



**THE REPUBLIC OF UGANDA**

**THE INSPECTORATE OF GOVERNMENT BUDGET FRAMEWORK PAPER (BFP)**

**FY 2017/18-2019/20**

**PRESENTED**

**TO**

**THE LEGAL AND PARLIAMENTARY AFFAIRS COMMITTEE**

**VOTE 103**

**FY 2017/18**

**By**

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PARLIAMENTARY AND LEGAL AFFAIRS COMMITTEE**

**1. Introduction**

**a) Mandates/Objectives of the Inspectorate of Government**

The Inspectorate of Government (IG), Vote 103 is an office provided for by Chapters 13 and 14 of the Constitution of the Republic of Uganda. The IG is also governed by the Inspectorate of Government Act of 2002 which spells out its functions, responsibilities and jurisdiction. The mandate of the IG as stipulated under Article 225 of the Constitution is to promote and foster strict adherence to the rule of law and principles of natural justice in administration, to eliminate and foster the elimination of corruption, abuse of authority and of public office, to promote fair, efficient and good governance in public offices, to supervise the enforcement of the Leadership Code Act, to investigate any act, omission, advice, decision or recommendation by a public officer or any other authority to which this article applies, taken, made, given or done in exercise of administrative functions, and to stimulate public awareness about the values of constitutionalism in general.

The Vision of the Inspectorate of Government is ***“A responsive and accountable public sector”*** and its Mission is ***“To promote good governance, accountability and the rule of law in public office”***.

The IG strategic objectives for the period FY 2015/16-2019/20 as laid out in the new Strategic Plan under the theme ***“Promoting Excellence in Public Office”*** are:

- i. Improve efficiency and effectiveness in preventing, detecting, investigating and eliminating corruption;
- ii. Leverage the ombudsman role to embed adherence to the rule of law, efficiency, natural justice and good governance in public administration;
- iii. Strengthen the enforcement of the Leadership Code of Conduct;
- iv. Strengthen organizational capacity to build an efficient performance driven culture;
- v. Enhance public awareness about good governance and strengthen strategic partnerships.

**b) How the Sector complied with the gender and equity requirement in line with Section 9(6) of the Public Finance Management Act (PFMA), 2015**

This Section of the PFMA Act, 2015 stipulates that the Minister for Finance in consultation with Equal Opportunities Commission certify that the institutional Budget Framework Papers are gender and equity responsive and that measures are taken to equalize opportunities for women, men, persons with disabilities and other marginalized groups.

The Equal Opportunities Commission analysed the BFP of the Accountability Sector of which the IG is a member and found it to be non-compliant because of the following: (i) Sector outcomes and outputs are not gender sensitive; (ii) Plans over the medium term do not address gender issues; (iii) Contributions of the sector to the NDP II were not gender inclusive and did not take into consideration the interests of the marginalized groups. The sector provided responses stating that the outcome indicators such as Inflation Rate, Tax to GDP Ratio, Corruption Perception Index and Percentage of Clean Audits are derived while taking into consideration gender, equity and marginalized groups. In addition, all the sector institutions in their BFPs provided costed strategies and plans to deal with crosscutting issues namely HIV and AIDS, Environment and Gender and Equity. The sector is therefore waiting for the second official feedback from the Equal Opportunities Commission.

**c) Consistency of the BFP with the Sector Investment Plan (SIP) and NDP II as provided for in Section 9(3) of the PFMA Act, 2015**

This Section states that the Minister shall each financial year, prepare a Budget Framework Paper which shall be consistent with the National Development Plan and Charter of Fiscal Responsibility.

The Inspectorate of Government BFP was formulated based on the National Development Goal of 'Achieving middle income status by 2020', National Development Plan objective No.4 of 'Strengthening mechanisms for quality, effective and efficient service delivery', and Accountability Sector Strategic Investment Plan (ASSIP) objectives No.1 and 5 which are 'strengthen coordination and collaboration amongst sector institutions' and 'enhancing prevention, detection and elimination of corruption'.

