



UGANDA LOCAL GOVERNMENTS ASSOCIATION

SUBMISSION OF ISSUES ON:

- 1. THE CONSTITUTION (AMENDMENT) (NO. 2) BILL 2005**
- 2. OTHER PROVISIONS PERTINENT TO LOCAL GOVERNMENTS**
- 3. LOCAL GOVERNMENTS (AMENDMENT) BILL NO. 8 2005**

SUBMITTED TO:

**THE PARLIAMENTARY SESSIONAL COMMITTEE ON PUBLIC
SERVICE AND LOCAL GOVERNMENT**

MAY 2005

Part 1

Introduction

1.1 Background

Uganda Local Government Association (ULGA) is the national Association of Districts and Lower Local Government Councils. The Association objective is to unite and strengthen the local governments and build their capacity for efficient and effective delivery of public services to the population. The main functions of ULGA are advocacy and negotiation on behalf of the local governments for strengthening of decentralization in Uganda, mobilizing and sensitizing the local governments on matters that affect local governance, communication and information, training and capacity building, conflict resolution and management, financial management and planning services. ULGA champions the principles of gender, equity, participation, efficiency, accountability, and transparency in local government management.

The Executive Committee of ULGA, considered the proposed amendments of the 1995 Constitution of the Republic of Uganda embodied under the Constitution (Amendment) (No. 2) Bill, of 2005. The critical issues identified were discussed at a meeting of all District Chairpersons held at Jinja on the 12th of May 2005.

ULGA also consulted its members on other provisions in the Cabinet White Paper on the Report of the Constitution Review Commission and the subsequent Constitution (Amendment) Bill with respect to the Local Government Chapter. The views of the Association are contained in this paper.

The paper also presents the comments of ULGA on the Local Government (Amendment) Bill 2005, which seeks to abolish the Local Government Tender Boards and to replace them with Contracts Committees.

1.2 ULGA's Overall Position on the Local Government System

The Local Governments of Uganda derive their existence from the National Policy on Decentralization. It is therefore on this basis that ULGA, in pursuit of its objective of strengthening Local Government and promoting efficient and effective service delivery, sets out to promote and further the implementation of Decentralization as a policy.

ULGA as a matter of principle supports the continued implementation and deepening of the policy of Decentralization, hinged on the benefits derived from the policy, as shown below

1.3 Advantages of Decentralisation

i. A Clear Policy and Legal Framework

Decentralization has been entrenched in the Constitution, the highest law of the land, and given full effect by an Act of Parliament. This has helped to give the Local Governments the necessary direction and guidance.

ii. National Commitment

Local Governments have the full confidence in the commitment of H.E. Yoweri Kaguta Museveni, President of the Republic of Uganda, and the NRM Government to devolve power to the people through their popularly elected councils. The different Stakeholders in Parliament, Development Partners, Civil Society, the Academia and the masses support decentralisation, notwithstanding a few challenges encountered in its implementation.

iii. Democratic Participation

Decentralization has been able to inculcate the fundamentals of democratic governance at all levels of our society. This is evident in the bottom-up planning and budgeting processes and renewal of political mandate through regular free and fair Local Council elections. It is also seen in participation of the women, youth, persons with disability and the elderly, the media in local governance processes at all Local Councils.

iv. Effective Public Service Delivery

Ugandan public service delivery today is nowhere comparable to the period under the centralized regimes. A lot has been done by the Local Governments in building infrastructure and facilities for community welfare. There are tremendous achievements in Universal Primary Education, Modernization of Agriculture (particularly the extension services), classroom construction, Primary Health Care, the provision of safe and clean water, district and community roads, etc...

v. Poverty Reduction

The records registered by Uganda on the African continent with respect to reducing poverty and increasing the pace of economic growth could not have been possible without the active involvement of the Local Governments. This has been possible because by design,

decentralization brings political and administrative control over services to the point where they are actually delivered thereby promoting the people's ownership of programmes and projects executed in their Local Councils.

