MAKERERE  **UNIVERSITY**

SCHOOL OF LAW

THE INDEPENDENCE OF UGANDA'S INSPECTORATE OF GOVERNMENT AND ITS ABILITY TO INVESTIGATE AND PROSECUTE CORRUPTION

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DECLARATION

I, **Ntumwa William Moses**, declare that this dissertation is my original work and has not been submitted to any other university or institution for the award of any academic qualification, credit, or examination.

Where the work of other scholars or sources has been used, it has been duly acknowledged and appropriately cited through quotations, footnotes, and complete references.

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APPROVAL

This dissertation, titled *The Independence of Uganda's Inspectorate of Government and its Ability to Investigate and Prosecute Corruption*, has been prepared and submitted for examination under my guidance and supervision.

Supervisor's Name: Dr. Dan Ngabirano **Date:** October 20, 2026

Signature: .....

DEDICATION

I dedicate this dissertation to my entire family, whose love, sacrifices, encouragement, and unwavering support have been a constant source of strength throughout my academic journey.

Above all, I dedicate it to my beloved parents, Mr. Namakajjo Lasto and Ms. Nakitende Prossy Giibwa, whose sacrifices, guidance, and belief in the value of education have shaped my journey and made this achievement possible.

With love and gratitude, this work is dedicated to you.

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Inspectorate of Government, The Cost of Corruption in Uganda, Kampala: Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), 2021.

Uganda Constitutional Commission. The Report of the Uganda Constitutional Commission. Uganda Constitutional Commission, (1993)

LIST OF ACRONYMS AND ABBREVIATIONS

ACA	Anti-Corruption Agency
ACAs	Anti-Corruption Agencies
AG	Attorney General / Auditor General
AU	African Union
AUCPCC	African Union Convention on Preventing and Combating Corruption
BDP	Botswana Democratic Party
BHC	Botswana Housing Corporation
BMC	Botswana Meat Commission
BNF	Botswana National Front
BSD	Basic Structure Doctrine
CHOGM	Commonwealth Heads of Government Meeting
CIID	Criminal Investigations and Intelligence Directorate
CIO	Corruption Investigation Office for High-Ranking Officials
CPI	Corruption Perceptions Index
CPIB	Corrupt Practices Investigation Bureau
COSASE	Committee on Commissions, Statutory Authorities and State Enterprises
CoSP	Conference of States Parties
DCEC	Directorate on Corruption and Economic Crime
DIGG	Deputy Inspector General of Government
DPP	Director of Public Prosecutions
FIA	Financial Intelligence Authority
FY	Financial Year
G20	Group of Twenty
ICAC	Independent Commission Against Corruption
ICT	Information and Communication Technology
IG	Inspectorate of Government
IGG	Inspector General of Government
IPM	International Project Managers
MTEF	Medium-Term Expenditure Framework
NDB	National Development Bank

NRA	National Resistance Army
NRM	National Resistance Movement
ODPP	Office of the Director of Public Prosecutions
PPDA	Public Procurement and Disposal of Public Assets Authority
SHACU	State House Anti-Corruption Unit
TI	Transparency International
TPP	Ten-Point Programme
UNCAC	United Nations Convention against Corruption
UNODC	United Nations Office on Drugs and Crime

ABSTRACT

Corruption is still a significant challenge to good governance, public accountability and effective service delivery in Uganda. In response to the challenge of corruption and abuse of public office, Uganda progressively developed institutional mechanisms for public accountability, culminating in the establishment of the constitutionally entrenched Inspectorate of Government (IG) under the 1995 Constitution. The IG was entrusted with broad investigative and prosecutorial powers and was expressly guaranteed independence in the performance of its functions. Despite these formal safeguards, questions remain as to whether the IG is able to exercise its mandate effectively and without undue influence. This dissertation examines the impact of the independence of the IG on its ability to investigate and prosecute corruption in Uganda.

The study employed a qualitative approach using a descriptive and exploratory research design. It examined the constitutional and statutory framework governing the IG, relevant judicial decisions, institutional reports, academic literature and international and regional standards on the independence of anti-corruption agencies. The study also drew on interviews with prosecutors, investigators, judicial officers and other stakeholders involved in Uganda's anti-corruption framework. Institutional independence was examined as a multidimensional concept encompassing legal entrenchment, appointment and removal safeguards, tenure, financial autonomy, operational independence and accountability.

The study found that Uganda has established a strong formal framework for the independence of the IG. Its constitutional status, protection from direction or control by other persons or authorities, broad investigative and prosecutorial powers, and accountability to Parliament provide important safeguards for institutional autonomy. In practice, however, these safeguards have not always translated into effective operational independence. Executive influence in the appointment process, the absence of clear timelines for filling leadership vacancies, the possibility of reappointment, financial constraints, inadequate staffing and limited specialized capacity affect the institution's ability to exercise its mandate effectively. The study also found that overlapping mandates among anti-corruption institutions and some judicial interpretations of the IG's powers can create additional challenges for effective investigations and prosecutions.

The comparison with Botswana further demonstrates that formal legal protection, although important, does not by itself determine the effectiveness of an anti-corruption institution. Botswana's Directorate on Corruption and Economic Crime (DCEC), despite having weaker

formal guarantees of independence than Uganda's IG, has achieved comparatively stronger anti-corruption outcomes. Its experience suggests that political commitment, institutional culture, adequate resources, effective leadership and respect for operational autonomy are important complements to formal legal safeguards.

The dissertation concludes that independence is essential to the effective investigation and prosecution of corruption, but that it must be understood not only as a constitutional guarantee but also as a practical institutional condition. It recommends strengthening the appointment and tenure arrangements of the IG leadership, improving financial and operational capacity, addressing staffing and regional resource gaps, strengthening collaboration with other anti-corruption institutions while preserving the IG's decisional autonomy, and enhancing accountability and public confidence in the institution.

CHAPTER ONE

INTRODUCTION

1.0 Introduction

This study examines the importance of the Inspectorate of Government's (IG) independence on its ability to investigate and prosecute corruption in Uganda. The IG, Uganda's principal anti-corruption agency, consists of the Inspector General of Government (IGG) and such number of Deputy Inspectors General of Government as Parliament may by law establish.[1] Corruption, broadly defined as the abuse of public office for personal gain, includes bribery, embezzlement, diversion of public funds, neglect of duty, and other forms of illicit enrichment.[2] "Broadly speaking, corruption can be classified into five categories, namely; political corruption, administrative corruption, grand corruption, petty corruption and patronage/ paternalism."[3] Political corruption occurs when political leaders misuse their power to influence government policies, decisions or the allocation of public resources for personal or partisan gain.[4] Administrative corruption arises when public officials abuse their authority in implementing government policies or delivering public services for improper benefit.[5] Grand corruption involves high-level abuse of power that benefits a few at the expense of the wider public, while petty corruption refers to everyday abuses of office, such as demanding bribes to provide public services.[6] Patronage involves the allocation of public positions or benefits in return for political support or loyalty, whereas paternalism describes a relationship in which a powerful person acts

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[1] Constitution of the Republic of Uganda, 1995, art. 223(2)

[2] African Union Convention on Preventing and Combating Corruption, adopted 11 July 2003, entered into force 5 August 2006, art. 1.

[3] Ruhweza, Daniel R. Frustrated or Frustrating?: the inspector general of government and the question of political corruption in Uganda. Human Rights and Peace Centre, Makerere University, 2012.

[4] Transparency International, "Political Corruption," Corruptionary A–Z, accessed October 12, 2026, https://www.transparency.org/en/corruptionary/political-corruption

[5] Giulia Mugellini et al., "Public Sector Reforms and Their Impact on the Level of Corruption: A Systematic Review," Campbell Systematic Reviews 17, no. 2 (2021), https://doi.org/10.1002/cl2.1173

[6] Transparency International, "Grand Corruption," Corruptionary A–Z, accessed October 12, 2026, https://www.transparency.org/en/corruptionary/grand-corruption; Transparency International, "Petty Corruption," Corruptionary A–Z, accessed October 12, 2026, https://www.transparency.org/en/corruptionary/petty-corruption

as a benefactor towards others, potentially creating dependence and personal loyalty.[7] This study considers all forms of corruption without focusing on any single category.

Independence relates to autonomy, which originates from the Ancient Greek city-state term *'auto nomos,'* implying self-governance and the right to organize one's internal affairs and give the law to oneself without external interference.[8] In this context, independence refers to the IG's institutional autonomy, its capacity for self-governance and its ability to act independently, responsibly, and decisively in executing its mandate.[9]

Despite the IG's legal independence, corruption remains a persistent challenge in Uganda, significantly undermining public service delivery and economic development.[10] While existing literature acknowledges the importance of institutional independence in anti-corruption enforcement addressing issues such as the institutional design and independence of the Inspectorate of Government in Uganda, political interference and executive influence on oversight bodies, financial dependence and its impact on independence, and the effectiveness of anti-corruption investigations and prosecutions, there is limited research on how the IG's level of independence directly affects its operational effectiveness.[11] This study seeks to bridge that gap by examining the relationship between the IG's independence on its capacity to effectively fulfill its mandate to investigate and prosecute corruption cases in Uganda.

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[7] Francisco Panizza, B. Guy Peters, and Conrado Ramos Larraburu, "Patronage and Public Administration," Oxford Research Encyclopedia of Politics, February 23, 2021, https://doi.org/10.1093/acrefore/9780190228637.013.1392

[8] Ohan P. Olsen, "Democratic Government, Institutional Autonomy and the Dynamics of Change," West European Politics 32, no. 3 (2009): 439–65, https://doi.org/10.1080/01402380902779048.

[9] Motloba, P. D. "Understanding of the principle of Autonomy (Part 1)." South African Dental Journal 73, no. 6 (2018): 418-420.

[10] Ousmane Diagana and Mouhamadou Diagne, "Corruption Is a Global Problem for Development. To Fight It, We All Have a Role to Play," World Bank, June 13, 2023, https://moderndiplomacy.eu/2023/07/02/corruption-is-a-global-problem-for-development-to-fight-it-we-all-have-a-role-to-play/.

[11] Joe Oloka-Onyango, "The Dynamics of Corruption Control and Human Rights Enforcement in Uganda: The Case of the Inspector General of Government," *The African Review: A Journal of African Politics, Development and International Affairs* 19, nos. 1–2 (1992): 98–117; Racheal Flanary and David Watt, "The State of Corruption: A Case Study of Uganda," *Third World Quarterly* 20, no. 3 (1999): 515–536; Samuel Githaiga, *The Effectiveness, Accountability and Independence of the "Fourth Arm" of Government from a Comparative Perspective* (Nairobi: University of Nairobi, 2022), 21–23, 31–35; Linda C. Reif, "Building Democratic Institutions: The Role of National Human Rights Institutions in Good Governance and Human Rights Protection," *Harvard Human Rights Journal* 13 (2000): 25, 30, 61–63; Grant Poulton, "Independence in Investigation and Prevention: The Role of the New South Wales Government's Independent Commission against Corruption," in *Corruption, Integrity and Law Enforcement*, 193–215 (Leiden: Brill Nijhoff, 2000), 204–206; Susan Rose-Ackerman and Bonnie J. Palifka, *Corruption and Government: Causes, Consequences, and Reform* (Cambridge: Cambridge University Press, 2016), 144–162.

Therefore, the study examines how the independence of the IG affects its ability to effectively investigate and prosecute corruption in Uganda. It considers the legal and institutional safeguards intended to protect the IG's independence, as well as the practical challenges that may affect the exercise of its investigative and prosecutorial mandate. In doing so, the study seeks to understand how the IG's independence influences its effectiveness in combating corruption and contributing to accountable and effective governance in Uganda.

1.1 Background to the study

Corruption remains a major impediment to Uganda's development and the provision of quality public services.[12] Despite various government efforts since independence, corruption persists, undermining economic growth, governance, and public trust.[13] In response to this challenge, the government of President Yoweri Museveni pledged to combat corruption[14] and, in 1988, established the Office of the Inspector General of Government (IGG).[15] This office was later, in 1995, transformed into the Inspectorate of Government (IG),[16] mandated to eliminate corruption, abuse of authority, and misuse of public office.[17] To effectively execute its mandate, the IG was granted extensive investigative and prosecutorial powers.[18] A fundamental pillar of its effectiveness is its autonomy,[19] which is enshrined in the Constitution.[20]

The 1995 Constitution and the Inspectorate of Government Act, Cap 32 provide for the IG's independence in several ways to ensure its autonomy in combating corruption:

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[12] Maira Martini, "Uganda: Overview of Corruption and Anti-Corruption," U4 Anti-Corruption Helpdesk, Transparency International, April 8, 2013, https://knowledgehub.transparency.org/helpdesk/uganda-overview-of-corruption-and-anti-corruption

[13] Saxton, Jared. "Corruption in Uganda." Ballard Brief 2022, no. 2 (2022): 2.

[14] Museveni, Yoweri Kaguta. Sowing the mustard seed: The struggle for freedom and democracy in Uganda. Moran Publishers, 2020.

[15] Inspector General of Government Statute, 1988 (Uganda) (repealed).

[16] Const. of Uganda, art. 223.

[17] Const. of Uganda, art. 225(1) (b).

[18] Const. of Uganda, art. 230(1).

[19] Transparency International, "Anti-Corruption Agency Strengthening Initiative," accessed August 29, 2026, https://www.transparency.org/en/projects/anti-corruption-agency-strengthening-initiative

[20] Const. of Uganda, chap. 13.

1. Constitutional Establishment[21] – The IG is created under the Constitution rather than an Act of Parliament, making it more difficult to abolish or alter without a constitutional amendment.[22]
2. Guaranteed Independence – The IG is explicitly shielded from interference, direction, or control by any individual or authority in the execution of its functions. [23]
3. Appointment and Removal Process – The structured process for appointing[24] and removing[25] the IG, as well as its staff recruitment, [26] is designed to prevent undue influence.[27]
4. Institutional and Staff Immunity – Legal immunity is provided to IG and its officials when executing their duties, protecting them from personal liability.[28]
5. Financial Autonomy – The IG's budget is appropriated in a manner intended to safeguard its financial independence.[29]
6. Independent investigative and Prosecutorial Mandate – The IG has the authority to independently investigate[30] and prosecute[31] corruption cases in Uganda.
7. Broad Jurisdiction – The IG oversees not only public officials but also leaders outside traditional public service structures.[32]
8. Exclusive Reporting to Parliament – The IG submits biannual reports directly to Parliament,[33] limiting external interference in its accountability mechanisms.

This independence is intended to enable the IG to investigate and prosecute corruption cases without political interference or manipulation, ensuring impartiality and the fair administration of

[21] Ibid.
[22] Uganda Constitutional Commission. The Report of the Uganda Constitutional Commission. Uganda Constitutional Commission, (1993): 598.
[23] Const. of Uganda, art. 227.
[24] Const. of Uganda, art. 223 (4).
[25] Const. of Uganda, art. 224.
[26] Inspectorate of Government Act, Cap. 32 (Uganda), § 15(2).
[27] Uganda Constitutional Commission, Report, 598.
[28] IG Act, s 21(1).
[29] Const. of Uganda, 229.
[30] IG Act, part V and VI.
[31] IG Act, s 13 (8).
[32] Const. of Uganda, art. 226.
[33] Const. of Uganda, art 231(1).

justice.[34] However, debates persist regarding the IG's actual independence in practice.[35] Various concerns have been raised about whether political and institutional pressures affect the IG's operations, potentially undermining its effectiveness.[36] The conviction rate of corruption cases handled by the IG now stands at 50% in Financial Year 2023/2024.[37] Corruption remains pervasive, costing Uganda approximately 9.144 trillion Uganda Shillings annually,[38] with the country scoring 26 and ranking 141 out of 180 countries on the Corruption Perception Index.[39]

This study seeks to evaluate the extent to which the IG's independence influences its ability to investigate and prosecute corruption cases in Uganda. By examining the correlation between institutional independence and anti-corruption effectiveness, this research contributes to the ongoing discourse on strengthening Uganda's anti-corruption framework and governance mechanisms.

1.2 Problem Statement

The independence granted to the Inspectorate of Government (IG) under Ugandan law aims to ensure its effectiveness in investigating and prosecuting corruption cases.[40] "Without assured independence, the people of Uganda saw little point in such an institution as the IG."[41] However, despite legal provisions, the IG's independence appears largely theoretical,[42] often undermined by

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[34] Uganda Constitutional Commission, Report, 603.

[35]Uganda Forum Against Corrupt Entities, "Reform of the Inspectorate of Government (IGG): Strengthening Independence from the Executive," February 20, 2022, updated April 28, 2022, https://ugface.org/reform-of-the-inspectorate-of-government-igg-strengthening-independence-from-the-executive-part-1 , accessed September 30, 2026.

[36]Wilfred Arinda Nshekantebirwe, "Only Political Will Can End Corruption," Daily Monitor, October 22, 2024, https://www.monitor.co.ug/uganda/oped/letters/only-political-will-can-end-corruption-4799752 , accessed September 30, 2026

[37] Inspectorate of Government (Uganda), *Presentation of the Inspectorate of Government Policy Statement to the Legal and Parliamentary Affairs Committee of Parliament for Financial Year 2024/25* (2024).

[38]Inspectorate of Government, The Cost of Corruption in Uganda (Kampala: Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), 2021).

[39]Transparency International, Corruption Perceptions Index 2023 (January 30, 2024), https://www.transparency.org/en/cpi/2023, accessed September 30, 2026.

[40] Uganda Constitutional Commission, Report, 603.

[41] Ibid. 595.

[42]Uganda Forum Against Corrupt Entities, "How the Inspectorate of Government of (IGG) Can Successfully Combat and Fight Corruption in Uganda," February 20, 2022, updated October 1, 2024, https://ugface.org/how-the-inspectorate-of-government-of-igg-can-successfully-combat-and-fight-corruption-in-uganda , accessed September 30, 2026.

external factors such as political interference[43] and budgetary constraints.[44] The IG's independence is further compromised by the presidential power to appoint and remove its members.[45] As a result, the IG's capacity to fulfill its mandate is hindered, with corruption remaining pervasive and costly to Uganda.[46] In FY 2023/2024, the IG's conviction rate for corruption cases stands at 50%, highlighting the challenges to its effectiveness.[47]

This research investigates the impact of the IG's independence on its ability to combat corruption, aiming to provide insights that could inform future reforms to strengthen the IG's autonomy and capacity to eradicate corruption in Uganda.

1.3 Objectives of the study

1.3.1 General Objective

To investigate the impact of the institutional independence of the IG on its ability to effectively investigate and prosecute corruption cases in Uganda.

1.3.2 Specific Objectives:

1. To examine the evolution of the IG and the international and regional legal standards governing the independence of anti-corruption agencies (ACAs).
2. To assess the impact of the institutional independence of the IG on its ability to investigate and prosecute corruption cases in Uganda.
3. To compare the institutional independence of the IG and Botswana's Directorate on Corruption and Economic Crime (DCEC) and identify lessons for Uganda.

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[43]Nshekantebirwe, "Only Political Will Can End Corruption."https://www.monitor.co.ug/uganda/oped/letters/only-political-will-can-end-corruption-4799752 , accessed September 30, 2026.

[44]Jane Nafula, "IGG Wants Her Budget Increased to Shs100b," Daily Monitor, October 13, 2022, https://www.monitor.co.ug/uganda/news/national/igg-wants-her-budget-increased-to-shs100b-3982986, accessed September 30, 2026.

[45] Const. of Uganda, 224.

[46] Mihály Fazekas, Isabelle Adam, and Olena Nikulina, Cost of Corruption in Uganda (Kampala: Inspectorate of Government, 2021), viii.

[47] Inspectorate of Government, Presentation of the IG Policy Statement to the Legal and Parliamentary Affairs Committee of Parliament, Vote 103, FY 2024/25, April 2, 2024, 7.

4. To formulate recommendations for strengthening the institutional independence and effectiveness of the IG.

1.4 Research Questions

1. What is the evolution of the IG, and what international and regional legal standards govern the independence of anti-corruption agencies (ACAs)?
2. What is the impact of the institutional independence of the IG on its ability to investigate and prosecute corruption cases in Uganda?
3. How does the institutional independence of the IG compare with that of Botswana's DCEC, and what lessons can Uganda draw from the comparison?
4. What recommendations can strengthen the institutional independence and effectiveness of the IG?

1.5 Justification for the study:

This study examines how the independence of the Inspectorate of Government (IG) affects its effectiveness in investigating and prosecuting corruption in Uganda. Despite its mandate, the IG faces challenges such as political interference and resource constraints, which limit its impact. The research seeks to identify legal and operational gaps that hinder the IG's independence and effectiveness. By providing insights into these challenges, the study aims to inform policy reforms that strengthen the IG's independence, enhance its institutional capacity, improve conviction rates, and build public trust in Uganda's anti-corruption efforts, ultimately contributing to sustainable development.

1.6 Theoretical Framework

This study is anchored in the theory of constitutionalism, the doctrine of separation of powers and its emerging extension; the concept of the "fourth arm of government," also referred to as the "functional model" or the "integrity branch" within which anti-corruption bodies such as the IG can be situated.

Although constitutionalism is one of those theories that arguably, for more than a millennium lacks a formal or fixed definition,[48] Walton H. Hamilton wryly observed that: "Constitutionalism is the

[48] Jethro Koller Lieberman, "Constitutionalism," in The Encyclopedia of Political Thought, edited by M. T. Gibbons (Chichester: John Wiley & Sons, 2014), 730–732.

name given to the trust which men repose in the power of words engrossed on parchment to keep a government in order".[49] It is often associated with the political thought of John Locke and the founders of the American republic, who hold that government should be legally limited in its powers, and that its legitimacy depends on its adherence to those limitations.[50] Therefore, a "constitution is necessary in order to limit government and . . . if there is to be government by consent".[51] Waluchow and Kyritsis provide a comprehensive minimal definition of a constitution:

> In some minimal sense of the term, a constitution consists of a set of norms (rules, principles or values) creating, structuring, and possibly defining the limits of, government power or authority. Understood in this way, all states have constitutions and all states are constitutional states. Anything recognizable as a state must have some means of constituting and specifying the limits (or lack thereof) placed upon the three basic forms of government power: legislative power (making new laws), executive power (implementing laws) and judicial power (adjudicating disputes under laws).[52]

James Madison argues that the "accumulation of all powers . . . in the same hands . . . may justly be pronounced the very definition of tyranny".[53] Therefore, Lieberman notes that*:* "Modern constitutionalism, then, seems to consist of these ingredients: (1) a fixed and public constitution, (2) ratified by the people, (3) equally applicable to all, that restrains arbitrary decrees by (4) separating government powers and (5) mandating impartial and fair procedures, and (6) that permits the people through regular elections to select their leaders, all in order (7) to preserve space in which at least some degree of individual autonomy may flourish."[54]

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[49] Walton Hale Hamilton, "Constitutionalism," in Encyclopedia of the Social Sciences, vol. 2, edited by Edwin Robert Anderson Seligman (New York: Macmillan, 1937), 255.
[50] Wil Waluchow and Dimitrios Kyritsis, "Constitutionalism," in The Stanford Encyclopedia of Philosophy, ed. Edward N. Zalta, Fall 2023 Edition, first published January 10, 2001; substantive revision May 18, 2023, https://plato.stanford.edu/entries/constitutionalism/. , accessed September 30, 2026.
[51] Roger Scruton, A Dictionary of Political Thought (New York: Hill and Wang, 1984),94.
[52] Ibid.
[53] James Madison, "Federalist No. 47," in The Federalist Papers, edited by Clinton Rossiter (New York: New American Library, 1961), 301.
[54] Lieberman, "Constitutionalism," 730–731.

The doctrine of separation of powers, which is one of the principles or tenets of the bigger theory of constitutionalism was classically articulated by Montesquieu in his famous writing; "*Esprit des Lois"* also known as*; The Spirit of the Laws".*[55] This doctrine, advocates the distribution of the functions of government among the legislature, executive, and judiciary to avoid the concentration of power and safeguard liberty.[56]

While the doctrine of separation of powers has traditionally been confined to the three classical/ traditional branches of government, contemporary constitutional scholars such as Bruce Ackerman argue that the doctrine must now accommodate independent oversight institutions.[57] These bodies, charged with regulation, accountability, and specialized governance functions, effectively extend the checks-and-balances system beyond the traditional "holy trinity" of executive, legislative, and judicial powers.[58]

The concept of the "Fourth Arm of Government" which includes the "Integrity Branch" refers to constitutionally entrenched, independent bodies created to fill accountability gaps left by the traditional branches.[59] These include electoral commissions, ombudsman offices, human rights commissions, and anti-corruption agencies.[60]

To this end, Bruce Ackerman argues that systemic corruption poses a fundamental threat to both effective governance and democratic legitimacy.[61] Since neither bureaucrats nor elected officials can be reliably trusted to combat corruption, he proposes establishing a constitutionally independent "integrity branch" as a solution.[62] This specialized institution would require strong

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[55] De Secondat, Charles, and Baron De Montesquieu. The Spirit of the Laws. DigiCat, 2022.
[56] John A. Fairlie, "Separation of Powers," Michigan Law Review 21, no. 4 (1922-1923): 396.
[57] Bruce Ackerman, "The New Separation of Powers," Harvard Law Review 113, no. 3 (2000): 723-725.
[58] Ibid., 691–693.
[59] James J. Spigelman, The Integrity Branch of Government, AIAL National Lecture Series on Administrative Law, no. 2 (2004): 1-46, Australian Law Journal 78, no. 11 (2004): 724, https://ssrn.com/abstract=1809582.
[60] A. J. Brown, The Fourth, Integrity Branch of Government: Resolving a Contested Idea (Australian Political Studies Association 2018 Presidential Address, Brisbane: International Political Science Association World Congress of Political Science, July 2018), 6.
[61] Ackerman, "The New Separation of Powers, 691.
[62] Ibid.

structural protections, including guaranteed funding, guaranteed very high salaries, and career safeguards, to prevent political interference in its operations.[63]

While acknowledging potential risks of investigative overreach, Ackerman suggests limiting the branch's jurisdiction to balance accountability with practical governance needs.[64] Comparative examples from the UK's oversight bodies and successful anti-corruption agencies in Hong Kong and Singapore demonstrate that such institutions can function effectively when properly designed.[65] He ultimately contends that constitutional conventions present a unique opportunity to institutionalize these reforms, representing an essential modernization of traditional separation-of-powers frameworks for contemporary governance challenges.[66]

Tushnet observes that these institutions serve as "guardians of the constitutional order" by providing horizontal accountability across the state apparatus, often in contexts where political or institutional incentives may undermine self-regulation within the three traditional branches.[67]

1.7 Application of the Framework to the study

Uganda's 1995 Constitution establishes the IG[68] as an independent body[69] mandated to among others, promote adherence to the rule of law, accountability, and integrity in public office.[70]

From a constitutionalism perspective, the IG's effectiveness depends not only on its constitutional entrenchment but also on the practical enjoyment of independence, enabling it to withstand political influence and fulfil its mandate impartially. Under the doctrine of separation of powers, the IG operates as a horizontal accountability mechanism, empowered to monitor, investigate, and prosecute misconduct across all branches of government. To work properly, it must stay fully independent. If controlled by any branch of government, it can't investigate fairly or keep power in balance.

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[63] Ibid., 692.
[64] Ibid.
[65] Ibid., 692-693.
[66] Ibid., 693.
[67] Tushnet, Mark. The new fourth branch: Institutions for protecting constitutional democracy. Cambridge University Press, 2021.
[68] Constitution of Uganda, art. 223.
[69] Ibid., art. 227.
[70] Ibid., art. 225.

Viewed through the fourth arm of government lens, the IG exemplifies an independent constitutional institution designed to oversee all sectors of public authority, including the executive, legislature, and judiciary. As such, it acts as a constitutional sentinel whose operational effectiveness is tied directly to its institutional independence.

Anchoring this study in these three concepts allows for a critical assessment of whether Uganda's constitutional design, political practices, and institutional culture reinforce or undermine the IG's ability to act as an effective fourth-arm institution in investigating and prosecuting corruption.

1.8 Literature Review

The literature on institutional independence and anti-corruption enforcement is extensive, interdisciplinary, and often contested. Across constitutional theory, governance studies, political economy, and public administration scholarship, institutional independence is widely presented as a necessary condition for effective investigation and prosecution of corruption, particularly where politically powerful actors are implicated. This is important especially where ordinary law enforcement institutions are ineffective or compromised.[71] However, scholars diverge significantly on how independence should be conceptualized, measured, and operationalized in practice. While some equate independence with formal constitutional insulation, others emphasize operational autonomy, leadership agency, political context, and financial stability as critical determinants of enforcement effectiveness. This review of literature examines these debates thematically, synthesizing theoretical, comparative, and Ugandan scholarship in order to identify the conceptual and empirical gaps surrounding the relationship between institutional independence and the investigative and prosecutorial performance of Uganda's Inspectorate of Government.

1.8.1 Theoretical Foundations of Institutional Independence in Anti-Corruption Governance

Matial's study of the IG in Uganda shows that while the IG enjoys extensive constitutional and statutory powers, including investigative and prosecutorial authority, its effectiveness is undermined by systemic constraints such as inadequate resources, institutional fragmentation, and

[71] Susan Rose-Ackerman, Corruption and Development, paper presented at the Annual World Bank Conference on Development Economics, Washington, DC, April 30–May 1, 1997 (Washington, DC: The World Bank, 1997), 35.

dependence on other state organs.[72] His study illustrates how the absence of an operational Leadership Code Tribunal, reliance on the Attorney General for legal representation, and lack of corporate status dilute the IG's enforcement capacity.[73] While Matial provides good insight into the operational challenges facing the IG, his analysis primarily evaluates institutional strategies and efficiency,[74] rather than examining how variations in independence shape investigative and prosecutorial outcomes in practice.

Githaiga, drawing on fourth-arm institutions in Kenya, also argues that independence in appointments, budgeting, and decision-making is essential for impartial investigations and credible prosecutions.[75] He illustrates that where executive influence persists, investigative priorities are distorted, prosecutorial discretion is compromised, and public trust is eroded.[76] Similarly, Huberts and Fijnaut show that formal legal independence is insufficient in the absence of operational capacity, accountability, and professional integrity, warning that Anti-Corruption Agencies lacking genuine autonomy risk becoming symbolic or politicized.[77] These studies collectively emphasize that independence must extend beyond constitutional design to include functional and institutional safeguards that protect enforcement processes from political manipulation.

Other scholars illustrate how robust independence, when properly institutionalized, can enhance investigative and prosecutorial effectiveness. Poulton's study of the New South Wales Independent Commission Against Corruption (ICAC) demonstrates how legal and operational autonomy enabled the Commission to investigate systemic and high-level corruption without executive interference.[78] However, Poulton cautions that such autonomy must be balanced with accountability mechanisms to prevent abuse of power, particularly where agencies possess coercive investigative tools.[79] This emphasis on balance echoes Comstock's argument that

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[72] Andrew Matial, "Exploring the Efficiency of the Inspectorate of Government in Anti-Corruption Regime in Uganda," IAA Journal of Arts and Humanities 11, no. 2 (2024): 22–30.
[73] Ibid., 23.
[74] Matial, "Exploring the Efficiency," 24-30
[75] Samuel Githaiga, The Effectiveness, Accountability and Independence of the "Fourth Arm" of Government from a Comparative Perspective (Nairobi: University of Nairobi, 2022), 21–23, 31–35, 47–49.
[76] Ibid., 32–35, 92–93.
[77] Fijnaut, Cyrille, and Leo Huberts, eds. Corruption, integrity and law enforcement. Vol. 1. Dordrecht: Kluwer law international, (2002), 5–34.
[78] Poulton, Grant. "Independence in Investigation and Prevention: The Role of the New South Wales Government's Independent Commission against Corruption." In Corruption, Integrity and Law Enforcement, pp. 193-215. Brill Nijhoff, 2000.
[79] Ibid., 204-6.

functional independence is reinforced through preventive ethics infrastructure, transparency, and conflict-of-interest regulation, which reduce reliance on prosecutions and strengthen institutional credibility.[80] Although Comstock's analysis focuses primarily on preventive governance, it nonetheless supports the broader claim that independence must be embedded within a comprehensive integrity framework to sustain enforcement effectiveness.[81]

A more skeptical strand of literature challenges the assumption that institutional independence alone guarantees successful anti-corruption enforcement. Doig and Moran caution that many Anti-Corruption Agencies fail despite formal autonomy, particularly in contexts characterized by weak political will, unclear mandates, and fragmented integrity systems.[82] They warn against the creation of "islands of integrity" that are institutionally isolated and politically vulnerable.[83] Johnston similarly observes that while some independent anti-corruption commissions, such as those in Hong Kong and New South Wales, have achieved notable success, others have faltered due to inadequate resources, weak legitimacy, and isolation from broader governance reforms.[84] He identifies permanence, coherence, and credibility as essential conditions for enforcement effectiveness,[85] suggesting that independence must be situated within a supportive institutional ecosystem.[86]

Rose-Ackerman's work further refines this critique by demonstrating that prosecutorial and judicial independence is necessary but insufficient for sustained anti-corruption enforcement.[87] Drawing on comparative experiences from India, Korea and Brazil, she shows that autonomy enables investigations into politically connected elites, but warns that independence without accountability can result in politicization or overreach.[88] She therefore places independence within a broader governance framework that includes institutional checks, procedural safeguards, and

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[80] Comstock, Amy. "Maintaining Government Integrity: The Perspective of the United States Office of Government Ethics." In Corruption, Integrity and Law Enforcement, pp. 217-228. Brill Nijhoff, 2000.
[81] Ibid., 219, 220, 227.
[82] Doig, Alan, and Jon Moran. "Anti-corruption Agencies: The Importance of Independence and the effectiveness of National Integrity Systems." Corruption and Law Enforcement (2002), 229-251.
[83] Ibid., 234, 248
[84] Johnston, Michael. "Independent anti-corruption commissions: success stories and cautionary tales." Corruption, Integrity and Law Enforcement, La Haye, KluwerLaw International (2002): 253-266.
[85] Ibid., 254.
[86] Ibid. 255, 257, 263-4.
[87] Rose-Ackerman, Susan, and Bonnie J. Palifka. Corruption and government: Causes, consequences, and reform. Cambridge university press, 2016: 1-282.
[88] Ibid., 11-168.

structural reforms that limit discretion.[89] Meagher's comparative analysis similarly emphasizes that both structural and functional autonomy enhance investigative credibility and coordination, while agencies lacking prosecutorial authority or fiscal independence remain vulnerable to external interference.[90]

Johnston's later work deepens this analysis by shifting attention from institutional design to broader power relations and societal engagement.[91] He argues that investigative and prosecutorial effectiveness is shaped not only by formal independence but also by patterns of political contention, elite dominance, and citizen mobilization.[92] While this perspective expands the analytical lens beyond institutional autonomy, it also highlights a limitation in much of the literature: independence is often treated as a background condition rather than as a variable whose erosion or reinforcement directly shapes investigative and prosecutorial choices.

