelopment of the market even less likely.

#### *Kisekka market: violence, gridlock and state ineffectiveness*

Kisekka market provides a particularly illuminating example of how vendors provoked central government interventions in their favour through ongoing civil disturbance. It also illustrates how a lack of co-ordination between decrees from the centre and the actions of KCC resulted in gridlock, preventing anyone involved from undertaking the relatively simple task of the market's redevelopment. Kisekka

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<sup>258</sup> Interviews with Erias Lukwago, 12.10.09; local official, 22.09.09; Sabiti Makara, 23.09.09.

<sup>259</sup> 'Ssebaggala, Lukwago clash over Nakasero Market', *The New Vision*, 03.04.07.

<sup>260</sup> See Lindell and Appelblad (2009) for a discussion of this issue.

<sup>261</sup> 'Ssebaggala stops the sale of Nakasero Market', *Daily Monitor*, 24.01.07.

<sup>262</sup> See Goodfellow and Titeca (2012) for a further discussion.

<sup>263</sup> Interviews with local officials, 22.09.09 and 05.10.09.

was a large male-dominated marketplace of almost 6,000 registered members, devoted to the sale of mechanical goods and vehicle parts. In 2006, KCC and the leader of Kisekka's marketplace association, Samuel Sekibenga, arranged to sell the lease to retired NRA Colonel John Mugenyi.<sup>264</sup> Mugenyi had agreed that he would take control of 4 acres of the market for redevelopment, leaving 2.5 acres for the vendors to manage themselves. This allegedly transpired to be a 'trick' thought up as part of a deal between Mugenyi and Sekibenga: the *total* area of the market was actually only 3.7 acres.<sup>265</sup> On discovering this, a group of vendors set up a rival association led by Kasolo Kitembo and decided that all those implicated in the sale should leave. They forced Sekibenga's group out of the market and took their complaint to KCC, who disregarded it. Kitembo's group claimed that Mugenyi had already bribed city bureaucrats to ignore the matter.<sup>266</sup>

After KCC staff persistently turned them away, Kitembo's group realised they 'had no voice' in relation to formal state organisations and resorted to riots.<sup>267</sup> The first was in July 2007, with vendors burning tyres along the roads around the market and causing major disruption. This was soon quelled but the situation remained unchanged, prompting another three-day riot in September 2007. This was so violent that Uganda's Inspector General of Police visited the market personally. The central government was rattled and invoked its new mantra that 'sitting tenants' should be given the first priority to develop their market, issuing a formal caveat preventing Mugenyi from taking control of the market despite its earlier (if largely tacit) support for selling it to him. However, subsequently, KCC staff working closely with Mugenyi allegedly forged Kitembo's signature in a false statement to authorise lifting the caveat,<sup>268</sup> which sparked three more days of riots in early 2008. Following this there was a formal investigation into the dispute that came out in the vendors' favour.<sup>269</sup> Yet again, however, entrenched interests found further ways to

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<sup>264</sup> Interview with Kisekka Market vendors, 18.01.10.

<sup>265</sup> Interviews with Kisekka Market vendors, 18.01.10.

<sup>266</sup> *Ibid.*

<sup>267</sup> *Ibid.*

<sup>268</sup> *Ibid.*

<sup>269</sup> 'Kisekka Market Vendors Oppose Lifting of Caveat' *Daily Monitor* 25.03.08; Interview with Kisekka Market vendors, 18.01.10.

stall the process of handing the lease over to the vendors, resulting in yet more riots in early 2009.

Despite stalled progress, Ssebagala remained unrepentant in the case of this market, insisting that allowing Mugenyi to proceed was necessary for redevelopment in accordance with government policy.<sup>270</sup> Museveni, however, was perturbed by the ongoing unrest and eventually persuaded Mugenyi to renounce his lease after over two years of confusion.<sup>271</sup> In the words of a city official, the vendors 'made excessive noise until the president came to heed their cry'.<sup>272</sup> This did not, however, lead to any palpable progress other than to leave government policy in further disarray. In January 2010 the vendors still had not gained possession of the lease and complained that 'things are moving very slowly! It's been three years already...we have been wondering why it was so quick for Mugenyi but not for us!'.<sup>273</sup> It was unclear how they would proceed beyond vague plans to 'meet the president'.<sup>274</sup> Kisekka remained an undeveloped marketplace and site of dissatisfaction and instability.<sup>275</sup>

Each of Kampala's major marketplaces had its own complicated narrative involving corruption, factional in-fighting and political intervention, resulting in the failure to implement proposed policies of market redevelopment. While bureaucrats clearly played an obstructive role due to collusion with developers, politicians were pivotal in engineering ineffectiveness as well. The repeated shifts in attitude towards marketplaces hindered the translation of any officially stated policy goals into accomplishment. Ssebagala supported vendor empowerment to get elected, and then privatisation once he realised he was 'going out of office soon and wanted to

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<sup>270</sup> Vendors expressed a strong sense of betrayal by the mayor, pointing out that 'when it comes to deals, the 'seya' is always undermined. When it is time of elections he is on your side but after that, in the time of office, you are nothing to him'. Interviews with Kisekka Market Office Manager, 18.01.10.

<sup>271</sup> 'UPDF officer gives up Kisekka market bid', *The Observer*, 17 June 2009.

<sup>272</sup> Interview with Titus Odiogiu, Trade Development Officer, Kampala Central Division, 05.10.09.

<sup>273</sup> Interview with Kisekka Market Defence Secretary, 18.01.10.

<sup>274</sup> *Ibid.*

<sup>275</sup> The market was central to the notorious 'Buganda riots' of September 2009 in which up to 40 people were killed, and a major flashpoint in the 'walk to work' protests of April-May 2011 (see Goodfellow 2011).

make as much money as possible',<sup>276</sup> before going half-heartedly back to his original stance. Museveni's involvement was equally problematic in terms of delivering a coherent outcome (Goodfellow and Titeca 2012). Ultimately, multipartyism, decentralisation and privatisation combined both to raise the stakes and fragment control. Ssebagala himself summed this up candidly:

'This is a capital city, we are fighting with so many interests! So this causes [government] most of the time to break down...A minister says this, or the president says this...at the end of the day also we have our interests, because we all are fishing in the same lake'.<sup>277</sup>

In the midst of all this, the formal institutions of the City Council, despite being legally charged with managing petty trade under the Markets Act, were increasingly insignificant. When asked about why the markets were so disorganised and poorly managed, a city official noted that 'The vendors are strong because they have the vote [but] we [KCC] are on the low bargaining side'.<sup>278</sup> Thus, while problems in the markets may have originated in corruption and incompetence on the part of individuals in the council, politicised central interventions compounded state ineffectiveness of the organisation still further.

#### **5.4 Kigali's marketplaces: vendors, veterans and missing markets**

Efforts to reorganise marketplaces in Kigali tell a very different story, and in many respects a simpler one. When, in the early twenty-first century, the RPF turned its attention to managing urbanisation, addressing the question of market trade was a clear priority in light of the broader concern with *kajagari* (disorder). Kigali's main market at the time was Nyarugenge, which was rehabilitated soon after the genocide by Kigali's first post-1994 mayor, Rose Kabuye.<sup>279</sup> It occupied a central location in the CBD and consisted of about 500 vendors, with many more in the surrounding streets. As in Kampala, there were concerns about dilapidated infrastructure and overcongestion of the area. Early in the new millennium it was decided that the site should be redeveloped as a multi-storey commercial shopping

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<sup>276</sup> Interview with Musujja Bakka, Director of Finance, KCC, 22.09.09.

<sup>277</sup> Interview with Nasser Ssebagala, 15.10.09.

<sup>278</sup> Interview with local official, 22.09.09.

<sup>279</sup> Interview with Rose Kabuye, former Mayor of Kigali, 12.02.10.

centre;<sup>280</sup> the plot was sold to Kigali Investment Group, a group of Rwandese investors close to the RPF regime,<sup>281</sup> and existing market structures were demolished in 2006.<sup>282</sup>

The government decided that all the city's main vending markets should be located outside the city centre where congestion would be less problematic. For each of the city's three districts there would be at least one main covered market, open seven days a week and owned by the District.<sup>283</sup> Some markets were rehabilitated for this purpose and others were built entirely anew.<sup>284</sup> In addition to the covered markets, each District was allowed a number of smaller peripheral open marketplaces, many of which operated just one day each week. All were formally approved by the District in accordance with the Master Plan and building regulations,<sup>285</sup> and no trading was allowed outside these areas.

When Nyarugenge Market closed, Kimironko Market (in Gasabo District), which was created by the government in 1999, was redeveloped to become the city's largest, with one section reserved for people who had previously been vendors at Nyarugenge.<sup>286</sup> There were inevitably conflicts because so many people wanted to secure a space at Kimironko. The District claims to have ensured transparency in the allocation process through a randomised 'tombola' system. Those who received larger 'lock-ups' paid higher market fees than those only allocated stalls.<sup>287</sup> Once the market was considered 'full', no more vendors were admitted; in 2010 there were 1,265.<sup>288</sup> While still owned by the district authorities, after 2008 the market was managed by the Kigali Veterans Co-operative Society (KVCS), a group of RPA

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<sup>280</sup> Interview with Albert Mwanafuzi, Kigali Economic Development Officer, Kigali City, 03.12.09.

<sup>281</sup> The group includes the CEO of Tristar. For a discussion of Tristar see Booth and Golooba-Mutebi (2011).

<sup>282</sup> Interview with local trade supervisor, 08.02.10.

<sup>283</sup> Interview with UN representative 25.02.09; Interview with Bruno Rangira, 26.11.09

<sup>284</sup> Interview with Albert Mwanafuzi, 03.12.09.

<sup>285</sup> Official list of Gasabo District Markets, acquired from local trade supervisor, 08.02.10); interview with Claudine Nyinawagaga, 15.12.09.

<sup>286</sup> Interview with market vendors, Kimironko Market, 29.01.10.

<sup>287</sup> Interview with local trade supervisor, 08.02.10.

<sup>288</sup> Ibid.

veterans, which won the tender to manage all the markets in Gasabo District.<sup>289</sup> Their main responsibility was to collect revenues from the market vendors and ensure security, and they were closely supervised by the District authorities.<sup>290</sup>

On one level, the way in which the government dealt with the ‘problem’ of marketplaces in Kigali was similar to that in Kampala: selling off plots of prime land in the city centre to private investors linked to the regime and putting politically-linked organisations in charge of collecting revenues. However, in terms of how these processes were implemented and what the outcomes were, the two could hardly have been more different. First, by contrast with markets such as Owino in Kampala, where incoming funds were mismanaged, construction regulations severely contravened and congestion exacerbated, Kimironko in Kigali was organised, relatively uncongested and fitted with adequate infrastructure. So too were new markets in neighbourhoods such as Remera.<sup>291</sup>

Second, markets in Kigali were administered by District authorities *de facto* as well as *de jure*, rather than being torn between actors in the City Council, central government and private sector, as in Kampala. The Gasabo District authority, for example, was at the forefront of the market reorganisation in Kimironko and Remera.<sup>292</sup> Third, the handing over of the management of all markets in one district to a single army veterans organisation (KVCS) clearly influenced the effectiveness with which markets were supervised and revenues collected. As noted in Chapter Four, deep bonds between army veterans and the government existed in Kampala as well as Kigali; however, in the former these were usually drawn on in a much more *ad hoc* fashion and resulted in undermining urban policies and regulations rather than enforcing them. In Kigali, by mobilising veterans into a co-operative to

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<sup>289</sup> When the government decided to privatise market management in 2008, there was a public tendering process for each district, which KVCS won for Gasabo. They had to renew their contract each year. KVCS also has the contract to manage the collection of street parking fees throughout the whole city. The organisation comprised around 450 staff in total, about 120 of whom worked in the markets (interview Emmanuel Kayinamura, former Director of Finance, KVCS, 10.02.10).

<sup>290</sup> Interview with Kimironko Market President, 29.01.10.

<sup>291</sup> Here there used to be an informal market congesting the local minibus-taxi park, so Gasabo District built a new marketplace with better infrastructure about 200 metres away, improving conditions both in the marketplace and taxi park (Interview with Claudine Nyinawagaga, 15.12.09).

<sup>292</sup> Interview with local trade supervisor; Interview with Claudine Nyinawagaga, 15.12.09.

manage multiple markets, the Rwandan government provided them with livelihoods and ensured relative efficiency and co-ordination in market management. As well as the market dues that KVCS collected from vendors on behalf of the District (10% of which was paid back to KVCS in the form of salaries), they collected from vendors smaller monthly contributions towards security and hygiene.

None of this, however, is to say that the management of marketplaces was wholly effective in Kigali or to deny that the achievements noted above came at a price. A first important point is that while the government managed effectively to ‘clean up’ existing marketplaces and relocate many vendors from Nyarugenge market, the construction of new marketplaces seriously lagged behind. Government policy, as noted by interviewees and laid out in the District Development Plans,<sup>293</sup> was to have not just one or two properly structured markets for each District in the city, but one for each Sector (there are around 10-12 sectors per district; 32 in the city overall). This was very far from being realised by 2010. While there were eighteen markets in Gasabo District, seventeen were very small and most only opened one or two days per week. For a District with a population of around 500,000 people spread over more than 300 square kilometres, most of which was rural (Oz Architecture 2007b: 60), this was not enough; something both current and former staff at the district admitted.<sup>294</sup>

An independent Rwandese development consultant noted that this was highly problematic, because there were so few markets that people living outside the city centre often had to travel very far just to obtain basic goods.<sup>295</sup> Regulations were so strictly enforced that the creation of spontaneous or unofficial trading centres was impossible even in the less densely populated rural parts of the city; in parts of Gasabo District one might have to travel three to four kilometres to find a market.

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<sup>293</sup> Interview with local trade supervisor, 08.02.10. See for example Kicukiro District Development Plan, which stated that five new markets would be built and acknowledged that current provisions ‘are not satisfactory’ (Kicukiro District 2008).

<sup>294</sup> Interview with local trade supervisor, 08.02.10. Interview with Claudine Nyinawagaga, 15.12.09.

<sup>295</sup> Interview with independent Rwandese development consultant, 19.11.09.

This was not the situation prior to the marketplace reorganisation and the issue was clearly controversial. The consultant was very hesitant to be drawn on why and how the marketplaces were reorganised, reiterating that it was a ‘big, big problem’ but not wanting to make further comment.<sup>296</sup> Significantly, however, a participatory needs assessment undertaken as part of the Kigali Master Plan found that marketplaces received the second largest number of votes in response to questions about the most pressing land use needs of urban residents; this was slightly more than either education facilities or childcare centres (Oz Architecture 2007a: 31). The government was therefore considerably less effective in respect of building new markets than in reorganising existing ones and preventing their proliferation. The city authorities were planning to construct a Kigali Wholesale Market, a \$41m project devoted to agricultural sales in Kicukiro District for which investment was apparently being secured at the time of research.<sup>297</sup> However, at this point the state could only be said to be very effective with regard to certain aspects of the marketplace issue – ultimately those that involved the organisation of people rather than requiring large amounts of financial resources.

Even in respect of those issues regarding which the government was highly effective, the approach was not unproblematic. There was little scope for vendors to mobilise into associations or unions independently of the state, and vendors consequently had little bargaining power in relation to issues such as the level of market fees. Fees collected for the District were a serious burden on vendors, forcing some out of business and limiting their ability to save and accumulate resources.<sup>298</sup> This could be attributed in part to the demands of the *imihigo*-led local government culture and its attendant targets on revenues and infrastructure maintenance (see Appendix 4a, 4b and 4e). Moreover, the marketplace reorganisation only allowed for a very limited number of people to pursue a livelihood in market trading. This amounted to a serious limitation on the potential

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<sup>296</sup> Ibid.

<sup>297</sup> Interview with Albert Mwanafuzi, 03.12.09.

<sup>298</sup> Interview with former market trader and Batsinda resident B, 17.12.09. See also ‘Kimisagara vendors irked by high charges’ *The New Times* 12.03.11.

for the urban poor to survive in the city, particularly given the lack of opportunities for making money informally on the city streets: a subject to which we now turn.

### **5.5 City law enforcement, street trade and the livelihoods of the urban poor**

'Street trade' is defined here as encompassing three distinct activities: street vending (where vendors remain stationary, displaying their goods on the pavement), hawking (where vendors carry their goods and move around the city) and kiosks (where traders erect a 'lock-up' structure on the pavement or other open area). The distinctions are important because different regulations usually apply to each. People involved in these activities, particularly in the former two categories, are usually among the most reviled urban poor groups in any developing country, blamed by governments for congestion, disease, disorder and waste generation. How they fared in practice represented a particularly marked divergence between Kampala and Kigali in the early twenty-first century, because of the effectiveness with which the state implemented the regulatory framework outlined in section 5.2.

*Kampala: 'We remove them, the politicians bring them back'*<sup>299</sup>

Observing Kampala in 2010, one would not think that the state had even attempted to regulate street trade. In fact, as the laws highlighted above illustrate, there were many regulations in place and KCC had at times taken drastic action to implement them. Such efforts were, however, always short-lived. Different legal statuses and regulations applied to the different forms of street trade: hawkers, commonly known as *batembeji*, were legal if they had managed to secure a license, and if licensed, were obliged by bylaws constantly to keep moving. Street vendors (see Figure 5.1), with a few exceptions such as newspaper sellers, were entirely illegal. Kiosk-operators in permitted areas had to purchase annual trading licenses (similar to those required of small shopkeepers).<sup>300</sup>

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<sup>299</sup> Interview with local official, 22.09.09.

<sup>300</sup> Ibid.

**Figure 5.1: Street vendors, central Kampala**



*Source: author's photograph*

As most markets in Kampala were informal (or 'ungazetted'), street vending existed on a continuum with marketplaces rather than being fully distinct. The following quotation, worth citing at length, highlights this by explaining some of the ways in which street traders came to entrench themselves and thereby create informal markets. In so doing, it also illustrates how the engagement between traders and the state undermined not only regulations but infrastructural development and investment. The interviewee (an academic at Makerere University) was adopting the 'voice' of a state representative negotiating with a kiosk owner:

'You put a kiosk there on the roadside and then I come up and say you know what? According to the laws you are not supposed to have any kiosk in the road reserve. You need to have a trading licence, you need to have facilities a,b,c,d, which you do not have – so remove it [...] maybe you earn 10,000 per day, you tell me, "ok I will give you 1,500 a day out of my profit, just to leave me to operate my business". You get a second, a third [kiosk]. Now, that cumulative resource that I get makes me become a mafia, because I will not be operating alone. We will become a group of

people who offer you protection. In the meantime, that grows into a market. After some time it becomes difficult to handle because when anyone tells me that “you people are responsible for those things, you need to remove them”, I’ve got a group of people who have reached up to maybe 1,000, 2,000, whom I’ve got to displace, and [...] I’ve taken money from them. I will not be able to displace them. [...] On the other hand, because these things are illegal you are not going to be able to provide them with proper services, they will be made of temporary materials, structures and so on, so any time they can move – no-one wants to make a serious investment in that kind of situation.<sup>301</sup>

The responsibility for dealing with street traders lay with the City Law Officers, a team of 150 with the remit of enforcing urban ordinances (made by KCC) and bylaws (made by City Divisions).<sup>302</sup> This was a small number in relation to the pervasiveness of street trade. Worse still, these officers were armed with ‘nothing but handcuffs’ and worked from 8am-5pm, which meant that when they succeeded in removing traders the latter usually returned and set up again after hours.<sup>303</sup> This would not be so problematic if the police provided support for their activities; while the number of City Law enforcers was small, there was no shortage of police in Kampala.<sup>304</sup> Yet while police were sometimes helpful in these matters, the Principal City Law Officer noted that ‘here in Uganda politics takes the upper hand [...] so sometimes the police are ordered not to intervene’.<sup>305</sup> At other times, police intervened on the side of the illegal vendors, as illustrated in the thesis prologue. On yet other occasions the City Law Officers themselves turned a blind eye for a bribe.<sup>306</sup>

The non-enforcement of regulations was therefore not always attributable to the same factors. Notwithstanding the prevalence of economic corruption, it was sometimes clientelistic links with (often national) political actors, rather than bribes

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<sup>301</sup> Interview with Dr. Stephen Mukiibi, 10.02.09. Other sources also expressed the view that the actors protecting informal traders ‘literally’ constituted a mafia (Interview with independent planning consultant, 04.02.09).

<sup>302</sup> Interview with Vincent Katungi, 07.01.10.

<sup>303</sup> Interview with local official, 22.09.09.

<sup>304</sup> It proved extremely difficult to acquire information on police numbers in Kampala, despite repeated efforts at the national and city-level offices. Baker’s research indicates that there are only around 0.5 policemen per 1000 in Uganda (around the same as Rwanda) (Baker 2006: 56), but does not provide a figure for the city level. Observation on the streets and the scale of the various police departments in 2009-10 suggest that within Kampala specifically, police numbers are relatively high.

<sup>305</sup> Interview with Vincent Katungi, 07.01.10.

<sup>306</sup> Interview with local official, 01.10.09.

to local officers, that entrenched traders on the streets. The example of the Inspector General of Police's personal intervention to prevent KCC removing kiosks in Wandegeya (Kawempe Division), again described in the prologue, illustrates these kinds of links. One Ugandan academic argued that traders were sometimes 'state agents', given protection in exchange for 'informing' on local activities; they might also be 'poor relatives' and ethnic kin of politicians, who installed them there to secure them some kind of livelihood.<sup>307</sup> One official complained that 'we remove them, the politicians bring them back';<sup>308</sup> another pointed out that in many of these instances politicians said 'these are my people' and commanded the police to leave them alone.<sup>309</sup> This type of clientelism might also be combined with bribes to officials and police, so that basically 'everyone protects them!'<sup>310</sup> Kampala's streets were thus teeming with people who, for one reason or another, had become 'untouchable'.<sup>311</sup> There were sporadic crackdowns; particularly on street vendors, considered to be the greatest nuisance (Ahikire and Ampaire 2003). Most notably, in 2002 KCC undertook 'Operation Clean the City' to remove them, partly under pressure from retailers in small shops angered by illegal competition (Ahikire and Ampaire 2003: 45). Like other such moves, however, this did not last long. Such crackdowns seemed to fulfil the function of reminding 'untouchables' of why they should be grateful that they were usually tacitly permitted to operate illegally.

*Kigali: 'Donors have been hunting to see where they are gone'*

The Rwandan government's impetus to formalise the economy was fuelled by a 2005 report from the Foreign Investment Advisory Service depicting the predominance of informality as the primary barrier to investment and economic growth.<sup>312</sup> As well as motivating many changes to bureaucratic procedure,<sup>313</sup> this

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<sup>307</sup> Interview with Sabiti Makara, 23.09.11.

<sup>308</sup> Interview with local official, 01.10.09.

<sup>309</sup> Interview with Titus Odiogiu, Trade Development Officer, Kampala Central Division, 05.10.09.

<sup>310</sup> Interview with Titus Odiogiu, 05.10.09.

<sup>311</sup> This term, widespread in popular discourse in Kampala, will be further discussed in Chapter Six.

<sup>312</sup> The report states that there are a 900,000 informal 'firms' in Rwanda, compared with 3000 formal ones. The vast majority of both are micro or small enterprises in the primary sector. It is not clear how 'informality' is being defined (FIAS 2005: 6).

also bolstered the emerging perception that Kigali should be reinvented as a clean, secure and modern-looking capital befitting an emerging investment hub (Goodfellow and Smith 2013 forthcoming). As the marketplaces were reorganised, there was a parallel major clean-up exercise underway, resulting in dramatic reductions in the street trading and begging that characterised the city early in the millennium. The very act of demolishing slums such as Ubumwe (see Chapter Four) and relocating the residents (who were mostly petty traders) to the fringes of the city made this exercise easier. Other vendors were relocated into buildings, often to the detriment of trade that depended largely on visibility and positioning.<sup>314</sup> The kiosks that once lined streets in the city centre were likewise removed.<sup>315</sup>

As part of this drive to organise urban informal workers, the government embraced the creation of particular types of urban association, ‘sensitising’ the population about the benefits of co-operatives for their own livelihoods and for development. This reorganisation was considered especially pressing given the huge proportion of youths in the city, who were ‘idle’, ‘dispersed’ and ‘needed something to do.’<sup>316</sup> In 2009 City Council sources estimated that 67% of the city’s population were youths (defined as under 35).<sup>317</sup> This prevalence of young people, attributable in part to genocide and refugee return, combined with the fairly expansive definition of youth to render most of the population suitable for organisation into what CoK termed ‘youth organisations’. There were 47 of these in Kigali in 2010, comprising groups from mobile phone ‘airtime’ vendors, forex traders, carpenters and hairdressers to minibus and motorcycle-taxi drivers.<sup>318</sup>

That these organisations were ‘mobilised’ from the top down was undisputed; the Youth and Education Inspector who supervised them explained that ‘to fight unemployment here we had to organise [youth] so that they created a living rather

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<sup>313</sup> These rapid changes were one of the reasons why Rwanda moved so dramatically up the World Bank’s ‘Doing Business’ index in 2008-9 (World Bank 2008).

<sup>314</sup> Interview with a Rwandan researcher, 18.11.09.

<sup>315</sup> Interview with Rwandan civil society representative, 11.12.09.

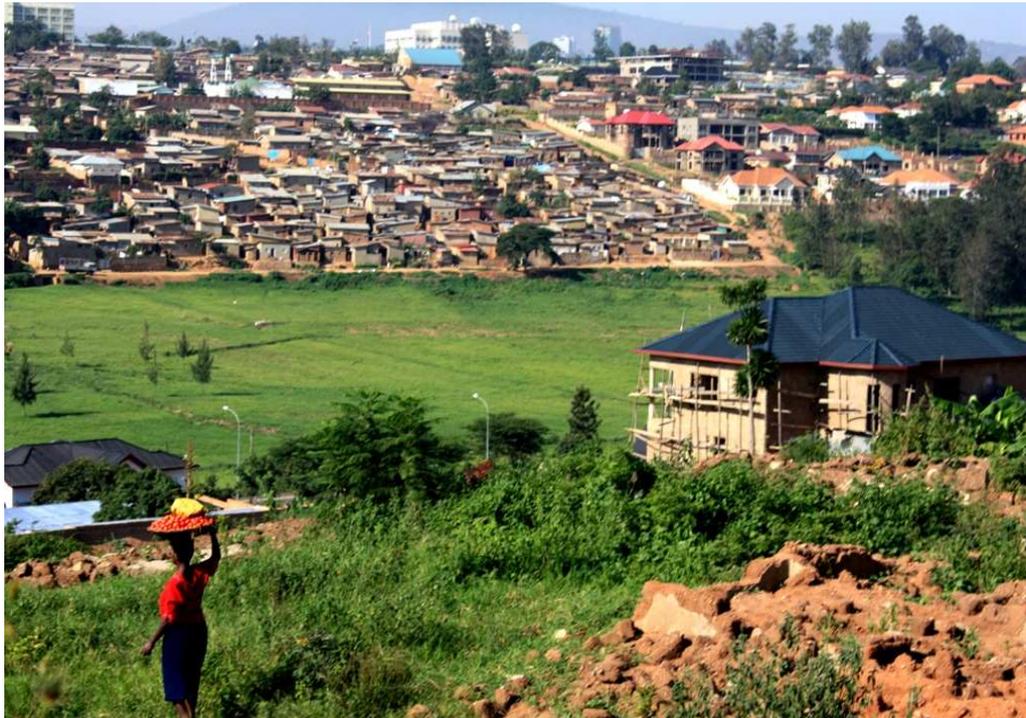
<sup>316</sup> Interview with Charles Rusimbi, Youth and Education Inspector, 27.11.09.

<sup>317</sup> Interview with Charles Rusimbi, 27.11.09.

<sup>318</sup> List of Kigali City Co-operatives and Associations, acquired from CoK.

than getting involved in banditry'. From around 2008 the government promoted co-operatives (rather than associations) as the desired organisational form, to enable profit-sharing and because 'we are moving from mobilisation to development'.<sup>319</sup> The creation of associations and co-operatives transformed the remaining petty trade in the city but also aimed to move people out of it into other activities. For example, some former street traders evicted from Ubumwe and now living much less centrally in Batsinda were encouraged to form co-operatives and provided with training in activities such as basket-weaving, mushroom-growing and construction.<sup>320</sup> The Youth Inspector explained that 'we don't want these sellers moving around the city. We want people to be in the same place as it is easy for leadership to find them and help them. [...] So you won't see people working individually'.<sup>321</sup> Street hawkers (see Figure 5.2) were indeed a relatively rare sight in Kigali.

**Figure 5.2: A Kigali hawker tries her luck**



*Source: author's photograph*

<sup>319</sup> Interview with Charles Rusimbi, 27.11.09.

<sup>320</sup> Interview with former CoK official, 10.12.09.

<sup>321</sup> Interview with Charles Rusimbi, 27.11.09.

This shift from individual micro-enterprises to co-operatives served several purposes. As well as in theory increasing capacity to earn, share risk and facilitate savings and credit, all these organisations participated in voluntary ‘youth activities’ in the city, such as ‘cleaning and greening’ urban spaces in the spirit of *umuganda*.<sup>322</sup> These were effectively turned into competitions whereby all associations and co-operatives were ranked, so ‘if they are lazy then they are ranked last and are shamed in public [...]. If a leader does not perform well then he resigns’.<sup>323</sup> Co-operatives also helped to render the urban poor more ‘legible’: organising them was ‘not only an economic issue but a security issue’.<sup>324</sup> This was true both on a superficial level (‘if someone sells bananas on the street he can make an accident’<sup>325</sup>) and in terms of the deeper perceived ‘danger’, noted in Chapter Four, if urbanisation were to proceed in a disorderly fashion. All urban associations and co-operatives had security officers whose role was ‘to make sure everything is organised [...] It is for their own safety really and the safety of Rwandans [...] it is a mindset, an issue of perception.’<sup>326</sup>

The virtual disappearance of informal activity from the streets was not uncontroversial, and cannot simply be accounted for by ‘reorganisation’. The government was aware that many youths were also effectively forced to leave the city due to lack of livelihood options, and painted this in a largely positive light. The following quotation from the Minister of Infrastructure, which vacillates between conceding that there was little space for the poor in the city and arguing that their situation in the city was being improved, illustrates some of the tensions and contradictions at play:

‘Some young people decided to run away from Kigali because the rent is expensive, jobs are paying less, life is almost impossible for low earners in Kigali. There are no hawkers, there is nowhere you can buy cheap food. So they ran away, they are very upset with the city and the government. They go back to their village but because

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<sup>322</sup> See Appendix 4d for a depiction of how *umuganda* activities are reported upwards.

<sup>323</sup> Interview with Charles Rusimbi, 27.11.09.

<sup>324</sup> Interview with Albert Mwanafuzi, 03.12.09.

<sup>325</sup> Ibid.

<sup>326</sup> Interview with Emmanuel Gasana, facilitator for EDPRS, 03.12.09.

they have been in town they know what is required here. [...] A few years later they come back in a different shape.

'Donors have been hunting to see where they are gone. You don't see them. In Nairobi the people who are left out from development in the urban area go and expand the slum of Kibera. In Rwanda those who are left out, you don't see them [...] They are not even gone...they have changed mode of production. Those who were selling things in scattered manner are in co-operatives and sell in the marketplace or they sell in a shop. There are many to own one shop, so it's like transforming their little little into one big asset [...] Some run away, some get organised and recycle in city activities [...] but there is no ground in the whole republic where you find people who have been victim of all these processes of change and they are getting worse off. [Donors] think they are *pushed* in the rural area...but [donors] go to the rural area and they don't see instability from those who are pushed from town [...] they are pushed from selling on the street and they get help to sell in the marketplace where they sell more goods and get help to sell in a more organised way'.<sup>327</sup>

The awkward juxtaposition of people being 'left out' from development and yet not worse off, being pushed from the streets and yet not pushed from the city, is very telling. The impressive story of mobilisation into co-operatives coexisted alongside another; as a civil society actor critical of the government explained, the idea that people were just working 'in a more organised way' was 'partly true'. When 'the so-called reorganisation' took place 'around 40% of the people had their livelihoods moved in a planned way...the rest were just chased away'.<sup>328</sup> Many former vendors who had been relocated from the central slums to Batsinda were not making a livelihood via such co-operatives and could not find work.<sup>329</sup> Some did not consider agriculture an option; they owned no land and as lifelong city-dwellers 'would have no idea what to do'.<sup>330</sup>

Evictees such as those from Gaculiro who were relocated to rural estates in Kigali's outskirts (see Chapter Four) were effectively 'ruralised', keeping cows or cultivating small crops on their plots.<sup>331</sup> Either way, interviewees in both Batsinda and a rural estate noted that 'most people' were earning 'less than before' or 'less than what

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<sup>327</sup> Interview with Vincent Karega, 09.12.09.

<sup>328</sup> Interview with Rwandan civil society representative, 11.12.09.

<sup>329</sup> Interview with Batsinda residents C and B, 17.12.09.

<sup>330</sup> Ibid. At the time of research there was no survey evidence available about the livelihoods of these displaced populations; this could be a valuable focus for future research.

<sup>331</sup> Interview with community leader A (at an *umudugudu* settlement in a rural area within the boundaries of Kigali City), 17.12.09.

they earned when they were still living in town'.<sup>332</sup> Many also had to commute into the city to make a kind of living and paid up to RWF 2000 (£2) per day on transport, an enormous financial burden.<sup>333</sup> Other sources even suggested that people in rural parts of Kigali were worse off than in other rural provinces due to the costs of the city (including rent) and their limited scope for agriculture.<sup>334</sup>

There was also a darker side to the absence of visible informality. Alongside the 'reorganisation' noted above, people were regularly taken off the streets and detained at the Gikondo Detention Centre in the south of Kigali. Based in a warehouse previously belonging to Félicien Kabuga, a prominent pre-genocide businessman who in 2010 was one of the most wanted remaining genocide fugitives, this was first used by the police 'secretly' as an informal 'transit centre' from 2002 to 2005. After this it became widely known under the popular name 'Kwa Kabuga' ('Kabuga's Place').<sup>335</sup> Street children, sex workers, suspected petty criminals and street vendors were taken – often straight from the street without any formal procedure – and kept for up to a month or, in the case of petty thieves, longer.<sup>336</sup> In 2006, Human Rights Watch published a report on the centre, which it claimed held 600 people at a given time, and described its lack of legal status and formal procedure or budgetary allocation, severe overcrowding, lack of medical care and the fact that people had to pay for basic amenities including water (HRW 2006). The report recommended the centre's immediate closure and the repeal of colonial-era regulations permitting detention for 'vagrancy' that were being used to justify taking people there (HRW 2006: 12). At the time Kigali's Vice Mayor stated that the City Council planned to close the facility (HRW 2006: 3).

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<sup>332</sup> Interviews with community leader A and local leader and Batsinda resident A, 17.12.09.

<sup>333</sup> Interview with local leader and Batsinda resident A, 17.12.09.

<sup>334</sup> Interview with local researcher, 08.12.09. The point was made that while people in most rural areas of Rwanda often built their own houses even in planned settlements, *imidugudu* in rural parts of Kigali were generally built by the state and rented out. Most available surveys provide data for Kigali as a whole or for its three districts, rather than disaggregating the very diverse areas within them (all three include both very urbanised areas (high and low income) and rural areas). It is therefore difficult to verify the socio-economic conditions of people in rural Kigali vis-à-vis those in other rural provinces or those in urban Kigali.

<sup>335</sup> Former detainee at *Kwa Kabuga*, 08.02.10.

<sup>336</sup> *Ibid.*

In 2009-10, however, Kwa Kabuga was still in operation and was central to ongoing efforts to eliminate street trade. Some government sources acknowledged the facility, referring to it as a 'transit centre' to help mobilise informal workers into co-operatives and to 'change their mindset'.<sup>337</sup> A former detainee interviewed in the course of this research described it as having four separate compounds for street children, petty thieves, women (whose hair was cut off on entry), and vagrant men and street traders, with a meeting place in the centre.<sup>338</sup> A fruit hawker also explained that she had friends who had been sent there 'just for selling things in the street'.<sup>339</sup> Other sources claimed that many died there due to the poor conditions.<sup>340</sup> In 2009 the leading opposition newspaper *Umuseso* published an article on the centre, dubbing it 'Rwanda's Guantanamo'; by 2010 it was far from secret and had taken on legendary qualities, with *taxi-moto* (motorcycle-taxi) drivers able to recount second-hand stories of its alleged horrors.<sup>341</sup>

Kigali's police force was not large; in 2007 it numbered just 800 and had only twelve patrol vehicles (Baker 2007: 352) – remarkably small in fact for a city of over a million inhabitants in such a securitised environment, and, according to some sources, much less visible than at the start of the decade.<sup>342</sup> It was, however, supported by Kigali's District Defence Forces, which numbered around a thousand and supported the police to round up hawkers and guard Kwa Kabuga at night (HRW 2006: 4). This force had strictly limited powers – lacking for example the right to make arrests, and having to be accompanied by police to remove street vendors<sup>343</sup> – and public regard for them was low in contrast to respect for the police (Baker 2007: 357). It is striking, however, that in Kigali such a force existed to support the police in their work (which included combating street trade), while in Kampala the inverse prevailed: a much smaller force was given dedicated

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<sup>337</sup> Interview with CoK official, 05.02.10.

<sup>338</sup> Former detainee at *Kwa Kabuga*, 08.02.10.

<sup>339</sup> She added that she was planning to move to Kampala where 'people are free and there is much more commerce to take part in'. Interview with street hawker (translated from French), 08.02.10.

<sup>340</sup> Interview with independent Rwandese journalist, 03.02.10.

<sup>341</sup> Conversation with *taxi-moto* driver, February 2010.

<sup>342</sup> Interview with foreign consultant, 26.11.09.

<sup>343</sup> Interview with CoK official, 05.02.10. Interview with Bruno Rangira, 26.11.09.

responsibility for street trade but rarely supported by the police, who were probably much more numerous than in Kigali.<sup>344</sup>

The continued existence of Kwa Kabuga indicated the government's sheer determination to eliminate street trade and informality as well as crime. It is hardly surprising in this context that 'night hawkers' gathered at transportation hubs at nightfall to try and make a living, though they frequently dispersed as the police were constantly on their heels.<sup>345</sup> Government determination was such that in 2009 the City Council passed a resolution to penalise the clients of street traders as well as traders themselves. The state was therefore attacking on all fronts, arguing that 'vendors have kept a deaf ear which is why we have decided to take another step by penalizing them and their clients and seizing their goods.'<sup>346</sup> The ultimate irony of this clampdown on informality was that it was itself perpetuated through the highly informal procedures associated with Kwa Kabuga.

## Conclusions

The material in this chapter is not presented to make a normative argument about the superiority of one government's approach to managing petty trade vis-à-vis the other. As should be clear, major (albeit very different) problems pertained to both cases. The point is that in relation to goals of reducing informal activity and regulating petty trade the Rwandan state had, through a variety of mechanisms – some much more agreeable than others – proved much more effective. Its management of petty trade was not an unqualified success story even by the government's own standards, clearly falling short in terms of targets to build sufficient numbers of markets and providing livelihoods more lucrative than street trade. However, the state was undeniably effective *relative* to efforts to regulate and reorganise petty trade in Kampala.

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<sup>344</sup> Note that disaggregated crime rates are difficult to come by at city level, but recorded homicide rates for Rwanda as a whole are very low at 1.5 per 100,000 as compared to 8.7 in Uganda (World Bank 2011: 337).

<sup>345</sup> 'Kigali's Night Market and Its Evasive Hawkers', *The New Times* 24.06.09.

<sup>346</sup> 'Nyarugenge to Penalise Vendors' Clients', *The New Times*, 11.09.09.

The question of whether this can simply be attributed to the Rwandan government's dictatorial tendencies is inevitable. With regard to the clampdown on informality, disregard for due process in the suppression of street trade was ample. There are two problems, however, with presenting an analysis that hinges on 'regime type' in this way. First, it implies that the government achieved all this through coercion alone. Despite authoritarian overtones in all the examples discussed above, there was not necessarily always *active* coercion, and nor did people necessarily feel they lacked a stake in these changes. Some civil society sources even maintained that 'no-one complained' when street trading was banned in the city.<sup>347</sup> It was thus infrastructural power (deployed for example through 'sensitisation' programmes) as much as coercive power that enabled the government to follow through on these agendas. Moreover, ingrained patterns both of 'self-policing' and 'checking on your neighbour',<sup>348</sup> reinforced through processes such as *umuganda*, meant that ordinary Rwandans to some degree actively participated in urban socio-economic change, even if 'participation' was not necessarily of the normative democratic kind.<sup>349</sup> Self-reinforcing dynamics were at play that gave the transformation of economic activity in the city a certain momentum of its own, and in which urban-dwellers were active agents.

Acknowledgement of the government's authoritarian tendencies and lack of democratic institutionalisation does not therefore mean that people were completely devoid of agency in Kigali. Comments from those relocated to Batsinda suggested that some of them did actually 'buy in' to government agendas regarding the benefits of an organised settlement.<sup>350</sup> Relatedly, focusing on regime type obscures the extent to which the Rwandan state itself enjoyed considerable trust,<sup>351</sup>

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<sup>347</sup> Interview with independent Rwandese development consultant, 17.02.09.

<sup>348</sup> Interview with Rwandese researcher, 18.11.09.

<sup>349</sup> Indeed, the Rwandan government has been extremely keen to encourage participation in many aspects of national development, the attitude towards the *gacaca* process being a particularly clear example (Clark 2010a: 134-138).

<sup>350</sup> Interview with Batsinda resident B, 17.12.09.

<sup>351</sup> In the 2007 World Values Survey, 83.9% of those surveyed indicated they had either 'a great deal' or 'quite a lot' of confidence in the police. Note the contrast with the 94.6% of respondents who answered negatively to the question 'most people can be trusted', a clear legacy of war and

an important source of government credibility and legitimacy without which ‘top-down’ socio-economic transformation might have been much more difficult to achieve. While clearly relevant, the authoritarian nature of rule in Rwanda is far from being a sufficient explanation. After all, it was under one of the most notorious dictatorships in history that informality exploded in Kampala.

Second, and even more important here, explaining the differences between Kampala and Kigali in terms of regime type suggests that the situation in Kampala can be explained by an *absence* of authoritarianism. While a tempting conclusion in some respects because of patterns of electoral clientelism discussed earlier, this would also be highly unsatisfactory. To begin with, not all clientelism in Uganda was dependent on vote-buying; as noted above, in many cases it related more to securing livelihoods for relatives and ethnic kin and retaining the goodwill of agents of various kinds throughout the city – patterns of behaviour that have little to do with democracy. Moreover, much of the failure to manage informal activity was due to economic corruption, which has no intrinsic link to regime type. Besides, Uganda is hardly a model of democracy. The kinds of political interventions described in this and other chapters were often taken with little or no consultation and flouted the law and the constitution; essentially, they were highly authoritarian.

Drawing explicitly on Mann’s juxtaposition of infrastructural and despotic power, Centeno and Portes draw a distinction between ‘a despotic state which makes a lot of regulations and an effective state which is actually able to enforce them’, adding that ‘informal economies arise when there is a discrepancy between these two forms of state power’ (Centeno 2006: 32-33). While both states in question were at least semi-authoritarian in nature and both issued extensive regulation, Uganda was closer to the ‘despotic’ end of this spectrum and Rwanda the ‘effective’ end. Empirical analysis in this chapter reveals how approaches to managing urban informality interacted with historical and structural factors in ways that produced

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genocide (WVS 2007). This survey unfortunately does not cover Uganda; but Afrobarometer data suggests a different picture there (see footnote 53).

very different *forms* of authoritarianism and, consequently, very different degrees of effectiveness.

The different approaches to the 'informality problem' evident here can be considered as path dependent to an extent, even accounting for the importance of agency. The issues political agents prioritise cannot be separated from the structural constraints they face, and even the unique agency of leaders operates in the context of patterns of 'self-reinforcing' behaviour. The situation in Kampala illustrates how once a 'Devil's deal' is made, it is 'difficult for either side to get out of it' (Tendler 2002: 3). The expectations of informal actors and the state actors they engaged with, which may ultimately have dated to a critical juncture back in the Amin years, created powerful informal incentive structures that undermined formal processes. Meanwhile the reorganisation of the informal economy in Kigali shows how when infrastructural power and credibility combine, the behavioural norms among the population as well as the actions of leadership can reinforce state effectiveness. In short, informal institutions worked to support state agendas in Kigali and undermine them in Kampala. Exploring this further, the next chapter turns to another key sector in the urban informal economy: public transportation. In these large, rapidly-growing cities where mobility is critical to people's livelihoods, this sector is particularly revealing about the differential political economy of urban development in each city.

