THE ROLE OF CIVIL SOCIETY IN PREVENTING AND COMBATING CORRUPTION IN UGANDA. ACASE STUDY OF NAKAWA DIVISION KAMPALA

BY

NABUNYA LYDIA CHRISTINE REG NO. LLD/35641/113/DU

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DECLARATION

I NABUNYA LYDIA CHRISTINE do declare that I am the author of this research proposal and that any assistance I received in its preparation is fully acknowledged and disclosed in the proposal. I have also cited all the sources from which I used to collect data, ideas or words, either quoted directly or paraphrased also certify that this proposal was prepared by me specifically for the partial fulfillment of the award of a Diploma in Law at Kampala International University.

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APPROVAL

This is to certify that NABUNYA LYDIA CHRISTINE carried out a research proposal entitled: THE ROLE OF CIVIL SOCIETY IN PREVENTING AND COMBATING CORRUPTION IN CIVIL SOCIETY she has been under my supervision and her study is ready for submission

RESEARCH SUPERVISOR
NAME. Advocate
SIGNATURE.
DATE 17TH OCTOBER-2012

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This work is a result of the inspiration and valuable guidance of so many people who took off their time to add value to my initiative.

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To my guardians Mr. and Mrs. Kalule David Kasujja, my brothers and sisters, friends and relatives who diligently supported me all through my education.

Above all I thank the A mighty God for his tireless work, effort and contribution towards my success "whatever I have accomplished in this life, God has done it for me"(Isaiah 26:12)

DEDICATION

This piece of work is dedicated to the Almighty God for being gracious to me throughout my studies, my parents MR and MRS Kalule David Kasujja my brothers and sisters: Edward, Jackson Jimmy, Abraham, Grace, Dora, Julie Sharon and my lovely nephew Victor Evanz Lugagyo whose self sacrifice has brought me joy. I Love them all and God bless them abundantly.

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ACRONYMS

ACC African Anti-Corruption Commission

ACWG Anti-Corruption Working Group (donor technical group)

DEI Directorate of Ethics and Integrity

DPP Director of Public Prosecutions (Uganda)

GGWG Good Governance Working Group (donor technical group)

GOU Government of Uganda

IGG Inspector General of Government (Uganda)

NGO Non -governmental organization

PEAP :Poverty Eradication Action Plan (Uganda's PRSP)

PSFU Private Sector Foundation Uganda

TI Transparency International

UDN Uganda Debt Network (Uganda NGO)

UMA Uganda Manufacturers Association

US United States

UPE Univesal Primary Education

OAG Office of the Auditor General

CSOs Civil Society Organizations

NIS :National Integrity System

UJCC Uganda joint Christian council

NOCEM National organization for civic education and election monitoring

ECGD credit guarantee department

UCCA anti-corruption coalition of Uganda

PPDA Public and Disposal of Assets Authority

CID Criminal investigations Department's Fraud Squad

CHAPTER ONE: INTRODUCTION TO THE STUDY

1.1 Introduction

This section provides a clear background to the study, statement of the problem, purpose, objective, research question, scope of the study and the significance. The definition of key words will also be incorporated in this section.

1.2 Background to the study

Fighting corruption has emerged as a key development issue in Uganda. In the recent years more and more policy markers, businesses and civil society organizations, have begun to confront the issue openly. At the same time the general level of understanding about corruption has risen markedly. Until recent, it was not uncommon to hear someone discuss anti-corruption strictly in law enforcement terms. By contrast, most people working in the field today acknowledge that public education and prevention are equally important. The field has also to appreciate how critical the role of society is for effective and sustained reform.

A number of factors explain the growing emphasis on fight against corruption. Expansion and consolidation of democracy at the grass roots level has enabled citizens to use the vote and newfound civil liberties to confront corruption, promoting leads and opposition figures to show a stronger anti-corruption commitment. Internationally, donor governments have focused less on ideological grounds for foreign assistance and concentrated more on trade development. Both of which are undermined by corruption, like Uganda, have found themselves less able to attract investment and Aid in competitive global market.

Preliminary examination of data from various hypotheses concerning the role of civil society in Uganda is that the sustenance and success of efforts to combat corruption in Uganda directly related to the extent of participation of civil society. In this effort; the underlying idea is that development is not the product of a set of blue prints given by political leadership independently of the civil society but is often a joint output of civil society itself. The pace and direction of development effort is shaped by the umbilical relationship between the state and society.

Viewed in this perspective, anti- corruption strategies are not simply policies that can be planned in advance and isolation, but often a set of subtler insights that can be developed only in conjunction with citizen participation.

1.3 Statement of the Problem

Corruption in public procurement and service delivery poses a serious obstacle to economic and social development in Uganda. The government of Uganda (GOU) and the Uganda civil society acknowledges the seriousness of corruption and recognize that corruption has led to significant losses of public funds through mishandled procurements and outright embezzlement. According to the National Public Procurement Integrity Baseline Survey, conducted under the auspices of the GOU's Public Procurement and Disposal of public Assets Authority (PPDA), between 7%-9% of the central governments' procurement budgets are lost to corruption each year, this amount to between \$64 and \$85 million dollars.

