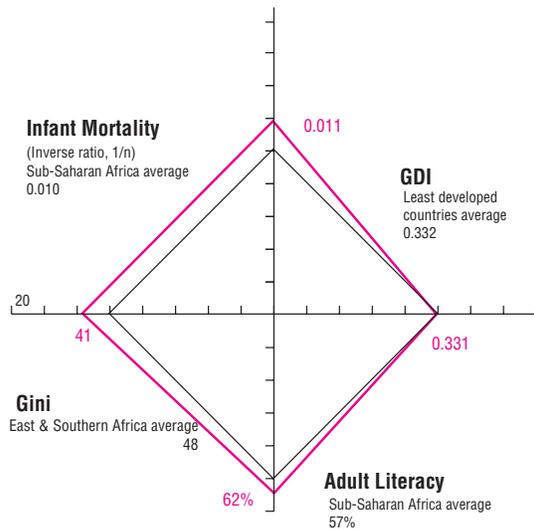


• J. B. KWESIGA  
• ZIE GARIYO

## DEMOCRACY VS. CORRUPTION

*management, strengthening of the institutions of governance, and affirmative action. However, corruption remains «a cancer» in Uganda.*



*The Equity Diamond: National values in terracotta compared to regional ones in blue.*  
Source: **Infant mortality:** UNICEF, *The State of the World's Children, 1998*; **Adult literacy:** UNICEF, *The State of the World's Children, 1998*; **GDI** (Gender Development index): UNDP, *Human Development Report 1998*; **GINI:** World Bank, *World Development indicators 1998*. (The regional average for this indicator was calculated by *Social Watch*).

Article 29(1)(e) of the Constitution provides that:

*Every person shall have the right to freedom of association which shall include the freedom to form and join associations, including trade unions, political parties and other civic organisations.*

**Article 269, however, severely restricts the operations of political parties.** This makes Uganda a *de facto* one party state under the «Movement Political System» (MPS). Under the MPS, national and local elections are held on individual merit and character rather than party affiliation. The system severely limits competitive politics in the country.

With the executive tending to ignore its resolutions, parliament's role is only advisory. There are no clear channels for legal dissent in the MPS. A controversial referendum will be held in mid-1999 to decide whether to replace the MPS with a party-based system. Opposition politicians and independent media already allege that the referendum will be rigged.

Despite government policy and good intention, **corruption remains «a cancer» in Uganda.** The following institutions have been established to fight corruption: Inspector General of Government (IGG); Auditor General; Directorate of Public Prosecution (DPP); Ministry of Ethics and Integrity (appointed in August 1998); and the Police Fraud Squad.

In addition, laws, regulations and other measures have been put in place, including: the Penal Code; the Local Government Act; the Prevention of Corruption Act; the Leadership Code; liberalisation and privatisation of public enterprises; improvement in the remuneration of judicial officers, top civil servants and political leaders (Ruzindana *et al* 1998; World Bank 1998a).

Still, corruption remains a serious problem. A government survey (Inspectorate of Government 1998) found that **over 73% of households perceive government to be highly corrupt and 59% believe that corruption has worsened in the last two years.**

*In Copenhagen, the government of Uganda committed itself to create an environment that will enable people to achieve social development, eradicate poverty, allow equal access to education and health and achieve greater gender equality. The government adopted policies to achieve this based on: a) good governance; b) security of property and lives; c) maintenance of macroeconomic stability; d) a well functioning and independent judiciary; and e) reduction of corruption. The strategies adopted include land reform, access to credit by the poor, environment and disaster*

The major causes advanced for corruption are:

- a) Greed of public servants
- b) Low salaries of public servants that are often in arrears
- c) Poor supervision of workers and poor record keeping
- d) Bad examples set by top senior officers (who are themselves corrupt)
- e) Lack of job security due to retrenchments
- f) Lack of public knowledge on rights and failure to punish corruption.

