



FIVE-YEAR STRATEGIC PLAN

Public Version

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List of Abbreviations

CSO	Civil Society Organization
DEI	Directorate of Ethics and Integrity
DGF	Democratic Governance Facility
DPP	Directorate of Public Prosecutions
DTM	Data Tracking Mechanism
GoU	Government of Uganda
IAF	Inter Agency Forum
IG	Inspectorate of Government
NAADS	National Agriculture and Advisory Services
NUSAF	Northern Uganda Social Action Fund
MOU	Memorandum of Understanding
OAG	Office of the Auditor General
ODA	Official development assistance
PTF	Partnership for Transparency Fund
TAAC	Transparency, Accountability, and Anti-Corruption
PPDA	Public Procurement Disposal of Assets Authority
UCMC	Uganda Contracts Monitoring Coalition
UNCAC	United Nations Convention against Corruption
VFM	Value for Money Audit
WBI	World Bank Institute

Table of Contents

1. The Uganda Contracts Monitoring Coalition (UCMC)	4
1.1. Introduction	4
1.2. Vision, Mission, and Theory of change	4
1.3. Scope of Operations	8
1.4. Strengths and Weaknesses	10
2. The External Context	10
2.1. A Birds-Eye View of Governance and Anti-corruption in Uganda.....	10
2.2. Uganda’s Governance and Anti-Corruption Framework.....	12
2.3. Media and Civil Society in Uganda	13
2.4. Key Areas Affected by Governance Risks.....	14
2.5. Opportunities and Threats for the UCMC based on the External Context	18
3. Goals and Strategies	19
3.1. The Coalition in Five Years	19
3.2. Strategies	21

1. The Uganda Contracts Monitoring Coalition (UCMC)

1.1. Introduction

Launched in June 2011, the Uganda Contracts Monitoring Coalition (UCMC) aims to enhance public service delivery by promoting transparency and citizen-led monitoring of public procurement processes and contracts. The Coalition is breaking ground by introducing open contracting to Uganda. Contracts are fundamental to how governments spend public funds. Governments have a mandate to deliver goods and services for their citizens. Public resources collected from the taxpayers must be used by governments in a way that guarantees the best return for the money spent, in terms of effectiveness, efficiency, and economy. However, contracting information is often unavailable for public scrutiny. Adding to the problems stemming from lack of transparency, the resources spent through these contracts are often poorly managed or misappropriated. Contracting that is not open can result in poor roads, crumbling classrooms, or medicine stock outs, and thus undermine development.

The UCMC currently consists of 22 civil society organizations (CSOs) fostering and facilitating transparency and citizen-led monitoring of public contracts in six strategic sectors: education, health, water and environment, energy and extractives, works and transport, and agriculture. The organizations working in each one of these sectors are grouped around clusters. With seed funding from the World Bank Institute (WBI) and the Partnership for Transparency Fund (PTF), the UCMC has developed contracts monitoring tools to facilitate citizen-led monitoring of classroom construction, community compensation and resettlement programs in the extractive sector, and within the National Agriculture and Advisory Services (NAADS) program. In addition, the UCMC has completed baseline studies on medicine stock outs in health centers and citizen monitoring of public procurement with a focus on NAADS. The UCMC is governed by a memorandum of understanding (MOU) whose implementation is overseen by a seven-member Steering Committee hosted by a member organization.

The UCMC favours a multi-stakeholder approach within which both private and public sector actors play a vital role. Several government agencies have enthusiastically endorsed the work of The Coalition. For instance, the Ministry of Health has already signed an MOU with the Health Cluster and the Education cluster is working closely with Ministry of Education to monitor classroom construction. The Public Procurement and Disposal of Public Assets Authority (PPDA) has been supporting UCMC since inception by advocating for the coalition's work, providing training, contributed to tools development and created space for dialogue with other stakeholders. Initial discussions have been held to partner with UCMC to monitor contracts, advise Accounting Officers on performance of the same, and participate in verification of procurement audits. Collectively, these interventions would supplement and compliment PPDA audit work, fostering an effective synergy between government and civil society. Furthermore, some members of The Coalition have a working relationship with the Directorate of Ethics and Integrity (DEI) and the Interagency Forum (IAF).

1.2. Vision, Mission, and Theory of change

The problem

Poor governance is one of the greatest obstacles to Uganda's economic development, as well as the provision of basic service delivery. The lack of appropriate checks and balances and citizen voice and participation triggers widespread bureaucratic, political, and grand corruption. Public procurement and contracting, in so far as it is one of the key areas where the public and private sector interface financially, is a prime candidate for collusion, cronyism, as well as outright bribery. Corruption in public procurement and contracting manifests itself in unnecessary projects, substandard and unnecessarily expensive work, the diversion of resources, and unjustified or unexpected price increases.¹

Government spending on public procurement and contracting in Uganda is estimated to be 55% of the national budget.² In 2012 this was equivalent to UGX 6,000 billion or USD 2.4 billion.³

¹ Inspectorate of Government (2012), p. 55.

An integrity survey carried out by the Public Procurement and Disposal of Assets Authority (PPDA) found that 69.8% of service providers surveyed agreed that corruption influenced procurement.⁴ Also, according to figures presented by the Inspectorate of Government (IG), corruption in public contracting and procurement amounts to 9.4% of the total value of contracts.⁵ In 2012 that would have been equivalent to UGX 56.4 billion.⁶

When considering contract value, or the amount of contracts in shillings, open bidding procurements increased by 10% from 80.6% in 2010/11 to 90.2% in 2011/12.⁷ However, beyond contract awarding, contract performance was dismal. For example, only 0.7% of the contracts in 2011/12 were implemented within the original planned money value, and only 29.4% of the contracts were completed on time – for a thorough analysis of the key areas affected by governance risks in Uganda, including an in-depth dissection of the main challenges pertaining to public contracting, refer to section 3.4. below.

Most experts concur that Uganda’s supply-side or government-led governance and anti-corruption framework is very strong on paper. However, the government oversight institutions are understaffed and lack the adequate capacity to respond to the magnitude of the challenges. Equally, the myriad laws meant to fight corruption, including The Access to Information Act (2005) or Whistleblowers Protection Act (2010), are not being properly enforced. According to Global Integrity, Uganda’s governance and anti-corruption framework is characterized by one of the largest implementation gaps in the world – for a bird’s-eye view of governance and anti-corruption in Uganda, refer to section 3.1. In order to close this implementation gap, the country’s supply-side and anti-corruption framework needs to be supplemented by demand-side or citizen-led accountability interventions. While other CSOs and CSO coalitions in Uganda are responding to diverse governance challenges, only the UCMC is focusing on the strategic area of public procurement and contracting. By contributing to better contract performance, The Coalition is enhancing service delivery for all Ugandans.

UCMC’s solution to the problem

As we have seen, the government of Uganda relies heavily on contractual arrangements to provide public goods and achieve development goals. These arrangements face similar challenges of governance and transparency at all stages of the contract management process, from the awarding process to the negotiation of the terms of the contract and the monitoring and evaluation of contract implementation. This means that citizens frequently fail to get full value for these deals, due to lack of knowledge, capacity and technical expertise, poor access to information or corrupt individuals operating in their own rather than in the public interest within a weak public and institutional environment.⁸ Against this backdrop, the UCMC’s vision is to conform a robust network of organizations working in a coordinated manner to promote disclosure and citizen participation in public contracting. In so doing, The Coalition aspires to transform the quality of life of the majority of Ugandans by promoting value for money, reducing corruption, and improving service delivery.

