

***Fighting Corruption in Africa – A
Comparative Study of Uganda and
Botswana***

Dissertation

zur Erlangung des Grades eines Doktors der
Verwaltungswissenschaften (Dr. rer. publ.)

der Deutschen Hochschule für
Verwaltungswissenschaften Speyer

vorgelegt von:

Stefan Ittner

Speyer, 2009

Erstgutachter:

Univ.-Prof. Dr. iur. Hans Herbert von Arnim, Dipl.-Volkswirt

Zweitgutachter:

Prof. Dr. Dr. h.c. Sefik Alp Bahadir

Datum der mündlichen Prüfung:

18. März 2009

TABLE OF CONTENTS

LIST OF ABBREVIATIONS	4
I. INTRODUCTION	5
1. Object and Scope of Study	5
2. Structure of the Study	15
II. DEFINING CORRUPTION	17
III. FIGHTING CORRUPTION	26
1. Common Strategies Against Corruption	26
2. Criteria For Judging the Effectiveness of Anti-corruption Measures	30
3. Difficulties in Fighting Corruption	34
3.1 General Problems	34
3.2 Specific Problems of Fighting Corruption in African Countries	43
IV. COMPARATIVE ANALYSIS OF ANTI-CORRUPTION STRATEGIES IN UGANDA AND BOTSWANA	50
1. Historical Background and Determining Factors of Corruption	50
1.1 Country Profiles	50
1.2 History of Corruption	55
1.3 Current State of Corruption	63
2. Anti-corruption Institutions and Safeguards	79
2.1 Overview of Anti-corruption Laws	80
2.2 Enforcement of Laws	84
2.3 Corruption Safeguards in the Civil Service	100
2.4 Public Procurement Safeguards	111
2.5 Auditor General	119
2.6 Specialised Anti-corruption Institutions	126
3. Further Important Actors in the Fight Against Corruption	144
3.1 The Role of Civil Society Organisations and the Media	144
3.2 The Role of the Political Leadership	161
V. CONCLUSION	183
BIBLIOGRAPHY	193

LIST OF ABBREVIATIONS

ACCU:	_____	Anti-Corruption Coalition Uganda
AG:	_____	Auditor General
BDP:	_____	Botswana Democratic Party
BHC:	_____	Botswana Housing Corporation
BNF:	_____	Botswana National Front
CTB:	_____	Central Tender Board
CID:	_____	Criminal Investigations Department
CIET:	_____	Community Information, Empowerment and Transparency
CPI:	_____	Corruption Perceptions Index
CSRP:	_____	Civil Service Reform Programme
DCEC:	_____	Directorate on Corruption and Economic Crime
DPP:	_____	Department of Public Prosecutions
DTC:	_____	District Administration Tender Committee
e.g.:	_____	For example
GDP:	_____	Gross Domestic Product
i.e.:	_____	That is
IATM:	_____	International Anti-Corruption Theatrical Movement
ICAC:	_____	Independent Commission Against Corruption
IG	_____	Inspectorate of Government
IGG:	_____	Inspector General of Government
IGP:	_____	Inspector General of Police
IMF:	_____	International Monetary Fund
MLW:	_____	Minimum living wage
MP:	_____	Member of Parliament
MTC:	_____	Ministerial Tender Committee
NFS:	_____	National Fraud Squad
NGO:	_____	Non-governmental organisation
NRA:	_____	National Resistance Army
NRC:	_____	National Resistance Council
NRM:	_____	National Resistance Movement
OECD:	_____	Organisation for Economic Co-operation and Development
P:	_____	Pula (Botswana's currency); exchange rate on 23 November 2007: 100 P = 11.30 € / 16.75 US\$
PAC:	_____	Public Accounts Committee
PPADB:	_____	Public Procurement and Asset Disposal Board
PSRRC:	_____	Public Service Review and Reorganization Commission
SADC:	_____	Southern African Development Community
SAMNAC:	_____	Southern African Media Network Against Corruption
UCB:	_____	Uganda Commercial Bank
UDN:	_____	Uganda Debt Network
UHRC:	_____	Uganda Human Rights Commission
UN:	_____	United Nations
UNDP:	_____	United Nations Development Programme
UPM:	_____	Uganda Patriotic Movement
URA:	_____	Uganda Revenue Authority
USh:	_____	Ugandan Shillings; exchange rate on 23 November 2007: 1,000 USh = 0.40 € / 0.59 US\$

I. INTRODUCTION

1. *Object and Scope of Study*

“Corruption in Africa has reached cancerous proportions. In fact, so pervasive is this phenomenon in the region that it has been labelled the ‘AIDS of democracy’ which is destroying the future of many societies in the region. The corruption problem in Africa reflects the more general, and now legendary, climate of unethical leadership and bad governance found throughout most of the continent.”¹

Since the beginning of the 1990s, there has been a substantial increase in academic and policy interest in the problem of corruption in developing countries. Before, corruption was generally not considered to be a major problem either for industrialised or developing countries. In the West, there was a widespread complacency that corruption was virtually limited to developing countries and authoritarian regimes.² Concerning developing countries, the problem was either respectfully ignored if it occurred in regimes that were considered important to Western interests, or regarded as being of minor importance in comparison to aims like promoting economic growth or pursuing Cold War objectives.³ A further reason for indulging corrupt political leaders and administrations was the prevailing opinion that little could be done against corruption anyway.⁴

The perception of corruption in the Western world changed dramatically at the beginning of the 1990s due to what Stephen P. Riley terms the “corruption eruption”:⁵ A series of corruption scandals in developed and developing countries alike dispelled the myth that it is a problem of poor countries only.⁶ The end of the Cold War

¹ Hope (2000), p. 17.

² This Western complacency about corruption is exemplified e.g. by Huntington (1968a), pp. 262 f.

³ The former Zaire is a classic example of this Western ‘blindness’ to corruption: Mobutu’s authoritarian regime was well known for plundering state and aid resources. However, since he was regarded as an important pro-Western ally in Central Africa (“Our Man in Kinshasa”), he was allowed to get away with it. Cf. Riley (2000), pp. 139 f.

⁴ Riley (2000), pp. 139 f.; Szeftel (1998), p. 222.

⁵ Riley (2000), p. 140.

⁶ The “corruption eruption” affected a large number of countries. Instances of public sector and political corruption were uncovered in Western Europe (Italy, Germany, United Kingdom), Asia (Japan, South Korea, Taiwan), Africa (Nigeria, Kenya, South Africa, Tanzania) and in many Latin American states. Cf. Doig / Riley (1998), p. 48; Riley (2000), p. 140; Manzetti / Blake (1996), pp. 662 ff.; Heywood (1997); Harriss-White / White (1996); Global Coalition for Africa (1997).

weakened the political influence of developing countries and ended the timidity of Western nations to interfere with the politics of corrupt regimes for the sake of political expediency. The so-called “third wave of democratization”⁷ in developing and transitional countries was one more factor that brought economic reform and structural adjustment on top of the agenda.⁸

Corruption is, to a greater or lesser extent, a problem in every country. However, African countries are, due to their poverty, probably least able to bear its negative consequences.⁹ Many African countries are experiencing social, political and economic changes spurred by institutional reforms that are often implemented with the cooperation of Western donors. It is now widely believed that the effectiveness of a large number of institutional reforms intended to fight poverty depends on the integrity of a country’s political and administrative systems. What is more, the process of institutional change itself is suspected of providing an environment that generates additional opportunities and incentives for corrupt practices.¹⁰ The Global Coalition for Africa sums up this vulnerability of countries in transition as follows: “Once established, democratic political systems and open economies provide the best opportunities for controlling corruption. In periods of transition, however, when one set of rules has broken down, but another has not yet become institutionalised, opportunities for corruption can flourish, while the openness enjoyed as a result of political liberalisation makes corruption more evident.”¹¹

The necessity of further institutional reforms in order to reduce poverty in African countries and the supposed causal link between corruption and poverty¹² explain the

⁷ This term was coined in 1991 by Samuel P. Huntington’s influential book *The Third Wave: Democratization in the Late Twentieth Century*.

⁸ In this process, especially the rampant corruption and fraud in Eastern Europe and the former Soviet Union led to a growing concern in Western countries. Cf. Riley (2000), pp. 141 f.; Trang (1994); Kaufmann (1997), pp. 114 ff.

⁹ On the negative consequences of corruption, which are considered to be especially serious for poor countries, see e.g. Mauro (1997) and Abed / Gupta (2002).

¹⁰ Olowu (1999).

¹¹ Global Coalition for Africa (1997); see also Charlick (1993), pp. 177 ff. and Olowu (1993), pp. 227 ff.

¹² Indeed, there is the “fear that nascent growth and prospects of sustained development might be wiped off by extensive and institutionalised corruption” (Olowu (1999)). For studies about the relationship between corruption, poverty and economic growth, see e.g. Bardhan (1997), pp. 321

renewed interest in fighting corruption in Africa. Thus, whereas in the past, most international institutions and Western governments hardly cared about the high level of corruption in Africa, now almost all of the continent's principal trading partners and aid donors have developed policies on this issue.¹³ A good case in point is the changed attitude of the World Bank. "Corruption" was once a word that the World Bank did not use. Instead, its staff spoke of "implicit taxes" or "rent-seeking behaviour" to avoid being accused of interfering in politics. World Bank President James Wolfensohn broke this taboo in 1997 by openly addressing the problem and demanding comprehensive action. At the joint annual meeting of the World Bank and the IMF in 1997 he first used the image of the "cancer of corruption" to draw attention to the destructive consequences of this problem. His exact words were as follows: "Let's not mince words, we need to deal with the cancer of corruption. In country after country, it is the people who are demanding action on this issue."¹⁴ Wolfensohn announced that the Bank would cancel projects where official corruption was detected, but most observers agree that its subsequent lending practices have failed to fully match this rhetoric.¹⁵ Wolfensohn's successor in 2005, Paul Wolfowitz, regarded the eradication of corruption as a means of getting closer to accomplishing the ambitious "Millennium Development Goals".¹⁶ Thus, he has made the fight against corruption his top priority and advocates a policy of zero tolerance: "The future of millions of people is at stake when money disappears into corrupt pockets. Kids cannot go to school because they don't have books, and pregnant women don't receive adequate health care. Every form of fraud needs to be combated."¹⁷ The World Bank's tougher new policy has been praised by anti-corruption NGOs like Transparency International for finally putting

ff.; cf. also Mauro (1995); Kaufmann / Kraay (2002); Kaufmann / Kraay (2003); Méon / Sekkat (2005); Dreher / Herzfeld (2005).

¹³ Global Coalition for Africa (1997); Riley (2000), pp. 137 f. This growing interest in controlling corruption is also exemplified by the proliferation of academic and policy papers since the 1990s. For an overview of studies, see e.g. Doig / McIvor (1999).

¹⁴ In his 1997 address to the World Bank's Board of Governors he added: "We have seen how corruption flourishes in the dark, how it prevents growth and social equity, and how it creates the basis for social and political instability." (Hope (2000), p. 17).

¹⁵ Hope / Chikulo (2000), p. 1; *The Economist* (2006a); *The Economist* (2006b).

¹⁶ United Nations (2005).

¹⁷ Paul Wolfowitz, quoted in *Noticias* (2006).

words into action and stopping the payment of aid money to corrupt governments.¹⁸ Several countries have already experienced this stricter anti-corruption attitude and have had aid projects or loans delayed or stopped by the Bank because they carried a whiff of corruption.¹⁹

The World Bank is not the only institution involved in the fight against corruption in developing countries. In the past decade, several other international institutions, NGOs and national governments have come forward with various strategies intended to reduce the often rampant levels of corruption in these countries.²⁰ The debate of how to stem corruption specifically in African countries has intensified in the past years. Several regional organisations, such as the African Leadership Forum, the African Development Bank, the Council for the Development of Economic and Social Research in Africa, the UN Economic Commission for Africa and the Southern African Development Community (SADC) have all raised the issue of corruption and have made it a prior concern on the regional agenda. The SADC ‘Protocol Against Corruption’, for instance, is intended to improve and harmonise anti-corruption laws across the region and to promote co-operation among states in the prevention, detection and prosecution of corruption. It also introduced a peer review mechanism to measure the performance of member states in combating corruption.²¹

The reforms undertaken so far have, for instance, consisted of stricter anti-corruption laws, training judges, parliamentarians and journalists, strengthening civil society, civil service reform, improving budget and tender processes and establishing anti-corruption agencies.²² However, most observers agree that, on the whole, these efforts have not been very effective. Only few African countries can boast about a marked reduction in corruption levels. The majority continues to suffer from the same or even higher levels

¹⁸ “It is fantastic that Wolfowitz takes the fight against corruption so seriously” says Huguette Labelle, the President of Transparency International. Cf. *Noticias* (2006).

¹⁹ The first countries that had to feel the consequences of the World Bank’s stricter anti-corruption stance were India, Bangladesh, Argentina, Uzbekistan, Kenya, Chad, and the Republic of Congo. Cf. *The Economist* (2006a) and *Noticias* (2006).

²⁰ Cf. Global Coalition for Africa (1997) for an overview of anti-corruption efforts by international institutions.

²¹ Osei-Hwedie (2000), p. 40; Rasheed (1996); Goredema (2002), p. 22; Southern African Development Community (2001).

²² Cf. Global Coalition for Africa (1997) and Riley (2000), p. 154 for an overview of the various reform measures that have already been tried in African countries.

of corruption than a decade ago. Thus, coping with corruption is still an everyday experience for most Africans.²³ Indeed, as Diamond remarks, corruption “is not an aberration, but rather the way the system works in the typical African state.”²⁴ Also Médard comments on the striking ubiquity of corruption on the African continent: “If we take normality as what is statistically probable, then we can consider that with the scale of corruption we generally observe in African countries, it is corruption which is normal and the absence of corruption which is abnormal. In a continent where corruption is very widespread, it is not so much corruption which is in need of explanation as the absence of it.”²⁵

This PhD thesis will take up Médard’s suggestion and investigate the phenomenon of an (almost) absence of corruption in some parts of a continent infamous for its kleptocratic regimes by example of a comparative study of the different experiences of Uganda and Botswana in fighting corruption. Surprisingly few studies have so far heeded Médard’s proposal of trying to explain the absence of corruption in some African countries: Only a handful of studies are concerned with the experiences of low-corruption countries in Africa like Botswana, South Africa or Namibia.²⁶ For the most part, the prevalent approach has been to examine countries that appear to be hopelessly mired in corruption, such as Nigeria, Sierra Leone or Uganda. Quite often, these studies take the shape of a jeremiad consisting of a long enumeration of the countless flaws and weaknesses of the country’s anti-corruption efforts. However, after going through this “cabinet of horrors”, it is difficult to arrive at suggestions for improvement other than “improve everything” and “try harder”.²⁷ By contrast, the small number of studies concerned with low-corruption countries have a tendency of lapsing into a hymn of praise of the countries’ integrity without seriously investigating the historical and

²³ *The Economist* (2006b).

²⁴ Diamond (1987), p. 581.

²⁵ Médard (1986), p. 124.

²⁶ The most well-known studies on corruption in Botswana are Good (1994), Fombad (1999), Holm (2000) and Briscoe / Hermans (2001). Studies on South Africa include Lodge (1998), Sangweni (1999), Bauer (2000) and Camerer (2001). For Namibia, see e.g. Namibia Institute for Democracy (1997) and Hunter (2006).

²⁷ See, for instance, Erero (2000) and Flanary / Watt (1999).

institutional factors that have contributed to the present situation or drawing conclusions that might be helpful for other countries with more serious corruption problems.²⁸

This PhD thesis tries to combine the best of both approaches by comparing the experience of a low-corruption country with that of a high-corruption country. A comparative country study offers a number of advantages over single country studies. It is true that the latter *can* offer a wealth of information about the causes of corruption in a country, the development of its institutions and the measures that have been taken to fight corruption. However, it is somewhat difficult to single out the most important aspects that have led to an increase in corruption or to isolate the determining factors of a country's success (or lack of success) in fighting corruption when focusing on only one country. Moreover, the researcher runs the risk of overlooking important reasons for, say, the resilience of corruption, that would stand out far more clearly in a comparative study – for instance certain historical or sociocultural factors that can hamper the fight against corruption.

The comparative approach starts from the premise that “knowledge of general patterns is best achieved through examination of many comparable situations or cases, the more the better”.²⁹ Applied to corruption research, this means that a comparison across different units of analysis is carried out with the aim of identifying the causal mechanisms that explain the differing degrees of success in controlling corruption. As many variables of interest (e.g. institutional reforms and the role of the political leadership) are defined at the level of the nation-state, the ideal ‘units of analysis’ for this purpose are individual countries.³⁰ By examining cross-national similarities and differences, it is possible to formulate and test rival explanations about, for instance, causes for the spread of corruption in a country and its resilience to reform efforts. Thus, the comparison of countries and testing of hypotheses contributes to the progressive accumulation of knowledge about the phenomenon of corruption and especially about the best ways of fighting this evil. What is more, a comparative country study about corruption can provide data and serve as a model for future studies which

²⁸ This criticism applies, to a greater or lesser degree, e.g. to Fombad (1999), Holm (2000) and Mahlanza (1999).

²⁹ Levi-Faur (2009).

³⁰ Culpepper (2005), p. 2.

deal with the same topic in different countries (e.g. provide clues about which issues may be of interest for further research) and can even be helpful for making predictions about the likely outcome of anti-corruption reforms in other countries not included in the original comparison.³¹

The fight against corruption is usually constrained by a number of factors that are relevant to all countries that try to control this evil – for instance spillover effects, vicious circles and adverse political incentives (see *chapter III.3.1*). Thus, the comparative perspective is useful for comparing the degree of success of different nations in overcoming these obstacles in the fight against corruption. However, there are also specific aspects that are especially relevant to dealing with corruption in African countries: Anti-corruption efforts there are frequently hampered by the traditional lack of distinction between public and private interests, neopatrimonial structures, widespread familialism and other factors (see *chapter III.3.2*). These particular circumstances make a comparative study of African countries particularly attractive: If two countries are subject to similar constraints in fighting corruption but show widely diverging success in their efforts, an analysis of their experiences promises to be especially fruitful for gaining a better understanding of the determining factors of a country's success in controlling corruption.

In this study, Botswana will serve as an example of an African country that has frequently been lauded for its good governance and virtual absence of corruption. Considering its rating in Transparency International's Corruption Perception Index (CPI), the most widely used gauge of a country's integrity, Botswana is indeed in an entirely different league compared to other African nations: With a CPI score of 5.4 and ranked at position 38 of 179 countries, Botswana is far removed from most of them. The next African countries in the index are South Africa (rank 43, score 5.1) and Namibia (rank 57, score 4.5). Botswana is even rated noticeably better than some European Union member countries (e.g. Greece or Italy) and can be found in the company of fast-growing and successful countries like the 'Asian Tigers' Taiwan or South Korea. This makes Botswana an ideal example of a low-corruption country and thus an interesting object of study for a comparison with a high-corruption country. Uganda, by contrast, is among the countries that are considered the world's most corrupt. With a CPI score of

³¹ Landman (2008), pp. 4-13.

2.8 and ranked at position 111, it is in the company of other African countries well-known for their high levels of corruption such as Nigeria, Tanzania or Cameroon.³² Thus, Uganda makes a fine exponent of a high-corruption country on the African continent.³³

Botswana and Uganda make a fine choice for a comparative country study about corruption because they offer both interesting similarities *and* differences. The countries share similar historic premises in that they are both anglophone ex-colonies on the African continent that gained independence during the 1960s. At the time of independence they faced a situation comparable to most other African countries: They emerged from a period of colonialism in a relatively poor state of development and had to establish almost completely new governance structures. The structures and procedures for elections, political parties and civil society organisations had to be built from scratch. However, whereas Uganda's prospects degenerated rapidly in the following years in a vicious cycle of instability, underdevelopment and corruption, Botswana managed to stay on course and profited from a virtuous cycle of stability, development and good governance.

Botswana and Uganda are 'typical' African countries as regards their history, economy and sociocultural traditions. Yet they are also very different from each other as regards their geography, post-independence history and the size and ethnical composition of their population. However, as this dissertation is going to show, these differences do not impair the usefulness of a comparative study, but are rather meaningful factors themselves for explaining the emergence and resilience of corruption. For instance, Botswana's exceptional good governance among African countries is often put down to its small and ethnically homogenous population. This is supposed to make it easier for the political leadership to govern well compared to a large country with a fractionalised society. However, some authors doubt that population size is an important factor and point out that there are many other African countries with the same or slightly larger population size that are clearly less well governed than Botswana.³⁴ Thus, a small and

³² Transparency International (2007). For more information on the CPI, see also *chapter IV.1.3*.

³³ As regards appropriate examples of high-corruption countries in Africa, one is indeed spoilt for choice. Nigeria, Mozambique or Sierra Leone are further examples of countries that suffer from high levels of corruption.

³⁴ Holm (2000), p. 289.

ethnically homogenous population is no guarantee for success in fighting corruption – other factors must be relevant as well.

The aim of this dissertation is to uncover these factors that are most important for explaining the differing degrees of success in fighting corruption in African countries. It is not enough to concentrate on the ‘standard measures’ against corruption like, for instance, law reform or the creation of special anti-corruption commissions. As the success of anti-corruption efforts is also significantly affected by historical and sociocultural circumstances, it is necessary to take these factors into account to explain the incidence of corruption in a country and to evaluate the adequacy of its anti-corruption strategy.

In view of the interesting questions that pose themselves regarding the huge differences in the level of corruption, it is striking how little attention comparative country studies have received in the research of corruption in Africa. To my knowledge, there is no study that is explicitly concerned with comparing the experiences of low- and high-corruption countries in Africa. The closest example are probably Transparency International’s “National Integrity System” country studies, which cover a number of both low- and high-corruption countries in Africa. However, although the studies are fairly standardised and try to examine roughly the same issues in all countries, they still deal with them one by one and lack a comparative perspective. The few comparative studies that exist for Africa only cover high-corruption countries.³⁵

The aim of this PhD thesis is to reduce this research gap and try to answer the questions that are raised by the diverging experiences of high- and low-corruption countries in Africa. This should enable us to gain a better understanding of the determining factors of a country’s success in fighting corruption: Which part of the performance is likely to be caused by better law enforcement and anti-corruption institutions? In what way do socio-cultural factors and the history of a country influence its level of corruption and its prospects of combating it? How important are civil society organisations and the political leadership in the fight against corruption?

³⁵ For instance, Elliott (1998) examines corruption in Uganda and Kenya and Sankoh (1999) does so in Sierra Leone, Ghana and Nigeria.

To answer these questions, it is first necessary to examine which measures are commonly employed to counter corruption and to develop criteria for judging their effectiveness. This is done to get an overview of the “weapons” that are at the corruption fighter’s disposal and to find out how they are best deployed. Furthermore, the difficulties in fighting corruption in general and in African countries in particular need to be taken into account. This is necessary to put the “weapons” into perspective vis-à-vis the sophisticated “enemy” they are intended to fight.

As regards the actual evaluation of the countries’ efforts to combat corruption, it is essential to analyse their respective strategy in its entirety. Many studies suffer from the fact that they only offer a selective picture of a country’s anti-corruption strategy. For instance, the history and development of corruption in the country are disregarded,³⁶ only single institutions are examined without considering their operating environment,³⁷ or central characters in the fight against corruption like the political leadership are not fully taken into account.³⁸

Therefore, both countries will be subject to a comprehensive examination: The history of corruption as well as its current state will be explored to gain a better understanding of the problems and demands that each country faces today in its fight against corruption; all important anti-corruption institutions and safeguards will be evaluated as regards their effectiveness in combating corruption; finally, also the role of other important actors in the fight against corruption such as the political leadership, civil society organisations and the media will be investigated.

This study shall not be limited to disparaging Uganda’s anti-corruption efforts and pointing to Botswana’s policies as the superior model that should be emulated, although, considering the respective success of both countries, this will frequently be the case. However, as will be shown, also Botswana’s strategy for fighting corruption is far from perfect, and some issues are in fact much better solved in Uganda. Thus, besides exposing the numerous deficiencies of Uganda’s anti-corruption strategy, this

³⁶ E.g. in Elliott (1998).

³⁷ E.g. in Batty (2002), p., Goredema (2002) or Fjeldstad et al. (2003). For a positive counter-example, see e.g. Doig et al. (2005).

³⁸ E.g. in Nyapendi (1998) or Ruzindana et al. (1998a).

PhD thesis will also develop a number of suggestions for improving Botswana's approach to fighting corruption.

The following chapter gives a more detailed overview of the structure of this study.

2. Structure of the Study

Besides the introductory chapter I, this PhD thesis consists of three main chapters. **Chapter II** is concerned with clarifying the basic concepts of corruption and governance that are employed throughout this study. The origin of the term 'corruption' and the general difficulties of defining this complex phenomenon are outlined. Subsequently, the merits and drawbacks of definitions centred on 'public opinion', 'public interest' and 'public office' are discussed with the aim of settling on an adequate working definition of corruption for this study.

Chapter III deals with basic considerations about fighting corruption. *Section 1* discusses the following commonly used strategies of fighting corruption: Removing opportunities for rent-seeking by reducing the discretionary power of public officials and 'right-sizing' the state; improving legislative bans and ensuring the enforcement of sanctions against corrupt practices; instilling moral values and rectifying the perception of corruption in society; improving accountability and transparency. *Section 2* is concerned with identifying the most important actors in the fight against corruption and developing suitable criteria for assessing the effectiveness of a country's anti-corruption strategy. This analysis will form the basis for the comparative evaluation of Uganda's and Botswana's anti-corruption efforts. *Section 3* gives an overview of the difficulties in fighting corruption. It is argued that the resilience of corruption to reform efforts can partly be traced back to the following issues: adverse political incentives to control corruption, spillover effects and vicious circles of corruption. In addition, also economic, political and socio-cultural factors that impede the fight against corruption especially in African countries are discussed.

Chapter IV consists of a comparative analysis of anti-corruption strategies in Uganda and Botswana. *Section 1* gives an overview of the historical background and determining factors of corruption in both countries. After providing some general

information about Uganda and Botswana, the history of corruption in both countries is outlined. Crucial stages in their development as well as similarities and important differences in their history that have influenced the state of corruption are analysed in order to gain a better understanding of the problems and demands that each country faces in its fight against corruption. Subsequently, the current situation with regard to corruption is described by drawing on various corruption rankings, public surveys and other evidence for Uganda and Botswana. This analysis will then serve as a starting point for evaluating the adequacy of anti-corruption measures that have been taken in both countries. *Section 2* contains an examination of anti-corruption institutions and safeguards in Uganda and Botswana. This includes the countries' anti-corruption legislation, law enforcement mechanisms, corruption safeguards in the civil service in general and public procurement in particular, auditing bodies and specialised anti-corruption agencies. The analysis will focus mainly on the following characteristics: Their mandate and mission; their operating environment; the adequacy of their physical, financial and human resources; their organisational efficiency and effectiveness; their political status and standing, including their independence. The comparative analysis shall ascertain possible areas for reform and thus offer recommendations for improving the anti-corruption efforts in both countries. *Section 3* deals with the contribution of other important actors to the fight against corruption. First, the role of civil society organisations is investigated. It shall be examined whether the general conditions in Uganda and Botswana are conducive to the development of a vibrant civil society that can support state institutions in the fight against corruption. Furthermore, the most important elements of civil society like the media and anti-corruption NGOs shall be analysed as regards their contribution to holding the government accountable and creating public awareness about the problem of corruption. After this, the role of Uganda's and Botswana's political leadership in fighting corruption will be examined more closely.

The main findings and hypotheses of the study are summarised in the **Conclusion**.

II. DEFINING CORRUPTION

In order to define corruption, it is helpful to consider the broader concept of ‘governance’, which is commonly characterised in contemporary dictionaries as the “exercise of authority”³⁹ or “the act, process, or power of governing.”⁴⁰ It stems from the Latin verb *GUBERNARE*, which means “to govern” or “to rule”.⁴¹ Its first use in English in this sense can be traced back to 1380, when it was employed by John Wyclif to refer to the governance of the church. Around this time, the term was also used – e.g. by Geoffrey Chaucer – to refer to the conduct of life or business and to virtuous behaviour and wise self-command.⁴² The term ‘governance’ is often used in the sense of ‘good governance’, which is a normative concept that demands that decisions by governments or other institutions are taken with the aim of promoting the common good. In contrast to this, corrupt acts are usually motivated by self-interest. In this context, the ‘promotion of the common good’ is understood primarily in institutional and procedural terms. It includes especially the safeguarding of the separation of powers, free elections, the rule of law, human rights and the promotion of economic development.⁴³

All these principles can be severely impaired by corruption.⁴⁴ This view is mirrored in the good governance principles of the European Union, OECD, World Bank and United Nations.⁴⁵ Besides an independent judiciary, an incorruptible police force and the impartial enforcement of laws, the principles of the UN explicitly regard the fight against corruption as an essential element of good governance: “It assures that

³⁹ *Webster’s Revised Unabridged Dictionary* (1997).

⁴⁰ *American Heritage Dictionary of the English Language* (2000).

⁴¹ Adam (2000), p. 272.

⁴² Simpson / Weiner (1989), Vol. VI, p. 710.

⁴³ World Bank (1991); Doig / Riley (1998), p. 46. The concept of good governance is, however, sometimes also employed to refer to the mere technical efficiency of a government, irrespective of the impact on the common good. Good governance here includes the “nature of functioning of a state’s institutional and structural arrangements, decision-making processes, policy formulation, implementation capacity, information flows, effectiveness of leadership, and the nature of the relationship between rulers and the ruled.” Cf. Serageldin / Landell-Mills (1991), pp. 5 ff.; Boeninger (1992), p. 267.

⁴⁴ For a discussion on the negative effects of corruption, see e.g. Bardhan (1997), Dreher / Herzfeld (2005) and Noack (1985).

⁴⁵ European Commission (2004); OECD (2001); UN ESCAP (2005); World Bank (1992).

corruption is minimized (...).⁴⁶ Similar demands can be found in the OECD principles: “The rule of law, public sector management, controlling corruption and reducing excessive military expenditures are important dimensions of governance.”⁴⁷ As these examples show, the reduction of corruption in politics and society is generally regarded as a central element of good governance and a way of promoting the common good.⁴⁸ Viewed in this way, corruption is downright the opposite of good governance and a sign that politicians or public servants show too little regard for the common good and instead base their decisions merely on self-interest.⁴⁹ Paul Noack even calls it a “destructive illness of the state”, and Carl Friedrich regards it as a “political pathology” besides violence, betrayal and propaganda.⁵⁰

But what, exactly, is corruption? The word ‘corrupt’ stems from the Latin verb CORRUMPERE, which can be translated as “to spoil”, “to damage” or “to bribe”. The corresponding noun CORRUPTIO refers to bribery and corruption but also to a general state of physical or moral decay.⁵¹ Corrupt practices are not a specifically modern phenomenon. As early as in ancient Egypt, priests had to face strict punishment if they abused their judicial functions by accepting bribes. Also the *Arthshastra*, a 2500 year old Indian manuscript, already demanded a better control of corruption.⁵²

As for the English usage of ‘corruption’, one can differentiate between three basic categories of meaning: physical, the perversion of something from an original state of purity, and moral. In the physical meaning, corruption used to designate an infected condition or the destruction of something by disintegration from about the 14th century onwards, but it is no longer used in this sense. Since the middle of the 16th century, it has been used in the legal expression ‘corruption of blood’, which signifies the loss of all rights of rank and title through committing a crime. As regards the second category, ‘corruption’ denoted the despoiling of virginity in the 14th and 15th century, and from

⁴⁶ UN ESCAP (2005).

⁴⁷ OECD (1995), p. 14.

⁴⁸ OECD (1995), p. 14; Doig / Riley (1998), p. 46.

⁴⁹ Rose-Ackermann (1999), p. 226; Münkler / Fischer (2000), p. 93.

⁵⁰ Sturm (2003), p. 55; Noack (1985), p. 10; Friedrich (1972), pp. 103 ff.

⁵¹ University of Notre Dame (2007); Whitaker (2007); Menge (1978).

⁵² Jain (1998), p. vii; Scheuch (2002), p. 80.

the 17th century on the perversion of an institution or custom from its primitive purity. In addition, since the 16th century it has marked the change of a language or text from its original condition to one of incorrectness and deterioration. Today, the term corruption is most widely used in the third category of meaning, which signifies moral deterioration or decay. It came into use in the middle of the 14th century. The meaning of corruption which is most relevant to this study developed in the early 15th century: From then on, it has regularly been used to signify the perversion or destruction of integrity in the discharge of public duties by bribery or favour.⁵³

Corruption is a complex and manifold phenomenon whose perception can vary markedly between different cultures or societies.⁵⁴ On the one hand, the concept of ‘corruption’ is utilised in a legal context and defined in pertinent laws and regulations. On the other hand, it is also used in a wider, popular sense to refer to political or social grievances that may or may not be covered by legal classifications.

It is generally agreed that ‘corruption’ designates acts that deviate from a certain standard. What is disputed, however, is the question of which kind of standards are suitable or relevant to judge whether an act can be called corrupt.⁵⁵ The most obvious source of clear-cut standards is the criminal (or other) law of a country, which usually contains provisions against corrupt acts. However, presumably every society also has social or ethical norms that label certain actions or circumstances as corrupt, irrespective of the ‘official’, strictly legal definition of corruption in the wording of the law. This dualism of the concept of corruption is mirrored in academic efforts to define it and distinguish it from related phenomena. The discussion of definitions has been dominated by Arnold Heidenheimer’s often-quoted distinction between definitions

⁵³ The first recorded usage in this sense can be found in Andrew of Wyntoun’s *Chronicle* of 1425. In 1495, it was used by William Shakespeare in his play *Henry VII*. Cf. Simpson / Weiner (1989), Vol. III, pp. 973 f.

⁵⁴ This is e.g. pointed out by Augustine Ruzindana, Uganda’s former Inspector General of Government: “Corruption is difficult to define but everybody knows and understands what it is, though attitudes for or against it differ from person to person and from society to society” (Ruzindana et al. (1998a), p. 18). The problematic distinction between ‘bribes’ and ‘gifts’ is a frequently mentioned example of the difficulties that a culture-specific investigation of corruption entails. Whereas in Western countries even small gifts to public servants tend to be regarded as potential bribes, the attitude in most African nations is less strict because of deeply rooted traditions of gift-giving. Cf. Rose-Ackermann (1999), ch. 6 and Kahoza (1998), pp. 79 ff.

⁵⁵ Scott (1972), p. 3

centred on public opinion, public interest and public office.⁵⁶ Each approach has certain benefits and drawbacks, but there are also some issues that are not satisfactorily dealt with in any of them. In the following, a short overview shall be given of the competing approaches to defining corruption with the main aim of settling on an adequate working definition for this study.⁵⁷

The '*public opinion*' approach to analysing corruption pays tribute to the cultural relativity of corruption. It relies on a subjective definition of what counts as corrupt, therefore public norms about integrity and honesty lie at the centre of this approach.⁵⁸ Put differently, this approach focuses on the standards of behaviour that are attached to certain positions of public power by the social value system of a society. The advantage of this approach certainly is that it does not rely on eurocentric concepts of corruption and can consequently be applied to any kind of culture in which there are discernible public standards of behaviour. On the downside, it will be hard in practice to find a definition of corruption with which all interest groups agree in a given society, and which could then be used as a starting point for reforms or anti-corruption measures.⁵⁹ On a side note, public norms about honesty and integrity are not only helpful for defining corruption – they are also important for controlling corruption. In a society with high standards of honesty in public office, civil servants or politicians who abuse their office will probably encounter public disapproval even if their actions are formally legal. Conversely, if formal rules against corruption are stricter than the corresponding public norms, the formal rules will be harder to enforce because public officials will have less scruples to break them and will also encounter less public resistance if they do.⁶⁰

Being derived from a subjective approach, definitions of corruption based on public opinion can easily be criticised as relativistic and differing from society to society and

⁵⁶ Heidenheimer (1970), pp. 2 ff.

⁵⁷ As this study is limited to the examination of corruption in the public sector (i.e. at least one participating actor has to hold a position of public power), definitions that relate to corruption solely within the private sector will be excluded from the discussion.

⁵⁸ Scott (1972), pp. 3 ff. spells out this approach in more detail.

⁵⁹ Werner (1983), p. 147; Peters / Welch (1978), pp. 974 ff.; Kurer (2003), p. 45.

⁶⁰ Gardiner (1993), pp. 32 f; Kurer (2005), p. 224. Cf. also Heidenheimer's classification of corruption in "black", "grey" und "white" (Heidenheimer (1997), p. 161).

throughout history.⁶¹ What is more, this approach does not take into account the detrimental effects that corruption itself can have on social norms: If a society has been suffering from rampant corruption for a long period of time, its public standards of behaviour may have degenerated to such a degree that corrupt, abusive practices are regarded as normal and hardly objectionable.

The '*public interest*' category of defining corruption tries to overcome this relativism by focusing instead on the normative concept of the 'public interest' or 'common good'. Thus, the betrayal of public concerns is regarded as the defining characteristic of corruption: Private interests are given preference to common, public interests, or there is no perceived distinction between the public and private realm. The public interest category of defining corruption was introduced by Friedrich in 1966: "A pattern of corruption can be said to exist whenever a power-holder who is charged with doing certain things, i.e., who is a responsible functionary or office-holder, is by monetary or other rewards not legally provided for induced to take actions which favour whoever provides the rewards and thereby does damage to the public and its interests."⁶² However, this approach only shifts the problem of definition to another area: instead of ascertaining what is corrupt, the problem now is to determine what is in the public interest. Again, there will be no unanimous answer to this question and therefore no clear anti-corruption agenda.

The much narrower '*public office*' approach to defining corruption offers exactly this: an easily workable definition with clear implications for reform.⁶³ Of central importance in this definition, which dates back to Nye, is the legally or otherwise defined duty of public officials: "Corruption is behaviour which deviates from the formal duties of a

⁶¹ Kurer (2005), p. 227.

⁶² Friedrich (1966), p. 74; Friedrich (1973), pp. 103 ff.; Heidenheimer / Johnston (2002), pp. 9 f.; Werner (1983), p. 147.

⁶³ Presumably for this reason it has been adopted by international organisations like the World Bank that have an interest in providing unequivocal reform proposals which can be implemented in a wide range of countries: "We settled on a straightforward definition — *the abuse of public office for private gain*. Public office is abused for private gain when an official accepts, solicits, or extorts a bribe. It is also abused when private agents actively offer bribes to circumvent public policies and processes for competitive advantage and profit. Public office can also be abused for personal benefit even if no bribery occurs, through patronage and nepotism, the theft of state assets, or the diversion of state revenues. This definition is both simple and sufficiently broad to cover most of the corruption that the Bank encounters, and it is widely used in the literature." World Bank (1997), pp. 8 f.

public role because of private-regarding (close family, personal, private clique) pecuniary or status gains; or violates rules against the exercise of certain types of private-regarding influence. This includes such behaviour as bribery (use of reward to pervert the judgment of a person in a position of trust); nepotism (bestowal of patronage by reason of ascriptive relationship rather than merit); and misappropriation (illegal appropriation of public resources for private-regarding uses).”⁶⁴

This approach can be criticised, however, for being overly restrictive as it only includes actions that involve the breach of certain legal requirements. Thus, an identical act can, depending on the state of legislation, be either corrupt or non-corrupt. As Kurer provocatively remarks, “the legalisation of nepotism and bribery can largely free a country of corruption in this sense”.⁶⁵ For the public office definition of corruption to be the ideal solution, one would have to trust the integrity of lawmakers to provide faultless and equitable anti-corruption provisions for themselves as well as all other politicians and public servants. However, this will probably never be the case, especially as regards provisions against corruption that affect lawmakers or other politically powerful groups themselves. Thus, the public office definition of corruption is too narrow to take into account a political or judicial system that is inherently corrupt. James Scott summarises this argument as follows: “[This] conception of corruption does not cover political systems that are, in Aristotelian terms, ‘corrupt’ in that they systematically serve the interests of special groups or sectors. A given regime may be biased or repressive; it may consistently favour the interests, say, of the aristocracy, big business, a single ethnic group, or a single region while it represses other demands, but it is not *ipso facto* corrupt unless these ends are accomplished by breaching the formal norms of office.”⁶⁶

In most countries there are practices which are arguably not in the public interest and probably considered ‘corrupt’ by the majority of citizens, but nevertheless perfectly legal. This concerns mainly political corruption, particularly areas in which lawmakers would have to prohibit practices from which they profit themselves, e.g. political patronage, nepotism, conflict of interest provisions, asset declaration and political

⁶⁴ Nye (1967), p. 419. Cf. also Werner (1983), p. 147.

⁶⁵ Kurer (2005), p. 226.

⁶⁶ Scott (1972), p. 5

finance.⁶⁷ In these areas, legislators generally tend to mould the laws in their favour, and are regularly criticised for the more blatant abuses of their legislative power by the media or supranational organisations.⁶⁸ It is not uncommon in these cases of ‘legislative corruption’ that the second party, which is characteristic of most forms of corruption (e.g. bribe giver – bribe taker), is missing. This special case is called ‘auto-corruption’, i.e. an office holder abuses his position without the involvement of others.⁶⁹ Auto-corruption can be subdivided into direct and indirect forms. Direct auto-corruption means that office holders abuse their position to enrich themselves, e.g. by using it to gain undue access to cheap credit or subventions. Another example of this category is the widespread practice among parliamentarians to award themselves improperly high pension provisions or other undue benefits. In the case of indirect auto-corruption, public officials enact (or fail to enact) regulations that hamper the prosecution and punishment of corruption within their own ranks. Thus, politicians can exploit their position of power to exempt themselves from the normal anti-corruption standards that apply to all other citizens.⁷⁰

Many scholars suggest that the public office definition of corruption should be enhanced – e.g. in the direction of the public interest approach – to include also practices which are commonly perceived as corrupt although they are legal.⁷¹ There is a certain area of overlap between these two categories of definition anyway, as the laws of most countries stipulate that office holders have to use the power that is entrusted to them to further the common good, and expressly not their private interests.⁷²

Choosing an adequate definition of corruption should be an important first step in every study of this phenomenon. If practices like, for instance, the self-enrichment of

⁶⁷ Gardiner (1993), pp. 26 f. and 29 ff.

⁶⁸ For instance, the recommendations of the Council of Europe contain provisions against abusive practices in political finance that demand much stricter standards than are usually found in national laws. Cf. Council of Europe (2000), (2001) and (2003); USAID (2003); Justice Initiative (2004).

⁶⁹ Key Jr. (1970), pp. 48 f.; Kurer (2003), pp. 8 and 42. Some authors, however, prefer a narrower definition of corruption and consider the collaboration of at least two parties as obligatory. Cf. e.g. Groenendijk (1997), pp. 210 and 218 and Stykow (2002), p. 91.

⁷⁰ Von Arnim / Heiny / Ittner (2006), pp. 19 ff.; Von Arnim (1993), pp. 135 ff. and 175 ff.; Kurer (2005), pp. 232 and 234.

⁷¹ See e.g. Nduhukhire-Owa-Mataze (1998), pp. 5 f.

⁷² Isensee (2002), pp. 241 ff.; Depenheuer (2005), pp. 87 ff.

politicians are excluded from the definition, they are also excluded from the study, and moreover do not suffer from being labelled as ‘corrupt’. As the above overview of conflicting approaches has shown, there is no single definition that is without problems, and choosing one ultimately involves some a priori value judgements. Naturally, different definitions are sensible for investigating different things, so the choice will also be dictated by practical needs.

As this study intends to examine the anti-corruption framework of two countries, it seems appropriate to take a ‘public office’-centred definition as a starting point, because state anti-corruption institutions are built with official, usually ‘public office’-based definitions in mind.⁷³ However, to avoid excluding cases of legislative corruption and auto-corruption from the study, the examined abuses of office shall not be limited to the official categories of corruption that can be derived from the laws and regulations of Uganda and Botswana.

The clear but flexible definition of corruption used by Transparency International, the leading anti-corruption NGO, seems to offer the best solution: It defines corruption as “the abuse of entrusted power for private gain”.⁷⁴ Although it will not always be clear-cut what constitutes an ‘abuse’ of power, this ambiguity is probably far outweighed by the gain in flexibility, which allows the researcher to transcend the limitations of state-approved laws and definitions. As Kurer rightly points out, the absence of a single, valid definition of corruption need not be a disadvantage, as much fruitful research can derive precisely from the tension between the different approaches – “the deviation of social norms from formal rules, of formal rules from public interest, or the asynchronous evolution of formal rules and social or moral norms.”⁷⁵ In any case, when in doubt, the final verdict whether an action is corrupt should probably be accorded to neutral observers or the citizens themselves rather than to the lawmakers, whose judgement may be clouded by their own interests.⁷⁶ Therefore, especially as regards dubious

⁷³ The definitions of corruption which can be found in Botswana’s and Uganda’s laws and statutes will be discussed in chapter IV.2.1. The shortcomings of the laws and anti-corruption institutions which are based on these definitions will be dealt with in the respective chapters.

⁷⁴ Transparency International (2004), p. 7.

⁷⁵ Kurer (2005), p. 227.

⁷⁶ Von Arnim (1987), pp. 491 f.

practices of the political elite and their allies, public norms of honesty and integrity should arguably be valued more highly than the mere text of the law.

III. FIGHTING CORRUPTION

1. Common Strategies Against Corruption

Fighting Corruption is a notoriously difficult task, but it is not impossible. A number of countries have succeeded in moving from rampant corruption to a situation in which corruption still exists but is no longer widespread and pervasive. Singapore and Hong Kong have even done so in a remarkably short time.⁷⁷

However, the success of anti-corruption strategies can be hampered by several factors, which tend to be especially harmful in countries that have already been suffering from widespread corruption for longer periods of time: Since corruption often creates coalitions of vested interests which benefit from it, efforts to curb it can mobilise powerful forces that try to maintain the status quo. In addition, corrupt practices may already be deeply rooted in the social fabric of a country and therefore hard to eliminate, at least in the short term. Finally, the actors responsible for fighting corruption like politicians and the judiciary might themselves profit from corrupt practices and therefore be unlikely to implement the necessary reform measures.⁷⁸

To develop successful strategies against corruption, it is necessary to look at the underlying causes of and abetting factors for the spread of corruption. The roles of both internal ‘stakeholders’ (e.g. politicians, civil servants, entrepreneurs) in a society and external actors (e.g. international financial institutions and other donors, western multinational companies) need to be examined to understand the immense diversity of corruption’s origins and forms.⁷⁹ As corruption is a multifaceted problem that is seldom caused by a single factor, it should be treated with an integrated approach that involves complementary action taken at various levels. The following four areas are of central importance with regard to designing effective anti-corruption strategies: Removing opportunities for rent-seeking by reducing the discretionary power of public officials and ‘right-sizing’ the state; improving legislative bans and ensuring the enforcement of sanctions against corrupt practices; instilling moral values and rectifying the perception

⁷⁷ Global Coalition for Africa (1997).

⁷⁸ Global Coalition for Africa (1997); Kpundeh (1998); Stapenhurst et al. (2004), p. 1. Cf. also chapter III.3.

⁷⁹ Doig / Riley (1998), p. 45.

of corruption in society; improving accountability and transparency.⁸⁰ Each of these four areas will now shortly be explored.

Removing opportunities for rent-seeking by reducing the discretionary power of public officials and 'right-sizing' the state: Limiting the discretionary decision-making authority of officials and minimising their contact with the public, e.g. through one-stop service provision, can reduce opportunities for corruption. This 'designing out' of corruption in administrative processes should be accompanied by economic reforms that reduce the government involvement in the economy with the aim of eliminating government monopolies and economic distortions, such as price controls or exchange rate restrictions, that are conducive to corruption.⁸¹ For instance, a heavily regulated policy environment, in which even routine business transactions require permits, encourages corruption, especially if the public service is slow, badly paid and inadequately supervised.⁸² However, some economic reforms originally intended to reduce corruption like the privatisation of state-owned enterprises have to be handled with extreme care, as they are vulnerable to manipulation and can even lead to a temporary increase in corruption if they are badly designed and lack the adequate regulatory and commercial legal frameworks.⁸³

Improving legislative bans and ensuring the enforcement of sanctions against corrupt practices: Corruption tends to flourish in a society if it is a generally accepted mode of behaviour and the chances of being caught and severely punished are low. Thus, modifications of the incentive structure through changes in existing rules are necessary to effect a change in this outcome.⁸⁴ Legal measures to reduce corruption are therefore an essential part of any anti-corruption strategy. As the judiciary can only use its powers of prosecution if laws are breached, it is at first necessary to close possible legal

⁸⁰ Global Coalition for Africa (1997); Doig / Riley (1998), pp. 55 and 58 f.; Center for Democracy and Governance (1999), p. 7.

⁸¹ Doig / Riley (1998), pp. 47 and 58; Khan (2000), p. 8; Directorate for Ethics and Integrity (2000), pp. 8 and 13; Global Coalition for Africa (1997); Stapenhurst et al. (2004), pp. 3 f.; Riley (2000), p. 147; Klitgaard (1988), p. 74.

⁸² Briscoe / Hermans (2001), p. 11.

⁸³ World Bank (2004), pp. 4 ff.; Kaufmann (1997), pp. 6 f.; Global Coalition for Africa (1997); Stapenhurst et al. (2004), pp. 3 f. For evidence that liberalisation can increase corruption, cf. Khan (2000), pp. 28 f. and Harriss-White / White (1996).

⁸⁴ Mbaku (2000), pp. 129 ff.; Sturm (2003), pp. 58 f.; Center for Democracy and Governance (1999), pp. 11 f.

loopholes that allow corrupt acts to go unpunished. To assure effective sanctions against corruption, it is also important to strengthen the human, financial and physical resources of the judiciary, to ensure its independence and to combat corruption among its own ranks.⁸⁵ In addition to this, political leadership is required to ensure that anti-corruption legislation is enforced and to demonstrate that no-one is above the law. Research indicates that the example set by the leadership, along with stiff penalties for corruption, are among the most effective measures for addressing corruption.⁸⁶

Instilling moral values and rectifying the perception of corruption in society: While effective sanctions for corrupt acts are important, a successful anti-corruption strategy also depends to a large extent on voluntary compliance and social attitudes towards corruption. The prevalent views on how power and influence should be understood and rewarded and how networks and social and family connections should be used are also important in this regard.⁸⁷ Changing these attitudes is a slow process, but the establishment of a normative environment in which corruption is not tolerated is a critical factor for ensuring the success in fighting corruption. To achieve this, values of honesty and integrity should be instilled and reinforced among public servants as well as the population as a whole, and there should be clear rules that describe how public office ought to be used in the public interest. Civil society organisations and the media play a crucial role in shaping the perception of corruption in a society. The challenge facing them is to galvanise public opinion and persuade citizens to actively combat corruption. This process can be assisted by promoting the growth of an active civil society and ensuring that the media are free from pressure and censorship and can raise awareness about corruption by openly reporting about its extent and consequences. The conduct of the political leadership is also an important factor: Honest political leaders can give anti-corruption activities the initial impetus and necessary credibility, whereas corrupt leaders set a bad example to all public officials and citizens and usually also lack the political will to seriously combat corruption.⁸⁸

⁸⁵ United Nations Development Programme (2005), pp. 11 f. and 15; Global Coalition for Africa (1997); United Nations Development Programme (2004), p. 27; Stapenhurst et al. (2004), p. 5.

⁸⁶ Kpundeh (1998); Global Coalition for Africa (1997).

⁸⁷ Directorate for Ethics and Integrity (2000), pp. 7 f.; Tylor (1990).

⁸⁸ Stapenhurst et al. (2004), p. 1; Hope (2000), p. 35; Kpundeh (1998).

Improving accountability and transparency: As corruption thrives in secrecy, measures to improve transparency and accountability form a vital part of any anti-corruption strategy. Effective mechanisms of monitoring and accountability in the use of public resources should be built into all governmental and administrative systems.⁸⁹ Research has shown that independent audit and watchdog bodies and rigorous budgeting and financial reporting mechanisms that require all expenditures, including those for military and security, to be on-budget, are likely to reduce corruption.⁹⁰ It is equally important to improve the public's access to government information and to empower citizens to play a more active role, e.g. by developing effective complaints mechanisms and ensuring the protection of whistleblowers. This way, citizens and civil society organisations can provide a check on government abuses and improve the ownership and sustainability of reforms.⁹¹

To ensure its success, an anti-corruption strategy has to be consistently implemented over the long term in order to build something along the lines of a 'national integrity system' and should consist of an integrated approach that focuses on institutional reforms as well as on social and cultural factors.⁹² To achieve this, the various institutions involved in the fight against corruption need to have clear rules of engagement that ensure good interaction and collaboration.⁹³ As corruption may be the result of a variety of institutional deficiencies and societal aberrations, anti-corruption measures should be designed with the knowledge that the specific causes, occasions and appropriate corrective measures are directly related to a country's individual circumstances: There is no one-size-fits-all strategy for combating corruption. While

⁸⁹ United Nations Development Programme (2004), p. 19; Directorate for Ethics and Integrity (2000), pp. 8 f.; Center for Democracy and Governance (1999), pp. 9 ff.

⁹⁰ Global Coalition for Africa (1997); Stapenhurst et al. (2004), p. 5; United Nations Development Programme (2005), pp. 12 f.; Kpundeh (1998).

⁹¹ Doig / Riley (1998), p. 56; United Nations Development Programme (2005), p. 11; United Nations Development Programme (2004), p. 20; Olowu (1999); Briscoe / Hermans (2001), pp. 118 f.; Directorate for Ethics and Integrity (2000), p. 9; Stapenhurst et al. (2004), p. 4. For a more pessimistic view on the role of civil society in fighting corruption, cf. Khan (1998) and Khan (2000), p. 9 and 28.

⁹² The concept of a 'national integrity system' is based on the belief that real progress in the fight against corruption can only be achieved by a concerted effort from government and civil society that focuses mainly on institution building, awareness raising and the prosecution of corrupt officials. For a detailed description, cf. Langseth / Stapenhurst (1997a) and Doig / Riley (1998), p. 59.

⁹³ United Nations Development Programme (2005), p. 4.

‘best practices’ exist and can offer useful guidelines, they are not automatically applicable to any one country’s specific context.⁹⁴ For instance, many countries have created an independent agency charged with the overall responsibility of combating corruption. Most of these institutions are modelled after successful prototypes like Hong Kong’s or New South Wales’s ‘Independent Commission Against Corruption’ (ICAC) – Alan Doig even speaks of the “carpet-bombing” of the ICAC model across the entire African continent.⁹⁵ However, very few of these copies are success stories. The models are not easily replicable because of the specific history of their creation and evolution and the particular contexts in which they operate. Thus, setting up an anti-corruption agency requires a systematic assessment of the local situation and the specific needs of a country.⁹⁶

2. Criteria For Judging the Effectiveness of Anti-corruption Measures

The experience of many African countries has shown that creating anti-corruption laws or agencies is only a first step in the fight against this grievance and does in no way guarantee to have an impact on the level of corruption. At the worst, anti-corruption institutions are created merely to appease public opinion or international donors and thereby add legitimacy to kleptocratic regimes.⁹⁷

The aim of this chapter is to identify the most important actors in the fight against corruption and to develop criteria which are suitable for judging the effectiveness of a country’s anti-corruption strategy. As a first step, it is necessary to decide which characteristics of anti-corruption institutions and the general anti-corruption framework need to be evaluated. In a second step, it has to be assessed how the characteristics of

⁹⁴ Global Coalition for Africa (1997); Center for Democracy and Governance (1999), pp. 15 f. and 18; United Nations Development Programme (2005), p. 4; Doig / Riley (1998), pp. 45 and 54. For instance, research has shown that in Mali and Senegal, economic liberalisation combined with institutional reform and relatively high salaries seems to have contributed to reducing customs fraud. Then again, economic liberalisation is partly blamed for the growth of petty and grand corruption in Tanzania.

⁹⁵ Doig et al. (2005), p. 41.

⁹⁶ United Nations Development Programme (2005), p. 5; United Nations Development Programme (2004), p. 12.

⁹⁷ Doig et al. (2005), pp. 14 f.

single measures or institutions and their surrounding conditions can affect the outcome, i.e. the expected reduction in the level of corruption. This analysis will form the basis for the comparative evaluation of Uganda's and Botswana's anti-corruption efforts.

