



Taking Stock of Public-Private Partnerships (PPPs) in Uganda

Implications for Practice and Policy

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Abstract

The study investigates the stock and trends of Public private partnerships (PPPs) in Uganda. Existing studies have made effort to research PPPs in Uganda. However, a holistic synthesis of PPP industry in Uganda has not been undertaken yet, though such information would be crucial for policy and investment decisions. The objective of this paper is to carry out a holistic overview of the PPP industry in Uganda. Data was collected by a review of literature. The main findings indicate that Uganda indicate the Uganda has significantly progressed with PPPs frameworks and stakeholder management though uptake of PPP is low. Key implications for policy and practice are stakeholder mapping beyond the documented stakeholders, extension of tenure that may reduce user fees without cost to government, improve publicness and mainstream shared value lesson in future PPPs. Capacity building should be enhanced to increase awareness and knowledge on the working of all actors.

Keywords

Public-Private Partnerships, PPP policy, practice, policy making

1 Introduction

As a business and public management concept, public private partnerships (PPPs) have facilitated management of public services as well as the scaling up provision of efficient and effective public services. Considered as an innovative way of cross sector collaboration that combines synergy of the public and private actors in the delivery of public services, PPPs have continued to draw considerable attention worldwide and in Uganda in particular. PPPs bring together many and diverse stakeholders seeking to improve new ways of addressing the increasing public demand for value-added infrastructure service delivery (Tshombe et al., 2020).

For development purposes, Uganda has undertaken several large- and small-scale PPPs projects in line with achieving political manifestos and *Vision 2040*. The principal goal is to improve Uganda's critical infrastructure with a view to supporting the endeavor of the achieving middle income status by the year 2040. There are, however, both economic and social infrastructural deficits that Uganda must tackle, that is why the government of Uganda has made a deliberate effort to implement PPPs in sectors such as energy, transport, agriculture, education, water and sanitation (Nuwagaba, 2019a).

Over the years, PPPs have been adopted throughout the world under the guise of synergy benefits that arise due to the hybridity of production and delivery of public services (Brogaard, 2019; Irfan, 2021.) As a concept, PPP has a wide-ranging corpus of definitions (Baxter, 2021). Some scholars have confined their definition of PPPs to a strategic procurement method adopted for high value and complex infrastructure (Molokwane et al., 2019; Nduhura, 2019; Nuwagaba, 2019a), while others suggest that PPPs represent five different families of governance arrangements (Hodge, 2010; see also Hodge & Greve, 2017; Wang et al., 2017).

In public administration, PPPs are perceived as a New Public Management (NPM) and New Public Governance approach (Casady et al., 2019). It is quite paradoxical, however, that PPPs as a tool seeks to extend efficiency and effectiveness in a way which is deemed to be traditionally deficient in public administration (Casady et al., 2019). In the like fashion, Alam et al. (2014), view PPPs as one collaborative arrangement that exists between the private and public sector. For Nduhura (2019), the definition of PPPs varies depending on the "utility of its definition" at a point in time. According to the PPP Act of the Republic of Uganda, PPPs are commercial transactions between a Contracting Authority and a Private Party where the Private Party performs a function of the Contracting Authority on behalf of the Contracting Authority, for a specified period (Government of Uganda, 2015).

Several studies have also suggested varying synergistic benefits associated with the adoption of PPPs in public sector service delivery, such as better on-time and within-budget delivery, access to capital, improved risk allocation, better life cycle costing, and off-balance sheet financing (Verweij & Van Meerkerk, 2020; Verweij & Van Meerkerk, 2021; Nduhura et al., 2023; Nduhura et al., 2024). More broadly, Alam et al. (2014) indicate that PPPs have been adopted as means to access technical, managerial, and financial resources in line with the strategic intention of governments worldwide.

Recognizing the importance of PPPs as a vital tool in building modern infrastructure, the government of Uganda has taken over PPP-enabling initiatives (National Planning Authority,

2010). In the like fashion, this paper was designed to contribute to the global PPP body of knowledge by way of providing an in-depth analysis of PPP adoption in Uganda with special focus dedicated to the context of PPPs in Uganda and to their implications and practices.

2 Methodology

The study adopted a systematic literature review. This is justified since it helps to appraise and synthesize existing scholarship to inform decision making (Elliott et al., 2017). While studies have been undertaken to review the state of PPPs in Uganda, they have remained sector specific and lacking a holistic view with respect to Uganda. As an empirical study has not been undertaken to investigate the state of PPPs in Uganda, a review of the existing status of the adoption of PPPs provides a foundation for undertaking future empirical investigation. In accordance with the guidance of Yang et al., (2013), a three-stage process was endorsed to generate the necessary scope and synthesis of the subject summarized as follows: 1) identify academic journals, 2) select target papers, and 3) examine papers.

2.1 Identification of Papers

To identify papers, we used Google Scholar. Previous studies that have adopted this approach have used archival databases such as Emerald, Web of Science, EBSCO Business Source Premier, JSTOR, and Science Direct. While some authors indicate that Scopus provides a wider coverage of publication databases compared to Google Scholar and Web of Science (Osei-Kyei et al., 2017) on the contrary, this study selected Google Scholar as a major search engine for identification of papers and documents since it covers everything that is machine readable compared to Scopus, Emerald and other search engines that have bureaucratic procedures for inclusion. The quality of the study outcomes from input of data is validated since their works that utilize papers from Google Scholar are also cited in papers published in journals archived by Scopus (Opara & Rouse, 2019; Peda & Vinnari, 2020) and Emerald (Osei-Kyei et al., 2017; Agyenim-Boateng et al., 2017).