## THE POLICE AND THE JUDICIARY: THE MOST CORRUPT INSTITUTIONS

A government study (1996) on education and primary health care expenditures found that less than 36% of money released from the treasury reaches the intended beneficiaries.

**The government acknowledges the dangers of corruption, but pays lip service only to the issue. No single senior government official or politician has been dismissed or imprisoned for being corrupt even in the face of overwhelming evidence.**

Article 223 of the 1995 Constitution established the Inspector General of Government (IGG), which according to Article 230(1) «shall have powers to investigate, cause investigation, arrest, prosecute or cause prosecution in respect of cases involving corruption, abuse of authority or public office». But despite public outcry against corruption, the IGG is yet to successfully prosecute a single case of corruption. The IGG is undermined by the following factors:

- Anti-corruption agencies are not properly coordinated.
- It is under-funded, and when funds were approved by parliament, they were not released on time.
- No avenues exist for collaboration or sharing of information between the IGG and civil society organisations.
- The commitment and political will of the establishment to fight corruption are low.
- The capacity of the IGG is limited: accountability mechanisms are weak; no public reports are published; there is no mechanism for recovering lost/embezzled resources.

A decentralisation policy was implemented in 1993 to enhance citizen participation in governance and democratic control. Article 176 S2(b)(c) of the Constitution states:

*Decentralisation shall be a principle applying at all levels to ensure people's participation and democratic control in decision making [and] to ensure full realisation of democratic governance at all levels.*

Decentralisation was fraught with problems from the start. The policy was decided by senior government officials and donors without wider consultation and is perceived as imposed from above. Local council leaders were given responsibility but neither the fi-

nancial means nor the training in financial management and administration to handle it. Embezzlement and misappropriation of funds is common in some districts.

A study by the World Bank (1998b) found that with decentralisation, fewer resources are reaching the grassroots (the beneficiaries). Press reports indicate that every other day, millions of shillings go missing.

## AFFIRMATIVE ACTION

Article 32(1) of the Constitution provides that:

*The state shall take affirmative action in favour of groups marginalised on the basis of gender, age, disability or any other reason created by history, tradition, or custom for the purpose of redressing imbalances which exist against them.*

The right to equal opportunity is provided for under Article 32(2). Since the government is yet to appoint a commission to implement these provisions, affirmative action ranks low on the policy ladder. The government has, however, taken some steps to support marginalised groups:

- a) Women councils elected from the grassroots
- b) Women representatives to parliament
- c) Representatives of people with disabilities in parliament and at lower levels of local government
- d) Provision that one third of all elected persons at lower levels of local government be women.
- e) A National Council of Children created to champion the cause for children.
- f) A policy of awarding 1.5 points to women entering university education for the first time.

The Ministry of Gender, Labour and Social Development was created to champion affirmative action and to mainstream gender issues in policy planning at all levels. The activities of the ministry, however, are caught up in bureaucratic routine and have not had an impact on policy. In August 1998, the Ministry for Elderly and Children's Affairs was created.

In 1997, the government introduced Universal Primary Education (UPE), a programme that pays school fees for maximum four children per family. The policy does not incorporate affirmative action: girls' education is not given priority. The government has established the Uganda National Institute of Special Education (UNISE) to train teachers to teach students/pupils with disabilities, in particular the blind, the deaf and dumb.

The Constitution states that all children under five found in Uganda without parents shall be presumed to be citizens of Uganda. Children have the right to be cared for by their parents or legal guardians. Children are entitled to basic education, which is a responsibility of the State and their parents. This clause is not strictly enforced and street children are becoming a serious concern in Uganda cities.

## WOMEN AND LAND OWNERSHIP

Under the 1995 Constitution,

*Land in Uganda belongs to the citizens of Uganda and shall be vested in them in accordance with the land tenure systems provided for in this Constitution.*

To consolidate land tenure systems, the Land Act 1998 provides for the management of land, acquisition of titles or certificates of occupancy, sale, disposal and mortgage of land, land committees, land boards, etc.

