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The Part Played by Structural Reforms of the State in Fighting Corruption: The Case in Uganda

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All over the world the state is changing for a number of varied reasons. In the developed world the state is undergoing changes which would have been impossible if the cold war had not come to an end. In the developing world variants of reforms that took place in Europe and America in the last century are being introduced as if they are new initiatives altogether. All these changes, however, have a common aim, namely to make the state more capable of performing its role. The changes taking place, however, differ from country to country depending on the level of development and specific conditions that make each country unique^[*]. For the purpose of this paper I will discuss the reforms that have taken place in Uganda and their impact on curbing corruption.

1. THE GENESIS OF CORRUPTION IN UGANDA

Uganda today is a society in transformation. After two decades of violent civil war, massive corruption, instability and economic decline, Uganda is now moving towards renewed economic growth and greater democracy. The press is now free and cantankerous. The new Constitution was passed after several years of vigorous debate. Elections for the President have been held, and the first true Parliament was elected in June 1996. A sweeping program of public sector reform is underway.

However, enormous challenges still lie ahead. At Independence Uganda had no model of a transparent, accountable government upon which to build the foundations of a new democratic state. The British colonial regime was, by definition, unaccountable to the Uganda people and its colonial business was not conducted according to the democratic norms of openness, transparency and accountability. Repressive colonial policies also heightened social and ethnic tensions within the country thereby helping to lay the foundation for much of the conflict that would define Ugandan politics over the next three decades after independence.

From Independence to 1971:

In October 1962, Uganda became an independent but fractured country with a political culture ill-suited to the survival of an open, democratic system of government. Political and ethnic conflicts had produced a semi-federal constitution and a Prime Minister whose support was narrow and mainly from his home region but resented by the more powerful and wealthy regions of the country. The indigenous political elite actively sought wealth, patronage and privilege available through the state. They were indeed handsomely rewarded when Prime Minister Apollo Milton Obote overthrew the Constitution and became President in 1966.

During Obote's first years in power, the rapid rise of parastatals heralded the rise of pervasive corruption in Uganda. At that time, the state-directed economic activities were favoured by most economists as the way to advance the interests of the people while reducing the power of the elite minority who pulled the strings of the post-independence economy. In addition, state controlled co-operatives and statutory boards took over the agricultural marketing and processing monopolies once held by large European and Asian firms as well as crucial areas of electricity supply, the manufacture of cement, and tourism. Though nominally independent in some cases, even classified as "private sector", the co-operative organisations were state-subsidised and their managers were appointed by the government.

With direct control over taxation and producer prices, import and export licenses, access to foreign currency, as well as a vast array of permits required for even the most mundane features of daily life, the powers given to these parastatals and other state agencies made them breeding grounds for corruption. Civil servants used these powers to extort bribes, especially from the Asian business community (against whom government restrictions were largely directed.)

Although some semblance of a check on corrupt behaviour was maintained in the early years through institutions of democratic control, this was erased in 1966/67 when President Obote abrogated the constitution with the help of the army. It is interesting to note that in the period immediately before the repeal of the constitution, Obote himself was implicated in a gold and ivory corruption scandal that also involved Idi Amin, then a deputy commander in the Uganda Army. Obote hotly denied any involvement in the affair, but there is little doubt that he had a direct personal interest in the corruption that was rapidly spreading throughout Uganda.

Idi Amin in Power

Obote's subsequent shift to the left alienated many of the elite and was a key factor in their decision to switch allegiance to General Amin during his 1971 military coup. The Amin regime, which lasted until 1979, completely dispensed with any pretence of democratic procedures and proceeded to use the state's resources and institutions for its gain and that of a tiny political elite. Military officers, assisted by some collaborating civilians, took over the reins of the state and the public sector became little more than a source of funds for paying off the elite.

Misappropriation and outright plunder were unrestrained. Idi Amin expelled both the citizen and non-citizen Uganda Asians, seized their business and personal assets, and distributed them to soldiers, the political elite, and parastatals. The economy was grossly mismanaged and industrial productivity fell sharply. Exports shrank and foreign credit and investment dried up. Due primarily to a lack of funds and managerial expertise, state-financed business became increasingly inefficient and could not provide adequate jobs and output fell drastically. Imports became scarce and Uganda's economic welfare declined rapidly. Inflation skyrocketed and a drop of per capita income soon followed.

