Anti-corruption Institutional Multiplicity Façade in Uganda

Pius Gumisiriza, [1] Robert Mukobi[2]
Uganda Management Institute, piusgumisiriza@yahoo.com[1]
Ministry of Finance, Planning and Economic Development. mukrobb@gmail.com[2]

Abstract

This article uses a comparative analytical approach to examine critically how and why anti-corruption institutional multiplicity has failed to effectively curb corruption in Uganda. The government of Uganda deliberately created several anti-corruption agencies to fight corruption simultaneously in the country; an approach some scholars have argued can be effective as different agencies complement and support one another in the fight against corruption. However, contrary to expectations, having several anti-corruption agencies has failed to curb corruption in Uganda effectively and instead resulted in wasteful duplication of functions, uncoordinated way of doing things, blame games, lack of implementing powers, dispersion of limited financial resources, ineffective supervision, corruption within anti-corruption agencies, conflicts, and neglect of corruption cases. The main argument threaded in this article is that most anti-corruption agencies have failed to curb corruption in Uganda effectively because of having been deliberately created, structured, supervised, resourced, empowered in a poor way; and lack of political will from the top political leadership to fight corruption. The article recommends that government should consider scrapping or merging some of the anti-corruption agencies, especially those with duplicated roles; avail sufficient financial and human resources to the remaining anti-corruption agencies; and, empower them to enact their recommendations.

Keywords: Corruption, Anti-corruption Agencies, Institution Multiplicity, Façade, Political Will

Introduction

The government of Uganda deliberately created several anti-corruption agencies in its efforts to curb corruption. The lead national anti-corruption agency is the Inspectorate of Government which has power to investigate, inspect, and freeze bank accounts; search, arrest, and order for production of documents; enforce asset declaration; and prosecute public officials involved in corruption. The Directorate of Public Prosecution works with the Uganda Police Force to investigate and prosecute private and public officials engaged in corruption. The Anti-Corruption Court is responsible for presiding over corruption offenses, while the Financial Intelligence Authority is mandated to combat money laundering activities. The Directorate for Ethics and Integrity, Office of the President, coordinates policies toward effective anti-corruption efforts. The Office of the Auditor General audits financial management of central and local government institutions, while the Public Accounts Committee of the Parliament of the Republic of Uganda provides oversight functions over the management of public resources as a way to fight endemic corruption in the country (Carson, 2015).

Although the overall intention of the creation of several anti-corruption institutions was to curb corruption effectively, both petty and grand corruption remains endemic across all levels of government, with dire consequences for the entire Ugandan society (Transparency

International, 2017). By 2005, the World Bank estimated that Uganda was losing US$ 300 million to corruption every year, a figure that could have more than doubled given the current trend. Nandala Mafabi, the former chairperson of the Public Accounts Committee of Parliament of the Republic of Uganda, has argued that this amount of money would be enough to fund and sustain Uganda's health care system. Other commentators such as Cissy Kagaba, the Executive Director of the Anti-Corruption Coalition Uganda have argued that this figure may have even increased or doubled since then as corruption has been increasing year after year as reported by credible sources in the country (Mugerwa, 2016).

Commentators have argued that the leadership of the government of Uganda established multiple agencies to ensure availability of alternatives to preserve their interests in they are threatened by any one of the agencies or institution established to fight corruption, and to keep effective control of what happens in government (Bukenya and Muhumuza, 2017). This strategy has been effective considering that the government of Uganda maintains a firm control over anti-corruption institutions. In August 2017, the government ordered for a review of all government agencies to identify and eliminate or merge those that were duplicating functions. This was followed by a Cabinet decision to close and merge 87 out of 146 agencies (Sserwaniko, 2018). However, none of the agencies within the anti-corruption sector has been earmarked for merging or scrapping. In fact, in June 2018, another anti-corruption unit was created within State House, in a move that seemed to further duplicate the anti-corruption function. Practitioners in the sector were skeptical, fearing that it may also be swallowed by corruption (Kazibwe, 2018).

The main argument made in this article is that creating new units or agencies to fight corruption without addressing the underlying cultural, structural, financial, legal and political factors causing it is not a solution but part of the problem. Failure to curb corruption stems from the way anti-corruption agencies are created, structured, resourced, positioned, and supervised that has resulted in wasteful duplication of functions, uncoordinated operations, blame games, and neglect of some cases of corruption. This article provides definitions and classifications of corruption, theoretical drivers of corruption, analyses of institutional frameworks and methodology, and analysis of the systemic failure to curb corruption in Uganda. The article ends with recommendations for consideration by responsible government agencies, practitioners and scholars in this area.