In the NDP II, good governance has been identified as key to supporting the Plan's agenda. The Inspectorate of Government contributes to the NDP II through the Governance Sector; the Audit and the Oversight Sub-Sector. The sub-sector is mandated to provide oversight and ensure transparency, integrity and accountability in delivery of services to the citizenry. As part of the Audit and Oversight sub-sector, the IG has interventions which are anticipated to reduce the incidence of corruption in public offices, ensure increased effectiveness in service delivery, increase citizen involvement in service delivery and improve efficiency and effectiveness in the public sector.

## 2. Budget Performance for FY 2015/16 and first half of FY 2016/17

### a) An overview of last year's budget performance against the targets

#### Budget Performance FY 2015/16

Budget Items		Approved Budget	Released	Spent	% Released	% Spent
Recurrent	Wage	17.763	17.510	17.501	098.6	099.9
	Non Wage	17.816	18.925	18.933	106.2	100.0
<b>Sub-Total</b>		<b>35.579</b>	<b>36.435</b>	<b>36.434</b>	<b>102.40</b>	<b>100.0</b>
Development	GoU	2.931	2.925	02.930	099.8	100.2
	External Financing	01.301	1.980	01.321	152.2	066.7
<b>Sub-Total</b>		<b>04.232</b>	<b>04.905</b>	<b>04.251</b>	<b>115.9</b>	<b>086.7</b>
<b>Grand Total</b>		<b>39.811</b>	<b>41.340</b>	<b>40.685</b>	<b>103.8</b>	<b>098.4</b>

As shown in the table above, the IG approved budget was UGX 39.811 Billion. UGX 41.340 Billion (103.8%) was released when the IG received a supplementary funding of UGX 1.109 Billion for

payment of rent for the Head Office, PAYE, NSSF contributions and other operational expenses. UGX 40.685 Billion (98.4%) was spent during the same period.

**i. Physical Performance FY 2015/16**

In the previous financial year 2015/16, the IG planned to conduct investigations into allegations of corruption and maladministration, prosecute corruption cases, and defend cases brought against it. It further planned to carry out public awareness programmes, conduct policy and systems studies to identify areas susceptible to corruption and enforce of the Leadership Code of Conduct. The following were achieved during the financial year:

- a) A total of **2,077** corruption and ombudsman complaints were registered; **988** were recorded at the head office and **1,089** recorded at the regional offices.
- b) **2,476** investigations into allegations of corruption and maladministration in public office were concluded out of the planned **1,930**.
- c) Arising from the investigations, **53 arrests** were made, **55 cases were prosecuted** resulting into **44 convictions, 8 acquittals, 2 cases withdrawn and 1 dismissal**.
- d) The IG was able to recover UGX 383,285,713.
- e) In addition, the IG carried out 15 sensitization initiatives through dissemination of assorted IEC materials, Radio Talk Shows, TV programs, radio spot messages and supporting activities of 18 integrity clubs. The IG also designed and disseminated assorted IEC materials on various messages. The purpose of the sensitization efforts was to educate the community mostly in the NUSAF and PRDP areas on effects of corruption on service delivery, their roles in fighting corruption and the different mechanisms for reporting corruption cases.
- f) In order to improve procedures, systems and practices in public office, 8 systemic investigations were conducted and a systems study on storage and distribution of vaccines in Uganda was concluded.
- g) The IG procured vehicles and office equipment (Computers and Accessories, 6 Pick-Ups and 1 Station Wagon)
- h) Trained 60 technical officers in report writing.

- i) Under the Leadership Code, 51 verifications of leaders' declarations were conducted out of the planned 50 and 20 investigations into breaches of the Leadership Code were concluded.
- j) With regard to the Transparency, Accountability and Anti-Corruption Component of NUSAF2, supported by World Bank, the IG monitored and inspected **1,117 projects**, 392 of which were PRDP, 15 NUSAF II and 2 UPPEP.

