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**SOCIAL JUSTICE**

**PERSPECTIVES FROM UGANDA**

Editor: GÖRAN COLLSTE

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## Table of Content

<b>INTRODUCTION, Göran Collste</b> .....	6
<b>SOCIAL JUSTICE, HEALTH AND POVERTY IN UGANDA, John Barugahare</b> .....	9
Introduction .....	9
Equity/Inequity in Health .....	9
Efficiency in Health .....	10
Poverty and Ill-Health: Causal Links .....	10
Pure Efficiency: Implication for Equity .....	13
Utilitarianism in Health .....	14
Meaning of QALYs .....	14
Time Trade-off .....	15
Person Trade-off .....	15
Other Considerations to Ensure Efficiency .....	16
Health Financing and Health Equity in Uganda .....	17
Combining Efficiency and Equity .....	19
Conclusion .....	21
<b>THE POLITICS OF RESTORING ETHICS AND THE CHALLENGE OF PATRIOTISM IN SERVICE DELIVERY IN UGANDA’S PUBLIC SERVICE, Dickson Kanakulya</b> .....	24
Introduction .....	24
Ethics and Human Existence .....	24
The Multi-dimensions of Public Administration .....	25
Ethics and its Application .....	26
Ethics and Public Administration .....	27
Local Government Politics and Ethics in Public Administration .....	29
Examining the Case of Uganda .....	30
Responding to Unethical Conduct in Public Service .....	32
Cultural/Traditional Approach .....	32
Legal Approach .....	33
Institutional Approach .....	34
Political Approach .....	35
Patriotism as Political Intervention in Uganda’s Ethics Crisis .....	36
Politics of Defining Patriotism .....	38
Politics of Budgeting and Financing for Patriotism .....	39
Control and Militarization of the Project .....	40

Conclusion .....	40
<b>PERSISTENT COLONIAL COERCION IN CONTEMPORARY UGANDA: FOUNDATION OF SOCIAL INJUSTICES IN THE COUNTRY, Gervase Tusabe .....</b>	<b>43</b>
Introduction.....	43
A Description of Domestic Colonial Coercion.....	43
The Underlying Mental Disposition of those who Exercise Colonial Coercion .....	45
The Purpose of Colonial Coercion .....	45
Colonial Coercion and Unjust Institutions in Contemporary Uganda .....	46
Social Justice.....	47
Injustice Deriving from Patronage Politics .....	47
The Militarization of the Police .....	50
A Pseudo Commitment to Ethics and Ideal of the Rule of Law .....	52
Major Impediment to Achieving a Socially Just Society in Uganda.....	54
Fundamental Responsibility of Uganda’s Political Parties in Achieving a Socially Just Society .....	54
The Need for Civic Ethics Education .....	55
<b>STRUCTURAL INJUSTICES AND THE ETHICS OF ENGENDERING POVERTY ERADICATION POLICIES IN UGANDA, Michael George Kizito .....</b>	<b>58</b>
Introduction.....	58
Gendered Poverty in Uganda .....	59
Structural Injustices and Gendered Poverty Production.....	59
Structural Injustices and the Ethics of Agricultural Policy in Uganda .....	62
The Plan for the Modernization of Agriculture (PMA) .....	62
The PMA: WID or GAD Framework .....	63
Engendering the Market .....	64
Beyond Economic Growth: The Challenge of the Trickle Down Theory in the PMA .....	65
The Private Sector as a Fulcrum Agricultural Modernization.....	66
Gender and Micro Financing .....	69
White Washing Gender Patrimony: The PMA and the Circumvention of Patriarchy .....	71
The Conspiracy of Silence on Patriarchal Poverty Production .....	72
Traditionalism and Patriarchal Land Tenure Relations .....	73
Lingering Patriarchal Mentalities and Attitudinal Stances .....	74
The Ugandan Constitution and the Negation of Patriarchy .....	75
Patriarchy and the Ethics of Decentralization in Uganda.....	75
Patriarchy and Land Redundancy in Uganda.....	77
Situating the Ethics of Land Reform in Uganda.....	77

Patriarchal Traditionalism and the Subversion of Land Reform .....	78
Co-ownership of Land: Battle Lost to Patriarchy. Feminist Views Ignored .....	79
Gender and the Enforcement of the Land Act .....	80
Land Conflicts as a Threat to Modernization .....	81
Conclusion .....	82
<b>CONTRIBUTORS</b> .....	<b>85</b>
<b>ABSTRACTS</b> .....	<b>86</b>

# INTRODUCTION

## GÖRAN COLLSTE

In later years we can notice an increased interest for applied and political ethics. However, contributions to the discussion come mainly from a limited part of the world. Voices heard are almost all from Europe and the US. In this way the discussions mirrors the global structure in general. As an alternative, this book contains contributions to the discussion from African philosophers.

The articles discuss different social ethical issues in Uganda. Uganda with 33 million inhabitants is a beautiful country situated at the northern shore of Lake Victoria. “The Pearl of Africa” has a spectacular wild life and is the place for the source of the Nile.

Uganda became a British colony at the end of the 19<sup>th</sup> Century. After having conquered the kingdom of Buganda in 1890, British colonizers aimed also to conquer the kingdom of Bunyoro, situated in the northern part of present Uganda. However, Kabalega, the king of Bunyoro, did not surrender to the British troops and it was not until 1897 that the British finally captured him. Meanwhile the war devastated parts of the kingdom and many people starved to death.

Why then did Britain colonize Uganda? There were a mix of interests and reasons. Islam expanded from the North and Uganda was a strategic link in the British struggle to limit Muslim influence in the region. Furthermore, transportation from the Indian Ocean to the source of the Nile in Uganda was beneficial for trade routes between India and Egypt and then further to Europe. Many British residents also thought that Britain had a duty so save Uganda from slavery, and finally, Uganda was a market for British products as well as a possible source of raw materials. Later, Ugandan cotton became a most important crop for export (Thompson 2003).

How, then, did the British rule Uganda? Ultimately, their rule rested on brute force. However, as historian Gardner Thompson shows, the rule was lenient and widely accepted by the Ugandans. As evidence he remarks that British authorities needed no more than three administrators to rule 340 000 inhabitants in the Lango District (Thompson 1999). Thompson notices that until the Second World War “... the British had tried only to *administer*, rather than to *govern* in the sense of fully exploiting the human, financial and material resources of a territory acquired... Coercion had been replaced by consent” (ibid, 69).

On the other hand, critics of British rule point at some highly problematic implications of the colonial period. Traditional social structures were dismantled without sustainable replacement, estates for cotton and tobacco production were created at the expense of traditional farming and this change in the modes of farming also led to the deadly tsetse fly invasion (Pulford 2007).

Uganda got independence in 1962. Since then, the young nation has been exposed to dictatorships, ethnic conflicts, civil wars and political corruption. During the reigns of Idi Amin and Milton Obote the death tolls is estimated to 250 000–300 000 each, and the Lord’s Resistance Army with its psychopathic leader George Kony terrorized parts of the country until a few years ago (Meredith 2006).

According to Gardner Thompson, at independence Uganda was neither a nation nor a state. The country was characterized by regionalization and “tribalism” and there were no sense of nationhood or national loyalty. Furthermore, the government was weak, there was no sense of civic duties and the borders were disputed (Thompson 1999). The British left Uganda with a weak and exposed economy and the crops providing export incomes were vulnerable to price fluctuations on the world market. Responsibility falls back on the colonial power.

As one of the authors in this anthology states, the colonization of the country remained also after independence but under a new leadership. Even the present president Museveni, although once a freedom fighter, has now established a corrupt and totalitarian regime.

The four essays included in this volume deal with issues of equality and health care, politics and corruption and policies of poverty eradication.

In his essay “Social Justice, Health and Poverty in Uganda”, John Barugahare analysis the conflict between the goals efficiency and equity in Uganda’s health care system. Barugahare argues that the established utilitarian measures of efficiency in health care tend to prioritize health care to the wealthy. On top of that, a large part of Ugandan health care service sector is privatized and thus available only for those who can pay. Without denying the importance of efficiency as a principle of allocation of health care resources, Barugahare suggests that the allocation should also be guided by principles of marginal utility and prioritarianism, giving priority to the worst-off. In practice, these principles could be applied through cross-subsidies and universal health insurance, Barugahare argues.

Ethics in public administration is focused in Dickson Kanakulya’s essay “The Politics of Restoring Ethics and the Challenge of Patriotism in Service Delivery in Uganda’s Public Service”. The current trend in East Africa is decentralization of power and an increased role for local governments. However, both central and local governments face the problem of corruption and huge amounts of resources disappear in politicians’ and public servants’ pockets. Kanakulya discusses different policies to combat corruption, e.g. a “revivalist” approach to go back to African traditional value systems, a legalist approach with laws aimed at ensuring ethical behaviour, an institutional approach focusing on institutional norms and values, political intervention to engender ethics in the public domain, and a push for patriotism to ensure ethical behaviour. However, it seems that so far neither of the initiatives has been successful.

In “Persistent Colonial Coercion in Contemporary Uganda: Foundation of Social Injustices in the Country”, Gervase Tusabe argues that independence did not mean the end of colonialism. Instead, the new rulers took over the colonial ways of controlling the state. The successive political leaders have used public funds for private aims and Tusabe illustrates his argument with a number of corruption cases. As a way to divert public interest from corruption, the Directorate for Ethics and Integrity has initiated campaigns against homosexuals. Also Tusabe concludes that it is so far difficult to see any hopes for the future in the fight against corruption. There are too many leaders on all levels who are involved in questionable practices themselves. The only way out that Tusabe points at is civic ethics education from below.

In “Structural Injustices and the Ethics of Engendering Poverty Eradication Policies in Uganda”, Michael George Kizito emphasizes structural and institutional explanations of poverty. He focuses on



the role of women as victims of structural injustices. Women are mainly involved in food production but are in vulnerable positions due to asymmetrical power relations in the household and because they are excluded from political decision making. They are also the least educated which put them in a weak position when agriculture is commercialized. Kizito warns that the new Ugandan policies for agricultural modernization, commercialization and micro financing will further marginalize women and he argues that for poverty eradication policies to be successful the subjection of women must end.

This peer-reviewed publication is the result of a joint endeavor of the Department of Philosophy at Makerere University in Uganda and the Centre for Applied Ethics at Linköping University in Sweden. The articles are written by lecturers at the philosophy department at Makerere University. They deal with the most pressing current moral challenge; poverty, injustice, health and integrity in developing countries. I hope that the publication will contribute to our understanding of justice and of how to find solutions for the future.

The publication is a result of an institutional cooperation between the Department of Philosophy at Makerere University and the Centre for Applied Ethics at Linköping University funded by Sida (Swedish International Development Cooperation Agency).

Linköping in March 2013

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## References

Meredith, M., 2006. *The State of Africa. A History of Fifty Years of Independence*. Johannesburg: Jonathan Ball Publisher.

Pulford, C., 2007. *Casualty of Empire: Britains unpaid Debt to an African Kingdom*. u.o.:Ituri Publications.

Thompson, G., 2003. *Governing Uganda. British Colonial Rule and its Legacy*. Kampala: Fountain Publishers.

# SOCIAL JUSTICE, HEALTH AND POVERTY IN UGANDA

JOHN BARUGAHARE

## Introduction

According to the *World Health Report 2000*, health systems' performance rankings are based on measures of achievement of specific health systems goals and other dimensions of health. These goals are good health (relieving pain and prolonging life), responsiveness (to population expectations), and equitable financial contribution and access to health services. It should be noted that health policy objectives include, but are not limited to, the objectives of clinical medicine. Health policy takes into account other social dimensions such the policy's potential acceptability, sustainability, fairness among others. It is for this reason that other dimensions for the evaluation of health systems include acceptability, efficiency and equity.<sup>1</sup> Out of this list, efficiency and equity are seen as objectives that are mostly competing with each other in decision making regarding health resource allocation. For that matter, efficiency and equity have received a lot of attention in World Health Organization's contemporary discourse on health policy as reflected in the latest recommendations on *Research and Development to Meet Health Needs in Developing Countries*<sup>2</sup>, in which strategies for ensuring equity are the gist of the report. The reason for this trend is that for a long time, in preference of efficiency, concerns of equity have been relegated in health policy, especially in the priority setting processes. In other words, the contemporary debate on health policy is aimed at striking a compromise between efficiency and justice in an attempt to fulfill the goals of medicine which are to alleviate pain and prolong lives or in responding to population's expectations.

The main points illustrated in this paper are that the existence and persistence of inequity in Ugandan health care system is primarily a consequence of a health policy that lays too much emphasis on efficiency than on equity. This is a feature which is so striking in Uganda's health system, mostly in practice as opposed to policy statement. The analysis that will follow later is aimed at showing how a focus on efficiency per se (pure efficiency) leads to injustice against the poor. The analysis will also show that, all other things being equal, there is a strong relationship between socio-economic status and health status. I will also illustrate how Uganda's health financing mechanism worsens inequity in health. And lastly, I will propose an approach to health policy analysis that can make it easy to balance efficiency and equity in health. But before the above four arguments are presented, it is useful to begin with clarifying the meanings of equity and efficiency in health care discourse.

## Equity/Inequity in Health

For one to be able to understand the concept of equity or inequity in health, it is better that on top of giving a precise definition of the concept, it as well be distinguished from equality or inequality in health. These two key concepts have a very high potential of being confused. Inequity in health means differences in health states between individuals and groups of individuals that are a result of

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<sup>1</sup> WHO, 2000: World Health Report, Health systems: Improving performance

<sup>2</sup> WHO, 2012: Research and Development to Meet Health Needs in Developing countries: Strengthening Global Financing and Coordination. Report of the Consultative Expert Working Group on Research and Development: Financing and Coordination

unfair distribution of resources and all other social determinants of health. It is for this reason that “health equity is [defined as] the absence of systematic and potentially remedial differences in one or more aspects of health across socially, demographically, or geographically defined populations or population subgroups.”<sup>3</sup> In a related sense, health inequities have been considered as *unjust health inequalities* caused by factors amenable to human interventions.<sup>4</sup> On the converse, inequality in health simply means differences in health achievements or outcomes between individuals and population groups, and this is not necessarily a consequence of unjust distribution of health opportunities. Therefore, the distinction between health inequalities and inequities points to the fact that the latter is a purely moral issue, while the former is not necessarily so. Hence, “Health inequality is a generic term used to designate differences, variations and disparities in health achievements of individuals and groups [of individuals], while health inequity refers to those inequalities in health that are deemed to be unfair or stemming from some form of injustice.”<sup>5</sup> Further, health inequities are, according to Whitehead and Dahlgren “health inequalities that are avoidable, unnecessary, unfair and unjust.”<sup>6</sup>

## Efficiency in Health

The meaning of efficiency in health does not defer at all from the sense in which it is used in other discourses. Precisely, it means allocating the available health resources in a manner that makes it possible to achieve the highest possible health output. What needs to be added perhaps is how efficiency in health is related to utilitarianism which takes the form of aggregate health-benefit or health-utility maximization. In most health literature this is commonly referred to as QALY maximization. I will come back to the meaning, discussion and critical examination of QALYs and related issues in part three of this paper which discusses pure efficiency and its implication for equity.

## Poverty and Ill-Health: Causal Links

Two most important social determinants of health are socio-economic status and level of education. However, in this paper I will only concentrate on the former. Through research and expert analysis it has been confirmed that between different socio-economic classes globally, “The poor suffer worse health and die younger. They have higher than average child and maternal mortality, higher levels of disease, more limited access to health care and social protection and gender inequality disadvantages further the health of poor women and girls.”<sup>7</sup> Bearing in mind its intricate causal linkage with health, poverty has been convincingly defined as “A condition of life so characterized by malnutrition, illiteracy, disease, squalid surroundings, high infant mortality and low life expectancy as

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<sup>3</sup> Starfield, B. 2006: State of Art in Research on equity in health. *Journal of health politics, policy and law* Vol. 31, No 1, Duke University Press, P. 31.

<sup>4</sup> Gakidou, E.E. Murry, Christopher J. Frenk J, 2000: Defining and Measuring Health Inequity: An approach based on the distribution of life expectancy. *Bull world Health Organ* p.78.

<sup>5</sup> Kawachi, I. Subramanian, SV. Almeida-Filho, N. 2002: A glossary for health inequalities. *J Epidemiol Community Health* pp 647-652.

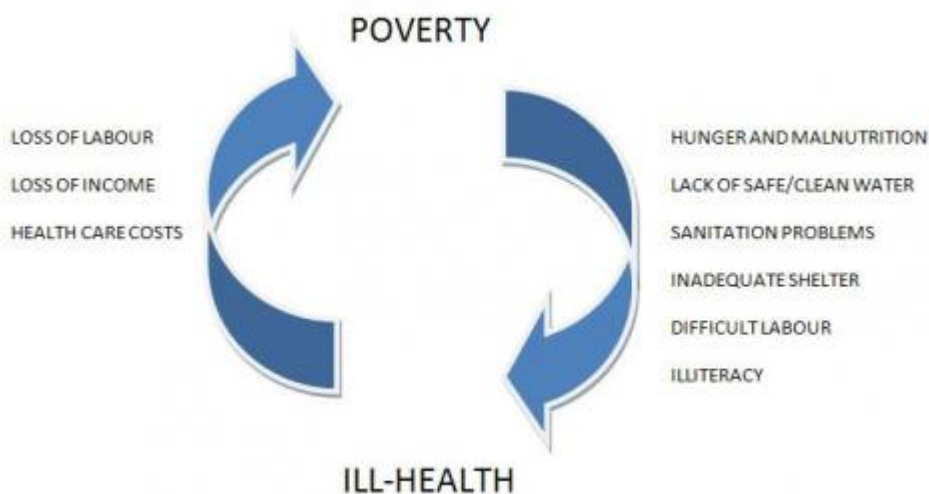
<sup>6</sup> Whitehead, M. Dahlgren G, 1992: The concepts and principles of equity and Health. *Int J Health Serv.* pp 429–445.

<sup>7</sup> OECD, WHO, 2003: DAC Guidelines and Reference Series *Poverty and Health*. OECD Publication Services p.20

to be beneath any reasonable definition of human decency.”<sup>8</sup> The causal relationship between poverty and ill-health is normally illustrated using the ‘vicious cycle of poverty and ill-health.’

The vicious cycle of poverty and ill-health is that poverty leads to ill-health and then ill-health itself can cause poverty, even if the victim were not originally poor. The effect of poverty on people’s health is through poverty’s consequence of absolute effect of material deprivation, especially diet and living conditions that expose the poor to more chances of ill-health. At a psychological level (mental health) poverty leads to feelings of risk, powerlessness, vulnerability due to inability to access health care and low self-esteem. On the converse, ill-health can push someone into poverty through catastrophic health expenditure, loss of employment due to sickness or caring for the sick, dropping out of school, et cetera.

**Figure 1: An Illustration of the Vicious Cycle of Poverty and Ill-health**



From World Press: *Public Health Issues*, 2009<sup>9</sup>

According to McIntyre et al.,<sup>10</sup> it is evident that out-of-pocket payment for health care has disastrous consequences for the poor as far as access to health care services is concerned. As a matter of emphasis, Claeson et al. have also argued that “out-of-pocket for health services – especially hospital care – can make a difference between a household being poor or not.”<sup>11</sup> To this claim there is a lot of evidence. Part of this evidence is the reanalysis of the 1990 Global Burden of Disease data which showed that communicable diseases cause 47.3% of deaths and 49.8% of disability-adjusted life years (DALYs) loss shouldered by the poorest 20% of the population, whereas the rich 20% bear only 4.2% of deaths and 2.6% of DALY loss caused by communicable disease.<sup>12</sup>

<sup>8</sup> McNamara, R. 1978: World Bank, World Development Report, World Bank, New York p. iii.

<sup>9</sup> World Press: *Public Health Issues*, 2009: <http://publichealthissues.wordpress.com/2009/10/17/lt-2-health-and-poverty/> Accessed on 10.04.2012.

<sup>10</sup> McIntyre, D. et al. 2008: Beyond Fragmentation and towards universal Coverage: Insights from Ghana, South Africa and the United Republic of Tanzania: *Bulletin of the World Health Organization*. pp871–876

<sup>11</sup> Claeson, M. Griffin, T. et al. 2001: Health, Nutrition and Population. In BANK W, (ed.) *Poverty Reduction Strategy Papers’ Sourcebook*. World Bank; Washington DC.

<sup>12</sup> Health Poverty Action, 2011: <http://www.healthpovertyaction.org/policy/the-cycle-of-poverty-and-poor-health/the-cycle-of-poverty-and-poor-health1/> Accessed on 26.03.2012.

DALYs are a measure of overall burden of disease, usually expressed as the number of years lost due to ill-health, disability or early death. Other than the actual years lost due to early death, a person is said to lose a number of years due to the poor quality of their lives. For instance 60 years of a wheelchair life may be estimated to be equivalent to 40 years of perfect life. In this case DALYs will be 20 years. In other words, whenever QALYs are calculated, a number of actual life years are lost due to the poor quality of life. It is these lost years that are referred to as the years lost due to disability and are usually referred to as Disability Adjusted Life Years (DALYs).

In Uganda, a survey carried by the Uganda National Bureau of Statistics indicates that Malaria, the commonest infectious disease and an enormous public health problem, “is not just a disease commonly associated with poverty, but is also a cause of poverty and a major hindrance to economic development.”<sup>13</sup> Further, these statistics indicate that Dysentery is highest in the poorest districts of Uganda of Moyo and Adjumani. And still overall, the study indicates that Moyo and Adjumani are ranking highest in terms of poverty and health status as measured by the incidence of Dysentery and Malaria.<sup>14</sup> Generally poverty and health are related in the following ways:

Marginalized groups and vulnerable individuals are often worst affected, deprived of the information, money or access to health services that would help them prevent and treat disease. ... The cost of doctors’ fees, a course of drugs and transport to reach a health center can be devastating ... The burden of caring is often taken on by a female relative, who may have to give up her education as a result, or take on waged work to help meet the household’s costs. ... Overcrowded and poor living conditions can contribute to the spread of airborne diseases such as tuberculosis and respiratory infections such as pneumonia. Reliance on open fires or traditional stoves can lead to deadly indoor air pollution. A lack of food, clean water and sanitation can also be fatal.<sup>15</sup>

However, despite the uncontroversial linkage between poverty and ill-health, in Uganda there is no systematic priority setting process which gives the poor advantage over the rich or at least equal chances as the rich in accessing care in public health facilities. Certainly, the Uganda Health Policy<sup>16</sup> outlines and severally reiterates phrases of “pro-poor” “gender and age sensitive” oriented health policy, just like it does for equity. However, a clinical analysis of the priorities in implementing this policy along with the outcomes within population health reveals that the Uganda health care system is yet to show even the remotest signs of moving towards a just health system. Hence, priority-setting in Uganda health system needs to show in practice that priority is given to the interventions and financing mechanisms that give priority to the poor over the rich in access to public health care services.

But amidst all this, one fact needs to be appreciated and borne in mind and which may be appealed to by those engaged in implementing health policy in defense of the status quo: the health sector in Uganda is so severely hit by resource scarcity. Resources are not enough even to fully fund the

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<sup>13</sup> Uganda Bureau of Statistics and the International Livestock Research Institute, 2008. Spatial Trends of Poverty and Inequality in Uganda 2002–2005. Kampala: <http://www.ugandaclusters.ug/PVRTY-INQLTY/>

<sup>14</sup> Ibid.

<sup>15</sup> Health Poverty Action, 2011: <http://www.healthpovertyaction.org/policy/the-cycle-of-poverty-and-poor-health/the-cycle-of-poverty-and-poor-health1/> Accessed on 26/03/2012.

<sup>16</sup> Government of Uganda, 2009: Health Policy.

Uganda National Minimum Health Care Package. The effect of scarcity of resources is that it becomes very difficult to set priority between competing and seemingly equally urgent health interventions. On the converse, however, this cannot be a valid justification of health inequities. All health systems operate amidst scarcity. But it is this scarcity of resources that calls for priority setting in a way that will ensure that the burden of scarcity is equitably shared between the various socio-economic groups. Hence, the essence of justice in health care is not so much about meeting all the needs of those that deserve care by virtue of their clinical needs. Rather, it consists in equitable sharing of the available health resources and ensuring that the manner in which health output is financed does not impose a disproportionately higher burden on the poor than the rich. Hence, for the Uganda health system to be just, it does not need to merely achieve the most health benefits from a given budget per se. It has to balance efficiency with the concerns of how the aggregate health benefits are distributed between socio-economic groups and most importantly, how these benefits have been financed.

## Pure Efficiency: Implication for Equity

It is widely accepted that Utilitarianism in its manifestation as QALY maximization is so far the best available tool used for ascertaining efficiency (cost effectiveness) in the allocation of scarce health care interventions.<sup>17</sup> In other words, efficiency in health is nothing less or more than maximizing aggregate health utility or QALYs from a given health budget. Without venturing into the moral status of *efficiency as such*, it is at least uncontroversial as the reasonableness of having it as the one of the most stringent aims of health policy. The reason for accepting efficiency among the most important goals of a health system is simple: all health systems operate amidst scarcity of resources, which is even severe for Uganda. Hence it is reasonable that the health system aims at getting the highest possible health benefits per US dollar spent.

Although this is the case, pure reliance on efficiency has been passionately criticized for its blindness to justice. The most common objection is that, just like utilitarianism its philosophical parent, efficiency does not take into account distributional aspects of health benefits. It only aims at the overall aggregate health utility and the methodology through which this aggregate is obtained. In other words, the methodology being used so far to ascertain efficiency makes it clear that pure efficiency is blind to equity. It gives priority to those who are either rich or already advantaged in other ways. The poor and those disadvantaged in other ways are normally relegated for the reason that, even if treated, their quality of life thereafter will not be as good as that of the rich or those advantaged in other ways. Some of these criticisms are John Harris' 'Double Jeopardy';<sup>18</sup> argument which is reiterated by Singer et al.;<sup>19</sup> Nord's empirical proof of the social aversion to QALY maximization<sup>20</sup> and his later argument that QALY maximization compromises the principle of priority to the worst-off;<sup>21</sup> and Beauchamp and Childress' argument that QALY-based Cost Effective Analysis

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<sup>17</sup> Barugahare, J. 2011. Op Cit. P. 34

<sup>18</sup> Harris, J. 1987b. QALYfying the Value of Human Life. *Journal of Medical Ethics* 13, 3: 117–123.

<sup>19</sup> Singer, P. 1996. Double jeopardy, the equal value of lives and the veil of ignorance: a rejoinder to Harris. *Journal of Medical Ethics*, 1996; 22:204–208.

<sup>20</sup> Nord, E. 1995. Maximizing Health Benefits Vs. Egalitarianism: An Australian Survey of Health Issues. *Soc. Sci. Med.* Vol.14, No.10 pp. 1429–1437: Elsevier Science Ltd, Britain.

<sup>21</sup> Nord, E. 1999. *Cost-Value Analysis in Health Care: Making sense out of QALYs*. Cambridge, U.K.: Cambridge University Press 1999.

implies that it is the only objective of health services<sup>22</sup>, among others. However, all these criticisms point to its moral implications rather than its power to ensure cost effectiveness of health interventions. Dissatisfied with QALYs' as an approach to, and tool for measuring health, other suggestions have been made to take into account concerns of well-being as well as people's choices and capabilities. Some of these efforts include Hausman's concern to measure the global burden of disease in terms of its effect on people's well-being;<sup>23</sup> his further concern for taking into account people's choices, goals and activities in the process of measuring the burden of disease,<sup>24</sup> and Broome's concern for balancing aggregate welling with fairness in measuring health;<sup>25</sup> among others. Below, I will illustrate how exclusive reliance on QALY approach and utilitarianism its philosophical parent lead to injustice in health.

## Utilitarianism in Health

My argument here is that efficiency in health is based on a utilitarian principle of aggregate utility maximization and that this usually gives rich patients unnecessary advantages over the poor ones when it comes to priority setting in the allocation of resources. This constitutes an injustice against the poor. The main focus of attention in the process of ascertaining how much health utility can be gained from investing in a given patient or an intervention in specific population is on the QALYs to be gained.