2.2 Select target papers

To select target papers, we started our search by searching for text strings (Yang et al., 2013). We read abstracts, introductions, and conclusions to identify trends that could exist in Uganda. This enabled us to eliminate papers without relevance to Uganda. The approach is recommended and adopted in similar studies on PPPs. For instance, in studies on PPPs by Torchia et al. (2015), as well as Andon (2012), the scholars reviewed abstracts to select papers for further review. Other studies by Xiong et al. (2019) used a parallel reviewer that targeted the papers for this study to reduce bias in the selection of targeted papers through constant comparison of findings with the authors.

This approach has been recommended by Aerts et al. (2017). The findings on Google Scholar was, then, supplemented with data from Uganda's national PPP Unit website, National Planning Authority, dissertations, seminary discussion papers and consultancy reports not indexed by Google Scholar. Similar approaches were adopted by Chenet al. (2015) for instance.

2.3 Examination of papers

Overall, ninety-nine data sources studies were selected and analyzed. The trends examined in the papers included introduction, origins, reasons for PPP adoption, legal and regulatory framework for PPPs, and institutional framework for PPPs in Uganda, key stakeholders' roles and responsibilities, existing projects with PPP characteristics, current practices relating to procurement, implementation of PPPs, procurement, monitoring, evaluation were searched.

2.4 Extension of data collection approach

The study further read government reports, independent studies, consultancy reports, seminar papers, dissertations, and conference papers. In addition, we searched The Ministry of Finance Planning and Economic Development (MFPED) and National Planning Unit and Office of the Prime Minister and the World Bank. MFPED was chosen since it is the ministry of choice for PPPs and it hosts the PPP Unit. The website of National Planning authority is searched since the entity is charged with long-term planning of the country and the originator of reports such as Vision 2040, and National Development Plans, in which PPPs are considered as a strategic route to achieving the country's long-term project of becoming a middle-income class country. Lastly the World Bank PPI database was reviewed because the bank is rated as a key promoter and stakeholder of PPPs in Uganda.

3 Results and discussion

In this section we present the results of the systematic literature review of trends in PPP adoption in Uganda

3.1 Trends of PPPs in Uganda

The history of public private partnerships in Uganda may be traced back to the 1990s, having a growing importance lately (Kabanda, 2014). Generally, PPPs are executed by the central government rather than at the local level (Mugarura & Ndevu, 2020; Nduhura et al., 2021). Unlike in other countries, where PPPs were adopted due to innovation(the private actors are deemed to possess better technology that supports the effective and effective delivery of services) in Uganda, just like in most developing and underdeveloped countries, PPPs have been adopted as a result of the need to tap into private sector finance amidst budgetary deficits characteristic of most governments in developing economies (Nuwagaba & Molokwane, 2020). Budgetary deficits have made governments fail to deliver necessary services to their citizens. For instance, studies on PPP adoption in the energy sector by Kabanda (2014) and Nduhura (2019) revealed that due to lack of budget to support energy investments, electricity deficits and associated load shedding resulted around 2006–2012. To increase the production of electricity resulted in a PPP was entered between the Government of Uganda and Bujagali Energy Limited (BEL) (a special purpose vehicle in Bujagali) under a Build Own Operate Transfer arrangement, for initially 30 years but due to renegotiations the tenure was extended to 33 years as part of strategy to reduce electricity tariffs in Uganda.

3.2 Legal and regulatory framework for PPPs

It has been argued that the success of PPPs requires the assistance of sound legal and regulatory framework for PPPs in any country (Hodge, 2010). Countries like Greece, Germany, France, the Philippines, Indonesia, Thailand, and Brazil have put in place sound PPP frameworks. In East Africa, Kenya and Uganda have developed laws and regulations for PPPs (Nuwagaba, 2019). According to Hodge (2010), a legal framework instils investors' confidence in the PPP market. In another recent study by Nduhura (2019), it has been argued that investors' trust in the PPP market helps to shield the PPP environment from political rhetoric by high level politicians that may cause scare in it. Additionally, since the legal and regulatory framework provides for primary roles and responsibilities of PPP actors, it therefore provides to some significant extent role clarity that consequentially reduces the potential for conflicts. In line with these expectations, the Government of Uganda has made considerable effort to create and maintain a legal and regulatory framework for PPPs (Kisitu, 2018). In Uganda, PPPs are regulated by law, which is a compulsory element of developing and enabling the successful execution of a PPP program (Nuwagaba, 2019a).