² Ibid. (2012), p. 24.

³ Ibid. (2012), p. 24.

⁴ Procurement and Disposal of Assets Authority (2010).

⁵ Inspectorate of Government (2012), p. 24.

⁶ Ibid. (2012), p. 24.

⁷ Ibid. (2012), p. 55.

⁸ Chene (2008).

Figure 2: Open Contracting Leads to Better Service Delivery



Source: Open Contracting Partnership (2013)

UCMC's fundamental objective is to implement multi-stakeholder contract monitoring projects covering the entire contracting process, including the planning, tendering and award, execution, and closure stages. UCMC's monitoring activities focus on a wide variety of contract types, from more basic contracts for the procurement of goods to complex contracts, joint venture agreements, licenses, and production sharing agreements. Also, the Coalition encompasses all public contracting, including contracts funded by combinations of public, private, and donor sources.

The coalition believes there is a clear public interest in publishing contract information, as such information relates to the use of taxpayers' money and how it is being allocated and distributed. The distorting effect of lack of transparency and corruption in contracting processes occurs to the detriment of the taxpayer who ends up paying more for less.⁹ Also, contracts specify what is to be delivered when, how, by whom and at which price and, as such, contain critical information that can be compared to the original bidding documents, implementation data and final outputs, allowing Ugandan citizens to monitor the contracting process for maximization of resource use.¹⁰ Moreover, unpublished evaluation criteria or alteration of such criteria contribute to a lack of transparency in the procurement process and also involve increased discretion. By fostering competitive procurement processes and publishing evaluation criteria, the UCMC is contributing to minimizing opportunities for collusion, bid rigging, bribery and manipulation of records, conflict of interest, influence peddling, fraud, financial leakages, and other forms of corruption.¹¹

In addition, for companies transparent contracting lowers investment risks and reduces costs of accessing relevant information, allowing them to make an informed decision on whether to bid or not. Opaque bidding processes tend to discourage bidders from participating in tender processes, leaving government dependant on bids from a small group of firms, with higher contract prices, lower quality of goods and services and common delays and cost overruns.¹²

Finally, UCMC's interventions lead to efficient allocation of resources for the government of Uganda who can purchase goods and services of better quality and at lower prices through increased competition and higher quality procurement. Uganda's Prime Minister, Mr. Amama Mbabazi, recently stated that by saving only 2% on public procurement the government would be able to increase the salary of all teachers by 15%.¹³ He also noted that a similar reduction would be enough to recruit the necessary health workers to fill the existing human resource gaps in the health sector.¹⁴ The link between more open and efficient procurement processes and a better allocation of resources has also been proven elsewhere. For example, the Guatemala Ministry of Health reports saving 43% in

⁹ Evenett (2003).

¹⁰ Kenny (2010).

¹¹ Inspectorate of Government (2012), p. 57.

¹² Evenett (2003).

¹³ Sendugwa (2012).

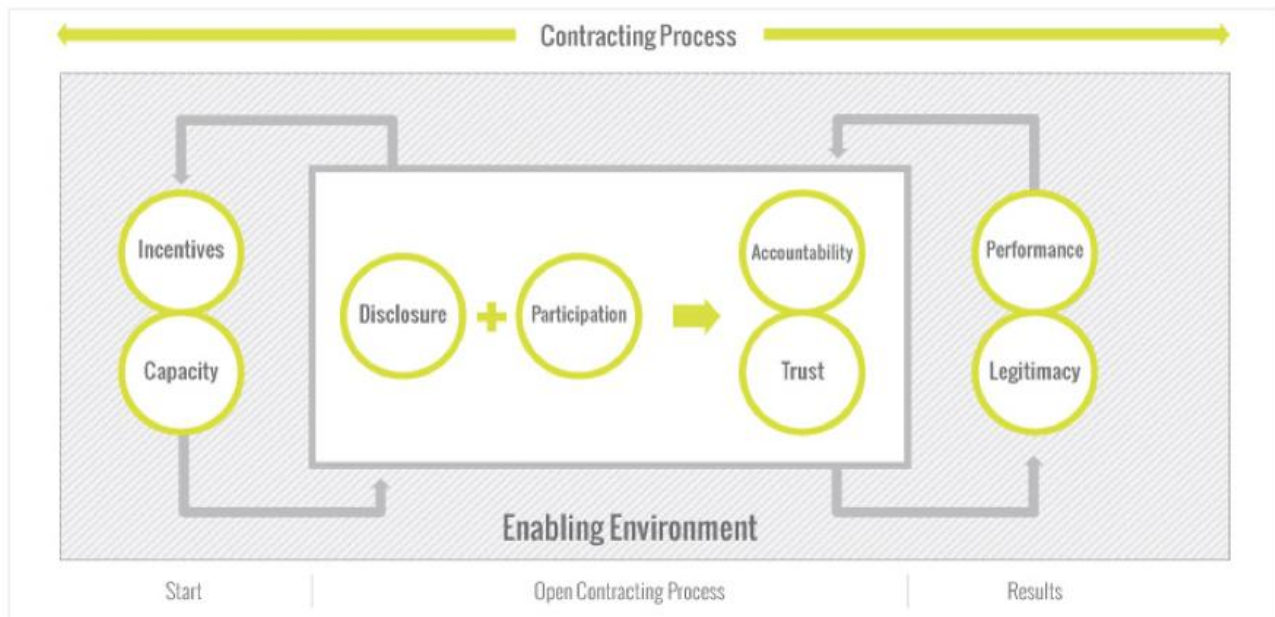
¹⁴ Sendugwa (2012).

purchasing medicines through more transparent procurement procedures.¹⁵

UCMC's theory of change

As Figure 3 below illustrates the starting point for UCMC's theory of change is based on the existing capacity of the different stakeholders, in addition to the incentives they have to participate. The Coalition invests considerable resources at this initial stage. On the one hand, it puts a premium on assessing its internal capacity and is constantly striving to find ways of enhancing its abilities to fulfil its vision and mission. On the other, it focuses on conducting detailed context analysis focused on the general governance environment, key stakeholders, and potential risks. In many ways, the present document, the product of a six-step strategic planning process, is a prime example of this effort. These general assessments are closely intertwined with its constructive engagement efforts.

Figure 3: UCMC's Theory of Change



Source: Open Contracting Partnership (2013)

By promoting contracting information disclosure and creating opportunities for stakeholder participation, the UCMC fosters a collaborative engagement between public, private and civil society actors that serves to enhance accountability and trust.¹⁶ As a consequence of this collaborative engagement, practical problems in the contracting process are identified and acted upon by the responsible public or private sector stakeholders, which reduces mismanagement and inefficiencies and give rise to improved contract performance, whereby better outcomes materialize in the form of better services to citizens.¹⁷ This results in greater satisfaction among citizens with public and private providers. This satisfaction, in turn, contributes to the legitimacy of the whole process and, as a consequence, reinforced the incentives for responsible stakeholders to further invest in their own capacity to continue engaging in open contracting.¹⁸

In this way, UCMC establishes two virtuous cycles that contribute to improved performance over time. In order to track its impact and ensure it is making progress in the development of these two virtuous cycles, UCMC is creating a monitoring and evaluation framework. Of course, UCMC's success hinges on the enabling environment— the policies, laws, regulations, institutional arrangements, and other factors through which the contracting process unfolds, but which may not be

¹⁵ OECD (2003).

