

The systemic police corruption: beyond New Sociological Institutionalism

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Abstract

This article seeks to further the empirical understanding of police corruption as a threat to security and governance in Uganda. It will lodge an inquiry into socio-cultural mechanisms that have facilitated institutional perpetuation and persistence of police corruption since colonial administration of late 1890s. The study will detail police corruption discussion exploring broader economic, social and political paradigms, which have a direct bearing on police practice. By this inquiry, this study will seek to establish what causes the systemic perpetration of police corruption and subsequently provide tools for institutional solidification with a view to achieve dreamt perpetual peace in Uganda. It focuses most of its attention on normative and informal actions that tend to be taken for granted by police analysts and practitioners alike. While, much emphasis will be put on understanding police institutions as social beings, issues of rationality and formality will not be ignored. This article will attempt to be more of a relational one, to avoid blundering into under-estimating the ideational people, material reductionists and culturalists. The article is structured in two sections. Section one offers the background to the study and; Section two offers the analysis of field research data.

Key terms: Police, Police corruption, Institutions, security and governance

1.0 Introduction

Today, the post-conflict developing states (Uganda inclusive) are up to a challenge of dealing with corruption and its devastating effects in their struggle to rebuild institutions, restore social trust and legitimacy and overall economic recovery and sustainability. Interestingly, corruption has fuelled grievances thereby undermining legitimacy, good governance, and security and peace efforts in post-conflict developing states (Billon 2001: 1). However, with the overwhelming continued government commitment, strong media coverage on corruption, strict legal and institutional anticorruption frameworks and international interventions on anti-corruption in such developing states as Uganda, corruption remains prevalent and persistent, which Robinson (2009: 70) in his book "The Politics of Successful Governance Reforms" attributes to the effects of neo-patrimonial politics in the governance domains in the case of Uganda. The article argues that, knowledge of causal factors is a milestone to the search for mitigation strategies.

Because of failure to mitigate police corruption, scholars and practitioners have opted for an easy alternative, which is the moralization and acceptance of corruption as a trivial aspect in social inquiry. Meanwhile, corruption continues to affect people in Uganda in their everyday lives ranging from failure to access justice and rule of law, rampant horizontal and vertical inequalities, limited access to quality health and education services among other social and public services (Twinoburyo: 2015), and all these double the chances of lapsing and/or relapsing to violence. Twinoburyo argues that, in sub-Saharan Africa vicious circles and endogenous causalities may have created poverty traps, where weak states, predatory political regimes, generalised corruption, commodity-based market structures and windfall gains reinforce each other (ibid).

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The main focus of this study is to explore the causal factors and dynamics of police corruption. The article argues that, although police corruption is at the apex of normalization and moralization, its causes and dynamics if viewed from a new sociological institutionalism lens, can be explained with ease. New Sociological Institutionalism argues for the ever neglected and taken-for-granted actions (Powell and DiMaggio 1991: 20) and actions that come out of appropriateness (March and Olsen 1984) that otherwise have a significant impact on human behavior. This study situates itself in shared cognitions, which promote norm coherence that exacerbates the production and reproduction of police corruption, its persistency and sustenance.

As Hamilton (1990: 201) on Durkheim (1895) argued, every time that a sociological phenomenon like police corruption is directly explained by a psychological explanation, we may be sure that the explanation is false. We arrive at the following principles: The determining causes of Durkheim's "social fact" should be sought among the social facts preceding it and not among the state of individual consciousness. The first origins of all social processes of any importance should be sought in the internal constitution of the social group. In Hamilton's (1990) critical analysis of Durkheim's (1938) "Rules of sociological method", social facts also viewed as "things" are defined as every way of acting, fixed or not, capable of exercising on the individual an external constraint; or again, every way of acting which is general throughout a given society, while at the same time existing in its own right independent of its individual manifestations. (Ibid: 202).

Durkheim's methodology taps only a segment of the total causal matrix in social life. Social facts are supposedly about real things that act as causes of social behavior independently of the individual will; they are external influences that somehow become internalized and then act automatically to control behavior (ibid: 207). There are powerful social ties in policing as a practice and norm, which unconsciously control police officers' behaviors in ways that place corruption in a position of irresistibility. However, psychological training might be a valued lesson for sociological institutionalism scholars and practitioners interested in police corruption studies.

1.1 Uganda's Quandary

The Government of the Republic of Uganda in its Millennium Development Goal report (2013) acknowledges that peace and security are foundational elements without which no meaningful or lasting development progress can be achieved – both at an individual and societal level. The honour that citizenry confers upon an individual is that of knowing that the state is willing and capable of defending their constitutional freedoms and liberties, and to spur them to a greater experience of prosperity (Ministry of Finance Planning and Economic Development 2013: 61). By this, the government assures the achievement of peace and security by improvements on law enforcement but fails to acknowledge the damaging effect of corruption to overall achievement of MDGs.

