# INSTITUTIONS AND LOCAL GOVERNMENT ACCOUNTABILITY IN UGANDA:

A CASE STUDY OF NTUNGAMO DISTRICT

A MINI-THESIS

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Administration (M.Admin) in the School of Government, Faculty of Economic and

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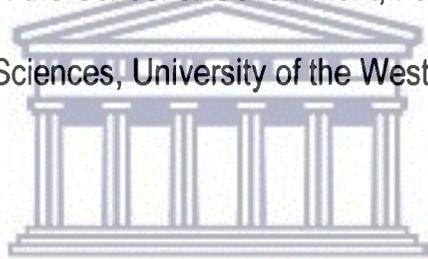
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September 2006

DECLARATION

I, Catherine Biira Promise, hereby declare that this mini-thesis on:

Institutions and Local Government Accountability in Uganda: A case study of Ntungamo District.

is my own work and that I have not received assistance from any sources other than those herein acknowledged by means of complete references as indicated in the text. Furthermore, I declare that this mini-thesis has not been submitted at any university, college or institution of higher learning for any degree or academic qualification.

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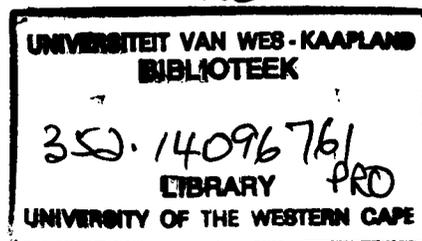
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DEDICATION

I dedicate this Thesis to my lovely daughter

PRINCESS CATHERINE MARY PROMISE

who started running the home at ten months of age because mummy had to go to school.

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KEY WORDS

Downward Accountability

Accountability

Answerability

Enforcement

Institutions

Institutional mechanisms

Informal Institutions

Formal Institutions

Councillors

Local Council

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LIST OF ABBREVIATIONS

CLOSUP	Center for Local State and Urban Policy
FM	Frequency Modulation
HLC(s)	Higher Local Council(s)
IMF	International Monetary Fund
LC	Local Council
LCs	Local Councils
LCI	Local Council One (Village)
LCIII	Local Council Three (Sub County)
LCV	Local Council Five (District)
LG	Local Government
LGA	Local Governments Act
LLC(s)	Lower Local Council(s)
NGO	Non- Governmental Organization
RC(s)	Resistance Council(s)
S/C	Sub County
T/C	Town Council
UN	United Nations
UN-HDR	United Nations Human Development Report
WB	World Bank

Use of Vernacular Terms

The following vernacular terms are used in this thesis. Their meaning is explained when they first occur in the thesis.

'Burungi Bwansi

'Akamiro'

ACKNOWLEDGEMENTS

ABSTRACT

After decades of seeking answers, without much success, to the development challenges facing third world countries, agencies such as the IMF and World Bank have turned increasingly in recent years to issues governance and accountability. In Africa especially, the failure of most development strategies has been attributed to governance issues such as democratic deficits, corruption and lack of political accountability among others. Uganda like several other African countries has been criticised for corruption - a sign that the country has a problem with the functioning of accountability and governance in general. In an attempt to find out whether the local government institutional mechanisms in Uganda embody possible explanations for weaknesses in political accountability, this study hypothesizes that institutional arrangements impact on downward accountability. While concentrating on the anatomy of institutions and the dimensions of accountability to which they relate, as well as on how the formal and informal institutions relate to each other, the study gives an insight into how institutions impact on downward answerability and enforceability at the local level in Uganda. Based on a thorough consideration of both the theoretical and empirical underpinnings of the concept of accountability, the study develops relevance criteria upon which an assessment of both formal and informal institutions' relevance for each of the dimensions of accountability is based. In both cases, formal institutions are found to be more relevant for accountability than informal ones. Critical issues about the capabilities of informal institutions are however raised, culminating in a discussion on the relationship between formal and informal institutions in the study area. While also considering other variables that interact with institutions in affecting accountability, the study calls for a re examination in the concepts under investigation namely 'institutions' and 'accountability'. The study concludes that problems of accountability can be accounted for by weaknesses in institutional design, conceptual weaknesses in the definition of accountability, as well as contextual factors such as resource constraints. In the light of this recognition, the study offers theoretical as well as policy level recommendations.

CHAPTER ONE

INTRODUCTION AND BACKGROUND

1.1   INTRODUCTION

Of late, the concept of governance has become key to development management. It is generally recognized that the quality of governance will impact heavily on the outcome of development efforts. The central argument of the United Nations Human Development Report (UN-HDR) (2002) is that "countries can promote human development for all only when they have governance systems that are fully accountable to all people and when all people can participate in the debates and decisions that shape their lives".[1]

It appears that the United Nations (UN) is not the only development oriented agency that recognizes the centrality of governance in development. In reference to a 'diagnosis' of Africa made by the World Bank (WB) and the International Monetary Fund (IMF), Rod Alence says that "consensus emerged that dysfunctional political institutions and governance bear much of the blame for the region's disappointing economic performance, hindering the successful pursuit of any development strategy- whether oriented towards capitalism or socialism, self reliance or global integration". [2]

The concept of governance is so wide that it is usually defined by its component concepts. There is general agreement that the term governance encompasses concepts such as accountability, popular participation, consensus building, pluralism, public accountability, respect for rule of law and human rights, responsiveness and transparency among others. One could therefore infer that the quality of governance in any system is determined by the degree to which the said system possesses these characteristics.

Accountability has become a prime concept in any explanation on the quality of governance, basically because it denotes the relationship between ordinary citizens and their leaders. If leaders are obliged to comply with the wishes and aspirations of the citizens, then a given system is said to be accountable. There are, however, contradictions at both the theoretical and empirical

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[1] HDR-UNDP, 2002 p.3

[2] Alence, Rod, 2004 p.164

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levels in the operation of accountability, resulting from the structure of the rules that govern leaders, the political culture of a society and many other factors.

1.2   RESEARCH PROBLEM AND PURPOSE OF THE STUDY

In an attempt to increase the quality of governance Uganda, like many other governments, has shifted responsibility and resources for service delivery from the central to the lower level governments. Some of the potential strengths of decentralization are that it brings services as well as service providers closer to the people they serve. As such, local citizens can question the way local leaders are doing their work and ensure that these leaders are not misusing the authority with which they have been entrusted, thereby reducing the many problems that could result from weak or no oversight.

Although Uganda's decentralization progress is commendable, it is not without fault. In a study conducted in both Kenya and Uganda, Nick Davis and Ursula Grant note that: "In Uganda which has undergone a radical decentralization, there is much greater scope for citizen participation at the local level but there are still many of the same problems of local accountability as in Kenya"[3]. Furthermore, Local Governments in Uganda are seriously plagued by corruption. Of the corruption related complaints lodged to the Inspector General of Government from July 2000 to December 2001, 60 involved Sub-County Chiefs, 91 involved District Tender Boards, 187 involved Town Councils and Municipals, 282 involved Local Councils and 774 involved the District Administration.[4]

In view of the anticipated benefits of decentralization, these situations might be pointers to a weakness in accountability mechanisms, at the local level. Problems of accountability could be linked to several factors such as resources constraints, lack of political will to support mechanisms of accountability, lack of sensitisation on leadership issues among the populace, to mention but a few. However, as already pointed out above, understanding institutional performance could most likely provide an answer. This study therefore seeks to explain how institutions and institutional mechanisms impact on downward accountability at the local level.

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[3] Devas Nick & Grant Ursula; 2003, p.307

[4] National Integrity Systems, Transparency International Country Study Report, Uganda 2003/4 P.28

1.3   RESEARCH QUESTIONS

The main research questions investigated by the study include the following:

- Do institutions and institutional mechanisms impact on downward accountability at the local level in Uganda and if so, in what ways?
- What is the role of institutions in ensuring downward accountability at the local level in Uganda?
- What is the contribution of formal and informal institutions to answerability at the local level in Uganda?
- What is the contribution of formal and informal institutions to enforcement at the local level in Uganda?

1.4   OBJECTIVES OF THE STUDY

The main objectives of the study are:

- To explain how institutions and institutional mechanisms impact on downward accountability at the local level.
- To determine the contribution of formal and informal institutions to answerability and enforcement respectively in Uganda
- To recommend ways of improving accountability within the established institutional framework in Uganda.

1.5   SIGNIFICANCE OF THE STUDY

Accountability is one of the key tenets of good governance, and institutions are undoubtedly central in ensuring accountability. Uganda has a strong institutional framework in place to ensure accountability. The question though is whether the mere existence of institutions guarantee accountability? It is therefore pertinent to investigate whether people actually use this institutional framework to hold leaders accountable and what challenges they face in so doing.

It is anticipated that the findings will be useful in informing policy makers and development practitioners on how well they can bridge the gap between policy and practice on issues to do with community oversight on government performance. They will also help to enrich the academic

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body of knowledge on the dynamics of accountability at the local level and why even the best policies could fall short on delivery .

1.6   RESEARCH METHODOLOGY

The research for this study on institutions and political accountability at the local level took the form of a detailed case study of the Ntungamo district in Uganda. Details of the research methodology are presented in chapter three together with empirical context information.

1.7   ORGANISATION OF THE STUDY

This mini-thesis is organised into five chapters. The succeeding chapters include Chapter Two, which presents both an assessment of theoretical and empirical approaches related to the research problem and a framework in which this study is grounded. This chapter also presents the hypothesis which was tested empirically. Chapter 3 contains the research methodology and empirical context information. Chapter 4 presents the findings of the study. It starts by explaining the findings according to each of the sub- hypotheses. It then proceeds with an explanation on the interaction between the types of institutions investigated in the study, and ends with a discussion on the other variables that affect accountability. The mini-thesis ends with conclusions and recommendations given in chapter five. This is followed by an annex in which other vital information that could not be placed with the major components of the mini-thesis is presented.

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CHAPTER TWO

LITERATURE REVIEW AND THEORETICAL FRAMEWORK

This chapter begins by explaining the place of accountability in modern day public administration and also gives an insight into the various debates on the conditions necessary for accountability to be realized. The chapter also provides theoretical delineations of the key variables investigated in the study, namely accountability and institutions, by means of a theoretical literature review. The chapter then outlines the conceptual framework within which the study was conducted. The chapter closes with development of a hypothesis that was tested empirically as part of the research.

2.1   GOVERNANCE AND ACCOUNTABILITY

Following the failure of many structural adjustment programmemes and their prescriptions regarding the advantages of the 'minimalist state,' there has been an increasing realization that national governments still have a vital role to play in steering development. Coupled with the need to increase aid effectiveness and service delivery to the people, there has been a call for reform in the public service especially among developing countries. It has also become apparent that the quality of governance will determine the growth and development of a country at least in the long run. As a result, development practitioners, academics and all other concerned parties have grappled with the task of defining what governance means and, in particular, what constitutes good governance, capable of supporting effective forms of development. Although there are many definitions of governance and good governance, most agree that accountability is an important component.

Although there is general agreement that questions of governance and accountability cannot be ignored if one has to explain development or its absence especially in the developing world, explanations about what conditions promote accountability are varied. It is also noteworthy that the concepts of governance and accountability belong to a much wider area of government reform and therefore go hand in hand with other reform interventions such as decentralization of service delivery. In fact, John Cohen and Stephen Peterson argue that promoting accountability is

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the most important principal of administrative design in transitional and developing countries.[5] These authors argue that there are three key means of promoting accountability namely political and legal oversight, institutional competition and administrative mechanisms. They stress that the most robust of these means is political oversight and laws, and that administrative mechanisms are the weakest, largely because they are management intensive.[6]

It has also been argued that decentralization fosters accountability and the effective monitoring of government officials and decision makers. This is particularly so because it can help to minimise rent seeking and formalise the relationship between citizens and public servants. At the political level, it has been argued that decentralization and a strong legal framework can lead to local accountability.[7]

Nick Devas and Ursula Grant argue that "accountability requires publicly accessible information about resource availability and use, and about the ways in which services are being delivered."[8] They further stress that although all aspects of accountability depend on information availability, and that information is often in short supply in many developing countries.[9]

From the above arguments, certain conditions seem to be necessary if one is to talk of accountability. Political decentralization, which among others involves periodic elections of leaders, coupled with the ability for the people to remove leaders from office if they feel that they are no longer serving their interests, is viewed as a major condition. The need for information to be available and accessible has also been underscored, as information forms the basis for action. A functional legal framework to govern the functioning of leaders and citizens is also key to promoting accountability.

As accountability means different things to different people, the following section gives an insight into the definitions of accountability and explains the context within which this term is used for the purposes of this mini-thesis.

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[5] Cohen M. John and Peterson B. Stephen, p.2

[6] Ibid; p.12-13

[7] OECD Development Centre Working Paper, p.9

[8] Devas Nick & Grant Ursula; 2003, p.309

[9] Devas Nick & Grant Ursula; 2003, p.310

2.2 GENERAL DEFINITIONS OF ACCOUNTABILITY

Various authors from different fields of social science, despite laying emphasis on different aspects of accountability, generally agree that accountability is a double faceted concept. Robert Keohane and Joseph Nye Jr argue that accountable actions should be both explainable and sanctionable, and that for an agent to be accountable, the agent must face adverse consequences if his or her actions are inconsistent with the values and preferences of the principals.[10] These authors seem to imply that, although explanations and sanctions are the hallmarks of accountability, it is sanctions in particular that provide the most effective incentive for accountability. However, they seem to dwell on the punitive effects of sanctions and do not consider reward. From their perspective therefore, accountability has more to do with dealing with faults than with enhancing strengths.

Rob Jenkins and Annemarie Goetz talk of having to provide information about one's actions and justifications for their correctness, and having to suffer penalties from those dissatisfied either with the actions themselves or with the rationale invoked to justify them. These aspects of accountability are sometimes called answerability and enforceability. They can also be thought of as weak and strong forms of accountability.[11] In addition to the aspect of 'explanation' highlighted by Koehane and Nye, Rob Jenkins and Annemarie Goetz add the aspect of 'justification'. For them, explanation and justification constitute answerability, and being liable to suffer penalties constitutes enforcement. Again, their idea of accountability, although allowing for the justification of actions, seems to dwell on more on enforcement and the correction of faults.

For Richard Mulgan, the core sense of accountability is clearly grounded in the general purpose of making agents or subordinates act in accordance with the wishes of their superiors. Subordinates are called to account and if necessary penalized as a means of bringing them under control. In a democracy, it is because the people wish to control the actions of public officials that they or their representatives make these officials answer, explain and accept sanctions.[12] Mulgan's conception of accountability appears to bear the same attributes as that of Jenkins and Goetz. 'Answer' and 'explain' in this context can be equated to 'justification' and 'explanation,' and therefore answerability, whereas 'accept sanctions' is synonymous with enforcement. Again the idea is that accountability should be essentially punitive.

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[10] Keohane O. Robert and Nye S. Joseph; 2001, p. 3

[11] Jenkins Rob and Goetz Annemarie; 2001, p. 5

[12] Mulgan Richard 2000, p. 563

Andreas Schedler perhaps presents the most comprehensive definition of accountability. In addition to presenting the two facets of the concept, this author goes deeper into explaining the meaning of answerability and enforcement. The idea of answerability is said to be comprised of two dimensions: the information dimension in which people exercising power are asked to inform about their decisions, and the argumentative dimension in which they are asked to explain their decisions. This is basically the same idea presented by some of the authors mentioned above. Schedler, however, goes further and explains that the idea of answerability therefore entails a right to receive information by one party and an obligation to release information by the other party, and by extension, a right to receive an explanation as well as a duty to justify the explanation. Schedler's concept of enforcement is also more comprehensive than those presented above. For him, enforcement entails rewarding good and punishing bad behavior, and thus bearing the consequences for what one has done.[13]

As can be observed, enforcement in this context can be either punitive or rewarding, depending on what has been done. According to Robert E. Goodin, there are three generic subjects of accountability (things that people can be held accountable for), namely their actions, their results and their intentions.[14] These subjects of accountability seem to correspond perfectly with the ideas of explanation, sanction and justification respectively. When called to account, peoples' explanations will be linked to their actions, their justifications to their intentions and the sanctions handed to them will correspond to the results of their actions.

Although there is general agreement that accountability is double faceted, Schedler argues that accountability does not have to have both facets in order for it to exist. He says that answerability can still be effective without enforcement, as in the case of the South African Truth and Reconciliation Commission,[15] and that enforcement can exist without answerability as in the case of the Indonesian students who demanded the demise of General Suharto in 1998.[16] This view

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[13] Schedler Andreas et al 1999, p. 14-15

[14] Goodin E Robert 2003, p.10

[15] Schedler et al 1999, p.17-18 Notes: After the fall of the apartheid regime in South Africa, the Truth and Reconciliation Commission solicited testimonies from both perpetrators and victims of apartheid, the aim of which was to lead to reconciliation rather than punishment to avoid escalating existing racial tensions.

[16] Schedler et al 1999, p.17-18 Notes: Following the shooting of 6 University students in a demonstration against Suharto's regime on may 12th 1998, in Indonesia, rioting escalated with shopping centers being looted and thousands of cars being set on fire, which led to the death of 500 people. Unable to contain the situation and without opportunity to explain himself, General Suharto was forced to resign.

contradicts that of Jenkins and Goetz who say that in practice, answerability and enforceability are equally important. Both are necessary and neither by themselves is sufficient.[17]

Another element of accountability on which there is general agreement among theorists is that it is basically a relationship concept. When one talks of accountability, at least two 'objects' are implied. It is a relationship between persons or bodies that defines the extent to which the desires of one party are satisfied or frustrated by the actions of the other party. Jenkins and Goetz talk of a relationship where A is accountable to B if A is obliged to explain and justify his actions to B, or if A may suffer sanctions if his conduct, or explanation for it, is found wanting by B. They call A the 'object' and B the 'agent'. [18]

The object is the party from whom accountability is demanded and the agent is the party who demands accountability. The Centre for Local State and Urban Policy of the University of Michigan (CLOSUP) says that accountability has to do with the relationship between what citizens want and what government officials do.[19] In this case, 'B' stands for the citizens and 'A' for government officials. Although Robert E Goodin does not specify 'A' and 'B', he confirms the relationship nature of accountability when he notes "accountability is of some agent to some other agent for some state of affairs." [20]

Schedler notes that, the whole idea of accountability presupposes power.[21] It means for example that party 'B' delegates authority to party 'A' and that A is supposed to use that authority in accordance with the desires of B. However, he asserts that those who exercises authority also has some kind of discretion; otherwise if they were totally controlled by the one who delegates the power, there would not be any need for accountability.[22]

Figure 1 below shows the delineations of the concept of accountability in terms of its dimensions, their components and the subjects of accountability to which they relate:

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[17] Jenkins Rob and Goetz Annemarie 2001 p.5

[18] Ibid

[19] http://closup.umich.edu/research/projects/accountability/accountability.html

[20] Mulgan 2001, Brody 2002, as cited by Goodin E Robert; 2003 p.4

[21] Schedler et al; 1999, p. 18

[22] Ibid p.20

Figure 2.1: Illustration of the delineations of the concept of accountability

Concept — Accountability

Dimensions — Answerability / Enforceability/Enforcement

Components — Explain · Justify / Reward · Punish

Subjects — Actions · Intentions / Results
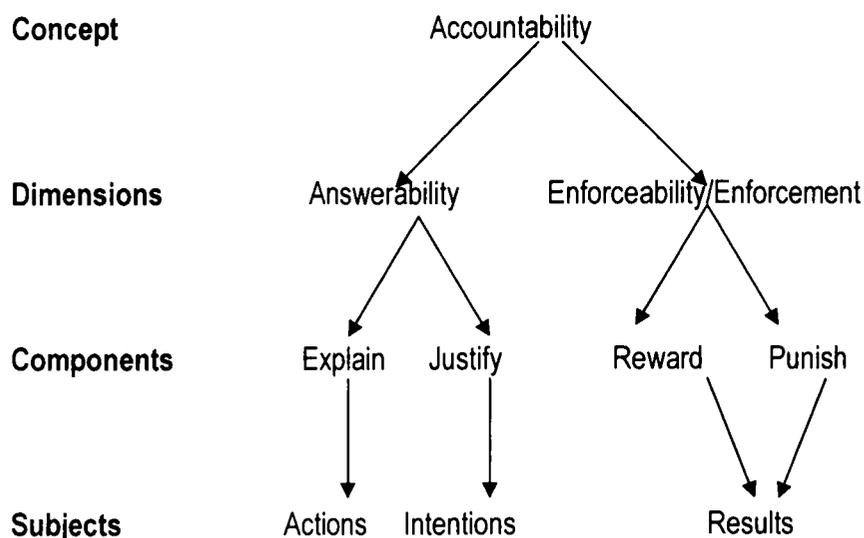
(Source: own illustration)

Some theorists differentiate the various types/forms of accountability according to who plays roles A and B (role oriented definitions). Other authors use the timing of the account to distinguish between certain types of accountability (timing oriented definitions), and others use what Brinkerhoff calls 'locus of accountability', that is, where the accountable and overseeing actors are located within a particular governance system.[23] (Locus oriented definitions). These three apects are examined in more detail in the sections below.

