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Executive Agencies and the Public Decision-making Process

A Case Study of Kampala Capital City Authority

Wits School of Governance

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Thesis submitted to the Faculty of Commerce, Law and Management, University of the Witwatersrand, in partial fulfilment of the requirements for the Degree of Master of Management in the Field of Public Policy

Supervisor

Prof. Pundy Pillay

April 2017

DECLARATION

I declare that this thesis is my own unaided work. It is submitted in partial fulfilment of the requirement for the degree of Master of Management in the field of Public Policy at the University of the Witwatersrand, Johannesburg. It has not been submitted before for any degree or examination in any other university.

Emmanuel Kitamirike

November 2016

DEDICATION

Dedicated to the memory of my late father Mr Inyhensiko James Kanaabi for the belief and encouragement bestowed upon me to always aim higher, my wife Ms Jackline Kyozira, my daughter Kitamirike Namugosa Daniela and son Kitamirike Daniel for keeping up whenever I was away at school.

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ABSTRACT

The study examined the legal framework establishing Kampala Capital City Authority (KCCA) as well as actor interactions within the agency policy process, with an ultimate aim of ascertaining the extent of public decision-making. The study was structured around three main components: an in-depth investigation of the literature on agencification; an application of the institutionalism theoretical framework; and an applied case study approach to examine the extent and context of policy decision making within KCCA.

The major finding and indeed central argument is that despite the creation of a central policy-making role enshrined in the law establishing KCCA, the policy outcomes are not influenced by the elected leaders but rather by the central government and as such, there is limited public decision-making. This study has empirically shown that the creation of a matrix agency structure with multiple reporting and accountability centres was a symbolic move intended to dupe elected leaders with superficial status and authority, but in essence, without any real powers to demand policy changes, let alone, be able to sanction bureaucrats for their actions or inaction. The study further affirms that bureaucrats managing KCCA affairs, to a great extent, not only play a policy implementation function, but also disproportionately influence the shape of policy as a consequence of the discretionary powers bestowed upon them by the KCC Act (2010). The paper concludes by highlighting that agencification as one of the new public management (NPM) approaches has increased institutional and policy complexities that alienate citizens and citizen groups from the decision-making process.

This reality challenges the existing literature on agencification and New Public Management which claims that once we structurally disaggregate and create semi-independent agencies, then we see bureaucrats who are more accountable to citizens.

Key Words: agencification, public decision-making, public policy, institutionalism

Contents

LIST OF TABLES viii

LIST OF FIGURES viii

CHAPTER 1: INTRODUCTION 1

1.1. Introduction to the Study 1

1.2. Study Terminology 2

1.3. Statement of the Problem 3

1.4. Purpose of the Study 4

1.5. Research Objectives 4

1.6. Primary and Secondary Research Questions 5

1.7. Structure of the Report 5

CHAPTER 2: REVIEW OF LITERATURE ON EXECUTIVE AGENCIES AND PUBLIC DECISION-MAKING 7

2.1. Introduction 7

2.2. Agencification 7

2.3. Public Decision-Making 10

2.4. Agencification in Uganda, the case of KCCA 11

2.5. A comparative Analysis of Agencification – the case of Tanzania 12

CHAPTER 3: THEORETICAL FRAMEWORK 14

3.1. Introduction 14

3.2. Reasons for Selecting Institutionalism Theory 14

3.3. Historical Institutionalism 15

3.4. Rational Choice Institutionalism 17

3.5. Conclusion 18

CHAPTER 4: RESEARCH METHODOLOGY, DESIGN AND APPROACH 19

4.1. Introduction 19

4.2. Research Paradigm 19

4.3. Research Design 20

4.3.1. Case Study Approach in the Applied Component of the Research 21

4.3.2. Data Sources 21

4.3.3. Data Collection 24

4.3.4. Sampling 25
4.3.5. Data Analysis 26
4.3.6. Validity and Reliability 28
4.4. Limitations of the Study 29
4.5. Ethical Considerations 29
4.6. Conclusions 30
CHAPTER 5: STUDY FINDINGS AND DISCUSSIONS OF PUBLIC DECISION-MAKING IN KCCA 31
5.1. Introduction 31
5.2. Review of the Research Questions 31
5.3. Research Findings and Discussions 31
5.3.1. The Law Establishing KCCA and its Ability to Enable Public Decision-Making 31
5.3.2. The Policy Influence of Elected Leaders in KCCA 34
5.3.3. The Policy Influence of Technocrats in KCCA 37
5.3.4. Challenges to KCCA's Decision-Making Processes 39
5.4. The Public Decision-making Process in the Agency 42
5.5. Public Decision-Making debate in the Literature and Theoretical Frameworks 43
5.5.1. Agencification of KCC in the light of the Literature Reviewed 44
5.5.2. Public Decision-Making in the Light of the Theoretical Framework 45
5.5.3. Conclusion 48
CHAPTER 6: CONCLUSIONS AND POLICY RECOMMENDATIONS 49
6.1. Introduction 49
6.2. Future Public Decision-Making Studies 49
6.3. Conclusion 49
6.4. Policy Recommendations 51
Appendix 1: Interview Consistency Matrix (Guide) 52
References 54

LIST OF TABLES

Table 1: Study Propositions for public decision-making in KCCA

Table 2: Characteristics of an Executive Agency

Table 3: A comparative analysis of agencies in Uganda and Tanzania

Table 4: The Interview consistent matrix

Table 5: The Instruments for data collection as well as the descriptions

Table 6: An analysis of the KCCA agency model

LIST OF FIGURES

Figure 1: The systematic design and flow of presentation of the study design

Figure 2: A graphical illustration of the data analysis process for the study

Figure 3: KCCA matrix agency structure

ABBREVIATIONS AND ACRONYMS USED IN THE REPORT

CEO	Chief Executive Officer
GOU	Government of Uganda
IMF	International Monetary Fund
KCC	Kampala City Council
KCCA	Kampala Capital City Authority
MAB	Ministerial Advisory Board
NPM	New Public Management
NRM	National Resistance Movement
OECD	Organisation for Economic Cooperation and Development
UGX	Uganda Shillings
UK	United Kingdom
UNDP	United Nations Development Programme

CHAPTER 1: INTRODUCTION

1.1. Introduction to the Study

This introductory section of the report provides the background and context of the study with an illustration of the purpose and literary orientation, towards the research questions and propositions. The study explores the new institutional arrangements of the management and administration of Kampala following a 'successful' transition from a local government unit to a semi-autonomous executive agency with a mandate to deliver public services for and on behalf of the central government.

The study adopted the institutional policy analysis as the analytical frame to appreciate in broad terms, the historic events in Uganda's public service reform initiatives and specifically, the creation of executive agencies to deliver public services on behalf of the central government. The paper explores the agencification debate that is pegged on the establishment of agencies at arm's length from the main hierarchical spines of ministries, an aspect popularly known as 'structural disaggregation'. These agencies carry out public tasks and are to a great extent financed, in principle at least, by the state budget. The paper traces the agencification debate from the successes of the UK's *Next Program* in the 1980s, as well as draws from several countries especially in the Commonwealth bloc that adopted agencification as a civil service reform initiative that created independent executive agencies with the mandate to increase effectiveness and efficiency in the delivery of public goods and services.

Several scholars of agencification and new public management (NPM) have argued in support of agencification as the best option to avoid the gradual but sustained decline across the public sector witnessed in several countries in the 1970s. The overriding foundation for agencification is the managerial autonomy bestowed upon bureaucrats to implement policies that have been developed by political actors. The executive agency "stands at arms' length from its parent ministry or ministries and carries out public functions, but not (primarily) a commercial enterprise" (Pollit, Bathgate, Caulfield, Smullen, & Talbot, 2001, p. 271). Finally, the study applied in broad sense, the institutionalism theoretical perspective, and in precise terms the historical and rational choice institutionalism strands.

1.2. Study Terminology

a) Public Decision-Making

In this study, the use of the term 'public decision-making' is deliberate and informed by two dispositions; the first is that when politicians get elected, they do not only serve those who elected them, but generally the public, and the decisions that emerge from their actions or inaction should ideally be perceived to serve the greater public interest. Second, in making public policies, actors are confronted with a multitude of policy solutions that often require "technical and economic rationality, and the necessity for assuring accountability and responsibility of decision-making bodies" (Renn, Webler, Rakel, Dienel, & Johnson, 1993, p. 189). Borrowing from Moynihan (2006, p.1029), public decision-making is the "active and results-based participation of the general citizenry in the public policy processes within their respective jurisdictions either directly or through elected representatives". For this study, public decision-making has been analysed through elected representatives.

b) Agencification

Agencification, according to Pollitt (2003, P. 2) is "the creation of non-departmental public bodies to deliver services for and on behalf of government". In Uganda, these non-departmental public bodies have different connotations including authorities, commissions and boards. This Study is restricted to the agencification of Kampala City Council (KCC) that resulted in the creation of KCCA as an executive agency responsible for the administration and management of Kampala city for and on behalf of the central government.

c) Public Policy

According to Anderson (2003, p. 2), "Policy is a relatively stable, purposive course of action followed by an actor or set of actors in dealing with a problem or matter of concern". Public Policy for this study is delineated as a publicly known course of action(s) formulated by Government to address societal challenges.

d) Institutionalism

"Institutionalism" is the theory underpinning this study and emerges from the term institution that denotes a set of rules, procedures and values that influence the way bureaucrats and political actors behave. The concept is applied to comprehend the rules, procedures and values that not only influenced the agencification of KCCA but also public decision-making in the agency.

e) Historical Institutionalism

According to Peters, Pierre, and King (2005, P. 1279), historical institutionalism is a "theoretical branch of institutionalism that explores the rules, procedures and values of an institution through

a time-dimension angle identifying the critical stages, ideas and moments that help understand the current behaviours of bureaucrats and political actors". In this study, historical institutionalism is used to explain the stages, ideas and moments that led to the agencification of KCC and how this explains the current behaviours of bureaucrats and political actors in the public policy processes.

f) Rational choice institutionalism

Rational choice institutionalism according to Thoenig (2003, p.129) is a "branch of institutionalism that explores the rules, procedures and values of an institution by looking at the effects of institutional reforms". This theoretical strand is applied to understand whether the agencification of Kampala Capital City was purposely influenced by certain actors who intended to reap the benefits of such an institutional reform.

1.3. Statement of the Problem

The agencification process in Uganda and in this case the creation of KCCA has emerged as a new non-conventional agency model which combines executive agency principles on the one hand, and decentralisation principles on the other. The legal framework (KCC Act, 2010) governing the city administration and management retained locally elected leaders with the Lord Mayor as the political head of the agency. At the same time, the city is legally governed by the central government with a minister as the overall political supervisor. Both the Minister and locally elected political leadership have legislative and policy mandates.

This political and management structure has created significant implications for the institutional policy processes, particularly with regard to public policy decision-making. The law thus presents a dualistic reporting and accountability structure with the technical wing accountable to both the elected political leaders and to the central government through the line ministry (KCC Act, 2010). The fundamental question that this study sought to answer was how practical is it to have an executive agency with a bureaucracy that reports to two parties – i.e. the line ministry and the Authority of elected representatives – and ultimately be able to produce decisions that serve the interests of the public?

1.4. Purpose of the Study

The purpose of this study is four-fold; first is to comment and generate literature on the agencification phenomena in emerging economies with a focus on Uganda and a minimal comparative review of the agency model in Tanzania. Tanzania is one of the first countries in the region to explicitly enact a legal framework that provides for the establishment of executive agencies. Under this interrogation, the study is keen to explore in great depth, the principal-agent framework as a point of departure and reflect on Yesilkagit (2004)'s disposition that "the delegation of formal bureaucratic autonomy to a newly created agency will be affected by the organizational culture that evolves within the agency".

The second purpose is to apply the historical, contextual and institutional arrangements of the new agency model (KCCA) into the theoretical framework of historical and rational choice institutionalism.

The third is to undertake a focused analysis regarding public decision making, accountability mechanisms and the extent to which elected leaders play central roles in influencing the decisions that emerge from executive agencies with dualistic reporting structures.

The fourth and most important is to suggest logical solutions to the agency problem; solutions that strengthen citizens' voices in the agency public policy-making processes and underpin the fundamental principles cherished by proponents of the agencification model – deliver quality public services at a lesser cost.

1.5. Research Objectives

The objectives for this study are obtained from the conceptual framework and purpose of the study. They are also informed by the theoretical strands applied and need to generate knowledge that can improve the agencification processes in emerging economies like Uganda.

The objectives are to:

a) analyse the legal regime that established KCCA with a view to finding out the extent to which it can enable consensual public decision-making on policy outcomes;
b) assess the extent to which political leaders (councillors) influence KCCA's decision-making processes;
c) examine the extent to which technocrats influence KCCA's decision-making processes; and
d) provide concrete measures to address the challenges (if any) experienced by KCCA's decision-making processes as a result of its dualistic character.

1.6. Primary and Secondary Research Questions

In reference to the purpose and objectives of this study, as well as the need to document both the theoretical frameworks and literature on agencification and public decision-making, this study is guided by a primary research question and four interrelated secondary research questions as follows;

Primary research question

How are policy decisions arrived at in KCCA which has a dual reporting and accountability structure?

Secondary research questions

a) To what extent does the law that set up KCCA enhance consensual public decision-making on policy outcomes?
b) To what extent do political leaders (councillors) influence KCCA's decision-making processes?
c) To what extent do technocrats influence KCCA's decision-making processes?
d) What needs to be done to address the challenges (if any) resulting from KCCA's decision-making processes, taking into account the agency's dualistic character?

1.7. Structure of the Report

The rest of the thesis is structured as follows: Chapter Two provides a review of the literature on the academic understanding of agencification, current agency models in broad and specific terms, with a careful review of the agency phenomena in Uganda, juxtaposed with the agencification processes and form in Tanzania. The chapter also underscores the different agency models in terms of mandate, autonomy and practices. Literature is further explored to appreciate the concept of public decision-making in executive agencies, and political as well as socio-economic contextual realities that underpin the cardinal objectives of the study.

