



STOP RHETORIC AND DEMONSTRATE POLITICAL WILL TO DEFEAT CORRUPTION IN UGANDA

***UDN LETTER TO THE MEMBERS OF THE NINTH PARLIAMENT OF UGANDA
DURING THE ANTI-CORRUPTION WEEK, 2013***

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Preamble

1. We, members of Uganda Debt Network (UDN) would like to appreciate Government effort in the fight against corruption in Uganda. Progress has been made in regard to establishment of an institutional, policy and legal framework to fight the vice.
2. Several institutions such as the Directorate of Public Prosecutions, CIID under police, Inspectorate of Government, Inspectorate departments and Standards Unit in the army and police, respectively, Auditor General, Accountant General and now three Public Accounts Committees of Parliament have been instituted.
3. As UDN, we nonetheless, remain deeply concerned that the incidence and levels of corruption in Uganda have continued to escalate to alarming levels despite the existence of such elaborate legal and institutional regimes.
4. We recognize that while the NRM/ NRA *Ten-point programme* was strong on fighting and decisively defeating corruption in Uganda, this has not come to pass, nearly 30 years down the road. So is the NRM *“Zero-Tolerance to Corruption”* policy that was in the NRM Manifesto of 2006 declared as part of the overall National Anti-Corruption Strategy.
5. Several cases of grand/ political corruption remain fresh in the minds of Ugandans: 2012 Ghost Pensions scandal with loss of over 100 billion shillings; the OPM scam where over Shs 50 billion was misappropriated and taxpayers resources were used to refund the donors, yet those who stole the funds were known; 2007 CHOGM saga ; botched National ID project whose ghost remains haunting Ugandans; ghost bicycles for Local Government officials, funds lost from State House stores, bribery of voters during electoral process, abuse of Government vehicles and drivers, procurement and contract management issues, etc. Huge public chunks of land and other resources continue to be parceled out with impunity and no clear competitive bidding and payment mechanisms.
6. Even when the perpetrators have been cited, Government seems to continually drag its feet in pursuance of such unpatriotic, greedy and self-seeking politicians and bureaucrats who are tight-bent on fleecing Ugandans of their resources and in billions of shillings. Such resources are often neither recovered nor the cases brought to their logical conclusion.
7. Uganda could be losing about 1.5 trillion Uganda shillings of the annual budget to corruption scandals and actions. The net adverse effect is borne by the taxpayers, with women being the majority victims when they care for the sick in health units with no sufficient basic medical care, fetch dirty water and encounter several other challenges. It should be remembered that women more than their male counter-parts rely most on public services, yet corruption has condemned some public sector facilities to poor service delivery, death traps and bribery havens.
8. Indeed, in 2013 Uganda’s CPI score was 26 out of 100 (with 100 being the cleanest) and was 140th position out of 177 countries, a notable decline from last year’s 130th position, indicating that

citizens believe corruption has worsened. It is no wonder that damning reports such as the recent 2013 Human Rights Watch report continue to castigate Government for failure to demonstrate greater commitment to the fight against corruption. Previous compilations of the index indicate scores ranging from 2.2 to 2.4 between 2002 and 2011 (on a previously used CPI scale of 1 - 10), demonstrating that despite slight improvements in Uganda's ratings, public opinion perceives corruption to be widespread and on the rise.

Where does the problem lie?

1. Majority of the above scandals seem attributable to limited political commitment to eliminate corruption. There seems to be usurping of the roles and powers of key anti-corruption agencies and influencing key players in the fight against corruption. Cases of limited professional capacity, ethics, staffing levels and other facilitation seem apparent in Uganda.
2. Could there be an unwritten practice and strategies to fail the functional capacity of the State institutions for whatever reasons?
3. Is there selective prosecution and convictions, aimed at letting go of especially some of the implicated senior politicians and public officials on the basis of kith and kin, class, political and other creed?
4. In 2003 the Constitutional Court ruled that the Leadership Code Act, 2002 does not apply to presidential appointees, rendering the Act irrelevant for a large number of the highest-ranking officials, including shielding ministers and other presidential appointees from asset declaration. In that case, the IGG had recommended dismissal of Presidential Advisor Major Roland Kakooza Mutale for failure to make his financial declaration, which the President had then effected. Major Kakooza Mutale subsequently challenged his dismissal before the Constitutional Court, which ruled that the Leadership Code Act was void with respect to presidential appointees. Ultimately this means that the IGG no longer has power to terminate or even recommend the termination of presidential appointees and the president himself is not obligated to fire people who fail to report their assets.
5. Also, the Leadership Code Act, 2002 seems to have no mechanism to make leaders' declarations available to the public. Yet without public accessing such vital information it is not easy to verify whether the leaders have declared correct information to the IGG or even to allow a Whistle blower to come forth. This is despite the existence of an Access to information law and Whistle Blowers Act.