This literature, taken together, recognizes institutional independence as essential for effective anti-corruption enforcement, but it often focuses on formal guarantees or treats independence abstractly. It rarely examines how specific factors such as appointments, budgetary control, and operational autonomy affect investigative and prosecutorial capacity in practice. This gap is evident in Uganda, where the IG has strong constitutional powers yet faces operational constraints. This study addresses that gap by analyzing independence as a practical variable shaping investigative and prosecutorial performance.

1.8.2 Leadership, Agency, and Institutional Resilience in Anti-Corruption Enforcement

While institutional independence is widely taken as a necessary condition for effective anti-corruption enforcement, some literature shows that it alone does not determine outcomes. Instead, the capacity of Anti-Corruption institutions to investigate and prosecute corruption, particularly in politically sensitive cases, often hinges on the agency, discretion, and resilience of institutional leaders and frontline actors. This literature shifts the analytical focus from institutional design to

[89] Ibid., 144- 162.
[90] Meagher, Patrick. Anti-corruption agencies: A review of experience. College Park, MD: IRIS Center, 2004:1-134.
[91] Michael Johnston, Corruption, Contention and Reform: The Power of Deep Democratization (Cambridge: Cambridge University Press, 2014) 1-285.
[92] Ibid., 29-57.

the ways in which individuals within formally independent bodies interpret, deploy, and defend that independence in practice.

Baraybar and Gonzalez-Ocantos provide a somewhat convincing illustration of this dynamic through their analysis of the Peruvian chapter of the Lava Jato investigations.[93] Their study shows that although independence of the prosecution mandate was a necessary precondition for pursuing high-level corruption, it was ultimately the strategic agency of individual prosecutors that determined investigative success.[94] In Peru, for example, prosecutors navigated intense political backlash, judicial obstruction, and legislative hostility by adopting innovative and, at times, controversial tools such as plea bargaining, pretrial detention, and transnational cooperation.[95] The authors demonstrate that independence, when not actively exercised through assertive prosecutorial conduct, remains a latent institutional resource rather than an operative enforcement tool.[96] However, their analysis also reveals the fragility of agency-driven enforcement, as gains achieved through prosecutorial boldness are vulnerable to reversal where institutional protections and political support are weak.[97]

A similar emphasis on discretion and legitimacy emerges in Kim and Foglesong's study of South Korea's Corruption Investigation Office for High-Ranking Officials (CIO).[98] Although the CIO was established as an independent body with a mandate to investigate senior officials, its operational effectiveness was constrained by jurisdictional limits, reliance on external prosecutorial bodies, and an intensely polarized political environment.[99] The authors show how leadership decisions regarding case selection and prioritization became central to the CIO's credibility.[100] Early discretionary choices, particularly in politically salient cases, triggered public accusations of bias, prompting institutional recalibration through clearer guidelines and more

[93] Baraybar, Viviana, and Ezequiel Gonzalez-Ocantos. "Prosecutorial agency, backlash and resistance in the Peruvian Chapter of Lava Jato." The limits of judicialization: From progress to backlash in Latin America (2022): 314-340.
[94] Ibid., 318-19.
[95] Ibid., 315-20.
[96] Ibid., 315, 318, 330-35.
[97] Ibid., 318, 320-21.
[98] Jin-Wook Kim and Tod Foglesong, "Which Corruption Cases to Investigate? Case Selection in the Corruption Investigation Office of Korea" (The Chandler Sessions Papers, Blavatnik School of Government, University of Oxford, 2024), 1-24.
[99] Ibid., 5-14.
[100] Ibid., 5,18.

transparent procedures.[101] This piece illustrates that leadership agency operates within narrow margins of legitimacy: while discretion is essential for strategic enforcement, it must be exercised in ways that sustain public trust and institutional credibility.[102]

Chizuma and Stone's practice-based analysis deepens this perspective by conceptualizing leadership not merely as individual discretion, but as a form of institutional resilience cultivated across legal, personal, and public spheres.[103] Drawing on Chizuma's experience as Director-General of Malawi's Anti-Corruption Bureau, the authors demonstrate how leaders confront "lawfare," intimidation, and retaliatory litigation designed to neutralize enforcement efforts.[104] They argue that personal independence manifested through professional credibility, ethical integrity, and emotional resilience is essential for sustaining institutional authority in the face of political sabotage.[105] At the same time, they show that leadership agency is inseparable from broader coalitions of support, including civil society, professional associations, and the media, which can buffer institutions against executive overreach when formal protections fail.[106]

All these studies converge on the perception that institutions do not act independently; people within them do. Leadership-agency enables Anti-Corruption Agencies to translate formal autonomy into concrete investigative and prosecutorial action, particularly in hostile political environments. However, this literature also reveals some limitations. For example, Agency-driven enforcement is inherently contingent: it relies heavily on exceptional individuals, exposes institutions to backlash, and risks uneven or selective application of power. But also, much of this scholarship focuses on high-profile or crisis-driven episodes, offering limited guidance on how leadership resilience can be institutionalized or sustained beyond individual office tenures.

In the Ugandan context, while the IG possesses extensive formal powers, its capacity to investigate and prosecute corruption is shaped not only by institutional design, but also by how independence is exercised by its leadership in practice. Existing scholarship provides limited analysis of how

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[101] Ibid.
[102] Ibid., 10-15.
[103] Martha Chizuma and Christopher Stone, "The Conundrum of Independence: Taking Up the Leadership of Anti-Corruption Institutions" (The Chandler Papers, Blavatnik School of Government, University of Oxford, 2024):1-23, accessed May 16, 2025, https://www.bsg.ox.ac.uk/research/publications/chandler-papers-conundrum-independence.
[104] Ibid., 7-19.
[105] Ibid.
[106] Ibid.

leadership agency within the IG interacts with structural constraints such as executive influence, budgetary dependence, and inter-institutional reliance. This study builds on the leadership and agency literature by examining how institutional independence is activated, constrained, or neutralized through leadership practices, thereby moving beyond personality-driven explanations toward a more systematic understanding of institutional resilience in Uganda's anti-corruption framework.

1.8.3 Understanding Institutional Independence in Anti-Corruption Enforcement

Although institutional independence is widely regarded as important for effective anti-corruption enforcement, it is often underestimated. Rather than viewing it merely as insulation from executive control, some scholars conceptualize independence as a functional, relational, and context-dependent condition that shapes how investigative and prosecutorial bodies operate in practice.

The works of Reif describe institutional independence as a necessity for oversight bodies such as ombuds institutions, human rights commissions, and hybrid anti-corruption agencies.[107] She argues that independence must encompass both legal autonomy and operational capacity,[108] enabling institutions to investigate maladministration and corruption without fear of reprisal.[109] Drawing on comparative experiences, including hybrid models in Uganda, Ghana, South Africa, and Namibia, Reif demonstrates that independence is undermined not only through overt political interference but also through subtler mechanisms such as budgetary dependence, weak enforcement powers, and reliance on "soft" recommendations.[110] Her analysis usefully foregrounds independence as a condition for credibility and effectiveness, but it largely treats independence as a static institutional attribute rather than as a variable that fluctuates across situations and over time.[111]

Subsequent scholarship complicates this static view by questioning whether independence should always be maximized. Hammond's analysis of cooperation between multilateral development banks and bilateral aid agencies challenges the assumption that autonomy necessarily enhances

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[107] Linda C. Reif, "Building Democratic Institutions: The Role of National Human Rights Institutions in Good Governance and Human Rights Protection," Harvard Human Rights Journal 13 (2000): 1-69.
[108] Ibid., 7.
[109] Ibid., 25, 30.
[110] Ibid., 61-63.
[111] Ibid., 1-28.

enforcement.[112] By contrasting "alliance" and "allegiance" models of institutional cooperation, she demonstrates that strategic limitations on independence, such as mutual recognition of sanctions can strengthen collective enforcement capacity.[113] This perspective reframes independence as a negotiable and instrumental value, rather than an absolute good. However, Hammond's framework raises unresolved concerns regarding accountability, due process, and control, particularly when institutions cede autonomy without corresponding democratic oversight.[114]

Constitutional theory further enriches the conceptualization of independence by situating anti-corruption bodies within the broader architecture of governance. Tushnet's account of "fourth branch" institutions conceptualizes independence as a structural response to the limitations of traditional separation-of-powers models.[115] He argues that institutions such as Anti-Corruption Agencies derive legitimacy not only from legal insulation but also from public trust and functional performance.[116] Independence, in this account, is relational: it depends on how institutions interact with political actors, courts, legislatures, and society at large. Tushnet's work underscores that independence cannot be understood in isolation from political context, but it offers limited guidance on how independence is operationalized in day-to-day investigative and prosecutorial practice.

Critical perspectives from the Global South further expose the limits of formal independence. Okigbo argues that many African anti-corruption institutions exhibit the outward features of autonomy while remaining deeply vulnerable to elite capture and systemic corruption.[117] He contends that independence without incentives, political will, or external accountability is unlikely to disrupt entrenched corruption networks, which function as the prevailing "operating system" of governance.[118] His proposal of incentive-based accountability mechanisms highlights the

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[112] Fay Hammond, From Alliance to Allegiance: Strengthening Anti-Corruption Efforts Between Multilateral Development Banks and Bilateral Aid Agencies (LIDS Working Paper Series 2011-2012, Harvard Law and International Development Society, 2012), http://hlsorgs.com/lids/.
[113] Ibid., 1-13.
[114] Ibid., 3- 20.
[115] Mark Tushnet, 'Institutions Supporting Constitutional Democracy' (2019) Singapore Journal of Legal Studies 440-455.
[116] Ibid., 440-453.
[117] Patrick. O Okigbo, Transparency & Accountability Rating System: A New Anti-Corruption Programming Approach (MRCBG Seminar Paper, Harvard Kennedy School, Mossavar- Rahmani Center for Business and Government, December 2021), 1-8.
[118] Ibid., 3.

importance of motivation and enforcement environments, but it shifts analytical attention away from the internal workings of anti-corruption institutions themselves.[119]

Batohi and Stone advance a more integrated conceptual framework by rejecting both rigid insulation and excessive dependence.[120] Drawing on South African experience, they propose the notion of "interdependent independence," in which Anti-Corruption Agencies are structurally and operationally independent while remaining embedded within integrity-oriented partnerships across government.[121] This approach conceptualizes independence as a condition that must be exercised with integrity and professionalism to sustain legitimacy and effectiveness. While this framework usefully bridges autonomy and collaboration, it remains primarily normative, offering limited empirical analysis of how interdependence shapes investigative and prosecutorial decision-making under political pressure.

The most comprehensive reconceptualization of institutional independence is offered by Chizuma and Stone, who challenge the tendency to treat independence as a singular or self-executing attribute.[122] They conceptualize independence as a three-sphere construct encompassing legal independence (statutory and constitutional safeguards), personal independence (leadership credibility and resilience), and public independence (societal legitimacy and support).[123] Their analysis demonstrates that independence is both a source of institutional strength and a potential vulnerability, as anti-corruption bodies inevitably depend on other state actors for appointments, funding, and enforcement. This view captures the inconsistent nature of independence and provides a dynamic lens through which institutional resilience and fragility can be analyzed.

Therefore, these works, altogether lead us to a conclusion that institutional independence is neither absolute nor uniform. Much of the literature remains divided between formalistic accounts that equate independence with legal insulation and more relational accounts that emphasize context, incentives, and agency. However, few studies systematically examine how different dimensions of independence interact to shape investigative and prosecutorial capacity in specific institutional

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[119] Ibid., 6- 8.
[120] Shamila Batohi and Christopher Stone, 'The World's Anti-Corruption Efforts Need a Reset' (The Chandler Sessions on Integrity and Corruption, Blavatnik School of Government, University of Oxford 2023): 1-28, https://www.bsg.ox.ac.uk/research/research-programmes/integrity-and-corruption/chandler-sessions
[121] Ibid., 17.
[122] Chizuma and Stone, "Conundrum of Independence,":1-23.
[123] Ibid.

settings. This research is set to treat institutional independence as a multi-dimensional, operational variable, enabling a more grounded analysis of how independence is constructed, constrained, and exercised in anti-corruption enforcement practice.

1.8.4 The Inspectorate of Government as Uganda's Fourth Arm: Institutional Design and Operational Reality

Some works place the IG within the "fourth-arm" of oversight institutions created to complement traditional separation of powers by performing specialized accountability functions insulated from political control. Although Uganda's IG is widely regarded as one of the most constitutionally empowered anti-corruption agencies in Africa, the literature highlights a persistent gap between its strong formal design and its practical ability to operate independently.

Oloka-Onyango provides one of the earliest and most influential critiques of the IG's institutional architecture, analyzing the office prior to the 1995 Constitution.[124] He argues that although the IGG was conceived as an innovative accountability mechanism, its design embedded structural weaknesses, particularly executive dominance through presidential appointment and reporting lines.[125] According to Oloka-Onyango, the absence of prosecutorial authority, vague enforcement mechanisms, and weak legislative oversight compromised the IGG's ability to function as an autonomous oversight body.[126] While many of his recommendations, such as fixed tenure and enhanced constitutional protection were later addressed by the 1995 Constitution which created the IG, his analysis remains foundational in highlighting the inherent tension between independence and executive tethering that continues to characterize the IG.

Subsequent scholarship examines whether constitutional reform resolved these structural concerns. Flanary and Watt observe that the 1995 Constitution significantly strengthened the IG's legal independence by making it accountable to Parliament rather than the executive and entrenching its mandate under Article 227.[127] However, they caution that formal independence has

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[124] Joe Oloka-Onyango, 'The Dynamics of Corruption Control and Human Rights Enforcement in Uganda: The Case of the Inspector General of Government' (1992) 19(1/2) The African Review: A Journal of African Politics, Development and International Affairs 98.
[125] Ibid., 107- 117.
[126] Ibid.
[127] Racheal Flanary and David Watt, 'The State of Corruption: A Case Study of Uganda' (1999) 20(3) Third World Quarterly: 515- 536, https://doi.org/10.1080/01436599913668

not translated into effective operational independence.[128] Persistent presidential influence over appointments, chronic underfunding, and weak enforcement mechanisms, particularly in relation to leadership standards have continued to constrain the IG's effectiveness.[129] Their analysis shows the gap between constitutional form and institutional function, suggesting that fourth-arm status alone is insufficient to guarantee autonomy in practice.

This gap is further reinforced by empirical and institutional studies of the IG's day-to-day operations. Kakumba's assessment of the IG's role in holding local governments accountable highlights chronic resource constraints, limited staffing, and heavy reliance on external institutions such as the Directorate of Public Prosecutions (DPP) and the courts.[130] I observe that this is not entirely true. The IG does not rely on the DPP to prosecute corruption cases. Although Kakumba's study does not explicitly theorize institutional independence, it implicitly demonstrates how operational dependence undermines the IG's autonomy and enforcement capacity.[131] The persistence of jurisdictional ambiguities, weak sentencing outcomes, and lack of follow-through by Parliament further dilute the IG's ability to act as an effective fourth-arm institution.[132]

Broader governance analysis places the IG within Uganda's wider reform landscape. Andrews and Bategeka argue that Uganda's anti-corruption institutions exhibit a paradoxical pattern of high-quality legal design alongside weak implementation, noting that while formal institutional frameworks score highly on global integrity indices, enforcement outcomes remain poor.[133] Although their analysis does not focus exclusively on the IG, it locates the institution within a donor-driven reform environment characterized by legal compliance without political commitment.[134] This context helps explain why the IG's constitutional powers are often

[128] Ibid., 533- 535.
[129] Ibid.
[130] Umar Kakumba, "Assessing the Institutional Capacity of External Agencies in Holding Local Governments Accountable in Uganda," Commonwealth Journal of Local Governance 10 (2012): 86, accessed May 17, 2025, http://epress.lib.uts.edu.au/ojs/index.php/cjlg.
[131] Ibid., 87, 90- 96.
[132] Ibid., 87, 97.
[133] Matt Andrews and Lawrence Bategeka, Overcoming the Limits of Institutional Reform in Uganda (CID Working Paper No. 269, Center for International Development, Harvard University, 2013): 1-32.
[134] Ibid., 1-32.

neutralized in practice, reinforcing the argument that fourth-arm institutions are particularly vulnerable in settings where political incentives do not align with accountability.[135]

Postgraduate and practitioner-oriented research further illuminates these operational constraints. Sorro's study of the IG's oversight role at the local government level identifies limited enforcement follow-up, low recovery of misappropriated funds, and reactive rather than preventive engagement as key weaknesses.[136] His findings suggest that despite the IG's expansive constitutional mandate, its functional autonomy remains constrained by limited institutional presence, weak investigative capacity, and insufficient enforcement leverage.[137] While Sorro focuses on service delivery outcomes rather than institutional independence per se, his analysis reinforces the view that fourth-arm status has not translated into consistent, proactive oversight in practice.

The literature here-above generally agrees that although the IG is constitutionally established as a powerful fourth-arm institution, its operational independence is constrained by executive influence, resource dependence, and institutional interdependence. Most studies examine its legal design, historical evolution, or performance challenges but do not systematically assess how independence in appointments, budgeting, and operational decision-making affects its actual investigative and prosecutorial capacity. As a result, it remains unclear whether the IG's fourth-arm status genuinely protects it from political interference or merely symbolizes accountability.
This study fills that gap by analyzing the IG not only as a constitutionally entrenched oversight body, but as an institution whose independence is shaped within a politically constrained environment, hence linking the fourth-arm theory to its practical/ real investigative and prosecutorial performance within Uganda's anti-corruption framework.

1.8.5 Executive Influence and Political Interference: The Limits of Formal Institutional Independence

[135] Ibid.
[136] Peter Sorro, Assessing the Effectiveness of Inspectorate of Government Oversight Role in Enhancing Local Government Service Delivery: A Case Study of Arua Municipality (Master's dissertation, Uganda Martyrs University, 2018), 1-111.
[137] Ibid., 80-85.

Some literature on anti-corruption demonstrates that formal institutional independence is often undermined by executive influence and political interference, particularly in systems where power is highly centralized and accountability mechanisms are weak. This literature shifts attention from legal design to the political conditions under which oversight institutions operate, showing how executive actors deploy formal and informal tools to constrain investigations, shape prosecutorial priorities, and neutralize institutions that threaten entrenched interests.

Foundational analysis of independent oversight bodies emphasize that insulation from the executive is a precondition for effective accountability, but caution that such insulation is often partial and vulnerable. Reif observes that many oversight institutions, including anti-corruption bodies, remain dependent on the executive for appointments, funding, and implementation of recommendations, even where legal mandates appear robust.[138] She shows that executive influence frequently manifests through subtle mechanisms such as delayed appointments, budgetary control, or selective compliance rather than overt interference.[139] While Reif's work highlights the structural vulnerability of oversight bodies,[140] it largely treats executive influence as an external constraint, without really analyzing how it shapes investigative and prosecutorial choices over time.

Ugandan scholarship provides a more real account of executive manipulation. Tangri and Mwenda argue that anti-corruption institutions in Uganda, including the IG, are maintained primarily to satisfy donor expectations and project an image of accountability, while their operational independence is deliberately curtailed when investigations threaten politically connected elites.[141] They demonstrate how presidential control over appointments, legislative amendments, and strategic inaction have constrained the IG's ability to pursue high-level cases.[142] Tangri and Mwenda argue that executive interference within a broader political economy of regime maintenance, where corruption functions as a mechanism for elite solidity.[143] This analysis

[138] Reif, "Building Democratic Institutions," 1-69.
[139] Ibid., 2, 15, 24, 68.
[140] Ibid., 4, 7, 24, 26.
[141] Roger Tangri and Andrew M. Mwenda, "Politics, Donors and the Ineffectiveness of Anti-Corruption Institutions in Uganda," The Journal of Modern African Studies 44, no. 1 (2006): 101-124, https://www.jstor.org/stable/3876103.
[142] Ibid., 107.
[143] Ibid., 104, 118.

exposes the limits of formal independence although it offers limited insight into how institutional actors respond to, resist, or accommodate executive pressure in practice.

Comparative case studies from other jurisdictions reinforce these dynamics. The Zimbabwean experience, as documented by civil society and legal advocacy organizations, illustrates how constitutionally established oversight bodies can be weakened through systematic executive dominance, rendering them ineffective or complicit.[144] In this context, Anti-Corruption Agencies functioned less as accountability mechanisms than as symbolic façades shielding the executive from scrutiny.[145] Similar patterns are identified in Bangladesh, where Haque and Monami show that the National Human Rights Commission's operational independence was undermined by politicized appointments and partisan handling of complaints, leading to institutional paralysis.[146] Although these studies focus on different oversight bodies, they offer instructive analogies for understanding how executive control operates across institutional forms.

Broader comparative scholarship shows these patterns within wider theories of authoritarian and hybrid governance. Carothers argues that in authoritarian regimes, anti-corruption efforts are often driven not by independent institutions but by discretionary executive authority, with oversight bodies used selectively to discipline rivals rather than address systemic corruption.[147] In such settings, executive dominance transforms anti-corruption institutions into instruments of political control rather than guardians of accountability.[148] Khaitan's concept of "executive aggrandizement" further elucidates how gradual, incremental encroachments, through appointment manipulation, procedural abuse, and party–state fusion systematically erode the

[144] Zimbabwe Lawyers for Human Rights, National Constitutional Assembly, and International Human Rights Clinic at Harvard Law School, Economic, Social and Cultural Rights in Zimbabwe: Options for Constitutional Protections (2009):1-83, accessed May 18, 2025, https://www.law.harvard.edu/programs/hrp/documents/ZimbabweReport.pdf.
[145] Ibid., 28.
[146] Mark Bovens et al., In-betweens: Institutions of Accountability Workshop Agenda, 22–23 April 2015 (Workshop Agenda, Chr. Michelsen Institute, Bergen, 2015), 1-13.
[147] Christopher James Carothers, Combating Corruption in Authoritarian Regimes (PhD diss., Harvard University, 2019), accessed May 18, 2025, http://nrs.harvard.edu/urn-3:HUL.InstRepos:42029832.
[148] Ibid., 3, 16-18, 48, 116, 323.

independence of fourth-arm institutions without overt constitutional rupture.[149] These works help explain how executive interference can persist even within formally democratic systems.[150]

In a more recent comparative analysis, Batohi and Stone attempt to move beyond diagnosis toward reform-oriented responses. They argue that executive interference thrives more where oversight institutions lack secure tenure, fiscal autonomy, and operational insulation, allowing political leaders to shield themselves and their allies from accountability.[151] They caution that politicized anti-corruption campaigns undermine institutional legitimacy and public trust, and propose a strategic reset that combines reinforced independence with integrity-driven collaboration across government.[152] While this approach acknowledges the need for institutional resilience, it remains largely normative and does not fully address how oversight bodies can sustain independence in environments where executive dominance is structurally entrenched.

This literature collectively agrees that executive influence significantly limits independent anti-corruption bodies. In Uganda, although the IG is constitutionally protected, it remains vulnerable to executive pressure, and existing studies do not fully examine how this affects its operational decisions and enforcement capacity.

The current study fills that gap by analyzing how executive control over appointments, budgets, and coordination shapes the IG's investigative and prosecutorial effectiveness, showing that independence alone does not guarantee accountability.

1.8.6 Financial and Budgetary Dependence as Structural Constraints on Institutional Independence

Beyond legal design, leadership agency, and political interference, some scholarship shows how financial and budgetary dependence is a critical structural constraint on the independence and effectiveness of oversight institutions. This literature demonstrates that even formally independent bodies remain vulnerable where control over resources is concentrated in political actors or where funding arrangements undermine institutional stability, strategic planning, and operational

[149] Tarunabh Khaitan, "Killing a Constitution with a Thousand Cuts: Executive Aggrandizement and Party-State Fusion in India," Law & Ethics of Human Rights 14, no. 1 (2020): 49-95, https://doi.org/10.1515/lehr-2020-2009.
[150] Ibid., 65.
[151] Batohi and Stone, "World's Anti-Corruption Efforts,": 12-18.
[152] Ibid., 8- 10.

capacity. Financial dependence thus operates as a lighter, but often more effective, mechanism for constraining independence than overt political interference.

Shattock and his co-authors provide a detailed analysis of how financial dependence undermines institutional autonomy through their study of British higher education institutions.[153] Although universities in the United Kingdom are legally autonomous, the authors show that heavy reliance on public funding and politically contingent tuition policies significantly constrains institutional decision-making.[154] Faced with unstable and unpredictable state financing, institutions are compelled to adopt "financial self-help" strategies, including income diversification, market-oriented reforms, and risk-bearing capital investments.[155] While such strategies may temporarily enhance autonomy, the authors caution that they also generate new vulnerabilities, including exposure to volatile markets and long-term mission drift.[156] Their analysis illustrates that formal autonomy is useless where financial dependence limits strategic freedom, a lesson that resonates beyond the education sector.

Although Shattock et al.'s study does not focus on Anti-Corruption Agencies, its analytical insights are highly relevant when applied to oversight institutions such as the IG. Like universities, Anti-Corruption bodies may enjoy constitutional or statutory independence while remaining financially dependent on annual appropriations controlled by the executive and legislature. This dependence constrains staffing levels, investigative reach, and the ability to pursue complex or politically sensitive cases that require sustained funding and specialized expertise. In such contexts, budgetary control becomes a powerful indirect tool for shaping institutional priorities and limiting enforcement ambition.

Comparative anti-corruption scholarship supports this, for example, studies of anti-corruption agencies note that inadequate and unpredictable funding undermines investigative capacity, weakens morale, and increases reliance on other institutions for logistical and prosecutorial

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[153] Michael Shattock, James Hunt, and David Palfreyman, "Financial Self-Help and Institutional Autonomy in British Higher Education" (Centre for Global Higher Education Working Paper No. 119, University of Oxford, 2024), 1-26. https://www.researchcghe.org/publications/working-paper/financial-self-help-and-institutional-autonomy-in-british-higher-education/ accessed 18 May 2025.
[154] Ibid.
[155] Ibid., 16- 24.
[156] Ibid., 17-25.

support, thereby eroding functional independence.[157] Financial dependence also heightens vulnerability to political pressure, as institutions may temper enforcement actions to avoid retaliatory budget cuts or delayed disbursements. In this sense, budgetary control operates as a form of anticipatory compliance, encouraging self-restraint even in the absence of direct interference.[158]

1.9 Conclusion

The literature reviewed above demonstrates that although the IG is constitutionally entrenched as a powerful fourth-arm institution, its operational independence is constrained by executive influence, resource dependence, and institutional interdependence. Existing scholarship has examined the IG's legal architecture, historical development, and general performance challenges. However, it has not analyzed how specific dimensions of institutional independence such as appointments, tenure security, budgetary control, and operational discretion directly shape the IG's investigative and prosecutorial decision-making in politically sensitive cases. As a result, the relationship between institutional independence and enforcement effectiveness in Uganda remains unexamined. This study addresses that omission by treating institutional independence as a multi-dimensional variable influencing the IG's investigative and prosecutorial capacity in practice.

1.10 Scope of the Study

Content Scope

The study focuses on the institutional independence of the IG and its effect on its ability to investigate and prosecute corruption in Uganda. It covers corruption in its various forms without focusing on any one category in particular. It examines the evolution of the IG, the international and regional standards on the independence of ACAs, and Uganda's constitutional and statutory framework governing the IG. The study also considers the practical challenges affecting the IG's independence and compares its institutional framework with that of Botswana's DCEC to draw lessons for Uganda.

Geographical Scope

[157] Doig and Moran, "Anti-corruption Agencies," 233–235; Meagher, Anti-corruption Agencies, 45–47.
[158] Ibid.

The study primarily focuses on Uganda, with Botswana selected for detailed comparative analysis. Other jurisdictions are considered selectively to provide comparative and contextual perspectives on particular aspects of institutional independence and anti-corruption governance.

Time Scope

The study covers the period from 1986 to 2026, tracing the evolution of the IG and the development of its institutional independence over time. It focuses on the key constitutional, legal and institutional developments that have shaped the IG's independence and its ability to investigate and prosecute corruption.

1.11.1 Research Methodology

The study employed a qualitative research approach to examine the institutional independence of the IG and its effect on its ability to investigate and prosecute corruption cases in Uganda. A qualitative approach was appropriate because the study sought to understand the legal, institutional and practical factors that shape the IG's independence and effectiveness. It therefore allowed for the examination of not only the formal legal framework, but also the experiences and perspectives of persons with relevant knowledge of the IG and Uganda's anti-corruption framework.[159]

1.11.2 Research Design

The study adopted a descriptive and exploratory research design. A descriptive design is concerned with examining and presenting the characteristics of a phenomenon as it exists, while an exploratory design seeks to develop a deeper understanding of an issue, particularly where the researcher is examining experiences, perspectives and factors that may not be fully captured by existing literature.[160]

The descriptive aspect of the design enabled the study to examine the constitutional, statutory and institutional framework governing the independence of the IG. The exploratory aspect enabled the researcher to examine how that independence operates in practice and how institutional

[159] Enas A. A. Abuhamda, Islam Asim Ismail, and Tahani R. K. Bsharat, "Understanding Quantitative and Qualitative Research Methods: A Theoretical Perspective for Young Researchers," International Journal of Research 8, no. 2 (2021): 71–87.

[160] Martin E. Amin, Social Science Research: Conception, Methodology and Analysis (Kampala: Makerere University, 2005).

arrangements, resource constraints, external influence and other factors affect the IG's investigative and prosecutorial functions. The combination of the two designs was therefore appropriate to the research questions, which required both an examination of the existing framework and an understanding of its practical operation.[161]

1.11.3 Researcher's Positionality

My professional background and experience at the IG influenced my interest in this study and shaped my understanding of the subject. I have worked at the IG for approximately eight years, initially as an Inspectorate Officer, where I conducted investigations into corruption cases. I was subsequently transferred to the Prosecutions Unit of the Directorate of Legal Affairs, where I prosecuted high-profile corruption cases. Following my accelerated promotion to the position of Principal Inspectorate Officer, I continued prosecuting corruption cases. More recently, I was transferred to the Legal Research and Advisory function, where I undertake legal research and advisory work while continuing to prosecute corruption cases.

This professional experience gave me practical insight into the investigative and prosecutorial functions of the IG and the legal, institutional and operational environment in which the institution carries out its mandate. It also informed my interest in examining whether the independence guaranteed to the IG by the Constitution translates into effective investigation and prosecution of corruption. Having worked in different functions within the institution, I was able to approach the subject with an understanding of the practical realities that may not always be apparent from the legal framework alone.

At the same time, I recognized that my close professional association with the IG could influence how I understood certain issues or interpreted the information obtained during the research. My experience could, for instance, incline me to view some challenges from the institution's perspective or to rely too heavily on my own professional observations. I was therefore conscious of the need to distinguish my personal experiences and assumptions from conclusions supported by the research evidence.