¹⁶ Open Contracting Partnership (2013), p. 9.

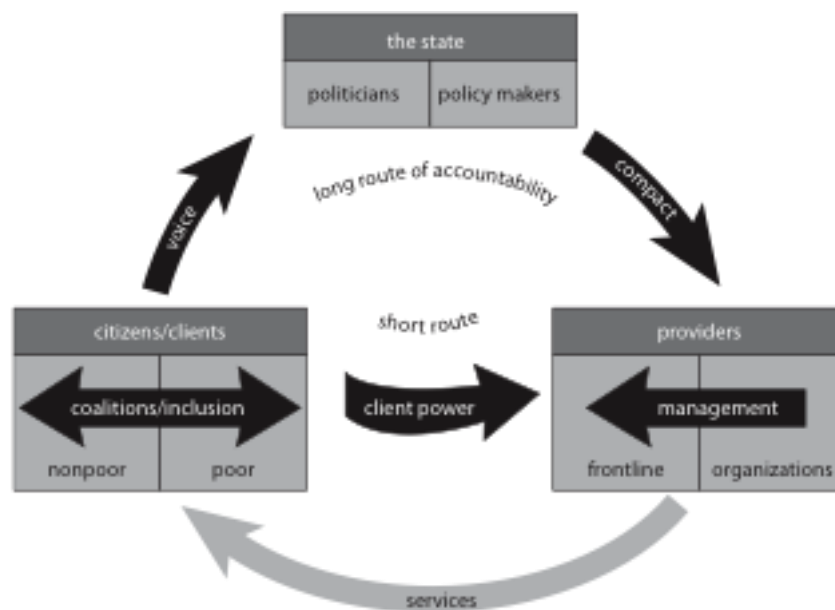
¹⁷ Ibid (2013), p. 9.

¹⁸ Ibid (2013), p. 9.

under direct stakeholder control.¹⁹ This is why, as a higher-level objective, the UCMC seeks to influence the development of that enabling environment – for more information pertaining to this objective, refer to section 2.3. below.²⁰

It is important to note that in UCMC’s theory of change transparency and participation are mutually reinforcing. Transparency refers to information disclosure and access to information as a prerequisite for public accountability. But transparency has to be supplemented by specific mechanisms to effectively hold the state and the private sector accountable. According to the accountability triangle developed in The World Bank’s “Making Services Work” World Development Report – see figure 4 below –, in order to strengthen accountability one must analyze the incentives and accountability relationships between three sets of actors: the state, providers, and citizens. The term the state refers to government or elected officials in charge of legislative and regulatory activities; providers are local officials, program managers, or others involved in the administration and delivery of services, as well as frontline providers, such as doctors and teacher who engage directly with service beneficiaries or citizens.²¹

Figure 4: Accountability Relationships for Service Delivery



Source: World Bank (2003)

Within this framework, there are two accountability routes for citizens: 1) a “long route of accountability” whereby citizens exercise their voting power to elect policy makers, who in turn improve service delivery through providers; and 2) a “short route of accountability” through which citizens may directly influence or monitor the quality of service delivery by providers.²² Congruent with its theory of change, the UCMC’s scope of operations cover the following four activities: 1) contract disclosure; 2) citizen participation to achieve accountability through the long and short routes; 3) closing the feedback loop; and 4) institutionalize open contacting.

1.3. Scope of Operations

The UCMC implements multi-stakeholder action plans in six strategic sectors: education, health, water and environment, energy and extractives, works and transport, and agriculture. In line with the theory of change described in the previous section, they cover the following four sets of activities:

¹⁹ Ibid (2013), p. 9.

²⁰ Ibid (2013), p. 9.

²¹ World Bank (2003)

²² Ibid. (2013)

Disclose public contracts

Interventions in this area conceive of information disclosure and access to information as a prerequisite for public accountability. For the time being, The Coalition has focused on strategically engaging key government agencies and stakeholders to reach ad hoc agreements to disclose information on a limited amount of contracts. These agreements – in the case of the health cluster it was enshrined in the form of an MOU –, have allowed the coalition to pre-test the citizen monitoring tools. However, in the next five years The Coalition sees itself making a key contribution towards contract transparency at the entire contracting chain: planning, tendering, contract execution, and closing. The UCMC is fully aware more consultation with key stakeholders is needed to ensure maximum levels of transparency while making sure that information is not disclosed in a way that can harm the competitive positions of the companies or divulge other confidential information.

Facilitate sustainable monitoring activities

This involves empowering citizens to use the information and monitor all stages of the contracting process from the awarding to the monitoring and evaluation of contract implementation through making information publicly accessible in user-friendly formats and through building the capacity of civil society to use the information. For each sector the UCMC creates a specific monitoring tool tailored for the target projects, including tools intended to monitor compliance with government programs. On top of the public contract monitoring activities, the agriculture cluster is applying a tool to monitor activities within NAADS, the health cluster is monitoring medicine stock outs, and the energy and extractives cluster is applying a tool to monitor resettlement and compensation processes in the extractive sector. Community monitors to monitor compliance with national laws and international standards are using the latter tool.

In order to guarantee the sustainability of these interventions, The Coalition carefully selects and trains the monitors on open contracting principles and how to employ the monitoring tools. Within a train-the-trainer methodology, these trainees will then become trainers themselves, thereby guaranteeing the sustainability of the intervention. Once the The Coalition has finished its intervention, the vibrant network of monitors continues to carry out monitoring work and engaging local authorities to promote better service delivery at the district level.

Contribute to achieving accountability

Within UCMC's collaborative approach, a best practice is to engage government officials, the contractor, and community members in a committee to address the findings of the monitoring process. Each contract monitoring intervention has clear reporting or grievance handling mechanism vis-à-vis private or public sector actors. As a responsible counterpart, UCMC enters into transparent and binding partnerships with these two actors and shares well-documented reports to improve the performance of contracts. In this regard, The Coalition distances itself from other CSO for whom public shaming is the default option and make an irresponsible use of public information. UCMC is aware that, in order to be effective, these reporting mechanisms must lead to concrete actions that address the identified problems. For The Coalition closing the loop means that problems are resolved to the satisfaction of affected stakeholders.

Institutionalize open contracting

UCMC is advocating for reforms that will guarantee access to contract information and third party monitoring, as well as mainstreaming the open contracting agenda across government agencies and oversight bodies. The Coalition is mobilizing a core group of Members of Parliament who can be champions in these reform areas. Advocacy will also aim at operationalizing article 43 of the Access to Information Law, which requires sector Ministers to report to Parliament on how information requests to respective Ministries, Departments and Agencies under them are dealt with. This initiative is expected to motivate Parliament to enforce this provision, which will in turn strengthen access and usage of contract information by civil society and citizen groups.

Finally, There are at least three categories of beneficiaries from these sets of interventions. The primary beneficiaries are the ordinary men, women, youth and children who would benefit from improvements in the delivery of public services in the target sectors. The secondary beneficiaries are partner GoU agencies that are responsible for ensuring the effective delivery of public services to the citizens and taxpayers. The tertiary beneficiaries are the development partners who provide financial and other forms of support to GoU towards the implementation of service delivery programmes and projects.