The principle of aggregation of utility is traced from the classical statement of utilitarianism. From the classical statement of utilitarianism theory, it is clear that it advocates for aggregation of utility. This idea is drawn from Jeremy Bentham's understanding of society and its interests of which the welfare he was defending with this theory. According to Bentham,

“The interest of the community is one of the most general expressions that can occur in the phraseology of morals: no wonder that the meaning of it is often lost. [But] When it has a meaning, it is this: The community is a fictitious body, composed of the individual persons who are considered as constituting as it were its members. The interest of the community then is, what it is? -- the sum of the interests of the several members who compose it.”<sup>26</sup>

## Meaning of QALYs

The acronym QALYs stands for Quality Adjusted Life Years. A “Quality Adjusted Life Year [is] a year adjusted for its quality or value” For instance, a year in perfect health is considered to be 1.0 QALY. In calculating the utility (QALYs) to be gained from preferring to treat one person and not his competitor, the value of a year is discounted by multiplying it with the post-treatment quality of life

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<sup>22</sup> Beauchamp, Tom L., Chilress James F. 2001. Principles of Biomedical Ethics. Oxford University Press Inc. pp. 206–14.

<sup>23</sup> Hausman, Daniel M. 2006: Valuing Health: Philosophy & Public Affairs, Vol. 34, No. 3 (Summer, 2006), pp. 246–274. Wiley-Blackwell: <http://www.jstor.org/stable/3876392>

<sup>24</sup> Hausman, Daniel M. 2010: Valuing Health: A New Proposal. Health Econ. 19: 280–296 (2010); Wiley InterScience ([www.interscience.wiley.com](http://www.interscience.wiley.com)). DOI: 10.1002/heh.1474

<sup>25</sup> Broome, J. 2002. ‘Measuring the burden of disease by aggregating wellbeing. *Summary Measures of Population Health: Concepts, Ethics, Measurement and Applications*, edited by Christopher J.L. Murray, et al., World Health Organization, 2002, pp. 91–113, 135–7, and 727–9.

<sup>26</sup> Bentham, J. 1781. An Introduction to the Principles of Morals and Legislation, Batoche Books, Kitchener 2000, p:14.

(QoL) to be enjoyed by the person treated, which (QoL) ranges from zero to one.<sup>27</sup> For example, other factors constant, the quality of life of a healthy rich person, can be estimated to be 1.0, while the one for the healthy poor person can be estimated at 0.9, since he still lacks some things and therefore may not feel totally fulfilled in life. Hence, given that both patients receive the same intervention, say against malaria, and they all have a life expectancy remainder of say, 40 years, then QALYs for each would be obtained by multiplying the rich person's 40 years by one (QoL value), while that of the poor person will be multiplied by 0.9. Hence, giving priority to the rich person will lead to the acquisition of health utility equivalent to 40 QALYs while the poor would acquire 36 QALYs. If the available resources were only enough for one person, and given that following the goal of pure efficiency it would be required that resources be invested where they acquire maximum health benefits, then priority is given to treating the rich patient since it would be the only way to acquire maximum QALYs from the available resources.

There is no doubt therefore that the methods used to calculate the expected health benefits from a proposed health intervention lead to unfair conclusions and recommendations regarding which interventions should receive priority. The most common methods used – including the EQ5D, time trade-off, person trade-off, the visual analogue scale, the standard gamble techniques among others<sup>28</sup> – all reflect utilitarian principles. For lack of space I will illustrate how these methods put the poor at a disadvantage using two of these methods – the Time Trade-off and Person Trade-off.

### **Time Trade-off**

This method is biased in favour of the rich. It is based on how much importance respondents attach to their lives in their health states before treatment for a given condition. The question normally asked is like: How much of your total life expectancy would you give up to live in full health? Even though the question targets the condition in question, it is impossible to divorce the influence of poverty-generated stress from the general quality of life of the poor. Following this, it is always assumed that, other things being equal, the health intervention, once received by the patient, would save as more life years as the person is willing to sacrifice in order to get that intervention and be restored to perfect health. Whereas the rich might be willing to give up too much of their life expectancy to get an intervention against, say, malaria of the same severity as that suffered by the poor, the poor might be willing to give up too little time because they have already learnt to cope with such situations. Hence, even if the condition in question may be of the same severity between the rich and poor, the rich patient's condition may be misrepresented as more severe than that of the poor person.

### **Person Trade-off**

Person trade-off is yet another commonly used tool in Cost Effective Analysis (CEA) to determine the efficiency of allocation of health resources. It is also called the equivalence of numbers.<sup>29</sup> Just like time trade-off, its challenges do not come from its technical desirability, but rather from its implications for justice in the allocation of scarce health interventions. Basically, person trade-off

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<sup>27</sup> Medicine Net, Inc. 1996–2010, Definition of Quality adjusted life year (QALY): <http://www.medterms.com/script/main/art.asp?articlekey=5167>

<sup>28</sup> Barugahare, J. 2011: Op Cit, pp 33–63.

<sup>29</sup> Pinto, Prades JL. 1997. Is Person Trade-off a valid method for allocating health care resources? *Health Economics Vol. 6* pp. 78–81.



consists in sacrificing one person or group of persons for the sake of saving another person or group of persons. This method also arises in cases of scarcity whereby 'if I get it, you must miss it' or 'if we get it, they must miss it'. The question that is normally asked is: "if there are x people in adverse health situation A and y people in adverse health situation B, and if you can only help (cure) one group, which group would you choose?"<sup>30</sup>

This method is used both at micro (clinical) and macro (policy) levels to decide who should receive the available scarce resources. It should be noted, however, that it is possible that this method can be used to achieve equity, especially if the population preference is to attach higher value to individuals and groups that are economically disadvantaged. On the contrary, however, whenever a choice is to be made by the population or policy makers regarding which group of patients should receive priority, the overriding criterion used is not equity as such, but the relative social value attached to each of the competing individuals or groups. Definitely, this makes inevitable instrumentalist considerations. It becomes automatic that priority will be given to the economically well-off, because conventionally they have a higher social value than the poor. In other words, society would be too quick to consider factors like how much tax (property, income etc.) society can gain from each group. Accepting this criterion to its logical extreme means that the poor can only get treated if there is excess of what is needed to cure the rich. It is for this reason that pure efficiency or too much of it at expense fairness leads to terrible injustices in health care.

It should be noted that the reason for laying a lot of emphasis on the injustice of pure efficiency is because this is a crucial issue in Uganda health care system, though not in policy statement, but in actual practice. In the evaluation of the status of justice in Uganda health care policy and system, concentrating on what policy statements say per se, would lead to conclusions that do not reflect what takes place in implementation and the outcomes in population health. This can be corroborated by the various Quarterly and Annual Health Sector Performance Reports:<sup>31</sup> there are various shortages in Public health facilities, the extent of reliance on the private sector (50%), no reporting on equity at all, yet according to the policy statement, this is a key principle in the delivery of health services. Hence, there is no doubt that the Uganda health care system is moving so much in the direction of pure efficiency

## **Other Considerations to Ensure Efficiency**

Apart from the various methods used to calculate how much health utility (QALYs) will be gained from allocating resources to different socio-economic groups; there are other considerations that are invoked for the sake of achieving efficiency in health policy.

It is expected that many would agree that in most cases geographically hard-to-reach areas are normally occupied by the poor populations. Inaccessibility in geographical terms can be in terms of lack road networks to health facilities, no public transport for patients to a health facility, longer distances to the health facility, even very hard to reach by the health care staff. The implication of

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<sup>30</sup> Richardson, J. 1991 "What should we measure in health program evaluation?" In Smith S (ed). *Economics and health*. Melbourne: Public Sector Management Institute, Monash University.

<sup>31</sup> Republic of Uganda, Ministry of health, 2007, 2008, 2009. Annual sector performance report (2006/2007/-2009), Government of Uganda, Kampala; Republic of Uganda, Ministry of Health; Report on Mid-Year Review of the Health Sector Performance, Financial Year 2009/10, July to December, January 2010.

this is that, it would be very expensive to reach and treat the poor people or convince the health care staff to work among such communities. This is a reality in Uganda. The health care staff only accepts to work in such areas at a very high cost to the system (as an inducement), and there might be a need to maintain ambulances to transport the patients to health facilities, especially those in critical conditions lacking means for transport. Moreover, the cost of seeking care incurred by the poor patients who can manoeuvre and transport themselves makes them pay more for health services than the rich who live in accessible and organized neighborhoods. The consequence here would be that the cost per QALY gained from treating a poor person in a geographically hard-to-access neighborhood is much higher than that of treating a better-off patient. In other words treating one poor patient in this situation may cost the system resources that are enough to treat 10 or more rich patients. In this way, it appears unreasonable, from the point of view of CEA and QALYs maximization, to consider treating the poor patient. This is what necessitates trade-offs between efficiency and equity comes in.

## Health Financing and Health Equity in Uganda

The two points to be illustrated here are: how the health system's financing mechanism determines the relative chances people have to access health care between different socio-economic classes; and the second one is to show that Uganda's financing mechanism is one of those that disproportionately negatively affect the poor's access to health care which leads to other disadvantages like poverty due to catastrophic expenditures on health.

According to Uganda's health policy statement of May 2009, Uganda recognizes her failure to fulfill her moral obligation of providing the planned Minimum Health Care Package (MHCP) to her citizens due to inadequacies in financing.

Adequate quantities of affordable, good quality essential medicine and health supplies should be accessible to all those who need them. However, this is not always the case. Inadequate financial and human resources, capital investment and management issues have resulted in the public sector being unable to fulfill its mandate of providing medicines to all those who need them.<sup>32</sup>

The implication of government's failure to Finance the Minimum Health Care Package implies that the public have to turn to the private sector to cover the deficit. Uganda's Health Sector Strategic Plan III reveals that the private sector plays an important role in the delivery of health services, covering about 50% of the reported health output. Although a critical analysis would show that that the private sector contributes about 70%,<sup>33</sup> what is crucial here is to indicate how overreliance on the private sector makes the poor vulnerable and worsens inequity in health. The general impact of Uganda's health financing mechanism has been summarized as follows:

Households spend about 9% of their expenditure on health, although no user fees are paid in lower level government health units and general wings of publicly owned hospitals. However, the private sector charges user fees. When medicines are not available in the public sector, patients buy from the private sector. As private health insurance, largely subsidized by employers on behalf of employees is for a few,

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<sup>32</sup> Government of Uganda 2009: Op Cit. p. 6

<sup>33</sup> Barugahare, J. Op Cit. p.17

health expenditure remains high for most households. It is also known that while public health services are largely free many patients pay under-the-counter fees in public institutions. Nearly 5% of the households in Uganda are experiencing catastrophic payments while 2.3% are impoverished because of medical bills.<sup>34</sup>

What needs to be born in mind also is the extent of income inequality in Uganda. Uganda's GINI Coefficient as of 2006 was still very high at 40.08%.<sup>35</sup> The reason as to why we need to bear in mind income inequality levels is because we need to estimate how much burden is borne by the poorest quartile, for example. It gives a clearer picture of the comparative opportunity costs for the rich and the poor in financing health services whenever they both go to a private health facility.

It should be remembered that one important dimension of equity in health consists in equity in the financing of health services: that is, equitable sharing of the financing burden. According to Braveman and Guskin,<sup>36</sup> equitable financing of health care means that those with comparatively least resources [the poor] make the least contribution to the health financing not only in absolute terms, but also as a proportion of their income. It further means that lack of personal resources does not limit somebody's receipt of health services that are recommended based on prevailing norms of scientific knowledge. It is for this reason that Braveman and Guskin imply that equitable financing of health care could reduce the depth of poverty by protecting those who are most economically vulnerable from impoverishment from health care expenses.<sup>37</sup>

Further, equitable financing is based on the fulfillment of three demands: financial protection, progressive financing, and cross-subsidies.<sup>38</sup> Financial protection means that no one in need of health services should be denied access due to inability to pay, and households' livelihoods should not be threatened by the costs of health care. Progressive financing on the other hand, demands that contributions to health care funds should be made in accordance with the ability-to-pay, so that those with greater ability to pay should contribute a higher proportion of their income than those with lower incomes. Cross-subsidies mean that there ought to be a flow of resources from the healthy to the ill and from the rich to the poor. Hence, an equitable financing mechanism is one that enhances cross-subsidization in a sense that it allows for a greater proportion of the population to be covered and has progressive contributions.<sup>39</sup>

Taking into account the meaning and demands of equitable financing of health care and further looking at the financing mechanism that involves 50% reliance on private health care service providers amidst the levels of poverty and income inequality in Uganda, it leaves no doubts that Uganda's health care is highly inequitable. It for this reason that Orem and Zikusooka have come to a conclusion that "Overall, Uganda's current health financing is inequitable and highly fragmented."<sup>40</sup>

Further, in a situation like Uganda's where over 50% of the health sector is financed from out-of-pocket, equity remains evidently very difficult to achieve. This is because two patients of same health

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<sup>34</sup> Government of Uganda, 2009. Op Cit.

<sup>35</sup> AfDB/OECD, 2007. African Economic Outlook: <http://www.oecd.org/dataoecd/27/0/38563109.pdf>

<sup>36</sup> Braveman, P. Guskin, S., 2003. Bulletin of World Health Organization, 8 (7).

<sup>37</sup> Ibid.

<sup>38</sup> Orem, Juliet N, Zikusooka Charlotte M. 2010. Health Financing Reform in Uganda: How Equitable is the proposed National Health Insurance Scheme? International Journal for equity in Health. P. 25

<sup>39</sup> Ibid.

<sup>40</sup> Ibid.

need but from different income levels will pay the same amount, in absolute terms, for health care from the private provider. This is unfair to the poor patients because they are paying a much higher percentage of their income than the rich – the poor feel the biggest incidence of the burden of financing health services. And in most cases, poverty and out-of-pocket financing have been common prohibitive factors in the use of health services in Uganda. Even when the poor pay, they cannot access as better services as the rich, even if their health needs are exactly the same or worse for the poor. This is a compromise of horizontal and vertical equity. In health financing and access, vertical equity demands that people from different income groups pay unequally for health services and also those with different health needs should be treated differently basing on those needs. On the other hand horizontal equity demands that people from the same income group pay equal amounts for health services and those with similar health needs should access similar services. Hence, this reveals that the ways in which inequity in health is exhibited in Uganda and which also double as causes of other forms of inequity are the mechanism of how health care is financed and differences in the way it is accessed. Both financing of and access to health services display the two types of inequities mentioned above.

It needs to be noted that out-of-pocket financing of health services is not bad in itself. However, it assumes that all people can equally afford to pay for the care they need and at the time they need it. In other words, out-of-pocket payment requires that care be paid for in cash by those who need medical attention, yet the poor clearly lack cash most of the time. This is what makes out-of-pocket financing disadvantageous to the poor and the near-poor who may have to wait for too long before they can access health services or completely fail to get those services.

## **Combining Efficiency and Equity**

So far, it has remained controversial as to whether it can be possible to have a health policy analysis that can achieve an allocation system which meets the two most important aims of health care systems in their attempts to alleviate pain and prolong life; that is, Efficiency and equity. As I indicated earlier, the various criticisms leveled against efficiency do not lead to the conclusion that efficiency considerations in health resource allocation are unnecessary or morally illegitimate. In fact it seems that efficiency is not only an economic principle, but an ethical principle too. The reason for this would be that health resources be allocated in a manner that will produce more health, since saving lives is an ethical duty. For that reason an efficient allocation would be more morally compelling than an inefficient one which would lead to saving fewer lives or producing fewer health benefits. The reason for attacking pure efficiency, however, is its blindness to how the methods used to ensure maximum health benefits possible from a given intervention ignore distributional concerns. Further, aiming at aggregate health benefits per se tells us nothing about how these benefits are produced (financing burden). Hence, since both aims are important and relevant in health, we need to think of anew health policy analysis approach that will produce an allocation system that can make possible the achievement of both of these two aims. This approach has a very high potential of balancing ethical interests with economic interests which seem to be irreconcilable so far.

Since it is accepted that in health policy efficiency is as justified as justice, then I believe it is rational and fair to allocate health resources in a way that will aim at these two at a go. I will attempt to show how this can be done by an ethical principle that blends well with an economics theory; that is,

prioritarianism and Marginal Utility theory – which I believe can be accepted by both health economists and ethicists.

Prioritarianism and the marginal utility theory are related in the following way: Prioritarianism is based on the view that distributive justice requires a special concern for the worst-off. It is for this reason that John Rawls argues that “you can tell the justice of a society by how it treats its least well-off members.”<sup>41</sup> The gist of prioritarianism is that “A benefit morally matters more, the worse the person to whom it accrues.”<sup>42</sup> Further, a benefit that falls at a particular level of welfare has the same moral value no matter what levels other individuals are at. And the lower this particular level is, the greater the value of the benefit.<sup>43</sup> When applied to health therefore, prioritarianism implies that “the worse-off the people are, the greater is the relative improvement that a given size of [health] benefit will provide to them, so the more the benefit will matter to them. ... the greater the undeserved health deprivation or need that an individual suffers, the greater is the moral claim to have it alleviated or met.”<sup>44</sup>

On the other hand, the incorporation of the theory of marginal utility in the calculation of health benefits would ensure justice to the poor. The law of (diminishing) marginal utility implies that, other factors constant, when a commodity is consumed more and more, the additional utility obtained from its consumption keeps on steadily reducing on its subsequent consumption. Hence, I believe it is agreeable that, all other things being equal, such as clinical needs, being worse-off in the social determinants of health implies a very high potential of relief from a given health intervention. In other words, the value attached to the same publicly financed health intervention by the rich and the poor will vary proportionately with the difference in the socio-economic status, and this, other things being equal, will be in favour of those who are economically disadvantaged. Hence, QALY approach to health policy analysis with its Cost Effective Analysis tools which emphasize the relative quality of life one attaches to their health without treatment is suspicious and it appears that the marginal utility theory, once integrated into a new and revised QALY approach, can better balance justice and efficiency in health. In other words, there needs to be a special weighing system of health benefits such that other factors being equal, the value of health benefits obtained from publically financed health services that accrue to the poor should be assigned higher weights than those that accrue to the rich in the final calculation of health benefits to be gained from a given intervention.

Another related way to supplement this proposal is to look at health costs in terms of opportunity costs between the two socio-economic groups when they both spend the same amount of money (in absolute terms) on the same health service. Thus health expenditure between the rich and the poor should never be stated in absolute terms but in comparative or relative terms that take into account the opportunity costs for each party whenever the two groups pay the same amount for health services.

This proposal is based on the fact that the current discourse on efficiency denies the relevance of poverty in the definition of who the worst-off are. This denial has been central in what is called the

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<sup>41</sup> Rawls, J. 1999. *A Theory of Justice*. Oxford University Press, Oxford.

<sup>42</sup> Holtug, N. Kasper LR. 2007. An Introduction to Contemporary Egalitarianism, in: Holtug, N, Kasper LR, (ed.). *Egalitarianism. New Essays on the Nature and Value of Equality*, Oxford: Oxford University Press, 1–38.

<sup>43</sup> Ibid

<sup>44</sup> Brock, D. Wikler, D. 2005: Ethical Issues in Resource Allocation and New Product Development: in Jamison, Dean, et al., *Disease control priorities in Developing Countries*, 2<sup>nd</sup> ed., Oxford University Press.

'separate spheres view'. Despite the undeniable connection between poverty and ill-health, the definition of the worst-off in health has remained centered around clinical needs of the people and sometimes their age. The denial of poverty's relevance in the definition of the worst-off in Thomas Scanlon's view is that justice in health care resource allocation demands that "for differences in levels to affect the relative strength of people's claims to help, these differences have to be in an aspect of welfare that the help in question will contribute to."<sup>45</sup> The implied fallacy here is that an improvement in health is irrelevant or, cannot contribute, to an improvement in one's economic position or an improvement in one's economic status does not contribute to improvements in their health. The available evidence on the causal connections between socio-economic status and health status undermines Scanlon's definition of who the worst-off are in decisions regarding health resource allocation. The negation of poverty in the definition of the worst-off has been undeservingly supported further by arguing that "it may generally be too difficult, costly, intrusive and controversial as well as subject to mistake and abuse, to have to inquire into all aspects of people's overall levels of wellbeing."<sup>46</sup> If this is the case, then the complexity of the process that is needed to ensure justice should never be accepted as a justification for taking unjust decisions.

## Conclusion

Very few people, if any at all, can deny the importance of health in influencing all of our other dimensions of life such as income and savings, education, employment and all those things that are necessary for the realization of our human goals. Even though this is well known to most policy makers, what subsists in practice implies that it is never taken seriously. Apart from taking it as a non-priority sector,<sup>47</sup> the management of the health sector in Uganda has resulted in grave injustices against the poor, women and children. The major reason for this is giving exclusive attention to pure utilitarian principles in allocation the scarce health resources; that is, pure efficiency in health that recommends allocating health resources in a manner that will make it possible to achieve the highest amount of health output (QALYs) possible. The problem with this approach is that it ignores two important things which put the poor, women and children at a great disadvantage: first of all, the QALY approach (pure efficiency) aims at aggregate health output; hence it ignores distributional issues of the health output. Secondly, pure efficiency ignores the disproportionate distribution of the burdens of financing health services and ill-health suffered by each socio-economic class. A policy that is guided by pure efficiency only looks at the general health output in the economy without caring so about the ethical implications of the financing mechanism used to get these results. However, since equity and efficiency are very important guiding principles of health policy, there should be efforts to come up with reasonable trade-offs between these two conflicting aims. But looking at the implications of prioritarianism and how closely it relates to the marginal utility theory in economics, it appears possible to combine these two. Turning to the marginal utility theory would imply that the methods used to ascertain QALYs should be revised and be able to accommodate the Law of Diminishing Marginal Utility. And instead of looking at health costs in absolute terms, considering such costs as opportunity costs to different socio-economic classes would add an advantage to the poor. Therefore, pro-poor financing mechanisms ought to be devised such as cross-subsidies, and if possible, universal health insurance coverage. Cross-subsidies can be made possible

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<sup>45</sup> Scanlon TM, 1998. What we owe each other. Cambridge, MA: Harvard University Press pp. 227

<sup>46</sup> Brock, D. Wikler, D. 2005. Op Cit.

<sup>47</sup> Naturinda S, 2012: *Museveni turns NRM MPs around on health budget*. Daily Monitor: Truth Every Day, Sept. 18

through progressive financing that will ensure financial protection for the poor, women and children. Because of these failures so far, health policy in Uganda has greatly disproportionately negatively affected the poor's incomes and livelihoods in general, and the trend seems to be worsening by day. It is for this reason that, in Uganda concerns of equity in health should be taken as urgent and be allowed to take centre stage in the discussion of health policy and the implementation of health policy.

## References

- AfDB/OECD. 2007. African Economic Outlook: <http://www.oecd.org/dataoecd/27/0/38563109.pdf>
- Barugahare, J. 2011. Pursuing Health Equity in Low Income Countries: *What is missed in QALYs and Ethical Principles?* Lambert Academic Publishing, Germany.
- Beauchamp, Tom L. Chilress, James, F. 2001. Principle of Biomedical Ethics. Oxford University Press Inc. pp. 206–14.
- Bentham, J. 1781. An Introduction to the Principles of Morals and Legislation, Batoche Books, Kitchener 2000.
- Braveman, P. Guskin S. 2003. Bulletin of World Health Organization, 8 (7).
- Brock, D. Wikler, D. 2005. Ethical Issues in Resource Allocation and New Product Development: in Jamison, Dean, et al., Disease control priorities in Developing Countries, 2<sup>nd</sup> ed., Oxford University Press.
- Broome, J. 2002. 'Measuring the burden of disease by aggregating wellbeing'. *Summary Measures of Population Health: Concepts, Ethics, Measurement and Applications*, edited by Christopher J.L. Murray, et al., World Health Organization, 2002, pp. 91–113, 135–7, and 727–9.
- Claeson, M. Griffin, T. et al., 2001. Health, Nutrition and Population. In BANK W, (ed.) *Poverty Reduction Strategy Papers' Sourcebook*. World Bank; Washington DC.
- Gakidou, E.E. Murry, Christopher, J. 2000. Gakidou EE, Murry CJ, Frenk J: Defining and Measuring Health Inequity: An approach based on the distribution of life expectancy. *Bull world Health Organ*.
- Government of Uganda, 2009: National Health Policy: Reducing poverty through promoting people's health.
- Harris, J. 1987b. QALYfying the Value of Human Life. *Journal of Medical Ethics* 13, 3: 117–123.
- Hausman, Daniel M. 2010. Valuing Health: A New Proposal. *Health Econ*. 19: 280–296 (2010); Wiley InterScience ([www.interscience.wiley.com](http://www.interscience.wiley.com)). DOI: 10.1002/heh.1474
- Hausman, Daniel M. 2006. *Philosophy & Public Affairs*, Vol. 34, No. 3 (Summer, 2006), pp. 246-274. Wiley-Blackwell: <http://www.jstor.org/stable/3876392>
- Health Poverty Action, 2011: <http://www.healthpovertyaction.org/policy/the-cycle-of-poverty-and-poor-health/the-cycle-of-poverty-and-poor-health1/> Accessed on 26/03/2012.
- Holtug, N, Kasper Lippert-R. 2007. An Introduction to Contemporary Egalitarianism, in: Holtug, N, Kasper LR, (ed.). *Egalitarianism. New Essays on the Nature and Value of Equality*, Oxford: Oxford University Press, 1–38.
- McIntyre D. et al. 2008. Beyond Fragmentation and towards universal Coverage: Insights from Ghana, South Africa and the United Republic of Tanzania: *Bulletin of the World Health Organization*.
- Medicine Net, Inc. 1996-20910. Definition of Quality adjusted life year (QALY): <http://www.medterms.com/script/main/art.asp?articlekey=5167> Accessed on 07.09.2012.
- Nord Erik. 1994. "What should we measure in health program evaluation?" In Smith S (ed). *Economics and health*. Melbourne: Public Sector Management Institute, Monash University.
- Nord. E. 1995. Maximizing Health Benefits Vs Egalitarianism: An Australian Survey of Health Issues. *Soc. Sci. Med*. Vol.14, No.10 pp. 1429–1437: Elsevier Science ltd, Britain.

- Nord, E. 1999. *Cost-Value Analysis in Health Care: Making sense out of QALYs*. Cambridge, U.K.: Cambridge University Press 1999.
- Orem, Juliet N. Zikusooka, Charlotte M. 2010. Health Financing Reform in Uganda: How Equitable is the proposed National Health Insurance Scheme? *International Journal for equity in Health*.
- Pinto, Prades JL. 1997. Is Person Trade-off a valid method for allocating health care resources? *Health Economics Vol. 6*.
- Rawls J, 1999: *A theory of Justice*. Oxford University Press, Oxford.
- Republic of Uganda, Ministry of health, 2007, 2008, 2009: Annual sector performance reports (2006/2007/ - 2009), Government of Uganda, Kampala.
- Republic of Uganda, Ministry of Health. 2010. Report on Mid-Year Review of the Health Sector Performance, Financial Year 2009/10, July to December, January 2010.
- Scanlon, Tim M. 1997. *What we owe each other*. Cambridge, MA: Harvard University Press.
- Singer, Peter A. 1996. Double jeopardy, the equal value of lives and the veil of ignorance: a rejoinder to Harris. *Journal of Medical Ethics*, 1996; 22:204-208.
- Starfield, B. 2006. State of Art in Research on equity in health. *Journal of health politics, policy and law Vol. 31, No 1*, Duke University Press.
- Uganda Bureau of Statistics and the International Livestock Research Institute. 2008. Spatial Trends of Poverty and Inequality in Uganda 2002–2005. Kampala: <http://www.ugandaclusters.ug/PVRTY-INQLTY/>
- Whitehead, M. Dahlgren, G. 1992. The concepts and principles of equity and Health. *Int J Health Serv.* pp. 429–445.
- WHO. 2000. World Health Report. Health systems: Improving performance
- World Press: *Public Health Issues*, 2009: <http://publichealthissues.wordpress.com/2009/10/17/lt-2-health-and-poverty/> Accessed on 10.04.20



# THE POLITICS OF RESTORING ETHICS AND THE CHALLENGE OF PATRIOTISM IN SERVICE DELIVERY IN UGANDA'S PUBLIC SERVICE

DICKSON KANAKULYA

## Introduction

Ethics provides the disciplinal-scope that affords us a platform for investigating the moral values and motives behind our conduct and our social institutions; and moral values and motives are aspects of human reality and existence that many disciplines wouldn't be adequately equipped to handle well. The paper is premised on the pre-supposition that all human activity connotes and raises moral questions that require ethical investigation (and guidelines where necessary) without which there would be moral problems. Contemporary life encounters more and more complex ethical challenges due to the increasingly complex nature of life itself. Various social transformations are presenting complex moral problems. These novel and in many instances peculiar ethical challenges are testing the traditional sources of morality and they demand more and more complex and specialized ethical thinking and analysis in order to resolve them.

