



HANDBOOK FOR JOINT TRAINING MODULE 2: ANTI-CORRUPTION AGENCIES, LEGAL FRAMEWORK AND ROLES



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FRAMEWORK AND ROLES**

HANDBOOK FOR JOINT TRAINING MODULE 2:
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A publication of the Office of the Auditor General (OAG), Inspectorate of
Government (IG), and Public Procurement and Disposal of Public Assets Authority
(PPDA).

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Acronyms

ACAs	Anti-Corruption Agencies
ACCU	Anti-Corruption Coalition of Uganda
AFIC	Africa Freedom of Information Centre
AFLI	Africa Leadership Institute
AS	Accountability Sector
CFP	Citizen Feedback Platform
CID	Criminal Investigations Directorate
CSOs	Civil Society Organisations
DEI	Directorate for Ethics and Integrity
ODPP	Office of the Director of Public Prosecutions
FIA	Financial Intelligence Authority
GIZ	The Deutsche Gesellschaft für Internationale Zusammenarbeit
JAF	Joint Assessment Framework
JLOS	Justice Law and Order Sector
IAF	Inter-Agency Forum
ICIJ	International Consortium of Investigative Journalists
ICT	Information Communication Technology
IG	Inspectorate of Government
MDA	Ministries, Departments and Agencies
NACS	National Anti-Corruption Strategy
NSAs	Non-State Actors
OAG	Office of the Auditor General
PAC	Public Accounts Committee
PAC-LG	Public Accounts Committee – Local Governments
PPDA	Public Procurement and Disposal of Public Assets Authority
RAC	Rwenzori Anti-Corruption Coalition
SAC	Strengthening Accountability Component
SH-ACU	State House Anti-Corruption Unit
TAC	Teso Antii-corruption Coalition
TAAC	Transparency, Accountability and Anti-Corruption
UNCAC	United Nations Convention against Corruption
UPF	Uganda Police Force
URA	Uganda Revenue Authority
ZTCP	Zero Tolerance to Corruption Policy

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The Handbook

This is one of the four (4) Joint Training Handbooks that has been consultatively developed as reference material for facilitators to train Civil Society Organizations (CSOs) in Uganda on Transparency Accountability and Anti-Corruption (TAAC). The Handbook contains detailed material for the facilitator's reference for **Module 2** in the Joint CSO Training Manual on TAAC developed for the same purpose. The handbook can also be used for training other CSOs in similar contexts.

The handbooks consolidate all topics relevant to the work of all anti-corruption agencies into four documents. However, each handbook can be used independently as may be needed for each module. After the delivery of every topic, the facilitators can refer learners to the handbook to obtain more or detailed information on the topic. Each Module has a handbook for more detailed and comprehensive information on the topics.

Handbook Structure

The Handbook has six topics of Module 2 in the main Joint CSO Training Manual on TAAC

TOPIC 1: ANTI-CORRUPTION LAWS IN UGANDA

TOPIC 2: ANTI-CORRUPTION AGENCIES AND ROLES IN UGANDA

TOPIC 3 THE ROLE OF THE PARLIAMENT OF UGANDA IN FIGHTING CORRUPTION

TOPIC 4: THE ANTI-CORRUPTION COURT

TOPIC 5: LEGAL AND INSTITUTIONAL FRAMEWORK FOR NSAS IN ANTI-CORRUPTION

TOPIC 6: JOINT ACTIONS OF ANTI-CORRUPTION INSTITUTIONS

Instructions to users

This handbook brings together 6 topics and how they address the issue of corruption. Please use this handbook as a reference to the training instructions in **Module 2** of the **Joint CSO Training Manual on Transparency, Accountability, and Anti-Corruption (TAAC)**.

Introduction: This gives background information to the topic

Presentation: This is the content or subject matter of the topic and can be presented in form of a PowerPoint or notes.

2.0 MODULE 2: ANTI-CORRUPTION AGENCIES, LEGAL FRAMEWORK & ROLES

Introduction

Civil society is a critical component when communities must band together and respond to a crisis such as corruption. Under these circumstances, civil society often facilitates understanding of government activities, allowing citizens to better understand the legal framework and evaluate policy decisions and the execution of government authority, along with providing citizens with the skills to voice their concerns and act collectively.

This handbook allows civil society to learn about anti-corruption as an important subject in nation-building, the different Anti-Corruption Agencies fighting corruption in Uganda, the legal framework that supports their mandate, and their different functions and roles. The handbook covers six topics including:

Topic 1: Anti-Corruption Laws in Uganda.

Topic 2: Anti-Corruption Agencies and Roles in Uganda.

Topic 3: The Role of the Parliament of Uganda in Fighting Corruption.

Topic 4: The Anti-Corruption Court.

Topic 5: Legal and Institutional Framework for Non-State Actors In Anti-Corruption.

Topic 6: Joint Actions of Anti-Corruption Institutions and Stakeholders in Fighting Corruption.



Photo Credit: World Bank Group

2.1 TOPIC 1: ANTI-CORRUPTION LAWS IN UGANDA

2.1.1 Introduction

This topic covers the Anti- Corruption Legislation in Uganda.

2.1.2 Learning Objectives

After studying this handbook, participants should be able to:

Understand all the related anti-corruption Legislation in Uganda and their roles of Anti-Corruption Agencies in Uganda.



2.1.2.1 ANTI CORRUPTION LAWS IN UGANDA

Several laws and institutions have been established to ensure success in the fight against corruption in Uganda. Within the legal framework exists:

1) The 1995 Constitution of the Republic of Uganda

The constitution of Uganda 1995 as amended is the source of all the anti-corruption legislation. Under the **National Objectives and Directive Principles of State Policy XXVI (iii) on Accountability**, it is stated that all lawful measures shall be taken to expose, combat and eradicate corruption and abuse or misuse of power by those holding political and other public offices.

Article 17 of the Uganda 1995 constitution spells out the Duties of a Citizen and part (1)(i) calls on citizens to combat corruption and misuse or wastage of public property.

In Article 225 (1)(b) among the functions of the **Inspectorate of Government**, is to eliminate and foster the elimination of corruption, abuse of authority and public office.

Article 230 (1) regarding Special powers of inspectorate, The Inspectorate of Government shall have the power to investigate, cause investigation, arrest, cause arrest, prosecute or cause prosecution in respect of cases involving corruption, abuse of authority, or public office.

Article 233 (2)(b)(ii), Leadership Code of Conduct, shall prohibit conduct likely to lead to corruption in public affairs.

2) The Penal Code Act, Cap. 120;

The Penal Code Act, Cap 120 of 1950 spells out several sections against corruption. These include under Division II—Offences against the administration of lawful authority, Chapter IX Corruption and the Abuse of Office, Sections 85-93. Section 87(1) - Abuse of office in particular states that "A person who, being employed in a public body or a company in which the Government has shares, does or directs to be done an arbitrary act prejudicial to the interests of his or her employer or of any other person, in abuse of the authority of his or her office, commits an offence and is liable on conviction to imprisonment for a term not exceeding seven years".

3) The Anti-Corruption Act, 2009;

Provides for the effectual prevention of corruption in both the public and the private sector, to repeal and replace the Prevention of Corruption Act, to consequentially amend the Penal Code Act, the Leadership Code Act and to provide for other related matters. Part II of the Act is specific on Corruption and related matters.

Section 2 on Corruption states that A person commits the offence of corruption if he or she does any of the following acts among others—

- a) the solicitation or acceptance, directly or indirectly, by a public official, of any goods of monetary value, or benefits, such as a gift, favour, promise, advantage or any other form of gratification for himself or herself or for another person or entity, in exchange for any act or omission in the performance of his or her public functions;
- b) the offering or granting, directly or indirectly, to a public official, of any goods of monetary value, or other benefits, such as a gift, favour, promise or advantage or any other form of gratification for himself or herself or for another person or entity, in exchange for any act or omission in the performance of his or her public functions;

4) The Whistle Blowers Protection Act, 2002;

The Whistle Blowers Act 202 provides for the procedures by which individuals

in both the private and public sector may in the public interest disclose information that relates to irregular, illegal or corrupt practices; to provide for the protection against victimization of persons who make disclosures; and to provide for related matters.

