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INSTITUTIONS AND LOCAL POLITICAL ACCOUNTABILITY IN UGANDA: WHEN DO INSTITUTIONS REALLY MATTER?

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Abstract: *Despite legal and policy documents providing for formal institutions of accountability, in practice, different institutions exhibit different levels of efficacy due to competition with informal institutions, inadequacies in institutional design and issues with practicability. This paper is based on a study that was conducted in Ntungamo district in Uganda to establish how institutions for political accountability in Uganda's 1997 Local Governments Act were used in practice. I use mostly primary data collected from 28 Focus Groups in 7 sub counties, and data from Local Council Five (LCV) councilors representing the said seven sub counties at district level at the time. Assessed against timeliness, coverage, interaction, merit, practicability and usage, I find that institutions did not guarantee effective accountability for both its answerability and enforcement dimensions. I recommend a clarification in the conceptual definition of accountability and call for a critical look at the complexities of collective action when designing accountability institutions.*

Key Words: *Accountability, answerability, enforcement, institutions*

1.1 Introduction

Accountability, by denoting the relationship between citizens and their leaders is a prime concept in any explanation on the quality of governance. If leaders are obliged to comply with the wishes and aspirations of the citizens, then a given system is usually said to be accountable. In order to ensure accountability, legal frameworks in many countries incorporate institutions that govern the relationship between leaders and citizens. In fact, Cohen and Peterson (1997:2) argue that promoting accountability is the most important principle of administrative design in transitional and developing countries. As such, the most fundamental level at which accountability is assessed is in the design of institutions.

In practice, a lot of emphasis has been placed on the functionality of specific types of institutional arrangements especially oversight agencies. In many countries, such agencies are required by law to produce periodic reports on the state of affairs in the areas for which they were created to ensure accountability. Some institutional arrangements however such as those that govern the relationship between elected leaders and their electorates are not subjected to oversight by an external institution and their effectiveness is largely dependent on direct enforcement by the citizenry. In this paper, I show that in spite of being designed to cover all facets of the concept of accountability, such institutions may not be as effective as expected because of their susceptibility to pressure from social norms and other contextual factors which affect the way in which accountability is ensured. I start by analysing the definitions of the concept of accountability as propounded by several authors and come up with a conceptual framework that represents accountability in totality. I then test the functionality of institutions of accountability in a local government setting. From the results, I propose indicators upon which to assess the functionality of accountability mechanisms and suggest adjustments to the definition of accountability in practice.

The paper is based on a study that was conducted in Ruhaama and Kajara counties of Ntungamo district in western Uganda to establish how institutions for political accountability in Uganda's 1997 Local Governments Act were used in practice. I use primary data collected from 28 Focus Groups comprised of 7 ordinary citizens each mobilized at village level, in each of the 7 sub counties investigated. Data was also collected from Local Council Five (LCV) councilors representing the said seven sub counties at district level at the time. Secondary data was obtained through examination of records from the Clerk to Council's office, as well as the 1997 Local Governments Act (LGA).

How is Accountability Defined?

Various authors from different fields of social science, despite laying emphasis on different aspects of accountability, generally agree that accountability is at least a double faceted concept. Keohane and Nye (2001:3) say that accountable actions are explainable and sanctionable, and that for an agent to be accountable, the agent must face adverse consequences if his or her actions are inconsistent with the values and preferences of the principals. This definition appears to imply that although explanations and sanctions are the hallmarks of accountability, fear of sanctions also acts as the incentive for accountability. There is an emphasis on the punitive effects of sanctions and there is no consideration for reward in this definition. From their perspective therefore, accountability has more to do with dealing with faults than with enhancing strengths.

Jenkins and Goetz (2001:5) on their part talk of having to provide information about one's actions and justifications for their correctness, and having to suffer penalties from those dissatisfied either with the actions themselves or with the rationale invoked to justify them. These aspects of accountability they say are sometimes called answerability and enforceability and can also be thought of as weak and strong forms of accountability. In addition to the aspect of 'explanation' highlighted by Keohane and Nye, Jenkins and Goetz add the aspect of 'justification'. For them, explanation and justification make answerability and being liable to 'suffer penalty' makes enforceability. Again, their idea of accountability, although allowing for justification of actions, also seems to dwell on faults.

For Mulgan (2000:563), the core sense of accountability is clearly grounded in the general purpose of making agents or subordinates act in accordance with the wishes of their superiors. Subordinates are called to account and if necessary penalized as a means of bringing them under control. In a democracy, he argues, it is because the people wish to control the actions of public officials that they or their representatives make these officials answer, explain and accept sanctions. Mulgan's concept of accountability bears the same attributes as that of Jenkins and Goetz. 'Answer' and 'explain' in this context can be equated to 'justification' and 'explanation,' and therefore answerability, whereas 'accept sanctions' is synonymous with enforceability. By emphasizing sanction, again the idea is that accountability should be essentially punitive.

In this discussion, Schedler et al (1999:14-15) perhaps present the most comprehensive definition of accountability. In addition to presenting the two facets of the concept, they go deeper into explaining the meaning of answerability and enforcement. The idea of answerability is said to be comprised of two dimensions: the information dimension in which people exercising power are asked to inform about their decisions, and the argumentative dimension in which they are asked to explain their decisions. This is fundamentally the same idea presented by some of the authors mentioned above. Schedler et al however go ahead and explain that the idea of answerability entails a right to receive information by one party and an obligation to release information by the other party, and by extension, a right to receive an explanation as well as a duty to justify the explanation. Schedler et al's concept of enforceability/enforcement is also more comprehensive than any of those presented above. For them, enforceability entails rewarding good and punishing bad behavior, and thus bearing the consequences for what one has done.

As can be observed, enforceability in this context can be either punitive or rewarding, depending on what has been done. According to Goodin (2003:10), there are three generic subjects of accountability (things that people can be held accountable for), namely their actions, their results and their intentions. These subjects of accountability seem to correspond perfectly with the ideas of explanation, sanction and justification respectively. When called to account, peoples' explanations will be linked to their actions, their justifications to their intentions and the sanctions handed to them will correspond to the results of their actions.

Although there is general agreement that accountability is double faceted, Schedler et al argue that accountability does not have to have both facets in order for it to be effected. They assert that answerability can still be effected without enforceability/enforcement, as in the case of the South African Truth and Reconciliation Commission,¹ and that enforcement can exist without answerability as in the case of the Indonesian students who demanded the demise of General Suharto in 1998.² This view contradicts that of Jenkins and Goetz (2001:5) who say that in practice, answerability and enforceability are equally important. Both are necessary and neither is sufficient.

