

External control systems in the enhancement of accountability in local government: The case of Uganda

by

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DEDICATION

Dedicated to my late parents, Hajj Hamdan K. Musisi and Rehmah Nakkungu Namusisi, whose departure from this world in 2002 and 1979, respectively, reduced the meaning of life and made it never to be the same again. May Allah lighten their burden and honour them in Jannah.

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ABSTRACT

This study investigated the role of two cardinal external control agencies, the Office of the Auditor-General (OAG) and the Inspectorate of Government (IG) in the enhancement of accountability in Uganda's local government (LG). In Uganda, local governments' accountability failures are relentlessly blamed on the weak internal systems of control, despite the existence of external controls. This study departs from the premise that, the institutional predicaments of LGs do not only represent poor internal systems, but also signify deficits in the external control mechanisms. The evaluation of external control agencies was based on four main fronts: their *institutional capacity* to enhance accountability; how they have promoted the *operationalisation of legislation and regulatory framework* pertaining to accountability; how they have enhanced LG *systems and processes* towards accountability; and, how far they have helped to strengthen the *potential of civil society* in fostering accountability in LGs. A largely *qualitative* research approach was employed, but with some elements quantitative data. Interviews, documents review and direct observation were used as instruments of data collection.

The study established that the IG and the OAG exhibit mixed fortunes of institutional capacity, punctuated by financial and human resources limitations; deficiencies in the enabling legislation; and poor support from various stakeholders. The study revealed a stupendous effort by the IG and the OAG in operationalising legislation, but they perform dismally in enhancing local government systems and processes; and in strengthening civil society capacity towards accountability. There is lack of a harmonised policy and coordinated mechanisms to support supervision, mentoring and inspection of LGs by the external control framework.

The thesis argues that, reforming local government requires changes in the approach of individual and organisational culture. The mere crackdown and reprimands meted out on those that abuse public trust do not necessarily improve accountability. Thus, commitment should be put on identifying the organisational-structural deficiencies and possible system reforms, rather than mere inspections and monitoring exercises that encourage mediocrity. Hence, those who inspect, audit and review local governments should be able to recognise the inherent system

challenges, but also appreciate the constraints under which the public servants operate, or where they have little or no control. In the end, improved performance and accountability depend on the extent to which people appreciate them as legitimate goals, both within the administration and within the external control agency system.

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LIST OF ABBREVIATIONS AND ACRONYMS

ADB	African Development Bank
AG	Auditor General
CADP	Corporate and Development Plan
CAO	Chief Administrative Officer
CBO	Community Based Organisations
CFO	Chief Finance Officer
CG	Central Government
CID	Criminal Investigations Department
CSOs	Civil Society Organisations
DENIVA	Development Network of Indigenous Voluntary Associations
DIGG	Deputy Inspector General of Government
DPP	Director of Public Prosecutions
DSC	District Service Commission
HLG	Higher Local Government (District, City and Municipal Councils)
HRM	Human Resource Management
IDP	Integrated Development Plan
IFMS	Integrated Financial Management Systems
IG	Inspectorate of Government
IGG	Inspector General of Government
JARD	Joint Annual Review of Decentralisation
LC	Local Council
LG	Local Government
LGA	Local Governments Act
LGDP	Local Government Development Programme
LG FAR	Local Government Financial and Accounting Regulations
LGPAC	Local Government Public Accounts Committee
LGUs	Local Government Units
LLG	Lower Local Government (Sub-county, Town and Divisional Councils)
MoFPED	Ministry of Finance, Planning and Economic Development
MoLG	Ministry of Local Government
MoPS	Ministry of Public Service
NGOs	Non Governmental Organisations
NIS	National Integrity Survey
NRM	National Resistance Movement
OAG	Office of the Auditor General
PAC	Public Accounts Committee
PAF	Poverty Alleviation Fund
PEAP	Poverty Eradication Action Plan
PFAA	Public Finance and Accountability Act
PPDPA	Public Procurement and Disposal of Public Assets Act
PPP	Public private partnership
PSC	Public Service Commission
SFG	School Facilitation Grant
Shs	Ugandan Shilling (One U\$ Dollar equals 1700 Uganda Shs; April 2008)
SWAP	Sector-Wide Approach
UDN	Uganda Debt Network
UNDP	United Nations Development Programme
UPE	Universal Primary Education
VFM	Value for Money Audit

CHAPTER ONE

GENERAL INTRODUCTION AND STUDY BACKGROUND

1.1 INTRODUCTION

Nations the world over continue to grapple with the daunting challenge of making the public sector efficient and effective in ways that nurture the ideals of good governance. This has followed the wave of public sector reforms in Africa and elsewhere in developing countries, where the *reinvention* of government over the last two decades earmarked public accountability as part of the governance and development imperatives. While these reforms were spearheaded by the International Monetary Fund (IMF) and the World Bank, under whose aegis a series of debates on their worthiness as development strategies continues to rage on, accountability is nonetheless viewed as a critical ingredient in improving public sector management.

Part of the initiative has been to reorient the *new public management*¹ (NPM) paradigm into local government where it seeks to break the rigid bureaucratic structures and open them up for people participation, transparency and responsiveness to community needs, in pursuit of the *public interest*. Likewise, the increasing volume of public sector literature places emphasis on broad structural and transformational processes in which local governments can become viable units for effective service delivery (Keen and Scase, 1998: 1), which effort rekindles accountability and good governance.

This chapter presents the general introductory background of the study which seeks to examine and evaluate the role of *external control systems* (through the watchdog agencies of the Auditor-General and the Inspectorate of Government) in the enhancement of accountability at the local government sphere in Uganda. The subsequent sections of this chapter highlight the rationale and motivation for the study, statement of the problem, the research objectives, significance of the study,

¹ Relates to an ideology, seeking to shift from the traditional public administration schema, which is associated with Weberian principles of strict hierarchical control and centralised decision making, towards greater flexibility, autonomy with a focus on results orientation (output and outcomes).

and the articulation of the theoretical and conceptual framework upon which the study is hinged. This is followed by the presentation of the research methodology, the chapter sequence and definition of key concepts.

1.2 RATIONALE FOR THE STUDY

The rationale for control and accountability in public administration and management is to ensure efficient and effective resource utilisation to foster public service provision, good governance and development. Public accountability constitutes the pivot of democratic governance and public administration (Muthien, 2000: 69), as it is one of the most effective safeguards against the misuse of power, resources and abuse of public authority. Historically, the notion of accountability became necessary because of the realisation that the state and its machinery, once uncontrolled, it could extend to the verge of absurdity. This position is aptly put by Schwella (as cited in Muthien, 2000: 69).

If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government, which is administered by men over men, the great difficulty lies in this: you must first enable government to control the governed; and in the next place oblige it to control itself.

The essence of control is that any movement towards a more professional ethos in public sector management demands improved frugality in resource utilisation, increased responsiveness to the citizenry, transparency and generally accountability. In this regard, accountability has become the cornerstone of public administration and management because it constitutes the principle that informs the processes in which those who hold and exercise public authority can be held responsible or answerable for their actions or inactions (Aucoin and Heintzman, 2000: 45). It is an obligation to expose, explain and justify actions taken on behalf of delivering services to the public (Basu, 1994: 472). Control as a managerial activity and process seeks to ensure the elimination of waste, the effective use of human and material resources, and the protection of employee interest and general welfare in organisations. In this case, the control function aptly feeds the requirements for accountability in public management.

External control systems are organisational arrangements operating under the framework of parliamentary control, but are set out from outside the boundaries of the local government sphere, with the cardinal aim of ensuring accountability, effective and efficient performance in public sector agencies. There are both *internal* and *external* organisational arrangements. *External* organisational arrangements include the Office of the Auditor-General (OAG) and the Inspectorate of Government (IG) (these two agencies form the domain of this study), which are mandated institutions of the legislature, charged with the duty of enhancing accountability and performance in local government, in view of the Constitution of Uganda, 1995 (Art. 163 and Art. 225), respectively. Thus, public accountability can be examined through a prism of institutions established to serve as a check on the executive arm of government and through such agencies established to monitor the efficiency, probity and fidelity of the public sector (Muthien, 2000: 70).

The broader rationale for control mechanisms in public management is to ensure accountability to the public, as the cardinal purpose of administration is to achieve the objectives of the state, whose purpose, in turn, is to maintain peace and order, the achievement of justice, promotion of social and economic development, and generally, good life to its citizenry. Hanekom and Thornhill (1986: 101) deplore the dismal regard given to the study of control measures in the public sector, and yet the complexities of the contemporary public sector demand that the relevance of control measures be regularly evaluated, so as to establish whether public activities are carried out efficiently and effectively, and whether the required results are achieved.

The necessity for control is to guard against deviations from policy objectives and to ensure attainment of stated objectives, effectively and at least cost. While public sector policy might be perfect, it cannot be assumed that policy objectives would be achieved (Roux, Brynard, Botes and Fourie, 1997: 155). Gildenhuys (1997: 59) notes that it is absolutely necessary to exert strict public control in order to keep political representatives and public officials accountable for their deeds, otherwise the danger of government becoming non-representative may arise. The argument is that power should be commensurate with responsibility and that the holders of public office should be accountable to the people for the exercise of authority.

As the public sector character and attributes continue to evolve globally, in Uganda the control systems have been set to reflect the dire need for efficient and effective service delivery. The Constitution of Uganda, 1995, in its preamble on national objectives and directive principles of national policy (Objective No. XXVI), enshrines accountability as a cardinal rule upon which “public offices must be held in trust for the people; where all persons placed in positions of leadership and responsibility must, in their work, be answerable to the people, and; that all lawful measures have to be undertaken to expose, combat and eradicate corruption and abuse or misuse of power by those holding political and other public offices”.

Accordingly, the Constitution, 1995 and the Local Governments Act (LGA), 1997 sought, as a safeguard against the likely abuse of power and delegated authority to establish *external* and *internal* control systems to enhance accountability, in order to improve upon efficient and effective service delivery at the local level. This daunting task was entrusted to an array of institutional-structural arrangements, both at central government level (external controls) and local government level (internal controls).

In Uganda, accountability is supposed to be ensured by several layers of officialdom both at central and local government levels. From the central government, there is the Public Accounts Committee (PAC) of Parliament charged with the responsibility of monitoring and supervising financial management in government departments. The Inspectorate of Government’s (IG) jurisdiction extends to local governments (LGs) where it is duty-bound to eliminate and foster the elimination of corruption and abuse of authority in public office; supervise the enforcement of the leadership code of conduct; and promote good governance, among other things. The Auditor-General (AG) is supposed to conduct financial and value-for-money audits and report in respect of all public offices including the courts, the central and local government administrations. These external agencies have the mandate of building capacity to better the internal systems of accountability.

However, innumerable reports from the agencies of the OAG and the IG have continued to castigate local government units (LGUs) not only for misappropriation of billions of shillings annually, but also for gross incompetence and abuse of authority,

which undermines accountability, efficient and effective performance. The reports that highlight local government institutional decay do not only suggest problems in the internal systems of control, but also indicate serious capacity deficits in the external control mechanisms themselves.

It is worthy emphasising, as Olowu (2003: 46) argues, that while horizontal (internal administrative) controls play a vital role, they can be abused and thus, may fail to ensure good governance, unless they are subjected to “appropriate central or citizen accountability mechanisms” (external controls). In the wake of all this interplay of issues and deliberation, this study built its foundation and sought to examine the organisational arrangements that operate under the whims of legislative control; and thus, the role of the Auditor-General and the Inspectorate of Government (which are special statutory organs) is evaluated in the enhancement of accountability in Uganda’s local government sphere.

1.3 MOTIVATION FOR THE STUDY

The current study topic was motivated by a number of reasons. *Firstly*, whereas there have been several attempts to evaluate local governments’ performance in over a decade-long history of implementing decentralisation in Uganda, these attempts have tended to focus on the general issues of financial management, personnel and political decentralisation. There has hardly been any major investigation to evaluate the capacity and effectiveness of control systems put in place to enhance accountability at local government sphere.

Secondly, the numerous reports where accountability and mismanagement of public resources feature are usually based on the findings of government investigative agencies such as; the IG and the OAG. These evaluations are largely post-facto and only reveal the problem when perhaps a lot of damage has been done and sometimes when the culprits have long disappeared. Besides, oftentimes these reports are released late, which probably gives the offenders enough time to tamper with the evidence to make it rather difficult to sustain court cases against them. All these accounts rarely evaluate the role and capacity of control systems, especially, for the purposes of building preventive and sustainable means of improvement.

Thirdly, there is a concern that these investigations and reports made by the central government agencies of the IG and the OAG, only point fingers at the internal controls and accuse LGs on whatever 'filth' there exists at the local level. For example, corruption and abuse of office are largely blamed on the weak internal audit and conspiracy within LGs. Yet external agencies are part and parcel of the controls and have an obligation to promote accountability, but their reports hardly point out their portion of the blame. Ironically, these agencies rarely evaluate their own capacities and efficacy as external control systems, since their preoccupation is mostly to bring 'to book' whatever has gone wrong at the local government sphere.

Fourthly, in situations where independent investigations have been made, they have focussed more on the internal arrangements of local government, especially the internal audit, procurement and employment systems, which the investigations repeatedly blame for the inefficiency. While, these are indeed critical in cultivating accountability, one develops the idea that, perhaps, the problem of internal controls has rather been overemphasised and overstated at the expense of external controls. These issues stimulated the inquiry, and thus, the investigation intended to bridge the above highlighted gaps.

1.4 STATEMENT OF THE PROBLEM

The Government of Uganda established external control systems (through watchdog institutions of the IG and the OAG) as a measure of promoting accountability generally in local governments, but with particular emphasis on achieving enhanced human resource performance; promoting civil society alertness and participation; ensuring adherence to standards and regulations, fostering proper resources allocation and utilisation, transparency and responsiveness to community needs. Despite the several successes scored under the decentralised system of local governance in Uganda, a surge of debilitating problems continues to unfold (JARD, 2006; Kakumba, 2003; Francis and James, 2003; Crook, 2003; Kiyaga-Nsubuga, 2001). Corruption, misuse of power and numerous financial malpractices still exist, suggesting significant managerial and capacity handicaps in the control institutions (IG-Report, 2007; OAG-report, 2006). The technical competences, capacities and

commitment of the institutions and structures seen as custodians of public accountability have been repeatedly questioned (JARD, 2006; Kakumba, 2003; MISR, 2000). In the same respect, districts face new structures, roles, functions and relationships, all of which pose enormous challenges for accountability.

The problem is that, whereas an array of external control systems (organisational arrangements) were established to generally enhance accountability in local governments in Uganda, there is an outcry that they have failed to achieve the objectives which they were meant to achieve in the local government sphere. This study thus, sought to evaluate the role of external control mechanisms (through the institutions of the IG and the OAG) in the enhancement of accountability in local government. In so doing, the factors affecting their *institutional capacities* for implementing policy and managerial practice are examined, as well as, their contribution in terms of how they have *operationalised the existing legislative framework*; how they have *enhanced the local government internal systems and processes*; and how far they have *helped to strengthen the civil society role of enforcing accountability* in local government.

1.5 OBJECTIVES OF THE STUDY

Generally, this study evaluates the role of external control systems in the enhancement of accountability in local government. The specific objectives were:

1. To assess the institutional capacity of external control agencies in respect of promoting accountability in Uganda's local government.
2. To evaluate the contribution of external control agencies towards the operationalisation of major legislation and regulatory framework relating to accountability in local government.
3. To examine how external control agencies have enhanced local government systems and processes towards accountability.
4. To analyse the extent to which external agencies have provided mechanisms to strengthen the civil society in fostering accountability in local government.

1.6 SIGNIFICANCE OF THE STUDY

Control and accountability – the two prominent concepts applied in this study – bear great significance, both from the scientific point of view of Public Administration and the practical/managerial dimension of public policy and systems management. The reorientation of public management systems from the traditional public administration schema of strict rule control and strict superior-subordinate relationships signify a move to emphasise control and accountability for performance and continuous improvement. Control and accountability have, thus, become tools for public sector organisations to strengthen their focus on performance improvement, monitoring and evaluation, since striving for continuous improvement and excellence is the expectation of both the government and society (Van der Waldt, 2004: 3).

Departing from the above premise, this thesis documents Uganda's experience on control systems and accountability in local government. By investigating issues indicated in the research objectives, the study reveals whether there is an orientation within the operational framework of external control agencies that personifies not only accountability, but also efficient and effective public service provision in local governments. Thus, the study directly reinforces public policy and financial management systems' implementation and evaluation at the local government level. The external factors impacting on local government have become clearer, as the study explores and highlights organisational issues affecting intergovernmental fiscal and management policy under the decentralisation system of governance in Uganda. These issues have great relevance to many developing countries that have adopted decentralisation.

In explicit terms, the significance of this study is reflected in the way it adds to the existing corpus of knowledge and the new grounds it breaks in the field of Public Administration and Management. The following specific focal areas deserve mention.

- The study has enriched the discourse on good governance and development, as the notion of accountability has been linked and compared with the other prerequisites of good governance and development, e.g. ethics, efficiency and effectiveness, regulatory imperatives, civil society participation, the quandary of corruption and the international initiatives for improvement.

- The study has deepened the discourse on decentralisation, especially, in the developing world. By analysing the structural and systemic weaknesses of the decentralised system of local government in Uganda and showing how they impact on accountability and effective performance, the study portrays an image that is not unique to Uganda, but actually relevant to the rest of developing countries, since, the foundations of the political and socio-economic paradigms of poor countries are fundamentally alike.
- Likewise, the study has augmented the domain of public policy. Analysing the institutional capacity of control agencies, the operationalisation of legislation and the ways of ameliorating them falls within the precincts of policy implementation, evaluation, support and review to enhance effectiveness.
- The study equally benefits the realm of public financial management by reinforcing the need to streamline procurement, accounting standards, budgeting, financial reporting, monitoring and evaluation.

The new grounds articulated by the study include:

- a conceptual model for accountability within the framework of local government;
- a postulation that local government institutional failures pertaining to accountability are not only a reflection of the poor internal systems, but also a representation of the deficiencies in external control systems. Thus, external controls must be regularly evaluated in terms of their capacity and efficacy;
- a position that having good legislation, monitoring exercises, penalties and reprimands against defiant public officials does not guarantee accountability and effective performance. There must be system studies to identify the organisational/structural deficiencies and possible system reforms.
- a proposition that unless there is change in the individual and organisational culture in public agencies to appreciate accountability and improved performance as legitimate goals, both within the administration and within the external control agency system, the maladies of the public sector will remain recurrent.

1.7 THEORETICAL AND CONCEPTUAL FRAMEWORK

1.7.1 Theoretical base

Traditionally, according to Peters (1995: 289), there have been two broad schools of thought regarding the question of accountability. The first school assumes that responsibility is “an inward sense of person’s obligation”. This implies that civil servants have ethical values and professional standards that would guide them in the performance of their tasks. The proponent of this school is Carl J. Fredrich, (1940). The second position (propounded by Herbert Finer, 1941) assumes that personal obligation is not enough and some *external forces* have to be employed in order to enforce responsible behaviour. This assumes that ethical values alone are not sufficient, and thus, punishing behaviour – not in accordance with stated law and legislative intent – would be necessary, while at the same time recognising the need to reward outstanding performance by civil servants (Peters, 1995: 289-230). In short, Finer calls for internal and external controls to enhance accountability.

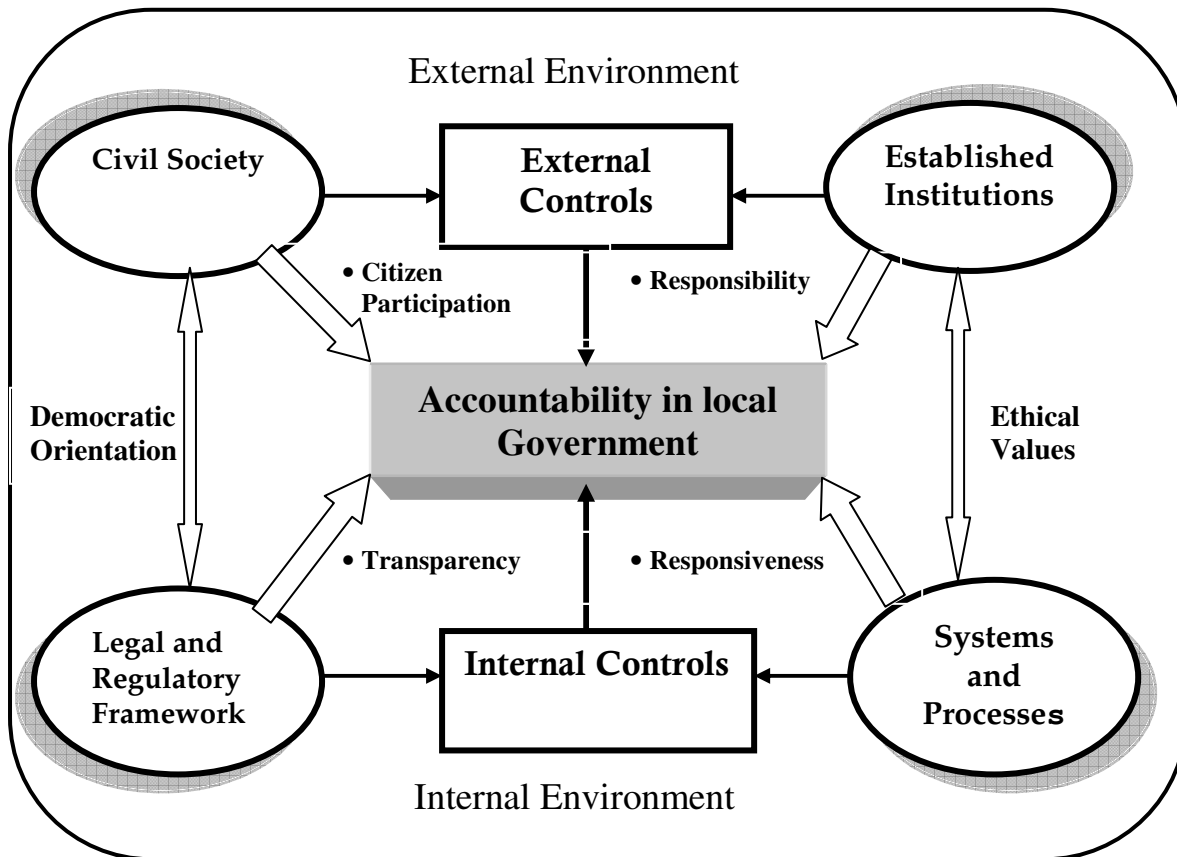
This study was underpinned by the above theoretical orientation involving the two schools of thought. The two schools of thought trigger the debate, whether the existence of external control institutions per se promotes accountability or whether certain conditions must be in place before the system and the institutions can create any significant impact in fostering positive change.

The debate is further enhanced by the views of Laver (1999) and Phillip (1999) (as reflected in Muthien, 2000: 367), namely that “the history of centralised state agencies demonstrates that excessive control of public institutions does not guarantee increased effectiveness”, but may instead, constrain efficiency. This position augers harmoniously well with Olowu’s (2003: 46) postulation that, while horizontal (internal administrative) controls play a vital role, they can be abused and thus may fail to ensure good governance, unless they are subjected to appropriate central or citizen accountability mechanisms (external controls). This orientation enriches the view that external control systems are critical in enhancing public sector accountability. This study thus departs from the premise that *local government institutional malfunctions do not only represent a predicament of internal systems, but also signify deficits in the external control mechanisms.*

1.7.2 Conceptual base

The researcher came up with the model below, which demonstrates the conceptual foundation of accountability in a local government setting.

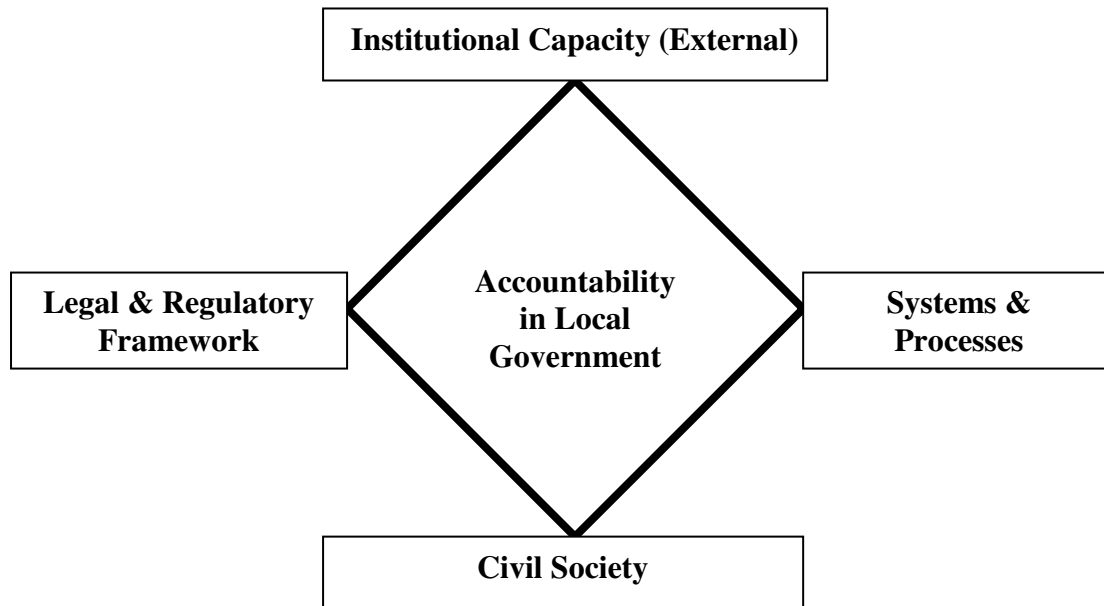
Figure 1: Model for accountability in local government



It can be transcribed from the above figure that accountability in the public sector operates under both internal and external control mechanisms. The external and internal controls thrive on four pillars, namely *Institutions, systems and processes, legislative and regulatory framework and civil society*. Moreover, the external and internal environments under which public officials operate to serve the public (citizens) are compounded and guided by two major elements: democratic values and ethics. Public accountability can only thrive where ethical values exist, and within a democratic dispensation. In day-to-day practice, accountability calls for responsibility, responsiveness, transparency and citizen participation. These aspects represented in the model constitute the major components that signify accountability within the framework of local government.

From the above, a typical model representing the four specific objectives of this study is derived, in order to capture the four themes that underpin the study, which relates to external control systems and accountability in local government. This model is named the accountability diamond.

Figure 1.0.2: Accountability diamond – linking the thematic aspects of the study



1.8 ETHICAL CONSIDERATIONS

The principles underlying research ethics are paramount and concern issues such as confidentiality, honesty and respect for individual rights. Welman, Kruger and Mitchell (2005: 201) identify consent, right of privacy, protection from harm and deception as ethical problems that require serious consideration by social researchers. Ethical considerations were taken care of during field research. The respondents were informed in writing about the objectives of the study and requested to participate as interviewees. Where the interviewees preferred to withhold their identity, only designations were used in the citation of their contributions. In instances where the interviewees wished to verify the correctness of the citations/remarks attributed to them by the researcher, the particular sections where they were quoted were forwarded to them for perusal and consideration for further comments.

1.9 METHODOLOGY

1.9.1 Research design

To design is to plan or to devise means of undertaking a task. A research design relates to a grand plan of a particular research project that shows how one intends to conduct the research and how to guard it against internal and external factors, which may undermine its validity and acceptability as a knowledge base, within the discipline in which it is rooted (Nsingo, 2005: 73). This study undertook a *case study* research design, which largely suited a *qualitative* research approach, but with some elements of *quantitative* data application. The choice of the design was based on the nature of the research that intended to examine and analyse in depth and systematically (holistically) the role of external control institutions of the Auditor-General and the Inspectorate of Government in the enhancement of accountability in local government in Uganda. The design is appropriate since the research concerned two particular institutions; the OAG and the IG, operating in a case-specific environment (local government sphere), where fieldwork was conducted to investigate the operations of the two agencies of government.

According to Mouton (2001: 149), case studies are usually qualitative in nature and aim at providing an in-depth description of a small number of cases. According to Nsingo (2005: 77), “cases expose the operational reality of organisations and allow one to bring out the strengths and weaknesses of such organisations and enhance one’s chances of engaging or suggesting remedial action for such organisations”. The case study research design suits a qualitative research framework because it is associated with naturalistic research paradigm, which is social-anthropological rather than the agricultural-botany approach that involves experimentation (Mouton, 2001; Nsingo, 2005).

Given that the study was about policy management issues, involving the evaluation of organisational capacity and system arrangements, the research utilised both *qualitative* and *quantitative* data to analyse the institutional operations of the IG and OAG – in order to understand, but also to describe what people do, for what reasons, and with what implications. The quantitative data generated from secondary sources in form of statistics and figures enabled a comparative assessment on the

quantifiable elements related to performance.

1.9.2 Focus area of study

The focus area of the study was the district local government in Uganda. It is in this focus area that the role of the two external control agencies was examined in relation to the enhancement of accountability. The two agencies studied are the Office of the Auditor-General and the Inspectorate of Government. Their capacity and effort towards promoting accountability in local government were evaluated in terms of: their *inherent institutional capacity* to enhance accountability in local government; how they have promoted the *operationalisation and enforcement of legislation and regulatory framework* pertaining to accountability; how they have enhanced local government *systems and processes* in relation to accountability; and how far they have helped to integrate and strengthen the *potential of civil society* in fostering accountability in local government.

The researcher visited six district local governments to capture accounts from senior public officials on their experiences in interacting with the external agencies of the IG and the OAG. The six districts form part of the original 32 districts that existed a decade ago when the Local Governments Act, 1997 came into force. The districts were Mukono, Luwero, Masaka, Mbarara, Mbale and Iganga.

1.9.3 Study population

Given the focus and scope of study highlighted in 1.9.2 above, the study population was drawn from the institutions of the OAG and the IG, district local governments and civil society organisations. The study generally enlisted three different types of people. First were the senior civil servants/heads of units, who understand and deal with policy implementation issues on a daily basis; and from whom accountability is sought, by virtue of the delegated authority and public resources they hold. The second group was the elected representatives (politicians), who are the peoples' representatives at the local levels. This group carries the direct mandate from the people through the vote and assumes the final burden of giving satisfactory

explanation to the public (people) on the performance of public institutions. The elected representatives included mainly district chairpersons.

The third group was the civil society, which is not part of the government machinery, but provides an important and rather independent interface with government institutions. Their inclusion was mainly to ascertain how far the external control mechanisms have helped to integrate them and build their potential in spearheading accountability and its enforcement in the districts. It is also important to note that they form part of the community's voice and oftentimes are expected to rise up against poor administration as well as bargaining for improved services.

The respondents were selected purposively, since the researcher had the desire to include specific sections of the study population that have potential in-depth information and understanding of the basic themes of the study. In total, 33 respondents were interviewed as shown below.

Table 1.0.1: Type and number of respondents for in-depth interviews

Interviewed by designation	Organisation	No. of respondents
Deputy Inspector General of Govt.	IG	1
Director Regional offices	IG	1
Principle Inspectorate Officers	IG	2
Deputy Auditor-General	OAG	1
Director Local Audits	OAG	1
Senior Principle Auditors	OAG	2
Permanent Secretary	Min. of Local Govt.	1
District Chairpersons	District Local Govts.	4
Chief Administrative Officers	District Local Govts.	6
Chief Finance Officers	District Local Govts.	6
Principle Personnel Officers	District Local Govts.	6
Coordinator DENIVA	CSO	1
Director NGO Forum	CSO	1
TOTAL RESPONDENTS		33

1.9.4 Data collection methods

Data for this study was collected from both primary and secondary sources. Primary data is the information collected by the researcher for a particular purpose that is directly related and essential to the study as one tries to answer the problem for which the study was initiated. Secondary data relates to information that has been collected by others for their own purposes, but is found to be useful in linking up the study. Six basic techniques of data collection are identified for the case study design, including interviews, documentation, archival records, direct observation, participant observation and physical artefacts (Welman, Kruger and Mitchell, 2005). The study utilised three methods, namely the interview, documents/record review and direct observation. The use of these different methods was intended to enable the triangulation of data and make assessment of the balance of evidence given.

Interviews

The interview technique is one of the most significant sources of case study information. This technique can be organised in the form of open-ended, structured questions, or focused group discussions. Face-to-face interviews were conducted to elicit primary data from key informants in key public office positions and top leadership positions in CSO umbrella organs, as indicated in section 1.9.3 above. Interview guides were used (see annexures A and B) for different respondents. These guides consisted of themes and open-ended questions to be covered. The interview method was chosen as it suited the nature of the research and the design. Its advantage is that it brings direct contact or conversation between the researcher and the respondent, and it allows clarity of responses. Secondly, more detailed information can be elicited, as it gives the opportunity to follow up the ideas and probe responses, which could lead to vital areas of information that the researcher might have overlooked while designing the schedule.

Document review

This involved collection, study and analysis of existing written (published and unpublished) material. Documents reviewed include official institutional publications (agency reports, statistics and figures); legal and regulatory instruments (Acts of parliament, codes of conduct); published books on accountability and public sector

management; published articles in journals; and newspaper reports. Document review is an unobtrusive (non-reactive) method that allows collection of information without any direct interaction with individuals/respondents. In this case, certain types of errors – bias, emotions and attitude – are avoided (Welman, Kruger and Mitchell, 2005: 151). It enables the researcher to be independent of the organisation under investigation, and reduces reliance on the memory of individuals (common with questionnaire and interview), which can at times lead to inaccurate information. However, the document review method is associated with problems of retrieval, display of author subjectivity and limitations on accessibility, which may lead to incomplete information and portrayal of the wrong picture.

Direct observation

In qualitative field research, direct observation is the primary method of collecting data. According to Auriacombe and Mouton (2007: 452), even when other methods like in-depth interviews and analysis of documents are used, field researchers nearly always begin with field observations in a natural setting. In direct/complete observation, the researcher observes social phenomena without becoming part of it in any way. Short notes were made at the time of observation of the non-verbal data. The observation aspects involved workplace sites, especially at the regional offices of the IG and the OAG where elements such as office space, equipment, vehicles, records management and personnel on ground, which are associated with institutional capacity were observed. The direct observation helped the researcher in validating some information gathered through the interview and document review.

1.9.5 Data analysis

After gathering data, the next step in research is to interpret such information in line with the parameters set to capture the research objectives. Data analysis involves the process of scrutinising, categorising, tabulating and integrating information in such a way that it addresses the initial objectives or propositions of the study.

The data obtained from secondary sources was evaluated against and compared with the data gathered from primary sources in order to support the balance of evidence and interpretations made in the thesis. The analysis of secondary sources

began before and during the interview process. The preliminary review and analysis of documents enabled the researcher to identify the key thematic issues; and later during the interviews, it helped in redesigning the questions in order to capture the analytical constructs. The secondary sources provided some elements of quantitative data in the form of statistical tables, charts and graphs, which enriched the analysis and helped to describe, translate and provide meaning to issues captured from the interview.

The information generated from in-depth interviews was transcribed and summarised following developed themes and sub-themes related to the four specific objectives of the study. Thus, the material was subjected to thematic analysis to establish possible disparities and nuances in meaning. This enabled the researcher to compare the data across and discover connections between themes, which offered a reliable and elaborate interpretation of the research into the role of external control agencies of the IG and the OAG in the enhancement of accountability in local government. The analytical themes and sub-themes that linked with the study objectives are elaborated under the data collection plan below (section 1.9.6).

1.9.6 Data collection plan

This indicates the manner in which the researcher approached the process of collecting information. It took into account the three main methods of data collection: the interviews, document review and direct observation. Each one of the four specific objectives of study had underlying themes and sub-themes that became the analytical constructs. The four themes are institutional capacity for external agencies, legislative and regulatory framework, systems and processes, and civil society strengthening. Below is the outline of themes and their related sub-themes.

Institutional capacity of external institutions

The level of material and human resources capacity is central in analysing the strengths, weaknesses, as well as opportunities for the functioning of any institution. The need to attain adequate, qualified and well-facilitated human resources operating under a focused policy and conducive environment features prominently in the quest for effective external control systems in the enhancement of accountability.

Under this theme, the focus was on collecting data on particular aspects or sub-themes that have significant indications on the functional capacity of external institutions. These were:

- structure and workload schedules;
- human resources capacity;
- finance and other material facilitation;
- parent and enabling legislation;
- support and collaboration from stakeholder agencies;
- corporate planning.

Legislative and regulatory framework

The emphasis here was mainly on the gathering of data relating to how the external control institutions of the IG and the OAG have helped to operationalise and enforce legislation and regulatory requirements relating to accountability in local government.

The sub-themes or issues for consideration here were:

- enforcement of adherence to financial regulations;
- enforcement of proper resource allocation and utilisation;
- enforcement of discipline and adequacy of process in public offices and;
- effort to establish and review of legislation.

Systems and processes support

Systems and processes relate to the internal arrangements in an organisation, in this case, the local government organisation. Systems are important in that they inform individuals and groups in the organisation about the lines of communication, relationships, procedures, responsibility and standard requirements, among other things; which help in guiding conduct and actions of public officials. Systems are critical in directing accountability and public sector performance.

The systems are categorised into two main dimensions: employment and organisational systems on one hand, and financial management system on the other hand. The concern here was to examine *how the external control agencies of the IG and the OAG have enhanced local government systems and processes towards accountability*. The sub-themes considered include:

Employment and organisational systems:

- structure, coordination, responsibility and relationships
- recruitment and promotion
- remuneration and emoluments
- performance management
- training and capacity building
- disciplinary process

Financial management system:

- internal controls and audit
- procurement policy and practices
- monitoring and evaluation
- reporting requirements

Civil society strengthening

Citizen participation through civil society is both a tool and an objective of public accountability. It is a tool because involving the wider public/civil society makes the activities of public officials appear more transparent and legitimate. So it is a method of achieving accountability. Again public officials do not account to satisfy themselves, but rather have the ultimate objective of fulfilling the wishes of the wider public – the people who entrust them with the mandates. Hence, it is an objective, since it is seen as an end in itself. The emphasis here was on the gathering of data in the assessment of *how far the external control agencies of the IG and the OAG have tried to engage and support the civil society in the enhancement of accountability in Uganda's local government*. The sub-themes included:

- the nature and organisational character of civil society;
- interventions to alleviate CSO operational problems;
- empowerment through capacity building and awareness;
- engagement through dialogue and interrelations.

1.10 CHAPTER SEQUENCE

This thesis consists of nine interrelated chapters focusing on the same topic, but from different dimensions. The contents of the chapters are described below.

Chapter One

This chapter introduces the study topic with highlights on the background to the study. It presents the research problem, the study objectives, the significance of the study, and the articulation of the theoretical and conceptual framework upon which the study is hinged. This is followed by a presentation of the ethical considerations, the description of the research methodology and the definition of key concepts.

Chapter Two

Chapter two reviews the theoretical foundations of accountability as espoused in public administration and management. The chapter evaluates positions regarding the evolution of the discipline of Public Administration, and its orientation over the years, which have impacted on the dynamics of accountability. The generic administrative functions are invoked, but with emphasis on the *control* function, which fortifies the notion of accountability in public management. Other themes include public financial management, ethics and public accountability, and the dynamics and challenges of accountability in public management reform.

Chapter Three

Chapter three focuses on the international perspectives that underpin accountability and good governance. The chapter reviews the fundamental notions of corruption and civil society participation, which have become international catchphrases associated with accountability and good governance. The chapter subsequently examines the extent to which accountability buttresses the ideals of good governance, while reflecting on a few case highlights on the recent development initiatives and partnership between Africa and the developed world.

Chapter Four

Chapter four discusses the key tenets of the local government structure and system in Uganda. It provides an insight into the role and rationale for the various control

and accountability mechanisms that interface the local government sphere. It provides the historical overview of the local government system, and analyses the current structure in terms of the statutory, personnel and financial arrangements upon which accountability is sustained. The major factors influencing poor accountability of local governments are also explored.

Chapter Five

Chapter five presents and discusses the findings associated with the *first* objective and analytical construct of this study, which sought to *examine the institutional capacity* of external control agencies of the IG and the OAG that are charged with the duty of enhancing accountability in local government. Some of the aspects reviewed include human and financial resources capacity, enabling legislation and stakeholder support.

Chapter Six

Chapter six presents the findings and discussions pertaining to the *second* objective and analytical construct of the study, which sought to *evaluate the role of the IG and the OAG in the operationalisation and enforcement of legislation and regulatory framework* pertaining to accountability in local government. Whereas there are enabling legislation and regulations pertaining to accountability, the chapter interrogates whether they are enforced and duly put into practice.

Chapter Seven

Chapter seven presents the findings and discussion of the *third* objective of this study, which sought to *examine how the external control agencies of the IG and OAG have enhanced local government systems and processes* towards accountability. The chapter first provides highlights on the dimensions of systems and processes within the framework of organisations and management structure, before reviewing the systemic weaknesses prevalent in local governments in Uganda.

Chapter Eight

Chapter eight presents and discusses issues that affect the *fourth* objective of the study, which sought to analyse *how far the external control agencies of the IG and*

the OAG have tried to engage and support the civil society's capacity to foster accountability in local government. The chapter explores the factors that impinge on the capacity of the CSOs and their role of holding the government to account, upon which the external control institutions would be expected to intervene and build the civil society capacity.

Chapter Nine

This chapter constitutes the summary, conclusions and policy recommendations. The recommendations are presented under the respective four analytical themes that the study utilised. The chapter also provides considerations for future research.

1.11 CLARIFICATION OF KEY TERMS

Different terms are used to provide different meanings depending on the context in which they are used. It is therefore necessary to clarify the terms used in this study. The most prominent two notions used in this study and constituting the research topic are ***accountability*** (public sector accountability) and ***control***. These are elaborately defined and their connotations variously described in Chapter Two. Others such as *governance, good governance, ethics, public financial management, corruption* and *citizen participation*, which have far-reaching implications to the study topic, are described elsewhere in chapters two and three of this thesis where they form important sections of discussion. The terms clarified in this section include:

Agency: In the context of this thesis, the word agency and public institution are used interchangeably to refer to any government department, office, commission or authority that provides a particular service. Public institutions/agencies undertake a number of public roles (legislative [regulatory], executive, judicial) to perform certain functions for the government and for society (Fox and Meyer, 1995: 64).

Decentralisation: It is a reverse of centralisation – a process by which power, authority and functions are distributed more widely in an organisation or polity. In Uganda's case, decentralisation involves the policy made to transfer power and functions through both delegation and devolution from the central government to the district local governments.

Economy: It is concerned with the acquiring of necessary resources (finance, staff and equipment) to carry out an activity at the least cost (Pauw, Woods, Van der Linde, Fourie and Visser, 2002: 138). It requires minimising the cost of resources used for an activity with regard to the appropriate quality. Hence economy is simply the principle of being cost-sensitive, requiring that the cost of inputs compares favourably with the alternative.

Efficiency: It relates to achieving maximum output from a given amount of resources used. It is the relationship between the output in terms of goods and services and the resources used to produce them (the ratio of output – input) (Pauw *et al.*, 2002: 139). In this case, the higher the ratio, the higher the efficiency is.

Effectiveness: It is the extent to which an activity's stated objectives are achieved. It describes the relationship between intended impact and the actual impact on an activity.

External control systems: These are organisational arrangements set out under the framework of parliamentary/executive control, but operate from outside the boundaries of particular government departments, with the aim of ensuring effective and efficient performance in public sector agencies. *External control systems* in the context of this study relates to organisational arrangements in the form of measures and mechanisms undertaken by the Office of the Auditor-General (OAG) and the Inspectorate of Government (IG) (which are mandated institutions of the legislature), to ensure accountability, efficient and effective performance in Uganda's local government sphere.

Internal control: It relates to a plan or measures adopted within an institution/ agency to safeguard the agency's assets; check the accuracy and reliability of its accounting systems; promote operational efficiency; and ensure adherence to prescribed managerial policy (Shafritz, 1985: 281). Internal controls in this thesis particularly relate to mechanisms undertaken within the confines of the district local governments to ensure accountability, efficient and effective performance.

Public interest: It is a highly variable and vague term, often used in considerations such as serving public objectives; protecting public service values with greater efficiency, but also considering the need to provide fair and equitable service; and ensuring appropriate controls over public resources. It is often taken to mean a commonly regarded good for society or people in general, although sometimes it is used by government functionaries to obscure policies that may not be so commonly acceptable by citizens (Shafritz, 1985: 447). The *public interest*, according to Fox and Meyer (1995: 106), may best be described in three dimensions: *nationalistic*, *idealistic* and *realistic* terms. Nationalistic – signifying existence of a common advantage or popular position which has to be executed by government; idealistic – the public’s view of what is in its interest, as opposed to a person’s positive right; and realistic – based on political reality of pluralism.

Public management: Public management is a critical component of the Public Administration discipline, which describes the generic administrative aspects of planning, organising, leadership and control management of human, financial and physical resources. According to Shafritz (1985: 448) the phrase is used to typically identify the functions of public organisations which are internally oriented such as human resource management, policy management, procedures management and organisational control functions. According to Fox and Meyer (1995: 106) *public-sector management* refers to the macro-management of delivery of national goods and services, which also involves concrete policies and programmes by which the state promotes and regulates certain forms of economic and social behaviour.

Responsibility: It is the obligation to ensure performance of certain duties or actions. It is the obligation that mandated organs of government or authorised individuals assume to carry out their duties to the best of their ability and in accordance with proper procedures so that they may be blamed if something goes wrong.

Responsiveness: It means being receptive to community problems, needs, and views and taking appropriate action to deal with them in a cost-effective way. In public management, it implies the citizen sovereignty and the obligation by government agencies to be sensitive to citizen expectations and to attempt to satisfy

their needs. According to Fox and Meyer (1995: 113), it is a criterion according to which an alternative is recommended if it results in the satisfaction of the express needs, preferences or values of citizens. Thus responsive administration is a moral concept in public administration inasmuch as it calls for public functionaries' accountability direct to the people (Maheshwari, 2002: 439).

Transparency: The Oxford English dictionary defines *transparent* as *frank, open, candid* or *ingenuous*. Transparency is thus an antonym of secrecy. It connotes to openness in government actions and decision-making. It calls for openness about decisions and greater access to information about an authority's activities as a strategy to counteract corruption.

1.12 CONCLUSION

The aim of this chapter was to introduce the study topic of this thesis. Apart from highlighting the background to the study, which sought to examine and evaluate the role of external control systems in enhancing accountability in local government, this chapter represents a plan describing the process which was followed in conducting the study. The plan starts with the statement of the problem and the research objectives which form the epicentres of the study. The significance of the study, ethical requirements and research methodology were articulated in the chapter, followed by the presentation of the chapter sequence and clarification of key terms. The succeeding chapter shifts the focus to review the theoretical foundations of public administration and issues that underpin the notion of public accountability in public sector management.

CHAPTER TWO

ACCOUNTABILITY IN PUBLIC ADMINISTRATION AND MANAGEMENT: A THEORETICAL EXPOSITION

2.1 INTRODUCTION

Given that the topic of this study falls within the realm of *Public Administration and Management*, it is imperative that the notion of accountability (the main theme of this study) is located within the general theory of the bigger field under which it falls. This panoramic view approach enables the understanding of the study topic and its related themes, from the general perspectives to the specifics, and helps to show how accountability buttresses the domain of public administration and management.

This chapter reviews the theoretical foundations of Public Administration and issues that underpin the concept of public accountability. The Chapter attempts to capture debates and evaluate positions of scholars with regard to the evolution of the discipline of Public Administration, and its orientation into the *new public management* (NPM); all of which have had far-reaching impact on the dynamics of public sector accountability. For purposes of this thesis, the generic approach to public administration is invoked by highlighting the generic administrative functions, but with particular emphasis on the *control* function, which fortifies the notion of accountability in public management. Other themes include public financial management, ethics and public accountability, as well as the dynamics and challenges of accountability in public management reform.

2.2 HISTORICAL PERSPECTIVES ON PUBLIC ADMINISTRATION

(P)ublic (A)administration has two facets: the first denoting to the academic discipline, and the second referring to the activity. As an activity public administration is as old as civilisation, and it preceded the academic discipline, long before the systematic study could begin in the 18th Century. Whereas the history of Western political thought shows that Aristotle's *politics* and Machiavelli's *The Prince* were important contributions to administrative thought and practice, those scattered

thoughts did not constitute a discipline (Basu, 1994: 10). It is interesting to note, however, that even without a systematic study discipline, great empires, cities and public works were built and administered, huge armies were organised, taxes collected, and law and order were maintained and enforced (Basu, 1994: 11). Recognisable administrative activity existed in ancient Egypt during the building of the pyramids and during the process of administering irrigation from the river Nile. Managing the affairs of the Roman Empire, with resources then available, and organising nation states out of medieval feudalism were both administrative and political feats (White, 1955; Basu, 1994). However, state administration of the ancient times differed from that of the contemporary times in that the structure and goals of the former were predominantly patriarchal and authoritarian, and were preoccupied with collection of revenue and maintenance of law and order, as opposed to the promotion of citizen welfare.

The discipline of Public Administration has evolved through a number of critical stages, with momentous transformations. Basu (1994: 13-20) presents six main stages, which include Woodrow's politics-administration dichotomy; the principles approach; human relations rise; behavioural component; computer technology developments; and public policy analysis. The public choice and public management schools of the 1970s are also notable stages in the development of modern Public Administration.

However, this thesis does not intend to investigate in depth, nor make a critique of the various stages through which the development of the discipline of Public Administration has gone. The subsequent discussion only provides a brief description of some critical elements of transformation that have embedded the growth of Public Administration over the years, but with some relevance to the notion of public accountability.

The publication of Woodrow Wilson's essay entitled "The Study of Administration" in the *Political Science Quarterly* in 1887 is often taken as the symbolic beginning of Public Administration as a separate discipline of study, which views were amplified by the postulates of Frank J. Goodnow and elaborated by the work of Leonard D. White in 1926 (White, 1955). This stage typifies the *politics-administration*

dichotomy, which stage argued that administration was concerned with implementation of political policy decisions made by the legislature.

The politics-administration dichotomy was reinforced by the new school of scientific management associated with the likes of Willoughby, Fayol, Mooney and Reiley, Frederick W. Taylor, Gullick and Urwick, who sought to have a purely scientific approach to the study of Public Administration, based on universal administrative principles of general applicability. The universal principles were heavily criticised by a number of scholars, including Chester Bernard, Herbert Simon, and Douglas McGregor, who accused the universal principles of being mechanistic and misplaced autocratic assumptions that neglected behavioural/human factors.