Generally, Africa has a tremendous ethics crisis and the attendant unethical conduct in the public service has affected the continent's economic and human development. In a comparative study on *Public Service Ethics in Africa* the UN found that there is, "an erosion of professionalism and ethics" across most of the continent (United Nations, 2001:v). As an indication of increasing concern over the ethical crisis in the public domain, Hasmukh Dawda, wrote an opinion piece in the *Daily Monitor* titled, "Lack of ethics killing every sector in this country" (Dawda, 2010). In this piece he warned that if Uganda does not take ethics seriously, it would fail in all major sectors as a nation. He pointed out various critical sectors in Uganda, namely business, industry, judiciary, religion, health and politics (leadership) that were being eaten away by the neglect of ethics. His conclusion was that, "To take this country forward, we must all practice ethics, transparency and accountability". His article alluded to patriotic attitude from leaders when he made the statement that, "Leaders should not only preach, but put into practice love and respect for our motherland if we are to leave a legacy for the new generation" (Dawda, *ibid*).

Basing on that background, this study discusses the nature of this situation and analyses attempts at solving this crisis particularly using cases from Uganda and, where necessary, the wider East African Community (EAC) because the region deals with similar ethical challenges. For example, in Tanzania, the 2009 *National Governance and Corruption Survey* (Vol. 1) found that all major public sectors were reeling with unethical conduct (Republic of Tanzania, 2009). In Kenya the story is no different; "Unethical practices in organizations and in the political arena have been widely reported in the wake of many high-profile management and financial scandals." (Minja 2011:1).

## Ethics and Human Existence

Every activity that human beings engage in carries moral connotations; there is nothing that humans could engage in that can be claimed to be amoral or aethical. Human activities and thoughts can be

moral or immoral; ethical and unethical; they cannot be neutral. This implies that human existence and ethics go hand in hand; wherever humans exist, there would be standards of conduct be it written down or not. Public administration (PA) is one of the activities that human beings are involved in and therefore the theories and practices that take place within that field elicit moral and ethical questions. This paper argues that PA is not excluded from ethics discourse. Particularly the focus is on Local governance (LG), which is a sub-set of the wider field of public administration; there are various ethical challenges that are encountered in administration of local entities. This paper presents critical analysis and insights that come from the background and experience I have gained from research and consultancy carried out while working with the Makerere Centre for Applied Ethics (MACAE) in selected districts in Uganda under the project “Pro-poor Integrity” (PPI)<sup>1</sup> done between 2009 and 2010. The project aimed at studying the need for and enhancing the capacity of local governments in Uganda to understand, analyze and handle challenges of ethics and integrity. The goal was to improve service delivery in the local governments by incorporating ethics thinking in the business of these local entities.

The three core countries of the East African Community namely, Kenya, Tanzania and Uganda are increasingly expanding their regional community in various aspects, especially strengthening of the East African historical and current linkages and institutions, (the most recent ones include: a regional parliament, the East African Customs Union Protocol, Good governance protocol, etc). Given their historical relatedness and country-specific experiences, their geographical closeness, and their strong cultural, economic and political linkages, a “cross-sectional” investigation of their ethical experiences would be of great benefit to thinkers and practitioners in the public service systems and structures in the region. I use the insights gotten from experiences in Uganda’s local government to indicate the ethical successes and needs in the three core countries of the EAC.

The paper starts by presenting the case of the relevance of ethics in public administration and particularly focusing on the local government level. Then it sets to demonstrate and illustrate the ethics crisis in public service in Uganda (and the region) focusing on corruption. It then discusses how Uganda is responding to the ethics crisis by analysing the different approaches to resolving this problem. The analysis is focused on the ‘Patriotism Project’ in Uganda as a reflection of the impact and effectiveness of political intervention in engendering good ethics in society.

## **The Multi-dimensions of Public Administration**

“Public Administration” (PA), emerged in the early 1900s, as a sub-discipline of the political and administrative sciences. It is both an academic discipline that grapples with classical questions of human society and political philosophy (Shafritz & Hyde, 1997) and also a field of public praxis that deals with the interpretation and implementation of legislative and executive directives and policy. This study is mainly dealing with PA as praxis (and in particular the challenge of restoring ethical sanity in corrupt administrations). PA as praxis lays emphasis on the structure and operation of public offices and systems, bureaucracies and organizations, including budgeting, personnel, and formal and informal internal controls. PA has developed into a multidisciplinary field of inquiry and practice

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<sup>1</sup> Since the author could not secure copyrights over the application of the data garnered during the MACAE projects indicated above, it should be noted that the data is simply appropriated from the projects and the conclusions reached from the said data are solely the responsibility of the author and not the official view of the Makerere Centre for Applied Ethics or the funders.

with no single subject-matter; this has led some thinkers such as Ostrom to conclude that it lacks intellectual identity. Instead of construing this as a 'lack' it ought to be taken as an indication of the richness of the subject matter of public administration thus making it genuinely a multi-disciplinary discipline. Public administration concerns are quickly attracting minds from several disciplines (Calhoun, 1992:vii).

Apart from being a multi-disciplinary field, public administration also cuts across other aspects of governance such as zones, specializations, etc. Public administration is applicable across the spectrum of zones from bigger ones such as in global governance to smaller zones such as local governance. In this particular study we focus on local governance, which is the application of administrative tools and authorities to zones that are smaller than state such as local councils, districts, among others. Even at that smaller level, public administration techniques are necessary and similar ethical challenges are encountered at all level of administration. In this discussion the study deals with central and local authorities as well as lower civil servants such as teachers and health workers in localities.

The inter-disciplinary nature of public administration concerns requires that a multi-disciplinary approach is applied in analyzing and resolving them. This affords room to disciplines such as ethics; Maguire has actually observed that, "public sector ethics has become a high priority concern for governments..." (Maguire, 1997:23). Even though some thinkers hold that ethics is a new comer to public administration concerns, we can call this the resurgence of ethics because classical Greek philosophers or thinkers who laid the foundations of administration and governance were very concerned about the ethical challenges involved.

## **Ethics and its Application**

To understand ethics well it is important that it is differentiated from 'morality'. Moral philosophers generally agree that morality differs from ethics in this wise: the former refers to the conventional standards of behaviour in a given community or group irrespective of their viability or not, while the latter is about the systematic interrogation and generation of viable principles, theories and concepts of right and wrong conduct. (see: Fieser, 2003). Ethics considers the viability of conventional standards and expectations of behaviour to ensure that our conduct is based on logically sound and universally applicable foundations. This is argued with the observation that it is possible for some standard of right and wrong to be acceptable in a given group yet it is not ethically sound.<sup>2</sup> There could be instances where acceptable behaviour in a given community or group does not hold ethical viability (even in communities that claim to have a special standard of right and wrong); that is why it necessary to make this distinction clearly.<sup>3</sup> This paper makes this distinction between 'ethics' and 'morals' because it is considered to bear a more fruitful discussion in the present matter. In other words there may be far reaching and therefore acceptable 'modus operandi' in Uganda's civil service

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<sup>2</sup> To illustrate this difference we can hypothetically imagine a community of robbers, as it were, who judge their character by how much one can rob in a day; it can be considered acceptable and praise-worthy to them if one robs more than other members in a day. So according to their 'morality' i.e. their conventional standard of right and wrong robbing is acceptable but its ethical viability is questionable.

<sup>3</sup> It is also possible for some 'moral communities' (i.e. groups that are built on moral truth claims) such as religious orders, cultural communities, etc. to have a conventional moral standard yet it is not ethically viable and therefore unacceptable. For example there may be some religious orders where suicide is a norm but such a practice is ethically untenable.

through which resources are wasted or abused; but when placed under the scrutiny of ethics, they are found wanting. In the same vein there may be political interventions to restore ethical sanity that many a political actor in Uganda agree upon, yet may prove unethical.

When ethical principles, theories and concepts are applied to a particular field or discipline it is then called 'applied ethics'; and that is what the application of ethics to public administration is. The investigation of ethical concerns in public administration is applied ethics. There is a growing concern for ethics in public management; scholars such as Maguire are carrying out studies to, "... analyse the nature of the ethical challenges facing the public sector and to help put in place effective and appropriate solutions" (Maguire, 1997:24); this summarizes and captures the basic essence of current trends in public management and administration.

Ethics in public administration means that ethical analysis and inquiry is applied to the challenges encountered in PA; this inclusion of ethical inquiry is based on the strong conception that many, if not all, administrative challenges that arise in PA have an ethical dimension to them. The ethical dimension was generally ignored by modern PA thinkers taking it to be a light matter as far as administration is concerned. But there is renewed interest in matters ethical in PA because administration is becoming more morally costly. Public administrators are increasingly realizing that it is not enough to have a lot of resources and good plans; all these can go to waste if the ethical fabric of the administration culture is bad.

## **Ethics and Public Administration**

The need for ethics in public administration has been observed by scholars and practitioners since classical times. In the *Republic* the philosopher Socrates was concerned about tales of mischievous actions of the Greek administrators because they would "engender laxity of morals among the young" (Bk III, par 26). In a sense he was raising concern over public service ethics. In *Nicomachean Ethics*, Aristotle observed the need for those who wield power or occupy public office to possess virtue (or ethics) when he noted that, "those in possession of office and of dominating power are thought to need [virtue] most of all" (Bk VIII par 1). The same concern over public ethics was expressed in both medieval and modern time by thinkers such as Augustine of Hippo in his *City of God* which concludes with an eschatological reward of good conduct; and Sir Thomas More in *Utopia* in which he uses mainly satire to scorn the undesirable lifestyle of most of Europe at the time. In contemporary times, interest in ethics has not waned with thinkers such as Martha Nussbaum, Amartya Sen, Peter Singers, among others investigating moral and ethical issues.

George Frederickson's seminal work, *Ethics and Public Administration* (1993) affords insights into contemporary ethical inquiry in PA. From this work we surmise that the ethical climate of administration has undergone several 'waves' of inquiry; in the classical times it was 'philosophical/theoretical issues'; 1930s it was 'psychological experiments'; in the 1970s it was 'managerial performance', while recently attention has turned to 'organizational culture' (Frederickson,1993:191). In the latest wave of 'organizational culture' and its impact on ethical performance Frederickson observes that some scholars emphasize that, "the organizational imperative defines what is good or bad for the individual, with good defined as doing what is necessary to ensure the success of the organization" (p.192). The type of organizational norms and values induce ethical or unethical behaviour in the members of any given organization. Although Frederickson agrees that organizational ethical climate affects the individuals, he makes a strong

observation that, “the ultimate answer to ethical problems in government is honest people in a good ethical environment. No web of statute or regulation, however intricately conceived, can hope to deal with the myriad possible challenges to a man’s integrity or his devotion to the public interest” (p.139). Ethics in PA, therefore, has to take in account both the organizational ethical climate and the individual’s ethical conduct albeit placing more emphasis in the latter because of its greater impact.

Ethics is increasingly becoming part of the discourse of local government administration (LGA). This is the trend not only in developed but also in the developing countries. It is the trend to no longer ignore ethics in the political and democratic discourse because many administrators and researchers in PA are realizing the ethical dimension is critical to successful administration even in political systems. For example, the California *Local Government Ethics Ordinance* (Simmons, et al, 1998) states that, “Maintaining public trust in the integrity of democratic institutions is essential to the success of representative democracy. In that fundamental sense, ethics and democracy are intertwined. Political ethics are the basis by which citizens judge official actions, attach responsibility and exercise accountability. An ethical governmental process is a precondition for making good public policy.” (Simmons, et al, 1998:3)

It is arguably no longer administratively or politically plausible neither is it sustainable in the long term for a political player or administrator to go on as though ethical accountability did not matter. Public administration cannot be complete without public accountability. Kishore Raga and Derek Taylor (2005:1) have argued that, “All government departments have to be efficient because they have to ensure value for taxpayers’ money. Efficiency encompasses the qualitative and value-laden expectations of the society.” Administration, by virtue of its nature, is value-laden and value-implicit; and this implies that ethical values and principles come into play when accounting for administrative decisions and actions. Value-laden means that decisions and actions taken carry ethical connotations and the defensibility of the same and evaluation means appealing to the ethical dimension of administration.

Even as we may argue that ethics is part of administration, it is necessary to point out that ethics in local government is not simply about ‘codes of conduct’. Ron Carlee (2007) has observed that working in local government in most cases presents complex ethical situations i.e. “a host of gray areas”, which calls for personal ethical standards in order to “avoid even the appearance of impropriety.” When you give codes of conduct to public administrators you assume the possibility of codification of ethical situations such as dilemmas, problems, etc. However, in complex government and administrative systems or structures, ethical challenges are usually complex and multi-layered and this usually defies codification because you can never pre-imagine how the ethical challenge will present itself in order to pre-design a course (i.e. code) of action.

Administration therefore calls for more than just ‘codes of conduct’; the administrator is individually, “obligated to behave with high personal standards... to ensure high personal ethics” (ibid). The organization plays a key role but the individual’s ethical role is of great importance; Frederickson argues that the organizational ethical climate is a dependent variable (Frederickson, 1993:199), thus the necessity to premise it on the individual’s value system. Therefore if one is to realize ethics in administration, it is imperative to effect change in the individual value system.

## Local Government Politics and Ethics in Public Administration

Local government (LG) has been traditionally defined as that part of a bigger government of a country which is administered by lower levels of authority; it is sometimes elected independently and it could be semi-autonomous from the central authority. The local government can have its own legal status and own its own properties and have a good level of law enactment and especially local by-laws. But in Uganda's case LGs are not allowed any powers to establish or administer courts of law and neither do they have judicial powers (Local Government Act, 1997, Art. 45). Even though most agitators for LG desire independence, in actuality, most LGs are not independent from their central governments. This has tremendous impact on the politics that takes place at the LG level and the ethics that is realized at that level of government.

All over the region LGs are gaining political and policy prominence as unprecedented decentralization takes root. In 1997 Uganda embarked on a program of decentralization which involved the devolution of central power (especially political and administrative) to the local government (LG) level. This has been followed by the creation of a great number of districts (from the earlier 57 to 109 currently) in the name of 'bringing services closer to the local people'. The Local Government Act of 1997 devolved powers from the central government to local government at sub county, country and district levels. Unfortunately this turned out to be a kind of 'still-birth' devolution because the political powers were devolved yet the monetary powers were not; this causes various complications in executing local governance. This aggressive decentralization of political order in Uganda has faced great problems especially in terms of manpower and human resources to handle the challenges encountered at that level of public administration. A big part of the challenges that LG staff face are ethical in nature; moral questions abound in the administration in the developing countries such as Uganda.

The following is a simplified and tabulated analysis of the challenges encountered in decentralization in the three core countries of the East African Community (Kenya, Tanzania and Uganda). It is an adaption from a comprehensive comparative study of decentralization in these countries done by Steffensen J., et al (2004). I present this adaption below in order to highlight the ethical dimension of the challenges faced in LGs.

The table below represents a snapshot of the state of decentralization trends in the East African Community; but the drive has ethical ramifications on the public service sector. A closer observation indicates that the EAC countries have similar challenges in the decentralization of their governance. Although there are various challenges, at the core of them all they are moral or ethical issues. The challenges are related to ethics in similar ways; for example, i) political interference in LG affairs by the Central governments fosters unethical conduct from those who belong to the political patronage; ii) those who are politically connected find it easier to neglect effectiveness in service delivery; iii) inadequacy of legal provisions for LG provides a lacuna through which unethical conduct could easily take place; iv) and lack of accountability is directly related to ethics.

**Table 1.0: Challenges in decentralization in EAC and ethical impact**

<b>Country</b>	<b>Comment</b>	<b>Ethical ramifications</b>
Kenya	<ul style="list-style-type: none"> <li>○ The Kenya Local Government Reform Program (KLGRP) process has many structural problems</li> <li>○ The micro-control check system from central government interferes in LG matters</li> <li>○ Process still needs conducive legal procedures</li> <li>○ Problem of alignment with national targets e.g. development, good governance goals</li> </ul>	<ul style="list-style-type: none"> <li>▪ <i>Central government micro-interference in LG fosters unethical conduct; those who are politically connected abuse LG office</i></li> <li>▪ <i>Inadequacy of legal provisions for LG create gapping loopholes through which unethical conduct could take place; this makes it harder to ensure accountability</i></li> </ul>
Tanzania	<ul style="list-style-type: none"> <li>○ No balance between decentralized tasks and responsibilities, finance, personnel and capacity</li> <li>○ Needs a framework for management of LG staff to ensure accountability between politicians and local staff</li> <li>○ Need for fiscal reforms to support LGs</li> <li>○ Need to develop the discretionary funding avenues for LGs</li> <li>○ Need to improve LG performance, accountability</li> </ul>	<ul style="list-style-type: none"> <li>▪ <i>Lack of framework to ensure accountability at LG level creates room for unethical conduct</i></li> <li>▪ <i>Inadequacy in financial decentralization leads to political interference which hampers performance of LGs</i></li> </ul>
Uganda	<ul style="list-style-type: none"> <li>○ Cost effectiveness of the decentralized entities is untenable</li> <li>○ Quality of services under devolved management is poor</li> <li>○ Procedures for decentralized human resource management are unclear</li> </ul>	<ul style="list-style-type: none"> <li>▪ <i>Too many politically-created districts and financially untenable create political patronage and unethical tendencies</i></li> </ul>

*Information adapted from: Steffensen J., et al (2004)*

In their study Steffensen J., et al (2004) concluded that, Uganda’s decentralization drive appears to have worked better than most African countries. Since Steffensen et al represent many other scholars on East African decentralization this implies that Uganda is taken a trend-setter in decentralization. This paper therefore focuses on Uganda as a case that would yield insights into the politics of ethics in public management or service in the region.

### **Examining the Case of Uganda**

It is obvious that the core countries of the EAC have similar challenges of local governance; corruption has remained a big problem. Using Uganda as the case of focus we realize that Uganda has an enormous challenge of corruption in both the general public and civil service. Numerous

reports and surveys have ranked Uganda among the most corrupt countries. The 2010 World Audit Corruption ranking placed Uganda among the 50 most corrupt countries on the globe, at number 101 out of 149.<sup>4</sup> A 1998 survey conducted nation-wide by the Inspectorate of Government showed that 57% of the people interviewed thought that the problem of corruption was getting worse. In 2000, Uganda was ranked 11<sup>th</sup> most corrupt country in the world by Transparency International (TI). According to TI's 2001 Corruption Perception Index (CPI), out of 91 surveyed countries Uganda was ranked the third most corrupt country in the world in the same league with others like Kenya, Nigeria, Bolivia, etc. The most recent rating (2012) puts Uganda as the 9<sup>th</sup> most corrupt country among 102 rated. There is therefore a strong perception internationally and nationally that there is a serious problem of corruption in Uganda to the extent that Parliament had to pass an anti-corruption law<sup>5</sup>. The origins of this corruption can be traced in the breakdown of effective and responsive governance and public management in the country. The current regime seems to be inept to curb or let alone decrease the level of unethical conduct (particularly corruption) in public service. Data from the office of the Inspector General of government indicates a persistence of indicators of unethical practices in public service; the following a tabulation of some aspects of the data:

**Table 2.0: Trends in selected indicators of unethical practices in Uganda's Ministries, Departments and Agencies (MDAs)**

Financial year	2005/06	2006/07	2007/08	2008/09	2009/10
Arrears	81.2%	71.6%	78.9%	57.0%	56.0%
Outstanding Advances (OAs)	15.3%	27.3%	26.7%	20.4%	20.0%
Excess Expenditure (EE)	81.2%	22.7%	20.0%	26.9%	32.0%

Adapted from: *IGG 2nd Annual Report on Corruption Trends in Uganda (2011)*

These indicators of unethical behaviour in civil service could be termed as the 'grey areas' where corruption easily takes place; these are sort of 'dark corners' where public money is kept by civil servants but which money can easily be misappropriated without raising much public interest. For example, a lot of money has mysteriously disappeared in form of salary arrears for public servants; those in charge of paying delay the payment of these arrears for as long as it may require in order to coerce the beneficiaries into giving up or forgetting. On 30<sup>th</sup> October 2008 Uganda's parliament heard that over 11 billion UGX had gone missing in such circumstances (Mugerwa, 2008); it was also reported that in one district over 90 million UGX in arrears went missing in 2011(Draku, 2011), which is about 56% of all arrears (see table 2.0). That is a lot of money to easily disappear mysteriously. Note should be taken that there is a certain trend of increase QAs and EEs while decrease in arrears. The arrears are decreasing because more and more civil servants are using aggressive means such as rioting to demand for their salaries; so the corrupt prefer to 'transfer' the money under items such as

<sup>4</sup> From: <http://www.worldaudit.org/corruption.htm>, 20/09/2011

<sup>5</sup> National Strategy for Mainstreaming Ethics and Integrity in all Sectors and all Institutions in Local Governance in Uganda, <http://unpan1.un.org/intradoc/groups/public/documents/un/unpan010806.pdf>, 27 March 2003



Outstanding Advances (QAs) and Excess Expenditure (EEs) because these do not attract much public scrutiny hence the increase. And for that reason these items offer the corrupt the possibility of stealing without much attention.

Unethical conduct in public service continues to be a big challenge in Uganda and this undermines public management, good governance, socio-economic development, social capital and service delivery at both local and national levels. This results into diversion of public or corporate resources to private use; and above all, it increases the cost of public service delivery and implementation of government policies and public projects and can potentially result into political instability. (IGG, 2011:2)

In many cases a lot of resources have been injected into various projects in Uganda; the end result has been millions of shillings spent and lost with nothing tangible or shoddy work to show. For instance, the Global Fund for fighting HIV/AIDS remains one of the memorable reminders to many Ugandans. This renders true the claim that lack of development derives to great extent from unethical conduct at both national and local levels. Issues of corruption, stealing, nepotism, bribery, incompetent performance and many other unethical practices undermine the delivery of the badly desired public services to the extent that, in some cases there is no service at all even when the resources were provided. These problems may not only occur among administrators but may also manifest at the level of representatives (or in collusion) and among themselves.

The provision of services under local governments is characterized by absence of systems to ensure ethical compliance, like awareness, planning and monitoring or rewarding ethical qualities and performance. It is more of being talked about turning almost empty rhetoric but hardly taken seriously even when institutions have been created. This has led to worsening poverty, poor health, social insecurity, poor water and sanitation services and ill-educated school leavers who, when they join society as leaders or parents cannot and do not question unethical practices and are themselves culprits of the high levels of corruption and misappropriation of funds in the country.

## **Responding to Unethical Conduct in Public Service**

The prevalence of unethical conduct among public servants in Uganda is known and well documented: for example according to World Bank statistics, Uganda loses at least UGX 500 billion to corruption annually (Ogwang, 2009). There have been various efforts to encourage ethics in public service and management, such as the cultural or traditional approach, the legal approach, the political approach, among others. It is important for ethicists to interrogate these efforts and establish their viability; albeit in this paper I focus on the political efforts represented by the drive for 'patriotism' by Uganda's political class.

### **Cultural/Traditional Approach**

There have been various cultural or traditional efforts to resolve the ethics crises<sup>6</sup> in most of Africa. Various scholars have argued that African cultural values could contribute greatly to resolving the ethics crisis in African countries. Kwame Gyekye (1996) has laboured to present some traditional African values

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<sup>6</sup> The expression "ethics crisis" is used here and elsewhere in the study to mean a social milieu where good ethical standards are flouted to the detriment of the bigger section of society such as the health of citizens, education of children, etc.

that would be useful today; using a form of philosophical ethnology he presents the social values of the Akan people of West Africa generally arguing that these traditional values are still relevant to contemporary life. This represents the 'revival' of belief in traditional African value systems at the theoretical level.

There are those who are practically trying this 'revivalist' approach to African traditional value systems in practical terms. For example in the famous Buganda kingdom (the biggest traditional kingdom in Uganda), the Nnabagereka's (Queen's) office organizes regular cultural seminars in which the young are taught the traditional Baganda values and customs in the hope that it would restore social and ethical order. These functions are known as "Ekisaakaate"<sup>7</sup> in the local language. They argue that, "... the Kisaakaate is aimed at promoting cultural and moral values among children of all tribes" (Lukwago, 2012). These traditional-values seminars are even taking on an international character (Lukwago, 2011), which indicates the desire for reviving the cultural value systems in Africa. They are being promoted both outside Buganda and Uganda in order to 're-orient' people back to their traditional morals.

However, contemporary social reality means the increased demise of not only the cultural fabric and its setup but also the traditional family; many Africans grow up in dysfunctional cultural settings, which afford them only the basics of ethical capabilities. In some cases they are not even aware of or understand the cultural values and norms that are thought to be able to restore moral and ethical order. The typical African is culturally a mixture of various cultural strands due to the increase in globalization and internationalization; they are half-way between their own culture and the cultures from elsewhere and their lives are being lived as *cultural hybrids*. This makes the use of cultural identities as a basis of restoring ethics very difficult. Likewise, today's families in Uganda are overwhelmed by the myriads of cultural flows that come in through means like TVs, internet, international music, fashion, etc such that they cannot focus on a single or particular culture. With the increased complexity of moral issues in contemporary Africa the cultural or traditional approach is stretched to the limit if it has to mend the ethics crisis in the region.

## Legal Approach

Legalism is used here to mean the attitude that morality and ethics are a matter of following clearly stipulated rules of conduct codified as laws in a positivist sense and that social relations are supposed to be regulated by clearly stipulated duties and rights. The legalistic approach to resolving the ethical challenges in society is very attractive and many legislators prefer it to others. Uganda is not any different; there have been many laws that have been passed in order to ensure ethical provision of public services.

The making of the 1995 Uganda Constitution was heralded as a new era in the country's legal history; it was considered to have brought in a new legal order that would stabilize the country and lead to better service delivery in Uganda (See: Odoki 2005). But like other legalists, the makers of the Uganda Constitution of 1995 committed the fallacy of "*the synonymity of ethics and law*"; by not specifically establishing channels through which ethics would be engendered in society. The fallacy of

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<sup>7</sup> This word refers to an old tradition when the young candidates for initiation rites would be taken to enclosed palaces or homes of chiefs and they would be trained or inculcated and inducted into the cultural norms of their nation. Today what the Nnabagereka (Queen) of Buganda is doing is a modern replica of the traditional ones; during these functions the young are initiated and taught the values of the Baganda (people from central Uganda). (See: [www.buganda.or.ug](http://www.buganda.or.ug))

'the synonymy of ethics and law' is committed when there is an unstated assumption that when law is enacted, then ethics is catered for. But we soon realize that law alone is not enough. The framers of the Constitution did not give all the necessary attention to issues of ethics; for example, in the whole document there is no mention or use of the term 'ethics'; the only terms used that are near ethics are "moral" and "morality" which appear only 13 times. They are mainly in reference to membership or appointment to Presidential appointed boards or property rights such as Chp 3, Art 16(2); Chp 4, Art 26 (2b). The term "proven integrity" is used in the Constitution 18 times; but out of the 18 times, 6 of them are referring to territorial integrity.

Uganda has various legislations which presumably provide for the ethical provision of public services. For example, the Leadership Code Act (2002) was enacted with the apparent desire to ensure leadership with ethics; the Public Procurement and Disposal of Public Assets Act (2003); then the Anti-Corruption Act (2009); The Whistleblowers Protection Act (2010) came in to provide legal cover for those who leak information on corrupt civil servants. Apart from the non-traditional legislation, Uganda also has the old or traditional legal instruments to ensure ethical conduct such as the Constitution, Penal Code, and the Uganda Police Act, among others. There are also bills that are soon to be enacted into law such as the Anti-Money Laundering Legislation. Even with all these legal instruments, ethics remains in crisis in Uganda.

Despite all these legal provisions, we should observe, as Dolan does that, it is very challenging to enact, "... legal frameworks defining either ethics and integrity, or the roles and responsibilities of the person charged with upholding them" (Dolan, 2011). The same applies to legislating ethical matters because they are mostly pertaining to conscience. That is why the IGG conceded in the 2011 Report that the government, "... recognizes that fighting corruption requires going beyond punishing corrupt acts to restoring public sector ethics and creating behavior change." (IGG, 2011 p.20). This augments the thinking of one prominent scholar of African constitutionalism who wrote, in reference to the challenge of constitutional democracy in Africa that a constitution only remains at the legalistic level if it does not deal with the, "... attitude substratum of the masses" (Kabwegyere, 1995: 210).

## **Institutional Approach**

Another approach to restoring ethics or resolving the ethics crisis in the public service that Uganda has applied in the establishment of various institutions which are tasked with fighting unethical conduct in the public. This has led to the creation of many and multiple layers of institutions. Uganda has the Inspector General of Government (IGG), the Auditor General, the Attorney General, Ministry of Ethics and Integrity (MEI), The Anti-Corruption Court (ACC), various parliamentary committees such as the prominent Public Accounts Committee (PAC), to mention but a few. Then there are the traditional bodies like the Police, security organs, Courts of Law, etc.

