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# Decentralisation and Legal Pluralism in Small Towns in Uganda

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## ABSTRACT

Weak decentralization, authoritarianism and limited economic development in small towns in Uganda have been seen as key obstacles to political inclusion. However, small towns in theory also hold hope for political inclusion due to the potential for more direct citizen engagement and flexibility to be able to respond to citizens' needs. Drawing on 58 focus groups, 24 key informant interviews, and three feedback meetings across seven towns, this research reveals persistent exclusion of marginalised groups due to local elite capture, national government dominance, resource constraints, and entrenched corruption. However, the study also identifies instances where flexible law enforcement—in issues such as street vending permits, housing permits, and water and sanitation regulation, has sometimes enabled responsiveness to citizen needs. Using the concept of legal pluralism, this article argues that the flexible application of the law not to allow for kleptocratic practices, but instead for innovative governance from below can enhance political inclusion and better align with the practical needs of citizens.

## 1 | Introduction

Urbanization in Africa is accelerating, with small towns emerging as crucial sites of transition between rural and urban life (UN Habitat 2022). These towns serve as the first point of urban contact for rural migrants, offering the promise of better services, economic opportunities, and political participation. In small towns, citizens are geographically closer to their policymakers and could more easily engage with their representatives to voice concerns, becoming spaces of political inclusion. Ideally, decentralization understood as the devolution of power and resources to local governments should strengthen the governance of these small towns by making local governments more responsive to citizens' needs. However, in Uganda, weak local governance, limited resources, and national government dominance undermine these

expectations (R. Crook and Manor 2002; LeVan et al. 2015; R. C. Crook 2017).

To study political inclusion it is common to look at formal mechanisms such as elections and participation of citizens in government consultations, but this fails to consider the particularities of small towns where more often informal norms govern everyday political practices and realities (Helmke and Levitsky 2004; Bénit-Gbaffou and Oldfield, 2011). In small towns, everyday governance is shaped not just by formal institutions but by informal networks, unwritten rules, and negotiated practices. Understanding these informal norms is essential for assessing how political inclusion unfolds in practice. Thus, this study examines how local officials and marginalized residents see the opportunities and limitations of small towns to respond to citizens' needs in Uganda.

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We use the works of Manor (2004) who refers to political inclusion as the processes and mechanisms that ensure all individuals and groups within a society, particularly marginalized or underrepresented populations, can participate and influence policies that affect their lives. In practical terms, political inclusion requires to investigate accountability practices to examine if local governments respond to the needs of marginalized groups, as this helps ensure that their voices are heard and their concerns are addressed in decision-making processes (Agrawal and Ribot 1999). Small towns are not only economic hubs and rural growth poles but also act as potential sites for enhanced political engagement, where local governments could act as crucial intermediaries between the state and citizens, particularly giving a voice to marginalised groups and ensuring that their needs are met (Galès 2021, 353). However, studies on democratic decentralisation and clientelism show the many challenges that local governments experience to refrain from elite capture and corruption (Bénil-Gbaffou and Oldfield 2011).

Uganda is characterised as an electoral autocracy, meaning that it holds elections, but they are not open and fair (Meyers 2018; V-Dem and V. of D.I 2021). The capacity of local governments in Uganda to provide services and foster local democracy remains limited (Meyers 2014). According to Meyers, decentralisation in Uganda 'has become an avenue for political patronage and expediency' that allows the president to gather votes and support, and not a system to ensure citizen's demand for accountability of local councils (Meyers 2014, 96). Although Uganda's decentralisation reforms of the 1990s were praised to be radical in terms of the devolution of key powers, such as healthcare, education, and urban planning, local governments have struggled with insufficient resources, weak staff capacities and limited autonomy from the central government (Green 2015). Decentralisation was neither accompanied with resources or capabilities nor with accountability to the citizens (Steiner 2008). While the Local Government Act of 1997 allows for local governments to collect taxes and fees, in many cases these revenues are mainly used for recurrent expenditure such as pay for staff salaries and allowances for the local councils, leaving limited resources for the provision of services (Francis and James 2003, 332). Despite these limitations, resources transfers from the national government in more recent years include funds for development projects and basic services (Kakumba 2010).

There are no specific studies on political inclusion in small towns in Uganda, but a study on Kampala's urban politics shows that citizens mobilise the 'politics of survival' and bypass the local government to achieve direct favours from the President (Goodfellow and Titeca 2012). Previous studies (Steiner 2008; Goodfellow 2017; Nabaho 2020) have highlighted the constraints of decentralisation in Uganda. However, there is less research on the informal avenues that people take in smaller towns to voice their needs, which is important for understanding the full range of opportunities for marginalized groups to engage with local governance. To address this research gap, our study investigates the role of informal norms in shaping political inclusion in rapidly growing small towns in Uganda. Informal norms refer here to codes of conduct that structure human interaction, but are not part of the formal law (North 1994). Drawing on 58 focus groups, and 24 key informant interviews

across seven Ugandan towns, as well as three feedback and sharing meetings, we compare government officials' descriptions of political accountability with the lived experiences of marginalized residents.

We use Agrawal and Ribot (1999) framework of decentralized local governance in which downward accountability is an essential condition for local democracy and political inclusion. Downward accountability is here understood as the rewards or sanctions that citizens can use to respond to the decisions of the local government including elections, but also more informal forms of reactions such as protests and gossip. Despite the overwhelming evidence of inadequate political inclusion and weak accountability mechanisms, our findings also reveal some avenues to create political inclusivity. For instance, we identify how the lax application of regulations concerning small businesses, housing permits, and access to basic services such as water and sanitation that exist in small towns has sometimes enabled responsiveness to citizen needs. While research on development guided by the experiences of western countries often see informal practices as anomalies that need to be eradicated (Helmke and Levitsky 2004), we open the discussion to understand these practices within the context and the practical functions they play for marginalised citizens. These instances, while limited, highlight the potential for informal practices to contribute to more inclusive development processes. By examining both the constraints and the opportunities within these small towns, our research provides key examples where decentralisation laws and policies can be adjusted based on common practices and informal norms that better respond to the everyday needs and conditions of citizens in small towns in Uganda. Our findings may have relevance for other small towns with similar legislative frameworks within sub-Saharan Africa.