According to transparency international index, Uganda's performance has improved from a score of 1.9 in 2001 to 2.7 in 2006; however how any score below 3 represents a perception that corruption is rampant, a significant number of corruption cases have been reported in the press in recent years, and high profile cases in particular need to be dealt with during the period of the Threshold Country Plan (TCP) to address the problem and change public the perception. Various reports such as the Auditor general report, over shillings 200billion is lost through corruption acts such as embezzlement, diversion and lack of accountability, misappropriation, fraud and outright theft. To help fight corruption, President Museveni launched the National Strategy to Fight corruption and rebuild Ethics and Integrity in public office in July 2004. The strategy provides a plan of action to guide interventions in the fight against corruption. The strategy is framed within the good governance pillar of GOU's overall planning frame work and the poverty Eradication Action plan, which serve as a guide for government and donor actions. In recent years, the GOU has shifted its official emphasis towards Zero Tolerance to corruption. The GOU's Directorate of Ethics and Integrity (DEI) coordinates the work of six agencies at the core of GOU's Anti-corruption efforts. These agencies and other government agencies and leading Civil Society Organization (CSOs) are affiliated through an Inter-Agency Forum, which reviews Uganda's progress on anti-corruption front. Despite recognition of gravity of

corruption and creation of laws and institutions to reduce corruption, Uganda's capacity to deal with it effectively has been hampered by an inability to implement and enforce existing laws and policies; corruption therefore, continues to severely constrain public policy execution and public service delivery. The National Integrity Survey of 2003 suggested that the failure to bring offenders to justice in the past led to the perception by the public that corruption is not condoned in Uganda.

1.4 purpose of the study.

The aim of the study is to create greater awareness of the subject and to highlight the desirability to keep it in view in thinking the role of civil society in combating corruption and propose solutions to minimize the limitations faced while fighting corruption.

1.5 objective of the study

Main objective

Establish the role of civil society in combating corruption in Uganda.

Sub objectives

- 1 Establish the causes of corruption in Uganda
- 2 identify the consequences of corruption
- 3 identify the problems faced while fighting corruption in Uganda
- 4 identify solutions to the constraints experienced while fighting corruption

1.6 Research Questions

- 1. What are the causes of corruption in Uganda?
- 2. Identify the consequences of corruption to the development of Uganda?
- 3. What is the role of civil society in combating corruption in Uganda?
- 4. What are the problems faced in fighting corruption?

5. What measures can be taken to address the problems identified above?

1.7 Scope of the study

Here the researcher will draw a line around the study focusing on the geographical scope content scope and time scope.

Geographical Scope.

The research will be carried out in Nakawa division around Kampala.

Context scope.

The context will focus on finding out the role of civil society in combating corruption in Uganda.

Time scope.

The researcher will cover material that have been acquired from time of corruption up to date

1.8 significance of the study.

The study will be a guiding tool for scholars, development workers, activitists, politicians, international organization public affairs commenter's and the general public in finding out the role of civil society in fighting against corruption in Uganda.

1.9 Definition of key terms

Corruption.

The word corruption `is derived from the Latin word corruptus` meaning to break. Its derivation emphasizes the destructive effect of corruption on the fabric of society and the fact that it`s popular meaning encompasses all those situations where agents and public officers break the confidence entrusted in them.

Transparency International (TI) defines corruption as the misuse of entrusted powers for private gains.

EL-Rufai (2003) viewed corruption as covering a wide range of social misconducts, including Fraud, extortion, embezzlement, bribery, nepotism, influencing peddling, bestowing of favor to friends rigging of elections, abuse of public property, the leaking of government secrets, and sale of expired and defective goods such as drugs, food and electronics and spare parts to the public. The corrupt practices and other related Acts,2000 defines corruption to include bribery, fraud and other related offence like gratification. This is no different from what is described in the anti-corruption Act, 2009 part (ii) section (a-e)

Civil society

Despite the wide and various uses to which it is put, the concept has not lent itself to a universally accepted definition. Different writers have explored the complexity of the concept showing different dimensions of civil society.

In the words of Robert Fatton, Jr(1992), civil society is the private sphere of materials, cultures, and political activities resisting the incursion of state, in its general and provisional configuration, civil society represents a counter weight to state power and thus serves as critical agents of transparency and accountability.

Larry Diamond (1999) defines civil society as a realm of organized social life that is open, voluntary, self- generating, at least partially self supporting, autonomous from state, and bound by a legal order or set of shared rules,. In other words, civil society is distinct from society in that it involves the citizens acting collectively in public realm.

It needs to be pointed out that civil society encompasses a vast array of organizations which are formal and informal in character; informational and educational; interest based; developmental, civic seeking in a non-partisan to improve the political system.

CHAPTER TWO: LITERATURE REVIEW

2.1Introduction

This section presents some ideas and issues that have emerged from the current discussion and ongoing debate on the corruption question in the region and around the world. It considers the causes, consequences and international dimensions of corruption, which seem to have generated a lot of public attention in many countries. Thoughts and suggestions on possible remedial measures will also be included as it would not be a fruitful exercise to only discuss issues and problems, without coming forward with some solutions as well.

.The literature will be reviewed according to research questions, the method to be used will be literature analysis and instrument literature analysis guide.

