

Inclusion of the Principles to Combat Corruption in National Strategies by African Countries

Hon. Matembe
Uganda

1.0 Introduction

When we met under the auspices of the Global Coalition for Africa (GCA) in Washington DC in February 1999, we raised concern about the devastating effects of corruption on the foundations of nations. We therefore launched a concerted and collaborative effort to combat corrupt practices on a global scale. We came up with 25 principles, which we thought would help us in setting up countries' programs.

Mr. Chairman, we were given a task of carrying the principles home and convince our Governments to adopt them and incorporate them into our national systems and laws. Uganda is privileged to make a presentation on The Inclusion of the Principles to Combat Corruption in African Countries, in National Strategies. On the other hand, I see it as a challenge because it demands for an account of the extent of application of the principles by the Uganda Government.

Uganda has applied some of the principles, to a certain extent, but before I go into that aspect, let me make a few observations, which I think, are worth noting at this stage.

1.1 It is worth noting that, for the anti-corruption efforts, to be successful, there must be political will at the highest level as well as committed leadership at all levels.

1.2 The principles we are considering are very comprehensive and call for review of the underlying economic, political and social aspects. They call for sustainable economic, social and political programs of short, medium and long term nature. They should contain measures like public sector reforms as well as political and administrative reforms.

1.3 The principles cannot be carried out single handedly but require the involvement of all the stakeholders: namely, government, the private sector and civil society. Such co-operation will develop mutually supportive systems, that would ensure effective preventive and deterrent measures including strict enforcement of laws, rules and regulations that encourage transparency.

1.4 For practical purposes there should be an appropriate institution to initiate; review/develop policies and laws to ensure implementation of the principles.

1.5 I would also like to observe that the principles were made essentially in pursuit of the goals towards good governance. Good Governance carries elements of accountability, transparency, enhanced public participation in decision making, strengthened public sector and civil society institutions and greater adherence to the rule of law.

Having gone through the prerequisites, which I think, enhance conducive environment for the adoption of the principles, allow me to reflect on Uganda's experience.

2.0 Uganda's Experience

The process for adopting the 25 principles has been initiated in Uganda by discussion with Ministers under the office of the President. Further consultations and meetings shall be held before final approval is secured. It is expected that the approval shall be secured by January 2000.

2.1 I am pleased to say however that Uganda is implementing many of the 25 principles of our February meeting in Washington DC. To date, Government has carried out an impressive programme of political, economic, social reform and rehabilitation. Let me elaborate briefly

2.2 Political, Economic and Administrative Reforms

From its very inception the National Resistance Movement (NRM) government was committed to fighting corruption and that's why it had on its Ten Point Programme "elimination of corruption". With this commitment, the government demonstrated the political will to fight corruption through committed leadership and has eliminated the bad policies of past governments.

Reform measures have included:

- establishment of a political system that allows for participation of the people in the management of their affairs,
- economic liberalisation and privatisation policies,
- free press and media, both of which have promoted freedom of speech and hence exposure of corruption
- The policy of Decentralisation bringing services closer to the local level and enhanced public accountability.

2.3 However, Government recognises that in spite of these efforts, corruption in form of bribery, embezzlement and abuse of office persists in both the public and private sectors. Corruption is also commonly found in public procurement, police, immigration licensing and where provision of services is under state monopoly. A key factor in the prevalence of corruption is the complexity of a Government structure and bureaucratic procedures. It is for this very reason that Government decided to put in place a comprehensive plan of action to fight this corruption.

In doing so Government has taken full advantage of the outputs and recommendations from various national and international fora and particularly the International Anti corruption Conferences to adopt them in our laws and systems.

3.0 Application Of The Principles

3.1 Institutional Framework on Fighting Corruption

The Uganda Government has already established and strengthened the critical agencies for accountability such as the Public Accounts Committee, Parliamentary Select Committees, the Auditor General's Office, the Inspector General of Government and the Directorate of Ethics and Integrity. The independence of the Inspector General of Government, and that of the Auditor

General is guaranteed by the constitution. Parliamentary debates and increased public access to information through the media has helped in exposing corruption in Uganda. Since corruption thrives in secrecy, the media has played a very important role in educating Ugandans and exposing corruption.

3.2 Committed Leadership And Political Will

In Uganda, the top leadership has clearly demonstrated political will to combat and eradicate corruption by instituting a mechanism of co-ordination among the existing anti corruption agencies.

In March 1996, the President of Uganda assigned the Vice President the task to fight corruption. In June 1998, this role was placed under the newly created Directorate of Ethics and Integrity in the President's Office. Its political head is a full Cabinet Minister with a Permanent Secretary as its administrative head. Because it enjoys support and complete backing at the highest political level, the Directorate has the clout to effectively interface with all organs of government and ensure effective co-ordination of the anti corruption strategy.

Another area of support is the legislature. Parliament is active in exposing areas of non-accountability in public affairs as well as in the private sector which also demonstrates the political will to improve governance. A number of Political Leaders, accounting officers and top managers have taken responsibility for failure to prevent grave losses or mismanagement.

3.3 The Leadership Code (Act)

We are required to eliminate conflicts of interest by adopting and enforcing effective national laws, guidelines, ethical regulations or codes of conduct for public officials, which include rules on conflict of interest and requirements for the regular disclosure of financial interests, assets, liabilities, gifts and other transactions.

The existing Leadership Code in Uganda is being reviewed in order to give it a wider coverage and to include provisions of conflict of interest, and extending the declaration of assets to members of the immediate family. It will also require that spouses of leaders also declare their incomes, assets and liabilities. The public will be enabled to have access in certain circumstances to declarations made by leaders under the Code.

