



**The Governance of Urban Service Delivery in Kampala City**

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## List of Acronyms

GDP	Gross Domestic Product
KCC	Kampala Capital City
KCCA	Kampala City Council Authority
KIIDP	Kampala Institutional and Infrastructural Development Programme
NRM	National Resistance Movement

## Abstract

This policy briefing paper analyses the institutional arrangements of the new Kampala Capital City Authority (KCCA). The paper focuses on the governance of urban service delivery in KCCA as a central government agency, exploring the new agency jurisdictions and authority relationships between the bureaucrats and political leaders, and how these are reflected in the public decisions regarding service delivery in the city. The major service delivery successes are highlighted, and notwithstanding the successes, the paper underlines the numerous challenges facing KCCA with majority of them stemming from the reform processes and in particular the inheritance of a city with a history of poor service delivery and historic tensions between multiple interests deeply involved in its governance. The final section of the paper highlights the major contradictions of the KCCA Act (2010) establishing KCCA with a serious indictment on the dualistic reporting structure that has impeded horizontal, downward and upward accountability of the agency. To inform public discourses and solutions to the challenges herein, the paper concludes with a set of policy issues and questions.

## Facts and Figures

- Kampala ceased being a local government entity in 2011 and became a central government agency
- Kampala accounts for the 80 % of the country's industrial production and 60 % of GDP
- KCCA is composed of 5 divisions; Lubaga, Kawempe, Central, Makindye and Nakawa
- Kampala has a resident population of 1.5 million and a daily workforce of over 4 million people.
- 1.25 million of the workforce in Kampala is engaged in the informal sector
- The political leadership of the Authority is elected and constituted of a Lord Mayor and 34 councilors
- KCCA's institutional asset base is valued at UGX: 450 billion
- 401 staffs are currently employed by KCCA
- Revenue collections have grown by 130% in the last 3 years from UGX: 30.7 billion in 2011 to UGX: 70.1 billion in 2014

## 1. Background

### 1.1. The Making of Kampala

Kampala was established as a municipality under the colonial government in 1947 and only became Uganda's administrative capital at Independence in 1962. Since then, the city has undergone several transformations to become the country's 'political seat and economic hub accounting for 80 percent of the country's industrial and commercial activities; and generates 65 percent of the national GDP<sup>1</sup>'.

Under the Local Government Act (1997), Kampala Capital City (KCC) was recognized as a district with decentralized political leadership under an elected council headed by the Mayor. The delivery of services in the city under KCC similar to many other urban local governments in the country was characterized by corruption, inefficiency and generally below minimum standards. In 2009, and in realization of the need to reverse the deteriorating City status, a study on transforming Kampala City from a Local Government to a corporate entity was initiated under the Kampala Institutional and Infrastructural Development Programme (KIIDP). The report of the study recommended the recentralization of the management of the city and the need to reduce political powers of elected leaders. The proposed recentralization of the management of the city, in particular delivery of services, has been considered by policy analysts as a deliberate attempt to diagnose a wrong solution to the challenges inherent in Uganda's decentralisation policy.

- 24,000 man hour are lost each day by commuters in Kampala due to traffic jam (UNHABITAT 2013)
- Of the 1200 km of roads in the city, only 115 km have street lights fitted, with only 9.2 functional
- 170 kilometers of roads have been constructed out of an estimated road network of 1200 km
- The road network was constructed in the 1960s to accommodate 100,000 vehicles yet with little improvement, the current number of vehicles is estimated at 400,000
- Under the new strategic plan 2014 – 2019, KCCA plans to mobilise and invest US \$ 1.55 billion over the five year plan period
- Kampala has been ranked as East Africa's best city to live in
- The city has been decongested, re-organized and brought to order

<sup>1</sup> KCCA. (2014). Kampala Capital City Authority Strategic Plan 2014/15 – 2018. P 1