Definitions, Classifications and Theories of Corruption

Different scholars and institutions have defined corruption in different ways depending on different contexts. Many scholars have embraced a broader but shorter definition of corruption as the abuse of public office, power or resources for private gain (Rose-Ackerman 1978; Passas, 1999; Khan, 2004; Johnston, 2005). All these definitions are public-centred; yet sometimes corruption happens within and between private business and individuals in society, with or without the involvement of public officials. Therefore, in this article, the term corruption is more broadly defined as the abuse of public or private office or entrusted authority for personal or group gain; so as to capture abuse of entrusted power or authority by those holding public office and those who are not in public office but still engage in corruption (Asian Development Bank, 1998).

Corruption manifests itself in so many ways that are not mutually exclusive. For instance, it includes forgery, uttering false documents, embezzlement, bribery, misappropriation of public resources, conflict of interest, false claims, extortion, non-attendance, failure to undertake duties, withholding information, lack of transparency, nepotism, influence peddling, theft of public funds or assets, causing financial or property loss or false accounting in public affairs, among others (Anders, 2002). Some scholars have even classified corruption in other ways that are quite relevant to this discussion. For example: corruption is classified as petty or survival corruption when it involves little sum of money; grand or political when it involves political decision makers and normally involves the theft of vast amounts of public resources; it can be incidental corruption, when it just happens due to the individual behaviours of politicians and public office holders or institutional corruption when institutional cultures of corruption have sprung up around an entire institution. Corruption is called systemic corruption when corrupt practices become a way of life within the whole society. It can be systematic corruption where perpetrators are either organized into cartels or just act in systematic way as individual persons or groups to demand, extort or commit corrupt practices. Corruption is unsystematic and unpredictable and happens randomly when individuals seek and are given bribes. It may be syndicated if it involves networks of strategically placed officials who connive to embezzle public funds or abuse entrusted authority. It can be private if it holds some private benefit for the corrupt actor, his family or his close friends; or collective if it develops into larger networks, political parties, an entire administrative bureau and national governments (Amundsen, 1999).

Corruption may take the form of state capture when private interests significantly influence the decision-making processes of a state or regulatory capture when a regulatory agency charged with regulating a sector advances the special concerns of a particular interest group. Crony capitalism is also placed in this category and usually happens when favouritism is exercised in the distribution of legal permits, government grants, special tax breaks and other forms of state intervention (Hellman and Kaufmann, 2001; Heidenheimer & Johnston, 2009). Kick-back corruption happens where people are secretly rewarded for facilitating illicit transaction; extortion when a public official makes a demand for a bribe payment in relation to an official decision; systematic when perpetrators act in methodical ways as individual persons or groups to commit corrupt practices; collusive when public officials and private agents collaborate to share the benefits generated from corrupt practices and then move ahead to create a perception that all rules and procedures have been respected; and syndicated corruption that includes corrupt networks that may cut across all cases (Gong, 2002; Søreide, 2014). These classifications are not mutually exclusive, meaning that they can happen and do happen in the same society simultaneously and evolve within and among societies. Indeed in Uganda, corruption manifests itself in different ways at different levels of government and non-government institutions.

There are theories such as Principal-Agency and Rotten Apple that have argued that people's individual interests and characteristics may be the main drivers of corruption (Felps et al., 2006). These theories are grounded in the rational choice theory whose perspective is that individuals rationally participate in corruption when the benefits are greater than the costs (Cornish & Clarke, 1986; de Graaf, 2007; Pratt, 2008). The decision by individuals to engage in corruption may be influenced by their personality, career history, rank, education,

experience with corruption and self-control (Piquero & Tibbetts, 1996; Kane & White, 2009; Lambsdorff, 2002). Other theories such as the collective action theory, patron-client theory, social network theory and some scholars have explained the nature and causes of corruption from a collective point of view after theories that focus on individual attributes found a lot of difficulty explaining institutionalized and collective corruption. These theories and scholars mainly argue that political, social and economic factors influence people's participation in corruption (Amundsen, 1999; de Graaf, 2007; Marquette & Peiffer, 2015).