## 2 | Conceptual Framework: Legal Pluralism and Decentralization from Below

This article employs an integrated approach that combines a framework of decentralization theory (Agrawal and Ribot 1999) and legal pluralism (de Sousa Santos 2006).

### 2.1 | Decentralization Theory

Decentralization theory posits that distributing powers from central to local governments enhances governance efficiency and equity (Manor 2004). This theory is grounded in the belief that local decision-makers, due to their proximity to the community, are better positioned to understand and address local needs and aspirations (Agrawal and Ribot 1999; R. Crook and Manor 2002; Manor 2004; Kessy 2013; Kosec and Mogues 2020). Decentralization can take various forms, including administrative decentralization, which involves delegating administrative functions to local authorities, and political decentralization, which transfers decision-making powers to elected local representatives (Agrawal and Ribot 1999). The underlying assumption is that closer proximity to the populace reduces transaction costs, improves accountability, and aligns resource allocation with local needs (Ribot 2011).

Administrative decentralization aims to improve service delivery by making local governments more responsive to community needs, while political decentralization seeks to enhance democratic governance by ensuring that local officials are accountable to their constituents (R. Crook and Manor 2002). According to Agrawal and Ribot (1999), effective decentralization requires a careful balance between the powers granted to local actors and their accountability mechanisms. In this regard, theory holds that it is accountability to the citizens that can bring political inclusion, as citizens hold the power to sanction or reward responsible politicians (Ibid). Political inclusion here refers to the extent to which marginalized or underrepresented groups can participate meaningfully in political processes and decision-making. Political inclusion goes beyond being able to participate in elections, and it requires upholding the rule of law and freedom of association and expression (Güçler 2021).

However, decentralization theory often reflects a colonial perspective that assumes law operates as a unified and hierarchical institution imposed from above (Benjamin 2008; Divetia and Chaudhary 2023). This view may not fully account for the complex interplay of formal and informal regulatory systems that characterize many African, and other postcolonial contexts (Hyden 2017). The effectiveness of decentralization can be limited if it does not consider the existing local norms and practices that influence governance and social interaction.

## 2.2 | Legal Pluralism

In contrast, the concept of legal pluralism provides a framework for understanding the coexistence and interaction of multiple normative systems within a society. It challenges the notion that state law is the sole or primary regulatory framework, emphasizing instead that multiple sets of rules—such as indigenous customary laws, religious decrees, and moral codes—operate alongside formal legal systems (Griffiths 1986; Merry 1988; de Sousa Santos 2006). Legal pluralism is particularly useful in contexts where informal regulations play a significant role in governance.

Legal pluralism emerged to address the limitations of a singular, top-down view of state law, particularly in post-colonial and indigenous contexts. Merry (1988) highlights how informal norms and local practices can both complement and contest formal legal systems. This perspective is crucial for understanding how marginalized communities navigate and resist governance structures that may not fully reflect their needs or values (Vargas and Urinboyev 2015). For people living in informal settlements or working in the informal economy, informal norms may be the only mechanism regulating land use, street trade and access to water and electricity (Bayat 2000; Vargas and Valencia 2019).

## 2.3 | Integrating Decentralization and Legal Pluralism

Combining decentralization theory with legal pluralism allows for a more comprehensive analysis of local governance in rapidly urbanizing small towns in the context of non-western

countries. While decentralization theory focuses on the distribution of formal powers and decision-making, legal pluralism emphasizes the role of informal regulations and local practices. This integrated approach helps reveal how marginalized citizens use both formal and informal mechanisms to influence local governance and access services.

Legal pluralism offers an interesting angle to study political inclusion, since we are not concerned with the institutional top-down framework in which decentralisation operates, but the everyday practices of accountability that permeates the relations of marginalised citizens and local governments. In this regard, legal pluralism offers insights into how informal norms and practices shape social interactions and governance outcomes. This combination allows for a nuanced examination of how local governance structures can either facilitate or hinder political inclusion in everyday life. For example, while decentralization efforts may aim to enhance local accountability and responsiveness, their success may depend on how well they interact with existing informal practices and local norms (de Sousa Santos 2006).

Legal pluralism also underscores the importance of recognizing and incorporating informal norms into the formal governance framework. This approach challenges the assumption that formal legal systems should dictate the terms of governance, highlighting instead the value of integrating local practices into the governance process, what is called legality from below (Rodríguez Garavito and Santos 2005). By examining how informal norms influence governance and service delivery, but also how citizens themselves manoeuvre around formal and informal norms to access services, it is possible to uncover pathways for improving political inclusion and responsiveness in small towns.

Previous studies on decentralisation and legal pluralism have shown that citizens engage with the law and the state at the local level in a variety of forms that sometimes are formal and legal, other times are more informal and even illegal, using different tactics (Béni-Gbaffou and Oldfield, 2011). Citizens interact with public authorities in different ways, sometimes they contest the state authority by establishing informal markets and settlements but at the same time they engage in practices of corruption to access resources and services (Galès 2021). While informal norms have mostly been studied in relation to local politicians and bureaucrats' abuse of power to maintain their own privileges (Maria Kyed 2009), the space provided by a situation of legal pluralism can also translate in local governance solutions that can better respond to people's needs (Benjamin 2008). Take the example of Mali, where local governments use a local convention 'a negotiated, voluntary contract' to address the challenges of forest governance (Ibid). These local conventions become spaces for different actors to present their claims, and like any other governance spaces can also be used by more powerful groups in disadvantaged or traditionally marginalised groups, such as youth.

