



Beyond Compliance

A Performance Assessment of Statutory
Boards and Commissions in Uganda's
Local Governments FY 2021/2022

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ACODE brings to you an insightful first synthesis report for the performance of Statutory Boards and Commissions in Local Governments focusing on the Financial Year 2021/22. This assessment was a ground-breaking milestone that examined the deeper issues that affect the performance of the statutory bodies at the Local Government level, which are important anchors to the implementation of the Decentralisation Policy in Uganda. Needless to say, this assessment and its findings will firmly inform Uganda's discourse of local governance, for the next years.

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ABBREVIATIONS AND ACRONYMS

ACODE	Advocates Coalition for Development and Environment
CAO	Chief Administrative Officer
CBEG	Centre for Budget and Economic Governance
CFO	Chief Financial Officer
CM	Contestability Model
CTM	Competitive Tendering Model
CVM	Collaborative Venture Model
DCAO	Deputy Chief Administrative Officer
DEC	District Executive Committee
DLB	District Land Board
DNRO	District Natural Resource Officer
LGPAC	Local Government Public Accounts Committee
DPAC	District Public Accounts Committee
DSC	District Service Commission
ESDS	Expenditure Service Delivery Survey
ECLAC	Economic Commission for Latin America and the Caribbean
FDG	Focus Group Discussion
FY	Financial Year
KII	Key Informant Interview
LCIII	Local Council Three
LCIV	Local Council Four
LCV	Local Council Five
LG	Local Government
LGA	Local Governments Act
LGCSCI	Local Government Councils Scorecard Initiative
LGPAC	Local Government Public Accounts Committee
LG FAR	Local Governments (Financial and Accounting Regulations)
MDGs	Millennium Development Goals
MoLG	Ministry of Local Governments
MoLHUD	Ministry of Lands, Housing and Urban Development
PETS	Public Expenditure Tracking Survey
PWD	Person with Disability
QSDS	Quantitative Service Delivery Survey
SDGs	Sustainable Development Goals
ULGA	Uganda Local Government Association

EXECUTIVE SUMMARY

This report presents findings from the first assessment of Statutory Boards and Commissions comprising the District Service Commissions (DSC), District Land Boards (DLB), and LG Public Accounts Committees (LGPAC) in 26 District Local Governments. This cutting-edge Assessment was the first of its kind and provided a ground-breaking opportunity to examine these important structures designed to provide regulation, oversight and additional citizen representation and voice, within the ambit of Uganda's Decentralisation Policy. The report offers interesting and intriguing insights into the operations of the Statutory Boards and Commissions which point to an urgent need to revitalise and strengthen them as critical pillars of Local Governance in Uganda.

Uganda's Decentralisation Policy devolved powers to the Local Governments. These powers rest on three key pillars, namely the Local Council (including the Executive), the Technical Staff and the Statutory Bodies. As such, Uganda's Decentralisation Policy is both a political and a technical process. At the political level it involves leadership, participation, inclusion, representation, decision-making, and power relations between Central and Local Governments, and between Higher and Lower Local Governments. On the technical level, it involves administration, planning, budgeting, financial management, human resources management and development, monitoring and evaluation, supervision and mentoring. Thus, the success of Decentralisation is highly contingent on the careful and effective synchronization of political and technical elements and functions.

At the commencement of the decentralisation policy, the government, through several legal instruments, created an elaborate institutional framework for support and oversight at the local government level. These institutions include the District Service Commission, District Land Board, Local Government Public Accounts Committees, and the District Tender Boards (now contracts committee) which later morphed into the District Contracts Committees (Mushemeza, 2019). The assessment of these statutory boards and commissions was underpinned by a series of ACODE's scorecard findings that consistently revealed that the functionality of committees and statutory boards and commissions have a bearing on the general performance of district local government councils and subsequently the quality-of-service delivery in local governments. Furthermore, a number of studies indicated structural and operational gaps in the functionality of various accountability organs at the Local Government level¹.

Given the importance of this tripartite relationship highlighted above, the functionality and strength of the Statutory Boards and Commissions is an important yardstick and litmus test for the overall functionality of a given Local Government. It is against this background that the assessment sought to examine the performance of the statutory boards and commissions. Specifically, the assessment sought to; (i) Explore the extent to which statutory boards and commissions have complied with their roles and responsibilities; (ii) Analyse how statutory boards and commissions are accountable to council and citizens; and (iii) Explore key issues

¹ see Mushemeza, E., D., Decentralisation in Uganda: Trends, Achievements, Challenges and Proposals for Consolidation, Kampala: ACODE Policy Research Paper Series No.93, 2019; Ggoobi, R., and Lukwago. D., Financing Local Governments in Uganda: An analysis of Proposed National Budget FY 2019/20 and Proposals for Re-allocation. Kampala: ACODE Policy Research Paper Series No. 92, 2019; GOU (2020). The Local Government National Performance Assessment Report, 2019. Office of the Prime Minister, Kampala.

impeding and or facilitating Statutory Boards and Commissions in delivering on their statutory roles and responsibilities and make appropriate recommendations. The assessment largely drew from the methodology of the Local Government Scorecard Assessment (Tumushabe, Mushemeza, Tamale, Lukwago, & Ssemakula, 2010).

The assessment is further grounded in rigorous methodological approaches that adhere to scientific rigour. This assessment focused on FY 2021/2022 and was carried out in the 26 districts of **Agago, Amuria, Amuru, Arua, Buliisa, Hoima, Gulu, Jinja, Kanungu, Kabarole, Kamuli, Lira, Luwero, Mbale, Mbarara, Moroto, Mpigi, Mukono, Nakapiripirit, Nebbi, Ntungamo, Rukungiri, Sheema, Soroti, Tororo and Wakiso.**

The overall finding of the Assessment was that the Statutory Boards and Commissions exist at the Local Government level and are attempting to discharge their duties and functions, in spite of the stiff challenges that their face. Notwithstanding their regulatory import and function, their role as an added citizen representation and voice, the Statutory Bodies were noted to have declining visibility and significance – across all the 26 districts assessed. Different Boards and Commissions in the different districts exhibit varying levels of resilience and functionality. Overall, there seemed to be a general “neglect” of the Statutory Bodies, across the Board.

SPECIFIC FINDINGS

The key findings cover three broad areas namely; i) performance in terms of compliance with policies, processes and procedures; ii) accountability; and iii) perception of the citizens about the statutory boards and commissions. The assessment was premised on sets of parameters and indicators developed from the statutory roles and responsibilities of the respective accountability organs and consolidated in a tool named the scorecard.

No	Statutory Body	Performance
	Performance of District Land Boards	The overall average score for the 26 DLBs was 37 out 100 points. The DLBs performed highly in terms of compliance with policies, processes, and procedures relating to the operations of DLB, particularly in terms of composition. The worst performance was exhibited in accountability, particularly, accountability to the council.
	Performance of District Service Commissions	The 26 Commissions covered by the assessment scored an overall average of 50 out of 100 points. They posted their best performance under the parameter of the composition of the commission while the worst performance for DSC was under the parameter of accountability to the council and citizens.
	Local Government Public Accounts Committees	All the 26 Committees assessed, registered an average score of 38 out of 100 points with the best performance under the parameter of the composition of the committees and the worst performance in their functionality.

The general finding was that there was limited knowledge about the existence, roles and operations of the boards and commissions especially the LGPAC as well as concerns about the integrity, independence and efficiency of the boards and commissions. The assessment established that there were several factors affecting the performance of the local government statutory boards and commissions in terms of compliance with regulations, policies, and processes; and being accountable to citizens, the council, and the relevant ministries. The factors majorly manifested in the form of administrative processes, leadership capacity, funding and management of resources as shown below:

UNDER ADMINISTRATIVE PROCESSES

The factors that affected the performance of the Statutory Bodies included:

- (i) *Inadequate technical support to statutory boards and commissions: The findings show that 80 per cent of the DLBs, 70 per cent of DSCs and 78 per cent of LGPACs did not have access to technical support from technical officers in the district. More so, the level of coordination between statutory bodies and related national institutions is lacking.*
- (ii) Delay in the operationalisation of statutory boards and commissions upon expiry: There have been significant delays across districts in the approval of nominees by relevant councils, and respective ministries which affected the composition of statutory bodies in some districts and was attributed to several factors below:
 - a) The absence of clear guidelines or deadlines for renewing the membership: Sections 58 (1) of the Land Act, Cap 227 (As amended) and 54 (3) and 88 (11) of the Local Governments Act Cap. 243 (As amended) stipulates that members should hold office for a period of five years for DLB and LGPAC, and four years for the DSC all renewable once. However, for the case of DLB and LGPAC the laws do not specify the period within which the tenures of these statutory boards and commissions should be renewed upon expiry. The absence of clear guidelines or deadlines for renewing the membership or appointing new members to the statutory bodies creates a gap that could lead to the abuse of the process.
 - b) Noncompliance with Section 54 (2e) of the Local Governments Act, Cap 243 (As amended). Section 54 (2e) of the Local Governments Act, Cap 243 (As amended) requires district councils to appoint new District Service Commissions within 3 months upon the expiry of their term of office. However, local governments have failed to comply with this provision of the Act.
 - c) Conflict of interest among political actors in the district such as the District Chairperson, Members of Parliament, and Members of the Council in the nomination and approval of members of the boards and commission has also had a detrimental effect on the operation of the statutory boards and commissions. In extreme cases, this has resulted in the failure to constitute statutory boards and commissions, as district councils reject nominees by the DEC due to political interests.

- d) Delays in the selection of representatives of urban authorities to the boards and commissions are majorly attributed to two factors; i) Lack of consensus among urban councils. ii) Lack of harmony in the interpretation of Section 54(2b) (2c) of the Local Governments Act Cap. 243 (As amended) especially between some District Chairpersons and leaders of urban councils with either side insisting that the powers to nominate/recommend a representative of the urban councils lies with them as well as Failure by district chairpersons in some cases to agree with nominations from urban authorities which creates an impasse
- e) The creation of cities also affected the composition of statutory bodies in districts from which cities were carved. The hitherto urban representatives domiciled in the municipalities were subsumed into the newly created cities which left a gap on the boards and commissions. The Ministry of Local Government also delayed the operationalisation of new town councils arising from the relocation of district headquarters.
- (iii) Failure to implement recommendations of Statutory Boards and Commissions: The findings revealed that 88 per cent, 88 per cent, and 85 per cent of the districts had not implemented recommendations from the DLB, DSC, and LGPAC respectively. This was attributed to several factors such as political influence and conflict of interest among officials who are implicated in the recommendations. In some cases, recommendations made by these statutory bodies may be beyond the powers of the local governments to implement.
- (iv) *Dysfunctional structures and institutions that support the operations of the statutory boards and commissions:* The findings indicate that the land tribunals that have a critical role in adjudicating conflicts on land were not operational. The National Land Policy calls for the restoration of Land Tribunals, although their continued existence is hampered by a lack of financing. The non-functional nature of the district land tribunals slows down the activities of the district land boards in cases where disputes arise.
- (v) *Corruption arising from weak administrative processes:* The assessment revealed that corruption is another major challenge. There are weaknesses within administrative processes that have allowed corrupt practices in the managing interest on land, recruitment of staff and ensuring value for money in the delivery of public services.
- (vi) *Inadequate oversight role by the district councils:* Under the Land Act, Cap 227 (as amended) and Local Governments Act, District Councils bear the responsibility of supervising statutory boards and commissions. However, the findings from this assessment reveal a notable deficiency in the ability of district councils to ensure the accountability of these organs. This deficiency is evidenced by the infrequency with which the reports of these entities were presented to and deliberated upon within the council.

UNDER LEADERSHIP CAPACITY OF THE MEMBERS OF STATUTORY BOARDS AND COMMISSIONS

The factors that affected the performance of the Statutory Bodies included:

- (i) *Inadequate skills and technical capacities of members:* The lack of skills and technical capacity of members appointed to statutory boards and commissions is a significant challenge that affects their effective functioning. In many cases, the individuals nominated to these bodies lack the necessary expertise, experience, and knowledge to effectively carry out their roles and responsibilities. Findings from the assessment reveal the following challenges:
 - a) Lack of specific requirements for academic qualification relevant to roles and responsibilities of each board and commission: Findings revealed a significant gap in the skill sets of members of the statutory boards and commissions. Concerning District Land Boards, 17 per cent of members lacked the technical capacity to execute their mandate. The deficiency in the technical capacity of members of the DLB was majorly in relation to natural resources management. Findings also revealed that 15 per cent of the DSC lacked technical capacity, especially concerning human resource management and public service standing orders, necessary to perform their functions. Also, 39 per cent of members of the LGPAC lacked technical capacity majorly in public finance management and public procurement which are critical in the performance of their functions
 - b) Inadequate induction, orientation and training: Findings from the assessment revealed key gaps in the induction of members for the statutory boards and commissions across the 26 districts assessed. Only 8 out of 26 LGPACs noted that they received induction from the Central or Local Government. For DLBs, only 10 out of the 24 districts had been inducted while 13 out of the 26 DSCs were inducted.
 - c) Limited pool of qualified and competent individuals: Some districts reported failure to attract qualified members to join the statutory boards and commissions due to a limited pool of qualified and competent individuals available for nomination, and the lack of a comprehensive process for identifying and selecting suitable candidates.
- (ii) *Lack of access to relevant laws, policies and guidelines:* Interviews with district leaders and members of the statutory boards and commissions revealed a lack of access to the respective legal, and policy documents and guidelines to empower them while undertaking their assignments. The lack of access to these legal, and policy documents and guidelines creates challenges for the members of the statutory bodies to effectively carry out their responsibilities, resulting in poor performance, weak accountability and poor service delivery.
- (iii) *Lack of independence of the statutory bodies:* According to the assessment, political interference, intimidation, and conflict of interest among members (DLB and DSC) have been major factors hindering the effective functioning of statutory boards and commissions. The intimidation of members of the statutory bodies was also reported to be common.

- (iv) *Limited Accountability citizens:* The assessment results show poor performance on the parameter of accountability to citizens by statutory boards and commissions. For instance, the average performance for the DLB was 4 out of 15 points on this parameter. Accordingly, the DSC scored 5 out of 10 points on accountability to citizens. The results for DSC further indicate that the members of DSCs did not declare a conflict-of-interest contrary to LGA². There was no mechanism for the DSC to handle complaints from the citizens. The results for the DLB revealed that there was poor performance with regard to public display for land applications, information on the progress of expression of interest on land, public display of processed or complete land applications, and engagement with ALCs and local physical planning committees.

UNDER FUNDING/MANAGEMENT OF RESOURCES

The factors that affected the performance of the Statutory Bodies included:

- (i) *Inadequate funding for operations of the statutory boards and commissions:* Findings reveal that funds provided from the Consolidated fund to DSC and LGPAC are not sufficient for their ideal operations, and in some cases, the funds are delayed. Additionally, there is no evidence that local government councils allocated locally raised revenues to finance the operations of statutory boards and commissions, which is their obligation under Regulation 4 of the First Schedule to the Local Governments Act. Therefore, the inadequate funding to the statutory bodies has resulted into:
- a) Irregular meetings of the boards and commissions: Findings from the assessment indicate that these statutory bodies have not been able to hold meetings as stipulated in the law due to inadequate funding.
 - b) Lack of office spaces, appropriate furniture equipment and tools such as computers, printers, photocopiers, safes, filing cabinets, GIS equipment, and internet among others.
 - c) Failure to monitor, and undertake site or field visits due to lack of transport and reliance on secondary information. This affects the accuracy and reliability of the information collected by the statutory bodies, and it can lead to incorrect decisions making.
 - d) Inadequate facilitation /remuneration exposes members to risks of corruption and bribery.
 - e) Failure to produce reports on time arises due to a lack of printing paper, toners and printers which is a result of inadequate funding.
 - f) Failure to induct members due to a lack of resources has a negative impact on the effective and efficient performance of statutory bodies. New members need to be adequately trained, oriented and inducted to ensure they understand their roles and responsibilities.

2 See LGA, Third Schedule, Regulation 4 (1).

RECOMMENDATIONS

Given the importance of the Statutory Boards and Commissions as a critical pillar of the Decentralisation Policy in Uganda, and given the weaknesses, challenges and constraints revealed by the Assessment, this paper makes a number of recommendations to reactivate and improve the performance of all the Statutory Boards and Commissions, across the country. The recommendations need to be further analysed and urgently implemented to mitigate a reversal against the original intent of their creation. The recommendations can be implemented over a phased timeline.

- (i) *Strengthen the supervision of technical officers to provide adequate technical support to statutory boards and commissions:* The relevant Local Government Departments should be compelled to provide adequate technical support to the respective statutory bodies and ensure they are efficient and effective in terms of analysis of documents, compilation and production of reports, regular and timely reporting to their respective councils, compliance with relevant processes, regulations, policies and laws, and providing accountability to stakeholders.
- (ii) *Accountability to Citizens:* There is a need to enhance accountability to citizens among the statutory boards and commissions. The DLB, DSC and LGPACs should regularly interact with the public. They should establish and popularise complaint-handling mechanisms for their constituents.
- (iii) *Revitalize Land Tribunals:* The findings from the study for instance revealed that the absence of land tribunals grossly affects the functionality of district land boards. There is, therefore, a need for MoLHUD to revitalise the district land tribunals.
- (iv) *Enhance the Financing for the Statutory Boards and Commissions:* The findings indicate that the statutory boards and commissions are grossly underfunded. The allocations for their operations in the LG budgets were found to be inadequate. Thus, this can be achieved through:
 - a) The Ministry of Finance, Planning, and Economic Development (MoFPED) should increase the financing for the activities of statutory bodies. The MoFPED should increase indicative planning figures for these LG structures.
 - b) Local governments (LGs) should also allocate more local revenue to finance statutory commissions and boards. This could be done by setting aside a percentage of their budget specifically for these bodies.
 - c) Amendment of LGA Section 78: The Ministry of Local Government (MoLG) should amend Section 78 and the fifth schedule of the Local Governments Act, in relation to revenue sharing among districts and lower local councils. This amendment would require urban councils to make financial contributions to districts to support the work of statutory bodies. Such contributions could be based on a formula that takes into account the size of the urban council, its revenue base, and the needs of the statutory bodies.

- (v) *Enhance the Capacity of the Members of Statutory Boards and Commissions:* This can be achieved through;
- a) The Ministry of Local Government should amend the Local Governments Act Cap. 243 and the Land Act, Cap 227 (As amended) to elevate the minimum academic qualifications from an advanced level certificate or its equivalent and a diploma to a degree or its equivalent for the members of these statutory boards and commissions.
 - b) The Ministry of Local Government should prioritize the allocation of resources in the budget for the induction of members of statutory bodies
 - c) The Responsible Officer (The Chief Administrative Officer) for each district should ensure that procurement of the relevant laws, regulations, circulars, guidelines and policies that are relevant to the functions of the statutory boards and commissions are provided for in the district budget.
- (vi) *Enhance the independence of the statutory bodies* through, regular training and induction of members of statutory bodies and district councils, and provision of adequate finances to minimize vulnerability to corruption.
- (vii) *Provide guidance on the composition of the boards and commissions:* There is a need for the MoLG to enforce compliance with section 54(2e) of the LGA to ensure that the District Councils follow timelines for appointment and renewal of the term of office of the members for District Service Commission to remedy the vacuum created by delays by district councils and political leaders.
- a) There is a need for the amendment to Section 88 (11) of the LGA and Section 58 of the Land Act, Cap 227 (As amended) to provide timelines for the appointment of new members of the LGPAC and DLB upon the expiry of their term of office.
 - b) The MoLG and Solicitor General should guide the interpretation of the provision relating to the nomination of representatives of urban authorities to the different boards and commissions.
- (viii) *Strengthen Council's Oversight Role:* Establish a robust framework that mandates the regular submission of comprehensive reports from these entities to the council. Such a framework should include enforceable mechanisms that compel the District Executive Committees to provide the reports to Council timely.

CONCLUSION

The Assessment of the Performance of Statutory Boards and Commissions was a key milestone in the 31 years of implementing Uganda's decentralization Policy. The performance of the Boards and Commissions, therefore, has a bearing on the overall operations of the Local Government as demonstrated in this study.

The Findings from this study demonstrated that Statutory Boards and Commissions do exist, albeit with varying strengths. Overall, there is a relatively poor performance across them all. The Statutory Bodies are known "in the reference" and not from **an output-outcome and result point of view**. In terms of compliance with laws, regulations, guidelines and processes, the performance of the assessed Statutory Boards and Commissions is below the desired level. The assessment further demonstrated a variation in the perception of the citizens about the existence, roles and operations of the Boards and Commissions with some confessing ignorance of their existence. This was especially true for the Local

Government Public Accounts Committee. There were concerns about the integrity, independence and efficiency of the Boards and Commissions. The urgent strengthening of these Statutory Bodies could go a long way in improving accountability in the Local Governments. Every step should therefore be undertaken to urgently remedy the declining visibility of these important structural anchors, and deal with the operational challenges as identified in this study.

CHAPTER 1

INTRODUCTION AND BACKGROUND

At the commencement of the Decentralisation Policy, the Government, through several legal instruments, created an elaborate institutional framework for support and oversight at the local government level. These institutions include the District Service Commission, District Land Board, Local Government Public Accounts Committees, and the District Tender Boards (now Contracts Committees). These later morphed into the District Contracts Committees (Mushemeza, 2019). Though scholars have argued that Decentralization under the Local Governments Act Cap. 243 (As amended) has led to more responsive, efficient and accountable local governance in Uganda, findings from various researches indicate structural and operational gaps in the functionality of various accountability organs at the local government level³.

Needless to say, the Statutory Bodies provide a citizen-represented structure, which if strengthened can act as a check and balance of and likely extremes of the political leaders and technical staff, at the Local Government level. Comprising of mainly persons of imminent standing as well as retired and experienced experts, these statutory bodies are meant to infuse proven skills and competencies in the respective local authorities, while at the same time ensuring objectivity of judgement.

The assessment of the Statutory Boards and Commissions as presented in this paper thus provides a deeper appreciation of the performance of these institutions by examining their compliance and accountability outlooks, while also interrogating the structural and operational issues that influence this performance.

1.1 BACKGROUND

Uganda's governance framework is hinged on a Decentralised system that devolved powers and responsibility to Local Governments. Uganda's Decentralisation Policy adopted in 1992, legislated in 1993 and 1997 and ring-fenced as a Policy Strategic Framework in 2006, has been widely lauded as the most extensive Local Government reform in the developing world. This is in terms of the scale and scope of the transfer of powers to local levels (Steiner, 2006). The adoption of Decentralisation in Uganda was largely driven by political motives and desires to improve the effectiveness and efficiency of service delivery, foster national development and deepen democratisation (Bainomugisha, Muhwezi, & Cunningham, 2019). The key assumption of the Decentralisation Policy in Uganda was that Local Governments are better placed, by proximity, to respond to the local needs of the citizens and the belief that citizens can hold their leaders accountable thereby improving

³ see Mushemeza, E., D., [Decentralisation in Uganda: Trends, Achievements, Challenges and Proposals for Consolidation](#), Kampala: ACODE Policy Research Paper Series No.93, 2019 ; Ggoobi, R., and Lukwago. D., [Financing Local Governments in Uganda: An analysis of Proposed National Budget FY 2019/20 and Proposals for Re-allocation](#), Kampala: ACODE Policy Research Paper Series No. 92, 2019; GOU (2020). [The Local Government National Performance Assessment Report, 2019](#). Office of the Prime Minister, Kampala.

equity in the distribution of resources and reduction of wastage through corruption and ineffective allocation of resources (Ssemakula & Bogere, 2019). The ultimate goal of Uganda's decentralisation was, therefore, to improve service delivery through the transfer of real power (devolution) and reduction of a load of work on the Central Government; ensuring participation by Local people; freeing local managers from central constraints; improving financial accountability and responsibility; improving the capacities of the local councils to plan, finance and manage the delivery of services and; enhancing Local Economic Development (LED, MoLG, 2014).

The structure of Local Governments in Uganda is provided for in both the 1995 Constitution and the Local Governments Act, Cap 243 (as Amended). The Constitution stipulates that the system of Local Government in Uganda shall be based on the district as a unit under which there shall be Local Governments and administrative units.⁴ The district council is the highest political authority within its area of jurisdiction and has planning, administrative, financial management, budgeting, legislative and judicial powers which it exercises in accordance with the constitution, the Local Governments Act Cap. 243 (As amended) and Central Government policies and regulations.

In the exercise of these powers, Local Councils operate through the District Executive Committee (DEC) - which is headed by the District Chairperson in the case of the District and performs executive functions of the Council; Committees of Council- which include Standing Committees and any other committee constituted by the Council to address a specific aspect; and Statutory Boards and Commissions⁵ that include District Service Commissions, District Land Board and Local Government Public Accounts Committees.

The District Service Commission and District Land Board support the council in human resource functions, and land management respectively, while the LG public accounts committee provides oversight for fiscal accountability. District Land Boards, District Service Commissions, and LG Public Accounts Committee have a responsibility to report to the district council under Sections 60 (3) of the Lands Act, and Sections 58 (2) and 88 (8) of the Local Governments Act Cap. 243 (As amended) respectively. The focus of this report is on how these statutory boards and commissions in the districts of **Agago, Amuria, Amuru, Arua, Buliisa, Gulu, Hoima, Jinja, Kabarole, Kamuli, Kanungu, Lira, Luwero, Mbale, Mbarara, Mukono, Moroto, Mpigi, Nakapiripirit, Nebbi, Ntungamo, Rukungiri, Sheema, Soroti, Tororo, and Wakiso** have performed their stipulated roles and functions.

1.2 PROBLEM STATEMENT

Since 2009 ACODE and ULGA have been implementing the Local Government Councils' Scorecard Initiative – a multi-pronged social accountability, research, advocacy and capacity-building initiative in 35 districts of Uganda.⁶ This social accountability initiative seeks to deepen local governance by strengthening the political accountability of elected local leaders and citizens' demand for excellence in the provision of service delivery by their Local Governments. A series of ACODE's Scorecard findings have consistently revealed a declining trend in the functionality of the Statutory Boards and Commissions including the

⁴ See Article 176 of the Constitution as amended and Section 3(1) of the Local Governments Act, Cap 243 (as amended)

⁵ The Local Governments Amendment Act of (2006) abolished Tender Boards by repealed sections 91, 92, 93 and 94 and transferred the procurement function to the contracts committee as an administrative function.

⁶ Agago, Amuria, Amuru, Apac, Bududa, Kabale, Kaliro, Kisoro, Lwengo, Masindi, Moyo, Mpigi, Nakapiripirit, Ntungamo, Tororo, Gulu, Nwoya, Lira, Arua, Nebbi, Soroti, Mbale, Kamuli, Jinja, Moroto, Mukono, Wakiso, Luwero, Rukungiri, Kanungu, Mbarara, Sheema, Kabarole, Hoima, Buliisa

District Service Commission, the District Land Board, and the LG Public Accounts Committee. This has a serious bearing on the general performance of District Councils, and by extension, the quality-of-service delivery in the Local Governments. The decline further undermines citizen representation and voice since the Statutory Bodies are supposed to apply scrutiny and vigilance in the course of their duty – as a check and balance for self-governance.

The Local Government National Performance Report, 2019, shows that follow-up on internal audit recommendations is among the indicators that were not performed well with only 37 out of 127 local governments making any effort to address issues raised in the auditor general's report. Similarly, the scorecard assessment for the financial year 2018/2019 particularly highlighted; i) shortages of staff, largely attributed to internal delays in recruitment, limitations in the wage bill and inability to attract and retain highly qualified personnel and, ii) functionality of committees and statutory bodies of the council including the Local Government Public Accounts Committee (LGPAC), the District Land Board (DLB) and the District Service Commission (DSC) as some of the key factors that affected the performance of councils and subsequently the quality of services. Since 1992, the implementation of decentralization policy in Uganda has been geared towards bringing services closer to the people. The constitution operationalised by the LG Act CAP 243 put in place several structures to deliver this promise.

The three-decade Decentralisation in Uganda has registered tremendous successes in service delivery at the sub-national level, local planning and budgeting, citizen participation and accountability. However, research conducted by ACODE⁷ showed that there was a continued weakening of local government structures, systems and processes that cannot effectively deliver on their legal mandates. This study further revealed that there is a limited interface between Local Governments and the Central Government Line Ministries Departments and Agencies (MDAs) mandated fostering accountability and oversight, monitoring and capacity building which has largely affected the functionality of Local Governments. It was against this background that ACODE came up with a scorecard to assess statutory bodies and commissions concerning their roles and responsibilities.

1.3 OBJECTIVES OF THE ASSESSMENT

The overarching objective of the assessment was to examine the performance of the statutory boards and commissions

1.3.1 SPECIFIC OBJECTIVES OF THE ASSESSMENT

Specifically, the assessment focused on the following:

- (i) To explore the extent to which statutory boards and commissions have complied with their roles and responsibilities.
- (ii) To analyse how statutory boards and commissions are accountable to council and citizens
- (iii) To explore key issues impeding and or facilitating statutory boards and commissions in delivering on their statutory roles and responsibilities and make appropriate recommendations.

CHAPTER 2

POLICY AND LEGAL FRAMEWORK FOR STATUTORY BODIES

The statutory boards and commissions were established through several legal instruments and an elaborate institutional framework for support and oversight at the local government level as detailed below

1.1 THE DISTRICT LAND BOARD

The district land board is appointed by the district council and approved by the Ministry of Lands, Housing and Urban Development and is assigned the role of managing and regulating the use of land in the district. The role of the DLB is to hold and allocate land in the district that does not belong to any person or authority; facilitate the registration and transfer of interests in land; cause surveys, plans, maps, drawings and estimates to be made, compile and maintain a list of compensations payable in respect to crops, the building of a non-permanent nature after consulting the technical officers of the district; and review every year the list of compensation rates. The District Land Boards ought to be autonomous of any person or authority in carrying out their mandate and responsibilities. The legal and policy framework guiding land governance is enshrined in several laws and regulations as presented in Table 1 below.

Table 1: Legal and Policy Instruments for the District Land Boards

Legal/Policy Instrument	Relevant Provisions
<i>Constitution, 1995</i> <i>(Article 240):</i>	Article 237 provides that land shall be vested in the citizens under the four land tenure systems, namely, freehold, leasehold, mailo and customary. Article 238 establishes the Uganda Land Commission to hold and manage any land in Uganda vested in or acquired by the Government of Uganda. Article 242 provides that Government may, under laws made by Parliament and policies made from time to time, regulate the use of land.

