

Is performance management measurement a panacea for effective accountability and transparency in public service delivery in a developing country? Insights from Uganda

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Abstract

This paper is conceived from the perspective of practitioners and evidence well documented in the field of governance and social accountability. The greatest impact of corruption is on the poor – those least able to absorb its costs. Corruption illegally diverts state funds, undercuts services such as health, education, public transportation or local policing that the people depend on most. Diversion of scarce resources jeopardises the health and safety of citizens through, for example, poorly designed infrastructure projects and scarcity of medical drugs in hospitals. Whereas there are favourable policies and legal frameworks such as the Constitution of the Republic of Uganda (1995), the Code of Conduct for public officers (2002), the Local Government Act (1997), the anti-corruption laws to hold public officials in Uganda accountable, there has been inadequate follow up and actions to actually hold corrupt officials liable. Existing policies demand that public officials in Uganda declare their source of wealth, exhibiting a high level of integrity and social accountability. This paper discusses the performance management measures instituted in Uganda in the light of the cross cutting bottlenecks in their execution. It brings to the fore the resultant negative consequences that manifest in inequitable distribution of service delivery, most particularly within the key priority areas of health and education. We use insights from these two sectors to question whether performance measurement can be a panacea to accountability problems.

The paper suggests new strategies and approaches, which in our view could (1) mitigate corruption and (2) address inequity in public service delivery for the benefit of the common citizen.

Key words: corruption, accountability, performance management, service delivery

Sumário

Este trabalho foi concebido a partir da perspectiva dos profissionais e as provas documentadas na área de governação e responsabilidade social. O maior impacto da corrupção é sobre os pobres – os menos capazes de absorver seus custos. Corrupção desvia ilegalmente, fundos do Estado provoca cortes nos serviços tais como saúde, educação, transporte público ou de policiamento que as pessoas dependem mais ao nível local.

O desvio de recursos escassos compromete a saúde e a segurança dos cidadãos através de, por exemplo, os projetos de infraestrutura mal concebidos e escassez de medicamentos em hospitais. Considerando que existem políticas favoráveis descritos em documentos



legais, como a Constituição da República de Uganda (1995), o Código de Conduta para os funcionários públicos (2002), a Lei de Governo Local (1997), as leis anticorrupção para manter os funcionários públicos em Uganda responsável, tem sido insuficiente e o acompanhamento e ações para realmente manter funcionários corruptos responsáveis. As políticas actuais exigem que os funcionários públicos em Uganda devem declarar a sua fonte de riqueza, exibindo um alto nível de integridade e responsabilidade social. Este artigo discute as medidas de gestão de desempenho instituído em Uganda à luz dos gargalos transversais em sua execução. Ele traz à tona as consequências negativas resultantes que se manifestam na distribuição desigual de prestação de serviços, mais especificamente nas áreas prioritárias da saúde e educação. Usamos idéias desses dois sectores a questão de saber se a medição de desempenho pode ser uma panaceia para os problemas de prestação de contas.

O documento sugere novas estratégias e abordagens, o que na nossa opinião poderia (1) mitigar a corrupção e (2) a desigualdade no endereço e na prestação de serviços públicos para o benefício do cidadão comum.

Palavras chave: corrupção, prestação de contas, gestão de desempenho, prestação de serviços

Introduction

Conceived from the perspective of practitioners and evidence well documented in the field of governance and social accountability, this paper underpins the impact of corruption on the poor – those least able to absorb its costs. The most adversely affected are poor women located in remote areas who succumb to poor maternal health services; their children stay out of school while their spouses are away earning a living on petty jobs in the towns and cities.

Corruption in Uganda is said to be systemic and institutionalised. It is further observed that corruption and poor accountability is evident at all levels of governance. This is evident in: the flouting of public procurement regulations; exercising undue influence in recruitment and promotions; bribery; misuse of funds; buying votes; forging academic papers, among others. Corruption has continued to flourish in every sector of society – the public is becoming immune to this evil to the extent of tolerating it, while oftentimes the corrupt are admired. This has greatly contributed to the breakdown of the ethical values system of the society (Africa Peer Review Report 2007).

A number of performance management measures exist for both the international, national and local context. Globally, there is the good governance framework, international labour regulations and laws. In reference to education and health, access to quality education and to an acceptable level of healthcare is a human right.

In Uganda, there are policies and legal frameworks that act as performance management measures. This paper discusses the performance management measures instituted in Uganda in the light of the cross cutting bottlenecks in their execution. Whereas the measures are of a cross cutting nature, the authors will use the scope of the health and education sector to present the realities of enhancing performance management measures. The service delivery bottlenecks in

education and health are examined in the light of the instituted measures. Strategies and attempts to combat corruption and to address inequity in public service delivery are discussed.