¹Schedler et al 1999, p.17-18 Notes: After the fall of the apartheid regime in South Africa, the Truth and Reconciliation Commission solicited testimonies from both perpetrators and victims of apartheid, the aim of which was to lead to reconciliation rather than punishment to avoid escalating existing racial tensions.

² Schedler et al 1999, p.17-18 Notes: Following the shooting of 6 University students in a demonstration against Suharto's regime on may 12th 1998, in Indonesia, rioting escalated with shopping centers being looted and thousands of cars being set on fire, which led to the death of 500 people. Unable to contain the situation and without opportunity to explain himself, General Suharto was forced to resign.

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

The object is the party from whom accountability is demanded and the agent is the party who demands accountability. The Center for Local State and Urban Policy of the University of Michigan (CLOSUP) says that accountability has to do with the relationship between what citizens want and what government officials do.³In this case, ‘B’ is the citizens and ‘A’ the government officials. Although Goodin does not specify ‘A’ and ‘B’, he confirms the relationship nature of accountability when he notes that “accountability is of some agent to some other agent for some state of affairs.”(Mulgan 2001, Broody 2002 as cited by Goodin, 2003:4) Schedler et al (1999:18) also note that the whole idea of accountability presupposes power. It means for example that party ‘B’ delegates authority to party ‘A’ and that A is supposed to use that authority in accordance with the desires of B. However, Schedler et al assert that the person who exercises authority also has some kind of discretion; otherwise if they were totally controlled by the one who delegates the power, there would not be any need for accountability.(ibid:20)

Some theorists differentiate the various types/forms of accountability according to who plays roles A and B herein referred to as *role oriented definitions*. Other authors use the timing of the account to distinguish between certain types of accountability - *timing oriented definitions*, and others use what Brinkerhoff (2001:3) calls ‘locus of accountability’, that is, where the accountable and overseeing actors are located within a particular governance system. (*Locus oriented definitions*)As such, in the next section, I synthesize the different types of accountability according to these three categories.

1.2 Definitions

Role oriented definitions

Political Accountability

In conceptualizing the term accountability, Schedler et al (1999) use the term ‘political accountability’, and (Goodin 2003:5) defines it as ‘that of elected officials to their electorates for their performance in office.’ For the World Bank (2000), political accountability refers to the constraints placed on the behavior of public officials by the organizations and constituencies with the power to apply sanctions on them. In democratic/political accountability, societies select their leaders via periodic elections but this kind of accountability extends beyond holding leaders accountable through elections, to touch upon the administrative machinery of government that elected leaders direct to achieve public purposes. (Brinkerhoff 2001:5)

Goodin’s conception of political accountability presupposes some kind of democracy and implies that those who should account get their power from those who elect them. His definition therefore applies to people who are mandated to hold public office through the ballot accounting and in this

³<http://closup.umich.edu/research/projects/accountability/accountability.html>

case to citizens or any special groups that mandated them. The World Bank definition on the other hand relates to anybody holding public office. It may be bureaucrats and politicians. One could infer that citizens are the ones who are holding them to account. It is not clear whether it refers to other public spheres like churches. For Brinkerhoff, like the World Bank definition, political and democratic accountability are one and the same. It encompasses both the elected leaders and the bureaucrats.

Administrative accountability

Administrative accountability is that done by public servants to elected officials (and through them to the electorate in general) for their performance in office. (Gooding 2003:5). As can be observed from above, according to Brinkerhoff, administrative accountability is part and parcel of political accountability. If we take Goodin's definition of who accounts in administrative accountability, then the World Bank also views administrative accountability as part and parcel of political accountability.

Timing-oriented definitions

Ex-ante accountability

Ex-ante accountability is the evaluation of plans of action. (Ackerman 2005:5) It is carried out before the action, and by definition targets actions and intentions not result, if we take Goodin's subjects of accountability. Not much is said about ex-ante accountability, as the orientation of some writers is that 'ex-post accountability is the only true form of accountability.' (Ackerman 2005:5, Goetz and Jenkins 2001:8). Albeit suggesting that it is not a true form of accountability, Goetz and Jenkins acknowledge the existence of ex-ante accountability. They explain it in the following example – 'for instance, when the decision-making process is subjected to questioning before an action is finally approved, as when government spending plans must be defended under cross-examination by opposition legislators, in which case the exercise of sanction can take the form of parliamentary rejection or substantial amendment.' (ibid)

Ex-post accountability

Ex-post accountability is the "evaluation of completed projects." (Ackerman 2005:5) Arguing that 'holders of power are expected to take actions, the impacts of which can be assessed only after the fact by accountability seekers who may choose to impose sanctions if explanations for the decision or its outcome are deemed insufficient,' (Goetz and Jenkins 2001:8) suggested that it is the only true form of accountability if one considers the strict definitional sense of the word. Ex-post accountability therefore covers all the three subjects of accountability namely actions, intentions and results.

Locus oriented definitions

Horizontal accountability

Schacter (2000:1) defines horizontal accountability is that of the state to its own public institutions of accountability, such as the judiciary, auditor general, and anti-corruption bodies among others, whereas Devas and Grant 2003:310 define it as that of local government officials to elected representatives. For O'Donnell, horizontal accountability is "the existence of state agencies that are legally enabled and empowered, and factually willing and able to take actions that span from routine oversight to criminal sanctions or impeachment in relation to actions or omissions by other agents or agencies of the state that may be qualified as unlawful. (Schedler et al 1999: 38) This is

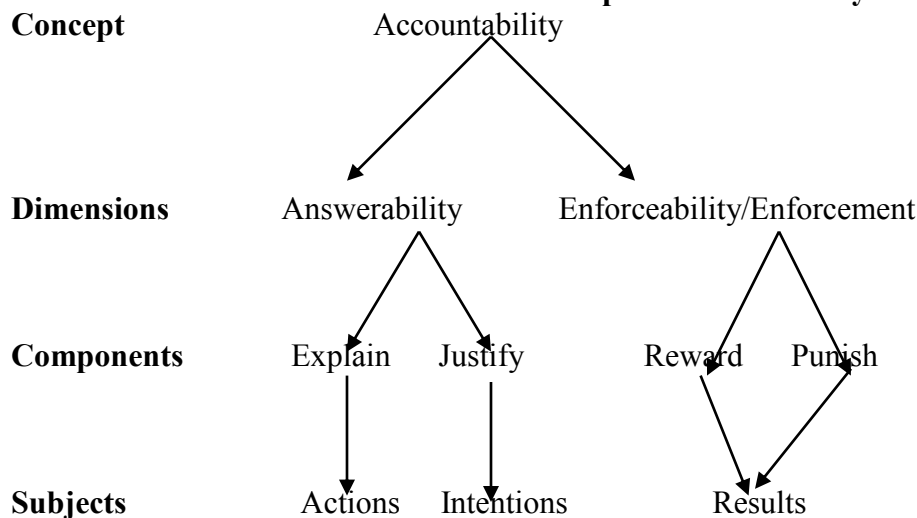
in essence the same idea that is presented by Schacter. Devas and Grant on the other hand express theirs in the context of decentralization and use it specifically in relation to elected representatives and civil servants at the local level. For them, horizontal accountability is synonymous with administrative accountability. This does not necessarily present a contradiction, since in many countries; the constitution empowers elected representatives to hold civil servants accountable. Furthermore, in a democracy, the legislature is made up of elected representatives. It is important to note however, that horizontal accountability goes beyond administrative accountability.