Legal/Policy Instrument	Relevant Provisions
<p><i>The Land Act, CAP 227</i></p> <p>(As amended):</p>	<p>Section 56 provides for District Land Boards. Under the Land Act, CAP 227(As amended) the major role of the District Land Board is to hold and allocate land in the district which is not owned by any person or authority. Under section 57, of the Act the District Land Boards; facilitate the registration and transfer of interests in land; take over the role and exercise the powers of the lessor in the case of a lease granted by a former controlling authority; cause surveys, plans, maps, drawings and estimates to be made by or through its officers or agents; compile and maintain a list of rates of compensation payable in respect of crops, buildings of a no permanent nature and any other thing that may be prescribed; review every year the list of rates of compensation; deal with any matter which is incidental or connected to the other functions referred to in this subsection.</p>
<p><i>The Registration of Titles Act, 1924:</i></p>	<p>The act relates to the transfer of land and registration of titles. Under the Act, the function of facilitating the registration and transfer of interests in land is vested in the District Land Boards.</p>
<p><i>The Physical Planning, Act 2010</i></p> <p>(As amended 2020):</p>	<p>Under this act, district and urban physical planning committees are required to provide for the making and approval of physical development plans and the applications for development permission; and for related matters. The Act provides for a Local Physical Planning Committee whose reports are submitted to the DLB to aid in making its decisions in respect of land applications</p>
<p><i>The Surveys Act, 1939 Cap 232:</i></p>	<p>The Surveys Act provides for and regulates the survey of lands. Under this Act, DLBs are vested with the power to cause and facilitate the processes of land surveys.</p>
<p><i>The National Environment Management Act 2019:</i></p>	<p>This Act provides for sustainable management of the environment to establish an Authority as a coordinating, monitoring and supervisory body for that purpose. Under this Act, the DLB is recognized as an agency in the sustainable management of the environment.</p>
<p><i>The Land Acquisition Act, Cap 226:</i></p>	<p>The Land Acquisition Act makes provision for the compulsory acquisition of land for public purposes and matters incidental thereto and connected. Under this Act, the processes of identifying, assessing, surveying and determining compensation on lands to be acquired by the government are to be done by the Minister in consultation with the District Land Board.</p>
<p><i>The Petroleum (Exploration, Development and Production) Act, 2013:</i></p>	<p>This Act regulates petroleum exploration, development and production; establishes the Petroleum Authority of Uganda; provides for the establishment of the National Oil Company, and regulates the licensing and participation of commercial entities in petroleum activities among others. Under this Act, the role of DLB is recognized under section 138 and is related to offering leases or facilitating the acquisition of land by holders of petroleum licenses. Section 138 (1) Subject to section 135 and any law relating to the acquisition of land, a holder of a petroleum production license may, if he or she requires the exclusive use of the whole or any part of a block in a development area, obtain a lease of the land or other rights to use it upon such terms as to the rent to be paid for the land, the duration and extent or area of the land to which the lease or other right of the lease shall relate as may be agreed upon between the holder of a license and the landowner</p>

Legal/Policy Instrument	Relevant Provisions
<i>The National Land Policy, 2013:</i>	The National Land Policy provides a framework for articulating the role of land in national development, land ownership, distribution, utilization, alienability, management and control of the land. This is intended to ensure that the country transforms from a peasant society to a modern, industrialized and urbanized society. The Policy has two major objectives: (1) to re-orient the land sector in national development by articulating management coordination between the land sector and other productive sectors in the economy, and (2) to enhance the contribution of the land sector to the social and economic development of the country.

1.2 DISTRICT SERVICE COMMISSION

The District Service Commission is responsible for the appointment, confirmation, promotion, disciplining and removal from office of all employees other than the Chief Administrative Officer (CAO), Deputy CAO, Town Clerk and Deputy Town Clerk of a City and Town Clerks (TCs) of Municipalities who are appointed by the Public Service Commission. A robust district public service set-up is critical for ensuring the effective delivery of public service in LGs and the achievement of the six objectives of the decentralization policy that was adopted by the Government of Uganda (Otile & Atukunda, 2020). The DSCs are guided by the following legal and policy instruments as presented in table 2.

Table 2: Legal and Policy Instruments for the District Service Commissions

Legal/Policy Instrument	Relevant Provisions
<i>The Constitution (1995) (Article 198 & Article 200)</i>	The District Service Commission is established under Article 198(1) of the Constitution with the responsibilities and functions stipulated in Article 200. The constitution also stipulates the supervisory role of the Public Service Commission [Article 166 (1)] and the role of approving and appointing the Chairpersons and Members of the DSC as stipulated under Article 198(2). The constitution also clarifies the delegated role DSCs play in relation to the Education Service Commission [Article 168 (3)] and Health Service Commission [170 (3)].
<i>Local Governments Act, CAP 243:</i>	The operationalisation of the District Service Commission is adequately provided for under this act. In Sections 54, 55, 56, 57, 58, 59 and 60 of the Local Governments Act, the establishment of the district service commission, functions, qualifications, terms of service, independence, and secretariat of the commission are provided for respectively.
<i>Public Service Act, 2008</i>	The act places the responsibility of day-to-day management and administration of the public service of a district upon the Chief Administrative Officer who is the Chief Executive Officer of the district.
<i>Public Service Commission Regulations</i>	These guide the District Service Commission in carrying out its functions. This is in addition to other relevant regulations such as the Standing Orders, Establishment Notices and Circulars that guide the management of the Public Service in general.

1.3 LOCAL GOVERNMENT PUBLIC ACCOUNTS COMMITTEE

The Local Government Public Accounts Committee performs the accountability oversight function on the use and utilisation of public funds within the district local government. To ensure proper accountability and value for public money, the LGPAC examines the reports of the Auditor General's, Chief Internal Auditor's, and Commissions of Inquiry's findings. The committee delivers its reports to the council and the Minister in charge of local governments, who then present the report to Parliament (KAS, 2021). The Minister of Local Government is obligated to send the consolidated reports of the LGPACs to Parliament for consideration by the PAC at Parliament. The LGPAC is further required to submit its report to, the resident district commissioner, the Inspector General of Government, the Auditor General, and the Minister responsible for finance.⁸ The LGPAC is guided by the following legal framework:

Table 3: Legal and Policy Instruments for the LGPAC

Legal/Policy Instrument	Relevant Provisions
<i>Local Governments Act Cap. 243 (As amended)</i>	The LGPAC is established under Section 88(1-5) of the Local Governments Act Cap. 243 which details its composition and functions. The key function of the committee is provided under section 88(7) as examining the reports of the Auditor General, chief internal auditor and any reports of commissions of inquiry. Section 88(9) of the Local Governments Act Cap. 243 (As amended) requires District Chairpersons and Chief Administrative Officers to implement LGPAC recommendations and report to the Council on the actions taken.
<i>Public Finance Management Act, 2015:</i>	The Public Financial Management Act (PFMA) in Uganda provides a legal framework for financial management in the country, including the management of public funds at both the national and local levels. One of the major audit issues LGPAC deals with is compliance and adherence to processes and guidelines. The PFMA is therefore a key reference and guide for LGPAC.
<i>Local Government Financial and Accounting Regulations (2007):</i>	The functions of the Local Government Public Accounts Committee are defined in Section 16 of the Local Government Financial and Accounting Regulations Part II ⁹ as; (a). The local government's public accounts committee shall examine the reports of the Auditor General, the head of the internal audit and any other reports of commissions of inquiry (b) The Local Government Public Accounts Committee shall produce reports for submission to the council and the Minister. The regulations also vest the LGPAC with surcharge powers upon recommendation of the council [Section 118 (3)].
<i>The Local Governments (Public Accounts Committee) Regulations:</i>	The regulations provide details on the establishment, powers and jurisdiction of the Local Government's Public Accounts Committee (Sections 4-17), the duties of the chairperson and the secretary to the committee (Section 18-20), agencies to which the Local Governments' Public Accounts Committee relate (Sections 21-25) and other aspects of remuneration, facilities, reporting and documentation (Section 26-32).

⁸ Regulation 11(2), the Local Governments (Public Accounts Committee) Regulations.

⁹ See the Local Governments (Financial and Accounting) Regulations, 2007

Linkages Between the Parliament Public Accounts Committee and LGPAC: Section 16(1) & (2) of the Local Governments (Financial and Accounting) Regulations (2007) requires the Local Governments Public Accounts committees to examine the reports of the Auditor General, the Head of Internal Audit and any other reports of commissions of Inquiry under section 88 of the Act and produce reports for submission to the Council and the Minister. LGPAC can only act on the reports that have been initiated by the Internal Auditor. The LGPAC reports are also made available to the district chairperson or mayor for information and action; Chief Administrative Officer or Town Clerk; Resident District Commissioner for information and in case of appeal. Other persons who receive the reports are the Minister of Finance, Planning and Economic Development; the Auditor-General; the Inspector General of Government; the Chairperson of the Local Government Finance Commission. The Minister of Local Government is responsible for transmitting the LPAC consolidated report to Parliament, where it is examined by the parliamentary session committee on Local Government or the National PAC and other state organs. This is in reference to Article 163(4) and (5) (GOU, 1995) of the national policy which delegates the powers of accountability from the National Public Accounts Committee to the Local Government Public Accounts Committee (Mbabazi & Mukwaya, 2020).

CHAPTER 3

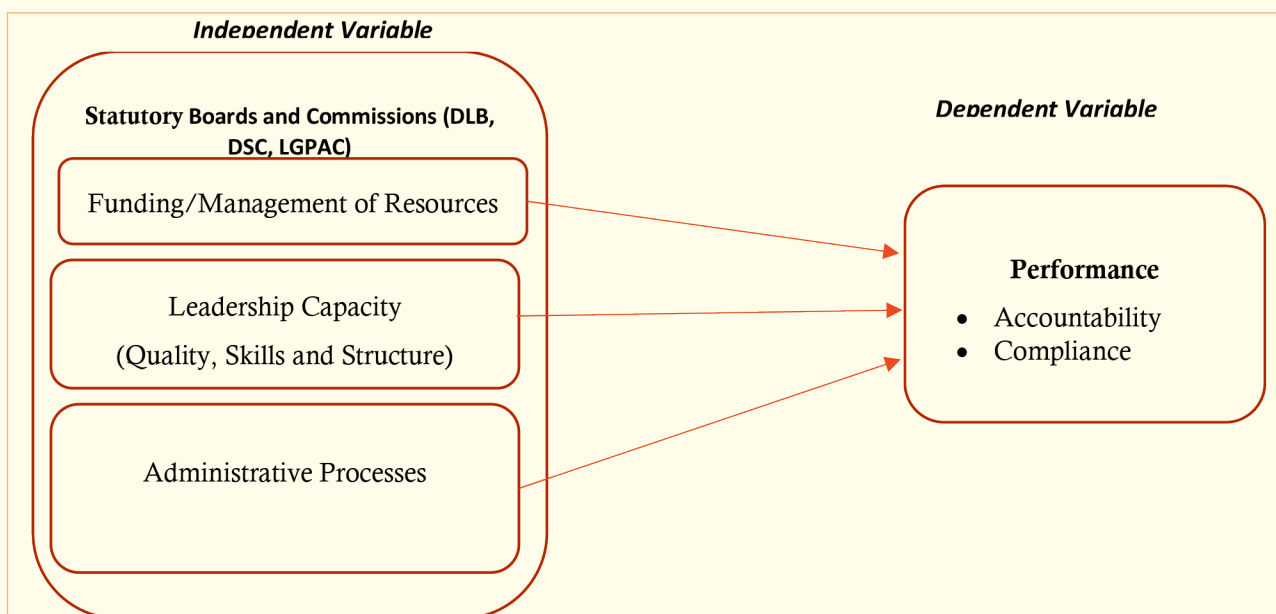
CONCEPTUAL FRAMEWORK FOR THE ASSESSING STATUTORY BODIES

Local Government Statutory boards and Commissions are a creation of various legislations to undertake specific mandates and functions on behalf of the Local Government Council. In essence, statutory bodies are organs of the council charged with the responsibility of undertaking specific functions on behalf of the council. Statutory bodies, therefore, play a pivotal role in ensuring accountability in the provision of services at the Local Government level. The conceptual framework for this study largely draws on the Modified Model of Efficient Service Delivery in the Public Service postulated by Khalil & Salihu (2012).

The main thesis of the model is that, unlike the previous models that put a lot of emphasis on tracking inputs (finances) and outputs (quality and quantity), the Modified Quantitative Service Delivery Model (MQSDM) factors funding, managerial accountability and leadership as key determinants of service delivery. The model argues that managerial accountability (transparency and accountability), fiscal resources and leadership (quality and structure) are the key determinants of service delivery.

In this study, we have modified the Modified Quantitative Service Delivery Model to reflect the unique responsibility of the statutory bodies as organs of the council that enable service delivery by ensuring compliance and accountability. This is illustrated in Figure 1.

Figure 1: Conceptual Framework for Assessing Performance of Statutory Bodies



In the modified conceptual framework, it is postulated that the performance of the Statutory Bodies is dependent on the availability of management resources, the capacity of the leadership and conducive administrative processes. Performance is further conceptualized to constitute two elements of accountability and compliance. These concepts are further explained as follows:

3.1. STATUTORY BOARDS AND COMMISSIONS

This assessment focuses on the three key statutory boards and commissions that is LG/ Public Accounts Committee, the District Land Board (DLB), and the District Service Commission (DSC). These are established under various legislations and with specific mandates that feed into the governance of the District Local Government. The District Service Commission is established under Article 198 (1) of the Constitution and Section 54(1) of the Local Governments Act, CAP 243, and Section 54 of the Local Governments Act Cap. 243 (As amended) provide for the establishment of a District Service Commission (DSC) in each district.

The District Service Commission performs a decentralized role of the Public Service Commission (PSC) which was established under Article 165(1) of the 1995 Constitution (Public Service Commission, 2020). The LGPAC is established under Section 88(7-9) of the Local Governments Act Cap. 243 (As amended) is mandated to examine reports of the Auditor General, Chief Internal Auditor or other inquiry reports about the local government within its geographical jurisdiction. The reports of LGPAC are required to be submitted to the District Council and the Ministry of Local Government. Later, the consolidated reports of the LGPACs are required to be submitted to Parliament by the Minister of Local Government to be considered by the PAC at Parliament. The Land Act Cap 227 (As amended) decentralized land administration to District Land Boards and other district and sub-county structures, namely the District Land Office and Land Registry, the District Land Tribunal and the Sub-County Land Committee.

3.2 DETERMINANTS OF PERFORMANCE

Funding and Management of Resources

The Constitution of the Republic of Uganda's and the LG Act Cap 243 require Local Governments to provide a wide range of services to citizens. Local Governments require effective systems, processes, and resources (human, capital, financial, and so on) to carry out their mandates (OPM, 2019). According to Article 193 of the Constitution, the Central Government is required to pay grants to LGs in three categories: (i) Unconditional grants, which are the minimum grants paid to LGs to run decentralized services; (ii) Conditional grants, which are the maximum awards provided to LGs to run decentralized services; and (iii) Equalisation grants are paid to LGs that fall below the national average in service delivery.¹⁰

The Constitution and Local Governments Act Cap. 243 (As amended) also provides for sources of local revenue where LGs should benefit. The LGs generate revenue internally

¹⁰ See Ggoobi, R., and Lukwago. D., Financing Local Governments in Uganda: An analysis of Proposed National Budget FY 2019/20 and Proposals for Re-allocation. Kampala: ACODE Policy Research Paper Series No. 92, 2019.

through levies that include; property tax, business licenses, market dues, parking fees, and fines. These resources include human resources, sitting allowances, transport, office equipment and consumables among others. The key element noted during the assessment was a low resource outlay, in relation to the work and timeliness of the release of the funds.

Leadership Capacity

In terms of qualification and experience of the members of Statutory Boards and Commissions, the LG Act section 56 (1) (b) and (d) stipulate that a member of the DSC must possess a working experience of not less than 10 years in a responsible position. This is in addition to having a minimum qualification of an advanced level certificate or its equivalent and a diploma. For members of the LG PAC, section 88(1B) of the LG Act requires a member to have a minimum qualification of an Advanced-Level Certificate of Education or its equivalent.

While for the District Land Board, the Land Act, Cap 227 (As amended) under section 57(4) requires at least one of the members of a board shall be a person with qualifications and experience in matters relating to land. In this context, it is conceptualized that the caliber of the members of the Statutory Bodies determines their ability to perform their duties. This is largely dependent on the technical abilities and experience they possess. In addition, when scrutinizing leadership capacity, the ability of the Statutory Bodies to make strategic and independent decisions is examined.

Administrative Processes

The Local Governments Act Cap.243 (As amended) section 54 (2) provides for the DSC to be appointed by the district council on the recommendation of the district executive committee with the approval of the service commission. While LG PAC section 88(1)(a) of the LG Act Cap.243 (As amended) stipulate that members shall be appointed by the council on the recommendation of the district executive committee. For the DLB appointed by the District Council and approved by the Ministry of Lands, Housing and Urban Development. While there is no legal provision, the ministries of public service, MoLHUD and MoLG are responsible for the induction of members of these Statutory Boards and Commissions. The statutory boards and commissions are required to function independently under Sections 58(1) and 88 (2) of the Local Governments Act, and Section 60 (1) of the Land Act Cap 227 (As amended).

This notwithstanding, the Boards and Commissions are obligated to submit reports to the council as well as Public, Health, and Education Service Commissions, the Ministry of Local Government, and the Ministry of Lands, Housing and Urban Development under Sections 58 (2) and 88 (8) of the Local Governments Act, and Section 60 (3) of the Land Act Cap 227 (As amended). The processes of constituting and on-boarding the Statutory Bodies do critically determine and influence their subsequent functionality. In this specific aspect, the key elements analysed include nomination and approval processes, induction, contracting and terms of service, timeliness and nature of deliverables for the statutory bodies, independence in decision making and the accountability processes they feed into.

Performance

Armstrong (2004) defines performance as “the record of outcomes attained.” He says that it is a record of a person's accomplishments on an individual basis. It is also the degree of effective and efficient execution of a specific endeavour or activity in a set period at an effective cost in relation to the project parameters' prescribed goals or objectives. The performance of public institutions is also determined by how they report on resource utilization to the district council (Armstrong , 2004).

In the view of (Mulgan, 2013) The implementation of established policies and the extent to which government agencies succeed in fulfilling the objectives set for them are referred to as performance. Generally, performance is defined as “the achievements of public programmes and organizations in terms of the outputs and outcomes that they produce” (O'Toole & Meier , 2011) It means whether resources have been used in the intended way to achieve efficiency, effectiveness, and fairness (Halachmi, 2002). Performance in the context of this study denotes the ability to fulfil the mandate for which the statutory bodies were established. Performance falls within two broad categories namely accountability function and compliance.

Compliance

This is conceptualized as adherence to the set standards and obligations stipulated in the guiding law, regulations and circulars. Compliance encompasses adherence to processes, timeliness, deliverables, standards, and communication at both local and national levels. There have been two dominant perspectives in investigations of why targets comply or do not comply with government regulations. The first is the “**rational actor**” point of view. According to this viewpoint, program targets respond rationally to incentives to maximize their self-perceived benefit.

The key policy implication of this approach is that it is vital to get the incentive and sanction structure correct, as well as to monitor and enforce policy compliance to ensure that compliance is adequately rewarded and non-compliance punished. The incentive structure should be adjusted regularly to accommodate changes in behaviour and shifting public objectives (Weaver, 2022). In the context of this study, compliance focused on the composition of the three statutory bodies, functionality and compliance with national laws and regulations.

Accountability

Accountability, as defined by the United Nations Development Programme (UNDP), refers to “the obligation of power-holders to take responsibility for their actions.” It is further clarified that accountability ensures a citizen-state relationship where “decision-makers adhere to publicly agreed standards, norms and goals.” (Lister, 2010). Accountability is concerned with how government power is exercised and resources are mobilised, managed, controlled, and used for the benefit of the people.

The notion of accountability is based on the premise that “**people entrust their governments the authority to tax, spend, and establish and execute laws and regulations.**” *In return,*

people expect the government to explain and defend its use of authority, as well as to take corrective action when necessary.” (KAS, 2021). UNDP underlines two critical components of accountability, namely: Answerability which refers to the obligation to provide an account and the right to get a response; and Enforceability whereby action is taken when accountability fails (UNDP, 2010). Accountability is concerned with how government power is exercised and resources are mobilised, managed, controlled, and used for the benefit of the people. The idea of accountability is based on the premise that “people entrust their governments the authority to tax, spend, and establish and execute laws and regulations.” In exchange, people expect the government to explain and defend its use of authority, as well as to take corrective action when necessary.” (KAS, 2021).

Accountability in the public sector is when the relevant people assume responsibility for working toward adequately defined results. Accountability necessitates a continual improvement process, data-driven decision-making, openness to results, and ongoing communication with partners, stakeholders, and the general public. (Weaver, 2022). In this context, accountability is construed as being answerable to the council and citizens. On one hand, statutory bodies act on behalf of the council and therefore feed into the processes of the council. To this end, the reports of statutory bodies feed into council decision-making processes.

On the other hand, statutory bodies are accountable to citizens and there ought to be avenues for citizen participation in the processes undertaken by the statutory bodies. In Uganda, accountability is a key pillar of the institutional framework of all levels of government, including local governments. The 1995 Constitution provides the central basis for the answerability of government to citizens by stating in Article 1 that “all power belongs to the people.” Additionally, the enabling law for local governments, namely the Local Governments Act, 1997 (as amended), emphasises the objective to “ensure good governance and democratic participation, and control of decision-making by the people.”¹¹

¹¹ Statement of Objectives, Local Governments Act Cap. 243 (As amended)

CHAPTER 4

METHODOLOGY

The methodology for assessment of the performance of Statutory Bodies in the Local Governments was multi-pronged but also informed based on the Local Government Councils Scorecard Initiative (LGCSCI) as elaborated in (Bainomugisha , et al., 2020). This methodology included primary data collection on targeted structures using Scorecards as tools with parameters derived from their roles and functions. These were augmented by focus group discussions, key informant interviews and a literature review. This assessment focuses on the performance of the District Land Board, the Local Government Public Accounts Committee, and the District Service Commission.

4.1 STUDY DESIGN

This study employed a descriptive study design (John W. Creswell, 2018).¹² The scorecard employed normative quantitative values to collect the required data which was triangulated by other qualitative data collected from document review, key informant interviews and Focus group discussions (Steven J. Taylor, 2015). This design employed a purposive process of gathering, analysing, classifying, and tabulating data about prevailing conditions, practices, processes, trends, and accurate interpretation of data with or without or sometimes minimal aid of statistical methods (Calderon, 2006).

4.2 SCOPE

The content of this study is based on the Scorecard for each of the local government structures that were covered by the assessment. For this assessment, separate scorecards were developed for the District Service Committee (DSC), District Land Board (DLB) and LG Public Accounts Committee. Each of the respective scorecards has a set of parameters and associated indicators designed to monitor the extent to which they are performing their responsibilities. The parameters in the scorecard are based on the core mandates of these structures including compliance with relevant laws and regulations on their composition; functionality; accountability to citizens, council, and respective central government Ministries, Department and Agencies; and responsiveness to key emerging issues.

The assessment was carried out within four weeks in November and December 2022 covering the Financial Year 2021/22. The assessment was carried out in 26 district local governments

¹² Creswell, J. D., Creswell, J. W. (2018). *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches*. Germany: SAGE Publications.

where ACODE implements the LGCSCI and they include Agago, Amuria, Amuru, Arua, Buliisa, Gulu, Hoima, Jinja, Kabarole, Kamuli, Kanungu, Lira, Luwero, Mbale, Mbarara, Mpigi, Moroto, Mukono, Nakapiripirit, Nebbi, Ntungamo, Rukungiri, Soroti, Tororo and Sheema. These districts are geographically distributed across the Northern, Southern, Eastern, and Central regions of Uganda. They also comprise new and old districts, districts affected by war, districts hosting refugees, and hard-to-reach districts (Bainomugisha, et al., 2017).

In terms of participants, the primary focus of this assessment was on the membership of the local government accountability committees. Data was also gathered from purposively selected participants including district local government leaders like District Chairpersons, Speakers of Councils, and Chief Administrative Officers. Other study participants included technical staff from various departments that included; the Chief Finance Officers; Internal Auditors (for Public Accounts Committee), Senior Lands Management Officers; District Natural Resources Officers; and Principal Human Resources Officers for the District Service Commission. The study also covered opinion leaders, women councillors, representatives of PWDs and older persons at the district level and Senior Assistant Secretaries (SAS).

4.3 DATA COLLECTION METHODS AND TOOLS

4.3.1 DATA COLLECTION METHODS

The following methods were used in data collection:

- a) **Structured Interviews:** The structured interviews were carried out as part of administering the scorecard to collect information corresponding to each parameter and respective indicators. Each of the researchers interfaced with the secretaries of the respective committees to get information to fill in the scorecards and collaborated this information with official district documents.
- b) **Key Informant Interviews:** These targeted both technical officers and political leaders in the district. The major focus of these interviews was to collect information on the performance of these committees and how they affect service delivery. These interviews further helped to verify the actions taken by the members of the different committees during the financial year under review.
- c) **Document Review:** This process involved a preliminary and ongoing comprehensive review of both published and grey literature including official government documents and reports.

4.3.2 DATA COLLECTION INSTRUMENTS

The Assessment employed a number of data collection instruments, which were pre-tested prior to application. These included:

- a) **Structured Interviewer Schedules:** Structured interviews were scheduled for the secretaries of the local government accountability committees. The questions in the interview schedules correspond to the indicators on the respective scorecard. Their structure is in line with the legally-defined roles and responsibilities of the statutory boards and commissions covered by the study.

- b) **Key Informant Interview Guide:** This tool was used to interview the CAO, the technical staff, the district chairperson and the Speaker of the district council. These interviews were to identify the roles, functionality as well challenges of these statutory boards and commissions.
- c) **Focus Group Discussion Guide:** This guide was used to collect data from 4 purposively selected Sub-counties in each of the 26 districts. The sub-counties selected were urban, peri-urban, rural, and hard reach.
- d) **Document Review Checklist:** This checklist provided the scope of the literature that was reviewed during this study. The key literature that was reviewed included; the treasury memorandum, staff registers, minutes and reports of the local government committees, and minutes of district councils among others. Other literature covered included national policy and planning documents, district Council minutes, district planning documents and reports, district development plans; capacity building plans; district annual work plans; Public Accounts Committee reports; Audit reports; Sub- County Council minutes; Standing Committee minutes and District Executive Committee minutes and/or any other unpublished district materials. The literature review enabled the researchers to elicit qualitative and quantitative data on the functionality of the different local government accountability committees. It also provided background information on the committees, their operationalisation, composition, administrative information, management in some instances and the environment in which they operate. A summary of KIIs, FGDs and Scorecards is presented in Table 4.

Table 4: Summary of FGDs, KIIs and Scorecards per district

No	District	KIIs	FGDs	Scorecards
1	Agago	9	4	3
2	Amuria	9	4	3
3	Amuru	9	4	3
4	Arua	9	4	3
5	Buliisa	9	4	3
6	Gulu	10	4	3
7	Hoima	10	4	3
8	Jinja	12	4	3
9	Kabarole	9	4	3
10	Kamuli	10	4	3
11	Kanungu	9	4	3
12	Lira	9	4	3
13	Luwero	9	4	3
14	Mbale	11	4	3
15	Mbarara	9	4	3
16	Moroto	9	4	3
17	Mpigi	9	4	3
18	Mukono	10	4	3
19	Nakapiripirit	9	4	3

No	District	KIIs	FGDs	Scorecards
20	Nebbi	9	4	3
21	Ntungamo	9	4	3
22	Rukungiri	9	2	3
23	Sheema	9	4	3
24	Soroti	9	4	3
25	Tororo	11	4	3
26	Wakiso	9	4	3
	Total	245	102	78

4.4 SPECIFICATIONS OF VARIABLES

For purposes of this assessment, the choice of variables was based on literature and the data that was collected during the scorecard assessment. The dependent variable is the overall performance that constitutes accountability and compliance parameters that total up to 100 possible points. Parameters that constitute compliance include the composition of the different statutory bodies, the functionality of the different statutory bodies and compliance with national laws and regulations. While parameters that constitute accountability include accountability to the council and accountability to citizens. On the other hand, the independent variable includes funding/management of resources, leadership capacity in terms of quality, skills and structure, and administrative processes.

4.5 DATA MANAGEMENT AND ANALYSIS

The final scores for the scorecards were determined by careful analysis of the scorecards and the evidence produced for each district. The scores are generally based on the importance that the research team placed on a particular responsibility or function. The weighting was tested and validated through a series of key informant interviews conducted during the scorecard development process. Each scorecard is subdivided into parameters while each parameter is assigned indicators. Every indicator is assigned an absolute score awarded using a threshold approach to create a cumulative total of 100 points. Data handling undergoes three major processes before generating the final scores. These processes include:

- a) **Data cleaning:** Transcripts from the FGDs, notes from KIIs and the preliminary marks on the indicators given by the researchers were reviewed by the technical team at ACODE to ensure accuracy and completeness.
- b) **Data entry:** Qualitative data (FGD notes and KI interview transcripts, summaries from documents and field notes) were entered into Atlas.ti while the quantitative data (scores from the scorecard) were entered using Epi-data. Key statistics from ministries and budget information are entered and managed in Microsoft Excel worksheets.
- c) **Data analysis:** All data from the FGDs and key informant interviews and documents were transcribed and entered into the computer for cleaning, consistency checks and coding. The transcripts from FGDs and KIIs were coded based on a codebook developed for this purpose and analysed using Atlas.ti. The query reports were

generated to mine data from the master dataset based on different secondary codes and themes such as the mandate of the committees, qualifications, whether they were inducted by the central government or any other entity, their functionality, inclusiveness and their challenges. Quantitative data, on the other hand, SPSS was used for descriptive data analysis. Excel was used to generate graphs and tables used in the report.

4.6 QUALITY CONTROL MEASURES FOR THE ASSESSMENT

The following quality control measures were undertaken:

- a) Constitution of District Research Teams: Each of the participating districts has a two-person research team comprised of a lead researcher and one research assistant. The researchers were residents in the district and responsible for collecting information and data needed for the analysis, and interpretation of the scores assigned for each indicator.
- b) Online Training of District Research Teams: The lead researchers and research assistants were trained online in basic research methods, research ethics, budget monitoring, data collection, organizing and managing community meetings and focus group discussions, conflict management, research ethics and recording of responses from various categories of respondents.
- c) Use of a Researchers' Guide: The researchers' guide was developed by the project team based on consultations and a wide literature review. The guide explains in detail the parameters and indicators in the questionnaires and provides explanatory notes to guide the researchers.
- d) Multi-layered verification process: A team of lead researchers directly supervised fieldwork and produced the filled scorecard and reports. Later, the LGCSCI project team at ACODE undertook the final validation of the data to remove or mitigate potential bias in the scoring.
- a) External review of the Synthesis Report: Before final publication, the report was extensively reviewed by peers and edited to ensure consistency, quality of content and flow of findings.

4.7 ETHICAL ISSUES AND THEIR MITIGATION MEASURES

- e) Conflict of interest: During training and support supervision, researchers are trained to be objective, fair, balanced and non-partisan or else to step-down if they find this ethical behaviour to be irreconcilable with their political aspirations.
- f) Confidentiality: In conducting assessments of this type, confidential information about elected political leaders frequently comes to the attention of researchers. Researchers are trained, counselled and tasked to keep confidential any personal and private information they might come across concerning study participants during data collection.