2.2.1 Role oriented definitions

There are two broad types of role oriented definitions of accountability, namely political accountability and administrative accountability.

2.2.1.1 Political Accountability

According to Robert E. Goodin, political accountability is that of elected officials to their electorates for their performance in office.[24] The World Bank says that political accountability refers to the constraints placed on the behaviour of public officials by the organizations and constituencies with the power to apply sanctions on them.[25] Derick W. Brinkerhoff asserts "Within

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[23] Brinkerhoff W. Derick; 2001, p.3

[24] Goodin E. Robert; 2003, p.5

[25] http://www1.worldbank.org/publicsector/anticorrupt/politicalaccountability.htm

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systems of democratic governance, there are various aspects of the governance enterprise that contain accountability dimensions. First and foremost is democratic/political accountability, which is a core feature of democracy itself, where societies select their leaders via periodic elections. Democratic/political accountability extends beyond holding leaders accountable through elections, to touch upon the administrative machinery of government that elected leaders direct to achieve public purposes." [26]

Goodin's conception of political accountability presupposes some kind of democracy and implies that those who should account get their power from those who elect them. His definition therefore applies to politicians or other people who are mandated to hold public office through the ballot as the ones who are held to account and in this case to citizens or any special groups that elect them. The definitions by the World Bank and Brinkerhoff, however, relate to anybody holding public office, including politicians and bureaucrats.

2.2.1.2 *Administrative accountability*

According to Goodin, administrative accountability is the accountability of public servants to elected officials (and through them to the electorate in general) for their performance in office.[27] As can be observed from above, according to Brinkerhoff, administrative accountability is part and parcel of political accountability. If we take Goodin's definition of the 'accounter' in administrative accountability, then the World Bank also views administrative accountability as part and parcel of political accountability. The major difference between Goodin's and the other two definitions is that the former specifies the accountable party as well as the party to whom an account is given, which the other definitions do not do.

2.2.2 Timing-oriented definitions

These definitions distinguish between ex-ante and ex-post forms of accountability.

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[26] Brinkerhoff W. Derick, 2001, p.5

[27] Goodin E. Robert 2003, p.5

2.2.2.1. Ex-ante accountability

According to John Ackerman, ex- ante accountability is the evaluation of plans of action.[28] It is carried out before the action and, by definition, targets actions and intentions not results. Goetz and Jenkins provide the following example of ex-ante accountability: when the decision-making process is subjected to questioning before an action is finally approved, as when government spending plans must be defended under cross-examination by opposition legislators, in which case the exercise of sanction can take the form of parliamentary rejection or substantial amendment.'[29]

2.2.2.2 Ex-post accountability

Ackerman defines ex-post accountability as the "evaluation of completed projects."[30] Goetz and Jenkins say that it is the only true form of accountability if one considers the strict definitional sense of the word. They argue that 'holders of power are expected to take actions, the impacts of which can be assessed only after the fact by accountability seekers who may choose to impose sanctions if explanations for the decision or its outcome are deemed insufficient.[31] Ex-post accountability therefore covers all the three subjects of accountability namely actions, intentions and results.
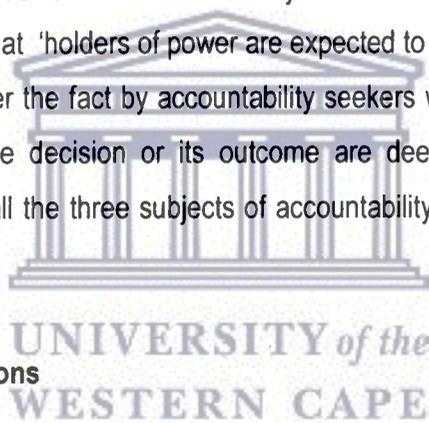
2.2.3 Locus oriented definitions

These definitions distinguish between horizontal and vertical forms of accountability.

2.2.3.1 Horizontal accountability

According to Mark Schacter, horizontal accountability is that of the state to its own public institutions of accountability, such as the judiciary, auditor general, and anti corruption bodies among others.[32] However, Nick Devas and Ursula Grant refer to horizontal accountability as that

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[28] Ackerman M. John, (Social Development Papers) Paper No.82, 2005 p.5

[29] Jenkins Rob & Goetz Annemarie; 2001 p.8

[30] Ackerman M. John, (Social Development Papers) Paper No.82, 2005 p.5

[31] Jenkins Rob and Goetz Annemarie; 2001, p. 8

[32] http://www.isuma.net/v02n02/schacter/schacter_e.shtml

of local government officials to elected representatives.[33] For Guillermo O'Donnell, horizontal accountability is "the existence of state agencies that are legally enabled and empowered, and factually willing and able to take actions that span from routine oversight to criminal sanctions or impeachment in relation to actions or omissions by other agents or agencies of the state that may be qualified as unlawful.[34]

Clearly Schacter and O'Donnell present the same idea of horizontal accountability. Nick Devas and Ursula Grant on the other hand express theirs in the context of decentralization and use it specifically in relation to elected representatives and civil servants at the local level. What they call horizontal accountability is essentially the same as administrative accountability. This does not necessarily present a contradiction, since in many countries the constitution empowers elected representatives to hold civil servants accountable. Furthermore, in a democracy, the legislature (which is an arm of government) is made up of elected representatives. It is important to note however, that horizontal accountability goes beyond administrative accountability.

2.2.3.2 Vertical accountability

For Mark Schacter, vertical accountability the accountability of the state to its citizens. This may include citizens acting through the electoral process or indirectly via civic organizations or the news media.[35] Nick Devas and Ursula Grant do not use the term vertical accountability but rather *downward accountability* to express the same idea, that is accountability of elected leaders (and officials) to local citizens.[36] According to Schedler, vertical accountability is that through which citizens, mass media and civil associations seek to enforce standards of good conduct on public officials.[37]

From these definitions, it can be observed that there is a thin line between vertical and political accountability. Political accountability might however encompass aspects of horizontal accountability. Vertical accountability from the perspective presented here, recognizes the source of the authority of elected leaders- the people.

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[33] Devas Nick and Grant Ursula 2003 p. 310

[34] Schedler Andreas et al 1999 p.38

[35] http://www.isuma.net/v02n02/schacter/schacter_e.shtml

[36] Devas Nick and Grant Ursula 2003 p. 310

[37] Schedler Andreas et al 1999 p.3

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2.3   CONCEPTUAL FRAMEWORK OF THE STUDY

For purposes of this study, the focus will largely be on the political accountability of locally elected leaders in Uganda to their electorate for their performance in office. For purposes of context, Nick Devas and Ursula Grant's idea of downward accountability is adopted, as it applies to the local government system, which is the primary focus of this study. The elected leaders focused on in this study are the elected councillors at the district level.   Reference is sometimes made to aspects of central –local government relations as well as to lower levels of political administration, but only in the interest of clarifying phenomena at the district level. Both the answerability (explain and justify) and enforcement (reward and sanction) dimensions of the concept of accountability are studied from both the ex ante and ex post perspectives.

2.4   DEFINING INSTITUTIONS

Given that institutions are the main explanatory variable in this study, it is imperative to understand what is meant by this term. Institutions have been defined as "organizations or mechanisms of social structure, governing two or more individuals. Institutions are identified with a social purpose and permanence, transcending individual human lives and intentions, and with the making and enforcing of rules governing human behavior."[38] According to Douglas C. North "institutions are the humanly devised constraints that structure political, economic and social interaction."[39] In his discussion of institutions, Jütting argues that they include both what individuals are prohibited from doing and, sometimes under what conditions some individuals are permitted to undertake certain activities."[40] Jütting classifies institutions in three ways, according to their formality, the level of hierarchy, and the area of analysis. These three aspects will be discussed briefly in the sections below.

2.4.1   Degree of formality

According to this classification, there are formal and informal institutions. Formal institutions include constitutions, laws and regulations, among other things. Informal institutions on the other hand include extensions, elaborations and modifications of formal rules; socially sanctioned

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[38] en.wikipedia.org/wiki/Institutions

[39] North C. Douglas, 2002, p.97

[40] Jütting Johannes, 2003 p.11

norms of behavior (customs, taboos and traditions); and internally enforced standards of conduct. Jütting further notes that informal institutions tend to 'live' longer than formal institutions and tend to remain unchanged even in the face of changes in the formal institutions. He also notes that poor regions in poor countries tend to rely more heavily on informal institutions than on formal ones. However, he further asserts that formal institutions apply to a much wider range of activities than informal institutions.[41]This means that there are several issues where formal institutions will more likely be applied, as the jurisdiction of informal institutions is somewhat limited.[42]

2.4.2 Level of hierarchy

According to Jütting, iInstitutions can be located at four levels. Level 1 institutions are those found at the most basic level of society. They include social norms, customs and traditions and are generally informal. These institutions define the way a society conducts itself. Level 2 institutions mainly serve to define and enforce property rights. They include conventions and laws, some of which are informal. Level 3 institutions relate to governance. They enable the creation of organizations like national and local government, state agencies and NGOs among others. Level 4 institutions relate to resource allocation mechanisms[43]

2.4.3 Area of analysis

Jütting identifies four broad types of institution according to the area of analysis. These are (i) economic institutions, which define the production allocation and distribution of goods and services; (ii) political institutions which are concerned, amongst other things, with elections, electoral rules and measures of checks and balances; (iii) legal institutions which deal with the definition and enforcement of laws and rights; and (iv) social institutions which deal with access to social services among others.[44] It is imperative to note that the above discussion is based on Johannes Jütting's classification. Although some aspects of this classification could raise serious debate for example regarding the jurisdiction of the different types of institutions discussed, this classification nevertheless provides a useful basis for discussing institutions in this thesis.

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[41] Jütting Johannes, p. 11-12

[42] This classification is discussed in detail in 2.4, as it is the basis upon which institutions are discussed in the entire thesis.

[43]Jütting Johannes, p. 12-13

[44] Ibid p. 13-14

2.5   INSTITUTIONS OF ACCOUNTABILITY AT THE LOCAL LEVEL

From the above classifications, it is clear that both Level 1 and Level 3 political institutions can impact on accountability at the local level, as they condition the behaviour of both political actors and citizens. These institutions spell out the duties, responsibilities and obligations for which elected leaders can be held accountable. They also shape the environment in which citizens can organize to take collective action.

Various mechanisms of downward accountability which operate at these two levels can be identified.   These include elections; recall; legal recourse through the courts; third party monitoring by the media, NGOs or independently elected controllers; auditing and evaluation; political pressure and lobbying; media/ NGO provision of information on the roles and obligations of government; public local government reporting requirements; education; embeddedness of leaders in their community; belief systems of leaders and their communities; civic dedication and pride in their leaders; performance awards; widespread participation; social movements; and threats of social unrest and resistance.[45]

Although, several mechanisms of accountability exist at the local level, as can be seen from the empirical and theoretical evidence given above, some of them are institutional while others are not. Despite the attempts by several NGOs and other institutional mechanisms to promote political accountability, they lack the compulsive ability when it comes to political leaders. Their inability to get leaders punished for acting contrary to the wishes and aspirations of their people makes them particularly weak when it comes to ensuring political accountability. This thesis therefore concentrated on those aspects of the Local Government Act that govern the operations of elected local leaders, more specifically, those rules which seek to ensure political accountability in a meaningfully measurable manner. In recognition of this fact and the fact that three meaningful classifications of institutions are given above, it is imperative to note that the interest of this study lies in understanding the contribution of institutions and institutional mechanisms to accountability based on their degree of formality. This is the primary concern of this study for which a hypothesis has been developed. However, the study also attempts to explain other mechanisms of accountability that interact with institutions in the study area.

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[45] Scott, 1976;Guyer, 1992; Moore, 1997; Tendler, 1997; O'Donnell, 1998; Blair, 2000 as cited by Ribot. J.C 2003 p.58

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2.6 UNDERSTANDING THE COEXISTENCE OF INFORMAL AND FORMAL INSTITUTIONS

This section seels to provide an in-depth explanation on the interaction between informal and formal institutions. According to Helmke and Levitsky, informal institutions have increasingly gained prominence in comparative politics, as they are key in determining political outcomes. Theoretical explanations on the operation of institutions are therefore increasingly focusing on informal institutions and how they relate with formal institutions in a given a political context. While defining informal institutions as "socially shared rules, usually unwritten, that are created, communicated and enforced outside of officially sanctioned channels"[46], these writers develop a typology that can be used in understanding how informal institutions relate to formal institutions. Basing on how the outcome obtained from following informal rules relates to that expected from a strict adherence to formal institutions, and also on the effectiveness of the formal institutions, they suggest four potential ways in which informal institutions can relate to formal institutions. Informal institutions, they say, can be complementary accommodating, competing, or substitutive.

A complementary informal-formal institutional relationship is one in which the informal institutions serve to enhance the effectiveness of formal institutions. This they do by providing incentives for compliance with formal institutions, or by easing the operation of formal institutions for example through providing for procedures, not catered for by the design of the formal institution, but which make the formal institution perform better. A case in point is the procedures for purchasing of land, especially in rural areas in Uganda. What usually happens is that the intending buyer invites all the people neighbouring the land in which he/she is interested and signs and agreement with the seller in their presence. In other words, by community standards at this level, secretive selling and buying of land is as good as outlawed. This document signed in the presence of witnesses is a legal document, which is recognised by law even if someone does not have a land title. This is because titling of land in rural areas in the country is still very minimally practiced largely because of lack of capacity to put it into effect. In this sense, this informal institution helps to secure property rights in rural areas, thus covering up for the lack of enforceability of the formal institution namely the Land Act.

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[46] Helmke Gretchen and Levitsky Steven 2004. Article in Perspectives on Politics Vol. 2/No. 4 p.727

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Accommodating informal institutions on the other hand are said to be usually the creation of people who do not like the outcomes of formal institutions but cannot openly violate or change them. Accommodating informal institutions unlike complementary ones, may not be efficiency enhancing, but may enhance the stability of formal institutions because they ameliorate potential demands for change.

Competing informal institutions usually coexist with ineffective formal institutions (those that are not systematically enforced). Competing informal institutions structure incentives in ways that are not compatible with formal institutions. Their relationship with formal institutions is such that they are mutually exclusive – for one to abide by one institution he/ she must violate the other. Substitutive informal institutions like competing ones coexist with ineffective formal institutions. They usually emerge where state structures are weak or lack authority. However like complementary informal institutions, substitutive informal institutions seek to achieve outcomes that are compatible with formal institutions. They therefore serve to create outcomes for which formal institutions were designed but failed to achieve.[47]

The preceding discussion has highlighted the four ways in which informal institutions can relate to formal ones. Apart from the case of competing informal institutions, which further undermine formal institutions, in all other cases, formal institutions have something to benefit from the informal institutions. Informal institutions either enhance the effectiveness of formal institutions, achieve what formal institutions were designed to achieve, or enhance the stability of formal institutions.

2.7 HYPOTHESIS

The above sections of the study highlighted the two major types of institutions as formal and informal. In view of the fact that the research for this study was carried out in a rural district, the likelihood that informal institutions would play a major role in the lives of the communities was rather high. In addition, given that the study was looking at the relationship between communities and elected leaders in the context of decentralization, formal institutions stood out as a defining

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[47] This discussion is entirely based on the article by [47] Helmke Gretchen and Levitsky Steven 2004. In Perspectives on Politics Vol. 2/No. 4 p.725-740

factor of this relationship. It seems highly likely therefore that formal and informal institutions would coexist in the study area.

In addition to the above, the writer's experience with informal institutions in other parts of the country that have characteristics similar to those in the study area, showed that informal institutions strongly supported accountability. In Uganda, for example, in a bid to reduce the burden of the courts, the leaders at the lowest level of political administration (LC 1) were authorised to handle certain kinds of cases. It is important to note that although these courts are authorised by formal law, they operate more according to social norms and practices (informal institutions). The biggest criticism of these courts is that they have not only taken on cases that should ideally be beyond their jurisdiction, but they have also given offenders very light or no punishment at all for crimes which would attract heavy penalties at a more formal court. Such cases include domestic violence where offenders have several times been asked to explain why they beat their partners and nothing has been done to punish them. On the other hand, the theoretical explanations on enforcement show that by nature, it requires the intervention of a third party. As such, formal institutions created and promoted by actors outside the community to which they are applied were more likely to promote enforcement better than informal institutions.

Following from the above considerations, recognitions, the following hypothesis and sub-hypotheses were formulated.

"Institutional arrangements impact on the operation of downward accountability."
a) *Informal Institutions are more relevant for ensuring answerability than formal institutions.*

b) *Formal institutions are more relevant for ensuring enforcement than informal institutions*

These hypotheses recognize that both formal and informal institutions could impact on accountability at the local level. They also recognize that either type of institution could impact differently on the different dimensions of accountability.

CHAPTER THREE

RESEARCH METHODOLOGY AND EMPIRICAL CONTEXT INFORMATION

This chapter presents the methodological aspects of the study on institutions and accountability conducted in the form of a case study of Ntungamo district in Uganda. These methodological details are preceded by a brief section which provides empirical context information relevant to the understanding of the stuffy.

3.1   EMPIRICAL CONTEXT INFORMATION

3.1.1   Uganda's Electoral System

This study was conducted during a transition period in Uganda from one political system to another. Uganda was due to hold its first multiparty elections since 1980 in 2006. Since 1986, the country has been run under a no party system called the movement system. Under this system, candidates seeking political office ran as individuals and were voted for on the basis of 'individual merit'. This meant that political leaders were directly accountable to their electorate and not to the party leadership as will most likely be the case from 2006 onwards. Although parties were banned for a long time, some people still openly declared that they subscribed to the party ideology, and said so even when seeking political office. When elected however, such people were not accountable to their parties, as parties were not allowed to operate formally.

3.1.2   Uganda's Local Government System

Uganda is one of the three East African Countries. It is bordered by Sudan to the north, Kenya to the east, the Democratic Republic of Congo to the west, Tanzania to the South and Rwanda to the South- West. It has a population of 27.6 million people. Uganda has had a turbulent political history characterised by civil wars, military coups and dictatorships since obtaining independence from the British on 9th October 1962. In fact although the country had has had at least seven different leaders, there has never been a peaceful transfer of power from one regime to another. In an attempt to further entrench their authority, Uganda's dictatorial leaders such as Idi Amin systematically destroyed the country' local government structures and institutions[48].

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[48] Karugire .R Samwiri, 1998 p.80

From 1981 to 1986, Uganda had another civil war, which brought President Yoweri Kaguta Museveni to power. During, this war, Museveni and his colleagues had secret committees of volunteers within the population who mobilized support and food for the rebels. From 1982, in areas that had been captured by the rebels, members to these committees were elected and these committees were formalized and called 'Resistance Councils' (RCs). After the war in 1986, the regime spread the idea of RCs to all districts in the country. RCs were charged with the responsibility for running the day-to-day affairs of the people, including activities such as settling disputes, ensuring security, and mobilizing support for government programmemes. The RCs were subsequently renamed local councils (LCs) form the foundation of Uganda's current local government system.[49]

Uganda's local government system is based primarily on the district. In each district there are five levels of local councils (LCs): LCI is a village; LCII is a parish; LCIII is a sub county; LCIV is a county; and LCV is the district. The district council is the highest political authority within the district, and exercises legislative and executive functions within the confines of the law. Every district council (LCV) consists of a district chairperson who is elected directly through universal adult suffrage to represent the whole district, as well as councillors elected directly through universal adult suffrage to represent each sub county.

There are however other district councillors who are elected through electoral colleges to represent special interest groups. Such councillors include two youth councillors, one male and one female who represent all the youth in the district. There are also women councillors who are elected to represent sub counties, but sometimes depending on the size of the sub county, one woman councillor represents two sub counties. The district council also has councillors representing people with disabilities, one male and one female. The same structure and mode of voting applies to the sub county (LCIII) councils. The difference is that councillors at LCIII level represent parishes.[50] The term of office of all councillors is 4 years after which they can seek re-election. However, the institutional framework of Uganda provides for the possibility to recall a councillor or any other elected leader anytime during his/her term of office for reasons that will be discussed in more detail in chapter four.