To address these concerns, I examined information obtained from interviews alongside relevant constitutional and statutory provisions, judicial decisions, institutional reports, academic literature

[161] Ibid.

and international and regional standards. I also considered perspectives from participants outside the IG to obtain a broader understanding of the issues affecting the institution's independence and effectiveness. This enabled me to consider different viewpoints and assess areas of agreement and disagreement without relying solely on my own experience or the perspectives of colleagues within the institution.

Throughout the study, I sought to maintain a balanced approach by examining both the legal safeguards intended to protect the IG's independence and the practical challenges that may affect its performance. The comparative analysis of Botswana's Directorate on Corruption and Economic Crime provided an additional perspective from which to assess Uganda's institutional arrangements. My intention was neither to defend the IG nor to portray it negatively, but to critically examine the relationship between its independence and its ability to investigate and prosecute corruption, and to identify areas where improvements may be necessary.

I acknowledge that my professional experience formed an important part of the perspective from which I approached this research. Rather than disregard that experience, I sought to use it constructively while remaining mindful of its potential influence on my interpretation of the evidence. This awareness helped me approach the research critically, with the aim of producing a fair and balanced assessment of the independence and effectiveness of the IG.

1.11.4 Study Population

The study population comprised persons with direct knowledge or relevant professional experience of Uganda's anti-corruption framework and the work of the IG. This included officials and former officials of the IG, prosecutors and investigators, judicial officers, legal and governance practitioners, and civil society actors with relevant experience in anti-corruption work.

The study focused on participants who could provide informed perspectives on the institutional independence of the IG and its effect on investigations and prosecutions. The population was therefore defined by the relevance of participants' knowledge and experience to the research questions rather than by their numerical representation of the general population.

1.11.5 Sampling Strategy and Sample Size

The study used purposive sampling to select participants with relevant knowledge, experience or expertise in Uganda's anti-corruption framework. This enabled the researcher to obtain

information from persons directly familiar with the work of the IG and the broader institutional environment in which it operates.

A total of 10 participants took part in the semi-structured interviews. They comprised six participants from the IG**,** two judicial officers from the Anti-Corruption Division of the High Court, one civil society representative and one former IG senior official. The participants were selected because of the relevance of their professional experience to the research questions.

The adequacy of the sample was assessed with reference to the principle of data saturation rather than statistical representation. Hennink and Kaiser's systematic review of empirical studies found that saturation in qualitative interview studies was commonly reached within approximately 9–17 interviews, especially where the study population was relatively focused and the research questions were narrowly defined.[162] The ten interviews conducted for this study therefore fell within an empirically supported range for qualitative research. Chuan also emphasizes the importance of providing a clear basis for determining sample size, although the statistical approaches discussed in that study are more directly applicable to quantitative research.[163]

1.11.6 Data Collection Methods

The study relied on document analysis and semi-structured interviews as the main methods of data collection.

1.11.6.1 Document Analysis

Document analysis involved a review of relevant constitutional and statutory provisions, judicial decisions, institutional reports and policies, government publications, international and regional instruments, academic literature and other relevant materials on anti-corruption institutions and institutional independence. Attention was given to the legal and institutional framework governing the IG, as well as relevant materials concerning Botswana's DCEC and other selected jurisdictions used for comparative purposes.

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[162] Monique Hennink and Bonnie N. Kaiser, "Sample Sizes for Saturation in Qualitative Research: A Systematic Review of Empirical Tests," Social Science & Medicine 292 (2022): 114523, https://doi.org/10.1016/j.socscimed.2021.114523.

[163] Chua Lee Chuan, "Sample Size Estimation Using Krejcie and Morgan and Cohen Statistical Power Analysis: A Comparison," Jurnal Penyelidikan IPBL 7, no. 1 (2006): 78–86.

1.11.6.2 Semi-structured Interviews

Semi-structured interviews were conducted with the selected participants. The interviews followed common areas of inquiry derived from the research questions while allowing participants to explain their experiences and perspectives in their own words. This approach enabled the researcher to obtain comparable information across the interviews while also allowing issues arising during individual interviews to be explored further.

The interviews were conducted in person, with the participants' consent, and responses were documented through written notes, complemented by audio recordings. The written notes captured the key points raised during each interview, while the audio recordings provided an additional record to support accuracy and completeness. The recordings were subsequently reviewed and transcribed for purposes of analysis. The written notes were also organized and reviewed immediately after each interview to verify and supplement the substance of the responses captured.

1.11.7 Data Analysis

The qualitative data obtained from the interviews and document sources were analyzed using thematic analysis. The analysis followed a systematic process. First, the interview material and relevant documentary sources were reviewed to gain familiarity with the data. Second, significant statements and recurring issues relevant to the research questions were identified and assigned descriptive codes. Third, related codes were grouped together to form broader categories. Finally, the categories were reviewed and developed into themes that captured the main issues emerging from the data.

The themes were developed both from the research questions and from recurring issues emerging from the data. The principal themes included institutional independence, appointment and tenure, financial autonomy, operational independence, political influence, accountability, investigative and prosecutorial capacity, and institutional effectiveness. The interview findings were then considered alongside the documentary evidence to identify areas of convergence, divergence and further explanation.

The analysis therefore did not treat the interviews in isolation. Instead, the interview evidence was used together with legislation, case law, institutional reports, academic literature and other

documentary materials to provide a more comprehensive understanding of the factors affecting the independence and effectiveness of the IG.

The thematic analysis provided the basis for presenting and interpreting the evidence in Chapter Three. The documentary materials and interview responses were considered together under the relevant themes to assess how the legal safeguards for the IG's independence operate in practice. This enabled the study to identify areas where the formal legal framework supports institutional independence and where practical institutional constraints affect the IG's ability to investigate and prosecute corruption cases.

1.11.8 Ethical Considerations

Ethical considerations were observed throughout the research process. Before data collection, the researcher obtained the necessary approval and permission to conduct the study. The research was undertaken under the approval of Makerere University, in accordance with the University's requirements for research involving human participants. Permission was also sought from relevant institutions or individuals where required before interviews were conducted.

Participants were informed of the purpose of the study and the nature of their participation. Participation was voluntary, and participants were informed that they could decline to answer particular questions or withdraw from the interview where applicable. Their identities and responses were treated confidentially.

Given the sensitivity of issues concerning corruption, institutional independence and possible political or institutional influence, particular care was taken to protect the identity of participants. Participants were not identified by name in the presentation of interview findings unless identification was expressly appropriate and consent had been obtained. Where anonymity was required, participants were assigned neutral identifiers such as "Senior Prosecutor 1," "Senior Investigator 1" and "Judicial Officer 1." This approach protected participants from unnecessary identification while allowing their professional perspectives to be distinguished during the analysis.

Where interview recordings or notes were made, they were treated as research materials and used solely for purposes of the study. The data were stored securely and access was limited to the researcher. The findings were presented in a manner that protected the confidentiality and interests of the participants.

1.11.9 Limitations

The study faced some limitations, especially in accessing sensitive information relating to ongoing or confidential corruption investigations. Some participants were also cautious when discussing issues concerning political influence and institutional constraints. These limitations were addressed by relying on information from multiple sources, including documentary materials, judicial decisions, institutional reports and interviews, to obtain a balanced understanding of the issues examined.

1.12 Arrangement of the chapters

Chapter One: Introduction

This chapter introduces the study. It sets out the background to the research, the problem investigated, the objectives and research questions, the justification for the study, the theoretical framework, the literature reviewed, the scope of the study and the methodology used. It also gives an overview of how the dissertation is organized.

Chapter Two: The Evolution of the IG and the International and Regional Legal Standards for the Independence of ACAs

This chapter provides the foundation for the study. It traces the development of the IG and examines the international and regional legal standards relating to the independence of ACAs. The chapter identifies the key elements of institutional independence that are relevant to the study and provides the framework against which the independence of the IG is subsequently assessed.

Chapter Three: The Impact of the Institutional Independence of the IG on its Ability to Investigate and Prosecute Corruption Cases in Uganda

This chapter turns to the Ugandan context. It examines the domestic constitutional and statutory framework governing the independence of the IG and considers how that framework operates in practice. It then assesses the extent to which the IG's institutional independence affects its ability to investigate and prosecute corruption cases, including the practical challenges arising from its institutional, financial, operational and leadership arrangements.

Chapter Four: A Comparative Analysis of the Institutional Independence of the IG and Botswana's DCEC: Lessons for Uganda

This chapter compares the institutional independence of the IG with that of Botswana's DCEC. The comparison focuses on the key aspects of independence examined in the preceding chapters and highlights areas of similarity and difference. It then considers the lessons that Uganda may draw from Botswana's experience.

Chapter Five: Findings, Conclusions and Recommendations

The final chapter brings together the main findings of the study. It considers the findings in light of the research questions and draws the overall conclusions of the study. It then proposes recommendations aimed at strengthening the institutional independence and effectiveness of the IG.

CHAPTER TWO

THE EVOLUTION OF THE OFFICE OF THE INSPECTORATE OF GOVERNMENT AND THE LEGAL STANDARDS FOR THE INDEPENDENCE OF ANTI-CORRUPTION AGENCIES

2.1 Introduction

This chapter examines the context and historical evolution of the Inspectorate of Government (IG) in Uganda, placing its development within broader governance and anti-corruption reforms. It demonstrates how the institutional design and transformation of the IG have been shaped by political, constitutional, and administrative dynamics that bear directly on its ability to investigate and prosecute corruption cases in Uganda. It further analyses the legal standards on the independence of Anti-Corruption Agencies, drawing first from binding instruments, notably the United Nations Convention against Corruption (UNCAC) and the African Union Convention on Preventing and Combating Corruption (AUCPCC). It also considers authoritative interpretive guidance provided by the United Nations Office on Drugs and Crime (UNODC), including the Legislative Guide for the Implementation of the United Nations Convention against Corruption (2006) and the Technical Guide to the United Nations Convention against Corruption (2009). In addition, the chapter engages with persuasive soft-law standards, including the Jakarta Statement on Principles for Anti-Corruption Agencies, the G20 High-Level Principles on Promoting Integrity and Effectiveness of Public Bodies, and Transparency International's Anti-Corruption Agencies: Strengthening Initiative – Research Implementation Guide, to distill the core principles of institutional independence.

By analyzing these sources, the chapter distils the core principles of institutional independence such as structural autonomy, security of tenure, financial independence, and operational discretion and develops a normative framework against which the independence of the IG can be critically assessed. In doing so, it lays the analytical foundation for evaluating how varying degrees of independence affect the IG's capacity to effectively investigate and prosecute corruption in Uganda.

However, as the chapter will demonstrate, the mere existence of formal legal guarantees of independence does not necessarily translate into actual operational autonomy, as these safeguards are often constrained or undermined by the broader political and institutional environment within which the IG functions.

2.2 Historical, Political, and Institutional Factors shaping the Independence of the Inspectorate of Government

Although this chapter primarily examines the legal framework governing the independence of the IG, that framework cannot be properly understood without placing it within the historical and political conditions that necessitated its design.

Uganda's post-independence constitutional experience was marked by repeated breakdowns of constitutional order, concentration of executive power, and gradual erosion of institutional restraints. The 1962 Independence Constitution, though celebrated as a compromise between competing political forces, proved weak and was quickly destabilized by executive–legislative conflict, leading in its abrogation in 1966 by Prime Minister Apollo Milton Obote.[1] The 1967 Constitution subsequently entrenched an executive presidency and abolished traditional kingdoms, yet its legitimacy was undermined by the manner of its enactment and later by military intervention.[2] As the Constitutional Commission later observed, Uganda's political transformations repeatedly occurred outside established constitutional rules and many times, through unilateral or coercive means.[3] The result was not only political instability, but complete constitutional failure.

This failure manifested seriously in the collapse of effective horizontal accountability, a concept whose meaning remains contested,[4] increasingly expansive and encompassing mechanisms that render powerful institutions responsive to their publics.[5] At its foundation, however, accountability

[1] Charles Cullimore, "Uganda: The Making of a Constitution," The Journal of Modern African Studies 32, no. 4 (December 1994): 707.
[2] Ibid.
[3] Uganda Constitutional Commission, Report of the Uganda Constitutional Commission, 2-3.
[4] B. S. Romzek and M. J. Dubnick, "Accountability in the Public Sector: Lessons from the Challenger Tragedy," in Public Administration: Classic Readings, ed. J. M. Shafritz (Boulder, CO: Westview Press, 1992).
[5] SCHILLEMANS, THOMAS. "REDUNDANT ACCOUNTABILITY: THE JOINT IMPACT OF HORIZONTAL AND VERTICAL ACCOUNTABILITY ON AUTONOMOUS AGENCIES." Public Administration Quarterly 34,

refers to a specific social relation involving an obligation to explain and justify one's conduct.[6] Horizontal accountability arises where there is no hierarchical or principal–agent relationship between the actor and the accountability forum but instead involves the capacity of state institutions such as the legislature, the judiciary, and independent oversight bodies to check, restrain, and hold one another accountable within the constitutional order.[7]

In Uganda, institutions that were constitutionally mandated to perform this checking function were either subordinated to or systematically weakened by the executive branch which increasingly dominated the legislature and compromised judicial autonomy, thereby weakening the mechanisms traditionally designed to restrain state power. Odoki notes that Uganda's constitutional crisis reflected a broader inability to agree upon a stable political framework capable of regulating the exercise of authority.[8] Governance by decree, military coups, and prolonged civil conflict revealed that formal separation of powers, without robust institutional safeguards, was insufficient to prevent abuse. The constitutional crisis was therefore structural: the tripartite framework had failed to check executive dominance. This failure precipitated prolonged political turmoil and instability, most notably during the regimes of Idi Amin and the second government of Apollo Milton Obote, and was accompanied by widespread human rights abuses, suppression of political opposition, and the creation of a culture of impunity in the exercise of public power.[9]

As a result, the National Resistance Movement (NRM) rose to power following a protracted guerrilla war (1981–1986) led by Yoweri Museveni, which was triggered by the disputed 1980 general elections that returned Apollo Milton Obote to power. The elections were widely perceived as rigged, prompting Museveni and his supporters to reject the results and resort to armed struggle.[10] The National Resistance Army (NRA), as the military wing of the NRM, waged a

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no. 3 (2010): 303. http://www.jstor.org/stable/41288351; R. Mulgan, Holding Power to Account: Accountability in Modern Democracies (Palgrave Macmillan, 2003), 8.

[6] Ibid., 307.

[7] G. O'Donnell, "Horizontal Accountability in New Democracies," Journal of Democracy 9, no. 3 (1998): 112–126.

[8] Benjamin J. Odoki, The Challenges of Constitution-Making and Implementation in Uganda (Kampala: Fountain Publishers, 2014), 265.

[9] International Commission of Jurists, Violations of Human Rights and the Rule of Law in Uganda (Geneva, 1974); Amnesty International, Uganda: Human Rights Violations (1970s reports); Amnesty International, Uganda: Amnesty International Report 1984 (London: Amnesty International, 1984); Mahmood Mamdani, Politics and Class Formation in Uganda (New York: Monthly Review Press, 1976).

[10] Encyclopaedia Britannica, "Yoweri Museveni," accessed 2025.

guerrilla campaign primarily in the Luwero Triangle, where widespread human rights violations by government forces, including killings, arbitrary detention, and displacement of civilians contributed to the gradual growth of popular support for the insurgency.[11] The instability of the Obote II regime, coupled with internal divisions within the military, culminated in a coup in 1985 that brought Tito Okello to power. However, failed peace negotiations and continued military advances by the NRA led to the capture of Kampala in January 1986, thereby bringing the NRM to power.[12]

The NRM rose to power promising a "fundamental change" grounded in its Ten-Point Programme, which emphasized the restoration of democracy, security, and the rule of law; the elimination of sectarianism; the eradication of corruption and abuse of power; economic recovery and self-sustaining development; and the rebuilding of accountable constitutional and institutional governance under the leadership of Yoweri Museveni.[13]

Subsequently, in line with Point 7 of the NRM Ten-Point Programme (TPP), the idea of creating an ombudsman-type institution developed. The Programme emphasized the need to control bureaucratic excesses, corruption, and human rights abuses, and clearly stated as a key objective "the elimination of corruption and misuse of power."[14] Building on this objective, the NRM government moved early to establish a permanent body to fight corruption. In December 1986, Eriya Kategaya announced that temporary Commissions of Inquiry would be replaced by a standing institution to ensure continuous monitoring. Notably, the institution was created before its governing law, emerging from discussions between the Inspector General of Government and the President.[15]

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[11] Mahmood Mamdani, Imperialism and Fascism in Uganda (London: Heinemann, 1983); Phares Mutibwa, Uganda Since Independence: A Story of Unfulfilled Hopes (London: Hurst & Company, 1992); Human Rights Watch, Uganda: Violations of Human Rights, 1981–1986 (New York: Human Rights Watch, 1999); United Nations Commission on Human Rights, Report on the Situation of Human Rights in Uganda (Geneva: United Nations, 1980s).
[12] Electoral Commission of Uganda, History of Elections in Uganda, https://www.ec.or.ug/info/history-elctions-uganda
[13] Yoweri Museveni, Sowing the Mustard Seed: The Struggle for Freedom and Democracy in Uganda (London: Macmillan, 1997); National Resistance Movement (Uganda). Ten Point Programme of NRM. NRM Publications, 1990.
[14] J. Oloka-Onyango, "The Dynamics of Corruption Control and Human Rights Enforcement in Uganda," The African Review 19, no. 1/2 (1992): 100- 106.
[15] Ibid.

It was against this background that the constitution-making process of the late 1980s was conceived not merely as institutional reform, but as a comprehensive reconstruction of Uganda's constitutional architecture. The National Resistance Movement (NRM) government initiated an unprecedented consultative process through the Resistance Council system, facilitating broad citizen participation in constitutional design.[16] The Constitutional Commission, chaired by Justice Ben Odoki, received over 20,000 memoranda from citizens and organizations across the country.[17] This expansive consultation reflected widespread recognition that constitutional legitimacy required structural safeguards against renewed concentration of power.

The Commission observed that the principle of separation of powers was originally developed to prevent tyranny, since concentration of power in one individual or organ "tends to be corrupting and to result in dictatorship".[18] It reaffirmed the traditional division between the executive, legislature and judiciary, but emphasized that in Uganda more effective implementation of this principle was essential because the executive had historically "tended to be very powerful" and had "overridden or misused the other organs".[19]

In response to public demands, the Commission recommended not only strengthening parliamentary oversight and guaranteeing judicial independence, but also providing for "independent organs other than the three traditional organs of state" to help keep those organs in check, explicitly including an Inspector General of Government, a human rights enforcement body and an Auditor General.[20] This recommendation marks a decisive moment in Uganda's constitutional evolution. It shows that the framers understood separation of powers not as a closed tripartite arrangement, but as a structural doctrine capable of institutional expansion in response to the apparent historical need.

The Inspectorate of Government must therefore be understood within this expanded separation-of-powers framework. Chapter Twenty-One of the Commission Report traces the origins and relevance of an ombudsman-type institution in Uganda, linking its creation directly to the need to

[16] Cullimore, "Uganda: The Making of a Constitution," 707- 708.
[17] Ibid., 708
[18] Uganda Constitutional Commission, Report of the Uganda Constitutional Commission, 95, para. 5.56.
[19] Ibid., 95, para. 5.57.
[20] Ibid., 95, para. 5.57 (e).

combat corruption, maladministration and abuse of office.[21] Public submissions repeatedly emphasized the absence of an impartial institution capable of addressing grievances against powerful officials. The earlier statutory Office of the Inspector General of Government (IGG) had been constrained by limited guarantees of independence, prompting calls for constitutional entrenchment.[22]

This limitation was rooted in the institutional design under the Inspector General of Government Statute, which embodied a fundamental structural contradiction.[23] While the Act formally provided that the office "shall not be subject to the direction or control of any other authority," it simultaneously rendered the Inspector General "directly responsible to the President."[24] This duality placed the office within the executive hierarchy it was intended to oversee, thereby undermining its independence and blurring the distinction between oversight and control.[25]

This dependence was reinforced through the concentration of appointment powers in the President, who appointed the Inspector General and Deputy Inspector General without an independent or participatory appointments process.[26] More still, the statutory mandate itself was partially executive-defined, as the Inspector General could be assigned "such other functions" as the President might prescribe hence exposing the scope of the office's jurisdiction to executive influence.[27] The Act further emphasized this dependence by requiring that reports of investigations be submitted to the President, who retained discretion over the nature and extent of any consequential action.[28]

In practice, as observed by J. Oloka-Onyango, this institutional configuration meant that the effectiveness of the IGG was closely tied to the disposition of the executive, with the office often operating under the implicit authority of the Presidency rather than as an autonomous accountability mechanism.[29] While this relationship could sometimes enhance compliance, owing

[21] Ibid., 583; 594–595.
[22] Ibid., 586–593.
[23] Inspector General of Government Statute - No.2 of 1988.
[24] Ibid., s. 2(2)
[25] Oloka-Onyango, "Dynamics of Corruption Control," 101.
[26] Inspector General of Government Statute, 1988, s. 3(1) (a), (b).
[27] bid., s. 7(1)(e).
[28] Ibid., ss. 23–24.
[29] Oloka-Onyango, "Dynamics of Corruption Control," 105–107.

to the perception that the IGG acted as a presidential "watchdog" it ultimately constrained the development of independent oversight and rendered accountability contingent upon executive will.[30]

This experience shows a wider theoretical insight that effective horizontal accountability requires institutions that are structurally autonomous from the executive branch. As Guillermo O'Donnell argues, accountability institutions that lack such autonomy risk becoming instruments of the very power they are intended to constrain, rather than genuine checks within the constitutional order.[31] Similarly, some literature on ombudsman institutions emphasizes that their effectiveness depends fundamentally on insulation from political control, secure tenure, and independent operational capacity conditions that were only weakly realized under the 1988 statutory framework.[32]

Furthermore, although the office possessed broad investigative powers, these were not matched by corresponding enforcement authority. Its role remained largely recommendatory, with limited capacity to ensure implementation of its findings. As a result, many of its recommendations particularly in cases involving abuse of office or administrative injustice were either ignored or implemented belatedly, thereby undermining its effectiveness as an accountability mechanism.[33] This weakness was compounded by the broader structural context of governance in Uganda, where, as Mahmood Mamdani observes, state institutions have historically been shaped by patterns of centralized authority and weak institutional restraints, further limiting the prospects for effective internal checks on executive power.[34]

All these features demonstrate that the independence of the Office of the Inspector General of Government under the statutory framework was largely formal rather than substantive. This directly informed the Constitutional Commission's insistence on the constitutional entrenchment

[30] Ibid.
[31] O'Donnell, "Horizontal Accountability," 112–26.
[32] Reif, Linda C. The ombudsman, good governance, and the international human rights system. Vol. 79. Martinus Nijhoff Publishers, 2004.
[33] J. Oloka-Onyango, "The Dynamics of Corruption Control," 108–109.
[34] Mamdani, Mahmood. "Citizen and subject: Contemporary Africa and the legacy of late colonialism." (2018): 1-384.

of the Inspectorate of Government, with stronger guarantees of independence, autonomy, and effectiveness under the 1995 Constitution.[35]

The draft constitution, as observed by Cullimore, made elaborate provision for transparency and accountability, including a Leadership Code of Conduct and an Inspectorate of Government vested with "sweeping powers to hear and determine cases of corruption or the abuse of power" and to inspect government departments and agencies.[36] The Inspectorate's independence was further secured through structural guarantees relating to appointment, tenure, removal and financial autonomy.[37] These design features mirror those traditionally associated with judicial independence, emphasizing the intention that the Inspectorate should operate free from executive direction.

At the same time, the Commission cautioned that constitutional checks must not render governance ineffective; institutional powers should not be so circumscribed as to prevent state organs from performing their functions.[38] The constitutional design thus sought balance: strong safeguards against abuse, coupled with effective governance capacity. Within this balance, the Inspectorate was conceived as a structurally autonomous guardian of accountability, sufficiently insulated to investigate the executive, yet institutionally empowered to perform its mandate vigorously.

In light of this history, the independence of the IG emerges not as a distant feature of Uganda's 1995 Constitution, but as a deliberate structural response to decades of executive overreach and institutional delicateness. The framers' explicit provision for independent organs beyond the traditional three branches confirms that Uganda's separation-of-powers architecture was consciously expanded to reinforce horizontal accountability. The IG thus occupies a constitutionally distinctive position: embedded within, yet institutionally insulated from, the classical tripartite framework. Its independence is therefore foundational to the integrity of Uganda's modern constitutional order and to the prevention of the very concentration of power that the separation of powers doctrine was originally designed to avert.

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[35] Uganda Constitutional Commission, Report of the Uganda Constitutional Commission, 598, para. 21.79.
[36] Cullimore, "Uganda: The Making of a Constitution," 709.
[37] Uganda Constitutional Commission, Report of the Uganda Constitutional Commission, 602–611.
[38] Ibid., 95, para. 5.58.

2.3.0 International and Regional Legal Framework

Uganda is a State Party to several international and regional instruments that require the establishment of independent and effective anti-corruption bodies. These instruments do not merely mandate the creation of such institutions; they prescribe structural and operational safeguards designed to insulate them from political interference while ensuring accountability.

2.3.1 Binding International and Regional Obligations

The UNCAC establishes a strong legal framework that emphasizes the institutional independence of Anti-corruption Agencies (ACAs). This is explicitly articulated in Articles 6 and 36, which respectively mandate the establishment of preventive anti-corruption bodies and specialized enforcement authorities.[39] Uganda, having ratified the Convention, is bound to implement these obligations in good faith pursuant to the principle of *pacta sunt servanda* as codified in the Vienna Convention on the Law of Treaties.[40]

Although the UNCAC does not provide for formal interpretive instruments akin to "General Comments," its provisions are elaborated through instruments developed by the United Nations Office on Drugs and Crime (UNODC), namely, the *Legislative Guide* and the *Technical Guide*. These materials are not legally binding, as the Legislative Guide itself expressly states that it is "not intended to provide definitive legal interpretation."[41] However, they remain highly persuasive interpretive aids, reflecting the understanding of the Convention's drafters and guiding State practice in implementation.

The UNCAC conceptualizes independence as a multi-dimensional and functional requirement, applicable across both preventive and enforcement institutions. Under Article 6, States Parties are required to establish preventive anti-corruption bodies endowed with the "necessary independence" to enable them to carry out their functions effectively.[42] The UNODC Legislative

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[39] United Nations Convention against Corruption, arts. 6 and 36.
[40] Vienna Convention on the Law of Treaties, opened for signature 23 May 1969, 1155 U.N.T.S. 331 (entered into force 27 January 1980), art. 26.
[41] United Nations Office on Drugs and Crime, Legislative Guide for the Implementation of the United Nations Convention against Corruption (2006), Foreword, pp. iii–iv; United Nations Office on Drugs and Crime, Technical Guide to the United Nations Convention against Corruption (2009), Introduction, pp. xvii–xviii.
[42] UNCAC, art. 6(2).

Guide clarifies that such obligations must be implemented through legislative and administrative measures, thereby ensuring that these bodies are anchored within the domestic legal order and protected from arbitrary interference.[43]

Independence under Article 6 entails several interrelated dimensions. First, it requires structural independence, ensuring that preventive bodies are established on a secure legal foundation.[44] Second, it entails operational independence, requiring freedom from undue political or executive influence in the discharge of their functions.[45] The Technical Guide emphasizes that such independence must be understood alongside accountability, ensuring that autonomy is balanced with appropriate oversight.[46] Third, independence includes resource and administrative autonomy, requiring adequate financial resources, specialized staff, and training, without which formal guarantees of independence risk becoming ineffective in practice.[47]

Article 36 extends the requirement of independence into the domain of criminal investigation and enforcement, requiring States to establish specialized authorities capable of combating corruption through law enforcement.[48] In this context, independence is very important given the political sensitivity of corruption investigations, especially those involving high-level public officials. The Technical Guide notes that such authorities must be able to investigate and prosecute corruption offences free from improper interference, and that institutional safeguards such as secure tenure, transparent appointment procedures, and protection from arbitrary removal are essential to ensuring practical autonomy.[49] As with preventive bodies, independence under Article 36 is closely linked to adequate resourcing and technical capacity, since financial or administrative constraints may undermine autonomy even where it is formally guaranteed.[50]

Articles 6 and 36 also establish dual institutional architecture characterized by both functional distinction and complementarity. Preventive bodies under Article 6 operate within an ex-ante

[43] UNODC, Legislative Guide, paras. 11–12, pp. 3–4.
[44] Ibid., paras. 18–19, pp. 7–8.
[45] UNCAC, art. 6(2).
[46] UNODC, Technical Guide, Article 6, section II.4.
[47] Ibid., Article 6, sections II.5–II.6.
[48] UNCAC, art. 36.
[49] UNODC, Technical Guide, Article 36, sections II.1–II.3.
[50] Ibid.

framework, focusing on policy development, coordination, and the promotion of integrity within public administration.[51] By contrast, specialized authorities under Article 36 operate within an ex-post enforcement framework, concerned with investigation, prosecution, and sanctioning of corruption offences.[52] The UNODC Legislative Guide reinforces this distinction by situating preventive measures and criminal enforcement as complementary pillars of the Convention.[53] At the same time, UNCAC does not prescribe a single institutional model: States may establish separate bodies or combine functions within a single institution, provided that independence, specialization, and effectiveness are maintained.[54]

In relation to financial and resource autonomy, an essential dimension of independence under both provisions of the UNCAC, the UNODC Technical Guide treats adequate and reliable funding as indispensable to institutional effectiveness, emphasizing that anti-corruption bodies must be equipped with sufficient financial resources, specialized personnel, and the necessary technical capacity.[55] Also importantly, the Guide recognizes that resource constraints may undermine independence in practice, even where independence is formally guaranteed in law.[56] This shows that financial dependence may operate as an indirect mechanism of control, particularly where funding is subject to discretionary executive influence.

Financial independence is not merely a question of funding levels but also of budgetary design and control. Independence may be strengthened through funding arrangements that ensure predictability and stability, reduce dependence on annual discretionary allocations, and allow anti-corruption bodies a degree of internal autonomy in allocating resources, subject to appropriate accountability mechanisms.[57] Such arrangements help to insulate institutions from indirect interference while preserving transparency and fiscal responsibility.

[51] Ibid., Article 6.
[52] Ibid., Article 36.
[53] UNODC, Legislative Guide, general framework.
[54] UNODC, Legislative Guide; UNODC, Technical Guide.
[55] UNODC, Technical Guide, Article 6.
[56] Ibid.
[57] Ibid., Articles 6 and 36.

These considerations are important in the context of Uganda, where the IG performs both preventive and enforcement functions within a single institutional framework.[58] While this arrangement is consistent with UNCAC's flexibility, the IG's financial autonomy is shaped by Uganda's public finance system, in which funding is determined through an annual budget process administered by the executive and approved by Parliament.[59] This places the institution within a recurrent appropriations cycle that may limit long-term planning and expose it to indirect forms of control through budgetary decisions.

From the perspective of the UNCAC and its interpretive guidance, such arrangements raise important concerns. The absence of predictable and insulated funding frameworks may constrain the IG's ability to undertake complex investigations and prosecutions, invest in specialized capacity, and sustain preventive initiatives.[60] In politically sensitive contexts, budgetary dependence may function as a subtle but effective constraint on institutional autonomy, particularly where investigations implicate powerful actors.

Accordingly, the Ugandan experience illustrates the broader distinction between formal independence (legal design) and effective independence (practical autonomy). While the IG is constitutionally established and formally independent, its financial dependence on executive-controlled budgetary processes may limit its operational autonomy in practice. This shows a big concern underlying the UNCAC: that independence may be undermined not only through direct interference but also through structural and financial controls.

In sum, Articles 6 and 36 establish a multi-dimensional conception of independence, encompassing structural, operational, financial, and functional elements. However, by setting minimum standards and leaving institutional design to States Parties, the UNCAC also creates space for variation in implementation. The effectiveness of anti-corruption bodies therefore ultimately depends not only on formal legal guarantees but on the extent to which these guarantees

[58] Constitution of the Republic of Uganda, arts. 223–230
[59] Constitution of the Republic of Uganda, arts. 155–156; Public Finance Management Act, cap 117, ss. 12–16.
[60] UNODC, Technical Guide, Article 36.

are supported by institutional design, resource allocation, and protection from both direct and indirect forms of interference.[61]

By contrast, the African Union Convention on Preventing and Combating Corruption (AUCPCC), to which Uganda is a State Party following its ratification on 30th August 2004,[62] adopts a complementary but distinct approach to the question of institutional independence. While it similarly requires the establishment of independent anti-corruption authorities or bodies, this requirement is framed within a broader constitutional and governance framework.[63]

Article 5(3) of the Convention obliges States Parties to "establish, maintain and strengthen" independent national anti-corruption authorities or agencies.[64] This imposes a continuing and dynamic obligation on state parties, requiring not only the creation of such bodies but also their sustained operation and progressive enhancement over time.