Vertical accountability

According to Schacter (2000: 1) vertical accountability is done by the state to the citizens, and it may include citizens acting through the electoral process or indirectly via civic organizations or the news media. Devas and Grant (2003:310) do not use the term vertical accountability but rather *downward accountability* to express the same idea; that is accountability of elected leaders (and officials) to local citizens. For Schedler et al 1999:3, vertical accountability is that through which citizens, mass media and civil associations seek to enforce standards of good conduct on public officials.

From the definitions given here, the idea of vertical accountability is more linked to accountability that is done directly to citizens than horizontal accountability. Regular free and fair elections are also highlighted as one of the mechanisms for ensuring vertical accountability. One can observe that there is a thin line between vertical and political accountability. Political accountability might however encompass aspects of horizontal accountability. Vertical accountability from the perspective presented here, recognizes the source of the authority of elected leaders- the people. Independent of the type of accountability, the concept always has the same delineations. The illustration below shows the delineations of the concept of accountability in terms of its dimensions, their components and the subjects of accountability to which they relate:

Illustration 1: The delineations of the concept of accountability Concept



Source: Author’s own compilation synthesized from the definitions analyzed above

1.3 Defining Institutions

“Institutions are the humanly devised constraints that structure political, economic and social interaction.”(North 2002:97)Institutions include both what individuals are prohibited from doing and, sometimes under what conditions some individuals are permitted to undertake certain activities.”(Jütting 2003:11)This implies that institutions are given life by acceptance of society, and they are only useful if they meet the expectations of the society for which they were created. Jütting classifies institutions according to their degree of formality, level of hierarchy and area of analysis.

Degree of formality: According to this classification, there are formal and informal institutions. Formal institutions include constitutions, laws and regulations among others. Informal institutions on the other hand include extensions, elaborations and modifications of formal rules; socially sanctioned norms of behavior (customs, taboos and traditions); and internally enforced standards of conduct. Informal institutions tend to remain unchanged even in the face of changes in the formal institutions and poor regions in poor countries tend to rely on informal institutions.(Jütting2003:11-12)

Level of hierarchy: Institutions can be located at four levels. Level 1 institutions are found at the most basic level of society. They are generally informal and include social norms, customs and traditions that define the way society conducts itself. Level 2 institutions mainly serve to define and enforce property rights. They include conventions and laws and some of them are informal. Level 3 institutions relate to governance. They enable the creation of organizations like national and local government, state agencies and NGOs among others. Level 4 institutions relate to resource allocation mechanisms, and though similar to level 2 institutions, their major effect is the definition of the extent to which adjustment occurs through prices and output. (Jütting2003:12-13)

Area of analysis: (Jütting 2003:13-14) identifies four areas of analysis. Economic institutions, which define the production, allocation and distribution of goods and services. Political institutions which provide details about elections, electoral rules and measures of checks and balances among others. Legal institutions which deal with the definition and enforcement of property rights while social institutions deal with access to social services among others. Although some aspects of this classification could raise serious debate for example regarding the jurisdiction of the different types of institutions discussed, this classification nonetheless provides a useful basis for discussing institutions in this paper.

Institutions of Accountability at the Local Level

From the above classifications, both Level 1 and Level 3 political institutions can impact on accountability at the local level, as they condition the behavior of both political actors and citizens. These institutions in addition to spelling out the duties, responsibilities and obligations for which elected leaders can be held accountable, also shape the environment in which citizens can organize to take collective action. Mechanisms of downward accountability which operate at these two levels have been identified as elections; recall; legal recourse through the courts; third party monitoring by the media, NGOs or independently elected controllers; auditing and evaluation; political pressure and lobbying; media/ NGO provision of information on the roles and obligations of government; public local government reporting requirements; education; embeddedness of leaders in their community; belief systems of leaders and their communities; civic dedication and pride of leaders; performance awards; widespread participation; social movements; and threats of social unrest and resistance.(Scott 1976,Guyer, 1992; Moore, 1997; Tendler, 1997; O’Donnell,

1998; Blair, 2000 as cited by Ribot. J.C 2003 p.58)

1.4 Methodology and Findings

This paper focuses on those aspects of the Local Governments Act that governed the operations of elected local leaders, more specifically; those rules which sought to ensure political accountability in a meaningfully measurable manner. It is imperative to note that the interest of this study lay in understanding the contribution of institutions and institutional mechanisms to accountability based on their degree of formality. The formal institutions investigated were selected in such a way that, both ex-ante and ex-post accountability were covered.

Table 1: Classification of institutional mechanisms investigated in the Study.

Institutional mechanism	Type of institution	Possible forms of answerability and enforcement caused.
1. Elections	Formal	Acquisition, Loss/ Retention of office.
2. Candidates' meetings		Questioning during electoral campaigns.
3. Recall	Formal	Petition, Loss of office
4. Consultative meetings	Formal	Questioning.
5. Social norms (composed of informal rules that govern burials and community service)	Informal	Questioning, Loss / Gain of support

Source: Author's own compilation drawing from the formal provisions of the 1997 Local Governments Act, Uganda

Candidates' meetings during the electoral process: According to the 1997 Local Governments Act (LGA): "No candidate, shall organize, hold or address his or her own individual candidates' meeting. For the purposes of enabling all candidates in an electoral area to collectively meet, address and answer questions of voters, the Returning Officer shall, in consultation with all the candidates, prepare and conduct a candidates' meeting in each parish or aggregated parishes where applicable in a given electoral area." (LGA, Uganda Act No.1 1997: 123) This institution enabled voters to learn about the candidates and their programs, and also gave them an opportunity to ask questions. Candidates' meetings served to ensure ex-ante accountability and in case of incumbents, also served as an institution of ex-post accountability.

