

Human Resource Management in Local Governments: An analysis of Recruitment and Selection Practices in Uganda

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Abstract

The transfer of staff hiring and firing decisions from the central government to the district local governments through the District Service Commissions (DSCs) is considered to be one of the cornerstones of the Ugandan decentralization reforms. Architects of Uganda's decentralization policy opted for a separate personnel system because it increases responsiveness, enhances accountability of civil servants to elected leaders, and overcomes the challenge of dual allegiance by civil servants to central and local government masters. However, the decentralization of civil service management has come along with unintended or perverse effects. One such effect is sacrificing merit by the DSCs during recruitment and selection processes. In this paper, we argue that the legal framework for appointing the DSC and the defacto local eligibility criteria for appointment to the DSC; the size and ethnic composition of district local governments; and the tendency to associate districts with employment for indigenes are some of the key obstacles to merit-based recruitment and selection in local governments in Uganda.

Key words: Human resource management, local governments, Uganda

1. Introduction

This paper identifies and discusses key factors that militate against merit-based recruitment and selection in the local government civil service in Uganda. The paper is based on data collected from face-to-face interviews that were conducted with three Chief Administrative Officers (CAOs) in March 2010. The three CAOs were selected owing to their wealth of experience with Uganda's decentralized system of governance. They had worked in several districts in various capacities prior to recentralization of the appointment of CAOs in 2005 and in at least two districts following recentralization of the appointment of CAOs. They were therefore able to give perspectives that were beyond their current duty stations. Secondary data was collected from journal articles, dissertations, and administrative reports. Data from

interviews and secondary sources were analyzed using thematic and content analysis methods.

2. Background

Over the past decades, decentralization has become a worldwide trend (Loffler, 2003; Sharma, 2005). The wave of decentralization gathered momentum in Africa from the early 1980s with several African states expending substantial resources on political and administrative decentralization (Crook & Manor, 1998; Wunsch, 2001; Sharma, 2005; Bardhan and Mookherjee, 2006). In Uganda, the decentralization policy was launched in October 1992 with the first 13 pilot districts (Kakumba, 2008). The Local Government (Resistance Councils) Statute, 1993 was enacted with a view to giving a firm legal basis for the decentralization policy reform. In 1995-following the promulgation of a new Constitution-the decentralization policy was rolled out to the entire country. The Constitution empowered local governments as focal points in managing development and social service delivery (Nsibambi, 1998). Under Uganda's decentralization legal framework, the district is the highest level of local government and below it are lower local governments (municipalities, city divisions, town councils and sub-counties). The key political organ at each level is the council, which includes directly elected members and members that represent specific groups, namely: women, youth, and persons with disabilities. Each local government was designated a legal entity with delineated power to raise taxes and provide basic services (Manyak & Katono, 2010). The district council is the highest political organ of local government and comprises the District Chairperson as the political head plus a number of councilors representing electoral areas of the district and interest groups.

3. Current recruitment and selection practices in Local Governments

Uganda's decentralization experience is generally considered a success story in terms of its extent and impact (Ndegwa & Levy, 2003). The transfer of staff hiring and firing decisions to the district governments through the District Service Commissions (DSCs) was considered to be one of the cornerstones of the Ugandan decentralization reforms (Bossert & Beauvais, 2002). Prior to civil service decentralization, local government officials were either seconded to local governments or placed in a unified personnel system for all local governments in the country (Olowu, 2001). With the onset of decentralization, civil servants posted to the districts were formally transferred to local governments and separate DSCs were set up to manage human resources in districts and local administrations. The right of DSCs to hire, fire and oversee district staff was anchored in the 1995 Constitution and further consolidated in the Local Government Act (1997). Members of the DSC are