The Paper highlights the resultant negative consequences that manifest in poor and inequitable service delivery, most particularly within the key priority areas. A looming question is whether performance measurement can be a panacea to accountability problems.

In a final analysis, the paper suggests new strategies and approaches, which in our view, could (1) mitigate corruption and (2) address inequity in public service delivery for the benefit of the common citizen. While the legal and institutional framework exist to fight corruption in Uganda, the challenge is the implementation of the legal mandates of the courts and the rise of a culture of impunity based on failure to successfully prosecute the culprits and to enact a law that confiscates the proceeds of (corruption?) crime (a bill that has been in parliament for over five years). There is a perception that only the lowest cadre of civil servants is prosecuted while high level ministers and administrators are free from prosecution.

Defining performance management measures

According to Reyes (2006), performance management measurement can be defined from three points of view. Firstly, it can be defined as a philosophy of continuous learning in which feedback is used to make ongoing adjustments to the course of an organisation in the pursuit of its vision. Secondly, it can be defined as a continuous and ongoing process that begins with the setting of objectives and the development of strategies/plans to achieve those objectives in support of the vision. Performance management measurement can also be defined as a structure in which strategic, tactical and operational actions are linked by a feedback process to provide the information required to intervene and/or improve the programme or service on a systematic basis.

Transparency and accountability are essential tenets to performance management measurement. Transparency implies that decisions and their enforcement are done in a manner that follows rules and regulations. It also means that information is freely available and directly accessible to those who will be affected by such decisions and their enforcement. Transparency ensures that enough information is provided and that it is provided in easily understandable forms and media.

According to Deere and Strayer (2001), the notion of accountability is an amorphous concept that is difficult to define in precise terms. However, broadly speaking, accountability exists when an individual or body, and the performance of tasks or functions by that individual or body, are subject to another's oversight, direction or request that they provide information or justification for their actions. Therefore, the concept of accountability involves two distinct stages: answerability and enforcement. Answerability refers to the obligation of the government, its agencies and public officials to provide information about their decisions and actions and to justify them to the public and those institutions of accountability tasked with providing oversight. Enforcement suggests that the public or the institution responsible for accountability can sanction the offending party or remedy the contravening behaviour. As such, different institutions of accountability might be

responsible for either or both of these stages. Accountability ensures actions and decisions taken by public officials are subject to oversight so as to guarantee that government initiatives meet their stated objectives and respond to the needs of the community they are meant to be benefiting, thereby contributing to better governance and poverty reduction.

The context of performance management measures

Globally, most nations and countries have adopted performance measurement in both private and public organisations. Organisational performance measurement in government is not new but was given increasing importance in the UK and elsewhere post-1979 with the emergence of the global new public management (Hood, 1991). New public management refers to a series of themes relating to reforming the organisation and procedures of the public sector in order to make it more competitive and efficient in resource use and service delivery (Hood 1995).

In an African context, public service has always been the tool available to African governments for the implementation of developmental goals and objectives. It is seen as being crucial to the growth and development of African economies. The current drive to improve management in governments through public service reform programmes to increase efficiency, effectiveness, and the delivery of quality service to the public is common to many African countries.

The public sector has for a long time enjoyed a pride of place, particularly since the post-industrial revolution era. Public administration moved away from being mere watchers, to being the engine of the society and became the major provider of various services, including regulatory and distributive ones. Generally, all societies have some form of public service provision for reasons of economics, risk, and moral responsibility.

Almost all African countries are caught in the web of public sector reform. Good governance and efficient public administration are regarded as a wishful thought without public sector reform. Also, accountability, transparency, and merit-driven public service are thought to be unachievable unless programmes of public sector reform are drawn up. Efficiency, effectiveness, and responsiveness of government to the yearning of its citizens could only be gauged through the lenses of public sector reform (Omoyefa, 2008).

In Uganda, the reform of the civil service has been one of the central themes of the government's agenda since 1986. This is because it is believed that without a transparent, accountable and effective civil service, government business and effective service delivery to the public cannot be achieved as a lack of accountability and transparency cripples the process of public service delivery with dishonesty and graft. In Uganda, cases of unethical behaviour have been echoed more specifically in public procurements whereby the procurement procedures stipulated by the Public Procurement and Disposal of Assets (PPDA) Act (2003) are continuously ignored and there is inefficient enforcement of the rules and procedures embedded in the Act.

Uganda as a country has an excellent legal and policy framework that can enhance performance, accountability and transparency. But the ethical behaviour of its civil servants renders it inefficient in delivering quality public service. In the Ugandan context, the public service review of

1989 revealed that the Public Service was inefficient, ineffective, unresponsive, demoralised and consequently not delivering. This led to the introduction of Results Oriented Management (ROM) in 1996, with project management, management by objectives and programme and performance budgeting as the core components of the approach. In Uganda, results-oriented management is being applied to promote optimal use of available resources by focusing on the results delivered at institutional and individual levels in line with institutional plans, sector plans and the Poverty Eradication Action Plan (PEAP), which has been transformed into the National Development Plan 2010-2015 and the Vision 2040 focusing on attaining middle income status for Uganda by 2017.

