

**THE EFFECTIVENESS OF THE LEGAL AND INSTITUTIONAL
FRAMEWORK IN CURBING CORRUPTION IN UGANDA: A CASE
STUDY OF THE ANTI CORRUPTION ACT 2009**

BY

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DECLARATION

I **Kabazaarwe Martha** do hereby declare that except for the work of other authors who have been acknowledged, this is my original work and has not been submitted to any other University or institution for a degree or any other academic award. I hereby submit the same for the award of the Degree of Bachelor of Laws of Kampala International University.

Dated at Kampala on this^{2nd}.....Date of.....^{July}.....2019

Signature

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APPROVAL

I confirm that the work reported in this dissertation "*The effectiveness of the legal and Institutional framework in curbing corruption in Uganda. A case study of the Anti-Corruption Act 2009*" has been supervised by me and is ready for submission to the School of Law of **Kampala International University**.

Dated at Kampala on this^{2nd}.....Date of.....²⁴.....2019

Signature

.....

Joseph Kyazze

(Supervisor)

DEDICATION

I dedicate this piece of work to my dear parents Mr. Kareba William and Mrs. Kareba Mable for their great care, spiritual guidance and financial support in my academic life.

ACKNOWLEDGEMENT

First and foremost, I am grateful to God for having guided, protected and bestowed on me the gift of life because if it wasn't for the grace the Lord, I wouldn't have made it this far.

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LIST OF CASES

1. Uganda V Teddy Ssezi Cheeye Criminal Case No.1254 of 2008
2. Uganda V Moses Ndifuna Anti-corruption Court Division case No.6 of 2006
3. Bireete Sarah V Uganda Criminal Application No.004 of 2016
4. Uganda V B.S Okello, Ocira George and Okot Jalon High Court Appeal No.008 of 2009
5. Uganda V Lwamafa and 2 Ors Criminal Session Case No.9 of 2015
6. Hon. Sam Kuteesa and 2 Ors V Attorney General Constitutional Petition No.46 of 2011, Constitutional reference No.54 of 2011
7. Muwanga Angello and Anor V Uganda Criminal Appeal No.12 of 2009
8. Hassan Basajjabalaba V Attorney General Constitutional Petition No.9 of 2013, Criminal Case No.09 of 2013

LIST OF STATUTES TO BE USED

Domestic legislation

1. The 1995 Constitution of the Republic of Uganda as Amended
2. The Anti-Corruption Act 2009
3. Anti-Corruption Amendment Bill No. 7 of 2013
4. Inspector General of Government Act 2002
5. The National Strategy to Fight Corruption and Rebuild Ethics and Integrity in Uganda 2008-2013
6. The Access to Information Act 2005
7. The Leadership Code Act 2002
8. The Local Government Act no.1 1997
9. Whistle Blowers act 2010
10. The National Audit Act 2008
11. The Public Procurement and Disposal of Public Assets Act 2003

International instruments

1. African Union Convention on Preventing and Combatting Corruption
2. United Nations Convention against Corruption

TABLE OF CONTENTS

DECLARATION.....	i
APPROVAL.....	ii
DEDICATION	iii
ACKNOWLEDGEMENT.....	iv
LIST OF CASES	v
LIST OF STATUTES TO BE USED.....	vi
TABLE OF CONTENTS	vii
LIST OF ACRONYMS.....	xii

CHAPTER ONE.....	1
1.1 Introduction.	1
1.2 Background of the Study.....	3
1.3 Statement of the Problem	7
1.4 Objectives of the Research	8
1.4.1 The General Objective.....	8
1.4.2 Specific Objectives.....	8
1.5 Research Questions	8
1.6 Significance of the Study	9
1.7 Methodology	10
1.7.1 Data Collection Methods.....	10
1.8 Scope of the study	11
1.8.1 Content Scope.....	11
1.8.2 Geographical Scope.....	11
1.8.3 Time Scope.....	11

1.9 Literature Review	12
1.10 Synopsis of the Study	19
CHAPTER TWO.....	20
The Legal and Institutional Framework on the Fight against Corruption...	20
2.1 Introduction	20
2.2 Domestic Legislation.....	21
2.2.1 The Constitution of the Republic of Uganda.....	21
2.2.2 The Anti-Corruption Act 2009	23
2.2.3 Anti-Corruption Amendment Bill No. 7 of 2013	27
2.2.4 The Penal Code Act.....	28
2.2.5 Inspectorate of Government Act 2002	29
2.2.6 The Leadership Code Act 2002.....	30
2.2.7 The Local Governments Act Cap 243	32
2.2.8 The Uganda Police Act, 2006.....	32
2.2.9 The Budget Act 2001	33
2.2.10 The Public Procurement and Disposal of Public Assets Act 2003.....	34
2.2.11 The Whistleblowers Protection Act 2010	35
2.2.12 The National Strategy to Fight Corruption and Rebuild Ethics and Integrity in Uganda 2008-2013	37
2.2.13 Access to Information Act 2005.....	37
2.2.14 The National Audit Act 2008	38
2.3 The International Legal Framework.....	39
2.3.1 The United Nations Convention against Corruption (UNCAC)	39
2.3.2 African Union Convention on Preventing and combating corruption (AUPCC)	42

2.4 Institutional framework	43
2.4.1 Executive.....	43
2.4.2 Parliament.....	44
2.4.7 The Judiciary	45
2.4.3 Inspectorate of Government (IG)	45
2.4.4 The Director of Public Prosecutions (DPP)	47
2.4.5 Auditor General	48
2.4.6 Directorate of Ethics and Integrity	49
2.4.7 Anti-Corruption Unit.....	49
2.5 Other Informal Institutions and Organizations.....	51
2.5.1 The Media.....	51
2.5.2 Non-Governmental Organizations and the Civil Society.....	52
 CHAPTER THREE	53
An In-Depth Understanding of Corruption in Uganda	53
3.1 Introduction	53
3.2 Forms of Corruption.....	54
3.2.1 Bribery.....	54
3.2.2 Nepotism	55
3.2.3 Embezzlement	55
3.2.4 Sectarianism.....	56
3.2.5 Causing Financial Loss	57
3.2.7 Diversion of Public Resources	57
3.2.8 Abuse of Office	58
3.2.9 Influence Peddling.....	59

3.2.10 Loss of Public Property	59
3.2.11 Other Forms.....	59
3.3 Causes of Corruption.....	62
3.3.1 Weak and Ambiguous Rules	62
3.3.2 Weaknesses of the Anti-corruption Institutions	62
3.3.3 Low Wages and Salaries	63
3.3.4 Political Influence.....	63
3.3.5 Low Levels of Property Rights.	63
3.3.6 Political Instability	64
3.3.7 Failure to Prosecute High Level Corruption.	64
3.4 Places where Corruption is Common in Uganda	64
3.4.1 Judiciary	65
3.4.2 Police.....	65
3.4.3 Governmental Ministries.....	65
3.4.4 Kampala City Council.....	66
3.4.5 Corruption in the Health Sector.....	66
3.4.6 Corruption in Uganda Revenue Authority	67
3.4.7 Corruption in Schools.....	67
3.4.8 Corruption in the Local Government	67
3.5 Consequences of Corruption in Uganda.....	68
3.5.1 Poverty.....	68
3.5.2 Income Inequality.....	68
3.5.3 Low Taxes	69
3.5.4 The Impact of Corruption on Business.....	69
3.5.5 Reducing the Effectiveness of Various Financial Assistance Programs	69

3.5.6 Impact of Corruption in Employment	70
3.5.7 Impact of Corruption on Investments.....	70
3.5.8 Government spending a lot in trying to Fight Corruption	70
CHAPTER FOUR.....	71
Challenges Faced In the Implementation of Corruption Laws.....	71
4.1 Introduction	71
4.2 The Anti-Corruption Act	71
4.3 Challenges Faced by the Judiciary	72
4.4 Challenges Faced By the Office of the Director of Public Prosecution (DPP)	74
4.5 Challenges Faced By the Office of the Inspectorate of Government (IG)	76
CHAPTER FIVE.....	80
Findings, Recommendations and Conclusion	80
5.1 Findings	80
5.2 Recommendations on Legal Framework	82
5.3 Recommendation on the Institutional Framework	83
5.4 Conclusion.....	84
BIBLIOGRAPHY	87

LIST OF ACRONYMS

AG	Attorney General
ACC	Anti-Corruption Court
AUPCC	African Union convention on Preventing and Combating Corruption
CSO's	Civil Society Organizations
DEI	Directorate of Ethics and Integrity
DPP	Director of Public Prosecution
FY	Financial Year
Go U	Government of Uganda
IG	Inspectorate of Government
IGG	Inspector General of Government
MP	Member of Parliament
NGO	Non-Governmental Organizations
NRM	National Resistance Movement
TI	Transparency International.
UK	United Kingdom
UNCAC	United Nation Convention Against Corruption
UNDP	United Nations Development Programs

ABSTRACT

The research aims at examining the effectiveness of the legal and institutional framework on corruption in the fight against corruption in Uganda putting into consideration the Anti-Corruption Act 2009. Corruption has continued to be a very serious problem in the country and the entire world in which Uganda is considered to be amongst the most corrupt countries. In trying to solve the problem, the country has come up with different Anti-corruption laws and institutions.

However, despite the existence of such, the rate at which corruption grows is very high and different questions have continued to exist in the minds of the citizens as to why corruption has persisted yet various attempts to eliminate it have been made, whether there is a big problem with the existing laws and Anti-Corruption Institutions and what could be the factors that hinder the performance of such institutions. The research has intended to answer some of such questions which have continued to rotate in the minds of Ugandans. It emphasizes that for there to be a total fight against corruption, there is need to have effective laws and proper implementers of such laws.

CHAPTER ONE

1.1 Introduction.

Corruption is a complex and evolving phenomenon, it takes many forms, it is perpetuated by various actors and has a detrimental impact on political, social, cultural, institutional and organizational structures, on economic and structural policies and can affect numerous aspects of everyday life¹. It has existed before and it still does only that as the society changes, the nature of corruption also changes.

After years of conflict and fierce regimes, H.E Yoweri Museveni leader of the National Resistance Movement came to power in 1986 where he remains to date². With the coming into power of the National Resistance Movement, Citizens were very contented that all the challenges including corruption which they had suffered for a long time would be settled however this has not been possible.

The NRM's ten point program was introduced during 1984 and it promised a peaceful, democratic future that is free from corruption, provide basic services and economic opportunity for all. However Uganda still suffers extreme poverty, unemployment, poor standards of living, high income inequality and a wide spread of corruption in public and private sector.

Different Anti-corruption legislations have been enacted and different institutions are being established to help in fighting corruption although the vice has continued to be suffered by a Ugandan citizen despite the efforts being made.

¹UNODC,UNDP and the UNODC-INEGI Center of excellence in Statistical Information on Government crime and justice: The manual on corruption surveys(Vienna,2018)

² Maira Martini: Uganda, Overview of corruption and anti-corruption, Transparency International pg. 2

The 2030 Agenda for sustainable Development³ which was adopted by the General Assembly on 25th/September/2015 acknowledges that corruption is a key obstacle to sustainable development and this can be determined by considering the commitment of different member states to tackle it. Corruption has become one of the major problems affecting many countries including Uganda.

The United Nations Convention against Corruption⁴ was adopted in 2003 and entered into force in 2005 and it has helped to desensitize the issue of corruption, not only due to wide spread ratification of the convention but also through the participation of state parties in its implementation Review mechanism.

The Convention covers five main areas that include the preventive measures, criminalization and law enforcement, international co-operation, asset recovery and technical assistance and information exchange.

Corruption grows at a very high rate in many public offices in Uganda and this has made different politicians use it in their manifesto while soliciting for votes. For example in 2016, many contestants on the post of presidency put in their manifesto like The President of Uganda H.E Museveni. This study, thus intends to examine the effectiveness of the anti-corruption legal and institutional framework in fighting corruption in Uganda.

³ United Nations General Assembly resolution 70/1 Transforming our world; the 2030 Agenda for sustainable development, A/RES/70/I 21 October 2015

⁴ United Nations Convention Against Corruption-UNODC<<https://unodc.org>>

1.2 Background of the Study

Corruption is one of the world's most pervasive problems, affecting international trade, environmental protection efforts, human rights, national security, access to health care and justice services, economic development and the legitimacy of governments round the world⁵.

Historically, in Ugandan traditional system of chieftaincy, rulers or leaders had no stipend but survived on giving gifts and favor where women were given as gifts to chiefs and wives⁶. Though such actions were not considered corruption, they were carried out openly. This has continued up today only that the actions are done confidentially.

According to Mbabazi⁷, Uganda's obnoxious political past and current corruption dilemma emanated from the British colonial administrative system, which was based on using a segment of the local population to rule over the rest and consequently rewarded them for supporting their policies and interests and with the intentioned absence of democratic rule and thus institutions that could condemn and demand accountability from public officials never developed.

In 1960s that is in the early years of Independence, there was an increase in public offices which led to the increment of corruption. In 1970's it's said that Amin's regime was characterized by nepotism, tribalism and generally corruption. This was amongst the reasons why Museveni had to overthrow the government so as to stop what was going on.

⁵ Feathers, Beka : " Bribes without borders. The challenge of fighting corruption in the global text" American University International law review 29 no.2 (2014): 287-293)

⁶Corruption in Uganda, <www.scielo.org.za/scielo.php>, accessed on 13th/ March/2018

⁷ Asea W.B, 2018; Combatting political and Beauracratc corruption in Uganda, Colossial challenges for the citizens, pg. 2 of 14

When Museveni took over power in 1986, after a five year civil war against the regime of Obote, he set out to consolidate the rule of his National Resistance Movement in the whole country and resorted to the legitimacy of the state he banned political party activity until the adoption of the 1995 Constitution of the Republic of Uganda⁸.

In Uganda, the fight against corruption thus stems right from the 1970s when a new law was enforced that is The Prevention of Corruption Act 1970. The Act became a principal legislation until 2009 when the Anti -Corruption Act was enacted.

Currently, the core of the Uganda's legal framework on Anti-corruption is the Constitution of the Republic of Uganda, The Whistle Blowers Act 2010, the Penal Code Act, The Public Finance Management Act 2015, The Inspectorate of Government 1988, The Leadership code Act 2002 and of course the Anti-corruption Act 2009 and the 2013 Amendments of the Anti-Corruption Act.

The Constitution⁹ provides the President the power to designate responsibilities to any agency to help him in performing his duties. The president thus assigned the Vice president to oversee the fight against corruption in 1996. This led to the formation of the Anti-corruption Coordination Unit in 1998 which later came to be designated to the Directorate of Ethics and Integrity (DEI).

The Anti-Corruption Act 2009 is a new law that was enacted to provide for the effectual prevention of corruption in both the private and public sector, to repeal and replace the prevention of corruption Act and to consequently amend the leadership

⁸Monica Nogara: Role of media in curbing corruption: The case of Uganda under President Y.K Museveni during the no party system

⁹ Article 99(4) of the Constitution of the Republic of Uganda

code Act and to provide for other related matters. The Act provides for different offences that amount to corruption and different penalties for such offences.

It also provides for different stakeholders who are in charge of implementing the laws against corruption. These include the Inspector of Government, the Inspector General of Government, the Director of Public Prosecution, the Police, the Judiciary and the Office of Auditor General.

However, it's revealed that these institutions have been unable perform their duties and only prosecute low level corruption cases for small amounts of money leaving behind the big cases. The independence of the judiciary and the state's willingness to investigate is thus questionable. This is seen from the words of the Anti-Corruption Court judge who stated that his court is tired of trying the tilapias when crocodiles are left swimming.¹⁰

Thus despite the existence of different laws against corruption, Uganda is still considered to be amongst the most corrupt countries being the 149th most corrupt nation out of 180 nations¹¹. Therefore the implementation of corruption prevention and detection and of anticorruption enforcement has particularly been weak. Corruption has continued to be practiced in different public and private sectors and has really affected the economy of the country to the extent that Uganda loses billions of shillings every year as a result of corruption.