As urban sources of revenue dried up, the regime raised its taxation of farmers by lowering their return from export crops. The government tried to force increased output of coffee and cotton, the main export crops, through a repressive campaign to double production. Meanwhile, the cost of agricultural inputs rose while rural services deteriorated. In reaction, growers shifted from export crops to food production for local and regional markets, selling their surplus to private traders. Cotton and coffee production dropped, along with government revenues. In fact the production of coffee declined so sharply that the state was unable to realise appreciable gains from the rising coffee prices of the late 1970s. The smuggling of coffee to neighbouring countries further exacerbated the problem. The real value of salaries and wages collapsed by 90% in less than a decade. The income crisis was reflected in the emergence of a parallel economy "magendo" characterised by people selling to smugglers, and by economic activities that took place outside the purview of official boards and price controls. People who had access to goods - for example, from parastatals - could sell them without restriction, and could bring back imported goods without paying customs duties. Honest, above-board dealings virtually ceased to exist and petty trading proliferated in the streets. Anything that could realise a cash value became a commodity.

Civil servants made up a large share of Uganda's wage earners and for many the soaring rate of inflation meant a progressive withdrawal in the amount of time they devoted to public work. As in virtually every employment sector across the country, civil servants had to take more than one job, a practice which continued right up until the mid-1990s. Attendance at work slipped badly, jobs were retained only for their prestige and for the transportation and housing they provided. The real business of making a living was done elsewhere. Civil servants could be found working as shopkeepers, taxi-drivers, hawking wares in the market or setting up small family business. Many officials, in both the countryside and in towns, spent part of the day cultivating food. Government allowances were abused by all levels of civil servants. Those with official motor vehicles used them for business unrelated to their civil service duties. Those in higher ranks travelled away from station or abroad on "official" business in order to submit claims that, for the price of a few days away from homes, could exceed a month's pay.

As civil servants devoted less time to their jobs, essential services were either performed badly or not at all. In some cases, this helped to strengthen the magendo economy where services could be provided "on the side". Corrupt activities became routine. Civil servants charged fees for services that should have been performed without charge. Increasingly, these extra-legal fees and commissions were viewed as entitlements and complaints were invariably met with a familiar refrain: "But how shall I eat?".

Some activities were clearly even more illicit. Government-owned supplies were sold privately. Public property was converted for private use for a fee, and kickbacks of 10-15% became routine on contracts with foreign businesses and aid projects. Officials gave contracts for public works to private companies owned by themselves, their families or associates, with scant fear of prosecution.

Some public institutions suffered more than others. For example, the judicial system, especially the lower bench, fell into disrepute. Poorly paid, often unpaid magistrates and court staff became corrupt and judges often had good reason not to apply the law impartially. The decline in ethical standards within the judiciary and the legal profession became one of the most debilitating aspects of corruption in Uganda, and one of the most difficult to reverse.

A New Reformist Government comes to Power

Eventually the people's faith in the ability of government to carry on its business began to fade. In 1978 Amin invaded a part of Tanzania thus making it possible for Ugandan exiles, backed by Tanzania forces to launch the invasion that overthrew Amin's regime in April 1979. A year of extreme instability and violence followed, during which several factions attempted unsuccessfully to form governments. Meanwhile, fraud, plunder and embezzlement reached their highest levels. In 1980, elections were held and fraudulently "Won" by Apollo Milton Obote who had returned from Tanzania. The corruption that gathered rapid momentum in the 1970s was to continue into the 1980s and even into the early 1990s. When Obote refused to share power with the other groups which had played an equal part in removing Amin, they took up arms against his regime in a bloody five-year civil war. Corruption and economic mayhem ensued until Obote was overthrown by a faction of his Army which was in turn overthrown by the National Resistance Movement (NRM) and the present regime of Yoweri Museveni took power in January 1986. By that time, Uganda had experienced virtually every kind of corrupt practice imaginable.

2. MEASURES TO CURB CORRUPTION

The NRM Government's Commitment:

Soon after coming to power, the new administration made it clear that it viewed corruption as one of the evils inherited from the past and a key obstacle to progress in Uganda. President Museveni often spoke of the seriousness of corrupt practices making it clear that he viewed corruption as a threat to Uganda's stability and to the possibility of establishing democracy in the country. In order to emphasise its determination to end corruption, the new government made the following commitment in its Ten-Point Program:

Africa being a continent that is never in shortage of problems, has also the problem of corruption - particularly bribery. Therefore, to enable the tackling of our backwardness corruption must be eliminated once and for all.