## Chapter Six

### Urban public transport: the politics of order and chaos

'If you neglect transport you neglect the whole economy...it is like cutting off your arm.'<sup>352</sup>

The question of urban public transport (UPT) is critical for development (World Bank 2002; Adam Smith International 2005; Cervero and Golub 2007). Transport matters on both macro and micro levels: many developing economies lose an estimated 2-5% of GDP to road congestion (Lohani 2010: 3), and Africa suffers especially high transport costs (Naudé and Matthee 2007); meanwhile the urban poor often spend 25% or more of their income on public transport.<sup>353</sup> Along with congestion and cost there are major challenges relating to how UPT serves the urban poor in marginalised areas, how transport infrastructure is maintained and integrated, and how environmental externalities are managed; all of which can only increase in importance given the pace of urban growth in the developing world. This chapter explores the state's effectiveness in addressing the problems of UPT in Kampala and Kigali, which face particularly challenging circumstances in terms of their soaring rates of growth and difficult terrain of hills and swamps.

The two cities were very similar regarding their dominant modes of transportation: in 2010 both had a negligible number of medium-sized and large buses while the vast majority of UPT was provided by minibus-taxis and motorcycle-taxis. Yet on a per capita basis there were over *six times* as many motorcycle-taxis and *almost ten times* as many minibus-taxis in Kampala than Kigali. As this chapter will demonstrate, this enormous difference in numbers, alongside accompanying differences in terms of regulation and modernisation, largely reflected differential state effectiveness with regard to efforts to regulate the sector. There were other important contributing factors, as will be highlighted. Overall, however, there is little doubt that in Kampala many concerted efforts by the state to regulate, tax and

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<sup>352</sup> Interview with Ugandan transport Consultant, 25.09.09.

<sup>353</sup> This figure was given by African transport expert Xavier Godard at the World Urban Forum V in Rio de Janeiro, January 2010. In Kampala some sources estimate that people spend even more – around a third of their income (interview with Ugandan transport consultant, 25.09.09; interview with Chairman of a civic organisation, 30.09.09).

bring some order to the sector met with failure, while similar initiatives in Kigali were relatively successful. One consequence was the explosion in numbers of UPT vehicles in the former and a contraction in the latter.

The chapter begins with a discussion of the challenges associated with UPT and its informalisation in Africa. Following this, the institutional framework for public transport in each city is briefly highlighted. The chapter then turns to the predominant form of transport in both cities – minibus-taxis – comparing and contrasting features of the sector in the two cities to examine why they differed so much in nature and scale. This is followed by an examination of the motorcycle-taxi sector, which became very important in both cities from the 1990s onwards. It is with regard to these, termed *boda-bodas* in Uganda and *taxi-motos* in Rwanda, that the undeniable effectiveness of state interventions in Kigali vis-à-vis Kampala was most evident. Finally, analytical conclusions are drawn.

### **6.1 Informality and urban transport in Africa: concepts, issues and challenges**

The growth of urban centres across the developing world in recent decades was often met by the failure of formal urban public transport systems to meet the demands of the market (Cervero and Golub 2007). In Africa, as elsewhere, this was usually due to weak fiscal capacity and underfunded post-independence national transport authorities. There was usually an initial post-independence effort to maintain and develop an urban transit system; however, regulated fares were kept low for political reasons and investment was scarce, resulting in failure to maintain the public transport fleet and eventually putting many public companies out of business (Kumar and Barrett 2008). Rapid urban growth meant that demand was intensifying as supply was collapsing, particularly in the context of the deep economic crises engulfing the continent in the 1980s (Van de Walle 2001). In this context, informal ‘paratransit’ services in the form of minibuses, microbuses and motorcycles proved ‘consummate gap fillers’ (Cervero and Golub 2007: 456). They offered services that could respond quickly and flexibly to changing markets, had

relatively low costs and were able to enter cramped informal areas without adequate roads.

In Africa, the importation of second hand minibuses as a central mode of public transport accelerated in the early 1990s, expanding by 11% per year in some cases (Kumar and Barrett 2008: 8). This process of informal privatisation of public transport rarely resulted from conscious decisions to deregulate; rather 'it was an indigenous response to growing demand and commercial opportunity' that operated in a 'regulatory vacuum' initially by default (Kumar and Barrett 2008: xi). However, liberalisation and deregulation of the sector was already being actively encouraged by the World Bank (1986) following the experience in the developed world (Gómez-Ibáñez and Meyer 1993),<sup>354</sup> and countries such as Uganda officially adopted this approach in the 1990s (Benmaamar et al. 2002).

Liberalisation meant that some of the problems of heavy regulation that de Soto famously identified as having previously stifled urban transport in Peru (De Soto 1989: 126-7) did not arise for minibus operators in Africa. However, the abandonment of any kind of regulation including both quality and quantity controls (Maunder and Mbara 1996) brought a host of new problems. These included erratic scheduling; oversupply and extreme competition resulting in overloading, congestion, speeding and traffic fatalities; labour abuses and worker exploitation; lack of accountability; inadequate investment and insurance; severe pollution; evasion of taxation and fees; long waiting times; 'short-turning' (where operators decide not to go the full distance to a remote area on the route) and 'cream-skinning' (where small operators only operate during peak hours or in busy locations) (Maunder and Mbara 1996; Rizzo 2002; Cervero and Golub 2007; Kumar and Barrett 2008).

Profound political challenges also characterise informal UPT. In many countries vehicle owners 'are government officials, businessmen, or professionals for whom involvement in public transport provides a way to supplement income without

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<sup>354</sup> Note that the World Bank subsequently tempered this view (World Bank 2002).

incurring much, if any, tax liability' (Kumar and Barrett 2008: 8). The vested interests involved are therefore enormous. Associations or syndicates often organise the activities of the sector. By aggregating many elites with a stake in UPT under one banner, these can become extremely powerful (Kumar and Barrett 2008: 9). In some cases, the result is 'taxi wars': in urban South Africa hundreds of deaths occurred every year in the 1990s as powerful syndicates fought for control of taxi routes (Dugard 2001: 13; Lomme 2008).

Regulation is often undertaken by such organisations rather than the state, if at all. In fourteen major African cities examined in a World Bank-funded study, only Abidjan had legal restrictions on the entry of buses into the market. Instead, syndicates usually collected dues in exchange for permission to use the terminal facilities they managed (Kumar and Barrett 2008: 16). The widespread under-regulation of the sector across Africa may make change inevitable. In the early post-independence decades, a 'tipping point' was reached whereby state-run transport companies became financially unviable and informal actors filled the gap. However, a second tipping point may be looming in many countries, whereby the benefits that informal transport offered in recent decades come to be outweighed by the costs. As a Ugandan transport consultant put it: "We are heading for doom....if you spend two hours to get three kilometres, that is four hours wasted each day. It halves your working day."<sup>355</sup> Under these conditions state efforts to resume more active roles in the sector are probable; the problem is whether they can do so effectively given the interests involved. This is the backdrop against which we should consider the cases of Kampala and Kigali.

## **6.2 Institutional framework for urban public transport**

As Kumar and Barrett (2008: 15) note, the regulatory framework for UPT typically comprises three main elements: control of entry into the market and the allocation of routes; licensing and the establishment of procedures for vehicle inspection; and passenger fares and tariff structures. The broader formal institutional framework

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<sup>355</sup> interview with Ugandan transport consultant, Kampala, 25.09.09.

also comprises transport planning, laws pertaining to which entity of government is responsible for public transport, and contractual relations between transport organisations and the state. This section will briefly consider the most salient aspects of the formal institutional framework in each case study.

### *Uganda*

Uganda in the first decade of the twenty-first century was among the more extreme cases of under-regulation of UPT in Africa, with no clear system for allocating routes, no legal restrictions on the entry of buses or minibuses into the market and no distinct entity responsible for vehicle inspection (Adam Smith International 2005: xv; Trans-Africa 2008). Since 1991 there had been no age limit on vehicles imported for UPT (ITSL 2008: 43). However, there was a limited legal framework contained within the 1998 Traffic and Road Safety Act. This specified, among other issues, the roles of the Transport Licensing Board (TLB) and the terms for vehicle registration (Clauses 10-14) and licensing (Clauses 15-17, 72-95); the role of the Minister of Transport in organising routes, which are not specified on the licenses (Clause 71); the prohibition of driving without a valid permit (Clause 35); strict prohibitions on touting (Clause 99); restrictions on how bicycles are used (Clause 172); and the powers of the police to demand the production of permits and examine vehicles (Clauses 146-151).

Claims that public transport was 'entirely deregulated' (Benmaamar et al. 2002: 5) are therefore exaggerated. The system did, however, leave considerable room for discretion. The law states that to grant a public service vehicle (PSV) license, the TLB is supposed to consider the needs of the public, the co-ordination of transport within a given area and the interests of existing minibus operators (Clause 87). The law also aimed to lay foundations for the creation of many more regulations to 'give full effect to the provisions of this Act' (Clause 178), but for the most part this had not taken place. Overall, as will become evident, the public transport sector was characterised by a combination of very few regulations, non-enforcement of those that existed, and self-regulation by transport organisations.

Self-regulation came into play regarding fares and the allocation of routes, particularly in the most important component of Kampala's transport sector: minibus-taxis or *matatus*. The sector was controlled by a monopolistic association, the Uganda Taxi Operators and Drivers Association (UTODA), established in 1982 and legalised under the NRM in 1996 (Benmaamar et al. 2002: 6). To take part in the *matatu* business in Kampala was relatively easy; it basically involved acquiring a vehicle and a PSV, and then joining UTODA. Operating outside of UTODA was effectively impossible and membership could be violently enforced (Kumar and Barrett 2008: 71). Once members, drivers would be allocated a route and were required to pay various fees (discussed below) and comply with UTODA rules on fares, which the government played no part in regulating (Kumar and Barrett 2008: 21-22; Trans-Africa 2008).

Amid this loose regulatory framework, KCC had a limited role. It was responsible in theory for transport planning, and a Greater Kampala Transport Master Plan was produced by consultants in 2005 (TAHAL 2005: ES43).<sup>356</sup> In the second half of the 2000s, KCC played a part in developing policies for reforming bus transport, the fate of which will be explored in Section 6.3. It was also responsible for the city's minibus-taxi parks, which occupied several sprawling sites of prime land in the CBD and were hubs of commercial activity at which *matatus* began and ended their journeys (see Figure 6.1). These taxi parks constituted important sources of revenue for KCC, through fees collected from each *matatu* for use of the parks. The collection of these fees was, however, contracted out to UTODA under a fee-based franchise contract (TAHAL 2005: D32). UTODA was contracted not only to collect fees but to provide 'the service of managing and maintaining the taxi operation and taxi parks respectively in the District of Kampala' on KCC's behalf. (KCC/UTODA 2005: 3).

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<sup>356</sup> The government subsequently issued a position paper stating that the consultants' proposals were unrealistic, suggesting instead some much more modest ones (RoU 2006). Even steps towards these were not evident by 2010, when there was just one Transport Engineer working at KCC and no Transport Planners.

**Figure 6.1: *matatus* in Kampala's Old Taxi Park**



*Source: author's photograph*

Another area in which KCC had, in theory at least, an important role was with regard to the *boda-bodas* (motorcycle-taxis). At various points in the decade KCC introduced local permit and taxation systems for *boda-boda* drivers, who until then, being unlegislated for and not even mentioned in the Traffic and Road Safety Act, were not taxed or regulated in any way. In 2004 a regulation was also enacted on the use of helmets (ITSL 2008: 8) and KCC periodically developed other basic regulatory measures, from efforts to limit numbers to specifications about carrying extra helmets and reflective jackets. The fact that the *boda-boda* sector was effectively entirely unregulated does not, therefore, reflect the absence of any regulatory framework but a complete failure to implement the frameworks that were developed. This 'rogue' sector is explored in Section 6.5.

### *Rwanda*

In some respects the institutional framework for public transport in Rwanda was rather similar. There were no legal restrictions on the number of buses in the market and the association of minibus-taxis created in 1992 – *Association pour le*

*Transport en Commun* (ATRACO) – exhibited many historical similarities to UTODA, though it did not possess the same monopolistic grip on the sector. The management and regulation of transport in Kigali was also spread among a wider range of organisations. Responsibility for urban transport planning was shared between MININFRA (the Ministry of Infrastructure), the City of Kigali (CoK) and the city’s three districts. Also playing a role, however, was the *Office National de Transport en Commun* (ONATRACOM), a public company dating back to 1978 that provided national transport services including twenty-two buses in Kigali.<sup>357</sup> ONATRACOM was also responsible for vehicle inspection (Kumar and Barrett 2008: 73). The three District authorities in the city (overseen by CoK) managed taxi parks themselves, rather than contracting this out to ATRACO.

Perhaps the most significant difference, however, was the presence of a government regulatory body – the Rwanda Utilities Regulatory Agency (RURA) – created in 2001 and responsible for fares and licensing. RURA’s creation was intended ‘to protect users of utility services from the abuse of dominant service providers and other malpractices’ (RURA n.d.(a): 1). Its guidelines applied to public transport provided both by the public and private sector. All transport operators had to apply for authorisation with RURA, which involved submitting numerous documents and fees. The route each operator was authorised to operate would be inscribed on their RURA license, and they had to pay 1% of their annual turnover to the agency (RURA 2008). RURA applied a strict code of conduct to all operators and specified fares for all minibus operators, as well as larger buses and private taxis (RURA n.d.(b)).

Like Kampala, Kigali also depended in part on motorcycle-taxis (*taxi-motos*) for transport. Since 1987, these were represented by the *Association de l’Esperance de Taxi Motos au Rwanda* (ASSETAMORWA), a confederation of 30 separate *taxi-moto associations* nationwide. In 2002 ASSETAMORWA was officially recognised by the Ministry of Local Government and had since worked closely with the Ministry and

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<sup>357</sup> Figures on buses and minibuses acquired from Director of Transport at ONATRACOM, 25.02.09. There were many more buses in ONATRACOM’s fleet, financed largely by grants from the Japanese government since the early 1980s, but most were destroyed in 1994 (JICA 2007).

CoK to develop regulations including those that restricted the number of taxi-motos working in the city and required drivers to wear reflective uniforms and carry two helmets (one for the passenger).<sup>358</sup> Section 6.6 examines how the government transformed this sector from one associated with crime, delinquency and insecurity into one of the most tightly-regulated and securitised urban groups in Kigali.

### **6.3 Kampala's *matatu* invasion: 'it is not a transport system, it is thuggery'**

Assessing the effectiveness of UPT policies and regulations in Kampala requires providing some detail on the evolution of the *matatu* sector and the powerful organisation at its heart. The common trajectory whereby public bus companies became unviable and were forced out of business by minibuses occurred relatively early in Uganda. The Uganda Transport Company, initially privately owned but nationalised in 1972, held an exclusive franchise to provide bus services in Kampala: in the early independence years it ran over 100 seventy-seat buses in the city.<sup>359</sup> However, under the chaos of the Amin and second Obote periods, investment in buses was destroyed and the market for urban transport flooded with informal minibus operators (Trans-Africa 2008: 60). Early entrants into the market earned high returns, which rapidly attracted further entrants (Adam Smith International 2005: 103). The year the NRM came to power, taxi owners consolidated their organisational capacities and UTODA was formed, displacing the more loosely-organised association that preceded it.<sup>360</sup>

#### *UTODA: 'a highly mysterious entity'*

No attempt was made to salvage the Uganda Transport Company: large buses were considered to be loss-making enterprises and were sold off.<sup>361</sup> Meanwhile, the NRM realised early on the importance of UTODA both economically and strategically as they sought to stabilise the country: one observer described UTODA as 'hijacked by

<sup>358</sup> Leaflet summarising ASSETAMORWA activities, acquired from ASSETAMORWA offices.

<sup>359</sup> Interview with Ugandan transport consultant, 25.09.09.

<sup>360</sup> 1986 was the year given by Mr Ndyomugenyi, UTODA National Chairman (interviewed 30.09.09) and is the date given on UTODA's official website. Other sources such as Kumar and Barrett (2008: 71) cite the earlier date of 1982.

<sup>361</sup> Interview with Mr Ndyomugenyi, UTODA National Chairman, 30.09.09.

the government because it is employing a lot of people and these people are radiating out, going to a lot of areas. So they were using it as a channel in spreading their political tentacles'.<sup>362</sup> Thus the new government, composed of former guerrillas adept at societal infiltration, turned the *matatu* business to their interests and allowed it to flourish. UTODA, meanwhile, saw it as prudent early on to position itself as a supporter of the NRM cause.<sup>363</sup>

By 2000, *matatus* accounted for 70% of road use in Kampala and UTODA comprised 4,000 minibuses, mostly in the capital (Benmaamar et al. 2002). By 2005 this had increased to 6,400; by 2007 it was 8,400 and by 2009 at least 10,000.<sup>364</sup> The number was so large that even according to considerably lower official figures used in a 14-country study, Kampala had more minibuses per 1000 people (3.5) than any other city bar Lagos (Kumar and Barrett 2008: 2). As UTODA expanded in the 1990s it swiftly outgrew the 1,000-member legal limit for an association and, despite retaining the word 'association' in its name, transitioned into being a company limited by guarantee without share capital (TAHAL 2005: D32). Hence some observers termed it a 'pseudo association' serving wealthy elites.<sup>365</sup> As its acronym suggests, UTODA comprised both 'operators' and drivers among its 30,000 members in 2009.<sup>366</sup> In reality, 'operators' meant the owners, by far the most powerful individuals in the organisation, whose interests often diverged strongly from those of the drivers.<sup>367</sup> Conductors and touts were also integral to the industry (despite the fact that touting was illegal) but not formally part of the 'association' and therefore even more vulnerable to the powerful body of owners employing them.<sup>368</sup>

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<sup>362</sup> Interview with independent planning consultant, 04.02.09.

<sup>363</sup> 'Utoda - the First Egg On Lord Mayor's Face', *Daily Monitor* 28.06.11.

<sup>364</sup> Interview with Bonnie Nsambu, Transport Engineer, KCC, 21.09.09. The *matatus* themselves are all of Japanese origin and second hand, usually being at least 10 years old at the point of import (Benmaamar et al 2002: 14).

<sup>365</sup> Interview with independent planning consultant, 18.09.09.

<sup>366</sup> This was the official figure given by Mr Ndyomugenyi, UTODA National Chairman, 30.09.09.

<sup>367</sup> Local experts point out that the very concept of UTODA is problematic: 'why have the taxi owners come into an association with the drivers? There should be one [association] for each' (Interview with transport expert, Kampala 30.09.09).

<sup>368</sup> Interview with Mr Ndyomugenyi, UTODA National Chairman, 30.09.09.

An analysis of the taxi ownership at the top is important for understanding UTODA and its relationship to the state which, as will be demonstrated, was inimical to effective state action in UPT. However, 'taxi ownership is highly secretive and UTODA is a highly mysterious entity', to the extent that it was reputedly dangerous to attempt to profile the ownership.<sup>369</sup> Their wealth was self-evident: the capital outlay of around \$15,000 for a second hand Japanese minibus<sup>370</sup> was far beyond the means of most people. Moreover, *matatu* ownership accrued rapid profits, enabling multiple purchases and progressive enrichment. Consequently, while many people owned only one *matatu*, the average was estimated at around five<sup>371</sup> and some people reputedly own fleets of tens or even hundreds.<sup>372</sup> One consultant with long-term knowledge of the sector claimed some individuals owned as many as three hundred.<sup>373</sup> While some owners were businessmen, the involvement of politicians was widely cited. According to one informant, ministers would ask wealthy businessmen seeking favours 'to buy ten or twenty *matatus* for them as a bribe...they all started doing it, so now most owners happen to be politicians'.<sup>374</sup> Other sources likewise claim that *matatu* owners are 'mostly' national politicians.<sup>375</sup>

However, the same sources admitted the difficulty of obtaining proof of the ownership profile, especially as the politicians who owned taxis were not formally members of UTODA: some noted that 'you'll never see the big guys. They are somewhere 'up there'',<sup>376</sup> and are represented by 'stooges' who lead the organisation.<sup>377</sup> Some observers claimed *matatu* ownership involved politicians from all parties,<sup>378</sup> eager 'to fund their political activities', and even that 'the NRM is trying to rebalance by buying up more *matatus*'.<sup>379</sup> Others, however, suggested that

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<sup>369</sup> Interview with independent planning consultant, 18.09.09.

<sup>370</sup> Interview with Kampala bus company (A) director, 07.01.10.

<sup>371</sup> Interview with Kampala bus company (A) director, 07.01.10.

<sup>372</sup> Interview with Bonnie Nsambu, 21.09.09.

<sup>373</sup> Interview with Ugandan transport consultant, 25.09.09.

<sup>374</sup> Interview with independent planning consultant, 18.09.09.

<sup>375</sup> Interview with Ugandan transport consultant, 25.09.09. Janet Museveni, the President's wife, was rumoured to own hundreds. There is no way of verifying this.

<sup>376</sup> Interview with local government official, 06.02.09.

<sup>377</sup> Interview with Ugandan transport consultant, 25.09.09.

<sup>378</sup> Interview with Chairman of a civic organisation, 30.09.09; interview with former local politician, 29.09.09.

<sup>379</sup> Interview with independent planning consultant, 18.09.09.

‘most or all are NRM’ because members of other parties would fear destruction of their property if they got involved.<sup>380</sup> Either way, strong organisational links between UTODA and the NRM were undeniable. UTODA offices were reputedly used as NRM campaign offices prior to elections;<sup>381</sup> it was ‘public knowledge that UTODA is one of the biggest funders of the NRM regime’<sup>382</sup> and it was said that in every presidential campaign since 1996 ‘UTODA has been at the helm of providing free transport to NRM supporters’.<sup>383</sup>

The amount of money passing through the hands of UTODA’s bosses gives some indication of their grip on the sector. Because of lack of data on exact numbers of *matatus* or informal payments, estimates are only approximate; but nevertheless, it is possible to present a picture of the scale of the enterprise. Officially, each *matatu* driver paid UGX 20,000 per month to UTODA for a sticker authorising them to operate, and a further 4,500 per day for use of the taxi parks.<sup>384</sup> If a conservative estimate of 10,000 *matatus* in 2010 is used, this amounted to official payments of UGX 1.55bn (\$775,000) from drivers to UTODA for a 30-day month.<sup>385</sup> In addition, there were less transparent payments. First were the so-called ‘welfare fees’, unreceipted payments averaging 5,000 shillings per day,<sup>386</sup> which amounts to another 1.5bn (\$775,000) into UTODA coffers monthly. In addition, every time a *matatu* stopped, the conductor paid an unreceipted ‘loading fee’ to a UTODA representative stationed at that particular *matatu* ‘stage’, the amount of which varied by route but was ‘equivalent to the fare of three passengers’.<sup>387</sup> Overall, Lord Mayor Erias Lukwago’s accusation in 2011 that UTODA collected a total of UGX 4bn (\$2m) monthly,<sup>388</sup> despite paying only 392m monthly to KCC (\$196,000), makes sense and may even be an under-estimate.

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<sup>380</sup> Interview with Ugandan transport consultant, 25.09.09.

<sup>381</sup> Interview with former local politician, 29.09.09.

<sup>382</sup> Musisi, Lukwago feud could fail Kampala city’, *The Observer*, 10.07.11.

<sup>383</sup> ‘Buses for Kampala: Will Utoda Get On Board?’ *The New Vision*, 31.06.06.

<sup>384</sup> Various interviews with transport experts and KCC staff, September 2009-January 2010.

<sup>385</sup> The conversion into USD is based on the figure of UGX 2,000 per dollar, the approximate rate in 2009-10.

<sup>386</sup> ‘Government stops extra UTODA charges’, *New Vision* 11.07.11.

<sup>387</sup> ‘Government stops extra UTODA charges’, *New Vision* 11.07.11.

<sup>388</sup> KCCA to conduct fresh taxi census’, *Daily Monitor* 26.07.11.

These unreceipted fees amounted to a severe burden of 'double taxation' (official/receipted and unofficial/unreceipted) on drivers and conductors,<sup>389</sup> and very little is known about what happened to the 90% of UTODA's \$24m annual income not remitted to KCC. Many believed that much of it went 'into somebody's pocket, because if you go to UTODA and ask someone 'can you give me the balance sheet of all your expenditures and incomes'...they don't have anything. They can't give you that.'<sup>390</sup> In the 14-country study, Kampala again topped the league in terms of typical 'indirect charges' paid by minibus drivers to their 'association'. Average payments in Kampala were over six times as high as those in Accra (Kumar and Barrett 2008: 9-10).

All these payments to UTODA merely scratch the surface in terms of the amount of money concentrated in the industry. The owners as individuals reaped far more: many sources confirmed that most *matatus* were run according to a system whereby the driver paid UGX 60-80,000 (\$30-40) per day to the owner for use of the vehicle. Most of what drivers made in excess of this they used for fuel, maintenance and the payment of UTODA fees; the remainder (usually about UGX 15,000 each for the driver and conductor), they could keep.<sup>391</sup> If we take a conservative figure of UGX 60,000 passed to the driver alongside the conservative figure of 10,000 *matatus*, this means that each day UGX 600m (\$300,000) was passed by drivers to owners, in addition to fees paid to UTODA. Collectively, *matatu* owners therefore took around \$9m per month, or \$108m in a year. Put differently, an individual owning twenty *matatus* as a sideline could make over \$250,000 annually from the enterprise.<sup>392</sup> This gives some indication of the economic

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<sup>389</sup> Interview with former local politician, 29.09.09; 'Government stops extra UTODA charges', *New Vision* 11.07.11.

<sup>390</sup> Interview with independent planning consultant, 04.02.09.

<sup>391</sup> Interview with former *matatu* owner, 29.09.09; Interview with Bonnie Nsambu, KCC Transport Engineer, 21.09.09; interview with independent planning consultant 18.09.09; TAHAL 2005: ES 36.

<sup>392</sup> If we combine approximations of daily income to owners (60-80,000), UTODA (20,000), drivers and conductors (15,000 each = 30,000) with additional expense for fuel and maintenance, it seems reasonable to assume that each *matatu* must have been taking a daily net income in fares of around UGX 150,000 (\$75). Multiplied by the number of *matatus* in the city and approximating for a full year, this amounts to total turnover in the sector of \$250m annually – around 1.5% of (nominal) GDP, or more or less the same size as Uganda's coffee sector in 2009-10 (African Economic Outlook – Uganda; <http://www.africaneconomicoutlook.org/en/countries/east-africa/uganda/>, accessed 10.06.12).

interests involved. Given that many of those benefitting are both politicians and members of UTODA, it is unsurprising that effecting state action to rein in UTODA was deeply problematic.

*'The City Council feels very timid': the state and the UTODA stranglehold*

The fact that one association had such a grip on urban transport might not immediately appear relevant to state effectiveness, particularly given that the transport market was deliberately deregulated. However, while the government consciously relegated the sector to UTODA after 1986, the organisation's role soon spiralled out of control. This sub-section demonstrates how UTODA became so large and powerful that more recent efforts by the state to impose order and claw back a degree of regulatory and revenue-raising power over the sector repeatedly met with failure and frustration. This had far-reaching consequences for the city and further illustrates the crippling of state effectiveness in Kampala.

Transport competition in Kampala was 'in-the-market' rather than 'for-the-market'.<sup>393</sup> thus anyone could partake, but all entrants had to join UTODA if operating *matatus*, and if trying to operate any other kind of bus would be in open competition with UTODA for all routes. From at least 2006 this was contrary to government policy, which was to re-introduce some regulation in the form of 'for-the-market' competition. Mayor Ssebagala came to power in 2005 with a manifesto initiative to reintroduce 400 large buses to the city, subsequently endorsed by the President.<sup>394</sup> Private bus companies, a few of which already existed, were to be granted particular urban corridors and large parts of the city centre, where *matatus* would not be allowed to operate.<sup>395</sup> The proposals were

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<sup>393</sup> Interview with Bonnie Nsambu, 21.09.09. These terms also appear in a World Bank report on urban transport in developing countries (Mitric 2008). Standard policy advice favours 'for-the-market' competition, whereby specific sections of the urban transport market (i.e. particular routes) are allocated through competitive bidding procedures to one provider *exclusively*, over a competitive 'free-for-all' throughout the entire city.

<sup>394</sup> Interview with Nasser Ntege Ssebagala, 15.10.09.

<sup>395</sup> Interview with Bonnie Nsambu, 21.09.09.

termed 'a time bomb waiting to explode' due to the threat they represented to UTODA's interests.<sup>396</sup>

Instead of an explosion, what occurred in the transport sector over the next five years was an almost total lack of progress. Ssebaggala's plan was to grant many routes exclusively to the company Pioneer Easy Bus. The idea was to introduce a fleet of 200 by the end of 2008 and then scale up further, but instead Pioneer was still running only 13 as the decade closed.<sup>397</sup> In 2009 they even had to sell two buses due to debt,<sup>398</sup> which reflected the government's failure to secure the promised investment.<sup>399</sup> Meanwhile some KCC councillors actively stalled the process due to opposition to Ssebaggala's plan to allocate so much of the market to one company without properly advertising the tender.<sup>400</sup> The controversy continued into 2010 and beyond (see epilogue), amid accusations of dubious deals between Pioneer and KCC and intimidation by various interests threatened by the possible transformation of the transport system.<sup>401</sup>

There is little doubt that one organisation benefitted from chronically stalled progress: UTODA. Ssebaggala took them on by proposing to replace *matatus* in the city centre with buses, and essentially UTODA won the battle: Ssebaggala left office after five years without his five-year transport vision having even reached the starting line.<sup>402</sup> While one can only speculate about what took place behind the scenes, UTODA's obstruction was evident at the micro-level on a day-to-day basis. Pioneer was one of four companies whose small numbers of buses in the city were regularly subject to threats and harassment. The director of one company, which

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<sup>396</sup> 'Buses for Kampala: Will Utoda Get On Board?' *The New Vision*, 31.06.06.

<sup>397</sup> 'Unravelling the City Bus Mess', *The New Vision* 07.01.09. The total number of buses (large and medium-sized) from all companies operating in the city in 2009 was around 20, against a perceived need for around 680 if buses were to become Kampala's main transport service (Interview with Ugandan transport consultant, Kampala, 25.09.09).

<sup>398</sup> 'Commuters feel pinch', *Metro*, 19.08.09-25.08.09.

<sup>399</sup> 'Bus project stalled due to financial difficulties', *Daily Monitor*, 08.09.08.

<sup>400</sup> Minutes of Kampala City Council meeting, 20.02.09

<sup>401</sup> 'Kutesa's in-law cited in dubious bus deal', *The Observer* 20.08.11

<sup>402</sup> These failures are extreme, even by African standards. In Lagos, Dar es Salaam, Addis Ababa and Nairobi there have been relatively successful efforts both to regulate and/or to introduce more effective medium and large-sized buses in recent years (Kumar and Barrett 2008; interview with Kampala bus company (A) director, 07.01.10).

began operating in 2007, described how initially his buses were ‘effectively hijacked’, commandeered by UTODA drivers and taken off the road.<sup>403</sup> Another stated that ‘when we started it was open combat’, with physical attacks being commonplace.<sup>404</sup> One had to temporarily flee the country after he angered UTODA by operating buses on a particularly lucrative urban corridor.<sup>405</sup> Although this violence had reduced by 2010, bus companies were experiencing daily extortion of unreceipted payments by UTODA officials. For example UGX 7,000 of ‘welfare payment’ was charged to private bus operators every time they stopped at any bus stage in the city, even though they received no services from UTODA.<sup>406</sup>

These payments constituted a major expense for private bus operators, who were already paying fees to the KCC.<sup>407</sup> Dealing with harassment from UTODA had been ‘a constant struggle’ and they often operated at a loss in the city, depending on profits from rural services.<sup>408</sup> In the words of a local transport expert ‘it is not a transport system, it is thuggery’; an entire critical economic sector controlled by ‘people who have no professional instinct or training’.<sup>409</sup> The situation was hampering investment in UPT because donors including the World Bank, which had expressed considerable interest, would not disburse funds until the government had some grip on the situation.<sup>410</sup>

It was not only by obstructing the competition that UTODA was implicated in state ineffectiveness. It also impeded effective local revenue collection, in several ways. First, it under-reported numbers to KCC (UTODA’s Chairman cited a figure 6,000 *matatus* in 2009,<sup>411</sup> when KCC’s estimate of the reality was 10,000), thereby keeping its monthly fees artificially low. Second, it often simply did not pay its fees.

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<sup>403</sup> Interview with Kampala bus company (A) director, 07.01.10. UTODA’s reputation for violence extends further; its members have been linked to the notorious ‘Kiboko squad’, a group that was allegedly mobilised to beat up protestors from 2007 onwards (‘Kiboko Squad Revealed’, *The Independent* 19.09.09; interview with *boda-boda* driver B, 14.10.09).

<sup>404</sup> Interview with Kampala bus company (B) director, 21.01.10.

<sup>405</sup> *Ibid.*

<sup>406</sup> Interview with Kampala bus company (A) director, 07.01.10.

<sup>407</sup> *Ibid.*

<sup>408</sup> *Ibid.*

<sup>409</sup> Interview with Ugandan transport consultant, 25.09.09.

<sup>410</sup> Interview with Kampala bus company (A) director, 07.01.10.

<sup>411</sup> Interview with Mr Ndyomugenyi, UTODA National Chairman, 30.09.09.

In December 2008, KCC's Director of Finance reported to council that UTODA owed KCC UGX 1.9bn (almost \$1m), having paid no fees for over six months.<sup>412</sup> UTODA thus repeatedly breached its financial contract with KCC in addition to its dismal record on maintaining the taxi parks, which by 2010 were in total disrepair, the concrete floor having long disintegrated into mud. On 20<sup>th</sup> January 2009, the Town Clerk's office issued three months' notice for the termination of UTODA's contract to manage the city's taxi parks.<sup>413</sup> However, both Ssebagala and Central Division Chairman Nyakana (of the NRM) stepped in to UTODA's defence,<sup>414</sup> as did a high court intervention blocking KCC's action.<sup>415</sup> 'That tells you the problem of governance that we have in the city', noted one government official. KCC 'should have terminated [the contract] long ago'.<sup>416</sup>

What accounts for UTODA's persistently unassailable position? On the one hand, the commonly-held view that many *matatu* owners were senior NRM politicians suggests that members of the government effectively controlled UTODA. As one informant noted, 'big fellows in the government own the taxis...they take a big cut and they are the ones who decide...[UTODA] is a front for their interests'.<sup>417</sup> Other perspectives suggest a different interpretation, however, to the effect that UTODA was an independent and powerful group in its own right, a 'strong mobilising force'<sup>418</sup> benefitting from political patronage simply by virtue of being too large and influential for the government to risk alienating.<sup>419</sup> The power dynamic between UTODA and government politicians was therefore complex and the direction of influence not always clear. In fact, one could argue that UTODA and the NRM were *doubly bound* together: the NRM government 'hijacked' UTODA when consolidating the Movement's dominance of Ugandan territory, but as the *matatu* business grew and grew, UTODA increasingly 'hijacked' the government.

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<sup>412</sup> From the minutes of the KCC Planning and Finance Committee, 23.04.09.

<sup>413</sup> *Ibid.*

<sup>414</sup> 'UTODA opts for court over contract', *Daily Monitor*, 28.01.09.

<sup>415</sup> 'Court halts UTODA contract cancellation', *The New Vision*, 29.01.09.

<sup>416</sup> Interview with Ministry of Local Government official, 12.02.09.

<sup>417</sup> Interview with local government official, 06.02.09.

<sup>418</sup> Interview with Isa Gumonye, 08.10.09.

<sup>419</sup> Interview with Chairman of a civic organisation, 30.09.09.

There are therefore certain respects in which UTODA had leverage over government, even while it was infused by individuals comprising the government. Politicians were not the only force on which UTODA's official cadres could draw: most of the estimated 100,000 people in the *matatu* business<sup>420</sup> were essentially 'bayaye':<sup>421</sup> drivers, conductors and touts who constituted both an important voting bloc and a potential source of violence, and could be mobilised if their livelihoods were threatened. UTODA's official leaders thus played both sides of the game, fronting for government 'big men' while at the same time reminding the government of UTODA's potential power of rebellion. As its Chairman noted in 2009:

'In UTODA we have intellectuals, we have school drop-outs and we also have the third category which is the worst – the hard core criminals which we keep in the taxi industry to deter them from terrorizing the general public.'<sup>422</sup>

This was no empty statement and further illustrates how UTODA's relationship with politicians encompassed *collusion alongside the threat of opposition* if the state attempted to exert control over the industry. Indeed, if the relationship between UTODA and the government was complex, the relationship between UTODA and the *state* was much clearer: the latter, particularly as represented by bureaucrats at the city level tasked with implementing policies on urban transport, was once again on 'the low bargaining side'.<sup>423</sup> UTODA's leverage in many respects constituted another example, like those in Chapter Four, of 'politicians *versus* the state': the role of 'big big big fellows' within UTODA meant that 'the City Council feels very timid' in its engagement with the industry.<sup>424</sup> The double bind between UTODA and the NRM government saw politicians seeking to protect their personal *matatu* rents, while UTODA officials threatened to create instability for the government if UTODA's market share was threatened. Both worked against state policy, and the result was doubly crippling for state effectiveness.

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<sup>420</sup> This was a figure cited by UTODA's Kampala Chairman Moses Katongole ('Buses for Kampala: Will Utoda Get On Board?' *The New Vision*, 31.06.06).

<sup>421</sup> See Chapter Three for a discussion of this term.

<sup>422</sup> UTODA National Chairman Mr. Ndyomugenyi, cited in 'Mayor promises more buses', *Metro*, 11.11-17.11.09.

<sup>423</sup> Interview with local official, 22.09.09.

<sup>424</sup> Interview with local government official, 06.02.09.

#### 6.4 Kigali's shrinking *matatu* sector amid urban growth

Comparing the UPT sector in Kigali with that in Kampala reveals both important differences and uncanny similarities. By contrast with Uganda, the crisis of public bus companies came to Rwanda late. ONATRACOM, the public company supplying large buses since 1978, managed initially to survive liberalisation and the *matatu* invasion of the 1990s and 2000s. However, it went into slow decline and in 2009-10 seventy out of its 178 buses nationwide were grounded due to technical problems.<sup>425</sup> At this point the state intervened by renewing the organisation in a style typical of the RPF administration. Everyone in the previous team was sacked, and the new management included a former Captain responsible for army fleets and a Major previously working for the Ministry of Defence.<sup>426</sup> ONATRACOM was in any case of limited relevance for the capital city, where it ran only 22 buses.<sup>427</sup> In Kigali, as in Kampala, the state's UPT agenda was to grant particular routes to various private bus companies.<sup>428</sup> Like Kampala, the city's major form of public transport was the *matatu*, operated by individual owners under the banner of ATRACO, formed in 1992. Again, a brief assessment of this organisation and its history will be useful before proceeding further to analyse the sector.

##### *ATRACO: UTODA's little sister*

In the events of 1994, many taxi drivers died or fled, after which there were only around 300 *matatus* in the country; however as the national and urban populations were rapidly replenished by returning refugees, demand soared. Former soldiers were prominent among those benefitting from this by buying and operating *matatus*,<sup>429</sup> and as in Uganda – where many such soldiers had fought – ATRACO's post-1994 development had a security dimension, as will be discussed

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<sup>425</sup> 'Onatracom up in the air', *The Independent* (Uganda), 15.07.11.

<sup>426</sup> 'Onatracom up in the air', *The Independent*, 15.07.11.

<sup>427</sup> Figures acquired from Director of Transport at ONATRACOM, 25.02.09.

<sup>428</sup> Interview with Jean-Claude Rulangwa, Transport Officer, CoK, 11.02.10.

<sup>429</sup> Interview with Colonel Twahirwa, ATRACO Chairman, 15.12.09.

subsequently. In another mirror image of Kampala, ATRACO paid a fixed monthly sum to the District for the use of the two main taxi parks.<sup>430</sup>

ATRACO's operations, however, were tiny compared to UTODA's, even accounting for Kigali's smaller size. ATRACO consisted of 3,000 members nationally: at most a tenth of UTODA's membership.<sup>431</sup> While some research undertaken in 2004-6 cites a figure of 2000 *matatus* in Kigali (Kumar and Barrett 2008), ONATRACOM records indicated 850 *matatus* in December 2007 and only 750 exactly one year later.<sup>432</sup> Moreover, another year later in December 2009, the Chairman of ATRACO cited a figure of just 700.<sup>433</sup> While there may of course be inaccuracies, these figures taken together strongly suggest the number of *matatus* in the city actually substantially decreased as the decade wore on, despite continued urban growth. Other testimonies corroborate this, one source noting that there were 'many more *matatus* here before 2002'.<sup>434</sup> ATRACO's role relative to the broader UPT arena was also dwindling by 2010, in contrast with UTODA's continued dominance. It had never transformed into a company, remaining a not-for-profit organisation throughout the 2000s – something that its leaders felt limited it at a time when various for-profit companies were entering the market.<sup>435</sup> While individual *matatu* owners were surely profiting from the enterprise, ATRACO as an organisation was therefore not creaming off profits from the sector in the same way as UTODA.

However, ATRACO's organisational issues cannot account for the small total number of buses and *matatus* in the city. In early 2008 there were 53 non-ATRACO minibuses or slightly larger 25-29-seater 'coasters' run by various small companies, increasing to 95 by 2009.<sup>436</sup> While the market share of private companies was therefore increasing, they were nevertheless operating on a very small scale for a city of a million inhabitants. Moreover, combining the figures cited above indicates

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<sup>430</sup> Interview with Jean-Claude Rulangwa, Transport Officer, CoK, 11.02.10.

<sup>431</sup> 'Atraco to hold elections', *The New Times* 18.02.11.

<sup>432</sup> Figures acquired from Director of Transport at ONATRACOM, 25.02.09.

<sup>433</sup> Interview with Colonel Twahirwa, 15.12.09.

<sup>434</sup> Interview with Kigali bus company director, 12.02.10.

<sup>435</sup> Atraco to Transition From Non-Profit Association to Co-Op', *The New Times*, 23.01.11.

<sup>436</sup> Figures acquired from Director of Transport at ONATRACOM, 25.02.09.

that the absolute number of buses, coasters and minibuses taken together actually *declined* from 929 in 2008 to 865 in 2009, in a city growing at almost 4% annually (UNPD 2009). Meanwhile in Kampala, where rates of urban growth were similar, the number of *matatus* was increasing by around 1000 annually.

The trajectory of Kigali's public transport from 2000-2010 is thus a puzzling one. ONATRACOM was in slow decline, and while ATRACO picked up some of the slack it then started to go into decline itself, despite soaring urban growth after 1994. Following this, small private companies started to fill the gap but, once again, not as much as would be expected. A positive governmental attitude towards private public transport provision, the relative absence of obstruction and harassment by ATRACO,<sup>437</sup> rapid economic growth and a booming urban population would seem to suggest a wealth of opportunities for those seeking to invest in the sector. One obvious question is whether this surprising trajectory was driven by supply or demand factors. In one of the many paradoxes characterising Kigali's development, there are reasons to believe it was both.

#### *Supply and demand on the streets of Kigali*

On one level there was evidence of ample demand for more public transport in the city, suggesting that the problem was undersupply. Kigali residents complained of insufficient numbers of coasters and *matatus* during rush hours,<sup>438</sup> and physical fighting at bus stops was not uncommon because competition to board was so fierce.<sup>439</sup> The problems were particularly acute for certain routes: operators plied shorter routes for easy money (although the shortest of all were often profitable – see below) while passengers for long routes queued for hours. Moreover, when the school year began the problems worsened because many operators entered arrangements with students, who they drove to school before engaging in normal

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<sup>437</sup> Interview with Kigali bus company director, 12.02.10.

<sup>438</sup> 'Rwanda transporters association to acquire more buses', *The New Times*, 21.08.11.

<sup>439</sup> Interview with Kigali bus company director, 12.02.10.

business, exacerbating undersupply during rush hour. In 2010 around 40% of minibuses were being used in this way.<sup>440</sup>

There are various reasons why this demand was not being met. One was prohibitive vehicle import tariffs, which amounted to 40% of the price of a coaster in 2010. Without government incentives to counterbalance these, private bus companies argued that it was extremely hard to grow their businesses.<sup>441</sup> Other rules and regulations similarly inhibited investors: for example the fares set by RURA were rigorously adhered to, creating difficulties for urban operators. In Kampala, UTODA set fares that allowed ‘abnormal profits’ in the city,<sup>442</sup> while in some areas of Kigali demand was not met simply because the journeys were too short to be profitable without hiking fares. All of this was made worse by increasing petrol prices; only when petrol reached a very high price would RURA authorise an increase in fares.<sup>443</sup>

While these supply-side factors explain the puzzle to some degree, there was more to the story of Kigali’s curiously small number of public transport vehicles. After all, some transport experts pointed out that demand for public transport in aggregate was actually ‘very low’ in Kigali.<sup>444</sup> There were certain parts of the city, those where major settlements were expropriated and the populations evicted (see Chapter Four), which bus operators ‘did not serve as there is no-one there!’<sup>445</sup> Moreover, although Rwanda was a very poor country with relatively few vehicle owners, suggesting a strong demand for public transport, the majority of the wealthy were in Kigali – along with their private vehicles. Of 71,103 registered private vehicles in 2009, 46,674 (or 66%) were registered to addresses in Kigali, despite the fact that only around 10% of the population lived there.<sup>446</sup> Many of those using the capital’s

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<sup>440</sup> ‘With transport woes in Kigali maybe a transport master plan could help’, *The Rwanda focus*, 08-14.02.10

<sup>441</sup> Interview with Kigali bus company director, 12.02.10. This is considerably more than the 25% import duty that was imposed in Uganda from 2008 (‘Car importers protest URA’s latest tax plan’, *The Observer* 12.05.10).