Anti-corruption Institutional frameworks

There are no ideal institutional frameworks that can be said to curb corruption in all countries universally. Some countries or territories opted for the establishment of a single institution or agency responsible for investigating, sanctioning and prosecuting corruption with success. Singapore's Corrupt Practices Investigation Bureau (CPIB) is an example in this regard. Many others embraced institutional multiplicity, an organization theory concept borrowed into the anti-corruption literature and practice to mean the existence of more than one institutional arrangement in the fight against corruption (Scott, 1994; Prado et al., 2016). Much as lessons of what has worked in anti-corruption institutional frameworks in one country can provide lessons for others in some cases (Langseth et al. 1997), in many instances, what has worked in one country may not be replicated in another country because corruption is embedded within the political systems, cultures, histories, development levels, ethnic realities of countries in which it happens and has to be tackled in those contexts (Torsello and Vernard, 2016; Camargo and Passas, 2017). Besides, each of the models has its own advantages and disadvantages, successes or failed examples. For instance, proponents of single agency or institution model have argued that it helps reduce problems related with inter-institutional coordination, avoids confusion of roles, competition for resources and leadership (UNDP, 2005: 9).

Proponents of the single anti-corruption institution model usually point at the success stories of the Corrupt Practices Investigation Bureau in Singapore, the Directorate on Corruption and Economic Crime in Botswana and the Independent Commission against Corruption in Hong Kong as examples where the model has worked well (Kuria, 2012). However, if one looks closely at these countries (Hong Kong is a territory of China but with a special administrative arrangement), they have other characteristics that distinguish them from others. For the case of Botswana, it has been relatively well governed over the last fifty years, with strong democratic institutions, was blessed with natural resources (diamonds) whose proceeds have been used to benefit the majority and, like Hong Kong and Singapore, it has a small population and is very successful economically. For the specific case of Singapore and Hong Kong, commentators have argued that these two are highly urbanized territories operating within relatively small islands and their single anti-corruption agencies derive their power and independence from specific laws passed in response to serious scandals that threatened the stability of their governments. The Independent Commission against Corruption in Hong Kong was formed in response to the 1974 Peter Godber affair, while the Corrupt Practices Investigation Bureau was only strengthened in response to the 1970s scandals involving police officers in the narcotics trade. These crises forced the governments to create anti-corruption agencies that were independent from the police since the police were themselves involved in the scandals (Kuria, 2012).

Other countries that embraced the single anti-corruption institution model were not lucky, as studies have revealed that in fact most corrupt countries have a single anti-corruption agency (Meagher, 2005; UNDP, 2005; Kuria, 2012; Gabriella, 2017). The failure stems from many complex factors including the fact that, in many cases, efforts to establish a centralized anti-corruption agency are usually donor rather than citizens driven which allows governments to establish a weak agency to satisfy the minimum donor requirements without closer examination of their own country circumstances. Most third world countries have infrastructural problems and ethnic diversities that easily stretch the resources of a centralized anti-corruption agency to unmanageable levels. The single agency is easily manipulated because there are no other checks and balances that can expose its corrupt schemes and all corruption efforts are easy to thwart if they are coordinated by a single body that may be reporting to the same officials it is supposed to investigate or if there is lack of political will to provide sufficient resources as well as independence to the agency (Kuria, 2012).

The challenges and weaknesses in the single anti-corruption agency approach led the proponents of anti-corruption institutional multiplicity to argue that the approach may help strengthen institutional competition, collaboration, complementarity and compensation. They argue that multiplicity provides opportunities to see several anti-corruption institutions in action at the same time and eases their assessment and complementarity as best practices identified in one institution may be replicated in another. It would also leave old institutions with entrenched interests intact while creating new and effective institutions that help diversify avenues through which authorities may detect, investigate, and punish corruption (Chêne, 2009; Zilber, 2011; Andrews, 2013). Examples of countries like Brazil where the approach has been adopted with success are used by supporters of this approach as a reference for other countries to learn from and follow (Carson and Prado, 2016).

Critics of anti-corruption institutional multiplicity have argued that it results in complex coexistence of contradictory rules of the game in the same territory, creating unsolvable conflicts among institutions and wasteful duplication of functions (Ivanova and Roy, 2007; Di John, 2008; Weijer, 2013).While Brazil is cited as an example where anti-corruption multiplicity has worked, the approach has failed spectacularly in Uganda and corruption remains endemic. However, no academic study has been undertaken to understand how and why the anti-corruption institutional multiplicity approach has failed to effectively curb corruption in Uganda. Thus, the overall objective of this research was to examine why anti-corruption agencies in Uganda have collectively failed to address the cancer of corruption.