2.2 Causes of Corruption.

There are different perspectives on what causes corruption in society. Some scholars have argued that poverty is the root cause of corruption and that without poverty there would be no corruption (pope, op.cit) most people would agree that poverty definitely contributes to corruption. In many poor countries, the wages of public and private sector workers is not sufficient for them to survive. Many people therefore engage in petty corruption to make ends meet. But poverty can definitely not be the only explanation. If poverty is the only cause, it will be difficult to explain why rich people and rich countries engage in corruptible transactions. It has been documented that:

Recent World Bank estimates of the wealth which corrupt African leaders have snatched away in European banks stands at several billions US dollars. None of these leaders can be described as victims of poverty. Yet, by plundering national treasuries, these African leaders have unquestionably deepened the poverty of their people, 'Briggs, D.A and Bolanta, K.S. (1992)

There is also a suggestion that corruption is part of the culture of many developing countries. This line of argument is mostly pushed by Eurocentric scholars, they argue that: What is regarded as corruption in Africa is a myth because it is expected that a beneficiary should show appreciation for favors granted to him/her. If government officials offer one a job or contract, the beneficiary would be obliged to show appreciation either in kind or cash to the government official just as he would do to a village chief if granted a land to cultivate crops or build a house. Corruption is a myth because one's cultures' bribery is another's mutual good will. Briggs, D.A and Bolanta, K.S.(1992)

But this position that corruption is part of African culture has been criticized by many African scholars, activists and politicians. It is clear to any African that the traditional African society frowns at corruption or stealing or anything that does not legally belong to you and there are strong community sanctions for such behaviors. As Maduagwu has argued.

It is mere trivialization of the serious issue of corruption in the modern society for anyone to suggest that corruption or embezzlement of public funds or extortion of money (bribe) from people looking for jobs or contracts or other benefits from government, could be equated to customary requirement of bringing presents to the chief for permission to cultivate a land and such thing. Maduagwa, M.O. (1996)

President Olusegun Obasanjo also attacked the notion that corruption is part of African culture when he stated:

I shudder at how an integral part of our culture could be taken as the basis for rationalizing otherwise despicable behavior. In the African concept of appreciation and hospitality, the gift is usually a token. It is not demanded. The value is usually in the spirit rather than in the material worth. It is usually done in the open, and never in secret. Where it becomes an embarrassment and it is returned. If anything, corruption has perverted and destroyed this aspect of our culture. Obasanjo.O (1995) Related to the myth of culture is the argument that in Africa, there is allegiance to the extended family and community. As a result, when one climbs up the social and political ladder, he/she is expected to and under pressure to give gifts, money, job and contracts to people in his/her community. Therefore, when people bow to this pressure, they slip into corruption. It must however be noted that in any society, there are different kinds of pressure and Succumbing to negative pressures in any society cannot be accepted as norm.

Political patronage

The biggest cause of corruption in today's Uganda is undoubtedly the political leadership at the helm of affairs in the country. From this fountain head of corruption flows various streams of corrupt practices which plague the political economic and social activities in the country. The post-independence political leadership has risen from the grassroots level in the form of regional, cast, linguistic and other protest movements. They transformed the nature of politics and administration. Amoral politics, self-aggrandizement, disregard of the constitutional norms in pursuit of power, political survival at any cost are rules of the game. They interfere with administration of justice and have bent bureaucracy to do their bidding.

Social Environment

Public administration is a sub- system of the political system which in itself is part of the large whole called the social system. Therefore the societal culture or societal environment has powerful impact on public administration. Put different, administration cannot be plucked out from the tissue of culture in which it is embedded as a member of the wide societal system. A bureaucrat reflects the sprit and ethos of that society, and his actions are bound be the manifestations of his cultural moorings.

In present day Uganda corruption has found an acceptance in social psyche and behavior, social evils like bribery nepotism and favoritism have come to be accepted in society. People often approach someone known to them for favors' which they know are not legally due to them.

Jumping the traffic lights, getting the benefits not due to one has become part of social ethos. The person who has acquired wealth through unfair means is often accorded same if not higher status in Ugandan society as that given to the person of excellence

Whatever a person may say in coffee houses or in seminars, they show awe and respect the corrupt. Such people are repeatedly elected or appointed to positions of power, and they go on to distribute the spoils of office to their near and dear ones.

This group psyche is very infertile soil for public morality. In the ultimate analysis the corrupt political or the corrupt administration is a creation of the public and is a concrete manifestation of the psychologically corrupt men in the street with whose approval for corruption flourishes

with impunity. It is no surprise therefore that at times the corrupt political leaders walk majestically to the court band acknowledge their supporters greetings as if they were to receive award for public service.

Finally, some scholars have attributed corruption in the African continent to the legacy of colonialism. They argue that the colonial state lacked transparency and accountability to the African people. If there was any iota of accountability, it was to the metropolis in London, Paris, Lisbon or elsewhere but definitely not to African people and institutions. This is why the after independence, the post colonial state and government are alien to the African. We have argued elsewhere that colonized people saw government as oppressive and alien; and this is why in most African languages, government work is described as white person's job. Igbuzor, O. (2005). In my view, corruption is a problem with multi-factorial cause. It is caused by a complex of factors and relations ranging from poverty to greed and primitive accumulation conditioned by colonial heritage

2.3 Consequences of corruption to the development of Uganda

Rose-Ackerman (1997, 5) states that "widespread corruption is a symptom that the state is functioning poorly." In fact, the entrenched characteristic of official corrupt practices is rooted in the abuse of market or organizational power by public sector officials (Buscaglia 1997a, 277). Many studies have already shown that the presence of perceived corruption retards economic growth, lowers investment, decreases private savings, and hampers political stability (Maoro 1995; Schleifer and Vishny 1993). Moreover, foreign direct investment has demonstrated a special negative reaction to the presence of corruption within the public sectors in developing countries (Leiken 1996); Lambsdorff (1998). This shows that the degree of corruption in importing developing countries also affects the trade structure of exporting countries.