<sup>442</sup> Interview with Jean-Claude Rulangwa, 11.02.10. It has been argued that deregulation of the taxi sector in many countries has, rather perversely, often increased fares (Gwilliam 2005).

<sup>443</sup> Interview with Kigali bus company director, 12.02.10.

<sup>444</sup> Interview with Bari Mahabuhul, transport expert at the Ministry of Infrastructure, 23.11.09.

<sup>445</sup> Interview with Kigali bus company director, 12.02.10.

<sup>446</sup> Figures obtained on vehicle registration from the Rwanda Revenue Authority, February 2009.

roads therefore did not need public transport.<sup>447</sup> Meanwhile, the poorest city-dwellers may have been unable to afford public transport at all, arguably to an even greater extent than in other African cities: Kigali's sprawling geography meant that commutes into the centre were on average over *twice* as far as those travelled by commuters in Kampala and therefore considerably more expensive (Kumar and Barrett 2008: 28).<sup>448</sup>

When viewed in the light of evidence from Chapters Four and Five about the flight of many poorer urban residents, willingly or otherwise, to surrounding rural areas, the fact that public transport was a small proportion of urban traffic starts to look like a function of low demand. The dual processes of eviction from the city centre and the contraction of informal urban livelihoods suggest that the poor were increasingly likely to walk to work if close enough or seek a living in the suburbs, as evictees relocated to Kigali's periphery noted.<sup>449</sup> The fact that increasing proportions of *matatus* were in rural rather than urban areas may therefore reflect changing dynamics of demand; bus operators note that 'for quick money you go outside the city'.<sup>450</sup>

Despite Kigali's continued growth, the opportunities to make profits from public transport in the city were evidently limited, a seeming paradox that reflected a complex interplay of supply and demand factors. In some areas exhibiting high demand at particular times, the shortage of buses was attributable to supply-side constraints; however, relatively low demand at other times rendered even the existing number of vehicles superfluous to the extent that bus operators would 'go home and rest' until demand picked up again.<sup>451</sup> The clampdown on informal economic activity also meant that a higher proportion of people using public transport were travelling at the beginning and end of the working day, so during

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<sup>447</sup> In Kampala, minibuses accounted for around 40% of total traffic, outnumbering cars (33-35%) (SSATP 2005: 104). While similar statistics were unavailable for Kigali, the figures for private vehicles relative to public transport ones, and simple observation, suggest a far lower percentage.

<sup>448</sup> The World Bank 14-country study also reports only two other cities (Abidjan and Nairobi) with longer average minibus commutes.

<sup>449</sup> Interview with residents of the Batsinda settlement, 17.12.09.

<sup>450</sup> Interview with Kigali bus company director, 12.02.10.

<sup>451</sup> Ibid.

other periods demand dipped dramatically. It is clear that with all the rapid socio-economic changes the city has been experiencing, the question of public transport was therefore in flux. Even those working in the industry admitted to not really knowing the size and shape of the market.<sup>452</sup>

### *State effectiveness and the stunted public transport sector*

In many respects the above analysis suggests a mismanaged sector with little evidence of state effectiveness. From the perspective of efficient, affordable transport it left much to be desired. However, in relation to the government's overriding political priorities, there is scope for a less negative assessment. Two main points will be made about the political economy of state effectiveness in this sector, one of which relates mainly to ATRACO as an organisation, and the other to the sector more broadly.

Unlike in Kampala, Kigali's *matatu* association could not hold the state to ransom. Instead, the government actively limited ATRACO's role to where it was considered productive and supported state efforts to implement this at all levels. ATRACO collected no unreceipted fees: as a supplier of buses to the Rwandan sector noted, in Rwanda 'you have a very similar organisation [to UTODA] but with complete accountability'.<sup>453</sup> It did collect payments from drivers and occasionally they expressed discontent; these, however, were disciplinary fines rather than unofficial 'welfare' and 'loading' fees. Thus ATRACO was actually assisting the state in implementing its strict regulations.<sup>454</sup> ATRACO also largely fulfilled its responsibilities to maintain the taxi parks,<sup>455</sup> although the city government rejected its proposal to physically redevelop the main taxi park.<sup>456</sup> Again, this contrasted with Uganda, where (after lobbying parliament) UTODA was allocated the job of redeveloping Kampala's Old Taxi Park in 2009, on the grounds that it was the 'sitting tenant', revoking an earlier commitment to more capable developers and despite

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<sup>452</sup> Ibid.

<sup>453</sup> Interview with Kampala bus company (A) director, 07.01.10.

<sup>454</sup> 'Bus drivers decry excessive Atraco fines', *The Rwanda Focus*, 29.10.07.

<sup>455</sup> 'Atraco to Transition From Non-Profit Association to Co-Op', *The New Times*, 23.01.11.

<sup>456</sup> 'KCC seeks investors to develop Nyabugogo park', *East African Business Week* 1-7.02.10.

UTODA's manifest failure to maintain the parks to date.<sup>457</sup> Finally, far from pandering to ATRACO on fee payments, CoK refused to reduce ATRACO's fees when the latter pleaded that they were too high.<sup>458</sup> Politicians, therefore, supported the activities of state actors experiencing problems collecting revenues.

The state's bargaining power vis-à-vis ATRACO was probably always relatively strong, and the apparently similar conditions under which ATRACO and UTODA flourished are somewhat deceptive. Many ex-military joined Kigali's *matatu* business after 1994, but this is not the same as the involvement of contemporary politicians. The Transport Officer at CoK maintained that he knew 'of no MP who owns a *matatu* here. They are just businessmen.'<sup>459</sup> This also needs to be interpreted in light of the fact that Rwanda's relatively few MPs were arguably not very powerful political actors anyway, but there is also no evidence that powerful appointed government politicians (i.e. the executive) owned *matatus*. Instead, the military officers-turned-businessmen in ATRACO contributed to the government's securitisation agenda while affording the state some autonomy from the association. In Kampala, by contrast, the prevalence of UTODA businessmen who were simultaneously government politicians undermined state autonomy and any credibility of commitments to deal with UTODA's evident irresponsibility.

The second point is that the Rwandan government essentially treated the *matatu* industry as a transitional phenomenon, reining in its influence and gradually regulating it out of business. Part of the reason for undersupply and economic inefficiency in Kigali was because the state was rather effective regarding other goals it valued more highly. Rwanda's regulators believed that 'if you don't regulate transport there can be chaos',<sup>460</sup> and the issues of urban security and order, which unsurprisingly were priorities given the genocide legacy, were addressed rather effectively. So too was the explicit goal of phasing out *matatus* and the '*matatu*

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<sup>457</sup> 'UTODA gets taxi park', *The New Vision*, 17.10.09.

<sup>458</sup> Nyarugenge District Mayor Jean Berchmas Kamali, cited in 'District turns down Atraco's request to reduce park fees', *The New Times*, 11.12.09.

<sup>459</sup> Interview with Jean-Claude Rulangwa, 11.02.10.

<sup>460</sup> Interview with Emmanuel Gasana, 03.12.09.

mindset' in favour of other forms of transport.<sup>461</sup> While major constraints remained for private bus companies, they were growing faster than in Kampala and the transition to systems of fixed timetables and routes was gathering pace by 2010.<sup>462</sup> A Kampala bus operator noted with envy that 'in Kigali the market has already proven the big buses work – they are a step ahead.'<sup>463</sup>

The effectiveness of the state in Kigali was evidently mixed in this sector. It was not very effective at providing sufficient amounts of UPT for people with diverse transport needs. However, analysing the situation in relation to other explicit government commitments and priorities pertaining to the reshaping of the transport sector, it was far more effective than the state in Kampala. Order, security, regulation, and the reduction of the role of *matatus* as a share of public transport were all being effected to some degree, in line with long-term strategic objectives.

### **6.5 Kampala's *boda-boda* phenomenon: the 'untouchables'**

Originating in the Uganda-Kenya border zone, hence their Ugandan name *boda-boda* (border-to-border), motorcycle-taxis proliferated in Uganda with the arrival of motorised bicycles in large numbers in the 1990s (Bryceson et al. 2003: 52). Once again, however, the relationship between the state and motorcycle-taxis differed dramatically in the two cities. It is not much of an exaggeration to say that they were widely considered outlaws in Kampala while they were virtually an arm of the police in Kigali.

Kampala's increasing traffic gridlock as *matatu* numbers expanded meant that *boda-bodas* multiplied even more rapidly. For those willing to pay more (fares for a journey within Kampala were around three to four times more than a *matatu*), the proliferation of motorised vehicles able to bypass Kampala's notorious traffic jams

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<sup>461</sup> Interview with Jean-Claude Rulangwa, 11.02.10.

<sup>462</sup> 'With transport woes in Kigali maybe a transport master plan could help', *The Rwanda focus*, 08-14.02.10.

<sup>463</sup> Interview with *Kampala* bus company (A) director, 07.01.10.

was a welcome development.<sup>464</sup> A nation-wide phenomenon, there were already 70,000 *boda-boda* operators in Uganda by 2002 (Howe and Davis 2002)<sup>465</sup> and the figure grew exponentially thereafter. In 2005-2006 alone, 84,098 motorcycles were imported into the country and annual imports grew from 12,564 in 2000 to 42,816 in 2007 (ITSL 2008: 16). While not all were used as taxis, many were: motorcycle-taxi numbers were growing at an estimated 58.7% per annum at that time (ibid). Most *boda-bodas* were not registered with the Transport Licensing Board,<sup>466</sup> so estimates were based on surveys. One report found 'more than 4,000' in 2003 (TAHAL 2005: D29), while a another reported 15,979 in November 2007 (ITSL 2008). The Chairman of one of Kampala's *boda-boda* associations and various other sources put the figure at 40,000 in 2010 (Goodfellow and Titeca 2012), which accorded with the general consensus and the growth rate cited above. In 2009, growth was such that in Kawempe Division, which already accommodated around 5,000, the number of *boda-boda* drivers expanded by 20-30 drivers every day (see Figure 6.2).<sup>467</sup>

**Figure 6.2: *Boda-boda* drivers wait for passengers in Kawempe, Kampala**



Source: author's photograph

<sup>464</sup> This is not to say that the poor never use *boda-bodas*; around 10% of their short trips are by *boda-boda* (Bryceson et al 2003: 35).

<sup>465</sup> There were also around 200,000 push-bicycle *boda-bodas* (Howe and Davis 2002). These were not used substantially in Kampala city centre, though can be found in the suburbs.

<sup>466</sup> In 2006 the TLB had 2,890 *boda-bodas* registered, just 18% of those found to be operating at the time (ITSL 2008: 29).

<sup>467</sup> Interview with *boda-boda* Chairman for Kawempe Division, 01.10.09.

The benefits of *boda-bodas* for passengers were clear, while for operators the ready availability of low-powered, cheap Japanese motorcycles made the industry the ultimate in fast-return investment (TAHAL 2005: D32). It was also promoted as a means of alleviating poverty and unemployment:<sup>468</sup> the government cultivated the sector, allocating funds to credit schemes for motorcycle purchase under programmes such as ‘Prosperity for All’ and persuading banks to provide loans to prospective *boda-boda* drivers (ITSL 2008: 18). Consequently many drivers, while poor, could own their motorcycle. Surveys found that 41-44% of drivers in Kampala owned the motorcycles they operated (Howe and Davis 2002; ITSL 2008).

Drivers usually began by renting the motorcycle from the owner through a standardised hire-purchase scheme, paying UGX 10,000 per day to the owner for a fixed period. The price of new motorcycles was around UGX 2.2 million, but drivers commonly paid a total of UGX 3.6million (sometimes more) to the owner in instalments.<sup>469</sup> The owner therefore made a profit of at least 60% of the purchase price. As with *matatus*, the business could therefore be very lucrative, particularly for those owning large numbers of *boda-bodas*. Some investors allegedly owned hundreds and rented them out in this way.<sup>470</sup> Drivers would, on average, make around UGX 20-25,000 net each day. If not outright owners, then after paying rent to the owner and covering fuel and maintenance costs they might be left with under UGX 10,000 (around \$5).<sup>471</sup>

At the local level, *boda-boda* drivers were highly organised. Within each Division were around 200-300 ‘stages’<sup>472</sup> at which particular groups waited to pick up customers, each of which had an elected or nominated Chairman, Secretary and Treasurer (ITSL 2008: 24). A Chairman was also elected for the Division level. Drivers paid a one-off fee for the use of a ‘portion’ in a particular stage, and in some stages

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<sup>468</sup> Interview with Alice Muwanguzi, Kampala Resident District Commissioner, 25.09.09.

<sup>469</sup> Interviews with *boda-boda* drivers in Kampala, September 2009-January 2010.

<sup>470</sup> Interview with independent planning consultant, 18.09.09.

<sup>471</sup> Interviews with *boda-boda* drivers in Kampala, September 2009-January 2010.

<sup>472</sup> Interview with *boda-boda* driver B, 14.10.09.

every driver also paid fixed daily contributions in case of accidents or bereavement costs incurred by a stage member.<sup>473</sup> Despite this degree of local social organisation, city-level organisation was a very different story. No association with anything like the monopoly and political clout of UTODA was ever consolidated, arguably because the potential for extracting huge amounts of rent from each unit was smaller, and the ownership more fragmented.

In 1993, the Uganda Association of Motorcycle and Bicycle Operators (UAMBO) was formed to try and create some order, but this disintegrated to be replaced by an organisation called the Real Boda-boda Association, which fell apart to be replaced by the National Federation for Boda-boda Operators (NAFEBO) in 2006 (ITSL 2008: 4). By 2009, some officials were unaware of this organisation and often dealt with multiple rival groups all claiming to be the 'real' association.<sup>474</sup> In October 2009 one locally powerful driver claimed to be the Chairman for all of Kampala under the aegis of a new post-NAFEBO association, the National Federation of Professional Cyclists Network Association (NFPC 2009). Meanwhile the NAFEBO Chairman claimed his organisation still existed and that all other Chairmen in the country, including the latter, were under his authority.<sup>475</sup> Drivers further down the chain admitted that the organisations were in 'chaos'.<sup>476</sup>

#### *Failures of regulation: 'collecting ants in a cup'*

The case for regulating the sector was clearly strong. Widespread consensus existed among both *boda-boda* leaders and city authorities that numbers urgently needed controlling,<sup>477</sup> and the sheer danger to health and life posed by the industry was indisputable. Between 2005 and 2006, victims of serious traffic accidents rose from 4000 annually to 5000, with deaths occurring in hundreds and motorcycle accidents as the fastest-growing subcategory (ITSL 2008: 9). Drivers were considered to be

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<sup>473</sup> Ibid.

<sup>474</sup> Interview with Alice Muwanguzi, Kampala Resident District Commissioner, 25.09.09.

<sup>475</sup> Interview with NAFEBO Chairman, 06.10.09.

<sup>476</sup> Interview with *boda-boda* driver B, 14.10.09.

<sup>477</sup> Interview with *boda-boda* Chairman for Kawempe Division (also the NFPC Chairman), 01.10.09; Interview with NAFEBO Chairman, 06.10.09.

illiterate ‘hooligans’ prone to criminality; the ‘worst group’ in society.<sup>478</sup> People often referred to the uneducated urban underclass generally as ‘the *boda-boda* class’.<sup>479</sup>

Early in the new millennium when their numbers reached new heights, the state (KCC in particular) attempted to implement a regulatory framework. In addition to helmet requirements, the realisation early in the millennium that many drivers did not have driving licenses prompted a series of regulations requiring drivers to carry documents including a license, PSV permit and third party insurance.<sup>480</sup> A special motorcycle enforcement unit (Kuboka) was created around the same time, with the mandate of enforcing regulations and prohibiting carrying two passengers simultaneously. Kuboka consisted of drivers familiar with the ‘tricks of the trade’ trained by the police to act as plain clothes *boda-boda* policemen.<sup>481</sup> It became associated with bribes and extortion, rather than effective regulation of the sector, and in any case was formally disbanded in 2007, ostensibly due to lack of resources (ITSL 2008: 30).

The Kuboka debacle further destabilised the sector by contributing to organisational disarray. In 2009 some drivers believed Kuboka still covertly existed under the cover of other organisations,<sup>482</sup> assisting the police in sporadic and ultimately ineffective ‘crackdowns’ that characterised the sector after 2007.<sup>483</sup> New guidelines were constantly issued by KCC, including a byelaw banning *boda-bodas* in the city centre, requirements about wearing reflective jackets<sup>484</sup> and regulations about carrying an extra helmet for the passenger (Goodfellow and Titeca 2012). Yet the proliferation of rules without any control over the industry’s expansion only made the prospect of implementation more hopeless. Figure 6.3 illustrates the growth in number of

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<sup>478</sup> Interview with local official, 01.10.09.

<sup>479</sup> Interview with civil society representative, 05.02.09.

<sup>480</sup> Added together these documents were expensive (driving license UGX 150,000; PSV permit 35,000; third party insurance 15,000) which was the main reason most drivers did not have them (Interview with *boda-boda* driver B, 14.10.09).

<sup>481</sup> Interview with *boda-boda* driver A, 29.09.09.

<sup>482</sup> Interview with NAFEBE Chairman, 06.10.09.

<sup>483</sup> Interview with *boda-boda* driver A, 29.09.09.

<sup>484</sup> Interview with Alice Muwanguzi, 25.09.09.

*boda-bodas* alongside the various short-lived and failed efforts to impose restrictions and order on the sector during the 2000s.

In 2008, the Inspector General of Police issued a one-year deadline as a 'last chance' for drivers to conform to regulations, particularly regarding permits, PSVs and helmets.<sup>485</sup> As the deadline was nearing, the 2009 'Buganda riots' shook the capital; many *boda-boda* drivers were thought to have participated.<sup>486</sup> Consequently there was a particularly fierce crackdown in September-October 2009. Police rounded up drivers at random and impounded their vehicles, demanding UGX 60-80,000 in fines for absent helmets and documents. However, if drivers had ready cash the police would often instead take a bribe of around 30,000 UGX and let them go. Some drivers felt that the police, chronically underpaid, were just 'arresting because they need the money so much' or were 'using it for uniforms'.<sup>487</sup> Another crackdown followed in February 2010, initially supported by Museveni. The following month he ordered the police to halt it.<sup>488</sup> As one KCC official noted, the sporadic crackdowns have improved nothing: 'it is like when you collect ants in a cup and then you release them to go'.<sup>489</sup>

An irony of this ineffective regulation is that *boda-boda* leaders expressed deep enthusiasm for uniforms, order and restrictions on entry into the business.<sup>490</sup> KCC officials admitted that these leaders 'persistently desired to have an organised industry' and deserved maximum support.<sup>491</sup> Kampala's RDC – the President's representative in the city – argued that KCC was the problem, stating that city politicians complained of a lack of resources but failed to regulate primarily because they constantly took bribes.<sup>492</sup> Yet while corruption in KCC was indeed a widely-acknowledged problem, its lack of resources was genuine and was exacerbated by

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<sup>485</sup> Interview with *boda-boda* Chairman for Kawempe Division, 01.10.09.

<sup>486</sup> Various interviews with *boda-boda* drivers and city officials, September-October 2009. See Goodfellow and Lindemann (2010) on the circumstances causing the riots.

<sup>487</sup> Interviews with *boda-boda* drivers, September-October 2009.

<sup>488</sup> 'Museveni orders halt to 'boda boda' arrests', *The Citizen* (Tanzania) 19.03.10.

<sup>489</sup> Interview with local politician, 06.01.10.

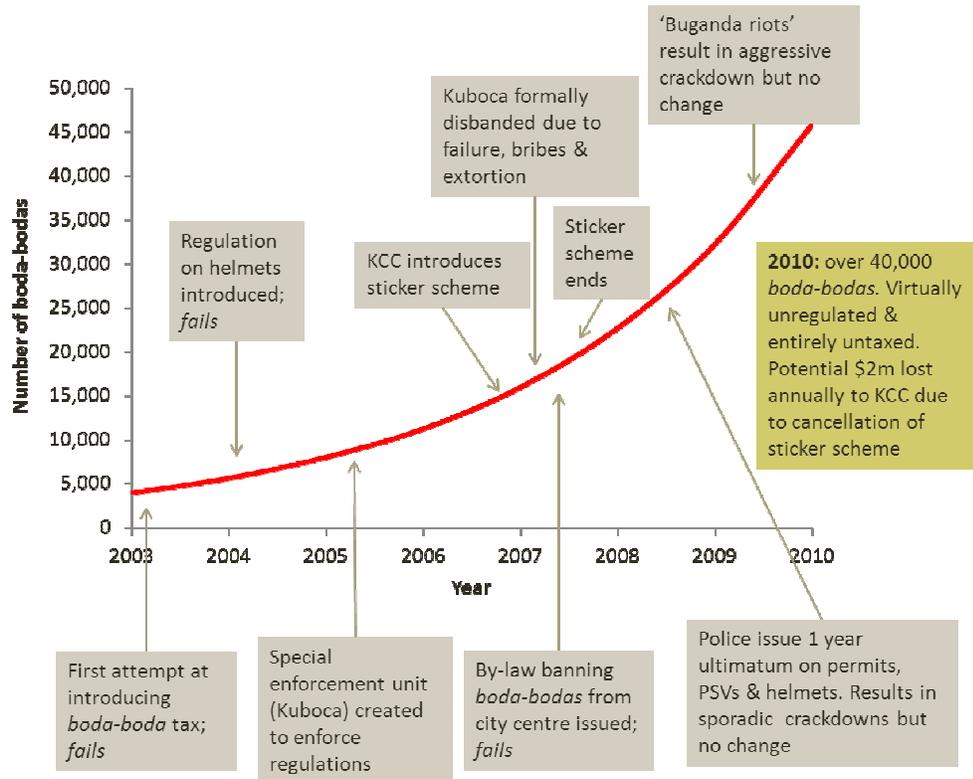
<sup>490</sup> Interview with *boda-boda* Chairman for Kawempe Division, 01.10.09.

<sup>491</sup> Interview with local politician, 06.01.10.

<sup>492</sup> Interview with Alice Muwanguzi, 25.09.09.

the actions by the RDC and other players acting on Museveni's behalf. Indeed the greatest failures of implementation concerned taxation and were caused by obstructions of a distinctly political nature.

**Figure 6.3: Growth in number of *boda-bodas* and failed government initiatives, 2003-2010**



*Failures of taxation: 'the president spoiled the whole system'*

There were several concerted attempts in the 2000s to tax *boda-bodas*, all of which resulted in abject failure. As it became clear that the industry was mushrooming and becoming central to the urban economy, the case for taxation was undeniable. A first effort came in 2002-3, but drivers made a plea to the president, who at that time was celebrating the sector and initiating credit schemes. Although the President had not initially objected to the tax, this plea was successful: in June 2004

a Presidential Directive ordered KCC to stop collecting the tax on the grounds that it was resulting in the over-taxation of a new industry.<sup>493</sup>

This further fuelled the sector's growth (ITSL 2008: 18), and with an election looming in 2006 the *boda-bodas* were left untouched for some time by efforts towards taxation. However, KCC embarked on another attempt in 2006-7. The Division Chairmen and Mayor agreed on a new system, involving the payment of a monthly fee to the City Council in exchange for a display sticker.<sup>494</sup> Of the UGX 9000 paid per driver per month, 3000 went to KCC, 3000 to the Division and 3000 to NAFEBO, who collected it.<sup>495</sup> The sticker scheme ran from December 2006 to June 2007, and despite sometimes violent engagement between tax collectors and drivers was considered successful.<sup>496</sup> The tax was small compared to just the official fees paid by *matatu* drivers and was around 3% of a *boda-boda* driver's monthly earnings.<sup>497</sup> Moreover, there was little evidence that the industry was collectively mobilising against it.<sup>498</sup>

However, after seven months, tax collection abruptly ended. *Boda-boda* leaders claimed that 'NRM politicians came and disorganised us',<sup>499</sup> and drivers then 'cried' to Museveni that they needed to keep their money for permits and other costs.<sup>500</sup> In the context of a city turning towards the opposition, the temptation to sabotage the tax and cement the support of this core group and their dependants (amounting to approximately 100,000 people in 2007)<sup>501</sup> proved irresistible. Thus despite evidence that the tax was working, there was a degree of deliberate destabilisation by the NRM to enable Museveni to come in with a populist response. The NRM government's gain from this intervention was the state's loss: in 2010, with 40,000

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<sup>493</sup> 'State House stops tax on *boda-boda*'. *The New Vision*, 03.06.04.

<sup>494</sup> Interview former local politician, 29.09.09.

<sup>495</sup> Interview with *boda-boda* driver B, 14.10.09.

<sup>496</sup> Interview with local official, 22.09.09.

<sup>497</sup> This is based on an income of 300,000 per month after payments to the motorcycle owner (interviews with *boda-boda* drivers September 2009-January 2010).

<sup>498</sup> Interview with NAFEBO Chairman, 06.10.09; Interview with local official, 01.10.09.

<sup>499</sup> Interview with NAFEBO Chairman, 06.10.09.

<sup>500</sup> Interview with *boda-boda* Chairman for Kawempe Division, 01.10.09.

<sup>501</sup> This is based on research indicating that *boda-boda* drivers have on average five dependants (Bryceson et al 2003: 52). This would suggest a pool of almost a quarter of a million dependants in 2010.

*boda-bodas* in the city, the amount of revenue lost by cancelling the sticker scheme would be around UGX 4.3bn (over \$2m) every year.<sup>502</sup>

The political origins of these failures are clear. The sector was always closely linked to the NRM: Museveni viewed it as a ‘consolidated group that he can use to support him during elections’, particularly in urban areas.<sup>503</sup> During the 2001 elections, he symbolically rode a *boda-boda* through Kampala and State House created associations to distribute *boda-bodas* either as ‘soft loans’ or even for free throughout the decade (Goodfellow and Titeca 2012). There was, however, a deeper politicisation: as with *matatus*, the fact that *boda-boda* drivers ‘go very far and can talk to so many people’ meant they were useful tools for surveillance.<sup>504</sup> Many sources agreed that *boda-boda* stages often had state security agents working at them. One local Chairman claimed that spies ‘are everywhere’ in the industry;<sup>505</sup> another noted that two plain-clothed ‘soldiers’ worked as *boda-boda* drivers on his stage.<sup>506</sup>

Other political parties such as the DP also sought political capital in the sector, for example by distributing free fuel prior to elections.<sup>507</sup> Moreover, the traditional loyalty of the sector to the NRM was called into question during the 2009 riots, as many drivers were ethnically Baganda and turned against the President during his stand-off with Kabaka Mutebi. However, it was the NRM, with both far more resources to allocate and potentially more to lose in the city, which largely won the battle for *boda-boda* hearts and minds over the long term.<sup>508</sup> This was achieved by directly and repeatedly crippling state effectiveness with respect to regulating and taxing the sector. Some *boda-boda* drivers were acutely aware of this, noting that

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<sup>502</sup> For further discussion of lost taxation see Chapter Seven.

<sup>503</sup> Interview with former local politician, 29.09.09.

<sup>504</sup> Ibid.

<sup>505</sup> Interview with *boda-boda* driver B, 14.10.09.

<sup>506</sup> Interview with *boda-boda* driver A, 29.09.09.

<sup>507</sup> Interview with *boda-boda* Chairman for Kawempe Division, 01.10.09; Interview with NAFEBO Chairman, 06.10.09.

<sup>508</sup> The NRM performed better in Kampala in the 2011 elections than it had in 2006 (Lambright 2012: 5), suggesting Museveni’s populist strategies in the city paid off.

‘we often fail to keep the law because the president spoiled the whole system’.<sup>509</sup> In general, however, they were grateful to him.<sup>510</sup> Through his tactical interventions Museveni constructed KCC as the would-be regulator and himself as the heroic saviour from an intervening state. Through this, *boda-bodas* became one of Kampala’s largest groups of ‘untouchables’.

## 6.6 Kigali’s *taxi-motos*: an extraordinary transformation

Like Kampala, Kigali attracted motorcycle-taxis (*taxi-motos*) in their thousands in the 1990s and 2000s, along with push-bike taxis. The city’s hills and relative sprawl – with many residential areas being far from the city centre – made urban transport in some respects more challenging than in Kampala, and as returnees poured in after 1994, cycle taxis of all forms became a critical part of the urban transport system. As in Kampala, despite the fact that the sector was largely ‘self-initiated’ the government was broadly supportive of it in the interests of tackling unemployment.<sup>511</sup> Yet also like in Kampala, in the early 2000s the CoK became concerned about the safety of a sector they believed was getting out of hand, causing large numbers of accidents and fomenting ‘chaos’ in the city more generally.<sup>512</sup> Regulations were in place, but were not really being enforced by the police.<sup>513</sup>

Unlike in Kampala, however, a total reorganisation of the sector was achieved. The number of *taxi-motos* at the time the new regulations were introduced is difficult to establish, but is likely to have been roughly proportional to that in Kampala, with several thousand in the city by the early 2000s.<sup>514</sup> CoK began by addressing the issue of push-bicycles, which were particularly accident-prone in the city centre. A first step was to restrict their operations to certain roads outside the CBD.<sup>515</sup> However,

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<sup>509</sup> Interview with *boda-boda* driver B, 14.10.09

<sup>510</sup> Interviews with *boda-boda* drivers, September 2009-January 2010.

<sup>511</sup> Interview with Charles Rusimbi, 27.11.09.

<sup>512</sup> Interview with District politician, 01.12.09.

<sup>513</sup> Interview with Emmanuel Gasana, 03.12.09.

<sup>514</sup> Various interviews.

<sup>515</sup> Interview with Charles Rusimbi, 27.11.09.

this was followed in 2005 by a decision to bar them from the city altogether, replacing them with a limited number of cheap, low-powered mopeds, known as ‘*mini-motos*’. This left around 6,000 former cyclists without jobs, and despite some inevitable complaints the decision was implemented.<sup>516</sup>

Considerably more problematic was the decision by CoK in 2006 to ban *all* forms of bicycle taxi – including *motos* – in the city. This was stimulated not only by a concern with accidents but by the belief that the industry was fomenting drug use, crime and ‘disorganisation’.<sup>517</sup> For two weeks the ban was in place, but city-dwellers made ‘a lot of noise’, mainly through complaints to the city administration and calls into radio stations.<sup>518</sup> Consequently, this decision was revoked. Unlike in Uganda, however, the government responded not because they feared alienating the constituency of *moto* drivers. In fact, there was not even any form of overt protest by this group.<sup>519</sup> It was largely the *users* rather than the providers of the services who changed the government’s mind, along with arguments that removing all forms of cycle taxi without a good public transport system in place would be detrimental to development. Some of the most influential ‘noise’ came from the banks who provided the loans for *moto* drivers and from donors.<sup>520</sup>

The city government reached a decision, in negotiation with ASSETAMORWA, that they would bring *motos* back to the city in a limited form, with a new set of regulations.<sup>521</sup> Alongside CoK, which was engaging in its broader efforts to organise urban youth at this time (see Chapter Five), various arms of the state from the police to the Ministry of Youth joined the negotiations,<sup>522</sup> and what emerged in 2007 was a highly structured system of cycle taxis that remained in place and was quite unlike any other motorcycle-taxi sector in the world.<sup>523</sup> *Taxi-motos* were

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<sup>516</sup> ‘Boda-boda crackdown leaves 6,000 jobless’, *The New Times*, November 2005.

<sup>517</sup> Interview with ASSETAMORWA security officer, 07.12.09. Fears that this highly mobile industry might be infiltrated by rebel groups were also palpable, though rarely expressed explicitly.

<sup>518</sup> Interview with Dieudonne Nkulikiyinka, Kigali City Director General, 17.02.09.

<sup>519</sup> Interview with Emmanuel Gasana, 03.12.09.

<sup>520</sup> Interview with District politician, 01.12.09; Interview with government advisers, 23.11.09.

<sup>521</sup> Interview with District politician, 01.12.09.

<sup>522</sup> Interview with ASSETAMORWA security officer, 07.12.09.

<sup>523</sup> *Ibid.*

strictly limited to 3,700 in number (there were around 3,000-3,500 in 2009), with reflective jackets displaying their own personal identity code and green helmets (one for the passenger as well as the driver). This radically reduced body of *motos* was fully trained and licensed; those lacking permits 'were of course chased out of the city'.<sup>524</sup> *Mini-motos* were allowed to operate in suburbs only, and drivers were limited to 1,500 and wore blue helmets.

The associational life of cycle taxis was further consolidated: all authorised *motos* paid daily fees of RWF 300 to ASSETAMORWA and a system was instituted of city 'sections' (10 people), 'parkings' (up to 10 sections) and 'zones', (of which there were ten in the city). Each of these levels had an elected leader, and ASSETAMORWA elected a president every three years.<sup>525</sup> *Mini-motos* had their own association, ATIMIMORWA, which was organised similarly. As in Uganda, rental systems were in place whereby relatively wealthy investors would purchase bikes<sup>526</sup> and loan them to drivers for a daily fee of RWF 4000, out of daily earnings averaging around 10,000.<sup>527</sup> By 2009 70% already owned their own *motos*.<sup>528</sup> Moreover, in the same year ASSETAMORWA and ATIMIMORWA moved towards becoming national federations of co-operatives to enable them to take out loans and share profits, in line with the city's drive towards co-operativisation.<sup>529</sup>

*Development and security on two wheels: 'we can identify exactly where he sleeps'*

Like most of the city's 'youth' associations, ASSETAMORWA and ATIMIMORWA were geared towards Kigali's development in various ways. They were very active participants in community activities, signing agreements with CoK to clean, plant trees and construct houses for genocide orphans in particular areas of the city; indeed they were often proud winners of competitions between youth associations

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<sup>524</sup> Ibid.

<sup>525</sup> Interview with Dieudonne Nteziyaremye, 07.12.09.

<sup>526</sup> One driver reported that the owner of his *moto* rented out thirty in total (interview with *taxi-moto* driver, November 2010).

<sup>527</sup> Informal conversations with *taxi-moto* drivers, November-December 2009.

<sup>528</sup> Interview with Dieudonne Nteziyaremye, 07.12.09.

<sup>529</sup> Interview with Charles Rusimbi, 27.11.09.

undertaking this kind of activity (see Figure 6.4).<sup>530</sup> *Taxi-moto* drivers were also leading taxpayers. Each ‘parking’ had a tax collector; in stark contrast to Kampala’s *boda-bodas*, drivers paid several taxes and fees including RWF 20,000 annually to RURA for their permit, 4,000 each year to the District for a *patente* (trading license) and around 70,000 each annually to the Rwanda Revenue Authority (RRA) in income tax.<sup>531</sup> With regard to the latter, *taxi-moto* drivers were exceptional; despite their small number they comprised almost 10% of Rwanda’s *total* number of registered taxpayers (40,500) in 2010 (DFID 2010: 11).

**Figure 6.4: *Taxi-moto* drivers riding *en masse* to plant trees in Kigali**



Source: obtained from a CoK official, December 2009

Perhaps most significant of all, the *moto* reorganisation resulted in an elaborate internal security architecture. Part of the process of reorganising drivers was ‘sensitising’ them on the importance of order, safety and security, so that they would become to a degree self-regulating and self-policing.<sup>532</sup> The rationale was: ‘If you understand something then you will do it better than if someone was to police you’.<sup>533</sup> To facilitate tight internal organisation and security, the codes displayed on

<sup>530</sup> ASSETAMORWA information leaflet and interviews, 07.12.09.

<sup>531</sup> Interview with Dieudonne Nteziyaremye, 07.12.09.

<sup>532</sup> Interview with Emmanuel Gasana, 03.12.09.

<sup>533</sup> The issue of regulation was then taken on board by the association itself: ‘it became their own issue’.

drivers' jackets were incredibly detailed, making them immediately identifiable. A letter indicating which zone of the city they worked in was followed by a series of numbers, one indicating their 'parking', another denoting their 'section' and a third specifying their personal number within that section. Thus if any crime were committed by a driver, people could call up and give the number over the phone 'so we can identify exactly where he sleeps'.<sup>534</sup>

ASSETAMORWA's security officer noted that the association was 'under police control'. In fact *motos* are sometimes effectively used as an extension of the policing system: if police hear of a crime they sometimes call on ASSETAMORWA who then help track down the culprit.<sup>535</sup> Due to the mobile nature of the job, both ASSETAMORWA and CoK were extremely concerned that criminal elements did not infiltrate the sector. Recruitment was extremely strict and requirements of at least one year's experience driving in an urban area were combined with careful vetting by the association. Moreover, alongside official security officers for each section and parking area, other inspectors were 'put among them so that they can be controlled'. These were drivers who act covertly as security and intelligence agents, recruited by the official security officers.<sup>536</sup>

As with many of the city's other associations, those in the *taxi-moto* industry fulfilled multiple functions after 2007: mobilising resources, instilling collective pride in the city and its development, shaping order out of an industry that had been characterised by 'chaos' and, relatedly, limiting the scope for conflict and crime in the city. The government turned a problematic industry to its advantage, incorporating *motos* into urban spatial development projects, surveillance mechanisms and ultimately the national unity agenda. *Taxi-moto* drivers were themselves aware of this, and fear of conflict impacted positively on their compliance; one noted that the regulation of the sector was about 'solidarity and

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<sup>534</sup> Interview with ASSETAMORWA security officer, 07.12.09.

<sup>535</sup> Ibid.

<sup>536</sup> Interview with District politician, 01.12.09.

security', adding that a high level of organisation was important to 'fight the thought' of war and conflict.<sup>537</sup>

## Conclusions

This chapter has explored why in Kampala basic improvements to urban public transport were 'way beyond the city authority'<sup>538</sup> while in Kigali the state was comparatively effective at implementing similar projects. Although Kigali's transport system did not meet everyone's needs in 2010, it averted the disorder and insecurity evident in Kampala, which was ultimately a higher priority for the RPF. By contrast, in Kampala both the *matatu* and *boda-boda* sectors were populated largely by 'untouchables', in the sense defined in Chapter Four. Consequently, for every 1000 members of the population there were 6.5 *matatus* and 26 *boda-bodas* in Kampala, compared with 0.7 and 3.9 respectively in Kigali.

At first sight, one problem with analysing these sectors in terms of state effectiveness is the degree of deliberate deregulation in Kampala; regulations that do not exist cannot be implemented effectively. This chapter has shown, however, that from 2000-2010 the state frequently produced policies and regulations to re-regulate the sector, but to no avail. Across both the *matatu* and *boda-boda* sectors interventions by politicians, particularly (though not exclusively) members of the NRM, consistently undermined the efforts of bureaucrats to implement state policies. In some cases there was a clear populist effort by Museveni to pit the NRM government (the 'liberators') *against* the state (the bureaucratic machinery that seeks to enforce regulations).

It is important to acknowledge that the Ugandan *government* was arguably very successful in its engagement with the sector in certain ways; for example, the promotion of the *boda-boda* industry as a means of urban employment and for filling a transport gap, not to mention the use of the sector as a source of support.

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<sup>537</sup> Informal conversation with *taxi-moto* driver, December 2009.

<sup>538</sup> Interview with local government official, 06.02.09.

Yet these developments had very little to do with the state being effective: they largely involved state withdrawal and later became linked to efforts to undermine the state. Kampala's RDC argued that revoking the *boda-boda* tax was justified because drivers were already being 'taxed' enough through their associations.<sup>539</sup> This typifies how the debilitation of the state was actively pursued by government actors seeking political capital through the rhetoric of empowering social forces. After the undisguised dictatorships of Amin and Obote, Museveni and the NRM skilfully styled themselves as a government stepping back from interfering with ordinary people, despite the fact that in reality government politicians were deeply implicated in manipulating and extracting resources from the informal economy.

Consequently, the infiltration of the transport sector in Kampala by security agents often oriented drivers against state organisations, while in Kigali such agents were used to the opposite effect: to underscore the credibility of government commitments to policing and state-enforced order. If the government in Uganda presented itself as the liberator from an interfering state, the Rwandan government constructed itself as the protector from potentially dangerous forces in society. In Rwanda the government's intervention incentives involved consolidating the state's bureaucratic coherence, minimising arbitrary intervention by politicians and emphasising the government's ability to ensure security, all of which were central to RPF legitimacy both domestically and abroad. Securitising urban transport thus underscored the credibility of the state as a protector of the Rwandan people, and enhanced rather than undermined governmental autonomy vis-à-vis this sector. By contrast, in Uganda governmental legitimacy was often bolstered through the arbitrary actions of politicians to undermine state regulatory reach in a sector to which they had been deeply linked from the start.

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<sup>539</sup> Interview with Alice Muwanguzi, 25.09.09.

## Chapter Seven

### Taxing the city: the political economy of decentralised revenue mobilisation

Because property, trade and transport are central to urban life, they are critical sources of local tax. A theme linking all the previous empirical chapters has been local state revenue: in Chapters Five and Six this was most explicit, yet the issues discussed in Chapter Four have implications for the potentially most lucrative of urban state revenues: property tax. In various ways these chapters have therefore illustrated how the challenge of raising urban taxes of any kind is deeply embedded in the political economy of urban development. This chapter further explores local taxation in Kampala and Kigali, which in both cases is an essential function of the city/district governments according to the decentralisation architecture discussed in Chapter Three. In so doing it expands on issues discussed in chapters Four to Six but also explores local revenue as a central domain of state effectiveness in its own right.

Under conditions of fiscal decentralisation, the ability to raise *local* taxes specifically is critical for states to be effective in guiding most aspects of the urban development process. However, problems of circularity impinge upon the analysis of local revenue mobilisation and state effectiveness. Ineffective local revenue collection can be seen as a consequence of broader state ineffectiveness but may also be a cause of it, because low revenues weaken local state capacity. Either way, taxation is clearly a potent *indicator* of state effectiveness. While acknowledging the circularity of the relationship, this chapter focuses primarily on what explains effective or ineffective taxation, rather than the impacts of the latter on state-building.<sup>540</sup>

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<sup>540</sup> In this respect it differs in emphasis from some of the recent literature on taxation and development (Bräutigam et al. 2008), which is more concerned with the impacts of taxation (or lack thereof) on state capacity.

In contrast with previous empirical chapters, the data presented here does not suggest a clear picture of effectiveness in Kigali relative to Kampala. Rather, the situation in both cities was marked by considerable ineffectiveness, something not fully anticipated prior to the field research itself. The nature and causes of this ineffectiveness differed substantially between the cases, however, and disaggregating the local taxation profile in each case substantially enriches the overall analysis. Understanding the differential character of the problem in each city helps both further to refine the concept of state effectiveness and build a more robust and compelling picture of why the cities are developing in such different ways.

The chapter begins with an overview of some key issues regarding taxation, fiscal decentralisation and the problems of *urban local taxation* in particular. The next section builds on the discussion of the decentralisation architecture in Chapter Three, presenting the institutional frameworks for decentralised taxation. This is followed by two empirical sections for each city. The first provides overviews of the main local taxes actually collected, accompanied by analysis of the relative successes and failures of implementation of key sources of revenue. The second focuses specifically on taxes relating to property, which are potentially the most lucrative but were highly problematic in both cities and offer particular insights into patterns of political bargaining among elites. The final section concludes with a comparative discussion.

## **7.1 Local tax in urban areas: concepts, issues and challenges**

### *The intimate relationship between taxation and state effectiveness*

The relevance of taxation for the study of the state was highlighted by Burke and von Stein in the 18<sup>th</sup> and 19<sup>th</sup> centuries, before Goldscheid and Schumpeter developed the field of 'fiscal sociology' in the early 20<sup>th</sup> Century (Levi 1988; Lieberman 2002; Moore 2004). As well as providing the state with essential resources, taxation is central to building the relationship between state and society.

Through tax, 'part of the individuals' economic income is withdrawn from them and becomes the community's economic income' (Von Stein [1885] 1964: 28). Thus, unlike most other sources of government revenue, taxes are not linked to the 'provision or promise of any *specific* good or service in return for payment' (Lieberman 2002: 91), contributing instead to building both citizenship and the state itself, as Tilly has illustrated with regard to European history (Tilly 1992; Tilly and Blockmans 1994). These insights have profound significance for the developing world, where many states are dependent on 'unearned income' in the form of aid and mineral rents, pre-empting the building of a 'fiscal social contract' and impeding the development of states (Moore 1998; 2004).