Police corruption features in impediments to economic and social development (Transparency International 2013). In the research on transparency and official impunity in the period between 2005 and 2013, the Afrobarometer (2013) reports that there was an increasing official impunity perception in Nigeria, Uganda, South Africa, Tanzania, Madagascar and Ghana among countries that rely on natural resources. Citizens in these countries find difficulty in seeking to know how state resources are managed hence promoting grounds for grievance that spurs collective violent action against the state legitimacy.

Bribery, selective arrests and avoidance of prosecution process are widespread and hard to comprehend in a contemporary Uganda. Afrobarometer (2013) also stated that, the majority of the population in the thirty-four African countries studied (Uganda inclusive), perceived police corruption as the highest among government officials' corruption, and the rates are ever increasing. Similarly, World Bank's Worldwide Governance Indicators (WGI) in 2011 and Afrobarometer (2013) identified police corruption as the most placing problem that requires redress from the governments in many countries in Sub-Saharan Africa. Transparency International (2014) ranked Uganda 142nd out of 174 countries in the world on corruption, Denmark being the least corrupt and Somalia as the most corrupt state.

Additionally, UN Monterrey consensus (2003: 7) recognized the deleterious role of corruption on economic growth and development since it was observed that individuals or groups use public resources for their own financial gain (Weiss and Forsythe 2013).

However, given all this awareness, the government and the international community's approaches have seemed unfocused and inconsistent with normal anti-corruption strategic approaches. Strong laws through institutions such as Anti-corruption Court, Police Standard Units (PSUs), Inspectorate of Government (IGG) Criminal Intelligence and Investigations Department (CIID), Public Accounts Committee (PAC) and other selected committees of Parliament and their efforts at curtailing corruption have tended to be deficient because of their overly emphasis on law enforcement ignoring the social forces that influence enforcement.

Considering March and Olsen's (1984: 747), "what we observe in the world is inconsistent with the way in which the contemporary theorists ask us to talk", it is hard to believe that, rational-oriented approaches can single-handedly account for institutional change. The puzzle is why the world has blinded itself from an obvious threat to the human race, corruption. It is inexplicable how the state has ignored or failed to mitigate police corruption – the most vital aspect of political violence. The answer to this puzzle can be devised from the failure of the rationalist school. As DiMaggio and Powell put it, in rational-oriented institutionalism (common in many government formal institutions), "administrators and managers gather information assiduously, but fail to analyze it; experts are hired not for advice but to signal legitimacy" (Powell and DiMaggio 1991: 3).

It is intriguingly puzzling, how easy it is to locate knowledge deficiency along lines of failure of academia and practitioners alike to explain police corruption while applying legal/rational approaches many of which embracing the importance of sunk costs and rational calculation of actors. The sunk costs here are the costs such as, what is at stake in cases of punitive action that works to deter corruption practices. Because of this deficiency, scholars and practitioners of peace and conflict have failed to generate workable approaches to mitigate police corruption leading to its total acceptance as part of organizational culture in the police departments.

Police corruption in Uganda has subsequently become a culturally accepted norm due to the rules of appropriateness and the persistently taken-for-granted actions located in this sociological explanation. Organizational theorists like March and Olsen (1984) prefer models not of choice and utility but rather of the taken-for-granted, aware that actors associate certain actions with certain situations by rules and logic of appropriateness absorbed through socialization, education, acquiescence to convention or on-the-job learning experiences. Because of these circumstances, when faced with choice making dilemma, individuals seek guidance from the experiences of those in a comparable situation and by reference to the standard obligations.

Because of this acculturation in institutions between old police officers and new entrants, anti-corruption practitioners have then been normatively rated as uncultured, insane and nonconformists. This study argues that implanted norms that emerge out of taken-for-granted actions have the capacity to take command over even the rational-based environment composed of typical anarchy whose actors are typically not associated with any identity inclination. The question is, what is the workable and possible explanation for containment of police corruption then? This study argues not only that new sociological institutionalism explanation is far a plausible approach to tackling police corruption but also that rational calculation and consideration of sunk costs provide additional support for realization of corruption mitigation. The study situates itself in a theoretical position that amalgamates rational choice arguments in the so-called new economic institutionalism with new sociological institutionalism.

1.2 Argument

It would be an understatement to claim that, the environment in which police departments operate is alien to police behavior for example; the political pressure from the regime could alter police decisions at any level including punishing nonconformists to regime demands in Uganda. It is also obviously a blunder to ignore the role of rational arguments in police corruption studies. North (1990) alongside a strand of other rationalist scholars argue that institutional structures give incentives to rational individuals, "the stress in their explanations of what creates institutional change is in seeking to identify where actors have achieved an institutional equilibrium" (Gofas and Colin 2010: 79). Rational institutional approach is still highly relevant in analyzing police corruption on "formal rationality and procedural regularity" (Ibid: 81).