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[49] Museveni Kaguta Yoweri, 1997 p.189-190

[50] Local Governments Act (Uganda) Act No.1 1997 Part III section 10-11; 24

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The local governments in the rural areas are the District Council (LC V) and the Sub-county councils (LC III). Local government in municipalities is the responsibility of Town Councils (TCs).[51] Councils at the LCIV, LCII and LCI levels are called administrative units. The council at LCIV (county level) consists of all members of the sub county (LCIII) executive committees in the county. At the Parish level (LCII), the council comprises of all members of the village executive committees in the parish. All persons of 18years of age or above are members of the village council in which they reside.[52]

In the Ugandan system, the amount of political authority at the local level increases the higher one goes in the hierarchy, with the district councillors possessing the greatest authority. Despite being the lowest level, the LCI (village/ cell) council nevertheless commands a lot of respect. This is because the LC leaders are charged with duties which are essential to the day-to-day lives of the people. LCI leaders for example play an important conflict resolution role, with powerful LC courts to which every village member is subordinate. They can also permit or deny permission for certain activities to be carried out in their areas of jurisdiction. Their embeddedness in their communities makes them very respected and yet very close to the problems of their people. LCIs therefore can have strong influence on how members of their villages vote for other political leaders, as the people identify more with them than any other leader. It is important to note that the chairperson at LC1 is elected by universal adult suffrage and all adults above the age of 18 are members of the LC1 council. For LC11 and LC1V, levels, the leaders are elected from the leaders of the LC1 and LC111 councils respectively.

3.1.3 Information on Ntungamo District

The Study was conducted in form of a field research in Ntungamo District. Ntungamo District is located in South Western Uganda. It has a population of 386,816, 99% of whom are rural. The district was created in 1993 from the merger of Bushenyi and Mbarara districts. It comprises three counties, Ruhaama County, Kajara County and Rushenyi County. Ruhama County consists of seven sub counties namely Ntungamo, Nyakyera, Rukoni, Ruhaama, Rweikniro, and Ntungamo Town council and Itojo sub county, which is the latest transfer from Mbarara district. Kajara County on the other hand consists of the four sub counties of Kibatsi, Nyabihoko,

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[51] Local Governments Act (Uganda) Act No.1 1997 Part II section 4.

[52] Ibid Part V section 47.

Bwongyera and Ihunga. Rushenyi County consists of Kayonza, Ngoma, Rugarama and Rubaare sub counties.[53]

Since its creation, Ntungamo district has had three district councils. The first council was from 1994-1997; the second council ran from 1998-2001, the third council (during which this study was conducted) was from 2002-2005. The district has had the same district chairman since its inception. Despite it's being a relatively new district, Uganda's second participatory poverty assessment report highlights Ntungamo as a model of good governance.[54] Ntungamo district therefore presented a good starting point from which the operation of downward accountability at the local level could be investigated.

3.2   RESEARCH METHODOLOGY

3.2.1   Operationalization of the variables

During the course of this study, data of two types were collected, namely empirical data on the variables hypothesized above, as well as the opinions of key respondents which helped to deepen the understanding of the empirical data. The study investigated the impact of selected institutional mechanisms on accountability. The formal institutions studied included elections, candidates' meetings (in the run up to elections), concultative meetings, and the recall provision. As informal institutions encompass internally enforced standards of conduct as well as socially accepted norms among others, it was not possible to have prior knowledge of the specific informal institutions that operated in the area of study. The interviews were therefore designed in such a way that they yielded information on the informal institutions and also assessed their contribution to accountability. Because of the peculiarity of these informal institutions, which is explained in chapter four, they were taken collectively and investigated under the overall heading of 'social norms'. Table 3.1 below provides a classification of the main institutional mechanisms investigated by the research, together with the possible forms of answerability and enforcement associated with each of them.

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[53] www.childsurvival.com/projects/projectDetail.cfm?proj_ID=517; http://www.ugandadish.org/ntungamo.doc
(Information on Itojo sub county was obtained from the district offices not this site.)

[54] Second Participatory Poverty Assessment Report, Uganda, 2002, pg 180

Table 3.1. Classification of Institutional mechanisms investigated.

Institutional mechanism	Type of institution	Possible forms of answerability and enforcement.
1. Elections	Formal	Acquisition, Loss/ Retention of office.
2. Candidates' meetings		Questioning during electoral campaigns
3. Recall	Formal	Petition, Loss of office
4. Consultative meetings	Formal	Questioning.
5.Social norms (composition of which is explained in chapter 4.)	Informal	Questioning, Loss / Gain of support

Source: own illustration

3.2.2 Institution selection criteria

Bearing in mind the subject under investigation, elections and candidates' meetings were selected because they were considered the basis of local accountability since they are the means through which the local leaders (in this case district councillors) obtain or lose their power from the people. Consultative meetings and the recall provision were the formal institutions meant to ensure ex-post answerability and enforcement respectively. They could therefore not be left out of the investigation. Social norms comprised several informal institutions, which operated in the study area. Their inclusion enabled a more embracing assessment of the contribution of institutions to accountability. The institutional mechanisms selected above therefore represent vital points from which accountability at the local level can be assessed.

3.2.3 Indicators of accountability

Downward accountability at the local level has been explained above. It basically entails not just the existence of but the use of mechanisms both formal and informal, to provide accountability to the people by their leaders. It is from this understanding that the following indicators were selected to act as a basis for assessing that operation of downward accountability.

Table 3.2 Indicators of accountability

Answerability Dimension (explain/justify) Indicators
Use of mechanisms for individuals and civil society in general to ask for information and justification from councillors.

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Incidents of demanding or receiving explanation and justification from councillors during community gatherings.
Cases of asking councillors to explain/ justify actions on the basis of formal procedural provisions.
Incidents of demand for explanation of a plan of action or performance from an aspiring or incumbent councillor during electoral campaigns.
Incidents where councillors have been asked to explain and justify perceived failure to abide by community resolutions.
Enforcement Dimension (reward/ punish) Indicators
Action(s) taken to express dissatisfaction with a councillor's performance between elections e.g. recall, demonstrations, threats of social unrest, and boycotts of taxes.
Incidents of appreciation for or opposition against council decisions e.g. petitions, awards and memoranda.
Instances of voting for or against someone on the basis of previous or promised performance.
Expressions of rejection/ support of a councillor by the community in the course of his/her term of office. [55]

Source: see footnote 55

3.2.4   Data and Data Sources

Primary data was obtained mainly from three sources: (i) ordinary citizens and LC1 chairpersons who were mobilized at village level, in each sub county; (ii) Local Council Five (LCV) councillors representing the sub counties at district level; and (iii) the clerk to Council (the senior civil servant at the district council level). This represented a deviation from the original plan whose intention was to obtain primary data from opinion leaders, Councillors at sub county level, a Member of

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[55] Some of the indicators above have been modified from Stanciulescu Alina, 2005 p.9-11, as well as Chamberlin John and Gerber R. Elisabeth 2003 p.5-10

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Parliament, and civil servants at ministry level, in addition to the groups mentioned above. In addition to resource constraints, a re-examination of the research proposal revealed that Members of Parliament would not be very helpful as they represented the people at a level higher than that level at which the interest of the study lay. The ministry level respondents had originally been included with the idea that they would give an insight into the area of public accounting regulations. An examination of the public accounting regulations revealed that the emphasis was on financial accountability, which also deviated from accountability in the sense in which it is used in this study. When asked whether they had opinion leaders, respondents mentioned their Local Council One (LCI) chairpersons, and in some places people said there were no opinion leaders. Although LCI chairpersons are also elected leaders, their unique location in the population, and the role they play dictated that they be included as respondents in the focus group discussions. As such, no body was interviewed in his/her special capacity as an opinion leader.

In additon, from the interviews and discussions conducted as part of this research, it became clear that the vast majority of people perceive their local leaders to be their LCV representatives. The Sub County (LCIII) level was for them more of a conduit for LCV level responses to their demands. As such, they expected accountability more from LCV than from LCIII. The LCV level was therefore deemed the only level that applied equally to all residents in the sub county, as the councillors at this level represent the whole sub county.

The advantage of primary data collected from sources such as those mentioned above is that it provided first hand information from respondents. With it therefore, one does not run the risk of using outdated information that may be obtained from documents, or distorted information that is sometimes obtained from the media. This kind of data also helps to clarify aspects that may not be understood from the secondary data sources.

Secondary data was obtained through examination of records from the clerk to Council's office, as well as the Local Governments Act (LGA). Local newspapers and other media sources such as television and radio, as well as publications of civil society organizations that work in fields related to the one being investigated, were also consulted but did not prove very useful. This is because they tend to equate accountability to financial accountability, and therefore concentrate on issues like corruption and misuse of public resources, which once again did not equate with the use of the term accountability in this study. Secondary data is advantageous in that it is relatively cheap and easy to collect. It is also free from biases that may result from collection of data directly from respondents. As they normally contain data from previous times, as well as

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written rules and standards of performance, secondary data sources contain information that can act as a benchmark for investigation. The collection of both primary and secondary data enriched the quality of the information generated by the study.

3.2.5 Selection of Respondents

As noted earlier in the chapter, Ntungamo district has three counties, namely Rushenyi, Ruhaama and Kajara. In view of time and resource constraints, the study was scaled down to only two counties. Ruhaama County could not be left out, because it contained Ntungamo Town Council, whose selection among the sub counties to be investigated had been determined purposively because of its potential to provide useful comparisons as it is the only urban area in the district. As such, as the researcher's resources could permit meaningful investigation in only two counties, a choice had to be made between Kajara and Rushenyi counties. Using simple random sampling to avoid biases, Kajara County was selected.

Out of the four sub counties in Kajara County, two sub counties were selected for investigation. Due to its large size when compared to Kajara county, 5 out the 7 sub counties in Ruhaama were selected for investigation. All the sub counties selected for investigation apart from Ntungamo Town Council already mentioned above were selected using simple random sampling. Choice of at least 50% of all the sub counties in a given county served to ensure representativeness. The seven sub counties investigated therefore included Ntungamo Town Council, Ntungamo sub county, Nyakyera sub county, Rukoni sub county, and Rweikiniro sub county all from Ruhaama county and Kibatsi and Nyabihoko sub counties from Kajara county.

Four groups of 7 people each were involved in focus group discussions in each sub county. Twenty eight groups of respondents were therefore investigated in the study area. The respondents were mobilized by either the LCI chairperson of the area where the interview was going to be conducted, or by his/her deputy. The groups were differentiated in terms of gender and age. In each sub county, one group of males above 30, one of male youth (18-30) years of age, one of female youths, and one of women (above 30) were investigated. As accountability is about two parties, objects and agents, the district councillors representing the selected sub counties were also interviewed. So, too, was the clerk to council.

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3.2.6   Data collection methods

Data was obtained from ordinary citizens through focus group discussions. Interviews were used to obtain data from the district councillors and clerk to council. Secondary data was obtained from Reports, records from the office of the clerk to council, and policy, legislation and regulations governing local governments.

3.2.6.1 Interview schedules

These were basically semi-structured interviews containing a set of questions to be asked and issues to be raised. They were administered face-to-face to the councillors. They proved advantageous in that they gave the researcher the basic framework within which to ask questions thus saving time. They also allowed for probing and eliciting of more in-depth information from the respondent. Given the nature of data sought from councillors, this instrument proved indispensable.

3.2.6.2 Focus Group Discussion Guides

These were basically the same as the semi structured interview schedules. The distinction is that they were used purposely to conduct focus group discussions with ordinary citizens. These groups were differentiated in terms of age, and gender. Focus group discussions gave a more holistic perspective of the community's view regarding the research problem, as compared to interviews with individuals. They were more cost-effective in terms of time and transport resources, as they enable you to reach more people at the same time. They also gave the respondent an opportunity to observe the respondents and verify information obtained from other sources. Given the heterogeneity of ordinary citizens in terms of education, status, knowledge etc, focus group discussions ameliorated individual differences and hence offered the best means of data collection from ordinary citizens.

Details of the questionnaires used for the interviews and focus group discussions are provided in Appendix 1 of this mini-thesis.

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3.2.6.3 Document Analysis method

This method was used to collect secondary data. Among others, it sought to find answers to questions related to formal institutions and other legal provisions, voter turn out and rate of turnover of elected leaders. The advantages of using this method have already been outlined above. The above data collection methods generated largely qualitative data.

3.2.7   Data analysis and Interpretation

Raw data from the field was edited to ensure accuracy, consistency and completeness after every successful day of the interview. The data was compiled into an excel file, organized into relevant themes and analyzed. After analysis, data was interpreted to determine whether or not the hypotheses had been confirmed or rejected. As can be recalled from above, two sub hypotheses required an evaluation of institutions' relevance for accountability. These sub hypotheses are given below:

> a) *"Informal institutions are more relevant for ensuring answerability than formal institutions"*
> b) *"Formal institutions are more relevant for ensuring enforcement than informal institutions."*

For lack of an applicable model, in order to test the above given hypotheses, criteria for measuring relevance in the context of this study were developed by the researcher. These criteria were created through a thorough consideration of both the theoretical provisions of the concept of accountability and the empirical findings of the study. The criteria are therefore provided for in chapter four where the results of this study are presented.

3.2.8   Limitations and Potential Problems of the Study

The study was carried out in only one out of Uganda's 76 districts. Although the findings with reference to formal institutions can be generalized to some extent to the whole country, the cultural heterogeneity of Ugandans may not permit findings related to informal institutions to be generalized to the whole country with the same ease.

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CHAPTER FOUR

PRESENTATION AND DISCUSSION OF THE RESEARCH FINDINGS

The purpose of this chapter is to present and analyse the empirical findings of the study with a view to establishing whether the hypotheses were confirmed or rejected. It starts by explaining the institutions and institutional mechanisms investigated, both formal and informal. It then examines the linkages between these two institutions and the two dimensions of accountability (answerability and enforcement) that are the focus of the study, and the goes on to explain these linkages from a gender and age perspective. The chapter concludes by highlighting other variables affecting accountability in the study area and also provides a summary of the relationship between formal institutions and informal institutions in the context of this study.

4.1   DELINEATING   THE   INSTITUTIONS   AND   INSTITUTIONAL   MECHANISMS INVESTIGATED

4.1.1   Formal Institutions
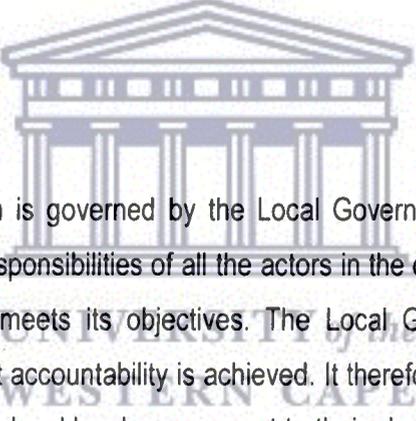
Uganda's decentralization system is governed by the Local Governments Act (LGA) of 1997, which spells out the duties and responsibilities of all the actors in the decentralization process, in order to ensure that the policy meets its objectives. The Local Governments Act also has provisions that seek to ensure that accountability is achieved. It therefore provides the framework within which elected leaders at the local level can account to their electorate. This study dwelt on those institutions and institutional mechanisms in the Local Governments Act that govern the relationship between local leaders, specifically LCV councillors and their electorate. The formal institutions investigated were selected in such a way that both stages of accountability, namely ex-ante and ex-post, are catered for. The formal institutions investigated include candidates' meetings, elections, consultative meetings, and recall.

4.1.1.1 Candidates' meetings during the electoral process

This particular provision seeks to ensure that the public gets to know the candidates who are presenting themselves for election. During the electoral period, all the candidates running for a particular post meet and address the electorate in joint meetings. This gives them an opportunity to market themselves and their programmes to the voters. The voters on the other hand are given an opportunity to get to learn about the candidates and their programmemes, and they also have

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'an opportunity to ask questions. This helps the voters to make more informed decisions at the time of voting. Regarding candidates' meetings, the Local Governments Act states that:

> No candidate, shall organise, hold or address his or her own individual candidates' meeting. For the purposes of enabling all candidates in an electoral area to collectively meet, address and answer questions of voters, the Returning Officer shall, in consultation with all the candidates, prepare and conduct a candidates' meeting in each parish or aggregated parishes where applicable in a given electoral area.[56]

This institution mainly serves to ensure ex-ante accountability and in case of incumbents, it also serves as an institution of ex-post accountability.

4.1.1.2 Elections

Elections for district councillors are carried out after every four years,. Although candidates' meetings stand out as major electoral rules, they cannot stand as institutions of accountability if elections are not held. Candidates' meetings are instituted in order to ensure that the electorate has enough information about the candidates who are offering themselves for elections. As such, elections are the mechanism for enforcement following candidates' meetings. Through elections, people select leaders who they feel are better placed to answer their needs, and also to deny those that they feel did not perform according to their expectations another chance to hold office. Elections therefore determine the efficacy of candidates' meetings, and as such aid the operation of ex-ante and ex-post accountability.

4.1.1.3 Consultative meetings

The LGA specifies that consultative meetings should be held regularly as a means through which a councillor can to answer to his/her electorate. Consultative meetings are thus, an institution of ex-post answerability. Furthermore, three of the seven duties of a councillor spelt out in the LGA are also directly related to answering to the electorate. For example, a councillor is, among others, required to: " maintain close contact with the electoral area, and consult the people on issues to be discussed in the council where necessary."[57] He/she is also required to "appoint at least a day in a given period for a meeting in his / her electoral area."[58] In addition, a councillor is

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[56] Local Governments Act, Uganda Act No.1 1997: 123

[57] Local Governments Act, Uganda Act No.1 1997: Third Schedule Part 2: 8

[58] Ibid

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also obliged "to report to the electorate the general decisions of the council and the actions it has taken to solve the problems raised by the residents in the electoral area."[59] Other duties of a councillor include "presenting views, opinions and proposals to the council"[60] and "attending sessions of the local council and meetings of committees or sub-committees of which he/ she is a member"[61]. A councillor is also expected to "bring to bear on any discussion in the council the benefit of his/ her skill, profession, experience or specialized knowledge"[62] and finally, to "take part in communal and development activities in his or her electoral area and district as a whole"[63]. Although this study placed special emphasis on those duties that are directly linked to answerability, the performance of a councillor can refer to any or all of the above-stipulated duties.

4.1.1.4 The Recall provision

This provision, which on the face of it gives the Ugandan law a lot of credibility as regards efforts to ensure accountability, permits the electorate to recall councillors at any time during their term of office. A councillor can be recalled under the following circumstances; failure to declare his or her assets within three months after assuming office; neglect of his or her duties as councilor; or for having committed acts incompatible with his or her position as a member of the council. For the recall provision to come into effect, a petition signed by one third of all the registered voters in the councillor's electoral area should be lodged with the electoral commission, which ascertains the authenticity of the petitioners and the validity of the petition and makes a verdict. [64] This institution provides a sanction meant to ensure ex-post accountability.

4.1.2 Informal Institutions

Informal Institutions are by their very nature internal to the community. In fact, as will be explained below, rural and urban communities laid different emphasis each on the different informal institutions. None of the informal institutions found in the study area was a political institution. All the informal institutions in the study area related to two defining aspects of informal institutions

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[59] Ibid

[60] Ibid

[61] Ibid

[62] Local Governments Act, Uganda Act No.1 1997: Third Schedule Part 2:8

[63] Ibid

[64] Local Governments Act, Uganda Act No.1 1997: Third Schedule Part 2:7

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namely 'socially sanctioned norms of behaviour', and 'internally enforced standards of conduct.' As such, informal institutions were handled collectively and questions about their link with accountability asked under the heading of 'social norms.' The table below shows the major informal institutions highlighted by the focus groups and the councillors interviewed as part of the study.

Table 4.1. Informal Institutions operating in Ntungamo district

Informal Institution highlighted	Number of groups that highlighted them					Number of Councillors
	Male Groups	Female Groups	Male Youth Groups	Female Youth Groups	Total Number of groups	
Good neighbourliness	1	1	1	1	4	1
Burial rules	5	6	5	3	19	6
Burungi Bwansi	3	2	1	5	11	1
Total No. of groups / Leaders	7	7	7	7	28	7

Source: own illustration

4.1.2.1 Good Neighbourliness

Only groups in the urban sub county, that is, Ntungamo Town Council, highlighted the institution of 'good neighbourliness'. And whereas more than one institution was highlighted by a given group in the rural sub counties, good neighbourliness was the only institution mentioned in the Town Council, and by each of the groups. The same institution was also the only one mentioned by the councillor of Ntungamo Town Council. In other words, according to the respondents, it is the only informal institution that governs residents of Ntungamo Town Council. Good neighbourliness refers to the behavior of a person living in the Town Council and the relationship with his or her neighbours. It encompasses issues like not being quarrelsome, taking part in agreed upon activities, and respecting others. Both the electorate and their councillor said that a person who persistently fails to conduct him or herself in a way that is accepted by the community, after several warnings, is expelled from the community. This could include the elected councilor if he/she fails to conduct himself or herself in an appropriate way.