Chapter Three outlines the theoretical and conceptual frameworks that reinforce the study. It rationalises the application of the institutionalism strand and in particular the two strands of historical and rational choice institutionalism, before providing a guiding framework that supports the analysis of the KCCA institutional arrangements as a consequence of temporal processes and the need for agency equilibrium.

Chapter Four outlines the research design and approach, the methods and techniques applied as well as how data was collected and analysed.

Chapter Five presents study findings and particularly an analysis of the case study with the aim of answering the central research questions laid out in chapter one, and the last chapter concludes the thesis.

CHAPTER 2: REVIEW OF LITERATURE ON EXECUTIVE AGENCIES AND PUBLIC DECISION-MAKING

2.1. Introduction

This literature review generally explores the main ideas surrounding agencification with a precise literary voyage of the notion of public decision-making in an executive agency. The first sections cover the academic literature that deal with agencification and public decision-making. The survey then traces the origins of the agencification model within the broader context of institutional reforms. Thereafter, the agencification policy transfer referred to by Pollit et al (2001) as *agency fever* is explored within Uganda's context, with the KCCA agency as a case in point. In order to arrive at cross-national perspectives and empirical connections of the agencification processes across artificial borders, the review of agencification in Uganda is compared with the agencification in Tanzania.

In totality, the review of the literature has enabled the identification of scholarly ideas applied to aid the analysis of how an executive agency is supposed to engage in and with the public decision-making processes.

2.2. Agencification

The creation of executive agencies to deliver services for and behalf of government can be traced to the *Next Steps* program in Britain in the late 1980s. The British civil service reform, in turn, had the effect of inspiring similar efforts for agencification in other countries in the Commonwealth and elsewhere with different connotations such as the Crown entities in New Zealand, and independent administrative corporations in Japan, Nakano (2004, p.171). Since then, "the creation of executive agencies has become a common feature of contemporary public sector management"(Sulle, 2010a, p. 345) with Pollit et al., 2001 (p. 271) pronouncing it an *agency fever*.

Since the 1990s, many emerging economies, including Uganda, followed suit to establish various agencies "driven largely by the pressures to restrain spending and make service to citizens more responsive"(OECD, 2001, p.8). Inherent in the civil service reforms were "monetary incentives in form of development assistance and debt relief by the World Bank and IMF and other financial multilateral institutions" (Caulfield, 2002b, p. 432), in what popularly came to be termed as the structural adjustment programmes

What then is agencification? Literature reviewed does not universally agree on an explicit definition of agencification. Indeed across all countries that have established agencies, there have been variations in agency models especially as regards the autonomy, legal basis and mandate of the agencies. These variations have resulted in several explanations mainly based on the different categorisations, mandate, autonomy and legal structures. Scholars of agencification have thus used the cross-cutting features to broadly designate what an executive agency is. Pollit, Bathgate, Caulfield, Smullen, & Talbot, (2001) in their seminal article *Agency fever? Analysis of an international policy fashion*, offered five distinct characteristics that delineate an executive agency as illustrated below;

Table 1: Characteristics of an Executive Agency

SN	Characteristics	Embedded Meaning
I.	They are at arm's length from the main hierarchical spines of ministries	This implies that an executive agency is structurally disaggregated and offered an autonomous mandate to implement policies with minimal political influence
II.	Executive agencies carry out public tasks (service provision, regulation, adjudication, and certification) at a national level	This characteristic distinguishes executive agencies from publicly owned and operated for-profit enterprises
III.	Their core staff are public servants (not necessarily civil servants—definitions here again vary enormously between countries)	Most agencies operate under new public management systems with staffs contracted to deliver specific deliverables and targets in a professional and courteous manner.
IV.	They are financed, in principle at least, by the state budget. In practice, some agencies recover a good deal of their financial needs from charges	The state bears the bigger responsibility of funding the agencies because the services delivered are ideally public in nature
V.	They are subject to at least some administrative law procedures (i.e., they are not wholly or predominantly private law bodies	Even in countries like Britain, where agencies are not established through a specific legislation, the minister lays down administrative instruments to guide the operations

Source: Pollit, Bathgate, Caulfield, Smullen, & Talbot, (2001)

Caulfield (2002) and Pollitt (2003) assert that the concept of 'agency autonomy' is a central feature of the agencification model and that the agency should be outside the hierarchy of the line ministry. Two central concepts –'autonomy' and 'outside a ministerial department' - are analysed to espouse more on the meaning of agencification. Autonomy of an executive agency is in practice either vertical (limited ministerial influence) or horizontal (limited influence of the board over policy implementation by the bureaucrats). According to Sulle (2010, p. 347), "autonomy is the decision-making competence of an agency, or the extent to which the agency can decide for itself matters it finds important for achieving its goals". Autonomy then becomes

the degree of freedom exercised by an agency in matters of implementing its legal and policy mandates.

Furthermore, the Organisation for Economic Cooperation and Development (OECD) saw agency autonomy as 'distributed public governance;' meant "to capture the notion of proliferating public organisations operating with some degree of separateness from core government ministries" (Wettenhall, 2005, p. 620). According to Pollitt (2003, p. 2) "agencification lacks a consistent definitional characteristic beyond the idea that agencies should have some autonomy. As a result, the meaning of the term can be reconstructed to satisfy policy-makers from countries with different motivations and context." Indeed, even within the *Next Steps* program in the UK, significant variations occur with some agencies formally reporting to senior officials and not the Minister, while others are involved in "steering as well as rowing" according to Pollit et al (2001).

In light of the above narrative, scholarly reviews point to a set of common features that reinforce the meaning of agencification as; public bodies 'at arm's length' from the line ministry; have some sort of service delivery as a core mandate; have a fully functioning set of bureaucrats (public servants); are funded to a great extent from the national budget; and operate under a defined legal framework (see Pollit et. al., 2001; Caulfield, 2002; Pollitt, 2003; Caulfield, 2002a; Egeberg & Trondal, 2009; Pollit et al., 2001; Wettenhall, 2005); Egeberg & Trondal, 2009). All these features are clearly embedded in the new public management doctrines that aim at improving "public services by making public sector organisations much more 'business like" (Diefenbach, 2009, p. 892) and bestowing upon agency bureaucrats a degree of managerial autonomy to implement policies with clearly defined performance targets.

To further explore the agencification model, Fjeldstad (2009) as quoted in Sulle (2010), p. 346 presents the tripod model that sums up the diverse characteristics of agencies into three variants, namely; structural disaggregation, managerial autonomy and contractualisation of public sector management. Structural disaggregation embodies a specialised unit cut off the mainstream civil service and given managerial autonomy over the goals pursued, and programmes implemented. Managerial autonomy principally implies that politicians are relegated to policy-making and their overdue influence in matters of policy implementation is reduced. Managerial autonomy bestows on bureaucrats operational freedom to design their programmes and implement them with results as the defining targets. Contractualisation of public sector management implies the use of NPM-like principles; staffs are given performance contracts which involves "replacing input-based control with results-based control" (Verhoest, 2002, p. 30) with one underlying principle- government must do more with less.

The literature further affirms that agencification is as varied as the many countries that have adopted the model. "Across countries, and even sometimes within individual countries, agencies vary so much in terms of their powers and statuses that it is hard to think of many generalizations that could possibly fit every member of the species" (Yesilkagit, 2004, p. 119). These deviations

are informed by contextual realities, agency objectives and degree of emphasis on performance management. This study, however, focuses on the Yesilkagit (2004) tripod model by making use of the three variables of structural aggregation, managerial autonomy and contractualisation as the basis for the analysis of the agencification of KCC. In doing so, the study does not lose sight of the interplay of the three variables in the arena of policy-making and implementation, and the space of elected leaders in influencing decision-making in the agency.

2.3. Public Decision-Making

The recent literature is awash with different types of citizen participation in democratic processes. For the purpose of this study, two variants of citizen participation have been explored. Citizen deliberative and participatory democracy, which are the most popular forms practiced in Uganda. Participatory democracy is about the various electoral spaces and opportunities that enable citizens to engage in political processes and determine political outcomes. According to Gastil (2000, p. 12) "deliberative variants of the participatory model go a step further and encourage regular dialogue among citizens to bring their many voices together in search of an elusive moral consensus." In a democratic political environment, it is expected that participatory and deliberative variants of democracy should enable public decision-making to build public consensus along the public policy continuum.

Although there is no explicit academic definition of the concept of public decision-making, Bishop & Davis (2002, p. 18) state that public decision-making involves the bureaucrats (managers) together with the citizens building consensus on policy issues. In addition, Jones (1994, p. 1) states that "democracy has to do fundamentally with the communication of citizens' preferences to policy elites and the subsequent matching of public policies to those preferences." Essentially, the communication between citizens and elites should give rise to public decision-making in the public policy processes.

Public decision-making should therefore and in an ideal political setting constitute part-and-parcel of the public policy-making cycle. Through the two most popular variants of citizens' participation, the public, either directly or through elected representatives gets "concerned with how issues and problems come to be defined and constructed and how they are placed on the political and policy agenda"(Parsons & Greenwood, 1996, p. 15).

Public decision-making in KCCA can only be appreciated by extending the literary lenses into the city's temporal processes. Previously before being turned into an agency, Kampala city was governed as a local government unit with an executive mayor and with the decentralization policy in play, the city offered a great deal of deliberative participation ensuring that voices of the various actors were heard in the city's public policy affairs. Citizens' participation in the affairs of the city was not only legally and structurally provided but also ensured to enable political actors realise the reward of re-election (Gore and Muwanga, 2014, p. 7).

In light of the agency model, there is limited scholarly attention to the concept of public decision-making, partly because many agency scholars have paid more attention to defining and locating the origins of the different agency models as well as locating their place within the NPM paradigm. This is despite what Pollit et. al. (2001, p. 277) posit that "separation into distinct, single-purpose organisations will make it easier for key stakeholders to identify, participate in, and be consulted about the work of the organisation, i.e., being 'close to the consumer' should become easier". The agency model such as the KCCA, with an authority of elected representatives gives a face-value impression that citizens through delegated authority are fully engaging with the policy processes in the agency.

Certainly, this literary exposition indicates a shortcoming and Rational for more empirical studies around the concept of decision-making in the agency model of governance. Literature has shown that citizens' participation and indeed public decision-making is "constrained, complex, untidy and generally regarded with a degree of skepticism and ambivalence" (Roberts, 2004, p. 318). Borrowing from Moynihan (2006, p. 1029), this study conceptually defines public decision-making as the 'active and results-based participation of the general citizenry in the public policy processes within their respective jurisdictions either directly or through elected representatives'.

2.4. Agencification in Uganda, the case of KCCA

In light of the initial successes registered in Britain under the *Next Steps* program, agencification became a central model in many public service reforms across the world. The *Next Steps* program coincided with a civil service reform initiative in Uganda with similar tenets that pointed to the country's initial steps towards agencification. According to Olum (2003, p. 6), the reform initiative in Uganda had four tenets, namely: "redefining the role of government; rationalising and streamlining government structures; eliminating redundant staff and restructuring management systems and incentive structures for improved performance in public service delivery". These tenets can be sufficiently located in the NPM principles. Indeed, "… the transition from KCC to KCCA can be regarded as a response to the waves of new public management doctrines" (Karyeija and Kyohairwe, 2012, p. 108), and the agencification of KCC was intent on solving the country's civil service challenge that was then "bloated, highly corrupt and inefficient. It was incapable of performing basic service delivery or policy implementation functions"(Xu et al., 2006, p. 14).

Uganda initiated the agencification reform agenda in the early 1990s through legislative processes with each agency created through an Act of Parliament. In 2005, government amended Article 5 of the 1995 Constitution to provide for Kampala as the capital city of Uganda which shall be administered by the Central Government (GoU, 2006). Kampala city had been administered under the Local Governments Act (1997) as a district headed by an elected Executive Mayor. The constitutional amendments were followed by the tabling and passing of an

Act of Parliament titled the Kampala City Council Act (2010), which structurally disaggregated KCC from its parent ministry of Local Government and legally established the KCCA as an executive agency to administer and manage the affairs of Kampala city for and on behalf of the central government. The agency is technically headed by an Executive Director, a public servant appointed by the President for a 5 year renewable contract. There are two political actors in the agency; the Authority constituted of the Lord Mayor and councillors as well as a Minister for Kampala Affairs appointed by the President.

In relation to the Yesilkagit (2004) tripod model, KCCA conforms to two of the three agencification variants of managerial autonomy and contractualisation but is not entirely disaggregated from its line ministry at least as provided for in the KCC Act (2010). In addition to its conformity to the two variants, the KCCA agency phenomenon integrates some principles and practices of decentralisation. The agency further boosts of having a Minister for Kampala Affairs, who doubles as the agency political supervisor on one side and an elected Lord Mayor, designated by the KCC Act (2010) as the political head of the Authority on the other hand.

Contrast this with the UK agencies, where the chief executive officers only report to the line Minister and are thus shielded from local political manoeuvres. The KCCA agency model is therefore exceptional in its intra-political structuring; an aspect that calls for further empirical studies on its unique structural disaggregation.

2.5. A comparative Analysis of Agencification – the case of Tanzania

The Rational for a comparative analysis of Tanzania is informed by the fact that it's one of the first countries in the region to explicitly enact a law (the Executive Agencies Act No. 30 of 1997) that empowers ministers to establish executive agencies. Following the World Bank and IMF funded civil service reforms in the late 1980s and early 1990s; Tanzania in similar fashion to several other African countries launched a civil service reform programme. The overriding objective was in tandem with that of Uganda; achieve a smaller, affordable, well-compensated, efficient and effectively performing civil services"(Caulfield, 2002, p. 213). As an immediate outcome of the civil service reform, Tanzania adopted the agency form of organization with 7 agencies established in 1999 and by the end of 2007, there were 24 executive agencies scattered across several ministries. These agencies have been established through the enactment of a special Act, the Executive Agency Act, No 30 of 1997.