The Inspector General of Government will have powers to carry out periodic or random monitoring of the assets and lifestyles of significant decision-makers in the public sector (and their families and associates).

The Code will also empower the Inspector General to freeze, seize and confiscate illicitly acquired wealth of officials found guilty of corruption, wherever it may be and by whomsoever it may be held.

The code also provides for protection of witnesses and whistle-blowers, provides a system for the recording of gifts received by officials and, debarring convicted criminals from standing for political office and appointment to positions of public trust.

3.4 Review Of The Civil Service

One of the principles requires countries to undertake necessary administrative reforms to restore the morale and integrity of the public service, for example by ensuring merit-based recruitment and promotion policies and procedures and providing adequate benefits, including remuneration and pension schemes.

In Uganda Administrative reforms have been carried out to restore the morale and integrity of the public service through ensuring merit based recruitment and promotions right from the Permanent Secretary level. This exercise is ongoing for all cadres during the recruitment exercise.

3.5 Financial Policy

There is increased transparency in the budgetary and financial process through open budget discussions by the sectors. The last budget framework paper was introduced and was accessible to the public before the budget was read to the Nation. It is a sold publication.

It is a new requirement that all disbursements to local Governments and their distribution to lower levels must be displayed on public notices for the information of the public. This is expected to enhance public accountability and reduce corruption. Training of the District leaders and officials in proper financial management and the expansion of the capacity of the Auditor General to effectively audit all the Districts have already been addressed.

3.6 Review Of Public Procurement Policy

In response to the call at the Lima Conference, Government is reviewing the national and local administration procurement processes. The review aims at ensuring that the processes are fair, open and competitive, and yield value for money for the public and provide an enabling commercial environment for the private sector. Competitive procurement shall be introduced to limit authority of individuals and personal discretion. The procurement system reform is now awaiting Cabinet approval.

3.7 Codes of Conduct In the Private Sector

At the organisational level in the private sector, corruption prevention is about changing organisational features that allow corruption to occur and possibly go unnoticed or unreported. Under the three-year Plan of Action Government, in collaboration with professional bodies and institutions, will develop/revamp and strengthen ethical codes of conduct in the private sector and other non- government institutions. As a result there will be well-documented sets of ethical conduct with strategies incorporated in the corruption prevention addressing issues such as accountability, efficiency and effective administration. They will focus on improving systems and procedures, changing the attitudes of staff, and improving the overall integrity and performance of the organisations. We hope that this way we shall be able to promote standards for corporate governance and protect shareholders rights.

3.8 Strict Criminal and Civil Laws to Make Corruption Highly Risky

Policy formulation and law reform is one of the strategies under our three-year plan of action. The Directorate of Ethics and Integrity, which I head is working with the relevant Ministries and

institutions of Government to review and formulate policies and laws, and mechanisms for their enforcement with a view to creating a policy and legal framework that enhances the fight against corruption. Laws under review include the prevention of corruption act, the Auditor General's bill and leadership code among others.

This will involve enacting a law with specific measures to punish corruption, protect and reward whistle blowers. Punishment shall include:

- recovery, seizure, freezing, forfeiture and confiscation of property in respect of the proceeds of corruption,
- prohibiting individuals found guilty of corruption from bidding for government contracts or otherwise doing business with governments.
- making publicly known, companies that are found engaged in corruption practices and,
- barring such companies from bidding/or public contracts or otherwise doing business with the government.

It will also involve amending the Penal Code with stronger sanctions for corruption.

3.9 Involvement And Participation Of Civil Society

The role of Civil Society institutions such as the Churches, pressure groups and other non-Governmental organizations plus the media is highly recognized by Government. My Directorate intends to work in collaboration with the NGOs to build a strong civil society. However for the civil society to be effective support should preferably come from sources other than Government in order to ensure impartiality. This is where International institutions should intervene and work in partnership with them in partnership to this end.

3.10 Public Awareness and the Media

Anti corruption efforts cannot succeed if the community has come to accept it as a way of life. In Uganda, public awareness is aroused about the evils of corruption through radio programmes highlighting its implications on the economy and society. Government will forge partnership with the media to expose corrupt activities at all levels of the Public Service. In Uganda, the media reports a number of cases, and this has helped Government to deal with corruption. The Directorate for Ethics and Integrity together with the IGG are conducting public awareness workshops and seminars.

4.0 We cannot boast of having thoroughly covered all the aspects that are defined in the principles. Some principles entail conditions, which require long term strategies. Others need international effort and hence bilateral commitments. (which like in marriage, a country must find a willing partner. This forum should make possible these marriages and I hope at the end of it all partners will have emerged.)

These include:

- Applying reciprocal obligations for the extradition of those accused or convicted by corruption offences

- Establishing government-to-government mechanisms to monitor implementation of these principles, including a mutual reporting and evaluation process.
- Considering the elaboration and adoption of an African convention for combating corruption based on the foregoing principles, and encourage the establishment of a global anti-corruption convention.
- Designating annual “Anti-corruption day” or “accountability day” internationally.

5.0 Conclusion

Although we have made formidable steps in building a system to ensure good governance, success stories are a distance away. This is because we need time to undertake some long-term measures and also because corruption is interwoven with tricky and dicey dynamic features which require continuous review of strategies.

Finally, on behalf of the Uganda Delegation to this Conference I wish to express our heartfelt thanks to the Organising Committee, the people of South Africa, their government, their private sector and their civil society, for the warm welcome, the hospitality and the provision of the wonderful facilities for this Conference.

I thank you.