Anti-corruption agencies, ethics and officers increase the standards of accountability in Uganda although the same institutions function in form but not substance. The government which is entrusted with guarding public resources and executing

¹⁰Uganda Human rights watch 21 October 2013: Judge Bosco quoted in "letting the big fish swim": Failures to prosecute high level corruption <<https://www.hrw.org>>

¹¹Transparency International: 2018 Corruption Perceptions Index Report

decisions on behalf of citizens plays a big role not only in the governance of the nation but also in addressing corruption.

It has also been revealed that Ugandans believe corruption increased during the past year and public trust in parliament, the court and local government decreased between 2012 and 2015 and also only 26% of the Ugandans feel that the government's response to corruption is adequate.¹² This means that the highest percentage of Ugandans insists that the government has failed to eliminate corruption in Uganda.

The Constitution¹³ gives the parliament the power to make laws. These are made after going through the long law making process that takes over a year to come up with good law though such laws have just been put in place without being implemented.

The Constitution¹⁴ provides for the office of the DPP. Even those in charge of implementing the laws are highly influenced by those in bigger positions in government and this thus explains how hard it is to get rid of corruption in the current Uganda since there is lack of independence on the side of institutions that enforce anti-corruption policies especially the judiciary.

A report from the office of the Director of Public Prosecution 2017-September 2018 indicates the district Administrations as the most corrupt offices in which they top the complaints list on corruption with 328 cases (21%), Kampala is the most corrupt city followed by Arua district, Jinja, Mbarara and Mukono and the least corrupt districts include Rwampara, Pakwach, Maraca, Kalangala. Police comes in the 7th position with 3.8% whereas the judiciary comes with the 9th position with 2.2% complaints. The

¹² "Eroded? Institutional trust suffers as perceived corruption increases", 25th September 2015 <afrobarometer.org>

¹³ Article 79 of the constitution of the Republic of Uganda

¹⁴ Article 120 of the Constitution of the Republic of Uganda

office has got different departments among which is the Anti-corruption department which has played some part in curbing corruption.¹⁵ We have seen the Director of Public Prosecution launch the Anti-corruption week on 30th November 2018 which was held at the Constitutional Square as a way of eliminating corruption in the country.

1.3 Statement of the Problem

One of the fundamental problems being faced in Uganda is corruption. It has not only affected the economy but has also led to poverty amongst the Ugandans.

As a result, different Anti-corruption policies have been put in place so as to eliminate corruption in the country in which the Anti-corruption Act 2009 is the current principal legislation concerned with preventing Corruption. However, corruption has still increased in Uganda despite the existence of all anti-corruption policies, laws and institutions and the unprivileged class has continued to suffer.

The research thus intends to identify factors that hinder the Anti-corruption institutions in performing their duties so as to fight corruption in Uganda including enforcing the existing laws. Instead of coming up with more laws and institutions yet the few that exist have not been implemented, a great improvement should be made by the existing institutions in charge of fighting against corruption.

The research thus advocates for the need to enforce the existing Anti-corruption laws and making a few amendments that close all the existing loopholes in the law especially on the different definitions under the Anti-corruption Act 2009.

¹⁵ Daily monitor: IGG names 80 most corrupt agencies, Friday 12th/January/2018 <monitor.co.ug.>

1.4 Objectives of the Research

1.4.1 The General Objective

The general objective of this research is to examine the effectiveness of the existing Anti-corruption legal and institutional framework in Uganda in fighting corruption putting more emphasis on the Anti-Corruption Act 2009.

1.4.2 Specific Objectives

- i. To examine Uganda's legal and institutional framework on Corruption and determine how effective they have been in curbing corruption in Uganda a case study being the Anti-Corruption Act 2009.
- ii. To identify the nature or forms, causes and effects of corruption in Uganda and also advance knowledge on the different areas which have a high risk of corruption.
- iii. To identify the challenges faced in the implementation of the Anti-corruption laws the Anti-corruption Act being the principal legislation.
- iv. To make and point out recommendations of anti-corruption strategies that can be adopted by the government of Uganda.

1.5 Research Questions

This research raises the following questions:

- i. What could be the factors that hinder Anti-corruption institutions in exercising their obligation of fighting corruption in Uganda?
- ii. What are the major causes and effects of corruption in Uganda?
- iii. What are the major forms, types or categories of corruption in Uganda and what could be the appropriate ways of curbing Corruption in Uganda?

1.6 Significance of the Study

Looking at the current situation in Uganda, the Anti-corruption Unit- state house was officially launched on 10th December 2018 to help in curbing corruption. The question that rises in the minds of the citizens is that at least every year a new policy, program and law concerning corruption is put in place yet despite all such efforts, the vice keeps on increasing every single day. Uganda was recently ranked the 149th least corrupt country out of 175 countries as reported by Transparency International. Cases of corruption are reported regularly in the Anti-corruption court. The significance of the study therefore is:

- i. To advocate for creating public awareness on the different Anti-corruption programs, policies and laws so as citizens can acquire knowledge on such laws.
- ii. Also the significance of the study is to call for the need to promote principles of natural justice that is equity and need to promote rule of law in all public offices.
- iii. Another is to advocate for the involvement of the civil society in the fight against corruption meaning that citizens shouldn't sit back but should report cases of corruption by public officers.
- iv. Also the study advocates for the need to have a clear Principal Legislation so as to create uniformity of the law because Ugandan laws on corruption are scattered in many Acts. Therefore the study calls for the need to consolidate all laws into a principal legislation.

1.7 Methodology

The study intends to close the loopholes that exist in the Anti-Corruption agencies while performing their duties of fighting against corruption, identify the different causes and effects of corruption and how corruption can be eliminated in the country.

1.7.1 Data Collection Methods

The study will adopt both quantitative and qualitative research. The use of qualitative approach to study corruption will be based on the use of library based materials such as published journals, Cases, Statutes, Books, Articles, Reports, internet, international and domestic instruments. Others include media publications e. g newspapers.

The reason for using this method is to analyze the law, cases and what different scholars have advocated for in line with the fight against corruption and determine how relevant they are towards fighting corruption in Uganda by comparing them with the current Anti-corruption laws.

The use of quantitative will be based on conducting surveys, face to face interviews. The reason for using this method is to measure the extent of corruption in Uganda today and look for the statistical results on corruption and also to obtain first-hand information from the officers themselves not using just reported information which can easily be tampered with.

1.8 Scope of the study

1.8.1 Content Scope

The study discusses the effectiveness of the legal and institutional framework on corruption in curbing corruption in Uganda a case study being the Anti-corruption Act. The study also examines the current laws and institutions in Uganda in charge of fighting Corruption and how relevant they are in Uganda. The study further identifies different forms of corruption and the challenges faced in the implementation of Anti-corruption laws. The study also points out the different causes and effects of corruption in Uganda and then discusses the major areas where corruption has become rampant. Finally of course the researcher points out her findings and makes recommendations which she thinks are very important in Uganda if adopted.

1.8.2 Geographical Scope.

The study is limited to the Ugandan jurisdiction. The research discusses different districts, town, cities and villages in Uganda where corruption has been reported to exist. Thus the research looks at the country as a whole not a specific region or district because an act of corruption in one region may affect the entire country.

1.8.3 Time Scope

The study is limited mostly to the functioning Anti-corruption laws, policies and institutions between the years of 2005 to 2019. However, reference may be made to the pre-existing laws and agencies in Uganda.

1.9 Literature Review

The literature focuses on existing evaluations and research. The increasingly Anti-corruption efforts, policies, laws and institutions in Uganda make many scholars pay much attention to research on corruption. In the past, scholars have made abundant achievements about corruption especially in defining Corruption and the factors that lead to corruption.

However, some literatures are not sufficient and some cannot be applicable in the current society because of the rate of development. The researcher thus criticizes some of them and also concurs with some authors by recommending their literature.

According to the Black's law dictionary¹⁶, corruption is an act of an official or fiduciary person who unlawfully or wrongfully uses his office to procure some benefit for himself or another person, contrary to duty and rights of others.

Professor Kanyeihamba on the definition of corruption,¹⁷ states that in law, the descriptions are very wide and embracing and include what are commonly known as bribes, grease sleaze or whatever other names those offences are called. He states that corruption is a worldwide phenomenon and is said to be found in most countries whether developing or developed, poor or wealthy and irrespective of their historical, culture, political or socio-economic characterization.

He further states that it is the public's own perceptions of corruption which is the major problem. He also states that there seems to be a belief in most populations that only those who receive bribes are corrupt. The bribe giver and his or her agents are perceived to be innocent victims who bribe their way into appropriate system in order

¹⁶ Black H.C and Gamer B,A(edition), Black's Law Dictionary,7th edition, West group publishing, 2000

¹⁷ George Kanyeihamba: Kanyeihamba's Commentaries On law, politics And Governance, pg. 125-146

to get justice they felt they deserved. The researcher submits that this literature is important since it gives a clear definition on corruption and points out that both the bribe giver and the one who receives are corrupt. Therefore a trial should always be made against all those involved in corruption not only those that receive bribes. By doing this corruption can easily be eliminated in the country because if no one gives then no one can receive. The literature of the learned author is thus very significant in Uganda and should be adopted by the Anti-corruption institutions

Khan (2006) defines corruption as an act that which deviates from formal rules of conduct governing the actions of someone in position of public authority because of private regarding motive such as wealth, power or status¹⁸.

Fjeldstad in his Article¹⁹ states that in an environment where there is a demand for corrupt services and a low accountability, a wage increase might be an extra bonus on top of bribes and that while higher salaries might be a short term solution, it should be only one component of a reform program in order to reduce incentives for corruption. He points out that there is need of more comprehensive administrative reforms backed up by political will in order to achieve sustainable development. This would be better for a country like Uganda where the most corrupt people are politicians. For there to be a sustainable development there must be will on the side of politicians. More to this concept the researcher submits that the literature is relevant in Uganda as it advocates for increment of wages of public officers. However the researcher criticizes the literature by stating that some officials receive enough wages but this doesn't stop them from being greedy for wealth and practicing corruption thus there is no need to

¹⁸ Khan, Mushtaq (2006): Governance, Economic growth and development since 1960s", Background paper for the World economic and Social survey New York: UNDESA

¹⁹ Fjeldstad, Odd Helge (2003) : Fighting Fiscal Corruption

waste money by increasing their wages since they already have enough. I recommend this only to those public officers who really receive low wages.

Miria Matembe, a well-known Human rights activist in Uganda defined corruption²⁰ as the use of public office for private gain. She stated that it is a grave problem that government is committed to eradicate. She emphasized that controlling corruption requires both preventive and reactive strategies. Preventive strategies include creating workable rules for the management of public resources and the use of public authority that come with public officers. Reactive strategies respond to corrupt practices once they have taken place by punishing the offenders and so deterring others. She recommended thus that the emphasis on prevention strategies must be stronger than the emphasis on reactive strategies. This literature is of great significance in Uganda as it encourages punishing the offenders so as to deter others.

Centre for democracy and governance on the different reforms of Corruption²¹ identifies a range of institutional and societal reforms for anti-corruption. Some of the institutional and legal reforms include freedom of information legislation, financial disclosure laws, legislative oversights and judicial reforms. The literature is very important since it points out the necessary legal and institutional reforms which are very important in fighting against corruption. If Uganda adopts these reforms in different institutions they can help in the curbing corruption in Uganda.

²⁰ Directorate of Ethics and Integrity, Office of the President: Government strategy and plan of Action and Build Ethics and Build Integrity in public office Fiscal Year 2001-2003

²¹ Centre for democracy and governance: Handbook on fighting corruption ,Technical publication series,1999

Rose Ackerman²² on the corruption of democratic legislators states that it occurs at all levels of government legislators in wide variety of cultural and historical contexts. She revealed that many legislators do not accept bribes or illegal contributions not because of political or legal costs involved but because of strong scruples against law breaking. She looks at the preferences of three groups that combine with organizational context to generate incentives for corrupt legislative transactions and these are: the preferences of citizens, legislative representatives and potential bribes.

She has advanced Dominant institutional theory and economic approach to explain the nature of corruption. She revealed that rational, self-interested individuals react to institutional incentives when making decisions in line with dominant institutional theory. The economic approach is one in which corruption is considered to be a behavioral phenomenon occurring between the state and the market domains. The book provides a useful literature in understanding corruption in general and in relation to poverty.

Abjorensen on the measurement of Corruption²³ states that corruption is elusive in that it takes place usually away the gaze; it cannot be accurately measured but is only estimated through its effects. The author shows that there is no standardized model of how an Anti-corruption agency should look like, he points out examples of elements that can make the agency successful in performing its duty and these are, political independence, capacity to work with other institutions, specialized expertise, research capacity and wide powers, often a coercive nature with legislative backing. In the researchers view, this is relevant in the current Uganda if the above characteristics are

²² Rose Ackerman: Corruption, A study in political economy academic press inc 111 fifth avenue New York pg. 15

²³ Norman Abjorensen: Combating corruption implications of the G20 Action Plan for the Asia-Pacific region pg. 5

to be adopted by different institutions, then corruption can largely be prevented. If they were independent without the political influence then the problem would be settled.

Ouma Stephen on the characteristics of Uganda's policies²⁴ states that since 1979 that is during Museveni's regime, Uganda's policies have been unstable, unpredictable, conflicting and full of corruption. He states that corruption leads to loss of much needed revenue and human talent for development, distorts priorities for public policy and shifts scarce resources away from the public interest. Different measures were pointed out to clear the path of sustainable growth and development among which is the need of proper laws. This literature is very important in Uganda as it reveals the major importance of proper Anti-corruption laws.

According to Syed Hussein Alatas on the features of Corruption,²⁵ Identifies different characteristics of corruption which include that it should involve more than one person, corruption involves an element of mutual benefit, it involves deception usually of the public body, any form of corruption is a betrayal of trust, violation of the norms and responsibility within the civic order, and that also corruption involves a contradictory dual function of those who are committing the act. The researcher thus states this is very important since it can help in identifying different actions that amount to corruption.

Flanary R and Watt D on control of Corruption in public sectors²⁶ stated that like many other countries on the African continent, Uganda has deemed it necessary to control

²⁴Ouma Stephen: Public policy and its impact on development. The case study of Uganda since 1979 "Public Administration and Development." Cool. 11 No. 5 1991 pg. 473-481

²⁵Syed Hussein Alatas: The Sociology of corruption, 2nd Edition, Singapore, Delta. Orient pg.11

²⁶Flanary R and Watt D: The state of corruption, A case study of Uganda. Third World quarterly V20, no. 3, 1999 pg 515-530

corruption in public sectors. He reveals that as the deleterious and deviating effects of corruption has grown so too have both internal political factors and external influence from donors increased to push fundamental changes. In line with donors, many have emphasized specific conditions relating to good governance and agenda based upon adherence to public integrity.

Anti-corruption efforts became more visible and official part of development when the then President of World Bank, Mr. Welensohn addressed what he termed as the "Cancer of corruption " at the Banks annual meeting in Hong Kong in 2004. The World Bank defines corruption as the abuse of power for personal gain or for the benefit of a group to which one owes allegiance.²⁷

Michael, Bryane & Mariya Polner (2007)²⁸ in their work based on the practical experience of designing national anti-corruption strategies in Ukraine and Moldova. The book examines the problem of the legislation in place and action planning as well as refers to the issue of the best organizational model to combat corruption. It's stated that corruption has a negative impact on both public revenue and economic development.

