

GOVERNANCE AND LEADERSHIP- WRAPPERS OF CONSITUTIONAL DEMOCRACY?: AN INAUGURAL LECTURE

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Delivered on Wednesday 19th February 2020 at Kabale University Main Hall

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INAUGURAL PRESENTATION LAYOUT

Inaugural Philosophy, Purpose and Objectives

Contextualisation of Governance and Leadership

Major factors that have shaped Uganda's Governance topography

Recap of Classical and indigenous narratives on Governance and leadership

Contemporary Public administration and Governance Ideologies

Special case on University Governance

Emerging Leadership Questions

Proposals to improve governance and leadership adoption

Concluding remarks

GUIDING QUESTIONS

1. What is an inaugural lecture and of what benefits does it offer to individuals, the university and the community?
2. What has shaped the governance and leadership questions in Uganda within a historical trajectory?
3. How do classical writings and those classed under indigenous systems of administration shape our contemporary understanding of governance and leadership issues?
4. In what specific ways does the general governance and leadership theories and ideologies apply to University governance?
5. What leadership challenges appear to be commonly on the way of better public service delivery and what are the suggestions? constitutional democracy?

INAUGURAL PHILOSOPHY AND PURPOSE

- Universities have long held some traditions in order to preserve their unique mandates-teaching, research and community services.
- An inaugural lecture is one of those traditions where scholars who have climbed the tallest point of the academic mountain are called to demonstrate what they have done and what they intend to do.
- Inaugural lecture meaning has to be understood from the origin of the word inauguration.
- The word “inauguration” stems from the Latin augur, which refers to the rituals of ancient Roman priests seeking to interpret if it was the will of the gods for a public official to be deemed worthy to assume office.

■ An inaugural lecture serves a number of purposes:-

- ✓ Is an occasion to formally welcome the staff into the University.
- ✓ Is a tool of motivation to others and demonstrates the academic vibrancy in the faculty concerned.
- ✓ Is a key public institutional event and serves to publicize the university to a wider audience.
- ✓ Helps to test some policies and also to the development of more related policies.
- ✓ Demonstrates the maturity of the university.
- ✓ To the wider university and academic community, it shows how things are done and how they ought to be done.

- Oloka Onyango (2015: vii) in his inaugural lecture delivered to the Makerere Audience on November 12, 2015 writes of an inaugural lecture as follows:

- *Inaugural lectures are supposed to be given at the start of a professorial career, not at its end. I am delivering mine ten years after becoming professor of Law at a point closer to the end of my tenure than the beginning.'*

- On 11 June 1895, an Inaugural Lecture by a Regius Professor of History at Cambridge saw the presenter make the following remarks of an inaugural lecture:-

- *'What brings us all here together, whatever our professional interests, is a love of learning....'*

INAGURAL THEMATIC INTRODUCTION

- Aristotle's said "We must begin", "by asking an old and fundamental question – whether it is better to be ruled by the Best man or by the Best Laws."
- One may also pose at this juncture and ask: Whether we need a government? If the answer is in the affirmative, what form of Government do we need?
- Good things and bad things we see in society are caused by leadership and Public Administration!

Original Usage of Democracy

Aristotle favoured government ruled by best laws not by best men as his teacher Plato had argued.

They both wrote from the Greek context and the Athenians city state which had different forms of government:

- 1. Democracy-rule by people (citizens)**
2. Monarchy-rule by an individual who had inherited his role
3. Oligarchy-rule of selected few individuals
4. Tyranny-rule by an individual who had seized power by unconstitutional means

Necessity of a Constitution?

- In Athens, there was a document '*The Constitution of Athenians*' written by Aristotle or one of his pupils and other have attributed it to Xenophon.
- The Ancient Greeks were concerned on where sovereignty should lie:
 - *In rule of Law?*
 - *Constitution?*
 - *Officials?*
 - *Citizens?*
- We also see a number of concepts from the Ancient Roman Constitution that included:-checks and balances, separation of powers, vetoes, quorum requirements, term limits and regularly scheduled elections.

Meaning of Democracy

- The word '**democracy**' has its origins in the Greek language.
- It combines two shorter words: 'demos' **meaning** whole citizen living within a particular city-state and 'kratos' **meaning** power or rule.
- **Democracy thus means 'Power of the people or 'People's power'**
- Democracy refers to a political system in which the interest of the people at large prevails (Denhardt and Denhardt, 2009:3).
- Democracy has key features-Elections, respect for rule of law, protection of human rights, protection of private property, etc

Types of Democracy

- What Aristotle had in mind was participatory democracy unlike representative Democracy which is used.
 - *In a direct democracy, the people directly deliberate and decide .*
 - *In a representative democracy the people elect representatives to deliberate and decide*

Practices in Athenian Democracy

- The word democracy referred to the entire citizen body
- Any male citizen could participate in the main democratic body of Athens, the assembly (*ekklēsia*).
- In the 4th and 5th centuries BCE the male citizen population of Athens ranged from **30,000** to **60,000** depending on the period.
- The assembly met at least once a month, more likely two or three times, on the Pnyx hill in a dedicated space which could accommodate around 6000 citizens.
- Any citizen could speak to the assembly and vote on decisions by simply holding up their hands.
- The majority won the day and the decision was final.
- Nine presidents, elected by lot and holding the office one time only, organised the proceedings and assessed the voting.

Issues Discussed

- **Specific issues discussed in the assembly included**
 - *Deciding military and financial magistracies,*
 - *Organising and maintaining food supplies,*
 - *Initiating legislation and political trials,*
 - *Deciding to send envoys,*
 - *Deciding whether or not to sign treaties,*
 - *Voting to raise or spend funds, and*
 - *Debating military matters.*
- The assembly could also vote to ostracise from Athens any citizen who had become too powerful and dangerous for the polis.
- In this case there was a secret ballot where voters wrote a name on a piece of broken pottery (*ostrakon*).