Decentralised governance in the context of legal pluralism can be well exemplified in relation to the regulation of informal economic activities, such as street trade. Magidi argues that the informal economy is driving an alternative sustainable agenda

in small towns in Africa providing 'natural environment stewardship, skills development, promotion of social cohesion, indigenous knowledge systems and *Ubuntu*'<sup>1</sup> (Magidi 2022, 211). In Sub-Saharan Africa, decentralisation reforms have been largely driven by donor agendas that depart from the standards of the Global North, limiting the possibility for more creative and local solutions (Hyden 2017). There is a tendency to assume that the mechanisms and possibilities for political inclusion observed in more developed countries can be directly applied to Sub-Saharan Africa's rapid urbanization context. Such assumptions have overlooked the unique challenges and opportunities present in smaller towns, where local governments and citizens operate under very different circumstances.

As seen above, small towns face significant obstacles to effective governance and political inclusion, for instance through the prevalence of clientelism and nepotism. Yet, within these constraints, both local governments and citizens find ways to navigate their daily lives, often relying on informal norms and practices to influence decision-making. Therefore, it is crucial to better understand these localized strategies and the ways in which citizens can (or cannot) exert influence on their local governments in small towns. In this debate, the concept of legal pluralism, provides valuable insights into how informal practices and local norms contribute to inclusive urbanization from below (Rodríguez Garavito and Santos 2005). By incorporating the perspectives of legal pluralism, we can better understand whether those informal norms and practices are enabling political inclusion for marginalised groups or reproducing exclusionary politics. Instead of questioning informal norms because they are not part of the formal realm of the state, legal pluralism allows us to focus on the content of informal institutions and the practical functions they play in citizens everyday lives.

### 3 | Methodology

This article draws largely from the qualitative (key informant interviews and focus group discussion) data collected from seven small towns in Uganda that was part of an innovative mixed methods project titled 'Explaining inclusive lower-level urbanization in Tanzania and Uganda'. The project integrated geo-spatial analysis tools to identify the right scale of towns that showed evidence of both economic development (evidenced by growth in night-time light emissions over time) and population growth over time (as indicated on analysis of a timeline of satellite imagery for each town where urban expansion at the boundaries and/or urban densification of buildings and urban infilling can easily be viewed), before deploying a questionnaire survey of approximately 250 households across 15 towns in the two countries. Key informant interviews were undertaken in conjunction with the questionnaire survey during year 2022, while focus group discussions with groups of town residents were undertaken during 2023 after preliminary analysis of survey data. This allowed further exploration of emerging insights from the earlier phase of data collection.

In order to identify the small towns that showed evidence of economic and demographic growth freely available nighttime light emissions data was downloaded from NASA where an increase in brightness from 2012 to 2020 was taken as an

indicator of economic growth, as tested by Mellander et al. (2015). This data was combined with population data downloaded from the Africapolis website, and an intersection of this population layer and the nighttime light increase layer in a GIS was run to identify potential study towns for further analysis. For more detailed description of site selection and questionnaire survey methodology see Mackay et al. (2025).

Table 1 presents the selected Ugandan towns, and the population of the contiguous urban built-up area as identified using a combination of Google Earth imagery and shapefiles with associated census data. It is important to note that the official populations of these towns are larger since the boundaries of such statistics are at District or Municipal Level and thus include a large peri-urban fringe and surrounding rural villages.

Semi-structured interviews with key informants were conducted in three of the seven towns (Bugiri, Iganga and Pallisa) and lasted between one to 2 hours. Interviews were not recorded and instead we took detailed notes. In some cases, translation was necessary from Luganda to English, while interviews were conducted in English when the respondents felt confident using this language. Interviews were always conducted by a researcher from Makerere University and one from Lund University. A total of 24 interviews were conducted with local political leaders, government officials, and community and business representatives. Interviewees were purposefully selected with the help of the local government or community leaders, based on their knowledge and experience in urban governance and legal frameworks. This could lead to bias, but during the interviews we could see that local political leaders were also critical to the government and their views showed great variation. The issues explored in the interviews included the role of local government in the provision of services, formal and informal mechanisms of accountability and participation in local governance, the effects of decentralisation policies, the impact of COVID-19, and the inclusion/exclusion of marginalised groups in local governance processes, among other issues. The interviews provided qualitative accounts of how local government officials, politicians and community leaders experienced local governance dynamics.

We also conducted focus groups with eight distinct groups of residents in all seven Ugandan towns. These groups comprised men, women, female household heads, migrants (could be internal or international), youth, the elderly, individuals identified locally as the community's 'poorest', and people living with disabilities. In total, there were 58 focus groups comprising 297 participants, with 165 women and 135 men. Participants were selected using contacts of local leaders obtained during fieldwork and through snowball sampling based on recommendations given by participants. While this method introduced some potential biases, it was necessary to have different local gatekeepers to make the contacts and arrangements required to create such groups. Each focus group consisted of approximately 6–8 individuals, and discussions roughly followed an interview guide covering various topics, which were slightly adjusted for each specific group. Conversations were about the connections between rural and urban areas, the groups' experience of access to services, their needs and aspirations and the interaction with the local government. The discussions were led by two local