Taxation is therefore a core state function (Di John 2011), but in many developing countries is highly under-developed. Effective taxation is about much more than 'capacity' to tax, particularly when it comes to politically contentious direct taxes (Di John 2006; 2011). It is often argued that the primary problem of taxation is poor administration (Bird and Casanegra de Jantscher 1992; Kelly 2000a). This, however, begs important questions about why capacity remains weak and why taxation is much more ineffective in some low-capacity states than others (Di John 2006: 5). The former may be partially attributable to the fact that capacity is itself built *through* taxation (Bräutigam 2008), so where the state has other sources of income the incentive to build capacity is undermined (Moore 2008). The latter, however, indicates that capacity is not the only requirement. Levi's focus on the state's 'relative bargaining power' as it impacts on 'quasi-voluntary compliance' (Levi 1988: 13) indicates how much more there is to effective taxation. This 'bargaining power' is likely to depend heavily on factors identified in this study such as whether government policy commitments are credible, the sources of state legitimacy and the power relations stemming for example from colonial legacies (Mkandawire 2010).

### *The challenges of fiscal decentralisation and urban local taxation*

Decentralisation is often characterised as comprising three elements: administrative, political and fiscal, with the latter two often lagging behind (Dillinger 1994). The principles and rationale for fiscal decentralisation were established by Oates (1972) and enthusiastically adopted by both donors and many developing countries, despite criticism from some quarters (Prud'homme 1995; Tanzi 2001). Even exponents agree that not all taxes are suitable for local government. Taxes affecting the government's stabilisation functions, such as trade tariffs and VAT, should remain centralised as they are cyclical, and local governments require stable revenue inflows for core services (Smoke 2001; Fjeldstad 2001a; 2006). It is also argued that decentralising distributive taxes such as corporate income tax could result in the departure of the wealthy and influx of the poor into certain areas, exacerbating regional inequalities (Bahl 1999; Smoke 2001; Fjeldstad 2001a). A range of other taxes are, however, considered suitable for local administration; this includes distributive ones applied to *immobile* assets, minimising the above problem (Musgrave 2000; Smoke 2001; Bahl and Bird 2008: 9; Fjeldstad and Heggstad 2011). Land and property taxes are clear examples of this (Fjeldstad 2006: 2; Di John 2011: 14). Various other forms of tax including local business taxes are also thought appropriate (Bahl 1999; Fjeldstad 2006; Bahl and Bird 2008).

A further and relatively neglected question relates to which sorts of tax are most suitable for decentralising to urban vis-à-vis rural local authorities. Bahl (1999: 9-10) acknowledges the two require different systems, but highlights only the greater capability of urban governments to raise taxes, neglecting the vastly greater mandates for service delivery delegated to them. Awareness that despite their comparatively lucrative tax base city governments are often severely underfunded has, however, been growing (Devas 2003; Fjeldstad 2006). Many local authorities employ a *pot-pourri* of over-complicated revenue instruments to address this (Brosio 2000), often with perverse consequences (Smoke 2001: 23), but the most critical sources of urban revenue are usually property taxes, business licenses and 'user fees' (Fjeldstad 2006; Fjeldstad and Heggstad 2011). The latter are

insignificant as a major revenue source in most low-income countries, so are not considered here.

Urban property tax (PT) is 'one of the most underutilised forms of taxation in LDCs', as well as being among the most progressive (Di John 2011: 14-15). Yet while in developed countries PT accounts for up to 80% of local revenue and 3% of GDP, in Kenya it amounts to only 22% of local revenue and 0.3% of GDP (Kelly 2000b: 38). PT is underutilised partly because of resistance from residents dissatisfied with services (Smoke 2001: 23; Bahl and Bird 2008: 16), and its direct targeting of wealth also poses substantial political obstacles, as this chapter will demonstrate. It is also extremely challenging administratively, especially where informal construction, irregular street patterns and absent street names render cadastral systems unworkable (Fjeldstad 2006: 8). PT can also be inelastic despite increases in properties and property values, 'because old valuations are not updated and new properties not identified' (Brosio 2000: 22).

There are a wide range of possible approaches to the valuation of property (Bahl and Linn 1992; Kelly 2000b) which 'is an art, not a science', leaving 'much room for discretion' (Bahl and Bird 2008: 15), and is administratively intense (Kelly 2000b: 38). Yet valuation is only part of the PT problem. Kelly's (2000a; 2000b) model involves five key variables: i) the *tax base*, which involves decisions about what to tax (for example: land, property, or both); ii) the *tax rate*, which is the specified amount per value of the property to be paid; iii) the *coverage ratio*, which refers to the amount of taxable property actually captured in the fiscal cadastre; iv) the *valuation ratio*, which is the value of the properties as specified on valuation rolls relative to the actual market value; and v) the *collection ratio*, which is the tax revenue actually collected relative to the total tax liability billed for that year. Among these critical factors there is ample scope for ineffectiveness.

A second major source of local urban taxation is business licensing, which can either be based on fixed fees categorised in terms of business size, type and location or as a percentage of turnover. Both can be problematic for small businesses (Araujo-

Bonjean and Chambas 2003: 14-15; Fjeldstad 2006: 9). Licenses are generally disliked by economists for their distortionary effects and rent-seeking overtones, but embraced by governments for whom they are lucrative and politically useful (Bird 2003). Meanwhile, in cities where informal activity dwarfs the formal business sector, a range of fees imposed on vendors, hawkers and other actors can be equally significant, notwithstanding the obvious difficulties involved in taxing these groups (Araujo-Bonjean and Chambas 2003).

Local revenues are just one aspect of fiscal decentralisation. Most developing countries depend heavily on transfers (or grants)<sup>541</sup> both in rural and urban areas; in the former because the tax base is so low, and the latter because service delivery mandates are so enormous. Transfer systems vary considerably, though a simple distinction is often made between three types of grant: i) *unconditional* (general transfers aimed at addressing ‘vertical imbalances’, or the mismatching of funding and functions); ii) *conditional* (grants carrying specific conditions); and iii) *equalisation* (redistributive grants used to address ‘horizontal imbalances’ between different local authorities) (Smoke 2001: 25-6; Fjeldstad 2001a: 10). While not considered in detail here, transfer systems constitute important contextual information.

## **7.2 Institutional framework for fiscal decentralisation and urban local taxation**

### *Uganda*

Uganda’s 1995 Constitution laid the foundations for fiscal decentralisation, providing for **unconditional, conditional** and **equalisation grants** from Central Government (Articles 191-193). Unconditional grants were elaborated in the 1997 Local Government Act (LGA) according to a specified formula.<sup>542</sup> Conditional grants consisted of finance for development programmes mutually agreed between the Centre and local authorities. Equalisation grants were for inter-district redistribution (LGA Article 83). The LGA also specified key sources of local revenue

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<sup>541</sup> For a detailed study of systems of fiscal transfers, see Boadway & Shah (2007).

<sup>542</sup> These grants had both a wage and non-wage component. The former covered 65% of a District’s total wage bill, the rest being dependent on own revenues (Interview with Adam Babale, Local Government Finance Commission, 06.02.09).

including the two most important sources of District income: **Graduated Tax** and **Property Tax** (or 'rates'). Graduated Tax (GT) was a form of local personal income tax with colonial origins, paid annually on the basis of a formal assessment of income (LGA Articles 3-6). After decentralisation in 1997 it was levied by Districts on males aged eighteen and above and females in the same age group engaged in 'any gainful employment or business' (Article 2). Unemployed men were therefore subject to the tax (albeit at a low rate), encouraging them to seek minimal employment to enable payment.<sup>543</sup> GT was the most important source of income for all districts until its abolition in 2005 (the consequences of which will be discussed in Section 7.3).

A second major source of income was Property Tax (PT), particularly for Kampala. According to rules in the Local Governments (Rating) Act (2005), the 'rateable value' of a property was determined either by a) its imputed market value or b) 'mass valuation' techniques based on general features of the properties in a particular area (Articles 8-13). Procedures for appealing against the outcome of surveyors' valuations were provided (Articles 15-22), and exemptions were made for buildings such as places of worship, educational institutions and the official residences of traditional leaders (Second Schedule, Part I).

Among other revenue sources specified in the LGA was **income from the sale or lease of land** ('ground rent'). Much of Kampala was public land in 2010, so developers had to purchase leases before building on it, providing a significant source of local revenue.<sup>544</sup> Among the other **fees and licenses** specified in the LGA (Fifth Schedule, Article 13), most significant for Kampala were market fees (*empooza*), trading licenses and street parking fees.<sup>545</sup> *Empooza* were determined locally in accordance with the Markets Act, while trading licenses – for businesses ranging from street hawkers to wholesalers – were based on *location* (e.g. town, city or rural trading centre), *size* (square metres, estimated turnover and rent) and *type of business* (RoU 2007a: 46-50).

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<sup>543</sup> Interview with Adam Babale, 24.09.09.

<sup>544</sup> Interview with Richard Bamwira, Finance Officer, Kampala Central Division, 28.09.09.

<sup>545</sup> Interview with Richard Bamwira, 28.09.09.

In 2005-6, several central government interventions affecting this institutional framework severely impacted on local revenues (see Sections 7.3 and 7.4). In the wake of these changes two new District taxes were developed by the Local Governments (Amendment) Act (2008). The first was a **Local Service Tax** levied on monthly incomes after the deduction of national PAYE tax. Unlike GT, this was solely for people ‘in gainful employment’ with incomes above a certain threshold. It explicitly exempted petty vendors, boda-boda cyclists and several other categories that probably amounted to the majority of Kampala’s population.<sup>546</sup> The second new local tax brought into effect in July 2008 was the **Hotel Tax**, levied on hotels per occupied room and graded according to room rates charged by the hotel.<sup>547</sup>

In Kampala, the five city Divisions were responsible for collecting all these revenues. Divisions were supposed to remit 50% of their total collection to KCC and retain the rest (LGA, Article 85). Then 30% of the half remitted to KCC was redistributed *back* among the Divisions according to a complex formula, for equalisation (Fifth Schedule, Article 14). In addition to these taxes and fees collected by the Divisions, one further important source of local revenue existed in Kampala that went *directly* to the City Council: the **fees paid by UTODA** for use of the city’s taxi parks (see Chapter Six).<sup>548</sup>

### *Rwanda*

Formal taxation even at the national level was basic under Rwanda’s previous regimes. A 1964 law introduced corporate tax, income tax and a tax on turnover, all of which were collected centrally through a poorly organised system.<sup>549</sup> With the introduction of the Rwanda Revenue Authority (RRA) in 1997, national taxation became much more sophisticated (DFID 2010) and in 2001 VAT was introduced. The following year Law No. 17/2002 established basic principles for fiscal

<sup>546</sup> ‘Local Service Tax: Frequently Asked Questions’, Kampala City Council leaflet, 2008.

<sup>547</sup> ‘Local Hotel Tax’, Kampala City Council leaflet, 2008. The power of the new Kampala Capital City Authority to levy all the usual taxes collected by districts as well as these two new taxes was codified in the Kampala Capital City Act (2010), Articles 50-53.

<sup>548</sup> Interview with Musujja Bakka, Director of Finance, KCC, 22.09.09.

<sup>549</sup> Interview with Celestin Bumbakare, Commissioner for Domestic Taxes, RRA, 06.12.11.

decentralisation. Three main types of central-local transfer were introduced. The first was a **block grant**, calculated according to a formula set out in the 2002 law and amended in 2005 and 2009 (RoR n.d.). Second were **earmarked transfers** for spending in particular sectors, tied to relevant national ministries (RoR 2006: 12). Third were transfers for development activities granted through the **Common Development Fund** (CDF). This fund provided capital financing for Districts' proposed projects in line with specific criteria, posing challenges for institutionally weaker districts (RoR 2005: 40).

Alongside transfers, the 2002 law decentralised three taxes previously collected by the Central Government: property tax, trading licence tax and rental income tax (Law No. 17/2002, Article 3). These thereafter formed, in theory, the bedrock of local revenue for Districts. All property owners with a freehold title were due to pay **property tax**, barring the usual exemptions for public/religious buildings (Article 14). Properties were valued for taxation based on the structures in place (in terms of square metres, materials, number of stories etc.) rather than market or mass valuation techniques (Articles 12-16). **Trading licenses** were instituted as annual flat payments varying only in relation to business 'type', using a few broad categorisations (e.g. 'vendors without shops'; 'industries'; 'banking, insurance and the like'), and whether the businesses were rural, urban or in Kigali specifically (Articles 47-50). In the event of non-payment for one year, the license fee was supposed to increase by 40% for the next year and increase in monthly increments thereafter if non-payment persisted.<sup>550</sup>

In marked contrast to the above two taxes, the decision to decentralise **rental income tax** was highly unusual – even 'unique' – as well as being controversial.<sup>551</sup> The decision to decentralise this tax was taken because the RRA, in the first years of its existence, proved ineffective at taxing rent. The rationale was that 'local government knows more about how much people are renting for' and would

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<sup>550</sup> Interview with government decentralisation official, 04.02.10.

<sup>551</sup> Interview with taxation adviser B, 01.12.09.

therefore be more effective.<sup>552</sup> The 2002 law states that the tax was to be determined each year based on net rental profits from the previous year, and was levied on 70% of gross rental income (after allowing 30% for maintenance) (Articles 57-60).

In addition to these taxes, various **fees** were assigned to districts, for ‘services rendered to the population by the Council’ (Article 67). They included fees for: street cleaning; procedures such as applying for building permits, licensing vehicles and transferring property; fines; and market dues.<sup>553</sup> Initially districts could set their own fees, resulting in ‘wildly different’ levels between districts, but this was rectified by Presidential Orders No. 02/01 and 59/01 in 2008 and 2009. Ministerial instructions No 05/07 provided for the privatisation of revenue collection, including in marketplaces.<sup>554</sup> A final important category of local revenue for Kigali was **income from sales of district land**.<sup>555</sup>

Local tax collection was exclusively the responsibility of the three Districts, but 30% of their revenue was passed up to CoK and 25% down to the sectors within that District (Law No. 10/2006, Article 241). As of 2009, some revenue collection functions were delegated to the Sector on behalf of the District, but Sectors had no financial autonomy, merely passing funds up to the Districts.<sup>556</sup> The plan for the third phase of decentralisation from 2010-2015 was to further decentralise many fiscal functions fully to the sector level (RoR 2001: 39). However, in late 2009 officials acknowledged that this was still ‘a long way off’.<sup>557</sup>

Given the focus and constraints of this study, it is neither necessary nor possible to provide detailed accounts of the national taxation system in either country. Yet it is worth noting that both developed semi-autonomous revenue authorities with

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<sup>552</sup> Interview with George Byamukama, Head of Decentralisation Support Unit, RRA, 23.11.09.

<sup>553</sup> Interview with George Byamukama, 23.11.09.

<sup>554</sup> Interview with District politician, 01.12.09.

<sup>555</sup> Interview with Mahmoud Ntirenganya, Monitoring and Evaluation, CoK, 04.12.09.

<sup>556</sup> Interview with government decentralisation official, 04.02.10.

<sup>557</sup> Interview with Richard Mushabe, Decentralised finance official. 24.11.09; Interview with George Byamukama, 23.11.09.

extensive donor support (Therkildsen 2004; Fjeldstad and Moore 2009; DFID 2010; Di John 2010). Notwithstanding low tax/GDP ratios of around 12% in Uganda and 13.5% in Rwanda,<sup>558</sup> these authorities were reasonably effective at capturing certain taxes, particularly among large taxpayers. The Large Taxpayers Offices (LTOs) collected the majority of tax, and the number of such taxpayers was very few. In Rwanda for example, 60% of tax was collected by the LTO, which consisted of approximately 350 taxpayers out of a total of around 40,500 taxpayers.<sup>559</sup> Levels of compliance were much lower among medium and especially small taxpayers (DFID 2010: 26), though RRA revenues from these were increasing through the formalisation drive (ActionAid 2011: 18). Moreover, the vast majority (around 310) of large taxpayers were based in Kigali, where 80-90% of Rwanda's total tax revenue was collected.<sup>560</sup> A similar, if less extreme, situation held in Uganda (Di John 2010). It is therefore important to regard the local taxation situation against a backdrop of reasonably effective national taxation of a small number of urban elites (especially in Rwanda), some of which came back to the city in the form of transfers. This dependence on elites for national taxes may be one reason why they often managed to evade local ones, as will be explored below.

### **7.3 Kampala's lost local revenues and the struggle to plug the gap**

The story of local revenue collection in Kampala in the 2000s is a dismal one. Table 7.1 and Figure 7.1 illustrate the relatively slow growth of local revenue<sup>561</sup> in the decade after decentralisation began and the extent to which government transfers increased to address this. While KCC unsurprisingly raised much more of its own revenue than most districts, local taxation came nowhere close to achieving its potential, and its overall share relative to central government transfers declined significantly over the decade. This section attempts to explain this poor record.

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<sup>558</sup> <http://www.economywatch.com/>, accessed 20.01.12.

<sup>559</sup> Interview with Celestin Bumbakare, 06.12.11.

<sup>560</sup> Ibid.

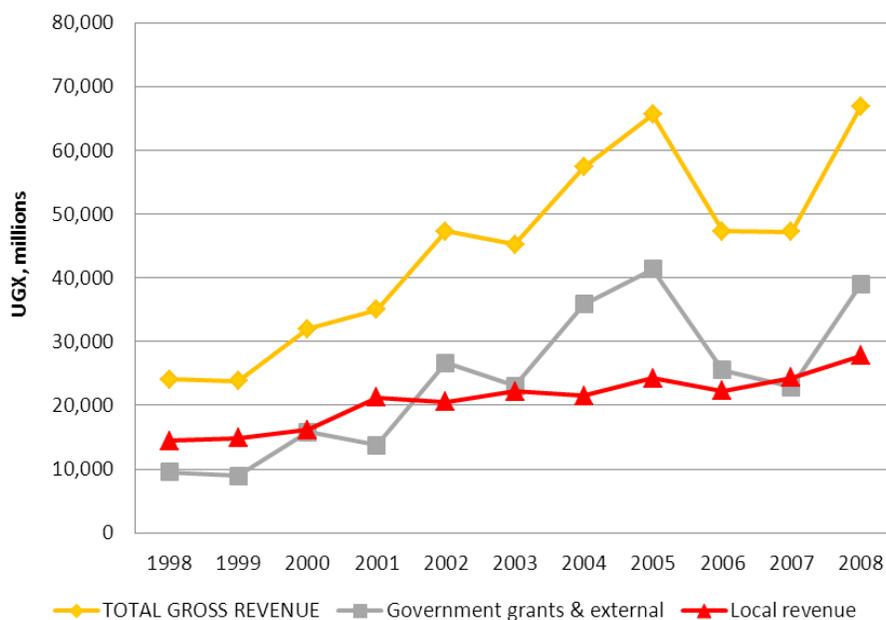
<sup>561</sup> The term 'local revenues' is to refer to Districts' *locally-raised* revenues or 'own revenues', not counting government transfers or external funds (e.g. from donors). When transfers and other funds are included, the term 'total gross revenue' is used.

**Table 7.1: Kampala District Revenues, 1998-2008 (millions of UGX)**

Financial year ending	TOTAL GROSS REVENUE	Central transfers & external funds	Local revenue	Local revenue as % of total
1998	24,064	9,585	14,479	60%
1999	23,848	8,941	14,906	63%
2000	31,992	15,823	16,168	51%
2001	35,011	13,747	21,264	61%
2002	47,264	26,679	20,585	44%
2003	45,274	23,074	22,200	49%
2004	57,391	35,853	21,538	38%
2005	65,579	41,364	24,275	37%
2006	47,282	25,574	22,251	47%
2007	47,212	22,911	24,302	51%
2008	66,835	38,996	27,808	42%

Source: KCC (2007; 2009) (KCC 2007; 2009)

**Figure 7.1: Kampala District Revenues, 1998-2008 (millions of UGX)**

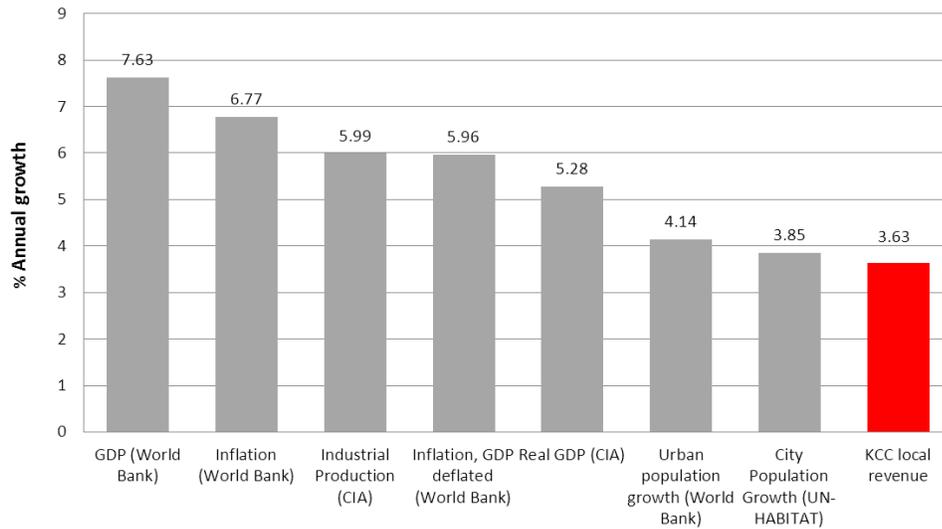


Source: compiled from time series data in KCC (2007; 2009)

Local revenues did not remain completely stagnant in the period under consideration, as Figure 7.1 illustrates. That would have been highly improbable under the circumstances: Kampala's economy and population were booming.

However, while reliable data disaggregated to the city level are hard to come by, the national-level indicators in Figure 7.2 illustrate the failure of KCC’s local revenues to keep pace with a range of other indicators. In the 2001-2009 period, local revenue growth was less than *half* of GDP growth and only just over half the rate of inflation.

**Figure 7.2: Average annual growth rates various indicators, Uganda 2001-2009<sup>562</sup>**



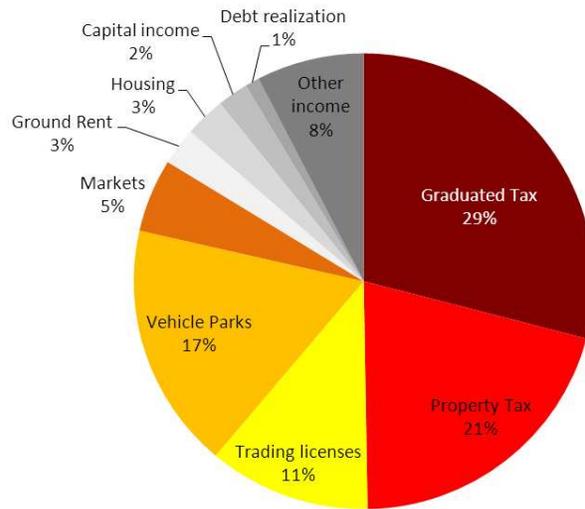
Estimates of local revenue performance relative to potential in the city ranged from 30%<sup>563</sup> to a more optimistic 75%.<sup>564</sup> In certain periods performance was particularly dire: from 2000/1 to 2005/6, predicted local revenue growth was 10% per year while actual annual increase averaged 0.78% annually (not even accounting for inflation) (KCC 2007: 13). KCC’s budget had to be revised dramatically downwards most years due to the constant underperformance of local revenue instruments (KCC 2007; 2009). To really account for this poor performance over the decade 2000-2010 we need to disaggregate different forms of taxation and explore the relative performance of each.

<sup>562</sup> Data compiled from World Bank DataBank, CIA Factbook, UN-HABITAT *UrbanInfo* Database, and KCC (2009a).

<sup>563</sup> Interview with Adolf Mwesigye, Minister of Local Government, 27.01.12.

<sup>564</sup> Interview with Musjja Bakka, 22.09.09.

**Figure 7.3: Kampala District local revenues in 1999**



*Source: compiled from data in KCC (2007)*

As explained above, fiscal decentralisation in Uganda was to a large extent built around the Graduated Tax (GT). As Figure 7.3 illustrates, in 1999 GT was the largest source of local revenue even in Kampala (29%), which unlike most districts had considerable potential for raising other taxes. Probably the most important occurrence over the first decade of the twenty-first century was the abolition of GT in 2005, in the run-up to the 2006 presidential election. Pressure to abolish it intensified after Dr. Kizza Besigye, a former close ally of Museveni's from the civil war period who turned against him in 1999 and became his principal opponent,<sup>565</sup> campaigned against GT in the 2001 elections (Ssewakiryanga 2005; Kjær 2010: 5). Controversy over the tax became so pronounced that the Local Government Finance Commission issued a report advising against its abolition, warning of the serious consequences if such a decision was taken (RoU 2001). Museveni initially responded by lowering the minimum baseline for the tax from UGX 5,000 to 3,000, which led some district administrations to simply implement a flat rate poll tax of UGX 3,000 for everyone, regardless of income (Kjær 2010: 5). This led GT into

<sup>565</sup> For a discussion of Besigye's decision to campaign against Museveni and his subsequent experiences as opposition leader, see Kobusingye (2010).

decline: while in 1997 it amounted to UGX 80bn annually countrywide, it was around half this amount by 2005.<sup>566</sup>

Towards the end of 2004, donors aired their own concerns about rumours of GT's abolition, fearing serious consequences for local accountability and capacity given the lack of viable alternative taxes.<sup>567</sup> However, with the shift to multipartyism in 2005, its fate was sealed. The uncertain new political terrain induced Museveni to make various populist interventions overturning unpopular policies and laws, as previous chapters have demonstrated, and GT was an obvious target. The government initiated a system of GT compensation to allow for a period of introducing the new taxes outlined above. Compensation was included as part of central government transfers, but was significantly less than GT takings and declined steeply each year in order to phase it out over three years.<sup>568</sup> Even in the first year (2004-5), GT compensation for KCC was under a tenth of what it had previously received through GT (Lambright 2012: 16).

In Kampala, the loss of GT was partly mitigated by increases in property tax and ground rent (see Figure 7.4a). Property tax will be addressed in the following section. Removing property-related taxes from the equation it becomes apparent that the other main sources of local revenue performed very erratically over the decade, contributing to dips in total revenue in 2004 and 2006 (see Table 7.1), with some individual sources experiencing periods of substantial decline (see Table 7.2 and Figure 7.4b). The trajectory of each of the three major sources of revenue depicted in Figure 7.4b (barring GT) will now be briefly analysed.

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<sup>566</sup> Interview with Adam Babale, 24.09.09.

<sup>567</sup> 'Do not scrap graduated tax, donors tell government', *Daily Monitor*, 16.11.04.

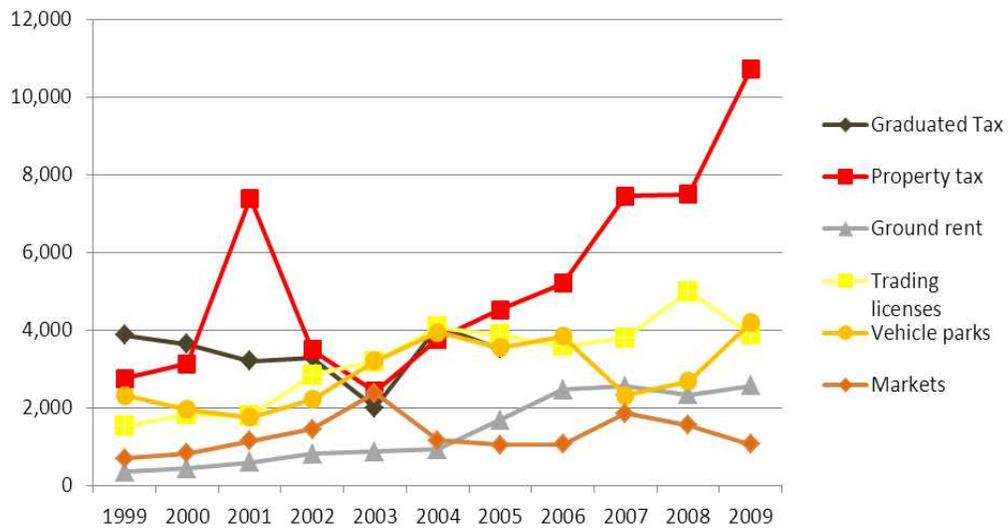
<sup>568</sup> Interview with Adam Babale, 06.02.09.

**Table 7.2: Main sources of local revenue in Kampala, 1999-2009 (millions of UGX)<sup>569</sup>**

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
<b>Graduated Tax</b>	3,862	3,636	3,199	3,293	2,001	4,091	3,520				
<b>Property tax</b>	2,752	3,137	7,389	3,499	2,427	3,769	4,521	5,201	7,445	7,490	10,711
<b>Ground rent</b>	353	442	598	814	864	931	1,683	2,465	2,557	2,329	2,560
<b>Trading licenses</b>	1,516	1,821	1,782	2,841	3,189	4,066	3,862	3,572	3,798	4,980	3,876
<b>Vehicle parks</b>	2,319	1,955	1,749	2,211	3,196	3,948	3,549	3,834	2,313	2,685	4,187
<b>Markets</b>	691	829	1,149	1,456	2,379	1,163	1,049	1,064	1,849	1,552	1,065

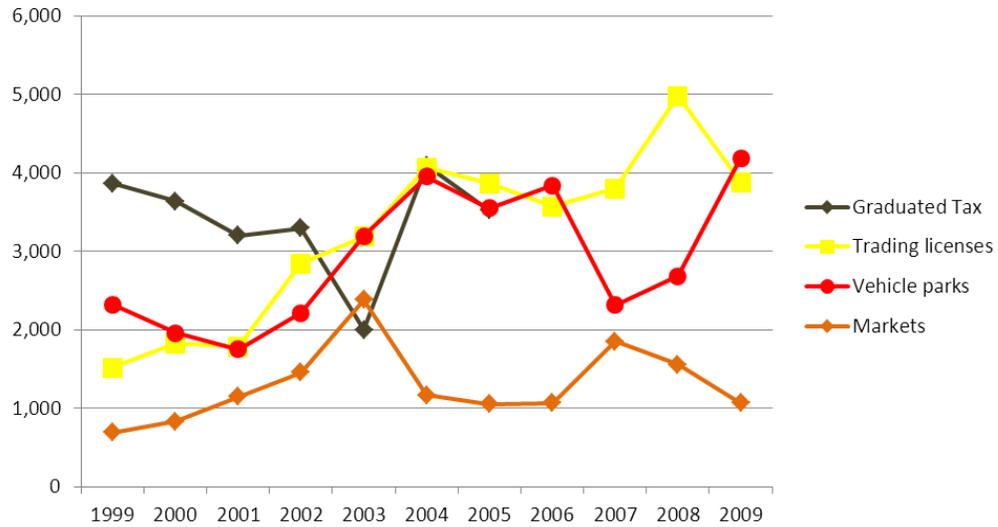
Source: KCC (2007; 2009).

**Figure 7.4a: Main sources of local revenue in Kampala, 1999-2009**



<sup>569</sup> The 2001 spike in property rates was due to the government's repayment of arrears on government buildings, having not paid for four years (interview with Samuel Ali, KCC finance official, 15.12.11).

**Figure 7.4b: Main sources of local revenue (minus property-related taxes), 1999-2009**



Source: data compiled from KCC District Annual Budgets KCC (2007; 2009)

Fluctuating performance with regard to market fees and vehicle parks is no surprise given the discussion in Chapters Five and Six. The vast majority (around 80% for most years) of revenues described as being for ‘vehicle parks’ are the fees from UTODA (KCC 2007). The hiatus in the UTODA’s fee payments is clearly reflected in the 2007-2008 dip. Even the overall increase (approximately a doubling) in the amount collected annually from vehicle parks between 2000 and 2009 is unimpressive given that the number of *matatus* more than doubled in that period and average inflation was 6-7%. The poor performance of this revenue instrument was clearly not because of failure to collect fees from drivers – as Chapter Six demonstrated, there was ample evidence that UTODA was very rigorous in collecting these. The problem was less to do with lack of capacity to collect revenue than UTODA’s withholding of it: political and economic interests were bound together through a monopolistic organisation with an enormous amount of leverage, against which bureaucracy was unable to exert much control regardless of its technical capacities.

It was not only UTODA that refused to hand over fees to KCC; a similar problem occurred with respect to markets. The performance of market dues as a local revenue instrument was even worse: quite astonishingly given the growth of market trading in the city over the decade, less revenue was collected from markets in 2009 than 2001, and periods of significant market revenue growth were the exception rather than the rule. The reasons for this are multifarious. First, while market dues were on an upward trajectory in the early 2000s, Museveni – seeking to recapture some urban support between the 2001 and 2006 elections – intervened to abolish daily *empooza* payable on entry to the market (linked to the value of particular produce being sold). These were replaced with a ‘flatter’ monthly fee, a change that resulted in a substantial drop in revenues from marketplaces even as they continued to expand.<sup>570</sup>

Moreover, the struggles over market ownership and management discussed in Chapter Five led to situations in which many markets generated no tax at all for long periods of time. In September 2009, Central Division had collected no revenue whatsoever from Nakasero Market for almost a year, despite a formal arrangement to collect UGX 24m annually from the market.<sup>571</sup> Mayor Ssebagala had informally rendered this arrangement effectively null, publicly stating that Central Division was ‘harrasing the vendors’. Similar situations resulted in lost revenue from other markets (including Owino and Kisekka) in 2007 and 2008, though the individual intervening in vendors’ favour varied between Ssebagala, Museveni and Central Division Chairman Godfrey Nyakaana. These interventions were generally arbitrary, often coming in the form of casual announcements while campaigning.<sup>572</sup> Moreover, sometimes the private companies contracted in to collect the dues on behalf of KCC after 2006 would begin defaulting but KCC found it hard to terminate their contracts because of their claims to have ‘developed’ the marketplaces.<sup>573</sup>

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<sup>570</sup> Interview with Richard Bamwira, 28.09.09.

<sup>571</sup> Interview with Richard Bamwira, 28.09.09.

<sup>572</sup> Interview with Richard Bamwira, 28.09.09.

<sup>573</sup> Interview with Isa Gumonye, 08.10.09.

Trading licenses for urban businesses, another key revenue stream, performed better but nevertheless quite poorly; around 80% of the expected amount was collected in 2007-8, falling to around 60% in 2008-9 (KCC 2007; 2009). Even this conceals the low levels of collection in certain Divisions: for example Rubaga Division collected only a quarter of the amount expected in 2008-9 (KCC 2009). Moreover, by 2009 the fixed fees payable by different types of business (e.g. UGX 60,000-100,000 for wholesalers, UGX 20,000-35,000 for retailers) had not been revised for 14 years.<sup>574</sup> In April of that year KCC revised license fees in line with inflation and economic growth. New fees ranging from UGX 200,000 to UGX 950,000<sup>575</sup> were agreed by a range of stakeholders including Ssebagala and the Ministry of Trade and Industry, and were codified in a formal legal amendment.<sup>576</sup> However, a U-turn by Ssebagala, who subsequently denounced the new rates, made implementation virtually impossible. By the end of the year bureaucrats were adopting a 'voluntary approach' to license fees, not enforcing the official new rates for fear of 'massive demonstrations'.<sup>577</sup>

From 2008-9 the two new taxes intended to replace GT – the Local Service Tax (LST) and Hotel Tax – came into being. Unsurprisingly, they underperformed: LST collected 65% of its expected amount; Hotel Tax performed better at 90%, but was a miniscule revenue stream even in Kampala, amounting to around 1% of local revenue. As Figure 7.5 illustrates, together they accounted for just 6% of KCC's local revenue, far from the 29% comprised by GT in 1999. Even the *absolute* sum they generated in 2008-9 amounted to around half of GT's contributions ten years earlier. The aim was to generate UGX 60bn annually countrywide through LST to match previous GT revenues, but in 2008-9 it took just UGX 5bn.

Meanwhile, Division financial officers sought to increase revenue through innovations and improvements relating to minor revenue instruments such as

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<sup>574</sup> Interview with Richard Bamwira, 28.09.09.

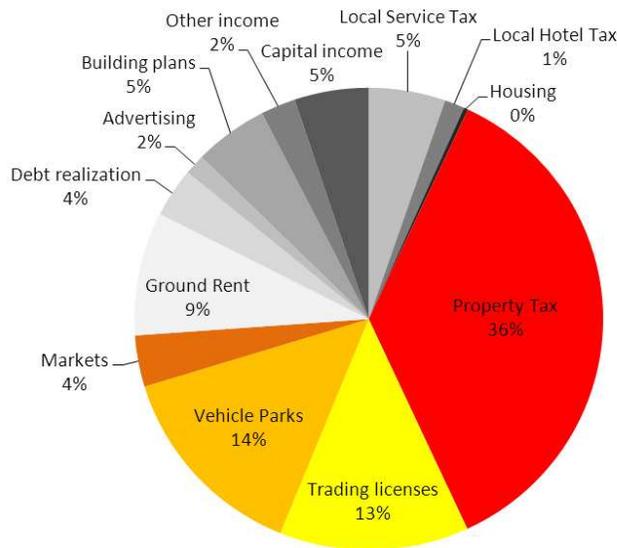
<sup>575</sup> 'Traders must pay new tax, Otafiire insists', *The New Vision*, 21.05.09.

<sup>576</sup> Interview with Musujja Bakka, 22.09.09.

<sup>577</sup> Interview with Richard Bamwira, 28.09.09.

advertising and fees for administrative services.<sup>578</sup> Some efforts fared better than others, but none were substantial. The ill-fated *boda-boda* tax (see Chapter Six) made a brief appearance in revenue accounts for 2006-7 and (misguidedly) in the projected budget for 2007-8, before vanishing. In 2007, KCC withheld UGX 4bn (around \$2m) from Central Division due to a quarrel with its Chairman, leading the Division to then withhold the 50% of its revenues it was supposed to pass up to KCC. Nakawa Division also failed to remit its 50% to KCC that year.<sup>579</sup> Inevitably, such disputes (which apparently were not at all uncommon) sent expenditure plans into disarray.<sup>580</sup>

**Figure 7.5: Kampala District local revenues in 2009**



Source: compiled from data in KCC (2009)

#### 7.4 Property tax in Kampala: immense potential undermined

In one sense the changing composition of local revenues over the decade could be interpreted as rather progressive, given the increasing share taken by property tax

<sup>578</sup> Interview with Richard Bamwira, 28.09.09.

<sup>579</sup> 'Inquiry into KCC reveals disorder, abuse of law', *The New Vision*, 08.11.07; interview with Godfrey Nyakaana, Central Division Chairman, 28.09.09.

<sup>580</sup> Interview with Isa Gumonye, 08.10.09; Interview with Tony Kyeemba, Kawempe Division Economist, 15.01.10. Stelman (2012) also documents battles over disbursement of funds between KCC and Nakawa and Makindye Divisions.

(PT) in place of the less progressive GT. However, while PT did increase rapidly in the last few years of the decade, a closer examination reveals that the amount collected after 2005 would have been *much* higher if not for certain political interventions. Realising that property values on the official valuation rolls were very out of date (mostly dating from 1992),<sup>581</sup> in 2004-5 the government committed to a major revaluation exercise in line with the 2005 Local Governments (Rating) Act. The Act provided for valuation by certified private surveying firms (Article 8), of which there were around 20 in Uganda by 2010.<sup>582</sup> Updated values were to be posted publicly for a 30-day period during which owners were entitled to object and take their claim to a valuation court, which would settle a final figure (Articles 14-24). The tax rate itself was fixed at 6% of the rateable value (which was 78% of the gross annual imputed rental value, allowing for a 22% deduction for maintenance costs).<sup>583</sup>

The 2005 revaluation process accounts for the fairly steep rise in property tax revenues in the second half of the decade. However, something took place soon afterwards to dramatically hamper the potential of the newly reinvigorated PT regime. In 2005, heated debates were taking place about PT as well as GT.<sup>584</sup> On the one hand, PT was accused of impeding poverty reduction, but on the other, the revaluation also saw huge increases in the value of large properties, enervating elites. With an election looming, Museveni decided to 'suspend' the payment of PT by owner-occupiers, so that only those renting out properties had to pay.<sup>585</sup> After the election, this exemption was retained and codified in Law through the Local Governments (Rating) Amendment Act (2006).

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<sup>581</sup> Interview with Henry Kizito, Economist, Central Division, 15.10.09. Given that land rent paid by businesses in the CBD had increased from an average of UGX 200,000 per month to UGX 3,000,000 between 2000 and 2009 (interview with Richard Bamwira, 28.09.09), the average scale of likely increases in property values between 1992 and 2005 is likely to be as great or greater. Indeed increases in PT as a result of the revaluation in some cases were extraordinary: for example the Sheraton Hotel went from paying UGX 3m annually to UGX 177m (interview with Henry Kizito, 15.10.09). To partially compensate for these huge increases, the tax rate itself was reduced from 10-12% to 6% in 2005 (Interview with judge, 27.01.10).

<sup>582</sup> Interview with property valuer A, 11.01.10.

<sup>583</sup> Interview with property valuer B, 14.01.10.

<sup>584</sup> Interview with judge, 27.01.10.

<sup>585</sup> Ibid.

The exemption of certain clearly-defined categories of owner-occupiers is not in itself particularly unusual or problematic. The problem in Kampala was the categorical exemption of *all* people living in their houses and the sudden nature of the decision, with barely any research or preparation.<sup>586</sup> The amendment was accompanied by pervasive failure to identify real owner-occupiers. A respondent with detailed knowledge of this issue pointed out that many people renting out houses in Kampala claimed to be living in them, on the grounds that it was the 'house of their mistress' where they frequently slept. Others were renting out their garage or parts of their house while claiming owner-occupier status.<sup>587</sup> Not only did the exemption massively decrease the tax base, but it exacerbated the problem of default.<sup>588</sup> In 2006-7, the gross arrears in terms of unpaid PT were around five times the amount actually collected in that year (KCC 2007: 15).

Most local officials agreed that the exemption was a disaster for local taxation. The PT base was more than halved: of the 110,000 properties listed on KCC's database, only 45,000 were billed after 2006.<sup>589</sup> It also arguably made the system more regressive: one official pointed out that poorer people renting out properties for commercial ventures effectively paid to maintain the infrastructure for the rich sitting in huge houses in Kololo, Kampala's wealthiest neighbourhood.<sup>590</sup> The impact on the poor was, however, ambiguous; in some low-income areas the majority of residents were owner-occupiers, so the exemption raised serious questions about how to fund development and infrastructure maintenance in those areas given that waste collection, roads, street lighting and sanitation were supposed to be funded by PT.<sup>591</sup> The owner-occupier rule was a particularly serious blow to Kawempe Division, the worst tax performer of all Kampala's Divisions (KCC 2007; 2009) where infrastructure and services were so poor that people had long resisted paying the tax anyway as they received so little in return.<sup>592</sup>

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<sup>586</sup> *Ibid.*

<sup>587</sup> *Ibid.*

<sup>588</sup> Interview with Henry Kizito, 15.10.09.

<sup>589</sup> Interview with local finance official A, 13.01.10.

<sup>590</sup> Interview with local finance official B, 05.01.10; Interview with local finance official A, 22.01.10.

<sup>591</sup> Interview with judge, 27.01.10.

<sup>592</sup> Interview with Grace Binaisa, 15.10.09.

Without the owner-occupier exemption, property tax would have raised an estimated UGX 20bn annually, as compared with the 5-10 billion actually collected.<sup>593</sup> Meanwhile, however, other factors also impeded PT performance, including the likely undervaluation of some of the city’s most valuable properties. There is evidence that elites were able to significantly ‘correct’ the values of their properties on the official rolls produced in 2005. These rolls revealed that many properties ended up with values far lower than those listed after the official revaluation exercise – in some cases *less than a quarter* of the listed value (See Table 7.3). This meant they were paying less than a quarter of the amount of PT that would have been payable under the original valuation.