Results-oriented management is at the core of the integrated performance management framework, the main components of which are:

- strategic performance planning and budgeting;
- performance reviews;
- performance improvement, rewarding and recognising performance;
- service delivery standards; and monitoring and evaluation.

Around 1993, a sector-wide approach to planning and budgeting was adopted to provide a common forum for discussion and agreeing on sector priorities, performance indicators and outcomes. From 1997, strategic performance management in the public service was anchored on the Poverty Eradication Action Plan (PEAP), and National Development Plan (NDP) 2010-2015. A national development plan incorporating the national vision and goals, the ruling party manifesto, the millennium development goals and goals of the New Economic Partnership for Africa Development (NEPAD) was being developed to replace PEAP as the national planning framework as from the 2009/2010 financial year. At institutional level, annual performance plans with clear outputs, performance measures and indicators were developed based on the policy priorities in the PEAP.

Government uses the Medium Term Expenditure Framework as a planning, budgeting and monitoring tool. Individual performance planning is undertaken at the beginning of a financial year. A key step in results orientation is the implementation of deliberate performance improvement initiatives. High performance is also recognised at institutional and individual levels through non-monetary rewards. Service delivery standards and client charters were introduced in 2007 to place direct responsibility on respective institutions and individual employees to provide reasonable levels of service to citizens. The major challenge of the two frameworks is that they do not, however, talk to each other. The financial estimates that are embedded in the NDP are not reflected in the financial framework of the Medium Term Expenditure Framework, which the basis of government is budgeting. As a result, the NDP is seen as a redundant document that is not based on the financial reality as per the operational budget of the government.

Performance reviews are conducted at sectoral, institutional and employee levels. Annual joint sector reviews are undertaken to analyse policy developments, investment plans, constraints and performance towards sectoral outcomes. Performance reviews are also undertaken in

ministries, departments and local governments to monitor performance on planned outputs, both at institutional and individual levels. In 2003, the government established a National Integrated Monitoring and Evaluation System for the PAP to ensure that all programmes are monitored and evaluated in a rational and synchronised manner.

The challenges to implementation relate to the collection of performance data; equipping service recipients with the confidence and capacity to demand services; eliminating red tape; providing adequate incentives to support performance management; strengthening monitoring and evaluation mechanisms; ensuring effective use of performance management information; determining cross-organisational outcomes; and providing continuous capacity building for managers.

Uganda's performance management measurement uses both financial measures and traditional measures. Financial measures are usually linked to the budget of an organisation, controlled by the central office and linked to the costs of line budgeted items. Grants are made on the basis of amounts of previous years and sometimes linked to estimates taken from regional or field offices. Traditional methods related to effectiveness (output measures, quantitative, for instance cases disposed of, recoveries made and targets achieved during the year). However, all these measures need to be budgeted for in the national budget as they cost. The challenge of the government and specifically the Ministry of Finance, Planning and Economic Development is gathering the requisite data from different institutions in timely and effective manner. The data on financial performance at the decentralised level rests with the Ministry of Local Government. Performance measurements are controlled by the office of the Prime Minister and the contribution of development partners (25%) to the budgets is on a voluntary basis and is often inadequate to provide a true picture of the financial flows.

Existing performance management measures

The Constitution of Uganda (1995) is the basis of Uganda's anti-corruption legal framework from which all other laws derive their authority and function. It pronounces itself very clearly on corruption in Article 17 (1i):

“all persons placed in positions of leadership and responsibility shall, in their work, be answerable to the people; all lawful measures shall be taken to expose, combat and eradicate corruption and abuse or misuse of power by those handling political and public offices.”

The Constitutional provisions form the specific anti-corruption legislative enactments such as the:

- Inspectorate of Government Act of 2002;
- Leadership Code Act of 2002;
- Anti-corruption Act 2009;
- Whistleblowers Protection Act;
- Access to information Act 2005;

- National Audit Act 2007;
- Public Procurement and Disposal of Assets Act 2003; and
- Local Government Act 1997.

The office of the Inspector General of Government (IGG) was established under the Inspectorate of Government Statute of 1988. With the promulgation of the 1995 Constitution, a new Act came into force in 2001 with provisions for special powers of the IGG to investigate and prosecute corruption, abuse of office and authority. Special courts have been specifically created to handle corruption cases. However, over the past five years, this institution has not been constitutionally functional. For the IGG to be legally constituted and able to bring cases to the courts, it must have the Inspector General in place and s/he must have a deputy. Both posts are a mandate of the President of Uganda. For the past five years, there has been no Inspector General of Government. Instead, the Deputy has been in an acting capacity. The IGG was finally appointed in 2012, however, the contract of the Deputy Inspector General has since not been renewed and this has effectively rendered the institution ineffective and not legally constituted. It is the obligation of the public to report cases of corruption and other related issues to the IGG, a job that has satisfactorily been done. However, a lot more effort is expected, especially willingness to participate as witnesses in courts of law for corruption cases.