In the work shop organized by Uganda Debt Network at pope Paul VI Memorial conference centre on 13th -14th September 2004 on "A Call for a comprehensive strategy to combat corruption in Uganda it was noted that the effect of corruption are diverse and have far reaching impact on the poor and this include

Economic consequence of corruption.

According to various reports such as the Auditor General reports over shillings 200 billion is lost through corruption acts such as embezzlement, diversion and lack of accountability, misappropriation, fraud and outright theft. Some of the money is meant for provision of social services such as construction of classrooms for UPE to cater for over 6 million children in primary schools, health and maternity centres and others.

The various reports by the inspectorate of government indicate that a large amount of money is lost through grand corruption in form of procurement contracts, commissions and projects. Although investigations and commission of inquiries that have unearthed massive corruption have been carried out, with the exception of the commission of inquiry into the Police Force, the rest have not been acted upon hence no action to bring the culprits to book. Some of the people allegedly involved are senior public officers and highly placed politicians. The commissions of inquiry included:

The commission of inquiry into the Junk Helicopters purchase in which government lost over \$7million, the exploitation of DRC natural resources that implicated senior military and government officials and the inquiry into URA whose report was recently expunged by the High Court merely on technical grounds.

Sad to note, most of the money lost in corruption is borrowed for development projects intended to improve the livelihoods of poor people. Examples include money borrowed for the Valley Dam project to provide water for over 2 million herds of cattle in the cattle corridors and the \$34 million for the failed Early Childhood and Nutrition project meant to benefit under 5 year old children in 25 districts. As a result of this mismanagement of borrowed resources, Uganda continues to sink deeper into unsustainable debt, which, remain a yoke not only on us but the future generations.

Political consequence of corruption.

Uganda has been characterized by violence, nepotism, patronage and misuse of power. Consequently and by default such people have become a) politically powerful and are able to influence the course of political events in the country b) a role model to be emulated thus undermining the moral fabric of society and national integrity.

Over time a small elite group of people related to each other through marriage, ethnicity, religion, education that monopolize the political spheres has been created there by undermining the valves of democracy and democratic government. For instance ministers censored by parliament were re-appointed and promoted; others involved in various corruption scandals at national and local levels are, neither reprimanded, sacked nor made resign from their positions. Because leaders use bribes and coercion to perpetuate themselves in power, this has tended to undermine the integrity of the state institutions including the army, the courts of law, the police, the judiciary and legislature among others.

Corruption fuels internecine, conflicts leading to massive loss of life, displacement, human rights violations, repression, a deprivation etc. Corrupt leaders in turn use this conflict as a pretext to perpetuate themselves in power.

Consequently corruption, conflict and political instability continuous to become the country's national and international trademark. This therefore makes it difficult for a country to attract viable investments. Instead persons of dubious economic and financial background are fronted as investors. Unfortunately their contribution in terms of new jobs created, increased incomes and improved livelihoods ordinary citizens is neither seen nor felt.

Legal and institutional frame work.

Legal, institutional and policy frame work for combating, abuse of and wastage of public property exists. For instance Article 17(i) of the 1995 constitution provides that it is the duty of every Ugandan to combat corruption. The institutions like the ministry of Ethics and Integrity,

the Inspectorate of government, the Auditor General and Parliament are among others mandated to stop the scourge of corruption.

However, in spite the presence of these institutions, corruption continues unabated partly because the institutions do not have adequate human and financial resources to execute their mandate and partly because the powerful individuals in pursuit of their political and economic interest undermines them.

The legal framework empowering the Inspector General of Government to enforce the leadership Code Act, 2002 was put in to question by the decision of high court that nullified section 16(1),20(1) and 35 (b) and (d) thereby rendering it largely ineffective as a disciplinary code of conduct since many of the corrupt officials and leaders are appointed by the president.

It is the duty of government to provide human and financial resources that are adequate to enable the various Anti-Corruption institutions to perform their role. For instance the IGG's office employs close to 400 officers to investigate cases of corruption country wide which number is simply too low to cope with the work load.

2.4 The role of civil society in combating corruption in Uganda

There has been a notable rise in the work of civil society organizations (CSOs), operating at the international, regional levels, in supporting good governance and the fight against corruption. A significant factor for this increased involvement is Article 13(1) of UNCAC which states that:

Each state party shall take appropriate measures, within its means and in a accordance with fundamental principles of its domestic law, to promote the active participation of individuals and groups outside the public sector, such as civil society, nongovernmental organizations and community – based organizations, in the prevention of and fight against corruption and raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption........

Article 17(i) of the constitution of Uganda (1995) provides that:

It is the duty of every Ugandan to combat corruption and misuse or wastage of property.

This short chapter provides an overview of the work of some of the key CSOs, focusing particularly upon assistance and information that they can provide for legal practitioners in both the government and private sector, policy makers, parliamentarians, donors, and the like.

Promoting standard settings in the corporate sector

CSOs, have been at the forefront in the development of good practices initiatives to assist the corporate sector in responding to the increasing expectations that it will develop and maintain appropriate strategies aimed at enhancing integrity and combating corruption. (Nicholls colin etl 2011)

Providing Access to Legal Materials

Several Legislation and Case Law

There is much material readily available and free of charge from a number of organizations.

The role of the world legal information institute (World II) (http://www.worldii.org) is particularly noteworthy. This is free, independent, and non-profit making global legal research facility consisting of fourteen 'legal information institutions' covers 123 jurisdictions.