**Table 7.3: Properties in Kampala CBD with wide disparity between original and ‘corrected’ valuation on official rolls**

Address	Owner (firm/ individual)	Original value, UGX, millions	Amended value UGX, millions
12 Luwum St	Hassan Basajjabalaba	1,018	570
5 George St	Amamu Ltd	984	492
Imperial Estates	Karim Hirji	926	426
17 Market St	Hassan Basajjabalaba	884	570
160 Market St	Hassan Basajjabalaba	884	510
Grand Imperial Hotel	Karim Hirji	850	490
38 Kampala Rd	Meera Investments	780	264
Kampala Road	Meera Investments	780	264
30 Kampala Rd	Karim Hirji	771	355
7/9 Buganda Rd	Executive Investments	677	375
17/19 Luwum St	Meera Investments	542	241
9 Market St	Meera Investments	482	136
Market Street	Meera Investments	482	136
1 Parliament Ave	Meera Investments	464	100
Farmer’s House	Meera Investments	464	100
Ben Kiwanuka St	Tom Kitandwe	407	188
Speke Hotel	Sudhir Ruparelia	379	157

Many of these properties were owned by Uganda’s best known magnates including Sudhir Ruparelia (a super-rich Asian businessman), Karim Harji (an Asian Hotelier)

<sup>593</sup> Interview with local finance official A, 13.01.10.

and Hassan Basajjabalaba (see Chapter Five) – all of whom were thought to be closely associated with and/or funders of the NRM. Most strikingly, 90% of the properties owned by Ruparelia in the CBD (usually under the banner of his company, Meera Investments) had their values reduced. It was unclear whether there was legitimate cause for appeal and what procedures were undertaken. The new values were simply hand-written onto the rolls and while the actions of the valuation courts are supposed to be documented, records for the Nakasero area (where all the properties listed above were located) were missing at the time of research, with an official stating that ‘no-one knows where they are’. He did, however, note that for very wealthy property owners ‘sometimes there is a bias’ reflected in the valuation rolls.<sup>594</sup> When asked about whether this kind of revaluation was normal, one private property valuer replied ‘it’s not professional, put it that way [...] I would be very interested to know why such dramatic property devaluations took place’.<sup>595</sup> Other sources suggested that KCC should really have appealed given the scale of these reductions.<sup>596</sup>

Compounding all the above problems was the weak system of penalties for non-payment, facilitated by vagueness within the law and capitalised on by politicians cultivating urban support. One official noted that ‘if people refuse to pay property tax we don’t take any serious action. In every law they put clear penalties, but not this one!’.<sup>597</sup> To conclude, lack of capacity was only one among many constraints on PT, and probably not the most important. The valuation profession was fairly well-developed, the number of registered properties high and the cadastres relatively up-to-date. This is not to say there were no capacity problems; simply that in the case of Kampala the common assertion that ‘administration is the crucial problem of property taxation’ (Brosio 2000: 22) misses some of the most fundamental dynamics underpinning poor revenue performance.

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<sup>594</sup> Interview with local finance official C, 25.01.10.

<sup>595</sup> Interview with property valuer A, 11.01.10.

<sup>596</sup> Interview with judge, 27.01.10.

<sup>597</sup> Interview with local finance official A, 22.01.10. There is a clear contrast here with neighbouring Tanzania, where if you do not pay your property tax the government approaches your employer to deduct it from your salary (interview with judge, 27.01.10).

## 7.5 Kigali's rising revenues: more fees, less tax?

All local revenue collection in Kigali was undertaken by the city's three Districts. Although some of this was transferred to CoK in accordance with the formula laid out above, most revenue information was kept at the District level; consequently city-wide data on revenues was not readily available as it was in Kampala.<sup>598</sup> This section therefore concentrates instead on information available from the Districts – Nyarugenge (encompassing the CBD and thus broadly comparable to Kampala's Central Division), Gasabo (containing both high-end residential areas and low-income neighbourhoods) and Kicukiro (containing a range of middle-class and low-income neighbourhoods). There are some problems comparing information between these due to the fact that they had not all fully converted to new reporting systems evolving at the time of research and were sometimes using the system in different ways. As such the weak capacity in terms of aggregating and analysing revenue data at the local level was palpable.

A related challenge in making comparisons with Kampala is the fact that decentralisation in Rwanda did not begin until 2002 and changed substantially in 2006 (indeed before 2006 the three Districts in question did not exist). Consequently, internally consistent time series data like that in Kampala was not available. In addition, the shift to new information systems and reporting methods from around 2007 made data before that difficult to come by. The fact that the local revenue systems were very new, in flux and lacking in capacity was very evident, notwithstanding the impressive achievements of the RRA nationally (DFID 2010). Despite these constraints, however, sufficient information was available on local revenues from 2006/7 onwards to allow for a detailed picture of local taxation towards the end of the decade and facilitate comparative insights.

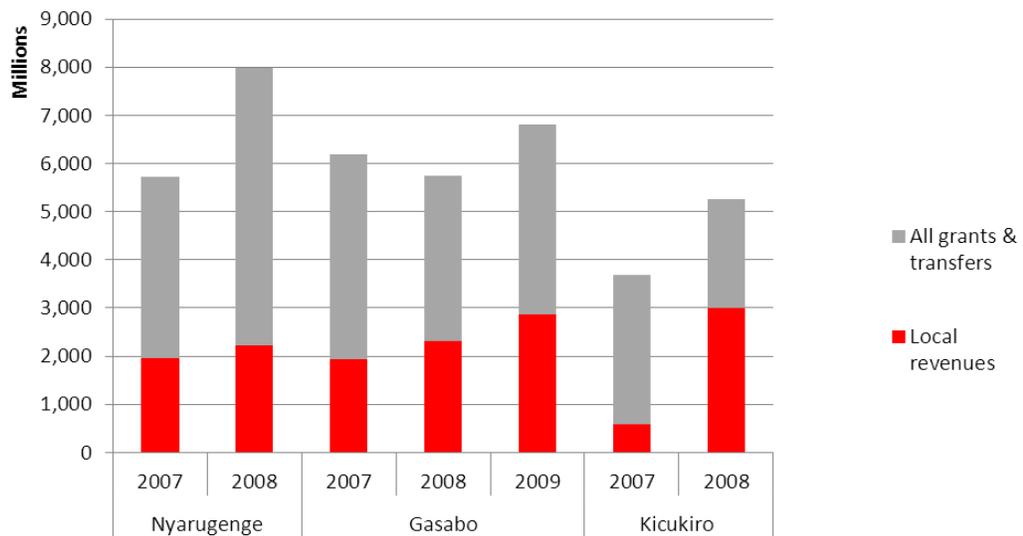
As in Kampala, Kigali's districts remained dependent on transfers from central government, which generally made up more than half of their gross revenue (see

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<sup>598</sup> A trip in 2011 revealed that this was due to change, with a centralised CoK revenue office in the pipeline.

Figures 7.6 and 7.7). Local revenues were evidently growing fairly consistently in the city, but unlike in Kampala were also becoming larger as a *proportion* of total district budgets (see Figure 7.7a and 7.7b). The absolute amounts of revenue collected were actually very similar to those in Kampala: total local revenues in Kigali in 2008 amounted to RWF 7.5bn, around \$14m, or approximately \$14 per capita, while in Kampala the local revenue for 2008 amounted to \$16.4m, or \$11 per capita.<sup>599</sup> However, the per capita figures do suggest marginally better performance in Kigali, where local revenues in aggregate were also performing relatively well against the targets specified in district budgets, generally achieving around 85% (MINALOC 2009).<sup>600</sup> The conclusion at first glance is thus that there was not a huge difference in effectiveness with regard to local tax collection between the two cities, but it in Kigali it was somewhat higher and (unlike in Kampala) appeared to be moving in the right direction.

**Figure 7.6: Local revenues and central transfers, Kigali Districts (RWF)**



*Source: compiled from data collected from District finance offices*

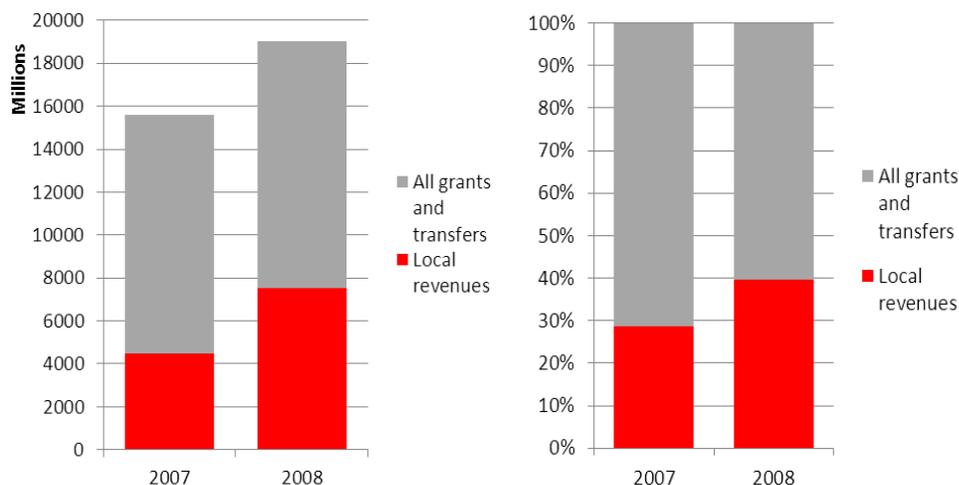
<sup>599</sup> These figures are approximations calculated using historical exchange rates of around RWF 535 and UGX 1700 to the dollar in 2008 ([www.gocurrency.com](http://www.gocurrency.com); accessed 09.02.12), and estimated night-time population figures (see footnote 38).

<sup>600</sup> 'District revenues performance' powerpoint.

**Figure 7.7: Local revenues and transfers, Kigali's Districts combined**

**a) Absolute figures (RWF)**

**b) As a percentage of total**



*Source: compiled from data collected from District finance offices*

However, there were serious problems regarding local revenue generation in Kigali that this brief overview misses. A Kicukiro District official explained that around RWF 58m per month was needed just to cover salaries and health insurance for district staff, but in some months local revenue did not even cover this, amounting to as little as RWF 54m.<sup>601</sup> Local revenue collection was also much more impressive for some forms of tax than others. The three taxes conceived as the bedrock of fiscal decentralisation – trading licences (TLs), property tax (PT) and rental income tax (RIT) – composed a remarkably small proportion of local revenue, as illustrated in Figure 7.8 (a-c).

The remarkably low levels of PT will be discussed in the following sub-section, as will RIT, the fastest growing of the three but a highly unconventional and problematic source of local revenue. TLs were the one conventional local revenue instrument performing well relative to potential (see below). Yet the majority of

<sup>601</sup> Interview with district finance officer, 10.12.09.

locally-generated revenues came from various administrative fees, rent on plots (discussed below), and 'other revenues' that were frequently not attributed or disaggregated in budget statements. In fact, the latter consisted of further fines and fees, the vast majority of which were paid by businesses to the District for the cleaning and beautifying of city streets.<sup>602</sup> Businesses paid around 3,000-10,000 RWF per month for cleaning services in their area; this accounts for the high proportion of 'other' revenues/income evident in Figure 7.8, and the 'autres recettes' listed for Nyarugenge District in Table 7.4.<sup>603</sup> In some cases 'other revenues' also includes the sale of District assets.<sup>604</sup>

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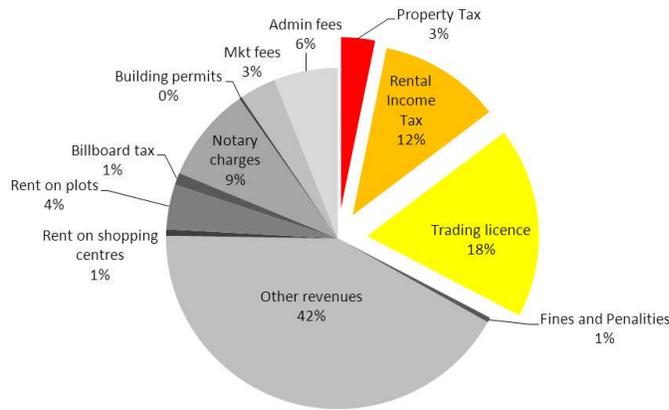
<sup>602</sup> Interview with Kigali local finance official, 06.12.11.

<sup>603</sup> Only from 2010 were such fees listed explicitly as 'cleaning fees' in budget statements. It is also important to note that these cleaning fees were separate from the more informal local payments that all residents made to the *umudugudu* level of government for cleaning, which remain very localised and were not listed in District budgets (Interview with Kigali local finance official, 06.12.11; conversations with various Kigali residents, December 2011).

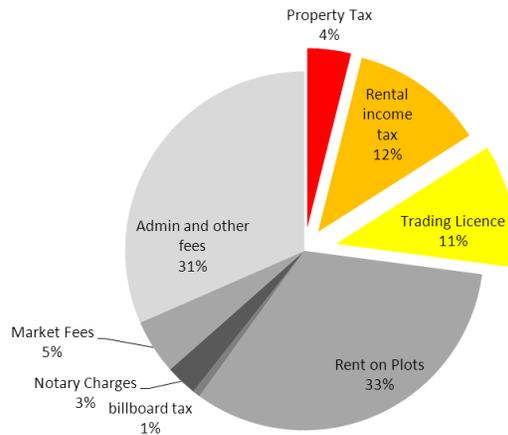
<sup>604</sup> Interview with district finance officer, 10.12.09.

**Figure 7.8: The composition of local revenues in Kigali's three Districts**

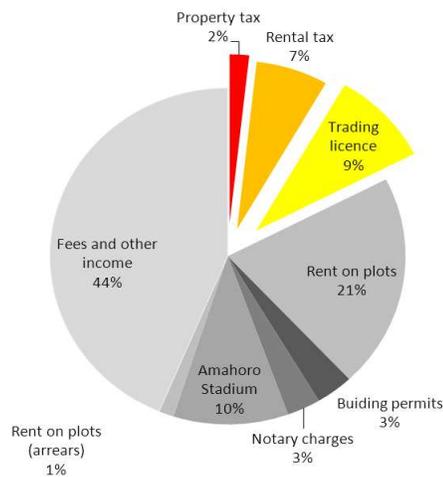
**a) Nyarugenge District (2008)**



**b) Gasabo District (2008)**



**c) Kicukiro District (Jan-Sep 2009)**



Source: compiled from data collected from district finance offices

The range of revenue instruments employed was considerable. Table 7.4 shows a partially disaggregated list and illustrates the extent to which many of the revenue sources used were highly unstable year-on-year, making them problematic for funding local services. Perhaps the most striking feature of the distribution of revenue was, however, the high degree of dependence on sources that were not really taxes. Taxes are usually considered qualitatively different from fees; and as noted above, rather than being tied to specific services or activities they play broader roles that feed into accountability, state-building and 'social contracts'. (Lieberman 2002; Moore 2004; 2008; Von Stein [1885] 1964). 'Rent on plots' (listed in Table 7.4 as 'location parcelle') was neither a tax proper nor a sustainable revenue source, but a land contract fee linked to a system of progressive acquisition of land titles. Under this system, once a landowner converted their lease into a freehold title under the new arrangements discussed in Chapter Three (by paying ten years' worth of 'location parcelle' and developing their land in accordance with approved plans) they no longer paid this fee, and instead paid property tax.<sup>605</sup> Given the serious problems with property taxation discussed below, this could amount to diminishing revenues from land and property over time.

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<sup>605</sup> Interview with government decentralisation official, 04.02.10; Interview with land official, 09.12.11.

**Table 7.4: Type of revenue, absolute figures and as a % of previous year, Nyarugenge District 2007-2009**

TYPE OF REVENUE	2007	2008	2009	2008/2007	2009/2008
Property Tax/Impot sur les biens immobiliers/	142,417,702	70,659,356	134,228,399	50%	190%
Fines and Penalties/Amandes diverses	14,617,688	10,476,544	15,490,997	72%	148%
Attestatios divers		84,034,738	50,743,793		60%
Autres Recettes	834,995,031	934,537,329	858,473,472	111%	92%
Location shopping center		13,504,450	61,292,822		454%
Impots sur les revenus locatifs/Rental Income Tax	251,050,327	254,466,472	800,844,180	101%	315%
Location parcelle/Land Revenue	157,661,146	94,710,410	161,788,378	60%	171%
frais de mutation		36,076,190	392,200		1%
Titres de propriete		1,945,337	17,656,480		908%
Inscription hypothecaire		202,000	510,000		252%
Expertise			200,000		
Panneaux publicitaire/Bill Board Tax	90,571,915	25,346,707	62,352,524	28%	246%
Patente/Trading licence	369,189,075	400,822,901	396,229,652	108%	99%
Frais de Notaire		200,295,735	139,432,223		70%
Autorisation de batir	31,725,076	5,235,989	15,246,020	17%	291%
Taxes de marche/Markets fees	28,931,087	76,801,366	72,131,390	265%	94%
frais administratif	29,779,930	3,686,566	1,469,500	12%	40%
autre revenus		7,681,900	7,713,800		100%
<b>TOTAL</b>	<b>1,950,938,977</b>	<b>2,220,483,990</b>	<b>2,796,195,830</b>	<b>113%</b>	<b>126%</b>

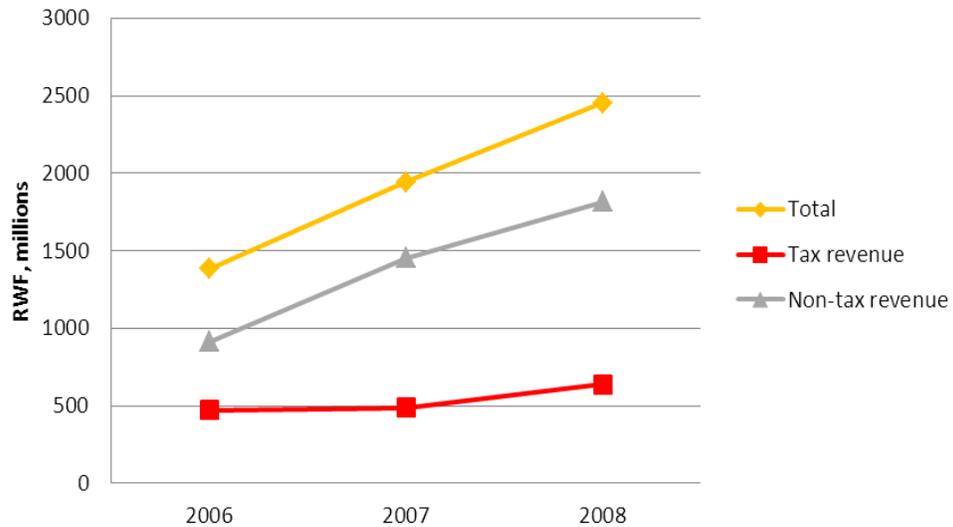
Source: Nyarugenge District finance office

The degree to which Kigali's revenue growth was driven by *non-fiscal* revenue sources is illustrated by Figure 7.9, which pertains to Gasabo district from 2006-2008. Kicukiro District statistics from 2007 also indicate that 77% of local revenue was from non-fiscal sources and only 23% from fiscal ones.<sup>606</sup> Given that revenue decentralisation is meant to improve government accountability by bringing certain taxes within the purview of local authorities (Mahon 2009; Bird 2010), particularly important are taxes (i.e. fiscal revenues) that are visible, direct and broad based (Rakner and Gloppen 2002). Little of the revenue on which Kigali's districts depended in the late 2000s was of this variety. It is therefore important to note that that while local authorities were relatively effective at raising revenues in general,

<sup>606</sup> Fiscal revenues refer to the three decentralised taxes and non-fiscal to everything else, although depending on the District and the source, the category of 'fiscal' revenues sometimes also includes rent on plots (Interview with district finance officer, 10.12.09; various district revenue documents).

effectiveness was limited with respect to some of the instruments that were potentially more sustainable and associated with accountability.

**Figure 7.9: Tax versus non-tax revenues, Gasabo District 2006-2008**



*Source: compiled from data collected from Gasabo District finance office*

Having said this, trading licenses (TLs) are generally thought of both as proper taxes and appropriate for decentralising, and these were being implemented with remarkable effectiveness. Donors considered the level of registration of local businesses for TLs ‘very impressive’,<sup>607</sup> and 85-95% of businesses were reportedly paying this tax.<sup>608</sup> This performance was related to the drive to formalise Kigali discussed in Chapter Five, as was the relatively small contribution of market fees evident in Figure 7.8 and Table 7.4. High levels of small business registration reflected the deep commitment to regulation evident throughout all the chapters so far, as well as streamlined relations between politicians and bureaucrats and between different tiers of government. As one official noted, ‘it is very easy to trap everybody here’ with regard to TLs because of the systems in place and good information sharing between central and local government.<sup>609</sup> Clearly, however, the

<sup>607</sup> Interview with donor representative, 03.02.10.

<sup>608</sup> Interview with government decentralisation official, 04.02.10; interview with local research organisation, 08.02.10.

<sup>609</sup> Interview with George Byamukama, 23.11.09.

government concertedly focused its effort on registering businesses for taxation relative to registering taxpayers in other ways, as reflected in Table 7.5.

**Table 7.5: Registered local taxpayers, Nyarugenge District, 2008**

RENTAL INCOME TAX	TRADING LICENCE	PROPERTY TAX	LAND RENT	BILLBOARD
626	1,000	8	17	
1	38	0	3	
5	209	2	25	8
573	1,885	5	188	
3	135	0	0	0
518	3,531	96	980	27
554	388	10	49	
463	753	42	1,304	0
835	7,103	436	1,170	
445	1,699	62	33	0
<b>4,023</b>	<b>16,741</b>	<b>661</b>	<b>3,769</b>	<b>35</b>

*Source: Nyarugenge District finance office*

It is arguably because TLs were a regressive tax impacting disproportionately on the urban poor that they were so effectively implemented. The deep knowledge of ordinary people's lives on the part of local authorities in Rwanda was noted in earlier chapters, and is widely documented (Straus 2006; Ingelaere 2011; Purdeková 2011). This has clear implications for taxation; as one source noted, compliance was a 'must' in relation to TLs because 'you can't not be known by the District'.<sup>610</sup> TL payments to the district often constituted the only proper tax that urban-dwellers paid at all; many had not been paying taxes to the RRA, though this was changing.<sup>611</sup> It was widely agreed among donors and domestic civil society groups alike that trading licenses were disproportionately high for small businesses: there was 'not much difference between what the big fish and small businesses pay.'<sup>612</sup> The simplistic categorisation of businesses under the system meant, for example, that

<sup>610</sup> Interview with local research organisation 08.02.10.

<sup>611</sup> Ibid.

<sup>612</sup> Interview with donor representative, 03.02.10; Interview with Rwandan civil society representative, 11.12.09.

someone operating a small hotel or B&B paid the same for their licence as the biggest 5 star international hotel in the city.<sup>613</sup>

When combined with increasing pressure to register for the RRA, to which small businesses were often over-paying due to miscalculations and failure to incorporate their TL payments as an expense, the payments could be crippling.<sup>614</sup> Moreover, the penalties for TL non-payment described in section 7.3 were strictly enforced.<sup>615</sup> Some sources went so far as to argue that that taxation was ‘killing the economy’ in the city.<sup>616</sup> Significant too in assessing the overall burden was the fact that everyone was required to pay fees to the *umudugudu* – the lowest level of government – for services such as cleaning, waste collection and security, which never progressed up the governmental system further than the Sector level and therefore did not appear in District budget statistics.<sup>617</sup> Payments for cleaning were around RWF 1000-2000 per month, with crude efforts to match the amount paid with the income of residents,<sup>618</sup> while local security fees were up to RWF 5,000 depending on the city neighbourhood.<sup>619</sup> These were not formal taxes at all, often being collected after the monthly *umudugudu* meeting<sup>620</sup> by local leaders (who were allegedly always RPF members).<sup>621</sup>

A final problem with trading licenses is that they had clear limitations for further augmenting local revenues. The fact that TLs performed so consistently year-on-year (see Table 7.4) and that registration of businesses for the purposes of levying TLs was almost ‘saturated’ by the late 2000s indicates this; there was little potential for trading licence revenues to increase further except in accordance with economic

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<sup>613</sup> Interview with donor representative, 03.02.10.

<sup>614</sup> Interview with local research organisation, 08.02.10.

<sup>615</sup> Interview with government decentralisation official, 04.02.10.

<sup>616</sup> Interview with Rwandan civil society representative, 11.12.09.

<sup>617</sup> Interview with Kigali local finance official, 06.12.11.

<sup>618</sup> Interview with government decentralisation official, 04.02.10; interview with Kigali resident A, 05.02.10.

<sup>619</sup> Interview with Kigali resident B, 04.12.11.

<sup>620</sup> interview with Rwandan journalist 03.02.10; interview with local research organisation, 08.02.10.

<sup>621</sup> Informal conversation with a researcher, 02.02.10; also see Purdeková (2011). There were no clear accountability mechanisms regarding expenditure of these payments. One resident of a lower-income neighbourhood in Kigali emphasised that people generally did not demand to know exactly what these payments were being used for. (Interview with Kigali resident A, 05.02.10).

growth. Property tax (PT) and rental income tax (RIT), on the other hand, had enormous, largely untapped potential to generate far more local revenue than they were generating by the end of the decade.

### **7.6 Kigali's property and rental income taxes: elite resistance and missed opportunities**

In sharp contrast to the situation with TLs, very few Kigali residents were registered for PT and RIT. Table 7.5 demonstrates that even one politician's estimate of 10-20%<sup>622</sup> is likely to be a serious over-estimation as far as PT is concerned. In 2008 only 661 properties were registered for PT in Nyarugenge District, which contained approximately 30,000.<sup>623</sup> One government source estimated that only around a thousand people were registered for PT in the whole city:<sup>624</sup> less than 1% of the number registered for Kampala (prior to the owner-occupier exemption), a city at most twice Kigali's size. In large part this was because PT applied only to freeholders, and only around 2% of plots in Kigali were held in freehold by the end of the decade.<sup>625</sup> Yet the above figures suggest that even among these the majority were not registered for PT.<sup>626</sup> This may partly be because, as an investment incentive, properties over three storeys high paid no PT at all.<sup>627</sup>

Aside from the problems of a PT system that included so few properties in the tax base, there were serious problems regarding the *valuation ratio* for those few taxable properties. Valuation was completely delinked from the property market,<sup>628</sup> being determined by size and materials – a method professional valuers in Uganda (and elsewhere) considered the least appropriate available for the purposes of PT. Proximity to the city centre, access to services and desirability of the neighbourhood were rendered irrelevant. Moreover, there was reason to believe

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<sup>622</sup> Interview with District politician, 01.12.09.

<sup>623</sup> Interview with donor representatives, 03.02.10.

<sup>624</sup> Interview with government decentralisation official, 04.02.10.

<sup>625</sup> Interview with land official, 09.12.11.

<sup>626</sup> In 2011 there were thought to be around 6,000 freehold titles in Kigali (interview with land official, 09.12.11).

<sup>627</sup> Interview with donor representatives, Kigali, 03.02.10.

<sup>628</sup> Interview with donor representatives, Kigali, 03.02.10.

that very little property valuation for tax purposes was actually happening. The only professionals in Rwanda were trained to value property for *expropriation*, alongside the demolitions discussed in Chapter Four.<sup>629</sup> Four such companies existed in 2009, all focusing on valuation for expropriation. One valuer noted that he had never been approached regarding valuation for the purposes of property taxation.<sup>630</sup> Listed values were based not contemporary market-based systems as in Kampala, but on ‘bricks-and-mortar’ valuations from as long ago as the 1960s and 1970s (with owners annually paying 0.2% of this value in tax), because in most cases the houses were only valued once, when they were built.<sup>631</sup> Meanwhile in new neighbourhoods such as Nyarutarama, where large numbers of upmarket properties emerged after 1994, owners were supposed in theory to value the house themselves and have the value approved by an engineer, which – even if it was taking place – hardly constitutes a robust system of valuation.<sup>632</sup>

Consequently PT was one of the most insignificant revenues sources in Kigali, as evidenced by Figure 7.8. Table 7.6 shows how it constituted an average of just 3% of local revenues in Kigali in 2008-9. Yet the potential of the tax was enormous, particularly in the context of the construction boom in the city. One expert source suggested that in somewhere like Kigali PT could in theory amount to as much as 5-6% of GDP.<sup>633</sup> Instead, in 2008 the approximate amount of PT collected in all three of Kigali’s Districts combined was 0.009% of national (nominal) GDP. Given that no property tax at all is collected in most of Rwanda’s districts (which have almost no freehold titles), Rwanda’s total PT mobilisation as a share of GDP is probably not much higher. Even in Kampala, PT generation amounted to 0.03% of Uganda’s GDP. Put differently, in 2008 PT was a mere \$0.4 per capita in Kigali, while it was \$3 per capita in Kampala, despite all of the efforts to cripple PT collection in the latter.

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<sup>629</sup> Interview with government decentralisation official, 04.02.10.

<sup>630</sup> Interview with Rwandese property valuer, 16.12.09.

<sup>631</sup> Interview with government decentralisation official, 04.02.10.

<sup>632</sup> Interview with government decentralisation official, 04.02.10.

<sup>633</sup> Interview with taxation adviser A, 26.11.09.

**Table 7.6: Property tax in Kigali relative to other decentralised taxes and total local revenues**

Local revenue source	Gasabo (2008)	Nyarugenge (2008)	Kicukiro (Jan-Sep 2009)
PROPERTY TAX	90,612,553	70,659,356	29,993,237
RENTAL INCOME TAX	277,968,564	254,466,472	112,076,628
TRADING LICENSE TAX	255,979,414	400,822,901	156,304,039
<b>Subtotal</b> (3 decentralised taxes)	<b>624,560,531</b>	<b>725,948,729</b>	<b>298,373,904</b>
<i>Property tax as % of 3 decentralised taxes</i>	<i>14%</i>	<i>10%</i>	<i>10%</i>
RENT ON PLOTS	757,818,297	138,784,924	351,897,060
FEES and OTHER (e.g. sale of assets)	922,816,057	1,356,365,335	1,059,574,283
<b>TOTAL</b>	<b>2,305,194,885</b>	<b>2,221,098,988</b>	<b>1,709,845,247</b>
<i>Property tax as % of all locally-generated revenue</i>	<i>4%</i>	<i>3%</i>	<i>2%</i>

Source: data gathered from Kigali's three district finance offices

A problem with framing this poor PT performance in terms of ineffectiveness (as defined in this study) is that it was only partially due to poor enforcement: the formal framework itself was so problematic that even if effectively enforced it would yield low revenues. However, government policy had for some time been to develop an improved system of property taxation in accordance with the decentralisation framework, which placed great emphasis on this tax. Several donors had been advising on how to achieve this for over a decade.<sup>634</sup> Yet there was no evidence of this being implemented by 2010, and independent sources remained sceptical that any progress was taking place, noting that moves toward an adequate registry of properties and functional system of valuation simply were not happening. One advisor claimed he had first talked to the government about developing a functional system in 1997, and despite enthusiasm on the part of ministers found that by 2003 there had been no progress at all on the issue.<sup>635</sup> A new PT law was drafted in 2006, but subsequently brushed under the carpet.<sup>636</sup>

<sup>634</sup> Interviews with various donor representatives and foreign advisers, Kigali, November 2009-February 2010.

<sup>635</sup> Interview with taxation adviser A, 26.11.09.

<sup>636</sup> Interview with donor representatives, Kigali, 03.02.10.

Since then repeated discussions had amounted to nothing by 2009, apart from the possibility of a new law in the future. Given the speed with which the government had implemented policy on many other issues, this raised questions for some observers about the government's commitment on this issue.<sup>637</sup>

This stalling was a cause for concern because setting up a reliable fiscal cadastre is immensely challenging and was likely to become more difficult over time, given the rate of urban growth. This was particularly pertinent because the land tenure regularisation (LTR) programme underway from 2009 provided a window of opportunity to register properties for taxation: regularising plots and allocating land titles could be combined with registration and valuation of real estate for PT purposes.<sup>638</sup> The government, however, was concerned that people might be discouraged from participating in the LTR if they knew their properties were being valued for taxation.<sup>639</sup> The pilot phase confirmed that survey respondents were worried higher rates of tax might emerge from the process (Sagashya and English 2009: 30). Consequently, despite a very impressive land regularisation programme, there was no cadastre of 'real property' being developed that would allow the tax to be simply 'switched on' at a later stage. Behind all this was, some observers believe, a deeper political resistance to developing the tax.<sup>640</sup>

Alongside facilitating domestic elites to reap rewards from urban property, the weaknesses of PT could be considered to be an investment incentive. Many of the incentives the government had put in place in its drive to attract international investors related to tax; perhaps too many – an estimated 25% of total government revenue was foregone each year through tax incentives (ActionAid 2011: 6). Weak property taxation could be seen, paradoxically, as effective vis-à-vis the goal of

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<sup>637</sup> Interviews with various donor representatives and foreign advisers, Kigali, November 2009-February 2010.

<sup>638</sup> Interview with taxation adviser A, 26.11.09. The LTR progress was taking place with impressive speed; while in February 2010 only 18,000 titles (mainly leasehold) had been issued on Rwanda's 10 million plots, by November 2011 a million such titles had been issued and the process was ongoing (Interview with land official, 09.12.11).

<sup>639</sup> Interview with government advisers, 23.11.09; interview with officials at the National Land Centre, 03.12.09.

<sup>640</sup> Interviews with revenue advisers, November 2009.

attracting investors and part of a 'pro-growth' rather than 'pro-revenue' approach to taxation (Di John 2010). However, there was no evidence of any strategic thinking with regard to the influence of property tax on investment, and it was unlikely to have had much impact given that even the substantial and highly-publicised tax incentives offered by the Rwanda Development Board had limited impact on investor choices (ActionAid 2011: 39). In any case, for the purposes of this study the tax should be judged not in relation to other outcomes (intended or otherwise) but in relation to the implementation of stated fiscal policy, and on this count it can hardly be considered effective.

The rental income tax (RIT) was subject to some similar problems. Unlike PT, RIT grew substantially as a revenue source, particularly towards the end of the decade, as is evident from some of the above tables and figures. However, this obscures both the much greater potential earnings from rental income and the opportunity cost of decentralising this tax. The decentralisation of RIT in itself caused a great deal of controversy. One advisor on tax issues believed that the decision to tax rent at the local level was unique worldwide.<sup>641</sup> In most countries property rental generates vast amounts of taxable income, which is always notoriously difficult to register and collect. Rental incomes can push people into higher overall tax brackets leading them to incur higher marginal rates, but can quite easily be kept relatively invisible in order to avoid this. Substantial bureaucratic capacity is needed to collect such taxes effectively.

The decision to decentralise rental income in Rwanda therefore effectively meant removing it from the remit of the RRA (with its relatively high and growing levels of capacity) and transferring it to districts struggling with basic functions. This is not to say that the RRA *was* collecting RIT effectively prior to decentralisation; in fact it was not, but it was focusing its capacity-building on other forms of taxation at the time and was only in its early stages of development (RoR 2009a: 14-15). A report on the relative performance of RTI before and after it was decentralised was entirely inconclusive (RoR 2009a), and there was considerable dispute between the

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<sup>641</sup> Interview with taxation adviser B, 01.12.09.

government and donors (and among donors themselves) about whether the tax should be returned to the RRA.<sup>642</sup> Some advisers, however, strongly believed that the decision to decentralise RIT was a grave mistake, albeit one that served property-owning elites well: it kept them out of higher RRA tax brackets and placed the burden of taxing these rents on District authorities not capable of fully enforcing a tax of this nature.<sup>643</sup> While Table 7.5 indicates much higher registration for RIT than PT (probably both because of the restriction of PT to properties on freehold plots and the involvement of the RRA in earlier stages of registering people for RIT), the relatively low figures for both these taxes reflects the limited reach of the local state when it comes to exploiting property-related revenues. This limited reach contrasts markedly with the situation regarding most aspects of local socio-economic life, including the almost total capture of trading licences.

The decentralisation of RIT involved distinguishing 'rental' from other forms of business income still taxed nationally by the RRA (a distinction that did not exist between 1964, when income tax was created, and decentralisation (RoR 2009a: 14). Observers believed, however, that many people rented out multiple properties as a business, but were not taxed by the RRA on the basis that these earnings constituted 'rental' incomes. It was common for the enormous houses in Kigali proliferating throughout the decade to be let (often to expatriates) at prices ranging from \$2-3,000 to \$7,000 per month and sometimes more: one observer spoke of a house with a monthly rent of \$12,000.<sup>644</sup> Much of this was thought to be paid offshore, and even if paid locally only a small proportion was being tapped by the Districts.<sup>645</sup> The vast majority of landlords were not declaring themselves: in 2007, the government identified around 27,000 rental properties in Nyarugenge District, but only 500 people had declared themselves to be receiving rent (RoR 2009a: 25).

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<sup>642</sup> Interview with various donor representatives, November 2009-February 2010.

<sup>643</sup> Interview with taxation advisers, 26.11.09 and 01.12.09. One suggested that the tax was fundamentally unworkable at the District level, and that its limitations in this regard enabled the government to limit the amount of real fiscal decentralisation taking place, keeping districts dependent on the centre.

<sup>644</sup> Interview with taxation adviser B, 01.12.09.

<sup>645</sup> Interview with taxation adviser B, 05.02.10.

While some landlords probably owned multiple properties, it is highly unlikely this figure reflected the actual number of people earning rental incomes.

Viewed in this light the approximately \$3m collected from RIT city-wide in 2009, while an impressive increase from \$1.3m in 2008, was nowhere near the potential in this burgeoning rental market.<sup>646</sup> As a DFID report noted in 2010, ‘the most important single source of untapped revenues in the country is rental incomes from ownership of urban commercial and residential property, above all in Kigali’ (DFID 2010: 15). The consequence was a distinctly regressive local tax regime: like property tax but unlike trading licences, RIT was a tax with immense potential to garner resources from Kigali’s wealthy elites. This potential strength was also its Achilles’ heel. Thus the only one of the three decentralised taxes performing well relative to potential (TLs) impacted most on the poor and least on the propertied classes.

The links between the PT and RIT problems merit emphasis. One source claimed that ‘every single politician, parliamentarian and military person here has property that they rent out’.<sup>647</sup> As both the owners and landlords they would be subject to both these taxes, which presented a double opportunity for progressive revenue mobilisation if property owners were properly registered.<sup>648</sup> For the same reasons there was a double motivation for ‘passive resistance’<sup>649</sup> on the part of elites with interests in property. Consequently, two great opportunities were arguably being missed: developing proper capacity to administer rental incomes nationally, and developing a local property tax system worth the name.

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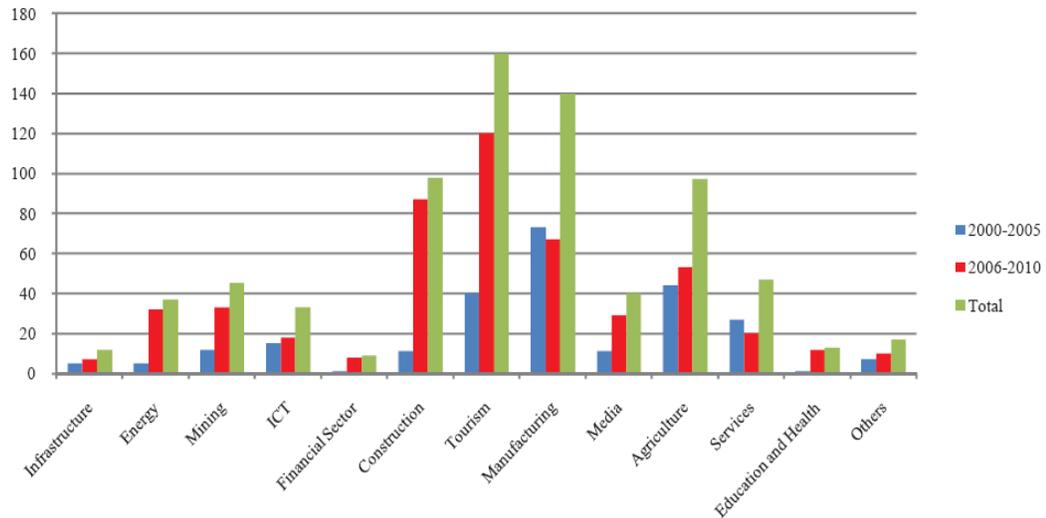
<sup>646</sup> Interview with taxation advisers, 26.11.09 and 01.12.09.

<sup>647</sup> Interview with CoK official, 05.02.10.

<sup>648</sup> Interview with taxation adviser A, 26.11.09.

<sup>649</sup> Interview with taxation adviser B, 01.12.09.

**Figure 7.10: Rwandan investment projects by sector (foreign and domestic) 2000-2010**



Source: ActionAid (2011: 32)

Analysis of the differential effectiveness of local taxes suggests that property was effectively acting as a major taxation ‘loophole’ for elites, an important counterpoint to the narrative of RRA effectiveness and relative progressiveness (DFID 2010). It also highlights that as long as this loophole persisted, there were incentives for elites seeking lucrative investments to pour resources into high-end residential property rather than other forms of investment. For the most part, this was at least happening in accordance with planning regulations, as Chapter Four illustrated; however, the developmental consequences were questionable if powerful informal incentives to invest in residential property counteracted government efforts to incentivise more productive forms of investment. Figure 7.10 illustrates the construction boom in the second half of the decade, with investment in industry and services decreasing over the same period. This was clearly driven largely by domestic investment: table 7.7 illustrates how 73% of registered investment from the top ten domestic investors in 2006-10 was in property/real estate or construction, with few focusing on government priority sectors such as ICT, finance and other services. In contrast, the largest foreign investments were in energy, finance and tourism (ActionAid 2011: 30).

**Table 7.7: Leading registered domestic investors in Rwanda, 2006-2010 (investment over 10bn RWF)**

Company	Sector	Investment (RWF)
Rwanda Energy Company	Energy	58,297,398,850
EPCHER	Agribusiness	14,822,527,500
Kigali Limousine VIP Tours Travel	Transport	142,126,375,786
Rwanda Free Zone Company Ltd	Construction	36,978,461,800
Ultimate Concepts LTD	Real Estate	11,660,000,000
Rwanda Investment Group/KIP	Finance	27,763,979,100
CIMERWA	Construction Manufacturing	30,800,000,000
Real Contract	Property	227,327,955,620
Market Shopping Centre	Property	12,028,000,000
Caisse Social/Kagugu Project	Real Estate	17,400,000,000
4F Networks	ICT	11,600,000,000

Source: based on ActionAid (2011: 31)

Many ‘high-end’ properties were unoccupied either permanently or most of the time,<sup>650</sup> suggesting a cycle of property over-development by, and under-taxation of, domestic elites in Kigali by the late 2000s. The greater the number of such properties, the more determined the likely resistance to effective property and rental income taxation. Moreover, the rapid pace of decentralisation was arguably playing a role in this dynamic. Plans to further decentralise the collection of RIT to the sector level, where capacity was extremely low, led some observers to speculate that the excessive and hasty nature of the decentralisation of this tax played a functional role in relation to protecting property rents.<sup>651</sup>

## Conclusions

A comparative analysis of local taxation in Kampala and Kigali presents a complex picture, in which the wide variance in effectiveness between different taxes *within* each city illuminates the political economy of their development. It is clear that in general terms capacity was higher in Kampala. The fact that administratively-intensive taxes such as graduated tax and property tax were well-established, and paid by a considerable proportion of the city population (before they were abolished or interfered with), is testament to this. Yet if the variance in local

<sup>650</sup> Interview with urban infrastructure engineer, 06.12.11.

<sup>651</sup> Interview with taxation adviser A, 26.11.09.

capacity was fairly straightforward, the picture with regard to effectiveness was much less so, as this chapter has shown through a compositional disaggregation of urban local revenues.

Compared to issues examined in previous chapters, state effectiveness in Kigali was very patchy. It was very high regarding trading licenses, even though this very effectiveness may have been problematic regarding other economic outcomes. For small urban businesses the popular Rwandan saying ‘you are born free, but you will be taxed to death’<sup>652</sup> was probably particularly pertinent. Licenses, combined with the RRA’s tax of 4% of total turnover for small non-farm businesses not yet able to register for corporate profit tax (ActionAid 2011), could be crippling, in part accounting for the 80% failure rate for start-ups each year.<sup>653</sup> All this suggests, however, that the state’s ‘infrastructural power’ facilitated impressive performance on this tax *despite* low capacity; taxation does after all depend on information about local activities and incomes, which previous chapters have shown to be high in Kigali.

However, this infrastructural power was not brought to bear on several potentially more lucrative taxes. As government officials acknowledged, the real problem was ‘with the big taxpayers’,<sup>654</sup> notwithstanding their contribution to the RRA at the national level. There is a jarring contrast between the everyday payments made by ordinary residents for cleaning and security, on the one hand, and an expatriate resident’s comment that local authorities came to assess his landlord’s situation for RIT just ‘once in five years’, on the other.<sup>655</sup> The limits of local revenue effectiveness were ultimately due to the role of property in the political bargain on which RPF dominance in Kigali rested. Levi’s perspective is helpful here:

‘The fact that rulers often refrain from extracting the greatest amount of revenue they could in principle extract from the population does not mean they are refraining from maximising behaviour. Rulers refrain from extraction primarily because of the constraints to which they are subject.’ (Levi 1988: 4)

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<sup>652</sup> Interview with urban infrastructure engineer, 06.12.11.

<sup>653</sup> Interview with civil society organisation representative, 09.12.11.

<sup>654</sup> Interview with government decentralisation official, 04.02.10.

<sup>655</sup> Interview with expatriate resident, 04.02.10.

It is likely that for the RPF government the benefits of ineffective property and rental income tax systems outweighed the costs; these 'loopholes' were strategic and, to a certain extent, deliberate. Despite this, judged against the fiscal decentralisation policy in which property and rental income tax were accorded key roles, the state was ineffective. The possible political benefits of ineffective implementation do not detract from this fact; they merely help to explain why it was the case.