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4.1.2.2 Burial Rules

Burial rules were mentioned by 19 out of 28 groups, and were therefore the most widely acknowledged form of informal institution. This number represents about 68% of all the citizens' groups investigated and 79% of all the groups from rural sub counties. This institution was mentioned by at least one group in every rural sub county, and all the councillors representing the rural sub counties mentioned it as one of the key informal institutions that govern their electorates. In the sub counties investigated, burial rules operate in two ways. In the first case, people are organized in burial associations. These associations help their members to meet the burial expenses in the event that one of them dies, or loses a relative. In some groups, the men are obliged to buy the coffin in which the deceased will be buried, whereas the women are obliged to contribute and prepare the food that will feed the mourners. Members must abide by the rules of the association, and those who are found at fault are fined or even expelled from the association.

In the second case, a person does not have to belong to any association but he/ she is supposed to attend other people's funerals and burial ceremonies. This is a cultural obligation and people can suffer heavy social penalties for failure to attend a funeral at a neighbour's home. Also during the period of mourning, (between receiving news of death and the burial), people are not allowed to work on their farms. Digging in your garden during this period is a sign that you are happy about someone's death, and the community will shun you and boycott burial ceremonies at your home. In the interest of reconciliation, community leaders could subject you to a fine. This could be in the form of money, but is usually in the form of goats and local brew.

4.1.2.3 Burungi Bwansi (Community Responsibility:

Literally translated, Burungi Bwansi means the 'goodness of the world'. This institution was highlighted by 46% of all the respondents from the rural sub counties, making it the second most popular informal institution. Under this institution all adults who are not formally employed or of school going are supposed to periodically do community work to maintain the infrastructure around their villages. This may include digging along village roads, and around water sources. Sometimes, residents are required to work on government construction sites. For example all men in a particular area could be asked to provide labour for building a community school.

If a person does not participate in burungi bwansi activities, they could be prohibited from using community resources such as wells. Although it is still regarded as an informal institution by many in the community, burungi bwansi has now been formalized. In April 2004, the Ntungamo District Council passed the Burungi Bwansi Ordinance, the only ordinance it has ever passed. The Ordinance has not yet come into full force but burungi bwansi is still carried out in the district. Only one councillor mentioned burungi bwansi as an informal institution.

4.2   LINKING INSTITUTIONS TO DIMENSIONS OF ACCOUNTABILITY

The preceding discussion has highlighted the formal and informal institutions upon which the ensuing discussion will be based. The formal institutions will be discussed individually and the informal institutions will be treated collectively as social norms.

4.2.1   Answerability: Formal versus Informal Institutions

With a view to confirming or rejecting the hypothesis "*informal institutions are more relevant for ensuring answerability than formal institutions,*"this section explains the functioning of answerability in Ntungamo district. It starts by enlisting the empirical findings on people's awareness and expectations about issues of answerability and then provides the findings on the functioning of answerability in practice while presenting the contribution of formal and informal institutions respectively.

4.2.1.1 General perceptions of answerability

Answerability, one of the two dimensions of accountability, means that leaders should explain and justify performance routinely to the electorate. In order to assess the functioning of answerability, people should be able to recognise it. When respondents were asked whether they were aware of any law that requires their councillors to account to them, 21 groups, representing 75% of all the focus groups said yes. The rest said they were not aware. Of the 21 groups that said yes, 19 said that the law required that their councillors should have consultative meetings with them. One group said that councillors were required to explain Burungi Bwansi activities to them and one group said that councillors were required by law to publicize the budget of the district. Of the seven councillors in the sample, six said that they were obliged by the Local Governments Act to provide accountability to their electorate. One councillor said he was not sure whether it was provided for in the law.

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The respondents also mentioned consultative meetings, the Local Council (LC) system, radio, church services, public gatherings, elections, and burial ceremonies as the conventional means of answerability by councillors. The table below shows the means by which councillors are expected to answer in order of prominence.

Table 4.2: Expectations Concerning Conventional means of Answerability in Ntungamo District

Expected means of answerability	Number of Groups that selected	Percentage of total
Consultative Meetings	18	64%
LC system	6	21%
Radio	5	18%
Burial and other gatherings	4	14%
Elections/candidates' meetings	1	4%
Church services	1	4%
Total number of groups	**28**	-

Source: own illustration

From the results presented in the table, among the conventional means of answering to the electorate, 64% of the population expect their councillors to hold meetings for answerability purposes. This is closely related to the 68% that said that they were aware that the law required councillors to hold consultative meetings as a means of accounting to them. Twenty one percent of the respondents expect their councillors to use the LC system, meaning that they can answer through lower local councils and leaders such as LC1 chairpersons. Eighteen percent of the respondents expect their leaders to use the radio for answerability purposes. Fourteen percent expect their leaders to give explanations and justifications at burials and other public gatherings. Elections and church services were regarded by 4% of the respondents as means through which councillors should answer. Six of the seven councillors mentioned meetings as the means through which they answer to their electorate. Three mentioned using Lower Local Councils (LLCs) and one mentioned the use of social functions.

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4.2.1.2 Answerability in Practice

In accordance with the indicator "incidents of asking about failure to abide by community resolutions," respondents were asked whether they have ever asked their LCV councillor to explain his/her perceived failure to abide by community resolutions.[65] Eleven (39%) of all the groups said yes. The rest of the groups said no, with a few groups saying that there were no community resolutions. Six councillors also said they have never been asked because community resolutions are only made with lower level councils.

Although all councillors said that answerability routinely took place, the response from the focus groups was somewhat different. Only 36% of the groups said that their LCV councillors routinely answered to them.

4.2.1.3 Formal Institutions and Answerability

A better understanding of the above results could probably come from relating the responses to the expected means of answerability. Of the 10 groups that said that answerability was routinely practised, five groups mentioned consultative meetings as the only mode through which they expected their councillors to answer. The other five groups mentioned that only the LC system was used. Of the 18 groups that gave a negative response, 11 mentioned consultative meetings as the mode through which they expected their councillors to explain and justify their performance. One group mentioned the LC system, another group mentioned elections, two groups mentioned burials and public gatherings whereas three groups mentioned a combination of means of answerability that they expected their councillors to use.

As both a means of triangulation and follow-up on responses, groups were asked on what occasions they actually get a chance to obtain explanation and justification for performance from their councillors. The table below summarises the responses of the electorate to the above question.

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[65] Communities usually meet and agree on certain issues such as sanitation-for example the requirement for each household to build a pit latrine, and a councillor is expected to support and enforce the implementation of such resolutions either through influencing council to adopt them, or through giving support to the implementers at the local level.

Table 4.3 Actual means of Answerability in Ntungamo District.

Actual means of answerability	Used by (No.) of Groups	Percentage of total
Elections/candidates' meetings	20	71%
Consultative meetings	9	32%
Radio	7	25%
Burial and Public gatherings	6	21%
LC system	1	4%
No chance for answerability	3	11%
Total number of groups	**28**	-

Source: own illustration

The results presented in the table show the platforms by which people in Ntungamo district obtained explanations and justifications for performance from their LCV councillors. The majority of the people (71%) said that the main opportunity for them to get their leaders to answer presented itself at election time. The least used avenue was the LC system, being mentioned by only 4% of the respondents. Eleven percent of the respondents said that they never got an opportunity to get their leaders to answer. It was reported by all groups and all councillors that issues to do with explanation and justification for performance are always the subject of candidates' meetings during the electoral period, and that this was always an opportune time to get leaders seeking re-election to answer.

In summary, the general findings of this section are that 68% of the groups investigated knew that a councillor is supposed to account to them through consultative meetings during his or her term of office. Following from this, 64% of all the respondents expected that their councillor should explain and justify his or her performance through consultative meetings. The section also reveals that answerability was not routinely carried out in 18 (64%) of the groups investigated. Furthermore, of these, 13 groups (72%) had expected answerability through consultative meetings. This therefore enables one to compare the use of two of the formal institutions of answerability considered for investigation in this study, namely consultative meetings and candidates' meetings. Whereas 64% of the respondents expected answerability through consultative meetings, the institution served only 32%. And whereas only 4% expected answerability through elections/candidates' meetings, the institution served 71%.

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4.2.1.4 Informal Institutions and Answerability

The previous section looked at how formal institutions performed when it came to delivering answerability. This section looks at the contribution of informal institutions in promoting answerability. As is shown in section 4.2.1.1, one out of the 21 groups, which said that councillors were obliged by law to account to their electorate, also said that councillors were obliged to explain Burungi Bwansi activities to them. Furthermore, 14% of all the respondents said that they expected answerability from their councillors through burials and other public gatherings. The above-mentioned avenues are informal institutions in Ntungamo district. Although only 14% of the respondents expected their leaders to answer to them through burials and other public gatherings, 21% reported that they got answerability from their leaders through this institution. This low expectation of this institution to provide accountability is because it is not deliberately designed to provide for accountability. Given the high costs of providing accountability through the channels that are deliberately designed for this purpose (formal channels) however, councillors have increasingly resorted to the use of informal channels such as burials which are not associated with high financial costs on their part, and yet at the same time are an avenue for gaining political capital as attending a burial is a sign that you have your people at heart.

As a matter of practice, whenever there is a burial ceremony in a village in rural Ntungamo, a government representative is always called upon to give a speech. Government representative is a term used to refer to all elected leaders. For most ordinary citizens, the LC 1 chairperson gives the speech as a government representative. In cases where a leader from a higher-level council is present, the LC1 chairperson gives a speech in his or her capacity as the leader of the village of the deceased, and the person from a higher local council gives a speech in his or her capacity as a representative of the government. For most of the burial ceremonies, it is therefore always the case that if an LCV councillor is present, he or she will be given an opportunity to speak. It is this aspect of the burial ceremony that links the institution to accountability.

At such a ceremony however, the people do not ask questions. They can only follow-up on what the councillor said using another forum. Although informal institutions because of their unique nature were treated collectively as social norms, it is imperative to note that burial ceremonies came out prominently among informal institutions in providing an arena for answerability. This is probably because of their ability to get people to gather in large numbers in one place and at the same time.

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When the 28 groups from the electorate were asked how social norms affect their relationship with their councillors, the following responses were obtained. One group said that social norms create unity between the community and its councillor. Three groups said that social norms ensure that councillors remain disciplined because the population can punish them using social norms. An example was given that if a councillor became proud, people would for example boycott parties or burial ceremonies at his or her home. Three groups said that social norms weaken the people's ability to hold their leaders accountable. They said that people are so concerned with whether or not a leader abides by social norms that even if he or she was not performing according to their expectations, they would not feel compelled to question him or her if the said leader attends peoples' funerals, their parties and other social functions fervently. The perceived negative impact of social norms on accountability will be dealt with in detail when the enforcement dimension of accountability is addressed.

For eight groups, social norms have no impact on their relationship with their councillors. Thirteen groups pointed out that the extent to which a councillor participated in social functions would determine his or her level of popularity and support, and therefore the number of votes that a person could get in an election. For this group, councillors who are not keen on abiding by social norms are more likely to lose a bid for re-election. This they argued, was not just because they want to see people attending their functions, but also because it is a sign that the councillor values his or her people, and also that this is an opportunity for them to interact with their councillor and tell him or her their needs and also ask about development programmes.

When the same question was put to the councillors, three of them said that social norms keep them close to their people and therefore help them to ensure that they are performing according to the expectations of the people. For two councillors, social norms influence the conduct of leaders. They ensure that they respect their electorate. Two councillors also said that if you do not abide by social norms, you risk losing votes. To elaborate this point, the councillor of Ntungamo Town council said that since the sanction for being a bad neighbour was expulsion from the cell, taking sides in such a case would make you unpopular with a section of the residents, yet as a councillor you have to enforce the institution if reconciliation efforts fail.

Although these findings indicate that social norms impact on the relationship between councillors and their electorate, it was not immediately clear whether this meant that they also impacted on accountability. Councillors were therefore asked for their opinions on the link between social norms and accountability. Five of them that social norms provide a platform for giving

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explanation to the people. They said that since it was expensive to have consultative meetings in each and every cell, social norms such as burial ceremonies presented a platform which they could take advantage of and therefore use to account for their activities to the electorate. Two councillors also said that social norms provided a platform for preaching reconciliation, and in so doing, people asked questions about the work of the councillor and received explanations. One councillor however said that social norms helped to shield councillors from their responsibility to account to their people. This he argued was because in the process of meeting one's social obligations to the community, one develops a special relationship which makes the people feel that it would make the said councillor feel betrayed if they asked for accountability, especially if they were being required to sanction the leader. When asked what informal fora the electorate used to demand accountability from their leaders, three councillors mentioned burials and other social gatherings. Two mentioned clubs and associations such as burial associations, one mentioned parties and another mentioned churches.

This section has dealt with the link between informal institutions and accountability. Although only 14% of the respondent groups expected to get answerability through burials and other public gatherings (social norms), this informal institution in practice provided answerability to 21%. Eighteen groups indicated that social norms have a positive impact on the relationship between a councillor and his or her electorate, a condition that makes answerability much more likely. Three groups, on the other hand, felt that social norms impact negatively on accountability.

4.2.1.5 Assessment of answerability institutions

Having explained the operation of both formal and informal institutions, the task now is to determine which one is more relevant for answerability than the other. Relevance will be looked at from three perspectives: *timeliness,* which is the ability of the institution to deliver a timely account, *interaction,* relating to the extent to which an institution permits meaningful interaction between the agents and objects of accountability when used, and lastly, *coverage,* referring to the number of agents to whom the institution is able to deliver answerability. This is because for answerability to be meaningful, the account should be given at a time when the agents can still influence the course of events to their satisfaction. Closely associated with this, is the recognition that agents and objects should be able to exchange ideas. The agents should be able to ask questions for example, and the objects should be able to fully explain and justify themselves, for answerability to be fully done. Thirdly, given the context of the study, accountability is a collective action issue. A given account should therefore reach as many people as possible. The extent to

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which the two types of institution meet these criteria will therefore determine their relevance with respect to answerability.

To allow for comparability, each criterion will be awarded 100 marks, and an institution, which fully meets a given criterion, will be awarded 100 marks in respect of the said criterion and 0 if it does not meet the said criterion at all. It should be recalled from above that two formal institutions of answerability were investigated. These will be assessed independently and a specific judgement made in respect of each, followed by a general judgement in relation to the informal institutions. Furthermore, in recognition of the fact that institutions are designed to serve accountability at different points in time, the value for timeliness will be taken from the people's expectations of an institution.

The values for timeliness will come from the responses of the electorate regarding the conventional means by which they expect their councillors to answer (see Table 4.2.: conventional means of answerability in Ntungamo district). The values for interaction will be obtained from the institution's ability to allow for dialogue between the agents and objects during the process of giving and receiving an account. The institution will therefore get a mark purely by virtue of its design. The value for coverage will be obtained from the responses of the electorate when they were asked on what occasions they actually get a chance for answerability. (see Table 4.3: actual means of answerability in Ntungamo district.) All the actual values will therefore correspond to the percentage of people who favoured given institutions with respect to the criteria described above.

The findings are presented in Table 4.4 below. Social norms scored the least with 85 out of 300, or 28%. Consultative meetings obtained the highest score of 196 (64%), and candidates' meetings scored 175 (58%). The institution 'social norms' scored 50% for interaction because of its inability to foster dialogue in delivering the account. It permits answerability in gatherings convened for specific purposes like burial, parties, fundraisings and others. As such, the object delivers the account, but agents do not have an opportunity to ask questions or demand clarification at the same platform. The institution therefore falls short in addressing both the 'explain' and 'justify' dimensions of answerability. Social norms scored higher than candidates' meetings with respect to timeliness. Consultative meetings a formal institution for ex-post answerability scored 64% for timeliness, 100% for interaction, by virtue of design, and delivered answerability to only 32%making a shortfall of 32%. The formal institution, "Candidates' meetings" scored very low on timeliness, probably by virtue of its design since it is meant to ensure ex-post

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answerability for incumbents who are seeking reelection, and ex ante answerability for new candidates. Its nature also gives it 100% for interaction and it scored an impressive 71% on coverage.

Table 4.4 Assessment of Institutions' relevance for answerability

Institution	Relevance criterion scores			Total criteria score	Type of Institution
	Timeliness	Interaction	Coverage		
Consultative meetings	64	100	32	196	Formal
Candidates' meetings	4	100	71	175	Formal
Social norms	14	50	21	85	Informal
Maximum score	100	100	100	300	-

Source: own illustration

It is imperative to note that the informal institutions investigated (under social norms) in the study are not of a political nature, and are therefore not deliberately designed in such a way as to meet the specifications for answerability. Therefore, despite scoring very low in comparison to the formal institutions, their contribution to ensuring answerability should not be underrated. In summary, both formal institutions individually scored higher than the informal institution in terms of their relevance in ensuring answerability, and as such one can conclude that the hypothesis *"informal institutions are more relevant for ensuring answerability than formal institutions"* was not supported by the evidence from this case study.

4.2.2 Enforcement: Formal versus Informal Institutions

Enforcement is that dimension of accountability that provides for the party/parties to whom accountability should be made (agents) to punish or reward (sanction) those who are supposed to account to them for performance in office (objects). It is from this dimension, that the hypothesis: *"formal institutions are more relevant for ensuring enforcement than informal institutions"* was derived. There are several ways in which enforcement can be achieved, but like answerability, the people responsible for it should be able to recognise it and in this case, take certain actions to ensure its operation. With reference to the formal institutions highlighted at the beginning of this

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chapter, recall and elections are the main institutions of enforcement. They provide the sanctioning aspect of accountability which forces compliance. With the recall provision in place, councillors are aware that if they do not perform to the satisfaction of the electorate, the electorate is entitled to recalling then from office at any time. Elections on the other hand enable people to vote in such a way as to ensure that councillors who did not perform satisfactorily are not allowed to occupy the office in a proceeding term, or to return a councillor whose performance was appreciated by the electorate to office for another term. To test the above stated hypothesis, therefore several issues around the operation of enforcement were investigated.

4.2.2.1 General Perceptions of enforcement

The functioning of enforcement could be observed from both the formal and informal expressions of support (reward) or opposition (punish) for both a councillor as an individual or the council as a whole. With reference to the electorate's relationship with the district council, 22 of the groups investigated said that they had never opposed council decisions. Of the six groups who said they had opposed council decisions, three had opposed the council's decision to censure the district chairman;[66] one group had opposed payment of water charges; another had boycotted a company that had been granted a tender to build a school and also opposed the council's decision to shift its village to a new parish; and the last group had refused to pay taxes. Councillors said that sometimes the electorate writes letters of appreciation to the district council, and that when it invites councillors to commission community projects, it is a sign that the electorate supports the district council.

From the interviews with district councillors, three incidents of opposition to council decisions were reported. According to the councillors, the electorate vehemently opposed council's decision to censure the district chairman, and expressed its opposition in the form of demonstrations. It was also reported that the Education Fund Policy of the district was opposed because it was passed after the sub counties had already passed their budget. Councillors also interpreted the low turn-out for the 2005 referendum that sought to return a multi party political system to the country as opposition by the electorate to the whole idea, and as such opposition to the district council which had voted in favour of the referendum.

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[66] In the first council of Ntungamo District, the district chairman was censured by the council purportedly for wrong behaviour towards councillors. The chairman subsequently contested this action in court, won the case and got re-instated.

Since a given sub county does not vote for the entire composition of the district council but rather for an individual representative to council, enforcement at this level is done with reference to an individual councillor. Regarding their relationship with their individual councillors, respondents were asked how they would express their dissatisfaction with a councillor's performance. The following table illustrates the responses given.