The Leadership Code Act, 2002, lays down minimum standards of behaviour and conduct for leaders with an emphasis on transparency. The IGG set up a leadership code to implement the Leadership Code Act with a clear mechanism to request for, receive and process declarations from specified public officers. Declarations of public officers' statements of income, assets and liabilities have been regularly made and the IGG has also taken action on non-compliance according to the established procedures within the Leadership Code Act. This has gone a long way in addressing the issue of conflict of interest, both at local and central government levels where assets for public officers are declared every two years. Without an effective IGG, the leadership code and declaration of assets are not implemented and there is little if any possibility of the recalcitrant being brought to book.

The Anti-corruption Act 2009 was the result of a review of the Prevention of Corruption Act. The purpose is to make the country's primary anti-corruption law more of a deterrent and better enforceable by the law enforcement agencies. This act provides for the effectual prevention of corruption in both the public and private sector, introduces both proactive and reactive measures, repeals and replaces the prevention of Corruption Act, and consequently amends the Penal Code Act and the Leadership Code Act. It also enhances the powers of the Inspector General of Government and the Director of Public Prosecutions. New procedures and orders are provided for in the Anti-corruption Act – restraining and confiscation orders. Furthermore, the Act extends the scope of corruption offences and introduces the concept of illicit enrichment as part of Uganda's domestication of the United Nations' Convention Against Corruption. This act is a vanguard legislation demonstrating the will of the political establishment to implement a policy of zero

tolerance by closing off avenues identified as ones used in the past by perpetrators of corrupt acts. However, the Forfeiture of Assets Bill has been in parliament for well over five years, and thus effectively all corrupt offenders, once prosecuted, keep their illegally acquired assets.

The Whistle Blowers Protection Act 2010 sets the procedures through which individuals in both public and private sectors can, in the public interest, disclose information that relates to irregular, illegal or corrupt practices. Provision is also made for the protection against victimisation of persons who make disclosures regarding the conduct of one or more persons. The legislation enables civil society to effectively participate in the procuring of evidence against the corrupt, thereby improving the prosecution and adjudication of corruption cases.

The Local Government Act, 1997 is aimed at strengthening transparency and accountability in local government. The Local Governments Act was amended to respond to other demands for increased accountability. For instance, tender boards have been replaced by contract committees, which like their counterparts at central government, are managed by public servants.

In 2006, the Local Governments (Amendment) Act (No. 2) and the supporting Public Procurement and Disposal of Public Assets Regulations (No. 39 of 2006) were brought into effect, with variations specific to local government.

The Public Finance and Accountability Act, 2003, provides financial and auditing systems, and other regulations have been amended from time to time to meet the changing demands for transparency and accountability.

The Ministry of Finance Planning and Economic Development streamlined its mechanisms to guide and monitor local government in their financial affairs, and continued to require and receive monthly and quarterly accountability reports.

Statutory bodies (The Local Government Public Accounts Committees and the District Service Commission) are now funded directly by the central government under the monitoring and accountability grant. This is a measure to reduce their allegiance to and influence pedalling from, local council leaders.

The Ministry of Finance Planning and Economic Development now imposes sanctions on local government if they delay accountability by withholding releases, a mechanism that has also helped most of them to produce their accounts timely.

The Ministry of Finance Planning and Economic Development continues to carry out routine inspections for compliance with stores, records and operations requirements. These can hardly be stated as routine. The Auditor-General (the most functional institution so far) uncovered well over 2 000 'ghost' teachers and over 1 000 ghost pensioners, both who continued to receive salaries and pensions while not on the list of the respective ministry. The major problem was that government had outsourced the payment of salaries and emoluments to a state-owned computer company that had limited links with the ministries and limited verification processes in place.

The National Audit Act 2008, recently passed by parliament, is designed to bring into effect the 2005 amendment of the constitution, securing greater autonomy and independence for the Office of the Auditor-General. The law empowers the Auditor-General to approve the withdrawal of funds from the consolidated fund, and audit and report on the public accounts of Uganda. These

include accounts of all public offices, universities, public institutions, corporations or other bodies established by an Act of Parliament, as well as private organisations to which public monies are disbursed. The legislation also empowers the Auditor-General to review classified expenditure.

