Building Ethics and Integrity in the Public Sector in Uganda: A Search for A Superlative Approach

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Abstract

Building ethics and integrity in the public sector is a great concern for governments aiming at realizing good governance principles and for ensuring appropriate public administration and management. It is noted, however, that while efforts for guaranteeing ethics and integrity in Uganda's public sector have always been instituted, the major approach has been centered on using legal approaches within the public sector confines. The tendency to neglect the integration of informal organizational processes and institutions outside the public sector is seen as a substantial explanation of the persisting ethical and integrity issues in managing public institutions. In this article, a theory-based analysis is applied to explore the practices of the public service. Realizing the persistent challenges of public sector ethics and integrity in Uganda, the article raises possible explanations grounded in Joseph A. Patrick and John F. Quinn's (1997) ethical model. While a wide range of approaches have been employed to eradicate unethical behavior of public servants, it is realized that legal redresses are unable to offer all-round solutions. As such, the emphasis of using moral values and standards is seen as the best alternative solution for public sector management.

Key Words: **Ethics, Integrity, Code of conduct, Ethical theories**

Introduction

"In both private business and public office, everything covered by step 1 is considered legal until you get to step 2. …1) do whatever you want. 2) do the right thing only after you get caught" (Comic strip NON SEQUITUR© cited in Wallace O Keene and Raymond R Bruce, 2000)

Ethics has long been a controversial area of study in the professions of law, politics, philosophy, theology and public administration, among many other disciplines (Amundsen & Andrande, n.d). Of late, however, arguments relating to the need for good governance have redirected attention to critically assess the implication of ethical issues in managing and administering the public sector. Indeed, recent decades have experienced numerous write-ups identifying ethical problems in government, and calling for moral reform and the enactment of ethics laws and codes. They have posited components of a bureaucratic and democratic ethos for public administration, and theorized administrative ethics and the duties of bureaucrats, and suggested elements of such a moral guide with a view of improving ethical practices in public administration (Goss, 1996; Menzel, 2003, 2005; Maesschalck, 2004).

Considerable debates on ethical issues in managing public sector zeroed on how to make the public sector function in the best way, particularly in the role of government, and the public agencies for purposes of good governance and its related principles like accountability,

transparency, rule of law equity, participation, efficiency and effectiveness. Good governance debates have always hinted on improving public sector accountability through interface of appointed, official, elected officials and the citizens, although great focus has been on managerial accountability, particularly on the responses of bureaucrats to politicians and their fellow line managers. The emphasis on managerial accountability has tended to overshadow other critical forms of accountability like political and social accountability that involve responsiveness of the elected officials and appointed officials to the public as a whole. The issues of ethics and integrity are found to be central in the entire question of public sector management that this theoretical article presents.

It is noted that realizing of ethics and integrity in Uganda has been an outstanding concern especially in the past decade, with a number of surveys and reports documenting the intensity of the problem. Earlier reports of the Department of Ethics and Integrity (2003) indicated that 57 percent of the people interviewed in the 1998 nation-wide survey conducted by the Inspectorate of Government considered the problem of corruption as getting worse. Similarly, the Transparency International Corruption Perception Index (CPI) has over the years consistently indicated the low ranking position of Uganda among other nations (A series of corruption Perception index since 1995 accessible at http://www.transparency.org/research/cpi/overview/). The 2000 index, for instance, indicated Uganda as the 11th most corrupt country in the world, while the index of 2010 (a decade later) placed Uganda in the 127th position out of 178 countries The 2011 report was more appalling with Uganda ranking as the 143rd out of 182 countries, while in 2014, the difference in the score is negligible, being 145th out of 175 countries assessed globally. A further survey that sought to establish the initiation of bribe payments made to different sectors in the East African countries namely Uganda, Tanzania, Kenya, Burundi and Rwanda in 2012 affirmed Uganda's extremity in unethical behavior, with the largest proportion of bribe demands or expectations of 40.7 percent (The East African Bribery Index, Transparency International Kenya, 2012). Yet, the East African Index Report of 2012 in an overall comparative analysis of the five countries about the likelihood of bribery across the region, also shows Uganda taking the lead position with values of 40.7 percent, slightly above Tanzania at 39.1 percent and far above Kenya at 29.5 percent, Burundi at 18.8 percent and Rwanda at 2.5 percent (The East African Bribery Index, Transparency International Kenya, 2012).