**TABLE 1** | Towns covered in this study.<sup>2</sup>

No	Town	Population, Urban Cells *(2010)	Administrative Status/ Population (2014 census)	Suspected driver(s) of growth
1	Bugiri	22,632	Municipal council: 28,747	Lies within a rich agricultural area and it is located on the Northern corridor and therefore acts as a strong transit town for long-distance trucks
2	Iganga	48,444	Municipal council: 55,263	Also located on the Northern corridor and it is a bustling business & transit centre considering it closely to the Uganda-Kenya border
3	Luweero	29,144	Municipal council: 43,800	It is a bustling business area that relies heavily on agriculture products in the surrounding rural area.
4	Masindi	36,703	Municipal council: 94,438	Located 211 km northwest of Kampala city. Its growth and development largely influenced by not only, oil and tourism infrastructure, but also one of the biggest sugarcane plantations in the country notwithstanding lying within a rich agricultural area
5	Mityana	39,414	Municipal council: 95,428	Lies on the main transport gateway to western Uganda and Eastern DRC
6	Mpigi	9805	Town council: 44,200	Transport hub; agriculture. One of the oldest towns in Uganda that has stagnated in recent years due to boundary changes and competition from neighbouring urban centres.
7	Pallisa	13,855	Town council: 34,200	Located in a rich agricultural area with an old industrial town a cotton growing footprint. It is the headquarters of Pallisa district local government and the newly tarmacked—Tirinyi-Pallisa-Kamankoli-Kumi road passes through the town.

researchers. Notes were taken during the sessions and thematic summaries of the discussions were prepared in writing immediately after each focus group.

Qualitative data from interviews and focus groups were then subjected to thematic analysis using N-vivo to identify key themes and patterns related to decentralisation and political inclusion. The findings from interviews with local government officials were juxtaposed with data from the focus groups and interviews with local leaders, allowing for a diverse view of the urban experiences. The first round of coding used the themes of: inclusion, exclusion, needs, access to services, voice, rights, corruption and participation. The theme of legal pluralism and informal norms emerged from the data analysis and the transcripts were analysed a second time to search for common accounts of informal norms and practices.

Ethical approval for the study was obtained from Uganda National Council for Science and Technology (UNCST). Informed consent was secured from all participants prior to data collection, emphasizing confidentiality and the voluntary nature of participation. Participants of the focus groups were provided with water and a transportation allowance. While we list the name of the seven towns, the findings that we will present will keep the town name anonymous to guarantee the confidentiality of key informants and residents. While this study covers an important sample of towns and respondents, the findings are based on informants' accounts of their experiences. They provide relevant information about patterns of informal practices that impact the lives of residents of small towns in Uganda.

#### 4 | Contextualisation: The Challenges of Decentralized Local Governance and Political Inclusion in Uganda

Uganda's decentralization reforms, initiated in the 1990s, aimed to respond to pressure from local elites and international donors (Francis and James 2003; Steiner 2008; Green 2015; Makara 2018). With the constitution of 1995 and the Local Government Act of 1997 local governments were given many powers and responsibilities and Ugandan decentralisation reforms were seen as revolutionary and promising (Green 2018). However, the National Resistance Movement government's (popularly referred to as Museveni government's) subsequent actions have gradually eroded the autonomy of local governments, perpetuating political capture and undermining the original goals of these reforms and creating significant challenges for political participation (Makara 2018).

The desire to increase people's participation in decision making through local governments has been the NRM's main political message since it came to power in 1986. Decentralization received popular support during the early years of the NRM government with the promulgation of the 1995 Constitution, followed by the Local Government Act 1997 Cap 243 (which defined rights and responsibilities of local governments; and mandates them to be the frontline actors in service delivery in their jurisdictions)<sup>3</sup> and the Local Government Own Source Revenue Mobilization Strategy [2019/20-2023/24]. The Act gave the mandate to local authorities to levy, charge, collect and appropriate fees and taxes in their own jurisdictions, not only to

supplement central transfers, but also be able to handle their specific development priorities.

The 1995 Constitution and the Second Schedule of the Local Government Act (CAP 243) provide for the decentralization policy. Both under Article 191 of the constitution and Section 80 of the Act Local Governments are required to prepare their own development plans and budgets as well as mobilize revenues locally to facilitate funding for recurrent and development expenditure.

However, it has increasingly become frustrating for many local governments across the country to operate under a decentralization framework considering that, for all intents and purposes, the decentralization policy now appears as the main ‘trap’ derailing and inhibiting the proper functioning of many local governments including their ability to deliver services and enhance political participation. A relevant turning point occurred with the 2020 directive by the Permanent Secretary, Ministry of Finance, Planning and Economic Development and Secretary to the Treasury to all local government accounting officers that all local governments to remit<sup>4</sup> all collected local revenue to the consolidated fund, for subsequent (re)-allocation to the respective local governments. Thus, Ugandan Local Governments rely heavily on transfers from the Central Government which corresponds to about 96.5% of the local revenues (SNG-WOFI and W.O. on S.G.F. and I 2022). Local governments’ own revenue is limited to taxes and fees that are more difficult to collect such as market dues, property tax and parking fees (Green 2018). The formal institutions designed to facilitate democratic governance and citizen participation are often underutilized or inaccessible to marginalized groups (Lambright 2011). As a result, local governments often lack the power and resources necessary to effectively respond to the needs and aspirations of their residents, especially their most vulnerable residents, raising questions about the extent to which small towns can truly serve as inclusive and democratic spaces.

This financial dependence has generated a system in which local governments are not accountable to the citizens that elect them (Nabaho 2020). Moreover, persistent poverty and limited success of past poverty alleviation programs create a complex environment for fostering political inclusion (Francis and James 2003) with programs marked by corruption and poor targeting, which undermines trust in local leadership and creates a breeding ground for exclusion (Nabaho 2020). Often wealthier citizens are more likely to benefit from poverty alleviation programs than the poorest (Green 2015). This reinforces existing inequalities and discourages marginalized groups from engaging in local decision-making processes.