The Public Procurement and Disposal of Public Assets Act 2003 is a very comprehensive law regulating accountability in the public sector with regard to the procurement and disposal of public assets. The act empowers the public procurement and disposal of Public Assets Authority to make interventions to minimise corrupt practices in Public Authority (PPDA) to make interventions to minimise corrupt practices in public procurement. The PPDA is similarly empowered to monitor the compliance of procurement and disposal Entities with the provisions of the act, the regulations and any guidelines issued by the authority. The law also empowers the public to report acts of violation or non-compliance with the law.

The Access to Information Act, 2005, aims at providing tools for efficiency, effectiveness, transparency, accountability, constitutionality and empowerment in the hands of the people whereby they would be able to hold public offices to high standards by demanding information relating to matters of public interest.

Legal and policy framework

The legal and policy framework in Uganda aimed at enhancing performance of the public sector in terms of accountability and transparency are the following institutions like: the Inspector General of Government (IGG), Office of the Auditor-General (OAG), the Leadership Code Act, Public Service Act, Whistle Blowers Act, Anti-corruption Court, the Directorate for Ethics and Integrity, Public Procurement and Disposal of Assets Authority Act, 2003, The Ethical Code of Conduct for the Public Service, and the Uganda police. These institutions and policies are established to check the operation of the public sector and to ensure that value for money is realised for every public coin spent. As indicated above, related institutions and the legal framework is in place. The problem is that they are ineffective in combating corruption in the country. Examples include the diversion of funds donated by Global Alliance for Vaccines and Immunisation founded by Merlinda and Bill Gates by the Minister and Deputy Minister of Health (the fund suspended all contributions to Uganda until reinstated in 2013). The Commonwealth Heads of State and government, where millions of dollars were diverted including the payment by government for a private sector hotel owner to completely refurbish his hotel with government funds, and the importation of non-existent BMW vehicle, among others transgressions. More recently (November 2012), the Auditor-General uncovered the theft of over 60 million US dollars of donor funds in the office of the Prime Minister, which was intended for the victims of the war waged by Joseph Kony and his Lord's Resistance Army. Only the accountant and two technicians from MOFPED and the Bank of Uganda have been charged, while the Permanent Secretary and accounting officer in the Office of the Prime Minister were only questioned. The concerned donors of Ireland, DFID, Germany, Sweden and Denmark have since suspended aid to Uganda that is channelled through government systems. All these scandals have been extensively reported on in the press.

The establishment of the National Anti-corruption Strategy (NACS)

The National Anti-corruption Strategy is a five-year planning framework designed to make a significant impact on building the quality of accountability and reducing the levels of corruption in Uganda. It focuses on people, systems, and organisations and on building a culture where integrity is valued and corruption is rejected. It seeks to support national development that will for the future be able to sustain a better quality of life for people, support a strong competitive economy, and establish an effective and efficient public service.

The establishment of public service commission

The Public Service Commission was established under the provisions of Article 165(1) of the 1995 Constitution. It was set up to advise the President in the performance of his/her functions, appoint public servants, promote and exercise disciplinary control over persons holding public office, review terms and conditions of service, standing orders, qualifications of public officers, matters connected with personnel management and development of the public service and make recommendations on them to government, guiding and coordinating the work of the District Service Commissions (DSCs), hear and determine grievances from persons appointed by the DSC, approve and appoint the chairpersons and members of DSC.

The Public Service Commission has registered the following achievements: establishment of appropriate guidelines including personnel procedures, systems and performance standards for both central ministries and districts – put in place, disseminated and adhered to; District Service Commissions – properly guided and coordinated, and uniformity in application guidelines and personnel procedures – enforced; set up standards and procedures relating to HRM processes – put in place and enforced; provide financial management of financial and other resources and providing administrative support services; preparation of budgetary estimates, quarterly reports of Revenue and Expenditure and Final Accounts; formulation of policy proposals, policy statements and annual budget performance reports, staff training, human resource management and development.

Establishment of the institution of the Inspector General of Government

The Inspectorate of Government is an independent institution charged with the responsibility of eliminating corruption, the abuse of authority and of public office. It was established to promote good governance through enhancing accountability and transparency; and enforcement of the rule of law and administrative justice in public offices. The powers, as enshrined in the Constitution and IG Act, include investigating or causing investigation, arresting or causing arrest, prosecuting or causing prosecution, making orders and giving directions during investigations; accessing and searching – entering and inspecting premises or property or searching a person or bank account or safe deposit box, among others.

Achievements

The body has been able to achieve the following: promoting and fostering strict adherence to the

rule of law and principles of natural justice in administration, eliminating and contributed to the elimination of corruption, abuse of authority and public office. It has also promoted fair, efficient and good governance in public offices; subject to the provision of the Constitution, to supervise the enforcement of the Leadership Code of Conduct. It has investigated any act, omission, advice, decision or recommendation by a public officer or any other authority to which this article applies; taken, made, given or done in exercise for administrative functions; and stimulated public awareness about the values of constitutionalism in general and the activities of the office, in particular, through any media and other means it considers appropriate.