The ethical problems in Uganda appear to be erstwhile phenomena that have traversed numerous regimes, especially since Amin's era of the 1970s. While a number of measures have been initiated over time, especially since the second half of the 1980s; during the peak of public sector reform era, the challenges of Uganda's public ethical and integrity issues remain elusive.

Objectives and the Methodology

From the above background this paper to traces the current approaches that Uganda employs to improve and ensure ethics and integrity in the public sector. In particular, the effectiveness of the code of conduct and ethics is presented and critically reviewed as a cardinal tool to ensure public sector management ethics in Uganda. Using a theoretical framework of Petrick and Quinn (1997: 48) the article explains the persistent ethical and integrity issues in Uganda;

and through a theoretical review, suggests the reframing of the approach to public ethics which may be adopted for the practical improvement of public sector management in Uganda.

Conceptual meanings and theoretical orientations

The concept of ethics

In simple terms, ethics are standards of being right and wrong, good and bad, just or unjust. It is concerned with what one ought to do to fulfill one's moral duty – being able to determine what is right or wrong, good or bad; as well as committing to doing what is right and good. This implies that ethics is more than understanding what the right thing to do is; and extends to signifying doing ethical actions. The term embraces a set of norms, and standards, of behavior or conduct established by and for a group of people. It is highly subjective to an extent that discerning what constitutes an ethical decision or action requires a degree of individual reasoning (Melvin, 1998; Linda, 1993; Hicks, 2007; Lewis, 1991). Attempting to deal with the ethical responsibility of public officials according to Maesschalck (2004-5) is also linked to the Public Management reforms and New Public Management approaches with a hope of changing public sector values, restoring trust in government and as a response to other broader changes in the societal values where citizens are increasingly demanding accountability and good governance.

Maesschalck's view relates to the Organization for Economic Cooperation and Development (OECD) conceptions that consider ethics infrastructure as essential for the proper conduct of public officials. OECD uses the term ethical infrastructure to signify a range of tools and processes for regulating against undesirable behavior and/or providing incentives to encourage good conduct of public officials (OECD, 1996). To have ethics in place, OECD holds that eight key components of ethics infrastructure need to be in place. These include: a) political commitment, b) effective legal framework, c) efficient accountability mechanisms; d) workable codes of conduct; e) professional socialization mechanisms (including training); f) supportive public service conditions; g) existence of central ethics coordinating body, and h) an active civil society able to act as a watchdog over the actions of officials.

Similar views held by Amundsen and Pinto de Andrade (n.d), suggest that public sector ethics is explainable by a combination of ethical standard setting, legal regulation and institutional reform commonly known as 'the ethics infrastructure' or 'ethics regime'. According to Amundsen and Pinto de Andrade, these sources range from the private ethical character of the individual public servant, the agency-internal regulations and culture, the national legislation, to international conventions with written standards and codes of conduct. They are influenced by human rights legislations, codes of conduct and codes of ethics, and democratic standards and principles which include political accountability, democratic rule, transparency, fairness and integrity. The perspectives of Maesschalck, OECD and Amundsen and Pinto de Andrade signify that public ethics can be attained through a complex of realizable institutional and governance conditions and traditions.

Integrity

In public administration, *integrity* refers to 'honesty' or 'trustworthiness' in the discharge of official duties, while in some instances integrity may signify probity, impartiality, fairness, honesty and truthfulness (Armstrong, 2005). As an antonym of corruption and in common usage, public integrity may be considered to mean proper use of funds, resources, assets, and powers, for the official purposes for which they are intended to be used. Yet in alternative conceptions of integrity in public service may extend to serving others without soliciting or accepting anything in exchange for performing the public servants' duties.

Petrick and Quinn (1997) broadly conceive integrity as depicting the individual and collective process of repeated alignment of moral awareness judgment, character and conduct that demonstrates balanced judgment and promotion of sustained moral developments. This suggests that integrity is tri-dimensional. First, integrity is viewed as a balanced moral judgment in resolving issues; second, integrity is a routine alignment of psychological awareness process, judgment, character and conduct in behaving responsibly; and the third dimension considers integrity as sustainable development of moral reasoning from narrow self-interests to universal principled regard for others. These three dimensions are key guides both to self-ethical evaluation of public servants and moral judgment by others. The conceptual understanding of integrity enables us to gauge the behavior of the public servants' actions against ethical values and ethical principles of public service. A repeat of unethical behavior of public servants according to Petrick and Quin's view, may be an indication of inadequacy in self-awareness, may emerge from unfair moral judgment, or from failure of moral reasoning to discern selfish and selfless acts.