Eight months after taking office, President Museveni signalled the government's intent to stamp out corruption by appointing an Inspector General of Government with extensive powers to deal with corruption and human rights abuse. In addition, in 1990 the report of the Public Service Review and Re-organisation Commission led to one of the most comprehensive public sector reform programs in Africa.

The Inspector General of Government

The Office of the Inspector General of Government (IGG) was established as a public office, with the IGG directly responsible to the President. The mandate of the IGG is far wider and deeper than that of a traditional Ombudsman. In the Statute which establishes the office, the IGG is charged with the general "duty of protecting and promoting human rights and the rule of law in Uganda, and eliminating and fostering the elimination of corruption and abuse of public offices..."

With regard to corruption, section 7(l) of the IGG's Statute directs the IGG to:

- a. take necessary measures for the detection and prevention of corruption in public offices, and in particular.
 - i. to examine the practices and procedures of the said offices in order to facilitate the discovery of corrupt practices and to secure the revision of methods of work or procedures which, in the opinion of the Inspector General may be conducive to corrupt practices;
 - ii. to advise the said offices on ways and means of preventing corrupt practices and on methods of work or procedures conducive to the effective performance of their duties and which in the opinion of the Inspector General, would reduce the incidence of corruption;
 - iii. to disseminate information on the evil and dangerous effects of corruption to society;
 - iv. to enlist and foster public support against corrupt practices;
 - v. to receive and investigate complaints of alleged or suspected corrupt practices and injustices and make recommendations for appropriate action.
- b. to investigate the conduct of any public officer which may be connected with or conducive to:
 - i. The abuse of his office or authority
 - ii. The neglect of his official duties
 - iii. Economic malpractice's by the officer..."

Uganda's new constitution (1995) further recognises and strengthens the central role of the IGG in combating corruption in Uganda and makes the IGG responsible to Parliament. It empowers the IGG to promote and foster strict adherence to the rule of law and principles of natural justice in administration, eliminate and foster the elimination of corruption, abuse of authority in public office, investigate any act, omission, advice or recommendations by a public officer or any other authority, taken, made, given or done in exercise of administrative functions, on its own initiative or upon complaints made to it by a member of the public whether or not that person has personally suffered any injustice by reason of that matter; stimulate public awareness about the activities of its office in particular through the media and other means that it considers appropriate, establish branches at district or other administrative levels as it considers fit for the better performance of its functions; and submit to Parliament, at least once every six months, a report on the performance of its functions.

3. REFORM MEASURES WITH A POSITIVE IMPACT AGAINST CORRUPTION

The government adopted reform measures that had the effect of reducing corruption at the same time making the state more effective.

Public Service Reform:

The Public Service Review and Re-organisation Commission, in its review of the Public Service consulted over 25,000 public servants throughout the country between 1989 and 1990. Defining corruption as "conduct or practice by a public official or private individual done in flagrant violation of existing rules and procedures for the realisation of personal or group gain", the 729 page report was published along with 225 specific recommendations, as a Government White Paper in 1991.

The new focus decreed that by the year 2000, Uganda's civil service would be smaller, better paid, more efficient and effective. Fair, simple, consistent rules and procedures would be implemented to foster discipline while promoting personal initiative. Levels of corruption would be reduced, backed by an effective Police and prosecutorial staff. Clear organisational goals would be implemented, workers would be fully responsible and accountable for their assigned duties, and individuals would be committed to achieving clearly identified objectives.

The first step in the reform process involved reviews of all government ministries with a view to evaluate their roles and determine which activities should be privatised or shared. At the district level, similar reviews were conducted to reconsider the role of government, set objectives and priorities, agree on performing indicators, remove redundant staff and focus more closely on capacity building.

Reducing the size of the Public Service:

The role of Uganda's government has been redefined and limited to those functions and services which must be undertaken by Government. "Non-core" services will either be turned over to the private sector or abandoned. A restructuring of government has taken place, with the number of ministries and departments reduced from 26 to 21 in 1996. Staffing has also been streamlined. As a result, the civil service shrunk in size from 320,000 employees to in 1990 to 150,000 in 1996. Plans call for a target of 132,000 employees by the end of the year, 1997.

Personnel reductions were achieved through a number of measures. For example, "Overdue leavers" were removed. This category consisted of individuals who, if the civil service had been functioning efficiently, would have been weeded out much earlier; the over-aged, irregular entrants, and the incompetent as identified through performance assessment were also removed.

"Ghost workers" were also identified and eliminated. By 1994, approximately 42,000 deceased fictitious or past employees who remained on the government payroll had been removed from the system. The "Group employees Scheme", which allowed Senior managers to recruit their own casual, short-term workers without reference to the established job grades, was also abolished. This led to a further reduction of 30,000 workers.