- g) Informed and Voluntary consent: All districts participating in this study were approached and they gave institutional consent. All participants voluntarily and willingly consented to participate in this study. They were informed about the purpose of the assessment, as well as the risks and benefits associated with participating in the assessment.

4.8 STRENGTHS AND LIMITATIONS OF THE ASSESSMENT

The assessment of the statutory boards and commissions was fair and engaged the participants in a detailed way as much as possible. The LGCSCI methodology is well developed and the researchers' guide contains detailed instructions for conducting interviews and definitions of key indicators, which greatly increases the reliability of the data gathered.

Moreover, all researchers involved in the assessments were trained in contemporary social research methods. Despite the fact that the data collection process is laborious and time-consuming, the variety of research tools used enables the triangulation of data sources. This improves the validity and credibility of the findings. The mixture of data collection methods ensures that complementary data is collected from individuals, official documents, and technical leaders to enable the exploration of issues at a more in-depth level to validate the claims by respondents. However, the sample size covered was not representative of all the local governments in Uganda because of limited financial resources.

4.9 REPORT DISSEMINATION

The dissemination of these findings will take place at the national and local government levels. At the national level, this synthesis report presents the major highlight of the 26 districts and provides a comparison of performance between the districts. This report will be presented to national stakeholders, including MPs, officials from government ministries, departments and agencies, development partners, district leaders, civil society organizations, the media and the private sector.

The dissemination at the district-level is open to the general public with a special invitation to the district political and technical leadership, members of all the statutory boards and commissions, sub-county leaders, Sub National CBOs, media and FGD participants.

CHAPTER 5

DISCUSSION OF FINDINGS

The overall finding of the Assessment was that the Statutory Boards and Commissions exist at the Local Government level and are attempting to discharge their duties and functions, in spite of the stiff challenges that their face. Notwithstanding their regulatory import and function, their role as an added citizen representation and voice, the Statutory Boards and Commissions were noted to have declining visibility and significance – across all the 26 districts assessed. Different Boards and Commissions in the different districts exhibit varying levels of resilience and functionality. Overall, there seemed to be a general “neglect” of the Statutory Bodies, across the Board.

5.0. PERFORMANCE OF STATUTORY BOARDS AND COMMISSIONS

This section presents findings on the performance of the DSC, DLB and LGPAC and the extent to which they delivered on their statutory mandates in terms of accountability and compliance with laws, policies, and processes.

5.1. DISTRICT LAND BOARD

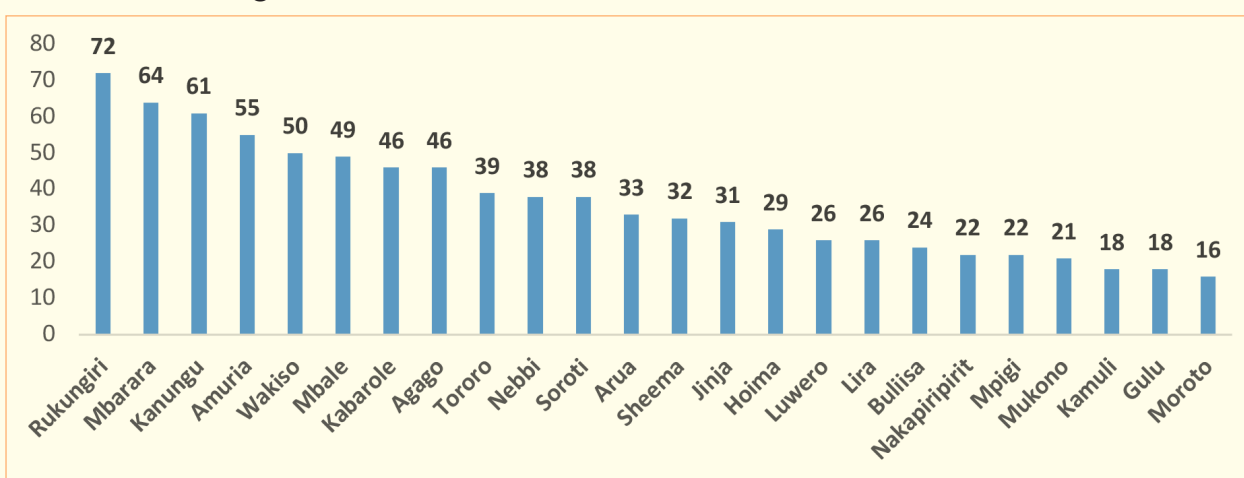
The District Land Board is provided for under Section 56 of the Land Act Cap 227 (As amended) (GOU, 1998). The DLB is established to perform several functions such as; to hold and allocate land in the district which is not owned by any person or authority; to facilitate the registration and transfer of interests in land; to take over the role and exercise the powers of the lessor in the case of a lease granted by a former controlling authority; to cause surveys, plans, maps, drawings and estimates to be made by or through its officers or agents; to compile and maintain a list of rates of compensation payable in respect of crops, buildings of a non-permanent nature and any other thing that may be prescribed; review every year the list of rates of compensation; and to deal with any matter which is incidental or connected to the other functions referred to in this subsection¹³. The assessment of the performance of the DLB focused on four (4) parameters including; composition of the District Land Board, Functionality of the District Land Board, Accountability to the council, accountability to citizens, and compliance with national laws, policies and processes.

¹³ See Section 59 of the Land Act, Cap 227 (As amended)

5.1.1 OVERALL PERFORMANCE

The assessment covered 24 District Land Boards and the average score for all the Boards is 36.5 points. As shown in Figure 2 the highest performing District Land Board was Rukungiri with 72 points out of 100 points followed by Mbarara with 64 points and Kanungu with 61 points respectively. Out of the 24 districts that were assessed, only five scored above 50 points and 19 districts scored below. The District Land Boards of Amuru and Ntungamo were not assessed because they were not operational in the year under review. At a regional level, district land boards in the West emerged the best with an average score of 47 points followed by the Eastern region with an average score of 38 points and the Central region with an average score of 30 points. The Northern region emerged as the last performance with an average score of 28 points out of 100 points. This performance of the DLBs is linked to the differences in land tenure systems obtained in each of these regions.

Figure 2: Overall Performance of District Land Boards

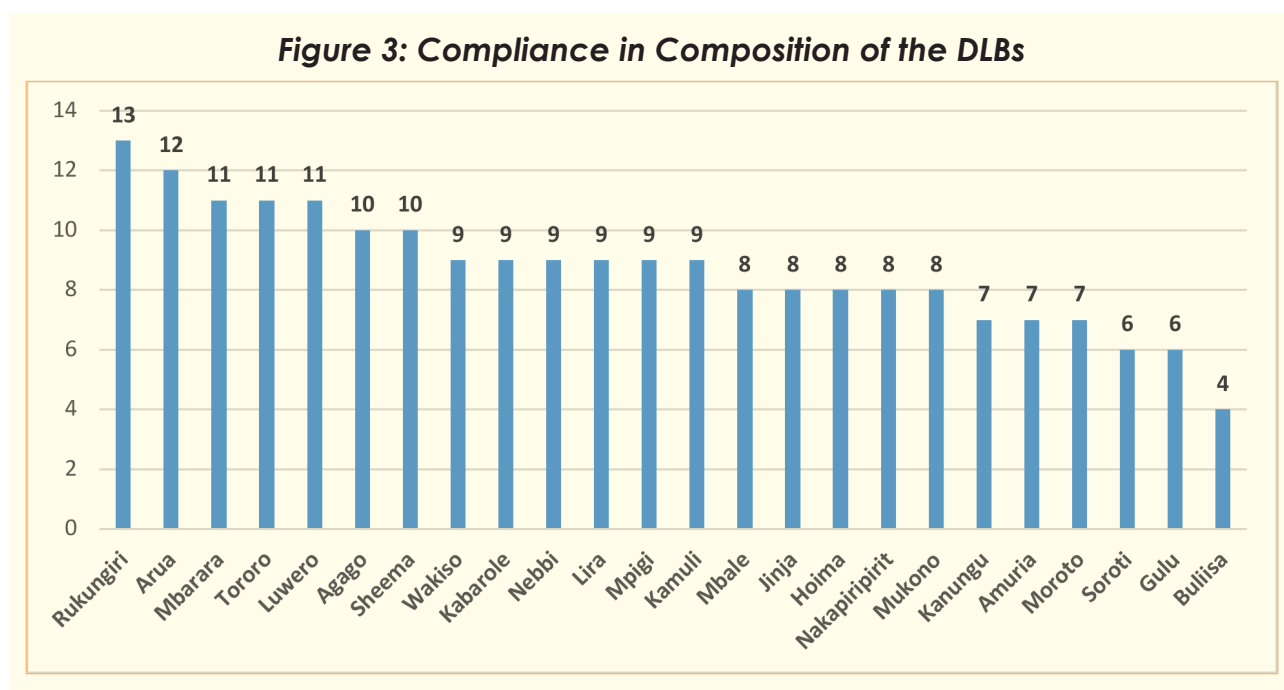


Rukungiri and Mbarara District Land Boards posted this performance because they had complied with most statutory requirements on the composition of the land board, they were found to be active and functional in terms of holding regular meetings, having public land registers, had affected removal and alteration of some erections on public land, had evidence of approval of land applications, had functional land offices and were accountable to their district councils among others. On the other hand, Kamuli did not have evidence of a functional DLB, and lacked sufficient evidence of accountability to the council such as action on key resolutions of the council, correspondence with the district Natural Resources Office, correspondence with the District or Urban Physical Planning committee and participation in council sessions. Further, Kamuli district lacked evidence of inspection for land applications, engagement with citizens on handling matters, public display of land applications, and provision of information on the progress of expression of interest on land. There was no evidence of engagement with the area land committees and land tribunals for Kamuli DLB. The Kamuli District Land Board also did not have any evidence of compliance with most national laws and regulations on land. All the above issues were obtained in Gulu and Moroto Districts.

5.1.2. PERFORMANCE IN TERMS OF COMPLIANCE

In this study, compliance refers to adherence to standards and obligations provided for under different laws, regulations, procedures and processes. The compliance for the DLB regarding the composition of the land board, functioning of the DLBs, holding regular meetings and handling land-related matters among others is illustrated below.

Composition of the District Land Board: Under Section 57 (1) of the Land Act Cap 227 (As amended), the District Land Board is required to have a minimum of five members. Furthermore, DLBs are required to have representations from municipalities, urban councils, and all the counties within the district. In addition, at least one-third of the members of DLB are required to be female, and at least one member must be qualified and experienced in land-related matters.¹⁴ The detailed findings on the performance of the LGs are presented in figure 3.



As presented in Figure 3, results on compliance with the requirements for the composition of the DLB reveal that Rukungiri District emerged the best with 13 out of 15 points, followed by Arua (12), Mbarara (11), and Tororo with 11 points. Rukungiri's impressive performance under this parameter was underpinned by; evidence of five vacancies filled on the DLB, and evidence of nomination of a representative of the Municipality on the DLB by the Municipal Council. All districts had a female representative on the DLB. They all had evidence of having at least one member on the DLB with qualification on land matters. With the exception of Amuru and Ntungamo districts, which had no functional land boards in the year under review, all the other 24 districts assessed had functional DLBs in place. In the majority of these districts, the DLBs had all five positions filled.

Also, Rukungiri had evidence of induction of members of the DLB as well as evidence of renewal of terms of office of the DLB within 3 months after its expiry. In contrast, districts that scored lowly with regard to compliance with laws and regulations lacked evidence for

¹⁴ See Section 57 (3) and (4) of the Land Act, Cap 227 (As amended)

key indicators of the parameter. For instance, Mukono, Kanungu, Amuria, Moroto, Soroti, Gulu, and Buliisa did not have evidence of consensus by two or more urban councils on representatives of urban authority to the DLB, neither did they have evidence of induction, a compilation of induction report, and follow up of issues that emerged during the induction. Further districts like Kanungu, Amuria, Soroti, Sheema, Jinja, Hoima, Buliisa, Mpigi, Mukono and Moroto scored zero on having representation of counties, municipal or urban councils to their DLB. With the exception of Rukungiri, Mbarara, Agago, Tororo, Nebbi, Arua, Sheema, Jinja and Mpigi, the central government never inducted other DLBs.

There were several reasons provided by different stakeholders to explain performance on the composition of the DLBs including delays in approval by MoLHUD, rejection of nominees by the district councils, creation of new regional cities, and failure to obtain qualified individuals among others. The District Chairperson Mukono DLG noted that the bureaucratic processes of approval by the Ministry of Lands Housing and Urban Development delayed the process of constituting a new DLB:

When we came in office, there was no DLB. It has taken us some time to constitute a new one. This current leadership appointed five members to the land board. But due to some difficulties here and there, they were not quickly sworn in, they have just been sworn in barely a month ago¹⁵

In Soroti District, where there were only three members of the land board at the time of conducting this assessment, local leaders attributed it to delays by the Ministry of Lands, Housing and Urban Development to approve two names submitted by the council to fill the void in the land board. The District Natural Resources Officer reported that:

It usually takes a lot of time to approve names sent to the Ministry of Lands for approval. We have not had a fully constituted DLB due to this delay by the Ministry.

Some districts like Arua could not find qualified representatives for affirmative positions like PWDs. During the study, the district chairperson revealed that;

We have had challenges with that aspect of constituting the Land Board. I made two submissions of nominees to the council, the first one was rejected, and the second person is not yet approved. The reason for this is, one member is supposed to be a PWD, preferably a woman. That is why it has taken long. ...To get a woman with a Bachelor's Degree on the DLB and a PWD is a challenge. I submitted a teacher's name the last time, hoping to address this challenge.

Furthermore, the study revealed the significant impact of the creation of regional cities on the composition of the statutory boards and commissions in the parent districts. In Jinja, for instance, three members of the land board appointed in 2018 were residents of constituencies that were annexed to the newly created Jinja City. According to Secretary Jinja DLB, the current membership of the board is not representative of Jinja District. He noted that ;

¹⁵ Interview with the District Chairperson Mukono DLG, December 2022.

“Much as our current membership of the land board constitutes the quorum of three out of five members those three members are not representative of the specific constituencies in Jinja District as provided for in section 57 of the Land Act, Cap 227 (As amended). All of them are from Jinja City, not the district.

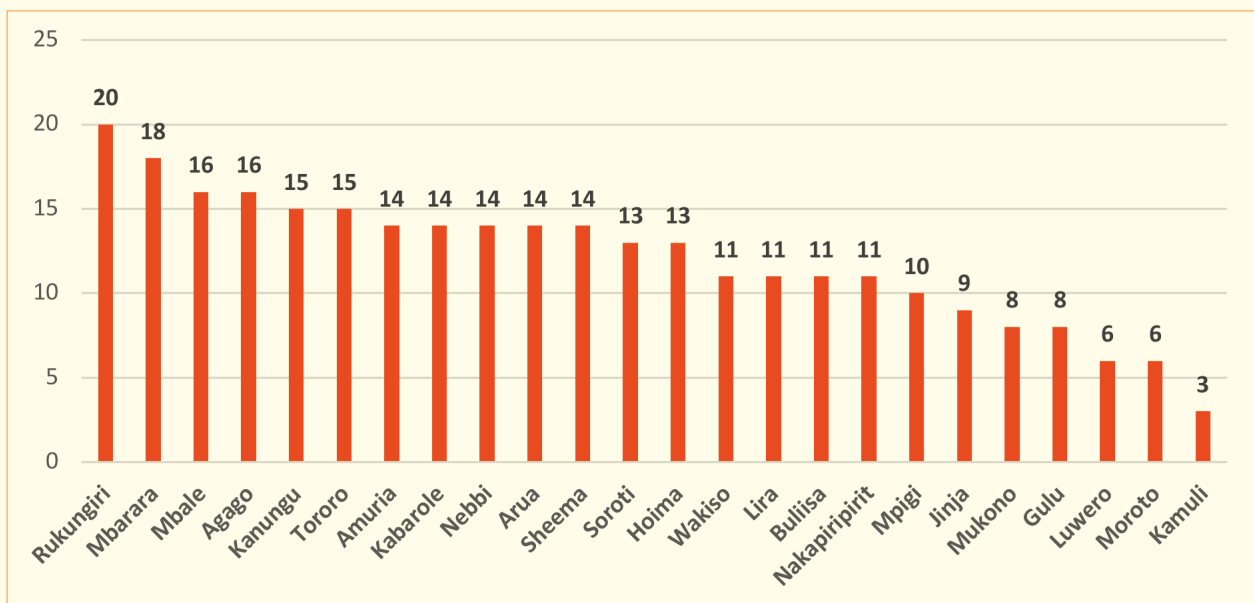
Similarly, Gulu District from which Gulu City was carved, had not filled the position of representative of the urban council because its only town council had not been operationalized by the Ministry of Local Government. According to the leadership of the districts, **the gaps in the composition of DLB created a backlog in the consideration of land applications.** In Gulu for example, the two years that the district operated without a functional DLB created a backlog of land applications as noted by the Senior Lands Management Officer. In an interview she said;

we spent the whole of the financial year 2020/21 without any land board functional. During this time, no land applications could be considered and now we have a backlog.

A similar concern was raised in the Lira and Amuru Districts where the absence of the DLB has caused a halt in the processing of land applications.

Functioning of the DLB: With regards to the functioning of the district land boards, the assessment focused on; holding regular meetings by the DLB; availability of public land register; availability of lease register, removal or alteration of erections on lands held by DLB; land allocation; compilation of compensation rates and functional lands office. Rukungiri emerged as the best district under this parameter scoring 20 points out of the 20 points followed by Mbarara with 18 and Kanungu with 15 points. Further findings are illustrated in Figure 4.

Figure 4: Functionality of DLBs



Holding Regular meetings of DLB: The law requires that district land boards meet at least once every two months to discharge their functions.¹⁶ While this is the case, the study revealed that most land boards had not met this statutory requirement. The results indicate that only six districts of Mbale, Jinja, Rukungiri, Lira, Hoima, and Luwero held the mandatory six meetings in the financial year under review. Kamuli and Rukungiri district land boards sat 4 times. Tororo, Agago, Sheema, Mpigi, and Amuria district land boards held 3 meetings while Kanungu and Buliisa district land boards held 2 meetings each. Also, Arua and Nakapiripirit on the other hand had sat only once in the year under review. Relatedly, there was no evidence of any meeting held by the district land boards in the Gulu, Moroto, and Wakiso districts in the year under review.

The study further revealed that failure by the district land boards to hold regular meetings had significant implications on their productivity. In districts where the land boards did not meet as frequently as required by the law, there were reported cases of a backlog of unprocessed land applications. In Arua, it was reported in an FGD that unprocessed land applications had accumulated to over eight thousand. The participants revealed that ;

"...at the district level, the DLB is not effective because they do not sit as prescribed in the law because allocations to statutory boards are inadequate. There are over 8,000 application files lying in the DLB office, these are very many files to clear."

Also, failure by district land boards to process land applications in time bears significant impacts on development projects by citizens. In Mbale, it was reported that failure by the land board to sit and consider land applications by citizens were responsible for the stalling of several development projects like buildings within the Town Council. The FGDs in Mbale revealed that;

We know that DLB is not efficient because they sit after every three months. And for us in Town Council, people need quick services to construct their buildings

The inability of district land boards to hold regular meetings was attributed to majorly the COVID-19 pandemic and limited funding for the land boards. It should be noted that in more than half of FY2021/2022, there was a COVID-19 induced lockdown that affected the delivery of services. Also, in Wakiso district, activities of the district land board were suspended for much of 2021/2022 and only resumed in September 2022. In Arua, there were no activities for the district land board for two years of the COVID-19 induced lockdown as reported by a member of the Area Land Committee in Arua District thus;

As you are aware COVID-9 locked down the entire country as well as Council for two years. The ALC and DLB were recently established and there was no activity by the DLB for the two years of lockdown

Handling land-related matters: With regard to the land board, its functionality was mirrored in the facilitation of land applications, handling of land-related matters, and production of activity reports. Many technical leaders had the perception that the district land boards performed these functions efficiently. The DLB met regularly and considered land applications as required by the law. For instance, in Kamuli District a Key Informant noted

¹⁶ See Section 62 (3) of the Land Act (As amended).

that,

"I can say the land board is efficient. Despite operating at a minimal number, it is efficient. We often carry out board sittings at least once a month though the law mandates us to have a sitting at least once every two months than in section 62, sub-section 3 which provides that the DLB shall sit for the discharge of its functions under the Land Act, Cap 227 (As amended) at least once every two months".

In Tororo District, the DLB was also credited for taking firm actions on encroachment on public land, access to public utilities, and wetlands.

"The land board always goes to do enforcement through the municipal council if it is within Town. The Municipal has employed law enforcement officers. We have broken wall fences of people after the land board has resolved. We make sure that it is enforced¹⁷

Management of Public Land: Within the context of the National Land Policy, public land is defined as reserved or held and used for public purposes, including open public spaces, public infrastructures, and land with reversionary interest held by the district land boards (MoLHUD, 2013). With regards to the management of public land, the assessment focused on the availability of the public land register, review of the public land register, titling of public land, availability of the lease register, and review of the lease register.

The finding from the study **revealed a moderate performance by district land boards in terms of managing public land**. Ten out of 24 DLBs had accurate evidence of the availability of public land registers compared to five DLBs that lacked any evidence. In addition, 9 DLBs had evidence of the availability of a public land lease register compared to 9 DLBs that failed to present any documentation on the inventory of public land under lease. Furthermore, there was scanty evidence of titling of public land across the 24 districts assessed; only 11 out of the 24 districts that were assessed had evidence of titling of public land. In addition, 14 DLBs lacked evidence of updated land compensation rates within their jurisdictions. Local government leaders interviewed noted that the management of public land was an area of weakness for district land boards that requires improvement. Key concerns by local government leaders were majorly on lack of information on public land and failure to secure titles for public land.

There are reports of a **lack of information concerning public land** and failure to secure titles for the same had led to encroachment into public land. In the Mpigi district, for instance, the district leadership alluded to the fact that the district land board lacks information on public land. The Speaker of Council, Mpigi District Local Government revealed *"The DLB does not know where all its public land in the district is located. That means, there has been no registration of public land. We have no data"*. In Kanungu, the district leadership expressed concerns over the slow pace of registering public lands; only 18 per cent of the public land was titled. To illustrate this, the District Natural Resources Officer, Kanungu District Local Government revealed that *"Public lands are so many over 180 pieces of land and about 18% are have been titled. Only six pieces of land were titled in the financial year 2021/2022 due to limited resources"*.

¹⁷ Interview with the District Chairperson, Tororo DLG, December 2022.

Reports of encroachment on public land were common in many local governments covered by the study. These were reported in Kanungu, Arua, Tororo, Gulu, Amuria, Wakiso and Amuru. For example, the District Chairperson of Arua District Local Government revealed that;

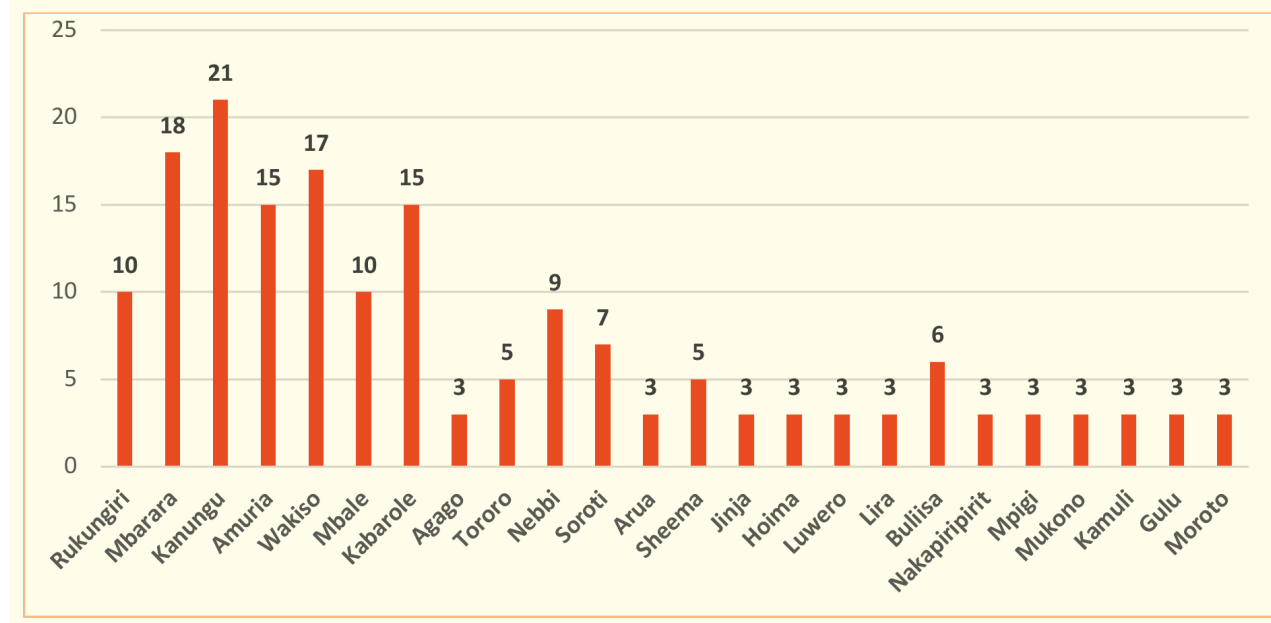
“Our forest land encroached on by community members. For example, in Odianyadri, Local Government land in Kuluva via Malaika factory and Ovisoni, where the NWSC water tank is in the public forest. You see down here at Social Centre; business is going on in shops is on government land”

In an FGD conducted in Guruguru, Amuru DLG, it was reported that public lands have been encroached on by members of the community, thus, “... we have landed under the district control/ownership and the district most times abandon such piecesand we have been getting into issues of district land where the communities are encroaching on them, it has always been difficult getting the members of the community off the district land”.

Compliance with National Laws, Policies and Processes

The district land board was assessed on compliance with NEMA guidelines, correspondences with MoLHUD, MZOs, and correspondences with Uganda Land Commission and National Physical Planning Board. The results show that the best-performing district was Kanungu with 21 points out of 30 points, followed by Mbarara with 18 and 17 Wakiso. The detailed results are illustrated in Figure 5.

Figure 5: Compliance with national laws and regulations



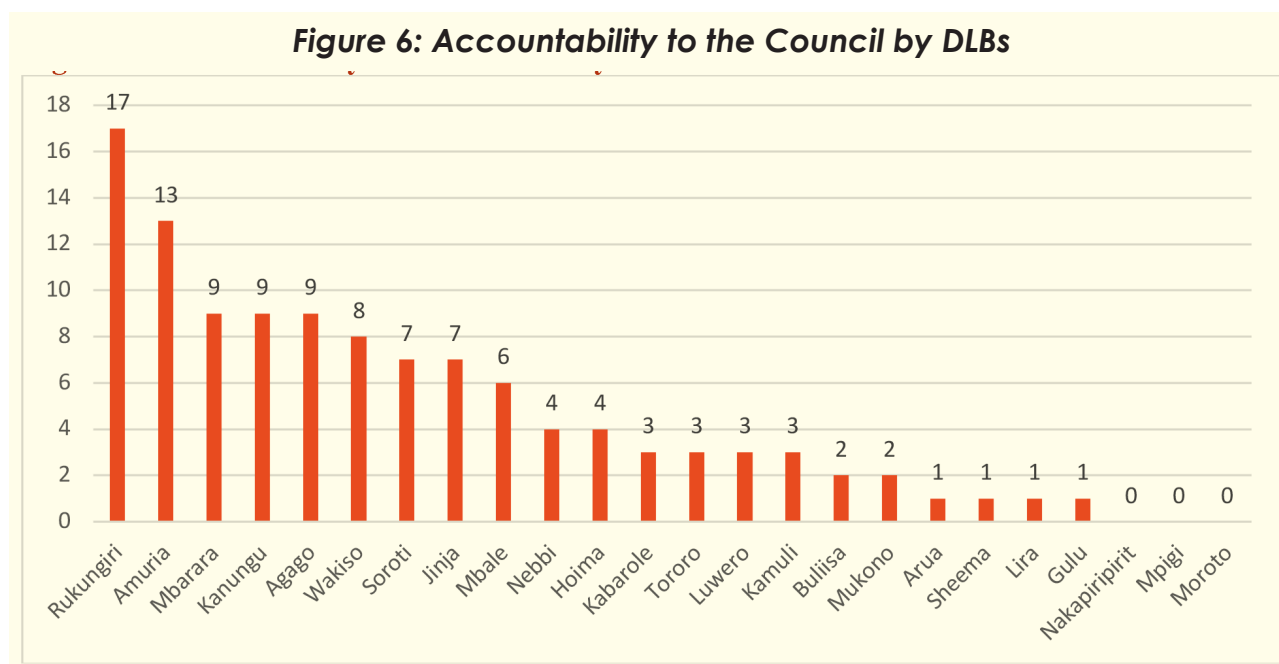
Of all the 24 DLBs assessed, only Kanungu DLB had evidence of compliance with the NEMA guidelines while managing interest on land. The results also revealed that 17 district land boards out of the 24 assessed DLBs lacked any evidence of compliance with NEMA guidelines while managing interest on land. All DLBs had correspondences with MoLHUD and ministerial zonal offices. However, 15 DLBs did not have evidence of demand for action from MoLHUD /MZOs. Only two DLBs (Mbarara and Wakiso) had evidence of correspondence

with the Uganda Land Commission in the year under review. Similarly, only four DLBs out of 24 covered by the assessment had correspondences with the National Physical Planning Board and of these, only two had evidence of correspondence.

4.1.3. PERFORMANCE OF DISTRICT LAND BOARDS IN TERMS OF ACCOUNTABILITY

Accountability to the council

In terms of accountability to the district council, the body to which the District Land Board reports, the main areas of assessment included; submission of reports to the council, action of DLB on key resolutions of the council, actions taken by the council based on recommendations by DLB, correspondence with District Natural resources department, correspondence with the district or urban physical planning committee and attendance of council sessions. The average score on this parameter is 5 out of 20 points. The best-performing DLB on accountability to the council was Rukungiri with 17 out of the 20 points followed by Amuria with 13 points. These were followed Mbarara, Kanungu and Agago District Land Boards each with 9 points out of 20. This performance is further illustrated in figure 6.