Table 1. Key trends in Uganda's legal and regulatory environment

Name of	Legal and regulatory framework
2010	Uganda PPP Policy
2013	The National Policy on Public-Private Partnership in Health
2015	PPP Act
2019	PPP Regulations and guidelines
2019	PPP Feasibility assessment tool launched
2019	PPP Public Disclosure Document
2023	Guidelines for PPPs in Local Governments

Source: Authors' compilation from the Government of Uganda records for the years (PPP Unit, 2010; PPP Unit, 2015; PPP Unit, 2019a; PPP Unit, 2019b, PPP Unit, 2023) and MoH (2003)

In *Table 1*, it is indicated that the Uganda PPP legal and regulatory framework has been developed over years with policy act and regulations alongside guidelines developed (PPP Unit, 2010; PPP Unit, 2015; PPP Unit, 2019a; PPP Unit, 2019b; PPP Unit, 2023). While some concessions were signed before the framework came into force, Uganda's notable PPP concessions are governed by it. For example, the Nile Hotel that is now known as Serena Hotel under Aga Khan Development network with TPS as the special purpose vehicle. Additionally, there is the 33-years Bujagali Hydro Power Dam, or Umeme 20-year electricity distribution concessions predate the PPP regulations, and they are still falling outside of their effect, being still managed based on the original terms (Nduhura, 2019). This could have raised several problematic issues, since the endorsement of specific PPP laws generally aim at avoiding potential conflicts with other sources of legal instruments regulating the areas in which PPPs operate (Twinomuhwezi, 2018). Within the context of Uganda, effort has been made to establish a legally sound legal and regulatory framework. For instance, the PPP Policy was passed in 2010, PPP Act was enacted in 2015, PPP Regulations in 2019, Public Disclosure Document on PPP in 2019 and Guidelines for PPP Regulations for Local Government in 2023 (PPP Unit, 2024). Additionally, tools and

templates to support PPP conceptualization are now in place. The key aspects of the legal and regulatory framework are the initiation of the PPP, feasibility studies and roles of transaction advisor, procurement, implementation, monitoring evaluation and reporting (Nduhura, 2019).

3.3 Governance and Institutional framework for PPPs in Uganda

An institutional framework is considered vital for governance of PPPs in Uganda. Unlike public procurement that evolved from centralized procurement (Agaba & Shipman, 2007), PPPs are implemented in a decentralized process. PPP activities are coordinated through the Ministry of Finance Planning and Economic Development (MFPED) under the Public Private Partnerships (PPPs) Unit (Nduhura, 2019). The unit is in charge of providing technical guidance to government and MDALGs on matters of PPPs. According to the PPP Unit (2015) any entity in Uganda such as the Ministry, Agency/Authority, Commission, local government administration unit including city administration are allowed to initiate a PPP project. Most countries in Africa and like Kenya, South Africa, Botswana, Nigeria, Rwanda and Malawi have adopted a similar model of decentralized PPP practice subject to central regulation by PPP Units or Commissions (Kisitu, 2018). Even with a PPP law in place, supported by regulations, guidelines and standard bidding documentation, a feasibility tool, increasing uptake of PPPs continues to manifest as to be a formidable challenge (Nuwagaba, 2019a).

Existing literature indicates that while countries have established law, regulations and policies to guide the implementation of PPPs, capacity to initiate PPP is still lacking (Kisitu, 2018). A centralized institution such as the PPP Unit with the mandate to develop capacity, offer technical assistance, monitoring and enforcement of PPP law and regulations (Nuwagaba, 2019b). A regulator that creates impact must be known and should gain acceptance by various central government and local government entities that seek to utilize PPPs (Ndandiko, 2006). While the study by Ndandiko (2006) did not focus on how the PPP unit can gain stakeholder confidence, Agaba et al. (2007), to secure acceptance of the regulator, the unit must be equipped with staff that possess significant expertise and experience to provide technical solutions to wise ranging issues of inquiry and complaints by intending PPP implementing entities. The integration of PPP reforms such financial management, public investment, improvement of livelihoods and incomes, reduction of unemployment, a recently as part of the Covid 19 post recovery plan, are seen as crucial for the success of PPP program (Nduhura et al., 2021).

Regulating agencies are likely to be encountered with corruption tendencies (Nuwagaba, 2019a). The need to develop partnerships with Anti-Corruption agencies and civil societies can be an asset since they can help to expose corruption in PPPs while calculating and displaying the social cost of corruption that may inhibit undesirable corrupt PPP practices (World Bank, 2019). By installing such partnerships, increased awareness, sensitivity and reduced attempts to indulge in corruption tendencies during the PPP process may be reduced as society itself may implement actions and events that may make it difficult for the corrupt to think of crafting corrupt deals (Mugurura & Ndevu, 2020). Notwithstanding like in any other public reform, there is a likelihood for mistakes. Mistakes may arise due to lack of capacity to design, implement, monitor and regulate PPPs (Kisitu, 2018). This view is supported by the learning curve theory (De Schepper et al., 2015; Castrejon-Campos et al., 2022), which assumes that exposure to new events is likely to expose policy implementers and regulators to mistakes (Ladu, 2021). The implication is that past experiences should be able to inform the practices and outcomes of future negotiations. Consistent with this view Arrow (1962) opines that experience is a product of learning. Applied to initiation and implementation of PPPs at all levels of governments,

there is a likelihood for mistakes in initial attempts for PPP uptake (Nuwagaba & Molokwane, 2020). Several studies quote past experiences in implementing existing PPP concessions such as Bujagali HPP, Umeme Concession (Nduhura, 2019) where they are perceived mistakes that may have occurred during per contractual negotiation of rate of return and high off take feed in tariffs. It is important to note that some mistakes occur usually due to lack of capacity and skills to comply with PPP law, regulations and procedures (World Bank, 2019). Being keen, it's important to learn from previously PPP concessions and initial attempts therefore deemed vital (Pusok, 2016). Once mistakes are identified, they should act as opportunity to correct mistakes when engaging with future pipeline projects.