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- An important element in the debates was freedom of speech (*parrhēsia*) which became, perhaps, the citizen's most valued privilege.
 - After suitable discussion, temporary or specific decrees (*psēphismata*) were adopted and laws (*nomoi*) defined.
 - The assembly also ensured decisions were enforced and officials were carrying out their duties correctly.

Other bodies

- There was in Athens a smaller body, the *boulē*, which decided or prioritised the topics which were discussed in the assembly.
- In addition, in times of crisis and war, this body could also take decisions without the assembly meeting.
- The *boulē* or council was composed of 500 citizens who were chosen by lot and who served for one year with the limitation that they could serve no more than two non-consecutive years.
- The *boulē* represented the 139 districts of Attica and acted as a kind of executive committee of the assembly.
- It was this body which supervised any administrative committees and officials on behalf of the assembly.

They also had an executive committee

- The executive committee consisted of one tribe of the ten which participated in the *boulē* (i.e., 50 citizens, known as *prytaneis*) elected on a rotation basis, so each tribe composed the executive once each year.
- This executive of the executive had a chairman (*epistates*) who was chosen by lot each day.
- The 50-man *prytany* met in the building known as the *Bouleuterion* in the Athenian agora and safe-guarded the sacred treasuries.

Courts

- In tandem with all the political institutions were the law courts (*dikasteria*) which were composed of 6,000 jurors and a body of chief magistrates (*archai*) chosen annually by lot.
- Indeed, there was a specially designed machine of coloured tokens (*kleroterion*) to ensure those selected were chosen randomly, a process magistrates had to go through twice.
- It was here in the courts that laws made by the assembly could be challenged and decisions were made regarding ostracism, naturalization, and remission of debt.

Bronze ballot disks used in Greek courts to vote guilty (a hole in the centre) or innocent (a solid centre).



Purpose of their system


- This complex system was, no doubt, to ensure a suitable degree of checks and balances to any potential abuse of power, and to ensure each traditional region was equally represented and given equal powers.
- With people chosen at random to hold important positions and with terms of office strictly limited.
- It was difficult for any individual or small group to dominate or unduly influence the decision-making process either directly themselves or, because one never knew exactly who would be selected, indirectly by bribing those in power at any one time

Bribery existed!

- Although active participation was encouraged, attendance in the assembly was paid for in certain periods, which was a measure to encourage citizens who lived far away and could not afford the time off to attend.
- This money was only to cover expenses though, as any attempt to profit from public positions was severely punished.
- Citizens probably accounted for 10-20% of the polis population, and of these it has been estimated that only 3,000 or so people actively participated in politics.
- Of this group, perhaps as few as 100 citizens - the wealthiest, most influential, and the best speakers - dominated the political arena both in front of the assembly and behind the scenes in private conspiratorial political meetings and groups.
- These groups had to meet secretly because although there was freedom of speech, persistent criticism of individuals and institutions could lead to accusations of conspiring tyranny and so lead to ostracism.

Government, State, and Governance

- Government and the State are different though commonly used as if they mean the same things.
- Good government is supposed to be democratic, honest and competent (Henry,2010:2).
- The state has the following key features:-
 1. *Territorial boundary*
 2. *Citizens*
 3. *Government*
 4. *Sovereignty*

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- **Good governance** involves a government where all the systems work-Political systems, economic systems, administrative systems, education systems, financial systems, religious systems, and social systems need to work.
 - **Bad Governance:** refers to the breakdown in the effectiveness of government structures and systems.

The ultimate goal of any modern government is to create a good quality of life of every citizen (Gildenhuys and Knipe, 2000:90).

- Getting good governance calls for improvements that touch virtually all aspects of the public sector (Grindle, (2002:1)
 - *From institutions that set the rules of the game for economic and political interaction*
 - *To organizations that manage administrative systems and deliver goods and services to citizens*
 - *To the human resources that staff government bureaucracies*
 - *To the interface of officials and citizens in political and bureaucratic arenas.*

Foundational Elements of Good Governance

- The issues of governance is not new, it is as old as creation (Genesis 2:15-18).
- The bible does not definitively mention Good Governance, but Genesis 1:28 and 2:15-17 described the situation where God instructed MAN to take care of creation which involves decision making (Stewardship).
- **Fairness and natural justice-When** Adam went against the rules of society and ate the forbidden fruit of knowledge, God never passed a judgment without giving Adam and Eve a chance of defending themselves. God first collected sufficient evidence and gave both Adam and Eve a fair hearing before he passed the judgment.
 - *Pursuant to **Article 28(1)** of the Constitution, a person shall be entitled to a fair, speedy and public hearing before an independent and impartial court or tribunal established by law as stipulated under. Under Article 44 (c), the constitutional requirement for a right to a fair hearing is non-derogable.*
- **Rule of Law-** Everybody is equal before the law and wrongs should be punished. The first criminal offence of murder was committed by Abel against his own brother (Genesis: 4:1-6). Basheka and Sabiiti, (2019) and Basheka and Auriacombe (2019) have addressed the important governance concept of rule of law.

ELEMENTS OF GOOD GOVERNANCE.....

- **Participation**- Governance entails a devolved (decentralisation/sharing of power and functions) mode of service delivery, the unit of analysis of which is a network of nonprofit organizations, private firms and other governmental units or levels (Ewalt, 2001).
- **Networks** - governance involves partnership in carrying out governmental functions. Such partnerships include local residents, community/regional-serving organizations, the public sector, and the private sector (Gibson, 2011, p. 4).
- **Accountability**- Accountability is an obligation to expose, explain, and justify actions within the context of governance (Hanekom 1987:34). Politicians and public servants must be accountable to the citizens of the particular state for their actions.