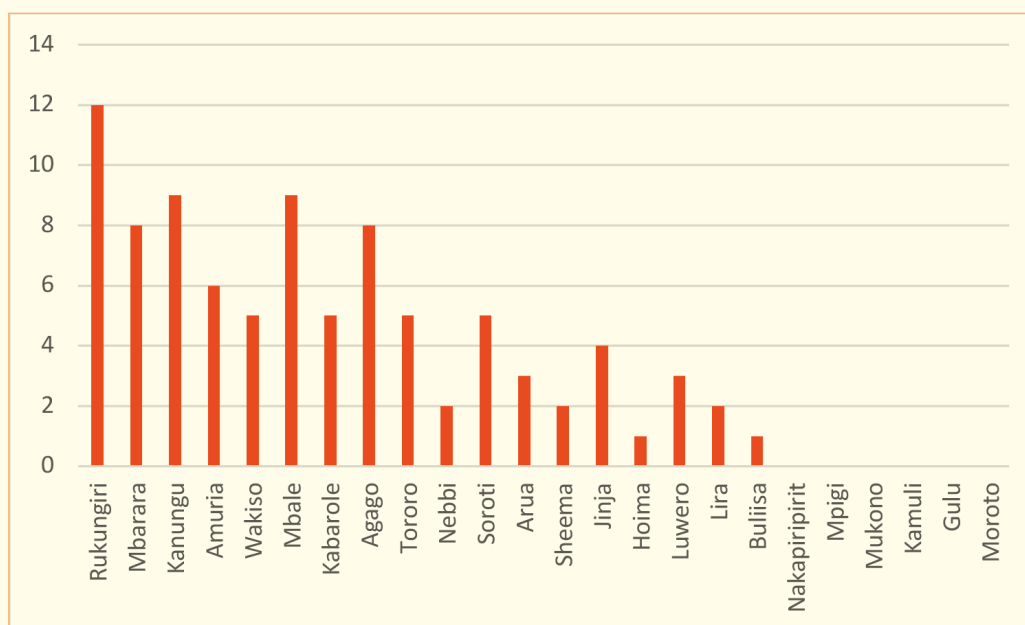
Section 60 (3) of the Land Act, *Cap 227 (As amended)* requires district land boards to prepare and publish annual reports and have regard to any comments that the district council may have on the annual report. Findings from the study revealed a low level of reporting by District Land Boards. The findings indicate that 15 out of 24 DLBs lacked evidence of submission of reports to the council. In addition, 20 DLBs did not have any evidence of any action of DLBs on key resolutions of the council while 21 district councils lacked any evidence of actions taken based on recommendations of their DLBs. Further, the findings reveal that there was little or no evidence presented by 21 DLBs out of the 24 covered by this assessment on correspondences with the District/Urban Physical planning committee. It was noted that in 22 out of the 24 districts assessed the DLBs had not received minute extracts with resolutions of the council relating to the operations of DLBs and shared them with the chairperson/members of DLB. It is also apparent that members of DLBs

seldom attend council sessions in their jurisdictions yet its best practice to do so. The above findings reveal a dismal performance of the DLBs on accountability to the district councils, an indication that they are unaccountable and negligent at their tasks and may translate into poor service to the citizens.

Accountability of the DLBs to citizens

The parameter on accountability to citizens assessed the DLBs on Inspections for land applications; Engagement of citizens; public display of land application; information on the progress of expression of interest on land; public display of processed/complete land application; engagement with ALCs; Land Tribunal; and engagement local Physical Planning Committees among other indicators. The results are presented in Figure 7.

Figure 7: Accountability of the DLBs to Citizens.



With regard to the accountability of DLBs to citizens, the results show that the performance was dismal with an average score of 4 points out of 15. The results indicate that six district land boards scored zero out of 15 on accountability to citizens in their jurisdictions compared to three DLBs that score zero out of 20 points on accountability to district councils. Further, the findings revealed that 19 DLBs lacked evidence of locus visits by DLB when considering a land application by scoring zero. Additionally, 20 DLBs did not have any evidence of reports from locus visits following applications for land registration. The results also show that the majority of the DLBs do not prioritize sensitization of the public on land matters. As such 16 out of 24 DLBs lacked evidence of undertaking public sensitization while 20 DLBs lacked evidence of documentation of issues emerging from public sensitization. These results also demonstrate concerns over the levels of recording keeping among the DLBs covered by the study.

In terms of display and sharing of information on Land applications, 13 out of 24 DLBs displayed information on notice boards in public places such as district and sub county headquarters. Furthermore, 11 out of 24 DLBs scored zero on this indicator due to a lack of evidence to demonstrate the display of information on public notice boards. Concerning appearance

in the media to share information on land-related matters. Regarding the provision of information on the progress of expression of interest on land, 8 districts had implemented this while 16 DLBs lacked any evidence of providing information on the progress of application files. In addition, the results show that 11 DLBs out of 24 display information on completed land applications.

Sections 74 of the Land Act, Cap 227 (As amended) provides for the land tribunal and its functions specified in Section 76(1) including (a) determining disputes relating to the grant, lease, repossession, transfer or acquisition of land by individuals, the commission or other authority with responsibility relating to land; (b) determining any dispute relating to the amount of compensation to be paid for land acquired under section 42; (c) determining disputes in respect of land the value of which exceeds the amount stipulated under section 84; (d) making consequential orders relating to cancellation of entries on certificates of title or cancellation of title and vesting of title in cases handled by the lower land tribunals; and (e) determining any other dispute relating to land under this Act. However, findings reveal that Land tribunals were not functional across the districts covered by this assessment. The non-functionality of land tribunals has effectively shrunk the available space for addressing land disputes. Many land-related cases are being taken to the regular courts that are highly bureaucratic as noted by the District Physical Planner Arua who said;

the land tribunals are no longer functional; the government is still planning for that. Most land issues (98%) are now referred to the Magistrates Court and the High Court.

This has created backlogs in the courts of law where many land cases remain unresolved leading to increased conflict over land as observed by the Senior Lands Management Officer of Jinja, who said;

...that these backlogs, which are taking five years or ten years in courts of law are a result of non-functional land tribunals. A land matter should not even take a year because, during that one year, many things happen which could affect the evidence, which would enable the court to make the right decision. For example, people dying, relocating, forgetting etc.

The assessment also covered the level of coordination of the DLBs with Area Land Committees. These are parish-based land institutions with the mandate to offer advisory services to the District Land Board (DLB) on matters of land registration of processes leading to the acquisition of titles as provided for under Section 64 (1) of the Land Act, Cap 227 (As amended). The results show that 11 DLBs had evidence of actions taken on reports by local physical planning committees compared to the 13 DLBs that lacked such evidence and scored zero. Besides, nine DLBs demonstrated evidence of demand for actions by local physical planning committees compared to 15 that lacked such evidence and scored zero on this indicator. Despite the complementary roles played by the Area Land Committees in the functions of the DLB, the assessment revealed a frosty relationship between DLBs and ALCs that is characterized by failure to share information between the two entities. In some local governments, it was reported that DLBs rarely inform ALCs of planned activities in their areas of jurisdiction.

5.1.4 CITIZEN PERCEPTION OF THE PERFORMANCE OF DLBS

During the assessment, the citizens were consulted about their knowledge of, and perception of the efficiency, independence and integrity of the District Land Boards. The findings indicate varying responses in terms of knowledge and perception.

Regarding efficiency, the citizens who participated in FGDs across the 26 districts cited delays in processing titles, encroachment on wetlands, lack of independence of the DLB, and corruption as a measure of inefficiency by the land boards. While it is the responsibility of the DLB to facilitate the processes of land registrations, **citizens expressed displeasure that most times the processes take exceptionally long, something they attributed to the inefficiency of the DLB.** In an FGD in Amuru District, it was reported,

The board is not efficient because there are too many delays and bureaucracy in processing land titles and some people are giving up on the issue of land registration and processing other certificates.

Similarly, in Mpigi, it was noted that the DLB takes a long time to handle land matters. In one of the FGDs in Mpigi, it was reported thus;

“On handling land-related conflicts, the District Land Board usually takes a lot of time to conclude a case not that they don’t want but there is a lot of paperwork and procedures followed so in most cases you find that the case may be concluded even after the person who reported had died a long time ago.

Similar concerns on the inefficiency of the DLB by citizens were re-echoed in Tororo, Jinja, Mbarara, Kanungu, Gulu, Agago, Mukono, Mpigi, and Luwero among others. In Tororo District for instance citizens noted that the process of titling of land takes as much as 4 years.

“The district land board is not efficient in terms of titling land, land processing takes people 4 years and beyond and others do not even get them”, revealed citizens in an FGD in Tororo District.

Besides the delays in the processing of certificates of titles, the land boards were also **faulted for the cases of corruption involved in the processes of land registration.** The alleged corruption in the DLB has reportedly led to the issuance of certificates of titles in wetlands, double titles on the same pieces of land and solicitation of bribes among others. These cases were reported by citizens in Jinja, Luwero, Mbale, Kamuli, Mpigi, Amuru, and Buliisa among others. In Jinja, for instance, citizens reported that

...As I’ve told you that there is a lot of corruption, as long as you give them something (money), they can issue you a land title of a wetland.

In Mbale it was noted that DLB members ask for bribes to hasten the processing of the certificate of titles. While participating in an FGD, citizens in Mbale District revealed that;

If you want to quicken the process of acquiring land titles, you go through one of them by paying UGX 500,000.

In some cases, the citizens complained that DLB asks for facilitations beyond the legally stipulated fees, something seen as a mark of corruption. The citizens in Kamuli revealed that

I see that there is a lot of corruption, the DLB asks for as high as UGX 4.5 million to process land titles. I do not think there is any requirement for paying such high fees in processing titles.

Similar complaints have also been reported about the ALCs. The District Natural Resources Officer, Mbale District reported that “

The other major challenge is corruption especially ALC’s who demand money for inspection at higher rates which affects service delivery”.

Further the Speaker of the council in Luweero district revealed that;

there is a lot of corruption promoted by the district land board, especially at sub-counties. They encroach on peoples' land. They recommend leases and titles to their business partners and associates. ...this issue of corruption is also evident in the double registration.

There were reports of **failure to provide feedback to the ALCs by the DLBs in some districts** like Mpigi, Bullisa, Mbarara, Kabarole, Amuru, and Mbale. It was reported that after the submission of land application documents, the ALCs in the Mpigi district claimed that they never were involved in processes like surveys afterwards. “*They poorly communicate, there was a time when the District Land Board sent a surveyor to Bukasa village to survey someone's land which hand wrangles without any communication to the local authorities and ALC and the community turned against them*” revealed participants in an FGD in Mpigi District. In some cases, the ALCs claimed that they never got feedback from the district land boards. In Mbale for instance, members of area land committees reported that they never got feedback from the district land boards. A member of ALC in Mbale District reported that;

We have not worked with them actually when we recommend for example, we have recommended some files and we don't know what has happened and there is no feedback. Similarly, an ALC in Amuru revealed that “One of the challenges that we are facing from the district land board is the issue of failing to give feedback to the sub-county area land board. We work on the files as earlier stated but coordination of how those files is being handled remains a challenge.

Wirth regard **to the independence of the DLB**, there were variations in the reports from citizens. But fewer districts reported that their DLBs are independent. On the other hand, citizens in Mpigi, Luwero, Mbale, Mukono, and Moroto reported that there is a lot of political interference, and influence of the office of the RDC that undermines the work of the DLBs. Anan FGD conducted in Mpigi District, it was reported that;

“The RDC has got so much authority that undermines the other authorities in land management. So, people resort to going to the RDC since there is even no fee requested in the RDC’s office. RDC can even call back the case from the court and he handles it so all that undermines the works of the DLB”

The Physical Planner of Mpigi District reported that “The land board, has tried to do its part, except there’s a lot of political influence in it. politics has undermined everything it does. The land board may be doing the correct thing and then politicians come in to interfere with its work and it changes the outcomes.” These issues were further confirmed by the district Chairperson of the Mpigi DLG who reported that;

... the first challenge is the interference of the office of RDC in land conflicts. people no longer forward their cases to the DLB but instead, they run to the RDC for help. It is not a crime to go to the RDC but sometimes it becomes too much even on a small land matter that is already being handled by DLB or can be handled at the local council I, but people run to the RDC so this has become a big challenge to the DLB.

These findings demonstrate there are role conflicts in managing interest on land between the DLBs and the office of the RDC, which undermines the work DLBs.

Inclusion by District Land Board

Regarding the inclusion of marginalised groups such as women, youth and persons with disabilities, the general perception of the citizens was that DLBs were inclusive and took into consideration the concerns of the marginalised groups. As noted by FGD participants in Buliisa District that;

the District Land Board and Area Land Committee when they are sensitizing the community, make sure they include both women and people with disabilities and teach them how the right of acquiring land, they are not supposed to be discriminated in any way or the other.

In Arua, the DLB was credited for sharing information with all categories of people in the district. Participants in an FGD in Arua noted that;

the DLB and ALC give notice of inspection of the land to all stakeholders to avoid leaving out anyone to avoid conflict. Mobilisation is done early enough.

This notwithstanding, there were concerns about marginalisation of women concerning land matters. In Mbarara, citizens noted that women were not considered when issuing certificates of titles. Participants in the FGD in Mbarara revealed that;

...for us women on issues of land, we are ignored and not considered; the land tittle should be in the names of two, the husband and wife.

The marginalisation of women is majorly caused by cultural practices and societal norms. Citizens in Tororo district attributed the challenges that women face in accessing land to cultural practices like polygamy. Participants in the FGD in Tororo District revealed that;

May be to add on family land conflicts, some families are polygamous. You find children of one mother saying the children of the second mother are not supposed to get land, mostly when their parents have passed on.

In Mbale, citizens noted that there is a lot of sensitization needed to transform the cultural perception. In a FGD, residents of Mbale District revealed that;

For a woman to own land, it still has some challenges and they can deny you services thinking that you are stealing her husband's land may be more sensitization is needed for the ALC's to understand that even women can own and buy land.

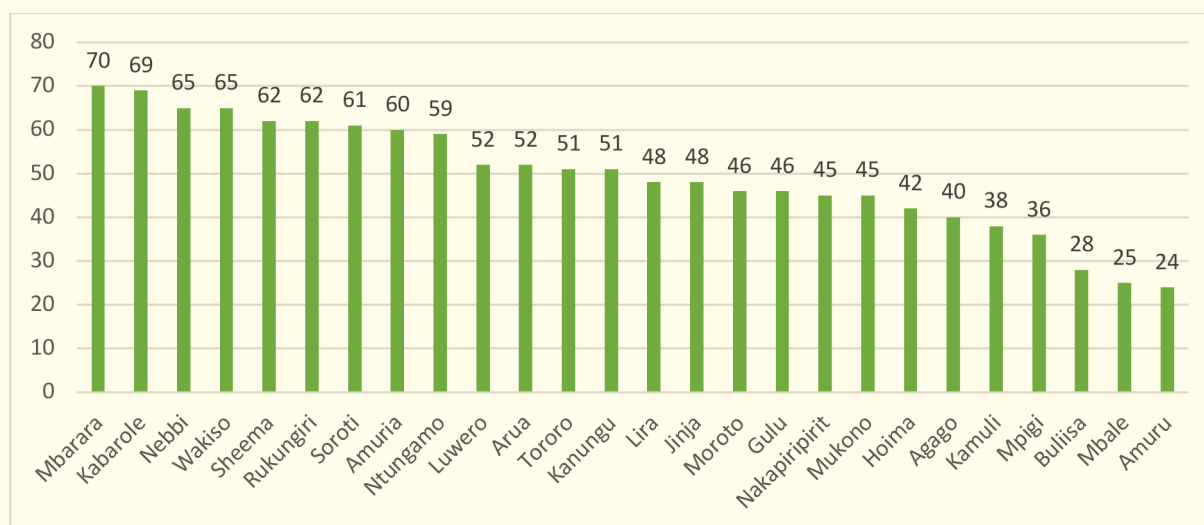
5.2. PERFORMANCE OF DISTRICT SERVICE COMMISSIONS

The District Service Commission is established under Section 54 (1) of the Local Governments Act Cap. 243 (As amended) with powers to handle human resources management functions of district local governments such as recruitment, appointment, confirmation, and exercising disciplinary control over civil servants employed in the service of local governments.¹⁸

5.2.1. OVERALL PERFORMANCE OF THE DISTRICT SERVICE COMMISSION

The District Service Commission scorecard was based on five parameters; composition, functionality, accountability to the council, accountability to citizens, and compliance with public service and other service commissions. Mbarara district had the best performing DSC with 70 points out of 100 possible points out of the 26 districts assessed followed by Kabarole and Nebbi districts with 69 and 65 points respectively. Thirteen Districts scored above 50 possible points while 13 districts' scorecards were below average. Figure 8 below is an indication of the overall performance of the DSC. Mbarara district service commission performed superior in the overall scores compared to others because of compliance with statutory requirements such as fully constituting the commission, holding regular meetings, submission of reports to council, and compliance with public service and other service commission guidelines. Regionally, the Western Region emerged as the best performing with an average score of 55.3 points, followed by the Central region which scorecard an average of 49.5 points. The Eastern Region came in the third position after scoring an average of 47.1 points, and the Northern Region was the least performing with an average score of 45.7 points out of a possible 100.

Figure 8: Overall Performance



¹⁸ See Section 55 of the Local Governments Act, Cap 243 as amended

5.2.2. PERFORMANCE OF DISTRICT SERVICE COMMISSION IN TERMS OF COMPLIANCE

With regards to the DSCs, compliance focused on the composition, its functionality, and Compliance with Public Service and other Commission Guidelines among others as illustrated below.

Composition of the District Service Commission

By law, District Service Commissions are required to have a Chairperson and four other members, one of whom shall represent urban authorities. In terms of gender, at least one member is supposed to be a female, and at least one is a person with a disability.¹⁹ In assessing district service commissions' compliance to this requirement, the focus was on key indicators such as; evidence of nomination and approval of members by DEC and council respectively; evidence of nomination of representatives of urban authorities; representation of women and PWDs; evidence of approval by the Public Service Commission; evidence of renewal of terms of office of members within three months; and evidence of induction of members of the DSC. Under this parameter of the composition of DSC, three districts performed well with 18 points out of the possible 20 points and they include; Nebbi, Wakiso, and Rukungiri. Ntungamo followed these with 16 points. Whereas all 26 districts had evidence of nomination of DSC by DEC, two of these districts had nominees not yet approved by the council. Nebbi, Wakiso, and Ntungamo had evidence of fully constituted DSC that were approved and inducted by the Public Service Commission. Nebbi and Wakiso particularly had evidence of the nomination of representatives of urban authorities by the urban councils.

Nine districts of Arua, Mbale, Buliisa, Nakapiripirit, Amuru, Mukono, Tororo, Gulu, and Moroto were found to be without fully constituted district service commissions. Lack of representation of urban authorities, expiry of term office of members, delay in approving members of the service commissions, and political differences in council were some of the reasons that limited district councils to fully constitute their service commissions. For instance, while Tororo District Council submitted names of nominees for approval to the Public Service Commission, this feedback was yet to be received five months later. Meanwhile, in Mbale, the District Executive Committee was yet to nominate a representative of the urban authorities leaving a vacancy of one member on the commission. In Mbale District, the CAO reported that;

Recently we had some other members brought on board but we are still missing a representative of the urban councils, which the executive is yet to recommend.

Further, in Mukono, the disagreement between the district leadership and Public Service Commission has ensured that the DSC was not fully constituted. According to the Speaker of Mukono, the lack of clear appreciation of the law regarding the representation of urban councils on the DSC had caused the standoff between the district leadership and the Public Service Commission. The Speaker of Council Mukono District Local Government revealed that;

...We have had a misinterpretation of Sec.54 (2c), and we were misguided. The law tells us that the executive shall appoint the urban authority representative and

¹⁹ See Sections 54(2), 5(2A) of the Local Governments Act, Cap. 243 (as amended).

then, it does not tell us whether it is the executive of the district or that of the urban authority. That is where we are going wrong. Both executives claim it is their mandate to appoint. Then, there is political egoism. Politicians are not ready to bend low on some issues; hence, the district remains lagging on these issues.

Relatedly, in Moroto, failure to appreciate and interpret laws relating to the roles of the council and DEC in the formation of the DSC led to a delay by the council to approve names of DSC members nominated by DEC.

Council disagreed on the name of the nominee for chairperson DSC, they were insisting to propose the name of the chairperson, which is not their mandate. Public Service had to reign in and we have finally approved our DSC²⁰.

The gaps in the composition of the district service commissions have financial implications for the district councils as they have to hire service commissions from other local governments. In the year review, Buliisa, Moroto, and Mukono hired the service commissions from other local governments to recruit civil servants- in the process incurring additional costs for the districts.

Concerning the representation of women and persons with disability on the district service commissions, findings from the study revealed 100 per cent compliance by all the districts that were assessed. Suffice it to note that the representation of women and persons with disabilities is a primary requirement for approval by Public Service Commission. This explains the impressive performance of districts under this indicator.

Another aspect of composition assessed was the induction of members of the district service commission. While there is no legal basis for the induction of members of the district service commissions, the lack of it gravely affects the performance of the DSC (Mushemeza, 2019). The finding from the study revealed that only 12 out of 26 districts had inducted members of DSC. Only three of the 12 districts that had inducted members of DSC had produced reports of the induction of DSC members, and only one of the three districts had evidence of follow-up action taken based on issues identified during induction. Whereas members of the district service commissions were inducted, local government leaders expressed concern that the inductions were inadequate. The Secretary DSC, Jinja District said that;

The first three were inducted and I feel the induction was not adequate, and then the other two have come on board recently, have not yet gone through the induction.

A similar concern was raised by the Deputy CAO of Agago District who said that;

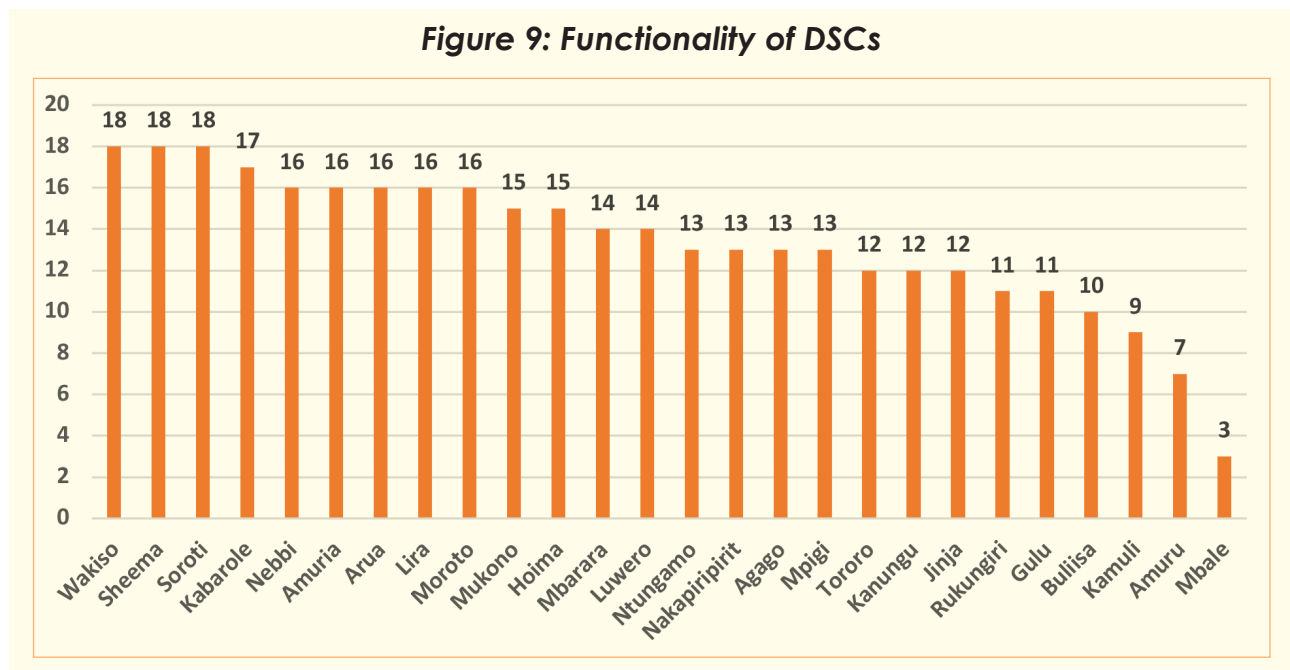
Only two members who were appointed and approved in 2019 were fully inducted. The rest appointed late last year have been inducted into office.

In terms of access to relevant laws and guidelines by members of the district service commission, only five districts had access to copies of relevant laws and policies.

20 Interview with the District Chairperson, Moroto District Local Government.

Functionality of the District Service Commission

In terms of compliance with the requirements for the functioning of the district service commission, the assessment focused on key indicators such as; regular meetings of the DSC; recruitment of civil servants, considering of staff for retention (through validation, placement, resignation, redeployment, and promotion). Overall, on this parameter, Wakiso, Sheema, and Soroti performed well with 18 out of the 20 points followed by Kabarole with 17 points and five districts (Nebbi, Amuria, Arua, Lira, and Moroto) with 16 points. The figure below is a display of the performance of the DSC on the parameter of functionality.



Meetings of the DSC

The Local Governments Act Cap. 243 (As amended) requires that the District Service Commissions to meet at least once in six months or as often as business warrants.²¹ The assessment for compliance of district service commissions to requirements of meetings focused majorly on; holding regular meetings, production of minutes, and sharing of minutes with the Chief Administrative Officer. Findings from the study revealed an impressive performance by District Service Commissions in compliance with the requirement of regular meetings with 25 out of the 26 district service commissions holding at least two meetings.

The volume of work obtained at any moment often determines the frequency of meetings of the district service commissions. *"The DSC holds regular meetings more than what is required due to overwhelming workload in some seasons of massive recruitment,"* said the Speaker of Council, Rukungiri Local Government. The number of submissions from chief administrative officers most times contributed to the volume of work for DSC and hence increasing the number of times they met. *"The law says twice a year, they met more than that, more than four (4) times last financial year."* reported the LCV Chairman, Arua DLG.

²¹ See Section 55 (5) of the Local Governments Act, Cap 243 as amended

Furthermore, meetings of the DSC were also determined by resources available to facilitate members of the commission. The Secretary DSC, Jinja DLG, "...We have been holding meeting regularly but also remember it also depends on; the volume of work fabricated by the accounting officer and the ability to facilitate the members." In the same vein, the District Service Commissions of Agago and Buliisa Districts did not hold any meetings in the year under review and these were attributed to the delay in constituting the commissions. The CAO, Agago DLG reported that "Our commission has just been replaced after expiry of the term of office of the previous one, and their induction took long to happen so regular meetings were not done."

Production of Minutes

In terms of the production of minutes, four districts did not produce minutes in time, and three out of the 26 districts did not share the DSC minutes with the CAO.

Recruitment of Civil Servants

A key function of the district service commission is to appoint persons to hold or act in any office in the service of a district or urban council, including the power to confirm appointments.²² Overall, the district service commissions registered impressive performance concerning conducting recruitments during the year under review. In the majority (23) of the districts assessed, the district service commissions had conducted recruitment of civil servants evidenced by the availability of approved recruitment plans, submission of the request for recruitment by CAOs, minutes of meeting for recruitment by the DSC, and reports of the recruitments conducted.

Concerning the availability of approved recruitment plans, all the districts assessed, except for Amuria, Amuru, Kamuli, and Mbale had approved recruitment plans for the year under review. A total of 23 out of the 26 district service commissions assessed had conducted recruitment of civil servants in the FY 2021/2022. In Arua District, for instance, the DSC had submitted timely reports of all the recruitments done and no complaints were registered during the recruitment exercises conducted. "DSC is efficient because they submit timely reports as needed. On several occasions, they have handled adverts and recruitment process and for FY 2021/2022, no complaint came up in our office against my DSC" said the DCAO Arua District. In Rukungiri, the DSC had responded to all requests for recruitment submitted in the year under review. This led to the improved performance in the staffing level for Rukungiri District Local Government as noted by the Principal Human Resource Officer who said that DSC is very efficient it has often responded to CAO's submission of the identified staffing gaps by running adverts. Currently, the district has 70% staffing. Furthermore, in Jinja, the DSC had met its target in the last three years at 99 per cent. Secretary DSC, Jinja DLG revealed that;

the commission has been able to achieve its target and I think it is one of the measures of the efficiency in terms of time and numbers. We have recruited, I will look at the past three years, we have always recruited staff for the district, some new, some for-replacement basis and we have achieved over 99% of the expected target.

22 See Section 55(1) of the Local Governments Act, Cap 243 as amended

In contrast, the DSC of Amuru, Agago and Kamuli did not have evidence of recruitment conducted in the year under review. Failure to conduct recruitment by the DSC was majorly attributed to delays in approval by the Ministry of Public Service regarding requests for recruitment made local government and delays by district councils to constitute service commissions. While it has been a practice of LG to hire DSCs of another district, this was noted to be expensive compared to facilitating own DSC. In Amuru district for instance, at the time of conducting the assessment, the CAO was yet to submit a request for recruitment by the DSC. *"Recently we got the clearance from the Ministry of public service and we are yet to submit to the district service commission,"* said the CAO Amuru DLG. In Kamuli, it was reported that the district spent half of the FY 2021/2022 without a service commission as the DSC was only constituted in December 2021. While there was evidence that the district service commissions of Hoima, Mukono, Tororo, Buliisa, and Jinja had conducted recruitment in the year under review, there were no reports submitted by the service commissions about the recruitment conducted.

Exercising Disciplinary Control Over Civil Servants

Besides, recruitment, district service commissions also have the responsibility of exercising disciplinary control over persons holding or acting in the public service of a local government, including the power to remove such persons from office.²³ The district service commission is facilitated in the performance of this function by the Reward and Sanction Committee, which is established by law as a mechanism for the reward of good performance and sanction of poor performance (Ministry of Public Service, 2021). The Disciplinary Procedure provided for within the framework of the Public Service Standing Order requires responsible officers to base their decisions on recommendations of the rewards and sanction committees to submit to the service commission for disciplinary actions.

The basis for assessment of the performance of district service commissions in exercising disciplinary control over civil servants was; the existence of a reward and sanction committee; meetings held to discuss disciplinary issues among civil servants; evidence of action taken by DSC on indiscipline staff; and evidence of actions taken by DSC to reward best-performing employees.

Findings from the assessment revealed an average performance by district service commissions in terms of exercising disciplinary control over civil servants. Of the 26 districts assessed, only Kamuli did not have a functional reward and sanction committee.

Furthermore, the study revealed that while the rewards and sanction committees were largely functional in all the districts assessed, their reports are not shared with the district service commissions, and this is evidenced by the lack of evidence of action taken by the DSC on recommendations of the rewards and sanction committees. Furthermore, finding from the study revealed that most disciplinary issues are handled by departments and, very rarely by the reward and sanction committee. For instance, in Arua, it was noted that the CAO and the rewards and sanction committee have been largely responsible for handling disciplinary cases without sharing reports with the DSC. The Principal Human Resource Officer reported,

23 See Section 55 (1) of the Local Governments Act, Cap 243 as amended

Actions are not only taken on CAO's recommendations but the Committee does its investigations and calls the staff for a fair hearing. This has been happening even last financial year.