Comparatively, agencification in Tanzania is guided by a single legislation, while in Uganda each executive agency is established by a distinct Act of Parliament. By implication, ministers in Tanzania have a high degree of political flexibility to institute administrative instruments that guide the general operations of the agency as opposed to Uganda's case where political oversight and managerial autonomy is limited to the specific legislation establishing the agency.

Table 2: A comparative analysis of agencies in Uganda and Tanzania

Uganda	Tanzania
Each Executive agency is established by a distinct legislation such as the KCC Act (2010)	The Executive Agencies Act, No 30 of 1997 is the overriding legislation that mandates a minister to establish an agency
Strategic management is vested in the hands of agency bureaucrats/managers	Strategic management is vested in the hands of the Permanent Secretary of the parent ministry
Agency CEO reports to the Minister and for KCCA there is a dual reporting structure (both to the minister and the Authority)	Agency CEO reports to the Permanent Secretary of the parent ministry
KCCA has an Authority (constituted of an elected Lord Mayor and councillors). The Lord Mayor is the political head of KCCA	All agencies have Ministerial Advisory Boards (MABs) chaired by the Permanent Secretary.

According to Sulle (2010, p. 349) "the creation of agencies in Tanzania has principally met a criterion of being 'away' from their parent ministry and therefore the logic of structural disaggregation is empirically visible". However there is still contestation on the variable of managerial autonomy; CEOs in Tanzania answer to their permanent secretaries and not, as is the case in Ugandan agencies, to their ministers.

CHAPTER 3: THEORETICAL FRAMEWORK

3.1. Introduction

The theoretical framework for this study is the institutionalism theory, which has been applied to enable an empirical analysis of policy actors as both objects and historic political players. Within the institutionalism theory are three strands; historical, sociological and rational choice institutionalism. In light of the focus of this study, it is considered logical to apply the historical and rational choice institutionalism because the two strands are much more explicit in explaining agency (institution) structure and impact.

3.2. Reasons for Selecting Institutionalism Theory

In light of the analytical framework for this study, it is critical that the theoretical framework to be applied has the capability to explain the chronological underlying processes as well as conditions in light of the contemporary behaviours of policy actors within the institution. In light of the agencification model, political actors are concerned with establishing a state of equilibrium, sufficient to rationalise the behaviours of actors within the institution. This calls for a theoretical framework that "conceptualizes institutions both as independent and dependent variables: institutions change as a result of human action, and the changes in expectations and process that result can exert profound effects on state behaviors" (Keohane and Martin, 1995, p. 46). The study has subsequently chosen the institutionalism theory because of its capability to coherently illuminate the emergence of institutions and their effects on policy formulation.

Institutional policy analysis as earlier espoused is concerned with the functional and structural tenets of an agency (organisation) in the context of influences and behaviours of the key actors involved in its management. The choice of the institutionalism theory for this study is further influenced by the fact that "reforms leading to the agencification of KCC can be traced from a history of poor service delivery and historic tensions between multiple interests deeply involved in its governance" Gore & Muwanga (2013, p. 6). The study thus applies the historical institutionalism strand to explore how previous temporal processes such as historical events, interactions and critical junctures influenced the agencification of the city and how this relates to the current frame of public decision-making.

Because historical institutionalism has limitations such as its failure to sufficiently explain institutional change, and the interest of comprehending the impact of contemporary actions by institutional actors who may not be linked to previous temporal processes, this study adopts a second strand of rational choice institutionalism. The Rational choice institutionalism theoretical

strand has been referred to as "more functionalist in terms of explaining contemporary institutional behaviours in the context of the effects of the existence of the very institution" (Thelen, 1999, p. 369). This implies that this strand can be relied upon to explain the contemporary behaviours of policy actors by logically analysing the impact of institutions.

This study defines institutions as sets of rules, which influence, guide and limit the behaviours of actors. Institutional reform, on the other hand, is the deliberate attempt to change the set of rules that structures interactions within policy networks (Klijn & Koppenjan, 2006, pp. 144-149; see also, Hall and Taylor, 1996; Peters et. al., 2005; and Thelen, 1999).

3.3. Historical Institutionalism

Historical institutionalists address the *big, substantive questions that are inherently of interest to broad publics as well as to fellow scholars*. To develop explanatory arguments about important outcomes or puzzles, historical institutionalists *take time seriously, specifying sequences and tracing transformations and processes of varying scale and temporality* (Pierson, and Skocpal, 2002).

Hall and Taylor (1996), two time-honoured historical institutionalists, define historical institutionalism as the "formal and informal procedures, norms and conventions embedded in the organisational structure of polity or political economy." The starting point of historical institutionalists is two-dimensional, "a world replete with institutions" (Hall & Taylor, 1996a, p. 954), and "empirical puzzles that emerge from observed events or comparisons" (Thelen, 1999, p. 373). The underlying connotation is that existing institutional power undercurrents reign supreme in any new institutional reform process, and that our understanding of these reforms makes logical sense if observed in a time-dimensional manner. In precise form, historical institutionalists are pre-occupied with the fixed concept as well as processes within an institution and how these influence policy actors. Consequently, "institutional arrangements cannot be understood in isolation from the political and social setting in which they are embedded" (Thelen, 1999, p. 384).

In the case of Uganda, an amendment to the Constitution was approved in 2005 that established the legal authority of the central government to "provide for the administration and development of Kampala as the capital city for Uganda" (Gore & Muwanga 2013, p. 12). This constitutional amendment paved the way for the legal and institutional reform of KCC into an executive agency. The choice of the new legal and institutional regime was a question of the quality of prior services delivered as well as "historic tensions between multiple interests deeply involved in its governance"(Ibid., p. 6). From a historical institutionalist point of view, it is critical that current behaviours of policy actors in the KCCA agency are only comprehended through a chronological examination of the temporal processes, ideas and junctures.

To appreciate the new KCCA's agency model in relation to interactions and the effect of such interactions in the matter of public decision-making, the historical institutionalism theory is applied to illuminate the chronological processes that help define the present-day depth and quality of public decisions in the agency. In applying historical institutionalism in the manner described above, the hypothesis to be tested is this:

The current outcomes of public policies do not reflect the mere preferences or interests of the current strongest competitors but they are influenced by the existing and past institutional arrangements in which competition takes place.

Similarly, Pierson & Skocpol (2002, p. 4) note that "to develop explanatory arguments about important outcomes or puzzles, historical institutionalists take time seriously, specifying sequences and tracing transformations and processes of varying scale and temporality."

Historical institutionalists have been "attentive to the way in which institutions distribute power unevenly across social groups" (Hall & Taylor, 1996a, p. 941). KCCA is a service delivery agency with elected political actors who represent varying social groups within the jurisdictional area under the agency. Historical institutionalism is clearly applicable because it does not assume that agency actors evenly play similar roles in influencing the policy processes but rather that the agency will give some individuals or interest groups unequal access to the decision-making processes. This is a critical proposition in exploring the impact of the political actors as representative of the consumers in the decision-making processes of the agency.

In applying the historical institutionalism theoretical framework to appreciate and empirically come to logical conclusions regarding the agencification of KCC, this study applied the four tennets as espoused by Hall & Taylor (1996, p. 938) as follows:

a) reflect on the relationships between the institution and the individual actors in relatively broad terms;
b) highlight the asymmetries of power associated with the operation and establishment of the agency;
c) consider the agencification of KCC as path dependent with unintended consequences and
d) integrate into the analysis, the contributions of other kind of factors outside of the institution but within the broader political environment.

However, in applying historical institutionalism, the study does not lose sight of the limitations of the theory including its "incapability to cope with change"(Peters et. al., 2005, p. 1275) and "its lack of a distinctive social ontology"(Hay & Wincott, 1998, p. 953). Hall & Taylor, (1996, p. 950) state that, historical institutionalism has devoted less attention than other schools to developing a sophisticated understanding of exactly how institutions affect behaviour, and some of its works are less careful than they should be about specifying the precise causal chain through which the institutions they identify as important, are affecting the behaviour they are meant to explain.

Historical institutionalists are inductive in nature and according to Hall & Taylor, (1996), "they have been slower than others to aggregate their findings into systematic theories about the general processes involved in institutional creation and change." To counteract the effects of the above limitations, the study analyses the thoughts, critical junctures and decisions responsible for the new agency model in the context of the economic and political forces at play. According to Peters et. al. (2005, p. 1277), "without including some dynamic conception of agency, and … a greater role for political conflict, the approach cannot provide an adequate explanation for change." This study makes reference to critical historical junctures, decisions and actor interactions, to understand the influence of temporal agency underpinnings on the concept of public decision-making in KCCA.

3.4. Rational Choice Institutionalism

Rational choice institutionalism emerges from the Rational choice perspective basically defined as "the analysis of choices made by rational actors under conditions of interdependence" (Immergut, 1998, p. 12). Rational choice institutionalism is appropriate in this study because of its two core tenets; the strand is "highly functionalist and largely intentionalist" (Hall & Taylor, 1996a, p. 952). The theoretical strand is "functionalist" because rational choice theorists explain the creation of an institution largely on the basis of the effects that follow, and intentionalist because the proponents assume that actors are always equipped with predetermined reasons for creating institutions, and are positioned to reap the effects of the institutional reforms.

The agencification of KCC as earlier noted was necessitated because of poor service delivery but also a question of political tensions between government and opposition actors over its political control. According to Gore & Muwanga (2013, p. 3) "the national government's takeover of Kampala was a well-planned effort to reclaim a powerful economic and political space that had been out of its reach since coming to power in 1986". Rational choice institutionalism is capable of supporting the validity of such claims by giving explanations, reached by observing the impacts of an institutional change.

The scholarly Rational for the use of these two strands of institutionalism is that single perspective studies as earlier noted, have limitations. The application of different theoretical viewpoints therefore ensures more reliability of the findings. "The rational choice school's emphasis on the coordinating functions of institutions (generating and maintaining equilibria) versus historical institutionalism's emphasis on how institutions emerge from and are embedded in concrete temporal processes" provides the point of tangency for this study in applying the two strands (Thelen, 1999, p. 371). In this study, historical institutionalism offers directions towards understanding how the transition from KCC to KCCA is a result of previous historic factors and how such factors influence the behaviours of current policy actors in the arena of public

decision-making, while rational choice institutionalism directs the study towards comprehending institutional change in light of the policy actions and impacts of current policy actors.

This theoretical analytical proposition is informed precisely by Thelen (1999, p. 382), who asserts that;

"Rational choice theorists tend to view institutions in terms of their coordinating functions; historical institutionalists see institutions as the legacy of concrete historical processes. In embracing this view, historical institutionalism brings questions of timing and temporality in politics (rather than equilibrium order) to the centre of the analysis of how institutions matter."

3.5. Conclusion

In conclusion, the theoretical framework for this study is grounded in the historical and rational choice institutionalism theories. The two strands are capable of underpinning the exploration of past experiences, decisions and critical junctures that have influenced public decision-making processes in the KCCA agency, while at the same time explicating the KCCA agency phenomena in light of the current frame of policy decisions. The framework is also ideal in investigating formal and informal actor interactions sometimes called "'long lived equilibria' between the principal and agent"(Verhoest and Verschuere, 2003, p. 10).

CHAPTER 4: RESEARCH METHODOLOGY, DESIGN AND APPROACH

4.1. Introduction

The chapter illustrates the research methodology, design and approach in reference to the study objectives and research questions, and provides a basis for the analysis of the data collected. The overall objective of this study is to generate new knowledge about the KCCA agency phenomena and in particular the interplay between various actors in the policy arena and the extent to which the decisions from the agency reflect the views and aspirations of the political leaders as representatives of the people.

An in-depth documentary analysis was undertaken, mainly on the literature behind the agencification model, the theoretical strands applied and the selected documents related to the KCCA agency. The analysis of documents was complemented by primary data collected from key informants. The theoretical framework was applied to appreciate the extent of public decision-making in the agency from both the temporal angle and impacts emerging from the institutional change. The case study approach enabled an exhaustive analysis of the structural disaggregation, managerial autonomy and contractualisation as key variants of the agencification model.