- **Protection of human rights-** Good governance and human rights are mutually reinforcing. Human rights principles provide a set of values to guide the work of governments and other political and social actors.
- **Independence of the judiciary-** The effectiveness of the law and the respect that people have for the law and the government which enacts it is dependent upon the judiciary's independence to mete out fair decisions.
- **Corruption.** Addressing corruption is a key governance concern.
- **Democratic institutions-** When led by human rights values, good governance reforms of democratic institutions create avenues for the public to participate in policymaking either through formal institutions or informal consultations.

SOME OF KEY BASHEKA'S RESEARCH AND PUBLICATION AREAS

- Procurement Planning and Local Governance (2008)
- Public Procurement Reforms in Africa (2009)
- Supply Chain Management (2010)
- Management and academic Freedom (2009)
- Public Financial Management (2012)
- Public Policy Making (2012)
- Paradigms of Public Administration (2012)
- Public Administration and Corruption (2013)
- Public Administration Training and Education (2014)
- Indigenous Governance and administration systems (2015)

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- Monitoring and evaluation (2015)
 - Public Budgeting in Africa (2016)
 - Management and Organizational Efficiency (2016)
 - Multidisciplinary and Interdisciplinary nature of Public Administration (2017)
 - New Public Management (2009, 2018, 2016, 2017)
 - Public Sector Management in Africa (2018)
 - Inclusive public Procurement (2018)
 - Abusive Constitutionalism(2019)
 - Law and public Administration (2019)
 - Indigenous governance management practices (2020)
 - Public Procurement Governance (2020)
 - Land Governance (2020) among others.

BACKGORUND & CONTEXT

- Politics and governance are one of the oldest activities of mankind
- As soon as people began to live together in groups, there was a need to find ways to ***govern*** the emerging societies (Ball and Peters (2005:3)).
- While science and technology are vital today, there is a greater need for those fundamentals of social and religious morality which strengthen man's human qualities (Rodee, Anderson, Christol and Greene 1983:265) .
- Democracy and good governance are equally long cherished goals of mankind.

A concern for Leadership ?

- Social scientists dealing with Africa's development have always concentrated on economic issues, overlooking the highly important political dimension of the process (Bratton and Rothchild, 1992:263).
- Yet, history of great nations has been linked to visionary and purposeful leadership (Adeola (2007:107).
- Throughout history, human beings have demonstrated a need to have a level of dignity whose essence should be the concern of all leaders (Aseka,2005:22).
- A call for a re-focus on leadership and governance as themed in this lecture is timely, important and no doubt topical (Afegbua & Adejuwon, (2012:141) .

FACTORS THAT HAVE SHAPED UGANDA'S GOVERNANCE



- **PRE-COLONIAL SOCIETAL ARRANGEMENTS-** The systems and practices in pre-colonial period had a resemblance of democracy if the Aristotle's conventionalization of democracy is to be applied.
- Williams' (1987) called the "African constitution." That in African societies before colonialists,
 1. *Building blocks of government were the people,*
 2. *Decisions were made by public opinion,*
 3. *Checks and balances were implemented to curb despotism,*
 4. *Decentralization of the political system existed,*
 5. *Freedom of Expression was emphasized,*
 6. *Decision-making was by consensus and*
 7. *Participatory democracy existed. The societies varied and not all societies could have had these systems.*

Precolonial systems.....

- If governance involves the evolving processes, relationships, institutions and structures by which a group of people, community or society organizes themselves collectively to achieve things that matter to them, (Hunt, et al, 2008) and has both formal and informal structures and processes (Martin, 2003) pre-colonial Africa had such a governance mechanism.
- Such governance within communities involved strengthened decision-making and control over their organizations, and building on people's skills, personal and collective contributions, and shared commitment to an organization's chosen governance processes, goals and identity.

Pre-colonial systems-Problems

- Systems of accountability in most parts of pre-colonial Africa were weak- No king was queried or called to account for the kingdom's resources or taxes because he was simply above the law.
- Kings were regarded as the representatives of God on earth.
- In some cases, a king could marry someone's wife without challenge from the husband. A king had absolute control over the army, priesthood and the polity.
- Williams (1987) corroborates these observations when he posits that many African 'kings and queens.... squandered vast amounts of natural wealth on wars, kings and palaces.
- There were several narratives of how people - both traditional rulers and subjects in pre-colonial Africa - bribed their way through the process of justice administration.

2. The Colonial enterprise

- Since colonialism set foot in Africa, all systems of knowledge production, dissemination and consumption continued to reflect robust Western hegemony (Zezeza, 2006: 196).
- The land tenure and recording systems from the colonial era have continued to be applied to contemporary Uganda.
- Major laws and systems for education which emerged from the colonial period have influenced Uganda's governance to date.
- The administrative structure for managing the state apparatus had their origin during the colonial period and they remain entrenched in the governance culture.
- The legislative processes and structures which are central for the governance of Uganda emerged from the colonial period.
- Judicial functions and the court systems currently in use in Uganda had much origin from this period.
- Moreover, as the learned friends suggest, the cases decided during this period have binding precedents to the court systems in Uganda today.

Some Key colonial Developments


- In 1900, the Buganda Agreement which has had long-lasting implications on the constitutional and political governance of Uganda was made.
- Order in council of 1902 and reception clauses- which is equated to the Constitution of the nascent protectorate was promulgated and the provision made for the administration of Uganda (Kanyeihamba,2002:2).
- In 1901, the completion of the Uganda Railway from the coast at [Mombasa](#) to the [Lake Victoria](#) port of [Kisumu](#) moved colonial authorities to encourage the growth of cash crops to help pay the railway's operating costs.