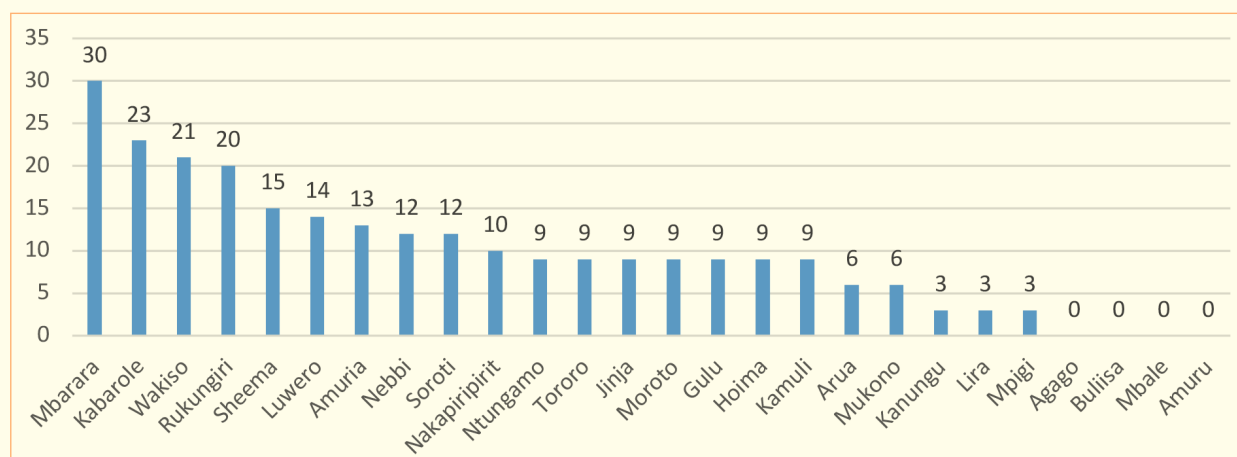
Only two (2) out of the 26 district service commissions assessed had taken action on indiscipline civil servants. In Mukono, the District Service Commission retired a parish chief in public interest over abscondment of duty, while the service commission of Soroti interdicted the DHO in June 2022 over the misappropriation of funds.

Failure by district service commissions to hold civil servants accountable greatly undermines their credibility and compromises the quality of human resources within the local government. The inability of the service commission to exercise disciplinary control over civil servants is exacerbated by the failure to conduct monitoring visits and have organised interfaces with civil servants. An interface between the DSC and civil servants provides a platform for the DSC and the Human Resource department to interact, share and also receive feedback from the civil servants on issues that affect staff performance. Only Mbarara District Service Commission had evidence of undertaking field visits in the year under review. Meanwhile, findings revealed that only six of 26 districts had organised an interface between DSC and civil servants.

Compliance with Public Service and other Commission Guidelines

Section 55(8) of the Local Governments Act Cap. 243 (As amended), requires district service commissions to conform to the standard established by the public service commission in the performance of their functions. The assessment of the district service commissions on this parameter was based on; the submission of reports to the Public Service Commission, Education Service Commission, Health Service Commission and correspondences with the Ministry of Public Service. For the most part, Mbarara was the best-performing district scoring 30 out of the 30 points and was followed by Kabarole and Wakiso with 23 and 21 points respectively. The highlight of the Mbarara District Service Commission's impressive performance was; the submission of four quarterly reports to the Public Service, Education Service and Health Service Commissions, and soliciting for and acting on advice from both the Public Service Commission and Ministry of Public Service regarding an applicant who had petitioned the Public Service Commission over a recruitment process.

Figure 10: DSC compliance with Public Service and other Commissions



Overall, 14 out of the 26 districts had submitted three reports to the Public Service Commission and only seven out of the 26 districts had evidence of actions taken based on guidance from the Public Service Commission. Concomitantly, 13 out of 26 districts had submitted three reports to the Education Service Commission and only three districts out of 26 had evidence of actions taken based on guidance by the Education Service Commission. Correspondingly, 14 out of 26 districts had evidence of three reports submitted to the Health Service Commission and only four out of 26 districts had evidence of actions taken based on guidance by the Health Service Commission.

The study further revealed that 11 out of the 26 districts had evidence of actions taken based on guidance from the Ministry of Public Service. While eight out of the 26 districts had evidence of demands for action by the Ministry of Public Service/ Local Government on issues that impact on operations of DSC. Correspondingly, only six districts had evidence of response to decisions by the Ministry of Public Service that affects the operations of DSC.

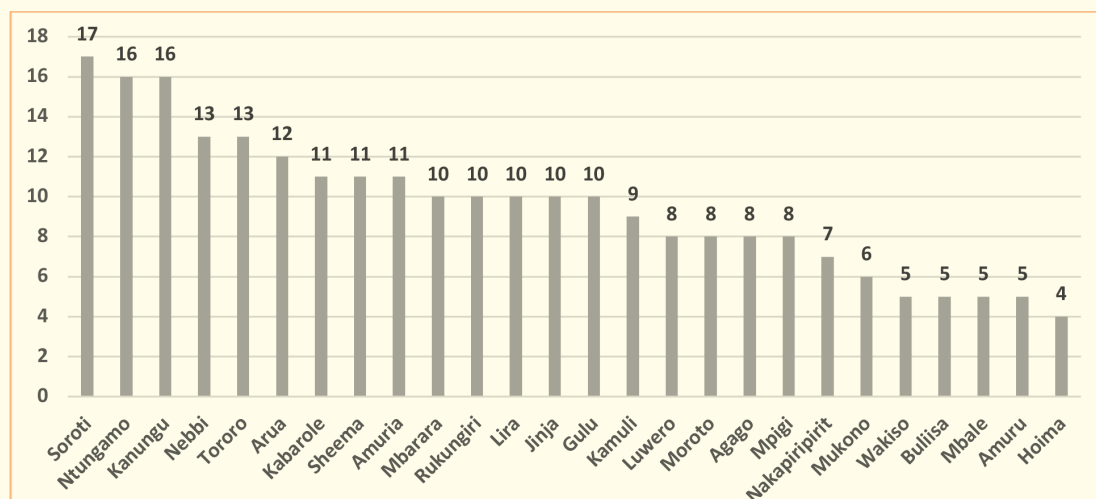
5.2.3. PERFORMANCE OF THE DISTRICT SERVICE COMMISSION IN TERMS OF ACCOUNTABILITY

District service commissions bear responsibility for accountability in the discharge of their functions as stipulated in Section 58 (2) of the Local Governments Act, Cap 243. The scorecard assessed the performance of district service commissions in terms of accountability to both council and citizens.

Accountability to Council

Under the accountability to council parameter, the assessment of the DSC was based on; the submission of reports to the council, actions taken by the DSC on council resolutions, actions by the council upon DSC recommendations, presence of physical offices for DSC and attendance of council sessions. The best-performing district under this parameter was Soroti, which scored 17 out of 20 points followed by Ntungamo and Kanungu with both 16 points. Soroti, Ntungamo, and Kanungu had evidence of submission of quarterly performance reports to the council, acting on a resolution of the council, and evidence of members of the DSC attending the council. The figure below shows the performance of the different DSC on the parameter of accountability to the council.

Figure 11: Accountability of DSCs to Council



Generally, 10 out of the 26 districts had no evidence of three performance reports submitted to the council and 15 out of 26 districts had evidence of at least two performance reports submitted to the council. Relatedly, five out of the 26 districts had evidence of actions taken by the DSC on the resolution of the council while only four districts had evidence of reports submitted to the council after being obligated. Only three out of the 26 districts had evidence of actions taken by the council based on a recommendation by the DSC. However, none of the districts had any evidence of communication of resolution extracts to DSC. Only one out of the 26 districts did not have a fully equipped office of the chairperson and secretary to the DSC nor evidence of documentation and record keeping. Only 13 districts had the chairperson or the members of DSC attending council meetings.

Accountability to citizens

With regards to DSC's accountability to citizens, the assessment was based on; the public display of information, complaint handling, and declaration of conflict of interest. The best-performing district in terms of accountability to citizens was Amuria with seven points out of ten followed by ten other districts that scored six points. Amuria District Service Commission had evidence of a display of shortlisted and successful applicants. Furthermore, there was sufficient evidence of a functional grievance-handling mechanism by Amuria District Service Commission, there was evidence the service commission of Amuria had received and handled grievances from applicants. See Figure 12 below.

Figure 12: Accountability of DSCs to Citizens



In general terms, all districts had evidence of public display of vacancies in the media and public notice boards. However, three districts did not display publicly, the list of shortlisted candidates and eight districts did not display the list of successful candidates. Two districts did not have any evidence of conducting interviews of shortlisted candidates. While only five of the DSC had evidence of declaration of information after being requested by an aggrieved person. Additionally, 14 out of 26 districts did not have a complaint-handling mechanism by DSC while only seven districts had a book with a record of citizens' complaints and only one district had evidence of feedback from DSC on complaints raised by citizens. In terms of the declaration of conflict of interest, only four out of 26 districts had evidence of members declaring a conflict of interest during interviews. Similarly, only four districts had

evidence of DSC members with a conflict of interest excusing themselves. District Service Commissions are by law, required to. The Principal Human Resource Officer, Amuru District reported that

...we always display on the district notice board, we send messages to all the applicants, we have evidence, we send bulk messages, and if you fail to get it then you are unfortunate and at a time if you don't appear before us, we call you because we want to give fair treatment to all the candidates.

5.2.4 CITIZENS' PERCEPTION OF THE PERFORMANCE OF DISTRICT SERVICE COMMISSIONS

The Efficiency of DSCs

In as far as the District Service Commission is concerned, the study revealed mixed perceptions about its efficiency. The DSC was perceived as efficient for several reasons such as recruitment of civil servants, reporting, and giving equal opportunities for job applicants during recruitment. On a positive note, the district service commissions were credited for conducting recruitments during the year under review and efficiently handling grievances that arose out of the recruitment processes.

In Buliisa, participants in FGD noted the district service commission had not faced any litigation arising from its action meaning they are efficient. However, there were also contrary views by citizens in terms of their perception of the efficiency of the district service commissions. In Mpigi, citizens in an FGD held in Kiringeente noted that the service commission was too weak to discipline errant civil servants. *There was an incident where a technical staff at Mpigi District headquarters beat up an elected Mayor Kayabwe Town Council but no action was taken by the DSC*". Similarly, in Amuru, participants in FGD perceived the long periods that civil servants take in acting positions in the district as an indictment of the efficiency of the district service commission. In an FGD held in Lamogi, Amuru DLG, it was noted that DSC is not effective. Residents noted that *"... the DSC is not efficient because there are people who have been in acting positions for twelve (12) years yet their positions are always re-advertised."* The residents think that DSC flouts procedures and processes thus making it inefficient.

Independence of DSCs

District Service Commissions are required to be independent, and not subject to the direction of any person or authority.²⁴ The study revealed a lack of independence by the district service commissions, which grossly undermines their efficiency. Interference from political leaders during recruitment was cited as the major factor undermining the independence of the district service commissions. A cross-section of citizens perceived that the appointment of district service commission members by the local leaders affects their independence and makes them vulnerable to manipulation by the appointing authorities. In Mukono DLG it was revealed by FGD Participants that,

The DSC is largely influenced by politicians who approve their names to the committee. Members of the DSC work under pressure from their appointing authorities. I think the DSC is not independent. It is just a shadow that works by commands from certain

²⁴ See Section 58 (1) of the Local Governments Act, Cap 243 as amended

individuals. Someone can easily tell you that they are sorry; they cannot do what is required because someone has ordered to give that job to a specific person".

FGD participants from Tororo, Hoima, Buliisa, and Amuria also noted that the DSC experiences political influence from different directions and thus is not independent in its decisions. Similar observations were raised by the CAO Tororo DLG who reported that in Tororo, there were claims that political leaders influence members of the district service commission to recruit people identified by the politicians. The CAO revealed that;

Sometimes they get pressures from political leaders they say, why to recruit A and not recruit B, there is sometimes that interference like I said if your son is not appointed and you are among the political leader here and yet you promised people that when you elect me, I will get you jobs being given to your people you label the service commission as being unfair so that is the challenge political interference.

The Integrity of the DSCs

There was a mixed perception about the integrity of the DSC with some citizens crediting for their transparency in the recruitment process evidenced by sharing of information by the DSC. In Tororo, the perception of citizens was that the transparent process offered candidates equal opportunities.

The District Service Commission advertised the position of parish chiefs and town agents and the advert was pinned on the notice board where everyone was free to go and read and whoever had the qualifications applied²⁵.

Residents of Nakapiripirit District in an FGD shared the same perception. Thus;

They also shortlist qualified candidates for interviews and they do all these on notice boards and adverts are sometimes shared on media publicly.

However, there were perceptions that corruption undermined the integrity of the district service commission. Citizens who participated in the focused group discussion revealed that was a lot of corruption and favouritism exhibited by the DSCs during recruitment, which gravely undermined their efficiency. In Soroti, the District Service Commission was accused of demanding bribes from potential job applicants in previous recruitment exercises. FGD participants in Soroti reiterated that

In the last previous recruitment of the teachers, the committee in the panel, I had an OG on the panel, I was the one who was helping her those days at school, so when I approached her since I realized she was on the panel, my OG asked for 1 million, then I told her, last time when we were together, I was the one helping you she said my terms are ending where will I eat, I came back not helped because I didn't have the money.

Similar cases of the DSC demanding bribes from job applicants were also reported in Buliisa, Agago, and Nakapiripirit districts among others. In Buliisa, FGD Participant noted that;

25 Reported by the FGD Participants in Tororo District.

Even when the post is still available, you find the bribe you need to pay is so much. You find yourself unable to pay it. I may recommend someone for the job but you be asked a huge bribe. Even those who can pay, say I almost paid for a full term in office and they let it go hoping that in the next term, they would be earning. After all, they have what they wanted getting on the payroll.

Inclusion in Recruitment Processes

In addition to corruption, there were also reported cases of nepotism exhibited by the district service commissions. For example, in Soroti, it was reported that members of the service commission favor their relatives, friends, and in-laws. Citizens in an FGD Participant in Soroti District revealed that;

“For me, I just wanted to add on from what he said you have to pay some money, even if you pay money, however much you pay money but you don't have somebody who knows your daughter or son in that DSC/ panel, your child will never get a job”.

In Moroto, there were concerns that people from the ethnic minority, the Tepeth, are discriminated against when it comes to recruitment for civil servants. During a focused group discussion in Tapac Sub- County, participants raised concerns that they were discriminated against.

“They do the interview and they tell us you are not fit for the job and we are sent back. They keep jobs for their children because they have finished with their education and have better qualifications and ours are left out²⁶.”

5.3. LOCAL GOVERNMENT PUBLIC ACCOUNTS COMMITTEES

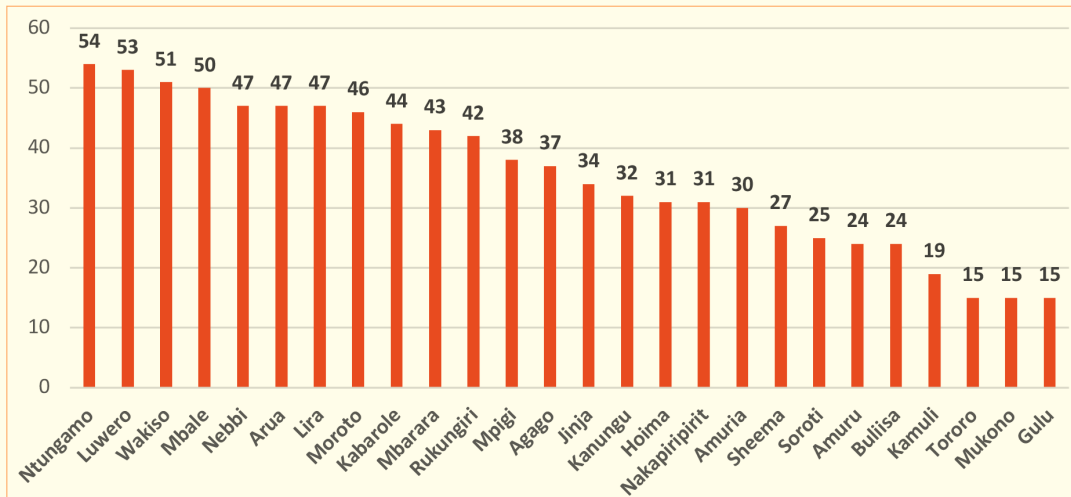
Local Government Public Accounts Committees are established under Section 88 of the Local Governments Act Cap. 243 (As amended). The major function of the LGPAC is to; review the chief internal auditor and Auditor General's report and other reports of commissions of inquiry. The LGPACs were assessed on four main parameters namely; composition, functionality, accountability to the council and compliance with local government finance and accounting regulation. The section below details the performance under each parameter.

5.3.1. OVERALL PERFORMANCE OF THE LOCAL GOVERNMENT PUBLIC ACCOUNTS COMMITTEES

The assessment of LGPAC was done in 26 districts and Ntungamo LGPAC emerged as the overall best performer amongst the 26 LGPAC assessed, with 54 points out of 100 possible points, followed by Luwero and Wakiso LGPACs with 53 and 51 points out of 100 points respectively. Only 4 LGPACs scored above 50 points while the rest registered scores below 50 points. The overall scores for LGPAC are shown in figure 13 below.

²⁶ Citizens in an FGD in Moroto District, December 2022.

Figure 13: all Performance of LGPACs



In terms of the regional performance of the LGPACs, the overall average score was 38 points out of the possible 100. The Central region had the highest average standing at 39 per cent with two districts scoring above 50 and two below 50 points. This was followed by the Western Region, which had an average of 37 per cent but had the best overall performer, Ntungamo LGPAC, scoring above 50 points and the rest of the districts were below 45 points. The Northern region had an average of 37 points and the districts scored below 50 points. The last region was the East with an average of 29 and had only Mbale district above 50 points and the rest of the districts were below 40 points. This dismal performance is not surprising given that only four districts out of the twenty-six districts had been inducted in their roles as exemplified in a comment from the Secretary LGPAC Mbale thus, “, The member who came recently has not been inducted.”

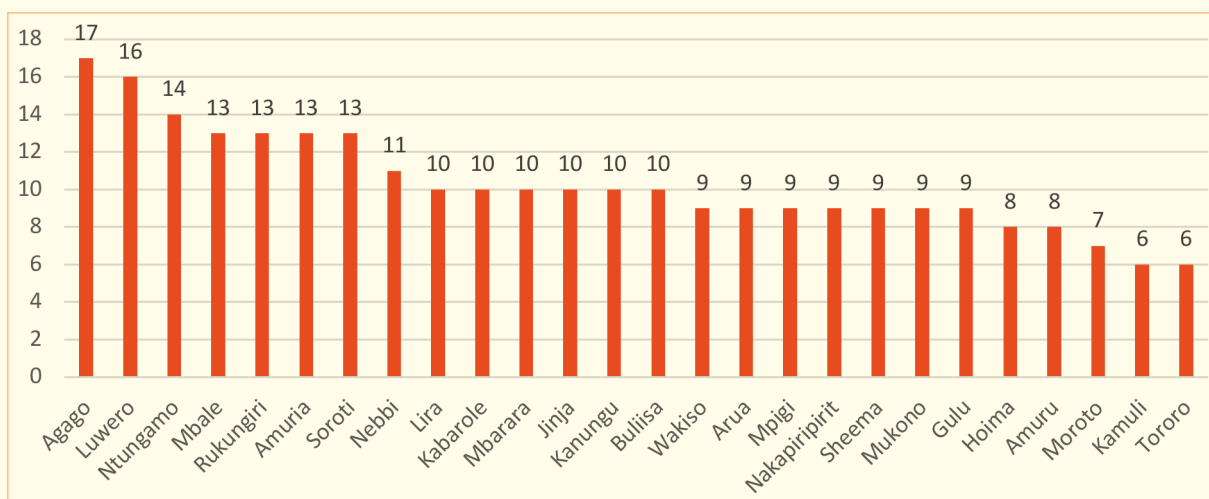
5.3.2. PERFORMANCE OF LOCAL GOVERNMENT PUBLIC ACCOUNTS COMMITTEES IN TERMS OF COMPLIANCE

Composition of Local Government Public Accounts Committees

About composition, the LGPAC was assessed on; nomination by DEC and approval of LGPAC members by the council including a member of the urban council; approval of LGPAC by MoLG; the number of LGPAC vacancies filled; timely renewal of terms of office and induction of LGPAC members. The LGPACs, are by law, required to have five members one of whom should be female and another a representative of urban authorities.²⁷ **The LGPACs were found to be fully constituted in the majority of local governments where the assessment was undertaken. In terms of the composition of LGPAC, the district whose LGPACs scored highest was Agago district which scored 17 points out of 20 followed by Luwero and Ntungamo with 16 and 14 points respectively.** Figure 14 below is a description of the composition of LGPAC per district assessed.

²⁷ See section 88(1)(a)(b) (1A) of the Local Governments' Act, CAP 243 as amended.

Figure 14: Composition of LGPAC



However, **there were districts (Gulu, Mukono, and Kamuli) that did not have fully constituted LGPACs owing to varying reasons.** In Gulu for instance, the transition in the political leadership of the district in 2021 affected the appointment of the new LGPAC. The District Internal Auditor Gulu DLG noted that;

“We didn’t have LGPAC for the reason that most of the members who were on board during the regime of the previous district chairperson had their term expire. It took council approximately a year to approve new members...”

Similarly, the political transition in Mukono District affected the constitution of a new LGPAC as noted by the District Chairperson in an interview, thus:

“As I said for the previous committees, when we came to power in May, the previous LGPAC was winding up their activities. But it took the district some time to put together a new committee”

Beyond, the challenges of political transition, the delay by urban councils in recommending representatives to LGPAC was yet another reason why some local governments failed to have a fully constituted LGPAC at the time of conducting this assessment. In Amuru district for instance, the failure of the three Town Councils of Amuru, Pabbo, and Atiak to agree on their representative was responsible for the delay in the process of constituting the LGPAC. In Amuru DLG, the CFO revealed that

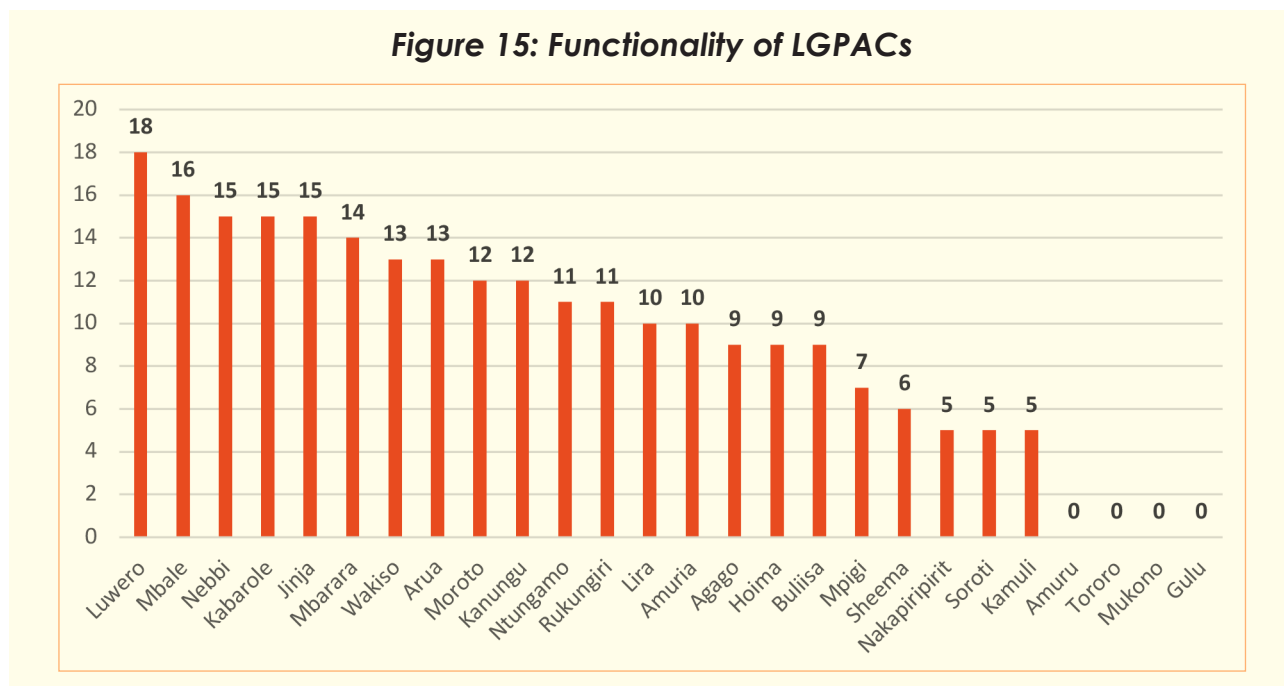
The one of Amuru is not fully constituted, a fully constituted PAC is supposed to have five members but for Amuru, we have four members. One member is supposed to be from the town council but there has been a delay by the town council executive committee to second a name with the people of the council which is why we have four members instead.

Furthermore, delays in approval of nominees by council greatly affected the composition of LGPAC. In Moroto, the district council was yet to approve members of LGPAC four months after their nomination by DEC. The District Chairperson, Moroto DLG revealed that “One

member is missing but it is also pending approvals within this very month. The person has already been identified".

The Functionality of Local Government Public Accounts Committees

Under the functionality of LGPAC, the assessment focused on; regular meetings of LGPAC, review of internal audit reports, review of auditor general report, follow up on actions taken by council based on LGPAC recommendations and engagement with the technical team. Figure 15 below is a summary of the performance of the LGPAC on the functionality parameter.



Luwero LGPAC had the highest score having 18 out of the possible 21 points followed by Mbale LGPAC with 16 points. LGPAC of the three districts of Nebbi, Kabarole and Jinja had 15 points out of the overall 21 points. Four districts of Amuru, Tororo, Mukono and Gulu did not score any mark under this parameter because they lacked evidence for key indicators under this parameter such as holding regular meeting, reviewing internal audit and Auditor General reports, follow up of action taken by council on key recommendation of LGPAC, and engagement with technical officers. Ten out of the 26 LGPACs had held at least one meeting in each of the four quarters and 8 LGPACs had challenges with timely production of minutes.

Regular LGPAC Meetings

From the assessment carried out, it's indicated that seven LGPACs had regular meetings that is one meeting per quarter and had timely production of reports. the results show that three (3) LGPACs had held at least one meeting per quarter but had not produced the minutes in time. Eleven (11) LGPACs had evidence of producing their minutes in time though they had not held at least one meeting per quarter. In addition, five (5) LGPACs out of 26 had not held at least one meeting per quarter and had no reports. The limited meetings held by LGPAC affect how they execute their roles. This means that they will have a backlog of files and reports to work on. District leaders attributed the inability of LGPAC to hold regular

meetings to the limited funding allocated for their operations. The Internal auditor of Kamuli District LG attributed to failure to hold regular meetings by LGPAC to a lack of facilitation. He noted thus;

Generally, they have not been holding them because of the issues but since they are now fully constituted, we hope they will. There has also been a challenge of lack of funds to facilitate their meetings.

Review of Internal Audit Reports

Local Government Public Accounts Committees are mandated under Section 88(7) of the Local Governments Act to, examine the reports of the Auditor General, chief internal auditor and any report of the commission of inquiry and may require the attendance of any councilor or officer to explain matters arising from the reports. In terms of review of internal audit reports, seven LGPACs had evidence of reviewing at least 4 quarterly internal audit reports and submission of reports to DEC. The LGPAC in five districts of Bulisa, Nakapiripirit, Nebbi, Luwero, and Rukungiri had reviewed only two quarterly internal audit reports in the year under review while Sheema LGPAC had reviewed only one quarterly internal audit report. Whereas there was evidence that the LGPAC of Mbale, Hoima, Kanungu, and Amuria had indeed reviewed four quarterly internal audit reports, the LGPACs could not produce evidence of submission of their reports to DEC. Additionally, there was no evidence of LGPAC reviewing quarterly internal audit reports in the districts of Gulu, Wakiso, Agago, Tororo, Soroti, Amuru, Mukono, and Kamuli. While the LG public accounts committees were perceived as largely efficient, there were concerns that their efficiencies are undermined by varying factors. Key among these factors is the inability of councils to act on the LGPAC reports especially for councils that received LGPAC reports. While LGPACs were found to be submitting reports to DEC; the reports were either not transmitted to the council or its recommendations were not acted upon. In Arua, the Speaker of the Council noted that efforts by the council to have the LGPAC reports debated in council have always been frustrated. The Speaker reported that;

Council makes resolutions, and they are not acted on. When we ask the CAO and LC V Chairperson to come up with information on the actions on LGPAC recommendations. There is no response. Council, including myself, is now frustrated.

The Deputy Speaker of Jinja District Council noted that the district council had never received the LGPAC report, thus

We have not heard such a scenario because it has never come to the council and we have never received any report.

Findings also show that five (5) out of the 26 LGPACs covered by this assessment had reviewed Auditor General's report and submitted a report to DEC. The findings further show that four (4) districts had evidence of follow-up by LGPAC on the status of implementation of its recommendations and evidence of LGPAC demanding the appearance of civil servants before PAC while reviewing audit reports. LGPACs of 6 districts did not have any engagements with the technical team while 14 districts had evidence of correspondence between LGPAC, internal auditor and CFO.

Review of Auditor General's report

Section 88(7) of the Local Governments Act, Cap 243 mandates LGPACs to examine the reports of the Auditor General, Chief Internal Auditor and any report of the Commission of Inquiry. The findings reveal that LGPAC of five districts of Jinja, Wakiso, Kabarole, Luwero, and Nebbi, had reviewed at least one Auditor General's report and submitted a report to the DEC. On the other hand, two districts Mbarara and Ntungamo had reviewed at least one Auditor General's report but had not sent a report to DEC. Nineteen districts had neither reviewed Auditor General's report nor submitted a report to DEC.

Follow-up actions taken by the council based on LGPAC recommendations

Section 88(8) of the Local Governments Act, Cap 243 requires LGPACs to submit their reports to the District Councils and to the Minister responsible for Local Governments, who shall lay the report before Parliament. Section 88(9) requires the Chairpersons, Local Councils and the Chief Administrative Officers to implement the recommendations of LGPACs and report the actions taken on the recommendations to Parliament, amongst other offices.

Under this indicator, the basis of assessment was on follow-up by LGPAC on the status of implementation of its recommendations and LGPAC demanding the appearance of civil servants before PAC while reviewing audit reports. **Results show that LGPACs of four (4) districts had evidence of follow-up on the status of implementation of its recommendation to the council and demanding the appearance of civil servants before PAC while reviewing audit reports.** Also, LGPACs of four (4) districts presented evidence of follow by LGPAC on the status of implementation of its recommendation to the council but had not demanded civil servants to appear before PAC while reviewing the internal audit reports.

Further, LGPAC of seven (7) districts had managed to have civil servants appear before PAC while reviewing internal audit reports but had not followed up with the council on their recommendations. It was noted that 11 districts had neither caused civil servants to appear before PAC as they reviewed internal audit reports nor did they have evidence of follow-up actions on its recommendations to the council. Some councils were marred with politics and could not have resolutions on LGPAC recommendations made since they at times aborted sessions.