As regards the overall strategy of fighting corruption, every country has to locate its most serious problem areas and identify the resources and main institutions that are available for anti-corruption efforts. The most promising starting points for fighting corruption have to be ascertained, responsibilities allocated and a timeline for delivery drawn up with specific and measurable outputs. The success of an anti-corruption strategy depends on the interplay of favourable framework conditions and various institutions involved in the fight that have to complement and interact with each other in an efficient way.⁹⁸

The overall anti-corruption strategy of a country can be broken down into several parts. *Anti-corruption legislation* forms the basis in the fight against corruption. The *enforcement of these laws* is the next important step. Some types of *administrative reforms* such as decentralisation, civil service restructuring and public procurement safeguards can be important building blocks in an anti-corruption strategy. A central part is also played by dedicated anti-corruption bodies: *Auditing bodies* have the task of scrutinizing public accounts and thereby uncovering corruption and mismanagement of public money. *Specialised anti-corruption agencies* have been formed in many countries and can have a wide range of tasks including the prevention, detection and prosecution of corruption and the coordination of the overall anti-corruption efforts. Other important actors in the fight against corruption are *civil society* organisations, the *media* and the *political elite* of a country. The first two play a crucial role in shaping the perception of corruption in a society and can exert pressure on the state to step up the fight against corruption. The political elite occupies a key position in the fight against corruption: It is responsible for designing the overall anti-corruption strategy, and its own behaviour and integrity represents also a role model for subordinate politicians, civil servants and the population as a whole. Finally, *international donors* can also contribute to a country's anti-corruption strategy, and their influence needs to be taken into account when analysing the different measures and institutions set up to combat corruption.

As regards the potential effectiveness of anti-corruption institutions, it is necessary to analyse the *operating environment* in which they have to perform their tasks. This encompasses the overall extent and location of corruption in the country, whether the political environment provides a comprehensive strategy and supportive conditions for the fight against corruption, and possible difficulties of coordination with other anti-corruption institutions. Unfortunately, conflicting mandates of institutions are a problem in many countries.⁹⁹ The relationship between the judiciary and other institutions charged with combating corruption is of special importance: If too little attention is paid to strengthening the capacity and integrity of prosecutors and courts, all efforts to combat corruption are thwarted because the cases cannot be brought to court and tried.¹⁰⁰

The *mission* of an anti-corruption institution has to be examined as well. It has to be evaluated whether its mandate and proposed strategy are appropriate to the local conditions and corruption problems. Furthermore, it has to be verified that it is furnished with sufficient legal powers (e.g. to question witnesses or access documents) for its tasks. The following five functions can be assigned to anti-corruption agencies: Prevention, education and awareness-raising, investigation, prosecution and coordination. It has to be examined whether the institution deals mainly with low-level, petty corruption or rather with high-level, grand corruption. A focus on the latter is supposed to be more effective for fighting corruption, but due to the scale and complexity of these cases, better skills and resources are necessary on the part of the anti-corruption institution. Also, for dedicated anti-corruption agencies, a focus less on prosecution or punishment and more on prevention is by most experts deemed to be more effective in the long run. On the whole, the institution should avoid trying to fulfil too wide a range of roles and instead focus on what it is good at and has the resources to achieve.¹⁰¹

⁹⁸ Doig et al. (2005), pp. 52 f.; United Nations Development Programme (2005), pp. 11 and 22.

⁹⁹ Doig et al. (2005), pp. 9, 12 and 14 f.; United Nations Development Programme (2005), p. 19; UNODC (2004).

¹⁰⁰ United Nations Development Programme (2005), pp. 19 and 22.

¹⁰¹ Doig et al. (2005), pp. 12, 14 f., 41, 43 f., 46 f. and 50 ff.; United Nations Development Programme (2005), pp. 6, 10 and 21; Pope (1999); De Speville (2000), pp. 95 f.

In this context, it also has to be assessed whether the *resources* (physical, financial and human) the institution has at its disposal are appropriate for fulfilling its task. For instance, the investigation of complex financial crimes requires more resources and better trained personnel than dealing with petty corruption of low-level civil servants. A large backlog of unprocessed cases is usually a sure sign of an under-resourced institution. The resources can be provided by the national government as well as international donors, both of which can use their financial muscle to interfere with the activities of the anti-corruption agency.¹⁰²

Also the *organisational efficiency and effectiveness* has to be evaluated. This demands that the institution's performance be judged by appropriate performance measures. For instance, relying on measures like the number of processed cases is fraught with difficulties: A large number of investigations can signify high productivity, but it can also indicate that the agency focuses mainly on cases of petty corruption by low-level officials instead of politically controversial cases of high-level corruption. However, a small percentage of successful prosecutions usually points to a serious lack of effectiveness.¹⁰³ In practice, the performance of an anti-corruption agency is also often tried to be approximated by public surveys. By ascertaining the knowledge of the agency and its measures as well as the trust the population has in its integrity and effectiveness, a picture of the agency as seen by the people emerges that is often a useful complement to the official number of cases and other statistics. Another problem with measuring effectiveness is to differentiate between intrinsic (caused by the institution itself) and extrinsic factors that lead to changes in the extent of corruption in a country. Alan Doig proposes the use of 'SMART' objectives, i.e. the institution's aims should be **s**pecific, **m**easurable, **a**chievable, **r**esult-oriented and **t**imetabled. In addition, the performance indicators should be annually reviewed by a third party such as the parliament.¹⁰⁴

The *political status and standing* is a further important aspect of an anti-corruption institution. The level of political support is a vital factor for the long-term success of

¹⁰² Doig et al. (2005), pp. 14 f., 30 f., 44 f. and 51 f.; United Nations Development Programme (2005), p. 21.

¹⁰³ Doig et al. (2005), pp. 2 and 14 f.

¹⁰⁴ Doig et al. (2005), pp. 9, 14 f. and 48; Inspectorate of Government (2003), p. 26.

any state institution. Also the political independence of the institution, security of tenure for its senior officials and oversight mechanisms that ensure its unbiased functioning need to be assessed.¹⁰⁵ This includes independence from direct political interference in its work, but also freedom from arbitrary budget cuts that threaten its existence. For instance, when attached to the Office of the President, the agency will be in a weak position to deal with serious corruption involving the political elite and actors close to the President. In the worst case, it can even become an agency for persecuting government critics. Many anti-corruption agencies are also subject to high levels of political resistance if they try to investigate areas that are especially vulnerable to rent-seeking from the political elite like, for instance, defence procurement or the privatisation of state enterprises. Another problem is that anti-corruption bodies are often dependent on the Attorney General or the Public Prosecution Department for the permission to prosecute corruption cases. As these institutions are frequently subject to political control, the formal independence of the anti-corruption body does not guarantee that it is truly independent in its actions.¹⁰⁶

3. Difficulties in Fighting Corruption

3.1 General Problems

“The Government has this morning formed an anti-corruption squad to look into the conduct of the anti-corruption commission, which has been overseeing the anti-corruption task-force, which was earlier set to investigate the affairs of a Government ad hoc committee appointed earlier this year to look into the issue of high-level corruption among corrupt Government Officers.”¹⁰⁷

As the above quotation from Kenya’s Attorney General demonstrates, corruption has proved remarkably resistant in many developing countries to the myriad reform measures that have been tried to combat it. I will argue in this chapter that this resilience of corruption can partly be ascribed to the following issues: adverse political incentives

¹⁰⁵ The activities of Hong Kong’s ICAC, for instance, are probed by four independent committees, including representatives from civil society, as well as an independent ICAC Complaints Committee, which receives and examines all complaints against the Commission. Cf. United Nations Development Programme (2005), pp. 5 f.

¹⁰⁶ Doig et al. (2005), pp. 12, 14 ff., 22, 31 and 42 f.; Huther / Shah (2000), p. 12; United Nations Development Programme (2005), pp. 5 f. and 9 f. and 21 f.; Kpundeh / Levy (2004); Pope (1999); De Speville (2000), pp. 95 f.

¹⁰⁷ Statement issued by Kenya’s Attorney General, quoted in Kaufmann (1998), p. 64.

to control corruption, spillover effects and vicious circles of corruption. In the next chapter, I will address factors that hamper the fight against corruption especially in African countries.

It has often been noted that reform efforts during anti-corruption campaigns tend to decrease over time.¹⁰⁸ This phenomenon can partly be explained by the changing political incentives to control corruption during the reign of a government: While a newly elected government has strong incentives to detect corruption by subordinate officials, the situation is different for governments that have been in office for a longer time. A recently elected government can easily blame its predecessors for the current corruption grievances in state and society, and it gets only praise for uncovering cases of corruption. However, as time goes by, each new discovery of corruption conveys a more ambiguous message. On the one hand, it signals that the government is still committed to uncovering and fighting corruption. On the other hand, it might also indicate that the government failed to prevent this act and has not been effective enough at controlling corruption during its reign. Especially if a corrupt act is uncovered by third parties such as the media, the government can easily find itself on the defensive and has to come up with a justification for the negligence in appointing and supervising its public servants.¹⁰⁹

Another possible factor responsible for the decline in anti-corruption efforts during the reign of a government, especially in countries with an already high level of corruption, can be found in the strengthening of vested interests which benefit from corruption. These vested interests (e.g. powerful business leaders who profit from corrupt deals with the government) have usually built strong ties to the government over time and secretly try to sabotage any serious attempts at controlling corruption. As the political leadership is normally offered handsome rewards for taking part in this scheme, quite a few of them usually succumb to this temptation. As they now themselves profit from corruption and have dirtied their hands, they have little interest in changing the status quo and seriously fighting corruption. In case of a change in government, the vested interests suffer from a temporary loss of influence because they have to rebuild their ties

¹⁰⁸ Kenya's government under President Mwai Kibaki is often cited as an example of the declining political will of newly elected regimes in the fight against corruption. Cf. e.g. AfricaFocus Bulletin (2005) and *The Economist* (2007), pp. 43 ff.

¹⁰⁹ Di Tella / Schargrotsky (2002), pp. 119 f. and 125.

to the newly elected politicians. Often, the new government has even won the election by virtue of its anti-corruption agenda and because it promised a cleaner government than the incumbents. However, it is unlikely that the vested interests idly watch their corrupt income dry up. Instead, they probably try to ensure that sooner or later also parts of the new political elite will yield to the temptation of rent-seeking by letting them taste the forbidden – and lucrative – fruit of corruption. This in turn usually leads to a decline in serious anti-corruption efforts by the government.

The fierce resistance of high-level corrupt networks and vested interests against serious anti-corruption efforts is an example of a vicious circle generated by corruption. If large and influential corrupt networks have been allowed to develop, e.g. during periods of political and economic instability, they are difficult to break up again. Since corrupt deals are responsible for a large part of their income, they naturally try to protect themselves. Thus, corrupt networks can outlast changes in government, ‘infect’ newcomers by integrating them into their system of rent-seeking and undermine anti-corruption efforts from the top.

Political leaders play an immense part in shaping societal behaviour and public opinion. Already Machiavelli had observed that “what the prince does the many will also soon do – for in their eyes the prince is ever in view.”¹¹⁰ Therefore, corruption among leaders is very dangerous because of their influence on society, but also because they are usually the ones authorised to combat corruption. If leaders are corrupt, they may well condemn corruption verbally, but they are unlikely to take serious action against it. What is more, their corrupt behaviour or failure to condemn corruption can serve as a rationalisation for the dishonest conduct of subordinate officials. Werner refers to this as the “leader-follower spillover effect”.¹¹¹ Regard, for instance, the motto Joseph Stalin chose for the first Soviet Five Year Plan to motivate the workers: “Victors of production are not judged”. And Levi Eshkol, the former Prime Minister of Israel, replied with a

¹¹⁰ Machiavelli, quoted in Werner (1983), p. 149.

¹¹¹ Werner (1983), pp. 149 f.; Gordon (1996), pp. 53 ff.; In Uganda, the abused and poorly implemented Civil Service Car Purchase Scheme serves to illustrate the working of the leader-follower spillover effect: After top officials refused to pay their obligations, also junior officials felt justified in withholding their payments. Cf. *chapter IV.3.2* and Uganda Debt Network (2002), p. 32. For examples from other African countries, cf. e.g. Osoba (1996), pp. 371 ff.

quote from Deuteronomy 25:4 when questioned about the case of a corrupt official: “Thou shalt not muzzle the ox when he treadeth out the corn.”¹¹²

If corruption has finally become widespread enough, corrupt officials will no longer find any fault in their individual behaviour but try to legitimise it by laying the blame on the corrupt system that encloses them. Therefore, if the behaviour of leaders is allowed to deteriorate, it will result “in the administrative equivalent of a permeable membrane through which corruption is diffused in an osmotic manner.”¹¹³ This way, the vested interests among the political and business elite who profit from corruption will in time be complemented and reinforced by corrupt networks further down the hierarchy which also work to maintain the status quo.¹¹⁴

Compare all this to how Nduhukhire-Owa-Mataze characterises the predicament of Uganda, which is representative of the situation in many other high-corruption countries in Africa: “(...) it seems that these bad examples [of corruption] originate from the top of the state machinery, including a very corrupt judicial system. The led are shown the way and they simply follow the malpractice that are legitimised by the top leaderships. The more corruption spreads like bush-fires, the more it is used by corrupt elements to demonstrate the impossibility of an ethical and openly democratic and transparent system. In this way, corruption has become socially self-justifying, economically self-perpetuating and, in both cases, very destructive to the social, cultural and political forms of social organisation. Furthermore, it seems that as corruption creates its own mechanisms for self-reproduction, its most ardent opponents end up being rendered impotent.”¹¹⁵ With corrupt leaders in place, all attempts at reforms are doomed, because they are unlikely to implement anything more effective than show-pieces or witch-hunts in their pretended ‘fight’ against corruption.

Besides the leader-follower spillover effect, two further mechanisms contribute to vicious circles of corruption: the ‘dimensions of corruption spillover’ and the ‘institutional spillover’ effects. The first one of these has to do with the dangerousness

¹¹² Werner (1983), p. 150.

¹¹³ Werner (1983), p. 150; Osei-Hwedie (2000), p. 46; Alatas (1990).

¹¹⁴ Global Coalition for Africa (1997).

¹¹⁵ Nduhukhire-Owa-Mataze (1998), p. 8.

of different kinds of corruption – ‘white’, ‘gray’ and ‘black’. This classification is based on a ‘public opinion’ approach to corruption by Heidenheimer:¹¹⁶ Corruption is ‘black’ if it is perceived to be bad by the public *and* public officials, ‘white’ if the behaviour is accepted by both parties; ‘gray’ means there is a lack of accord. Werner argues that ‘white’ corruption is the most pernicious form because it is most susceptible to spillover effects. For instance, McGee and Anzelmi have pointed out the long-term dangers of at first seemingly harmless ‘friendships’ between police officers and businessmen in a US case study.¹¹⁷

As ‘white’ corruption often does not clearly violate the law, the public and public officials tend to regard it as not being ‘punishable’. Therefore, it can spread quickly – and once it is prevalent, it becomes even easier to condone and rationalise. Because little importance is attributed to ‘white’ corruption, it can perpetuate itself through ‘trivialisation’. All this makes it more difficult to restrain this behaviour, for why should something be curbed that is considered to be harmless? Even worse, the acceptance of ‘white’ corruption can supposedly lead to a gradual legitimisation of ‘darker’ shades of corruption – gray and black become ‘lighter’, so to speak. Thus, in the long term also more serious forms of corruption can become socially acceptable by this creeping decay of values.¹¹⁸

The other mechanism, institutional spillover, is concerned with how patterns of behaviour in different institutions can influence each other. It is based on the idea that “effective institutional corruption will reproduce itself”.¹¹⁹ If a company realises that its competitors constantly snatch away contracts on offer by bribing government officials, it will be seduced or even forced to emulate this strategy if it wants to stay in business. Moreover, this dissemination of corruption is welcomed and encouraged by bribe-taking government officials, who regard this development as a pleasant opportunity to widen their circle of bribe-givers. As Langseth and Stapenhurst remark: “Once a pattern of successful bribes is institutionalized, corrupt officials have an incentive to demand

¹¹⁶ Heidenheimer (1970), pp. 26 f.; Werner (1983), pp. 147 & 150; see also chapter II.

¹¹⁷ McGee / Anzelmi (1981), pp. 161 ff.

¹¹⁸ Werner (1983), p. 150; Global Coalition for Africa (1997).

¹¹⁹ Werner (1983), p. 150.

larger bribes, engendering a ‘culture’ of illegality (...).”¹²⁰ This way, corruption can progress beyond the realm of public procurement and infiltrate other parts of society like educational, religious and social welfare institutions and thereby threaten civic virtues such as honesty, integrity and commitment to the public good.¹²¹

The situation in Uganda as described by Nduhukhire-Owa-Mataze is reminiscent of these spillover effects: “In Uganda today, corruption seems to have become so established that it appears to those who are engaged in it, as natural. They have come to the point of perceiving corruption as the only way to conduct both public and private affairs. The cancer seems to have infiltrated even our young democratic institutions and practices. Popular management institutions, ranging from student councils and Local Councils, through the few remaining cooperatives, to parliamentary committees that are meant to act as the watch dogs on the executive, are slowly losing transparency and participatory character. The cancer of subverting social norms for the sake of self-aggrandizement today, penetrates most of these political organisations.”¹²²

Thus, the basic message of vicious circles of corruption and spillover effects is that individual corrupt acts can over time lead to an uncontrolled spread of corruption within an institution and also to other institutions or parts of society – if corruption is not restrained, it will grow. Note how Chazan et al. describe a scenario which is typical for many African countries: “Unrestrained corruption pervades the civil service, statutory boards and public corporations; *what began as occasional acts of public misconduct spread like a cancer*. The result is a pathological condition of ‘systemic corruption’ – an administration in which ‘wrong-doing has become the norm’, whereas the ‘notion of public responsibility has become the exception, not the rule.’ Corruption is then so regularized and institutionalized that organizational supports back wrong-doing and actually penalize those who live up to the old norms.”¹²³ If corruption is pervasive, it usually entails a partial breakdown of the rule of law, and often also a loss of state legitimacy. It gradually perverts the normal use of connections and reciprocity, with

¹²⁰ Langseth / Stapenhurst (1997b), p. 1.

¹²¹ Werner (1983), p. 150; Dobel (1978), p. 970; Kaufmann (1998), p. 67; Krueger (1993), pp. 351 ff.; Osei-Hwedie (2000), p. 43.

¹²² Nduhukhire-Owa-Mataze (1998), p. 8.

¹²³ Chazan et al. (1992), p. 180 (my emphasis); Global Coalition for Africa (1997).

people relying increasingly on favours and networks instead of formal political or social rules.¹²⁴ Weak institutions, patchy law enforcement and the widely perceived lack of legitimacy of the state put in train a vicious circle: These conditions facilitate corruption, which in turn further weakens institutions, undermines the state's legitimacy and thus engenders yet more corruption.¹²⁵

Once corruption has become institutionalised and 'a way of life', it is extremely hard to combat because it has become socially acceptable and many people profit from it. The society has, so to speak, reached a higher equilibrium state of corruption because the level has become 'sticky' downward due to its resistance to reform. The acknowledgement of this effect, which is called 'hysteresis',¹²⁶ offers a new perspective in the fight against corruption and helps to gain some understanding about how corruption is influenced by entrenched interests that profit from it and how it functions as a dynamic process that adapts to new circumstances and seeks new ways to express itself.

If corruption is endemic, countries may be in a 'corruption trap' where corruption feeds on itself to produce only more corruption.¹²⁷ There have been various attempts by mostly politically weak governments throughout developing countries to devise strategies against corruption. But besides poor implementation, especially the pressure exerted by influential groups and individuals who live from the perpetuation of corruption has contributed to undermining the success of many measures. The success of these strategies usually depends on the existence of law-abiding and honest institutions like the judiciary, the police or a free press. Unfortunately, these institutions are often either underdeveloped or themselves riddled with corruption.¹²⁸ Hence, the success of anti-corruption strategies is not only threatened by corrupt leaderships that

¹²⁴ Global Coalition for Africa (1997).

¹²⁵ Elliott (1998), p. 528.

¹²⁶ 'Hysteresis' is a property of systems that do not instantly follow the forces applied to them, but react slowly, or do not return completely to their original state: that is, systems whose states depend on their immediate history. To put it differently, it denotes the persistence of effects also after the termination of the original causes. It is used to describe phenomena where an equilibrium is dependent on the initial state and the path the system experiences towards this equilibrium. Cf. Buiter / Gersovitz (1983), p. 37.

¹²⁷ United Nations Development Programme (2004), p. 8 f.

¹²⁸ Mbaku (2000), p. 128.

block the creation of effective measures from the outset, but also if a new government ‘inherits’ a corrupt administration that is afraid of losing its means of income. This means that to have a chance of being successful, anti-corruption strategies have to take into account that institutions profiting from corruption have a momentum of their own and will not watch inactively how their sources of revenue are cut off. It would be naive to expect them to do so.¹²⁹

If an institution is pervaded by corruption, its internal practices are usually in conflict with the law or other external codes of ethics. These corrupt internal practices then further encourage wrong-doing and protect its perpetrators, while honest individuals and especially whistle-blowers are punished. Such a system then becomes fairly resistant to policy changes and tries to block reforms. As Werner sums up: “The organization, therefore, follows the path of least resistance, and will continue to do so until an insurmountable barrier or an unacceptable cost is placed in its path.”¹³⁰ To create these barriers and costs is an important aspect of every anti-corruption strategy. It should come as no surprise why so many institutional reforms fail to realise their objectives: While institutions can be re-organised pretty quickly, it is a formidable task to change institutional *behaviour*.¹³¹

As Werner rightly points out: “(...) when corruption of state and society reflects the privatization of morality and a loss of loyalty to communal institutions, reducing opportunities and incentives will not change the motive for corruption. It will instead force the corrupted person to adapt and to make his technique for bypassing administrative and legal barriers more sophisticated.”¹³² Therefore, legal measures and reforms will remain largely without effect unless they address the structural forces that generate corruption and unless their underlying norms are credible and accepted – at least in principle – by all affected parties. For instance, it seems outrageous to expect a civil servant who earns only a fraction of the minimum living wage with his regular

¹²⁹ Kahoza (1998), p. 88, Mbaku (2000), p. 126 and Szeftel (1998), p. 232 agree on this finding.

¹³⁰ Werner (1983), p. 151.

¹³¹ Langseth / Pezzullo (2000), chapter 7.

¹³² Werner (1983), p. 151.

salary to abstain from taking bribes and starve instead.¹³³ As long as these problems remain unresolved, corruption will seek new ways to survive.¹³⁴

The manifold changes introduced in many developing countries during the past decade, often at the recommendation of international donors like the World Bank, have also created new opportunities and incentives for corruption even as they removed old ones.¹³⁵ This is acknowledged by Riley: “(...) the diverse forms of corruption are dynamic and often intractable. As is well known, reform efforts may actually generate new forms of corruption.”¹³⁶ Also Warigi concedes this point: “Donors have largely shaped blueprints for privatisation and economic reform. But the trend of liberalisation that swept the region in the post-Cold War era, though designed to accelerate development and enhance governance, has presented its own opportunities for corruption.”¹³⁷

To break this cycle of self-perpetuating corruption, it is necessary to analyse the inner dynamics of corruption in a specific society – the motives, opportunities and resources of the corrupt – and to track how it adapts to economic and social changes.¹³⁸ To make matters even more complicated, not only the influence of societal changes on corruption has to be considered, but also the effect that entrenched corruption has on social and economic developments has to be taken into account. Corrupt officials not only *react* to new circumstances, they also have an interest in *actively shaping* these new conditions in the light of their desire to extract rents: “Corruption alters its character in response to changing socio-economic cultural and political factors. As these factors affect corruption, so does corruption affect them.”¹³⁹

¹³³ Werner (1983), p. 151; Szeftel (1998), p. 238.

¹³⁴ This is not only true for developing countries. Sue Hawley, for instance, argues that the anti-bribery legislation in the United States – despite severe penalties – mainly changed the *way* US companies bribe: by payments in kind instead of cash, by setting up branches in countries with less strict bribery laws, or by using middlemen to deliver bribes. Cf. Hawley (2000).

¹³⁵ Doig / Riley (1998), pp. 55 and 59.

¹³⁶ Riley (2000), p. 154.

¹³⁷ Warigi (2001), p. 68.

¹³⁸ Nduhukhire-Owa-Mataze (1998), p. 7.

¹³⁹ Simcha B. Werner, quoted in Doig / Riley (1998), p. 49.

If one considers these aspects of the dynamic and processual character of corruption in their entirety, it becomes clearer why it is hardly susceptible to quick and easy solutions. Legal reforms, anti-corruption agencies, administrative reforms or economic liberalisation can, if considered on their own, be at best a part of the solution to this problem. They may well reduce corruption to a more acceptable level, but they are nowhere near a permanent and complete answer to the problem of corruption. What is needed is a strategy that is tailored to the unique character of corruption in a country and that takes into account all actors and interests involved in the creation and perpetuation of corrupt acts – a formidable task, indeed.

3.2 Specific Problems of Fighting Corruption in African Countries

“Corruption in Africa has a diversity, vibrancy, and dynamism that can defeat even dedicated attempts at reform.”¹⁴⁰

The incidence of corruption in African countries ranges from rare (e.g. Botswana) to widespread (e.g. Ghana) to systemic (e.g. Nigeria), but the majority of states clearly fall in the ‘widespread to systemic’ category.¹⁴¹ Nearly as numerous as corruption scandals are the public announcements of actions intended to stem the seemingly endless flow of corrupt energy. These counter measures have included stricter anti-corruption laws, training judges, parliamentarians and journalists, strengthening civil society, civil service reform, improving budget and tender processes, the creation of anti-corruption commissions and even the occasional execution of offenders convicted of large-scale corruption by firing squad.¹⁴² However, most observers agree that, on the whole, these efforts have not been very effective.¹⁴³ Only few African countries can boast about a marked reduction in corruption levels. The majority continues to suffer from the same or even higher levels of corruption than a decade ago. What is it about African states that makes the control of corruption so difficult? The reasons that are commonly given to account for this peculiarity can be divided into economic, political and socio-cultural explanations.

¹⁴⁰ Riley (2000), pp. 147 f.

¹⁴¹ Hope / Chikulo (2000), p. 1.

¹⁴² Ayittey (2000), p. 108; Global Coalition for Africa (1997); Riley (2000), p. 154.

¹⁴³ Cf. e.g. *The Economist* (2006b).

Economic explanations: As for economic factors, the widespread poverty and low level of public sector wages in most African countries are often cited as major impediments in the fight against corruption. Poverty is believed to shorten people's time horizon and increase the appeal of short-term material inducements. Faced with bitter economic hardships often to the point of starvation, the deterring effect of laws is greatly diminished. It is understandable that people prefer the risk of being punished to the prospect of dying from hunger. These circumstances promote crime in general and the seeking of short-term gains from corruption and rent-seeking in particular. The bad economic situation prevalent in many countries has also contributed to the erosion of the salaries of public officials. It has been ascertained that in countries as diverse as Ethiopia, Kenya, Nigeria, Somalia, Sudan and Zambia, the real value of public service salaries decreased in the decade between 1975 and 1985, even after taking into account the effects of promotion.¹⁴⁴

Besides declining motivation and efficiency throughout the public service, this development has also led to a loss of civic virtue and encouraged or, in the case of extremely low-paid officials, virtually forced public servants to supplement their meagre income by engaging in corrupt acts.¹⁴⁵ This can be done by directly extorting bribes from their customers, or indirectly by devising more and more regulations that are so cumbersome that they encourage the offering of bribes to circumvent them. Especially laws affecting trade, customs and taxes as well as those regulating popular and profitable activities such as gambling, prostitution, and liquor are frequently misused for corrupt activities. For instance, the trade in formerly unregulated items is made dependent on a licence, which in practice can only be gained with a bribe. If bribes are an important source of income for public officials, they can even be inclined to deliberately slow down the proceedings in the hope to extract more 'speed money'. Thus, corruption can perpetuate itself by becoming the stimulus for inefficiency and excessive regulation. As corruption is believed to impair economic development, an increase in turn is likely to further worsen the economic decline of a country.¹⁴⁶ Hence,

¹⁴⁴ Anigboh (1985), p. 115; Hope (2000), p. 21.

¹⁴⁵ Hope (2000), p. 21; Robinson (1990); Lindauer (1994).

¹⁴⁶ Hope (2000), p. 21; Kaufmann (1998), p. 67; Anigboh (1985), p. 113; Huntington (1968b), p. 62; Tanzi (1998), p. 582; Krueger (1993), pp. 351 ff.; De Soto (1989); Mauro (1995).

many African countries may be caught in a vicious circle of stifling bureaucracy, poor economic development and corruption.

Political explanations: The expanding bureaucracy and greater role of government involvement in the economy in general is directly related to a political factor that hinders the fight against corruption: The neopatrimonial state. ‘Neopatrimonialism’ refers to a system in which powerful groups or individuals (called ‘patrons’), who want to increase their status and wealth, use state resources to secure the loyalty of followers (called ‘clients’) in the general population. The patron-client relationships can reach from very high up in state structures down to individuals in small villages. Neopatrimonialism usually implies an informal but sophisticated hierarchic network that penetrates and politicises the bureaucratic structure of the state. The principles of merit and free competition are undermined in that only those with good connections to the patrons have the real power. It is not uncommon for African governments to equate the state with their ruling parties, to monopolise natural resources and to infiltrate many facets of economic life in order to underpin their patron-client network. Due to these characteristics, neopatrimonialism can undermine the rule of law and official political institutions and lead to a large-scale loss of state resources through corrupt practices.¹⁴⁷ In many African states, citizens have become used to the pervasive neopatrimonial system – it has virtually become a way of life. The distinction between public and private interests is frequently disregarded, and officials simply appropriate state assets. In its worst incarnation, neopatrimonialism can result in kleptocratic or ‘vampire’ states such as Zaire under the rule of Mobutu Sese Seko.¹⁴⁸

A further political factor related to neopatrimonialism that impedes the fight against corruption is the general lack of due process and administrative predictability that is prevalent in many African nations. If the ruling regime abuses the state functions for its private gain, also the judiciary system is usually captured by these interests. Therefore, it is practically impossible to challenge the decisions of the government and its administration in court, no matter how corrupt or illegal they may be. As a result, rulers and public officials are hardly accountable for their actions because all nominal

¹⁴⁷ Hope (2000), pp. 18 and 20; Wikipedia (2007), “Neopatrimonialism”; U4 Anti-Corruption Resource Centre (2007); Hope / Chikulo (2000), p. 2; Dia (1996); Adediji (1991); Osei-Hwedie (2000), p. 47; Khan (2000), p. 23; Médard (1982), p. 185.

¹⁴⁸ Hope (2000), pp. 19 f.; Hope / Chikulo (2000), pp. 2 f.

countervailing forces to the regime are firmly under its control. To make matters worse, other safeguards like opposition parties, a free press or civil society organisations are usually emasculated as well due to the regime's stranglehold over power and resources.¹⁴⁹

A further political aspect that impedes the fight against corruption in Africa is that many states are in the process of transition from traditional societies with command economies and single party politics to modern market economies with political pluralism. In the old system, corrupt practices were facilitated by the extensive government involvement in the economy and lack of political competition. The new, more open system is widely believed to offer better opportunities for controlling corruption due to more checks and balances for governmental authority and greater popular participation in political decision-making. However, the unstable period of transition, when the old norms and methods of control have largely broken down while the new sets of rules are not yet institutionalised, frequently offers even more opportunities for rent-seeking and corruption than the old system. For instance, the divestiture of state assets in privatisation campaigns can, in the absence of accountable and transparent regulatory frameworks, be exploited by corrupt members of the elite or manipulated so that select groups benefit or have preferential access.¹⁵⁰

Socio-cultural explanations: The on-going modernisation of state and society is also at the root of a socio-cultural factor that exacerbates the control of corruption in African countries. In the course of transformation, modern, western-influenced standards of integrity like impartiality and commitment to the common good in public administration have been introduced in public institutions, but they frequently lack a foundation in culture and society. In most African traditional cultures, there was little distinction between public and private interests. If a society does not distinguish between a ruler as a private individual and his public role as a ruler, the concept of corruption or embezzlement of public money makes little sense in this context. If the new standards

¹⁴⁹ Hope (2000), pp. 19 and 21 f.; Sharma (2000a), p. 22; Adedeji (1995), pp. 93 ff.; Ayittey (2000), pp. 109 ff.

¹⁵⁰ Global Coalition for Africa (1997). Of course, in addition to an actual increase in corruption, the greater openness due to political liberalisation and press freedom also helps to bring to light corruption scandals that would perhaps have been kept under cover before.

condemn some traditional, long-standing practices as corrupt, they will be difficult to accept or enforce.¹⁵¹

Practices of gift-giving have a long tradition in most African societies. Gifts that would be presumed illegal or corrupt under Western norms may be considered simply a form of common politeness or a component of expected relational etiquette.¹⁵² In the course of modernisation, this custom has taken on new shapes: For instance, instead of the open handing over of a goat, gift giving is increasingly practiced by the furtive transfer of paper money. Thus, there is both continuity and change in the exercise of gift-giving traditions, and the cultural rootedness of this practice can make newer, more socially damaging forms of it appear less objectionable to the population.¹⁵³ However, there are also dissenting opinions on the connection between traditional gift-giving practices and corruption. According to this view, gift-giving in traditional societies was practised mainly to encourage a spirit of sharing and solidarity, and the modern manifestation of bribery is condemned as a perversion of this pristine practice.¹⁵⁴ But regardless of whether they are a continuation or perversion of traditions, widespread gift-giving practices certainly make the control of bribery more difficult compared to cultures in which gift-giving, especially to public officials, has always been frowned upon.

A further socio-cultural norm that impedes the fight against corruption, especially nepotism, is the traditional obligation to provide rewards and employment to one's family or relatives if one acquires a privileged position, e.g. as a public official. This so-called 'familialism' or 'tribalism' is an age-old custom. It is deeply rooted in the social fabric and remains a very influential force in day-to-day African life – as H.W. Werlin formulates it, "in Africa the practice of providing jobs for the members of one's own

¹⁵¹ Osei-Hwedie (2000), p. 44; Huntington (1968b); Huntington (1979); Anigboh (1985), pp. 113 f.; Dia (1996), p. 29; Huntington (1968a), pp. 254 ff.; Nye (1967), p. 423; Agbaje (1992), p. 47; Hillebrand (1994), pp. 57 ff. For a dissenting view on the supposed lack of a public-private distinction in many traditional societies, cf. e.g. Kurer (2005), pp. 227 ff. and Noonan (1984), pp. 13 f.

¹⁵² Salbu (1999), p. 234; Bardhan (1997), pp. 332 f.; Olivier de Sardan (1999), pp. 38 ff.

¹⁵³ Anigboh (1985), pp. 110 f.; Leys (1965), p. 225; Salbu (1999), pp. 232 ff.; Ekpo (1979); On the function of gifts in general, cf. Mauss (1967) and Egbue (2006), p. 86.

¹⁵⁴ Gbepwi (2001), pp. 641 f.; Mensah (1986), p. 52; Firsch (1995), p. 111; Osei-Hwedie (2000), p. 46; Wamalwa (1993), p. 44.

family is not only required but socially compulsory”.¹⁵⁵ Thus, job appointments, promotions or the award of government contracts are often decided on the basis of personal relations. Traditionally, there has been no clear distinction between an official’s obligation to the state and his obligation to his family or tribe. It is only possible to scale back these practices, which would count as ‘nepotism’ from a Western point of view, if such a distinction becomes accepted by the dominant groups within a society.¹⁵⁶ This situation is in marked contrast especially to northern European countries, which can generally be found at the top positions in corruption rankings. Studies have shown that most of these countries have a strong tradition of keeping economic relations impersonal so that decisions are not skewed by private considerations.¹⁵⁷

Compared to Western countries, African citizens’ identification and relationship with the state and its institutions are generally considered to be much weaker than their identification and relationship with their family or ethnic group: “To prefer the state to the kin is to go against the deepest values of the culture.”¹⁵⁸ This attitude is believed to partly originate from the time of colonial rule that most African nations experienced. At that time, the state and its organs were chiefly identified with unloved alien rule, and its citizens were unlikely to have many scruples in trying to plunder it when they were in a position to do so, e.g. as public officials. After colonial rule, different tribes and nationalities were often subsumed into a single nation. In a large number of such fractionalised nations, this has also led to a strong factionalism in politics. This shows in the ongoing practice amongst politicians of narrowly advancing the political and economic interests of their own ethnic group instead of focusing on the broader public interest.¹⁵⁹ Such a situation is widely believed to lead to a higher tolerance for corruption among citizens, especially if it is believed to benefit their respective ethnic

¹⁵⁵ Werlin (1972), p. 247; Anigboh (1985), pp. 110 f.; Sharma (2000a), p. 22; Gbefwi (2001), pp. 641 ff.; Olivier de Sardan (1999), p. 40.

¹⁵⁶ Anigboh (1985), pp. 113 f.; Huntington (1968b); Hope (2000), pp. 22 f.; Prah (1993), pp. 49 ff.; Osei-Hwedie (2000), p. 44. For an introduction to African kinship norms, cf. Siegel (1996), pp. 221 ff.

¹⁵⁷ Reddy (1993); Tanzi (2000).

¹⁵⁸ Médard (1986), p. 116.

¹⁵⁹ Osei-Hwedie (2000), p. 46; Elliott (1998), p. 527; Leys (1965), pp. 215 ff. and 224; Gbefwi (2001), pp. 642 f.; Hope (2000), pp. 22 f.; Agbaje (1992), p. 49.

group. Indeed, studies have shown that bigger societal divisions along ethnic and linguistic lines are correlated with higher levels of corruption.¹⁶⁰

¹⁶⁰ For empirical studies on the connection between fractionalisation and corruption, cf. Mauro (1995) and Shleifer / Vishny (1993).

IV. COMPARATIVE ANALYSIS OF ANTI-CORRUPTION STRATEGIES IN UGANDA AND BOTSWANA

1. Historical Background and Determining Factors of Corruption

1.1 Country Profiles



Uganda



Botswana



Maps and flags of Uganda and Botswana. Source: Central Intelligence Agency (2007).

The Republic of *Uganda* is situated north-west of Lake Victoria in eastern Africa. It takes its name from the Buganda kingdom, which encompasses a portion of the south of the country including the capital Kampala. The nation borders Kenya to the east, Sudan to the north, the Democratic Republic of Congo to the west and Tanzania and Rwanda to the south. Most of the country is on a plateau over 1,000 metres above sea level. The south is covered by thick forests, while the north is mainly savannah with some semi-desert areas. The total area of the country is about 236,000 square kilometres, of which 82% is land, and it is inhabited by more than 30 million people. English is the official language, but other languages like Swahili, Ganda, Luganda or Ateso are also widely spoken. Uganda is an ethnically diverse country, with the main ethnic groups being the Baganda (17%), Banyakole (9.5%), Basoga (8%), Bakiga (7%) and Iteso (6%). As for the major religions, about 84% are Christians and 12% Muslims, while most of the remainder follow traditional religious beliefs.¹⁶¹

Uganda's capital is Kampala, a cosmopolitan city of more than 1.2 million inhabitants. All the same, the vast majority of the population – about 90% – live in rural areas. Farming is the major occupation, with 82% of the workforce involved in agriculture. Crop growing includes millet, maize, bananas, and, especially for export, coffee, tea, cotton and flowers. The major industries are sugar, brewing, tobacco, cotton textiles and cement, although these only employ 5% of the workforce. The remaining 13% are employed in services. In 2006, Uganda exported goods and services – mostly coffee, tea, fish and cotton – to the value of US\$ 962 million. Its main exports-partners are Belgium, Netherlands, France and Germany. Its imports were much higher (US\$ 1.95 billion) and consisted mainly of capital equipment, vehicles and petroleum, with Kenya, the United Arab Emirates and South Africa being the major trading partners. The disproportionately high imports have led to balance of payment imbalances and an increase in the debt burden.¹⁶²

Despite these problems, Uganda enjoyed a strong annual economic growth rate of 13% between 1990 and 1998, and the inflation rate fell from 200% to 7% in the same period. In the following years, inflation fell further and GDP growth stabilised around 5%.¹⁶³

¹⁶¹ Central Intelligence Agency (2007).

¹⁶² Central Intelligence Agency (2007).

¹⁶³ Central Intelligence Agency (2007); Index Mundi (2007).

By most measures, Uganda is still a very poor country. In the United Nations Development Programme's *Human Development Index 2006*, it ranks at position 145 of 177 countries, with an annual GDP per capita of US\$ 1478 (valued at purchasing power parity), 35% of the population living below the poverty line and a current life expectancy at birth of 48 years. The adult literacy rate is estimated to be about 67%.¹⁶⁴

In 1894, Uganda became a British protectorate, but it regained its independence in 1962 and became a member of the Commonwealth. Today, Uganda is a republic with a presidential system of government and an elected parliament. The unicameral parliament, referred to as "National Assembly", has 303 members and is elected for five years. President Yoweri Museveni, who has been in office since 1986, is head of state and head of government. As head of government, he heads the cabinet and is assisted by the Vice President (Gilbert Bukenya) and the Prime Minister (Apolo Nsibambi). The composition of government is largely representative of the ethnic and social diversity of the country. The President is elected by popular vote for a five-year term. Parliament abolished a constitutional limit on presidential terms in 2005 and thus allowed Museveni to seek a third term. In the last election on 23 February 2006, Museveni beat his main contender Kizza Besigye with 59.3 to 37.4% of the vote. International election observers stated that the conduct of the poll was an improvement on the 2001 vote, but critics accused the government of harassing the opposition in the run-up. This reportedly took the form of disturbing the opposition campaign, arresting activists and bringing criminal allegations against Besigye that his supporters claim are politically motivated.¹⁶⁵ In the current "Afrobarometer" survey, just 67% of the respondents in Uganda rated their latest national election as completely free and fair or found only minor problems.¹⁶⁶

Until 2005, Uganda considered itself to be a 'no-party' democracy with no formal political parties besides the National Resistance Movement (NRM), which gained power in 1986. The NRM did not regard itself as a party but rather as a movement that

¹⁶⁴ United Nations Development Programme (2006); Central Intelligence Agency (2007).

¹⁶⁵ Kisubi (1999), pp. 346 ff.; Central Intelligence Agency (2007); Commonwealth Local Government Forum (2007b); BBC (2007b); Wikipedia (2007), "Uganda"; Hassan (2003a), p. 10; *The Economist* (2006c).

¹⁶⁶ Afrobarometer (2005b), p. 20. Afrobarometer is an independent research project that conducts nationally representative public attitude surveys to measure the social, political and economic atmosphere in Africa.

claimed the loyalty of all citizens. Political representation was only allowed to take place within the movement system, which meant that in elections every Ugandan could be elected based on individual merit and not on party membership. The one-party concept was based on the assumption that the low degree of economic and social development in Africa would inevitably lead to the degeneration of parties into religious, ethnic or regional factions. To avoid this, the NRM tried to utilise the institutions of parliamentary democracy without allowing opposing parties. Therefore, members of the main ethnic and religious groups were included in government under the principle of national unity. The continuation of the movement system was first put to a referendum in 2000 and gained the support of 90% of the electorate.¹⁶⁷ However, a new constitutional referendum finally cancelled the nineteen-year ban on multi-party politics in July 2005. The result was endorsed by President Museveni, who maintained that the country's factional rifts had largely been healed and thus allowed the re-introduction of multi-party democracy.¹⁶⁸

Formerly the British Protectorate known as Bechuanaland, the Republic of *Botswana* is a land-locked country in southern Africa dominated in geographical terms by the Kalahari Desert, which covers 84% of the country. It takes its name from the country's major ethnic group, called the 'Tswana'. In the north-west, the Okavango River flows in from the highlands of Angola and forms the largest inland delta system in the world. Botswana is bordered by Zambia and Zimbabwe to the northeast, Namibia to the north and west, and South Africa to the south and southeast. The area of Botswana is approximately 600,000 square kilometres and is about the size of France. 80% of the total population of 1.8 million live in the eastern part of the country, where also its three largest urban centres are situated. English is the official language, but most 'Batswana', as the country's citizens are called, prefer to speak indigenous languages like Setswana or Kalanga. Botswana is less ethnically diverse than Uganda, with the two most important groups being the Tswana (or Setswana) (79%) and Kalanga (11%). The

¹⁶⁷ Flanary / Watt (1999), p. 517; Kisubi (1999), pp. 346 ff.; Central Intelligence Agency (2007); Commonwealth Local Government Forum (2007b).

¹⁶⁸ BBC (2007b); Wikipedia (2007), "Uganda".

majority of the population is Christian (79%), while most of the rest follow indigenous religious beliefs like the 'Badimo' tradition.¹⁶⁹

Botswana's capital Gaborone is situated in the south-eastern corner of the country and is one of Africa's fastest-growing cities, with an estimated population of 208,000. The economy is dominated by diamond mining, which currently accounts for more than one third of GDP and 70-80% of export earnings. Tourism, financial services, subsistence farming and cattle raising are other key sectors. In 2006, Botswana exported goods and services to the value of 4.8 billion, with the European Union and South Africa being the most important trading partners. The imports amounted to 3 billion and consisted mainly of food, machinery, electrical goods and transport equipment.¹⁷⁰

At the time of independence in 1966, Botswana had practically no infrastructure and 87% of the population were dependent on subsistence farming in a semi-arid country prone to long spells of drought. The estimated per capita GDP was less than US\$ 100. Since then, Botswana has maintained one of the world's highest economic growth rates, with an average annual GDP growth of about 9% and moderate inflation rates. The government wisely utilised the country's natural riches, and its widely lauded sound management and fiscal policy have fuelled an impressive economic development, which has led to the nation's transformation from one of the poorest countries in the world at the time of independence to a middle-income country with a per capita GDP of US\$ 11,400 (valued at purchasing power parity) in 2006. In the United Nations Development Programme's *Human Development Index 2006*, it ranks at position 131 of 177 countries, with 30% of the population living below the official poverty line, a current life expectancy at birth of 50 years and an adult literacy rate of 81%. Botswana faces big problems due to its high prevalence of HIV/AIDS. With one in three adults carrying the virus, infection rates are the second highest in the world and threaten Botswana's impressive social and economic gains.¹⁷¹

In 1885, Botswana became a British protectorate, but it regained its independence on September 30, 1966 shortly after the first democratic elections. Seretse Khama, a leader

¹⁶⁹ Central Intelligence Agency (2007).

¹⁷⁰ Central Intelligence Agency (2007); Wikipedia (2007), "Botswana".

¹⁷¹ Central Intelligence Agency (2007); Wikipedia (2007), "Botswana"; Good (1994), pp. 499 f.; Ayeni (2000), pp. 25 f.; Merafhe (2003).

in the independence movement, was elected as the first president, re-elected twice, and died in office in 1980. Botswana is Africa's longest continuous multi-party democracy and has a presidential system of government. Its bicameral parliament consists of the National Assembly (63 seats), whose members are directly elected by popular vote for five-year terms, and the House of Chiefs, an advisory body composed of traditional leaders that is consulted on matters of concern to their tribes. The President (currently Festus Mogae) is both the head of state and head of government and is indirectly elected for a five-year term: following the elections, the presidential candidate of the party with the majority of elected members assumes office. Each of the elections since independence in September 1966 has generally been regarded as freely and fairly contested and has been held on schedule. In the current "Afrobarometer" survey, 84% of the respondents in Botswana rated their latest national election as completely free and fair or found only minor problems.¹⁷² The country's small white minority and other minorities can participate freely in the political process. There are two main rival parties (Botswana Democratic Party (BDP) and Botswana National Front (BNF)) and a number of smaller parties. However, Botswana is also a dominant-party state in that the BDP has never lost power since independence.¹⁷³

1.2 History of Corruption

The aim of this chapter is to outline the history of corruption in Uganda and Botswana. Crucial stages in their development as well as similarities and important differences in their history that have influenced the state of corruption shall be analysed in order to gain a better understanding of the problems and demands that each country faces in its present fight against corruption.

In *Uganda*, corruption is not a recent phenomenon. In the country's pre-colonial societies, tribal 'chiefs' could deprive their subjects of their property and often allowed their decisions to be influenced by bribes.¹⁷⁴

¹⁷² Afrobarometer (2005a), p. 23.

¹⁷³ Central Intelligence Agency (2007); Wikipedia (2007), "Botswana"; Commonwealth Local Government Forum (2007a).

¹⁷⁴ Tumwesigye (1998b), p. 12.

During the colonial period, indigenous people were hardly involved in any acts of public sector corruption, because all important decisions were made by colonial officials. These controlled their subordinates with immoderate use of force to enforce a strict code of conduct and to punish corrupt officials. Since there were no genuinely representative institutions, notions of public control, accountability or criticism of public officials were virtually unknown.¹⁷⁵

At the time of independence in 1962, Uganda showed a strong economic performance with an annual growth in real GDP of 6%. Legislative and parliamentary institutions and electoral procedures were established and supported by a free press and an efficient civil service. However, instead of making the state truly more responsive to the people, the basic situation of the colonial state was continued, and already in 1967 the regime ruled without holding elections. Thus, the country failed to make the transition to a truly democratic system.¹⁷⁶ Presumably one reason for this decline was that Uganda had no model of a government based on the principles of accountability and transparency upon which to create a genuinely democratic state: Naturally, the British colonial administration was not accountable to the Ugandan people, and neither was it a model of transparency. Another reason was the political and ethnic fractionalisation of the country and the conflicts resulting from this situation. The Prime Minister was not accepted by a large part of the population, and the new elite that emerged after independence exploited its monopoly powers to extract rents. All this resulted in declining economic activity and service provision and an increase in non-productive expenditures, e.g. for the military.¹⁷⁷

Under President Apollo Milton Obote, who took power in 1966, Uganda suffered from a deterioration of the rule of law and a strong increase in corruption. State-directed economic activities expanded and led to a rise in the number of parastatals and state-owned cooperatives. These cooperatives – e.g. in agricultural marketing and electricity supply – were subsidised by the state and their managers appointed by the government. State agencies and parastatals had ample opportunities of extracting rents because they

¹⁷⁵ Tumwesigye (1998b), p. 12; Tumwesigye (1998), p. 75.

¹⁷⁶ Flanary / Watt (1999), p. 516; Tumwesigye (1998), p. 75; Coolidge / Rose-Ackermann (1997), p. 40.

¹⁷⁷ Langseth / Stapenhurst (1997b), pp. 7 f.; Coolidge / Rose-Ackermann (1997), p. 40.

were in direct control of import and export licenses, producer prices and access to foreign currency. Any institutions that existed to control corrupt behaviour were rendered powerless when President Obote revoked the constitution with the help of the army soon after taking power. The public outcry about rampant corruption led to the enactment of the Prevention of Corruption Act in 1970, but this was not enough to stop the further deterioration of integrity and accountability.¹⁷⁸

The unstable political environment finally led to a military coup in 1971 that brought General Idi Amin to power. He did not succeed in creating a broad political base and therefore had to rely on force to rule. The National Assembly was dissolved and most civil rights and political activities suspended. Mechanisms of political and financial accountability deteriorated as well as the rule of law. Amin's regime was thoroughly kleptocratic and devoted its primary efforts to looting the resources of the state to benefit a tiny political elite. According to Brett, "government thereafter became little more than a system of organized crime".¹⁷⁹ This also led to the expulsion of Ugandan Asians in 1972 and the distribution of their property to Amin's cronies. Formal rules and procedures were scrapped in favour of informal ones and a 'culture of survival' emerged.¹⁸⁰

In this situation, corruption became central to many activities and began to be regarded as a perfectly rational and admissible behaviour. Civil servants started to demand fees for services that should have been performed for free. Increasingly, these fees and commissions were regarded as entitlements. This deeply rooted view of corruption as a matter of course is a problem that contemporary attempts at fighting corruption are still having great difficulties to overcome.

One of the reasons for the increase in administrative corruption may be found in the erosion of public sector salaries due to a soaring rate of inflation. This led to a loss of morale and forced civil servants to devote a growing proportion of their time to other money-earning activities and to extract what gains they could from the power their

¹⁷⁸ Langseth / Stapenhurst (1997b), p. 8; Tumwesigye (1998b), p. 12.

¹⁷⁹ Brett (1993), p. 10.

¹⁸⁰ Flanary / Watt (1999), p. 516; Langseth / Stapenhurst (1997b), p. 8.

public positions gave them. The civil service became increasingly bloated and inefficient, and the provision of public services deteriorated rapidly.

Corruption pervaded large parts of society: public officials awarded contracts to their own businesses, kickbacks of 10-15% became common on contracts with foreign companies, government spending was guided by rent-seeking instead of economic efficiency, the judicial system suffered from a decline in ethical standards and fell into disrepute, and a parallel economy (*magendo*) emerged to circumvent official boards and price controls. By the time of the overthrow of Amin's regime in 1979, the economy had shrunk by 20%.¹⁸¹

The time after Amin was again characterised by political instability. This led to the succession of three governments in one year, chiefly by political manipulation or military force. Public life was dominated by great uncertainty, opportunism, a loss of commitment to the common good and growing ethnic and regional tensions. Corruption reached new heights in these circumstances and added up to outright plunder. This was aggravated by quickly changing allegiances in public policy that led to the redistribution of civil service posts after each regime change. The ensuing insecurity of office fuelled the desire of public officials to extract rents as long as they still had their posts. Since any interaction with the state was expensive and dangerous, the black economy designed to circumvent the state continued to grow.¹⁸²

All this ended in a five-year civil war marked by economic chaos and uncontrolled corruption in which the National Resistance Army (NRA)¹⁸³ under Yoweri Museveni tried to gain control of the state. It finally succeeded in 1986 and was faced with a difficult situation: "Corruption had been elevated to the level of an ideology, the culture of success in politics, in religion, in business, and public administration. (...) Honesty and integrity had become a 'vice' to be scoffed at; dishonesty and cunning were

¹⁸¹ Flanary / Watt (1999), pp. 516 f.; Langseth / Stapenhurst (1997b), pp. 8 f.

¹⁸² Ouma (1991), pp. 473 f.; Coolidge / Rose-Ackermann (1997), p. 41.

¹⁸³ The terms National Resistance Army (NRA) and National Resistance Council (NRC) refer to different arms of the National Resistance Movement (NRM), with the NRA being the military and the NRC being the parliamentary division. Cf. Flanary / Watt (1999), p. 535.

‘virtues’ to be cultivated and emulated. (...) Corruption had become systematic, it was recognised as a way of life, and a respectable one at that.”¹⁸⁴

Soon after coming to power, the NRM emphasised that it regarded the fight against corruption as one of its main challenges. It was included as Point No. 7 in its *Ten Point Programme* of 1986 in which the NRM declared its main aims: “Africa, being a continent that is never in shortage of problems, has also the problem of corruption, particularly bribery and misuse of office to serve personal interests. Corruption is indeed a problem that ranks with the problems of structural distortions that we have been talking about.”¹⁸⁵

As a negative legacy, the NRM inherited a weakened economy and a thoroughly corrupt, underpaid and overstaffed civil service. For about a generation, corruption had practically been a survival strategy for civil servants due to the erosion or irregularity of salary payments. The country had been trapped in a vicious circle of rent-seeking, underdevelopment, political instability and violence. Between 1970 and 1986, most institutions of accountability had been destroyed: The Auditor General and the Public Accounts Committee virtually ceased to exist, and newspapers were banned except one which was government-owned. In addition, society was still fractured and factionalised after years of political instability and civil war. Therefore, the task was not only to strengthen the economy and restore the values of integrity and honesty among civil servants and politicians, but also to establish a broad-based support for the government across the country.¹⁸⁶

The NRM soon started to implement its reform programme by reviving dormant institutions like the Auditor General and the Public Accounts Committee, creating new anti-corruption agencies and embarking on comprehensive reforms like decentralisation and privatisation. In 1992, Uganda also turned to international donors to request help for its programme of civil service reform.¹⁸⁷ How the NRM’s reform measures and newly

¹⁸⁴ Tumwesigye (1998), p. 76.

¹⁸⁵ NRM *Ten Point Programme*, quoted in Tumwesigye (1998), p. 76.

¹⁸⁶ Flanary / Watt (1999), p. 521; Tumwesigye (1998a), p. 8; Coolidge / Rose-Ackerman (2000), p. 79; Directorate for Ethics and Integrity (2000), p. 3.

¹⁸⁷ Tumwesigye (1998a), p. 8.

created institutions have affected the prevalence of corruption in Uganda will be analysed in *chapters IV.2 and IV.3*.

