

The role of civil servants and political leaders in combating public procurement corruption in Uganda

An empirical analysis

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ABSTRACT

Public procurement is a key tool for improved governance and poverty reduction. However, the procurement function is seriously affected by direct and indirect corruption, which is presumably perpetuated by the political leaders and the civil servants. The politicians approve the procurement plan and budgets as well as do the monitoring of the process while the civil servants technically manage the procurement process. With an increase in the levels of public procurement corruption, a strategy to minimize the trend requires a collaborative approach between these two key stakeholders.

INTRODUCTION

Many governments worldwide acknowledge that corruption is a cancer that is destroying the moral fiber of society and it undermines good governance and retards economic development (Ackermann 2002, Thai 2008). Corruption has existed for years and displays itself in ways such as rent seeking, bribes, embezzlement, extortion, fraud, diversion of public funds and misuse of public offices. Literature shows that “public procurement is most prone to corruption” (Thai 2008). Daniel Kaufman (2005) notes that more than US\$1 000 billion is paid annually in bribes; and the volume of bribes exchanging hands for public sector procurement alone is roughly \$ 200 billion per year (cited in Thai 2008). With the global revolution in public sector procurement coupled with pressure from the donor community, procurement reforms have swept several African countries such as Kenya, Tanzania, and Malawi among others.

Public contracting is a lucrative area for many private companies. Governments everywhere are usually the biggest spender in a country. Private firms are the biggest

beneficiaries of public expenditure. Government contracts are meant to buy or produce goods or services that should benefit citizens directly through construction of roads, schools, and hospitals among others. The process of awarding government contracts should be fair, open and competitive. Public procurement corruption is however a threat to the attainment of these objectives. Corruption – the misuse of entrusted power for private gain (Transparency International (TI), 2007; Shah 2006; Kaufman and Vicente 2005; Mishra, 2006) has dangerous effects.

The damage caused by the misuse of public resources stems from the way civil servants and political leaders influence choices, which eventually result in untold inefficiencies in government policy implementation. Despite the fact that public procurement can be used as a policy tool for poverty reduction and governance this function is facing serious integrity challenges (Matsamura 2009). This calls for a concerted effort from both political leaders and civil servants to play a crucial role to address this growing affliction. The politicians (elected) play a representative advocacy role and also take on the responsibility of being democratically accountable to the electorate for the decisions made “under their watch” (Mulgan 2006; Stoker 2006/2007; Caldwell, Bakker and Read 2007). Politicians should demand accountability from the administrators who are charged with implementing government programmes at all levels. The elected political office bearers and the appointed public officials are agents of the citizens. However, experience shows these two agents have combined to undermine the principal through the denial of efficient services. Politicians seem to generally dominate on the area of the grand forms of corruption while administrators are present at both grand and petty corruption.

Lyne, (1996), asserts that initially the public sector delivered most of its services directly in such a way that the client and provider were both public servants. However, politicians have had a shift to what Osborne and Gaebler (1993) refer to as “steering not rowing”. *Steering* relates to policy and ends, while *rowing* is concerned with the means of service delivery. Elected members *steer* in determining outcomes to be achieved, what public money is to be raised and what public services are to be procured by defining service outcomes through the constraints of their own workforce. Meanwhile, Phillips, Caldwell, and Callender (2007) insist that politicians should be held accountable for public procurement for the purpose of good governance. However, this is not the case.

Paradoxically, Murray (2007) observes that politicians, in collaboration with public officers, exhibit an enthusiasm and appear to have the capabilities to be engaged in procurement management, specifically determining the corporate procurement strategy; mapping the procurement portfolio; challenging the desired procurement outcome; and delivery options; supplier selection; contract awarding and post-contract management and review. All this is done to ensure accountability, fairness and transparency, non-discrimination and reduction of corruption. On the same subject, Lian and Laing (2004), argue that perceived restrictions of accountability to politicians are a hindrance to public officers. Meanwhile, Bayens and Martell (2007) note that the freedom of procurement managers to make decisions is constrained since decisions must be within the goals determined by politicians prior to concluding the conditions of a contract in the awarding of public works, supplies and services.

