



ETHICS AND INTEGRITY

PARTICIPANT'S HANDBOOK

FOR

HIGHER AND LOWER LOCAL GOVERNMENTS

Ministry of Local Government

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NOT FOR SALE

Foreword by the Ministry of Local Government

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List of Abbreviations and Acronyms

ACAO	Assistant Chief Administrative Officer
CAO	Chief Administrative Officer
CBOs	Community Based Organisation
CSO(s)	Civil Society Organisations
DDP	District Development Plan
FOR	Fact, Opinion, Rumour
IGG	Inspectorate of Government
LC2	Local Council 2: Parish Council
LC3	Local Council 3: Sub-county Council
LC5	Local Council 5: District Council
LDC	Law Development Centre
LGA	Local Government Act
LGDP	Local Government Development Programme
LGPAC	Local Government Public Accounts Committee
LGTB	Local Government Tender Board
MoLG	Ministry of Local Government
NGOs	Non-governmental Organisations
PEAP	Poverty eradication Action Plan
PMC	Project Management Committee
RDC	Resident District Commissioner
SDU	Strengthening Decentralisation in Uganda

1.0 Introduction

All stakeholders, (all bodies/individuals who have an input or are affected by Local Governments i.e they have interests in Local Governments), have acknowledged the role of Local Government officials in supplementing the efforts of Local Governments to facilitate and mobilise communities for their full participation in local governance and the development process. Local governments with Ethical leaders have registered tremendous (very good/ allot visible/exemplary) development of infrastructure (facilities necessary for a Local Government and may include Roads, Schools, water sources and administrative systems) and improved service delivery.

In order to ensure increased participation of the people in planning and control of decision-making, Local Governments leaders/officers, need to be equipped with the requisite/necessary skills to ensure ethical conduct as they mobilise and involve communities in the planning, implementation and monitoring of programmes in their respective areas. This is informed by the overall policy and legal framework. Decentralisation is one of the key policies. In this connection, the Office of the President has developed a strategic plan on Ethics and Integrity. The material in this handbook is expected to be used for reference by participants and to supplement the notes and ideas generated from group discussions. In addition there is adequate legal framework to practice ethics and integrity in Local Governments that has not been fully harnessed (fully utilized).

2.0 Module Objectives of the Course

The purpose of this training is to build the capacity of Local Government officials and Civil Society Organisations by equipping them with the necessary skills to be able to mobilise themselves for active participation in the development process using ethical methods/processes. Emphasis has been made on Civil Society Organisations, local council officials and appointed officials because of their critical position in the overall decentralisation framework.

By the end of the course, participants should be able to:

- Define the concept of ethics and integrity as they apply to local governments and the benefits of fair, ethical governance
- Cite and interpret parts of the Code of Conduct
- Explain and demonstrate ethical practices

- Identify the X number most prevalent (happening generally or widespread) manifestations (Clear and obvious) of unethical practices and formulate plans to address them
- Define at least X ways of protecting those who expose unethical behavior
- Define X number of ways of rewarding those who exhibit ethical behavior
- Define X ways of sustaining ethical behavior

The specific objectives of the module are the following:

- To enable participants improve on their understanding of Ethics and Integrity
- To enable participants share experiences and acquire new skills Ethics and Integrity
- To place the role of Local Government officials, CSOs as well as other stakeholders in participatory democracy (involving the majority/popular), decision making and the overall decentralisation framework

3.0 Course Descriptors

Under this section there is a layout of the course, clearly defining what each session in the module covers in so far as Ethics and Integrity are concerned in the Local Governments.

3.1 Course Title: Ethics and Integrity

Overall Module Objective: The Purpose of this two-day training course is to build the capacity of Local Government officials and Civil Society Organisations by equipping them with the necessary skills to be able to mobilise the community for active participation in the development process using ethical methods. Ethics and Integrity in the overall decentralisation framework, highlights and Constitutional missions, the Leadership Code 2002, Ethical Behaviour, mainstreaming (make it a day to day activity or regard it as a routine) of ethical behaviour, protection of whistle blowers, promotion of ethical behaviour and identification of key players in promotion of ethical governance will constitute the contents of this module.

3.2 Session One Course Title: Ethics and Integrity

Session Objectives: To define Ethics and Integrity; To articulate the key areas and concepts in ethics and integrity; To outline the roles of different players in ensuring ethical behaviour; To state the importance of Ethics and Integrity and To appreciate the background to Decentralisation in Uganda.

Session Duration: 80 minutes

3.3 Session Two Course Title: Constitutional Provisions on Ethics and Integrity

Session Objectives: To enable participants to get exposed to broad areas in the Constitution that emphasise Ethical Governance. To enable participants cite some parts in the Constitution that directly have a *bearing* on ethical governance.