At the time of independence in 1966, *Botswana* faced a situation similar to most other African countries, including Uganda: It emerged from a period of colonialism in a relatively poor state of development and had to establish almost completely new governance structures. The structures and procedures for elections, political parties and civil society organisations had to be built from scratch.¹⁸⁸

Political leaders in Botswana wisely used this opportunity to adopt a system of multiparty democracy and introduced various control measures against corruption. These included a separation of powers, press freedom, transparent procurement procedures and institutions to safeguard accountability like an Auditor General and a Public Accounts Committee. The country has never experienced military rule and there have been five-yearly multiparty elections since independence in 1966.¹⁸⁹

Botswana has been widely praised for successfully establishing democratic traditions after independence. This achievement has been ascribed to a large extent to the careful blending of traditional and modern institutions in the young state. Thus, traditional forms of governance have been adapted to modern statehood, and with these traditions also wider concepts of democracy and good governance have been taken on board.¹⁹⁰ The principles of participatory democracy had not been imposed from outside, but had always been part of Botswana's culture. In the traditional *Kgotla*¹⁹¹ system of democracy, all stakeholders of a community sat together to discuss openly about all matters relating to the development of their village or district. Furthermore, Botswana's traditional culture has always valued peace and tolerance very highly. This has probably

¹⁸⁸ Holm (2000), p. 288.

¹⁸⁹ Katlholo (2000), p. 76; Olowu (1999)

¹⁹⁰ Molomo (1998), p. 199.

¹⁹¹ The term is a loan word in Botswana English from the Setswana language, where it means 'court'. A *kgotla* is a public meeting, traditional law court or community council of a Botswana village. It is usually headed by the village chief or headman, and community decisions are always arrived at by consensus. Anyone is allowed to speak, and no one may interrupt while someone is 'having their say'. Because of this tradition, Botswana claims to be one of the world's oldest democracies. Cf. Wikipedia (2007), "Kgotla".

been an important factor in fostering the climate of stability and social harmony the country has enjoyed since independence.¹⁹²

In contrast to Uganda's vicious cycle of instability, underdevelopment and corruption, Botswana's stability and economic success have encouraged a long-run perspective among politicians and civil servants and thus generated a virtuous cycle of stability, development and good governance.¹⁹³

For instance, Botswana has made good use of its rich mineral resources of diamonds, copper and nickel and wisely invested the earnings in infrastructure, schools and the health care system. This is in stark contrast to countries like Nigeria or the former Zaire, for whom the abundance of resources has rather been a curse than a blessing and has benefited only a few while leading to deprivations and even civil war for the population as a whole.¹⁹⁴

According to Mompoti Merafhe, Botswana's Minister of Foreign Affairs, the country's successful development can be explained by its sound economic policies, promotion of the principle of social justice and the strict adherence to the ideals of democracy, respect for human rights and the rule of law.¹⁹⁵ Other explanations for Botswana's exceptional status among African countries that are frequently given include its ethnical homogeneity and its relatively small population of only 1.8 million. Both factors are believed to make Botswana easier to govern well than a large country with a fractionalised society.¹⁹⁶

Political leadership in Botswana is widely considered to be of "unusually high quality",¹⁹⁷ and all the Presidents the country has had since independence – starting with

¹⁹² Merafhe (2003).

¹⁹³ Coolidge / Rose-Ackerman (2000), p. 77. A 'virtuous cycle' is commonly defined as "a condition in which a favourable circumstance or result gives rise to another that subsequently supports the first". Cf. *American Heritage Dictionary of the English Language* (2000).

¹⁹⁴ Coolidge / Rose-Ackerman (2000), p. 77; Charlton (1990), p. 4 f.

¹⁹⁵ Merafhe (2003). Cf. also Riley (2000), pp. 152 f.; Colclough / McCarthy (1980); Harwey / Lewis (1990); Good (1994), p. 500.

¹⁹⁶ Holm (2000), p. 288; Charlton (1990), pp. 4 ff.; Picard (1985), p. 205; Molutsi / Holm (1990), p. 324. However, some authors doubt that population size is an important factor and point out that there are many other African countries with the same or slightly larger population size that are clearly less well governed than Botswana. Cf. Holm (2000), p. 289.

¹⁹⁷ Harwey / Lewis (1990).

its first President Seretse Khama, his successor Ketumile Masire, to the current President Festus Mogae – are generally admired in the population for their integrity and commitment to the national value system.¹⁹⁸

For many decades, Botswana had been celebrated as a salient example of a country with high standards of public integrity in a continent plagued with generally very high levels of corruption: “Botswana is popularly seen as a country that is corruption-free, where public officials display exceptional sense of responsibility, human rights are never infringed upon, and economic performance and labour productivity are phenomenal (...) – an oasis in the midst of a desert.”¹⁹⁹ Furthermore, “the senior civil servants’ scrupulous integrity (...) commonly came as a surprise to those businessmen used to the way of Zambia, Zaire, or Nigeria.”²⁰⁰

However, Botswana’s good reputation was somewhat tarnished by the emergence of a series of corruption scandals in the early 1990s. The three Presidential Commissions of Inquiry set up to investigate the cases concluded that also high-level politicians and civil servants had been involved in them.²⁰¹

The government subsequently investigated possible mechanisms for ensuring that these corruption scandals would not be repeated. It was impressed by the three-pronged strategy (investigation, prevention, public education) and success of Hong Kong’s Independent Commission Against Corruption and resolved to establish a similar agency, the Directorate on Corruption and Economic Crime (DCEC), with the Corruption and Economic Crime Act of 1994.²⁰²

The corruption scandals attracted lots of public attention – for months, the main news in the media was about corruption – and led to speculation whether they were single cases

¹⁹⁸ Merafhe (2003); Coolidge / Rose-Ackerman (2000), p. 77.

¹⁹⁹ Ayeni (2000), p. 28; Cf. also Stedman (1993), p. 1; Charlton (1990), pp. 6 f.

²⁰⁰ Gann / Duignan (1986), p. 367.

²⁰¹ The corruption scandal was triggered by the following three cases: 1) A violation of tender and financial regulations in the purchase of primary school textbooks in 1990 that led to a loss of state funds of US\$ 15 million; 2) Abuses in the distribution of land in Mogoditshane, a suburb of Gaborone; 3) Corruption in the Botswana Housing Corporation (BHC), a parastatal set up to provide housing for public sector employees. Cf. Doig / Riley (1998), pp. 50 f.; Frimpong (1997); United Nations Development Programme (2005), p. 35; Frimpong (2001a), pp. 14 f.; Good (1994).

or just the tip of the iceberg of large-scale corruption that had been hidden from public view until then.²⁰³ Kenneth Koma, founder member and former leader of the opposition Botswana National Front (BNF) party, alleged that corruption was not new to Botswana, with some cases dating back to the 1960s and 70s. This reputedly also involved Ministers and other leaders who abused subsidy schemes or communal land rights to enrich themselves and their friends.²⁰⁴

The government was also widely criticised for its handling of the 1990s corruption scandals and the reports of the commissions set up to investigate them. Good and Mahlanza detected an attitude of cover-up or complacency on the part of the government for challenging the credibility of the reports and refusing to take serious action against the senior personnel involved.²⁰⁵

Although the corruption scandals have somewhat shattered the myth of a practically corruption-free Botswana, they have also heightened public awareness about the problem and led to long-overdue institutional reforms to safeguard the accountability and integrity of politicians and civil servants.²⁰⁶

1.3 Current State of Corruption

This chapter is intended to give an overview of the current state of corruption in Uganda and Botswana by drawing on various corruption rankings, public surveys and other evidence. This is done to identify the areas most affected by corruption and the most pressing demands that each country faces in its fight against corruption. The findings of this analysis will then serve as a starting point for evaluating the adequacy of anti-corruption measures that have been taken in both countries (cf. *chapters IV.2 and IV.3*).

²⁰² Batty (2002), p. 45; Frimpong (2001a), p. 21.

²⁰³ Some examples of newspaper story titles during this time include: “Government Corrupt, Ruthless, Irresponsible” (*The Midweek Sun*, 2 December 1992), “Keep the Lid on Corruption Probe?” (*Botswana Gazette*, 9 December 1992), “BHC Bribe – Tshipinare Jailed 1 Year” (*Botswana Gazette*, 4 August 1993), “Customs Men Jailed for Corruption” (*Botswana Gazette*, 8 April 1992), “Nepotism out” (*Mmegi*, 8-16 May 1992). Cf. also Ayeni (2000), p. 28.

²⁰⁴ Sharma (2000a), p. 21; Koma (1993).

²⁰⁵ Frimpong (2001a), p. 15; Good (1994); Mahlanza (1999).

²⁰⁶ Ayeni (2000), p. 28.

Uganda had to endure many years of military regimes with greedy rulers who looted the state through political corruption and weakened the professional civil service, thereby encouraging administrative corruption.²⁰⁷ In what shape has this left Uganda's political and administrative institutions considering its history and the various reform programmes that have been initiated during the relatively stable rule of the NRM since 1986?

Year	Uganda		Botswana	
	CPI Rank	CPI Score	CPI Rank	CPI Score
1998	73 (of 85)	2.6	23 (of 85)	6.1
1999	87 (of 99)	2.2	24 (of 99)	6.1
2000	80 (of 90)	2.3	26 (of 90)	6.0
2001	88 (of 91)	1.9	26 (of 91)	6.0
2002	93 (of 102)	2.1	24 (of 102)	6.4
2003	113 (of 133)	2.2	30 (of 133)	5.7
2004	102 (of 145)	2.6	31 (of 145)	6.0
2005	117 (of 158)	2.5	32 (of 158)	5.9
2006	105 (of 163)	2.7	37 (of 163)	5.6
2007	111 (of 179)	2.8	38 (of 179)	5.4

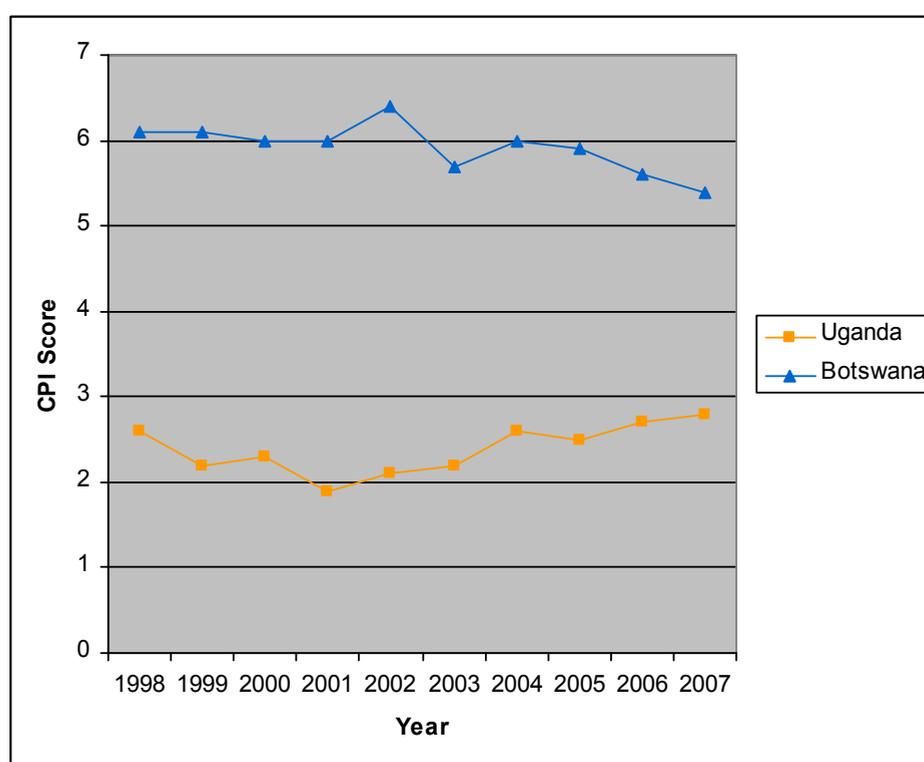


Chart 1: CPI rankings of Uganda and Botswana. The CPI score indicates how the survey participants (mostly business people and country analysts) perceive the degree of corruption in a country. It ranges from 0 (highly corrupt) to 10 (highly clean). Source: Transparency International (2007).

²⁰⁷ Langseth / Pezzullo (2000), chapter 1.

In Transparency International’s “Corruption Perceptions Index” (CPI), a widely quoted “survey of surveys” that attempts to measure the prevalence of corruption in a country, Uganda seems to have a reservation for the lowest ranks.²⁰⁸ In almost all years since the index was first published, it has been found among the bottom tercile of countries that are considered the world’s most corrupt (see chart 1).

This trend indicates that the perceived level of corruption has hardly, if at all, improved during the last decade despite numerous and highly publicised attempts at reform. In its low CPI ranks and scores over the years, Uganda has been in the company of other countries well-known for their high levels of corruption such as Kenya, Indonesia or Cameroon.

Botswana, by contrast, is in an entirely different league as regards its CPI scores: It is rated noticeably better than some European Union member countries (e.g. Greece or Italy) and can be found in the proximity of fast-growing and successful countries like the ‘Asian Tigers’ Taiwan or South Korea.

In addition to Transparency International’s worldwide CPI, “Afrobarometer” provides a specifically African survey that tries to gauge the public’s attitude towards corruption and a wide range of other social, political and economic aspects. Chart 2 gives an overview of the public’s perception of corruption among various categories of politicians and officials.

Category of politicians or public officials	“How many of the following people do you think are involved in corruption?” Percentage of people in the survey who chose the answers “most of them” or “all of them”	
	Uganda	Botswana
The President and officials in his office	26	15
Members of Parliament	26	20
Elected local government councillors	35	17
Central government officials	36	29
Local government officials	38	27
Police	67	29
Tax officials	60	20
Judges and magistrates	35	14
Health workers	26	12
Teachers and school administrators	13	13

²⁰⁸ For the methodology of the index, cf. Lambsdorff (2006).

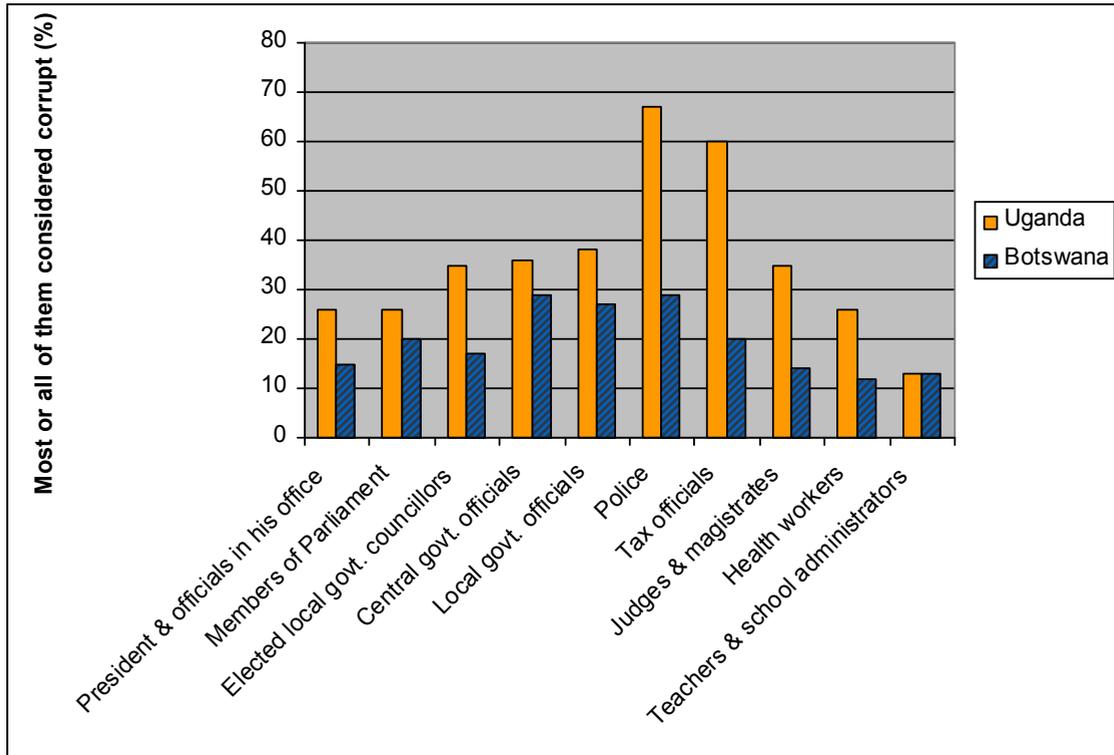


Chart 2: The public's perception of corruption among various categories of politicians and public officials. Source: Afrobarometer (2005a); Afrobarometer (2005b).

As the chart shows, the *Ugandan* public believes that corruption is very widespread among almost all types of politicians and officials. The police and tax officials are regarded as especially prone to corruption: about two thirds of Ugandans believe that most or all of them are involved in corruption. Judges, central and local government officials are also rated unfavourably, with over a third of the population believing that their departments are riddled with corruption. But also the integrity of politicians is much in doubt: A quarter of Ugandans believe that most or all members of the executive and legislative are corrupt. It is noticeable that members of local governments are regarded as potentially more corrupt than members of the central government.

In *Botswana*, the police as well as central and local government officials are regarded as especially prone to corruption, but less than 30% think that most or all officials in this area are corrupt. The difference to Uganda is especially pronounced with tax officials, judges and the police: The percentage of Ugandans who think most or all of these officials are corrupt is two to three times higher than in Botswana. Thus, it can be surmised that the legal system is far cleaner in Botswana and thus better able to support the fight against corruption. Another point of interest is that the integrity of local government is seen more favourable in absolute terms as well as, contrary to Uganda,

compared to central government. A possible, if somewhat speculative, interpretation of these numbers could be that decentralisation efforts in Uganda have merely encouraged a decentralisation of corruption, whereas Botswana has used this opportunity to genuinely improve the accountability and integrity of its public officials.

Besides general perceptions of corruption among public officials, the Afrobarometer results also contain information about the actual instances of corruption that participants in the survey experienced during the last year (see chart 3).

It is problematic to draw comparisons between the public perception of corruption (chart 2) and actual experiences with it (chart 3) because these experiences usually consist of paying bribes, whereas the general perception of corruption also includes practices like embezzlement or nepotism, which are usually not directly visible to citizens. Furthermore, there is probably a great variation in the number of actual transactions a person has with different types of public officials. For instance, a person will probably consult health workers more often during a year than school administrators for enrolling a child in school. Therefore, comparisons can only be meaningfully drawn when putting experiences of corruption in an area side by side with the experience of citizens in another country.

“In the past year how often, if ever, have you had to pay a bribe, give a gift, or do a favor to government officials in order to:”	Percentage of people in the survey who in the past year had at least one experience of corruption in this area	
	Uganda	Botswana
Get a document or permit	16	2
Get a child into school	10	1
Get a household service (piped water, electricity or phone)	5	1
Get medicine or medical attention from a health worker	29	1
Avoid a problem with the police (like passing a checkpoint or avoiding a fine or arrest)	17	1

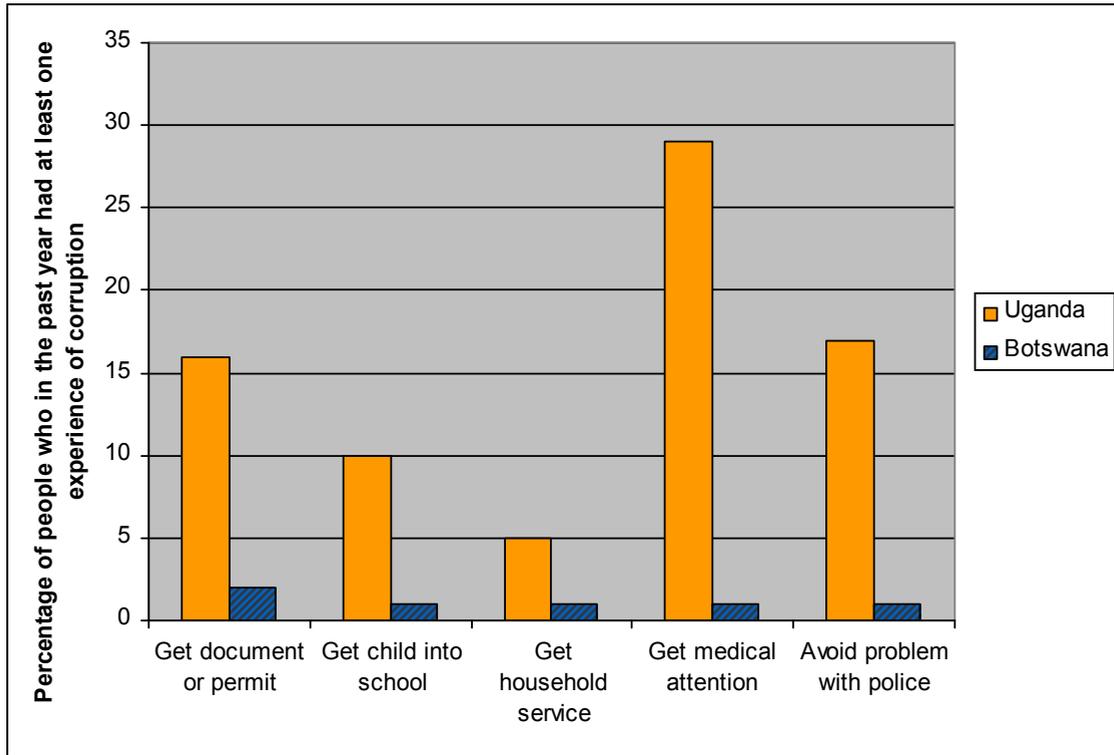


Chart 3: Actual experiences with corruption during the past year. Source: Afrobarometer (2005a); Afrobarometer (2005b).

The comparison with Botswana shows that Ugandans are much more likely to encounter corrupt officials in all their transactions with the state. In fact, incidences of corruption in Botswana are much lower than what one would expect considering the less dramatic differences in public perception of corruption between the countries. Thus, if one trusts these numbers, one must conclude that actual experiences of Botswana's citizens with administrative corruption are fairly negligible.²⁰⁹

Another factor that is important for judging the severity of the problem of corruption in a country is the moral attitude of citizens towards it. Fortunately, Afrobarometer also provides interesting data regarding the acceptance of nepotism, bribery and favouritism in the population (see charts 4a-c).

As the charts show, the acceptance of corruption in the population is much higher in Uganda than in Botswana. The differences for bribery are less dramatic, but nepotism and favouritism among public officials is considerably less tolerated in Botswana. This makes it potentially harder to fight corrupt practices in Uganda, because anti-corruption

²⁰⁹ Of course, differences between countries can also arise if citizens in one country are systematically less willing to admit that they have had experiences with corruption.

laws are more difficult to enforce if they do not mirror the moral consensus among the general population. Thus, it is important that anti-corruption efforts in Uganda are geared towards fostering moral integrity and a clear rejection of corrupt practices among the population.

“Indicate whether you think the act is not wrong at all, wrong but understandable, or wrong and punishable: A government official gives a job to someone from his family who does not have adequate qualifications”			
Percentage of people in the survey who replied:	not wrong at all	wrong but understandable	wrong and punishable
Uganda	7	29	64
Botswana	1	4	93

Chart 4a: Acceptance of nepotism in the population. Source: Afrobarometer (2005a); Afrobarometer (2005b).

“Indicate whether you think the act is not wrong at all, wrong but understandable, or wrong and punishable: A government official demands a favour or an additional payment for some service that is part of his job”			
Percentage of people in the survey who replied:	not wrong at all	wrong but understandable	wrong and punishable
Uganda	8	29	62
Botswana	7	11	79

Chart 4b: Acceptance of bribery in the population. Source: Afrobarometer (2005a); Afrobarometer (2005b).

“Indicate whether you think the act is not wrong at all, wrong but understandable, or wrong and punishable: A public official decides to locate a development project in an area where his friends and supporters live”			
Percentage of people in the survey who replied:	not wrong at all	wrong but understandable	wrong and punishable
Uganda	31	35	34
Botswana	5	13	79

Chart 4c: Acceptance of favouritism in the population. Source: Afrobarometer (2005a); Afrobarometer (2005b).

Specifically for Uganda, there are further public surveys on corruption, namely the National Integrity Surveys of 1998 and 2003.²¹⁰ These have collected detailed information on experiences and perceptions of corruption and evidence of the trends, extent and forms of corruption in Uganda. The study of 2003, whose main findings will be presented here, surveyed the general population as well as members of public sector

²¹⁰ The first survey was conducted by CIET, a New York-based NGO whose acronym CIET stands for “Community Information, Empowerment and Transparency”. The second survey, in which more than 12,000 citizens in 55 districts were interviewed, was conducted by Uganda’s main anti-corruption agency, the Inspectorate of Government, in collaboration with K2 Consult, a Ugandan consultancy. For the purpose of the survey, corruption was defined as “the misuse of public power for private gain”. Cf. Inspectorate of Government (2003), pp. 16, 22 and 37.

institutions and thus provides valuable information concerning the perception of corruption from the perspective of both ordinary citizens and civil servants.

Similarly to the Afrobarometer survey, the National Integrity Survey asked its participants which institutions they perceived as mostly corrupt (see chart 5).

Institution ²¹¹	Perceptions of the integrity or level of corruption of government service providers (%)	
	Largely incorrupt	Largely corrupt
Police	9.7	46.3
Health Unit	27.9	31.9
Local Council I	55.1	10.9
Local Council III	30.0	12.1
Magistrates Court	7.1	17.0
Local Defence Unit	11.5	11.6
Uganda Revenue Authority	5.4	15.8
Primary School	37.3	12.6
Education Department	16.9	8.1
Agriculture Department	14.9	7.1

Chart 5: Perceptions of the Ugandan population of the integrity or level of corruption of government service providers. Source: Inspectorate of Government (2003), p. 50.

The results are largely consistent with the findings of the Afrobarometer. As the question posed to the participants was slightly different, the percentages are not directly comparable, but the trend is basically the same in both surveys. The police is regarded as extremely or largely corrupt by more participants than any other institution. Also the health unit, courts and the Uganda Revenue Authority receive bad ratings, although the latter two were judged even harsher in the Afrobarometer survey. Surprisingly, local government institutions performed much better in the National Integrity Survey, with a large percentage of interviewees rating them as largely incorrupt.

The National Integrity Survey also interviewed the participants about the proportion of contacts with institutions that resulted in the payment of bribes and the amount of money that changed hands. The results are summarised in chart 6.

As this question of the survey asked for the *proportion* of total contacts with an institution that resulted in paying bribes, it provides a better gauge of actual experiences with corruption than the corresponding question in the Afrobarometer survey (see chart 3), which only measured the *absolute* number of corrupt transactions for each

²¹¹ Local Council I are councils at the village level, the lowest layer of local government. Local Council III refers to sub-county and town councils, a higher level of local government.

institution. Once again, the health unit, courts and especially the police perform badly and show alarming tendencies of widespread corruption among their ranks: In the case of the police, almost half of all contacts with the population seem to be accompanied by the payment of a bribe. This worrying result suggests that cleaning up the legal system should be a top priority in the fight against corruption in Uganda.

Institution	Proportion of contacts resulting in payment of bribes (%)	Average amount of bribes (USh)
Police	46.2	53,347
Health Unit	24.5	15,948
Local Council I	16.1	6,992
Local Council III	9.3	13,272
Magistrates Court	29.3	87,845
Local Defence Unit	28.0	18,212
Uganda Revenue Authority	17.5	56,239
Primary School	8.5	10,038
Education Department	19.0	63,005
Agriculture Department	8.0	7,909

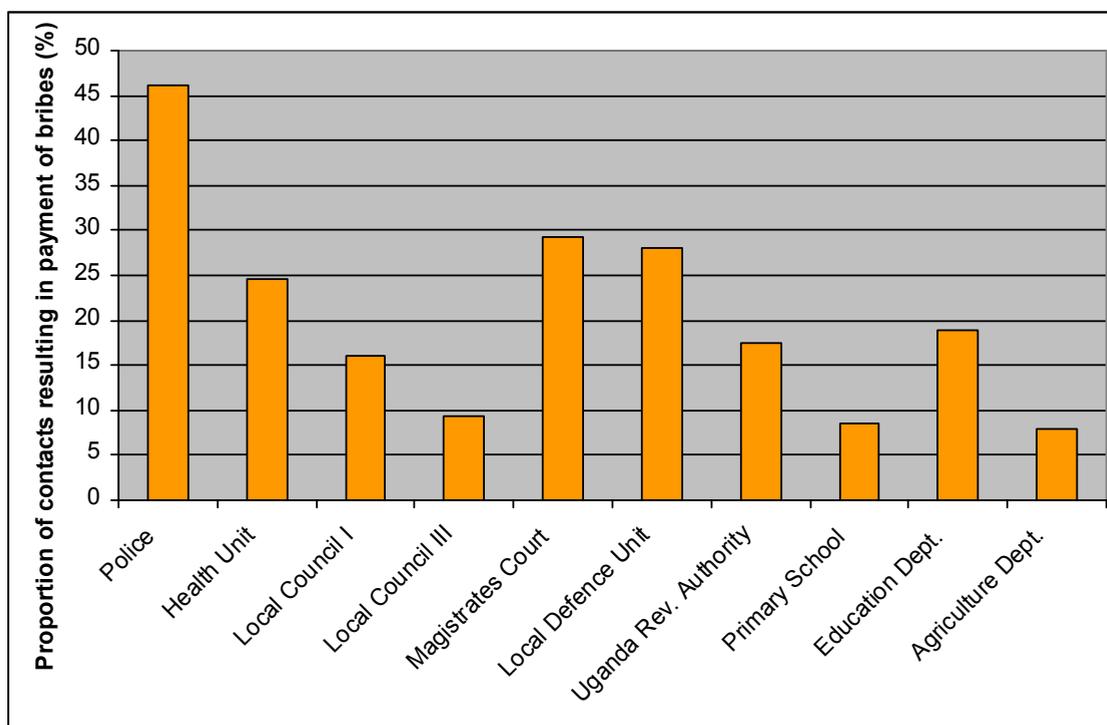


Chart 6: Proportion of contacts the Ugandan interviewees had with institutions that resulted in the payment of bribes. Source: Inspectorate of Government (2003), pp. 55 and 59.

Besides bribery, the National Integrity Survey of Uganda also questioned participants about their perception of nepotism in public institutions (chart 7). As can be seen, nepotism is supposed to be prevalent especially in courts, the health unit and the

Uganda Revenue Authority. By contrast, local government and schools are seen as little affected by it.

Institution	Perceptions of the extent of nepotism (%)	
	Little nepotism	Much nepotism
Police	16.5	3.2
Health Unit	36.1	19.3
Local Council I	56.3	7.3
Local Council III	35.1	8.3
Magistrates Court	10.4	12.7
Local Defence Unit	16.2	7.0
Uganda Revenue Authority	7.5	13.3
Primary School	51.1	5.4
Education Department	19.1	6.2
Agriculture Department	18.8	3.1

Chart 7: Perceptions of the extent of nepotism in Uganda. Source: Inspectorate of Government (2003), p. 60.

The survey also contains information on how public officials themselves rate their own institutions as well as the public service in general with regard to the frequency of bribery, embezzlement, extortion, fraud and favouritism. This provides a useful complement to the perception of corruption by the general population, because officials are insiders who probably have a better knowledge about the prevalence of corruption than the general population. The question, however, is whether they are ready to admit that their field of activity is riddled with corruption, even if they know it is. This problem shows in the officials' rating of their own institutions, where, for each offence, at least 70% of the interviewees insisted that it was nonexistent or very limited. Thus, it is possibly more sensible to focus on the officials' rating of the public service in general (see chart 8).

As can be seen, public officials' assessment of the civil service is much harsher when their own institution is excluded in the question. Except for extortion, at least 50% of public officials answered that these offences were at least "fairly common" in the civil service. The situation seems to be especially bad with regard to favouritism: Almost a third believed that it was "very prevalent". Given the high tolerance of Ugandans for this offence (see chart 4c), this result is hardly surprising. If these assessments of insiders are even remotely true, Uganda's public service is in a miserable state and thoroughly in need of reform.

Response	Public officials' rating of the extent of corrupt practices (%)				
	Favouritism	Fraud	Extortion	Embezzlement	Bribery
Nonexistent	9.2	17.1	24.0	11.5	10.6
Very limited	13.8	25.0	34.2	15.0	17.5
Fairly common	21.5	28.8	23.8	29.8	34.4
Prevalent	21.7	19.8	10.6	22.1	21.9
Very prevalent	30.8	6.0	4.0	18.8	13.1
No response	3.1	3.3	3.5	2.9	2.5

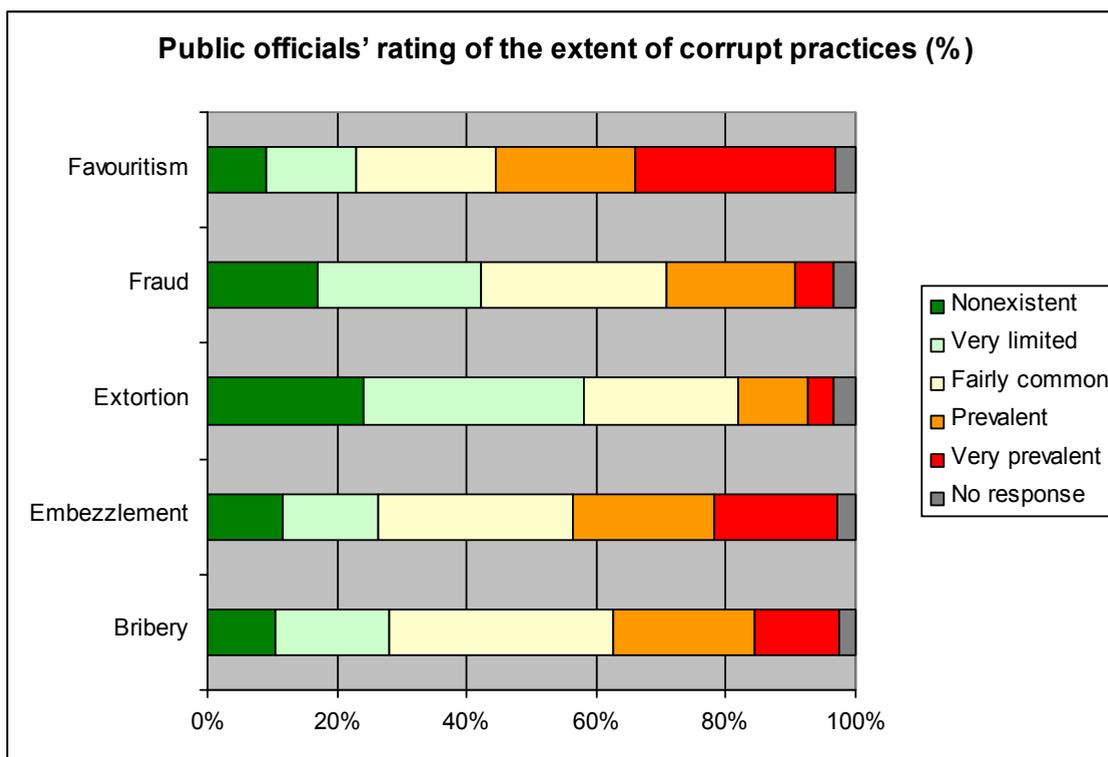


Chart 8: Public officials' assessment of the Ugandan public service with respect to favouritism, fraud, extortion, embezzlement and bribery. Source: Inspectorate of Government (2003), pp. 120 ff.

Interestingly, the interviewed public officials were also asked about their opinions on the causes of corruption (chart 9).

71% of interviewed public officials rated low salaries in the public service as “important” or “very important” causes of corruption. Considering the still pitiful level of remuneration for most civil servants, which is hardly adequate for the necessities of an average family (see *chapter IV.2.3*), this assessment is not surprising.²¹² Lack of effective investigation and punishment of corruption cases as well as a general lack of transparency and accountability in the public service are also accorded a high importance by the interviewees. Furthermore, the lack of effective reporting mechanisms for whistleblowers is also rated as at least “important” by 50% of the

²¹² Inspectorate of Government (2003), pp. 62 f.

questioned public officials. Thus, despite enormous reform efforts during the past decade, Uganda’s public service still seems to be in a deplorable state: Salaries are too low for a large proportion of civil servants, the half-hearted investigation and punishment of offences remains ineffective as a deterrent, and reporting systems are still in need of reform to make it easier for whistleblowers to report offences and to guarantee their anonymity.

Cause of corruption	Public officials’ rating of the factors that cause corruption (%)			
	Very important	Important	Not important	No opinion
Low salary of public officials	51	20	10	8
Lack of an effective system of punishing corrupt officials	49	21	11	8
Poor Investigation of corruption cases and poor records management by state organs	39	21	16	9
Lack of transparency and accountable political process	35	23	11	11
Lack of effective reporting system	23	27	15	8
Lack of effective incentive mechanism for public officials such as lack of meritocracy	21	29	15	13
Lack of independent and effective judiciary	21	23	19	13
Cultural reason, i.e. bribes have been a custom	13	16	31	14
Poor economic policies such as privatisation	13	19	23	14

Chart 9: Public officials’ rating of the factors that cause corruption in Uganda. Source: Inspectorate of Government (2003), pp. 124 f.

Besides representative surveys, there is also lots of anecdotal evidence as regards the causes and current state of corruption in Uganda and Botswana.

Concerning the causes of corruption in **Uganda**, most observers agree with the findings of the National Integrity Survey: Low public service salaries, insufficient financial controls, poor investigation and enforcement of anti-corruption legislation and a general lack of transparency and accountability are repeatedly cited as reasons for the country’s alarming level of corruption. In addition, a lack of political will to fight corruption and socio-cultural norms that tend to glorify the corrupt and encourage politicians and public servants to subvert objectivity and fairness in favour of loyalty to family

members, kinship and friends are also frequently mentioned as reasons for the high level of corruption, nepotism and cronyism throughout state institutions.²¹³

Most voices in Uganda agree that corruption is still an enormous problem. The Uganda Debt Network (UDN), a coalition of non-governmental organisations (NGOs), claims that abuse of office is “deeply embedded in the Ugandan social fabric” and that probably less than 10% of cases ever get exposed. It states that “rampant embezzlement of public funds by government workers (...) and the need for the public to pay bribes before they can access a range of government services are the daily reality of Ugandan life.” The UDN quotes a civil servant who comes to the resigned conclusion that “everything is rotten, rotten, rotten (...) and unfortunately, there is nothing anyone can do about it”.²¹⁴ Also Nduhukhire-Owa-Mataze believes that “the whole state apparatus is riddled with corruption.”²¹⁵

Petty corruption is reportedly very widespread among government departments: The Passport Office, the Court Registry, the Car Licensing Department, the Company Registry and the NGO licensing board are all examples of departments where paying a bribe is considered to be “a must”.²¹⁶ Over- and under-invoicing or paying for goods not delivered (‘air supply’) and the payment of salaries to thousands of non-existent workers (‘ghost workers’) are common practices throughout the public services.²¹⁷ In the tax and customs departments, undercharging of taxes and duties and false declaration of imports and exports in return for bribes are widespread activities.²¹⁸ The allocation of foreign exchange and licenses – e.g. for import and export – is a customary form of enrichment for public officials.²¹⁹

Uganda’s judiciary has the reputation of being thoroughly corrupt: Bribing judges to delay or influence judgements is prevalent, as are bribes among lawyers. Court staff are

²¹³ Hassan (2003a), pp. 7 and 16 f.; Inspectorate of Government (2003), pp. 62 f.

²¹⁴ Uganda Debt Network (2002), pp. 5 and 43; Warigi (2001), p. 68.; Ugandan Governance Monitoring Project (2005), p. 41; Zwart (2003), p. 48.

²¹⁵ Nduhukhire-Owa-Mataze (1998), p. 15.

²¹⁶ Uganda Debt Network (2002), p. 35.

²¹⁷ Ruzindana (1998c), p. 53.

²¹⁸ E.g. ostensible transit goods destined for Rwanda (and therefore tax-free) are instead dumped on the Ugandan market without paying taxes. Cf. Uganda Debt Network (2002), p. 7.

²¹⁹ Ouma (1991), p. 481.

paid to 'lose' files, and the police demands ransom to release prisoners or makes them pay for transportation to court. In addition, laws against corruption have been applied very hesitantly, thereby obstructing the fight against corruption. In the political arena, vote buying is a common phenomenon, for instance during the elections for the Constituent Assembly. After being elected, politicians are expected to fulfil the promises they gave to their supporters.²²⁰ Consequently, serving narrow ethnic or regional interests becomes more important to them than serving the public good. Also the implementation of public policy by field staff is often riddled with corruption as local interests, who have until recently been completely excluded from the political process, try to wield their influence.²²¹

Public funds are embezzled on a grand scale, mostly to benefit already wealthy individuals. This concerns especially donor-funded projects, relief supplies or money earmarked for up-country staff salaries.²²² Government equipment like vehicles²²³ or construction machinery²²⁴ are used for private enrichment and financial allowances are not properly accounted for²²⁵ or are claimed illegitimately.²²⁶ Programmes designed to benefit politicians or civil servants have regularly been abused, with the 'MP Car Loan Scheme' and the 'Civil Servants Vehicle Purchase Scheme' being the most prominent examples.²²⁷

Irregularities in public procurement are believed to be responsible for a large part of the money lost to corrupt activities. A joint mission of Transparency International and the World Bank's 'Economic Development Institute' to Uganda observed that "public

²²⁰ Langseth / Stapenhurst (1997b), pp. 21 f.

²²¹ Ouma (1991), p. 481.

²²² E.g. the World Bank-funded Livestock Services Project to solve water shortages suffered from a theft of funds and inflated dam costs. Cf. Uganda Debt Network (2002), pp. 6 f.

²²³ For a case that involves high state officials, cf. *The Sunday Vision* (1995)

²²⁴ Private companies were using government machinery and equipment for construction projects without paying for their use. Cf. Ruzindana (1998c), p. 62.

²²⁵ E.g. week-end allowances paid to political leaders and senior staff for trips to their home towns are frequently not properly accounted for or are claimed without actually making the trip. Cf. Ruzindana et al. (1998a), p. 32.

²²⁶ Funds for a 'fictitious' workshop that was never meant to take place were requested, and due to weak accountability and weak controls only an investigation of the Inspectorate of Government brought the case to light. Cf. Ruzindana (1998c), pp. 59 f.

²²⁷ For further details on these schemes, cf. Uganda Debt Network (2002), p. 29.

procurement is, not surprisingly, a major area of fraud and corruption”.²²⁸ Tendering procedures are frequently undermined by kickbacks of about 8% of contract value offered by national and international bidders. This has led to numerous corruption scandals and the loss of vast amounts of public money – usually over 90% of complaints to the Inspectorate of Government have to do with public procurement. Some of the most glaring examples include the purchase of ‘junk helicopters’ by the ministry of defence and the tendering of pre-shipment inspection services.²²⁹

Considering all available evidence, Uganda must be regarded as a country that still suffers from rampant political and administrative corruption. This continues to be a drain on the poor country’s scarce resources: According to the Auditor General’s annual reports to Parliament, around US\$ 200 billion is not accounted for, lost, or misused each year. This represents 7.5% of the government budget which is lost through poor financial management or corruption each year.²³⁰

Most observers agree that the multitude of anti-corruption efforts has so far failed to substantially reduce this evil. For instance, Transparency International’s country study report concludes that “corruption and corrupt practices are still rampant in the ministries and public enterprises (...). There have been attempts at curbing corruption by state-established bodies like the IGG, the Public Accounts Committee of parliament, the Local Government Parliamentary Committee and the auditor general. However, the success of the above bodies in curbing corruption and corrupt practices has been slow due to political patronage, nepotism, influence peddling and a weak legal system.”²³¹

As for additional evidence besides survey data regarding the state of corruption in **Botswana**, the country is generally regarded as the least corrupt state on the African continent.²³²

Data published by the Directorate on Corruption and Economic Crime, Botswana’s main anti-corruption body, indicates that most corrupt acts are committed by very junior

²²⁸ Langseth / Stapenhurst (1997b), p. 21.

²²⁹ Uganda Debt Network (2002), p. 23; Ruzindana (1998c), p. 63; *The Monitor* (2000).

²³⁰ Consultative Group Meeting (2003), p. 1; Zwart (2003), p. 2.

²³¹ Hassan (2003a), p. 22; Ugandan Governance Monitoring Project (2005), p. 41.

²³² Briscoe / Hermans (2001), p. 2; United Nations Development Programme (2005), p. 35.

government officials or low-ranking police officers. Inadequate supervision and control as well as a lack of serious punishment are suggested as possible causes for this low-level corruption.²³³

Land allocation, public procurement, licensing procedures and the failure of public officers to disclose their interest in the award of contracts are commonly believed to be areas that are especially susceptible to corruption in Botswana. However, cases involving high-level corruption like those which led to a public outcry in the early 1990s have so far been very limited. One rather isolated example of a more recent corruption case involving a senior officer was the conviction of Nalid Midha, a water engineer in the Water Affairs, in September 2000 for trying to collect a bribe of P 85,000.²³⁴

Despite the absence of sensational corruption scandals in recent years, there is nevertheless a certain public scepticism about the progress in the fight against corruption. Some people are of the opinion that corruption is on the rise, a view that is echoed in a number of private newspapers with headlines such as “Culture of Corruption Grows”.²³⁵ As an example of a critical voice, see e.g. the following assessment of the weekly newspaper *Mmegi* “Take away the name Botswana and this country could easily be Zimbabwe or any of those countries where transparency and accountability are an endangered species. In many ways, we are at par with most of the countries that are demeaned for undemocratic practices.”²³⁶

However, the critical voices who see Botswana in the grip of increasing corruption are clearly a minority. As both statistics and anecdotal evidence suggest, bribery is still a rarity rather than the rule, especially compared to other African countries. Civil servant salaries, though not generous, are considered sufficient to guarantee a decent living without the need to resort to extortion.²³⁷

²³³ Briscoe / Hermans (2001), pp. 10 f.; Frimpong (2001a), pp. 6 f.; United Nations Development Programme (2005), p. 35.

²³⁴ Briscoe / Hermans (2001), pp. 11 f.; Frimpong (2001a), pp. 6 f. and 15; Olowu (1999).

²³⁵ Frimpong (2001a), p. 23; *Mmegi* (2000a); Mogae (1999).

²³⁶ *Mmegi* (2004b).

²³⁷ Coolidge / Rose-Ackerman (2000), p. 77; Briscoe / Hermans (2001), pp. 123 f.; Good (1994), pp. 516 f.

To sum up, Botswana is still regarded as a model country on the African continent in that its government is generally perceived as accountable and transparent and its public administration comparatively free from corruption. As Briscoe and Hermans put it, “Botswana has an enviable reputation of good governance and, by most African and ‘Third World’ standards, has succeeded remarkably well, since independence was achieved in 1966, in escaping the scourge of corruption.”²³⁸

2. *Anti-corruption Institutions and Safeguards*

The following chapters contain a comparative analysis of anti-corruption institutions and safeguards in Uganda and Botswana. Like everywhere, the fight against corruption in these countries is not the sole responsibility of a single institution but is scattered across different state bodies, although there is an agency that is designated as the main anti-corruption outfit. Controlling corruption requires the sound interaction of a considerable number of institutions: Anti-corruption legislation forms the basis in the fight against corruption and should be tailored to the specific challenges each country faces. Furthermore, it must be effectively enforced by the police, public prosecution and, finally, the courts of law.

Some types of administrative reforms such as civil service restructuring and public procurement safeguards can be important building blocks in an anti-corruption strategy.

The central, and publicly most visible part in fighting corruption is played by dedicated anti-corruption bodies: Auditing bodies have the task of scrutinising public accounts and must have adequate resources and the necessary degree of independence to make sure that corruption and the mismanagement of public money are uncovered. Specialised anti-corruption agencies have been formed in many countries and can have a wide range of tasks including the prevention, detection and prosecution of corruption and the coordination of the various anti-corruption efforts in a country.

Other important actors in the fight against corruption are civil society organisations, the media and the political elite of a country. The first two play a crucial role in shaping the

²³⁸ Briscoe / Hermans (2001), p. 2; United Nations Development Programme (2005), p. 35; Transparency International (2001), p. 57.

perception of corruption in a society and can exert pressure on the state to step up the fight against corruption. The political elite occupies a key position in the fight against corruption: It is responsible for designing the overall anti-corruption strategy, and its own behaviour and integrity constitutes a role model for subordinate politicians, civil servants and the population as a whole.

In the course of the following chapters, the structure and functioning of the anti-corruption strategies in Uganda and Botswana shall be portrayed and possible shortcomings identified. The comparative analysis shall ascertain possible areas for reform and thus offer recommendations for improving the anti-corruption efforts in both countries.

Based on the findings in *chapter III.2*, the most important actors in the fight against corruption will be analysed with regard to the following characteristics: Their mandate and mission; their operating environment; the adequacy of their physical, financial and human resources; their organisational efficiency and effectiveness; their political status and standing, including their independence.

2.1 Overview of Anti-corruption Laws

Like most countries, Uganda and Botswana have an extensive legal framework to fight corruption. However, as the following chapters will demonstrate, the implementation and enforcement of the existing legislation is often weak or non-existent, especially in Uganda.²³⁹ Thus, even if anti-corruption legislation forms the basis in the fight against corruption, deficiencies or loopholes in anti-corruption laws are evidently not a limiting factor in the fight against this evil if even the existing legislation is not enforced. Therefore, it seems to be a dispensable endeavour to analyse each legal Act that deals with corruption in detail with the aim of finding shortcomings and loopholes. This chapter will thus only provide an overview of Uganda's and Botswana's anti-corruption legislation and its most glaring problems, while the laws that are important for the actual functioning of both countries' anti-corruption mechanisms will be dealt with in the respective chapter of the institution to which they are pertinent.

²³⁹ Business Anti-Corruption Portal (2007).

Laws against corruption were introduced in *Uganda* in the mid-1960s and have been amended many times since then. The first important law in this context, the Penal Code, was passed in 1964 and fundamentally revised in 1987. It is intended to deal with a range of criminal offences relating to corruption such as forgery, abuse of office, fraudulent or false accounting, conspiracy to fraud, embezzlement and causing financial loss. Due to the 1987 amendment, the code now provides a clearer definition of what constitutes embezzlement and allows the Department of Public Prosecution to freeze accounts of persons convicted of this crime. On the other hand, the Penal Code is frequently criticised for being too lax with regard to punishment: It does not stipulate mandatory minimum sentences, asset tracing and forfeiture or disqualification from holding a public office after being convicted of these offences.²⁴⁰

The Prevention of Corruption Act of 1970 was the first law in Uganda that dealt specifically with corruption. It proscribes both the soliciting, receiving by one or on behalf another, as well as the giving, promising and offering of any gratification as an inducement or reward to a member, officer or servant of a public body. Furthermore, it bestowed upon the Department of Public Prosecution the powers of search, seizure, interrogation and arrest of people suspected of corruption and bribery. Unfortunately, it remained a ‘dead letter’ during the Obote government. In 1998, the act was amended to prevent people accused of corruption from disposing freely of the money on their bank accounts and to enable compensation payments from these accounts if the accused is convicted.²⁴¹

Uganda now also has constitutional provisions on corruption. While the 1967 constitution did not contain any references to corruption, the revised 1995 text clearly anchors the commitment to integrity in all public offices in the constitution. It stipulates that “all public offices shall be held in trust for the people” and 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”.²⁴²

²⁴⁰ Ruzindana (1998c), p. 57; Hassan (2003a), pp. 73 f.; Langseth / Pezzullo (2000), chapter 6.

²⁴¹ Oloko-Onyango (1992), p. 116 (note 6). Ruzindana (1998c), p. 57; Langseth / Stapenhurst (1997b), p. 17; Langseth / Pezzullo (2000), chapter 6; Hassan (2003a), p. 73; Hassan (2003b), p. 14.

²⁴² Directorate for Ethics and Integrity (2000), p. 5; Hassan (2003a), p. 73; Constitution of the Republic of Uganda (1995), Art. XXVI.

Further legal instruments important for fighting corruption include the Inspectorate of Government Act, the Government Finance Regulations, the Public Service Act, the Public Service Standing Orders, the Local Government Act and the Leadership Code Act. These will be dealt with in the respective chapter of the institution to which they are most relevant.

Most observers agree that the general legal framework for fighting corruption is largely adequate yet afflicted with some serious deficiencies that should be rectified as soon as possible.²⁴³ For instance, Ugandan laws of evidence are problematic. Corruption is, by nature, a secretive activity, so it does not lend itself easily to investigation. As all involved parties usually benefit from the deal, they have a strong interest in hiding the crime – a phenomenon that is referred to as a “satisfied customer relationship”. This is made worse by the lack of protection for whistle-blowers who report corrupt officials. Instead of acknowledgement and safeguarding, they more often encounter harassment at their workplace or are transferred to other departments.²⁴⁴ Ugandan law requires that evidence from an accomplice must be confirmed by an independent source before an accused can be convicted. However, in corruption cases, both parties are considered to be ‘accomplices’, and since there is seldom a third party who witnessed the crime, it is often impossible to punish the offenders. To overcome this problem, participants of corrupt acts should be allowed to give legally valid evidence concerning the other party.²⁴⁵

Another shortcoming of Uganda’s legislation is that sanctions and fines laid down in laws have been eroded by inflation and are therefore no longer effective deterrents. Actually, some of the sanctions like forced retirement or transfers to other departments or areas have never had a great effect in restraining the behaviour of corrupt officials.²⁴⁶ The government should certainly put more emphasis on devising punishments that really hurt offenders if they are convicted.

²⁴³ Langseth / Stapenhurst (1997b), p. 17; Nkuuhe (1999), p. 6; Hassan (2003a), p. 75; Inspectorate of Government (2003), p. 22.

²⁴⁴ Uganda Debt Network (2002), p. 48; Ruzindana et al. (1998a), pp. 22 and 31.

²⁴⁵ Langseth / Stapenhurst (1997b), pp. 17 f.

²⁴⁶ Ruzindana et al. (1998a), p. 22; Directorate for Ethics and Integrity (2000), p. 3.

A series of important statutes related to fighting corruption are now in the process of drafting or revision, so a final verdict on the adequacy of Ugandan legislation is not possible at this stage. The legislation under review includes a new Freedom of Access to Government Information Bill, a new Whistleblower Protection Bill and a revised Prevention of Corruption Bill.

In *Botswana*, the two main pieces of legislation that address corruption are the Penal Code and the Corruption and Economic Crime Act of 1994.

Sections 99-110 of the Penal Code create various offences under the title “Corruption and the Abuse of Office”, while additional practices related to corruption are dealt with in sections 129, 384 and 385.²⁴⁷

However, the more recent Corruption and Economic Crime Act has largely superseded the Penal Code as the most important statute for fighting corruption. It applies to offences inside and outside of Botswana but only if the persons involved are citizens of this country.²⁴⁸

Section 24 of the Act stipulates that “a public officer is guilty of corruption in respect of the duties of his office if he directly or indirectly agrees or offers to permit his conduct as a public officer to be influenced by the gift, promise, or prospect of any valuable consideration to be received by him, or by any other person, from any person.” Section 25 further explicates that a public official is guilty of corruption if he or she “accepts, or agrees or offers to accept, for himself or for any other person any valuable consideration as an inducement or reward for doing or forbearing to do anything in respect of any matter in which the public officer is concerned in his capacity as a public officer.” Moreover, sections 26 and 27 are intended to prohibit the offering and acceptance of bribes after the fact, when bribes are often disguised as a ‘tip’ for good service.²⁴⁹

²⁴⁷ Briscoe / Hermans (2001), p. 16.; Penal Code of Botswana Cap. 08:01, reprinted in Briscoe / Hermans (2001), pp. 144 ff.

²⁴⁸ Briscoe / Hermans (2001), pp. 16 ff.

²⁴⁹ Goredema (2002), p. 24 f.; Corruption and Economic Crime Act No. 13 of 1994, reprinted in Briscoe / Hermans (2001), pp. 130 ff.; Olowu (1999). The concept of ‘valuable consideration’ is defined in wide terms and includes tangible as well as intangible assets.