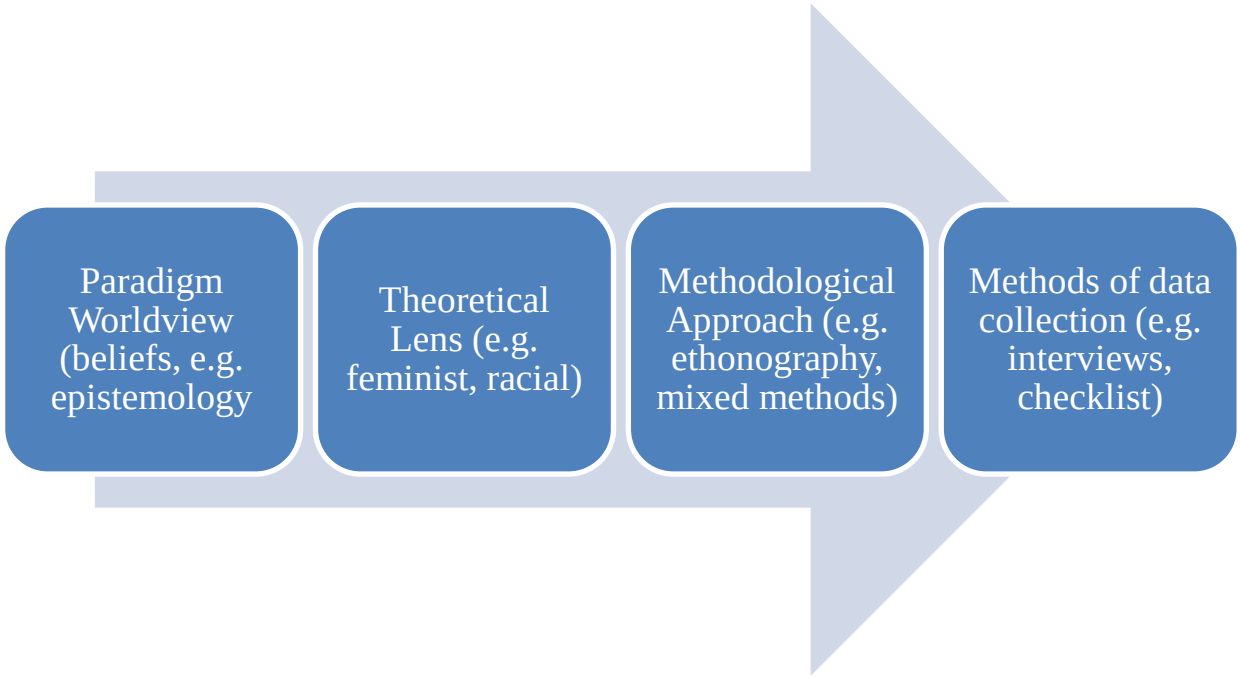
4.2. Research Paradigm

A paradigm is a "loose collection of logically related assumptions, concepts, or propositions that orient thinking and research" (Robert, Bogdan, & Sari, 1982, p. 22). A paradigm seeks to support the analysis of research findings by clarifying on the epistemological belief and nature as well as research methodology and criteria of data collection. In order to set down the research intent, motivation and expectations, this study employed the constructivism paradigm of scientific inquiry, sometimes referred to as interpretivism. The constructivism paradigm in applied research point of departure is the " world of human experience" (Cohen, Manion, & Morrison, 2013, p. 36) upon which the researcher begins to socially construct meaning attached to the social reality. This study applied the constructivism paradigm to design and use methods that focus on the respondents as creators of knowledge based on their long lived experiences in light of the subject under study.

The study therefore applied qualitative techniques of data collection and analysis to highlight with limited inconveniences, linkages "that connect theoretical paradigm first to strategies of inquiry and second to methods for collecting data" (Denzin and Lincoln, 2005, p. 22). This technique is well illustrated in a serial format as shown in Figure 1 below. In conducting the

study the values of multiple respondents, identified on the basis of their historical and technical knowledge of the institution, were carefully analysed. The constructivist hypothetical proposition assumes a relationship based on the existence of multiple realities. The multiple realities include; "a subjectivist epistemology (knower and respondent co-create understanding), and a natural world set of methodological procedures" Denzin and Lincoln (2005, p. 24). The constructivist paradigm appreciates the iterative nature of social research and places the researcher at the centre of the research processes while at the same time taking cognisance of the beliefs and viewpoints of the respondents.

Figure 1: The systematic design and flow of presentation of the study design



Source: adopted from Crotty (1998) in Creswell & Clark, (2007)

4.3. Research Design

The activities of *collecting* and *analysing data*, *developing* and *modifying* theory, *elaborating* or *refocusing* the research questions and *identifying* and *addressing* validity threats are usually all going on more or less simultaneously, each influencing all of the others (Maxwell, 2012, p. 3).

The research design for this study was not set in a linear format neither did it begin with a predetermined point of departure; it was rather set in a flexible manner to enable an iterative process across all the stages. This design was informed by the choice of the constructivism

paradigm of scientific inquiry that gives direction to the qualitative methodologies and data analysis techniques.

4.3.1. Case Study Approach in the Applied Component of the Research

The study employed a case study approach. A case study is "a qualitative approach in which the investigator explores a real-life, contemporary bounded system over time, through detailed, in-depth data collection involving multiple sources of information" (Creswell 2012, p. 97). The Rational for the case study approach was that it "optimizes understanding by pursuing scholarly research questions. It gains credibility by thoroughly triangulating the descriptions and interpretations, not just in a single step but continuously throughout the period of the study" (Denzin and Lincoln., 2005, p. 444 - 445).

The case under study (unit of analysis) was the KCCA, a newly created executive agency, designed to deliver services to city dwellers using NPM approaches. The new agency is structured as an executive agency, administered by the central government but with embedded principles and practices of decentralised governance.

The choice of the case study was informed by the problem under investigation and the choice of the theoretical framework. Within KCCA, the study sought to investigate and come to logical conclusions regarding public decision-making through the actor lenses; this was necessitated by the fact that the KCCA agency phenomena is designed to be structurally disaggregated from its parent ministry with a dualistic reporting hierarchy. In light of its dualistic nature, it was critical to ascertain the extent to which the decisions that emerge from the agency represent the interests of the public.

4.3.2. Data Sources

In light of the study design, two qualitative sources of information were applied in order to "reflect and attempt to secure an in-depth understanding of the phenomenon in question" (Denzin and Lincoln, 2005, p. 5). The rationale for a qualitative methodology is that it provides for in-depth exploration of the problem, "honours the voices of participants, maps the complexity of the situation, and conveys multiple perspectives of participants" (Creswell & Clark, 2007, p. 5).

a) Documentary Analysis

Documentary analysis as a research method involves the "critical assessment of documents related to a conceptual area of interest with the aim of drawing relevancy and meanings beyond the stated text" (Wagner, et. al., 2012). According to Briggs & Coleman (2007, p. 279) documentary analysis is "… a form of qualitative analysis that requires readers to locate, interpret, analyse and draw conclusions about the evidence presented."

Several documents were reviewed prior and during data collection including:

- The 1995 Ugandan Constitution
- The 1997 Local Governments Act:
- The KCC Act (2010)
- KCCA programme and strategic Reports
- KCCA Ministerial Policy Statements 2010 – 2015
- Relevant academic and media articles.

During documentary analysis, information gathered was seen as constructs of what happened, what is happening and what is likely to happen based on a form of practical reasoning that renders the social order accountable and comprehensible. While earlier research designs meant that documentary analysis informs interviews, the qualitative nature of the research required more iterative processes with prior analysis of interview data, leading and pointing to the need for further review of literature and documents.

Whereas documentary analysis was expected to save time and enable the research to be undertaken in a cost effective manner, the fact that the agency model is new meant limited availability of useful documents/literature. Even the analysis of media articles was limited due to lack of in-depth investigations on the agency model. Indeed this study affirmed the fact that "it takes considerable skill to locate elusive documents and considerable interpretative skills are required to uncover the meaning of the contents" (Briggs & Coleman 2007, p. 280).

The documents analysed throughout the study enabled the researcher appreciate the history of KCC and in particular the reasons why government took over the management and administration of KCC. The review of the legal frameworks particularly the KCC Act (2010), the 1995 Uganda Constitution and the Local Government Act (1997) provided firm evidence regarding the centrality of the various actors in the arena of public decision-making within the agency. This partly informed the initial list of key persons to be interviewed. Documentary analysis also informed the design of the interview guide, and information generated equally guided probing during the interviews.

b) Interviews

The interview is a grounded technique of the socio-constructivist paradigm of scientific inquiry. The interviewing method, especially the use of key informants for in-depth information, was the main technique for this study. The use of key-informants helped draw meanings from lived experiences of both prior and current policy actors in KCCA, taking into consideration their unique beliefs, values and knowledge related to the agencification of KCC and their perspectives of current outcomes of policy choices. Interview as a method for this study was supported by DiCicco-Bloom and Crabtree (2006, p. 314), who contend that "the purpose of the qualitative research interview is to contribute to a body of knowledge that is conceptual and theoretical and is based on the meanings that life experiences hold for the interviewees."

The interviews were based on unstructured, open-ended questions, judiciously drawn into a key informant interview schedule as a reference guide throughout the face-to-face engagements. In referring to the same interview schedule during all the face-to-face interviews, the researcher's objective ensured consistency of interviews as well as ease of data analysis. Academic literature shows that "the structure should be sufficiently flexible to enable the interviewee raise issues and shape the content of the interview, at least to some extent, to allow responses to be probed and explored" (Ritchie, Lewis, Lewis, Nicholls, & Ormston, 2013, p. 183).

The implication of this is thus to draw an interview schedule that is not an end in itself but rather a means to the end insofar as enabling probing based on the bilateral exchange of information is concerned. Using the interview schedule, the researcher comfortably interacted with the respondents in a conversational manner, enabling probing and in-depth investigations in light of the responses and inter-interview analysis.

Using an interview guide, a carefully selected number of respondents with historical and technical knowledge about Kampala City Council and events surrounding its agencification were interviewed. Diversity in opinion was ensured through a purposive selection of former and current political actors and technical officers.

The Interview Process

Key informant interviews were conducted as follows;

i. The researcher sought official introduction letters from the Faculty of Commerce, Law and Management, indicating that he is undertaking an academic study in partial fulfilment of the degree of Management in the field of Public Policy.
ii. The researcher then officially wrote to KCCA attaching the introduction letter from the faculty, the university identification, the research proposal and the proposed interview schedule. This communication indicated the kind of study being undertaken, the proposed bureaucrats and political actors to interview as well as the timelines for the interview. In the letter, the researcher indicated how KCCA will benefit from the study.

iii. The research adopted a flexible approach regarding the venue of the face to face interviews. During the fixing of appointments, the researcher indicated an open public space that guarantees a one-to-one private discussion but was quick to allow for alternative suggestions from the respondents. The research was conducted in English. Three key informants (The Deputy Lord Mayor, the KCCA Spokesperson and a former councillor in the previous local governing council) opted to give the interview in their offices. The remaining five key informants were interviewed in public spaces.

iv. While each interview was designed to last 45 minutes, 4 of the interviews with the deputy Lord Mayor, two current councillors and one previous councillor last well over 1:30 hours. The interview process was stretched well over three weeks to enable the researcher reflect on the emerging information and begin to draw themes. Indeed each proceeding interview benefited from the previous conversations.

v. To ensure fulltime focus, interactions and probing, all key informant interviews were audio record using a tape recorder only on the explicit documented consent of the respondents. In all cases, the researcher complimented the audio recordings with some writing on the key issues and areas for probing.

Eight key informants were interviewed as follows;

Key Informant	Place of Interview	Date
The Minister for Kampala Affairs at the time of the study	Office	July 4, 2016
The Deputy Lord Mayor	Office	July 21, 2016
The Spokesperson of KCCA	Office	August 3, 2016
One councillor at the time of study	Home	July 13, 2016
One councillor at the time of study	Cafe	July 16, 2016
One former councillor	Home	July 12, 2016
One former councillor	Office	August 3, 2016
One Member of Parliament representing a constituency in Kampala	Parliament	August 24, 2016

In all these interviews, an interview consistency matrix attached as appendix was used through the process.

4.3.3. Data Collection

a) Introduction

The design of data collection instruments was cognisant of the qualitative nature of the study. Data was mainly collected from two sources; documents and interviews. Interviews resulted in voluminous sets of data, necessitating longer hours of transcribing and analysis, but crucially providing greater breadth in understanding the issues under study. The underlying socio-constructivist paradigm was sufficient in guiding the researcher towards the kind of respondents, techniques and institutions for relative interpretative information. To ease analysis, the study adopted one key principle espoused by Creswell (2012, p. 47) that "in the entire qualitative research process, the researchers keep a focus on learning the meaning that the participants hold about the problem or issue, not the meaning that the researchers bring to the research or writers from the literature".

b) Data Collection Instruments

Table 3: The instruments for data collection and the descriptions

Data collection Technique	Description of data collection instruments
Documentary analysis	In undertaking documentary analysis, the study applied three distinct techniques; semiotics, discourse and interpretive analysis. Semiotics was used to identify the underlying meanings in the documents. Discourse and interpretive analysis helped identify the hidden meaning in the documents reviewed. The analysis of documents then followed the arrangement of themes of the study.
Key Informant Interviews	Using a set of pre-determined unstructured and open-ended questions, a key informant guide (interview schedule) was developed to enable the researcher follow a systematic pattern across the sets of interviews. The key informant guide was structured in sections to cover the research themes. The interviews were audio recorded to enable the researcher reduce on the writings while interviewing but also closely follow the emotions, feelings and tone of the responses. This was critical for drawing initial meanings but also for probing.