Elections: Elections for district councilors were carried out after every four years. Although candidates' meetings stood out as major electoral rules, they were only relevant as institutions of accountability if elections were held. Following candidates' meetings, elections were the mechanism for enforcement. Citizens used them to select leaders who they felt were better placed to answer their needs. They were also used to deny another chance to hold office for those candidates that people felt did not perform according to their expectations. Elections therefore determined the efficacy of candidates' meetings, and as such aided the operation of both ex-ante and ex-post accountability.

Consultative meetings (under duties of a councilor): In executing his or her duties, the LGA assigned consultative meetings as a means through which a councilor could answer to his/her electorate. Consultative meetings therefore were an institution of ex-post answerability. The councilor was required to "appoint at least a day in a given period for a meeting in his / her electoral area." A councilor was also obliged "to report to the electorate the general decisions of the council and the actions it has taken to solve the problems raised by the residents in the electoral area." In

addition to other duties, a councilor was also expected to “take part in communal and development activities in his or her electoral area and district as a whole” (ibid). This study placed special emphasis on those duties that were directly linked to answerability.

The Recall provision: This provision, which on the face of it gave the Ugandan law a lot of credibility as regards efforts to ensure accountability, permitted the electorate to recall a councilor at any time during their term of office. A councilor could be recalled for failure to declare his or her assets within three months after assuming office, neglect of his or her duties as councilor, or for having committed acts incompatible with his or her position as a member of the council. For the recall provision to come into effect, a petition signed by one third of all the registered voters in the councilor’s electoral area had to be lodged with the electoral commission, which ascertained the authenticity of the petitioners and the validity of the petition before making a verdict. (LGA, Uganda Act No.1 1997: Third Schedule Part 2:7) This institution provided a sanction meant to ensure ex-post accountability.

Informal Institutions: Informal Institutions are by their very nature internal to the community. All such institutions in the study area related to only two defining aspects of informal institutions namely ‘socially sanctioned norms of behavior’, and ‘internally enforced standards of conduct’ as such, informal institutions were handled collectively and questions about their link with accountability asked under the heading “social norms”.

Performance of Accountability Institutions

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

Table 2: Indicators for assessing accountability.

Answerability Dimension (explain/justify) Indicators
<ul style="list-style-type: none"> • Use of mechanisms for individuals and civil society in general to ask for information and justification from councilors. • Incidents of demanding for or receiving explanation and justification from councilors during community gatherings. • Cases of asking councilors to explain/ justify actions on the basis of formal procedural provisions • Incidents of demand for explanation of a plan of action or performance from an aspiring or incumbent councilor respectively during electoral campaigns. • Incidents where councilors have been asked to explain and justify perceived failure to abide by community resolutions.
Enforcement Dimension (reward/ punish) Indicators
<ul style="list-style-type: none"> • Action(s) taken to express dissatisfaction with a councilor’s performance between elections e.g. recall, demonstrations, threats of social unrest, and boycotts of taxes. • Incidents of appreciation for or opposition against council decisions e.g. petitions, awards and memoranda.
<ul style="list-style-type: none"> • Instances of voting for or against someone on the basis of previous or promised performance. • Expressions of rejection/ support of a councilor by the community in the course of his/her term of office.

Source: Some of the indicators above have been modified from Stanculescu Alina, 2005 p.9-11, Chamberlin J. and Gerber R. Elisabeth 2003 p.5-10

Answerability in Practice

Table 3: Expected means of Answerability in Ntungamo District

Expected means of answerability	No. of Groups that selected	Percentage of total
1. Consultative Meetings	18	64%
2. Local Council system	6	21%
3. Radio	5	18%
4. Burial and other gatherings	4	14%
5. Elections/candidates' meetings	1	4%
6. Church services	1	4%
Total number of groups	28	-

Source: Author's own research results.

From the table above, 64% of the population expected their councilors to hold meetings for answerability purposes. 21% of the respondents expected their councilors to use the Local Council system, meaning that they could answer through lower local councils and leaders like the Local Council 1 chairpersons. 18% of the respondents expected their leaders to use the radio for answerability purposes. 14% of the respondents expected their leaders to give explanations and justifications at burials and other public gatherings. While elections and church services had 4% each of the respondents viewing them as means through which councilors should answer. Six councilors on their part mentioned meetings among the means through which they answer to their electorate, three mentioned using Lower Local Councils (LLCs) and one mentioned use of social functions.

Although all councilors reported that answerability was routinely done the response from the electorate was different. Only 36% of the groups under investigation said that their LCV councilors routinely answered to them. 64% of the groups said that no answerability was done. However, only four sub counties presented consistent results for all groups, with two sub counties having all four groups each saying that answerability was not routinely done, and two sub counties having all four groups each saying that answerability was routinely done.

Formal Institutions and Answerability

Of the 10 groups which said that answerability was routinely done, five groups had mentioned consultative meetings only as the mode through which they expected their councilors to answer. The other five groups on the other hand, expected answerability through the Local Council system only. Of the 18 groups that gave a negative response, 11 mentioned consultative meetings only as the mode through which they expected their councilors to explain and justify their performance, one group mentioned the LC system, one group mentioned elections, two groups mentioned burials and public gatherings whereas three groups mentioned a combination of means of answerability that they expected their councilors to use. In addition, of the 18 groups that expected their councilors to answer through consultative meetings, 13 groups said that answerability was not routinely done. When asked on what occasions they actually got a chance to obtain explanation and justification for performance from their councilors. The groups responded as presented in the table below:

Table 4: Actual means of Answerability in Ntungamo District.

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

Source: Author's own research results.

The results presented in the table show the platforms by which people in Ntungamo district obtained explanations and justifications for performance from their LCV councillors. The majority of the people (71%) said the opportunity for them to get their leaders to answer presented itself at election time. The least used avenue was the LC system, with only 4% of the respondents. 11% of the respondents said that they never got an opportunity to get their leaders to answer. It was reported by all groups and all councillors that issues to do with explanation and justification for performance are always the subject of candidates' meetings during the electoral period, and that that was always an opportune time to get leaders seeking re-election to answer.

In summary, the general findings of this section are that 68% of the groups investigated knew that a councillor is supposed to account to them through consultative meetings during his or her term of office. Following from that, 64% of all the respondents expected that their councillor should explain and justify his or her performance through consultative meetings. The section also reveals that answerability was not routinely done for 18 (64%) of the groups investigated. Furthermore, out of these, 13 groups (72%) had expected answerability through consultative meetings. On the other hand, there was a 100% agreement that candidates' meeting were used for answerability purposes. This scenario reveals an obvious discrepancy between the performance of the formal institutions of answerability considered for investigation in this study, namely consultative meetings and candidates' meetings. Whereas 64% of the respondents expected answerability through consultative meetings, the institution served only 32%. And whereas only 4% expected answerability through elections/candidates' meetings, the institution served 71%.