**ii. Financial Performance, First Half of FY 2016/17**

Budget Items		Approved Budget	Released	Spent	% Released	% Spent
Recurrent	Wage	19.79	9.984	8.920	50.4	89.3
	Non Wage	19.72	11.124	8.546	56.4	76.8
<b>Sub-Total</b>		<b>39.51</b>	<b>21.108</b>	<b>17.466</b>	<b>82.7</b>	<b>82.7</b>
Development	GoU	03.93	0.585	0.230	14.9	39.3
	External Financing	01.98	1.634	1.199	82.5	73.4
<b>Sub-Total</b>		<b>05.91</b>	<b>2.219</b>	<b>1.429</b>	<b>37.5</b>	<b>64.4</b>
<b>Grand Total</b>		<b>45.42</b>	<b>23.327</b>	<b>18.895</b>	<b>51.4</b>	<b>81.0</b>

The total budget approved for the IG in the current FY 2016/17 was UGX 45.42 Billion. By the end of the first half UGX 23.327 Billion (51.4%) of the annual budget was released and UGX 18.895 Billion (81.0%) was spent. Furthermore, less than 15% (14.9%) of the GoU development budget was released compared to 82.5% of the external financing (DANIDA) component.

### iii. Physical Performance by First Half of FY 2016/17

#### i. Performance by end of December 2016

In the current FY 2016/17, the IG planned to undertake the following activities: investigate and complete 85% of reported corruption complaints in MDAs, 90% in Local Governments, conclude 70% of the backlog cases, prosecute 50 corruption cases, conclude 20 civil litigation cases, organize 15 sensitization workshops, facilitate 20 Integrity Clubs in Universities and other Tertiary Institutions, verify 50 declarations of leaders, conclude 20 investigations into breaches of the Leadership Code Act, conduct 2 Policy and Systems Studies, conclude 8 systemic investigations and investigate 150 ombudsman complaints. By the end of December 2016, the IG had achieved the following:

(i) A total of **1,447 complaints** were registered; 695 at the Head Office and 752 in Regional Offices across the country.

(ii) Concluded **1,321 investigations**; of these, 326 were conducted by the Directorate of Special Investigations & the Information and Internal Inspection Division (III), 954 by Regional Offices and 41 by the Directorate of Ombudsman Affairs ;

(iii) 4,426 investigations are on-going.

(iv) Prosecuted 16 cases and obtained 11 convictions and 2 acquittals. The case conviction rate at the end of December 2016 was therefore 68.75% and

(v) 27 out of the planned 30, (90%) verifications of leaders' declarations were conducted and **15** investigations into breaches of the Leadership Code Act were concluded out of the planned 20.

(vi) Carried out 12 sensitisation workshops and 12 partnership trainings to create awareness about the IG and its operations.

## **b) Comment on performance of the output and indicators**

In the current FY 2016/17, the IG is reporting on 17 indicators. By the end of December 2016, the institution achieved 100% performance level on percentage of corruption complaints investigated and completed, number of judicial review cases concluded, number of sensitisation programmes conducted, number of IEC Materials developed and disseminated, number of systemic investigations conducted; above 70-100 % performance level number of leaders investigated for breach of Leadership Code, number of leaders' declarations verified and below 70%, percentage of backlog cases completed, number of policy and system studies completed. The IG is on track to achieve over 85% of the annual set targets.

## **c) Challenges experienced during budget execution**

The IG has made significant progress in the recent past in promoting good governance and combating corruption. However, several constraints still remain which enormously affect budget execution and these include:

- i. Prevalence and complexity of corruption in the public and private sector; of particular concern to the IG is the evolving nature of corruption. While previously limited to favours and bribes to a few officials, it now encompasses grand syndicated corruption where controls are deliberately circumvented in a systematic way, involving networks of corrupt officials from different MDA/LGs and the private sector.
- ii. Gaps in the legal framework hinder the effectiveness of the IG in the performance of its functions. For instance, the absence of a Leadership Code Tribunal hinders the efforts of the IG to effectively enforce the Leadership Code Act, as there is no tribunal in place to arbitrate between the IG and public officers who breach the Code. In addition, there is no provision in the law for non-conviction based asset recovery or forfeiture.
- iii. Delays in the judicial process; the establishment of the Anti-Corruption Division of the High Court significantly shortened the period taken to complete prosecution of corruption cases. However, even with a functional Anti-Corruption Court, cases face delays for various reasons including but not limited to continuous adjournments. Notably, there is an

unexplained delay in concluding cases on appeal in the Court of Appeal in spite of the increased number of Justices in that court.