A. J .Heidenheimer identifies usage that seeks to define corruption in terms of two models or concepts. He notes that the majority of social Science writers base their definitions of corruption on concepts relating to the public office or public interest

²⁷Economic Development Institute of the World Bank, curbing corruption Washington DC

²⁸Michael Bryane & Mariya Polner : Fighting corruption on the Transdnistrian Border : Transitional studies review 15:3 ,

while others have developed definitions mainly related to demand and supply arguments derived from classical economic theory²⁹.

Matte Gephardt in his criticism³⁰ focuses on several areas relating to corruption. First he states the proper definition of corruption is important, the measurement of corruption, the liberal rationalist premises of the predominant theoretical conception of corruption. He pointed out that the various legitimacy problems with respect to elected governments that are engaged in the fight against corruption is also important, then the difficulty of socially and culturally contextualizing a Universalist conception of corruption. The researcher concurs with literature and that it is very important in the sense that as long as there is a clear definition of corruption and all issues attached to it, we are able to understand the problem that we are tackling.

Micheal Johnson on the definition of corruption³¹ states that it is a deeply normative concern and can be a matter of considerable dispute. He states that corruption involves abuse of trust, generally one involving public power for private benefit which often, but by no means always comes in form of money. Corruption is the abuse of public roles or resources for private benefit but emphasizes that abuse, public, private and even benefit are matters of contention many societies varying degrees of ambiguity in most.

²⁹ A. J Heidenheimer :Political Corruption :Readings in Comparative Analysis, New Brunswick: Transaction books,1978 pg. 4-8

³⁰ Matte Gephardt: Conceptualizing conception of corruption. Challenges for the international, anti-corruption campaign GIGA working papers, No.115, 2009

³¹ Micheal Johnson: Syndromes of Corruption, Wealth power And democracy

1.10 Synopsis of the Study

Chapter one: Introduction

The introduction gives the research proposal and its significance is to give a background of the research, statement of the problem, objectives of the research, scope of the study, hypotheses, research questions sought to be answered, methodology to be used, literature review and synopsis.

Chapter two: The legal and Institutional framework on the fight against corruption.

The researcher intends to analyze the different existing laws and institutions whose aim is to fight corruption in Uganda and how effective they have been in fighting corruption but a depth explanation is given on the Anti-corruption Act.

Chapter three: An In-depth understanding of corruption

The researcher here intends to discuss different forms, theories, causes and effects of corruption.

Chapter four: Challenges faced in the implementation of the Anti-corruption laws.

The researcher here discusses all those challenges that hinder different institution established by the Anti-corruption Act in the implementation of the laws on Corruption.

Chapter Five: Conclusion and Recommendations

This chapter is divided into 2 parts that is conclusion and recommendations. The conclusion shall determine whether answers to all the different questions raised in the research have been answered. The recommendation will acknowledge the different laws and institutions which can be relevant in the fight against corruption.

CHAPTER TWO

The Legal and Institutional Framework on the Fight against Corruption

2.1 Introduction

This chapter examines the laws and institutions in Uganda to curb corruption. Their strengths and weaknesses are also identified. Thus having looked at the historical perspective of corruption, it's very important to discuss the substantive legal framework enacted to combat corruption.

The Constitution of the Republic of Uganda is the supreme law which provides for corruption. This is because it has got a binding force on all authorities and persons throughout Uganda³². Thus if any law is inconsistent with any of the provisions of the Constitution, the Constitution shall prevail and that any other law or custom shall to the extent of the inconsistency be void³³.

This means that all the Anti-Corruption laws must be consistent with the constitution. Thus all the principles stated therein should be respected and be put into consideration. The principal legislation enacted to combat corruption in Uganda is the Anti-corruption Act 2009. Other laws that have relevant provisions for corruption have been discussed. The international laws and domestic laws have also been discussed. Different institutions concerned with the fight against corruption are

³² Article 2 of the Constitution of the Republic of Uganda 1995 as Amended

³³ Ibid

discussed under this chapter. Specifically institutions under the Anti-Corruption Act have been discussed.

2.2 Domestic Legislation

2.2.1 The Constitution of the Republic of Uganda

It is the supreme law of the land which all other policies and regulations are subject. The constitution establishes different organs and institutions such as the Judiciary, the Judicial Service Commission and the Inspectorate of Government.

The Constitution empowers the Director of Public Prosecution as the key prosecutorial agency with mandate to institute and control all criminal proceedings in Uganda.³⁴

Chapter 8 of the Constitution of the Republic of Uganda establishes the judiciary and provides for the courts of judicature that is the Supreme Court, the Court of Appeal and the High court.³⁵ In 2008, the Principal Judge of the High court created the Anti-Corruption Division as an administrative section of the High Court pursuant to the Constitution (Amendment) Act 2005. Later, the Chief Justice formally established a permanent Anti-Corruption Division of the High Court in 2009 as provided under the Constitution.³⁶ This court has original jurisdiction over all corruption and related cases. The main rationale for its establishment was the speedier resolution of corruption cases. The Inspectorate of Government, the Director of Public Prosecution

³⁴ Article 120 of the Constitution of the Republic of Uganda

³⁵ Article 129 of the Constitution of the Republic of Uganda

³⁶ Article 133(1)b of the Constitution of the Republic of Uganda

and the Uganda Revenue Authority may file cases with the Anti-Corruption Division of the High Court.

The Constitution also provides for the Judicial Services Commission and the persons appointed by the president on approval of the parliament³⁷ and also provides for the function of the commission among which is to receive people's recommendations and complaints concerning the judiciary among which is corruption³⁸.

It provides for a restriction on financial matters where one can be disqualified as a member of parliament if it's revealed that he or she has been adjudged or been deemed bankrupt under any law³⁹. The Office of the Auditor General is provided for and it is the overall audit institution that acts as a watch dog over financial integrity.⁴⁰

The Constitution provides for the leadership code which is to be established by parliament for persons holding some offices⁴¹. The leadership code of conduct requires officers to declare their incomes assets and liabilities from time to time and how they acquired them and also prohibit conduct which is likely to lead to corruption in public affairs.

³⁷ Article 146 of the Constitution of the Republic of Uganda

³⁸ Article 147 of the Constitution of the Republic of Uganda

³⁹ Article 80 of the Constitution of the Republic of Uganda

⁴⁰ Article 163 of the Constitution of the Republic of Uganda

⁴¹ Article 233 of the Constitution of the Republic of Uganda

The Constitution provides for the Office of the Inspectorate of Government ⁴²and one of the functions of the inspectorate is to eliminate and foster the elimination of corruption abuse of authority and public office.

2.2.2 The Anti-Corruption Act 2009

This Act was put in place to provide for the effective prevention of corruption both in public and private sectors, to repeal and replace the prevention of corruption Act, to consequently amend the penal code Act, the leadership code Act and to provide for other related matters. It's the principal legislation that enacted to curb corruption in Uganda.

The Act provides for different institutions whose mission is to curb corruption that is the Inspectorate of Government, the judiciary with the Anti-corruption division of the High Court and then the Director of Public Prosecution. Part 1 of the Anti-Corruption Act defines a public body to include any department services or undertaking of the government, the East African Community, its institutions and corporations, the cabinet, parliament any court, district administration, any committee of a district council local council and any committee of any such council, a political party, a trade union, a society registered under the corporative societies Act and any council, board, committee or society established by an Act of parliament for the benefit regulation and control of any profession and non-government organization.

The Act endeavors to provide a comprehensive definition of what amounts to Corruption⁴³. It has played a big role by prohibiting the acts that may ensue between

⁴² Article 223 of the Constitution of the Republic of Uganda

the agent and principal, that any agent who corruptly accepts or obtains from any person, for himself or any other person, any gratification as an inducement or reward for doing or fore bearing to do anything in respect of the matter commits an offence⁴⁴ and also against corruptly procuring withdrawals of tender⁴⁵, corrupt interference in voting at any meeting of such public body in favor of or against any measure, resolution or question submitted to such body.

The Act provides the Inspector General of Government and the Director of Public Prosecution power to authorize a police officer of or above the rank of superintendent or inspector of police named in the order, to investigate any bank account, share account or purchase account of that person and that authority is sufficient warrant for the production of the accounts and documents as may be required.⁴⁶ The Act further provides for a penalty to any person who fails to disclose the information required to be disclosed by him to a person authorized in any order which is imprisonment not exceeding three years or a fine not exceeding seventy currency points or both.

The Act empowers the Director of Public Prosecution by written notice to require any public servant to enumerate all property movable or immovable owned by such public servant, their spouse, child of such person and specifying the date of acquisition and manner of acquisition of such property.⁴⁷

⁴³ S.2(a-i) of the Anti-Corruption 2009

⁴⁴ IGG Statute No.2/88

⁴⁵ S.2(a) of the Anti-Corruption Act 2009

⁴⁶ S.33 of the Anti-Corruption Act 2009

⁴⁷ S.41 of the Anti-Corruption Act 2009

The Director of Public Prosecution can require a statement of money or property sent out of Uganda during the time of investigations and can request the Department of taxation for any information that may be deemed necessary for investigations.

The Act also requires the manager of a bank to give copies of the accounts, or a spouse of the person in the bank upon the request of the Director of Public Prosecution. Once he/she orders for the copies, the bank manager cannot decline from granting information relating to the account of that person.

The Act provides a penalty to any person who refuses a police officer or special investigator authorized to enter or search a place, any person who fails to comply with the lawful demand of a police officer, a person who refuses to give a police officer any information which may reasonably be required by him or her.⁴⁸ It's provided that it's an offence which can lead to imprisonment not exceeding three years or a fine not exceeding seventy currency points or both.

The Act grants the duty of any person employed by a public or private body to arrest or cause the arrest of, or report the person who gives or offers to give gratification to a police officer.⁴⁹ The failure to comply with this duty makes one criminally liable on conviction to a term not exceeding two years or a fine not exceeding forty eight currency points or both. The Act further provides for disqualification from holding a public office for a period of ten years to any person convicted of an offence there in⁵⁰.

⁴⁸ S.31 of the Anti-Corruption Act 2009

⁴⁹ S.43 of the Anti-Corruption Act 2009

⁵⁰ S.2-S.25 of the Anti-Corruption Act 2009

Concerning who to institute a prosecution under the Act, the consent of the DPP or the Inspector General of Government has to be obtained but a person charged with such an offence may be arrested or a warrant of his or her arrest may be issued and executed and that person may be detained or released on police bond notwithstanding such consent.⁵¹

The Act provides the Inspector General of Government or the Director of Public Prosecution powers to appoint any person who possesses necessary skill or experience to be a special investigator.⁵² The investigator is appointed for the purpose of conducting special investigations in a specified case and his remuneration is charged to the operational funds of the Inspector General of Government and the Director of Public Prosecution. A special investigator is given a certificate signed by the Inspector of General of Government or Director of Public Prosecution and it's issued as evidence of his or her appointment. This is of great importance as it helps in gathering information.

The jurisdiction to try an offence under the Act is only exercised by the High Court, Magistrates court presided over by a Chief Magistrate or a Magistrates court presided over by a Magistrate Grade 1.⁵³

The Act introduces an order known as a restraining order.⁵⁴ This is where an authorized officer makes an application to the court for the order restraining the

⁵¹ S. 49 Of the Anti-Corruption Act 2009

⁵² S.50 of the Anti-Corruption Act 2009

⁵³ S.51 of the Anti-Corruption Act 2009

dispose of the property of, or in possession or under the control of that person wherever that property is situated. The application is accompanied by an affidavit setting out the offence under investigation, property in respect of the restraining order sought, the name and address of the person believed to be in possession of the property.

The court may if satisfied that there are reasonable grounds in respect of which a restraining order may be made, make an order prohibiting any person from disposing of or otherwise dealing with property specified in the order and at the request of the authorized officer and where court is of the opinion that the circumstances so required, appoint a person to take control or to manage or deal with the property.

The Act gives mandate to the court to make an order confiscating the property of a person convicted of an offence that is subject of or derived directly or indirectly from the act of corruption.⁵⁵ The property is vested in the government thereafter. Court is supposed to issue notice of sixty days to persons whom the confiscation order relates.

In case of the death of the accused person, the Inspector General of Government or the Director of Public Prosecution may apply to the court for a confiscation order in respect of any tainted property of the person being charged and if satisfied, the court may order that the property be confiscated.

2.2.3 Anti-Corruption Amendment Bill No. 7 of 2013

On 7th July the parliament of Uganda passed into law the Anti-corruption Amendment Bill 2013, a private members Bill initiated by Hon. John Simbwa of Makindye East

⁵⁴ S.53 of the Anti-Corruption Act 2009

⁵⁵ S.63 of the Anti-Corruption Act 2009.

constituency⁵⁶. The purpose of the Bill was to amend the principal Act the Anti-corruption Act, 2009 to among other things provide for the mandatory confiscation of the property of persons convicted with corruption-related offences and to vest such property with the government of Uganda⁵⁷. Uganda is said to lose over 510 billion Ugandan shillings (\$258.6million) a year due to corruption.

Thus the Bill was put in place to recover all the property which is obtained from acts of corruption. This has been of great use where confiscation orders are made by giving confiscation notices on the people who are said to be involved in issues concerning corruption.

Thus, there has been a great role played by the Amendment Bill since people abstain from corruption so as not to lose their property to government.

2.2.4 The Penal Code Act

This is the principle law which prescribes crimes and provides for their penalties. The Act provides for criminal offences that are in line with corruption. Thus the statute is important in the fight against corruption.

The offences created by the Act include false accounting by public officer,⁵⁸ fraudulent false accounting,⁵⁹ Conspiracy to defraud,⁶⁰ Uttering false documents,⁶¹ false statements by directors and officers of corporation or companies and other

⁵⁶Irene Akurut: An analysis of the anti-corruption Amendment) Bill No. 7 of 2013

⁵⁷ Ibid

⁵⁸Section 306 of the Penal Code Act cap 120

⁵⁹ Section 305 of the Penal Code Act cap 120

⁶⁰ Section 293 of the Penal Code Act cap 120

⁶¹ Section 330 of the Penal Code Act cap 120

related offences which include false claims by officials⁶², abuse of office ⁶³and fraudulent disposal of trust property.⁶⁴

The Act also provides for different offences on corruption including embezzlement⁶⁵ causing financial loss⁶⁶. Thus the law is very vital in line with fighting against corruption in Uganda and many culprits have been charged. However, a lot of challenges are suffered by the law implementers especially the judiciary as shall be discussed.

2.2.5 Inspectorate of Government Act 2002

The Act is to inter alia promote and foster strict adherence to the rule of law and principle of natural justice in administration, eliminate and foster the elimination of corruption, abuse of authority and public office to take necessary measures for the detection and prevention of corruption in public offices, promote fair, efficient and good governance in public offices, enforce the leadership code of conduct, investigate the conduct of any public officers as necessary, including law enforcing agents and the state security agencies.

The Act provides for the office of the Inspectorate of Government which also derives the authority from the Constitution of the Republic of Uganda and the main function is to fight against corruption through prosecuting corruption cases.