Others.....

- Legal education in Africa has a chequered history. Ndulo (2002:488) reminds us of how in most of Africa, local institutions providing legal education are only forty-years old.
- The most striking feature of legal education in African countries before independence was the absence of national educational facilities.
- The only way to train as a lawyer was to journey to London, join an Inn of Court, and acquire English professional qualifications.
- The skilled personnel in law were not different from other professions.
- The legal profession however had a major reason of its neglect which touches on the governance debate and points out the role layers always play in governance.

3. Post-Independence Period

- At independence in 1962, Uganda had a successful higher education system, attracting many students from neighboring countries (Musisi 2003: 10). However, the economic and political crises that occurred in the subsequent years damaged the higher education system and created problems of financing, quality and educational relevance (Musisi 2003: 10).
- There was educational expansion between 1962 and 1970.
- In 1962 there were 28 government grant-aided secondary schools but by 1970, there were 73 secondary schools. The enrolment of secondary schools at 0-Level was 1991 students in 1962 but by 1970, there were 29,540 0-Level students (Ssekamwa,1997).
- Besides, each East African country wanted to have a firm control over its own University without reference to another country Moreover despite the expansion of facilities at these three University Colleges, they were taking in less students than the demands of each country.
- So, it was felt that each country should have under its control its own University and plan its expansion to take in as many students as possible from its own citizens, though on exchange arrangements, these Universities would continue to enroll a limited number of students from each country.

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- By arrangement in 1963, there were certain Faculties which were not to be duplicated in the constituent University Colleges.
 - In this respect, the Faculty of Medicine was supposed to be in Makerere University College and no others in Nairobi and Dar es Salaam.
 - The Faculty of Veterinary Medicine was supposed to be in the University College of Nairobi and no others at Makerere and Dar es Salaam.
 - The Faculty of Agriculture was supposed to be at Makerere University College and no others at Nairobi and Dar es Salaam.
 - The Faculty of Law was supposed to be at the University College of Dar es Salaam and no others at Makerere and Nairobi.
 - For example, the annual intake of students in the Faculty of Medicine at Makerere was 120. **This meant that annually after five years, each East African country would hope to get just about 40 Doctors. This was too small a number for a country.**

Addressing the challenges

- Later, each country could expand the facilities at each University to increase the intake of students in each course comprising of students coming mainly from each country.
- Also, each University was free to have whatever Faculties it desired necessary for the country.
- Makerere was inaugurated on the 8th October 1970 at a ceremony attended by President Jomo Kenyatta of Kenya, President Julius K. Nyerere of Tanzania, President K. Kaunda of Zambia and President Milton A. Obote of Uganda.
- To bring about educational developments at both secondary and University levels, the Uganda government borrowed money from the World Bank and from the British and American governments.
- The USA government built for Uganda a first-class school of Tororo Girls Secondary School.


- Though the school is just a Kilometre away from the Tororo Cement Industry, all the cement, other building materials, electric wires, bulbs, sockets, refrigerators and type-writers had to be imported from the United States of America. Half the teaching staff and the Headmistress had to come from the United States of America for ten years (Ssekamwa,1997).
- The battle against denomination schools which was started by the Thomas Education Committee in 1940, and continued by the de Bunsen Education Committee of 1952, and by the Uganda Relationship Commission of 1961, alternatively called the Munster Commission, and by the Uganda Teachers' Salary Commission, also known as the Lawrence Commission of 1962, was finally resolved by the 1963 Education Act.
- Now children would join any school without reference to the religion which they followed.
- Also, the Government which the Missionaries had resisted to control schools from 1925 now controlled the schools and the religious bodies were no longer in a position to direct the affairs of the schools as they had been doing during the colonial days.
- The takeover of the schools which were formerly under the denominations caused a temporary opposition especially from the Roman Catholic Church and the Democratic Party which was in opposition in Parliament.
- But the Government stuck to its decision and insisted to see that the provisions of the Act were implemented.
- One of the most important provisions of the Act was the transfer of the Primary schools to the authority of the local governments while the Central government took charge of the secondary schools and other post primary institutions such as Teacher Training Colleges, Technical Schools, Agriculture Schools and Universities.

In addition,

- In 1964 the government allowed Secondary Schools, Teachers Training Colleges and Technical Schools to establish students' councils to work hand in hand with the administration.
- This gave the students a certain kind of boldness to the extent that in many secondary school students felt that they had been allowed to run the schools themselves in disregard to the real administrators of the schools.
- Many Head teachers wanted to have a free hand from the Church authorities and from the control of the Boards of Governors and the School Management Committees.
- Because of the desire to be independent of Church control, some newly appointed Head teachers were usually not too keen to work closely with the Church authorities in matters connected with school administration.
- The government also encouraged this attitude to lessen the religious influence in schools.
- That attitude gave the Church authorities the impression that they were no longer welcome in matters which concerned education in the schools which they had established.
- This is one reason why Churches began to encourage the opening up of Parents Schools which were in fact Church private schools but disguised behind the parents who belonged to each individual Church.
- These church authorities thus began to be less interested in involving themselves in the affairs of those old schools which the government had taken over from them (Ssekamwa,1997).


3. The 1900 Buganda Agreement

- The 1900 Buganda Agreement was so detailed that it virtually touched on every aspects of Governance.
- Mugambwa (2013) has done justice on the implications of the Buganda Agreement from a legal context-this Agreement has been variously described as “Buganda’s Charter of Rights”, “the Magna Carta”, “Buganda’s Constitution”, and so on.
- The agreement was divided into three major parts each touching a specialized aspect in great length-land, taxation matters while the third dealt with administration.