- iv. Non-implementation of IG recommendations; upon completion of investigations, there have been instances where the recommendations made by the IG have not been implemented. When recommendations (such as civil/administrative sanctions of various officials) are not effected promptly, the matters remain unresolved.
- v. Poor methods of storage and retrieval of records and sharing in public offices. Poor record keeping results in great difficulty for the IG to collect credible information from the public officers or offices. The absence of proper records has continuously created a bottleneck for investigations.
- vi. Increasing cost of rent. Currently, the IG is operating in rented office premises for both its Head office and the 16 Regional Offices. The rent for the Head Office is paid in dollars, thus the continuous rise in the dollar has adversely affected the funds available for other activities given that rent is a primary cost to the institution's existence and operations. In addition, landlords for Regional Offices have a tendency of adjusting rents upwards at the end of tenancy agreements.
- vii. There is complete breakdown in the internal complaints and grievance handling mechanisms in the MDALGs. Previously government institutions had functional structures to manage complaints internally and would only refer cases which had either failed or those that were outside their jurisdiction to the Inspectorate of Government. This situation has created increased workload as aggrieved public officers report to the Inspectorate as a first resort.
- viii. High cost of vehicle maintenance and servicing; In the FY 2017/18 the institution allocated UGX 456 Million which is not sufficient given the state of the existing vehicles. The IG has 107 vehicles; 68.2% of which have been running for over 5years and 20.6% have covered

more than 240,000km. This implies that 88.8% of the IG fleet is due for disposal based on the PPDA guidelines.

### 3. Overview on Vote Proposed Budget Allocation

#### a) Overall sector and vote budgetary allocation for FY 2017/18

A comparison of the IG budgetary allocation to the overall Accountability Sector is illustrated in the table below:

Budget Items		Sector Allocation	IG Allocation	% of IG Budget to Sector Allocation
Recurrent	Wage	199.89	19.79	9.9
	Non Wage	456.41	18.37	4.0
<b>Sub-Total</b>		<b>656.30</b>	<b>39.51</b>	<b>6.0</b>
Development	GoU	281.96	03.93	1.4
	External Financing	89.21	01.98	2.2
<b>Sub-Total</b>		<b>371.17</b>	<b>05.91</b>	<b>1.6</b>
<b>Grand Total</b>		<b>1,027.47</b>	<b>45.42</b>	<b>4.4</b>

Overall only 4.4% (UGX 45.42 Billion) of the sector budget (UGX 1.03 Trillion) is allocated to the IG to execute the three core mandate of anti-Corruption, Ombudsman and enforcement of the Leadership Code. This is insufficient given each of the three mandates in reality requires a separate vote.

Over the Medium Term, the major vote allocations are for investigation of high profile and other corruption and ombudsman complaints, prosecution of corruption cases, verification and investigation of Leadership Code breaches, public awareness campaigns, policy and systems studies and systemic investigations as well as follow-up on implementation of IG recommendations to ensure compliance. Other areas of major allocations are payment of rent for both headquarters and 16 Regional Offices and preparation of architectural plans for the head office premise in Kampala, vehicle maintenance and inspection of development projects.

The proposed key major allocations are therefore summarized as follows: travel inland for investigations, prosecutions, verifications of leaders' declarations, project inspections and policy and system studies UGX. 2.141 Billion, payment of rent UGX. 2.49 Billion, vehicles, their maintenance, fuel and lubricants UGX. 0.259 Billion. Other major allocations are NSSF contributions of UGX. 2.32 Billion, payment of staff annual gratuity UGX. 5.936 Billion and allowances of UGX. 2.86 Billion. Details are attached in the Annex1.