Session Duration: 85 minutes

3.4 Session Three Course Title: Leadership Code 2002 and Ethical Behavior/Conduct

Session Objectives: To expose participants to the Leadership Code 2002

Session Duration: 90 minutes

3.5 Session Four Course Title: Ethical Behaviour/Conduct

Session Objectives: To enlist characteristics of ethical behaviour/conduct, identify situations that lead to ethical behaviour/conduct

Session Duration: 95 minutes

3.6 Session Five Course Title: Prevalent Manifestations of Unethical Practices

Session Objectives: To define concepts like prevalent and manifestations, to identify prevalent manifestations of unethical behaviour, to identify the roles of both Local Governments and CSOs in taking deliberate actions to promote honesty and transparency in the day to day conduct of their duties.

Session Duration: 85 minutes

3.7 Session Six Course Title: Protection of Whistle Blowers

Session Objectives: How to promote whistle blowers, To articulate the importance of whistle blowing; To articulate the role of Local Governments in protecting whistle blowers, To identify the constraints and challenges in protecting whistle blowers; To define the concept whistle blowing.

Session Duration: 95 minutes

3.8 Session Seven Course Title: Rewarding Ethical Practitioners

Session Objectives: To give a definition of Ethics and Integrity; To outline ways of promotion of ethical conduct; To articulate the need for rewarding an official who behave in an ethical manner.

Session Duration: 95 minutes

3.9 Session Eight Course Title: Key Players in Promoting Ethical Conduct
/Behaviour in Local Governments

Session Objectives: To identify key players in the promotion of ethical conduct in Local Governments; To describe deliberate steps that can be taken by each stakeholder to promote ethical behaviour (at least 4 per stakeholder); To list at least 4 ways each stakeholder can take to protect whistle blowers; To list at least 5 ways of rewarding officials who conduct themselves ethically; To list at least 4 ways in which unethical behaviour is prevalently manifested.

Session Duration: 95 minutes

4.0 Participants' Notes

Handout to Session One: Ethics and Integrity

PART I

BACKGROUND TO DECENTRALISATION IN UGANDA

Since 1993, Government has pursued a Decentralised System of government, under which political, administrative and financial powers were transferred from the Central Government to Local Governments and Administrative Units. Uganda's decentralisation policy is outlined in Chapter 11 of the 1995 Constitution, and is amplified and operationalised by the Local Governments Act, 1997. The reform is generally intended to make Local Governments effective Centres of self-governance, participation, local decision-making, planning and development.

The Main Objectives of Decentralization

- a) Transfer real power to Local Governments and reduce the workload of remote, under resourced central officials.
- b) Bring political and administrative control over services at the point of delivery in order to improve accountability and efficiency.
- c) Free local managers from central constraints and allow them to develop organisational structures tailored to local circumstances.
- d) Improve financial accountability by establishing a clear link between payment of taxes and provision of services; and
- e) Improve Local Council capacities to plan, finance and manage service delivery to their constituents. This constitutes a total reversal of the centralising tendencies of earlier governments.

The Policy and Concept of Decentralization

Decentralisation has been defined as the transfer of planning, decision-making and administrative authority from the Central Government to Local Governments.

Decentralisation takes many forms; de-concentration, devolution, delegation and privatisation. These four are primarily distinguished on the basis of the powers that Central Government transfers or gives up to the local units. The different forms reflect:

- Different constitutional and legal arrangements.
- Different degrees of decentralisation government.
- Different arrangements for representation of the local community.
- Different approaches to decentralisation.
- Different resource control arrangements.
- Different climate of rules, regulations and expectations.

Deconcentration

This is the shifting of responsibility and workload from central government ministry headquarters to staff located outside the national capital. The degree of latitude given to field staff differs. In field administration, for instance, field officials are allowed some discretion in routine decision-making and, provided they stay within the guidelines set by their parent Ministries, can adapt the implementation of central directives to local conditions. However, although they may have advisory committees or get inputs from the local community, field staff are ultimately responsible to the central authority for all decisions they make.

In Local administration, on the other hand, all subordinate levels of Government within a country – appointed agents of the central Government, who serve at the pleasure of the nation's Chief Executive, head regions, provinces, city, districts, municipalities and other units. Local functions are performed under the technical supervision of central ministries within strict guidelines set at the Centre.

Delegation

This is the shifting of responsibility for administering public functions, making decisions, producing goods (functions previously done by central government ministries) to semi-independent organisations, which, though not wholly controlled by the government, are ultimately accountable to it. Such organisations include marketing boards and other parastatal bodies, public corporations, regional planning and area development authorities, housing authorities, project implementation units, and single and multi-purpose functional bodies.

Devolution

This is the transfer of discretionary decision-making, planning, administration and financial management to independent local government units with powers to sue and be sued. The political base of officials in these units is the locality, not the centre. They spend or invest resources at their discretion, provided they are operating within the legislated limits and their actions do not conflict with the constitution, and other laws of Uganda and the broad national goals.

Privatisation

This is the giving up by government, primarily for reasons of efficiency, of certain functions and services to various sections of the private sector, namely, business, community groups, co-operatives, associational groups, and non-governmental and community based organisations.