Workers declared surplus as a result of the reviews carried out within each Ministry were laid off. Although these employees were competent, bona fide workers, they could not be deployed elsewhere in the government and received severance packages. In addition, approximately 4,500 employees accepted voluntary retirement by the end of 1994.

Integrating a system of responsibility and Accountability into the Civil Service Machinery.

A modern management system, "Results-Oriented Management" (ROM), has been introduced to the civil service in order to improve the efficiency and performance, of government employees, create a responsive and accountable work-force, and establish a system that will quickly bring to light corrupt and inefficient practices.

Aside from Results Oriented Management more direct controls on financial operations have also been introduced and existing systems strengthened. For example, in its first three years of operation the central payroll monitoring unit for government employees, located in the ministry of Public Service, led to a reduction of 25,000 staff from the ranks of the Uganda Teaching Service. The computerised monitoring system which verified entry into and exit from the payroll and monitors all changes, should preclude a recurrence of the costly "ghost worker" phenomenon.

Finally, the authority once given to managers to hire short-term workers without higher approval, the cause of much over staffing and nepotism, has been rescinded. There is a public sector-wide hiring freeze in force and exceptions require the personal consent of the head of the civil service.

Making salary levels more equitable and transparent; The Objective being the payment of " a living wage" to reduce dishonesty:

Between 1990 and 1994, civil service wages increased by approximately fifty percent per year. Paying a "living wage" has been one of the most critical issues in the reform program as low wages in the civil service have been directly linked to corruption. If the momentum towards a living wage subsidised it was feared that support for the entire reform program among civil servants would diminish and the pressure towards obtaining it supplementary income" would increase. In particular, the civil service would remain unable to attract and retain the highest levels of professionals and technicians to the detriment of general efficiency and all development assistance programs. In order to make actual remuneration more transparent, housing,

health and transportation benefits have been monetised. In addition, the various types of cash allowances (there were seventy-six in total) received by civil servants according to their tasks and occupation, have been consolidated into fewer categories. These measures are designed to improve transparency while controlling abuse. Job classifications and positions on the salary scale are also being reviewed and simplified in ways designed to improve incentives for better performance.

A code of conduct for all civil servants:

To support other aspects of the reform effort, a code of conduct has been established for all civil servants. Each civil servant is required to take an oath of commitment to the code and anyone dismissed for breaching the code will be prohibited from holding a public post for at least five years.

Based on the principle of selfless service, the Code of Conduct correlates to the Standing Orders of the Civil service which state that:

"... no officer shall at any time engage in any activity which could in any way impair his usefulness as a public officer or engage in any occupation or undertaking which might in any way conflict with the interest of the public service or be inconsistent with his position as a public officer, or make use of his official position to further his private interest or those of his family." Government of Uganda, Standing Orders, 1994.

Workshops have been held across the country to introduce the code to senior government managers and to focus on their role as leaders in civil service reform and results-oriented management.

The Leadership Code of Conduct:

The Ugandan Constitution is based on the notion that the country's future prospects depend, to a very great extent, on the quality and honesty of its leaders. It calls for a new culture of leadership for both elected and appointed leaders in the public sector, based on the principles of honesty, impartiality non-discriminatory leadership; sensitivity to marginalised groups; development leadership; democratic leadership; respect for the rule of law; a "sense of shame"; and, transparency and accountability.

The Leadership Code Statute describes the expected, and prohibited forms of conduct for government leaders. For example, it requires leaders to make annual disclosures of income, assets and liabilities. This disclosure must not only cover the leader but also his or her "nominees" (defined as anyone who controls or manages business or other activities of which the leader is principal beneficiary). Activities which are forbidden include asking or accepting gifts or benefits in relation to the exercise of official duties and personal interests; failure to seek prior approval from the Leadership Code Committee to contract with the government or with certain kinds of foreign businesses; abuse of government property; and misuse of official information not available to the public.

The Code also prohibits the misappropriation of public funds; improper use of official position to obtain property; use of official time for private business to the detriment of official duties; conduct prejudicial to official status; evasion of taxes or others financial obligations; furthering the interests of a foreign government contrary to Uganda's interests; acts prejudicial to people's rights; and activities designed to undermine the government's integrity. It also forbids senior leaders from holding shares, proprietary interests or office in foreign business organisations, or from operating as commission agents. As well as setting a minimum standard of behaviour, the code also establishes penalties for transgressions.

