



INTERNATIONAL ANTI-CORRUPTION CONFERENCE (IACC)

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1. Introduction

Lima Declaration In Uganda, the implementation of the system of public declaration of wealth by requiring certain categories of public servants to declare their income, assets and liabilities is still in its infancy although the idea of having a leadership code for enforcing such declarations was conceived about 10 years ago, during the early years of the present government of the National Resistance Movement (NRM). The first tangible effort to have leaders declare their wealth was made this year 1997 pursuant to the provisions of the Leadership Code, 1992 which code was made operational by the Constitution of 1995. The process of examining statements given in the declarations as required by law is now underway. The task of enforcing the Code was given to the Inspectorate of Government.

In other countries where there are established systems of public declarations of wealth or financial disclosure or where there are codes of Ethics in place, the main purpose or objective of such declarations or codes is to ensure that people employed in public service conform to minimum ethical standards of behaviour and conduct and that they serve public interest guided by ethical principals which are above private gain. Such a practice, if it takes root in Uganda, will contribute enormously in the fight against corruption in public offices.

2. Background to Enactment of the Leadership Code in Uganda

In Uganda, before 1986, although there existed some laws against some forms of corruption the most comprehensive one being the of Corruption Act of 1970 and others like the Penal Prevention of Code Act which defines offences and prescribes penalties for offences like theft, embezzlement, forgery etc. and tax laws like the income Tax decree of 1974 and its subsequent amendments providing penalties for tax evasion, corruption was not specifically legislated against as an offence or as a crime in itself. It is only some aspects of those various offences mentioned under the penal code and other laws which would be prosecuted under the ordinary law after normal police investigations. Provisions of the Prevention of Corruption Act were not actively invoked although the Director of Public Prosecutions has the power to prosecute those found to be corrupt under the Act. As a result corruption increased and there was an outcry against it in the country.

In 1986 when the NRM government came to power it came with a Ten point Programme which it set out to implement and point No.7 of that Ten Point Programme addressed the issue of corruption and abuse of office. The Government expressed determination to work towards elimination of corruption and misuse of office. This was the first serious effort to strengthen existing mechanisms and to create additional institutions for fighting against corruption.

To spearhead its objective of fighting corruption, some additional institutions were put in place. In 1986, the Government established the office of The Inspector General of Government (IGG) to, among other things, take necessary measures for detection and prevention of corruption in public offices.

In the same period proposals were made from within and outside government to strengthen the fight against corruption through increased accountability and transparency by the top leadership in Government through the establishment of a **leadership code**. Most of the proposals for forming a Leadership Code of Conduct spelt out what was thought to be acceptable minimum standards of behaviour and prohibited conduct for leaders. The Leadership Code was eventually passed into law in 1992. A leader as defined under the Code is required to submit a statement declaring his/her Income, assets and liabilities and the code prohibits certain forms of conduct by leaders. This paper will therefore look at the positive attributes of the code which, if effectively implemented, would help in fighting against corruption in Uganda.

3. The Leadership Code in Uganda

As has already been stated the need for a leadership code which is the equivalent of a code of ethics in other

jurisdictions was to strengthen the mechanisms of accountability and fighting corruption. If corruption has to be fought effectively it is desirable that the fight starts from the top leadership ranks who are in charge of the management of affairs of the state and they (the top leaders) should demonstrate good leadership and accountability so that the people they lead can emulate them.

It is not the intention of many of us who support the code as an ethical control mechanism to discourage people from acquiring properly which will lead to economic development and prosperity in the country. The intention is that wealth should not be corruptly or unethically obtained and where there is anything questionable about acquisition of certain property by an individual a satisfactory explanation should be given on how the wealth was obtained. Leaders who follow a code of ethics, inspire public confidence and trust in the public service.

The main objective of the Leadership Code in Uganda is spelt out in the, short title to the statute (The Leadership Code 1992) which reads in part as follows:

"A statute to provide for a leadership code for ensuring a minimum standard of behaviour and conduct for leaders..."

In addition to requiring leaders to submit to the Inspectorate of Government a statement of income, assets and liabilities of a leader, the code in part (iv) prohibits certain forms of conduct by a leader like soliciting or accepting gifts or any benefits in kind for anything done in the discharge of his/her duties or by virtue of his/her official position and further prohibits conflict of interest where a leader puts himself /herself in a position which conflicts with his/her duties and responsibilities (S. 10) . Other prohibitions by- the Code include abuse of public property (S.12), misuse of official information (S.13) and forms of personal conduct that are outrageous or disgraceful or prejudicial to a leader's status in government and conduct generally prejudicial to the interests of the state (S.14). If an inquiry is held and a leader is found to have breached the Code, action can be taken against him/her. The action taken may range from demotion, dismissal or advising the leader to resign from public office among other actions that can be taken (S.21).

4. How Can Public Declarations of Wealth and Codes of Ethics Help in Fighting Corruption

- i. By publicly declaring their wealth (income, assets e.t.c.) leaders are subjecting themselves to public scrutiny in the way they handle official matters and will be required to account for the wealth they have acquired. Once leaders know that their activities are under public they are expected to be honest in the performance of their official duties lest they become a subject of investigation.
- ii. Through filing statements of disclosure of wealth with the Inspectorate of Government, leaders provide data which can be -used for verification and investigation of illegally attained wealth or undeclared wealth. This detection of illegal or undeclared wealth if achieved can send signals to other public servants in the conduct of their official duties and can reduce corruption.
- iii. The various types of prohibited or restricted forms of conduct in the Leadership Code if observed by public servants, can minimise waste of government resources and check on conflict of interest on the part of public officials and this, if achieved, can be one of the checks against corruption. Most codes of ethics in the world wherever they exist are designed to ensure that public interest is served by creating barriers to service of personal interest in the performance of official duties.

5. Conclusion

A leadership code or any code of ethics, if effectively implemented, can check conflict of interest by public officials and codes usually lay down restrained or regulated activities by public officials and establish minimum standards of conduct. One of the most effective ways to check on conflict of interest and consequently corruption is financial disclosures or public declaration of wealth. I will, however end by emphasising that the body or agency entrusted with the responsibility of implementing or enforcing public declarations through legislated codes of ethics must be effective in its work and must be well facilitated to fulfil its task. To quote former President John F. Kennedy of the United States of America when he was proposing the first codification of the federal conflict of interest statutes he outlined the pros and cons of codes of ethics to congress in April 27, 1961 where he stated in part:

"The ultimate answer to ethical problems in government is honest people in a good ethical environment. No web of statute or regulation, however intricately conceived, can hope to deal with the myriad possible challenges to man's integrity or his devotion to public interest".

He however recognised the importance of having a written regulation by adding that:

"Nevertheless a formal regulation is required - a regulation which can lay down clear guidelines of policy that punish venality and double dealing and sets a general ethical tone for conduct of public business - however, even the best of statutes will fail in their purpose if they are not vigorously or wisely administered"

Leadership codes or other codes of ethics implementing agencies, have to be very effective in enforcing the codes they are required to enforce. This is the challenge we are facing in Uganda as we are just beginning to enforce the Leadership Code. It is a difficult task with our limited financial resources but we are determined to do the best we can with the limited facilities that we have. otherwise public declarations of wealth as outlined in this paper can be an effective weapon for fighting corruption.

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