Uganda has chosen and adopted the devolution form of decentralisation, and listed below are the reasons for choosing devolution of powers.

Benefits of Decentralization in Uganda

- It cuts bottleneck or red tape imposed by an over-centralised system
- It allows local people a greater chance to participate in development planning and decision making
- It permits the convenient provision of services locally for which they travelled long distances to obtain
- It gives local politicians and the public a chance to practice, learn and understand democratic practices
- It facilitates development from the grass roots
- It encourages mutual approach in solving local problems

- It increases public participation in the development process thereby increasing a sense of community ownership of projects
- It allows special interest groups to be represented and participate in decision-making in Local Councils i.e. women, youth and the disabled.
- It makes it easier for the local people to relate taxes to development.
- It strengthens national policy and planning by freeing ministry staff from administrative and routine responsibilities.
- It promotes inter-sectoral collaboration at the local government levels.
- It allows central government to play the supervisory and setting of standards roles.
- It enhances opportunities to foster ethical behavior in Local Governments

Implementation Challenges

- Problems of transition from a highly centralised system
- Problem of co-ordination between local governments and central government.
- Revenue expenditure assignment problems.
- Management capacity problems.
- Democratic accountability problems.
- Low levels of ethics and integrity in some Local Governments

Way Forward

Decentralisation must be viewed as a process which requires:

- Strong political commitment, dialogue and consensus building to achieve its objectives.
- A legal framework, which, clearly assigns powers, functions, and responsibilities to different levels.
- Supportive attitudinal behavior and cultural conditions.
- Inspection, supervisory, mentoring, monitoring and evaluation arrangements, which ensure that all parties abide by the laid down rules.
- Leadership both political and appointed to exhibit high levels of Ethics and Integrity.

PART II

Key concepts in Ethics and Integrity

- **Ethics** means a moral obligation towards the established Code of conduct. Code of Conduct refers to the do's and don'ts.

- **Integrity** means the quality of being honest and having strong principles. Being with an impeccable character.
- **Unethical behaviour** and lack of integrity are largely associated with corruption. For example soliciting for monies from tenderers before awarding them tenders or demanding for a goat before you sign an appointment letter for a newly appointed employee.
- **Accountability** The act of explaining the utilisation of resource. Feedback to stakeholders on utilisation of resources. This for instance calls for production of genuine receipts or showing ‘wanainchi’ a building that they raised monies for in a given Financial Year.
- **Corruption** Selfish utilisation of resources denying the rightful people a chance to get a fair share of the resources or services they are entitled. Examples may include;
 - (i) Instead of serving prisoners with food, which is adequate or budgeted for, you divert part of it to your colleagues or families or for sale.
 - (ii) Delay to sign salary Cheques or suppliers’ Local Purchase Orders (LPOs)

Causes of Unethical Behaviour and lack of Integrity

- Breakdown in the rule of laws due to civil strife
- Lack of a clear understanding of existing codes of conduct e.g the Standing Orders which are hardly known or identified by these to adhere to them
- Poor procurement systems. Procurement procedures and standards are not adhered to
- Inadequate legal machinery – completion cases list on technicalities such as lack of evidence
- Lack of or unclear inter institutional linkages e.g between the Minister, IGG and the Judiciary and Police.
- There is severe lack of systems, logistics, (The organisation of supplies and services e.g Stationery, Transport tools and equipment etc) and technical capacity in public offices to carry out sound management activities
- Corruption among politicians. Buying votes and once in office, try to recover investments made.
- Greed driven by the unstable desire for personal gain
- Individual who are recruited into public office through backing of politicians. Such people can not conform to ethics and integrity
- Social/peer pressure. Where the wealthy are respected regardless of their moral stand and method of acquisition of their wealth. Demand to support extended families adds pressure for unethical behaviour and manage..

- Inadequate remuneration in the context of a high cost of living breeds abuse of ethics and integrity
- Job in security for both political and civil offices
- Bureaucracy (official rules and procedures of an organisation) and red tape
- Ill health

Importance of Ethics and Integrity

- Ethics and Integrity are important to forestall
- Poor delivery of services is limited e.g officials learn not to “sit on others documents)
- Inadequate distribution of services (resources decline in morals) is addressed e.g no single Sub-county can have all development projects, hence balanced development) of a given Local Government
- Widening the gap between the rich and the poor is checked through equitable distribution of resources
- Political instability is checked
- Breeding ill health due to sexual harassment hence spread of HIV/AIDS is checked
- Investment and low economic growth is checked.
- Disappearance of project activities is controlled or eliminated through timely accountability.
- Endless fatal accidents (traffic officers) who are corrupt is checked
- Undermining deliverance and accountability is checked by relevant officials implementing relevant policies and procedures transparently and in a proper manner.