Part II of the Act deals with Protected Disclosures where on Disclosure of Impropriety, it states in part that

- (1) A person may make a disclosure of information where that person reasonably believes that the information tends to show—
 - (a) that a corrupt, criminal or other unlawful act has been committed, is being committed, or is likely to be committed;
 - (b) that a public officer or employee has failed, refused, or neglected to comply with any legal obligation to which that officer or employee is subject;
 - (c) that a miscarriage of justice has occurred, is occurring, or is likely to occur;
 - (d) that any matter referred to in paragraphs (a) to (c) has been, is being, or is likely to be deliberately concealed.

5) The Inspectorate of Government Act, 2002;

The Inspectorate of Government Act 2002 makes provisions for the Inspectorate of Government in line with Chapter Thirteen of the Constitution and in particular to give effect to the provisions of that Chapter as required by articles 225, 226 and 232 of the Constitution, to repeal the Inspectorate of Government Statute, 1988 and to provide for related matters.

In Part III of the Act – Functions of the Inspectorate, it states that:

- (1) Pursuant to the provisions of the Constitution and this Act, the functions of the Inspectorate are among others-
 - (b) to eliminate and foster the elimination of corruption, abuse of authority, and public office;

6) The Leadership Code Act (Amendment) Act 2021

The Leadership Code Act (Amendment) Act 2021 provides for the amendment of the Leadership Code Act 2002 to clarify what constitutes a conflict of interest, to require all public officers to declare their income, assets, and liabilities to the Inspector General; to extend the jurisdiction of the Leadership Code Tribunal to complaints made by any person aggrieved by the decision of the inspectorate under Section 7(7) of the Code; to prescribe penalties for breach of the Code and to provide for other related matters.

7) The Public Finance Management Act, 2015;

The Public Finance Management Act (PFMA), 2015 provides for fiscal and macroeconomic management in Uganda. Section 46 (3)(g) The Accountant General shall for every vote take precautions against fraud, embezzlement and mismanagement of public funds, by carrying out inspections of the votes.

8) The National Audit Act, 2008;

The National Audit Act, 2008 gives effect to article 154 (3) and 163 of the Constitution by providing for the Office of the Auditor General; to provide for the appointment, tenure and removal of the Auditor General; to provide for the staff of the Office of the Auditor General; to provide for the auditing of accounts of central Government, local government councils, administrative units; public organizations, private organizations and bodies; to empower and give the Auditor General right of access to documents and information relevant to the performance of his or her functions; and for other related matters.

9) The Anti-Money Laundering Act, 2013;

The Anti-Money Laundering Act, 2013 provides for the prohibition and prevention of money laundering, the establishment of a Financial Intelligence Authority and a Financial Intelligence Authority Board in order to combat money laundering activities; to impose certain duties on institutions and other persons, businesses, and professions who might be used for money laundering purposes; to make orders concerning proceeds of crime and properties of offenders; to provide for international cooperation in investigations, prosecution and other legal processes of prohibiting and preventing money laundering; to designate money laundering as an extraditable offence, and to provide for other related matters.

10) The Public Procurement and Disposal of Public Assets Act (Amendment) 2021.

The Public Procurement and Disposal of Public Assets Act (Amendment) 2021 amends the Public Procurement and Disposal of Public Assets Act; to provide for the functions of the Authority and of the Board of Directors of the Authority; to provide for electronic records and communication; to provide for the aggregation of procurement requirements; to provide for marginalized groups under reservation schemes; to remove the Authority from the administrative review process; to provide for the appointment of a registrar of a Tribunal; to provide for the powers of the High Court in procurement proceedings; to amend the Kampala Capital City Act and the Local Governments Act with respect to procurement and for related purposes.

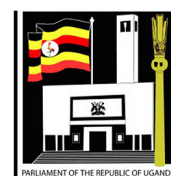
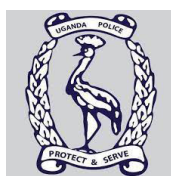
References for further reading

Uganda Constitution 1995.

2.2 TOPIC 2: ANTI-CORRUPTION AGENCIES AND ROLES IN UGANDA

2.2.1 Introduction

This topic covers the Anti-Corruption Agencies in Uganda such as the Office of Auditor General (OAG), the Inspectorate of Government (IG) and the Public Procurement and Disposal of Public Assets (PPDA), the State House Anti-Corruption Unit (SH-ACU), and their Roles of Anti-Corruption Agencies in the fight against Corruption.



2.2.2 Learning Objectives

At the end of studying these notes, participants should be able to know:

1. The Anti-Corruption Agencies in Uganda
2. The roles of Anti-Corruption Agencies in Uganda

2.2.3 Anti-Corruption Agencies in Uganda and their Roles in Anti-Corruption

The institutional framework includes: a Joint Collaboration between the Inspectorate of Government (IG), PPDA, OAG, with a stronger focus on collaboration, strengthening accountability, and fighting corruption for another period starting April 2019. These Agencies are supported by the Strengthening Accountability Component (SAC) under the Governance and Civil Society Programme in Uganda supported by GIZ. Together these agencies have had and will continue to have more collaborative activities, including trainings, joint stakeholder engagements, and collaborative audits/investigations.

Other ACA in the wider Institutional framework includes State House Anti-Corruption Unit, Financial Intelligence Authority (FIA), Uganda Police, Criminal Investigations Department (CID), Office of the Director of Public Prosecution (DPP), Parliament, Judiciary, and the Directorate of Ethics and Integrity (DEI) which is the coordinating body for all anti-corruption agencies.

1) The Inspectorate of Government (IG)

The Inspectorate of Government was initially established by the Inspector General of Government (IGG) statute in 1988. However, with the promulgation

of the Uganda Constitution in 1995, the Inspectorate of Government is now entrenched therein under chapter 13, which prescribes its mandate, functions and powers, and other relevant matters. The Inspectorate of Government Statute 1988 was repealed by the Inspectorate of Government Act 2002, in particular, to give effect to the provisions of Chapter 13 as required by articles 225, 226 and 232 of the Constitution, and to provide for other related matters.

The Inspectorate of Government is an independent institution charged with the responsibility of eliminating corruption, abuse of authority, and public office. The powers as enshrined in the Constitution and IG Act include to; investigate or cause investigation, arrest or cause arrest, prosecute or cause prosecution, make orders and give directions during investigations; access and search – enter and inspect premises or property or search a person or bank account or safe deposit box among others.

Its mandate is to promote just utilization of public resources. Its vision is “A just and corruption-free Uganda”. Its mission is “To promote good governance through prevention of corruption, enforcement of the law and citizens’ engagement”

The Jurisdiction and Independence of The Inspectorate of Government is provided for by articles 226 and 227 of the Constitution. The jurisdiction of the Inspectorate of Government covers officers or leaders whether employed in the public service or not and also such institutions, organizations, or enterprises as Parliament may prescribe by law. The office is independent in the performance of its functions and is only responsible to Parliament.

Functions of the Inspectorate of Government

- (1) To promote and foster strict adherence to the rule of law and principles of natural justice in administration;
- (2) To eliminate and foster the elimination of corruption, abuse of authority, and public office;
- (3) To promote fair, efficient, and good governance in public offices; subject to the provision of the Constitution, to supervise the enforcement of the Leadership Code of Conduct;
- (4) To enforce the Leadership Code of Conduct;
- (5) To investigate any act, omission, advice, decision or recommendation by a public officer or any other authority to which this article applies, taken, made, given or done in exercise for administrative functions; and
- (6) To stimulate public awareness about the values of constitutionalism in general and the activities of the office, in particular, through any media and other means it considers appropriate.

2) Office of the Auditor General (OAG)

The Office of the Auditor General (OAG) is the Supreme Audit Institution (SAI) of

Uganda. The provisions of the Constitution of the Republic of Uganda (1995) as amended under Article 163, sets out the appointment, mandate, and removal of the Auditor General.

The appointment of the Auditor General is centrally the mandate of the President with the approval of Parliament. Accordingly standard procedures are followed in his or her appointment with legal safeguards to ensure that he or she is not arbitrarily removed from office.