Informal Institutions and Answerability

The preceding section presents results on how formal institutions performed when it came to delivering answerability. This section shows the contribution of informal institutions in promoting answerability. One out of 21 groups, which said that they knew that councillors were obliged by law to account to their electorate, also said that councillors were obliged to explain Burungi Bwansi⁴ activities to them. Furthermore, 14% of all the respondents said that they expected answerability from their councillors through burials and other public gatherings. The above-mentioned avenues are informal institutions in Ntungamo district. Although only 14% of the respondents expected their leaders to answer to them through burials and other public gatherings,

⁴ Literally translated, the term means 'goodness of the world'. Under this informal institution, all adults are supposed to take part in communal activities for maintenance of their community resources. This may include activities such as maintaining village paths, digging around water sources and providing labour in constructing a community school among others.

21% reported that they got answerability from their leaders through this institution. This low expectation of this institution to provide accountability is because it is not deliberately designed to provide for accountability.

Given the high costs of providing accountability through the formal channels that were deliberately designed for this purpose however, councillors increasingly resorted to use of informal channels like burials which were not associated with high financial costs on their part, and yet at the same time were an avenue for gaining political capital as attending a burial is a sign that you have your people at heart. As a matter of practice, whenever there is a burial ceremony of a local resident, a government representative is always called upon to give a speech. Government representative is a term usually used to refer to elected leaders or those appointed to government office. For most of the burial ceremonies, it is therefore always the case that if an LCV councilor is present, he or she will be given an opportunity to speak. It is this aspect of the burial ceremony that links the institution to accountability.

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

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

To sum up, following from the previous section 14% of the respondent groups expected to get answerability through burials and other public gatherings (social norms). The institution served 21%. Also for 18 groups, social norms have a positive impact on the relationship between a councilor and his or her electorate, a condition that makes answerability much more likely. Three groups on the other hand said social norms impact negatively on accountability, because they allow leaders to bypass their formal responsibilities.

Assessment of answerability institutions

Having explained the performance of both formal and informal institutions, in this section I

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

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

The values for timeliness were obtained from the responses of the electorate regarding the expected means by which they expected their councilors to answer (see Table entitled "Expected means of answerability in Ntungamo district"). The values for interaction were obtained from the institution's ability to allow for dialogue between the agents and objects during the process of giving and receiving an account. The institution was therefore given a mark purely by virtue of its design. The value for coverage was obtained from the responses of the electorate when they were asked on what occasions they actually got a chance for answerability. (see Table entitled "Actual means of Answerability in Ntungamo district.") All the actual values therefore correspond to the percentage of people who favored given institutions with respect to the criteria described above.

Table 5: Assessment of Institutions' Relevance for Answerability

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

Source: Author's own research results

Judging from the results, social norms scored the least, 85 out of 300, which gives 28%. Consultative meetings obtained the highest score of 64%, and candidates' meetings scored 58%. The institution 'social norms' scored 50% for interaction because of its inability to foster dialogue in delivering the account. It permits answerability in gatherings convened for specific purposes like burial, parties, fundraisings and others. As such, the object delivers the account, but agents do

not have an opportunity to ask questions or demand clarification at the same platform. The institution therefore falls short in addressing both the ‘explain’ and ‘justify’ dimensions of answerability. ‘Social norms scored 10% higher than candidates’ meetings in timeliness and superseded the expectations of the agents by delivering answerability to 21% as opposed to 14%. Consultative meetings, a formal institution for ex-post answerability scored 64% for timeliness, 100% for interaction, by virtue of design, but delivered answerability to only 32% of the respondents. The formal institution, ‘Candidates’ meetings’ scored very low on timeliness, probably by virtue of its design since it is meant to ensure ex-post answerability for incumbents who are seeking re-election, and ex-ante answerability for new candidates. Its nature also gives it 100% for interaction and it was the means for answerability for 71% of the respondents (coverage).

Enforcement: Formal versus Informal Institutions

Enforcement is that dimension of accountability that provides for the party/parties to whom accountability should be made (agents) to punish or reward (sanction) those who are supposed to account to them for performance in office (objects). There are several ways in which enforcement can be achieved, but like answerability, the people responsible for it should be able to recognize it and in this case, take certain actions to ensure its operation. With reference to the formal institutions highlighted earlier on in this paper, recall and elections are institutions of enforcement. They provide the sanctioning aspect of accountability which forces compliance. With the recall provision in place, councilors were aware that if they did not perform to the satisfaction of the electorate, the electorate was entitled to recalling them from office at any time. Elections on the other hand provided for people to vote in such a way as to ensure that councilors who did not perform satisfactorily were not allowed to occupy the office in a proceeding term, or to return a councilor whose performance was appreciated by the electorate to office for another term.

Regarding their relationship with their individual councilors, respondents were asked how they would express their dissatisfaction with a councilor’s performance. The following table illustrates the responses given.

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

Table 6: Possible forms of enforcement in Ntungamo District

Source: Author’s own research results.

According to the table, the first thing that the electorate would consider doing in order to express

dissatisfaction with the performance of their councilor is to boycott meetings. This was expressed by 39% of all the groups interviewed. 21% would consider writing a letter to the affected councilor and 21% would consider using the Lower Local Councils (LLCs) to express their dissatisfaction.⁵ 18% would consider recall as an option. 14% said they would ignore the councilor and give him or her cold welcome, and he/she would know that the electorate is not happy with his/her performance. 11% would consider expressing their dissatisfaction verbally and tell the councilor to his/her face. Another 11% said that somehow the councilor would get to know their feelings from the grapevine. 4% of the groups said that they would consider hiring a hooligan to tell the councilor what they felt.⁶

It is imperative to consider that the recall provision, which was mentioned, by only 18% of the respondents is a formal institution of ex-post enforcement. It is also important to note that no group talked about using elections as a means of expressing their dissatisfaction with the performance of a councilor. This probably points to the fact that people view elections not just as a means of expressing dissatisfaction, but of punishing or rewarding councilors also with respect to how they reacted to people's expression of dissatisfaction.