## 2. The Recentralization of Kampala

In 2010 the government of Uganda embarked on a legislative mission within the confines of its public administration reform agenda to implement the Constitutional provision in Article 5 that enshrines Kampala as the capital city of Uganda. Amid controversy and in haste, the KCCA Act (2010) was enacted to provide for the establishment of Kampala Capital City Authority (KCCA) as an autonomous agency<sup>2</sup> mandated to deliver services for and on behalf of the central government. Under Section 4 of the KCCA Act (2010), Kampala ceased to be a Local Government entity and under Section 3(2) of the same law, Kampala became an executive agency administered by the central government. According to Madinah et al (2015), five motives were adduced by government as underlying justifications for the recentralization of Kampala including;

- i. The need to provide the much needed services to the capital city.
- ii. Promote the culture of effective customer service and responsiveness to change.
- iii. Develop institutional infrastructure for better governance in terms of systems and controls.
- iv. Promote democratic principles and good governance in the operations of KCCA
- v. Empower people through a system of governance that is characterized by transparency, accountability, and equitable resource allocation and usage, among others.

These motives were raised on the basis of the ‘visible evidences of maladministration and poor service delivery in the capital city’<sup>3</sup> under the opposition led KCC. Indeed several studies<sup>4</sup> following the recentralization affirmed a ‘near total breakdown of systems and service delivery in KCC stemming from mismanagement, fraud and lack of financial accountability by both staff and political leaders. Although government unveiled what seemingly looks to be credible justifications, the recentralization as a solution to the failing decentralisation policy especially in urban local governments is not strong enough and illuminates government’s failures for rooted and robust support mechanisms to ensure success of the decentralisation policy.

The creation of executive agencies to deliver services for and on behalf of the central government is not a new phenomenon in Uganda and can be located in the new management doctrines underpinning the country’s recent public administrative reforms. Under the numerous

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<sup>2</sup> According to Pollit et al (2001), a government agency is an organisation that stands at arm’s length from its parent ministry and carries out public functions, but not (primarily) a commercial enterprise

<sup>3</sup> Karyeija, G. K., & Kyohairwe, S. B. (2012). Organizational Puzzles of Agencification: A Kampala City Council Authority Case, Uganda

<sup>4</sup> Report of the Commission of Inquiry into the Sale, Lease and Purchase of Land by KCC (2006): Report of the Commission of Inquiry into the Running and Management of Public Affairs in Makindye, Kawempe Divisions and Mbarara Municipality (2008): Report of The Commission of Inquiry Into the Settlement of Disputes of Kisekka Market (2006): Report of The Commission of Inquiry into The Financial and Administrative Irregularities in Kampala Central Division in (2007)

executive agencies<sup>5</sup> established in the last three decades, government is informed by the need to redefine and justify new processes, systems and structures that enhance performance in public service delivery.

Its however important to note that the “establishment or reorganization of an administrative organisation involves the making of careful choices concerning competences, jurisdictions and authority relationships with political overseers”<sup>6</sup>. The establishment of KCCA as an agency expected to employ new public management styles with a dual-reporting structure to central government and elected representatives portends new management and political dilemmas to all actors. The new agency phenomena offers fertile grounds for maneuvers of the principal-agent problem on the backdrop of the fact that the ruling NRM repeatedly failed to capture the governance of the city through an electoral process. The centrality of the city as an economic and intellectual hub for the country, governed by opposition actors was a harsh reality with a high potential to twist the balance of power at the national level. The architects of the law, on the milieu of a failing decentralisation policy in Kampala, seized the opportunity to recapture the governance of the city through what was alleged as an ‘ideal ‘new public management’ – agency. The agency according to Government would be professionally managed, flexible, customer responsive, specialized, efficient and intensely performance oriented’<sup>7</sup> with minimal political oversight from the elected representatives. Indeed according to the Minister for Kampala...

“The institutional reforms that followed the creation of KCCA as a central government agency have had noticeable dividends in the last three years. The years of neglect, apathy, mismanagement, and institutional inefficiency that had eroded the city’s image are now over.”<sup>8</sup>

To further interrogate the competences, jurisdictions and authority relationships within the new agency, the next sections explore the conduct and business of KCCA in its pursuit to deliver quality services, going in-depth to analyse the agency agenda and decision-making processes. The analysis employs the principal-agent theory that examines the relationship between the politicians (principals) and the bureaucracy (agency), paying particular attention to the dualistic reporting nature of KCCA.

