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
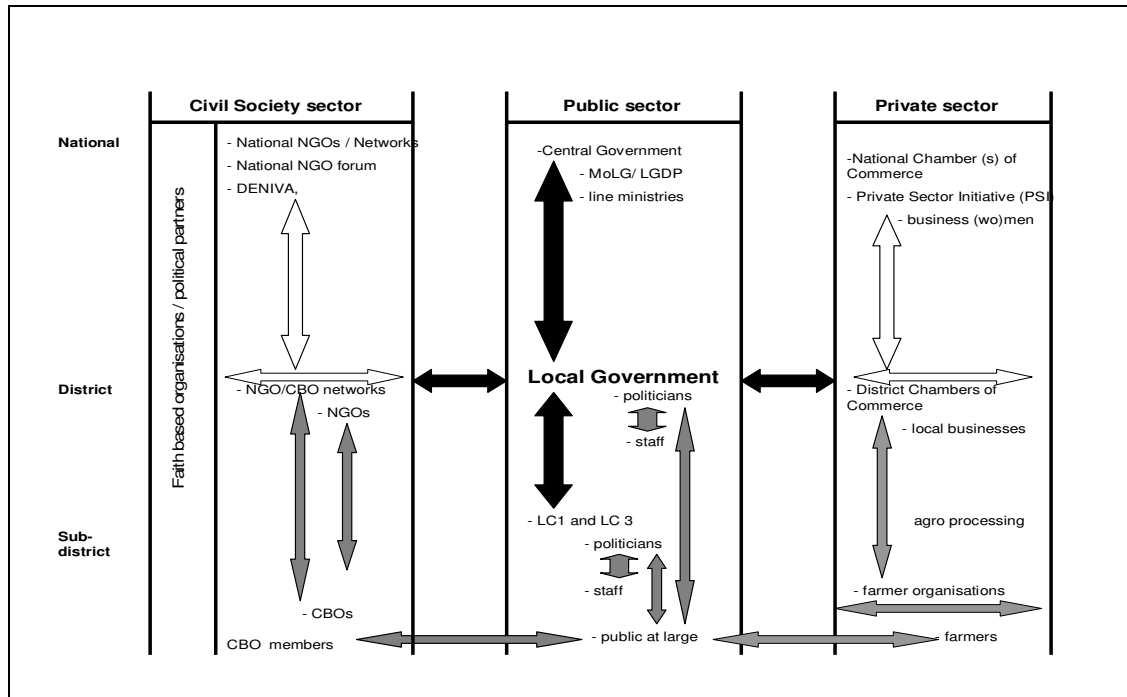
Source: JARD, 2004 Ministry of Local Government

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 recently[39] 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

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[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

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[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,

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[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

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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-spree* 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.