The Parliamentary Public Accounts Committee

The Public Accounts Committee is provided for under Rule No. 148 of the Rules of Procedure. It is mandated to examine the audited accounts, showing the appropriation of the sums granted by Parliament to meet the public expenditure of government.

The establishment of the Auditor-General's Office

The Office of the Auditor-General is an institution established under the provisions of Article 163 of the Constitution of the Republic of Uganda. Its mandate, functions and powers are enshrined in the National Audit Act, 2008. The main function of the OAG is to audit and report on the public accounts of Uganda and of all public offices or bodies and/or organisations established by an Act of Parliament – a very important institution that has done commendable work in uncovering corruption. However, as it cannot itself prosecute culprits, the cases have to be brought to the attention of the IGG. Its effectiveness is therefore eroded.

Achievements

Undertaking financial audit of all public accounts in respect of all public offices in accordance with laws which govern them; carrying out value-for-money audits; preparing and submitting to parliament an annual report for the financial year immediately preceding; controlling the release of funds from the consolidated fund; auditing of classified expenditure, auditing government investments, auditing the treasury memorandum; carrying out procurement audits; reporting fraud and corruption identified during audits to the appropriate authorities; assisting the parliamentary committees in carrying out their oversight functions effectively; and assessing the adequacy of responses from the auditors to audit observations.

Establishment of the Public Procurement and Disposal of Public Assets Act (2003)

The government of Uganda initiated reforms in the public procurement and disposal sector in 1997 following the enactment of the 1995 Constitution and the introduction of several reforms and structural adjustment programmes. Prior to this, public procurement was governed by the 1977 Public Finance (Tender Board) Regulations under the Public Finance Act of 1964. The system

was centralised and had been in operation for over thirty years. The size of government had grown considerably and the centralised procurement system was characterised by several shortcomings.

Achievements and challenges

The PPDA has achieved the following: ensured the application of fair, competitive, transparent, non-discriminatory and value-for-money public procurement and disposal standards and practices; harmonisation of the procurement and disposal policies, systems and practices of the central government, local government and statutory bodies; set standards for the public procurement and disposal systems in Uganda; monitored compliance of procuring and disposing entities; and also building procurement and disposal capacity in Uganda.

Establishment of the Directorate for Ethics and Integrity

In 1998, the Directorate for Ethics & Integrity (DEI) was formed as the policy arm in the fight against corruption with additional mandate of rebuilding ethics and integrity in the society. In the government sector-wide approach to planning, DEI is a member institution of the accountability sector. It is the Secretariat for the Anti-corruption Inter-Agency Forum (IAF) and therefore coordinates efforts to all IAF member institutions.

It was established with the mandate of setting standards for rebuilding and promoting ethics and integrity in society; spearheading the development of anti-corruption policies and legal frameworks; monitoring the implementation of ethical standards and anti-corruption legislations, and providing political representations in the fight against corruption. DEI is merely a mouthpiece of the ruling party that has been there to coordinate other agencies in the fight against corruption.

Establishment of the ethical code of conduct for public officers

The code of conduct and ethics for the Ugandan public service sets out standards of behaviour for public officers in the Uganda public service. It is designed to ensure the impartiality, objectivity, transparency, integrity, efficiency and effectiveness of public officers when performing their duties. It is intended to guide public officers in their behaviour and how they relate to each other and the public. Public officers are enjoined to conform to the code of conduct and ethics and promote its observance. Likewise, customers of the public service and the general public are encouraged to access the code of conduct and ethics and report any behaviour by public officers that breach this code.

Establishment of independent anti-corruption agencies such as Anti-corruption Coalition Uganda (ACCU)

Anti-corruption Coalition Uganda (ACCU) was formed in January 1999 with a mission of contributing to poverty reduction by empowering civil society to actively fight corruption in Uganda. It is composed of 70 civil society organisations, individuals, religious leaders, academicians, media practitioners and key institutions involved in the fight against corruption in Uganda. The agencies have been lobbying and advocating for appropriate anti-corruption national policies, punitive measures, research, and

exposure of corrupt activities, as well as the capacity building, coalition building and mobilisation of the Ugandan citizens to fight corruption. ACCU is a very effective body that is fighting an uphill battle with its very existence threatened and its officials constantly facing death threats.

Achievements

The Anti-corruption Coalition of Uganda has been able to achieve the following: exposure of corruption cases by civil society; providing a platform for civil society to hold government responsible for improving transparency and accountability in public service delivery; equipping civil society with skills, knowledge and methods of effectively addressing corruption; increasing information accessibility to members of the general public; coordinating member activities, research and advocacy on corruption-related issues; building the capacity of civil society and facilitating information sharing and communication.

