

# COUNTRY REPORT: UGANDA

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## I. INTRODUCTION

Corruption has perhaps had the most varied definitions and conceptualization. The phrase 'corrupt' is very elastic and is capable of including a wide range of disapproved behaviour or conduct. A definition of corruption often tends to commence with its 1931 conceptualization by the *Encyclopedia of the Social Sciences* as the "misuse of public power for private profit"; the crucial key elements in the seven-worded definition are 'misuse', 'public' and 'private'. Other definitions have been offered over the past decades and years, including, more broadly: "Corruption is, in its simplest terms, the abuse of entrusted power for personal gain or for the benefit of a group to which one owes allegiance. The word 'corruption' is commonly applied to situations of dishonesty in general ... 'corruption' involves behaviour on the part of officials in the public sector, whether politicians or civil servants, in which they improperly and unlawfully enrich themselves or those close to them by the misuse of public power entrusted to them."<sup>1</sup>

Corruption has the most profound impact in terms of hurting public resources and the delivery of services (e.g. education, health care, and infrastructure). To that end, 'corruption' can be said to encompass acts or conduct that cause harm to public funds, improper use of office for personal benefit, getting or obtaining of bribes or commissions on government projects and unlawful gains. However, it can also occur where public and private sectors meet, where a public official has direct responsibility for the provision of goods and services to be delivered by the private sector. Further, private individuals and organizations connected with the public sector (e.g. procurement firms) may take advantage of the opportunity to make 'easy' money through corrupt means.

Although perceived differently from country to country, corruption tends to include the following behaviours: conflict of interest, embezzlement, fraud, bribery, political corruption, nepotism, and extortion. In Uganda, the Inspector General of Government Act defines corruption as: "the abuse of office for private gain and includes but is not limited to embezzlement, bribery, nepotism, influence peddling, theft of public funds or assets, fraud, forgery, causing financial loss or property loss or false accounting in public affairs."<sup>2</sup>

This paper discusses the present situation of corruption in Uganda and the problems faced by the legal system regarding corruption. It also gives some possible solutions to the problem of corruption.

## II. CURRENT SITUATION OF CORRUPTION IN UGANDA

This section of the paper discusses the trends of corruption and gives an overview of the existing anti-corruption legal and institutional framework and agencies in Uganda.

### A. Trends of Corruption In Uganda

Uganda has designed the National Strategy to fight Corruption.<sup>3</sup> The document *inter alia* indicates that a considerable number of cases of grand corruption have emerged in recent years leading to significant losses of public funds through mishandled procurements and outright embezzlement. For instance, in the area of procurement, the Inspectorate of Government Report to Parliament<sup>4</sup> indicated that district politicians usually participate in and/or influence the irregular award of tenders. This they achieve by manipulating the Chief Administrative Officers (CAOs) and the Tender Board members who are usually appointed to these offices by the said politicians.

However, the recent Constitutional amendment entrusts the appointment, discipline and control of the CAOs and their deputies to the Ministry of Public Service instead of the Districts. It is believed that this will

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<sup>1</sup> P. Langseth, 'The Role of a National Integrity System in Fighting Corruption' (1997) 23 *Commonwealth Law Bulletin* 499.

<sup>2</sup> Inspector General of Government Act, Cap. 167, sec. 2.

<sup>3</sup> 2004-2007 policy document on operations of anti-corruption agencies.

<sup>4</sup> July 2005-December 2005.

enhance their impartiality while granting such tenders.

There has also been petty corruption associated with lack of motivation and indiscipline among poorly paid civil servants like police and the lower cadres of the judiciary.

There have also been instances where corruption has gone unpunished, or there have been delays in sanctioning due to weak systems and difficulties in obtaining evidence. In such cases, some people have developed a perception that corruption is a condoned act. This has resulted in some people tolerating and participating in petty corruption, especially due to sympathy regarding the poor pay of some lower cadres of civil servants and the belief that there are those who are involved in more serious corruption but have not faced deserving sanctions because they were not successfully prosecuted.