What is important to note here is that the scientific approach rekindled a strict hierarchical control of human resources in organisation. Thus, its emphasis on strict superior-subordinate relationships, centralised control of decision-making and the external control of human effort, typified the traditional bureaucratic accountability model, based on strict channels of communication and chain of command within the organisational structure.

The other significant debate in the evolution of Public Administration involves the public-private distinction spearheaded by Appleby (1949), Dahl (1947), and Waldo (1948). According to Appleby, “government administration differs from all other administrative work by virtue of its public nature; the way in which it is subject to public scrutiny and outcry” (Basu, 1994: 7). “Government is different from business”, Appleby argues (in Harmon and Mayer, 1986: 23), by reason of the breadth of the scope and impact of its decisions, the fact of its public accountability, and its fundamentally political rather than rational character. Appleby’s account is based on the nature of the public domain that puts emphasis on services as opposed to profit, the stricter structures of hierarchical and legal accountability, the greater difficulty of measuring effective goal attainment, the pluralistic and more visible nature of decision-making, and the responsiveness to public wants that are mainly through non-market forces (Harmon and Mayer, 1986).

The theoretical utility of attempting to emphasise the public and private domains of administration has been repeatedly questioned, especially by the proponents of the *new public management* (NPM) and the *neo-liberal* 'reformists' of the 1970s and 1980s. The NPM protagonists have stressed the study and processes of public organisations to move towards what is called public sector management, so as to focus on results, personal responsibility and accountability, as well as efficiency. Similarly, the neo-liberal reforms challenged the state and welfare approach to the management of economies and societies, and instead suggested a reorganisation of the public sector in terms of objectives, structure and methods of work. These, together with its prescriptions of liberalisation, privatisation and decentralisation have significantly affected the nature and scope of public sector accountability.

The above brief historical evolution testifies that public administration and its notion of accountability have indeed gone through major developments in theory and practice over the years. The pervasive debate on the subject at every stage enriched the discipline by "promoting a superior understanding of government and its relationship with the society it governs, as well as encouraging public policies to be more responsive to social needs and to institute managerial practices attuned to effectiveness, efficiency, and the deeper human requisites of the citizenry" (Henry, 1986: 26).

2.3 DEFINING PUBLIC ADMINISTRATION

According to White (1955: 1) *public administration* consists of all those operations having for their purpose, the fulfilment or enforcement of public policy. Pfiffner and Prethus (1960: 6) emphasise the coordinating role of administration when they consider public administration as getting the work of government done by coordinating the efforts of the people so that they can work together to accomplish their set tasks. To Hughes (1998), *public administration* is how the administrative parts of government are organised, information is processed and outputs produced into policies, laws or goods and services. In this case, public administration is an activity serving the public by public servants who implement public policies. It is an activity concerned with translating policies into public goods. Bailey (1986) defines *public administration* as human attempt through government to harness natural and

human resources for the purpose of approximating politically legitimated goals by constitutionally mandated means. Basu (1994: 2) defines *public administration* as the management of the affairs of government at all levels; national, state and local.

The seeming consensus from the above is that *public administration* is a generic expression of the entire range of activities involved in the management of government business through the establishment and implementation of public policy, within the confines of public agencies, aimed at the production and distribution of goods and services designed to serve the needs of the citizens. The *public* realm therefore, generally connotes decisions that affect peoples' lives, use public resources and are made in the name of the public (Harmon and Mayer, 1986). Such activities in the bundle of public administration include decision-making, setting the objectives and goals, planning the work to be done, working with the legislative and citizen organisations to promote public programmes, establishing and revising organisations, providing leadership, appraising performance, determining work methods and procedures, exercising controls and other functions performed by government functionaries. These functions have been grouped into six generic administrative functions that cut across the entire sphere of administration.

2.4 GENERIC ADMINISTRATIVE FUNCTIONS

According to Cloete (1981: 2), administration consists of a wide range of activities grouped into six functions, namely *policy-making*, *organising*, *financing*, *staffing* (human resources [HR] provision and utilisation), *determining work methods and procedures*, and *controlling* (over the progress to ensure that the objectives are achieved). These constitute the generic administrative and management functions that are ever-present in any organisational arrangement, whether private or public, and profit or non-profit. These functions are mutually inclusive, reinforce each other, and in practice, it is difficult to delineate exactly where one function begins and ends. However, the manner in which these functions are performed can be adapted to suit the respective environment such as at the national/state, provincial or local sphere.

For the purpose of this thesis, a brief description of what each function entails is provided, but particular emphasis is placed on the control function, since the main

objective of this study was to examine the role of external control systems in the enhancement of accountability in the local government sphere in Uganda.

Activities performed in the public institutions are required to be based on achieving a set goal, whose objectives should be clearly formulated and communicated so that the public and various stakeholders know what the expected result should be (Cloete, 1981: 56). Such a series of objectives, choices, options and decisions to act or not to act, made by governmental bodies/authorities in order to deal with society concerns, generally, constitutes public policy. *Policy-making* is not a once-and-for-all exercise, but it continues throughout the translation of policy objectives into action (implementation). Wildavsky (as cited in Cloete, Wissink and De Coning, 2006: 29) stresses that “public policies are not eternal truths, but are hypotheses subject to alternation and to the devising of new and better ones”, until they are also, in turn, proved unsatisfactory. Likewise, public policies are not stand-alone devices when it comes to implementation, but rather they are sustained by other generic administrative functions, e.g. organising, financing, human resources and control.

Cloete (1993: 112) considers *organising* as “actions involved in creating and maintaining organisational units called institutions”. In addition to arranging individuals into units to undertake action in pursuit of desired objectives, organising involves building their mutual relations through coordination, communication and delegation. Other activities include devising and improving organisational structures; setting duty and task activities; dividing work; assigning of responsibility to lower levels in the structure (delegation); arranging lines of communication; providing the necessary material, such as, office equipment and transport to perform the tasks; and establishing control measures.

The *financing* function involves activities through which monies are obtained, expended, and controlled. Specific activities of the financing function include: devising a financing system (costing/cost-benefit analysis); preparing estimates of income and expenditure (budgeting); accounting, auditing and reporting. The finances that government appropriates are public funds received in the form of taxes, tariffs, levies, fines, fees and loans. Government is thus obliged to use public funds efficiently and effectively to satisfy society needs. Ordinarily, the legislature bears

the ultimate authority to determine the manner in which public funds are spent, and it is therefore charged with the duty of making laws (control mechanisms) to ensure proper collection and utilisation of public monies (Pauw *et al.*, 2002).

Staffing (human resources provision and utilisation) is considered as a function through which suitable employees are employed and utilised according to their potential (Van Dijk, 2003: 41). Once a policy has been set to provide general objectives to be pursued; when the organisational arrangements in terms of structure, group units and work tasks are designated; and when financing of the activities has been secured, then, the human resources must be provided to operationalise all the functions and activities. HR provision and utilisation involve designing HR systems and the setting up of support activities associated with the management of employees, including supervision, motivation, training, maintaining discipline and the merit system (Van Dijk, 2003: 41).

The establishment of *procedures and work methods* is “based on the principle that every action taken by an employee requires a single-minded, systematic and orderly procedure and/or method” (Van Dijk, 2003: 42). While the policy objectives and particular organisational arrangements can to some extent compel employees to unite their efforts in an ordinary manner, the individuals could still maintain their respective views on how to perform a specific task (Cloete, 1993: 174). Appropriate procedures, hence, must be determined for discharging the diverse public sector functions. Work procedures are necessary to protect the rights of individual officials, build cohesion in operations, inculcate discipline and ensure productivity.

Since the abovementioned generic administrative functions are largely enabling measures, once those functional activities are complete, it is necessary to establish whether the intended results have been achieved or not (Hanekom and Thornhill, 1986: 101). The *control* function, therefore, becomes an overarching activity in this regard to sustain the purpose and serves as rationale for the other generic functions. Control ensures that the human and material resources of the organisation are aligned with the underlying requirements, standards and aspirations of public policy objectives. As noted, the notion of *accountability* (the main theme of this study) in public administration hinges on the generic administrative function of *control*.

However, before the control function is espoused in relation to fostering the ideals of public accountability, it is necessary to understand the concept of accountability.

2.5 DEFINING ACCOUNTABILITY

The concept of *accountability* or *public accountability*² is a universally accepted standard for Public Administration in theory and practice, although its specific meaning and institutional application may vary from one place to another or one institution to another. Traditionally, the notion of accountability involves individual responsibility for performance of specified duties and the top-down control within an official hierarchy (Wolf, 2000). Wolf (2000: 16) indicates that, “even where accountability in public administration is not at all an institutional reality, the concept has a powerful potential as a tool for democratic reform”. While there may be a considerable difference between the realities of today’s public administration in practice and the classical theories of Public Administration³ from which the concept of accountability has evolved, the accountability requirements have remained vivid in pursuit of public sector responsiveness and improved performance.

Fox and Meyer (1995: 1-2) define *accountability* as the “responsibility of government and its agents towards the public to achieve previously set objectives and to account for them in public”. It is also regarded as a commitment required from public officials individually and collectively to accept public responsibility for their action and inaction. In this case, the burden of accountability rests on each public functionary to act in the *public interest* and according to his or her conscience, with solutions for every matter based on professionalism and participation (Fox and Meyer, 1995: 5). Haque (2000: 612) looks at public accountability from the entire governance system as the “answerability of public officials to the public for their actions and inactions for which they are subject to both external and internal sanctions”. In the same vein, Basu considers public accountability as the liability of government servants to give a satisfactory account of the use of official power and/or discretionary authority. It is an obligation to expose, explain and justify actions taken on behalf of delivering services to the public (Basu, 1994: 472). According to White (cited in Basu, 1994:

² Used interchangeably to refer to public sector accountability

³ Classical theories emphasise stable and transparent organisational structures based on Weberian bureaucracy, strict lines of hierarchical authority and clear separation of politics and administration

472), it consists of the sum total of constitutional, statutory, administrative and judicial rules and precedents and the established practices by means of which public officials may be held responsible for their official actions.

One may consider the different conceptual dimensions, under which the notion of accountability is espoused. Spiro (in Gildenhuis, 1997: 56-57) identifies the primary connotations of accountability, namely accountability as *responsibility*, as a *cause* and as an *obligation*. Accountability as a *responsibility* makes a person who undertakes an assignment under the control and command of another person or institution to be responsible (answerable) to his or her principal for the efficient, effective and responsible execution of that assignment. Accountability as a *cause* means that a person, due to his or her personal conduct, becomes the reason for the success or failure of a specific programme or an event. Accountability as an *obligation* looks at the ultimate resting of the burden of explanation. The accounting officer can be responsible for effective, efficient and responsive management of public resources, but the minister concerned is obliged to account/report to parliament.

Normanton (1972: 312) notes that the concept of accountability may not necessarily imply public accountability. While public accountability is associated with Western democracies and demands that the obligation to account be done in 'public', accountability is not confined to democracies. It is simply an obligation to expose activities and the results of such activities and to explain and justify them. In supplementing Normanton's view, Gildenhuis (1997: 58) argues that being accountable to an authoritative head of state/dictator or a hierarchical system which does not operate in 'public' but behind closed doors does not amount to public accountability.

The following elements/tenets capture the concept of accountability as advocated in the public sector realm:

- undertaking official decisions/activities in a transparent way, capturing various stakeholders' interests;
- making optimal use of resources - taking consideration of *value for money* and cost-benefit analysis, with no tolerance to waste and corruption;

- adhering to ethical and professional standards and regulations;
- responding to community needs as much as possible with prioritisation;
- implementing viable mechanisms of providing feedback and information to the public; and,
- making an effort to foster awareness and civil society participation.

In general, accountability can be understood as the answerability for performance and the obligation that public functionaries (elected and appointed officials) have to give a satisfactory explanation over the exercise of power, authority and resources entrusted to them on behalf of the public (taxpayers).

2.6 FOUNDATIONS OF ACCOUNTABILITY

Public accountability derives strong roots from democratic traditions, and the constitutional/legal framework of a given country or organisation. In direct democracies like Switzerland, the control by the people over administration is far more direct and effective than in indirect democracies such as China and the former Soviet Union, where public accountability, in effect, means accountability of administration to the Communist Party (Basu, 1994: 473). The rules, regulations and standard procedures are important benchmarks for guiding the actions and behaviour of public officials, given that public officials play an agent role – agents of the people. The inherent high degree of regulations in the public sector dictates that, such agents/agencies must operate as expressions of the will of the people (Pauw *et al.*, 2002: 134). Likewise, the nature of the existing society and organisational culture shapes the behavioural patterns and values attached to public service.

Accountability is an ethical virtue, since ethics concern principles and rules that govern the moral value of people's behaviour. Improving ethics is crucial to enhancing accountability and vice versa. Ethical values such as integrity, probity, impartiality and frugality form part of the common values, which guide public sector action and performance. Unethical practice constitutes a great deal of behavioural attitude and actions, which include dishonesty, laziness, negligence, inefficiency or complacency on the part of public officials, as well as fraud and corruption.

When the notion of accountability is espoused, three important questions arise: accountable *to whom*; *for what*; and *how*? These issues amplify three main dimensions: the *agents of accountability* (accountable to whom); *the standards of accountability* (accountability for what); and the *means of accountability* (how accountability is ensured).

The *agents* of accountability from whom authority relationships are derived include supervisors, elected political executives and legislators, the courts, external auditing agencies, professional associations, co-workers, clients and the general public (Romzek, 2000: 22). The *standards* of accountability have conventionally been attached to achievement of social economic progress in the form of law and order, poverty alleviation, employment generation, public well-being; and the maintenance of values such as integrity, equality, impartiality, representation and justice. (Haque, 2000: 601). The *means* of accountability traditionally practised include (Haque, 2000: 606):

- *external-formal* mechanisms, including legislative instruments (legislative committees and parliamentary scrutiny), executive means (control exercised by political executives over public agencies), and judicial or quasi judicial processes (administrative courts and ombudsman);
- *external-informal* mechanisms, such as public hearings, interest groups, opinion polls and media scrutiny;
- *internal-formal* mechanisms, including official rules, codes of conduct, official hierarchies, and performance reviews; and,
- *internal-informal* mechanisms, such as organisational culture, professional ethics, and peer pressure.

It should be stressed that the foundation of the public sector is service-oriented, as opposed to the private sector (which is profit-oriented, whose key objective rotates around earning a satisfactory return on investment and being able to finance operations for a predictable future). Thus, management performance in the public sector realm is not measurable in profit terms. Rather, it is measurable in terms of the 3Es, namely *economy*, *efficiency* and *effectiveness*, as well as *appropriateness*, which emphasise the following (Pauw *et al.*, 2002: 138-139):

Economy is concerned with the acquiring of necessary resources (finance, staff, and equipment) to carry out an activity at the least cost. It requires minimising the cost of resources used for an activity and having regard to the appropriate quality. Hence economy is simply the principle of being cost-sensitive, requiring that the cost of inputs compares favourably with the alternative.

Efficiency relates to achieving maximum output from a given amount of resources used. It is the relationship between the output in terms of goods and services and the resources used to produce them (the ratio of output-input). In this case, the higher the ratio, the higher the efficiency is.

Effectiveness is the extent to which an activity's stated objectives are achieved. It describes the relationship between intended impact and the actual impact on an activity.

Thus, the above 3Es form part of the evaluation of public officials' performance but at the same time supplement the basis of weighing accountability in the execution of public duties.

In essence, the significance of accountability manifests to serve essentially three core purposes, according to Aucoin and Heintzman (2000: 45), namely to *control* for the abuse and misuse of public authority; to provide *assurance* in respect of the use of public resources and adherence to the law and public service values; and to promote learning in pursuit of *continuous improvement* in governance and public management. This explains the existence of an array of accountability processes and mechanisms in all systems, which serve to control behaviour and performance towards organisational objectives, and to provide assurance to principals that their agents are fulfilling their responsibilities as intended. Accountability as continuous improvement implies that the process is a learning one and that dynamism towards change and improvement must be embraced to keep afloat with the emerging challenges of all time.

2.7 CONTROL FUNCTION AND ACCOUNTABILITY

As highlighted earlier, public accountability constitutes the pivot of democratic governance and public administration (Muthien, 2000: 69). The emphasis of this position is that, any movement towards a more professional ethos in public sector management demands improved frugality in resource utilisation, increased responsiveness to the public, transparency and, generally, public accountability. In this regard, accountability has become the cornerstone of public administration and management, because it constitutes the principle that informs the processes in which those who hold and exercise public authority can be held responsible or answerable for their actions or inactions (Aucoin and Heintzman, 2000: 45). To ensure the achievement of the above objectives, control mechanisms become paramount.

As noted, the underlying principle of public accountability is that power, authority and resources entrusted to public officials are used efficiently and effectively in the larger citizens' interest. Control as a managerial activity and process seeks to ensure the elimination of waste, the effective use of human and material resources, and the protection of employee interest and general welfare in organisations. In this case, the control function aptly feeds the requirements for accountability in public management.

2.7.1 Necessity for control

The broader rationale for control mechanisms in public administration is to ensure accountability to the public, and in this regard, the cardinal purpose of administration is to achieve the objectives of the state, whose purpose, in turn, is to maintain peace and order, the achievement of justice, promotion of social and economic development and generally, good life to its citizenry. Hanekom and Thornhill (1986: 101) deplore the dismal regard given to the study of control measures in the public sector, and yet the complexities of the contemporary public sector demand that the relevance of control measures be regularly evaluated, so as to establish whether public activities are carried out efficiently and effectively, and whether the required results are achieved.

The necessity for control and responsibility emanates from the vast growth of administrative involvement in government. Not only do public administrators execute the laws, but they consciously make laws and even adjudicate laws (Peters, 1995: 290). It is noted that, much of the legislation coming out of the legislative organs of state is mainly enabling legislation for the executive institutions, which largely sets broad outlines on policy; and thus, requires the executive agencies to issue details and regulate implementation. As a result, the problems of controlling administration are no longer simply seen in the shadows of policy implementation, but also seen much more in policy formulation and the adjudication. One can only say that such increasing magnitude of authority and influence in the hands of public officials not only calls for control, but actually makes accountability very necessary.

Whereas a public institution can be assumed to have a perfect policy, according to Roux *et al.* (1997: 155), it cannot be assumed that its policy objectives would be achieved. The achievement of objectives, according to Roux *et al.* (1997: 155), requires the execution of the other generic administrative and management functions; the execution of the functional work processes (like road building, provision of education and conservation of wildlife); and the execution of support processes (such as gathering of facts, processing of data, presenting statistics and making decisions). In the process of executing the above functions, there is always a possibility of deviating from the policy objectives. Hence *control* becomes a necessary tool not only to guard against deviations, but also to ensure that the objectives are achieved effectively and at the least cost.

2.7.2 Aids to control/control measures

The parameters for exercising control (and ensuring accountability) involve benchmarking *goals, objectives, procedures* (guidelines), *actions* and *results*. A prerequisite for the evaluation of the performance of an institution, according to Hanekom and Thornhill (1986: 103), is the identification of a goal or aim against which results may be measured. Procedures and guidelines help to limit deviations and redirect an appropriate course of action, while actions can be evaluated in terms of outputs, which are translated directly into results.

It is not the intention of this study to enumerate all the possible control measures and their corresponding advantages and disadvantages, since different control measures can be appropriate for different policy objectives, under different circumstances. Nonetheless, there are common aids for exercising control, which at the same time constitute control measures to enhance accountability in the public sector realm. These include estimating, auditing, reporting, inspection and organisational arrangements.

Estimating: Given that control cannot wait until work activities are completed, to provide a comparison of the results with the aims, some *indicators* in the form of estimates must be found to guide progress in the right direction. Estimation is always done in the form of *quality* of work expected, *human resources* and *financial* resources to be utilised. Financial estimates, while not the most important yardstick, are always a convenient tool for establishing whether public resources have been utilised economically to attain the desired goals (Hanekom and Thornhill, 1986: 110). A *budget* is an important tool here. In Uganda, the Public Finance and Accountability Act (2003: s15) requires public institutions to dispense their resources in accordance with approved budgets.

Auditing: It is perhaps the most pervasive tool for determining the degree to which results meet expectations. This explains why modern governments have the institution of the Auditor-General to operationalise this control mechanism. In Uganda, the Auditor-General provides external control mechanisms to enhance accountability as provided under the Constitution of Uganda, 1995 (Art.163). However, there are also internal auditors in government departments, constituting part of internal control mechanisms.

Reporting: This is a conventional control measure that enables accountability, whereby subordinate public officials/organs have to report to their superior bodies on the activities entrusted to them. Reporting within a public institution (organisational arrangement) signifies the hierarchical accountability type, where the top/chief civil servant reports to the political office bearer (minister), who in turn reports to the legislature. This allows the legislative oversight function. Reporting requires three crucial components: prescription of the *content* otherwise, there can be a danger of

omitting poor performance in the reports; appropriate time for *presentation* of the reports to allow significant results to be obtained; and timely and exhaustive *consideration* of reports to enable valuable reflections.

Inspection: Given that it is not practicable and convenient to supervise every activity of a public officer, inspections become a viable alternative. Hanekom and Thornhill (1986: 115) stress the need for an appropriate frequency, otherwise, “if a subordinate official is aware that an inspection is to take place at a specific time, one may tend to ensure that everything is favourable at that stage”, and as such, performance may deteriorate, but improves just before the inspection. However, surprise inspections are also cumbersome to some level, “since they indicate that staff members are not to be trusted” (Roux *et al.* 1997: 158), which breeds negative attitude and animosity.

Organisational arrangements: These according to Hanekom and Thornhill (1986: 117) refer to “arrangements of individual officials and groups of officials in a particular structure to ensure that cooperative action succeeds in achieving a common goal”. There are both *internal* and *external* organisational arrangements. Within the local government system in Uganda, for example, the Chief Administrative Officer, the District Council, and the District Service Commission constitute structures for *internal* control. The *external* organisational arrangements include the Auditor-General and the Inspectorate of Government (these two agencies form the domain of this study), which are mandated control institutions charged with the duty of enhancing accountability in local government, in view of the Constitution of Uganda, 1995 (Art. 163 and Art. 225), respectively.

In analysing accountability mechanisms in public administration generally, it is useful to distinguish three forms of control: *parliamentary control*, which is normally effected through legislature with its special statutory agencies; *judicial control*, which is effected through the courts; and *administrative control*, which is exercised internally in government departments. Parliamentary and judicial controls are viewed as *external accountability* mechanisms, in contrast to administrative control, which is *internal* in nature (Daly, 1987: 10).

This study is concerned with the *external control systems in the enhancement of accountability in local government*, and therefore, does not intend to delve into the internal administrative control systems. Similarly, while judicial control is part of the external system of control, it is not discussed in this study, because, the court's role in relation to administration is indirect and rather cumbersome (Cloete, 1993: 66; Roux *et al.* 1997: 164):

- courts cannot exercise control, *per se*, as they must wait until a legal dispute has arisen or a criminal offence is committed;
- courts can only indicate the 'wronged party' or the 'guilty party' and hardly undo or rectify an administrative act;
- courts deliver judgment on the basis of factual evidence and do not take account of guidelines derived from community values.

Thus, judicial control is less significant than the parliamentary system as a means of effecting operational accountability from administration. This study, therefore, built its foundation on the organisational arrangements that operate under the whims of legislative control, and thus, the role of the Auditor-General and the Inspectorate of Government (which are special statutory organs) is examined in enhancing accountability in Uganda's local government.

2.7.3 Legislative control and oversight

Legislatures are ordinarily charged with the duty of performing three important functions *law-making*, *representation* and *oversight*. As a *people's voice*, the legislature constitutes the supreme authority to which the executive is accountable, in the form of *vertical* accountability. In its oversight function, it monitors the executive arm of government by utilising various avenues. These include *parliamentary enquiry* through standing committees on public accounts; *question time*, especially for line ministers to provide explanation during parliamentary plenary sessions; *public hearings* to gather testimonies from members of the public regarding public agency performance and *no-confidence debates* for possible censure and impeachment of the members of the executive, among others.

In undertaking its cardinal oversight role and the pursuit of accountability, the legislature makes legislation that establishes and regulates the activities of various *watchdog* institutions, whose independence it is also supposed to protect. Common among these agencies are ombudsman institutions, Auditor-General, Public Service Commission, and other statutory commissions. Thus, accountability can be examined through a prism of institutions established to serve as a check on the executive arm of government and such agencies established to monitor the efficiency, probity and fidelity in respect of performance of the public sector (Muthien, 2000: 70).

While these constitutionally mandated institutions are fundamental mechanisms of ensuring accountability in state departments, Fourie (2006: 439) argues that “the proof of their effectiveness lies not in the mandate, but with the strength to which they guard their independence and remain impartial”. The strength of the watchdog institutions to deter arbitrary exercise of power depends on a number of factors (Muthien, 2000: 72):

- their location, standing and status within the system of governance;
- the standing of their champion/guardian/protector within government, i.e. minister or president;
- the unqualified support of the legislature in the exercise of their functions; and
- their level of resourcefulness and ability to fulfil their constitutional mandates.

Elsewhere, legislative oversight is constrained by the rather excessive powers of the executive branch, which often takes decisions in total disregard of the legislature, even where such parliamentary approval may be required (ADB, 2005: 191). Other issues that constrain parliamentary oversight and reduce its position as a vanguard of public accountability include (Muthien, 2000: 70; ADB, 2005: 191):

- the complexity of modern public administration, which requires technical expertise that may not be available among the lay representatives of the people;
- the volume of work, complexity and time constraints in enacting legislation;
- the fact that legislation mostly originates from the executive and is rarely initiated by the legislature, which reduces the supremacy of the legislature;

- executive control of patronages and appointment to positions such as ministers, diplomats and board members, as well as control of resources;
- weak parliamentary research and information services that render legislators not well informed about activities of the executive branch;
- constituency pressure by citizens who are more interested in having their representatives secure access to social services, rather than engaging in conflicts with the executive over performance; and
- legislators who are sometimes divided fractionally or along ethnic or religious lines that make them subservient to local, ethnic and personal pursuits, rather than national interests.

The dilemma of modern parliamentary democracy that obliges party members to *toe the party line* sometimes weakens parliamentary oversight. It is not uncommon to find a ruling party with a dominant majority in parliament gagging its members in the legislature and making them, rather, complacent and unable to condemn malfunction in executive agencies, for fear that it may reflect bad on their party. Muthien (2000: 70) rightly argues that, “the effectiveness of the legislature to hold government accountable depends on the quality of elected representatives in terms of professional expertise and direct accountability to constituencies”. Thus, parliamentary control also has its limitations.

2.8 PUBLIC FINANCIAL MANAGEMENT AND ACCOUNTABILITY

Although accountability and financial management are frequently equated, financial accounting is just one dimension of the accountability configuration. Public officials can be held accountable in a variety of ways that are discussed later (section 2.10). It should be noted that a sound fiscal management system is a prerequisite for enhancing accountability and good economic governance. Public financial management is associated with fiscal policy management, which concerns both, revenue administration and expenditure management. Its major rationale is that those who are entrusted with public resources should account for how they are used, with supporting documentation in form of invoices, vouchers, receipts and other items that may prove disbursement of such funds. Such actions applaud the notion of financial accountability.

Fourie (2006: 437) points out that “public financial management is not confined to those finances appropriated to render particular public services or goods, but to all transactions where financial value is prevalent”. Fourie notes that such practices such as nepotism, favouritism, abuse of power and insider trading, correspond to some extent with lack of good governance in public financial management, in the same way as, embezzlement and extortion. It follows that this wider understanding of public financial management helps to trace value in the actions and activities of public officials, so that they become mindful of any practice or transaction that may lead to any loss of financial value. It thus, becomes necessary in preventing misuse of public resources.

It is important to note that, managers are financial managers irrespective of their line management responsibilities or such professional and training orientation. While public organisations traditionally have accounting officers, every official, albeit, medical trained doctor, an engineer, a lawyer, or teacher) is responsible for proper financial management and control (Pauw *et al.*, 2002: 133). Also, in most systems, all heads of government are the accounting officers of their departments. This means that they have to account personally for the financial activities of their respective departments; given that accounting officers are responsible for all functions which legislation charges them with (Schwella *et al.* 1996: 114).

Financial accountability is necessary because it is the people’s – public – money that is entrusted to government and therefore, the people expect proper utilisation of it (Pauw *et al.*, 2002: 136). Secondly, resources are not inexhaustible and, therefore, public financial management becomes necessary to redirect their prudent use. Given that the socio-economic demands of any society, ordinarily, tend to be extensive and requiring to deal with problems like poverty, unemployment and diseases, which normally outweigh the available resource capacity, accountability becomes a balance to ensure frugal resource utilisation. Similarly, public financial accountability becomes necessary, because, like in the case of Uganda, public servants manage budgets of millions of shillings, and the only way to deal with this responsibility is to place control mechanisms to ensure financial discipline.

In this case, the traditional role of auditors (both internal and external) is to examine each unit's record in order to ensure that resources are properly used, and that no funds have been spent illegally, inappropriately or wastefully. The objective here, in view of financial management control, is to secure aggregate fiscal discipline by ensuring that budget deficits and aggregate expenditure are fairly close to budget projections, and that resources are utilised in line with expenditure programmes (ADB, 2005: 199).

According to the ADB Report (2005), most African countries have had problems with public expenditure management owing to serious weaknesses in their budget preparations and execution. The report points out that poor budget performance is mainly a result of unrealistic revenue projections, poor costing of expenditure items, poor expenditure controls and general lack of financial discipline (ADB, 2005: 198). The result of such financial inefficiencies partly has a bearing on the increased accumulation of foreign debt indebtedness, which places severe constraints on investment and sustained growth.

In general terms, the 3Es, namely the principles of economy, efficiency, effectiveness, as well as appropriateness, which were discussed earlier, form part of the basis for evaluating fiscal resource management. The attainment of the most possible beneficial position between the cost of an activity incurred and the results it produces, henceforth becomes pertinent. It is geared towards ensuring that resources are used for the implementation of activities they are intended for. Evaluation is often made in this regard to establish whether a given programme is executed as intended, in the way of ensuring efficient and effective utilisation of scarce resources, to attain policy and programme objectives. Public financial management, therefore, helps place emphasis on assessing *performance* or *value-for-money* in achieving the stated objectives. It emphasises the application of cost-benefit analyses and advocates zero tolerance to waste, time mismanagement and corruption.

2.9 ETHICS AND ACCOUNTABILITY

The notions of *ethics* and *accountability* have become more critical in public administration, because of the continued public sector institutional failings that are attributed to public servants' lack of moral values, which in turn, are associated with weak values and weak administrative systems. While the need to restore accountability and responsibility is high on the public sector's agenda, Peters (1995: 289) believes that the civil servants are probably no better or worse, ethically, than individuals who work in the private sector. Peter points out that the only difference is that they work for government, and probably in a democratic setting, where it is assumed that they work, at least indirectly, for all citizens. It is this 'bigger' public image that, perhaps, makes the accountability notion appear more acute in public agencies, "not because of the nature of the individuals employed and their lack of personal responsibility, but because of the nature of the jobs and the nature of the responsibilities vested in government" (Peters, 1995: 289).

Ethics relate to a set of values, norms or standards that prescribe acceptable individual or group behaviour. As such, one can validly argue that accountability is an ethical virtue. This is so because, ethics concern principles and rules that govern the moral value of people's behaviour. It is held that improving ethics is crucial to enhancing accountability and vice versa. Being responsible and responsive are some of the ethical domains of public service, which at the same time, augments accountability. The degree to which professional or value systems are set in the public sector, therefore, determines the 'heartbeat' of public accountability.

When referring to ethical standards in the public realm, the universality tends to capture three main philosophical dimensions (Pauw *et al.*, 2002: 328-329), and it is against these dimensions that accountability can be examined:

Rule-oriented approach: According to this rule, doing good means or obeying duty to prescribed ways, irrespective of consequences or motives. In terms of public sector ethics, this approach focuses on the regulations and codes governing – in this case – accountability or financial management.

Utilitarianism/consequentialism: According to this, an action is good or right depending on its consequences: the extent to which it leads to an increase in happiness or decrease in unhappiness of those affected. The utilitarian measure of goodness of conduct is defined as the greatest good for the greatest number. In terms of public accountability and public financial management, this approach puts forward the promotion of public interest as the main issue in ethics, rather than adherence to rules.

Virtue ethics: This approach views good as residing in the character of a person. Here the task of ethics is to contribute to a virtuous disposition in both individuals and organisations. This is a long-term project which depends on having the right role-models. In this case, the role requirement is to promote honesty and integrity in the public sphere such that if public officials are virtuous, corruption and dishonesty will be curtailed.

Ethics in the context of professionalism require adherence to an agreed code of behaviour by such members that subscribe to a profession or bodies, such as law society, medical practitioners' and professional engineers' associations, and chartered accountants. These establish codes of conduct to their memberships and enforce professional ethics.

Despite the ethical dimensions presented above and the contemporary hype about cultural diversity and the prescriptions of diversity management styles, when it comes to virtues of accountability and public financial management, such diversity in ethical views is not entertained (Pauw *et al.*, 2002: 328). Ethical standards in the public sector realm tend to bear commonality as sets of value systems for which those serving the public must adhere to. Ethical values such as integrity, probity, impartiality, and frugality form part of the common values which are supported by the 3Es (economy, efficiency and effectiveness) and appropriateness; and they help to guide public sector action and performance.

The main reason for this kind of ethical universality is that public service is public trust and the citizens expect public officials to serve the public interest with fairness and to manage public resources with utmost sobriety. This constitutes the core

significance of public sector ethics, which also calls for high behavioural uprightness among public servants while executing duties in the name of the people – from whom taxes are levied – in order to pay emoluments and salaries of public officials.

Poor ethical practice constitutes a great deal of behavioural attitude and actions, which include dishonesty, laziness, negligence, inefficiency or complacency on the part of public officials. But perhaps the most pervasive involves *fraud* and *corruption*. While fraud could be regarded as “any practice which involves the use of deceit to confer some form of financial benefit upon the perpetrator” (Pauw *et al.*, 2002: 333), corruption is a much larger concept that goes beyond direct financial benefit to the perpetrator.

It should be emphasised that the ethical shortcomings in the developing world’s public sector, have much to do with *weak* or *non-existing systems*, *weak values*, as well as *weak consequences* (Pauw *et al.*, 2002: 337-339). Weak systems tend to have organisational structures that do not offer clear description of responsibilities and lack clear lines of authority, communication and accountability. Similarly, the employment systems tend to be associated not only with poor working conditions, but also with appointments based on irregular considerations like nepotism and political allegiance, as opposed to professional competence. This renders public institutions rather weak and incapable of enforcing accountability and other ethical virtues.

Weak consequences are associated with poor sanction and action against misconduct. In this case, the existing control and preventive mechanisms to unethical behaviour may not pose much threat to the perpetrators. Weak consequences thrive mostly under undemocratic traditions, where by, government policy and regulatory arrangements may rather, instead, condone unethical practices. It is also common to find existing oversight institutions marginalised and kept incapable of pursuing their mandates by patron-client networks supported by powerful state agents. In the case of weak values, one finds public officials who rarely regard behaviour generally considered as ethical, as important or worth the trouble. This is normally aggravated by weak systems and consequences, which exacerbate institutional decay and poor accountability.

A major concern is the changing mode of public management, whose objectives are increasingly being overtaken by economic interests at the expense of key ethical value attributes (Haque, 2000: 601). In this case, the normative standards are biased in favour of efficiency, competition, profit and value-for-money, against the conventional public sector values such as honesty, integrity, and neutrality. This shift-away of emphasis from the traditional ethical norms has affected accountability patterns in such a way that, instead of being answerable for social welfare, citizens' rights, impartiality, fairness and justice, public governance is gradually held more accountable for the economic-growth rate, encouraging competition and maximising profit (Haque, 2000: 601). The unfolding dynamics and challenges of these shifting accountability relationships are discussed in the subsequent sections.

2.10 ACCOUNTABILITY FORMS AND DYNAMICS IN PUBLIC MANAGEMENT REFORM

There is a tendency to regard accountability as a single unit concerning financial matters. Yet accountability is a diverse concept dealing with the political, legal, administrative and financial dimensions. The following section elaborates on this.

2.10.1 Forms of public accountability

While there might be other classifications, depending on preference of approach, public accountability carries four main typologies, namely hierarchical, legal, political and professional forms.

Hierarchical/ Bureaucratic accountability

Hierarchical accountability forms part of the classical type, operating in the conventional public administration schema, where accountability relationships follow a rather strict superior-subordinate hierarchy, and where the public servant is technically accountable through the leadership of the department/unit up to the top. It is an internal organisational form that utilises the organisational structure; lines of authority and official channels of communication. The accountability relationship is based on the internal controls through supervision of individuals with reliance on seniority of position arrangement.

Some of the usual manifestations of hierarchical accountability include immediate supervisors and periodic performance reviews, where individual evaluation is based on obedience and adherence to organisational directives, rules and other mechanisms that reduce employee discretion (Romzek, 2000: 24). It is hence an *input* control mechanism, meant to secure accountability from those on whom authority and responsibility is conferred or delegated. The other manifestation involves the conventional emphasis on separating *politics* from *administration* and therefore, *policy-making* from *policy implementation*; where it is the politician who is accountable to the public since the public servant is expected to be neutral, anonymous and only responsible for implementing policies. In this case, the bureaucrats (public servants) merely advise the political leadership on policy and only manage resources on behalf of the political leadership.

Given that the managerial focus in this form of accountability is that of limited discretion, performance is judged by how well administrators have utilised the inputs at their disposal such as effort, time, funds and workforce. It, therefore, limits individual creativity and innovation since it is more accustomed to stereotypes of designation and lines of reporting. Owing to limited discretion, even when the prescribed mode of operation is found to be wanting, the opportunity to exercise ingenuity and professional judgement is thwarted. Likewise, the emphasis on individual evaluation deters teamwork, as emphasis on input encourages risk-averse behaviour, where everyone appears to avoid making mistakes.

One major advantage of the hierarchical accountability approach is that authority and responsibility are laid clearly and concentrated; and thus, accountability is more easily attributed to a central authority that bears it.

Legal accountability

Legal accountability is another conventional type where accountability relationships involve a great deal of external oversight (by legislative and constitutional structures/agencies) such as parliamentary committees, the Ombudsman, Auditor-General and Public Service Commission to ensure that individual or group performance complies with established standards and performance mandates. It

utilises externally derived expectations, where external agencies normally review and verify the quality of public management through processes like financial or programme audits (Romzek, 2000: 25). Performance evaluation is thus, based on adherence to mandated processes where administrative actions are weighed in compliance with formal performance systems, including both management and reporting systems as prescribed under the rules and standard procedures. The core *unit of value* is henceforth the *process* rather than the *output* and *outcomes* (see accountability relationships in Table 2.1).

Table 2.0.1: Behavioural expectations of different accountability types and managerial strategy

Accountability	Behavioural expectation	Managerial strategy
Hierarchical	Obedience to organisational directives	Inputs
Legal	Compliance with external mandates/ rules/ procedure	Process
Political	Responsiveness to key external stakeholders	Outputs
Professional	Expertise and individual/ professional judgement	Outcomes

Adapted from Romzek (2000)

Both the legal and hierarchical forms of accountability minimise discretion and appear to simplify the accountability process by prescribing standards. However, focusing on securing compliance with input control and process can be a great deterrent to procuring accountability for performance, especially in terms of output and outcomes. Moreover, emphasis on the process and legalities offer a viable excuse to public servants who may simply be reluctant to respond to critical citizen needs, only to claim that they are following rules and procedures; and so the rules can provide some kind of *security* for incompetence (Peters, 1995: 292).

Political accountability

Political accountability forms the cornerstone of democratic practice where the mandates of elected officials and public administrators must reflect on the agenda and expectations of the public. The accountability relationships afford administrators the discretion of being responsive to the concerns of the key stakeholders, such as elected officials, clientele groups and the general public (Romzek, 2000: 27).

Political accountability is more people-focussed unlike the traditional model where accountability is through hierarchical leadership with hardly any direct links with the people, either through consultation or through interest groups. Thus, it aims at greater responsiveness to meeting citizen needs and active participation. Its performance measure is linked to the value of responsiveness to the constituents, the various stakeholders, where public employees are urged to vigorously support their political leaders' agenda as part of their career objectives in serving the public interest.

Political accountability tends to be affected by neo-patrimonial acquaintances, nepotism and seclusion, which undermine the principle of responsiveness to the public. While the history of appointing permanent secretaries by political executives as opposed to hiring them through the professional public service is intended to insure responsiveness to elected officials (Romzek, 2000: 28), it has been patronised to serve the whims of dictatorial regimes, rather than the larger public. This quagmire is more exacerbated in the developing countries, where the constituencies of public agencies tend to be political, and where value systems are crowded by the patron-client orientations that serve to foster the interests of dictatorial regimes, rather than the *public interest* (Kakumba and Kuye, 2006: 813).

Professional accountability

Professional accountability is one type that is accorded increased advocacy in the recent reform strategies, which are intended to promote flexibility and expertise in the public sector. Under professional accountability, public officials are expected to exercise their best judgement, achieve results and this type is, therefore, more *output-outcome-oriented*, rather than a mere following of rules and directives. This type shifts from the traditional approaches, by allowing substantial discretion to the individual or agency and by way of emphasising that public servants be personally accountable for their actions and achievement of results. Performance standards are established by professional norms and prevailing 'better' practices of one's peer or work group and, hence, public official action and decision are influenced more by internalised values and appropriate practice, than mere political responsiveness (Romzek, 2000: 26). The assumption here is that public servants have special skills,

experience and work methods and that they exercise discretion responsibly in a manner that is consistent with acceptable norms.

The above four accountability types can coexist in an organisation to separately or simultaneously demand answers for the performance of individuals or agencies. They can limit or reinforce one another, and are therefore, not mutually exclusive. Often, there are shifts in the relative priority and preference given to different accountability forms, owing to particular changes in expectations and imperatives. Romzek (2000: 29) points out that “as a result, the same actors can be involved in different accountability relationships at different times, sometimes emphasising obedience and, at other times, deference to expertise, rule of law and/or responsiveness”. When this happens, then public servants must also adjust in order to suit the changing performance requirements and accountability patterns.

While the new approach to public management suits the *output* and *outcome* orientations of performance standards and therefore, stresses the political and professional accountability, the traditional approaches of bureaucratic and legal accountability cannot merely be discarded. This is because, systems of devolved authority, responsibility and extensive discretion only works well when supported by other kinds of control such as administrative law, judicial or administrative review and strong legislative oversight (Aucoin and Heintzman, 2000: 48).

2.10.2 Accountability dynamics in public management reform

As already noted, the traditional notion of accountability has all along involved individual responsibility for the performance of specified duties and the top-down control within an official hierarchy. However, while accountability has long been a central public service value, it has continued to take on new dimensions and importance in the context of recent reforms. Thus, accountability continues to be a dominant value in contemporary public administration (Wolf, 2000: 17).

The wave of public sector reforms in developing countries that are spearheaded by the neo-liberal ideology and the aegis of the IMF/World Bank, have manifested under a replica of names such as *re-inventing* or *re-engineering* government, *new*

managerialism and *total quality management*; all with the avowed intent of increasing efficiency, effectiveness, responsiveness and accountability in public sector organisations (Haque, 2000; Romzek, 2000; Aucoin and Heintzman, 2000). The adopted strategies of these reforms have also undertaken different dimensions including decentralisation, deregulation, privatisation, downsizing government, and de-bureaucratisation, with a view to fostering performance through accountability and transparency (Keen and Scase, 1998; Haque, 2000; Romzek, 2000; Aucoin and Heintzman, 2000).

As a result, these trends have culminated in an emphasis on shifting reliance from rules and procedure traditions, towards increased administrative discretion, management flexibility and entrepreneurial orientations. In the same vein, such changes have earmarked a shift in accountability patterns and relationships from the hierarchical and rules-based accountability towards political and professional options. This preference is reflected in the zeal accorded to corresponding performance evaluation standards; from *input* systems and *processes* towards *output* and *outcome* standards.

The *input* measure focuses on the capacity that an agency or manager has in order to carry out a programme or activity – in terms of human, financial and other material capacities in place. Performance measure is based on the capacity of the agency's resources in items like budget line, number and skill mix of employees, supervisory ratios and succession plans. A *process* measure emphasises proper procedural requirements and compliance with mandates in form of regulations, consultation, and adequacy of process. One follows the means (process) as required, then, it is satisfactory. For example, social service agencies such as the police, judiciary and human rights commissions normally utilise a process measure. **Outputs** are concerned with the quantity and quality of products made and services delivered. For example, how many schools, health centres, roads and boreholes are constructed by an agency or a local government, and what is their relative quality? **Outcomes** are concerned with the results of the output. That is to say, how the quantity and quality of services produced have satisfied the clients, customers or programme needs. For example, how the output has affected the level of poverty, targeted diseases, environmental pollution, employment and illiteracy rates.

2.11 CHALLENGES OF ACCOUNTABILITY IN PUBLIC MANAGEMENT

As earlier noted, the changes associated with public management reform, emphasising the application of business principles and practices to the public sector towards autonomy, competition, efficiency, outcome, partnership and customer orientation, have had critical implications to public accountability, in form of political, managerial, and methodological challenges (Haque, 2000; Romzek, 2000; Aucoin and Heintzman, 2000). This shift of emphasis from the traditional ethical norms has affected accountability patterns in such a way that, instead of being answerable for social welfare, citizens' rights, impartiality, fairness and justice, public governance is gradually more accountable for the economic growth rate, encouraging competition and maximising profit (Haque, 2000: 601). In many ways, authority and responsibility structures have been altered, thereby posing serious consequences on the efficacy of accountability mechanisms.

2.11.1 Collaborative management: public-private partnership

The changing role of the public sector from directly providing goods and services towards – facilitating economic performance through the private sector has had its toll on accountability. Introducing greater shared governance and collaborative management of public business through public-private partnerships (PPP) arrangement, while it can and has indeed demonstrated quality improvements through competition and performance in managing and reporting on outputs and outcomes, especially between the public and private executives, it has not necessarily translated into responsiveness and accountability to the citizens. Haque (2000: 602) stresses that:

Accountability for public governance for market-based economic performance does not necessarily imply accountability for citizens' rights, its accountability for competition and productivity does not guarantee its accountability for representation and equality, and its accountability for higher profit does not connote its accountability for welfare and justice.

A number of cases involving the contracting-out of service delivery under the decentralised local government arrangement, elsewhere, in Africa reveal that the growing emphasis on utilising business-like criteria in achieving accountability under the PPP has, at times, ignored the conventional principle of being accountable to the public – and as a result, local elites conspire with affluent business people to fleece the public (*cf.* Smoke, 2003; Francis and James, 2003; Olowu, 2003). While referring to decentralisation in Africa, Smoke (2003: 12) argues that reforms have overwhelmed the capacity of weak local governments or created “opportunities for poor use of resources by freeing local officials from central control without adequately developing their accountability to local constituents”. Another major manifestation of precluding the common citizens from the equation of public accountability came when affluent business people purchased privatised assets at nominal prices, which continue to win deals in contracted-out services (Haque, 2000: 604). In this case, contractors only account to the local bureaucrats in the same way as, the PPP and joint ventures make accountability only to the business elite.

2.11.2 To whom to account

The notion of *to whom to account* evokes another complexity on who to satisfy among the various sources of authority. Under the highly partisan and politically polarised structures of public organisations in most developing countries, public employees face an array of divergent forces of authority with competing performance expectations. Given the multiple sources of authority, which comprise supervisors, elected political executives and legislators, the courts, external auditing agencies, professional associations, co-workers, clients and the general public, Romzek (2000: 22), avers that these multiple sources can constitute a major problem to public officials, as sometimes “it is unclear, which of the focal points or sources of expectations constitutes the most legitimate source of authority for a given situation”.

There has been an increasing controversy over the change in composition of the agents of accountability (accountable to whom?). Conventionally and, in principle, public service is public trust, and must therefore serve the public interest without fear or favour. The redefinition of citizens to customers or clients in the new public management paradigm makes *public governance accountable for effective delivery*

of services to customers who can pay, while it may remain indifferent to low income citizens who cannot afford the services (Haque, 2000: 603). Otherwise, Woodhouse (as cited in Haque, 2000: 604) views this as “accountability in the consumerist mode of governance, which is to private customers rather than to the collective public”.

2.11.3 The dilemma of cost-sharing

The user charges introduced in many developing countries continue to preclude the poor citizens, who are the majority, and thereby weaken their rather strong conventional position as principals to whom accountability is due. User charges imply that, while public agencies may be accountable to affluent customers, they are not obliged to do so to the poor citizens. As part of the structural adjustments and donor conditionalities under which most of these reforms are encapsulated, many poor countries have had to cut their expenditures from key social services and instead, introduce *cost-sharing* on e.g. health care, education and water. Amazingly, the burden of cost-sharing is further aggravated by the numerous kinds of taxes introduced, while hiking the rates of the existing ones by several governments and local authorities, but conversely, with reduced services to the poor. As a result, the anti-welfare episodes of public sector restructuring have reduced access of poor citizens to education and health (UNDP, 2005; ADB, 2005). In essence, these trends have tended to diminish the citizens’ rights vis-à-vis those of the state and thus, pose a challenge to public accountability.

2.11.4 Conflicting accountability relationships

While it was noted that the different accountability types may work in cohesion, sometimes they unleash conflicting episodes and pose a challenge to accountability. For example, rules often require one not to be responsive to requests for special treatment from constituencies; yet this can create a problem to a civil servant, who in spite of being right (in respect of legal accountability), may be accused of being non-responsive (not being politically accountable). Sometimes exercising one’s professional judgement – professional accountability can conflict with rules (Romzek, 2000: 30). Hence the different accountability forms must be streamlined to offer consistent accountability relationships.

As noted earlier under the accountability dynamics, the shifting accountability patterns and priorities create instability and a challenge to public servants to pursue professional zeal. Romzek (2000: 30) makes an interesting metaphor about elected politicians – legislators who *can wear an auditor's hat one day and a customer's hat the next day*. Put differently, a legislator can be part of an investigation into an agency's fund expenditure (legal accountability) and a week later the same agency may have to make a decision about programme implementation and whether to be responsive to the same legislator's wishes. The challenge, therefore, lies in how far a public servant can create a professional balance, while being responsive to different stakeholders.