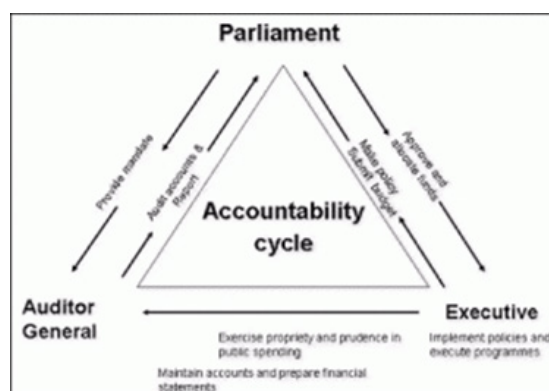
The Constitution specifically mandates the Auditor General to audit and report on the public accounts of Uganda and to further conduct financial and Value for Money audits in respect of any project involving public funds.

In performing his or her mandate, the Auditor General is guided by both national and international auditing standards; however, the Constitution requires that the Auditor General shall not be under the direction or control of any person or authority.

The specific legal framework that provides for the mandate of the Auditor General include the Constitution of the Republic of Uganda 1995 as amended, Article 163; The Local Government Act 1997 as amended (Sections 87 and 88); The Public Finance and Accountability Act, 2003 (Sections 12, 13 And 31); The National Audit Act, 2008 which gave effect to Articles 154 (3) and 163 of the Constitution by providing operational and financial independence for the Office of the Auditor General.

Role of the Office of the Auditor General

The institution of the Office of the Auditor-General, also known as the Supreme Audit Institution of Uganda, has been created by the Constitution and the National Audit Act 2008 to act on behalf of the citizens of Uganda, in providing independent assurance on the use of public resources (Article 163 of the Constitution).



In incurring expenditure of public funds, the Executive is required to exercise strict commitment and expenditure control and ensure efficiency and economy of operations in accordance with the intentions of parliament. It is also required to prepare detailed sets of accounts and financial statements. These are audited by the Auditor-General and his reports are tabled in Parliament. The

accountability cycle ends in Parliament with the review of the Public Accounts and the Auditor-General's Reports, by the oversight accountability Committees of Parliament, namely the Public Account Committee (PAC), Committee on Statutory Authorities and State Enterprises (COSASE) and the local government accounts committees.

Consistent with the Constitution, the Auditor General conducts audits, and investigations to assess the efficiency, effectiveness, and accountability of public sector agencies and their programs. The result of Audit Reports is either qualified or unqualified. Qualified Audit reports report certain discrepancies in the financial statements prepared by the entity while Unqualified Audit Reports confirm that, in the opinion of the auditor, the financial statements of the entity represent a true and fair view of its financial position.

Audit reports on the performance of the government provide an opportunity to the legislators, public servants, investors, business leaders, citizen groups, media, development agencies, academicians, and other stakeholders to know how public funds are spent and to assess the quality of public administration.

3) The Public Procurement and Disposal of Public Assets (PPDA)

The Public Procurement and Disposal of Public Assets Act 1 of 2003 set up the Public Procurement and Disposal of Public Assets Authority (PPDA) as the principal regulatory body for public procurement and disposal of public assets in Uganda. The amendments to the PPDA law have introduced several changes prominent of which is the strengthening and enhancement of the role of PPDA in the execution of its regulatory mandate.

The Public Procurement and Disposal of Public Assets Act 1 of 2003 set up the Public Procurement and Disposal of Public Assets Authority (PPDA) as the principal regulatory body for public procurement and disposal of public assets in Uganda. The amendments to the PPDA law have introduced several changes prominent of which is the strengthening and enhancement of the role of PPDA in the execution of its regulatory mandate.

The mandate of PPDA has been enhanced by the addition of the following functions:

(1) *Suspension of a provider by the Authority*

The Authority, may follow the recommendation of a Procuring and Disposing Entity, or after investigations on its own initiative suspend a provider from engaging in any procurement and disposal process for a period determined by the Authority. The grounds for suspension include:

- 1) Breach of the Code of Ethics of providers
- 2) Debarment from the procurement process of an international agency of which Uganda is a member.
- 3) After investigations by the Auditor General and the provider is found

to have a record of unsatisfactory performance.

- 4) Conviction of provider of a corrupt practice or fraudulent practice under the PPDA Act.
- 5) Failure by the provider to substantially perform its obligations under the contract.
- 6) Suspension of the provider by a professional body for professional misconduct.
- 7) Default by the provider of its obligations specified under the law.

(2) Accreditation of an alternative procurement and disposal system

The Authority may at its own initiative or on application from an entity accredit an alternative public procurement or disposal system for an entity that may not be able to comply with a procurement or disposal procedure required under PPDA Act.

(3) Waivers and Deviation

The Authority does not grant waivers/deviations from procurement or disposal methods and procedures including variations. The Authority only considers applications to deviate from the use of standard bidding documents, procedural forms, or any other attendant documents which are not suitable for a procurement and disposal process.

(4) Entry into the premises of Government entities

When conducting procurement audits, compliance checks, or investigations, an authorized officer of the Authority may enter any premises of a Government Entity, at a reasonable time and inspect the premises to make any inquiries that may be necessary for the collection of information.

(5) Directing an Entity to take corrective action

Where there is a persistent or serious breach of the PPDA Act, regulations, or guidelines made under the Act, the Authority may direct the concerned Government entity to take the necessary corrective action to set right the breach.

(6) Reservation Schemes

PPDA in consultation with a competent authority and relevant stakeholders is mandated to specify the public procurement contracts to be subject to a reservation scheme and to designate the particular sectors, within a specified geographical area, that are eligible to participate in the reservation scheme.

Role of the Public Procurement and Disposal of Public Assets Authority (PPDA)

The Act sets up the Public Procurement and Disposal of Public Assets Authority to:

- (1) Ensure the application of fair, competitive, transparent, non-discriminatory, and value for money procurement and disposal standards and practices.
- (2) Harmonize the procurement and disposal policy systems and practices of Central Government, Local Governments, and Statutory bodies.
- (3) Set standards for the public procurement and disposal systems in Uganda.
- (4) Monitor compliance of procuring and disposing entities.
- (5) Build procurement and disposal capacity in Uganda.

4) The State House Anti-Corruption Unit (SH- ACU)

The Anti-Corruption Unit (ACU) is a one-stop-center specialized office under State House whose function is to receive corruption information from Ugandan citizens over a secure and confidential online platform.

Following the Presidential launch of the State House Anti-Corruption Unit amid the commemoration of the International Anti-Corruption Day held at Kololo Airstrip IN 2018, Lt. Col. Edith Nakalema the chief of the State House Anti-Corruption Unit tells the public how she intended to go about the job.

President Yoweri Kaguta Museveni launched a new anti-corruption unit under the Office of the President to receive and act on complaints related to corruption. It was launched on December 10, 2018, this was during the Anti-corruption day celebrations held at Kololo independence grounds in Kampala attended by a cross-section of government agencies including JLOS institutions, members of the public, and civil society organizations.

This unit to be headed by Lt. Col. Edith Nakalema is equipped with telephone and text messaging platforms that enable whistle-blowers to pass on information on corruption anonymously (without revealing their identity).

According to the President, the unit was formed to coordinate the anti-corruption activities with law enforcement agencies by acting as his eyes and ears in the fight.

Since the creation of the State House Anti-Corruption Unit (SH-ACU) in December 2018 by His Excellency, The President of Uganda, Gen. Yoweri Museveni acting under Article 99 (4) of the Constitution, the Unit has in liaison with the Criminal Investigations Department of Uganda Police acting under Article 120 (3) (a) and other constitutionally mandated agencies carried out several anti-corruption investigations and caused the charging of several persons before the Courts

of Law.

This video tells the success story of the State House Anti-Corruption Unit (SH-ACU), a government of Uganda agency responsible for fighting against graft, corruption and embezzlement in government Ministries, Departments and Agencies, and the private sector.

Some Links about the work of the SH-ACU are here below:

<https://www.youtube.com/watch?v=TDTRAwBZmYA>

<https://www.youtube.com/watch?v=E4PFB8umNA>

5) The Financial Intelligence Authority (FIA)

The Financial Intelligence Authority (FIA) is Uganda's National center for the receipt of financial data, analysis, and dissemination of financial intelligence to competent authorities.

Financial Intelligence Authority is a semi-autonomous agency established under the Anti-Money Laundering Act, 2013 to; combat money laundering activities; make orders concerning proceeds of crime and properties of offenders; impose certain duties on institutions and other persons, businesses and professions who might be used for money laundering purpose; provide for international cooperation, and designate money laundering as an extraditable offence.