## 5 | Findings: National Government Dominance, Lack of Accountability to the Citizens and Mainstreamed Corruption

During our fieldwork in three of the seven sampled towns, the stories from local government officials and citizens about the role of local governments in addressing the needs and aspirations of citizens in rapidly growing towns were similar when it

came to practices of corruption and nepotism that have left marginalized citizens with a feeling of constant exclusion and hopelessness. The story of local governance was often about accountability towards the national government and not the citizens themselves, lack of hope in the formal spaces of citizen participation and many informal norms and practices that rule everyday governance in the small towns.

In this section, we present the most relevant findings of our research to illustrate three key findings. First, we show how local government officials deal with an autocratic national/central government that has re-centralized most of the power and control of resources. Second, the limited authority left to the local governments has led to frustration from both local authorities and citizens alike, which has resulted in a generalized feeling of dissatisfaction with their urban local government. Finally, we found many informal norms and practices that govern the relation between citizens and the local government, which in most cases lead to exclusionary politics, such as corruption, rent seeking, patronage and clientelism. However, we highlight a few cases in which these informal practices create responsive norms that allow the local governments to respond to citizens’ needs and aspirations.

### 5.1 | National Government Dominance and Its Impact on Decentralization

Ugandan small towns are profoundly influenced by the national government, which plays a dominant role in resource distribution and appointment of government officials. This top-down influence significantly undermines the principles of decentralization that consider local governments as accountable to the citizens (Ribot 2011). Despite the formal structure that suggests a shift of power to local levels, the reality on the ground is quite different, with local politicians often prioritizing their relationship with the national government over the needs of their communities.

Indeed, the national government’s involvement in local matters is extensive, often dictating the direction of local governance. As one local urban councillor remarked, ‘Transport was lacking to mobilize people—we demanded a meeting with the president, and he agreed to fund motorcycles (*commonly referred to as boda boda*) to ease transport in the town. We have also increased our demands for salary rises. This has also been agreed to’ (Interview, 2022-08-13). This quote illustrates the reliance of local governments on the national government (and even the president directly) for essential resources, which are critical for the residents’ day-to-day operations in their small towns. Instead of independently addressing the needs of their constituencies, local councils must often appeal to national leaders for support.

This reliance on the national government, especially the President and other powerful political and business elites also extends to political processes. In a hotly contested by-election for a Member of Parliament, the president personally intervened to influence the outcome. ‘The president came personally to appeal to the contestant to step down for. He didn’t even go on as

an independent candidate as it normally happens but decided to step down. There was only one candidate in the end' (Interview with a local politician, 2022-08-15). This direct involvement by the president demonstrates the extent to which local political dynamics are controlled by national figures, undermining the autonomy of local governance.

The dominance of the national government and political interests of the ruling party often leads to the subordination of local needs in favour of national priorities. Therefore, local officials and politicians find themselves caught between the demands of their constituents and the expectations of the central government. This creates a situation where the urban local government is more accountable to national authorities than to the local population they are supposed to serve. As a result, the core principle of decentralization—empowering local governments to address local needs—is significantly compromised.

There is a general sentiment both among citizens and local government officials and politicians that the central government is the responsible and main actor in charge of responding to citizens' needs. One agricultural officer expressed this frustration: 'We rely entirely on national government programs' (Interview, 2022-08-17). Local governments often lack the resources and authority to implement their initiatives, forcing them to depend on national programs that may not align with local priorities. However, increasing populations in these towns is also helping them to get more resources, and many local government officials expressed the importance of attracting more residents to their towns to be able to get better salaries that come with formal town upgrades but also more resources.

## 5.2 | Challenges of Local Governance: Limited Authority, Resource Dependency, and Accountability Issues

As shown above, local governments in Uganda's small towns face significant challenges due to their limited authority and dependence on national government programs and international aid projects that channel their resources through NGO's rather than the locally elected governments. These challenges are compounded by lack of accountability, with many local officials prioritizing personal gain over public service delivery, leading to a pervasive culture of corruption and impunity. This lack of accountability fosters a culture of corruption, where politicians are not held responsible for their actions, leading to impunity. A local councillor said,

▮ Becoming a councillor is a career step. Being a speaker (town councillor) gives opportunities for advancement as a politician as well as networks. Good for the CV.

(Interview, 2022-08-13)

This quote reflects the broader issue of political offices being viewed as a means of personal advancement rather than public service. Another quote shows that recurrent corruption practices where extra payments are requested and in extreme cases, people can lose their land.

▮ In Luweero there were tears as one woman described how a local official had stolen her land and other women noted how she was forced to pay twice for a YAKA (electricity) metre.

(FGD with women 29-09-2023).

While councillors expressed that their positions also come with expectations of assistance based on personal ties, the use of political positions for personal gain contributes to a culture of corruption, where public resources are diverted for personal or political purposes. On the other hand, the burden that local politicians experience is high, as people expect money handouts and favours from them. This problem which is possibly more pressing in small towns where citizens can easily identify and speak with the local politicians to ask favours but also citizens can more easily spread gossips about corrupt politicians which could create some form of control. In general, there are no effective oversight mechanisms, which allows corrupt practices to go unchecked.

Stories about corruption were common in most of the focus group discussions. Here are some examples. In one of the towns, a 21-year-old man engaged in brickmaking and farming complains about the use of the Parish Development Programme by the local administration. He said, 'the community officer does not support the youth, they give supportive funds to friends and family' (FGD with youth 23-08-2023). He suggests that 'all leaders should be removed from office, leave the town with no leaders, because they are corrupt which has setback the development of the town' (Ibid.). In most of the focus groups, there were complaints about the use of welfare schemes by politicians and civil servants to favour family and friends. Citizens have heard about those programmes for the poor, but most of them have never received them. When they try to go to their local leaders and ask about them, they tell them they need to register, fill out forms and go to different offices just to keep citizens busy, but at the end the leaders and the local officials pick up specific individuals, 'it is about who you know and not about what rights you have', mentioned one of the youth (FGD with poorest 24/08/2023).