World II comprises three main facilities, database, catalog, and web search, and provides a single search facility for databases located on the other legal information institutes websites .Databases of case law, legislations, treaties, law reform reports, law journals and other materials are included. These are particularly helpful in allocating comparative materials on corruption and bribery, as well as legislation that may not be readily accessible elsewhere.

A range of cases and materials on corruption from around the common law world can be found in the *Corruption Case Law Reports*. This is a quarterly series published under the auspices of Tiri (the Government Access Learning Network) and supported by the Common Wealth Legal Education Association and Common Wealth Secretariat. The reports are freely available at (http://www.tiri.org.)

Articles and Research Materials

Several CSOs provides access to a wide range of articles and research materials relating to corruption. The annual TI Global Corruption Report, in particular, provides an invaluable analysis of current corruption issue, including trends and regional perspectives, an analysis of global issue relating to corruption, and comparative research on corruption from arange of sources.

The U4 Anti-Corruption Resource Centre in Norway also provides a considerable range of training and research material efforts. The website(http://www.u4.no), contains four main parts (i) themes: this section contains reports and research materials on the range of corruption issuesthis include public sector corruption, anti- Corruption Commission, judicial Corruption, and corruption challenges in sectors such as Health and Education(ii) Resource: this section includes links to the wide range of anti-corruption literature materials and guides to research papers and best practice provisions(iii) project: this section contains information about anti- corruption projects world wide categorized by agency, area and keywords(iv) expert answers: this is a help desk which seeks to answer queries from anti-corruption practitioners. U4 also offers a number of training programmes both on essentials of corruption and money in politics.

Involvement in the Development of International and Regional Anti-Corruption Instruments.

The accumulated expertise of CSOs has led to their active involvement in the development of several anti-corruption instruments, including the OECD anti-bribery convention, the united nation convention against corruption, and the AU convention on preventing and combating corruption, in case of the SADC protocol against corruption for instance, the human rights trust of south Africa (SAHRIT) essentially spearheaded its development by organizing a series of round tables of representatives from the SADC region to raise awareness of the problem. This led to SADC requesting SAHRIT to facilitate the development and adoption of the protocol by

bringing together experts from six SADC heads of state and government in 2007. In addition CSOs continue to press for the ratification and implementation of international and regional anti-corruption instruments.

Providing Education and Training

Providing education and training in order to prevent and combat corruption is an expected part of any anti-corruption effort. This is epitomized by Article 60 of UNCAC which states that "each state partly shall, to the extent necessary, initiate, develop or improve specific training programmes for its personnel responsible for preventing and combating corruption". Much has already been done in this context with anti-corruption training materials being developed by TI, the United Nations, and the world Bank.

The development of the Public Integrity Education Network (PIEN) takes the matter further. PIEN is a net work of universities brought together by TIRI and centre for policy studies at Central European University. The development of the net work is based on the recognition that a critical ingredient of public and organizational integrity and anti- corruption courses into the curriculum of major universities and civil services training institutions. This process of integration has played an important part in the mainstreaming of human rights and environmental movements. The basic objective of network is to develop, and facilitate the introduction of, effective, policy-oriented training and teaching programmes on corruption control and organizational integrity at universities and around the world

The Common Wealth Legal Education Association has also developed substantial materials to assist law teachers in common wealth law schools incorporate relevant anti-corruption and proceeds information and materials in their courses (http://www.clea-web.com)

The TI indices

Probably the best known of corruption indicators are TI's Corruption Perception Index (CPI), bribe payers index, and the Global corruption Barometers. (http://.transparency.org/policy-research/surveys-indices/>)

Corruption perception index (CPI),

Given the fact that hard data on actual level of corruption are unavailable, the CPI,TI's best known indicator, measures the perceived levels of public sector corruption in 180 countries and territories and ranks them in an annual survey. As a composite index, the 2010 CPI is based on 13 independent surveys. Although not all surveys include all countries. In terms of the 2010 CPI the vast majority of the 178 countries included scores below five on a scale perceived to be highly corrupt to 10 perceived to have low level of corruption. At the bottom end CPI are countries which are embroiled in ongoing conflict or remain a fragile state given recent conflict.

Uganda continues to attract negative findings from reviews of its corruption record. The 2008 Corruption Perception Index (CPI) compiled by Transparency International (TI) places Uganda in the 126th position out of the 180 countries surveyed on various good governance indicators in the 2008 survey. The country's poor performance on the 2008 CPI is not the first, as Uganda has perpetually scored below three (out of ten) since 1996 when the country was first included in the survey.

Scrutinizing and contributing to the development of anti- corruption laws, procedures, and Jurisprudence

Legal challenges to government are now becoming a familiar part of the work of CSOs. An early example was requested by the Corner House for the judicial review of a decision by the UK,s Export Credits Guarantee Department (ECGD) to revise its anti-bribery and corruption procedures. Following publication of the revised Guidelines in December 2004, the corner house institute proceedings against the secretary of state for trade and industry, claiming that the revisions had been undertaken without consulting the corner house or other interested CSOs. although the ECGD had carried out extensive and detailed consultation with its corporate customers and their representatives who had lobbied the ECGD intensively on the rule. It was urged that the one sided nature of the consultation led to a result biased in favors of the ECGDs commercial customers. The corner house 's claim was that the ECDG 's failure to consult with the interested organizations was serious breach of basic public law standards of fairness and the ECGD's own published policy. On 13 January 2005, just as a two day hearing in the High Court

was begun, the UK government settled out of court. It agreed to instigate a full public consultation on charges to anti—corruption rules, and to pay the corner stone's legal costs.(see R (on the application of Corner House Research)vs Secretary of state for trade and industry 2005 EWCA).