Methodology

In order to examine how agencies were created, how they are structured, supervised, empowered and why they have failed to effectively curb corruption in Uganda, this study adopted a qualitative research design. The qualitative method was chosen on the basis that it would generate a detailed understanding, expression and opinion regarding the dynamics from the knowledge and experience of people who have knowledge or are involved or associated with anti-corruption agencies in Uganda. On sampling, a multiple case study approach was adopted and all anti-corruption agencies were considered mainly because they are not very many and

due to the fact that a multiple case study approach enhances external generalization of the study, establishes wider data analysis in one context and helps to raise the level of confidence in the robustness of the method (Baxter and Jack, 2008; Baškarada, 2014; Creswell, 2014; Khan, 2014). In-depth interviews were conducted between January and May 2018 with 18 key informants selected from anti-corruption agencies, academia, politicians, and civil society organizations based on their anti-corruption reduction experience and knowledge. Because of the sensitivity of the subject, respondents' names or identifying features were included in this document with their consent and for those that were uncomfortable, names remained confidential. Primary data was supplemented with content analysis, a method that involves detailed and systematic examination of contents of a particular body of materials for the purpose of identifying common patterns, themes, biases in order to come up with an accurately analysed qualitative article (Leedy and Ormrod, 2001).

Findings

Ineffective Monitoring and Supervision

Having several anti-corruption agencies in Uganda has created supervisory challenges among the agencies. Some government agencies that are supposed to monitor and supervise government ministries were created by and report to the same government ministries. This makes them unable to actually supervise the ministries that created and control them. For instance, the Accountability Sector Secretariat is mandated to promote accountability, coordinate adherence to fiduciary assurance, and supervise government ministries so as to combat corruption and improve service delivery. In actual sense, the Accountability Sector Secretariat that is currently housed in the Ministry of Finance, Planning and Economic Development (MoFPED) premises is the one supervised by the Ministry of Finance. It was the MoFPED that initiated the creation of the Accountability Sector Secretariat. The ministry decides how much money the secretariat gets in its wage and non-wage budget allocations and virtually controls who is recruited in the Secretariat. The ministry determines the activities of the secretariat, all the secretariat's reports are submitted to the Ministry of Finance and the secretariat operates in a project mode, meaning that its very survival is at the mercy of the ministry. In view of all this, it is practically very difficult for the staff members of the secretariat to pin officials of the Ministry of Finance to whom they actually report; and ever since its inception in 1998, the Secretariat has never implicated any official in corruption. Therefore, one can argue that the creation and maintenance of the Accountability Sector Secretariat was and still is wastage of public resources without much value for money.

The Public Procurement and Disposal of Asset Authority (PPDA) also began as one of the departments in the MoFPED. It was later granted vote status to function independently. However, MoFPED retained the PPDA policy formulation and the supervisory functions, while the PPDA just became a regulatory body. MoFPED still influences the PPDA because it determines who heads the Authority and one of its officials must be included on the PPDA's governing Board (Musisi, 2017). Additionally, PPDA is obliged to conduct procurement audits of Procurement and Disposal Entities (PDEs) and report to finance, yet MoFPED is also a PDE. This creates conflict of interest; compromises the independence of the agency and may

result into collusion and hiding of corruption cases other than exposing them. The Financial Intelligence Authority (FIA) that is mandated to prohibit and prevent money laundering in the country is another case in point. FIA began as a project in the MoFPED and later granted vote status to function independently. However, FIA's independence is not total because it remains dependent on MoFPED for capitalization. The decision on how much money FIA can get for their wage, non-wage and development expenditure is made by MoFPED. When FIA was created, some of its directors were drawn from the MoFPED, the Inspectorate of Government, Office of the President and Uganda Police. Considering that these departments and agencies were already performing poorly in their mandate to fight corruption, the appointment of these officials to FIA did not reflect renewed energy or approaches. Therefore, the Anti-Money Laundering Act 2013 could have been more effective if the law was made more stringent and provided for strengthening of the Inspectorate of Government and Uganda Police in terms of training and availability of tools and technology to track and deal with money laundering.

The Internal Auditor General is another example of failure of institutions to perform their duties based on how they are formed, structured, and positioned. The Public Finance Management Act 2015 provides that the Internal Auditor General shall oversee the internal audit function across government; develop internal audit policies, rules, standards, manuals, circulars, guidelines and internal audit strategy; supervise its implementation; review and consolidate audit reports from the votes and externally financed projects; and provide evidence to the relevant parliamentary oversight committees when requested to do so. The Internal Auditor General is supposed to ensure that all Ministries, Departments, Agencies, Local Governments (MDALGs) and accounting officers comply with the internal controls, procedures, rules, and regulation through internal audits. However, the Internal Auditor General reports to the Permanent Secretary of the MoFPED and Secretary to the Treasury. Implementation of recommendations by the Public accounts Committee (PAC) including punishment of errant public officials is delayed and many times not done by the Executive due to political mistrust, as government suspects that they are politically motivated. The constitution dictates that the PAC be chaired by members of the opposition in Parliament.