Politicians have major responsibilities for strategic procurement management as a result of being democratically accountable; the need to set procurement priorities; ensure

public officials have the will; competence to deliver aligned procurement strategies and in overseeing the procurement strategy implementation. It is worth noting that in the roles and perspectives of both the politicians and civil servants have been largely overlooked in public procurement research especially the possibility of collaboration in curbing corruption (Murray 2007). This article attempts to fill the knowledge gap. The central argument is a call for a collaborative approach between civil servants and politicians to minimize the incidence of corruption in the public procurement process as a long-term strategy in enhancing service delivery.

BACKGROUND

In Africa, corruption is blamed for seriously undermining governments in realisation of the Millennium Development Goals (MDGs). The African Union Report (2002) for example estimated that US\$ 148 billion per year was being wasted through corruption. In Uganda over 70% of Uganda's budget is spent on public expenditure (Background to the Budget 2009) of which 35% is considered lost through procurement corruption (National Integrity Survey 2006). The TI Report (2012) on Uganda reveals that public procurement is marred by high levels of corruption and non compliance with procurement regulations. The report further ranked Uganda top in corruption among the five countries under the East African Community (EAC). The East African Bribery Index Report (2012) ranks Uganda top with Tanzania and Kenya in second and third positions respectively.

The Government of Uganda has consequently put in place several institutions to combat corruption. These include: Inspectorate of Government (IGG), Directorate of Ethics and Integrity under the Office of the President, Public Accounts Committee (PAC) of Parliament, The Auditor-General's (AG) office among others. All these aim at eradicating corruption from government departments. Development partners too, have continued to express concern due to the incidences of corruption in the public procurement process. This vice continues to severely constrain public policy implementation and public service delivery. Despite the reforms and a well defined institutional framework, corruption in public procurement has persisted unabated. The process is grappling with influence peddling, intrigue, and lack of transparency in selecting the *lead agencies* to be funded, leading to non-optimisation of resources e.g. shoddy work, collapsing pit latrines and school blocks, incompleting hospital theatres, defective equipment, shortage of medicines, textbooks, school desks which are being funded from the Poverty Action Fund resources.

Public office bearers have abused the public trust to enrich themselves. Tangri and Mwenda (2008) suggest that corruption has been used by governments to cement the loyalty of individuals to stay in power. As such corruption by leaders occurs with impunity with no will to control it. Hundreds of high-ranking civil servants have appeared before the Parliamentary Public Accounts Committee for alleged corruption (Matsamura 2009). The actions of these individuals have created the impression that contractors must *pay to play*. This may possibly derail the development process and may inhibit the achievement of the Millennium Development Goals (MDGs).

Natukunda (2006) reports that awarding tenders is the most abused and misused channel for political corruption whereby politicians and civil servants alike connive and

award tenders and contracts to their supporters, kin and business associates and at worst turning these contracts into cash. Politicians award tenders to their companies to recoup the heavy election expenses. According to the Third National Integrity Survey (2008) by the Inspectorate of Government, a statutory body mandated to enforce accountability and integrity in public offices, observes that corruption remains one of the most serious unethical practices undermining trust and confidence in public officials. Anywar (2009) too observes that the civil servants and political leaders in Uganda are not *clean*.

THE CORRUPTION PHENOMENON

Determinants of corruption

Palmier, (2000) and Duperouzel (2005), contend that there are several factors that cause corruption like: lack of transparency; over-regulation; lack of enforcement; poverty; lack of democracy; prohibition; poverty; peer group pressures; political turbulence; weak institutional controls and supervision; moral decay; greed and excessive ambitions; inadequate remuneration to civil servants; and the HIV/AIDS scourge. Several theories explain the prevalence of corruption including a lack of ethics as proposed by Ackermann (2002). Epak (2005) observes that corruption in Uganda has persisted because it is bred and nourished by moral decadence, loss of ethics and integrity, shamelessness, societal adoration of wealth and materialism, greed and poverty.

Thai (2006) suggests that corruption may stem from culture, political system, low open and competitive market levels, greed, weak legal controls, inappropriate penalties applied to corruptive behaviour, weak media power in detecting corruption cases, or low salary. Several other authors observe that public procurement corruption is caused by economic, political, social and organisational factors (Soreide 2004; Onapa 2005; and Basheka 2009).