In contrast with the evidence presented in previous chapters, then, the Rwandan government's policy commitment to property-based taxes lacked credibility. The evidence here also serves as a reminder that the Rwandan state itself was not wholly 'autonomous'; there is little doubt that 'particularistic pressures' impeded implementation, even if the range of such pressures was narrower than in Kampala. The nature of political and economic bargains differed substantially between the two cities. While the state in Kigali was constrained by property-owning urban elites, in Kampala political bargaining in relation to taxation reflected a tendency to pander not only to elites but also to urban popular groups such as transport workers, market traders and owner-occupiers in city slums. The shift in Kampala from graduated tax to local service tax illustrates well the way in which politicians – and particularly Museveni – embraced informality as a populist tactic. Informal actors were deliberately exempted from the new tax, while in Kigali there were concerted efforts to tax them. It could likewise be argued that the NRM government's aversion to direct taxes - which were lower as a proportion of total tax than anywhere else in East Africa at 26% compared to Rwanda's 37% (Di John 2010: 8) – reflected its concern not to alienate directly any constituency.

In both cities, the credibility of policy commitments was thrown into question through the decentralised taxation issue. Smoke's observation that 'central agencies hostile to decentralization can use poor local performance as an excuse for keeping the services centralised' (2001: 21) is highly pertinent in this respect. It reflects the opinion of some observers in Kigali about possible long-term reasons for

pushing taxes to lower levels. Meanwhile Museveni's reversals of decentralisation involved attacks on the corruption and inefficiency of the local authority structures he helped to create. Whatever each government's strategic aims in this respect, some of their activities regarding local revenue were undermining local state credibility, legitimacy and capacity itself. This is hardly surprising in relation to the Ugandan case, but for Kigali is a new finding, and illuminating in relation to both the political economy of its physical development and the underlying settlement behind it.

## Chapter Eight

### **Beyond state capacity: state effectiveness and Africa's urban future**

This thesis set out to explain why, in the first decade of the twenty-first century, the state was more effective at implementing and enforcing urban development policies and regulations in Kigali than Kampala. Addressing this has involved comparison on multiple scales: while the primary units of analysis have been cities, cross-national comparison of cities is problematic without factoring in differences at the level of the central state, and due to the size of cities, more local dynamics have necessarily also been compared. A multi-scalar approach adds value at both ends of the scale, because exploring the local ramifications of national politics greatly enhances our understanding of how macro and micro level processes interact (Tilly 1984: 112). The task of this concluding chapter is to unpack this multi-dimensional comparison, assess its explanatory power and distil its key insights.

The comparison, to elaborate further on Tilly's framework, has been 'individualising' and 'variation-finding' as opposed to a 'universalising'. It bucks a common trend in comparative political and economic research on Africa whereby researchers seek generalisations about the continent and its problems rather than highlighting differences and their implications (Bayart 1993b; Chabal and Daloz 1999; Bates 2008; Collier 2008). A focus on variation does not, however, mean the findings bear no relevance to other states and cities facing similar challenges. In fact, close attention to causal mechanisms in divergent cases allows for insights that are generalisable to the level of theory (Yin 1994; George and Bennett 2005), enabling the further development of theoretical propositions with potentially broad applicability. With this in mind, the purpose of this chapter is twofold: first, to draw conclusions about the causal dynamics and processes underpinning differential state effectiveness in these specific cases, and second, to refocus on the broader question of what the findings imply about the present and future challenges of governing rapidly-growing cities in Africa and beyond.

The chapter is arranged as follows. The first section examines some important 'headlines', presenting a stylised analysis of the two cases through four heuristic binaries induced from the preceding chapters, and bringing key underlying issues systematically into comparative focus for the first time. The second section looks more closely at some causal processes in order to reach more generalisable conclusions, revisiting and refining the theoretical propositions about state effectiveness presented in Chapter Two. A third section abstracts further from the case material to explore how political bargaining impacts upon the relative congruence of formal and informal institutions, a critical aspect of state effectiveness. The fourth and final section broadens out to examine the implications of the foregoing analysis for cities and states in the developing world and especially Africa. Finally, some reflections on future avenues of research are presented.

### **8.1 A stylised comparative analysis through four binary oppositions**

When comparing two divergent cases it is difficult to avoid thinking in binary oppositions. Social science has often hinged on a binary approach to questions of social change and diversity, as reflected in the nineteenth-century preoccupation with social transformation as a 'contest' between order and disorder (Tilly 1984: 50). Yielding to this impulse, this section analyses the divergence observed in Kampala and Kigali through four stylised binary oppositions, facilitating a restatement of key themes in the thesis in light of the empirical material in Chapters Four to Seven. These binaries are as follows: i) autocracy and democracy; ii) developmentalism and populism; iii) state and society; and iv) centralism and decentralisation.

Running through all four of the following sub-sections, albeit often implicitly, is a concern with structure and agency. This reflects a very real divide in the way the politics of these countries is understood, from concerns about the inability of ordinary Rwandese people to exercise agency (Gready 2011; Ingelaere 2011; Longman 2011), and counter-perspectives to this narrative (Clark 2010a), to the use of history and social structures by both the RPF and NRM to justify certain kinds of

policies (Pottier 2002; Carbone 2008). Some observers were also preoccupied with the importance of Museveni and Kagame's personal qualities and motivations as leaders. Andrew Mwenda, for example, believed that many of Uganda's contemporary problems related to Museveni 'as an individual, his personality and psychology',<sup>656</sup> while Tripp argues that Uganda's difficulties 'are not primarily the result of the moral failings of an individual or even of a group of leaders; rather they are the product of the systemic and institutionalized features of semiauthoritarian rule' (Tripp 2010: 5). The position taken here is that structural characteristics of the two societies are deeply important, but not all individuals would be as adept at manipulating these opportunities and constraints as Museveni and Kagame proved to be. In this respect they have both been highly effective leaders, but whether they have made their states effective along the way is another matter entirely.

#### *Democracy and autocracy*

'We call it a positive dictatorship.'

(Rwandan local government official, February 2009)

The question of whether and how regime type might affect state effectiveness (raised in Chapter Two) merits further consideration. Neither Uganda nor Rwanda was fully democratic at the time of research. Elections of various kinds took place in both states but few would argue that democracy had achieved much substantive depth in either. Tripp (2010) classes both as 'semiauthoritarian'. Despite this, according to assessments by Freedom House<sup>657</sup> and Polity IV,<sup>658</sup> towards the end of the decade Rwanda fell closer to the authoritarian end of the spectrum than Uganda. Meanwhile Diamond (1999: 280) classes Uganda as a 'pseudo-democracy' but Rwanda as an 'authoritarian regime'.

If the defining feature of semiauthoritarianism is 'constant tension' between forces trying to make democratic institutions a reality and an 'authoritarian core' pulling in

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<sup>656</sup> Interview with Andrew Mwenda, 20.01.10.

<sup>657</sup> <http://www.freedomhouse.org/report/freedom-world/freedom-world-2009>; accessed 24.03.12.

<sup>658</sup> <http://www.systemicpeace.org/polity/polity4.htm>; accessed 24.03.12.

the other direction (Tripp 2010: 5), these constraints were more evident in Kampala than Kigali. The role of opposition parties and frequent recourse to the courts were testament to this. Chapters Five, Six and Seven also highlighted the role that the electoral cycle played in stimulating political interventions that impeded policy implementation, something consistent with research on the 'political business cycle' in young democracies (Block 2002; Keefer and Khemani 2005). The relative ease with which urban interest groups could find patrons to 'run to' with their grievances in Kampala reflected a form of oppositional politics unknown in Kigali. After 2005, multiparty politics both nationally and locally was central to the way in which bargaining between politicians, bureaucrats and urban constituents impacted on (in)effective policy implementation. In Kigali, meanwhile, local campaigning by opposition parties was *de facto* off limits even though formal restrictions were lifted in 2007, as noted in Chapter Three. Even those working for the state would sometimes attribute their successes to 'positive dictatorship'.

The two cases were therefore in different places on the spectrum of democracy-autocracy, and this did make a difference. Yet it is far from being a *sufficient* explanation for differential effectiveness. Chapters Three and Five argued that differing degrees of authoritarianism can be at best a partial explanation for differential effectiveness. Museveni frequently exhibited highly autocratic behaviour, arbitrarily overturning laws and reversing policies with no consultation. Even according to the measures of Freedom House or Polity IV, the difference in degree of authoritarianism was not of sufficient magnitude to explain such diverging outcomes. Elections played a more significant role in political discourse in Kampala than in Kigali, but were routinely manipulated and rarely free and fair (Gloppen et al. 2006; Kobusingye 2010); indeed tactical use of elections was arguably *part of* authoritarianism in Uganda. In the terms introduced by Levitsky and Way, Uganda is closer to 'competitive authoritarianism' while Rwanda looked more like a 'façade electoral regime' (Levitsky and Way 2002: 325). It is therefore differences in the *form* of authoritarianism, relating to the more fragmented

political terrain and different strategies of political bargaining in Uganda vis-à-vis Rwanda, with which we should be most concerned.<sup>659</sup>

### *Populism and developmentalism*

'We know that the last man is the president. Only he can help us.'  
(*Boda-boda* driver, October 2009)

For the purposes of analysing state effectiveness in these two cases, a conceptual dichotomy can be made between *populism* and *developmentalism*. These are not usually juxtaposed as opposites, and 'developmental' rule is commonly contrasted with 'predatory' forms of rule (North 1981; Goldsmith 2004). The distinction made here between populism and developmentalism is, however, not so much intended to describe outcomes as to analyse different strategies of securing popular support observed in the empirical chapters.

Museveni's 'personalisation' of power is well-documented (Mwenda 2007; Carbone 2008; Tripp 2010) and was unmistakable in relation to city politics, as the above quote from a *boda-boda* driver illustrates. Chapters Four-Seven described numerous populist interventions (as defined in Chapter Two) both by him and by other leaders in Kampala (such as Mayor Ssebagala), which tactically bypassed KCC and other state organisations. Moreover, these interventions represented attempts to broaden urban support through classic populist tactics involving 'antielite rhetoric' and recourse in 'the distinction of friend versus foe' (Weyland 2001: 11). Whether shielding *boda-boda* drivers from the regulating efforts of KCC or siding with market traders against 'tycoons' buying up marketplace leases, political interventions often followed the logic of promising 'to protect the people from a pernicious enemy' (Weyland 2001: 11). Critically here, this enemy was often

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<sup>659</sup> Lambright also finds that whether or not opposition parties controlled a local authority had only limited power to explain central interventions that crippled the local state, noting that 'Museveni's government undermines service delivery in Uganda's urban councils, whether dominated by opposition or ruling party' (Lambright 2012: 7).

construed as being the local state itself. This has obvious implications for state effectiveness.

In Kigali, by contrast, embedded in the country's history and the RPF's role in it were clear disincentives to employing this kind of populism. Invoking 'anti-elite rhetoric' – or worse still 'the distinction between friend and foe' – was hardly a viable political strategy given the history, ethnic composition and limited social base of the government. Without recourse these populist tactics, securing support for (or acquiescence to) RPF rule was perceived as depending on the provision of public goods, not least security, as well as the promise of continued improvements in quality of life. There were therefore clear incentives to adopt a 'developmentalist' orientation. While populist interventions deliberately undermine state institutions and organisations, developmentalist ones generally depend on working through the state and supporting its institutions and organisations in order to succeed.

Drawing a contrast between this developmentalist orientation and Museveni's populist interventions in Kampala is not to imply that Kagame did not intervene in Kigali; on the contrary, he maintained regular contact with city mayors and officials and allegedly surveyed city development projects weekly, either with or without the Mayor.<sup>660</sup> The point is that more often than not this was to check formal rules were being enforced, rather than to undermine them. The RPF's political strategy required the promotion of effectively-functioning state machinery, without which the delivery of developmental goals and protection of long-term investments would be jeopardised.<sup>661</sup> The government's determination to work through the state, building up and (for the most part) adhering to legal and regulatory frameworks to deliver on its promise to effect long-term developmental change in Kigali, was palpable in relation to the issues covered in Chapters Four, Five and Six.

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<sup>660</sup> Interview with Bruno Rangira, 26.11.09.

<sup>661</sup> Developmentalism is often associated with long time horizons (Olson 1993; Goldsmith 2004; Kelsall 2011). A developmentalist strategy for securing political legitimacy thus heightens the importance of a longer time-frame, which in Rwanda is reflected in seven-year electoral terms and tightly controlled political space that militates against democratic regime change in the near future. This longer time frame has arguably facilitated the kind of long-termist rent management that has been considered central to 'developmental patrimonialism' (Kelsall et al. 2010; Booth and Golooba-Mutebi 2011; Kelsall 2011).

The motivations for a state-driven developmentalist strategy were reminiscent of East Asian ‘developmental states’, in the sense that developmental objectives were *politically-driven* (Leftwich 2008a: 12). As in the East Asian experience, there was a major perceived external threat (from rebel forces in the DRC), limited natural resources, and a *relatively* cohesive core elite (Doner et al. 2005; Leftwich 2008a).<sup>662</sup> However, ‘developmental states’ are generally defined retrospectively in relation to outcomes, and whether or not Rwanda will ever qualify as one is not the issue here.<sup>663</sup> The point is that certain conditions motivated a developmentalist orientation, which fed into a commitment to making the state effective. This distinction between populist and developmentalist political strategies is helpful with respect to the agency of leaders in each case and how they responded to circumstances. However, to understand effective implementation we need also to look beyond leaders’ agency, at the broader socio-economic context.

### *State and society*

‘I am made of hard stuff that can stand up to anything lethal, like the state.’

(Kampala Lord Mayor Erias Lukwago, August 2011)<sup>664</sup>

In the main, assessing state capacity requires only studying the state. Understanding state *effectiveness*, however, necessitates attention to the social groups affected by particular policies and their relationships to state actors as they have evolved over time. Notwithstanding problems with the very idea of society (Mann 1984; Tilly 1984), we can explore the dynamics between state actors and particular ‘social forces’ (Migdal et al. 1994). The range and relative strength of social forces in each of the case studies is itself significant, especially given that

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<sup>662</sup> This is not to say the elite is entirely cohesive; important factions do exist within the government that are often overlooked (Clark 2010a; 2010b).

<sup>663</sup> Some authors have hinted at this (Booth and Golooba-Mutebi 2011; Kelsall 2011). However, while the analysis presented in this study affirms both a developmentalist orientation in government and a relatively effective state, this does not guarantee developmental transition. The developmentalist orientation was accompanied by such strong concerns for security and control over political space that some aspects of development – not to mention political stability – might potentially be undermined. As such future ‘developmental state’ status is far from assured.

<sup>664</sup> Cited in ‘I’m the true Kampala boss, says Lukwago’, *The Observer*, 14.08.11.

many particularly effective states in recent history emerged in contexts with relatively few powerful and independent socio-economic interests in society (Leftwich 2008a: 14).

The discussion of transport associations in Chapter Six is particularly revealing in terms of state-society relations in Kampala. UTODA illustrates how a powerful non-state organisation was able to seriously erode the effectiveness of the state in Kampala, and highlights a paradox that underscores the importance of distinguishing between state and government. Despite (or because of) the 'double bind' between UTODA and the NRM government – whereby politicians owned many *matatus* but the *matatu* organisation also had leverage over government due to its capacity for social mobilisation – many state organisations (especially KCC) were on the 'low bargaining side' in their dealings with UTODA. Similar dynamics were apparent in Chapter Four regarding the influence of property developers, and all the empirical chapters bear witness to the idea of 'untouchable' social groups in Kampala at both ends of the socio-economic spectrum. On this level, the Ugandan case appears to reflect the dynamics of 'strong society, weak state' described by Migdal (1988). As the above quote from Erias Lukwago indicates, politicians in power often even pitted *themselves* on the side of society *vis-à-vis* the state.

Influential social forces were not entirely absent in Kigali; but those with the potential to have a serious impact on state effectiveness were limited to elites, and even these only did so in relation to certain fields of activity: namely property-related taxation. Unlike in Kampala, elite social forces could not easily compromise state organisations regarding, for example, construction and land use regulations or efforts to reform urban transportation. The situation regarding local taxation was exceptional in that it demonstrated elite leverage *beyond that which was channelled through the state*. Here elite social forces stalled something already written into law; in most aspects of the Rwandan case this did not happen because elite interests were either synonymous with the state agenda (having fed directly into it), or were overridden by it. The 'glue' that kept the state agenda tightly aligned with elite agendas most of the time was the RPF, a political organisation

with an elite monopoly. The power of RPF discipline meant that even when elites obstructed local tax policies it was through ‘passive resistance’<sup>665</sup> without overt breaking of ranks, criticism or recriminations by state actors. The bargaining power of social forces among the urban poor, meanwhile, has been shown by all the empirical chapters to be low in Kigali. Ordinary urban social groups rarely mobilised in ways beyond those circumscribed by the RPF/state, which had almost total dominance of processes of political and social organisation.<sup>666</sup>

However, even in Kampala, where popular social organisation overtly independent of the state was much more prominent, state actors were in reality deeply implicated. The manipulative interference in *boda-boda* organisations and stimulation of division among market associations illustrates this. Circumspection is therefore required regarding the ‘strength’ of Kampala’s social forces in their own right; the NRM’s hand was usually evident, albeit in more complex and contradictory ways than the RPF’s in Kigali. Indeed, actively stoking social forces was part of the NRM government’s political strategy in response to the already fragmentary nature of urban society in religious, ethnic and party political terms. Creating a ‘minimum winning coalition’ in this diverse, divided society has been an enduring problem for Ugandan leaders since independence (Kasfir 1976, Lindemann 2010; Tripp 2010). The way political bargaining evolved over time in Uganda, even within the NRM period, reflects a dialectical dynamic between organic social change and government strategies and tactics. Social and organisational fragmentation existed in a cumulative cycle of causation with populist interventions to manipulate and benefit from that fragmentation; an echo of Migdal’s observation that ‘a society fragmented in social control affects the character of the state, which, in turn, reinforces the fragmentation of the society’ (Migdal 2001: 93). Social forces therefore could not easily organise independently of the state, because government politicians – who constitute part of the state – were constantly manipulating them.

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<sup>665</sup> Interview with taxation adviser B, 01.12.09.

<sup>666</sup> Note that highlighting the dominant role of the state in social and political mobilisation is not the same as saying that Rwandan people actually lacked any agency within activities circumscribed by the state, a point made in Chapter Five and also in Goodfellow (2011), and which is also made forcefully in relation to *gacaca* courts by Clark (2010a).

Another way of thinking about differential relationships between state and society in the two cases relates to the dynamic between state and market. Uganda's government allowed the market freer rein in Kampala as part of its political strategy; hence Museveni's embracing of actors within the informal economy as a populist tactic, evident in Chapters Five to Seven. For example, a class of *boda-boda* drivers was initially cultivated as a 'market-based' solution to unemployment, also bringing them into Museveni's fold as clients. Informal economic actors were empowered in ways that undermined state organisations and institutions designed to regulate and control them. State effectiveness was therefore sacrificed at the altar of informality, to the extent that it was increasingly difficult for the state to claw back control when efforts were made to do so. While the authorities in Kigali worked closely with the nascent private sector (for example in relation to urban transport), private actors were relatively heavily regulated and market forces kept within tight bounds. As an official who had worked for both KCC and CoK noted: '[In Kigali] the rules and regulations are followed because the players are *less* and *weaker* [...] In Kampala individual players have more economic muscle [...] there are more private interests influencing and manipulating government.'<sup>667</sup>

Limiting the scope of social and private sector forces was both a way of facilitating swift implementation of a state-driven development agenda and keeping Rwanda safe for RPF rule. As the pre-eminent social division in Rwandan society was between Hutu and Tutsi, in post-genocide Rwanda the RPF was very wary of actively stoking social division in the manner favoured by the NRM. This accounts for the Rwandan's preference for 'façade democracy' over 'competitive authoritarianism'. The government's desire to render society fully *legible*<sup>668</sup> precluded the kinds of divisive social manipulation that Ugandan state actors engaged in for economic and political gain.

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<sup>667</sup> Interview with director of parastatal organisation, 18.11.09.

<sup>668</sup> In the sense used by Scott (1998).

### *Centralism and decentralisation*

'We interfere very well.'

(Interview with Adolf Mwesigye, Ugandan Minister of Local government, 27.01.10)

Related to the dynamics discussed above, central-local state relations and decentralisation itself also played very different roles in the two cases. As noted in Chapter Three, for the NRM decentralisation in rural areas functioned as means of retaining most of their power by relinquishing some of it; a classic political strategy noted by Prud'homme (1995). The proliferation of units of government increased scope for the state to be used as a disaggregated site of contestation, creating a safety valve. Yet in Kampala, too, which was not only extremely diverse but a site of strong support for the opposition, decentralisation fulfilled political functions by fragmenting the state even within the city limits. As earlier chapters demonstrated, the diversity of government agencies in Kampala enabled political actors to strike bargains with socio-economic groups 'protecting' them from other arms of the state in exchange for support. One state agency or actor would portray itself as a source of redress by tactically intervening when another could be painted as a source of grievance.

In Rwanda, the previously highly centralised nature of the state was barely dented by its decentralisation programme, but this does not mean that decentralisation was inconsequential. In fact, the changes to formal governance structures described in Chapters Three and Seven had important implications, including for Kigali. Accountability ran predominantly in the upward direction through institutions such as *imihigo* performance contracts, limiting political devolution; yet the programme did *deconcentrate* important state functions and *delegate* major responsibilities. These changes likely rendered the state more effective and streamlined in certain ways. For example, the delegation of certain functions was clear and credible enough that a District Mayor, Claudine Nyiniwagaga, could stand up to a national minister on an issue of planning enforcement (see Chapter Four). Her accountability upwards to the City of Kigali and Ministry of Infrastructure was critical here; vertical lines of accountability guiding her actions through the decentralisation framework

were sufficiently institutionalised to overcome any ‘diagonal’ pressure to defer to the prime minister, who despite being far senior to her had no formal authority over urban development control. The decentralisation programme thus paradoxically helped strengthen vertical structures of centralism. Also significant is the fact that the CoK was effectively part of central government after 2006 (see Chapter Three), rendering it a site of centralised patronage through jobs for key cadres.

Despite this difference between the two cases, it would be misleading to attribute the Ugandan state’s relative ineffectiveness to decentralisation itself. It was not decentralisation so much as the partial, compromised nature of it that obstructed effectiveness in Kampala so severely. This reflected a more general trend towards recentralisation in Uganda (Tumushabe et al. 2010; Lambright 2011). In Kampala, having created multiple state agencies, politicians in Uganda subsequently engaged in *systematic weakening* of them; a common strategy of political survival (Migdal 2001: 83). The partial and politicised nature of decentralisation in Kampala meant that neither the local state’s upward accountability *nor* its downward accountability functioned effectively. In Kigali, upward accountability was streamlined but downward accountability limited. This rendered the state very effective in its regulatory and law-enforcing capacities, but may also account for why in matters requiring a higher level of responsiveness to local needs it was often less effective. The deficit of marketplaces accessible to the poor (Chapter Five) and transport options serving their needs (Chapter Six) illustrate this point.

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The above discussion presents a stylised analysis of some of the central reasons that the Rwandan state was more effective than the Uganda’s in relation to urban policy issues in 2000-2010. Differing forms of authoritarianism, embodied in developmentalist and populist strategies respectively, combined with urban social forces of varying strengths that were entangled with the state in different ways in the two cases. This caused differential instrumentalisation of central-local

intergovernmental relations. The task now is to abstract from this to achieve theoretical generalisation by looking more closely at particular causal mechanisms. In accordance with theory-guided process-tracing, causal processes are examined through the analytical prism presented previously in Chapter Two.

## **8.2 Tracing the politics of effectiveness: five theoretical propositions revisited**

This section assesses the degree to which ‘causal processes observations’ (Mahoney 2010: 124) from the empirical chapters provide support for the earlier theoretical propositions about state effectiveness. In looking at processes and mechanisms it posits deeper explanations about why the different political strategies noted in the previous section prevailed in each case. Following Elster, however, it makes no pretence of being able to ‘formulate general-law-like regularities about human behaviour’, concentrating instead ‘on specifying small and medium-sized mechanisms for human action and interaction’ (Elster 1989: viii).

There is little evidence that bureaucratic capacity as defined in this study played a major role in the divergence in effectiveness. Due to difficulties in measuring capacity in aggregate, it is difficult to determine the precise difference in capacity between the two cases in the period being researched. As noted in Chapter Three, Kigali’s city government had a slightly higher number of staff relative to the city population at the end of the decade. It also collected slightly more tax per capita in the late 2000s as described in Chapter Seven. However, the amount of tax collected is here considered an imperfect measure of capacity; as the previous chapter demonstrated, effective tax collection in these cases was as much about public compliance and the absence of political interference as bureaucratic capacity. In fact, in Kampala the state had the capacity to collect property taxes from over twice as many properties as it actually did after 2006. The bureaucratic foundations in terms of valuing and listing properties had been laid to a much greater extent than in Kigali, and if the local state had been allowed to collect to its full capacity, the tax take would probably also have been higher.

Moreover, a range of other indicators suggest the Ugandan state possessed greater capacity. As noted previously, Uganda had a much higher number of civil servants per capita for several decades leading up to the millennium (Mkandawire 2010) and superior education indicators for much of the decade 2000-2010. While Rwanda began to surpass Uganda on many educational indicators by the late 2000s, this happened too late to have an impact on bureaucratic competence in the period of consideration, and at this point should rather be thought of as an *outcome* of state effectiveness rather than a contributor to it. Another popular (though problematic) measure of state capacity is income per capita (Fearon and Laitin 2003; Fearon 2005). On this count, Uganda remained consistently slightly ahead of Rwanda for the whole decade 2000-2010, both in terms of GDP per capita in constant US\$ and GNI per capita (PPP).<sup>669</sup>

Uganda also had a higher degree of institutional continuity through its many years of turmoil, as indicated in Chapter Three. More anecdotally, Kampala's incoming City Director in 2011 described her 'amazement' at KCC's technical capacities given how ineffectively they had been used,<sup>670</sup> and other sources also affirm the high level of education of KCC staff (Stelman 2012: 14) and the much higher 'intellectual competences and institutional potential' in Uganda relative to Rwanda.<sup>671</sup> This is not to deny that the local state in Kampala (and indeed the national state) suffered crippling deficits of capacity; it clearly did, and political interventions often exacerbated them.<sup>672</sup> Despite this, however, on balance it seems that the capacity of the Rwandan state was probably even lower. Proposition one that *states will be more effective at implementing policies and regulations the greater their bureaucratic capacity*, is therefore not supported by the research into the policy issues in question.

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<sup>669</sup> World Bank World Development Indicators, <http://data.worldbank.org/indicator>; accessed 10.06.12.

<sup>670</sup> Interview with Jennifer Musisi, NTV Uganda: 'Kampala CEO halts contracts', [http://www.youtube.com/watch?v=FDSHn7Jh\\_4w](http://www.youtube.com/watch?v=FDSHn7Jh_4w), 27.05.11; accessed 11.03.12.

<sup>671</sup> Interview with Andrew Mwenda, 20.01.10.

<sup>672</sup> Earlier chapters showed how the politically-driven under-collection of tax reduced available resources for Kampala's Divisions to hire planning and building inspection staff, which hindered capacity to deliver on those activities. In a reversal of the above point about Kigali, reduced capacity can therefore be seen as a consequence of state ineffectiveness as much as a cause of it.

Regarding autonomy, the political interventions impeding state effectiveness in Kampala could often be linked to the NRM's deep entanglement with sectors such as *matatus* and *boda-bodas* since they first emerged, and more recently with market traders as well. NRM politicians actively sought to destabilise associational life among *boda-bodas* for political gain, most notably through the *Kuboka* debacle and the stirring up of resistance to KCC's sticker tax scheme. These actions rendered KCC increasingly impotent in its efforts to bring some order to the sector later on. The drivers, like market vendors, were generally grateful for Museveni's interventions, in which he portrayed KCC as the would-be regulator and himself as the heroic saviour from an intervening state. In this way the political arm of the state created expectations among various sectors that exacerbated the difficulties faced subsequently by the technical arm in terms of enforcement.

In Kigali, the RPF was deeply involved in the same economic sectors, but in a very different way. It was more autonomous in that it did not pander to the complaints of market traders or *taxi-moto* drivers, for example; indeed it only loosened its outright ban on the latter because of its concerns for other interests (relative to which it was *less* autonomous) such as bankers and middle class commuters. Many of the incidents discussed in Chapter Four through which state agents in the two cities dealt with planning and illegal construction can also be seen as indicating relatively greater state autonomy *vis-à-vis* certain groups in Kigali than Kampala. Causal process observations throughout the thesis thus provide some support for proposition two, that *states will be more effective at implementing particular policies and regulations the more autonomous they are vis-à-vis interest groups that may be negatively affected by those policies and regulations*. However, autonomy relative to certain sectors does not equate to 'state autonomy' in its idealised form; property and rental taxation in Kigali starkly illustrate the lack of the Rwandan state's autonomy *vis-à-vis* other groups. A second caveat is that if we accept the need to disaggregate the state – and research on Kampala especially shows how important this is – then different parts of the state may also have differing degrees

of autonomy from various groups. These complications render autonomy a concept with only limited analytical purchase.

The issues of credibility and legitimacy can be clearly traced in the comparative narrative, and are closely linked. In Kampala, causal processes observed in all the empirical chapters indicate how important the low credibility of government commitments was in terms of inhibiting effective implementation. City officials lamented scarce resources and central government intervention, which meant they themselves did not believe policies would be implemented, something that fostered corruption and negligence. Meanwhile that very corruption and negligence was used to justify government interventions to overturn decisions and actions by other arms of the state,<sup>673</sup> leading to a vicious cycle of low credibility and ineffectiveness. The more that politicians intervened and rendered regulations impotent, the more their legitimacy was bound to direct, populist engagement rather than state performance, and the less credible policy commitments were. In relation to local tax, for example, central government legitimacy in Uganda became associated with the active undermining of local tax policies. The dwindling credibility of policy and regulatory commitments meant that frontline state actors tasked with enforcing them would either turn a blind eye to contraventions or, during one the sporadic 'crackdowns', merely take bribes and the release the culprits, knowing that politicians cared little about enforcement.

In Rwanda, commitments on many urban regulatory issues were much more credible because the RPF government's legitimacy hinged on providing security and order, such that it would only tolerate activities that contributed to socio-economic legibility rather than undermining it. This made issues concerning urban planning and development control credible priorities on security grounds. Because the RPA was composed of large numbers of (mostly Tutsi and foreign-born or raised) refugees, and it did not socially embed itself during wartime as many guerrilla movements (including the NRA) have done (Prunier 1983; Mamdani 2001; Mkandawire 2002; Kasfir 2005), it came to power with limited social legitimacy. The

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<sup>673</sup> Interviews with Alice Muwanguzi, 25.09.09; Isa Gumonye, 08.10.09; Patrick Mutabwire, 12.02.09.

RPF's primary source of legitimacy thus became halting the genocide and restoring order (Reyntjens 2004).<sup>674</sup> As political space narrowed (Straus and Waldorf 2011), potentially undermining legitimacy in other ways, the seriousness of its vision for Rwanda's development and continued security became even more central to its continuing legitimacy over time, further underlining the motivational credibility of policy commitments. Urban workers recognised that the regulation of the informal economy was about 'solidarity and security', noting that high levels of organisation were intended to 'fight the thought' of war and conflict; beliefs that positively impacted on their compliance.<sup>675</sup> With compliance to rules increasingly the norm, any form of malpractice among government officials could cause them to lose their jobs or worse, leading them to take enforcement very seriously.<sup>676</sup>

All this provides strong support for proposition three, that *states will be more effective where government commitments are motivationally credible both to the social actors affected by them and the state officials supposed to implement them*. It also supports proposition four, that *states will be more effective where the sources of their legitimacy relate to state effectiveness itself, as opposed to clientelism or other bases of legitimacy*. This proposition could even be expanded, invoking again the distinction between state and government, to say that when the *government* has relatively easy recourse to clientelism as a source of legitimacy (as in Uganda) it can withstand the declining legitimacy of the *state* that occurs when clientelism undermines state public goods provision. In contrast, when the government's sources of legitimacy are highly tenuous (as in Rwanda) it has much stronger incentives to augment its legitimacy through making the state more effective (and thus more legitimate). These trajectories are to a considerable degree path dependent in the sense that they become self-reinforcing.

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<sup>674</sup> Also arguably important to the state legitimacy has been the pursuit of justice and reconciliation through *gacaca*, though this is much more contested and controversial and may have fuelled resentment towards the state among some people while increasing legitimacy among others; see Clark 2010a).

<sup>675</sup> Informal conversation with *taxi-moto* drivers, November-December 2009.

<sup>676</sup> Various interviews with city officials, November-December 2009.

The fifth proposition about social power is also important, particularly because any discussion of state-society relations in Rwanda is incomplete without reference to its unusually hierarchical and centralised power relations. It is significant that there was very little protest and resistance from market traders, displaced evictees or *taxi-moto* or disadvantaged by regulation, in sharp contrast to the situation in Kampala. Whether or not there were high levels of ‘internal rebellion’ (Scott 1990) among these urban social groups, causal process observations from the Kigali case indicate higher levels of quasi-voluntary compliance. The long-standing practices of state-sponsored community activity in which the majority of the population partook, allowing for regular ‘sensitisation’ and local knowledge-sharing, played critical roles in affecting the overt responses of social actors to state policy.

The point, therefore, is that not only *coercive* power was involved in generating compliance in Rwanda; indeed, ‘it is simply impossible for a state to achieve tractability by relying exclusively on its judges and jailers’ (Migdal 1997: 223). There is thus strong support for proposition five, that *states will be more effective where they have a greater degree of infrastructural power*. It is not clear that this form of power was totally absent in Uganda. Some arms of the state reached fairly deeply into society in Kampala too, as demonstrated in the above section on state-society relations and evidenced, for example, in the way that both *matatus* and *boda-bodas* were used as tools for surveillance in the wake of civil war.<sup>677</sup> However, the pervasive lack of knowledge among state actors about exactly what was going on in the marketplace or transport sectors at large contrasted sharply with Kigali, suggesting infrastructural power was considerably shallower.

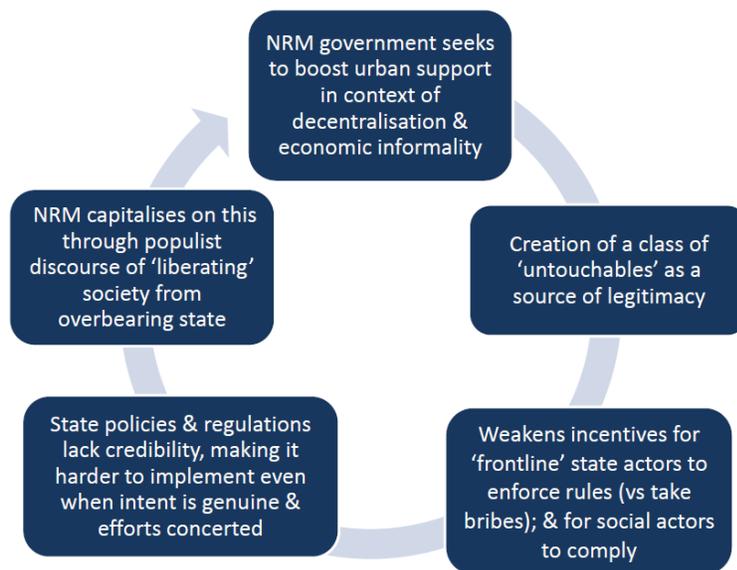
The foregoing analysis is not intended to suggest that any of these causal propositions are either necessary or sufficient in and of themselves. A feature of qualitative research into causal mechanisms is that it can highlight ways in which a cause ‘works together in combination with other causes to produce an outcome’ (Mahoney 2008: 418). Figures 8.1a and 8.1b illustrate some of the dynamics of interaction between these causal propositions. An explanation of the high level of

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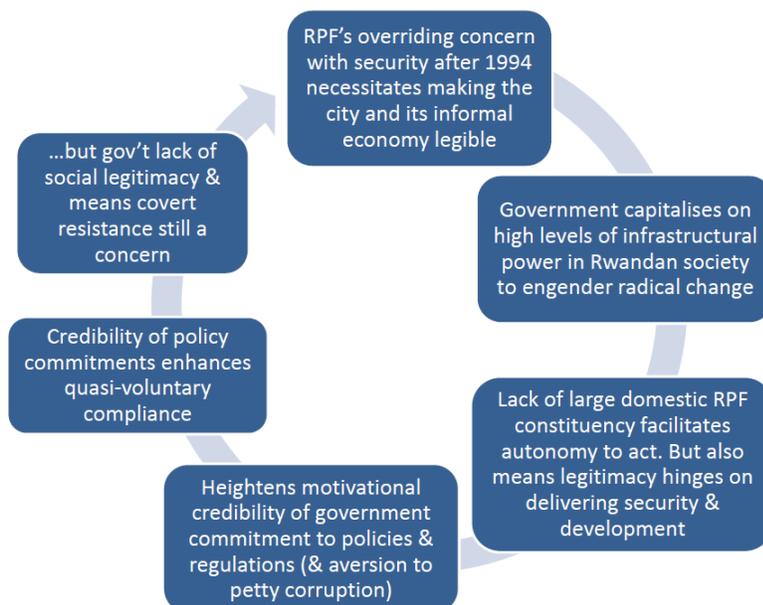
<sup>677</sup> Interview with former local politician, 29.09.09.

effectiveness in Kigali that focused, for example, on either historical power dynamics or RPF sources of legitimacy alone would be partial and unable to account fully for the causal mechanisms observed. Process-tracing of the kind undertaken in this study thus facilitates not only the exploration of multiple paths of causality but also the feedback loops and path dependencies at play in the causal process (Büthe 2002; Falleti 2006).

**Figure 8.1a: The interplay of causal mechanisms in Kampala**



**Figure 8.1b: The interplay of causal mechanisms in Kigali**



Too much attention has been given to bureaucratic capacity in most approaches to state effectiveness, at the expense of political factors and state-society dynamics. Many 'capacity-building' efforts in developing countries are failing to produce results, not only because of failures to address organisational dynamics and incentives within state agencies (Therkildsen and Tidemand 2007; Crook 2010) but also because of wider political factors that undermine effectiveness even as particular capacities are being built. This section has highlighted the importance of a government's ability and motivation to draw on particular political resources (Thomas and Grindle 1990), as well as the incentives for social actors to comply with regulations and state functionaries to enforce them. Particularly relevant are sources of government legitimacy as they evolve over time, and how these interact with policy credibility and infrastructural power to influence the behaviour of state and non-state actors alike. The variation in all these factors shapes the nature of the political bargaining environment in which agents act. The next section abstracts further from the case material to discuss how political bargaining, conditioned by these factors, impacts on institutional development.

### **8.3 Political bargaining, intervention and institutional congruence**

The analysis in the preceding sections suggests that whether policies and regulations were implemented and enforced depended to a large degree on the nature of the explicit pacts and unspoken, implicit understandings between politicians and other social actors, including bureaucrats, economic elites and urban informal workers. In other words, the nature of political bargaining was central to the degree of effectiveness. As Chapter Two indicated, bargaining in the literal sense is difficult to observe. In this thesis the idea of bargaining has therefore been operationalised through the proxy of observable interventions by political agents the interaction between these and the responses of social actors in terms of compliance, negotiation and resistance. This section highlights one of the most important mechanisms through which such bargaining impacted on state effectiveness: the extent to which it furthered institutional congruence (made

formal and informal institutions accord with rather than contradict one another). Reframing the main findings of the thesis in this way helps further to distil their generalisable theoretical implications.

As noted in Chapter Two, institutional theory has explicitly highlighted the importance of informal norms for backing up laws and regulations to make them effective (Hodgson 2006; Khan 2010). What this thesis contributes is some potential reasons as to *why* relative convergence or divergence between formal and informal institutions occurs. Khan notes that informal institutions are essential in developing countries because they are ‘the only feasible mechanism for sustaining economic benefits for powerful groups who would otherwise have lost out’ (Khan 2010: 26). This, however, does not explain why in some contexts there is a great effort on the part of elites to shape formal and informal rules to be more congruent with one another and thereby bring benefits they reap from informal institutions within the purview of the formal ones; something that (whether deliberately or as a side-effect) renders the state more effective.

The question of institutional congruence has been implicit throughout. The NRM and RPF were both eminently successful political organisations, and both had interests bound up in the major urban sectors of property, trade and transport. Yet the success of the NRM in terms of achieving and maintaining political domination was consistently achieved through informal institutions and bargaining at the expense of state effectiveness. Meanwhile in Rwanda, the RPF achieved its ends largely by making the formal institutions of the state more effective through informal supports. Why these strategies so substantially differed boils in large part down to underlying political priorities. As Leftwich notes, the more that informal institutional arrangements, values and norms complement and merge with formal ones, ‘the more stable, consistent and predictable the politics are likely to be’ (Leftwich 2008a: 8). The degree to which consistency and predictability were valued by elites is therefore critical.

A few examples from the empirical chapters illustrate this. Chapter Four showed how despite its very strong legal status, organisations such as Uganda's environmental regulator NEMA were impotent due to collusion between economic and political elites. The net result was that 'men with guns' were employed in support of informal rules against formal ones, with the latter serving more as tools for leveraging bribes than guiding principles for behaviour. In Kigali, where elite interests in urban development projects were equally pronounced, REMA was used for intervening to enforce formal rules that were layered onto existing informal power relations. Empowering REMA played into the RPF's broader agenda of legibility, control of urban space and international environmental credibility, the net benefits of which outweighed regulatory cost to individual elites. Elevating informal institutions above the formal ones in relation to land use may well have created ample opportunities for individual enrichment, as in Kampala; yet it also involved a degree of risk not palatable to the government. The risk of formal rules losing their credibility was considered to be very serious in Kigali. The Gasabo District Mayor's assertion of the importance of not creating precedent for the application of building permits *after* illegal construction had already begun was typical of how the RPF sought to limit the power of informal institutions to usurp formal ones through *fait accompli*.

Even when political intervention appeared rather similar on the surface in the two cities, different processes were actually at play. For example, 'spies' and state security agents were pervasive in the transport sectors in both cities, yet this resulted in opposite outcomes in terms of institutional congruence. Again this relates to differences in the deeper purpose of intervention in those sectors. Both governments sought to manipulate social groups to maintain control (as governments generally do). However, the overriding priority of the Rwandan government was to securitise contemporary Kigali and to *know* it in great detail, knowledge being critical to its infrastructural power; thus the engagement of security agents was geared towards these ends, which were well-matched with formal institutions of regulation. In Kampala, the greater priority was to maintain clientelistic relationships and render impotent a city government dominated by the

opposition; ‘spies’ were thus used to destabilise and mobilise as much as ‘know’ and securitise. This resulted in informal norms of state-society engagement in Kampala that undermined the formal ones. Activating the formal rules sporadically through ‘crackdowns’ in Kampala caused further social instability, an outcome to which the RPF was highly averse.

Even if the Ugandan government were similarly motivated to bring informal institutions in line with formal ones – and at times, there were indications of increased commitment to do so<sup>678</sup> - this was rendered very difficult because of the path-dependent or institutionally ‘sticky’ nature of established practices. In Kigali social mechanisms informally incentivised compliance to formal rules, while in Kampala they did the opposite, with political interactions that contradicted state policy having become ‘like a tradition’.<sup>679</sup> Drawing on the analysis in section 8.2, we can summarise this point about institutional congruence as follows: the Rwandan government had the *motivation* to match informal with formal institutions because of its particular sources of legitimacy and its need for commitments to appear motivationally credible, and it had the *ability* to do so because of deeper infrastructural power and greater autonomy relative to key sectors of society.<sup>680</sup> These factors together meant the government could and did conceive of the institutional system in its entirety – including how formal and informal rules relate – as a target for major streamlining and consolidation.

This analysis highlights the inadequacy of efforts to capture the ‘level of institutionalisation’ in a given context without due attention to both formal and informal institutions, and builds on the work of Helmke and Levitsky (2004) in investigating the relative congruence or disjuncture between the two. Huntington

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<sup>678</sup> This was particularly evident in 2011-12, after the main period of research was completed. See epilogue.

<sup>679</sup> Interview with local politician, 06.01.10.

<sup>680</sup> Ironically, some of these same factors meant that regarding policies on government responsiveness (e.g. in relation to aspects of the decentralisation programme), formal-informal institutional congruence was relatively low: ingrained informal norms of behaviour predicated on upward accountability militated against such policies rather than supporting them. However, as noted in Chapter Two (footnote 27), policies pertaining to responsiveness are a distinct category requiring separate analysis.