Lack of Implementing Powers

While there are many of them, the major anti-corruption agencies in Uganda have failed to reduce corruption because they do not have legal power to implement their findings and recommendations. Key in this category is the Office of the Auditor General (OAG) that has been credited for performing well on many fronts of its mandate but has no powers to implement its own recommendations. OAG reports to Parliament of the Republic of Uganda, itself accused by many commentators of taking long to debate reports, being gagged, being involved in corruption, and mainly serving to entrench the interests of the government in power. Parliamentary anti-corruption oversight committees have to make recommendations to the Executive for action. Over the years, Parliamentary oversight committees including;

Public Accounts Committee, Committee on Commissions, Statutory Authorities and State Enterprises, and the Local Governments Accounts Committee have investigated and exposed serious corruption scandals but many of their recommendations have been frustrated by the executive using its majority in Parliament who accuse the opposition MPs of turning these committees into avenues for fighting political wars to discredit or tarnish the name of the sitting government (Centre for Policy Analysis, 2014; Bukenya and Muhumuza, 2017).

Political will and Strong Institutions

There are countries where institutions may be embryonic, and in such circumstances strong political will has been helpful in uprooting corruption. For instance, in the East African region, the leadership in Rwanda is praised for exhibiting political will to fight corruption (Baffour, 2013). In scenarios where there is no strong political will or top political actors are themselves culprits in corruption scandals, there need to be strong and independent institutions to make them accountable. For example, in Brazil, President Dilma Rousseff was impeached in 2016 by parliament because it was able to exercise its mandate without gagging from the executive (Romero, 2016). In April 2018, former Brazilian President Luiz Inacio Lula da Silva was also given a 12-year prison sentence for money laundering and corruption. In South Korea, President Park Geun-hye was impeached from office in 2017 by an independent parliament because of her involvement in corruption. The South Korean constitutional court unanimously upheld this decision and she was sentenced to many years in prison (McCurry, 2017). In October 2018, Lee Myung-bak, another former South Korean president was also handed a 15-year jail sentence for corruption and ordered to pay a fine of 13 billion won ($11.5m) by the Seoul Central District Court.

In the East African context, court in Kenya was able to nullify a presidential election won by the incumbent, President Uhuru Kenyatta in 2017. This unprecedented court decision was mainly due to the constitutional reforms embedded in the new Kenyan Constitution promulgated in 2010 that gave the judiciary power and protection from the executive (Letu, 2014). The President was compelled by constitutional order to accept the court decision.

In the case of Uganda, the current leadership has been in power for 32 years with effective control over government institutions and capacity to fight corruption where and when it serves government's interests. For instance, during the early 1990s, the political leaders in the government of Uganda were committed to fighting corruption, and success was registered as corrupt government officials were indicted, sacked from office and prosecuted in courts of law. However, increased political threats and competition that began with the 2001 elections relegated corruption to the bottom of government's priorities as the leadership in government attempted to placate political opponents and corrupt tendencies and perpetrators were more tolerated if they threatened the sitting government's political survival. Corruption gradually turned into a norm across political and non-political actors in government and non-government institutions and became one of the tools through which political power is maintained, reproduced and consolidated (Tangri and Mwenda, 2013). Thus on many occasions, some members of the executive have been mentioned in several high-profile corruption scandals, or interfered with the work of anti-corruption agencies in defense of government allies and members (Human Rights Watch, 2013; Badru and Muhumuza, 2017).

Research shows that corruption is so entrenched in the political culture of states that even when political leaders publicly endorse anti-corruption rhetoric, they have minimal incentives to change the corrupt system from which they benefit (Khan, 1998; VandeWalle, 2003; Acemoglu et al., 2004; Keefer, 2007; Afrimap, 2015). The events cited in Brazil, South Korea and Kenya may not happen in Uganda because constitutional reforms that limit the power of the executive while strengthening other branches of government with a purpose of establishing checks and balances and strengthening good governance are yet to be entrenched (Eyotaru and Namuloki, 2017). The Constitution of Uganda (1995) gives the President powers to appoint the Chief Justice (Article 142), Chairperson of the Electoral Commission (Article 60), Inspector General of Government (Article 213), Inspector General of Police, the Head of Public Service (Article 173), Governor Bank of Uganda, and the Secretary to the Treasury (Article172a) (Uganda Constitution, 1995) and the executive has used these powers to create and control government agencies including appointment of officials. For example all the judges in Uganda, electoral commissioners, heads of anti-corruption agencies, police, army, and prisons are appointed by the President and are most likely to be loyal to the executive (The Independent, 2017).