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<sup>5</sup> Civil Aviation Authority, National Environment Management Authority, Uganda Revenue Authority, Uganda Communications Commission are examples of executive agencies in the country

<sup>6</sup> Yesilkagit, K. (2004). The design of public agencies: overcoming agency costs and commitment problems

<sup>7</sup> Pollit et al (2001). Agency Fever? Analysis of an International Policy Fashion

<sup>8</sup> Tumwebaze F (2014), Minister for Presidency and Kampala

### 3. Service Delivery in the City

Kampala's population is estimated at 1.5 million<sup>9</sup> with the daily workforce rising to over 4 million people. The city and its environs remain the country's commercial and economic hub accounting for 80 percent of industrial production and 65 percent of the country's GDP. The Ministry of Finance estimated that 'there are more than 1.5million micro enterprises operating in the country employing over 2.5 million people, with over 55% located in Kampala (PSD/MSEPU, 1999). The interpretation of the above is that there are over 1.25 million people employed in the informal sector in Kampala alone.

In 2014, KCCA unveiled a new and comprehensive strategic plan that 'addresses the need to transform Kampala, rebuild key institutional, infrastructural and social structures that drive the delivery of goods and services, and respond to the challenges of increasing urbanization influenced by a younger population and influx of rural-urban migration'<sup>10</sup>. The plan prioritises five thematic areas including;

- i. Planned and green environment
- ii. Economic growth
- iii. Integrated city transport infrastructure
- iv. Social development, health and education
- v. Urban governance and operational excellence

To realise the range of projects enlisted under the five thematic areas, the agency plans to mobilise and invest over US \$ 1.5 billion over the next five years. The plan further 'seeks to deliver an improved economic environment that guarantees increased jobs creation; attractiveness of the city based on integrated neighborhood and transport planning that enhances mobility and safety of communities'<sup>11</sup>. In the last four years, KCCA alleges to have registered a series of successes in its pursuit to deliver services including;

- i. Rebranding the image of the institution and building the institutional asset base from a partly UGX: 45 billion to now UGX: 450 billion.
- ii. Recruiting a qualified and professional team of 401 staffs which is competitively remunerated
- iii. Increased revenue collections from UGX: 30.7 billion in 2010 to UGX: 70.1billion by 2014 representing a 130 percent increment
- iv. Enhancing the cleanliness of the city by increasing garbage collection to 33,500 tons per month, making it East Africa's best city to live in according to latest quality of living survey of the world's top 230 cities<sup>12</sup>

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<sup>9</sup> UBOS (2014) National Population and Housing Census Provisional Results

<sup>10</sup> KCCA. (2014). Kampala Capital City Authority Strategic Plan 2014/15 – 2018

<sup>11</sup> Ibid, P 16

<sup>12</sup> Mercer (2016 : Quality of Living Survey of the World's Top 230 Cities

[http://www.newvision.co.ug/new\\_vision/news/1418082/kampala-ranked-city-east-africa#sthash.81xI3Dts.dpuf](http://www.newvision.co.ug/new_vision/news/1418082/kampala-ranked-city-east-africa#sthash.81xI3Dts.dpuf)

- v. Reconstructing 170 kilometers of roads with street lights, pedestrian walkways and drainage channels
- vi. Improving health service delivery in the City with over 295,000 outpatients, 13,247 deliveries and over 29,000 antenatal care visited the city's health facilities in 2014. Kawempe and Kiruddu Hospitals have been upgraded with the support of African Development Bank. The two hospitals have increased the inpatient capacity by over 400 beds.
- vii. The city has been re-organized and brought to order with the demarcation of parking spaces: removal of vendors from the streets: decongestion of taxi parks by creating taxi terminals on the outskirts of city

While the above successes may illuminate a resounding and strong justification for Government's reform initiative of KCC, the delivery of services in the city continues to be received with a mixed public reaction. The limited nature of citizen and citizen-interest groups' participation in the design, implementation and evaluation of KCCA initiatives raises more questions than answers regarding ownership of the initiatives and value for money, due to the breakdown of the relationship between the technical and political wings and subsequent lack of accountability. Policy actors must strongly interrogate the new roles of the central government that have redefined the delegation of policy implementation in the agency. In particular stakeholders ought to keenly assess the restructuring that followed the recentralization and the alleged linear and productive management together with the service delivery arrangements. Notwithstanding the chronicled service delivery successes, KCCA is faced with multiple challenges stemming from the reform processes and in particular the inheritance of a city with a history of poor service delivery and historic tensions between multiple interests deeply involved in its governance.