Understanding ethics theories and their role in public sector management

In making critical analyses of ethics theories, it is widely accepted that many writers attempt to structure their understanding in a different manner. One of the relevant theories is the Grid-Group theory developed in anthropology by Mary Douglas (1978) that was gradually widely applied in political science by many writers among whom is Christopher Hood (1998) contextualizing the theory in public management (Maesschalck, 2004: 5).

For the purposes of this discussion, however, I adopt the classification of Petrick and Quinn who conceive ethical theories as being of four major categories that include: virtue theories, systems development ethics theories, deontological ethics theories, and teleological ethics theories (Petrick and Quinn, 1997). The dual writers develop a model that illustrates ways in which we can ably comprehend the management ethics and integrity at work that is illustrated in Figure 1.
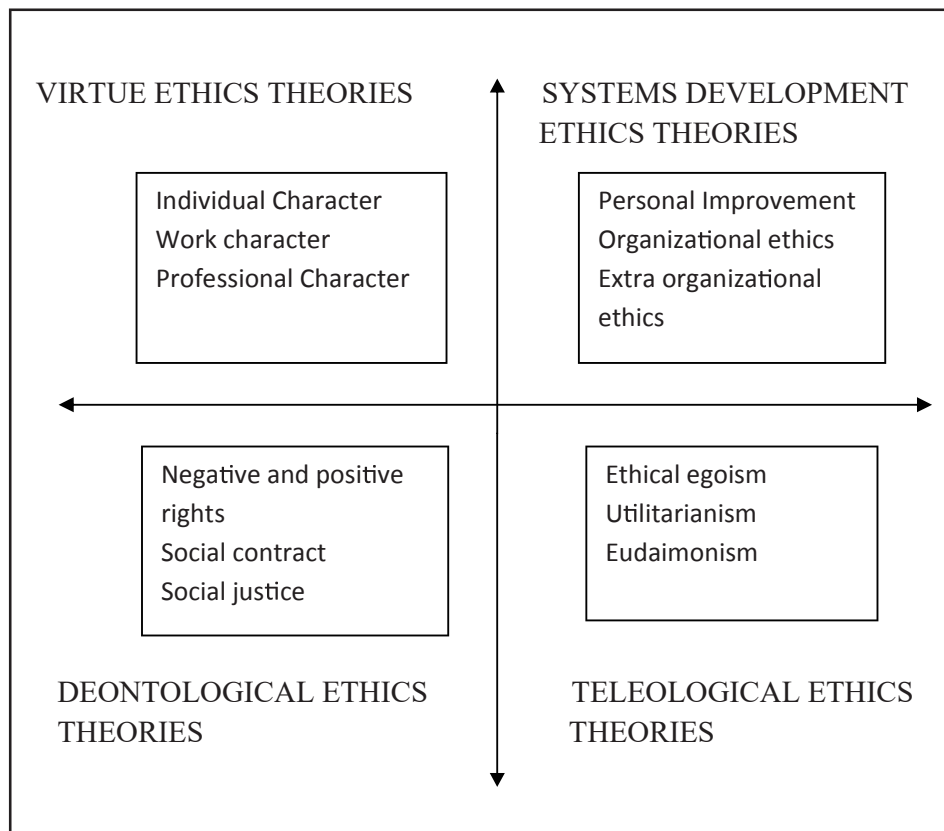
VIRTUE ETHICS THEORIES	SYSTEMS DEVELOPMENT ETHICS THEORIES
Individual Character Work character Professional Character	Personal Improvement Organizational ethics Extra organizational ethics
Negative and positive rights Social contract Social justice	Ethical egoism Utilitarianism Eudaimonism
DEONTOLOGICAL ETHICS THEORIES	TELEOLOGICAL ETHICS THEORIES

Figure 1: Major Types of Ethics Theories
(Adopted from Petrick and Quinn 1997: 48)