1.4. Strengths and Weaknesses

Summary of Strengths

1. The UCMC includes CSOs with substantive and diverse experience implementing multi-stakeholder contract monitoring interventions in six strategic sectors: education, health, water and environment, energy and extractives, works and transport, and agriculture. This expertise sets The Coalition apart from other similar coalitions in Uganda; also, it further reinforces the competitive advantage of the UCMC to become GoU's reliable and responsible partner in its efforts to enhance service delivery via transparency and citizen participation in public contracting.
2. On top of the thematic expertise, the UCMC has a formidable geographic reach. Its current 22 members have worked in virtually all of Uganda's districts and can rely on on-the-ground civil society networks to bring contract monitoring to every corner of Uganda.
3. The UCMC has substantive experience training communities in access to information and a plethora of social accountability tools. Also, The Coalition's train-the-trainer methodology guarantees the sustainability of its interventions. The UCMC's vision is one in which properly trained communities can go about holding the GoU's accountable for lack of compliance with contracts independently.
4. The Coalition has clear-cut work boundaries and specialization areas. This demarcation of roles allows the coalition to fulfil its mission and vision efficiently and avoid redundancies.

Summary of Weaknesses

1. The UCMC has two internal governance instruments: an MOU and a host institution agreement. The MOU establishes The Coalition's vision, mission, objectives, coordination structure, roles and responsibilities, and a host of operational and administrative procedures. However, these governance instruments can be improved to more clearly articulate the roles and responsibilities of the different governing bodies and cluster leaders.
2. The UCMC has ample room for growth regarding constructive engagement. As the analysis of the external context lays bare – see next section below –, the GoU has a tendency to distrust civil society. Bearing the insights of this analysis in mind, the UCMC has to devote more resources to improving its capacity for constructive engagement, especially regarding messaging. It is vital to distance The Coalition from the GoU's negative stereotypes about CSOs.

2. The External Context

2.1. A Birds-Eye View of Governance and Anti-corruption in Uganda

Notwithstanding the economic improvements achieved by the country during the last 25 years, Uganda still suffers from extreme poverty, high-income inequality, and significant disparity among regions. The country is also highly dependent on international aid for the delivery of basic services to its citizens. Low transparency and accountability, and widespread corruption threaten both access to and quality of public services. In general, while the opening of the democratic space has been consolidated, vestiges of authoritarianism still remain.²³

²³ Bertelsmann Foundation (2012).

Corruption in Uganda is widespread and seen as one of the greatest obstacles to the country's economic development, as well as to the provision of quality public services.²⁴ Corruption-related challenges in the country stem from a weak separation between the public and private spheres, leading to extensive patronage.²⁵ Such corruption challenges are exacerbated by weak law enforcement, which fuels a culture of impunity, particularly with regards to high-ranking officials involved in corruption schemes.²⁶ The Ugandan government itself has acknowledged that corruption is one of the main challenges facing the country.

Transparency International's 2012 Corruption Perceptions Index ranks Uganda 130th out of 176 countries and territories, with a score of 29 out of 100, indicating a perception of widespread and endemic corruption.²⁷ The country ranks 30 out of 48 countries in the Sub-Saharan Africa region.²⁸ Uganda has also consistently scored poorly in the World Bank Worldwide Governance Indicators.²⁹ In 2011, it scored 19.9 on control of corruption on a scale from 0 to 100, and it has shown no improvements across the years. Uganda scores relatively better, but still below the 50th percentile, on the rule of law, government effectiveness, regulatory quality and voice and accountability indicators.³⁰

Consistent with these findings, 82% of the respondents to the East Africa Bribery Index 2012 believe that corruption levels either remained as bad or increased in compared to the previous year.³¹ Corruption is seen as the most problematic factor for doing business in the country according to nearly 19% of business people surveyed under the 2012 Enterprise survey.³²

In order to tackle these governance challenges and reinforce its commitment to fight corruption, Uganda has over the years fine-tuned its anti-corruption framework. Reputed international monitoring groups like Global Integrity have celebrated this framework, composed of prima facie robust national laws and oversight institutions. However, the actual implementation of these laws has been lagging behind and the effectiveness of the oversight institutions has been compromised by a lack of capacity and resources. In 2007 Global Integrity introduced an indicator to capture the gap between a country's anti-corruption laws on paper and the actual degree of enforcement of those laws. Uganda's implementation gap of 47 is one of the largest implementation gaps among countries that were covered in this organization's 2011 Global Integrity Report.³³ Figure 2 below presents Uganda's scores regarding its anti-corruption framework, the degree of implementation, and implementation gap.

²⁴ Martini (2012), p. 1.

²⁵ Martini (2012), p. 1.

²⁶ Martini (2012), p. 1.

²⁷ Transparency International (2012).

²⁸ Ibid. (2012).

²⁹ The World Bank (2011).

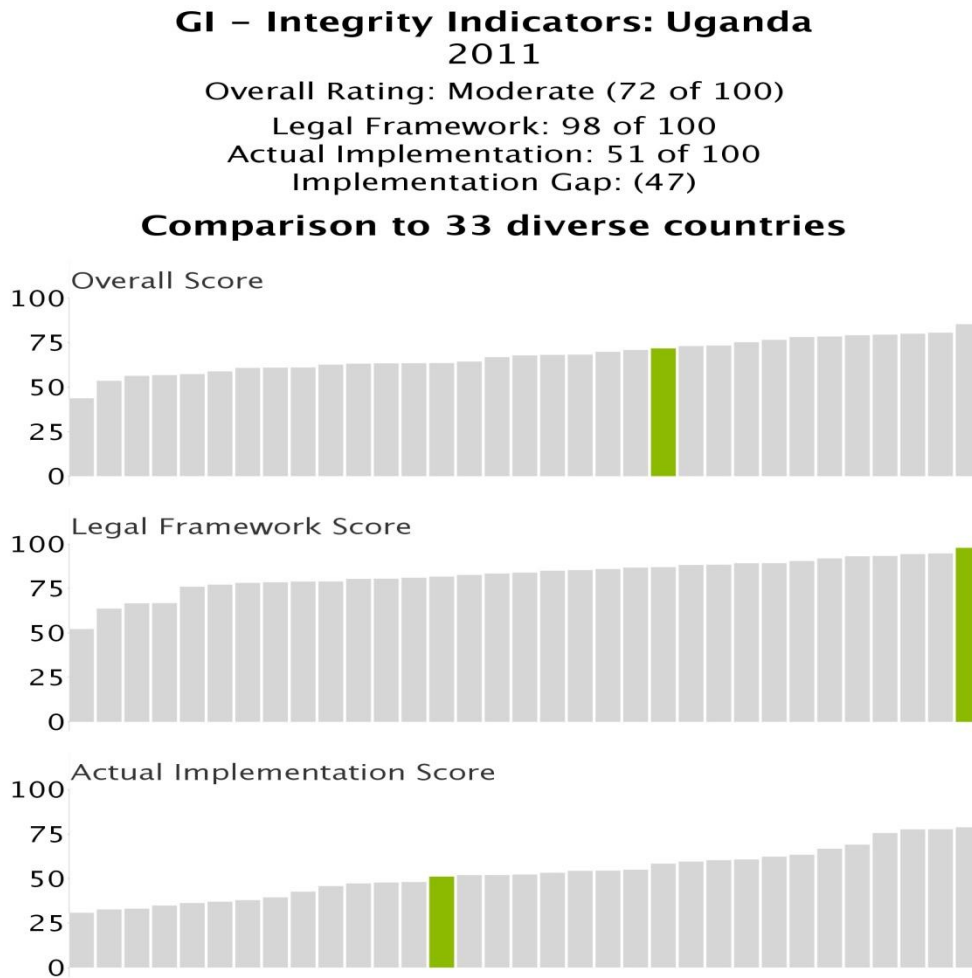
³⁰ Ibid. (2012).