Which way forward?

Uganda Debt Network invites Ugandans and Government institutions to the following, in order to restore confidence, trust and support in the public sector in Uganda;

i) Implementation of the Leadership Code and Tribunal

While the Leadership Code Act, 2002, may still have some gaps, the Leadership Tribunal provided to implement and enforce the Act should be expeditiously constituted. Otherwise, the Leadership Code Act will largely remain a mere ‘paper tiger’ subject to being challenged on occasions that the Inspectorate of Government (IG) has attempted to implement it. As part of demonstrating political will, the Leadership Tribunal should be expeditiously instituted to enforce the Leadership code and serve to adjudicate over any breaches of this law. This will enhance the capacity of the IG to execute its mandate over the Code.

The Leadership Code Act should be amended to explicitly provide for its application to presidential appointees, given that these are the cream of the country’s leadership and “Big Fish” from whom highest levels of integrity, prudent and accountable practice and behaviour are expected. Otherwise, impressions of selectivity in application of the legal regime may continue to be.

The Inspectorate of Government should make public the details of declarations of public officials so that the public can be able to report instances of under declaration or over declaration of leader’s assets. The “prescribed form” to release information to the public should be provided for, to ensure broad public access to asset declaration records of the leaders.

ii) Expedite the process for the Anti-Corruption Amendment Bill, 2013

The Bill should provide for Government to confiscate and seize the proceeds of corruption so as to raise the risk threshold of corruption and make corruption a risky venture in Uganda. The enactment of the Bill is long overdue and should be expedited given that the impunity of the corrupt also could drive other potentially good public servants into corruption. In effect, once passed, the Bill will serve to strengthen Sections 21(1) and 35(a) of the Leadership Code Act 2002 by providing a mechanism of confiscating excess or under-declared property or assets by public officials in order to give force of application to the sections.

iii) Restore the Anti-Corruption Court

UDN is aware that the Constitutional Court on 13th July, 2013 suspended the operations of the Anti-corruption Court Division (ACD) until a pending petition challenging its composition is heard and disposed off. The Court was beginning to expedite the prosecution of anti-corruption cases including the mismanagement of Global Funds where several people including Teddy Ssezi Cheeye and Fred Kavuma were convicted and sentenced to 10 years and 5 years respectively. The Anti-Corruption Court Division

should quickly be re-opened, to carry out its mandate in ensuring that corruption cases are quickly concluded.

iv) Demonstrate timely justice

Justice should not only be done but always be seen to be done. As such, the cases involving Ministry of Public Service officials who in 2012 were accused of causing financial loss of over Ushs 100 billion in tax payers' money and such other cases should be expedited to logical conclusion.

v) Play your role in the fight against Corruption

UDN further reminds Ugandans to play their constitutional role and civic responsibility as per the 1995 constitutional provisions. Article 17(i) of the Uganda constitution states that it is the duty of every citizen to combat corruption, misuse or wastage of public property. Ugandans should jointly and through peaceful means make grand/ political corruption increasingly risky, by being active participants in the way they are governed. Increasing corruption levels have an inverse bearing on the livelihoods and prosperity of the majority of Ugandans. The trend of glorifying the corrupt only further weakens the quality of accountable governance and democratization in Uganda.

vi) Curtail wastage of public resources and support anti-graft institutions

The investigative, technical and other capacities (including operations and modern equipment) should be strengthened amongst the key anti-graft institutions like the IG, DPP, Auditor General, Police CIID among others. This should be through budget re-allocations, within the same national resource envelope.

Conclusion

Uganda Debt Network calls upon fellow Ugandans to play their civic and patriotic responsibility to fight all forms of corruption, report corruption, pay taxes, monitor public expenditure and hold public leaders accountable, for improved service delivery and wellbeing of all Ugandans.

Signed



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