Uncoordinated operations

Theoretically, scholars have argued that for anti-corruption agencies to succeed, they must work together (Klitgaard, 1998; Chêne, 2009). However the agencies in Uganda's anti-corruption institutional framework have no clear guidelines on when each of them is supposed to take on a case; and anti-corruption agencies have on many occasions ended up investigating the same cases, making it difficult for the public and other stakeholders to identify which agency is accountable for prosecution of suspects accused of corruption. This, in many cases, has resulted in blame games, conflicts among agencies, and neglect of some corruption cases. On several occasions, failure to prosecute major corruption cases has been blamed on uncoordinated operations by the judiciary, attorney general, Inspectorate of Government, Directorate of Public Prosecution, and Police (Atuhaire, 2015). In 2017, the Inspector General of Government told Members of Parliament on the Legal and Parliamentary Affairs Committee that the trial of former top officials at the Ministry of Public Service implicated in the loss of Shs165 billions meant for pensioners was likely to hit a dead end after the High Court stopped the Directorate of Public Prosecution from including the Cairo International Bank on the charge sheet. In addition, the IGG cited an inquiry she had launched into the disputed procurement of a contractor for the US$ 2.2 billion Karuma Hydro Power Project where the High Court ruled that the Inspector General of Government had no powers to investigate the matter (Bukenya and Muhumuza, 2017).

Scholars and practitioners have suggested ways to improve coordination. Klitgaard (1998) recommended creation of participatory workshops, development of a national strategy against corruption and prosecution of high-level officials to overcome impunity. Creation of an interagency mechanism to coordinate the anti-corruption efforts was fronted as a potentially effective strategy to overcome coordination lapses (Klitgaard, 1998). However, there remains fear that implementing such recommendations in Uganda may be frustrated by networks of corrupt individuals. A look at major procurement scandals whose perpetrators have gone

unpunished suggests that they may be protected (UDN, 2013; Human Rights Watch, 2013; Tangri and Mwenda, 2013; Bukenya and Muhumuza, 2017), making a case for introduction of reforms to effectively address all forms of corruption at all levels of government and non-government entities.

Dispersion of Limited Finances

Anti-corruption institutional multiplicity in Uganda has resulted into dispersion of the limited finances across the numerous anti-corruption agencies with each getting a meager share. This seriously affects the execution of each agency's mandate in terms of ability to recruit, train, and equip sufficient numbers of staff with skills and tools necessary to fight corruption. Lack of capacity in terms of finances, human resource, and equipment has sternly constrained asset recovery, affected investigations and prosecutions, which has resulted into long delays, dismissals, or withdrawal of corruption cases in court which cost the government. For instance, in the office of the Directorate of Public Prosecutions, between 650 and 750 cases are dismissed every year due to inadequate staff, high staff turnover, and inadequate prosecutorial and investigative skills (Inspectorate Government, 2014; Carson, 2015).

In 2010, a review of ongoing cases in the Anti-Corruption Court indicated that 54.2% of cases took more than 12 months to be resolved; while in 2013, for the 85 cases that were ongoing, 34 had been before the courts for more than 24 months, and this number increases year after year (Human Rights Watch, 2013). These prolonged cases are caused by lack of enough staff. Low pay has been cited as the key reason for failure of the Directorate of Public Prosecutions to mobilize, train, and retain competent and highly skilled employees to fill several vacancies for state attorneys (MoPS, 2011). The situation is not any different in the Inspectorate of Government. Lack of sufficient finance, staff, expertise, and equipment has made it impossible for the Inspectorate of Government to verify and enforce the declaration of assets by leaders. As a result, for many years, only 50% of declared assets are sampled for verification annually, and the rest are kept without confirmation for any inaccuracy and inconsistency (Carson, 2015). Some of the political leaders and civil servants take advantage of this loophole to under or over-declare their assets. The declaration of assets and liability is gradually turning into a public service norm with minimal deterrent effect.