2.11.5 Resentment to change

A challenge, especially with the new reform strategies, has to do with the attitude problem of the long-standing traditions of doing things in the public sector. While flexibility and discretion appear to be a proper solution to many administrative problems, there has been considerable opposition from those that seek to have more control over the bureaucracy (Peters, 1995: 292). Yet the new managerial strategies such as flexibility, employee discretion and customer orientation must be re-aligned with suitable accountability relationships. For example, cutting red-tape, increasing flexibility and employee discretion requires some cutback on the constraints from hierarchical and legal accountability relationships. Given that these reforms have not received equal blessings from several public sector echelons, especially those that still worship seniority, protocol and officialdom, there is still a considerable amount of resistance from many public sector bureaucrats. The challenge remains how to contain the ensuing resentment and be able to redirect focus from input and processes towards output and outcomes.

2.11.6 Political polarisation

Public accountability is affected by the expanding scope of administrative politicisation, caused by the growing power of political executives like ministers, who exert a lot of influence on the public service. This is what Haque (2000: 606) calls the

era of *macho-ministers* in terms of expanded ministerial power to make decisions related to appointment, dismissal and retrenchment of civil servants. This erodes the principal of political neutrality and makes public servants vulnerable to the whims of politicians, ignoring their accountability to the general public. Given that some of these decisions are, unfortunately, based on personal and political considerations, the political neutrality that is expected of public servants withers away. While referring to many examples of patronage in the developing countries, Kakumba and Kuye (2006: 813) conclude that, “efficient management styles may be compromised for political expediency, and that it is no exaggeration to say that several managerial, technical and proficiently demanding appointments are made in the interest of expanding the political base for the wielders of state power”. The problem, thus, remains that public servants resort to dancing to the tunes of political executives and become less accountable to the *public interest*.

Peters (1995: 293) does not seem to agree with the above when he looks at the other side of political appointments. He points out that, attempts to create job security and insulate civil servants from political pressures have in a way made the nature of many civil service systems place emphasis on job security rather than project completion or public responsiveness, which creates significant problems of accountability and control. Peters (1995: 294) argues that in the United States of America, where political leaders appoint senior civil servants who come and go with the regime; and in Sweden, Germany, France and Belgium, where political leaders have considerable discretion in selecting senior civil servants, the executive departments are made more politically accountable.

While such appointments and influence from political executives may be intended to insure responsiveness to elected officials, the situational environment under which the public sector operates in developing countries militates against their potential attributes.

2.11.7 Misconceiving accountability

The other challenge relates to the wrong attitude and perception that views accountability as negative. Yet, accountability is answerability for performance – and

it can as well, mean positive performance. This misconception arises out of several review processes that tend to over magnify the ills in public governance, only to fall short of recognising exceptional performance. Gildenhuis (1997: 59) pleads that official activities should not only receive negative criticism, but rather, even the effective, efficient and responsive resources management should be made public in a positive way. Aucoin and Heintzman (2000: 53) blame this on *too great a focus on accountability as a control or assurance* which undermines the third purpose of accountability – of *continuous improvement*. This scenario arises out of the overzealousness with the oversight agencies to search for any evidence of mal-administration to justify their own importance; or the practice of the mass media to sensationalise and exaggerate some public service deficiencies in order to promote their houses. Such attitude and misrepresentation must be rectified if new management approaches are to capture any ground in the developing world.

2.12 CONCLUSION

The above articulation attests that (P)ublic (A)administration, both as a discipline and as an activity have gone through transformational stages that have enriched the theory and practice. The concept of accountability was elaborately articulated in an effort to locate its disciplinary abode. The generic administrative functions were aptly espoused, with particular emphasis on the control function, which underpins this study's main thematic notion of accountability.

Regarding the dynamics of accountability in public management reform, it was noted that, tackling public sector's ethical and accountability failures requires a multi-faceted approach. It ranges from strengthening capacity for control *institutions* to reorienting *systems and processes*. Systems include employment and organisational systems, as well as financial management systems. It also calls for a proactive *legislative and regulatory framework* that should not only be said to be existing in books, but should be seen to be operational. The other control mechanism is the *civil society*, whose civic competence should be fostered to become vibrant, so as to challenge actions and inactions of public officials.

These four dimensions, namely *institutions, systems and processes, legislative and regulatory framework*, as well as *civil society* form the analytical themes of the study that seeks to examine the *role of external control systems in the enhancement of accountability in local government*, as the topic of this thesis suggests.

The subsequent chapter, Chapter Three shifts the attention to locate the significance of accountability in the good governance discourse, with particular interest on the international perspectives.

CHAPTER THREE

ACCOUNTABILITY AS AN INSTRUMENT OF GOOD GOVERNANCE: INTERNATIONAL PERSPECTIVES

3.1 INTRODUCTION

The debate on good or better governance styles and imperatives is undoubtedly a contested one. The notion of governance continues to capture a noble attention across the development and academic discourse, owing to the predicament of several poor nations, especially in Africa, which is attributed to poor governance. If governance relates to the way how power, authority and resources are utilised in the pursuit of developmental objectives (Kiyaga-Nsubuga, 2004), then the level of accountability of any organisation or agency (public, private business or non-governmental) becomes a *litmus test*, to whether that entity nurtures good or poor governance. But the clamour for *good governance* remains a cherished ideal in the effort to overcome the socio-economic and political impediments to development that have characterised, especially, the developing countries for decades.

Attention in this chapter is directed to some fundamental catchphrases associated with the notion of accountability, which at the same time buttress the ideals of good governance. These international catchwords include the notions of *corruption* and *civil society participation*, which are at the epicentre of public sector accountability, but also reinforce the imperatives of good governance. A review is provided to show the significance of *regulatory imperatives* as the essence of enabling a sense of balance to sustain the virtues of accountability and good governance across nations. Some *international perspectives* on promoting accountability and good governance are articulated, in light of the recent development initiatives and partnership between Africa and the developed World, with the aim of making a case that accountability is internationally viewed as an instrument of good governance. Before engaging a detailed analysis, it is important to contextualise governance and good governance, as espoused in the recent development management discourse.

3.2 CONTEXTUALISATION OF GOVERNANCE AND GOOD GOVERNANCE

While *governance* is not a new term that has been used in reference to state and political activities, it has only, recently, emerged as a key concept in public administration and management. Governance is generally used in development circles to refer to the manner in which power and resources are used towards the realisation of developmental objectives (Kiyaga-Nsubuga, 2004). It could therefore be good or poor governance.

Governance has extended from its traditional government action of utilising power to enforce societal compliance, to focus on addressing developmental roles by the different segments of socio-economic and political forces. The private sector, the citizens, and the way social groups organise to make and implement decisions affecting their well-being are core governance activities. This implies that governance in the *contemporary* sense is not a preserve of the wielders of state power, or a mere display of the state's hegemony, but rather, a partnership between the leaders and the led for purposes of promoting the entire society's well-being.

Governments are increasingly under pressure not only to be efficient and productive, but also to secure outcomes in terms of economic and social development. It is this urge that has precipitated most public sector reforms, whose strategies have had a bottom-line intent to change the culture and context within which public managers conduct their duties, in order to increase governments' efficiency, effectiveness and accountability (Romzek, 2000: 21). In order for the African institutions to function effectively, reforms focused on the administrative and civil services sector, the strengthening of parliamentary oversight and judicial system, promotion of participatory decision-making and the adoption of effective measures to combat corruption are critical (ADB, 2005: 185). Thus, accountability has become prevalent and significant in all these facets, and constituted the pivot of good governance.

In Africa and elsewhere in developing nations, the public institutional failure just before and after the 1980s led to the rise of pro-democracy movements across the continent, with a renewed call for sound macroeconomic management to address

the quagmires associated with globalisation, and to deal with the deficiencies of governance.

Good governance can be viewed as aiming to achieve various objectives such as enhancing the welfare of its citizens, promoting economic growth, political stability and security of its citizens, ensuring that democracy prevails, and ensuring overall accountability for its actions as well as the monitoring of government actions by society. The crucial point here is that accountability is critical for efficient and effective public sector management, and thus it has become a prerequisite for good governance and development. While there are several positions on the meaning of good governance, there are common elements/denominators in what it constitutes.

Popularised by the 1989 World Bank Report, “Sub-Saharan Africa: from crisis to sustainable growth”, good governance became an icon to accentuate guarantees to human rights, curb corruption and promote democratisation as well as accountability. The World Bank (2003) identifies six dimensions of good governance indicators such as voice and accountability, political stability and absence of violence, government effectiveness, regulatory quality, the rule of law, and control of corruption. The UNDP identifies seven features of sound (good) governance, namely legitimacy established through rule-based opportunities for changing government in an orderly and predictable manner, freedom of association and participation, fair and effective legal frameworks, accountability of public office and service and transparent processes, availability of valid and reliable information, efficient and effective public sector management and cooperation between government and civil society (Nsibambi, 1998: 4).

The global coalition for Africa considers the following as the generic ingredients of good governance: constitutionalism and human rights, predictability of the law/primacy of legality, responsible government/transparency, coherence of administrative institutions, openness/tolerance of, and favourable climate for the private sector (Nsibambi, 1998). Generally, good governance involves reforms geared towards increase of accountability, transparency and responsiveness, and to make the policy process more effective (more rational and equitable) for optimisation of service delivery.

The above aspects of good governance serve to demonstrate the fact that governance is a much wider concept, than the notion of government, per se, and it cuts across the political and socio-economic aspects of human existence. The good governance agenda requires that a government functions in a responsible, participative, transparent and accountable manner so as to achieve economic stability, redistribution and other development goals (Fourie, 2006: 436). While *good political governance* emphasises issues related to promoting democratic ethos, rule of law and political stability, *good economic governance* stresses a need for sound micro and macroeconomic policies as well as establishing an appropriate monitoring and regulatory framework for efficient coordination of economic activities (ADB, 2005: 198). In essence, good political governance is a necessity for good economic and corporate governance, and all of them require an effective regulatory system.

3.3 REGULATORY IMPERATIVES TO ACCOUNTABILITY AND GOOD GOVERNANCE

It should be borne in mind that governments have the obligation of serving their public – the citizenry. In this case, the governance style becomes a precursor to achieving economic and political goals such as law and order, economic growth and development and, generally, social well-being. However, these facets do not automatically fall in place; but rather, they are embedded in public policy frameworks. Thus, effective legislative, drafting, policy formulation, budget determination, policy and programme implementation, as well as responsiveness and service provision, are determined by the nature and character of such institutions/ agencies that play a regulatory role.

The legislative and regulatory frameworks of a state are critical foundations of accountability and good governance. The regulatory process consists of three important ingredients, namely setting the rules or governing standards, monitoring for compliance and enforcement. The ability of a state to establish and enforce rules and regulations fairly and appropriately relates to political governance, which provides a framework within which the socio-economic behaviour of agents and agencies of the state operate. Regulations are necessary to harmonise relations and

streamline activities, both in public and private sector spheres in order to promote institutional stability, cohesiveness and progress. In terms of accountability, regulations are needed to debar conflict of interests for public officials and to protect public scrutiny and disclosure through voluntary actions like *whistle-blowing*.

The dictates of neo-liberal reforms, elsewhere, in the developing world require that government must provide an enabling environment for the private sector initiative in leading the development process. In this case, the effectiveness of the regulatory framework is measured by its ability to strike a balance between removing restrictions on private sector participation, on one hand, and protecting consumers and safeguarding the country's socio-economic objectives (including accountability to the public) on the other hand (ADB, 2005). Thus, both the government and the private sector must bear mutual interests in observing their obligations, under the regulatory arenas to ensure that the public interest is not compromised.

As far as pursuing accountability and the public interest is concerned, the legislative system should earmark not only regulating the private sector activities – to avoid its negative elements of fleecing the public – but should also address issues of fairness, income distribution, empowerment, quality of service delivery and the rule of law.

Elsewhere on the African continent, neo-liberal reforms like privatisation, decentralisation and deregulation have promoted the private sector governance initiative with business corporations exerting a lot more influence than ever before. Corporations, especially the trans-national corporations (TNCs), continue to affect a substantial share of domestic livelihoods in the wake of globalisation, and as such, they influence governance perspectives in their host countries (Koenig-Archibugi, 2005). These constitute emerging issues on corporate governance.

It is through the regulation of private sector activities that the notion of *corporate accountability* can be espoused. Corporate accountability emphasises that business entities and corporations should be accountable to the public, under the enunciated principle of *corporate social responsibility*, given that the public is their major clientele and that its well-being in terms of incomes and good health is important for the existence of corporations. The essential principle here is that, since corporations

are considered *legal persons* and therefore entities that can sue or be sued in their corporate name, they should be governed by standards that promote 'other' people's welfare and the public interest.

The concern has been that corporations are widely perceived as capable of evading public control and getting away with behaviour that harms employees, consumers, vulnerable communities or the environment (Koenig-Archibugi, 2005: 111). In many African economies, for instance, there has been the issue of *state capture*, which refers to the actions of economic agents or firms in both the public and the private sectors to influence the formulation of policies, laws and legislations to their own advantage, as a result of some collusive tendencies (ADB, 2005: 208). It is not uncommon to find private businesses offering financial assistance to public functionaries, especially politicians during election campaigns – with the consideration that, once their sponsored candidates are in positions of power – they could reciprocate the 'good gesture' in the fashion of the old adage of *scratching my back and I scratch yours*.

Such tendencies can only serve to preclude the interests of the poor people in society (which interests rotate around affordability and having access to services), thereby, undermining public accountability, responsiveness and good governance. As noted earlier, while the good laws and regulations that could protect the public, at times actually do exist, they are seldom implemented effectively. Yet, it is the effective enforcement and compliance that render rules and regulations meaningful; otherwise, public governance may cease to fulfil its socio-economic and political obligations to the public – the citizens. Unsuccessful policy and regulatory implementation is commonly due to the institutional capacity deficits faced by implementing agencies. These range from absence of skilled human resources and poor financial resource facilitation, to lack of support from various stakeholders. But perhaps the most significant antithesis to successful policy and regulatory implementation is the quandary of *corruption*.

3.4 CORRUPTION: A QUANDARY TO ACCOUNTABILITY AND GOOD GOVERNANCE

If there is any single term to convey and describe the ills associated with the public sector realm, especially in the developing world, then it is *corruption*. At a conceptual level, corruption can be subsumed within the larger context of accountability. It is both a symptom and an outcome of lack of accountability and poor governance. Corruption is a much broader term than fraud or embezzlement, and it transcends mere financial gain from the perpetrator. In the public sector realm, corruption could be categorised as *political* or *high-level* corruption on one hand, and *administrative/ bureaucratic* or *petty* corruption on the other, depending on the category of public officials involved and the magnitude of effect (ADB, 2005: 207).

Corruption involves the misuse of one's vantage position for personal gain or for the benefit of one's acquaintances. In the public sector context, it is an outright abuse of office and one's position to engage in illegitimate and unethical ways for the selfish benefit of an individual or those involved through collusion at the expense of the public interest. Transparency International distinguishes political corruption from administrative corruption, where the former is described as "the abuse of entrusted power by political leaders for private gain, with the objective of increasing power or wealth" (ADB, 2005: 207). It is further stressed that, political corruption need not involve money changing hands, but it may take a form of *trading in influence* or granting of favours that undermines fair competition and democratic principles.

The dilemma, though with the definitions of corruption that are coined, especially, by the Western developed agencies is that they disregard the socio-cultural orientation and values of some African traditions. For example, extending a special favour to a family member is a good cultural practice that strengthens kinship ties in many African traditions, but it is often castigated as nepotism when it is extended to the public office. This, probably, explains why using public office facilities like vehicles on private family routines remains rife, despite being branded as a form of corruption. In many Ugandan for example, the practice by several District Service Commissions to appoint "sons and daughters of the soil" (local homeboys and girls) in the district service positions has continued with support from local politicians, despite great

condemnations from central government and donors (JARD, 2006; Kakumba, 2003).

3.4.1 Patterns of corruption

Corruption is said to be systemic when cases of impropriety or bribery become entrenched in the system and as a routine way of dealing with the public officials. In this case, it ceases to be described as isolated cases of corrupt behaviour, but instead it becomes the rule rather than the exception. In Africa, where lack of accountability has become largely endemic, corruption manifests itself in several ways including outright bribery, theft of public property or embezzlement, patronage, influence peddling, use of one's position for self-enrichment, bestowing favours to relatives and friends, absenteeism and moonlighting (Fourie, 2006; Pauw *et al.*, 2002).

Fraud and corruption occur on both small and grand scales from petty bribes to entice lower category officials like counter clerks to deliver services through evading some procedure or shortening processing time, to major pay-offs at the top of the system in form of kick-backs and hiked-value invoices, especially after securing contract awards through manipulative tender processes. The manifestations of corruption often recur in the interactions between the public and private sector agencies, where actors in the latter sector collude with holders of trust in the public offices.

The typical categories of corruption, according to Pauw *et al.* (2002: 334) include:

- *Kick-backs*: when the supplier who is awarded business gives a sum of money or rather gift - usually pre-arranged - to a government official who dishonestly influences the choice of the supplier.
- *Bribery*: when a supplier offers an official or officials some personal benefit in exchange for their assistance in securing government business or a particular position of employment for him or her; this usually involves these officials circumventing the laid-down processes and thus disregarding the requirements of fairness and honesty in government institutions.
- *Patronage*: when officials, usually in a position of some authority, contrive to have business, employment or any other special consideration given to their

relatives or friends, after bypassing some required or standard procedures.

- *Cheque payments*: when an official causes a cheque to be issued in favour of a person or business which has, in fact, not given government the required value for the that payment.
- *Theft of assets or embezzlement*: when officials find ways of stealing assets or resources belonging to the state.
- *Diversion of resources*: when resources or payment of money owing to the state is dishonestly redirected to another party or purpose.
- *Extortion*: when threats, intimidation or even promises are used to encourage a government official to act in a way which enriches a third party at the expense of the state.

The Corruption Index of Transparency International (CITI), which measures corruption as perceived by business people, risk analysts and the general public – using a continuum from zero (highly corrupt) to 10 (highly clean), indicates that in 2004, the 36 African countries covered by the survey scored an average of 2,93 – which represents widespread corruption (ADB, 2005: 210). The figure indicates a worsening situation from 2000 when the CITI's average was 3,4 for the 22 African nations surveyed. The figures also show that it was only Botswana and Tunisia among the participating African countries that managed to pass the half-way mark of 5,0 towards the corruption-free zone; with Botswana scoring 6 points.

3.4.2 Causes of corruption

The causes of corruption tend to epitomise the dilemma of accountability. Its causes within the public sector realm are diverse in context and tend to be rooted in a country's policies, bureaucratic traditions, political development and social history (Fourie, 2006; Pauw *et al.*, 2002). In this case, corruption can be seen as a result or a symptom of weak institutions of governance and weak policy and regulatory regime that may provide ground for it to flourish. A workshop on governance and corruption in Africa related corruption to 'sick' institutions and evaluated sick institutions as those where (ADB, 2005: 211):

- a substantial number of employees do not come to work or do other work or nothing at all while there;

- corruption and favouritism are not isolated instances but the norm;
- pay scales in real terms have collapsed and low and middle-level employees cannot provide for their families on official pay; and
- employees seek other forms of compensation, including travel, study allowances, non-wage benefits as well as illicit payments for doing their official duties.

Weak policy and regulatory regime signify authoritarian systems, which tend to frustrate control arrangements and impose unwarranted restrictions on citizens' participation and other fundamental freedoms to the rest of the society. This situation manifests itself in the form of over-centralisation of power; lack of freedom by the media to expose scandals; clientelism; impunity of well-connected officials; low regard for expertise and professionalism; and absence of transparency in public financial management.

Low salaries of public officials in many African countries, as well as job insecurity caused by uncertainty in positions were found to have a correlation with increased corruption (Fourie, 2006; ADB, 2005). In Madagascar, perceived levels of petty corruption declined between 1995 and 2001 as real wages increased – petty corruption declined by 42%, while real wages increased by 50% (ADB, 2005: 214). In this case, the supporting relationship presented is such that, the low pay and poor working conditions force the highly skilled personnel to abandon public service and seek for better pay in the private sector or emigrate to developed countries, leaving behind weak institutions and administrative systems. The eminent outcome of this is that, public servants continue to go to “work”, despite the claim that their salaries do not cover their transport costs, but with the confidence that corruption is the only rational way available for them to earn a decent pay that can sustain their family obligations.

The other factors that reinforce corrupt tendencies relate to the socio-cultural systems of clan and extended family attachment, whereby ‘successful’ family members are expected to meet the costs of several family-related expenditures, including marriages, burials, school fees and health, which are ordinarily beyond the official salaries of public officials.

3.4.3 Effects of corruption

While corruption occurs in poor and rich countries alike, its caustic effects are much more problematic for the developing countries, as it comes at high cost for those that are poor. Political corruption for example, which involves the misuse of political power to amass wealth among the members of ruling regimes and use public resources to fund their political campaigns, especially during elections, erodes the fundamental pillar of good governance – democracy. This is normally a precursor to loss of public confidence in government, and a fertile ground for political upheavals like civil wars that aggravate social and economic distress.

Corruption distorts the rule of law as the powerful and well-connected individuals become apparently above the law; undermines the allocation and frugal use of scarce resources; reduces opportunity to provide social services to the poor and increases destitution; creates uncertainty for doing business and frustrates domestic and foreign investment; and it inflates government spending for low value output and outcomes, which frustrates development assistance, increases financial deficits and the debt burden (World Bank, 2002; Pauw *et al*, 2002; Fourie, 2006). Such episodes can only exacerbate the poor levels of accountability, undermine the credibility of public institutions, while impairing good governance and development.

The potential impact of corruption on the socio-economic aspects of development are summarised as below (World Bank, 2002; ADB, 2005):

- distorted public expenditures, investments and deteriorated physical infrastructure;
- distorted enterprise development and growth of the unofficial economy;
- lower levels of domestic and foreign investment;
- lower public revenues and less provision of the rule of law as public good;
- misallocation of talent, including underutilisation of expertise, professionalism and key segments of the society, such as women;
- overly centralized government; and
- state capture by corporate elite of the laws and policies of the state, thereby undermining growth of output and investment of the enterprise sector.

3.4.4 Combating corruption

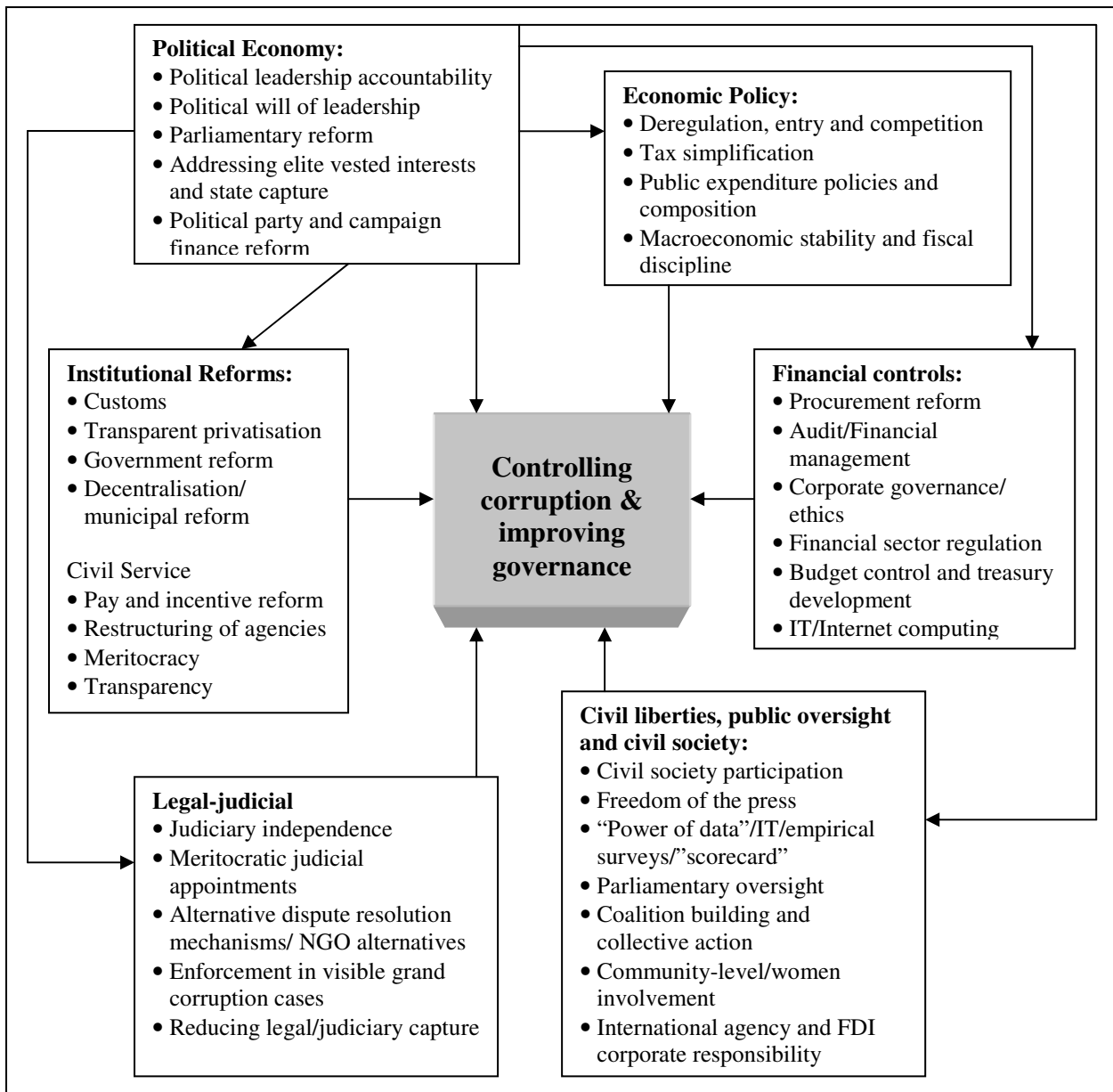
In view of the fact that corruption, lack of accountability and poor governance are intertwined, the measures to combat corruption must follow a multifaceted approach to address the various concerns that impede good governance. Given that corruption is a complex phenomenon and that its patterns are diverse as indicated above, continuous analysis of its nature and characteristics in society is necessary to identify the various root causes in order to prescribe appropriate interventions.

At the bottom of it, combating corruption and promoting good governance require a democratic dispensation with a viable system of checks and balances to prevent arbitrary action by public officials (elected politicians and appointed officials). Having such democratic ethos in public governance is necessary to promote citizen participation and a free independent media capable of highlighting malfunctions and corruption tendencies in government. It is also crucial in supporting the building and strengthening of viable institutions that can withstand undue pressure and influence peddling from the various sections of the wielders of political and economic power.

Enacting an enabling and appropriate legislation and regulatory framework is necessary to curb corruption, but its implementation is even more critical. While many countries have excellent pieces of legislation to deal with corruption, with good measures like seizure of property, court action, blacklisting, interdiction and dismissal from public office, their implementation has remained deficient. Laws for example that do not rime with the cultural-social norms of a given society, especially, those that condemn traditionally acceptable practices of extending a favour to a kinsman may be difficult to operationalise. Otherwise, the laws can be rendered useless once they cannot be implemented. Similarly, while several anti-corruption institutions are usually established, in many countries they are often under-funded, and in some cases, they are not more than ‘a veneer to meet donor conditions’ (ADB, 2005: 220).

A multifaceted intervention to curb corruption that addresses various concerns, ranging from political economy, economic policy, institutional reforms, legal-judicial issues, financial controls and civil liberties is provided in **Fig. 3.1**.

Figure 3.0.1: Multi-Pronged Strategies for Combating Corruption and Improving Governance



Source: African Development Bank Report (ADB, 2005)

In all measure and effort, there must be a concerted national action, spearheaded by good political will from the most powerful political offices in the land and the rule of law. Other than government action, a strong ethical culture must be institutionalised with good ethical values to promote the norms of public interest and public accountability. The civil society must be informed, educated and empowered to acquire civic competence that is necessary to make their leaders accountable.

3.5 ROLE OF CIVIL SOCIETY PARTICIPATION

The orientation of people's participation or citizen/community participation as fondly known has evolved through liberal democratic traditions of trying to reduce the 'frontiers of the state', while extending public choice. It has manifested itself through the neo-liberal policy prescriptions, spearheaded by the international multilateral agencies led by the World Bank and IMF. Participation nowadays forms part of the NPM paradigm that seeks to re-invent government by breaking rigid bureaucratic structures and open them up for transparency and accountability. According to the African Development Bank (ADB), the contention is that, offering citizens more choice would stimulate competition, geared at making the public service more efficient and service-oriented by capturing the larger citizens'/public interest (ADB Report, 2005: 128-129).

Hence, the advocacy towards opening up the frontiers of the state to public access and scrutiny heralds the imperatives of good governance. The call for the shift in the methods of accountability to integrate the community serves to represent the fact that the state and society are inseparable. In other words, government must act in ways, which are broadly approved by the community. The argument is that, since government organisations are created by the public, they are partners in development and government must be accountable to the public.

Elsewhere in developing countries, especially in Africa, public management reform has earmarked decentralised local governance as an attempt to reorient the systems from a highly centralised state, inherited at independence and from the subsequent dictatorial regimes, to systems that owe allegiance to the citizenry. Accordingly, participation by civil society organisations (CSOs) has been cultivated as a response to the past development failures, which were attributed to implementing development initiatives 'parachuted' from above in a largely top-down fashion.

3.5.1 Citizen participation and the citizens

Fox and Meyer (1995: 20) define *citizen/community* participation as "the involvements of citizens in a wide range of administrative policy-making activities, including the determination of levels of service, budget priorities, and the

acceptability of physical construction projects in order to orient government programmes toward community needs, build public support, and encourage a sense of cohesiveness within society”.

Regarding these questions: who are the participating citizens; how do they take part in decision making and with what interests and values?, Brynard (1996: 40) considers *citizen participation* as “a process wherein the common amateurs of a community exercise power over decisions related to the general affairs of a community”. He notes that *common amateurs* are the non-elite citizens; persons *without paid office, wealth, special information, or other formal power source beyond their own numbers*; and whose control is only gained from the participatory process. Brynard (1996: 44) outlines the following as the objectives of citizen participation:

- provide information to citizens;
- get information from the above citizens;
- improve public decisions, programmes, projects, and services;
- enhance acceptance of public decisions, programmes, projects, and services;
- supplement public agency work;
- alter political power patterns and resource allocation;
- protect individual and minority group rights and interests; and
- delay or avoid complicating difficult public decisions.

Citizen participation does not necessarily lead to empowerment. Empowerment, as Narayan (2002: 14) contends, requires a process through which peoples’ freedom of choice and action is expanded to enable them to have more control over resources and decisions that affect them. For empowerment to happen, participation must be *effective*, in a way that it enforces accountability and changes in behaviour within relevant government bureaucracies and ensures changes that make participation more inclusive of the poor and the underprivileged (Crook, 2003: 79).

3.5.2 Role of civil society organisations

Civil society organisations (CSOs) can play a prominent role in fostering accountability and good governance. CSOs consist of organisations such as NGOs, community-based organisations, student and youth groups, charitable organisations,

religious organisations, professional associations and other public interest groups. Their roles tend to be reflected in the policy-making and implementation. They are expected to gather views from various stakeholders in the population; aggregate them, help set the agenda and demand improvement or new policies from the political system.

CSOs can monitor government actions and spearhead the actions against corruption and abuse of public authority. This is normally done through building coalitions against poor governance and publicising information about the patterns and severity of corruption. Such groups constitute checks and balances on the would-be excesses of public institutions, and thus, foster a democratic dispensation by pressing upon the state to undertake good policies that benefit the entire population (Kakumba and Kuye, 2006: 815).

Public interest groups such as consumer movements in developed countries, village councils and other local organisations provide local inputs and checks on bureaucratic excesses. According to Peters (1995: 301), there has been an interesting aspect on “the use of interest groups as a check on the public bureaucracy where some governments have fostered organisations almost to the level of creating their own opposition”. Publicity and publication of complaints against government agencies are the most frequently employed mechanisms by these groups to lobby the correction of inefficiency. This has allowed residents and communities to have a say in the making and implementation of policies.

The communication media is perhaps the most pervasive trajectory in promoting civil society action and strengthening its calibre. The media’s power is derived from the fact that it is both a player and a referee in the policy process, and upon which vantage point, it influences society’s opinion vividly. The media tends to capture the citizens’ favour more than the public agencies, because of its easier interface with people and quicker flow of information. The role of the media in the public sector realm is such that it identifies issues and sets the agenda for public discussion, plays arbitrator between the citizenry and the decision makers, influences attitudes and values towards policy issues and assumes power on behalf of the public to watch over policy process, analysis and implementation (Kakumba and Kuye, 2006: 814).

A recent study in African countries revealed that countries where press freedom is high, there was correspondingly better features of tolerance, political and social inclusion and elements of good governance (ADB, 2005: 198). The ADB gave cases such as Ghana, Senegal, South Africa and Botswana, where CSOs were operating relatively freely, and had experienced stability, democratic development and improvements in governance.

Besides a strong communication media, the civil society should bear particular conditions if it is to be effective in enforcing accountability and good governance:

- good political will from government and its agencies, which is built on strong democratic foundations;
- an appropriate legal and regulatory framework, which enables organisation of people, mobilisation of resources, access to information and advocacy;
- strong and proactive leadership whose actions and decisions are guided by internally generated democratic principles;
- a vibrant civic competence with citizens who are capable of articulating popular interests and facilitating participation; and
- a viable and stable financial resource base that allows a high degree of organisational independence with minimised funding conditionalities.

The relationship between the state and the population (civil society, and private business) is that the former ordinarily promises to create an enabling environment in form of policy (stability, public goods, and property rights) in exchange for votes and taxes from the latter. Just like in any other contract, fulfilment of the agreed positions depend on how well organised the parties are. However, several limitations and inherent weaknesses in CSOs tend to undermine their position in the state-civil society relationship, which ultimately impacts on their pursuit of accountability and good governance.

3.5.3 Limitations of civil society operations

A positive state-society relationship would call for a democratic public participation; where policy-makers and the public continually engage in dialogue, examine the consequences for fundamental values, as well as sharing burdens and benefits

(Bryner, 2003: 304). Unfortunately, CSOs and interest groups are frequently controlled by the government itself through several legal and illegal restrictions, as well as manipulation, all of which deny them viable space for effective participation.

The communication media has become a major victim of repressive regimes in several developing countries, following governments' strict censorship policies. According to the UNDP Report (2005: 152), human rights abuses perpetrated by the political leadership in many developing countries have retarded human development. The report notes that matters have been worsened in cases where the communication media is subjected to forms of intimidation meted out to gag the press, either through the enactment of restrictive laws, or through threats of revocation of operating licenses as a way of silencing their critical analyses. According to the ADB (2005: 197), in Africa the media is constrained by state ownership of media houses, conflict of ownership interest and weakened capacity within the media itself. This undermines the opportunity to build a vibrant civil society that could bring the government to account.

Regarding the interest groups, Peters (1995: 302) notes that, although they are strong tools in political mobilisation, their effectiveness is limited because they work through second and third parties in order to have their own demands realised. He argues that they have few political and organisational skills required for continued success and they might in the long run appear to represent individualistic interests, thereby, requiring yet "another set of controls to control the controllers".

The feeble nature and structure of CSOs in developing countries militate against their effective participation. While the number of CSOs continues to increase in several localities, elsewhere in the developing world, they are continuously accused of colluding with local officials and representing the *elitist* preferences. In Uganda, CSOs were found to have a high desire to complement the work of government, rather than questioning it; either because government had reconciled with their ideological or social concentration, or they found a benefit in that positioning, in form of contracts for service delivery work (DENIVA, 2006: 7). The CSOs' weak internal structure and lack of broad representation of the 'popular' voice often make them

susceptible to manipulation and renders their position rather superficial in pursuing accountability (Rugambwa, 2004: 43).

Similarly, the weak socio-economic position of the public in the developing world; accentuated by high illiteracy rates, alarming unemployment levels and abject poverty obstructs any sense of meaningful participation. The poor education system that is devoid of linking knowledge to production, the horrible human rights record and difficult means of livelihood exacerbate the low levels civic competence (DENIVA, 2006: 30-33). This undermines participatory *rational* policy-making and surrenders it to the whims of a few members of the *elite*, whose preoccupation is normally based on designing schemes that ensure their selfish benefit.

In essence, citizen participation in monitoring government actions and influencing accountability remains largely a *cosmetic* show and a mockery exercise in many parts of Africa with very little, if any, effective means of empowerment (*c.f.* Kakumba and Kuye, 2006; Crook, 2003; Blair, 2000; Mamdani, 1996). At the height of it all, are patronage and clientele relations that benefit, mostly the elite and affluent members of the society. Indeed, as Mamdani (1996) has argued “the African patrimonial state has perpetuated a rule over subjects rather than a rule by citizens”, which implies that, the civil society participation (as an ideal element of accountability) is more of rhetoric than reality.

What should be highlighted is that, although CSOs may not represent the broader public interest, they can be effective in demanding improvement in quality service. It has been argued however, that in order for the public or civil society to have a formidable influence, the instruments of public accountability must be in their favour.

3.6 INTERNATIONAL CONCERNS AND INITIATIVES

The respectability for public accountability principles is strongly rooted in democratic traditions and varies according to the constitutional framework of a country. Some highlights are provided below.

3.6.1 Country case highlights

In direct democracies like Switzerland, the control of the people over administration is far more direct and effective than in indirect democracies. Peters (1995: 296) notes that in Sweden, administrative decisions and such information that would be regarded as confidential in other societies are open to public scrutiny. This is intended to make administrative and political systems more responsive to people. Likewise, Norway has adopted a system of openness to the press and limiting information regarded as confidential. The greater dissemination of information and openness has become a deterrent to administrators to not do things that they cannot justify.

Internationally, and according to better practices elsewhere, a number of instruments have been used to enhance public accountability, especially under democratic orientations. These include institutional frameworks like group and public pressures, interest groups and CSOs, contracting-out of services, as well as mechanisms like publicity and open government (Peters, 1995).

With regard to *publicity*, it is considered as a method and an organisational means of controlling the bureaucracy. It deals especially, with individual actions of public officials (bureaucrats) which may be in contravention of regulations. Peters (1995) notes that it has worked in Sweden where the actions of public officials are almost entirely open to public inspection. However, this depends on organisational capacity to respond to errors that are brought to light, either as a public duty or to avoid further embarrassment. The limitation with publicity is that, it normally invades the individual privacy of public officials who may not be vigilant in taking seemingly risky decisions for fear of public criticisms. This can lead to risk-averse behaviour and can clog public decision-making.

Regarding *open government*, it is considered in terms of citizens' access to information after decisions have been made. This can be done by opening up procedures to citizens, for instance, public hearing, which can alter the manner in which policy is actually made. For instance in the United States of America, most of programmes require public hearing before government can take action. This allows

citizens participation in public decisions. A case in point is the Administrative Procedures Act of 1947, which requires that a draft proposal must be availed to public for comment, before a secondary law can be passed (Peters, 1995). This democratic system opens bureaucratic structures to political pressure from politicians and the rest of the society. The limitation with open government and publicity is that the information is often categorised as confidential and private, when it comes to some sections of the state, where relenting such official information may be considered prejudicial or a jeopardy to state security.

What can be generally stated in reflection to Africa, however, is that, given the authoritarian tradition of many nation-states, the quality of such institutions that would ordinarily spearhead *better* practices has been undermined, as they are often used to sustain dictatorial regimes in power as opposed to serving the public interest. The ensuing anarchy and devastation have given rise to liberal ideas, nonetheless, and today, governance under a nation-state is under intense pressure to change and promote the larger society's interest in a democratic and accountable manner. This has led to the notion of good governance which is widely acknowledged as an imperative for sustainable growth and development.

3.6.2 Public sector governance and accountability

The dilemmas of accountability and poor governance continue to put many developing nations to debilitating circumstances. With less than ten years to meet the 2015 deadline of the Millennium Development Goals (MDGs) declared at the Millennium summit in 2000, Africa still remains the only continent off the track of achieving any. Poverty remains a cross-cutting issue to many countries described as poor in the world, a large number of which are found in Africa. According to the United Nations' (UN) review of progress against the MDGs, over 2000 children under the age of five die every day from malaria in Africa; 2.3 million people died in 2004 from AIDS; Over 250 million do not have access to safe drinking water; and over 40 million children are still not in school (UNDP, 2005).

The picture portrayed in Grindle (2004: 526) suitably describes the nature of most poor countries. "Almost by definition their institutions are weak, vulnerable, and very

imperfect; their decision-making spaces are constricted by the presence of many international actors with multiple priorities, their public organisations are bereft of resources and are usually badly managed; those who work for government and generally poorly trained and motivated. Frequently, the legitimacy of poor country governments is questionable; their leadership may be venal and their commitments towards change undermined by political discord; their civil societies may be disenfranchised, deeply divided and ill-equipped to effectively participate”. There is no doubt, amidst such a milieu, getting a country on to the development path can be daunting, even to the most committed reformists.

The dilemma of poor countries in Africa has not only been the low capacity in fulfilling their good governance mandates, but most of their governments are also held captive by corrupt elites with a poor history of non-fulfilment of their promises, lacking legitimacy in the eyes of their citizenry; while many, like Grindle (2004: 539) stresses, “are locked in conflicts that consume their energies and resources”. Such conditions imply that many countries cannot easily pass the test of good governance. Yet the good governance agenda constitutes a major pre-condition for financial aid and debt relief from the rich countries and international finance institutions. Financial aid and debt relief are crucial initial inertia for poverty reduction and growth, and poor countries cannot do away with them, in their quest for responsiveness and accountability for the public interest.

3.6.3 Initiatives for improvement

Since the 1990s, the G8 summits have become a major target by the poor countries to get their issues on the agenda in a bid to bargain to promote their development objectives. The renewed AU partnership with development agencies continues to rekindle positive trends, which had hitherto eluded the continent. At Gleneagles, in 2005, the G8 reviewed a progress report on the African Action Plan (AAP) which they had earlier approved in 2002 at the G8 summit at Kananaskis, Canada (G8-Gleneagles Report, 2005). The AAP bears a vision for Africa’s development and has been earmarked for partnership engagement between the G8 and African countries.

The adherence to the ideals of good governance has been a major condition for partnership and support from several development partners toward Africa's development initiatives. The G8 countries promised to enhance support if African countries improved in respect of compliance to the principles of good governance, including democratic and economic reform, as well as social investment under the NEPAD-APRM scheme (G8-Gleneagles Report, 2005: 5). Support measures geared towards a responsive and accountable public sector is seen as a vital ingredient in promoting the MDGs.

The G8 and OECD member countries have pledged to increase support towards public sector reform and public finance development. Key areas for support include judicial sectors, policing, electoral commissions, democratisation and promotion of human rights, transparency and accountability and civil society initiatives (G8-Gleneagles Report, 2005).

However, some progress has been made. As noted earlier, the AU through NEPAD has spearheaded the promotion of good governance, peace and security and economic development initiatives. Already, 23 African countries have acceded to the memorandum, to have their progress reviewed by their peers under the African Peer Review Mechanism (APRM). The APRM process entail periodic reviews of policies and practices of participating states in respect of their compliance with agreed political, economic and corporate governance values, with the aim of enhancing mutual accountability and best practices, geared at promoting political stability and economic growth (NEPAD, 2002; Mukamunana and Kuye, 2005). Citizen participation in governance and development has been enhanced by the APRM process, whereby the participating countries have had to enlist all stakeholders' representatives, consisting of government officials, parliamentarians, opposition members, business community, women and youth groups, and other CSOs (Mukamunana and Kuye, 2005: 593). The CSOs have accelerated citizen participation under the APRM arrangement through seminars and conferences to deliberate on issues of governance and development process on the continent. Cases of effective NGO participation have been registered in Ghana, Rwanda and Kenya, where APRM is taking strong roots (Mukamunana and Kuye, 2005: 593)

In a similar effort to combat the ills of public sector governance, whose effects have transcended national borders, the AU in Durban in July 2002, adopted the NEPAD Declaration on corruption, which called for the establishment of a coordinated mechanism at continental and regional levels to effectively combat corruption. This culminated in the AU convention on preventing and combating corruption, held in Maputo in July 2003, which adopted a framework for anti-corruption strategy that concentrates on four approaches: prevention, punishment, cooperation and education (ADB, 2005: 220). Signatories to this convention were required to foster transparency and accountability in the management of public affairs through harmonisation of policies and legislation between state parties for purposes of prevention, detection, punishment and eradication of corruption on the continent. Accordingly, member states would proceed by enacting on their own, selected provisions of the convention into national law, so that the entire treaty could become applicable as a national law.

3.6.4 Limitations to initiatives

Nonetheless, several of Africa's own initiatives under the umbrella of the AU are still encumbered by a multitude of crises. For example, in spite of the seemingly progressive idea of a peer review, only 23 countries (which is less than half), have acceded to the APRM memorandum, suggesting serious ideological and commitment problems. Similarly, the voluntarism in participation by the AU member states in the APRM raises questions on the AU's mutual development agenda. If indeed African leaders agreed in a new print for Africa's development that good political governance and sound economic management are crucial for sustainable development, as Mukamunana and Kuye (2005: 596) have put it, why then, with all that emblematic commitment and political will, did they decide to make APRM voluntary? It looks as though, an enforcement shift would come in handy to deal with this. But given the notion of respecting *national sovereignty*, compliance may still be out of reach.

In terms of governance, the highly indebted poor countries (HIPC) are subjected to an outlay of good governance requirements determined by Western developed agencies. The problem is that good governance necessities have turned out to be

unrealistically long and complicated. First, the agenda issues continue to expand from time to time, possibly due to the many stakes and players involved. The agenda carries different versions as to the number of stakeholders, ranging from international financial institutions, a variety of donors, intellectuals to CSOs. With the issues becoming too many and multifaceted, the agenda becomes problematic, since it calls for improvements in virtually all aspects of the public life (Grindle, 2005: 525). This complicates the achievement, since ordinarily; effort is more beneficial in a focussed way.

Secondly, as Grindle (2005: 530) argues, “the agenda for good governance does not set priorities or define consequences; doesn’t clarify on activities that may be easier to undertake or those that are circumstantially difficult; doesn’t illuminate on those that can be achieved in short term or long term; neither, does it, separate an ideal set of good governance from one that is *good enough*”.

It should, however, be mentioned that, notwithstanding, the debatable levels of effective participation, arising out of the questionable capacities and independence of the different social groups involved in the evaluation process, the APRM has set the stage for yet, an important process of dialogue and partnership towards good governance (Mukamunana and Kuye, 2005: 594).

3.7 CONCLUSION

The above articulation has demonstrated that effective public management and accountability are critical cornerstones of good governance and development. The chapter has linked accountability to regulatory imperatives, the dilemma of corruption, and the role of civil society. In particular, it has explored the dilemma of corruption in public sector governance, and how it poses serious problems to accountability and good governance. The discussion has also weighed the significance of civil society participation in addressing the quagmires of accountability and good governance. An elaborate review of the international perspectives in the quest of enhancing public sector responsiveness, accountability and good governance, especially to the African *body-politic* was provided, with some highlights on the recent partnership initiatives.

The thesis stresses that, there is need to make good governance less overwhelming to poor countries, by clarifying on the short and long-term issues and make priorities based on a country-based condition and feasibility, but without compromising the strategic objective of sustainable development. Further, the thesis stresses that, above the institutions or structures, there should be institutionalised mechanisms like checks and balances, political good will and commitment to support coherence in the promotion of accountability and a democratic culture. The role of accountability thus, cannot be underestimated in pursuing the ideals of good governance.

Having analysed the theoretical virtues of accountability (in Chapter two) and its international imperatives in facilitating the ideals of good governance (Chapter three), the following chapter (Chapter Four) turns the focus to examining the local government structure and system in Uganda (the focus area of study) and evaluates their different accountability frameworks.

CHAPTER FOUR

LOCAL GOVERNMENT STRUCTURE AND SYSTEMS IN UGANDA

4.1 INTRODUCTION

As the public sector character and attributes continue to evolve globally, in Uganda the systems and structures have been transformed to reflect the dire need for efficient and effective service delivery. The need to create safeguards and control systems has been given considerable priority in the management of several government institutions, including local governments (LGs). The role of the external control systems in respect of accountability in Uganda's LGs is to particularly achieve enhanced human resource (public servants) performance; foster civil society awareness and participation; improve adherence to regulations and to required standards; inspire proper resource allocation and utilisation; promote responsiveness to community needs, transparency, effective and efficient service delivery.

The subsequent sections present the key tenets of the local government structure and system in Uganda and analyses the role and rationale of the various control and accountability mechanisms that interface the local government sphere. First, a historical overview of the local government system since Uganda gained independence in 1962 is given, followed by an analysis of the current structure in terms of the statutory, personnel and financial arrangements which sustain accountability. The control and accountability mechanisms and the legislative framework that retains them in place are discussed, as well as their associated challenges, so as to explore the inherent implications of the local government system in Uganda.

4.2 HISTORICAL HIGHLIGHTS

As it was the case, elsewhere in the new independent states on the African continent, the severity of Uganda's political and economic crises for some two decades shortly after independence in 1962, was devastating. The independence Constitution of Uganda, 1962 under Chapter 1 concerning territories, gave significant

powers and autonomy to local authorities to manage development programmes, with the obligation of providing a wide range of services to the communities. LGs had statutory obligations to provide services such as primary education, feeder roads, medical and health care services. They performed relatively well with central government (CG) support and were moving on sound financial footing, with a sizeable tax base. From the local revenue sources for example, graduated tax contributed 70% of the total revenue (Mamdani Commission Report, 1989).

Only four years after independence, in 1966, there was a military coup and the office of the then president, Sir Edward Muteesa was overrun by an army, loyal to his executive prime minister, Apollo Milton Obote, and commanded by the then military chief, Idd Amin Dada. The 1962 Independence Constitution was abrogated and the largely autonomous local government arrangement abolished. The new Republican Constitution of 1967 was ushered in with a strict centralised arrangement that severely constrained the central-local relations. The subsequent Local Administration Act, 1967 did not only establish an administrative structure that was only answerable to the central government (CG), but also stifled local initiatives towards public accountability (Tukahebwa, 1998: 13). Following this Act for example, local government councils had very little, if any powers in their respective areas of jurisdiction where (Nsibambi, 1998: 1):

- the Minister of Local Government had to approve the budget and plan of local councils;
- the Minister of Local Government had to approve the local councils' bye-laws and had the powers to revoke the same;
- immediate accountability for transferred resources was to the Minister of Local Government and not to the local people;
- the Minister had powers to terminate the mandate of local councillors and to dissolve local government councils; and,
- local government councils had little if any powers over their employees, as even the lowest employee in a local government was appointed by the President either through the Public Service Commission or the Minister.