The following are the functions of the Authority;

1. Receive, process, analyze and interpret information disclosed to it and obtained by it in terms of the Act;
2. Refer any matter or information derived from any report or information it receives to the appropriate law enforcement agency, if on the basis of its analysis and assessment, it has reasonable grounds to suspect that the transaction would be relevant to the investigation or prosecution of a money laundering offence, terrorist financing offence or any serious offence;
3. Inform, advise and cooperate with other competent authorities;
4. Give guidance to accountable persons, competent authorities, and other persons regarding compliance with the Act;
5. Retain the information disclosed and/or obtained by it in a prescribed manner for a period of at least ten years;
6. Collect fines adjudicated under the Act;
7. Issue guidelines to accountable persons not under the jurisdiction of supervisory authorities, in relation to customer identification, record keeping, reporting obligations and the identification of suspicious transactions; and

8. May provide training programs for accountable institutions in relation to customer identification, record keeping, reporting obligations, and the identification of suspicious transactions.
9. Register, and keep a register of all accountable persons.
10. Supervise, monitor, and ensure compliance with the Act by all accountable persons in consultation with respective regulatory authorities.
11. Impose administrative sanctions on accountable persons who fail to comply with directives, guidelines, or requests issued by the Authority

In summary, the FIA does the following:

- a) Enforce compliance with the AMLA.
- b) Enhance identification of proceeds of crime.
- c) Increase public awareness and understanding of matters related to Money Laundering, Terrorism Financing, and Proliferation.
- d) Collection and dissemination of information to competent authorities.
- e) Strengthen international cooperation in issues related to Money Laundering and Terrorism Financing.

Some links to the activities of the FIA:

<https://www.youtube.com/watch?v=fuTz6DoqZ8Q> :

https://www.youtube.com/watch?v=xiZqw0rq_el

6) Directorate of Ethics and Integrity (DEI)

The Directorate for Ethics and Integrity is the coordinator of all Government efforts to fight corruption and rebuilding of Ethics and Integrity in Uganda. Article 99(4) of the 1995 Constitution of the Republic of Uganda empowers the president to designate responsibilities to any institution or agency to help him or her to perform the functions as prescribed in clause (1) of the article. In pursuance of this article, his excellency the President in 1996 assigned the vice president the responsibility of overseeing the fight against corruption that led to the establishment of an Anti-Corruption Coordination Unit. In 1998, this Unit was later re-designated to the Directorate of Ethics and Integrity (DEI) as the policy arm in the fight against corruption with an additional mandate of building ethics and integrity in society.

The DEI is established as the Secretariat of the member institutions of the Inter-Agency Forum (IAF) against corruption, thus coordinating the Government efforts to curb corruption in Uganda.

Functions

In delivering its mandate, the Directorate concentrates on the following core

functions:

1. Providing political leadership and coordinating national efforts against corruption and moral decadence.
2. Mainstreaming ethics and integrity to propel good governance.
3. Spearheading the development of laws, policies and strategies to promote ethics and integrity in Ugandan Society.

Core Values:

The DEI holds values that can be summarised as Integrity, Transparency, Honesty, and Accountability (ITHAI). The core values are a sub-set of the 10 National Ethical Values of Uganda. The values enhance the institutional culture and foster a conducive working environment.

7) Office of the Director Public Prosecutions

The Office of the Director of Public Prosecutions is an autonomous institution not subject to the direction or control of any person or authority. The exercise of ODPP's authority and mandate should have regard to the public interest, the interest of the administration of justice, and the need to prevent abuse of legal process.

The ODPP is part of the Justice Law and Order Sector (JLOS) whose mission is to ensure that all people in Uganda live in a safe and just society. JLOS is one of the sectors created by the Sector Wide Approach (SWAP), which was initiated by the Government in 1998 to guide planning and budgeting and foster more coherence and coordination among sectoral-related Government Ministries, Departments, and Agencies (MDAs) in their pursuit of national development.

A.120 (1) the Constitution of Uganda

There shall be a Director of Public Prosecutions appointed by the President on the recommendation of the Public Service Commission and with the approval of Parliament.

The functions of the DPP are provided under A.120 (3) and include;

1. To direct the police to investigate any information of a criminal nature.
2. To institute criminal proceedings against any person or authority in any court other than a court-martial.
3. To take over and continue any criminal proceedings instituted by any person or authority.
4. To discontinue at any stage before judgment any criminal proceedings.

Link to work of the ODPP <https://www.youtube.com/watch?v=4Q7uAiqZqsU>

8) The Uganda Police Force (UPF)

The Uganda Police Force (UPF) is mandated by the 1995 Constitution of the Republic of Uganda among other things, to fight crime in Uganda which includes acts of Corruption. The Uganda Police Force (UPF) formulated an Anti-Corruption Strategy - a framework to guide the protracted fight against corruption in the Police. The Strategy is anchored to the National Anti-Corruption Strategy's principle of ZERO TOLERANCE TO CORRUPTION to enhance good governance. It is also aligned with the JLOS' Anti-corruption Strategy. This Strategy is not an isolated intervention but rather a part of a broader government effort to address the vice and is critical in enhancing the image of the UPF. Issues to do with corruption in the wider society are handled in the office of the Criminal Investigations Department (CID). The function of the Directorate is to ensure effective detection, investigation, and prevention of crime.

References for further reading

1. Uganda National Anti-Corruption Strategy 2019,
2. The Zero Tolerance to Corruption Policy 2019.

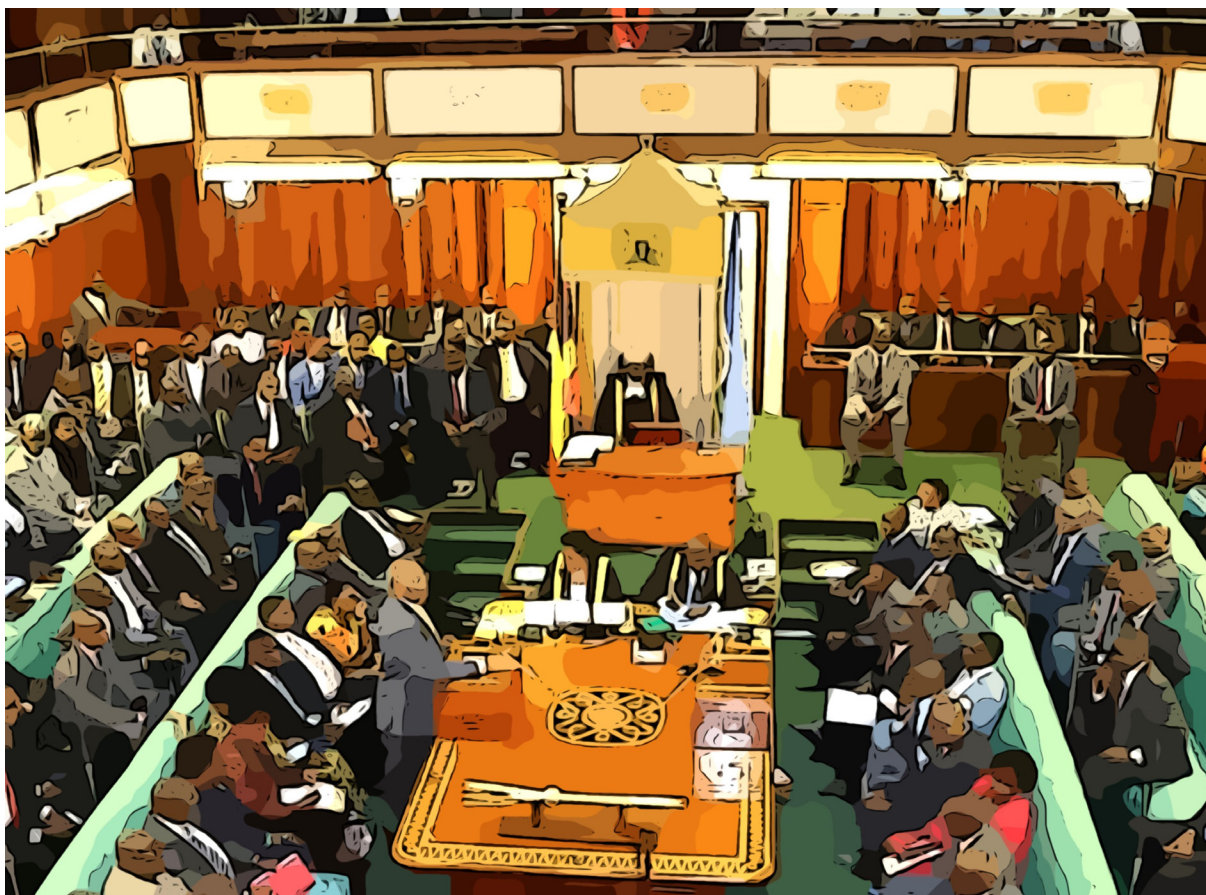
Websites of Anti-Corruption Agencies in Uganda