vi. Improved Financial Management and Accountability

Decentralization gave the Local Governments powers over their planning and budgeting functions. Planning units and budget desks were established to strengthen the technical capacity of the councils in this aspect. The role of councils in financial management has improved with time. Councillors play an important role in supervision, monitoring and evaluation of all LG activities. Their oversight function and political support to the administration cannot be over-emphasized. There is evidence of improved accountability in the use of resources. The increased reporting by the public on cases of mismanagement is a clear sign of the transparency of the system of Decentralization.

vii. Administrative Efficiency

The Staffing and management were decentralized. This led to an increase in staff efficiency, since the employer was on sight unlike under the centralized system where the master operated remote control of staff. The Chief Executives were given powers to manage personnel, financial and material resources, reporting directly to the local council. The establishment of Statutory Boards and Commissions and in every District helped to enhance the service delivery machinery. Co-ordination with the Central Government was made possible through the Office of the Resident District Commissioner (RDC).

1.4 Challenges of Decentralisation

Notwithstanding the above advantages, decentralisation faces some challenges. These need to be worked on to further improve the system. They in no way provide grounds for recentralisation. Some of them are:

- i. Inadequate financing
- ii. Inadequate accountability
- iii. Inadequate Capacity
- iv. Inconsistencies in sector policies

Part 2.

Issues in the Constitution (Amendment) (No.2) 2005: The Regional Government

2.1 Status of the Regional Government

It is clear that the Regional Government is neither part of the Central Government nor part of the Local Governments. It is a tier of its own, dealing directly with the Office of the President.

It is therefore recommended that a separate Chapter be introduced in the Constitution for Regional Government, rather than subsuming it under the Local Government.

2.2 Formation of the Regional Government

Some Districts, in particular Nakasongola, has come out openly to reject being presumed to have agreed to be part of the Regional Government of Buganda. Parliament is requested to sort out this matter, so as to avoid confusion.

It is also important to recognize the decision of other Districts, which may want to be deemed to have agreed to form a Regional Government.

The Bill should be improved to make it clear as to which Districts may form a Regional Government, i.e. whether it is only neighbouring Districts or any Districts that decide to cooperate.

2.3 Representation of District Councils in the Regional Assembly

The Regional Government is formed by the decision of the District Local Councils which decide and agree to cooperate so as to enhance service delivery.

However in the Bill, once formed, the Regional Assembly lacks representation of the District Councils. Only the District Chairpersons may attend and even then as mere ex-officios with no voting rights! This is unfair to the District Councils and weakens the linkage between the Region Governments and the Local Governments. People should be held accountable by virtue of their representative position.

It is therefore recommended that a representation of at least 10% of the members of the Regional Assembly be provided for District Councils and as full members.

2.4 Functions and Services of Regional Government

As a principle, the functions and services already devolved to the Local Governments are not to be removed from them.

The Fifth Schedule (9) of the Bill shows a mix-up of the roles between the Region and the Districts, particularly with respect to the following:

- Monitoring and supervision of Agriculture
- Forests
- Water
- Sanitation

- Surcharge/Cess
- Land Management

Parliament is requested to make a clear demarcation of functions and services of the Regional Government and Local Governments so as to avoid confusion. It should be made clear as to whether these services, which hitherto belonged to the Districts, are to be surrendered to or shared with the Regional Government and the extent to which they shall be shared.

2.5 Management and Administration of the Regional Government

The Bill provides the policy organs of the Regional Government but is silent on the management and administration of the affairs of the Regional Government.

The fifth schedule (4) of the Bill makes the Regional *Chairperson both the political and administrative* head of the Region. Such an arrangement needs to be properly defined, in view of the political and administrative powers of the Local Governments.

It is therefore proposed that a clear provision be made for the management and administration of the Regional Government and its links with the Local Governments.

2.6 Kampala as a Capital City

It is proper to recognize the special status of Kampala as the Capital City of Uganda. This will provide the basis for Parliament to make an enabling law for the city's development.

The Bill should be improved by providing the Constituent units of Kampala for clarity. Also expressly retain the status of other cities at the level of District.

2.7 Land Boards

It is proposed under sub Clause 10 of the Fifth Schedule that a Regional Government may establish a Regional Land Board.