⁶²Section 82 of the Penal Code Act cap 120

⁶³ Section 83 of the Penal Code Act cap 120

⁶⁴ Section 302 of the Penal Code Act cap 120

⁶⁵ Section 268 of the Penal Code Act cap 120

⁶⁶ Section 269 of the Penal Code Act cap 120

The Act defines an Inspector General to mean an Inspector General of Government and includes the Deputy Inspector General of Government.⁶⁷ The Act establishes the office of the Inspectorate of Government and that for one to be appointed as Inspector General of Government or Deputy Inspector General of Government he or she must be a citizen of Uganda, of high moral character and possess considerable experience and demonstrated competence and is of high caliber in the conduct of public affairs. These requirements themselves are to ensure that the officer cannot easily be driven into practicing corruption while in office.⁶⁸

The Inspector General is appointed by the president with the approval of parliament.⁶⁹ The Act provides for the functions of Inspectorate which include to eliminate corruption, abuse of authority and public office, to promote fair, efficient and good governance in public offices, to enforce leadership code of conduct, to investigate the conduct of any public officer which may be connected with abuse of office, neglect of official duties and economic malpractices by the officer.⁷⁰ The Act provides that the Inspectorate needs to be independent in performance of its functions and is not subject to directions or control of any person or authority and is only responsible to Parliament.⁷¹

2.2.6 The Leadership Code Act 2002

The Act is basically to provide for a minimum standard of behavior and conduct from leaders, to require leaders to declare their incomes, assets and liabilities to put in place an effective enforcement mechanism and to provide for other related matters.

⁶⁷ S.2 of the Inspectorate of Government Act 2002

⁶⁸ S.3 of the Inspectorate of Government Act 2002

⁶⁹ S.4 of the Inspectorate of Government Act 2002

⁷⁰ S.8 of the Inspectorate of Government Act 2002

⁷¹ S.10 of the Inspectorate of Government Act 2002

The Act has been of great importance in the fight against corruption especially among the public officers by emphasizing a good code of conduct amongst them. All officials are under duty to respect the standard of behavior and conduct expected from them as provided under The Leadership Code Act 2002. The Code requires a leader to declare his or her income, assets and Liabilities to protect, preserve public property and use it only for authorized purposes.

It provides for the nature of gifts that a leader may accept and prohibits any conduct that is likely to promote abuse of public property, undue influence and unfair advantage obtained by a leader from the improper use of his or her office. The declarations are to be made by the leaders after two years.⁷²

The Act empowers the Inspector General to require a leader to give clarification on any declaration submitted by that leader.⁷³ The Act gives the Inspectorate the power to delegate any of its functions in order to ensure effective implementation of the code.⁷⁴

The Act provides for the need to make the contents of a declaration made under the Code to be easily accessed by the members of the public. This plays a big role in fighting corruption since leaders and other public officers take care while performing their duties in fear of being held liable for failing to act in line with the required standard of behavior.

⁷² S.4(1) of the Leadership Code Act 2002

⁷³ S.5 of the Leadership Code Act 2002

⁷⁴ S.3(3) of the Leadership Code Act 2002

2.2.7 The Local Governments Act Cap 243

The Act to give effect to the decentralization and devolution of functions, powers and services to provide for decentralization at all levels of local governments to ensure good governance and democratic participation in and control of decision making by the people to provide for revenue and the political and administrative set up of local governments and to provide for election of local government.

The Act has got different objectives among which is to give full effect to the decentralization of functions, powers, responsibilities and services at all levels of local governments, to ensure democratic, political and gender sensitive administrative setup in local governments, to establish sources of revenue and financial accountability, to provide for the election of local councils.⁷⁵

Thus it plays a big role in curbing corruption in Uganda through emphasizing on providing financial accountability amongst the public officers. The Act provides that where a district chairperson is corrupt, he or she can be removed from the office.⁷⁶

The Act provides for abuse of office as one of the grounds that can lead to the removal of the speaker and the deputy speaker.⁷⁷

2.2.8 The Uganda Police Act, 2006.

This Act establishes the Uganda police ⁷⁸whose functions include protecting life and property, preserving law and order, preventing and detect crime and cooperating with

⁷⁵ S.2 of the Local Governments Act cap 243

⁷⁶ S.14 of the Local Government Act cap 243

⁷⁷ S.11 of the Local Government Act cap 243

⁷⁸ Section 2 of the Police Act Cap 303

the civilian authority and other security organs.⁷⁹ The Uganda Police contributes a lot in arresting people who are involved in the corruption cases and also carry out thorough investigation.

However, there still remain a lot of questions in the mind of many people in Uganda as to whether the Police is independent. This is because it has been revealed that it is the power of the president to appoint the Inspector General and Deputy Inspector General.⁸⁰ This would thus mean that the police works under the influence of the president since it's the President who has the authority to dismiss any officer.

However, the police considered to be one of the most corrupt institutions since most of its officers accept bribes from the wealth people.

2.2.9 The Budget Act 2001

The Act is to provide for and regulate the budgetary procedure for a systematic and efficient budgetary process and other matter concerned with the same. The Act defines a budget to mean the process by which government sets levels to efficiently collect revenue and allocate the spending of resources among all sectors to meet national objectives.⁸¹

The Act provides for the parliament budget committee and that it focuses on preliminary estimates and macroeconomic plan and programs and submits

⁷⁹ Section 4 of the Police Act Cap 303

⁸⁰ Section 5 of the Police Act Cap 303

⁸¹ Section 2 of the Budget Act 2001

recommendations to the speaker, it considers the National Budget and compiles amendments and refers them to the relevant committees⁸².

It provides for the budget office and the functions are to provide parliament and its committees with objective and timely analysis required for economic and budget proposals and the information and estimates required for parliamentary budget process⁸³.

The constitution provides that the president should cause to be prepared and laid before parliament in each financial year, estimates of revenue and expenditure of government⁸⁴. The Act has played a very big role in curbing corruption by insisting on providing for budgets thus it becomes very hard to embezzle some money and public resources.

2.2.10 The Public Procurement and Disposal of Public Assets Act 2003

The Act applies to all public procurement and disposal activities, including public finances originating from the consolidated fund and related special finances expanded through the capital or recurrent budgets, resources in the form of counterpart transfers or co-financing or any finances of a similar nature within the context of development cooperation agreements for the implementation of national programs and procurement or disposal of works, services, supplies or any combination.⁸⁵

⁸² Section 19 of the Budget Act 2001

⁸³ Section 20 of the Budget Act 2001

⁸⁴ Article 55 of the constitution of the Republic Uganda

⁸⁵ S.2 of The Public Procurement and Disposal of Public Assets Act, 2003

The Act establishes an autonomous body known as the Public Procurement and Disposal of Public Assets Authority.⁸⁶ The Authority is of great importance in line with advocating for the fight against Corruption.

The objectives of the authority include to ensure the application of fair, competitive, transparent, non-discriminatory and value for money procurement and disposal standards and practices, harmonize the procurement and disposal policies of the Central Government, Local Government and statutory bodies, set standards for public procurement and disposal system in Uganda, monitor compliance of procuring and disposing entities and build procurement and disposal capacity.⁸⁷

The Act provides for the powers of the Authority among which is to require any information, documents, records and efforts in respect of any aspect of the public procurement and disposal process where a breach, wrong doing, mismanagement or collusion has been alleged against any procuring office.

2.2.11 The Whistleblowers Protection Act 2010

The Act provides for the procedures by which individuals in both private and public sector may in the public interest disclose information that relates to irregular, illegal or corrupt practices, to provide for protection against victimization of persons who make disclosures and to provide for related matters.

The Act provides for disclosure of impropriety that a person may make a disclosure of information where the person reasonably believes that the information tend to show that a corrupt criminal or other unlawful act has been committed or is likely to be

⁸⁶ S.5 of The Public Procurement and Disposal of Public Assets Act, 2003

⁸⁷ S.6 of The Public Procurement and Disposal of Public Assets Act, 2003

committed that the public officer or employee has failed to comply with any legal obligation and that a miscarriage of justice has occurred or likely to occur⁸⁸.

The Act defines a whistleblower means a person who makes a disclosure of impropriety.⁸⁹

The Act provides for the institutions to which disclosure can be made.⁹⁰ The Act also compels authorized officers to receive and keep such disclosures confidential and initiate investigations.⁹¹ The disclosure may be made orally or in writing.⁹² The Act defines disclosure to mean any declaration of information made by a whistleblower with a regard to conduct of one or more persons where the whistleblower has a reason to believe that the information given shows or tends to show that a criminal offence or other unlawful act has been committed, is being committed or is likely to be committed, that the miscarriage of justice has occurred, is occur in or is likely to occur, that a person has failed, is failing or is likely to fail to comply with any legal obligation to which that person is subject or any of the matter mentioned above is being or likely to be deliberately concealed.⁹³

The Act provides for rewards that are given to a whistle blower as 5 % of the sum recovered basing on the disclosure. Thus this Act has been of great importance in fighting corruption where by the rate of corruption has been reduced as a result of disclosure by the whistleblowers.

⁸⁸ Section 2 of the Whistleblowers Act 2010

⁸⁹ Section 1 of the Whistleblowers Act 2010

⁹⁰ S.4(3) of the Whistleblowers Act 2010

⁹¹ S.5 of the Whistleblowers Act 2010

⁹² S.6 of the Whistleblowers Act 2010

⁹³ *ibid*

2.2.12 The National Strategy to Fight Corruption and Rebuild Ethics and Integrity in Uganda 2008-2013

The vision of this was to create a society that demands quality service and has a zero tolerance for corruption. Objectives are to have public service with integrity that delivers value for money, accountability, a society with integrity that demands zero tolerance for corruption⁹⁴. This is a five year planning framework which was designed to make a significant impact on building the quality of accountability and reducing the levels of corruption in Uganda. The focus of this strategy was on people, it seeks to support national development that in future would sustain a better quality of life for people, a strong competitive economy and effective and efficient public services. The strategy was national, strategic and systematic.

2.2.13 Access to Information Act 2005

The Act is to provide for the right of access to information pursuant to Article 41 of the constitution to prescribe the classes of information referred to in that article, the procedure for obtaining access to that information and for related matters.

The purpose of the Act is to promote an effective, transparent and accountable government to give effect to Article 41 by providing the right of access to information held by organs of the state, protect persons disclosing evidence of contravention of the law, to promote transparency and accountability in all organs and to empower the public to effectively scrutinize and participate in government decisions that either affect them.

⁹⁴ National Anti-corruption strategy 2008-2013 Draft 4.3 August 2008

The constitution⁹⁵ provides for the right of citizen to access to information in the state or any other or agency of the state. This thus helps in curbing corruption since the public officers are always worried of tampering with public funds in fear of being questioned by the public in line with accountability.

Information office is under duty to publish a description of the categories of records of a public body that are automatically available without a person hearing to request access under the Act.⁹⁶ However an exception on disclosure comes in if the disclosure of the information on the health records of an officer would constitute an invasion of personal privacy.

Part V provides for where one may Lodge a complaint that is in the Chief Magistrate Court against the decision of the information Minister and if not satisfied may Appeal to the High Court with in twenty one days against the decision of the Chief Magistrate Court.

2.2.14 The National Audit Act 2008

This is an Act to give effect to Article 154(3) and Article 163 of the constitution by providing for the office of the auditor General to provide for the appointment, tenure and removal of the Auditor General to provide for the staff of office of the Auditor General, to provide for the auditing of accounts of central Government, local government councils administrative units, public Organizations, private Organizations and bodies to empower and give the auditor general right of access to documents and

⁹⁵ Article 41 of the Constitution of the Republic of Uganda

⁹⁶ S.8 of the Access to Information 2005

information relevant to the performance of his or her functions and for other related matters.

The Act provides for the functions of the Auditor General which include the audit and report public accounts of all public offices conduct financial value for money audits, audit classified expenditure, audit all government investments, carry out procurement audits and audit treasury memoranda.⁹⁷

This has been of great importance towards the fight against corruption. Officers in the public office have been put under a condition of reporting for the Auditor General in line with the amount. However, questions arise in line with the independence of the Auditor General .The Act provides for its independence but this is question on ground that the Auditor General has to favor the presidents needs as its the president that appoints the Auditors.⁹⁸

2.3 The International Legal Framework

2.3.1 The United Nations Convention against Corruption (UNCAC)

The UNCAC is the main international legal instrument on corruption which was approved in 2003 by United Nations General Assembly. With its entry into force on 14th December 2005, the Convention became the first Anti-corruption legal instrument to establish binding rules to the signatory countries⁹⁹.Uganda became a signatory to this convention on 9th December 2003 and it was ratified on September 9/2004.The convention takes a comprehensive approach to the corruption problem as

⁹⁷ Section 13 of the National Audit Act 2008

⁹⁸ Section 14 of the National Audit Act 2008

⁹⁹ Corruption: Legal Framework <<https://www.unodc.org>>marco legal

a basis for effectively preventing and combatting corruption¹⁰⁰. In its eight chapters and 71 articles, the Convention obliges the states parties to implement a wide and detailed range of anti-corruption measures affecting their laws, institutions and practices.

It should be noted that some of the provisions of the Convention are mandatory while others are optional or left to the discretion of government as to whether they will be implemented. Basically its goal is to reduce various types of corruption that can occur across country borders such as trading in influence and abuse of power as well as corruption in the private sector such as embezzlement and money laundering¹⁰¹.

The Convention covers five main areas that are preventive measures, criminalization and law enforcement, international co-operation asset recovery and technical assistance and information exchange¹⁰². The purpose of this convention¹⁰³ is to promote and strengthen measures to prevent and curb corruption more effectively to promote, facilitate and support international cooperation and technical assistance in the prevention of and fight against corruption. It extensively provides for preventive measures criminalization and law enforcement.

The Convention¹⁰⁴ provides that each party shall take appropriate measures within its means to promote active participation of individuals and groups outside the public

¹⁰⁰Transparency International: The first global convention Against Corruption to come into force<<http://www.transparency.org/new/feature>, accessed 11th/April/2019

¹⁰¹ United Nations Convention Against Corruption-Wikipedia<<https://en.wikipedia.org/wiki/>>

¹⁰² Ibid.

¹⁰³ Article 1 of UNCAC

¹⁰⁴ Article 13 of the UNCAC

sectors in the prevention of and the fight against corruption and to raise public awareness regarding the existence, causes and gravity of corruption.

Thus Uganda being a party has come up with different laws, institutions and strategies to ensure that the problem of corruption ends. Among which we have the Anti-Corruption Act 2009. Uganda being a signatory to this convention, the issue that arises is whether Uganda has actually followed all the provisions of the convention.

Well, Uganda has taken some measures in trying to combat corruption however it is seen to be one of the most corrupt countries. It has continued to be very corrupt.

The Convention provides for the Independence of the Judiciary, however an issue arises where some cases brought before the judges involve prominent members in the society like the Member of Parliament.¹⁰⁵ Judges are influenced by political leaders in coming up with their decisions. Thus, that is why only cases that involve small sums of money are followed up leaving behind the ones with huge sums of money.

Lack of follow up as to whether there is effective implementation of the principles of the Convention is one of the greatest weaknesses that is there is not enough follow up made on Uganda as to whether it fully respects the provisions under the UNCAC. Thus, laws have just remained in writing and have not been implemented because of the fact that no follow up is made. Also there is lack of public information about the review process and output. In Uganda, few public announcements are made in line with review and formation of the Anti-corruption laws and this has denied the people

¹⁰⁵ Article 11 of the UNCAC

in the public to participate contrary to the UNCAC which calls for the participation of the public. Even when adverts are made, there are not effective especially when it comes to those illiterates Ugandans and those who stay in villages.

2.3.2 African Union Convention on Preventing and combating corruption (AUPCC)

The AUPCC was adopted in Maputo the capital city of Mozambique on 11th July 2003 to fight rampant political corruption of the African continent¹⁰⁶ Political corruption is defined as the use of powers by government officials or their network contracts for illegitimate private gain.¹⁰⁷ The convention was entered into force by Uganda on August 5th/2006.

The objectives of the Convention include to promote and strengthen the development in Africa by each state party of mechanism required to prevent detect and eradicate corruption and related offences in the public and private sectors. Also to promote, facilitate and regulate cooperation among state parties to ensure the effectiveness of measures to prevent corruption in Africa and to harmonize the policies between state parties for the purpose of prevention of corruption.