Institutionalism and neo-institutionalism has many followers who believe that institutions can bring necessary change in society. For our purpose here we shall only consider the *normative institutionalism* perspective because it is best suited for our purposes in this discussion. The *normative* approach to institutionalism uses what is called the "logic of appropriateness" (Guy, 2000:2) which means that individuals or members of certain institutions will adopt or exhibit behaviour that is 'appropriate' or in line with the normative values and standards of the given institution. The term 'normative values' refers to the official values embedded in the stated goal of the institution. Institutionalists tend to argue that people functioning within certain institutions

behave according to their institutions' values, "... because of normative standards rather than because of their desire to maximize individual utilities. Further, these standards of behaviour are acquired through involvement with one or more institutions and the institutions are the major social repositories of values." (*ibid*)

The advocacy or the drive to create institutions in the ethics domain mainly emanates from the thinking that institutions would foster certain desired ethical traits both in private and in public. But the experience from Uganda and other countries in the EAC indicates otherwise; the multiplicity of institutions or organs has not decreased corruption and other unethical conduct in the public sector. Corruption and other unethical conduct in Uganda have not abated which prompted the newly appointed IGG in Uganda, Irene Mulyagonja to lament over the unusual levels of corruption saying that, "The rising levels of corruption are due to governance issues not being handled properly and corruption being politicized". Media reports indicated that she was scared by the level of corruption in the country. The problem she identified is the "politicization" of corruption [and other unethical conduct].

The former IGG, Raphael Baku was stopped on April 5, 2012 from prosecuting three "super ministers" (i.e. Sam Kutesa, John Nasasira and Mwesigwa Rukutana) who are highly politically connected. The Court ruling that stopped him was based on the argument that Inspectorate was not fully constituted as required by the Constitution (Chp 13). The constitutional court ruled that the IGG cannot prosecute the three ministers for cases involving abuse of office and corruption and causing financial loss because by acting alone in prosecuting the officials he was breaching the constitution. This was interesting because the IGG had been prosecuting and imprisoning other 'lesser' or 'disfavoured' politicians and Ugandans with no one raising any query over the constitutionality of his office. For example the former Vice President spent a number of weeks in prison over the same case of having misappropriated funds during the Commonwealth Heads of Government Meeting (CHOGM) in 2009. He had fallen out of favour with his boss the president.

Secondly the appointing authority who is the President has been hailed for being committed to fighting corruption but up to then he had not yet appointed the other officers who would have filled up the officers of the Inspectorate. Many commentators and opinion leaders pointed out that the Court ruling was raised because the ministers involved this time are politically well-connected to the appointing authority. These observations indicate that even though the institutional approach has many merits, there is a lot of interference from political circles and interest groups.

## **Political Approach**

Having indicated the role that politics plays in shaping institutional behaviour, it becomes easier to understand the meaning of the 'political approach'. The political approach in this case means the thinking that directs political intervention (especially by the central government) would solve the ethics crisis in the public sector. Grant (2006) has discussed the political approach to public ethics; he observes that this approach of using political incentives to encourage ethics in public service has some advantages such as providing certain "standards" which would ensure or engender an ethical environment. These standards include "purpose", "voluntariness" and "character [building]" (p.29). This thinking holds that there ought to be political intervention if ethics is to be restored in the public domain. Therefore politician could use incentives in order to engender ethics in the public domain.

According to that thinking, *'purpose'* flows from political authority and streamlines the lower echelons of power to work towards a given goal – in this case the promotion of ethics in the public. As regards *'voluntariness'* it would be promoted easily when political authority provides incentives to the various agents that promote ethics on the ground; the argument would be that it is easier to use political incentives to enable a voluntary spirit within the public sphere. Grant argues that, “Within this framework, as inducements in a voluntary transaction, incentives seem to have the moral high ground over coercion as an alternative” (p.30). But there is a challenge in comparatively relating the *'moral'* with *'coercion'* (force): coercion could either be moral or immoral (it can't be amoral). So when incentives are used by political authority, this can't be compared to the use of coercion or force; there is a possibility of either these incentives turning out to be ethical or unethical. One cannot be sure of the results; since in most cases political patronage dictates those who are included in the political programme the possibility of abuse of the programme is high, thus poor results.

### **Patriotism as Political Intervention in Uganda's Ethics Crisis**

Following the thinking that allows for *'political intervention'* to restore moral standards, the Ugandan President has been personally involved in trying to restore ethics in the public by advocating for *'patriotism'* in the country. The president has been personally involved in trying to restore “the love of the country” in order to “rebuild the moral order” that has collapsed; i.e. he is politically intervening to encourage moral and ethical order in the public domain. He has argued repeatedly that what Uganda needs is “rekindling the spirit of patriotism”. In a 2009 speech during a patriotism workshop in Masaka district, he argued that, “Patriotism meant loving your country and being prepared to sacrifice for it... The liberation of Uganda was done by patriots... and Uganda would now be a failed State if patriotic people had not fought for redemption...” (Musoke, et al 2009)

In Uganda the push for patriotism is taking centre stage in the country's political discourse. With an office situated in the Office of the President dedicated to this cause, the thinking is that with close political oversight from the President, (in the *Patriotism Office*) would succeed in its mandate of rebuilding moral order. This trend was started in 2008 when President Museveni officially argued for the creation of state-funded “patriotism clubs” in all secondary schools claiming that they would provide a way to instill a sense of nationalism, moral order and sacrificial living for the nation among the young generation. Galumaire noted that:

*Founders of the patriotism clubs say the current wave of corruption, bribery, permissiveness and moral decadence which have interfered with economic development, can only be reversed by a generation of patriots. (Gulumaire 2011)*

There is a strong view that patriotism can restore moral order in the country; the students are told, “... that patriotism starts with one's moral behavior” (ibid). However, within the very tool being used to promote patriotism (i.e. moral and ethical order), there is a fundamental problem. Political intervention, as attractive as it may be as a change multiplier, within it there lays the systemic problems that may make the efforts fail. It is necessary to examine the *'politics'* that surrounds the patriotism project in Uganda; this examination would provide insights into the challenges that surround service delivery in the Region. This examination involves a number of parameters that I have selected to discuss the *'politics of ethics'*.

Politics is now being done using non-traditional means. Our traditional understanding of and application of ethics is being challenged in contemporary times; ethics discourse is being used to achieve political goals. Since politics is being done differently, to be able map out the use of ethics discourse as an avenue for politics we need to understand how politics could alter the agencies of public discourse. This makes public agency to be at the centre of the new politics; in this case we are looking at the agency of ethics discourse. The new type of politics makes both political and moral agency dynamic and applicable or re-applicable in order to achieve certain goals.

However, this dynamism of agency in the new politics is premised on the basic understanding of politics as the art of determining who gets what, when and where. When Aristotle wrote his *Politics*, he was mainly concerned with the question of who ought to be the ruler which question he combined with the place of ethics in the polis. He also took up issues of law, forms of government among others. Likewise Plato's *Republic* was more or less concerned with answering similar questions even though he also discussed issues of education, character, among others. Nonetheless, the most basic component of any conception or definition of politics must necessarily include the issues of decision making and resources and privileges allocation, i.e. who makes the highest binding decisions in a given body politic? Therefore doing politics is being in charge of or influencing decision making.

Traditionally political goals would be achieved through the three traditional branches of government i.e., the executive, the judicial and legislative, the latter being the major avenue where contemporary politics takes place. In conceiving and discussing the nature of legislative estate of government Locke argued that it is for the promotion of the public good:

*... the first and fundamental positive law of all commonwealths is the establishing of the legislative power; as the first and fundamental natural law, which is to govern even the legislative itself, is the preservation of the society and (as far as will consist with the public good) of every person in it. (Locke 1683, 11:134)*

What Locke had in mind in using the concept of 'legislative power' was that it would help in realizing the public good. It is entrusted with the public good and ensuring that the commonwealth is for every person in the body politic. However, it is a paradox that the state which is meant to exist for the common good of many instead exists for the good of the few. When the legislative power of the State which is meant for the common good of all is altered to promote the private good, then something has fundamentally gone wrong. Classical Lockean political philosophy held that agents of politics (such as the legislative organ) exist for ensuring the achievement of the public good. However, through continuous changes that have and are still taking place in politics, these agencies are altered to exist for the benefit of a few.

The 'politics of ethics' is therefore the use of ethics discourse (plus theoretical and practical tools) by a few as a means of achieving political goals; it is the employment of non-traditional means to achieve traditional political goals. It is possible for a few to use a certain avenue for their own interests. In this case I use these parameters to discuss the politics of promoting ethics particularly through the patriotism discourse, i.e., defining patriotism, budgeting for the project, administration of the project, the question of militarization of the project, indoctrination of trainees, and historicity.

## Politics of Defining Patriotism

One of the key spaces and avenues of contestation is that of 'definition'; the way something is defined determines who holds the upper hand in a given project. Traditionally patriotism is understood as "a deeply felt affective attachment to [one's] nation" (Conover and Feldman 1987:1). Huddy and Khatib have identified various definitions for the term which include, "... a sense of national loyalty, a love of national symbols, specific beliefs about a country's superiority, and as a crucial ingredient in the development of civic ties to a mature nation" (Huddy & Khatib 2007). In the 1755 *Dictionary of the English Language* (first edition) the famous Samuel Johnson defined a patriot as "one whose ruling passion is the love of his country". This love for one's country could be expressed in various ways such as being a meticulous bank teller, committed teacher, a diligent night-guard, etc. However, there is always a tendency for politicians to define the term in a way that suits them and their political goals – hence the politics of definition. Our observation of the debate that surrounds the term patriotism in Uganda, uncovers a power discourse playing out which is affecting the re-building of ethics in the nation.

'Patriotism' has turned into an avenue where politics is played out to the satisfaction of certain interests of the ruling regime; particular political groups are espousing a particular view of 'patriotism' to promote their interests. In the aforementioned workshop the President and Chairman of the National Resistance Movement Organisation (NRMO), the ruling party in Uganda, asserted that the "liberators" (those who militarily participated in the NRM guerrilla war 1981-1986) are the only true patriots. By this he insinuated that true patriotism is defined by the fact that one was a military participant in the NRM liberation guerrilla struggle. In the local political discourse such persons are known as "historicals" and are in most cases taken as politically untouchables. The NRMO Chairman asserted that, "We the patriots ... [are the ones who] ... cannot give up Uganda... [because] ... we fought" (Musoke, et al 2009). According to him and other like-minded people, it is those that fought during the NRA rebellion that are patriotic enough not to renege on Uganda and therefore capable of restoring ethical sanity in Uganda.

However, that view of patriotism is wrong because apart from misconstruing the classical understanding of the term (as pointed out earlier), it ends up excluding other genuinely patriotic persons in the nation. It is problematic to equate 'patriot' to 'NRM historical fighter' because it gets colored with ideology; as Huddy and Khatib (2007), observe that, "Patriotism items are commonly tinged with political ideology..." (p. 63) likewise the NRM ideology has tainted the patriotism project. There are many Ugandans who are patriotic but were not militarily involved in the NRM; in any case most people alive in Uganda today were not around between 1981–1986 when the NRM rebellion took place. Therefore if such a view of patriotism is promoted as a frontier of restoring ethical order, it would be very limited in outreach and appeal. Besides, reports indicate that the so-called NRM historical have proved among the most unethical in public service in Uganda.

For the past 26 years Uganda's experience indicates that the NRM 'historicals' have persistently displayed unethical public conduct. Most the surviving historical have been involvement in one form of public misconduct or the other. At one point a former government minister who was under investigation over the misuse of donor funds meant for HIV and Tuberculosis patients was quoted in press claiming that since, they fought in the NRM bush war, they could not be asked questions by civilian judges (see: Ahimbisibwe F., 2006). As recent as 2010 the president is reported to have said

that that he Uganda, “an animal he hunted” which he is not ready to let go for those who never fought in the guerrilla struggle. Tagging patriotism in Uganda to those who were militarily involved in the NRM guerrilla struggle is an attempt to condone off the definition of patriotism and the whole discourse on the restoration of ethical and moral order in public service and the country at large. It is an attempt of using the patriotism and moral discourse in the country to realize selective political interests.

Promoting patriotism would be a good phenomenon particularly in the re-building the social and ethical fabric of the country. Patriotism could be used as an agent of positive change in the fight to ensure ethical public service delivery. However, this is an instance of how ‘politics’ has the latent ability to affect agency and use it for selective interests. In this case the agency of the ‘patriotism discourse’ has been hijacked and become a tool for the realization of political goals of a few.

### **Politics of Budgeting and Financing for Patriotism**

In the 2009/2010 Uganda budget, over 13billion UGX was allocated towards the creation and sustenance of “Patriotism clubs” throughout the government secondary schools. During the parliamentary session in which this budget was passed, MPs for opposition parties made a protest walk-out to show their disagreement with the allocation of that amount to the patriotism project. To get a wider perspective of what this budgeting implies we need to note that the “Patriotism Project” is administered by the President’s Office which is famous for presenting an average of three supplementary budgets per a financial year (on top of the over 150 billion UGX). The funds were first placed under the Ministry of Security which runs mostly classified budgetary votes over which the parliament has no oversight.

To further understand what kind of politics is going on here we need to take heed of the dictum, “follow the money”. The profit-motivation of the selective second or third parties in the patriotism project should not be overlooked because the execution of the project requires huge amounts of money in tenders. It is arguable that the ‘politics of ethics’ is as much about political goals as it is about economic gains. The national budget is an avenue (or agency for that matter) which is applied in the promotion of the economic well-being of the wider public. However, the ‘profit-motive’ is ingrained with subtle capacity of getting around public interest agencies and using them instead as agents of profit interest. In the traditional concept of the State, the legislative power was meant to ensure and to safeguard the realization of the “Common Good” but here we see the agents of the common good (both the parliament and the budget) have been altered into agents that exist for the “Private Good”.

Initially in 2008 the Patriotism clubs had been proposed to cost 5billion UGX but by 2009/2010 the budget had increased and passed at 13billion UGX. The proposed number of secondary schools in which to create the patriotism clubs was 5000; this would mean that each club in each school would cost over 26million UGX every year! This is ironical when compared with the pay that secondary school teachers are paid; a senior teacher in a Ugandan secondary school earns 5million UGX every year and when this is compared to the 26million UGX for a Patriotism club one easily observes where the government’s commitment is. Interestingly in 2011 when Uganda’s teachers tried to agitate for a pay rise under their umbrella body the Uganda National Teachers Union (UNATU), the Prime Minister, issued a warning that, “any teacher who does not report to schools to teach pupils will be replaced and that government would procure the services of temporary teachers to fill the gap.” The



question would then be: why is the NRM 'government' more committed to the Patriotism project than to the traditional education of Ugandans?

## **Control and Militarization of the Project**

We have already noted that the project was budgeted under the Ministry of Security rather than the Ministry of Education. This indicates a loophole both in budgetary and ideological terms: in terms of the former, when control of the project is placed under such a ministry it represents a big possibility of using that control over the project to apply the argument of classified budgeting. In such a ministry the possibility of using funds without open or public accountability is higher. With such a scenario the use of the project to achieve other selective political goals is quite possible. In terms of the latter, the project is overly militarized in order to allow for easy ideological indoctrination: the students are taken through military style drills each morning when they are in session of training. This makes it easier to apply a Nazi-style uniformity ideological inculcation. In line with the ingrained belief that 'patriotism is a reserve for the military', the national coordination office or the Patriotism Secretariat is mainly staffed with army officers.

This is the reason why in 2009 MPs from opposition parties raised fears that the patriotism clubs could be used for partisan political purposes ahead of the 2011 presidential election. At that time the president was proposing the recruitment of at least 80 Assistant District Resident Commissioners (ARDCs) to teach patriotism in the secondary schools. These ARDCs were viewed as ploy to keep the NRM (and particularly president Museveni) in power for a longer time; he has had to deny on several occasions, "... that the patriotism clubs he has initiated are a calculated move to keep him in power." (Karugaba, 2009) The current regime in Uganda has been viewed to be organised on a network of "patronage" from the creation of unviable districts (Elliot, 2010) to dishing out state resource to keep the patronage system or network intact (Mwenda & Tangri, 2005).

## **Conclusion**

Uganda faces a daunting task of resolving the challenge of unethical conduct in public service in order to realize better service delivery and achieving government programs. However, any efforts that are applied to achieve this are bedevilled with political manoeuvre. This was an investigation in the "politics of ethics" and how it is affecting public service delivery in East Africa's public administration; in this discussion I use the case of Uganda to provide better insight in the topic at hand. The paper starts by presenting the case of the relevance of ethics in public administration and particularly focusing on the local government level. Then I present the case of unethical conduct in public service in the region focusing on corruption in Uganda. I then discuss how these countries are responding to the unethical conduct; I examine the various approaches to resolving this problem with more interrogation of the 'Patriotism Project' in Uganda as a reflection of political intervention in ethical discourse.

The investigation and discussion in this paper indicates that the challenge of unethical conduct in public service is enormous and has caught the attention of both the donor community and the national authorities. There is a vibrant ethics discourse that is going on in the Region and this has raised the need for resolving the challenge; governments are undertaking to do so. One such project is the direct political intervention in the form of the 'Patriotism project' in Uganda which is thought

to restore social and moral order in the country. But this project is case that indicates how too much politics leads to misuse or even failure of ethics projects in Africa.

## References

- Ahimbisibwe, F. 2006. "I'm witch hunted – Muhwezi". *The Sunday Vision*. April 2 2006, p12
- Aristotle. *Nicomachean Ethics*, trans. W.D Ross. *The Internet Classics Archive*. <http://classics.mit.edu//Aristotle/nicomachaen.html>, accessed 23/05/2011
- Aristotle. *Republic*, trans. Stevenson D.C. *The Internet Classics Archive*. <http://classics.mit.edu//Aristotle/republic.html>, accessed 23/05/2011
- Calhoun, J. 1992. *Habermas and the Public Sphere*. Cambridge: MIT Press
- Conover P. & Feldman S. 1987. "Memo to NES Board of Overseers Regarding 'Measuring Patriotism and Nationalism'". <http://www.icpsr.umich.edu>, 10/8/2012
- Dolan C. 2011. "Is ethics and integrity the wicked stepmother to Uganda's human rights?". *The Daily Monitor*. January 06 2011, p 8
- Draku F. 2011. "UGX 90M Kitgum Teachers' Salary Arrears Missing". *UgandaRadioNetwork*. September 30 2011
- Elliot G. 2010. "Patronage, District Creation and Reform in Uganda". *Studies in Comparative International Development*. 45(1), pp 83-103
- Fieser J. 2003. "Ethics". In James Feiser. *Internet Encyclopedia of Philosophy*. <http://www.iep.utm.edu/ethics/>, accessed 22/7/2008
- Frederickson, G. 1993. *Ethics and Public Administration*. New York: M.E Sharpe Inc Publishing.
- Gulumaire A. 2011. "Students threaten to drop patriotism clubs". *The Daily Monitor*. 12 July 2011, p 10
- Guy B.P. 2000. "Institutional Theory: Problems and Prospects". *Political Science Series*. No 69, Institute of Advanced Studies, Vienna
- Hasmukh D. 2010. "Lack of ethics killing every sector in this country". *The Daily Monitor*. May 25 2010, p 7
- Huddy L. & Khatib N. 2007. "American Patriotism, National Identity and Political Involvement". *American Journal of Political Science*. 51(1), pp 63-77.
- Jay M. & Hyde A. 1997. *Classics of Public Administration*. California: Harcourt Brace College Publishers.
- Kabwegyere T. 1995. *The Politics of State Formation and Destruction in Uganda*. Kampala: Fountain Publishers.
- Karugaba M. 2009. "Museveni defends patriotism clubs". *The New Vision*. May 14 2009, p 2
- Kishore Raga & Derek T. 2005. "Impact of Accountability and Ethics on Public Service Delivery: A South African perspective". *The Public Manager*, summer 34(3), pp.22-6
- Locke John. 1683. *Second Treatise of Government*. Ch. 11 (134)
- Lukwago J. 2011. "Nnabagereka launches international kisaakaate". *The New Vision*. June 07 2011, p 6
- \_\_\_\_\_. 2012. "450 children to attend Kisaakaate". *The New Vision*, January 03 2012, p 6
- Maguire Maria. 1998. "Ethics in the Public Service-Current Issues and Practice", in Annie Hondeghem (ed). *Ethics and Accountability in a Context of Governance and New Public Management*. Washington DC: European Group of Public Administration, pp 23-40.
- Mugerwa Y. 2008. "11 billion salary arrears for teachers missing". *The Daily Monitor*. October 31 2008
- Musoke C. et al. 2009. "Patriotism saved Uganda – Museveni". *The New Vision*. March 19 2009, p 4
- Mwenda A., & Tangri R. 2005. "Patronage politics, donor reform and regime consolidation in Uganda". *African Affairs* 104(416), pp. 449-67

Odoki B. 2005. *The Search for a National Consensus: The Making of the 1995 Uganda Constitution*. Kampala: Fountain Publishers Ltd

Ogwang J. 2009. "Shs 1 trillion for northern recovery: Who will benefit". *The New Vision*. July 8 2009, p 2

Plato. *Republic*, trans. Stevenson D.C. *The Internet Classics Archive*. <http://classics.mit.edu//Plato/republic.html>, accessed 23/05/2011

Republic of Tanzania, 2009, *National Governance and Corruption Survey – 2009 Report*, Vol. 1, Dar es Salam: Prevention and Combating of Corruption Bureau

Ron Carlee. 2007. "Ethics in Local government: It's more than not doing bad things", <http://www.arlingtonva.us/Departments/CountyManager/miscellaneous/CountyManagerMiscellaneousEthics.aspx>, accessed 20/10/2011

Simmons CW. et al. 1998. *Local Government Ethics Ordinance in California*. California: California Research Bureau.

Steffensen, J. et al. 2004. *A Comparative Analysis of Decentralisation in Kenya, Tanzania and Uganda*, Dar es Salam: DEGE Consult.

United Nations. 2001. *Public Service Ethics in Africa*. Vol 1. New York: United Nations.

# PERSISTENT COLONIAL COERCION IN CONTEMPORARY UGANDA: FOUNDATION OF SOCIAL INJUSTICES IN THE COUNTRY

GERVASE TUSABE

## Introduction

In 1957 Karl Wittfogel made an observation that to most of the people who have suffered under colonialism, the prolonged colonial coercive experience leads them to believe that the colonial-like despotic and exploitative system of managing the state is the fundamentally worthwhile; that such system is the most reasonable and commendable if the state is to sustain and ensure societal control. Wittfogel further writes thus;

the embittered subject, who is permanently exposed to [colonial coercion] cannot well strive for the creation of a new and less despotic order. He and others who feel as he does may withdraw to the mountains. They may defeat the government's men in arms. They may even overthrow a tottering [colonial regime]. But eventually they will only revive – and rejuvenate – the [same coercive mode of management] whose representatives they claim to have eliminated.<sup>1</sup>

The above observation that was made by Wittfogel has been manifested in Uganda. Ugandans struggled against British colonialism and attained formal political independence from the British on the 9<sup>th</sup> October, 1962. But this independence can hardly be described as having been authentic. The successive political regimes in Uganda since 1962 (until now in 2012), have largely thought of nothing better to do than to set up and sustain in their country a miniature version of the very despotic and exploitative system which they fiercely fought to combat before 1962. One is thus right to assert that if Uganda did set up a miniature kind of British colonial coercion that had prevailed before 1962, then Uganda has since its independence been experiencing what is described in this paper as domestic colonial coercion.

The major purpose of this paper is to show how Uganda's experience of domestic colonial coercion, that has persisted in the country since 1962, has inevitably nurtured and sustained social injustices that have made it impossible for a large number of people to live a reasonably good life that is founded on respect for human dignity. But what is domestic colonial coercion in the first place?

## A Description of Domestic Colonial Coercion

In order for us to have a clear understanding of what domestic colonial coercion means, we need first to have an idea of what is meant by the terms 'colonialism' and 'coercion' in this paper. Colonialism was defined by Emerson Rupert to be

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<sup>1</sup> Karl Wittfogel, 1957 *Oriental Despotism: A Comparative Study of Total Power*, New York, Yale University Press, p.135.

the establishment and maintenance, for an extended time, of rule over an alien people that is separate from and subordinate to the ruling power.<sup>2</sup>

Whereas the Great Soviet Encyclopedia considered it to be “the military and economic enslavement of any dependent country and sees it as accompanied by bestial exploitation.”<sup>3</sup>

A synthesis of the above two definitions leads one to deduce that colonialism is an alien and authoritarian system of rule imposed on a subjugated society with the goal of exploiting it to meet the colonizers’ egoistic interests. We need to note however that this synthesized definition is narrow in its scope since it limits colonialism to one aspect, that is, foreign rule. Colonialism is a phenomenon that is not only restricted to foreign rule. Colonialism can also mean a practice of domination, which involves the subjugation of a people – who could either be ethnic, religious or political groups – by a clique of people of their own home country who are in control of the state. In light of this, thus, what is considered in this paper to be the appropriate definition of colonialism is rather similar to the above synthesis except that it widens its scope to include the idea of domestic colonialism. Colonialism, as the term is used in this paper, refers to either a foreign or domestic authoritarian system of rule imposed on a subjugated people with the goal of exploiting them to service the subjugators’ egoistic interests. It follows then that a colonized people can be either those ruled over by foreign colonizers or domestic colonizers. And now, what is coercion?

The *Longman Dictionary of Contemporary English* defines coercion to be

the making of an unwilling person or group of people do something by using force and threats of punishment, or keep a person, group of people or activity under control by using force and threats of punishment.<sup>4</sup>

In other words, coercion is the use of either direct forms like commands and prohibitions backed by sanctions or superior force by the use of weapons, or indirect forms like manipulating, where one’s course of conduct is determined by conditions set by another to foster the interests of the author of coercion. Coercion compels a person or a group of people to do what they would wish not to do or manipulates them to do what they would not have done if they had exercised their freedom.

In light of our understanding what colonialism and coercion mean, we now stand in better position to define the meaning of colonial coercion.

Colonial coercion is force and manipulation enforced on a subjugated group of people by an authoritarian political regime with the goal of influencing the subjugated people’s course of actions in order to satisfy the egoistic ends of the authoritarian political rulers. Such political regime could be either foreign or domestic but its inherent characteristics are that it is self-imposed, oppressive, exploitative and blind to the demands of social justice and respect for human dignity.

Colonial coercion is manifested either overtly or covertly. Its overt manifestation is always through physical violence of the armed forces where troops are permanently mobilized and engaged in direct fighting or terrorizing to bend the people to

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<sup>2</sup> Emerson Rupert., 1968. “Colonialism: Political Aspects”. In David Sills (ed.) *International Encyclopedia of the Social Sciences*, vol. 3, New York: The Macmillan Company and the Free Press, p.1.

<sup>3</sup> Ibid

<sup>4</sup> Paul Praxter (ed.). 1986. *Longman Dictionary of Contemporary English*. Avon: Longman, p.203

submission whereas its covert form is indirectly expressed through manipulations of the law.<sup>5</sup>

## **The Underlying Mental Disposition of those who Exercise Colonial Coercion**

The basic mental attitude of those who colonize others is in this paper is identified as “in-group egoism”. In-group egoism is manifested when a class of some people conspire to work together to promote their self-centred interests. Such class of people deliberately ignores the legitimate interests of the other people they live with who are outside their group. They (the in-group), consider themselves to be the moral community and are therefore disinterested about the rights of the excluded people. They only promote the egoistic interests of their own group – which group could either be a family, tribe, political party, religion, race or a convenient alliance of these. Those outside their group are considered to be less human and thus not equal to them in terms of civil, political, social and economic rights. Now, if the management of the state ever came to be captured by in-group egoists who belong to a territory that is, in terms of international politics, formally recognized as an independent state, then in such a circumstance we witness domestic colonialism deliberately working through public institutions that are devoid of commitment to the central ideals of good governance, that is, the rule of law, respect for human rights and concern for the public good.

It needs to be noted here however that, it is possible for a state that is under the control of in-group egoists to have all the outward modern trappings of a concern for good governance. For instance, it may have a professionally constructed constitution that spells out how political institutions are to function and with a clear outline of processes relating to electoral procedures. But we need to bear in mind, as Kwame Gyekye would succinctly have put it, that:

... having well tailored and well laundered constitutional provisions is one thing; actions to those provisions is ... quite another. In [colonial-like political settings] constitutional provisions or procedures do not enjoy the respect of rulers, who ... in fact set them aside if they consider the provisions as hindrances to their goals, purposes and ambitions. ... they resort to them only if they consider those constitutional procedures to work to their advantage.<sup>6</sup>

In light of the above, thus, those institutions in a domestic colonial setting which possess all the modern outward trappings of concern for good governance are mere window dressing, arrangements that are simply ornamental to camouflage the oppression and exploitation inflicted on the subjugated.