3.4 Key stakeholders, their roles and responsibilities in Uganda's PPP environment

PPPs as public initiatives are associated with stakeholders (Nuwagaba, 2019). According to CIPS (2006) stakeholders are persons or organizations that have a communal interest or are impacted by actions of an organization or individual. The examination of the PPP Policy and PPP Act has resulted in the identification of PPP stakeholders, their roles and responsibilities in Uganda (Nuwagaba, 2019). Section 4 part II of the PPP Act (PPP Unit, 2015) identifies a range of PPP stakeholders. The identified stakeholders are as follows: the Ministry of Finance Planning and Economic Development, PPP Unit, Accounting Officer, PPP Committee, Contracting Authority, Project Officer, project committee, process auditor, transaction advisor, Accountant General, and Attorney General. Though, the private sector or individual citizens are not listed, they are nonetheless indirectly mentioned as stakeholders in the PPP program (Twinomuhwezi, 2018).

The PPP Unit acts as the regulator providing technical advice and coordination of the entire PPP process, capacity building, monitoring and evaluation, and establishment of a database for PPP in the country (Government of Uganda, 2015; Nduhura, 2019). The PPP Committee is responsible for approving any PPP in Uganda. The contracting authority is in charge of initiating, undertaking feasibility studies and ensuring that the PPP is implemented in compliance with the legal and regulatory framework (KTA Advocates, 2018). The project officer is appointed by the Accounting Officer and provides overall coordination of activities with a contracting authority assisted by the project committee. A transaction advisor is an external stakeholder that provides technical consultancy advisory service to contracting authorities on matters relating to PPP from initiation through feasibility procurement and or financial closure (Mwesigwa et al., 2019). A process auditor provides extant checks on the entire PPP process while the Accountant General is in charge of coordinating monitoring and evaluation of PPP projects (World Bank, 2019). The contracting authority has a role to ensure PPP designs are in the interest of citizens and citizens must be involved in the entire PPP process using a wide spectrum of communication, from roadshows, radios among others (Nduhura, 2019).

Several studies (Alinaitwe & Ayesiga, 2013; Nduhura et al., 2020; Nuwagaba et al., 2022; Bagenda & Ndevu, 2024) on stakeholders of PPPs in Uganda's context have been undertaken. Mwesigwa et al. (2019) studied antecedents of stakeholder engagement in Uganda's PPP environment. Findings of such studies indicate that stakeholder management requires communication, engagement, commitment and trust. While three dimensions were considered important, stakeholder communication was deemed to be the most important aspect of stakeholder management (Nuwagaba, 2019). Results also show that trust and commitment are insignificantly associated with stakeholder management in PPP projects (World Bank, 2019). Perhaps this explains why PPPs have been met with some resentment in Uganda (Kabanda, 2014; Nduhura, 2019). Nuwagaba (2019) argues that communication helps to build trust and

commitment to accept PPP programs This view is in line with the need to use all forms of communication to popularize PPP programs with the objective of creating awareness, soliciting views from citizens during the initial stages of PPP design (World Bank Group, 2017).

In other studies, Uganda's PPP environment has suggested stakeholder management improvement to enable PPP success (Nuwagaba & Molokwane, 2020). For instance, Nsasira et al. (2013) opine that the success of PPPs requires clarity of the relationships between private and government actors. In another study by Twinomuhwezi (2018), the understanding of PPP policy by stakeholders is vital but seems lacking especially in the education sector. Nduhura (2019) reveals that while government entities implementing PPPs take into account resettlement plans for the PPP project affected persons, the limited co-production of services of citizens as consumers of the services usually creates a mismatch of demand and supply of the service. In furtherance of the argument of the delineation of project affected persons (PAPs) in the design of PPP programs, tends to attract resistance and unnecessary when resettling project affected persons (PAPs) due to unmet social capital needs (World Bank, 2019).

While the legal and regulatory framework identifies stakeholders, existing studies on PPPs indicate that additional key stakeholders exist (Kisitu, 2018). Kabanda (2014) and Nduhura (2019) identify civil society and environmental pressure groups as key stakeholders in energy PPPs. Notably, Save the Earth, Uganda Debt Network, Public Services International, political parties are key stakeholders for PPPs in Uganda (World Bank, 2019). For brownfield projects, when the SPV takes over existing projects, labor implications on recruitment and termination of employment tend to arise (World Bank Group, 2014). This resonates with national or sector specific labor unions or associations that seek to protect employment interests of their members (World Bank Group, 2017).

3.5 Current and pipeline PPP projects in Uganda

A range of PPPs in Uganda have been implemented (Kabanda, 2014; Twinomuhwezi, 2018; Nduhura, 2019; Settumba et al., 2022).