The substantive content of this obligation is clarified by Article 20(4), which provides that such authorities "shall be allowed the necessary independence and autonomy to be able to carry out their duties effectively."[65] This provision transforms independence from a formal requirement into a functional standard, requiring real autonomy, protection from undue influence, and the practical ability to perform core mandates, including investigation and prosecution of corruption cases.

This is further reinforced by Article 20(5), which requires States Parties to adopt measures ensuring that anti-corruption authorities are specialized in combating corruption and related offences, including by ensuring that their staff are adequately trained and motivated.[66] Therefore, independence alone is not enough. An anti-corruption body also needs skilled staff, proper resources, and the ability to do its work effectively. Without this, independence is only on paper, and the institution may fail to properly investigate and prosecute corruption cases.

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[61] Guillermo O'Donnell, "Horizontal Accountability in New Democracies," Journal of Democracy 9, no. 3 (1998): 112–126.
[62] AfricanLII, "Uganda," accessed August 29, 2026, https://africanlii.org/en/au/member-state/UG/
[63] African Union Convention on Preventing and Combating Corruption (context and object of the Convention).
[64] Ibid., art. 5(3).
[65] Ibid., art. 20(4).
[66] Ibid., art. 20(5).

These provisions must be read together with Article 3(1), which requires States Parties to abide by the principles of respect for democratic institutions, popular participation, the rule of law, and good governance.[67] In this way, the AUCPCC places anti-corruption bodies within a broader constitutional and democratic order, indicating that institutional independence is not merely an administrative safeguard but a component of democratic governance. This has been recognized in some scholarship as reflecting the Convention's aim of promoting transparency, accountability, and conditions necessary for good governance.[68]

Collectively, Articles 3(1), 5(3), 20(4), and 20(5) establish a multi-dimensional understanding of independence, encompassing institutional continuity, autonomy from undue influence, operational effectiveness, and professional capacity.[69]

Ideally, the interpretation and practical application of these provisions should be done by the African Union Advisory Board on Corruption (Board), established under Article 22(1) of the Convention.[70] This Board should play a central role in promoting and monitoring implementation, thereby providing a practice-based interpretive framework for the AUCPCC.

This is because Article 22(5) mandates the Board to submit regular reports to the Executive Council on the progress made by each State Party in complying with the provisions of the Convention,[71] to promote and encourage the adoption and application of anti-corruption measures across the continent,[72] and to advise governments on how to address corruption and related offences within their domestic jurisdictions.[73] Through these functions, the Board is expected to generate a body of institutional practice that gives substantive content to the Convention's provisions, including those relating to independence.

However, despite this institutional framework, there remains a notable absence of detailed, provision-specific interpretive guidance on key obligations under the Convention. Unlike the

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[67] Ibid., art. 3(1).
[68] Kolawole Olaniyan, "The African Union Convention on Preventing and Combating Corruption: A Critical Appraisal" (2004) 4 African Human Rights Law Journal.
[69] See also Lucky Bryce Jnr. Jatto, "Africa's Approach to the International War on Corruption" (2010).
[70] African Union Convention on Preventing and Combating Corruption, art. 22(1).
[71] Ibid., art. 22(5)(h).
[72] Ibid., art. 22(5)(a).
[73] Ibid., art. 22(5)(d).

UNCAC, which is supported by comprehensive interpretive instruments developed by the UNODC, the AUCPCC relies primarily on a decentralized and advisory system of interpretation.[74] The outputs of the Board, while valuable, do not provide systematic doctrinal clarification of provisions such as Articles 5(3), 20(4), and 20(5).[75]

This gap in interpretation presents a significant challenge for implementation. Core obligations relating to institutional independence, autonomy, and capacity remain open-textured, leaving considerable discretion to States in determining their scope and content.[76] As a result, compliance risks becoming formal rather than substantive, with States able to establish anti-corruption bodies without necessarily ensuring their effective independence or operational capability.[77]

Accordingly, while the AUCPCC advances a normative and governance-oriented conception of independence, providing for anti-corruption institutions within broader systems of democratic accountability, its effectiveness ultimately depends on domestic implementation and political will.[78] In this respect, it complements, rather than duplicates, the more technically elaborated framework of UNCAC, together contributing to a comprehensive understanding of institutional independence as both a functional requirement for effectiveness and a constitutional value within democratic governance systems.[79]

2.3.2 Persuasive International Standards (Soft Law)

Beyond binding conventions, a body of soft-law standards elaborates more detailed principles of institutional design. Although not legally binding, these instruments provide authoritative guidance on best practices and are frequently used as benchmarks in governance assessments.

The *Jakarta Statement on Principles for Anti-Corruption Agencies (2012)*[80] developed by anti-corruption practitioners, international organizations, and enforcement authorities, the Statement responds to the indeterminacy of treaty language under the UNCAC and the AUCPCC translating

[74] UNODC, Legislative Guide (2006); Technical Guide (2009).
[75] Olaniyan, "African Union Convention," 74.
[76] Ibid.
[77] Jatto, "Africa's Approach," 2010.
[78] Olaniyan, "African Union Convention," 74.
[79] UNCAC, arts. 6 and 36.
[80] Jakarta Statement on Principles for Anti-Corruption Agencies (2012).

the requirement of "necessary independence" into specific institutional safeguards and functional standards.

The Statement is informed by a convergence of international legal obligations, institutional commitments, and practical experience. It rides on the requirements of the UNCAC and related resolutions of the Conference of States Parties (CoSP), while building upon prior professional commitments such as the Marrakech Declaration adopted by the International Association of Anti-Corruption Authorities. It is further shaped by the recognition of the diversity of anti-corruption agency models, as well as existing regional standards, global policy initiatives such as those of the G20, and the advocacy of civil society actors. All these influences reveal a broader effort to harmonize and strengthen anti-corruption institutions by translating abstract legal obligations into concrete, operational standards capable of ensuring independence and effectiveness in practice.[81]

The authority of the Jakarta Statement is further reinforced by the context in which it was developed. The Statement emerged from a process in which participants reviewed and discussed comparative country experiences, institutional challenges, and the practical requirements necessary to ensure the independence and effectiveness of anti-corruption agencies.[82] This distinguishes the Jakarta Principles from purely abstract formulations since they reflect accumulated institutional experience and practical lessons from diverse jurisdictions.

Rather than treating independence as a single abstract concept, the Jakarta Statement is broken down it into interrelated dimensions. First, it emphasizes structural independence, requiring that anti-corruption agencies be established within a stable legal framework, preferably constitutional or statutory, to ensure permanence and institutional continuity.[83]

Secondly, it elaborates personal and decisional independence, through requirements of transparent and merit-based appointment procedures, security of tenure, and protection from arbitrary

[81] Ibid., preamble.
[82] Ibid., preamble (review of country experiences and challenges).
[83] Ibid., (principle on permanence and legal framework).

removal.[84] These safeguards are designed to insulate leadership from political interference and preserve institutional impartiality/ neutrality.

Thirdly, the Statement develops the concept of operational autonomy, requiring that anti-corruption agencies possess full authority over their internal administration, including recruitment, discipline, and the conduct of investigations, free from external direction or control.[85]

Fourthly, it places particular emphasis on financial independence, requiring that agencies be provided with adequate, reliable, and independently managed resources, and that they retain control over the use of such resources.[86] This means that financial control constitutes one of the most significant indirect mechanisms through which institutional independence may be undermined.

Finally, the Jakarta Statement integrates accountability into independence, recognizing that autonomy must be balanced by internal controls, ethical standards, external oversight, and public reporting mechanisms.[87] In this way, it avoids equating independence with absence of control, instead it places anti-corruption agencies within a framework of accountable governance.

It should also be noted that the development of the Jakarta Statement involved participation from regional anti-corruption networks, including the East African Association of Anti-Corruption Authorities, of which Uganda is a member.[88] This shows the extent to which the principles articulated in the Statement reflect not merely abstract international standards, but collective institutional experience and regional engagement, thereby enhancing their relevance within the East African context.

These principles establish a multi-dimensional and operational conception of independence, in which structural guarantees, functional capacity, and accountability mechanisms operate in tandem. Although the Jakarta Statement is not legally binding, it serves as an authoritative soft law

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[84] Ibid., (principles on appointment, tenure, and removal).
[85] Ibid., (principles on operational autonomy and human resource control).
[86] Ibid., (principles on financial autonomy and resources).
[87] Ibid., (principles on accountability and oversight).
[88] Ibid., preamble (participation of regional networks including East African Association of Anti-Corruption Authorities); https://www.eaaaca.com/member-states;

instrument that gives practical expression to the requirements of independence under UNCAC and even the AUCPCC, and provides a structured analytical framework for evaluating whether anti-corruption institutions are capable of functioning effectively and free from undue influence in practice.

More recently, the G20 High-Level Principles on Promoting Integrity and Effectiveness of Public Bodies (2023)[89] reinforce similar requirements, highlighting transparent appointment procedures,[90] protection from arbitrary dismissal,[91] stable funding,[92] professional staffing systems,[93] and balanced accountability mechanisms that do not compromise operational independence.[94]

Although the Principles do not create binding legal obligations and do not directly apply to non-G20 States, their relevance to Uganda arises through indirect normative applicability. First, the Principles are expressly grounded in the UNCAC, particularly Articles 6 and 36, which impose binding obligations on Uganda to ensure the existence and independence of anti-corruption bodies. In this respect, the G20 Principles do not operate as independent sources of obligation, but as interpretive instruments that give concrete content to Uganda's existing treaty obligations.[95]

Secondly, the growing institutional linkage between the African Union, of which Uganda is a member, and the G20, following the AU's admission as a permanent member of the G20, enhances the regional relevance of these Principles.[96] This development facilitates the diffusion of G20 anti-corruption standards into African governance frameworks, thereby strengthening their contextual legitimacy and persuasive authority within the African context.

Therefore, the relevance of the G20 Principles to Uganda does not depend on formal membership of the G20, but on their function as interpretive guidance linked to binding international obligations and reinforced through regional institutional participation. They therefore constitute a highly

[89] G20, High-Level Principles on Promoting Integrity and Effectiveness of Public Bodies.
[90] G20 High-Level Principles, principle 2 (i).
[91] G20 High-Level Principles, principle 2 (ii).
[92] G20 High-Level Principles, principle 2 (iv).
[93] G20 High-Level Principles, principle 2 (iii).
[94] G20 High-Level Principles, principle 3.
[95] United Nations Convention against Corruption, arts. 6 & 36.
[96] https://euromed-economists.org/the-african-union-au-is-granted-g20-membership/

persuasive benchmark for assessing whether Uganda has effectively implemented its obligations regarding the independence and effectiveness of anti-corruption bodies.

The G20 High-Level Principles reinforce and consolidate the interpretative framework developed by the UNODC Legislative[97] and Technical Guides[98] and the Jakarta Statement,[99] confirming that institutional independence is now a well-settled, multi-dimensional concept. It is no longer contested, but understood as a functional standard requiring structural safeguards, operational autonomy, financial independence, and effective governance mechanisms. Finally, Transparency International (TI) conceptualizes the institutional independence of Anti-Corruption Agencies (ACA) as a multi-dimensional arrangement, not only as a formal or legal attribute. First, is legal independence and institutional status, which requires that ACAs be established by law, protected from undue political interference, and endowed with secure appointment and removal procedures, clear mandates, and operational autonomy.[100] Second, independence is reinforced by financial and human resource autonomy, including stable and adequate funding, merit-based staffing, and technical capacity.[101] Third is operational independence reflected in the agency's ability to initiate and conduct investigations impartially, including against high-level officials, without fear or favor.[102]

Beyond these core elements, the TI framework demonstrates that independence is sustained through a broader ecosystem of institutional conditions. These include the ACA's ability to carry out prevention, education and outreach functions free from political constraint; its cooperation with other state and non-state actors, which affects access to information and enforcement effectiveness; and robust accountability and oversight mechanisms, ensuring that autonomy is exercised within the rule of law.[103] Finally, public perceptions of the ACA's credibility and effectiveness are treated as an essential dimension since legitimacy enhances practical

[97] United Nations Office on Drugs and Crime, Legislative Guide for the Implementation of the United Nations Convention against Corruption (2006).
[98] United Nations Office on Drugs and Crime, Technical Guide to the United Nations Convention against Corruption (2009).
[99] Jakarta Statement on Principles for Anti-Corruption Agencies (2012).
[100] Transparency International, Anti-Corruption Agencies: Strengthening Initiative – Research Implementation Guide (2015) 7–8.
[101] Ibid., 8–10.
[102] Ibid.
[103] Ibid., 10–11.

independence.[104] Therefore, this shows that institutional independence emerges as a functional and systemic concept, combining legal safeguards with resource capacity, operational freedom, and public trust.

However, this framework is not legally binding on any state, including Uganda. Just like the frameworks discussed under this section, the TI framework is a soft-law, analytical model developed by Transparency International to guide assessment and reform rather than to impose enforceable obligations.[105] Nevertheless, its relevance lies in its persuasive and interpretive authority. It operationalizes binding international standards especially those under the UNCAC, which requires states to ensure that anti-corruption bodies have the necessary independence and resources by translating them into concrete, measurable indicators.[106] Therefore, in doing so, this framework also, it provides a benchmark against which Uganda's compliance can be evaluated in practice. It follows that, although Uganda is not legally compelled to adhere to the TI framework, it remains highly influential in demonstrating that independence is not merely a formal constitutional guarantee but a practical reality shaped by institutional capacity, political context, and public legitimacy.

These dimensions provide a basis against which Uganda's constitutional and statutory framework may be measured. The investigation is therefore not simply whether Uganda has established an anti-corruption body, in the name of the IG, but whether the IG's design satisfies these dimensions of independence as understood in international anti-corruption governance.

2.4 Conclusion

This chapter has examined the historical and institutional context underpinning the emergence and evolution of the IG in Uganda, placing it within the broader trajectory of constitutional breakdown, executive dominance, and the search for effective mechanisms of horizontal accountability. It has further analyzed the international and regional legal standards governing the independence of Anti-Corruption Agencies, drawing from binding instruments such as the UNCAC and the AUCPCC,

[104] Ibid., 11–12.
[105] Ibid
[106] UNCAC, Art. 6, 36.

as well as persuasive soft-law frameworks including the Jakarta Statement, the G20 High-Level Principles, and Transparency International's analytical model.

Through this analysis, the chapter reveals a multi-dimensional conception of institutional independence, encompassing legal foundation, appointment and tenure safeguards, financial autonomy, operational discretion, and accountability and develops a coherent evaluative framework. It ultimately demonstrates that independence is not merely a formal legal attribute but a functional and context-dependent condition, shaped by historical experience, institutional design, and the broader governance environment, thereby providing the normative and analytical foundation for assessing the effectiveness of the IG as an ACA in practice under chapter 3.

CHAPTER THREE

IMPACT OF THE INDEPENDENCE OF THE INSPECTORATE OF GOVERNMENT ON ITS ABILITY TO INVESTIGATE AND PROSECUTE CORRUPTION CASES IN UGANDA

3.1 Introduction

This chapter examines how the independence of the Inspectorate of Government (IG) affects its capacity to investigate and prosecute corruption in Uganda. It evaluates whether the legal guarantees of independence translate into actual institutional effectiveness. The chapter argues that independence is not merely formal, but a functional condition that shapes the IG's ability to act impartially, resist undue influence, and enforce accountability.

The analysis begins with the domestic legal framework, focusing on constitutional provisions, the Inspectorate of Government Act, Cap, 32, as the enabling legislation, and institutional design features relating to mandate, powers, tenure, financial autonomy, and operational discretion of the IG. It then assesses this framework against the normative standards developed in Chapter Two to determine whether the IG meets the requirements of an independent integrity institution in both design and operation.

The chapter further examines the role of the judiciary in shaping the IG's independence, specifically through its interpretation of investigative and prosecutorial powers. It concludes by grounding the analysis in practice through case studies and insights from interviews with key stakeholders, highlighting the extent to which formal guarantees align with institutional performance. This chapter also draws on qualitative insights from interviews conducted with IG officials, prosecutors, judicial officers, and civil society actors, to assess how legal guarantees of independence operate in practice and to identify gaps between formal design and institutional performance.

Ultimately, the chapter demonstrates that although the IG is constitutionally insulated, its effectiveness depends on the interaction between legal safeguards, institutional dynamics, judicial interpretation, and the broader political context.

The analysis in this chapter applies the thematic approach described in Section 1.11.7. The constitutional and statutory framework, judicial decisions and other documentary materials are examined alongside the relevant interview findings. The analysis is organized around the dimensions of institutional independence developed in Chapter Two, including legal entrenchment, appointment and removal safeguards, financial autonomy, operational independence, and accountability. This approach connects the research methodology to the substantive analysis by showing how documentary evidence and participants' experiences inform the assessment of the IG's independence and its ability to investigate and prosecute corruption cases.

3.2 Constitutional and Statutory Framework: Assessing Institutional Independence

The 1995 Constitution of the Republic of Uganda, being the supreme law of the land where all the other laws emanate and must comply, constitutes the primary legal foundation of the IG.[1] In assessing whether it secures substantive institutional independence, the constitutional design is examined against the five dimensions of independence identified in the international standards discussed in chapter two.

3.2.1 Legal Entrenchment and Institutional Permanence

The IG is established under Chapter Thirteen of the Constitution.[2] Its entrenchment within the supreme law of the land is intended to provide for its structural permanence, insulating the institution from ordinary legislative abolition or executive restructuring.[3] Constitutional establishment satisfies the first international benchmark of legal foundation and institutional stability.[4]

[1] Constitution of the Republic of Uganda, 1995, art. 2; Chapter 13.
[2] Ibid., art. 223.
[3] Uganda Constitutional Commission, Report of the Uganda Constitutional Commission, 598, para. 21.79.
[4] UNDP and UNODC, Jakarta Statement on Principles for Anti-Corruption Agencies, Principal 1.

The Constitution further provides that: *"The Inspectorate of Government shall be independent in the performance of its functions and shall not be subject to the direction or control of any person or authority and shall only be responsible to parliament."*[5]

This construction provides express legal insulation from executive interference and positions the IG as a constitutionally autonomous oversight body. By securing its independence at the constitutional level, it enables the IG to conduct investigations and initiate prosecutions without being subject to direction or control from political authorities.[6] This autonomy is critical in corruption cases involving powerful or politically exposed individuals/ persons, namely individuals entrusted with prominent public functions,[7] since it allows the IG to pursue inquiries, gather evidence, and sustain prosecutions with a greater degree of impartiality and institutional confidence.[8] In this way, constitutional insulation directly strengthens the IG's ability to enforce accountability through effective investigation and prosecution of corruption.

However, even if constitutional entrenchment was regarded as the ultimate safeguard of institutional independence, its practical significance is limited. Uganda's constitutional history demonstrates that even core structural provisions, such as presidential term limits and age limits, have been amended through politically driven processes.[9] The relative ease with which such foundational constraints have been altered undermines the assumption that constitutional status alone secures institutional autonomy. For the IG, this has direct implications: where the broader constitutional order is susceptible to political recalibration, the IG's formal guarantees of independence remain potentially contingent rather than secure. This vulnerability may, in turn, affect its ability to investigate and prosecute corruption, especially in cases involving politically exposed actors, as institutional actors may operate within an environment where constitutional

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[5] Constitution of the Republic of Uganda, 1995, art. 227.
[6] Ibid., see also art. 230(1) (conferring powers to investigate, arrest, and prosecute or cause prosecution).
[7] Financial Action Task Force, International Standards on Combating Money Laundering and the Financing of Terrorism & Proliferation (The FATF Recommendations) (Paris: FATF, 2023), Glossary (defining politically exposed persons as individuals who are or have been entrusted with prominent public functions); see also United Nations Office on Drugs and Crime, United Nations Convention against Corruption (2004), arts. 7, 8 and 52.
[8] United Nations Office on Drugs and Crime, Legislative Guide for the Implementation of the United Nations Convention against Corruption (New York: United Nations, 2006), paras. 28–32 (emphasizing that independence is essential for effective investigation and prosecution of corruption, particularly in cases involving high-level officials); see also United Nations, United Nations Convention against Corruption, art. 36.
[9] Constitution of the Republic of Uganda (Amendment) Act, 2005; Constitution of the Republic of Uganda (Amendment) Act, 2017.

protections are not perceived as fixed or insulated from influence. Powerful political actors implicated in corruption may seek to influence the abolition or restructuring of the IG, either before or in response to ongoing investigations or prosecutions.

From the perspective of the integrity branch theory, this raises a deeper structural concern. Institutions such as the IG are conceived as autonomous accountability mechanisms designed to check the concentration of power across the traditional branches of government.[10] However, their effectiveness depends not only on formal constitutional entrenchment but also on the stability and credibility of the constitutional order itself.[11] Where foundational safeguards can be readily altered through political processes, the independence of such institutions risks becoming formal rather than functional, thereby weakening their capacity to perform their role as guardians of constitutional accountability. The foregoing concerns may, however, also be examined through the lens of the basic structure doctrine (BSD). Originating from the Indian Supreme Court's decision in *Kesavananda Bharati v State of Kerala*, the doctrine holds that while Parliament may amend the Constitution, it cannot alter its essential features or destroy its inviolable core.[12] In Uganda, although the doctrine remains contested in scope, both the Constitutional Court and the Supreme Court in the *Age Limit case* accepted its relevance within Uganda's constitutional framework, differing mainly on what constitutes the Constitution's basic structure.[13]

As Benson Tusasirwe argues, what forms part of the basic structure is not determined merely by whether a provision is expressly entrenched under Article 260 of the Constitution, but by the role it plays in preserving the spirit, purpose, and constitutional order itself.[14] In that regard, the constitutional provisions establishing the IG need not be expressly entrenched to be regarded as part of the Constitution's basic structure. As a constitutionally created accountability institution,

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[10] Bruce Ackerman, "The New Separation of Powers," Harvard Law Review 113, no. 3 (2000): 633–729; A. J. Brown, The Fourth, Integrity Branch of Government: Resolving a Contested Idea (Brisbane: International Political Science Association World Congress of Political Science, 2018), 6.

[11] Mark Tushnet, The New Fourth Branch: Institutions for Protecting Constitutional Democracy (Cambridge: Cambridge University Press, 2021).

[12] Kesavananda Bharati case, Kesavananda Bharati v State of Kerala AIR 1973 SC 1461.

[13] Male Mabirizi Kiwanuka & Others v Attorney General, Constitutional Petition No. 49 of 2017 (Constitutional Court of Uganda); Male Mabirizi Kiwanuka & Others v Attorney General, Constitutional Appeal No. 2 of 2018 (Supreme Court of Uganda).

[14] Benson Tusasirwe, The Basic Structure Doctrine and Constitutional Restraint: Take-away from the "Age Limit" Decision (Centre for Public Interest Law, 2019), 5–8.

and part of the broader oversight framework now conceptualized as the fourth arm of government, the IG performs an essential checking function over the exercise of public power. Its abolition or substantial weakening would therefore not merely amount to institutional reform, but would fundamentally dilute constitutionalism by weakening the accountability architecture through which abuse of power is restrained.[15] If the IG is viewed in this way, its constitutional independence would assume a deeper structural significance, strengthening its ability to resist political interference and to carry out investigations and prosecutions of corruption cases in Uganda with greater institutional confidence and autonomy.[16]

3.2.2 Appointment and Removal Safeguards

The IG comprises the Inspector General of Government (IGG) and such number of Deputy Inspectors General of Government (DIGGs) as prescribed by Parliament.[17] They are appointed by the President with the approval of Parliament[18] and their tenure is four years, renewable once.[19]

Although parliamentary approval introduces an element of legislative oversight, the initiation of appointment remains an executive prerogative. Moreover, the President retains authority to initiate removal proceedings on specified constitutional grounds.[20] This dual role in appointment and removal harbors a structural point of executive influence within the institutional design.

This vulnerability has manifested in practice through both executive and parliamentary dynamics. First, the executive's dominance at the nomination stage has meant that parliamentary approval has largely operated as a process of ratification or rubber- stamping rather than genuine selection. For example, the appointment of all the IGGs after the 1995 Constitutional framework namely; Justice Jotham Tumwesigye, Lady Justice Faith Mwondha, Lady Justice Irene Mulyagonja, Hon. Beti Olive Kamya, and Lady Justice Naluzze Aisha Batala though formally approved by Parliament, reflects the broader pattern in which presidential nominees proceed without

[15] A. J. Brown, The Fourth, Integrity Branch of Government, 6–9.
[16] United Nations Office on Drugs and Crime, Legislative Guide for the Implementation of the United Nations Convention against Corruption (New York: United Nations, 2006), paras. 28–32 (emphasizing that institutional independence is central to effective anti-corruption enforcement).
[17] Constitution of the Republic of Uganda, 1995, art. 223 (2).
[18] Ibid., art. 223 (4)
[19] Ibid., art. 223 (7).
[20] Ibid., art. 224.

meaningful alteration, underscoring the extent to which control over initiation shapes the outcome of the process.

Secondly, the renewable nature of tenure has created scope for indirect influence through the reappointment process. The experience of Lady Justice Faith Mwondha illustrates this dynamic. Upon the expiry of her term, she declined to appear before Parliament for vetting for reappointment, maintaining that the Constitution does not require parliamentary approval for a second term and that such approval is only necessary upon initial appointment. It was reported that her refusal was influenced by indications that approval would likely not be forthcoming, following institutional tensions with senior government officials and elements of the parliamentary leadership.[21] While no formal removal occurred, the episode demonstrates how political considerations within the Executive and Parliament can effectively determine tenure continuity, thereby limiting the practical security of office.

The consequences of such dynamics were further evident in the period that followed, when her deputy, Mr. Raphael Baku, assumed office in an acting capacity.[22] Judicial pronouncements subsequently questioned the legality of actions undertaken during this period. In *Hon. Sam Kuteesa & Others v Attorney General*, involving senior ministers, including Hon. Sam Kuteesa, John Nasasira, and Mwesigwa Rukutana, the Constitutional Court clarified that although Mr. Raphael Baku, as a substantive Deputy Inspector General acting in the position of Inspector General of Government, could validly perform the functions of his office, he could not in that capacity substitute the Inspectorate of Government (IG) as a constitutional body.[23] The Court held that the IG is a composite body consisting of the Inspector General of Government (IGG) and two Deputy Inspectors General of Government (DIGGs), and that its powers of investigation and prosecution under Article 230(1) could only be exercised where that body was duly constituted.[24] This meant that while the acting arrangement itself was not unlawful, the absence of a fully constituted IG

[21] "IGG Defies Parliament," New Vision, October 22, 2021, accessed June 18, 2026, https://www.newvision.co.ug/news/1246785/igg-defies-parliament.
[22] "Acting IGG Overwhelmed by Workload," New Vision, August 14, 2012, https://www.newvision.co.ug/news/1208172/acting-igg-overwhelmed-workload
[23] Hon. Sam Kuteesa & Others v Attorney General, Constitutional Petition No. 46 of 2011 (Constitutional Court of Uganda), pp. 24–26.
[24] Ibid., 21–23.

significantly constrained its prosecutorial authority.[25] Prosecution of the so-called "big-fish" by the IG was frustrated. This issue is espoused later in this chapter.

Finally, delays in substantive appointments also reveal the extent of executive influence over institutional continuity. Following the expiry of the tenure of Lady Justice Irene Mulyagonja in 2020, the lapse before the appointment of Hon. Beti Olive Kamya in 2021 left the institution operating without fully secured leadership.[26] A similar pattern emerged after the expiry of Hon. Beti Kamya's tenure, when the President took a considerable period before appointing Lady Justice Aisha Naluzze Batala.[27] While such delays may be formally lawful, they create conditions in which institutional independence is practically weakened. In effect, the power to delay, withhold or postpone appointments can be used to frustrate the Inspectorate's investigative and prosecutorial mandate, thereby undermining its operational effectiveness.

The practical consequences of delayed appointments were repeatedly highlighted during interviews conducted. Mr. Raphael Baku, former Acting Inspector General of Government and former Deputy Inspector General of Government, observed that because the IG is constitutionally constituted by three members, prolonged delays in appointments interrupt institutional workflow and impede the performance of its constitutional mandate.[28] In his view, leadership vacancies create operational paralysis and undermine continuity in anti-corruption enforcement.[29]This position was corroborated by prosecutors and investigators who noted that although some investigative activities may continue during periods when the IG is not fully constituted, critical functions such as authorizing arrests, inspections, asset freezing orders and prosecution decisions are adversely affected. Five participants further indicated that courts have become increasingly

[25] Ibid., 26–27.
[26] "We Cannot Work Without Substantive IGG, Says …," New Vision, December 9, 2020, https://www.newvision.co.ug/category/news/we-cannot-work-without-substantive-igg-says-l-NV_105254.
[27] Anthony Wesaka, "IGG Office Remains Vacant as Kamya's Contract Ends," Daily Monitor, September 26, 2025, https://www.monitor.co.ug/uganda/news/national/igg-office-remains-vacant-as-kamya-s-contract-ends-5206932.
[28] Raphael Baku, Kampala, Uganda, May 25, 2026.
[29] Ibid.

reluctant to proceed with matters where questions arise regarding the lawful constitution of the IG.[30]

These findings suggest that delay in making substantive appointments of the members of the IG constitute a significant weakness in the functioning of the IG since it directly affects the IG's ability to investigate and prosecute corruption effectively.

Mr. Marlon Agaba, Executive Director of the Anti-Corruption Coalition Uganda, argued that the appointment process grants considerable discretion to the Executive and lacks the transparency associated with appointments to other constitutional offices.[31] According to Agaba, unlike judicial appointments which involve publicly advertised positions and structured recruitment procedures, appointments to the IG are largely executive-driven, creating the perception that political considerations may influence the selection process.[32] He further observed that the possibility of reappointment may affect decisional independence, as office holders approaching the end of their first term may become reluctant to antagonize the appointing authority.[33]

Similar concerns were expressed by investigators, prosecutors and judicial officers interviewed during this study.[34] The participants indicated that the possibility of reappointment may create incentives for members of the IG to avoid politically sensitive investigations or prosecutions that could jeopardize their prospects of securing another term.[35] Although some participants maintained that independence ultimately depends on the integrity and courage of individual office holders, the dominant view was that renewable tenure creates a risk of indirect influence over institutional decision-making.[36]

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[30] Senior Prosecutor 1 (IG), Kampala, Uganda, May 11, 2026; Senior Prosecutor 2 (IG), Kampala, Uganda, May 13, 2026; Senior Investigator 1 (IG), Kampala, Uganda, May 13, 2026; Senior Investigator 2 (IG), Kampala, Uganda, May 15, 2026

[31] Marlon Agaba, Kampala, Uganda, May 22, 2026.

[32] Ibid.

[33] Ibid.

[34] Senior Prosecutor 1 (IG), Kampala, Uganda, May 11, 2026; Senior Prosecutor 2 (IG), Kampala, Uganda, May 13, 2026; Senior Investigator 1 (IG), Kampala, Uganda, May 13, 2026; Senior Investigator 2 (IG), Kampala, Uganda, May 15, 2026, Judicial Officer 1 & 2 (Anti-corruption Division, High Court), Kampala, Uganda, May 19, 2026.

[35] Ibid.

[36] Senior Prosecutor 3 (IG), Entebbe, Uganda, May 23, 2026

These findings reinforce concerns that the constitutional framework, while formally protective of independence, may create subtle incentives capable of affecting the IG's ability to investigate and prosecute corruption without fear or favor. Therefore, while the constitutional design incorporates formal legal checks through parliamentary approval, executive dominance in appointment and removal initiation processes shows weaknesses in the general design of the IG. Uganda's model is not the only way anti-corruption institutions can be structured. In Sri Lanka, for example, members of the anti-corruption commission are appointed by the President only after recommendation by an independent Constitutional Council, serve a fixed five-year term, and are not eligible for reappointment. Their removal also requires parliamentary approval. This arrangement helps to reduce political influence and offers stronger protection for institutional independence.[37]

More still, without secure tenure for operational staff, the formal independence of the IG remains incomplete, as the effectiveness of investigations and prosecutions depends on the stability and protection of those who carry them out.

Security of tenure is central to institutional independence under international standards.[38] Where reappointment depends on executive discretion, indirect incentives may arise that affect decisional independence, particularly in politically sensitive investigations. The renewable term structure may therefore generate hidden dependency, even if overt interference may be lacking.

Additionally, the Constitution is silent regarding tenure security and protections for lower-level professional staff. While the Inspectorate of Government Act provides certain statutory safeguards, including immunity from civil or criminal proceedings for acts done in good faith and protection against compelled disclosure of information obtained in the course of duty,[39] these protections safeguard officers in carrying out their duties, but they do not offer the same level of security as that accorded to the Inspector General and the Deputy Inspectors General, whose offices, tenure, and removal are expressly protected by the Constitution.[40] Since effective investigations depend

[37] Commission to Investigate Allegations of Bribery or Corruption Act, No. 19 of 1994 (Sri Lanka), s. 2(2)(b), (5) and (6).
[38] G20 High-Level Principles, principle 2 (ii).
[39] Inspectorate of Government Act, Cap. 32, s. 21.
[40] Constitution of the Republic of Uganda, 1995, art. 223(4) (appointment of the Inspector General and Deputy Inspectors General by the President with approval of Parliament), art. 223(7) (security of tenure of four years,

heavily on technical officers, prosecutors, and investigators, the absence of explicit constitutional safeguards for staff independence may indirectly weaken institutional resilience.