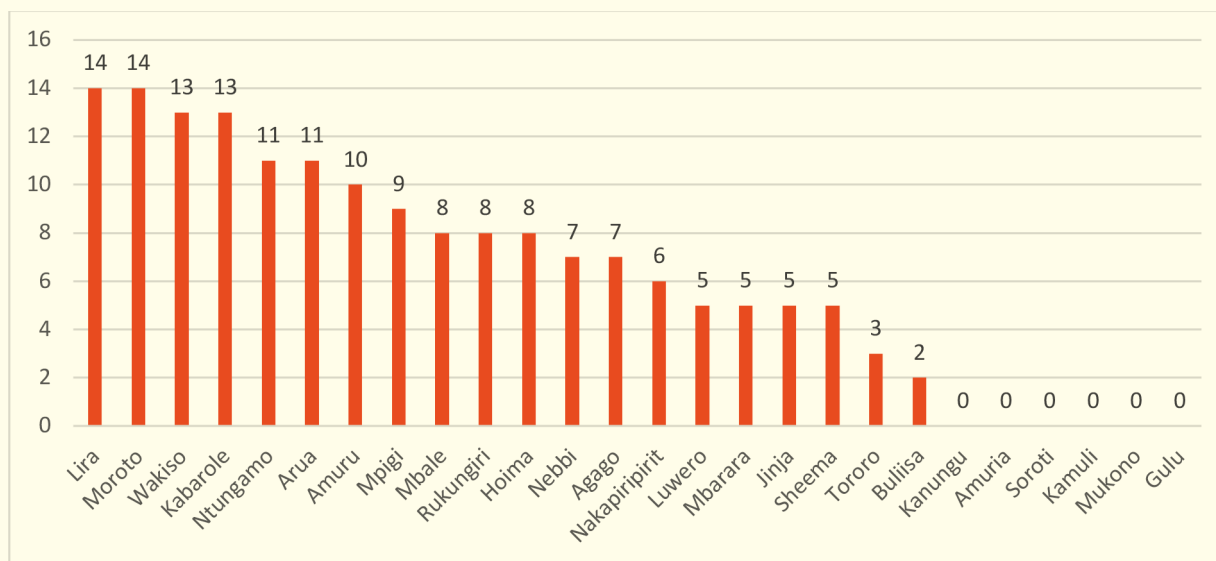
Engagement with the Technical Teams

The LGA guides in Section 88(6), that the Clerk to council is the secretary to LGPAC. Also, Section 88(9) states that the chairperson of the council and the chief administrative officer or town clerk shall implement the recommendations of the local government public accounts committee. Further, in Section 90 (2) of LGA, LGPAC receives reports from the Internal auditor. Findings from the study revealed that LGPAC of 14 districts had evidence of correspondence with the Internal Auditor and the Chief Finance Officer. The LGPAC of Six districts had evidence of correspondence with the Internal Auditor but not with the CFO. In addition, LGPAC of six districts had neither correspondence with the Internal Auditor nor with the CFO.

Compliance with Local Government Finance and Accounting Regulations

The LGPACs were assessed on compliance with Local government finance and accounting regulation; submission of LGPAC report to MoLG; monitoring visits conducted by LGPAC; actions taken by LGPAC based on directives issued by MoLG; coordination with Office of Auditor General and engagement with the central government. Figure 16 shows the assessment of LGPACs on the parameter of compliance with local government finance and accounting regulations.

Figure 16: Compliance with Local Government Finance and Accounting Regulations



In terms of compliance with local government with finance and accounting regulations, Lira and Moroto LGPACs had 14 points out of 30 points followed by Wakiso and Kabarole LGPACs with 13 points each. Kanungu, Amuria, Soroti, Kamuli, Mukono and Gulu LGPACs did not score any mark under this parameter.

Submission of Reports to MoLG

The LGA Section 88(9) requires the chairperson of the council and the chief administrative officer or town clerk shall implement the recommendations of the local government public accounts committee. Relatedly, the Local Government (Financial and Accounting) Regulations (2007), regulation 16(2) states that the local government public accounts committee shall produce reports for submission to the council and the Minister. In this assessment, five districts submitted at least four or two reports to the MoLG. Seven districts submitted two reports to the MoLG while LGPACs of 14 districts did not submit any reports to the MoLG.

Monitoring by LGPACs

The LGPAC as part of its assignment is expected to carry out field verification while reviewing Internal Audit reports and generating issues from the reports. This assessment revealed that in all 26 districts, LGPACs of eight (8) districts had carried out field verification visits to ascertain emerging issues from the internal audit reports. Failure by LGPAC to conduct field

visits was largely attributed to a lack of funding and the challenge of logistics to support their movements as demonstrated by the speaker of Council Rukungiri DLG, thus;

There are financial constraints to the extent that they sometimes fail to perform as required for example when it comes to monitoring government projects and ascertaining value for money, they lack transport facilitation.

LGPAC actions on MoLG recommendations

Local Government Public Accounts Committees of two districts of Wakiso and acted on the directives of MoLG and submitted reports after being requested by MoLG, while the LGPAC of Luwero district had only taken action on the directives of MoLG but did not submit reports to MoLG thereafter. LGPACs of Twenty-three districts had neither acted on the directives of MoLG nor submitted reports to the ministry on request.

Coordination with the Office of Auditor General

According to Section 88(7), a Local Government Public Accounts Committee shall examine the reports of the Auditor General, chief internal auditor and any reports of commissions of inquiry and may, in relation to the reports, require the attendance of any councilor or officer to explain matters arising from the reports. In the assessment of statutory bodies is that 14 out of the 26 districts had evidence of having shared LGPAC reports with the Auditor General; while 12 districts out of 26 districts had evidence of regular correspondence with the Auditor General and one district had evidence of actions taken based on the advice by Auditor General. On the indicator of engagement with the central government, only one district had evidence of demand for action by Parliament LGPAC. Also, Section 87(1) of the LGA notes that Local Government accounts will be audited by the Auditor General and provide a report to the LGPAC.

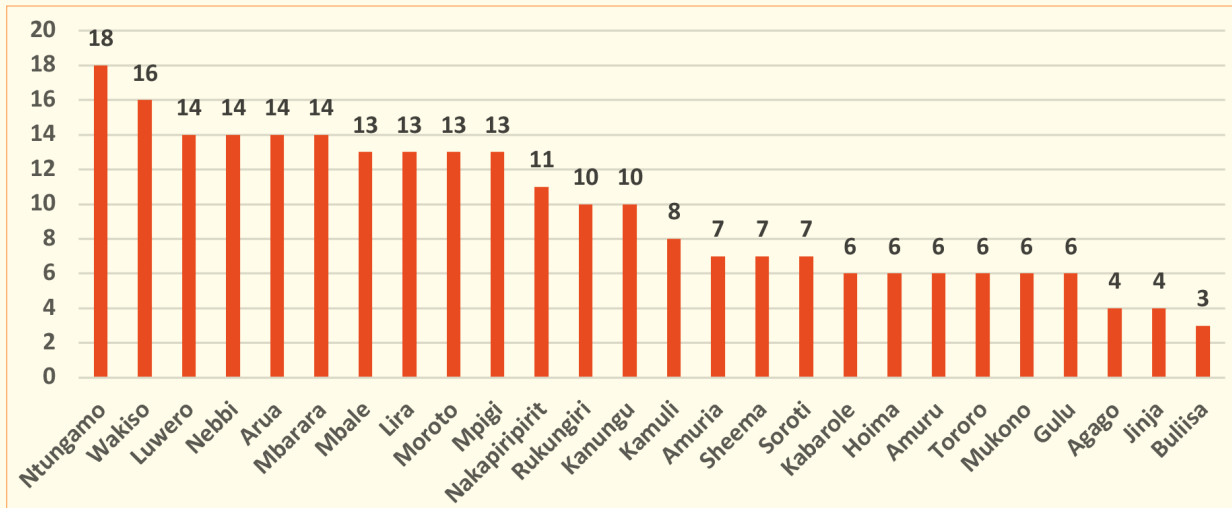
Engagement with Central Government

According to Section 88 (8), the Local Government public accounts committee is expected to submit its report to the council and the Minister responsible for local governments. The Minister is also expected to present this report before Parliament. The assessment revealed that with the exception of Sheema which demanded action from Parliament, all the other 25 Local Governments had no evidence of action taken based on recommendations by Parliament LGPAC nor demand for response by Parliament on issues that affect the operations of LGPAC.

5.3.3 PERFORMANCE OF LGPACS ON ACCOUNTABILITY

Under the accountability function, LGPACs were assessed on the submission of performance reports to DEC and District Council, actions by DEC on LGPAC resolutions of council, and actions taken by council based on recommendations by LGPAC and physical offices of LGPAC at the district. Figure 17 below shows the general performance of LGPAC on this parameter.

Figure 17: Accountability of LGPACs to the Council



In terms of compliance with these statutory obligations, the findings revealed a rather low level of compliance.

Submission of performance reports to DEC and council

As part of accountability, the LGPAC does present its performance report to DEC and the council. However, in the assessment, only LGPAC of seven districts had evidence correspondence with CAO in relation to LGPAC reports and evidence of four quarterly performance reports. LGPACs of seven districts had not fulfilled any of these parameters...

In addition, four (4) LGPACs out of 26 covered by this assessment had correspondence with CAO and submitted two performance reports to DEC. Only one district had only submitted two performance reports but had no correspondence with CAO and neither submitted the threshold of one report per quarter. Six districts had only had correspondence with the office of the CAO but had not submitted performance reports. The findings showed that all 26 districts had neither evidence of at least two (2) Treasury Memorandums presented in council nor at least one (1) Treasury Memorandum presented in council. The preparation of treasury memorandum has not been a practice of many councils as demonstrated by the District Internal Auditor, Amuria DLG thus;

...from the time I came to this district, the Council has never discussed these reports instead what I have seen is that... we always go to discuss these reports with the Office of the Auditor General. The district council here doesn't see it like a very serious aspect for Council business.

Actions taken by LGPACs on Council resolutions

The results indicated that one (1) LGPAC of Ntungamo DLG had evidence of action taken by council resolution relating to operations of LGPAC and evidence of a report submitted to the council after being required by the council while 22 districts had neither of the two. The LGPACs of Luweero and Kanungu districts had evidence of action taken by LGPAC

on the resolution of the council relating to operations of LGPAC but had no evidence of report submitted to the council after being required by the council and Mbarara district had evidence of reports submitted to council after being required by council.

Failure by the council to take action in relating to operations of LGPAC contravenes Section 88(9) of LGA that instructs that, the Chairperson of the District Council and the accounting officer to implement the recommendations of the Local Government public accounts committee.

Actions by the council on LGPAC recommendations

Similarly, only three districts (Mbarara, Wakiso and Ntungamo) had the council acting on LGPAC recommendations and evidence of the council demanding action from LGPAC on issues relating to corruption. Only one district Luweero had just acted on LGPAC recommendations. While one district Mbale had evidence of the council demanding action from LGPAC on issues relating to corruption. In twenty-one districts, there was neither evidence of council acting on LGPAC recommendations nor evidence of the council demanding action from LGPAC on issues relating to corruption.

Physical offices: The results further revealed that One (1) LGPAC (Buliisa) out of 26 LGPACs had no evidence of a fully equipped office of the chairperson and secretary LGPAC nor evidence of documentation and record keeping or evidence of an LGPAC register. The results also showed that 15 LGPACs had well-equipped offices with all the required tools for record keeping. Also, seven (7) LGPACs had evidence of a fully equipped office of the chairperson and secretary LGPAC, evidence of documentation and record keeping but did not have the LGPAC register. While four districts only had evidence of a fully equipped office of the chairperson and secretary LGPAC.

Attendance of council: It was established that 16 of the 26 LGPAC chairpersons and members did not attend council meetings while 10 LGPAC chairpersons or members had attended at least one district council meeting during the year under review. While attending the council isn't a legal requirement for members of LGPAC, failure to do so makes it difficult for members of LGPACs to be abreast with the business of the council, especially those that relates to operations of LGPAC...

5.3.4 CITIZENS' PERCEPTION OF LOCAL GOVERNMENT PUBLIC ACCOUNTS COMMITTEES

Knowledge about LGPACs: The study revealed a limited knowledge of the composition, roles, and operations of LGPAC by citizens across the 26 districts assessed. This can be partly explained by the fact that LGPAC does not directly deal with the community. Very few citizens exhibited knowledge about the existence, composition and functions of the LGPAC and its operations. Some citizens in Mpigi District perceived LGPAC as highly discreet noting that information about LGPAC is not always in the public domain. It was reported in Mpigi District that;

District officials take advantage of the ignorance of councilors because most of the councilors are not aware of what PAC does and have no access to information even though it's their right to have such reports",

The efficiency of LGPACs: On the efficiency of LGPAC, participants were asked whether the LGPAC had attended to the queries that they raised or those that existed within their sub-counties. Some citizens felt that LGPAC had not effectively dealt with the issue at hand while others felt that they were not effective. In Agago district, the participants narrated a case of alleged solicitation for bribes that were not well handled by the LGPAC. Section 88(7) of the LGA requires the LGPAC to examine the reports of the Auditor General, chief internal auditor and any reports of commissions of inquiry and may, concerning the reports, require the attendance of any councilor or officer to explain matters arising from the reports. In Agago Town Council, FGD participants reiterated that,

There was an issue of a secondary school head teacher from Wol Sub- County who engaged in soliciting for bribes from applicants to influence their recruitment as teachers., Although there was evidence and testimony from other teachers, this head teacher hasn't been penalized.

In an FGD in Mukono, there were similar perceptions about the inability of LGPAC to follow up on issues raised by the internal auditor. These citizens noted,

We tried to follow up on DDEG funds after the Internal auditor's assessment and clearance that everything was done as planned. Our findings were different from what that of the Internal auditor. Our finding was that while monies were accounted for but there was nothing on the ground. LGPAC has failed to review this particular matter to its logical conclusion. Many corruption issues are therefore swept under the carpet.

This reveals that the LGPAC has not been able to undertake field verifications of the reports generated by the internal audit and the Auditor General's reports which renders them inefficient.

Independence of LGPACs: The LGPAC is nominated by DEC and approved by the council but often the nominees have to pay allegiance to the appointing authority and thus are deemed not independent especially if they have to act on the chairperson's desires. This was pointed out in Mukono District in an FGD, thus:

When you consider that LGPAC members are appointed by the district Chairperson, the committee cannot be independent and also scrutinize him in case the chairperson or his relatives and friends are involved in corruption, it is impossible.

This is in agreement with the findings of the Parliamentary Accounts Committee of the 9th Parliament. Its survey found that there was a need to review the manner of appointment of the members of LGPAC. Under the law, the District Executive plays a dominant role in the appointment of the members of the LGPAC. The District Chairperson heads the District Executive Committee that nominates members of LGPAC for approval by council. This state of affairs could unintentionally make the LGPAC members loyal and subservient to the nominating authorities who are in sometimes the subjects of the audit queries. The Parliamentary Accounts Committee noted that, during the field visit, it received concerns that LGPAC works to safeguard the interests of the nominating/appointing and

funding authorities; namely the chairpersons of councils and chief administrative officers. (Parliament of Uganda , 2015). One of the recommendations made by this report was to either recentralise the nomination of the members of LGPAC or a regional LGPAC.

The integrity of LGPACs: Principally, the LGPAC's integrity was questioned by most of the community members and in some instances the citizens felt that the committee connived with the technocrats to cover up their crimes. Some of the community members in the focus group discussion in Guruguru, Amuru District noted that LGPAC members take bribes and cover up technical staff implicated in the misuse of government resources.They revealed that;

If you give LGPAC some money, then your name will not be mentioned in case you have been implicated but if you fail to give them money your name will be given in, that is why you never hear that an accounting officer has been arrested.

CHAPTER 6

FACTORS AFFECTING THE PERFORMANCE OF STATUTORY BOARDS AND COMMISSIONS

The Statutory Bodies play a critical role in the Local Governments affairs in Uganda. They are meant to regulate and oversee the management of public resources and ensure accountability. These resources include the people that work at the sub-national level. Notwithstanding this cardinal role, the performance of these statutory boards and commissions has been affected by various factors, that hinder their visibility, worthy rating and effectiveness in fulfilling their mandates. A study on “*A Comprehensive Review of Local Governments Report (2016)* by the Ministry of Public Service revealed that these Statutory Bodies are faced with challenges regarding inappropriate recruitment systems, undue Influence in decision-making, inadequate skills and competencies, high costs of operational against very austere budgets, and dealing with redundancies due to limited workloads. The latter has a negative effect on the clout, incentive and satisfaction of the Statutory Bodies. The findings from this assessment further reveal the inherent factors that affect the performance of Statutory Bodies in the Local Governments in Uganda including ineffective administrative processes, weak leadership capacity, inadequate funding and lack of comparable yardsticks and no performance checks. The detailed factors are detailed below.

6.1 ADMINISTRATIVE PROCESSES

Inadequate technical support to statutory boards and commissions: The efficiency and effectiveness of the statutory boards and commissions are reliant on the nature and level of support that they receive from technical officers in the district. The laws mandate technical officers to support the functions of the statutory boards and commissions. For instance, Section 59 (7) of the Land Act *Cap 227 (As amended)* as amended requires the district land office to provide technical services to the DLBs to enable it to perform its functions. Similarly, DSCs rely on the human resource department for appraisal of staff, handling disciplinary issues through the rewards and sanction committee, and requests for recruitment on which to base its decisions for recruitment, confirmation of appointments, promotions, and exercise of disciplinary control as provided for under Section 55 (1), (2), and (4) of the LG Act Section 90(2) of the LG Act provides for the head of the internal audit department to prepare quarterly audit reports and submit them to the council giving a copy to the LGPACs.

However, the assessment revealed that the statutory boards and commissions received limited support from the technical officers in the district which has had a significant impact on their ability to carry out their functions effectively. The findings show that 80 per cent of the DLBs, 70 per cent of DSCs and 78 per cent of LGPACs did not have access to technical support from technical officers in the district. Further, the results from this assessment indicate that due to minimal technical support, the DLBs and LPACs scored an average of 7 points out of 30, and the DSC scored an average of 10 points out of 30. Moreover, the level of coordination between statutory bodies and related national institutions is lacking. The findings revealed a lack of engagement between the statutory bodies and relevant national institutions such as MoLHUD, MZOs, ULC, and the National Physical Planning Board for District Land Boards; ii) Education Service Commission, Health Service Commission, Public Service Commission, and Ministry of Public Service for District Service Commission; and Ministry of Local Government, Auditor General, and Parliament's Committee on Public Accounts (LG) for LGPAC. This lack of participation is evident in the statutory bodies' failure to submit reports to these national-level organizations, as well as their failure to seek and act on advice from these institutions.

6.1.1 DELAY IN OPERATIONALISATION OF STATUTORY BOARDS AND COMMISSIONS UPON EXPIRY

There have been significant delays across districts in approval of nominees by relevant councils, and respective ministries which affected the composition of statutory bodies in some districts. For instance, In Nakapiripirit, the term of office of the DLB expired in 2016 and was renewed in 2018 which is two years after expiry. Also, Gulu spent the FY 2020/2021 without a DLB due to delays in the renewal of its terms of office. Similarly, Amuru and Ntungamo did not have operational land boards during the year of assessment. This problem arises when the term of office of members of these statutory bodies expires, and the necessary steps to reconstitute members are not taken promptly. The various issues surrounding the delays in operationalizing statutory bodies in local governments have had significant consequences. In some districts, the operations of certain statutory boards and commissions have been completely halted, leading to a standstill in critical functions such as land management, financial oversight, and staff recruitment. For example, some districts were unable to absorb the wage bill due to the failure to recruit staff as a result of the lack of fully constituted DSCs hence staffing gaps in local governments. The backlogs of land applications and audit reports have also created significant challenges, with poor accountability and a lack of recovery of public resources being major concerns. The delay in the appointment of new members to statutory bodies has created a vacuum, providing an opportunity for abuse of the process that affects the functionality of local governments. The delay in operationalizing statutory boards and commissions can be attributed to several factors below:

- a) *The absence of clear guidelines or deadlines for renewing the membership:* Sections 58 (1) of the Land Act, Cap 227 (As amended) and 54 (3) and 88 (11) of the Local Governments Act stipulate that members should hold office for five years for DLB and LGPAC, and four years for the DSC all renewable once. However, for the case of DLB and LGPAC, the laws do not specify the period within which the tenures of these statutory boards and commissions should be renewed upon expiry. The absence of clear guidelines or deadlines for renewing the membership or appointing new members to the statutory bodies creates a gap that could lead to the abuse of the process.

- b) *Noncompliance with Section 54 (2e) of the Local Governments Act, Cap 243 (As amended).* Section 54 (2e) of the Local Governments Act, Cap 243 (As amended) requires district councils to appoint new District Service Commissions within 3 months upon the expiry of their term of office. However, local governments have failed to comply with this provision of the Act.
- c) *Conflict of interest among political actors in the district such as the District Chairperson, Members of Parliament, and Members of the Council in the nomination and approval of members of the boards and commission has also had a detrimental effect on the operation of the statutory boards and commissions.* In extreme cases, this has resulted in the failure to constitute statutory boards and commissions, as district councils reject nominees by the DEC due to political interests. These differences among political actors have even undermined the independence and impartiality of the boards and commissions. It has led to accusations of bias and favouritism that have further eroded public trust in these institutions, and a lack of accountability and transparency in the performance of their functions.
- d) *Delays in the selection of representatives of urban authorities to the boards and commissions:* Under Sections 57 (1) (c) of the Land Act Cap 227 (As amended), and Sections 54 (2) and 88 (1) (b) of the Local Governments Act, Cap 243 (As amended), Urban Councils have the responsibility to nominate their representatives to the boards and commissions. The assessment revealed a significant delay in the selection of representatives of urban authorities to the boards and commissions in the majority of the districts. The delay in the selection process is majorly attributed to two factors; i) Lack of consensus among urban councils. There was a dearth of evidence showing that this consensus-building process has taken place in many urban authorities or municipalities. For example, the failure to build consensus between Moroto Municipality and the newly created Nadunget Town Council led to a delay in nominating representatives of the urban authorities to the Moroto District Service Commission. In another example in Amuru district, there was failure by the three Town Councils of Amuru, Pabbo, and Atiak to agree on their representative which led to the delay in the process of constituting the LGPAC as revealed by the CFO that,

LGPAC is not fully constituted. A fully constituted LGPAC is supposed to have five members but for Amuru, we have four members. One member is supposed to be from the town council but there has been a delay by the town council executive committee to second a name to the council and that is why we have four members instead.

- e) *Lack of harmony in the interpretation of Section 54(2b) (2c) of the Local Governments Act,* especially between some District Chairpersons and leaders of urban councils with either side insisting that the powers to nominate/recommend a representative of the urban councils lies with them as well as Failure by district chairpersons in some cases to agree with nominations from urban authorities which creates an impasse. In Mukono District for example, the impasse between the District Chairperson and leaders of the urban councils in the district prompted an appeal by the candidate nominated by the urban councils in Mukono district to the Public Service Commission to intervene in her situation upon rejection of her nomination as well as guidance

of the Solicitor General on the same matter by the District Chairperson. A similar observation was noted in Buliisa district regarding the interpretation of the same provision regarding nomination of a representative of urban councils.

- f) *The creation of cities also affected the composition of statutory bodies in districts from which cities were carved. The hitherto urban representatives domiciled in the municipalities were subsumed into the newly created cities which left a gap on the boards and commissions. For example, In Jinja, the three members of the DLB were residents of administrative units that were annexed to the city. The speaker noted that,*

The land board seems not to be for the district since all of them are residents in the city. So, they may not be fully aware of managing land within the district. I think we shall settle the conflict when this body expires or when their proper guidance from the ministry of local government and this may take some time.

The Ministry of Local Government also delayed the operationalisation of new town councils arising from the relocation of district headquarters. In Gulu for example, the district could not fill the position of representative of the urban council, as the Ministry of Local Government was yet to operationalize Awach Town Council following the creation of Gulu City as noted by the District Chairperson of Gulu.

6.1.2 FAILURE TO IMPLEMENT RECOMMENDATIONS OF STATUTORY BOARDS AND COMMISSIONS

The findings revealed that 88 per cent, 88 per cent, and 85 per cent of the districts had not implemented recommendations from the DLB, DSC, LGPAC respectively. This was attributed to several factors such as political influence and conflict of interest among officials who are implicated in the recommendations. In some cases, recommendations made by these statutory bodies may be beyond the powers of the local governments to implement. Political interference is a common challenge that arises when statutory bodies make recommendations that implicate politicians or their allies. For instance, The Physical Planner of Tororo District revealed that;

There are politicians who always shield people who are in the wrong. Some politicians in the district and members of parliament interfere in some matters such as land, and administrative processes against some errant staff because they are their supporters or acquaintances. On land matters, for instance, we usually hear that there are orders from above.

In such cases, the politicians may use their influence to shield the technical officers who are found culpable. This kind of interference can undermine the integrity of the statutory bodies and diminish public trust in the local government. Additionally, the lack of sanctions for accounting officers and other district officials who fail to implement lawful recommendations of statutory bodies is a major issue that undermines accountability and weakens the effectiveness of these statutory bodies. This ultimately undermines the effectiveness of these bodies and results in poor service delivery, financial loss to the LGs, and damage to the reputation of councils.

6.1.3 DYSFUNCTIONAL STRUCTURES AND INSTITUTIONS THAT SUPPORT THE OPERATIONS OF THE STATUTORY BOARDS AND COMMISSIONS

The findings indicate that the land tribunals that have a critical role in adjudicating conflicts on land were not operational. In Uganda, land tribunals were formed under the Land Act, Cap 227 (As amended) and placed into effect in 2001 to serve as the initial point of contact for land disputes. At both the district and sub-county levels, they were created. However, they were phased out in 2004 as a result of insufficient funding. The National Land Policy calls for the restoration of Land Tribunals, although their continued existence is hampered by a lack of financing.²⁸ For example, none of the 24 districts assessed had functional district land tribunals established under Section 74 of the Land Act, Cap 227 (As amended). Yet, they play a critical role in supporting the district land boards in determining disputes relating to the grant, lease, repossession, transfer or acquisition of land by individuals, the commission or other authorities with responsibility relating to land, among others. The non-functional nature of the district land tribunals slows down the activities of the district land boards in cases where disputes arise.

6.1.4 CORRUPTION ARISING FROM WEAK ADMINISTRATIVE PROCESSES

The assessment revealed that corruption is another major challenge. There are weaknesses within administrative processes that have allowed corrupt practices in the managing interest on land, recruitment of staff and ensuring value for money in the delivery of public services. For example, under the DLBs, the delays in the processing of certificates of titles, delays in the processes of land registration, and issuance of certificates of titles in wetlands have been attributed to corruption. In Jinja, FGDs revealed that “*The land board has done nothing. there is a lot of corruption. As long as you give them something(money), they can issue you a land title anywhere including a wetland*” Similarly, the FGDs in Mbale noted that DLB members ask for bribes to hasten the processing of the certificate of titles, thus,

If you want to quicken the process, you through one of them and it will work out. I have seen someone who has done that and they wanted 500,000 from her. She raised 300,000 but they still insisted that they wanted their balance of 200,000 and it worked.

In Kamuli District, citizens complained that DLB asks for facilitation beyond the legally stipulated fees, something seen as a mark of corruption. Further, cases of the DSC demanding money from job applicants were also reported in Buliisa, Agago, Rukungiri, Sheema and Nakapiripirit districts among others. In Buliisa, FGDs it was noted that;

when the post is available are asked for huge bribes. You find that some are not able to pay bribes and lose job opportunities. Even those who can pay, say that they almost paid for a full year's salary while in office.

Meanwhile, in Agago, it was noted that recruitment is rarely based on merit or qualification but rather on the amount of money one is willing to pay in bribes to the commissioners. The FGDs revealed that;

²⁸ See <https://www.independent.co.ug/bamugemereire-to-judiciary-incorporate-tribunals-in-land-adjudication-system/>

The District Service Commission is the most corrupt. You will never be employed if you do not give them money however much competent and qualified you are. One must at least part with between three to five million shillings or even more if you or your child or relative is to be employed."

6.1.5 INADEQUATE OVERSIGHT ROLE BY THE DISTRICT COUNCILS

Under the Land Act, *Cap 227 (as amended)* and Local Governments Act, District Councils bear the responsibility of supervising statutory boards and commissions. However, the findings from this assessment reveal a notable deficiency in the ability of district councils to ensure the accountability of these organs. This deficiency is evidenced by the infrequency with which the reports of these entities were presented to and deliberated upon within the council. An overwhelming majority of district councils (87 per cent) have not received reports from the District Land Boards, while a similar trend is observed with District Service Commission, with 88 per cent of district councils not having received their reports. Moreover, in all the assessed districts, the District Executive Committees did not present the LGPAC report/treasury memorandum to the council. This state of affairs persists due to the absence of an enforcement mechanism compelling the District Executive Committees to submit the reports of the boards and commissions to the council. Consequently, the district council's ability to obtain and scrutinize reports from statutory boards and commissions is severely limited, impeding its capacity to hold these entities accountable.

6.2 LEADERSHIP CAPACITY OF THE MEMBERS OF STATUTORY BOARDS AND COMMISSIONS

6.2.1 INADEQUATE SKILLS AND TECHNICAL CAPACITIES OF MEMBERS

The lack of skills and technical capacity of members appointed to statutory bodies is a significant challenge that affects their effective functioning. In many cases, the individuals nominated to these bodies lack the necessary expertise, experience, and knowledge to effectively carry out their roles and responsibilities. Findings from the assessment reveal the following challenges:

- a) **Lack of specific requirements for academic qualification relevant to roles and responsibilities of each board and commission:** Findings revealed a significant gap in the skill sets of members of the statutory boards and commissions. Concerning District Land Boards, 17 per cent of members lacked the technical capacity to execute their mandate. The deficiency in the technical capacity of members of the DLB was majorly in relation to natural resources management. Findings also revealed that 15 per cent of the DSC lacked technical capacity, especially concerning human resource management and public service standing orders, necessary to perform their functions. Also, 39 per cent of members of the LGPAC lacked technical capacity majorly in public finance management and public procurement which are critical in the performance of their functions. Despite the law providing for qualification criteria of the members of statutory boards and commissions, the different laws do not specify whether the members should possess any specific technical qualification relevant to the different roles. This lack of minimum education qualification for members affects

their ability to internalise technical information like survey reports, internal audit reports, and staff appraisal performance reports among others.

- b) **Inadequate induction, orientation and training:** Findings from the assessment revealed key gaps in the induction of members for the statutory boards and commissions across the 26 districts assessed. Only 8 out of 26 LGPACs noted that they received induction from the Central or Local Government. For DLBs, only 10 out of the 24 districts had been inducted while 13 out of the 26 DSCs were inducted. Furthermore, for those inducted, district leaders raised concerns that the induction for the boards and commissions was not adequate and that many skills were still lacking. The district Chairperson of Tororo District Local Government noted that,

We inducted them but the induction was not enough, and the statutory bodies were not inducted as well.

In the same vein, the CAO Mukono District LG revealed that,

the one-off induction was not sufficient and that the boards and commissions require continuous induction to be able to function effectively.

This affects the effective and efficient operations of the statutory bodies and hence unsatisfactory performance in service delivery.