Table 4.5 Possible forms of enforcement in Ntungamo District

Form of enforcement	Number of Male Groups	Number of female groups	Number of Youth male groups	Number of Youth female groups	Total number of groups
Recall	3	1	0	2	5
Boycott meetings	3	1	3	4	11
Use LLCs	1	2	1	2	6
Write Petition	2	1	3	0	6
Ignore leaders	0	2	1	1	4
Tell leaders personally	2	0	0	1	3
Grapevine	1	0	2	0	3
Use hooligans	1	0	0	0	1
Total number of groups	28	28	28	28	28

(Source: own illustration)

According to Table 4.5, the first thing that the electorate would consider doing in order to express dissatisfaction with the performance of their councillor, is to boycott meetings. This was expressed by 11 (39%) of all the groups interviewed. Six groups (21%) indicated that they would consider writing a letter to the affected councilor, and a similar number indicated that they would consider using the Lower Local Councils to express their dissatisfaction.[67] Five groups (18%) indicated that they would consider recall as an option, and four groups (14%) said they would ignore the councillor and give him or her a cold welcome, so that he/she would know that the electorate is not happy with his/her performance. Three groups (11%) said that they would

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[67] Lower Local Councils comprise of Sub county councils, parish councils and village councils. Residents usually approach either level council and ask them to register their concerns with the district council. Such councils can therefore summon an LCV councillor on behalf of the people and ask him/her to address the concerns raised.

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consider expressing their dissatisfaction verbally and tell the councillor to his/her face, and a similar number indicated that that the councillor would get to know their feelings through the grapevine. One group (4%) said that they would consider hiring a hooligan to let the councillor what they felt.[68]

It is imperative to consider that the recall provision, which was mentioned, by only 18% of the respondents is a formal institution of ex-post enforcement. Details of its operation will be given in the ensuing sections. It is also important to note that no group talked about using elections as a means of expressing their dissatisfaction with the performance of a councillor.

4.2.2.2 Enforcement In Practice

Bearing in mind the possible forms of enforcement, the respondents were asked what they have actually done to express their dissatisfaction or appreciation for the performance of their councillors. Eleven groups said that they did not do anything to express their dissatisfaction. Five groups indicated that a letter of complaint was written and sent to the affected councillor. Respondents in four groups reported that they boycotted meetings as a way of punishing councillors whose performance did not satisfy them. Two groups reported having approached their councillors and expressed their dissatisfaction face to face. Two other groups said that they expressed their views to their councillors via radio talk shows. The respondents in one group reported that they showed their displeasure by ignoring their councilor. For example, when the said councillor passes through a busy trading center, no one will greet him/her and if he or she greets the people, they just ignore him or her or even walk away.

The respondents also said that when people turn up in big numbers for a meeting, it is a sign that they appreciate the work of their councillors. Other ways of expressing gratitude that were mentioned included giving the councillor a warm welcome, and also expressing gratitude via the radio. These ways of expressing appreciation and dissatisfaction impact on the reputation and ultimately the support of the affected councillor. Their sanctioning strength therefore lies in their ability to induce a positive change in the behavior of the affected councillor.

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[68] Although this was mentioned as a possible way of expressing dissatisfaction, respondents did not expressly say that they had done it themselves, but that they knew of people who had done it.

As mentioned above, when people express their dissatisfaction with the performance of a given councillor between elections, it gives the said councillor an opportunity to make amends. Rewards and punishments are therefore consciously linked to both the performance of a given councillor as well as to how he/she used the opportunity to make amends when dissatisfaction was expressed. When respondents were asked what they had done to punish councillors who did not perform according to the demands of the electorate, nine groups said that they had done nothing to punish a councillor for poor performance. Thirteen groups on the other hand said that they had punished councillors by not voting for them when they sought re-election. Three groups said that they forced their councillor not to re-contest, while another three groups mentioned recall but stated that this had been exercised only in relation to lower local councils. Six councillors said that the electorate had punished their predecessors for not accounting to them, by not voting for them again. One councillor said that his predecessor had been forced not to recontest, because it was clear from the electorate that he was going to lose the bid for re-election.

4.2.2.3 Formal Institutions and Enforcement
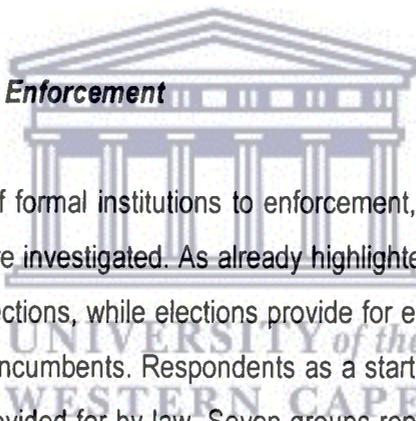
With regard to the contribution of formal institutions to enforcement, two institutions namely the recall provision and elections were investigated. As already highlighted above, recall provides for ex-post enforcement between elections, while elections provide for ex ante enforcement and ex-post enforcement in the case of incumbents. Respondents as a starting point were asked if they knew any sanctions that were provided for by law. Seven groups representing 25% of all groups said that they did not know any sanction provided for by the law. The other 21 groups (75%) mentioned the recall provision as the sanction provided for by the law. It should be noted as already highlighted above, that only 18% of the respondents considered recall as a possible form of enforcement. Following from that, the electorate reported recall attempts in three sub counties in the district. However, as mentioned above, these were not at the district council level but at the LC1 (village) council level. In each of these three cases, the recall attempt failed, purportedly because the petitioners had filed them on flimsy grounds, but largely because the procedure for recall at the LC1 level requires a public inquiry into the case. This requirement does not protect the identity of the signatories, and many of them subsequently back off for fear of exposure.

Despite the awareness that the law provides for recall, respondents were asked why very few of them mentioned it as a possible form of enforcement. The general feeling was that it required time and money to get the required signatures to back the petition especially at Local Council 5

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level. This they said makes it extremely difficult for them to recall a councillor. However despite the difficulty in operationalising the recall provision, all groups but one said that it is a useful provision and that they would not support its repeal if they were asked to. Three groups however added that if it was to effectively perform its functions as an institution of accountability, the provision should be adjusted and made a little easier. Five councillors also said that the provision was important and that they felt threatened by it. One councillor however said that it was not threatening for higher local councils and it was therefore irrelevant. One councillor was of the opinion that the recall provision should only be brought into effect up to the mid way point in a councillor's term of office. After this, and with a new election looming in any case, it would be a waste of taxpayers' money to recall a councilor and hold a by-election. This councillor's argument raised an important issue about the timing of a recall petition. In order for people to recall a councillor, the councillor should also be given ample time in which to effectively perform their duties to a level that can be measured.

Noting that the recall provision had not been employed to sanction any councillor, and also realizing the need for triangulation, the electorate was asked on what occasions they obtained a chance to reward or punish their councillors for their performance. Twenty five groups (89%) said that they get an opportunity to punish councillors at election time, by not voting for them when they re-contest. Three groups (11%) said when the councillors call meetings, they boycott them as a way of punishing them if they are not happy with their performance. The other responses were given in respect to informal institutions and will be discussed in the next section of this study.

When respondents were asked what they thought the role of elections was, 24 groups said that elections are there so as to give the people a right to choose their own leaders. Three groups also added that elections are meant to ensure that people select leaders who will abide by their demands. For one group, elections are also a means of getting rid of bad leaders.

To test the sanctioning nature of elections, respondents were asked whether they thought elections were an effective means of getting rid of leaders they felt had not performed according to their demands. All groups agreed that ideally, elections are an effective means of sanctioning bad leaders. However, five groups pointed out that in practice in Uganda, the outcome of an election does not necessarily reflect the sanctioning aspect, because elections have been monetized and people vote for those candidates who pay them to vote for them. All the other groups said that they believed elections were effective means of getting rid of leaders they did not

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want. All the 'dissenting' groups were from the older groups of respondents (30 years and above). No group among the youth groups said that elections were not an effective means of getting rid of leaders that they felt had not performed according to their expectations. The responses from the councillors were not significantly different. All the councillors said that elections were meant to give people the right to choose their leaders. Three added that elections were supposed to ensure satisfaction with a leader's performance, prevent bad leaders from getting into positions of authority and to drop bad leaders. Five councillors also accepted that elections were an effective way of getting rid of leaders that the people felt had not lived up to their expectations. Two councillors were of the view that in practice, this was not the case because of the intimidation and harassment that occurs during the electoral period.

Records from the clerk to council's office showed that, with the exception of one councilor who had served in the first council, all the councillors in the current council (third council) were serving their first term .All the councillors apart from one had also contested against and beaten the incumbent. There was therefore a 100% rate of turnover of councillors from the previous council in all the sub counties investigated. In addition to the rate of turnover, the arguments presented below could lead to a conclusion that elections are indeed used as an enforcement institution to punish leaders with whose performance the electorate is dissatisfied and reward leaders with whose performance it is satisfied.

The majority of the respondents said they got an opportunity to punish councillors at election time, by not voting for them when they sought re-election. This indicates that elections were in practice a much more effective mechanism for enforcement than the recall provision.

4.2.2.4 Informal Institutions and Enforcement

Three of the focus groups incdicated that one of the best ways to punish a councillor for poor performance was when a councillor held a social function such as a party at his or her home. Respondents in these three groups said that they would not attend the function at the councillor's home to punish him/her for his/her poor performance. For respondents in two other groups, public functions such as fundraising events were used as an opportunity to punish councillors that they were not happy with. It was reported that, on such occasions, if a councillor with whose performance the people are not happy stands up to make a speech, the people will boo him/her, or simply refuse to clap their hands after his/her speech. For these five groups, therefore, it was clear that social norms provide a chance to reward or punish councillors.

In recognition of the above fact, and also recalling that the people saw social norms or functions governed by social norms as potential for providing answerability, the respondents were asked whether they also consciously viewed social norms as a platform for enforcement -- that is, whether they recognized occasions such as burials, parties, and other occasions that bring people together as providing an opportunity to punish councillors whose performance is not impressive, or to reward councillors who they feel are performing satisfactorily. Four groups (14%) said they did not view social norms as an occasion to punish or reward leaders. The remaining 24 groups (86%) said that they view social norms as a platform for enforcement. It was observed that in many cases, adherence to social norms was considered as important as accounting to the people. A councillor or any other elected leader could be punished for failure to adhere to social norms, the same way they would be punished for failing to account.

Therefore, to ascertain whether those councillors who lost their bids for reelection lost because of their failure to account or because of poor adherence to social norms, the respondents were asked whether they have ever refused to vote for anybody because of his/her failure to abide by accepted social norms. Four groups of respondents said that they refused to vote for a new candidate for the district council because of his failure to abide by accepted social norms. He did not join residents for social functions such as burials, and was therefore considered disrespectful and proud. However, none of the councillors who had lost a bid for reelection was reported to have lost because of failure to abide by accepted social norms.

Respondents were also asked to give the quality that would determine their vote if they had to choose between two extreme cases of councilors -- one who performs as promised but does not abide by accepted social norms like attending burials, attending people's parties, and generally being embedded in the life of the community, and one who diligently adheres to social norms but does not deliver on his/her campaign promises. Eleven groups (39%) said that they would vote for a councillor who diligently adhered to social norms despite his/her failure to deliver on promised services. Thirteen (46%) said that they would vote for that councillor who delivered on his/her promises although they did not adhere to accepted social norms. Five groups (18%) said that neither of those qualities mattered if the councillor was able to pay them for their votes.

The councillors interviewed felt that social norms mattered more for rural populations and performance for the urban population. In other words, a councillor from a rural sub county stood a higher chance of winning or losing an election on the basis of how well he/she abided by social

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norms than a councillor from an urban sub county. This is because social norms are more strongly enforced in a rural setting than in an urban setting, largely because people usually come to work in urban areas from different rural settings, with probably different social norms. This is especially true when it comes to burial rules, the strongest informal institution investigated. The practice in Uganda is that when someone dies, he/ she is buried at his/her ancestral home. Married women are buried at their husband's ancestral home. Ancestral homes are usually found in rural areas, and it is in these areas that socially constructed rules concerning burial for example will be found. Because they are less emphasized in urban areas, social norms do not play a major role in shaping the relationship between the people and their councillors in urban areas. As such a councillor of an urban sub county will be assessed more on the basis of performance as spelt out by formal rules, and less on the basis of social norms as compared to his/her rural counterpart. It is noteworthy that two councillors said that people vote basing on performance as spelt out by formal rules, but the other five said that people vote according to how well a councillor abides by social norms.

Taking the above observations into account, it appears therefore that, although social norms and the activities that they govern were found to be pertinent to answerability, one cannot inarguably say the same for enforcement. In fact, they appear to be in competition and working against the whole idea of accountability[69], given that most councillors said that the electorate in the rural areas would vote for a person more for social norms than for performance. Interestingly, all councillors said that none of them had ever been punished for failure to abide by social norms, and that they did not know of any councillor in other districts who had been punished. This, they argued, was because they ensure that they always abide by them.

4.2.2.5 Assessing enforcement institutions

This section is concerned with assessing the recall provision and elections, the two formal institutions of enforcement investigated, as well as social norms (informal institution) in terms of their relevance for enforcement. In order to achieve this, each institution will be assessed according to three criteria namely *merit, practicability* and *usage*. Merit refers to the perception of the respondents regarding the usefulness of the given institution as an institution of enforcement. The second criterion of assessment will be practicability, which refers to the ease with which people use the institution for enforcement purposes. This will relate to the responses given about

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[69] This observation is discussed in more detail in 4.4

https://etd.uwc.ac.za/

the occasions when the electorate gets a chance to reward or punish councillors. Usage refers to the actual use of the said institution for enforcement purposes. The values for this criterion will thus be derived from the responses given concerning what people have actually done to reward or punish their councillors for their performance in office. The table below illustrates the results of the assessment.

Table 4.6. Assessment of institutions' relevance for enforcement.

Institution	Relevance criterion scores			Total criteria score	Type of institution
	Merit	Practicability	Usage		
Recall	96	0	0	96	Formal
Elections	82	89	46	217	Formal
Social norms	86	18	0	104	Informal
Maximum score	100	100	100	300	-

Source: own illustration

The recall provision as can be seen, scored lowest with 96 out of 300 (32%) having scored 0 in both practicability and usage. The 96% for merit stems from the number of groups who said that they considered it an important institution of enforcement. It obtained no mark for practicability because no group mentioned it as providing an occasion to reward or punish a councillor. It also obtained no mark for usage because it was not mentioned among the means that people have used to punish[70] their councillors.

Social norms scored 104 out of 300, eight marks higher than recall. They obtained 86% for merit because of the number of respondents who said that social norms provide a platform for enforcement. The 18% for practicability corresponds to the number of respondents' groups which said that they obtain a chance to reward or punish their councillors on occasions that are governed by social norms (social functions). Social norms obtained no mark for usage because

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[70] The two components of enforcement are 'punish' and 'reward'. Apart from expressing gratitude on radio, mentioned by one group of respondents, the other expressions of reward are implied. Reward is therefore not a strong aspect of enforcement in the study area. As such, the 'punish' aspect to which people can more readily relate was used in the assessment of the usage of institutions for enforcement.

they were not mentioned as a means through which councillors have actually been punished, for failing to account.

Elections had the highest score, 217 out of 300 (72%). Eighty two percent of the respondents said that elections are an effective means of getting rid of leaders that they feel have not performed satisfactorily. Eight nine percent said that elections provide them with an opportunity to reward or punish their councillors, while 46% of the respondents said that they had punished their councillors for not accounting to them by not voting for them when they sought reelection. The above assessment has ranked one formal institution higher and one formal institution lower than the informal institution. Although there is no big difference between the score for recall and that of social norms in terms of percentage, it is imperative to note, that social norms attempt to comprehensively fulfill two aspects of the criteria whereas recall only attempts to fulfill one aspect. Social norms are therefore better placed than recall to ensure enforcement. However, elections, which are also a formal institution, scored much higher than social norms in terms of their relevance for enforcement. Therefore, given that the assessment is done in respect of formal versus informal institutions as a whole, the hypothesis *"formal institutions are more relevant for ensuring enforcement than informal institutions"* was confirmed in the area covered by the case study.

4.3   OBSERVATIONS REGARDING AGE AND GENDER

This section assesses the relevance of both informal and formal institutions as agents of accountability from an age and gender perspective. This will be achieved by analysing how the different groups fared in terms of the various relevance criterion for both answerability and enforcement. As noted earlier in this study the focus groups selected for the research were organised according to these two criteria. In each of the seven sub-counties, the researcher met with one group of males above 30, one of male youth (18-30) years of age, one of female youth (18-30), and one of women (above 30).

4.3.1 Institutions' Relevance for Answerability: A Gender Perspective

When one considers the relevance criteria for answerability, there were some notable differences between the responses of men and women. With respect to timeliness, of the respondents who said that they expected answerability through consultative meetings, 39% were male and 61% were female. Of those who expected answerability through social norms 75% were male and

25% were female. The 4% of respondents who expected answerability from candidates' meetings were all female.

With respect to coverage, of those respondents who obtained answerability from consultative meetings 44% were male and 56% were female. Of those that said that they received answerability through candidates' meetings, 45% were male and 55% female. And of those that said that they received answerability through social norms, 33% were male and 67% were female. The third relevance criterion, interaction, has not been included in this analysis because its value derives from its design rather than the answers of the respondents.

4.3.2 Institutions' Relevance for Answerability: An Age Perspective

The differentiation according to age comprises two categories of respondents, those 18- 30 years of age and those who are 30 years and older. The former group is referred to as the youth and the latter as the older group. With respect to timeliness, of the respondents who said that they expected answerability through consultative meetings, 55% were from the youth and 45% from the older groups. Of those who expected answerability through social norms 75% were youth and 25% were from the older groups. The 4% of respondents who expected answerability from candidates' meetings were all from one of the youth groups.

With respect to coverage, of those respondents who obtained answerability from consultative meetings 55% were youth and 45% were older. Of those that said that they received answerability through candidates' meetings, 45% were youth and 55% from the older groups. And of those that said that they received answerability through social norms, 66% were youth and 34% were from the older groups.

4.3.3 Institutions' Relevance for Enforcement: A Gender Perspective

As noted above, the criteria used to assess the relevance of institutions for enforcement were merit, practicability and usage. With respect to merit or usefulness, recall was supported by 27 groups of which 14 or 52% were male and 13 or 48% female. Of the 23 groups that favoured elections, 11 of them were male and the remaining 12 were female. Social norms had the support of 46% of the males groups and 54% of the female groups.

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With respect to practicability, 13 male and 12 female groups supported elections, representing 52% and 48% respectively. Two males groups and three female groups supported the practicability of social norms. Recall obtained no mark for practicability.

Since both recall and social norms received no marks for usage, only elections were assessed. Of the 46% of respondents who said that they had actually used elections for enforcement, 62% were male and 38% female.

4.3.4 Institutions' Relevance for Enforcement: An Age Perspective

An age-based analysis of institutions' relevance for enforcement reveals the following. With respect to merit, recall (as noted above) was supported by 27 groups of which 14 or 52% were from the older groups, and 13 or 48% from the youth. Of the 23 groups that favoured elections, 14 (61%) were youth and 9 (39%) were from the older groups. Social norms had the support of 46% of the youth groups and 54% of the older groups.

With respect to practicability, of the 25 groups that supported elections, 13 were from the older groups and 12 from the youth groups, representing 52% and 48% respectively. Of the five groups that supported social norms, three were from the youth (60%) and two (40%) from the older groups. Recall received no marks for practicability.

Since both recall and social norms received no marks for usage, only elections were assessed. Of the 46% of respondents who said that they had actually used elections for enforcement, 54% were youth groups and 46% from the older groups.

The above section has examined the operation of accountability from both a gender and age perspective. An examination of the answerability dimension reveals that more women than men were inclined to use formal institutions. In fact, for both timeliness and coverage, more women than men found formal institutions relevant. Although more men than women stated that they expected answerability from social norms, the percentage of women who stated that they obtained answerability in practice through this institution was much higher than that of their male counterparts. Generally, more women than men found the institutions investigated relevant for answerability, if one considers both the timeliness and coverage criteria.

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The enforcement dimension generates mixed results. In respect of merit and practicability, one cannot say that one or the other sex was more inclined to either formal or informal institutions. They were more or less balanced. However, as regards the criterion usage, clearly, more men than women used elections for enforcement.

With respect to age, an examination of the answerability dimension shows that more youth than older people generally found the institutions investigated relevant for answerability. Apart from candidates meetings which were favoured more by the older groups, all other institutions were found to be more relevant in terms of answerability by the youth groups.

In terms of enforcement, apart from elections, which were favoured more by the younger groups in terms of merit, more older people than youth found the other institutions investigated relevant for enforcement in terms of merit. More youth than older people found social norms relevant for enforcement in terms of practicability. More youth groups than their older counterparts also found elections relevant for enforcement in terms of usage.