Roles of the different players in ensuring ethical behaviour and integrity

- The Local Governments Accounts Committee examines reports of the Audit general’s and recommends appropriate (acceptable or correct in given circumstances) action. E.g those who misappropriate funds be dismissed and/or monies recovered from their salaries/allowances.
- The public accounts committee of Parliament also examines the Auditor General’s reports on Local Government and recommends appropriate action. It may recommend recovery of funds, demotion, recruitment of competent staff etc.
- The Internal Audit department at Local Government produces quarterly Internal Audit reports to be discussed by the Local Public Accounts Committee
- Auditor General examines Annual accounts of Local Governments and reports to Parliament
- The office of IGG investigates any act of corruption and abuse of office and causes prosecution or recovery of monies, stoppage of Tenders etc.

- Finance Committee of the Council supervises accounts on behalf of the Council.
- The Executive Committee ensures checks and balances.
- The Local Councils formulates policies and monitor their implementation
- The District Service Commissions hires and fires public servants in local council. E.g It has exhibited a high degree of integrity and transparency as it executes its duties.
- The Resident District Commissioner oversees and supervises implementation of Government programmes. Programmes may include construction of Feeder roads, Schools and Water sources.
- The Land Board ensures proper land use through allocations, following the laid down procedures. Thus if the land in question is a wetland, then the Land Board should not allocate it say to a firm that wants to use it for construction of a petrol station unless when well advised by the National Environmental Management Authority.
- The technical Committee tenders technical advice to Council.
- The Local Government Tender Board regulates procurement of goods and services. That is to say, it procures following the laid down procedures to the letter and they are also obliged to pin on notice boards which firms won which tenders and maybe time lines for deliveries. The LGTB can circulate its minutes to the relevant District Leadership periodically.
- The media educates and informs the public about all governmental programmes and creates awareness.
- CSOs mobilise communities through sensitisation about their rights. For example Women's /Youth rights or rights of tax payers

What should CSOs do to mobilize communities?

- CSOs should increase the capacity of communities to take action and participate in development and demand for accountability. This can be done through demonstrations, sensitisation programmes, consultative meetings etc.
- CSOs Increase access to information by the poorest and the vulnerable members of the community. The sensitisation workshop or production of relevant posters and literature.
- CSOs advocate for better quality and efficient service delivery.
- CSOs empower communities with information to enjoy their rights.
- CSOs enable communities to manage and sustain investments.
- CSOs promote equality and respect for people's rights and especially the rights of the poor and the vulnerable (that can be hurt, harmed or attacked easily e.g because of being weak or small).

- CSOs advocate for transparency and integrity.
- CSOs promote sustainable utilisation of natural resources.

How are the above achieved?

1. Bring about behavioural attitudinal change in the community and among partners (i.e change people's ways of behavior, thinking and way of doing things)
2. Impart knowledge and skills.
3. Encourage mutual respect and participation of men and women.
4. Learn and improve on existing knowledge and practices.
5. Create an enabling environment.

Handout to Session Two: Constitutional Provisions on Ethics and Integrity

Definition of Ethics and Integrity

- **Ethics** means a moral obligation towards the established Code of conduct. Code of Conduct refers to the do's and don'ts.
- **Integrity** means the quality of being honest and having strong principles. Being with an impeccable character.
- Unethical behaviour and lack of integrity are largely associated with corruption.

Constitutional Provision

Ethical behaviour and Integrity draw emphatic flow from various provisions of the Constitution and other laws of the land. Examples of such laws are the LGA, 1997, the Land Act 1998, the Leadership Code, 2002, etc.

Objective XXVI of the Constitution provides that:

- (i) All public officers shall be held in trust for the people
- (ii) All persons placed in positions of leadership and responsibility, shall in their work, be answerable to the people
- (iii) All lawful measures shall be taken to expose combat and eradicate and abuse or misuse of power by those holding political and other public offices.
 - Article 17(I) of the constitution imposes a duty on every citizen of Uganda “to combat corruption and misuse or wastage of Public property
 - Article 107(1) provides unethical grounds on which a President maybe removed from office
 - Article 118 always provides the basis on which misuse maybe concerned.
 - Chapter 8 of the Constitution provides for the Judiciary and administration of justice and hence enhances ethical conduct and integrity
 - Chapter 9 of the Constitution deals with finance. For example the Office of the Auditor General is established under Article 163 to enhance accountability of public funds
 - Article 164(2) states that “any person holding a political or public office who directs or concerns in the use of public funds contrary to existing instruction shall be accountable for any loss arising from that use and shall be required to make good the loss even if he/she has ceased to hold that office.