In 1971, Milton Obote was overthrown in a coup led by his military chief, Idd Amin. Amin's military junta suspended the 1966 Constitution and Parliament, dissolved district councils and went on to rule by decree (*c.f.* Tukahebwa, 1998:13-14). Local administration was reorganised into 10 provinces, led by military governors appointed by President Amin. The districts and lower administrative units were placed under the leadership of commissioners and paramilitary chiefs, respectively, and local administrations became avenues through which military directives could filter from the capital city to the villages (Tukahebwa, 1998: 14). Amin was overthrown in 1979 by a combined force of Ugandan dissidents and the Tanzanian army, but the subsequent regimes (including Milton Obote II, 1980-85) only tightened the grip on centralised control and did not make an effort to democratise local government with virtues that could embrace public accountability.

Thus, the two decades (1966 to 1986) in Uganda witnessed a fertile ground for a dictatorial dispensation with glaring gaps in public accountability, as local government units became mere appendages of the central government, with a reduced degree of staff responsiveness to the citizens' needs. When the National Resistance Movement (NRM) took over state power in 1986, it found a public sector characterised by institutional decay, managerial ineptitude, poor service delivery, and a local government system that did not owe allegiance to the citizenry (Mamdani Commission Report, 1989: 78-80).

The NRM government set up two important commissions of inquiry: the Commission of Inquiry into the Local Government System, chaired by Mahmood Mamdani (1987-1989); and the Public Service Review and Reorganisation Commission (PSRRC), in 1989. The Mamdani Commission identified the rigid centralised structure and the degenerating gap between the service providers and service beneficiaries as having inhibited effective management and service delivery at the local levels (Mamdani Commission Report, 1989: 78). Thus, upon the historical factors and the recommendations of the above two commissions, plans were set to reorganise the central and local government structures and to address matters of public sector efficiency and organisational effectiveness through: astute personnel and financial management systems; responsiveness; and generally proper accountability and service delivery.

Following the adoption and popularisation of the local council structures (also known as Resistance Councils during 1986-92) and the recommendations of the commissions of inquiry, the NRM government attempted to address these problems through directing its efforts at two main areas, namely macroeconomic policy reform and institutional reform to remove the political and structural weaknesses that devastated the country for almost two decades (Ministry of Public Service, 1994). Under the institutional reform, Uganda embraced a decentralisation policy and transfer of powers, functions and responsibilities to the LGs as a way of enhancing their accountability and responsiveness towards the community. Like other liberal reforms supported by the IMF and the World Bank, decentralisation was spearheaded under a common argument that “centralised structures were inherently incapable of being responsive to local needs, because rarely do incentives exist for central government ministries to perceive citizens as their clientele” (Lubanga, 1998: 70). Government has over time considered priorities in this policy shift with a view to attain in local governments, a strong economy and viable social foundations, and to restore trust and accountability in government.

4.3 LOCAL GOVERNMENT STRUCTURE AND SYSTEMS

The decentralisation policy in Uganda was launched in October 1992 with the first 13 pilot districts. The enactment of the Local Government Statute, 1993 was a way of broadening the space for citizen participation and accountability within the local council (LC) system (see Table 4.1, local councils 1-5). The promulgation and the coming into force of the Constitution of the Republic of Uganda, 1995 covered the policy for the whole country and empowered LGs as focal points in managing development and social service delivery (Nsibambi, 1998: 14). The Constitution of Uganda, 1995 in its national objectives and directive principles of state policy (number II [iii]), indicates that; “the state shall be guided by the principle of decentralisation and devolution of governmental functions and powers to the people at appropriate levels where they can best manage and direct their affairs”.

Article 176 of the Constitution of Uganda, 1995 establishes the district as the highest level of local government, below which are other lower local governments (LLGs)

such as the municipalities, city divisions, town councils (in urban areas) and sub-counties (rural areas).

Table 4.0.1:Key features of Uganda’s decentralised local government structure

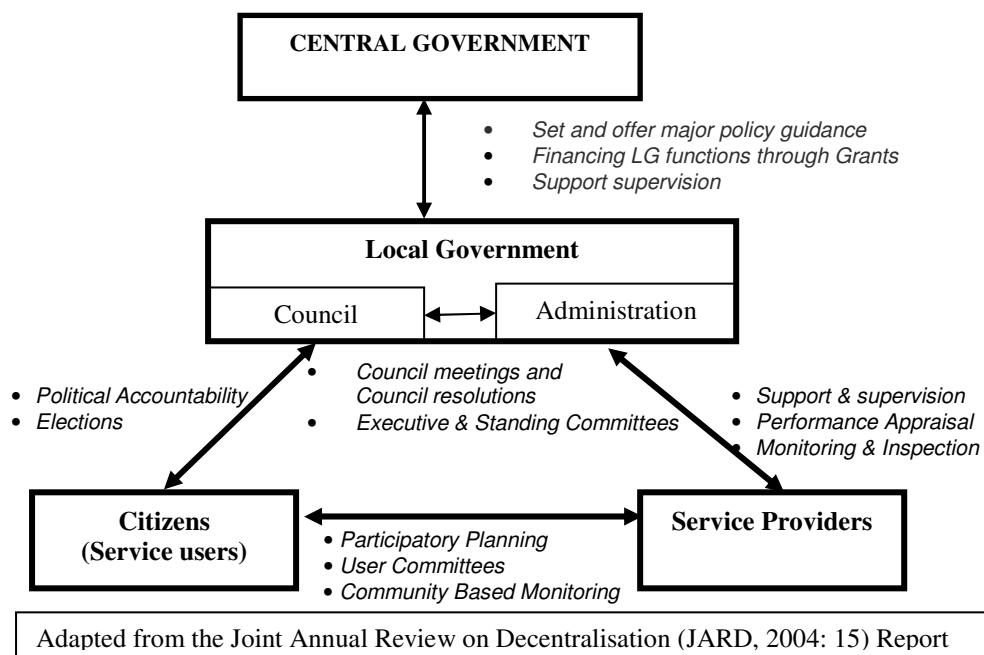
Local Council (LC) Level/Area	Status of LC	Political Head & Selection of Representatives	Administrative Head
District Council	Local Government (LC5)	District Chairperson, elected by universal adult suffrage (UAS). Councillors from sub-counties, women (1/3), youth, disabled	Chief Administrative officer (CAO)
Municipality (Urban) County (Rural area) Councils	Local Govt Administrative Unit (LC4)	Municipal Mayor; Council made up of all LC3 executives, who then elect LC4 executive and Chair	Town Clerk (Urban areas) Assistant CAO (Rural areas)
City Division/ Town Council (Urban area) Sub-County Council (Rural area)	Local Government (LC3)	Mayor (in urban areas) and Chairperson (in rural areas), elected by UAS. Councillors are elected from parish & women (1/3), youth delegates	Town Clerk (Urban areas) Sub-county Chief (Rural)
Parish Council	Administrative Unit (LC2)	Chairperson selected by all LC1 executive members who make up the council	Parish Chief
Village Council	Administrative Unit (LC1)	Chair elected by UAS, & all adults (18 years) are council members	

Adapted from: the Local Governments Act (LGA), 1997 as amended in 2001

The District Local Council (LC5) is the highest political organ and local government, with the District Chairperson as the political head, elected by universal adult suffrage (UAS) (LGA, 1997: sections 10-13). The Chief Administrative Officer (CAO) is the head of public servants in the district and the accounting officer, who is responsible for the implementation of district council and central government decisions (LGA, 1997: s65 [1]). The CAO is appointed by the central government’s PSC. Below the district are other lower local governments (LLGs) in both urban and rural areas. Urban areas have municipalities (LC4 level) and city divisions/ town councils (LC3 level), while rural areas have sub-counties (LC3 level). There are administrative units in form of county, parish and village councils, which supplement the local governments by performing such duties assigned to them by the respective LGs and advising them on any matter pertinent to the community. The urban LGs of municipalities, city divisions and town councils are autonomous from the districts in financial and planning matters, unlike sub-counties in rural areas. They have the powers enshrined in the Local Governments Act (LGA), 1997 to:

- make and implement development plans based on locally determined priorities;
- make, approve and execute their own budgets;
- raise and utilise resources according to their own priorities after making legally mandated disbursements;
- appoint statutory committees, boards and commissions;
- make ordinances and bye-laws which are consistent with the constitution and other existing laws;
- hire, manage and fire (middle and lower level personnel) as well as managing their own payrolls; and
- implement decentralised services, hitherto handled by the central government, as contained in the 2nd Schedule of the LGA, 1997.

Figure 4.0.1: Local Government Accountability Framework



The local government establishment is still largely centrally defined although the LGs are in charge of the human resources. The Joint Annual Review Meeting (JARD) on decentralisation in Uganda noted that the relationship between the CG and LGs was not reflected in a clear policy and legal framework that defines delegated functions from the CG, as well as the financing responsibilities and obligations. There was no

clear policy framework regarding CG support through support supervision, mentoring and policy guidance to local government (JARD, 2006: 12). Whereas the 2nd Schedule of the LGA, 1997 assigns LGs some responsibilities including education services, health, water, feeder roads, human resources, district planning, environment preservation, land surveying, probation and welfare, local trade, community development, and public works, in effect CG unilaterally determines the overall policy outlook and financial capacity of local governments through grants from CG, which account for over 90% of local budgets.

Despite the obligation that the councillors have in terms of political accountability to the electorate (as implied in Fig. 4.1), such democratic undertaking can only be meaningful if the LGs have adequate resources and capacity to use them effectively, which, unfortunately, is not the case. The cardinal goal of decentralisation seems to be elusive, whereby, there is less community grip on their roles in raising resources for local development, demanding accountability from their leaders, participating in planning and budgeting and taking charge of choice of their leaders without expecting monetary and other rewards at the time of elections (JARD, 2006: 11). Yet the expectation would be that the users or recipient communities elect their representatives to councils hoping that the services they need are clearly captured by the elected officials, who are then supposed to monitor the appointed officials.

The accountability relationship is also determined in the way the elected leaders periodically feedback decisions and information from council meetings to the electorate, but this has not been the case. The JARD (2006: 11) noted that there was declining morale on the side of the councillors due to inadequate remuneration and facilitation. There was inadequate capacity building on leadership skills including political accountability, lack of appropriate guidelines on how to manage the multiparty political dispensation at the local level and this was partly responsible for the emerging conflicts in some LGs. The relationship between the councillors and public servants is not very amicable as was reported during the JARD regional workshops (JARD, 2004: 15). Councillors were reported to be very suspicious of the appointed officials and there were constant clashes due to failure of the councillors to stick to their defined roles and responsibilities. The relationships sometimes

culminated in disruption of services to users when appointed officials are suspended or interdicted on recommendations of councils (JARD, 2004: 16).

4.3.1 Personnel management arrangements

Uganda's local government personnel system is manifested largely in a *separate personnel* type, but also partly in an *integrated* one. Under the separate personnel system, persons in the service of local government are employed by the local government themselves. This currently applies to all the senior middle and lower civil servants in the districts (Constitution, 1995 as amended 2006: Article 176[2f]). While the power to appoint persons to hold and act in the office of a district or urban LG; the power to confirm appointments; to exercise disciplinary control and to remove those persons from office is vested in each one of the DSCs (Constitution, 1995: Art.200 [1]), the appointment and confirmation of the topmost civil service positions in LGs are, instead, done by the central government through the PSC in a typical integrated system. The integrated system is where officers are in the service of central government, but serve under LGs on secondment or are posted more or less like field administrative officers (Lubanga, 1998: 69). This is currently the case in Uganda with regard to the positions of the CAO, deputies (DCAO) in the districts and town clerks and their deputies in urban areas.

In 2005, the Constitution of Uganda, 1995 was amended to revoke the appointment of the top senior staff of LGs from the DSC. This policy shift has evoked public criticisms, as initially, the preference for the separate personnel system was intended to foster the objectives of devolution of powers and create opportunities for local councils to hold their appointed officials accountable in a decentralisation setting (Lubanga, 1998). It sought to promote smooth decision-making, responsiveness, bring accountability nearer to the people and redress organisational anomalies like division of allegiance – common with integrated personnel systems; thereby creating and strengthening management unification at the LG level. The other supporting point was that, centralised structures were inherently incapable of satisfying local needs since; rarely did incentives exist for central government officials to perceive citizens as their clientele (Lubanga, 1998: 70). The argument was that the staff appointed locally would give quicker feedback opportunity and articulation since

under the separate personnel system, they are servants of LGs, appointed to meet their employer's developmental needs, and the proximity would therefore; make them more responsive and accountable to their constituents through the elected local leadership. This is unlikely in an integrated personnel system, where the workers' allegiance is divided between the central and the local leaderships.

Central government's appointment of staff is now, arguably, making them subservient to the CG whims that may not necessarily represent the local priorities. The CG, in defence of its decision to reclaim the appointment of CAOs and town clerks, argued that these top public officials in the LG service had become increasingly complacent and too 'big' for the districts to handle, thereby, necessitating them to be 'whipped' from the top. As to whether the removal of such powers from the districts to appoint their top public officials was a sound decision, the justification can, ultimately, only be laid on how such a policy can enhance the officials' commitment to improved efficiency and accountability to the public interest.

Nonetheless, the separate personnel system also has the limitation of *localising* the civil servants and sealing their fate in a rather closed system where their career progress could easily be suffocated in one locality. In order to limit this perceived despotic tendencies of local authorities, the Constitution of Uganda, 1995 (Art. 166 {1} [d] and [e]), provides checks and balances which give the Public Service Commission the mandate to guide, coordinate and regulate the activities of the District Service Commissions. The provisions also allow the PSC to serve as an institution of appeal for parties aggrieved by the decisions of the DSC in view of the LGA, 1997(s60).

With regard to remuneration, the salary scales for LG staff are predetermined by the CG under the Ministry of Public Service. District authorities sometimes determine some other emoluments for staff, but this is done following the ministry's guidelines, and is often restricted owing to the districts' usually limited purse. Several investigations into the local government domain continue to express great dissatisfaction over the Public Service salaries, which are not commensurate with the magnitude of work and qualifications of office bearers. As in central government departments, the public servants' salaries remain so low and have not been adjusted

to take into account the rising cost of living, for over a period of time. For example, a Senior Personnel Officer on U3 salary scale earns about Shs. 720,000/= (US \$424) as a consolidated package per month, while the Principle Personnel Officer on U2 earns about Shs 860,000/= (US \$506) per month⁴. The situation is worse for the lower category of public servants, many of whom earn less than Shs. 200,000/= (US \$118) a month.

There is no doubt such meagre pay affects the LGs' capacity to effectively retain their human resources, with gross implications for employee motivation, performance and accountability. It is only when employees are motivated that they can use their skills, knowledge and ability to ensure better results. Matters are not improved by the limited resource base and funds available to local governments, which would otherwise, offer support to motivation programmes. While the proponents of Monistic/ Economic theory of motivation have been largely criticised for the belief that money is a major motivator and that people would work harder if paid more money, the financial incentives can, nonetheless, add a great deal to the efficiency of the personnel. Goel and Rajneesh (2002: 568) indicate that, "however, fascinating the individuals job assignment in a public agency or a private firm can be, the employee expects to be paid". His/her wage may (and it is generally assumed that it does) affect the way he/she works, and how much or how well one dispenses energies and resources at his/her disposal.

Similarly, there are concerns about career development which have equally important implications on employee performance and accountability. Career development relates to providing a conducive atmosphere for the development of individuals recruited in organisations such that they can achieve better performance and occupy higher positions in the organisation (Goel and Rajneesh, 2002: 249). Career development helps the staff to discover their potential and weigh their future progress in the organisation, which provides a sense of affiliation with the organisation and promotes greater opportunity for individual optimal returns.

⁴ Interview Twikirize Charles, Ag. CAO Mbale District, 31st October 2007, & Mukasa Fred, Principal Personnel Officer Luwero District, 7th November 2007

While there is always willingness on the part of the civil servants in local government, especially in the middle and lower management positions, to undertake further training to boost their skills and qualifications, districts seldom offer funding for long-term training. The district CAO of Luwero reiterated in an interview in 2003 that, “the bigger chunk of money they received from central government was conditional and directed to implement government programmes, of which paying for civil servants to attain higher qualifications is unfortunately not part” (Kakumba, 2003: 41). The strict staff numbers in the different local government departments also make it difficult for staff to be away for long periods to attend long-term courses and training. Nonetheless, local government staffs continue to benefit from several capacity building programmes in form of seminars, workshop and short skills development training packages financed by the central government and donors.

In the same vein, the decentralisation system of government in Uganda ties promotion to a rigid structure whereby the separate personnel system confines staff to local governments and one district. The Makerere Institute of Social Research’s (MISR, 2000) report indicates disillusionment among the local public servants. The report expressed concern upon lack of upward movement in their career development because of the current local government structure that limits promotion to one or two levels. Several respondents also stated that in the service of a local government it is not only the same position and level that you remain, but also the salary scale gets ‘stunted’ (*c.f.* MISR, 2000; Kakumba, 2003).

Lubanga (1998: 93) points out that the failure by LGs to develop a suitable career development programme is linked to the lack of a human resources management and development policy by the Public Service Commission (PSC) at the national level. While professional development would ordinarily fall within the ambits of the central government, at least for purposes of coherence and to capture national character and priorities, there hasn’t been a comprehensive framework for public service career development for a long time. Alleged cases of discrimination and selective recruitment continue to be reported, especially where the DSC agrees to conspire with the district council on the *right* people for the jobs (JARD, 2006; Kakumba, 2003; MISR, 2000; Lubanga, 1998). It is argued that, the creation and

sustenance of a merit-based recruitment system that is opposed to the corrupt tendencies of many LGs appointing ‘sons and daughters of the soil’ – recruitment that favours ‘homeboys and girls’, remains a major challenge of personnel decentralisation (Kakumba, 2003: 64; Lubanga, 1998: 79).

4.3.2 Financial management arrangements

The main source of revenue for local governments in Uganda remains the block grants from the central government that constitute about 90% of the local budgets. The Constitution, 1995 (Art.193 [1]) and the LGA, 1997 (s84 [6]), mandate financial transfers from the central government to the districts and urban councils to contribute to their expenditure upon functions devolved to them, in three ways:

Conditional grant: This consists of funds given to LGs to finance programmes determined by the central to be executed by the LGs. Funds are only expended for purposes they are meant for in accordance with the conditions laid down by the CG. LGs have no powers to reallocate funds to any other activity without the authority of the sector ministries of CG. It constitutes about 85% of all the grants from the CG.

Unconditional grant: This refers to the minimum grant that is paid to LGs to run decentralised services and is calculated in the manner specified in the seventh schedule of the Constitution. An unconditional grant is not earmarked and so it is a grant which a local government allocates in accordance with its own priorities but taking into account the national priority programme areas.

Equalisation grant: This refers to the money paid to local governments for giving subsidies or making special provisions for the least developed districts. The grant is based on the degree to which a local government unit is lagging behind the national average standard for a particular service.

LGs also receive support from donors, which include funding for projects on improved service delivery and capacity development. LGs are empowered to levy, charge, collect and appropriate fees and taxes within their area of jurisdiction (Constitution, 1995: Art.191). The levies charged by LGs include rents, rates,

loyalties, stamp duties, cess, fees on registration and licensing and other fees and taxes as parliament may prescribe.

It should be noted, that these local collections by LGs are very meagre, as in 2002 several districts could only collect an average 7% of their total annual budgets (Francis and James, 2003: 330). The central government continues to retain the buoyant sources of revenue and the districts continue to rely on them to finance over 90% of their local budgets. Over 85% of the central transfers come as conditional grants, which earmark support to specific national programmes at the local level. The unconditional grant is largely spent on staff salaries and general administration; and there is therefore, little, if any room for LGs to use it for other development priorities.

There have been concerns that local governments annually receive less than 30% of the national budget, which is seen to be disproportionate to the amount of devolved functions and responsibilities that they bear. It is arguable that inadequate finances pose responsiveness and accountability problems, since funds are spent on unfinished projects and substandard works such as roads and buildings, which collapse shortly. It is also notable that the block grants from central government are released with vertical reporting and accountability arrangements to the CG line ministries, but with very minimum, if any accountability, to the local people (councils). Given that over 90% of the funds for local programmes come from the central government, there is a growing concern that once the local public officials agree with the CG line ministry supervisors, then, they don't feel obliged to account to the local councils. This undermines the requirements of accountability to the public.

(a) Sharing of locally generated revenue

The sharing of locally generated revenue amongst the LGs and administrative units is provided for under the LGA, 1997. The local revenue is supposed to be collected by the lower local governments because of their proximity to the population. In rural areas the sub-counties collect local revenue and remit 35% to the district. Of the amount retained by a sub-county (65% of total collection), 25% is remitted to its respective village (LCI) councils and 5% to the parish (LCII) councils. With regard to urban areas, the municipality or city division remits 50% to the district. Out of the

50% retained by the municipal/city division, 25% is remitted to lower councils (LCI and LCII). See table 4.1 on the local council structures LCI-LC5.

Revenue sharing is important since each LG and administrative unit has some functions to undertake. However, there have been complaints about some LGs defaulting and failing to remit the funds to other levels. This is reported to have aggravated conflicts between LGs that are accused of frustrating the work of others⁵. The remittance of funds to lower councils is intended to encourage the people to pay taxes, but when there is failure to remit such funds, the lower councils, which mostly interface with the population, lose not only their sense of responsibility, but also the moral authority of convincing the public to meet their obligations.

(b) Planning and budgeting

With regard to planning and budgeting, the LGA, 1997(s36) makes a district local government as a planning authority, required to formulate, approve and execute its budgets and plans. The plans are supposed to be in form of an integrated development plan (IDP) which must incorporate plans of lower local councils. District plans are supposed to be developed using a bottom-up approach, with each village making its community action plan. The parish committees incorporate these into the parish plan, and then send them for integration into the sub-county or urban council plans. The sub-county plans are submitted to the district and the District Technical Planning Committee is supposed to produce an integrated plan for discussion by different stakeholders, before approval by the District Council. In principle, the district plans have to observe and make their plans in accordance with the priorities based on national priority programme areas (PPA).

Given that a budget provides an evaluation of the total government and public authority revenue and expenditures, it serves as a critical instrument of accountability and control over the management of financial matters. Departments initiate budget proposals, which are presented and discussed by the district sectoral committees such as finance committee, education committee, health and social services, production and works committees. The budgets are then recommended to

⁵ Interview, Kikaawa, Chief Finance Officer Mukono, 7th November 2007

the district council for approval or otherwise, and to be incorporated in the overall district budget. LGs are required to run balanced budgets, which have to reflect all the revenues and expenditure, and must take into account the approved three-year development plan of the local government, as well as the national priorities. The chairperson/mayor of a LG has to ensure that the budget estimates are presented to council not later than the 15th June every year, and the council has to approve the budget, which thereafter becomes a binding document that must be followed.

Whereas planning is required to be participatory, the limited capacity and inexperience of officials at rural sub-county level and lower parish and village units, only seem to act to the advantage of the local elite. Secondly, these district plans rarely incorporate priorities of lower local councils; and when they do, the plans are not necessarily adhered to, as the top politicians in their council committees at the district level often create new 'hot' priorities and 'urgent' projects which have to be financed from time to time (Francis and James, 2003; Kakumba, 2003).

While discussing the two contrasting forms of local government and development in Uganda, relating to the *technocratic* and *patronage* modes, Francis and James (2003: 326) insist that the latter only draws on the language of participatory planning, while in actual sense the performance is ritualised with little citizen involvement, owing to lack of resources and capture by local elite. The more the local council structures have gained legal recognition and political clout, the more they became less of the people's institutions and more of state bureaucratic institutions (Makara, 1998: 43-44). This makes participatory planning a hoax and contravenes the principles of public accountability, which emphasise genuine citizen participation and empowerment.

(c) Financial management control

Effective financial management control is crucial, given the often limited financial capacity of public sector institutions in the developing world. The frugal and careful utilisation of financial resources require sound control mechanisms, which include strategic planning, budgeting, monitoring and evaluation, regular audits, quarterly reports, budget workshops, as well as external controls. The statutory requirements provide that the funds are released on requisition under specific approved budget

outlays, backed by authorised approvals. The CAO/ Town Clerk and the Chief Finance Officer are the principle signatories to all the accounts of LGs. Heads of departments are the third signatories to their respective accounts. The CAO/town clerk are the overall accounting officers in LGs, but individual public officers are personally accountable for any funds allocated to them for use from the council's coffers.

The internal and external audit functions are required to be in place to reinforce proper financial management at all levels of local government. The local councils are obliged to enact bye-laws and regulations to strengthen financial management and accountability. All LGs and administrative units are required to keep proper books of accounts and to prepare annual financial statements for auditing. To ensure efficiency and effectiveness, the financial regulations require all local councils to set up statutory organs such as contract committees, which award tenders for provision of goods and services; and the Local Government Public Accounts Committee (LGPAC), which scrutinises reports from internal audit units and addresses issues raised by the Auditor-General's reports. Nonetheless, these financial management controls face quite a number of limitations and weaknesses. These are discussed in detail later in this chapter (section 4.5) on the implications of the LG structure and system.

(d) Monitoring and evaluation

Monitoring and evaluation is a critical function, which intends to ensure that the resources and efforts are effectively utilised, and that progressive achievements of set objectives are attained. Monitoring and evaluation becomes necessary because of the uncertainty in perfect achievement of preconceived goals. The requirement of monitoring and evaluation continues to rekindle the practice of transparency and accountability within the public servant ranks in the districts. The districts have established units of management support services to specifically enhance monitoring and evaluation. Officials such as the Deputy CAO the Assistant CAO in charge of counties, the Principal Personnel Officer and a line of similar middle managers do routine work in this regard. This activity is being supported by the grant from the central government, dubbed the "Monitoring and Accountability Grant", which is remitted under the vote of Poverty Alleviation Fund (PAF) to the districts. The district

council is also required to supervise and ensure that council work is done well. Besides, the five officials on the District Executive Committee in charge of the portfolios of finance, education and sports, health, works, production have permanent offices at their respective sector units and they directly interface with the public servants to monitor and evaluate performance of activities in those sectors.

Nevertheless, the above control arrangements continue to face a multitude of limitations and factors that impede the successful attainment of the objectives of accountability, effective and efficient performance of LGs. The effects and implications of the above financial arrangements are discussed later in section 4.5, after presenting the control institutions and the associated legislative framework.

4.4 CONTROL INSTITUTIONS AND LEGISLATIVE FRAMEWORK

In its national objectives and directive principles of national policy, the Constitution of Uganda, 1995 (Objective: XXVI) enshrines “accountability as a cardinal rule upon which public offices must be held in trust for the people; where all persons placed in positions of leadership and responsibility must, in their work, be answerable to the people, and; all lawful measures have to be undertaken to expose, combat and eradicate corruption and abuse or misuse of power by those holding political and other public offices”.

Accordingly, the Constitution, 1995 and the LGA, 1997 sought, as a safeguard against the likely abuse of power and delegated authority, to establish external and internal control systems to enhance accountability, in order to improve upon efficient and effective service delivery at the local levels. This daunting task was entrusted to an array of institutions and structures, both at central government level (external controls) and at local level, within the districts (internal controls).

4.4.1 Internal control structures

Internal audit units are established in LGs under the provisions of the LGA, 1997 (s91). They have to approve day-to-day financial operations and to prepare quarterly audit reports for submission to the local government council, the LGPAC and to the

Auditor-General. These three structures that receive direct reports of internal audit are intended to offer institutional protection to the audit function at the district. The internal audit unit is supposed to enjoy a high degree of independence from the direction of any officials in the exercise of its professional duties. It is also supposed to follow up adverse practices related to performance of work, uneconomic use of assets, overstaffing in relation to work done and wasteful use of resources.

Internal auditors, however, have often been accused of facilitating financial leakages. While internal audit units are important in creating internal control mechanisms to ensure that public money is expended efficiently and effectively, they have been found to be very weak and unable to check financial impropriety (Tukahebwa, 1998: 17). Research undertaken in 1998 indicated that internal audit units were starved of resources and were not properly facilitated to audit sub-counties, which duty they were required to do under the law. In addition, collusions were rife between the auditors and the sub-counties to engage in fraudulent acts, as incidents were cited when the Auditor-General and the Judicial Commission of Inquiry uncovered financial impropriety in several districts (Tukahebwa, 1998: 18-20).

Established under the provisions of the LGA, 1997 (s89), the LGPAC is duty-bound to examine the reports of the Auditor-General, the Chief Internal Auditor and any reports of commissions of inquiry. The committee submits its reports to the relevant council and the Minister of Local Government who, in turn, lays the report before the PAC of Parliament. Each district has an LGPAC that has powers to summon any officer to answer audit queries.

One criticism levelled against the LGPAC is that it largely operates as a post-mortem structure with very little, if any capacity to detect and prevent reoccurrence of organised fraud⁶. Membership on the LGPAC is not based on any qualification or experience requirements, and effectively, anybody can become a member as long as he/she is nominated by the district executives and approved by council. The LGPACs are poorly facilitated; their emoluments are based on the local council allocations from the meagre local collections; and their reports to Parliament through the Minister of Local Government are hardly given due consideration and thorough

⁶ Interview, Deputy Chief Finance Officer Iganga District, 30th October 2007.

scrutiny by the PAC (JARD, 2004). Some critics in the seminars on capacity building for decentralisation have labelled the LGPAC structure a *paper tiger*.

4.4.2 External control institutions

From the central government, the external control institutions with relevance to accountability in local government include the Parliamentary Public Accounts Committee (PAC), Office of the Auditor-General (OAG), the Inspectorate of Government (IG) and the various line ministries of central government responsible for local government, finance and economic planning, public service, agriculture, health, education and works. These combine to determine the socio-economic and political 'heartbeat' of intergovernmental relations between the two spheres of government and ultimately, affect the 'rhythm' of accountability in local government.

(a) The Public Accounts Committee (PAC)

The PAC is a constitutional parliamentary standing committee established under the provisions of the Constitution of Uganda, 1995 (Art. 90). It is charged with the responsibility of monitoring and supervising the resource utilisation of all government departments. The PAC scrutinises annual reports submitted by the Auditor-General and in the exercise of its functions it is empowered to enforce the attendance of witnesses and examining them on oath, affirmation or otherwise; and compel the production of documents to justify the utilisation of public resources. On many occasions, the districts CAOs, who are the accounting officers of their respective districts, do appear before the PAC to answer queries reflected in the Auditor-General's reports. Several reasons are given ranging from missing vouchers, negligence, and collusion by public officials. The CAOs are made to answer queries arising out of offences committed by the public servants below them.

One problem is that the PAC has often been unable to timeously and aptly deal with a number of reports and recommendations, especially from the OAG and the IG over a multitude of cases concerning corruption and abuse of office, despite the their being required by law to discuss and take appropriate action within six months on receipt of such reports (UDN, 2001: 15). A number of excuses are given ranging from overwhelming workload to lack of resources, but there is no justification for

allowing errant public officials to go scot-free after misusing billions of taxpayers' money. The Uganda Debt Network (UDN) indicated in 2001 that the PAC, particularly "has a stigma to be toothless, and it underperforms due to the lack of staff, and an overwhelming workload"; it is constrained by time and resources; it seldom holds public hearings; lacks technical and research support, and funds to enable them supervise and monitor LGs on a regular basis (UDN, 2001: 15-16).

(b) The Inspectorate of Government (IG)

Article 223 of the Constitution of Uganda, 1995 establishes the Inspectorate of Government, headed by an Inspector General of Government (IGG) and two Deputies, (DIGG). Apart from having duties at central government level and all agencies of the state, the IG's jurisdiction extends to the local government where he is duty-bound to: foster strict adherence to the rule of law and principles of nature justice in administration; eliminate and foster the elimination of corruption, abuse of authority and of public office; promote fair, efficient and good governance in public offices; and supervise the enforcement of the leadership code of conduct (Constitution, 1995: Art. 225 [1]).

It is clear that the above duties of the IG are intended to enhance accountability and guard against the abuse of power and public authority. The IG has established branches at regional level to boost capacity and watch over the operations of local government units. On several occasions, the IG is reported to have put to task a number of CAOs to explain cases of corruption and abuse of public authority. Innumerable reports from the IG have continued to castigate LGs for gross abuse of powers, incompetence and misappropriation of billions of shillings every year (Rugambwa, 2004: 41). Rugambwa (2004: 42) points out that it is ironical to learn that chairpersons and councillors on whom the anti-graft institutions would rely on to fight graft are, instead, the master-minders of corruption in LGs.

The major manifestations of the increasing corruption in the districts in Uganda include (The Daily Monitor, 2004: 14-15):

- district officials colluding to divert money meant for capacity building and other development projects for personal gain;

- district tender boards colluding with district executives to award themselves projects under bogus companies or relatives, and;
- intimidation of lower officials by district bosses in cases of the former hesitating to sign completion certificates for substandard or incomplete work.

The IG continues to complain about limited human resources and financial capacity; and often cites frustrations such as overwhelming workload against limited staff, low pay of staff, and consistent failure by government organs to implement the IG's recommendations (IG-Reports 2006: 129 and 2007: 82). While the IG has been recommending the dismissal of CAOs, a number of them have been reinstated after protracted court battles, with huge costs to the affected districts in terms of general and special damages for wrongful termination of services (The New Vision, 2004: 10). This has posed constraints to the implementation of the IG's recommendations as several district councils decided to ignore them in fear of having to pay heavily in case of lost court battles. It is distressing to note that the magistrates' courts and Police, which would ordinarily help to operationalise the IG investigations and apprehend/ prosecute offenders, are highly rated as the most corrupt local institutions (NIS, 2003: 52). It will have to be seen if the amendment of the Constitution of Uganda, 1995 (Art. 188) in 2005 to revoke the powers of appointing and dismissal of CAOs, DCAOs and town clerks from the districts to the central government, will be sustained to promote accountability.

(c) Office of Auditor-General (OAG)

Established under the provisions of Article 163 of the Constitution, 1995 the Auditor-General's office is supposed to audit and report to Parliament, the public accounts of Uganda and of all public offices, including the courts, the central and local government administrations, universities and public institutions accounts. The OAG, for that matter has to conduct financial and value- for-money audits in respect of any project involving public funds (Constitution, 1995: Art.163 [3]). The OAG is obliged to submit to parliament annually a report of the accounts audited by his office (including those of local government) for the financial year immediately preceding. Besides, the OAG is mandated to offer guidance and enhance technical capacity in the internal systems of local government. The OAG has external auditors attached to various

government departments including LGs. Through external audits, the OAG every year discovers several cases of abuse of office and misuse of public funds, in spite of the several control mechanisms in place.

The OAG, however, faces impediments ranging from poor financial and human resource capacities to overwhelming audit responsibilities. The increasing number of local government units, arising out of creation of new districts in recent years, has not been met with the staffing levels at the regional offices (OAG-Policy Statement, 2007). According to the Auditor-General's report, accounts of lower local governments of 2003/2004 were not audited by the close of financial year 2006/2007, three years after the statutory period, owing to capacity limitations (OAG-Report, 2006). There have been allegations in media reports that the external auditors sent to districts collude with district officials to cover-up financial improprieties. Other allegations against the OAG concern its overzealousness in searching for any possible wrong and its exaggeration of some public service deficiencies in order to justify their indispensability.⁷ In this case, some public officials complain that the OAG is often biased in its investigations, and that they go it goes out to haunt them for any frivolity or trivial mistake they commit, upon which the OAG recommends stringent actions.⁸ All these accounts threaten the OAG's effort to enhance accountability in local government.

4.4.3 Legislation and regulations

Fourie (2006: 435) points out that, a clear separation of what is public and what is private is required as a way of ensuring that public resources are only utilised for public ends. Thus, a legal framework must be enacted with institutional mechanisms to regulate behaviour and enforce compliance of public officials. In Uganda's case, various pieces of legislation and regulations were put in place with the intention of guiding human behaviour towards good conduct. Regulations require that public officials follow guidelines and conduct themselves in a responsible and accountable manner when dealing with public resources. Most notable among these are: the LGA, 1997; the Public Finance and Accountability Act (PFAA), 2003; the Public

⁷ Interview with CAOs and CFOs from Iganga, Mukono, Mbale, Masaka, Luwero Districts, September-November 2007

⁸ Interview CAOs and CFOs from different Districts, September-November 2007.

Service Regulations; the Leadership Code Act, 2002; the Public Procurement and Disposal of Assets Act (PPDAA), 2003 and the Local Government Finance and Accounting Regulations (LGFAR), 1998.

The Leadership Code of Conduct requires specified officers to declare their incomes, assets and liabilities from time to time and how they acquired or incurred them as the case may be. It also prohibits conduct likely to compromise the honesty, impartiality and integrity of specified officers; conduct that is likely to lead to corruption in public affairs; or which is detrimental to public good or welfare or good governance (Constitution, 1995: Art. 233 [2]). The Leadership Code, currently enforced by the IG, is intended to guard against public officials amassing wealth in rather unordinary or anomalous fashions. While a number of officers at a certain level in central and local government have indeed declared their wealth, there remain allegations that a number of them have amassed wealth at 'skyrocketing' speed compared with their official remuneration.⁹ Given that some people may declare their wealth falsely or in the names of their relatives and kin, it is awaited to be seen when one will be reprimanded for contravening the Leadership Code of Conduct.

Whereas the regulatory systems and processes can indeed enforce transparency and accountability, they rarely indicate, whether the appropriations made by state departments and agencies have actually addressed national priorities or have provided value for money output (Fourie, 2006: 439). This difficulty, among other things, is caused by the usually, poor technical competence of oversight institutions, which makes it difficult for them to fully understand the highly technical plans and costing procedure, which in the end, makes Parliament, parliamentary committees and other agencies unable to fully appreciate the manner in which public funds are managed. The operationalisation and enforcement of legislation and regulatory framework pertaining to accountability in local government is the 2nd objective of this study, and therefore, the rest of the discussion and evaluation is done in Chapter Six of this thesis.

⁹ Interview Kirenda, CAO Luwero District, 7th November 2007.

4.5 IMPLICATIONS OF LOCAL GOVERNMENT STRUCTURE/SYSTEM TO ACCOUNTABILITY

The doctrine of public accountability is acknowledged as a pivot around which good government rotates. Gildenhuys (1997: 59) points out the necessity to exert public control over public officials to be accountable, otherwise, “the danger of government becoming non-representative may arise”. In spite of the elaborate and apparently, well structured systems of local government in Uganda, as discussed above, there are a number of drawbacks to accountability.

4.5.1 Leadership-citizen detachment

Accountability to the public requires the citizens to access information, transparent procedures, effective consultation and publicity on the side of the government machinery, but this is hardly the case with LGs. While the citizens can regularly elect their own local leaders into office, these executives remain effectively detached from the electorate once they are in office. Research done in several districts of Uganda on how often the electorate interacted with their district councillors, revealed that: 20.6% of the respondents did not meet them at all; 16.5% only met them when elections were around the corner; 3.1% saw them during local fundraising; while 30.9% met them very rarely; and 2.1% could only meet them in bars (Tukahebwa, 1998: 27). Where 70% cannot easily interact with their community leaders, accountability becomes endangered. This is attributed to failure by local authorities to mobilise the people, poor information flow and civic competence.

Matters are worsened by the failure to remit the mandatory 25% of the local revenue to the majority of the village councils (LCI), and in a few instances where it is remitted, the local residents rarely receive commensurate benefits (Rugambwa, 2004: 40). Moreover, the village executive committees feel neglected and unmotivated by the absence of any kind of reward, especially in relation to other levels of local government that have official emoluments. Thus, the lower communities remain largely detached from the top leadership of the LGs, and this does not offer momentum for public accountability.

4.5.2 Political patronage

There have been concerns that the central government has not given political commitment towards effective devolution of powers, which is evident in the continued influence and interference in the functioning of LGs. The growing political culture is that of polarisation, where top central government politicians, do not only stop at interfering in local elections, but also work hard to frustrate the local individuals that do not seem to subscribe to the ruling party (Olum, 2004: 4). Even during the *movement system* where local leaders were by law supposed to be non-partisan and elected on *individual merit*,¹⁰ the central government officials openly campaigned for some candidates, seen as sympathisers to the regime. Olowu (2003: 46) offers a typical note when he reiterates that, “central governments often use their wide powers of control over local governments, including using them to settle political scores or victimise councils controlled by opposition parties”.

Whereas the Constitution of Uganda, 1995 (Art.180 [1]) designates the District Council the highest political authority in its area of jurisdiction and the council chairperson as its political head (Art. 183 [1]), on many occasions, officials from the President’s office have rescinded district council decisions. For example, during 2004 and 2005 the payment of fees and levies to Kampala City Council (KCC) by the roadside motorists (popularly known as *Boda-Boda*) and market vendors were stopped by presidential aides.¹¹ A major development plan passed by KCC to modernise *Naguru* estates in 2003 was halted. Top politicians also continue to be cited in local tender controversies (Francis and James, 2003; Olum, 2004). Such trends of intergovernmental (central-local) relations, only work to divert the focus of accountability and allegiance to the central government’s senior officials, rather than to the local electorate, on whose behalf the institutions of local government are principally meant to serve.

¹⁰ Relates to the non-party system of governance in Uganda (1986-2005) where all people were assumed to belong to a “movement system”, and standing for any political office was supposed to be an individual effort

¹¹ The Daily Monitor and The Weekly Observer Newspapers, quoted on CBS Radio Programme, “Kkiriza oba gaana”, September, 2007.

4.5.3 Local elite

While the *local elite* is required for the success of local government systems in terms of bringing resources, knowledge, influence and networks, they must not be allowed to exclude the communities, lest, serious problems of equity, responsiveness and corruption are bound to occur (Olowu, 2003: 46). LGs have councillors, public servants and some influential members of the civil society who become powerful by exploiting the system of local governance for their private interests, through making decisions relating to, planning, allocation of resources, awarding of tenders and contracts for projects. Such local officials and a few well-to-do members of society have become the local elite who manipulate the system while precluding the rest of the society's interests. It is not uncommon for some members of the public to offer sponsoring campaigns for local government officials, in anticipation of returns, in form of preferential treatment. In rural areas, local councillors are increasingly being drawn from the well-to-do households, who give inducements to the poor in form of sugar and soap in order to be elected (Francis and James, 2003; Olum, 2004).

4.5.4 Inadequate financial capacity

The weak financial position of LGs does not only reduce their capacity to integrate the community in development projects, but affect responsiveness to community needs. Matters are worsened by the low tax base and the continuous control of buoyant sources of revenue by the central government. Analysis of the budgets of several districts in 2002 revealed that they could only collect locally, an average of 7% to finance their budgets (Francis and James, 2003: 330). Districts continue to rely on the central government resources, which are not only insufficient, but also come as conditional grants. Conditional funding accounts for over 85% of the CG transfers and it earmarks support to specific national programmes. The unconditional grant is largely spent on salaries and administration, and there is, little, if any room for LGs to use these resources for their own development priorities. Unconditional grants are arbitrarily cut and funds withdrawn from certain services, and abrupt changes made in modalities of fiscal transfers to LGs (Kakumba, 2003: 43).

The poor financial state of LGs makes them inclined to rather cumbersome conditions and requirements from the donors and central government. In the end,

they become agents of these higher-level structures, rather than agents of the local citizenry. While the high level of central transfers to the districts may not necessarily mean lack of local autonomy, but the conditions usually attached to these transfers can undermine genuine local priorities and accountability to the citizens.

4.5.5 Local conflicts

Conflicts between various levels of local administration have been identified. There is resentment by the villages and parishes against the sub-counties on the one hand and on the other hand against the districts, over the failure by the latter to include them in decision-making processes and failure to remit part of the revenue collections to which the villages and parishes are entitled (Francis and James, 2003; Rugambwa, 2004). The interface between politicians and civil servants has also exhibited conflicts of roles and interests, factionalism, confrontation, intimidation and power struggles (Makara, 1998: 39). In many instances, conflict arises out of differences in policy approaches. For example, while the politicians would seek to please their constituents at all cost just to keep political support; the public servants are concerned about adequacy of process and frugality of resource use. There are reported cases where politicians harass local public servants over alleged frustration of their (politicians) development projects (Kakumba, 2003: 93). There is acrimony arising out of the fact that civil servants are better educated than the political leaders in the districts, yet their emoluments are considerably very low. For example, a graduate assistant CAO earns about Shs. 210,000 per month, while a non-graduate chairperson earns Shs. 1,300,000 (Francis and James, 2003: 333). Such episodes preoccupy the local officials and obstruct them from engaging the public service provision.

4.5.6 Weak socio-economic structure

The weak socio-economic positions of the rural people obstruct them from meaningful participation and enforcing accountability from LGUs. In addition to being poor, disguisedly unemployed, the rural population is associated with low levels of education, high illiteracy rates, poor infrastructure and communication means that obstructs their civic competence. Although the number of NGOs has increased in

almost every rural district, they are increasingly being accused of collusion with the local officials to represent the *elitist* preferences (DENIVA, 2006: 49). The weak internal structure of most NGOs and lack of a broader representation of the *people's voice* makes them rather superficial. While reflecting upon their internal weaknesses, Rugambwa (2004: 43) notes the following about NGOs:

- a significant number of NGOs lack clear accountability channels;
- there is limited shared values and lack of a common ideology;
- have limited capacity to document and demonstrate impact to the wider society; and
- their relationship with LGs is still characterised by mistrust, conflicts, poor communication and information sharing, and lack of transparency.

4.5.7 Capacity of institutions

Aligning a cross-section of external control agencies and regulations could instil discipline, frugality, responsibility, as well as accountability in public offices. Nonetheless, media reports have tended to echo the public outcry that the persistent graft and abuse of office at local government level have to do with weak capacity of external control institutions. In Uganda's case, anti-graft institutions are constrained by inadequacies arising from lack of adequate staff, logistical support, funding and weak political will (UDN, 2001; OAG-Report, 2006; IG-Report, 2007).

Uganda's external control and watchdog agencies operate in a politically active environment and, therefore, may not be insulated from unwarranted political influence. Hence, they need to be weighed against the above criteria to see if they pass the 'litmus' test. Whereas the Constitution of Uganda, 1995 established clauses to protect the independence of the watchdog agencies in the exercising of their statutory duties, they have on several occasions been accused of 'bending the rules' and ignoring complaints, especially when it comes to cases involving individuals who are 'well-connected' to the ruling political establishment. Such cases affect the effectiveness of control systems and pose a challenge to accountability.

At a broader level, the new multi-party system in Uganda poses another challenge to parliamentary-led accountability. Owing to what Muthien (2000) calls "appeals to

comradely support”, there is fear that the NRM party members in Uganda’s Parliament, are bent on defending the interests of the executive (on account of their majority vote) and thus, parliamentary decision may reflect the interests of the ruling party, which may not necessarily be the larger public interest. One would imagine that ordinarily, a robust opposition in the legislature would put checks and balances and increase government scrutiny, but recent episodes in Uganda do not seem to suggest so. Certainly, this may not sound fertile ground for enhancing accountability.

4.6 CONCLUSION

The above articulation indicated deficiencies, pertaining to accountability in Uganda’s local government system. While a conglomeration of internal and external control mechanisms, actually exist, and there is quite supportive legislative framework, there is hardly a detailed evaluation of their efficacy and appropriateness, especially when it comes to the external control systems. Similarly, it does not seem possible to evaluate with much certainty the real benefits of external control systems in local authorities, given that the criteria for assessing effectiveness has mostly been applied to internal controls, which are often lambasted as being weak. While there should be the contingent ‘fit’ between the organisation and its environment (Keen and Scase, 1998: 20), the extended control from central government remains to be measured in terms of its functional capacity and how far it has created viable mechanisms for enhancing accountability at the local government sphere in Uganda.

It appears that the available literature on accountability and control systems is too general, not disaggregated in terms of functional capacities and limitations, and it is mostly published by government agencies, in form of annual reports – ‘self evaluation’ reports. These reports normally arise out of post-facto investigations with a common view of finding defiant cases. They rarely evaluate the role and capacity of control systems, given that their preoccupation is to find out non-compliance in respect of accountability. Where in-depth reports and evaluation are made, there have been, perhaps overemphasis and, rather, too much unwarranted blame on the *internal systems* of local government at the expense of the *external* ones. This study ought to bridge this gap by assessing the *institutional capacity of the external control agencies of the IG and OAG* that follows in the next chapter.

CHAPTER FIVE

INSTITUTIONAL CAPACITY OF EXTERNAL CONTROL AGENCIES

5.1 INTRODUCTION

Objective one of this study was to assess the institutional capacity of the external control agencies, which are charged with the duty of promoting accountability in Uganda's local government. As earlier noted, the research focussed mainly on two institutions of government, namely the Inspectorate of Government (IG) and the Office of the Auditor-General (OAG), whose capacities were evaluated in terms of particular aspects/analytical themes that have a bearing on the nature, character and institutional capabilities of these agencies. The following analytical themes were critical in evaluating how far the IG and OAG have successfully executed their statutory obligation of promoting accountability and effective performance in LGs.

- Structure and workload schedule;
- Human resource capacity;
- Finance and other material facilitation;
- Parent and enabling legislation;
- Support and collaboration from stakeholder agencies, and;
- Corporate planning.

The performance of a public agency and the ability to achieve preconceived objectives largely depends on the nature of its structural arrangements and the workload before it, against the strength of its institutional capacity elements, including human and financial resources, enabling legislation, planning capabilities, and the support at its disposal from different stakeholders. The need to attain adequate numbers of well qualified and facilitated human resources, operating under a focused policy framework and enabling environment, features prominently in the quest for effective external control systems to enhance accountability. Likewise, the ability to undertake meticulous corporate planning, mobilisation of sufficient financial resources, and managing collaboration with other stakeholders, are very critical to organisational success. These aspects form the basis of the presentation and discussion in the following sections.