## **The Purpose of Colonial Coercion**

Having explained the character of colonial coercion as to be spanning between the overt and covert modes, the mental disposition underlying it, and how it can be a method employed by either foreign

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<sup>5</sup> Albert Dalfovo. 1992. “Cultural Heritage and Contemporary Life: The Moral Continuum”. In G.F. McLean, *The Foundation of Social Life: Uganda Philosophical Studies*. Washington D.C.: The Council for Research in Values and Philosophy, p.18.

<sup>6</sup> Gyekye Kwame. 1997. *Tradition and Modernity: Philosophical Reflections on the African Experience*. New York: Oxford University Press. Pp. 175–6.

or domestic colonizers, it is easy for us then to explicitly highlight the major purpose why it is exercised by those who use it.

The ultimate purpose of colonialism or colonial-like regimes is to control the subjugated people's wealth and natural resources, what they produce, how they produce it and to extract a large portion of the subjugated people's fruits of their labour through the mechanism of taxation and then make the subjugated believe that the tax revenue extracted from them is solely used to promote and sustain the public good when actually that revenue is disproportionately used in their favour to wet their insatiable egoistic goals. And in servicing their egotistic goals, they cleverly device all means and crafts, first how to keep safely, without fear of losing what they have unjustly gathered together, and they then attempt to legitimize these unjust gains by means of laws and appeals to the common good. Coercion in any kind of colonial experience is, thus, enforced by the in-group egoists in control of the management of the state to ensure a firm control of the subjugated people's resources.

## **Colonial Coercion and Unjust Institutions in Contemporary Uganda**

As if they were confirming Karl Wittfogel's observation that we saw at the beginning of this paper, the first leaders of Uganda's independent government all agreed to inherit the colonial state machinery, with simply a change of personnel. Whether it was the army and the police that were nurtured to terrorizing the people, these were taken for a God-given natural order by the new leadership of independent Uganda. It mattered little that these state institutions had been structured over half a century ago to keep the people in line.<sup>7</sup> The new leadership adopted them, just as all the successive governments have done, and used them against their own people. Hence, in 1962, Uganda rose majestically clad in independence gowns when her nudity was colonialism itself. The colonial army stood untouched simply changing name from *King's African Rifles* to *Uganda Army* and today the *Uganda People's Defence Force*. The police and prison forces were all preserved though given national titles. In fact just as Khiddu-Makubuya would express it, the Ugandan state has until now continued to be a colonial-like structure forcefully superimposed upon the people. All Uganda's successive political leaders in government have simply embraced and sustained the former colonial framework lock, stock and barrel and have always found it imperative to use it to subjugate the people<sup>8</sup> – to cow them down as they (the leaders) unjustly appropriate to themselves the resources and wealth of the nation. Probably Dan Mudoola summarized this better when he stated that:

... the heirs to leadership positions in Uganda [since 1962] have flouted political rules to their own advantage, even as their predecessors had done. British colonial rule had been authoritarian. So has been local rule after independence.<sup>9</sup>

The above observations testify to the fact that there is a direct continuity of colonial coercion in Uganda, stretching itself out from the British colonial period to the present day, hence, domestic colonialism – a miniature version of the very despotic and exploitative system that did prevail in Uganda before 1962. This domestic colonial coercive rule is operated through social and political institutions whose main purpose is to keep rulers in power as they unjustly appropriate for

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<sup>7</sup> See Mahmood Mamdani. 1983. *Imperialism and Fascism in Uganda*. London: Heinemann, p.22.

<sup>8</sup> See E. Khiddu-Makubuya. 1991. "The Rule of Law and Human Rights in Uganda: The Missing Link". In H.B. Hansen and M. Twaddle (eds.). *Changing Uganda*. London: James Currey, p.217.

<sup>9</sup> Dan Mudoola. 1987. "The Problem of Institution Building: The Uganda Case". In P. Wiebe and C.P. Dodge. *Beyond Crisis*. Kansas: Multi-Business Press, p.58.

themselves the resources and wealth of the country leaving the subjugated masses wallowing in poverty without adequate social services befitting the basic minimum requirements of human dignity. Perhaps it is appropriate for us here to give an explanation of what is meant by social justice if we are to effectively appreciate how this persistent domestic colonial-like rule in Uganda has undermined and is continuing to undermine the principles of social justice and respect for human dignity – principles that are essential to any people if they are to live a reasonably good life.

## **Social Justice**

Social justice is about the claims all persons in a community have to sharing in some fashion in goods that are essentially public or social – goods such as adequate education, adequate basic medical care and aid, social insurance, public utilities and an atmosphere governed by the rule of law. With social justice, even those who have only contributed minimally to achieving the public good or not at all, such as the elderly, children, chronically ill and mentally derailed have a right, created by their membership in the community, to share in the public good to a degree compatible with human dignity. Hence, in any society that is founded on the ideal of social justice, those entrusted with care for the community are concerned about promoting and sustaining the flourishing of all those under their jurisdiction with a preferential attention given to the poor and vulnerable. It follows therefore that social justice does not only oblige leaders in the management of the community to promote individual rights but even more to pay special concern to social and economic rights through social and political institutions founded on the basic values of good governance. Thus, if you found a community such as Uganda where all the major centres of power i.e., political, economic, and military, are perennially dominated by a chosen few, and the attendant wealth that goes with such powers is being disproportionately enjoyed in favour of those chosen few while a considerable number of people are living under the weight of abject poverty manifested through persistent hunger and malnutrition; the use of unsanitary water; having no access to even basic medical care against curable diseases; living in crowded, unsafe inadequate shelter; having no shoes or shirt or dress to wear; being illiterate with no productive skills in any economic venture; and having no atmosphere in which you can effectively exercise your right to openly challenge the system sustaining such hardships, then you shall have found a society weighed down by social injustice. It is therefore important for us to appreciate that the way any society responds to the needs of its poor and vulnerable through its administrative and managerial behaviour is the litmus test of its justice or injustice.

How then is colonial coercion working out through Uganda's political and administrative institutions today, eventually leading to sustaining the suffering of the many? In this paper, we shall touch on only three areas particularly, patronage politics, militarization of the police and pseudo-commitment to matters of ethics and rule of law.

## **Injustice Deriving from Patronage Politics**

In his paper entitled "Democracy and Good Governance", Christopher Mbazira shows that all successive governments in Uganda have always come to power either by *coup d'état* or by political manipulations characterized by government orchestrated violence. He goes further and shows how "the National Resistance Movement (NRM) government came to power through a guerrilla war and



has continued to hold power through political manipulation”<sup>10</sup>. And as Aili Mari Tripp has noted, this government did adopt all the trappings of democracy, yet it has persistently perverted the very requirements of democracy – sometimes through patronage and largess, and at other times through violence and repression – all for the sole purpose of remaining in power.

The politics of patronage has led Uganda to have a bloated cabinet with deputy ministers for most of its ministries which ministerial positions, as Andrew Mwenda came to note, are actually redundant jobs yet they are draining large chunk of money from the national treasury at the expense of the provision of basic social services. By 2003, there were in addition to 71 presidential advisers, special assistants and deputy special assistants and as Mwenda continues to let us know

Many of these political sinecures are in the hands of ethnic kinsmen of the political leadership and, not surprising, all of these individuals are loyal movement supporters.<sup>11</sup>

The consequence of this political patronage bent on perpetuating some specific group of people in power has only meant that accountability, openness and probity in government activities and projects are not taken seriously, as it is to be expected in any domestic colonial-like mode of governance since such mode is tempered by the mental disposition of in-group egoism. Evidence for this can be sited in the many grand corruption scandals and sagas that involve many of Uganda’s top government executives. The country has witnessed several spectacular scandals at least since 2007 beginning with the misappropriation of billions of public funds meant for the 2007 CHOGM summit. Although Parliament had allocated Shs. 270b to the summit, the *Parliamentary Accounts Committee* discovered that more than Shs. 500bn was spent. When the several permanent secretaries who were involved in the scandal were interrogated, they claimed they had acted on orders from the vice-president, who was the chairman of the cabinet sub-committee on CHOGM.

Then in 2008 came the *Global Fund Saga*. After investigations Shs. 95.8b was found missing. The money was meant for AIDS, malaria and tuberculosis programmes. The scandal brought in the then health minister and his two deputy ministers. The scandal centred on a newly created unit within the Ministry of Health, known as the *Project Management Unit*, through which the money was distributed to about four hundred private organizations, many of which existed only on paper.

Still in 2008, was the *NSSF-Temangalo Saga*. (NSSF is an acronym for National Social Security Fund. It is an institution controlled by government in Uganda.). It was reported in this saga that the then Minister of Defense had been paid Shs. 11b by the Fund for 414 acres of land, each acre going for Shs. 24m. It was reported that the price was higher than that on the market. This resulted into the Fund losing billions of shillings. *Associated Consulting Surveyors* put the price of an acre in that area at Shs.14m.

In 2010 was the *ID Scandal*. In February, 2010, the government entered a deal with Muhlbauer, a German firm, to supply national IDs. It is alleged that the firm was contracted without open bidding

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<sup>10</sup> Christopher Mbazira 2008. “Democracy and Good Governance: An Assessment of the Findings of Uganda’s country self-assessment Report Under the African Peer Review Mechanism”. Human Rights and Peace Centre, HURIPPEC Working Paper No.19, p.34.

<sup>11</sup> Andrew Mwenda and Roger Tangri. 2005. “Patronage Politics, Donor Reforms, and Regime Consolidation”. In *African Affairs* Oxford University Press, p.459.

as required by law. The IDs were supposed to be used to identify eligible voters during the 2011 elections. But by February, 2011, the company had reportedly produced only 400 cards. According to the *Parliamentary Accounts Committee*, contracting the firm resulted in a financial loss of Shs. 19b. The executive members implicated in this case include the then ministers of general duties and internal affairs.

Then in 2011 came the *Bicycle Scandal*. Here the *Amman Industrial Tool and Equipment Ltd*, a locally registered company, was contracted by the *Ministry of Local Government* to supply 70,000 bicycles meant for Local Councils, but no single bicycle was delivered. The company was reportedly paid about Shs. 4b. Still in this same year (2011) was the *Basajjabalaba Compensation Scandal* where Shs.169b was erroneously issued to the city business man, Basajjabalaba for the loss of business for markets in Kampala. Two executive members, who included the minister of finance and the attorney general were said to be involved alongside three members of staff at State House.

With the above exposition, it is evident that very large sums to the tune of hundreds of billions of Uganda's economic and financial fortune are unjustly appropriated to some individuals in public administration who are now extremely rich and yet the constitutionally recognized social protection welfare programmes these leaders are obliged to provide are left unattended to under the claim that the country lacks the resources needed to finance such programmes. In Uganda thus the condition of a large number of poor people in the rural areas and those in urban squalors is progressively getting harsher and unbearable – many people are in abject poverty, lacking adequate food, shelter, medical care and clean water, and evidence suggests that this poverty most affects women, children and all with meagre political and economic power.

Although Uganda officially has several government poverty eradication strategies such as the *Poverty Eradication Action Plan*, *The National Gender Policy for Uganda*, *The Agriculture Policy*, and the *Universal Primary Education* their control is managed by strong powerbrokers who have consolidated their excessive power on them that the poor are unable to derive meaning out of these programmes. Hence, these official poverty eradication strategies are apparently there just in name used by the powerful public administrators as means through which they extract heavy monetary resources to accumulate their personal property holdings leaving the poor in severe privation and want. Perhaps it is necessary for us to illustrate this phenomenon with some concrete examples if we are to appreciate the 'kleptocratic' character of some of those in the management of Uganda's public affairs who are just there firmly committed to exploiting state resources for themselves and eventually generating a series of explicit social injustices on the Ugandan poor and vulnerable.

In 2009, government had kept on informing citizens that it had built 750 health centres in the country. But in the December of that year, *The New Vision* (one of Uganda's dailies) came to reveal that there were more than 100 'ghost' hospitals in the country and that these hospitals (the ghost ones), were also 'receiving' drugs and government funds – employing nurses, medical assistants and doctors whom government was paying salaries.<sup>12</sup>

As if that was not enough, the country also came to learn that the *Uganda People's Defence Force* also had that phenomenon of 'ghost' soldiers. When a committee was set up to investigate ghost

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<sup>12</sup> Andrew Mwenda. 2009. "A Desirable Government is possible"  
<http://www.independent.co.ug/index.php/component/content/article/2234?>

soldiers in the UPDF it discovered that over Shs.70 billion was being paid to none existent (ghost) soldiers. This revelation inevitably implied that a large number of non-existent soldiers were on the army register and that their salaries were definitely appropriated by some top army administrative officers.

This phenomenon of 'ghost' public servants has been so pervasive on the Ugandan scene. There have been many other stories of ghost teachers and schools, ghost civil servants and even ghost pensioners. For instance, when in 2008 the *Ministry of Finance* began to pay pensions directly to pensioners' accounts, instead of sending them to line ministries, Shs.30 billion was saved that year.

Someone may rise and argue that the mode of corruption that has been operating through that phenomenon of 'ghost' individuals is not the architect of the top political leaders – that it is the working of the unscrupulous public officers in the lower ranks of the civil services. But such argument may not be so convincing. The ghost hospitals, ghost teachers and ghost soldiers together with ghost pensioners were created (and are perhaps still being created) as a result of the collusion between local government officers and some of their masters at Ministry Headquarters. This implies then that the government is not necessarily lacking capacity to monitor activities in the outlying administrative units. Rather, some state officials who hold a domestic colonial mentality simply did design (or are still designing) creative ways of extracting state resources to service their egoistic insatiable goals.

From what we have just seen above, it is clear then that much state decision-making and public administration has so far been entangled in personal interest and patrimonial politics. This has consequently led to a mode of hyper misappropriation of national resources – a phenomenon that has inevitably undermined the government's moral and constitutionally recognized duty of providing public goods and services vitally needed by the ordinary citizens. Several personalities in positions of government have heavily reaped out of these self-centred practices leaving a host of needy Ugandans without any access to the basic minimums of social services. Hence, many of the social injustices suffered by the Ugandan people, especially those injustices related to the violation of social and economic rights, have been and are still sustained by the corruption born out of the politics of patronage – a type inspired by more or less, the psychological framework of in-group egoism. And to make matters worse, such grand unfair appropriation of the scarce resources in the country has fuelled petty corruption at the lower levels of administration and services-delivery since these lower level officials have little incentive to do their jobs well and fairly and in the end of it all it is the poor and vulnerable that stand out as the worst hit victims.

Freedom from British colonial rule did not necessarily oust colonial administration in Uganda. It simply got rid of foreign colonial exploitation replacing it with domestic colonial exploitation where the post 1962 Uganda's political leaders acquired license to exploit their own people since even the official government programmes they have put in place supposedly to uplift the lives of the poor are more or less avenues for the powerful together with their allies to unjustly enrich themselves at the expense of the poor.

## **The Militarization of the Police**

Through their political tact, the successive managers of the state in Uganda have successfully managed to unjustly amass vast amounts of wealth for themselves – wealth far more than could be needed by an individual to provide for himself enough security to lead an independent life, while the

so many other people they live with in the country such as the peasants are drowning in rural poverty and the urban poor are living in sprawling shanty dwellings. And since political leadership in the country is more or less inspired by the psychological mentality of in-group egoism, it is continuing its exploitation, further impoverishing the masses – hence, the ever increasing symptoms of social injustice in Uganda, such as:

- The ever increasing number of slum dwellers who live in tiny shacks built of discarded material – flattened tins, old cardboards, plastic sheeting and mud. Living in crowded conditions without sanitary facilities, unemployed and in conditions of extreme deprivation (a condition they bitterly detest).
- The rising host of rejected and abandoned children of frustrated drug-addicted parents, and of those parents so poor that they evicted their own sons and daughters from their homes. Children that are being referred to as street children. Searching for food in garbage heaps and refuse cans. Begging or stealing to fill their empty stomachs and in danger of death from drugs and AIDS. (Children living in conditions that make them detest the world).
- The ever growing number of mothers in the slums and rural settings. Who have to put up with the weight of their children's suffering from malnutrition, starvation, diseases and are unable to help them, because there is no help available to the poor. Mothers who are frustrated and, if they have some idea of the moral reason for the existence of government, are discontented with the socio-political set up that is indifferent to their plight.

These and many other discontented subjugated and marginalised individuals have subsequently developed a consciousness of reaction against government they perceive to be exploiting them and ignoring their rights. This consciousness has eventually been manifested in demonstrations where demonstrators are constantly demanding government to attend to their rights. (The years 2010, 2011 and 2012 witnessed several demonstrations – in Uganda's capital city – against what demonstrators called government's abuse of their rights). But government, as it is to be expected from any colonial-like setting, has always ferociously responded to them with violent police force where, in some instances, lives are injured or lost and property destroyed, since the government leadership considers such demonstrations threatening to undo their hegemony. (Some of the leaders of these demonstrations who were arrested were often charged under cases of treason).

The political leadership's urge to keep itself in power has henceforth necessitated not only strengthening the army, since it is the chief buttress of political power in any colonial-like regime, but also the militarization of the police. Police has been equipped with modern means of communication, transportation and firearms, teargas and water-canon gadgets not with the purpose of effectively facilitating it to safeguard the rule of law and the rights of the citizens. These have been done to help the police move with ease its tools of violence and mobilize its officers as fast as possible to every nook and corner of the country where there may be a rising against the colonial-like behaviour of government.

The government in Uganda, as Tripp observes, has used the police as a stick to intimidate those who try to openly challenge the various injustices in the country. Rather than being sources of security, these forces have become a source of insecurity for many, especially those who openly challenge the system as they expose the network of some of the corrupt in-group members in charge of public

administration.<sup>13</sup> As the in-group members feel more insecure, they rely increasingly on the militarized police. And by using this method to safeguard themselves in power they inevitably not only suffocate the exercising of freedoms of expression and assembly but even more continue the abuses that perpetuate social injustice and the violation of human dignity.

## **A Pseudo Commitment to Ethics and Ideal of the Rule of Law**

The government in Uganda has for so long strived to show that it is not only committed to matters of ethics in the management of public affairs but also that it is concerned about the political ideal of the rule of law. It did set up a *Directorate of Ethics and Integrity* that is functioning under the President's Office with a mandate of advancing and advocating high sounding ethical values that must be adhered to by all public servants as one of the mechanisms of, among other things, fighting corruption. But this ethics institution has more or less ended up being there for propaganda purposes. One may even be tempted to say that it is an institution that was simply set up to make citizens believe that their political leadership is on high moral ground. It is an institution that seems to be confirming Thomas More's famous statement that oppressive and exploitative rulers always devise

all means and crafts, first how to keep safely, without fear of losing what they have unjustly gathered together, and ... they then attempt to legitimize these unjust gains by means of laws and appeals to the common good.<sup>14</sup>

It seems as though this institution is just there to conceal the unjust acts of some of the country's political leaders through hypocritical religiosity and moralizing. Whenever there is serious public debate on the misappropriation of government funds or on matters concerning constitutionalism and rule of law the *Directorate of Ethics and Integrity* suddenly raises the issue of eliminating homosexuals in our midst under the accusation that these sexual minority are polluting our traditional culture. The country has so far gone through experiences of emotionally charged campaigns against homosexuals – campaigns that have strongly been fanned by the *Directorate of Ethics and Integrity*. With such emotional campaigns, many people especially the masses who are actually the worst hit victims of social injustice, have been diverted away from reflecting on ethical matters concerning the social and political injustice in their midst to uttering homophobic statements against homosexuals and to unreflectively back the *Anti-homosexual Bill 2009* as the exploiters are devising other sophisticated mechanisms of appropriating for themselves wealth from, not only the traditional sources but now also from the newly discovered oil resources in western Uganda. The *Anti-homosexual Bill* was tabled in Parliament in October, 2009 calling for harsh penalties for homosexuals, up to and including the death penalty. As originally tabled this bill also requires any citizen who suspects another person of being homosexual, to report the homosexual to police, or they too may receive a fine or time in prison. The proposed bill even forbids landlords from renting to a known homosexual, and bans any discussion of homosexuality. It is surprising to learn that the ethics institution which one would have expected to champion the realization of social justice and respect for human rights is the very one that is encouraging citizens to support a bill that is out rightly out of tune with respect for human rights and moreover lobbying for such support at a time

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<sup>13</sup> Aili Mari Tripp. Op.Cit.

<sup>14</sup> See Anthony O'Hear.1985. *What Philosophy Is: An Introduction to Contemporary Philosophy*. London: Penguin Books, p.284.

when the public is debating some sensitive issues concerning either the rule of law, heavy corruption scandals involving some top political figure, giving away to foreign investors parts of our delicate natural ecosystem to foreign investors or how the oil revenue soon to be realized shall be utilized.

Since it is widely known that the purpose of the law is to realize justice, the political leadership in Uganda has cleverly manipulated many people to believe that law and justice is one and the same thing. This has led many to be convinced that anything legal is also legitimate – that things are just because law makes them so. Hence, those in the management of the state have tried to make the suppression of people’s rights appear just and sacred by making law sanction such evils under the banner of the ideal of the rule of law.

As if he was reflecting on the condition of the rule of law in Uganda, the late Julius Nyerere of Tanzania made the following assertion:

It is inevitably the government which must lead in upholding the rule of law within the state. This ... is one of the most important of its responsibilities to the people... All heads of state swear to honour and protect the constitution, this is as it should be; for the constitution is the supreme law of the land ... [But unfortunately] Presidents, Prime Ministers, and sometimes all members of a government, seek to amend a constitution in their own favour even when they come to office through, and because of, the provisions of a constitution which they have sworn to honour.<sup>15</sup>

He further observed that:

Too often ... we see presidents seek to lengthen the number of terms they serve, despite the limit laid down in the constitution. This practice is wrong. It cheapens the constitution of the country concerned.<sup>16</sup>

The above observations made by Nyerere are strictly what have occurred on the Ugandan political scene. The country has witnessed the reversal of presidential term limits. In light of that reversal, one wonders whether the political leadership is ethical, as it claims that it is, if it deliberately revoked the vow it made that it would honour and observe the restriction under which it was elected in the first place. If the current political leadership of Uganda is really concerned about the ideals of constitutionalism and the rule of law, then the first government to be elected under a restricted term of office must never have changed the constitution to remove term limits.

We also need to beware that since the former provision in the constitution concerning a limited term of office did irk the largest number of those in government and the terms limits were removed, it is still possible that another provision, and another, and even more, could irk them. And in light of the precedent that has already been set, then Ugandans should be ready to see the constitution of the country changed now and then to satisfy the egoistic interests of the in-group members that are in control of the state.

The most unfortunate part about all this tampering with the constitution is that many people have been manipulated to believe that whatever is legal is legitimate and hence even the legal removal of

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<sup>15</sup> Julius Nyerere 1998. “Good Governance for Africa”.

<http://72.14.207.104/search?q=cache:LeZd8412LZcJ:www.hartford-hwp.com/archives/3>

<sup>16</sup> Ibid.

presidential term limits is just. No wonder then that in Uganda, restrictions on liberty are defended not only by those who profit from such injustice but also some of those who suffer from it.

## **Major Impediment to Achieving a Socially Just Society in Uganda**

The major reason underlying Uganda's failure to fight forces of social injustices is the ideological vacuum of the non-ruling political parties. Most Ugandan non-ruling political parties are hardly promoting any clear ideal concept of social justice. They seem to be having no systematic vision of an ideal social order they wish to achieve, and have therefore not provided any consistent and coherent socio-politico-economic agenda for citizens to internalize if they are to back them up in creating a better order. Many of the leaders in opposition parties in Uganda are also seen by the general public to be blatant egoists of some sort who also want to be part of government to get rich fast. Many are apparently unconcerned about matters of the public good (if they are aware of what the public good means anyway). The very representatives of the people, the parliamentarians, have been on several occasions criticized for their unreasonably high salaries and allowances that are out of proportion to the standard of living of the rest of the population. There is a fear that many politicians in Uganda, even those on the opposition, are intoxicated with greed that even if they got the opportunity of taking charge of the management of the state they shall create their own in-group (what Sirkuk Hellsten calls biased solidarity) and thus rejuvenate another colonial-like mode of administration that shall simply promote the self-interest of their own in-group members. Evidence for this blatant egoism among Ugandan politicians can be noticed on how political figures change parties so easily depending on what they can personally gain from their new attachment. It is evident thus that many of the politicians in Uganda have no commitment to alleviating the plight of the poor and vulnerable in their society.

## **Fundamental Responsibility of Uganda's Political Parties in Achieving a Socially Just Society**

If the leadership of political parties in Uganda is genuinely concerned about having a socially just society then it is imperative that they came out of the ideological vacuum. Their parties ought to have a clear ideal concept of a socially just society with a clear socio-politico-economic agenda for citizens to internalize if they are to participate in neutralizing the colonial-like mode of administration that has persisted in the country since 1962. An ideological stand geared to promoting social justice ought to focus on realizing living conditions and ways of life that are conducive to the fulfilment of everyone's innate potential. A political project concerned about realizing a socially just society ought therefore to clarify intrinsic human needs and the conditions for their fulfilment. Some of the human needs that may need to be clarified for the sake of realizing social justice may include some of the following:

- Material needs for survival and development
- Social needs for meaningful relations of the Martin Buber's "I Thou type"
- Creative needs for engagement in meaningful work
- Security needs derived from trust in stable fulfilment of the above needs

- Self-actualization needs, to become what one is inherently capable of becoming
- Distribution of goods and services, and of civil, social, and political rights and responsibilities

Members of those political parties that are concerned about social justice ought also to appreciate the observation that was made by Kanter that socially just societies, whenever and wherever they existed throughout history, have been egalitarian, institutionally nonviolent, and genuinely democratic. Being egalitarian in this observation means that all people in society have equal rights, equal responsibilities, and equal opportunities in all spheres of life, including equitable distribution of goods, and services. Equality in a socially just society therefore does not mean that everything is divided and distributed in identical shares, but that distributions are geared thoughtfully to individual differences, and everyone's different needs are acknowledged equally.

And when we say that socially just societies are institutionally nonviolent we mean that such societies abhor institutional violence orchestrated by the state. Those committed to realizing social justice must beware that the function of institutional violence is to establish and maintain social, economic and political inequalities among individuals and social groups. Institutional violence is therefore orchestrated in unjust communities only because inequalities of rights, responsibilities and opportunities among people in society cannot be voluntarily accommodated by subjugated people. Those who subjugate others use institutional violence purposely to maintain such inequalities. They thus require overt coercion in the form of initiating physical violence which they gradually complement with a consciousness of submission resulting from the indoctrination that makes the subjugated people to believe that whatever is legal is also legitimate, that things are just because law makes them so.

Finally, we say that socially just societies are genuinely democratic because such societies practice real rather than merely ritualistic democracy. In exercising their social, economic and political equality, socially just societies do not have individuals or group that monopolize power over other people and the state by using unjustly accumulated power to influence the outcome of elections.

## **The Need for Civic Ethics Education**

Although those political parties committed to realizing a just society need to temper their aspirations, programmes and activities with an ideal theoretical conception of what a socially just society ought to be like, that temper ought to be coupled with the exercise of involving people in civic ethics education. Hence, political parties together with the other civil society organizations concerned about social justice have a moral responsibility to carry out civic ethics education especially among the downtrodden victims of social injustice. This is significant because the individual elites that have for some time invested their energy in challenging the status quo are so few and are like voices crying out in the wilderness. It is therefore vital that their voices are combined with the informed voices and energy of the very people that are heavily victimized by bad governance.

Not only must the ideals of a socially just society be internalized by the ordinary citizenry as a whole but the citizenry also need to be encouraged to realize that their national constitution (in spite of the amendment that eliminated presidential term limits), together with the other United Nations' human rights instruments which their country ratified, all stress values of respect for human persons,



equality, liberty and solidarity to the point that their national constitution has provisions for social protection policies and programmes that are intended to safeguard the dignity of the lot of the poor and vulnerable in our country. The people need to appreciate that the enjoyment of these values is their constitutional right and that they are morally and politically obliged to defend them and to demand that they are respected by their public authorities.