³¹ Transparency International Kenya et al. (2012).

³² World Economic Forum (2013).

³³ Global Integrity (2012).

Figure 2: Uganda’s Anti-corruption Implementation Gap



Source: Global Integrity (2011)

A seven-point reduction in the implementation gap from 54 in 2009 to 47 in 2011 could be signalling a commitment for reform. According to UCMC’s analysis, demand-side or civil society-led governance interventions can play a very strategic role in closing this implementation gap. Uganda is increasingly becoming less dependent on official development assistance (ODA), which means donors will have increasingly less leverage to demand good governance and accountability. Once the oil revenue starts flowing, this tendency will be exacerbated. In the absence of pressure from the donor community, civil society will have to fill the vacuum and demand good governance from the bottom up. UCMC is ready to capitalize on this opportunity and play a strategic role within this demand for good governance framework.

2.2. Uganda’s Governance and Anti-Corruption Framework

As highlighted by the analysis above, Uganda’s governance framework is very strong. Though its enforcement or implementation is lagging behind, the UCMC works in a rather enabling environment to carry out its operations. Uganda has been a signatory of the United Nations Convention against Corruption (UNCAC) as well as of the African Union Convention on Preventing and Combating Corruption since 2004. At the national-level, criminal responsibility for corruption is provided for in both the Penal Code Act and the Anti-corruption Act of 2009.³⁴ The Leadership Code Act (2002), the Anti-Corruption Act (2009) and the Code of conduct and ethics of the Ugandan Public service regulate conflict of interest, as well as related prohibitions such the acceptance of gifts and

³⁴ Martini (2012), p. 6.

hospitality.³⁵ Also, the President, Ministers, members of the Parliament, judges, and civil servants, and their spouses, must comply with asset disclosure requirements, in accordance with the Leadership Code Act.^{36, 37}

The 2010 Whistleblowers Protection Act provides for mechanisms encouraging individuals to blow the whistle on corruption cases. The Access to Information Act, enacted in 2005, provides every citizen the right to access information, with the exception of information that is likely to threaten the country's security or sovereignty. Uganda ranks 26 out of 93 countries with access to information laws in the global right to information rating 2012, with a score of 98 points out of 150.³⁸ The main shortcoming of the Ugandan access to information legal framework relates to the lack of administrative appeal mechanisms, and the gaps in the system of judicial review. A report published by Africa Freedom of Information Centre in 2012, notes that negative attitudes of public officials towards information requesters, ignorance of legislation, poor information storage and retrieval systems, and inadequate financing undermines the full implementation of the law.³⁹ Nevertheless, CSOs have already demonstrated the power of Uganda's Access to Information Act. In 2011 the Human Rights Network Uganda (HURINET-U) forced Bushenyi district to release information about a ghost stadium. By analyzing the documents, this group was able to provide evidence of corruption.⁴⁰

There are several institutions in the country tasked with investigating wrongdoings and fighting corruption. While a system of checks and balances is guaranteed by the 1995 constitution, in practice, many of the country's institutions are unable to perform their duties efficiently because they are understaffed and lack sufficient resources.⁴¹ The Office of the Inspectorate of Government (IG) was established in 1986, and since 1995 it has the mandate to fight corruption in the country. The Inspectorate of Government Act of 2002 further regulates the office's mandate.^{42, 43} The Directorate of Public Prosecutions (DPP) of Uganda is mandated to handle and prosecute all criminal cases in the country, including corruption-related cases, or to delegate such powers where necessary. The Auditor General is responsible for overseeing government operations through financial and other management audits. The Directorate of Ethics and Integrity (DEI) within the Office of the Presidency is responsible for coordinating the GoU's efforts in the fight against corruption and for establishing an integrity system that promotes good governance across the administration. The Directorate is also the chair of the Inter Agency Forum (IAF), which is a forum tasked with ensuring the effective coordination among all institutions tasked with fighting corruption in the country.⁴⁴ Lastly, a specialized anti-corruption court was established with the aim of judging corruption-related cases in a swifter and more efficient way.

2.3. Media and Civil Society in Uganda

An independent and free media is a precondition for a vigorous and informed public debate on governance. The role of investigative journalists is vital to disclose cases of corruption and contribute to the policy debates on how to better hold the government accountable. Global Integrity focuses on

³⁵ Ibid. (2012), p. 6.

³⁶ Ibid. (2012), p. 6.

³⁷ Declarations should be filled upon taking office, annually, and upon leaving office, and should include information on assets, liabilities, and income items. These declarations are made publicly available, but not always timely.

³⁸ Martini (2012), p. 7.

³⁹ AFIC (2012).

⁴⁰ Open Society Foundations (2011).

⁴¹ Martini (2012), p. 7.

⁴² Martini (2012), p. 7.

⁴³ According to the act, the Office of the Inspectorate plays a critical role to ensure a more effective and efficient public administration, and therefore should work closely with other government agencies and NGOs to promote the rule of law and ethics among public officials.

⁴⁴ The IAF provides for a platform where different government agencies can exchange information and lessons learned with regards to the design and implementation of anti-corruption strategies.

two elements to evaluate whether media are able to inform the public about corruption. The first one focuses on the extent to which government or media owners encourage self-censorship on corruption-related stories. Uganda's score of 75 in the 2012 Global Integrity Report highlights the existence of some degree of self-censorship.⁴⁵ According to Global Integrity findings, Uganda's rating in this area has fluctuated over time. While it was very strong in 2007 – less self-censorship –, it dropped substantially to merit a very weak rating in both 2008 and 2009, but recorded a more moderate rating recently in 2011.⁴⁶ The second element in this area assessed by Global Integrity is the extent to which there is prior government restraint – pre-publication censoring – on publishing corruption related stories. Similar to the factor above, Uganda's rating has fluctuated over the last few years, dropping to its lowest of very weak in 2008 and has stabilized at a moderate score since 2009.⁴⁷

Uganda's Constitution guarantees the right to freedom of association, and since its promulgation civil society groups have been playing an important role in shaping public policy through processes such as the Poverty Eradication Action Plan, and the Public Expenditure Reviews.⁴⁸ In 2012, the government launched the national NGO policy, which is intended to guide and regulate the operations of civil society organizations. The policy also aims at enabling the government to effectively monitor the integrity, accountability, and transparency of NGOs.⁴⁹

Nevertheless, most international watchdog organizations concur the space for civil society participation is shrinking. For instance, the Black Monday movement, a CSO-led platform to protest against corruption and educate the public on the links between the most recent high-level corruption cases and poor service delivery, have routinely faced the threat of arrests. Finally, the recently passed Public Order Management Bill restricts freedom of association by requiring that written notice of meetings is submitted to the police seven days in advance. It also allows the police to stop or prevent a public meeting if they believe it poses a breach of the peace or public order.