Corruption within Anti-Corruption Agencies

Several reports from reputable institutions such as the Transparency International, Afrobarometer, Inspector General of Government in Uganda, and Uganda Bureau of Statistics, indicate that the Judiciary and Uganda Police are the most corrupt institutions in Uganda, yet they are directly connected with the fight against corruption (Ndagire, 2013; Kato, 2016). Corruption within these key anti-corruption agencies has complicated the war on corruption. For instance, corruption within the Ugandan judiciary has affected the application of anti-corruption sanctions and conviction of corrupt officials (Republic of Uganda Judiciary, 2017; Wambi, 2017). Corruption within the judiciary is in various forms including bribes to lower-order court officials for producing or hiding information that is crucial to cases; bribes to prosecutors not to pursue or to unfairly assess evidence; de facto sale of favorable decisions; selective investigation and prosecution of corruption culprits (Adoch, 2011; Tangri and

Mwenda, 2013; Martini, 2013; UDN, 2013). In 2014 alone, the Police Standards Unit (PSU) arrested over 70 police officers for numerous felonies that among others involved extortion, bribery, and concealing exhibits (Inspectorate of Government, 2014).

In March 2017, the President of the Republic of Uganda told the country that the Uganda Police was infiltrated by criminals, singling out the Criminal Investigations and Intelligence Directorate (CIID), which he accused of extorting bribes to assist corrupt people to avoid prosecution by providing false information or tampering with evidence (Tumwine and Bagala, 2017). In October 2017, acting on the directives of President of the Republic of Uganda, the Chieftaincy of Military Intelligence arrested and court-martialled several senior police officers that for many years were involved in investigating high-profile criminal and corruption cases. Most of these officers were alleged to be involved in criminal activities including illegal repatriation of refugees back to their countries of origin where they faced danger. Additionally, the Police Standards Unit has recommended the sacking of over 80 police officers over misconduct, while a total of 105 officers, both junior and high ranking, are under probe by the Police Standards Unit over cases ranging from extortion to robbery, concealing evidence, fraud, and corruption (New Vision Reporters, 2017).

The DPP, and sometimes the IGG, depend on the CIID who carry out investigations, and in circumstances where one component fails to do its part, services in the other agencies cannot be delivered effectively. Police officers and militias such as Boda-Boda 2010 have been implicated in many crimes related to corruption. On 9 March 2018, a week after he had sacked the Inspector General of Police the President of the Republic of Uganda admitted that the Police had been infiltrated by criminals, referring to them as been weevils (URN, 2018). For many Ugandans, the president's revelation was no surprise because those that have dealt with the police very well know that the police are very corrupt (Kato, 2016).

Weak Anti-corruption Laws

For effective reduction of corruption to be achieved, corruption-ridden countries need to strengthen their laws relating with punishing corruption, property rights, contract enforcement and asset recovery. People should know that the cost of corruption is far higher than its rewards. For instance, in Singapore, during the 1960s, anti-corruption laws were amended to give wide powers to investigators, including arrest, search, and investigation of bank accounts of suspected persons, their partners, children, and agents. Judges were allowed to accept the evidence of an accomplice. Courts were also allowed to treat proof that an accused person was living beyond his or her means or had property his or her income could not explain, as corroborating evidence that they had accepted or obtained a bribe. Giving false or misleading information to the CPIB became an offense subject to imprisonment and a fine of up to S$10,000. All these legal mechanisms made corruption a very risky and costly business in Singapore and contributed to its significant reduction (Lee, 2011). In Uganda, anti-corruption agencies have been let down by failure of government to apprehend suspected culprits in mega corruption scandals because the law is not wide enough to implicate them or their accomplices. In other circumstances, many have been prosecuted but the punishment handed down is far inferior to what the culprits gained through corruption. Thus, save for petty corruption, many

people in Uganda with an opportunity to engage in grand corruption are not afraid of the law (Republic of Uganda Judiciary, 2017).

While anti-corruption laws are very weak and their implementation is wanting, Uganda has very strong and prohibitive laws that limit freedom of expression, assembly, and communication, and to some extent limit anti-corruption efforts. For instance, in 2013, the government of Uganda passed into law the Public Order Management Act that provides the police discretionary powers to disperse gatherings in public places and break up political meetings of three or more people discussing political issues without prior police permission. Under this law, police has a right to deny permission to people wishing to assemble and to use firearms in self-defense or against those resisting arrest. Subsequently, the institution of police appears frequently in the news headlines for; spraying tear-gas at peaceful demonstrators, beating innocent citizens including journalists, dispersing opposition politicians and activists' rallies, carrying out preventive arrests and detentions and violating people's rights to assembly, expression, political participation, and speech (Amnesty International, 2014). In addition, the government of Uganda passed into law the Interception of Communications Act 2010 that permits the Minister of Security to tap all forms of communication in the country. The Act provides for the registration of SIM cards and interception and monitoring of certain communications through telecommunication, postal, or any related service. The stated objectives of the law were to thwart and prevent terrorism action and organized crime. The law violates the right to privacy and lacks adequate safeguards to ensure respect of rights to freedom of expression enshrined in the Constitution of Uganda. Besides, the law gives the government far-reaching discretionary powers in surveillance and interception of communication between individuals, groups, and organizations. The broad and undefined basis for interception of communication also allows for possible intrusion into communications of individuals and professionals, affects journalists, human rights defenders, anti-corruption agencies and politicians engaged in legitimate activities.