The National Anti-corruption Strategy (NACs)

The National Anti-corruption Strategy (NACs) is a framework designed to make a significant impact on building the quality of accountability and reducing the levels of corruption in Uganda. Its focus is people, systems, organisations and building a culture where integrity is valued and corruption is rejected. It seeks to support national development that is sustainable in the future.

The strategy has five key objectives:

- effective political leadership in the fight against corruption;
- increased public demand for accountability and rejection of corruption;
- effective enforcement of anti-corruption agencies;
- enhanced compliance and accountability by public service organisations;
- effective and performing anti-corruption agencies.

This strategy:

- guides government ministries, departments and agencies and local government in formulating anti-corruption policies and action plans;
- promotes active and open engagement with the public and with stakeholder groups to improve access to information and the public demand for accountability;
- identifies the key linkages between policies and successful anti-corruption action;
- provides a framework for the development of the capacity of anti-corruption agencies;
- informs national strategic policy planning and decision-making.

Challenges in enforcing legal and policy framework

Escalating corruption

The conclusion of the African Peer Review Mechanism (APRM) on the reach of corruption in Uganda is that “all informants, including political leaders and appointed officials, agreed that corruption is now institutionalised.” This is reinforced by a wide range of inquiries, investigations,

assessments and reports – both national and international. It is also supported by public opinion that consistently perceives high levels of corruption in political and public service institutions and believes that corruption impacts on every aspect of life in Uganda.

Uganda has gone through a turbulent history that has resulted, among other things, in breakdown of ethical values that have significantly impacted on governance and societal integrity. This has led to moral degeneration, occurrence of unethical conduct and a lack of integrity in the management of public and private affairs.

There has been a series of regime changes and political instability since independence. One of the most serious consequences of such changes has been the erosion of the moral fabric of the public with little or no regard for accountability and governance, leading to a high level of corruption.

The role of parliament as the oversight institution of the State in establishing ethics and integrity in public office and as the front-runner in demanding for accountability, open and transparent governance and in its ability to check excessive power of the State while representing the interests of the electorate, cannot be underestimated. However, its inability to fully play its role and in particular, its failure to enforce its own decisions through legally provided channels, has undermined its legitimacy and legal mandate as provided for in the Constitution of the Republic of Uganda. By extension, it has also undermined the ability of the people of Uganda to enforce their will through Article 1(1) of the Constitution which provides that: “All power belongs to the people who shall exercise their sovereignty in accordance with this constitution.”

Service delivery bottlenecks

The mandate of the Ministry of Health (MOH) is to enact policies at the national level: policy, quality control and training (MOH, 2010). At the district level, management functions include recruitment, support supervision and remuneration. Whereas both the policy and regulatory mechanisms are well in place, Uganda’s health sector at both the MOH health and district levels, is riddled with a multiplicity of service delivery challenges that threaten to collapse the whole sector. Performance monitoring is poor. Characteristically, the following issues are of a cross cutting nature:

- regular stock outs – drugs and consumables;
- poor motivation of healthcare workers – salary and working environment. These issues remain pertinent. There is poor health staff attraction and retention;
- equipment use and misuse, for example, poor vehicle maintenance;
- there is a characteristic poor skills mix;
- there is generally a poor reward system;
- the health facilities are inadequate in number. Most clients have to walk long distances to access the facilities. Characteristically, the public system has poor infrastructure. Staff absenteeism is a big challenge and most have embedded inappropriate ethical behaviour. Inadequate equipment which is poorly maintained, low staffing levels and stock shortages remain characteristic (MOH, 2010)
- At community level, a system detached from those it is meant to serve appears to be the

norm rather than the exception. There is little or no community participation in the planning, implementation and evaluation of service delivery programmes. Monitoring seems to be mainly ad hoc rather than embedded in the management system. There is no ownership and as such, inadequate demand for service delivery.

- Service delivery in the education and health sector struggles and falls short of the expectations of those it is intended to serve.

Yet another typical example of the failed performance management measures is within Uganda’s education sector. At policy level, the mandate of the education sector seems to fall under different ministries and organs, thus creating a coordination challenge. The cross cutting challenges include the following:

- poor staff motivation: low pay;
- inadequate infrastructure;
- inadequate teaching and library materials;
- poor performance monitoring at all levels.

At primary/elementary level, staff is poorly paid; the universal primary education (UPE) programme is struggling and relegated to children of the poor. Financing is not yet standardised, and there is generally poor morale.

At secondary level, there are parallel competing systems: faith-based schools, government-funded schools and private schools, with similar challenges such as funding, infrastructure and staff mobility.

At tertiary level, the relevance of curricula to population needs is questionable, and there are funding constraints for research, staff motivation and infrastructure. Although in most of the cases the activities within tertiary institutions are generally linked to the aspirations of the population, attempts to strengthen inter-institutional collaborations are only recent.

