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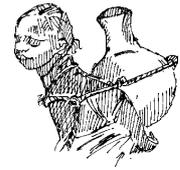
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Roles for the private sector in WES programme, Uganda

Edward Bwengye, Uganda

THE WATER AND Environment Sanitation Programme (WES) is one of the four programmes of the Government of Uganda-UNICEF Country Programme (CP) running from the year 1995 to December 2000. UNICEF and Government jointly implement the CP with the aim of improving the well being of women and children in Uganda. The WES Programme covers 34 out of the 45 districts.

In Uganda, it is established that poor hygiene and sanitation practices, compounded by low levels of access to safe water and a poor living environment, are the major causes of almost 50% of child illnesses. Household safe water supply and a sanitary/hygienic environment are both a necessary conditions for health. National coverage indicators (1992) for rural safe water supply stood at 26% while presence of a sanitary latrine, a critical indicator for a sanitary and hygienic environment, stood at 46% (Government of Uganda-Unicef 1994).

The WES Programme as district-based is implemented by the district. The district staff implements activities. The Programme however is moving away from this direct implementation by districts to contracting out construction roles to private contractors. This shift is in line with the government policies of liberalisation and privatisation. The privatisation policy does not shift the Government responsibilities for provision of services to the people.

Factors that contributed to WES programme shift to privatisation

Uganda in the last ten years has undergone tremendous and exciting changes that have had a profound effect on the WES sector as well as Ugandan society as a whole.

Foremost is the decentralisation process that has and continues to have major impact on the roles and relationships between and within different levels of public administration. This process, backed by the Local Governments Act, 1997 (Government of Uganda 1997) (popularly known as the Decentralisation Statute), transfers functions, powers and responsibilities from the central government to the local (district) governments and from higher local governments to the lower local government councils, in order that government decisions are taken as close as possible to the beneficiaries. For WES sector the implications is provided in the First Schedule, Part 4 of the Statute where financial, administrative and implementation responsibility for WES development has been placed in the hands of the Local Council Three (sub-county).

A second and closely related reform to decentralisation is the re-definition and restructuring of the public service and its institutions. Acting within the global context of government's role being enablers, with the role of civil servants changing from direct implementation to inspectors, regulators, quality assurance and controllers. In terms of WES this was a major shift as hitherto the delivery of water supply e.g. drilling of boreholes, etc, was in the hands of government staff.

The third reform is the liberalisation of Uganda's economy through the reduction in the direct role of government in the economy and the promoting, developing and strengthening a correspondingly greater role of the private sector. While there are benefits to be derived from use of the private sector, however left on their own i.e. without a strong public sector monitoring and regulatory mechanism, the expected benefits may not be realised.

The fourth and last reform is the democratisation process of Ugandan society starting from village or LC1 up to the National Parliament. This has had the effect of bringing in yet another institution that applies political pressure as it seeks accountability from the public servants that are in charge of service delivery. In its quest for accountability and responsibility, the political institutions acting on behalf of their constituents seek a clear demonstration of the link between the payment of taxes and provision of services. In order to implement that role, they have been charged with the responsibility of resource mobilisation and allocation in addition to monitoring the use of resources. These local political institutions are providing the needed monitoring and regulatory mechanism for private contractors.

In addition to the broader national environmental settings above, there are specific WES Programme related statutory laws, policies and guidelines that include the 1995 Water Statute (Government of Uganda 1995) which, was preceded by a Water Action Plan (Directorate of Water Development 1995). The Statute provides for the legal framework for the management of Uganda's water resources. One significant provision is the empowerment of beneficiaries of a water source called Water User Groups (WUGs) to manage their water supply through management structures and using private sector workers – hand pump mechanics and plumbers.

It is against this background that the WES Programme is trying to conform to the government policy that recommended review of the roles and responsibilities of public servants. The roles have since shifted from that of direct implementation to contract management and quality as-

surance. The new roles are envisaged to free the district level staff from the back breaking and time consuming chores of direct implementation. The “freed staff” would then concentrate on the new task of providing support supervision and capacity building for the sub-counties and the private sectors. The central level Government officers are expected to invest more time in development of tools and instruments to facilitate the district and private sector in their respective new roles.

Typical and essential roles and responsibilities for the private sector actors

At the moment, the private sector plays the following key roles:

National level

- At national level, the WES programme is currently in the process of developing tools and instruments to enable districts engage private contractors. These include:
 - processes for procurement of contractors,
 - bills of quantities,
 - tools for supervision, certifying completion and paying the contractor,
 - guidelines for handling penalties for delayed payment by the client (districts),
 - tools to monitor compliance to technical specifications,
 - Training all the key stakeholders in their respective new roles.

The central Government through the Central Tender Board (CTB) identifies and contracts on behalf of districts for high cost technologies like drilling of deep boreholes. The programme pre-qualifies and recommends the most suitable companies to the CTB, which finally awards the tender. As of December 1998 there were more than 6 registered and pre-qualified private drilling companies.