Aside from the Leadership Code Statute, the Constitution also includes another provision to promote greater integrity within the public service and in political office. The provision empowers Parliament to review the backgrounds and qualifications of individuals seeking, or being considered for, political office or senior positions in the public service. This provision has been implemented and already one nominee to the Human Rights Commission has been rejected by Parliament.

The Role of the Director of Public Prosecutions:

Since the 1960s, Ugandan laws have provided police and prosecutors with the power to deal with corruption. For example, the Prevention of Corruption Act (1970) specifically empowers the Directorate of Public Prosecutions (DPP) to investigate and prosecute cases of corruption and bribery and confers on the (DPP) the power to search, seize, arrest and interrogate suspects. The Penal Code (1964 and 1987) provides for the means of 'handling the different corruption offences while other relevant pieces of legislation include the IGG Statute, 1987, the Police Act 1964, the Public Finance Act 1996, the Leadership Code, Statute of 1992 and the Evidence Act.

With respect to obtaining successful prosecutions, a former Director of Public Prosecution has observed that while the legal framework is generally adequate, prosecutors have been hampered by the laws of evidence, particularly the accomplice rule. This rule states that the evidence of an accomplice must be corroborated by independent evidence before a conviction can be obtained. He said that, "In cases of corruption, both the giver and recipient are accomplices. If corrupt people are to be convicted, this rule should be changed to allow an accomplice to give credible evidence against corrupt officials or persons."

It is vital that only those officials who are themselves free from the taint of corruption be put in charge of corruption cases. Investigators, prosecutors and judges, especially those dealing with corruption cases, should be persons of transparent integrity. Too often, this has not been the case.

Auditor General.

As in other countries, the Auditor General of Uganda conducts regular financial audits of government operations. In recent years, the increased frequency of these audits has helped to identify poor accounting practices which encourages corruption.

The new Constitution gives the Auditor General the authority to audit "all" of the accounts of the government. "Value for money" audits are now required in order to ensure that the government spends tax payers' money wisely as well as prudently. Government departments and agencies must now submit their public accounts to audit scrutiny and publication in Parliament. The Auditor General's annual reports to Parliament have regularly documented corruption and inefficiencies.

In addition to the work of the Auditor General, the Inspectorate system in the public service has been reinstated after many years of neglect. Checks are conducted regularly within various departments to ascertain, for example, whether funds are being used for the purpose intended and whether the recipients of pay are actually working in the Ministry.

The Public Accounts Committee:

The Auditor General's reports are reviewed by the Public Accounts Committee of Parliament. After several decades of inactivity, this Committee is now active again in investigating the misuse of public funds. However, the government is not yet obliged by law to implement the recommendations of the Public Accounts Committee approved by Parliament and this weakens its effectiveness and credibility as an enforcer of accountability. This is, therefore, an area which needs further improvement.

4. OTHER GOVERNMENT REFORMS

The Public Sector Reform is likely to have the most direct impact on corruption through its contribution to a more disciplined, productive and responsible civil service. However, other reforms, economic, constitutional and military, have also helped to reduce the scope and incidence of corruption.

Economic reforms and liberalisation:

A series of macroeconomic reforms are gradually eliminating numerous distortions which encouraged corruption. Reforms have involved the eliminating of monopolies, allowing the private sector to compete with the state and to trade in basic commodities, and abolishing quota systems and importation rights on certain products. Export monopolies in traditional commodities (coffee, tea, cotton) have been abolished, export procedures have been simplified, and a new investment code encourages investment in export-oriented activities.

The privatisation of parastatals has helped reduce state control over the economy as have other liberalizing measures such as the removal of price controls, direct and indirect, on major locally manufactured products, the abolition of monopoly over the exports of food stuffs, the elimination of the Marketing Boards and the deregulation of foreign exchange markets. As a result, confidence in the Uganda shilling has returned and funds held abroad are now flowing back into the country.

The government has also sought to change the delivery of services in order to "depersonalise" the transaction of public business. Customers should not have to contact any particular official for information that can easily be obtained through posters, notices or other information bulletins. This also implies that the regulations and procedures required to start a company, import or export, or register a vehicle should be transparent and readily available to the public.

Reduced Military Spending and reduction in Military establishment:

By reducing the size of the military, and military spending, the government is seeking to free up funds and diminish the role of the military in political life. In fact, military spending was reduced from 35% of GNP in 1990 to 16% in 1994 through demobilisation and other measures. Under a reduction in force plan approved in May 1992, the government has reduced the military establishment by 40% to 50,000 personnel over a three year period, a savings of a lot of funds per year.