As indicated in the submission on the functions and services of the Regional Government above, ULGA submits that there is need to clearly spell out the functions of this Board so that they do not overlap or conflict with the land administration responsibility undertaken by the District Local Governments.

2.8 Recentralisation of Forest and Game Reserves

A surprising insertion at the end of the Bill is the proposal to recentralise management of forests and game reserves with the reason given in the memorandum 14 (ii) as 'Central Government has better financial and manpower resources ... than Districts or Regional Governments.'

This particular reason could apply to all other services and is therefore not convincing.

It is therefore recommended that these financial and manpower resources held by Central Government be sent to the Districts and Regional Governments to enable them manage the devolved functions even better. Parliament should retain management of forest and Game Reserves as a decentralised function and restrict Government's role to policy, standards and technical guidance.

Nonetheless, Government may devolve some of its (Central Government) forests and game reserves to the Regional Governments.

2.9 Financing of the Regional Government

It should be noted that the provisions under Fifth Schedule for financing of the Regional Government are weak. The Regional Grant System is not clearly spelt out. The cost of services being devolved to the Region needs to be properly determined to avoid the scenario of un-funded mandates, as is the case with the Local Governments today.

Since the Regional Government may levy surcharge or cess tax, it is necessary to distinguish the sources of financing of the Region clearly different from the District revenues.

The arbitration mechanism between the Regional Government and Central Government on the one hand and the Local Governments and Regional Governments on the other hand also needs to be fully explained.

2.10 Dissolution of Regional Assembly

The Regional Government is formed when the Districts decide to cooperate. It is only logical that once the Regional co-operation is no longer desirable for the co-operating Districts, there should be a mechanism for its dissolution.

Part 3

Other Issues in the Constitution Amendment Bill 2005 on Local Government

3.1 *The Electoral Process: Role of Local Government Officers*

The Bill seeks to amend s. 181 of the Constitution by substituting clause (4) to allow all local government councils to be elected every five years.

ULGA recommends that a clear system of administration of elections, with well-defined roles and reporting systems be specifically provided for to avoid confusion within the Local Government structural set-up.

It has been the norm to have Chief Administrative Officers or such other Local Government staff as identified by the Electoral Commission, serving as Returning Officers. It is the considered view of the Local Government leadership that this status quo exposes such officers to political conflict and persecution both at the Central and the Local Government levels, causing divisions, and diversion of the involved Staff from their schedules. This impacts negatively on Local Government service delivery.

Recommendation

The Local Government Staff should not be appointed Electoral Officials.

3.2 *The Office of the Chief Administrative Officer*

The Bill seeks to amend article 188 of the 1995 Constitution to allow the Public Service Commission handle the appointment/removal and exercise of disciplinary control over the Chief Administrative Officer.

The position is a departure from the laid down principles of the Decentralisation policy which are embedded in the provisions of the 1995 Constitution of the Republic of Uganda, Chapter Eleven, Article 176 (2) (a) and (f). These respectively provide for the devolution and transfer of functions, powers, and responsibilities from Government to Local Government Units and also for persons in the service of Local Government to be employed by the Local Governments.

In addition, the proposal to have the CAO appointed and disciplined by the Public Service Commission, a Central Government organ, goes against the very essence of the objectives of adopting the Decentralization Policy:

"Transfer real power to local governments and thus reduce the load of work on remote and under-resourced central officials, and free local managers from central constraints and as a long-term goal, allow them develop organizational structures tailored to local circumstances".

The proposal to revert back to the position of Local Government Chief Administrative Officers being appointed and controlled at the Central Government level is a recall of the already transferred power possessed by Local Governments in handling this particular office. It will undermine the power of Councils over administration staff. It will confuse reporting and accountability. It will lead to more Officers of Local governments being re-centralized, from Deputy CAOs to Assistant CAOs, Chief finance Officers, Heads of Departments and the like. In the long run, the entire structure will collapse. Central Government already has its full representation through the RDC. The real outcome of the proposal in the Bill is the fact of Re-centralization as against Decentralization.