- Article 196 (b)-(c) requires Parliament to make laws prescribing financial control and accountability measures for compliance by all Local Governments (c) imposing regular audit requirements and procedures for Local Governments
- Chapter 13 establishes the office of the IGG. The IGG is empowered under Article 225(1) to:
 - (a) Promote and foster strict adherence to the rule of law and principles of natural justice in administration
 - (b) Eliminate and foster the elimination of corruption, abuse of authority and of public office
 - (c) Provide fair, ethical and good governance in public offices
 - (d) To supervise the enforcement of the leadership code of conduct
 - (e) Investigate any act, omission, advice, decision or recommendations by a public officer or any other authority in exercise of administration function
 - (f) Article 233(1) requires Parliament to establish a leadership code of conduct for persons holding public offices
 - (g) Article 233(2) requires specified officers to declare their incomes, assets and liabilities (financial obligations e.g electricity bills or rent arrears) from time to time and how they acquired or incurred them.
 - (h) Prohibit conduct
 - (i) Likely to comprise the honesty, impartiality and integrity of specified officers or
 - (j) Likely to lead to corruption in public affairs
 - (k) Which is detrimental to the public good or welfare or good governance

The Local Governments Act, 1997, in a manner has several provisions that touch the concept of Ethics and Integrity leg and some are highlighted below:

- Section 15 (1) provides grounds for removal of the chairperson of the District Council
- Section 55 4 9b) spells the ground for removal of a member of a District Service Commission who behaves unethically
- Section 69 similarly provides the basis for removal of the CAO due to unethical conduct
- Article 72 creates the office of RDC who is empowered among others to offer advise to the chairperson to cause special audits, draw the attention for the Auditor General to the need for especial investigation audits of the Local Government Council, draw the author of the IGG need to investigate any cases of mismanagement or abuse of office

- Section 79(2) empowers the Minister for Local Government by Statutory Instrument to make financial and accounting regulations showing/elaborating financial and accountability measures for compliance by all Local Governments
- Section 88 requires the Auditor General to Audit Local Government Accounts
- Section 89 creates the office of the Local Government Public Accounts Committee with powers to examine the report of the Auditor General, Chief Internal Auditor etc and recommend appropriate action under section 92 of the Local Government Feeder road is created to enhance transparency and value for money in procurement of goods and services at the local level.
- Section 99 provides for inspection of Government by line Ministries to
 - (a) Promote and foster adherence to the rule of law and principles of natural justices and good governance
 - (b) Foster /Promote the elimination of corruption and abuse of office

Handout to Session Three: Leadership Code and Ethical Behavior/Conduct

Communities deserve a good leadership to have clean leadership and ethical conduct, the leaders have to adhere to the existing laws such as The Leadership Code Act, 2002 and The Local Governments Act, 1997. The key provisions relating to the ethical conduct in the above law are cited below:

▪ **Declaration of Assets and Liabilities (Section 4 Leadership Code Act, 2002)**

A leader, has to submit his/her written declaration of income, assets and liabilities and of those of his/her spouse, children and dependants every after two years.

The consequences of not declaring assets and liabilities are:

- Dismissal
- Vacation of office.

In case of councillors, failure to declare his/her assets within three months after assuming office is ground for revocation of mandate of councillor (Third Schedule of the Local Government Act 1997 Regulation 7(I)(a))

▪ **Conflict of Interest**

This is when a leader deals with a matter in which he/she has personal interest or where he/she is in a position to influence the matter, directly or indirectly in the course of his/her official duties. Councillors, Civil servants and members of Statutory Bodies (District Service Commissions, Local Government public Accounts Committee, Local Government Tender Boards etc) have to guard against this evil. In Local Governments this may occur in award of tenders and recruitment of staff. A leader who finds him/herself in this position should declare the personal interest and not participate in any deliberations or action relating to the subject matters

- **Declaration of Gifts and Benefits of more than ten currency points (200,000/=) to the IGG**
- **Directly or indirectly accepting any property of gift which influences or is likely to influence the leaders action is prohibited**
- **Leaders are prohibited from transacting business with their organisations (section 12). The consequences are dismissal from office or vacation of office.**

- **Prohibition from abuse of public property e.g. vehicles, telephones etc (Section 13)**
- **Misuse of official information e.g. leaking it to unauthorised persons is prohibited. The consequences are demotion, dismissal or vacation of office**
- **A Leader is also prohibited from the following conduct;**
 - Improper use of office to obtain personal benefits
 - Refusing or neglecting to settle his/her lawful financial obligations to Government or any public body to the detriment of Government
 - Furthering interest of foreign countries to the detriment of his/her own country
 - Practising favouritism or nepotism
 - Obtaining or doing things using unethical methods like coercion (using force), threat or harassment
- **Directing or concurring in the use of public funds contrary to existing provisions is prohibited (Section 15(7) LGA and Section 91 LGA). The consequences are to make good the loss even if one ceases to hold that office**
- **Protection of civil servants from being victimised or discriminated against having performed their duties faithfully in accordance with existing laws.**

The above provision emphasise the need for leaders to behave and act in an honest and transparent manner. Leaders must always account for the actions or wealth. Failure to enforce the above provisions provides fertile ground for corruption to take root. Hence the erosion of Ethics and Integrity.

In conclusion, as leaders you must ensure that you adhere to the legal provisions that promote ethical conduct. Thus you must be exemplary in all actions.