It has also been established by some surveys that the long procedures employed by the government in providing certain services such as licences and permits exacerbate corruption, particularly the aspect of giving and taking of bribes. Some people see no reason to follow long procedures and wait for a service if they can give a bribe and get it with ease.

It is also unfortunate to note that according to the surveys, sectors that have featured in incidences of corruption have included the anti-corruption agencies themselves such as the lower levels of the police force and the judiciary.

The above notwithstanding however, according to a 2003 survey report, anti-corruption efforts have yielded positive results. Since the 1998 survey there has been a marked reduction in the reported incidences of bribery relating to the police, tax collection agencies, magistrates' courts, education services and health services.

## **B. Legal Framework in the Management of Corruption**

The legal system in Uganda comprises the 1995 Constitution as the supreme law and other laws that include Acts of Parliament, subsidiary legislation, case law, principles of common law and doctrines of equity and customary law.<sup>5</sup> The following section details principal legislation aimed at combating corruption.

### 1. The Constitution of The Republic of Uganda, 1995

The Constitution is the supreme law of the land and has binding force on all the authorities and persons throughout Uganda.<sup>6</sup> As the primary legal instrument, the Constitution contains provisions on measures, concepts and institutions that are geared to preventing, monitoring and combating corruption. Under the National Objectives and Direct Principles of State policy, the Constitution stipulates that the State and citizens of Uganda are to “preserve and protect and promote a culture of preserving public property”<sup>7</sup> and that all measures should be undertaken to eradicate corruption and abuse of office or misuse of power by those in public office.<sup>8</sup> The Constitution makes all public offices and those in positions of leadership answerable and accountable to the people of Uganda.<sup>9</sup> Besides, the Constitution enjoins the citizens of Uganda to preserve and protect public property and combat corruption.<sup>10</sup>

### 2. The Prevention of Corruption Act Cap 121

This law, which commenced on 12 June 1970, is the major piece of anti-corruption legislation in Uganda. It tries to define “corruption” in a broad and comprehensive manner. Under this law, corruption as an offence involves the participation of a public official. In defining corruption, the Act prohibits the soliciting, receiving or agreeing to receive by one or on behalf of another as well as giving, promising or offering to any person whether for the benefit of that person or another person any gratification as an inducement or reward to a member, officer or servant of a public body.<sup>11</sup>

<sup>5</sup> Judicature Act Cap 13, Sec 14.

<sup>6</sup> Constitution of the Republic of Uganda, 1995, Article 2(1).

<sup>7</sup> 1995 Constitution, objective xxv.

<sup>8</sup> *Ibid.*, objective xxvi.

<sup>9</sup> *Id.*

<sup>10</sup> *Ibid.*, Art. 17(2)(d) and (i).

<sup>11</sup> The Prevention of Corruption Act Cap 121 Sec. 2 (a) and (b).

The said law also criminalizes the act of corruptly withdrawing a tender which has been awarded. Both the public official and the other party involved are treated as offenders. The law further criminalizes similar corrupt transactions involving an agent when conducting the principal's affairs or business and bribing any public official in order to vote or not to vote in any matter.<sup>12</sup>

### 3. The Penal Code Act Cap 120

Other corruption-related offences are contained in the Penal Code Act and they include *inter alia* embezzlement,<sup>13</sup> causing financial loss,<sup>14</sup> fraudulent false accounting,<sup>15</sup> false accounting by public officers,<sup>16</sup> fraudulent offences by directors and officers of corporations,<sup>17</sup> abuse of office,<sup>18</sup> etc. Embezzlement is theft by an employee of employer's property and also covers directors of companies or corporations and members of associations or religious organizations. On the other hand, causing financial loss is where the acts or omissions of a public official or employee of a bank, credit institution, or insurance company cause financial loss to the employer or a customer. It must be proved that the offender had knowledge or reason to believe that his or her act or omission would cause financial loss. With abuse of office, arbitrary acts by a public official or acts committed under his or her direction must be found to be prejudicial to the interests of the employer or any other person. False accounting is where a public officer knowingly furnishes false statements or returns relating to public property, revenue or balance of public funds.