The argument that the CAO should be re-centralized because of the perceived corruption in Local Governments does not hold because:

- Evidence on the ground shows the Decentralization is more transparent than the centralized system.
- There are more checks and prompt interventions at local government level than at the center.
- Factors of corruption go beyond the CAO. It should be addressed in a more holistic manner.
- There are sufficient procedures within the Standing Orders to handle errant officers
- The Central Government is partly to blame for some of the inefficiencies in the system.

ULGA re-affirms the position that the Office of the Chief Administrative Officer is a strong pillar and fulcrum of Decentralistaion. To re-centralize this office is to weaken Decentralization by denying Local Government Councils full control over its major administrative functionary for service delivery.

Recommendation

- (i) The appointment/removal and disciplining of the Chief Administrative Officer should remain the function of the District Service Commission, which it can do in consultation with Public Service Commission.
- (ii) The law be amended to ensure that the CAO is not subject to political decision in Council for discipline or dismissal. This should remain the function of the District Service Commission.

3.3 *The Local Government Finance Commission:*

Clause 81 of the Bill seeks to amend Article 194 (1) and (2) of the Constitution by opening up membership of the Local Government Commission, which had been previously restricted to seven in number. The new provision also reduces the number of nominations by Local Governments to ‘at least two’, without stating the number of nominees of the Minister.

The Local Government Finance Commission is an organ established to provide expert advice on matters pertaining to Local Governments. Opening up the number of composition to an unidentified limit makes the provision susceptible to abuse in terms of having a well-established, functional, effective and sustainable Commission in place.

In addition to the above, the reduction in numbers of Local Government representation shall have a negative impact on the interests of the constituency to be served by the Commission. It has been shown that it is members of the Local Government fraternity who can best articulate issues pertaining to the mandate of the Commission. There is need for the Local Government Finance Commission to retain the full confidence of the Local Governments as a Commission handling their financing.

Recommendation

- (i) Clearly spell out the number of Commissioners on the Local Government Finance Commission.
- (ii) Ensure that the members of the Commission, nominated by the Local Governments remain the majority as compared to those nominated by the Minister

3.4 *The District Service Commission*

In the Bill, Article 198 of the 1995 Constitution is being amended by inserting a new clause 9 which gives powers to the District Executive Committee to remove a member of the District Service Commission on the recommendation of an established tribunal.

The proposal presents problems in the reporting mechanisms and structures of the Local governments. Members of the District Service Commission are appointed on the approval of the District Council. The District Executive Committee is an organ of and reports to the Council. Therefore it is necessary to avoid interfering in the existing reporting mechanisms by providing a different reporting center for the Executive, the Tribunal.

Recommendation

ULGA therefore recommends that the removal by the Executive Committee of a member of the District Service Commission should be subject to the approval of the District Council.

ULGA further advises that the proposal to transfer appointment of District Service Commissions to the Public Service Commission for consistency with standards, appeals, removal, etc... be given due consideration.

3.5 The Office of the Resident District Commissioner

The Bill seeks to substitute Article 203 of the Constitution with a new provision on the Office of the Resident District Commissioner. The amendment provides for the required qualifications for an RDC to be a citizen of Uganda who is also qualified to be a Member of Parliament, changing from the requirement of being a Senior Civil servant. It provides for the function of monitoring central and local government services in the District as part of the work of the RDC.

The Government proposal to change the qualification requirement is subject to the fact that such instances are liable to attract more of political than technical implementation experience. The effect of this, as experience shows, regarding the relationship between the District Chairperson and the RDC, is the disharmony in the various areas of appointment between the political head and the RDC in a particular District. Experience also reveals that where individuals are more biased to political appointment than technical implementation experience, such instances have resulted into internal conflicts thus derailing the good aims of this duo approach.

The functions to be performed by the Resident District Commissioner are such that define the calibre of the official. Reference is made to service delivery, which area call for technical expertise and/or experience to ensure effectiveness and efficiency. It suffices to note that the current Constitutional provision, which was arrived at following detailed national consultations was able to capture the required specifications and in realising the need for such technical experience in follow up programme implementation deemed it fit to have an RDC who is a Senior Civil Servant.

Any deviations in terms of practice stand to be ultra vires to Article 203 (1), and without practical experience and to the contrary performance of a person of this calibre is no justification for a change in the status quo.