Enforcement in Practice

Bearing in mind the possible forms of enforcement, the respondents were asked what they have actually done to express their dissatisfaction or appreciation for the performance of their councilors. In 11 groups, respondents said that they did not do anything to express their dissatisfaction. For five cases, a complaint letter was written and sent to the affected councilor. Respondents in four groups reported to have boycotted meetings as a way of punishing councilors whose performance did not satisfy them. Two groups reported having approached their councilors and expressed their dissatisfaction face to face. Two other groups said that they expressed their views to their councilors on radio talk shows. The respondents in one group reported having ignored their councilor. This is done for example when the said councilor passes through a busy trading center, no one greets him/ her and if he or she greets the people, they just ignore him or her or even walk away.

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

As mentioned above, when people expressed their dissatisfaction with the performance of a given councilor between elections, it gave the said councilor an opportunity to make amends. Rewards and punishments were therefore consciously linked to both the performance of a given councilor as well as to how he/she used the opportunity, to make amends when dissatisfaction was expressed. When respondents were asked what they had done to punish councilors who did not perform according to the demands of the electorate, nine groups said that they had done nothing to punish

⁵ Lower Local Councils comprise of Sub county councils, parish councils and village councils. Residents usually approach either level council and ask them to register their concerns with the district council. Such councils can therefore summon an LCV councilor on behalf of the people and ask him/her to address the concerns raised.

⁶ Although this was mentioned as a possible way of expressing dissatisfaction, respondents did not expressly say that they had done it themselves, but that they knew of people who had done it.

a councilor for poor performance. Of these groups, only one Sub County had all four groups giving the same answer.

Thirteen groups on the other hand said that they had punished councilors by not voting for them when they sought re-election. Of these, only one Sub County had all four groups giving the same answer. Three groups said that they forced their councilor not to re-contest, while three groups mentioned recall but which had been exercised only in relation to lower local councils. Six councilors said that the electorate had punished their predecessors for not accounting to them, by not voting for them again. One councilor said that his predecessor had been forced not to re-contest, because it was clear from the electorate that he was going to lose the bid for re-election.

Formal Institutions and Enforcement

With regard to the contribution of formal institutions to enforcement, two institutions namely the recall provision and elections were investigated. As already highlighted above, recall provides for extant enforcement between elections, while elections provide for ex-ante enforcement and ex-post enforcement in case of incumbents. Respondents as a starting point were asked if they knew any sanctions that were provided for by law. Seven groups representing 25% of all groups said that they did not know any sanction provided for by the law. The other 21 groups (75%) mentioned the recall provision as the sanction provided for by the law. It should be noted as already highlighted above, that in spite of most knowing that it was a means of sanction provided for by the law, only 18% of the respondents considered recall as a possible form of enforcement.

Following from that, the electorate reported recall attempts in three sub counties in the district. The peculiarity about these attempts is that they were all done in relation to LC1 chairpersons, and as such, none of them was reported for councilors at the level with which this study is concerned, and they failed in all three cases, purportedly because the petitioners had filed them on flimsy grounds, and because the procedure for recall at that level required a public inquiry into the case. This requirement did not protect the identity of the signatories, and many of them backed off for fear of exposure.

Respondents were asked, why despite the awareness that the law provides for recall, very few of them mentioned it as a possible form of enforcement. The general feeling was that it required time and money to get the required signatures to back the petition especially at Local Council 5 level. This they said makes it extremely difficult for them to recall a councilor. However despite the difficulty in operationalizing the recall provision, all groups but one said that it is a useful provision and that they would not support its repeal if they were asked to. Three groups however added that if it was to effectively perform its functions as an institution of accountability, the provision should be adjusted and made a little easier. Five councilors also said that the provision was important and that they felt threatened by it. One councilor however said that it was not threatening for higher local councils and it was therefore irrelevant. One councilor was of the opinion that if it was to be instituted, that should be at least mid way through a councilor's term of office. This councilor argued that after such a time in office for one councilor, conducting new elections after the councilor has been recalled is a waste of taxpayers' money. This councilor's argument also raised an important issue about the timing of a recall petition. In order for people to recall a councilor, the councilor should have been given ample time in which to effectively perform their duties to a level that can be measured.

When the electorate was asked on what occasions they obtained a chance to reward or punish their

councilors for their performance, 25 groups representing 89% said that they get an opportunity to punish councilors at election time, by not voting for them when they re-contest. Three groups (11%) said when the councilors call meetings; they boycott them as a way of punishing them if they are not happy with their performance. The preceding section has dwelt on the operation of 'ex-post' enforcement between elections. It has looked at the ways in which the electorate expresses dissatisfaction with and appreciation for the performance of their councilors. It has also looked at the operation of the recall provision a formal institution of ex-post accountability. The section suggests that enforcement between elections is weak given the difficulty of operationalizing the recall provision. As such, most of the respondents get an opportunity to sanction their councilors only at election time.

When respondents were asked what they thought the role of elections was 24 groups said that elections are there so as to give the people a right to choose their own leaders. Three groups also added that elections are meant to ensure that people select leaders who will abide by their demands. For one group, elections are also a means of getting rid of bad leaders. The perspective of the majority (24 groups) about the role of elections does not highlight the basis of choice when they vote for or against someone. With regard to the four groups, which highlight a basis of choice, responses given by three groups show that elections seek to ensure compliance of leaders with the demands of the people ex-ante. For one group, elections are for remedial purposes - getting rid of bad leaders. This is an ex-post perspective.

To test the sanctioning nature of elections, respondents were asked whether they thought elections were an effective means of getting rid of leaders they felt had not performed according to their demands. All groups agreed that ideally, elections are an effective means of sanctioning bad leaders. However, five groups pointed out that in practice in Uganda, the outcome of an election does not necessarily reflect the sanctioning aspect, because elections have been monetized and people vote for those who can pay them to do it. All the other groups said that they believed elections were effective means of getting rid of leaders they did not want. All the 'dissenting' groups were from the older groups of respondents (30 years and above). No group among the youth groups said that elections were not an effective means of getting rid of leaders that they felt had not performed according to their expectations. The responses from the councilors were not significantly different. All the councilors said that elections were meant to give people the right to choose their leaders. Three added that elections were supposed to ensure satisfaction with a leader's performance, prevent bad leaders from getting into positions of authority and to drop bad leaders. Five councilors also accepted that elections were an effective way of getting rid of leaders that the people felt had not lived up to their expectations. Two councilors were of the view that in practice, this was not the case because of the intimidation and harassment that occurs during the electoral period.

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

Majority of the respondents said they got an opportunity to punish councilors at election time, by

not voting for them when they sought re-election. Recall was the only sanction known to respondents as being provided for by the law. It was however only attempted in a few cases for lower local council officials. Elections on the other hand were clearly a mechanism for ex-post enforcement. They provide this avenue by virtue of design but also due to a weakness in the operation of the recall provision.