Citizens are acutely aware of these issues, and many feel excluded from the decision-making processes that affect their lives. There is a widespread perception among citizens that local governments are not responsive to the needs of the poor and marginalized. This perception is reinforced by the actions of local politicians, who often prioritize those close to them in terms of ethnicity, family, or friendship when allocating resources or opportunities. This favouritism perpetuates inequalities and disenfranchises outsiders, further eroding trust in local governance.

A focus group discussion revealed that citizens feel local governments are more interested in serving the interests of the well-connected than in addressing the needs of the broader population. 'The leaders in our communities are the ones that have compromised the system, so it is very difficult to find who to contact to address our needs' (FGD with the Poorest 22-08-2023). This sentiment was echoed in other focus groups, where

participants expressed frustration with the lack of transparency and fairness in resource allocation.

Marginalized groups, such as women, youth, people with disabilities, and the poorest residents, expressed discrimination at different levels and arenas—they often feel that their voices are not heard, and their needs are not addressed by local governments. In a focus group discussion with women in one of the towns, participants highlighted the difficulties that people living in poverty face in accessing local government programs: ‘our situation and needs are not taken into account as we participate in voting and the candidates lie to us and after elections promises are forgotten, we cannot even reach their offices’ (FGD women 26-08-2023). Women in this focus group expressed their frustration with what they referred to as inaccessible, incompetent and/or corrupt actors and highlighted the lack of genuine democratic representation and responsiveness.

Many expressed the need for them to pay bribes to be given some form of employment. They also expressed being ignored in hospitals or medical facilities with the notion that they can’t afford to pay for medical bills. Women expressed that ‘men use them’ a lot in such a way that they get them pregnant and abandon them because they are ashamed to call them their wives in public (FGD with PWD 22-08-2023).

### 5.3 | Examples of Responsive Governance

Despite the challenges of decentralization and the dominance of the central government, we were able to identify instances where local authorities and citizens (either as individuals or groups of individuals) create informal norms, processes and actions to respond to their needs. While such examples are few, they are worth noting as an advantage of small towns specifically, when compared to larger urban centres. We argue here that the relative proximity of local government officials to the population can enhance accountability and responsiveness, even if only in limited ways. For example, local councils in some towns have created spaces for street traders to operate without being taxed, particularly during evening hours. ‘Some local councils allow street traders to operate without being taxed during certain hours, which helps support their livelihoods while maintaining a degree of order within the town’ (Health Officer, 2022-08-16). This approach demonstrates a recognition of the economic realities of the population and a willingness to adapt formal regulations to better meet local needs. Our findings support Magidi’s study in a small town in Zimbabwe where small businesses managed to pressure the town council to stop charging high penalties for home-based businesses that were not registered and instead agreed on a low affordable fee (Magidi 2022, 216).

Another example of this pragmatic governance is the selective enforcement of regulations during the COVID-19 pandemic. Local authorities in some small towns allowed market traders to continue operating despite formal lockdown measures, recognizing the critical role these markets play in the local economy. ‘During the pandemic, we allowed markets to remain open, understanding that people needed to survive. This wasn’t strictly

legal, but it was the right thing to do given the circumstances’ (Town Clerk, 2022-08-14). This example illustrates how local authorities can make decisions that prioritize the well-being of their communities, even when it means bending the rules set by the national government, except for financial decisions which fall directly under the ambit of the central government. On the contrary, local governments strict application of the law in many African cities during covid-19 led to hunger and extreme poverty and people working in the informal economy suffered the devastating impacts that laws de-attached from the needs of people can bring to society (Wegerif 2020; Rwafa-Ponela et al. 2022).

Legal pluralism, where formal regulations coexist with informal norms and practices, plays a crucial role to create political inclusion. In many small towns, informal norms are deeply embedded in the social fabric, shaping how people interact with the formal legal system. For instance, in the aftermath of the pandemic, local authorities in some towns worked with informal community leaders to ensure that market regulations were enforced in a way that respected local customs and practices. ‘We work closely with local leaders to ensure that market rules are followed in a way that makes sense for everyone. It’s not just about enforcing the law; it’s about understanding the community’ (Market Manager, 2022-08-16). Here citizens and local governments agreed on the importance of creating spaces of dialogue and ‘making sense’ of the local realities to adapt the law to better respond to the needs of the citizens.

The economic diversity and rural linkages of small towns in Uganda also enable adaptation in ways different from larger urban areas (see Andersson et al. 2024). These towns are characterized by a mix of agricultural, small-scale commercial, and service-based activities, which create diverse opportunities for local economic development. In some cases, local governments have been able to support these activities through targeted programs and initiatives that align with the specific needs of the local economy. For example, in a small town where agriculture is a major economic activity, the local government implemented a program to support small-scale farmers by providing access to improved seeds and training on modern farming techniques. ‘We saw that many of our residents rely on agriculture for their livelihoods, so we decided to invest in programs that would help them improve their yields and income’ (Agricultural Officer, 2022-08-17). In another town, the local government holds regular cattle auctions where farmers from the surrounding areas can sell and buy livestock in a more structured and profitable way (Feedback workshop with local government officials 25-08-2023). These programs had a positive impact on the local economy, helping to improve food security and increase incomes for small-scale farmers. Such initiatives could be expanded and improved if local government officials and politicians take a more pro-active role, but also if resources and powers are devolved.