#### **b) Key priorities for FY 2017/18**

During the FY 2017/18 the IG's strategic focus is (i) Improving efficiency and effectiveness in preventing, detecting and eliminating corruption; (ii) Leveraging the ombudsman role to embed adherence to the rule of law, efficiency, natural justice and good governance in public administration; (iii) Strengthening the enforcement of the Leadership Code of Conduct and (iv) Enhancing public awareness about the IG mandate and strengthen strategic partnerships. Specifically, the IG has set out to deliver the following outputs:

- i. Carryout **investigations of 164 high profile/grand/syndicated corruption cases** (4 in MDAs and 160 LGs) and 392 other investigations (116 MDAs and 276 LGs).
- ii. **Prosecute 60 corruption cases**; defend **09 judicial applications** and follow-up on the execution of 15 court orders.
- iii. Review the mechanism to follow-up on the implementation of the IG recommendations. It has been projected that enforcing the mechanism will translate into implementation of at least 85% of the recommendations.

- iv. Gradually reduce over reliance on reported complaints and scale up intelligence-led investigations. It is projected that at least 20% of the investigations in FY 2017/18 will be initiated from intelligence gathered by the IG.
- v. **Investigate 1100** (200 in MDAs and 900 LGs) cases of maladministration and injustices (Ombudsman Cases), 20 of which will be high profile in nature.
- vi. Resolve at least 20% of ombudsman complaints through Alternative Dispute Resolution (ADR). This approach will gradually increase the case completion rate and save time for the IG to concentrate on conducting systemic interventions and systems studies.
- vii. Conduct risk assessments of at least 500 leaders' declarations to identify "high risk" leaders and then conduct verifications of their declarations. Findings from the assessment will inform verification of 65 leaders' declarations and investigations into 25 breaches of the Leadership Code of Conduct.
- viii. Conduct 2 sector wide inspections of development programs, 56 periodic inspections and investigate 34 complaints arising from project implementation.
- ix. Scale up targeted public awareness campaigns through radio talk shows, Radio Spot Messages, strengthening partnerships, workshops and dissemination of assorted IEC materials.
- x. Implement the recommendations of Organizational Development Assessment which was concluded in the current FY 2016/17. First the IG will concentrate on strengthening the Human Resource function, implement a change management strategy and the new structure.
- xi. Continue to strengthen existing collaboration networks and partnerships as we also seek to build new ones. This is because combating corruption, maladministration and enforcement of Leadership Code of Conduct requires a collective and collaborative approach.

**c) IG contribution to GDP where applicable**

The IG as an institution does not make a direct contribution to the realization of the GDP. However, given its mandate, the institution provides an oversight role to ensure that there is transparency and accountability in the implementation of the planned interventions which directly contribute to attainment of GDP. The IG participates in ensuring that monies collected in the public sector are expended on the right priorities and no losses are made. Should there be any; the IG will ensure that where possible, losses are recovered, thereby contributing to the sustainable use of the GDP in the public sector for delivery of services to citizens.

**d) Envisaged budget execution challenges and solutions/recommendations**

In section 2 (c) above the IG highlighted the major challenges currently affecting budget execution and overall operations. It is anticipated that the institution will continue to experience most of these constraints. In FY 2017/18, the IG is envisaging the following three major challenges which will significantly impact on budget execution:

- i. The depreciation of the shilling against the dollar will continue to increase cost of operations, in particular affecting payment of rent for head office, regional offices and in travel costs (fuel and lubricants). The payment of rent for the head office is executed in US Dollars, because the running agreement was signed before the Ministry of Finance directive, thus any depreciation in the shilling increases the amount paid to the service provider.
- ii. Budget cuts; already UGX 750 million has been deducted on consumptive items from the proposed allocation for FY 2017/18. However the bulk of IG operations involve intensive travel to conduct investigations, prosecutions, and conduct public awareness programmes. The budget line for the execution of all these activities falls under consumptive items which are prone to budget cuts
- iii. Increasing complexity of corruption; corruption is now sophisticated and involves wide networks of people (syndicates) in and outside Uganda. Combating this type of corruption requires significant resources (financial and skilled human resources).