Handout To Session Four: Ethical Behavior/Conduct

The quest for ethical behavior/conduct among leaders remains the major preoccupation of government, Local Governments, CSOs and the public (leaders) their positions to manipulate power, abuse both public management or professional authority for personal benefit, regardless of status or that of their institutions.

An integrity survey conducted by the inspectorate of Government in 1998 showed that most of public institutions providing services were corrupt.

Characteristics of ethical Behavior/Conduct

- Transparency and openness
- Accountability
- Search for value for money
- Admitting faults
- Appreciation of other people's contribution
- Tolerance of divergent (differ in opinion or have a different way of looking at things) views
- Use non secreterian methods of work e.g divide and rule
- Zero tolerance for corruption
- Selflessness and hard work
- Avoiding cliquism, intrigue, and cheap popularity

Situations that lead to ethical behavior/conduct

- Trust among people
- Absence of strife (violent disagreement or conflict)
- Clear institutional linkages
- Professionalism
- Rewarding ethical behavior/conduct
- Punishing unethical behavior/conduct
- Public awareness of unethical behavior

Handout To Session Five: Prevalent Manifestations of Unethical Practices

Unethical conduct and Lack of Integrity in both Public Offices and professional Associations still persists, hence the need to have a re-look on their area Local Government Officials and CSOs.

Defining the Concepts

- **Prevalent**
 - Wide spread
 - Most common
- **Manifestation**
 - An event/action or object or statement that shows something clearly
- **Unethical practices**
 - Practices, which are generally not acceptable based on dishonesty to the effect decisions made, are affected by conflict of interest. E.g unprofessional/ unacceptable way of doing things to all stakeholders

Causes of Unethical Conduct

- The Uganda Government Standing Orders and many existing Codes of conduct are not known or understood by the concerned parties. This creates difficulty to adhere to them, creating fertile ground for unethical practices
- Civil strife of the postcolonial era. Political turmoil and human rights abuse were order of the day in past governments. This led to the deterioration and breakdown in the rule of the law and unethical conduct. The economy declined and hence poor pay. This led to the loss of seasoned ethical personnel and disregard for the codes of conduct of the time.
- Poor moral backgrounds
- Job insecurity
- Lack of commitment
- Poor Procurement Systems

This is the major area for loss of public resources. Government has taken steps to address those through the Public Procurement and disposal of Assets Act, 2003. The LGTB Regulations will be tailored along the said Act:

- Inadequate legal machinery/ bad laws
- Embezzlement
- Gossip
- Influence Pedalling

- Corruption among politicians
- Avarice (greed or extreme desire for wealth or gain)
- Political god fathering
- Societal/peer pressure
- Poor upbringing
- Inadequate remuneration
- Lack of robust management systems
- Imported cultures
- Poverty/wealth
- Redundancy
- Conflict
- Ideological inclinations
- Lack of mutual respect
- Ignorance
- Poor immigration laws

Why Unethical Behavior and Lack of Integrity Persists

Despite efforts by Government and its partners to curb unethical behavior and the knowledge among public officers and professionals, unethical conduct and lack of integrity has persisted because:

- Some of the relevant laws are weak while others are obsolete
- There is poor mechanism for enforcement of these laws
- There is no appropriate legal requirement for professional associations to subscribe to their ethical conduct in order to practice that particular profession.
- Some professional bodies have no Codes of conduct and there is no legal or other requirement compelling them to have them.
- There is lack of awareness among people at all levels about what is expected of public officers and professional as far as service delivery is concerned
- There is general moral decadence in the whole social fabric of Uganda to the extent that unethical behavior is glorified as normal practice
- The main code of Conduct for public servants, the Uganda Governments Standing Orders, has been overtaken by the major changes in Government policies and there are no well established systems to make it known to all public officials and ensure compliance
- There is huge persisting wage gap.

Constraints and Challenges to raising Civic Awareness

- Lack of capacity
- Low levels of education
- Apathy- sense of hopelessness, powerlessness, and social malaise- hunger, conflicts and disease
- Poor information flow
- Lack of social cohesion
- Over politicization of civic awareness issues
- Poor leadership
- Logistical shortcomings
- Lack of information, even CSOs themselves need the information before they create awareness in the communities

Roles of Local Governments and CSOs in promoting honesty and transparency

- Political commitment
- Sensitisation of the people through seminars, meetings, conferences, posters, radio and TV programmes.
- Implementing recommendations of LGPAC and reports of Auditor General e.g if the LGPAC recommends dismissal of personnel or recruitment of the right calibre, then avenues to implement have to be explored.
- Improving methods of work from manual to computerization
- Sanctioning dishonest officials. E.g reprimands and removals, discipline etc.
- Rewarding honest and transparent officials. E.g by rewarding certificates of competence, public recognition etc.