Decentralisation reform:

Decentralisation is important in the fight against corruption because public sector decision-making in Uganda has largely been conducted in secret, through highly centralised institutions, and with little accountability. As such, the government has embarked on a major program to decentralise administration and the delivery of many public services to the local and regional levels in order to ensure greater public accountability and reduce corruption.

The success of this effort will depend on: a process of institution- building now under way at the lower levels; improved communication between civil servants and local authorities; and, increased interaction between public and local institution to ensure that local needs and priorities are met.

Although some progress has been made, many difficulties remain. Physical facilities are inadequate in many local districts, and managerial and technical skills are very weak. It is also difficult to manage the devolution of powers at a time when the central government itself is undergoing radical change.

In the long run, the success of decentralisation will depend on the ability of district level structures to deliver services in ways

that are responsive and accountable to the populations they are supposed to serve. As such, the channels of communication are being widened, citizens are being encouraged to speak out at Local Government Council meetings; and, regular consultations are held between local councillors, civil servants, and non-governmental organisations (NGOs). Whether these measures will succeed or not remains to be determined.

Role of the Press:

The role of the press is crucial in fighting corruption and in providing the public with information regarding the reform campaign. The Government of Uganda has recognised the value of a free press and has encouraged its development as part of the country's movement towards greater freedom and democracy. The Government-controlled media has also been fairly free to report on abuses of public office and has given the fight against corruption, considerable prominence.

At the same time, the full potential of the media in combating corruption has not been realised as it has been hindered by a number of factors. For example, because the free press is a new phenomenon, professional journalistic techniques are lacking and an unbiased approach is often not evident in investigative journalism. In some cases, professionalism has been sabotaged as underpaid reporters and editors succumb to bribery and replace reporting with libel and defamation. In addition, public officials have until recently been unavailable to answer reporters' questions. Journalists have, therefore, not been fully informed of the various anti-corruption measures now being undertaken or of the details of the Government's sweeping public sector reform.

An effort to improve the effectiveness of the press in curbing corruption was launched in 1994 when the IGG, sponsored two workshops on investigative reporting, with the collaboration of the Uganda Journalists Association, DANIDA (the Danish Aid Agency), the World Bank's Economic Development Institute and Transparency International. The workshops, which represented one of the first opportunities for journalists to question senior government officials, helped to better inform the press of the government's overall reform program and provide journalists with some training in investigative reporting.

Four themes have been stressed during the workshops; the need to promote a professional awareness of and insight into, corruption and the institutions fighting it; the importance of techniques for obtaining information ethically, respecting privacy, checking references and avoiding litigation; the need to promote a sense of commitment and responsibility among journalists; and the necessity of informing journalists about the government's reform program, its impact on the country's welfare as well as its role in reducing corruption.

The Role of the Political Leadership:

No resume of the fight against corruption in Uganda is complete without mention of the political leadership and strong support of President Museveni. The President loses few opportunities to "drive the anti-corruption message home". The President is also seen as consistently removing corrupt politicians from senior positions in the government through a series of reshuffles, even though the expected main thorough sweeping action after the elections did not materialise. However many individuals in high office who are widely known for their corrupt activities have still not been removed perhaps because of the broad-based nature of the government; one of its paramount objectives being national unity and stability for the Government. However, the continued failure to remove such people undermines public confidence in the Leadership's political commitment to deal with corruption.

5. EDI/TI MISSION:

By late 1994, it was apparent that corruption remained widespread and deep-seated in Uganda despite government measures to curb it. A change in Uganda's political atmosphere, signalled by the debate of the new Constitution in the elected Constituent Assembly and the presidential and Parliamentary elections which took place in May and June 1996 respectively combined with a growing economy, suggested that the time was ripe for the government to intensify its anti-corruption strategy.

At the invitation of the Government (specifically the IGG), a joint mission from the World Bank's Economic Development Institute and Transparency International visited Uganda to assess the country's progress in containing corruption. The mission met with high level officials and prominent Ugandans and was able to hear the view of individuals from a wide cross-section of civil society.

The mission report speaks admiringly of the achievements registered by the government in containing inflation and in promoting democracy - achievements which, given the legacy of the past, have been truly commendable. The transformation of the political environment into one of greater freedom was considered nothing short of remarkable and the public sector reform program was noted with approval. However, the mission expressed serious concern about the continuing pervasiveness of corruption.