- Safe hygiene practices promotion by some private manufacturers and dealers e.g. producers of lifebuoy soap advertisements on Radio and Television. Furthermore, adverts in national and local vernacular and English language newspapers, and FM radio stations on diarrhoeal disease control,
- At national level, private consultants are hired to provide inputs in some of the following areas: planning and carrying out studies, evaluations, development of materials for mobilisation, tools and instruments for tendering for work by contractors; hygiene and sanitation promotion messages printed on covers of exercise books,
- With effect from the next financial year July 1999/2000 of the District Local Governments, WES Programme shall work fully with private sector as follows:
 - Facilitate districts to procure private contractors to carry out WES construction activities. The district

tender boards and officers will be oriented in the how to use the tools and instruments for managing private contractors,

- The district tendering process to include “no objection clause from the WES Programme management” prior to awarding contracts,
- Tools for supervision of private contractors by public sector (including certificate of completion),
- Guidelines for handling penalty for delayed payment by client/district will be agreed upon with district authorities,
- Tools to monitor compliance to technical specifications will be shared with district authorities and tender boards,
- The WES Programme will orient stakeholders at all levels and private sector contractors on the above instruments/tools to enable smooth running of partnership.

District level

- At district level, the following are being done:
 - Supervision of centrally hired contractors for drilling deep boreholes,
 - contracting out hand pump installation,
 - Women groups identified by the District management Teams (DMTs) are trained to produce latrine slabs and rainwater jars. The seed capital earlier provided by the Programme is utilised for constructing curing tank, erecting shade, and purchasing the necessary implements and inputs to start off the work.
 - The private dealers undertake distribution of products. The DMT members are responsible for quality assurance of the products to safeguard quality.
 - The role of the Programme in the deep well drilling is restricted to preparation of tender documents and advertising the tasks to be undertaken and ensuring that districts procure and supervise private contractors well.
 - The grass roots level individuals or informal groups of individuals are hired by households or institutions to provide a wide range of services that include, latrine construction, water vending and construction of water facilities,
 - Participation of non- governmental organisations (NGO) in hygiene, sanitation promotion and construction of activities for schools and households,
 - Promotion of safe water and hygiene practices through drama,
 - Contractors awarded work by districts to construct safe water points and latrines at primary schools,

Capacity and institutional building requirements for sustainable public/private sector partnership

Before full-scale privatisation of WES-supported interventions, the Programme is trying to build institutional capacities as follows:

- All locally procurable supplies have been monetised to enable district local governments to purchase them through their local tender boards. After July 1999 (the next local governments financial year July 1999/June 2000), district local governments will be expected to contract the private sector for provision of finished products. The Programme will facilitate district tender boards by availing bills of quantities, certifying and paying instruments, training of district tender boards, staff and small scale contractors.
- The Programme Co-ordination Unit members grouped themselves into 3 regional teams to monitor implementation and district management of private contractors. In addition to the Inspectorate Division of the Ministry of Local Government, regional and Directorate of Water auditors provide routine monitoring of constructions. UNICEF periodically hires an accounting firm to help in financial monitoring as well as assisting in building district institutional capacity.
- The district internal auditing process is being strengthened to monitor the work of private contractors. Similarly, the programme is facilitating the district political councils to monitor “physical accountability” of the work and services done by private contractors.

Anticipated constraints

Change of roles not easy

- District local governments are not used to contracting out. The approach is not only new but puts new demands on the district civil servants. Their new roles are supervisors of contractors; certifiers of completed works, quality assurance as opposed to the implementation roles. The district staffs are therefore not likely to be fully prepared for these new roles. The salaries of the staff remain unpaid for over six months and even if paid scarcely constitute living wage. It may be difficult for the poorly remunerated public servant to supervise a relatively well-paid private contractor.
- Some districts may have pecuniary interests in continuing with direct implementation/construction.

Inadequate capacity

- The capacity among the district public servants to manage private contractors remains inadequately developed,

- Similarly there is still low private sector capacity in rural areas particularly in terms of adequate equipment, financial and technical skills,
- District tendering system although slowly being constituted in most districts is yet to be oriented in roles and responsibilities including tendering, tender documentation, contract negotiation, bid evaluation contractor identification,

Problems with tendering system

- The tendering system is very slow and this delays implementation. In some districts, the delay period can be as long as 6 months. The reasons include: preparing tender documents and contracts awarding of tenders by the DTB all these processes may take relatively very long time especially as the tendering for construction is still new, kick-backs and conflicting interests are highly possible, tender boards require funds to enable them meet and sometimes this money may not be forthcoming within the district budget,

Problems with private contractors

- Initially it might appear to be more expensive to acquire the services required. For example some community hand pump mechanics (HPMs) are reported to be overcharging communities for their services (repair and preventive maintenance). They are to some extent responsible for sale and distribution of spares to water and sanitation committees (WSCs). Some poor communities have been reported to be reluctant to remunerate HPMs, for repairs and, maintenance. The probable contributing factors are the long distances travelled by the HPMs to the district headquarters (capital town) for spares. The further complications are that the HPMs are not at the moment able to handle major repairs and rehabilitation e.g. those that may require desilting or fishing raising mains from the well. Similarly lack of adequate demand for spares due to few boreholes in the sub-county currently discouraging private spare parts manufacturers and dealers. The spare parts dealers, who buy large stocks of spares therefore, risk their capital being withheld for long time. They therefore have been reported abandon to the business in some districts,

Problems with external resources to the district

- Districts may delay to account for GoU-Unicef Country Programme resources in other sectors leading to delays in disbursements from the centre. The delays of resource disbursements from the GoU-Unicef Country Programme may delay work of the already contracted firms thus acting as disincentive.
- The WES Programme Co-ordination Unit (PCU) to work out a new arrangement for support supervision of

national to district and then district to sub-counties. The increased workload on an under resourced PCU unless looked into, presents challenges.

In conclusion the WES Programme attempt to shift to privatised constructions of facilities, although likely to encounter some “road blocks” offers more possibilities of increased output and relatively more effective and efficient in the remaining time of the Programme.

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EDWARD BWENGYE, Assistant Programme Officer.