4.3.4. Sampling

The study targeted diversity in responses by selecting political actors and bureaucrats that were part of KCC as well as those under the new KCCA. The choice of diversity was informed by the qualitative nature of the study but also supported by case study approach which according to Creswell (2012, p. 156) requires the application of "maximum variation as a sampling strategy to represent diverse cases and to fully describe multiple perspectives about the cases." Maximum variation as a strategy required the application of some form of criteria that enabled the researcher to identify and interview distinct respondents about the same variables. The researcher generally applied the snowball technique to get to other respondents who worked with KCC; these respondents could have a wealth of information on the case under study. Using maximum variation and snowball, respondents were identified from the following sub-groups:

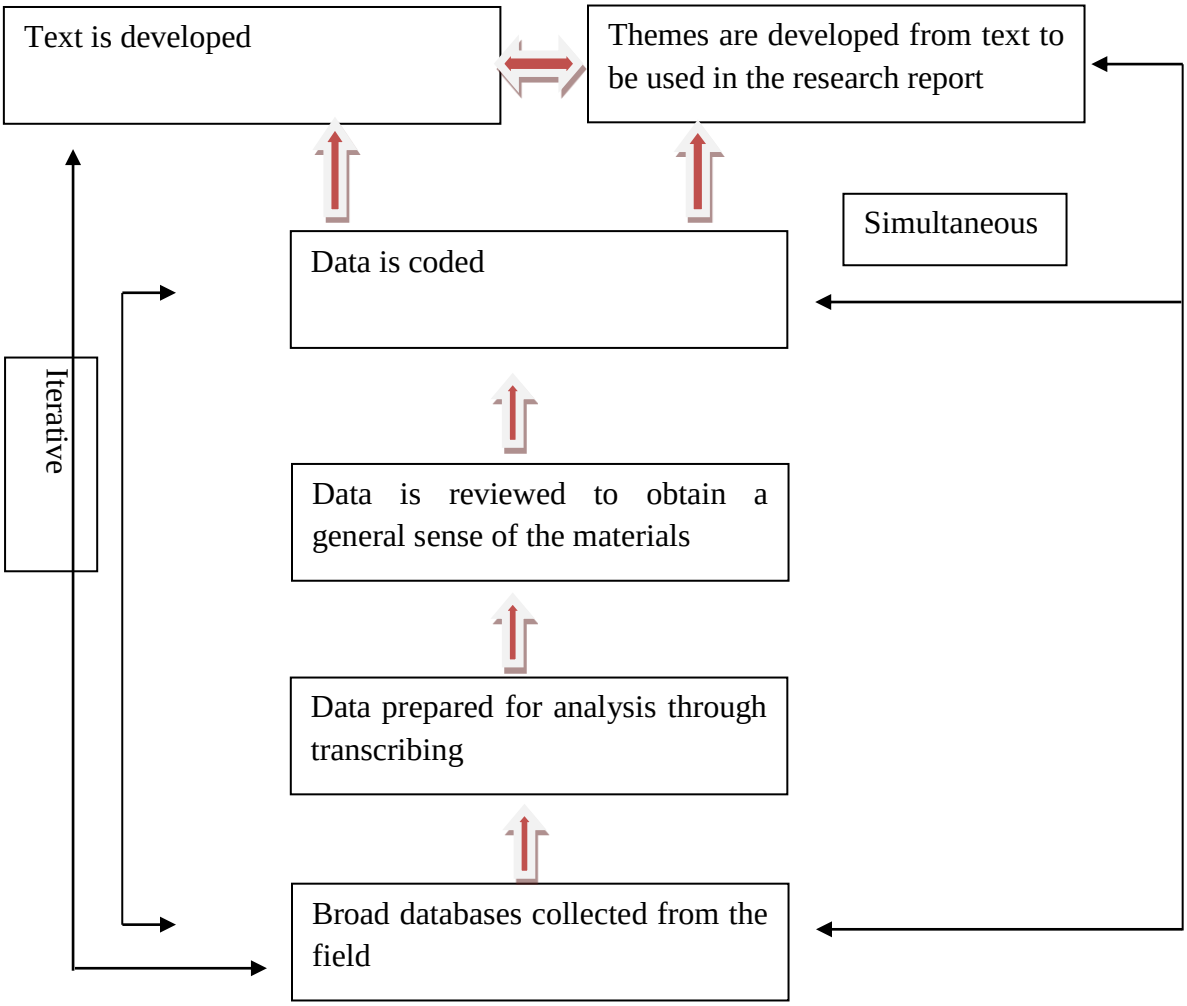
a) bureaucrats that occupied key positions in KCC between 2000 and 2010;
b) previous political actors during the electoral periods 2001 to 2005 and 2006 to 2011;
c) current bureaucrats in key positions within the new KCCA and
d) current political actors in the agency, the executive as well as Members of Parliament.

The research starting point was documentary analysis to provide the basis for initial general themes and aid the setup of a starting list of individuals and institutions likely to be significant sources of information.

4.3.5. Data Analysis

Data analysis in qualitative studies begins with the conceptual planning and arrangement of data around themes to create wider databases capable of being analysed. The themes are then coded, which according to Creswell (2012, p. 184) "involves aggregating the text or visual data into small categories of information, seeking evidence for the code from different databases being used in the study". The development of codes is followed by further shrinking of the information through the application of high analytical skills to give rise to text which is "then recreated as a working interpretive document that contains the writer's initial attempts to make sense of what he/she has learned" (Denzin & Lincoln, 2005). Data analysis for this study followed a phased sequential pattern espoused by McMillan & Schumacher (2014) as shown in Figure 2 below.

Figure 2: A graphical illustration of the data analysis process for the study



Source: McMillan & Schumacher (2014)

Whereas data analysis is presented in a sequential format as shown in Figure 2 above, the actual process was iterative requiring back and forth encounters throughout the identified phases. This study had three types of field data sets: interview scripts written by the researcher during the face-to-face interviews; transcribed information from audio recordings and materials from the documentary review. The set of data collected enabled the researcher to do preliminary thinking of how to sieve out relevant information from the huge datasets bearing in mind the need to use the text to adduce evidence in support of the findings.

After the preliminary thinking, the researcher undertook a review of the data with the sole aim of reducing the bulky datasets into codes. At this stage, the researcher inductively (from bottom to specific to general) begun to build the patterns, categories and themes intended to provide initial

information that is capable of being analysed. In creating the themes, the researcher maintained thematically relevant quotes and phrases to build evidence relevant to the case study. Beyond identifying relevant quotes, the researcher also paraphrased and summarised the text with a view to reducing the bulky texts into more presentable formats. Real analysis resulted in the identification of relevant quotes, summaries and paraphrases. This enabled the researcher to begin the process of creating themes by analysing text of one interview against another and in the process, identifying recurring themes and discourses across the text. It's at this moment, that the researcher begun to draw experiences, values, attitudes and ideas significant to the central theme of the study.

4.3.6. Validity and Reliability

This is mainly a qualitative study whose scientific view of phenomena is context-specific and is based on multiple realities whose point of arrival is that the researcher and respondent co-create knowledge. The findings in this study are not arrived at using statistical or quantifiable means of analysis and "unlike quantitative researchers who seek causal determination, prediction, and generalization of findings, qualitative researchers seek instead illumination, understanding, and extrapolation to similar situations" (Golafshani, 2003, p. 600).

In further comparison, quantitative research is keen on the concept of compatibility of findings to the research methods applied, carefully using statistics and words to arrive at logical conclusions; qualitative research on the other hand, argues from a paradigmatic point of view, making use of conversations, interpretive and creative skills or observations of the subject being studied.

However, this study indeed recognizes that "validity and reliability are two factors which any qualitative researcher should be concerned about while designing a study, analyzing results and judging the quality of the study"(Patton, 1990, p. 41). To begin with, the validity and reliability of this study is discussed in terms of the credibility but importantly generalizability of the findings. However, in discussing the validity and reliability of this study, it's important to note that the constructivism paradigm of scientific inquiry and in particular the techniques of data collection and analysis applied, heavily rely on the view that knowledge and reality is creatively and rigorously constructed by both the researcher and the respondent based on the social interactions between the subject of research and the real world.

In view of this, there is a high probability that the reliability of a qualitative study may be questioned because of the multiple realities emerging from the multiple constructions eminent in a qualitative process.

In order to arrive at the validity and reliability of this study and indeed its findings, the starting point was that "constructivism values multiple realities that people have in their minds.

Therefore, to acquire valid and reliable multiple and diverse realities, multiple methods of searching or gathering data are in order" (Golafshani, 2003, p. 604). This study applied two distinct techniques of collecting data; first was documentary analysis, which critically examined literature and reports related to the agencification of KCC with the aim of locating, interpreting, analyzing and drawing meanings. Second was the use of key informant interviews, with careful selection of respondents with the technical and historical knowledge of the agencification of KCC. Using open ended key informant guides, the researcher provided an open opportunity for respondents to not only direct the research but also point to essential reports and documents for analysis in light of the realities emerging from the conversations. Indeed the key issues from the documents were juxtaposed with the key issues in the interviews to enable the research reliably arrive at the findings.

4.4. Limitations of the Study

The major limitation of the study was the lack of essential recorded information and documents about agencification in Uganda. Despite being one of the pioneer countries to agencify in the region, the researcher struggled to find essential literature on the case under study. In effect, there are no available writings on the KCC agencification process beyond what is written in the KCC Act (2010) and a few media articles. Even across the written academic repositories, policy and political scientists have restricted their scholarly work on the definition and policy transfer of agencification, but little on the agency structural disaggregation and what it means for policy decision-making that centres on the public interest.

4.5. Ethical Considerations

Ethical standards affect the validity of the research findings. In socio-constructivist scientific inquiry, the researcher is bound to "recognize the importance of the subjectivity of their own lens, acknowledge the powerful position they have in the research, and admit that the participants are the true owners of the information collected" (Creswell 2012, p. 25). During the face-to-face interviews, the researcher ensured that his intellectual and personal views were not superimposed on to the discussion issues during the interface. Indeed, the researcher exhibited the highest level of listening skills and only interrupted the conversations on points of clarification and further probing questions.

Importantly, the researcher sought an official letter from the University introducing him to KCCA as a student undertaking research solely for academic reasons. This enabled an informed consent from the leadership of KCCA as well as individual respondents prior to the

commencement of the study. The introductory communication to the respondents was explicit and indicated that the researcher will maintain the highest level of confidentiality and assurances that the findings of the study are purely for academic purposes and will not be used for any other undertaking.

The face-to-face interviews were generally conducted in open public spaces unless otherwise requested by the interviewee. A recording device was used after explicit permission from the respondent but also assurance that the data collected will be held in confidence and deleted after the research process. Individual names of respondents have not been included in the study report. Instead, a pseudo-name or just ‘key informant’ is applied.

4.6. Conclusions

This chapter explored and presented the underlying paradigm of scientific inquiry, going in-depth to rationalize the paradigm and how it links to both the methods as well as analysis of data. Explanations were adduced in relation to the data sources, reliability and validity as well as the ethical issues and limitations encountered.

CHAPTER 5: STUDY FINDINGS AND DISCUSSIONS OF PUBLIC DECISION-MAKING IN KCCA

5.1. Introduction

This chapter presents the empirical research findings in light of the theoretical framework of the study and the review of scholarly and reported literature on the agencification of KCC. The findings are presented in a sequential format reflecting the research questions and broad themes of the study. Each finding is evidenced by a quote (s) from the primary data collected or excerpts from literature and documents reviewed. The findings are also presented in response to the statement of the problem, which is categorically illustrative of the research questions for the study. Each finding is discussed thereafter with attempts to situate the findings in the broader agencification and new public management doctrines.

5.2. Review of the Research Questions

The study applied the historical and Rational choice institutionalism, and the primary research question was: how are policy decisions arrived at in KCCA which has a dualistic reporting and accountability structure? This was broken down into four secondary research questions as follows:

a) To what extent does the law that set up KCCA enhance public decision-making in a dualistic reporting structure?
b) To what extent do political leaders (councillors) influence KCCA's decision-making processes?
c) To what extent do technocrats influence KCCA's decision-making processes?
d) What needs to be done to address the challenges (if any) resulting from KCCA's decision-making processes which has a dualistic character?

5.3. Research Findings and Discussions

5.3.1. The Law Establishing KCCA and its Ability to Enable Public Decision-Making

Kampala City was governed under the Local Governments Act (1997) as a district with a popularly elected Executive Mayor during the period 1998 – 2010. Following several political

and managerial contestations between the central government and the management of the city, Government in 2005 amended Article 5 of the 1995 Constitution to provide for Kampala as the capital city of Uganda which shall be administered by the central government. The takeover of Kampala did not happen until 2010, when parliament passed the KCC Act (2010) as a new legal framework, paving the way for establishment of KCCA as an executive agency to deliver services for and on behalf of the central government.

To logically comprehend the central question of the extent to which the legal framework enables public decision-making, it is imperative to empirically adduce the relative legal provisions in the Act as a point of reference. The KCCA, Act 2010 provides for an elected Lord Mayor and councilors (see section 6) who shall constitute the Authority as a policy-making and representative political organ of the people of Kampala. On account, the Act envisions the Authority (Lord Mayor and councilors) as the primary avenue through which policy concerns of the people of Kampala will reach the deliberative and decision-making platforms within the agency. With the Lord Mayor as the political head of the Authority, the law further provides for an Executive Director (section 17) as the CEO of the agency, appointed by the President and bestowed with several administrative and management responsibilities including:

a) Advising the Mayor and Authority on Government policy
b) Overseeing the delivery of quality services to the population within the Capital City and taking remedial action where service delivery standards are below the expected minimum standards
c) Making reports to the Authority and the Minister on the state of affairs of the Capital City at least once a year or as the Minister or the Authority may determine

Further to the above, the Act in section 79 (2) provides for the powers of the Minister for Kampala Affairs and states thus "the Minister shall have general powers to give directives on policy and general development of the Capital City and the Authority shall comply with the directives". The Minister is also vested with veto powers as and when decisions taken by the Authority are deemed illegal or in circumstances where the Authority is deemed to have failed to perform its duties.

The finding in relation to the legal framework and public decision making is that the KCC Act (2010) explicitly provides for a central role for elected leaders to partake in the policy-making processes of the agency. However, the same law also provides for a Minister for Kampala Affairs as the political supervisor with overriding powers to veto and rescind the decisions reached at by the Authority. The cited legal provisions have on numerous occasions been variously interpreted by the actors involved in the management and governance of KCCA, resulting, into political and legal contestations between the political wing on one side and the technical wing together with the Minister, on the other side. From several respondents, the clash in responsibilities among the three actors (Authority, Executive Director and Minister) has

limited public decision-making in the agency. One key informant from the political wing had this to say;

…when you look at the Act, it says the Authority which is a combination of the Lord Mayor and the councillors shall be the supreme policy body at KCCA but in the same section (79), talks about the powers of the Minister who can even overturn decisions of the Authority.

The Authority which derives its leadership mandate from the people bears a legal responsibility to ensure that the interests of the public reign central in the policy decisions emerging from the agency. The Lord Mayor as head of the Authority "has a dual responsibility to KCCA and to his electorate, in executing all his functions. However, he is also answerable to the Minister responsible to the Capital City" (Karyeija & Kyohairwe, 2012, p. 112). This intricate structure with the elected representatives having their policy decisions vetoed and possibly rescinded by the Minister re-affirms that the agencification of KCC was largely political with intent to have it firmly in the hands of the central government.

Interpretation of the Finding

The KCC Act (2010) is the legal instrument that establishes the agency and at the same time provides for a structure with three power centres (Authority, Executive Director and Minister for Kampala). It's evident from the above finding that the law explicitly provides for a central role of elected leaders to influence the policies that emerge from the agency. The agencification of KCC as earlier noted was a response to service delivery challenges emanating from mismanagement and maladministration of KCC by locally elected leaders in the city. The design of the current legal framework was to the extent, possibly intended to curtail the influence of political leaders in the administration and management of the city by placing the responsibility to govern the city in the hands of the central government through the Minister for Kampala Affairs and the Executive Director.

