

## THE THIRD ANNUAL ANTI-CORRUPTION WEEK

### "Realizing Public Accountability In Uganda's Public Service Delivery System - A Myth or Reality?"

Presentation

by

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at Uganda Christian University, Mukono

Monday 29th October 2018

#### **Introduction:**

Corruption can be defined as misuse of office for personal gain. It includes; Offering, giving, promising, solicitation or acceptance of any goods of monetary value or benefit or undue advantage in exchange for any act or omission in the performance of a person's duties.

It also takes the forms of; neglect of duty, corruptly procuring tenders, bribery, diversion of public resources.

Accountability refers to the obligations of public enterprises and agencies (who are entrusted with public resources) to be answerable for fiscal and social responsibilities, to those who have assigned such responsibilities to them.

Accountability can also involve citizens holding their leaders accountable for their actions, most especially if the actions are against the public good. It can as well be defined as being responsible to someone for actions taken.

Transparency refers to openness and ease within which information can be accessed by the public. Transparency is needed for accountability and is an indicator of a government that is citizen focused and service oriented. It implies a proactive effort to make information accessible to the citizens.

#### **Public Accountability as a Reality:**

Legal framework: Some successes have been registered in the fight against corruption in Uganda. An elaborate legal framework has been put in place including;

- Constitution (1995)
- IG Act (2002)
- Anti-Corruption Act 2009 (Amended in 2015)

- Leadership Code Act 2002 (Amended in 2017)
- Access to Information Act (2005)
- Anti-Money Laundering Act (2013)
- Penal Code Act (1950) amended several times.
- Whistle blowers Protection Act (2010).
- National Anti-Corruption Strategy.
- Zero Tolerance to Corruption Policy (Pending approval).

Institutional framework: Several institutions have been set up to fight corruption in the country including;

- Inspectorate of Government
- PPDA
- Directorate of Public Prosecutions
- Directorate of Ethics and Integrity
- Service Commissions (Judicial, Health, Education, Public Service)
- Parliament (COSASE, PAC, LGPAC)
- Office of the Auditor General
- Anti-Corruption Division of the High Court.

**Prosecution and convictions: The established anti-corruption institutions have achieved some successes in the fight against corruption including; Prosecution and conviction of some official involved in corruption including the pension case (Ugx.165b), parliament director of finance case (Ugx.0.9b), Katosi case (Ugx.24b), former NSSF MD (Ugx.3.1b) case among others. In all these cases, the convicts have been sentenced to prison terms, barred from holding public offices and in some cases ordered to refund the money.**

Internal controls: Some internal controls which have been introduced have reduced occurrences of corruption. For instance the Integrated Finance Management System has made tracking of resources easier. The decentralized payroll has also reduced leakages and scenarios of ghost pensioners at the Ministry of Public Service. The proposed online procurement system could also reduce on incidences bribery during recruitment of public servants. Some institutions like Uganda Revenue Authority also strong internal audit controls that reduce on the occurrence of corruption.

The government has also been supported by various development partners to refine and streamline public finance management systems making them robust and water tight to minimize wastage. A case in point is streamlining public procurement to ensure value for money delivered through competition. This has been spearheaded by the PPDA.

Collaboration between state and non-state actors: There is a structured collaboration between state actors on prevention, investigation and prosecution of corruption cases. For instance the IG works closely with the ODPP and OAG during investigation of cases. State agencies are also working with non-state agencies in areas of public education, advocacy, research, alternative policy and capacity building.

Other actors like civil society have been carrying diagnostic studies mapping gaps and carrying out evidence based advocacy, mobilize communities to monitor government projects and programmes and empowering communities to demand for transparency and accountability from their leaders but this has been on a limited scale.

Commissions of Inquiry: Government has put in place a number of judicial commissions of inquiry into corruption such as the one in the police, purchase of Junk helicopter, Uganda revenue Authority, Wildlife Authority etc. Most recently, we have had the UNRA and Land commissions of inquiry. On top of those commissions, government has sanctioned special audit and investigations into high profile corruption scandal e.g. CHOGM, National Security fund, PRDP/OPM, Pensions etc.