Civic ethics education must also awaken people to the realization that although the above mentioned values were enshrined in those documents for the sake of safeguarding the flourishing of each one of us, the values that are actually motivating the conduct of most of the people in charge of the management of public affairs in Uganda today are *inequality, domination, and exploitation* – values that have inspired many of these public authorities to be unconcerned about the lot of the poor, and hence the persistence of the social injustices in our midst. The critical discourse carried out in this civic ethics education should therefore ultimately help to unveil the fact that most of the public institutions in the country are not really working to promote the public good but are simply avenues for extracting personal gain of the in-group exploiters together with their allies. And that these exploiters are well spread out in all the vital public institutions and are so loyal to each other that they are actually partners in sustaining social injustice – a partnership that does not only horizontally extend within the departments of central government ministries and in the local governments, but also spreading their tentacles to some areas in parliament, the police, and probably even in some offices in the judiciary and the office of the government ombudsman. With such a critical discovery the people shall come to know that the loyalty of the members of this partnership is so strong that their dirty hands are rarely exposed and often times when a few of them are detected by the public the institutional system soon afterwards declares them innocent and consequently thus the old boys/girls network remains untouchable and social injustices continue to thrive in the country.

Now, if the downtrodden came to develop an imaginative picture of what a socially just society ought to be like, recognized and internalized their personal and social rights (that are actually enshrined in their national constitution but are unfortunately hitherto unknown to them), and have critically examined the social institutional framework that is simply there to exploit them, then as political and moral actors they, (together with the few political elites that have long challenged despotic and exploitative modes of administration in Uganda), shall exercise their right as informed citizens to demand a just and fair system of governance. Civic ethics education needs, therefore, to be reckoned as one of the most civilized undertakings that can help Uganda cultivate a citizenry that is ethically and politically potent enough to neutralize the domestic colonialism that has persisted in the country since 1962 causing so many people to suffer under the weight of abject poverty largely because the given few who have always been in control of the state conspired to disproportionately appropriate in their favour the wealth and political power in the country.

## References

Dalfovo Albert. 1992. "Cultural Heritage and Contemporary Life: The Moral Continuum". In G.F. McLean (ed), *The Foundations of Social Life: Ugandan Philosophical Studies*. Washington D.C.: The Council for Research in Values and Philosophy, pp. 81-94.

Gil David. *Perspectives on Social Justice*.

<http://forumonpublicpolicy.com/spring09papers/archives09/gil.pdf>

- Gyekye Kwame. 1997. *Tradition and Modernity Philosophical Reflections on the African Experience*. New York Oxford University Press.
- Hellsten Sirkku K. 2010. "Leadership Ethics and Politics: The Problem of Dirty Hands in Political Economy of Africa." In A. B. Rukooko ed, *Seventh IDEA International Conference Proceedings on Ethics and International Development*. Kampala, LawAfrica Publishing U Ltd., pp. 347-369.
- Kanter Rosabeth Moss. 1972. *Communes Creating and Managing the Collective Life*. New York, Harper and Row.
- Khiddu-Makubuya.1991. "The Rule of Law and Human Rights in Uganda: The Missing Link". In H.B. Hansen and M. Twaddle (eds.). *Changing Uganda*. London: James Currey, pp. 217-223.
- Mamdani Mahmood. 1983. *Imperialism and Fascism in Uganda*. London: Heinemann.
- Mbazira Christopher. 2008. "Democracy and Good Governance: An Assessment of the Findings of Uganda's Country Report under the African Peer Review Mechanism". Human Rights and Peace Center, HURIPPEC Working Paper No. 19.
- Mudoola Dan. 1987. "The Problem of Institution Building: The Uganda Case". In P. Wiebe and C.P. Dodge. *Beyond Crisis*. Kansas: Multi-Business Press, pp. 55-64.
- Mwenda Andrew and Tangri Roger.2005. "Patronage Politics, Donor Reforms and Regime Consolidation". In *African Affairs*. Oxford University Press, 104/416, pp. 449-467.
- Nyerere Julius. 1998. "Good Governance for Africa". <http://72.14.207.104/search?q=cache:LeZd8412LZcJ:www.hartford-hwp.com/aarchives/3>
- O'Hear Anthony. 1985. *What Philosophy Is: An Introduction to Contemporary Philosophy*. London: Penguin Books.
- Rupert Emerson. 1968. "Colonialism: Political Aspects". In David Sills (ed.). *International Encyclopedia of the Social Sciences, Vol. 3*. New York: Macmillan Company and the Free Press, pp. 1-6.
- Wittfogel Karl. 1957. *Oriental Despotism: A Comparative Study of Total Power*. New York: Yale University Press.

# STRUCTURAL INJUSTICES AND THE ETHICS OF ENGENDERING POVERTY ERADICATION POLICIES IN UGANDA

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## Introduction

By 1992, 56% of the population of Uganda was found to be trapped in absolute poverty as evidenced by the first comparative data on poverty reduction. By 1998, approximately 44% of the population could not meet their basic needs, i.e. food, shelter, clothing, health and education. By 2000, this figure had dropped significantly to 35%. This reduction has been attributed to the improvement of the incomes of the poor due to the good economic performance of the country as well as the pro-active poverty reduction policies of the government. The most significant of these Policies are the Poverty Eradication Action Plan (PEAP) that was developed by government in 1997 and revised in 2002, and the PMA of 2000<sup>1</sup>.

The Poverty Eradication Action Plan (PEAP) represents the Government of Uganda's Comprehensive modernization or development framework. Under this plan, poverty eradication forms the fundamental objective of the government's development strategy. Uganda hopes to reduce the proportion of the population living in absolute poverty to below 10% by the year 2017. It was assumed by government that the least success achieved by development policies, such as the Poverty Eradication Action Plan (PEAP) and the Plan for the Modernization of Agriculture (PMA), had mainly been brought about by the total exclusion of the perspectives of the development beneficiaries at the level of policy formulation, analysis and implementation. This has lured both local and international development actors to caution government against ignoring the participation of the development beneficiaries and this fundamentally explains the overtures by government to review the PEAP<sup>2</sup>.

Uganda has been hailed as an economic shining example, success story and the "development darling" of Africa by many international donors<sup>3</sup>. Despite successes in certain sectors and the adoption of an official Poverty Eradication Action Plan (PEAP) sponsored by the World Bank (WB), the poorest of the poor in Uganda have not necessarily experienced 'poverty eradication'. Sustained growth in the country has averaged 7.8% since 2000, and official World Bank statistics say that as a result of this economic growth, poverty declined from 56% in 1992 to 31% in 2006<sup>4</sup>.

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<sup>1</sup> Plan For the Modernisation of Agriculture, 2000, p.2 &4

<sup>2</sup> Ibid, p.3

<sup>3</sup> David Craig and Douglas Porter. 2006. Development Beyond Neo-liberalism? Governance, Poverty Reduction and Political Economy. New York: Routledge, p.56

<sup>4</sup> World Bank. September 2008. Uganda: Country Brief. Development Results.

<http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/AFRICAEXT/UGANDAEXTN/0,,menuPK:374947~pagePK:141132~piPK:141107~theSitePK:374864,00.html>, accessed on 2-04-2012

## Gendered Poverty in Uganda

According to the African Forum and Net Work on Debt and Development (AFRODAD), "Uganda is listed by the UNDP and World Bank as one of the poorest and highly indebted countries in the world. 38% of its population lives on less than one dollar a day (2003), and 20% (or over 7 million people) are chronically poor"<sup>5</sup>. Women constitute the poor of the poor in Uganda because they are disadvantaged in terms education access, and income security. The limited opportunities available to women can be attributed to their low social status as compared to men. Women have generally been estranged from decision making, have a high work load, and more unfortunately, they lack not only access but also control over productive resources such as land. Although some women have been able to move into the public sphere, many have failed to escape from the poverty trap due to limited empowerment and more particularly the prevalence of the attitudinal stance that they are fated for the private sphere. Women in Uganda spend a lot of time in the private sphere, tilling land they do not control, caring for men, children, the elderly and sick.<sup>6</sup>

As far as agricultural production is concerned, women are involved in subsistence food production while the men are involved in more commercially lucrative activities like rearing of livestock, fishing and cash crop production. Patriarchal, intra-house relationships are very inimical to women emancipation from poverty. Despite the availability of income security in the household, the quality of life of the women and children has continued to be an emaciated one in many areas of Uganda. Unlike men, women have generally not actively participated in community decision making due to refusal by husbands, discrimination, little empowerment and lack of time. In situations where women head households, they have been able to lift themselves out of poverty to a large degree as compared to their married counterparts who are constrained by unequal power relations with in the household. However, in some cases, their assets such as land have been taken by male in-laws after the death of their husbands, a scenario that has rendered them very vulnerable to poverty<sup>7</sup>.

## Structural Injustices and Gendered Poverty Production

Structural injustices refer to social, political, economic and religious systems that situate individual moral agents on asymmetrical power relations. These systems determine who has and who has not. Who should be rich and who should be poor? Who should speak and who should be silent? Who is entitled and who is deprived? Who has rights and who has duties? Who is superior and who is inferior? Who is privileged and who is less privileged? Who is weak and who is powerful? Who is a man and who is a woman? Therefore it is these systems that ultimately situate the individuals' preferences, actions, deprivations, thought patterns, desires, fears, wants and needs. It must be born in mind that with the upsurge of globalization, individual moral agents in Uganda are operating in a nexus of both local and global structures of oppression and social exclusion. Thus when it comes to poverty eradication, individuals must be empowered to rise above these strictures of poverty production and reproduction.

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<sup>5</sup> AFRODAD Report. 2006. Macroeconomic Policy Options in Sub-Saharan Africa: Linking Poverty reduction Strategy papers (PRSPs) and the Millennium development Goals, The case of Uganda, p.1

<sup>6</sup> PMA 2000, p.9

<sup>7</sup> Ibid.

In his *magnum opus*, *A Theory of Justice*, John Rawls offers a thought experiment, the original position behind the veil of ignorance, where individuals are ignorant about their capacities and preferences, social position, etc. If set with the task to decide on principles for the distribution of rights, positions and resources in a future society behind the veil of ignorance, what principles would be chosen? In the future society, one may be man or woman and occupy any position once the veil is lifted. Thus, the individuals in the original position must consider society from the perspective of the worst-off members<sup>8</sup>.

However, the reality of structural injustices in society and the impossibility of de-linking the individual female moral agents who are cogs in a machine and whose thought patterns depict the expectations and preferences of society renders Rawls' thought experiment de-situated from the reality of social justice amidst the onslaught of social structures of oppression and social dominance. Structures of injustice are real and control the thinking, preferences, choices of individual moral agents such that any theory that aims at bracketing the reality of these structures is itself premised on an injustice.

It must be noted that the framers of poverty reduction policies in Uganda seem to have borrowed a leaf from the Rawlsian thought experiment. Despite the recognition of the poverty as an issue of social exclusion and powerlessness, they have clung to the conception of poverty as a case issue. Although social, political, economic and religious patriarchal structures in Uganda favour men as opposed to women, the Agricultural poverty policy in Uganda assumes that the integration of women in an already structurally disempowering development process will magically lift women out of the vicious cycle of poverty.

In his small mercies discussion, Amartya Sen, aptly situates the poor amidst unjust social structures. He opines that "A chronic underdog may become so used to her deprivation and so hopeless about it, that she may have an illusion of normality about her state of deprivation and she may also respond by cutting down her desires and by learning to take some small pleasures in very small mercies (which would have the effect of making the deprivations look less awful in the scale of utilities)"<sup>9</sup> According to Wamala Edward, "Sen sees the poor as seriously compromised, lacking as they do, the skills of hard bargaining because of their accustomed failure, something which predisposes them to making defeatist compromises with the harsh reality. His conclusion is that the result of this false consciousness is that acute inequalities often survive precisely by making allies out of the deprived. The underdog comes to accept the legitimacy of an unequal order and becomes an implicit accomplice. Amartya Sen's characterization of poverty helps us appreciate more clearly why the poor can hardly take on the role of champions of the fight for the right to be free from poverty"<sup>10</sup>.

John Kenneth Galbraith has made a very significant distinction between what he has called **case** and **insular (structural)** poverty. According to his insular or structural conception of poverty, some qualities peculiar to the individual or family involved such as mental deficiency, bad health, inability to adapt to the discipline of industrial life, excessive procreation, alcohol, insufficient education, or

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<sup>8</sup> Rawls John. 1999. *A Theory of Justice*. Harvard: Harvard University Press, p. 118

<sup>9</sup> Amartya Sen. 2006. "Reason Freedom and Well-being". *Utilitas*, vol.18, No.1, p. 87

<sup>10</sup> Wamala Edward. 2008. Poverty Discourse in Sub-Saharan Africa: Human Rights Issues at Stake, Paper Presented at Makerere University Department of Philosophy/ University of Zurich Center for Applied Ethics Summer School Seminar, Makerere University, p.2

perhaps a combination of several of these handicaps has kept these individuals from participating in the general well-being<sup>11</sup>. According to Wamala Edward, “contrasted to case poverty which clearly depends on individual characteristics and failures, insular poverty manifests itself as an ‘island’ of poverty. In the Island everyone or nearly everyone is poor. Here, evidently, it is not easy to explain matters by individual inadequacy. We may mark individuals down as intrinsically deficient; it is not proper or even wise so to characterize an entire community. For some reason the people of the island have been frustrated by their environment”<sup>12</sup>.

Severine Deneulin, Mathias Nebel and Nicholas Sagoysky opine that:

“Unjust structures, or structures of sin, were said to be rooted in personal wrongdoing: such acts of personal wrongdoing cumulatively build a structure which creates a “reality” in which it becomes difficult for human beings to amend or even see their personal wrongdoings. The structure comes to represent a reality which constrains individuals’ actions in ways over which they have no control, and often no insight<sup>13</sup>. When what is unjust is institutionalised, the danger is that the individuals who maintain these unjust structures will become blinded to the wrongdoing of their own actions. The sense of powerlessness (one could even speak of the sense of fatalism) with regard to what one can individually do to change such an unjust structure soon becomes indifference. The tragedy of structural injustice is that these structures are not amenable to correction by the exercise of an individual’s will – nor is the individual free to dissociate himself from these structures. The action of a single individual can, in the short term, do very little to change the situation. Human beings are born into unjust structures in which they seem to have no other option but to contribute to furthering the injustice. For the individuals who suffer from structural injustice, there is no escape; there are no good solutions. No unfettered possibility or course of action is open to them”<sup>14</sup>.

However Sabina Alkire, following Sen argues that:

“... unjust structures, such as those that produce endemic hunger in India, can be transformed if people join their efforts together. Victims can join with others in the society who are in solidarity with them, and raise an outcry against the situation. Those within the “unjust structures” may become responsive (whether in response to the outcry or because of their own moral markers) and organise transformation from within the “unjust structure.” While, in the short run, there may seem to be no other possibility except for the perpetrators to maintain unjust structures and the victims to suffer from them, in the long run, individual victims have the power to unite and overcome structural injustice”<sup>15</sup>.

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<sup>11</sup> Galbraith, John Kenneth. 1958. *The Affluent Society*. London: Hamilton, p.254

<sup>12</sup> Wamala Edward, *Opcit*.

<sup>13</sup> Severine Deneulin Mathias Nebel and Nicholas Sagoysky. (eds). 2006. *Transforming Un Just Structures: The Capability Approach*. Dordrecht: Springer, p.1

<sup>14</sup> *Ibid*.

<sup>15</sup> Sabina Alkire, *Structural Injustice and Democratic Practice: The trajectory in Sen’s Writings*, in Severine Deneulin Mathias Nebel and Nicholas Sagoysky. (eds).2006. *Transforming Un Just Structures: The Capability Approach*. Dordrecht: Springer, p.47

In her theory of adaptive preferences Martha Nussbaum argues that the persistent oppression of the poor through unjust social structures socializes the poor into thinking that oppression is a normal or even natural state of affairs. According to her, individuals in deprived circumstances form their preferences in response to their restricted options and thus the satisfaction of such 'deformed' choices does not contribute to wellbeing<sup>16</sup>. Therefore in order to assist women to overcome structures of oppression, there is a need to increase their agency towards resources and achievements.

Kabeer states that "agency in relation to empowerment implies not only actively exercising choice but doing this in ways which challenge power relations"<sup>17</sup>. Resources refer to the various material, human and social resources that are distributed throughout society and positively influence the individual's ability to make choices and "the terms on which people gain access to resources are as important in the process of empowerment as the resources themselves"<sup>18</sup>. Thus, resources and agency combine to invest people with the capabilities to live the lives they want to and "their achievements refer to the extent to which this potential is realized or fails to i.e., the outcomes of their efforts"<sup>19</sup>.

According to Koggel, "Agency is not enhanced by merely opening up a broader range of options from which people can choose, but it involves expanding the kinds of freedoms that are taken to make lives richer, fuller and more meaningful. ... In this fuller sense, agency is about having effective power to remove barriers; to use the abilities one has to make use of opportunities; and to participate in and have a say about economic, social and political institutions. These are components of as well as means for being able to change the circumstances that limit one's freedom both from the inside and from the outside"<sup>20</sup>.

## **Structural Injustices and the Ethics of Agricultural Policy in Uganda**

### **The Plan for the Modernization of Agriculture (PMA)**

The PMA is a holistic poverty eradication frame work that is enlightened by the PEAP. It is reflective of the adjustments in PEAP in terms of inclusion of multi-sectorial poverty reduction interventions and more particularly the consideration of the perspectives of the poor as the bench mark for sustainable poverty reduction. The PMA is also informed by the pillars of PEAP that include, but are not limited to, increasing the incomes of the poor, improving the standard of living of the poor, and good governance. The PMA states that there is no way of lifting the poor out of the poverty menace without the modernisation of the subsistence production, which the majority of the poor practice. It

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<sup>16</sup> Nussbaum, Martha. 2001. "Adaptive Preferences and Women's Options." *Economics and Philosophy*. Vol. 17, p.67–88

<sup>17</sup> Kabeer, Naila. 2003. *Gender Mainstreaming in Poverty Eradication and the Millennium Development Goals: A Handbook for Policy Makers and Other Stakeholders*. Commonwealth Secretariat: International Development Research Centre/CIDA, p.2

<sup>18</sup> Ibid.

<sup>19</sup> Ibid.

<sup>20</sup> Koggel, Christine. 2006. *A Critical Perspective on Measuring Empowerment: The Role of the World Bank and Economic Globalization*. For the Panel, "Examining the World Bank's *Measuring Empowerment*," at the 2006 International Conference of the Human Development and Capability Association, Groningen, Netherlands, 29 August–1 September 2006, p.2

is assumed that this will not only increase farm productivity, but also raise a surplus which the poor can sell at the market in order to have guaranteed income security<sup>21</sup>.

The PMA is premised on the argument that since 85% of Ugandans depend on agriculture, it is imperative to transform the agricultural sector through the modernization of the natural, physical, financial, human and social capital assets of the farmers. It is assumed that this will save the farmers from the poverty menace. The policy also reiterates that although Uganda has subsistence, semi-commercial and commercial farmers, the subsistence category constitutes 70% of the entire farming community that is trapped in a rudimentary agricultural production that is largely responsible for their lack of food security and income security<sup>22</sup>. The thinking explicit in Uganda's poverty policy that one can lift individual moral agents out poverty within the same structures of injustice is a very serious contradiction. According to Charles Gore, "Poverty can today no longer be regarded as *residual* state of affairs, a mere heritage of the past which will disappear with economic progress and growth... it can no longer be regarded as merely an absence or insufficiency of financial resources affecting individuals. On the contrary, we must acknowledge the structural character of poverty"<sup>23</sup>.

## The PMA: WID or GAD Framework

The modernisation of the subsistence farmer in the PMA is premised on the recognition that "over 85 per cent of Uganda's population live in rural areas where agriculture is the major contributor to their livelihoods"<sup>24</sup>. Therefore the policy envisages that the modernisation of agriculture will "increase incomes and improve the quality of life of poor subsistence farmers, improve household food security, promote gainful employment, and promote sustainable use and management of natural resources"<sup>25</sup>. Despite the fact that the PMA purports to ensure that "all intervention programmes are gender focused and gender responsive"<sup>26</sup>, one of the fundamental loopholes of the PMA modernisation paradigm is the lumping of the poor into a single category without taking cognizance of the fact that the poor experience an intersectionality of oppression based on gender among other factors such as social status, age, disability, and tribe. According to a report by the Social Protection Task Force:

The complex relationships between gender, poverty and vulnerability are further convoluted by factors such as ethnicity, class and age. The vulnerability of women is caused by the societal norms that deny them the right to decision making as well the right to access and control productive resources like their male counterparts. Therefore since the process through which individual persons become poor is differentiated by gender among other vulnerabilities, great caution should be taken not to treat women or groups of women as categories with homogenous needs<sup>27</sup>.

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<sup>21</sup> PMA 2000, p.vii

<sup>22</sup> Ibid, p.vii, p.viii &p.30

<sup>23</sup> Gabriele Köhler, Charles Gore, Utz-Peter Reich, and Thomas Ziesemer. (ed). 1996. Questioning Development: Essay on the policies and practices of development interventions. Verlag: Marburg, p.105

<sup>24</sup> Ibid., paragraph 2

<sup>25</sup> ibid., Paragraph 3

<sup>26</sup> ibid., p.vii, paragraph 5

<sup>27</sup> Institute of Development Studies, UK, Social protection in Uganda, Analysis of Vulnerability in Uganda, Chapter 3, Phase1 report, October 2002, p.21



Therefore the treatment of women as a group with homogenous needs by the Plan for the Modernization of Agriculture is a major setback to the policy as far as effective poverty eradication is concerned. Women in Uganda not only suffer gender discrimination but are also situated in vulnerabilities such as disability and age and therefore the modernization initiatives in the PMA should not ignore the entire vulnerability scenario of both women and men.

According to Martha Nussbaum, "... the capabilities or functioning approach to development considers people one by one. For instance it does not lump individuals into families and ignore the unequal distribution of power within families"<sup>28</sup>. She therefore urges social planners to "... aim at maximizing the satisfaction of preferences that individuals have before policies are applied to them"<sup>29</sup>. The PMA's income perspective of poverty ignores the gender imbalances that have been perpetuated in Uganda as a result of denying women the right to access and control land and other productive resources. It must be noted that the modernization of the agricultural sector should not be an end in itself but rather a means to an end that is to say; improving the wellbeing of women and men so that they can be and do. A study by the Ministry of Finance reveals that:

Several categories of women in Uganda are vulnerable because of asymmetrical power relations in the households that have resulted into unequal access to and control over productive assets (physical and financial capital). Women have little influence over house hold income, lack education and skills, are often exploited by middle men, marginalized by the labour market, have low participation in decision-making processes, and are adversely affected by the patriarchal system of inheritance that deprives them of the household assets and leaves widows without homes and land. Vulnerable women include: widows with large numbers of children, women who are cohabiting, unmarried pregnant women, women in abusive marriages, women with disabilities, women with HIV/AIDS, and sex workers.<sup>30</sup>

Therefore a fundamentally homogenous analysis in the Plan for the Modernization of Agriculture as opposed to an engendered intersectional one will at best lift a few poor males out of poverty and at worst, perpetuate the poverty inequality trap under which vulnerable groups such as widows, orphans, married and cohabiting females, women and men with disability are trapped.

## **Engendering the Market**

The PMA claims that "improving the welfare of poor subsistence farmers will require that they orient their production towards the market"<sup>31</sup>. This premise is based on the faulty assumption that the market is fair and just to both women and men. On the contrary, the market is an arena for power and control. It is characterized by male dominance and female subordination. Stephen Devereux and Rachel Sabates-Wheeler reiterate that:

Women are unable to participate fully in agricultural activities, particularly market-oriented activity, and are frequently unable to plant trees or income generating crops

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<sup>28</sup> Martha C. Nussbaum. 2000. *Sex and Social Justice*. Oxford: Oxford University Press, p. 34

<sup>29</sup> *ibid.*

<sup>30</sup> Stephen Devereux and Rachel Sabates-Wheeler. 2003. *SOCIAL PROTECTION IN UGANDA; Facilitating the Process of Mainstreaming Social Protection into the PEAP. Phase II Report: A Vulnerability Issues Paper*, p.17

<sup>31</sup> PMA 2000, p.vi, paragraph, 4

and do not share in the income generated from such crops. The security of tenure provided to women, the poor and vulnerable not only affects their ability to engage in livelihood-promoting economic activity, but also their social and economic status and often their collective identity; their access to public services, the incentive to make investments and use resources sustainably, and their ability to self-ensure and/or access financial markets as well as diversifying their incomes.<sup>32</sup>

The PMA lacks concrete steps that are geared at ensuring that women and men equally assess local, regional and international markets. The fact that women are the least educated in Uganda, implies that they are the most ill prepared to engage in efficient and effective investment planning in terms of book keeping, undertaking market studies and bargaining at the market. Therefore the need for women's empowerment to access the male dominated market cannot be overemphasized. Despite the constant mention of women's subordination, the Plan for the Modernization of agriculture is virtually silent on the fact that many women have been denied entry into the market altogether. It is therefore self-defeating to direct women's production towards the market without a guarantee of their trade based, own labour based, production based, inheritance and transfer based entitlements.<sup>33</sup>

## **Beyond Economic Growth: The Challenge of the Trickle Down Theory in the PMA**

The PMA purports to accelerate agricultural growth by introducing technological change through the agricultural sector and it is hoped that this will raise the incomes of the poor including those in urban areas who are not direct producers of food but spend more than 60 percent of their incomes on food purchases. The policy envisages that technology change will stimulate industrialization and also lower per unit costs of agricultural production, thereby increasing Uganda's agricultural competitiveness on international markets. It is hypothesized that the growth of agriculture will trickle down to other parts of the rural areas.<sup>34</sup> According to Vandana and Potter "... economic growth is a necessary, but not sufficient condition for development. Without redistribution of income and wealth, inequalities are not going to be reduced, and there is mounting evidence that it is inequalities that hurt. Thus, development must be regarded as synonymous with enhancing human rights and welfare, so that self-esteem, self-respect and improving entitlements become central concerns"<sup>35</sup>. It must be noted that the majority of women in Uganda participate in the informal sector for example in subsistence agricultural production which is not captured by the economic growth matrix. So, the trickling down of agricultural growth does not necessarily mean engendered distribution of agricultural growth. Tamale argues that:

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<sup>32</sup> Stephen Devereux and Rachel Sabates-Wheeler. *Opcit.* p.34

<sup>33</sup> (i) Trade Based Entitlements: one has a right to own what one obtains by trading with a party or parties. (ii) Production based entitlements: one has a right to own what one gets as a result of producing using one's resources. (iii) Own labour entitlements: one is entitled to own labour power and hence trade and production entitlements depend on one's labour. (iv) Inheritance or transfer entitlements: one has a right to own what one is willingly given by another possibly after the death of the giver. Amartya Sen. 1982. *Poverty and famines: An Essay on Entitlements and Deprivation.* Oxford: Clarendon Press, p.2

<sup>34</sup> PMA 2000, p.vii, para.6 & 7

<sup>35</sup> Vandana Desai and Robert B. Potter. (ed). 2002. *The Companion to development Studies.* London: Arnold, p.2

there is a wide disparity between government conception of poverty and that of grassroots women. The grassroots women's view of poverty is broader than the narrow focus supplied by the Ministry of Finance, Planning and Economic Development (MFPED). While the latter views poverty through the narrow lens of per capita expenditure, grassroots women link it to disempowerment, vulnerability, lack of resources and oppression. It is clear that that the fundamental problematic of the government's characterization of Poverty is the disregard of gender implications. For instance, the poverty line assessment based on household expenditures, without analysis of the intra-household inequalities differences in access to income. The PEAP prescriptions do not aim to dismantle the underlying structural causes poverty and the build up of a strong and sustainable social-economic base for lifting the country out of underdevelopment. Instead the plan seeks merely to 'adjust poverty' within existing conditions. The best that PEAP can do is widen the gap between the upper/middle class and the peasant working class of Uganda.<sup>36</sup>

Therefore the strong marketisation and privatization focus in both the PEAP and PMA runs a risk of trampling on the capabilities of poor female and male subsistence farmers at the expense of economic growth. The implementation of the Plan for the Modernization of Agriculture must at the end of the day grapple with the fundamental question that is to say; has marketisation driven economic growth empowered both men and women to be and to do in accord with their choices or has it culminated into the accumulation of material capabilities that are monopolized by a few?