Despite this mistrust towards CSOs, the Northern Uganda Social Action Fund (NUSAF2), a World Bank-funded social protection project in Uganda, demonstrates that, under certain conditions, the GoU is open to facilitating CSO-led social accountability interventions. This social protection project includes a Transparency, Accountability, and Anti-Corruption (TAAC) component with clear reporting guidelines. TAAC includes a grievance handling mechanism that empowers CSO-trained social accountability committees to report cases of error, fraud or corruption to the country's oversight institutions. Depending on the gravity and potential criminal liability of transgressions, cases may be referred to the disciplinary regulatory system of the Ministry of Local Government, the IG, or the DPP.

2.4. Key Areas Affected by Governance Risks

As we saw above, governance risks in Uganda are the result of a lack of separation between the public and private spheres, leading to extensive clientelistic practices and patronage.⁵⁰ The area of procurement and public contracting is particularly vulnerable to governance risks, which reinforces the strategic role the UCMC can play in Uganda. Public procurement and public contracting is one of the key areas where the public sector and the private sector interact financially; it is a prime candidate for corrupt activity, cronyism, and favouritism, as well as outright bribery. Corruption in procurement manifests itself in unnecessary projects, substandard work or unnecessarily expensive work; the diversion of resources; and unjustified or unexpected price increases.⁵¹ Government spending on procurement in Uganda is estimated to be 55% of the national budget.⁵² In 2012 this was equivalent to

⁴⁵ The Inspectorate of Government (2012), p. 35.

⁴⁶ Ibid (2012), p. 35.

⁴⁷ Ibid (2012), p. 36.

⁴⁸ Martini (2012), p. 7.

⁴⁹ Martini (2012), p. 7.

⁵⁰ Martini (2012), p. 2.

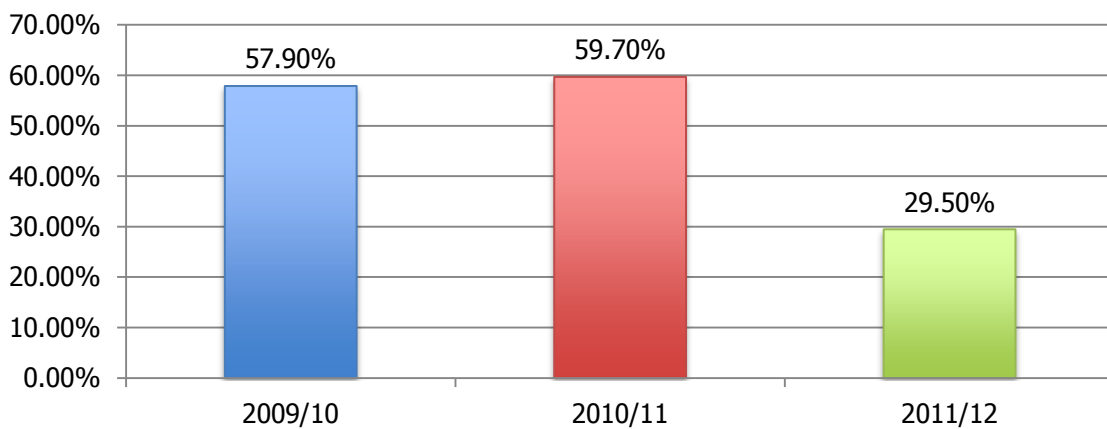
⁵¹ Inspectorate of Government (2012), p. 55.

⁵² Ibid. (2012), p. 24.

UGX 6,000 billion or USD 2.4 billion.⁵³ An integrity survey carried out by the Public Procurement and Disposal of Assets Authority (PPDA) found that 69.8% of service providers surveyed agreed that corruption influenced procurement.⁵⁴ Also, according to figures presented by the Inspectorate of Government (IG), corruption in public contracting and procurement amounts to 9.4% of the total value of contracts.⁵⁵ In 2012 that would have been equivalent to UGX 56.4 billion.⁵⁶

When considering contract value, or the amount of contracts in shillings, open bidding procurements increased by 10% from 80.6% in 2010/11 to 90.2% in 2011/12.⁵⁷ However, beyond contract awarding, the performance of contract performance was dismal. For example, 0.7% of the contracts in 2011/12 were implemented within the original planned money value, and only 29.4% of the contracts were completed on time.⁵⁸ In fact, as Figure 2 below illustrates, the percentage of contracts that are completed on time has been decreasing over the years with the highest percentage last recorded in 2009/10 at 57.9%.⁵⁹

Figure 2: Percentage of Public Contracts Completed on Time



Source: Inspectorate of Government (2012)

This declining trend also applies to public contracts observing the originally stipulated cost. As Figure 3 below shows, it went from 50.5% in 2009/10 to a worrying 0.7% in 2011/12.

⁵³ Ibid. (2012), p. 24.

⁵⁴ Procurement and Disposal of Assets Authority (2010).

⁵⁵ Inspectorate of Government (2012), p. 24.

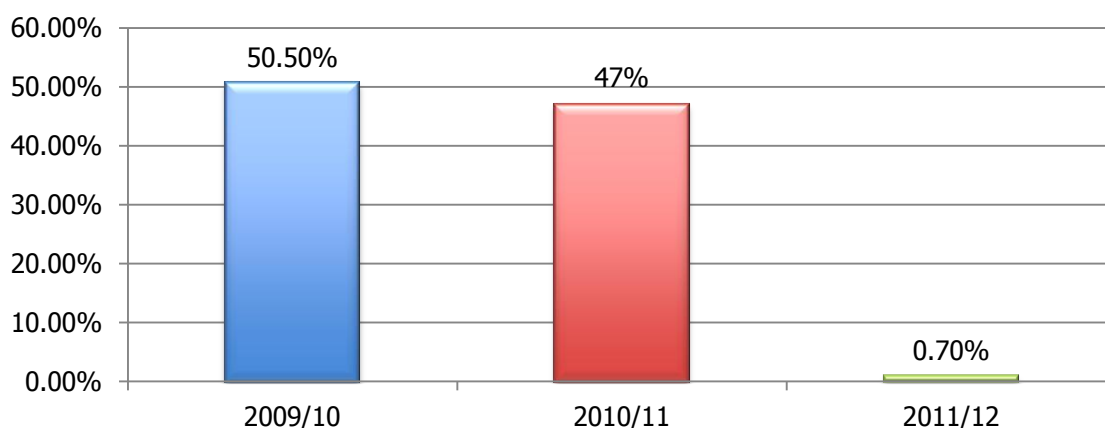
⁵⁶ Ibid. (2012), p. 24.

⁵⁷ Ibid. (2012), p. 55.

⁵⁸ Ibid. (2012), p. 55.

⁵⁹ Ibid. (2012), p. 59.

Figure 3: Percentage of Public Contracts observing the Originally Stipulated Cost



Source: Inspectorate of Government (2012)

Finally, contract implementation plans were the procurement records with the lowest compliance.⁶⁰ While 26.7% of the contracts had records on contract implementation plans in 2010/11, the number was reduced to 17.1% in 2011/12.⁶¹ All these findings, as well as the case study below, highlight that there is an obvious decline in contract performance during the contract implementation and management stage.