As will be discussed in the following chapter, this situation is not unique to Uganda; comparatively, countries including Botswana and Singapore do not provide explicit legal protection to the job security of lower-level staff in anti-corruption agencies, instead relying on general public service rules and internal human resource manuals, which do not offer strong or specific guarantees of tenure and can weaken how effectively the agency operates.[41]

The findings show how the thematic analysis outlined in Section 1.11.7 was applied to appointment and tenure. Concerns about renewable terms add to the documentary analysis by highlighting the possibility that, even where the law provides security of tenure, the prospect of reappointment may affect perceptions of independence. While the findings do not establish that political interference has occurred, they point to a structural risk that could undermine confidence in the IG's ability to investigate and prosecute politically sensitive cases without fear or favor.

3.2.3 Financial Autonomy

The Constitution states that the IG should have an independent budget appropriated by Parliament but managed by the IG.[42] It also requires the state to ensure the recruitment of qualified staff to enable the IG to perform its functions effectively.[43] However, the Constitution does not provide mechanisms to prevent executive control over budget allocation. In practice, the IG's budget is processed through the Ministry of Finance, exposing it to indirect manipulation. Chronic underfunding[44] and budget cuts have constrained IG's investigations, prosecutions, recruitment, and forensic capacity.[45] The IGG's 2024 request for UGX 100 billion highlights the inadequacy

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renewable once), and art. 224 (removal from office on grounds and through procedures analogous to those applicable to judges of the superior courts).

[41] Corruption and Economic Crime Act, Cap. 08:05 (Laws of Botswana); Public Service Act, Cap. 26:01 (Laws of Botswana); Prevention of Corruption Act, Cap. 241, 1993 Rev. Ed. (Singapore); Constitution of the Republic of Singapore, 1965 (Rev. Ed.), arts. 110–112.

[42] Constitution of the Republic of Uganda, 1995, art. 229 (1).

[43] Constitution of the Republic of Uganda, 1995, art. 229 (2).

[44] Racheal Flanary and David Watt, 'The State of Corruption: A Case Study of Uganda' (1999) 20(3) Third World Quarterly: 533- 536, https://doi.org/10.1080/01436599913668

[45] Umar Kakumba, "Assessing the Institutional Capacity of External Agencies in Holding Local Governments Accountable in Uganda," Commonwealth Journal of Local Governance 10 (2012): 86, accessed May 17, 2025, http://epress.lib.uts.edu.au/ojs/index.php/cjlg

of current financial arrangements.[46] The IG has consistently reported unfunded priorities, including the recruitment of investigators, expansion of regional offices, and strengthening of prosecution units, due to budget allocations falling below institutional requirements.[47] Annual reports further indicate persistent case backlogs and delays in investigations, particularly in complex corruption and leadership code matters, attributable to limited staffing and operational resources.[48] Funding constraints have also undermined the development of specialized forensic, ICT, and asset-tracing capacity necessary for effective anti-corruption enforcement.[49]

In addition, the volume of public complaints received continues to exceed the IG's handling capacity, resulting in delays in case disposal.[50] This situation is compounded by reliance on releases from the Ministry of Finance, Planning and Economic Development, where cash flow constraints have disrupted planned investigations and prosecution timelines. These factors collectively demonstrate that financial dependence has a direct and adverse impact on the Inspectorate's ability to effectively investigate and prosecute corruption.

The forgoing was reinforced by interview findings. Mr. Marlon Agaba argued that the IG's dependence on annual budgetary processes exposes it to indirect influence from both the Executive and Parliament.[51] According to Agaba, accountability institutions that depend on annual appropriations may find themselves operating cautiously where officials responsible for budgetary allocations are themselves potential subjects of investigation.[52] He contrasted Uganda's position with jurisdictions that provide statutory funding guarantees for oversight institutions as a means of protecting operational independence.

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[46]Inspectorate of Government, "IGG Wants Her Budget Increased to Shs100b," https://www.igg.go.ug/updates/media/igg-wants-her-budget-increased-to-shs100b/.

[47] Inspectorate of Government, Presentation of the IG Policy Statement to the Legal and Parliamentary Affairs Committee of Parliament, Vote 103, FY 2024/25 (Kampala: Inspectorate of Government, April 2, 2024), 9. (detailing funding gaps in staffing, regional presence and prosecution capacity).

[48] Inspectorate of Government, Bi-Annual Performance Report to Parliament: July to December 2025 (Kampala: Inspectorate of Government, March 9, 2026), 5 (sections on case backlog, investigations, and leadership code enforcement).

[49] Inspectorate of Government, Strategic Plan 2025/26–2029/30 (Kampala: Inspectorate of Government, July 2025), ii, xi, xiii. (identifying gaps in forensic, ICT and asset recovery capacity).

[50] Inspectorate of Government, Annual Report 2022/2023 (statistics on complaints received versus cases investigated and concluded).

[51] Marlon Agaba, Kampala, Uganda, May 22, 2026.

[52] Ibid.

Although jurisdictions such as Hong Kong, Singapore, and Botswana do not provide express statutory guarantees of multi-year funding for their anti-corruption agencies, institutions such as the Independent Commission Against Corruption, the Corrupt Practices Investigation Bureau, and the Directorate on Corruption and Economic Crime have generally benefited from relatively stable and predictable budgetary support in practice.[53] By contrast, while Uganda's IG operates within a Medium-Term Expenditure Framework (MTEF), its funding remains anchored in annual appropriations which expire at the end of each financial year and are subject to annual revision.[54] This distinction shows that financial stability, whether formally guaranteed or practically sustained, remains central to preserving operational independence.

Investigators and prosecutors interviewed similarly identified inadequate funding as one of the most significant obstacles to effective anti-corruption enforcement.[55] Participants reported shortages of investigators, prosecutors, vehicles, forensic specialists and operational resources necessary for complex corruption investigations.[56] Four investigators noted that regional offices often receive resources sufficient to investigate only a limited number of complaints each month, while judicial officers observed that financial constraints sometimes prevent the engagement of expert witnesses necessary to prove sophisticated corruption schemes.[57] These findings demonstrate that financial autonomy is not merely an administrative concern but a fundamental determinant of the IG's capacity to investigate and prosecute corruption effectively. Where those who influence or approve the IG's budget may themselves be potential subjects of investigation or prosecution, the IG may find itself operating with caution. The IG may become hesitant to pursue politically sensitive matters as aggressively as they otherwise would, out of concern that such actions could trigger budget cuts or other financial consequences. In this way, financial

[53] Jon S. T. Quah, Curbing Corruption in Asian Countries: An Impossible Dream? (Bingley: Emerald Publishing Limited, 2011); Independent Commission Against Corruption, Annual Report 2021 (Hong Kong: Independent Commission Against Corruption, 2021), 1–3; Annual Report 2022 (Hong Kong: Independent Commission Against Corruption, 2022), 1–3; Annual Report 2023 (Hong Kong: Independent Commission Against Corruption, 2023), 1–3; Annual Report 2024 (Hong Kong: Independent Commission Against Corruption, 2024), 1–3.
[54] Public Finance Management Act, Cap. 171, secs. 2, 12, 16 and 22.
[55] Senior Prosecutor 1 (IG), Kampala, Uganda, May 11, 2026; Senior Prosecutor 2 (IG), Kampala, Uganda, May 13, 2026; Senior Investigator 1 (IG), Kampala, Uganda, May 13, 2026; Senior Investigator 2 (IG), Kampala, Uganda, May 15, 2026.
[56] Ibid.
[57] Senior Investigator 1 (IG), , Kampala, Uganda, May 13, 2026; Senior Investigator 2 (IG), , Kampala, Uganda, May 15, 2026, Judicial Officer 1 & 2 (Anti-corruption Division, High Court), , Kampala, Uganda, May 19, 2026,

dependence may weaken not only the IG's effectiveness, but also its independence, by creating an environment where decisions are shaped not only by the demands of justice and accountability, but also by the fear of financial retaliation.[58]

The interviews confirm that formal financial autonomy does not necessarily guarantee adequate resources in practice. Participants highlighted shortages of investigators, prosecutors, vehicles and forensic expertise, which can limit the IG's ability to investigate and prosecute cases effectively. Therefore, the issue is not simply how much funding the IG receives, but whether it is adequate and reliable enough to support its work, including complex and sensitive cases. These findings complement the documentary analysis by showing how resource constraints can affect the IG's institutional independence in practice.

3.2.4 Operational Independence and Mandate

The Constitution grants the IG authority to investigate, cause investigation, arrest, prosecute, or cause prosecution in cases involving corruption, abuse of office, and maladministration.[59] This dual investigative and prosecutorial mandate distinguishes the IG from the Office of the Director of Public Prosecutions (ODPP), whose constitutional role is limited to prosecution and directing investigations.[60] This operational independence is strengthened by express prohibition against direction or control as guaranteed under the constitution.[61] The IG is therefore not subordinate to the Executive, the Attorney General, the ODPP or any other authority or person in the performance of its functions.

However, the real operational independence of the IG must be assessed not only in textual terms but in light of institutional interactions. The coexistence of executive or legislative-controlled anti-corruption units, like the State House Anti-Corruption Unit (SHACU)[62], the Criminal Investigations and Intelligence Directorate (CIID) of the Uganda Police[63], the Auditor General

[58] Jeremy Pope, Confronting Corruption: The Elements of a National Integrity System (Berlin: Transparency International, 2000), 112–116; Jakarta Statement on Principles for Anti-Corruption Agencies, Principle 11 &12.
[59] Constitution of the Republic of Uganda, 1995, art. 230 (1).
[60] Ibid., art. 120 (3) (a).
[61] Ibid., art. 227.
[62] State House Anti-Corruption Unit, "About," accessed January 13, 2026, https://sh-acu.go.ug/about/
[63] Constitution of Uganda, art. 120(3)(b).

(AG),[64] and parliamentary committees like the one on Commissions, Statutory Authorities and State Enterprises (COSASE)[65] creates overlapping investigative and prosecutorial mandates and unnecessary rivalry which threatens the IG's permanence discussed above.

It also creates a governance environment in which practical authority or mandate may be diffused. This diffusion of anti-corruption authority was for instance seen in the case filed by Hon. Dr. Mary Goretti Kitutu, Former Minister for Karamoja Affairs against the Attorney General, IG and the then IGG- Hon. Beti Kamya Turwomwe.[66] While already undergoing trial before the Anti-Corruption Division of the High Court on charges instituted by the DPP, the IGG issued fresh summons seeking to investigate related allegations concerning supplementary funds released to the Office of the Prime Minister.

Kitutu challenged these actions in court arguing that they constituted parallel investigations arising from the same transaction, violated her right to a fair hearing under Article 28 of the Constitution, and amounted to an attempt to re-open concluded inquiries in order to generate alternative charges.[67] Although the application was dismissed by the High Court, she appealed[68] and subsequently obtained a stay of execution from the Court of Appeal, where the appeal remains pending.[69] Meanwhile, the criminal proceedings against her by the IG before the Anti-Corruption Court were ultimately dismissed, not on the merits of the charges or because of the overlapping investigations, but as a case-management measure after the prosecution failed to take off for a prolonged period. In the words of the court, it wanted to avoid a backlog of cases, especially since the accused person had never appeared before the court.[70]

According to one of the prosecutors involved in the case, one of the factors contributing to this delay was the protracted litigation initiated by the accused challenging the parallel charges and investigations arising from the same transaction.[71] In this sense, although the dismissal itself was

[64] National Audit Act, Cap 170, sec. 13 (1).
[65] Rules of Procedure of the Parliament of Uganda, Statutory Instrument No. 30 of 2021, sec. 181(1).
[66] Kitutu Mary Goreti v Attorney General & others Miscellaneous Application No. 002 of 2024; Daily Monitor, "Minister Kitutu Challenges IGG's Summons in Court," 11 January 2024
[67] Ibid.
[68] Civil Appeal No. 147 of 2024.
[69] Civil Application No. 109 of 2024
[70] Uganda V Hon Mary Goretti Kitutu (HCT-00-AC-CO-0056-2023)
[71] Prosecutor 3 (IG), Kampala, Uganda, June 22, 2026.

procedural, this sequence of events demonstrates how multiple anti-corruption actors: investigative, prosecutorial, and judicial, may simultaneously assert jurisdiction over the same facts, thereby producing duplication, constitutional contestation, and protracted interlocutory litigation. The result is not merely institutional friction but a tangible weakening of enforcement: proceedings are delayed, investigations are contested, and prosecutions collapse, illustrating how the diffusion of authority undermines the IG's practical ability to investigate and prosecute corruption effectively.

The concerns regarding overlapping anti-corruption mandates were also reflected in the interview responses. Mr. Marlon Agaba viewed the emergence of institutions such as the SHACU as evidence of declining confidence in the IG's effectiveness as the lead anti-corruption agency.[72] In his assessment, the proliferation of anti-corruption actors reflects frustration with the IG's perceived inability to occupy and maintain its constitutional role as the principal anti-corruption institution.[73]

A similar view was expressed by former Acting IGG Raphael Baku, who observed that the emergence of parallel anti-corruption structures was partly attributable to dissatisfaction with the IG's performance over time.[74] Nevertheless, both Agaba and two prosecutors interviewed emphasized that the existence of multiple institutions need not necessarily weaken anti-corruption enforcement where effective coordination, information sharing and complementary mandates exist.[75] However, some investigators, prosecutors and judicial officers reported that overlapping mandates frequently create duplication of investigations, institutional competition, public confusion and fragmentation of resources.[76] These findings support concerns that the diffusion of anti-corruption authority may weaken the IG's practical ability to investigate and prosecute corruption effectively.

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[72] Marlon Agaba, Kampala, Uganda, May 22, 2026.
[73] Ibid.
[74] Raphael Baku, Kampala, Uganda, May 25, 2026.
[75] Marlon Agaba, Kampala, Uganda, May 22, 2026; Senior Prosecutor 1 (IG), Kampala, Uganda, May 11, 2026.
[76] Senior Prosecutor 2 (IG), Kampala, Uganda, May 13, 2026; Senior Investigator 1 (IG), Kampala, Uganda, May 13, 2026; Senior Investigator 2 (IG), Kampala, Uganda, May 15, 2026, Judicial Officer 1 & 2 (Anti-corruption Division, High Court), Kampala, Uganda, May 19, 2026.

The interview findings also highlight the practical effects of these institutional arrangements. As discussed in the preceding section, participants identified inadequate funding and shortages of specialized personnel as key obstacles to effective investigations and prosecutions. This matters because the IG's legal authority to investigate and prosecute corruption can only be fully exercised if the institution has the resources and expertise to do so. The findings show a gap between independence in law and the practical capacity needed to make it effective. Therefore, while the Constitution grants broad enforcement powers, the effective exercise of those powers remains conditioned by institutional design and jurisprudential developments.

3.2.5 Accountability and Constitutional Balance

Independence is not absolute; it must coexist with accountability. The Constitution requires the IG to report to Parliament.[77] Although this interaction is limited to the submission of biannual reports to the August House[78] and, potentially, to matters relating to budgetary appropriations,[79] the legislative oversight is embedded and is a clear counterbalance to the IG's autonomy. This reporting obligation aligns with international standards that independence must operate within transparent and reviewable frameworks.[80]

Although the Constitution requires the IG to submit biannual reports to Parliament,[81] mandates their formal laying before the House,[82] and obliges the President and relevant local authorities to report on actions taken,[83] it does not prescribe specific enforcement consequences flowing from those reports; Parliament retains discretion as to follow-up measures,[84] and neither the Executive nor local authorities are legally compelled to implement the IG's recommendations beyond the duty to report on actions taken.[85] These Accountability mechanisms, therefore, exist formally and on paper but lack automatic enforcement effect.

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[77] Constitution of Uganda, art. 227, Inspectorate of Government Act, Cap. 32, sec. 28(1).
[78] Ibid., art. 231 (1).
[79] Ibid., art. 229 (1).
[80] G20, High-Level Principles on Promoting Integrity and Effectiveness of Public Bodies, Principle, 3.
[81] Constitution of Uganda, art. 231 (1).
[82] Ibid., art. 231 (3).
[83] Ibid., art. 231 (4).
[84] Ibid., art. 231 (5); Inspectorate of Government Act, Cap. 32, sec. 29.
[85] Linda C. Reif, "Building Democratic Institutions: The Role of National Human Rights Institutions in Good Governance and Human Rights Protection," Harvard Human Rights Journal 13 (2000): 1-69.

Therefore, the constitutional model reflects a hybrid structure, namely: strong textual insulation from direct control, coupled with structural features that undermine real and practical independence as illustrated in the different scenarios discussed in detail above.

3.3 Judicial Interpretation and the Aspect of Independence

Judicial interpretation has played a decisive role in shaping the practical scope of the IG's independence. While the Constitution proclaims autonomy,[86] the courts have defined the operational boundaries of that independence through interpretation of constitutional provisions and the IG Act. The jurisprudence available reveals three outstanding themes, namely, the: (i) Expansion and subsequent restriction of institutional status, (ii) Limits imposed to preserve judicial independence, and (iii) Requirement of proper institutional constitution for valid prosecutorial authority.

3.3.1 Expansion and Containment of Institutional Status

In *Kikonda Butema Farms Ltd V Attorney General*,[87] the IGG intervened after receiving a complaint, and halted the payment of UGX. 1.084 billion *ex gratia* to the petitioner and countermanded a UGX. 500-million-part payment. This followed an investigation in which the IGG found the claim unjustified and communicated his findings to the Attorney General, who consequently rescinded approval for the payment. The petitioner had unsuccessfully challenged the IGG's actions in the High Court.[88] Thereafter, the petitioner filed this constitutional petition arguing that the IGG lacked authority to question the Attorney General's opinion approving the payment, contending that the Attorney General, as the chief legal adviser to Government (of which the IGG was part), was binding on the IG, which the petitioner characterized as a non-autonomous body with only inquiry powers.[89]

The Constitutional Court in this case rejected the argument that the IG was subordinate to the Attorney General and affirmed that it was a constitutionally independent body not subject to

[86] Constitution of the Republic of Uganda, 1995, art. 227.
[87] Inspector General of Government v Kikondwa Butema Farms Ltd & Attorney General Constitutional Petition No. 10 of 2012.
[88] Ibid., 1–8.
[89] Ibid., 12 -13.

executive direction.[90] The Court emphasized that the 1995 Constitution transformed the traditional ombudsman into a powerful constitutional office capable of questioning even the Attorney General's opinion where circumstances so required.[91]

This interpretation marked a strong affirmation of institutional independence and signaled judicial recognition of the IG as more than a conventional ombudsman or administrative oversight body. It aligns with the Constitution, which provides that, in performing its functions, including investigations and prosecutions, the IG is not subject to the direction or control of any person or authority, including the Attorney General whose opinions the IG can even review.[92]

However, this expansive reading had been earlier narrowed by the Supreme Court of Uganda sitting as a civil appellate court in *Gordon Ssentiba & Others v Inspectorate of Government*.[93] It addressed the legal capacity and statutory limits of the IG in relation to its independence and ability to intervene in civil proceedings.[94] The IG had sought to set aside a consent judgment entered between the appellants and the Attorney General, claiming irregularities suggestive of abuse of office.[95] The Court held that, despite constitutional independence, the IG lacked corporate legal personality and therefore lacked capacity to sue or be sued in civil proceedings unless expressly granted by statute.[96] Independence under Article 227, the Court reasoned, did not automatically imply juridical/legal personality.[97] It rejected the earlier position in *Kikondwa Butema*, finding it to have been wrongly decided.[98]

This raises a question about the legal standing of the IG within Uganda's constitutional and statutory framework. While the Constitution establishes the IG as an independent constitutional body and expressly insulates it from the direction or control of any person or authority, neither the Constitution nor the Inspectorate of Government Act expressly grants it corporate legal personality

[90] Ibid., 20- 21.
[91] Ibid., 28-31.
[92] Constitution of the Republic of Uganda, 1995, art. 227.
[93] Gordon Ssentiba & Others v Inspectorate of Government Civil Appeal No. 14 of 2007.
[94] Ibid., para. 25 at 9.
[95] Ibid., paras. 10–25 at 2.
[96] Ibid., paras. 10–20 at 14.
[97] Ibid., para. 20 at 13.
[98] Ibid., 15-21

or a general capacity to sue and be sued in its own name.[99] The implication of this legislative silence, as clarified by the Supreme Court, is that the IG's institutional independence may in some instances remain incomplete.[100] Although it may independently investigate and prosecute corruption, its inability to independently assert or defend its interests in civil proceedings may create a degree of reliance on other state actors, particularly the Attorney General. thereby limiting the full practical realization of its constitutional autonomy. But also, this dependence may become problematic where the IG is required to investigate allegations of corruption involving officials within the Attorney General's Chambers, yet must still rely on the same office for legal representation in civil matters. In such circumstances, the risk of institutional conflict and compromised autonomy becomes more apparent, thereby limiting the full practical realization of the IG's constitutional independence.

Ordinarily, the Supreme Court decision in *Gordon Ssentiba*[101] would be binding on all lower courts under the doctrine of *stare decisis*.[102] However, the Constitutional Court in *Kikondwa Butema*[103]*above* did not follow it, despite counsel for the petitioner relying on that authority. The position was later clarified in *Murisho Shafi & Others v Attorney General & Inspectorate of Government*,[104] where the Constitutional Court rejected the argument that the *Gordon Ssentiba* case was not binding on the Constitutional Court because it arose from a civil appeal. It held that the issue of the IG's legal capacity had already been conclusively determined by the Supreme Court in *Gordon Ssentiba* and that it was proper to depart from its earlier decision in *Kikondwa Butema since* it had been decided *per incuriam*.[105]

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[99] Constitution of the Republic of Uganda, 1995, arts. 223–231, especially art. 227 (providing that in the performance of its functions, the Inspectorate of Government shall not be subject to the direction or control of any person or authority); Inspectorate of Government Act, Cap. 32.
[100] Gordon Ssentiba & Others v Inspectorate of Government, Supreme Court Civil Appeal No. 4 of 2008 (holding that constitutional independence does not of itself confer juridical personality or standing in civil proceedings).
[101] Gordon Ssentiba & Others v Inspectorate of Government Civil Appeal No. 14 of 2007.
[102] Knight, Jack, and Lee Epstein. "The Norm of Stare Decisis." American Journal of Political Science 40, no. 4 (1996): 1018–35. https://doi.org/10.2307/2111740.
[103] Inspector General of Government v Kikondwa Butema Farms Ltd & Attorney General Constitutional Petition No. 10 of 2012.
[104] Murisho Shafi & Others v Attorney General & Inspectorate of Government Constitutional Application No. 3 of 2017.
[105] Ibid.

The Court accordingly affirmed that the IG lacks corporate legal personality and cannot sue or be sued in its own name. In this case, the petitioners had challenged IG investigations and charges relating to Plot 24 Spire Road, Jinja, in light of existing court orders. However, the Attorney General invited the Court to settle the issue of corporate legal personality in line with *Gordon Ssentiba* yet it was not one of the issues raised by the parties. The decisions of *American Procurement Co. Ltd v Attorney General & Inspectorate of Government*[106] and *Inspectorate of Government v Uvetiso Association Ltd & Others*,[107] also embraced this restrictive approach. The courts in these two matters declined to infer corporate status on the IG in the absence of explicit statutory provisions.

The ultimate effect of this jurisprudence has been to differentiate between institutional independence of the IG and its legal capacity. While the IG remains constitutionally insulated from executive direction, it is procedurally dependent on the Attorney General in civil litigation contexts. This doctrinal development represents a modification of autonomy: independence is affirmed in principle but confined in procedural reach.

These doctrinal developments were also reflected in the views of prosecutors and investigators interviewed during this study.[108] Three participants considered the absence of corporate legal personality to be an unnecessary procedural limitation on the IG's effectiveness.[109] They observed that litigation challenging the actions of the IG frequently focuses on technical questions concerning legal capacity and representation rather than the substantive allegations of corruption under investigation. In their view, such procedural disputes consume institutional resources, delay enforcement proceedings and may ultimately weaken the IG's ability to translate investigations into successful prosecutions.[110]

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[106] Civil Appeal No. 35 of 2009.
[107] [2014] UGHC 142.
[108] Senior Prosecutor 1 (IG), Kampala, Uganda, May 11, 2026; Senior Prosecutor 2 (IG), Kampala, Uganda, May 13, 2026; Senior Investigator 1 (IG), Kampala, Uganda, May 13, 2026; Senior Investigator 2 (IG), Kampala, Uganda, May 15, 2026.
[109] Raphael Baku, Kampala, Uganda, May 25, 2026; Marlon Agaba, Kampala, Uganda, May 22, 2026; Senior Prosecutor 1 (IG), Kampala, Uganda, May 11, 2026; Senior Prosecutor 3 (IG), Entebbe, Uganda, May 23, 2026; Judicial Officer 1 (Anti-corruption Division, High Court), Kampala, Uganda, May 19, 2026.
[110] Ibid.

The absence of corporate status undermines the independence of the IG and weakens its capacity to effectively investigate and prosecute corruption. In practice, litigation is often brought against the Inspector General of Government (IGG) in a personal capacity, rather than against the institution itself, as illustrated in *Hon. Sam Kutesa & Others v Attorney General & Inspector General of Government*.[111] This demonstrates the lack of a distinct legal personality for the IG and may instill fear or apprehension among office holders when undertaking investigations and prosecutions in corruption cases.

In Hon. *Kitutu Mary Goretti v Attorney General, IG & Hon. Beti Kamya (IGG)*, where the applicant challenged the IG's summons and parallel prosecution on grounds of violation of her right to a fair hearing, the High Court affirmed that the IG cannot sue or be sued in its own name and must act through the Attorney General in civil matters.[112] Even in judicial review, proceedings are brought against the IGG, as in *Baker Mugaino v Attorney General & IGG*, where the applicant contested IG directives and prosecutorial action arising from an investigation, thereby personalizing institutional accountability.[113]

This arrangement may, to some extent, shield the institution itself from being directly dragged into litigation, especially in sensitive matters. However, that protection comes at a cost, since the burden of such legal challenges is shifted to the individual office holders. In practice, this means that the Inspector General of Government (IGG) and Deputy Inspectors General of Government (DIGGs) may personally face the pressure and uncertainty of defending actions taken in the course of their work. Over time, this may create fear, caution, or hesitation, and may ultimately affect the independence with which they investigate and prosecute corruption cases.

However, that protection is outweighed by its structural consequences. As emphasized in *Hon. Sam Kutesa & Others v Attorney General*, discussed in detail later in this chapter, the IG is a composite constitutional body whose powers cannot be exercised by the IGG acting alone.[114]

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[111] Hon. Sam Kutesa & Others v Attorney General & Inspector General of Government, Constitutional Petition No. 46 of 2011.
[112] Kitutu Mary Goretti v Attorney General & Inspector General of Government, Criminal Miscellaneous Application No. 002 of 2024
[113] Baker Mugaino v Attorney General & Inspector General of Government, Miscellaneous Cause No. 114 of 2025
[114] Hon. Sam Kutesa & Others v Attorney General, Constitutional Petition No. 46 of 2011 & Constitutional Reference No. 54 of 2011.

Directing proceedings solely against the IGG is therefore conceptually inconsistent with the institutional design of the IG. In practice, this structure limits the IG's control over proceedings, creates conflicts of interest, and weakens the translation of investigations into effective prosecutions, especially where the Attorney General represents both the IG and the entities under investigation. This is illustrated in *Baker Mugaino v Attorney General & Inspector General of Government*, where the applicant, a Commissioner for Land Registration, was interdicted on the direction of the IGG during investigations. The Attorney General, who also represents the Ministry of Lands, Housing and Urban Development, the subject of the investigation, challenged the legality of that directive, arguing that the IGG lacked authority to order the interdiction of a presidential appointee, and consequently declined to oppose the application on IG's behalf, while the IG maintained a separate position.[115] This divergence reveals both the conflict of interest inherent in such dual representation and the IG's limited control over litigation, highlighting its dependence on external representation.

Related to the foregoing is whether prosecutorial authority vests in the Inspector General of Government (IGG) personally or in the Inspectorate of Government as a properly constituted collective body? Like the question of legal standing, this issue goes to the core of the IG's institutional design and has direct implications for its ability to investigate and prosecute corruption.

In *Prof. Gilbert Balibaseka Bukenya v Attorney General*, the petitioner, then the serving Vice President of Uganda, challenged criminal charges arising from his role in CHOGM-related decisions. The Constitutional Court adopted a pragmatic approach, upholding prosecutions initiated by a Deputy IGG.[116] The Court recognized that a Deputy IGG forms part of the IG's institutional structure and is capable of exercising its functions. This capacity is not limited to situations where the IGG is absent; a Deputy IGG may act within the institutional framework even where the IGG is in office.[117] This interpretation strengthens operational continuity by ensuring that the IG's investigative and prosecutorial functions are not dependent on a single officeholder. This allows the IG to continue receiving complaints, conducting investigations, and instituting

[115] Baker Mugaino v Attorney General & Inspector General of Government, Miscellaneous Cause No. 114 of 2025.
[116] Prof. Gilbert Balibaseka Bukenya v Attorney General, Constitutional Petition No. 30 of 2011.
[117] Ibid.

prosecutions without interruption, thereby safeguarding its independence while investigating and prosecuting corruption.

By contrast, in *Hon. Sam Kuteesa & Others v Attorney General*, the petitioners were serving senior government officials—Hon. Sam Kuteesa, then Minister for Foreign Affairs; Hon. John Nasasira, then Government Chief Whip; and Hon. Mwesigwa Rukutana, then State Minister for Labor, who had been jointly charged with abuse of office and causing financial loss before the Anti-Corruption Court.[118] In this highly politically sensitive context, the Constitutional Court adopted a stricter constitutional approach, holding that prosecutorial power under Article 230(1) vests in the IG as a collective constitutional body, not in the IGG acting alone.[119] While this preserves institutional integrity, it introduces a structural constraint: where the IG is not fully constituted, both investigations and prosecutions, being continuous processes, may not proceed. The effect is not limited to new cases; even ongoing investigations and existing prosecutions may be halted or rendered unsustainable, thereby weakening enforcement.

The Court further clarified that *Bukenya case* did not resolve this broader question of institutional composition since it limited its scope to the capacity of a Deputy IGG to act within the institutional framework.[120] The jurisprudence therefore reveals a tension between functional continuity and constitutional form. While the *Bukenya case* enables continuity by allowing Deputies to act and sustain investigations and prosecutions regardless of the presence of the IGG, the *Kuteesa case* conditions prosecutorial authority on full institutional composition. In practice, this makes the effectiveness of corruption enforcement partly dependent on the timely appointment of office holders, exposing the IG's operational capacity to external influence.

Mr. Raphael Baku, former DIGG and Acting IGG observed that leadership vacancies interrupt institutional workflow and impede the performance of the Inspectorate's constitutional mandate.[121] Similar views were expressed by prosecutors, investigators and judicial officers, many of whom considered the absence of statutory timelines for appointments to be one of the most significant

[118] Hon. Sam Kuteesa & Others v Attorney General, Constitutional Petition No. 46 of 2011 and Constitutional Reference No. 54 of 2011.
[119] Ibid.
[120] Ibid.
[121] Raphael Baku, Kampala, Uganda, May 25, 2026.

institutional weaknesses affecting continuity in investigations and prosecutions.[122] All this demonstrates that the effectiveness of the IG's anti-corruption mandate is not determined solely by the legal powers conferred upon it, but also by the continuity and stability of its institutional leadership.

3.3.2 Preservation of Judicial Independence and Section 18(1) of the IG Act Constraints

A second line of cases relates to the interaction between the IG's investigative powers and the independence of the judiciary.