Teleological ethics theories

In their ethics theoretical conception, Petrick and Quinn (1997) begin a view about teleological theories that consist of ethical egoism, utilitarianism and eudaimonism. With ethical egoism, the conception that an action is good if it produces or tends to produce results that maximize a particular persons' self-interest as defined by an individual irrespective of the effect of that action on others. This strand also consists of a utilitarianism viewpoint which maintains that an action is good if it produces or tends to produce the greater amount of satisfaction for the greatest number of stakeholders affected by the action. Within its eudaimonism perspective, the theory holds that an action is good if it promotes or tends to promote the fulfillment of goals constitutive of human nature and its happiness. As a whole, therefore, the teleological perspective suggests the judgment of the rightness of an action in terms of an external goal or purpose at individual level as expressed in ethical egoism, at public level gauged on the stakeholders' satisfaction or those actions that will make people happy such as health, wealth and friendship expressed in the eudaimonism perspective. Arguments for teleological ethics theories therefore largely suggest the rationality of individual or public actions that aim at desired goals – implying that goals are always clear and common amongst the actors and for those whom the action is intended to benefit. In many instances, however, this thinking remains at a hypothetical level, for neither do individuals have shared nor purely objective and clear goals relating to their actions.

Deontological ethics theories

The deontological ethics theories claim that ethical values of actions are determined by individual responsibility for fulfilling obligations, as well as the drive to follow proper procedures and adhere to moral standards. These theories, according to Petrick and Quinn (1997), are categorized into social contract theories, social justice theories and negative and positive rights theories.

Social contract theories suggest that an action is right if it conforms to the terms and conditions or rules for social wellbeing negotiated and agreed upon by competent parties. The social justice theories, on the other hand, maintain that an action is right if it promotes the duty of fairness in distributive, redistributive and compensatory dimensions of social benefits and burdens. Views on the negative rights theories hold that an action is right if it protects an individual from unwarranted interference, from government and/or other people in the exercise of that right. Take an example of protection against unwarranted interferences in the sale of one's own property The positive rights theories, on the other hand, hold that an action is right if it provides an individual with whatever he or she needs to exist. For instance by providing a basic service such as health care.

From a general perspective, deontological theories may be regarded as being preoccupied with moral and procedural rightness, centering on fulfilling individual duties as per the rules, regulations, agreements and standard procedures. Such thoughts tend to underplay the fact that standards or rules are never exhaustive and that some behaviors are unable to be regulated by rules and standards whatsoever. This is an evidenced challenge witnessed in many of our organizations.

Virtue ethics theories

The virtue ethics theories focus largely on the character of the person as an individual or at work and within an individual's profession. The theory holds that the development of sound character traits determines the value of a person and that person's ethical actions. Individual character ethics involve identification and responsible development of human traits of nobility such as courage, fairness, generosity, gratitude, kindness, sincerity and self-discipline.

Work character ethics concerns the identification of noble, reflective practitioner-traits at work such as competence, honesty, fairness, trustworthiness, tolerance, diligence, cooperativeness and loyalty. These traits are essential in work environment not only for effective teamwork, but also for task accomplishments and considerate relations at work. With professional character ethics, the focus is on credentialed expertise, self-regulation, collegiality, truthfulness, autonomy, impartiality and trust as key traits that determine the necessary ethical quality of individuals within the work environment. Other attributes include self-regulation, independence of judgment, royalty and public service. Professional character ethics enhance the manager's positive impact in group moral performance that consequently benefit individual ethical decision-making which subsequently aid in shaping work unit moral development.

The key assumptions for the virtue ethical theories, when critically assessed, might be exaggerated by assuming that the individual's work behavior is highly associated with personal character traits. This thinking underplays the impact of the environmental factors, including

the influence of the colleagues, and the circumstances surrounding the work or the nature of work itself. It may, for instance, be apt to conclude that in some instances the behavior of top managers, the availability or scarcity of resources, the reward systems, as well as societal challenges may all compound to re-orient individual attributes towards unethical actions.

Systems development ethics theories

Petrick and Quinn (1997) conceive systems development ethics theories as those theories which maintain that the nature and the extent of supportive framework for continuous improvement of ethical conduct determine the ethical value of action. This will depend on the ability of managers to assess and develop work cultures supportive to ethical conduct, or whether they choose to rely exclusively on the character of employees to sustain sound organizational practices.

Systems development ethics include the personal improvement ethics, organizational ethics and extra organizational ethics. The personal improvement ethics hold that an action is good if it promotes or tends to promote personal responsibility for continuous learning, systems holistic development, improvement and moral excellence. The organizational ethics assume that an action is good if it promotes or tends to promote the formal and informal organizational processes that enhance procedural outcome, systems justice, respect and innovation in ethical work cultures. Extra organizational ethics, on the other hand, maintain that an action is good if it promotes or tends to promote the improvement of collaborative partnerships and collective and global justice creativity in the human and natural environments.