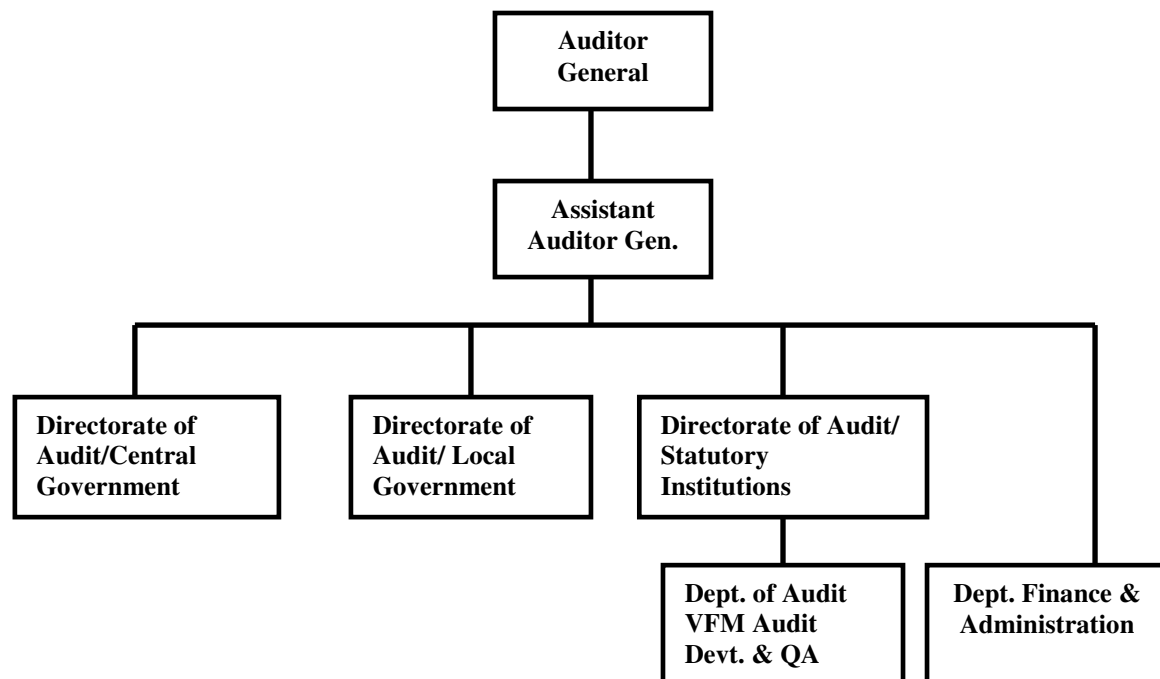
5.2 STRUCTURE AND WORKLOAD SCHEDULE

5.2.1 The Office of the Auditor-General (OAG)

The Office of the Auditor-General is charged with the cardinal duty of promoting accountability and good governance in public offices. In Uganda, it is the Supreme Audit Institution that is mandated to audit all public accounts and report to Parliament, to enable it to exercise its oversight role over the use of public resources (Constitution of Uganda, 1995: Art. 163 [3]). As such, the OAG has set its own *Vision* as “to be an effective and efficient Supreme Audit Institution in promoting effective public accountability”.

The Office of the Auditor-General is headed by the Auditor-General as its Chief Executive, assisted by the Assistant Auditor-General and an Under Secretary. The office is composed of three directorates and two departments. The directorates include central government, local government and statutory/divestiture. The departments include finance and administration, value-for-money audit, and audit development and quality assurance.

Figure 5.0.1: Macro-structure of the Office of the Auditor-General



Adapted from: OAG-Policy Statement, 2007

The Directorate of Local Government Audit was specifically established to supervise and coordinate the activities of various regional branches, which audit over 1000 accounts from different local government units. The OAG has established eight upcountry regional branches. The directorate undertakes to ensure thorough and timely audit of all local government units (LGUs) including districts, municipal and town councils, and sub-counties. The key tasks of the directorate identified, in relation to local government include:

- prompt conduct of audits and preparation of financial reports on local governments;
- issue of audit warrants (approval) of release of funds to spending departments from the consolidated fund of the local governments;
- verification of pension and gratuity papers of retired local government staff before payment is made;
- establishing that proper disbursement and accountability of funds have been done by local governments;
- identification of any misuse, fraudulent practices and breach of financial regulations;
- prompt review of audit reports of contracted audit firms on local governments, and;
- provision of technical guidance to the Public Accounts Committee during discussions with various district accounting officers on issues raised in the Auditor-General's report.

While the establishment of regional offices is a commendable step by the OAG, eight regional offices were found to be too few to cover vast territorial areas and be able to effectively scrutinise 1060 LGUs' accounts, which constitute 163 districts and municipal authorities, 897 LLGs in form of sub-counties and town councils. The Directorate of Local Audits was overwhelmed by the magnitude of local accounts, the majority of which could not be audited promptly in the specified time required by law, due to shortages of staff and financial facilitation of regional offices.¹² Similarly, the Department of Value for Money Audits is a recent creation, still understaffed and has not yet set in to evaluate the performance and net-worth of expenditures of

¹² Interview, Ewama Joseph, Director Local Audits Auditor-General's office, 25th October 2007

various projects undertaken at the local government sphere. This means that the structures in place to oversee local audits are currently unable to promptly audit and prepare financial reports on LGs; unable to adequately identify misuse of resources and breach of financial regulations; and unable to effectively establish whether proper disbursement and accountability of funds is done.

The workload schedule of the OAG outside the local government sphere is equally voluminous and was found to be overstretching their capacity. The OAG is required to conduct *financial* and *value-for-money* audits in respect of any income or expenditure involving public funds, across all the spheres of government. During 2006/2007 financial year, the OAG had the task of auditing 1,314 institutions including; 84 central government agencies, 1,060 local governments, 71 state corporations and divestiture accounts, 99 projects; to train 200 staff and carry out 30 audit inspections. This is summarised in the table below.

Table 5.0.1: Distribution of accounts handled by Office of the Auditor-General during 2006/2007

Audit Area/ Sphere	Total	Audited	Work-in-progress/ Carried Forward
Local Governments	1060	473	587
Central Government	84	84	-
Statutory Corporations	71	50	21
Projects	99	98	1
Total	1314	705	609

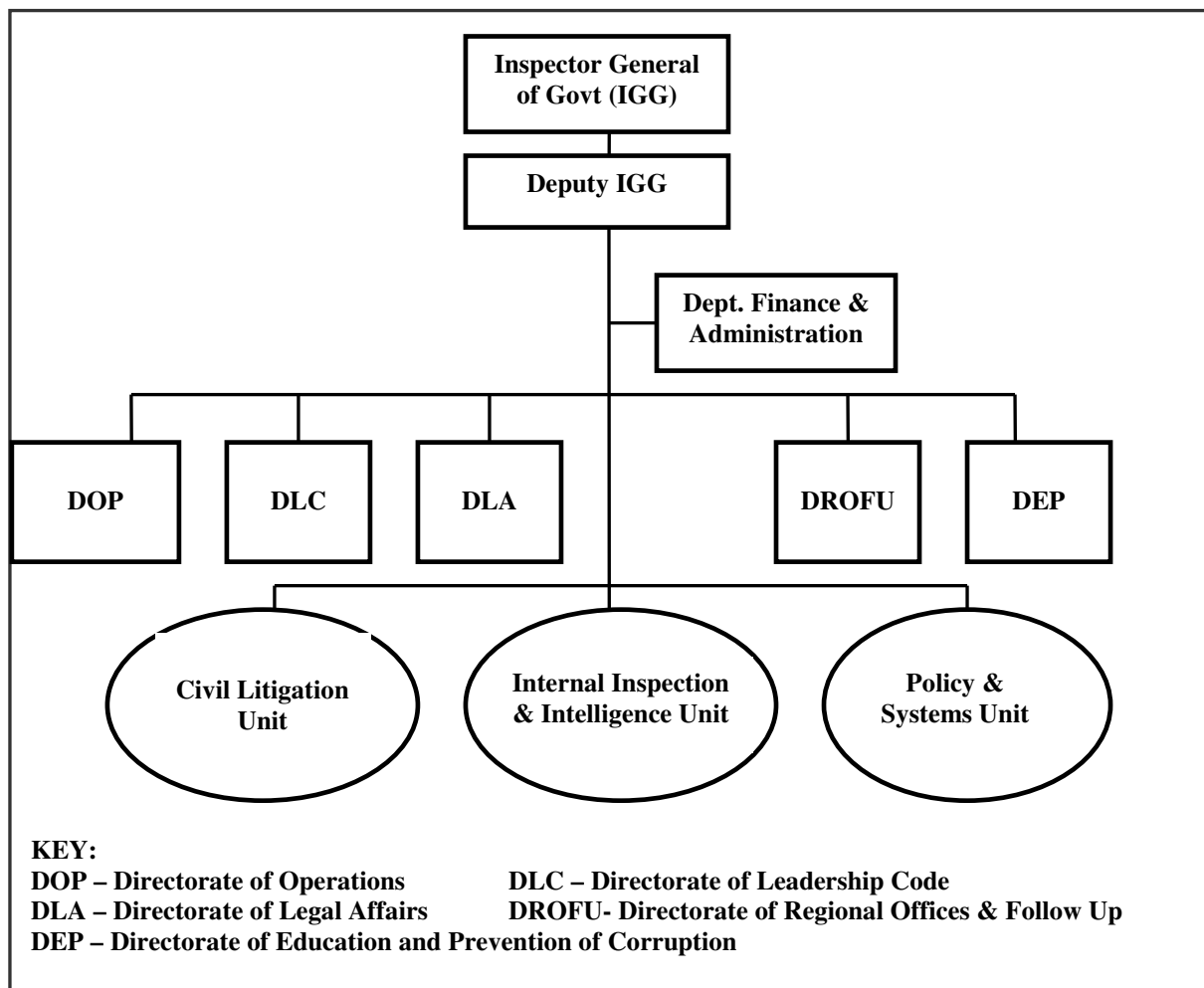
Source: Office of the Auditor General, Policy Statement, 2007

The table indicates the overwhelming number of local government accounts that were carried forward from the previous financial year (587). This suggests serious capacity shortfalls especially in human resources, financial support or internal systems drawbacks existing in the various LGs that are due for audit. These shortfalls are explored in detail when examining the human resource, financial and collaboration capacity aspects, elsewhere in the sections of this chapter.

5.2.2 The Inspectorate of Government (IG)

The IG is headed by the Inspector General of Government (IGG), deputised by the Deputy Inspector General of Government (DIGG). The Secretary to the Inspectorate (at level of Permanent Secretary) is the Accounting Officer and the head of Finance and Administration Department. This department implements policy, as well as managing and coordinating the financial and administrative matters of the IG. For purposes of implementing its functions and objectives, the IG is structured into five directorates, headed by directors, and three units headed by senior inspectorate officers. The macro structure of the IG is represented in the figure below.

Figure 5.0.2: Macro Structure of the Inspectorate of Government



Adapted from: IG-Report to Parliament, 2007

The relevance of the above structure is that at least all the directorates in one way or another operate on matters pertaining to accountability in local government. The

Directorate of Regional Offices & Follow-up (DROFU) oversees and coordinates the activities of the 10 established regional offices, which deal with complaints of people in various districts. The Directorate of Education and Prevention of Corruption (DEP) occasionally engages LGs and civil society over sensitisation on matters pertaining to promoting accountability, while the Directorate of Legal Affairs (DLA) often leads in prosecuting cases related to corruption and abuse of office.

Regarding the nature of the IG functions and responsibilities, the study established vast workload schedules that stretch across the central and local government spheres. The IG is obliged to undertake enforcement measures that are supposed to ensure the rule of law in public offices, accountability and integrity among public officials, and transparency in the exercise of administrative functions by public officials. In so doing, the IG carries out investigations in instances where there is alleged corruption and abuse of office or authority, breach of the Leadership Code of Conduct by leaders specified under the Leadership Code Act, 2002; and where administrative injustice and maladministration are reported in public offices.

Within the local government sphere particularly, the IG is mandated to monitor the utilisation of Poverty Alleviation Fund (PAF) and to probe suspected misuse and poor management of Universal Primary Education (UPE) funds, School Facility Grants (SFG), Functional Adult Literacy, Primary Health Care, Water and Sanitation, Feeder Roads Maintenance, Plan for Modernisation of Agriculture (PMA) and Local Government Development Programme (LGDP). Where corruption in relation to the above is found, the IG may prosecute or cause prosecution of culprits; and where there is mismanagement of the PAF, UPE funds and other rural development facility, varying degrees of disciplinary action may be taken (IG-Report, 2007: 10). These responsibilities demonstrate the huge magnitude of work, which was reported to be overwhelming the existing human and financial resources available to the IG.

The IG had during July - December 2006, 2,265 complaints brought forward from the previous period, and these were added to new complaints received totalling 875, making a total workload of 3,140. In the following period January - June 2007 2,235 complaints were brought forward and added to new complaints received 1,097, making a workload total of 3,332 for the period. Out of the total workload of

complaints 3,140 of July - December 2006 only 905 were concluded leaving a balance of 2,235, which was carried forward to the following period. Out of a total workload of 3,332 for January - June 2007, only 1,216 were concluded and leaving a balance of 2,116. This is summarised in the table below.

Table 5.0.2: Workload for the Inspectorate of Government for the periods July - December 2006 and January - June 2007

	Jul. – Dec. 2006	Jan. – Jun. 2007
Complaints Brought Forward (a)	2,265	2,235
New Complaints Received (b)	875	1,097
Total Workload (c) = a + b	3,140	3,332
Investigated and Completed (d)	759	909
Referred to other Institutions (e)	146	307
Total Complaints Concluded (f) = d + e	905	1,216
Carried Forward (g) = c - f	2,235	2,116

Adapted from: IG-Reports to Parliament – 2006 & 2007

The above table reveals that a large number of complaints are not concluded within the specified reporting period of six months and thus, they are carried forward, thereby creating a big backlog of cases. This implies that the workload for the IG is rather too high for the existing institutional capacity, suggesting serious deficits in the human resources, financial capacity or collaboration and supporting gaps existing between the IG and the other stakeholder agencies.

Information received from the different IG regional offices established to handle a variety of cases from upcountry districts indicate the overwhelming workload for the staff at the branch offices. The available figures from the IG also indicate a rising trend of cases received at the regional offices. Table 5.3 shows a comparison between cases received from the different regional branches and the headquarters in Kampala.

Table 5.0.3: Distribution of cases received by level of district – regional offices of the Inspectorate of Government

REGION	Cases Received July-Dec.2006	%	Cases Received Jan.-June 2007	%
Kampala	380	43%	450	41%
Arua	46	5.3%	82	7.5%
Fort Portal	69	7.9%	88	8.0%
Gulu	25	2.9%	60	5.5%
Jinja	47	5.4%	57	5.2%
Hoima	29	3.3%	30	2.7%
Kabale	83	9.5%	119	10.8%
Masaka	39	4.5%	67	6.1%
Mbale	51	5.8%	40	3.6%
Mbarara	71	8.1%	66	6.0%
Soroti	35	4.0%	38	3.5%
TOTAL	875	100%	1097	100%

Adapted from: IG-Reports to Parliament 2006 & 2007

Of the total number of complaints received by the IG during July - December 2006, 495 (57.0%) were registered at the regional offices while 380 (43%) were registered at headquarters in Kampala. The subsequent period, January - June 2007 saw increased cases registered at the regions 647 (59%) compared with Kampala's 450 (41%). This shows that the workload at the regional offices, which mostly handle LGs' matters, is becoming increasingly overwhelming on the existing capacity.

5.3 HUMAN RESOURCES CAPACITY

The high levels of workload described (Section 5.2) above point to the fact that the IG and the OAG require appropriate numbers of a well-motivated and facilitated human resource if they are to undertake the tasks before them. The research noted that, the ever increasing pattern of roles and responsibilities, associated with the increasing number of local authorities in form of new districts created in recent years, has not been met with the staffing levels at the regional offices. In only a span of two years, 2005 – 2007, over 30 new districts were created in Uganda by curving out and putting together sub-county territories of existing districts. It was observed that:

*the creation of new districts and many more lower local governments has placed a strain on the resources of the OAG to the point where the majority of audits in local government, especially at sub-county level are not audited and backlogs are growing.*¹³

Moreover, accounts of lower local governments (LLGs) of 2003/2004 were not audited by the close of the financial year 2006/2007, three years after the statutory period. These together with almost 50 percent of the audits of Statutory Corporations were later audited by private sector firms contracted by the Auditor-General, partly because the OAG lacked adequate human resources (OAG-Policy Statement, 2007). Indeed, the existing staff shortages were visible against the overwhelming workload, both at the regional offices of Mbale, Jinja, Masaka and Mbarara visited by the researcher, and elsewhere in the structure. The table below shows this.

Table 5.0.4: OAG's staffing situation as at 30th June 2007

Directorate/ Department	Approved	Filled	Vacant	Wage Bill
AG's office	4	4	0	77,438,088
Central Government Accounts	88	78	10	566,304,180
Local Government Accounts	145	136	9	811,625,760
Statutory Authorities	50	39	11	374,903,400
Value-for-Money Audit	20	7	13	185,517,324
Finance & Administration	38	15	23	151,968,060
Support Staff	49	42	7	55,654,980
Total	394	321	73	2,223,411,792

Source: Office of the Auditor-General

The table indicates that the OAG had 73 vacant positions in the various units. However, this does not necessarily represent the actual staff shortfalls, because the approved figure of 394 is only a staff ceiling set by the Ministry of Public Service, which is lower than the appropriate staffing levels required to deal with the

¹³ Interview, Ewama Joseph, Director Local Audits Auditor-General's office, 25th October 2007

magnitude of workload schedule. It is disheartening to note that the very critical and highly technical unit of value-for-money audit, had only 7 vacancies filled, yet its work determines the real performance worth of the public monies expended. It is this unit that can help assess the real net-worth of service delivery in local government, against the colossal sums of monies often spent on questionable activities.

In the same vein, the IG deals with the implementation of the Leadership Code of Conduct, with a huge workload that involves investigation and verification of declarations of incomes, assets and liabilities from over 19,000 leaders; processing and managing of data, all of which require expertise and a good number of well-motivated human resources. Yet only 18 technical officers were available for these activities. It was reported that insufficient staff numbers have led to a high officer/workload ratio, which explains the existing high backlog of cases especially at the regional offices.¹⁴

The IG continues to be affected by the rate of employee turnover especially in the high skills area. The worst-hit section is the legal/technical area where lawyers are increasingly leaving the Inspectorate for better employment conditions elsewhere. In spite of the reported improved salary increase, the remuneration of staff remains generally insufficient, and this has led to inability by the IG to attract and retain experienced prosecutors (IG-Report, 2007: 82). The loss of experienced prosecutors continues to adversely affect the prosecution, especially with regard to complex corruption cases. It is noted that the rate of recruitment and training cannot easily match the level of exit. District officials reiterated the deplorable human resources capacity of the IG and the OAG staff, which aptly describes the poor situation:

There is a big problem with the IG's staff turnover. These days they have very young and fresh graduates. In Iganga I had the experience of teaching them how local governments function, and yet these are the people supposed to monitor and evaluate what was going on. I found them very "green" about many issues. I think the IG needs better qualified staff in accounting to probe financial accountability and engineers to make proper value for audit on buildings and roads.¹⁵

¹⁴ Interview, Baku Raphael, Deputy Inspector General of Government, 5th October 2007.

¹⁵ Interview, Kirenda Nelson, Chief Administrative Officer Luwero District, 7th November 2007.

You are coming to investigate a CAO and you send a junior officer. We have a team-leader for the OAG here; we have worked with her for sometime, but we were all surprised that she was graduating for the first degree recently.¹⁶

Despite the scarce resources and poor remuneration often existing in the public sector, public officials are expected to have vast knowledge and skills to enable them to adequately tackle the complex challenges of intergovernmental relations and various demands of service delivery. The rising pressure on public servants is set in place by the wave of increased advocacy for public institutional reform towards efficiency, effectiveness, transparency and accountability. These have been magnified, so much so that, public servants must keep abreast with the knowledge, skills, and behavioural conduct so as to become ‘vanguards’ of improved service delivery. In human resources terms, this requires training and development.

On training and skills development, the research established that there was some deliberate effort by the institutions of the IG and the OAG to build capacity through training of human resources to improve performance. A number of training programmes such as induction courses for newly recruited staff, refresher training and skills development are commonly held. Staff members from the OAG have had training in the following capacity building initiatives (OAG-Policy Statement, 2007):

- detection of fraud and irregularities, where 20 staff were trained;
- value-for-money audit, where 25 staff were awaiting to undergo a year-long training under the ADB funding;
- the financial audit manual and the application of computer Assisted Auditing Techniques (CAATS), 84 staff undertook this training that is specifically designed to enable auditors to perform in a less paper, but automated electronic systems required by the newly introduced Integrated Financial Management System (IFMS);
- the use of teammate audit management software that is expected to improve and standardise audit methodology, bring about efficiency in audit planning, fieldwork, review and archiving processes, as well as improving

¹⁶ Interview, Ssegawa, Chief Finance Officer Luwero District, 7th November 2007

- documentation and management of audit generally, and;
- basic IT training where 120 staff members were trained.

Likewise, the IG has benefited from skills training in surveillance and investigation techniques, transparency and fraud detection, combating corruption in the delivery of infrastructure services, leadership and change management, and result-oriented management. There have been a number of training workshops within the country and abroad. Such programmes expose participants to special aspects of organisational culture, norms and practices; stimulate the spirit of teamwork and networking in conducting government business; promote employee motivation and commitment to organisational goals; all of which are critical for organisational effectiveness.

The problem noted, was that most of the capacity building and training programmes were donor-funded, and yet donors often, and almost unilaterally withdraw or switch funding to other 'priority' areas, which makes capacity building rather, sporadic. Similarly, many donors prefer specific sectoral financing and are often reluctant to channel their resources to particular capacity building areas, which may be of more benefit and of priority to the recipient institutions. Besides, most of the training programmes offered to these institutions were found to be *spin-offs* from other general development programmes – conducted for a few days – less than a week, and they rarely address the serious institutional human resources capacity needs.

It was also reported, that despite the willingness on the part of some public servants, especially in the middle and lower management positions, to undertake further training to boost their qualifications, the IG and the OAG do not offer funding for long-term training.¹⁷ For example, several staffs from the OAG who have undertaken internationally accredited chartered accountant courses and master's degree have had to fend for themselves, sometimes without the knowledge of their bosses¹⁸. This limits opportunity for skills development, employee-institutional attachment and motivation, all of which undermine institutional capacity to pursue accountability.

¹⁷ Interview, Abon Muzamir, Director IG-Regional offices and Follow-up, 5th October 2007.

¹⁸ Interview, Ogentho Paul, OAG Senior Principle Auditor, 25th October 2007.

5.4 FINANCE AND MATERIAL FACILITATION

In an effort to enhance accountability and transparency in service delivery for improved governance, Uganda, like many developing countries, has had donors and international development partners as major driving forces behind the financial and technical assistance. The OAG's implementation of the IT strategic plan continues to receive support from the Irish Aid, Norway, ADB, and the World Bank. This has involved the introduction of the new risk based financial audit methodology, along with the teammate audit management software, and several training programmes (OAG-Policy Statement, 2007). The implementation of the OAG Corporate Plan (2006-2011) receives full support from donor agencies.

The donors that previously financed the IG include: the Commonwealth Secretariat, Norway, SIDA, CIDA and the Fredrich Ebert Foundation (IG-Report, 2007). Continued financial support is being received from DANIDA, UNDP, ADB, DFID, among others. The World Bank has offered to strengthen capacity to fight corruption through the Millennium Challenge Account Threshold Programme. Similarly, the implementation of the IG Corporate and Development Plan (CADP) (2004-2009) receives great support from international donors.

Nevertheless, heavy reliance on development partners' support has on many occasions affected the performance of these local institutions, especially when expected assistance does not materialise on time or at all. Secondly, donors often times change their funding priorities, and indeed in some instances have had to prescribe programmes that overshadow indigenous preferences. Indeed, Kakumba and Kuye (2006: 813) indicate that, there is a considerable blame on donors and multilateral agencies for domestic policy failure in Africa, given that "nation-states have been subjected to several try-and-error frameworks, beyond their socio-economic stature and policies that are inconsistent with their developmental needs".

While the offices of the IG and the OAG receive Government and donor financial support, they continue to face several operational problems emanating from inadequate financial resources. For instance, the IG's funding provision under the

ceiling set by the Ministry of Finance is evidently insufficient compared to the workload the agency handles and the operational costs of investigations, prosecutions, verification of declarations, publicity and public awareness. The table below shows part of this variance.

Table 5.0.5: Variances and funding gaps in finance and administration of the Inspectorate of Government

	Activity	Corporate Plan Budget	Ministry of Finance Budget Provision	Shortfall
1	Recruitment of 10 staff to improve on service delivery	8,379,600	-	8,379,600
2	Training 100 staff in various speciality/skills	709,024,150	419,550,000	309,474,150
3	Procure of works skills and services	3,154,593,994	2,652,534,000	502,059,994
4	Facilitation of travel	138,792,000	121,752,000	17,040,000
	Total			836,953,744

Source: Inspectorate of Government Corporate and Development Plan (IG-CADP, 2004-2009)

As already noted, the IG and the OAG have regional offices which continue to be overwhelmed by an increasing number of LGUs that multiply with the creation of new districts. All these regional offices operate in rented premises, which do not only constrain the limited budget outlay, but also render it cost-ineffective in the long run. The four regional offices of the IG visited by the researcher were visibly ill-equipped; each having a single old vehicle that often breaks down, inadequate office equipment such as computers, photocopiers, and fax machines. There were limited reference materials and the record storage facilities were in a despicable state. The table below indicates the material facilitation shortfalls faced by the IG's Directorate of Operations which totalled Shs186, 600,000/= (US \$109,764).

Table 5.0.6: Logistical gaps in the Inspectorate Government's Directorate of operations

	Item	Required	Available	Short-fall	Cost of shortfall
1.	Double Cabin pick-ups – 4 WD	9	6	3	180,000,000
2.	Video Cameras	2	0	2	3,000,000
3.	Photo Cameras	4	0	4	800,000
4.	Tape Recorders	6	2	4	800,000
5.	TV Screens	2	0	2	2,000,000
Total					186,600,000

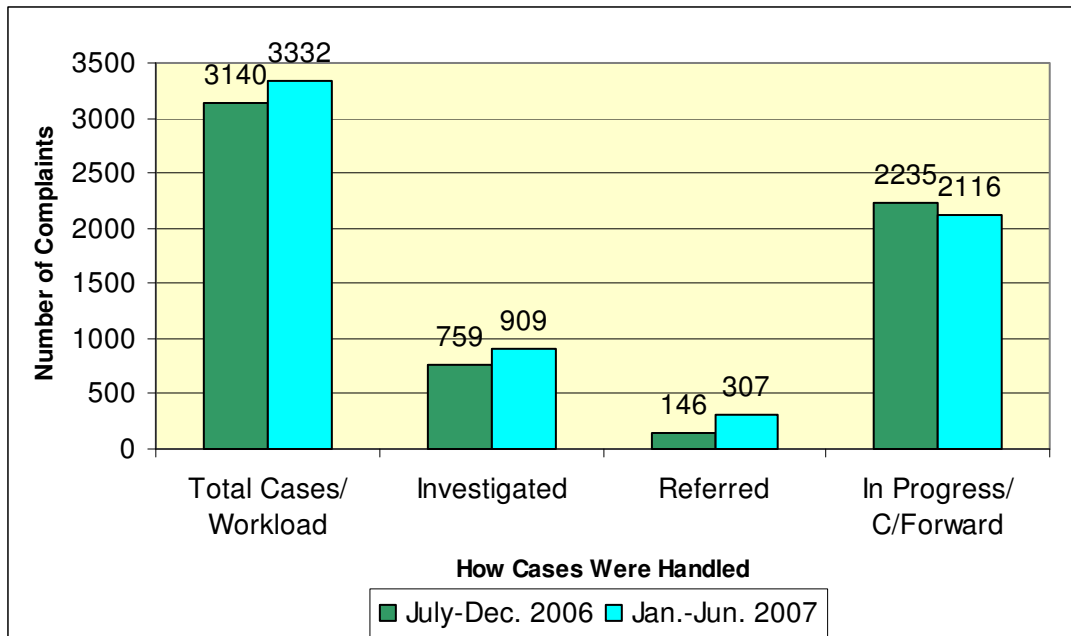
Source: Inspectorate of Government Corporate and Development Plan (IG-CADP, 2004-2009)

Regarding the office of the Auditor-General, while the agency proposed a total expenditure of Shs. 9,470,000,000/= (US \$5,570,558) for the financial year 2007/2008, which would be seen as a bare minimum to audit 1,314 institutions including; 84 central government ministries, 1,060 local governments, 71 State corporations, 103 projects; and to train staff and carry out 30 audit inspections, only Shs.7,740,000,000/= (US \$4,552,941) was provided as per the ceiling set by the Ministry of Finance, Planning and Economic Development (MoFPED) (OAG-Policy Statement, 2007). Even to the most frugal of public spenders, it can be very difficult to rationalise resource use to absorb a shortfall of Shs. 1,730,000,000/= created by funding deficits from government. It is not surprising that the OAG only completed 705 audits out of the overall total of 1,314 during 2006/2007 (as indicated in Table 5.1). The local government (which is a focus area of this study) had only 473 audits completed, leaving the bigger 587 audits still-in-progress by the close of the financial year.

It was noted that a bulk of cases are carried forward to the subsequent periods, is because of capacity problems, emanating from financial, human resource and collaboration inadequacies. Records from the OAG indicate that staff salaries were not spared either by the budgetary cuts from central government. While the OAG required Shs. 2,300,000,000/= to pay salaries of 394 staff members, only Shs. 2,010,000,000/ was provided by the MoFPED, thereby creating a funding gap of Shs. 290,000,000/ (OAG-Policy Statement, 2007). A quick look at how the

investigation cases before the IG during the two periods of July-December 2006 and January-June 2007 were handled reveals serious capacity gaps to both institutions.

Figure 5.0.3: How cases before the Inspectorate of Government were handled: July - December 2006 & January - June 2007



Adapted from: IG-Reports to Parliament, 2006 and 2007

It is evident from the above that a large number of cases, namely 2,235 (71%) and 2,116 (64%) of the total investigation cases 3,140 and 3,332 available during July - December 2006 and January - June 2007, respectively, could not be concluded owing to capacity limitations, emanating from finance, human resources and collaboration inadequacies. Only 759 (24%) and 909 (27%) for the two periods, respectively, were investigated and concluded. Such backlogs and the related capacity deficiencies limits the enhancement of accountability in LGs, as elaborately discussed in Chapters Six, Seven and Eight of this thesis.

5.5 PARENT AND ENABLING LEGISLATION

Conventionally, all institutions, public or private, are miniature replicas of the laws and regulations that create them. The major jurisdictional boundaries of any public institution, its functions, powers, privileges, relationships, and such resources allocations that enable it to undertake its duties are often contained in particular

legislative instruments referred to as parent or enabling legislation. Such laws and regulations, henceforth, become major tools in analysing the institutional and functional capacity of any agency.

One standard characteristic of any watchdog or control institution to be effective is the requirement for one and the office to be *independent*. The aura of independence and objectivity becomes a standard requirement for the IG and the OAG because, just like in the principles of jurisprudence, the exercise of justice must not only be done but, must be seen to be done. Indeed the legislations reviewed indicate the spirit to protect the independence of the OAG by providing that, “in performing his or her functions, the Auditor-General shall not be under the direction or control of any person or authority” (Constitution, 1995: Art. 163[6]; PFAA, 2003: s33 [2]). Similarly, the IG is required to be independent in performance of its functions, and it is not supposed to be subject to the direction or control of any person or authority; as it is only responsible to parliament (Constitution, 1995: Art. 227; IGA, 2002: s10). With regard to resources, the IG enjoys a special privilege, where it is accorded an independent budget, appropriated by Parliament and controlled by the Inspectorate itself (Constitution, 1995: Art. 229). However, as will be discussed later (Chapter six), the attainment of complete independence is held up by some legislative and organisational discrepancies, as well as the political orientations of the nation-state.

The following provides the major enabling legislative and regulatory framework for the agencies of the IG and OAG in respect of their external control functions to local government units in Uganda.

- The Constitution of Uganda, 1995
- The Inspectorate of Government Act (IGA), 2002
- The Public Finance and Accountability Act (PFAA), 2003
- The local Governments Act (LGA), 1997
- The Local Government Finance and Accounting Regulations(LGFAR), 1998
- The Leadership Code Act, 2002
- The Public Procurement and Disposal of Assets Act (PPDAA), 2003
- The Prevention of Corruption Act, 1972 (as amended in 1989)
- Public Service Standing Orders, 1988

The IG and OAG are institutions both established by the Constitution, 1995 under the provisions of article 223 and Article 163, respectively. Chapter 13 of the Ugandan Constitution, 1995 is purposely named *Inspectorate of Government* and it stipulates various provisions pertaining to the powers, functions, jurisdiction and independence of the Inspectorate. The subsequent Chapter 14 is entitled *Leadership Code of Conduct*, and it is dedicated to promoting astute practices in public affairs; with its enforcement entrusted to the IG. However, the parent legislation that provides elaborate powers, functions, jurisdiction and other forms of legal and administrative latitude to the IG, remains the *Inspectorate of Government Act, 2002*.

The IG is mandated to enforce the Leadership Code of Conduct, which requires that specified leaders (once in every two years) declare to the IG their incomes, assets, liabilities, and how they acquired or incurred them; and upon which the IG can verify the authenticity of such declarations. In relation to the *Leadership Code Act, 2002* the IG has to ensure minimum standard of behaviour and code, restrain acts that might otherwise compromise the honesty, impartiality and integrity of leaders or lead to corruption in public offices.

In the context of the IG Act, 2002 (s2) *corruption* means “the abuse of public office for private gain, and includes but is not limited to embezzlement, bribery, nepotism, influence peddling, theft of public funds or assets, fraud, forgery, causing financial or property loss and false accounting in public affairs”. Where the subject of an investigation is found to have committed a criminal offence, the IG may prosecute or cause prosecution. And where the offender is found to have breached the Leadership Code of Conduct or is involved in administrative malpractice, a disciplinary action can be taken in varying measures from warning to dismissal.

As noted, the OAG is the *supreme audit institution* of Uganda with the statutory responsibility to scrutinise, verify and report to Parliament on the propriety and regularity of the manner in which public funds are used. The Constitution, 1995 (Art.163 [3]) empowers the Auditor-General to:

- audit and report on the public accounts of Uganda and of all public offices including the courts, the central and local government administrations,

universities and public institutions of like nature, and any public corporation or other bodies or organisations established by an Act of Parliament; and

- conduct financial and value-for-money audits in respect of any project involving public funds.

Similarly, the Public Finance and Accountability Act, 2003 (s33) authorises the Auditor-General to satisfy himself/herself that:

- the accounts conform to the requirements of the Act and regulations that govern them;
- the expenditure and receipts shown in the accounts have been dealt with in accordance with proper authority and, in particular, that all expenditure conforms to the authority that governs it;
- the financial affairs of the entities audited and all revenues received and public money under their control have been handled and conducted with regularity and propriety by the accounting officer or any other public officer responsible, and that;
- all precautions have been taken to safeguard the receipts, custody, issue and proper use of government resources and property, and that any regulations and instructions relating to them have been duly observed.

Despite the proven existence of various forms of legislation and regulatory framework, the legal regime does not seem to offer an environment that helps in deterring offenders. According to the Deputy IGG, “the law is apparently very lenient and it does not provide deterrent sentences to perpetrators of white-collar crime that the Inspectorate prosecutes”.¹⁹ It was indicated that the law affords the magistrates a wide discretion to determine sentences, and more often, the option of a fine is exploited. The convicted persons are thus, made to pay small amounts of money as fines, which creates no deterrence to corruptive tendencies. There is also a problem with the criminal justice process that puts *the burden of proof* to the prosecution. Yet, the IG prosecution is often weak compared with the defence, due to the fact that the government suffers a big problem of low staffing levels, poor remuneration and

¹⁹ Interview, Baku Raphael, Deputy Inspector General of Government, 5th October 2007.

facilitation of prosecutors.²⁰

How the IG and the OAG have operationalised and enforced legislation, and the corresponding challenges are elaborately discussed in Chapter Six of this thesis. What is important to note here is that, there is a wide array of enabling legislations that allows the IG and the OAG to make inquests into the operations of public entities, and thus can invoke a number of sanctions. This demonstrates a good level of institutional capacity, which is expected to strengthen their role of enhancing accountability and performance in local governments.

5.6 SUPPORT FROM OTHER AGENCIES/STAKEHOLDERS

It should be noted that the battle against the ills of public sector ineptness, corruption and abuse of office can only be won through collaboration and support from other stakeholders both at the national and international levels. The offices of the IG and the OAG by virtue of their constitutional mandates and nature of functions must, inevitably operate in liaison and support from other governmental agencies and stakeholders. The effectiveness in terms of compliance, support and collaboration received from other agencies thus, plays a fundamental role in determining the functional capacity and success of these external control agencies that are mandated to enhance accountability. Prominent among the institutions that the IG and the OAG need to collaborate with include, the presidency, Parliament, Judiciary, Police Force, Directorate of Public Prosecutions (DPP), Uganda Human Rights Commission, local government authorities, and civil society.

The research established that there was a great effort by the agencies of the IG and the OAG to engage local and international agencies to enhance public institutional capacity, effective performance and good governance. The leading collaboration and support received by IG and the OAG are from donor and international development agencies. Perhaps the most pervasive is the Institutional Support Project for Good Governance (ISPGG) that earmarks mechanisms to enhance accountability and good governance, implemented by the OAG, IG, the Ministries of Local Government (MoLG), MoFPED, and the office of the Prime Minister. Under this project, the

²⁰ Interview, Kirenda Nelson, Chief Administrative Officer Luwero District, 7th November 2007.

African Development Fund (ADF) agreed to provide a grant amounting to 9 million Units of Account (UA 9,000,000) to finance the entire foreign currency cost and part of the local currency cost for the project (OAG-Policy Statement, 2007). The project intends to build institutional and human resources capability in order to improve public service delivery through cross-cutting reforms in governance. Particular aspects of the project's capacity building include training, use of technical assistance, provision of equipment and to instil novel skills in the beneficiaries for sustainable, efficient and cost-effective service delivery to the public.

Furthermore, the IG has developed international cooperation and exchange relations with the Egyptian Administrative Control Authority, the Chinese Ministry of Supervision, and the ombudsman office of Malawi. Other areas of engagement include organised conferences, workshops, and exchange programmes to foster organisational learning. The IG, as already noted, continues to receive financial and technical support from several Development Partners including; the World Bank, DANIDA, UNDP, ADB, DFID and the Irish Republic (IG-Report, 2007). Similarly, the OAG continues to receive support for its major projects such as the Financial Management and Accountability Project (FINMAP 2005/06 – 2009/10) financed by the DFID, European Commission, International Development Association, the governments of Ireland, Netherlands, Norway, Sweden, and the embassy of Japan; and the VFM audit strategic plan (VFM Project) by the Government of Norway and ADB (OAG-Policy Statement, 2007: 74).

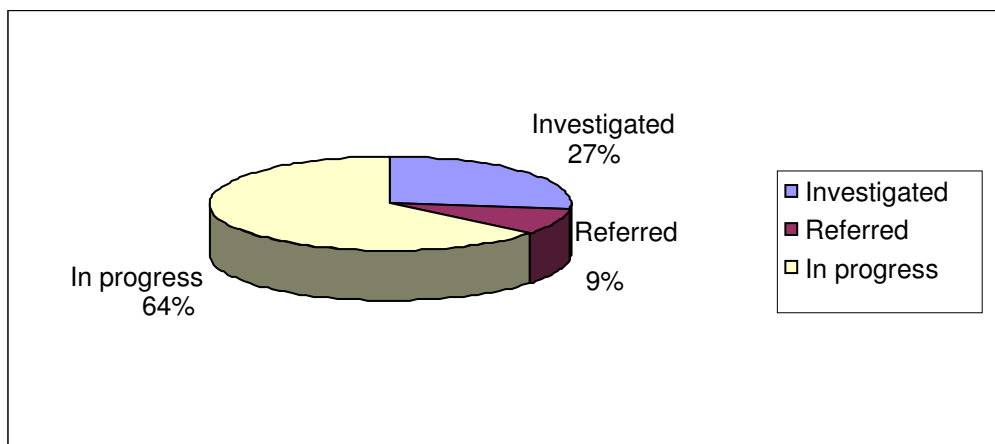
One major challenge that the agencies of the IG and the OAG face, is that some institutions that are supposed to be partners in fostering accountability delay or completely ignore the IG's and the OAG's recommendations. The IG is required by the Constitution of Uganda, 1995 (Art. 231) to submit to Parliament at least once in every six months, a report on the performance of its functions, make recommendations considered necessary for the efficient performance of public institutions; and to provide such information as Parliament may require. The IG also forwards part of its report to local government authorities, where any matter contained in the report concerns the administration of any local government. In principle, Parliament and such authorities are supposed to discuss these reports and implement their recommendations in order to promote accountability and better

performance. This is sometimes not done.

The dilemma is that the IG reports are at mostly, only laid before Parliament and Parliament hardly discusses such reports let alone following on the recommendations contained.²¹ This rather lukewarm enthusiasm towards the IG reports on the part of the Parliament does not only serve to demoralise the effort of such watchdog institutions, but also squanders the opportunity to better public sector governance.

The research findings also indicate that a great number of cases investigated by the IG and the OAG are normally referred to other institutions like the Police Criminal Investigations Department (CID), the DPP, Public Procurement and Disposal of Assets Authority (PPDA), the Judiciary and local government authorities for further action. The distribution of cases handled by the IG over the years indicate that no less than 9% are handled through correspondences or are referred to other agencies/institutions for proper handling. The figure 5.4 illustrates this scenario.

Figure 5.0.4: Distribution of complaints at the IG during January - June 2007



Adapted from IG-Report to Parliament, 2007

The bulk of cases still-in-progress (64%) also partly demonstrates that support from other agencies/institutions is required to conclude them. This means that the success of the IG and the OAG in fostering accountability and effective public management heavily relies on the support and activities of other agencies, many of

²¹ Interview, Baku Raphael, Deputy Inspector General of Government, 5th October 2007

whom, unfortunately, often fail to comply with the requirements.

Senior officers interviewed from the offices of the IG and the OAG variously revealed that, negative attitude, corruption and intransigency in the institutions that are supposed to be partners in fighting public sector ills frustrate the zeal to promoting accountability. It was pointed out that some institutions/officials take unnecessarily long time or just ignore to respond to queries raised by the IG and the OAG, or are reluctant to take action against those implicated.²² In the local government service where many civil servants have been implicated in criminal acts of forgery, impersonation and issuance of false qualification/academic documents, the best thing local authorities have done is to suspend or relieve such officers from duty, implying that they can as well, present the same fake papers elsewhere for job interviews.²³ It was reported that the CID and DPP hardly follow up to prosecute a great number of cases of criminal nature, even when the IG and the OAG have preliminarily unearthed substantial evidence against offenders. Yet the human resources and financial capacity limitations of the IG cannot allow it to ubiquitously investigate and prosecute such numerous cases.

Likewise, other stakeholder institutions constrain the work of the IG and the OAG with their poor records-keeping. It was reported, for example, that lack of computerised information systems in many government departments like the Land Registry and the Registrar of Companies delays retrieval of vital information required for investigation and verification of the property declarations made by specified public officers as required by the Leadership Code Act, 2003.

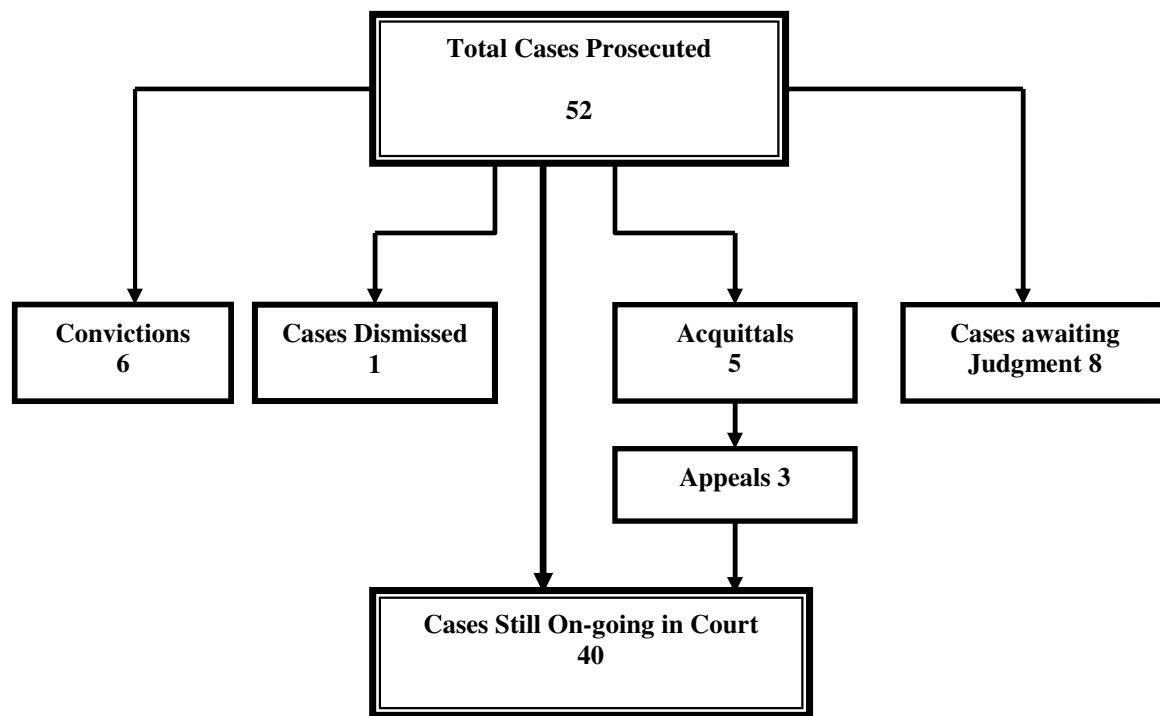
Another area that points to deficiencies in institutional collaboration arises with the court process, during the prosecution of cases. Many cases in the courts take long to be disposed of and this adversely affects the prosecution as witnesses get overtired, lose interest in cases, face intimidation, and others even die before ruling is delivered. Sometimes exhibits are lost from the courts and witnesses may often not testify freely as most often they are accomplices (IG-Report, 2007: xvii). The delays are also said to be extended to the court of appeal. In the appellate process

²² Interview, Baku, Deputy IGG and Abon Muzamir, Director IG-Regional offices, 5th October 2007

²³ Interview, Abon Muzamir, Director IG-Regional offices and Follow-up, 5th October 2007

“copies of typed records of proceedings from trial courts and judgment take long to be availed to the IG to formulate grounds of appeal and prosecute the appeal” (IG-Report, 2007: 63). Where appeals have been argued, there is a concern that judgement also takes unnecessarily long to be delivered. The figure 5.5 illustrates these court dilemmas.

Figure 5.0.5: Progress of prosecution cases handled by the IG from July 2006 – June 2007*



*Cases did not necessarily commence in this period. Each case might have more than one charge

Adapted from: IG-Reports to Parliament, 2006 and 2007

The above figure reveals that for over a period exceeding one year, out of a total of 52 cases prosecuted by the IG, only 12 had been concluded (in form of convictions, dismissals and acquittals), and 8 cases awaited judgment in the courts. A whole lot of 40 cases were still on-going, which largely points to the existing deficiencies in offering support to the IG, from the courts and other stakeholders.

5.7 CORPORATE PLANNING

Contemporary management practice stresses the need for organisations to periodically examine their operating environment so as to respond timely and appropriately to the needs of their clientele. This calls for planning, which is a basic factor in determining the organisation's capacity for future survival and sustainability of its programmes. According to Thornhill and Hanekom (1995: 100), "planning is aimed *inter alia* at influencing the behaviour of individuals and groups in an attempt to achieve a situation that is more satisfactory than the present one". With planning, the organisation exhibits the capacity to forecast and influence the course of future events. Planning thus, constitutes a fundamental tool when analysing the institutional capacity of any one organisation.

Planning is the ability to define the organisation's future goals in the short, medium and long terms, set targets to achieve, and lay mechanisms for achieving them. Corporate or strategic planning allows the organisation to forecast, normally in the long term and pursue the achievement of such set goals in a multidimensional and comprehensive way. A corporate plan is also a performance instrument that normally arises out of an evaluation of the successes and constraints of an organisation over a period of time. It takes stock of the past experiences and builds upon them to aspire for better outcomes in the future. An elaborate sound and viable corporate plan, therefore, becomes a major indicator to show that the organisation has the capabilities to effectively tackle the challenges of its internal and external environment.

The research established that both the IG and the OAG have engaged in some form of corporate planning, an element that shows future prospects in undertaking their cardinal objective of enhancing accountability and effective public management. An insight into the OAG's corporate plan 2006 – 2011 reveals the following highlights:

- to transform the structures and role of the OAG to reconcile with the increased mandate provided by the new constitutional amendment (Article 163) that has strengthened the statutory position of the Auditor General, with more powers over staffing and financial matters;
- to review and oversee the enactment of the Audit Bill into law, sensitise all

stakeholders with regard to the Bill, obtain sufficient funding, construct own office premises, so as to secure the financial and operational independence of the OAG;

- to establish a Committee on budget reviewing, put in place a new budget system, review existing arrangements, so as to improve the quality of budget preparation and monitoring processes, as well as management information systems;
- to prioritise the FINMAP proposals, allocate funds to priority areas, establish a modern management development programmes, determine HR requirements, undertake review of staff pay and grading, determine appropriate salary and rewards, analyse training needs, so as to create an environment that enables the OAG to operate efficiently and recruit, retain and motivate suitable staff;
- to obtain development funding, train staff in financial audit, revenue audit and value-for-money audit, in the next two years, so as to develop capacity in handling the large numbers of financial, revenue, and VFM audits caused by the creation of more districts, the increased number of local revenue collecting units, and the increased demand by the public for VFM audits, respectively;
- to establish a dedicated unit for research, development and quality assurance, so as to improve on the quality of audit reports and ensure their reliability and usefulness for the purposes of effective decision and policy-making;
- to establish intranet and train staff on its use, consider production of an electronic staff bulletin, examine ways in which the OAG can focus on issues related to improved public service management, so as to improve on the internal and external communication and to raise the profile of the OAG.