It is praiseworthy that section 34 of the Corruption and Economic Crime Act contains an “unexplained assets” provision which applies to any person, not only public officials. It gives the Directorate on Corruption and Economic Crime the right to investigate persons who are suspected of possessing assets not commensurate with present or past known sources of income. If the suspect fails to satisfactorily explain the source of these assets, it is regarded as a proof of corrupt activities.²⁵⁰

Other important statutes that are relevant to fighting corruption are the Public Service Act, the General Orders of the civil service and the Unified Local Government Service Act. As with Uganda, these laws will be dealt with in the respective chapter of the institution to which they are pertinent.²⁵¹

2.2 Enforcement of Laws

As regards the enforcement of laws against corruption, three institutions play the most important role in *Uganda*: The police force (especially the Criminal Investigations Department and the National Fraud Squad), the Department of Public Prosecutions and the judiciary.

A functioning police force is important for upholding internal stability and the rule of law. When the National Resistance Movement assumed power in 1986, the police force was badly paid and equipped and by most people regarded as the chief perpetrator of petty corruption.²⁵² The widespread opinion in Uganda is that little has changed since then: According to the Second National Integrity Survey, almost half of all people who come in contact with the police have to pay bribes (see *chapter IV.1.3*). Small wonder that the whole police force is considered to be “largely corrupt” by about the same percentage of respondents – the worst rating for any public sector institution in Uganda.²⁵³

²⁵⁰ Goredema (2002), pp. 24 f. The widely lauded anti-corruption laws of Hong Kong also contain such an “unexplained assets” provision.

²⁵¹ Briscoe / Hermans (2001), p. 18; Frimpong (2001b), p. 12.

²⁵² Nasaba (1998), p. 124; Flanary / Watt (1999), p. 526.

²⁵³ Inspectorate of Government (2003), pp. 50, 55 and 59.

A major cause of this high level of corruption can probably be found in the level of salaries. These are still miserably low, especially for low-ranking officers who tend to have most contact with the population. Furthermore, there is a severe shortage of equipment for offices, transport and communication.²⁵⁴ A large number of police constables even have to wear torn uniforms because there are no funds for new ones. This dire material situation seriously erodes the morale of police officers and leaves them with little option other than to find supplementary income through bribes.²⁵⁵

Article 213 of the constitution provides that an Inspector General of Police (IGP) is the head and commander of the police force. Unfortunately, there are no exact guidelines for nominating the IGP, and “history has shown that appointments have often been in the interest of the president.” What is more, the IGP and his deputy are not protected from arbitrary removal from office – they can be dismissed simply at the will of the president. Transparency International demands that the Inspector General of Police should be insulated from political pressure by enjoying security of tenure equivalent to that of judges of the Ugandan Supreme Court.²⁵⁶ Moreover, it is troubling that many office holders have certainly not been models of integrity: Several former IGPs were found to have been responsible for the loss of millions of US\$ through their corrupt dealings.²⁵⁷

There are clear signs of leader-follower spillover effects in the police force. The Second National Integrity Survey found that police officers often justify their acts of petty corruption by pointing to the much more severe embezzlement of funds and extortion of “commissions” by higher-level officials. In the traffic police, it is allegedly even a common practice among high-level officers to regularly send junior colleagues to the roads to collect money for them.²⁵⁸

The Criminal Investigations Department (CID) is part of the police force and authorised with the detection and investigation of crimes and the maintenance of criminal records. Unsurprisingly, it is equally under-equipped as the police force in general and fails to

²⁵⁴ Nasaba (1998), p. 123; Zwart (2003), pp. 44 and 46.

²⁵⁵ Hassan (2003a), pp. 40 f.

²⁵⁶ Hassan (2003a), p. 77.

²⁵⁷ Hassan (2003a), pp. 39-41; Hassan (2003b), pp. 16 f.

²⁵⁸ Inspectorate of Government (2003), pp. 51 f.

attract highly qualified and motivated staff due to its bad working conditions and low salaries. For instance, the CID still uses manual typewriters and is not supplied with mobile phones, the standard form of communication in Uganda: “(...) criminals end up enjoying better mobility and communication than the police force.”²⁵⁹ These shortcomings, combined with the regular loss of files due to a lack of storage facilities, have led to the unnecessary loss of numerous cases at court.²⁶⁰ The lack of capacity in the CID hampers its ability to investigate complicated cases of grand corruption that involve sophisticated actors. For instance, most investigators lack accounting and computer skills that would allow them to access and understand financial records. Thus, the CID is basically limited to pursuing trivial acts of petty corruption, which is regrettable because punishing the ‘big fish’ would have greater public impact and send out the right signals in the fight against corruption.²⁶¹

In 1996, another institution concerned with the fight against corruption entered the scene: the National Fraud Squad (NFS). It is authorised – together with the Inspectorate of Government – to deal with the investigation of all government and parastatal corruption cases. It has personnel in the CID headquarter in Kampala, in five Police District Divisions in Kampala and Entebbe, and also in many up-country districts. As was to be expected, it also suffers from lack of equipment and has only limited capacities and little incentives for accountable and transparent working practices.²⁶² There are about 30 people working in the squad who have to cope with obsolete equipment and an enormous backlog of cases. The current consensus is that the squad remains largely ineffective due to these constraints and is unlikely to have any impact on the level of corruption.²⁶³

At the end of the 1990s, mismanagement, corruption and the misuse of public resources in the police force had reached such alarming levels that a large-scale inquiry was initiated by Tom Butime, the then minister of internal affairs. As a result, a Judicial Commission of Inquiry led by Julia Sebutinde, a justice of the High Court, was charged

²⁵⁹ Uganda Debt Network (2002), pp. 17 f.; Zwart (2003), p. 44.

²⁶⁰ Nasaba (1998), p. 121; Uganda Debt Network (2002), p. 18; Zwart (2003), p. 16.

²⁶¹ Directorate for Ethics and Integrity (2000), p. 11; Hassan (2003a), p. 70; Hassan (2003b), pp. 17 f.

²⁶² Langseth / Pezzullo (2000), chapter 5; Flanary / Watt (1999), p. 527.

²⁶³ Zwart (2003), pp. b and 44.

in April 1999 with the task of analysing the problems of the police force and proposing solutions.²⁶⁴

Shortly after the commission had begun its work, junior CID officers were threatened by their bosses with transfer to distant areas, disciplinary action and vandalising of their personal property if they dared to testify before the commission. Corruption seems to be widespread among the CID, and it is hard to estimate how many cases have been dropped in exchange of a generous payment. It also stretches to the higher ranks: The former CID boss Chris Bakiza was accused of diverting his institution's welfare money to his private company, and Ensio Odoch, a Senior Detective Inspector, was arrested for accepting a large bribe from a suspected embezzler to drop investigations. From what is known of the case, Odoch was supposed to share the money with his bosses.²⁶⁵ When the Sebutinde commission report was finally released after much delay, it concluded that the CID suffered from many forms of corruption like bribery, embezzlement and a loss of funds through "ghost employees".²⁶⁶

There has been little follow-up action to the report. Some high-ranking offenders were dismissed or retired, but no one has been prosecuted in the courts of law. What is more, some of the dismissed senior officers were restored to other duties within the police force after one year.²⁶⁷

The government has been widely criticised for its lack of determination in reforming the police force. The Uganda Debt Network accuses it of encouraging corruption in the CID and fostering public cynicism by acting very reluctantly in this matter: "The Ugandan public is (...) disappointed with government's refusal to implement the recommendations of the Sebutinde Report. Over 75 percent of 100 respondents in a random survey demanded to know why government had not released the Sebutinde Report if its claims of being committed to fighting corruption were genuine."²⁶⁸

²⁶⁴ Hassan (2003a), pp. 40 f.

²⁶⁵ Warigi (2001), p. 70; Uganda Debt Network (2002), p. 16.

²⁶⁶ Zwart (2003), p. 46; Government of Uganda (2000), p. 334.

²⁶⁷ Hassan (2003b), pp. 17 f.

²⁶⁸ Uganda Debt Network (2002), p. 17; Gariyo (2001).

Nevertheless, there have been some initiatives aimed both at fighting corruption within the police and strengthening its power to investigate external corruption: A complaints desk for charges of corruption within the police and an Inspectorate Unit to investigate police malpractice and corruption were established. Moreover, additional resources were provided for corruption investigation, and employees were given special training in the investigation of fraud and corruption.²⁶⁹ There is now a code of conduct for police officers, but reportedly high-ranking managers largely disregard it and hardly enforce it among lower officers.²⁷⁰ Transparency International's country study report of Uganda states that "high levels of corruption in the force presently do not allow the police to initiate and conduct corruption investigations" and pessimistically concludes that "apart from government rhetoric there is no practical will to fight corruption" in the police force.²⁷¹

The Department of Public Prosecutions (DPP) was created under Article 71 of Uganda's 1967 Constitution (now Article 120 of the new 1995 constitution). The head of the DPP is appointed by the President on recommendation of the Public Service Commission. Besides its responsibility for prosecuting other criminal cases, the Prevention of Corruption Act (1970) specifically empowers it to investigate and institute criminal proceedings against persons accused of corruption and bribery.²⁷² Besides its prosecution functions, it is also meant to fulfil preventive and investigative functions. The preventive functions include the shaping of public awareness about corruption, the organisation of anti-corruption campaigns, maintaining statistics and records on cases of corruption and detecting opportunities for corruption in government departments. The investigative functions comprise the study of preliminary inquiries and the co-ordination of all investigative activities.²⁷³

The DPP has a rather weak corruption prosecution record, with only a minority of corruption charges leading to convictions.²⁷⁴ The Uganda Debt Network regards the

²⁶⁹ Flanary / Watt (1999), p. 527; Hassan (2003a), p. 70.

²⁷⁰ Zwart (2003), p. 45.

²⁷¹ Hassan (2003a), pp. 40 f.

²⁷² Nasaba (1998), pp. 109 f.; Uganda Debt Network (2002), p. 18; Hassan (2003b), p. 17.

²⁷³ Nasaba (1998), p. 114; Hassan (2003a), pp. 41 f.

²⁷⁴ Flanary / Watt (1999), pp. 526 f.

DPP's weakness in investigations as an important reason for this poor performance: Cases often have to be dismissed because prosecutors fail to supply hard evidence against the accused. The Uganda Debt Network mainly puts this down to the inadequate training of the DPP staff, many of whom are just simple policemen without special training in accounting and law.²⁷⁵ To improve this, the government of the Netherlands has been providing the DPP with help in the form of staff training, provision of equipment and assistance with records management. Furthermore, in 2003, six DPP staff members were sent to be trained by South Africa's 'Scorpions', a highly-skilled agency that investigates and prosecutes organized crime and corruption. However, there is need for additional aid and training to strengthen the competence of prosecutors, especially in areas like the detection of fraud and corruption.²⁷⁶ Besides insufficient skills, the DPP also suffers from a general lack of staff: The approved structure recommends 600 staff for the institution, but only 262 are currently employed. What is more, the DPP is represented with up-country offices in only 34 out of 55 administrative districts. In the remainder, prosecution has to be handled by the police force, which is even less skilled in instituting criminal proceedings in complex corruption cases and suffers, as already stated, from corruption within its own ranks.²⁷⁷

There are also other problems concerning the DPP: Since 1995, it has shared the power of prosecuting corruption cases with the Inspectorate of Government. Due to the way corruption is defined by Ugandan law, some cases are now handled by the Inspectorate of Government, whereas others like instances of fraud, embezzlement and false accounting must remain with the DPP.²⁷⁸ For the sake of efficiency and clarity, it might be a good idea to avoid an overlapping of competencies and to concentrate the prosecution of all corruption-related offences within one agency in the future.

A more serious problem is the current state of autonomy of Uganda's public prosecutors. According to James Kahoza, the former Auditor General, the power of

²⁷⁵ Uganda Debt Network (2002), pp. 18 f.; Hassan (2003a), p. 43 and Zwart (2003), pp. 16 and 43 f. agree with these findings: "Few personnel have specialised training in key areas such as prosecution of corruption, fraud, violence against women and children, drug trafficking, money laundering and environmental offences" (Hassan (2003a), p. 43).

²⁷⁶ Langseth / Pezzullo (2000), chapter 5; Zwart (2003), p. 43.

²⁷⁷ Hassan (2003a), p. 42.

²⁷⁸ Langseth / Pezzullo (2000), chapter 5.

prosecutors is constrained by their subordination to the Minister of Justice: “Corruption and other forms of abuse cannot be eliminated when those responsible for prosecuting wrongdoers in government are themselves under government control.”²⁷⁹ As long as the head of the DPP has to report to the Minister of Justice, it will be difficult for him to remain completely impartial if a corruption case involves members of the government.²⁸⁰ He might find it difficult to prosecute the accused with the same rigour as if the department was autonomous. This assessment is shared by Transparency International’s country study, which concludes that prosecutors are in practice not allowed to take independent decisions on prosecution. It demands that the Attorney General should have no authority to issue directives to the DPP, as this is a popular conduit for politicians to interfere with prosecutions. Furthermore, to guarantee its financial autonomy, the DPP should be able to draw up its own budget and obtain funds directly, not through the Ministry of Justice.²⁸¹

Uganda’s courts are organised in a hierarchical structure. From highest to lowest, the courts are: Supreme Court; Court of Appeal; High Court; Magistrates’ Courts, which are subdivided into Chief Magistrates’ Courts, Magistrate Grade I and Magistrate Grade II; Qadhis’ Courts; and the Local Council Courts at the lowest level.²⁸²

As regards the formal rules for appointments and tenure, Uganda’s court system can be regarded as sufficiently independent. The justices of the Supreme Court and Court of Appeal and the judges of the High Court are appointed by the President subject to the approval of Parliament and upon the advice of the Judicial Service Commission, a semi-autonomous body established under Article 146 of the constitution. The removal of judges is only possible for reasons of infirmity of body or mind, misconduct or incompetence. The formal process for this is instituted by the Judicial Service Commission, which advises the President to set up a tribunal. The judge can only be

²⁷⁹ James Kahoza, quoted in Uganda Debt Network (2002), p. 19; Hassan (2003a), pp. 76 f.

²⁸⁰ Uganda Debt Network (2002), p. 19.

²⁸¹ Hassan (2003b), p. 17; Hassan (2003a), pp. 76 f.; Directorate for Ethics and Integrity (2000), p. 10. For examples of politically influenced prosecution cases, cf. Doig et al. (2005), p. 25.

²⁸² Hassan (2003a), p. 29; Zwart (2003), p. 41.

discharged from office by the President if the tribunal decides in favour of his removal.²⁸³

The independence of the judiciary is anchored in Article 128 of the constitution. It states that “in the exercise of judicial power, the courts shall be independent and shall not be subject to the control or direction of any person or authority.”²⁸⁴ However, there have reportedly been several cases in which the executive has tried to bias the decisions of courts.²⁸⁵

The judiciary normally plays a decisive part in finishing the process of prosecution by sentencing convicted criminals. Unfortunately, Uganda’s court system seems to be completely inadequate for fulfilling this purpose. The working conditions are difficult, there is hardly any support staff for judges and salaries are fairly low. Magistrates often fail to turn up at work, files are lost regularly, and the objectivity and ethics of the legal profession are considered to be thoroughly undermined.²⁸⁶ Since courts often neglect to pay witness expenses, many of them refuse to turn up, which can result in the deferment or even dismissal of a case. All this has led to a significant backlog of corruption cases that still have to be dealt with.²⁸⁷

What is worse, the judiciary is widely considered to be “thoroughly corrupt” itself.²⁸⁸ According to the Second National Integrity Survey, almost 30% of all users of judiciary services have to pay bribes, and they also have to pay the highest average amount (about USh 88,000).²⁸⁹ These bribes are mainly used to delay procedures, destroy evidence or influence case judgements, and often lawyers bribe each other to arrive at a desired

²⁸³ Hassan (2003a), pp. 29 f.

²⁸⁴ Constitution of the Republic of Uganda (1995), Article 128.

²⁸⁵ An example is a case between the government and the opposition before the Supreme Court, in which President Museveni angrily chided the judges for being “insensitive to our political situation (...) they do not know the implications of some of the rulings that they make.” Cf. Hassan (2003a), pp. 7 and 30; Hassan (2003b), p. 14; Directorate for Ethics and Integrity (2000), p. 10.

²⁸⁶ Warigi (2001), p. 70; Langseth / Pope (1998), p. 44.

²⁸⁷ Langseth / Pezzullo (2000), chapter 5; Nasaba (1998), p. 112; Directorate for Ethics and Integrity (2000), p. 11.

²⁸⁸ Langseth / Pope (1998), p. 48.

²⁸⁹ Inspectorate of Government (2003), pp. 55 and 59.

settlement.²⁹⁰ As the judiciary collects its fees and fines without an appropriate accounting system, the temptation to embezzle the money is strong, especially in view of the very low salaries.²⁹¹

Two reports on the integrity in the Ugandan judiciary agree that corrupt practices occur mainly among court clerks and support staff like registrars and are less widespread among judges. Besides their low salaries, court clerks and support staff are especially susceptible to corruption because they have lots of contact with the public and a certain amount of power to influence judicial procedures. For instance, it is a widespread practice among court officials to charge unofficial fees (e.g. for ‘transport’). Those who cannot pay these fees are usually put in a worse position in the court proceedings and therefore have less access to justice.²⁹² Transparency International’s country study concludes that “corruption in the judiciary makes ‘justice’ inaccessible by the poor” because “only wealthy persons can afford to sue, pay bribes and benefit.” This is corroborated by the Second National Integrity Survey, which observes that “a poor complainant can never win a case.”²⁹³

All these findings suggest that the judiciary is in serious need of reform. There ought to be a better case management, improved integrity control, better support staff, a peer review of judges and easily accessible complaints mechanisms for the public. There have been various attempts to tackle the problems of the judiciary: The government created a Law Reform Commission and implemented a Judiciary Development Programme to train judges and rationalise court proceedings. Furthermore, a Code of Judicial Conduct was launched in October 2003 to address corruption, misconduct and delays within the judiciary. The Code commits judges and judicial officers to the

²⁹⁰ Langseth / Pezzullo (2000), chapter 5; Langseth / Pope (1998), p. 45; Zwart (2003), p. 42.

²⁹¹ The Auditor General uncovered that in 1999 and 2000 almost US\$ 5,000 had been diverted from bail deposits and almost US\$ 150,000 had been spent without authority in various courts. Cf. Warigi (2001), p. 70.

²⁹² Zwart (2003), pp. 41 f. and 46; The two reports were published by John Mary Mugisha, a principal lecturer at the Ugandan Law Development Centre, and the Ugandan Centre for Basic Research (“Final Draft Report on Judicial Integrity in Uganda”) in 2002.

²⁹³ Hassan (2003a), p. 17; Inspectorate of Government (2003), p. 53.

principles of independence, impartiality, integrity, propriety, equality, and diligence. However, it is not known whether it is effectively enforced.²⁹⁴

In addition to these measures, there have been proposals to create an Independent Commission Against Corruption and a special Corruption Court.²⁹⁵ However, as evidence from other countries shows, it is unlikely that systemic problems of the judiciary will be solved by creating new institutions that operate in the same environment and face the same difficulties as old ones.²⁹⁶ An institution itself riddled with corruption is unlikely to show much fervour in fighting it – and unless it is severely restrained, corruption will perpetuate itself.

The most important measure would be to fight corruption within the judiciary, and to ensure that existing laws against corruption are applied in their full strength, indiscriminately and without exception. For instance, many important laws against corruption like the reversal of burden of proof if an accused person is in possession of unexplained wealth have not been applied in their full strength. This has weakened the deterring function of anti-corruption laws.²⁹⁷ What is more, there is a widespread feeling that anti-corruption laws are not universally applied, especially when it comes to punishing ‘big fish’.²⁹⁸

“Auditor General’s Report just a Ritual?” was the title of a newspaper story in 1996 after the Auditor General had uncovered vast amounts of unaccounted funds, e.g. for the Presidential Protection Unit and donations. The problem is that despite reports and investigations, corruption still goes unpunished more often than not. “For every politician or top official who goes to jail for abuse, 20 others go free,” said a civil servant interviewed by the Uganda Debt Network. Both the Uganda Debt Network and

²⁹⁴ Langseth / Pezzullo (2000), chapter 5; Zwart (2003), pp. 46 f.; Directorate for Ethics and Integrity (2003), p. 3; Hassan (2003a), p. 31.

²⁹⁵ The proposals came from a World Bank dominated workshop that sought to establish a ‘National Integrity System’ in Uganda. The demand for a special corruption court was later repeated by the Inspectorate of Government. Cf. Flanary / Watt (1999), pp. 527 f.; Zwart (2003), p. 43.

²⁹⁶ Cf. for instance the quotation about Kenya at the beginning of *chapter III.3.1*.

²⁹⁷ The reversal of burden of proof was introduced as early as 1970 with the Prevention of Corruption Act. Cf. Langseth / Pope (1998), p. 45.

²⁹⁸ Hassan (2003b), p. 18.

a World Bank mission who visited Uganda in 1998 censured the government for its unwillingness to identify and punish offenders apart from taking showcase measures.²⁹⁹

If politicians as well as civil servants feel they can get away with corruption, they will continue to accept bribes or embezzle funds. As a paper by Swithin Munyantwali sums it up: “When the bribe is big, chances of being caught minimal and the penalty when caught unthreatening, many officials give in to abuse and misuse of public office and resources.”³⁰⁰

To change this situation, a strong commitment of and pressure from the top political leadership would be required. At the moment, it seems highly questionable whether the leadership has a genuine interest in creating an efficient and unflinching judiciary.³⁰¹ If the government wants to be considered serious about fighting corruption, it must see to it that all officials and politicians convicted of corruption are punished and not protected. Moreover, it would be sensible to permanently disqualify convicted persons from holding a public office and to make more efforts to recover the funds and property acquired through corruption.³⁰²

Considering all the factors that impede the punishment of corruption in Uganda, one has to conclude that its judicial system is far from adequate for fighting this evil and still in need of serious reform. Although the country’s anti-corruption laws are generally regarded as adequate, their enforcement and implementation is poor.

In *Botswana*, the following institutions play the most important role in enforcing laws against corruption: The police force, the Attorney General and the judiciary.

Before the enactment of the Corruption and Economic Crime Act and the establishment of the Directorate on Corruption and Economic Crime (DCEC) in 1994, the police force was the principal institution in charge of enforcing the anti-corruption legislation. As there was no specialised anti-corruption unit, this was mostly done by the regular Criminal Investigations Department (CID) of the police. Although the DCEC now deals

²⁹⁹ Uganda Debt Network (2002), pp. 45-48. The World Bank mission estimated that 10-20% of total public funds are lost due to systemically poor expenditure management.

³⁰⁰ Munyantwali, quoted in Uganda Debt Network (2002), p. 45.

³⁰¹ This issue will be explored in *chapter IV.3.2*.

³⁰² Uganda Debt Network (2002), p. 58; Ruzindana et al. (1998a), p. 36.

with most corruption cases, the police continues to investigate and prosecute simple cases of petty corruption. This distribution of cases seems to be a reasonable solution, as the police continues to suffer from difficulties in attracting highly skilled staff due to scarcely attractive working conditions and little career opportunities. Thus, it would have no capacities for dealing with complex corruption cases anyway, and by dealing with the simple cases, it enables the DCEC to concentrate on the more demanding and important cases.³⁰³

The Botswana police force is supervised by the Commissioner of Police. Similarly to Uganda's Inspector General of Police, he is appointed by the President, and there are likewise no clear guidelines for his appointment and removal. Thus, the Commissioner's independence is not ensured.³⁰⁴

Corruption is existent but reportedly not very widespread in the police force. A number of police officers have been reported to the DCEC for corruption offences. From what is publicly known of the cases, they were properly convicted and dismissed from the police force. Unfortunately, complaints of police corruption are customarily handled by the police itself, although the DCEC or Attorney General may intervene if the complaints are not dealt with satisfactorily. To forestall any undue influence on the investigations from within the police force, especially if high-ranking officers are involved, it should be considered to charge an external authority like the DCEC for all corruption complaints.³⁰⁵

The Attorney General is Botswana's chief public prosecutor. Section 51 (3) of the constitution empowers him "to institute and undertake criminal proceedings against any person before any court". Many anti-corruption laws require the consent of the Attorney General before they may be prosecuted, and he can also stop any criminal prosecutions, including those instigated by other persons. He can authorise the police and the DCEC

³⁰³ Briscoe / Hermans (2001), pp. 106 f.

³⁰⁴ Frimpong (2001b), p. 16. The detailed regulations regarding the Commissioner of Police can be found in the Police Act, Cap. 21:01 and the Public Service Act and its Regulations of 1998.

³⁰⁵ Frimpong (2001b), p. 17; Cf. also Corruption and Economic Crime Act of 1994, sections 6(a), 6(d), 24 and 25.

to prosecute on his behalf and makes ample use of this possibility owing to the usually heavy workload of the Attorney General's Chamber.³⁰⁶

In addition to his prosecution functions, the Attorney General is, together with the Chief Justice, responsible for monitoring the performance of courts to make sure that corruption cases are dealt with quickly and effectively. Furthermore, he is charged with advising the government on need for legislative change with the aim of ensuring an efficient prosecution.³⁰⁷

The Attorney General has found it difficult to recruit qualified professionals due to the poor salaries and career possibilities in the public service. As it has no special anti-corruption unit, it usually delegates the actual prosecution of corruption cases to the Prosecution Unit of the DCEC or, with straightforward cases of petty corruption, to the police force. Unfortunately, this arrangement has often led to delays because it usually takes the over-worked Attorney General's Chambers a considerable amount of time to authorise the prosecution of a case. It does not help that corruption cases are typically considered less urgent than other criminal cases in which the accused are confined to jail and have not been granted bail as with most corruption cases.³⁰⁸

These delays in prosecuting corruption cases can enable the defendants to destroy evidence, bribe or threaten witnesses or even leave the country. In some instances either the accused or the main witnesses have died before the case came to trial. For the sake of a quick dispatch of corruption cases, it should be considered to generally authorise the DCEC to decide upon starting the prosecution of all cases that fall within its mandate, while the Attorney General could still be conceded the right to stop the proceedings at any time.³⁰⁹

As for the Attorney General's independence, he is appointed for life and section 51 (7) of the constitution stipulates that he "shall not be subject to the direction or control of any other person or authority" in deciding whether to institute or terminate criminal

³⁰⁶ Briscoe / Hermans (2001), p. 69; Constitution of the Republic of Botswana (1966), section 51; Criminal Procedure and Evidence Act, Cap. 08:02; United Nations Development Programme (2005), p. 37; Frimpong (2001a), pp. 5 f. and 12.

³⁰⁷ Briscoe / Hermans (2001), p. 68.

³⁰⁸ Briscoe / Hermans (2001), pp. 70 f.; Frimpong (2001a), p. 18.

³⁰⁹ Briscoe / Hermans (2001), pp. 70 f.

proceedings. However, as he is also a member of the Cabinet, his independence may be somewhat limited in practice. Some voices argue that the discretion of the Attorney General is too wide in certain areas. For instance, he can stop any prosecution without giving a reason and no authority can question his decision. It would surely benefit the credibility of the office if the Attorney General would at least be obliged to provide detailed reasons for his decision to stop a prosecution.³¹⁰

Botswana's judiciary consists of so-called superior and inferior courts. The former consist of the Court of Appeal, the High Court and the Industrial Court, while the latter encompass Magistrates' Courts and Customary Courts.³¹¹

Judicial officers are appointed by the President upon recommendation from the Judicial Services Commission and enjoy security of tenure. However, in practice this security is somewhat limited because it only applies to citizens of Botswana. Foreigners from Commonwealth countries, who occupy a great number of senior judicial positions, are exempted from this because they are only hired on a contract basis.³¹²

Botswana's judicial system is adequately funded but suffers from a lack of human resources. As the salaries in the public service are much lower than what jurists can earn in private practice, it is hard for the judiciary to recruit a sufficient number of highly qualified professionals. The shortage of staff has led to some delays especially at the Magistrates' Courts level. As the annual budget of the judiciary is usually underspent, an obvious solution would be to offer more competitive remuneration to attract more and better skilled personnel.³¹³

Botswana's judiciary is widely praised for its integrity: The country "has earned herself a place within the international community of states owing to her respect for the rule of law, the independence of the judiciary in theory and practice, and civil and political rights for her citizens."³¹⁴ There are no known instances of government interference in the functions of the judiciary and there have been no corruption cases in recent years in

³¹⁰ Briscoe / Hermans (2001), p. 69; Frimpong (2001a), pp. 5 f. and 12; Frimpong (2001b), p. 16.

³¹¹ Frimpong (2001a), pp. 3 f.

³¹² Frimpong (2001a), pp. 3 f.; Frimpong (2001b), p. 10.

³¹³ Briscoe / Hermans (2001), pp. 86 ff.

³¹⁴ Molomo (1998), p. 203; Cf. also Frimpong (2001a), pp. 7 f.; Bertelsmann-Stiftung (2003).

which the reputation of judicial officers has been tarnished. In addition, the courts “have not been wanting when it comes to the prosecution of corruption cases. Because of their independence, the judiciary has not shirked its responsibility in convicting and sentencing accused persons for corruption cases.”³¹⁵

The judiciary is known for taking a firm position on the review of the executive and other administrative decisions. The importance of judicial review has been stressed by the Court of Appeal, Botswana’s highest court: “Where conduct of the government on the face of it appears questionable, it is the right of the people to question it. Knowledge by a government that its actions are subject to question contributes to the promotion of good governance. As indicated, one of the mechanisms developed in recent years by which executive action can be tested against standards of fairness, predictability and transparency, is the procedure for judicial review.”³¹⁶

The legal process is considered to be open for everyone, and abuses of power of the executive have often been successfully rectified by the courts of law.³¹⁷ However, access to the courts is somewhat constrained by relatively high costs of litigation and frequent delays of cases due to a lack of staff. These grievances have frequently been highlighted by the press and by the judges themselves. Also the DCEC complained about the delays in several of its annual reports because they had a negative effect on the conviction rate of the cases it brought to court: “(...) the delay in cases being processed through the Attorney General’s Chambers and the Courts will inevitably result in injustice through cases being lost because witnesses have died. The average time for a DCEC case in which the accused has pleaded ‘not guilty’ to be completed at court is currently one year nine months from the date it is registered. Add this to the

³¹⁵ Frimpong (2001a), pp. 3 f., 6 and 17; Briscoe / Hermans (2001), p. 85.

³¹⁶ Court of Appeal in the case of *Peloewetse v. Permanent Secretary to the President and Others* (Civil Appeal No. 26/99, see also footnote 356); Frimpong (2001a), pp. 7 f.

³¹⁷ Cf. for instance the case of *Peloewetse v. Permanent Secretary to the President and Others* (Civil Appeal No. 26/99) and the opposition’s successful challenge of election results in some constituencies before the High Court because of irregularities; Frimpong (2001a), pp. 4 f. and 7; Molomo (1998), p. 203; Frimpong (2001b), p. 10.

time matters have taken to be investigated and considered by the Attorney General's Chambers and the picture is very gloomy."³¹⁸

The DCEC has also repeatedly criticised the leniency in the sentencing of those convicted of corruption because relatively few offenders are actually sent to jail. Most convictions end with moderate fines and a suspended term of imprisonment.³¹⁹ However, without a detailed analysis of the cases, it is hard to judge whether sentences are really too lenient in general.

To sum up: In contrast to Uganda, where law enforcement institutions are rather a hindrance than a help in the fight against corruption, Botswana is generally considered to possess the right legal environment to successfully control corruption. Its institutions have to cope with some shortages of qualified staff, but the general endowment with resources is adequate. In Uganda, very low salaries and severe shortages of staff and equipment have undermined the morale of law enforcement institutions and encouraged corrupt practices. The weaknesses of police, prosecution and judiciary have reinforced each other, and the government has shown only half-hearted attempts to create clean and effective law enforcement institutions. Overall, the institutions exhibit a very weak performance and a large backlog of cases. Corruption among law enforcement institutions precludes an effective handling of corruption cases, and the prosecution is hampered by slow and sloppy procedures. Due to a lack of capacity and qualified staff, law enforcement is mainly confined to handling cases of petty corruption. In Botswana, there is only a moderate backlog of cases. There have been delays in prosecution due to the over-worked Attorney General's Chambers. Corruption among the police force, public prosecution and the judiciary is rare, and the judiciary has shown good integrity and firm action in punishing offenders in corruption cases. In contrast to Uganda, the independence of institutions is mostly ensured, although the security of tenure for judges is somewhat limited in practice.

³¹⁸ Directorate on Corruption and Economic Crime (2002), p. 17; Cf. also Frimpong (2001a), pp. 7 f. and 17; *Mmegi* (2000b), p. 12.

³¹⁹ Briscoe / Hermans (2001), p. 87.

2.3 Corruption Safeguards in the Civil Service

Corruption in the civil service (also called ‘bureaucratic corruption’) is, to a greater or lesser extent, present in every country. It can be on a large scale, for instance when major government contracts are awarded, state companies privatised or land redistributed. However, the bulk of cases is usually made up of small-scale bribery in ordinary transactions between citizens and civil servants to obtain licences or smaller contracts, to avoid paying taxes or fines or to speed up administrative processes. Nepotism, i.e. the appointment or promotion of civil servants based on connections instead of merit, is also a typical form of corruption in the civil service. Bureaucratic corruption also encompasses actions of civil servants without the involvement of a second party (‘auto-corruption’), for instance when state resources are embezzled.³²⁰

This chapter analyses the corruption safeguards and various reform measures that have been taken to improve the integrity and accountability of the civil service in Uganda and Botswana.

Like in most countries, *Uganda’s* constitution stipulates that all public offices are held in trust for the people and likewise that all public servants are accountable to the people.³²¹ However, when the National Resistance Movement seized power in Uganda in 1986, it soon realised that the civil service it had inherited from its predecessors was far from this ideal and in serious need of reform: “The civil service was a melee of inefficiency, old age, frustration, poor pay, absenteeism and insatiable greed. Officers could spend years without appearing for work and yet continued to collect their salaries.”³²²

The civil service had become riddled with corruption, incapable of delivering services and was considered a major hindrance to economic growth. For years, it had been in a process of unrestrained expansion, with a peak of more than 460,000 employees in 1990. Supposed reasons for this growth were the tradition of providing public sector jobs to reduce unemployment, the practice of offering political allies a role in

³²⁰ Global Coalition for Africa (1997).

³²¹ Constitution of the Republic of Uganda (1995), preamble; cf. also Ugandan Governance Monitoring Project (2005), p. 40.

³²² Uganda Debt Network (2002), p. 33.

government and the proliferation of state activities beyond the traditional domain of the government.³²³

To diagnose the major problems of the civil service and develop reform recommendations, a Public Service Review and Reorganization Commission (PSRRC) was established in April 1989 with the support of the World Bank and the United Nations Development Programme.³²⁴ The Commission consulted more than 25,000 public servants in the course of its workings and identified low salaries, dysfunctional organisation, poor management skills and a wrong incentive structure as the key problems. These deficiencies were reckoned to be the main contributing factors to abuse of office and government property, corruption, moonlighting, erosion of rules and regulations, poor service provision, massive red tape and excess staff. The Commission defined corruption as the “conduct or practice by a public official or private individual done in flagrant violation of existing rules and procedures for the realization of personal or group gains”.³²⁵

The Commission made 255 specific recommendations which then formed the basis of the comprehensive Civil Service Reform Programme (CSRP) that started in 1992. Its basic aim was to create a smaller, better paid, well motivated and accountable civil service. The main elements of the reform consisted of downsizing the public service, reorganising remuneration, restructuring ministries and introducing an improved personnel management system and results-oriented management. It was expected that these measures would in the long run change the culture of the public service and ensure moral integrity and efficient service delivery.³²⁶

The downsizing programme started with reviews of all government ministries to assess their roles and mandates and to decide which activities were to be privatised. Similar reviews were performed at district level to reconsider the role of government, and strict recruitment limitations were enforced. Personnel reduction was achieved mainly by removing ‘overdue leavers’, a category that encompassed the over-aged, irregular

³²³ Kisubi (1999), p. 349.

³²⁴ Langseth / Pope (1998), p. 42; Kalekyezi (2000), p. 45.

³²⁵ Langseth / Stapenhurst (1997b), pp. 13 f.

³²⁶ Kalekyezi (2000), pp. 46 f.; Flanary / Watt (1999), p. 518.

entrants and employees that were judged ‘incompetent’ in performance assessments. Also more than 42,000 so-called ‘ghost-workers’ – fictitious, dead or past employees who remained on the payroll – were eliminated by computerising the payroll system. In addition to these reductions, also workers who had been considered ‘surplus’ by the reviews were removed, although they usually were legitimate and judged as ‘competent’.³²⁷

All these measures led to a massive reduction in the number of civil servants: In 1996, only about 125,000 employees remained. Despite this numerical success, the Public Accounts Committee considered the implementation process to be mismanaged because it was not carried out according to established principles. For instance, there was no independent body for the selection of the retrenchees, and often only makeshift reasons were given for the decisions. The government also failed to consult employee associations like the Uganda Civil Servants Association.³²⁸ In principle, many civil servants were left at the mercy of their immediate supervisors. Although some unqualified employees who had been smuggled into the civil service for political reasons had to leave, some senior officials used their influence to protect friends from retrenchment. Furthermore, some employees previously arrested and prosecuted for theft were not removed. There were many complaints that hard-working, competent and honest civil servants had to leave while the corrupt managed to stay on, or that those who had a difference of opinion with their bosses had to quit.

As a negative side-effect of the retrenchment programme, corruption levels soared: The premature announcements of lay-offs led to the rampant embezzlement of public funds, asset stripping and bribery as insecure staff tried to exploit their positions as long as they could. The uncertainty about their jobs made employees nervous and resulted in a standstill in some departments. Opposition among public servants against the cuts led to political turmoil, and some of the angry retrenchees even joined guerrilla groups.³²⁹

Critics of the CSRP complain that the International Monetary Fund and World Bank pressed ahead with the reforms too fast, and that ‘reform’ primarily meant ‘downsizing’.

³²⁷ Kalekyezi (2000), pp. 47-50; Langseth / Stapenhurst (1997b), p. 14.

³²⁸ Kalekyezi (2000), pp. 48 and 54.

³²⁹ Kalekyezi (2000), pp. 56 f.; Hawley (2000); Directorate for Ethics and Integrity (2000), p. 4.

The lay-offs had indeed been so hasty that the government failed to pay retrenchment packages on time: In 1998, the shortfall amounted to US\$ 7.9 million. Due to resource constraints, many vacancies could not be filled, which further impaired the capacity to deliver services.³³⁰

Low civil service wages have long been known as an important determining factor of administrative corruption. On that score, Uganda's high level of corruption should not come as a surprise, given that it had and still has one of the lowest public sector salaries in sub-Saharan Africa. In many occupations, salaries are well below the private sector minimum wage, especially because the hyperinflation of the 1970s eroded real wages in the public sector.³³¹ Many public servants are forced to get a second job to supplement their meagre income. It is pretty obvious that the government is unable to attract highly qualified personnel and combat administrative corruption in this situation.

The Pay Reform Committee set up to tackle this problem proposed the monetisation of transport, housing or other benefits and allowances into a consolidated salary package to increase transparency and control abuse. It also identified the improvement of the basic pay as the most important requirement for a more efficient and honest civil service. The Committee used the concept of a "minimum living wage" (MLW) to determine the minimum acceptable remuneration for the most junior grade of civil servants. The MLW, which is supposed to be enough to "keep body and soul together", was estimated to be US\$ 70,000 (about US\$ 70) a month based on 1990 prices.³³² It should be noted that this sum represents the bare minimum and does not take into account costs for health care, education or transport. Regrettably, even almost ten years after the start of the CSR, the government has not yet achieved to pay at least this tiny MLW to all its civil servants: In 2001, the lowest rank of civil servants received between US\$ 68,058 and 71,173.³³³ In line with World Bank and IMF recommendations, the government

³³⁰ Hawley (2000).

³³¹ For instance in 1994, primary schoolteachers and police officers earned the equivalent of US\$ 43 and US\$ 45 per month, respectively. The minimum amount to live was estimated to be US\$ 60 at that time. Cf. Langseth / Stapenhurst (1997b), pp. 15 f. and Kisubi (1999), p. 349.

³³² Langseth / Stapenhurst (1997b), p. 16; Kalekyezi (2000), pp. 50-52.

³³³ Uganda Debt Network (2002), p. 34; Directorate for Ethics and Integrity (2000), p. 5; Hassan (2003a), p. 35; it should be pointed out that the government is hindered in its salary increases by low tax revenues, which, as a percentage of GDP, are among the lowest in Africa. Cf. Langseth / Stapenhurst (1997b), p. 16.

increased salaries of top officials disproportionately. For instance, the salary of Permanent Secretaries increased by more than 42,000%, while that of primary teachers only by 930%.³³⁴ Although the resulting growth in wage differentials can possibly increase incentives, it fails to substantially reduce the necessity for junior officials to engage in corruption to top up their meagre salaries: “Thus, you find junior government officers forever condemned to leading a ‘hand to mouth’ life, and the only means of making ends meet is by doing extra jobs, taking bribes from the public and stashing away government revenue. Interestingly, it is opportunity to earn illicit income that encourages the civil servants to stay in their underpaid jobs, in the process getting addicted to the habit of making easy money.”³³⁵

In Uganda’s Second National Integrity Survey, civil servants were questioned about the extent to which their salaries affect their job performance and, as a possible consequence, might encourage corrupt practices. 70% of the respondents admitted that their work performance was negatively affected by their meagre salaries. 47% also claimed that the bad working conditions in the civil service were a drain on their performance. These high percentages are troubling, especially because the survey participants were almost all taken from the upper salary grades which have recently been considerably raised and hardly included any lower grade staff like police officers or teachers, whose salaries are well below these levels.³³⁶

The propensity of underpaid civil servants to extort bribes is further encouraged by poor supervision within government. Also the ignorance of many Ugandans concerning public services plays into the hands of corrupt officials. Many Ugandans still believe that bribes are necessary to get a quick service, and frequently offer a bribe even before they are asked for one. This pattern of behaviour is so deeply ingrained that it has become normal for civil servants to demand bribes for the services they provide. Many have come to regard their positions as private property that gives them the right to use it to their benefit. If they can get away with it due to the lack of controls, why should they change their behaviour? This situation is aggravated by the fact that Ugandan public

³³⁴ Hawley (2000).

³³⁵ Uganda Debt Network (2002), pp. 34 f.; Cf. also Hassan (2003a), p. 35 and Global Coalition for Africa (1997).

³³⁶ Inspectorate of Government (2003), p. 106 ff.

officials usually have the same area of responsibility for a long time, which gives them the opportunity to perfect their skills for seeking corrupt income.³³⁷

To improve this unsatisfactory condition, the Civil Service Reform Programme introduced some changes: Simpler and more consistent rules and procedures were instituted and clear organisational goals introduced, with employees being fully accountable for their duties and assigned objectives.³³⁸ In order to prevent the embezzlement of salary payments, civil servants were advised to open personal bank accounts to enable cash transfers at pre-announced dates instead of cheques. In addition, managers are no longer allowed to hire short-term workers without approval from their superiors, as this practice had encouraged nepotism and led to overstaffing. The Auditor General is now allowed to conduct more vigorous audits of government accounts, but his resources are still not sufficient to use his power to much effect.³³⁹ The CSRP also established a Code of Conduct for all public servants. Every employee has to swear an oath of commitment to the code, and people dismissed for breaching it are prohibited from holding a public office for five years. The wording of the oath is: “ (...) no officer shall at any time engage in any activity which could in any way impair his usefulness as a public officer or engage in any occupation or undertaking which might in any way conflict with the interest of the public service or be inconsistent with his position as a public officer; or make use of his official position to further his private interests or those of his family.”³⁴⁰ Unfortunately, there are still no restrictions on post-public service employment also for people who leave the service voluntarily, which can encourage corrupt arrangements between civil servants and the private sector.³⁴¹

In addition to the CSRP measures, the Uganda National Integrity Survey proposed a number of actions that could help to reduce administrative corruption: Procedures should be as simple as possible so that service users can finish their dealings in one visit, bureaucracy should be reduced so that people have to see fewer staff, and citizens

³³⁷ This could be alleviated e.g. by ‘job rotation’ provisions. Cf. Uganda Debt Network (2002), pp. 35 and 45 f.

³³⁸ Langseth / Stapenhurst (1997b), p. 13. There are as yet no studies whether these measures have contributed to a reduction of corruption.

³³⁹ Langseth / Stapenhurst (1997b), pp. 15 f.; Ruzindana et al. (1998a), pp. 31 f.

³⁴⁰ Langseth / Stapenhurst (1997b), p. 16.

³⁴¹ Hassan (2003b), p. 15.

should be provided with helpful information about their rights.³⁴² However, most people are still ignorant of the processes and criteria for administrative decisions because too little has been done to spread this information and educate citizens about their rights.³⁴³

Overall, the CSRP implementation is generally judged to have been largely successful, with the exception of the failure to provide adequate remuneration for all civil servants.³⁴⁴ However, the Uganda Debt Network is more sceptical about the state of the civil service and still regards it as ill-motivated, poorly supervised and riddled with corruption.³⁴⁵ Other observers have also detected that nepotism, cronyism and undue involvement of the executive are still widespread in the recruitment of civil servants.³⁴⁶ Furthermore, the results of Uganda's Second National Integrity Survey of 2003 show that the civil service is still riddled with corruption and in serious need of reform. For instance, 31% of public sector respondents in the survey admitted that the budget of their institution is still not sufficiently or not at all controlled.³⁴⁷ There is also a lack of regulation concerning civil servants' acceptance of gifts or hospitality. To eliminate this grey area, clear rules on gift-giving and registries for received gifts should be introduced.³⁴⁸

As a follow-up to the CSRP of 1992, a new reform process was started with the Public Service Reform Programme of 2002. It introduced measures to improve budgeting and financial management systems and to increase the link between pay and performance. By fostering a customer-focused culture and offering better training to public servants, it was hoped that the service delivery quality as well as the integrity of the civil service

³⁴² The survey found that service users were less likely to pay bribes in these circumstances. Cf. CIET international (1998), p. iii.

³⁴³ Hassan (2003a), p. 36; Hassan (2003b), p. 16.

³⁴⁴ Kalekyezi (2000), pp. 59 f.; Zwart (2003), p. 10; Directorate for Ethics and Integrity (2000), pp. 4 and 8; Hassan (2003a), p. 35.

³⁴⁵ Uganda Debt Network (2002), p. 33. Also Uganda's Directorate of Ethics and Integrity concludes that there are still "low moral and ethical standards" within the civil service. Cf. Directorate for Ethics and Integrity (2000), p. 3.

³⁴⁶ Doig et al. (2005), p. 25; Hassan (2003a), pp. 35 f.; Hassan (2003b), p. 15.

³⁴⁷ Inspectorate of Government (2003), pp. 67 f. and 109 f.; Cf. also *chapter IV.1.3*.

³⁴⁸ Hassan (2003a), p. 36; Hassan (2003b), p. 15.

would be improved.³⁴⁹ Unfortunately, there is as yet no study that has tried to assess the impact of the new reform programme on the integrity and efficiency of the civil service.

It is important to remember that merely re-sketching organograms and modifying procedures will not automatically lead to substantial changes in public service culture and behaviour. It may take years to establish functioning systems of accountability and achieve fundamental changes in the incentives of civil servants. All available evidence suggests that reform efforts have so far failed to create a reasonably honest and efficient public service.³⁵⁰ To achieve this, it is absolutely essential that civil servants are paid enough to survive on their salary. Also Uganda's Directorate for Ethics and Integrity³⁵¹ has admitted that all endeavours are unlikely to succeed unless this condition is fulfilled: "(...)as long as public sector pay for the majority of civil servants is less than is needed to survive, corruption among the ranks of such government actors will continue to be a practice, even if sanctions are effectively applied."³⁵²

As for sanctions against corrupt civil servants, Uganda's President occupies a very powerful position: He appoints and dismisses the members of the service commissions responsible for punishing low-ranking public servants and is solely in charge of disciplining officers from the rank of head of department and above. Transparency International concludes that in practice, "the president has powers to hire and fire upon his personal discretion", which leaves room for patronage and can obstruct the punishment of offenders with good connections to the government.³⁵³

The punishment of offenders is further impeded by insufficient complaints mechanisms and the lack of protection for whistleblowers. In practice, civil servants are reputedly

³⁴⁹ Hassan (2003a), p. 35.

³⁵⁰ Kalekyezi (2000), pp. 60 f.; Consultative Group Meeting (2003), p. 3.

³⁵¹ The Directorate for Ethics and Integrity (DEI) was established in 1998 and belongs to the office of the President of Uganda. It is responsible for the formulation and coordination of the implementation of national anti-corruption policy. It is headed by the Minister of State for Ethics and Integrity.

³⁵² Directorate for Ethics and Integrity (2000), p. 10; Also Transparency International's country study of Uganda comes to this conclusion: "Petty corruption in the public service sectors is likely to continue as long as the government fails to pay a living wage to public servants" (Hassan (2003a), p. 78).

³⁵³ Hassan (2003a), pp. 19 f. and 35 f.; Hassan (2003b), p. 15; Constitution of the Republic of Uganda (1995), Article 172.

afraid of reporting corrupt behaviour for fear of losing their jobs or being harassed by colleagues or superiors.³⁵⁴

Civil servants must get the unequivocal message that corruption is not tolerated. If they witness the punishment of corrupt superiors or colleagues, they will think twice before committing corrupt acts themselves. Otherwise, they will try to find ways around new procedures or accountability systems and devise new strategies for earning corrupt income. This is especially important with regard to the corrupt behaviour of superiors that can ‘spill over’ to lower ranks. If employees know their bosses are pocketing public funds and accepting bribes, they are less inhibited or even encouraged to engage in corrupt dealings as well. This is also true for institutional spill-over: If civil servants learn that another department or institution is successfully exploiting corrupt practices without getting punished, they may be encouraged to imitate this behaviour.

In *Botswana*, corruption in the civil service has always been far less problematic than in Uganda. For historical reasons alone, Botswana can expect to have a less corrupt civil service because it never had to endure prolonged periods of political instability and misrule with disastrous consequences for the performance and integrity of the civil service like in Uganda.

Unlike lots of other African countries, Botswana is not burdened with a bloated civil service. Together with sound public finances in general, this enables the country to pay its public servants relatively high salaries and expend substantial resources for their training to make the service more efficient. Thus, unlike Uganda, Botswana fulfils one of the essential conditions for preventing corruption in the civil service: Public officials enjoy reasonable working conditions and have no need to supplement their salaries with bribes in order to survive.³⁵⁵

Recruitments are reportedly mostly based on merit, although there have been a few complaints of nepotism in the appointment practices of some ministries. However, courts have in the past been sympathetic to aggrieved parties who challenged dubious appointment decisions and have usually rectified these cases. Thus, complaints

³⁵⁴ Hassan (2003b), p. 16.

³⁵⁵ Bertelsmann-Stiftung (2003); Olowu (1999).

mechanisms are considered to work properly and provide a reasonable safeguard against corrupt appointment decisions.³⁵⁶

As a complementary factor to the appointment based on merit, Botswana has adopted the British model of a politically neutral civil service. Thus, patronage and political affiliations are not supposed to be a consideration in the recruitment and promotion of civil servants. According to the General Orders of the public service (Article 38), civil servants are subject to quite restrictive rules concerning their political activities: They must not be active members of political parties and associations or hold an office in Local Government bodies. They are also barred from openly expressing support or opposition for any political party. These terms also apply to Local Government service officers and most parastatal employees.³⁵⁷ Although there are no studies on the compliance to these rules, anecdotal evidence suggests that they are generally adhered to and that Botswana's civil service is considerably less infested with patronage and nepotism than Uganda's.

In contrast to Uganda, Botswana has detailed rules for civil servants regarding the acceptance of gifts and hospitality. The General Orders of the public service state that public officials "are not permitted to accept any inducement, fee, reward or remuneration either in cash or in kind" (Article 41). However, the General Orders make some exceptions for socially acceptable small gifts or hospitality so that "officers are not expected to dissociate themselves completely from ordinary social life" (Article 41). Thus, they are allowed to accept e.g. modest Christmas gifts and the normal hospitality offered by acquaintances. The General Orders provide detailed guidelines on the acceptance of various forms of gifts and hospitality. The guiding principle is that public officials may not accept anything that places them in any way under an obligation. Officials are required to declare all gifts they receive. The registers for this purpose,

³⁵⁶ Bertelsmann-Stiftung (2003); Frimpong (2001b), pp. 12 f.; *Botswana Daily News* (2000). As an example for an appointment decision overturned by the courts, cf. the case *Peloewetse v. Permanent Secretary to the President*, Civil Appeal No. 26/99. In this case, Labbeus Peloewetse appealed successfully against an appointment decision by the Permanent Secretary to the President. The court acknowledged that Peloewetse was better qualified for the post of Director of Sports and Recreation and thus annulled the appointment of Shaw Kgati, the Permanent Secretary's preferred candidate. Cf. also the Constitution, Sections 108-112, Section 7 of the Public Service Act and Regulation 7 of the Public Service Regulations of 1998, as well as General Order 8 of the Public Service Act and Regulation 7 of the Public Service Regulations of 1998 that lay down the criteria for recruitment into the public service.

which are considered to be well maintained, are kept at the Office of the President and the Ministries for senior civil servants.³⁵⁸

The same registers are also used to record private business interests of civil servants to assess possible conflicts of interest. As a general rule, officials may not participate in private business activities or accept any other paid employment. However, there are some exceptions for agriculture, land and property development or part-time teaching. If an official fails to resolve conflicts of interests, he may face compulsory retirement. Furthermore, a failure to declare private interests is punishable under the General Orders of the public service. However, there is no evidence to confirm that these provisions are universally enforced. Unfortunately, like in Uganda, there are also no restrictions on post-public service employment.³⁵⁹

Botswana's civil service was long considered to be among the best in the world and practically free from corruption. However, in the late 1980s and early 1990s a series of corruption scandals tarnished this exceptional image somewhat. Since then, the annual reports of the DCEC and Auditor General have regularly contained a small number of corruption offences committed by civil servants.³⁶⁰ Also the media have become more vocal on this issue and have on various occasions warned about a growing culture of corruption.³⁶¹ However, if one considers that the actual number of exposed corruption cases is still very small and that publications on corruption in Botswana are also concerned about extremely minor abuses of civil servants like using their telephones for private phone calls or using official vehicles to collect children from school, one can't help but think that Botswana still plays in an entirely different league than other African countries like Uganda as regards the problem of civil service corruption.³⁶²

Botswana's efforts to combat corruption in the civil service are widely regarded as adequate and effective. Section 45 of the Corruption and Economic Crime Act provides

³⁵⁷ Sharma (2000a), pp. 14 f.; Briscoe / Hermans (2001), pp. 28 ff.

³⁵⁸ Briscoe / Hermans (2001), pp. 25 f.; Frimpong (2001b), pp. 13 f.

³⁵⁹ Briscoe / Hermans (2001), pp. 26 f.; Frimpong (2001b), pp. 13 f.

³⁶⁰ Modisi (2000), pp. 9 f.; Frimpong (2001a), p. 11; Frimpong (1997).

³⁶¹ For instance, the magazine *Mmegi* ran an editorial with the title "Culture of Corruption Grows"; Cf. *Mmegi* (2000a); Frimpong (2001a), pp. 11 f.

³⁶² Briscoe / Hermans (2001), p. 7.

protection for whistleblowers, and the Ombudsman Act guarantees their anonymity and stipulates that their names may not be disclosed in criminal prosecutions.³⁶³

Corruption offences have usually been quickly and severely disciplined and led to the dismissal not only of low-ranking officials but also of senior civil servants, parastatal executives and ministers. The internal audit department of the civil service as well as the Auditor General have received more resources in recent years to reinforce the internal controls of the public service. This testifies to the ability and willingness of the political leadership to secure the integrity of its agents and servants.³⁶⁴

2.4 Public Procurement Safeguards

The domain of public procurement, which takes up a large part of the national budget, is generally considered to be very vulnerable to corruption. Malpractices of public servants can occur at various stages in the process: During the preparation of the tender, the specification of the needs may be manipulated so that only a particular provider will be able to fulfil them. During the evaluation of the bids, providers willing to pay bribes may be favoured because selection criteria are often subjective, and a mistake can usually be found in every bid document. If bid documents are not locked up properly, they can also easily be tampered with. Corrupt practices can also take place after the tendering process, during contract enforcement: For instance, those involved in overseeing the execution of the contract may be offered bribes to accept much lower quality standards, thus reducing costs for the successful bidder.³⁶⁵

Public procurement in *Uganda* has long been fraught with high levels of corruption. The Ministry for Ethics and Integrity estimates that about 90% of corruption cases in Uganda are procurement-related. A manager of the former Swiss Procurement Company (SWIPCO), which had long been involved in auditing Uganda's procurements, estimated that about 30% of the annual procurement budget is wasted due to corruption.³⁶⁶ In Uganda's Second National Integrity Survey, 20% of the

³⁶³ Frimpong (2001b), p. 15.