While some PPP projects have been implemented before the enactment of the PPP Act, policy and regulations, other PPP projects have been designed in the aftermath and across various sectors (Nduhura, 2019). In the electricity sector (Kabanda 2014; Nduhura ,2019; Nduhura et. al., 2020; Oyoiyin, 2021), some of the notable PPPs that have been illuminated are the Bujagali Hydro Power Dam, currently implemented by Bujagali Energy Limited for a period of initially 30-years, later extended to 33-years, or the 25-years Umeme electricity distributorship concession, and Eskom's Operate and Maintain Concession for Kira and Nalubaale dams, owned by the government of Uganda (Nduhura, 2019). In the education sector, there is a voucher program where the government of Uganda previously contracted private schools to participate in a PPP Universal Secondary Education is popular (Twinomuhwezi, 2018).

According to Twinomuhwezi (2018), like any other education sector based PPP, the government of Uganda under the objective of increasing universal access to secondary education contracted more or less on a coalition of the willing to participate in a program whereby the government would pay UGX 47,000 (12.5 USD) as tuition excluding boarding fees to students that would join secondary education in Uganda (Ministry of Finance, Planning and Economic Development, 2010). While most schools, especially in rural Uganda, joined the initiative, frustrations over delayed payments and misunderstanding seem to have resulted into the collapse of the PPP initiative. Today, Government of Uganda has reversed this policy and

has now focused efforts on constructing rural schools under initiative termed as “seed schools” where students are able to enroll and learn free of charge.

Other PPP projects that have been implemented include an accommodation project implemented under the Uganda Police Force (World Bank, 2019). While there could be some other projects implemented with PPP characteristics, the lack of a compendium of PPPs, a practice, implemented in countries like India, an initiative supported by the World Bank (World Bank, 2010), may render some projects dormancy in public space. In the transport sector, the Rift Valley Rail joint concession (between Uganda and Kenya) commenced in 2006 to facilitate the construction and provision of railway services between Kampala and Mombasa (World Bank, 2019). It is noted that the investors improved operational cargo transit time by 80% and delivered 60% operational efficiency (World Bank, 2019).

With respect to Rift Valley Rail, it was soon determined that restructuring, being registered and operated as a special purpose vehicle was highly warranted (World Bank, 2019). This came with additional requirements such as the payment of concessional fees, rehabilitation of infrastructure, the need to maintain conceded assets, safety targets and time operational reporting alongside meeting freight volumes that could not be met by the investors (World Bank, 2019). Hence, the concession was terminated and reverted to Uganda Railways Corporation (World Bank, 2019).

Since the enactment of the PPP Act, there have been attempts to structure and implement PPP projects (World Bank, 2019). Notably, the Kampala Entebbe Express KEE features as the most prominent PPP to be implemented after the enactment of the PPP Act (World Bank, 2020; Nuwagaba, 2019). Considerable attention has been dedicated to design additional PPP projects: some of these have been captured under the Disclosure Initiative by the PPP Unit in support of the U.K. Department for International Development and World Bank, request for expression of interest for transaction advisory services in media indicate that while some projects have not yet been filed with the PPP Unit, more are in the pipeline and will soon reach the registry of the PPP Unit. A summary of such PPP projects is shown in Table 2. For further information the Disclosure Report (PPP Unit, 2019) may be consulted.

Table 2. Existing and pipeline projects with PPP characteristics¹

S/N	Name of Proposed PPP project	Contracting Authority	Sector	State in PPP cycle	Nature of PPP Project
1.	Gulu Logistics Hub. The project aims to promote trade in the northern part of the country and Uganda as a whole.	Gulu City	Logistics	Prefeasibility study completed	Brownfield
2	Kampala Entebbe Express (KEE) Bypass Road. The project will link Entebbe International Airport to the Greater Kampala metropolitan area.	Uganda National Roads Authority (UNRA)	Transport	Procurement of contractor to operate and Maintain the road has been completed	Brownfield
3	3-Star Hotel and Convention Centre. The project aims to build a 150 bed, 3three-Star hotel.	Makerere University Kampala	Educa-tion	Concept stage	Greenfield
4	Design and Construction of the Ministry of Works and Transport (MoWT) Headquarters Building. Includes Office accommodation for MoWT Headquarters, Statutory Boards, Commissions and Agencies under the MoWT	Ministry of Works and Transport (MoWT)	Accommodation	Concept stage	Greenfield
5	Construction of a New Ship to replace MV Kabalega. The project will provide transport services (freight) By ship.	Ministry of Works and Transport (MoWT)	Transport & Ship Building	Concept stage	Greenfield
6	Lake Victoria Transport Program. The project will provide services between ports, to ease business transactions. It will provide access to hinterland and remote areas.	Ministry of Works and Transport (MoWT)	Transport & Logistics	Concept stage	Greenfield
7	Multipurpose Water for Production Infrastructure and Facilities' Development Project in Isingiro District. The project aims to construct a dam and multipurpose water system and facilities for irrigation of 433ha. It will also provide bulk water supply from Nsongezi Off take based on R. Kagera abstraction for livestock and irrigation of 1500ha.	Ministry of Water and Environment	Water & Irrigation	Full technical feasibility study completed.	Greenfield
8	Kampala Jinja Expressway. The project will relieve congestion on the existing »Kampala Jinja Highway« by constructing a toll expressway between Kampala and Jinja.	Uganda National Roads Authority (UNRA)	Transport	Full technical feasibility study Completed.	Brownfield
9	Digital Terrestrial Television. Movement from an analogue to digital signal for terrestrial television	Uganda Broadcasting Corporation	Media and Broadcasting	Transaction advisor procured	Brownfield

¹ More PPPs are in the pipeline. The table represents some of those projects to give a picture of what is happening in the industry.