Informal Institutions and Enforcement

In comparison to formal institutions of enforcement, three groups said occasion to punish a councilor was got when a councilor held a social function like a party at his or her home. Respondents in these three groups said that they would not attend the function at the councilor's home to punish him/her for poor performance. Also for respondents in two groups, public functions like fundraisings were used as an opportunity to punish councilors that they are not happy with. It was reported that on such occasions, if a councilor with whose performance the people are not happy stands up to say something, the people boo him, or they simply refuse to clap their hands after his/her speech. One can therefore say that for five groups or 18% of the respondents, social norms can provide a chance to reward or punish councilors. It is important to note however, that by their very nature, the actions described above could be done by individuals for many other reasons like group influence, the content of a councilor's speech among others, and not consciously to punish a councilor for his/her performance.

In recognition of the above fact, and also recalling that the people saw social norms or functions governed by social norms as potential for providing answerability, the respondents were asked whether they also viewed social norms as a platform for enforcement. Four groups (14%) said they did not view social norms as an occasion to punish or reward leaders. The remaining 24 (86%) said that they view social norms as a platform for enforcement. It was observed that in many cases, adherence to social norms was considered as important as accounting to the people. A councilor or any other elected leader could be punished for failure to adhere to social norms, the same way they would be punished for failing to account. Therefore, to be sure that the councilors who lost their bids for re-election lost because of their failure to account and not because of poor adherence to social norms, the respondents were asked whether they have ever refused to vote for anybody because of his/her failure to abide by accepted social norms. Four groups of respondents said that they refused to vote for a new entrant who was aspiring for the LCV chair because of his failure to abide by accepted social norms. He did not join residents for social functions like burials, and for this was considered disrespectful and proud. None of the councilors who had lost a bid for re-election was reported to have lost because of failure to abide by accepted social norms.

Respondents were also asked to give the quality that would determine their vote if they had to choose between two extreme cases of councilors. One who performs as promised but does not abide by accepted social norms like attending burials, attending people's parties, and generally being embedded in the life of the community, and one who diligently does the above, but does not deliver on his/her campaign promises. (the reason for which he/she was elected.) 11 groups (39%) said that they would vote for a councilor who diligently adhered to social norms despite his/her failure to deliver on promised services. 13 groups (46%) said that they would vote for that councilor who delivered on his/her promises although they did not adhere to accepted social norms. Five groups (18%) said that neither of those qualities mattered if the councilor was able to pay them for their votes.

Councilors on their part felt that social norms mattered more for rural populations and performance for the urban population. In other words, a councilor from a rural sub county stood a higher chance of winning or losing an election on the basis of how well he/she abided by social norms than a councilor from an urban sub county. This is because social norms are more strongly enforced in rural areas than in urban areas. Because they are less emphasized in urban areas, social norms do not play a major role in shaping the relationship between the people and their councilors in urban areas. As such a councilor of an urban sub county will be assessed more on the basis of performance as spelt out by formal rules, and less on the basis of social norms as compared to his/her rural counterpart. It is noteworthy that two councilors said that people vote basing on performance as spelt out by formal rules, but the other five said that people vote according to how well a councilor abides by social norms. Taking the above observations therefore, although social norms and the activities that they govern were found to be pertinent to answerability, one cannot inarguably say the same for enforcement. In fact, they appear to be in competition and working against the whole idea of accountability, given that most councilors said that the electorate in the rural areas would vote for a person more for abiding by social norms than for performance in office. Interestingly, all councilors said that none of them had ever been punished for failure to abide by social norms, and that they did not know of any councilor who had been punished for the same, because they ensure that they always abide by them.

Assessing enforcement institutions

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

It should be observed that responses raised for a similar issue proved sufficient in assessing the actual operation of answerability under the criterion coverage but does not suffice to assess the actual operation of enforcement (usage) because for it to qualify to be enforcement, the actions of the agents should be consciously targeted at the performance of the objects of accountability. As such, the third criterion will be usage. This refers to the actual use of the said institution for enforcement purposes. The values for this criterion will thus be derived from the responses given concerning what people have actually done to reward or punish their councilors for their performance in office. The table below illustrates the results of the assessment.

Table 7: Assessment of institutions' relevance for enforcement.

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

Source: Author's own research results.

The recall provision as can be seen, scored lowest with 96 out of 300 (32%) having scored 0 in both practicability and usage. The 96% for merit stems from the number of groups, which said that they considered it an important institution of enforcement. It obtained no mark for practicability because no group mentioned it as providing an occasion to reward or punish its councilor. It also obtained no mark for usage because it was not mentioned among the means that people have used to punish⁷ their councilors. Social norms scored 104 out of 300, eight marks higher than recall. They obtained 86% for merit because that number of respondents said that social norms provide a platform for enforcement. The 18% for practicability corresponds to the number of respondents' groups which said that they obtain a chance to reward or punish their councilors on occasions that are governed by social norms (social functions). Social norms obtained no mark for usage because they were not mentioned as a means through which councilors have actually been punished, for failing to account.

Elections had the highest score, 217 out of 300 (72%). 82% of the respondents said that elections are an effective means of getting rid of leaders that they feel have not performed satisfactorily. 89% said that elections provide them with an opportunity to reward or punish their councilors, while 46% of the respondents said that they had punished their councilors for not accounting to them by not voting for them when they sought reelection. The results have ranked one formal institution higher and one formal institution lower than the informal institution. Although there is no big difference between the score for recall and that of social norms in terms of percentage, it is imperative to note, that social norms attempt to comprehensively fulfill two aspects of the criteria whereas recall only attempts to fulfill one aspect. Social norms are therefore in this respect better placed than recall, to ensure enforcement.

Institutional arrangements in the context of this study were examined at two levels. The first level consisted of what the institution entails (its delineations), as well as the dimension of accountability it serves, (answerability/enforcement), while the second was the contribution of the two types of institutions formal and informal. It was observed that the timing of accountability to which formal institutions relate was clearly determined, but in some cases, an institution could provide for ex-ante and ex-post types of accountability at the same time. This kind of inter temporal institution is exemplified by candidates' meetings and elections which provided ex-ante accountability for new entrants in the race for councilor and ex-post accountability for incumbents who were seeking reelection. It is also worth noting that the structure of the institutions investigated was such that unless a councilor voluntarily decided not to re-contest, at least one of the institutions of accountability would get him/her to account. This structure of accountability institutions aimed at maintaining some degree of accountability in spite of the weaknesses in some individual institutions.