With specific reference to service delivery in the city, many of the initiatives designed and implemented to bring order to the city have been met with severe resistance stemming from limited consultations among affected stakeholders and inadequacies in availing 'acceptable' alternatives. Re-organizing the city with over 1.25 million people, informally engaged in micro enterprises requires elaborate consultations and making alternative spaces available, but even then, implementation is meaningful if gradually undertaken. In most instances, the KCCA leadership has fallen short for example with the 'removal of vendors from the city streets', which though necessary, was criticized for lack of 'convenient' alternative spaces. The need for inclusive growth and an urban economy that performs to accommodate a diversity of livelihoods particularly entrepreneurship, increased private investment and competitiveness, continues to elude the current KCCA leadership.

An appreciation of the fundamental challenges underpinning the delivery of services in the city is only complete if presented within the context of the principal – agent model that examines the relationship between the politicians and bureaucrats. In the follow-up section, I analyse Kampala’s governance since the recentralization in 2011 with a specific focus on the intra-agency jurisdictions and authority relationships and how this impacts decision making. The section further illuminates the agency structure, underscoring the implementation of policy on one hand and political control and accountability on the other.

#### **4. The Governance of Kampala**

Kampala is located in central Uganda on the shores of Lake Victoria constituted of 189 square kilometers and divided into five urban divisions namely; Nakawa, Makindye, Lubaga, Central and Kawempe. Prior to the recentralization, the city was a local government unit administered under the Local Government Act (1997) with a duly elected council and an Executive Mayor as its political leader. Kampala like other local government units implemented services in light of the decentralisation policy with the view of involving people in their affairs so as to give them the best in terms of quality and quantity. Kampala like many other local government administrative units faced serious challenges due to demographic changes and a lack of sufficient funding to build up infrastructure necessary for effective public service. The city was equally a victim of what is considered progress in political and administrative decentralisation but regression in the area of fiscal decentralization, as government’s national budget allocations to local governments continued to decline without viable local revenue sources.

‘Along with the infrastructural constraints was the element of mismanagement and poor City governance manifested in low levels of adherence to rules and regulations leading to errant behaviors, rampant corruption and fraud’<sup>13</sup> Despite these realities, the challenges of KCC as a local government unit would not be divorced from the underperforming process of decentralization. Indeed the recentralization of Kampala masked the near failure of what began as a strong public choice foundation for smaller units of government that deliver services effectively, enhance local competition and increase voice and accountability.

Kampala is now governed by the KCCA agency, made possible by the KCCA Act (2010). The delivery of services and indeed governance of the city is collectively provided for under the Act which draws several provisions from the Local Government Act (1997). The inconsistencies in the legal framework establishing KCCA especially as it relates to the intra-agency jurisdictions and authority, validates the principal-agency challenge that has seen the agency embroiled in a governance impasse due to contradictions in the law, as well as obliviousness in interpretation of the same.

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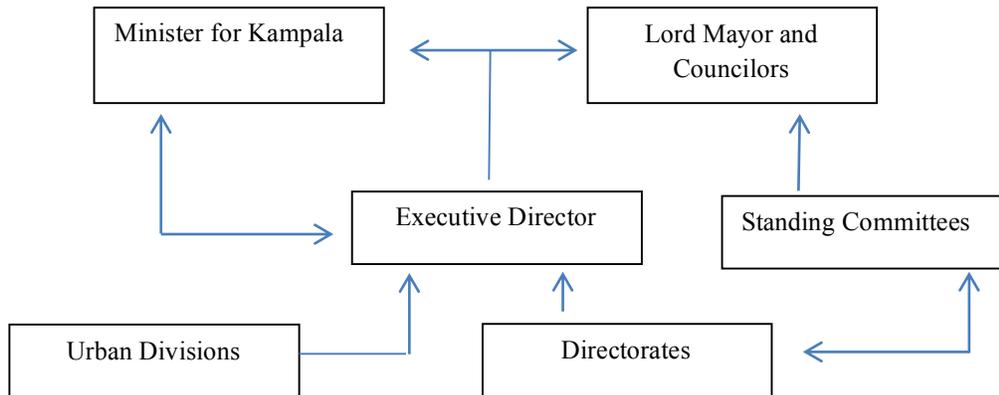
<sup>13</sup> KCCA. (2014). Kampala Capital City Authority Strategic Plan 2014/15 – 2018. P 4