10	Source of the Nile River Project. The Ministry plans to utilize the value of having the source of River Nile in Ugandan to attract both local and international tourists. The project will comprise; development of tourism facilities, hotels, entertainment facilities, recreational facilities at the Source of River Nile through PPP arrangement.	Ministry of Tourism	Tourism	No information	Brownfield
11	Development of Logistic Hubs (Tororo, Kampala and Mbarara). The project will provide modal shift function between rail, truck and inland water way, to provide container depot function to reduce export cost and provide logistic services including warehouse distribution Centre and one stop shop.	Ministry of Works and Transport (MoWT)	Transport & Logistics	Full technical feasibility study completed	Greenfield
12	Build Own Operate Transfer (BOOT) Hydro Power for 33 years.	Uganda Electricity Generation Company (UEGCL)	Electricity/Energy	Under implementation providing 250megawatts of electricity to the national grid	Greenfield
13	Management distribution concession for 25 years to distribute electricity in approved territory above 80% of national coverage	Uganda Electricity Distribution Company Limited	Electricity/ Energy	Under implementation and terminates end of 2025	Brownfield
14	Develop soluble coffee plant	Uganda Coffee Development Authority	Agriculture	Under feasibility study	Greenfield
15	Develop university infrastructure (includes buildings and complexes)	Kyambogo University	Higher Education	Under feasibility study	Hybrid (Greenfield and brown-field)
16	Develop 5-star hotel at source of Africa's longest river in Jinja City	Ministry of Tourism, Wildlife and Antiquities	Tourism/ Hospitality	Under feasibility	Greenfield
17	Development of university infrastructure at Kyambogo University	Kyambogo University	Higher Education	Feasibility study completed	Greenfield
18	Development of soluble coffee plant	Uganda Coffee Development Authority	Agro Value Chain/ Agriculture	Feasibility study completed	Greenfield
19	Development of Mini Grids	Electricity Regulatory Authority	Energy	Feasibility studies completed & continuous	Greenfield

Source: Government of Uganda (2019; 2023) with modifications by authors

Table 2 irradiates just part of over 83 PPP projects under pipeline from a compilation of the PPP Unit in 2019. Notably sectors such as energy, housing, transport, education, water, ICT, health, culture/tourism are dominant in the list. Since 2020, there has not been significant additional projects included in the pipeline. This is mostly due to the COVID 19 outbreak and its tormenting effects on Uganda's economy. Another proposed PPP project in 2021, that became verily popular was the 223km interstate roads-construction which links Uganda with the Democratic Republic of Congo. The national newspaper reports that the road project was launched on June 16, 2020 by presidents of Uganda and DRC, and according to Kashaka (2021), a Ugandan contractor was selected to construct the roads under PPP arrangements. In line with the terms of the arrangement, the contractor contributes 20% of the expected 330 million USD costs, just like the government of Uganda provides 66 million USD, while the remaining balance of 200 million USD is going to be raised via Dot Services by the contractor.

3.6 Benefits of PPPs Concessions in Uganda

A survey of existing literature on PPPs in Uganda provides a rarity of positive impact of PPPs. Most literature points to negative outcomes (Kabanda, 2014). Notwithstanding, recent empirical studies indicate that despite the critique, PPPs have, to some extent, delivered economic and societal benefits as indicated by findings from a study by (McQuaid & Scherrer, 2010). In another study by Nduhura (2019) electricity production PPP, the BEL concession resulted in reduced blackouts that were common in 2006–2012. By adding an extra 250MWs of power on the national grid, Bujagali HPP enabled Uganda to reduce electricity blackouts.

While the BEL concession reduced power blackouts it has been critiqued for providing expensive electricity compared to government own facilities like Kira and Nalubaale dams. However, findings from an empirical study from a section in society, the Private Sector Foundation of Uganda indicates that while electricity tariffs are deemed to be high and affect the competitiveness of their products, industries prefer to have consistent power supply than lower tariffs (Nduhura, 2019), compared to domestic electricity users' preference for a lower tariff to consistent power supply (Nduhura, 2019). Similarly, an empirical study by Twinomuhwezi (2018) clearly demonstrates that through the voucher systems under PPP design the enrolment rates in secondary education are increased.

Porter and Kramer (2011) raise the issue of shared value, defining it as a value co-created in the society in which it exists. The paradigm shift of social enterprise is justified by arguing that firms create externalities that extend unnecessary costs to society such as pollution, costly accidents, and depletion of society resources. This view contradicts the economist view of capitalism against which investors engage with governments under PPPs, arguing that the role of business is to maximize profits (Nuwagaba, 2019a). The economists also believe that trade-in from profits with societal benefits compromises the objectives of firms (Crane et al., 2014). Contrary to the view of Crane et al. (2014), Friedman (2007) recognizes that through operating in a social manner, firms are able to develop relationships with society which can translate into value when the relationships move into consumption.