2.5 What are the problems faced in fighting corruption?

Article 17(i) of the constitution of Uganda (1995) provides that: *it is the duty of every Ugandan* to combat corruption and misuse or wastage of public property. However, the efforts of the citizens to perform this oversight role is undermined by lack of an enabling law in a form of Public Litigation Act, Access to public information act and an Anti-corruption court. This therefore means that ordinary people are denied services by service providers without them being challenged in court of law by the beneficiaries (Uganda debt network 13th -14th September 2004)

The majority of CSOs in Uganda lack the capacity to comprehensively and sustainably engage the state in policy analysis and evaluation and monitoring of policy processes and their implementation. In many cases CSOs rely on technical expertise of consultants outside their membership. Consequences of this are that government does not take them seriously and neither do they channel or represent popular standpoints. Observers and CSO representatives have argued that the policy advocacy of CSOs in Uganda is technocratic and not political, due to non-existence of CSO constituencies in many cases, as well as lack of systematic downward consultation processes. Many CSO's policy advocates do not represent anybody's policy but their own, although raised with the best of intention in order to advocate for the public good or the interest of the poor.

In the area of holding the state accountable, civil society was also said to be actively engaged, but with limited impact. Such limited impact may partly be due to the recent and foreign nature of 'holding government to account' for many CSOs. Recent research thus found that local, as opposed to international CSOs generally do not have an 'accountability agenda' and hesitate to venture into this field, unless they work as a coalition or they are instigated and nurtured by an international CSO.

While enshrined in the Constitution, political and civil rights, information rights and press freedom are not always respected and the opening of political competition is still recent and seen as riddled with uncertainties. Insurgency continues in the northern part of the country at considerable human and economic cost. Uganda remains an extremely poor country, although less poor than 20 years ago, with a growing gap between the rich and the poor. Corruption is rampant, although the effectiveness of state services has improved significantly in the last two decades. Connected to these deficiencies, the levels of interpersonal trust, tolerance and public spiritedness among Ugandans is said to be only modest.

The legal environment for civil society is also judged to be less enabling than it could be. This is due to the cumbersome registration procedures for CSOs, which have recently been tightened even further and the poor tax environment. The NGO Registration Amendment Bill was approved recently by the Ugandan parliament. The parliament's passage of the NGO Bill is troubling. It requires NGOs and evangelical churches to renew their registration permits annually. A controversial clause allows representatives of the Ugandan internal and external security forces to be members on the NGO Board, and the Bill gives the NGO Board powers to register or deny registry to NGOs opposed to government policy. The spirit of the NGO Registration Amendment Bill 2001, projects CSOs as a security risk rather than development partners. Uganda Sustainable Watch Report (2005).

Formal interfaces exist between civil society and the political structures to a certain extent in Uganda. There is a growing trend where the government involves CSOs in processes of policy formulation and implementation. However the selection of the CSOs that participate in these processes remains random and for the bulk of CSOs the involvement in policy processes has largely been in service delivery areas as opposed to advocacy, let alone in areas of governance and democratization. There is little evidence to suggest that outside the PEAP and PMA, the government has seriously invited CSOs to input into the processes. For instance in the preparation of the law on the suppression of terrorism and the amendment of the NGO law CSOs were not involved. Their involvement was reactive after the said bills were published.

Predominantly fearful attitude of the CSOs themselves, limit their ability to challenge the powers that be and the prevailing politics. Many CSO representatives declare that their organizations are political and non-confrontational.

2.6 What measures can be taken to address the problems identified above?

For Effective Control of Corruption Some human ailments could require many doses of medicines to be treated. Similarly, the menace of corruption, which has eaten deep into the fabric of Uganda, would require all the necessary medicines to effectively control it. In other words, no single and simple remedies will do it; and the problem cannot be solved overnight, because, as we have noted, corruption has been ingrained into the fabric of the society. Uganda has, in theory, the solutions in the book to tackle corruption.

To win the war on corruption, adherence to ethical standards in decision-making must be the foundation of the nation's policies. Without ethics (set of moral principles or values or principles of conducts governing an individual or a group) - Webster's New Collegiate Dictionary, 1980, p.389, in the conduct of the affairs of the nation (public and business), the apparent wars on corruption in Uganda will not be successful. In other words, without ethics, any money budgeted toward fighting corruption in Uganda is a thing cast to the wild cat. Uganda has to make laws and implement them to the letters. As Aristotle insists, the aim of ethical philosophy is practical - to make us better men - (The Philosophy of Aristotle, Bambrough (ed.), p.280; This Day, May 26, 2002). And to win the war on corruption Nigeria has to fortify the institutional checks and balances among the country's major social forces and the separation of powers within the government (Dahl 1998).

Uganda as nation has to make sure that those entrusted to execute the war on corruption are men and women of *virtue* - those who recognize and always do what is right. For *Macintyre*, virtue is an acquired human quality, the possession and exercise of which enables us to achieve those goods which are internal to practices, and the lack of which effectively prevents us from achieving any of such goods. Virtuous leaders [in government and business] are persons of honesty, integrity and trust (MacIntyre 1981; Liebig 1990; Frankena 1963; Dike 2001, pp.103-104).