"Many people we met-even from the public sector- did not hesitate to classify corruption as rampant. "Corruption is a major issue in Uganda, at all levels of society". Unethical practices, it found, were rampant throughout all levels of the civil service, from the bottom to the top. "Corruption [is] primarily a means of survival on the part of junior civil servants and others, at the top. It involves spoilage and misapplication (even misappropriation) of funds on large scale by senior civil servants and politicians."

Therefore, while combating corruption loomed large among the government's preoccupations, and the President considered it a matter of highest priority, the mission's report also noted that corruption "loomed large in the consciousness of the people" but

in a different way. The general public seemed unconvinced that the leadership was serious about dealing with the problem and held these attitudes despite the fact that Uganda had taken more substantive and determined measures than most African countries to deal with corruption.

As such, the mission expressed particular concern about corruption in the following areas: procurement, privatisation, vote-buying, the judicial system, and wages. In the areas of procurement the mission was specifically informed that 'public procurement' is, not surprisingly, a major area of fraud and corruption. The payments go to the project managers for distribution to those who participate in the process" In terms of international contracts, the mission found that few seemed to feel that "grand corruption" on international tenders was a problem in Uganda, although there were clearly instances of such corruption.

The mission also noted that although privatisation seems to have been welcomed by many- particularly the business community- it is also attracting considerable criticism regarding the transparency, integrity and honesty of the process and the possible benefits being reaped by some senior public figures.

Several accounts of vote buying and suggestions that this was a widespread phenomenon during the elections for the Constituent Assembly were also noted by the mission. Some candidates allegedly spent millions of shillings beyond their allowable and available means in order to win office. Those who lost must find ways to settle their debts while those who won are expected to make good on promises made to their backers.

Everywhere the mission travelled, it heard sobering views regarding the judiciary. Despite some outstanding exceptions, at the magistrate' court level, all other players in the judicial system are generally regarded with contempt. The ethics of the legal profession are also seen to be highly questionable even by practitioners themselves. Lawyers were said to bribe each other. Magistrates arrived late for court or not at all. Magistrates were paid for delays in rendering judgement, or for the judgements themselves, and were accused of accepting payment for granting bail, in full knowledge that defendants would skip town. Court staff also accepted payments to "lose" files or influence magistrates. Police hold prisoners 'to ransom' until money is paid or charge them for transportation to and from court. A consistent pattern of corruption and unethical practice was found to exist throughout the judicial system.

The mission also found that judges and magistrates have hindered the fight against corruption through their reluctance to use the provisions in the Prevention of Corruption Act 1970 that reverses the burden of proof for an accused found in possession of unexplained wealth not in keeping with his or her own income. By and large, the root cause of the problem appears to be the combination of low salaries and wide differences in incomes. Low levels of pay within the civil service were also found to contribute to the generation of income by legal or illegal means.

The mission heard of people with as many as four or five jobs who also had to have gardens to provide food for their families.

After reviewing the situation in Uganda, the EDI/TI mission ascertained that the fight against corruption was having both a direct and indirect impact. It noted that some senior civil servants involved in corruption were being removed from positions of real power and some were even being suspended, pending the outcome of inquiries. It also noted that many individuals were growing increasingly cautious or even refraining from corrupt activities as the risk of exposure, and punishment increased. On the other hand, it was also clear that the general public was not convinced that the government's efforts were serious or that politicians were interested in providing a "clean" government.

In summarising the situation, the mission determined that the scope of corruption in Uganda was influenced by the following main factors:-

- the high cost of political campaigning forces politicians to rely on powerful backers who then demand special favours;
- very low levels of civil service pay, which encourages civil servants to seek additional income through legal or illegal means;
- Lax enforcement of auditing systems within the government and the parastatal sector;
- the manifest failure to implement or enforce the Standing Orders, which among other things, prohibit conflict-of-interest activities by civil servants;
- the inability to monitor assets and liabilities of key decision makers in the public sector;
- manipulation of some kinds of aid flows;
- an under-resourced judicial system that has not yet fully recovered from the civil war years; and
- a substantial privatisation program that is subject to constantly changing criteria for private investment.

The mission's primary conclusion emphasised that although the Government's efforts were remarkable and admirable, its campaign might falter or even fail if the general public was not involved in the fight and a determined effort was not made to convict people found guilty of corruption. The mission also noted that there was a significant body of opinion in Uganda that

wished to see the process go further and supported additional measures.