The Convention has got a lot of Achievements in the fight against Corruption in Uganda and they include that there has been the establishment and strengthening of Anti-corruption bodies in Uganda. There has been the enactment of the Anti-Corruption Act 2009 in Uganda and also anti-corruption strategies have been made in

¹⁰⁶ Honorable Sabina Seja: African Union Efforts in Combatting corruption, Achievements and opportunities.

¹⁰⁷ ibid

Uganda. There has been strengthening of accountability systems such as audit accountant general and in Uganda, a budget is usually passed every year.

2.4 Institutional framework

Under this, both formal and informal institutions are examined. The formal institutions are those which are provided for by the law while informal institutions are there that are not necessarily government institutions. In free and democratic states that respect human rights, the press is regarded as the fourth estate, the other three being Parliament, Executive, Judiciary and not necessarily in that order as freedom, the rights of the individual and rule of law are concerned.¹⁰⁸

2.4.1 Executive.

The Constitution vests the executive authority in the president¹⁰⁹. It's to the effect that the president shall execute and maintain the Constitution and all laws made under or continue in force. It's the duty of the president to abide by, uphold and safeguard the Constitution and to promote the welfare of the citizens and protect the territorial integrity of Uganda. Some of these powers are in the Anti-Corruption Act 2009 where the president is empowered to appoint the Director of Public Prosecution and the Inspector General of Government

Also, the President has got the authority to appoint the Auditor General as provided in the constitution.¹¹⁰ Thus, the President contributes a lot in the fight against corruption. If he misuses the powers vested in him and appoint fake leaders, then he is deemed to have contributed to the high rate of corruption.

¹⁰⁸ George Kanyeihamba: Kanyeihamba's Commentaries On law, politics And Governance

¹⁰⁹ Article 99 of the Constitution of the Republic of Uganda

¹¹⁰ Article 163 of the Constitution of the Republic of Uganda

2.4.2 Parliament

The parliament is the country's legislature body and derives its powers under the Constitution.¹¹¹ The Constitution provides for the function of parliament that is to make laws on any matter for peace, order development and good governance of Uganda. Parliament is also to protect the constitution and promote the democratic governance of Uganda.¹¹²

The Ugandan Parliament is composed of 238 constituency representatives, 112 district women representatives, 10 Uganda peoples defense forces representatives, 5 representatives of Youth, 5 representatives of persons with disabilities, 5 representatives of workers and 13 ex officers members.¹¹³

Thus the major contribution of parliament against corruption is enacting laws which are against corruption. In Uganda, the African parliamentarians Network Against corruption (APNAC) were formed in Kampala 1999 towards a new agenda of the fight against corruption¹¹⁴. APNAC-U is a parliament based organization that derives its membership from amongst the members of parliament. The parliament thus contributes a lot towards the fight against corruption. Also, the parliament makes the civil society to get involved in giving in their opinions towards fighting against corruption. This has been of great importance.

¹¹¹ Article 77 of the Constitution of the Republic of Uganda.

¹¹² Article 79 of the Constitution of the Republic of Uganda

¹¹³ Parliament of Uganda-Wikipedia <<https://en.wikipedia.org/wiki/>>

¹¹⁴ African Parliamentarians Network Against Corruption <<https://www.parliament.go.ug/>>

2.4.7 The Judiciary

The Constitution¹¹⁵ provides that the judicial power of Uganda shall be exercised by the supreme court of Uganda, the court of Appeal of Uganda the High court of Uganda and such subordinate courts as parliament may by law establish.

The Judiciary is independent and not to be subjected to the control or direction of any person or authority¹¹⁶.

In July 2008, the Judiciary established the Anti-corruption division of the High court as a specialized division to adjudicate corruption and corruption related cases¹¹⁷. The division commenced hearing cases in December 2008 and its establishment was a deliberate step by the Judiciary in response to demands by government and other institutions engaged in fighting against corruption, to take direct action against the corrupt by strengthening the adjudicatory mechanism for fighting corruption.

2.4.3 Inspectorate of Government (IG)

The office of the Inspectorate of Government was established in 1986, and since 1995 when there was the constitution of Uganda. The Office has the mandate to fight corruption in the country.¹¹⁸ The Constitution provides for this office ¹¹⁹ The Inspectorate of Government also derives his authority from the inspectorate of Government Act 2002.

¹¹⁵ Article 129 of the Constitution of the Republic of Uganda

¹¹⁶ Article 128 of the Constitution of the Republic of Uganda

¹¹⁷ Anti-Corruption Division-Judiciary<<https://www.judiciary.go.ug/data/menu/19/>>

¹¹⁸ Uganda Anti-Corruption Resource Centre< www.ug.no>

¹¹⁹ Article 223 of the Constitution of the Republic of Uganda

According to the Act, the Office of the Inspectorate plays a role of ensuring on effective and efficient public administration and therefore should work closely with other government agencies to promote the rule of law and ethics among public officials. The Constitution of the Uganda provides for the function of Inspectorate of Government and it includes a duty to investigate any act, omission advice, decision or recommendation by a public officer and then to stimulate public awareness about the values of constitutionalism in general through media and all other means it considers appropriate¹²⁰.

In the case of Sam Kuteesa and 2 ORS V Attorney General,¹²¹ the issue was whether the Inspector of Government can prosecute cases involving corruption under Article 230 of the Constitution when it's not duly constituted in accordance with Article 223(2) of the Constitution and whether S.49 of the Anti-Corruption Act 2009 is inconsistent with Article 230(1) of the Constitution. It was held that in order to be able to prosecute cases on corruption, the Inspectorate of Government must be fully constituted as provided Under Article 223(1) and (2) of the Constitution.

The Constitution provides for the independence of Inspectorate and it's to the effect that the Inspectorate of Government should be independent in the performance of its duties.¹²² The Inspectorate of Government has 14 regional offices which are headed by a Regional Inspectorate Officer and have the mandate to receive complaints within the scope and jurisdiction of the institution, carry out investigations and inform the

¹²⁰ Article 225 of the Constitution of the Republic of Uganda

¹²¹ Constitutional Petition no.46 of 2011 and Constitutional reference no.54 of 2011

¹²² Article 227 of the Constitution of the Republic of Uganda

Inspectorate of Government¹²³. It is an institution charged with the responsibility of eliminating corruption and abuse of office.

The Inspector General of Government is the National ombudsman of Uganda and has the function of promoting and ensuring strict adherence to the rule of law and principles of natural justice in administration.

2.4.4 The Director of Public Prosecutions (DPP)

The Constitution provides for the office of the DPP who is appointed by the President on the recommendation of the public service commission and with the approval of parliament.¹²⁴ The functions of the DPP are to direct the police to investigate any information of a criminal nature and to report to him or her expeditiously, to institute criminal proceedings against any person or authority in any court with competent jurisdiction other than a court martial, to take over and continue any criminal proceedings instituted by any other person or authority.

The registered achievements of the DPP are that cases have been handled under prosecution led by investigations process, prosecution of corruption related cases and money laundering cases¹²⁵. According to the report¹²⁶ 161 cases have been concluded for the financial year July 2017 to September 2018, and the percentage conviction rate for the financial year 2017/2018 was 67.1% and for the first quarter of 2018/2019 is 87.5%.

¹²³ Transparency International Uganda, 2008 <www.transparency.org>

¹²⁴ Article 120 of the constitution of the Republic of Uganda

¹²⁵ Mike Chibita: Performance report of November 2018 on the Uganda launch of Anti-corruption week on 30th/ November 2018 <www.DPP.Go.ug>

¹²⁶ Ibid

Also, there has been asset recovery including both recovered funds and restrained properties between 2017 to date, a total of 1,174,363,766 has been recovered through compensation and confiscation orders and deposited onto the asset recovery account with Bank of Uganda¹²⁷. Thus it has been of great importance in the fight against corruption in Uganda although there are a number of challenges suffered.

2.4.5 Auditor General

The Auditor General is responsible for overseeing government operations through financial and other management audits. The auditor General derives his power from the Constitution¹²⁸ and is appointed by the president with the approval of parliament and the office is a public office.

The duties of the Auditor General include to audit and report on the public accounts of Uganda and of all public offices including the courts, the central and local government administrations, universities and public institutions, to conduct financial and value for money audits in respect of any project involving public funds¹²⁹. The Auditor General reports to parliament annually on the accounts audited by him or her.

The Auditor General is considered to be a strong institution which has contributed a lot towards the fight against corruption. The constitutional mandate of the office of the Auditor General is amplified by the National Audit Act 2008. The Act¹³⁰ provides

¹²⁷ Ibid

¹²⁸ Article 163 of the Constitution of the Republic of Uganda

¹²⁹ Ibid

¹³⁰ Section 13 of the National Audit Act

for the functions of the Auditor General and the Act also provides for the independence of the Auditor General.¹³¹

2.4.6 Directorate of Ethics and Integrity

The DEI was established in the office of presidency and is responsible for coordinating the government's efforts in the fight against corruption and for establishing an integrity system that promotes good governance across the administration. It has contributed a lot in line with fighting corruption through pointing out recommendations which have been followed by different government and non-government agencies.

It has carried out sensitization to the public on the existing Anti-corruption laws. The institution was intended to instill integrity and ethical standards in the public and also raise awareness on corruption. The directorate has published strategies to help in the fight against corruption and rebuild ethical and integrity in Uganda. This new strategy after the new findings of the 2004-2007 national strategy came up with three main objectives that is effective political leadership, increasing public demand for accountability and upholding national values and then effective enforcement of the Anti-corruption measures.

Different officials in this institution have become strong fighters against corruption for example Miria Matembe who has given a definition of corruption.

2.4.7 Anti-Corruption Unit.

The Anti-Corruption union state house was officially launched on 10th December 2018 by His Excellence the president of Uganda to effectively work and assist the

¹³¹ Section 14 of the National Audit Act

already existing anti-corruption agencies that is the IGG, office of the auditor general and the Anti-Corruption court¹³².

Following its launch, several cases have been reported to the unit through the available channels leading to a number of operations leading to a number of operations¹³³. On 20th December/ 2018, the Anti-corruption unit state house made an impromptu visit to the Wakiso land offices over allegations of corruption and five officials were arrested, on 17th January/ 2019, the unit visited Tororo Municipality after a number of whistleblowers reported incidences of misappropriation of public funds and three officials were arrested, in Arua on 13th February/ 2019 the Unit followed allegations of financial mismanagement and illegalities by the head teacher and bursar of Arua public secondary school mismanagement of over 436 million meant for the construction of mango road and they were arrested, in Mbarara the unit arrested and arraigned in court four district officials after receiving reports of that they allocated land houses to themselves misappropriated over 360 million meant for Koranorya road¹³⁴.

Thus looking at the good beginning of the unit, hopes have been restored amongst Ugandans as to the possibility of fighting corruption in Uganda.

¹³²Press statement on the Recent Anti-corruption unit-
Statehouse<<https://www.mediacentre.go.ug/media>>

¹³³ Ibid

¹³⁴ Ibid

2.5 Other Informal Institutions and Organizations

2.5.1 The Media

The media has played a lot in line with fighting against corruption in Uganda. The media in certain circumstances is often very quick in receiving the crucial information before the police and the Anti-corruption institutions because people feel more free to talk to the media than to talk to the law enforcement bodies.

The media not only raises public awareness about corruption, its causes, consequences and possible remedies but also investigates and reports incidences of corruption¹³⁵. The effectiveness of the media, in turn depends on access to information and freedom of expression, as well as professional and ethical code of investigative journalists.

Journalists who cover government and other topical issues for established newspapers, radios and television stations now have the opportunity to become more independent publishers of specialty blogs and new websites.¹³⁶ Media houses and individual journal is to also create corruption specific pages on social media platforms like face book, twitter, MySpace where the public keeps alive the corruption discourse as a follow up to published stories.¹³⁷ The media has thus contributed a lot in the fight against corruption.

¹³⁵ Rick Stapenhurst: The media role in curbing corruption <<https://researchgate.net/publication>

¹³⁶ John Batist Waswa, Micheal Kakooza: Uganda media review, media and corruption, Uganda department medial tradition

¹³⁷ Ibid.

2.5.2 Non-Governmental Organizations and the Civil Society

These have been at the forefront in the fight against corruption. They have contributed a lot in the fight against corruption. Some are registered Non-government Organizations under the Anti-corruption Act. Examples include TI-Uganda (Transparency International Uganda), UWONET that is Uganda Women Network, the Anti-corruption coalition Uganda (ACCU) which was formed in January 1999 and was formally registered as a Non-Government Organization, Teso Anti-Corruption Coalition (TAC), Rwenzori Anti-Corruption Coalition and many others. These have performed a lot of contributions in the fight against corruption and thus are greatly important. The Constitution ¹³⁸ provides that every Uganda citizen has the right to participate in the affairs of government individually or through his or her representatives in accordance with the law. The civil society is thus very important in the fight against corruption.

2.5.3 Religious Organization

The religious leaders have played a lot in the fight against corruption.

Their protests are expressed through sermons, pastoral letters, religious edicts and exhortations and sometimes protests¹³⁹. Muslims, Catholics, Protestants have done a lot in line with the fight against corruption.

¹³⁸ Article 38 of the constitution of the Republic of Uganda

¹³⁹ Michael Charo Ruwa: Principles of Good Governance, The church's perspective, Nairobi, Pauline Publications Africa, 2001.

CHAPTER THREE

An In-Depth Understanding of Corruption in Uganda

3.1 Introduction

This chapter gives in-depth information on corruption. It provides for the different forms of corruption under the Anti-corruption Act, the causes and effects of corruption are also discussed. It also discusses the different places in which corruption is being practiced. The chapter also looks at the various effects of corruption in Uganda today.

Corruption is one of the biggest challenges being faced in Uganda both in private public sector yet most of the citizens have continued to practice it both directly and indirectly. This has led to the enactment of anti-corruption laws and creation of institutions although this has not at all brought an end to corruption. There is a prominent level in corruption.

No matter how one perceives the issues on corruption, it is epidemic it's likely to continue to be so unless we take drastic action to shake up the system.¹⁴⁰ Corruption in Uganda is characterized by grand scale theft of public funds and petty corruption involving public officials at all levels of society as well as wide spread political patronage systems.¹⁴¹

¹⁴⁰Richard Musaazi: Corruption in Uganda May22nd2011 09AM<<http://www.newvision//news/1494840/corruption-persist-Uganda>>

¹⁴¹“Uganda corruption profile” Anti-corruption portal,< <http://en.m.wikipedia.org>>

3.2 Forms of Corruption.

Corruption manifests itself in many forms and these include bribery, nepotism, embezzlement, sectarianism, causing financial loss extortion, abuse of office influence peddling, loss of public property and many others. In the case of **Uganda V Teddy Ssezi Cheeye**¹⁴² where the accused the director of Uganda Centre for Accountability was charged on twenty six counts which were divided into four groups. Group one consists of embezzlement contrail to section 268 of the Penal Code Act, the second group consisted of counts 2,3,4,5,6,7,8,9,10 which charge the accused with making a false Entry in Accounts, an offence contrary to section 323 of the Penal Code Act, the third group consisted of counts 11, 13, 15, 21, 23 and 25 charging the accused with forgery contrary to section 342,347 and 19(2) of the Penal Code Act and the forth group comprised of counts 12,14,16,18,20,22,24 and 26 and charged the accused with uttering a false document. It was held that compensation be made to global fund where money came from.