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- Commissioner Johnston signed the 1900 Toro Agreement by which all land in the kingdom was placed under the crown; and the 1901 Ankole Agreement.
 - Bunyoro which had proved hostile continued to be ruled by the British Administrators with the help of Buganda chiefs. The same model was applied in Kigezi region.
 - Subsequent to this agreement, came another document called 'Order in Council of 1902' but there had been a similar document at the African level called the African order in Council (1889).
 - The 1902 order in Uganda provided for the establishment of the High Court in Uganda which was granted full mandate to try all criminal and civil matters.
 - This order invested the people who were in charge of the protectorate to make other ordinances. Virtually, the commissioner at the time could do anything through passing a new ordinance.


It happened that....

- In 1904-a divorce ordinance and this ordinance ensured the High Court was to hear all divorce cases in Buganda.
- Still in 1904, the Registration of Documents ordinance was passed.
- In 1904, there was also a Land transfer law purportedly enacted by the Kabaka on the advice of the Lukiiko and with the consent of the commissioner and this law prohibited natives of Buganda from selling land to any person without the consent of the Lukiiko.
- In 1905, one of the highest-ranking British officials was killed in Ankole and the agreement was suspended for 7 years and imposed heavy fines of cattle for this murder.
- In 1907, the Nyangire rebellion led by the Banyoro chiefs took place- The heart of contention was the rule by the Baganda chiefs and the economic and cultural dominance they appeared to have exerted in the region.
- In 1908, the Registration of Tittles Ordinance came into force.

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- Matters of land and minerals which have tormented Uganda's governance journey had considerable attention in the 1900 Buganda agreement.
 - *Article 17 of the Agreement stated that minerals found in Mailo land belonged to the owner of the estate but only on the condition that a payment of 10% ad valorem duty was paid to the Government. This matter was later to bring confusion.*
 - *Article 7 (4) of the order in council prescribed that all minerals vested in the commissioner.*
 - In 1918, when expatriate firms started showing real interest in prospecting minerals, since Gold and Silver were the most precious minerals and the most likely to attract prospectors, the government sought to lay claim on them even when found in Mailo land.

4. The land Question

- A special word has to be made for the land question as it has had a more dangerous influence on Uganda's governance systems.
- Land which ideally should never be a problem in Uganda due to its abundance has unfortunately remained a key governance issue in Uganda's history.
- Some historical errors which were made make land a controversial matter and to date, these problems manifest.
- The 1900 agreement fundamentally changed the land structure and market in Buganda and beyond.

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- Shortly after signing the 1900 Buganda Agreement, the first steps were taken to establish a land and survey department and the first chief surveyor arrived in Uganda in 1901.
 - Initially, planning estimates had indicated the survey of land would take 10 years but it was only later to be completed in 1936.
 - In 1902, after the establishment of the first topographical surveys, the chief surveyor gave his estimate that the process would take 14 years and work is reported to have started in 1904.
 - Land titles after survey were to be governed by the Registration of Titles ordinance of 1908.
 - In September 1904, the Registration of Documents ordinance came into force.
 - Land systems to date had their influence from these earlier steps

5. The leadership question


- The leadership problem after independence is perfectly illustrated by Agbaje and Roberts (2002:154) who stated that post-independence leaders in Africa not only personalized power but also privatized the state for the purpose of primitive accumulation, clientelism, repression and all forms of opposition.
 - *Instead of using the state for initiating development, African leaders utilized it as a vehicle for terrorizing the citizenry, thereby leading to the disengagement of the populace from the public realm.*
 - *Tribal considerations determined those who had to be in leadership positions and national interests were always affected by these fights (Kanyeihamba,2002:42).*


■ Leadership questions are reflected in:-

- *The 1962 independence struggles*
- *The Kabaka crisis of 1956 and the crisis in 1964*
- *The constitutional anarchy in 1966 and the eventual constitution of 1967*
- *The emergence of the military regime in the 1970s were fundamentally questions of leadership.*
- *The emergence of the NRM in 1986 and the enthusiasm with which people welcomed this government.*
- *The unfortunate trends of the current NRM governance performance.*

Constitutionally,


- Uganda as a country has had a total of four constitutions- excludes the 1902 Order-in Council which Kanyeihamba (2002:2) described as the Constitution of the nascent protectorate government.
- In 1962, when Uganda attained independence, there was the 'first' constitution.
- The 1962 Constitution was replaced 4 years later by the 1966 Constitution which was passed in a very highly charged political environment.
- The 1966 constitution was replaced by the 1967 Constitution.
- Uganda had expected elections in 1967 but the political and leadership dynamics of the time could not allow such key governance process.
- On September 1967, when the new Constitution came into effect, the following developments; which touched the governance of the country happened: -
 - *The term of parliament was extended*
 - *President Obote was declared the President of Uganda for a term of 5 years*
 - *Kingdoms were abolished*
 - *A centralized form of government was introduced*
 - *Election of MPs remained by direct adult suffrage across the country but the president was now indirectly elected by parliament*
 - *A state of emergence shortly followed the 1967 constitution*
 - *Uganda swiftly turned into a one-party state under the UPC Government*

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- Obote was in power until January 1971, when a military coup was staged by Idi Amin Dada.
 - At first very popular, Amin moved quickly into a brutal authoritarianism. Under his orders, the authorities expelled Uganda's Asian community in 1972 and seized their property; they expropriated the property of the Jewish community, and terrorized intellectuals, destroying such symbols of 'intellectual' status as possession of books, spectacles and chess sets (Kanyeihamba,2002).
 - *Public order rapidly deteriorated, and murder, destruction of property, looting and rape became hallmarks of the regime.*
 - *Amin declared himself President-for-life and, in 1978, invaded the United Republic of Tanzania's northern territories.*
 - *Tanzania, which had long opposed Amin's regime, took this for a declaration of war.*

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- In Decree No.1 of 1971 which the Amin used to assume office; he suspended several parts of the Constitution.
 - *Amin ruled the country using the army as the major tool of political governance.*
 - *He was subsequently afforded legislative powers under the legal Notices although these legislative powers were to be exercised within the context of the surviving articles of the Constitution.*
 - *Elections planned for 1972 did not see the light of the day. He ruled by Decree and a number of them were made.*
 - *He had a Decree on Wigs by Women (1974), and Land Reform Decree of 1975 among several decrees.*
 - *Amin was overthrown by a combined of Ugandan and Tanzanian forces.*

■ The period between 1971 and 1980 experienced several dramatic incidents in all fields and the education field was not saved (Ssekamwa,1997).