appointed by the district council on the recommendation of the district executive committee with approval of the central government's Public Service Commission (PSC), hold office for a period of four years, and are eligible for appointment for one more term. From 2006-following a Constitutional amendment the previous year-Uganda witnessed a wave towards recentralization of some elements of local government personnel administration (Nabaho, 2011, 2012). The power to hire and fire Chief Administrative Officers of districts, their deputies; and town clerks of municipalities were shifted from DSCs to the central government's PSC. The goal of recentralizing the high level administrators was to improve accountability and enhance the performance of local governments (Manyak & Katono, 2010). It was further intended to make them more effective than working under the patronage of local politicians (IGG, 2008). Critics of recentralization of top most administrators in local governments strongly argue that Uganda made a fundamental error by solving administrative problems in local governments through centralization and predict that recentralization would result in a snowball effect, where local accountability mechanisms would become totally undermined (Steffensen,2006). It can now be inferred that Uganda's local government personnel system is now largely manifested in a separate personnel type and partly in an integrated one (Kakumba, 2008). While exercising their mandate, DSCs are by law required to conform to standards established by the PSC for the Public Service generally. Article 166(1) [d] of the Constitution and Section 58 of the Local Government Act (Cap 243) (GoU, 1997:5343) insulate the DSC from any external influence by unequivocally stating that, 'The District Service Commission shall be independent and shall not be subject to control or direction of any person or authority'. Section 56(1) [a]-[d] of the same Act spells out the minimum qualifications for member of the DSC: being ordinarily a resident of the district; being a person of high moral character and proven integrity; possessing a minimum of ten years working experience in a responsible position; and being in possession of a diploma qualification. It should be noted that it is upon the above minimum criteria that the PSC approves members of the DSCs.

Article 166(1) [d] and [e] mandates the PSC to guide, coordinate and regulate the DSCs. Section 59(2) of the Local Government Act provides for people aggrieved by decisions of the DSCs to appeal to the PSC. When an aggrieved individual appeals against the decision of the DSC to the PSC, the decision of the former remains valid until the appellant body has ruled over the matter. District Service Commissions are required to appoint staff in strict adherence to merit principles. This requirement echoes Max Weber-the German Sociologist-who stressed that merit should be the foundation upon which civil servants, at whatever level of government, should be appointed. Weber advocated for a civil service where selection of personnel should be

competitive and based on demonstrated merit. Selection based on merit arguably reduces the likelihood of incompetence that can result from appointing civil servants through nepotism and patronage. Since Weber's days, merit has become synonymous with an effective bureaucracy. Public sector reforms in developed and developing countries have and continue to stress merit-based recruitment and selection. Merit can simply be defined as appointment of the best person for any given job (McCourt, 2007). The 'best person' definition implies a focus on individual jobs at all levels; the appointee is the best candidate; posts are open to all eligible candidates; and the appointment process is systematic, transparent and challengeable. In public administration systems where merit is observed in breach than in practice, focus is on the point of entry; the appointee is merely able (not outstandingly able) to do the job; posts are restricted to certain candidates; and the appointment process may be arbitrary, secretive and unchallengeable. It may therefore be inferred that in merit-based recruitment and selection, civil service appointments are devoid of patronage or illicit payments. In other words, job offers should be made to persons who are 'outstandingly able to do the job' as opposed to those who are 'merely able to do the job'. Merit systems provide public sector organizations with the opportunity to place the right persons in the right jobs. Breach of merit in recruitment and selection can, without doubt, breed undesirable and potentially negative consequences on good governance and service delivery. There is no doubt that appointments based on patronage undermine the capacity of the bureaucracy; lower the integrity of the civil service; and limit economic growth and therefore poverty reduction. Merit-based appointment has over time been associated with the quality and integrity of the civil service at various levels of government. Anti-corruption crusaders have discerned it out as one of the major factors associated with low incidences of corruption in the implementing arm of government (World Bank, 1997:16; United Nations, 2005:80). Merit is increasingly being accepted in policy circles as an anti-corruption strategy. Merit-based recruitment is further associated with economic growth. Bureaucracies with strong meritocratic tradition are associated with superior economic growth (Rauch & Evans, 2000). The 'miracle' era in East Asia is attributed, in part, to meritocratic selection.

Studies on recruitment and selection practices in local governments of Uganda show that it is less than adequate in relation to the 'best practices' in recruitment and selection (e.g. Francis & James, 2003; Kakumba, 2003; Ministry of Public Service, 2003; Ministry of Local Government, 2004; IGG, 2008; Therkildsen & Tidemand, 2007; Galiwango, 2008; Kakumba, 2008; Amony, 2010; Nabaho, 2011, 2012). The above studies have revealed that factors such as patronage, nepotism, favoritism and political interference, to some degree, interfere with