- c) **Limited pool of qualified and competent individuals:** Some districts reported failure to attract qualified members to join the statutory boards and commissions due to a limited pool of qualified and competent individuals available for nomination, and the lack of a comprehensive process for identifying and selecting suitable candidates. As noted by the District Chairperson of Arua and the Speaker of the Council of Moroto respectively. The Speaker of Council Moroto District revealed that;

We have failed to find a PWD who has the right qualifications, this has been the fourth (4) submission I have made". "Besides the delay by the municipality and the town council to nominate their representative, there is also an issue with the qualification of the female representative; we realised that she does not possess the right qualification but our DEC did not pay attention to it.

It is common practice to nominate the required number of persons to constitute the DSCs, DLBs and LGPACs within the same district. A Comprehensive Review of the Local Government by the MoPS further revealed that those up for nomination do not have the necessary skills, while those who are qualified may not want the job or be able to do it, or they may not be considered at all during the nomination process even though they are qualified (MoPS, 2016).

- a) **Lack of access to relevant laws, policies and guidelines:** Interviews with district leaders and members of the statutory boards and commissions revealed a lack of access to the respective legal, and policy documents and guidelines to empower them while undertaking their assignments. Some of these legal, policy documents and guidelines include the Local Governments Act, Cap 243 (As amended); the Public Finance Management Act, (2015 as amended); The Public Procurement and Disposal

of Public Assets Act, (2003); the Physical Planning Act; the Land Act Cap 227 (As amended); The Mining Act; The Access to Information Act, (2005); the Public Service Act; Public Service Regulations; Human Resource Manual for Local Governments; The Financial and Accounting Regulations for Local Governments; and the Local Government Performance Assessment Framework among others. The lack of access to these legal, and policy documents and guidelines creates challenges for the members of the statutory bodies to effectively carry out their responsibilities, resulting in poor performance, weak accountability and poor service delivery.

6.2.2 LACK OF INDEPENDENCE OF THE STATUTORY BODIES

According to the assessment, political interference, intimidation, and conflict of interest among members (DLB and DSC) have been major factors hindering the effective functioning of statutory boards and commissions. Despite the requirement of independence in performing their functions as stipulated in Section 58(1) of the Local Governments Act Cap. 243 (As amended) and Section 60(1) of the Land Act, Cap 227 (As amended) these bodies have been subject to intermittent interference and intimidation, particularly the DLB and DSC. Security agencies, the private sector, and the political class in some districts have been identified as the primary actors responsible for the interference and intimidation of board members. For instance, in nine out of the 24 district land boards assessed, political leaders in the district have been reported to interfere with the execution of their functions. The study found that 33% of the districts that experienced political interference did so in the year preceding the assessment, while 20% reported it in the two years preceding the assessment. The interferences often took the form of interference during the registration of land interest, threats to board members, failure to present board reports in council, and failure to implement board recommendations. Moreover, political leaders within the district local governments have also been interfering with the operations of the District Land Board. A case in point, the Physical Planner in Tororo DLG highlighted that;

...the DLB is doing the correct thing and then politicians come in to interfere with the work of the land board for example, you heard about the recent happening about the Lions Park where the neighbors were arrested without correct information.

Similar views were echoed in n Mukono, where FGDs revealed that;

The DSC is largely influenced by politicians who approve their names to the committee. Members of the DSC work under pressure from their appointing authorities. The DSC is not independent. It is just a shadow that works by commands from certain individuals. Someone can easily tell you that they are sorry; they cannot do what is required because someone has ordered to give that job to a specific person.

The intimidation of members of the statutory bodies was also reported to be common. The results show that six (6) out of the 24 district land boards assessed revealed that they felt intimidated while performing their duties with these intimidations mainly coming from security agencies, political leaders, citizens, powerful businesspersons and civil servants in the district. In Mpigi, the land board was accused of acting under the influence of powerful individuals within the private sector to allocate public lands to such individuals. Findings from FGDs in Mpigi District revealed that

The District Land Board sometimes deals with land grabbers who come with orders from above to take people's land and sometimes due to corruption, public land is sold to private individuals.

Also, most DSC reported that they experienced interference from political leaders mainly during times of recruitment and when disciplinary actions are to be taken against employees. Furthermore, it was noted that the selection process of members of the statutory boards and commissions has been influenced by political considerations rather than merit-based criteria for example It was noted that most district chairpersons usually nominate their supporters and allies to these structures, resulting in the appointment of unqualified individuals. The lack of independence by the statutory bodies grossly undermines their efficiency and effectiveness.

Given that under Sections 88(1) (a) and (b), the members of LGPACs are appointed by the District and Urban Councils, the recommendations of the District and Urban Executive Committees do not entirely render them independent and impartial. This provision tends to compromise the LGPACs that are supposed to work independently. Secondly, there is no check on the quality of persons appointed by another body, unlike the case of DSC members who are appointed by the District Councils and approved by the Public Service Commission. Members of the District Land Boards are appointed by the District Councils and approved by the Minister of Lands. Thus, the members of LGPACs should also be appointed by the District Councils and approved by the Minister of Local Government. The other issue that compromises the independence of the LGPAC is the process of appointment of the Chairperson of the LGPAC. Under Section 88(3) the members of LGPAC elect a Chairperson from among themselves. This LGPAC Chairperson elected by LGPAC members has weak authority over members. This further undermines and weakens the authority of the Chairperson of LGPAC. The responsibility for the appointment of the Chairperson should be borne by the line Ministry just like the case with the Chairpersons of District Service Commissions and District Land Boards.

6.2.3 LIMITED ACCOUNTABILITY CITIZENS

The assessment results show poor performance on the parameter of accountability to citizens by statutory boards and commissions. For instance, the average performance for the DLB was 4 out of 15 points on this parameter. Accordingly, the DSC scored 5 out of 10 points on accountability to citizens. The results for DSC further indicate that the members of DSCs did not declare a conflict-of-interest contrary to LGA²⁹ . There was no mechanism for the DSC to handle complaints from the citizens. The results for the DLB revealed that there was poor performance with regards to public display for land applications, information on the progress of expression of interest on land, public display of processed or complete land applications, and engagement with ALCs and local physical planning committees. The implication is that the operations of these statutory bodies remain opaque to the citizens undermining public trust.

²⁹ See LGA, Third Schedule, Regulation 4 (1).

6.3 FUNDING/MANAGEMENT OF RESOURCES

6.3.1 INADEQUATE FUNDING FOR OPERATIONS OF THE STATUTORY BOARDS AND COMMISSIONS

Under Section Sections 63 (1) of the Land Act Cap 227 (As amended) all expenses of the DLB are supposed to be catered for by the districts. The expenses for the DSC and the LGPAC are supposed to be charged on the consolidated fund.³⁰ Regarding the LGPACs, the Local Government (Public Accounts Committee Regulations), regulation 27 requires the CAO to provide all necessary facilities and funding for the efficient performance of the committee.

However, Local governments in Uganda still have low revenue collection (ICPAU, 2020) to meet the expenses of the District Land Boards. The enhancement and mobilization of local revenues have been constrained by LGs' lack of capacity (skills and equipment) to collect and store credible data. Taxpayers are still resisting payment of taxes such as property tax. The shortfalls in the collection represent potential revenue that could be tapped by the LGs if existing gaps in local revenue management are addressed (BMAU, 2019). Further, there has been a decline in transfers from Central Government to LGs; the share of the national budget allocated to LG programs reduced to 10 per cent in FY2018/19 from 13 per cent in 2016/17. The decline is largely attributed to the re-centralisation of functions and resources that by law are mandated to LGs.³¹

Even the funds provided from the Consolidated fund to DSC and LGPAC are not sufficient for their ideal operations, and in some cases, the funds are delayed. Limited funding affects the frequency of meetings, monitoring and fact-finding engagements that the statutory boards and commissions are obligated to conduct annually. In FY 2021/22, DSCs received an average of UGX 28,084, 000 as non-wage; the DLBs received an average of UGX 9,340,000 while LGPACs received an average of UGX 13,424,000. However, using three case studies of actual costs from Amuria, Wakiso and Amuru for LGPAC, DLB and DSC respectively, the allocations are grossly inadequate to finance the operations of the statutory boards and commissions as indicated by the actual costs in tables 5, 6 and 7.

Table 5: Actual Cost for holding a meeting, field visit and report submission for Amuria LGPAC

Budget Item	Unit Cost	Quantity	Total
1. Meeting to Review Audit Reports			
a) Allowance for chairperson	400,000	1	400,000
b) Allowance for members	320,000	4	1,280,000
c) Allowance for technical officers	90,000	5	450,000
d) Meals and refreshment	300,000		300,000
e) Stationery	200,000		200,000
Subtotal			2,630,000
2. Field Monitoring			
a) Transport allowance for LGPAC members	120,000	5	600,000
b) SDA for LGPAC members	24,000	5	120,000

³⁰ See Section 57A and Section 88(10) of the LGA.

³¹ <https://www.acode-u.org/uploadedFiles/PRS92.pdf>

Budget Item	Unit Cost	Quantity	Total
c) SDA for technical persons	24,000	3	72,000
d) SDA for drivers	22,000	2	44,000
e) Fuel	400,000		400,000
Subtotal			1,236,000
3. Submission of Quarterly PAC Reports			
a) Allowance for Secretary LGPAC	120,000	2	240,000
b) Allowance for Driver	55,000	2	110,000
c) Stationery (production of reports)	200,000		200,000
d) Fuel	600,000		600,000
Subtotal			1,150,000
Grand total			5,016,000

Table 6: Actual Cost for holding a meeting and site visit for Wakiso DLB

	Unit cost	Quantity	Amount
1. Meeting to review Land Application			
i) Allowance for chairperson	150,000	1	150,000
ii) Allowance for members	140,000	4	560,000
iii) Allowance for secretary	90,000	1	90,000
iv) Allowance for technical officers	80,000	3	240,000
v) Transport refund chairperson and members DLB	150,000	5	750,000
vi) Meals and refreshments	50,000	9	450,000
Subtotal			2,240,000
2. Site verification (Visit to locus)			
i) Transport refund to the chairperson and members DLB	150,000	5	750,000
ii) Allowance technical officers	50,000	4	200,000
iii) Meals and refreshments (Chairperson ALC and LCI of specific locations included)	50,000	11	550,000
iv) Fuel for technical officers	200,000		200,000
Subtotal			1,700,000
3. Stationery			100,000
Grand total			4,040,000

Table 7: Actual Cost Recruitment and field visit for Amuru DSC

	Unit Cost	Quantity	No. of days	Total
Recruitment				
a) Advertisement	2,200,000			2,200,000
Subtotal				2,200,000
b) Shortlisting of candidates				
i) Allowances for members	290,000	4	3	3,480,000
ii) Allowance for Chairperson	150,000	1	3	450,000
iii) Allowance for Technical persons	30,000	1	3	90,000
iv) Allowance for Secretary DSC and Support Staff	140,000	2	3	840,000

	Unit Cost	Quantity	No. of days	Total
v) Lunch and refreshment	15,000	12	3	540,000
vi) Stationery	250,000	1	1	250,000
Subtotal				5,650,000
c) Interviewing shortlisted candidates				
a) Allowances for members	290,000	4	3	3,480,000
ii) Allowance for Chairperson	150,000	1	3	450,000
iii) Allowance for Technical persons	30,000	1	3	90,000
iv) Allowance for Secretary DSC and Support Staff	140,000	2	3	840,000
v) Lunch and refreshment	15,000	12	3	540,000
vi) Stationery	250,000	1	1	250,000
Subtotal				5,650,000
1. Monitoring the performance of civil servants				
i) Allowance for members	140,000	4	1	560,000
ii) Allowance for the chairperson	150,000	1	1	150,000
iii) Lunch and refreshment	15,000	9	1	135,000
iv) Fuel	200,000	2	1	400,000
v) Stationery	100,000	1	1	100,000
Subtotal				1,345,000
Grand total				14,845,000

Tables 2, 3 and 4 provide actual costs for holding meetings, monitoring, and fact-finding engagements for the LGPAC, DLB, and DSC in Wakiso, Amuria, and Amuru districts respectively. The actual costs show that the allocation of funds to these statutory bodies is inadequate to finance their operations. For example, in the case of Amuria LGPAC, the total actual cost for holding one meeting to review audit reports, undertaking a field monitoring visit, and facilitation to submit of quarterly reports was UGX 5,016,000, which translates to UGX 20,064,000 for the mandatory four quarterly internal audit reviews. In contrast, the average non-wage allocation for LGPAC was UGX 13,424,000 in FY 2021/22 which is less the actual cost. Based on Table 2 above, a typical meeting of the DLB and a locus visit would cost Wakiso District Council UGX 4,040,000; this means Wakiso DLB requires UGX 24,024,000 to meet the statutory threshold of meeting once every two months. The average allocation for DLBs for FY 2021/2022, was UGX 9,340,000, which falls short of the actual operational cost. In the case of the Amuru DSC, the actual cost of holding one recruitment session and field monitoring is UGX 14,845,000 yet the commission received only UGX 28,084,000 in the FY 2021/2022.

The district leaders further amplified the concern of inadequate financing for the statutory bodies. The District Chairperson Mpigi District revealed that;

...the DLB does not have enough funds. In most cases, the budget is UGX 5 million for the whole year on which they are supposed to hold meetings and get stationery and fuel for field visits or monitoring. This amount of money cannot facilitate all the activities the board is mandated to do.

A similar complaint on inadequate resources was also raised by the CAO Amuru District Local Government who noted that;

The DLB is usually constrained by finances. Most times we do not have adequate funds that would enable them seat as regularly as possible.

This was further reinforced by the Senior Lands Management Officer of Amuru DLG who reiterated,

We do not have regular and adequate funding for the District Land Board. What is available cannot help the board to sort out all the issues it is required to handle and this causes a lot of delays.

Additionally, there is no evidence that local government councils allocated locally raised revenues to finance the operations of statutory boards and commissions, which is their obligation under Regulation 4 of the First Schedule to the Local Governments Act. Therefore, the inadequate funding of statutory bodies is affecting their ideal operations, including the frequency of meetings, monitoring, and fact-finding engagements.

The inadequate funding to the statutory bodies has resulted into:

- i) Irregular meetings of the boards and commissions: The law provides thresholds for meetings of the different boards and commissions. Under Section 62 (3) of the Land Act, Cap 227(As amended) the DLB shall meet at least once every two months for the discharge of its functions. Also, the DSC is required under Section 55(5) of the LG Act to meet for the discharge of its functions at least once in six months or as often as business warrants. In the same vein, Regulation 13 (2) of the LGPAC regulation requires the LGPAC to meet for the discharge of its functions at least once every two months. However, findings from the assessment indicate that these statutory bodies have not been able to hold meetings as stipulated in the law due to inadequate funding. For example, In Gulu, the District Chairperson noted that the DLB does not hold regular meetings which is why there is a backlog because of the budget allocation. Similarly, the CAO of Nakapiripirit revealed that meetings of the DSC were affected by the shortage of funds. He noted that; they do not hold regular meetings because of inadequate funds to facilitate the meetings. Similarly, in Kamuli District, the LGPAC met only twice in the year under review due to underfunding as noted by the District Chairperson "LGPAC they meet but not so regularly, in fact, they only meet twice in a financial year. This is because they are underfunded."
- ii) Lack of office spaces, appropriate furniture equipment and tools such as computers, printers, photocopiers, safes, filing cabinets, GIS equipment, and internet among others: In most districts, it was noted that members of the different statutory bodies lack office space, furniture and equipment which affects effective operations of these statutory bodies. the Senior Lands Management Officer of Amuru District reported that:

At the moment we do not have office space for the land board. We do not have a land office generally in Amuru. We have been looking for any available space, which may also not be secure for the documentation that is supposed to, be kept there. ...Many of these files need to be put in cabins that are not enough and many times they are placed on top of the few available cabins.

Such challenges affect the record-keeping process of the statutory bodies, and in some cases, it compromises the security of sensitive public documents and information among others.

- i) Failure to monitor, and undertake site or field visits due to lack of transport and reliance on secondary information. This affects the accuracy and reliability of the information collected by the statutory bodies, and it can lead to incorrect decisions making. The reliance on secondary information also limits the scope of the statutory bodies' work, and it can lead to the failure to identify critical issues that require attention.
- ii) Inadequate facilitation /remuneration exposes members to risks of corruption and bribery. Members of the statutory bodies are sometimes offered bribes or tempted to compromise their work due to their financial situation. For instance, some members are not paid their sitting allowances, which can lead to demotivation and compromise of their integrity.
- iii) Failure to produce reports on time arises due to a lack of printing paper, toners and printers which is a result of inadequate funding. This affects the efficiency and effectiveness of the statutory bodies, and it can lead to delayed decision-making processes. The delayed decision-making processes can have significant consequences on the public, especially if they involve critical issues such as land disputes or environmental concerns.
- iv) Failure to induct members due to a lack of resources has a negative impact on the effective and efficient performance of statutory bodies. New members need to be adequately trained, oriented and inducted to ensure they understand their roles and responsibilities.

CHAPTER 7

CONCLUSION AND RECOMMENDATIONS

7.1 CONCLUSION

The Assessment of the Performance of Statutory Boards and Commissions was a key milestone in the 31 years of implementing Uganda's decentralization Policy. As a critical pillar and anchor for the Policy, the existence, strength and full-cycle performance of the Statutory Boards and Commissions warrants a balanced governance and service delivery in the Local Authorities. The performance of the Boards and Commissions, therefore, has a bearing on the overall operations of the Local Government as demonstrated in this study. For good governance to be realized public officials, both technical and political, should be subject to oversight to guarantee that government initiatives meet their stated objectives and that these initiatives respond to the needs of the community they are meant to be benefiting. The Statutory Boards and Commissions provide support and play an oversight role to Local Governments.

The Findings from this study demonstrated that Statutory Boards and Commissions do exist, albeit with varying strengths. Overall, there is a relatively poor performance across them all. The Statutory Bodies are known "in the reference" and not from **an output-outcome and result point of view**. In terms of compliance with laws, regulations, guidelines and processes, the performance of the assessed Statutory Boards and Commissions is below the desired level. The assessment further demonstrated a variation in the perception of the citizens about the existence, roles and operations of the Boards and Commissions with some confessing ignorance of their existence. This was especially true for the Local Government Public Accounts Committee. There were concerns about the integrity, independence and efficiency of the Boards and Commissions. The urgent strengthening of these Statutory Bodies could go a long way in improving accountability in the Local Governments. Every step should therefore be undertaken to urgently remedy the declining visibility of these important structural anchors, and deal with the operational challenges as identified in this study.

7.2 RECOMMENDATIONS

7.2.1 STRENGTHEN THE SUPERVISION OF TECHNICAL OFFICERS TO PROVIDE ADEQUATE TECHNICAL SUPPORT TO STATUTORY BOARDS AND COMMISSIONS

The relevant Local Government Departments should be compelled to provide adequate technical support to the respective statutory bodies and ensure they are efficient and effective in terms of analysis of documents, compilation and production of reports, regular and timely reporting to their respective councils, compliance with relevant processes, regulations, policies and laws, and providing accountability to stakeholders.

7.2.2 ACCOUNTABILITY TO CITIZENS

There is a need to enhance accountability to citizens among the statutory boards and commissions. The DLB, DSC and LGPACs should regularly interact with the public. They should establish and popularise complaint-handling mechanisms for their constituents.

7.2.3 REVITALIZE LAND TRIBUNALS

The findings from the study for instance revealed that the absence of land tribunals grossly affects the functionality of district land boards. There is, therefore, a need for MoLHUD to revitalise the district land tribunals.

7.2.4 ENHANCE THE FINANCING FOR THE STATUTORY BOARDS AND COMMISSIONS

The findings indicate that the statutory boards and commissions are grossly underfunded. The allocations for their operations in the LG budgets were found to be inadequate. Thus, this can be achieved through:

- a) **Prioritizing financing for operations of statutory boards and commissions:** The Ministry of Finance, Planning, and Economic Development (MoFPED) should increase the financing for the activities of statutory bodies. The MoFPED should increase indicative planning figures for these LG structures.
- b) **Local government financing:** Local governments (LGs) should also allocate more local revenue to finance statutory commissions and boards. This could be done by setting aside a percentage of their budget specifically for these bodies.
- c) **Amendment of LGA Section 78:** The Ministry of Local Government (MoLG) should amend Section 78 and the fifth schedule of the Local Governments Act, in relation to revenue sharing among districts and lower local councils. This amendment would require urban councils to make financial contributions to districts to support the work of statutory bodies. Such contributions could be based on a formula that takes into account the size of the urban council, its revenue base, and the needs of the statutory bodies.

7.2.5 ENHANCE THE CAPACITY OF THE MEMBERS OF STATUTORY BOARDS AND COMMISSIONS

This can be achieved through

- a) **Amending of the Local Governments Act Cap 243 and the Land Act, Cap 227 (As amended):** Given the specialised function that DSCs in the recruitment of staff, the MoLG should amend Section 56 of the of Local Governments Act Cap 243 to elevate the minimum academic qualifications from an advanced level certificate or its equivalent and a diploma to a degree or its equivalent for the members of the DSC. There is also a need to amend section 88 (1B) of Local Governments Act Cap 243 to provide for a minimum qualification of a degree or its equivalent for members of the LGPAC. Also, the MoLHUD should consider amendments to the Land Act, Cap 227 (As amended) to provide a minimum qualification for the members of the land board of a degree or its equivalent relevant to the committee.
- b) **Prioritizing and allocation of resources in the budget for induction of members of statutory bodies by the Ministry of Local Government (MoLG):** The MoLG plays a crucial role in ensuring that statutory bodies operate effectively and efficiently. The induction will ensure that new members have a clear understanding of their roles and responsibilities, build capacity among members, improve the quality of the decisions, and increase its overall effectiveness. The induction programs also promote transparency and accountability within the work of the statutory boards and commissions, which was found to be a challenge. The prioritization of induction would therefore require the allocation of resources for induction and continuous capacity building at both the central government and local levels.
- c) **Providing guidelines, policies, and laws:** The Responsible Officer (The Chief Administrative Officer) for each district should ensure that procurement of the relevant laws, regulations, circulars, guidelines and policies that are relevant to the functions of the statutory boards and commissions are provided for in the district budget, procured and copies availed to each member of the statutory boards and commissions. This will go a long way in reducing errors/ mistakes and labour-related court cases.
- d) **Enhance the independence of the statutory bodies through,** regular training and induction of members of statutory bodies and district councils, and provision of adequate finances to minimize vulnerability to corruption. There is also a need to ensure that the responsibility for the appointment of the Chairperson is done by the line Ministry just like the case with the Chairpersons of District Service Commissions and District Land Boards.

7.2.6 PROVIDE GUIDANCE ON THE COMPOSITION OF THE BOARDS AND COMMISSIONS

There are no clear guidelines on the timeline for renewal of the term of office for members of the District Land Board and Local Government Public Accounts Committees. In addition, local governments have not complied with Section 54 (2e) which requires local government councils to renew the term of office of members of DSC within 3 months after expiry.

Furthermore, LGs have not complied with the requirement the selection representatives of urban councils to the statutory boards and commissions. To address this challenge:

- a) There is a need for the MoLG to enforce compliance with section 54(2e) of the LGA to ensure that the District Councils follow timelines for appointment and renewal of the term of office of the members of the District Service Commission to remedy the vacuum created by delays by district councils and political leaders.
- b) There is a need for the amendment to Section 88 (11) of the LGA and Section 58 of the Land Act, Cap 227 (As amended) to provide timelines for the appointment of new members of the LGPAC and DLB upon the expiry of their term of office.
- c) The MoLG and Solicitor General should guide the interpretation of the provision relating to the nomination of representatives of urban authorities to the different boards and commissions.

7.2.7 STRENGTHEN COUNCIL'S OVERSIGHT ROLE

To rectify the shortcomings in the oversight responsibilities of district councils regarding statutory boards and commissions, it is imperative to establish a robust framework that mandates the regular submission of comprehensive reports from these entities to the council. Such a framework should include enforceable mechanisms that compel the District Executive Committees to provide the reports to Council timely. Also, district councils should proactively engage in rigorous scrutiny and examination of the received reports, ensuring that they are thoroughly reviewed and discussed within the council. This active involvement will enable the council to better assess the performance and compliance of the statutory boards and commissions, fostering a greater sense of accountability. It is vital to prioritize capacity-building initiatives for members of statutory boards and commissions and members of district councils, providing them with the necessary knowledge and skills to effectively carry out their oversight responsibilities.

This can be achieved through specialized training programs and workshops that focus on governance, compliance, and accountability, equipping council members with the expertise required to fulfil their duties diligently. These actions will fortify the oversight role of councils and contribute to improved performance and accountability within statutory boards and commissions.

REFERENCES

- Armstrong , M. (2004). *Handbook of human resource management practice* (9 ed.). London.
- Lister, S. (2010). *Fostering Social Accountability: From Principle to Practise - A Guidance Note*. United Nations Development Programme (UNDP). Retrieved from http://content-ext.undp.org/aplaws_publications/3275402/UNDP_Fostering_PDA_NEW_web.pdf
- Mbabazi , J., & Mukwaya, R. N. (2020). *The Local Government Public Accounts Committees (LGPACs): Functionality, Pitfalls, and Recommendations for Action*. Kampala: Advocates Coalition for Development and Environment.
- Tembo, F. (2015). Improving service provision: Drawing on collective action theory to fix incentives. In OECD, *A GOVERNANCE PRACTITIONER'S NOTEBOOK: ALTERNATIVE IDEAS AND APPROACHES* (pp. 281-301).
- ACODE. (2019). *Decentralisation; Trends, Achievement, and the Way Forward for Local Governments in Uganda*. Kampala: ACODE.
- Agustiawan , d. (2018). Dimensions of Accountability and Performance of The Public Sector Organization. " *J. Akunt. Ekon.*, 8(1), 56-63.
- Akena, W., & Ssemakula, E. G. (2020). *Land Management and Governance in Local Government: Opportunities and Challenges for District Land Boards in Uganda*. ACODE Policy Briefing Paper Series No.56, Advocates Coalition for Development and Environmnet.
- Anan-Aggrey, E., Kyeremeh, E., Kutor, S., & Atuoye, K. (2022). Harnessing 'communities of practice' for local development and advancing the Sustainable Development Goals. *African Geographical Review*, 41(2), 271-280.
- Ansell, C., & Gingrich, J. (2003). Trends in Decentralization. In B. E. Cain, R. J. Dalton, & S. E. Scarrow, *Democracy Transformed? Expanding Political Opportunities in Advanced Industrial Democracies, Comparative Politics*. Oxford.
- Awortwi, N. (2016). Decentralisation and Local Governance Approach: A Prospect for Implementing the Post-2015 Sustainable Development Goals. *Local Governance, Economic Development and Institutions*, 39-63.
- Bainomugisha , A., Mbabazi, J., Winstons, W. M., Bogere, G., Atukunda, P., Ssemakula, E.*8/ G.,...Ayesigwa, R. (2020). *The Local Government Council Scorecard FY2018/19: The Next Big Steps, Consolidating Gains of Decentralisation and Repositioning the Local Government Sector in Uganda*. Kampala: ACODE.
- Bainomugisha , A., Tamale, L. M., Muhwezi, W. W., Cunningham, K., Ssemakula, E. G., Bogere, G., . . . Asimo, N. (2017). *Local Government Councils Scorecard Assessment 2016/17: Civic Engagement, Activtating the Potential of Local Governance in Uganda*. Kampala: ACODE.
- Bainomugisha, A., Muhwezi, W. W., & Cunningham, K. (2019). Introduction to Local Governance and Democratic Accountability. In A. Bainomugisha, K. Cunningham, L. M. Tamle, & W. W. Muhwezi, *Local Governments in Uganda: Democracy, Accountability and Civic Engagement* (pp. 1-34). London: Adonis & Abbey.

- Bashaasha, B., Mangheni, M. N., & Nkonya, E. (2011). *Decentralization and Rural Service Delivery in Uganda*. IFPRI.
- BMAU. (2019). *Financing Local Governments: Exploiting the potential of local revenue*. Kampala: Ministry of Finance, Planning and Economic Development.
- Brinkerhoff, R. (2005). "The Success Case Method: A Strategic Evaluation Approach to Increasing the Value and Effect of Training. *Adv. Dev. Hum. Resource*, 7(1), 86-101.
- Calderon, J. (2006). *Methods of research and thesis writing (2nd Ed.)*. Mandaluyong City: National Bookstore.
- Castel, R. (2014). Social exclusion risks in an uncertainty context. *Revista Internacional de Sociología*, 72(1).
- CESPA. (2012). *Governance, Accountability and Effective Basic Service Delivery in Sierra Leone*. Centre for Economic and Social Policy Analysis (CESPA).
- Commission of the European Communities. (2003). *Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions. Joint report on social inclusion summarising the results of the examination of the National Action Plans*. Brussels.
- De Haan, A. (1998). Social exclusion': an alternative concept for the study of deprivation. *IDS Bulletin*, 29(1).
- ECLAC. (2018). *The Inefficiency of Inequality*. Santiago.
- Economic Commission for Latin America and the Caribbean. (2016). *Inclusive social development: the next generation of policies for overcoming poverty and reducing inequality in Latin America and the Caribbean (LC.L/4056/Rev.1)*. Santiago.
- Economic Commission for Latin America and the Caribbean. (2016). *The social inequality matrix in Latin America (LC/G.2690(MDS.1/2)*. Santiago.
- European Commission. (2016). *Supporting decentralisation, local governance and local development through a territorial approach*. Luxemburg: European Union.
- GOU. (1998). *The Land Act, Cap227*. Entebbe: UPPC.
- Green, E. (2013). The rise and fall of decentralization in contemporary Uganda. *ECONSTOR, WIDER Working Paper, No. 2013/078*.
- Halachmi, A. (2002). Performance Measurement, Accountability, and Improved Performance. *Public Performance & Management Review.*, 25(4), 370-374.
- ICPAU. (2020). *Sustainable Own Source Revenue Enhancement and Management in Local Governments*. Kampala: The Institute of Certified Public Accountants of Uganda (ICPAU).
- John W. Creswell, J. D. (2018). *Research Design : Qualitative, Quantitative, and Mixed Methods Approaches*. Germany : SAGE Publications.
- Joshi, A. (2010). *Impact and Effectiveness of Transparency and Accountability and Initiatives A review of the evidence to date Service Delivery*. Institute of Development Studies.