In *Gordon Ssentiba*[123]and later in *Murisho Shafi & Others v Attorney General & Inspectorate of Government*,[124] both discussed above, courts emphasized that Section 19(1) which is now 18(1) of the IG Act prohibits the IG from questioning judicial decisions or investigating matters pending before court.[125] The rationale was clear: allowing the IG to interfere with ongoing judicial proceedings would undermine Article 128 of the Constitution, which guarantees judicial independence.[126]

The restrictive judicial approach has not gone unchallenged by practitioners within the anti-corruption sector. Interviews conducted with investigators and prosecutors revealed a perception that courts have sometimes adopted an overly cautious balancing exercise which, while protecting judicial independence, has indirectly constrained the IG's anti-corruption mandate.[127] Three participants argued that judicial officers occasionally invoke the doctrine of judicial independence

[122] Senior Prosecutor 2 (IG), Kampala, Uganda, May 13, 2026; Senior Investigator 1 (IG), Kampala, Uganda, May 13, 2026; Senior Investigator 2 (IG), Kampala, Uganda, May 15, 2026, Judicial Officer 1 & 2 (Anti-corruption Division, High Court), interview by author, Kampala, Uganda, May 19, 2026.
[123] [2010] UGSC 30.
[124] Constitutional Application No. 3 of 2017.
[125] Ibid., 45.
[126] Ibid., 47.
[127] Senior Prosecutor 1 (IG), Kampala, Uganda, May 11, 2026; Senior Prosecutor 2 (IG), Kampala, Uganda, May 13, 2026; Senior Investigator 1 (IG), Kampala, Uganda, May 13, 2026; Senior Investigator 2 (IG), Kampala, Uganda, May 15, 2026.

as a shield against accountability, particularly where allegations concern corruption within the administration of justice.[128]

The foregoing notwithstanding, accountability for judicial officers and judiciary staff is addressed through the constitutional and administrative roles of the Judicial Service Commission and the Inspectorate of Courts.[129] The IG only comes in where there are allegations of corruption involving judicial officers, consistent with section 8(e) of the IG Act, which extends its jurisdiction to officers and leaders serving in courts of law.[130] That jurisdiction, however, is not without limits. Section 18(a) and (c) of the Act expressly prohibit the IG from questioning or reviewing the decision of any court or judicial officer made in the exercise of judicial functions or investigating any civil matter already before court at the commencement of its investigations.[131]

The challenge, therefore, lies in drawing a clear distinction between questioning the merits of judicial decisions, which would undermine judicial independence, and investigating criminal conduct such as corruption, which properly falls within the IG's anti-corruption mandate. Participants further questioned whether the existing jurisprudence adequately balances judicial independence with the constitutional imperative of combating corruption.[132] In their view, the IG should be able to scrutinize conduct tainted by corruption without such scrutiny necessarily being interpreted as interference with judicial independence.[133] These concerns suggest that the practical effect of some judicial decisions may be to narrow the operational space available to the IG in pursuing corruption-related investigations and prosecutions.

It is argued, however, that the doctrine of separation of powers, together with its attendant principle of checks and balances, should permit the IG, as part of the emerging fourth branch or integrity institutions of government, to scrutinize and question judicial conduct and decisions tainted by

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[128] Senior Prosecutor 2 (IG), Kampala, Uganda, May 13, 2026; Senior Investigator 1 (IG), Kampala, Uganda, May 13, 2026;
[129] Constitution of the Republic of Uganda, 1995, arts. 147 (1) (a), (d), 148, 148A; Administration of the Judiciary Act, Cap. 4, ss. 9 (1) (a), (b), (f) (providing for administrative supervision and investigations through the Inspectorate of Courts).
[130] Inspectorate of Government Act, Cap. 32, s. 8(e).
[131] Ibid., s. 18(a) and (c).
[132] Raphael Baku, Kampala, Uganda, May 25, 2026; Marlon Agabar, Kampala, Uganda, May 22, 2026; Senior Prosecutor 1 (IG), Kampala, Uganda, May 11, 2026; Senior Prosecutor 3 (IG), Entebbe, Uganda, May 23, 2026; Judicial Officer 1 (Anti-corruption Division, High Court), Kampala, Uganda, May 19, 2026.
[133] Ibid.

corruption without necessarily undermining judicial independence.[134] This, however, must remain within the statutory limits of the IG's mandate and should not extend to reviewing the merits of judicial decisions or interfering with matters properly before court.[135]

However, progressively, in *Kulata Busangwa v Uganda*,[136] the Supreme Court considered a case in which the appellant, a Commissioner for Land Registration, was charged with abuse of office for allegedly unlawfully registering disputed land in favor of one party, to the detriment of the rightful owners, while related civil proceedings over the same property were already pending before the High Court. The appellant argued that, by virtue of section 19(1)(c) (now section 18 (1) (c)) of the Inspectorate of Government Act, the IG was barred from investigating and prosecuting the matter because it arose from the same facts as the pending civil suits. The Supreme Court rejected this argument and clarified that the institution of criminal proceedings does not necessarily amount to questioning or reviewing a matter pending before court.[137] The Court distinguished between interfering with judicial decision-making, which involves questioning the validity or appropriateness of matters already before court and prosecuting criminal conduct arising from related facts, which focuses on individual criminal liability without revisiting the merits of the pending proceedings.

Building on this, the decision supports the IG's independence in practical terms. By allowing criminal proceedings to continue against litigants even where there are related civil or court processes, the Court avoids a narrow approach that would otherwise block investigations. For the IG, whose work often involves overlapping issues, this means it can continue investigating and prosecuting corrupt conduct of litigants without being stopped simply because another case is ongoing. As long as it does not interfere with the court's decision-making, the IG is free to carry out its mandate.[138]

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[134] Brown, Alexander. "The fourth, integrity branch of government: Resolving a contested idea." In World Congress of Political Science. Australian Political Studies Association, 2018, 6-9.
[135] Inspectorate of Government Act, Cap. 32, ss. 8(e), 18(a), and 18(c).
[136] Kulata Busangwa v Uganda SCCA No. 3 of 2018.
[137] Ibid.
[138] Kulata Busangwa v Uganda SCCA No. 3 of 2018 (holding that the institution of criminal proceedings does not, without more, amount to interference with a matter pending before court)

However, the later decision in *Baker Mugaino v Attorney General & Inspector General of Government*,[139] a High Court decision, takes a more restrictive turn. In that case, the court interpreted its orders halting IG investigations to also bar the commencement of criminal proceedings arising from those investigations. Consequently, the prosecution initiated by the IG against Mugaino was rendered nugatory, with the civil court effectively terminating the criminal proceedings instituted before the Magistrates Court by the IG.[140] This approach departs from the position in *Kulata Busangwa v Uganda*[141] by treating the existence of parallel proceedings as a constraint on enforcement, thereby limiting the IG's ability to act on its findings and weakening its practical capacity to prosecute corruption.

Therefore, these decisions, collectively, reveal judicial caution, that is, operational independence is preserved, but carefully compromised to prevent institutional conflict.

3.4 Conclusion

This chapter has shown that while the Inspectorate of Government (IG) is constitutionally and statutorily established as an independent institution, its practical effectiveness in investigating and prosecuting corruption is structurally constrained. Although the legal framework provides strong formal guarantees of autonomy, these are qualified by executive influence in appointments, the absence of timelines for appointment and approval processes, financial dependence, institutional overlap, and judicially imposed limits on operational authority.

Judicial interpretation has both affirmed and restricted the IG's independence, preserving its autonomy in principle while conditioning its exercise through procedural and structural requirements, particularly regarding institutional composition and interaction with other branches of government. Consequently, the IG's ability to translate investigations into effective prosecutions is often shaped by factors beyond its direct control. This conclusion is supported by the thematic analysis of the interviews, which identified recurring concerns about delays in appointments, inadequate funding, shortages of personnel and institutional overlaps. Considered alongside the findings from the analysis of legislation, institutional reports and other documentary

[139] Baker Mugaino v Attorney General & Inspector General of Government, Miscellaneous Cause No. 114 of 2025.
[140] Ibid.; UG VS Baker Mugaino- HCT-00-AC-CO-0068-2025
[141] Kulata Busangwa v Uganda SCCA No. 3 of 2018.

sources, as well as relevant judicial decisions, these findings show how formal legal safeguards may be weakened by practical constraints affecting the IG's ability to translate investigations into effective prosecutions.

Overall, the chapter demonstrates that independence in Uganda operates more as a formal guarantee than a fully realized functional reality. The IG's effectiveness ultimately depends on the broader institutional and political environment within which it operates. Without reforms to strengthen appointment processes, ensure timely institutional constitution, and enhance operational autonomy, the IG's role as a key accountability institution remains constrained in practice.

CHAPTER FOUR

A COMPARATIVE ANALYSIS OF THE INDEPENDENCE OF UGANDA'S IG AND BOTSWANA'S DCEC IN CORRUPTION INVESTIGATION AND PROSECUTION: LESSONS FOR UGANDA

4.1 Introduction

This chapter undertakes a comparative analysis of the institutional independence of Uganda's Inspectorate of Government (IG) and Botswana's Directorate on Corruption and Economic Crime (DCEC), the principal Anti-Corruption Agencies (ACAs) in the respective jurisdictions.[1] Comparative analysis is important in anti-corruption studies because it enables a closer examination of how different institutional arrangements shape the ability of anti-corruption agencies to perform their functions.[2] By comparing jurisdictions with shared legal traditions but differing institutional structures and anti-corruption outcomes, it becomes possible to identify the factors that strengthen or undermine institutional independence.[3]

The purpose of this comparative analysis is not to advocate the wholesale transplantation of one country's legal or institutional framework into another. Rather, it seeks to identify principles, institutional features and best practices that may inform domestic reform while considering the unique constitutional, political, historical and socio-economic context of the receiving jurisdiction.[4] This approach recognizes that there is no universal model of an effective anti-corruption agency and that institutional arrangements must be adapted to local circumstances.[5] Therefore, the value of comparison lies not in encouraging a "copy-and-paste" approach, but in facilitating a critical evaluation of how the chosen institutional designs operate in practice and

[1] Constitution of the Republic of Uganda, 1995, arts. 225 and 230; Corruption and Economic Crime Act, No. 13 of 1994 (Botswana), ss. 3 and 6.
[2] United Nations Development Programme (UNDP), Institutional Arrangements to Combat Corruption: A Comparative Study (Bangkok: UNDP Regional Hub for Asia and the Pacific, 2015), 1–3.
[3] Organization for Economic Co-operation and Development (OECD), Specialized Anti-Corruption Institutions: Review of Models (Paris: OECD, 2007), 14–24.
[4] Konrad Zweigert and Hein Kötz, An Introduction to Comparative Law, 3rd rev. ed., trans. Tony Weir (Oxford: Oxford University Press, 1998), 15–18.
[5] UNDP, Institutional Arrangements to Combat Corruption, 12.

whether their underlying principles can be appropriately adapted to strengthen the domestic anti-corruption framework of the other.[6]

The choice to compare Uganda and Botswana is deliberate. Both countries are former British colonies and operate within the common-law tradition, making them suitable comparators.[7] Yet their anti-corruption institutional designs differ significantly. Uganda's IG is constitutionally entrenched and enjoys broad investigative and prosecutorial powers, while Botswana's DCEC is a statutory body situated within the executive and dependent on a separate prosecutorial authority.[8] Despite these structural differences, Botswana has consistently recorded stronger anti-corruption outcomes and has long been regarded as one of Africa's most stable governance models.[9] This makes the Uganda–Botswana comparison useful for examining whether stronger formal guarantees of independence necessarily translate into more effective anti-corruption enforcement.

Although comparative studies on corruption in Uganda and Botswana are not new, this study departs from earlier scholarship in an important respect. Previous studies have largely examined corruption control from broader governance, political, and institutional perspectives.[10] This chapter narrows the focus to the specific question of institutional independence, particularly how legal and structural safeguards affect the ability of anti-corruption agencies to investigate and prosecute corruption without undue influence. In this respect, the study contributes to the growing discourse on the relationship between institutional design and anti-corruption effectiveness.

The chapter begins by examining the historical and legal foundations of Botswana's DCEC to establish its institutional development and mandate, the institutional and legal foundations of Uganda's IG having already been examined in Chapter Two. It then compares the DCEC with the

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[6] Pierre Legrand, "The Impossibility of 'Legal Transplants'," Maastricht Journal of European and Comparative Law 4, no. 2 (1997): 111–124; Esin Örücü, "Law as Transposition," International and Comparative Law Quarterly 51, no. 1 (2002): 205–223

[7] Stefan Ittner, Fighting Corruption in Africa: A Comparative Study of Uganda and Botswana (PhD diss., German University of Administrative Sciences Speyer, 2009), 11–13.

[8] Constitution of the Republic of Uganda, 1995, arts. 223, 227 and 230; Corruption and Economic Crime Act (Botswana), ss. 3, 4 and 39.

[9] Transparency International, Corruption Perceptions Index 2024 (Berlin: Transparency International, 2025), available at Transparency International CPI 2024 (accessed 2 July 2026); David Sebudubudu, "Corruption and its Control in Botswana," Botswana Notes and Records 35 (2003): 125–139.

[10] Stefan Ittner, Fighting Corruption in Africa: A Comparative Study of Uganda and Botswana (PhD diss., German University of Administrative Sciences Speyer, 2009).

IG across the five dimensions of institutional independence identified in Chapter Two: legal entrenchment and institutional permanence, appointment and removal safeguards, financial autonomy, operational independence, and accountability architecture. Through this, the chapter assesses how institutional independence shapes the investigative and prosecutorial capacity of both institutions. The chapter concludes by drawing lessons from Botswana's experience that may inform reforms aimed at strengthening the independence and effectiveness of Uganda's IG.

4.2 Historical and Legal Foundation of Botswana's Directorate on Corruption and Economic Crime

Botswana's experience with corruption presents an interesting situation in African governance. Since gaining independence in 1966, the country built a reputation as one of the continent's most stable democracies, marked by political continuity, prudent economic management, and comparatively low levels of corruption.[11] Unlike many post-colonial African states like Uganda where corruption became deeply entrenched in public administration, Botswana maintained a relatively disciplined public service and strong institutional culture.[12] This earned it international recognition as an "African success story" and often the least corrupt country on the continent.[13] Yet beneath this reputation, corruption gradually emerged, first in isolated incidents and later in scandals that exposed deeper vulnerabilities within the political and administrative system.[14]

The first publicly recorded corruption case in Botswana dates back to January 1975, involving Mr. Kunz, an engineer in the Ministry of Works and Communications. The case surfaced after allegations were raised by the opposition Botswana National Front (BNF), accusing public officials of misconduct. Investigations revealed that Kunz had engaged in official corruption and he was eventually convicted and sentenced to nine months' imprisonment on each count.[15]

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[11] Dissez, Anne. "Botswana'a Good Reputation." African Geopolitics 13 (2004); Jeremy Sarkin and Amelia Cook, "Is Botswana the Miracle of Africa? Democracy, the Rule of Law, and Human Rights Versus Economic Development," Transnational Law & Contemporary Problems 19 (2010), available at SSRN, https://ssrn.com/abstract=2123116

[12] David Sebudubudu, "Corruption and Its Control in Botswana," Botswana Notes and Records 35 (2003): 125

[13] Transparency International, Corruption Perceptions Index (various annual reports, 1998–2024).

[14] Ibid; Victor O. Ayeni, "An Ombudsman for Botswana?" in Ombudsman in Botswana: Selected Papers, Cases and Materials, ed. Victor O. Ayeni and K. C. Sharma (London: Commonwealth Secretariat, 2000), 28; S. J. Stedman, Botswana: The Political Economy of Democratic Development (Boulder, CO: Lynne Rienner Publishers, 1993), 1; Roger Charlton, "Exploring the Byways of African Political Corruption: Botswana and Deviant Case Analysis," Corruption and Reform 5, no. 1 (1990): 6.

[15] State v. Kunz 1975 (1) BLR 85 (HC).

Although significant, the case did not immediately trigger institutional reform, mainly because it was viewed as an isolated abuse rather than a symptom of systemic corruption. At the time, Botswana's political leadership still enjoyed substantial public trust, and corruption was seen as the exception rather than the norm.[16]

The corruption landscape became more complex in the 1980s, especially within the cattle industry, which was one of Botswana's most economically and socially significant sectors.[17] Allegations of corruption and mismanagement emerged within the Botswana Meat Commission (BMC) in 1985.[18] Senior officials were accused of manipulating resources and abusing their positions for personal gain. Around the same time, other politically connected individuals were alleged to have irregularly acquired cattle ranches under state grazing land programs.[19] These scandals were significant because they showed the beginning of elite capture in sectors central to Botswana's economy. Yet despite the seriousness of the allegations, there was little accountability, reinforcing perceptions that political and economic elites could evade scrutiny.[20]

The most defining period in Botswana's corruption history came in the early 1990s, when a series of scandals erupted in quick succession and fundamentally altered public perception.[21] Quansah observes that although Botswana had long enjoyed a reputation for low levels of corruption, these scandals revealed institutional gaps in investigating economic crimes and high-level corruption.[22] The first major scandal involved the International Project Managers (IPM) school books procurement scandal in 1991.[23] This case arose after the government awarded a tender to IPM to supply primary school books and educational materials. A Presidential Commission of Inquiry chaired by Isaac Aboagye uncovered serious irregularities. It was found that procurement

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[16] Sebudubudu, "Corruption and Its Control in Botswana," 126.
[17] Ibid; Central Intelligence Agency, The World Factbook 2007, "Uganda" (Washington, DC: Central Intelligence Agency, 2007).
[18] United Nations Development Programme, Botswana Human Development Report 1997: Challenges for Sustainable Human Development (Gaborone: TA Publications (Botswana) Pty Ltd., 1998), 49.
[19] Ibid.
[20] Sebudubudu, "Corruption and Its Control in Botswana," 126.
[21] Matlhare, Boitshoko. "An evaluation of the role of the directorate on corruption and economic crime (DCEC) Botswana." PhD diss., University of the Western Cape, 2006.
[22] E. K. Quansah, "The Corruption and Economic Crime Act, 1994 of Botswana," Journal of African Law 38, no. 2 (1994): 191–192
[23] Republic of Botswana, Report of the Presidential Commission of Inquiry into the Supply of School Books and Educational Materials for Primary Schools (Gaborone: Government Printer, 1991), 10, 56.

procedures had been ignored, the Central Tender Board had not approved the contract, and the company itself lacked both experience and financial credibility. More troubling, the contract was open-ended and allowed unchecked expenditure. The inquiry found that government could not account for approximately 27 million Botswana Pula, and at least 1.4 million Botswana Pula had been directly lost through overpricing and irregular allocations. Beyond the financial loss, the scandal exposed how senior public officials deliberately bypassed safeguards designed to protect public funds. It demonstrated that corruption was no longer limited to petty misconduct but had entered high-value public procurement.[24]

Closely following the IPM scandal was the Mogoditshane land scandal in late 1991, which exposed corruption in land administration.[25] A Commission of Inquiry chaired by Englishman Kgabo (known as the Kgabo Commission) investigated allegations that senior politicians had abused their positions to acquire land outside normal procedures. The inquiry implicated then Vice-President Peter Mmusi and Minister of Agriculture Daniel Kwelagobe, both influential figures within the ruling Botswana Democratic Party (BDP). The report revealed that Kwelagobe personally bypassed established Land Board processes by appealing directly to the Minister, who then instructed the Land Board to comply. Eventually the Vice-President and the Minister were forced to resign.[26] The scandal was damaging because land in Botswana is both economically valuable and socially sensitive.[27] The abuse of authority in this context fueled public resentment and encouraged ordinary citizens to engage in illegal land grabs, believing the system had already been compromised by the political elite. Although the High Court later set aside the Commission's report on procedural grounds, the scandal left lasting damage to public confidence in the integrity of land governance.[28]

[24] Sebudubudu, "Corruption and Its Control in Botswana," 126–127.
[25] Republic of Botswana, Report of the Presidential Commission of Inquiry into Land Problems in Mogoditshane and Other Peri-Urban Villages (Gaborone: Government Printer, 1991), 43–44.
[26] Matlhare, "An Evaluation of the Role of the Directorate on Corruption and Economic Crime (DCEC) Botswana," 17.
[27] Sebudubudu, "Corruption and Its Control in Botswana," 127.
[28] Ibid.

The most politically explosive corruption scandal of this era was the Botswana Housing Corporation (BHC) scandal in 1992.[29] The BHC, a state corporation responsible for public housing, became the subject of a Presidential Commission chaired by Richard Christie. The commission came to be known as the Christie Commission.[30] The Commission uncovered extensive evidence of bribery, abuse of office, and gross mismanagement. Once again, Vice-President Peter Mmusi was implicated, this time not for personal enrichment but for failing to exercise political oversight over widespread corruption within the institution. The Commission concluded that although Mmusi might not have directly stolen funds, political responsibility rested squarely on him. Other senior officials were less fortunate. Assistant Minister Michael Tshipinare was found to have received 500,000 Botswana Pula from Spectra Botswana, a company awarded a lucrative BHC construction contract, which the Commission treated as a bribe. Another senior official, Joseph Letsholo, the BHC General Manager, became the symbol of institutional corruption when investigators found over 226,000 Botswana Pula in cash hidden in his car and office safe after his death. The Commission concluded these were the fruits of corruption and evidence of a lifestyle far beyond his lawful income. The BHC scandal exposed a sophisticated network of corruption involving ministers, contractors, and public officials, and revealed losses amounting to tens of millions of Botswana Pula that should have been used to provide housing for ordinary citizens.[31]

At around the same time, corruption concerns also surfaced in the National Development Bank (NDB).[32] Unlike the earlier scandals, this case did not result in a formal Commission of Inquiry.[33] However, it involved senior political leaders, including former President Quett Masire, who had taken large loans from the bank and failed to repay them. This contributed to severe financial distress at the institution, forcing retrenchments and undermining public trust. The NDB scandal

[29] Republic of Botswana, Report of the Presidential Commission of Inquiry into the Operations of the Botswana Housing Corporation (Gaborone: Government Printer, November 1992), 88, 192, 205.
[30] Matlhare, "An Evaluation of the Role of the Directorate on Corruption and Economic Crime (DCEC) Botswana," 17.
[31] Sebudubudu, "Corruption and Its Control in Botswana," 128.
[32] Kenneth Good, "Corruption and Mismanagement in Botswana: A Best-Case Example?" The Journal of Modern African Studies 32, no. 3 (1994): 512–514.
[33] Matlhare, "An Evaluation of the Role of the Directorate on Corruption and Economic Crime (DCEC) Botswana," 18-19.

illustrated yet another dimension of corruption- elite privilege and abuse of state financial institutions without effective accountability.[34]

All these scandals marked a turning point in Botswana's governance history. They exposed that corruption had moved beyond isolated incidents into the heart of public administration and political leadership. Even if the Botswana Police was responsible for dealing with this corruption and fraud, these scandals were found to be too big and serious for the police to handle.[35]

Most importantly, these cases did not emerge through strong internal state accountability systems, but largely through investigative journalism, public controversy and opposition pressure, which gained popularity out of this.[36] Kenneth Koma, a founding member and former leader of the opposition Botswana National Front (BNF), maintained that corruption was not a recent phenomenon in Botswana but had existed for many years.[37] Quansah observes that although Botswana had long enjoyed a reputation for low levels of corruption, these scandals revealed institutional gaps in investigating economic crimes and high-level corruption.[38] The cases created political pressure for reform and generally embarrassed the government.[39]

In response, and out of "moral panic", the government enacted the Corruption and Economic Crime Act, 1994, establishing the Directorate on Corruption and Economic Crime (DCEC) in September 1994.[40] The Government just wanted to be seen doing something.[41] During the second reading of the Corruption and Economic Crime Bill on 11th July 1994, the then Minister of

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[34] Ibid; Sebudubudu, "Corruption and Its Control in Botswana," 128.
[35] M. Mogalakwe, "Entrepreneurship, Corruption and Economic Crimes in Botswana" (paper presented at the SAUCC Conference, Lusaka, 1997, unpublished); Matlhare, "An Evaluation of the Role of the Directorate on Corruption and Economic Crime (DCEC) Botswana," 19.
[36] Sebudubudu, "Corruption and Its Control in Botswana,".
[37] Keshav C. Sharma, "Public Service Ethics and Accountability in Botswana," in Ombudsman in Botswana: Selected Papers, Cases and Materials, ed. Victor O. Ayeni and Keshav C. Sharma (London: Commonwealth Secretariat, 2000), 21; Kenneth Koma, "Implications of Explosive Corruption on the Political Economy of Botswana," The Botswana Political Diarist, January 1993.
[38] Quansah, "The Corruption and Economic Crime Act," 191–92.
[39] Sebudubudu, "Corruption and Its Control in Botswana," 128
[40] Robin Theobald and Robert Williams, "Combating Corruption in Botswana: Regional Role Model or Deviant Case?" Journal of Commonwealth & Comparative Politics 37, no. 3 (1999): 117–134; Sebudubudu, "Corruption and Its Control in Botswana," 128; Matlhare, "An Evaluation of the Role of the Directorate on Corruption and Economic Crime (DCEC) Botswana," 19.
[41] Sebudubudu, "Corruption and Its Control in Botswana," 128; Good, "Corruption and Mismanagement in Botswana," 513.

Presidential Affairs and Public Administration, Lt. Gen. Mompati Merafhe, described the Bill as the Government's "resolute response to the rising problems of corruption and economic crime" and acknowledged that the existing legal framework was inadequate to address them effectively.[42]

The DCEC was tasked with a three-pronged strategy of investigation, prevention, and public education, modelled partly on Hong Kong's Independent Commission Against Corruption (ICAC).[43] Unlike Hong Kong's ICAC, Botswana's DCEC is mandated to investigate both corruption and economic crime. This broader mandate, adopted partly because the Botswana Police Force lacked a dedicated fraud unit, has significantly increased the Directorate's workload.[44]

It commenced operations with an approved establishment of 66 positions, 49 of which were initially filled by officers seconded from government departments, particularly the police, customs and tax authorities, as well as personnel who were directly recruited or permanently transferred from other public service institutions.[45] Its first Director, Graham Stockwell, had previously served as a Deputy Director of Hong Kong's ICAC, with a number of the Directorate's senior positions initially occupied by former ICAC officers.[46] Its creation marked Botswana's formal transition from relying on general governance integrity to adopting a specialized anti-corruption enforcement model.[47]

Botswana's anti-corruption framework is mainly anchored in the *Corruption and Economic Crime Act, 1994*, which established the DCEC as a specialized anti-corruption agency.[48] Unlike Uganda's IG, which is constitutionally established under Chapter Thirteen of the Constitution,[49] the DCEC

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[42] Sebudubudu, "Corruption and Its Control in Botswana," 129.
[43] Quansah, "The Corruption and Economic Crime Act," 191–92; Roger Batty, "Anti-Corruption Institutions and Practice in Southern Africa," in Corruption and Anti-Corruption in Southern Africa, ed. Uglješa Zvekic (Pretoria: United Nations Office on Drugs and Crime Regional Office for Southern Africa, 2002), 45; Kwame Frimpong, National Integrity Systems Country Study Report: Botswana 2001 (Berlin: Transparency International, 2001), 21.
[44] Matlhare, "An Evaluation of the Role of the Directorate on Corruption and Economic Crime (DCEC) Botswana," 20.
[45] Republic of Botswana, Directorate on Corruption and Economic Crime, Annual Report 1994 (Gaborone: Government Printer, 1995).
[46] Andrew Briscoe and H. C. L. Hermans, Combating Corruption in Botswana: A Review of the Relevant Policies, Laws and Institutional Capacity to Combat Corruption in Botswana (Gaborone: Friedrich Ebert Foundation Botswana, 2001); 93.
[47] Ibid.
[48]Corruption and Economic Crime Act, No. 13 of 1994 (Botswana), s. 3
[49] Constitution of the Republic of Uganda, 1995, art. 223.

is purely a statutory body created by an Act of Parliament.[50] The Act provides that the Directorate shall consist of a Director, Deputy Director, and such other officers as may be appointed, and expressly classifies it as a public office, thereby subjecting it to the general public service framework.[51] Suffice it to note that neither the IG nor Botswana's DCEC is expressly established as a body corporate with the capacity to sue or be sued under its respective enabling legislation.[52]

From an institutional independence perspective, Botswana's model shows a big contrast with Uganda. Whereas Uganda's IG enjoys constitutional entrenchment and explicit guarantees of independence under Articles 223 and 227 of the Constitution, Botswana's DCEC remains vulnerable to ordinary legislative amendment or repeal.[53] Efforts to amend Botswana's legal framework to provide the Directorate with more explicit legal independence have so far proved unsuccessful, with Members of Parliament maintaining that the institution is already sufficiently independent.[54] Clearly, its institutional existence depends on ordinary parliamentary processes rather than constitutional protection.

However, when contrasted with Uganda, Botswana's stronger performance on Transparency International's Corruption Perceptions Index (CPI), despite the absence of constitutional entrenchment of the DCEC, suggests that constitutional guarantees of independence alone does not determine institutional effectiveness. Since the introduction of Transparency International's Corruption Perceptions Index (CPI) in 1995, Botswana has consistently ranked among the least corrupt countries in Africa and has frequently emerged as the continent's top performer, while Uganda has remained significantly lower in the rankings.[55] In the 2025 CPI, Botswana scored 58% and ranked 41st globally, alongside Rwanda, whereas Uganda scored 25% and ranked 148th.[56] This

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[50] Corruption and Economic Crime Act, s. 3.
[51] Ibid., s. 3(2).
[52] Inspectorate of Government Act, Cap. 32, Laws of Uganda, rev. ed. 2023; Corruption and Economic Crime Act, Cap. 08:05, Laws of Botswana, secs. 3–7; Andrew Matial, "Exploring the Efficiency of the Inspectorate of Government in Anti-Corruption Regime in Uganda," International Journal of Arts and Humanities (2024), observing that the Inspectorate would require legislative amendment to attain corporate status and sue or be sued in its own name.
[53] Constitution of the Republic of Uganda, 1995, arts. 223 and 227; Uganda Constitutional Commission, Report of the Uganda Constitutional Commission (Kampala: Uganda Constitutional Commission, 1993), 598; Corruption and Economic Crime Act (Botswana).
[54] Lesedi Thatayamodimo, "Parliament Rejects DCEC Amendment Bill," Daily News Botswana, July 31, 2024, dailynews.gov.bw
[55] Transparency International, Corruption Perceptions Index (various years, 1995–2025).
[56] Transparency International, Corruption Perceptions Index 2025 (Berlin: Transparency International, 2026).

sustained difference in performance is striking given that Uganda's IG enjoys stronger constitutional guarantees of independence than Botswana's DCEC.[57] Botswana's experience therefore suggests that constitutional safeguards, though important, do not by themselves guarantee effective anti-corruption outcomes. Rather, the effectiveness of anti-corruption agencies depends on how institutional independence is supported by political commitment, administrative capacity, and a broader culture of accountability.[58]

Some scholars attribute Botswana's anti-corruption success partly to its relatively small, homogeneous and socially cohesive population, which has made governance, public oversight, and consensus-building easier than in Uganda's larger and more diverse society.[59] By contrast, Uganda's complex ethnic, regional, and political landscape presents greater challenges for governance and accountability. In explaining this reality, some scholars argue that patronage and informal networks perform important political functions by holding together competing interests and sustaining political coalitions.[60] In this sense, corruption may operate as the "glue" that holds the state together, making anti-corruption reforms politically difficult where they threaten established systems of patronage and political support.[61] However, demographic characteristics alone cannot adequately explain anti-corruption outcomes. Several countries with small populations continue to experience high levels of corruption, while others with larger and more diverse populations have achieved significant success in controlling it.[62] Botswana's experience

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[57] Constitution of the Republic of Uganda, 1995, arts. 223–230; Corruption and Economic Crime Act, 1994 (Botswana).

[58] David Sebudubudu, "Corruption and Its Control in Botswana," Botswana Notes and Records 35 (2003): 125–139; Kenneth Good, "Corruption and Mismanagement in Botswana: A Best-Case Example?" The Journal of Modern African Studies 32, no. 3 (1994): 499–521; Bruce Ackerman, "The New Separation of Powers," Harvard Law Review 113, no. 3 (2000): 691–693.

[59] Jean-François Bayart, "Civil Society in Africa," in Political Domination in Africa: Reflections on the Limits of Power, ed. Patrick Chabal (Cambridge: Cambridge University Press, 1986), 114; Charlton, "Exploring the Byways of African Political Corruption," 21; David Sebudubudu, "Corruption and Its Control in Botswana," Botswana Notes and Records 35 (2003): 125–126; Kenneth Good, "Corruption and Mismanagement in Botswana: A Best-Case Example?" The Journal of Modern African Studies 32, no. 3 (1994): 499–521.

[60] Mahmood Mamdani, Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism (Princeton, NJ: Princeton University Press, 1996), 289–295; Nelson Kasfir, The Shrinking Political Arena: Participation and Ethnicity in African Politics, with a Case Study of Uganda (Berkeley: University of California Press, 1976), 70–82.

[61] Andrew M. Mwenda, "Personalizing Power in Uganda," Journal of Democracy 18, no. 3 (2007): 23–37, especially 30–33.