Although an analysis from a gender and age perspectives yields mixed results in terms of the enforcement dimension, they clearly suggest that more women than men, and more youth than older people generally found the institutions investigated relevant in terms of answerability.

4.4 CONTEXTUALISING THE RELATIONSHIP BETWEEN INFORMAL AND FORMAL INSTITUTIONS

The preceding discussion hinted at a potential contradiction in the contribution of informal institutions to accountability (see Section 4.2.2.4 footnote 67). Furthermore, the theoretical framework of this study also proposed an examination of the interaction between formal and informal institutions with a view to highlighting both the potentials and pitfalls of such an interaction, and to deepening the understanding of the operation of accountability. Four relationships that can exist between informal and formal institutions will be considered, namely that the former can be either complementary, substitutive, competing or accommodating in relation to the latter. This section examines the relationships that exist between these two types of institutions in the study area and explains how best they fit into the categories given above. There are several ways in which individual informal institutions were found to relate to aspects of formal institutions in the study area. Some can be attributed to the design of the formal institutions and others are solely dependent on the characteristics and strength of the two types of institution.

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In the first instance, for example, one of the duties stipulated in the 1997 Local Government Act (LGA), for which a councillor can be held accountable, is "to take part in communal and development activities."[71] This provision despite being a formal institution is closely linked to the Burungi Bwansi provision - an informal institution (turned formal in 2004) that governs communal activities. It is important to note that the requirement for councillors to take part in communal and development activities was included in the 1997 LGA, and the Burungi Bwansi practice was already in existence then. Probably a recognition of the value of this informal institution led to the need to enhance it by ensuring that formally elected leaders comply with it. Apart from the burungi bwansi provision, the burials, which are also governed by a set of informal rules, can also be classified as communal activities. Its further important to note, that the Act which provides for this rule concerning communal activities does not provide sanctions, should a councillor fail to take part in the said activities. The informal institutions on their part provide sanctions that apply to every body that fails to abide by these laws. To this extent therefore, one could say that the informal institutions with specific relation to the formal institution mentioned above have an effect similar to that of substitutive informal institutions. This classification as explained in the theoretical framework of this study however seems to cater for informal institutions that are created as a reaction to flaws in the formal institutions. It does not cater for a case like the one presented here where informal institutions precede formal institutions and the latter are designed in such a way as to be compatible with the former.

In the second instance, as has already been highlighted in the preceding discussions; it is a practice during burials that political leaders are asked to give a speech. As it is almost always likely that the highest serving political leaders present at most burials of ordinary citizens are councillors, they are the ones who will be required to give a speech. In this sense, this informal institution can be said to ensure that accountability is observed by the said councillor. In fact, 21% of the respondents reported having obtained answerability from social norms. To the extent that the informal institution deliberately provides a platform for a councillor to account, one could say that this institution is substitutive. It can to some extent be said to make up for the ineffectiveness of consultative meetings thereby helping to achieve that for which consultative meetings were designed to achieve –answerability.

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[71] Local Governments Act, Uganda Act No.1 1997: Third Schedule Part 2:8g

In the two cases discussed above, the informal institutions were found to be in some way substitutive to the formal institutions, which is to some extent positive for the formal institutions. However, as indicated earlier in this chapter (see Section 4.2.2.4 above, for example), in some instances, the informal institutions appear to be in competition with the formal institutions. Although in this case, informal institutions and formal institutions are not mutually exclusive – in other words, abiding by the informal institutions does not necessarily mean failure to abide by the formal institutions, informal institutions to some extent undermine the formal institutions. This is because some people especially in the rural areas said that they would rather vote for a councillor who abides by social norms than one who does his/her work well but is not keen on abiding by social norms. Furthermore, the councillors generally felt that people in the rural areas voted for a person more on the basis of how well he/she abided by social norms than on the basis of how well they performed their formal duties. To this extent therefore, there is an incentive for councillors to resort to the use of informal institutions which make them appear as abiding to social norms than use of the provided formal channels of accountability.

It should however also be noted again that the councillors said that none of them had been punished on the basis of failure to abide by social norms because they always abide. This probably goes to show how strong the informal institutions are in the study area. In fact, in April 2004 Ntungamo District Council formalized the Burungi Bwansi institution by creating the Burungi Bwansi Ordinance. Although some writers imply that codification (transformation of an informal institution to a formal one) is done usually for competitive informal institutions[72], the Burungi Bwansi institution cannot be said to have been in competition with the formal institutions. On the contrary, recognition of its importance as enhancing the effectiveness of the formal institution could have led to its transformation. Although the Burungi Bwansi ordinance is not yet fully operationalized as a formal institution in the study area, Burungi Bwansi is still observed and enforced informally.

The discussion above has revealed that the informal institutions in the study area are mostly substitutive in their relation to the formal institutions. However, in one instance, they seem to promote some kind of incompatibility, as they tend to undermine the strength of the formal institution. In this case therefore, since the informal institutions and the formal institutions that they seem to undermine are not mutually exclusive, they do not qualify to be strictly classified as

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[72] Helmke Gretchen and Levitsky Steven 2004, p.734

competitive. One would however not be wrong to refer to them as threatening the effectiveness of formal institutions. All in all, informal institutions can be seen as invaluable in promoting accountability in the study area, as they offer a platform for answerability and also ensure that councillors are in close contact with their people, which makes them more available for scrutiny and questioning about their performance. It follows that when councillors know that they will be questioned any time, they will more likely try to ensure that their performance is in line with the desires of their electorate.

4.5 OTHER VARIABLES THAT AFFECT ACCOUNTABILITY

The above discussions have dwelt on the impact of institutions on accountability. Although this is the major focus of the study, it is important to recognize that there are other variables that interact with institutions and which could therefore impact on the effectiveness of institutions in ensuring accountability. Some of the variables that played such a role in the study area include the 'positional proximity' of leaders to the community, the location of sub county 'social proximity' of leaders to the community, and community perceptions about the position of their leaders.

Positional proximity is determined by the level at which a given leader represents his/her community. The degree of proximity of a given elected political leader to the community that he/she represents was found to have an impact on the operation of certain institutions. Political leaders who are based in the community, such as district councilors, were expected to abide by social norms to a greater extent than leaders representing the community at national level, such as members of parliament. As such, the people hold a councillor accountable not just for his/her performance based on the formal duties and responsibilities as stipulated by the law, but also on society's expectation of the councillor in terms of social norms. In fact, councillors generally felt that in the rural areas, people voted for a person vying for the position of councillor more on the basis of social norms than formal performance. This practice could therefore lead councillors to concentrate more on fulfilling social as opposed to formal obligations, and also resorting to accounting to their constituents through informal channels that are more closely linked to fulfilling social expectations (such as burials), rather than through formal channels such as consultative meetings.

Although the issue of positional proximity of leaders to their communities generally applies to all district councillors, the issue of location of a sub county, which determines the 'social proximity' of a councillor to the people that he/she represents presents a key difference between councillors.

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Social proximity is determined by the degree to which a councillor is bound by the social norms of the people that he/she represents. In rural areas, as already pointed out above, social norms are stronger and therefore impact more strongly on the relationship between the people and their councillors. In the urban areas, many of the residents continue to be bound more by social norms in their respective villages, which affects the capacity and strength of norms in the urban area. For example a resident of an urban sub county in his/her home district would rather be a member of a burial association from his/her home village, where he/she will be buried than one that is formed by people from different villages whose only bond is the fact that they are neighbours in an urban area.

Because of the weakness in the social norms in an urban area especially in terms of collective action, the 'social proximity' of a councillor to the people he/she represents is reduced. Indeed, the only informal institution reported as governing the residents of Ntungamo Town Council (the only urban sub county) was good neighbourliness. This is an informal institution that is largely independent of collective action, apart from the case when the community meets to make a decision on whether or not to expel a person for failure to abide by the rules of good neighbourliness. The key difference between the social norms in the urban sub county and those in the rural areas is that the ones in the rural areas are more collective action oriented than those in the urban area. As such, social norms in the urban sub county do not provide a platform for accountability as strong as that of the social norms in the rural sub counties. Because of this, a councillor in the urban sub county relies more on formal institutions than informal ones to account, and is also more likely to have his/her performance assessed on the basis of formal provisions of the law than informal expectations of the community.

Political culture, which helps to determine the community's perception of the position of a leader, also impacts in some ways on accountability. Although from a theoretical perspective of accountability, the councillors are objects of accountability with specified duties and obligations and the people the agents of accountability, with specified rights and privileges, empirically this did not seem to be the case. To understand whether the people's perceptions about how they should relate to their leaders affected accountability, the respondents were asked what their contribution to accountability was, and whether on the occasions that they have had secured accountability, it was by their own initiative or that of their councillors. 14 groups (50%) said that accountability was initiated by their councillors and, that in their opinion, councillors should take it upon themselves to account. Six groups, (21%) said that accountability was initiated by the people. Three groups (11%) said both leaders and the people contributed to ensuring that

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accountability was achieved. Four groups (14%) insisted there was no accountability, and one group (4%) said they did not know who is responsible for ensuring that accountability is done. Generally, the people did not feel that it was their responsibility to get their councillors to account.

Some people said that leaders should be respected as such, and ordinary people have no business telling them what to do. The majority of the people however argued that since the councillors took it upon themselves to ask them for their votes, they should also ensure that they fulfill their pledges and responsibilities to their electorate, which includes reporting their progress to the people, otherwise, they would not be voted for again. This view could explain the people's increasing view of 'ex-post-ex-post' institutions of enforcement like elections as institutions of chastisement. One could also conclude that if people understood that they have a right to demand accountability, or to remind their councillors that they ought to account between elections, institutions of ex-post accountability could perform at a much higher level than is currently the case.

Although bribery and vote buying are outlawed in Uganda, these practices were reported to be rampant towards and during the electoral period. In fact, respondents said that the first thing that they would ask a contestant for a political position when he/she introduces him/herself as such would be 'akamiro' - a term which when literally translated from the local language means 'something for the throat' but is used to mean a bribe of some sort. The commonest bribes include buying local brew especially for the men, and salt, soap or a matchbox for women. Some respondents especially from the youth groups said that they would accept a bribe, but would not necessarily vote on the basis of the fact that a given contestant bribed them. The majority of the respondents especially from the older groups however said that they would go ahead and vote for someone who gave them 'akamiro' for honesty's sake. Some groups also argued that all leaders are the same. They all renege on their promises when they get into office, and it is better to have benefited from the said leader in some way before he/she gets into office. This practice of bribery could impact on the effectiveness of elections as an institution of enforcement, as councillors who have more money with which to bribe voters would most likely not be as severely punished for poor performance as those who do not have as much money. As such if an incumbent was faced by a not so strong opponent, he/she could use bribes to get back to office, even if the electorate did not find his/her performance satisfactory. Its imperative to note however that this problem is compounded with the increase in the level of political representation. For example, there tends to be more bribery during elections for the national parliament than at the district or sub country level.

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In addition to the above factors, some of the councillors interviewed indicated that inadequate resources was an important factor that hinders effective accountability. As can be recalled, consultative meetings are the most important formal channels through which answerability between elections is supposed to take place. However, in practice, these meetings did not deliver answerability as expected because very few if any of them were held in such a manner that they could be attended by the people. Councillors said that the money that they receive for this purpose is too little to enable them to hold meetings in each and every cell/ village (LCI), so that people can readily access answerability. As a result, councillors have resorted to other ways of answering to the people, for example, by calling general meetings at the sub county headquarters, or by delegating responsibility to lower local councils. Although these attempts are commendable, they have limitations, which could render them incapable of dealing with the problem. In the first instance general meetings at the sub county are inconvenient for many residents who live far away from the sub county headquarters, and in the second instance, councillors have to depend on lower local councils to deliver their messages to the people. Apart from the fact that lower local councils also have resource constraints, this mode of answerability does not give the people the opportunity to directly question their district councillors. It also means that there is a risk of misrepresentation of the messages from either side by the medium of transmission.

While also considering the necessity of institutional adjustments, the factors explained in this section represent vital points from which accountability can be improved. For example, positional proximity despite putting extra pressure on councillors could help to foster accountability. In fact this is evidenced by the fact that district councillors, when faced with resources constraints choose to use lower local councils to deliver accountability. This is because the lower the council, the closer it is to the electorate. A big improvement in the performance of these councils could therefore be attained by a relatively small increment in the resources allocated to them. Furthermore even the negative factors like vote buying help by pointing at the urgency with which sanctions for such actions need to be strengthened and enforced.

4.6   SUMMARY

In summary, this chapter has dealt with the empirical findings of the study. It has shown how formal and informal institutions impact on the two dimensions of accountability; answerability and enforcement at the local level in Uganda, thereby validating one and invalidating the other

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hypothesis. It has also given an insight into the relevance of institutions for accountability from a gender and an age perspective. The chapter has also explained the operation of accountability from the ex-ante and ex-post perspectives. Furthermore, the chapter has discussed the other variables that interact with institutions to impact on accountability and also explained the relationships between formal and informal institutions.

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CHAPTER FIVE

CONCLUSIONS AND RECOMMENDATIONS

5.1   CONCLUSIONS: RE-EXAMINING THE CONCEPTS UNDER INVESTIGATION

This concluding section of the mini-thesis concerns itself with an in-depth examination of the two concepts under investigation basing on the findings on the impact of institutions on the operation of accountability from the ex-ante and ex-post perspectives. As can be recalled, four formal institutions and institutional mechanisms were investigated. These included candidates' meetings, elections, consultative meetings, and recall.

Candidates' meetings provide for ex-ante answerability in case of new candidates, and ex-post answerability in case of incumbents, while consultative meetings, the other formal institution provides for ex-post answerability. An examination of the performance of candidates' meetings shows that they were very useful as an institution of ex-ante accountability at election time, both in terms of what they entailed and the number of people that they served. Furthermore, considering the fact that all but one of the councillors from the preceding council sought reelection, one could also say that candidates' meeting also provided ex-post answerability. At the same time, the fact that the people changed their councillors through elections and said that they did not support those who had sought reelection, because they had not performed to the people's expectations, shows a functioning of ex-post enforcement. On the other hand, the fact that respondents did not relate to them as conventional means of answerability testifies to the fact that they did not think that candidates' meetings were the best means through which they should obtain ex-post answerability. It is interesting that in terms of what the people expected, consultative meetings which are also an institution of ex-post answerability were preferred to candidates' meetings by far, but the latter actually served the people far better that consultative meetings did.

The above discussion seems to point to a healthy functioning of ex-ante accountability at least in as far as answerability is concerned. However, there is an obvious discrepancy between the relevance of the most prominent conventional means of accountability selected (consultative meetings) in terms of people's expectations and what they actually delivered. An examination of the expectations from and actual performance of both consultative meetings and candidates' meetings points to either potential flaws in the theoretical provisions of accountability, or flaws in

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the institutional mechanisms or both. The theory of accountability does not prescribe a time period within which an account should be given. One could therefore interpret this as implying that ex-post accountability is timely whenever it is done. With specific reference to the context of this study, the term of office of a councillor is four years. Therefore, one could argue that an account given at the end of a councillor's term of office, which is after a four-year period, is sufficient for accountability, even though no account was given during the entire term of office of the said councillor.

Furthermore, considering that even social norms, which are informal institutions not deliberately designed to ensure accountability, scored higher than candidates' meetings with respect to timeliness seems to point to the fact that the feeling for most people is that they should be able to receive some kind of 'extant' accountability between elections, rather than having to wait till the end of a councillor's term of office. The formal provisions for consultative meetings as well as recall would seem to further attest to this fact.

This mini-thesis also indicates that the prescribed definition of ex-post accountability in theory yields equivocal results when applied to an empirical setting. On one hand, ex-post accountability can be said to have failed, as evidenced by the performance of the consultative meetings and the recall provision, which failed to deliver accountability as expected by the people. On the other hand, it can be said that ex-post accountability was satisfactorily done, if one takes the performance of candidates' meetings and elections. In fact, because of the failure of accountability to be carried out according to the expectations of the people between elections, the general feeling is that there is no accountability at all[73]. As such, institutions that ensure accountability at the end of a councillor's term of office are considered to be institutions of chastisement and the people said they always look forward to pinning down their councillors at election time for 'disappearing' (a term commonly used to mean that the councillors never return to consult their communities after winning elections). For this reason, the failure of a councillor to re-contest because of pressure from the community is a sign that he or she feared the chastisement that would result from elections. When this happens, the people consider that they have sanctioned the councillor in question.

Although they have been found to serve many people, candidates' meetings and elections have an inherent insufficiency as institutions of ex-post accountability, which lies in the fact that they

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[73] This study was done with only 5 months left to the end of the councillors' 4 year term of office.

cannot get a councillor who voluntarily decides not to contest again, to account in terms of answerability. In addition to that, the light in which the people view what this paper will call 'ex-post-ex-post' institutions of accountability (institutions of ex-post accountability that operate at the end of a councillor's term of office) might cause them to have a predictable voting pattern which could cast a shadow on the authenticity of an interpretation of the results of an election vis- a -vis their sanctionability. Therefore from the perspective of the framers of the institutions and also considering the people's expectations of consultative meetings, one could argue that the conceptual failure to appropriately define an ex-post accountability period constitutes a major flaw.

In addition, the theory of accountability does not clearly stipulate roles. It does say who should be accountable to the other, but does not say who should initiate the accountability process for example. As such, both agents and objects are confused about who should initiate an account. In the face of weak or deferred sanctions, therefore, objects have no incentive to account, while the difficulties involved in getting the agents to ensure accountability such as mobilizing people to receive an account, act as a deterrent for initiative from their side. This problem arises more in respect of answerability than enforcement, as enforcement is by definition an initiative of the agents of accountability.

On the other hand, the weakness in the operation of accountability could be stemming from a flaw in the institutional mechanisms. Institutions that were designed to ensure 'extant-ex-post' accountability (ex-post accountability carried out during the course of a councillor's term of office) were found to be weak in their operation. The formal institutional framework for example does not provide a sanction for a councillor who does not hold consultative meetings. Councillors who can hoodwink the people for example through over indulgence in social norms can therefore conveniently avoid their responsibility to account, and still get away with it. Secondly, the costs of getting an institution to work, for example the recall provision were also found to be high. People require time and money to mobilize the signatures for a petition, and in the rural areas, it might also be necessary to first sensitize the people about the whole provision. Potential intrigue and and threats to one's security and comfort in the community, coupled with the potential destruction of social cohesion of the community at large that could result from some accountability processes, are also hindrances to the effectiveness of the institutions of 'extant-ex-post' accountability, particularly with respect to recall which provides for 'extant-ex-post' enforcement. With reference to the LCIs where recall was attempted, one of the major reasons given for its

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failure was the fear of petitioners to be publicly known. For the above reasons, one could say that the weakness in the operation of accountability results from a flaw in the institutional framework.

As can be recalled from the preceding sections, the role of informal institutions in ensuring accountability at the level of district councillors is also equivocal. On one hand they provide a platform for answerability, but on the other hand, they seem to be somewhat competitive or even working against more formal channels of accountability. This is evident if one considers the fact that some people said that they would prefer to vote for a councillor who diligently abides by social norms even if that councillor has not performed his/her formal duties to the satisfaction of the electorate, rather than one who fulfils his/her responsibilities as councillor but is not keen on abiding by social norms. That would refer for example to a councillor who does not attend parties, or rarely or never attends people's burial ceremonies. This problem is particularly compounded at this level of political administration because councillors are locally based. Their proximity to their agents increases the pressure to fulfill so many other conditions other than their responsibilities as councillors. These non-accountability conditions are not as strongly placed on leaders who represent the same electorate at national level such as members of parliament because they are not based in the community fulltime.

In conclusion, given the growing recognition that institutions could be playing a greater role in determining the outcomes of both political and economic interventions than previously anticipated, these findings have far reaching implications for issues of institutional design in Uganda but also for wider issues of governance in developing countries and international development management. The performance of the formal 'extant-ex-post' institutions (which operate between elections) as compared to the 'ex-post-ex-post' ones (such as elections) serves to indicate that accountability could actually be constrained by institutional design. This especially applied to the recall provision whose weak enforcement was largely attributed to its design. In addition to issues of design that could seriously inhibit institutional performance, resource constraints are also an important factor. Councillors attributed the weakness in the performance of consultative meetings largely to resource constraints. Although they said that they receive a mobilization allowance to enable then to carry out accountability, most councillors said that the money was not enough to enable them be as effective as they would want to be. In comparison, the strength of informal institutions was attributed more to their ability to get people together without the councillors having to spend money. The argument here is that although institutions matter, factors outside the institutional framework could seriously inhibit their performance. As

such, just having institutions in place is not enough. Policy makers need to carefully consider contextual issues of enforcement when designing institutions such as these.