In order to overcome the above constraints, the Inspectorate recommends the following:

- i. In the FY 2017/18, the IG should be allocated funding to start on the construction of the Head Office building. The architectural designs and plan have been completed and submitted to the authorities for approval.
- ii. Reinstatement of UGX 750 Million cut from the proposed MTEF of FY 2017/18 and protection of the IG Vote from any further budget cuts.
- iii. Increase allocation of UGX 2.11 Billion to finance the activities of the newly created Directorate of Special Investigations which was established to expeditiously investigate grand and syndicated corruption.

#### **e) Critical Unfunded Priorities**

Though allocations to the Inspectorate have been increasing significantly over time, the institution is still faced with the challenge of inadequate resources. The IG has a funding gap of UGX 2.676 Billion (UGX 2.367 Billion Operational funds and UGX 0.309 Billion for Wage). As a result of the above funding gap, the following prioritized interventions for FY 2017/18 and over the Medium Term will not be funded by the allocated resource envelope.

##### **(i) Construction of IG Head Office Building (UGX 33.095 Billion)**

In the previous FY 2015/16, IG hired a firm to produce architectural designs for its head office building. The consultant concluded the exercise and submitted the plan with cash flow projections indicating that a sum of UGX 90.821 Billion will be required as the cost of the project. The projections further indicate that a sum of UGX 33.095 Billion is required in FY 2017/18. In the current FY 2016/17, the institution was allocated UGX 1.0 Billion to finalize all the initial processes and a commitment was made by MoFPED to provide funding for the project in the FY 2017/18. However, the funds were not provided in the MTEF thus creating a funding gap of UGX 33.095 Billion.

**(ii) Operational Funds (UGX 2.11 Billion)**

In the ensuing FY 2017/18, the Inspectorate of Government was allocated UGX 18.371 Billion to cater for obligatory expenses such gratuity, NSSF contributions, payment of rent and operational expenditures. However, the greater proportion of the non wage was taken up by the statutory expenses (Gratuity UGX 6.087 Billion, NSSF 2.099 Billion, Rent UGX 2.486 Billion and allocation to Regional Offices 1.536 Billion) leaving limited resources for head office operations. Our projections indicate that the IG requires UGX 4.251 Billion to effectively facilitate investigations, prosecutions, verification of leader's declarations and conduct public awareness programmes. Within the MTEF for non-wage, an allocation of UGX 2.141 was provided under travel inland, leaving a funding gap of UGX 2.11 Billion.

**(iii) Staff Training (UGX 0. 843 Billion)**

Corruption in Uganda is becoming more sophisticated with more cases of organized and syndicated corruption being recorded. As a result, the IG needs to continuously build capacity of its staff to promptly respond to the changing trends. In addition, since FY 2013/14 the IG has concentrated on strengthening its capacity particularly in the Regional Offices through recruitment of staff with less prioritization of their training. In the FY 2017/18 the IG has prioritized training, first to equip the new staff with requisite skills for investigations, prosecutions, conducting policy and system studies and specialized skills to tackle the emerging trends of corruption. The IG requires UGX 1.0 Billion for training but only UGX 0.157 has been allocated in the MTEF for FY 2017/18 leaving a funding gap of UGX 0. 843 Billion.

**(iv) National Integrity Survey (UGX 0.521 Billion)**

In 1998 the Inspectorate of Government introduced the National Integrity Survey (NIS) to generate empirical information to help Government, Civil Society, Private Sector and other stakeholders to improve implementation of strategies aimed to promote governance and reduce corruption. In the initial programming, NIS was supposed to be conducted every five years; NIS II and III were to be carried out in 2003 and 2008, respectively. However, due to lack of resources, the Survey for 2013 was not conducted. The IG has prioritized this activity in FY 2017/18 and proposed an allocation of UGX 0.521 Billion which is not provided for in the MTEF.

#### **4. Vote Projects**

The IG has no ongoing project that is currently receiving external support. However, in the ensuing FY 2017/18, the IG will embark on the implementation of the IG Building project, hence development partners are being sought to provide additional funding.