To fully appreciate the inconsistencies of the KCCA Act (2010) especially as regards the intra-agency jurisdictions and authority relationships, I highlight a couple of provisions in Table 1 below;

<b>Section</b>	<b>Provision</b>	<b>Interpretation</b>
<b>5 (3)</b>	The Authority is the governing body of the Capital City and shall administer the capital city on behalf of the central government subject to the Act	- There have been inconsistencies regarding what constitutes the 'Authority'? Is it the bureaucracy headed by the Executive Director or the Lord Mayor and the elected councilors?
<b>5 (4)</b>	Provides that, any enactment that applies to a District shall be subject to this Act and with necessary modification apply to the Authority	- I note that several structures have not been established to enable the proper functioning of KCCA as a modified local government unit. One such structure is community development where interest groups like youth, disabled and women among others are structurally absent
<b>6 (1)</b>	The Authority shall consist of the following; Lord Mayor and his/her deputy and elected councilors including representatives from 4 professional bodies	- Legally, the Mayor and the councilors constitute the Authority. However this has been challenged with the events that followed the 'impeachment' of the Lord Mayor as the agency continued to run its programmes with the Minister assuming the powers of the elected leaders.
<b>7 (a)</b>	Functions of the Authority include; To initiate and formulate policy	- Within both the agency model as well as government of Uganda procedures, policy formulation is an executive responsibility which in this case lies with the Minister for Kampala
<b>7 (n)</b>	To draw the attention of the divisions to any matter that attracts the concern or interest of the Authority	- This section presupposes that divisions are not part of the Authority
<b>Section 7 (4)</b>	The minister responsible for the administration of the capital city shall supervise, guide, inspect, monitor, and coordinate the governance activities of the capital city in order to ensure compliance with the Act and any other law	- Aspects of this section conflict with the oversight and coordination function of elected political leaders of KCCA

The KCCA agency model challenges the central notions of agencification due to its dualistic reporting structure with the Executive Director reporting to both the Authority as well as to the Central Government through the line minister.

**Figure 1 below shows the reporting duality of the KCCA model**



*Source: Author's own creation based on the KCC Act (2010)*

The overlap of mandate between the Executive Director and the Lord Mayor reached a climax in 2013 when the Lord Mayor was ‘impeached’ by the councilors for among other reasons failure to sign minutes and convene Authority meetings. Underneath the ‘impeachment’ of the Lord Mayor were litanies of internal conflicts within the elected leadership such as the failure to endorse the deputy Lord Mayor elect on grounds of legal gymnastics, the notion of agency accountability, ‘purported’ allegiance of the Executive Director to the central government and her ‘less’ regard for the Authority.

A critical point for reflection of urban governance and service delivery in Kampala is the question of accountability which requires publicly accessible information about resource availability and use, and about the ways in which services are being provided<sup>14</sup>. The need for accountability in the city continues to generate public discourse especially in circumstances where the Authority has not been meeting since November 2013. The structure and operations of the agency calls for all the three major elements of accountability;

- Horizontal accountability of the agent (bureaucrats) to elected representatives (Authority)
- Downward accountability of the agent and Authority to citizens and
- Upward accountability of the agent and authority to central government

The critical interrogation of who is the end user of KCCA services and to what extent should they be involved in influencing the decisions emerging from the agency will not only reposition

<sup>14</sup> Devas, N., & Grant, U. (2003). Local government decision-making—citizen participation and local accountability

the agency but answer the question of downward accountability. The agency accountability mechanism must begin with in-depth consultations and involvement of the multiplicity of city stakeholders<sup>15</sup> in design, implementation and evaluation of development initiatives.