- *Many educational programmes and projects which were going on during the 1960's ceased.*
- *Due to the insecurity and due to the desire to look for greener pastures outside Uganda, the 1970's saw the first serious brain drain ever experienced in the country.*
- *The Amin administration resorted to attracting Bangladesh, Pakistani and Libyan nationals to work in Uganda as teachers, lecturers, doctors, engineers and other workers in different fields, of course at higher salaries than those which were being paid to Ugandan qualified men and women.*
- *In 1972 Asians were dismissed from Uganda. This left schools without qualified teachers in Kampala and in other towns in which Asian children formerly studied. The schools were now left to African children to fill but without enough qualified African teachers.*

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- To address these gaps, Makerere University and Kyambogo stepped up their intakes for undergraduate teachers and Post Graduate Teachers and they managed to keep the education system supplied with qualified teachers at the secondary school level.*
 - But the problem was that it was difficult to retain the qualified graduate teachers when across the border in Kenya, there was a great shortage of graduate teachers too and security and salaries were very attractive (Ssekamwa,1997).*
 - Very many Ugandan graduate teachers went to teach in Kenya schools and they left an indelible mark on the Kenyan education system for their devotion to duty, efficiency and effectiveness as professional teachers, a sign of Uganda's soundness in her education system.*

6. The religious question

- Max Weber (1922) stated that the best efficiency organization was one characterized by meritocracy.
- However, the religious question has defeated us in the quest for good governance.
- From the time the country Uganda was birthed to this day, religion has placed a major role in the confusion and stagnation of our development trajectory.
- Observers of contemporary political and administrative appointments would agree how divisive this subject has become to our society.
- Judges are expected to be appointed based on political considerations as though the administration of justice is a matter that should fundamentally be decided.
- Elective politics is heavily influenced by religion although the invisible hand is concealed.
- There appears to be some positions in our country's administrative systems are reserved for particular religious groups.

7. The Asian Question

- The Asians came to East Africa at the close of the 19th Century mainly to construct Uganda Railways.
- After the construction project, many of them settled in Kenya and Uganda carrying out trade and commerce as their main occupation. Until 1920, the Ugandan protectorate was ruled virtually by orders of one man-the commissioner (Kanyeihamba,2002:13).
- He was the head of the protectorate, Executive officer and lawmaker. With the exception of the High Court and its judges, he controlled all other courts and their personnel.
- In 1920, a new consolidating Order-in-Council was promulgated and provision made for the establishment of the Executive and Legislative councils. Members of these bodies were to be designated by the King of the United Kingdom.

- By the 1920s, the Asian Community was significant and due to their numbers, they began to urge for political participation in Uganda's politics.
- He put pressure on the colonial government for representation in the Legislative Council and they attained their demand when in 1926, the first Asian was selected to the legislative council.
- Moreover, African representatives were not recognized and it would take another 19 years for Africans to be represented in the legislative council.
- The colonial government embarked on some laws which were discriminating against Africans- one such policy was the Trading Ordinance of 1938 which prohibited Africans from trading within a radius of 10 miles of an urban centre or township.
 - *Africans were also prohibited from growing cotton, processing coffee as well as engaging in export-import trade. The foundation of the economy thus went to the Asian community.*
 - *This created antagonism and whenever there would be an uprising and riots as in the case of the Bataka uprisings of the 1930s and 1940s, the Asian community was a prominent target for Africans to demonstrate anti-colonial sentiments.*

8. The NRM Government

- The story of governance in Uganda's politics would be incomplete without giving a special attention to the NRM Government.
- This is for both good and bad reasons as the NRM government has had both ups and downs in its governance trajectory.
- Asiimwe (2014:25) states that when the National Resistance Movement (NRM) assumed power in 1986, it was seen as a move in the right direction.
- The NRM's Ten-point Programme promised much-needed change and stability, which instilled a sense of relief and confidence among citizens.
- Ugandans believed that this would be the end of state-orchestrated murders, a culture of political violence, torture, arbitrary arrests, and repressive *modus operandi*.
- Above all, they rejoiced at the opportunity to vote freely and elect and their leadership. It was considered a dawn of a new era (Asiimwe 2014:25).


Initially

- *Increased participation in decision making through decentralization policy and the conduct of regular elections.*
- *Institutions of governance were established.*
- *Pro-governance policies were put in place.*
- *The country was given a Constitution by the NRM which was promulgated through a people-centered process.*
- *Freedoms in their diversity were made a core policy of government documents including the constitution.*
- *Rule of law and separation of powers were clearly demarcated in the constitution.*
- *The land question was addressed through a return of land to the citizens of Uganda.*
- *Gender and women voice were promoted through appropriate policies and inclusivity was emphasized in all sectors.*
- *The vibrancy of the legislature and the judiciary and the caliber of executive members could be felt from all corners of government activity.*

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- The economy was revived and political parties were allowed to operate.
 - The kingdoms which had been abolished were allowed to manage their cultural aspects.
 - Press freedom and the media were liberalized.
 - Meritocracy which used to guide political and administrative appointments has of late been infested with strong elements of favoritism, nepotism and political connectivity.
 - Significant reforms which were intended to improve service delivery and governance were undertaken.
 - Unfortunately, a number of them have not attained the intended benefits majorly because of corruption which is eating away the public values.