Indeed, the agencification of KCC resonated with a carefully calculated campaign by the central government to reduce the powers of elected leaders at the local government level. In 2005, Government amended the Local Government Act (1997) and "stripped Local Councils of the authority to hire or fire district Chief Administrative Officers" (Karyeija & Kyohairwe, 2012, p. 44). This was the first major step by the government to limit the influence of locally elected leaders in local government affairs and indeed increase its own mandate and authority to influence governance at the same level. The design of Uganda's decentralisation policy was contextualised to have local leaders "be able to assess the detailed needs and priorities on behalf of those they represent in order to make those choices" (Devas & Grant, 2003, p. 308). Over time, there has been a gradual decline in their powers and mandate to effectively represent the interests of the citizens.

The argument therefore is that the manner in which the law was hurriedly presented to Parliament during the heat of the 2011 general elections meant a well-calculated move by

government to limit public consultations that would have supported an enabling legislation for public decision-making both in form and practice. The spirit of the law and in particular the provisions that give the Minister for Kampala affairs overwhelming powers over and above those of the elected leaders in matters of policy within the agency is testimony. With this reality, Uganda is entering into a new era of public administration without effective citizen voice in policy affairs. This is against a long held "theoretical and practical recognition that the public must be more involved in public decisions" (King, Feltey, & Susel, 1998, p. 319). Yet despite this, Uganda's government is now more decisive about limiting public involvement in public administration.

In creating an executive agency while at the same maintaining aspects of local government practices and procedures, government was creating a new model of public administration, never before seen anywhere else. The traditional agency model will have the head of the agency reporting directly to the parent minister as is the case in the UK *Next Program* or to the permanent secretary as it is in Tanzania. The KCC Act (2010) which established the KCCA agency created a unique model with a bureaucracy reporting to multiple centers, an Authority of locally elected leaders with policy functions and a line Minster solely responsible for agency policy making and supervision. The current challenges (see section 5.3.4. above) confronting the agency were therefore eminent.

In conclusion, the KCC Act (2010) provides for a central role of elected leaders in policy-making but current practices such as policies being vetoed by the Minister curtails public decision making. KCCA, though with features of a local government system, remains a central government agency legally and in practice.

5.3.2. The Policy Influence of Elected Leaders in KCCA

To arrive at a logical finding regarding the policy influence of elected leaders in KCCA, this study looks at some of the reasons for government takeover of KCC. The review of literature and indeed analysis of interview data reveals that the reasons that necessitated government to takeover Kampala are varied and contextual, temporal but also partisan. The reasons range from mismanagement and maladministration which led to poor service delivery and corruption within KCC, to partisan and economic considerations.

Politically, leaders aligned to opposition political parties had governed the city since the establishment of the decentralised system of governance in 1998. Under the Local Governments Act (1997), Kampala was classified as a district and this therefore had implications regarding the amount of funding from the central government meant for recurrent and development expenditure. According to one key informant, "*KCC used to get about UGX: 40 billion from the central government"* which was insufficient to adequately provide for the range of services

required for a modern city. With this inadequate funding came a myriad of service delivery challenges intertwined with gross corruption, with the city unable to efficiently deliver basic services as well as undertake administrative and management responsibilities. The years preceding the takeover, KCC was unable to 'collect taxes, effectively collect and dispose waste, fill potholes or approve building plans without a bribe' according to Gore & Muwanga (2014, p. 9).

Indeed, in 2010, the country's Auditor General instituted an inquiry into solid waste management in the city with its report indicating that "*out of the 1,200–1,500 tons of garbage estimated to be generated in Kampala per day, only 400–500 tons were collected yet KCC spends about UGX: 2.08 billion annually on solid waste management"* (Oluka, 2010). Defending the government takeover of Kampala, the Observer newspaper (Administrator, 2009) quoting the Minister of Local Government noted that;

A Government takeover of the capital, Kampala was inevitable because the city was grossly mismanaged; the traffic congestion, the market wrangles, and the dust and the unprecedented collapse of buildings in Kampala were some of the reasons that pushed government to step in.

One other major reason for government takeover of Kampala was on economic considerations. Kampala is Uganda's main commercial centre and together with its environs, it boosts of a daily residential and working population of 3.5 million people. "It's estimated that about 80 percent of the country's industrial sector is located in Kampala and the City generates about 50 percent of national GDP" (World Bank, 2014, p. 1). This economic position, coupled with poor service delivery, compounded by the fact that the city was in the hands of opposition leaders, left government and in particular the ruling party concerned. One political key informant had this to say;

The ruling party (NRM) felt the need to have Kampala turned around, so it had to look for a structure that would both answer the demands of the society as well as reposition the city to lead Uganda's economic growth efforts.

The narrative and indeed evidence above, regarding government takeover of Kampala is an indicator as to why the administration and management of KCC was recentralised. As a local government unit, elected political leaders governed the city and indeed maintained a strong public interest mandate in matters of policy. With the new legal framework and creation of an executive agency, the centrality of elected leaders in the policy-making processes is provided for but their influence is being questioned as illuminated in the following section.

In 2012, following the clashes in the interpretation of the law, the Lord Mayor was forced out of office by a tribunal constituted by the Minister on charges of abuse of office and failure to convene authority meetings. According to a key informant from the KCCA technical wing, "*business continued as normal with the Minister fully assuming the policy making function and indeed offered strategic guidance to the agency throughout the remainder of the three years*".

Another example arose in 2011 when the Authority felt it necessary to discipline the Executive Director for her 'handling of policy implementation' in the city but would not find a provision in the Act to apply; a key informant who was a member of the previous Authority had this to say;

Can you hold someone responsible when you don't appoint him/her? There is a time when the authority concluded that the Executive Director was high-handed in implementing certain policies, and the Authority wanted to have her removed from office. We (political leaders) looked at the provisions of the law and we did not have that mandate as the Authority. It's only the appointing authority, in this case the president who can remove the Executive Director.

Following the correct legal interpretation of who wields the power to sanction the CEO of KCCA, political leaders wrote to the President demanding an immediate removal of the CEO from the agency and up to the time of writing this report (4 years) the President had not acted on the request. This is an obvious reminder of the centrality of government and in particular, the person of the president in influencing agency management and policy.

The study finding therefore is that despite a clear policy-making role within the legal framework establishing KCCA, elected leaders in Kampala city have been in-practice, relegated to the role of policy participants with overwhelming policy-making powers vested in the central government through the Minister for Kampala Affairs. The above reasons advanced as justifications for the agencification of KCC provide evidence that government's intention was to reposition itself as a central policy maker. The World Bank (2014, p. 5), one of the development partners supporting several development initiatives in Kampala notes that government's intention "was to improve the administration of Kampala City and provide services to the public within an effective, efficient and accountable framework under the direct supervision of the Central Government". The provision in the KCC Act (2010) that empowers the Minister to veto and rescind the decisions of the Authority exemplifies the notion that Central Government through the Minister is not only the main policy actor in the agency but that the reasons for the takeover of KCC are largely political.

Interpretation of the Finding

Despite the limitations brought about by various interpretations of the legislation establishing KCCA, and in particular veto powers of the Minister over the decisions of the elected leaders in matters of policy, the structures for policy engagement are provided for both within the agency but also with other organs of government. The Lord Mayor is mandated under section 11 (e) of the KCC Act (2010) to "head the Authority in developing strategies and programmes for the development of the Capital City" and has the sole powers to convene and chair Authority meetings. There are also internal mechanisms to have councilors organized into working groups in accordance with the 10 directorates to enable them scrutinize the policy implementation work of the bureaucrats as well as develop agenda items for the authority meetings which in essence would constitute public decisions.

Section 8 (1) of the KCC Act (2010) states that "the Authority shall have power to make ordinances of the Authority not inconsistent with the Constitution or any other law made by Parliament" and section 8 (2) states that "the power of the Authority to make ordinances shall be exercised by the passing of local bills into ordinances by the Authority and signed by the Lord Mayor". The Lord Mayor in addition to the above and as provided for in section 58 (1) has mandate to recommend to the minister the appointment of a public accounts committee of the authority which shall have mandate to examine the reports of the Auditor General on the financial management in the agency. It's therefore argued that notwithstanding the limitations, the KCCA agency structure and several provisions within the law provide for spaces for elected leaders to engage in policy-making and indeed represent the interests of the citizens who voted them.

The legal boundaries regarding the roles of the three main actors (Minister, Executive Director and Mayor) are not clearly demarcated in the law and there are many instances where roles overlap. The Executive Director in execution of her roles, reports to several power centers which undermines modern new public management principles that call for clear reporting hierarchies in organisations. As a result "the two leaders of the Capital City have tended to run the affairs of the authority in a parallel manner with each one of them claiming equal and overlapping power over the control of the Capital City" (Karyeija & Kyohairwe, 2012, p. 112). The contestations arising out of the overlapping mandates have elevated the Executive Director to a powerful position in all matters of policy by virtue of the fact that KCCA is an agency under the central government.

Whereas the law establishing KCCA mandates the Executive Director to report to the Authority, the same law does not allow political leaders to discipline either the Executive Director or any member of the agency staff in instances of performance failures or non-adherence to Authority policy decisions. In conclusion, political leaders contrasted with the bureaucrats, influence to a less extent the decisions that emerge from the agency.

5.3.3. The Policy Influence of Technocrats in KCCA

The KCCA technical wing is constituted of 472 employees and is headed by the Executive Director who is appointed by the president for a 5-year renewable term of office (KCC Act, 2010). The KCC Act (2010) bestows upon the Executive Director a multitude of administration, management and policy roles and responsibilities, with the following as key:

a) Accounting officer of the agency
b) Head of public service in the authority
c) Coordinating and implementing national and Authority policies, laws, regulations, by-laws, programmes and projects

d) Advising the Mayor and Authority on Government policy
e) Overseeing the delivery of quality services to the population within the Capital City, and taking remedial action where service delivery standards are below the expected minimum standards
f) Liaising with the Central Government and other institutions on behalf of the Authority.

An appreciation of the influence of KCCA technocrats over policy and public decision making commences from the review of legal provisions pertaining to the responsibilities as well as their contemporary behaviours related to policy implementation and impact within the agency jurisdiction. Throughout the interviews with key informants, the issues of role clarity and clash of responsibilities amongst the Authority (Lord Mayor/councillors), Executive Director and Minister were echoed. One of the key informants from the ruling party illuminated this by asserting that;

The key actor in the agency policy cycle is mainly the Executive Director; she has a lot of powers under the law; and the minister also has some powers. The Lord Mayor and councillors should have been key actors but they do not play their politics well and the basic principle is playing your politics well and according to the law, Kampala is administered by the central government.

In affirmation of the above, some of the key responsibilities for the Executive Director are to "liaise with the central government and other institutions on behalf of the Authority" as well as "advise the Mayor and Authority on Government policy" (KCC Act, 2010). In essence, the Executive Director combines technical responsibilities with policy roles. These responsibilities are derived from the central notion that the agency is directly administered by the central government and the Executive Director, who is appointed by the president, is directly responsible for agency affairs. In a key informant interview, one of the current political leaders indicated that the *Authority can request the Executive Director to explain the different aspects that are being implemented, she makes a report, we can critique, guide, give opinion, even direct them on what to do but we cannot sanction her or any of her employees*.

The contestations regarding the centrality of the various actors in the policy-making processes and in particular the powers of the Authority to make policies, but which policies can be vetoed or even rescinded by the Minister, are evident that the technical actors not only play a policy implementation role but greatly influence the policy-making process. The finding therefore is that policy-making in KCCA is not merely a matter of the legal provisions in the KCC Act (2010) but rather a consequence of the policy practices that highly empower the bureaucrats as representatives of the central government through the line Minister for Kampala Affairs.

Interpretation of the Finding

In a traditional executive agency, the bureaucrats are expected to implement the policies set forth by the parent ministry while the minister, as a political actor plays an oversight role to ensure that the agency is realising its policy objectives. Executive agencies are expected to operate

under NPM principles that emphasize quantity, quality and efficiency in service delivery. Under the KCCA agency, it's clear that the bureaucracy headed by the Executive Director has managerial autonomy majorly with regards to policy implementation but also to some extent policy-making. This reality has lessened political control but at the same time resulted into a reduced role of elected politicians in matters of policy-making and review. As earlier noted, elected leaders can advise, guide and direct the agency bureau on matters of policy, but have no mandate to sanction the managers for their actions or inactions across the policy cycle.

In essence the central government takeover of the administration and management of Kampala city is practical of government's earlier recentralisation efforts aimed at weakening the decentralisation policy that vested significant power and authority in the hands of elected leaders. The managers in the KCCA agency have become 'street level' front-line workers who significantly influence the delivery of public services in the city; they determine which programmes should be designed and who is eligible; they allocate resources through the budget process; they enforce compliance and impose sanctions and have mandate to exempt individuals and businesses from taxes. ''Given their position at the interface of the state and the citizens, and their opportunities to exercise discretion, front-line managers exert influence well beyond their formal authority''(Meyers & Vorsanger, 2007, p. 154). The opportunity to interface with the citizens and authority to operate with a level of discretion, the agency managers have technically pushed the political actors to the periphery of policy making which in principle involves the rationalised allocation of scarce resources. In Michael Lipsky's (1980) description as quoted in Meyers & Vorsanger, (2007, p. 154), agency managers ''…not only deliver but actively shape policy outcomes by interpreting rules and allocating scarce resource''

Bureaucrats managing KCCA affairs to a great extent not only play a policy implementation function, but equally influence the shape of policy as a consequence of their discretionary powers enshrined in the KCCA Act (2010). It's a reality supported by the intent of the agencification process, which underscored the need to have the city firmly in the hands of the central government.