A review of further works by Kramer et al. (2011), Porter and Kramer (2019) suggest that to correct such ills in society, firms must operate responsibly by incorporating the shared value concept into their strategy. Their view extends on the earlier views of Friedman that champions the idea for the need for firms to operate in socially responsible ways.

For example, Umeme, a concessioned electricity distributor in Uganda was contracted under the guise of a PPP (Kabanda, 2014). The distributor manages over 95% of Uganda's electricity,

listed on the stock exchange (Umeme, 2017) where a majority of connected customer’s own shares by virtue of saving with the National Social Security Fund (NSSF) (Nduhura, 2019). By implication the users that pay for electricity, benefit not only from enjoying electricity but also benefit from dividends paid out by NSSFs on an annual basis that comprises dividends at first tier from Umeme as part of NSSF investment portfolios. Other recognizable benefits that PPPs have provided in Uganda have included a reduction of power thefts, improved (Nuwagaba, 2019a).

In the education sector, studies reveal that while USE started in 2007, by 2014 USE students approximated five times of what it was at the inception of the USE program in 2007.

Table 3. Trends in Universal Secondary Education

Aspect	Period (Years)		
	2007	2011	2014
Total No. USE Schools	1.155	1.647	1.822
No. of public USE schools	791	904	945
No. of private USE schools	364	743	877
% of private USE schools total USE schools	32%	45%	48%
Total no. of USE students	161.396	689.541	873,.76
Males	92.388	377.293	469.819
Females	69.008	312.248	403.657
% of females	43%	45%	46%
% of USE students in private schools	25%	35%	45%

Source: Extract from Ministry of Education and Sports (2014)

Analysis from *Table 3* indicates that the adoption of PPPs in Uganda’s universal secondary education (USE) program has delivered positive results (Twinomuhwezi, 2018).

The PPP strategy is recognized to have narrowed the gender gap in school attendance. By 2014, 46% of the total number of students enrolled were girls, and our analysis indicates that the period 2007–2014 also witnessed a steep rise from 25% to 45% in private schools. This implies that the PPP contributed to Uganda’s journey towards providing universal education. This view is consistent with a similar study by Gideon and Unterhalter (2017) in Pakistan that acknowledges that PPP can improve access to education and reduce gender inequality in developing countries. What perhaps remains uncertain is the hypothesis on whether PPPs in Uganda’s education have improved the quality of education and learning. More PPPs are in the roads sector such as the proposed management contract for Kampala-Entebbe express highway

and Kampala–Jinja Express highway by Uganda National Roads Authority (Nuwagaba, 2019b).

Additionally, PPPs in Uganda's water sector, like the education sector, have recorded some benefits. According to IMF (2012) a water PPP aimed at installing and distribution of water alongside metering in Busembatia in Eastern Uganda. Post implementation studies by the IFC indicate that the PPP provided water that resulted in spiral effects. For instance, it is cited that kids would not be chased from school because they had water to clean, women were able to start projects like poultry that they would not start because of lack of water. This study by the IFC combines with a study by Nduhura (2019) to suggest that PPPs enable citizens to acquire public services much earlier as governments are constrained with many priorities and some priorities may not be serviced in the short term due to limited budgets and worsening debt to GDP ratios. By implication, such confirm that the government may be able to control their debt to GDP ratios while maintaining service delivery by partnering with the private sector to coproduce and deliver services through PPPs.

3.7 Key challenges facing PPPs

Like elsewhere, PPPs in Uganda have faced several challenges (Nduhura, 2019; Nuwagaba, 2019a). Initially the legal and regulatory framework was missing (Charles, 2016) but is now in place (Nduhura, 2019; Mugarura, 2019). PPP arrangements have also been deemed to foster private rather than public interests (Nuwagaba, 2019). This challenge has been largely associated with the energy sector where public critique of unaffordable tariffs remains a challenge (Nduhura, 2019; Public Services International, 2021). Other reports indicate that tariffs remain high due the high cost of borrowing that largely affects the tariffs charged (Office of Auditor General, 2021; World Bank, 2019). They argue that the cost of borrowing is high with most debt delivered in US dollars and repayments and interest made in dollars, yet citizens pay in Uganda shillings that are usually weakening against the dollars (World Bank Group, 2017; Umeme, 2017).

Inconsistent electricity supply has been also levied as a critique for PPP arrangement in distribution and production (Public Services International, 2021). Hall (2010) in his general critique has viewed PPPs as exploitative, calling for resentment due to subsidies and rescue packages PPPs benefit from governments.

While PPPs have been acknowledged as developed partners, they have been critiqued as being saboteurs of development due to high user's fees charged. For instance, this has resulted in calls for cancellation of concessions and in some cases, entering the approved operation service territory. For instance, there is a Presidential directive to bypass Umeme and sell electricity directly to industrial plants at cheaper prices than those of Umeme. This points to a potential of breach.