(1968) argued that societies were more institutionalised the more their organisations were a) adaptable (versus rigid); b) complex (versus simple); c) autonomous (versus subordinate to other interest groups) and d) coherent (versus disunified). This, however, does not adequately capture the critical difference between state organisation in Uganda and Rwanda; the former is arguably more adaptable and complex, while the latter is more autonomous and coherent. Thus while on balance these two cases might score about equally in terms of some aggregate level of institutionalisation, conventional approaches tell us little about the *type* of institutionalisation and the interaction between formal and informal, which is critical for state effectiveness.

In concluding this section it is important to note that the observed differences between the two cases were inevitably limited to particular fields of activity, with an emphasis on implementing laws, collecting taxes and enforcing regulations relating to urban spatial development and economic activity. This thesis has not provided evidence of the relative effectiveness of these two states in other spheres of policy. There is, however, reason to believe that in relation to certain other aspects of development similar divergences between the two countries are evident, including in rural areas – and for broadly similar reasons. In particular, work on both maternal health (Chambers 2012; ODI 2012) and access to safe water provision (Golooba-Mutebi 2012) hints at similar causal factors to those raised in this thesis by highlighting the importance of policy coherence and ‘institutional resources’ in accounting for relative success in Rwanda. As such, it seems likely that the theoretical insights from this study regarding the drivers of state effectiveness in Rwanda apply well beyond the sectors studied empirically here.

#### **8.4 Implications for the urban challenge in Africa**

As noted at the start of this chapter, this thesis has not only been a comparison of states but of cities. These two units are not mutually exclusive; states exist at multiple scales, with the city scale was particularly pertinent to the divergence explored. Moreover, by considering state effectiveness in relation to concrete issues

with local ramifications, this approach has enabled consideration of the interaction between different *tiers* of the state as well as between the political and bureaucratic arms of the state. Refocusing now on the city as a socio-economic and political space, this section addresses the question of what this thesis contributes to the study of cities in the developing world and explains why the issues it raises are so important for Africa in particular.

When studying the relationship between states and capital cities in the developing world, certain reigning assumptions need to be overcome. Migdal, for example, asserts that that studying local politics is important because at the local level ‘a web of unexpected state-society relations results – unexpected, at least, for those who have observed only the politics of the capital city’ (Migdal 2001: 89). This betrays a misguided assumption that capital cities are necessarily places in which state-society relations are straightforward. It also misses the point that the capital city is itself a *local* place. The tendency to conflate the capital city and the national is unsurprising given that capitals are often seen to ‘contain’ sovereignty; and as this thesis has shown, it is difficult to disentangle national and urban-level political bargaining in these contexts. However, this does not mean that the city should be disregarded as a locale. The fact that capital cities are central to national politics means we should be all the more concerned with *local and meso-level* dynamics within them, which are as full of unexpected state-society dynamics as rural areas (if not more so). These are important not only in terms of how they rebound back into national politics, but because cities are spaces in which people live and work that merit analysis in their own right as much as anywhere else – especially given urbanisation and rapid urban growth.

There is therefore a need to devote more attention not only to how cities function in particular states, but how states function *in* cities, especially now that the world is predominantly urban. The tipping point into a majority urban world is thought to have occurred in 2007 (Beall and Fox 2009), and while Africa is still the most rural continent, this is changing and the continent faces huge demographic challenges that will primarily impact on cities (Dyson 2010). Debates persist over the exact

pace of Africa's urbanisation (Potts 2009; Fox 2012; Potts 2012), but there is little doubt that *urban growth* – the increase in absolute numbers of people living in cities and towns – is proceeding extraordinarily fast on the continent (Fox 2012) and nowhere more so than in East Africa (UNPD 2009; UN-HABITAT 2011). In the context of widespread poverty, little industry or formal sector work, and the proliferation of slums across the continent (Davis 2006, Pieterse 2008; Beall and Fox 2009), this poses profound challenges for government and state-society relations, which are under ever-increasing strain. Concerns about rising urban violence, whether in the form of crime, violent protest or other forms of 'civic conflict', are justified against this backdrop (Beall and Fox 2011; Beall et al. 2011; Fox and Hoelscher 2012). All these developments render the urban question, and the role of the state in engaging with it, a critical contemporary development issue.

Yet as Chapter One highlighted, there has been something of a political deficit in the study of cities in developing countries. Approaches to 'urban governance' have often assumed depoliticised co-operation in the interests of service delivery, while community-based approaches focused on participation tend to romanticise community relations and under-theorise conflict and power (Cleaver 2001). Some of the more politically-engaged literature on city futures is taking important steps in rethinking approaches to the deepening of democracy in cities, and there has been a refocusing on the state as a site of struggle for democratic access (Appadurai 2001; Fung and Wright 2003b; Pieterse 2008). However, much of the urbanist literature is still characterised by debates between pro and anti-'neoliberal' approaches focused on whether to have more or less government at the expense of analysis of the outcomes of different *forms* of government involvement (Parnell and Robinson 2013 forthcoming).

Other dominant discourses in contemporary urban theory, centring on normative propositions around the 'right to the city' and the 'good city' (Harvey 2003; Amin 2006), are problematised by the research and analysis presented in this thesis. Kigali, for example, is a city in which improvements to services and many aspects of state performance have not necessarily been accompanied by the enhancement of

rights and broadened access to the state (or indeed the city). Its experience is important and yields both positive and negative lessons, but cannot be comfortably accommodated by the dominant perspectives on urban development. Significant too is the experience of Kampala, where access to the state and participation in urban governance has been considerably greater but has largely occurred through informal mechanisms. The most significant forms of participation in politics were largely 'parallel' in nature, whether through rioting in marketplaces to win concessions or pleading directly to the President. Despite helping some groups protect their livelihoods, there has been little to show by way of improved urban services or progress towards 'the good city' as a consequence of these engagements.

Some urban theorists now acknowledge that 'it may be the limits to state capacity that provide the most fruitful opportunities for understanding poverty and inequality in Southern cities' (Parnell and Robinson 2013 forthcoming: 18). This thesis pushes forward on this agenda, not least by highlighting ways in which the limits to state effectiveness extend far beyond limits to capacity and need to be understood from state-society relations rather than narrowly statist perspective. It is not satisfactory that those concerned with urban rights and participation focus on community and society, while those concerned with states reify their capacities and treat them as disconnected from societal dynamics. Neither state effectiveness nor normative visions for city futures can fully be understood without an understanding of the ways in which the state and social forces are entangled. The challenge from an academic/theoretical perspective is to better integrate insights on the state with insights on urban social forces, and to innovate methodologically and theoretically in order to better understand and address dilemmas of an increasingly urban future in the developing world.

As well as aiming to further this end, this study has hopefully made three more specific contributions to urban scholarship. The first is to issue a reminder that asserting the 'right to the city' could be counter-productive without a sound analysis of the actually existing politics of the city. It was politics and not rights that

guided urban development in the cities studied here. Even if a politics *of rights* is to develop and exert influence in cities in Africa, this needs to be understood in relation to a city's existing politics *of interests*; its political economy. Without understanding the latter we cannot fully grasp the meaning or assess the likely consequences of the former in a given context. Second, this study should serve to highlight the importance of a multi-scalar approach to studying urban politics in developing countries. As Purcell (2006) has argued, the focus on the 'right to the city' and much scholarship on urban democracy and urban citizenship has been vulnerable to the 'local trap', going too far in privileging the local scale at the expense of others. As is very clear from this study, with respect to capital or 'core' cities at least, the direct engagements of other tiers of government in the city are of enormous consequence even when many functions are decentralised.

Finally, this thesis emphasises that understanding the politics of cities in the least developed parts of the world cannot be achieved through theoretical models of urban politics that evolved from studying cities in the already developed world. This is basically all that conventional political science has to offer: urban political science tends to assume both relatively independent and formally institutionalised organisations in civil society and relatively self-contained spheres of politics at the urban scale – precisely what this study has shown to be lacking in the African cities in question. Meanwhile, the Development Studies literature has all too often associated the urban with the national, the formal, and the elite, rather than framing it as an important space of socio-political development in its own right. Instead of 'urban regime theory', then, what is needed is urban political bargaining analysis that disaggregates the state and systematically analyses the linkages between popular and elite social forces and different elements of the state. This requires explicit attention to both formal and informal institutions, the degree to which these overlap and the processes through which they are acted on and reconstituted. Only with an understanding of these can we engage with questions about the likely outcome of policies, plans, and broader normative agendas in a given urban context.

## **A final word and avenues for future research**

The finding that differential effectiveness in addressing certain urban challenges has relatively little to do with state capacity throws up challenges for development theory and policy. Above all, the analysis presented here suggests that understanding the capability of states to cope with present and impending urban growth will require attention to far more than qualities endogenous to the state itself. It necessitates paying close attention to the political resources available to governments and the incentives for enforcement and compliance affecting state actors and urban social groups respectively. Moreover, only by understanding processes of bargaining between social forces and a disaggregated state, and how these impact upon institutional congruence, can we predict the likely outcome of attempts to implement policies, laws or regulations in the dense institutional and organisational environment of major cities. This merits emphasis because the belief that getting the policies or (formal) institutions right will spur developmental progress pervades development practice and, in some cases, development theory. This misguided assumption is not affordable given the scale of the challenges involved.

Governing the process of urban growth in Africa is surely desirable given the consequences of decades of 'laissez-faire' urbanisation. However, neither case study examined here provides a model for how to do this in a way that mitigates the worst externalities of rapid urban growth while also effectively providing for sustainable urban livelihoods at scale. Moreover, neither provided particularly positive examples of political processes that allowed for demands to be made on the state through effective formal channels. Much more research is therefore needed to reveal the conditions under which the realisation of a broader range of normative urban goods is possible. Two broad avenues for further research are suggested below.

The first would involve research into the conditions under which states are effective regarding a broader range of urban development objectives than it has been

possible to explore here. Some particular aspects of this agenda could build directly on this project; for example, the analysis of cases in which urban property-related taxes *are* effectively collected and urban tax regimes are relatively progressive would be extremely valuable. Cases where the urban informal economy has been formalised in ways that have demonstrably created sustainable employment opportunities and lifted urban-dwellers out of poverty also merit further research. Building on the wealth of scholarship on effective industrialisation in recent decades in other parts of the developing world, research is required into contemporary developing countries where, despite the constraints of twenty-first century globalisation, formal sector jobs have been created in ways that effectively absorb burgeoning urban populations. In addition to these issues, differential state effectiveness in the provision of health and education services in major cities would be extremely valuable.

A second avenue would involve complementing research on the politics of state effectiveness, such as that contained here, with research on the politics of state responsiveness. As noted several times in the thesis, these are distinct normative goods, both of which are required for building states that not only can but *do* deliver developmental outcomes that reach broad populations. Understanding the relationship between effectiveness on the one hand, and responsiveness and accountability on the other is itself a valuable object of inquiry. More research is needed on cases where the effective delivery of key urban public goods has actually been an outcome of responsiveness to social forces channelled through accountable formal institutions. The Kigali case here has demonstrated that effectiveness without much responsiveness and downward accountability is achievable in relation to a range of goals in specified time periods when the political conditions are right. However, there is no guarantee under these conditions that states will become the all-round developmental organisations needed to meet the urban challenge in its entirety. Future research therefore needs to investigate the political conditions under which states in contemporary African cities become responsive and effective simultaneously.

## Epilogue: December 2011<sup>681</sup>

Kampala has reached a turning point of sorts. The passing of the Kampala Capital City Act at the end of 2010 means that central government intervention in the city is no longer sporadic and informal; the city government has been thoroughly recentralised. Museveni, who won a fifth term in February 2011, has appointed an Executive Director for Kampala – Jennifer Musisi – who is accountable directly to him and wields far more power than Erias Lukwago, the new Lord Mayor. Transfers to the city government for roads have more or less doubled; street lights have been installed in parts of the city. Moreover, Musisi has instituted a ban on street vendors in the CBD, and several buildings in contravention of regulations have been demolished. In early December 2011, Musisi and her team took a trip to Kigali, where I accompanied them on a city tour organised by their Rwandan counterparts. Back in Kampala the following week, she is reflecting on the importance of sensitisation.

Musisi's achievements thus far represent the easy part. UTODA remains unassailable, and the latest attempt to terminate its contract to run the taxi parks has resulted in a court process running at three months, with no end in sight. As a consequence of her efforts to rein in the organisation, Musisi has received death threats. Moreover, although in May 2010 a \$33 million contract was signed to bring in 522 buses from China and transform the entire public transport system, just months before they were to arrive the Ugandan Parliament stopped the deal on the grounds that 'there was a fault within the procurement procedure'. *Boda-bodas* remain beyond the state's formal purview; the marketplace wrangles continue. Musisi is locked in a constant political battle with Lukwago, who claims to be marginalised in unconstitutional ways, while she claims that she is empowered to act without the support of politicians, and largely disregards them. 'We need to establish the credibility of the institution', Musisi says of the new Kampala Capital City Authority; 'without credibility, we can have no enforcement'. Nevertheless, the

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<sup>681</sup> This is based primarily on a return trip to the two cities in December 2011.

confusion and overlapping of roles at city level is widely considered as being even worse than before.

There are also new problems impeding policy implementation. The clampdown on corruption under Musisi has heightened concerns to follow legal procedures, particularly regarding procurement, but the laws are so complex and opaque that it takes months to even acquire basic materials needed to address crucial infrastructure problems, much to her own frustration. Thus, while the relative power of city politicians vis-à-vis bureaucrats has substantially diminished, a new layer of obstacles has been exposed in terms of arduous legal procedures and blurred accountability. Museveni is supportive of Musisi 'but there is only so much he can do – once something gets into the system, the system stalls it in various ways.' Meanwhile politicians are quarrelling ever more fiercely with the technical staff who now increasingly appear to be their masters.<sup>682</sup>

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In Kigali, the finishing touches to infrastructure for the new CBD on the former site of Ubumwe slum, now laced with asphalt roads and dotted with roundabouts, are being put in place as Musisi and her team survey the site with envy. Urban planning and development control are being taken as seriously as ever; the CoK planning office has considerably expanded. The transition to a more modern bus transport is proceeding effectively, with numbers of private buses having substantially increased; *taxi-motos* remain tightly-regulated as ever, a new rule about having to wear 'hygeine-friendly helmets' being added to their list of regulations in 2011.

The future remains uncertain. As yet, nothing new has actually been built in the new CBD; the plots have all allegedly been sold, but different sources provide diverging responses regarding how much investment is actually forthcoming.

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<sup>682</sup> Sources include: interview with Jennifer Musisi, Executive Director of Kampala Capital City Authority, 12.12.11; interview with Dr. Ian Clarke, Makindye Division Chairman, 12.12.11; interview with Erias Lukwago, Lord Mayor of Kampala, 15.12.11; *The Independent* 05.04.11; *Daily Monitor* 22.08.11.

Indeed, concern about investment – the word on which so much government strategy depends – hangs in the air in Kigali. Many expatriates left around the time of 2010's controversial elections, uncomfortable with the suppression of opposition, and have not returned. While most were NGO and donor agency workers, fewer wealthy expatriates means less demand for the kinds of goods and services many investors were providing in Kigali. The financial crisis and flight of Libyan investment has also taken its toll, and some sources say that a number of restaurants and hotels have closed. Foreigners seeking to invest frequently express annoyance that domestic investors are given preferential treatment over foreign ones in reality, despite the many incentives the government is promoting to attract international investment. Some are losing patience with the mixed messages they receive from state authorities. Construction is still booming, but the fact that the only major projects are fuelled by a few key domestic elites is increasingly apparent.

Meanwhile, decentralisation is proceeding into its third phase, and retains its paradoxical centralising overtones. Various responsibilities are being pushed down to the sector level, but revenue inspection and administration are moving up from District level to that of the City, virtually an arm of central government. Officials speak of the 'decentralisation of sensitisation'. There was no sign of any weakening of resolve on issues such as land tenure regularisation, which is proceeding apace, and urban environmental protection. Property taxation remains on the agenda – but has progressed no further. 'We see it as one of many taxes', notes the new Mayor Ndayisaba, adding: 'but we don't want to tax our people to death!'. In all, the contradictions and tensions underpinning a *mostly* effective state in its engagement with urban issues are more palpable than ever.<sup>683</sup>

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<sup>683</sup> Sources include: interviews with RDB official and local revenue official, 06.12.11; interviews with residents and foreign investors, 04-10.12.11; observation and conversations during official city tour; conversation with Mayor Ndayisaba, 07.12.11.

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### Appendix 1: Complete interview list

Note that some interviewees have been anonymised. A list with the actual names of all interviewees will be provided at the thesis examination for verification. In the thesis text itself, the interviewee descriptors given below are used for the anonymised interviewees.

For interviewees that have not been anonymised, the name and full job descriptions are used in the thesis text only the first time a source is cited. Thereafter, just the name and date are used.

Interviews are listed in chronological order, first for Kampala, and then for Kigali. All interviews took place in the two cities.

#### A: KAMPALA

##### *Initial exploratory trip, January-February 2009:*

No.	Interviewee	Job title	Date
1	Dr Assumpta Nagenda-Musana	Lecture in Architecture/Urban Planning	02/02/09
2	Jens-Peter Dyrbak	Governance Adviser, DFID	03/02/09
3	Independent planning consultant		04/02/09
4	Savio Carvalho	Country Director, Oxfam Uganda	04/02/09
5	Richard Kabuuka	Principal Economist, KCC	05/02/09
6	Land expert/civil society representative		05/02/09
7	Local government official		06/02/09
8	Adam Babale	Director, Local Government Finance Commission	06/02/09
9	Dr. Shuaib Lwasa	Lead researcher on Kampala Focus Cities project	10/02/09
10	John Bihangana	Head of Uganda Urban Local Authorities Association	10/02/09
11	Dr Stephen Mukiibi	Head of Architecture/Urban Planning Department	10/02/09
12	Town planner		11/02/09
13	Ex-planning official		11/02/09
14	Frederick Omolo-Okalebo	PhD student researching history of urban planning in Kampala	11/02/09
15	Gordon Mwesigye	Former Town Clerk (now official at Uganda Human Rights Commission)	11/02/09
16	Florence Namayanja	Kampala Deputy Mayor	12/02/09
17	Patrick Mutabwire	Commissioner, Local Government	12/02/09
18	Urban Tibamanya	Minister for Urban Development	13/02/09
19	David Mpanga	Buganda Minister for Research (and Lawyer)	13/02/09

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**Interviews between September 2009 and January 2010:**

No.	Interviewee	Job title	Date
20	Independent planning consultant		18/09/09
21	Bonnie Nsambu	Transport Engineer, KCC	21/09/09
22	Musujja Bakka	Head of Finance, KCC	22/09/09
23	Local official		22/09/09
24	Sabiti Makara	Lecturer in Political Science	23/09/09
25	Adam Babale	Principal Economist, Local Govt Finance Commission	24/09/09
26	Abraham Byandala	MP (NRM) who sits on Works Committee, and former City Engineer	24/09/09
27	Alice Muwanguzi	Resident District Commissioner, Kampala District	25/09/09
28	Ugandan transport Consultant		25/09/09
29	Richard Bamwira	Revenue Officer, Central Division	28/09/09
30	Godfrey Nyaakana	Chairman, Central Division (NRM)	28/09/09
31	Former local politician		29/09/09
32	<i>Boda-boda</i> driver A		
33	Chairman of a civic organisation		30/09/09
34	Mr Ndyomugenyi	Chairman, UTODA ( <i>matatu association</i> )	30/09/09
35	UTODA Security Officer		30/09/09
36	Local official		01/10/09
37	<i>Boda-boda</i> Chairman for Kawempe Division		01/10/09
38	Planning official		05/10/09
39	Titus Odongiu/ Godfrey Owor	Trade development officers, Central Division	05/10/09
40	Florence Namayanja	Deputy Mayor	06/10/09
41	NAFEBO Chairman	Chairman, NAFEBO ( <i>Boda-boda association</i> )	06/10/09
42	Public Relations Officer, NAFEBO		06/10/09
43	Building inspector		07/10/09
44	Isa Gumonye	Principal Urban Officer, Ministry of Local Government	08/10/09
45	Erias Lukwago	MP, Kampala Central Division (DP), and legal advisor to DP	12/10/09

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46	Physical planning official		13/10/09
47	Hussein Kyanjo	MP for Makindye Division (DP)	13/10/09
48	Patrick Kayongo	Chairman, Owino Market Association (SLOA)	13/10/09
49	David Mpanga	Buganda Minister for Research and Lawyer	13/10/09
50	Nabilah Sempala	Woman MP, Kampala (Forum for Democratic Change)	13/10/09
51	<i>Boda-boda</i> driver B		14/10/09
52	Savino Katsigaire	Director of Physical Planning and Urban Development	14/10/09
53	Henry Kizito	Property Tax, Central Division	15/10/09
54	Tony Kyeemba	Economist, Kawempe Division	15/10/09
55	Grace Binaisa	Head of revenue, Kawempe Division	15/10/09
56	Nasser Sebaggala	Mayor of Kampala	15/10/09
57	Vincent Katungi and Godfrey Kisseka	City Law officers, KCC	16/10/09
58	Balaam Muheebwa	Acting Commissioner for Domestic Taxes, URA	04/01/10
59	Beti Kamyia	MP, Rubaga North and Founder, Uganda Federal Alliance	05/01/10
60	Local finance official B		05/01/10
61	Local politician		06/01/10
62	Vincent Katungi	Principal City Law Officer	07/01/10
63	Aidiah Kivimbi and Godfrey Owor	Trade Development Officers (KCC and Central)	07/01/10
64	Kampala bus company (A) director		07/01/10
65	Aisha Kabira	Land Registration Officer	08/01/10
66	Property valuer A		11/01/10
67	Betty Nambooze	Spokesperson, Democratic Party, and Minister for Civic Education, Buganda Kingdom	12/01/10
68	Vendors at Owino market		13/01/10
69	Latif Ssebaggala	MP, Kawempe North (DP)	13/01/10
70	local finance official A		13/01/10
71	Property valuer B		14/01/10
72	Haji Nasser Kibirige Takuba	Chairman, Kawempe Division (DP)	15/01/10

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73	Sarah Kulatwa Basangwa	Acting Commissioner for Land Registration	18/01/10
74	Kisekka market vendors		18/01/10
75	Joseph Kanyonyore	Principal Land Officer, KCC	19/01/10
76	Building inspector		19/01/10
77	Andrew Mwenda	Journalist and Editor, Independent Magazine	20/01/10
78	Savino Katsigaire	Director of Physical Planning and Urban development	20/01/10
79	Kampala bus company (B) director		21/01/10
80	Christina Kakeeto and Humphrey Ichumar	Real Estate investment, National Social Security Foundation	21/01/10
81	Esau	KCC property valuer	21/01/10
82	Robert Opiyo	Registrar of Land Titles, KCC	22/01/10
83	Local finance official A		22/01/10
84	Adrine Namara	District Labour Officer	25/01/10
85	Local finance official C		25/01/10
86	David Tamale Kiggundu	Project Co-ordinator, Kampala Institutional and Infrastructure Development Program	27/01/10
87	Adolf Mwesigye	Minister of Local Government (NRM)	27/01/10
88	Judge		27/01/10
89	Vincent Byandaimira	Commissioner, Land Use Regulation and Compliance	28/01/10

In addition to the above interviews, I conducted around 25 informal conversations with *boda-boda* drivers, whose names I did not take and I do not identify individually. These were generally around 5-10 minutes in length.

### ***Interviews on return trip in December 2011:***

No.	Interviewee	Job title	Date
90	Taxi driver		11/12/11
91	Ian Clarke	Chairman of Makindye Division (Independent)	12/12/11
92	Jennifer Musisi	Executive Director, Kampala Capital City Authority	12/12/11
93	Dan Kyambadde	Director of Treasury, Kampala Capital City Authority	13/12/11
94	Raphael Magyezi	MP (NRM)	14/12/11
95	Charles Peter Mayiga	Lawyer and Buganda Minister of Information	14/12/11
96	George Agaba	Director, Physical Planning, Kampala Capital City Authority	14/12/11

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<b>97</b>	Independent planning consultant		14/12/11
<b>98</b>	Ken Lukyamuzi	MP and President of the Conservative Party	15/12/11
<b>99</b>	Bonnie Nsambu	Transport Engineer	15/12/11
<b>100</b>	Erias Lukwago	Lord Mayor of Kampala	15/12/11
<b>101</b>	Samuel Ali	Accountant, KCCA	15/12/11

### **B: KIGALI**

#### ***Interviews on initial exploratory trip in February 2009:***

This trip was funded by the Crisis States Research Centre at the LSE, for whom I was contracted to co-author a 'City Profile' of Kigali in accordance with a specific list of criteria. Consequently most interviewees on this trip were within state organisations, and particularly the City of Kigali authorities. I used the interviews on this trip both for the purposes of gathering data for the profile and establishing the foundations for my own research framework on subsequent trips.

<b>No.</b>	<b>Interviewee</b>	<b>Job title</b>	<b>Date</b>
<b>101</b>	Dieudonne Nkulikiyinka	Director General, City of Kigali	16/02/09
<b>102</b>	Emile Ntabara	General Accountant, City of Kigali	16/02/09
<b>103</b>	Innocent Niyonsaba	Executive Director, RNIS Surveys. Rwanda National Institute of Statistics	16/02/09
<b>104</b>	Local women's council official		16/02/09
<b>105</b>	Independent Rwandese development consultant		17/02/09
<b>106</b>	Benon	Executive Secretary, City of Kigali	17/02/09
<b>107</b>	Rueben Ahimbisibwe	Director of Inspection, City of Kigali	17/02/09
<b>108</b>	David Nyanshaija	Director of Social and Political Affairs, City of Kigali	17/02/09
<b>109</b>	Lilliane Uwanziga	Director of Land Use, City of Kigali	18/02/09
<b>110</b>	Fred Mufulukye	Director of Good Governance and Political Parties, MINALOC	19/02/09
<b>111</b>	Fidel Ngendahayo	Topographer	19/02/09
<b>112</b>	Development consultant		19/02/09
<b>113</b>	Fabrice Mucumankiko	Land Officer, Gasabo District	20/02/09
<b>114</b>	Theophile Mudenge	COPE project coordinator, Africare (NGO)	20/02/09
<b>115</b>	Joseph Baricacko and Julien Bucyabahiga	United Nations Economic Commission for Africa	23/02/09

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<b>116</b>	Amil	Infrastructure Adviser, Ministry of Infrastructure	23/02/09
<b>117</b>	NGO officer		23/02/09
<b>118</b>	Tom Wheeler	Infrastructure Adviser, City of Kigali	24/02/09
<b>119</b>	Official at National Land Centre		24/02/09
<b>120</b>	Eric Ntagengerwa	Land surveyor	24/02/09
<b>121</b>	UN representative		25/02/09
<b>122</b>	Alice Ankur	Country Director, Oxfam GB	25/02/09
<b>123</b>	Jeremy Armon	Governance Adviser, DFID	27/02/09
<b>124</b>	Paul Jules Ndamage	Mayor of Kicukiro	27/02/09
<b>125</b>	Jeanne D'Arc Gakuba	Vice Mayor, City of Kigali	27/02/12
<b>126</b>	Jean-Luc	Planning Officer	27/02/09
<b>127</b>	Jean-Claude Uwizeyemungu	Business Development Services Coordinator	27/02/09

***Interviews between November 2009 and February 2010:***

<b>No.</b>	<b>Interviewee</b>	<b>Job title</b>	<b>Date</b>
<b>128</b>	Rwandese researcher		18/11/2009
<b>129</b>	Director of parastatal organisation		18/11/2009
<b>130</b>	Independent Rwandese development consultant		19/11/2009
<b>131</b>	UN representative		19/11/2009
<b>132</b>	Celestin Bumbakare/ George Byamukama	Commissioner, Domestic Taxes and Decentralised Taxation Officer, RRA	23/11/2009
<b>133</b>	Bari Mahabubul	Transport Infrastructure, MINIFRA	23/11/2009
<b>134</b>	Government advisers		23/11/2009
<b>135</b>	John Karera	Finance and HR, City of Kigali	24/11/2009
<b>136</b>	Christopher and Richard Mushabe	Decentralised Finance, MINECOFIN	24/11/2009
<b>137</b>	Rueben Ahimbisibwe	Infrastructure, City of Kigali	25/11/2009
<b>138</b>	Foreign investor A		25/11/2009
<b>139</b>	Bruno Rangira	PR and media, City of Kigali	26/11/2009
<b>140</b>	Foreign consultant/taxation adviser A		26/11/2009
<b>141</b>	Justine Kayiraba	Urban planning, City of Kigali	27/11/2009
<b>142</b>	Martha	City of Kigali Archivist	27/11/2009
<b>143</b>	Charles Rusimbi	Inspector, Youth and Education, City of Kigali	27/11/2009

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144	Philippe Munyaruyenzi	Project co-ordinator, Railways and Airport, MININFRA	01/12/2009
145	District politician		01/12/2009
146	Taxation adviser B		01/12/2009
147	Rueben Ahimbisibwe	Infrastructure, City of Kigali (formerly Building Inspector)	02/12/2009
148	Albert Mwanafuzi & Emmanuel Gasana	Economic Development City of Kigali, and EDPRS support	03/12/2009
149	Didier Sagashya	Deputy Director General, National Land Centre	03/12/2009
150	Emmanuel Nkurunziza	Director General, National Land Centre	03/12/2009
151	Surbana planning team and City of Kigali planners	Urban planners	04/12/2009
152	ahmoud Ntirenganya	M&E and Research, City of Kigali	04/12/2009
153	Foreign investor A		05/12/2009
154	Djoko Prihanto	International Urban Planning Adviser, Surbana	06/12/2009
155	Dieudonne Nteziyaremye	ASSETAMORAWA ( <i>Taxi-moto</i> association) president	07/12/2009
156	ASSETAMORAWA ( <i>taxi-moto</i> ) security officer		07/12/2009
157	Foreign investor B		07/12/2009
158	Asaba	Rwanda Utilities Regulatory Authority	08/12/2009
159	Local researcher		08/12/2009
160	Innocente Murasi	Rwanda Association of Local Government Authorities	08/12/2009
161	Alex Ruzibukira	Rwanda Development Board	08/12/2009
162	Wenceslas Niyibizi	Fiscal Decentralisation, MINALOC	08/12/2009
163	Babas Edson	Building Inspector, Nyarugenge	09/12/2009
164	Jean-Claude Rulangwa	Transport Official, City of Kigali	09/12/2009
165	Vincent Karega	Minister of Infrastructure	09/12/2009
166	District finance officer		10/12/2009
167	Former CoK official		10/12/2009
168	Foreign expert		11/12/2009
169	Pastor/investor in land		11/12/2009
170	Rwandan civil society representative		11/12/2009
171	Brick manufacturer and land broker		11/12/2009
172	World Bank Official		14/12/2009

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<b>173</b>	Colonel 'Dodo' Twahirwa (and ATRACO Security Officer)	ATRACO ( <i>Matatu</i> Association) Chairman and security officer	15/12/2009
<b>174</b>	Claudine Nyinawagaga	Former Mayor of Gasabo District	15/12/2009
<b>175</b>	Deo-Marcel Niyungeko	World Bank, <i>Projet D'Infrastructures et de Gestion Urbaine</i>	16/12/2009
<b>176</b>	Rwandese property valuer		16/12/2009
<b>177</b>	Elias Baingana	Director of National Budget	16/12/2009
<b>178</b>	Local leader and Batsinda resident A		17/12/2009
<b>179</b>	Batsinda resident B		17/12/2009
<b>180</b>	Batsinda resident C		17/12/2009
<b>181</b>	Community leader A		17/12/2009
<b>182</b>	Innocent	Security officer, Kimironko market	29/01/2010
<b>183</b>	Market vendors	Market vendors, Kimironko Market	29/01/2010
<b>184</b>	Official, Caisse Sociale Rwanda		02/02/2010
<b>185</b>	Researcher		02/02/2010
<b>186</b>	Independent Rwandese Journalist		02/02/2010
<b>187</b>	Donor representatives		03/02/2010
<b>188</b>	Government decentralisation official		04/02/2010
<b>189</b>	Camille and Sow Omar	Urbanism and Habitat section, MININFRA	03/02/2010
<b>190</b>	Expatriate resident		04/02/2010
<b>191</b>	CoK official		05/02/2010
<b>192</b>	Camille	Urban Planning, City of Kigali	05/02/2010
<b>193</b>	Kigali resident		
<b>194</b>	Local research organisation		08/02/2010
<b>195</b>	Local trade supervisor		08/02/2010
<b>196</b>	Street hawker		08/02/2010
<b>197</b>	Former detainee at <i>Kwa Kabuga</i>		08/02/2010
<b>198</b>	Dennis Rugege	Environmental Compliance Officer, REMA	10/02/2010
<b>199</b>	Emmanuel Kayinamura	Former Director of Finance, Kigali Veterans Co-Operative Society	10/02/2010
<b>200</b>	Jean-Claude Rulangwa	Transport Officer, City of Kigali	11/02/2010
<b>201</b>	Joseph Bahenda	Infrastructure official, Urban Infrastructure and City Management Project	11/02/2010

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<b>202</b>	Alphonse Nyizeyimana	Vice Mayor for Economic Affairs	11/02/2010
<b>203</b>	Rose Kabuye	President's Chief of Protocol	12/02/2010
<b>204</b>	Kigali bus company director		12/02/2010
<b>205</b>	Government adviser		14/02/2010

In addition to these interviews I conducted informal conversations with around 15 taxi-moto drivers, whose names I did not take and I do not identify individually. These were generally around 5-10 minutes in length.

### *Interviews on return trip in December 2011:*

<b>No.</b>	<b>Interviewee</b>	<b>Job title</b>	<b>Date</b>
<b>206</b>	Kigali resident B		04/12/2011
<b>207</b>	Local revenue official, CoK		06/12/2011
<b>208</b>	Infrastructure Engineer, CoK		06/12/2011
<b>209</b>	Celestin Bumbakare	Commissioner, Domestic Taxes	06/12/2011
<b>210</b>	Benon	Offical, Rwanda Development Board	07/12/2011
<b>211</b>	Land official		09/12/2011
<b>212</b>	Civil society organisation representative		09/12/2011
<b>213</b>	Foreign investors		10/12/2011

## APPENDIX 2

### **Appendix 2: Additional methodological considerations**

#### **A: Question/method framework used to help guide field research September 2009-February 2010**

*(Developed based on suggested method in Mason (2002) and drawing on initial insights from trip in January-February 2009)*

The below table was drawn up in advance of my second (and longest) fieldwork trip to the region. It was used to help guide the field research process by breaking the main thesis question down into a series of topic-based questions and sub-questions, and considering the most appropriate methods and data sources to match to each question. It proved useful in facilitating the selection of interviewees, ensuring triangulation of sources for each issue under consideration and assessing potential challenges. Not all of the proposed data sources were accessible; some also proved to be more important than others as the research proceeded and underlying causes of differential effectiveness became more apparent. Sources that were not explicitly foregrounded below but emerged during the fieldwork as being important and useful were of course also consulted. These included, for example, minutes of council committee meetings and interviews with property valuation professionals, donors, foreign investors, lawyers and journalists. I found Mason's (2002) emphasis on continually asking oneself 'difficult questions' throughout the research process about the emergent findings, and the challenges they presented to initial assumptions and research design, to be very useful.

This guiding framework is included here to demonstrate the iterative process through which the research proceeded, and has only been slightly adjusted from the original plan to remove errors and a few specific issues that I decided early in the fieldwork were not sufficiently relevant to pursue. In addition to the research outlined below on the four specific topics identified on my initial field trip (urban transport; petty trade; land use and construction regulation; and local state revenue), a broader contextualising research agenda was pursued in each city to establish the general parameters of decentralisation, urban planning, local politics and central-local relations (some of which is referred to Appendix 2C on basic indicators).

## APPENDIX 2

<b>1. Urban transportation and petty trade</b>				
Research questions	Data sources and methods	Justification	Practicalities (e.g. resources, access)	Ethical issues/ risk
<p><b>OVERARCHING QUESTION:</b></p> <p><i>Why has the state been able to regulate a) urban transportation and b) urban marketplaces more effectively in Kigali than Kampala?</i></p>	<p><i>Establishing evidence of dependent variable (effectiveness of regulation):</i></p> <ul style="list-style-type: none"> <li>- legal status and regulations pertaining to urban public transport and market trade (legislation, local ordinances)</li> <li>- evidence of actual regulation (interviews with KCC/CoK staff and transport/marketplace associations, observation, newspaper articles)</li> </ul> <p><i>Researching causes and causal processes:</i></p> <ul style="list-style-type: none"> <li>- Interviews with bureaucrats and politicians to assess regulatory capacity and identify main constraints</li> <li>- Investigation of party affiliations of urban associations (interviews, documentary research)</li> <li>- Analysis of types of intervention by state actors; overlap of interests between urban associations and politicians; role of police and other law enforcers (interviews with wide range of sources, archive/web/news research on key individuals)</li> <li>- Interviews to explore attitudes of transport workers and market traders towards regulations and laws</li> </ul>	<p>The effectiveness of regulation should be fairly straightforward to establish through matching policies, laws and regulations with interviews and observation.</p> <p>The question of why laws and regulations are or are not effectively regulated needs to be pursued from a wide range of perspectives due to bias in responses. A number of approaches are outlined in relation to more specific questions below.</p>	<p>Need to get access to government resources to look at documents pertaining to regulation of these sectors over time.</p> <p>News archives may be important; consult newspaper archive in Makerere Institute of Social Research (MISR).</p> <p>Access to urban associations and political elites should not be too hard in Uganda but access to some sources may be more difficult in Rwanda.</p>	<p>There is reason to believe that transport associations in Uganda may be involved in covert security activities, and certain issues pertaining to interests in the sector may be difficult to penetrate.</p> <p>The transport sector may have historically played a role in security /insecurity in both countries; this may be a controversial issue.</p> <p style="text-align: right;"><i>More below</i></p>

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<b>Urban transportation and petty trade SUB- QUESTIONS</b>				
<b>Research questions</b>	<b>Data sources and methods</b>	<b>Justification</b>	<b>Practicalities (e.g. resources, access)</b>	<b>Ethical issues/ risk</b>
<i>How was the regulation of these sectors achieved historically?</i>	<ul style="list-style-type: none"> <li>- Interviews with politicians and technocrats (national/KCC/CoK/District and City Division)</li> <li>- Government archive material/legislation</li> <li>- News archives</li> <li>- Studies in MISR library (especially for Uganda)</li> <li>- Interviews with urban associations</li> </ul>	<p>Through interviewing I may also be able to establish whether there is further archive material available.</p> <p>Due to the relative lack of continuity of government staff (especially in Rwanda) sources such as news and archival evidence may be important.</p>	<p>Access to Makerere University library will be a useful resource.</p> <p>Many staff at KCC have been previously interviewed and this can be built upon.</p> <p>Various letters may be needed to access particular government offices</p>	
<i>What is the relationship (both formal and informal) between urban associations representing the interests of these sectors and the state at different levels?</i>	<ul style="list-style-type: none"> <li>- Interviews with both the higher and lower tiers (elite and 'trenches) of urban associations in the transportation and market trading sectors</li> <li>- Political elite interviews</li> <li>- Analysis of decentralisation policy</li> <li>- Newspapers and other media</li> </ul>	<p>It may be difficult to get to the bottom of some of these issues but the best I can do is to speak to as wide a range of sources as possible from both the state/associational ends and use any evidence about financial links that are available to public.</p>	<p>These urban associations are prominent (in Uganda at least) and very active so should not be difficult to access.</p> <p>Speaking to workers in these sectors may at times require a translator/research support (especially in Rwanda) – this should not be too difficult or expensive to manage for short time periods.</p>	<p>These urban associations are politically sensitive issues due to links with politicians and parties. Need to assess risks of researching links between transport organisation and politicians.</p>

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<b>Urban transportation and petty trade SUB- QUESTIONS</b>				
<b>Research questions</b>	<b>Data sources and methods</b>	<b>Justification</b>	<b>Practicalities (e.g. resources, access)</b>	<b>Ethical issues/ risk</b>
<p><i>What are the interests of the various tiers of the state in effectively regulating these sectors or not?</i></p> <p><i>What are the interests of people working in these sectors in being regulated or not?</i></p>	<ul style="list-style-type: none"> <li>- Political elite interviews (down to sector/division level)</li> <li>- Urban association interviews (elite and 'trenches')</li> <li>- Historical analysis of sectors (literature/legislation/news archives)</li> </ul> <p><i>(see also basic indicators below)</i></p>	As above	As above	<p>As above</p> <p>It may be important to protect the identities of informal workers interviewed about these issues.</p>
<p><i>What is the legal status of these activities and how has it changed over time?</i></p>	<ul style="list-style-type: none"> <li>- Legislation and policy documents</li> <li>- Analysis of literature and discourses on informal economic activity in the two cities</li> <li>- Interviews</li> <li>- Archival studies</li> </ul> <p><i>(see also basic indicators below)</i></p>	Archives and literature may be particularly important to get a sense of some of these issues in Rwanda before 1994.	Need to find out how to access key pieces of legislation relating to regulation/legality of relevant urban economic activities.	There may be some difficulties involved in researching legal/regulatory issues pertaining to these sectors under previous regimes.
<p><i>What has been the fate of attempts by the state to regulate these sectors?</i></p>	<ul style="list-style-type: none"> <li>- Literature and Makerere studies</li> <li>- Newspaper archives</li> <li>- Interviews (KCC, national government, urban associations, former planners and politicians)</li> <li>- 'Episodic' interviewing focused on 'critical events' (e.g. marketplace riots, public unrest at the enforcement of new rules, events around election times)</li> </ul>	<p>There may be Makerere studies on these issues and there will certainly be media coverage.</p> <p>Ex-planners and local politicians 'in exile' are often useful sources on these issues.</p>	<p>News archives and academic studies</p> <p>I should be able to access some ex-politicians/planners through existing contacts.</p>	Need to be wary of political agendas and vendettas in relation to all these issues that influence people's accounts, as well as possible fears of speaking out

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<b>Urban transportation and petty trade SUB- QUESTIONS</b>				
<b>Research questions</b>	<b>Data sources and methods</b>	<b>Justification</b>	<b>Practicalities (e.g. resources, access)</b>	<b>Ethical issues/ risk</b>
<p><i>What has been the role of different political parties in these sectors?</i></p>	<ul style="list-style-type: none"> <li>- Urban association interviews (elite and 'trenches)</li> <li>- Newspapers</li> <li>- Political party interviews</li> </ul> <p><i>(see also basic indicators below)</i></p>	<p>There are less likely to be Makerere or other studies on this issue, due to newness of pol party competition in Uganda.</p> <p>New links may currently be being forged between certain sectors and opposition parties and this should be explored.</p> <p>Accessing opposition parties in Rwanda may be difficult and many do not have permanent offices.</p>	<p>Political party system very open in Uganda so should pose no problems, but they are harder to track down in Rwanda.</p>	<p>Difficulties in researching political parties in Rwanda</p>

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<b>2. Land use and construction</b>				
Research questions	Data sources and methods	Justification	Practicalities (e.g. resources, access)	Ethical issues/ risk
<p><b>OVERARCHING QUESTION:</b></p> <p><i>Why is the enforcement of land use and construction regulations so much weaker in Kampala than Kigali?</i></p>	<p><i>Establishing evidence of dependent variable (effective/ineffective regulation):</i></p> <ul style="list-style-type: none"> <li>- Analysis of regulatory framework (legislation, regulations, urban ordinances and urban plans)</li> <li>- Interviews with planners, former planners and other city technocrats to assess regulatory capacity and identify main constraints</li> <li>- Interviews with people from construction industry about their sense of the importance of regulation and compliance to it</li> <li>- Government records</li> <li>- Newspaper archives</li> </ul> <p><i>Researching causes and causal processes:</i></p> <ul style="list-style-type: none"> <li>- Interviews with above sources</li> <li>- Analysis of what particular aspects of regulations/ master plans have been acted on first, and whose interests they most affect</li> <li>- Analysis of particular property developers and their political linkages (newspaper archives/web research on key individuals and company histories)</li> </ul>	<p>Based on findings from previous trip, establishing evidence of differential outcomes should again be fairly straightforward to establish from these sources.</p> <p>Establishing causes will involve interviewing a wide range of sources to corroborate allegations about why regulations are not enforced for particular developers</p>	<p>Need to identify all the relevant people involved in construction regulation and exactly what they do.</p>	<p>Elite interests are closely bound up with property development and the deals between developers and state officials/politicians may be difficult to penetrate.</p>

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<b>Land use and construction SUB-QUESTIONS</b>				
<b>Research questions</b>	<b>Data sources and methods</b>	<b>Justification</b>	<b>Practicalities (e.g. resources, access)</b>	<b>Ethical issues/ risk</b>
<p><i>What proportion of the buildings in each city conform to regulations?</i></p>	<ul style="list-style-type: none"> <li>- Statistics from relevant departments at KCC/CoK (or sub-city division/districts)</li> <li>- Interviews with enforcers/inspectors about the kinds of property that contravene regulations most frequently/systematically</li> </ul> <p><i>(see also basic indicators below)</i></p>	<p>This is important for establishing the independent variable.</p>	<p>If possible it would be good to get this information broken down in terms of zoning (e.g. industrial, civic, commercial etc) and in relation to different areas of the city (e.g. high income residential, low income).</p>	
<p><i>What is the nature of laws and regulations? When were they devised, by whom and why?</i></p>	<ul style="list-style-type: none"> <li>- Interviews with KCC, town planners,</li> <li>- land use/regulatory legislation and regulations</li> <li>- Interviews with those affected by regulations</li> <li>- Particular focus on the nature of similarity/difference between rules and regulations in the two cities.</li> </ul>	<p>This will be important as there is often a very dense legal/regulatory framework on these issues. Getting a detailed picture of this will help in understanding the main aims of regulating construction are in each case.</p> <p>The nature of similarity/difference between the two cases is also very important for assessing differential implementation.</p>	<p>As above</p>	

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<i>What is the relationship between ownership of major buildings and compliance to regulations?</i>	<ul style="list-style-type: none"> <li>- Interviews (perhaps especially with non-governmental sources)</li> <li>- Newspapers (also journalist interviews)</li> <li>- Public records/property registers</li> <li>- Historical/political analysis of property developers based on available sources</li> </ul>	Understanding something about who owns particular buildings and how this relates to compliance may be critical to analysing effectiveness.	Ownership of buildings often a sensitive issue; evidence may be patchy and anecdotal.
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<b>3. Local revenue</b>				
<b>Research questions</b>	<b>Data sources and methods</b>	<b>Justification</b>	<b>Practicalities (e.g. resources, access)</b>	<b>Ethical issues/ risk</b>
<p><b>OVERARCHING QUESTION:</b></p> <p><i>Why has the Rwandan state been more effective at local revenue generation in Kigali than the Ugandan state has in Kampala?</i></p>	<p><i>Establishing evidence of dependent variable (raising local taxes effectively):</i></p> <ul style="list-style-type: none"> <li>- Decentralisation and taxation policies and laws</li> <li>- Documentation of tax collected (types, amounts, changes over time)</li> <li>- Interviews (national, city and sub-city levels)</li> </ul> <p><i>Researching causes and causal processes:</i></p> <ul style="list-style-type: none"> <li>- Interviews (technocrats and politicians at city level and ministries of local government/finance) to assess taxation capacity and identify main constraints</li> <li>- Analysis of types of property in the city and some profiling of property ownership if possible</li> <li>- Analysis of problems inherent in decentralisation frameworks</li> <li>- Role of national taxes relative to local ones; involvement (if any) of donors in taxation issues</li> <li>- <i>See also basic indicators</i></li> </ul>	Need to look at questions of both capacity for tax collection and motivation to collect local taxes; hence a combination of methods is necessary.	Some of this information has already been acquired for both cities on previous trip. Most of the rest should not be hard to achieve from KCC/CoK, except perhaps for information on who owns large amounts of property and what their affiliations are.	