It is also worth noting that in an attempt to fight corruption globally, Uganda is a signatory to both the UN and AU Conventions against corruption. Though the conventions have not been domesticated into our laws, the provisions therein are being considered in our amendments and new laws with a view to domesticating international law regarding corruption. The proposals for the amendment of the Uganda's Prevention of Corruption Act embrace a number of the provisions of the UN Convention that are not yet part of our current law. The provisions in the UN Convention that relate to money Laundering and Bank Secrecy are being handled in the Money Laundering Bill.

## C. The Anti-Corruption Institutional Framework/Agencies in Uganda

Uganda's main anti-corruption institutions include the Directorate of Public Prosecutions (DPP)<sup>19</sup> (for criminal prosecution), the Inspectorate of Government (ombudsman),<sup>20</sup> the Auditor General (for financial probity),<sup>21</sup> the Uganda Police Force and in particular the Criminal Investigations Department (CID) (for investigating crimes),<sup>22</sup> courts (for adjudication purposes),<sup>23</sup> Parliament (by its oversight function through its committees, in particular the Public Accounts Committee (PAC) and the power of censure of ministers),<sup>24</sup> and the Directorate of Ethics and Integrity.

### 1. Parliament

The parliament is the legislative organ of government and *inter alia*, performs an oversight function and acts as a watchdog over the executive. This involves holding the executive accountable on a continuous basis by way of public scrutiny to which it subjects the executive, through debate and question time, which promotes both transparency and accountability. In the performance of its investigative functions, parliament acts in liaison with the offices of the Auditor General (AG), the Inspectorate of Government (IG), the Directorate of Ethics and Integrity (DEI) and the public.<sup>25</sup>

<sup>12</sup> Ibid., Sections 3, 4 and 5.

<sup>13</sup> The Penal Code Act Cap 120, sec 268.

<sup>14</sup> Ibid., Section 269.

<sup>15</sup> Ibid., Section 325.

<sup>16</sup> Ibid., Section 326.

<sup>17</sup> Ibid., Section 323.

<sup>18</sup> Ibid., Section 87.

<sup>19</sup> Ibid., Art. 120.

<sup>20</sup> 1995 Constitution, Art. 223.

<sup>21</sup> Ibid., Art. 163.

<sup>22</sup> Ibid., Art 211.

<sup>23</sup> Ibid., Art. 129.

<sup>24</sup> Ibid., Arts 90, 118.

<sup>25</sup> Dr. Henry Onoria, *Legislative and Policy Measures for Combating Corruption In Uganda; A study report on the practical challenges of compliance with the AU Anti-Corruption Convention*, published by the African Parliamentary Network Against Corruption (APNAC), Uganda, 2006, p.21.

The Parliament has the power to create and constitute select committees for consideration of matters to which the House may refer. Besides, Parliament can also appoint special committees to investigate any matter of public importance that does not come within the jurisdiction of the standing committees or has not been dealt with by the select committee. Such special or ad hoc committees can be assigned to investigate the acts of corruption as they arise. An instance was a special committee constituted to investigate the sale of the Uganda Commercial Bank (UCB) in 2002.<sup>26</sup>

The Public Accounts Committee (PAC), as one of the standing committees of the Parliament, has overall responsibility for matters of financial accountability. The PAC has the role of examining reports of the Auditor General (AG) tabled before Parliament and to report back to the Parliament on remedial actions recommended and to be acted upon by Cabinet. The PAC, for instance, has the power to summon any controlling officer or department head to give an explanation and be accountable for breaches in financial accounts in the Auditor General's reports. The scrutiny of annual accounts and audit reports by PAC completes the circle of the various stages of controls for ensuring financial accountability. Both the PAC and the AG therefore play very important roles in overseeing public financial accountability.<sup>27</sup> Parliament is also empowered to censure ministers accused of engaging in acts of abuse of office, misconduct and misbehaviour.<sup>28</sup>