Armed with ethics and virtue, the nation should then set out to reduce personal gains to corrupt behavior with tough penalties on the culprits. Making tough rules with vigorous enforcement can deter corrupt behavior. The nation should not grant too much discretionary powers to officers who are in position to grant favor to others (businessmen in particular), such as officers who issue out licenses and passports (These officers often create artificial scarcity to attract bribes from the desperate public). There is the temptation to be corrupt when the officials who have a lot of power are themselves poor (Sen 2000, pp. 275-276).

To deal with corruption in ancient, many bureaucrats were paid a corruption-preventing allowance *yang lien-* as incentive to remain clean and law-abiding (Alatas, 1980; & Klitgaard, 1988). To *Amartya Sen* a payment system of this kind can help reduce corruption through what he calls its income effect, as the officer who gets this payment may be less in need of making a quick buck. This type of payment will also have what he calls substitution effect. The officer receiving the payment would know that corrupt behavior may involve serious loss of a high-salary employment if things were to go bad (that is, if he or she is caught with his or her hand in the *cookie jar*) (Sen 2000).

Conclusion

Many laws are already on the book to fight corruption in Uganda (including those crafted by the international organizations). But what is important now, as *Peter Eigen*, chairman of the *watchdog* group, *Transparency International* has noted, is the political will to fight corruption at home countries. And as *Robert McNamara* remarked at the end of the *Second Global Forum on Fighting Corruption and Safeguarding Integrity* at *The Hague* May 31, 2001, every country has to determine its own priorities on the war against corruption. But each society should focus on concrete actions that can yield measurable results, and publicly report whether results are being achieved (see *Odessey*, *Washington File Staff Writer*, May 31, 2001).

Above all, Uganda cannot be seen as secure and free until the people's human rights are respected and protected by the government. As *Mikhail Gorbachev* points out, "the world cannot be considered secure if human rights are being violated." And more importantly, the world cannot be considered secure if many people lack the elementary condition for life worthy of man.

Similarly, Uganda cannot be considered secure if millions of people go hungry, do not have a roof over their heads and to be jobless and sick indefinitely, with the most basic human right, the right to life is disregarded" (Morrison 1988). Through it all, to tame corruption, Uganda has to use *words* as well as *actions* a multifaceted approach. However, has Uganda been monitoring the effectiveness of her many (but not serious) anti-corruption strategies? Finally, good governance, transparency, accountability and the rule of law are the keys to tackling corruption in the society, as corrupt leaders cannot wage an *effective* war against corruption

2.7 Research Gap

Increasing public interest and concern over corruption have resulted in a large amount of scholarly research on the subject. Admittedly, there are still wide gaps in the current state of information and knowledge on the matter and much more remains to be done. Nevertheless, theoretical and empirical research that has been conducted thus far has yielded fresh insights into the problem. We now have a clearer understanding of the underlying causes of corruption, its consequences, and ideas and approaches on possible measures to combat it. Few researcher however have researched on the role of CSOs in combating corruption . hence promoting the study.

CHAPTER THREE: METHODOLOGY

3.1 Introduction

This chapter discusses the methods that will be used to accomplish the study it will include the research design, area of study, population and sample selection, data collection research instruments data processing and analysis and anticipated limitations of the study. These methods are designed to achieve the set objectives.

3.2 Research Designs

This is a strategy, the plan and structure of conducting a research. It is a logical manner in which individuals and other units are compared and analyzed. Busha and Harter (1980).

The study will adopt qualitative approach by applying standard methods of inquiry such as in depth, open ended interviews, direct observation literature analysis among others. Therefore the study will adopt the method because of the advantages exhibited by this method and qualitative inquiry contributes to the depths, openness and details of the inquiry without predetermined categories of analysis.

3.3 Area of the study

Nakawa division is chosen as the area of study to present the study topic. The area is chosen because being part of Uganda it is no exception of corruption practices. its work bears directly on the overall situation of corruption and the aim of selecting it is to collect information which could assist in understanding the role of civil society in fighting corruption .

3.4 Study Population

According to (Busha and Harter, 1980:56-57), a population is any set of persons or objects that posses at least one common characteristic. The researcher will use population size of 40 which will comprise information depending on the selected questions. The population is chosen in order to facilitate easy administering of questions.

3.5 Sample

According to (Sarandakos, 1994:438) a sample is a group of units chosen to include in the study of the whole population. Ideally it would be of an advantage to use the whole population to get information for research, but sometimes resources available to the researcher can't allow him or her to investigate the whole population. The researcher will employ sampling techniques to represent the main traits of the whole population.

In this study purposive techniques will be adopted in the selection of a sample since it has no restriction of specific respondents. The power and logic for purposive sampling lie in the selected information rich case for the study (Patton, 1990). In this way, the method will help the researcher to decide who out of the population will be included in the study. Stratified purpose sampling will be further used as a strategy to ensure that different categories of the population are divided into characteristics of importance . For example gender, social class education, level among others. Total of 20 CSO's staff 10 community and church leaders, 10 government institution's staff and 10 beneficiaries of various projects and leading personalities too will be used.

3.6 Data Collection Methods.

Questionnaire

This is a set of related questions that will be designed by the researcher to obtain written information about a specific subject to allow a wide range and distribution of proper answers so as to access more respondents on the study topic. The researcher prefer to use this method because it can be filed for future references, it can be used to draw information from all categories of people including the shy people.