Some Negatives have since emerged

- Informal networks have dominated the governance arena and appear to be more powerful than the formal structures.
- Procurement decisions are made in these informal networks, appointments to key lucrative positions are conceived and incubated in these informal groups only to be legitimized through formal channels.
- The trends of abusive constitutionalism have tainted the NRM's governance initial performance.
- The involvement of the security forces in Uganda's political processes; largely in support of the NRM government has left a damaging reputation

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- The thuggery with which the Uganda police has treated political opponents is no good news to a functioning democracy.
 - The abuse of human rights and blatant disrespect for established traditions of police management.
 - The unfair implementation of the heavily unpopular public order management Act among the opposition political parties is an area that does not deserve to receive any credit.

CLASSICAL AND INDEGENOUS IDEOLOGIES

- Democracy, leadership, governance and the quest for better management of public affairs as broad subjects of the concern of this lecture owe their earliest views to works and practices of some philosophers and practitioners such as Socrates, Aristotle, Machiavelli, Su, Plato, John Locke, and Roseau among others.
- Some of the prominent classical scholars include:-
 - *Samuel Rutherford (1644)*
 - *John Locke (1690) who later discussed the same matter in the Second Treatise on Government (1690)-Functioning of Government.*
 - *Woodrow Wilson (1888) –Politics-Administration Dichotomy*
 - *Good now (1900) –Politics and Administration*
 - *Adam Smith (1776) –Wealth of Nations and Role of Specialization*
 - *Dicey (1885) –Rule of Law*
 - *Montesquieu in ‘The Spirit of Laws-1748’-Branches of Government and their functions*
 - *Aristotle defined the polis and on Democracy and Rule of Law*

THE BIRTH AND MATURITY OF MODERN PUBLIC ADMINISTRATION



1. Politics-administration Dichotomy (1887-1926).
2. Principles of Administration (1927-1937)
3. Era of Challenge (1938-1947).
4. The identity crisis (1948-1970)
5. From Public Administration to Public Management (1970-1990s)
6. The re-birth of Governance (1990s-todate)
7. The Emergence of New Public Governance (2010-todate).
8. The New Public Service (2013 to date).

SPECIAL APPLICATION TO UNIVERSITY GOVERNANCE

- Cardoso (2019:3) reports how the current context and environment of higher education requires more governance and leadership dynamism.
- Higher education institutions are confronted with intense pressure of external forces powerfully pushing them to undertake structural and functional alterations (Zhu and Zayim-Kurtay, 2018:435).
- This has been largely due to the dictates of broader public sector reforms which advocated the adoption of public sector management philosophies (Basheka, 2018) and have created a divide between public and private sector dimensions for managing the sector.
- Zomer and Benneworth (2011) suggest that the major forces that have resulted in radical alterations in the environment where current higher education institutions operate include funding scarcity, rise of neo-liberalism, increased complexity of knowledge production, and the emergence of knowledge-driven society.

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- Growing financial pressures and the demands for doing more with less alongside the need for increasing efficiency and effectiveness have made the role of the university managers and leaders challenging and in need of new skill requirement.
- Four generic key roles of management apply for all levels of university management:
 - *Managing core activities for which one is employed*
 - *Managing resources*
 - *Managing people*
 - *Managing information.*

In a University,

- Governance is “the glue that holds the university together” (Baldwin, 2009: 94) but few studies have delved deeper into the challenges facing universities in Africa (Kezer, 2008: 407) of which governance has been fingered.
- Earliest attempt to examine how universities are governed appears to have been the efforts of J. Victor Baldrige (1971) who recognized the uniqueness and challenges of university systems and the lack of appropriate conceptual models of their analyses .

University Leadership

- Creating a well-respected and highly ranked university requires inspiring and persistent leaders with a strong strategic vision of the institutional direction at all levels-a shared philosophy of success and excellence by university staffs and students.
 - *They ought to inspire a culture of constant reflection by all actors, instill capability for organizational learning and regard change as fundamental and inevitable.*
 - *Leaders spearhead drafting and implementing a range of appropriate systems, structures and policies to run both the administrative and academic processes of the university.*
 - *The systems, structures and processes need to be respected by all actors.*
 - *Such systems, structures and processes should be seen to exhibit a degree of fairness and transparency in the eyes of the different actors.*

Institutional levels

- Within a university, good governance entails respect for academic freedom and autonomy of the academic staff to discharge their duties without due interference from those in management.
- Good governance further concerns involvement of key stakeholders in decision making by the university management as well as those in the oversight structures of the governance organs.
- Good governance entails allowing managers to manage without undue influence and interference from the oversight organs.
- The university council should play more of oversight role and allow management autonomy to effectively run the university.
- Management must be accountable for every decision they make and they need to develop strong systems of accountability like a culture of comprehensive reporting and communication.

Models of University governance

■ The Bureaucratic model

- *Regards a university as nothing other than a bureaucratic organization built on strong rules and regulations to govern the many aspects that take place in a university.*
- *Based on the Weberian description of a bureaucracy. Weber described the characteristics of bureaucracies that distinguish them from other less formal types of organizations.*
- *In a bureaucracy, there is tenure, appointment to office, salaries as a rational form of payment, and competency as the basis of promotion.*
- *Weber described the bureaucratic structure as hierarchical and tied together by formal chains of command and systems of communication.*



That in a university system: -

1. Competence is the criterion used for appointment.
2. Officials are appointed, not elected.
3. Salaries are fixed and paid directly by the organization, rather than determined in "free-fee" style.
3. Rank is recognized and respected.
4. The career is exclusive; no other work is done.
5. The style of life is centered on the organization.
6. Security is present in a tenure system
7. Personal and organizational property are separated.