The systems development ethics theories seemingly may be influenced by the system's theory with an assumption that an individual's personal improvement is meant to improve the organizational and intra-organizational systems. Conversely, personal moral excellence or continuous learning may formally or informally involve actions that yield individual intrinsic rewards than systems benefits.

Building integrity of Uganda's Public Servants

For over two decades, Uganda has been attempting to establish a substantive institutional framework to enhance integrity in the public service. Policy, legal and regulatory frameworks to strengthen transparency and accountability and to enhance public servants' integrity include such institutions as the Directorate of Ethics, the Auditor General's Office, the Inspectorate of Government (IG), and the Directorate of Public Prosecutions. Further critical measures involve the functionality of the Anti-corruption Court, the enacting of the Whistle Blowers Protection Act and the Anti-graft legislation, including the Leadership Code of Conduct (2002), and the Anti-Corruption Act of 2009. Prominent of all these is the Code of Conduct and Ethics for Uganda Public Service of 2004. These legal and regulatory frameworks intended to strengthen the Penal Code Act that came into effect as early as 1950.

The regulatory frameworks augment other attempts by the Uganda Government to ensure integrity in the public sector that include the Public Service Reform Programme (PSRP) encompassing pay reform, revision of public service standing orders, rationalization of functions, improvement of procurement, decentralization policies, public service reorganization,

and results-oriented management. Additional measures instituted in the public service are the computerized payroll, remuneration policy changes, revision of the code of conduct for public officers, computerization of official records, permitting voice from mass media and NGO sector and creating avenues for participation at the grassroots levels (UN DESA, 2012) Other attempts to improve public transparency are also envisioned in strategic managerial frameworks like the client charter (Client Charter is a social contract between the Ministry of Public Service as a service provider and the recipients of its services specifying standards of the delivery of services which are believed to be aligned to the clients' expectations. It sets out the feedback and complaint handling mechanisms), e-governance, computerization of information systems, strengthening parliament legislative oversight capacity, and encouraging public access to information and data. The 2009 President's Office initiative regarding patriotism clubs in secondary schools across the country also focused onto nurturing new generations of Ugandans with new, positive attitudes towards their country, towards themselves and towards work (Related information is accessible on http://www.officeofthepresident.go.ug/index. php/component/k2/item/51-national-patriotism-secretariat). In spite of all these legal and institutional frameworks, the expected impact on public service ethics remains elusive. The institutionalized approaches have paradoxically yielded insignificant results.

Influence of Ethical theories on Integrity in Public service

A discussion of the ethical theories as advanced by Petrick and Quinn (1997) earlier presented in this paper affirms the relevance these theories have on assessing Uganda's public sector integrity. A critical analysis of the these theories in relation to the Uganda public service approaches to build integrity suggest that individual behavior and the related moral awareness, judgment, character and conduct are highly guided by deontological ethics theories dominated by procedural institutional frameworks comparative to individual and societal values. This deontological ethics pre-occupation tends to limit the relevance of other theories advanced in the literature. Of the many institutional frameworks, I choose to highlight the code of conduct and ethics as a tool for ensuring ethics and integrity of public servants.

Realities of the Code of Conduct and Ethics as a Key Integrity Device in Uganda

In an attempt to build integrity in the public service, a number of countries establish formal behavioral standard by codes of conduct. Core values are usually the basis on which these codes are developed. They are intended to guide the employers on adherence to desirable behavior in the public service. An effective code of conduct can protect the public as well as employees. The code of conduct should ensure that the employees act professionally and reliably when interacting with the general public and with each other.

Uganda has a Code of Conduct and Ethics for the Public Service, which sets out standards of behavior for public officers. It is designed to ensure the impartiality, objectivity, transparency, integrity, efficiency and effectiveness of public officers when performing their duties. It is intended to guide public officers in their behavior and how they relate to each other and the public. While ethical obligations and codes of conduct specific to each profession within the Public Service exist, the Public Service Code of Conduct and Ethics is based on ethical standards or guiding principles which apply to the entire Public Service (MOPS, 2005).