**Although women work 12–16 hours a day, constitute over 70% of the agricultural workforce, and produce 70–80% of the food crops, the Land Act is silent on the rights of women to own land.** It does provide that «no person shall exchange, transfer, pledge, mortgage or lease any land except with the written consent of the spouse». While the law ensures that women have access to land, it does not correct the historical imbalances that are enshrined in Ugandan society, and it exacerbates the cultural, political and economic marginalisation of women.

Women's access to other services such as health care and education remains low. **Although the Constitution prohibits discrimination in any form, delivery of health care services does not favour women. Legal rights are not enforced. Female genital mutilation is still practiced in Uganda despite the legal provisions against it.**

Family planning services are provided in all major hospitals and clinics. Over 84% of Ugandan women know about contraceptives, but their use is low. Over 40% of Ugandan men do not accept family planning methods and do not encourage women to use them. The situation is worse in rural areas.

## «ADJUSTMENT» AND POVERTY

Structural Adjustment Programmes (SAPs) have been implemented in Uganda since 1987, but their benefits to the majority of people are still a source of contention. While the economy is said to have grown at a rate of over 6% per annum since 1991, **this growth has not trickled down.** The World Bank estimated that in 1995, 75% of the population was poor and over 60% of the population lived below the poverty line.

Recognising the adverse effects of SAPs, the government launched in 1993 the Programme for the Alleviation of Social Costs of Adjustment (PAPSCA), but the programme did not achieve much. Instead it added to Uganda's debt burden, which now stands at USD 3.6 billion, and helped make Uganda one of the Highly Indebted Poor Countries (HIPC) recently targeted for debt relief. The debt burden results in part from undisciplined borrowing and spending by senior government officials and partly from the inability of lenders to ensure high performance criteria. It is the poor pay back these bad loans.

**The government has put in place a Poverty Action Eradication Action Plan (PEAP) to streamline all efforts aimed at poverty**

**ty eradication. The plan gives priority to spending for education and health.** In February 1997, the government introduced a policy of Universal Primary Education (UPE). Thanks to UPE support for up to four children per family, enrollment increased from 2.9 million children in 1996 to 5.3 million children 1997, an increase of 93.4%. Pre-school education is largely the responsibility of parents. The government is committed to free and compulsory primary education for all girls and boys by the year 2015.

**In the 1998/99 fiscal year, the non-wage recurrent budget for education increases from 10% to 20% and for health from 4% to 7.5%. Investment in education and health is a long-term strategy to combat poverty. Whether the objective is achieved will depend on various factors, the most important of which is simultaneously meeting the immediate employment and consumption needs of the population.**

## HUMAN RIGHTS

In pursuit of improved human rights, the government has ratified six of the main United Nations human rights instruments (Uganda Human Rights Commission 1997), namely:

- a. International Covenant on Economic, Social and Cultural Rights
- b. International Covenant on Civil and Political Rights
- c. International Covenant on the Elimination of all Forms of Racial Discrimination
- d. Convention of the Rights of Children
- e. Convention on the Elimination of all forms of Discrimination against Women
- f. Convention against torture and other cruel, inhuman or degrading treatment or punishment

The Constitution of 1995, has comprehensive provisions for the protection and promotion of fundamental

human rights and freedoms. The Uganda Human Rights Commission (UHRC) was created as an independent body to champion human rights in the country. Obnoxious laws, eg, against treason, are still on the books, however, and death sentences and detention without trial still occur. Since the commission is only one year old, it is early to assess its impact.

## THE CHALLENGE

Good policy instruments per se are not enough. They must be followed by serious and sustained action. Uganda has good policy instruments, but most are ignored. Government has tried to create an environment favourable to civil participation in policy-making,

but the institutional framework is lacking to ensure that recommendations are implemented. Institutions such as the IGG have not sought alliances within the larger civil society. Nor has parliament implemented its mandate to establish functional social, economic and political systems. Creation of such systems remains the challenge of social development for the next century.

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