According to the World Bank Institute (2004) low salaries of government officials have been considered a major cause of corruption in Uganda. A government official with a salary that does not afford basic needs such as food for his/her family, is more willing to take bribes and compete with the haves. It is argued that while low salaries may tempt individuals to be corrupt, some employees are simply greedy. Some public officials have an unrestrained desire to get rich quickly as most of the syndicate corruption cases in Uganda are among the highly paid civil servants and politicians. This view is also shared by Ruzindana, Langseth, and Gakwand (1998) who observe that public officials who steal millions of shillings in one position and continue to steal even bigger amounts cannot be satisfied by a salary of any amount.

TI-Uganda Chapter (2007) suggests cultural practices of giving gifts as a token of appreciation to be one of the main causes of corruption in Uganda. Civil servants award contracts while political leaders expect something in return from the suppliers before formal contracts are signed, thus corrupting the procurement process. Social recognition is given to wealthy persons irrespective of how they obtained their wealth and a culture of silence fuel corruption. The authors further assert that the culture of get rich quickly has been inculcated in the minds of Ugandans.

The political factors include political pressure from electorates as means to pay back or politicians themselves pressure the civil servants to award their cronies (bidders) who may



have campaigned for them up in the elections (Ackerman 2002). TI (2007) supports the notion that corruption has become endemic in Uganda, and it has become an accepted way of life, and that when someone is appointed or elected to a public office he/she thinks that it is now their turn to take advantage. The politicians in return refrain from passing stern laws which could have led to punishment of offenders. This possibly is aggregated by lack of political will or commitment to combat corruption inhibiting the quest for improved service delivery in local government in Uganda.

Organisational factors too contribute to procurement corruption. For example, Kwame and Jacques (1999) argue that long and cumbersome procurement procedures cause corruption. A large number of complex, restrictive regulations coupled with inadequate controls are characteristic of developing countries. In Uganda, the organisational causes relate to lack of qualified, experienced staff that in most cases ignore the ethical codes of conduct resulting in corrupt tendencies. This, however, does not imply that Uganda lacks laws to address such issues. It only lacks the administrative machinery and willingness by those in organisations to address the scourge of corruption because they are partly the beneficiaries. Short of the political and administrative willingness by political leaders and civil servants respectively lead them to continually get immersed in corruption since they know that no punishment will be administered to them and even if it were the case, it would not have any impact on the individuals concerned.

The abundance of government bureaucracy presents the public with several layers in approval processes that provide opportunities to extract bribes. Loopholes in the process result in a loss when the contractor decides to take advantage of the situation. The World Bank (2004) and Transparency International (2000 and 2002) both provide guidelines for best practice to help ensure that unethical purchasing practices is minimised. Wayne (1998) asserts that, “good performance in public procurement is achieved when the whole process is transparent and accountability is ensured”.

Forms of procurement corruption

Corruption in the procurement process manifests itself in various forms: bribe seeking, influence peddling, illicit enrichment, embezzlement and fraud, paying for goods/services not delivered; paying salaries to non-existent workers; bribery and extortion; nepotism and favouritism (TI 2006; Pidaparathi 2003). Ramsey (1989) identifies bribery while Halvorson and Rudelius, (1977) and Hite and Bellizzi, (1987) identify the offering of meals and other forms of entertainment (within business circles) as unacceptable. The above forms of corruption induce purchasing personnel to favour particular suppliers rather than be guided solely by factors such as price, quality and delivery (Arkingstall 1994; Armstrong *et al.* 1990; Badenhorst 1994; Forker and Janson 1990, Deflam 1995). Other forms of corruption as used in the second national integrity survey (2006), is summarised under the acronym BEEFF (Bribery, Extortion, Embezzlement, Fraud, Favouritism).

Role of politicians and civil servants in corruption

Both politicians and civil servants have major responsibilities for strategic procurement management. They ensure that procurement managers have the will and competence to

deliver aligned procurement strategies. Both contribute positively to combating corruption. Politicians construct legislative, administrative and judicial frameworks and the officials implement them. In this way, they play complementary roles (*Constitution of the Republic of Uganda*, 1995).