recruitment and selection processes in local governments in Uganda. With regard to patronage and nepotism, technical 'know-who' as opposed to 'technical know-how' has an immense potential to bolster a candidate's chances of getting appointed in the district civil service (Galiwango, 2008; Kakumba, 2008; Nabaho, 2012). The recruitment process in local governments can also be described as inward looking and biased against candidates from other districts. It favors 'sons and daughters of the soil'- a phrase that refers to preference of workers who originate from the local government. Rather than DSCs hiring staff 'for the district from the national labor market', as demanded by the current legal and policy frameworks, some DSCs persistently appoint staff 'for the district from the local/district labor market' (Nabaho, 2012). The National Integrity Survey by the Inspectorate of Government (IGG) in 2008 confirmed discriminatory tendencies when it was reported that 'DSCs had persistently chosen to recruit people from local areas'. Breach of merit principles undermines the issue of equity and equal opportunity, especially when someone is granted a civil service position because of connections and district of origin rather than because he/she is qualified for the job. The practice further undermines the national character of public administration (Francis & James, 2003). Similarly, when merit principles assume a back seat in recruitment and selection, technical capacity of the civil service is greatly undermined and this consequently weakens the overall performance of local governments. For example, Therkildsen and Tidemand (2007) established that districts in Uganda that upheld merit principles performed better than those that had not and partly attributed differences in performance across local governments to merit-based recruitment and selection. One conclusion emerges from the pioneer work of Therkildsen and Tidemand- strengthening appointments on merit is a simple and yet powerful way in which local governments can improve their overall performance and quality of service delivery to residents. The above academic works (e.g. Kakumba, Galiwango, Nabaho, 2011, 2012; Amony, 2010) have made a notable contribution by identifying a problem that undermines the efficacy of Uganda's decentralization policy. However, with the exception of Kakumba (2008), the rest of the studies do not delve into the explanatory variables for non-adherence to merit principles by local governments, and can therefore not inform policy decisions aimed promoting merit-based recruitment and selection. Consequently, we know little about what sustains patronage, nepotism and favoritism in civil service selection in Uganda's local government system. The next section explores the obstacles to merit in local governments of Uganda.

4. Obstacles to merit

In this section, we explore obstacles to merit-based recruitment and selection in Uganda's local government system. It is the earnest desire of the central government and other stakeholders in local governments to ensure that recruitment and selection in local government are not at variance with merit principles. It should be appreciated that the starting point for ensuring merit-based recruitment and selection is to comprehend the myriad of possible forces which oppose it. In problem solving, it is often said that a problem is solved by understanding a range of forces that sustain it and accordingly weakening them. In discussing the obstacle to merit, we take cognizance of the fact that appointments are not made in an organizational vacuum, and are affected by the general climate and practices which surround them (McCourt, 2007). Below are the forces that sustain patronage, nepotism and favoritism in local governments that emerged from our investigation.

Legal framework for appointing the DSC and the defacto local eligibility criteria for appointing members of the DSC

Our study has established that malpractices in recruitment and selection at the local government level cannot be divorced from legal framework for appointing the DSC and the local eligibility criteria that has covertly been set by some district councils. The recruitment agencies are appointed by the district councils, on the recommendation of the district executive committees, with approval of the PSC. The approval of district nominees to the DSC by the PSC is intended to ensure that the minimum qualifications for appointment-as provided in the Constitution and Local Government Act-are achieved. One theme that strongly emerged from our investigation was that the appointment of people into the DSC adopts unfair and unethical patronage practices based on considerations and criteria other than merit. There are concerns that those appointed into the DSC are former campaign managers/agents of the political heads of the districts or local politicians. Asked about criteria district chairpersons use to nominate persons to serve on the DSC, one respondent in Galiwango (2008:206) replied,

One cannot be appointed to the DSC unless one was a campaign agent of the ruling [district] chairperson. It has become one way of appeasement and entrenchment for incumbents

The above assertion is a confirmation that merit is observed in breach than in practice while appointing people into the DSC. The legal framework for appointing the DSC and the local eligibility criteria for appointing DSC members have two major implications for recruitment and selection of civil servants.