## 2. The Police

The Uganda Police force is provided for under the Constitution<sup>29</sup> and its functions *inter alia* include the prevention and detection of crime,<sup>30</sup> including corruption. The function of the police in the prevention and detection of crime is very crucial in efforts to combat corruption, with the Criminal Investigations Department (CID) and its National Fraud Squad charged with carrying out investigations in the process of prevention and detection of corruption. The investigations involve obtaining relevant documents and statements of witnesses in the affected organization. Inputs are sought from experts in the affected organizations and others, especially Auditors, from the office of the Auditor General and document analysts or handwriting experts from the Government Analytical Laboratory.

## 3. The Directorate of Public Prosecutions

Article 120 of the 1995 Constitution establishes the Directorate of Public Prosecutions with the mandate over all criminal prosecutions, including acts of corruption, in Uganda. The DPP is independent in the sense that in the exercise of his or her functions he or she is not subject to the direction or control of any person or authority.<sup>31</sup> Under Article 120 (3) of the Constitution, the major functions of the DPP include directing police to investigate any information of a criminal nature and instituting criminal proceedings against any person in any court with competent jurisdiction, other than a court martial.

Under Article 120 (4) of the Constitution, the functions conferred on the DPP can be performed by him or her personally or by officers authorized by him or her who are State Attorneys and State Prosecutors save for withdrawal of cases from court, which must be exercised by him or her exclusively. The DPP does not carry out investigations of cases. It is the exclusive role of the police and at times the office of the Inspectorate of Government (IG) with regard to corruption.<sup>32</sup> The role of the DPP is to guide and advise police in the conduct of investigations. The cases are reported to police who carry out investigations and refer them to the DPP for legal guidance and/or conducting the prosecution. The prosecutions of corruption offences are done in the magistrates' courts, although the DPP has the power to commit any case to the High Court for trial.<sup>33</sup>

<sup>26</sup> *Id.*

<sup>27</sup> *Ibid.*, pp. 21 and 22.

<sup>28</sup> 1995 Constitution, Art.118 (1).

<sup>29</sup> *Ibid.*, Art. 211.

<sup>30</sup> *Ibid.*, Art. 212 (c) and section 4 (1) (e) of the Police Act Cap 303.

<sup>31</sup> 1995 Constitution, Art. 120 (6).

<sup>32</sup> Police Act Cap 303, Section 4 (1) (e) and Section 8 of The IG Act No. 5 of 2002.

<sup>33</sup> The Trial on Indictments Act Cap 23, Section 1. See also Section 168 of the Magistrates Courts Act Cap 16.

In order to improve efficiency in the management of corruption-related matters, the DPP in 2004 set up a Fraud Unit as a specialized body to handle the prosecutions of all such cases. The Unit members attended a one-month working experience attachment programme with the Directorate of Special Operations ('scorpions') of the National Prosecuting Authority of South Africa. The Unit members handle and prosecute selected high profile, sensitive and/or complex cases of corruption or fraud. The Unit currently consists of five members who work closely with the National Fraud Squad of the CID. The two entities work together in handling cases of corruption from the early stages of investigation and remain in contact throughout the trial through regular case management meetings between investigators, prosecutors, State Attorneys, complainants and witnesses.

Further, in handling cases of corruption, the DPP enjoys the power to: cause the investigation of any bank account, share account or purchase account; apply to court for orders restricting disposal of assets or bank accounts of accused persons; order the inspection of documents and obtaining of copies thereof; and to obtain information.<sup>34</sup>

#### 4. The Inspectorate of Government

The Inspectorate of Government (IG) as the ombudsman and key anti-corruption agency is provided for under Article 223 of the 1995 Constitution. The IG has the power to investigate, cause investigation, arrest, cause arrest, prosecute or cause prosecution in respect of cases involving corruption.<sup>35</sup> The major differences in the roles of the DPP and IG are that while the IG has powers to investigate, arrest and prosecute offenders, the DPP does not investigate or arrest but relies on police for investigations and arrest. Further, while the DPP has powers to control and handle all criminal prosecutions in the country, the IG handles investigations and prosecutions only in corruption cases and cases of abuse of authority or public office.