Politicians and civil servants play both positive and negative roles. Corruption in public procurement mainly occurs through hidden violation of the laid down procurement rules. Officers may be involved in malpractices, such as misusing the power of invitation by only inviting preferred firms at the short-listing stage, designing tender documents in favour of particular firms or release confidential information to only preferred firms (OECD 2007; Basheka 2009). While corrupt procurement officers can, in their own interest, choose to violate procurement procedures, they work in most cases under the influence of *powerful* politicians. OECD report (2000) asserts that civil servants who refuse to conform are removed from office; similarly, businessmen who oppose it are penalised vis-à-vis their competitors. Furthermore, the civil service, far from being a body that exists to implement citizens' rights that mirror their duties is first and foremost perceived as the least risky way of getting rich quickly.

The politicians play a negative role through affecting the location and types of project investments, while the civil servants play a role in furthering corruption through administrative schemes i.e. fraud, falsification of documents, or ghost payments (TI 2007). This brings about serious integrity questions in the public procurement process which may be perceived by other players as corrupted. Corruption in Uganda does not only include minor cases but high profile cases as well, characterised by influence peddling in the procurement process and direct embezzlement. The *Global Alliance for Vaccines and Immunization* (GAVI) Fund Report by IGG (2006) implicated three high profile ministers in the irregular contract awards and disappearance of billions of shillings meant for HIV/AIDS (Human Immune Virus/ Acquired Immune Deficiency Syndrome), and malaria prevention and treatment.

The Auditor-General's Report (2008) revealed several fraudulent dealings among which were the contract to supply 204 vehicles for the Commonwealth Heads of Government Meeting (CHOGM) that was held in Uganda 2007. According to the report the contract was awarded to a company whose license had expired a year earlier. Members of Parliament (MPs) summoned the then Vice President for questioning, after he was named as one of the individuals who authorised the award of the 9,4 million dollar car deal without proper tendering.. When the matter was put to the Vice President, he accused one of the permanent secretaries as having been responsible for the procurement.

In 2008, the minister in charge of National Security and MP was accused of flouting procurement rules, and violating provisions of the Leadership Code Act, by selling more than 400 acres of land to the National Social Security Fund (NSSF) in the amount of \$11 million. Forty hectares of this had been declared a wetland by the National Environmental Management Authority (NEMA). The *Temangalo saga* dug deep into the savings of citizens who deposit a monthly saving into the NSSF as pension. Citizens are therefore now seriously questioning the integrity of national leaders, posing questions on whether bodies like the Parliamentary Accounts Committee really have the moral authority to interrogate others accused of corruption. Politicians and civil servants should become stewards since citizens rely on them to do a good job.



METHODOLOGY

Seldadyo & De Haan, (2006) note that surveys among the public may be better although various respondents may have no experience with corruption. Their perception may not be stable over time, since it is highly dependent on how much attention corruption receives in the media.

This study comprised 548 respondents who were from the Ugandan public. The study included 45 (8,2%) randomly selected from Kyambogo University, 37 (6,8%) students of Masters in Management studies at Uganda Management Institute (UMI), 45 (8,2%) technical and political staff of Kampala City Council, 20 (3,6%) students of a postgraduate Diploma in Project Planning and Management, 84 (15,%) postgraduate diploma students in Public Administration at UMI, 70 (12,8%) respondents were obtained from Mbarara Outreach Centre of UMI (these were from various districts of the Western part of the country), 42 (7,7%) were students of procurement. The study also included 205 (37,4%) respondents from the Water and Sanitation sectors including the staff of the Ministry of Water who were attending a procurement stakeholder workshop and members of the public who were randomly selected to respond to the issues of procurement corruption.

The analysis of the data was done using two major techniques. The demographic characteristics of study were done using descriptive statistics in the form of frequencies and percentages. This technique was also applied to the computation of means and standard deviations for the key procurement reduction variables, which were being covered in the study. Once the descriptive results were examined, the analysis used exploratory factor analysis to identify the major variables, which political and administrative stakeholders in the public service could adopt to reduce procurement corruption.