Secondly, although questions about the scope of their effectiveness are inevitable, informal institutions might indeed prove more useful for accountability in the long run than formal institutions whose effectiveness could be further undermined by their dependence on ever dwindling resources. Since people have more incentives to abide by informal as compared to formal institutions, ways of structuring formal and informal institutions to ensure compatibility of outcomes need to be sought.

This mini-thesis also calls for a critical look at the complexities of collective action when designing accountability institutions. The recall provision discussed in this paper particularly points to the need to always bear in mind not just the ex-ante costs of enforcing an institution (like mobilization costs), but also the likely consequences resulting from a collective action issue. Actors always have to weigh the gains accrued from enforcing an institution against the potential negative consequences such as threats to social cohesion. The need to do this might also be compounded further when one considers enforcement of formal institutions, since they are usually created by an outside actor and 'imposed' on the community. This situation again could necessitate an exploration into whether or not informal institutions, which due to their greater acceptability, because they are generated from within the society, could mitigate the negative consequences resulting from the enforcement of certain rules, or even if they are better placed to institute certain sanctions than formal institutions.

It is noteworthy that the concept of accountability investigated in this thesis is a centre stage concept in international development management. Like some other key concepts in the development management debate such as transparency, participation, democracy, and good governance, the concept of accountability runs the risk of becoming a mere cliché if it is oversimplified and included in policy prescriptions not for its own sake but for the sake of meeting conditions for aid among others. Although the study showed that there was a commendable degree of accountability, there was no evidence of attempts to make its operation more effective. This mini-thesis therefore warns that unless there is stronger and more genuine commitment to enforcing accountability, its effectiveness could slowly decline. Therefore, Uganda as well as other developing countries should start working consciously to change the conditions that inhibit the realization of the goals of accountability, as well as those of development and good governance more generally.

5.2   RECOMMENDATIONS

In light of the findings of the study and their implications, this thesis would like to make a few recommendations. At a theoretical level, this thesis suggests that there is need to clarify the conceptual provisions of accountability. This is particularly being suggested in reference to clarification of accountability roles. Although the concept as discussed by Schedler and others (see discussion in chapter two) specifies roles by saying who the objects and the agents of accountability are it does not adequately assign roles. There is therefore a need for greater conceptual clarification as to who should initiate the accountability process, in order to avoid the common pitfall of not doing certain tasks because one party thinks that the other will do it.

At the policy level in Uganda, the mini-thesis would first like to suggest a clarification in the recall provision. This provision does not specify a minimum period of time within which a councillor can be recalled. This raises the question of how long a councillor should have held an office in order for him/her to have his/her performance meaningfully assessed. A prescription of such a period considering that a councillor is elected for a 4year term of office would make the recall provision more plausible.

Secondly, one of the duties of a councillor stipulated in the Local Governments Act is closely related to the social norms of the community investigated. Although this situation has some positive results, an increasing use of social norms as a yardstick for assessing the performance of a councillor could in the long run compromise the effectiveness of the other formal provisions that are not as closely linked to the informal institutions. There is therefore need to specify those communal activities in which councillors must take part, to avoid this pitfall, and also to avoid the tendency to overburden councillors with other responsibilities for which they were not elected.

Thirdly, the Local Governments Act provides for consultative meetings, which as already stated are funded by the district. There is however no evidence that their failure to be carried out is entirely attributed to resource constraints as the councillors claim. Although resource constraints for such activities are a reality in a country like Uganda, probably, if there was a sanction imposed on councillors who did not carry out these meetings, the results would be different. This paper therefore recommends that the rules should be amended in such a way as to provide and enforce sanctions for councillors who do not carry out consultative meetings for whose purpose they have been facilitated. There is also need to set a minimum number of meetings that should be held

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throughout the term of office of a councillor and ensure that there is a benchmark for financial accountability for the money received for consultative meetings.

5.3   AGENDA FOR FURTHER RESEARCH

This mini-thesis has made a modest contribution to the understanding of institutions' role in accountability, and points out that there are several areas on which studies could focus to further the understanding of institutional and accountability issues. Two of the areas are given below:

With the blooming FM radio stations in rural Uganda, it would be interesting to investigate the contribution of the media and how it can enhance the effective achievement of accountability.

A study similar to this one carried out in the newly introduced political system in the country could also produce interesting comparative results that could help to explain how differences in political and electoral systems impact on the effectiveness of accountability.[74]

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[74] It is important to note that this research was carried out during a transition period of the country from a movement (no party) to a multi party system of government. The difference in political contexts could mean a whole new set of formal institutions and as such, accountability could take on a whole new meaning. Readers therefore need to bear this in mind when making reference to this study.

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BIBLIOGRAPHY

Books and Journal Articles

Alence, R. (2004). Political Institutions and Developmental Governance in Sub-Saharan Africa. In *Journal of Modern African Studies*, 42, 2: 163-187.

Crook, C. R. (2003). Decentralization and Poverty Reduction in Africa: The Politics of Local-Central Relations. In *Public Administration and Development, Vol.* 23: 77-88.

Devas, N. and Grant, U. (2003). Local Government Decision Making- Citizen Participation and Local Accountability: Some Evidence from Kenya and Uganda. In *Public Administration and Development.* Vol. 23: 307-316.

Helmke, G. and Levitsky, S. (2004). Informal Institutions and Comparative Politics: A Research Agenda. In *Perspectives on Politics,* Vol. 2, No. 4: 725-740

Mulgan, R. (2000). Accountability: An Ever Expanding Concept? In *Public Administration*, Vol 78, No.3: 555-573. *See Internet source No. 11.*

Museveni, Yoweri (1997). *Sowing the Mustard Seed: The Struggle for Freedom and Democracy in Uganda.* Oxford, UK: Macmillan Publishers.

North, D.C. (2002). The competitiveness of Nations in a knowledge-based Economy. In *The Journal of Economic Perspectives,* Vol. 5, Issue 1: 97-112.

Olowu, D. and Wunsch, S. J. (2004). *Local Governance in Africa; The challenges of Democratic Decentralization.* Boulder, Colorado: Lynne Rienner Publishers.

Onyach-Olaa, M. (2003). The Challenges of Implementing Decentralisation: Recent Experiences in Uganda. In *Public Administration and Development,* Vol. 23: 105-113.

Ribot, J.C. (2003). Democratic Decentralisation of Natural Resources: Institutional Choice and Discretionary Power Transfers in Sub-Saharan Africa. In *Public Administration and Development* Vol.23: 53-65.

Samwiri, R. K. (1988). *The Roots of Instability in Uganda.* Kampala, Uganda:Fountain Publishers.

Schacter, M. (2001). When Accountability Fails: A Framework for Diagnosis and Action. In *Isuma,* Vol.2, No.2, Summer. *See Internet source No.7*

Schedler, A. (1999). *The Self Restraining State: Power and Accountability in New Democracies.* Boulder, Colorado: Lynne Rienner Publishers.

Series and Working Papers

Ackerman, M. J. (2005). *Social Accountability in the Public Sector: A Conceptual Discussion.* In World Bank Social Development Papers, Participation and Civic Engagement, Paper No. 82.

Brinkerhoff, W. D. (2001). *Taking Account of Accountability: A Conceptual Overview and Strategic Options.* US Agency for International Development, Centre for Democracy and Governance, Implementing Policy Change Project. Phase 2 Washington DC. *See Internet source No.12.*

Chamberlin, J. and Gerber, R. E. (2003). *Information, Engagement and Local Political Accountability.* University of Michigan, Gerald R. Ford School of Public Policy. *See: Internet source No. 5.*

Cohen, J. M., and Peterson, S.B. (1997). *Administrative decentralization: a new framework for improved governance, accountability, and performance.* Development Discussion Paper No. 582. Cambridge: Harvard University, Harvard Institute for International Development.

Goodin, E. R. (2003). *Democratic Accountability: The Third Sector and All.* Paper presented to the Conference on 'Crisis of Governance: The Non Profit/ Non Governmental Sector'. Harvard University Kennedy School of Government. *See: Internet source No. 6.*

Jenkins, R. and Goetz, A. (2001). *Voice Accountability and Human Development: The Emergence of a New Agenda.* Paper presented at the meeting of UNDP HDR Advisory Panel 5-7 November 2001 Greentree Estate Manhasset, Long Island. New York. *See Internet source No. 9.*

Jütting, J. (2003). *Institutions and Development: A Critical Review.* OECD Development Centre. Technical Paper No. 210.

Keohane, O. R. and Nye, S. J. (2001). *Democracy, Accountability and Global Governance.* Politics Research Group Working Paper, John F. Kennedy School of Government, Harvard University (June 27th 2001) *See internet source No. 10*

OECD (2004). *Decentralisation and Poverty in Developing Countries: Exploring the Impact.* OECD Development Centre Working Paper No. 236, Paris.

Stanciulescu, A. (2005). *Measuring Vertical Political Accountability and Responsiveness: The Case of Romania.* Working Paper presented at the 7th Annual Graduate Retreat of the Society for Comparative Research, Central European University 3-4th July 2005. *See Internet source No. 8*

Reports and Government Documents

Local Governments Act (Uganda) 1997.

National Integrity Systems, Transparency International Country Study Report, Uganda 2003/2004.

Ntungamo District Burungi Bwansi Ordinance 2004.

72

Second Participatory Poverty Assessment Report, (Uganda) 2002.

United Nations Human Development Report 2002.

Internet Sources

1. www.childsurvival.com/projects/projectDetail.cfm?proj_ID=517 4th July 2005.

2. http://closup.umich.edu/research/projects/accountability/accountability.html 19th June 2005.

3. http://www.ugandadish.org/ntungamo.doc 10th July 2005.

4. http://www1.worldbank.org/publicsector/anticorrupt/politicalaccountability.htm 20th June 2005.

5. http://www.ippsr.msu.edu/Documents/SOOSRelated/GerberChamberlin.pdf 3rd July 2005.

6. http://socpol.anu.edu.au/pdf-files/Demo_Account.pdf 19th June 2005.

7. http://www.isuma.net/v02n02/schacter/schacter_e.shtml 21st June 2005.

8http://www.ceu.hu/polsci/papers/Stanciulescu%20Alina.pdf 3rd July 2005.

9.http://www.bbk.ac.uk/polsoc/download/rob_jenkins/Voice_Accountability_Human_Development.pdf 3rd June 2005.

10.http://www.ksg.harvard.edu/prg/nye/ggajune.pdf 27th June 2005.

11. http://apseg.anu.edu.au/staff/pub_highlights/MulganR_02.pdf 19th June 2005.

12. http://www.usaid.gov/our_work/democracy_and_governance/publications/ipc/wp-14.pdf 27th June 2005.

APPENDIX 1

RESEARCH INSTRUMENTS

1. Interview Schedule for Councillors

Good Morning/ Afternoon Sir/Madam? My name is Catherine Biira Promise. I am doing a research on Institutions and Local Government Accountability in fulfilment of a Master of Administration at the University of the Western Cape in South Africa. Would you be so kind as to spare me a few minutes of your time to answer a few questions? Thank you very much.

1. Is this your first term of office? Yes / No

    ....

2. Did you contest against an incumbent?

    ....

3. What in your opinion is the role of elections?

    ....

    ....

    ....

4. Do you think elections are an effective means for people to get rid of Councillors they feel have not fulfilled their expectations?

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....

5. For incumbents, do issues to do with explanation and justification for performance arise during electoral campaigns?

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6. Do you know of any means through which the people can express their dissatisfaction or appreciation for a Councillor's performance between elections?

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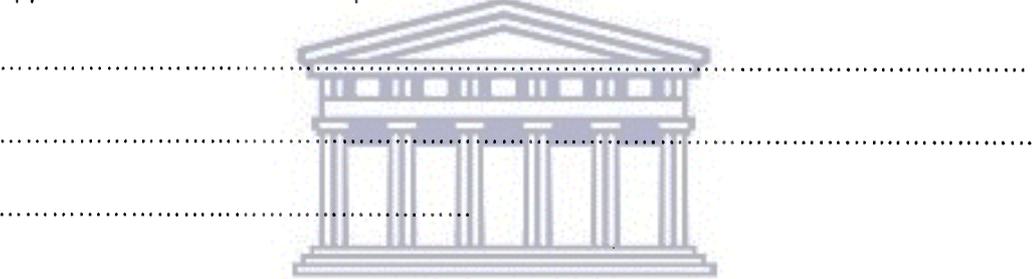
7. Do you know of any non-electoral means by which people have actually expressed their dissatisfaction or appreciation for their councillors (you)?

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....

8. Can you cite any incidents in which the citizens have expressed support for or opposition against council decisions? (for example petitions, awards, memoranda)

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9. Do you think it is important to have a provision for recall in Local Council electoral laws?

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………………………………………………………………………………………………

10. By what means do Councillors (you) account to the electorate?

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11. Do Councillors (you) routinely explain and justify their performance to the people?

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12. Are there any provisions in the law that require you to account to the electorate?

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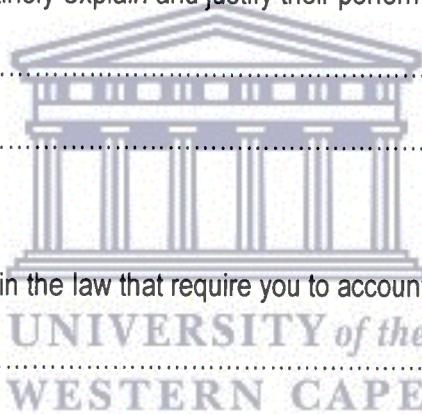
13. Under this law, can the people institute any action against Councillors who do not routinely account to them or whose account is found insufficient?

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………………………………………………………………………………………………

14. Do you know of any case where the people have taken action against a Councillor for failure to account to them?

....

....

15. Do you know of any incidents where Councillors have been asked to explain and justify perceived failure to abide by community resolutions?

....

....

16. From whom does accountability originate? Have the electorate ever demanded for accountability from Councillors or is it always an initiative of the Councillors?

....

....

17. What sanctions does the law provide for in case of poor performance by Councillors?

....

....

18. Have you ever had any sanctions e.g. cases of arrest, recall, or boycott of leaders resulting from information obtained from the media?

....

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....

19. In your opinion, what is the most effective mode of communication to transmit information to the people?

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....

20. Do you know of any social norms that govern your electorate?

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....

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21. How do these norms affect your relationship with the people?

....

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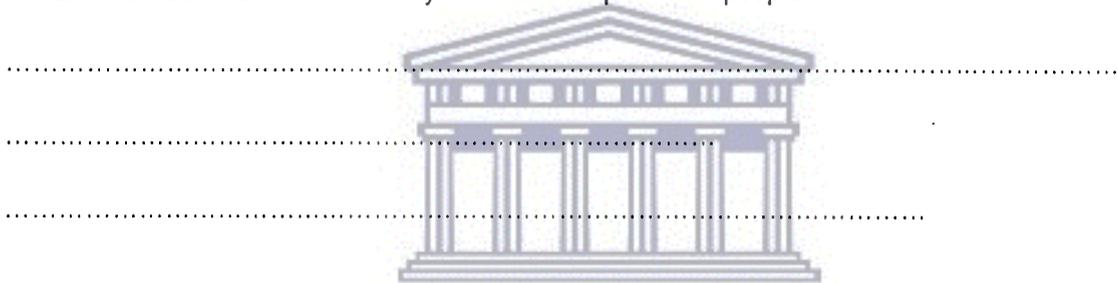
22. Do these norms affect accountability to the people in any way?

....

....

23. Do you know of any informal fora that people use to demand accountability from leaders?

....

....

24. Are there cases where the people have punished Councillors for failure to abide by social

norms? E.g. fines, loss of election e.t.c.

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....

25. What in your experience would people prefer to have from their Councillors if we had only

one of these two options? Explanation and justification for performance, or involvement in

social functions like burials, fundraisings e.t.c

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UNIVERSITY *of the*

WESTERN CAPE

2.   Focus Group Discussion Guide for ordinary citizens

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Good Morning/ Afternoon to you all? My name is Catherine Biira Promise. I am doing a research

on Institutions and Local Accountability in fulfilment of a Master of Administration t at the

University of the Western Cape in South Africa. Would you be so kind as to spare me a few

minutes of your time to answer a few questions? Thank you very much.

1. What in your opinion is the role of elections?

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2. Do you think elections are an effective means for people to get rid of Councillors they feel

    have not fulfilled their expectations?

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....
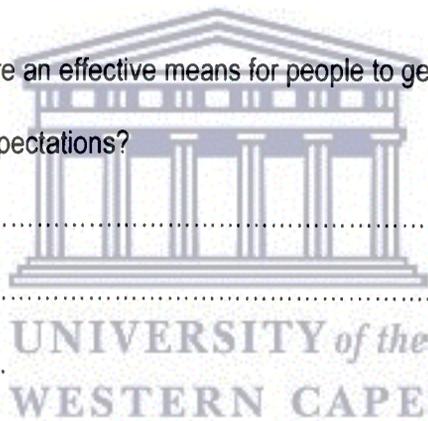
3. Do issues to do with explanation and justification for performance of Councillors arise

    during electoral campaigns?

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4. Do you know of any means through which the people can express their dissatisfaction or

    appreciation for Councillors' performance between elections?

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....

5. Do you know of any non-electoral means by which people have actually expressed their

    dissatisfaction or appreciation for their Councillors

    ....

    ....

6. Can you cite any incidents in which you as citizens have expressed support for or

    opposition against council decisions? (for example petitions, awards, memoranda)

    ....

    ....

7. Do you think it is important to have a provision for recall in Local Council electoral laws?

    ....

    ....
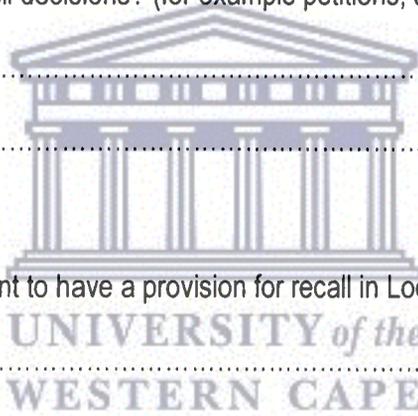
8. By what means do Councillors account to the electorate?

    ....

    ....

9. Do Councillors routinely explain and justify their performance to the people?

    ....

    ....

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10. Do you know of any provisions in the law that require your Councillors to account to you?

....

....

11. Do you know of any case where the people have taken action against a Councillor for

failure to account to them?

....

....

....

12. Do you know of any incidents where Councillors have been asked to explain and justify

perceived failure to abide by community resolutions?

....

....
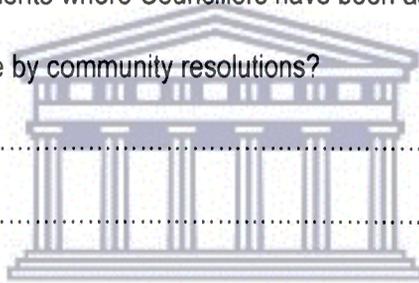
13. From whom does accountability originate? Have you as the electorate ever demanded

for accountability from your Councillors or is it always an initiative of the Councillors to

account?

....

....

14. What sanctions does the law provide for in case of poor performance by a Councillor?

....

....

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15. Have you ever had any sanctions e.g. cases of arrest, recall, or boycott of leaders

resulting from information obtained from the media?

....

....

16. In your opinion, what is the most effective mode of communication to transmit information

to the people?

....

....

17. Have you ever had any sanctions e.g. cases of arrest, recall, or boycott of Councillors by

the people resulting from information obtained from opinion leaders?*
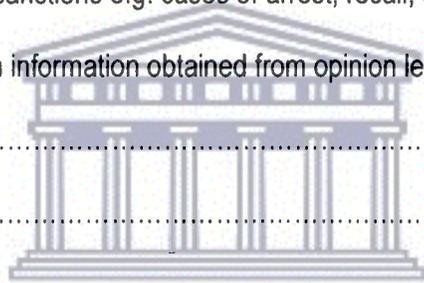
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18. Have you ever had any sanctions e.g. cases of arrest, recall, or boycott of Councillors by

the people on the basis of public accounting regulations?*

....

....

19. What social norms govern your community? *(Social norms here refer to rules that are*

generated within the community by the people. They are not formal but they are binding to all

community members, and community members can be punished for failure to abide by them

using punishments prescribed and accepted by the community.)

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20. Do these norms provide a platform for you to punish or reward your Councillors?