1. Directorate of Ethics and Integrity: <https://www.dei.go.ug/>
2. Financial Intelligence Authority: <https://www.fia.go.ug/>
3. Inspectorate of Government: <https://www.igg.go.ug/>
4. Justice Law and Order Sector: <https://www.jlos.go.ug/>
5. Office of the Auditor General: <https://www.oag.go.ug/>
6. Office of the Director of Public Prosecutions: <https://www.dpp.go.ug/>
7. Public Procurement and Disposal of Public Assets: <https://www.ppda.go.ug/>
8. State House Anti-Corruption Unit: <https://ecitizen.go.ug/services/anti-corruption-unit-acu>
9. Uganda Police Force: <https://www.upf.go.ug/>

2.3 TOPIC 3 THE ROLE OF THE PARLIAMENT OF UGANDA IN FIGHTING CORRUPTION

2.3.1 Introduction

This topic covers the Parliament of Uganda and its role in fighting corruption. It also highlights the role of its accountability committees such as the Public Accounts Committee (Central Government) and the Public Accounts Committee Local Governments (PAC LGs) as well as the Committee on Statutory Authorities and State Enterprises (COSASE).



2.3.2 Learning Objectives

After reading the material on this topic, participants should be able to understand:

1. The role of the Parliament of Uganda in the fight against corruption.
2. The roles of the different accountability committees of parliament in the fight against corruption.

2.3.3 The Parliament of Uganda and its mandate

The Parliament of Uganda derives its mandate from Chapter 6 of the Constitution of the Republic of Uganda:

1. To pass laws for the good governance of Uganda.
2. To provide, by giving legislative authority to taxation and acquisition of loans, the means of carrying out the work of Government.
3. To scrutinize Government policy and administration through: pre-legislative scrutiny of bills referred to committees of Parliament; scrutiny of the various objects of expenditure and the sums to be spent on each; assuring transparency and accountability in the application of public funds among others.
4. To debate matters of topical interest usually highlighted in the President's State of the Nation Address.
5. To vet the appointment of persons nominated by the President under the Constitution or any other enactment (Office of the Clerk to Parliament 2019).

2.3.3.1 Committees of Parliament

Like many other Parliaments in the World, the Parliament in Ugandan carries out her mandate through a committee system. The committees are the primary consumers of information and data generated by the Department of Research Services. Parliament has three categories of functional committees, namely: standing, sessional and select committees. The standing committees are constituted two times during the life span of the Parliament. Sessional committees are constituted at the beginning of every Parliament session while Select committees are constituted as and when need arises.

What powers do parliamentary committees have?

The Constitution, in Article 90 (4), provides that in the exercise of their functions, committees of Parliament;

1. May call any Minister or any person holding public office and private individuals to submit memoranda or appear before them to give evidence;
2. May co-opt any Member of Parliament or employ qualified persons to assist them in the discharge of their functions;
3. Shall have the powers of the High Court for: - enforcing the attendance of witnesses and examining them on oath, affirmation, or otherwise; compelling the production of documents;
4. Issue a commission or request to examine witnesses abroad.

2.3.3.2 Parliamentary Accountability Committees

The ultimate purpose of an accountability committee activity is to hold the Executive accountable for its use of public-sector resources and to motivate improvements in internal financial control and service delivery efficiency. Collectively, the accountability committees add value to the audit cycle by examining the reports of the Auditor General, making recommendations, and

following up the implementation of those recommendations by the executive.

The powers, structure, and methods of these committees are roughly similar, with differences accounted for based upon their varying oversight jurisdictions.

TENURE: All accountability committees are standing committees with a tenure of two and a half years.

LEADERSHIP: The accountability committees' Chairperson and Deputy Chairperson are designated by the official Opposition party.

2.3.3.3 *The Public Accounts Committee*

Public Accounts Committee (PAC), established in its current form in 1995, reviews and reports on the AG's report relating to Central Government, including ministries and departments. The PAC can technically summon anyone as a witness including Ministers, Government department officials, and Government service providers.

The Public Accounts Committee is established under the Parliamentary Rules of Procedure as a Standing Committee with tenure of two and a half years, chaired and deputized by Members of the Official Opposition Party. Its mandate is to review and report on the Auditor General's report relating to Central Government.

<https://www.youtube.com/watch?v=GRukdo3tBCU>: Role of PAC in Parliament

https://www.youtube.com/watch?v=vxU3_ANP8al: Role of Local Governments Committee

2.3.3.4 *The Committee on Commissions, Statutory Authorities and State Enterprises (COSASE)*

The Committee on Commissions, Statutory Authorities, and State Enterprises (COSASE) reviews AG reports and examines the income and expenditure of any public corporation or state enterprise.

According to the Rules of Procedure (2012), "169. Functions of the Committee on Commissions, Statutory Authorities and State Enterprises (1) The functions of the Committee on Commissions, Statutory Authorities, and State Enterprises are—

- (a) To examine the reports and audited accounts of Statutory Authorities, Corporations, and Public Enterprises and in the context of their autonomy and efficiency, ascertain whether their operations are being managed per the required competence and where applicable, in accordance with sound business principles and prudent commercial practices;
- (b) to examine the income and expenditure of any public corporation and state enterprise, or other body or organization established by an Act of Parliament together with the Balance Sheet and Statement of Profit and

Loss Accounts which the Auditor General may have been requested to prepare under the Constitution or under the provisions of statutory orders regulating the financing of a particular corporation, enterprise or body and the report of the Auditor-General on them;

- (c) to examine the statement of accounts showing the income and expenditure of a statutory body or organisation, the audit of which may be conducted by the Auditor General either under the direction of the President in accordance with clause (7) of Article 163 of the Constitution or by any Act of Parliament; and
- (d) subject to the Constitution and the Rules of Procedure, to monitor the operations of any Commission or Authority established under the Constitution or any Act of Parliament.

2.3.3.5 *The Local Governments Accounts Committee*

The Local Governments Accounts Committee was established in 2001 to relieve the workload of the PAC and reports on AG's report on Local Governments. The Local Governments Act also establishes a Local Government Public Accounts Committee (LGPAC) in each district, which is also charged with examining reports of the AG and presenting to the respective District Council, and simultaneously to the Minister responsible for Local Governments.

According to the Parliament Rules of Procedure, 2012: "170) Functions of the Committee on Local Government Accounts (1) Subject to the delegation of Parliament's powers to the Local Government Accounts Committee under section 89 of the Local Governments Act, 1997, the Committee on Local Government Accounts shall be assigned the examination of the audited accounts concerning the report laid before Parliament by the Minister under section 89 of the Act showing the appropriation of the sums granted by Parliament to Local Governments.

Generally, oversight and accountability entail certain interlocking obligations on the part of Parliament (the overseer) and government (the accountable entity). To hold the government to account Parliament needs a legal mandate for oversight, as well as the capacity and independence to exercise it. Conducting oversight is a core responsibility for all members of Parliament. However, they do not bear this responsibility alone: Parliament is one of many oversight actors within society (albeit one with a unique constitutional role). Effective oversight requires Parliament to work closely with these other bodies, which include audit institutions, national human rights bodies, and ombudspersons, as well as civil society organizations.