The agency claims to have strongly widened the resource envelope emanating from non-tax revenues, donors and government releases. In the analysis below, I compare the current resources of the new agency vis a vis KCC just before the recentralization;

**Table 2 below shows the 2014/2015 budget figures and sources for KCCA as the well as the that of KCC in 2010/2011**

KCCA		2013/2014	2014/2015
Source		Amount in UGX:	Amount in UGX:
Central Government funding		130.91 billion	131.7 billion
Road Fund		0.0	20 billion
Donors (KIIDP 2)		0.0	22.5 billion
Non tax revenue		68.16 billion	94.4 billion
<b>Total</b>		<b>199.07 billion</b>	<b>268.6 billion</b>

*Source: KCCA Ministerial Statement 2014/2015*

KCCA continues to broaden its resource envelop which sharply contrasts with the resources available to the previous KCC which in 2009/2010 received a partly UGX: 34 billion from the central government and managed to collect UGX: 30.1 as non-tax revenue. According to the Independent<sup>16</sup>, ‘KCC’s per capital resources amounted to UGX: 24,000’ which highly contrasts with the current figures for KCCA that stand at UGX: 179,066. This reality attests to the ability of the new agency to enhance both the quality and quantity of services delivered and waters down some of the justifications put forward by government for the recentralization of KCC.

Despite the increasing resources availability to KCCA and the subsequent service delivery successes, the agency must reposition itself and address accountability issues such as;

- The diminishing voice of citizens and interest groups in the affairs of KCCA which has affected downward accountability of the agency and severely affected some of the agency programmes. This requires serious and immediate redress for city dwellers and interest groups to be heard and for KCCA initiatives to be owned and fully appreciated.
- The governance impasse which has seen the Authority fail to sit and transact business since 2013 following the alleged ‘impeachment’ of the Lord Mayor is affecting horizontal accountability of the agency (bureaucrats) to the elected representatives (Authority). The

<sup>15</sup> Some of the city stakeholders include traders, residents, informal and formal workers, manufactures, politicians among others),

<sup>16</sup> See more <http://www.independent.co.ug/cover-story/8931-jennifer-musisis-kampala#sthash.Ivvd5Ni.dpuf>

continued ‘normal’ transaction of business by the agency in the absence of the Authority (elected representatives) is contempt of representative democratic governance.

- The results of the 2016 elections in Kampala and in particular, the re-election of the Lord Mayor and diminished representation of NRM on the Authority and in the urban divisions is a punitive reality of ‘fading’ public confidence in the manner in which services are delivered and the city is governed.

## **5. Major Policy Issues/Questions**

- a) Kampala supports the livelihood of over 4 million people with approximately 1.25 million of the workforce in Kampala engaged in the informal sector. How can the agency reorganize and bring order in the city in a more inclusive manner?
- b) How do we ensure effective horizontal accountability (to the elected representatives) in a situation where the executive agency has a bureaucracy that reports to two steering parties – i.e., the line ministry and the Authority of elected representatives?
- c) The voices of citizens and citizen interest groups have been sidelined and are not reflected in the decisions that emerge from the agency, how can KCCA enhance public decision making and allow citizens influence the policies that emerge from the agency?
- d) In light of the limited influence of the KCCA political wing in the appointment let alone appraisal of the technical wing, how can KCCA decisions serve the interests of the public?
- e) The new KCCA strategic plan 2014 – 2019 requires a total of US \$ 1.55 billion, implying an annual investment of US \$ 300. The agency budget for 2014/2015 is a partly US \$ 78 million. To bridge the funding gap, KCCA proposes a number of alternative financing mechanisms including public-private partnerships. How can ordinary Ugandans invest in the development of their city?
- f) With a new electoral cycle (2016 – 2021) and the re-election of the Lord Mayor (Erias Lukwago), how can the political wing build a pragmatic relationship with the technical wing of Kampala?
- g) The ongoing impasse at KCCA has hampered efforts towards the establishment of the Metropolitan Physical Planning Authority. How will the Planning Authority contribute towards reorganizing the city and the greater metropolis without the controversy that has defined KCCA?
- h) How can KCCA draw from other city development models to ensure inclusivity and citizen voice?
- i) What will be the relationship between the ‘impeached’ Lord Mayor and the new Mayor especially as related to service delivery and accountability?

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