First, the DSC is susceptible to undue political influence by appointing authority. Some DSCs find it hard not to dance to the tunes of local politicians who are perceived to be their bosses by virtue of having nominated and consequently appointed them to the DSC. There are already clear indications that DSCs are responding to the wishes of the appointing authority despite the Constitutional provision which safeguards them against external influence. In the Draft Restructuring Report for Local Governments in Uganda (2003), the Ministry of Public Service (2003:3) noted that, 'District Service Commissions tended to appoint staff recommended by [local] politicians'. During our interviews with CAOs, one of them strongly responded as follows, '...the hand of the district council is invisible and yet very powerful in almost every selection decision by the District Service Commissions'. The same respondent called for working out an arrangement that would ensure that the DSC is not an organ of council. Galiwango (2008:209) reports one respondent-a senior civil servant in a district- having said:

'It is difficult to get a [civil service] job in the district unless the councilors have talked to the chairperson [of the DSC]. The DSC is just a rubber stamp'

Second, the way that a DSC is constituted significantly influences how it conducts its mandate or behaves. A DSC appointed in total disregard of merit principles is unlikely to exercise its functions on merit. With regard to recruitment and selection, such a DSC has low chances of appointing civil servants on merit (Nabaho, 2012). This implies that when merit becomes the overarching consideration for appointing the DSC, there is a high likelihood of such a DSC to appoint staff on merit. Furthermore, a DSC that is constituted on narrow interests-such as rewarding former campaign agents- will be predisposed to serve narrow interests: appeasing the appointing authority or their 'appeaser(s)'

Now that we have linked breach of merit to the way that the DSC is appointed, the largely unanswered question is: how do we move forward? We must assert that this paper is not prescriptive-it is only intended to inform further discussions on how to put local governments on the much needed meritocratic path. We will therefore provide thematic areas upon which the discourse to fix the problem may be based. The first theme has to do with enhancement of appreciation of merit by local council leaders and members of the DSCs. The second theme, one which was proposed by one of the respondents, is to break the umbilical cord between the DSC and the district council or more precisely ensuring that the DSC is not an organ of the district council. The third option would be fundamentally altering the personnel

system/arrangement in local governments. Two alternative personnel systems quickly come to mind: an integrated personnel system and a unified personnel system. An integrated personnel system would imply that the personnel of the central government and that of local government form part of the same service and transfers are possible not only between local governments but also to the departments of the central government (Maheshwari, 2011). The central government would be mandated to appoint and post staff to local authorities to meet service delivery needs. Such a personnel arrangement would be offensive to proponents of decentralization by devolution since it leads to direct control of civil servants by the central government and further occasions a split between loyalties of senior officials managing decentralized services: their 'operational' loyalty to local councils and their 'career' loyalty to central masters. It is often argued that senior officials who have any ambition for their future would unlikely defend the council's interests where such interest demonstrably clash with the ideas of a minister or the central government. In addition, centralized structures have been criticized for inherently being incapable of satisfying local needs since; rarely do incentives exist for central government officials to perceive citizens as their clientele (Lubanga, 1998). Similarly, such a system would undermine the accountability of civil servants to local councils. The second menu of the personnel system is the unified one. In unified personnel arrangements, local government staff are employed locally but organized nationwide in a single civil service parallel to the central one (Mawhood, 1983). In practice, all local government civil servants would be members of a national 'local government civil service' and would be eligible to be transferred between local governments. Normally, a national body-Local Government Service Commission- takes charge of the local government staff. The Local Government Service Commission (LGSC) does what the PSC does for the national civil service. There is also a possibility of having a separate personnel system operating side by side with either an integrated or unified personnel arrangement. In Uganda, the integrated personnel system operates for top most administrators in districts and municipalities while the rest of the district staff are appointed under the separate personnel system. Malawi presents an interesting case where senior officials are appointed under the unified personnel arrangement while the rest of the staff of local governments are managed under the separate personnel system. In the case of Uganda, this would mean enlarging the category of staff to be managed under such a hybrid system. We also take cognizance of the fact that there could be those who are opposed to any variation in the current separate personnel system in Uganda's local government system. Such stakeholders may argue that the current personnel system has no problem; the problem is with the actors in the system.