5.3.4. Challenges to KCCA's Decision-Making Processes

The study finds out three major challenges to KCCA's decision making processes: first are the flaws in the law establishing the agency; second is the multiple reporting and accountability centres and third is the limited role of political actors in the policy-making and oversight processes. These challenges are discussed in detail below.

a) The Flaws in the Law Establishing the Agency

The design of the legislation to agencify KCC was rushed with minimal stakeholder consultations. The law was "*brought in the heat of the campaigns (2010 - 2011 general elections), nobody really paid attention to it; it was tabled in Parliament on the 28th December (2010) and politicians had been nominated and were already on the campaign trails*" (Key informant interview with a Government official). The lack of stakeholder consultations meant that those likely to be affected by the legislation were not given the time and opportunity to share their views that would have gone a long way in addressing some of the flaws such as role clarity among the various actors.

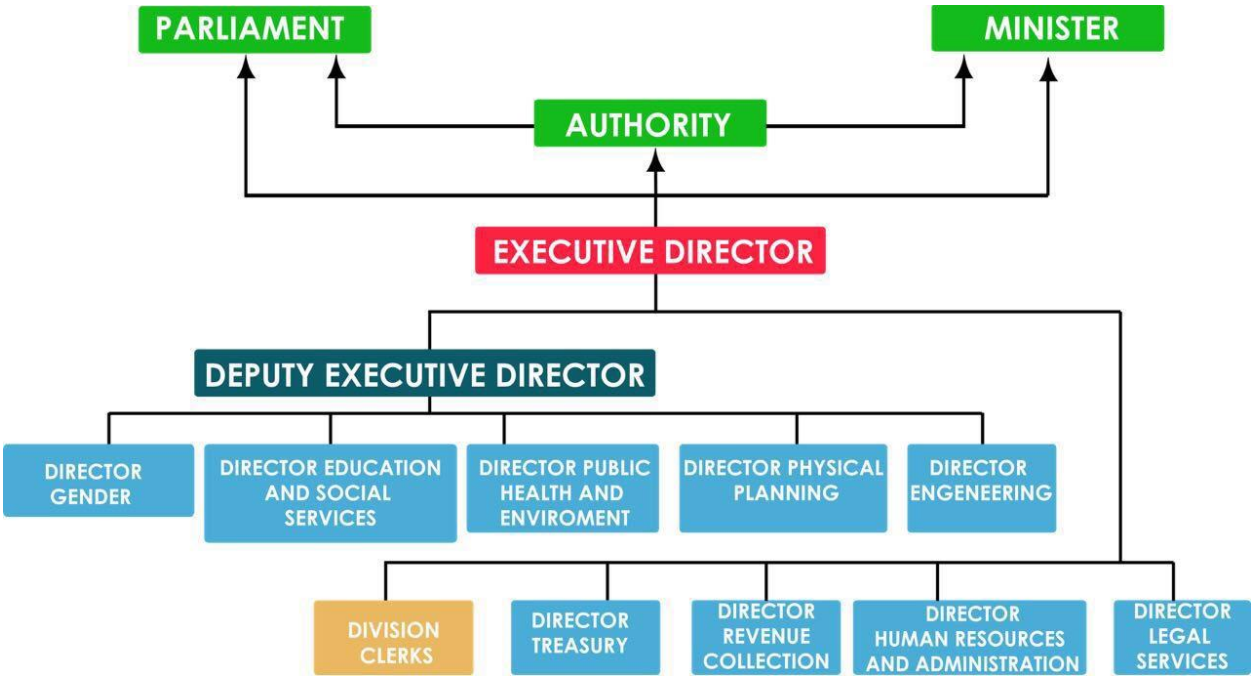
Another key informant, a political leader at the time the legislation was being debated, confirmed the same narrative, stating that *"no one was consulted, not even myself yet I was councillor then (2010); there were neither stakeholder nor citizen consultations"*. The Report of the Parliamentary committee on Presidential Affairs that handled the bill did not indicate any consultations that were made during the mandatory public hearing. The challenge therefore is a legal framework whose provisions regarding the distribution of policy-making power are highly contested among the key actors, and this has resulted in unending political fights and court battles between the political wing headed by the Lord Mayor and the technical wing headed by the Executive Director.

b) The Matrix Agency Structure

The KCC Act (2010) presents a structure with multiple reporting and power responsibilities known as a matrix agency structure involving the Executive Director, Lord Mayor and Minister as follows;

- The Executive Director "shall be responsible for the management of all public funds of the Authority and accountable to Parliament" Section 19 (c) of the KCC Act (2010)
- The Executive Director shall be "responsible to the Authority (Lord Mayor), subject to the general directions of the Minister" Section 19 (t) of the KCC Act (2010)
- The Executive Director shall on the "day to day operations, be responsible to the Authority" Section 19 (u) of the KCC Act (2010)
- The Executive Director shall "make reports to the Authority and the Minister on the state of affairs of the capital city at least once a year or as the Minister or the Authority may determine" Section 19 (v)
- The Lord Mayor "shall in the performance of his or her functions, be answerable to the Authority and the Minister" Section 11 (2) of the KCC Act (2010)
- The Minister shall "oversee the performance of the Authority and make annual reports to Parliament" Section 79 (1) (e) of the KCC Act (2010)
- The Minister shall have general powers to give directives on policy and general development of the Capital City and the Authority shall comply with the directives Section 79 (2) of the KCC Act (2010)

Figure 3: The KCCA Matrix Agency Structure



Source: Author's creation based on the KCC Act (2010) and Primary data

In reference to Figure 3 above, it is clearly evident that the bureaucrats headed by the Executive Director report to three power centers; the Authority, Parliament and to the Minister for Kampala Affairs while the Authority headed by the Lord Mayor reports to two power centers; Parliament and to the Minister for Kampala Affairs. This intricate agency structure as earlier noted has created contradictions that are responsible for not only intra-power contestations between the political and technical wing, but also between the political wing and the Minister for Kampala Affairs.

In 2012, the KCCA Lord Mayor was 'impeached' by the councilors on allegations of abuse of office and failure to call Authority meetings. However the legal framework establishing the agency is inherently flawed in as far as it distributes power and authority across the three main actors. One key informant from the political wing had this to say;

The Lord Mayor has tried to exercise his mandate as stated in section 11 (e) but as you know, this act started to be implemented in 2010/2011 and being something new, and the implementers of the law were also new both from the political and technical wing, somehow somewhere, there was misinterpretation of the law which resulted into clashes.

The assertion that the powers given to the Lord Mayor are the same as the powers given to the Executive Director was affirmed by another key informant from the ruling party. The challenge with the KCCA agency structure is the lack of financial but most importantly policy accountability to the political wing. Having several reporting power centres implies that bureaucrats pay more accountability allegiance to the central government which is the appointing arm, and less to the political wing that is vested neither with appointing powers nor the ability to sanction the bureaucrats for their actions or inaction.

c) The Limited Role of Elected Leaders in the Decision-Making Process

Despite clear provisions in the KCCA Act, 2010 that mainstream the role of elected leaders in the policy-making process, the powers vested on to the Minister to veto and rescind policy decisions of the agency imply a deliberate government move to push the elected leaders in the agency to the periphery of policy making. The primary data analysed has evidently shown that policy-making in the agency is not undertaken in practice as it is written in the law. When confronted with the question of the extent to which the Authority is able to hold the Executive Director for her actions or inaction, one key informant from the Authority candidly replied;

Can you hold someone responsible when you don't appoint him/her? There is a time when the authority concluded that the Executive Director was high high-handed in implementing certain policies, and the Authority wanted to have her removed from office. We (political leaders) looked at the provisions of the law and we do not have that mandate as the Authority. It's only the appointing authority, in this case the president, who can remove the Executive Director.

Within the confines of KCCA as an agency, administered and managed for and on behalf of the central government, the evidence suggests that it is a deliberate ploy to have the agency firmly in the hands of the central government without any due political interference from locally elected political leaders. Confronted with the question of the centrality of elected leaders in decision-making within the agency, a key informant from government firmly echoed that;

According to the constitution (Article 1), power belongs to the people; but the people shall exercise their powers in accordance with the Constitution; Article 98 says that there shall be a president who shall be vested with executive authority and indeed as an agency under the direct control of government; the people in Kampala have ceded their authority to the President.

5.4. The Public Decision-making Process in the Agency

In a traditional executive agency, the bureaucrats are expected to implement the policies set forth by the parent ministry while the minister, as a political actor plays an oversight role to ensure that the agency is realising its policy objectives. Executive agencies are expected to operate

under NPM principles that emphasize quantity, quality and efficiency in service delivery. Under the KCCA agency, it's clear that the bureaucracy headed by the Executive Director has managerial autonomy majorly with regards to policy implementation but also to some extent policy-making. This reality has lessened political control but at the same time resulted in a reduced role of elected politicians in matters of policy-making and review. As earlier noted, elected leaders can advise, guide and direct the agency bureau on matters of policy, but have no mandate to sanction the managers for their actions or inactions across the policy cycle.

In essence the central government takeover of the administration and management of Kampala city is part of government's earlier recentralisation efforts aimed at weakening the decentralisation policy that vested significant power and authority in the hands of elected leaders.

The managers in the KCCA agency have become 'street-level' front-line workers who significantly influence the delivery of public services in the city; they determine which programmes should be designed and who is eligible; they allocate resources through the budget process; they enforce compliance and impose sanctions and have mandate to exempt individuals and businesses from taxes. "Given their position at the interface of the state and the citizens, and their opportunities to exercise discretion, front-line managers exert influence well beyond their formal authority" (Meyers & Vorsanger, 2007, p. 154). The opportunity to interface with the citizens and to operate with a level of discretion, the agency managers have technically pushed the political actors to the periphery of policy making which in principle involves the rationalised allocation of scarce resources. In Michael Lipsky's (1980) description as quoted in Meyers & Vorsanger, (2007, p. 154), agency managers "…not only deliver but actively shape policy outcomes by interpreting rules and allocating scarce resource"

Bureaucrats managing KCCA affairs to a great extent not only play a policy implementation function, but equally influence the shape of policy as a consequence of their discretionary powers enshrined in the KCCA Act, 2010. It's a reality supported by the intent of the agencification process, which underscored the need to have the city firmly in the hands of the central government.

5.5. Public Decision-Making debate in the Literature and Theoretical Frameworks

To empirically review public decision-making in KCCA, it's imperative that a review of the KCCA agency model in relation to the concept of agencification is undertaken. In this sub section, the study makes a conclusive analysis of the points of tangency and deviation of the KCCA agency model from the broad agencification debate. The point of analysis begins from what scholars of agencification have used as cross-cutting features to broadly designate what an executive agency is. The section then explores the concept of decision-making in the agency in light of the theoretical frames applied.

5.5.1. Agencification of KCC in the light of the Literature Reviewed

Pollit, Bathgate, Caulfield, Smullen, and Talbot, (2001) in their seminal article *Agency fever? Analysis of an international policy fashion*, offered five distinct characteristics that delineate an executive agency. The illustration below presents an analysis of the extent to which the KCCA agency model meets or deviates from the characteristics.

Table 6: An analysis of the KCCA agency model

SN	Characteristics	The extent to which KCCA meets the characteristic
I.	They are at arm's length from the main hierarchical spines of ministries	KCCA is structurally disaggregated from the parent ministry but has been firmly placed under the Ministry for Kampala Affairs. It's therefore not structurally disaggregated
II.	Executive agencies carry out public tasks (service provision, regulation, adjudication, and certification) at a national level	KCCA is mandated to deliver public services in Kampala city
III.	Their core staff are public servants (not necessarily civil servants—definitions here again vary enormously between countries)	All KCCA staffs are classified as public servants. The Executive Director heads the agency
IV.	They are financed, in principle at least, by the state budget. In practice, some agencies recover a good deal of their financial needs from charges	"67 % of KCCA budget for the Financial Year 2016/2017" (Ministry of Kampala Affairs, 2016, p. 8) is government financing and the rest comes from locally generated revenue
V.	They are subject to at least some administrative law procedures (i.e., they are not wholly or predominantly private law bodies	The KCCA agency is established by the KCCA Act, 2010 and also adheres to the Local Government Act (1997)

Source: Pollit, C., Bathgate, K., Caulfield, J., Smullen, A., & Talbot, C. (2001)

Table 6, therefore illustrates that the KCCA agency model generally adheres to the main principles defining an executive agency with two specific exceptions. First is that the agency has its own ministry as opposed to the traditional concept where an executive agency will fall under the parent ministry; second is that the KCCA Act, 2010 maintains some principles of local governments by providing for a locally elected leadership. The structural differences of the KCCA agency augurs well with Yesilkagit's (2004, p. 119) view, who asserts that "across countries, and even sometimes within individual countries, agencies vary so much in terms of

their powers and statuses that it's hard to think of many generalizations that could possibly fit every member of the species."

Scholarly literature has aggregated the above characteristics into three distinct variants delineated by Fjeldstad (2009) as quoted in Sulle (2010, p. 346 as the 'tripod model'. The three variants are structural disaggregation, managerial autonomy and contractualisation. Indeed, the KCCA agency is structurally disaggregated but with a unique edifice unseen across the countries that have agencified. A traditional executive agency has a bureaucracy reporting to the parent minister as seen in the UK *Next program* agencies or to a permanent secretary as evident in Tanzania (see Sulle, 2010).

In contrast, the KCCA model has multiple reporting structures with the bureaucracy reporting to the Authority (Lord Mayor and elected councillors), Parliament and the Minister for Kampala Affairs. The agency is managed by a team of bureaucrats headed by the Executive Director with significant managerial autonomy to undertake their mandates. All agency staffs are employed on five-year renewable contracts.