The above highlights show a proactive approach to strategically improve the OAG institutional capacity required to deal with the challenges that face the execution of its statutory duties. However, the focus of the OAG's corporate plan hardly took care of the need to build and rejuvenate supplementary collaborative relations with other agencies and stakeholders. Yet the need to streamline cooperation and relations with non-governmental organisations, private sector organisations and civil society is crucial in ensuring their support, without which, the rather good plans can be rendered useless. Thornhill and Hanekom (1995: 100) underscore the need for

planning actions to continuously take steps to counter any opposition so as to ensure that goals are achieved and better results to society gained. This calls for the effort to convince community and other stakeholders on the advantages of a plan so as to enlist their support.

In Uganda's case, the importance of stakeholder agencies in supporting the accountability effort is exemplified by the role they play in service delivery. For example, private entities provide services to the public sector through contracting-out service delivery or through public-private partnerships. Oftentimes, private sector agencies are culpable in conniving with public officials to flout tendering regulations, give dismal services to the public, and generally fleece the public. The NGOs can also play a supplementary role in monitoring and evaluation, and can offer justification for the quality of service offered by public authorities, which in the process can give support and credence to VFM audits conducted by the OAG. Thus, the failure to enlist them in corporate planning is a serious omission.

The Inspectorate of Government also has a Corporate and Development Plan (2004 – 2009), which indicates support for its future institutional capacity. The following highlights can be enumerated:

- to restructure and streamline IG operations and systems, develop clear job descriptions, a clear and timely reporting function, make training needs assessment and train staff, so as to strengthen and build the capacity of the IG to meet its statutory mandate;
- to mobilise financial resources, review AG reports, expand and strengthen IG regional presence, make abrupt inspections of the budgeting process, procurements, as well as all revenue collections, so as to effectively monitor the utilisation of public funds in all central and local government departments;
- to sensitise and educate the public through the media and workshops, make periodic integrity surveys, and carry out system studies, so as to increase civic awareness, enlist public support, and strengthen weak systems and processes in government; and,
- to enhance the image of IG, undertake socio-audits and baseline studies, strengthen coordination and collaborative arrangements with agencies of

similar objectives and civil society, so as to promote and foster strategic partnerships to fight corruption, abuse of office and administrative malpractices.

One observation about the IG Corporate Plan is that it was desegregated in level of departments, which enables quicker and clear focus on responsibility and expectation of each participating unit. It is also indicated that the plan arose out of a participatory and consultative process that enlisted a variety of stakeholders, which is important in giving support for implementation. The drawback, however, is that while it lays down its cardinal objectives, performance indicators and targets, it hardly offers clear detail on the particularity of the activities and tasks to be undertaken, as well as their corresponding specific time frames. It is also apparent that, the IG plan's successful implementation heavily relies on the outside partners and donors, whose compliance, especially with funding of activities is often sporadic.

Nonetheless, the research noted that both Corporate Plans from the IG and the OAG somehow have a link with the national development policies and priorities enshrined in the PEAP; in particular pillar two (2) which deals with *Good Governance and Security*. For example, both plans seek to develop capacity to strengthen their monitoring and ensure utilisation of PAF funds, especially in the local government sphere, which supports the PEAP and reconciles with national objectives. The premising of such plans on the sector-wide approach offers a vantage position for other partner support in their implementation.

5.8 CONCLUSION

The presentation and discussion of research findings in this chapter demonstrates that the external control agencies of the IG and the OAG exhibit mixed fortunes of institutional capacity. Despite the continued donor support and the high-stake of expectations of better outcomes from these two cardinal institutions in pursuit of enhanced accountability and effective public management, these agencies continue to be encumbered by a torrent of financial, human and material resources limitations, as well as deficiencies in the enabling legislation and support from various stakeholders. This creates a backlog of cases every year, a further strain on the

already existing meagre resources, a recipe for encouraging public malfunction, and a future threat to losing public confidence.

The battle against the ills of public sector ineptness can only be won through collaboration and support from different stakeholders. Whereas there was a great effort by the agencies of the IG and the OAG to engage local and international agencies to enhance institutional capacity, some institutions that are supposed to be partners in fostering accountability delay or completely ignore the IG and the OAG's recommendations. The courts, for example, take long to dispose of cases referred to them, and this adversely affects the effort of the IG.

The corporate plans of the IG and the OAG show a proactive approach to strategically improve future prospects in undertaking the cardinal objective of enhancing accountability and effective public management. However, the focus of the OAG corporate plan hardly takes care of the need to build and rejuvenate supplementary collaborative relations with other agencies and stakeholders. Given the sophistication of the means to obscure fraud and corruption, the IG and the OAG staff must be equipped with advanced and specialised investigative training to keep ahead of fraudulent practices. This calls for improved support from Parliament, the DPP, local authorities and the courts of law to augment the IG's and the OAG's capacity. It can be hoped that the establishment of a special anti-corruption court could help reduce the delays and provide appropriate corrective measures in support of accountability.

The institutional capacity limitations have a bearing on the IG's and the OAG's capabilities in fostering accountability in local government. Whereas this chapter has described the various aspects of institutional capacity, it remains to be discussed how the IG and the OAG *have operationalised and enforced legislation; how they have enhanced local government systems and processes; and how they have helped to facilitate the civil society* towards the enhancement of accountability in local government. These issues form the basis of the subsequent presentation and discussion in Chapters Six, Seven and Eight, respectively.

CHAPTER SIX

OPERATIONALISING LEGISLATION AND REGULATORY FRAMEWORK

6.1 INTRODUCTION

The second objective of this study was *to evaluate how the external control agencies have promoted the operationalisation and enforcement of legislations and regulatory framework pertaining to accountability in local government*. This chapter presents findings and discussions on how the IG and the OAG have executed their policy mandates towards enhancing accountability in local government, particularly, through the operationalisation and enforcement of legislation and regulatory framework relating to accountability.

The previous chapter (Chapter five) established that there is, indeed a conglomeration of enabling legislation and regulatory framework pertaining to promoting accountability in local government. The question, however, remains, as to whether these regulatory frameworks are enforced by the external control agencies and duly put into practice. And if so, what impact has it created on adherence to financial regulations; proper resource allocation and utilisation; discipline and adequacy of process in public offices; and if not, what are the factors responsible for the dysfunction? These issues set the pace for the rest of the discussion in the subsequent sections of this chapter.

6.2 OPERATIONALISING LEGISLATION AND REGULATIONS

There are various pieces of legislation and regulations that the IG and the OAG are mandated to operationalise and enforce, in a bid to enhance accountability in local government. The role of each one of the two agencies is analysed as follows.

6.2.1 Inspectorate of Government and operationalisation of legislation

The mandate to promote efficient and effective public management in public offices by the IG is derived from the Constitution of Uganda, 1995 (Art. 225[1]) and the IGA 2002 (s.8), which requires the IG:

- to promote and foster strict adherence to the rule of law and principles of natural justice in administration;
- to eliminate and foster the elimination of corruption, abuse of authority and of public office;
- to promote fair, efficient and good governance in public offices;
- to enforce the Leadership Code of Conduct;
- to investigate any act, omission, advice, decision, or recommendation by a public officer or any other authority to which this Article applies, taken, made, given or done in exercise of administrative functions;
- to investigate the conduct of any public officer which may be connected with or conducive to: abuse of office or authority, neglect of official duties, economic malpractices by the officer.

The research established that the IG has implemented legislation by the use of a two pronged approach in form of enforcement and preventive measures. The preventive measures reported include public awareness programmes, policy and systems studies, as well as surveys, monitoring and evaluation. Regarding enforcement mechanisms, the IG continues to carry out investigations into complaints of maladministration, corruption and abuse of office and authority, often raised by the public against the errant public officials. Where investigations reveal utter corrupt practices and abuse of office/authority the IG has often preferred arrest and prosecution of those implicated.

An analysis of complaints received against government departments/institutions over the years indicate that most complaints (over 40%) are against public officers in the local government administration sphere. These include district chairpersons, CAOs, district councillors, members of the DSC and head teachers, especially from primary schools. Table 6.1 below shows the distribution of complaints levelled against the different local government departments/units and category of officials.

Table 6.0.1: Local government units/ officials complained against from July 2006 – June 2007*

Unit/Category	No. Complaints July - December 2006	%age	No. Complaints January - June 2007	%age
District Administrators	177	46.3%	188	34.7%
Head teachers (Regional)	48	12.5%	120	22.1%
Municipal Town Councils	44	11.5%	79	14.6%
Local Councils	36	9.4%	57	10.5%
District Service Comm.	37	9.7%	25	4.6%
Sub-County Chiefs	13	3.4%	34	6.3%
Kampala City Council	8	2.1%	18	3.3%
Tender Boards (Regional)	9	2.4%	9	1.7%
District Educ. Officers	2	0.5%	8	1.5%
Parish Chiefs	7	1.8%	3	0.5%
District Engineers	1	0.3%	1	0.2%
Total	382	100%	542	100%

*Total complaints against all Government Departments. (Central and Local) was 875 and 1097 for Jul-Dec.06 and Jan-Jun.07, respectively

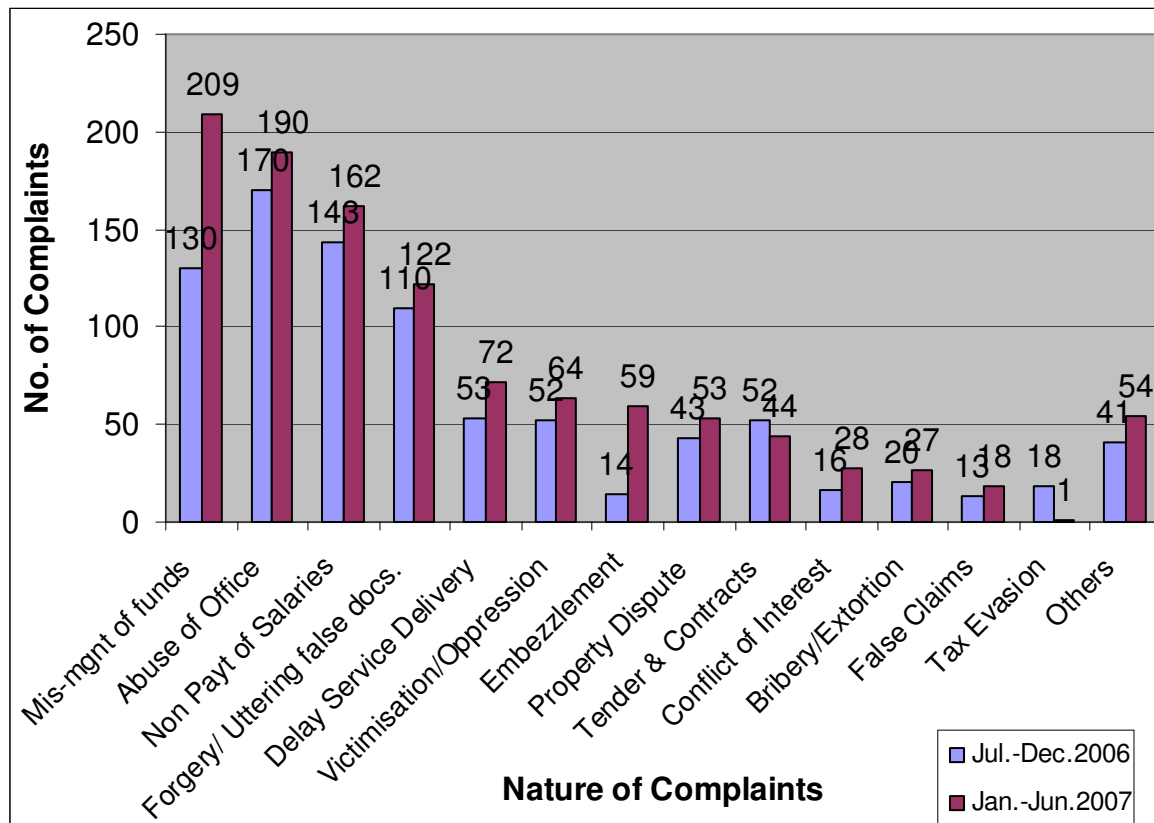
Adapted from: IG-Reports to Parliament, 2006 and 2007

If the total number of complaints against local government officials for the above two periods (382 and 542) are computed as percentages of the total complaints for all the government departments (875 and 1097), it shows that local governments accounted for 44% and 49%, respectively, of all the complaints investigated. This signifies serious lack of adherence to the law and established procedures, upon which, such complaints continue to be levelled against local government officials.

Complaints against district administrators rated the highest and mainly constituted non-payment of employee benefits, mismanagement and misappropriation of funds, abuse of office, influence peddling and interference in tender awards, victimisation and delay of service delivery. Complaints against primary school head teachers mainly included mismanagement and misappropriation of school funds, abuse of office, forgery and issuing of false documents. It was reported that the problems in

school management were due to poor supervision and monitoring of schools by school inspectors, poor bookkeeping and utterance of false papers. The figure below indicates the nature of complaints received during July 2006 – June 2007.

Figure 6.0.1: Nature of complaints received by the IG during July – December 2006 and January – June 2007*



* Total number of new complaints: July – December 2006 (875) and January – June (1097)

Adapted from: IG-Reports to Parliament, 2006 and 2007

The above figure 6.1 indicates an increasing level of complaints associated with mismanagement and misappropriation of funds, abuse of office, non-payment of salaries and benefits, forgery and uttering of false documents, delays in public service delivery, victimisation, embezzlement of public funds and conflict of interest. In spite of the effort made by the external control agencies, this scenario depicts an increasing failure to adhere to financial regulations, lack of proper resource allocation and utilisation, and low impact on enforcing discipline and adequacy of process. This also demonstrates that, either the existing legislation and regulatory framework is not yet fully operationalised or perhaps, it has inherent weaknesses.

Other than the investigation of complaints, there was evidence to show that the IG undertakes to implement the legislation and regulations pertaining to promoting accountability in local government, by way of enforcing the Leadership Code of Conduct. As already noted, the Constitution, 1995 (Art. 225[d]) and the Leadership Code Act, 2002 mandates the IG to ensure that specified public officers from time to time declare their incomes, assets, and liabilities and show how they acquired or incurred them. The rationale is to ensure that leaders declare their wealth, to make them accountable and to establish that the acquisition of assets was not through corruption. It also ensures that leaders adhere to minimum standard behaviour and conduct while conducting official duties, since the Leadership Code of Conduct prohibits conduct that compromises public service values such as honesty, integrity, impartiality, and imposes penalties to those that breach it.

The study established that leaders from district local governments had largely complied with the declarations to the IG as required, and the process of identifying those who had failed to declare was still ongoing. It was reported however, that the systematic verification of declarations, especially for the district chairpersons, CAOs, town clerks, and heads of departments and other specified officers was terribly laborious, and would take very long to complete, owing to the limited human resource and financial capacities. Verification difficulties are also compounded by poor records-keeping in other government departments, especially the Land Registry and Registry of Companies.

The other enforcement measure that implies the implementation of legislation by the IG is the prosecution of cases, involving corruption and abuse of authority in courts of law. As already noted (*c.f.* Figure 5.5), the IG from July, 2006 – June, 2007 was able to invoke its statutory powers, and caused the arrest and prosecution of at least fifty two (52) people for various corruption malpractices. Out of these 6 earned convictions, 5 acquittals, 1 dismissal, and 8 were awaiting judgment. Whereas the larger number of cases (40) remained pending in the courts due to cumbersome court process and other institutional deficiencies, it nevertheless, demonstrated the IG's resolute effort to promote accountability in public offices.

Another area of operationalising legislation and regulations by the IG is through the monitoring of the utilisation of PAF funds. While there was evidence to show that the IG's officers have continued to carry out PAF inspections in various districts and occasionally issues reports depicting severe cases of abuse, there are hardly any serious measures taken against the culprits. At best, the IG has often recommended sanctions against the officials implicated, to local government authorities or to the Police for further investigations and possible prosecution. This has not seemed to have yielded better results, as increased cases of impropriety and utter abuse of the fund continue to be reported in several agency and media reports, which shows that, probably, effective implementation of the existing laws and procedures is lacking. Matters are worsened by the lapses in the law that are often exploited by allowing convicted persons to pay small amounts of money as fines, which creates no deterrence to corruptive tendencies.

In a court case (**Uganda vs Balinda**) where the accused, an agent of Kampala City Council (KCC) was contracted to collect rates, he solicited and received a bribe of Shs 500,000/= corruptly. He was convicted and sentenced to one and a half years in prison or pay a fine of Shs 30,000/= (approx. US \$18). He paid the fine and walked home (IG-Report, 2007: 62). Another case (**Uganda vs Tabaruka James**) involved a public officer who was charged and convicted of corruption and abuse of office for soliciting and receiving a bribe of Shs 2,000,000/= in order to release a local purchasing order (LPO). However, the court sentenced him to either two years in prison or a fine of Shs. 300,000/= (Approx. US \$175) only. He paid the fine and was released (IG-Report, 2007: 62). Such weak consequences associated with poor sanctions and actions tend to condone misconduct. According to Pauw *et al.* (2002: 339), when the "perpetrators of corruption believe that, even if their misdeeds were discovered, the repercussions would not be strong, they can commit their unethical deeds with impunity".

Moreover, the aura of enabling legislation may simply be a definition of what appears in the books, rather than what actually happens in the peculiarities of executing the oversight job. While several enabling legislation oblige state institutions to offer support to the IG and the OAG, so as to ensure their independence, impartiality, dignity and effectiveness, many stakeholder agencies were reported to be less

vigilant in offering the required support. This reconciles with the observation of Gregory and Giddings (2000: 15) who maintain that “Ombudsman institutions remain predominantly dependant on bodies that appropriate their funds (executive or legislature) and other auxiliary agencies that they need to network with in the handling of public complaints”. These agencies, unfortunately, may not easily be compelled to comply swiftly, as required by watchdog agencies. This explains why, for example, when the IG refers cases to local government authorities to reprimand offenders or the DPP to spearhead court action, on some occasions these agencies have had to ‘take their time’ until such matters die out and are lost in oblivion.²⁴

Nonetheless, the IG investigations and recommendations against some defiant public officials have stood out to demonstrate the operationalisation of the existing legislation, especially where particular sections of the law are contravened. The following interpretations in view of the different cases of impropriety beg citation:

- The Chairman of Njeru Town, Mukono District was found to have misused his office for self-enrichment; was in conflict of interest and practiced favouritism and nepotism. He had interests in a company that was awarded a tender to supply assorted items; did not declare his interests in another family company in which he was a director, shareholder and signatory to the account, and was awarded a tender of refuse collection and disposal; all of which contravened the Leadership Code Act (2002: s.15 [1]; 8[1-2]; and 12[1]). The IG directed the chairman to vacate office, and was not eligible to hold any public office (elective or appointive) for a period of five years in accordance with the Constitution (2005: Art.235) and the Leadership Code Act (2002: s. 20[3]).
- The Town Clerk and Town Treasurer of Kabwohe, Bushenyi District were found by the IG to have flouted the LGFAR (1998: s.69, 86 and 113 [1]) for making irregular payments to contractors where the tender was not advertised; substandard work was done; payments were made in cash and not cheque as required by regulation; and there was no deduction of withholding tax before payment was made. The IG directed Bushenyi District authorities to submit the two officials to the DSC for dismissal for gross financial mismanagement and incompetence.

²⁴ Interview, Abon Muzamir, Director IG-Regional offices and Follow-up, 5th October 2007.

- The Chairperson Mukono DSC colluded with the acting district CAO to irregularly appoint a person in 2004 to the post of Assistant Secretary, with the DSC neither having advertised nor interviewed the person. The same person was irregularly promoted to Senior Assistant Secretary, before her confirmation in service, when she had only served one year and seven months of her probation period of two years. The IG recommended revocation of appointment, the dismissal and prosecution of the then acting CAO, and removal of the DSC chairperson for abuse of office and flouting regulations.
- An Engineering Assistant and Accounts Assistant with Ntungamo District owned a construction company which was awarded a tender to construct a health centre's maternity ward. The IG found both officers to have contravened the LGFAR (1998: s.79 [4]) which prohibits local government employees from conducting business, directly or indirectly with their employer. The IG directed the DSC to discipline the officers, and the construction company to be blacklisted by the district.
- The Chairman of Tororo Urban Tender Board participated in deliberations that awarded a tender to manage Tororo taxi/bus park to a company, while he was involved in its operations. This amounted to conflict of interest, contrary to Section 8(2) and failing to declare such interest contrary to Section 9 of the Leadership Code Act 2002. The IG found this as misconduct and recommended to Ministry of Local Government to ensure that the chairman is barred from holding any public office (elective or appointive) for a period of five (5) years, in accordance with section 20 (3) of the Leadership Code Act.

By invoking the relevant punitive measures to offenders, the IG makes a great effort to operationalise legislation pertaining to accountability in local government. Such measures go a long way to ensure discipline and adequacy of process, adherence to financial regulations, and proper resources allocation and utilisation.

6.2.2 Auditor-General and operationalisation of legislation

The cardinal objective of the OAG in Uganda is to essentially enhance the standard of financial accountability in the public sector realm. To execute this responsibility the

OAG must utilise, enforce and where necessary invoke the relevant legislation and regulations, as enumerated earlier in Chapter Five (*c.f.* section 5.5). In order, for the OAG to be effective in implementing the legislation relating to public accountability, it must be a strong and independent institution, and must derive strong support from the national Parliament and its standing committees relevant to accountability, which in principle, have to ensure implementation of the OAG's recommendations.

The research established that the OAG has implemented legislation by reaching out to LGs, through its regional branch offices, where they carry out financial and VFM audits and prepare audit reports; issue audit warrants (approval) of release of funds from the consolidated fund; establish that proper disbursements and accountability of funds are done; verify pension and gratuity papers of retired LG staff; identify any misuse, fraudulent practices and breach of financial regulations; and make reports to Parliament, for which they provide guidance to the Public Accounts Committee during discussions with various District Accounting Officers on issues raised in the Auditor-General's report. The undertaking of these has however, registered highs and lows. The summary provided in table 6.2 below shows the performance evaluation of the OAG's activities in LGUs for 2005/2006 financial year.

Table 6.0.2: Performance evaluation of the OAG's activities in local government for the financial Year 2005/2006

TARGET	PERFORMANCE	REMARKS
Prepare 1060 Audit Reports (56 Districts, 79 Urban and 897 Lower Local Governments) by 31 st March 2006	473 reports issued (73 Districts and Urban – HLG, and 400 LLG. 90 HLG and 479 LLG pending	Failure to meet targets due to: Late submission of accounts by Accounting Officers; delay of responses from Accounting Officers
112 Inspection reports/ interim management letters by 30 th June 2006	112 Inspection reports/ interim management letters issued	Inspections from interim audits were incorporated in annual management letters
672 Warrants issued by 30 th June 2006	All requested warrants issued	Some districts spend without warrants. There is lack of legal and procedural clarity regarding issuing of warrants to Municipal & Town Councils
To verify all files availed for pension verification	All files availed were verified	Accounting Officers are not prompt in submitting pension documents

Adapted from: OAG Policy Statement, 2007

The above performance evaluation indicates that a huge number of local government accounts (**569**) were not audited and completed within the statutory time limits, which contravenes the law. This implies lack of adherence to regulations. The OAG puts the blame on the delays of submission of accounts and responses by the accounting officers. The accounting officers also complain that the four-month period given is too short to prepare all final accounts properly from a huge number of local units and projects under their jurisdiction for submission to the OAG. It is also argued that sometimes there is late disbursement of funds from the central government, which in turn leads to late allocations and expending of the monies and the related late returns of accountability for the use of such funds.

Table 6.3 below provides a summary of status of compliance by the accounting officers in submitting accounts to the various OAG regional branch offices.

Table 6.0.3: Status of compliance/submission of accounts by accounting officers as at 31st October 2007

BRANCH	NO OF UNITS	COMPLIANT		NON- COMPLIANT	
		NUMBER	%	NUMBER	%
Fort portal	20	15	75	5	25%
Masaka	19	8	40	22	60%
Mbarara	22	22	100	0	0
Jinja	18	14	80	4	20%
Mbale	20	10	50	10	50%
Arua	17	-	-	-	-
Soroti	17	12	70	5	30%
Gulu	12	11	98	1	2%
Kampala	18	14	80	4	20%
KCC	1	5(out of 6)	90	1	10%
TOTAL	164	111	68%	53	32%

Source: Directorate of Audit (Local Government Accounts) OAG

It can be observed from the table above that accounting officers from Higher Local Governments (HLG) who submitted accounts in compliance with the statutory time of 31st October 2007 had a total of 111 (68%) out of 164 units. Accounts from 53 (32%) HLG were not been submitted to the OAG for audit as per the statutory time,

implying a contravention of the law. The law requires LG accounting officers to submit final accounts to the OAG within four months after the closure of the financial year on the 30th day of June. The last day for submission therefore, falls on the 31st of October.

Besides, the OAG has not been able to audit the activities undertaken in districts relating to the use of poverty alleviation funds (PAF), to which it is mandated. The PAF was set up to provide one route of attaining the objectives of the Poverty Eradication Action Plan (PEAP). The Auditor-General acknowledged that his agency has not been able to adequately audit the PAF (OAG-Policy Statement, 2007).

Due to the large number of projects undertaken under PAF in all local governments, including sub-counties, Town Councils, Municipalities, Districts and Central Government Ministries and Departments, the OAG has found it difficult to satisfactorily cover all the areas due to inadequate resources.

This means that billions of Uganda shillings, which are invested into these projects every year, hardly, receive a critical evaluation of their value and net-worth in terms of service delivery. In this case, it becomes rather difficult to invoke the relevant provisions of the law, since the process of identifying financial impropriety cannot be fully informed and meticulously operationalised.

The three poor and rural districts of Kasese, Kabarole and Kyenjojo alone had failed to account for over shillings 10 billion from 2000/2001 to 2005/2006 financial years, according to an official from the OAG. Kasese district failed to account for Shs5.2 billion followed by Kabarole with Shs3.1 billion and Kyenjojo with Shs1.9 billion, which money included unaccounted for or un-recovered advances and other questionable expenditures (The Daily Monitor, 2007: 8). According to the OAG official, the figure would be higher if other financial irregularities like excess expenditure, diverted deposits, un-authorized transfers and under performance, were all to be considered. "If we go by this trend, over Shs. 300 billion would have been misused in the whole country," the OAG official said (The Daily Monitor, 2007: 8).

The analysis of local government audits made by the OAG reveals, on the one hand, serious breach of financial regulations by a good number of districts, and on the

other hand, it indicates an effort by the OAG to operationalise legislation, by uncovering a wide range of financial and unethical scams that contravene the law.

Table 6.0.4: Analysis of local government audit opinion issued by the OAG for financial year 2004/2005

Local Govt Unit	Opinion Type	Basis of Opinion
Kasese District	Qualified-Except for	<ul style="list-style-type: none"> Authenticity of the advances given out of Shs. 738,945,911 could not be verified due to lack of updated advances ledgers Vouchers for expenditure of Shs. 161,300,000 were not availed for audit to ascertain its genuineness. Fraudulent withdrawals of Shs. 15,200,000 were made on Management & Support Services Bank account & there was no follow up on the matter A total of Shs. 567,624,281 administrative advances remained unaccounted for by the time of audit.
Masaka District	Qualified-Except for	<ul style="list-style-type: none"> Expenditures of Shs. 248,684,956 had no accountability availed for audit purposes. Shs. 5,598,732 was paid to a local firm for construction of a pit latrine at Bulingo, but the work done was shoddy as evidenced by collapsing walls during physical inspection.
Sembabule District	Qualified-Except for	<ul style="list-style-type: none"> A total of Shs. 66,000,000 was lost through inflating contract price awards to various local contracts under School Facilitation Grant (SFG). District councillors were paid a total of Shs. 26,565,000 in form of sitting, transport & night allowances for council meetings which never took place. Shs. 20,696,017 released as conditional grant (PAF) from Central Govt. was diverted and used to purportedly settle outstanding fuel bills, contrarily to regulations, and fuel consumption documentation could not be produced. Shs. 24,888,390 was paid to providers, but details of services provided and the relevant supporting documents were lacking.
Mbarara District	Qualified-Except for	<ul style="list-style-type: none"> Loans/personal advances of Shs. 62,766,617 granted to various individuals were outstanding at year-end; were granted interest-free and not backed up by any securities.
Ntungamo	Qualified-	<ul style="list-style-type: none"> Contrary to the LGA, 1997, a total of Shs. 122,722,625 was spent in excess of the 20% of



District	Except for	<p>locally generated revenue allowed, to settle emoluments of Chairperson and Councillors.</p> <ul style="list-style-type: none"> • Advances of 43,123,375 made to various officers were not retired during the financial year to which they relate, contrary to the LGFAR, 1998. • Remittances of Shs. 39,994,727 to lower local governments as their share of local revenue collections had not been made by end of year, contrary to the LGA, 1997.
Mbale District	Adverse	<ul style="list-style-type: none"> • A number of cheques worth Shs. 3,285,920,300 and deposits worth Shs. 892,724,195 had not been presented and credited, respectively, by the district's bankers. So the balance sheet reflected wrong figures. • Shs. 92,225,957 advances appearing on the balance sheet represented most items that have been standing in accounts for years. Their values were overstated as their recovery or retirement was remote. • Shs. 109,211,873 of the UPE grants were removed from UPE account to another account purportedly for purchase of school materials, but the transactions and accountability of the money had not been availed for audit.
Mukono District	Qualified-Except for	<ul style="list-style-type: none"> • Control and management of personal advance to staff was poor as part of Shs. 27,369,228 was granted to persons who had not settled previous debts, contrary to regulations. The rate of recovery was only 37%. • Shs. 6,900,000 was paid to an officer to monitor SFG activities but no monitoring reports were available for audit. • Administrative advance of Shs. 45,342,718 given to Clerk to Council had not been accounted for, over six months well after the end of financial year.
Arua District	Qualified-Except for	<ul style="list-style-type: none"> • The district retained Shs. 201,569,193= unused by end of year without permission from Ministry of Finance, contrary to PFAA. • The district incurred expenditure of Shs. 311,561,216= in excess of approved budgetary provisions for various departments without the required authority. • Shs. 34,858,650= administrative and imprest advances remained unaccounted.

Source: Directorate of Audit (Local Government Accounts) OAG, 2008

Despite the above opinions and reports from the OAG, there is continued flouting of the legislation and regulations by district LGUs. This continuous trend suggests that, either the law or the corresponding penalties are weak, or there is lack of serious commitment to apprehending culprits, all of which lead to deficiencies in enforcing legislation.

As far as establishment and review of legislation are concerned, the OAG has pushed for the enactment of the Audit Bill into an Act, which promises to provide stronger operational and financial independence of the OAG, which is necessary to strengthen its position as a supreme audit institution in Uganda. All along, the OAG has had to depend on the Ministry of Public Service for its staffing needs, and remuneration of staff has been based on the general public service salary scale, which is very low and does not take into consideration the highly sensitive and peculiar nature of the auditors' work. According to the Constitution of Uganda (Amendment Act, 2005: s.33) the Auditor General, in consultation with the PSC is permitted to recruit, promote and discipline his/her own staff. The enactment of the Audit Bill will help operationalise a better remuneration of staff; engagement of private sector auditors to assist the OAG in performing its functions; rights of access to classified expenditure; and the establishment of the Audit Board. This review process spearheaded by the OAG is critical for the implementation of legislation and the enhancement of accountability.

6.3 CHALLENGES OF OPERATIONALISING LEGISLATION

The greatest challenge, and indeed dilemma, in operationalising legislation is the feeling expressed by various senior local government officials who think that the IG and the OAG are often biased in their investigations, and that they go out to haunt public officials for any frivolity or trivial mistake they commit, for which stringent action is recommended against them. Hanekom and Thornhill (1986: 112) warn that, "the impression that the auditor focuses only on mistakes should not be created", otherwise the credibility of the control mechanism is put to serious questioning. The following statements captured from senior local government staff reflect this frustration.

For any small error of omission, commission, or inconsistency in procedure, can land you in jail or tarnishing your name when the IGG recommends. Sometimes you are not even consulted to give your side of the story.²⁵

The approach of IG officers is in many cases poor. Sometimes someone makes a wild allegation, and off they come. They waste a lot of time and resources on trivial matters, and cause a lot of stress to individuals. Some members of the IG collude, threaten and fight other people's wars. Sometimes they come to pursue cases when they are not abreast with the simple information on how the systems operate. Someone coming to investigate, but doesn't know the system and hasn't researched, and it is here that you tell him that, have you seen this circular or guidelines?²⁶

While I am satisfied with what the IG is doing so far, they need to increase on their vigilance, instead of being reactive – acting on complaints all the time, they should carry out periodic checks. Even the OAG, other than waiting to audit final accounts, they could periodically look at the books with the view of helping districts – not incriminating them.²⁷

People just believe that there is corruption in all local governments whereas it is in isolated cases. Audit queries are wrongly perceived as corruption and the media blows this out of proportion – misreporting. Sometimes these are cases of mis-auditing, but a wrong impression is created that money was embezzled when in actual fact it is not.²⁸

Indeed the annual reports from the IG and the OAG to Parliament, which were reviewed by the researcher, revealed continued castigation of local government officials for flouting the rules and procedures and being wasteful. It was apparent in the reports that the preoccupation of the IG and the OAG have been largely on how public officials adhere to rules and procedures, rather than on evaluating their performance targets, especially in view of the conditions and systems under which

²⁵ Interview, Kikaawa, Chief Finance Officer, Mukono District, 5th November 2007.

²⁶ Interview, Ssegawa, Chief Finance Officer, Luwero District, 7th November 2007.

²⁷ Interview, Kirenda Nelson, Chief Administrative Officer Luwero District, 7th November 2007.

²⁸ Interview, Waibi, Chief Finance Officer, Mbale District, 31st October 2007.

the public officers operate. Yet as Daly (1987: 119) argues, “strict adherence to the rules and better reporting procedures do not automatically lead to performance”. Ultimately, accountability is not just a technical issue, such as better reporting systems. It is the content of the reports and the performance which accrues – that is critical. The focus of accountability should thus, be the need for continuous improvement in performance, not simply procedures.

Aucoin and Heintzman (2000: 53) blame this on too great a focus on accountability as a *control* or *assurance*, which undermines the third purpose of accountability – of *continuous improvement*. The authors observe that this scenario arises out of the overzealousness with the oversight agencies to search for any evidence of mal-administration to justify their own importance; or the practice of the mass media to sensationalise and exaggerate some public service deficiencies in order to promote their houses. Most challenges faced in implementing laws and regulations arise out of institutional capacity deficiencies facing external control agencies that were, generally discussed earlier in Chapter five. The following deficiencies, however, deserve emphasis.

6.3.1 Lack of support from stakeholder agencies

Some institutions and agencies that are supposed to partner with the IG and the OAG deliberately or inadvertently ignore to pursue further, the cases investigated and recommended to them. The cardinal institution that ordinarily bears the wherewithal is the legislature – the people’s representatives – under whose authority, all government executive agencies are supposed to subscribe, on behalf of the people. While the reports and recommendations from these agencies are regularly laid before Parliament, the Parliament has on many occasions exhibited a rather, lukewarm enthusiasm in securing their implementation, which renders the laws ineffective, demoralises the reporting institutions, and squanders opportunity to better public sector governance. The need to consider reports timely and exhaustively by the relevant authorities is underscored by Hanekom and Thornhill (1986: 115) who argue that “if the compilers of reports know that they are to be analysed in detail, they are often encouraged to provide a faithful review of their activities”.

Other agencies that sometimes renege on giving support to the IG and the OAG include the Police's CID and the DPP – which sometimes foil further investigation and prosecution of seemingly clear cases of criminal nature; the courts – where problems of delays and hostile witnesses are encountered; and local government authorities – who often take unnecessarily long to respond to queries, to provide the required information and delay or ignore to implement recommendations.

6.3.2 Financial and human resources limitations

It can be emphasised once more, that the inadequate funding of the IG and the OAG, in lieu of their respective workload schedules and cost of operations, as described in Chapter Five (section 5.1), militates against the successful implementation of the legislation and regulations pertaining to promoting accountability in local government. Matters are worsened by the understaffing levels, especially at the regional branch offices, caused by the recent creation of new districts, which has led to high officer/workload ratio and the ever-increasing backlog of cases/work. The high turnover of staff, especially lawyers and experienced prosecutors at the IG, and loss of trained staff who complete professional accounting programmes at the OAG, owing to insufficient remuneration, spells out the inability to effectively implement legislation.

6.3.3 Resentment by “powerful” government officials

The other challenge has to do with resentment of the external control agencies by, especially the politically “well-connected” government officials, which culminates into conflicts and confrontation that weakens the watchdog institutions. Several top government officials, including cabinet ministers and district chairpersons have been embroiled in bitter exchange of words accusing these agencies of being petty and incompetent. One case in point is the Minister of Local Government, Major General, Kahinda Otafiire, who accused the IGG that “she could have taken a glass too many before writing a report that implicated the minister for meddling in a tendering process” (The Daily Monitor, 2006: 2). There have also been law suits that constantly challenge the powers and jurisdiction of the IGG where, ironically, the

challengers are supported by top government officials. President Museveni and the Attorney-General once swore an affidavit in support of an individual public official (Kakooza-Mutale) in a court case against the verdict of the IGG. Whereas there is nothing bad per se to challenge the decisions of any watchdog institution, the scathing hostility exhibited leaves a lot of bruises in form of contempt and animosity against the watchdog agencies.

6.3.4 Jurisdictional limitations

Jurisdictional limitations provide another challenge. The agencies of the IG and the OAG are established and bound by law, which prescribes their mandates, powers, specific functions, relationship with other agencies, and independence, which are laid down in their parent statutes. While they can investigate, audit, query and pass verdict on the performance of any public entity, they often have no powers to overturn the results of poor administration and managerial malfeasance. Bernt and Owen (2000: 138) indicate that, even in highly acclaimed Western democracies like Canada, the provincial ombudsmen can only afford a wide range of remedial recommendations, but with relatively weak mechanisms to enforce them. At best, they can only forward reports to higher authorities within the governmental jurisdiction. This means that the enforcement of IG and OAG recommendations sometimes lay on the voluntary will of other government bodies, such that if they chose to ignore them, they may as well be of no consequence.

6.3.5 Weak/unenforceable legislation

Some laws and regulations have been found to be wanting or unenforceable, requiring review to either strengthen them or to repeal them. As earlier noted, the law is apparently lenient when it comes to sentencing convicts, as the option of paying paltry fines is always exploited, thereby creating no deterrence to corruption and abuse of office. This situation is in harmony with the view of Pauw *et al.* (2002: 339), who state that “weak consequences cause would-be perpetrators of corruption to believe that they are not likely to be found out”, and that, “even if their misdeeds were to be discovered, the repercussions would not be strong”. In Uganda’s case, weak consequences are associated with the weak law that allows poor sanction and

action against misconduct. In this case, the existing control and preventive mechanisms to unethical behaviour may not pose much threat to the perpetrators.

There is a problem with the law (LGA, 1997: 1st schedule s4) which restricts LGs to using no more than 20% of the locally generated revenue to settle emoluments and allowances of the district executives and councillors. District CAOs interviewed complained about the local revenue base that remains too small since the central government retained all the buoyant sources of revenue. Matters were worsened by the abolition of graduated tax (poll tax) and the new local service tax faces stiff resentment and administration challenges. The totals of what is collected locally by districts remains too low, and curving out a paltry 20% to remunerate the local executives does not only frustrate their effort to enforce accountability on others, but actually makes them fall prey to engaging in corruptive tendencies.

One other area of the law that is largely flouted and not easy to enforce, is the Leadership Code Act 2002 (s.10 [1-4]), which requires leaders to declare a gift or donation received on any public or ceremonial occasion or commission on any transaction to the IG. Several respondents from LGs interviewed, could not remember having declared such gifts or donations, yet they recalled presiding over several ceremonies where such *souvenirs* were given. For the whole of 2006 and 2007, only two public officials countrywide (the IGG herself and a URA officer) had declared such gifts (IG-Report, 2007: 55). Furthermore, the Leadership Code Act 2002 has not yet been simplified to enable its proper understanding by the various categories of public officials affected by it. Its rationale, motives and operation have not yet been articulated by the IG, especially to LGs. It was established that the existing operations manual of the Leadership Code of Conduct is not well elaborated, updated and not easily accessible.

The meeting of JARD (2006) noted that a number of laws predate the present era of decentralisation, and even though they may not be in contradiction, they are not entirely supportive to the process of downward accountability. It was acknowledged that although the LGA, 1997 had been largely effective, it contains a number of weaknesses that need addressing. These include the overemphasis on political

issues as compared to administrative issues; the absence of alternative dispute resolution mechanisms in cases of conflicts (e.g. within the council, or between political and administrative arms); the absence of guidance on how line ministries can reprimand LG staff on failure to implement national policies and laws; over emphasis on rural councils as compared with urban councils; and the absence of definitions regarding operational relationships between HLGs and LLGs, especially with regard to the link between the district and town councils (JARD, 2006).

It was noted that the effective implementation of the LGA, 1997 required the development of regulations that would provide further guidelines for the implementation of the various services and functions entrusted to LGs. Whereas the LGA, 1997 sets out functions and services, it does not, for example, give details on the nature and extent of services to be provided, guidance on implementation, and the role of LLGs in implementing delegated functions (JARD, 2004: 18). Although local governments have legislative powers, the formulation of ordinances and by-laws to assist in the local enforcement of national laws and policies has been very minimal.

6.3.6 Weak internal systems and processes

The systems and processes within the local governments have also been found to be feeble and incapable of pulling forth support to the external control institution's implementation of the laws and regulations before them, in the enhancement of accountability. Other than having serious lapses in financial control and human resource management, monitoring and evaluation of resource utilisation, the districts' employment and organisational systems have, recently been associated with:²⁹

- reshuffles, transfer and exit of top administrators, which have caused non-implementation of IG and OAG recommendations, as incoming officials claim not to have the necessary information about the matters in question;
- lack of strong legal background personnel in local governments to interpret and advise on the implications of various acts of omission and commission, let alone defending them in cases arising from IG and OAG recommendations;

²⁹ Interview, IG and OAG officials on the limitations they face while trying to enforce legislation in districts, October – November 2007.

- action authorities/officers in LGs still take some forms of corruption and abuse of office lightly, and as a result, they modify the IG and the OAG recommendations into very light punishments to offenders;
- insufficient knowledge, low appreciation, and misinterpretation by local governments on the functions of the IG and the OAG, and the relevant laws and procedure applicable in implementing their recommendations.

6.4 CONCLUSIONS

The presentation and discussion in Chapter Six have testified that indeed the IG and the OAG have exhibited great effort in enhancing accountability in local government through their operationalisation and enforcement of legislation and regulatory framework pertaining to accountability. The greatest dilemma in their efforts was identified as their overzealousness in searching for any possible wrong or evidence of maladministration to justify their own importance and to exaggerate some public service deficiencies in order to promote their indispensability. This is attributed to too great a focus on accountability as a *control* or *assurance* which undermines the third purpose of accountability – of *continuous improvement*. Other impediments to IG's and the OAG's operationalisation of legislation include lack of support from stakeholder agencies; financial and human resource limitations; resentment by some government officials; jurisdictional limitations; weak and unenforceable legislations and weak systems and processes within local government.

It should be noted that the IG and the OAG are partly to blame for the missing link, between themselves and the LGs with regard to lack of awareness in LGs concerning various legal implications of matters pertaining to accountability, the proper procedures to undertake, the appropriate standards of ensuring effective resources management and utilisation, and generally, the lack of knowledge on the rationale and functions of external control agencies. It is for this reason that the researcher sought *to examine how the external control agencies of the IG and the OAG have enhanced local government systems and processes towards accountability*, as enshrined in the third objective of this research.

CHAPTER SEVEN

ENHANCING LOCAL GOVERNMENT SYSTEMS AND PROCESSES

7.1 INTRODUCTION

The control function and the associated control systems and processes in administration were generally described in Chapter Two (*c.f.* section 2.7) of this thesis. Similarly, the structure and nature of the local government system in Uganda and the associated control mechanisms were discussed, elsewhere in Chapter Four. This chapter presents the findings and discussion of the third objective of this study, which sought to *examine how the external control agencies of the IG and OAG have enhanced local government systems and processes towards accountability.*

This chapter first provides highlights on the different dimensions of systems and processes within the framework of organisation theory and management. It then, reviews the systemic weaknesses prevalent in local government units in Uganda, which provides the basis for evaluating the significance of the external control agencies' interventions.

7.2 HIGHLIGHTS ON SYSTEMS AND PROCESSES

It can be emphasised that weak systems and processes are a harbinger for poor accountability and public institutional decadence. Weak systems tend to be associated with organisational structures that do not offer clear description of responsibilities and do not spell out clear lines of authority, communication and accountability (Pauw *et al.*, 2002: 338-339). Similarly, the employment systems tend to be associated not only with poor working conditions, but also with appointments based on irregular considerations like nepotism and political allegiance, as opposed to merit and professional competence. This renders public institutions rather weak and incapable of pulling forth accountability and other ethical virtues.

The systems of “pro-ethics and accountability” regimes include: *employment and organisational systems* on the one hand; and the *financial management system* on the other hand. Preventing the development of weak systems and the process of

enhancing control systems, therefore, requires a multifaceted approach to tackle matters of human resources and financial management. These include (Pauw *et al.*, 2002: 343):

- *employment systems* (human resources management) – involves procedures which employ only individuals with requisite job qualifications, establishing clear job descriptions, work standards and suitable conditions of employment, codes of conduct, training and development;
- *organisational systems* – which involves the establishment of an efficient and effective organisational structure with allocation of clear lines of authority, responsibility, communication and accountability, and;
- *financial management systems* – which involves building formidable sub-systems and processes of accounting, budgeting, cash flow, stock control, procurement, auditing, and reporting.

Thus, the nature and character of the organisational, employment and financial management systems are critical in evaluating the performance and accountability rhythms of any institutional establishment.

7.3 SYSTEMIC WEAKNESSES IN LOCAL GOVERNMENT UNITS

The challenges in implementing the decentralisation policy in Uganda's local government were identified to include coordination and supervision mechanism; harmonisation of guidelines; local revenue generation; citizen participation; relations between implementers and policy-makers; lack of adequate capacities; inadequate accountability; institutional collaboration; service delivery; budgeting and planning process; fiscal decentralisation; reporting; and statistical data management (JARD, 2006: 18). All these aspects or lack thereof are associated with weak systems and processes, and have a bearing on the successful implementation of control mechanisms to enhance accountability in local government.

Continued reports from the IG and the OAG relentlessly castigate the local government internal systems and processes of being weak and propagating grounds for corruption and lack of accountability. Various inspections and investigations into

the activities of different districts in Uganda have revealed the existence of the following (IG-Report, 2007; OAG, 2007; NIS, 2003):

- endemic mismanagement and misappropriation of funds, especially funds relating to poverty alleviation (PAF);
- poor monitoring and supervision of projects;
- substandard work done by some contractors who compromise quality of work and timely completion. This normally occurs when a contractor shares money with the councillors or civil servants; or where the local government official is disguisedly the contractor/supplier and therefore, supervisor/ supervisee;
- inadequate human resources skills in financial management and other technical areas like engineering, surveying, human and veterinary medicine, agricultural production, planning, accounting, and law;
- irregular recruitment and appointment of staff based on sectarian and political/ ideological considerations;
- forging of documents by applicants for jobs, especially by teachers and tenderers for works, goods and services;
- perpetuation of irregular award of tenders and contracts; and,
- delay of service delivery.

Other vices associated with the above include: sheer fraud, conflict of interest and abuse of office, victimisation and non-payment of salaries and other benefits. It should be noted that these weaknesses are part and parcel of the inherent organisational, human resources and financial management systems. Following below is the presentation and discussion of these facets, as established by this research study, and in relation to the notion of accountability in Uganda's local government sphere.

7.3.1 Organisational systems

The research established a number of specific inconsistencies within the local government organisational system, which create a fertile ground for defective accountability and poor service delivery orientations. Whereas the prime political motive for the decentralisation policy in Uganda was to reorient democratic

governance in sharing power and popular participation, the economic arguments of increased effectiveness and efficiency resulting from this policy in local government have so far received less explicit attention (JARD, 2004: 3). The creation of new districts, many of which are not economically viable has increased administrative costs for running the local governments. Crook (2003: 13) contends that, the clamour for new districts in Uganda “is used by the presidency as a device of manipulating rival ethnic groups to consolidate political power position, under the guise of trying to assuage ethnic nationalism”. Whether the new districts’ agitation represents a genuine need to extend the sharing of the ‘national cake’, and to take services ‘nearer’ to the people, in a situation of underfinanced and ineffective local authorities, the concern remains that it is simply a matter “spreading the jam too thinly” (Crook, 2003: 10), which only serves to undermine effective service delivery and accountability.

There has been consensus during the national forums for the Joint Annual Review on Decentralisation (JARD) in Uganda on the fact that the principles and objectives of decentralisation are still insufficiently understood by many actors within the local government sphere. Some people even subscribe to a misguided interpretation that decentralisation is about creating fully independent, autonomous units, as “states within a state”, an attitude further reinforced by the observed trend to employ within local governments “sons and daughters of the soil” (JARD, 2004: 13). For example, different structures and relationships between the elected members (politicians) and appointed officials (public servants) have degenerated into a scramble for local influence and local power, personal ego-building and building of small *client networks*, at the expense of national unity and accountability cohesion.

There is a problem in the coordination of local government supervision, mentoring and inspection on the basis of set policies for service delivery and quality standards. Apparently, there are too many levels of control with vast accountability requirements and modes of quality standards, which include elected political executives, and legislators, line ministries, local supervisors, central government inspectors, external auditing agencies, co-workers, and the general public. Some central government line ministries for example, have gone beyond supervision and standard setting to

establishing administrative staff structures at the local government level (JARD, 2004: 17), which are not only in conflict with the existing structures in local government, but also confuse the accountability relations. Despite the existence of multiple accountability structures within local government in Uganda, administrative, political, and financial malfunctions alluding to poor accountability have continued to exist, suggesting, deficiencies in organisational-structural arrangements. Commenting on the multiple accountability requirements, Romzek (2000: 22) avers that it can constitute a big problem to public officials, as sometimes “it is unclear which of the focal points or sources of expectations constitutes the most legitimate source of authority for a given situation”.

Other discrepancies that were found to affect accountability relationships within the local government sector practices include:

- *Education sector* – where the central government has continued to centralise management of secondary education contrary to the LGA, 1997; it still engages in procurement of instructional materials in districts, and centrally recruits engineering assistants who certify works for LGUs, which undermines the role of the district CAO as accounting officers.
- *Health sector* – where health sub-districts are established, commonly at county level, which is an administrative unit and does not directly report to an established council of a local government.
- *Roads sector* – where staff that work through technical support units, are engaged in the execution of district road works contrary to the mandates given to local governments in the LGA, 1997.
- *Water sector* – where for urban water supply, the sector reforms empower the central government Ministry of Water to appoint a water authority, which is not necessarily the Urban Council, and hence, has the potential of compromising the service delivery mandates of urban councils.