## **The Private Sector as a Fulcrum Agricultural Modernization**

The PMA is bereft with a fundamental contradiction; on one hand it purports to empower local authorities to be at the forefront of decision making on agricultural issues but at the same time it argues that government will relinquish responsibilities such as supplying and producing planting materials, provision of credit to farmers, provision of subsidies to the private sector.<sup>37</sup> The fact that the private sector is motivated by competition and profit maximization makes one question, whether the profit maximization rules of the private sector will not at best disempower and *vulnerablelize* poor women who are disadvantaged in terms of education, land control and access and credit access. Government is supposed to be accountable to the people who vote leaders into power, but the private sector is not necessarily accountable to the people. Isn't it obvious that giving the private sector the discretion to control the provision of credit and subsidies will consequently push poor and in particular poor rural women to the bottom on the poverty ladder? It must be noted that even the PMA recognizes the dangers of agricultural globalization as exemplified by the following:

The WTO Agreement on Agriculture (AOA) and the Trade Related Aspects of Intellectual Property Rights (TRIPS) have significant implication to our capacity to access global markets and to benefit from the impact of globalisation of world trade. Uganda has to build the requisite capacity to understand, interpret and negotiate

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<sup>36</sup> Sylvia Tamale, *Between a Rock and a Hard Place: Women's Self Mobilization to Overcome Poverty in Uganda*, in Sheila Rowbotham and Stephanie Linkogle. (ed). 2001. *Women Resist Globalization, Mobilizing for Livelihood and Rights*. London: Zed Books, p.71–72

<sup>37</sup> PMA, 2000, viii & x, Para.13 & 18

appropriate trade policies and create incentives for Ugandans to maximise the benefits and minimise the losses that might arise from the globalisation.<sup>38</sup>

Governments in Europe and USA are spending billions of dollars subsidizing their farmers and there has been a lot of fury and mistrust.<sup>39</sup> According to Debi Barker:

The Agreement on Agriculture (AOA) is fundamentally incompatible with the sustained existence of rural farm communities. It requires that countries stop subsidizing their rural communities, and open their economies to industrialized, corporate farming practices. Simultaneously, it allows for the mass subsidization of multinational corporate farms, mainly in the U.S. and European Union, through billions of dollars in “hidden” subsidies such as those for exports. The European Union and the U.S. are committed to the preservation of their subsidies and their protections for domestic farmers, while the developing countries are committed to seeing these powerful nations adhere to the commitments they have already made at the WTO. At this point, it is no wonder that the talks have always ended in a stalemate.<sup>40</sup>

The subsidization of farmers in the West by governments as opposed to the current lack of subsidies for farmers in Uganda from the private sector implies that there is overproduction in the West which leads to dumping of cheap agricultural produce in Third World countries like Uganda. This deprives the poor farmers in Uganda of income because their unsubsidized and therefore expensive agricultural products will automatically be out competed by the cheap Western agricultural goods. Bill Early, the Founder of Global Envision, also argues that:

U.S. agricultural subsidies that make it difficult for farmers in developing countries to eke out a living on the margins well below the poverty line need to be modified. The cry from the developing countries for reduction of farm subsidies in the U.S., Europe, and Japan was the reason for the discouraging collapse of the Doha Round of trade talks in Cancun (Sept. 2003). Unless subsidies end, progress towards further liberalization of world trade in the near term is in severe jeopardy. Although this outcome will injure the rich trading nations, it will be the world’s poor who suffer most.<sup>41</sup>

During his speech to the UN in 2003, President Museveni lambasted the double standards on subsidies as follows:

Will the new phase of globalization be less parasitic and more symbiotic or not? The most unfavourable exogenous factor is lack of access to markets in North America, EU, Japan, China, India and Russia. TRADE, the song about Aid is meaningless without access to markets. All protectionism, especially in the OECD countries, must end.

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<sup>38</sup> PMA, 2000, p.xii, para.28

<sup>39</sup> Oxfam. 2002. How EU Agricultural Subsidies are damaging Livelihoods in the developing world. Oxfam Briefing paper 31, p.1

<sup>40</sup> Debi Barker.2003. WTO Agreement on Agriculture: Threat to Food Security and sustainability. International forum on Globalization, p.1

<sup>41</sup> Bill Early.2004. Change Agricultural Subsidies to Provide Opportunity for the World’s Poor. Global Envision News Letter, p.1

Subsidies to farmers of Europe must end if we are talking of a "global village" of symbiosis and not parasitism. The OECD countries are spending US\$ 361 billion subsidizing artificial farmers of these countries. Yet these are the countries that evangelize in the name of free trade!! What a paradox that is quite unfortunate. Whenever I travel abroad, I pack my own Ugandan foods (milk, millet-flour, fruits, legumes, chicken, honey and plantain bananas (matooke). The other day my pineapple stocks ran out and my staff bought pineapples from a supermarket in UK. I just took one slice and terminated the whole exercise at once. First of all, the pineapple is hard; it is less sweet; and has got an ammonia like pungent taste. I had had the same experience in Washington. Why must the citizens of the world endure these deprivations on account of policies designed to serve narrow interests? I will not eat pineapple again until I go back to Uganda.<sup>42</sup>

One wonders how the agricultural products of a rural Uganda woman unsubsidized farmer can equally compete with the ones of the subsidized rich farmers in USA and Europe. It must be noted that the Plan for the Modernization of Agriculture purports to improve the agricultural productivity of rural farmers through the promotion of research (Agricultural research centres (ARDCs) will be strategically located across the country) and technological development. The government, according to this policy framework, will not be directly involved in production, processing and marketing of agricultural products as this service will be undertaken by the private sector, but will concentrate on putting in place policies and regulatory frameworks to facilitate this process.<sup>43</sup>

It is, however, evident that poor rural farmers depend on organic seeds which they provide for themselves out the produce of each season. The introduction of agricultural technology in Uganda has had a tendency to promote genetically modified crop and animal varieties, instead of providing technology that improves organic seeds that farmers are used to without necessarily changing their genetics and without forcing the poor farmers to depend on genetically modified seed that they have to purchase every planting season from private providers.

Margaret Muhanga, a former Member of Parliament for Kabarole District further explicates the problem of genetically modified varieties in her constituency as follows:

Recently, I toured my constituency trying to learn how people earn a living, especially those in peri-urban centres with small land holdings. I realised that there is a new Matooke (banana) breed locally known as 'Fear' which is a liability to the farmers. It yields a very big bunch, looks healthy but is not tasty. People have realised that its market is limited because no-one wants it for any purpose, whether food or juice. The indigenous bananas are highly marketable, taste nice, conserve our soils, need no fertilisers, and so are the rest of our indigenous crops. A colleague of mine calls the PMA a 'plan for malicing of agriculture'. He argues that African indigenous plants are tastier, grow wild, need no fertilisers, do not pollute the environment, and can multiply and preserve the quality of our soils. With the Genetically Modified Organisms (GMOs), poor people are going to live like slaves. They will have to depend

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<sup>42</sup> President Museveni's Speech at the UN(2003-07-28), available on <http://www.statehouse.go.ug/news.detail.php?newsId=41&category=Major%20Speeches>, retrieved on 15<sup>th</sup> July, 2012

<sup>43</sup> PMA 2000,p. x &xi, p. 22 &26

on Western rich countries for fertilisers and seeds, hence increasing the dependency syndrome. This is partly because some of the GMOs have no seeds and in order to multiply them, one has to depend on imported seeds that are very expensive for a local farmer.<sup>44</sup>

Therefore the dependency syndrome created by the reliance on genetically modified seeds will surely adversely affect women who lack an income because of their apparent and historical enslavement to the private household sphere as beasts of burden. It must be noted that women restricted to such a private sphere depend on an organic preserved seed heritage and therefore seed commercialization will at best condemn them to starvation and worst lead them to sell their bodies in order to get an income for survival.

## **Gender and Micro Financing**

The PMA is premised on the recognition that rural financial services are important in saving mobilization and in the provision of production and marketing credit for subsistence farmers. However, the policy reiterates that:

Government should not become involved in the direct provision of micro-financial services to the public, because government does not have the necessary expertise in this field and does not have the financial resources to develop the industry. Moreover, Government provided financial services, especially credit services, are inevitably subject to non-commercial pressures which undermine their viability and sustainability. The role of the government will primarily be to put in place a policy and regulatory framework in which the private sector providers of micro financial services can thrive, in which the industry as a whole can develop and which ensures that appropriate protection for the public. It is important government does not impose economic regulations, such as controls over interest rates on micro-finance institutions. World-wide experience has demonstrated that to be successful, Micro-Finance institutions (MFIs) must be free to set their own interest rates, so that they can charge their borrowers interest rates which cover the cost of funds, the administrative cost of lending and the risk involved in lending. World wide experience shows that it is the availability of capital, and not its cost which is the key constraint to micro enterprises.<sup>45</sup>

Rural farmers including women require security in order to access credit from micro finance institutions. The basic security of poor farmers is land which unfortunately is coupled with a discriminatory tenure system that favours poor male farmers as opposed to their female farmers. Apparently the interest rates of microfinance institutions in Uganda is estimated to be between 18–100<sup>46</sup> a figure which is higher than the ones offered by Commercial Banks in Uganda, whose rates are

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<sup>44</sup> Margaret Muhanga, Only Indigenous Crops can end Poverty, article published in the New vision, Tuesday, 24th October, 2006

<sup>45</sup> PMA 2000, p. xi, para.24 &25

<sup>46</sup> Govt. to limit MFIs Lending rates, The New Vision, Tuesday, 8<sup>th</sup> October, 2006. also see MFIs want money lenders regulated, The New Vision, Tuesday, 12<sup>th</sup> September, 2006

between 16–20%.<sup>47</sup> Because the majority of the poor is illiterate and therefore lacks information on micro financing and its implications, many have acquired loans from microfinance institutions, failed to pay and as a result their properties have been confiscated. A local newspaper reported that the Boda Boda cyclists (these carry people around for a small fee, they consist of mainly male school drops outs) complained to a presidential assistant Moses Byaruhanga about microfinance institutions. Below is an English translation of the article of this issue which appeared in a government local newspaper:

Boda Boda cyclists in Mukono have requested president Museveni to rescue them from microfinance institutions that demand high interest rates from them, and confiscate their property in case of failure to pay, something that pushes them deeper into poverty. They said these institutions do not tell them the truth when they are educating them about access to credit. The institutions tell them that they have to pay low interest rates, but after giving them the credit, they impose other conditions that make it impossible to pay. Moses Byaruhanga advised those who want to access credit to go to Post Bank because it charges lower interest rates. He also told them that the government programme, Bonna Bagaggawale (wealth for all) is about to start and this will solve all the problems.<sup>48</sup>

The above article is indicative of the vulnerable position of the poor amidst the onslaught of microfinance institutions. If poor men are vulnerable to misinformation from microfinance institutions how about the poor rural women who experience double or even triple discrimination in Uganda. The above article also divulges that the poor take government to be more accountable to them than microfinance institutions. Therefore it is not enough for government to put in place policy and regulatory frameworks for microfinance institutions, it should in addition monitor to ensure that the policies and frameworks put in place are not violated by the microfinance organizations. There must also be clear sanctions against the violations of the policy frameworks by microfinance institutions. In order to protect the most vulnerable such as illiterate and semi-illiterate poor women and men, government ought to liaise with a third party without conflict of interest to assist in the sensitization of the poor folks about credit access and management. This is viable because the PMA categorically stipulates that “Local NGOs, CBOs, and civil society will also be in the PMA implementation because many of them are in touch with farmers in rural communities and have developed a strong relationship with them.”<sup>49</sup>

The Plan for the Modernisation of Agriculture, just like its counterpart the Poverty Eradication Action Plan, is simply integrating women in policy instead of solving the structural power relations that constrain women from escaping the vicious circle of powerlessness and agency suffocation. Therefore, it is sound to deduce that although the Plan for the Modernisation of Agriculture echoes the fundamentality of gender equality in all poverty interventions, it is virtually silent on the gender implications of the modernisation discourse on women historically enslaved in the private sphere.

The policy purports to open the private sphere to both the male and female farmers but lacks concrete gender equality and equity interventions geared at ensuring that agriculture modernisation

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<sup>47</sup> Bank of Uganda, Commercial banks Interest rates and Minimum balances as per February 16<sup>th</sup>, 2007, available on, [http://www.bou.or.ug/BanksInterest\\_160207.pdf](http://www.bou.or.ug/BanksInterest_160207.pdf), retrieved on 15<sup>th</sup> April 2012

<sup>48</sup> They have made us Poor(translation mine), Bukedde, Tuesday, 13th February, 2007

<sup>49</sup> PMA 2000, p.x, paragraph 20

does not tantamount into gender 'apartheid'. Based on the current form of the Plan for the modernisation Agriculture, it is evident that the policy is bereft with fundamental setbacks that will provide Uganda with an esoteric, deceptive material modernisation in terms physical infrastructural developments such as industries, supermarkets, trains, five star hotels etc, and an exoteric mass of individuals merely transferred from the private sphere to *gender concentration camps* of deprivation, where they are unable to be or do.

## **White Washing Gender Patrimony: The PMA and the Circumvention of Patriarchy**

The PMA 'boasts' of uniqueness because its preparation benefited from the results of the Uganda Participatory Poverty Assessment Project (UPPAP) that echoed the views of the poor as regards the nature, cause and dimension of their poverty, and which allegedly incorporates gender-focused strategies for poverty reduction. In addition, it claims to be based on an extensive consensus building and consultations involving all the key stakeholders in order to create a shared vision for the transformation of the livelihoods of subsistence farmers.<sup>50</sup> The policy sarcastically recognises that:

It is possible that women have not benefited as much as men from the decreases in absolute poverty noted in recent years. First women do not have as many opportunities for social and economic development in the Ugandan society, particularly in rural areas. Second, the division of labour in Agriculture is complex, varying with season and ethnic group. Therefore, while women may partake in decision making, they have little control of the resources or income realised from the sales. Third, food production is the domain of women whereas men in general concentrate on livestock and cash crops, which have a higher potential for income generation. Fourth, the increasing work load of women in cultivating cash crops and the subsequently reduced cultivation and variety of house hold food crops may in some cases result in decreasing the welfare of the family although household incomes have increased.<sup>51</sup>

Thus, the PMA's implicit recognition of the gendered nature of poverty appears appealing however, a close scrutiny of the framework strongly suggests that gender issues are given lip or pen service, and few concrete steps in the policy framework are devised to curtail the fundamental problem. Why is patriarchy, an obvious obstacle to modernisation, not explicitly mentioned in the framework, and why are patriarchal ideologies and institutions such as monarchies and chiefdoms not mentioned as obstacles to the engendered realisation of poverty reduction? It is disparaging for the PMA framework to stipulate that the poor people defined poverty not only as the lack of income but also in terms of the lack of means to satisfy basic, social needs, as well as a feeling of powerlessness to break out of the cycle of poverty and insecurity of person and property<sup>52</sup>, yet substantially the framework aims at lifting the poor from income poverty instead of the poverty of powerlessness and lack of agency (structural Poverty).

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<sup>50</sup> PMA 2000, p.2, para.1

<sup>51</sup> *ibid.*, p.3, para.3

<sup>52</sup> *ibid.*, p.2. para.3



This lacuna in Plan for the Modernisation of Agriculture policy frame work is further exemplified by the fact that the Plan for the Modernisation of Agriculture and the PEAP on which it is enlightened disguises as ambitious poverty eradication tools in theory yet in practice it aims at reducing poverty. The PMA is premised on a grandiose target of modernising and commercialising agriculture so as to re-orient the poor rural farmers towards producing for the market<sup>53</sup>. However one wonders how viable such a grandiose strategy is in a situation where the majority of the women lack basic productive capabilities such as land. Allegorically speaking, what is the use of purporting to solve the problem of ignorance in society by advising folks who lack even basic education to register for PhD degrees?

## **The Conspiracy of Silence on Patriarchal Poverty Production**

The PMA as a crucial part of government Poverty Eradication Action Plan (PEAP) seeks to lift the poor subsistence farmers out of the web of poverty by putting in place interventions to increase productivity of factors of production such as land, to ensure food security, to create gainful employment, to increase incomes and to improve the quality of life of those engaged in agricultural production.<sup>54</sup> This shows how the goals of the PMA fall short of a thorough and painstaking gender analysis. There is no doubt that Uganda has experienced improved economic growth over the past decades and the incomes have improved as a result, there is no doubt that the implementation of the PMA will lead to improved food security and productivity of the factors of production such as land. Fundamental gender questions still haunt the PMA analysis, such as; Which Poor will benefit? Which poor will be disadvantaged? We ought to ask ourselves a question; of what benefit is increased land productivity to poor rural women, who are denied the right to access and control land as a productive resource because of the prevailing patriarchal land usufruct system. Musinguzi (Director of Population Secretariat, Uganda) argues that:

Men in Uganda usually control more of the income from cash crops than women, and concern is widely expressed that men will therefore gain more from the commercialization of small scale agriculture. (In some cases) men also control the use of subsistence crops; for instance in some parts of Uganda a woman will consult her husband before cutting *matooke* for the evening meal). In the worst cases, women may even lose, because they find themselves having to work longer hours and actually controlling less income. In fact, there is some evidence that in several parts of Africa, households are already losing potential income because commercial crops are more profitable for the house hold but women have less incentive to work on them. It is therefore important to take active measures to ensure that women benefit from the increased economic activities the growth presents at the house hold.<sup>55</sup>

Therefore, without a clear commitment to critically review the issue of patriarchy, the PMA just like the PEAP on which it is enlightened is bereft of thorough gender responsive poverty interventions.

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<sup>53</sup> Ibid., p.3, para.4

<sup>54</sup> PMA 2000, p.1, para.1

<sup>55</sup> Jotham Musinguzi. 2002. Issues paper for Pillar 2 of the PEAP revision: Promoting Good Governance and Security. Ministry of Finance Planning and Economic Development, p.9

While analysing patriarchy in the pre-colonial, colonial and post-colonial eras Sylvia Tamale reiterates that:

The cultural and gendered relations in most of Ugandan societies during the pre-colonial era offered to women some degree of autonomy and allowed them to indirectly or informally participate in the decision-making processes of the societies. Ugandan women, like elsewhere in Africa, were never confined to the private/domestic sector. Rather, their lives were also shaped by their participation in the economic and political-judicial spheres. However, with the advent of colonialism, clear policies and structures were put in place that removed such limited autonomy and alienated them from decision-making, thereby entrenching their total subordination to men. Such policies and structures that continue to haunt the country up to today, were mainly reflected in the law (customary, common and statutory), the economy, religion, politics and the education systems.<sup>56</sup>

It is thus anachronistic for the Plan for the Modernization of Agriculture to simply put a commitment to gender responsive poverty reduction on paper without clear interventions to check the onslaught of patriarchy, which is actually the foundation of women's persistence in poverty.

## **Traditionalism and Patriarchal Land Tenure Relations**

After accessing power in 1986, the National Resistance Movement (NRM) restored patriarchal monarchies and chiefdoms beginning with the Kingdom of Buganda. Although article 246 of the 1995 constitution of the republic of Uganda categorically states that that cultural rulers are ceremonial, powerful monarchies like the kingdom of Buganda continue to demand for a federal status<sup>57</sup> and are currently engaging with government for a return of 'ebyaffe' (our things) crucial of which are land and the political power of the patriarchal monarchy. In fact the government has already handed over many properties of traditional authorities. The monarchy has also demonstrated a clear commitment to the return to discriminatory traditionalism. For example:

In 1999, feminist and gender activists successfully blocked the 'mock marriage' between the Kabaka of Buganda and the 14 year old virgin (Sarah Nakku) who had been chosen to be the ceremonial wife of the already betrothed 44 year old traditional monarch. Nakku was to become a symbolic wife of the Kabaka whom the Kabaka marries to perform certain cultural rituals. He is not supposed to sleep with her, neither is she supposed to sleep with another man for the rest of her life. In most cases she is confined to the palace and isolated in many aspects, like even having to eat her food alone, though occasionally she graces the royal functions.<sup>58</sup>

Despite the women's protest against the mock marriage, the then Katikiro (prime minister) of Buganda was adamant that the Nakku custom should be continued especially at a time when the kingdom of Buganda was trying to establish itself as a viable institution. The prime minister wondered why women groups do not protest the taking of young catholic boys and girls to become

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<sup>56</sup> Sylvia Tamale, Gender and Affirmative action in Post-1995 Uganda: A New Dispensation, or Business as Usual, in Oloka-Onyango Joe. (ed). 2001. Constitutionalism in Africa, Creating Opportunities, Facing Challenges. Kampala: Fountain Publishers, p.21

<sup>57</sup> Rukooko, Archangel Byaruhanga. 2003. Buganda's Quest for Self Determination: Possibilities and Challenges to the Universal Interpretation of human rights. Kampala: Center for Basic Research, P.6

<sup>58</sup> Uganda sacrificed for the king, Inter-church coalition for Africa, Gender and women rights news, June 2001

nuns and priests before they were adults.<sup>59</sup> This case clearly demonstrates that without clear interventions to check patriarchal customs that not only demean the person of women but also perpetuate their poverty, there is a high risk for backlashes founded on traditional cultural institutions and hegemonic masculinity as an ideology. The abandonment of the *Nakku tradition* (thesis) by the kingdom of Buganda because of the protest by gender activists is indicative of how a new synthesis can be created as a result of challenging the status quo. As Fanon and Hegel point out, freedom or liberation must start from the mind or consciousness.

## Lingering Patriarchal Mentalities and Attitudinal Stances

A focus group discussion carried out by Action Aid International Uganda in Kapchorwa district in 2001 reveals how patriarchy is deeply entrenched in the minds of rural folks in Uganda. The Men in the study reiterated that:

Women should not own land. Women do not own their children so how do they own land? The reason why women do not own land is because God created man first and later created woman out of the man's rib. How can women own land? The woman sinned first, so she has to bear more problems. Women are weak in the head and may take wrong decisions in relation to land. Men are superior to women and women have an inferiority complex. A man owns the woman as his property. Women do not want land because they know that land is for the boys and it is not a problem that women do not own land. Land is for the clan. The woman is just there 'hanging', she belongs to no clan. One man in particular said that he couldn't give land to his daughter, "Why should I give land to someone who is in transit?"<sup>60</sup>

Another case from Action Aid International Uganda and Uganda Land Alliance's study of women's land rights in 2001 is illustrative of the situatedness of women poverty amidst hegemonic masculinity. One of the females in the study revealed the following:

Mary Agote a 30 year old wife of Akia Akospheri from Agodi village, Kachango parish, Gogonya sub county said that she had a peaceful relationship with her husband until he decided to bring another wife into the house. She also reiterated that the husband started to abscond from his responsibility of providing basic needs such as soap to her because of the co-wife. Mary points out that at one time her co-wife accused her of bewitching her, the husband sided with the co-wife and as a result he beat Mary until he bled. As a result of the beating Mary was hospitalised. Her husband refused to pay for her medical bills until he was forced to do so by the sub-county probation officer. Mary was chased out the home by her husband after this nasty incident. Worse still, Agodi wants Mary's father to pay for the five heads of cattle he paid as bride price for Mary. Mary was chased off the land whose purchase she contributed to, she was even refused to see her children and her children were always beaten whenever she paid them a visit. Although she reported the case to the District

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<sup>59</sup> Ali Mari Tripp, *The Politics of Women's Rights and Cultural Diversity in Uganda*, in Tripp Ali Mari. 2000. *Women and Politics in Uganda*. Oxford: James Currey, p.434

<sup>60</sup> Quoted from Mary Sonko Nabacwa, *Working in gender and Development in the Uganda Context*, Paper delivered to the students of gender and development policy, University of Wales, Swansea, School of Social Sciences and international Development, 4<sup>th</sup> December 2002, p.6

probation officer, the officer did nothing because he and Mary's husband are former school mates.<sup>61</sup>

Therefore, the issue of patriarchy in Uganda is a very serious issue that cannot be pushed under the carpet because it has an impact of the engendered livelihoods of poor women and men. One of the major obstacles to an equitable land tenure system is the resistance of the kingdom of Buganda among other patriarchal kingdoms and chiefdoms.

## **The Ugandan Constitution and the Negation of Patriarchy**

Article 33(6) of the 1995 Uganda constitution protects the right of women to equal treatment with men, which includes equal opportunities in the political, economic and social aspects of life. It also declares customs, cultures and traditions that violate the person of women null and void (unconstitutional). More so, article 32 exclusively guarantees the right of women to affirmative action, in addition to providing for the establishment of the equal opportunities commission to enable the women to realize their full potential. In addition to the affirmative action policy, the government has put in place the national gender policy to further operationalise article 33 of the supreme law of the country.

However, despite the seeming vibrancy of Uganda's legislative and policy frame works the legislative and policy rhetoric is not in tandem with gender practice because of the prevalence of patriarchal social structures that demean women. There is a need to transcend the formal equality suggested by the legislative and policy initiatives to substantive equality that purports to address the patriarchal attitudinal, ideological, and perceptual outlooks explicit in the certain aspects of the culture, that still demean the person of women and expiate poverty reduction interventions envisaged in the PMA. Despite the prevalence of pro-women policy legislations in terms of affirmative action provisions in the constitution, gender policy legislation and a pro-gender decentralisation policy frame work, the patriarchal political and social status quo has virtually not altered a bit. Therefore, the PMA is just an added baggage to policies that have been cowed by a patriarchal superstructure. This phenomenon is largely responsible for the failure to engender poverty reduction interventions.

## **Patriarchy and the Ethics of Decentralization in Uganda**

The implementation of the PMA is based on a "decentralised planning process which will identify the key constraints at the local level and help to remove these constraints through "joined-up" public sector interventions involving policy adjustments when required or public sector investments or new public service delivery mechanisms as is found appropriate"<sup>62</sup>.

The decentralization policy in Uganda is based on power devolution to popularly elected local governments. Local governments are body corporate. They make and implement development plans based on local priorities; develop, approve and execute their own budgets; raise and utilize resources according to their own priorities; appoint statutory Committees, Boards and Commissions (Districts only); make ordinances and bye-laws that are consistent with the Constitution and other

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<sup>61</sup> Uganda Land Alliance and Action Aid Uganda, Women's Land Rights, 2001, p.20, Mary Sonko Nabacwa, *Opcit.*, p. 5

<sup>62</sup> PMA 2000, p.1, para.3

existing laws; hire, manage and fire personnel; manage their own payroll and separate personnel systems; and implement a broad range of services that were previously the responsibility of central government. These responsibilities are listed in Schedule 2 of the local Governments Act, 1997.<sup>63</sup>

Women must constitute at least a third of every local government council and that each council must also have two representatives for the youth, one of whom must be female, and two representatives of the disabled, one of whom must also be female, in addition lower local governments (not districts) are also required to have two representatives of the elderly (50 years and above), one of whom must be female. Nevertheless women continue to suffer discrimination at the hands of patriarchal esoteric masculinistic social structures. Uganda has witnessed a clamour for more districts due to the decentralization policy. This has led to an increase of districts from 40 to 132 (by June 2012), but has also precipitated decentralized corruption. Lukwago Gyaviira, a desperate farmer from Kinoni Masaka, recently expressed his frustration with the embezzlement of funds in the agriculture sector as follows:

It is well known that Uganda depends on agriculture. It is however surprising that money allocated to agriculture only helps big people in government to expand their farms. I completed senior six in 2005, passed well but failed to secure money to pursue university education in 2006. I decided to do farming with the hope that I would secure money to pursue university education, but failed so far. I do not even have money to buy seeds. What does government expect the poor to do?<sup>64</sup>

Crook argues that in African local governance, local government structures have been hijacked by the ruling elite class to reinforce a culture of patronage politics. He reiterates that although the interests of the poor have received some degree of democratic representation, accountability mechanisms are too weak to enhance effective policy implementation. Basing on the Ugandan example he argues that the decentralization policy in Uganda was not intended to precipitate ethnic nationalism but rather to manipulate the fragmented ethnicities in order to perpetuate the pseudo no party system. He further opines that the creation of new districts by the central government has also been encouraged because of the same logic.<sup>65</sup>

The devolution of power to local governments has not lifted women out of the web of gender inequity, but has rather perpetuated patriarchal greed and pseudo empowerment. Although the Plan for the Modernization of Agriculture recognizes that there is a category of the poor who have no assets and may not benefit directly from the PMA implementation, and despite the fact that the policy argues that these will be catered for through special programmes or safety nets<sup>66</sup>, it is evident that the majority of the people who lack assets such as land and property are women. One wonders how long the women whose rights to access and control productive resources have been stifled by patriarchy have got to wait. How long will the poor rural women who lack assets wait before employment opportunities accruing from the implementation of the PMA will surface? Since the

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<sup>63</sup> United Nations Development Programme, Local Governance for Poverty Reduction: Uganda's Experience, 1993-2002, Fifth African Governance Forum, Maputo, Mozambique, 22-25, 2002, p.9

<sup>64</sup> What Crime did we farmers commit?, Bukedde Newspaper, Monday, 5<sup>th</sup> March, 2007

<sup>65</sup> Richard C. Crook, Decentralization and Poverty Reduction in Africa: The Politics of Local-central relations, in Paul Smoke (ed), Public Administration and Development, vol.23, Issue 1, p.86

<sup>66</sup> PMA 2000, p.1, para.4

private sector is the major engine of growth behind the PMA, it is not clear who is going to provide the safety nets. Can the private sector provide safety nets to poor farmers bearing in mind that no profit is likely to accrue from such an endeavour?