References for further reading

1. Constitution of Uganda (1995).
2. <https://www.parliament.go.ug/page/committees-parliament>
3. Website of Parliament of Uganda: <https://www.parliament.go.ug/>

2.4 TOPIC 4: THE ANTI-CORRUPTION COURT

Introduction: This topic is intended to support in enhancing the capacity of CSOs on the importance of Judicial machinery such as the Anti-corruption Court or Division (as is popularly known) in the fight against corruption. It is designed to guide the CSO trainers in leading the users in understanding the regulatory framework that establishes the Anti-Corruption Court or Division (ACD) of Uganda, why it was established, and how it works with other Anti-corruption agencies in the fight against corruption.



2.4.1 Learning Objectives

After studying the material under this Topic, participants will be able to:

- 1) Get to know what the Anti-corruption Court or Division is and how it was established
- 2) Clearly understand the role of this judicial body in the fight against corruption in Uganda and how it works with other Anti-corruption agencies in this fight.

2.4.2 What is the Anti-corruption court?

The Anti-corruption Court in Uganda is a specialized division of the High Court Chamber which was administratively set up in 2008 to handle prosecution and trial of corruption and corruption-related cases. It is judicial machinery set up to strengthen the adjudication mechanisms in the fight against corruption in the country.

How was it established?

It was established in 2008 as an administrative unit of the High Court of Uganda pursuant to the constitution (Amendment) Act 2005 and following recommendations of the interagency forum. It was subsequently set up in 2009 by the Chief Justice through article 133(1)(b) of the constitution of the Republic of Uganda, which states that “the Chief Justice . . . may issue orders and directions to the courts necessary for the proper and efficient administration of justice.” It is among the 8 specialized divisions of the High Court of Uganda.

Why was it established?

- To increase judicial efficiency: Previously there was a lot of case backlog in the Judiciary, so this court was set up as a specialized unit or division to expedite the resolution of corruption-related cases. For instance, studies show that, once this court was formed- “between 2009 and July 2015, the ACD received 1,071 cases and resolved 822 of them resulting in 288 convictions” (U4 BRIEF July 2016 No 5).
- The integrity and independence of the judiciary were in doubt, so there was a need for a more accountable and independent judiciary in the fight against corruption.
- Expertise: Corruption cases were always in high magnitude and handling them required a certain special expertise to expedite the speedy resolution of cases. So, there was need to set up judges with an exclusive focus on corruption and corruption-related cases.
- Responsiveness of the court: Studies show that Uganda's experience with the Anti-corruption Court and prosecuting agencies in relation to their receptiveness, which was not the case before it was set up.

How it works with other Anti-corruption agencies.

- It receives and prosecutes cases from IG, DPP, and URA: The IG for instance has the powers to arrest, investigate and prosecute corruption cases involving government officials, most of these cases are then submitted to the Anti-Corruption Court for prosecution. The DPP, also takes cases to the Anti-Corruption Court for prosecution and URA also has the privilege of prosecuting tax-related corruption cases in this very court.
- Holding joint capacity-building trainings and court user meetings as a way of improving the fight against corruption, which has improved the quality of prosecutions and led to mutual understanding between the collaborating agencies.

References:

1. S. A. Schütte, 2016; U4Brief, 2016: Specialized Anti-corruption courts in

Uganda. <https://www.u4.no/publications/specialised-anti-corruption-courts-uganda.pdf>

2. The Judiciary, Republic of Uganda, 2021: <http://judiciary.go.ug/data/smenu/19/Anti-Corruption%20Division.html>
3. V. Quaade, 2018: The Decline in cases at Uganda's Anti-corruption court; Danida Fellowship Centre: <https://dfcentre.com/the-decline-in-cases-at-ugandas-anti-corruption-court/>

2.5 TOPIC 5: LEGAL AND INSTITUTIONAL FRAMEWORK FOR NSAs IN ANTI-CORRUPTION

2.5.1 Introduction

This topic covers the Legal, and institutional framework for the participation of Non-state Actors (NSAs) - Citizens, Civil society, and the Media among others, as well as their roles in Anti-corruption interventions.



<https://www.facebook.com/Citizens-Against-Corruption-301946083494661/videos/>

2.5.2 Learning Objectives

After studying this handbook, participants should be able to:

1. Understand the Legal and Institutional Framework for the participation of citizens, civil society, and the media in Anti-corruption interventions.
2. Appreciate the roles of citizens, civil society, and the media in fighting corruption.

2.5.3 Presentation

The Legal and Institutional Framework for NSAs Participation in Anti- Corruption interventions is backed by several laws and institutions that have been established to ensure success in the fight against corruption in Uganda. Within the legal framework exists:

1) The 1995 Constitution of the Republic of Uganda;

The constitution of Uganda 1995 as amended is the source of all the anti-corruption legislation. Under the National Objectives and Directive Principles of

State Policy – XXIX – Duties of a Citizen.

The exercise and enjoyment of rights and freedoms is inseparable from the performance of duties and obligations; and, accordingly, it shall be the duty of every citizen.

- (a) to be patriotic and loyal to Uganda and to promote its well-being;
- (b) to engage in gainful work for the good of that citizen, the family, and the common good and to contribute to national development;
- (c) to contribute to the well-being of the community where that citizen lives;
- (d) to promote responsible parenthood;
- (e) to foster national unity and live in harmony with others;
- (f) to promote democracy and the rule of law; and
- (g) to acquaint himself or herself with the provisions of the Constitution and to uphold and defend the Constitution and the law.

Article 17 of the Uganda 1995 constitution spells out the Duties of a Citizen and calls on citizens to combat corruption and misuse or wastage of public property, among other things.

(1) It is the duty of every citizen of Uganda—

- (a) to respect the national anthem, flag, coat of arms, and currency;
- (b) to respect the rights and freedoms of others;
- (c) to protect children and vulnerable persons against any form of abuse, harassment, or ill-treatment;
- (d) to protect and preserve public property;
- (e) to defend Uganda and to render national service when necessary;
- (f) to cooperate with lawful agencies in the maintenance of law and order;
- (g) to pay taxes;
- (h) to register for electoral and other lawful purposes;
- (i) to combat corruption and misuse or wastage of public property; and
- (j) to create and protect a clean and healthy environment.

Article 38zz (1) and (2) highlight the right of civil Society...

(1) Every Uganda citizen has the right to participate in the affairs of government,

individually or through his or her representatives in accordance with law.

- (2) Every Ugandan has a right to participate in peaceful activities to influence the policies of government through civic organizations.

Article 29. Protection of freedom of conscience, expression, movement, religion, assembly, and association.

(1) Every person shall have the right to—

- (a) freedom of speech and expression which shall include freedom of the press and other media;

Article 41. Right of access to information.

- (1) Every citizen has a right of access to information in the possession of the State or any other organ or agency of the State except where the release of the information is likely to prejudice the security or sovereignty of the State or interfere with the right to the privacy of any other person.
- (2) Parliament shall make laws prescribing the classes of information referred to in clause (1) of this article and the procedure for obtaining access to that information.

2) The National Anti-Corruption Strategy (NACS) 2019/20 -2023/24

The purpose of this NACS is to enforce zero tolerance to corruption in the Ugandan society and enhance good governance. Specifically, this NACS aims to strengthen formal coordination, synergies, and collaboration mechanisms with the Civil Society, Religious and Faith-based Organizations, Cultural and Private Sector, and media institutions to improve information sharing and joint action against corruption.

The objectives of this NACS were among others to;

- Strengthen the leadership and coordination of anti-corruption efforts in all public offices at all levels in Uganda.
- Empower citizens to participate in anti-corruption measures at the National and Local Government level.
- Through training of media houses on issues of audit/ anti-corruption, there has been improved reporting in the media on matters regarding corruption and audit.

Strategic Intervention Four: Deepen the efforts for the prevention of corruption

As a more sustainable anti-corruption measure, it is important to focus on rebuilding and reinvigorating the social, cultural, economic, and political moral values and fabric among the young people. There is need to reverse

the challenge of public apathy and abdication of their role in the fight against corruption, as well as prescribe solutions to all dimensions of corruption in form of political, social and economic perspectives.