Several senior public servants interviewed by the researcher deplored the over-emphasis on political issues such as electioneering and representation during the policy-making process, as compared with setting sound administrative and managerial processes to improve local government organisation. It was reported that

the operational relationships between HLGs and LLGs, especially with regard to the link between the district and town councils, are not well defined, which causes several intergovernmental frictions and gaps to accountability.³⁰ The absence of alternative dispute resolution mechanisms in case of conflicts (for example, within the council, or between political and administrative organs) was also reported by the district public servants.

Some sector departments till recently were more pre-occupied with communication to the respective line ministries at the centre rather than the relevant organs within the local government. Besides, reporting between the different communication lines within some local governments was reported to be poor, and in many cases when it happens, it mainly focuses on inputs (amounts of resources used) rather than outputs and outcomes (realisations) (JARD, 2006). In addition, due to the limited literacy levels of some of the elected officials, especially at lower local council levels, the packaging of information does not favour easy internalisation and leads to the question as to the value of the contribution of these officials to the whole local government process (JARD, 2004: 10). This affects the reporting and communication mechanisms of horizontal accountability within local government.

The point of concern regarding the above issues is that, the external control agencies of the IG and the OAG often ignore the organisational-structural complexities of local government systems when making a review of LGs' performance. Yet, in actual sense, these organisational structure deficiencies make the pursuit of accountability difficult. Thus, the emerging challenges associated with the inability to maintain coherence and effectiveness in the established local government structures, coupled with the inadequate guidance on service delivery standards, makes the role of external control agencies, rather, superfluous in the enhancement of accountability.

³⁰ Interview, Ssegawa, Chief Finance Officer, Luwero District 7th November 2007

7.3.2 Human Resource management systems

Aspects of the Human Resource management systems studied and discussed in this section include recruitment and promotion, remuneration and emoluments, performance evaluation, training and capacity building, and the disciplinary process.

7.3.2.1 Recruitment and promotion

Recruitment and promotion in the public sector are often alleged to be infested with influence peddling, especially from the political-clientele orientations. Owing to the fact that the constituencies of public organisations tend to be political, efficient and professional management styles, especially in poor countries, are often compromised for political expediency. Referring to the institutional dilemmas of poor nations, Kakumba and Kuye (2006: 813) aver that “it is no exaggeration that several managerial, technical and proficiently demanding appointments are made in the interest of enlarging the political base for the wielders of state power”. The National Integrity Survey (NIS) conducted in Uganda in 2003, indicated that only 53% of the respondents in the public sector, definitely, said that neither political officials nor their appointees had an influence in their appointment or promotion. This means that 15% of the respondents who admitted that there was some influence, and 32% who claimed not to know, were on the basis of informal discussions, in fact “yes” responses (NIS, 2003: 96).

The separate personnel system of decentralisation in Uganda has meant that district public servants can no longer have the option of transfer to another district or promotion to headquarters or line ministries³¹. It has been noted over the years that district civil servants are exposed to pressures from district political cliques, and are often cautious not to annoy or embarrass council members, who repeatedly wield a lot of influence in their appointment and promotion.

Political influence over the DSCs, which results in discriminatory and corrupt recruitment practices has been rife, as nepotism in the district civil service appointment and promotion – of ‘sons and daughters’ of the soil – is questioned

³¹ The exception to this are the positions of the District CAO, Deputy CAO, and Town Clerks, who after amendment of the Constitution (Article 188) are no longer appointed by the DSC, but the PSC and the line Ministry of Local Government can transfer or interdict them.

against the possibility of attaining a quality of personnel that can pull forth accountability requirements (JARD, 2006; Kakumba, 2003; MISR, 2000; Lubanga, 1998). The DSC is appointed by the District Council on recommendation of the District Executive with the approval of the PSC. Despite the high expectations of integrity and high moral character in the DSC, the appointment arrangement makes the DSC vulnerable to the whims of local politicians who appoints it, and it is therefore, practically difficult to detach it from unwarranted local pressure. This has culminated into influence peddling and constant lobbying, which evades the autonomy of the DSC. When the civil servants were asked as to how far true is the allegation that the DSC is externally influenced in recruitment and appointment of civil servants, at least 65.6% admitted that external influence exists. only 6.3% were emphatic it does not exist, while 28.1% were evasive and did not want to commit themselves (Kakumba, 2003: 63).

While the law was later amended to have the top district civil servants appointed by the central government, the questions on accountability remain largely unanswered. The JARD conferences, for example, have noted that the recentralisation of the appointment, transfer and retirement of district CAOs, DCAOs, and town clerks continues to generate concerns regarding the extent to which they can be responsible and accountable to the district councils – who cannot easily reprimand them since they no longer hire them (JARD, 2006: 12). Besides, career development in the local government service continues to disillusion public servants, with concerns over the lack of upward movement in their career development, because of the current local government structure that limits promotion to one or two levels.³² Several respondents voiced concern that in the service of a local government it is not only the same position and level, but also the salary scale gets ‘stunted’.

The point of concern is that the reports of external control agencies of the IG and the OAG hardly evaluate these systemic anomalies vis-à-vis the accountability situation in local government. Their concentration is, rather on the symptoms than the causes of the problem.

³² Interview, Mukasa Fred, Principle Personnel Officer, Luwero District, 7th November 2007.

7.3.2.2 Remuneration and emoluments

The gap between the actual wage bill and the funds available to local governments remains a pertinent issue undermining the effective human resources retention, employee performance and commitment to fostering accountability. This issue has remained unresolved over the years, despite having been raised at different forums, and in spite of the fact that, the wage component currently consumes almost all the monies sent to districts under the vote of unconditional grant (JARD, 2006: 11).

The salaries for local government staff are oriented towards the central governments' public service spine scales. Although, district authorities determine some other emoluments for staff, these are largely restricted by the limited financial resources available to local authorities. Like in central government departments, the local public servants' salaries remain low and have not been adjusted for a long time to take into account the rising inflation and cost of living. District chairpersons and CAOs interviewed by the researcher, expressed great dissatisfaction over the public service salaries, which are not commensurate with the unique local conditions and magnitude of work in different localities. For example, a Senior Personnel Officer in U3 salary scale earns about Shs. 720,000/= (US \$424) as a consolidated package per month, while the Principal Personnel Officer in U2 earns about 860,000/= (US \$506) per month³³. The situation is worse for the lower category of public servants, many of whom earn less than Shs. 200,000/- a month. The low salaries and the poor motivation no doubt continues to affect the districts' capacity to retain and effectively utilise the existing human resources.

On the side of elected officials, the emolument of district executives and councillors is not supposed to exceed 20% of the district's locally generated revenue. This in absolute terms represents a small amount of money, given the limited local revenue base, accentuated by widespread poverty and low productive capacity, especially in rural districts. Matters have been worsened by the abolition of graduated tax (which averaged over 70% of local revenue), and the fact that the central government retained all the lucrative sources of revenue. Analysis of the budgets of several

³³ Interview Twikirize Charles, Ag. CAO Mbale District, 31st October 2007 & Mukasa Fred, Principal Personnel Officer Luwero District, 7th November 2007.

districts in 2002 revealed that they could only collect an average of 7% locally, to finance their budgets (Francis and James, 2003: 330). The four district chairpersons interviewed by the researcher, deplored the current state local revenue that could not enable meaningful motivation and facilitation of district officials to effectively undertake their mandated duties. The Chairman, Mbale District reiterated this position very well:

There is declining morale due to inadequate remuneration and facilitation. Government must review the 20% limitation on remuneration of councillors; otherwise, the devolved political responsibilities do not match with the accompanying resources. And it is causing a lot of audit queries from the Auditor-General and unnecessary conflict between the councils and the district staff.³⁴

The poor remuneration of district councillors (who are people's representatives) has a possible impact on their continued loss of vigilance on monitoring the progress of local projects and enforcing accountability from the technical staff. This could also be the reason why councillors in almost all districts have previously been involved in tender controversies, where they influenced the award of such tenders to their relatives and proxy companies where they had pecuniary interests.

7.3.2.3 Performance evaluation

A system of performance evaluation is another critical element in human resource management. It seeks to establish how well individuals and groups in an organisation utilise the resources at their disposal to achieve predetermined goals and objectives. Performance evaluation provides the basis for future planning, promotion, and organisational development in form of implementing in-service training and support programmes. But above all, it is a tool for extracting accountability from those entrusted with the organisation's authority and resources.

The research established that performance evaluation is done annually, but with some districts, at times it is done once in two or so years. Until 2003, it was based on

³⁴ Interview, Mujasi, Chairman Mbale District Local Government, 1st November 2007.

annual confidential reports prepared by immediate senior officers or supervisors, where the employees being evaluated did not participate. The new participatory system has the potential to encourage transparency and accountability, and to avoid the possibility of victimisation that normally arises when employees have no access to allegations against them contained in confidential reports.

Whereas evaluations are done in the presence of the employee and the supervisor with the opportunity for self-evaluation, it was noted, however, that full information on the outcome of the assessments is still concealed by the supervisors. Other than ticking and filling particular aspects on the evaluation schedule, and perhaps letting the employee know the totals awarded, employees rarely get to discuss with their evaluators a feedback on their strengths and weaknesses, and the ways to ameliorate them. Yet the requirements for effective accountability emphasises timely feedback and responsiveness, which should be reciprocal between the individuals and the organisation. Hence the inability to provide full feedback and to have some elaborate discussion on the strengths and weaknesses of employees do not only inhibit the extent to which they may strive to improve on their performance, but also curtails the response on the fulfilment of full accountability requirements.

7.3.2.4 Training and capacity building

Training and capacity building for the various categories of local government staff and stakeholders are critical if the objective of enhancing accountability is to be realised in the districts. Although there have been a wide range of training and capacity building sessions for LGs over the years, the programmes are rarely coordinated in terms of common strategic themes, and the course contents are hardly evaluated to determine their continued practical relevance. The different central government sector ministries and local government associations are yet to come up with *human resources management and HR development policies* earmarked for local government, which are currently inexistent. Apparently there is lack of a capacity building framework to benchmark on, while trying to track the performance of local government political and technical leaders. Despite several resolutions and calls from the conferences of the JARD, which underscored the need to formulate a national skills development strategy coordinated by the Ministry of

Local Government in conjunction with the National Planning Authority, the ministries of Public Service, Labour, Gender and Social Development, none has come up as yet (JARD, 2006: 12).

7.3.2.5 Disciplinary process

A fair and objective system of instituting disciplinary procedures is a core element of human resource management. Respondents to the NIS in 2003 reported that disciplinary measures were more formalised in the public sector, with 70% stating that dismissal could only come after a verbal warning, followed by a written warning (NIS, 2003: 103). While the DSC has been recognised as a prime structure for instituting discipline in districts, its generic flaws and associated allegations that it is a mechanism of *local political cliques* undermine its position and ability to administer an effective disciplinary process. It was reported that several cases referred to the DSC, especially arising from the reports of the IG and the OAG are often mismanaged, with persons implicated in serious offences of financial mismanagement and abuse of office only walking away with written warnings.³⁵

Some cases thus, end up in courts, which have processes that are rather cumbersome and elaborate. While courts are good avenues in the administration of justice, they are time-consuming, expensive and unreliable means of obtaining discipline to errant public officials. Courts have often set free individuals, especially in circumstances where incriminating evidence may not easily be adduced against them, but when there are substantive indicators and compelling reasons to show their gross impropriety in public offices.³⁶

7.3.3 Financial management systems

Perhaps the worst anomalies affecting financial management in LGs have had something to do with the procurement processes and tendering of supply of goods and services, upon which colossal sums of money are reported to be squandered. Indirect awarding of tenders to councillors, relatives, tender board members, civil

³⁵ Interview, Baku Raphael, Deputy IGG and Abon Muzamir, Director IG-Regional offices, 5th October 2007.

³⁶ Interview, Baku Raphael, Deputy IGG and Abon Muzamir, Director IG-Regional offices, 5th October 2007.

servants through proxy companies and influence peddling has been rife and has often been reported to be punctuated with inflated bills of quantities by technocrats (engineers) who seek to get kickbacks in return. These have led to substandard work and loss of value for money (IG-Report, 2006; OAG, 2006). A new legislative amendment to the LGA, 1997 (section 92) was passed in 2006 by Parliament, which abolished the district tender boards and replaced them with contract committees composed of five appointed officials (civil servants). This is opposed to the earlier arrangement, where the District Council (politicians) appointed seven members of the Tender Board, allegedly basing on unprofessional considerations such as political and business acquaintances. It remains to be seen how the new arrangement will enhance accountability and proper resource utilisation.

Nonetheless, there is a concern among local government public officials that the external control institutions of the IG and the OAG are obsessed with fault-finding, which sometimes overshadows their objective analysis and reporting, and it rather, obstructs their positive contribution to strengthening financial management systems in local government. One official exclaimed about the IG's and the OAG's reports:

Sometimes their investigations and reports are contradictory on a similar case. You get the supervisors from line ministry saying, work good; the OAG saying, work good; IG saying, no work! Sometimes they make false conclusions because they don't coordinate with each other, they don't know clear guidelines, and we are at a loss to know which is which.³⁷

A critical standard of ombudsman and watchdog institutions is that, such agencies must have credibility and exhibit objectivity in the eyes of the public and to the administrators (who are often affected by ombudsman decisions), if they are to function successfully (Gregory and Giddings, 2000). The aura of independence and objectivity becomes a standard requirement for the ombudsman and watchdog agencies because, just like in the principles of jurisprudence, the exercise of justice must not only be done, but must be seen to be done. The requirement in this regard is for the office to strive to be above reproach and be understood to the public if it is to advance its capacity building role towards public systems and processes.

³⁷ Interview, Ssegawa, Chief Finance Officer, Luwero District 7th November 2007

Having presented and discussed the above facets of Uganda's local government systems and processes, it is imperative to look at the different interventions that the external control agencies of the IG and the OAG have made in helping to alleviate the different systemic problems that thwart the achievement of effective accountability.

7.4 INTERVENTION BY EXTERNAL CONTROL AGENCIES IN LOCAL GOVERNMENT SYSTEMS AND PROCESSES

The Inspectorate of Government Act, 2002 (s8 [1]) specifically mandates the IG to take necessary measures for detection and prevention of corruption in public offices, but in particular;

- to examine the practice and procedures of those offices in order to facilitate the discovery of corrupt practices and to secure the revision of methods of work procedures, which, in the opinion of the IG, may be conducive to corrupt practices; and,
- to advise those offices on ways and means of preventing corrupt practices and on methods of work procedures conducive to effective performance of their duties and which, in the opinion of the IG, would reduce the incidence of corruption.

In essence, the external control agency of the IG is supposed to procure measures to strengthen systems and processes in public offices, including the local government sphere. However, the various annual reports from the IG and OAG reviewed by the researcher, hardly made any mention of the highlighted systemic and process anomalies associated with local governments, let alone, articulating their relative impact on the poor intergovernmental and intra-governmental relations that cause a multitude of accountability and service delivery problems. Whereas the above highlighted anomalies could largely be policy issues that are well beyond the powers and jurisdiction of the IG and the OAG, there have been very little, if any, advocacy from the two institutions to spearhead improvement in these organisational deficiencies of LGs. Their annual reports to parliament, over the years, concentrate on a *blame-spree* exercise that enumerates and exposes cases of corruption and

abuse of office, instead of identifying the organisational-structural deficiencies and possible systemic cure to alleviate their proliferation. Yet parliament would ordinarily be the right forum to address specific policy and system measures tailored for local government.

In some instances, however, the agencies of the IG and the OAG have undertaken some actions and measures that can be depicted as bearing the potential of building local government systems and processes. Experiences from the *new* patterns of decision-making associated with devolved management, attests to the fact that preventive measures are more effective than enforcement methods in combating corruption and promoting efficient and effective public sector performance (Keen and Scase, 1998: 117). While most of the activities of the two institutions are post-facto there are some instances where they have carried out some preventive and proactive measures. The following activities deserve mention.

7.4.1 Policy and systems study

In cognisance of the fact that institution building is a key measure in promoting fair, efficient and good governance in public offices, and pursuant to the mandate given by the Constitution of Uganda, 1995 (Art 225[c]), the IG has carried out research into the operations, policies, systems, procedures and legislation of various government departments and institutions with a view to identifying some weak areas that may be conducive to corruptive tendencies, and to make such recommendations for remedial action. The IG has so far done policy and system studies on three central government institutions including, the National Social Security Fund, Uganda National Examinations Board and the Land Registry (IG-Report, 2007: 69).

The local government sphere has not yet benefited from this policy and system studies arrangement, which, perhaps explains why there is continued low compliance to the requirements of accountability, a matter that is linked to the persistent contradictions in the local government systems and processes. It is hoped that when such a study is undertaken, it will probably be the greatest contribution of external control institutions towards the enhancement of accountability in local government.

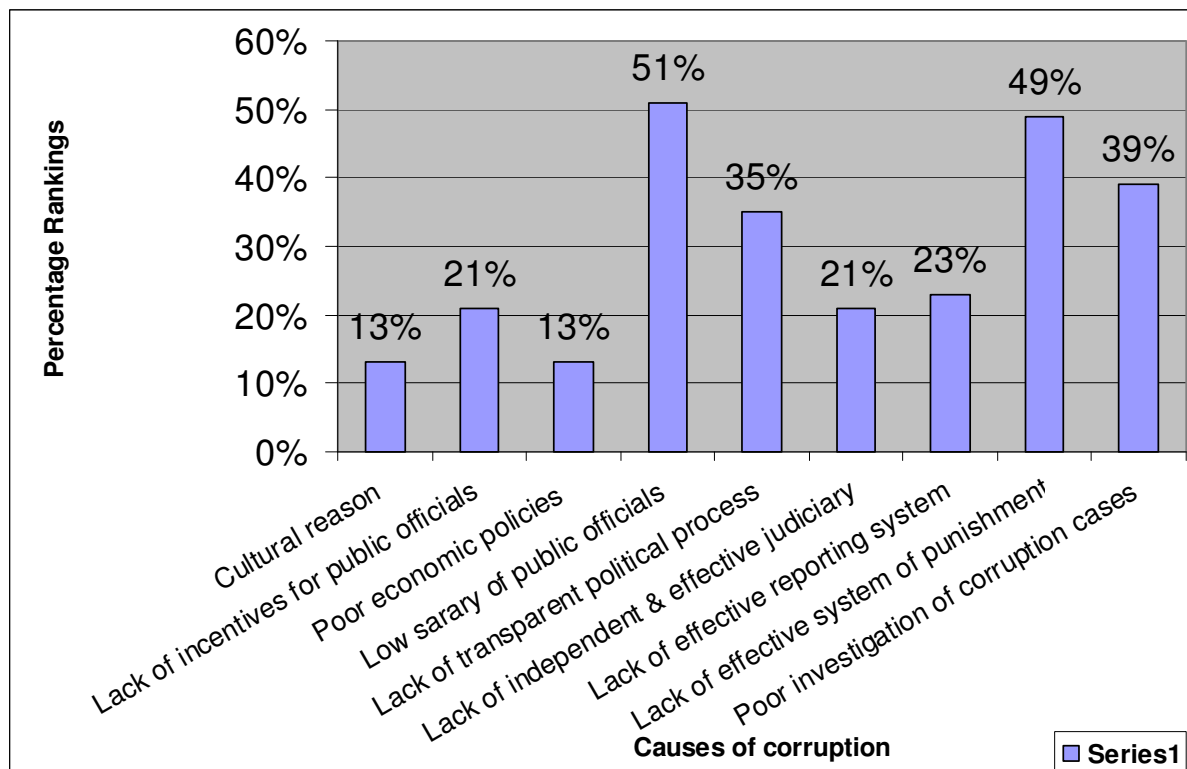
7.4.2 National integrity surveys (NIS)

The IG from time to time commissions national integrity surveys, which undertake to study and develop empirical information that can be used by government bodies, civil society and the private sector to formulate and implement policies and programmes that can reduce corrupt practices, improve transparency, accountability and governance. The survey generates information on household and institutional perceptions and experiences on corruption-related practices, analyses it and draws conclusions and recommendations for possible improvement. The previous surveys were done in 1998, 2003, and the third was due for 2008.

The 2003 NIS in Uganda ranked the local governments in fourth position among the leading public institutions in proliferating corruption and abuse office, just behind the Uganda Police, Uganda Revenue Authority, and Magistrate's Courts. According to the survey findings, low salaries and delay in their payment were the main causes of corruption, coupled with the need for politicians to recoup election expenses when they get into power, and profiteering by some from situations of confusion. The survey also established a prevailing climate of tolerance towards corruption, reinforced by an attitude of sympathy towards those who augment meagre wages with small bribes, and those who see misuse of official resources such as vehicles for private purposes as a norm rather than a breach of regulations (NIS, 2003: 19).

Combating public sector malfunction requires that plans and strategies take cognisance of the relative root causes. The institutional responses to the causes of corruption for example (*c.f.* figure 7.1), could provide a basis for reorganising systems and processes as a strategy for enhancing accountability and efficient resource utilisation. In this case, the IG intervention through the institutional perception survey can be regarded as a mechanism of enhancing systems and processes.

Figure 7.0.1: Causes of corruption ranked as very important



Source: National Integrity Survey (NIS, 2003)

The survey findings by the IG therefore, provide good interventions that could spearhead improvement towards public institutional systems and processes. However, the local government sphere requires a specific and more elaborate institutional survey that can desegregate findings by level of political and socio-economic arrangements, employment and financial management systems within the districts. This has not yet been done.

7.4.3 Sensitisation programmes

Sensitisation workshops were conducted by the IG, for example, during 2007 to educate district leaders in Kabale and Fort Portal on the virtues of *enhancing good governance through accountability and transparency*. In the previous year, 2006, the IG had conducted similar workshops in the districts of Mityana, Mubende, Mpigi, Wakiso, Jinja, Iganga, Mukono, Masaka, Kamuli, Mbale, Sironko, Mayuge, Bugiri and Kampala. The OAG in a similar way has held regional workshops to district staff to emphasise the significance of effective financial management and accountability.

However, some local government staff members interviewed echoed their displeasure that some workshops restrict participation to only the top district leadership, leaving out the majority of the rank and file. Certainly this is a drawback on building local institutional capacity, since all employees are part of the entire local government system, and since corruption does not segregate rank or level.

7.4.4 Field inspections, monitoring and evaluation

Inspection is a critical control management tool that involves monitoring on the progress of agency and individual activities to ensure that they are in line with the preconceived objectives of the organisation. Through the monitoring and inspection of PAF-related activities such as feeder roads maintenance, primary health care, water and sanitation and LGDP, the IG and OAG have been able to uncover loopholes in the local government monitoring and evaluation formation. For example, the mismanagement of PAF projects in districts has been attributed to inadequate monitoring and supervision by mandated officers due to lack of technical capacity; poor coordination; or sheer fraud where payment is made for substandard or no work done. The IG in particular found out that the funds made for monitoring and supervision were used for purchase and servicing of computers, purchase of tires, purchase of office furniture, and others were diverted to cater for day to day office operations in total disregard of PAF guidelines (IG-Report, 2007: 11).

The IG and the OAG have, thus recommended sanctions against those officers, who were implicated in the mismanagement of PAF projects, but in addition, it stipulated a variety of vital mechanisms to improve the monitoring and evaluation processes in the districts. Recent reports from the districts indicate that PAF utilisation has improved tremendously as a result of these IG interventions.

7.4.5 Financial management reforms

Financial management reforms have been undertaken in some districts, arising out of the OAG audit reports that stimulate improved systems and processes. Through auditing of final accounts of LGUs, the OAG often issues a *management letter* to each respective district CAOs, which offers details on the opinion regarding the

accounting standards of a particular district. “The management letters offer an assessment on whether the district has improved from the previous year or not, and help to identify the gaps, for example in ledgers or procurement. This information has helped to strengthen internal controls and it’s often referred to in redirecting proper financial management.”³⁸

The OAG has made some input to the nation-wide financial management reforms, with the potential of improving local government systems and processes. The various VFM audits undertaken by the OAG and the associated recommendations have strongly enriched government’s Financial Management and Accountability Project (FINMAP), which aims to deepen and consolidate public financial management so as to maximise the impact towards the Poverty Eradication Action Plan (PEAP). Among other things, the FINMAP particularly targets improved local government financial management systems to enhance the capacity of local projects in agriculture and production, health care, water and education to contribute significantly towards poverty reduction.

The OAG’s central role in auditing the integrated financial management system (IFMS), which was rolled out in 2005 to almost all accounting units in central and local government, provides another intervention to strengthen systems and processes. The IFMS system records all government financial transactions and is managed at the Treasury in the Ministry of Finance. It is an electronic system that replaced payment across the state bureaucracy by cheque. The IFMS has improved the disbursements of funds to districts, which are now said to be quicker and enables better tracking of resource expenditures than the old system.

7.4.6 Action-triggered improvements

In some instances, the IG and the OAG actions and recommendations to various local authorities have been implemented, especially, regarding the disciplining of officials who defy regulations, and where else in making *right* the different *wrongs* committed, in form of corrective action. Such actions have helped to improve local government systems and processes in view of, employment and organisation

³⁸ Interview, Iga-Mukasa, Chief Administrative Officer, Iganga District, 30th October 2007.

systems and financial management systems. The summary below (table 7.1) shows some specific cases affecting different districts where the IG recommendations and remedial action have triggered improvement.

Table 7.0.1: Some IG action-triggered improvement to systems and processes in District Local Governments

Nature case/ Findings	IG Recommendations	Action taken
Causing financial loss & flawed procurements in Mukono District	District to recover Shs.91,083,893 from Stanbic Bank, dismiss the Ag. CAO, and recover Shs.10 million lost in payment for a boat from DCAO, CFO, Internal Auditor, Asst Engineer.	The money was offset from PAYE owed to URA, the Ag. CAO retired and money was being recovered.
Abuse of office, causing financial loss and forgery in Mbale Municipality	The Mayor and Senior Town Clerk to be prosecuted, with a view to also recover the monies.	The Mayor was kept out of office, the Town Clerk interdicted and both prosecuted.
Mismanagement, corruption & tender irregularities in Kabwohe Bushenyi	Dismiss the Town Clerk, Town Treasurer, discipline Health Inspector, recruit a competent Engineer.	Recommendations fully implemented.
Misuse & diversion of funds by CAO & Chairperson of Kamuli District	Disciplinary action against the CAO.	The CAO was retired by the PSC on 15 th November 2006.
Forgery & uttering of false documents by Deputy CAO Mukono District	To dismiss the officer for using forged academic documents.	The officer was retired from public service.
Irregular recruitment of staff in Mukono, Mpigi, Rakai Districts	Top district officials in interfered in recruitment exercises. Districts were to cancel the appointments & re-do the exercise.	Officials involved were warned, & positions re-advertised.
Mismanagement & existence of ghost pupils/teachers at Bukwanga, Iganga	Shs.1,390,122 be recovered from Headmaster, submit him to the DSC for demotion to a classroom teacher.	Implemented, the CAO instructed the CFO to deduct the monies from the H/M's salary.
Holding of two jobs and misappropriation of drugs by a doctor	The doctor contravened the government standing orders and was to be reprimanded.	Doctor was asked to defend herself, but the defence wasn't satisfactory & was

in Wakiso district		interdicted
Irregular award of tenders & contracts	Tender awards in districts of Masaka, Mbale, Mbarara, Mayuge, Kabale, flouted. Districts were to reprimand implicated officials and re-do the tendering exercise.	Tender awards were revoked, some companies blacklisted & officials reprimanded.
Forgery, uttering of false documents & impersonation by Teachers	Teachers from the districts of Jinja, Iganga, Masaka, Mbarara, Mbale, Kabale, Ntungamo, Tororo, Luwero, Sembabule were to be dismissed.	A number of teachers from those districts have been dismissed by the respective DSCs.

Source: Adapted fro IG-Reports, 2006 and 2007

Such cases and their related actions as presented above continue to send strong signals to local government authorities to improve on their methods of operation, lest they face the wrath of punitive measures. It can thus be inferred that, such interventions by external control agencies can enhance local government systems and processes.

What should be emphasised, though, is that the institutional capacity limitations of external control institutions (as discussed in Chapter Five), militate against the effort of the IG and the OAG to fight corruption and enforce integrity systems in LGs. The agencies are generally not well facilitated to carry out their mandated responsibilities, have human resource capacity limitations and lack vital support, sometimes from other stakeholder agencies like the Police CID, DPP and local governments themselves.

7.5 CONCLUSION

The chapter has demonstrated that local government systemic problems are complex and diverse. The mere crackdown on those who abuse public authority and misuse public resources does not necessarily improve accountability and public sector effectiveness. It appears that the accountability deficiency is more ingrained in the inherently weak systems and processes in LGs, yet the external control agencies appear to put much focus on uncovering offences and having the culprits reprimanded. This is evident by their annual reports to parliament, which concentrate on a *blame-spre* exercise that enumerates and exposes cases of corruption and

abuse of office, instead of identifying the organisational-structural deficiencies and possible system cure to alleviate the problem.

While the punitive and uncompromising measures should be aligned against corrupt tendencies, those who inspect, audit and review public service management should be able to recognise the above highlighted challenges, and also appreciate the circumstances and constraints under which public servants operate, or where they have little or no control. Commitment should thus, be put to undertaking system studies geared at improving systems and processes rather than mere inspections and monitoring exercises that encourage 'administrative tourism'.

CHAPTER EIGHT

FACILITATING THE CIVIL SOCIETY TO ENFORCE ACCOUNTABILITY

8.1 INTRODUCTION

The literature review on international perspectives in Chapter three of this thesis (*c.f.* section 3.5) identified and lauded the critical role of civil society in nurturing accountability in government institutions. It was argued that opening up the frontiers of the state to public access and scrutiny heralds the imperatives of accountability and good governance, where CSOs can monitor government actions and spearhead the fight against abuse of public authority, poor governance, and publicise such information on the patterns and severity of corruption (ADB, 2005: 196).

The intention of this thesis however, was not to examine the role of civil society in enhancing accountability, or what the civil society has done, for that matter. The civil society was only used as a *unit of analysis* in an attempt to evaluate how far the external control agencies of the IG and the OAG have tried to engage and support the civil society in the enhancement of accountability in Uganda's local government. If the IG and the OAG have not adequately engaged and facilitated the civil society to enforce accountability, the study was interested in establishing what could be the factors that obstruct this endeavour. Whereas the law does not specifically obligate the external control agencies to support the civil society in fostering local governments accountability, the nature of the statutory mandate of the former, and indeed the various policy reviews done attests to the fact that without enlisting the civil society, the effort to foster accountability and performance in LGs will be in vain.

It was imperative for the study to first examine the active environment under which the CSOs operate so as to identify their operational limitations, upon which, the external control institutions would be expected to intervene and build the civil society capacity. The research thus explored the factors that impinge on the CSOs' capacity and role of *holding the government to account*. This chapter first presents some historical highlights, the nature and character of the civil society in Uganda, before

engaging its operational environment and the external control agencies' interventions in building civil society capacity to enhance accountability.

8.2 HISTORICAL HIGHLIGHTS ON THE CIVIL SOCIETY IN UGANDA

The colonial era in Uganda dictated that the state was the overall provider of social services within the setup of an export-oriented economy based on small-holder agricultural producers. A limited but highly regulated number of people organised in groups were encouraged, with CSOs mainly consisting of cooperative unions of export crop growers, trade associations, mission-founded schools and hospitals associations, and other, charitable organisations. The period following World War II, as was the case elsewhere in colonised territories saw heightened nationalistic struggles against colonial rule, and in Uganda such civil society groups promptly positioned themselves as agents of political agitation for independence. Some CSOs indeed gave rise to pre-independence political parties (De Coninck, 2004; Oloka-Onyango and Barya; 1997).

After independence in 1962, the peasant cooperative societies and trade unions were taken over as government bureaucracies – enmeshing the *state* and *civil society* – and consequently making the distinction between the civil society and government, rather blurred (DENIVA, 2006: 19). The Obote regime (1966-71) and Idd Amin's (1971-79) integrated mission-founded schools within the state system; banned political parties and other forms of political dissent; abolished traditional kingdoms; and henceforth confined CSO activity to charity, health service delivery and other welfare services. The second Obote regime (1980-85) tightened the grip on civil society activities, as the ensuing political turmoil only worked to weaken them. CSOs were cowed by state supervision, politicised and remained complacent in track of a non-confrontational relationship with the state (De Coninck, 2004).

When the NRM government took over state power in 1986, the period of reconstruction and relative freedom that followed witnessed the emergence of a high number of indigenous CSOs. This followed strong donor support for public sector reforms and the later preference for the donors to channel their financial support directly to NGOs, because they were considered 'less corrupt', more efficient and

closer to the community (DENIVA, 2006: 20). The neo-liberal framework of structural adjustment programmes (SAPs) spearheaded by the IMF/World Bank worked in tandem to emphasise decentralised structures and citizen participation, under which civil society advocacy gained great momentum. The establishment of the village-based local councils (LCs) suited the renewed CSO activity, as the subsequent decentralisation policy enabled the CSOs the ability to impose some pressure on the state authorities, especially at the local level.

What can be learned from this historical background is that the highly discriminative system of colonial rule set the pace for CSOs to be seen as vanguards of society action against any forms of marginalisation inflicted by the state. Secondly, the political leaderships in the newly independent state (which ironically grew out of CSO action) could not trust CSOs, as the CSOs were seen as potential political oppositions, and were, thus subjected to great restrictions in their operations. These episodes set the precedence for undemocratic orientations that have seen CSOs being distrusted and highly restricted by the subsequent regimes in Uganda. Thirdly, a large number of NGOs have sprung up due to the available donor funds – in a bid to have a ‘bite’ on a typical ‘donor bonanza’ – rather than to genuinely pursue the socio-economic well-being of their constituencies.

8.3 NATURE AND CHARACTER OF CIVIL SOCIETY IN UGANDA

Within the local government sphere, CSOs mainly play a two-dimensional role. On one hand, CSOs, particularly NGOs and CBOs, are often involved in the implementation of programmes funded by government; and on the other hand, they form a countervailing force that is necessary in providing checks and balances to public sector agencies. Other than the conventional service areas such as health, education and community development, CSOs in Uganda are increasingly getting involved in advocacy roles and oversight of local government. The PAF monitoring committees that have been established in several districts to oversee poverty alleviation expenditures, have enlisted civil society groups in ensuring that effective resource utilisation is adhered to. The formation of health and education management committees, farmers’ forums and water resources committees is part of the effort to enlist civil society participation and to procure a strong accountability

relationship between service providers and users within the framework of decentralisation.

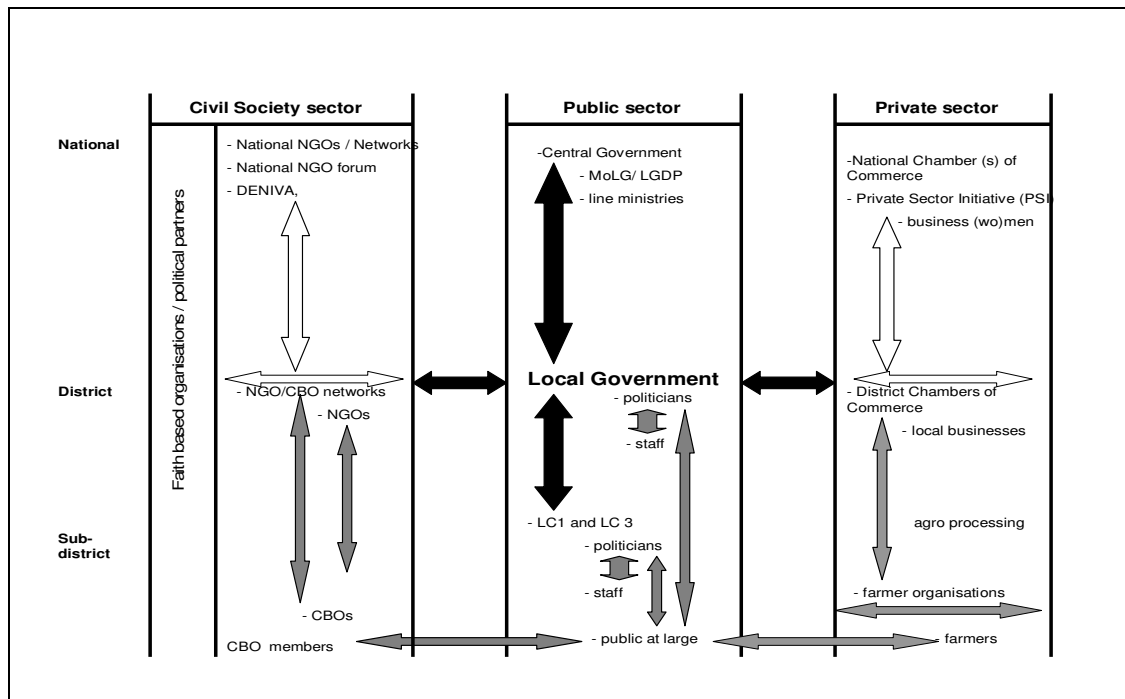
A mixed picture emerges when examining the nature of Uganda's civil society. On one hand, the increased number and membership of various forms of community and mutual help groups across the rural life in a largely agrarian country imply a prevalent socially inclusive arrangement with extensive civil society participation. Yet, on the other hand, such participation does not necessarily mean active involvement in policy decision-making, nor does it enable the ability to influence state action and programmes to represent the vast citizen interest (DENIVA, 2006). This impasse is often highlighted as a major weakness of Uganda's civil society and the inability to effectively check the state and public sector excesses has been linked to the country's history of civil strife and repressive regimes. The low *political activism* of CSOs in Uganda is attributed to the high restrictions imposed on them during the colonial era, which restrictions have provided a precedent in design that confines CSO work to largely social welfare and service delivery.

CSOs in Uganda represent various agendas that include human rights organisations; anti-corruption coalitions; gender-based groups; child-focussed groups; faith-based institutions; healthcare, education, conflict and peace-building coalitions; and a number of national networks. These are primarily categorised as NGOs, trade unions, CBOs, community groups, and professional associations. The preoccupation of these CSOs involves aggregating the interests of their constituencies, bargaining with government and donors to facilitate the achievement of those interests. CSOs have umbrella networks and coalitions that provide such forums to their membership, where consensus is generated and expressed to policy-makers in order to undertake policy priorities. Other roles undertaken by CSOs include charitable giving and collective community action through volunteering in building and maintenance of community facilities.

The nature of the relationship between the civil society, the public sector and the private sector has a bearing on the procurement of accountability and sustainability of quality service delivery. The illustrative model of local governance presupposes that communities are represented by CSOs, who in conjunction with the elected

political representatives, oversee public sector performance and other private sector agencies contracted to deliver the local community needs and priorities. The relationship between the civil society and other stakeholders is described in the model below.

Figure 8.1: Illustrative model of local governance



Source: JARD, 2004 Ministry of Local Government

Figure 8.1 attempts to define relationships within and across each of the pillars – the civil society sector (i.e. NGOs, CBOs, the faith-based organisations and political parties), the public sector and the private sector. It shows a crucial positioning of local governments between the central government and the population, while interacting, at the district level, with the CSO sector on the one hand, and the private sector on the other (see bold vertical and horizontal arrows). It also shows that for each of the three pillars, different levels can be clearly distinguished within the pillar, i.e. central government level, the district (LC-5) level and the sub-district levels (LC-4 to LC-1) and finally the households that make up the population.

With regard to the position of NGOs and CBOs, figure 8.1 shows that the constituents of LGs also form the membership of the civil society organisations, and

that the CSOs have the possibility of direct contact with LGs at the HLG level, but also the indirect channel of influencing local government performance, i.e. through their members and their relation to the elected local representatives.

The Civil Society Index (CSI) Report for Uganda, 2006 indicated an environment that is *disabling* rather than *enabling*, after analysing the overall political, social, economic and legal environment under which the civil society exists and operates (DENIVA, 2006: 5). While fundamental freedoms were enshrined in the Constitution of Uganda, 1995, the CSI established that political and civil rights, information rights and press freedom were not always respected, as the opening up of political competition happened recently³⁹ and covered with intolerance and uncertainties.

8.4 OPERATIONAL CHALLENGES OF CIVIL SOCIETY ORGANISATIONS

It should be noted that the rationale for devolving political power and responsibility to the local governments in Uganda was to empower the population through their popularly elected local councils to effectively participate in the governance of their areas. Overtime, however, this cardinal goal of decentralisation seems to be elusive. According to the JARD (2006: 11), “there has been considerably less community grip on the civil society’s role in raising resources for development, demanding accountability from the leaders, participating in planning and budgeting and taking charge of choice of their leaders without expecting monetary and other rewards at the time of elections”.

Whereas the processes of policy formulation, planning, and implementation have been opened up to civil society to participate at the district and lower levels of local government, there has hardly been active involvement of civil society in the systematic collection, analysis and dissemination of monitoring information in service delivery (JARD, 2004: 3). As a result, the practical arrangements of civil society participation were reported to be less responsive to the needs and rights of, especially the poor community members. There are several operational challenges

³⁹ The Constitution of Uganda was amended in 2005 to allow a multi-party political system. Prior to this (1986-2005), there was a Movement (no-party) political system introduced by Yoweri Museveni’s National Resistance Movement after capturing state power in 1986.

and factors that have made CSOs' ability to *hold the government to account* rather difficult. These issues were explored and are presented below.

8.4.1 Regulatory environment

The legal and regulatory environment for civil society was also indicated to be disabling due to the rather cumbersome and elaborate procedures for registering CSOs, which, according to the umbrella CSO agency, might even soon be tightened. The CSO representatives interviewed reported that the 'space' within which they operate was continuously being restricted by government agencies. Controlling space is reportedly done by demanding multiple registrations and accreditation of CSOs at various levels, which make their operations costly in terms of money and time. Registration can be denied or delayed, as it was reported in the case of the National NGO Forum, whose registration took four years and the reasons were never made clear.⁴⁰ The problem is worsened by the taxes imposed on CSOs.

This above information collaborate with the DENIVA (2006: 5) findings, which describe regulatory restrictions in form of "government's ambivalent attitude on what constitutes allowable advocacy activities for CSOs, especially when they stray into what it considers the political arena". As a result, most CSO activity concentrates on service delivery and citizens' economic and social welfarism – a sphere of operation where the state feels little challenged – as opposed to the CSO advocacy role and holding government accountable, where the government's image can apparently be "dented" by reports, which implicates its agents in any form of impropriety.

8.4.2 Enmeshing civil society with the state

The engagement of CSOs by local government agencies, especially in contracting service delivery, is reported to have closely *enmeshed* the civil society with the state, thereby making the demarcation between civil society and government rather blurred. Lister and Nyamugasira (2003: 96) point out that "the boundaries between public and private, legal and illegal, even state and society, are vague"; and as a consequence there are "high levels of corruption, and an elevated importance for

⁴⁰ Interview, NGO Forum, respondent requested anonymity, 4th January 2008

personal contacts and networks in relation between civil society and state organs”. This explains why CSOs are often praised by the state agencies, not necessarily for playing as instruments of checking the latter’s excesses and accountability, but for their “facilitative role” in alleviating poverty, improving conditions of health and education.

Whereas there is some engagement of CSOs by government in policy processes, the basis on which it takes place was reported to be unclear or contradictory. The district officials and CSO representatives interviewed related that there is little discussion or no clarity regarding which groups constitute legitimate participants in policy processes. It was reported that inclusion in policy process is very unpredictable and the civil society often relates with government agencies through patronage and clientelism means. These findings collaborate with the research of Lister and Nyamugasira (2003: 99), which explored the influence of CSOs at different stages of policy processes in Uganda; and concluded that “participation in these processes is by invitation, and those known to disagree fundamentally or to be disadvantaged by the policies are not invited to contribute to policy formulation”.

8.4.3 Business/pecuniary interests

The pursuit of business interests through contracting-out of service delivery continues to undermine the conventional focus of CSOs, which is based on non-profit orientation. This culture is prompted by the desire on the part of CSOs to complement the work of government, rather than question it, mainly because they find it beneficial when they win contracts from government for service delivery work. CSOs are scared to challenge government agencies and risk cultivating an adversarial relationship for fear of *biting the hand that feeds* them. According to De Coninck (2004) many individuals have turned to creating CSOs as a means of employment. “CSOs, thus have in effect taken a dual mandate: that of ensuring the leader’s/founder’s own personal survival (and that of their extended families) as well as that of alleviating poverty in their respective communities” (De Coninck, 2004).

8.4.4 Urban-elite capture

While there have been attempts to, especially encourage the NGOs to enlist the less well-off communities, NGOs are reported to be dominated by the elite and urban middle class. This has increased doubts as to whether such organisations can effectively represent a society that is predominantly agrarian. The DENIVA (2006) study reiterated several researches that found the ‘upper class’ to be dominating the leadership of many CSOs, especially the NGOs. The NGO survey carried out in 2003 showed that in many districts NGOs were urban-based or urban-oriented and one fifth (1/5) was located in Kampala (DENIVA, 2006: 31). This ambivalence was earlier, aptly put by Mahmood Mamdani (as cited in Oloka-Onyango and Barya, 1997: 121), with particular reference to NGOs:

NGOs, in my opinion, are a mixed blessing whose main effect is to worsen our dilemma. On the positive side, the proliferation of hundreds of NGOs has liberated middle class entrepreneurial talent; but on the negative side, it has left NGOs wholly unaccountable to the people at home. An NGO is not like a cooperative. In a cooperative, members have the right to hold their leaders accountable. The intended beneficiaries of an NGO are not its members. They receive a charity, not a right. An NGO is accountable not to the people it intends to benefit, but to those who finance it, the overseas donors.

From the above observations, one could offer salutation to the growth of CSOs in Uganda, but with some caution, if not outright trepidation. Evidently, this orientation cannot suit the CSOs expected role of pulling forth accountability from others, when they do not exercise the virtue themselves.

8.4.5 Donor drive

The donor factor looms over the mushrooming numbers of CSOs across the country, and particularly in hitherto no-go areas of society interest. The growth of civil society action on issues such as environment, women, population and governance has, over time, been a response to the donor interest in those areas and the funding that follows it. This means that a number of CSOs have sprung up, not under the conviction that they could play a genuine role in enforcing better performance from public sector agencies, but for the sake of ‘clinching a piece, from the ‘donor prize’.

Respondents from DENIVA reported that, NGOs must depend on foreign funds for over 80% of their activities, to which local contributions can only cover a paltry 2.5%.

Furthermore, foreign aid has been at the centre of not only defining the activism and methodology of CSO activities in Uganda, but has also been responsible for the factional differences and conflicts within CSOs. For example, in the new Poverty Reduction Strategic Papers (PRSP) framework that facilitates donor support through a sector-wide approach (SWAP), donors require CSOs to play sub-contracted agents of government, in order to access donor funds through sectoral ministries, so as to provide services to communities. While this *new architecture of aid* recognises the role of CSOs in procuring accountability, they view them primarily as sub-contractors of government who can provide services to the community (Lister and Nyamugasira, 2003: 96). Moreover, such donor dominance as Oloka-Onyango and Barya (1997: 125) note “has exacerbated conflicts within the National Organisation of Trade Unions (NOTU) and its affiliates, to the detriment of accountability of the union leadership to its members”.

The above issues form the operational environment and factors that affect the CSOs capacity to *hold the government accountable*, and therefore, lack the ability to effectively play their anticipated role of promoting accountability in local government. It would then be expected that the agencies of the IG and the OAG, which are mandated to promote accountability in the public sector, would ordinarily begin from this background to see how they could ameliorate the CSO position and enlist their role to enhance accountability in local government.

8.5 EXTERNAL CONTROL AGENCIES’ INTERVENTION IN STRENGTHENING CIVIL SOCIETY CAPACITY

Due to low levels of awareness and lack of civic competence, the public has often been unable to demand quality services and to hold their leaders accountable in local government. Building capacity for civic competence requires that the civil society is empowered through participation in public policy decision-making, sensitised about their civil rights, and be informed of what constitutes adequacy of process in service provision. Similarly, a thorough sensitisation of service users and

providers on the expectations in terms of type of service, quality standards and timeliness of delivery is paramount.

The Inspectorate of Government is mandated to sensitise and educate the public about the values of constitutionalism and good governance in general. In particular, the IG has a duty to educate the public about their constitutional right to access public services, without having to pay bribes; and to make them aware of their civic duties and responsibilities to demand accountability from their leaders, value for money and to report any corrupt practices. Several intervention mechanisms have been undertaken to promote awareness and civic competence among the public (civil society). These include media awareness programmes, surveys, monitoring and evaluation, inter-agency forums, and sensitisation workshops.

8.5.1 Public awareness programmes

Public awareness programmes have been undertaken by the IG through radio and television programmes; publication of booklets and flyers; and newspaper inserts advertisements, to educate the public about the nature and evils of corruption. During 2005-2008, the public awareness programmes were funded by the African Development Bank through the Institutional Support Project for Good Governance. Another form of public awareness that targets the youth in academic institutions has given rise to the formation of integrity clubs, especially at universities, which are fully supported by the Inspectorate of Government (IG-Report, 2007).

These programmes continue to encourage the public to report corruption practices and they continue to create dialogue and interaction with the IG in promoting public sector accountability. Representatives from civil society reported that these media programmes have indeed made a good impact on informing the civil society about its role in promoting accountability and effective service delivery.

Although the IG has increased public awareness programmes, several district respondents noted that accessibility and visibility of the agency is still very low, especially in upcountry localities. Gregory and Giddings (2000: 5) argue that “a complaint handling mechanism is likely to be useless if potential complainants are

unaware of its existence and ignorant of its functions; and it can be of equally less value if it is difficult to reach”. This thesis argues that the IG, which operates as Uganda’s ombudsman, must strive to be understood and be accessible to various communities, if it is to expedite its arbitration role in the public realm effectively.

8.5.2 Community/household surveys, monitoring and evaluation

Community/household surveys undertaken by the IG under the national integrity survey are perhaps the most significant of the external control interventions towards building the capacity of civil society in Uganda. It is an important mechanism of engaging civil society in monitoring and evaluation, and fighting corruption in the country. The surveys that were carried out in 1998 and 2003 helped to gauge the public perception about corruption, which then formed the basis for giving priority in dealing with those areas identified by the population as being disastrous to accountability and effective resource utilisation. Public perceptions were generated on issues like bribery, nepotism, forms and causes of corruption, and quality of service delivery.