RESULTS AND DISCUSSION

The study included both male and female respondents. The analysis revealed that 296 (54%) of the respondents were male compared to 251 (45, 8%) who were females. The participants were employed in different sectors. The analysis indicated that 116 (21,2%) of the respondents were employed in the central government, 176 (32,1%) in the local government, 78 (14,2%) were in the NGO, 121 (22,1%) were in the private sector and 57 (10,4%) elsewhere. Uganda consists of four geographical regions: Central, Eastern, Northern and Western. It was found that 250 (45,6%) of the respondents were from the Central Region, 57 (10,4%) were from Northern Region, 129 (23,5%) were from Western Uganda and 112 (20,4%) were from Eastern Uganda.

The respondents included people with different marital statuses. The analysis revealed that 196 (35,8%) were single, 342 (62,4%) were married, 4 (0,7%) were divorced and six (1,1%) were separated. These were of different age brackets. It was also found that four (0,7%) were below 20 years of age, 222 (40,5%) were between 21 and 30 years of age, 235 (42,9%) were between 31 and 40 years of age and 86 (15,7%) were above 40 years of age. Previous studies examined the influence of religious affiliation in explaining corruption. In the analysis, it was found that 237 (43,2%) of the participants were Protestants, 178 (32,5%) were Catholics, 35 (6,4%) were from the Muslim community,

14 (2,6%) were Seventh Day Adventists and the remaining 84 (15,3%) belonged to other religious affiliations.

Table 1 Perceptions on strategies to reduce procurement corruption in Uganda

Item	M	SD	% of agreement
Improving efficiency of procurement processes will reduce procurement corruption	4,02	0,96	423 (77,2%)
Improved accountability and transparency systems of government	4,39	0,84	482 (85,6%)
Simplification of procurement procedures	3,71	1,10	360 (65,7%)
Minimising discretionary powers of decision makers	3,83	0,97	386 (69,5%)
Increased monitoring and evaluation systems	4,21	0,89	453 (82,7%)
Increased funding of oversight institutions	3,31	1,13	257 (59,5%)
Improved financial management control systems	4,13	0,88	450 (82,1%)
Supportive legislations to fight corruption	3,96	0,95	402 (73,3%)
Establishment of independent investigators	3,92	1,00	400 (73,0%)
Effective complaints handling	3,91	0,90	403 (73,6%)
Instituting mechanisms of protecting whistleblowers	3,88	1,00	368 (67,2%)
Increased participation in decision-making	3,88	1,01	391 (71,3%)
Imposing punitive measures against the corrupt	4,23	,91	459 (80,0%)
An enabling free press	4,05	0,95	424 (77,3%)
Active involvement of the private sector	3,59	1,03	323 (58,9%)
Establishing an independent body fighting corruption	3,93	1,02	397(72,5%)
The international community has a central role in the fight against corruption	3,49	1,16	295 (53,9%)
Strengthening capacity of stakeholders	3,78	0,95	373 (68,0%)
Strengthening the judicial systems	4,01	1,00	412 (75,2%)

Table 2 Factor analysis results

Variable components	1	2	3	4
Improved accountability and transparency systems	0,72			
Improved financial Management controls	0,68			
Supportive legislations	0,62			
Increased monitoring and evaluation	0,61			
Strengthening Judiciary	0,54			
Improved efficiency	0,53			
Establishment of independent investigators	0,50			
Mechanisms of protecting Whistle blowers		0,71		
Effective complaints handling mechanisms		0,66		
An enabling free press		0,64		
Imposition of punitive measures		0,61		
Increased public participation in decision making		0,59		
International community involvement			0,70	
Active involvement of the private sector			0,54	
Simplification of procurement procedures				0,75
Increased funding of oversight institutions				0,59
Percentage variance	32,5%	7,0%	6,2%	6,0%

Of the 548 respondents who participated in the study, 423 (77,2%) respondents agreed that improving efficiency is one of the strategies the political office bearers and civil servant stakeholders in Uganda could adopt to combat procurement corruption. More so, 482 (85,6%) of the 548 study respondents believe that improved accountability and transparency in the delivery of services can be used as a useful strategy in combating procurement corruption in Uganda. It was found that 453 (82,7%) of the total respondents believed that public procurement corruption in Uganda can be minimised through strengthened systems of monitoring and evaluation. The findings also suggest that 450 (82,1%) of the study participants believe that public procurement corruption in Uganda can be improved through improving the public financial management controls.