Interview

In order to complement the responses from the respondents to the questionnaires, the researcher will conduct a face to face interview. The interview method will be used to communicate between the investigators and the respondent where supplementary questions will be asked in case where deeper inquiry into each main issue will be needed and open-

ended questions will be used in the interview schedule and will include question seeking view of respondents on the topic of study. It will be adopted because of its advantages for example it yields rich primary data, and questions of interviews are flexible and give details

Literature Analysis

This is a method where all the literature related to the study will be reviewed and analyzed in order to establish the meaning. It aims at qualitative analysis of content. In this study the literature about role of civil society in combating corruption from internet, reports, periodicals and textbooks will be synthesized.

3.7 Instruments.

Questionnaire guide. See Appendix A

Questionnaire guide will be used as a primary data collection instrument. The instrument will involve writing questions to which the respondents will be required to answer individually in writing. It will involve qualitative data collection procedures adopted from Enon Julius Caeser, 1995). A careful crafted but wide-ranging questionnaires aimed at eliciting right responses will be constructed.

Interview guide. Appendix B

Interview guide will include a set of questions and instruction to be used by the interviewer during the interview. It will be used in order to get important and systematic information from the respondents.

Literature Analysis Guide .See Appendix C

This is the instrument that will be used to analyze the literature collected in relation to the study topic.

3.8 Data Quality Control

To make sure that the data collected is accurate, the researcher will employ the following tactics.

Triangulation of methods, instruments and respondents.

The research will use more than one method to collect data for example interview, questionnaire, observation and literature analysis.

More than one instrument will further be used in order to come up with accurate information. Instruments to be used will include interview guide, questionnaire guide, literature analysis guide among others.

Various respondents will be included in the study such as accountants, top managers and other support staff.

The method is chosen because it involves more than one approach of collecting data which encourages high quality.

Pilot survey will be conducted in order to ascertain and detect any ambiguities, questions that will not be easily understood or poorly constructed and eve those that are irrelevant or scary to the respondents.

3.9 Data Source

The research will use both primary and secondary sources

Primary sources.

This is the data which is observed and recorded by the researcher for the first time to their knowledge and data will be collected in use of interview.

Secondary Sources

This is data obtained through the existing literature. Data from published and news papers, textbooks, internet and journals will be used.

3.10 Data Analysis and Presentation

Given the fact that research will be predominately qualitative, attempts will be made to identify and establish patterns and relationships between identical categories with the

collected data. All evidences from the categories will be presented in descriptive form and at times tables will be used.

This will be done to assist the researcher identify points of agreement and disagreement expressed in relation to the identified categories in order to bring structure and the meaning to the mass of data collected.

3.11 Ethical issues

Being ethical in research means being good and behaving well in research, the researcher will therefore apply the following:

Informed consent

The research participants will be told of the nature of the study to be conducted and given the choice of either participating or not. Participating will therefore be strictly free.

Right to privacy.

The participant's rights to privacy will be respected. Under no circumstance will the data collected either orally or written be presented in such a way that others are not aware of how a particular participant responds or behaves.

Honesty with professional colleagues

Findings will be reported in complete and honest manner, appropriate credit will be given where it is due.

Confidentiality will also be vital.

3.12 Limitation of the Study.

Researcher' exercises especially those that require gathering primary data are faced with a number of problems. Therefore it is by no means possible that the study is an exception in abide to come up with a viable documentation of research finding

Financial implications

The study is likely to face financial implications. These pose potential constraints in a bid to come up with timely results. Financial problems are likely to be manifested in transportation costs, secretarial work such as purchase of paper, printing and binding.

Environmental problems

The potential threats come from heavy down pours.

Time factors

Time is limited to delayed responses by some respondents.

Resistance of respondents

The research is likely to be limited by the reluctance of some respondents to complete questionnaires promptly and those who even fail to complete them at all.

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APPENDIX A

Questionnaire guide for Civil Society Organization employees,

Dear respondents

I am Nabunya Lydia Christine a student of Kampala international university undertaking research for the requirement for the award of diploma in Law, topic, role of civil society in preventing and combating corruption in Uganda. Any assistance will be welcome. This information is only for research purposes and will be treated with confidentiality.

Name of respondent	
Qualification of respondent	

Sex: Male/Female

Demographic information about the respondent

How long has your organization been working in the region

- (a) 1-2years
- (b) 3-4 years
- (c) 5-7 years
- (d) 8-10 years

Has your organization been funded for a program?

- (a) Yes
- (b) No

If yes, in which of these governmental programs has your office been involved with?

(a) National Solidarity

- (b) Elections
- (c) Constitution process
- (d) Reconstruction program
- (e) others

How is the behavior of the staff of the governmental institutions with you while you were working together

- (a) Great
- (b) Good
- (c) Not good
- (d) Depends on the institution

Are government institutions fast while implementing joint projects or do you have to follow bureaucratic and formal steps?

- (a) Yes often it is so
- (b) Sometimes it is so
- (c) If it is their benefit, work is done quickly.
- (d) We have to follow bureaucratic and formal steps

If you have problems in implementing you programs, to which source do you refer first?

- (a) Central Government
- (b) security organizations
- (c) local Assembly
- (d) religious Leaders
- (e) Local commanders
- (f) Local leaders

Do government employees ask money from you in return for coordination?

(d) Sometimes we are obliged to pay money
What are the causes of corruption in Uganda?
What is the role of civil society in combating corruption in Uganda?
Why have CSO joined in the corruption train?
What are the strategies that have been used to fight corruption?
Why are these strategies not winning the war against corruption?
What are the options for winning the war?

(a) Yes(b) No

(c) A few times