Another example of a common form of informal access to public services is the trade of water. In most towns, we observed street traders selling water. While water is supposed to be accessible in the town areas, citizens and local government officials agreed that connection fees are expensive and therefore citizens rely on water from street vendors. A government official also mentions

how people that have the means prefer to drill a private borehole often without getting the required permit (Feedback workshop with local government officials 25-08-2023). Easy access to land to build small houses was also mentioned as one of the advantages of living in a small town and citizens mentioned how they could just build temporary structures without the need to get a formal permit from the town, sometimes paying a bribe (Feedback workshop with local government officials 21-08-2023). These informal arrangements were the only housing solution for the urban poor, as housing is an issue the state cannot provide. However, it is important to consider that construction of houses without following formal permits can affect the risk and safety of its residents, while environmental standards related to water quality and availability are likely to be affected by illegal boreholes.

Another example is the increasing engagement of civil society organizations (CSOs) in local governance. For example, a local CSO in one of the towns has been working with women and youth groups to ensure that their voices are heard in local decision-making processes. 'We organize meetings where women and youth can directly engage with local councils and raise their concerns. This has helped to increase their participation in local governance and ensure that their needs are considered' (CSO Leader, 2022-08-15). This engagement of civil society is critical in fostering more inclusive governance practices and ensuring that local governments are responsive to the needs of all residents, not just the well-connected or those in positions of power. As shown by Magidi, mobilised and organised citizens can exercise more pressure and influence in local governments (Magidi 2022).

A series of donor agencies have also played a role in advancing the role of local governments by partnering with local governments in the provision of services. In Pallisa, the public library administered by the local government has received support from donors in terms of computers and internet providing a space where youth can access information about local government services. Even after the program ended, youth learnt they could use the library to access computers and internet and search for jobs, or services from the local government. In contrast with donor projects based on NGO's, here the support given to the local government enhances political inclusion beyond the time and scope of the donor project. This finding aligns with Ribot's argument about the need to connect donor initiatives with locally elected governments (Ribot 2011).

While these examples are encouraging, sustaining positive change remains a significant challenge. The reliance on informal norms and practices, while beneficial in some contexts, can also undermine the rule of law and create a system of rules that benefit few. As an example, street vendors in one of the towns also criticised the local officials for breaking their stalls and not providing them with alternatives to generate an income. Thus, informal norms can provide spaces for local solutions to emerge, but they cannot guarantee inclusivity.

The examples described above, while few, suggest that there is potential within the context of decentralised governance and legal pluralism to build legality from below. While this 'legality

from below' (Rodríguez Garavito and Santos 2005) emerges in the shadow of the state, the argument is not about the need to eliminate the law but instead to allow for law to emerge from people's needs and aspirations instead of being imposed from central government elites. In combination with power, resources and mechanism of accountability such legality from below can support emerging forms of political inclusion.

## 6 | Discussion: Small Towns as Spaces of Struggle and Opportunity

This study offers a significant contribution to the understanding of governance and political inclusion in rapidly growing small towns in Africa, with a particular focus on small towns in Uganda. By integrating decentralization theory with the concept of legal pluralism, the research provides a nuanced lens through which the dynamics of local governance and the role of informal norms can be understood. In contrast with approaches that see informality as a problem and take for granted the rule of law as a pre-condition for development (May 2014), the findings of this article highlight the complex interplay between formal and informal governance structures, revealing both the challenges and opportunities that exist within this space. A key opportunity that arises from the existence of legal pluralism in the context of decentralisation is the possibility for local governments to design rules about fees and regulation of informal economic activities such as street trading providing the flexibility necessary for these activities to be carried out. Research on the important role of the informal economy in supporting urban livelihoods is extensive (Bromley and Wilson 2018; Vargas and Valencia 2019; Magidi 2022), but our contribution lies in showing the role of decentralised local governance in creating specific norms that allow the informal economy to operate.

A key theoretical contribution of this study is the reframing of decentralization theory within the specific context of small towns undergoing rapid urbanization. Decentralization theory emphasizes the benefits of distributing powers to local governments, assuming that proximity to the populace naturally leads to better governance outcomes, such as increased accountability and responsiveness (Agrawal and Ribot 1999; R. Crook and Manor 2002). However, this study demonstrates that in the context of small towns, the assumed benefits of decentralization are not automatically realized. The effectiveness of decentralized governance is deeply influenced by the broader political environment, particularly in contexts where national government dominance undermines local autonomy. As argued by Aalen and Muriaas (2017), decentralisation is being manipulated in many countries with autocratic national governments and local elections cannot be equated with local democracy or political inclusion. At the local level in Uganda, we see a resemble to Bayart's politics of the belly (Leguil-Bayart 2009) as political leaders operate through patronage networks, corruption, and clientelism, controlling resources such as permits to sell in the market to maintain loyalty and power. Thus, decentralization reforms failed also to achieve better well-being for the citizens when local elites use their power to manage access to resources rather than fostering more inclusive governance.

The integration of legal pluralism into the analysis of decentralization and political inclusion provides an alternative lens into a long-standing debate. Legal pluralism, which acknowledges the coexistence of multiple normative systems within a society, provides a valuable framework for understanding how informal norms and practices interact with formal governance structures (de Sousa Santos 2006; Divetia and Chaudhary 2023). This study reveals that in the small towns of Uganda, informal norms and practices play a crucial role in shaping governance outcomes, often filling gaps left by formal institutions. Rather than searching for universal laws, legal pluralism acknowledges the possibility to have parallel sets of rules within the same state jurisdiction, in this case the local government. Here the assumption is that multiple norms can co-exist, and local governments can play a key role in allowing new forms of legality to emerge from below, resolving conflicts in the interpretation of different laws and being responsive to the needs of their citizens.