³⁶⁴ Charlton (1990), p. 11; Modisi (2000), pp. 9 f.

³⁶⁵ Zwart (2003), p. 23; Global Coalition for Africa (1997).

³⁶⁶ Directorate for Ethics and Integrity (2000), p. 4; Zwart (2003), p. 22.

questioned civil servants admitted that their institutions' tendering and contract rules were not or only poorly followed. Survey participants alleged that bribes to obtain contracts could be as high as 50% of the contract sum. It was also pointed out that corruption in public procurement had turned into a kind of vicious circle: As corruption in procurement leads to a waste of already scarce resources in the public service, its capacity to provide services and pay civil servants a living wage is further diminished, thus encouraging even more corruption among the staff.³⁶⁷

The Integrity Survey also provides insights into how corruption in procurement usually works by citing the experiences of people who were affected by it: "The tenders to build classrooms for our local primary school have been always given to people personally known to district officials like councilors, politicians and in most cases they have done substandard work. In some schools under-gauged iron sheets were used; the storm has already blown off some roofs (...). People who are awarded tenders pay a lot of money as bribe to be awarded tenders and in return do poor work in order to get something from it." This is how an anonymous insider describes corrupt practices that are widespread in the hiring of consultants: "Sometimes consultants are awarded without any public notification in the newspaper. A consultant is offered the job directly by the Government agency under the condition that the civil servant receives a share of the payment. To make the bidding process appear competitive, the consultant is asked to produce to other, false 'Expressions of Interest'."³⁶⁸

Uganda's procurement system was fundamentally reformed with the Public Finance (Procurement) Regulations that came into force in March 2001: Centralised tendering under the Central Tender Board was completely abolished, and each line ministry now has its own procurement entity headed by its accounting officer. The Central Tender Board has only retained an advisory and supervisory function. As regards the usefulness of this reorganisation, some observers suspect that the decentralisation of procurement to entities at ministries has merely decentralised and not reduced corruption.³⁶⁹

³⁶⁷ Inspectorate of Government (2003), pp. 67 f. and 111 f.

³⁶⁸ Inspectorate of Government (2003), pp. 67 f.; Zwart (2003), p. 22.

³⁶⁹ Hassan (2003a), pp. 43, 48 and 74; Hassan (2003b), p. 19.

The new regulations were widely criticised for having weak internal controls and being not comprehensive enough. These known weak points led to the preparation of a new and more wide-ranging law, which was enacted in 2003. The Public Procurement and Disposal of Public Assets Act created a new independent procurement authority of the same name, better known by its acronym PPDA. Furthermore, its aim was to improve transparency and accountability in public procurement, make bidding more competitive and ensure that the best provider is chosen by objective selection criteria.³⁷⁰

Besides offering advice and training, the PPDA is also empowered to set standards and rules for procurement, conduct audits, evaluate the performance and monitor the compliance of the procurement bodies. It has developed two Codes of Conduct, one for public officials and one for the providers. If the PPDA detects abuses or irregularities, it can recommend disciplinary measures or the temporary withdrawal of the procurement function of the affected entity. The new regulations also empower the PPDA to blacklist companies that have engaged in corrupt practices and thus suspend them from participating in public procurement. In addition, blacklisted companies are published on the PPDA's website. As of mid-2007, there are only two providers that are banned, one for a two-, the other for a three-year period. Given the high prevalence of corruption in public procurement, this number seems very low and casts doubt on the effectiveness of this measure for discouraging tendering malpractices in the private sector.³⁷¹

The PPDA suffers from a lack of staff and resources. Recruitment has been slow since its creation, and due to the lack of procurement professionals in Uganda, it has been hard to find qualified staff that are up to the task of uncovering complex procurement malpractices. However, there have been some initiatives in recent years by the PPDA itself and the Netherlands Embassy to train more public officials and to build up procurement curricula and teacher capacity in two universities.³⁷²

Procurement entities still have too many opportunities to circumvent or breach regulations. There are no selection procedures laid down for some tender varieties,

³⁷⁰ Hassan (2003a), p. 74; Hassan (2003b), p. 29; Zwart (2003), p. 16; Ugandan Governance Monitoring Project (2005), p. 41.

³⁷¹ Zwart (2003), p. 16; Directorate for Ethics and Integrity (2003), p. 4; Website of the PPDA (<http://www.ppda.go.ug>).

³⁷² Consultative Group Meeting (2003), pp. 4 f.; Zwart (2003), pp. 16 and 24 f.

which leaves room for manipulation. Several observers have voiced the concern that ministers, as immediate supervisors and heads of the ministry, might exercise undue influence on the award of contracts. There are also complaints from the business community that sometimes tenders are announced in newspapers merely to fulfil formal requirements when in fact the provider is already pre-selected. Small procurements that fall below the threshold that requires open tendering are reportedly most prone to corruption due to the weak internal controls in most procurement entities.³⁷³

Uganda's procurement reforms have been criticised for putting too little emphasis on compliance: Audits are conducted not often and not rigorous enough to pose a serious obstacle to malpractices, and there are also no efforts to establish benchmarks for measuring corruption and the observance of rules and procedures. Proper auditing is further hampered by inadequate record keeping in public procurement: Without accurate records, documentation and contracts, no evidence on the correctness of procedures can be gathered.³⁷⁴ There are also no special mechanisms for monitoring procurement officers. These are ideally placed to profit from corruption due to their area of responsibility, but they only have to comply to the general requirement of the Leadership Code Act to declare their assets.³⁷⁵

Corruption in public procurement is further encouraged by the insufficient prosecution of offences, which is usually blamed on the poor investigative capacity and susceptibility to political interference of Uganda's law enforcement institutions. The lack of transparency in procurement procedures is also favourable to corruption. Records of award decisions are not accessible to non-selected competitors, let alone to the public. This is regrettable as these competitors could play a supplemental role in auditing procurement decisions because they have a vital interest in uncovering corrupt practices of their business rivals.³⁷⁶

So-called 'classified expenditure' poses a further problem in controlling corruption in public procurement. This class of expenses, which includes defence spending, amounts

³⁷³ Hassan (2003a), pp. 24 and 46 f.; Hassan (2003b), p. 7.

³⁷⁴ Zwart (2003), pp. b and 24 f.

³⁷⁵ Hassan (2003a), p. 48; Hassan (2003b), p. 20. For more information on the Leadership Code, cf. *chapter IV.2.6*.

³⁷⁶ Hassan (2003b), p. 20.

to US\$ 36 billion. Uganda's donors have repeatedly demanded that also these intransparent expenditures be subjected to audits.³⁷⁷ Especially the procurement procedures in the Ministry of Defence have given rise to a series of corruption scandals. For instance, inadequate food was bought from South Africa, and junk helicopters from Belarus. The latter case alone caused a loss of US\$ 7 million and led to fierce public criticism of the ministry. Julia Sebutinde, a well-known anti-corruption judge, was appointed as head of a commission to investigate the case and she summarised the problem as follows: "The purchase of the Military helicopters is a test case that highlights the weaknesses and shortcomings in the system of classified procurement in the Ministry of Defence. (...) The Commission discovered that corruption, bribery, negligence and incompetence by various officials involved in the transactions as well as the resultant loss to government are merely outward manifestations of a large problem rooted in the procurement procedure and practices of the Ministry".³⁷⁸

To conclude, Uganda's efforts to control corruption in public procurement are at best a mixed success. The current Procurement Act is generally regarded as a good quality law, but its implementation and follow-up action leaves much to be desired. Due to weak internal and external controls, corruption in public procurement can hardly be regarded as a high-risk activity. In conjunction with generally low salaries in the public service, this makes corrupt practices still very attractive to many civil servants working in public procurement.³⁷⁹

Until 2002, public procurement in *Botswana* was handled by a Central Tender Board under the supervision of the Ministry of Finance and Development Planning.³⁸⁰

The corruption scandals in the early 1990s, for instance related to the supply of school textbooks, somewhat tarnished the previously good image of the Central Tender Board. However, the commotion proved to be short-lived, and the Board quickly regained the

³⁷⁷ Consultative Group Meeting (2003), pp. 4 f.

³⁷⁸ Hassan (2003a), pp. 45 f.; *The New Vision* (2003a).

³⁷⁹ Zwart (2003), p. 23.

³⁸⁰ Frimpong (2001a), pp. 6 and 13 f.

reputation of ensuring fair and open competition for tenders and working in a transparent environment.³⁸¹

All the same, reforms became necessary because the Central Tender Board system could no longer cope adequately with the rising demands in public procurement. The volume and complexity in procurement had increased dramatically over the years, not least due to the intricate contract documentation and specific standards that were required in many donor-funded projects. Especially officers at the district level often lacked the necessary training and expertise to make informed procurement decisions in complex tenders.³⁸²

In addition, also the transparency and public accountability of the existing system were considered as in need of improvement. For instance, tendering rules and procedures were usually not published, which made it difficult for bidders to verify whether the proper procedures were followed in the tender award. If companies are not even aware of being deceived, they also cannot seek redress against a corrupt tender decision in court. Furthermore, the Central Tender Board system allowed senior staff in technical departments to determine the award of tenders practically unilaterally, an arrangement which, according to Briscoe and Hermans, “has led to some of the worst cases of corruption in Botswana’s history”. The Ministry of Finance and Development Planning, which oversaw the Central Tender Board, was unable to evaluate tender documents or audit the decisions due to a lack of staff.³⁸³ Investigations of the DCEC had also shown that low-level officials charged with processing payment claims or checking work performed by contractors were often overstrained and inadequately monitored, which encouraged corruption and sub-standard work. The DCEC recommended a tightening up of procurement procedures and better supervision of staff involved in the execution of projects.³⁸⁴

Botswana’s efforts to reform public procurement finally resulted in the Public Procurement and Asset Disposal Act, which came into force on 2 July 2002. Similar to

³⁸¹ Frimpong (2001a), pp. 13 and 19; For more details on the schoolbook corruption scandal, cf. Molomo (1998), p. 208.

³⁸² Public Procurement and Asset Disposal Board (2007a); Briscoe / Hermans (2001), pp. 111 f..

³⁸³ Briscoe / Hermans (2001), pp. 111 f.; Public Procurement and Asset Disposal Board (2007a).

³⁸⁴ Briscoe / Hermans (2001), pp. 112 f.

Uganda, procurement was decentralised to Ministerial Tender Committees (MTCs) and District Administration Tender Committees (DTCs). A Public Procurement and Asset Disposal Board (PPADB) was established as an independent authority responsible for the coordination and management of public procurement and public works.³⁸⁵ The PPADB is run by seven directors and supported by 40 professionals drawn from disciplines considered to be important in procurement, such as engineers, lawyers, economists, architects, and accountants. Thus, the PPADB has larger capacities for overseeing public procurement than the Central Tender Board, which was essentially run by a small number of part-time staff.³⁸⁶

The reforms were greeted as important steps in making public procurement more competitive, transparent and robust against corrupt practices. The new regulatory framework is supposed to provide improvements in the accountability, auditing and disciplinary proceedings of public procurement.³⁸⁷

The transparency of procurement procedures is enhanced by the obligation of the PPADB to publicise all bids received and award decisions made. The Board also reviews whether the reports and award recommendations submitted by procuring entities are unbiased and compliant with existing procurement policies, principles and procedures. The PPADB maintains a complete procurement record that is available for examination by oversight authorities at any time.³⁸⁸

Furthermore, all activities of the Board are subject to audits by the Auditor General and other oversight authorities. There are conflict of interests provisions and a Code of Ethics for all PPADB members, and they are also legally obligated to declare their business and financial interests.³⁸⁹

Reportedly, courts have not hesitated to overturn tender decisions that had favoured bribe-paying bidders over legitimate ones if aggrieved companies sought their help.

³⁸⁵ *Botswana Daily News* (2004); Public Procurement and Asset Disposal Board (2007a); Public Procurement and Asset Disposal Board (2007b).

³⁸⁶ Public Procurement and Asset Disposal Board (2007b).

³⁸⁷ Public Procurement and Asset Disposal Board (2007a); Briscoe / Hermans (2001), pp. 112 f.

³⁸⁸ Public Procurement and Asset Disposal Board (2007b); PPADB Act, Sections 86 and 87.

³⁸⁹ *Botswana Daily News* (2003); Public Procurement and Asset Disposal Board (2007b).

Thus, the judicial review of administrative decisions has so far provided a reasonable safeguard to protect honest companies from corrupt decisions.³⁹⁰ In addition, the Public Procurement and Asset Disposal Act introduced the Independent Complaints Review Committee, which is completely independent of the PPADB. It provides a dispute resolution mechanism for aggrieved parties in case of controversial tender decisions.³⁹¹

Prior to the procurement reforms of 2002, there were no formal provisions for blacklisting corrupt companies, although it had reportedly always been a common practice to remove such companies from the register of firms that are allowed to participate in tenders.³⁹² The Public Procurement and Asset Disposal Act instituted a Code of Ethics with anti-corruption provisions that is binding for all contractors. The PPADB is supposed to closely monitor the Code and has the power to discipline or blacklist any company that violates its conditions.³⁹³ However, similar to Uganda, there is no real evidence how strict the blacklisting provisions are enforced in practice and whether undue political influence can prevent or overturn the banning of a company from taking part in public tenders.

In sum, Botswana's corruption safeguards in public procurement can be considered much more effective than Uganda's. Even so, there are also some problematic areas: In principle, all government procurement in Botswana is subject to competitive tenders. However, like in Uganda, defence procurement is exempted from the normal tender and auditing procedures due to security reasons.³⁹⁴ Furthermore, tendering at district level is considered to be more open to abuses due to a lack of supervision and has been referred to as a "breeding ground for corruption".³⁹⁵ A District Council secretary is quoted by the *Daily News* as saying that "government, councils, corporations and other

³⁹⁰ Frimpong (2001b), p. 20; Frimpong (2001a), pp. 6 and 14. The following cases are usually cited as proof of the well-functioning judicial review of tendering decisions in Botswana: A.V. Communications (Pty) Ltd v. The Attorney General (Misc No 18/94); Attorney-General v. Kgalagadi Resources Development Company (Pty) Ltd t/a Solar Power (Civil Appeal No 20/94).

³⁹¹ Public Procurement and Asset Disposal Board (2007b).

³⁹² Frimpong (2001a), p. 6; Frimpong (2001b), p. 20. Wade Adams is usually cited as an example of a company that was blacklisted due to its involvement in the Botswana Housing Corporation corruption scandal.

³⁹³ Public Procurement and Asset Disposal Board (2007b).

³⁹⁴ Frimpong (2001a), pp. 13 f.; Frimpong (2001b), pp. 18 f.

³⁹⁵ Frimpong (2001a), p. 19.

organisations have lost huge amounts of money due to improper tendering procedures and practices. (...) sometimes tendering procedures were violated deliberately for purposes of favouritism.”³⁹⁶

2.5 Auditor General

The supreme audit institution in Uganda is the office of the Auditor General (AG). Its role and responsibilities are specified in Articles 154 and 163 of the Constitution: “(3) The Auditor-General shall (a) audit and report on the public accounts of Uganda and of all public offices including the courts, the central and local government administrations, universities and public institutions of like nature, and any public corporation or other bodies or organisations established by an Act of Parliament; and (b) conduct financial and value for money audits in respect of any project involving public funds. (4) The Auditor-General shall submit to Parliament annually a report of the accounts audited by him or her under clause (3) of this article for the financial year immediately proceeding. (5) Parliament shall, within six months after the submission of the report referred to in clause (4) of this article, debate and consider the report and take appropriate action.”³⁹⁷ Section 88 of the Local Government Act of 1997 also empowers the AG to audit all accounts of Local Government Councils. In addition, the AG has control over the Consolidated Fund and is supposed to prevent its misappropriation: “(3) No moneys shall be withdrawn from the Consolidated Fund unless the withdrawal has been approved by the Auditor General and in the manner prescribed by Parliament.”³⁹⁸

The AG is appointed by the President subject to approval by parliament. Only qualified accountants with at least 15 years professional experience and proven integrity are eligible for this position. The independence of the AG is nominally guaranteed by Article 163 (b) of the constitution: it explicitly states that the AG shall not be subject to the direction of any person or authority and may only be removed from office for bodily infirmity, inability to perform, incompetence, misconduct or misbehaviour. However,

³⁹⁶ *Daily News* (2001b).

³⁹⁷ Constitution of the Republic of Uganda (1995), Article 163; Zwart (2003), p. 15; Hassan (2003a), p. 33; Nyapendi (1998), p. 30.

³⁹⁸ Nyapendi (1998), pp. 29 ff.; Constitution of the Republic of Uganda (1995), Article 154. For a definition of the Consolidated Fund, cf. Article 153.

these conditions for removal are rather vague and not specified more closely, so the discretion to decide whether the AG fulfils them ultimately rests with the President. Thus, there is at least the possibility that the AG might be removed from office if he carries out his duties against the wishes of the executive. Transparency International's country study criticises that "the independence of the supreme audit institution is seriously jeopardized by its organic attachment to the President of the Republic". It further disapproves of the AG's lack of power to appoint and fire staff. As the AG's subordinate directors and support staff are civil servants, their appointment and dismissal is conducted by the Public Service Commission. To enhance the autonomy and accountability of the office of the AG, Transparency International proposes to place the institution's staff directly under the control of the AG.³⁹⁹

After discussing the AG's annual report, the parliament is expected to submit it to the Public Accounts Committee (PAC), which is authorised to interrogate those suspected of false accounting, summon appropriate accounting officers and make recommendations for further action to the parliament.⁴⁰⁰ Parliament then passes on the recommendations to government. Whether any action is taken then depends on the political leadership. The Uganda Debt Network, Transparency International and other observers complain that more often than not, the recommendations are simply ignored. For instance, the AG has reproved the Ministry of Finance many times without avail for unauthorised withdrawals from the Consolidated Fund. This lack of respect shown to the AG leads the Uganda Debt Network to demand that government should be compelled by law to implement the AG recommendations. Otherwise, the impression is generated that the office of the AG is mere "window-dressing" to deceive international donors.⁴⁰¹

It is indeed questionable whether the government should be in sole charge of deciding about the AG recommendations. If its own members or close allies have been singled out for punishment by the AG report, the government finds itself in an awkward position with conflicts of interest. A related problem is the surveillance of the institution

³⁹⁹ Hassan (2003a), pp. 33 f. and 76; Hassan (2003b), pp. 11 f.

⁴⁰⁰ Flanary / Watt (1999), p. 528; Nyapendi (1998), pp. 32 f.

⁴⁰¹ This leads the Uganda Debt Network to ask: "why should government make such noble laws, only to be the first to flout them?" Cf. Uganda Debt Network (2002), pp. 12 f.; Zwart (2003), p. 15; Hassan (2003a), p. 34; Hassan (2003b), p. 13.

of the AG itself. AG officers have been accused of malpractices during their work, but since there is no entity to crosscheck their work, they can easily get away with it.⁴⁰²

As has been shown, the AG can only play a limited role in the actual fight against corruption as it has no powers of arrest or prosecution. It has to wait for others to act on its recommendations and can only help in an indirect way by exposing corruption. The AG has fulfilled this task quite laudably during the past years and has uncovered dubious accounting practices in a number of areas. This has been encouraged by the new Constitution, which gives the AG permission to audit all accounts of the government – except classified ones – and the right to conduct ‘value for money’ audits to ensure that taxpayers’ money is spent in a responsible way.⁴⁰³

The classified accounts mentioned above are a contentious issue with regard to the AG. Since the NRM assumed power in 1986, the AG has never audited any of the classified accounts, although they constitute a large part of the budget and are widely suspected of being used to hide corrupt transactions.⁴⁰⁴ Since there is no law that explicitly prohibits the auditing of these accounts, parliament urged the AG in 1999 to cover them in the audits without jeopardising national security. Although the necessary provisions have long since been made, the AG has still not been allowed access to any of them. The Uganda Debt Network regards this foot-dragging exercise as a proof of the dishonesty of the government’s anti-corruption strategy: “Commitment to fighting corruption requires a Head of State to subject himself and the institutions he heads to accountability. It is totally unfair and hypocritical to subject other institutions to the Auditor General’s critical eye, while those that get a lion’s share of the Consolidated Fund and are headed by the President are left out.”⁴⁰⁵

⁴⁰² Uganda Debt Network (2002), p. 15.

⁴⁰³ Kahoza (1998), pp. 89 f.; Uganda Debt Network (2002), p. 13; Nyapendi (1998), pp. 32 f.; Hassan (2003a), p. 34; Langseth / Stapenhurst (1997b), p. 18.

⁴⁰⁴ The classified accounts include funds used by security organs such as the Internal Security Organisation, External Security Organisation, Uganda People’s Defence Forces, the National Fraud Squad, the Ministries of Defence and Internal Affairs and some departments in State House. Cf. Uganda Debt Network (2002), p. 13; Nkuuhe (1999), p. 7; Zwart (2003), p. 15; Doig et al. (2005), p. 25; Hassan (2003a), pp. 34 and 76.

⁴⁰⁵ Uganda Debt Network (2002), p. 14. The UDN also remarks that it arouses suspicion that people who once headed such classified institutions are nowadays among the richest people of Uganda – a hint that there could be a “gold mine” ready to be exploited in the management of the classified accounts.

The current AG and also his predecessor enjoy a good reputation and are known as outspoken critics of weaknesses in Uganda's auditing system – for instance, the exclusion of classified accounts from auditing. The credibility of the AG office, which had been shattered between 1971 and 1986, has largely been re-established, and the reports are considered to be prepared without pressure or undue influence.⁴⁰⁶ Nevertheless, the AG is certainly a thorn in the eye of officials keen on embezzling public funds, which makes his office not exactly a “bed of roses”. Therefore, when James Kahooza handed over his office to his successor John Muwange in 2001, he reminded him to be watchful in the control of the Consolidated Fund and to be steadfast in his mission against corruption: “If the Auditor General is known to be soft, people in the Executive begin to take him for granted and put more pressure on him,” advised Kahooza.⁴⁰⁷

In addition to enmity from corrupt officials, the AG suffers from the same shortage of funds and inadequate working conditions as all anti-corruption institutions in Uganda, a grievance that also makes it difficult to attract qualified accountants to work for the AG. The office of the AG is chronically understaffed and employs merely 300 people to cover the entire country. This lack of capacity shows especially in its inability to thoroughly audit local government districts. Transparency International criticises that “the AG's monitoring structures are under-staffed and not suitably provided with the material and financial means to carry out effective monitoring of all public services.”⁴⁰⁸

The funding of the AG's headquarters and ten regional offices, which is done out of the Consolidated Fund, is especially awkward: Although the AG is formally in control of this fund, he has to beg the Ministry of Finance for the necessary means to perform upcountry audits. Repeatedly, the AG office has been denied these funds and consequently has not been able to perform its audit functions. Therefore, the financial

⁴⁰⁶ Flanary / Watt (1999), p. 528. Before 1986, there was no or only a weak parliament that could have helped to prosecute cases of corruption. In addition, the security of auditors was frequently threatened. Cf. Ruzindana et al. (1998a), p. 30.

⁴⁰⁷ *The New Vision* (2001); Uganda Debt Network (2002), pp. 14 f.

⁴⁰⁸ Hassan (2003a), p. 33; Hassan (2003b), p. 12; Ruzindana et al. (1998a), p. 30; Zwart (2003), p. 15.

autonomy that is provided for the AG office by law should be put into practice so that it can become a more dreaded enemy of corrupt officials.⁴⁰⁹

Another obstacle that hampers the AG's effectiveness is the lack of publicity his reports receive. In theory, the reports are supposed to be public documents, but in practice they are hard to come by for members of the press or the general public.⁴¹⁰ One reason for this grievance allegedly is the lack of funds, which only allows the AG to make copies for selected government departments. However, it would be desirable if the AG held at least a press conference in order to expose the most glaring cases and the departments most wasteful with public funds. This would be a good opportunity to involve the public in the fight against corruption. For only if it has the relevant information can it make demands on the rulers and thereby support the efforts of state anti-corruption agencies.⁴¹¹

The words of James Kahooza neatly sum up what he himself thought about the effectiveness of his office in the fight against corruption: "I know not much will change even when I am issuing my reports. We have to wait until people are more enlightened because then leaders will fear them."⁴¹²

Botswana's Auditor General (AG) was established by Section 124 of the Constitution, which states that "the public accounts of Botswana and of all officers, courts and authorities of the Government of Botswana shall be audited and reported on by the Auditor-General and for that purpose the Auditor-General or any person authorized by him in that behalf shall have access to all books, records, reports and other documents relating to those accounts." Furthermore, similar to the AG in Uganda, "The Auditor-General shall submit his reports to the Minister responsible for finance, who shall cause them to be laid before the National Assembly."⁴¹³

⁴⁰⁹ Uganda Debt Network (2002), p. 14; Hassan (2003a), p. 33.

⁴¹⁰ The UDN reports that it is necessary to "sneak around government corridors to photocopy a few pages". Cf. Uganda Debt Network (2002), p. 12.

⁴¹¹ Uganda Debt Network (2002), pp. 12 f.

⁴¹² James Kahooza at a workshop in 1995, quoted in Uganda Debt Network (2002), p. 12.

⁴¹³ Constitution of the Republic of Botswana (1966), Section 124; Briscoe / Hermans (2001), p. 72; United Nations Development Programme (2005), p. 37; Frimpong (2001a), p. 6; Merafhe (2003).

As can be expected from Botswana's comparatively low level of corruption, the AG's annual reports contain mostly minor incidences of poor expenditure control or losses of revenue. The AG reports the cases to the Ministry of Finance and the head of the administrative unit, Department or Ministry concerned. It is then up to these senior officials to take disciplinary or legal actions against their subordinates.⁴¹⁴ Although there are as yet no reports of instances in which this arrangement has impeded the punishment of offenders, it might be a sensible idea to monitor the outcome of these cases to ensure that the right measures are taken against the concerned officials and to supply the AG with feedback for his work.

To fulfil his function, the AG has wide-ranging powers to examine any public document and call for evidence from any public servant.⁴¹⁵ In contrast to his counterpart in Uganda, Botswana's AG also plays a part in the recouping of lost state assets: He can recommend to surcharge public officers who are responsible for losses of public monies or property. This provision was expanded in 1997 and now also allows the surcharging of senior public officials who facilitated the loss of public money through a lack of supervision of subordinate officers. However, it is up to the Permanent Secretary of the affected Ministry to act on the recommendation of the AG.⁴¹⁶

The AG is appointed by the President. However, his independence is protected by Section 124 of the Constitution, which includes a provision that "in the exercise of his functions the Auditor-General shall not be subject to the direction or control of any other person or authority".⁴¹⁷ As regards the AG's security of tenure, Section 114 of the Constitution stipulates that he may be removed from office only for misbehaviour or inability to perform the functions of his office due to infirmity of body or mind. A significant difference to the arrangements in Uganda is that the decision to remove the AG rests not with the President, but can only be taken by the National Assembly after a complex procedure that involves the setting up of a tribunal. Thus, in contrast to

⁴¹⁴ Briscoe / Hermans (2001), pp. 75 f.

⁴¹⁵ Sharma (2000a), p. 19.

⁴¹⁶ Briscoe / Hermans (2001), pp. 74 f.

⁴¹⁷ Constitution of the Republic of Botswana (1966), Section 124; Frimpong (2001a), pp. 6 and 18; Frimpong (2001b), p. 8.

Uganda, the AG is better protected from pressure and undue influence of the executive.⁴¹⁸

The AG's annual budget of P 8 million is generally considered to be adequate for fulfilling the functions of the office. However, the AG has for years been complaining about a lack of staff and high employee turnover, as the few available auditors in Botswana generally prefer better-paid private sector jobs. This shortage is especially worrying as the AG's auditing duties have increased significantly in recent years due to the growing number of public corporations and other quasi-governmental bodies. Thus, it is important to ensure that his budget and capacities are allowed to grow in line with the increasing responsibilities. Some authors criticise that the AG's staff is already overstrained and can conduct only selective audits in some areas.⁴¹⁹

Despite these caveats, Botswana's AG is known for fulfilling his auditing duties well, and he is credited for exposing several cases of corruption and misuse of public funds.⁴²⁰ All his reports have been debated in the National Assembly, although there have been complaints that it has sometimes failed to act on the recommendations of the reports.⁴²¹ The *Mmegi Monitor*, a critical weekly newspaper, severely censured the lack of follow-up action in the past: "There is this good citizen called A.B. Masisi a.k.a. the Auditor-General. Year in year out his office churns out reams of reports detailing instances of theft, fraud, and abuse within Government. But who cares. The behaviour of the authorities would suggest that he holds a meddling and toothless docket."⁴²²

In sum, Botswana's AG has so far been more successful in supporting the fight against corruption than his counterpart in Uganda. The operating environment is certainly more beneficial in Botswana, although the institutions of both countries are somewhat frustrated by the lack of follow-up action to their reports. However, the Botswana AG at

⁴¹⁸ Constitution of the Republic of Botswana (1966), Section 114; Frimpong (2001a), pp. 6 and 12 f.; Sharma (2000a), pp. 18 f.; United Nations Development Programme (2005), p. 37; Frimpong (2001b), pp. 8 f.

⁴¹⁹ Briscoe / Hermans (2001), pp. 72 f. and 77; Sharma (2000a), p. 19; Frimpong (2001a), p. 13.

⁴²⁰ For instance, the AG has repeatedly denounced the misuse of travelling imprests, with some cases dating back to the 1980s. Cf. Frimpong (2001a), pp. 13 and 18.

⁴²¹ Frimpong (2001a), pp. 6 f. and 12 f.; United Nations Development Programme (2005), p. 38; Sharma (2000a), p. 19.

⁴²² *Mmegi* (2000c).

least has access to all accounts and has in the past not been obstructed in his work. In Uganda, there have been many cases in which the AG could not audit accounts because of a lack of staff or missing documents. In addition, Uganda's AG lacks access to so-called classified accounts, which make up a considerable part of the national budget and thus allow the concealment of corrupt transactions. There are usually long delays before his reports are debated in the Ugandan parliament, so that the issues contained in them may already have been overtaken by events.

Uganda's AG also has to cope with a much more severe shortage of staff and resources compared to his counterpart in Botswana, which has led to dangerous gaps in the coverage of audits, especially in local government institutions. Thus, the lack of universal access to accounts combined with the shortage of resources has certainly been detrimental to the effectiveness of the AG's work in Uganda: There are still numerous loopholes in the country's public accounts in which corruption may flourish undetected. As regards the independence and political standing of the institutions, Uganda's AG is clearly worse off: Botswana's AG is considered to be genuinely independent and protected from the influence of the executive. His counterpart in Uganda, by contrast, may be removed by discretion of the President and is thus in a worse position when it comes to uncovering corrupt acts that involve members of the government.⁴²³

2.6 Specialised Anti-corruption Institutions

In some African countries, the fight against corruption is still in the hands of regular law enforcement agencies. However, an increasing number of countries have put a specialised anti-corruption agency in charge of fighting this evil. The origin of this division of responsibilities has usually been a lack of faith in the ability of normal law enforcement mechanisms to deal with this problem satisfactorily, for instance if they are considered to be plagued by corruption themselves. However, besides traditional law enforcement functions, specialised anti-corruption agencies are typically also entrusted with additional tasks like anti-corruption education or the monitoring of assets. In this chapter, the specialised anti-corruption institutions of Uganda and Botswana are compared and evaluated as regards their efficiency in controlling corruption.

⁴²³ Hassan (2003a), p. 34; Hassan (2003b), p. 13.

The motivation for creating *Uganda's* Inspectorate of Government (IG) – the proclaimed “centre piece of the Government’s anti-corruption strategy”⁴²⁴ – can be found in Points 7 and 10 of the National Resistance Movement’s famous Ten Point Programme, which refer to the intention to combat corruption and human rights abuses.⁴²⁵ From the beginning of its rule, the National Resistance Movement had planned to set up a permanent body to fulfil these tasks. At first, Commissions of Inquiry were used to monitor corruption in ministries, but these were largely ineffective: Many ministries were not investigated at all, and others appointed the commission members themselves, which prevented an unbiased and critical investigation.

The IG is modelled on similar institutions in Tanzania, Denmark and Zambia and also draws some inspiration from the Swedish office of the “Ombudsman”. It was formally established by the Inspector General of Government (IGG) Statute of 1988 and fundamentally reformed in 1995 and again in 2002.⁴²⁶

With regard to corruption, the original Statute of 1988 refers to the function of the IG as “eliminating and fostering the elimination of corruption and abuse of public offices”.⁴²⁷ To achieve this, the IG was authorised to examine the practices and procedures of offices with the aim of discovering corruption and revising procedures that are conducive to it. The Inspectorate was also supposed to foster public support against corruption and disseminate warnings about its evil effects on society. Finally, it was responsible for investigating the conduct of public officials with regard to abuse of office, neglect of official duties and economic malpractice, and for receiving and investigating complaints from the public about corrupt practices.⁴²⁸

In its pre-1995 state, the IG was subject to a number of criticisms. For instance, the lack of effective follow-up mechanisms to its operations made much of its work futile: Very few cases of corruption and related offences it investigated actually reached the courts or state prosecution. This problem was mainly caused by the police and the Department

⁴²⁴ Inspectorate of Government (2007a).

⁴²⁵ For the NRM’s Ten Point Programme, cf. *chapter IV.1.2*.

⁴²⁶ Oloko-Onyango (1992), pp. 100 and 116.

⁴²⁷ IGG Statute No. 2 of 1988, Section 7(1) (quoted in Ruzindana (1998c), p. 57).

⁴²⁸ IGG Statute No. 2 of 1988, Section 7(1) (quoted in Ruzindana (1998c), p. 57); Doig et al. (2005), p. 73; Inspectorate of Government (2003), p. 20.

of Public Prosecutions (DPP), both of which are known as rather lax in the prosecution of criminals.⁴²⁹ Furthermore, the mandate of the IG was regarded as too limited as it excluded e.g. the office of the President from the list of public offices that fell under its purview.⁴³⁰ Moreover, also the National Resistance Army (NRA) was excluded from the scrutiny of the IG. At first, it was allegedly envisaged that the NRA should have a department of its own similar to the IG, but these plans were never realised. Critical voices argued that it was just a ploy to exclude the IG's gaze from the Army's business. In any case, these omissions did certainly not strengthen the credibility of Uganda's anti-corruption strategy.⁴³¹

Another criticism concerned the independence of the IG. Although it was formally independent of any other authority, its head, the Inspector General of Government (IGG), was still appointed by and directly responsible to the President. Furthermore, the process of removal of the IGG was unclear, which led to speculations that he was at the discretion of the President and could be removed if he became inconvenient.⁴³²

The call for greater authority of the IG and other reform considerations led to a renovated version of the office with the new 1995 Constitution. The IG was given more extensive powers of investigation, arrest and also prosecution. The power of prosecution is specified in Article 230 of the Constitution: "The Inspectorate of Government shall have power to investigate, cause investigation, arrest, cause arrest, prosecute, cause prosecution in respect of cases involving corruption, abuse of authority or of public office."⁴³³ The Inspectorate is no longer responsible to the President, but has to report directly to parliament: "The Inspectorate of Government shall be independent in performance of its functions and shall not be subject to the direction of or control of any

⁴²⁹ Oloko-Onyango (1992), pp. 107-110; cf. also *chapter IV.2.2*.

⁴³⁰ As for high-ranking officers, the IG was supposed to monitor Ministers, Members of Parliament, Permanent Secretaries, Judges, Managing Directors of public corporations, District Chairmen, Chief Executive Officers, Resident District Commissioners and District Education Officers. Cf. Oloko-Onyango (1992), p. 102; Inspectorate of Government (2007b).

⁴³¹ Oloko-Onyango (1992), pp. 102, 105, 115 and 121 (note 50).

⁴³² In this regard, Oloko-Onyango also proposed that IGG reports should be depersonalised, i.e. not only signed by the IGG alone, to remove pressure from the office-holder. Cf. Oloko-Onyango (1992), pp. 101 and 107 f. The question of removal of the IGG was resolved with Article 224 of the new Constitution of 1995.

⁴³³ Constitution of the Republic of Uganda (1995), Article 230; Zwart (2003), pp. 14 f.; Doig et al. (2005), p. 73.

person or authority and shall only be responsible to Parliament.”⁴³⁴ Besides its new responsibility for implementing the Leadership Code of Conduct, one of the main functions of the IG remains to deal with public complaints that concern the conduct of public officials (Ombudsman function).⁴³⁵

The latest reforms to the IG office were completed in 2002 and resulted in the IGG Act and Leadership Code Act of the same year. The office was endowed with a range of new powers, for instance the right to investigate any bank account, purchase account, share account, expense account or any other account, safe or deposit box in a bank, and it can search any person or authority at its discretion and issue a warrant of arrest in the case of a witness refusing to cooperate. Furthermore, the Inspectorate has become more autonomous in its prosecution function: It does not require the consent or approval of any person or authority to prosecute, or discontinue proceedings of corruption cases. What is more, IG employees enjoy immunity against any civil or criminal court proceedings for anything done in good faith and in the course of the performance of their duties. Finally, the jurisdiction of the IG was expanded to cover practically all public offices of Uganda and now also includes the President and the army. A further sensible reform concerns the protection of informers and witnesses. Their anonymity is guaranteed, and in addition they are entitled to a reward of five percent of the money recovered consequent upon their information to the Inspectorate.⁴³⁶

In its current form, the Inspectorate of Government is headed by the Inspector General of Government (currently Faith Mwendha) and two Deputy Inspectors, but at present one Deputy post is vacant. The office is made up of five Directorates, one of which is expressly concerned with education about and prevention of corruption, for instance through identifying areas prone to corruption, organising workshops, seminars or conferences and spreading the anti-corruption message on the radio and television as well as in brochures and booklets. The other Directorates are “Operations”, “Legal

⁴³⁴ Constitution of the Republic of Uganda (1995), Article 227; Flanary / Watt (1999), p. 524; Doig et al. (2005), p. 73.

⁴³⁵ However, if the case is criminal in nature or involves human rights abuses, it falls under the mandate of the DPP or UHRC, respectively. Cf. Flanary / Watt (1999), p. 524.

⁴³⁶ Hassan (2003a), pp. 49 f.; Inspectorate of Government Act (2002), sections 9, 14, 22 and 34; Inspectorate of Government (2003), p. 20.

Affairs” (both of which are also charged with the prosecution of corruption cases), “Regional Offices and Follow Up” and “Leadership Code”.⁴³⁷

As for the independence and security of tenure of the IG, section 5 of the IGG Act of 2002 stipulates that the Inspector General or a Deputy Inspector General may be removed from office by the President only on the recommendation of a special tribunal constituted by Parliament. A removal may only be proposed for reasons of misconduct, incompetence or infirmity of body or mind of the office holder. Thus, the IGG and his Deputies enjoy the same security of tenure as judges of the High Court.⁴³⁸ However, despite the formal independence of the office, there have been some attempts by the executive to obstruct its work or exert pressure in recent years when the IG tried to investigate corruption allegations that involved members of the government.⁴³⁹ What is more, Uganda’s government has issued some proposals to amend the constitution that would curtail the power and independence of the IG. The alterations would deprive the IG of its powers of prosecution and oblige it to use the services of the Department of Public Prosecutions. Also the agency’s powers to review decision making processes of ministries and other government institutions would be abolished. Fortunately, the angry outcry of the IG, the media and international donors has so far stopped these plans. All the same, this episode casts doubt on the political will of the government to seriously combat corruption.⁴⁴⁰

Section 19 of the IGG Act already imposes certain limitations on the investigations of the IG that could restrict its effectiveness in the fight against corruption. The IG has no power to review the granting of a presidential prerogative of mercy and any matter that is deemed by the President to be prejudicial to the security, defence or international relations of Uganda or that involves the disclosure of proceedings and deliberations of the Cabinet or a Committee of Cabinet relating to matters of a secret or confidential nature and would be injurious to the public interest. However, criteria like “prejudicial to the security or international relations” or “injurious to the public interest” are rather

⁴³⁷ Inspectorate of Government (2007b); Hassan (2003a), pp. 49 and 53; Cf. Hassan (2003a), p. 70 for more details on the media work of the IG.

⁴³⁸ Hassan (2003a), p. 49; Hassan (2003b), p. 21; Inspectorate of Government Act (2002), section 5.

⁴³⁹ Cf. Doig et al. (2005), p. 75 for details on these cases. As regards problems with dealing with high profile cases, cf. also Zwart (2003), p. 9.

⁴⁴⁰ Zwart (2003), p. 13.

vague, and, what is more, they are subject to the sole discretion of the President. Thus, it is conceivable that these provisions may be abused to restrict the activity of the IG for spurious reasons. This is all the more a cause for concern as the area of defence is considered especially vulnerable to corruption due to its large contract volumes and inherent secrecy and lack of transparency. Transparency International has criticised these limitations because they presumably prevented the IG from investigating a high-profile case of corruption in defence (the purchase of junk helicopters) and the controversial granting of a prerogative of mercy to a former director at the Movement secretariat in charge of mobilisation, Major Birimumaso Mulindwa, who was sentenced to a jail term for abuse of office and embezzlement of public funds amounting to US\$ 21 million.⁴⁴¹

The IG has a great number of duties: Besides the time-consuming tasks of exercising the Ombudsman function and monitoring the Leadership Code, the IG also has to fulfil its core functions of prevention, education, investigation and prosecution. Unfortunately, its budget and capacities are not adequate for such a wide range of responsibilities.

The IG started its work with a small staff, most of whom were recruited from other government departments.⁴⁴² Today, the office has approximately 280 employees, 30 of whom are responsible for the investigation of corruption cases.⁴⁴³

To safeguard the office from funding fluctuations, the IG has been entitled to an independent budget by Article 229 of the Constitution since the reform of 1995. Before this, budget allocations were received on a monthly basis and were subject to fluctuations, which made long-term planning practically impossible. Still, the reform has not prevented the IG from being as hopelessly underfunded as it was before: Even three years after the reform, only less than half of the established posts were filled, and many of them with inadequately trained personnel. Since then, the staff situation has got somewhat better, but the IG still suffers from a lack of highly qualified employees and a

⁴⁴¹ Inspectorate of Government Act (2002), section 19; Hassan (2003a), p. 51.

⁴⁴² Cf. Oloko-Onyango (1992), p. 101 for details about IGG staff. In 1992, the IGG office comprised about 72 employees, 32 of whom were responsible for investigations.

⁴⁴³ Doig et al. (2005), p. 21.

high annual staff turnover of 20% due to the unattractive salaries and working conditions the office has to offer.⁴⁴⁴

Although the IG has been lauded for its efforts to combat corruption, it is obvious that such a lack of capacity combined with chronic lack of equipment severely restrains the impact it can have on Uganda's high level of corruption: "It lacks the financial and human capacity to make an impact on high level corruption involving senior government officials and politicians and white collar corruption or internet and computer based corruption."⁴⁴⁵ To rise to this challenge, the IG staff needs to be better trained in new investigative approaches and key skills necessary for dealing with corruption like accounting and auditing.⁴⁴⁶ At the moment, investigators at the IG only receive a two-week training before they are considered to be "competent" investigators. However, this is not nearly enough to enable them to reliably deal with complex and high-profile cases that involve senior officials.⁴⁴⁷

The IG deals with approximately 300 cases per year, of which about 50 are taken to court. Most of these are relatively simple corruption cases committed by junior officials. Cases involving senior personnel or high-ranking politicians are rather rare. This is regrettable, as the punishment of high-ranking offenders sends a strong signal to other officials and to society at large that corruption is not tolerated and that no-one is above the law and is thus considered to be especially effective for fighting corruption. Sadly, given its lack of capacities and qualified staff, it is hardly surprising that the IG concentrates its work on simple cases that are easier to prosecute.⁴⁴⁸

The monitoring of the Leadership Code of Conduct is another area where the strained capacities of the IG become evident. There are 17,000 officials and politicians classified as 'leaders', including all armed forces officers. All of them are required to complete a 19-page form to provide information about their assets every two years. The IG only has

⁴⁴⁴ Flanary / Watt (1999), p. 524; Doig et al. (2005), pp. 73 and 76.

⁴⁴⁵ Gariyo (2001); Hassan (2003a), p. 51; Nkuuhe (1999), p. 7; also Uganda's development partners have voiced concerns about the lack of resources and capacity of the IG (cf. Consultative Group Meeting (2003), p. 3).

⁴⁴⁶ Langseth / Pezzullo (2000), chapter 5; Doig et al. (2005), pp. 38 f.

⁴⁴⁷ Zwart (2003), p. 9.

⁴⁴⁸ Doig et al. (2005), pp. 75 f.; Zwart (2003), p. 15.

23 employees to deal with this workload, and is reportedly capable of verifying 140 forms annually. Thus, the correctness of asset declarations can only be confirmed for less than 2% of all leaders. This control sample is considered much too low to act as an effective deterrent for making false declarations. Given the shortage of properly qualified staff at the IG, it is also questionable how thoroughly the verifications are actually carried out.⁴⁴⁹

Another effect of the small staff and limited financial resources of the IG is that its activities are largely confined to central areas of Uganda like Kampala, whereas rural districts stay out of reach.⁴⁵⁰ In recent years, nine regional offices have been established, which are coordinated via the Directorate of Regional Offices and Follow Up of the Kampala office. Since most regional offices consist only of a few employees, it remains doubtful whether they can fulfil their duties satisfactorily.⁴⁵¹

Despite the publicity the IG has received since it was created, it has taken a long time to spread the knowledge of the institution to the majority of Ugandans: The first Uganda National Integrity Survey of 1998 showed that only a third of the population had heard of the IG before, and about half of those who knew it were not able to specify its tasks. The name recognition of the IG varied widely across the country: In the capital Kampala, 69% knew of the IG, whereas in distant rural districts as little as 6% were acquainted with this agency.⁴⁵² In the Second National Integrity Survey of 2003, knowledge about the IG was much higher: 70% of respondents had heard of this office, and even in remote rural districts the figure was above 40%. These results suggest that the public relations work of the IG has been quite successful in recent years. However, still only 21% of the respondents knew the correct procedure for reporting cases of corruption. This indicates that there is a need for further sensitisation and publicity about the services of the IG.⁴⁵³

⁴⁴⁹ Doig et al. (2005), pp. 36 f.; Zwart (2003), p. 15.

⁴⁵⁰ Ruzindana et al. (1998a), p. 28; Langseth / Stapenhurst (1997b), p. 13; Oloko-Onyango (1992), p. 113.

⁴⁵¹ Inspectorate of Government (2007b).

⁴⁵² CIET international (1998), p. 22.

⁴⁵³ Inspectorate of Government (2003), pp. 41 ff and 125 f.; Zwart (2003), p. 15; Directorate for Ethics and Integrity (2003), p. 3.

The IG has had to deal with cases from a variety of areas such as abuse of office, mismanagement and misappropriation, tenders and contracts, embezzlement and bribery.⁴⁵⁴ In some instances, the IG managed to expose glaring examples of political and administrative corruption and thereby succeeded in averting financial losses. Three well-known examples are a case of misdeclaration of goods to avoid paying taxes and duties, the payment for a ‘fictitious’ repair of a 50 km stretch of road, and the fraudulent claim of a construction company.⁴⁵⁵ In the first case, the IG arrested the director of a local company that tried to dodge import duties and taxes by importing goods under the cover of a tax-exempt European religious charity. By paying all duties and taxes owed, the director avoided being formally charged.

The second case involved collusion between a company that was awarded a contract to repair a road, the area engineer who was ordered to supervise the work, and the engineer's superior officer in the ministry who authorised the payment to the company. Before any work was done, the engineer submitted to his superior a report about completed works worth US\$ 150 million. The superior officer confirmed this account and instantly prepared cheques for the payment. However, the quick preparation of the cheques – much faster than usual for this kind of up-country transaction – aroused suspicion, and the payment was intercepted by the IG. As a result, all involved officers were disciplined and the company blacklisted for future government contracts.

In the third case, collusion that involved the Minister of Justice and Attorney General almost led to the loss of US\$ 4.8 million. The background: A project for the construction of a research centre was, after dragging on for ten years, abandoned at foundational level. The affected construction company then filed a suit in court to get compensation for work allegedly worth over US\$ 4.8 million. As it happens, the Attorney General was also the owner of the law firm that filed the suit for the construction company. The whole affair looked dubious, as the Attorney General's chamber immediately admitted liability on behalf of the government. The IG objected to this procedure and advised the Attorney General on the correct sum the company was entitled to. The Attorney General then made an exceptionally poor defence of the

⁴⁵⁴ Cf. Inspectorate of Government (2007c) for example cases from all areas.

⁴⁵⁵ Cf. Langseth / Stapenhurst (1997b), pp. 11-13 and Ruzindana (1998c), pp. 59-68 for these and other cases.

government's case, lost it and did not file an appeal.⁴⁵⁶ Only after the appointment of a new Attorney General it was possible to bring the case before the Supreme Court. The Court awarded exactly the money recommended by the IG to the company and expressed its dismay about how the case had been handled in the lower court.

As can be seen from these and other cases, the IG's investigations have led to the dismissal of quite a number of officials because they were involved in corruption.⁴⁵⁷ These positive examples of the workings of the IG should not, however, distract from the structural problems of the agency. Typically, the IG investigates only less than half of all received investigation requests and prosecutes just a small number of expected cases. The Second National Integrity Survey noted that not more than ten per cent of court cases are successfully resolved. Besides shortages of funds and staff, Langseth and Pezzullo also identify problems concerning the agency's ability to prioritise and focus its efforts where they are most urgently needed, and also shortcomings in the way information is collected, stored and retrieved.⁴⁵⁸ The Uganda Debt Network sees the myriad of responsibilities as a reason why the IG ends up under-performing in most of them and seriously doubts that an agency with so few employees is even in theory capable of fulfilling all its functions satisfactorily.⁴⁵⁹ Transparency International recommends that the Ombudsman function of the IG should be transferred to a separate institution. In principle, this is a good idea because the Ombudsman duties take up a considerable part of the IG's capacities and are mostly concerned with cases of petty corruption, but it has to be assured that such a new institution is funded adequately and not at the expense of the IG's already tight budget. Otherwise, Uganda will end up with two small underfunded institutions instead of a large one.⁴⁶⁰

However, the Uganda Debt Network believes that the most important reason why the "open admiration" with which the public used to view the IG in its first years has turned into "pure indignation and cynicism" may be found elsewhere.⁴⁶¹ It is not as if the IG

⁴⁵⁶ Most bizarrely, one of the main witnesses summoned by the Attorney General was known to have died a year before.

⁴⁵⁷ Langseth / Stapenhurst (1997b), p. 13.

⁴⁵⁸ Langseth / Pezzullo (2000), chapter 5; Inspectorate of Government (2003), pp. 20 f.

⁴⁵⁹ Uganda Debt Network (2002), pp. 11 f.; Zwart (2003), p. 15 agrees with this analysis.

⁴⁶⁰ Hassan (2003a), p. 56.

⁴⁶¹ For this line of reasoning, cf. Uganda Debt Network (2002), pp. 11 f.

has waned in its efforts to investigate corruption cases – on the contrary, it has completed more cases than ever during the last years and has produced useful campaign materials and guidebooks for public officers. The real problem, which the IG shares with Uganda’s other anti-corruption institutions, lies in its failure to investigate and prosecute political ‘heavyweights’ who are publicly known to be corrupt. Although some senior public officials have been prosecuted, the top NRM cadre has been virtually untouched by the IG. Many participants in Uganda’s Second National Integrity Survey expressed their disappointment with the IG’s tendency to concentrate on minor rather than major corruption.⁴⁶²

Basically, it all boils down to power and influence: Less powerful politicians or civil servants engaged in small-scale political or administrative corruption do not have the means to fend off an investigation by such a prestigious and widely scrutinised agency as the IG. Given enough funds and staff, the IG could probably deal a serious blow to these forms of corruption. Concerning large-scale political corruption, the Inspectorate has a more difficult stand, especially because it has to report to parliament, whose members or associates may themselves be objects of investigation and prosecution. If politicians are powerful enough, they can probably pull enough strings to avert an impending IG investigation. This problem is aggravated by Uganda’s weak media and civil society, which would in principle be responsible for exposing and protesting against such behaviour. For the IG to succeed in its fight against high level political corruption, civil society and the media would need to become strong enough to successfully demand accountability from all leaders. In addition, Uganda’s top leadership would have to throw in its weight and give the IG unconditional backing in all its investigations.⁴⁶³ Otherwise, there is no need for powerful perpetrators of corruption to seriously fear the Inspectorate of Government.

Botswana’s specialised anti-corruption institution, the Directorate on Corruption and Economic Crime (DCEC), was created in the aftermath of a series of corruption scandals in the early 1990s. The government responded to these problems by investigating possible mechanisms to ensure that these corruption scandals would not be

⁴⁶² Inspectorate of Government (2003), pp. 143 f.

⁴⁶³ This is unlikely to happen, as at least part of the political establishment is presumably corrupt itself.

repeated. It was impressed by the three-pronged strategy (investigation, prevention, public education) and success of Hong Kong's Independent Commission Against Corruption (ICAC) and resolved to establish a similar agency, the DCEC, with the Corruption and Economic Crime Act of 1994.⁴⁶⁴

The functions, powers and duties of the DCEC as well as the procedures for dealing with corruption cases are all laid down in this Act. As it is modelled on Hong Kong's ICAC, the DCEC also pursues a three-pronged strategy of investigation, prevention and public education. Section 6 of the Act lists the detailed functions of the DCEC: It shall receive and investigate any complaints alleging corruption in any public body, assist any law enforcement agency of the government in the investigation of offences involving dishonesty or cheating of the public revenue, advise public bodies and examine their practices and procedures in order to facilitate the discovery of corruption and to secure the revision of methods of work or procedures which may encourage corrupt practices, and educate the public and foster its support in combating corruption. The DCEC may also investigate persons maintaining a standard of living not corresponding to their income or who have wealth or property that is disproportionate to their known sources of income or assets. Persons are considered to be guilty of corruption if they are not able to give a satisfactory explanation as to how their wealth or assets were acquired.⁴⁶⁵

Sections 7 ff. of the Corruption and Economic Crime Act provide the DCEC with a number of significant powers in its fight against corruption. These include the power of arrest, of search with or without a warrant, of restraint of assets, of forfeiture of assets, to compel banks and other financial institutions to disclose otherwise confidential information about suspects and to compel the provision of information by witnesses and suspects.⁴⁶⁶

In contrast to Uganda's IG, the DCEC is not empowered to prosecute cases of corruption. The Corruption and Economic Crime Act states that "no prosecution (...)

⁴⁶⁴ Batty (2002), p. 45; Frimpong (2001a), p. 21; Government of Botswana (2007); Briscoe / Hermans (2001), p. 91; Corruption and Economic Crime Act (1994), section 3.

⁴⁶⁵ Corruption and Economic Crime Act (1994), sections 6 and 34; United Nations Development Programme (2005), p. 36; Goredema (2002), pp. 25 f.; Batty (1999); Olowu (1999); Frimpong (2001b), p. 23.