1.5 Conclusion: Re-examining the Concepts under Investigation

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

⁷ The two components of enforcement are 'punish' and 'reward'. Apart from expressing gratitude on radio, mentioned by one group of respondents, the other expressions of reward are implied. Reward is therefore not a strong aspect of enforcement in the study area. As such, the 'punish' aspect to which people can more readily relate was used in the assessment of the usage of institutions for enforcement.

candidates, and ex-post answerability in case of incumbents, while consultative meetings, the other formal institution provided for ex-post answerability.

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

The discussion points to a healthy functioning of ex-ante accountability at least in as far as answerability is concerned. However, the obvious discrepancy between the relevance of the most prominent expected means of accountability selected (consultative meetings) and what they actually delivered should be of concern. It points to either potential flaws in the theoretical provisions of accountability, or flaws in the institutional mechanisms or both. The theory of accountability does not prescribe a time period within which an account should be given. One could therefore interpret this as implying that ex-post accountability is timely whenever it is done. In this case therefore, one could argue that an account given at the end of a councilor's term of office, which is after a four-year period, is sufficient for accountability, even though no account was given during the entire term of office of the said councilor. Furthermore, considering that even social norms, which are informal institutions, not deliberately designed to ensure accountability scored higher than candidates' meetings in timeliness seems to point to the fact that the feeling for most people is that they should be able to receive some kind of 'extant' accountability, periodically somewhere between elections. Also, the provision for consultative meetings as well as recall – formal institutions of accountability between elections, seems to further attest to this fact.

This study exemplifies a case where the prescribed definition of ex-post accountability in theory yields equivocal results when applied to an empirical setting. On one hand, ex-post accountability can be said to have failed, as evidenced by the performance of the consultative meetings and the recall provision, which failed to deliver accountability as expected by the people. On the other hand, it can be said that ex-post accountability was satisfactorily done, if one takes the performance of candidates' meetings and elections. In fact, because of the failure of accountability to be done according to the expectations of the people between elections, the general feeling is that there is no accountability at all⁸.

As such, institutions that ensure accountability at the end of a councilor's term of office are considered to be institutions of chastisement and the people said they always look forward to pinning down their councilors at election time for 'disappearing' (a term commonly used to mean

⁸ This study was done with only 5 months left to the end of the councilors' 4 year term of office.

that the councilors never return to consult their communities after winning elections). For this reason, the failure of a councilor to re-contest because of pressure from the community is a sign that he or she feared the chastisement that would result from elections. When this happens, the people consider that they have sanctioned the councilor in question.

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

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

On the other hand, the weakness in the operation of accountability could be stemming from a flaw in the institutional mechanisms. Institutions that were designed to ensure 'extant-expost' accountability (ex-post accountability done in the course of a councilor's term of office) were found to be weak in their operation. The formal institutional framework for example did not provide a sanction for a councilor who does not hold consultative meetings. Councilors who could hoodwink the people for example through over indulgence in social norms can therefore conveniently avoid their responsibility to account, and still get away with it. Secondly, the costs of getting an institution to work, for example the recall provision, were also found to be high. People require time and money to mobilize the signatures for a petition, and in the rural areas, it might also be necessary to first sensitize the people about the whole provision.

Potential intrigue, hate and threats to one's security and comfort in the community coupled with the potential destruction of social cohesion of the community at large that could result from some accountability processes, is also a major hindrance to the effectiveness of the institutions of 'extant-ex-post' accountability specifically recall which provided for 'extant-ex-post' enforcement. With reference to the LCIs where recall was attempted, one of the major reasons given for its failure was the fear of petitioners to be publicly known. For the above reasons, one could say that the weakness in the operation of accountability results from a flaw in the design of the institutional framework.

The role of informal institutions in ensuring accountability at the level of district councilors is also equivocal. On one hand they provide a platform for answerability, but on the other hand, they seem to be somewhat competitive or even working against accountability. This is evident if one considers the fact that some people said that they would prefer to vote for a councilor who

diligently abides by social norms even if that councilor has not performed his/her formal duties to the satisfaction of the electorate, rather than one who fulfils his/her responsibilities as councilor but is not keen on abiding by social norms. This problem is particularly compounded at this level of political administration because councilors are locally based. Their proximity to their agents increases the pressure to fulfill so many other conditions other than their responsibilities as councilors. These non-accountability conditions are not as strongly placed on leaders who represent the same electorate at national level like Members of Parliament.

In conclusion, given the growing recognition that institutions could be playing a greater role in determining the outcomes of both political and economic interventions than previously anticipated, these findings have far reaching implications for issues of institutional design in Uganda but also for wider issues of governance in developing countries. The performance of the formal 'extant-ex-post' institutions as compared to the 'ex-post-ex-post' ones goes to prove that accountability could actually be constrained by institutional design. This especially applied to the recall provision whose weak enforcement was largely attributed to its design. In addition to issues of design that could seriously inhibit institutional performance, resource constraints are also an important factor. Councilors attributed the weakness in the performance of consultative meetings largely to resource constraints. Although they said that they receive a mobilization allowance to enable them to do accountability, most councilors said that the money was not enough to enable them be as effective as they would want to be.

In comparison, the strength of informal institutions was attributed more to their ability to get people together without the councilors having to spend money. The argument here is that although institutions matter, factors outside the institutional framework could seriously inhibit their performance. As such, just having institutions in place is not enough. Policy makers need to carefully consider contextual issues of enforcement when designing institutions such as these. Secondly, although questions about the scope of their effectiveness are inevitable, informal institutions might indeed prove more useful for accountability in the long run than formal institutions whose effectiveness could be further undermined by their dependence on ever dwindling resources. Since people have more incentives to abide by informal as compared to formal institutions, ways of structuring formal and informal institutions to ensure compatibility of outcomes need to be sought.

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

At a theoretical level, this paper suggests that there is need to clarify the conceptual provisions of accountability. Although the concept as discussed by Schedler and others specifies roles by saying

who the objects and the agents of accountability are it does not adequately assign roles. There is need for a conceptual clarification on who should initiate the accountability process, in order to avoid the common pitfall where either party thinks that the other will initiate the process.

The concept of accountability also needs to clarify what an ex-post period is by relating it more to the actual period in which an object holds the office in whose performance he/she must account. This would help to deal with situations in which application of the concept of ex-post accountability at different points in time even if in the same context yields equivocal results. In fact, more importantly, among the timing oriented definitions, this paper recommends inclusion of the idea of extant accountability, accountability expected to be delivered in the course of a leader's term of office. As exemplified in this paper, consultative meetings and the recall provision would be clearly institutions of extant accountability. Candidates' meetings and elections would also clearly stand out as institutions of for ex-ante and ex-post accountability because of their inter-temporal nature.

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