In summary, the multiple reporting and accountability structures imply that KCCA is an executive agency not 'at arm's length' from the line ministry. However the agency clearly adheres to the other features of an executive agency including: having a mandate to deliver services to city dwellers; having a fully functioning set of bureaucrats (public servants); being funded to a great extent from the national budget; and operating under a defined legal framework (KCC Act, 2010). These distinct features are in conformity with what scholarly literature adduce as features that define an executive agency (see Pollit et. al., 2001; Caulfield, 2002; Pollitt, 2003; (Caulfield, 2002a; Egeberg & Trondal, 2009; Pollit et al., 2001a; Pollitt, 2003; Wettenhall, 2005; Egeberg & Trondal, 2009).

Indeed a review of the primary data further indicated that the agency is implementing its mandate in application of new public management doctrines but it was beyond the scope of this study to ascertain the quality of policy outcomes in the period the agency has existed.

5.5.2. Public Decision-Making in the Light of the Theoretical Framework

The theoretical framework for this study is the institutionalism theory, which has been applied to enable an empirical analysis of the behaviour of political and bureaucratic actors using temporal dimensions and policy outcomes. The study specifically applied two strands; the historical and Rational choice institutionalism to enable the researcher come to logical conclusion about public decision-making in the institution as a result of both dependant and independent variables. The institutionalism theory was therefore chosen because of its capability to coherently illuminate the emergence of institutions and their effects on policy formulation.

Evidence from key informants and documents reviewed, indicates that the reasons behind the agencification of KCC were a combination of historical factors ranging from the failures of decentralisation, poor service delivery, on-going civil service reform programmes and central-local government political relations. According to Gore & Muwanga, (2013, p. 6), ‘‘the reforms leading to the agencification of KCC can be traced back to poor service delivery and historic tensions between multiple interests deeply involved in its governance’’. According to the World Bank, (2014, p. 43);

“In 2010, Kampala City was in desperate need of repair. Many city roads were riddled with potholes, most of the street lights were not working, and local government corruption interfered with the resources necessary to improve the city’s infrastructure and delivery of services to its citizens.”

The central government’s relations with key political actors, particularly the elected leaders, were generally not good for the development of the city. Kampala as a district continued to receive inadequate central government funding which could not adequately fund quality service delivery. In 2010, just one year to the agencification of KCC, “the central government allocated UGX: 41 billion to KCC, yet the city required a minimum of UGX: 210 billion” (Ministry of Kampala Affairs, 2016, p. 15) to effectively delivery its mandate.

Anecdotal information reveals that the failure by NRM party-leaning candidates to win mayoral elections since the coming into force of the decentralisation policy partly led to a legal takeover of the administration and management of the city. Several government and media reports emphasize a history of poor service delivery, corruption and mismanagement in several urban centres as well as government’s continued civil service reform programmes initiated in the late 1980s as the main reasons. In 2005, government amended the Local Governments Act (1997) and stripped local councils (including Kampala) of the authority to hire or fire Chief Administrative Officers” (Karyeija & Kyohairwe, 2012, p. 44), consequently limiting local political control and granting more job security to district chief accounting officers. Further to this, and considered to be the turning point was a constitutional amendment in 2005, that declared Kampala as the capital city of Uganda, to be administered by the central government.

In reality, several historical factors with the constitutional amendment in 2005 as a critical juncture are responsible for the legal takeover and establishment of KCCA in 2010. The managerial autonomy bestowed upon the bureaucrats to implement policies for the betterment of the city can be viewed as path dependant but with unintended consequences, one of which is a limited role of elected leaders in the decision-making processes in the agency.

However, the agencification of KCC cannot only be illuminated in historical perspectives; According to Gore & Muwanga, (2013, p. 3) “the national government’s takeover of Kampala was a well-planned effort to reclaim a powerful economic and political space that had been out of its reach since coming to power in 1986”. Critical economic considerations were at play with

Kampala currently Uganda's largest urban conglomeration accounting for an "estimated 80 percent of the country's industrial sector and generating 50 percent of the GDP" (World Bank, 2014, p. 43). Further to the above, the takeover of Kampala would shield the ruling NRM "from political fallout associated with public dissatisfaction and even anger with poor living conditions in the city" (Karyeija & Kyohairwe, 2012, p. 40). In light of its economic potential, Kampala if well-organised and well-governed, would potentially increase government's domestic revenues and raise funds to finance its development programmes.

The city's overall budget for financial year 2016/2017 was UGX: 561 billion according to the Ministerial Policy Statement (Ministry of Kampala Affairs, 2016). This funding is 7 times more than what was being availed to KCC as a local government unit. The agency has increased its domestic revenues from a UGX: 25 billion in 2011 to now over UGX: 87 billion in 2015/2016. The increase in funding is positively correlated with increase in the quality and quality of services being delivered. The agency is now professionally managed and has initiated new public management doctrines with an increasing focus on the consumers of its services. In all these undertakings, the agency bureaucrats continue to occupy an important space previously occupied by elected leaders. The World Bank that is funding the agency to the tune of UGX: 280 billion for various institutional and infrastructural projects commented on its current policy outcomes as follows;

KCCA management has taken steps towards enhancing the culture of transparency and due process in the administration and governance within the city. As such, KCCA has established a formal public consultation process. It holds annual budget conferences for all its stakeholders, has also revamped its website and is on Facebook and twitter social media. It has also charted out a transformative vision for the city which outlines a medium term plan for addressing the challenges outlined before (World Bank, 2014, p. 5).

In summary, an analysis of the agencification of KCC and in particular the public decision-making processes through the historical institutionalism lens has illuminated that the transformation of KCC into an agency was path dependant in light of previous temporal processes. Consequently there have been several unintended consequences with public decision-making clearly undermined. The rationality of the decision to establish an executive agency has seen an increased allocation of government funding to the agency to enable it increase the sum of services delivered and address historical maladministration and mismanagement. The professionalism exhibited by agency bureaucrats with new public management doctrines at play has meant that the void that would have been created by limited public decision-making is not visible.

5.5.3. Conclusion

The KCCA agency structures directly enables the central government to direct, design and deliver policy outcomes, a scenario that replaces a long tradition of decentralised local service delivery where locally elected officials were policy makers. Despite the maintenance of local government principles, and in particular having an elected Authority, the policy practices are different from the provisions of the law and subsequently this has limited the policy influence of elected leaders in the policy-making processes.

In instances where the Authority is mandated to design policies, the power of the minister to rescind and veto Authority decisions undermines the policy decisions of locally elected leaders and reinforces the overwhelming centrality of government in all affairs of the agency. The agency managers have a lot of discretionary powers such as levying and exempting taxes as well as design and delivery of policy and development programmes. This has enabled the agency managers to have regular interfaces with the consumers, technically assuming a vital citizen-state linkage, hitherto held by political actors.

Public decision-making through directly elected local leaders remains on the periphery and this scenario is unlikely to change. Government has consistently argued that KCCA is an executive agency directly administered by the central government and under Article 5 of the Constitution; the people have ceded their mandate to the President. This reality challenges the notion of representative democracy and public decision-making in an executive agency keen on NPM principles.

CHAPTER 6: CONCLUSIONS AND POLICY RECOMMENDATIONS

6.1. Introduction

This chapter presents the conclusions and policy recommendations in the light of the findings of the study. The sub-section further highlights areas for further research.

6.2. Future Public Decision-Making Studies

There are actually no previous scholarly studies on public decision-making in executive agencies with specific reference to sub Saharan Africa, by virtue of the fact that executive agencies are traditionally designed as public departmental bodies created to deliver specific public services within a ministry. The KCCA agency model that is structurally disaggregated with several reporting and accountability power centres is a new phenomenon that challenges current literary work on the concept of agencification. With the bureaucrats given an increasingly high stake in influencing policy outcomes within the agency, future public decision-making studies within an agency should focus on 'what new approaches' can be applied to increase citizen and citizen groups roles in engaging as well as influencing policy outcomes in an agency like KCCA.

6.3. Conclusion

The purpose of this study was four fold; first was to comment and generate literature on the agencification phenomena in emerging economies with a focus on Uganda and a minimal comparative review of the agency model in Tanzania. The second was to apply the chronological, contextual and institutional arrangements of the new agency model (KCCA) into the theoretical framework of historical and Rational choice institutionalism. The third was to undertake a focused interrogation, analysis and logical conclusion regarding public decision making, accountability mechanisms and the extent to which elected leaders play central roles in influencing the decisions that emerge from executive agencies with dualistic reporting structures. The fourth and most important was to provide logical solutions to the agency problem.

This study has shown that the agencification of KCC was a symbolic move by the ruling NRM party to recentralise the administration and management of Kampala. The creation of an executive agency with strong managerial autonomy bequeathed to the bureaucrats has ensured government's firm grip on the city's policy outcomes, and technically relegated locally elected leaders to the periphery of the policy process. Despite multiple reporting and accountability centres, the president's role in appointing and dismissing the top managers of the agency

provides him with a significant influence over the policy affairs of the agency and in essence, directly limits the policy influence of elected leaders in Kampala city.

The Rational for government takeover of the administration and management of the city varies but can broadly be categorised as emanating from a history of local-central government political contestations regarding the deteriorating state of service delivery in the city, evidenced by; a lack of order, auto congestion, unplanned infrastructure developments and failure to collect garbage among others. Kampala is not only the administrative capital but also the commercial hub of the country and any future economic growth plan must take into consideration the capability of the city to play a central co-ordinating and facilitating role. This economic consideration was strongly adduced, by literature reviewed and key informants, as necessary for the ruling NRM party to not only protect its financial interests but also cushion itself from potential unrest that may erupt due to dissatisfaction of service delivery.

With regard to public decision-making, this study has empirically shown that the creation of multiple reporting and accountability centres was a figurative move intended to hoodwink elected leaders with superficial status and authority but in essence no real power to demand for policy changes, let alone be able to sanction bureaucrats for their actions or inactions. The study questions the intent to agencify KCC while at the same time maintaining some tennets of local governance, yet the policy position and role of elected leaders had been clearly diluted by the law establishing the agency.

KCCA's agency challenges therefore spring from the very legal framework that establishes it. The law presents a clash of roles and responsibilities among the three main actors; the Authority represented by the Lord Mayor and councillors; the Executive Director who heads the bureau and the Minister for Kampala Affairs. The Authority has mandate to develop programmes and strategies for the development of the city, but these programmes/strategies can be rescinded and vetoed by the minister. This directly affects public decision-making because the authority is deemed to engage in the policy processes with the mandate of the people. The clash of roles is further exemplified in what is termed a matrix organisational structure with several reporting and accountability centres.

This study has therefore shown that agencification processes are varied both in form and intent. While as there are incidences of declining old public management and a desire to reposition governments to deliver more services with less, it's still an important concern for governments to create agencies with managerial autonomy over policy implementation but with less influence over the policy making function. The KCCA model has shown that agencification as one of the NPM approaches has increased institutional and policy complexities that alienate citizens and citizen groups from the decision-making process. This reality challenges the existing literature on agencification and NPM that once we structurally disaggregate and create semi-independent agencies, then we see bureaucrats who are more accountable to citizens.

6.4. Policy Recommendations

On the whole, the majority of key respondents pointed to the need to amend the legislation to ensure that there is clarity of roles and a single-spine administrative hierarchy. However, it's important to note that any amendment to the legislation only becomes effective in the next elective term of office and even then, how can a revised administrative structure provide for a strong body of elected leaders able to influence policy processes in the agency?

The design of the agency, and in particular the power of the bureaucrats and the Minister over the policy processes within the agency, has been predetermined and is path dependant. It's a well calculated move by the central government to reduce the influence of elected leaders in the city's policy processes and thus the possibility for a review of the legal framework to change the status quo is unlikely at least under the current political leadership. It's therefore proposed that;

a) The matrix agency structure is reviewed and restructured so that all elected leaders constitute a Ministerial Advisory Panel (MAB) whose mandate will be to advise the minister on matters of policy related to the agency
b) To strengthen the voice of citizens and indeed increase public decision-making, the agency managers should explore new organisational dynamics including the use of NPM doctrines that put the consumer first. In this way, the agency will be able to directly provide for public decision-making and enable citizens' influence over agency policy outcomes without necessarily relying on elected leaders
c) The structure of the Ministry for Kampala Affairs should be reviewed and instead have the agency fall under the existing Ministry for Housing and Urban Development to lessen inter-governmental duplication of efforts and services. Having an independent ministry for Kampala is a wastage of public resources especially because the agency is semi-autonomous in implementing its strategies and programmes, and the law provides for the Executive Director to report to Parliament in execution of his/her duties

Appendix 1: Interview Consistency Matrix (Guide)

Research Field questions	**Related concept**
What are some of the historical factors responsible for Government takeover of the administration and management of Kampala Capital City?	Understanding the agencification through historical institutionalism
Do you think the current shape and structure of the agency as well as current public policies were predetermined by some actors	Understanding the agencification through rationale choice institutionalism
There are many actors both within and without that influence the decisions made by the agency. Which ones do you know?	Influential actors in the realm of public decision-making
To what extent does the authority (elected leaders) influence public policy processes in the agency (please give some examples)	Public decision-making
To what extent do bureaucrats in KCCA influence public policy processes in the agency	Public decision-making
Section 11 (e) of the KCCA Act, states that the Lord Mayor shall head the authority in developing strategies and programmes for the development of the capital city; do you think the Lord Mayor and indeed the authority has exercised this mandate? Yes ……..How…… No…….why……	Probing further the extent and depth of public decision-making by the elected officials as representatives of the citizenry
Has the transformation from KCC to KCCA enhanced accountability between the different actors? No… Yes….if yes how	Quality of public decisions emerging from the agency
Has the transformation from KCC to KCCA improved service delivery in the city?	Quality of public decisions emerging from the agency

No… Yes….if yes how	
The KCCA Act Section 17 (1) provides for the Executive Director as the chief executive of the Authority appointed by the President and reporting both to the Authority and to the Minister for Kampala. Is the authority able to hold the ED for the actions or inactions of the authority? Yes ……how…….. No…….why……	Understanding the extent of control by the political actors and its effects on policy decisions emanating from the agency

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