- KAS. (2021). *Laws, Policies and Regulations on Accountability, Public Resource Management and Gender Inclusion at the Local Government Level in Uganda: Handbook for Local Government Actors*. Kampala: Konrad Adenauer Stiftung. Retrieved from <https://www.kas.de/documents/280229/11374314/Handbook+for+Local+Government+Actors.pdf/57985779-fe86-8025-2efd-6414c72707d1?version=1.0&t=1611067645531>
- Kibira, V., Ggoobi, S. S., & Kiberu, J. (2021). *Citizens' Engagement in Local Government Decision Making Processes: Towards public finance accountability, transparency, and improved service delivery in Uganda*. Gateway Research Centre.
- Kyohairwe, S. (2014, June). Local democracy and public accountability in Uganda: The need for organisational learning. *Commonwealth Journal of Local Governance*(15).
- M, L. M. (2016). *The Ugandan Journal of Management and Public Policy Studies*, 12-21.
- Ministry of Local Government. (2014). *Decentralisation and Local Development in Uganda*. Kampala.
- Ministry of Public Service. (2021). *The Uganda Public Service Standing Order* . Kampala: MoPS.
- Mizero, C. (2021). *ACCOUNTABILITY AND PERFORMANCE OF LOCAL GOVERNMENTS IN UGANDA: A CASE OF KABALE DISTRICT LOCAL GOVERNMENT*. Retrieved from <https://backend.kab.ac.ug/api/core/bitstreams/71f8e989-ee3e-4a7a-80a8-db8900173741/content>
- MoPS. (2016). *Comprehensive Review of Local Governments Report*. Kampala: Ministry of Public Service (MoPS).
- Mulgan, R. (2013). *Transparency and Public Sector Performance Report prepared for the Australia and New Zealand School of Government*.
- Muriisa, R. K. (2008). Decentralisation in Uganda: Prospects for Improved Service Delivery. *Africa Development*, XXXIII(No. 4), 83–95.
- Mushemeza, E. D. (2019). *Decentralisation in Uganda: Trends, Achievements, Challenges and Proposals for Consolidation*. Kampala: ACODE.
- Mushemeza, E. D. (2019). *Decentralisation in Uganda: Trends, Achievements, Challenges and Proposals for Consolidation*. Kampala: ACODE.
- Nakayi, R. (2018). *Local Governance in Uganda*.
- Nsubuga, J. K., & Olum, Y. (2009). Local Governance and Local Democracy in Uganda. *Commonwealth Journal of Local Governance*(2), 26-23.
- Ojambo, H. (2012). Decentralisation in Africa: A critical review of Uganda's experience. *Potchefstroom Electronic Law Journal (PELJ)*, 15(2), 01-21.
- OPM. (2019). *Local Government Performance Assessment*. Kampala: Office of the Prime Minister. Retrieved from <http://library.health.go.ug/sites/default/files/resources/Final%20LGPA%202019%20National%20synthesis%20report%5B38927%5D.pdf>
- Otile, O. M., & Atukunda, P. (2020). *District Service Commissions in Uganda: Functionality, Pitfalls, and Recommendations for Action*. ACODE Policy Briefing Paper Series No.57, Kampala.

- Otile, O. M., & Atukunda, P. (2020). Kampala: ACODE.
- O'Toole, J., & Meier, K. (2011). *Public Management: Organizations, Governance, and Performance*. : Cambridge University Press.
- Parliament of Uganda . (2015). *Report of the Committee on Rules, Privileges and discipline: The operations of District Public Accounts Committee vis a vis the mandate of the parliamentary committee on Local Government Accounts Committee* . Kampala: The Parliament of Uganda.
- Polit. (2015). *The Public's Role in the Policy Process: A View from State and Local Policy Makers*.
- Saito, F. (2000). *Decentralization in Uganda: Challenges for the 21st Century*. Ryukoku University.
- Samara, & Christensen. (2012). *Models of Community Planning. Strengthening Communities, Enhancing Cooperative Extension's Role, National Community Resources and Economic Development*. Orlando Florida: CRED Confrence.
- Sinclair , A. (1995). the Chameleon of Accountability : Forms and Discourses. 20(2), 219-237.
- Smoke, P. (2015). *Accountability and service delivery in decentralising environments: Understanding context and strategically advancing reform*. OECD.
- Ssemakula, E. G., & Bogere, G. (2019). Implementation of Fiscal Decentralisation in Developing Countries; Illustrations from Uganda. In A. Bainomugisha, K. Cunningham , L. M. Tamale, & W. W. Muhwezi, *Local Governments in Uganda: Democracy, Accountability and Civic Engagement* (pp. 35-55). London: Adonis & Abbey.
- Steiner, S. (2006). *Decentralisation in Uganda: Exploring the Constraints for Poverty Reduction*. Hamburg: GIGA.
- Steven J. Taylor, R. B. (2015). *Introduction to Qualitative Research Methods: A guide book and resource* . Wiley.
- Tan, T. (2019). Principles of Inclusion, Diversity, Access, and Equity. *Journal of Infectious diseases*.
- Tumushabe , G., Mushemeza, E. D., Tamale, L. M., Lukwago, D., & Ssemakula , E. (2010). *Monitoring and Assessing the Performance of Local Government Councils in Uganda: Background, Methodology and Scorecard*. Kampala: ACODE.
- UN Department of Economic and Social Affairs. (2015). *Sustainable Development Goals*. Retrieved from <<https://sustainabledevelopment.un.org/sdgs>>
- UN General Assembly. (2014). *'The road to dignity by 2030: ending poverty, transforming all lives and protecting the planet*. Retrieved from <http://www.un.org/ga/search/view_doc.asp?symbol=A/69/700&Lang=E>
- UNDP. (2010). *Fostering Social Accountability: From Principle to Practice Guidance Note*. United Nations Development Programme. Retrieved from http://content-ext.undp.org/aplaws_publications/3275402/UNDP_Fostering_PDA_NEW_web.pdf

- United Nations . (2016). *Report on the World Social Situation,2016. Leaving no one behind: the imperative of inclusive development(ST/ESA/362)*. New York,: Department of Economic and Social Affairs (DESA).
- United Nations General Assembly. (2015). *Role of local governments in the promotion and protection of human rights: Final report of Human Rights Advisory Committee*. Human Rights Council.
- Wang, X. (2002). Assessing Performance Measurement Impact: A Study of U . S. Local Governments,". *Public Perform Manag. Rev*, 26(1), 26-43.
- Weaver, K. (2022, January 29). *Public Sector Accountability – What Does it Really Mean?* Retrieved from Clear Impact Blog : <https://clearimpact.com/public-sector-accountability/>
- World Bank. (2004). *Making Services Work for the Poor People*. World Bank. Retrieved from <https://openknowledge.worldbank.org/server/api/core/bitstreams/b34c6637-9b66-570d-9df2-63c004f2860b/content>
- World Bank. (2004). *World Development Report 2004: Making Services Work for Poor People*. Washington, DC: World Bank.

APPENDICES

ANNEX 1: PERFORMANCE OF DISTRICT LAND BOARDS

District	COMPOSITION OF THE DISTRICT LAND BOARD										FUNCTIONALITY OF DLB										ACCOUNTABILITY TO COUNCIL										ACCOUNTABILITY TO CITIZENS										COMPLIANCE WITH NATIONAL LAWS & REGULATIONS				
	Nomination and approvals by council	Representation of counties/municipal/urban councils to DLB	Number of vacancies filled on the DLB	Timely renewal of term of office for DLB	Induction of members of DLB	Sub-total	Regular meetings of the DLB	Availability of Public land register	Availability of Lease Register	Removal or alteration of erections on lands held by the DLB	Land Allocation	Compilation of compensation rates	Functional Lands office	Subtotal	Submission of reports to council	Action of DLB on key resolutions of council	Actions taken by council basing on recommendations by DLB	Correspondence with District Natural Resources Department	Correspondence with District/Urban Physical Planning Committee	Attendance of council sessions	Subtotal	Inspections for land applications	Engagement of citizens	Public display of land application	Information on progress of expression of interest on land	Public display of processed/complete land application	Engagement with Area Land Committees	Land Tribunal	Engagement Local Physical Planning Committee	Subtotal	Compliance with NEMA Guidelines	Correspondences with MoLHUD/MZOs/U/LC	Correspondences with Uganda Land Commission	Correspondence with the National Physical Planning Board	Subtotal										
Maximum	2	2	5	2	4	15	2	4	2	3	3	2	4	20	3	3	4	5	4	1	20	2	2	2	1	1	2	3	2	15	6	9	9	6	30										
Rukungiri	2	2	4	2	3	13	2	4	2	3	2	4	20	3	3	4	0	4	4	1	17	2	2	2	1	1	2	0	2	12	4	6	0	0	10										
Mbarara	2	2	4	2	1	11	0	4	2	3	2	4	18	1	2	0	0	4	0	9	9	2	2	0	1	1	0	0	8	0	9	9	0	18											
Kanungu	2	0	3	2	0	7	1	3	1	3	0	4	15	0	0	0	3	4	0	9	9	0	2	1	1	1	0	2	9	6	9	0	6	21											
Amuria	2	0	4	1	0	7	1	2	1	3	0	4	14	1	3	4	0	4	1	13	2	0	0	0	0	2	0	2	6	0	9	0	6	15											
Wakiso	2	2	4	1	0	9	0	1	0	3	0	4	11	1	3	3	0	1	0	8	0	0	1	1	1	0	0	2	5	0	6	9	2	17											
Mbale	2	1	4	1	0	8	2	4	2	0	2	4	16	0	0	0	1	3	0	6	0	1	2	1	1	2	0	2	9	4	6	0	0	10											
Kabarole	2	1	4	2	0	9	1	4	2	0	3	4	14	3	0	0	0	0	0	3	0	1	2	1	1	0	0	5	4	9	0	2	15												
Agago	2	1	3	0	4	10	1	4	2	0	3	4	16	0	0	0	3	4	0	9	0	2	2	1	1	1	0	1	8	0	3	0	0	3											
Tororo	2	1	4	2	2	11	1	4	2	1	3	0	4	15	0	0	0	0	3	0	3	0	1	1	0	1	0	2	5	2	3	0	0	5											

District	COMPOSITION OF THE DISTRICT LAND BOARD										FUNCTIONALITY OF DLB							ACCOUNTABILITY TO COUNCIL							ACCOUNTABILITY TO CITIZENS							COMPLIANCE WITH NATIONAL LAWS & REGULATIONS				
	Nomination and approvals by council	Representation of counties/municipal/urban councils to DLB	Number of vacancies filled on the DLB	Timely renewal of term of office for DLB	Induction of members of DLB	Sub-total	Regular meetings of the DLB	Availability of Public land register	Availability of Lease Register	Removal or alteration of erections on lands held by the DLB	Land Allocation	Completion of compensation rates	Functional Lands office	Subtotal	Submission of reports to council	Action of DLB on key resolutions of council	Actions taken by council basing on recommendations by DLB	Correspondence with District Natural Resources Department	Correspondence with District/Urban Physical Planning Committee	Attendance of council sessions	Subtotal	Inspections for land applications	Engagement of citizens	Public display of land application	Information on progress of expression of interest on land	Public display of processed/complete land application	Engagement with Area Land Committees	Land Tribunal	Engagement Local Physical Planning Committee	Subtotal	Compliance with NEMA Guidelines	Correspondences with MOLHUD/MZOs/ULC	Correspondences with Uganda Land Commission	Correspondence with the National Physical Planning Board	Subtotal	
Nebbi	2	1	4	0	2	9	1	4	0	0	3	2	4	14	0	0	0	0	3	1	4	0	0	1	0	0	0	0	1	2	0	9	0	0	9	
Sarofi	2	0	4	0	0	6	1	4	1	0	3	0	4	13	0	0	0	0	4	1	7	0	1	1	0	0	0	0	5	4	3	0	0	7		
Arua	2	2	4	2	2	12	0	4	2	3	0	2	2	14	0	0	0	0	1	1	1	0	0	1	0	0	2	3	0	3	0	0	3			
Sheema	2	0	4	2	2	10	1	2	0	0	2	4	4	14	0	0	0	0	0	1	1	0	0	0	0	2	0	2	2	3	0	0	0	5		
Jinja	2	0	4	0	2	8	2	0	0	0	3	0	4	9	0	0	0	0	4	1	7	2	0	0	0	0	2	4	0	3	0	0	0	3		
Hoima	2	0	4	2	2	8	2	0	0	0	2	4	4	13	3	0	0	0	1	0	4	0	0	0	0	0	0	1	0	3	0	0	0	0	3	
Luwero	2	1	4	2	2	11	2	0	0	0	2	0	2	6	3	0	0	0	0	0	3	2	0	1	0	0	0	0	3	0	3	0	0	0	0	3
Lira	2	2	4	1	0	9	2	2	0	0	3	0	4	11	0	0	0	0	0	1	1	0	0	1	0	0	0	2	0	3	0	0	0	0	0	3
Bullisa	0	0	4	0	0	4	1	3	1	2	2	0	0	11	0	0	0	0	1	1	2	0	0	1	0	0	0	1	0	6	0	0	0	0	6	
Nakapiripirit	2	1	4	1	0	8	1	3	0	0	3	0	4	11	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0	0	0	0	3
Mpigi	2	0	3	2	2	9	0	4	0	0	2	4	4	10	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0	0	0	0	3
Mukono	2	0	4	2	0	8	0	0	0	0	3	1	4	8	1	0	0	0	0	1	2	0	0	0	0	0	0	0	0	0	3	0	0	0	0	3
Kamuli	2	1	4	2	0	9	1	0	0	0	2	0	0	3	3	0	0	0	0	3	0	0	0	0	0	0	0	0	0	3	0	0	0	0	0	3
Gulu	2	0	3	1	0	6	0	2	2	0	0	0	4	8	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	3	0	0	0	0	3
Moroto	2	0	4	1	0	7	0	2	1	0	1	0	2	6	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0	0	0	0	3
Average	2	1	4	1	1	9	1	3	1	1	3	1	3	12	1	0	0	0	2	0	5	0	1	1	0	0	1	0	1	5	1	1	1	1	1	7

ANNEX 2: PERFORMANCE OF LG PUBLIC ACCOUNTS COMMITTEES

Rank	District	COMPOSITION OF THE LG PUBLIC ACCOUNTS COMMITTEE										FUNCTIONALITY OF LGPAC										ACCOUNTABILITY TO COUNCIL							COMPLIANCE WITH LG FINANCE AND ACCOUNTING REGULATION				
		Nomination and approval of LGPAC members by council	Nomination of representatives of urban authorities	Approval of LGPAC members by the Ministry of Local Governments	Number of vacancies filled on the LGPAC	Timely renewal of term of office for LGPAC members	Induction of members of LGPAC	Subtotal	Regular meetings of the LGPAC	Review of Internal Audit Reports	Review of Auditor General's Report	Follow up on actions taken by council	Engagement with the technical team	Subtotal	Submission of LGPAC performance reports to DEC	Submission of reports to council	Actions taken by LGPAC on resolutions of council	Actions by council on recommendations by LGPAC	Physical offices of the LGPAC at the district	Attendance of council sessions	Subtotal	Submission of LGPAC Report to MoLG	Monitoring visits conducted by LGPAC	Actions taken by LGPAC on the basis of MoLG	Coordination with Office Auditor General	Engagement with central government	Subtotal						
		100	3	3	2	3	7	20	3	6	4	4	4	4	21	7	4	5	6	6	1	29	6	3	5	8	8	30					
	Ntungamo	54	3	1	2	3	3	14	3	6	2	0	0	4	11	7	0	0	6	5	0	18	6	0	0	5	0	11					
	Luwero	53	3	3	2	3	3	16	3	3	4	4	4	18	7	0	0	4	3	0	0	14	2	0	3	0	0	5					
	Wakiso	51	3	0	2	2	0	9	2	0	4	3	4	13	3	0	0	6	6	1	1	16	2	3	5	3	0	13					
	Mbale	50	3	0	2	3	3	13	3	5	0	4	4	16	1	0	3	2	6	1	1	13	0	3	0	5	0	8					
	Nebbi	47	3	0	2	3	0	11	3	3	4	1	4	15	7	0	0	0	6	1	1	14	2	0	0	5	0	7					
	Arua	47	3	0	2	3	1	9	2	6	0	1	4	13	7	0	0	0	6	1	1	14	6	0	0	5	0	11					
	Lira	47	3	0	2	3	2	10	1	6	0	1	2	10	7	0	0	0	6	0	0	13	6	3	0	5	0	14					
	Moroto	46	3	0	2	2	0	7	1	6	0	1	4	12	7	0	0	0	6	0	0	13	6	3	0	5	0	14					
	Kabarole	44	3	0	2	3	0	10	3	0	4	4	4	15	1	0	0	0	5	0	0	6	6	0	5	2	0	13					
	Mbarara	43	3	0	2	3	0	10	1	6	2	1	4	14	0	0	2	6	6	0	0	14	0	0	5	0	0	5					
	Rukungiri	42	3	3	0	3	1	13	3	3	0	1	4	11	3	0	0	0	6	1	1	10	2	3	0	3	0	8					
	Mpigi	38	3	0	2	2	0	9	1	6	0	0	0	7	7	0	0	0	6	0	0	13	6	0	0	3	0	9					
	Agago	37	3	0	2	3	2	17	2	0	0	3	4	9	0	0	0	0	3	1	1	4	2	0	0	5	0	7					
	Jinja	34	3	0	2	3	0	10	1	6	4	0	4	15	0	0	0	0	6	0	0	4	0	3	0	2	0	5					
	Kanungu	32	3	0	2	3	0	10	1	5	0	4	2	12	1	0	3	0	6	0	0	10	0	0	0	0	0	0					
	Hoima	31	3	0	2	3	0	8	1	5	0	1	2	9	1	0	0	0	5	0	0	6	0	3	0	5	0	8					
	Nakapiripirit	31	3	0	2	3	1	9	0	3	0	0	2	5	6	0	0	0	5	0	0	11	6	0	0	0	0	6					
	Amuria	30	3	0	2	3	2	13	1	5	0	0	4	10	1	0	0	0	5	1	1	7	0	0	0	0	0	0					
	Sheema	27	3	0	2	2	0	9	1	0	0	3	2	6	1	0	0	0	5	1	1	7	0	0	3	2	5						
	Soroti	25	3	0	2	3	2	13	1	0	0	0	4	5	0	0	0	0	6	1	1	7	0	0	0	0	0						
	Amuru	24	3	0	2	2	1	8	0	0	0	0	0	0	3	0	0	0	3	0	0	6	2	3	0	5	0	10					
	Buliisa	24	3	0	2	3	2	10	1	3	0	1	4	9	3	0	0	0	0	0	0	3	2	0	0	0	0	2					

Rank	COMPOSITION OF THE LG PUBLIC ACCOUNTS COMMITTEE										FUNCTIONALITY OF LGPAC					ACCOUNTABILITY TO COUNCIL							COMPLIANCE WITH LG FINANCE AND ACCOUNTING REGULATION						
	Nomination and approval of LGPAC members by council	Nomination of representative of urban authorities	Approval of LGPAC members by the Ministry of Local Governments	Number of vacancies filled on the LGPAC	Timely renewal of term of office for LGPAC members	Induction of members of LGPAC	Subtotal	Regular meetings of the LGPAC	Review of Internal Audit Reports	Review of Auditor General's Report	Follow up on actions taken by council	Engagement with the technical team	Subtotal	Submission of LGPAC performance reports to DEC	Submission of reports to council	Actions taken by LGPAC on resolutions of council	Actions by council on recommendations by LGPAC	Physical offices of the LGPAC at the district	Attendance of council sessions	Subtotal	Submission of LGPAC Report to MoLG	Monitoring visits conducted by LGPAC	Actions taken by LGPAC on the basis of MoLG	Coordination with Office Auditor General	Engagement with central government	Subtotal			
Kamuli	1	0	2	2	1	0	6	3	0	0	2	5	2	2	0	0	0	6	0	8	0	0	0	0	0	0	0		
Tororo	3	0	2	1	0	0	6	0	0	0	0	0	0	0	0	0	6	0	6	6	0	0	0	0	0	3	0		
Mukono	3	1	2	3	0	0	9	0	0	0	0	0	0	0	0	0	6	0	6	6	0	0	0	0	0	0	0		
Gulu	3	0	2	2	2	0	9	0	0	0	0	0	0	0	0	0	6	0	6	6	0	0	0	0	0	0	0		
Average	3	0	2	3	1	1	11	2	3	1	3	10	3	0	0	1	5	0	10	2	1	1	3	0	0	7			

ANNEX 3: PERFORMANCE OF DISTRICT SERVICE COMMISSIONS

Score	COMPOSITION OF DSC						FUNCTIONALITY OF DSC						ACCOUNTABILITY TO COUNCIL						ACCOUNTABILITY TO CITIZENS					COMPLAINT WITH SERVICE COMMISSIONS					
	Nomination and approval of DSC by council	Nomination of representative of urban authority	Approval of DSC members by the PSC	The DSC is fully constituted	Timely renewal of term of office for DSC members	Induction of members of DSC	Subtotal	Regular meetings of the DSC	Recruitment of civil servants	Considering staff for retention	Identify staff for retirement	Disciplinary control over civil servants	Monitoring of staff performance	Subtotal	Submission of reports to council	Actions taken by DSC on resolutions of council	Council actions on DSC recommendations	Physical offices of the DSC at the district	Attendance of council sessions	Subtotal	Public display of information relating to DSC	Handling complaints by citizens	Declaration of conflict of interest	Subtotal	Reports to Public Service Commission	Reports to Education Service Commission	Reports to Health Service Commission	Correspondence with Ministry of Public Service	Subtotal
70	2	0	1	6	1	0	10	4	4	2	3	1	14	5	0	0	5	5	0	10	5	1	0	6	7	7	7	9	30
69	2	0	2	6	2	2	14	4	3	2	4	0	17	5	0	0	5	5	1	11	4	0	4	7	3	7	6	23	
65	2	2	2	6	3	3	18	4	3	2	2	1	16	5	2	0	5	5	1	13	4	2	0	6	3	3	3	12	
65	2	2	2	6	3	3	18	4	3	2	4	1	18	0	0	0	5	5	0	5	3	0	0	3	4	4	9	21	
62	2	2	2	6	3	3	18	4	3	0	2	0	11	5	0	0	5	5	0	10	3	0	0	3	4	3	9	20	
62	2	0	2	6	1	3	14	4	3	2	3	2	18	5	0	0	5	5	1	11	2	0	2	4	3	3	6	15	
61	2	0	1	3	0	2	8	4	3	2	4	2	18	5	6	0	5	5	1	17	4	2	0	6	3	3	3	12	
60	2	2	2	2	3	2	13	4	3	2	3	2	16	5	0	0	5	5	1	11	4	3	0	7	3	3	0	13	
59	2	0	2	6	3	3	16	4	3	2	1	0	13	5	4	2	5	5	0	16	5	0	0	5	3	3	0	9	
52	2	0	2	2	3	3	12	4	3	0	3	2	16	0	6	0	5	5	1	12	4	0	2	6	0	0	6	6	
52	2	2	2	2	0	2	10	4	3	2	4	1	14	0	0	2	5	5	1	8	5	1	0	6	4	3	7	14	
51	2	1	0	6	0	2	11	4	3	1	0	3	12	5	2	0	5	5	1	13	4	2	0	6	3	3	0	9	
51	2	2	1	6	3	0	14	4	4	1	0	3	12	5	6	0	5	5	0	16	4	2	0	6	0	0	3	3	
48	2	0	2	3	3	3	13	4	3	0	4	2	16	5	0	0	5	5	0	10	4	0	2	6	3	0	0	3	
48	2	0	2	6	0	2	12	4	2	0	4	0	12	5	0	0	5	5	0	10	4	1	0	5	3	3	0	9	
46	2	0	2	3	0	4	11	4	4	2	0	1	11	5	0	0	5	5	0	10	4	1	0	5	3	3	0	9	
46	2	1	2	2	0	2	9	4	3	1	3	2	16	2	0	0	5	5	1	8	4	0	0	4	0	0	9	9	
45	2	1	2	3	2	3	13	4	3	2	1	4	15	0	0	0	5	5	1	6	4	1	0	5	0	0	6	6	

Score	COMPOSITION OF DSC					FUNCTIONALITY OF DSC								ACCOUNTABILITY TO COUNCIL					ACCOUNTABILITY TO CITIZENS					COMPLAINTS WITH SERVICE COMMISSIONS								
	2	2	2	2	2	5	20	4	4	4	4	3	2	2	4	3	20	5	5	6	3	5	1	20	5	3	2	10	7	7	7	9
	Nomination and approval of DSC by council	Nomination of representative of urban authority	Approval of DSC members by the PSC	The DSC is fully constituted	Timely renewal of term of office for DSC members	Induction of members of DSC	Subtotal	Regular meetings of the DSC	Recruitment of civil servants	Considering staff for retention	Identify staff for retirement	Disciplinary control over civil servants	Monitoring of staff performance	Subtotal	Submission of reports to council	Actions taken by DSC on resolutions of council	Council actions on DSC recommendations	Physical offices of the DSC at the district	Attendance of council sessions	Subtotal	Public display of information relating to DSC	Handling complaints by citizens	Declaration of conflict of interest	Subtotal	Reports to Public Service Commission	Reports to Education Service Commission	Reports to Health Service Commission	Correspondence with Ministry of Public Service	Subtotal			
45	2	0	2	3	0	3	10	4	4	2	0	2	1	13	2	0	0	5	0	7	3	0	2	5	4	0	0	0	6	10		
42	2	0	0	6	0	4	12	4	3	3	0	4	1	15	3	0	0	0	1	4	2	0	2	3	3	0	3	0	9			
40	2	0	2	6	3	0	13	2	4	3	2	2	0	13	0	0	2	5	1	8	4	2	0	6	0	0	0	0	0			
38	1	0	0	6	0	2	9	2	2	1	0	3	1	9	3	0	0	5	1	9	2	0	0	2	3	3	0	9				
36	1	0	0	3	0	2	6	4	3	3	0	3	0	13	3	0	0	5	0	8	4	2	0	6	3	0	0	3				
28	2	0	2	2	1	2	9	0	3	3	2	2	0	10	0	0	0	5	0	5	4	0	4	0	0	0	0	0				
25	2	0	2	3	3	3	13	3	0	0	0	0	0	3	0	0	0	5	0	5	4	0	4	0	0	0	0	0				
24	2	0	2	3	3	0	10	4	2	0	0	1	0	7	0	0	0	5	0	5	2	0	2	0	0	0	0	0				
50	2	1	2	4	2	2	12	4	3	2	1	3	1	13	3	1	0	5	1	10	4	1	0	5	3	2	2	3	10			

ANNEX 4: LOCAL GOVERNMENT SCORECARD RESEARCHERS AND RESEARCH ASSISTANTS - 2022

No.	Region	District	Researcher	Researcher
1.	Northern Uganda	Gulu	James Opilo Executive Director Gulu NGO Forum	Barbra Nighy Lamwaka Independent Researcher
2.		Agago	Jacob Candano Lead Researcher Save the Children International Gulu	Albino Okello Independent Researcher
3		Amuru	Kenneth Rubangakene Research Assistant Centre for African Research -Gulu	Eresi Awor Independent Researcher
4		Lira	Moses Ojok Programme Assistant Transparency International Uganda	Teddy Okwir Consultant Palladium Group Uganda Limited
5		Nebbi	Robert Ronnie Rupiny Branch Focal Person-EPR; Uganda Red Cross Society-Nebbi Branch	George Okot Onegi Programme Officer, Caritas – Nebbi.
6		Arua	Lillian Driwaru Executive Director Youth Development Initiative-West Nile	Feni Twailb Chief Executive Officer West Nile Regional Civil Society Network (Arua District NGO Network)
7	Teso Sub Region	Soroti	Amoding Monica Miriam Independent Researcher	Michael Egunyu National Trainer Centre for Transformation Parenting and Research
8		Amuria	Rebecca Ariokot Monitoring and Evaluation Officer Rural Child Development Outreach Uganda	Simon Otai Fellow Building Tomorrow.
9		Tororo	Stephen Jean Oppong Lecturer Communication Skills and ICT Bake For Life College Tororo	Gerald Okipi Sociologist KKATT Consult Limited
10	Bugisu Sub Region	Mbale	Fred Wambede Independent Researcher	Nanadu Meridah Independent Researcher
11	Busoga Region	Kamuli	Tonga Joel Field Officer East (Jinja, Mayuge and Kamuli) under the Social and Behavioral Change Activity (SBCA) project (OBULA-MU), Busara Center for Behavioral Economics	Moreen Nambi Independent Researcher
12		Jinja	Dyogo Duncan Dickens Independent Researcher	Asha Namulawa Independent Researcher
13	Karamoja Sub Region	Moroto	Eric Lotukei Independent Researcher	Josephine Jaikol Independent Researcher
14		Nakapirpirit	Esther Nyanga Independent Researcher	Jennifer Auma Wash Agent Caritas, Moroto Diocese

No.	Region	District	Researcher	Researcher
15	Central Region	Mukono	Stephen Ssemakula Chief Executive Officer; Community Development Concern, Mukono, Uganda.	Emmanuel Engoru Partner & Legal officer; iOrsusN Co. Ltd, Kampala, Uganda.
16		Mpigi	Rebecca Elizabeth Kayaga Independent Researcher	Joseph Ddamba Independent Researcher
17		Wakiso	Martin Kikambuse Independent Researcher.	Milly Nankya Independent Researcher
18		Luwero	Fred Nsereko Program Officer-School Health and Nutrition –Sponsorship Program Save the Children Uganda	Christopher Musisi Field Operations Manager; Nakaseke Community Child Care (NCCCC)
19	Western Region	Rukungiri	Assumpta Tumuramye Economic Strengthening Officer- Transcultural Psychosocial Organisation (TPO)	Batista Tumusilime Programs Manager AGAPE Nyakibale
20		Kanungu	Shiela Kyasimire Coordinator for Kanungu District Uganda National Students Association	Caroline Twahebwa Community Livelihoods Projects Coordinator for Mitigation of Human-Wildlife conflict.
21		Mbarara	Geoffrey Rukyamuzi Independent Researcher	Edinah Nuwasasira Coordinator; Greater Mbarara Civil Society Forum, Mbarara, Uganda
22	Mid-Western	Sheema	Elias Mwine Muhaitwe Project Manager; Advocate for Environment conservation.	Ahabwe Edmund Projects Support Officer (P.S.O); Kanaama Interactive Community Support Organisation (KICS)
23		Ntungamo	Flavia Ninsiima Lecturer, Management Training and Advisory Center (MTAC)	Teopista Kiconco Advocacy Officer, South Western Institute for Policy and Advocacy (SOWIPA)
24	Mid-Western	Kabarole	David Mugarra Head of Governance and Policy Advocacy Department Kabarole Research and Resource Center (KRC)	Alex Agaba Regional Coordinator Uganda National Farmers Federation
25		Hoima	Dickens Amanywa Coordinator Bunyoro Albertine Petroleum Network on Environmental Conservation BAPENECO	Weyombo Emma Deputy Executive Director Sequence Development Solutions (SDS)
26		Bulisa	Kirya Nicholas Research Assistant MasterCard Foundation /Provide and Equip Uganda	Barbra Mirembe Research Supervisor Kitara Civil Society Organizations Network (KCSON)

ABOUT ACODE

The Advocates Coalition for Development and Environment (ACODE) is an independent public policy research and advocacy think tank based in Uganda. ACODE's work focuses on four programme areas: Economic Governance; Environment and Natural Resources Governance; Democracy, Peace and Security; and Science, Technology and Innovation. For the last eight consecutive years, ACODE has been ranked as the best think tank in Uganda and one of the top 100 think tanks in Sub-Saharan Africa and globally in the Global Think Tanks Index Report published by the University of Pennsylvania Think Tanks and Civil Societies Program (TTCSP).



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