⁴⁶⁶ Corruption and Economic Crime Act (1994), sections 7 ff.; Batty (2002), p. 45.

shall be instituted except by or with the written consent of the Director of Public Prosecutions.”⁴⁶⁷ This arrangement is far from ideal because the Director of Public Prosecutions is a member of the Cabinet and may thus be subject to political pressure when he has to decide about cases that are inconvenient for the executive.⁴⁶⁸ Furthermore, it usually takes the over-worked Attorney General’s Chambers a considerable amount of time to authorise the prosecution of a case. These delays can enable the defendants to destroy evidence, bribe or threaten witnesses or even leave the country. In some instances either the accused or the main witnesses had died before the case came to trial. For the sake of a quick dispatch of corruption cases, it should be considered to generally authorise the DCEC to start the prosecution of cases that fall within its mandate, while the Attorney General could still be conceded the right to stop the proceedings at any time.⁴⁶⁹

Section 15 of the Corruption and Economic Crime Act imposes a restriction on the investigations of the DCEC that could hinder its effectiveness in the fight against corruption: The Directorate is prohibited from accessing any documents or information which the President deems likely to prejudice national security.⁴⁷⁰

The DCEC’s three-pronged strategy of combating corruption is also reflected in its organisational structure: Its three main functions are performed by the branches for investigation, prevention and education. The prosecutions branch attends to cases that are delegated to it by the Attorney General. In addition, there is an administrative and a training branch as well as an intelligence branch that is responsible for gathering information and receiving reports from the public. The DCEC’s headquarters are situated in Gaborone, but it also maintains a branch office in the northern city of Francistown.⁴⁷¹

⁴⁶⁷ Corruption and Economic Crime Act (1994), section 39; Batty (2002), p. 45. The Directorate of Public Prosecutions is a division of the Attorney General’s Chambers (cf. *chapter IV.2.2*).

⁴⁶⁸ Briscoe / Hermans (2001), p. 69; Frimpong (2001a), pp. 5 f. and 12; Frimpong (2001b), p. 16.

⁴⁶⁹ Briscoe / Hermans (2001), pp. 70 f.; Frimpong (2001a), p. 18; Directorate on Corruption and Economic Crime (2005), pp. 13 f.

⁴⁷⁰ Corruption and Economic Crime Act (1994), section 15; Briscoe / Hermans (2001), pp. 97 f.

⁴⁷¹ Briscoe / Hermans (2001), pp. 93 and 100; Batty (2002), p. 46; Government of Botswana (2007).

The agency has fulfilled its public education function with great enthusiasm and has received widespread praise for its efforts. It is highly visible in Botswana's media and regularly provides journalists with media briefs and press releases. It also tries to reach people directly by giving talks and presentations and disseminating brochures and promotional material in the form of T-Shirts, caps, pens or other items bearing anti-corruption educational themes. In 1998, the topic "corruption and economic crime" was introduced into the secondary school curriculum. Furthermore, the DCEC established a number of anti-corruption clubs for young people across the country. These are meant to mobilise the youth to become "good and responsible citizens by exposing them to a code of conduct and instilling a sense of moral uprightness among them at an early stage in their lives". The exemplary publicity and community outreach of the DCEC is regarded as one of the major reasons for its success compared to similar institutions in other African countries. The DCEC has noted that intensive public education efforts, particularly radio discussion programmes, are usually followed by surges of corruption reports from the public. The fact that almost 70% of people who report incidences of corruption prefer to identify themselves instead of staying anonymous suggests that they have some degree of confidence in the institution's integrity.⁴⁷²

The preventive function of the DCEC requires it to advise public bodies and examine their procedures to facilitate the discovery of corrupt practices and encourage the revision of work methods that may be conducive to corruption. This includes the analysis of information systems, operational systems, quality of supervision and decision-making processes to assess the level of accountability and identify opportunities for corruption. The agency also offers management-oriented training seminars in corruption prevention techniques that address topics like "The Manager's Role in Corruption Prevention" or "Ethics in the Workplace". As the DCEC's prevention work is carried out on a confidential basis, it is difficult to assess its impact.⁴⁷³

⁴⁷² Directorate on Corruption and Economic Crime (2002), p. 4; Directorate on Corruption and Economic Crime (2005), pp. 21 ff.; All Africa Global Media (2001); Briscoe / Hermans (2001), pp. 96 f., 101 and 103; United Nations Development Programme (2005), p. 37; Frimpong (2001a), p. 22; Olowu (1999).

⁴⁷³ Directorate on Corruption and Economic Crime (2005), pp. 29 f. and 34; Briscoe / Hermans (2001), pp. 95 f.

Investigations of complaints are usually conducted by small teams of 5-7 officers under supervision of a principal investigator. If the investigation yields sufficient evidence that a corruption offence has been committed, the case is relayed to the Attorney General's Chambers, which decides whether or not a prosecution should be undertaken.⁴⁷⁴ The DCEC has interfaced its computer databases with those of other government departments to access the information stored there for intelligence purposes. In order to keep pace with modern white-collar crime, the DCEC created a new investigation group in 2001 that specialises in fighting money laundering and complex economic fraud.⁴⁷⁵

Although the DCEC is formally an independent unit, it is responsible and reports directly to the President. This arrangement has been criticised as compromising the autonomy of the institution. For instance, the Botswana *Midweek Sun* newspaper wrote that "it is the lack of total independence that leads many to believe that it cannot police its own masters". However, it has to be conceded that these fears are more of a theoretical nature, as there is as yet no evidence that the DCEC has been subject to any pressure from any quarter. Nevertheless, Frimpong suggests that, to visibly strengthen its independence from the executive, the institution should report to the National Assembly instead of the President. Another possibility, favoured e.g. by Briscoe, would be to devolve the monitoring of the DCEC to a special board or independent committee that consists of experienced persons of proven integrity and impartiality such as retired judges.⁴⁷⁶

The DCEC is designated as a public office and thus regulated under the Public Service Act. It is headed by a Director, together with a Deputy Director. The President appoints the Director "on such terms as he sees fit". There are no provisions that guarantee the

⁴⁷⁴ Briscoe / Hermans (2001), pp. 94 f.

⁴⁷⁵ Directorate on Corruption and Economic Crime (2002), p. 4; Directorate on Corruption and Economic Crime (2005), p. 20.

⁴⁷⁶ *The Midweek Sun* (1999); Olowu (1999); Frimpong (2001a), pp. 6 f., 14 and 23; Directorate on Corruption and Economic Crime (2005), p. 5; Briscoe / Hermans (2001), p. 104; United Nations Development Programme (2005), p. 38.

Director's security of tenure. Thus, it follows that he can be removed through the normal public service regulations.⁴⁷⁷

As regards its staff, the DCEC had a good start and managed to gain the services of highly qualified and experienced professionals: The first director, Graham Stockwell, had previously been a deputy director at the ICAC, and several senior DCEC posts were initially filled by officers who had previously served in Hong Kong.⁴⁷⁸

The DCEC has an establishment of 156 posts and an annual budget of approximately US\$ 2.4 million. The office is generally considered to be well funded and adequately staffed, and compared to Uganda's IG, which has to fulfil more responsibilities and serve a population that is sixteen times larger than Botswana's, it certainly is. Salaries and working conditions are good enough to attract highly qualified employees, but there is a relatively high staff turnover. The DCEC conducts regular training programmes, and some officers have visited Hong Kong's ICAC, the DCEC's role model, to get further professional training. For an agency of its size, the DCEC could be criticised as being somewhat top-heavy as it has a disproportionately large number of senior positions. For instance, there are six Assistant Directors, some of whom are in charge of tiny divisions with only a small number of staff.⁴⁷⁹

The workload of the DCEC has steadily increased since its inception. Each year it has had to deal with more reports on suspected or alleged corruption. Typically, the office receives about 1800 complaints each year from which it launches an average of 400 investigations. Of these, about 50 cases are actually prosecuted. The conviction rate has remained fairly constant over the years: About two thirds of finalised cases end with the conviction of the accused.⁴⁸⁰

In contrast to Uganda, Botswana has a separate Ombudsman institution, so the DCEC can pass on cases that involve allegations of maladministration rather than corruption or

⁴⁷⁷ Corruption and Economic Crime Act (1994), sections 3 and 4; United Nations Development Programme (2005), p. 36; Frimpong (2001a), p. 14; Frimpong (2001b), pp. 23 f.

⁴⁷⁸ Briscoe / Hermans (2001), p. 93.

⁴⁷⁹ Olowu (1999); Briscoe / Hermans (2001), pp. 98 f.; United Nations Development Programme (2005), pp. 21 and 37; Directorate on Corruption and Economic Crime (2005), p. 36.

⁴⁸⁰ United Nations Development Programme (2005), p. 35; Batty (2002), p. 46; Directorate on Corruption and Economic Crime (2005), pp. 13 f.

economic crime. This has allowed the DCEC to concentrate on the more severe cases and has prevented it from getting bogged down in a wave of minor cases.⁴⁸¹

The DCEC itself claims that its fight against corruption has been successful. Its director has promised that “there will be no hiding place anywhere in the world for those who commit corruption” and stated that “my personal view, based only on anecdotal evidence is that DCEC has had a major impact on the problems of corruption and economic crime since it became operational in September, 1994. Certainly there is an increasing awareness of DCEC’s role and objectives and suggestions that those who continue to indulge in these illegal and debilitating activities do so in a heightened sense of fear of detection and judicial retribution.”⁴⁸² All in all, an overview of the DCEC’s short history indicates that this self-perception is probably close to the truth. The institution is considered to work efficiently, and it has punctually compiled its reports and presented them to the President every year since its creation. There has been no recurrence of the major scandals that plagued the country in the early 1990s, and the number of cases of petty corruption has remained at a low level.⁴⁸³

In sum, Botswana’s DCEC can be considered a more effective anti-corruption institution than Uganda’s IG. Quite a few of the IG’s shortcomings in its original 1988 state have been corrected by the reforms of 1995 and 2002. For instance, its mandate now covers all public offices of the country and does no longer exclude the President and the Army. However, the operating environment of the IG still leaves much to be desired: As Uganda’s law enforcement institutions are known for their weak performance, internal corruption and large backlog of cases, the IG can expect little support from them. Fortunately, the IG can at least bypass the slow and sloppy procedures of state prosecution as it is now empowered to prosecute corruption cases itself. In Botswana, the DCEC’s need to rely on the slow and overstrained services of the Attorney General for the prosecution of cases is one of the biggest drags on the effectiveness of this institution in the fight against corruption. However, as Uganda’s IG is chronically resource-starved, it has so far failed to gain a significant performance

⁴⁸¹ Briscoe / Hermans (2001), pp. 93 f. For details about Botswana’s Ombudsman institution, cf. e.g. Ayeni (2000); Brynard (2000); Ayeni / Keshav (2000); Maine (2000); Sharma (2000b).

⁴⁸² Director of the DCEC, quoted in Frimpong (2001a), pp. 22 f.

⁴⁸³ Batty (2002), p. 46; Frimpong (2001a), p. 22; Frimpong (2001b), p. 24; Global Coalition for Africa (1997); Briscoe / Hermans (2001), p. 103.

advantage from its greater prosecution powers. Due to its unattractive salaries and working conditions, the IG still suffers from a high annual staff turnover of 20% and a lack of highly qualified employees that would be capable of dealing with complex corruption cases. Thus, it lacks the capacity to make an impact on high level corruption involving senior government officials and politicians and instead focuses on cases of petty corruption. These shortcomings will most likely reduce the IG's long-term effectiveness in the fight against corruption. By contrast, Botswana's DCEC is generally considered to be well-funded and adequately staffed. Due to its highly qualified and well-trained staff, it is in a good position to tackle also more complex corruption cases.

Both anti-corruption agencies suffer from some limits in their ability to investigate corruption cases. In Botswana, the restrictions may only be justified by national security concerns, whereas Uganda's IG is subject to more constraints. The IG has no power to review the granting of a presidential prerogative of mercy and any matter that is deemed by the President "prejudicial to the security or international relations" or "injurious to the public interest". As the criteria are rather vague and subject to the sole discretion of the President, it is conceivable that these provisions may be abused to restrict the activity of the IG for spurious reasons.

As for the *formal* independence of the institutions, Uganda's IG clearly comes out on top: It is supposed to be free from the direction or control of any outside person or authority and its head, the Inspector General of Government, enjoys a high security of tenure. In contrast, there are no provisions that guarantee the security of tenure of the DCEC's Director in Botswana. However, if one considers the *actual* independence of the institutions, things look quite different: Whereas there are several known instances of pressure from the executive in the work of the IG, Botswana's DCEC is widely lauded for its independence and integrity. However, the public discussion about the independence of Botswana's DCEC shows that it is not enough for an institution to be *de facto* autonomous and free from pressure – it also has to be formally protected from any undue influence in order to gain full credibility as an independent and unflinching fighter against corruption in the eyes of the public. If an institution is perceived as potentially biased and under command of the executive, citizens will most likely become cynical about the government's efforts to fight corruption and are probably less

likely to trust the anti-corruption agency and report corruption cases.⁴⁸⁴ This fate seems to have befallen the IG – many citizens regard it with scepticism, and it is widely criticised for focusing on ‘small fry’ instead of ‘big fish’. Uganda’s political and administrative elite has been censured for seemingly being above the law and not giving the IG unconditional backing in all its investigations. By contrast, most of Botswana’s citizens seem to trust in the integrity and effectiveness of the DCEC, which may partly be explained by its exemplary publicity and community outreach. What is more, the DCEC reportedly enjoys the backing of the political elite of the country and there are as yet no known instances where it has been hindered in the fight against administrative or political corruption.

3. Further Important Actors in the Fight Against Corruption

3.1 The Role of Civil Society Organisations and the Media

“A necessary but not sufficient condition to reduce corruption would be the development of a vigorous civil society, involving a plurality of independently-organised groups able to pursue their needs and interests.”⁴⁸⁵

The term ‘civil society’ is employed to refer to citizens who “act or work together collectively in a public sphere to express their interests, passions, ideas, exchange information, make demands on the state and hold the state officials accountable for their actions”.⁴⁸⁶ Civil society is mainly made up of NGOs, trade unions, religious groups and churches, cooperatives, cultural institutions, the media and professional and civic associations.⁴⁸⁷

Civil Society forms a link between the government and the public and, if it is well-organised and effective, can play an important role in preventing corrupt acts by politicians and bureaucrats. For instance, civil society organisations can act as watchdogs to expose corruption cases or monitor the effectiveness of state anti-corruption institutions. Another important function is the creation of public awareness

⁴⁸⁴ Olowu (1999).

⁴⁸⁵ Doig / Riley (1998), p. 56.

⁴⁸⁶ M. Sekaggya, quoted in Wangusa (1998), p. 21.

⁴⁸⁷ Flanary / Watt (1999), p. 529.

about the problem of corruption and citizens' rights in this regard. Civil society organisations can teach the public that corrupt officials steal *their*, not the government's money, and that certain services are supposed to be free of charge. Civil society can also encourage people to resist bribes and report demands for them through complaints mechanisms that should ideally be known and open to everyone. The citizens' moral responsibility and power of judgement can be strengthened by propagating the idea that successful corrupt officials ought to be objects of contempt rather than role models and by insisting that corruption depraves traditions of generosity and hospitality and is in no way part of an 'African culture'. Schools and religious institutions play an important part in this context because of their great audience. Kato proposes that they should put a special emphasis on values like honesty, responsibility, integrity and self-discipline. Needless to say, while civil society groups ought to aim at holding the government accountable, they should also be committed to being accountable and transparent themselves.⁴⁸⁸

If these lessons are learnt, civil society – especially anti-corruption NGOs – can become an effective force in the fight against corruption and the promotion of transparency and accountability in public spending. Voters who are resigned to corrupt practices as a way of 'getting things done' are more likely to return corrupt politicians to office than voters who regard corruption as a cause worth fighting against.⁴⁸⁹ Only the rejection of corruption at the level of individual citizens puts dishonest officials on the defensive. If this individual rejection then gradually turns into comprehensive popular rejection, corrupt politicians and officials will be hard pressed to find new ways of extracting rents.⁴⁹⁰

Considering the importance of civil society organisations in the fight against corruption, it would be a good idea to involve them directly in the creation and monitoring of anti-corruption strategies. Regrettably, this is seldom done. More often than not, a 'top-down' approach is pursued and anti-corruption strategies are hammered out between

⁴⁸⁸ Kato (1998), pp. 72 f.; Langseth / Pope (1998), p. 47; Zwart (2003), pp. ii and 18.

⁴⁸⁹ Langseth et al. (1997), p. 13.

⁴⁹⁰ Naturally, this *alone* cannot eliminate corruption. To do this, some of its other causes like the poor remuneration of civil servants have to be solved at the same time. Otherwise, corrupt officials will probably seek new ways to extract rents. But the activities of civil society play an important part in this complex process.

international donors and government ministers. Greater participation of civil society could diminish the mistrust many people feel against government decisions taken far away because they consider politicians as corrupt *per se*, and because they have too little information about what politicians are doing and why they are doing it.⁴⁹¹

Through their capacity to investigate and expose corrupt acts, also the media play a decisive part in making the government more accountable. On that score, freedom of expression and press freedom are of paramount importance. State control, censorship and suppression of dissent are an assured way of preventing the media from accomplishing their part in anti-corruption. Given press freedom, the media can perform a monitoring role similar to that of the political opposition – and this is especially important in a country like Uganda that had for a long time allowed no opposition parties.⁴⁹² The media are good at informing people because they can reach a wide audience at short notice. Kato argues that the media should, besides their investigative function, also have an educational responsibility to warn and educate about corruption.⁴⁹³

Needless to say, we have to deal here with long-term issues. Changing public attitudes about corruption and governance is not a matter of months or even years. It requires that a genuine and sustained culture of intolerance against corruption is built up and becomes deeply rooted in society. As Doig and Riley phrased it at the beginning of this section: it is “a necessary but not sufficient condition to reduce corruption”. And if the public does not hold politicians and officials accountable, who else should?

In this chapter, the role of civil society organisations in the fight against corruption shall be examined. It has to be analysed whether the general conditions in Uganda and Botswana are conducive to the development of a vibrant civil society that can support state institutions in the fight against corruption. Furthermore, the most important elements of civil society like the media and anti-corruption NGOs shall be examined as regards their contribution to holding the government accountable and creating public awareness about the problem of corruption.

⁴⁹¹ Warigi (2001), p. 75; Hawley (2000).

⁴⁹² Flanary / Watt (1999), p. 529; Ayittey (2000), pp. 109 f.

⁴⁹³ Kato (1998), pp. 73 f.

After *Uganda*'s independence and during the time of political instability and oppressive rule in the 1970s and early 80s, civil society organisations were in a steady decline. They mainly served as a kind of 'survival mechanism' and concentrated on the provision of community level services and poverty relief because the state failed in this regard.⁴⁹⁴ Since the National Resistance Movement assumed power in 1986, there has been a strong growth in civil society activities, and there are now about 2,000-3,000 NGOs, of which only a handful are explicitly concerned with corruption, however. Most notable among these are Transparency Uganda, the Uganda Debt Network (UDN), Jubilee Plus Uganda, and the International Anti-Corruption Theatrical Movement (IATM), which tries to spread the message of anti-corruption through theatre, music and dance.⁴⁹⁵

Transparency Uganda, a local chapter of Transparency International, was formed in 1993. Its main objectives are to help government establish and implement anti-corruption programmes, enhance transparency and accountability in public procurement, and increase awareness and readiness for action against corruption among the public. It has successfully implemented pilot anti-corruption campaigns in several districts of Uganda.⁴⁹⁶

The Uganda Debt Network is one of the best-known civil society organisations in Uganda. It has been most active in anti-corruption movements at the grassroots level that try to mobilise the public to resist corruption and demand more accountability from politicians and public officials. The campaigns have reportedly done very well, but sustained education programmes demand more resources than are currently available.⁴⁹⁷

Jubilee Plus Uganda has initiated a number of Citizens Anti-Corruption Desks. These provide information on the allocation of funds from central government to the districts and try to educate people on what they can do, and where they can go with this information. The desks are to be installed at nearly all levels of local governments.⁴⁹⁸

⁴⁹⁴ Kisubi (1999), p. 347; Flanary / Watt (1999), p. 530.

⁴⁹⁵ Flanary / Watt (1999), p. 530; Transparency International (1999); Hassan (2003a), pp. 62 f.

⁴⁹⁶ Langseth et al. (1997), pp. 18 f.; Hassan (2003a), p. 63.

⁴⁹⁷ Zwart (2003), p. 18; Hassan (2003a), p. 63.

⁴⁹⁸ Zwart (2003), pp. b and 18.

The Anti-Corruption Coalition Uganda (ACCU) is an umbrella of civil society organisations that are united by their common aim of curbing corruption in Uganda. It arranges a countrywide Anti-Corruption Week every October as the climax of anti-corruption activities within the year. This event involves peaceful anti-corruption processions, press conferences, radio and television talk shows, church sermons, art exhibitions and open drama performances. Its declared aim is to raise awareness and advocate transparency and accountability in Uganda. The Anti-Corruption Week has been praised as a success by international anti-corruption pressure groups like Transparency International. It has acted as a lively discussion forum between government and civil society organisations, prompted the establishment of a number of commissions of inquiry and encouraged the creation of many local anti-corruption groups in the countryside.⁴⁹⁹

Despite all these laudable efforts, Uganda's civil society is still considered to be rather weak and disorganised. Reasons for this can be found in the chronic lack of resources that many organisations have to cope with and in the fact that most members are poor and therefore cannot devote all their energies to the cause of their organisations. Moreover, many Ugandan NGOs are known for being divided along ethnic, religious and regional lines. Partitions like these can strongly reduce the effectiveness of organisations.⁵⁰⁰

Another problem is that political activity outside the NRM had been suppressed for many years, until multi-party democracy was reintroduced in 2005. Thus, interest-representing organisations had been limited to being apolitical – a situation which did not help to build trust between government and large parts of society.⁵⁰¹ The relationship between civil society organisations and the government has not been very harmonious in the past. Anti-corruption activities have often brought civil society groups

⁴⁹⁹ For details of these and other civil society activities, cf. Gariyo (2001); Hassan (2003b), p. 25; Hassan (2003a), p. 71; Zwart (2003), p. 18; Transparency International (2002), pp. 49 ff.

⁵⁰⁰ Flanary / Watt (1999), pp. 529 and 535 (note 18); Zwart (2003), p. ii.

⁵⁰¹ Ouma (1991), p. 478.

to a collision course with government, which has responded with badmouthing and accusing them of being corrupt themselves.⁵⁰²

The government has also made it rather cumbersome to set up new nongovernmental and community-based organisations. The NGO Registration Statute of 1989 requires prospective civil society organisations first to seek written approval from government offices in up to six districts. An NGO board consisting mainly of members of various government ministries then approves or rejects the application for registration and is also empowered to revoke existing licences. The registration process typically takes about three months from the time all requirements are submitted to the NGO board. However, there have been cases in which NGOs had to wait for an entire year to receive a permission to operate.⁵⁰³

There are also cultural impediments to a more effective civil society in Uganda: the worship of wealth and success, the fear to confront authority and a widespread passive attitude.⁵⁰⁴

In general, the public looks up to those who have amassed a lot of wealth, regardless of whether it was acquired by corrupt practices or honest labour. Uganda's Second National Integrity Survey concluded that individuals who build big houses with their wrongful gains or companies that obtain contracts through bribery are more likely to be admired for their achievements instead of rebuked for their misdeeds. If corruption is socially tolerated or even encouraged, people will have less inhibitions to profit from it and corruption will perpetuate itself. People will probably also be more reluctant to act as whistleblowers and report corrupt acts to the authorities.⁵⁰⁵

The Ugandan constitution stipulates that all persons placed in positions of leadership and responsibility shall, in their work, be answerable to the people. However, Ugandans tend to feel easily intimidated by authority and keep their silence even if they are

⁵⁰² This was for instance done on television by Miria Matembe, the former Minister of Ethics and Integrity. After an argument about the re-scheduling of car loans for Members of Parliament, another minister phoned the co-ordinator of the Uganda Debt Network and declared she was ashamed to be associated with his organisation. Cf. Uganda Debt Network (2002), p. 54.

⁵⁰³ Hassan (2003a), pp. 62 f.; Ugandan Governance Monitoring Project (2005), pp. 23 ff.; Zwart (2003), p. 14.

⁵⁰⁴ Uganda Debt Network (2002), pp. 47 f.

⁵⁰⁵ Inspectorate of Government (2003), p. 143; Zwart (2003), pp. 8 f.; Doig et al. (2005), p. 25.

wronged. Thus, corrupt officials can count on the fact that most Ugandans will submissively pay bribes even when they are not sure it will get them the requested service. In fact, the National Integrity Survey showed that bribe payers usually get a *worse* service than those who do not pay bribes.⁵⁰⁶

As for the passivity towards public events, this shows in the still widespread indifference and ‘don’t care’ attitude with regard to the theft of funds and the resulting deterioration of services like hospitals, schools and infrastructure. Michael Wabaki, a reporter with the *East African* newspaper, remarked: “They think that if an official steals money meant to buy building materials for a local school, that is government money being stolen and it is none of their business.” Transparency International concludes that “civil society still lacks the resolve or awareness to demand real accountability from government officials.”⁵⁰⁷

This passivity makes politicians and officials more confident in their dishonest dealings, because they feel they can get away with it. Yet here lies exactly the problem: As long as they indeed *can* get away with it, corruption will perpetuate itself at all events. If top politicians go scot-free with the embezzlement of large amounts of public funds with the public hardly noticing it, why should ordinary civil servants hesitate to seize their share of the loot as long as they feel themselves safe from ‘above and below’?⁵⁰⁸ It all boils down to the paramount importance of holding public officials and politicians accountable through civil society pressure groups. It is vain to hope that a government will become accountable all by itself through some kind of ‘moral obligation’. In the long term, this can only be achieved by pressure from its citizens.⁵⁰⁹

Cultural factors that impede the fight against corruption and the emergence of a vibrant civil society bent on holding public officials and politicians accountable can probably only be overcome by long-term efforts to educate the public and raise its awareness regarding the negative effects of corruption on the whole society. Unfortunately, unlike

⁵⁰⁶ Constitution of the Republic of Uganda (1995), Preamble XXVI; CIET international (1998), p. ii; Zwart (2003), pp. 9 f.; Directorate for Ethics and Integrity (2000), p. 4; Transparency International (2002), p. 50.

⁵⁰⁷ Wabaki, quoted in Uganda Debt Network (2002), p. 47; Transparency International (2002), p. 50; Kisubi (1998), p. 107.

⁵⁰⁸ Uganda Debt Network (2002), pp. 47 f.

⁵⁰⁹ Uganda Debt Network (2002), p. 54; Molutsi / Holm (1990), p. 333.

in Botswana, integrity issues and corruption do not form part of the formal education system in Uganda.⁵¹⁰

The present state of affairs in Uganda indicates that there is still a long way to go to increase public awareness and truly empower civil society. This calls for ongoing efforts on the part of civil society organisations to press for their concerns and persuade more and more Ugandans not to accept corruption as a fact of life. According to the former IGG Jotham Tumwesigye, Uganda still has “an urgent need to strengthen Civil Society and to make Government accountable”.⁵¹¹

As regards the contribution of the media to the fight against corruption, the situation in Uganda has improved considerably since the NRM seized power in 1986. Before and during the Amin regime, the press was nearly extinct. It was stifled by the attempts of nearly all governments to control the media and use it to advance their interests. The Press Censorship Act of 1972 empowered the government to ban newspapers, and many were in fact banned. Moreover, the press has always been regarded with suspicion as an ‘unofficial opposition’ and has therefore been under constant political pressure. Still today, there is a tendency to treat the press as a medium through which the government may reach the people, and not as a medium through which the people may reach the government.⁵¹²

During the reign of the NRM, the number of journalists and publications has been growing steadily, and today the media are generally considered to be relatively free and outspoken. Article 29 of the Constitution of 1995 and the Press and Journalist Statute of the same year provide for freedom of the press. However, there have been repeated incidents of state pressure, allegedly to check excesses, in case of reports or talk shows that were critical of the government. In addition, registration requirements for newspapers are reportedly misused to exert control over publications. Section 27 of the Press and Journalist Statute also requires journalists to enrol with the media council in order to be entered on the Ugandan register of journalists. Non-compliance is threatened with a fine of US\$ 300,000 or three months’ imprisonment. Journalists in Uganda

⁵¹⁰ Zwart (2003), pp. 8 f.; Hassan (2003b), p. 25.

⁵¹¹ Jotham Tumwesigye, quoted in Zwart (2003), p. 19; cf. also Zwart (2003), p. a.

⁵¹² Kajoba (1998), pp. 132 and 135.

voiced their discontent and resisted these regulations to the extent that not a single journalist had a practicing certificate for a long time after the Statute was enacted.⁵¹³

There are now about 40 publications, 20 private radio stations and nine private TV stations in Uganda. However, the private TV and radio stations focus primarily on entertainment, and state-controlled ones are often given directives how to report news.⁵¹⁴ Of the newspapers, the *New Vision* is a government paper and therefore somewhat constrained in exposing high-level corruption cases.⁵¹⁵ Other papers like *The Monitor*, *The Shariat* and *The Exposure* are decidedly anti-government, but they usually do not feature substantial investigative journalism, and some of them are reputedly motivated by malice and the desire to condemn and undermine the government.⁵¹⁶ Langseth and Stapenhurst laud the *Uganda Confidential's* fight against corruption, but the paper is also known for focusing on the misconduct of individuals and instigating witch-hunts.⁵¹⁷

The difficult financial situation of most newspapers makes them vulnerable to bribery and may lead to paid-for slander instead of investigative reporting. The situation of independent newspapers is made worse by the government's discriminatory allocation of advertisements and subscriptions to well-disposed papers.⁵¹⁸

The deficit in thoroughly investigative journalism can also be traced back to the lack of professionalism among journalists. To address this problem, there have been a number of workshops on investigative journalism organised by, amongst others, the Inspectorate of Government, Transparency International and the World Bank's Economic Development Institute. Their aim has been to promote analytical skills and the capacity to investigate and publish stories – especially about corruption – and to

⁵¹³ Zwart (2003), p. 19; Hassan (2003a), pp. 12 and 58 ff.; Hassan (2003b), p. 23; *The Monitor* (2003); *The New Vision* (2003b).

⁵¹⁴ Flanary / Watt (1999), p. 529; Kajoba (1998), pp. 131 and 136 f.; Hassan (2003a), pp. 12 and 61; Ugandan Governance Monitoring Project (2005), p. 18.

⁵¹⁵ Although some consider it to be relatively free to report about corruption in the government. Cf. Langseth / Stapenhurst (1997b), p. 19; Opolot (1998), p. 141.

⁵¹⁶ Katorobo (1998), pp. 148 ff. Katorobo regards investigative journalism ideally as the "dispassionate investment of energy into discovering and exposing hidden misconduct, not with malicious intent but with the objective of promoting the public good" (p. 150).

⁵¹⁷ Langseth / Stapenhurst (1997b), p. 19; Katorobo (1998), p. 150; Tumwesigye (1998b), p. 14.

⁵¹⁸ Langseth / Pope (1998), p. 44; Kajoba (1998), p. 133; Hassan (2003b), p. 24.

create a journalist network throughout Uganda. As a result, there have been notably more stories about corruption in the media.⁵¹⁹

There are also some more obstacles to investigative journalism, for instance the length of stories: The longest story in *The Monitor* and the *New Vision* is supposed to be about 480 words – not quite enough for a detailed analysis. Investigative journalism is also more costly than publishing stories created from easily available information, and it is also more risky.⁵²⁰ Journalists have more than once been forced into silence by threats of legal action from powerful individuals because of ‘slander’, and some have even been physically threatened. Journalists critical of the government have frequently been summoned to the Criminal Investigations Department headquarters for interrogation. Transparency International has pointed out that this undue intimidation of journalists is made possible by Uganda’s overly severe libel laws.⁵²¹

Also the government’s Secrets Act is a deterrent to investigative journalism. It was allegedly not intended to protect corrupt acts, but officials often use it as a pretence for withholding information from journalists, although they have, due to Article 41 of the Constitution, a legal right of access to information.⁵²² The Uganda Debt Network has urged the government to enact a Freedom of Information Act to ensure that citizens, NGOs and the media have access to all relevant information. This would indeed be an indispensable step in the process of making the government and public officials more accountable, because the public can only detect malpractices and exert pressure about the use of funds if it has detailed knowledge about their purpose and allocation.⁵²³ What is also called for in this context is a better co-operation between the press and civil servants who are willing to act as informers and expose malpractices. Also anti-corruption agencies like the Inspectorate of Government could make use of any background information or evidence about published corruption stories.⁵²⁴

⁵¹⁹ Langseth / Stapenhurst (1997b), pp. 19 f.; Hassan (2003b), pp. 29 f.; Opolot (1998), pp. 143 and 146.

⁵²⁰ Katorobo (1998), p. 154.

⁵²¹ Uganda Debt Network (2002), p. 55; Tangri / Mwenda (2001), pp. 130 f.; Hassan (2003a), pp. 60 ff.; Hassan (2003b), p. 24.

⁵²² Katorobo (1998), p. 157; Flanary / Watt (1999), p. 530; Gariyo (2001).

⁵²³ Uganda Debt Network (2002), p. 57.

⁵²⁴ Katorobo (1998), p. 158; Kato (1998), p. 74.

The press has been involved in the exposure of numerous corruption cases and has thereby prevented the loss of public funds. Some of the more prominent cases include a car hire scam that was exposed and thereby stopped by the *Sunday Monitor*, and the embezzlement of housing allowances by thirty managers of the state-owned Nile Hotel, which was put to a stop by *The Monitor*.⁵²⁵ Despite the vigorous attempts of the press to expose corruption cases, their impact is limited by the comparatively small newspaper circulation in the country, which lags behind the UNESCO recommendation of 110 copies for 1,000 people. Especially in rural areas, there are many people who practically never have the opportunity to read a newspaper. In fact, 60% of respondents in the Afrobarometer survey admitted that they never read newspapers, while only 5% claimed to read one every day.⁵²⁶

Quite another problem is that the media seem to be losing a bit of their fervour for publishing corruption stories. Charles Onyango-Obbo, the editor of *The Monitor*, sees as the main reason that people have become cynical about corruption and are no longer interested in stories about it. “Corruption does not sell newspapers anymore,” he concludes.⁵²⁷ To overcome this problem, newspapers would probably be well advised to put less energy in making their stories sound as lurid as possible, because the feeling of scandal that is evoked soon wears off after a few stories. Instead, they should focus on establishing a link between the stolen funds and the problems this causes. Readers should learn that it is ‘their’ money that is being stolen and that they or their children will suffer from the reduced service provision this embezzlement will eventually lead to. So, even if the Ugandan media are more vigorous than ever and have provided valuable assistance in the fight against corruption, they still have some lessons to learn and must work to keep the public interested in the problem of corruption.

In *Botswana*, civil society is by many considered to be still “in its infant stages”.⁵²⁸ There are trade unions and some notable NGOs in the fields of human rights, gender

⁵²⁵ Cf. Uganda Debt Network (2002), pp. 56 ff. and Hassan (2003a), p. 61 for these and more cases.

⁵²⁶ Kajoba (1998), p. 140; Zwart (2003), pp. 19 f.; Afrobarometer (2005b), p. 8.

⁵²⁷ Uganda Debt Network (2002), p. 55.

⁵²⁸ Frimpong (2001a), p. 5.

issues and environmental concerns, but the only organisation explicitly concerned with fighting corruption is a local chapter of Transparency International.⁵²⁹

Many civil society groups in Botswana like cooperatives or farmers' organisations are initiated and wholly or partly financed by the government itself, and sometimes a model constitution has been imposed on them. Also many self-founded groups like churches, youth groups or sports organisations receive substantial financial grants. This involvement of the state in civil society organisations is somewhat problematic. On the one hand, it shows that the state is committed to promoting a lively and well-funded civil society. On the other hand, it threatens the independence of organisations and may make them more hesitant to challenge the government because they will probably think twice before biting the hand that feeds them.⁵³⁰

As for the cultural preconditions for establishing a vibrant civil society, Botswana presents a mixed picture. The political participation and discussion culture does not favour outright resistance to political authorities. Traditionally, leaders are expected to agree on a course of action which they then present to the public. The idea that interest groups should approach political parties to influence the political process is also foreign to many Batswana, and by some even considered morally wrong.⁵³¹

On the other hand, political culture is not completely biased against conflict. For instance, there is a spirit of mutual tolerance and open debate ingrained in traditional values that demands that all points of view must be heard. This is evidenced by the traditional proverb *mmualebe o a bo a lagagwe* ("everyone is entitled to his or her view").⁵³²

Botswana has always had a political culture of accountability, reflected in the so-called *kgotla* meetings that traditional chiefs called to discuss issues of common concern in their local communities.⁵³³ Although these meetings were hardly democratic in their

⁵²⁹ Frimpong (2001a), pp. 5, 9 and 20; Frimpong (2001b), p. 28; Molomo (1998), pp. 206 f.

⁵³⁰ Molutsi / Holm (1990), pp. 329 and 333; Holm (2000), pp. 301 f.

⁵³¹ Molutsi / Holm (1990), pp. 329 ff.; Holm et al. (1996), pp. 43 ff.; Briscoe / Hermans (2001), p. 120.

⁵³² Molutsi / Holm (1990), pp. 329 ff.; Molomo (1998), p. 203.

⁵³³ Ngcongco (1989), pp. 42 ff.; Lekorwe (1989), pp. 212 ff.; Holm (2000), pp. 298 f.

pre-colonial form – after all, the chief himself set the agenda and made the final decisions without resorting to a public vote – they established a discussion culture that is still vibrant today: The need to gain *kgotla* approval has become an obligatory part of the initiation of public projects in rural areas. Thus, politicians and civil servants have to develop their programmes with the knowledge that they must be prepared to defend them at the community level and not just order their implementation.⁵³⁴

In addition to the *kgotla* meetings, so-called ‘freedom squares’ meant for dialogues between the population and politicians were established in many towns and villages after independence. All community members can attend meetings, question visiting politicians and freely discuss issues. For many Batswana, especially in rural areas, freedom squares are the primary means by which they stay informed about and participate in political issues. In addition, much political reporting in the media focuses on important freedom square meetings. Thus, while the organised exercise of influence by interest groups is not very common and accepted in Botswana, the country can look back on a long and lively tradition of grassroots advocacy and direct participation of ordinary citizens in political matters. Molutsi and Holm regard Botswana’s experience as an interesting alternative path to democratic politics in Africa and believe that it could serve as a model for other countries which do not have an indigenous pluralist culture.⁵³⁵

As for citizen’s propensity to demand accountability from their leaders, the Afrobarometer survey data allow an interesting comparison between the people of Uganda and Botswana. When asked to choose between the alternatives “A) As citizens, we should be more active in questioning the actions of our leaders” and “B) In our country these days, we should show more respect for authority”, 32% of Ugandans but only 20% of Batswana agreed with B. Thus, Ugandans are apparently less prepared to hold politicians accountable and hence are probably more likely to tolerate corrupt practices. This impression is reinforced by the results of another question that aims at testing the participants’ tolerance of nepotism and patronage politics: When faced with the alternatives “A) Since leaders represent everyone, they should not favor their own family or group” and “B) Once in office, leaders are obliged to help their home

⁵³⁴ Holm (2000), pp. 291 f. and 298 f.; Molutsi / Holm (1990), pp. 333 f.; Frimpong (2001b), p. 28.

⁵³⁵ Holm (2000), p. 290; Molutsi / Holm (1990), pp. 324, 334 f. and 340.

community”, only 68% of Ugandans but 86% of Batswana chose A and thereby expressed their disapproval of such practices.⁵³⁶

When questioned about their tolerance of state interference in civil society organisations, Batswana were less prepared to grant their government the right to ban organisations than Ugandans. While 39% of Ugandans agreed with the statement “government should be able to ban any organization that goes against its policies”, only 25% Batswana did so. The traditional appreciation of freedom of speech and open debate in Botswana is also reflected in the Afrobarometer surveys: 82% of Batswana (compared to 73% of Ugandans) agreed with the statement “people should be able to speak their minds about politics free of government influence, no matter how unpopular their views may be”.⁵³⁷

Since 2001, Botswana’s media have been integrated into the Southern African Media Network Against Corruption (SAMNAC), which aims at strengthening the cooperation of regional media and increasing their effectiveness in the fight against corruption.⁵³⁸

The importance of Botswana’s media in the fight against corruption has been acknowledged by the Directorate on Corruption and Economic Crime, the country’s main anti-corruption institution. Its former director, Tymon Katlholo, stated that well-informed media could “play a crucial role in exposing corruption and fraudulent practices in government, private sector and civil society”. However, in practice, the contribution of the media to fighting corruption has been limited so far.⁵³⁹

Botswana’s only nationwide radio station, which is the main source of information for most people, is state-owned and has the reputation of being “part of government machinery“ and avoiding political controversy.⁵⁴⁰ For a long time, the government had clung to its long-standing radio monopoly and rejected all proposals for private radio

⁵³⁶ Afrobarometer (2005a), pp. 10 f.; Afrobarometer (2005b), p. 10.

⁵³⁷ Afrobarometer (2005a), pp. 12 f.; Afrobarometer (2005b), p. 11.

⁵³⁸ Directorate on Corruption and Economic Crime (2002), pp. 9 f.

⁵³⁹ Tymon Katlholo, quoted in All Africa Global Media (2001); Charlton (1990), pp. 15 f.; Holm (1988), pp. 198 and 210.

⁵⁴⁰ Sharma (2000a), p. 17.

stations. However, a few years ago, two private stations were admitted, but their range is limited to the capital, Gaborone.⁵⁴¹

As for television, Botswana has had a state-owned channel since 2000. It is reputedly not entirely free and independent in its reporting.⁵⁴²

Section 12(1) of Botswana's constitution provides for freedom of the press, but section 12(2) allows the government to exempt matters of defence, public safety, public order, public morality and public health from this provision. In addition, some further laws such as the National Security Act, the Police Act, the Presidential Privileges Act and the Corruption and Economic Crime Act permit the government to limit the freedom of the press. For instance, section 44 of the Corruption and Economic Crime Act makes it an offence to reveal information relating to an ongoing investigation. Sechele criticises this provision as depriving "pressmen of their constitutional rights and freedom to hold their own opinions, freedom to receive ideas and information without interference, freedom to freely communicate ideas and information to the public generally or to any person or class of persons".⁵⁴³

In the Freedom House Annual Survey of Press Freedom, a worldwide study that ranks the media freedom of countries on a scale from 0 (completely free) to 100 (not free), Botswana has consistently received a better score than Uganda in the past decade. While Botswana has usually obtained a score of around 30, Uganda has hovered in the mid-40 range. In the latest survey of 2007, Botswana takes up position 77 of 195 countries, on a par with India. Uganda, by contrast, only ranks at position 114, in the vicinity of e.g. Indonesia and Ukraine. Results from the Afrobarometer survey suggest that Botswana's citizens value press freedom higher than their counterparts in Uganda. When asked to choose between the alternatives "A) Government should close newspapers that print false stories or misinformation" and "B) The news media should be free to publish any

⁵⁴¹ Molutsi / Holm (1990), pp. 328 f.; Bertelsmann-Stiftung (2003); Sharma (2000a), p. 17.

⁵⁴² Bertelsmann-Stiftung (2003).

⁵⁴³ Sechele (1998); Bertelsmann-Stiftung (2003); Sharma (2000a), p. 17; Mbuya (1998), p. 43; Frimpong (2001a), p. 8.

story that they see fit without fear of being shut down”, 71% Batswana but only 57% of Ugandans agreed with B.⁵⁴⁴

Despite these respectable survey results, there are also many critical voices with regard to the freedom of Botswana’s media in practice. Molutsi and Holm, for instance, complain that there is “little tradition of press freedom protecting [newspapers] from political authority”.⁵⁴⁵ The only daily newspaper in Botswana is the state-owned *Daily News*, and it has the reputation of being a “mouthpiece of the government”.⁵⁴⁶ In addition, there are several weekly private newspapers, for instance *Mmegi*, *The Botswana Guardian*, *The Midweek Sun* and *The Botswana Gazette*. *Mmegi* and the *Gazette*, in particular, are known for their sophisticated and substantial political reporting.⁵⁴⁷ In practice, however, most papers have been cautious in what they publish about the government because they fear legal and financial sanctions. The problem is that, similar to Uganda, the state can put pressure on newspapers because they are financially dependent on paid government advertisements. And just like in Uganda, Botswana’s government has made use of this shameful tactic in the past: In April 2001, a directive from the Office of the President ordered all government ministries, parastatals and private companies in which the government was a shareholder “to cease advertising in the Guardian and Sun Group of papers”. These instructions were given because the said publications had been critical of the government and some leaders of the country, including the President and the Vice President. The government has also resorted to the deportation of foreign journalists as a way of silencing the private media. According to Good, five journalists and two editors have been deported since 1985.⁵⁴⁸ Contrary to the government’s intention, however, these repressive measures are believed to have strengthened rather than weakened private newspapers. The fact that the Attorney General has several times taken journalists and editors to court but always

⁵⁴⁴ Freedom House (2005); Freedom House (2007); Afrobarometer (2005a), p. 12; Afrobarometer (2005b), p. 11.

⁵⁴⁵ Molutsi / Holm (1990), p. 332.

⁵⁴⁶ Frimpong (2001a), p. 4.

⁵⁴⁷ Holm (2000), p. 291.

⁵⁴⁸ Frimpong (2001a), pp. 4 f. and 9; Molutsi / Holm (1990), pp. 329 and 332; Bertelsmann-Stiftung (2003); Zaffiro (1989), pp. 51 ff.; Sharma (2000a), p. 17; Mbuya (1998), p. 41; Good (1997).

lost the case has enhanced the newspapers' popularity and credibility as an important source of political information.⁵⁴⁹

Journalists in Botswana have long been complaining that government circles tend to regard those who work for private newspapers as political adversaries, trouble makers and scandal mongers. There have also been demands from some government ministers to tighten the control of private newspapers with a new Mass Media Bill. However, it was withdrawn at the last moment.⁵⁵⁰

A further problem of the press is that, similar to the situation in Uganda, reporters have little experience in investigative journalism and their employers often lack the resources to fund such time-consuming and complex activities. Despite these problems, Botswana's newspapers have exposed various cases of corruption, and some of their reports have led to the prosecution of the persons implicated in the scandals.⁵⁵¹

To sum up, civil society organisations in Uganda and Botswana have somewhat contributed to fighting corruption by exposing corruption cases and educating people about the negative effects of corruption. There have been positive developments in both countries in the past decades. In Uganda, there has been a steady growth of newspapers and NGOs, including several anti-corruption pressure groups, after the long period of oppressive rule ended with the takeover of the National Resistance Movement in 1986. Also Botswana has seen a growth of NGOs and private media, although there is only one organisation dedicated to combat corruption. Nevertheless, civil society in both countries is still considered to be rather weak and disorganised mainly due to a lack of resources and obstacles created by the state. In Uganda, these obstacles consist of cumbersome registration procedures and, in the case of more outspoken NGOs or newspapers, outright hostility and legal and financial pressure from the government. While Botswana enjoys a better ranking in international comparisons of press freedom than Uganda, it still suffers from the virtual state monopoly of its media: Its largest newspaper, radio stations and only TV station are state-owned and reportedly

⁵⁴⁹ Holm (2000), p. 291.

⁵⁵⁰ Mbuya (1998), p. 41; Sharma (2000a), p. 17; Holm (2000), p. 291.

⁵⁵¹ Molutsi / Holm (1990), p. 332; Frimpong (2001a), pp. 20 ff.; Frimpong (2001b), p. 26; Mahlanza (1999) lists instances where private newspapers have exposed corruption in the public financial sector.

constrained in their coverage of controversial issues like corruption. In both countries, there are deficits in thoroughly investigative journalism that can be traced back to the lack of experience and professionalism of many journalists.

As for cultural factors that impede the fight against corruption and the emergence of a vibrant civil society, Uganda is certainly in a worse position. A widespread passive attitude to political issues, the fear to confront authority and the social veneration of wealth, regardless of how it has been acquired, have proved to be serious obstacles to holding public officials and politicians accountable. In Botswana, the organised exercise of influence by interest groups is not very common and accepted, but the country can look back on a long and lively tradition of grassroots advocacy and direct participation of ordinary citizens in political matters through its *kgotla* and ‘freedom square’ meetings.

The traditional appreciation of freedom of speech and open debate in Botswana is also reflected in various survey results. These point to the conclusion that Botswana are less prepared to accept state intervention in the media and civil society organisations, keener on holding politicians accountable and hence probably less likely to tolerate corrupt practices than Ugandans.

3.2 The Role of the Political Leadership

“What the prince does the many will also soon do – for in their eyes the prince is ever in view.”⁵⁵²

The behaviour of the political leadership of a country can make all the difference between fostering ideals of commonality in society or leading to widespread cynicism about politicians who only think of enriching themselves. Political leaders are responsible for creating public confidence in the political system by exhibiting integrity and a commitment to the public good. They are in a position to decide which behaviour of their subordinates they are willing to tolerate. If they are corrupt themselves, they can also act as role models for lower ranks and thus reinforce other forms of corruption.⁵⁵³

⁵⁵² Macchiavelli, quoted in Werner (1983), p. 149.

⁵⁵³ Global Coalition for Africa (1997); Mbuya (1998), pp. 41 f.; cf. also *chapter III.3.1.*

The commitment of a country's political leadership to devise effective and sustainable strategies against corruption is of crucial importance for achieving a lasting victory against this problem. From the outside, it is often difficult to judge whether a government is serious about fighting corruption, or whether it only introduces cosmetic changes that are merely intended to appease the population and international donors. Populist measures like the punishment of a few corrupt officials or the instigation of witch-hunts mostly fall in the latter category. More often than not, these individuals are singled out as scapegoats because they have fallen in disgrace with the rulers for some reason other than corruption. Needless to say, corruption cannot be expected to disappear because of the removal of some corrupt elements.⁵⁵⁴ Kaufmann refers to this as the "ex post bias": Governments often prefer to tackle the symptoms of corruption and provide "quick fixes" for political gain instead of taking an "ex ante" approach to root out the underlying causes of corruption. This is often reflected in the strategy of a government as a dominance of institutional and legal enforcement measures instead of efforts to make systemic changes and modify the fundamental incentives for corrupt activities.⁵⁵⁵ To bring about this systemic change, a great deal of political will is necessary to devise measures that also take effect among political and economic elites. These are usually unwilling to tolerate cuts in their corrupt income, let alone being punished for their misdeeds. Moreover, as has been shown in *chapter IV.2.2*, entrenched corruption can severely curtail the powers of investigation and enforcement of an administration.⁵⁵⁶

When the National Resistance Movement (NRM) seized power in *Uganda* in 1986, the majority of the population had already resigned themselves to living under self-serving rulers and had learned to accommodate themselves in a society pervaded with corruption. The NRM itself had some of its origins in the Uganda Patriotic Movement (UPM), a populist party that stressed its commitment to clean leadership as opposed to the corrupt and brutal rulers of the country at that time.⁵⁵⁷ Right from the beginning of

⁵⁵⁴ Doig / Riley (1998), pp. 55 f.; Riley (1998), pp. 132 f. and 151. It should be pointed out, however, that the punishment of senior officials and politicians is more effective than the focus on 'small fry' because it strengthens the credibility of the government's fight against corruption if it employs its weapons also among the political establishment.

⁵⁵⁵ Kaufmann (1998), p. 65.

⁵⁵⁶ Robinson (1998), p. 10.

⁵⁵⁷ Nduhukhire-Owa-Mataze (1998), p. 16.

its rule, the NRM pledged itself to find ways of combating corruption. To emphasise this determination, it stated in point 7 of its famous Ten Point Programme: “Africa, being a continent that is never in shortage of problems, has also the problem of corruption – particularly bribery. Therefore, to enable the tackling of our backwardness, corruption must be eliminated once and for all.”⁵⁵⁸

The NRM reform programme clearly marked a period of optimism after the dark days of the Amin regime. However, it did not take long until the first complaints about administrative excesses and abuse of office were voiced against the new rulers.⁵⁵⁹

For instance, there have been many shady practices among Members of Parliament. A high-profile case in this context was the ‘MP Motor Vehicle Loan Scheme’⁵⁶⁰ that started shortly after the 1996 elections. The idea was to give MPs grants and cheap loans for buying new cars to assist them in the work in their constituencies. However, over a third of the MPs participating in the scheme used the money to buy vehicles that were considered totally unsuitable for the intended mobilisation work like trucks, lorries, or even tractors. Moreover, the government grants of US\$ 18 million per MP alongside the loans were not distributed gradually over four years as originally stipulated but released as a lump sum, which allowed some MPs to purchase cars without paying anything themselves. As the Uganda Debt Network rightly decried, this led to the awkward situation that “Ugandan tax payers bought vehicles for a privileged group – members of parliament – who are the highest paid public officers in the country, earning a total of Shs3.4m a month.”⁵⁶¹

In addition to these violations, many MPs colluded with dishonest car dealers and presented pro-forma invoices that vastly overstated the value of their purchase. For the remaining amount, they could purchase another car or received cash payments from the dealers. In what the Uganda Debt Network describes as an “act of arrogance and

⁵⁵⁸ NRM *Ten Point Programme*, quoted in Langseth / Stapenhurst (1997b), p. 10.

⁵⁵⁹ Flanary / Watt (1999), p. 518; Oloko-Onyango (1992), p. 100.

⁵⁶⁰ Cf. Uganda Debt Network (2002), pp. 29 ff. for details.

⁵⁶¹ Uganda Debt Network (2002), p. 30.

indifference to public opinion (...) intended to protect a greedy and corrupt political elite,” the MPs even tried to negotiate a reduction of their loan repayments in 2000.⁵⁶²

Unfortunately, the handling of this scheme seems to be the rule rather than the exception in Ugandan politics. As the Uganda Debt Network observes, “the MPs’ Motor Vehicle Loan Scheme is only one of many government schemes that have been thoroughly abused by public officers”.⁵⁶³ It is questionable how an institution that would have to start combating corruption within its own ranks – which, if tried, is often crushed by vested interests – can really be effective in the wider struggle against corruption and abuse of office in Uganda. Having said that, it is hardly surprising to encounter behaviour like in the abused schemes if one looks beyond parliament to Uganda’s governing elite. In this elite, one can find many persons who provide a glaring example to lower ranks of how to be corrupt and get away with it.

Patronage and nepotism are common among NRM officials. Especially nepotism has been on the increase due to a poor economic situation and job market combined with traditional expectations that persons in positions of power should use their influence for the benefit of their friends and relatives. According to Ruzindana, this practice is further encouraged by the unwillingness of officials to care for their relatives personally – instead, they are given jobs so that they can care for themselves.⁵⁶⁴ More often than not, these relatives lack the qualifications necessary for their new positions, which usually leads to a decline in efficiency in the institution that employs them.

In Uganda, senior public officials as well as ministers often surround themselves with people from their tribes: “A minister from the west recruits all his support staff including the personal assistant, secretary, clerk and tea girl, from his tribe. The same is true for a Muganda, Musoga or Acholi minister.”⁵⁶⁵ The Uganda Democratic Coalition put it more bluntly: “Museveni’s tribesmen stampeded into fat positions to eat the living life out of the economy under the banner of *Twarire* (‘we have eaten’).”⁵⁶⁶

⁵⁶² Uganda Debt Network (2002), p. 31.

⁵⁶³ Uganda Debt Network (2002), p. 31.

⁵⁶⁴ Uganda Debt Network (2002), pp. 46 f.; Ruzindana (1998c), p. 52.

⁵⁶⁵ Uganda Debt Network (2002), p. 46.

⁵⁶⁶ Uganda Democratic Coalition (1995).

A report from Miria Matembe, the Minister of Ethics and Integrity, showed that the regional distribution of posts in four of the best-paying state agencies like the Uganda Revenue Authority is not very equal: the western region is clearly over-represented, with a share of up to 50% of jobs, while the north has a quota of only 6% in some agencies. This factionalism leads to distrust between the different regions and induces them to care only for their group instead of pursuing wider political aims. Members of Parliament have alleged that it is a common practice to recruit people without an interview just because of their descent. This custom sets the wrong incentives for public officials: Employment and promotion patterns based on ethnicity instead of qualification and effort will almost certainly lead to a loss of efficiency and quality of the administration.⁵⁶⁷

The original fervour of the NRM to combat corruption seems to have declined since it consolidated its rule over Uganda. Nduhukhire-Owa-Mataze is especially disappointed of the behaviour of some senior NRM officials: “The contradiction is that a Movement founded on principles of clean leadership, has found itself caught in the dirt of corruption (...).”⁵⁶⁸ “Today, many of the original enforcers of the anti-corruption position need to be disciplined themselves, as they are the chief culprits.”⁵⁶⁹ He believes that the process of decay started like a cancer within the NRM’s top cadres and has since attracted other individuals of doubtful integrity who want to profit from possible corrupt dealings.⁵⁷⁰

Zachary Olum, Chairman of a parliamentary committee that deals with corruption cases, complains that many instances of corruption involve senior government officials: “In all the cases of abuse and misuse we have investigated, corruption started from the top (...). The really heavy cases, involving lots and lots of money, were orchestrated by officials at the top.”⁵⁷¹ Even worse, there seem to be spillover effects from this conduct at the top: Lower ranks regard the corrupt behaviour of high officials as a justification for their own efforts to extract rents. Thus, more and more funds are lost at all levels of the

⁵⁶⁷ Uganda Debt Network (2002), p. 46.