### **Public Accountability as a Myth:**

On the other side however, a lot more needs to be done to address corruption in the country.

Political will: This hasn't been sufficient to fight corruption in the country. Government has not supported the IG to fight corruption; the inspectorate is under-staffed, under-funded, under-skilled and public criticism only makes it weaker.

This has resulted into patronage and impunity which make some individuals in government beyond the arm of the law hence at liberty to misuse public funds without being held accountable. The tenure system of these offices also makes it hard for the bearers to prosecute some cases.

Apathy among the citizenry: There is an increasing level of acceptance of corruption among the public which is worrying. This is mainly due to lack of trust in public institutions and the fact that only a few corrupt officials have been convicted. Some elites has also come out openly to support corruption in the media, which is a worrying trend.

Citizens take those who have stolen public resources as heroes instead of being social outcasts. This has energized the corrupt and helped them to embezzle public funds without fear of facing the public opinion court which would have scared them.

Misuse of Judicial Discretion: Misused discretion of judicial officials while handling corruption cases; some punishments given to offenders have not been strong enough to scare away those

harboring the intention of misusing public resources. Some offenders have been convicted and get away with light sentences like refund the money, caution or very light sentences which have not been sending a serious signal and commitment as well as being deterrent enough.

Political patronage and commercialization of Politics: Where some politicians buy votes and thereafter recoup their investment through corruption. Many politicians also get involved in corruption to get money for buying future elections. With that kind of scenario some politicians justify their actions of stealing public funds they feel they are not accountable to voters since they bought their votes and they can do it again.

Legal loopholes and lacunas: There is need for harmonization of some laws on corruption as well as enactment of new laws. There is need for a law on asset recovery and witness protection. The IGG has also intimated that the Leadership Code Act should be amended to address some lacunas.

Failure at asset recovery: Although judges have made rulings that convicted persons pay back some of the stolen money, there is no elaborate law on asset recovery. The fact that most assets are not registered, or are registered in the names of relatives makes tracing illicit wealth cumbersome.

Weaknesses in institutions: Some institutions that have been set-up to fight corruption have not been facilitated enough to fight corruption. For instance the Inspectorate of Government lacks enough personnel, finances, and skills to tackle the evolving forms of corruption.

### **What should be done?**

- There is an urgent need to mobilize, sensitize and empower citizens to demand for transparency, accountability, and value for money from their leaders.
- There should be a deliberate intervention aimed at increasing citizen participation in monitoring utilization of public resources coupled with increased interface and dialogue between duty bearers/ leaders and the people they serve to share experiences and ideas on how best to improve service delivery in their localities.
- The private sector should be made to appreciate that they have a moral and legal obligation to conduct ethical business devoid of corruption and any kind of malpractices.
- All actors i.e. citizens, civil society organization, NGOs, development partners should work together exert pressure on top leadership of the country to decisively act against those implicated in corruption scandals.
- Political will is critical in this fight; this has been demonstrated by the success that has been registered in Rwanda and China where the Presidents have come out and acted on the corrupt, dismantled patronage and impunity that facilitates corruption.

- Anti-corruption Civil society organizations and public oversight institutions should be adequately facilitated to execute their mandate of mobilizing citizens to demand for accountability and transparency from their leaders.
- The media should too be strengthened by building their capacity in corruption investigation skills to be able to publish evidence based media reports capable of generating public debate and action against those implicated.
- Civil Society organizations and other actors should be supported to institute public interest litigation against those implicated in corruption but using their connection to avoid justice.

**Conclusion:**

Although a lot has been done to fight corruption in the country, much more needs to be done. More effort should be put in strengthening anti-corruption institutions and implementing anti-corruption laws. There is need for ideological re-orientation among the citizens to fight corruption. Public accountability in Uganda is still a myth.