While scholars have used the concept of legal pluralism to show the relevance of traditional authorities and customs (de Sousa Santos 2006; Gebeye 2017), our research illustrates that legal pluralism is essential in understanding the role of local governments in regulating informal economic activities such as street trade, but also access to urban housing, and basic services such as water. This study showed that lax application of regulations concerning small businesses and access to basic services such as water or housing permits has enabled greater ability for marginalized groups to improve their lives. These informal practices, while not codified in law, are critical to the functioning of local governance and can sometimes lead to more inclusive outcomes than formal mechanisms alone. This insight highlights the importance of recognizing and incorporating informal norms into governance frameworks, particularly in contexts where formal institutions are weak or inaccessible to certain segments of the population.

Research conducted in Uganda soon after the decentralisation reforms of the 1990s, showed some positive aspects of decentralisation such as improving governance and service delivery through democratic participation and community involvement (Onyach-Olaa 2003). However, our study showed a great number of obstacles to decentralised governance to deliver for its citizens. While the obstacles to decentralized and inclusive governance were substantial, we also identify examples, where, despite the overwhelming challenges and limitations of formal governance structures, local actors—both government officials and citizens—manage to create opportunities for responsive local governance using informal norms. While these ‘spaces’ were very limited, local governments, donors and other actors can explore more the possibilities that arise with the flexible application of the law not only to allow for kleptocratic practices, but instead for innovative governance from below. While many of the local government officials and politicians we interviewed expressed lack of power to act, the spaces we found show that there is practical possibilities for inclusive governance even in the context of authoritarian states. This offers a less pessimistic perspective on the potential of local government initiatives in challenging contexts and is in lined with previous studies that reject the assumption that to improve local use of resources and fiscal management requires fiscal centralization (Yimenu 2023).

## 7 | Conclusion

The findings from studying political inclusions in Ugandan small towns reveals a complex interplay between formal governance structures and informal norms, exemplifying how principles of decentralization and legal pluralism operate in practice. Despite the theoretical framework of decentralization aiming to empower local governments and enhance responsiveness to local needs, the reality in these towns is marked by the persistent dominance of the national government. This central influence not only limits the autonomy of local governments but also leads to a top-down approach that prioritizes national over local priorities, thereby undermining the potential for genuine political inclusion.

Informal norms, such as nepotism, corruption, and clientelism, further complicate this landscape. These practices often dictate the allocation of resources and the enforcement of laws, marginalizing vulnerable groups and perpetuating inequalities. As local governments rely heavily on national funding and programs, their ability to address specific community needs is constrained, reinforcing a sense of frustration and powerlessness among both local officials and citizens.

However, the analysis also highlights the unique dynamics that smaller towns offer to enhance political inclusion. In certain contexts, the smaller size as well as understanding of, and being sympathetic to, the challenging socio-economic conditions of marginalised citizens, allow for informal norms and practices that better align with local needs to emerge. Yet, these positive examples remain limited and are often overshadowed by the broader challenges posed by central government dominance and entrenched informal practices.

Rodriguez and Santos's ideas about constructing a legality from below, particularly from the Global South, are highly relevant in the context of Ugandan small towns (Santos and Rodriguez-Garavito 2005). Their advocacy for a ‘subaltern cosmopolitan legality’ that emerges from the lived experiences and practices of marginalized communities resonates with the reality of legal pluralism in these towns, where formal legal systems often coexist with and are shaped by informal norms and practices. These examples of legal pluralism, where local authorities adapt formal regulations to fit local socio-economic realities, offer valuable insights for debates on decentralization in many countries in the Global South. Specifically, they highlight the potential for alternative governance models that are more attuned to the needs of diverse populations and that challenge the one-size-fits-all approach often imposed by centralized power. This suggests that decentralization in countries like Uganda can be driven by local realities rather than imported models, can foster more inclusive and responsive governance frameworks that better reflect the complexities of life in small towns and similar contexts across the Global South.

In conclusion, while decentralization and legal pluralism theoretically provide frameworks for more inclusive governance in Uganda's small towns, the reality is that informal norms and the continued centralization of power significantly constrain these goals. Moving forward, addressing these informal practices and

enhancing local autonomy will be crucial for realizing the full potential of political inclusion in these communities.

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## Data Availability Statement

The data that support the findings of this study are available on request from the corresponding author. The data are not publicly available due to privacy or ethical restrictions.

## Practice Impact Statement

This article illustrates how adjusting decentralization policies to incorporate informal practices can enhance political inclusion and responsiveness in Uganda's small towns, particularly for marginalized groups. It provides actionable insights for policymakers to develop governance frameworks that better reflect local realities and improve service delivery.

## Endnotes

- <sup>1</sup> This describes a set of value systems related the Bantu speaking groups of people that occupy much of eastern, south and central africa which emphasizes responsibility and humanity towards others
- <sup>2</sup> Similar versions of this table has been used in other papers published by the project members, see Andersson et al. (2024) and Mackay et al. (2025).
- <sup>3</sup> Both under Article 191 of the constitution and Section 80 of the Act require Local Governments to prepare their own development plans and budgets as well as mobilize revenues locally to facilitate funding for recurrent and development expenditure.
- <sup>4</sup> Government argued that the directive requiring Local Governments to remit all local revenue to the consolidated fund would (i) bring about the need to harmonize the budget approval period for all revenue sources of local governments; (ii) enhance accountability and transparency for local revenue; and (iii) reduce delays in reporting and preparation of financial statements because of scattered information. As a result, many local governments have been usurped of their powers that are guaranteed under Article 176 of the Constitution that empower local governments to deliver on functions such as provision of medical and education services, waste management, construction, maintenance and rehabilitation of roads, among others and settle their liabilities (Abaho 2024).

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