The mean scores suggest the strength respondents attached to each of the strategies. Items with the highest mean scores suggest the majority of respondents regarded such strategies as likely effective and those with lower mean scores are likely to be less effective. In order to determine which of the strategies was likely to be the most effective, the abovementioned items were subjected to exploratory factor analysis.

Before factor analysis, there were 19 strategies for reducing public procurement corruption. However, after all the strategies were subjected to exploratory factor analysis, 16 strategies were retained with a total variance of 51,7% and these were based on four major principal components. The researchers examined the *Kaiser Measure* of sampling adequacy (KMO) which tests the adequacy of the data for being subjected to factor analysis. The minimum KMO is recommended to be 0,6 and in the analysis, the value was 0,901 (sig. 0,000, approximate Chi-square of 2980,682, cf, 171). The first principal component had seven items which impacted on it and they all accounted for a total variance of 32,5% while the second component with five items had a total variance of 7,0% and the remaining components had two items each with a total variance of 6%. The researchers examined the strength of each of the items based on the factor loadings. A comparative analysis of each of the items on the four components suggests that the most important strategies, which should be adopted in combating public procurement corruption in Uganda, include

- simplification of the public procurement procedures(factor loading of 0,75);
- improved transparency and accountability systems(factor loading of 0,72);
- instituting strong mechanisms for protecting whistle blowers(factor loading of 0,71); and
- participation and involvement of the international community (factor loading of 0, 70).

The majority of respondents state that the current procurement procedures are long and complex and perpetuate tendencies of corruption among the civil servants who manage the procurement processes, sometimes under the direct influence of the political leaders. If this strategy is to work efficiently, the civil servants who initiate policy must embark on the procurement policy revisions and this should be supported by the political leaders whose constitutional mandate is legislation.

The second strategy points to the need for improved governance through promotion of accountability and transparency principles. Good governance is a fundamental building block of a just and economically efficient public procurement system. The findings compare well with existing international literature. The World Bank (2004) states that an effective anti-corruption strategy builds on five key elements of increasing political accountability; strengthening civil society participation; creating a competitive private sector; institutional restraints on power; and improving public sector management. Others include top political commitment; and a sound procurement legal framework (Transparency International-Uganda Chapter, 2007).

The OECD (1998) observes that public office bearers must be held responsible for maintaining a high standard of propriety in the discharge of their official duties. They are called upon to demonstrate commitment and *walk the talk* by being exemplary and by taking action that is only available at the political level. This can be achieved through creating legislative and institutional arrangements that reinforce ethical behaviour and create sanctions against wrongdoing; by providing adequate support and resources for ethics-related activities throughout government; and by avoiding the exploitation of ethics, rule and laws for political purposes. Civil servants have to be aware of the potential conflict of interest when selecting suppliers, which occur when procurement managers divide their loyalty between the firm that employs them and another institution (Burt *et al.* 2003).

The findings are in line with the arguments of promoting integrity in the public service. *Transparency International* (2002) argues that it is important to create an environment of integrity in public life. This ultimately implies that the public leaders should be seen as having integrity themselves, so that the entire anti-corruption effort does not derail. Integrity however is not an end in itself; but should be seen as a path leading to the delivery of efficient public services.

CONCLUSIONS AND IMPLICATIONS

In this article, strategies are presented, which can be used to minimize public procurement corruption in Uganda. The findings reveal that the most effective strategies for reducing procurement corruption include a strategy of

- simplifying the public procurement procedures;
- improving transparency and accountability systems of government;
- instituting strong mechanisms for protecting whistle blowers; and
- encouraging the participation and involvement of the international community.

These strategies are aimed at establishment and maintenance of integrity in public life and the public service. The efforts require effective legislation, regulations and codes of conduct; a society whose religious, political and social values expect honesty from politicians and civil servants. It requires professionalism among officials; a sense of positive elitism and integrity among senior civil servants; and a political leadership, which takes both public and private morality seriously. Politicians and administrators play a collaborative role in this effort. Many corruption cases in Uganda are motivated by politicians and civil servants who play both positive and negative roles. The findings have implications for policy makers and practising managers. They are derived from original studies and appeal to both regional and international audiences. They contribute useful information to the broad field of the public administration, but specifically to the growing area of public procurement management.

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