## **Patriarchy and Land Redundancy in Uganda**

The PMA highlights the fact that the total geographical area of the country is 241,000 square kilometres, 75% of which is available for cultivation, pasture or both. It also divulges that of the 17 million hectares available as arable land, only about 5 million hectares are currently under cultivation, which constitutes less than 30% of the total arable land.<sup>67</sup> Instead of aiming at creating land markets through privatization and commercialization, government ought to address the reason why 45% of arable land is virtually redundant despite the fact that many women continue to languish in poverty because of powerlessness to access and control land. Therefore customary, *mailo*, freehold, and leasehold land relations ought to reform so that they enhance the land entitlement rights of both men and women without any double standards. As emphasised by the Ministry of Lands, land reform task force:

The low participation of women in income generating activities is situated in the cultural bias against women's participation in land decision making, because land is conceived as an issue for the males. The protection of women's rights to land is the basis for farmer motivation as well as the enhancement of basic rights such as; shelter, health, food and credit.<sup>68</sup>

## **Situating the Ethics of Land Reform in Uganda**

Before 1900, the predominant mode of land tenure in Uganda was customary land. Under the feudal system, the oligarchic and patriarchal kingdoms and chiefdoms in Uganda distributed land to individuals, families, clans or lineages. With the land administration reforms of 1900–1975, four major land tenure systems of *mailo*, leasehold, freehold and customary tenure came into existence. *Mailo* refers to private estates in Buganda and native freeholds in Toro and Ankole that were very similar to the English freehold. However, the *mailo* land system that was granted by traditional authorities and their functionaries through agreements with the British colonialists not only legitimatised the feudal system of land tenure relations but also conferred absolute control over land by land lords, a scenario that was unheard of before. For the rest of Uganda, all the land became the property of the English crown by a mere stroke of the pen.<sup>69</sup> It must be noted that the English crown also distributed limited freeholds to selected individuals and corporations.<sup>70</sup>

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<sup>67</sup> Ibid., para.3 & 4

<sup>68</sup> Ministry of Water, Lands and Environment, Land reform Project, Issues paper for the national Land Policy, February 2004, Opcit., p.14 &18

<sup>69</sup> The aim the *Mailo* Land that introduced in Buganda under the colonial sate formation was to use it as tool for imperialism, See, Augustus Nuwagaba, No poverty Eradication without land reforms, The New Vision, Wednesday, 4<sup>th</sup> April, 2007

<sup>70</sup> Ministry of water, Lands and Environment, Land reform Project, Issues paper for the National Land Policy, February 2004, pp.1–6, also see, Margaret A. Rugadya, Current Status and Challenges in the Land Reform process in Uganda: An NGO Perspective, at Cape Town, South Africa, 5<sup>th</sup>–7<sup>th</sup> May 2003, p.1

Using the land reform decree of 1975, President Idi Amin embarked on a fundamental land reform agenda which declared all land public land and hence abolished *mailo*<sup>71</sup>, customary, and freehold tenures. The current 1995 Uganda constitution and the Land Act 1998 however abolished Amin's 1975 decree and hence restored *mailo*, Customary; freehold and leasehold land tenure systems. Article 237(1) of the 1995 Uganda Constitution declares that land in Uganda belongs to the citizens of Uganda. It must be born in mind that the 1998 land act greatly curtails the powers of *mailo*, freehold and leaseholders. Although *mailo* land owners have a right to hold their land in perpetuity, like free holders, they must respect the rights of the persons in lawful or *bonafide* occupation of the land. Lawful or *bonafide* occupants of the land include customary tenants and any other persons who occupy the land with the consent of the owner. *Bonafide* occupants include those who had been in adverse possession of the land for at least twelve years before the coming into force of the 1995 constitution, and those who had been resettled on the land by the government before that date. Lawful land occupants are protected from adverse possession and are entitled to a certificate of occupancy. The tenants must however pay the land owner a minimal ground rent that does not exceed 1000 shillings per month.<sup>72</sup> However, according to the doctrine of eminent domain, central and local governments have a right to compulsory acquisition of land. They can acquire land in the interest of defence, public safety, public morality, public order and public health. However, such and acquisition must be done in accordance to the law and this means that the owners of acquired land must be given fair, timely and adequate compensation.<sup>73</sup>

## **Patriarchal Traditionalism and the Subversion of Land Reform**

It must be noted that although women supply 70–80% of the agricultural labour in Uganda, only 7% of these have land tiles. The Ministry of Lands has urged that *mailo* land is outdated because it is discriminatory and inimical to the enhancement of land markets, which are vital for modernisation and development. In addition, the Ministry has called upon the government to enforce the constitutional principles outlawing gender discrimination in respect to the transmission of land rights with in Buganda's Customary Law.<sup>74</sup> However, the politics of expedience and power retention in Uganda have taken precedence over gender justice and this explains the fury from the kingdom of Buganda in particular when the reforms of the Ministry of Lands came to the knowledge of the public. Sarcastically, President Museveni claimed ignorance of what the ministry was doing, and hence ordered the ministry to furnish him with the details. The views of the Ministry of Lands' as regards engendering land reform have since then disappeared from public discussion and scrutiny. Mr. Atubo, the former Minster of Land has also changed from the position of the land reform draft report. He said that the government cannot scrap *mailo* land without the consent of the Baganda.<sup>75</sup>

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<sup>71</sup> Over 80% of the Land in Uganda is held under customary tenure, See, Ministry of Lands, Housing and Urban Development, Drafting the National Land Policy, January 2007, p. 38

<sup>72</sup> Simon Coldham.2000. Land Reform and Customary rights: The case of Uganda. Journal of African Law, Vol.44, No.1, p.66

<sup>73</sup> Ministry of Water, Lands and Environment, Land reform Project, Issues paper for the National Land Policy, *ibid.*, p.15

<sup>74</sup> Ministry of Lands, Housing and Urban Development, Drafting the National Land Policy, *Op.cit.*, p.33&41

<sup>75</sup> Atubo reassures Mengo on Mailo land, The New Vision, Wednesday, 7<sup>th</sup> March, 2007, also see, Josephine Maseruka, Baganda to Oppose the Abolition of Mailo land, The New vision, 6<sup>th</sup> April, 2007

He also reiterated that the 2007 land draft report was only intended to generate debate on the land question in Uganda.<sup>76</sup> Moses Sserwanga (an advocate) argues that:

Although the proposed land reform interventions are a panacea to the historical land acquisition injustices, there are many policies on the land question that have not been effectively implemented. Therefore the land problematic in Uganda is not found in **policy scarcity** (emphasis mine), but rather effective policy implementation.<sup>77</sup>

## **Co-ownership of Land: Battle Lost to Patriarchy. Feminist Views Ignored**

Cherryl Walker (sociologist) argues that although there were tenure reforms in the legislation, the Land Act was a major disappointment for the Uganda Land Alliance, a group of national and international NGOs which had lobbied hard for women's interests to be protected. This was due to the failure of the parliament to push through a clause that would have guaranteed automatic co-ownership rights for spouses in the certification of household land. Unfortunately, the co-ownership clause disappeared from the Bill at a very late stage in the process. The circumstances surrounding its vanishing are not at all clear and the matter is still a source of confusion and frustration among gender activists today.<sup>78</sup>

Therefore enactment of the 1998 land act minus the co-ownership clause was seen by many female activists as a battle lost to a patriarchal male oligarchy in the Uganda Parliament because of the aborted engagements to include the co-ownership clause which would entitle women the right to own land on equal terms with their spouses. Miria Matembe, a female gender activist and former Member of Parliament, is quoted to have expressed frustration because of the abortion of the co-ownership clause as follows:

You can see the tactics used by these male conspirators. The men had achieved what they wanted for themselves in the [1998] Land Act. The Baganda got their share. The Banyoro got their share. And after the women lost out... none of these men was ready to come our way with support... As with so many things, the women were left out again. Justice for women? Not this time? But when?<sup>79</sup>

According to Miria Matembe, the politics surrounding the mysterious disappearance of the land co-ownership clause is reflective of the patriarchy conspiracy in Uganda to deny women justice in

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<sup>76</sup> Harriet Onyalla, Minister Atubo assures Baganda on Land, *The New Vision*, Wednesday, 28th February, 2007, also See, Henry Mukasa, Lukiiko Slams Plan to scrap Mailo land. *The New Vision*, Tuesday, 27th February, 2007

<sup>77</sup> Uganda: Granting Women Rights to Own Land, *The Daily Monitor*, February 26<sup>th</sup> 2007

<sup>78</sup> Cherryl Walker, *Land Reform in Southern and Eastern Africa: Key issues for strengthening women's access to and rights in land*, Report on a desktop study commissioned by the Food and Agriculture Organization (FAO) (FAO Sub-regional office for Southern and Eastern Africa, Harare, Zimbabwe), March 2002, p.59, also available on [http://www.oxfam.org.uk/what\\_we\\_do/issues/livelihoods/landrights/downloads/accessrtf.rtf](http://www.oxfam.org.uk/what_we_do/issues/livelihoods/landrights/downloads/accessrtf.rtf), retrieved on 8<sup>th</sup> July, 2012

<sup>79</sup> Robin Palmer, (Land Policy Adviser, Oxfam, GB), *Gendered Land Rights-Process, Struggle or Lost Clause?*, 28<sup>th</sup> November, 2002, available on, [http://www.oxfam.org.uk/what\\_we\\_do/issues/livelihoods/landrights/downloads/genderedrtf.rtf](http://www.oxfam.org.uk/what_we_do/issues/livelihoods/landrights/downloads/genderedrtf.rtf), retrieved on 7<sup>th</sup> July, 2012.



matters relating to equal land access and control. Busingye Hope, an NGO gender activist, also reiterated that:

The NGOs were very frustrated by the failure of the legislature to adopt the gender perspectives in the land act. She points out that worse still was the plucking out of the co-ownership clause that guarantees spouses the right to equally own land.<sup>80</sup>

According to Hope, this experience was indicative of intricacies surrounding the challenging of male control over land decision making. She opines that men still think that women should just be shown where to cultivate because land is a patriarchal issue.

Efforts by women to re-introduce the co-ownership clause in the domestic relationship bill 2003<sup>81</sup> also aborted miserably because the bill did not pass the second reading. Elizabeth Kharono critiqued the President's subversion of the Domestic Relations Bill (DRB) as follows:

Although the disappearance of the 1998 'Matembe clause' shocked feminist activists, they were consoled by the increasing momentum in the legislature to generate consensus on land co-ownership. She however wonders whether the attacks on land co-ownership in the Domestic Relations Bill by the president are indicative of the fact that the removal of the 1998 clause was intentional.<sup>82</sup>

According to Kharono, the women's equal land access and control rights are stifled by the syndicalism between the patriarchal legislature and executive. This syndicate is indicative of the fact that the disappearance of the co-ownership clause in the 1998 land act was not accidental but intentional.

Sylvia Tamale concurs with Kharono that:

The patriarchal state in Uganda is an obstacle to the realisation of women's rights in Uganda. She reiterates that the argument by president Museveni that the granting of co-ownership land rights to women is detrimental to property expansion in Uganda is reflective of patriarchal state distortion of women's equal land rights cause.<sup>83</sup>

## **Gender and the Enforcement of the Land Act**

Although the Land Act of 1998 restricts men from selling land without the consent of their wives and children, with impunity men continue to sell land without the consent of their wives and children. Precisely land administration and dispute resolution is predominantly controlled by the interests of hegemonic masculinity, a scenario that is detrimental to engendered modernization of the agricultural sector. It must be noted that although the Land Act of 1998 still leaves a lot to be

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<sup>80</sup> Busingye, H (2001). 'Lobbying and advocacy on women's land rights: The experience of Uganda Land Alliance.' Paper presented at the EASSI conference on Women and Land Rights, 28 October–1 November 2001, Kampala, p. 3, 8, 9, quoted from, Cheryl Walker, Opcit.

<sup>81</sup> Domestic Relations Bill 2003, <http://www.kituoachakatiba.co.ug/dorebil.htm>, retrieved on 7<sup>th</sup> July, 2012

<sup>82</sup> Elizabeth Kharono, response to the president's views on the DRB 2003, April 25<sup>th</sup> 2003, from <http://www.wougnet.org/Alerts/drbrresponseEK.html>, retrieved on 8<sup>th</sup> August, 2012

<sup>83</sup> Sylvia Tamale (Professor, Faculty of law Makerere university), gender Implications of Opening up political parties in Uganda, May, 23, 2003, on [http://www.wougnet.org/Documents/gender\\_politicalparties.html](http://www.wougnet.org/Documents/gender_politicalparties.html), retrieved on 8<sup>th</sup> May, 2007

desired, the inclusion of the spouse and children consent clause in the Act is reflective of how the conscious engagements from women against discrimination in land matters is tending towards a new synthesis. However, given the current silence by the PMA about the discriminatory patriarchal land tenure relations in Uganda, women will not achieve much from the implementation of the Act.

## Land Conflicts as a Threat to Modernization

Despite the fact that the Land Act prohibits the eviction of land occupants who have lived on land for over 12 years<sup>84</sup>, rich land lords have continued with impunity to evict the poor from the land they have occupied for even over 20 years. Vincent Nyanzi, the Member of parliament for Busujju, is reported to have mobilized the locals to protect their land as follows:

Those who do not have machetes should come to me for money to buy them. We have spoken a lot about land and we are tired. My people continue to be evicted from their land. The people we cry to for help do not help us. Let us buy machetes and deal with them.<sup>85</sup>(My translation)

A government newspaper also reported that:

Haji Edirisa Mayanja died of high blood pressure after receiving a court order evicting him from his land at Namung'oono in Lubya Sub-county, Kampala. This marks the conclusion of the plan of the National Housing and Construction Corporation to evict locals in Kigobe in Namung'oono. "He first told the people in his household that he was not feeling well and that he was tired of the land eviction meetings he had participated in for a long time. After receiving a call inviting him for the land eviction meeting, he got high blood pressure and died.' his wife narrated.<sup>86</sup> (My translation)

Thus, despite the prevalence of a patriarchal land tenure system, even poor men are losing land to rich land lords. Although land is the pivot of agriculture modernization, modernization should not take precedence over equitable acquisition and transfer of land rights. The prioritization of modernization over conflict resolution is untenable because it does not only bring modernization into question but also poses a great danger to the destruction of the material outcomes of unjust modernization.

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<sup>84</sup> Section 28 of the 1998 land Act provides that any decision taken in respect of customary land shall follow customary law, but that if the decision denies women or children or persons with disabilities access to ownership, occupation or use of any land or imposes conditions which violate article 33 (protects women's rights), 34 (protects the rights of children) and 35 (protects the rights of people with disabilities) of the constitution or any ownership, occupancy or use of any land, it shall be null and void. Section 40 provides that no person shall sell exchange, pledge, mortgage, lease, give away or enter into any other transaction in respect of land except with the prior written consent of any spouse or dependent child of majority age residing on the land. In the case of minor children the consent of the land committee is required. Any transaction entered into without the requisite consent (not to be unreasonably withheld) is null and void. Despite the fact that section 40(7) recognises that a spouse or majority child may enter a caveat on the certificate of customary ownership, there is no requirement to do so. See, Simon Coldham, *Opcit.* p.74

<sup>85</sup> Police warns Mobiliser on land(My translation), Bukedde, Saturday, March 10<sup>th</sup> 2007

<sup>86</sup> Land Wrangles Escalate, Bukedde, Saturday, March 10<sup>th</sup> 2007

## Conclusion

Since time immemorial poverty reduction in Uganda has been exacerbated by patriarchal unequal power relations, especially as regards the access of productive resources. It is thus imperative for agricultural policy to confront this gender challenge as opposed to the ineffective integration of women's concerns in policy interventions. It must be noted that the back bone behind the violation of the dignity of women is patriarchy, and hence poverty eradication policies like the PMA cannot be engendered without a clear commitment to confront this obstacle. A close scrutiny of the PMA reveals that the cognizance of patriarchy as a fundamental bottle neck to the eradication of structural poverty is virtually not mentioned.

The PMA reiterates that Uganda has recovered from the poor agricultural growth of the 1960s and 70s that was caused by poor infrastructure, lack of private sector investment among other factors. According to the PMA, government's economic recovery programme introduced in 1987 and the structural adjustment policies of the 1990s have progressively achieved a strong macro economy and have promoted economic growth through establishing a conducive and enabling environment for private sector investment.<sup>87</sup> The policy is silent on the impact of structural adjustment on poor women in patriarchal households. The policy also lacks concrete and coherent steps through which the profit motivated sector will enhance engendered development. Because of privatisation, cooperative societies that were set up by government to help the farmers access markets were closed by government. In addition, rural patriarchal households that depended on traditional cash crops like coffee became so impoverished as the market prices for coffee dropped substantially over the years. Under such circumstances women suffer more than men.

The PMA strategy of modernising the agricultural sector through the generation and adoption of appropriate labour saving technology; production of high value added commodities; development of rural financial markets; creating efficient and competitive agricultural processing and marketing systems; development of efficient irrigation and water harvesting technologies; and the development of infrastructure in terms of roads, and rural electrification<sup>88</sup> will not culminate into engendered poverty eradication if at the end of the day these interventions do not enhance the well-being of both male and female farmers and their capability to be and do. Of all the modernisation constraints pointed out in the PMA, which include but are not limited to: the inadequate physical infrastructure; lack of efficient and cost effective cultivation technology; illiteracy of the farmers; environment degradation; poor storage and HIV and AIDS infection – the lack of consensus on land ownership, and inheritance must be addressed first if the PMA is to be an engendered poverty eradication intervention.

The land reform issue in Uganda is so politically sensitive because the ruling political elites have managed to retain power for over 20 years partly because of the restitution of patriarchal authorities. Therefore, despite the mention of the detrimental gender ramifications of the land tenure relations in the PMA and in many other government policy documents, the ruling political class must always weigh between appeasing the poor peasants burdened by the unjust land tenure system and upsetting the patriarchal traditionalists. Unfortunately, they have always chosen the latter. It is evident that the Plan for the Modernisation of Agriculture is an instrument for the

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<sup>87</sup> PMA 2000, p.4, para.4

<sup>88</sup> PMA 2000, p. 26

enhancement of global neo-liberalism which favours rich farmers who have the resources to practice modernised agriculture. Under this scenario, the poor male farmers lose and the poor female farmers lose even more.

## References

- AFRODAD Report. 2006. Macroeconomic Policy Options in Sub-Saharan Africa: Linking Poverty reduction Strategy papers (PRSPs) and the Millennium development Goals, The case of Uganda
- Bill Early.2004. Change Agricultural Subsidies to Provide Opportunity for the World's Poor. Global Envision News Letter
- Barker,Debi. 2003. WTO Agreement on Agriculture: Threat to Food Security and sustainability. International forum on Globalization
- Coldham, Simo. 2000. Land Reform and Customary rights: The case of Uganda. Journal of African Law, Vol.44, No.1
- Craig, David and Porter, Douglas. 2006. Development Beyond Neo-liberalism? Governance, Poverty Reduction and Political Economy. New York: Routledge
- Deneulin Severine, Nebel Mathias and Sagoosky, Nicholas. (eds). 2006.Transforming Un Just Structures: The Capability Approach. Dordrecht: Springer
- Desai, Vandana and Potter, Robert B. Potter.(ed). 2002. The Companion to development Studies. London: Arnold
- Devereux, Stephen and Sabates-Wheeler Rachel. 2003. SOCIAL PROTECTION IN UGANDA; Facilitating the Process of Mainstreaming Social Protection into the PEAP. Phase II Report: A Vulnerability Issues Paper
- Köhler Gabriele, Gore, Charles, Reich Utz-Peter, and Ziesemer, Thomas.(ed). 1996. Questioning Development: Essay on the policies and practices of development interventions. Verlag: Marburg
- Galbraith, John Kenneth. 1958. The Affluent Society. London: Hamilton
- Institute of Development Studies, UK, Social protection in Uganda, Analysis of Vulnerability in Uganda, Chapter 3, Phase1 report, October 2002
- Musinguzi, Jotham. 2002. Issues paper for Pillar 2 of the PEAP revision: Promoting Good Governance and Security. Uganda Ministry of Finance, Planning and Economic Development
- Kabeer, Naila. 2003. Gender Mainstreaming in Poverty Eradication and the Millennium Development Goals: A Handbook for Policy Makers and Other Stakeholders. Commonwealth Secretariat: International Development Research Centre/CIDA
- Koggel, Christine. 2006. A Critical Perspective on Measuring Empowerment: The Role of the World Bank and Economic Globalization. For the Panel, "Examining the World Bank's *Measuring Empowerment*," at the 2006 International Conference of the Human Development and Capability Association, Groningen, Netherlands, 29 August–1September 2006
- Muhanga, Margaret, Only Indigenous Crops can end Poverty, article published in the New vision, Tuesday, 24th October, 2006
- Nussbaum, Martha. 2001. "Adaptive Preferences and Women's Options." Economics and Philosophy. Vol. 17
- Nussbaum Martha. 2000. Sex and Social Justice. Oxford: Oxford University Press
- Oloka-Onyango Joe. (ed). 2001. Constitutionalism in Africa, Creating Opportunities, Facing Challenges. Kampala: Fountain Publishers
- Oxfam. 2002. How EU Agricultural Subsidies are damaging Livelihoods in the developing world. Oxfam Briefing paper 31
- Plan For the Modernisation of Agriculture, 2000
- Rawls, John. 1999. A Theory of Justice. Harvard: Harvard University Press
- Robeyns, Ingrid. 2005. "The Capability Approach: A theoretical Survey". Routledge, Vol.6.No.1, 2005

Rukooko, Archangel Byaruhanga. 2003. Buganda's Quest for Self Determination: Possibilities and Challenges to the Universal Interpretation of human rights. Kampala: Center for Basic Research

Rowbotham Sheila and Linkogle, Stephanie. (ed). 2001. Women Resist Globalization, Mobilizing for Livelihood and Rights. London: Zed Books

Sen, Amartya. 1982. Poverty and famines: An Essay on Entitlements and Deprivation. Oxford: Clarendon Press

Sen, Amartya. 2006. "Reason Freedom and Well-being". *Utilitas*, vol. 18, No.1

Tripp Ali Mari. 2000. Women and Politics in Uganda. Oxford: James Currey

Wamala Edward. 2008. Poverty Discourse in Sub-Saharan Africa: Human Rights Issues at Stake, Paper Presented at Makerere University Department of Philosophy/ University of Zurich Center for Applied Ethics Summer School Seminar, Makerere University

World Bank. September 2008. Uganda: Country Brief. Development Results.

<http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/AFRICAEXT/UGANDAEXTN/0,,menuPK:374947~pagePK:141132~piPK:141107~theSitePK:374864,00.html>, accessed on 2-04-2012

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# ABSTRACTS

## **SOCIAL JUSTICE, HEALTH AND POVERTY IN UGANDA**

John Barugahare

Injustice in Uganda manifests in many ways. One most serious, yet least discussed social injustice, is inequity in Health. Although there are two equally important aims of health systems – efficiency and equity, in Uganda too much focus has been on ensuring efficiency and as a consequence concerns of equity have been relegated. Ultimately, health policy in Uganda has disproportionately negatively affected the poor’s livelihoods in general and the trend seems to be worsening by day. Even though it is possible to borrow a leaf from the Western literature on how to design a good health policy, low income countries like Uganda have special features that render the extrapolation of the Western input good but not enough. In particular, these special features are the level of resource constraints, poverty and the *financing mechanism* of health care services. These three have very serious implications for equity in health. In general, there is a lot of injustice in the Uganda health care and this has been mainly due to poverty levels and the financing mechanism which the system relies on. Hence, there is an urgent need to concentrate on a discussion of injustice in health because health enhances people’s functionings and is a mandatory condition for people’s enjoyment of other life opportunities to the extent that if a section of a society is made to suffer injustice in health, this will translate into injustice in all the dimensions of their lives. This is something that fair-minded people cannot afford to live with for long. Therefore, it is important in this work to illustrate how the above three special features play to cause and sustain inequity in Uganda health care system and to suggest the starting point to overcoming this injustice, not only in Uganda but as a general trend in health policy analysis.

## **THE POLITICS OF RESTORING ETHICS AND THE CHALLENGE OF PATRIOTISM IN SERVICE DELIVERY IN UGANDA’S PUBLIC SERVICE**

Dickson Kanakulya

Reports indicate that there is an erosion of professionalism and ethics across most of the East African public service systems and this is limiting the efficient service delivery and negatively impacts on social justice. Because of this challenge many approaches are being applied to mitigate it, such as the institutional, legal, cultural and the political. This paper discusses the political approach and particularly problematizes the political push for patriotism in Uganda. Most of the critique and analysis was done while carrying out research and consultancy with Makerere Centre for Applied Ethics (MACAE) in selected districts in Uganda under the project “Pro-poor Integrity” (PPI) funded by Tiri and DFID. The paper argues that the government’s policy of patriotism is more of politicking than real improvement of service delivery to the people. Political interference in public service has engendered a culture of impunity and increased unethical conduct among ‘politically-connected’ civil servants right from the grass root service to the top administration, The paper argues that if ethics in

Uganda's public administration is to improve politicians ought to be divorce party-biased ideology from the patriotism discourse such that it can appeal to a wider spectrum of Ugandans.

## **PERSISTENT COLONIAL COERCION IN CONTEMPORARY UGANDA: FOUNDATION OF SOCIAL INJUSTICES IN THE COUNTRY**

Gervase Tusabe

Since 1962, all Uganda's major centres of power i.e., political, economic and military have always been dominated by a chosen few, and the attendant wealth that goes with such powers has always been disproportionately enjoyed in favour of these chosen few when a considerable large number of people in the country are living under the weight of abject poverty.

The major argument advanced in this paper is that the fundamental cause of this experience of injustice in Uganda is the persistent domestic colonial mode of political administration that is managed by a particular closed group of individuals who more or less conspired to work together to promote their self-centred interests at the cost of deliberately ignoring the legitimate interests of the Ugandans who are outside their group.

## **STRUCTURAL INJUSTICES AND THE ETHICS OF ENGENDERING POVERTY ERADICATION POLICIES IN UGANDA**

Michael George Kizito

Since time immemorial, poverty reduction interventions in Sub-Saharan Africa like everywhere in the South, have focused on the individual as the basic ingredient of a moral society (ethical individualism). According to this perspective, in order to lift human persons out of poverty, it is imperative to integrate poor persons into poverty eradication interventions irrespective of sex, social status and gender. Scholars and institutions that subscribed to this conception of poverty thought that individuals were poor because of personal weaknesses (case poverty). This perspective has been greatly challenged due to the upsurge of gender and human rights scholarship in the 20<sup>th</sup> century. Gender scholars have painstakingly argued that in order to understand poverty, we need to look at society (ethical collectivism). They have rejected the Women in Development (WID) discourse that aims at integrating women into the development process in favour of the Gender and Development (GAD) approach to development and poverty reduction that aims at confronting power relations between men and women (empowerment). This GAD perspective looks at poverty in terms of the powerlessness spearhead by prevailing structures in society (structural poverty) and hence the need to empower vulnerable persons such as women to challenge structures and strictures of oppression. The International Monetary fund (IMF) and World Bank as vehement promoters of economism in Sub-Saharan Africa for decades have urged governments to include the perspectives of the poor in poverty policies through what they call participatory poverty assessments (PPAs). Despite its deceptive appearance, this PPAs stance of the IMF and World Bank tacitly looks at poverty as a case and not structural issue and that is why Uganda's ambitious poverty reduction policy though greatly informed by Participatory Poverty Assessments greatly ignores structures and strictures that



render women vulnerable to poverty. This paper critically assesses the obliviousness of Uganda's Agricultural poverty policy to structures and how this has militated on the gender poverty production in Uganda. The paper contends that in order to realise engendered poverty eradication in Uganda, it is pertinent for the agricultural policy to ultimately make paradigm shift from focusing on the individual as the basic ingredient of a moral society (ethical individualism) to confronting structures and strictures that disempower and *vulnerablelise* individual moral agents (ethical collectivism).

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In later years we can notice an increased interest for applied and political ethics. However, contributions to the discussion come mainly from a limited part of the world. Voices heard are almost all from Europe and the US. In this way the discussions on applied and political ethics mirrors the global structure in general. As an alternative, this book contains contributions to the discussion from African philosophers. The four essays included in this volume deal with issues of equality and health care, politics and corruption and policies of poverty eradication.

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The Centre for Applied Ethics (Centrum för tillämpad etik, CTE) is an institution for research and teaching in applied ethics at Linköping University. Research covers areas like bioethics, research ethics, political ethics and global justice, business ethics, technology and ethics and professional ethics.



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