What are the Prevalent Manifestations of Unethical behaviour in a Local Government

- Poor time management
- Diversion of resources/funding
- Awarding of tenders to the Local Government leadership
- Misuse of Government property e.g vehicles, offices, machines etc.
- Abuse or misuse of privileged information
- Sexual harassment
- Nepotism/sectarianism

- Lack of transparency. E.g. No minutes or information on who has to do what and why. A few know and others are left out.
- Encroaching (to go beyond the limit of what is right or desirable or required) on other stakeholders roles/duties
- Biased decisions/policies guidelines
- Lack of accountability
- Lack of self respect
- Lack of respect for others
- Uttering of documents
- Corruption of files/records (Plucking out some papers/ documents from a file X, which may contain information that exposes some wrong doing or the right information so you can blind fold other stakeholders)
- Denying information to stakeholders

Handout To Session Six: Protection of Whistle Blowers

Defining Concepts

Whistle-blowers

Whistle-blowers are members of the community that inform the authorities of instances of the misuse of Public offices, property and power. They are ordinary members who know and understand the rights of the public and they watch out to ensure that the public gets the service they deserve at the right time, cost and in right quantity and quality. Such people help the authorities to act in such places and times when public resources are used in unacceptable ways.

What is the importance of whistle blowing

- To prevent misuse of resources or property that would otherwise be lost by a Local Government
- To cause recovery/make good the losses that could have been incurred due to unethical conduct of a given office

What is the role of local Governments in protecting whistle blowers?

- Ensure observation of the oath of secrecy and official oath
- Design appropriate policy guidelines
- Design a reward system/mechanism to favour whistle blowers
- Promote honesty and transparency
- Create an environment that enhances appropriate actions

What are the Constraints and Challenges in Protecting Whistle Blowers?

- lack of appropriate laws
- Existence of outdated laws (e.g The Evidence Decree, 1975)
- General lack of transparency and honesty amongst Local Government and CSO officials
- Social dynamics
- Political arena
- Possibility of concoction (inventing a story, an excuse, making unfound/untrue allegations at times for malicious purposes) by the so called whistle blowers
- Organised crime possibility
- Abetting unethical behaviour/conduct by would be whistle blowers.

How are the whistle blowers protected and promoted?

- Their information is treated in confidence.
- Under The Inspectorate of Government Act, 2002, a person may be rewarded for the information and paid an amount of 5% of the money-recovered consequent upon information.
- Local governments and CSOs should protect/recognise people who speak out on incidences of misuse of resources.

Handout To Session Seven: Rewarding Ethical Practitioners

What is ethics?

The beliefs held in society regarding which type of behavior is morally right or wrong.

What is integrity?

The level of honesty to the effect that one's ability to make decisions is not influenced by conflict of interests.

What is Ethical Governance?

Is the honest use of authority entrusted in someone occupying any position of leadership. It is based on:

- Listening and respecting the views of the Public
- Continuous communication to ensure feedback to the people.
- Respect for the rights of others.
- Non-interference into the mandates of others.
- Timely accountability for resources.
- The involvement of persons concerned or affected with particular issues.

The need for rewarding ethical behaviour

- In order to promote ethics and integrity
- A way of feedback to those who behave ethically
- To ensure value for money
- To protect the Constitution and constitutionals
- Promote a culture of appropriate rewarding i.e those who do well are given a positive and the reverse should be true.

Handout To Session Eight: IKey Players in Promoting Ethical Behavior/Conduct in Local Governments

Who are the key players in the promotion of ethical conduct in Local Governments?

- Elected leaders
- Statutory Bodies
- Civil society
- Appointed leaders

What are the steps that can be taken by the stakeholders in promoting ethical conduct

- **Elected Leaders**
 - Making appropriate policies
 - Rewarding ethical behavior
 - Causing discipline in case of unethical behavior
 - Monitoring and evaluating the implementation of Government programmes
 - Ensuring feedback/acceptability
 - Legislating to create an enabling environment for ethical conduct
 - Understanding and appreciating every stakeholders' role in executing Government business
 - Promoting the Constitution and other laws
- **Appointed Leaders**
 - Implementing lawful decisions
 - Constant communication through reporting and advising council and other stakeholders
 - Linking Council activities to the civil society and private sectors
- **Civil Society**
 - Sensitising the public
 - Acting as pressure groups
 - Advocacy
 - Training and empowering the public in the various aspects that strength ethics and integrity
 - Feedback
 - Act as watchdogs
- **Statutory Bodies**
 - Inspection and support supervision to ensure compliance
 - Investigating allegations or charges of unethical behaviour
 - Ensuring adherence to the rules and regulations

- Making appointments and awards on merit
- Submitting comprehensive unbiased report to appropriate authorities in time
- Enhancing transparency
- Ensuring and promoting fair judgement

Ways in which the stakeholders can protect whistle-blowers

- Their information id treated in confidence.
- Under The Inspectorate of Government Act, 2002, a person may be rewarded for the information and paid an amount of 5% of the money-recovered consequent upping information.
- Local governments and CSOs should who speak out on incidences of misuse of resources.

Ways of rewarding ethical practitioners.