#### 5. Courts of Law/Judiciary

The Courts of Law as organs empowered with the administration of justice are provided for in Chapter 8 of the 1995 Constitution.<sup>36</sup> Cases of corruption in Uganda are handled in the magistrates' courts. The judicial officers presiding over these courts are qualified lawyers. The above notwithstanding, the DPP has powers to commit any case to the High Court for trial despite the fact that magistrates have jurisdiction to handle them.<sup>37</sup>

#### 6. Directorate of Ethics And Integrity (DEI)

The establishment of the Directorate of Ethics and Integrity (DEI) was in response to a public outcry that the presence of specific anti-corruption bodies had not been effective in efforts to control and combat corruption in public office, and against the background that some of the anti-corruption agencies were in fact themselves corrupt. The DEI is therefore mandated to provide co-ordination policies and strategies towards effective anti-corruption efforts.

#### 7. Auditor General (AG)

The office of the Auditor General is an autonomous public body established under Article 163 of the 1995 Constitution. It is the overall institution that acts as a watchdog over financial integrity and is responsible for auditing government income and expenditure. The law empowers the AG to conduct financial and value-for-money audits on the public accounts of Uganda, including those of public offices, government projects and organizations established by Acts of Parliament.<sup>38</sup> The AG's audit responsibility and function extends to local government.<sup>39</sup>

<sup>34</sup> Penal Code Act (*supra*), Section 274. See also Sections 16-20 of the Prevention of Corruption Act Cap 121.

<sup>35</sup> 1995 Constitution, Art. 230 (1). Also see Section 8 of the Inspectorate of Government Act No.5 of 2002.

<sup>36</sup> 1995 Constitution (*supra*) Arts 126-151.

<sup>37</sup> The Trial on Indictments Act Cap 23. Section 1. See also Section 168 of the Magistrates Courts Act Cap 16.

<sup>38</sup> 1995 Constitution (*supra*), Art 163 (3).

<sup>39</sup> Local Government Act., Section 88.

### III. PROBLEMS FACED IN THE LEGAL SYSTEM IN FIGHTING CORRUPTION IN UGANDA

This section of the paper appraises the problems faced in the legal system in combating corruption in Uganda. They include the following:

#### A. Inadequacy of the Law

There are weaknesses in the law related to the management of corruption as discussed.

##### 1. The Prevention of Corruption Act

It is the major anti-corruption law but restrictive in the sense that it only applies to members, officers and servants of a public body and does not encompass private companies and corporations. It also addresses only the offence of bribery. However, there is a Bill in place which aims at amending the above Act and is intended to redefine and broaden the offence of corruption.

##### 2. The Inspectorate of Government Act

Though the above law is good as far as management of corruption is concerned, it also has its limitations. For example, the jurisdiction of the Inspectorate of Government is limited to Government Department undertakings or services; statutory corporations or authorities; the Cabinet; Parliament; courts of law; police; prisons; Government aided schools; UPDF; local Defence Forces; Council Boards; societies or committees established by law for the control and regulation of any profession; public commissions, associations or similar bodies, whether corporate or not, established by or under the law; national security organizations and any other person, office or body that administers public funds on behalf of the public.

##### 3. The Leadership Code Act

Section 7 of the Leadership Code Act provides that the contents of the declaration are to be treated as public information. However, this information is only accessible to the members of the public upon application to the IG in a form prescribed under the Code. This, given the level of literacy in Uganda is self-defeating since it is unlikely that the majority of the population will be familiar with such a procedure. The law also addresses only a specific category of people (leaders) as defined in the Act. This therefore means that it is limited in scope in that it caters only for that group of people. Private individuals who are not leaders within the meaning of the Act who may amass a lot of wealth through commission of corruption offences are not required to declare their wealth to any authority. It therefore follows that such people will enjoy their ill-gotten wealth unchecked. It is also important to note that Uganda lacks laws that target the proceeds of corruption and yet corruption empowers the offenders with economic gain. Even in cases where the offender may be convicted, their ill-gotten wealth remains intact.