Case Study: Feeder Roads in Uganda

In 2011 the Office of the Auditor General (OAG) conducted a special Value for Money (VFM) audit on rehabilitation and maintenance of feeder roads in Hoima, Masindi, Kumi, Mukono, and Wakiso districts and found that their status was generally poor.⁶² The Government of Uganda (GoU) has identified rural feeder roads as an area with great potential for eradicating rural mass poverty. By rehabilitating feeder road quality, mostly via Central Government grants, the GOU ensures that goods and services can be transported to markets. Nevertheless, as of 2011 the country's feeder road network constituted 22,500 Km of mainly unpaved roads, 60% of which were in extremely poor condition.⁶³

Moreover, the OAG's VFM audit noted that the majority of feeder road works – up to 85% – were not implemented within their time schedules.⁶⁴ Some of them experienced delays up to 22 months.⁶⁵ Delayed release of funds for feeder road works by Ministry of Finance Planning and Economic Development and Uganda Road Fund; insufficient funding, inadequate capacity of contractors – in terms of human, equipment and financial capacity – to implement the roads works, machine breakdowns as well as delays in procurement process were the main reasons cited for delayed feeder road works.⁶⁶ Also, although delayed road works attracted payment of liquidated damages – e.i. the contractor is supposed to pay 0.5% of the contract price per day – the district did not recover these funds.⁶⁷

⁶⁰ Ibid. (2012), p. 61.

⁶¹ Ibid. (2012), p. 61.

⁶² Office of the Auditor General (2011), p. 78-116.

⁶³ Ibid. (2011), p. 78-116.

⁶⁴ Ibid. (2011), p. 78-116.

⁶⁵ Ibid. (2011), p. 78-116.

⁶⁶ Ibid. (2011), p. 78-116.

⁶⁷ Ibid. (2011), p. 78-116.

In order to eliminate implementation delays on feeder roads, the VFM audit recommended that district Contract Committees should critically evaluate the contractors' capacity and previous performance records to ensure that only competent contractors are awarded contracts.⁶⁸ Procurement delays and irregularities were also cited by the VFM audit. Non-compliance with procurement laws, regulations and guidelines were noted and these included: unwillingness on the part of the districts to avail procurement plans to the VFM team for audit; delays by the District Engineer to submit the procurement requisition to the PDU so that procurement process can start; delays from the Solicitor General in giving clearance for the road works to commence – these were some of the main reasons why procurement was very slow in selected districts.⁶⁹ The VFM audit stated that there was no documentary evidence to show that the selected districts managed contracts in accordance with PPDA regulations.⁷⁰

Finally, monitoring and evaluation of road works was also given little attention by districts.⁷¹ The VFM audit established that all five sampled districts did not have monitoring and evaluation work plans showing scheduled M&E visits to feeder roads road works; consequently, the quarterly M&E visits to the rehabilitation and maintenance of feeder roads projects were not conducted contrary to what was expected.⁷² This is contrary to the to the Ministry of Works Scheme for maintenance of district and urban roads guidelines and therefore non-observance of the M&E recommendations in the District would leave defects undetected and lead to shoddy road works.⁷³ Shoddy road works are an indicator that monies assigned to works have not been properly utilized; they could have been embezzled by public officers or shared in bribes. It could also be an indicator that procurement were corruptly influenced in favour of firms with insufficient technical capacity to carry out the works.⁷⁴

Furthermore, bureaucratic or 'petty' corruption, which affects citizens and companies in their daily interaction with public officials to access public services, is a significant problem in the country. For instance, business people surveyed in the World Economic Forum Executive Survey consider that irregular payments and bribes connected to imports and exports, public utilities, tax payments, and the award of public contract are relatively common.⁷⁵ According to Transparency International's Global Corruption Barometer, in 2010, nearly 90% of the respondents reported having paid a bribe to at least one of the nine institutions analyzed – i.e. judiciary, education, tax services, permits/registries, medical services, police, customs, land services, customs, and utilities.⁷⁶

While the prevalence of bribes in the education sector is relatively lower than in other sectors (12.4%, according to the East Africa Bribery Index, with approximately 10% of the parents reporting having to make illegal payments to get a place in a primary school) the so-called "quiet corruption" – the failure of public officials to deliver public services – is widespread and negatively impacts the quality of education.⁷⁷ According to the National Panel Survey (UNPS) conducted in 2010, teacher absenteeism affects one in five primary classrooms across the country.⁷⁸ Absenteeism is even more serious in the health sector, where one out of every three health workers is absent, what encourages people to paying bribe in order to receive preferential treatment.⁷⁹ Almost 30% of

⁶⁸ Ibid. (2011), p. 78-116.

⁶⁹ Ibid. (2011), p. 78-116.

⁷⁰ Ibid. (2011), p. 78-116.

⁷¹ Ibid. (2011), p. 78-116.

⁷² Ibid. (2011), p. 78-116.

⁷³ Ibid. (2011), p. 78-116.

⁷⁴ Ibid. (2011), p. 78-116.

⁷⁵ World Economic Forum (2013).

⁷⁶ Transparency International (2011).

⁷⁷ Martini (2012), p. 5.

⁷⁸ Ibid. (2012), p. 6.

⁷⁹ Martini (2012), p. 6.

Ugandans using the public health service in 2011 have reported paying bribes.⁸⁰ Health providers themselves have acknowledged that accepting unofficial payments and gifts in exchange for services is a rather common practice.⁸¹

On top of bureaucratic corruption, Uganda also faces significant challenges with regards to grand corruption. For instance, in late 2012 government audits revealed that an estimated 7,600 ghost workers existed across the public administration. These individuals never worked for any public institutions but were included in the government payroll, costing billion of shillings. Also, approximately 12 million Euros in aid channelled through direct budget support were allegedly transferred to private bank accounts of officials from the Office of the Prime Minister (OPM).

Finally, the recently discovered oil and mineral resources in Uganda have the potential to achieve the government's vision of middle-income status within 25 years.⁸² According to the World Bank, oil alone has the potential to double government revenue within 6 to 10 years and constitute an estimated 10-15 percent of gross domestic product at its peak.⁸³ Equally, a donor-sponsored mineral mapping survey found reserves of beryllium, chromium, copper-cobalt, gold, iron ore, and uranium among others.⁸⁴ However, as the case of resource-rich Nigeria demonstrates, without an enabling environment characterized by robust transparency and accountability mechanisms, Uganda could experience the so-called "resource curse" and succumb to a host of governance risks that can further undermine Uganda's development. However, instead of allowing demand-side governance interventions, the GoU has reacted with hostility towards CSOs working on the oil sector – including the UCMC –, and has even threatened them with deregistration. The UCMC remains committed to collaboratively engage the GoU to ensure that the oil revenues are harnessed for development and are not embezzled or used to further finance patronage networks.

2.5. Opportunities and Threats for the UCMC based on the External Context

Summary of Opportunities

1. The UCMC conducts its operations in an enabling environment characterized by a robust legal and institutional framework. Uganda is party to international conventions against corruption and has passed a host of laws whose main goal is to fight corruption, namely the Leadership Code Act (2002) and The Anti-Corruption Act (2009). Also, the Access to Information Act (2005) and Whistleblower Protection Act (2012) are important tools to enable demand-side governance interventions. Finally, Uganda's governance institutions, namely IG, DPP, DEI, IAF, and OAG, are also strong on paper.
2. Despite this robust governance framework, Uganda's lack of implementation has come under scrutiny by international watchdog organizations and donors alike. The endemic corruption at all levels – quiet, bureaucratic, or in a grand-scale – combined with the need to close the implementation gap, creates a strategic opportunities for The Coalition. Uganda is increasingly becoming less dependent on official development assistance (ODA), which means donors will have increasingly less leverage to demand good governance and accountability. Once the oil revenue starts flowing, this tendency will be exacerbated. In the absence of pressure from the donor community, civil society will have to fill the vacuum left by donors and intensify their demand good governance from the bottom up. UCMC should capitalize on this opportunity and play a strategic role within this demand for good governance framework.
3. The UCMC is uniquely positioned to respond to some of Uganda's main governance challenges. As the previous section lays out in detail, procurement and public contracting is particularly prone to governance risks. The Coalition can play a vital role in improving contract performance,

⁸⁰ Martini (2012), p. 6.