In real terms, institutions are largely detached from employment opportunities and population needs. Typically, it is the consequences of institutionalised corruption that must concern us and in particular, the actions that are needed to bring about fundamental change. The consequences for Uganda are substantial. The most visible signs are the collapsing social services, roads and crumbling structures, inadequate facilities and poor quality of services, despite investment. The burden of this hijacking of public resources weighs most heavily on the poor and on small business and locks people into a never ending cycle of poverty.

Proposed strategies for enhancing performance management measures

The authors propose number strategies that can be employed to enhance performance, accountability and transparency in public service delivery. The key strategy here is the leadership.

In Rwanda for instance corruption is curtailed through a Zero tolerance strategy will the direct involvement of the top executive. Any official accused and convicted of corruption including close friends and relatives of top authorities get imprisoned.

Increasing access to information

There is need for enhancing access to information through information laws that should stipulate the right to information, records management laws and computerisation, whistle blower protection and disclosure of income and assets subject to rules. Information can be provided in the public domain through setting up web-based approvals to be posted on government websites.

Emphasising ethics and integrity and inculcating national values

This can involve developing and implementing a model code of conduct for political representatives, civil service, judiciary and civil society groups. It can also be done in the following ways:

There is a need for the removal of all discretionary powers provided to officials under the law, which may lead to misappropriation in government. Public hearings and public meetings should be encouraged. Transparency in procedures and systems should also be encouraged by opening up procedures for public review and conducting peoples' estimates. A social audit could also enhance performance. Prior consultation with the public in the process of policy making in areas of participatory budgeting should be made. Transparency in budgeting is crucial and as well as conducting an independent audit. There is a vital need to establish administrative procedure legislation providing for transparent and accountable administrative action

Institutional reforms

This can involve the establishment of public service agreements for delivery of public services by private companies – holding them accountable objectively and transparently. There is a need for participation of stakeholders in various decision-making processes.

Citizen committees need to be a part of the decision-making process and public participation needs to be fostered through public hearings, study circles, citizen advisory boards, government contract committees, public watchdog groups and independent anti-corruption agencies.

There is a demand for easy access of government officials to the public. This can be achieved through establishing telephone contact numbers of senior officials to be made available to the public for the purpose of registration of grievances. Departmental and ministry websites can provide telephone contact numbers, emails and other details of senior officials and establishing citizen service facilitation counters and enforcing active client charters.

Assessment and monitoring

Strengthening of performance measurement and management can be achieved through gradual monitoring of departmental performances using performance indicators from which annual performance report are supposed to be produced.

Development and implementation of the citizens' charter in all government departments

Institutional reforms can involve citizen charters, which can be used to give timelines of service delivery and publishing annual reports and establishing avenues of dissemination of white papers. These reports should have pre-specified framework for contents. As for corruption, there is a need to strengthen the legislative, judicial and investigative framework to combat it. Public confidence in the quality and effectiveness of anti-corruption actions is a point of focus. Compliance with international standards and obligations needs strengthening.

Enforcement of anti-corruption measures

Making legal and administrative sanctions effective is a core requirement of anti-corruption policy. Currently, sanctions are seen to be ineffective in Uganda. This situation should be redressed. Corruption does not stand still; it evolves to open new avenues when the authorities improve old systems. It is therefore essential that the judicial and legislative framework continuously evolve to meet the new challenges posed by corruption. One key avenue is the Inter-Agency Anti-corruption Forum (IAF).

Inter-Agency Anti-corruption Forum

The Inter-Agency Anti-corruption Forum (IAF) oversees the development of the National Anti-corruption Strategy and monitors its implementation. Membership and attendance at the IAF is voluntary and is based on a shared commitment to a more coordinated approach to their work. The membership of the IAF is as follows:

- Directorate for Ethics & Integrity
- Inspectorate of Government
- Office of the President
- Directorate of Public Prosecutions
- Office of the Auditor General
- Ministry of Internal Affairs
- Inspectorate of Courts
- Local Government Finance Commission
- Uganda Revenue Authority
- Directorate of Criminal Investigations
- Public Procurement & Disposal of Public Assets Authority
- Public Service Commission
- Ministry of Public Service
- Ministry of Finance, Planning and Economic Development
- Education Service Commission
- Ministry of Local Government
- Health Service Commission
- Judicial Service Commission.

Conclusion

This paper discusses the performance management measures instituted in Uganda in the light of the cross cutting bottlenecks in their execution. It brings to the fore the resultant negative consequences that manifest in inequitable distribution of service delivery, most particularly within the key priority areas of public service delivery – health and education.

To a large extent, performance measurement cannot be a panacea to accountability problems. New comprehensive strategies are required to ensure equitable service delivery for the benefit of the common citizen.

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