According to the community survey of 2003, the proportion of those who admitted to having paid bribes in the course of their contacts with government service providers was small, but conversely, over 80% of respondents admitted to the general view that bribery was a common occurrence (NIS, 2003: 55). It implies that respondents were reluctant to admit to having paid bribes, but were quick to acknowledge its existence in general terms. This fact was reinforced by the admission from respondents that they only, but occasionally received receipts in respect of payments made to local authorities

What has come out lucidly from the community participatory appraisals undertaken under the IG survey is that there is a tendency by various sections in the civil society to regard bribes, as a form of *gratification* and *appreciation of a good gesture* extended to them by public officials (NIS, 2003). Indeed society has lived with the maladies of public sector wastefulness for a long time, and somehow, seems to have accepted it, probably as a way of life. The long history of repression, deprivation, and centralised regimes in poor countries reinforces the stereotype that views public

service provision as a *favour* to the community. Likewise, some cultural practices that view the extension of tributes to those elevated in leadership positions and status as a sign of *respect* and *good manners*, only serve to support the reluctance to condemn certain acts of corruption.

Regarding the perception of local councils, the IG survey reported increasing community bitterness with the higher levels of local government, which were said to have become increasingly corrupt (NIS, 2003: 67). It was noted that local councillors spend so much money on their election campaigns that they have to recover this money as soon as possible when they get in power. The district tendering processes were particularly singled out as avenues through which local officials abuse their power. The community assessments suggested that, the size of inducements paid to those awarding contracts – which can be as high as 50% of the contract price – could seriously undermine the capacity of the contractors to deliver quality service. A remarkable response captured from Tororo District represents the community displeasure.

During the application of tenders there is always money paid as deposit to show seriousness of the bidders, but this money is never refunded in case one fails to get the tender; and the district Tender Board charges prospective tenderers highly, thus leading to poor quality of services when unqualified firms win tenders and also try to accommodate bribes earlier given in their profit margin.⁴¹

Such surveys that provide an opportunity of engagement between the external control agencies and civil society have, remarkably enabled a critical informative exchange that strengthens civil society awareness of the dilemmas of public service provision and the available options of dealing with them.

The major limitation of the IG community survey is that its study remains too general compounding all public sector institutions, and thus, most conclusions represent perceptions against the larger public service. There has not been any survey to particularly solicit and engage civil society to evaluate the local government sphere,

⁴¹ Community assessment of Tororo District, during the National Integrity Survey, 2003.

whose location and vitality present the most proximate and pervasive fallback to deal with community problems and needs.

8.5.3 Inter-agency forum

The inter-agency forums spearheaded by the external control agencies of the IG and the OAG present another important intervention and avenue through which representatives of civil society groups are enlisted in the fight against public resource wastefulness. The most notable CSO coalitions in these forums include the Anti-Corruption Coalition of Uganda (ACCU), Transparency Uganda Chapter, and the Uganda Debt Network. These forums enable interaction and dialogue between the various stakeholder agencies in the fight against graft. They often pass resolutions that either pronounce public condemnation of any act of public resource abuse, or make demands and recommendations that influence policy decision-making and reform.

One notable example of the inter-agency resolutions that have informed policy is the establishment of the special anti-corruption court, whose legislative enactment has been finalised and only remains to be operationalised. The other influence of this forum on policy was the demand to banish the highly corrupt DTBs, upon which a new legal instrument was recently made to replace them with *contracts committees*. The committees currently constitute the top civil servants and technical officials, as opposed to the earlier arrangement where local politicians nominated their 'cronies' on DTBs to extend clientelism and perpetuate corrupt business deals. The civil servants are bound by the Public Service Standing Orders and a wide range of disciplinary measures if they messed up, unlike local politicians who would usually walk scot-free, after being implicated in tendering scandals.

The problem is that, these interactions are based at the central government level and only solicit participation of national NGO forums and umbrella coalitions. There is no semblance of an inter-agency/interaction forum at the local governments' level, which could attend to dialogue on the unique local area problems that impede accountability, efficient and effective resource utilisation.

8.5.4 Training and capacity building

External control agencies have occasionally extended some internship training programmes to, especially to students from tertiary institutions. For example, between July and December 2006, the 18 interns were trained by the IG in various fields including exposure to the procurement and disposal of public assets functions, information technology and investigations functions, accounting, finance and law. However, such training opportunities are only available to a small number of persons, owing to resource inadequacies.

While there are a number of international NGOs, consultancy firms and academic institutions involved in capacity building for CSOs, as well as donor and bilateral arrangements that provide support for the same, there is a growing concern that most of these initiatives concentrate among the urban-based and elite NGOs. This explains why the regional survey respondents gave a low score when asked about the existing infrastructure for supporting CSOs in capacity building in Uganda. 57% of the respondents said it was very limited, 30% indicated moderate, and only 13% indicated that the existing infrastructure was at least significant enough to provide capacity building (DENIVA, 2006: 13).

It should be emphasised that, whereas the agencies of the IG and the OAG recognise the necessity to strengthen the civil society and the need to build its capacity to complement the campaign of enhancing accountability and proper resource utilisation, several factors impede the pursuit of this ideal. These impediments range from the nature and character of civil society, which make it difficult for them to be enlisted and supported, to the institutional capacity inadequacies of control institutions themselves.

8.6 ENCUMBRANCES OF EXTERNAL AGENCIES' SUPPORT TOWARDS CIVIL SOCIETY

Encumbrances refer to factors that impede the effort and intentions of external control agencies in extending support to the civil society to enable it to play a complementary role in enhancing accountability. The factors can be categorised in twofold, namely the capacity inadequacies of external control agencies; and the

inherent weaknesses of civil society, arising out of its nature and character that makes it difficult for CSOs to be enlisted as viable partners in pursuing accountability.

8.6.1 Institutional capacity inadequacies

Institutional capacity inadequacies of external control agencies (as presented and discussed in Chapter Five) cut across many areas and limit the fulfilment of their constitutional mandates. Limited budget outlays, inadequate and poor human resource motivation, against the enormous workload schedules, frustrate the effort to extend services to many local communities, especially in remote areas. There is a very limited budgetary allocation for the external agencies to undertake public awareness, public relations, and advertising programmes to reach out to the local communities. The funding received under the ADB Institutional Governance programme for example, was to wind up by the end of 2008 and there was no confirmation of any alternative source even to sustain the existing few outreach programmes.

8.6.2 Inherent civil society limitations

The operational challenges of CSOs as earlier noted in this chapter (*c.f.* section 8.4) undermine their potential role as frontrunners in the quest for accountability and reduce their chances of being enlisted and supported as viable instruments of checking the public sector excesses. The challenges noted in this regard include enmeshing of CSO with the state; their continued business/pecuniary interests; their being predominantly urban-based and elitist; and being driven by the donor agenda. Nonetheless, there are other factors that weaken the viable position of civil society.

8.6.2.1 Poor coordination and networking

Poor coordination and networking arrangements of CSO activities create some confusion and difficulty for the agencies that would be interested in working with them to enhance accountability. Whereas CSO umbrella bodies are expected to harmonise relations and coordinate their CSO membership activities, they were

accused of poor communication with their members, especially when they succeed in raising funds from donors. But the individual CSO member groups are also alleged to increasingly nurse unwarranted material expectations from their network bodies and often pressurise them for such benefits. As a result, some CSOs are unwilling to join networks or abandon them for lack of benefits, duplication of work, and dominance by powerful members (DENIVA, 2006: 32). Such episodes display unnecessary competition and bickering among the CSOs, which undermine their credibility in the eyes of the different stakeholders in the fight against public sector wastefulness.

8.6.2.2 Financing difficulties

The financing difficulties of CSOs render them dependent on some questionable sources and increase their vulnerability to compromise the good virtues that they stand for. First, the looming levels of poverty make it difficult for the CSOs to raise meaningful membership fees from their 'folks', resulting in a high degree of donor dependence and accountability towards them, rather than to the members. Secondly, the need to stay afloat has sent many CSOs to seek handouts from government bodies like the district local governments, whom they are, ironically supposed to monitor and demand accountability on behalf of the citizenry. Thirdly, CSOs' engagement in contracting-out of service delivery, whatever its worth, makes them pursuers of business interests and appendages of the local government establishment, with less enthusiasm in promoting strong bonds with the community and downward accountability.

8.6.2.3 Low civic competence

Whereas decentralisation has increased civic awareness and popular political participation of the masses in electing local leaders, there is still lack of a vibrant civil society when it comes to demanding accountability for service delivery from local government officials. The low visibility and user awareness of the role of the ombudsman agencies in poor localities preclude many potential claimants. In Uganda for example, cases of low civic competence, which are heightened by widespread poverty, illiteracy, sparse and scattered population in some areas, and

poor communication infrastructure, remain major challenges to the successful attainment of the ombudsman objectives. More confusion to the masses is created by the existence and proliferation of too many, too small and sharply divided CSOs with *pseudo* pro-people agendas, which often makes it difficult for the public to know who is capable of handling their interests effectively.

8.6.3 Drawbacks of civil society complaint mechanisms

Providing society with platforms to raise complaints against public agencies does not necessarily translate into accountability. Guaranteeing the public's right to complain against public official action has its own drawbacks that sometimes undermine the role of the watchdog institutions. Caiden (1983: xvii) indicates that "it can encourage cranks, paranoiacs, professional agitators, non-conformists of every shade, and troublemakers, and reinforces their spoiling tactics". Complaints, which are initially taken seriously and given due consideration, may only later turn out to be malicious, distorted and trivial. This robs the due process of justice of vital time and resources.

The other drawback is the aftermath effect that complaints tend to have on public officials. When their actions are constantly challenged, their decisions denounced, and their imperfections continuously displayed in the public arena, they tend to resign themselves to conservative precedents for fear of making mistakes. As a result, creative and innovative administrative performance, which tends to thrive under good autonomous latitude, is impaired and in the end, improved administrative performance can be turned down for the sake of 'doing things right' and following rules to the letter.

8.7 CONCLUSION

The above presentation and discussion have revealed far-reaching operational dilemmas associated with the civil society in Uganda. These include the enmeshing and control of CSO activity within the state-governmental framework; the dependence of CSOs on donor support, coupled with their proliferation sometimes based on the drive for donor funding; lack of coordination between them; their pursuit of short-term rather than long-term perspectives; and significant questions relating to

their internal democracy, accountability and transparency. These factors create doubt on their capability to foster accountability in the public sector. It also creates suspicion and difficulty for CSOs to be trusted and supported by other external control agencies and stakeholders in the struggle against public sector decadence.

The evaluation of the role of external control agencies of the IG and the OAG exposed their low support, if not complete failure to enlist and strengthen the capacity of CSOs in the enhancement of accountability in local government. This has been attributed mainly to two factors, namely the poor institutional capacity of external control agencies that makes it difficult for the IG and the OAG to portion their meagre resources in support of civil society; and the inherent systemic and operational weaknesses of civil society that makes it, rather valueless to enlist them as partners in the pursuit of accountability.

As society has lived with the maladies of public sector wastefulness for a long time, and, somehow, seems to have accepted it probably as a way of life, the challenge, therefore, remains how to enlist and sustain all stakeholder support, especially the civil society in the fight against abuse of public authority and misuse of resources.

CHAPTER NINE

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

9.1 INTRODUCTION

The rationale for control and accountability in public administration and management is to ensure efficient and effective resource utilisation to foster public service provision, good governance and development. This study was conceived from the fact that, despite the existing array of external and internal mechanisms put in place to enhance accountability at the local government level in Uganda, innumerable reports continued to castigate local government units for not only misappropriating billions of shillings annually, but also for gross mismanagement and incompetence. While the reports relentlessly condemned the weak internal systems of control, there was hardly any evaluation of the role played by the external control systems. The study was therefore premised on the argument that public sector institutional malfunction does not only represent the predicament of internal systems of control, but also suggests capacity deficits in the external control mechanisms.

The purpose of this study was to examine and evaluate the role of two cardinal external control agencies, namely the Inspectorate of Government and the Office of the Auditor-General in the enhancement of accountability in Uganda's local government sphere. The examination and evaluation of these agencies were based on four main fronts:

- their *institutional capacity* to enhance accountability in local government;
- how they have promoted the *operationalisation and enforcement of legislation and regulatory framework* pertaining to accountability;
- how they have enhanced local government *systems and processes* in relation to accountability; and,
- how far the external control systems have helped to integrate and strengthen the *potential of civil society* in fostering accountability in local government.

These four aspects constituted the *specific objectives* of the study, and at the same time formed the *analytical constructs/ themes*, upon which the study was conducted.

9.2 CHAPTER SUMMARIES AND CONCLUSIONS

Each chapter of this thesis contributed towards the purpose and objectives of this study either by demonstrating the significance of accountability in public sector governance and performance or by attempting to resolve the dilemmas facing local government's performance in relation to accountability.

Chapter one presented the introductory background to the study with highlights on the notions of accountability and control, and the institutionalisation of control systems in Uganda's local government. It then articulated the research problem, objectives of the study, its significance, as well as the theoretical and conceptual framework upon which the study was hinged. This was followed by a presentation of the full contents and description of the research and definition of key concepts.

Chapter two reviewed the theoretical foundations of public administration and issues that underpin the concept of public accountability. The chapter captured debates and evaluated positions regarding the evolution of the discipline of Public Administration, and its orientation into the *new public management* (NPM); all of which have had a far-reaching impact on the dynamics of public sector accountability. The generic administrative functions were invoked, but with particular emphasis on the *control* function, which fortifies the notion of accountability in public administration and management. Other themes captured included: public financial management, ethics and public accountability, as well as the dynamics and challenges of accountability in public management reform.

The review of literature testified that, indeed, public administration and its notion of accountability have gone through tremendous developments in theory and practice over the years, with the unfolding events having promoted a superior understanding of government and its relationship with the society it governs. It has also encouraged public policies to be more responsive to social needs and to institute managerial practices attuned to the principles of economy, efficiency and effectiveness. The point of departure in this sense was that, while there may be a considerable difference between the realities of today's public administration in practice and the

classical theories of Public Administration where the concept of accountability has evolved, the accountability requirements have remained vivid in pursuit of public sector responsiveness and improved performance.

The *control* function was identified for playing an overarching role of sustaining the purpose and rationale of the other generic functions, but it is also the same function upon which the notion of accountability is hinged.

The chapter discerned the core foundations of public accountability, which constitute a democratic orientation; an enabling legal and regulatory framework that provides benchmarks for guiding public officials' actions and behaviour; the nature of society and organisational culture that shapes the behavioural patterns and values attached to public service; and ethical virtues such as integrity, probity, impartiality and frugality, which form part of the common values that guide public sector action and performance.

Thus, while the dynamics of public management reform emphasise business-like performance principles such as autonomy, competition, partnership, output, outcome and customer orientation, which thrive under professional accountability relations, the traditional public service values such as impartiality, representation, integrity, fairness, welfare and justice, should not be abandoned since they represent the basic measure of the public interest.

The chapter concluded with the insight that tackling the public sector's ethical and accountability failures require a multifaceted approach. It ranges from strengthening capacity for control *institutions* to reorienting *systems and processes*. Systems include employment and organisational systems, as well as financial management systems. It also calls for a pro-active *legislative and regulatory framework* that should not only be said to be existing in books, but should also be seen to be operational. The other mechanism is the *civil society*, whose civic competence must be fostered to become vibrant, so as to challenge the actions and inactions of public officials.

Chapter three put a particular focus on the international perspectives that underpin accountability and good governance. The chapter reviewed the fundamental notions

of corruption and civil society participation, which have become international catchphrases associated with accountability and good governance. In essence, the chapter examined the extent to which accountability buttresses the ideals of good governance, while reflecting on a few case highlights on the recent development initiatives and partnership between Africa and the developed World.

It is noted that the dictates of neo-liberal reforms, which saw the cutting-back on government's social service provision role and emancipation of the private sector market interests, have tilted the balance against the accountability of government to its citizens. To harmonise this situation, it was argued, the regulatory framework must strike a balance between removing restrictions on private sector participation on the one hand, and protecting consumers and safeguarding the country's socio-economic objectives (including accountability to the public), on the other hand. Thus, both the government and the private sector must bear mutual interests in observing their obligations under the regulatory arenas to ensure that the public interest is not compromised. Elements such as fairness, income distribution, empowerment, quality of service delivery and the rule of law, must be fostered, along with the promotion of the principle of *corporate social responsibility*.

Regarding the menace of corruption, the chapter posited that, despite being identified as the antithesis of accountability and good governance, the several anti-corruption agencies established, especially in developing countries, are often under-facilitated, and in many cases, they are not more than a veneer to meet donor conditions.

With regard to civil society participation, the CSOs' fortunes in enhancing accountability and good governance are met with a torrent of bottlenecks. The civil society's ability to enforce accountability depends on the existence of:

- a sound political will from government and its agencies, which is built on strong democratic foundations;
- an appropriate legal and regulatory framework, which enables organisation of people, mobilisation of resources, access to information and advocacy;

- strong and proactive leaders, whose actions and decisions are guided by internally generated democratic principles;
- a vibrant civic competence with citizens who are capable of articulating popular interests and facilitating participation; and,
- a viable and stable financial resources base that allows a high degree of organisational independence with minimised funding conditionalities.

It was stressed that while accountability is a critical cornerstone of good governance and development, there is a need to make good governance less overwhelming to poor countries, by clarifying on the short and long-term issues and making priorities based on a country-based condition and feasibility, but without compromising the strategic objective of sustainable development. Over and above the institutions or structures per se, there should be institutionalised mechanisms like checks and balances, political goodwill and commitment to support coherence in the promotion of accountability and a democratic culture.

Chapter four presented and discussed the key tenets of the local government structure and system in Uganda. It provided an insight into the role and rationale for the various control and accountability mechanisms that interface with the local government sphere. It began with a historical overview of the local government system, since Uganda's independence in 1962; followed by an analysis of the current structure in terms of the statutory, personnel and financial arrangements upon which accountability is sustained. The major factors influencing the local government's poor accountability were also explored.

It was noted that after Uganda's independence in 1962, the subsequent two decades (1966-1986) witnessed a series of dictatorial regimes that undermined public accountability. Their highly centralised systems made local government units become mere appendages of the central government, with a reduced degree of staff responsiveness to the citizens' needs. This aggravated the gap between the service providers and service beneficiaries, which led to the degenerating levels of management, efficiency and effectiveness in service delivery.

After 1986, Uganda embraced a decentralisation policy under the institutional reforms supported by the IMF and World Bank. This sought to strengthen local governance in the form of enhanced accountability and responsiveness to the citizens, since centralised structures had very little incentives to perceive citizens as their clientele.

It was noted that the personnel management arrangements in local government bear glaring gaps that undermine employee retention, motivation, performance and accountability. Great dissatisfaction was expressed by the respondents, over the low public service salaries, which have not been adjusted for a long time to take care of the rising cost of living, and is not commensurate with the workload and harsh conditions in remote local areas. Similar concerns were raised about the poor career development system, which limits employees' potential identification and progress, and undermines their affiliation and commitment to the organisation.

Matters are not helped by the poor financing of local governments, which coincides with the central governments retention of all buoyant sources of revenue. The local collections, which often do not exceed 7%, make the districts rely on the central government grants to finance about 90% of their budgets. Unfortunately, over 85% of the central transfers come as conditional grants that earmark support to specific national programmes at local level, with very little, if any, room at all for LGs to use it for other development priorities. It is argued that poor financing arrangements pose serious responsiveness and accountability problems, as inadequate funds normally lead to unaccomplished work.

The following factors influencing poor accountability in local governments were identified:

- leadership-citizen detachment, where leaders rarely interact with the citizens, especially after elections;
- political patronage that is associated with influence peddling and undue political interference in the functioning of local government;
- local-elite capture, where the policies and projects favour the few affluent members of society;

- inadequate financial capacity;
- local conflicts, especially between the politicians and civil servants, and between the higher and lower local governments;
- the weak socio-economic structure of the local population; and,
- the limited institutional capacity of control agencies characterised by inadequacies in human resource, finance and lack of political good will.

Chapter four brought to the fore the existing gaps in empirical research and literature pertaining to control systems and accountability in Uganda's local government. It showed that the existence of an array of internal and external control mechanisms and the relative legislative framework not supported by any empirical evaluation of their effectiveness, efficacy and appropriateness. The inability to have a reliable and detailed assessment of some nature was partly attributed to the biased stereotype that views poor accountability as a problem of the internal systems only, as opposed to the external. This explains why the continued investigations and reports on local government performance and accountability concentrate on *non-compliance* of the internal systems, which are repeatedly condemned, instead of seeking to establish the causes of their weaknesses and the actual role played by external systems.

Chapter five represented the issues surrounding the first objective and analytical construct of this study that sought to *examine the institutional capacity of external control agencies that are charged with the duty of enhancing accountability in local government*. Any agency's institutional capacity is a precondition for effective performance and an indicator of the organisation's ability to achieve preconceived objectives.

The research focused mainly on two institutions of government, namely the Inspectorate of Government (IG) and the Office of the Auditor-General (OAG), whose capacities were evaluated in terms of particular aspects or sub-themes that have a significant indication of the institutional capacity of these agencies. These included structure and workload schedule; human resource capacity; finance and material facilitation; parent and enabling legislation; support and collaboration from stakeholder agencies; and corporate planning.

It was noted that the OAG, as the Supreme Audit Institution in Uganda which is mandated to audit all public accounts, had an enormous duty that covers all public institutions in central and local government. The OAG is specifically required to conduct *financial* and *value-for-money* audits in respect of any income or expenditure involving public funds. During 2007/2008, the OAG had the task of auditing 1314 institutions including; 84 central government agencies, 1060 local governments, 71 state corporations and divestiture accounts, and 99 projects. Of the 1060 local governments, 163 were districts and municipal authorities, while 897 were lower local governments – sub-counties and urban divisions.

Likewise, the IG is obliged to undertake enforcement measures to ensure: the rule of law in public offices; accountability, integrity and transparency in the exercise of administrative functions by public officials. In so doing, the IG investigates alleged corruption and abuse of office or authority, breach of the Leadership Code of Conduct, administrative injustice and maladministration in public offices. Within the local government sphere, the IG is mandated to monitor the utilisation of the PAF and to probe suspected misuse and poor management of, for example, UPE, SFG, primary health care, water and sanitation, feeder roads maintenance, and plan for modernisation of agriculture. Where corruption is found, the IG may prosecute or cause prosecution; and may recommend disciplinary action against culprits.

Further, the chapter demonstrated that the external control agencies of the IG and OAG exhibit mixed fortunes of institutional capacity. Despite the continued donor support and the high stake of expectations of better outcomes from the IG and the OAG in pursuit of accountability and effective public management, these agencies have been encumbered by a torrent of financial and human resource limitations, as well as deficiencies in the enabling legislation and support from various stakeholders.

Regarding human resources, the vast roles and responsibilities of the IG and the OAG in local governments have not been met with the staffing levels at the regional offices. The creation of new districts has particularly strained the resources of the OAG, the as majority of audits in sub-counties remain un-audited, leading to backlog

cases. The IG is affected by the rate of employee turnover, where technical staffs seek better working conditions elsewhere. Most of the capacity building and training programmes were found to be donor-funded, often sporadic, and usually spin-offs from other general development programmes – and they rarely met the serious institutional human resource capacity needs.

While the IG and the OAG receive government and donor financial support, they continued to face several operational problems emanating from inadequate financial resources. For instance, the funding provision under the IG ceiling is evidently insufficient compared to the workload the agency handles and the operational costs of investigations, prosecutions, verification of declarations, publicity and public awareness.

Despite the proven existence of various forms of legislation and regulatory framework, which could enable the IG and the OAG to undertake their statutory mandates, the legal regime does not seem to offer an environment that helps in deterring offenders. The law is apparently very lenient and it does not provide deterrent sentences to perpetrators of white-collar crime, as more often the option of a fine is exploited. The convicted persons are thus made to pay small amounts of money as fines, creating no deterrence to corruptive tendencies.

The battle against the maladies of public sector ineptness can only be won through collaboration and support from different stakeholders. Whereas there was a great effort by the agencies of the IG and the OAG to engage local and international agencies to enhance institutional capacity, some institutions that are supposed to be partners in fostering accountability delay or completely ignore the IG and OAG's recommendations. The courts for example, take long to dispose off cases referred to them, which adversely affects the effort of the IG.

The corporate plans of the IG and the OAG showed a proactive approach to strategically improve future prospects in undertaking the cardinal objective of enhancing accountability and effective public management. However, the focus of the OAG corporate plan hardly took care of the need to build and rejuvenate supplementary collaborative relations with other agencies and stakeholders.

Chapter six dealt with the presentation of findings and discussions pertaining to the second objective and analytical construct of this study which sought to evaluate the role of the IG and the OAG in the operationalisation and enforcement of *legislation and regulatory framework* relating to accountability in local government. While chapter five confirmed the existence of numerous enabling pieces of legislation and regulatory framework pertaining to promoting accountability, it remained to be established whether these regulations are enforced and duly put into practice.

It was noted that the IG has implemented legislation by the use of a two-pronged approach in the form of enforcement and preventive measures. The preventive measures reported included public awareness programmes, policy and systems studies, as well as surveys, monitoring and evaluation; while the enforcement mechanisms mainly consisted of carrying out investigations into complaints of maladministration, corruption and abuse of office and prosecuting offenders. From July 2006 to June, 2007, the IG invoked its statutory powers, and prosecuted 52 cases for various corruption malpractices. There was also the monitoring of the utilisation of PAF funds by the IG through field inspections undertaken in various districts. This demonstrated a resolute effort to promote accountability.

The analysis of complaints received against government departments/institutions over the years indicated that most complaints (over 40%) were against public officers in local government administration. Complaints included mismanagement and misappropriation of funds; abuse of office; non-payment of salaries and benefits; forgery and issuing of false documents; delays in public service delivery; victimisation; embezzlement of public funds and conflict of interest. Despite the effort made by the IG and the OAG, these complaints depicted an increasing failure to adhere to accountability and financial regulations. It also demonstrated that either the existing legislation and regulatory framework are not yet fully operationalised or perhaps it has inherent weaknesses.

The chapter further argued that the IG investigations and recommendations against the defiant public officials demonstrated strong operationalisation of the existing legislation, especially where invocation of the relevant penalties is made against

those that contravene the law. Such measures have gone a long way to promote discipline and adequacy of process, adherence to financial regulations, and proper resource allocation and utilisation.

The chapter indicated that the OAG has implemented legislation by reaching out to various LGs, through its regional branch offices, where the OAG carries out financial and VFM audits and prepare audit reports; issue audit warrants (approval) of release of funds from the consolidated fund; establish that proper disbursements and accountability of funds are done; verify pension and gratuity papers of retired LGs staff; identify any misuse, fraudulent practices and breach of financial regulations; and make reports to Parliament, for which they provide guidance to the Public Accounts Committee during discussions with various district accounting officers on issues raised in the Auditor-General's report.

A huge number of local government accounts (569) remained un-audited during 2003/2004, implying a failure to operationalise legislation. The OAG has not also been able to audit the activities undertaken in districts relating to the use of PAF, to which it is mandated; which means that billions of Uganda shillings that are sunk into these projects every year hardly, received a critical evaluation of their value and net worth in terms of service delivery.

It was established that the IG and the OAG face a torrent of challenges in implementing laws and regulations pertaining to accountability in local government. These include:

- lack of support from stakeholders agencies, where some institutions and agencies that are supposed to partner with the IG and the OAG deliberately or inadvertently ignore to pursue further the cases investigated and recommended to them;
- financial and human resource limitations, characterised by inadequate funding, low staffing levels, exacerbated by the creation of more districts and urban councils, and high turnover of specialised and experienced staff;

- resentment of the external control agencies by ‘powerful’ government officials who are politically ‘well-connected’, which culminates into conflicts and confrontation that weaken the watchdog institutions;
- jurisdictional limitations, where, despite the IG and the OAG having powers to investigate, audit, query and pass verdict on the performance of any public entity, they have no powers to overturn the results of poor administration and managerial inefficiency, and thus, can only provide remedial recommendations;
- unenforceable legislation, where some laws have been found to be wanting, as they are apparently lenient to convicts who often exploit the option of paying paltry fines, thereby creating little deterrence to corruption;
- weak internal systems and processes in local governments, characterised by lapses in financial control and human resource management, monitoring and evaluation of resource utilisation, employment and organisational systems.

The chapter noted that the IG and the OAG are partly to blame for the missing link between themselves and LGs with regard to lack of awareness by the LGs on the various legal implications of matters pertaining to accountability, the proper procedures to take, the appropriate standards of ensuring effective resource management and utilisation, and generally, the lack of knowledge on the rationale and functions of external control agencies. This problem is created by overzealousness on the part of the IG and the OAG to search for any evidence of mal-administration to justify their own importance and placing too great a focus’ on accountability as a *control* or *assurance*, which undermines the third purpose of accountability – of *continuous improvement*.

Chapter seven presented the findings and discussion of the third objective of this study, which examined how the external control agencies of the IG and the OAG have enhanced local government *systems and processes* towards accountability. The chapter first provided highlights on the dimensions of systems and processes within the framework of organisations and management structures. It then, reviewed the systemic weaknesses prevalent in local government units in Uganda, which provided a basis for evaluating the significance of the external control agencies’

interventions.

It was noted that the systems of 'pro-ethics and accountability' regime include *employment and organisational systems* on the one hand, and the *financial management system* on the other hand. Weak systems and processes were noted to be a harbinger of poor accountability and public institutional decadence. The characteristics of weak systems include organisational structures that do not offer a clear description of responsibilities and lines of authority, communication and accountability; and employment systems with poor working conditions, appointments based on irregular considerations like nepotism and clientelism, as opposed to merit and professional competence. These render public institutions rather weak and incapable of pulling forth accountability and other ethical virtues.

A review of the various inspections and investigations into the activities of different districts in Uganda revealed the following systemic weaknesses:

- endemic mismanagement and misappropriation of funds, especially funds relating to poverty alleviation (PAF);
- poor monitoring and supervision of projects;
- substandard work done by some contractors, which compromises the quality of work and timely completion. This normally occurs when the contractor shares money with the councillors or civil servants; or where the local government official is disguisedly the contractor/supplier in disguise and therefore, supervisor/supervisee;
- inadequate human resource skills in financial management and other technical areas such as engineering, surveying, human and veterinary medicine, agricultural production, planning, accounting, and law;
- irregular recruitment and appointment of staff based on sectarian and political/ideological considerations;
- forging of documents by applicants for jobs especially teachers and tenderers for works, goods and services.
- perpetuation of irregular award of tenders and contracts; and,
- delay of service delivery.

Regarding IG and OAG interventions, their annual investigative reports reviewed, hardly mentioned the systemic and process anomalies associated with LGs, let alone, articulating their relative impact on the poor intergovernmental and intra-governmental relations that cause a multitude of accountability and service delivery problems. It appeared as though, the IG and the OAG investigations concentrated on a *blame-sprees* exercise that merely enumerated and exposed cases of corruption and office abuse, rather than identifying the organisational/structural deficiencies and possible systems cure.

Whereas most of the activities of the IG and the OAG have been largely post-facto, there were instances when they undertook actions and measures that are preventive and proactive, which could be depicted as having the potential to enhance LG systems and processes in respect of accountability. These included:

- policy and systems studies, where the IG has carried out research into the operations, policies, systems, procedure and legislation of various government agencies, in a bid to identify some weak areas that may be conducive to corruptive tendencies, and recommend remedial action;
- national integrity surveys, gathering empirical information that can be used by government bodies, civil society and private sector to formulate and implement policies and programmes that can reduce corrupt practices, improve transparency, accountability and governance;
- sensitisation workshops in various districts that have educated leaders on the virtues of enhancing good governance through accountability and transparency;
- field inspections, monitoring and evaluation of Poverty Alleviation Funds related activities, where the IG and the OAG have been able to uncover loopholes in local government resource management systems;
- financial management reforms, where the various VFM audits undertaken by the OAG have strongly enriched the government's FINMAP, which aims to deepen and consolidate public financial management; and,
- action-triggered recommendations by the IG and the OAG to various local authorities, regarding the disciplining of culprits, and elsewhere in making right the different wrongs committed, in the form of corrective action.

Lastly, chapter seven demonstrated that local government systemic problems are complex and diverse. The mere crackdowns on those who abuse public authority and misuse public resources do not necessarily improve accountability and public sector effectiveness. It was argued that accountability deficiency is more ingrained in the inherently weak systems and processes in LGs, yet the external control agencies appear to focus on uncovering offences and having the culprits reprimanded. The thesis suggests that identifying the organisational-structural deficiencies and possible systemic cure to alleviate the problems is more satisfying than mere blame and reprimands meted out to culprits. Commitment should thus be put to undertaking system studies geared at improving systems and processes, rather than mere inspections and monitoring exercises that encourage 'administrative tourism'.

Chapter eight presented and discussed issues that affect the fourth objective of the study which analysed *how far the external control agencies of the IG and the OAG have tried to engage and support the civil society's capacity to foster accountability* in Uganda's local government. First, the historical highlights, the nature and character of civil society in Uganda were presented, before examining the environment under which the CSOs operate. This allowed the identification of the CSOs operational limitations, upon which the external control institutions would be expected to intervene and alleviate. The chapter thus explored the factors that impinge on the CSOs' capacity to *hold the government accountable*.

The historical background reflected that the highly discriminative system of colonial rule set the pace for CSOs to be restricted and undermined. Secondly, the political leaders in the newly independent state (which ironically grew out of CSO action) could not trust CSOs, as CSOs were seen as a potential political opposition, and thus, were subjected to great restrictions in their operations. These set the precedence for undemocratic orientations that have seen CSOs being distrusted and highly restricted by the subsequent regimes in Uganda.

A mixed picture emerged while examining the nature of Uganda's civil society. On the one hand, the increased number of CSOs across the country implied a prevalent

socially inclusive arrangement with extensive civil society participation. Yet, on the other hand, such participation does not necessarily mean active involvement in policy decision-making, nor does it enable the ability to influence state action and programmes to represent the vast citizen interest. This impasse was highlighted as a major weakness of Uganda's civil society, causing the inability to effectively check the state and public sector excesses.

The operational challenges of CSOs in Uganda were noted to include failure to raise adequate resources from their members, the inability to demand accountability from their leaders and the inability to choose their leaders without being influenced by monetary and other rewards at election time. The factors that render CSOs unable to hold government to account include a disabling regulatory environment with cumbersome and elaborate procedures for registration and restrictions on what constitutes permissible advocacy activities; enmeshing the CSOs with the state and the desire by CSOs to complement the work of government, rather than questioning it; the urban/elite capture of especially NGOs; and the donor drive that encourages a number of CSOs to come up, not under the conviction of trying to enforce accountability, but for the sake of 'clinching a piece' from the donor funds.

Other operational dilemmas associated with civil society in Uganda included lack of coordination between them; their pursuit of short term rather than long term perspectives; and significant questions relating to their internal democracy, accountability and transparency. These factors create doubt on their capability to foster accountability in the public sector. It also creates suspicion and difficulty for CSOs to be trusted and supported by other external control agencies and stakeholders in the struggle against public sector decadence.

The chapter discussed several intervention mechanisms that have been undertaken by the IG and OAG to promote awareness and civic competence among the public (civil society). These included media awareness programmes, surveys, monitoring and evaluation, inter-agency forum, and sensitisation workshops.

The evaluation of the role of the external control agencies of the IG and the OAG exposed their low support, if not complete failure to enlist and strengthen the capacity of CSOs in the enhancement of accountability in local government. This was attributed mainly to two factors: the poor institutional capacity of external control agencies, making it difficult for the IG and the OAG to distribute their meagre resources in support of civil society; and the inherent systemic and operational weaknesses of civil society that makes it, rather valueless to enlist them as partners in the pursuit of accountability.

9.3 RECOMMENDATIONS

9.3.1 Institutional capacity of the IG and the OAG

As the manifestations of public sector ineptness are highly diverse, and often form part of the different realms of society where the perpetrators often use, rather sophisticated means to obscure fraud and corruption, so are the strategies and methods to fight it. A first set of recommendations pertain to strengthening the capacity of ethics and accountability institutions, and providing them with the necessary means for the implementation of their functions. A second set of recommendations pertains to having different parties playing the role they are supposed to play, notably with regard to law enforcement and following up on audit recommendations.

There is need for the IG and the OAG to be equipped with advanced and specialised investigative skills, training and adequate facilitation to keep ahead of fraudulent practices. There is need for support from government and mutual technical assistance towards the IG and the OAG to:

- strengthen their regional offices with more skilled and better remunerated staff, computerisation and construction of own office premises;
- generate political support from government and Parliament for implementation and compliance with the Leadership Code Act, 2002;
- expedite timely audit and follow-up on the implementation of audit recommendations;

- further education of the public to be able to recognise and promptly report incidences of corruption and abuse of office;

To improve the institutional capacity of the IG and OAG, there is need for enhanced collaborative support from relevant institutions like DPP, Police CID, DSC, Courts of law to expedite the cases referred to them by IG and OAG. Government should expedite the establishment of special anti-corruption courts to reduce court delays, while the Uganda Local Governments Association should, in a self-rejuvenation effort, operationalise the charter on accountability and ethical code of conduct to set an own paradigm for appraisal.

The concept of an inter-agency forum on accountability and transparency, comprising the various agencies with anti-corruption mandates in the public sector should be taken to higher levels, where they can plan and coordinate their actions, harmonise their operations and build mechanisms for strengthening capacity in local government systems and processes. A semblance of an inter-agency/interaction forum at the LG level, could, indeed attend to dialogue on the unique local area problems that impede accountability, efficient and effective resource utilisation.

9.3.2 Operationalising legislations/regulations

There is need to support the implementation of the IG and the OAG functions and recommendations through collaborative institutional support and harmonisation of legislation. In this case, the government through Parliament needs to harmonise laws and procedures related to sanctions, penalties and discipline of public officials implicated in corruption and abuse of office:

- the law should be amended to provide for stringent penalties to persons convicted of corruption related offences;
- where institutions or officers ignore to implement IG and OAG recommendations without a good justification, they should be summoned to answer before the relevant parliamentary committees;
- Parliament also needs to harmonise laws guiding the independence and relationships of the IG, OAG, DPP, PSC, DSC, such that they can

complement one another instead of causing unnecessary delays arising out of poor intergovernmental relations;

- there is need to operationalise the 2008 amendments to the Secrecy Act and Access to Information Act so that information within government hands (including local government) are more easily accessible.

Other than the quasi-judicial mechanisms of the external control agencies, there is need to define administrative sanctions to curb maladministration, the extent of their applicability and the need to procure effective intergovernmental relations between the external agencies and the local governments. This could be achieved through cordial information exchange and understanding of each other's roles, so as to improve on the relations between the two, and to demystify the common feeling among public officials that the IG and the OAG are often out to find any fault and to haunt them maliciously.

This thesis notes that, reforming the public sector requires changes within the thought process of individual and organisational culture. Thus, there is a need for training of administrators to better understand clients and their problems, as well as increasing their willingness to take personal responsibility for actions, and to obey rules for the benefit of their clients, rather than as an instrument of their own protection.

There is need for policy development and policy harmonisation, spearheading local government performance and accountability, as a coherent programme across the LGs, whilst ensuring consistency in the approaches by the various external supervising agencies. There is need to coordinate mechanisms for support towards supervision, mentoring and inspection of local governments by the various external control agencies. The parent Ministry of Local Government can spearhead this coherence, to create a situation with a harmonised performance assessment system that caters for both, generic as well as more sector specific performances; and joint supervision missions by various agencies, that is, for example, quarterly mentoring visits and annual supervision-cum-performance assessment missions.

9.3.3 Systems and processes

The study established that most of the accountability and performance related-flaws in LGs have to do with structural weaknesses in local government systems and processes – relating to employment and organisational systems, as well as financial management systems. Thus, while punitive and uncompromising measures should be aligned against corrupt tendencies, identifying the organisational-structural deficiencies and possible systems cure to alleviate the problem would be more satisfying than mere blame and reprimands meted out to defiant public officials.

There is a need for the IG and the OAG through coordination of the MoLG and the MoFPED to undertake a specific study on *local government policy and systems arrangements*, which should enlist inputs from civil society networks, LG staff, and service providers, for the purpose of improving accountability and performance. This can be supported by a specific and more elaborate *institutional survey* that can desegregate findings by level of political and socio-economic arrangements, employment and financial management systems within the district LGs.

The following salient areas require improvement, either through a systems study or developing strategies for augmentation:

- review and foster LG staff retention and career perspectives, review and customisation of job description and person specifications to all categories of LG staff, to harmonise responsibilities and relations;
- revise upwards, the public service salaries which have remained so low for so long and to develop an incentive scheme to attract and retain staff in hard-to-reach and remote local areas;
- separate the LG wage component from the unconditional grant, since the salaries and wages practically consume almost all the monies in this grant, which would, otherwise have been utilised for the unique local priority areas of service delivery;
- strengthen the audit function in LGs in terms of recruiting qualified staff, training, better remuneration and facilitation;

- establish improved records management system in terms of institutional and logistical support, employ skilled staff, and progressively develop a secure information system that is compliant with ICT;
- develop an HR-development policy for LG and coordinate capacity building and training programmes that should integrate result oriented management, ethics, counselling and guidance into the HRM functions within; and,
- develop performance benchmarks for service delivery and implement performance assessments of LGs in different sectors (health, education, and water and sanitation), which should progressively turn into standards of good practice that LGs should try to achieve over the long term;
- streamline the relationships and the understanding of roles between various parties, notably between elected politicians and appointed officials; between the service users and the service providers and between service providers and the LG administration on.

There is need to develop modalities which require local governments to publicise how local revenues are used and devise strategies to publicise information on performance, (and non performance); sharing of information regarding contract awards, programme implementation and local revenue mobilisation, beyond mere posting of this information in the national print media. This can be done by creating a public relations structure (currently not in place) within local governments.

9.3.4 Civil society strengthening

The interventions of the IG and the OAG in enlisting and strengthening civil society capacity towards accountability were indicated to be rather shallow due to resource limitations and the fact that CSOs have inherent weaknesses that make them unworthy of trust, as vanguards of accountability. The IG needs support from central government to undertake community surveys that are specific to local government, and which should capture community perceptions on the local service provision. The surveys should particularly solicit and engage civil society to evaluate the local government sphere, whose location and vitality presents the most proximate and pervasive fall-back to deal with community problems and needs.

There is a need to develop a comprehensive civic education strategy (for both electorate and elected leaders) and to operationalise it as an ongoing activity rather than a one-off event at times of elections. The development of this should arise from representation across the political divide and in conjunction with CSOs to avoid local civic education being used as a tool to entrench single party/regime ideologies. The schools in primary and secondary sections should also integrate ethics and integrity as part of the learning curriculum.

There is a need for community feedback mechanisms and to institute integrity committees at functional levels of local government. The creation of a database to record and monitor complaints from communities should be hastened as part of the greater strategy and requirements for meeting the client charters (which have not yet been operationalised), as mooted by the JARD during 2006. Introducing suggestion boxes in all LG offices and creation of public relations structure to appoint district information focal persons, who can manage information on accountability and transparency in terms of issues such as the suggestion boxes, letters of inquiries, whistleblower's information, and overall community complaints, can be a good start.

There is a need to develop a policy framework on relations and mutual expectations between LGs and CSOs, among which, the emphasis on demanding government to account should be streamlined and accorded utmost priority. In this case, civil society organisations and the media should be empowered to be able to check the operations of LGs.

9.4 CONSIDERATIONS FOR FURTHER RESEARCH

While the study was carried out to analyse the role of external control systems in the enhancement of accountability in local government in Uganda up to the end of 2008 and, therefore, might not have taken into account of the consequent developments, the study raised many issues that are of continuing importance in public management. Some of these require further investigation to ascertain their

implications and reorient their contribution to effective and efficient public service provision. Four potential areas of further study were identified.

First, this study only identified and elaborated on the systemic weaknesses of local government, for the purposes of comparing and evaluating on how the interventions of the IG and the OAG have helped to alleviate the poor accountability situation. There is a need for a complete study on local government systems and processes, the causes of the inherent systemic weaknesses, and how these can be ameliorated across the socio-economic and political spectrum in order to improve public service provision.

Secondly, this study used the civil society as an *analytical tool* in examining the extent to which the IG and the OAG have enlisted and helped to strengthen the civil society capacity in pursuit of accountability in local government. Whereas the inherent civil society weaknesses came to the fore, there is a need for a complete study on the causes of civil society weaknesses and how these could be alleviated to strengthen their civic competence, effective participation, and supporting the CSOs proactive role to better public service provision.

Thirdly, the study alluded to the problem of intergovernmental relations and specifically the central-local government relations. This should be explored with a view to identifying the conflict areas and how these can be harmonised to promote coherence in pursuit of the public interest in LG management. Other conflict areas alluded to and worthy investigating involve intra-governmental relations between the local government political and administrative structures on the one hand and the stakeholder relationships between users and service providers on the other hand. The relations should be critically examined and revaluated with the purpose of determining the causes for failure to significantly and effectively impact on service delivery.

Fourthly, there is a need for research on how local government has and could better reorient itself towards good governance. Specific areas of consideration could be:

- participation – the involvement of, especially the poor and underprivileged citizens in decision-making and access to the process of government;
- empowerment – a process through which peoples’ freedom of choice and action is expanded to enable them to have more control over resources and decisions that affect them;
- transparency – openness about decisions and greater access to information about the authority’s activities as a strategy to counteract corruption;
- responsiveness – being receptive to community problems, needs, and views and taking appropriate action to deal with them in a cost-effective way; and
- effective leadership – the existence of a strong and astute leaders who are committed to achievement of the public interest and development objectives.

9.5 CONCLUSION

A central question runs through this study. Is the local government becoming more accountable with the existence of an array of external control mechanisms? There is no easy answer to this. It is certainly true that there is more awareness on the formal procedures for effecting accountability and better understanding by the individual public officers, of the burden before them in the exercise of official duties and resources entrusted to them. Thus, there is greater parliamentary scrutiny, through the agencies of the IG and the OAG; there is greater internal review of efficiency and effectiveness; more attempts to specify individual objectives and monitor performance; and there is an additional client appeal system in areas of service delivery, all of which are largely attributed to the mechanisms instituted by the Inspectorate of Government and the Office of the Auditor-General.

The contribution of the external agencies of the IG and the OAG in the enhancement of accountability in local government, however, is not without blemishes. Their annual reports to Parliament, for instance, rely much on post-facto evaluation and continued castigation of local government officials for flouting the rules and procedures and being wasteful, yet ultimately, accountability is not just a technical issue, such as better reporting systems. It is the content of the reports and the performance that accrues – that are critical. Strict adherence to the rules and better

reporting procedures do not automatically lead to performance. The focus of accountability should be the need for continuous improvement in performance, not simply procedures.

Thus, those who inspect, audit and review local government should be able to recognise the inherent systemic challenges, and also appreciate the constraints under which the public servants operate, or where they have little or no control. In the end, improved performance and improved accountability depend on the extent to which people appreciate them as legitimate goals, both within the administration and within the external control agency system. In this case, there is need for continued efforts to generate and sustain mutual commitment by both spheres – the internal administration and the external players. The recognition that both the administrative and external control systems are linked by a common goal – of improved public sector performance and management – is therefore, critical to realising this commitment.

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APPENDIX 1: Interview Guide for External Control Agencies – Office of Auditor-General (OAG) and the Inspectorate of Government (IG)

You are kindly requested to assist by participating in the face-to-face interview that seeks to evaluate your agency's role towards the enhancement of accountability in Uganda's local government. The research is conducted in respect of the need to fulfil the requirements for a Doctoral Degree pursued by the researcher at the University of Pretoria, South Africa.

Research Title: External Control Systems and the Enhancement of Accountability in Local Government: The Case of Uganda.

Researcher: Umar Kakumba, BA (SS), Dip. Bus Admin., MA (PAM), PhD (Candidate-University of Pretoria)

1. What capacity do you have as an external control agency to enhance accountability in the districts, in terms of:
 - Human Resource Capacity
 - Parent and enabling legislation
 - Financial Resource and other facilitation
 - Support from other government agencies and stakeholders
 - Organisational structure/ capacity.
2. How has your agency supported local government systems and processes in terms of:
 - Financial management systems
 - Employment and organisational systems
3. What are the limitations to your institution's support on local government employment and financial management systems?
4. What has your institution done to ensure the establishment and implementation of legislation and policy pertaining to accountability in the local government sphere?
5. What are the limitations to your institution's effort to establish and implement legislations?
6. Does your institution collaborate with the civil society on matters pertaining to promoting accountability in local government? If so, in what ways? If not, why?
7. What are your limitations towards the collaboration and support for civil society in enhancing accountability in the districts?
8. How can your institution improve its oversight function of the district local governments?

Thank you very much

APPENDIX 2: Interview Guide for Key Respondents in District Local Government

You are kindly requested to assist by participating in the face-to-face interview that seeks to evaluate the role of the central government's agencies of the Auditor-General (OAG) and the Inspectorate of Government (IG) towards the enhancement of accountability in local governments. The research is conducted in respect of the need to fulfil the requirements for a Doctoral Degree pursued by the researcher at the University of Pretoria, South Africa.

Research Title: External Control Systems and the Enhancement of Accountability in Local Government: The Case of Uganda.

Researcher: Umar Kakumba, BA (SS), Dip. Bus Admin., MA (PAM), PhD (Candidate-University of Pretoria)

1. What particular roles do you think the central government agencies of the IG and OAG play in fostering the Public officials' performance and accountability in the districts?
2. How effective have been the agencies of the IG and OAG in spearheading investigations and recommending remedial action on matters pertaining to the promotion of public official's performance and accountability in the district?
3. Of what contribution have been the IG and OAG towards the strengthening of the following activities in the district:
 - Internal Controls & Audit
 - Monitoring & Evaluation
 - Procurement Policy & Practice
 - Reporting Requirements
 - Conditions of employment
 - Performance Management
 - Training & Development
4. What factors do you think limits the institutions of the IG, and the OAG, from performing their oversight and supervisory role over local governments' performance?
5. What are the other potential difficulties in implementing measures designed to enhance public officials' performance and accountability in local government?
6. How can the IG and OAG improve on their oversight role of ensuring that accountability and effective performance is enhanced in local governments?

Thank you, very much for your time!!!