Key actions

- 1) Make Ethics and Integrity a cross cutting issues to be mainstreamed in all MDAs and Local Governments to ensure compliance.
- 2) Introduce and strengthen moral/character education in the formal school system.
- 3) Enhance ownership and sharing of anti-corruption agenda by IAF, Accountability Sector Agencies, all MDAs, Private and Civil Society sectors.
- 4) Increase citizen participation in the fight against corruption.
- 5) Promote public education and awareness on national Anti-corruption laws and policies and roles and responsibilities of the public to ensure fulfillment of citizens' civic responsibilities.
- 6) Promote the mainstreaming of National Ethical Values of Uganda in all Sectors.
- 7) Strengthen performance, management, and accountability standards, systems, and controls.
- 8) Institute a mechanism for identification and recognition of institutions and persons of integrity.

2.5.4 THE ROLE OF CITIZENS, CIVIL SOCIETY, AND THE MEDIA IN ANTI-CORRUPTION

This section deals with the roles of each of the highlighted stakeholders - citizens, civil society, and the media in the fight against corruption in Uganda.

Learning Objective

After studying this presentation, participants should be able to:

- Clearly understand the role of each stakeholder, citizens, civil society, and the media in the fight against corruption in Uganda.

2.5.4.1 The role of Citizens in Anti-Corruption

Citizen participation can be through bottom-up measures, such as voting, grass-roots organization, and participation. Citizen participation in relation to anti-corruption efforts encompasses dynamics and approaches that may differ from citizen participation in other public processes, given that the State may not always provide citizens the same access to space and information in relation to fighting corruption. For this reason, the role of citizens is better understood in terms of social accountability, where the citizens oppose corruption by

keeping it in check, critically assessing the conduct and decisions of office holders, reporting corruption misdoings and crimes, and asking for appropriate countermeasures.

Concrete ways in which individual citizens may contribute to the fight against corruption include reporting on corruption to the authority or through the media and supporting training programs and sensitization campaigns that aim to create a culture of integrity and zero tolerance for corruption. Sometimes even refusing to participate in corrupt practices is an important act of resistance.

2.5.4.2 *The role, risks, and challenges of CSOs fighting corruption*

There are different roles that CSOs, as well as academia, can play in anti-corruption efforts. These roles can be educational, communicative, representational, and cooperative. More concretely, the anti-corruption roles of CSOs include education, research, monitoring, awareness-raising, advocacy, mobilization and organization, and the promotion of private prosecutions where possible. The works of the Anti-Corruption Coalition of Uganda (ACCU) with its Regional Anti-Corruption Coalitions such as Rwenzori Anti-Corruption Coalition (RAC) and Teso Anti-Corruption Coalition (TAC) are exemplary in this regard.

Like the media, CSOs can hold officials accountable and pressure the State to take necessary action against corruption. Other CSOs, like the NGO Transparency International, have become a point of reference for corruption scholars and activists on all continents. Transparency International is not structured centrally, but with national chapters located in many countries, represents an ideal type of network for a social movement organized around a collection of autonomous and independent actors unified by a common anti-corruption goal (De Sousa, 2005).

At the same time, CSOs and individuals involved in the fight against corruption face the risks of being harassed, harmed, and compromised by powerful elites. Other challenges include long-term sustainability and funding. In some cases, the CSOs themselves become corrupt. Corruption scandals involving CSOs have occurred in many countries.

All these risks and challenges should be considered by civil society actors when planning activities for enhancing citizen participation in the fight against corruption. Moreover, to be effective, all civil society anti-corruption efforts should be tailored to the local context of the given society.

2.5.4.3 *The role of the media in fighting corruption*

The media (including social media) has an important role in the fight against corruption as it can demand accountability and transparency from the public and private sectors. The media provides information on public sector corruption where governmental activity is opaque by design or by default.

The media, and in particular investigative journalism, plays a crucial role in exposing corruption to public scrutiny and fighting against impunity. A

prominent example of international cooperation activities that brought fraud and corruption to the attention of the public and law enforcement authorities is offered by the International Consortium of Investigative Journalists (ICIJ).

The extent to which journalists can assist in detecting corruption depends on whether the media is free and independent. For media reporting and journalism to play an effective role in corruption detection, the media has to be free and independent. Freedom of information (FOI) laws are important in determining the role of the media in detecting corruption. Further, there must be legislative frameworks in place to protect journalists and their sources from unfounded lawsuits, recrimination, and victimization (OECD, 2018).

Social media is considered more widely accessible, and more resistant to top-down control compared to traditional media. Social media fights corruption by providing information in the form of analysis, commentary, and advocacy and through investigations and crowdsourcing.

Notwithstanding the positive effect that social media can have in engaging citizens in the fight against corruption, it should be taken into consideration that contemporary mass media platforms are vulnerable to abuse, which can lead to the sustained spread of disinformation among citizens. In particular, the growing prevalence of false information spread via social media - known as "fake news" - has become a major threat to public trust in both mainstream and independent media outlets. Countering such abuses requires the coordinated efforts of the whole society.

2.5.4.4 Access to information: a condition for citizen participation

One crucial aspect of enabling citizen participation - whether by individuals, groups, or the media - is their access to information and the mode in which they access information. Numerous non-profit groups around the world disseminate information on FOI laws and pressure governments and public institutions to adopt laws and regulations that facilitate public access to government records and proceedings. Examples of NGOs with a focus on FOI laws include the Africa Freedom of Information Centre (AFIC) who helped put in place the Government Procurement Portal (GPP) run by the PPDA.

The OAG is also implementing the Citizen Feedback Platform (CFP) with the Objective of enabling the OAG to collect data on service delivery and analyze it to inform the planning execution and reporting of their respective audits. The CFP will also enhance access to the public audit reports to enable citizens to follow up on audit issues.

The World Bank and the United Nations Development Programme (UNDP) also support FOI laws as a tool to combat corruption.

ICT as a tool for citizen participation in anti-corruption efforts

Information and communications technology (ICT) has become a very useful tool for fighting corruption. Of course, ICT-based social media has added a

new dimension to the fight against corruption as information can find its way around the world in a matter of minutes and viral pictures or videos taken by citizen journalists can be used as evidence of corruption or other ills.

2.5.4.5 *Government obligations to ensure citizen participation in anti-corruption efforts*

The United Nations Convention against Corruption (UNCAC) provides the foundation for citizen participation in anti-corruption efforts in article 13(1), which requires States parties to “take appropriate measures to promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in the prevention of and the fight against corruption”. Further to this, the article requires States parties to provide avenues for public participation in decision-making, as well as to protect the activities of (mainstream) investigative and citizen journalists subject to the rule of law. Participants can visit the different websites of the ACA given at the end of Topic 2 in Module 2 for further information on how to work with the different agencies.

Conclusion

This topic illustrated the importance of citizen participation in the fight against corruption, and the various tools and opportunities through which such participation can be pursued. Particular discussions shed light on how citizens can actively engage in anti-corruption efforts through ICT and social media, and on the role and responsibility of the media and civil society organizations in the fight against corruption.

References for further reading

<https://www.unodc.org/e4j/en/anti-corruption/module-10/key-issues/the-role-of-citizens-in-fighting-corruption.html>

2.6 TOPIC 6: JOINT ACTIONS OF ANTI-CORRUPTION INSTITUTIONS

2.6.1 Introduction

This topic covers the Joint Actions of the Anti- Corruption Institutions and stakeholders against corruption in Uganda.

2.6.2 Learning Objectives

At the end of studying this topic, participants should be able to:

Understand the Joint Actions of the Anti- Corruption Institutions and stakeholders against corruption in Uganda.



2.6.3 Joint Actions of Anti-Corruption Institutions Against Corruption

The Government of Uganda has established several institutions to ensure efficient and effective utilization of public resources and promote equity, transparency, and accountability. Different strategies have been employed by the government of Uganda in the fight against corruption. A National Anti-Corruption Strategy was launched in 2008 by the government alongside the existing laws. This strategy is a 'five-year rolling plan designed not only to improve accountability, transparency, and rebuild a culture of integrity but also to downgrade corruption levels in Uganda. Another NACS runs from 2019/20 – 2023/24. Other measures taken by the government include a 2007 declaration signed by the anti-corruption authorities of Uganda, Kenya, and Tanzania to deny safe haven to corrupt persons. The other measure in place is the Zero Tolerance to Corruption Policy (ZTCP) of 2019.

The ZTCP recognizes that the current institutional set up and arrangements to broadly promote equity, integrity, transparency, accountability, value for money; and specifically fight against corruption is remarkable.