3.2.1 Bribery

This is the offering, giving, receiving or soliciting of any item of value to influence the actions of an official or other person in charge of a public or legal duty. ¹⁴³A bribe is money or favor given or promised in order to influence the judgment or conduct of someone.¹⁴⁴ It may be any money, good, right in action, property, privilege or merely a promise or undertaking to adduce or influence the action, vote, or influence of a person in an official or public capacity. The Anti-corruption Act¹⁴⁵ defines bribery to mean giving or accepting to give a public official anything to vote or not to vote in a

¹⁴² Criminal Case No.1254 of 2008

¹⁴³ Black's law dictionary 10th edition

¹⁴⁴ Merriam Webster: Bribe/Definition of bribe <<http://www.merriam-webster.com/>>

¹⁴⁵ S.5 of the Anti-corruption Act 2009

public organization, to do his or her duty, illegally assisting the doing of these things, accepting or asking for directly or indirectly anything by a public official to do or not to do any of the mentioned acts.

In the case of **Uganda V Moses Ndifuna**¹⁴⁶, a magistrate grade 2 of Mbarara accepted a bribe of 200,000 shillings and the issue was whether all the ingredients of bribery are present to hold him liable. It was held by Justice J B Katutsi that all the ingredients of bribery were present and thus the magistrate was held liable.

3.2.2 Nepotism

One of the biggest problems facing Uganda's politics has always been that of tribalism and nepotism which has always eaten deep into our national fabrics and sense of cultural co-existence as a nation thinking that there is not an issue to deliberation, is like thinking the gods do exist.¹⁴⁷ Nepotism generally means the granting of favor to relatives in various fields including business, politics, entertainment, sports, religion and other activities.

The Anti-Corruption Act¹⁴⁸ provides for nepotism as an offence. It provides that any person who being the holder of an office does any act in connection with the office for the purpose of doing favors to any person on the basis of blood relations between that person and that other person commits an offence.

3.2.3 Embezzlement

This is the act of withholding assets for the purpose of conversion (theft) of such assets by one or more persons to whom the assets were entrusted either to be held or to be used for specific purposes. In Uganda, embezzlement is a statutory offence that

¹⁴⁶ Anti-Corruption court Division Session case 6 of 2009(un reported)

¹⁴⁷ Michael Wora : Wednesday May 22nd 2019 13:30pm<<http://www.newvision.co.ug>>

¹⁴⁸ S.13 of the Anti-corruption Act

depending on the circumstances provided for may be a crime. The Anti-Corruption Act ¹⁴⁹ provides for embezzlement as an offence that a person who being an employee, a servant or an officer of the Government or a public body, a director, an officer or an employee of a company or a corporation, a clerk or servant employed by any person, association or religious or other organization, a member of an association or a religious organization or other organization, steals a chattel, money or valuable security of the employer commits an offence. This type is commonly found in public offices like ministries and offices of members of parliament.

In **Bireete Sarah V Uganda**¹⁵⁰, the applicant deponned that she was an appellant in court since 21st April 2016. She was first convicted by the Anti-corruption in Court and was sentenced to ten years imprisonment on each of the two counts that is abuse of office c/s(1) and embezzlement c/s 14(a)3 of the Anti-Corruption Act 2009. She was ordered to refund the embezzled USD 70,000 and she appealed to the court of appeal which allowed her appeal and sentence on the offence of abuse of office but her sentence on the second count of embezzlement was upheld.

3.2.4 Sectarianism.

This is a form of prejudice, discrimination or hatred arising from attaching relations of inferiority and superiority to differences between sub divisions within a group. Examples are denominations of a religion, ethnic identity, class or region for citizens of a state and factions of apolitical movement. The Anti-corruption Act provides ¹⁵¹sectarianism as an offence. It's to the effect that a person who being the holder of

¹⁴⁹ S 19 of the Anti-corruption act 2009

¹⁵⁰ Criminal Application no.004 of 2016

¹⁵¹ S.12 of the Anti-corruption Act 2009

an office does any act in connection with the office for the purpose of doing a favor or offering undue advantage to any person on the basis of that person's religion or sect, ethnic group or place of origin commits an offence.

3.2.5 Causing Financial Loss

The Anti-corruption Act provides ¹⁵²for causing financial loss as an offence and is to the effect that any worker who does anything knowing or having reasons to believe that it will cause financial loss to his or her employer shall be held liable.

In the case of **Uganda V B S Okello, Ocira George and Okot Jalon**¹⁵³, Justice Paul Mugamba held that causing financial loss is an offence committed when any person employed by a public body, for instance in this case the East Acholi Co-operative Union Ltd in the performance of his duties does any act or omits to do any act knowingly or having a person to believe that such act or omission will cause financial loss to the public body.

3.2.7 Diversion of Public Resources

The Anti-corruption Act provides that a person, who converts, transfers or disposes of public funds for purposes unrelated to that for which the resources were intended, for his or her own benefit or for the benefit of a third party, commits an offence.¹⁵⁴

¹⁵² S.20 of the Anti-corruption Act 2009

¹⁵³ High court Appeal No. 008 of 2009

¹⁵⁴ S.6 of the Anti-Corruption Act 2009

In the case of **Uganda V Lwamafa and 2 others**¹⁵⁵ the three accused converted and disposed of the public funds for the purposes unrelated for which the resources were intended for benefit of the third parties. It was revealed that prosecution is required to prove two elements that is the accused converted or transferred or disposed of public funds and that the purpose was unrelated to that for which the resources were intended.

3.2.8 Abuse of Office

This is the commission of an unlawful act, done in an official capacity which affects the performance of official duties.¹⁵⁶ It thus means the use of one's power or office to their personal gain. This is one of the common practices in Uganda where people use their offices especially public servants for personal gains. The Anti-Corruption Act provides that person who, being employed in a public body or a company in which the Government has shares, does or directs to be done an arbitrary act prejudicial to the interests of his or her employer or of any other person, in abuse of the authority of his or her office, commits an offence.

In the case of Hon. Sam Kuteesa and 2 others V Attorney General,¹⁵⁷ Hon Sam Kuteesa, John Nasasira and Mwesigwa Rukutana all ministers were jointly charged with the offences of abuse of office and causing financial loss and each petitioner pleaded not guilty and were released on bail.

¹⁵⁵ Criminal Session case No. 9 of 2015

¹⁵⁶ Definition of abuse of office, <<http://en.m.wikipedia.org>>

¹⁵⁷ Constitutional Petition no.46 of 2011 and Constitutional reference no.54 of 2011

3.2.9 Influence Peddling

It's the illegal practice of using one's influence in government or connections with persons in authority to obtain favors or preferential treatment for another usually in return for a payment. The Act provides ¹⁵⁸that a person who does or, omits to do an act in contravention of established principles or procedure as a result of improper influence, for his or her own benefit or for the benefit of a third party commits an offence

3.2.10 Loss of Public Property

This is an offence which covers acts like loss of public property whether one knows or does not know that this property will get lost or not because of their actions, damage or loss of any public property under the care of a public official, a public official misusing or allowing misuse of public property under his or her care.¹⁵⁹ In the case of **Muwanga Angelo and Anor V Uganda**¹⁶⁰ it was held that where one loses public property he or she commits an offence.

3.2.11 Other Forms

Other forms of corruption can be listed to include personating public officers which is under the Act¹⁶¹ and it's provided that a person who personates a public official on an occasion when the latter is required to do any act or attend in any place by virtue of his or her employment or falsely represents himself or herself to be a public official

¹⁵⁸ S.8 of the Anti-Corruption Act 2009

¹⁵⁹ S 14 of the Anti-corruption Act 2009

¹⁶⁰ Criminal Appeal No.12 of 2009) UG HC 114 (1 September 2009)

¹⁶¹ S.17 of the Anti-corruption Act 2009

and assumes to do any act or to attend in any place for the purpose of doing any act by virtue of being a public official commits an offence

Also another form is fraudulent disposal of trust property and the Act¹⁶² provides that any person who, being a trustee of any property, destroys the property with intent to defraud, or, with intent to defraud, converts the property to any use not authorized by the trust, commits an offence

Another form is false accounting by public officers under the Anti-corruption Act¹⁶³ and it is to the effect that any person who, being an officer charged with the receipt, custody or management of any part of the public revenue or property, knowingly furnishes any false statement or return of money or property received by him or her or entrusted to his or her care, or of any balance of money or property in his or her possession or under his or her control, commits an offence

False certificate by public officers is also a form of corruption provided under the Anti-corruption Act¹⁶⁴ and It's to the effect that a person who, being authorized or required by law to give a certificate touching a matter that may affect or prejudice the rights of any person, gives a certificate which is, to his or her knowledge, false in any material particular, commits an offence.

¹⁶² S.21 of the Anti-Corruption Act 2009

¹⁶³ S.22 of the Anti-corruption Act 2009

¹⁶⁴ S.25 of the Anti-corruption Act 2009

Falsely assuming authority is provided for under the Act¹⁶⁵ as a form of corruption that a person who not being a judicial officer, assumes to act as a judicial officer, without authority assumes to act as a person having authority by law to administer an oath or take a solemn declaration or affirmation or affidavit or to do any other act of a public nature which can only be done by persons authorized by law to do so or represents himself or herself to be a person authorized by law to sign a document testifying to the contents of any register or record kept by lawful authority, or testifying to any fact or event, and signs such document as being authorized, when he or she is not, and knows that he or she is not, authorized, commits an offence

Doing something where one has got an interest is also provided for under the Anti-corruption Act¹⁶⁶. All these are different types of corruption which are common in Uganda. It should be noted that the judiciary should try the above mentioned offences within its jurisdiction and should also respect the Constitution and the rights of the people.

This was revealed **In the case of Hassan Bassajjabalaba & Anor Vs Attorney General**¹⁶⁷ the application was seeking a temporary injunction to be issued staying Criminal charges and proceedings in the High Court Anti-corruption Court Division at Kololo in Criminal case No.003 and Buganda Road Chief Magistrates court applicant No.22 of 2013 in respect of the applicants pending the disposal of Constitutional Petition No.12 of 2013 or until further orders and that the applicants bail terms in the ACC in Criminal Case No.003 of 2013 in respect of the Applicants

¹⁶⁵ S.16 of the Anti-corruption Act 2009

¹⁶⁶ S.9 of the Anti-corruption Act 2009

¹⁶⁷ Constitutional Petition No.9 of 2013

be varied to allow the applicants access their passports and to waive the requirement of them reporting every two weeks to the DPP. They had been charged of Conspiracy to defeat tax laws c/s 392 of the PCA and Uttering false documents c/s 351 of the PCA and forgery of a judicial document C/s 349 of the PCA in two different courts. This was held to be unconstitutional and the applicants were discharged of their burden. The application thus succeeded in favor of the applicants and an injunction was granted.

3.3 Causes of Corruption.

There are a lot of reasons as to why corruption has increased in Uganda.

3.3.1 Weak and Ambiguous Rules

Once enacted, laws must be effective and applied as objectively, impartially and humanly possible. In the war against corruption, the ultimate role of law must be to convert corruption from being perceived from being low risk, low profit activity.¹⁶⁸ Thus where the laws are very weak there is a possibility that corruption shall continue to grow at a high rate. Currently in Uganda, there are different laws which aim at fighting corruption however there are loopholes existing between these laws in line with fighting corruption thus they are very weak.

3.3.2 Weaknesses of the Anti-corruption Institutions

Different institutions in Uganda have been set up in Uganda and they are mandated to fight corruption. However these institutions are very weak since some are based on influence from the government. These institutions are thus not independent because

¹⁶⁸ Kibe Mungai: The obstacles I fight against corruption in Kenya, in Ojieda T.O, Anti-corruption and good governance in EA :Laying foundations for Reform 2007 pg-190

some of their decisions are always in favor of a few specific personalities of the government. The institutions also lack enough funds to help in the day to day running. The employees are paid low wages and also the institutions have failed to appreciate and observe the Anti-corruption laws. This has thus increased corruption in Uganda.

3.3.3 Low Wages and Salaries

Corruption is influenced by the low salaries of public employees who decide to improve their positions financially by practicing bribery, nepotism. This is demonstrated by Allet et al ¹⁶⁹who in their study find that corruption rises because agencies, institutions and governments can no longer control corruption effectively due to underpaid officials which is a problem especially in the developing countries where they do not have sufficient tax revenue to properly reward local officials.

3.3.4 Political Influence

There is a lot of influence from the political leaders which leads to the increase of corruption. If the politics (government parties and leading politicians) is corrupt, then corruption shows up at all levels and this evil at the same time is spread among the ordinary population.¹⁷⁰ Johnston points out useful thinking in terms of two types of equilibrium the balance between the openness and the autonomy of the institution and elites it leads and balance between political and economic power and opportunities for cooperation.

3.3.5 Low Levels of Property Rights.

They are believed to increase the levels of corruption because the lack of property rights constitutes a risk to individuals in the private sector who are thus more likely to engage in corrupt behavior to mitigate or take advantage of such a risk.

¹⁶⁹ Allen F, Quian J, Shen L. Corruption and competition. 2015 < <http://www.intechopen.com/>>

¹⁷⁰ Stefan Sumah :corruption causes, consequences, <[http:// www.intechopen.com](http://www.intechopen.com)> .

3.3.6 Political Instability

Political instability is one of the major causes of corruption in Uganda. It can be defined in three ways.¹⁷¹ First approach defines it as the propensity for regime or government change. A second is to focus on the incidence of political violence in the society such as assassinations. A third approach focuses on instability in policies rather than instability in regimes that is the degree to which fundamental policies of for instance property rights are subject to frequent changes.

3.3.7 Failure to Prosecute High Level Corruption.

In Uganda, it is revealed that only offences of lower amount of money are the ones tried leaving behind the cases with huge sums of money. This is evidenced by the statement by a justice: "This court is tired of trying tilapias when crocodiles are left swimming".¹⁷² Corruption in Uganda is severe, well known, cuts across many sectors and is frequently debated and discussed in the media.¹⁷³

3.4 Places where Corruption is Common in Uganda

Corruption in Uganda has been manifested in both private and public sectors in which the officers in these sectors have continued to practice it. It is said to be common in the following areas.

¹⁷¹ Definition of political instability, <<http://www.encyclopedia.com>>

¹⁷² Justice Bosco Katutsi, former head of Anti-corruption court during the common wealth heads of government scandal, June 29th 2010.

¹⁷³ "Letting the Big fish Swim" <<http://www.hrw.org/report/2013>>

3.4.1 Judiciary

There is a high rate of corruption in Uganda's judiciary due to a political interference.¹⁷⁴ Bribery and political influence in the judiciary is mainly prevalent in the lower courts, the administration of justice is hampered by inadequate funding and staffing.¹⁷⁵ Chief Bart Katureebe has acknowledged the extent of corruption in Ugandan society and the fact that it also infiltrates the judiciary. He indicated that in several cases, corrupt judicial officers have been found guilty by the courts but were set free by the same corrupt system. Corruption has continued to exist in the judicial sector and some judges have been bribed to make judgments and also only cases with lower amount of money have been tried leaving behind the big cases.

3.4.2 Police

According to the latest East African Bribery Index¹⁷⁶, the Uganda police force is the most bribery prone institution in the East African community partner states. Among the region's top ten bribery prone institutions are four Ugandan institutions that is the Judiciary, Police, Uganda Revenue Authority and the Ministry of public service. Police officers after being bribed decide to conceal evidence and destroy files hence delaying justice.