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<b>Local revenue SUB-QUESTIONS</b>				
<b>Research questions</b>	<b>Data sources and methods</b>	<b>Justification</b>	<b>Practicalities (e.g. resources, access)</b>	<b>Ethical issues/ risk</b>
<i>What kind of taxes are collected locally, what proportion of the city budget are these?</i>	<ul style="list-style-type: none"> <li>- Analysis of revenue data from local governments</li> <li>- Interviews (local and bureaucrats and politicians; ministries of finance and economic planning; ministries of local government) to find out what local taxes are decentralised and why? How has this changed in life of the administration so far?</li> </ul>	The systems of local revenue collection may be developing and in flux; looking a policy documents and revenue data is unlikely to be enough to get to the bottom of these issues.	Local revenue data, which may be collected at city or sub-city (district, division) level.	Different units of local government may use different record-keeping /IT systems even within same city
<i>Do different levels/tiers of the state collaborate or conflict in relation to local taxation?</i>	<ul style="list-style-type: none"> <li>- Interviews with local revenue/finance people but also national revenue authorities (RRA/URA)</li> <li>- Analysis of laws and policies pertaining to fiscal decentralisation</li> <li>- existing studies/literature on decentralisation</li> </ul>	Perspectives from both local and national government must be sought, especially given the hostility in Kampala between local and national state.		
<i>What kind of local taxes are collected more effectively in each case, and why?</i>	<ul style="list-style-type: none"> <li>- Detailed analysis of revenue data</li> <li>- Interviews as above</li> <li>- Newspaper analysis around particular issues/controversies about local tax</li> <li>- Interviews with urban taxpayers/associations about taxation and other payments made to state actors (perhaps informal)</li> <li>- Interviews with property values and people in charge of property/land registries</li> </ul>	In addition to questions of state capacity, the power dynamics underlying taxation and compliance require investigation through a range of sources.		<p>Tax is a highly political issue and it may be difficult to penetrate some of these issues as elites have major stake.</p> <p>Issues of extortion may come up and prove controversial</p>

**B: A note on interviewing**

Semi-structured interviewing was the predominant research method in the period of fieldwork, as indicated in Chapter Two and above. Given the focus on four distinct fields of urban development and the need to triangulate from multiple sources in relation to each of these, a standardised interview or survey format was not considered appropriate. Drawing on the framework above and the relevant parts of the list of basic indicators below (as well as issues that emerged in the course of fieldwork and through the process of snowball sampling of interviewees), tailored lists of guiding questions were drawn up for each individual interviewee. The openness of the semi-structured approach allowed for me to draw out detail on particular events and episodes raised by interviewees, as well as their thoughts and personal reflections on the issues I raised. At times I conducted interviews with people in small groups, especially in the case of market vendors based at particular city markets.

Interviewing throws up many challenges, particularly when attempting to compare two cases with different political, cultural and linguistic issues that can impinge on the interview process. Certain issues that were originally considered in the research framework were subsequently dropped because of difficulties in one or other case that impeded comparison. For example, research into the ethnic composition of workers in the transport and petty trade sectors was largely abandoned due to the extreme difficulty of researching issues of ethnicity in Rwanda, where various laws limit the ways in which ethnic identity can be discussed and strong cultural norms militate against discussing the role ethnicity plays in contemporary Rwandan society.

More significant in terms of the overall comparability of the interview experience in the two cities was the frequent preference on the part of interviewees in Rwanda relative to Uganda for not having their interviews recorded using an electronic device. It became apparent during my first short field trip that most Rwandese interviewees (other than those in positions of high authority) did not want to be recorded. Consequently I adjusted my approach to interviewing and began to take extremely detailed hand-written notes in all interviews in *both* Uganda and Rwanda, sometimes even pausing to note down short quotations verbatim. In this way I avoided an excessive imbalance in the form of data I would later be analysing to compare the two cities. While in Uganda I continued to record a large number of interviews (as in Rwanda where the interviewee permitted), I used this primarily as back-up and to extract the occasional verbatim quotation at greater length, rather than transcribing these interviews in full.

The issue of language also had implications. Notwithstanding its recent adoption of English as an official language, Rwanda's Francophone history and the fact that it has a unifying national language in the form of Kinyarwanda meant that, outside of the higher rungs of the state or civic associations, some interviewees did not speak English. In cases where they spoke French, my own grasp of the language was sufficient to conduct a few short interviews (for example with market traders or *taxi-moto* drivers). In cases where I interviewed people who spoke neither French nor English (as in the case of evictees from urban slums or local community leaders on the periphery of the city), I used a local research assistant to translate from Kinyarwanda. However, given the focus of my research on Kigali itself and the nature of most of my interviewees, this was quite rare and the majority of respondents spoke English to a reasonable standard. In Kampala, though I had a local research assistant on my first short trip, translation was largely unnecessary even among groups such as *boda-boda* drivers and urban market traders, most of whom spoke some English.

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As a single researcher with a limited time period and limited resources, there were inevitably issues of scope in terms of what I could achieve through interviews. An investigation into these issues on a grander scale might also benefit from surveys of informal workers and state bureaucrats to complement the qualitative analysis provided. However, this was clearly beyond what I could achieve as a lone researcher and also was not necessary for the project as it had been designed: I was neither testing a given hypothesis nor seeking to make a definitive statement requiring quantification (e.g. that the majority of petty traders paid bribes or that a certain percentage of *boda-boda* drivers supported Museveni). A broader range of interviewees would of course have provided further material to feed into the analysis, but within the confines of what was possible I went to great lengths to interview a diversity of sources both within and outside the state. I was also able to supplement interviews by listening in on processes such as the meeting of the City Council and Parliamentary Committees in Uganda, as well as observing community interaction through activities such as *Umuganda*, the monthly community works day in Rwanda.

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### C: Basic indicators for comparison

As with appendix 2A, this list was drawn up in advance of my second fieldwork trip to Kampala and Kigali between September 2009 and February 2010 with the aim of gathering a set of basic indicators that could be directly compared between the two cities, to complement the more detailed narratives of the sectors under consideration in each city. Again, it was not possible to get all the data outlined below for both cities, but sufficient amounts were obtained to facilitate comparison on each issue. The below lists were important for guiding individual-tailored semi-structured interviews (see Appendix 2B above).

#### 1) Urban public transport

- Number of *matatus*/motorcycle-taxis in city (and change over time)
- General profile of ownership of *matatus*/motorcycle taxis
- Transport fares
- Earnings of drivers
- Explicit political affiliation of owners (donations to parties, party membership)
- Political links/inclinations of drivers
- Historical origin of associational groups
- Proportion of earnings paid in tax (if any)
- Nature of informal payments made to patrons (if any)
- Total economic product of sector/sectoral product as share of GDP
- Involvement of associations in key 'critical events' (riots, protests)
- Nature of key regulations pertaining to the sector
- Entity/entities responsible for enforcing regulations
- Timing of major structural changes – liberalisation, important legislation
- Specific clauses of main pieces of legislation that are often breached
- Extent to which urban associations were involved in design of regulations

#### 2) Marketplace governance

- Number of city markets (and if possible stalls and vendors)
- Main market trader associations (and nature /political affiliation of leadership)
- Ownership of land on which markets are based
- Market fees/dues and how they are calculated
- Agency responsible for fee collection
- Accounts of 'critical events' relating to markets – demonstrations, riots, major changes in ownership
- Legal status of workers in sector
- Broad ethnic/regional/gender composition of vendors in different markets/vendors selling particular goods
- Timing of major structural changes – shifts in market ownership, important legislation
- Specific clauses of main legislation are often breached
- Extent to which urban associations were involved in design of regulations

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### 3) Urban taxation

- Types of tax collected locally
- Amount of tax and local taxation as percentage of city budget, and changes over time
- Levels of taxation relative to central government transfers, and changes over time
- Level of compliance in tax payments (% of relevant population if possible)
- Political entity that sets local tax rates
- Institutional framework for tax collection under decentralisation
- Specific nature of transport taxes
- Specific nature of market taxes
- Specific nature of property taxes
- Timing of major changes in local tax regime/significant legislation
- Agencies responsible for the collection of different taxes
- Specific clauses of main legislation that are often breached

### 4) Construction regulation

- Institutional framework for allocating permits
- Number of building permits allocated
- Percentage of buildings that comply to regulations
- Nature of main building regulations (number of storeys, provision for parking, zoning laws)
- Relationship between master/structure plan and regulatory framework
- Main laws and regulations pertaining to expropriation/'compulsory acquisition' of land by the state for urban development projects
- Political entity that sets regulations
- Entity responsible for enforcing regulations
- Nature of penalties for breach of regulations
- Timing of major changes in planning regimes/significant legislation
- Specific clauses of main regulation that are often breached

### 5) General indicators pertaining to local politics, law enforcement and central-local state relations

- Most significant changes initiated by decentralisation programme (with dates)
- Most significant changes initiated by land reform (with dates)
- Number of permanent local government staff in the city government (including sub-city tiers)
- Number of policemen/law enforcers in city and observations of presence/activity of law enforcers and military actors in the city
- Evidence of policy measures on the sectors in question that have been implemented despite sustained unpopularity among the population or with donors
- Political parties with a significant presence in the city
- Political affiliation of mayors and district/division chairpersons
- Character and regularity of meetings between higher and lower tiers of government (i.e. mechanics of decentralisation in action)
- Nature of any formally institutionalised relations between state agencies and urban associations (e.g. of transport and market traders)

### **Appendix 3: Legal and policy frameworks for urban development control**

#### **A. KAMPALA**

The framework for planning and development control in Uganda was rooted in several key pieces of legislation, some of which dated from the colonial/early independence periods but the majority having been generated under the NRM in the 1990s and 2000s. In some cases the relevant laws were those explicitly pertaining to land (discussed in Chapter Three), in as much as they codified issues relating to land tenure, land use (sometimes termed ‘user purpose’), and the degree to which the specified land use could be changed when land ownership changed hands. The NRM government brought in legislation impacting on urban planning and development sporadically and gradually, with the resulting framework being a mixture of old and new as well as national laws and local ordinances.

The **Town and Country Planning Act** of 1951 (revised in 1964) was one of the critical legal instruments aimed at guiding urban development after independence. Section 9 of the Act specifies that the Planning Committee of any given district is the District Council, which in the case of Kampala meant Kampala City Council itself; and Section 14 outlines the responsibilities of the Committee in relation to the execution and enforcement of outline planning schemes. Under these rules KCC was empowered to declare any land in Kampala a planning area and, moreover, under Sections 16-17 of the Act it was granted rights of ‘compulsory acquisition’ to acquire land for certain purposes such as roads, markets and public gardens. It therefore possessed legal powers to expropriate land for urban development projects. The Act also established the nine-member Town and Country Planning Board, whose role was to approve detailed plans throughout the country.

While operational between 1964 and 2010, this Act has now been effectively been repealed by the passing of the **Physical Planning Bill** (2008) in February 2010. The main purposes of this Bill were to update the Town and Country Planning Act in light of decentralisation, to harmonise planning legislation with the constitution and other laws that impact on land and planning, and to officially make the entire country a planning area rather than just the towns and municipalities. The Bill replaces the Town and Country Planning Board with the National Physical Planning Board, also composed of nine members, who are appointed by the Minister in charge of physical planning. The Bill empowers committees and various

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levels of local government ‘to prohibit or control the use and development of land and buildings in the interests of the proper and orderly development of its area’ and to ‘ensure the proper execution and implementation of approved local physical development plans’ (Physical Planning Bill, Article 33). If development permission is refused for any reason, the local physical planning committee is obliged to notify the applicant within 30 days (Physical Planning Bill, Article 39). The new Bill is also intended updated and enhanced penalties for non-compliance to planning and regulatory rules.

Having been only just passed in 2010, this piece of legislation cannot be used as a benchmark by which to judge standards of planning and regulation during the decade 2000-2010. However, it is worth mentioning if only to highlight that in many respects it simply restates provisions that that existed under the Town and Country Planning Act. The institutional framework for planning and regulation specified in the Bill is largely unchanged from that which has existed since independence, especially in relation to cities; the main innovation of the Bill was that it declared the entire country a planning area rather than just the urban areas, which made little difference for Kampala.

Other laws came into being in the NRM period with implications for urban planning and development regulation. In addition to the Constitution of 1995, which specifies the roles of District Councils in broad terms, the **Local Government Act** (1997) was among the more important pieces of legislation. This specifies in detail the roles of different levels of government in accordance with Uganda’s decentralisation policy, specifying that a *city* is equivalent to a *district* in terms of the decentralisation framework, and a *city division* – of which there are five in Kampala – is functionally equivalent to a *municipality*.<sup>1</sup> In accordance with these distinctions, the roles of the elected and appointed leaders at city level are also specified in this Act, albeit with considerable overlaps (see Chapter Three). Under decentralisation, KCC is ultimately responsible for planning decisions, while the Divisions are seen as implementers, particularly with regard to enforcing regulations.<sup>2</sup> The **Land Act** (1998) is also significant in that it set out the specific roles of the District Land Boards with respect to granting rights over land and therefore lays the foundations for decentralised institutions of land use planning.

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<sup>1</sup> Note that in administrative terms, Kampala is the only ‘city’ in Uganda, with other small cities being designated ‘municipalities’. According to the LGA, Uganda has one City, 13 Municipal Councils and 103 Town Councils. Kampala is therefore unusual in that it is both a District and a City.

<sup>2</sup> Interview with KCC Town Planner 13.10.09.

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Zoning and other land use regulations were embedded the Master Plan (see below) before being repackaged as appendices to the Physical Planning Bill, but some fundamental construction regulations were also codified in the **Public Health Act** – another product of the early independence period, dating from 1969 – which specifies that local authorities are obliged to prevent the construction and occupation of unsafe and unsanitary buildings (Public Health Act, Sections 54-67). The Act also stipulates that any contravention of building regulations ‘may by notice require the owner to either pull down or remove the work or...effect the alterations in the work as may be necessary to make it comply with the rules.’ (Ibid: 72). At the time of writing, there was a new **Building Control Bill** in the pipeline, waiting to go before parliament, the main purpose of which was to review and update the Public Health Act, particularly with respect to fees and penalties.<sup>3</sup> Rules pertaining specifically to land use in the wetlands are embodied in the **National Environment Statute** (1995). The enforcement of these was specified as a decentralised function that sits with Districts (in this case KCC). More generally, the procedures for applying for permits and going about constructing legitimately were also laid out in city ordinances and other KCC publications.<sup>4</sup>

Another hugely important piece of legislation was passed in 2010 in the form of the **Kampala Capital City Act**. This was an attempt to fulfil the promise of Article 5 of the Constitution, in other words it aimed to ‘provide for the administration and development of Kampala city by the central government’ (Kampala Capital City Act, Article 1). The Act allowed for the creation of the Kampala Capital City Authority accountable directly to President Museveni, which subsequently came into being in 2011 (see Epilogue). In terms of planning, the original Kampala Capital City Bill would have ushered in substantial change because it proposed the creation of a new, hugely-expanded metropolitan planning area that included not only the present Kampala District but large parts of the neighbouring districts of Mpigi, Wakiso and Mukono. This, however, was one of the aspects of the Bill that was dropped, due to extreme opposition.<sup>5</sup> As the Act was not in force during the period on which this thesis focuses (2000-2010), it is not considered in any more detail here.

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<sup>3</sup> Interview with KCC Chief Town Planner, 30.09.09.

<sup>4</sup> E.g. ‘How to put up a safe building’ (no date), *Infoseries 2*, Kampala City Council.

<sup>5</sup> ‘House passes Kampala takeover bill’ *The New Vision*, 03.11.10.

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The legal framework aside, in its relatively short history a number of **Master Plans** have been developed for Kampala, both during and after the colonial period. Colonial Master Plans were introduced in 1912, 1919, 1930 and 1951 (the latter corresponding with the first iteration of the Town and Country Planning Act). In the immediate wake of independence, UN-sponsored plans were introduced in 1963 and 1966, both of which remained merely as paper proposals. The first post-colonial Master Plan to be actually adopted came under Idi Amin in 1972, though this too was little implemented. It was followed by the Kampala Structure Plan of 1994, which was developed by the Canadian firm John Van Nostrand Associates to operate over a ten year period until 2004.<sup>6</sup> As of 2010 no new plan had been produced and the 1994 plan was still theoretically operational (if still barely implemented, as discussed in Chapter Four). A new plan was allegedly in the pipeline with the procurement process underway at the time of writing and a shortlist drawn up.<sup>7</sup> This was part of a ten-year World Bank project operational at the time of research, the **Kampala Institutional and Infrastructure Development Programme**.

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### B. KIGALI

Rwanda's framework for urban planning and construction regulation evolved in a very concentrated time period relative to that in Uganda. Finding little by way of laws to regulate urban development when they arrived in power (see Chapter Four), the RPF government generated an entirely new framework from 2000 onwards. In that year they released the foundational outline for the country's development, **Rwanda Vision 2020** (GoR 2000). This acknowledged the need for regularly updated master plans for each major urban centre the development of urban infrastructures in view of a targeted increase in urban population from 12% in the year 2000 to 30% of the total population by 2020. However, initially little detailed policy was developed on this issue, which remained relatively unaddressed for the next five years until the introduction of a UN-HABITAT/UNDP supported programme to support the Ministry of Infrastructure (MININFRA) in the development of a national urbanisation policy. This joint UN-GoR agreement noted that while 'the Government's objective is to develop strategies to attract the rural population into improved urban centres...currently there are no policies in Rwanda guiding the urban development and planning sector' (RoR/UNDP 2005: 3). Even as recently as 2005, then,

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<sup>6</sup> Interview with Frederick Omolo-Okalebo, PhD student in urban planning, Makerere University, 11.02.09.

<sup>7</sup> Interview with Savino Katsigaire, Director of Physical Planning, Ministry of Lands, Housing and Urban Development, 20.01.10

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there was 'minimum or no control of the dynamic urban growth, and a 'lack of urban planning and management tools' (ibid). The UN-supported proposal was both to develop a National Urban Policy (including urban planning and construction standards) and provide institutional capacity-building for national and local institutions in charge of the urban sector.

Meanwhile, since 2001 country-wide governance structures had been adapted in accordance with the **National Decentralisation Policy**, which like *Vision 2020* recognised the need for planned urbanisation and outlined a framework in which urban centres of 200,000 people or more would be administratively classified as cities. The policy set out the powers to be devolved to urban local governments under the decentralisation programme, which included powers over urban planning, land use planning and plot allocation, control over developments, marketplaces and a range of service delivery and environmental management responsibilities (RoR 2001: 28). As in Uganda, even by 2010 the capital was the only urban centre large enough to qualify for city status. In 2006, as part of the implementation of the Decentralisation Policy, the roles and responsibilities of City of Kigali (CoK) and the three districts of which it is composed were legally codified under the **Kigali City Law** (Law No. 10/2006 'determining the structure, organisation and functioning of the City of Kigali'). This law specifies that, among other things, the CoK is responsible for preparing a master plan for the city; co-ordinating the activities specified in the strategic plans of the three districts that comprise Kigali; co-ordinating the developmental activities of the three districts and following up the implementation of national policy in these districts (Law No. 10/2006, Article 11).

Article 73 of the above law states how the Chairperson (synonymous with the Mayor) of Kigali will 'represent the State at the level of the City of Kigali' and be responsible for administering the city 'in accordance with the laws and regulations'. Ultimately, with the passing of this law, the CoK – which had already existed as a decentralised entity since the first round of decentralisation in 2001<sup>8</sup> – was re-established as a deconcentrated arm of the *central* state at the city level, as discussed in Chapter Three. The city mayor was personally tasked with 'controlling human settlement to ensure effective observance of the law relating to the implementation of the master plan of the City of Kigali' (ibid, Article 73). District mayors, meanwhile were empowered to 'allocate land plots, granting of building

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<sup>8</sup> A 2001 law determining the structure, organisation and functioning of the City of Kigali had already been passed, but the 2006 Law overrode this.

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authorization, land titles... monitoring whether the construction of the house is in accordance with its master plan' (Ibid: Article 176). In other words, while the city level of administration was responsible overall for planning, the three Kigali districts were tasked with implementing construction and land use regulations (see Chapter Four for a discussion of these distinctions).

In terms of laws pertaining to land, Rwanda's 2004 National Land Policy was rapidly followed by the **Organic Land Law** in 2005 (Law No. 08/2005),<sup>9</sup> which also has important implications for planning and development control, some of which were noted in Chapter Three. Thus while the National Urban Policy was still being prepared, two key pieces of legislation on land and on the functions and responsibilities of the City of Kigali were passed that would also impact on how decisions regarding urban development control are made. The **National Urban Policy** itself appeared under the title of *National Urban Housing Policy* in 2008, though in fact its scope extends far beyond housing; it aims to cover 'all public interventions within the framework of the urbanisation process of Rwanda in order to constitute the urban structures at national and provincial level, to improve urban management, control development, and the spatial expansion of cities...using effective planning tools' (MININFRA 2008: 2).

The policy proposes a number of actions in relation to supporting city planning, developing the regulatory framework for construction and private sector participation, promoting secondary urban centres to counterbalance Kigali, promoting 'grouped settlements' and upgrading informal settlements. It also proposes the establishment of the Rwanda Urban Development Bureau. This would have a specific mandate 'To regulate urban development in Rwanda to ensure planned and systemic construction of buildings and structures in accordance with standards and norms of building regulations that are in force and in full conformity with environmental guidelines' (MININFRA 2008: Annex 1). The intention is that this Bureau, which had not yet come into being at the time of writing, would form a sort of one-stop shop for issues of urban planning and development regulation, more or less like the Rwanda Development Board or National Land Centre that already existed in the late 2000s.

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<sup>9</sup> Organic laws are provided for in the 2003 Constitution, which specifies that that an *Organic law* may not contradict the Constitution, an *ordinary law* or *decree* may not contradict an *Organic law*, and a *decree* may not contradict an *ordinary law* (Sagashya & English 2009: 5).

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A critical aspect of the framework for planning and development regulation towards the end of the decade was the **Kigali Conceptual Master Plan**, a central tool in the proposed realisation of the government's commitment to planned urbanisation in *Vision 2020*. Previous plans, such as that of 1974, were by and large only concerned with the government districts of Kimihurura and Kacyiru as well as residential and commercial centre at Kiyovu (RoR 1974). The new plan, led by the American firm Oz Architecture, was drawn up on behalf of the Ministry of Infrastructure (MININFRA) in November 2007. It cost \$1.7m plan to draft (all of which was the GoR's own money and not foreign aid, according to City Council executives),<sup>10</sup> and was eventually approved by the government in February 2009, with a very high profile and media fanfare. The plan is 'conceptual' in the sense that is rather abstract in nature and makes little reference to the current socioeconomic characteristics of the city, focusing instead on the physical environment on which it proposes to superimpose a new urban form. A DFID report notes that the plan 'does not make any reference to land markets and land values, household incomes, tenure systems, informal settlements characteristics, urban mobility and commuting patterns, and implementation guidelines and costs of the proposed planning options' (DFID 2007: 12).

The Conceptual Master Plan was an initial step in creating a comprehensive urban development plan for the whole city; more detailed area plans for particular parts of the city were being developed at the time of research by various firms including Oz and the Singaporean firm Surbana. The detailed plans for Nyarugenge District (which contains Kigali's commercial and historic core) were unveiled by Surbana in November 2009. Other isolated parts of the city such as Gaculiro (proposed as a new 'satellite' town north-east of the Centre; see Chapter Four) and Rebero Hill (a proposed tourist area in the south of the city) had also been planned in some detail as of 2010.

To accompany the new urban policy and the Master Plan, in April 2009 the Ministry of Infrastructure released the new **Rwanda Building Control Regulations**, which were adopted by the cabinet in February of the same year and have the force of law. They were explicitly based on the standards and specifications as laid out by the British Standards Institution of the UK. The 88-page document specifies in detail the procedures for the approval of plans, standards for structural design, materials and specified connections to environmental infrastructure, health and safety regulations, fees to be paid, and penalties for non-

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<sup>10</sup> Interview with Director General and Executive Secretary of Kigali, 16.02.09.

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compliance. Critically, the rules state that no person shall 'cause any building to be altered or used for a purpose other than the purpose shown on the approved plans of the building' (MININFRA 2009: Section 6.2.1). Thus buildings must not only comply to all the specified construction regulations but must also be consistent with the 'user purpose' for which they were approved, which in turn depend on the zoning regulations for Kigali. Zoning was still being undertaken at the time of research in accordance to the detailed area plans discussed above, but a preliminary version of the zoning plan was released in September 2009. This specified the permissible (and prohibited) uses for land classified for example as low rise or high rise residential, neighbourhood level commercial, city level commercial (including tourism and recreational), light industrial, general industrial, retail warehouse, agricultural and protected area districts.<sup>11</sup>

The Building Control Regulations specify that any person who deviates from approved plans commits an offence, if the deviation is such that 'the building is incapable of being altered to comply with the requirements of these regulations, the Committee shall revoke the permit for the building operations and serve notice to the owner of the building to demolish and remove the building within a specified period' (MININFRA 2009: Section 6.2.1). Continued failure to comply with terms of a notice issued will result in a fine or imprisonment (ibid: Section 6.2.2). The implementation of processes in these regulations, land laws and the master plan is aided by a new document aimed at investors, the Kigali City **Clients Charter**, though this is not legally binding in itself.

The institutional framework for urban development control in Kigali was thus composed of a dense and rapidly-evolving web of urban plans, policies, laws and regulations in which ultimately the Master Plan was invested with great power. The roles that decentralised entities played in accordance with the decentralisation policy and Kigali City Law were in some senses subservient to the Master Plan and involve ensuring compliance to it. Meanwhile, the new systems of land tenure and framework for land management discussed in Chapter Three were incorporated into the Plan and provided additional legal backing to its implementation in the 'public interest'. Finally, in addition to the legal and policy frameworks discussed here, there was (as in Kampala) a World Bank-funded project focusing on urban infrastructure and management, the *Projet D'Infrastructures et de Gestion Urbaine*, though this came to a close at the end of 2009.

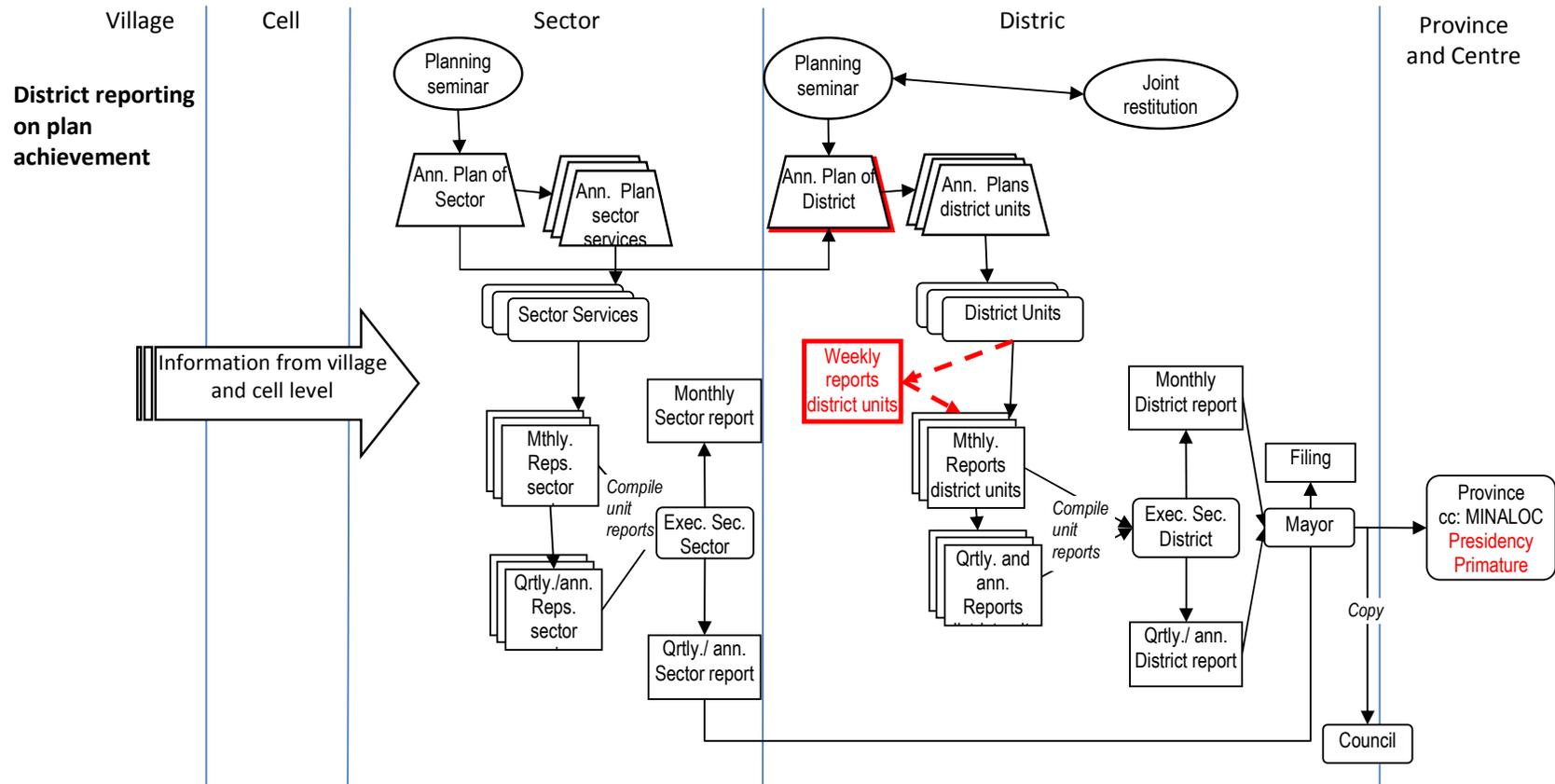
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<sup>11</sup> Preliminary zoning document obtained from CoK planning office

APPENDIX 4

Appendix 4: Rwanda decentralisation diagrams

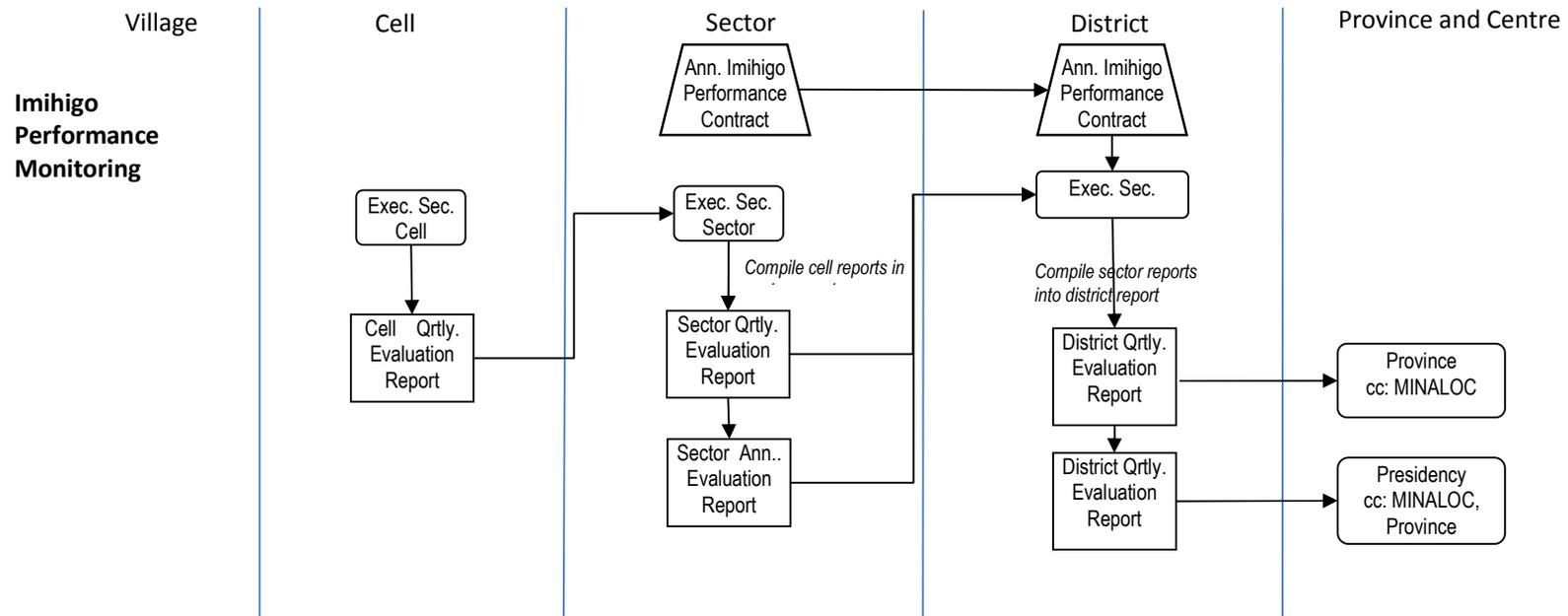
4a: Reporting on District Development Plans



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Source: Acquired from MINALOC, February 2010

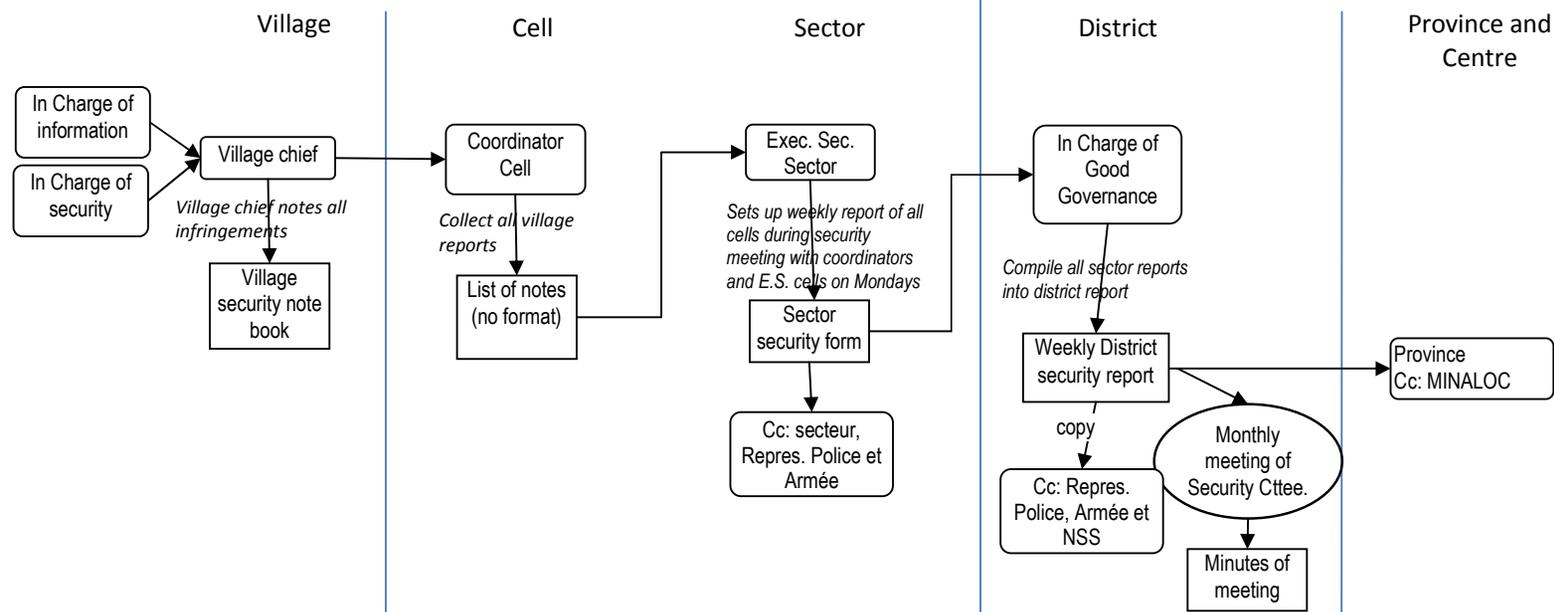
### 4b: Imihigo performance monitoring



Source: Acquired from MINALOC, February 2010

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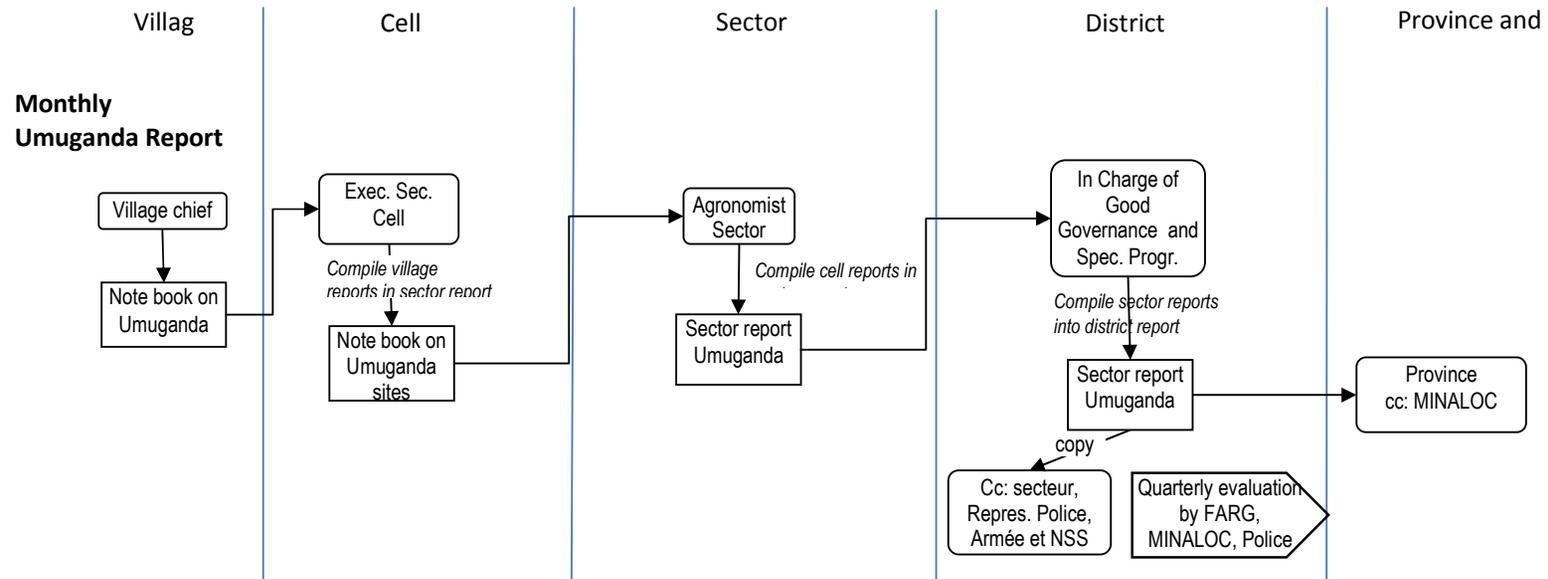
### 4c: Security Reporting



Source: Acquired from MINALOC, February 2010

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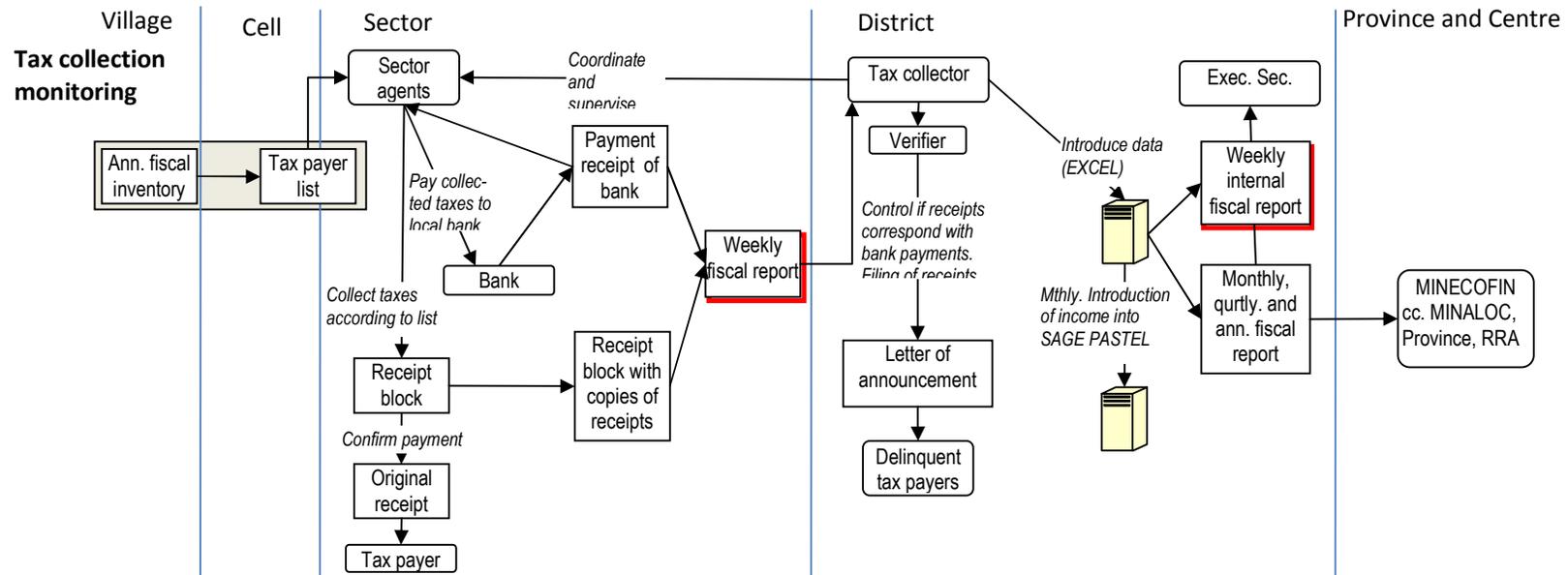
4d: Umuganda reporting



Source: Acquired from MINALOC, February 2010

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4e: Local taxation monitoring



Source: Acquired from MINALOC, February 2010