⁸¹ Martini (2012), p. 6.

⁸² Global Witness (2010)

⁸³ Ibid. (2010)

⁸⁴ Ibid. (2010)

especially improving contract compliance and minimizing cost and time overruns. Also, The UCMC can contribute to minimizing the incidence of corruption, cronyism, favoritism, and bribery in procurement processes. Because of its geographic reach and network of CSOs working on the ground, it is also strategically positioned to improve the quality of feeder roads, which are vital for tackling rural poverty.

Moreover, The Coalition can make a great contribution towards minimizing quiet corruption – the failure of public officials to deliver public services – in the health and education sectors. It can also play a substantive role in ensuring government programs are not captured by the state for electoral purposes or become part of its patronage networks. Finally, Uganda will not see full-scale oil production until 2020 and the mineral industry is looking at an even longer time frame; this protracted process creates an opportunity to strengthen bottom-up checks and balances in the industry to ensure oil revenues are harnessed for development.

4. Uganda’s CSOs are now better funded and more capable than ever to hold the government accountable. However, UCMC has a clear competitive advantage over the rest when it comes to providing solutions to the governance challenges described above, especially regarding procurement and public contracting.
5. ICT “can increase information about government actions and services, reduce the distance and time for delivery of information and feedback, increase the number of participants who can be engaged in accountability exchanges, transform relatively small actors such as NGOs into powerful national and regional players, and decrease the transaction costs of collective action.”⁸⁵The UCMC has potential ICT solutions at its disposal that can maximize the impact of its interventions, especially regarding contract disclosure.
6. The case of the TACC component of NUSAF2 demonstrates that GoU is open to engage in CSO-led social accountability as long as clear reporting mechanisms are in place. Following this example, The Coalition should deepen its constructive engagement vis-à-vis the GoU to present itself as a reliable counterpart. In order to stress its commitment to report its findings to the government through the appropriate channels, it should strive to sign MOUs with the GoU.

Summary of Threats

1. As the previous section described in detail, the GoU’s mistrust of civil society actors has been increasing, particularly regarding CSOs working in the extractive sector or associated with the “Black Monday Movement” protests. In light of these developments, the UCMC has to invest heavily in constructive engagement to seek ways of collaborating with the government.
2. The Coalition’s constructive engagement cannot come at the expense of relinquishing its critical voice or compromise its commitment to serve the interests of the Ugandan people. As part of the constructive engagement process, the UCMC will have to strike a fine balance between presenting itself as a reliable and responsible partner for the GoU and holding government officials and contractors to account.
3. The lack of enforcement of access to information laws means the UCMC could struggle to access government contracts, which reinforces the importance of constructive engagement with the government.

3. Goals and Strategies

3.1. The Coalition in Five Years

By 2017 the UCMC expects to have established itself as a game changing civil society actor in Uganda with a demonstrable track record of success improving service delivery through transparency and citizen participation in public contracting. In these five years, The Coalition would have laid out

⁸⁵ The World Bank (2013).

the foundations of its transformative project and be ready to articulate and implement definitive plan to fully realize its vision and mission – see section 2.2. In the interim, the UCMC will focus on building on its strength while addressing its weaknesses – see section 2.4.–, and capitalizing on the opportunities presented by the external environment while mitigating the threats – see section 3.5. By 2017, The Coalition expects to achieve the goals below. The goals are based on UCMC’s scope of operations as described in section 2.3. For each operation, the plan describes an overarching goal and a set of sub-goals.

Disclosure of public contracts

- **Overarching goal: Enhanced transparency in the entire contracting process, including the planning, tendering, and award stages.**
 - Sub-goal 1: Disclosed contracts in Uganda.
 - Sub-goal 2: Disclosed contracts in the education sector.
 - Sub-goal 3: Disclosed contracts in the health sector.
 - Sub-goal 4: Disclosed contracts in the water and environment sector.
 - Sub-goal 5: Disclosed contracts in the energy and extractives sector.
 - Sub-goal 6: Disclosed contracts in the works and transport sector.
 - Sub-goal 7: Disclosed contracts in the agriculture sector.
 - Sub-goal 8: Functioning offline information systems facilitating contract disclosure.
 - Sub-goal 9: Functioning online information systems facilitating contract disclosure.

Facilitate sustainable monitoring activities

- **Overarching goal: Increase participation by citizens in contract monitoring.**
 - Sub-goal 1: Communities trained to carry out contract monitoring in Uganda.
 - Sub-goal 2: Community members who, in turn, trained other community members to become trainers.
 - Sub-goal 1: Communities involved in contract monitoring in Uganda.
 - Sub-goal 2: Communities involved in contract monitoring in the education sector.
 - Sub-goal 3: Communities involved in contract monitoring in the health sector.
 - Sub-goal 4: Communities involved in contract monitoring in the water and environment.
 - Sub-goal 5: Communities involved in contract monitoring in the energy and extractives sector.
 - Sub-goal 6: Communities involved in contract monitoring in the works and transport sector.
 - Sub-goal 7: Communities involved in contract monitoring the agriculture sector.
 - Sub-goal 8: Communities involved in government program compliance monitoring activities.

Contribute to achieving accountability

- **Overarching goal: Increased mechanisms or forums to achieve accountability.**
 - Sub-goal 1: Multi-stakeholder meetings to address findings of contract monitoring or government program compliance processes in Uganda.
 - Sub-goal 2: Multi-stakeholder meetings to address findings of contract monitoring or government program compliance processes in the education sector.
 - Sub-goal 3: Multi-stakeholder meetings to address findings of contract monitoring or government program compliance processes in the health sector.
 - Sub-goal 4: Multi-stakeholder meetings to address findings of contract monitoring or government program compliance processes in the water and environment sector.
 - Sub-goal 5: Multi-stakeholder meetings to address findings of contract monitoring or government program compliance processes in the energy and extractives sector.
 - Sub-goal 6: Multi-stakeholder meetings to address findings of contract monitoring or government program compliance processes in the works and transport sector.

- Sub-goal 7: Multi-stakeholder meetings to address findings of contract monitoring or government program compliance processes in the agriculture sector.

Institutionalize open contracting

- **Overarching goal:** Contribute to passing reforms that guarantee access to contract information and third party monitoring, as well as mainstreaming the open contracting agenda across government agencies and oversight bodies.

3.2. Strategies

In order to fulfil the goals above, the UCMC will have to enhance its internal capacity based on the strengths and weaknesses identified in section 2.4. In line with the results of this “SWOT” analysis, the coalition has established strategies to improve in five strategic areas:

- 1) Internal governance, coordination, and communication;
- 2) Strategic engagement;
- 3) Fundraising; and
- 4) Monitoring and evaluation.

Both the institution-building strategies and the cluster-specific strategies to fulfil specific operational goals are available upon request.

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