[62] John D. Holm, "Curbing Corruption through Democratic Accountability: Lessons from Botswana," in Corruption and Development in Africa: Lessons from Country Case-Studies, ed. Kempe Ronald Hope Sr. and Bornwell C. Chikulo (Basingstoke: Macmillan Press Ltd., 2000), 289.

therefore suggests that the decisive factors lie not merely in population size or social homogeneity, but in the strength of institutions, political commitment, adherence to the rule of law, and the effectiveness of accountability mechanisms.[63]

4.3 Appointment and Removal Safeguards

The appointment and removal framework of Botswana's DCEC is a more executive-centered arrangement than that of Uganda's IG. The *Corruption and Economic Crime Act, 1994* provides that the President may appoint the Director "on such terms and conditions as he thinks fit."[64] This confers broad discretion on the President both in selecting the Director and in determining the conditions of office. Unlike Uganda, where the appointment of the Inspector General of Government (IGG) and the Deputy Inspectors General of Government (DIGGs) requires parliamentary approval, Botswana's framework does not involve any legislative participation in the appointment process.[65] This arrangement creates the possibility that the President may appoint a Director whose priorities align with those of the executive.[66]

In the absence of parliamentary participation in the appointment process and express statutory safeguards governing tenure and removal, the Director may be vulnerable to actual or perceived executive influence.[67] Consequently, the occupant of the office may feel compelled to act in a manner consistent with the expectations of the appointing authority in order to maintain the confidence necessary to remain in office.[68] While this arrangement may facilitate effective anti-corruption enforcement where the President is genuinely committed to combating corruption, it

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[63] Mushtaq H. Khan, "Political Settlements and the Governance of Growth-Enhancing Institutions," SOAS Working Paper, School of Oriental and African Studies, University of London, 2010, 20–25; Michael Johnston, Syndromes of Corruption: Wealth, Power, and Democracy (Cambridge: Cambridge University Press, 2005), 29–35.
[64] Corruption and Economic Crime Act (Botswana), s. 4(1).
[65] Constitution of the Republic of Uganda, 1995, art. 223(4).
[66] Bruce Ackerman, The New Separation of Powers, 113 Harvard Law Review 633, 690–94 (2000). Ackerman argues that concentrating appointment powers in a single political actor may weaken the independence of oversight institutions.
[67] United Nations Office on Drugs and Crime (UNODC), The Colombo Commentary on the Jakarta Statement on Principles for Anti-Corruption Agencies (Vienna: United Nations, 2020), 35–39. The Commentary emphasizes that transparent appointment procedures, security of tenure and protection from arbitrary removal are essential safeguards for the operational independence of anti-corruption agencies.
[68] Organization for Economic Co-operation and Development (OECD), Specialized Anti-Corruption Institutions: Review of Models (Paris: OECD, 2008), 31–34. The OECD notes that where the executive exercises unchecked control over appointments and tenure, anti-corruption agencies may become susceptible to political influence or self-censorship.

equally presents the risk of undermining the Directorate's operational independence where the executive lacks such commitment, especially in the investigation and prosecution of politically sensitive corruption cases.[69]

Indeed, concerns regarding executive influence are not merely theoretical. Some commentators attribute Graham Stockwell's decision not to renew his contract as the DCEC's first Director to executive interference in the Directorate's operations.[70] It has been argued that investigations involving senior government officials were repeatedly obstructed, illustrating how executive influence may compromise the operational independence of an anti-corruption agency that lacks adequate institutional safeguards.[71]

The concentration of appointment authority in the President is escalated by section 5 of the Act, which permits the Deputy Director to act in the absence of the Director, except where the President directs otherwise.[72] The President may also appoint any other person to act as Director if both the Director and Deputy Director are absent.[73] This preserves executive influence over the continuity of the institution, even during transitional periods. The concentration of appointment and tenure powers in the President creates the risk that individuals whose views align with those of the executive may be appointed and retained in office. Consequently, where the executive lacks commitment to combating corruption, the investigation and eventual prosecution of corruption may be influenced by executive preferences, particularly in politically sensitive cases, thereby undermining the Directorate's operational independence.

The other issue in Botswana's model is the absence of express statutory provisions governing tenure and removal of the Director of DCEC. Unlike Uganda, where members of the IG (the IGG and Deputy IGGs) serve fixed, one-time renewable terms of four years and may only be removed on constitutionally prescribed grounds, Botswana's Corruption and Economic Crime Act is silent

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[69] Sebudubudu, "The Impact of Good Governance on Development and Poverty in Botswana," 20–22; Matlhare, An Evaluation of the Role of the Directorate on Corruption and Economic Crime (DCEC), Botswana, 22–23.
[70] Sebudubudu, The Political Economy of the Management of Natural Resources in Botswana, 135, citing Mmegi/The Reporter (Gaborone), January 24–30, 1997.
[71] Ibid.; Kenneth Good, Corruption and Mismanagement in Botswana: A Best-Case Example? (Johannesburg: Friedrich Ebert Stiftung, 1994), 16–18; John Hatchard, Combating Corruption: Legal Approaches to Supporting Good Governance and Integrity in Africa (Cheltenham: Edward Elgar, 2014), 104–106.
[72] Corruption and Economic Crime Act (Botswana), s. 5(1).
[73] Ibid., s. 5(2).

on equivalent tenure and removal safeguards for the Director of the DCEC.[74] The Director and other Directorate staff's tenure is basically governed by executive discretion and general public service rules.[75] Consequently, this may discourage the Director and senior officers from undertaking investigations and prosecutions that could conflict with executive interests, especially in high profile corruption cases, for fear of adverse consequences to their continued tenure.

From the perspective of institutional independence, Botswana's framework presents a comparatively weaker model than Uganda's. The absence of parliamentary participation in the appointment process, fixed tenure, and formal removal safeguards concentrates significant control over the DCEC's leadership in the executive, thereby weakening the doctrine of separation of powers and diminishing the institutional checks necessary to shield anti-corruption bodies from political influence. Under the doctrine of separation of powers, the diffusion of appointment and removal authority across different branches of government serves as an important safeguard against executive dominance and promotes accountability.[76]

Nevertheless, Botswana's relatively stronger anti-corruption performance demonstrates that the effectiveness of anti-corruption institutions is not determined solely by formal legal safeguards of institutional independence and that political culture, administrative stability, and executive restraint may, in practice, compensate for structural weaknesses.[77] This reinforces the broader argument that institutional independence is both a legal and practical construct, shaped not only by constitutional design but also by the wider governance environment.[78]

4.4 Financial Autonomy

Financial autonomy is also a critical component of institutional independence because it directly affects an Anti-corruption Agency's operational capacity, staffing, investigations, and ability to

[74] Constitution of the Republic of Uganda, 1995, arts. 223(7) and 224.
[75] Corruption and Economic Crime Act, No. 13 of 1994 (Botswana), s. 3(2); see also Public Service Act, Cap. 26:01 (Botswana).
[76] Montesquieu, The Spirit of the Laws, trans. Anne M. Cohler, Basia Carolyn Miller, and Harold Samuel Stone (Cambridge: Cambridge University Press, 1989), 157–166.
[77] Transparency International, Corruption Perceptions Index 2022, 2023, 2024, 2025.
[78] United Nations Office on Drugs and Crime, State of Implementation of the United Nations Convention against Corruption: Criminalization, Law Enforcement and International Cooperation, 2nd ed. (Vienna: United Nations, 2017), vii–ix, 5–6.

resist indirect political pressure.[79] In Botswana, the DCEC does not enjoy constitutionally guaranteed financial autonomy. Unlike Uganda's IG, whose funding is expressly anchored in the Constitution, Botswana's Constitution does not create a separate budgetary framework for the DCEC.[80] The Corruption and Economic Crime Act does not fill this gap either. Although it establishes the Directorate and defines its functions, it does not provide for an independent funding mechanism, a direct charge on the Consolidated Fund, or protected multi-year appropriations.[81]

Under Botswana's constitution, all public funds are paid into the Consolidated Fund, and no withdrawals may be made except as authorized by Parliament.[82] This general financial structure is further operationalized by the country's Public Finance Management Act, which provides that government ministries, departments, and other public entities receive funding through annual appropriations.[83] Since the DCEC is established as a public office under the Corruption and Economic Crime Act, it falls within this ordinary public finance framework.[84]

Unlike the IG, which receives a direct parliamentary appropriation under its own vote and exercises control over its approved budget,[85] the DCEC is institutionally situated within the executive branch as a department under the State President's Ministry.[86] Its budget is therefore channeled through the Ministry's annual appropriation rather than allocated directly to the Directorate, limiting its financial autonomy and control over its own resources.[87] Consequently, the DCEC's ability to investigate and prosecute corruption is closely tied to the political will of the executive. Where the executive is supportive, the Directorate is likely to receive the financial and administrative backing necessary to pursue corruption cases effectively. Conversely, where such

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[79] Jakarta Statement on Principles for Anti-Corruption Agencies (2012), Principle 4.
[80] Constitution of the Republic of Botswana, 1966 (as amended); Constitution of the Republic of Uganda, 1995, art. 229.
[81] Botswana, Corruption and Economic Crime Act, ss 3–6.
[82] Constitution of Botswana, ss. 117–119.
[83] Public Finance Management Act, Cap. 54:01 (Botswana), ss. 28–31.
[84] Corruption and Economic Crime Act, (Botswana), s. 3(2).
[85] Republic of Uganda, Approved Budget Estimates for FY 2025/26: Vote 103 – Inspectorate of Government (Kampala: Ministry of Finance, Planning and Economic Development, 2025). The IG is appropriated funds directly by Parliament under its own vote (Vote 103), reflecting its institutional control over its approved budget.
[86] Matlhare, An Evaluation of the Role of the Directorate on Corruption and Economic Crime (DCEC), Botswana, 22–23.
[87] Botswana National Assembly, Daily Hansard: Committee of Supply – Organization 0200, Ministry for State President, Budget Meeting, 3 March 2025.

support is lacking, its capacity to investigate and prosecute corruption may be constrained, especially in very high profile cases.

As Sebudubudu argues, financial independence is central to the institutional credibility of the DCEC: *"The DCEC needs to control its own finances and be made accountable to the National Assembly. There is a need to link appointment, accountability and budget of the DCEC with the National Assembly. These need to be detached from the executive."*[88]

Sebudubudu further argues that the DCEC's institutional independence would be better secured if its leadership and finances were insulated from executive control, noting that *"the independence of the DCEC might be guaranteed if the Director was not only appointed by Parliament but also answerable to it, and his salary paid from the Consolidated Fund."*[89]

While Botswana's financial framework is structurally distinct from Uganda's, the two models converge in practice through their shared reliance on executive-controlled budgetary disbursements. Although the IG's budget is constitutionally recognized, appropriated by Parliament, controlled by the Inspectorate, and the salaries of the IGG, Deputy IGGs, and staff are charged on the Consolidated Fund, actual disbursements remain subject to the broader executive-controlled public finance process, much like any other government department.[90]

The foregoing notwithstanding, Botswana's experience demonstrates that the absence of formal budgetary insulation does not necessarily negate effectiveness of ACAs. Although the DCEC lacks entrenched financial autonomy and remains structurally dependent on the executive for its resources, evidence suggests that it has generally benefited from sustained state support, relatively strong staffing, and operational facilitation, factors that have contributed to Botswana's comparatively stronger anti-corruption performance.[91] However, scholars have cautioned that this dependence leaves the Directorate vulnerable, arguing that its institutional independence would be

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[88] David Sebudubudu, "Corruption and Its Control in Botswana," Botswana Notes and Records 35 (2003): 128.
[89] Ibid.
[90] Constitution of the Republic of Uganda, 1995, arts. 223(8), 229; Inspectorate of Government Act, Cap. 32, ss. 3(4), 30(5); Public Finance Management, Cap. 171 (Uganda), ss. 13, 21–22.
[91] Boitshoko Matlhare, An Evaluation of the Role of the Directorate on Corruption and Economic Crime (DCEC) Botswana (Master of Public Administration diss., University of the Western Cape, 2006), 22; Centre for Public Impact, "Fighting Corruption in Botswana," 18 January 2018, available at https://centreforpublicimpact.org/public-impact-fundamentals/fighting-corruption-in-botswana/ (accessed 1 July 2026).

better secured if its budgetary and accountability structures were detached from the executive and linked directly to Parliament.[92] Ultimately, this whole arrangement shows that while formal financial independence remains an important institutional safeguard, operational effectiveness may in practice depend as much on political commitment and the predictability of state support as on legal design itself.

4.5 Investigative and Prosecutorial Powers

The independence of an anti-corruption agency is not limited to safeguards such as appointment, tenure, and financial autonomy; it also depends on the scope of its investigative and prosecutorial powers. Without the practical authority to detect, investigate, and sanction corruption, institutional independence risks becoming more formal than effective.[93] In Botswana, the DCEC is vested with broad investigative powers under the Corruption and Economic Crime Act, 1994.[94] The Act empowers the Directorate to receive and investigate complaints of corruption, investigate suspected offences under the Act, and examine conduct that may be connected to corruption or economic crime.[95] These powers are reinforced by section 7, which grants the Director authority to exercise the powers necessary for carrying out investigations, including compelling any person to furnish information, produce documents or records, and provide explanations on matters under inquiry.[96] The Act further equips the Directorate with coercive investigative tools, including powers of arrest, search, and seizure.[97] These powers strengthen the DCEC's operational ability to uncover corruption and collect evidence.

The IG enjoys comparable investigative powers.[98] Both institutions do not have to rely on other agencies to effectively investigate corruption cases. However, the Ugandan Constitution goes a step further by empowering the IGG to make such orders and give such directions as are necessary for the purpose of investigating corruption cases.[99] This residual constitutional authority enables

[92] David Sebudubudu, "Corruption and Its Control in Botswana," Botswana Notes and Records 35 (2003): 128.
[93] United Nations Office on Drugs and Crime (UNODC), Technical Guide to the United Nations Convention against Corruption (New York: United Nations, 2009), 11–13.
[94] Botswana, Corruption and Economic Crime Act, ss 6–17.
[95] Ibid., s. 6.
[96] Ibid., s. 7.
[97] Ibid., ss. 10–15.
[98] Constitution of the Republic of Uganda, 1995, art. 230 (1), (3).
[99] Ibid., 230 (2).

the IG to respond to circumstances not expressly provided for in legislation where they may impede or jeopardize an investigation. In practice, the IGG has relied on this power to issue directions aimed at preserving the integrity of investigations, including ordering the interdiction of public officials under investigation.[100] More recently, however, the exercise of this power has been challenged by the President, who has argued that the IGG lacks authority to order the interdiction of officers appointed by the President.[101] The IGG has also invoked this constitutional authority to issue preservation orders intended to safeguard the subject matter of investigations, although such orders are ordinarily associated with the jurisdiction of courts.[102] These examples demonstrate the breadth and flexibility of the IGG's constitutional powers, distinguishing them from the DCEC's statutory powers, which are confined to those expressly conferred by legislation.

Furthermore, unlike Uganda's IG, the DCEC does not possess independent prosecutorial powers.[103] The Act provides that prosecutions for offences under the Act are conducted by or with the consent of the Attorney-General, whose prosecutorial powers are now constitutionally exercised through the Director of Public Prosecutions (DPP).[104]

The relationship between the DCEC and the DPP has also not been without difficulty. In practice, the Directorate's dependence on the DPP at the prosecution stage has at times undermined its operational autonomy, especially in high-profile corruption matters.[105] Reports in Botswana have shown that several completed DCEC dockets involving senior political figures, including former President Ian Khama, Tshekedi Khama, Eric Molale, and Unity Dow, remained stalled in the DPP

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[100] Inspectorate of Government v. Samuel Wanyaka, discussed in "IGG Has Powers To Interdict," The Observer, 22 June 2014, reproduced on the Inspectorate of Government website, available at: https://www.igg.go.ug/updates/media/igg-has-powers-to-interdict/

[101] Anthony Wesaka, "Experts Criticise Museveni's Directive on Mugaino Case," Daily Monitor, 29 August 2025, available at: https://www.monitor.co.ug/uganda/news/national/experts-criticise-museveni-s-directive-on-mugaino-case-5171464

[102] Kikonda Butema Farm Ltd v Attorney General, Constitutional Petition No. 10 of 2012 [2013] UGCC 11 (Constitutional Court of Uganda), where the Constitutional Court upheld the IGG's use of Article 230 powers to countermand payment in order to preserve the subject matter of an investigation, emphasizing that the IGG possesses "special powers" that extend beyond those of an ordinary ombudsman. Available at: https://sheriahub.com/cases/ug/caselaw/kikonda-butema-farm-ltd-v-attorney-general-constitutional-petition-10-of-2012-2013-ugcc-11-08-november-2013

[103] Ibid., art. 230 (1).

[104] Ibid., s. 39; Constitution of Botswana, s. 51A.

[105] Ibid.

pipeline without prosecution, despite investigations having been concluded.[106] This bottleneck not only generated tensions between the two agencies but also raised broader concerns about selective justice, delayed accountability, and the vulnerability of anti-corruption enforcement to external influence.[107]

This arrangement differs greatly from Uganda's setup, under which the IG is empowered to investigate, arrest, and prosecute corruption offences independently, without requiring the consent or authority of the DPP or the Attorney General.[108] While the Constitution also empowers the IG to cause investigations and prosecutions to be undertaken by other competent authorities, the exercise of that power is discretionary rather than mandatory.[109] In practice, the IG has resorted to this mechanism in exceptional circumstances, such as where the Inspectorate is not fully constituted, by involving the DPP in the conduct of prosecutions.[110] In this respect, although both the IG and the DCEC are "multi-purpose anti-corruption agencies"- institutions combining preventive, investigative, and enforcement functions within a single body, Uganda's model is more self-contained.[111] While the IG can perform all the functions of the DCEC, it is additionally vested with independent prosecutorial and other general and special powers, enabling it to carry corruption cases through the full enforcement process from investigation to prosecution.[112] This integrated structure reduces institutional dependence, ensures continuity in investigations and

[106] Mpho Keleboge, "SKI, TK, Molale, Dow Dockets Trapped in DCEC, DPP Pipeline," Sunday Standard (Botswana), 3 October 2021, available at https://www.sundaystandard.info/ski-tk-molale-dow-dockets-trapped-in-dcec-dpp-pipeline/ (accessed 1 July 2026).
[107] David Sebudubudu, "Corruption and Its Control in Botswana," Botswana Notes and Records 35 (2003): 130–133; Centre for Public Impact, "Fighting Corruption in Botswana," 18 January 2018.
[108] Constitution of the Republic of Uganda, 1995, arts. 225(1), 230(1) and 230(4); Inspectorate of Government Act, ss. 13 - 16.
[109] Constitution of the Republic of Uganda, 1995, art. 230(1), which empowers the Inspector General of Government to cause investigations or prosecutions to be conducted by other persons or authorities as considered necessary.
[110] Inspectorate of Government, Report to Parliament for the Period July–December 2020 (Kampala: Inspectorate of Government, 2021), 18–19, noting that because the Inspectorate was not fully constituted, "the IG has to run to the Director of Public Prosecutions to sanction charges and now IG lawyers appear in court as public prosecutors." Available at: https://www.igg.go.ug/media/files/publications/IG_Report_to_Parliament_July_-_December_2020_GcpLqVj.pdf
[111] OECD, Specialized Anti-Corruption Institutions: Review of Models (Paris: OECD, 2007), 7, 22.
[112] Botswana, Corruption and Economic Crime Act, No. 13 of 1994, s 39; OECD, Specialized Anti-Corruption Institutions: Review of Models (Paris: OECD, 2007), 22 (noting that in most multi-purpose anti-corruption agencies prosecution remains a separate function).

prosecutions, and strengthens the Inspectorate's operational autonomy, a feature widely regarded as critical for institutional effectiveness in anti-corruption enforcement.[113]

These structural limitations notwithstanding, Botswana's comparatively stronger anti-corruption outcomes suggest that formal institutional design alone does not determine effectiveness.[114] While Uganda's integrated model offers greater operational autonomy,[115] Botswana's experience demonstrates that sustained political support, institutional coordination, and administrative discipline can, in some contexts, compensate for the absence of direct prosecutorial authority.[116]

4.6 Accountability Architecture

In Botswana, the DCEC is institutionally located within the executive branch as a department under the State President's Ministry,[117] and remains directly accountable to the President through the submission of annual reports.[118] Although the reporting requirement enhances institutional transparency, the accountability structure remains personalized and executive-centered because the DCEC reports to the President in his individual capacity rather than to the executive as an institutional arm of government. This concentration of oversight in a single political officeholder may affect the perceived independence of the Directorate, especially in the investigation and referral for prosecution of politically sensitive corruption cases, since its operational decisions remain subject to a closely centralized accountability framework.

This stands in clear contrast to Uganda's model, where the IG is constitutionally guaranteed independence and expressly protected from the direction or control of any person or authority.[119] Unlike Botswana's personalized reporting structure, the IG submits its bi-annual reports directly

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[113] United Nations Office on Drugs and Crime (UNODC), Technical Guide to the United Nations Convention against Corruption (New York: United Nations, 2009), 11–13

[114] Transparency International, Corruption Perceptions Index 2024 (Berlin: Transparency International, 2025), showing Botswana consistently ranking among the least corrupt countries in Africa, ahead of Uganda.

[115] Constitution of the Republic of Uganda, 1995, art 225(1); Inspectorate of Government Act, Cap. 32, ss 13–16.

[116] Organization for Economic Co-operation and Development (OECD), Specialized Anti-Corruption Institutions: Review of Models (Paris: OECD, 2007), 17–19, 22–24. ; John Holm, "Botswana: A Paternalistic Democracy," in Democracy in Developing Countries: Africa, ed. Larry Diamond, Juan J. Linz and Seymour Martin Lipset (Boulder: Lynne Rienner, 1988), 179–181.

[117] Matlhare, An Evaluation of the Role of the Directorate on Corruption and Economic Crime (DCEC) Botswana, 22-23.

[118] Botswana, Corruption and Economic Crime Act, s 22.

[119] Constitution of Uganda, art 227.

to Parliament as an institution, while the President and any affected local government receive only copies of those reports.[120] Their role is not supervisory but responsive, as both (President and Local Government) are required to report to Parliament on the action taken in respect of the IG's reports.[121] This framework embeds accountability within a broader institutional and collective oversight structure, thereby better safeguarding the IG's Independence in the investigation and prosecution of corruption cases.

Botswana's model may create institutional efficiencies, especially where the political leadership is supportive of anti-corruption efforts, but it also presents structural risks.[122] Because the Directorate reports upwards within the same branch of government that it may be required to investigate, the risk of political influence, institutional self-protection, or compromised operational independence is inherently greater.[123] These concerns have not remained merely theoretical. Public commentary in Botswana has criticized the DCEC's institutional placement under the Office of the President as undermining its credibility and public trust, while more recent accounts have pointed to leadership instability, internal power struggles, and alleged interference from security agencies as further evidence of institutional vulnerability.[124] All these developments show how executive-centered accountability, while capable of administrative efficiency, may weaken both the actual and perceived independence of anti-corruption investigations, more so, in politically sensitive cases.

This difference in accountability structure is also significant from the perspective of the emerging fourth-arm of government theory.[125] Anti-corruption agencies are intended to function as independent horizontal accountability bodies, capable of investigating and, where empowered,

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[120] Ibid., art 231(1) – (3).
[121] Ibid., art 231(4).
[122] Organization for Economic Co-operation and Development (OECD), Specialized Anti-Corruption Institutions: Review of Models (Paris: OECD, 2007), 18–19, 22–24 (noting that executive-based anti-corruption bodies may benefit from coordination, resource concentration, and political backing).
[123] Jakarta Statement on Principles for Anti-Corruption Agencies (2012), Principles 2 and 15 (emphasizing that anti-corruption agencies require independence from undue influence and clear accountability structures to preserve operational integrity).
[124] Sunday Standard (Botswana), "The DCEC that Reports to the Office of the President Has Become a Bad Joke," 23 May 2021, available at https://www.sundaystandard.info/the-dcec-that-reports-to-the-office-of-the-president-has-become-a-bad-joke/ (accessed 2 July 2026); Sunday Standard (Botswana), "President Boko Is Right; the DCEC Needs Reimagining!", 9 December 2024, available at https://www.sundaystandard.info/president-boko-is-right-the-dcec-needs-reimagining/ (accessed 2 July 2026).
[125] Bruce Ackerman, "The New Separation of Powers," Harvard Law Review 113, no. 3 (2000): 691–696.

prosecuting corruption across all branches of government without fear or favor.[126] Their institutional effectiveness and legitimacy are therefore stronger where they are insulated from the very centers of power they may be required to investigate or prosecute, since such insulation better protects the independence of their investigative and prosecution decisions.[127]

In this respect, Uganda's model appears structurally stronger than Botswana's since its accountability framework is more institutionally dispersed and less concentrated in the executive. In practice, however, this formal independence has not always translated into complete operational distance from the presidency. President Yoweri Museveni has on several occasions engaged directly with the work of the IG in high-profile corruption matters, sometimes during ongoing investigations. For instance, in the investigations relating to former Speaker of Parliament- Anita Annet Among, the President held meetings with the IGG and DIGGs and later, reportedly received the IG's findings before wider scrutiny followed.[128] More directly, during the 2025 investigation against the Commissioner for Land Registration, the President publicly questioned the IG's authority to order interdiction of a presidential appointee and directed that the interdiction be lifted despite the matter being part of an ongoing anti-corruption inquiry.[129] These instances demonstrate that although Uganda's legal framework provides stronger structural safeguards for institutional independence, the practical exercise of investigative and prosecution powers may still be shaped by informal executive influence, especially in politically sensitive matters.

The foregoing notwithstanding, Botswana's consistently stronger ranking on the Corruption Perceptions Index compared to Uganda suggests that formal institutional design alone does not determine anti-corruption effectiveness.[130] While Uganda's model may be structurally stronger in

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[126] A. J. Brown, The Fourth, Integrity Branch of Government (Brisbane: APSA, 2018), 6–9.
[127] United Nations Office on Drugs and Crime (UNODC), Technical Guide to the United Nations Convention against Corruption (New York: United Nations, 2009), 7–9; Jakarta Statement on Principles for Anti-Corruption Agencies (2012), Principles 1 and 2.
[128] Daily Monitor, "Museveni Meets IGG Over Probe into Among," 17 May 2026, available at https://www.monitor.co.ug/uganda/news/national/museveni-meets-igg-over-probe-into-among-5462950 (accessed 2 July 2026); Daily Monitor, "IGG Sends Museveni Among's Probe Report," 1 June 2026, available at https://www.monitor.co.ug/uganda/news/national/igg-sends-museveni-among-s-probe-report-5480440 (accessed 2 July 2026).
[129] Anthony Wesaka, "Experts Criticize Museveni's Directive on Mugaino Case," Daily Monitor (Uganda), 29 August 2025, available at https://www.monitor.co.ug/uganda/news/national/experts-criticise-museveni-s-directive-on-mugaino-case-5171464 (accessed 2 July 2026).
[130] Transparency International, Corruption Perceptions Index 2024 (Berlin: Transparency International, 2025), available at Transparency International CPI 2024 (accessed 2 July 2026).

safeguarding independence, Botswana's experience demonstrates that even an executive-centered accountability framework can function effectively where there is sustained political commitment, administrative discipline, and public confidence in the integrity of the system. As some scholars have observed, the example set by political leadership and the willingness to enforce anti-corruption laws are often as important as the institutional design itself.[131] This underscores the broader point that institutional independence, though essential, is not by itself sufficient to guarantee effective anti-corruption investigations and prosecutions.

4.7 Lessons for Uganda

4.7.1 Constitutional Independence Must Be Complemented by Political Commitment

The first lesson from Botswana is that constitutional entrenchment alone does not guarantee effective anti-corruption enforcement. Uganda's IG enjoys stronger constitutional safeguards relating to appointment, tenure, financial autonomy, prosecutorial powers and accountability than Botswana's DCEC. Yet Botswana has consistently recorded stronger anti-corruption outcomes.[132] This shows that legal safeguards must be complemented by genuine political commitment, institutional integrity, administrative efficiency and consistent and indiscriminative enforcement of anti-corruption laws. Therefore, Uganda should not only preserve the constitutional independence of the IG but also foster a political environment that respects and supports the institution's operational independence.

4.7.2 Political Leadership Determines the Practical Effectiveness of Anti-Corruption Agencies

Botswana demonstrates that the political will of the executive remains one of the strongest determinants of successful investigation and prosecution of corruption cases. Although the DCEC is institutionally located within the executive and lacks many of the constitutional safeguards enjoyed by Uganda's IG, successive governments generally provided the political and

[131] Stefan Ittner, Fighting Corruption in Africa: A Comparative Study of Uganda and Botswana (PhD diss., German University of Administrative Sciences Speyer, 2009), 28–29.
[132] Transparency International, Corruption Perceptions Index 2021- 2025 (Berlin: Transparency International, 2021-2026); Quansah, "Corruption in Botswana: A Historical Perspective".

administrative support necessary for the Directorate to perform its mandate effectively.[133] Uganda should therefore ensure that constitutional guarantees of independence are accompanied by consistent executive respect for the operational autonomy of the IG, especially by avoiding informal interference in ongoing investigations and prosecutions.

4.7.3 Uganda Should Preserve Its Integrated Investigative and Prosecutorial Model

Unlike Botswana's DCEC, which depends on the Director of Public Prosecutions (DPP) to prosecute corruption cases, Uganda's IG constitutionally combines investigative and prosecutorial powers within a single institution.[134] This integrated structure minimizes institutional fragmentation, enhances continuity between investigations and prosecutions, and reduces the risk of delays arising from dependence on external prosecutorial authorities. Botswana's experience shows that reliance on another institution for prosecution may create bottlenecks, especially in politically sensitive or high profile cases. Uganda should therefore preserve and strengthen the IG's integrated enforcement model while investing in greater prosecutorial capacity.

4.7.4 Institutional Independence Requires Adequate and Predictable Financial Support

Botswana's experience demonstrates that although formal financial independence is desirable, adequate and predictable funding is equally important for an Anti-corruption Agency to effectively investigate corruption cases.[135] Uganda should therefore ensure the timely release of appropriated funds, strengthen the IG's human and technical capacity, and reduce operational constraints arising from delayed budgetary disbursements. Constitutional guarantees become less meaningful where institutions lack the resources necessary to perform their statutory mandate.

4.7.5 Institutional Independence Depends on Respect for the Rule of Law

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[133] Sebudubudu, "The Impact of Good Governance on Development and Poverty in Botswana," 15–18; Kenneth Good, Corruption and Mismanagement in Botswana: A Best-Case Example? (Johannesburg: Friedrich Ebert Stiftung, 1994), 5–9

[134] Constitution of the Republic of Uganda, 1995, arts. 225 and 230; Inspectorate of Government Act, Cap. 32, ss. 13–14;

[135] Sebudubudu, "The Impact of Good Governance on Development and Poverty in Botswana," 20–22; UNODC, State of Integrity: A Guide on Conducting Corruption Risk Assessments in Public Organizations (Vienna: United Nations, 2020).

The comparative analysis also shows that legal safeguards protecting institutional independence must be respected in practice. Botswana's comparatively better anti-corruption outcomes suggest that institutional actors have generally respected the DCEC's operational mandate despite its structural dependence on the executive. Uganda should similarly ensure that constitutional provisions protecting the IG from direction or control are fully observed in practice by all branches of government.[136]

4.7.6 Leadership and Institutional Culture Matter

Botswana further demonstrates that institutional effectiveness depends not only on legal design but also on leadership, professionalism and organizational culture. The appointment of competent and independent leaders, coupled with a culture of integrity and professionalism within anti-corruption agencies, significantly enhances institutional credibility and effectiveness.[137] Uganda should therefore continue strengthening merit-based appointments and invest in specialized training for investigators and prosecutors.

4.7.8 Institutional Effectiveness Should Be Measured by Outcomes Rather Than Formal Design

Finally, Botswana illustrates that institutional independence has both legal and practical dimensions. While constitutional safeguards remain indispensable, they should ultimately translate into successful investigations, timely prosecutions and improved public confidence in anti-corruption institutions. Uganda should therefore evaluate future reforms not only by the strength of legal guarantees but also by their ability to enhance operational effectiveness and public trust.[138]

4.8 Conclusion

This chapter has comparatively examined the institutional independence of Uganda's IG and Botswana's DCEC across five dimensions: legal entrenchment and institutional permanence,

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[136] Constitution of the Republic of Uganda, 1995, art. 227; Jakarta Statement on Principles for Anti-Corruption Agencies (2012), Principles 2, 3 and 6.

[137] Quah, Curbing Corruption in Asian Countries (Bingley: Emerald Publishing, 2013), 41–46; UNODC, The Colombo Commentary on the Jakarta Statement on Principles for Anti-Corruption Agencies (Vienna: United Nations, 2020).

[138] Michael Johnston, Syndromes of Corruption: Wealth, Power and Democracy (Cambridge: Cambridge University Press, 2005); Transparency International, Corruption Perceptions Index 2025;

appointment and removal safeguards, financial autonomy, operational independence, and accountability architecture. The analysis demonstrates that Uganda's legal framework provides stronger formal guarantees of institutional independence than Botswana's. The IG is constitutionally entrenched, enjoys greater security of tenure, possesses independent investigative and prosecutorial powers, and is accountable directly to Parliament. By contrast, the DCEC remains a statutory body located within the executive, with comparatively weaker legal safeguards for institutional independence.

However, the comparative analysis equally reveals that formal institutional design does not, by itself, determine anti-corruption effectiveness. Despite its comparatively weaker legal safeguards, Botswana has consistently achieved stronger anti-corruption outcomes than Uganda. This suggests that institutional independence is not merely a legal concept but also a practical one, shaped by political commitment, institutional culture, administrative support, respect for the rule of law, and the willingness of public authorities to permit anti-corruption agencies to perform their mandates without undue interference.