⁵⁶⁸ Nduhukhire-Owa-Mataze (1998), p. 16.

⁵⁶⁹ Nduhukhire-Owa-Mataze (1998), p. 26.

⁵⁷⁰ Nduhukhire-Owa-Mataze (1998), p. 26.

⁵⁷¹ Zachary Olum, quoted in Uganda Debt Network (2002), p. 43.

Ugandan administration in a self-perpetuating process. Weak control from the centre and a lack of accountability at all levels aggravates this spread of corruption because it makes it even easier for public officials to disregard rules and procedures.⁵⁷²

The thoroughly abused Civil Service Car Purchase Scheme can be cited as an example where spillover effects occurred. In 1993, the government decided to sell all pool vehicles to its public servants to save transportation costs and expected about US\$ 1.3 billion from the sale. Starting in 1995, public servants were to pay 40% of the price in the first year, then 30% in the two following years. However, this scheme has turned out to be an example of how a government plan intended to save public funds can be transformed by corruption into a huge loss-making project. After five years, many influential beneficiaries of the scheme like government ministers had paid only a fraction of their debts. Prominent examples include the former Attorney General Joseph Ekemu, who only paid US\$ 572,000 for his US\$ 14.3 million vehicle and Ruhakana Rugunda, a Minister in the President's Office, who only bothered to pay 4% of the agreed price. As was to be expected, the corrupt behaviour of senior officials also spilled over to the lower ranks: "Since the top officials had reneged on their payments, the junior officials felt they too, were under no obligation to pay."⁵⁷³ Worse still, the Auditor General uncovered that most of the cars continued to bear government registration plates, making them practically exempt from taxation. Some car owners even had the cheek to claim fuel and garage repairs at the government's expense.⁵⁷⁴

In some other instances, honest officials have virtually been forced by their superiors to take part in corruption, as in the case of a new customs officer in the Uganda Revenue Authority who refused to take a bribe from an importer. His boss subsequently ordered him to accept the bribe and hand it over to him afterwards.⁵⁷⁵

If the allegations of Charles Onyango-Obbo are true, the political legitimacy of the NRM is already stained by corruption: It is supposed to have given tax exemptions to six companies and to have made use of the resulting profits to help it in the presidential

⁵⁷² Uganda Debt Network (2002), pp. 43 f.; Zwart (2003), p. 49.

⁵⁷³ Uganda Debt Network (2002), p. 32.

⁵⁷⁴ Uganda Debt Network (2002), p. 32

⁵⁷⁵ Uganda Debt Network (2002), p. 45.

and parliamentary elections.⁵⁷⁶ The elections themselves are also a cause for concern with regard to political integrity in Uganda. From the beginning, the NRM imposed a quasi-one-party regime (which it prefers to call ‘no-party’ system) that tries to base elections not on political allegiances but on individual merit. However, in practice usually the candidates who offer the most money to voters get elected.⁵⁷⁷

Langseth and Pezzullo refer to credible reports that senior government officials have been involved in collusion between business and banks, corrupt privatisation deals and questionable procurement practices.⁵⁷⁸ There have been numerous cases during the last years that paint a gloomy picture of the integrity of some high NRM figures. The Ministry of Finance was implicated in malpractices concerning the tendering of pre-shipment inspection services. The IG discovered that one bidder had manipulated the tendering process to receive much better ratings by the evaluation team than the other contestants. Additionally, the tendering procedures were changed after the evaluation to further advantage the dishonest bidder. Because of these irregularities, the IG recommended a re-tendering under the Central Tender Board (CTB) with a completely new evaluation team. However, the Ministry of Finance ignored this proposal and consequently no new tendering process was initiated. The behaviour of the Ministry led the IG to conclude that it had colluded in the violation of the tendering procedure.⁵⁷⁹

The same Ministry was also involved in malpractices in the tendering of consulting services for budget and treasury functions. Against the advice of the CTB and IG, the Ministry insisted on choosing the firm that scored highest in the evaluation without taking into account the price. The recommendation of the IG to involve the CTB in the tender was disregarded. Instead, the Ministry of Finance decided to stop the tendering process and recruit the consultant from its preferred firm, a behaviour which the IG put down to collusion between the two actors.⁵⁸⁰

The Ministry of Agriculture was accused by the IG of malpractices in the tendering for the ‘Livestock Services Project’. The IG investigated the case because an American

⁵⁷⁶ *The Monitor* (1996).

⁵⁷⁷ *The EastAfrican* (1997).

⁵⁷⁸ Langseth / Pezzullo (2000), chapter 2.

⁵⁷⁹ Ruzindana (1998c), p. 63.

⁵⁸⁰ Ruzindana (1998c), pp. 64 f.

firm complained that a competitor from Australia with a more expensive offer was given the contract. The IG inferred that the established government procedures had been disregarded and the tender evaluation manipulated to favour the Australian firm. Again, the CTB had been bypassed to make these abuses possible. In a re-tendering that was done through the CTB, the American firm emerged as the winner. Even so, the Ministry of Agriculture never awarded the tender to the firm.⁵⁸¹

The tendering procedure for a road project was also riddled with malpractices that involved senior NRM figures.⁵⁸² The IG informed the responsible Minister that the favoured company wrongly claimed to have built a road that was used as an important reference in its bid. After a long silence, it emerged that the Ministry and also the government had known about this falsehood. Normally, this should have led to a disqualification of the company, but the Ministry informed the IG that the tender would be given to the questionable company “in spite of government’s earlier objections arising out of some irregularities in the proposal.”⁵⁸³ The IG rightly concludes that this award “sends the wrong signal to the business community that government is lax on tendering malpractices, even those it is aware of”.⁵⁸⁴

Also President Museveni’s brother, Major General Caleb Akandwanaho, better known as ‘Salim Saleh’, has been involved in a number of questionable deals. For instance, he admitted that he had been promised a commission in the procurement of ‘junk’ helicopters by the Ministry of Defence in 1997. The Ministry lost about US\$ 6.4 million in this event because the helicopters were not overhauled and not air-worthy.⁵⁸⁵ Salim Saleh was also accused in a United Nations report that he and other senior military officers had exploited the war in Congo to enrich themselves.⁵⁸⁶

A great number of Museveni’s close political allies and high NRM politicians were involved in one of the most prominent corruption cases that led to the bankruptcy of the government-owned Uganda Commercial Bank (UCB), which had controlled over 80%

⁵⁸¹ Ruzindana (1998c), pp. 63 f.

⁵⁸² Ruzindana (1998c), pp. 65-68.

⁵⁸³ Ruzindana (1998c), p. 67.

⁵⁸⁴ Ruzindana (1998c), p. 68.

⁵⁸⁵ Uganda Debt Network (2002), pp. 25 and 50.

⁵⁸⁶ Warigi (2001), pp. 71 f.; Zwart (2003), p. a.

of the market.⁵⁸⁷ It was revealed that during the first nine years of Museveni's rule, the NRM's ruling circle had given itself over US\$ 62 billion of fraudulent loans without offering adequate collateral. Their failure to pay back the money finally led to the collapse of the bank.⁵⁸⁸

These examples indicate that corruption is pretty entrenched and has proved resistant to attempts of anti-corruption forces like the IG to combat it. Apparently, Uganda's political leadership is not keen to change the current situation because it also benefits from it. Again and again, corruption cases that involved the disregarding of rules and regulations have occurred among those in power – a fact that has also become a concern to international donors. In an official statement, Uganda's development partners complained about the “general pervasiveness of a culture of impunity with respect to corruption” and criticised that “several senior politicians and officials who have been censured or sanctioned for corruption (...) have not really been called to account or prosecuted. Instead they have been rewarded with lateral transfers to the Movement or elsewhere in Government.”⁵⁸⁹

That leaves the question of how President Museveni himself figures in these corruption cases. Although some of his family members and close political allies have been charged with corruption, Museveni himself has remained virtually untouched by accusations of corruption.⁵⁹⁰ However, he can and should be blamed for the inaction and silence he exhibited when he was confronted with these cases. For instance, he simply ‘forgave’ his brother Salim Saleh after he had confessed to his commission in the ‘junk’ helicopter purchase, although Ugandan law does not incorporate the right of the President to forgive someone instead of going through the due process of law.⁵⁹¹ Behaviour like this has led to speculations that Museveni himself may be ‘stained’ by

⁵⁸⁷ For a list of NRM politicians involved in this case of fraud, cf. Uganda Democratic Coalition (1995), pp. 1 ff. The list includes important Ministers like Matthew Rukikaire and Dr. Reich Adriko as well as high-ranking NRM politicians like Sam Kuteesa.

⁵⁸⁸ Uganda Democratic Coalition (1995). Cf. Uganda Debt Network (2005a), p. 4 and Doig et al. (2005), p. 25 for further cases of misuse of public funds by the political leadership of Uganda.

⁵⁸⁹ Consultative Group Meeting (2003), p. 4; cf. also Warigi (2001), p. 69; Tangri / Mwenda (2001), pp. 128 f.; Hassan (2003a), p. 22; Zwart (2003), p. 12; Doig et al. (2005), pp. 29 f.

⁵⁹⁰ Tangri / Mwenda (2001), p. 128.

⁵⁹¹ In another case, Museveni saved a Minister of Agriculture who failed to supervise the building of valley dams from a censure of parliament. Cf. Uganda Debt Network (2002), pp. 49 f.

corruption – or, as an Ugandan interviewed by the Uganda Debt Network put it: “when you stay near an anthill, your skin gets tanned.”⁵⁹²

There is a considerable amount of evidence which indicates that the NRM under Museveni does not really have the political will to devise far-reaching measures that would tackle the root of the problem of corruption. At first sight, the NRM seems to be willing to fight this evil: Since he assumed power as President in 1986, Museveni has often condemned corruption and abuse of office. Once, he even threatened to return to the bush if the problem of corruption was not solved. However, the Uganda Debt Network reports that most Ugandans are disappointed by the failure of the President to act on his promises.⁵⁹³ Also Nduhukhire-Owa-Mataze deplores that “the Movement has been losing its bearings in relation to combating the evil. (...) Corruption remains highly ranked among the greatest failures in the transformation process that the Movement committed itself to effect.”⁵⁹⁴ Zwart notices “a serious lack of political will to fight corruption”, which is exemplified by the proposal of the political leadership to amend the constitution in order to curtail most of the powers of the IG, a plan that was dropped only after a fierce public outcry.⁵⁹⁵ Also the IG acknowledges that the problem of corruption is far from solved: “All these institutions and measures the Government has set up to combat corruption notwithstanding, it would not be correct to say that corruption has been dealt a fatal blow. In fact many people, some with ulterior motives but others with honest convictions, urge that corruption is not on the wane but rather on the increase.”⁵⁹⁶

Transparency International criticises that, while “anti-corruption laws in Uganda may be the best on the African continent”, what is missing is the “political will to go the extra mile to do what is required to have a zero tolerance for corruption”.⁵⁹⁷ Also the Ugandan Governance Monitoring Project, a collaborative effort of nine Ugandan NGOs and their Dutch Counterparts, blames the lack of progress in the fight against corruption

⁵⁹² Uganda Debt Network (2002), p. 49.

⁵⁹³ Uganda Debt Network (2002), p. 49; Hassan (2003a), p. 22; Doig et al. (2005), pp. 29 f.

⁵⁹⁴ Nduhukhire-Owa-Mataze (1998), p. 16.

⁵⁹⁵ Zwart (2003), p. ii; Ugandan Governance Monitoring Project (2005), p. 43. Cf also *chapter IV.2.6.*

⁵⁹⁶ Tumwesigye (1998b), pp. 14 f.

⁵⁹⁷ Hassan (2003a), pp. 75 and 78.

on the government's passivity and concludes that "it is of limited use to have good laws in place, when in effect they can be easily violated without legal sanctions being applied".⁵⁹⁸ Gariyo observes that most government-created institutions like the Auditor General, Commissions of Inquiry or the Inspectorate of Government are useless because their reports mostly do not lead to actions against accused persons.⁵⁹⁹ The government usually does not implement their recommendations and is also not obliged by law to do so. This has led to the embarrassing situation that the same abuses occur year after year: "Big amounts of public funds continue to be entrusted to the same officers who have questionable records of accountability (...), thus perpetuating the vicious circle of abuse and misuse of public funds."⁶⁰⁰ As long as no serious measures are taken to stop the loss of funds, corrupt officials and politicians have no incentive to change their behaviour. Identifying the culprits and then letting them off the hook sends out the wrong signal. It encourages even more persons to get a share of the loot and leads to an increase, not a decrease in corrupt activities. To stop this, all anti-corruption institutions must have the power to ensure that their recommendations are carried out and do not end up in smoke – and this power can only be granted to them by Uganda's political leadership.

There are often heated discussions about corruption in parliament sessions, but, as Charles Onyango-Obbo points out, they pose no real threat to the government, as there is no serious opposition to the NRM that could benefit from these debates.⁶⁰¹ He is convinced that there are many politicians within the NRM who disapprove of corruption, but these are mostly poor and not influential enough to exert any real pressure on long-established and rich members who are suspected of corruption. On the contrary, it has often been the case that pressure is exerted on *anti-corruption* MPs: "The crooked politicians plant stories in supportive papers viciously attacking anti-corruption MPs and journalists, then buy the publications and distribute them free. Many times, MPs have arrived in the House to find complimentary issues of such papers in their pigeon holes."⁶⁰²

⁵⁹⁸ Ugandan Governance Monitoring Project (2005), p. 43.

⁵⁹⁹ Gariyo (2001); Cf. also Hassan (2003a), pp. 22, 70 and 75 and Zwart (2003), p. a.

⁶⁰⁰ Uganda Debt Network (2002), p. 16; Langseth / Stapenhurst (1997b), p. 18.

⁶⁰¹ *The EastAfrican* (1997); Hassan (2003a), p. 28.

⁶⁰² *The EastAfrican* (1997).

Threats and blackmail are common ways of dealing with people who raise their voice against corruption. Powerful politicians suspected of corruption have frequently threatened to sue MPs if they dare to repeat their allegations outside parliament.⁶⁰³ Pressure from influential politicians is supposed to be one reason why parliament does not act against corrupt politicians as rigorous as it could. This timidity was only narrowly overcome in a case in 1998: “On Tuesday, March 1998, the day Brigadier Jim Muhwezi was censured, Hon. Sam Kuteesa who was against ‘voting by secret ballot’, asked Members of Parliament who were supporting a motion for censure by secret ballot who they were scared of. ‘You!’ The Members replied in unison. (...) The proponents of the motion carried the debate, and Muhwezi was censured by secret ballot. There is speculation that the censure motion would have failed had voting been by division lobby.”⁶⁰⁴

Another case in 1999 involved Emmanuel Dombo, an MP who (rightly) accused President Museveni in parliament of surrounding himself with censured ministers. A short time after this, Dombo made a surprising appearance at *The New Vision* newspaper and entreated it to publish a public apology for his statement against Museveni. A senior journalist at *The New Vision* remarked that “Dombo looked so scared, you would think he was being pursued by a revenge-seeking ghost”.⁶⁰⁵ Unsurprisingly, such incidences are hardly an encouragement for honest MPs to speak out against corrupt colleagues.

Also the sad fact that corruption is rampant in many government departments and that offenders are more likely to be promoted than punished sends the wrong signal about the political will of the government.⁶⁰⁶ It is widely believed that anti-corruption laws are applied only selectively: While some individuals are rapidly convicted – presumably to make an example of them – others escape punishment because of an alleged lack of evidence, or, in the case of Museveni’s brother Salim Saleh, go free even if they confess to their misdeeds. In 1998, when some ministers were threatened with censure motions in parliament, neither of them was asked to resign from his office during the

⁶⁰³ Uganda Debt Network (2002), p. 48.

⁶⁰⁴ Uganda Debt Network (2002), p. 49.

⁶⁰⁵ Uganda Debt Network (2002), p. 49.

⁶⁰⁶ Gariyo (2001).

investigations. After they were censured, they were not punished but merely lost their offices in a cabinet reshuffle without further reference to their misdeeds.⁶⁰⁷

As a result of these shortcomings of the government, lots of people hold cynical views about the nature of politics and politicians in Uganda.⁶⁰⁸ There are many voices who question the regime's moral right to govern because some powerful leaders in Uganda seem to privately condone corruption.⁶⁰⁹ The scandal about the Sebutinde Commission report, for instance, led many people to question the sincerity of the government's efforts against corruption. Over US\$ 200 million of public funds were used to prepare this inquiry into malpractices in the police force. It uncovered conflicts of interest among senior police officers, some of whom awarded contracts to their own companies. Also the circumvention of investigations against wealthy and powerful individuals was examined in the report. As the hearings of the Commission had been public and newspapers had already reported on its proceedings, it was widely expected that the government would publish the full Commission report and take steps to expose and punish the accused offenders. However, the government decided to keep the report secret. After the report was leaked to and published by *The New Vision* newspaper, the government went on a witch-hunt to find the person responsible for it: The Criminal Investigations Department intervened, and a special committee headed by the Minister of Internal Affairs was created to search for the delinquent.⁶¹⁰ The conduct of the government concerning the Sebutinde report was one more reason for the Ugandan public and international donors to doubt the sincerity of its anti-corruption strategy. It was seen as evidence of "the stranglehold in which the corrupt hold Uganda".⁶¹¹ A politician interviewed by the Uganda Debt Network remarked that "Museveni has

⁶⁰⁷ Ugandan Governance Monitoring Project (2005), p. 42; Uganda Debt Network (2002), pp. 49 f.; Hassan (2003a), p. 25; Hassan (2003b), p. 6. For the problem of lack of evidence, cf. Nduhukhire-Owa-Mataze (1998), pp. 6 f.

⁶⁰⁸ Langseth / Pope (1998), pp. 43 f.; Ugandan Governance Monitoring Project (2005), p. 42; Hassan (2003a), p. 17.

⁶⁰⁹ *The Monitor* (2001). This article also claims that some senior officials resigned because they could no longer bear to be part of a corrupt system.

⁶¹⁰ Uganda Debt Network (2002), pp. 51 ff.

⁶¹¹ Uganda Debt Network (2002), p. 52; Hassan (2003a), pp. 69 f.; Consultative Group Meeting (2003), pp. 3 f.; Zwart (2003), pp. 13 f.

instituted Commissions of Inquiry and received reports confirming corruption, yet he has done nothing to prevent a repeat”.⁶¹²

It is widely believed that Museveni could make a difference if he only made up his mind to really crack down on corruption instead of merely talking about it.⁶¹³ Transparency International opines that “there are high hopes that grand corruption would be greatly reduced if the government demonstrated commitment to the principle of zero-tolerance to corruption and demonstrated such zeal by dealing effectively with those implicated through the various commissions of inquiry it has instituted”.⁶¹⁴ Instead, Museveni frequently resorts to blaming the ‘system’ to divert attention from his responsibility: “It is the failure of our system to deal harshly with criminals that has encouraged the corrupt to walk with their heads held high in society, creating the impression that corruption is acceptable and even respectable.”⁶¹⁵ As Langseth and Stapenhurst report, he uses many opportunities to “drive the anti-corruption message home”.⁶¹⁶ However, Nduhukhire-Owa-Mataze and Charles Onyango-Obbo agree that the NRM and Museveni only do this to appease important donors like the World Bank and the International Monetary Fund, and that really fighting corruption is no longer part of the agenda.⁶¹⁷

So why is President Museveni so reluctant to take decisive action against corrupt officials and politicians? To answer this question, it is necessary to take into account the incentives and constraints the NRM leadership faces with regard to its rule over Uganda. Onyango-Obbo emphasises the mobilising role of corruption in this respect.⁶¹⁸ The line of reasoning is that a corrupt government invites more fanatic support than a

⁶¹² Uganda Debt Network (2002), p. 52.

⁶¹³ Cf. Eng Winnie Byanyima’s newspaper story in *The Monitor*, 8 December 1996 (quoted in Uganda Debt Network (2002), p. 52).

⁶¹⁴ Hassan (2003a), p. 78.

⁶¹⁵ Museveni in *The New Vision*, 10 October 1992 (quoted in Uganda Debt Network (2002), p. 52).

⁶¹⁶ Cf. Langseth / Stapenhurst (1997b), p. 20.

⁶¹⁷ Nduhukhire-Owa-Mataze (1998), p. 26; *The EastAfrican* (1997). Nduhukhire-Owa-Mataze also mentions Michael W. Reisman’s findings that reformist strategies and crusades against corruption are rarely effective because they aim at ‘non-substantive’ ideals like ‘bourgeois legality’ and ‘sufficient evidence’ and fail to change the ‘operational code’ and day-to-day way of conducting business in a country. Cf. Nduhukhire-Owa-Mataze (1998), pp. 6 f. and Reisman (1979).

⁶¹⁸ *The EastAfrican* (1997); *The Monitor* (1996).

clean one: “A guerrilla who foresees himself becoming a billionaire in victory, is likely to be [more] motivated than one who is told his reward will be free education for the country’s children.”⁶¹⁹ It is a matter of incentives: Politicians are less likely to oppose the government if they know that supporting it might give them the chance to gain a top government job in which they can earn corrupt income. This problem is visible in parliament. The Uganda Debt Network rightly asks: “Why does government not put in place measures preventing public officials implicated in wrong doing, from joining the legislature?”⁶²⁰ This indignation is fuelled by the sad fact that some officials who were involved in corruption scandals as heads of parastatals were able to make it to parliament afterwards. A prominent example is the former Managing Director of Uganda Posts and Telecommunications Corporation, who was elected to Parliament in 1996 after he was implicated in malpractices with procurement procedures.⁶²¹ It is hard to believe that such elements are seriously interested in fighting corruption. Andrew Mwenda, one of the top journalists in Uganda, believes that the lack of political will for fighting corruption is hardly surprising because most of the NRM’s cadres would lose office if corruption were to be eradicated: “The Government is the source of corruption. It is a lie to say that government wants to eradicate corruption. How can you remove your own eye because it led you into sin!”⁶²²

However, the support from a few top government officials would not be enough to keep up a regime that is favourable to corruption – or that at least does not take decisive steps against it. There is a whole network of people who support the government because they are rewarded with tax exemptions, loans without collateral, scholarships for their children or other material or immaterial gains.⁶²³ These people either were rich and powerful from the beginning, or have become so through their illegal income. Many of them are supposed to be closely connected to top establishment figures. *The Monitor*

⁶¹⁹ *The Monitor* (1996).

⁶²⁰ Uganda Debt Network (2002), p. 53.

⁶²¹ Uganda Debt Network (2002), p. 52.

⁶²² Andrew Mwenda, quoted in Hassan (2003a), p. 78. Cf. also the opinion of Nduhukhire-Owa-Mataze (1998), p. 23 about the condition of the political leadership in Uganda: “However much we wishfully think that the elites will cure themselves of the disease, they will not. No wonder, after more than ten years of applying [a] bureaucratic ‘armada’ against corruption (...), political corruption remains as vibrant as ever, if not more dynamic and insidious.”

⁶²³ *The Monitor* (1996).

newspaper claims that this “mafia” is powerful enough to topple Museveni if he earnestly tried to fight corruption.⁶²⁴ Therefore, in order to balance the demands of donors who want to eliminate corruption and of a corrupt establishment who would fight any attempts to cut its corrupt income, the safest way for the government is to create institutions or commissions of inquiry that enjoy great publicity, but that are nevertheless toothless in the fight against corruption: “But these [institutions] are usually created when the government fails to put up the political fight, which is the one which can strike corruption a dazing blow on the head. Institutions like the IGG, Public Accounts Committee etc. usually come to finish off a corruption monster weakened by a political beating.”⁶²⁵ *The Monitor* concludes that “fighting corruption is not the essential strategy for the NRM to maintain its grip on power. Practising it might now have become the necessary means of its survival.”⁶²⁶

This power structure and dependency leads to the perpetuation of corruption. Once a government allows itself to be supported by a corrupt and powerful ‘mafia’, it severely curtails any future possibilities to return to a ‘clean’ leadership. Even if the government sincerely wanted to change, it could not afford to crack down on corruption because the corrupt ‘mafia’ would do anything to stop it. In some cases, probably only a ‘big bang’, in which a completely new and ‘unstained’ group gains power, can break this deadlock and make true reforms possible. The NRM at the beginning of its rule in 1986 could qualify as such an instance. However, as Uganda’s experience shows, the new regime can degenerate into corruption yet again if it fails to seize this opportunity for reform.

In Uganda, the situation is even more complicated because of the NRM’s declared aim of maintaining national unity. It tries to achieve this by including members of different ethnic factions in the government. If one of those factional leaders is implicated in a corruption case, the NRM leadership may feel that it is necessary to hold on to him. Otherwise, his removal could be interpreted as an attack against his ethnic faction and thereby stir up unrest among different ethnic groups. However, if the government really punished all offenders fairly and irrespective of their ethnic origin or position of power,

⁶²⁴ *The Monitor* (1996). The article points to the example of Nigeria, where most of the presidents who were overthrown by the military were the ones who tried to put up a serious fight against corruption.

⁶²⁵ *The Monitor* (1996).

⁶²⁶ *The Monitor* (1996).

this line of reasoning would lose much of its force. However, if – like in Uganda – the government is known for applying anti-corruption laws selectively, it is easy to regard the punishment of an official as a personal attack.

Botswana's politico-administrative elite has long enjoyed the reputation of being 'clean' and free from corruption. In 1984, the World Bank favourably remarked that "most of the trappings of post-independence in developing countries have been shunned" in Botswana, and some years later Holm observed that the country's leaders have "not squandered the expanding national income so as to generate a public disrespect for a corrupt leadership".⁶²⁷

However, Botswana's good reputation was somewhat tarnished by the emergence of a series of corruption scandals in the early 1990s. The three Presidential Commissions of Inquiry set up to investigate the cases concluded that also high-level politicians and civil servants had been involved in them. The scandal was triggered by the following cases: A violation of tender and financial regulations in the purchase of primary school textbooks in 1990 that led to a loss of state funds of US\$ 15 million; Abuses involving the self-allocation of land to high-ranking government officials in Mogoditshane, a suburb of Gaborone; Corruption in the Botswana Housing Corporation (BHC), a parastatal set up to provide housing for public sector employees.⁶²⁸

Although the corruption scandals have shattered the myth of a practically corruption-free Botswana, the country's leadership continues to be regarded as a positive exception compared to the kleptocratic regimes that are sadly prevalent in many African states. The government was lauded for its quick and decisive reaction to the uncovered malpractices and has since then officially pursued a 'zero tolerance' policy towards corruption. The establishment of the Directorate on Corruption and Economic Crime and the enactment of the Corruption and Economic Crime Act in 1994 were widely viewed as a demonstration of the government's commitment to eradicate corruption and, despite minor flaws, both measures have come to be regarded as a success.⁶²⁹

⁶²⁷ Raphaeli (1984), p. 16; Holm (1988), p. 199.

⁶²⁸ Doig / Riley (1998), pp. 50 f.; Frimpong (1997); United Nations Development Programme (2005), p. 35; Frimpong (2001a), pp. 14 f.; Good (1994); Molomo (1998), pp. 207 ff.

⁶²⁹ Frimpong (2001a), pp. 21 ff.; Frimpong (2001b), p. 29.

Botswana's rulers are apparently conscious of the fact that the low level of corruption is perceived as a significant aspect of the country's positive image and international standing. In a paper delivered at the 9th International Anti-Corruption Conference, President Festus Mogae emphasised that Botswana's leadership "wanted international investors to know that when they came to do business in our country there would be a level playing field which could not be influenced by the offer of bribes".⁶³⁰ This perceived necessity to control corruption has encouraged the political elite to put pressure on individual members or subordinates to steer clear of corrupt practices. Charlton notes that "where individual elite members have been found to have transgressed, discipline is both swift and certain", and that "there is a continuing willingness to confront offenders in high places". Thus, in contrast to Uganda, Botswana's leaders have accomplished the important feat of setting a good example *and* forcing their subordinates to behave with integrity.⁶³¹

For instance, a frequent form of corruption in African countries has been the failure of politicians to make payments on loans owed to government agencies or public banks. Also Botswana has not been exempt from these malpractices: 27 members of the ruling BDP party, including MPs and cabinet ministers, had been granted loans from the National Development Bank for which they did not qualify and had outstanding debts of 15 million Pula.⁶³² Where Botswana differs, however, is in the actions taken against these malpractices: Botswana's Ministry of Finance has, on several occasions, laudably insisted on foreclosure action against politicians who refused or were unable to pay back their loans. President Festus Mogae, in particular, is known for being adamant in forcing the collection of such bad debts. This is in stark contrast to Uganda's political elite, who got away with plundering and bankrupting the country's biggest public bank (see above).⁶³³

There have been no known cases in which the final reports of commissions of inquiry into corruption cases were covered up or ignored. There has usually been follow-up

⁶³⁰ Mogae (1999).

⁶³¹ Charlton (1990), pp. 10, 15, 17 f. and 21; Holm (1988), p. 207; Weisfelder (1985), p. 289.

⁶³² Molomo (1998), pp. 207 ff.; *Botswana Guardian* (1994), p. 1; *Botswana Guardian* (1995), pp. 1 f.

⁶³³ Holm (2000), pp. 292 f.

action to punish offenders: Several top civil servants and politicians, including cabinet members, have been convicted of corruption and sent to jail or forced to resign from their positions. Holm concludes that “those concerned with enforcing laws in Botswana (...) do not make exceptions for politicians who engage in illegal activities. They are investigated and their behaviour made public.”⁶³⁴ For instance, the officials implicated in the self-allocation of land, Peter Mmusi and Daniel Kwelagobe, were both high-ranking politicians. Mmusi was MP, Vice-President, Minister of Local Government and Lands and Chairman of the BDP. Kwelagobe was MP, Minister of Agriculture and Secretary General of the BDP. After the publication of the commission report, both had to resign from their government offices and were suspended from their positions in the party.⁶³⁵

In contrast to Uganda’s President, who in the past frequently tried to deflect attention from the political leadership by blaming the “corrupt system” (see above), his counterpart in Botswana has conceded the importance and responsibility of the political elite in the fight against corruption. Mogae emphasised that successful anti-corruption campaigns require that “the Government of the day must be prepared to risk potential embarrassment to itself” and that “any anti-corruption campaign which seeks to provide immunity to any group of individuals is bound to fail because it will lack that element so essential to its success, namely public confidence and support”.⁶³⁶

Results from the Afrobarometer survey suggest that Botswana’s anti-corruption strategy indeed enjoys more credibility among the population than Uganda’s. Asked about their opinion on how well the government was handling the fight against corruption among its own ranks, 63% Botswana but only 43% Ugandans answered “fairly well” or “very well”.⁶³⁷ A further question tried to ascertain whether the political elite was considered to be above the law: “How likely do you think it would be that the authorities could

⁶³⁴ Holm (2000), pp. 292 f.; Briscoe / Hermans (2001), pp. 114 ff.; Mbuya (1998), pp. 43 f.; Bertelsmann-Stiftung (2003); Frimpong (2001b), p. 6.

⁶³⁵ Molomo (1998), pp. 207 ff.

⁶³⁶ Mogae (1999).

⁶³⁷ Afrobarometer (2005a), p. 41; Afrobarometer (2005b), p. 37.

enforce the law if a top government official committed a serious crime?” 59% Batswana and 54% Ugandans answered “likely” or “very likely”.⁶³⁸

Although he offers no hard evidence, Charlton plausibly argues that the attitude of Botswana’s political leadership to fighting corruption was to some extent influenced by the country’s late date of independence in 1966 and the concomitant historical events. In the same year, several countries like Nigeria and Ghana that had gained independence earlier than Botswana experienced military coups after years of rampant corruption and thus demonstrated to Botswana’s rulers the dangers of an uncontrolled politics of patronage and a disunited leadership. It is conceivable that the country’s leaders learned from these examples and were encouraged to pursue a different path in Botswana. Otherwise, the diamond-rich country would probably have had good chances of degenerating into the patronage and spoils system prevalent in many other mineral-rich African countries that have had to cope with ever-increasing levels of corruption since becoming independent.⁶³⁹

The success of Botswana’s leadership in compelling its members and subordinates to refrain from corruption may also partly be explained by the small size of its population. In his study of politics and civil society in Africa, Bayart argues that “the ability of the supreme political authority to exercise tight political control over the fabric of society is proportionately greater the longer its rulership and the smaller its population”. Therefore, in a very small state like Botswana, it may be easier for the leadership to exert pressure on its members and subordinates due to closer personal relations and smaller distances compared to bigger countries.⁶⁴⁰ With a population of only 1.8 million, Botswana is indeed tiny compared to Uganda’s 30 million. In addition, Uganda also has to cope with a much greater ethnic diversity, and the resulting fractionalisation of society makes it harder to impose unitary political control.

The culture of self-enrichment, which is dominant among many politicians in Uganda, is reportedly largely absent in Botswana. In his study about the country’s political traditions, Holm asserts that “major political and bureaucratic actors do not look upon

⁶³⁸ Afrobarometer (2005a), p. 44; Afrobarometer (2005b), p. 39.

⁶³⁹ Charlton (1990), pp. 21 f.

⁶⁴⁰ Bayart (1986), p. 114; also Charlton (1990), pp. 21 f. agrees with this reasoning.

the state as the area in which they can or should enhance their personal income”.⁶⁴¹ The World Bank favourably notes that “ministers and senior civil servants drive in pick-up trucks and modest cars”.⁶⁴² Similarly, Charlton argues that the country “departs (...) radically from other African states (...) in the uncharacteristically modest life-styles and moderate personal consumption patterns of Botswana’s political and administrative elite”.⁶⁴³ Whereas conspicuous consumption like owning big houses and expensive cars is popular and socially acceptable in Uganda, tastes in Botswana are clearly different. Charlton notices a “genuine disinterest in terms of conspicuous consumption” among Botswana’s elite. Instead, it is customary to spend one’s money for productive investments. Cattle ranching is a particular favourite in this regard. It is socially accepted as a method of both saving and status recognition. This down-to-earth business has given the political-administrative elite a rural focus and interest and has ensured that they stay closely tied to ordinary citizens, as stock-farming remains a truly national activity practised by at least 50% of the population.⁶⁴⁴

The cases of Uganda and Botswana demonstrate that the commitment of a country’s political leadership to devise effective and sustainable strategies against corruption is of crucial importance for achieving a lasting victory against this problem. In all respects, Botswana’s leaders have contributed more to controlling corruption than their counterparts in Uganda.

Although the NRM’s seizure of power in Uganda marked a tremendous change for the better after the thoroughly corrupt Amin regime, the new rulers failed to live up to their lofty promises of a clean leadership. It did not take long until the first scandals damaged their anti-corruption credentials, and there have been many more cases in the following years that paint a gloomy picture of the integrity of some high NRM figures. Also the sad fact that high-ranking corruption offenders are more likely to be promoted than punished sends the wrong signal about the political will of the government to seriously fight corruption. In addition, corruption from senior government officials has reportedly served as a model and justification for corrupt practices among the lower ranks. As a

⁶⁴¹ Holm (1988), p. 207.

⁶⁴² Raphaeli (1984), p. 16.

⁶⁴³ Charlton (1990), pp. 10 f.

⁶⁴⁴ Charlton (1990), pp. 10-14.

result of these shortcomings of the government, lots of people hold cynical views about the sincerity of the leadership's anti-corruption strategy. It is widely believed that laws are applied only selectively and that some powerful leaders in Uganda seem to privately condone or even profit from corruption.

Botswana presents an entirely different picture. The reasons for the country's better success are manifold and also linked to its history and small population size. Although its leadership, like that of any other country, is not exempt from corruption, it has been lauded for its quick and decisive reaction to uncovered malpractices and its credible commitment to a "zero tolerance" policy towards corruption. The political elite has continually put pressure on individual members or subordinates to steer clear of corrupt practices and has punished any offenders. Thus, in contrast to Uganda, Botswana's leaders have both set a good example and forced their subordinates to behave with integrity. It has also been helpful that Botswana's leaders have traditionally followed modest life-styles and eschewed the culture of self-enrichment and conspicuous consumption that is dominant among many politicians in Uganda.

V. CONCLUSION

This PhD thesis has investigated the phenomenon of an (almost) absence of corruption in some parts of Africa, a continent that is otherwise infamous for its kleptocratic regimes. This has been done by example of a comparative study of the different experiences of Uganda and Botswana in fighting corruption. Botswana has served as an example of an African country that has frequently been lauded for its good governance and virtual absence of corruption. This position makes it an interesting object of study for a comparison with a high-corruption country. This role has been taken by Uganda, a typical exponent of an African country that has been suffering from pervasive corruption for several decades. The results of this study have, I think, helped to provide a better understanding of the determining factors of a country's success in fighting this evil.

Corruption has proved remarkably resistant in many developing countries to the myriad reform measures that have been taken to combat it. This study argues that the resilience of corruption can partially be ascribed to the following three issues: adverse political incentives to control corruption, vicious circles of corruption and spillover effects. These can over time lead to an uncontrolled spread of corruption within an institution and also to other institutions or parts of society – if corruption is not restrained, it is likely to grow. Thus, a lesson that can be drawn from the resistance of corruption to reforms is the paramount importance of effective preventive measures: If these fail and corruption manages to spread, it is very difficult to rein in again.

In addition to the general resilience of corruption, there are also economic, political and socio-cultural factors that hamper its control especially in African countries. The widespread poverty and low level of public salaries virtually forces many public servants to supplement their meagre incomes by engaging in corrupt acts. This is often achieved indirectly by slowing down bureaucratic proceedings and devising more and more regulations that are cumbersome enough to encourage the offering of bribes to circumvent them. In many African countries, this has led to a vicious circle of stifling bureaucracy, poor economic development and increasing corruption. The situation is made worse by the still widespread neopatrimonial practices and patron-client networks. These tend to undermine the rule of law and official political institutions and can lead to a large-scale loss of state resources through corrupt practices.

A further aspect that impedes the fight against corruption in Africa is that many states are in the process of transition from traditional societies with command economies and single party politics to modern market economies with political pluralism. While the new, more open system is widely believed to offer better opportunities for controlling corruption, the unstable period of transition, when the old norms and methods of control have largely broken down while the new sets of rules are not yet institutionalised, frequently offers even more opportunities for rent-seeking and corruption than the old system.

The ongoing modernisation of state and society is also at the root of socio-cultural factors that exacerbate the control of corruption in African countries. Long-standing gift-giving practices and a traditional lack of distinction between public and private interests have made it difficult to enforce anti-corruption rules that are based on Western norms of integrity and impartiality. Similarly, the traditional obligation to provide rewards and employment to one's family or relatives if one acquires a privileged position, e.g. as a public official, has made it harder to scale back practices that would count as 'nepotism' from a Western point of view.

The cases of Uganda and Botswana demonstrate that historical circumstances and socio-cultural traditions are important aspects and can foster a climate of integrity or set the course for a decline into corruption. What is more, unfavourable traditions can also turn out to be formidable hindrances in the fight against corruption. Thus, it is necessary to take these factors into account for designing an effective anti-corruption strategy.

An analysis of the history of corruption in Uganda and Botswana shows that, despite similar starting points at independence, the countries followed a very different path in the following decades. In contrast to Uganda's decline after independence, Botswana has been widely lauded for successfully establishing democratic traditions and has enjoyed an uninterrupted succession of democratically elected governments. As opposed to Uganda's vicious cycle of instability, underdevelopment and corruption, Botswana's stability and economic success have encouraged a long-run perspective among politicians and civil servants and thus generated a virtuous cycle of stability, development and good governance. Botswana's exceptional status among African countries is commonly put down to its small and ethnically homogenous population and

the unusually high quality of its political leadership, which is renowned for its strict adherence to the ideals of democracy, respect for human rights and the rule of law.

An analysis of the current state of corruption by drawing on various corruption rankings, public surveys and other evidence has highlighted the vast differences of integrity in politics and public administration between both countries. Considering all available evidence, Uganda must be regarded as a country that still suffers from rampant corruption in almost all areas of public life. The multitude of anti-corruption efforts has so far failed to substantially reduce this evil. Survey results suggest that cleaning up the legal system should be a top priority in the fight against corruption in Uganda. Botswana, by contrast, is generally regarded as a model country on the African continent in that its government is generally perceived as accountable and transparent and its public administration comparatively free from corruption. Survey results have also revealed that the acceptance of corrupt practices in the population is much higher in Uganda than in Botswana. This makes it potentially harder to fight corruption in Uganda, because laws are more difficult to enforce if they do not mirror the moral consensus among the general population. Thus, it is important that anti-corruption efforts in Uganda are geared towards fostering moral integrity and a clear rejection of corrupt practices among the population.

This study has examined the major anti-corruption institutions and safeguards in Uganda and Botswana. This has included their anti-corruption legislation, law enforcement mechanisms, corruption safeguards in the civil service in general and public procurement in particular, auditing bodies, specialised anti-corruption agencies and also other important actors in the fight against corruption such as civil society organisations, the media and the political leadership of the countries. The comparative analysis has ascertained possible areas for reform and thus offered recommendations for improving the anti-corruption efforts in both countries.

Most observers agree that Uganda's anti-corruption laws are largely satisfactory yet afflicted with some serious deficiencies in the laws of evidence and not severe enough sanctions and fines. However, as a series of important statutes related to fighting corruption are now in the process of drafting or revision, a final verdict on the adequacy of Ugandan legislation is not possible at this stage.

Botswana's legal framework for fighting corruption is considered to be generally adequate. Laudably, there is an "unexplained assets" regulation and a provision to prohibit the offering and acceptance of bribes after the fact.

As regards law enforcement institutions, these are rather a hindrance than a help in the fight against corruption in Uganda. Botswana, by contrast, is generally considered to possess the right legal environment to successfully control corruption. Its institutions have to cope with some shortages of qualified staff, but the general endowment with resources is adequate. In Uganda, very low salaries and severe shortages of staff and equipment have undermined the morale of law enforcement institutions and encouraged corrupt practices. The weaknesses of police, prosecution and judiciary have reinforced each other, and the government has shown only half-hearted attempts to create clean and effective law enforcement mechanisms. Overall, the institutions exhibit a very weak performance and a large backlog of cases. Corruption among law enforcement institutions precludes an effective handling of corruption cases, and the prosecution is hampered by slow and sloppy procedures. Due to a lack of capacity and qualified staff, law enforcement is mainly confined to handling cases of petty corruption. In Botswana, there is only a moderate backlog of cases. However, there have been some serious delays in prosecution due to the over-worked Attorney General's Chambers. Corruption among the police force, public prosecution and the judiciary is rare, and the judiciary has shown good integrity and firm action in punishing offenders in corruption cases. In contrast to Uganda, the independence of institutions is mostly ensured, although the security of tenure for judges is somewhat limited in practice.

Concerning the problem of civil service corruption, Botswana plays in an entirely different league than other African countries like Uganda. For historical reasons alone, Botswana can expect to have a less corrupt civil service because it never had to endure prolonged periods of political instability and misrule with disastrous consequences for the performance and integrity of the civil service like in Uganda. There, corrupt practices have become so deeply ingrained that it has become customary for civil servants to demand bribes for the services they provide. What is worse, many Ugandans accept these practices without a word of protest and regard them as perfectly normal. All available evidence suggests that the myriad reform efforts in Uganda have so far failed to create a reasonably honest and efficient public service. Nepotism, cronyism

and undue involvement of the executive are still widespread in the recruitment of civil servants. The punishment of offenders is impeded by poor supervision, insufficient complaints mechanisms and the lack of protection for whistleblowers. Botswana's civil service is considerably less infested with patronage and nepotism and the country fulfils one of the essential conditions for preventing corruption in the civil service: Public officials enjoy reasonable working conditions and have no need to supplement their salaries with bribes in order to survive. On that score, Uganda's high level of corruption should not come as a surprise, given that it had and still has one of the lowest public sector salaries in sub-Saharan Africa. Botswana's efforts to combat corruption in the civil service are widely regarded as adequate and effective. In contrast to Uganda, whistleblowers are sufficiently protected and corruption offences have usually been quickly and severely disciplined and led to the dismissal not only of low-ranking officials but also of senior civil servants, parastatal executives and ministers.

The domain of public procurement, which takes up a large part of the national budget, is generally considered to be very vulnerable to corruption. Uganda's efforts to control malpractices in this area are at best a mixed success. The current Procurement Act is generally regarded as a good quality law, but its implementation and follow-up action leaves much to be desired. Due to intransparent procedures and weak internal and external controls, corruption in public procurement can hardly be regarded as a high-risk activity. In conjunction with generally low salaries in the public service, this makes corrupt practices still very attractive to many civil servants working in public procurement. By contrast, Botswana's corruption safeguards can be considered much more effective. Even so, there are also some problematic areas: In principle, all government procurement in Botswana is subject to competitive tenders. However, like in Uganda, defence procurement is exempted from the normal tender and auditing procedures due to security reasons. Furthermore, tendering at district level is considered to be more open to abuses due to a lack of supervision.

Botswana's Auditor General has so far been more successful in supporting the fight against corruption than his counterpart in Uganda. The operating environment is certainly more beneficial in Botswana, although the institutions of both countries are somewhat frustrated by the lack of follow-up action to their reports. However, Botswana's Auditor General at least has access to all accounts and has in the past not

been obstructed in his work. In Uganda, there have been many cases in which the institution could not audit accounts because of a lack of staff or missing documents. In addition, Uganda's Auditor General lacks access to so-called classified accounts, which make up a considerable part of the national budget and thus allow the concealment of corrupt transactions. There are usually long delays before his reports are debated in the Ugandan parliament, so that the issues contained in them may already have been overtaken by events.

Uganda's Auditor General also has to cope with a much more severe shortage of staff and resources compared to his counterpart in Botswana. This has led to dangerous gaps in the coverage of audits, especially in local government institutions. Thus, the lack of universal access to accounts combined with the shortage of resources has certainly been detrimental to the effectiveness of the institution's work in Uganda: There are still numerous loopholes in the country's public accounts in which corruption may flourish undetected. As regards the independence and political standing of the institutions, Uganda's is clearly worse off: Botswana's Auditor General is considered to be genuinely independent and protected from the influence of the executive. His counterpart in Uganda, by contrast, may be removed by discretion of the President and is thus in a worse position when it comes to uncovering corrupt acts that involve members of the government.

As regards the performance of specialised anti-corruption agencies, Botswana's Directorate on Corruption and Economic Crime (DCEC) has proved to be much more effective than Uganda's Inspectorate of Government (IG). Quite a few of the IG's shortcomings in its original 1988 state have been corrected by the reforms of 1995 and 2002. For instance, its mandate now covers all public offices of the country and does no longer exclude the President and the Army. However, the operating environment of the IG still leaves much to be desired: As Uganda's law enforcement institutions are known for their weak performance, internal corruption and large backlog of cases, the IG can expect little support from them. Fortunately, the IG can at least bypass the slow and sloppy procedures of state prosecution as it is now empowered to prosecute corruption cases itself. In Botswana, the DCEC's need to rely on the slow and overstrained services of the Attorney General for the prosecution of cases is one of the biggest drags on the effectiveness of this institution in the fight against corruption. However, as

Uganda's IG is chronically resource-starved, it has so far failed to gain a significant performance advantage from its greater prosecution powers. Due to its unattractive salaries and working conditions, the IG still suffers from a high annual staff turnover of 20% and a lack of highly qualified employees that would be capable of dealing with complex corruption cases. Thus, it lacks the capacity to make an impact on high level corruption involving senior government officials and politicians and instead focuses on cases of petty corruption. These shortcomings will most likely reduce the IG's long-term effectiveness in the fight against corruption. By contrast, Botswana's DCEC is generally considered to be well-funded and adequately staffed. Due to its highly qualified and well-trained staff, it is in a good position to tackle also more complex corruption cases.

Both anti-corruption agencies suffer from some limits in their ability to investigate corruption cases. In Botswana, the restrictions may only be justified by national security concerns, whereas Uganda's IG is subject to more constraints. The IG has no power to review the granting of a presidential prerogative of mercy and any matter that is deemed by the President "prejudicial to the security or international relations" or "injurious to the public interest". As the criteria are rather vague and subject to the sole discretion of the President, it is conceivable that these provisions may be abused to restrict the activity of the IG for spurious reasons.

As for the *formal* independence of the institutions, the IG clearly comes out on top: It is supposed to be free from the direction or control of any outside person or authority and its head, the Inspector General of Government, enjoys a high security of tenure. In contrast, there are no provisions that guarantee the security of tenure of the DCEC's Director. However, if one considers the *actual* independence of the institutions, things look different: Whereas there are several known instances of pressure from the executive in the work of the IG, Botswana's DCEC is widely lauded for its independence and integrity. However, the public discussion about the independence of Botswana's DCEC shows that it is not enough for an institution to be *de facto* autonomous and free from pressure – it also has to be formally protected from any undue influence in order to gain full credibility as an independent and unflinching fighter against corruption in the eyes of the public. If an institution is perceived as potentially biased and under command of the executive, citizens will most likely

become cynical about the government's efforts to fight corruption and are probably less likely to trust the anti-corruption agency and report corruption cases. This fate seems to have befallen the IG – many citizens regard it with scepticism, and it is widely criticised for focusing on 'small fry' instead of 'big fish'. Uganda's political and administrative elite has been censured for seemingly being above the law and not giving the IG unconditional backing in all its investigations. By contrast, most of Botswana's citizens seem to trust in the integrity and effectiveness of the DCEC, which may partly be explained by its exemplary publicity and community outreach. What is more, the DCEC reportedly enjoys the backing of the country's political elite. There are as yet no known instances where it has been hindered in the fight against administrative or political corruption.

Civil society organisations in Uganda and Botswana have somewhat contributed to fighting corruption by exposing corruption cases and educating people about the negative effects of corruption. There have been positive developments in both countries in the past decades. In Uganda, there has been a steady growth of newspapers and NGOs, including several anti-corruption pressure groups, after the long period of oppressive rule ended with the takeover of the NRM in 1986. Also Botswana has seen a growth of NGOs and private media, although there is still only one organisation dedicated to combating corruption. Nevertheless, civil society in both countries is still considered to be rather weak and disorganised mainly due to a lack of resources and obstacles created by the state. In Uganda, these obstacles consist of cumbersome registration procedures and, in the case of more outspoken NGOs or newspapers, outright hostility and legal and financial pressure from the government. While Botswana enjoys a better ranking in international comparisons of press freedom than Uganda, it still suffers from the virtual state monopoly of its media: Its largest newspaper, radio stations and only TV station are state-owned and reportedly constrained in their coverage of controversial issues like corruption. In both countries, there are deficits in thoroughly investigative journalism that can be traced back to the lack of experience and professionalism of many journalists.

Cultural factors that impede the fight against corruption and the emergence of a vibrant civil society can probably only be overcome by long-term efforts to educate the public and raise its awareness regarding the negative effects of corruption on the whole

society. The present state of affairs in Uganda indicates that there is still a long way to go to increase public awareness and truly empower civil society. A widespread passive attitude to political issues, the fear to confront authority and the social veneration of wealth, regardless of how it has been acquired, have proved to be serious obstacles to holding public officials and politicians accountable. In Botswana, the organised exercise of influence by interest groups is not very common and accepted, but the country can look back on a long and lively tradition of grassroots advocacy and direct participation of ordinary citizens in political matters through its *kgotla* and ‘freedom square’ meetings.

The traditional appreciation of freedom of speech and open debate in Botswana is also reflected in various survey results. These point to the conclusion that Botswana tend to be less prepared to accept state intervention in the media and civil society organisations, keener on holding politicians accountable and hence probably less likely to tolerate corrupt practices than Ugandans.

The commitment of a country’s political leadership to devise effective and sustainable strategies against corruption is of crucial importance for achieving a lasting victory against this problem. In all respects, Botswana’s leaders have contributed more to controlling corruption than their counterparts in Uganda.

Even though the NRM’s seizure of power in 1986 marked a tremendous change for the better after the thoroughly corrupt Amin regime, Uganda’s new rulers failed to live up to their lofty promises of a clean leadership. It did not take long until the first scandals damaged their anti-corruption credentials, and there have been many more cases in the subsequent years that paint a gloomy picture of the integrity of some high NRM figures. Sadly, many corruption cases have demonstrated that high-ranking offenders are more likely to be promoted than punished. This sends the wrong signal about the government’s political will to seriously combat corruption. In addition, corruption from senior government officials has reportedly served as a model and justification for corrupt practices among the lower ranks. As a consequence of these shortcomings of the government, lots of Ugandans hold cynical views about the sincerity of the leadership’s anti-corruption efforts. It is widely believed that laws are applied only selectively and that some powerful leaders in Uganda seem to privately condone or even profit from corruption.

Botswana presents a completely different picture. The reasons for the country's better success are manifold and also linked to its history and small population size. Although its leadership, like that of any other country, is not exempt from corruption, it has been lauded for its quick and decisive reaction to uncovered malpractices and its credible commitment to a "zero tolerance" policy towards corruption. The political elite has continually put pressure on individual members or subordinates to steer clear of corrupt practices and has punished any offenders. Thus, in contrast to Uganda, Botswana's leaders have both set a good example and forced their subordinates to behave with integrity. It has also been helpful that Botswana's leaders have traditionally followed modest life-styles and eschewed the culture of self-enrichment and conspicuous consumption that is dominant among many politicians in Uganda.

This dissertation has raised many issues that lend themselves to further research. A promising path to deepen the findings of this study would be to investigate other low-corruption countries in Africa such as Namibia or South Africa. Their experiences could offer valuable lessons on the role of the political leadership and how to prevent vicious circles of corruption. An analysis of the anti-corruption efforts as well as the history and socio-cultural traditions of low-corruption countries could also provide further insights into the determining factors of successful strategies against corruption. As Namibia or South Africa share at least some aspects of their history and culture with high-corruption countries like their neighbours Mozambique or Angola, such further studies could most likely put forward general advice on how to fight corruption in Africa as well as concrete suggestions for reform.

BIBLIOGRAPHY*

- Abed, George T. / Gupta, Sanjeev (eds.) (2002): *Governance, Corruption & Economic Performance*, Washington, D.C.
- Adam, Markus (2000): "Die Entstehung des Governance-Konzepts bei Weltbank und UN. Die EZ wird politischer", *Entwicklung und Zusammenarbeit*, pp. 272 ff.
- Adedeji, A. (1995): "The Challenge of Pluralism, Democracy, Governance and Development", *The Courier*, 150 (March-April), pp. 93 ff.
- Adediji, O. (1991): "Role of Government in Bureaucratic Corruption: The Case of Politicization of the Civil Service", *Quarterly Journal of Administration*, 25(2), pp. 208 ff.
- AfricaFocus Bulletin (2005): "Kenya: Corruption Fight Stalling", <http://www.africafocus.org/docs05/ken0502.php>.
- Afrobarometer (2005a): *Afrobarometer Round 3 Survey in Botswana*, <http://www.afrobarometer.org/Summary%20of%20Results/Round%203/bot-R3SOR-19jan07.pdf>.
- Afrobarometer (2005b): *Afrobarometer Round 3 Survey in Uganda*, <http://www.afrobarometer.org/Summary%20of%20Results/Round%203/uga-R3SOR-7jan07-final.pdf>.
- Agbaje, Adigun (1992): "Culture, Corruption and Development", *Voices from Africa*, 4, pp. 41 ff.
- Alatas, S. (1990): *Corruption: Its Nature, Causes and Functions*, Aldershot.
- All Africa Global Media (2001): "Directorate on Corruption and Economic Crime Courts Media in Graft War", 16 November, <http://admin.corisweb.org/index.php?fuseaction=news.view&id=63919&src=pub>.
- Aluko, Sam (2001): "Public Accountability and National Development", *Proceedings of the Second Public Lecture of the Nigerian Economic Society*, Held on 16 December 1999, Abuja, Ibadan.
- American Heritage Dictionary of the English Language* (2000), 4th edition, www.bartleby.com/61.
- Anigboh, Uzobeyi Albert (1985): *The Extent to Which Corruption Has Hindered the Effective Implementation of Economic Development in Africa: A Case Study of Nigeria From 1970 to 1983*, Dissertation, Ann Arbor.
- Von Arnim, Hans Herbert (1987): "Zur normativen Politikwissenschaft. Versuch einer Rehabilitierung", *Der Staat*, 26, pp. 476 ff.
- Von Arnim, Hans Herbert (1993): *Der Staat als Beute: Wie Politiker in eigener Sache Gesetze machen*, Munich.
- Von Arnim, Hans Herbert / Heiny, Regina / Ittner, Stefan (2006): *Korruption: Begriff, Bekämpfungs- und Forschungslücken*, FÖV Discussion Papers No. 33, Speyer.