3.4.3 Governmental Ministries

It has been pointed out that the ministries in Uganda have a high practice of corruption. According to the 2017 report from the Office of the Inspector General of Government,¹⁷⁷ the ministry of lands was the leading corrupt ministry with 28 complaints, ministry of Public service in the 12th position with 22 complaints,

¹⁷⁴ <http://www.business-anticorruption.com/court>

¹⁷⁵ <http://www.bti.project.org/en/reports/country-reports>

¹⁷⁶ <http://www.u4.no/publications/best-practices>

¹⁷⁷ Daily monitor Friday January 12th/2018, <monitor.co.ug>

Ministry of trade with 18 complaints, Ministry of Works with 8 complaints, the Ministry of health with 6 complaints, Ministry of Agriculture with 5 complaints, Ministry of Water with 4 complaints and Ministry of local government ,ministry of gender and then the ministry of tourism being the least corrupt ministries. The Ugandan ministers have continued to practice corruption and also misuse public funds for their own purpose.

3.4.4 Kampala City Council

There are a lot of cases where a lot of workers have been tried in the courts of law. In 2014, over 30 employees were dismissed over misconduct due to alleged corruption, office abuse and incompetence.¹⁷⁸ It has recently been alleged that Kampala City Council is chocking on a 65.3 billion debt, arising out of accumulated domestic arrears and unpaid taxes.¹⁷⁹ The employees misuse public funds and sometimes collect bribes from the citizens and this has really accumulated the rate of corruption.

3.4.5 Corruption in the Health Sector

Major sources of corruption in the health sector include contracting and procurement, petty theft, selling accreditation or positions, public funds disappearing, staff nonattendance, informal payment.¹⁸⁰ In Uganda, health services are characterized by corruption, absenteeism, incompetence and empathy. Everyone is not happy with the ruling government. "This misery is self-inflicted because we refuse to acknowledge

¹⁷⁸ [accu.or.ug/Kcca](http://www.monitor.co.ug/KCCA-dismisses-30-over), posted on January 21st 2014 <<http://www.monitor.co.ug/News/National/KCCA-dismisses-30-over>> accessed 15th April 2019

¹⁷⁹ <https://observer.ug/new/headlines/59585kcca-chocking-on-shs>

¹⁸⁰ Corruption and health in developing and transition Economies: Maureen Lewis chief economist for human development world bank

the limits on the state's ability to do everything for everyone, everywhere" Andrew Mwenda states.¹⁸¹

3.4.6 Corruption in Uganda Revenue Authority

Uganda Revenue Authority is also one of the institutions where corruption is highly practiced. Instead of collecting taxes, the employees resort to taking bribes. Some informal sector actors connive with the officials and local government tax law enforcers dodge paying taxes, but end up paying bribes in order to be caught on the wrong side of the law.¹⁸²

3.4.7 Corruption in Schools

According to the Inspector General of Government's report, schools are among the corrupt bodies in Uganda. It's revealed that head teachers take the fourth position where 87 complaints were received in 2017.¹⁸³ Corruption has been singled out as one of the major problem faced by schools in Uganda. According to the report released by Transparency International Uganda, government's misappropriation of funds is one of reasons corruption is rampant in schools.¹⁸⁴

3.4.8 Corruption in the Local Government

Corruption among officials and contractors of district level local governments is a big growing problem, according to the latest report from the Auditor General's office.¹⁸⁵ The most corrupt areas in Uganda is Kampala with 334 complaints that is 21.4% and it's followed by Arua, Jinja, Mbarara and Mukono districts respectively.

¹⁸¹ Andrew Mwenda: "Inside Uganda's healthcare fears communists", health in the magazine, opinion, the last word, < <http://www.independent.co.ug/inside-Uganda's-healthcare-fear> >

¹⁸² The Uganda Debt Network: URA facilitates corruption < <http://acc.or.ug> >

¹⁸³ Daily monitor: IGG names 80 most corrupt government agencies , Friday 12th January 2018 < monitor.co.ug >

¹⁸⁴ <https://nilepost.co.ug/2018/07/19>

¹⁸⁵ Corruption growing in local governments, < <http://www.Independent.co.ug> >

Rwampara, Pakwach, Kibingo, Kalangala Buyende, Busembatya and Gombe districts are those with no or the least corruption complaints.¹⁸⁶ The local leaders have continued to practice corruption in Uganda.

3.5 Consequences of Corruption in Uganda

As a result of corruption Uganda has faced a lot of challenges. Since there are different types of corruption in Uganda, it's really very difficult to escape the consequences of corruption in Uganda.

3.5.1 Poverty

In Uganda, poverty has increased as a result of large numbers of employees in public and private sectors practicing corruption. These just look at their own benefit and forget the rest of the citizens in Uganda. Contexts of poverty are known you be amongst the vulnerable and the most disaster prone.¹⁸⁷ People have continued to suffer the problem of poverty whereas the privileged workers in the government bodies have benefited more through misusing funds which are meant for improving the people's standards of living.

3.5.2 Income Inequality

Corruption may support income inequality for several reasons. First of all, bribes are not paid to the poor people but only to the privileged ones since they have the power and the means to give something in return. Thus only the income of the corrupt workers improves whereas the poor do not profit. Thus corruption leads to income inequality.

¹⁸⁶Daily monitor: IGG names 80 most corrupt government agencies , Friday 12th January 2018
<monitor.co.ug>

¹⁸⁷ Lewis J &Kelman :Good the bad and the ugly, Disaster risk reduction1.2012

3.5.3 Low Taxes

Because of corruption, less tax are collected than would otherwise be as some of the taxes end up in the pockets of the corrupt tax officials.¹⁸⁸ A good example is Kampala City Council officials who are in charge of inspecting and collecting taxes from the business operators in Kampala, instead of performing their duties, they end up receiving bribes from tax payers so as not to tax them this has therefore lowered taxes in Uganda.

3.5.4 The Impact of Corruption on Business.

This depends on the type of the companies and how big the company is. Large companies are better protected in an environment that is prone to corruption, they avoid taxes more easily and their size protects them from petty corruption, while they are often also politically protected, which is why the survival of small and middle sized companies, regardless of their importance for the development is much more difficult than the survival of large companies.¹⁸⁹

3.5.5 Reducing the Effectiveness of Various Financial Assistance Programs

This is common not only in Uganda but also internationally in countries where corruption is practiced. As money is lost somewhere along the way and does not reach those that need it or for whom it is intended so as the financial benefits, deriving from corruption, are not taxable because they are hidden.¹⁹⁰ Thus the people to whom the money is intended continue to suffer.

¹⁸⁸Corruption causes and consequences, <[http://www.intechopen.com/books/trade-and global market](http://www.intechopen.com/books/trade-and_global_market)>

¹⁸⁹ ibid

¹⁹⁰ ibid

3.5.6 Impact of Corruption in Employment.

In Uganda, it has been revealed that jobs do not go to the most suitable or qualified persons but rather to the one who is ready to pay for it or in any other way and also where there is an official in the office who is a relative. There has been a common saying in Uganda of “Ani Akumanyi” literally meaning who knows you. This means that jobs are given to relatives of people who are in charge of the bigger offices rather than considering education and qualification.

3.5.7 Impact of Corruption on Investments.

Corruption affects total investment, the size and form of investment by foreign direct investors, the size of public investments and the quality of investment decisions and investment projects.¹⁹¹ In the presence of corruption, the investments are smaller as entrepreneurs are aware that they will have to bribe officials or even give them the profit share for successful implementation of business. This has made entrepreneurs not to get interested in investing but rather bribing.

3.5.8 Government spending a lot in trying to Fight Corruption.

As a result of the increased rate of corruption in Uganda, the government spends a lot of its funds in trying to fight it. This can be seen from the number of institutions both government and non-government which have been established to help in the fight against corruption yet it continues to grow at a very high rate despite the existence of these institutions. Also in coming with different laws, government spends a lot of money on the members of parliament. Despite the existence of the anti-corruption laws, people do not hesitate to accept or offer bribes. This has therefore put the country in debit crisis.

¹⁹¹ *ibid*

CHAPTER FOUR

Challenges Faced In the Implementation of Corruption Laws

4.1 Introduction

This chapter will deal with the challenges faced by relevant institutions in the implementation of the Anti-corruption laws especially the Anti-Corruption Act. Only institutions under the Anti-Corruption Act shall be discussed though also other institutions suffer the same consequences. Thus it's going to answer the question as to why there is rampant corruption in Uganda despite the existence of the Anti-corruption laws.

4.2 The Anti-Corruption Act

The Act provides for the Jurisdiction of courts to try an offence provided therein and can be exercised only by the High Court, Magistrate's court presided over by Chief Magistrate, or a Magistrates court presided over by a Magistrate Grade I. The High Court has got an unlimited original jurisdiction and the Anti-corruption division has got original jurisdiction to try all offences related to corruption.¹⁹²

The Act provides for different institutions which are in charge of fighting against corruption.¹⁹³ First, is the Office of the Inspector General of Government and then the office of the Director of Public Prosecution.

¹⁹² Section 51 of the Anti-Corruption Act 2009

¹⁹³ Section 36 of the Anti-corruption Act 2009

4.3 Challenges Faced by the Judiciary

4.3.1 Lack of Judicial Independence

The judiciary needs to be free from the undue influence of other institutions of government and society. However, in Uganda, there is no judicial independence starting from the fact that these judicial officers are merely appointed by the President thus Judges have been highly influenced in deciding cases. In Uganda, the fight against corruption is undermined by lack of political commitment among policy makers. This takes the form of political interference by corrupt government officers who use their influence to meddle with investigations or prosecutions by sitting on files or refuse to give clearance for investigation.

4.3.2 Lack of Judicial Integrity

Some judicial officers have failed to respect themselves in line with keeping their integrity. This is because some of them have got involved into corruption directly by accepting bribes from the people in line with making judgment in their favor. Thus judicial officers are the ones that have promoted corruption. The judges have failed to respect their code of conduct.

4.3.3 Lack of Comprehensive Legislation

Uganda does not have a specific law against corruption. As explained in chapter two, a lot of laws have been enacted in Uganda and this confuses the judges as to which law is more superior to the other. For instance we have the Anti-corruption Act 2009 which is considered to be the leading law on corruption. However, there are a lot of loopholes created by other Acts in Uganda.

4.3.4 Insufficient Funding and Scarcity of Trained Personnel

The judiciary does not have enough funds provided by the central government in trying to perform their duties. As a result, many judicial officers decide to go for private business as a way of looking for a better living than being committed to their jobs where they are given less salaries. Also, the judiciary lacks skilled personnel for instance those that would work generously without being corrupt. Thus the judiciary fails to perform those activities which would have helped in curbing corruption.

The judicial officers also receive payment of staggering amounts and as a result they have failed to perform what is required of them but have instead in line with improving their living conditions resorted to receiving bribes from the common people instead of fighting against such acts. This is one of the major problems that hinder the judiciary in performance of its duties.

4.3.5 Lack of Access to Information

Some people lack information on the existence of the laws and the judiciary. Thus even when offences relating to corruption have occurred, they do not know where to run to and who to report to about the offences committed. In addition to this, the judiciary has failed to provide updated information on the cases which have been settled. Therefore there is lack of knowledge on who to report to in line with the anti-corruption offences¹⁹⁴.

¹⁹⁴ Office of the DPP: Performance report by Chibita launch of the Anti-corruption week held on 30th/ November/ 2018, Constitution.

4.4 Challenges Faced By the Office of the Director of Public Prosecution (DPP)

The office of the Director of Public Prosecution falls under the justice law and order sector which is mandated under the second National Development Plan (NDP II) 2015/2016-2019-20, to administer justice, maintain law and order as well as to promote human rights. The office executes its mandate through the different departments among which are the Anti-corruption department which was established in 2009 to prosecute cases before the Anti-corruption Division of the High Court.

4.4.1 Lack of Mutual Legal Assistance Legislation

The Act gives the Director of Public Prosecution the right to empower an inspectorate officer or a police officer to enter any place by force and search, seize and detain any relevant document which may be used as evidence.¹⁹⁵ However a great challenge comes in where the document is suspected to be in the place outside Uganda. Also corruption cases are in most times committed across borders and even some of the assets that would be recovered can be traced across the borders. However there is no law providing for the recovery of such property outside the country. Thus the law is very weak.

4.4.2 Inadequate Staffing

The success of any organization depends on the human resource which should be very adequate both in terms of quality that is skill knowledge and competences and also quantity. However this is a different story in this office where there are very few workers and yet they are a lot of cases to investigate and to handle but because of a few workers it leads to case backlog and in the end the suspects tamper with evidence

¹⁹⁵ Section 37 of the Anti-corruption Act 2009

brought against them. Also here are very few prosecutors to prosecute the Anti-corruption offences. The office has got very few workers.

4.4.3 Inadequate Tools and Equipment's

This usually comes in when the Director of Public Prosecution has instructed for the recovery of the property. There are very few tools which can be used in helping to obtain evidence against the accused. There are no enough vehicles and also in trying to carry out investigations, the equipment's are not enough. And when this is connected with the existence of a few workers it creates more challenges in the office. This is because even the few workers are not given enough equipment that would help them in carrying out investigation. This obviously can hinder the performance of the DPP's duties towards ending corruption.

4.4.4 Lack of Enough Funds

In trying to get sufficient evidence, the office uses a lot of money to access witnesses for court attendance. This leads to delay of cases thereby creating a case backlog. Even while carrying out investigations, the office suffers inadequate funding to conduct prosecution led investigations which makes it hard to trace assets.

4.4.5 Inadequate Skills in Asset Tracing

The investigators lack skills in tracing or identifying assets and at times the assets are not registered in the names of the accessed and thus difficult to attach them. This has made the office to suffer a lot of challenges in line with ensuring that justice is not delayed.

4.4.6 Lack of Cooperation from Witnesses

There are cases where witnesses do not turn up when summoned leading to numerous adjournment of cases. Some of the witnesses are said to be having a lot of fear in line with testifying specifically if they are testifying against the superior ones.

4.5 Challenges Faced By the Office of the Inspectorate of Government (IG)

The Inspectorate of Government was first established as a department in the office of the president in 1986. Its status was later formalized by statute No.2 of 1988 as an independent and autonomous public institution.

Under the Inspectorate of Government Act 2002, the Inspectorate is mandated to eliminate and foster the elimination of corruption and abuse of public office, to promote and ensure adherence to the rule of law and justice in administration. However a lot of challenges have been faced by in trying to perform their duties.

4.5.1 High and Ever Increasing Case Backlog

Majorly, the Inspectorate of Government faces the challenge of a number of cases increasingly being carried forward. Even if judges want to speed up the trial processes, they often don't have the power to do so. Trials are delayed because of a number of things among which is the lack of enough judges in courts to hear the cases brought before them. Also, conflicts usually exist amongst the judicial officers. Ninety five percent of judicial officers admit to have conflict with fellow judicial officers and support staffs at their court stations¹⁹⁶. Seventy six percent of the interviewed respondents felt that flows in the movement of case files from one court to another following their complaints, led to delay of such cases.

¹⁹⁶ <<https://www.academia.edu.>>

4.5.2 Inadequate Financial Resources

The funds provided from the central government are not adequate to enable the institution carryout her full operations in relation to her operational costs and workload. This has really made it difficult of the office to effectively perform its duties of ensuring that corruption has been brought to an end.

4.5.3 Delays in Disposing off Court Cases

A delay in disposing off court cases is one of the major challenges¹⁹⁷. This has thus affected the delivery of justice. The delays are encountered at the court of appeals and supreme courts which often take long to conclude the case. As a result the performance of the institution in regard to her mandate is affected.¹⁹⁸ The long stay of cases in court could potentially result into public officers not moved about their actions and corrupt tendencies as they remain suspects until proven guilty.

4.5.4 Leaking Confidential Information

Poor methods of storage and retrieval of records and sharing in public offices has been reported as one of the challenges.¹⁹⁹ The poor methods into leakage of confidential information to the public and also as a result of poor methods, it becomes difficult for the Inspectorate of Government to collect credible information from the public officers or officer. The absence of proper records has continuously created a bottleneck for investigations. Thus, this has become a hindrance in the office of the inspectorate of government. There are many projects in place but they do not have enough funds to support the projects. In terms of development expenditures the

¹⁹⁷ Transparency international Uganda, the role of the inspectorate of government in public institutions in Uganda final report March 2016 Page 35-37.