The Interception of Communications Act 2010 has had far-reaching impact on human rights and the war on corruption as it is used and abused for other purposes other than the stated one. For example, it has been used to curtail political and anti-corruption work. In addition, this law has made the work of many journalists and their sources very difficult due to the continuous disruption by state agencies. With such laws implemented, it is difficult for anti-corruption campaigners to hold demonstrations similar to those witnessed in Brazil or South Korea in 2016 and 2017, respectively. Even civil society organizations and NGOs that promote accountability in Uganda have not escaped the full wrath of the state as key agencies like Action Aid had their offices surrounded, sealed off, and closed without warning in 2017 and government considered it an operation against enemies of the state. All these factors limit the emergence of a strong civil society and an assertive population that values and demands accountability. They also limit the formation of legitimate social norms of conduct that facilitate transition to rule of law and growth of institutions that are independent of their leaders.

Selective Application of Anti-corruption Laws

For anti-corruption laws to be effective, anti-corruption agencies must be allowed to carry out their work without interference so that anybody implicated in corruption including members

of the executive, may be apprehended without fear or favor. It may help if members of the executive support anti-corruption agencies in rhetoric and action. The story of Singapore's fight against corruption vindicates the argument for non-selective application of anti-corruption laws. Singapore was able to eliminate endemic corruption during the 1970-80s because any government leader involved in corruption was punished without fear or favor. In 1975, Wee Toon Boon, a very close friend of then Prime Minister Lee Kuan Yew, loyal non-communist trade union leader, and Minister in for Environment was charged, convicted, and sentenced to 4 years and 6 months in jail. In December 1979, Phey Yew Kok, then President of the National Trade Union Council and a Member of Parliament in the ruling People's Action Party was charged on four counts of criminal breach of trust although he later ran into exile at the peril of his sureties (Lee, 2011). Tan Kia Gan, then Minister for National Development was removed from office for allegedly accepting bribes in connection with the sale of aircraft to Malaysian Airways. Choy Hon Tim then director of the Electricity Department and Deputy Chief Executive of the Public Utilities Board was convicted and sentenced to 14-years in jail for his involvement in a $13.85 million bribery scandal. Peter Lim Sin Pang, the former Chief of the Singapore Civil Defence Force, was convicted and jailed for 6 months for corruptly obtaining sexual gratification in relation to awarding information technology contracts. In December 1986, Mr. Teh Cheang Wan, then minister for National Development, took his life after failing to influence the Corruption Practices Investigation Bureau (CPIB) and the Prime Minister to exonerate him of his involvement in corruption (Lee, 2011). In other words, Prime Minister Lee Kuan Yew Lee allowed the CPIB to investigate, prosecute, and punish anyone involved in corruption without fear or favor. His position sent a clear signal that officials and members of the public engaged in corruption at their own peril.

In the case of Uganda, punishing everyone involved in corruption without fear or favor has been the most lacking ingredient in the anticorruption struggle (Human Rights Watch, 2013). Anti-corruption laws seem to be applied selectively. Commentators have argued that selective application of anti-corruption laws, among others, stems from political interference and partisan appointment of personnel including judicial officers who in turn serve the interests of the appointing authorities (Bukenya and Muhumuza, 2017).

Conclusion

The findings of this research discussed above indicate that a multiplicity of factors have combined to constrain the effectiveness of anti-corruption agencies. Key among these is duplication of roles, lack of coordination, dispersion of limited financial and human resources, lack of implementing power, corruption within key anti-corruption agencies, weak laws and selective application of these laws, insufficient political will and political interference in the prosecution of corruption, among others. The conclusion derived from such complex challenges is that having several anti-corruption agencies is not an end in itself, and any efforts to have significant output in corruption reduction must address these underlying structural, legal and political challenges.

Recommendations

Government should consider scrapping or merging some of the anti-corruption agencies, especially those with duplicated roles, and the underperformers, especially those functioning as projects within the Ministry of Finance. The government should encourage the population to be more vocal because the war on corruption cannot be fought by anti-corruption agencies alone. The anti-corruption agencies, politicians and civil servants led by the Head of State should combine effort and work in collaboration to effectively fight corruption.

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