6. STRENGTHENING OF EXISTING ENFORCEMENT MECHANISM:

A number of steps which were proposed to strengthen the anti-corruption campaign, were adopted and as a result the following measures have been put in place.

The Office of the IGG should be strengthened by improving the investigate skills of the staff. The IGG has been given powers to initiate and conduct prosecutions within its jurisdiction, thereby overcoming one of the main obstacles to its full effectiveness. The mission suggested that there was a definite need to reallocate some of the IGG's resources towards monitoring and detecting systematic patterns of corruption, and coping with an anticipated wave of new complaints once the public becomes better informed of its rights.

Stronger action against high-level offenders:

The credibility of the anti-corruption campaign suffered primarily because of the government's reluctance to severely punish certain high-level offenders, Part of this reluctance reflected fears of upsetting national unity at a time when the government's concern for reconciliation and harmony among previously contending ethnic, regional and other interest groups was paramount. However, public attitudes will -remain cynical unless corrupt individuals are brought to justice through prosecution and conviction in the courts.

Involving the Public in the right Against Corruption:

The public should be involved in helping to identify and root out corruption, and building a public ethos rejecting corruption, and the corrupt. The mission recommended that a national anti-corruption awareness campaign be launched and modelled on Uganda's successful anti-Aids campaign. This campaign should include family and school- level education and enjoy the open and active support of the President and whole government.

A number of local points for the campaign were suggested: the public has a right to certain public services without further payments; the public should resist and report any demands for such illicit payments; there are complaint mechanisms available and how to use them; those who enrich themselves at the public expense are stealing tax payer's money and, should be objects of contempt and decision - not role models; and, neither grand corruption nor petty extortion form any part of "African culture" but have served to diminish and debase long standing traditions of hospitality and generosity.

Policy-Makers Seminars and New Proposals:

For two days in December 1994, twenty six senior policy makers from agencies involved in the fight against corruption met near Kampala to examine the situation in Uganda and design a program to enhance ethics, transparency and accountability. Chaired by the IGG, the Workshop participants included members of Parliament, officials from IGG and the office of Auditor General, the Uganda Revenue Authority, the ministries of Justice and Constitutional Affairs, Education, Finance, Public Service and Local Government. Since then these seminars have become an annual event for the review of the performance of each agency in fighting corruption.

The outcome of the first seminar consisted of a 4-point plan of action which was accepted in January 1995 as the official program of the government, The plan lays down measures to be undertaken in the following areas:

Public Awareness: A public Awareness campaign was to stress the evils of corruption and use a variety of media ranging from cartoon sketches to TV skits. Leading public figures were to be involved in its implementation.

Enforcement: The IGG's Office was to be strengthened and its investigative capacity increased. Additional resources would be provided to enable the IGG to extend its work throughout the country. The former Director of the Independent Commission Against Corruption, Mr. De Speville was contracted to study the IGG and he submitted his report on the improvements of the IGG establishment in June 1996.

Preventive Measures: The government intends to strengthen the Inspectorates in key ministries and departments, the Uganda Revenue Authority and the key monitoring and enforcement agencies (IGG, DPP, Police).

Improved Co-ordination and co-operation: The departments and agencies involved in the Workshop resolved that they would work together to find more constructive ways to use available resources effectively in the fight against corruption. For example, the DPP and the IGG agreed to develop new procedures to ensure that those suspected of corruption are brought promptly to trial.

To oversee the implementation of the government's new action plan, a National Committee was created under the leadership of the IGG. The Committee was assigned specific tasks to ensure that the above measures are put into effect within a reasonable time frame.

CONCLUSION

The new plan of action marked a major intensification of Uganda's anti-corruption campaign and a positive surge towards real

accountability and transparency. Uganda has already won recognition on the continent for the scale of its efforts to reform the public sector and stamp out corruption. Few other countries on the continent have carried out a public sector reform initiative of this scale and with so many components.

With the passage of the Uganda Constitution and the holding of national elections, the willingness of the politicians to persist with the anti-corruption effort has been put to test and the Government shows no sign of flagging commitment. However, the task ahead is clearly a very difficult one. The factors that have contributed to the spread of corruption in Uganda are deep-seated. The government must not only build trust and confidence in anti-corruption reform, it must also overcome the scars caused by decades of instability, civil violence, economic decline and chaos. The current indications lead to more optimism that the country will succeed in its chosen path of democracy and development.

[*] See the "THE DEVELOPMENT REPORT 1997" "THE STATE IN A CHANGING WORLD". Published for the WORLD BANK by OXFORD UNIVERSITY PRESS.

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