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21. What procedures do these norms prescribe for conflict resolution and problem solving?*

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22. How do these norms affect your relationship with your Councillors?

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....

23. On what occasions do you get a chance to get an explanation for performance by your

Councillors?

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....

24. On what occasions do you get a chance to reward or punish Councillors for their

performance in office?

84

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25. Are there cases where you have punished Councillors for failure to abide by social

     norms? E.g. fines, loss of election e.t.c.

....

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26. On what basis is a Councillor more likely to lose an election if we were to choose

     between one of these options? Failure to explain and justify performance, or failure to

     participate in social functions like burials, fundraisings e.t.c

....

....

....

3. **Document Analysis Guide/ questions to clerk to council**

1. What mechanisms are available for individuals and civil society in general to ask for

     information and justifications from elected leaders?

2. What mechanisms are available for individuals and civil society in general to reward or

     punish elected leaders in relation to their performance in office?

3. Do citizens have the possibility to oppose decisions concerning them? Are   there any

     means of opposing unpopular executive decisions? (e.g. Petitions, etc)

4. What rules govern accountability by Councillors?

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5. What is the rate of turnover of elected Local leaders?

6. Has the District Council ever passed any ordinance?

7. What does this ordinance govern?

APPENDIX 2

LISTS OF PEOPLE INTERVIEWED

Ntungamo District Councillors (2002-2006) of sub counties investigated

1. Dr. Katebalirwe Chris   (Rukoni Sub County)
2. Mr. Bakunda George   (Nyakyera Sub County)
3. Mr. Tumwine Matthew   (Ntungamo Town Council)
4. Mr. Byaruhanga Anthony   (Rweikiniro Sub County)
5. Mr. Mugabi Sam Karugaba   (Ntungamo Sub County)
6. Mr. Kagoro Fred   (Kibatsi Sub County)
7. Mr. Bata Sande   (Nyabihoko Sub County).

*Mr. Tusingwire Charles (Clerk to Council)

Ntungamo District Councillors (1998-2001) of the sub counties investigated

1. Mr. Habyara Emmanuel   (Rukoni Sub County)
2. Mr. Kashaija Augustine   (Nyakyera Sub County)
3. Mr. Urban Banturaki   (Ntungamo Town Council)
4. Mrs. Karibwende Regina   (Rweikiniro Sub County)
5. Mr. Mamanzi Stephen   (Ntungamo Sub County)
6. Mrs. Clotilda Mbabazi   (Kibatsi Sub County)
7. Mr. Kasikura Yoramu   (Nyabihoko Sub County)

List of Participants in the Focus Group Discussions
Ruhaama County:
1. Rukoni Sub County:
Men:
1. Polly B. Matsiko
2. Musiisi Hamuza
3. Tugume Jackson
4. Karimukiza Jeronim
5. Mbabazi Eliasaph
6. Kagaba Godwin
7. Bahirwa James

Women:
1. Tumuheirwe Mauda
2. Rwabushaija Jolly
3. Barikurungi Hope
4. Mwesiga Florence
5. Twinomugisha Lydia
6. Tindyebwa Immaculate
7. Ahimbisibwe Florah

Youth Male
1. Ariho Joram
2. Rutaremwa Y.
3. Ariho Felix
4. Tushabomwe Robert
5. Bwengye Boaz
6. Tumwebaze W. Black
7. Musimenta Wilberforce

Youth Female
1. Rosset
2. Nabasa Naume

3. Mutesi Sharon
4. Katushabe Jyovaruisi
5. Komukama Dinnah
6. Mbabazi Saidati
7. Kabandize Hilda

2. Nyakyera Sub County
Men
1. Namanya Frank
2. Tumuheirwe Patrick
3. Bikwatsizehi Adonia
4. Muhwezi Appolo
5. Baryaija Charles
6. Twegami Moses
7. Kakuramasi

Women
1. Asiimwe H. Kwatirayo
2. Beatrice Rugunda
3. Molly Tureberaho
4. Medias Turyatemba
5. Peace Karuhanga
6. Mrs Katwakura
7. Mpora Scondina

Youth Male
1. Agaba Andrew
2. Magara Didas
3. Turamye Robert
4. Kamukama Robert

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5. Ahairwe Moses
6. Twinamatsiko Deogratius
7. Mbarebaki Nicholas

Youth Female
1. Barugahare Grace
2. Bintungire Allen
3. Tusiime Mollen
4. Tuhairwe Medius
5. Ninsiima Rosette
6. Namara Lovanne
7. Kakazi Annet

3. Ntungamo Town Council
Men
1. Rev. E. Matabaro
2. Baryatunga John
3. Muhumuza Julius
4. Kankore Shafani
5. Abiine Ismail
6. Rwomushana Geoffrey
7. Byabagambi Ephraim

Women
1. Mushanju Flora
2. Motto Angella
3. Turyamuhebwa Gauda
4. Bagyenda Ruth
5. Kiyakunzire Ruth
6. Karungi Annet
7. Komugisha Jackline

Youth Male
1. January Jacob
2. Tugume Rogers
3. Twesigye Justus
4. Magara Enock
5. Tumusiime Dickson
6. Matsiko Nehemiah

Youth Female
1. Kamusiime Loice
2. Nampa Leticia
3. Nabasa Jackline
4. Muhumuza Sharon
5. Tumuheirwe Monica
6. Matata Nuliat
7. Nimukunda Brenda

4. Rweikiniro Sub County
Men
1. Mubangizi Edison
2. Maranga Eriphazi
3. Kahungu J.
4. Ssalongo Turyakira G.
5. Nuwagaba Laban
6. Byabokundi Frank
7. Bariyo John

Women
1. Ahimbisibwe Felesta
2. Nalongo Makuba Loy
3. Jane Mbabazi
4. Ngabirano Monica
5. Nuwagaba Jane
6. Kemirembe Fausta
7. Tumwesigye Adreen

Youth Male
1. Asiimwe Justus
2. Tumugabirwe Amos
3. Twesigye S.
4. Bekunda Alex
5. Atuheirwe Ronald
6. Tumwebaze John
7. Mugambi Moses

Youth Female
1. Kirabo Hope
2. Kobusingye Joseline
3. Mpirirwe Deborah
4. Tusingwire Evangelist
5. Beinomugisha Faibi
6. Kyahangirwe Loice
7. Tweyongyere Jane
8. Kanohiri Molly.

5. Ntungamo Sub County
Men
1. Byakatonda Emmanuel
2. Barigye Stephen
3. Mugizi Adonia
4. Asiimwe Moses
5. Kibeija Ruhinja
6. Mustafa Muhoozi
7. Nsiimire Jackson

Women
1. Gahwera Sylvia
2. Katahweire Jane
3. Kyatumba Jadrace
4. Asingwire Evas
5. Kashagama Kellen
6. Katusasire M.
7. Namara Margaret

Youth Male
1. Nansasira Antonio
2. Tumusiime Stephen
3. Nimusiima Arthur
4. Asingwire Jackson
5. Sentamu Ronald
6. Tumwebaze Alex
7. Nkwasibwe Lauben

Youth Female
1. Kansiime Ruth
2. Ahabwe Lorna
3. Agumenaitwe Jeninah
4. Natukunda Monica
5. Sanyu Enid
6. Kushemererwa Jovia
7. Dariah Wamala

Kajara County:
1. Nyabihoko Sub County
Men
1. Kagimba B.
2. Muhoozi David
3. Tumuhairwe Swaibu
4. Mpazi E.
5. Kagangure
6. Kajogori

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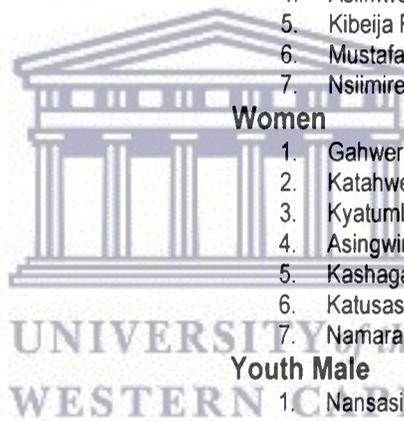
7. L. Sssabwe

Women
1. Dinavensi Korugyendo
2. Tumwesigye Regina
3. Tukashaba Beya
4. Kyabaireho F.
5. Kyarisiima
6. Ahimbisibwe Beteth
7. Tumusiime C.

Youth Male
1. Mugyenyi Julius
2. Muvunyi Stephen
3. Mpanga Geoffrey
4. Nimusiima Julius
5. Twesigye Moses
6. Asiimwe Peter

Youth Female
1. Ninshaba Marion
2. Kabahuma Phionah
3. Nalubega Josephine
4. Atusasiire Monica
5. Katumwesigye Evas

2. Kibatsi Sub County

Men
1. Majuru Michael
2. Bamuturaki Patrick
3. Katwire John
4. Senteemwe Frank
5. Kiiza Sebastian
6. Mugabe Vincent

Women
1. Florence Betantara
2. Jasinta Rwitahona
3. Furige Busingye
4. Twinomujuni Betesi
5. Busingye Annet

Youth Male
1. Nahabwe Denis
2. Musasizi David
3. Tukwatanise Edison
4. Muhanguzi Julius
5. Natwijuka John

Youth Female
1. Arikiriza Jovas
2. Natumanya Edith
3. Nayebare Editah
4. Kagumire Jesca
5. Nayebare Maureen

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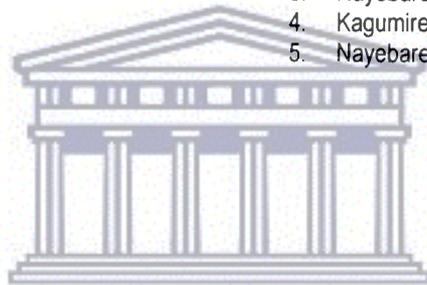
APPENDIX 3

FIELD WORK TIMETABLE

| Activity	Date
Mobilization in Nyabihoko S/C	25th August 2005
Moblization in Kibatsi S/C	26th August 2005
Visit to District Headquarters	29th August 2005
Visit to District Headquarters	30th August 2005
Clearance from District Authorities	31st August 2005
Interviews in Nyabihoko	1st September 2005
Interviews in Kibatsi	2nd September 2005
Interview with Clerk to Council	5th September 2005
Mobilization in Nyakyera S/C	6th September 2005
Mobilization in Rweikiniro S/C	7th September 2005
Mobilization in Ntungamo S/C	8th September 2005
Mobilization in Ntungamo Town Council	9th September 2005
Mobilization and interviews in Rukoni S/C	13th September 2005
Interviews and Travel from Rukoni S/C	14th September 2005
Interviews in Nyakyera	15th September 2005
Interviews in Nyakyera	16th September 2005
Interviews in Rweikiniro	19th September 2005
Interviews in Rweikiniro	20th September 2005
Interviews in Ntungamo S/C	21st September 2005
Interviews in Ntungamo S/C	22nd September 2005
Interviews in Ntungamo Town Council	26th September 2005
Interviews in Ntungamo Town Council	27th September 2005
Interviews with councillors for Rweikiniro and Rukoni	28th September 2005
Interview with councillors for Nyakyera and Ntungamo Town Council	29th September 2005
Interview with councillor for Ntungamo Sub County	30th September 2005
Interview with councillor for Nyabihoko	4th October 2005
Interview with councillor for Kibatsi	5th October 2005

APPENDIX 4

NTUNGAMO DISTRICT SHOWING COUNTIES AND SUB COUNTIES
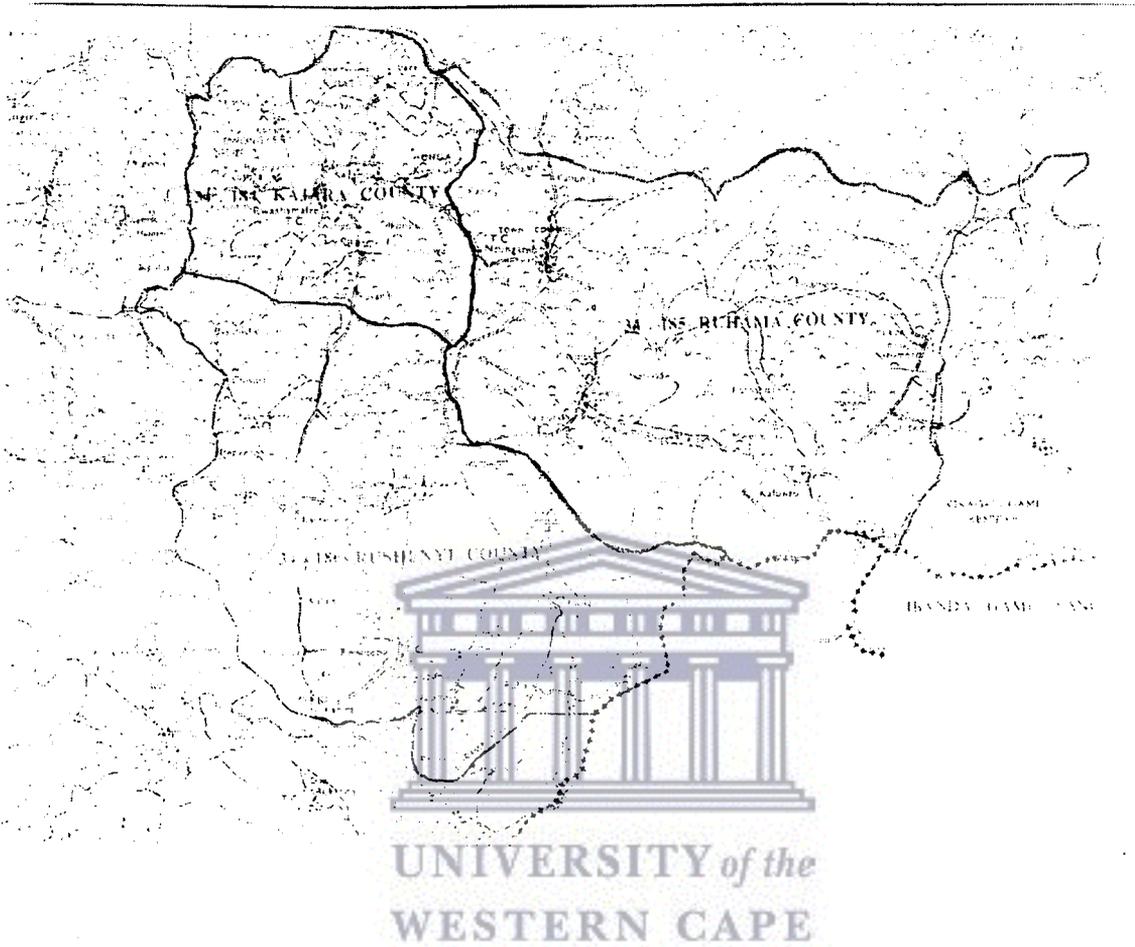
Source: Lands office Ntungamo District.

APPENDIX 5

MAP OF UGANDA SHOWING DISTRICT (WITHOUT THE MOST RECENTLY

CREATED DISTRICTS)

APPENDIX 6

NTUNGAMO DISTRICT BURUNGI BWANSI ORDINANCE

Ntungamo District
Ordinance 1   *(Burungi Bwansi) Ordinance*   2004

THE NTUNGAMO DISTRICT (BURUNGI BWANSI)
ORDINANCE 2004

ARRANGEMENT OF SECTIONS

Section

PART I—PRELIMINARY.

1   Citation.
2   Application.
3   Interpretation.
4   Persons required to participate in burungi bwansi.
5   Appointment of burungi bwansi day.

PART II—MAINTENANCE OF COMMUNITY ROADS

6   Roads to be maintained.
7   Enforcement of burungi bwansi day.
8   Offences and penalties.

PART III—MAINTENANCE OF COMMUNITY
WATER POINTS

9   Community water points.
10   User maintenance committees.
11   Function of user management committees.
12   User contribution of water point.
13   Offences and penalties.
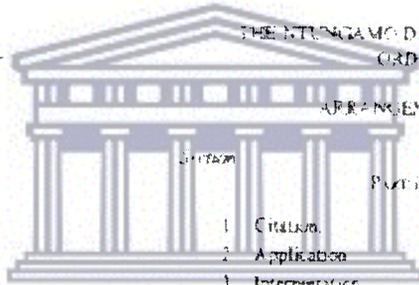
12. A person who by his or her actions or that of the animals under his or her care, contaminates any water point commits an offence and shall be liable to a fine not exceeding one currency point.

13. A person who without reasonable excuse fails to participate in burungi bwansi for maintenance of community water points commits an offence and shall be liable to a fine not exceeding one currency point or to imprisonment for a period not exceeding one week or community week.

PART III — MAINTENANCE OF COMMUNITY AND GOVERNMENT SCHOOLS AND HEALTH UNITS

14. The provisions of this Ordinance shall apply to primary schools and health units built by Government, local governments and communities.

15. A person resident within the District is obliged to maintain—

    (a) schools and health units built by Government in the District;

    (b) community schools; and

    (c) health units.

16. The local Councils in collaboration with school management committees and health unit management committees shall organise burungi bwansi for the maintenance of school units, health units in their respective local areas.

17. Any person who without reasonable excuse fails to participate in burungi bwansi days appointed for the maintenance of schools and health units committee offence and is liable to a fine not exceeding one currency point or imprisonment for a week or health or community work at the court shall determine.

THE NTUNGAMO DISTRICT (BURUNGI BWANSI) ORDINANCE, 2004

(Made under sections 38 and 40 of the Local Governments Act Cap 243)

An Ordinance to provide for community participation in the maintenance and sustainability of community roads, water points, schools and health units.

BE IT ORDAINED by the Council of the District of Ntungamo as follows:

1. This Ordinance may be cited as the Ntungamo District (Burungi Bwansi) Ordinance, 2004.

2. The Ordinance shall apply to all areas of the District where public infrastructure maintenance is not under the responsibility of Government.

3. In this Ordinance, unless the context otherwise requires—

    "burungi bwansi" means participation in communal work for the maintenance of public works and resources;

    "burungi bwansi day" means a day appointed under section 5 of this Ordinance;

    "chief" means Assistant Chief Administrative Officer, a sub-county chief and parish chief;

    "District" means Ntungamo District Council and its appointed agents.
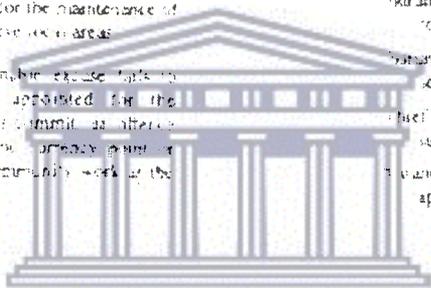
"currency point" is equivalent to twenty thousand Uganda shillings.

"Government" means the Government of the Republic of Uganda.

"road" means any public highway or any other road to which the public has access.

"water point" means any community shallow well, protected spring, bore hole, valley dam whose water is used for human and animal consumption.

4. (1) Every able bodied adult person between the age of 18 and 50 shall participate in burungi bwansi for the maintenance of public infrastructure, schools or health units.

(2) Subsection (1) of this section shall not apply to persons exempted on medical grounds, regular school going students and public servants and any other persons exempted by the local councils.

5. (1) The subcounty and lower local councils shall appoint a day to be known as burungi bwansi day on which able bodied adults in the said local councils shall be called upon to participate in maintenance public works.

(2) The day appointed in subsection (1) shall not coincide with any other community week programs.

PART II—MAINTENANCE OF COMMUNITY ROADS

6. Burungi Bwansi shall apply to—

(a) all community access roads; and

(b) all repaired or rehabilitated roads not under the responsibility of Government for maintenance.

7. A subcounty or parish chief shall enforce the observance of burungi bwansi day for road maintenance within their local areas.

8. A person who fails without reasonable excuse to participate in burungi bwansi for road maintenance commits an offence and is liable to imprisonment for fourteen days or a fine not exceeding one currency point or to both such fine and imprisonment.

PART III—MAINTENANCE OF COMMUNITY WATER POINTS

9. Any water point, natural or established in public interest, whose water serves the interest of the community shall be maintained by the community on a day approved as burungi bwansi day by the relevant local government.

10. (1) There shall be for each community water point a user maintenance committee consisting of at least five members selected from among the immediate community use group where the water point is located.

(2) A third of the membership of the user maintenance committee shall be women.

11. The user maintenance committee shall—

(a) ensure the surroundings of water point are clean;

(b) sensitise the local community on the importance of burungi bwansi;

(c) mobilise the user members of the community where the water point is located to participate in burungi bwansi;

(d) report defaulters to the local council and their group;

(e) establish a user fee where applicable.