The main area of contention arising from the proposals contained in the provisions of the Bill is the subject of the RDC monitoring Local Government services and Central Government service delivery. The law applicable places this responsibility on both the Office of the RDC and on the Office of the District Chairperson i.e. Articles 183 and 203 of the 1995 Constitution of the Republic of Uganda and Sections 13 and 71 of the Local Governments act Cap 243 respectively. The status quo has resulted in a lot of conflict and unco-ordinated movements between the two offices spilling over into issues of protocol and overall responsibility during programme implementation.

ULGA wishes to highlight the importance of separating the duties of the Office of the RDC and that of the Office of the District Chairperson. It is hereby proposed that since the RDC stands to represent the office of the President of the Republic of Uganda, his duties should revolve around similar functions as related to the affairs of Central Government and the Office of the President. Matters pertaining to Local Governments should be left for purposes of oversight to the Office of the District Chairperson.

Central Government is endowed with the necessary machinery to establish checks and balances where it is felt that there is need to boost the capacity for monitoring, supervision, and inspection of Local Government affairs. Such institutions like the Inspectorate General of Government, Auditor General, Public Accounts Committee and the Local Government Public Accounts Committee can be strengthened to ensure the performance of the District Chairperson in monitoring the Local Government services in the respective area of jurisdiction.

Recommendation

As such it is recommended that to:

- (i) Retain the requirement for the RDC to be a senior civil servant and define clear terms for how and when one assumes this status.

- (ii) Make clear definitions of roles and functions of the RDC.

Part 4
Issues in the Local Governments (Amendment) Bill NO. 8 of 2005

4.1 Appointment of Contracts Committee

The proposal to have the Chief Administrative Officer nominating members of the District Contracts Committee for the approval of the Secretary to Treasury raises issue on the question of the powers and functions of the Secretary to Treasury under Decentralization. It leaves one to wonder as to whether the employer of Local Government staff remains the District Local Government or becomes the Ministry of Finance.

ULGA wishes to draw the attention of the Hon Members of Parliament on the following cardinal objective of decentralisation: *Article 176 (2) (f) of the Constitution makes it a requirement of the system to have persons in the service of Local Government, employed by the Local Governments themselves.*

Recommendation:

ULGA submits that the District Local Government should remain with its function of being the principle employer of the persons in its service and therefore it should approve the members of the Contracts Committee for appointment by the District Service Commission.

4.2 Position of Resident State Attorney on Contracts Committee

It is proposed in the amendment that where practicable, the District contracts Committee shall include the Resident State Attorney. With due regard to the Resident State Attorney's terms of reference, this office represents the district local government where legal issues arise. It would therefore create conflict if the Resident State Attorney was involved in the management of the affairs of the Contracts Committee. In case of breach by the Committee the question then becomes who to handle the interests of the Council.

Recommendation:

In light of the above, ULGA submits that the Resident State Attorney should not be a member of the Contracts Committee. Instead on the presupposition that it is the professional and legal technical expertise which is being sought, provision be made for an independent lawyer.

4.3 Functions of the Contracts Committee

The proposed amendment charges the Contracts Committee with the responsibility of performing the functions stipulated in Sections 28 & 29 of the Public Procurement and disposal of Public assets act of 2003. Copies of the said provision are attached for ease of reference.

It is evident that the provisions give the committee a very wide mandate of initiating the process and seeing it through, right up to the conclusive stage of awarding of tenders. The said provisions i.e. under S. 28 (g) require the Committee to liaise directly with the PPDA on matters within its jurisdiction.

ULGA has observed that the law as proposed provides for no checks and balances on the activities of the Committee at the Local Government level. It also confuses the reporting structures at the Local Government level by omitting the oversight role of the Local Government Council.

The provision contravenes the principle embedded in *Article 176 (2) (g) of the Constitution of the Republic of Uganda, which charges the Local Governments with the responsibility of overseeing the performance of persons ... and to monitor the provision of public services and implementation of projects in their areas.*

Recommendation:

It is therefore recommended by ULGA that provision be made for the oversight role of the District Local Government Council with respect to the activities of the Contracts Committee. In light of the fact that these members comprise of technical personnel, the role of Council could be amplified through the use of its organs.