The Collegial Model

- The collegial model of university governance regards a university as a simple-organizing community of scholars who need less of any interference in managing university affairs.
- Trakman (2008: 66–70) and Kogan (2002: 40) considered the collegial model as the most reasonable instrument for a university. This model looks at consensus in decision-making, professional authority of academics and human education.
- This model believes the community of scholars can effectively manage all affairs of the university and at all times prefer sidelining the members outside their club from interfering with university affairs.
- This mode essentially advocates for academics managing the affairs in a university, a debate that explains why senates of universities have long been kept an internal matter by universities themselves.

The Entrepreneurial Model

- This model which is associated with the NPM ideologies regards a university as nothing other than a business enterprise trading in knowledge and the major clients of this business are students.
- It is also called the corporate model of university governance. This view leads to what has been regarded as an entrepreneurial university (Clake, 1983) or an enterprise University (Marginson and Considine, 2000).
- This model suggests that universities should be run on business-like models and they should have clear goals and rational-means end. That there should always be someone in charge and accountable for performance according to set targets.
- In this arrangement, the university 's mission and relations with the outside world should now be defined by strong corporate executive control imposing economic performance targets on internal structures.
- Corporate governance principles would need to be engaged in managing the university according to this model.

The Political Model

- The model regards a university as nothing other than a clash of political interests and a university is now a place of competing interests which have to be managed.
- The university according to the political model needs to be seen to have a complex social structure, which generates conflicts; there are many forms of power and pressure that affect the decision makers; there is a legislative stage in which these pressures are translated into policy; and there is a policy execution phase, which eventually generates feedback with the potential for new conflicts.
- There are political activities operating, especially in the policymaking processes within the university which shape and influence university performance (Altbach 2007: 19–20).

The basic assumptions of the model

1. Conflict is natural and is to be expected in a dynamic organization. It is not abnormal, nor is it necessarily symptomatic of a breakdown in the university community.
2. The university is fragmented into many power blocs and interest groups, and it is natural that they will try to influence policy so that their values and goals will be given primary consideration.
2. In the university, as in other organizations, small groups of political elites govern most of the major decisions. However, this does not mean that one elite group governs everything, but that the decisions are divided, with different elite groups controlling different decisions.
3. In spite of this control by elites, there is a democratic tendency in the university, just as there is in the larger society. Thus, junior faculty and students are increasingly demanding--and receiving--a voice in the decision councils of the university.
4. Formal authority, as prescribed by the bureaucratic system, is severely limited by the political pressure and bargaining power that groups can exert against authorities. Decisions are not simply orders issuing from the bureaucracy, but are compromises negotiated among competing groups. Officials are not free simply to order decisions; instead they have to jockey between interest groups, hoping to build viable compromises among powerful blocs.
5. External interest groups have a great deal of influence on the university. Internal groups do not have the power to make policies in a vacuum.

MISSING GAPS IN LEADERSHIP

- Lack of strategic foresight
- Accountability
- Interest group dominance
- Reporting and performance systems
- Longevity and merit deficits
- Capacity gaps
- Corruption

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- Problems in managing diversity
- Personalization and self-centeredness
- Religious and tribal divisions
- Death of collegiality in Universities
- The balance between public/private
- Decline Research

WHAT COULD BE DONE-RECOMMENDATIONS

- Strategic thinking and leadership
- Renewed purpose and philosophy
- Merit and Respect for systems
- Systems of accountability
- Stakeholder involvement

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- Evidence-based Decision making and faster Decision
- Continuous education and exposure
- Management of time and Diversity
- Leveraging Technology
- Gender and Diversity

❖ **3Cs and 3 Es**

CONCLUDING REMARKS

- The African public sector has remained engulfed in a number of problems (Basheka,2018:16).
- Despite the numerous reforms and interventions to change the way the public sector operates; service delivery remains questionable.
- Governance and leadership are arguably the cause of these deficits but they can equally be the solutions.
- The choice of a theme of the two terminologies being wrappers of constitutional democracy was intended to sends a message that democracy is essential for society and is the playground of governance.

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- Ultimately, governance and leadership hold the government together and they enable the government and organizations to function.
- Without good governance and leadership, there is turmoil and the destination can only be a bumpy road.
- Governance and good leadership build strong systems and structures that allow government functions and the institutions established to deliver public services can function when the governance and leadership questions are resolved.
- Organizations and government units have drifted away from their missions because of leadership.

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- Pre-colonial Africa is replete with examples of successful and influential leaders who were capable of building kingdoms and empires and defending them, albeit not without challenges.
- There are also some examples of leaders who built their states through their participation in the notorious slave trade and slavery.
- The purpose of inaugural lecture has been penned and the lessons for Kabale as a young public university to pick from such need no more emphasis.
- A need to adopt the culture of such debates make the university fulfil policy requirements but also maintains an academic tradition.

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- I take this opportunity to thank the **Vice Chancellor** for the kind words and the willful acceptance to organize this lecture.
- To the **senate** and the **inaugural committee**, your efforts have not been in vain. The event is ending.
- However, its end should open a new beginning where upon a schedule needs to be created to ensure all **professors** in the university are availed an opportunity to present an inaugural lecture.
- The Management team in general, my current dean and former dean, my colleagues in the two faculties, colleagues and comrades
- Special appreciation to my great family members, Parents, friends and relatives- I respectfully thank you and appreciate your time and effort
- The students, the members of the press and entire Kigezi community-accept me to be part of the University as the Roman ancient rituals demanded of inauguration.



THANKS YOU!

Any questions?

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