The Uganda public service code of conduct and ethics generally provides guidelines for work ethics, which include attendance of duty, time management, sexual harassment, customer care, and conflict of interest. It highlights the conduct of public servants in form of financial credibility, communication of information within and outside respective public institutions, as well as ways of managing and disposing public records. The guidelines further provide for public servants' action and accountability, financial and property accountability, as well as ways of handling gifts, favors and presents. The code of conduct and ethics also prescribes the code of dress and appearance that promotes and projects a good image of the Public Service for both uniformed and non-uniformed public officers. It further restricts public officers' participation in politics within the provisions of the law, rules and regulations. Borrowing the 'carrot and stick' approach of motivation theories, the code of conduct and ethics of Uganda's public servants clearly stipulates the sanctions and rewards for unethical conduct and good ethical conduct, respectively.

With a clearly developed code of conduct and other existing policy and legal frameworks; a high level of integrity is what anybody should undoubtedly envisage in Uganda's public service. On the contrary, however, the Ugandan public sector ethical case is a less and incomparable one regionally and almost globally. The introduction section of this article revealed appalling index figures that put Uganda in a negative light of ethical debates.

Critical areas comprise widely acknowledged graft cases as the Commonwealth Heads of Government Meeting (CHOGM) in 2007 in which great sums of funds were misappropriated. Other incidences include botched government projects in nearly all government ministries, especially in the ministries of Works, Transport and Communication, Health, Education and Sports, Agriculture, among many others. There has been wide media publicity and public outcry on scandals relating to gross mismanagement of donor funds for the reconstruction of the formerly war-torn northern Uganda, which have implicated prime government actors in the Office of the Prime Minister and Ministry of Finance. Other critical cases include misuse of UGX 14bn for construction works during the Commonwealth Heads of Government Meeting (CHOGM) in 2007; the UGX 4.2bn advance payment for non-delivered Local Council bicycles in 2010; oil contract deals/tender irregularities in FY 2011-2012, and the false payment of hundreds of billions to ghost East African Community pensioners. Recent (2014) ethical issues include the irregular tenders of Standard Railway Gauge and the Katosi–Mukono road tender. All these cases involve a cross-sectional category of public servants at senior and junior levels.

Considering that such incidences occurred in the presence a clear code of conduct for public service and a sound legal framework, there is need to rethink the relevance of such codes of conduct and ethics as sufficient tools for integrity. On this matter, Anne Waiguru calls for a critical internalization of ethical issues in an attempt to implement a code of ethics. She questions the significance of a code of ethics on influencing an individual's character to make ethical judgements in instances where society is critical in influencing public service values (or individual values for that matter) and vice versa under a *circular flow of values* model (Waiguru, 2006). Waiguru develops a model that indicates how society and public survive values influence each other. An augmentation of Waiguru's view may help us to appreciate the driving forces of people to act ethically, the individual perception of ethical behavior, and the society's role in shaping people's ethics and integrity.

Conclusion: re-making ethics and integrity in the Ugandan public sector: Which way?

The discussion of this article has highlighted an overview of ethics and integrity in Uganda paying critical attention to the explanations for limited ethical behavior in the public service and attempts so far made to arrest the situation. The article has detailed a number of theories with potential to explain how ethics can be conceived and assessed.

From the discussion, it has been observed that ethics in Uganda is approached largely through the deontological approach, using codes of conduct, laws, regulations, procedures and formal standards as a major way of combating unethical behavior. The understanding of the concept of ethics reveals that standards of being right and wrong, good and bad, just or unjust are quite subjective, thus highly dependent on individual social construction. This means that using formal frameworks to regulate public servants may have minimal impact if those involved in service delivery as well as the public hold different standpoints in understanding ethical actions and responsibilities.

Indeed, conception of meaning of *integrity as* referring to 'honesty' or 'trustworthiness' in the discharge of official duties, tends to explain the dilemma of using the deontological approach . Integrity here suggests that individual values are cardinal considerations in realizing public ethics. The implication of this therefore is to rethink Petrick and Quinn's theory as well as Waiguru's circular flow of value model and reconsider virtue ethical theories as a key guide to public ethics and integrity. The core concern should be to tackle the issue of personal integrity by targeting improvement of individual character before instituting the rest of the institutional infrastructure suggested by Maesschalck, OECD and Amundsen and Pinto de Andrade earlier highlighted under the concept of ethics.

The recommendation of this article, therefore, is that attempts to control individual behavior should be redirected to informal societal supportive organizations such as families, religious institutions and civil society organizations which will reshape individual behavior that will in turn translate into ethical conduct in the public service. The public sector should not always be looking at regulating ethics and integrity from within itself; but rather partnering with informal institutions beyond government business to influence individual character outside the public service for individuals that deal with or that will gradually be part of the public.

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