- Recognition
- Awards
- Promotions
- Bonuses
- Gifts of appreciation
- Certificates of recognition
- Declaring them role model

Ways in which unethical behavior is prevalently manifested.

- Seeking sexual favours in exchange for service
- Influence peddling
- Gossip and Grapevines.
- Diversion of resources and especially for personal gain.
- Embezzlement of resources.

Concluding Remarks

Those who have facilitated this important module of Ethics and Integrity, thank you, our leaders, colleagues, and stakeholders in the local Government systems having attended and fully participated during the course.

However, please do note that Ethics and Integrity depends on the code of behaviour of the leadership. Thus if the leadership exhibits any unethical conduct or tendencies then every body in the given Local Government will take advantage and thus the whole systems will be affected accordingly.

We therefore wish to conclude by challenging you to go back to your respective offices with a spirit of fostering measures to both create awareness of the dangers of condoning/tolerating unethical behavior in your Local Government and of exhibiting exemplary conduct. Thus a conduct that displays ethical methods of service delivery. As is the only way to enhance development of your Local Government let alone improved service delivery as one of the outcomes.

We wish you safe journeys back home.

5.0 Glossary of Terms

Appropriate	Correct, suited or acceptable in the prevailing circumstances
Brainstorm	Where participants are encouraged to share ideas in a group session in order to reach a common conclusion or answer to a problem. The facilitator can play an active role as necessary in order to steer discussions in the right direction.
Bureaucracy	The official role and procedures of an organization especially when these are seen as too complicated and not efficient e.g. some hides behind rules and procedures to frustrate the entitled persons.
Buzz Method	Small group discussions focussing on buzz words or ideas.
Case Study	A real-life scenario is reproduced in order that the participants can examine what happened, discuss what problems occurred and what caused them, and agree on the lesson(s) that can be learnt from the story. In some of the Sessions, two Case Studies might be presented, or a Group Exercise and a Case Study. It is then up to the facilitator to decide whether the time will allow for both to be covered, or whether s/he should only concentrate on exploring one at a greater depth.
Counting Method	A way of randomly dividing all the participants into groups. Simply going round the room assigning each person a number usually does this. If three groups are needed, they are given a number between 1 and 3; and if four groups are needed, then they are given a number between 1 and 4, etc. Then all the 1s are one group, all the 2s another, etc.
Decadence	A state of behavior that shows a fall to a lower level in morals, art, literature
Discrimination	Treating a person or a group of persons differently than from others.
Evidence	Information that gives a strong reasons for believing or proves a give case or allegation
Facilitator	The leader of the training module. The emphasis here is on <i>enabling</i> the participants to discuss, share experience and learn. The role is not one of “lecturer”.
Foster	Promote or work towards or support
Gender	This refers to socially constructed and differentiated roles that are assigned to the sexes and, most of the time, are determined by culture. Both men and women are expected to follow these norms and behaviour in order to remain in the good graces of society. These roles can and may change over time.
Handouts	The handouts are prepared, brief notes covering the key points of each Session. All the handouts for one Module are grouped together in the Annex to that Module. It is preferable that the handouts to a Session are not made available to the participants until the end of the Session.
Harnessed	Fully Utilised
Implementation	To put into effect or the carryout activities or programmes e.g building a bridge or borehole or protected water spring
Infrastructure	Facilities necessary for a Local Government to be managed well. E.g road networks, schools, water resources/sources, administrative systems, communication systems etc.
Lecturette	This is a mini-lecture of a maximum of 20 minutes. Because of the participatory design of this course, lectures are to be kept to a minimum. However, it is important that a summary of the key points be made by the facilitator and understood by the participants before they carry on with the Reflection part of the training session.

Glossary of Terms (continued)

Liabilities	Financial obligations i.e. debts you may owe a bank or another Local Government or bills of electricity, water, rent etc.
Logistics	The organisation of suppliers and services e.g. transport, stationery, tools and equipment etc.
Mainstream	Make it a day to day activity or regard as routine
Manifestation	Clear or obvious
Participant	A person attending the workshop. The emphasis here is on <i>participating</i> – learning through activities and shared experiences.
Plenary	The whole group of participants, including the facilitator.
Prevalent	Happening generally or wide spread
Requisite	Necessary
Role Play	A scenario, either fictional or real-life, is recreated and participants are invited to act out the part of one of the key players in the story, exploring the issues from that person's perspective, etc.
Stakeholders	Those individuals or groups of individuals or organisation that have interest in the subject in question. In this case, those interested in Local Government affairs.
Statutory Bodies	These include in this case: The District Service Commissions, Local Government Tender Board, Local Government Public Accounts Committee
Turmoil	A state of great disturbance, confusion or uncertainty
Vulnerable	Soft sport or weak persons or points that can easily be disadvantaged.
Whistle Blower	A person or persons that alert relevant authorities of wrong doings about to be made or being done e.g. someone who reports say to the RDC or Chairperson LGPAC that there are fraudulent payment under way or tender X was wrongly awarded etc.

6.0 References

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