#### B. Inadequate Resources

Anti-corruption agencies suffer in common from a chronic shortage of resources, both financial and human. In spite of being constitutionally independent bodies, which puts them in an advantageous position to lobby government and urge for more funds, anti-corruption agencies have not benefited from any sector-wide approach or resources and are heavily dependent on core government funds as well as project funds from the international community. In addition, by virtue of their mandates, anti-corruption agencies tend to have uneasy relationships with some political institutions responsible for resource allocation and management.

#### C. Lack of Specialization in Handling Corruption Cases

The anti-corruption agencies face a lot of challenges in their attempt to combat corruption. Corruption offences are very intricate in nature, committed in a very complex manner and by very sophisticated people. It requires an equally trained team of personnel as investigators, prosecutors and magistrates to combat them. Whereas the police (CID) and DPP, as investigative and prosecuting bodies respectively, have made attempts to set up specialized units to handle corruption related matters, the courts have not. There is no specialization in the magistrates' courts and they handle corruption matters in addition to all categories of criminal cases. It is also worth noting that even in institutions like the police and DPP, where attempts have been made to set up specialized units to handle corruption related matters, the members in those units lack adequate training necessary for effective management of corruption. There is therefore great need to continually train and upgrade staff in the investigation, prosecution and adjudication of corruption cases.

#### **D. Inadequate Staffing**

The agencies vested with the mandate of combating corruption are understaffed. Whereas corruption is on the increase, the manpower responsible for fighting it is inadequate. For example, Uganda has only two handwriting and document analysis experts and no police expertise in forensic auditing or investigation of corruption. Investigators uniformly lack the accounting and computer skills that would allow them to access and analyse financial records.<sup>40</sup> This causes delays in investigations of these crimes, which have very adverse effects like the death of very vital witnesses and loss of interest in the cases, which grossly affect their outcome. At times, the State is forced to take the cases to court during early stages of investigations and once the cases are in court, there is pressure to fix them for hearing. The cases are then fixed for hearing when the prosecution is not fully prepared to proceed. Investigations continue while cases are under hearing which is a dangerous trend and in many cases does not favour the prosecution. The problem of understaffing also affects the prosecuting and adjudicating agencies.

The above problem is aggravated by the issue of poor remuneration of the personnel with responsibility for managing corruption. This affects their morale and motivation in handling these crimes. It is also tempting in that the perpetrators of these crimes have amassed a lot of wealth and they can easily compromise the personnel who are underpaid. This of course affects the quality of investigation, prosecution and adjudication of corruption cases.

#### **E. Insufficient Public and Victim Participation and Awareness**

In order to effectively combat corruption, and its adverse effects, there is need for effective public involvement. However, many people do not seem to be aware of the fact that corruption involves and affects everybody. Many people seem to be indifferent or ignorant of their role in the fight against corruption by serving as witnesses. Most people do not feel any obligation to play any direct role in preventing corruption, or where it has been committed, to act as witnesses. The public do not view corruption offenders with the same intolerance as those who do grievous harm to them and commit other crimes of a personal nature. Consequently, the public and the relevant officials are rather reluctant to assist the investigators and prosecutors in a number of cases.

There is also lack of co-operation from witnesses who are approached by investigators to provide evidence or serve as witnesses for fear of reprisals from the culprits. Other witnesses do not want to implicate relatives, friends, employers or any other influential person. For instance, it is often hard to secure the attendance of witnesses in court where they are expected to give evidence implicating their bosses. This is either because of the good working relationship that existed between the parties before the commission of the offence or the fear that when the culprits are acquitted and reinstated, the witnesses will be victimized.

Also, some victims such as banks, embassies and religious organizations do not want exposure and as such, are reluctant to report or participate actively in those cases which get to court. In some cases, they have no confidence in the criminal justice system to handle their cases properly.