The chapter therefore concludes that effective anti-corruption enforcement requires both robust legal safeguards and an enabling governance environment. While Uganda should preserve its strong constitutional framework, especially the IG's integrated investigative and prosecutorial mandate, greater attention should be directed towards strengthening political commitment, ensuring adequate financial and administrative support, and fostering respect for the operational independence of the IG. Ultimately, it is the interaction between these legal and practical dimensions that determines the effectiveness of anti-corruption institutions in investigating and prosecuting corruption.

CHAPTER FIVE

CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

This chapter concludes the study on the independence of Uganda's Inspectorate of Government (IG) and its ability to investigate and prosecute corruption. It synthesizes the principal findings of the research in relation to the study objectives and research questions, draws conclusions on the relationship between institutional independence and the effectiveness of the IG in combating corruption, and proposes recommendations aimed at strengthening the legal, institutional and operational framework governing the IG. The chapter also identifies areas for further research that may contribute to the continued development of scholarship and policy on the independence and effectiveness of anti-corruption agencies in Uganda and comparable jurisdictions.

5.2 Summary of Findings

5.2.1 Historical, Political and Institutional Factors Shaping the Independence of the IG

The study established that the constitutional independence of the IG was a direct response to Uganda's history of executive dominance, constitutional instability and the collapse of effective accountability mechanisms during the post-independence period. Repeated constitutional breakdowns, the concentration of executive power and the inability of the traditional branches or arms of government to effectively check abuses of public authority showed that the classical separation of powers, on its own, was insufficient to safeguard constitutional governance. During the constitution-making process leading to the 1995 Constitution, the Odoki led Constitutional Commission therefore recommended the establishment of independent constitutional institutions, including the IG, to strengthen accountability and provide an additional check on the exercise of public power.[1]

[1] Uganda Constitutional Commission, Report of the Uganda Constitutional Commission: Analysis and Recommendations (Kampala: Uganda Constitutional Commission, 1993), 95, paras. 5.56–5.57(e); Benjamin J. Odoki, The Challenges of Constitution-Making and Implementation in Uganda (Kampala: Fountain Publishers, 2014), 265–267.

The study further established that the creation of the IG was closely linked to the National Resistance Movement's (NRM) commitment to eradicate corruption, restore constitutionalism and promote accountable governance.[2] This commitment initially found expression in the Ten Point Programme of the NRM and subsequently, the establishment of the Office of the Inspector General of Government (IGG's Office) under the Inspector General of Government Statute, 1988, which provided an institutional mechanism for addressing corruption and maladministration.[3] However, the limitations associated with a statutory institution (IGG's Office) operating within the Executive, coupled with Uganda's historical experience of weak accountability and excessive concentration of power in the Executive, influenced the decision to entrench the IG in the 1995 Constitution as an independent constitutional institution.[4] As a result, the 1995 Constitution conferred broad investigative and prosecutorial powers on the IG and expressly guaranteed its independence from the direction or control of any person or authority.[5]

This study therefore concludes that the constitutional design of the IG was a deliberate response to Uganda's governance challenges rather than an accidental feature of the 1995 Constitution. The framers of the Constitution intended the IG to serve as an independent constitutional institution capable of strengthening accountability and checking the abuse of public power. Therefore, the study shows that the IG's independence is not simply a constitutional safeguard but rather, the foundation upon which its legitimacy and effectiveness in investigating and prosecuting corruption depend.

5.2.2 Legal Standards for the Independence of Anti-Corruption Agencies (ACAs)

The study established that international and regional anti-corruption instruments provide a useful framework for assessing the independence of ACAs. Although these instruments differ in their legal status and institutional focus, they share a common recognition that ACAs can only perform effectively when they are protected from undue influence. From these instruments, the study

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[2] Yoweri Kaguta Museveni, Sowing the Mustard Seed: The Struggle for Freedom and Democracy in Uganda (London: Macmillan, 1997)..
[3] National Resistance Movement (Uganda), Ten Point Programme of the National Resistance Movement (Kampala: NRM Publications, 1990), Point 7; Inspector General of Government Statute, 1988.
[4] Uganda Constitutional Commission, Report of the Uganda Constitutional Commission, 95, paras. 5.56–5.57(e); Odoki, Challenges of Constitution-Making and Implementation in Uganda, 265–267.
[5] Constitution of the Republic of Uganda, 1995, arts. 223, 225, 227 and 230.

identified five key dimensions of institutional independence: legal entrenchment and institutional permanence, appointment and removal safeguards, financial autonomy, operational independence, and accountability mechanisms. These dimensions provided the benchmark against which the independence of the IG was assessed throughout this study.[6]

The study found that Uganda's constitutional framework incorporates many of the safeguards reflected in these international standards. The Constitution establishes the IG as an independent institution, protects it from the direction or control of any person or authority, provides security of tenure for its leadership and confers broad investigative and prosecutorial powers. At the same time, the Constitution subjects the IG to accountability through reporting obligations to Parliament, thereby striking a balance between institutional independence and democratic oversight.[7]

Therefore, this study concludes that Uganda's constitutional framework, to a large extent, complies with internationally recognised standards governing the independence of ACAs. However, the study also demonstrates that legal safeguards alone do not guarantee effective institutional independence. The effectiveness of ACAs ultimately depends on the political, legal and institutional environment within which they operate. Constitutional and statutory protections can only achieve their intended purpose where there is genuine respect for the autonomy of the IG and sustained commitment to supporting its work. Institutional independence must therefore be understood not only as a matter of legal design but also as a practical reality that requires continuous protection and support.

5.2.3 Impact of the Independence of the IG on its Ability to Investigate and Prosecute Corruption Cases

The study established that Uganda's constitutional and statutory framework provides a strong legal foundation for the independence of the IG. The Constitution expressly guarantees the IG's

[6] United Nations Convention against Corruption, adopted on 31st October 2003, entered into force on 14th December 2005, arts. 6(2) and 36; African Union Convention on Preventing and Combating Corruption, adopted on 11th July 2003, entered into force on 5th August 2006, art. 20; United Nations Office on Drugs and Crime, Legislative Guide for the Implementation of the United Nations Convention against Corruption (New York: United Nations, 2006), paras. 28–32; United Nations Office on Drugs and Crime, Technical Guide to the United Nations Convention against Corruption (New York: United Nations, 2009); Jakarta Statement on Principles for Anti-Corruption Agencies (2012); G20, High-Level Principles on Promoting Integrity and Effectiveness of Public Bodies (2023).
[7] Constitution of the Republic of Uganda, 1995, arts. 223, 224, 227, 230 and 231.

independence, confers extensive investigative and prosecutorial powers, secures the tenure of its leadership, and establishes the IG as an independent constitutional institution accountable to Parliament through periodic reporting.[8] These safeguards generally conform to internationally recognized standards governing the independence of ACAs and show a deliberate constitutional commitment to protecting the IG from undue external influence.

However, the study also demonstrated that the effectiveness of these constitutional safeguards is greatly affected by structural and operational challenges. Although the Constitution guarantees institutional independence, the Executive continues to exercise considerable influence over the appointment and reappointment of the Inspector General of Government (IGG) and the Deputy Inspectors General of Government (DIGGs). The absence of constitutionally prescribed timelines for filling vacancies has, on several occasions, resulted in prolonged leadership gaps that disrupted institutional continuity and created uncertainty regarding the exercise of the IG's investigative and prosecutorial powers. The study further established that the renewable tenure of the IGG and the DIGGs has the potential to create perceptions of dependence on the appointing authority, thereby undermining confidence in their decisional independence.[9]

The study further established that financial dependence remains one of the greatest practical constraints on the IG's effectiveness. Despite constitutional provisions intended to safeguard its financial autonomy, the IG, like other ACAs across the globe, continues to rely on annual appropriations determined through the Executive-controlled budget process. This has contributed to persistent resource constraints, inadequate staffing, limited specialized investigative capacity and operational delays, all of which adversely affect the institution's ability to investigate and prosecute corruption effectively.[10]

The interviews conducted during the study reinforced these findings. Participants observed that while the IG enjoys significant constitutional protection, its operational independence is often undermined by leadership vacancies, inadequate funding, shortages of investigators and

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[8] Ibid, arts. 223, 224, 227, 229, 230 and 231.
[9] Ibid, arts. 223 and 224; Hon. Sam Kuteesa & Others v Attorney General, Constitutional Petition No. 46 of 2011 (Constitutional Court of Uganda); Prof. Gilbert Balibaseka Bukenya v Attorney General, Constitutional Petition No. 29 of 2010 (Constitutional Court of Uganda).
[10] Constitution of the Republic of Uganda, 1995, art. 229.

prosecutors, delays in decision-making, and the increasing complexity of corruption investigations. The study further demonstrated that judicial interpretation has also played an important role in shaping the practical scope of the IG's powers. Although the courts have consistently affirmed the constitutional independence of the IG, decisions concerning its composition have illustrated how leadership vacancies can directly affect its prosecutorial mandate and create practical obstacles to effective anti-corruption enforcement.[11]

Therefore, the study concludes that institutional independence, while essential, does not automatically translate into effective anti-corruption enforcement. Constitutional independence is a necessary precondition for impartial investigation and prosecution of corruption, but it is not sufficient on its own. Its effectiveness ultimately depends on complementary institutional conditions such as stable leadership, adequate and predictable funding, sufficient human and technical capacity, operational autonomy, supportive judicial interpretation, and sustained respect for constitutional accountability. Eventually, the study shows that while Uganda has established a robust constitutional framework for an independent ACA in the form of the IG, the effectiveness of that framework depends on the extent to which its constitutional safeguards are translated into practical institutional independence.

5.2.4 Comparative Findings on the IG and DCEC: Lessons for Uganda

The comparative analysis established that although the IG enjoys stronger constitutional protection than Botswana's Directorate on Corruption and Economic Crime (DCEC), constitutional entrenchment alone does not necessarily result in greater institutional effectiveness. While the IG derives its independence directly from the Constitution and exercises both investigative and prosecutorial powers, Botswana's DCEC is established by statute, operates within the Executive, and depends on the Director of Public Prosecutions (DPP) to institute criminal proceedings.[12] Despite these structural differences, since 1998, Botswana has consistently recorded

[11] Hon. Sam Kuteesa & Others v Attorney General, Constitutional Petition No. 46 of 2011; Raphael Baku, Kampala, Uganda, May 25, 2026; Senior Prosecutor 1 (IG), Kampala, Uganda, May 11, 2026; Senior Prosecutor 2 (IG), Kampala, Uganda, May 13, 2026; Senior Investigator 1 (IG), Kampala, Uganda, May 13, 2026; Senior Investigator 2 (IG), Kampala, Uganda, May 15, 2026.

[12] Constitution of the Republic of Uganda, 1995, arts. 223, 227 and 230; Corruption and Economic Crime Act, No. 13 of 1994 (Botswana), ss. 3, 4, 6 and 39.

comparatively stronger anti-corruption outcomes, demonstrating that constitutional status alone is not the sole determinant of institutional performance.[13]

The study further established that the two institutions possess different institutional strengths. Uganda's constitutional framework provides stronger legal guarantees of independence, including constitutional establishment, express protection from external direction or control, security of tenure, financial safeguards and independent prosecutorial authority.[14] On the other hand, Botswana's DCEC has benefited from relatively stable institutional leadership, continuity in administration, consistent political commitment to anti-corruption initiatives and stronger institutional performance in practice.[15] These findings show that while constitutional safeguards provide an indispensable legal foundation for institutional independence, their effectiveness ultimately depends on the political and institutional environment within which they operate.

The comparative analysis further demonstrated that institutional independence is both a legal and a practical concept. Uganda's experience illustrates that strong constitutional safeguards may be undermined by delayed appointments, financial constraints, leadership vacancies and operational challenges, while Botswana demonstrates that even a statutorily established ACA can perform effectively where there is sustained political commitment, adequate institutional support and respect for the autonomy of oversight institutions.[16] The study therefore concludes that effective anti-corruption enforcement depends not only on the legal design of an ACA but also on the broader governance environment within which it functions.

The key lesson emerging from the comparative analysis is that Uganda should preserve the constitutional safeguards protecting the independence of the IG while strengthening the institutional conditions necessary for their effective implementation. Therefore, constitutional

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[13] Transparency International, Corruption Perceptions Index 1998 - 2024 (Berlin: Transparency International, 1998 - 2025); David Sebudubudu, "Corruption and Its Control in Botswana," Botswana Notes and Records 35 (2003): 125–139.

[14] Constitution of the Republic of Uganda, 1995, arts. 223, 224, 227, 229, 230 and 231.

[15] Sebudubudu, "Corruption and Its Control in Botswana," 125–139; Stefan Ittner, Fighting Corruption in Africa: A Comparative Study of Uganda and Botswana (PhD diss., German University of Administrative Sciences Speyer, 2009), 237–255.

[16] United Nations Office on Drugs and Crime, Legislative Guide for the Implementation of the United Nations Convention against Corruption (New York: United Nations, 2006), paras. 28–32; Jakarta Statement on Principles for Anti-Corruption Agencies (2012), Principles 1–16; G20, High-Level Principles on Promoting Integrity and Effectiveness of Public Bodies (2023); David Sebudubudu, "Corruption and Its Control in Botswana," 125–139.

independence should be complemented by transparent appointment processes, timely filling of leadership vacancies, adequate and predictable funding, strengthened institutional capacity and continued respect for the IG's operational autonomy. Ultimately, the comparative analysis reinforces the main/ central finding of this study: constitutional independence is a necessary, but not sufficient, condition for effective anti-corruption enforcement. Sustainable institutional effectiveness requires robust legal safeguards to be matched by sound governance, institutional stability and a sustained commitment to constitutional accountability.[17]

5.3 General Conclusion

This study set out to examine the impact of the independence of the IG on its ability to investigate and prosecute corruption in Uganda. It has demonstrated that institutional independence is not merely a constitutional aspiration but an indispensable prerequisite for effective anti-corruption enforcement. By safeguarding the IG from undue influence, independence enables it to investigate allegations of corruption impartially, make independent prosecutorial decisions, and enforce accountability without fear or favor. Therefore, the study establishes that there is a direct relationship between the degree of institutional independence enjoyed by the IG and its ability to effectively discharge its constitutional mandate to investigate and prosecute corruption in Uganda.

The study further concludes that Uganda has established a robust constitutional and statutory framework for protecting the independence of the IG. The constitutional establishment of the institution, the express guarantee of its independence, its broad investigative and prosecutorial powers, and its accountability to Parliament collectively demonstrate a deliberate constitutional design intended to create an autonomous integrity institution capable of combating corruption effectively.[18]

However, the study equally demonstrates that constitutional guarantees alone are insufficient to secure effective institutional independence. Executive influence over appointments and reappointments, delays in constituting the leadership of the IG, financial dependence on the Executive-controlled budget process and persistent operational constraints continue to limit the

[17] Constitution of the Republic of Uganda, 1995, arts. 223, 227, 229 and 230; United Nations Convention against Corruption, arts. 6(2) and 36; African Union Convention on Preventing and Combating Corruption, art. 20.
[18] Constitution of the Republic of Uganda, arts. 223, 227, 229, 230 and 231.

Inspectorate's effectiveness. The study therefore concludes that institutional independence must be understood not merely as a legal status conferred by the Constitution but as an operational reality requiring adequate resources, stable leadership, effective institutional arrangements and respect for the autonomy of oversight institutions.

The comparative analysis undertaken in this study reinforces this conclusion. Although Botswana's DCEC enjoys comparatively weaker constitutional protection than Uganda's IG, its experience and success demonstrates that institutional effectiveness depends not only on legal safeguards but also on sustained political commitment, sound institutional governance and adequate administrative support. Therefore, the study concludes that effective anti-corruption enforcement requires both robust legal guarantees of independence and practical measures that enable ACAs to perform their functions without undue interference.

Ultimately, this study concludes that strengthening the IG requires reforms that move beyond constitutional recognition of independence towards ensuring its effective implementation in practice. Such reforms should seek to enhance transparency in appointments, strengthen financial autonomy, ensure continuity of institutional leadership, build specialized investigative and prosecutorial capacity, and preserve the operational independence of the IG. Eventually, the effectiveness of the IG depends not only on the constitutional recognition of its independence but also on sustained commitment to protecting that independence in practice. Strengthening the IG's institutional independence, operational capacity and accountability will enhance its ability to investigate and prosecute corruption and contribute to the broader goal of promoting constitutionalism, integrity and good governance in Uganda.

5.4 Recommendations

The study established that despite Uganda's robust constitutional and statutory framework for safeguarding the independence of the IG, legal, institutional and operational challenges continue to limit its effectiveness in investigating and prosecuting corruption. Therefore, the following recommendations are proposed to address these challenges and strengthen the independence and institutional capacity of the IG in order to enhance its effectiveness in investigating and prosecuting corruption.

5.4.1 Constitutional and Legislative Reforms

The study established that the absence of legally prescribed timelines for appointing the IGG and the DIGGs has, on several occasions, resulted in prolonged leadership vacuums that disrupted the operations of the IG and created uncertainty regarding the exercise of its investigative and prosecutorial powers. Therefore, it is recommended that clear and mandatory timelines be established for filling these positions. While the Constitution should require appointments to be made within a prescribed maximum period after a vacancy arises, legislation should provide for the detailed timelines for the different stages of the appointment process. This approach finds support in comparative practice. For example, Singapore's Constitution prescribes timelines for the exercise of presidential discretion, including in matters relating to the appointment of the Director of the Corrupt Practices Investigation Bureau (CPIB), while Kenya's *Ethics and Anti-Corruption Commission Act* prescribes specific timelines for filling vacancies in the Commission.[19] Such a framework would promote continuity of leadership and minimize the risk that delays in appointments undermine the effectiveness and independence of the IG.

The study further established that although parliamentary approval provides an important constitutional safeguard, the appointment of the IGG and the DIGGs remains predominantly executive-driven because nominations originate exclusively from the President. Therefore, consideration should be given to introducing a more transparent, competitive and participatory appointment process. This could include the public advertisement of vacancies, objective selection criteria and an independent selection panel to identify suitably qualified candidates before presidential nomination. Such a reform would strengthen public confidence in the independence and impartiality of the IG, reduce perceptions of executive influence, and reinforce the legitimacy of its investigative and prosecutorial decisions.[20]

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[19] Ibid, arts. 223 and 224; Constitution of the Republic of Singapore, art 21A(1)(a), (2)(b) and (3); Ethics and Anti-Corruption Commission Act (Kenya), Cap 7H, s 10(1) – (5); Hon. Sam Kuteesa & Others v Attorney General, Constitutional Petition No. 46 of 2011; Raphael Baku, Kampala, Uganda, May 25, 2026; Senior Prosecutor 1 (IG), Kampala, Uganda, May 11, 2026; Senior Prosecutor 2 (IG), Kampala, Uganda, May 13, 2026.

[20] Constitution of the Republic of Uganda, arts. 223 and 224; United Nations Convention against Corruption, arts. 6(2) and 36; United Nations Office on Drugs and Crime, Legislative Guide for the Implementation of the United Nations Convention against Corruption (New York: United Nations, 2006), paras. 28–32; Jakarta Statement on Principles for Anti-Corruption Agencies (2012), Principles 2–4.

Finally, consideration should be given to replacing the current renewable four-year term of office with a single, longer, non-renewable term of five consecutive years. Five years would give the IGG and DIGGs enough time to provide effective leadership, implement their priorities and oversee complex investigations and prosecutions, without keeping an unsuitable or ineffective office holder in office for too long. The five-year term would also broadly align with Uganda's five-year cycle of government.[21] The study demonstrated that the possibility of reappointment may create a real or perceived incentive for office holders to avoid decisions that could jeopardize their prospects of reappointment. A single non-renewable term would strengthen decisional independence by removing that concern and enabling the IGG and the DIGGs to discharge their constitutional responsibilities without regard to future reappointment. This would further enhance public confidence in the independence of the IG, especially in the investigation and prosecution of high-profile corruption cases involving political or influential persons.[22]

5.4.2 Financial and Operational Reforms

The study established that inadequate and unpredictable funding remains one of the greatest practical constraints on the IG's ability to investigate and prosecute corruption effectively. Although Article 229 of the Constitution provides for the independent financing of the IG, the study demonstrated that dependence on annual appropriations through the Executive-controlled budget process continues to constrain its operational effectiveness. Delays in budget releases and inadequate funding have affected investigations, prosecutions, staff recruitment and other institutional operations. Therefore, the study recommends strengthening the implementation of the existing constitutional and budgetary framework by ensuring that the IG's budgetary requirements receive special consideration during the national budget process and that funds appropriated by Parliament are released in full and in a timely manner. This would strengthen the IG's financial autonomy and enhance its ability to discharge its constitutional mandate effectively.[23]

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[21] Constitution of the Republic of Uganda, 1995, art 77(3) (providing for the five-year term of Parliament). See also art 105(1), which provides for a five-year presidential term.

[22] Constitution of the Republic of Uganda, art. 223; United Nations Convention against Corruption, art. 6(2); African Union Convention on Preventing and Combating Corruption, art. 20; Jakarta Statement on Principles for Anti-Corruption Agencies (2012), Principle 3.

[23] Constitution of the Republic of Uganda, 1995, art. 229; Public Finance Management Act, Cap. 171, ss. 13, 21 and 22; Inspectorate of Government, Presentation of the Inspectorate of Government Policy Statement to the Committee

The study further established that shortages of investigators, prosecutors and specialized personnel continue to affect the quality and timeliness of corruption investigations and prosecutions. The IG should continue strengthening its human resource capacity through the recruitment and retention of additional investigators, prosecutors and specialized professionals, including forensic accountants, digital forensic experts and financial analysts. The study further recommends continued investment in specialized training in areas such as financial investigations, cybercrime, asset tracing, financial profiling, mutual legal assistance and electronic evidence. These measures would improve the quality of investigations, strengthen prosecutions and enhance the institution's capacity to respond to increasingly sophisticated forms of corruption.[24]

Finally, the study established that the IG's regional offices are central to the delivery of anti-corruption services across the country but continue to face operational challenges arising from inadequate funding, staffing and logistical support. Investigators interviewed during the study observed that some regional offices receive resources sufficient to investigate only a limited number of complaints each month, thereby affecting the timeliness and effectiveness of investigations. Therefore, the study recommends increased investment in the IG's regional offices to ensure that they are adequately staffed, funded and equipped to carry out their investigative mandate effectively. Adequate resourcing would strengthen the IG's operational independence by enabling it to effectively investigate corruption through its own regional structures and generate cases for prosecution from its own investigations, rather than allowing resource limitations to constrain its ability to exercise its investigative and prosecutorial mandate. This would improve access to the IG's services and promote more timely and effective investigation and prosecution of corruption throughout the country.[25]

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on Legal and Parliamentary Affairs for the Financial Year 2024/2025 (Kampala: Inspectorate of Government, 2024); Raphael Baku, Kampala, Uganda, May 25, 2026.

[24] Senior Prosecutor 1 (Inspectorate of Government), Kampala, Uganda, May 11, 2026; Senior Prosecutor 2 (Inspectorate of Government), Kampala, Uganda, May 13, 2026; Senior Investigator 1 (Inspectorate of Government), Kampala, Uganda, May 13, 2026; Senior Investigator 2 (Inspectorate of Government), Kampala, Uganda, May 15, 2026; Inspectorate of Government, Strategic Plan 2025/26–2029/30 (Kampala: Inspectorate of Government, 2025).

[25] Inspectorate of Government, Strategic Plan 2025/26–2029/30 (Kampala: Inspectorate of Government, 2025); Inspectorate of Government, Presentation of the Inspectorate of Government Policy Statement to the Committee on Legal and Parliamentary Affairs for the Financial Year 2024/2025 (Kampala: Inspectorate of Government, 2024); Senior Investigator 1 (Inspectorate of Government), Kampala, Uganda, May 13, 2026; Senior Investigator 2 (Inspectorate of Government), Kampala, Uganda, May 15, 2026.

5.4.3 Institutional Collaboration and Accountability

The study established that effective investigation and prosecution of corruption depend on collaboration among institutions with complementary investigative, prosecutorial and regulatory mandates. The study recommends that the IG should continue strengthening institutional collaboration with the Office of the Director of Public Prosecutions (ODPP), the Uganda Police Force, the Auditor General, the Financial Intelligence Authority (FIA), the Public Procurement and Disposal of Public Assets Authority (PPDA) and other relevant agencies. Such collaboration would support the effective exercise of IG's independence by ensuring that it can access relevant information, expertise and institutional support necessary to investigate and prosecute corruption effectively, while retaining autonomy over its own investigative and prosecutorial decision. This would reduce duplication of effort, improve the quality of investigations and subsequent prosecution and enhance the overall effectiveness of Uganda's anti-corruption framework.[26]

The study further established that institutional independence must be accompanied by accountability and public confidence. Therefore, the IG should continue promoting transparency in the discharge of its constitutional mandate through regular publication of annual and biannual reports, prosecution statistics, implementation of recommendations and other information that enables the public and Parliament to assess its performance. Greater transparency would strengthen public confidence in the institution, reinforce its legitimacy and promote greater public support for anti-corruption efforts.[27]

The study also recommends that Parliament should continue exercising its oversight role in a manner that strengthens accountability without compromising the constitutional independence of the IG. Parliamentary oversight should focus on reviewing the IG's performance, financial management and implementation of its statutory mandate while respecting its constitutional discretion in the investigation and prosecution of individual cases. This would preserve the balance

[26] United Nations Convention against Corruption, arts. 36, 38, 41 and 48; Inspectorate of Government, Strategic Plan 2025/26–2029/30 (Kampala: Inspectorate of Government, 2025); Jakarta Statement on Principles for Anti-Corruption Agencies, adopted at the Meeting of Heads of Anti-Corruption Agencies and Anti-Corruption Experts, Jakarta, 26–27 November 2012, principles on Independence and Collaboration; Senior Prosecutor 1 (Inspectorate of Government), Kampala, Uganda, May 11, 2026.

[27] Constitution of the Republic of Uganda, art. 231; Inspectorate of Government Act, Cap. 32, ss. 15 and 16 (reporting obligations, where applicable); Inspectorate of Government, Strategic Plan 2025/26–2029/30.

between institutional independence and democratic accountability envisaged under the Constitution.[28]

Finally, the study established that the constitutional and statutory safeguards guaranteeing the independence of the IG are, by themselves, insufficient to ensure its effectiveness in investigating and prosecuting corruption. Their effectiveness ultimately depends on consistent respect for the constitutional independence of the IG by all state institutions. The study therefore recommends that all public authorities exercise their constitutional and statutory powers in a manner that promotes, rather than undermines, the operational independence of the IG. This includes respecting its investigative and prosecutorial discretion, ensuring timely appointments where constitutionally required, and providing the institutional support necessary for the effective discharge of its constitutional mandate. Such an approach would strengthen the IG's independence, reinforce public confidence in its work, and enhance its effectiveness in investigating and prosecuting corruption in Uganda.[29]

5.5 Areas for Further Research

Although this study examined the relationship between the independence of the IG and its ability to investigate and prosecute corruption in Uganda, it also identified a number of issues that warrant further scholarly inquiry.

First, this study was limited to a comparative analysis of Uganda and Botswana. Future research could expand this analysis by examining other jurisdictions with different constitutional and institutional arrangements for ACAs. Such studies would provide a broader understanding of the legal, institutional and governance factors that strengthen the independence and effectiveness of ACAs and would enrich the comparative literature on constitutional oversight institutions.

[28] Constitution of the Republic of Uganda, arts. 90, 231 and 235; Uganda Constitutional Commission, Report of the Uganda Constitutional Commission: Analysis and Recommendations (Kampala: Uganda Constitutional Commission, 1993).

[29] Constitution of the Republic of Uganda, 1995, arts. 225, 227 and 230; United Nations Convention against Corruption, art. 6(2); African Union Convention on Preventing and Combating Corruption, art. 20; Jakarta Statement on Principles for Anti-Corruption Agencies (2012), Principles 1–4.

Secondly, further empirical research is needed to examine the relationship between political commitment and the operational effectiveness of independent ACAs. While this study established that constitutional and statutory safeguards are essential, it also demonstrated that their effectiveness depends on the political and institutional environment within which they operate. Future studies could therefore explore how political leadership, institutional culture and administrative practices influence the implementation of constitutional safeguards in practice.

Finally, future research could examine the effectiveness of specific anti-corruption strategies employed by the IG, especially in areas such as asset recovery, mutual legal assistance, digital investigations, financial intelligence and the use of emerging technologies in combating sophisticated and emerging forms of corruption. Such studies would contribute to the development of evidence-based reforms aimed at enhancing the IG's investigative and prosecutorial capacity and strengthening Uganda's anti-corruption framework.

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APPENDIX I: INFORMED CONSENT FORM

Informed Consent to Participate in Research

Title of Study:

The Independence of Uganda's Inspectorate of Government and Its Ability to Investigate and Prosecute Corruption

Researcher: Ntumwa William Moses

wntumwa@gmail.com

Institution: Makerere University, Kampala, School of Law.

Programme: Master of Laws (MLAW)

1 Purpose of the Study

You are invited to participate in a study examining the independence of Uganda's Inspectorate of Government and its ability to investigate and prosecute corruption.

2 Participation

Participation involves taking part in a semi-structured interview lasting approximately **30–60 minutes**. Participation is voluntary, and you may decline to answer any question or withdraw from the interview at any time without any consequences.

3 Confidentiality

The information provided will be used solely for academic purposes. Except where consent is given, your identity will be kept confidential and, where appropriate, you will be identified by a code or participant category rather than by name.

4 Audio Recording

With your permission, the interview may be audio-recorded to facilitate accurate transcription and analysis.

☐ I consent to the interview being audio-recorded.

☐ I do not consent to the interview being audio-recorded.

5 Consent

I confirm that I have understood the purpose of the study and the nature of my participation, have had an opportunity to ask questions, and voluntarily agree to participate in the study.

Participant's Name: _____

Signature: _____

Date: _____

Researcher's Name: Ntumwa William Moses

Signature: _____

Date: _____

Contact: _____

APPENDIX II: INTERVIEW GUIDE

Title: *Independence of the Inspectorate of Government and its Effect on Investigating and Prosecuting Corruption in Uganda*

Section A: Background of Participant

1. What is your current role and experience in relation to anti-corruption work or the Inspectorate of Government (IG)?
2. How long have you worked in this area?

Section B: Understanding of Independence (Form vs Practice)

3. In your view, how independent is the IG in practice, beyond what is provided in law?
4. Do you think the IG is able to act without fear or influence when dealing with politically sensitive corruption cases? Please explain.
5. From your experience, does legal independence translate into actual effectiveness in investigations and prosecutions?

Section C: Appointment Process and Institutional Composition

6. How do appointment processes for the IGG and Deputy IGGs affect the IG's work?
7. Have you observed delays in appointments? If so, how have they affected investigations or prosecutions?
8. What is the impact of the IG not being fully constituted on ongoing investigations and prosecutions?
9. In your view, does the absence of clear timelines for appointments and approvals affect the IG's effectiveness?

Section D: Continuity of Investigations and Prosecutions

10. In practice, can investigations and prosecutions continue smoothly when there are leadership gaps within the IG?
11. Do Deputy IGGs effectively sustain the IG's work when needed?

12. Have you seen cases where investigations or prosecutions were delayed, halted, or weakened due to institutional gaps?

Section E: Financial and Operational Constraints

13. How does funding affect the IG's ability to investigate and prosecute corruption?
14. Are there resource constraints (staffing, logistics, forensic capacity) that affect case outcomes?
15. Does reliance on external budget processes affect the IG's independence?

Section F: Institutional Overlap and Coordination

16. How does the existence of other anti-corruption bodies (e.g., SHACU, Police, ODPP) affect the IG's work?
17. Does overlap of mandates lead to duplication, conflict, or delays in investigations and prosecutions?
18. In your experience, does this fragmentation strengthen or weaken anti-corruption enforcement?

Section G: Judicial Interpretation and Legal Constraints

19. How have court decisions affected the IG's ability to investigate and prosecute corruption?
20. Do legal limitations (e.g., matters pending before court, institutional composition requirements) hinder the IG's effectiveness?
21. Have you encountered situations where prosecutions were affected or stopped due to legal or procedural issues?

Section H: Accountability and Enforcement Outcomes

22. Do IG recommendations lead to actual enforcement or sanctions in practice?
23. What challenges exist in translating investigations into successful prosecutions?
24. In your view, what factors most weaken the IG's ability to secure accountability?

Section I: Reform and Recommendations

25. What changes would strengthen the IG's independence in practice?
26. Should there be timelines for appointments and approvals? Why?
27. How can coordination between anti-corruption agencies be improved?
28. What reforms would most improve the IG's ability to successfully investigate and prosecute corruption?

Closing

29. Is there anything else you would like to add regarding the independence or effectiveness of the IG?