

Continuing
vision
objectives
structure
and
plans

CIVIL SERVICE REFORM

Public Service
Employees' Union

- (k) **Transparency and accountability of leadership:** Both elected and appointed leaders at all levels need to be fully transparent in their activities and fully accountable to the people they represent or serve. Transparency must extend to being open about their activities and about the public funds and property they handle. Accountability should also include both the way they carry out their duties and their honesty. The higher the level of leadership, the more public and open the accountability should be. People should be able to see that leaders, whose power comes from them, are exercising it in the people's interests, and not their own.

Prohibited Conduct

17. The Leadership Code¹¹ Statute prohibits leaders covered by the Code from involvement in a detailed list of certain kinds of conduct which can be categorised into two. Firstly, there are several kinds of prohibited conduct specific only, to leaders. In other words, except for the fact of prohibition in the Code, such conduct is probably not illegal. This conduct includes asking or accepting gifts or benefits in relation to exercise of official duties; permitting a conflict of interests between official duties and personal interests; failure to seek prior approval from the Leadership Code Committee to contract or deal with government or some kinds of foreign businesses; abuse of government property; and misuse of official information not available to the public.

18. Secondly, there is a range of conduct which may well be prohibited by existing laws, but which is nevertheless also prohibited to leaders. One result is that leaders who commit such conduct could be subject to both proceedings for breach of the Code and to criminal or other proceedings under any other law relating to such conduct. The conduct in question includes: misappropriation of public funds; improper use of official position to obtain property; use of official time for private business to the detriment of official duties; conduct prejudicial to official status; evasion of taxes or other financial obligations; furthering the interests of a foreign government contrary to Uganda's interests; practicing favoritism or nepotism; committing sectarian acts prohibited by the Penal Code; neglect of duty so as to impede efficiency of government; acts prejudicial to people's rights, inclusive of sexual harassment; violation of fundamental rights and freedoms; and activity designed to undermine the integrity of government.

¹¹The Draft Constitution of the Republic of Uganda, Chapter 16, Leadership Code of Conduct, page 113

19. All the above kinds of conduct are prohibited to all leaders (that is, all those listed in the First Schedule of the Statute)¹². In addition, the more senior of those leaders (those listed in the Second Schedule) are also prohibited from either holding shares, franchised, proprietary interest or office in any foreign business organisation or operating as commission agents. In the light of the concerns and principles outlined above, there are also other kinds of conduct which should be considered for adding to the prohibited list. In particular:

- (a) all leaders covered by the Code should be prohibited from:
 - (i) engaging in acts or omissions which amount to professional misconduct;
 - (ii) doing or failing to do any act that diminishes the value of public property;
and
 - (iii) in the case of elected leaders, failing or neglecting to honor pledges made at a fundraising event.

- (b) senior leaders (those covered by the Second Schedule) should, unless they notify and get the consent of the authority responsible for administration and enforcement of the Code; be prohibited from:
 - (i) holding a gainful directorship in a public company other than one where the nomination is made by government;
 - (ii) engaging in other gainful employment; or
 - (iii) accepting loans.

Disclosure requirements

20. Under the Leadership Code Statute, annual disclosure of income, assets and liabilities of a leader must be made to the Inspector General of Government in the manner specified in a form set out in the Third Schedule to the Statute. Serving leaders must do so within three months after commencement of the Leadership Code, and new leaders within the same period after assuming office. Subsequent statements are required to be submitted annually during the month of December as long as a person remains a leader. A person who ceases to be a leader must submit a statement within six months after ceasing to be a leader. The disclosure must cover both the leader and his or her "nominees". A nominee is defined as anyone who controls or manages business or affairs of which the leader is principal beneficiary, or whose business decisions or acts are such that they are in essence made or

¹²The Report of the Uganda Constitutional Commission, Analysis and Recommendations, Chapter 20, page 572

done by the leader. The disclosure statement are treated as secret, and can only be disclosed to the Leadership Code Committee, the IGG, the Auditor-General, senior Police officers investigating an offense or a person authorised by order of the High Court. Failure to submit a disclosure statement or submission of an inaccurate statement is a breach of the Code.

Code of Conduct for Civil Servants

21. The Code of Conduct is also to be extended to the civil service to set a moral tone for society by adopting and maintaining a code of behaviour based on the principle of selfless service. The code will ensure that civil servants conduct themselves both in the official, public and private lives in accordance with the provisions of the law, and the provisions of the leadership Code of Conduct in particular; disclose their interests in contracts with government, government bodies or enterprises; and declare their assets, incomes and liabilities and those of their spouses at least once in every period of twenty four months while remaining in service and for a period of another two years after ceasing to be a civil servant. Some of the proposals for the code are not new. Their parallels are in the following quotations from the Standing Orders that will require that:

- (a) a high standard of conduct both in carrying out their official duties and in their private lives is expected of public officers as they are in the public eye and should therefore be setting good example;
- (b) 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 interests 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.

22. The Code of Conduct is to be supervised and enforced by the Inspectorate of Government, or such other authority as may be determined by government, who should receive annual disclosure statements, and should monitor observance of the Code. The Code should provide that action recommended against a person found to have breached the Code must be taken by the relevant authority within a certain period, after which the recommended penalty should take effect automatically.

23. There should be limits set out in the Code on the period for which a person can be suspended from office for breach of the Code. And where a person is dismissed from office

for breach of the Code, he/she should be prohibited from holding public office for a period of at least five years. Every civil servants, on appointment, shall be required to take an oath to this Code of Conduct, as currently the case with the oath of secrecy and allegiance.