#### **F. Inadequate Co-Ordination among the Anti-Corruption Agencies**

There has been inadequate co-operation and co-ordination between the anti-corruption agencies and there have always been accusations and counter accusations amongst them. In order to improve efficacy in the fight against corruption, Uganda has realized the need for increased co-ordination among the institutions of the Justice, Law and Order Sector (JLOS) with other institutions. In this regard, Uganda has put in place the Anti-Corruption Inter-Agency Forum (IAF) in which JLOS institutions are active participants. The Forum is chaired by the Minister of Ethics and Integrity and comprises the Inspector General of Government (IGG), the Director of Public Prosecutions (DPP), the Judiciary, the Police, the Public Procurement and Disposal of Public Assets Authority, the Auditor General and other institutions. Through the Forum, the anti-corruption agencies have been working together on the design and implementation of the National Strategy to fight corruption, promote publicity and advance legal reforms. For instance, they made a report on the initiation of the whistleblower protection legislation in Uganda in August 2003 and initiation of *Qui Tam* legislation in October 2003. *Qui Tam* is an abbreviation for "*Qui tam pro domino rege quam pro se ipso*" which means, "Who sues on behalf of the king as well as for himself." This legislation will

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<sup>40</sup> Ibid.

allow private citizens or whistleblowers who know of fraud committed against the government to file suit for and on behalf of the government to recover the losses caused by the fraud.

Also, through the chain-linked initiative programme, the issue of close co-ordination, communication, and co-operation among the criminal justice agencies has been emphasized in streamlining operations that have an impact on the fight against corruption. Under the programme, performance standards for all the institutions have been designed. They set time limits within which investigations, perusals of police files, prosecutions, adjudications and written judgments by relevant officers are supposed to be completed.

Further, the DPP and police have in a place a joint co-ordination committee which meets monthly to ensure that the operations between the two key institutions in the criminal justice system remain co-ordinated. The DPP and police also have joint annual workshops where they share experiences, discuss common challenges and stress the need for more co-ordination amongst them. It is proposed that the judiciary be included in these workshops.

#### **IV. POSSIBLE SOLUTIONS TO THE PROBLEM OF CORRUPTION**

In order to effectively combat corruption, there is a need to reform the existing laws. The traditional approach to corruption has been drafting of anti-corruption and penal legislation. In Uganda, there is the Prevention of Corruption Act (enacted in 1970) and the Penal Code Act as already cited above. The above legislation has however always targeted corruption in the public sector and not the private sector. On the other hand, legislation and policy need to be backed and supported by strong institutional mechanisms, standards and processes. There is already in place a bill amending the Prevention of Corruption Act, which *inter alia* aims at widening the definition of corruption and will soon be passed into law.

Considering their complexity, there is also a need to establish specialized institutions to handle corruption matters. Specifically, there is a need to have a special court in place to handle only corruption matters. Given the fact that the DPP and the police already have in place those specialized units (Fraud Unit for the DPP and National Fraud Squad for the police), establishment of a special court would greatly improve the management of corruption. The staff in the above named units should be specially trained in matters of corruption so as to be able to address the challenge.

There is also need to have more funds allocated to the anti-corruption agencies, given the magnitude of the challenges involved in the fight against corruption. This should include remuneration of the personnel involved so that they are retained in those institutions. There is a further need to recruit more personnel to the anti-corruption agencies since there is a problem of insufficient capacity. Co-ordination, co-operation and communication between the anti-corruption agencies should be emphasized.

#### **V. CONCLUSION**

Corruption, with its adverse effects, is on the increase both in the public and private sector. Though there is an existing legal and institutional framework in Uganda to fight it, it is not adequate and there is a need for reform in the laws. Furthermore, the anti-corruption agencies need to be adequately equipped in terms of training, funding, staffing and remuneration and there is also need to improve co-ordination among the anti-corruption institutions and agencies in order to effectively fight corruption.