4.4 Procurement Unit

It is proposed that each District shall have a procurement and disposal unit staffed at the appropriate level and is to be headed by a Procurement Officer. This Officer shall also act as a Secretary to the District Contracts Committee.

The above proposal introduces a new structure, which needs to be clearly separated from the Committee and to be provided for within the local government structures. It also makes mention of an appropriate level, which raises issue as to who determines the level of appropriateness and

which level this is. ULGA observes that in the new LG structures only provide for a secretary of the Tender Board. Other members of the procurement unit are not catered for.

Recommendation

ULGA submits that there should be clear interpretation of the different structures of operation where procurement and disposal is concerned within the law applicable and also it is necessary to give meaning to what is meant by the “appropriate level” and the reporting lines of the unit.

4.5 The Law applicable

For purposes of regulation, the amendment Bill proposes that the Public Procurement and Disposal of Public Assets Act, 2003 shall be the law applicable.

Recommendation:

It is the submission of ULGA that the said law should be subjected to the provisions of the principle Local government law, the *Local Government Act, Cap 243*. This is the principle legislation that guides the system and lays the foundation of Local government. The principle therein should not be distorted by any subsequent legislation but used to improve on the status quo.

ULGA further submits that the recommendations stated above for amendments to Sections 91, 92, and 93 be applied in so far as they are applicable to the Municipal Local Government Councils.

4.6 Reporting

The provision proposes that the Contracts Committee submits *a copy* of its published quarterly report to the Local Government Council. This position raises issue on who has authority over the committee and whether the Contracts Committee is an independent corporate body. Under decentralisation, organs of the Local Government Report to council and only give copies to other agencies.

Recommendation:

ULGA observes that this position still refers back to the unclear reporting mechanism, which needs to be clearly amplified in the law.

4.7 Delegation of powers of the Contracts Committee

The proposed amendment charges the responsibility of delegating the powers of the Contracts Committee on the Accounting Officer.

This provision goes against the very essence of the principle of delegation. It is he who holds the power that can delegate it. Therefore the Accounting Officer is in no position to delegate, as he cannot assume powers that he/she does not have.

Recommendation:

ULGA recommends that the proposal be revisited, to facilitate for delegation by the Contracts Committee itself or its appointing authority.

4.8 Offences and penalties

It is provided for in the proposed amendment that in case of contravention, the Minister may prescribe sanctions for contravention of the provisions of the PPDA Act amongst which is the prescription for an order of Court for the forfeiture to the State of anything in connection to the contravention.

This proposal creates a position of vulnerability for the Local Governments where their assets and properties are concerned. Although generally the provision opens up opportunity for appeals, it is not clear as to who shall be the Respondent Party: that is whether it is the Secretary to Treasury/ Ministry of Finance or the Local Government Council.

Recommendation:

It is the submission of ULGA that provision be made to secure the legal position of the Local Government Councils where litigation may arise as well as the property and assets of Local Governments from such action of forfeiture.

4.9 Powers to Seek Services of Another LG

It is proposed in this amendment provision that the Secretary to Treasury in consultation with the Permanent Secretary of the Ministry shall allow a Local Government to use the services of another.

This proposition oversteps the boundaries determined by the principle of devolution of power to the Local Governments. Local Government Councils are independent decision-making bodies.

Such decision to access the services of another organ of a fellow Local Government is within their mandate and should be left to them to decide.

Recommendation:

ULGA submits that the Central Government Officials have no jurisdiction in the matter and therefore should be left out.

Part 5

Conclusion

The Decentralization policy is only 10 years. It is still in its infancy and needs to be helped to mature. For us in Local Government, Decentralization is a policy reform that has had significant success in bringing about socio-economic transformation. The Country is gradually regaining its standing as an example of good governance and democracy. This notwithstanding several challenges to grapple with along the way. At this critical time when Ugandans have to decide on the amendments of the Constitution of Uganda, it is vital for the country to safeguard the powers that were devolved to the people to exercise through their own elected local councils and to put in place strategies that will deepen further decentralisation, democracy and development in Uganda.