At the local government level, PPPs have not achieved much appreciation (Nduhura et al., 2021). While a study on uptake of PPPs in local government in Uganda has not been undertaken, it is generally known that local government presents uniqueness and that central government legal and regulatory framework rarely address decentralization complexities that exist in local government context. Additionally, capacity in implementing PPPs is generally missing (Twinomuhwezi, 2018). This is argued to have been due to perceptions that PPPs are conceived as a central government policy where minimal consultation of officials is deemed deficient (O'Donoghue et al., 2018; Twinomuhwezi, 2018). Despite the value that PPPs provide in improving access to services, the quality of services of PPPs in Uganda has been challenged

(Kasenene, 2013). Uganda like Rwanda's King Faisal hospital have experienced stalled PPP Projects like in *Table 2*.

The environment and Information about PPP contracts have been viewed as opaque (Hall, 2020; Public Services International, 2021). This has reduced stakeholder confidence and creates unnecessary tensions, mistrust and resentment of PPP in service delivery. This has resulted in calls for non-renewal of PPP concessions.

There has been an attempt by the PPP Unit (2019) to publish the PPP Disclosure Document highlights status quos of PPPs in Uganda as part of the transparency agenda. Despite the value of the public disclosure document in increasing transparency in the PPP industry, this document is rarely updated. Perhaps this explains why in academia the number of PPPs reported tends to be slightly higher than the number of PPPs held in the database and public disclosure document of the PPP Unit (central agency for facts on PPPs). For instance, a study by Mwesigwa et al. (2020) reports a population of 141 PPP-projects in Uganda in 2020, while another study reports sample size of 103 PPP projects in Uganda (Mwesigwa et al., 2020). This implies that theoretical realities and meanings of PPPs contained in the aforesaid studies seems to slightly differ from the understanding of PPPs in practice and policy. In India PPP compendium and globally updated public disclosure documents have enabled PPP stakeholders to have clarity on what happened, what is happening and what is going to happen in national PPP markets.

The Government of Uganda has put down PPP guidelines for local government (Government of Uganda, 2023). A review of the guidelines suggests limited clarity on how well the guidelines are anchored with the dimension of political autonomy under decentralization (Smoke, 2001; Smoke, 2015).

4 Conclusion and implications for policy and practice

The study has provided an in-depth analysis of PPPs in Uganda. The paper has also provided insight on stakeholders for PPPs. The existing pipeline PPPs projects illuminate the opportunities that exist for PPP investors and researchers of the future of PPPs in Uganda whilst suggesting untapped opportunities in Uganda while comparing contexts of PPPs elsewhere. Current and pipeline projects provide not only invaluable lessons but also guidance on sectors where PPPs opportunities exist. The benefits of PPPs and critique for PPPs as discussed provide for the building capacity to design and manage PPPs, and cause improvement in evaluation criteria for new PPP investors. For example, the benefits highlighted could be designed to derive additional criteria for including in PPP solicitation documents.

Similarly, implications for the private sector actors willing to participate in the form of solicited adoption of unsolicited bids are provided. For example, the private actors could use the benefits already acknowledged in Uganda to develop attractive USPs or solicited proposals.

For policy formulation, the uniqueness of local government calls for future update of PPP guidelines to reflect political autonomy requirements of decentralization. This will support buy in, commitment to and political will for PPPs at local government.

There is also a need for governments to be clear on expectations, price versus quality or both and provide necessary processes, systems and incentives to support dual benefits of quantity and quality from PPPs. Some of the support frameworks include the setting up of PPP Fund with potential to provide loans in local currency. Breaching territory of a PPP concessionaire may expose governments to breach of non-compete clause/approved territory, unnecessary court cases, loss of PPP investor confidence and consequential financial losses.

Amicable renegotiations for reduced power tariffs for industrial parks. The justification should be the high volumes of power consumed by firms in industrial parks. The trade-off concession by the government may further include extension of the tenure of Umeme for reduction in the tariff of electricity. This builds on precedent where BEL concession was extended from 30 to 33 years to allow a reduction in the unit cost of power purchased from Bujagali Hydropower PPP.

While stakeholders are cited in the PPP legal and regulatory framework, additional stakeholders identified in scholarly studies and reports should be considered. Increasing transparency of PPPs concessions and performance is vital to reduce opaqueness. Practices such as a requirement for PPP to list after some time on the stock exchange can enable PPP concessions to acquire local equity that would boost capital and thus reduce the impact of foreign dollar debt that is attributable to high service user fees. Listing would also enable SPVs to publish their annual reports providing some form of accountability and transparency to citizens.

SPVs should consider implementing the shared value concept through granting citizens stock through floating shares on the stock exchange. This can help to create social ownership that can result in increased accountability and transparency while making consumers of PP service shareholders at the same time. This will further reduce the existing mistrust, tension and loss of public confidence in PPPs. Perhaps, the government may also support such an initiative by including listing as part of the criteria to evaluate PPP bids and or including listing as a requirement for SPVs during the tenure of the concession.

A compendium for profiling PPPs in Uganda should be developed. The compendium should indicate the information of PPPs using data from concept stage to the stage the PPP reaches or up to hand back and transition. Cui et al. (2018) opine using the lens of the knowledge management theory that knowledge held helps to reduce mistakes while improving decision making.

5 Research implications

Future studies in other sectors should focus on the quality of services offered by PPP since PPPs have been adopted partly due to innovation they are perceived to provide. Other studies should focus on the issues of hand back and transition, improving publicness of PPPs, and strategies that can be used to lower user fees without increasing costs to contracting authorities.

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