This topic lays emphasis on the joint actions of the Anti-corruption institutions and stakeholders against corruption in Uganda as guided by the National Anti-Corruption Strategy (NACS) 2019 as well as the Zero Tolerance to Corruption Policy (ZTCP) 2019. The Policy Framework of the ZTCP has guiding principles in its implementation. Some of these principles include:

A sector-wide approach

All MDAs, Local Governments, the Private Sector, Civil Society, citizens and Development Partners are called upon to be involved in the fight against corruption based on deliberate and formalized operational arrangements, systems, procedures, and processes. Institutional coordination and joint action within the Inter-Agency Forum (IAF) and other key stakeholders should be initiated and/or strengthened.

Inter-Agency collaboration and strategic partnerships

The formation of strategic partnerships and alliances among the anti-corruption stakeholders are important to facilitate the coordination of activities of all stakeholders. Public-Private partnerships (PPP) should be strengthened to leverage mutual complementarities and comparative advantages.

Institutional Coordination Framework and Mechanisms

At the present, the accountability and anti-corruption institutions are organized at three broader levels: the Accountability Sector (AS), the Inter-Agency Forum (IAF), and the Justice, Law, and Order Sector (JLOS).

The Accountability Sector (AS)

At the sectoral level, the Accountability Sector seeks to provide a conducive environment for promoting efficient (technically correct), transparent and accountable planning, budgeting, and utilization of public resources by public institutions. The AS was constituted to spearhead the promotion, supervision, and implementation of accountability systems across government in a coordinated, more efficient, and effective manner. In the implementation of this Policy, the AS will continue to play its role at the sectoral level.

The Anti-Corruption Inter-Agency Forum (IAF)

The Anti-Corruption Inter-Agency Forum (IAF) is part of the Accountability Sector, and therefore the broader institutional arrangement for promoting and ensuring equitable, transparent, accountable, and value for money in the delivery of public services. The IAF is an institutional arrangement that was put in place to ensure that the National Anti-Corruption Strategy (NACS) is effectively implemented to promote the fight against corruption and related malpractices. The IAF is comprised of proactive and reactive anti-corruption institutions, as well as a range of other oversight agencies which support the work of the anti-corruption institutions.

The Justice, Law & Order Sector (JLOS)

JLOS is a sector-wide approach adopted by government bringing together institutions with closely linked mandates of administering justice and maintaining law and order and human rights, into developing a common vision, policy

framework, unified on objectives and plan over the medium term. It focuses on a holistic approach to improving access to and administration of justice through the sector-wide approach to planning, budgeting, program implementation, monitoring, and evaluation.

The three platforms have been significantly important in driving and sustaining accountability and anti-corruption efforts. This ZTCP recognizes the respective roles of the different Sectors and Institutions in the anti-corruption chain.

Strategic Synergies and Collaboration with Non-State actors and Citizens

At present, the formal arrangements for fighting corruption have mostly been concentrated at government level, while linkages with non-state actors have remained weak and ineffective. There is need to strengthen formal coordination, synergies, and collaboration mechanisms with the civil society, religious and faith-based organizations, cultural and private sector, and media institutions to improve information sharing and joint action against corruption. It is important to clarify the roles, expectations, and operational principles of all stakeholders in the holistic institutional arrangement for fighting corruption.

The formal Government anticorruption institutional set up must cascade from the national up to the community level, recognizing the important roles and relationships lower local governments and citizens should play in exacting transparency and accountability.

Stakeholders' roles in the implementation of the Policy

The composition and membership to the Accountability Sector, JLOS, and IAF are based on the respective institutional mandates and contributions to the accountability and anti-corruption chain. In the anti-corruption chain, these Institutions play specific roles as legally mandated, and as assigned through the Inter-Agency coordination arrangements. Beyond the IAF, JLOS and AS arrangements, other MDAs, the Civil Society, Religious and Faith-Based Organisations (RFBOs), Private Sector, Academia, the Media as well as traditional and Cultural Institutions play significant roles in the fight against corruption.

Stakeholders are supposed to play varied roles in the accountability and anti-corruption chain. Some key ones are highlighted below: -

S/n	Institution	Mandate
1.	Directorate for Ethics and Integrity in the Office of the President	• Coordinate national efforts to fight corruption and empower the Ugandan society to uphold moral values and principles. • Develop standards for the mainstreaming of ethics and integrity in public and core private institutions. • Develop and promote an effective anti-corruption legal framework. • Raise awareness and increase the level of participation of public and core state institutions in anti-corruption and anti-immorality activities.
2.	Inspectorate of Government	• Promote good governance in the Republic of Uganda through three cardinal roles of: the Ombudsman function; Anticorruption function; Enforcement of the Leadership Code of Conduct • Stimulate public awareness about the values of constitutionalism and activities of the Inspectorate of Government • Implement strategies comprising both proactive/preventive measures and reactive/enforcement measures against corruption.
3.	State House Anti-Corruption Unit	• Receive corruption information from Ugandan citizens over a confidential and secure online platform. • Gather information on corruption occurring in Government and the private sector. • Cause investigation and prosecution, if need be, of persons involved in corruption within the public sector.
4.	Office of the Auditor General	• Audit and report on the public accounts of Uganda and all public offices and/or organizations established by an Act of Parliament. • Carry out Value for Money Audits.

5.	Uganda Bureau of Statistics	• Provision of accurate, reliable, complete, and timely statistics to guide the strategic planning process. • Review and make proposals for policy changes and formulation arising from research-based anti-corruption monitoring.
6.	Ministry of Finance, Planning and Economic Development	• Set and enforce policy and operational guidelines on planning, budget allocation, utilization, and accountability of public finances. • Regulate the expenditure and allocation of public resources. • Identify measures to increase the national resource envelope.
7.	Public Procurement and Disposal of Assets Authority	• Regulate all public procurement and disposal of public assets processes in Uganda. • Ensure application of fair, competitive, transparent, non-discriminatory, and value for money procurement and disposal standards and practices. • Set standards for the public procurement and disposal systems and monitor their compliance by the procuring and disposing entities.
8.	Uganda Police Force—the Criminal Investigations Directorate (CID)	• Detect, prevent and investigate crime. • Investigate fraud-related cases country-wide. • Handle corruption in both public and private sectors.
9.	Office of the Director of Public Prosecutions (ODPP)	• Provide legal advice to CID during all criminal investigations. • Institute and conduct criminal proceedings against any person or authority in any court with competent jurisdiction except the Court Martial. • Handle miscellaneous applications, revisions, appeals, and Constitutional Petitions arising out of criminal cases, including corruption cases.

10.	Judiciary— the Anticorruption Court Division and Inspectorate of Courts	• Adjudicate corruption-related offences in a logical, expeditious, and cost-effective manner. • Undertake inspections of courts
11.	Parliament through its Standing and Sessional committees	• Play oversight and accountability function overall Government Institutions and non-government Agencies which come to transact business with Government. • Monitor and promote efficiency and effectiveness of Government programs
12.	Civil Society	• Strengthen citizens' demand and monitoring of service delivery at lower administrative units and community levels. • Promote spiritual, emotional, and cultural values which are fundamental pillars of building a moral ethical, and value system in society.
13.	Private Sector	• Develop and/or adopt Business Codes of Conduct already championed by the Private Sector Foundation of Uganda (PSFU). • Partnerships with the Government to implement joint programs for strengthening accountability.
14.	Media	• Play the watchdog of the public to ensure transparent and accountable delivery of quality services. • Information dissemination and awareness-raising. • Publicize anti-corruption interventions. • Partnerships with the Government to implement joint programs for strengthening accountability.
15.	The General Public	• Demand for accountability and transparency from duty bearers. • Proactively participate in anti-corruption programs. • Monitor delivery of public services and public expenditure.

16.	Development Partners	• Provide financial support for transparency, accountability, and anti-corruption programs/ interventions. • Provide technical assistance in performance assessment/reviews and improving accountability and service delivery interventions. • Strengthen measures such as the Joint Budget Support Framework (JBSF), and Joint Assessment Framework (JAF) mechanisms already ongoing.
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References for further reading

1. Government of Uganda, 2019, **National Anti- Corruption Strategy (NACS), 2019/20 – 2023/24**, *Delivering the Zero Tolerance to Corruption Policy: Five-Year Action Plan*.
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