* The addresses and contents of web sources were last verified on 23 November 2007.

- Askin, Steve / Collins, Carole (1993): “External Collusion with Kleptocracy: Can Zaire Recapture its Stolen Wealth?”, *Review of African Political Economy*, 57, pp. 72 ff.
- Awah, Animi (2001): “Law’s Response to Corruption”, in: Ayua, I.A. / Guobadia, D.A. (eds.): *Political Reform and Economic Recovery in Nigeria*, Lagos, pp. 655 ff.
- Ayeni, Victor (2000): “An Ombudsman for Botswana?”, in: Ayeni, Victor / Keshav, Sharma C. (eds.): *Ombudsman in Botswana*, London, pp. 25 ff.
- Ayeni, Victor / Keshav, Sharma C. (2000): “Introduction”, in: Ayeni, Victor / Keshav, Sharma C. (eds.): *Ombudsman in Botswana*, London, pp. 1 ff.
- Ayittey, George B.N. (2000): “Combating Corruption in Africa: Analysis and Context”, in: Hope, Kempe Ronald / Chikulo, Bornwell C. (eds.): *Corruption and Development in Africa: Lessons from Country Case Studies*, Basingstoke, pp. 104 ff.
- Ayua, I.A. / Guobadia, D.A. (eds.) (2001): *Political Reform and Economic Recovery in Nigeria*, Lagos.
- Bardhan, Pranab (1997): “Corruption and Development: A Review of Issues”, in: Heidenheimer, Arnold J. / Johnston, Michael (eds.) (2002): *Political Corruption: Concepts & Contexts*, New Brunswick, pp. 321 ff.
- Batty, Roger (1999): “Bringing the Corrupt to Justice – Case Studies”, paper delivered at the 9th International Anti-Corruption Conference, October 10-15,
http://www.transparency.org/iacc/9th_iacc/papers/day2/ws11/d2ws11_trbatty.html.
- Batty, Roger (2002): “Anti-Corruption Institutions and Practice in Southern Africa”, in: Zvekić, Ugljesa (ed.): *Corruption & Anti-Corruption in Southern Africa*,
http://www.unodc.org/pdf/southafrica/southafrica_corruption.pdf, pp. 40 ff.
- Bauer, Constanze (2000): “Public Sector Corruption and its Control in South Africa”, in: Hope, Kempe Ronald / Chikulo, Bornwell C. (eds.): *Corruption and Development in Africa: Lessons from Country Case Studies*, Basingstoke, pp. 218 ff.
- Bayart, Jean-Francois (1986): “Civil Society in Africa”, in: Chabal, Patrick (ed.): *Political Domination in Africa*, Cambridge, pp. 109 ff.
- BBC Monitoring Service (2003): “Botswana ranked least corrupt of African states; number one in good governance”, 11 June,
<http://admin.corisweb.org/index.php?fuseaction=news.view&id=109358&src=pub>.
- BBC (2007a): “Country Profile: Botswana”,
http://news.bbc.co.uk/1/hi/world/africa/country_profiles/1068674.stm.
- BBC (2007b): “Country Profile: Uganda”,
http://news.bbc.co.uk/1/hi/world/africa/country_profiles/1069166.stm.
- Bertelsmann-Stiftung (2003): “Botswana”, <http://bti2003.bertelsmann-transformation-index.de/61.0.html>.
- Boeninger, Edgardo (1992): “Governance and Development: Issues and Constraints”, in: Summers, Lawrence H. / Shekhar, Shah (eds.): *Proceedings of the World Bank Annual Conference on Development Economics 1991*, pp. 267 ff.
- Botswana Daily News* (2000): “Court of Appeal Nullifies Director’s Appointment”, 2 February.

- Botswana Daily News* (2003): “Chairman Calls on Committee Members to Declare Business Interests”, 30 October.
- Botswana Daily News* (2004): “Ministerial Tender Committees to Improve Operational Efficiency”, 7 September.
- Botswana Gazette* (1992a): “Customs Men Jailed for Corruption”, 8 April.
- Botswana Gazette* (1992b): “Keep the Lid on Corruption Probe?”, 9 December.
- Botswana Gazette* (1993): “BHC bribe – Tshipinare Jailed 1 year”, 4 August.
- Botswana Guardian* (1994): “Big Trouble for NDB Defaulters”, 11 February.
- Botswana Guardian* (1995): “BNF Tables a Motion of No Confidence: Government Can’t Be Trusted”, 7 July.
- Brett, E.A. (1993): “Theorising Crisis and Reform: Institutional Theories and Social Change in Uganda”, Institute of Development Studies, University of Sussex.
- Briscoe, Andrew / Hermans, H.C.L. (2001): *Combating Corruption in Botswana: A Review of the Relevant Policies, Laws and Institutional Capacity to Combat Corruption in Botswana*, Gaborone.
- Brynard, Dirk J. (2000): “Complement of a Successful Ombudsman Office: The Administrative System”, in: Ayeni, Victor / Keshav, Sharma C. (eds.): *Ombudsman in Botswana*, London, pp. 44 ff.
- Buiter, W. H. / Gersovitz, M. (1981): “Issues in Controllability and the Theory of Economic Policy”, *Journal of Public Economics*, 15, pp. 33 ff.
- Business Anti-Corruption Portal (2007): “Uganda Country Profile”, <http://www.business-anti-corruption.com/normal.asp?pageid=109>.
- Camerer, Lala (2001): *Corruption in South Africa: Results of an Expert Panel Survey*, Pretoria.
- Center for Democracy and Governance (1999): *A Handbook on Fighting Corruption*, USAID Ref.Nr. PN-ACE-070, http://www.usaid.gov/our_work/democracy_and_governance/publications/pdfs/pnace070.pdf.
- Central Intelligence Agency (2007): *The World Factbook*, <https://www.cia.gov/library/publications/the-world-factbook/geos/ug.html>.
- Charlick, R.B. (1993): “Corruption in Political Transition: A Governance Perspective”, *Corruption and Reform*, 7(3), pp. 177 ff.
- Charlton, Roger (1990): “Exploring the Byways of African Political Corruption: Botswana and Deviant Case Analysis”, *Corruption and Reform*, 5, pp. 1 ff.
- Chazan, Naomi et al. (1992): *Politics and Society in Contemporary Africa*, Boulder, Colorado.
- CIET international (1998): *Uganda National Integrity Survey 1998: Final Report*, http://www.ciet.org/en/documents/projects_library_docs/2006223144324.pdf.
- Colclough, Christopher / McCarthy, Stephen (1980): *The Political Economy of Botswana: A Study of Growth and Distribution*, Oxford.

Commonwealth Local Government Forum (2007a): *Country Profile: Botswana*, <http://www.clgf.org.uk/userfiles/clgf/file/countries/Botswana.pdf>.

Commonwealth Local Government Forum (2007b): *Country Profile: Uganda*, <http://www.clgf.org.uk/userfiles/clgf/file/countries/Uganda.pdf>.

Constitution of the Republic of Botswana (1966), <http://www.botswanaembassy.org/pdf/constitution.pdf>.

Constitution of the Republic of Uganda (1995), <http://www.trybunal.gov.pl/constit/constitu/constit/uganda/uganda-e.htm>.

Consultative Group Meeting (2003): *Statement of Uganda's Development Partners on Governance and Anti-Corruption*, Kampala, <http://www.u4.no/document/showdoc.cfm?id=51>.

Coolidge, Jacqueline / Rose-Ackermann, Susan (1997): "High-Level Rent Seeking and Corruption in African Regimes: Theory and Cases", World Bank Policy Research Working Paper 1780, Washington, D.C.

Coolidge, Jacqueline / Rose-Ackerman, Susan (2000): "Kleptocracy and Reform in African Regimes: Theory and Examples", in: Hope, Kempe Ronald / Chikulo, Bornwell C. (eds.): *Corruption and Development in Africa: Lessons from Country Case Studies*, Basingstoke, pp. 57 ff.

Corruption and Economic Crime Act (1994), Republic of Botswana

Council of Europe (2000): "Resolution 105 (2000) of the Council of Europe on the Financial Transparency of Political Parties and Their Democratic Functioning at Regional Level", http://www.justiceinitiative.org/db/resource2/fs/?file_id=13557.

Council of Europe (2001): "Recommendation 1516 (2001) on the Financing of Political Parties", http://www.justiceinitiative.org/db/resource2/fs/?file_id=13560.

Council of Europe (2003): "Recommendation 4 (2003) of the Committee of Ministers to Member States on Common Rules Against Corruption in the Funding of Political Parties and Electoral Campaigns", http://www.justiceinitiative.org/db/resource2/fs/?file_id=13579.

Culpepper, Pepper D. (2005): "Single Country Studies and Comparative Politics", *Italian Politics & Society*, 60, pp. 2 ff.

Daily News (2001a): "Botswana Social Democratic Party Accuses BDP of Nepotism", 19 November, http://www.gov.bw/cgi-bin/news.cgi?d=20011119&i=Botswana_Social_Democratic_Party_accuses_BDP_of_nepotism.

Daily News (2001b): "Government Losing Money Through Corruption in Tendering Practices – Official", 6 November, http://www.gov.bw/cgi-bin/news.cgi?d=20011106&i=Govt_losing_money_through_corruption_in_tendering_practices_-_official.

Daily News (2001c): "Minister Promises to Investigate Allegations of Tender Corruption", 2 April, http://www.gov.bw/cgi-bin/news.cgi?d=20010402&i=Minister_promises_to_investigate_allegations_of_tender_corruption.

- Daily News (2001d): “No Corruption at Btv”, 23 July, http://www.gov.bw/cgi-bin/news.cgi?d=20010723&i=No_corruption_at_Btv.
- Depenheuer, Otto (2005): “Das öffentliche Amt”, in: Isensee, Josef / Kirchhof, Paul (eds.): *Handbuch des Staatsrechts der Bundesrepublik Deutschland*, Vol.3, Heidelberg, pp. 87 ff.
- Di Tella, Rafael / Schargrotsky, Ernesto (2002): “Political and Economic Incentives during an Anti-Corruption Crackdown”, in: Della Porta, Donatella / Rose-Ackermann, Susan (eds.): *Corrupt Exchanges: Empirical Themes in the Politics and Political Economy of Corruption*, Baden-Baden, pp. 118 ff.
- Dia, M. (1996): *Africa’s Management in the 1990s and Beyond: Reconciling Indigenous and Transplanted Institutions*, Washington, D.C.
- Diamond, Larry (1987): “Class Formation in the Swollen African State”, *Journal of Modern African Studies*, 25 (4), pp. 567 ff.
- Directorate for Ethics and Integrity (2000): “Government Strategy and Plan of Action to Fight Corruption and Build Ethics and Integrity in Public Office”, <http://unpan1.un.org/intradoc/groups/public/documents/UN/UNPAN011020.pdf>.
- Directorate for Ethics and Integrity (2003): “Speech by the Hon. Minister of State for Ethics and Integrity on the Implementation of Government Strategy and Plan of Action to Fight Corruption and Rebuild Ethics and Integrity in Public Office”, Presented at the Uganda Consultative Group Meeting with donors, Kampala International Conference Centre, May 14-18, <http://www.u4.no/document/showdoc.cfm?id=57>.
- Directorate on Corruption and Economic Crime (2002): *Annual Report for 2001*, http://www.gov.bw/government/doc/Annual_Report_2001.doc.
- Directorate on Corruption and Economic Crime (2005): *Annual Report for 2004*, http://www.gov.bw/government/dcec/Annual_Report_2004.doc.
- Dobel, J.P. (1978): “The Corruption of a State”, *American Political Science Review*, 72 (3), pp. 958 ff.
- Doig, Alan / McIvor, Stephanie (1999): “Corruption and its Control in the Developmental Context: An Analysis and Selective Review of the Literature”, *Third World Quarterly*, 20(3), pp. 657 ff.
- Doig, Alan / Riley, Stephen (1998): “Corruption and Anti-Corruption Strategies: Issues and Case Studies From Developing Countries”, in: United Nations Development Programme (ed.): *Corruption and Integrity Improvement Initiatives in Developing Countries*, New York, pp. 45 ff.
- Doig, Alan et al. (2005): *Measuring ‘Success’ in Five African Anti-Corruption Commissions - The Cases of Ghana, Malawi, Tanzania, Uganda & Zambia*, <http://www.u4.no/document/showdoc.cfm?id=100>.
- Dreher, Axel / Herzfeld, Thomas (2005): “The Economic Costs of Corruption: A Survey and New Evidence”, <http://129.3.20.41/eps/pe/papers/0506/0506001.pdf>.
- Egbue, N.G. (2006): “Africa: Cultural Dimensions of Corruption and Possibilities for Change”, *Journal of Social Sciences*, 12 (2), pp. 83-91.

- Ekpo, Monday U. (1979): "Gift-giving and Bureaucratic Corruption in Nigeria", in: Ibid. (ed.): *Bureaucratic Corruption in Sub-Saharan Africa – Toward a Search for Causes and Consequences*, Washington, pp. 161 ff.
- Elliott, Kimberly Ann (1998): "The Problem of Corruption: A Tale of Two Countries", *Northwestern Journal of International Law & Business*, 18, pp. 524 ff.
- Erero, John (2000): "Tackling the Corruption Epidemic in Nigeria", in: Hope, Kempe Ronald / Chikulo, Bornwell C. (eds.): *Corruption and Development in Africa: Lessons from Country Case Studies*, Basingstoke, pp. 280 ff.
- European Commission (2004): "Report on European Governance", SEC(2004) 1153, http://europa.eu.int/comm/governance/docs/rapport_gouvernance_2003-2004_en.pdf.
- Firsch, D. (1995): "Effects of Corruption on Development", in: Africa Leadership Forum (ed.): *Corruption, Democracy and Human Rights in Southern Africa*, Abeokuta (Nigeria).
- Fjeldstad, Odd-Helge et al. (2003): *Autonomy, Incentives and Patronage: A Study of Corruption in the Tanzania and Uganda Revenue Authorities*, Bergen.
- Flanary, Rachel / Watt, David (1999): "The State of Corruption: A Case Study of Uganda", *Third World Quarterly*, 20(3), pp. 515 ff.
- Fombad, Charles Manga (1999): "Curbing Corruption in Africa : Some Lessons from Botswana's Experience", *International Social Science Journal*, 51, pp. 241 ff.
- Freedom House (2005): "Press Freedom Rankings from 1994 to 2005", <http://65.110.85.181/uploads/PFSrank9405.XLS>.
- Freedom House (2007): Global Press Freedom 2007, <http://www.freedomhouse.org/uploads/fop/2007/pfscharts.pdf>.
- Friedrich, Carl J. (1966): "Political Pathology", *Political Quarterly*, 37, pp. 70 ff.
- Friedrich, Carl J. (1972): *The Pathology of Politics: Violence, Betrayal, Corruption, Secrecy and Propaganda*, New York.
- Friedrich, Carl J. (1973): *Pathologie der Politik*, Frankfurt a.M.
- Frimpong, Kwame (1997): "An Analysis of Corruption in Botswana", UNDP-PACT & OECD Development Centre Workshop on Corruption and Integrity Improvement Initiatives in the Context of Developing Economies, Paris.
- Frimpong, Kwame (2001a): "National Integrity Systems Country Study Report: Botswana 2001", <http://www.transparency.org/content/download/1630/8311/file/botswana.pdf>.
- Frimpong, Kwame (2001b): "National Integrity Systems Country Study Report: Botswana 2001 (Questionnaire)", <http://www.transparency.org/content/download/1632/8317/file/botswana.q.pdf>.
- Gann, L.H. / Duignan, P. (1986): "Namibia, Botswana, Lesotho, and Swaziland", in: Duignan, P. / Jackson, R.H. (eds.): *Politics and Government in African States, 1960-1985*, London.
- Gardiner, John (1993), "Defining Corruption", in: Heidenheimer, Arnold J. / Johnston, Michael (eds.) (2002): *Political Corruption: Concepts & Contexts*, New Brunswick, pp. 25 ff.

- Gariyo, Zie (2001): “The Role and Experience of Civil Society in the Struggle against Corruption in Uganda”, Statement presented to the Consultative Group Panel discussion on Corruption, Kampala, 14-17 May, http://www.jubilee2000uk.org/jmi/jmi-corruption/civil_society_corruption_Uganda.htm.
- Gbefwi, Morgan Y. (2001): “Perspectives on Corruption and its Control: The Nigerian Experience”, in: Ayua, I.A. / Guobadia, D.A. (eds.): *Political Reform and Economic Recovery in Nigeria*, Lagos, pp. 633 ff.
- Global Coalition for Action (1997): *Corruption and Development in Africa Policy Forum*, Pennsylvania Document GCA/PF/No. 2/11/1997.
- Global Coalition for Africa (1997): “Corruption and Development in Africa”, Maputo, Mozambique, November 1-2, <http://www.gcacma.org/CorruptionDevelopment.htm>.
- Good, Kenneth (1994): “Corruption and Mismanagement in Botswana: A Best-Case Example?”, *Journal of Modern African Studies*, 32(3), pp. 499 ff.
- Good, Kenneth (1997): *Realizing Democracy in Botswana, Namibia and South Africa*, Africa Institute of South Africa.
- Gordon, Donald L. (1996): “African Politics”, in: Gordon, D. / Gordon, A. (eds.): *Understanding Contemporary Africa*, 2nd edition, Boulder, pp. 53 ff.
- Goredema, Charles (2002): “Legislating Against Corruption in the Southern African Development Community”, in: Zvekic, Ugljesa (ed.): *Corruption and Anti-Corruption in Southern Africa*, http://www.unodc.org/pdf/southafrica/southafrica_corruption.pdf, pp. 22 ff.
- Government of Botswana (2007): “Directorate on Corruption and Economic Crime”, http://www.gov.bw/index.php?option=com_content&task=view&id=36&Itemid=40.
- Government of Uganda (2000): *Report of the Judicial Commission of Inquiry into Corruption in the Uganda Police Force*, Kampala.
- Groenendijk, Nico (1997): “A Principal-Agent Model of Corruption“, *Crime, Law & Social Change*, 27, pp. 207 ff.
- Harriss-White, Barbara / White, Gordon (eds.) (1996): *Liberalization and the New Corruption*, IDS Bulletin, 27(2).
- Harvey, Charles / Lewis, Stephen R. Jr. (1990): *Policy Choice and Development Performance in Botswana*, London.
- Hassan, Muloopa B. (2003a): “National Integrity Systems Country Study Report: Uganda 2003”, http://www.transparency.org/content/download/7445/46378/file/Uganda_NIS_Study.pdf.
- Hassan, Muloopa B. (2003b): “National Integrity Systems Country Study Report: Uganda 2003 (Questionnaire)”, http://www.transparency.org/content/download/7444/46375/file/Uganda_NIS_Q.pdf.
- Hawley, Sue (2000): *Exporting Corruption: Privatisation, Multinationals and Bribery*, The Corner House, <http://www.globalpolicy.org/nations/corrupt/corrupt.htm>.
- Heidenheimer, Arnold J. (1970): “Introduction”, in: Ibid. (ed.) *Political Corruption: Readings in Comparative Analysis*, New York.

- Heidenheimer, Arnold J. (1997): "Perspectives on the Perception of Corruption", in: Heidenheimer, Arnold / Johnston, Michael / LeVine, Victor T. (eds.): *Political Corruption. A Handbook*, New Brunswick, London, pp. 149 ff.
- Heidenheimer, Arnold J. / Johnston, Michael (eds.) (2002): *Political Corruption: Concepts & Contexts*, New Brunswick.
- Heywood, P. (ed.) (1997): "Political Corruption", *Special Issue of Political Studies*, 45(3), pp. 417 ff.
- Hillebrand, Ernst (1994): "Nachdenken über Zivilgesellschaft und Demokratie in Afrika", *Internationale Politik und Gesellschaft*, 1, pp. 57 ff.
- Holm, John D. (1988): "Botswana: A Paternalistic Democracy", in: Diamond, Larry et al. (eds.): *Democracy in Developing Countries: Africa*, Boulder, pp. 179 ff.
- Holm, John D. et al. (1996): "The Development of Civil Society in a Democratic State: the Botswana Model", *African Studies Review*, 39(2), pp. 43 ff.
- Holm, John D. (2000): "Curbing Corruption Through Democratic Accountability: Lessons from Botswana", in: Hope, Kempe Ronald / Chikulo, Bornwell C. (eds.): *Corruption and Development in Africa: Lessons from Country Case Studies*, Basingstoke, pp. 288 ff.
- Hope, Kempe Ronald (2000): "Corruption and Development in Africa", in: Hope, Kempe Ronald / Chikulo, Bornwell C. (eds.): *Corruption and Development in Africa: Lessons from Country Case Studies*, Basingstoke, pp. 17 ff.
- Hope, Kempe Ronald / Chikulo, Bornwell C. (2000): "Introduction", in: Ibid. (eds.): *Corruption and Development in Africa: Lessons from Country Case Studies*, Basingstoke, pp. 1 ff.
- Hunter, Justine (2006): *Zero Tolerance for Corruption: Actual Instances of Corruption 2004-2006, as Reported in the Namibian Print Media*, Windhoek.
- Huntington, Samuel P. (1968a): "Modernization and Corruption", in: Heidenheimer, Arnold J. / Johnston, Michael (eds.) (2002): *Political Corruption: Concepts & Contexts*, New Brunswick, pp. 253 ff.
- Huntington, Samuel P. (1968b): *Political Order in Changing Societies*, New Haven.
- Huntington, Samuel P. (1979): "Modernization and Development", in: Ekpo, M. (ed.): *Bureaucratic Corruption in Sub-Sahara Africa: Towards a Search for Cause and Consequences*, Washington, D.C.
- Huntington, Samuel P. (1991): *The Third Wave: Democratization in the Late Twentieth Century*, Norman.
- Huther, Jeff / Shah, Anwar (2000): *Anti-Corruption Policies and Programs: A Framework for Evaluation*, Washington D.C.
- Index Mundi (2007): "Country Facts", <http://www.indexmundi.com>.
- Inspectorate of Government (2003): *Second National Integrity Survey: Final Report*, http://www.igg.go.ug/pdfs/Final_Integrity_Report.pdf.
- Inspectorate of Government (2007a): "Introduction", <http://www.igg.go.ug/intro.htm>.

- Inspectorate of Government (2007b): “Organisation”, <http://www.igg.go.ug/organisation.htm>.
- Inspectorate of Government (2007c): “Cases”, <http://www.igg.go.ug/cases.htm>.
- Inspectorate of Government (2007d): “The Inspectorate of Government and the Fight Against Corruption in Uganda”, <http://www.igg.go.ug/docs/Corruption%20Insert.doc>.
- Inspectorate of Government Act (2002), <http://www.igg.go.ug/newIGGACT.pdf>.
- Institute for Democracy in South Africa (2001): *Public Opinion and the Consolidation of Democracy in Southern Africa: An Initial Review of Key Findings From the Southern African Democracy Barometer*, <http://www.idasa.org.za/gbOutputFiles.asp?WriteContent=Y&RID=509>
- Isensee, Josef (2002): “Das Amt als Medium des Gemeinwohls in der freiheitlichen Demokratie”, in: Schuppert, Gunnar F. / Neidhardt, Friedhelm (eds.): *Gemeinwohl auf der Suche nach Substanz*, Berlin, pp. 241 ff.
- Jain, Arvind K. (1998): “Introduction”, in: Ibid. (ed.): *Economics of Corruption*, pp. i ff.
- Justice Initiative (2004): “Monitoring Election Campaign Finance: A Handbook for NGOs”, http://www.justiceinitiative.org/db/resource2?res_id=102367.
- Kahoza, James (1998): “Good Governance and Control of Corruption”, in: Ruzindana, Augustine et al. (eds.) (1998a): *Fighting Corruption in Uganda: The Process of Building a National Integrity System*, Kampala, pp. 79 ff.
- Kajoba, Amos (1998): “The State of the Media in Uganda”, in: Ruzindana, Augustine et al. (eds.) (1998a): *Fighting Corruption in Uganda: The Process of Building a National Integrity System*, Kampala, pp. 131 ff.
- Kalekyezi, Nankunda Hilda (2000): “Civil Service Reform in Uganda: A Critical Analysis of the Implementation and its Socio-economic Impact”, in: Prah, Kwesi Kwaa (ed.): *Africa in Transformation: Political and Economic Transformations and Socio-economic Development Responses in Africa, Vol. 2: Political and Economic Reforms, Transformations and Gender Issues*, Addis Ababa, pp. 45 ff.
- Katllholo, T.M. (2000): “The Significance and Impact of the Directorate on Corruption and Economic Crime”, in: Ayeni, Victor / Keshav, Sharma C.: *Ombudsman in Botswana*, London, pp. 76 ff.
- Kato, Damian (1998): “The Responsibilities of the Government, the Media and the Public in Combating Corruption”, in: Ruzindana, Augustine et al. (eds.) (1998a): *Fighting Corruption in Uganda: The Process of Building a National Integrity System*, Kampala, pp. 70 ff.
- Katorobo, James: “Investigative Journalism: The Mutual Role of the Media and the Civil Service in Exposing Misconduct”, in: Ruzindana, Augustine et al. (eds.) (1998a): *Fighting Corruption in Uganda: The Process of Building a National Integrity System*, Kampala, pp. 148 ff.
- Kaufmann, Daniel (1997): “Corruption: The Facts”, *Foreign Policy*, 107, http://www.worldbank.org/wbi/governance/pdf/fp_summer97.pdf, pp. 114 ff.
- Kaufmann, Daniel (1998): “Revisiting Anti-Corruption Strategies: Tilt Towards Incentive-Driven Approaches?”, in: United Nations Development Programme (ed.): *Corruption and Integrity Improvement Initiatives in Developing Countries*, New York, pp. 63 ff.

- Kaufmann, Daniel / Kraay, Aart (2002): "Growth Without Governance", *Economia*, Fall, <http://www.worldbank.org/wbi/governance/pdf/growthgov.pdf>.
- Kaufmann, Daniel / Kraay, Aart (2003): "Governance and Growth: Causality Which Way? – Evidence for the World, in Brief", http://www.worldbank.org/wbi/governance/pdf/growthgov_synth.pdf.
- Key Jr., V.O. (1970): "Techniques of Political Graft", in: Heidenheimer, Arnold J. (ed.): *Political Corruption: Readings in Comparative Analysis*, New York, pp. 46 ff.
- Khan, Mushtaq H. (1998): "Civil Society, Patron-Client Networks and the Analysis of Corruption", in: OECD / UNDP (eds.): *Corruption and Integrity Improvement Initiatives in Developing Countries*, New York.
- Khan, Mushtaq H. (2000): "Analysing Corruption as Process: Competing Paradigms in Economics and Political Economy", http://norad.no/files/analysing_corruption.pdf.
- Kisubi, Mohammad (1998): "Capacity Building with Results-Oriented and Integrity in Mind: The Experience of Uganda", in: Ruzindana, Augustine et al. (eds.) (1998a): *Fighting Corruption in Uganda: The Process of Building a National Integrity System*, Kampala, pp. 97 ff.
- Kisubi, Mohammad (1999): "Uganda", in: Adamolekun, Ladipo (ed.): *Public Administration in Africa: Main Issues and Selected Country Studies*, Boulder, pp. 346 ff.
- Klitgaard, Robert (1988): *Controlling Corruption*, Berkeley.
- Koma, Kenneth (1993): "Implications of Explosive Corruption on the Political Economy of Botswana", *The Botswana Political Diarist*, January.
- Kpundeh, Sahr J. (1998): "Political Will in Fighting Corruption", in: United Nations Development Programme (ed.): *Corruption and Integrity Improvement Initiatives in Developing Countries*, <http://magnet.undp.org/Docs/efa/corruption.htm>.
- Kpundeh, Sahr / Levy, Brian (eds.) (2004): *Building State Capacity in Africa: New Approaches, Emerging Lessons*, Washington, D.C.
- Krueger, Anne (1993): "Virtuous and Vicious Circles in Economic Development", *Papers and Proceedings of the American Economic Association*, LXXXIII, pp. 351 ff.
- Kurer, Oskar (2003): "Was ist Korruption? Der Stand der Diskussion um eine Definition von Korruption", in: *ibid.* (ed.): *Korruption und Governance aus interdisziplinärer Sicht*, Neustadt/Aisch, pp. 41 ff.
- Kurer, Oskar (2005): "Corruption: An Alternative Approach to its Definition and Measurement", *Political Studies*, 53, pp. 222 ff.
- Lambsdorff, Johann Graf (2006): *The Methodology of the Corruption Perceptions Index 2006*, http://www.transparency.org/content/download/10854/93146/version/1/file/CPI_2006_long_methodology.pdf.
- Landman, Todd (2008): *Issues and Methods in Comparative Politics: An Introduction*, 3rd edition, London.
- Langseth, Petter et al. (1997): "Good Governance in Africa: A Case Study from Uganda", EDI Working Paper 18870, Washington, D.C.

- Langseth, Petter / Pezzullo, David (2000): *Country Assessment, Corruption in Uganda – Analysis and Suggestions for Next Steps*, Norwegian Agency for Development Cooperation (NORAD), http://www.norad.no/default.asp?V_DOC_ID=672.
- Langseth, Petter / Pope, Jeremy (1998): “Ethics, Accountability and Transparency in Uganda: An Assessment”, in: Ruzindana, Augustine et al. (eds.) (1998a): *Fighting Corruption in Uganda: The Process of Building a National Integrity System*, Kampala, pp. 38 ff.
- Langseth, Petter / Stapenhurst, Rick (1997a): *The Role of the National Integrity System in Fighting Corruption*, EDI Staff Working Paper, Washington, D.C.
- Langseth, Petter / Stapenhurst, Rick (1997b): *National Integrity System: Country Studies*, EDI Working Papers (18869), Washington, D.C.
- Lebotse, K.K. (2000): “Relations Between the Ombudsman, Parliament and the Executive”, in: Ayeni, Victor / Keshav, Sharma C. (eds.): *Ombudsman in Botswana*, London, pp. 65 ff.
- Lekorwe, M. (1989): “The Kgotla and the Freedom Square: One-way or Two-way Communication?”, in: Holm, J. / Molutsi, P. (eds.): *Democracy in Botswana*, Athens, Ohio, pp. 212 ff.
- Levi-Faur, David (2009): “The Goals of Social Research”, <http://poli.haifa.ac.il/~levi/res/mgsr1.htm>
- Leys, Colin (1965): “What is the Problem About Corruption”, *Journal of Modern African Studies*, 3(2), pp. 215 ff.
- Lindauer, D.L. (1994): “Government Pay and Employment Policies and Economic Performance”, in: Lindauer, D.L. / Nunberg, B. (eds.): *Rehabilitating Government: Pay and Employment Reform in Africa*, Washington, D.C.
- Lodge, Tom (1998): “Political Corruption in South Africa”, *African Affairs*, 97, pp. 157 ff.
- Mahlanza, T. (1999): “Financial Institutions and Corruption: Botswana in a Global Perspective”, in: Frimpong, Kwame / Jacques, Gloria (eds.): *Corruption, Democracy and Good Governance in Africa: Essays on Accountability and Ethical Behaviour*, Gaborone.
- Maine, L.A. (2000): “The Institution of Ombudsman in Botswana: An Overview”, in: Ayeni, Victor / Keshav, Sharma C. (eds.): *Ombudsman in Botswana*, London, pp. 55 ff.
- Manzetti, L. / Blake, C. (1996): “Market Reforms and Corruption in Latin America: New Means for Old Ways?”, *Review of International Political Economy*, 3(4), pp. 662 ff.
- Mauro, Paolo (1995): “Corruption and Growth“, *Quarterly Journal of Economics*, 110(3), pp. 681 ff.
- Mauro, Paolo (1997): “Why Worry About Corruption?”, IMF Economic Issues No. 6, <http://www.imf.org/external/pubs/ft/issues6/index.htm>.
- Mauss, Marcel (1967): *The Gift: Forms and Functions of Exchange in Archaic Societies*, New York.
- Mbaku, John Mukum (2000): “Controlling Corruption in Africa: A Public Choice Perspective”, in: Hope, Kempe Ronald / Chikulo, Bornwell C. (eds.): *Corruption and Development in Africa: Lessons from Country Case Studies*, Basingstoke, pp. 119 ff.

- Mbuya, Titus (1998): "County Background Papers: Botswana", paper delivered at the 'Caught in the Act: Corruption and the Media' seminar, 21/22 September, Brussels, http://admin.corisweb.org/files/IFJ1998Caught_Act1049812358.pdf.
- McGee, P.F. / Anzelmi, F.J. (1981): "There is No Such Thing as a Free Ride", *Public Personnel Management*, 10(1), pp. 161 ff.
- Médard, Jean-François (1982): "The Underdeveloped State in Tropical Africa – Political Clientelism or Neo-Patrimonialism?", in: Clapham, C. (ed.): *Private Patronage and Public Power – Political Clientelism in the Modern State*, London, pp. 162 ff.
- Médard, Jean-François (1986): "Public Corruption in Africa – A Comparative Perspective", *Corruption and Reform*, 1, pp. 115 ff.
- Menge, Hermann (1978): *Langenscheidts Großwörterbuch Lateinisch*, 20th edition, Munich.
- Mensah, E. (1986): "Methodological Problems in the Study of Corruption", in: Odekunle, F. (ed.): *Nigeria: Corruption in Development*, Ibadan, pp. 123 ff.
- Méon, Pierre-Guillaume / Sekkat, Khalid (2005): "Does Corruption Grease or Sand the Wheels of Growth?", *Public Choice*, 122, pp. 69 ff.
- Merafhe, Mompatis (2003): "How We Did It: Botswana's Success Story", paper delivered at Khalili Lecture Theatre, 16 October, http://www.royalafricansociety.org/what_we_do/recent_meetings/botswanas_success_story.
- Mmegi (1992): "Nepotism Out", 8-16 May.
- Mmegi (2000a): "Culture of Corruption Grows", 28 January - 3 February.
- Mmegi (2000b): "Justice Denied or Justice System in Disarray?" 22 December 2000 - 11 January 2001.
- Mmegi (2000c): "Auditor General's Report Ignored", 4 - 10 July.
- Mmegi (2004a): "Govt Sits on Corruption Report", 15 March, <http://www.mmegi.bw/2004/March/Monday15/815322942232.html>.
- Mmegi (2004b): "Political Financiers Must Be Unmasked", 26 July, <http://admin.corisweb.org/index.php?fuseaction=news.view&id=114543&src=pub>.
- Modisi, M. (2000): "Maladministration in the Botswana Civil Service", in: Ayeni, Victor / Keshav, Sharma C. (eds.): *Ombudsman in Botswana*, London, pp. 7 ff.
- Mogae, Festus (1999): "Corruption and the North-South Dilemma", paper delivered at the 9th International Anti-Corruption Conference, October 10-15, http://www.transparency.org/iacc/9th_iacc/papers/day1/plenary/d1pl_fmogae.html.
- Molomo, Mpho G. (1998): "The Role and Responsibilities of Members of Parliament in Facilitating Good Governance and Democracy", in: Edge, Wayne / Lekorwe, Mogopodi H. (eds.): *Botswana: Politics and Society*, Pretoria, pp. 199 ff.
- Molutsi, Patrick P. / Holm, John D. (1990): "Developing Democracy When Civil Society is Weak: The Case of Botswana", *African Affairs*, 89, pp. 323 ff.

- Münkler, Herfried / Fischer, Karsten (2000): „Korruption und Gemeinwohl. Probleme und Chancen politischer Ordnung in der Krise“, *Neue Rundschau*, pp. 91 ff.
- Namibia Institute for Democracy (1997): *Accountability and Corruption in Namibia: Challenges for 1997*, Windhoek.
- Nasaba, Alfred P.W. (1998): “The Director of Public Prosecutions and Crime Prevention”, in: Ruzindana, Augustine et al. (eds.) (1998a): *Fighting Corruption in Uganda: The Process of Building a National Integrity System*, Kampala, pp. 109 ff.
- Nduhukhire-Owa-Mataze (1998): “Casting an Eye on the Problem of Corruption in Uganda”, Uganda Martyrs University Working Papers Vol. 1, No. 7, <http://www.fiuc.org/iaup/sap/publications/umu/umuw/UMUWP7.pdf>.
- Ngcongco, L.D. (1989): “Tswana Political Tradition: How Democratic?”, in: Holm, J. / Molutsi, P. (eds.): *Democracy in Botswana*, Athens, Ohio, pp. 42 ff.
- Nkuuhe, Johnson (1999): “Parliamentary Accountability and the International Financial Institutions”, paper delivered at the 1999 Laurentian Seminar, Kingston, Ontario, Canada, 18 - 25 July.
- Noack, Paul (1985): *Korruption – die andere Seite der Macht*, Munich.
- Noonan, J.T. (1984): *Bribes*, New York.
- Noticias (2006): “Wolfowitz: No Money for Corrupt Governments”, 2 March, <http://www.noticias.info/asp/PrintingVersionNot.asp?NOT=150226>.
- Nyapendi, Keto (1998): “The Role of the Auditor General in Fighting Corruption”, in: Friedrich Ebert Stiftung (ed.): *The Crusade against Corruption in Uganda: A Collection of Papers*, Kampala, pp. 27 ff.
- Nye, Joseph S. (1967): “Corruption and Political Development: A Cost-Benefit Analysis”, *American Political Science Review*, LXI (2), pp. 417 ff.
- OECD (1995): *Participatory Development and Good Governance*, <http://www.oecd.org/dataoecd/27/13/31857685.pdf>.
- OECD (2001): *Governance in the 21st Century*, Paris.
- Olivier de Sardan, Jean-Pierre (1999): “A Moral Economy of Corruption in Africa?”, *Journal of Modern African Studies*, 37(1), pp. 25 ff.
- Oloko-Onyango, Joe (1992): “The Dynamics of Corruption Control and Human Rights Enforcement in Uganda: The Case of the Inspector General of Government”, *The African Review*, 19(1-2), pp. 98 ff.
- Olowu, Dele (1993): “Roots and Remedies of Governmental Corruption in Africa”, *Corruption and Reform*, 7(3), pp. 227 ff.
- Olowu, Bamidele (1999): “Combating Corruption and Economic Crime in Africa: An Evaluation of the Botswana Directorate of Corruption and Economic Crime”, paper delivered at the 9th International Anti-Corruption Conference, October 10-15, http://www1.transparency.org/iacc/9th_iacc/papers/day3/ws3/d3ws3_bolowu.html.

- Opolot, Eric Ogoso (1998): "The Media: A Pillar in Fighting Corruption", in: Ruzindana, Augustine et al. (eds.) (1998a): *Fighting Corruption in Uganda: The Process of Building a National Integrity System*, Kampala, pp. 141 ff.
- Osei-Hwedie, Bertha Z. / Osei-Hwedie, Kwaku (2000): "The Political, Economic, and Cultural Bases of Corruption in Africa", in: Hope, Kempe Ronald / Chikulo, Bornwell C. (eds.): *Corruption and Development in Africa: Lessons from Country Case Studies*, Basingstoke, pp. 40 ff.
- Osoba, S.O. (1996): "Corruption in Nigeria – Historical Perspectives", *Review of African Political Economy*, 69, pp. 371 ff.
- Ouma, Stephen (1991): "Corruption in Public Policy and its Impact on Development: The Case of Uganda Since 1979", *Public Administration and Development*, 11, pp. 473 ff.
- Owasanoye, Bolaji (2001): "Corruption: The Enemy Within", in: Ayua, I.A. / Guobadia, D.A. (eds.): *Political Reform and Economic Recovery in Nigeria*, Lagos, pp. 589 ff.
- Oyebode, Akin (2001): "An Overview of Corruption in Nigeria", in: Ayua, I.A. / Guobadia, D.A. (eds.): *Political Reform and Economic Recovery in Nigeria*, Lagos, pp. 603 ff.
- Oyovbaire, Sam Egite (2001): "Legislating for Good Governance: Ethical and Political Considerations", in: Ayua, I.A. / Guobadia, D.A. (eds.): *Political Reform and Economic Recovery in Nigeria*, Lagos, pp. 15 ff.
- Peters, J.G. / Welch, S. (1978): "Political Corruption in America. A Search for Definition and Theory; Or, If Political Corruption Is in the Mainstream of American Politics, Why Is It Not the Mainstream of American Politics Research?", *American Political Science Review*, 72(3), pp. 974 ff.
- Picard, Louis (1985): *The Evolution of Modern Botswana*, London.
- Pope, Jeremy (1999): "The Need for, and Role of, an Independent Anti-Corruption Agency", Working Paper, http://www.transparency.org/working_papers/pope/jpope_iaca.html.
- Prah, K.K. (1993): "Socio-Cultural Dimensions of Ethics and Accountability in African Public Services", in: Rasheed, S. / Olowu, D. (eds.): *Ethics and Accountability in African Public Services*, Nairobi, pp. 49 ff.
- Public Procurement and Asset Disposal Board (2007a), "About PPADB", <http://www.ppadb.co.bw/about.html>.
- Public Procurement and Asset Disposal Board (2007b), "News Clippings", http://www.ppadb.co.bw/news_clipping.html.
- Raphaeli, Nimrod et al. (1984): "Public Sector Management in Botswana: Lessons in Pragmatism", World Bank Staff Working Paper No. 709, Washington, D.C.
- Rasheed, S. (1996): *Development, Participation and Democracy in Africa: Four Essays*, Pretoria.
- Reddy, G. Prakash (1993): *Danes Are Like That! Perspectives of an Indian Anthropologist on the Danish Society*, Denmark.
- Reisman, Michael W. (1979): *Folded Lies: Bribery, Crusades, and Reforms*, New York.

- Reuters (2003): "Bush's Brief Visit Puts Botswana Centre Stage", 10 July, <http://admin.corisweb.org/index.php?fuseaction=news.view&id=109852&src=pub>.
- Riley, Stephen P. (1998): "The Political Economy of Anti-Corruption Strategies in Africa", *The European Journal of Development Research*, 10(1), pp. 129 ff.
- Riley, Stephen P. (2000): "Western Policies and African Realities: The New Anti-Corruption Agenda", in: Hope, Kempe Ronald / Chikulo, Bornwell C. (eds.): *Corruption and Development in Africa: Lessons from Country Case Studies*, Basingstoke, pp. 137 ff.
- Robinson, Derek (1990): *Civil Service Pay in Africa*, Geneva.
- Robinson, Mark (1998): "Corruption and Development: An Introduction", *The European Journal of Development Research*, 10(1), pp. 1 ff.
- Rose-Ackermann, Susan (1999): *Corruption and Government: Causes, Consequences and Reform*, Cambridge.
- Ruzindana, Augustine et al. (eds.) (1998a): *Fighting Corruption in Uganda: The Process of Building a National Integrity System*, Kampala.
- Ruzindana, Augustine (1998b): "Background to the Integrity System", in: Ruzindana, Augustine et al. (eds.) (1998a): *Fighting Corruption in Uganda: The Process of Building a National Integrity System*, Kampala, pp. 1 ff.
- Ruzindana, Augustine (1998c): "Combating Corruption in Uganda", in: Ruzindana, Augustine et al. (eds.) (1998a): *Fighting Corruption in Uganda: The Process of Building a National Integrity System*, Kampala, pp. 51 ff.
- Salbu, Steven R. (1999): "Extraterritorial Restriction of Bribery: A Premature Evocation of the Normative Global Village", *Yale Journal of International Law*, 24, pp. 223 ff.
- Sangweni, Stan (ed.) (1999): *Fighting Corruption: South African Perspectives*, Pretoria.
- Sankoh, Joseph Sahr (1999): *Political Corruption in Sub-Saharan Africa: A Comparative Analysis with Particular Reference to Sierra Leone, Ghana and Nigeria*, Buffalo.
- Scheuch, Erwin K. (2002): "Korruption als Teil einer freiheitlichen Gesellschaftsordnung", *Kriminalistik*, 2, pp. 79 ff.
- Scott, James C. (1972): *Comparative Political Corruption*, Englewood Cliffs, New Jersey.
- Sechele, Sechele (1998): "The Role of the Press in Independent Botswana", in: Edge, W. / Lekorwe, H.M. (eds.), *Botswana: Politics and Society*, South Africa.
- Serageldin, Ismail / Landell-Mills, Pierre (1991): "Governance and the External Factor", Annual Conference on Development Economics, Washington, D.C., pp. 5 ff.
- Sharma, Keshav C. (2000a): "Public Service Ethics and Accountability in Botswana", in: Ayeni, Victor / Keshav, Sharma C. (eds.): *Ombudsman in Botswana*, London, pp. 13 ff.
- Sharma, Keshav C. (2000b): "The Performance of the Ombudsman Office: Review of the First Annual Report", in: Ayeni, Victor / Keshav, Sharma C. (eds.): *Ombudsman in Botswana*, London, pp. 60 ff.

- Shleifer, A. / Vishny, R.W. (1993): "Corruption", *Quarterly Journal of Economics*, 108(3), pp. 599 ff.
- Siegel, Brian (1996): "Family and Kinship", in: Gordon, A. / Gordon, D. (eds.): *Understanding Contemporary Africa*, 2nd ed., Boulder, pp. 221 ff.
- Simpson, J.A. / Weiner, E.S.C. (eds.) (1989): *The Oxford English Dictionary*, 2nd edition, Oxford.
- De Soto, Hernando (1989): *The Other Path*, New York.
- Southern African Development Community (2001): "Protocol Against Corruption", <http://www.sadc.int/english/documents/legal/protocols/corruption.php>.
- De Speville, Bertrand (2000): "Why Do Anti-corruption Agencies Fail", in: Transparency International (ed.), *Source Book 2000*, <http://www.transparency.org/sourcebook/11.pdf>, pp. 95 ff.
- Stapenhurst, Rick et al. (2004): "Fighting Systemic Corruption: Foundations for Institutional Reforms" (Draft), NORAD, <http://norad.no/files/stapenhurst.doc>.
- Stedman, S.J. (1993): *Botswana – The Political Economy of Democratic Development*, Boulder, Colorado.
- Sturm, Roland (2003): "Theoretische und methodische Ansätze der Korruptionsforschung", in: Kurer, Oskar (ed.): *Korruption und Governance aus interdisziplinärer Sicht*, Neustadt/Aisch, pp. 53 ff.
- Styckow, Petra (2002): "Mésalliance à trois: Politische Korruption als Beziehungsphänomen", in: Bluhm, Harald / Fischer, Karsten (eds.): *Sichtbarkeit und Unsichtbarkeit der Macht*, Baden-Baden, pp. 87 ff.
- Szeftel, Morris (1998): "Misunderstanding African Politics: Corruption and the Governance Agenda", *Review of African Political Economy*, 25(76), pp. 221 ff.
- Taiwo, Olukayode (2001): "Corruption in the Civil Society: The Role of Institutions", in: Ayua, I.A. / Guobadia, D.A. (eds.): *Political Reform and Economic Recovery in Nigeria*, Lagos, pp. 615 ff.
- Tangri, Roger / Mwenda, Andrew (2001): "Corruption and Cronyism in Uganda's Privatization in the 1990s", *African Affairs*, 100(398), pp. 117 ff.
- Tanzi, Vito (1998): "Corruption around the World: Causes, Consequences, Scope, and Cures", IMF Staff Papers Vol. 45 No. 4, Washington, D.C.
- Tanzi, Vito (2000): *Policies, Institutions and the Dark Side of Economics*, Cheltenham.
- The EastAfrican* (1997): "The NRM Factor in Uganda's Corruption", by Charles Onyango-Obbo, 24-30 November, <http://www.charlesobbo.com/article134.html>.
- The Economist* (2006a): "Wolfowitz's New War", 4 March, p. 12.
- The Economist* (2006b): "Just Saying No", 4 March, p. 69.
- The Economist* (2006c): "Democracy or Dictatorship?", 4 March, pp. 40 ff.
- The Economist* (2007): "Going up or down?", 9 June, pp. 43 ff.

- The Midweek Sun* (1992): “Government Corrupt, Ruthless, Irresponsible”, 2 December.
- The Midweek Sun* (1999): “Corruption”, 5 May.
- The Monitor* (1996): “Want to Rule Uganda Forever? Then Be Corrupt”, by Charles Onyango-Obbo, 18 December, <http://www.charlesobbo.com/article35.html>.
- The Monitor* (2000): “Uganda: Corruption Like Ebola Says Judge at Launch of ‘Anti-Corruption Week’”, 25 October, http://support.casals.com/aaflash1/busca.asp?ID_AAAControl=3447.
- The Monitor* (2001): “Dracula Taking Over Uganda’s Blood Bank?”, 31 July, <http://www.globalpolicy.org/nations/corrupt/2001/0731ugan.htm>.
- The Monitor* (2003): “Government Moves to Vet Journalists”, 3 January.
- The New Vision* (2001): “Kahooza Hands Over Office”, 5 January.
- The New Vision* (2003a): “Chopper Report Pins Senior UPDF Officers”, 19 May.
- The New Vision* (2003b): “Government to Enforce All Media Laws Soon”, 3 January.
- The Sunday Vision* (1995): “Top Government Officials at the Centre of Fraud”, 3 December.
- Trang, D.V. (1994): *Corruption and Democracy: Political Institutions, Processes and Corruption in Transition States in East-Central Europe and in the former Soviet Union*, Budapest.
- Transparency International (1999): “Recent Reforms”, *TI Newsletter*, June, <http://www.transparency.org/newsletters/99.2/reforms.html>.
- Transparency International (2001): *Global Corruption Report 2001*, <http://www.transparency.org/publications/gcr>.
- Transparency International (2002): *Corruption Fighter’s Tool Kit*, http://www.transparency.org/toolkits/2002/cftk2002_2003complete.pdf.
- Transparency International (2004): “Strategic Framework”, http://www1.transparency.org/about_ti/downloads/TI_strat_framework_2004.01.12.stc.pdf.
- Transparency International (2007): “Corruption Perceptions Index 2007”, http://www.transparency.org/policy_research/surveys_indices/cpi/2007.
- Tumwesigye, Jotham (1998a): “Speech Made at the Opening of a Workshop on Public Awareness against Corruption in Uganda”, in: Friedrich Ebert Stiftung (ed.): *The Crusade against Corruption in Uganda: A Collection of Papers*, Kampala, pp. 7 ff.
- Tumwesigye, Jotham (1998b): “The State and the Fight Against Corruption in Uganda”, in: Friedrich Ebert Stiftung (ed.): *The Crusade against Corruption in Uganda: A Collection of Papers*, Kampala, pp. 11 ff.
- Tumwesigye, Matthias B. (1998): “The Role of the Inspector General of Government”, in: Ruzindana, Augustine et al. (eds.) (1998a): *Fighting Corruption in Uganda: The Process of Building a National Integrity System*, Kampala, pp. 75 ff.
- Tyler, Tom (1990): *Why People Obey the Law*, New Haven.

- U4 Anti-Corruption Resource Centre (2007): “Corruption Glossary”, <http://www.u4.no/document/faqs5.cfm>.
- Uganda Debt Network (2002): *Dossier: Corruption in Uganda*, <http://www.udn.or.ug/dossier.pdf>.
- Uganda Debt Network (2005a): “Continued Misuse and Wastage of Public Resources”, Statement of Members of Civil Society Presented to the Public Expenditure Review Workshop held at Munyonyo on 10th May 2005, http://www.udn.or.ug/CS%20Statement-Public%20Expenditure_final%20copy.pdf.
- Uganda Debt Network (2005b): “The National Anti-Corruption Strategy: A Policy Brief”, *Policy Review Newsletter*, 5(3), <http://www.udn.or.ug/August%20PRN%202005.pdf>, p. 6.
- Uganda Democratic Coalition (1995): “Corruption in Uganda”, *UDC Newsletter*, 5(1), <http://www.hartford-hwp.com/archives/36/420.html>.
- Ugandan Governance Monitoring Project (2005): *Report 2004*, <http://www.cmi.no/pdf/?file=/uganda/doc/UGMP%20final%20report.pdf>.
- UN ESCAP (2005): “What is Good Governance?”, <http://www.unescap.org/huset/gg/Governance.htm>.
- United Nations (2005): “The UN Millennium Development Goals”, <http://www.un.org/millenniumgoals/goals.html>.
- United Nations Development Programme (2004): *Anti-Corruption Practice Note*, http://www.undp.org/governance/docs/AC_PN_English.pdf.
- United Nations Development Programme (2005): *Institutional Arrangements to Combat Corruption – A Comparative Study*, http://regionalcentrebangkok.undp.or.th/practices/governance/documents/Corruption_Comparative_Study-200512.pdf.
- United Nations Development Programme (2006): *Human Development Report 2006*, <http://hdr.undp.org/hdr2006/>.
- University of Notre Dame (2007): “Latin Dictionary and Grammar Aid“, <http://archives.nd.edu/latgramm.htm>.
- UNODC (2004): “The Global Programme Against Corruption”, UN Anti-corruption Toolkit, 3rd edition, http://www.unodc.org/unodc/en/corruption_toolkit.html.
- USAID (2003): “Money in Politics Handbook”, http://www.usaid.gov/our_work/democracy_and_governance/publications/pdfs/pnac223.pdf.
- Wamalwa, W.N. (1993): “Causes and Consequences of Ethical Crisis in Africa’s Public Services”, in: Rasheed, S. / Olowu, D. (eds.): *Ethics and Accountability in African Public Services*, Addis Ababa, pp. 41 ff.
- Wangusa, Michael (1998): “Why Uganda’s Civil Society is Weak”, *The Defender: A Bi-Annual Human Rights Journal of the Foundation for Human Rights Initiative*, 4(1), pp. 21 ff.
- Warigi, Gitau (2001): “East and East-Central Africa”, in: Transparency International (ed.): *Global Corruption Report 2001*, <http://www.globalcorruptionreport.org>, pp. 68 ff.

- Webster's Revised Unabridged Dictionary (1997), http://humanities.uchicago.edu/forms_unrest/webster.form.html.
- Weisfelder, Richard (1985): "Prospects for the Future: An Evaluation of Political Trends and Research Priorities for Botswana", in: Picard, Louis. (ed.): *The Evolution of Modern Botswana*, London, pp. 283 ff.
- Werlin, Herbert (1972): "The Roots of Corruption – The Ghanaian Enquiry", *Journal of Modern African Studies*, 10(2), pp. 247 ff.
- Werner, Simcha B. (1983): "New Directions in the Study of Administrative Corruption", *Public Administration Review*, 43(2), pp. 146 ff.
- Whitaker, William (2007): "Words: Latin to English", <http://www.archives.nd.edu/cgi-bin/words.exe>.
- Wikipedia (2007): Various Articles, <http://en.wikipedia.org>.
- World Bank (1991): *Managing Development: The Governance Dimension*, Washington, D.C.
- World Bank (1992): "Governance and Development", http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/1999/09/17/000178830_98101911081228/Rendered/PDF/multi_page.pdf.
- World Bank (1997): "Helping Countries Combat Corruption: The Role of the World Bank", <http://www1.worldbank.org/publicsector/anticorrupt/corruptn/corruptn.pdf>.
- World Bank (1998): *Report of a World Bank Mission to Support the Program of the Republic of Uganda to Improve Economic Governance and Combat Corruption*, Washington, D.C.
- World Bank (2004): "Reforming Infrastructure – Privatization, Regulation and Competition", Policy Research Report 28985, http://wdsbeta.worldbank.org/external/default/WDSContentServer/IW3P/IB/2004/06/16/000012009_20040616143838/Rendered/PDF/289850PAPER0reforming0infrastructure.pdf.
- Zaffiro, James J. (1989): "The Press and the Evolution of Political Opposition in an African Democracy: The Case of Botswana", *Journal of Commonwealth and Comparative Politics*, 27, pp. 51 ff.
- Zvekić, Ugljesa (2002): "Introduction", in: *ibid.* (ed.): *Corruption and Anti-Corruption in Southern Africa*, Hatfield, pp. 4 ff.
- Zwart, Sandra (2003): *Uganda: The Fight Against Corruption*, Kampala, <http://www.u4.no/document/showdoc.cfm?id=94>.