FOR GOD AND MY COUNTRY

Capt. John Emily Otekat
PRESIDENT-ULGA

SUMMARY OF RECOMMENDATIONS:

a. Regional Government;

1. A separate Chapter on the Regional Government be provided for in the Constitution.
2. Provision be made for the approval of the respective District Local Government Councils before they can be said to be deemed as part of a proposed Regional Government
3. Establish clarity on the composition and ambit that can be covered by a Regional Government – is it only neighbouring Districts that can do so?
4. The structure of the Regional Assembly should be fully defined. Representation by the District Local Governments should be expanded to at least 10% of the Council members.
5. Include Urban Councils in the decision to ratify the Regional Government.
6. Clearly spell out the functions, and services, of the Regional Government as separated from those of the District Local Governments.
7. There is need to clearly provide for the management and administration of the regional government and to identify the linkage between this level and the Local Governments.
8. Make provision for the constituent units of Kampala and expressly retain the status of other cities at the level of a District.
9. Clearly spell out the functions of the Regional Land Boards to avoid overlap and conflict with the land administration process undertaken by the Local Governments.
10. Central Government to send down the requisite financial and manpower resources which may be lacking at the District or Regional Governments level, to enable them deliver the requisite services like management of forest and game reserves.
11. Provide a sound financial base for the Regional Government by clearly spelling out the Grant management system and making a clear distinction between the sources of revenue for the Region vis a vis the Local Governments.
12. Create more clarity on the arbitration mechanism between the Regional Government and the Central Government and that between the Regional Government and the Local Governments.
13. Make provision for the dissolution of a Regional Government.

b. Other Constitutional Amendments on Local Government:

14. The Local Government Staff should not be appointed Electoral Officials.
15. The appointment/removal and disciplining of the Chief Administrative Officer should remain the function of the District Service Commission, which it can do in consultation with Public Service Commission.
16. The law be amended to ensure that the CAO is not subject to political decision in Council for discipline or dismissal. This should remain the function of the District Service Commission.
17. Clearly spell out the number of Commissioners on the Local Government Finance Commission.
18. Ensure that the members of the Commission, nominated by the Local Governments as compared to those nominated by the Ministries are in the ratio 2:1.
19. The Chairperson and Vice Chairperson of the Commission be elected by the members at their first sitting.
20. The removal by the Executive Committee of a member of the District Service Commission should be subject to the approval of the District Council but that requirement to apply S. 14 of the Local Government Act be done away with to facilitate the process.
21. Retain the requirement for the RDC to be a senior civil servant and define clear terms for how and when one assumes this status.
22. Make clear definitions of roles and functions of the RDC.

C Contract Committees:

23. The District Local Government should approve the members of the Contracts Committee for appointment by the District Service Commission.
24. The Resident State Attorney should not be a member of the Contracts Committee. Instead on the presupposition that it is the professional and legal technical expertise which is being sought, provision be made for an independent lawyer.
25. Provision be made for the oversight role of the District Local Government Council with respect to the activities of the Contracts Committee, through the use of its organ the District Service Commission, which handles personnel, and related issues at the Local Government level.

26. Make provision for the clear interpretation of the different structures of operation where procurement and disposal is concerned within the law applicable and also give specific meaning to what is meant by the “appropriate level”.
27. Revisit the overall reporting mechanism for the administrative structures proposed for purposes of streamlining procurement at the Local Government level.
28. The provisions of the Public Procurement and Disposal of Public assets Act, 2003 should be subjected to the provisions of the principle Local government law, the *Local Government Act, Cap 243*. This is the principle legislation that guides the system and lays the foundation of Local Government. The principle therein should not be distorted by any subsequent legislation but used to improve on the status quo.
29. The Committee itself or its appointing Authority, and not the Accounting officer should undertake delegation of the Contracts Committee’s powers and responsibilities.
30. There is need to secure the legal position of the Local Government Councils where litigation may arise as well as the property and assets of Local Governments from such action of forfeiture.
31. Central Government Officials have no jurisdiction over a District Local Governments decision on whether or not to use the services of an organ of another District, like the Contracts Committee.