¹⁹⁸ Ibid

¹⁹⁹ The inspectorate of government: Budget framework paper BFB 2018/2019, 2020-21 – presented to the committee on legal and parliamentary office by IGG.

government of Uganda has always contributed a small proportion ranging between 5% in 2010-2011 and 9% in 2012-2013²⁰⁰

4.5.5 Inadequate Regional Offices

The offices which exist are very few compared to the size of the country. There are very few offices across the country that even if one had an interest of reporting the case, he or she does not have a nearby place to run to. Thus this is one of the challenges faced by the office of the inspectorate of government. There are few regional offices and the government is at the same time not willing to provide funds to expand on the number of office in the country. Non implementation of Inspectorate of Government recommendation has been reported as one of the challenges faced²⁰¹.

Upon completion of investigations, there have been instances where eth recommendations made by the Inspectorate of Government have not been implemented²⁰². Thus when recommendations are not effected promptly, the matters remain unsolved. Thus this has become like wastage of time and resources in conducting research and making recommendations that would help the Office of Inspectorate of Government to perform its duties. Thus if at least the recommendations that are made on a yearly basis were followed, then the office would be able to achieve its objectives.

²⁰⁰ Transparency International: Report on the role of IG in promoting – accountability in public institutions in Uganda March 2016

²⁰¹ Irene, Kakooza IGG.: The inspectorate of Government budget presented to the committee on legal and parliamentary Affairs of parliament

²⁰² *ibid*

4.5.6 Inadequate Human Resource

Besides financial resource inadequacy, the institution is faced with the challenge of limited human resource to handle various complaints and investigate them in relation to the workload²⁰³. Human resources are more inadequate at regional offices resulting into high officer-complaint ratio and the vacant positions remain way high. Out of the 425 positions available for instance in the financial year 2010-2011 only 310 were filled hence creating a staff gap of 115 staff recent positions²⁰⁴. The staff gap stood at 18% which is way high if the inspectorate is to function fully. The current problem of inadequate staff increases case backlog hence impacting on the performance of the institution of IG.

4.5.7 Reluctance to Report Cases.

It's noted that a number of public officers are reluctant to report cases pertaining to accountability²⁰⁵. This is often manifested in the National integrity survey that is 2008 reports which often report that the public officials' reluctance is more inclined to mostly no actions corruption, high courts of reporting and the fear of prosecution as they become victims in the complaints they report.

²⁰³ Transparency international Uganda: The role of the inspectorate of Government in public institutions in Uganda final report March 2016 page 35.

²⁰⁴ Ibid.

²⁰⁵ Ibid.

CHAPTER FIVE

Findings, Recommendations and Conclusion

5.1 Findings

The study sought to assess the effectiveness of the legal and institutional framework on Corruption in curbing Corruption in Uganda putting into consideration the Anti-corruption Act 2009. The researcher thus was able to come up with different findings which were obtained from the research.

5.1.1 The Anti-Corruption Institutions Do Not Effectively Perform Their Duties.

The finding of the study is that the institutions in-charge of fighting corruption are not effective. As discussed in Chapter two, Uganda has over thirty institutions in charge of fighting corruption. However, in my own thinking these institutions are there just to increase the country's budget because they are useless since the vice has increased instead of it being reduced.

In Chapter three, places where corruption is reported to be existing have been discussed. Among these places, we have got the judiciary, ministries, Uganda police which are actually responsible for fighting corruption. This therefore is one sign that the institutions are not effective since they are not at all independent because of the influence from political leaders. The officers in these institutions have themselves got directly involved in the acts of corruption.

5.1.2 Corruption has had an effect on Uganda's economy

The study found that Corruption has had a harmful effect on Uganda's economy leading to the rise of poverty amongst the citizens even when there are a number of struggles made to eliminate it despite the available Anti-corruption legislation. The laws that exist have not effectively dealt with corruption. Public officers have made Corruption the order of the day. As noted in the previous chapters the Country loses Billions of money because of the evil acts of officers in government. This of course has got an impact on the economy.

5.1.3 A Finding on the Effectiveness of the Anti-Corruption Laws

The finding of this study is that failure to effectively curb corruption in Uganda has been a result of lack of a clear National Anti-corruption legislation which provides for clear offences, structures of institutions and the strategy for tackling corruption. This problem can be seen from the conflicts and overlap in the law and institutions which are in charge of fighting corruption. If at least there was that one well known legislation that tackles all forms of Corruption then there would be success. Looking at Uganda, there are over twenty legislations that provide for the forms of offences. An example can be the Anti-corruption Act which provides for bribery as an offence, and then the Bribery Act .Now a question arises of which law is more superior to the other. This creates confusion amongst the judges while coming up with decisions. The study also provides that the Anti-corruption laws are scattered in a number of statutes make it difficult to enforce and thus leads to a conflict of laws thus the Anti-corruption Act should be amended to consolidate the laws relating to Anti-corruption.

5.1.4 Finding on Poor Enforcement and Implementation of the Existing Laws.

The study further revealed that even though there exists a legal framework to fight corruption, there is poor enforcement of the laws. Thus there is need to strengthen the legal framework to eliminate the interferences in the work of the institutions in charge of fighting against corruption.

5.2 Recommendations on Legal Framework.

5.2.1 Amend the Anti-corruption Act so as to Consolidate the Anti-Corruption Laws and Regulations

As discussed in Chapter two, there are a lot of laws, regulations and programs that aim at fighting Corruption. However, there is confusion amongst the judges on which laws to be referred to when issues concerning corruption arise as there exists a disharmony in the provisions of the Anti-corruption laws. It is recommended that the Ministry of justice should provide one strong legal framework that sums up all Anti-corruption legislations. In my view, the Anti-corruption Act could be the best if it's amended and include all the institutions including the recent one Anti-corruption unit.

5.2.2 Carrying out Sensitization and Public Awareness on Corruption laws

It's recommended that there should be sensitization of the public on the existing Anti-corruption laws. This can be through conducting conferences especially in villages, carrying out education in schools and universities on Corruption. This can help people to know that they are free to come up and sue those public and private officers who entice them to get involved in bribery. This would also help in involving the civil

society in the fight against Corruption for it can make it a collective effort of fighting corruption.

5.2.3 Government to Conduct a Follow-up on Implementation of Legislation by Institutions

In order to ensure that the funds which are given by government to different institutions to fight corruption are not wasted, the government should continue to make a follow-up on implementation of the legislations enacted and also on recommendations of commissions of inquiry.

5.3 Recommendation on the Institutional Framework

5.3.1 Need for Increase of Staff in the Anti-Corruption Institutions.

As discussed in Chapter four, most Anti-corruption institutions have reported the challenge of lack of enough staff as the major problem. It is thus recommended that there should be an admission of more staff to their institutions. After all there are a lot of qualified graduates who are hunting for jobs on streets. This could even reduce on the rate of unemployment in the country Uganda is a country that has got educated citizens. Thus the institutions should increase on the number of staff members so as to make chicken perform their duties.

5.3.2 Need to Increase Funding For The Operations of The Institutions.

The central government should provide enough funds for these institutions so that they can do their work effectively. Without enough money to pay the workers, without enough funds to help in conducting investigations there can't be effective performance of the work. The institutional framework needs to be uplifted and supported and the activities of various agencies need to be streamlined to overcome overlap in their activities so as to save financial resources.

5.3.3 Coordination among the Anti-Corruption Institutions

Corruption has become the greatest problem being faced in Uganda and thus many programs have been put in place and also institutions that aim at fighting Corruption have been established. Thus every institution has got its own vision, objective and mission. Thus it is recommended that there should be a new provision in the laws that provide for coordination amongst the Anti-corruption institutions.

5.3.4 Emphasis on Integrity Programs in all Institutions.

There is need to provide more training on the officers in institutions on how to keep their integrity. This would reduce on the risk of the officers in charge of fighting corruption ending up getting involved in Corruption themselves by accepting Bribes. Also, in both rural and urban areas there should be a great emphasis to all people on keeping their integrity because Corruption is not only in towns but it is actually rising at a very high rate in rural areas. Thus focus shouldn't only be put on towns and then forget about villages. An emphasis should be put on judges to always declare conflicts of interest when they have bias on a party to a case when they have previously served as lawyers or material witnesses or if they have an economic interest in the case.

5.4 Conclusion

The study was intended to determine the effectiveness of the legal and institutional framework on corruption in curbing corruption in Uganda a case study being the Anti-Corruption Act 2009. Today, in Uganda a lot of steps have been taken to ensure that corruption is eliminated in the country. Currently, we have seen the launch of the Anti-corruption day by the Director of Public Prosecution, the president establishing the Anti-Corruption unit-State House to help in the fight against corruption, new Anti-

corruption laws being enacted by parliament and the judiciary trying many corruption cases especially the Anti-Corruption Court all in the name of curbing corruption. However, despite the efforts made by government, corruption has continued to be the order of the day in Uganda and the country is actually ranked one of the most corrupt countries in Uganda.

However, it has been revealed that although corruption has been a result of weak Anti-Corruption institutions, there are some challenges like inadequate funding, lack of enough tools, case backlog, lack of enough human resource, leaking information and most especially the existing weak and ambiguous laws faced in the institutions which are beyond control and thus making it hard to fight corruption.

Having assessed the legal framework, the study concludes that there are some loopholes in the perspective elements of that law that do not address the problem of corruption. It's concluded that the prevalence of corruption in Uganda can be traced to the institutional failures and enforcement machinery in the system which is attributed to uncoordinated policies to fight against corruption.

The study also concludes therefore that although there are existing laws and institutions in charge of curbing corruption, the same have not been effective thus there is need to make a follow up especially on the institutions which are in-charge of curbing corruption. First, the judiciary cannot fail to be blamed since it has been revealed that some of the judges directly get involved in practicing corruption themselves yet they are in charge of curbing corruption as has been reported that the judiciary is amongst the most corrupt in Uganda.

It has been revealed that some members of parliament in Uganda have appeared on several occasions in many cases for being corrupt yet the parliament is the one that makes laws. Thus it could be hard for an ordinary citizen to abstain from corruption yet those in parliament practice it. In the Uganda police, corruption has become a source of income for some of the police officers and then you wonder because the police the one supposed to be fighting corruption. The study concludes that the institutions should fight against corruption by its officers first and then go for the entire country because these institutions are corrupt themselves.

BIBLIOGRAPHY

A. J Heidenheimer (ed.): Political Corruption: Readings in Comparative Analysis, New Brunswick: Transaction books, 1978 pg. 4-8.

Asea W.B, 2018: Combatting political and Bureaucratic corruption in Uganda, Colossial challenges for the citizens, pg. 2 of 14.

Centre for democracy and governance: Handbook on fighting corruption, Technical publication series, 1999.

Directorate of Ethics and Integrity, Office of the President; Government strategy and plan of Action and Build Ethics and Build Integrity in public office Fiscal Year 2001-2003

Feathers, Beka : " Bribes without borders. The challenge of fighting corruption in the global text" American University International law reviews 29 no. 2(2014): 287-293).

Fjeldstad, Odd Helge (2003): Fighting Fiscal Corruption

Flanary R and Watt D: The state of corruption, A case study of Uganda. Third World quarterly V20, no. 3, 1999 pg. 515-530

George Kanyeihamba: Kanyeihamba's Commentaries On law, politics And Governance, pg 125-146

Irene, Kakooza IGG.: The inspectorate of Government budget presented to the committee on legal and parliamentary Affairs of Parliament

John Batist Waswa, Michael Kakooza: Uganda media review, media and corruption, Uganda department medial tradition

Khan, Mushtaq (2006): Governance, Economic growth and development since 1960s". Background paper for the World economic and Social survey. New York: UNDESA

Maira Martini: Uganda, Overview of corruption and anti-corruption, Transparency International pg. 2

Matte Gephardt: Conceptualizing conception of corruption. Challenges for the international, anti-corruption campaign GIGA working papers, No.115, 2009

Michael Charo Ruwa: Principles of Good Governance, The church's perspective, Nairobi, Pauline Publications Africa, 2001.

Michael Johnson: Syndromes of Corruption, Wealth power And democracy.

Michael, Bryane & Mariya Polner: Fighting corruption on the Transdnistrian Border: Transitional studies review 15:3.

Mike Chibita: Performance report of November 2018 on the Uganda launch of Anti-corruption week on 30th/ November 2018

Monica Nogara: Role of media in curbing corruption: The case of Uganda under President Y.K Museveni during the no party system.

National Anti-corruption strategy 2008-2013 Draft 4.3 of August 2008.

Norman Abjorensen: Combating corruption implications of the G20 Action Plan for the Asia-Pacific region.

Ouma Stephen: Public policy and its impact on development. The case study of Uganda since 1979 "Public Administration and Development." Cool. 11 No. 5 1991 pg. 473-481.

REPORTS

The inspectorate of government: Budget framework paper BFB 2018/2019, 2020-21 presented to the committee on legal and parliamentary office by IGG.

Transparency international Uganda, the role of the inspectorate of government in public institutions in Uganda final report March 2016 Page 35-37.

Transparency International: 2018 Corruption Perceptions Index Report

Transparency International: The first global convention Against Corruption to come into force

UNODC, UNDP and the UNODC-INEGI Center of excellence in Statistical Information on Government crime and justice: The manual on corruption surveys (Vienna, 2018)

Websites used

afrobarometer.org

<https://www.judiciary.go.ug/data/smenu/19/>

<https://en.wikipedia.org/wiki/>

<https://nilepost.co.ug>

<https://observer.ug/new/headlines/59585>

<https://researchgate.net/publication>

<https://unodc.org>

<https://www.academia.edu>

<https://www.bti.project.org/en/reports/country-reports>

<https://www.business-anticorruption.com/court>

<https://www.encyclopedia.com>

<https://www.hrw.org>

<https://www.independent.co.ug>

<https://www.intechopes.com/>

<https://www.mediacentre.go.ug/media>

<https://www.merriam-webster.com/>

<https://www.monitor.co.ug>

<https://www.parliament.go.ug/>

<https://www.u4.no/publications/best-practices>

<https://www.newvision//news/149484>

www.DPP.Go

www.scielo.org.za/scielo.php

www.transparency

INTERVIEW GUIDE

The effectiveness of the legal and institutional framework in curbing corruption in
Uganda: A case study of the Anti-Corruption Act 2009

(The interviewer is a student of Bachelor of Laws and is conducting a study to find out the contribution of Anti-corruption institutions in curbing corruption in Uganda and the various challenges faced by them)

Date.....

Full name.....

Title Held.....

Work place.....

1. What has been your experience so far ever since you started working in this office in line with the fight against corruption?

.....
.....

2. In simple explanation, define what you understand by the term corruption?

.....
.....

3. In your own opinion why do you think that despite the efforts made in line with curbing corruption, the vice has continued to increase in Uganda?

.....
.....

4. In your own view, which institutions are considered to be the most corrupt in Uganda and why? Depending on the different complaints concerning corruption received in your office?

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5. Do you think the existing Anti-Corruption laws are of a great significance in line with fighting corruption in Uganda?
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-
6. As one of the Anti-corruption activists in Uganda, what do you think is the best way of eliminating corruption since its one of the greatest problems faced in the country?
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-
7. What are some of the challenges you have faced while performing your duties as an officer in charge of curbing corruption?
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-
8. In your view, which improvements should be made by the government of Uganda so as to reduce corruption?
-
-
9. Do you have any other recommendations or advice regarding this topic?
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Thank you so much for your time. It has been nice talking to you.