Size and ethnic composition of district local governments

The wave to create new districts in Uganda has gathered and continues to gather momentum. In 1991, Uganda had 39 districts. By 2008, Uganda had 79 districts and the fourth largest number of sub-national administrative units after Russia with 83 federal units. We cannot tell with precision the global position that Uganda currently holds as far as the number of higher administrative units is concerned. Uganda has the smallest average number of people per sub-national administrative unit (district) among large countries in Africa (Green, 2008b). As on 1 July 2010-a few months to the presidential and parliamentary elections- the number of districts had skyrocketed to 111 with one city. The central government has already tabled a proposal in Parliament to create 25 more district local governments. The unprecedented growth of districts in Uganda, especially during President Museveni's regime, has attracted scholarly attention into the plausible reasons for the demand for districts by citizens and the inability of government to reject such demands. Green (2008b) has identified the following as reasons that have frequently been advanced for creating new sub-national governments in Uganda: improving service delivery; ethno-linguistic conflict management; gerrymandering; the inability of the central government to resist local demands for districts; and patronage, job creation and electoral politics. He concludes that the plausible reasons for creating districts are patronage, job creation and electoral politics. It is not our intention to engage in a discourse on the politics of district creation in Uganda. But one thing is clear: the creation of new districts has reduced what were once ethnically heterogeneous districts to ones largely populated by one or two major ethnic groups. We argue that the size of the districts and their attendant ethnic composition have major implications for civil service management in local governments. Small districts-and more especially those formed along ethnic lines-heighten patronage, nepotism and favoritism in civil service appointment. With small districts, there is a high likelihood of conglomerating highly homogeneous people. This homogeneity can be in terms of ethnic group, religion, etc. Commenting on implications of the size of districts in Uganda on human resource management in local governments, one CAO remarked, 'Districts [in Uganda] are too small to the extent that almost everyone is related to the other'. The above assertion has two implications for human resource management generally and for recruitment and selection in particular. First, with a small district, it is easier to find a patron. Second, people who are related to each other would preferably hire those who are related to them. Hence, the size and ethnic composition of districts can heighten patronage, nepotism and favoritism in civil service recruitment and selection (Nabaho, 2012). This should lead us to rethink the criteria for creating districts under the decentralized system of governance. A more rational criterion for creating districts is that one which takes into

account factors such as population and geographical area. This criterion may be difficult to employ with big ethnic groups in Uganda such as Baganda, Basoga and Bagisu. It is doubtful whether such a criteria would put an end to appointing the so called 'sons and daughters of the soil'. But what is certain is that it can change the character of the district civil services from those dominated by a single or few ethnic groups to those comprising multi-ethnic groups.

Association of districts with employment

Among the local people, having their 'own' district is associated with creating employment for the indigenes. There have been discernible cases where, specifically in multi-ethnic districts, some ethnic groups have agitated for district status simply because of perceived marginalization in the district civil service or because they hold few senior civil service positions. One of our respondents corroborated this notion by observing that, 'One of the major reasons for agitating for district status by the local people in most parts of Uganda is to create jobs. Once the district status has been given, applicants from other districts are considered *persona non grata* when it comes to accessing job opportunities in the district'. Because districts are associated with employment, districts tend to first consider 'sons and daughters of the soil' while appointing staff in various civil service positions. District Service Commissions advertise job opportunities in national newspapers to elicit responses from across the entire country-merely to give an impression that jobs are eligible to all qualified Ugandan- but the actual selection to fill vacant positions is in most cases done from the local (district) labor markets. Applicants born and residing outside the district and seeking to fill vacant positions are, in some cases, shortlisted and interviewed purposely to give credibility to the recruitment and selection process. However, a caveat needs to be put here. Asserting that appointment in the district civil service favors 'sons and daughters of the soil' does not connote that district public services are devoid of people hailing from other districts. In exceptional circumstances-principally where suitable local candidates have not been found-DSCs may appoint from the national labor market but in some respects, such appointments may not be purely on merit.

5. Conclusion

Unlike previous studies that focused on providing evidence that merit is sacrificed during recruitment and selection in local governments, this study has made a contribution by identifying factors that undermine merit based recruitment and selection in sub-national governments. The study has demonstrated that three factors work in concert to promote patronage, nepotism and discrimination in recruitment and

selection in local governments: legal framework for appointing the DSC and the local, albeit illegal, eligibility criteria for appointing individuals to the DSC; size and ethnic composition of district local governments; and association of districts with employment for the indigenes. We therefore believe that any intervention aimed at entrenching merit in recruitment and selection should take cognizance of these factors. We also recommend a quantitative study with a view to establishing the strength of the factors we have identified.

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