However, whilst rational institutionalism claims that instrumental beliefs held by individuals are what matters in the study of police corruption, it is important to note the discrepancy that emerges from ignoring the social constructivism's discursive practices within the social realms of police institutions. Police officers like people in any other sub-cultural group do not have a stable set of preferences. Given these discursive practices and social realms, Individuals cease to be passive recipients of the incentive structures but are instead involved in interpretation of such incentive structures as well as their own social reality.

Therefore, cognisant of the factors external to police as an institution such as the powerful forces from: the citizens who are ready to go an extra mile to defeat justice or those who want protection from ever increasing crime; the rationalists who argue that individual agents in police act on rational maximization, incentives and disincentives; the regime to whom police pays allegiance; and the so called internationalism as a modern and civilised framework for understanding any global phenomenon, this article argues that locating the causal factors of corruption starts with exploring the institutional social and cultural context in which officials work. Influential yet ignored explanation of police corruption rests in police institutions as social beings.

1.3 Theoretical Implications

The common point of contestations among the three subfields affected by this study (security studies, governance and institutional studies) was identified between proponents of rational/economic institutionalists and sociological institutionalists guided by "social facts". If we choose to glorify rational choice models in analysis of police corruption, we have an advantage of locating every phenomenon at an individual level. Logically, corrupt practices are individual actions, but when the acts accumulate among the given group of people with shared responsibility, the practice is then regarded as a social fact because individuals are guided by the group's behavior.

The choice of sociological institutionalism is credited for its claim that environment, contexts, cultures and norms have a powerful command over individual behavior. Understanding the social explanations helps us to locate remedies that have a direct relationship with normative conditions.

This article would like to benefit from both strands of knowledge (rational choice and sociological perspectives), although with a strong connection to normative practices of police officers. As stated earlier, economic incentives and motives cannot be separated from social explanations. While rationalists have proposed severe punitive action to the corrupt officials, increase of pay to law enforcers and promotion of deserving officers, there has been an incremental tendency in levels of impunity. New sociological institutionalism as a theoretical framework gives an emphasized grounding of normative and discursive practices and socio-cultural values that are produced and reproduced throughout the institution's lifespan. Attempting to assess the institutions by the prevalent norms and symbolic interactions therein not only gives a much descriptive account of what is- reality and what ought to be- ideal but also gives importance to the informal actions that rational choice theorist take for granted.

An amalgamation of rational-based remedies and consideration of taken-for-grant actions in routine policing is highly relevant in a sense that; if the police job is not made attractive and competitive through attractive pay and other incentives and disincentives, the socially institutional countermeasures may not be successful. For example, any proposal for transfer of a number of personnel, a significant number will opt out of service.

1.4 Methodology and scope

For its empirical evidence, this study employed qualitative methods of data collection. Secondary data from existing published and unpublished literature by Ugandan and International scholars as well as media materials such as, online and print media for example Daily Monitor and New vision were reviewed. To establish the nexus between police institutions and efforts to mitigate corruption, interviews with court officials in Kampala were conducted. It was necessary to examine judiciary's perceptions on police corruption, since judiciary has a role in Police effectiveness. Judiciary's respect for the law and justice dispensation enables police reforms.

Also, with a view to unearth the mechanisms of causal factors of corruption and its perpetuation, I have conducted several one-to-one interviews as well as group informal discussions with police officers at different ranks in Uganda during my study trip to Uganda in February and March 2015. To gain an insight on how anti-corruption agencies and organizations look at corruption mitigation, Interviews also were conducted with personnel working with Civil Society Organizations (CSO) and Non-Governmental Organizations (NGO) interested in Government transparency, governance and accountability.

As for the scope, this study covered selected police divisions in Kampala namely, Kawempe, Wandegaya and Old Kampala. The focus was on officers in Crime Intelligence and Investigations Department (CIID), Traffic Police Department and General Duties where systemic corruption is seen to be predominant. These divisions in Kampala Metropolitan policing area were selected because of high level of crime prevalence. It also covered activities of various anti-corruption CSO and NGO established in Kampala such as Anti-corruption coalition Uganda.

Cognisant of the need to trace police effectiveness through judicial system, a critical examination of the court's role in police corruption mitigation was undertaken.

1.5.0 Conceptual definitions

1.5.1 Police corruption as a concept

Human Rights Watch (HRW) in their report titled "Letting the Big Fish Swim" on Uganda has described the definition of corruption by Uganda's Anti-corruption Act 2000 as an excessively and broadly vague concept (Human Rights Watch 2013: 33) and argues that the UN convention against corruption is more clear. HRW adds that the UN definition requires intention to commit a crime, a nexus with violation of a separate law, and that the offender(s) have the objective of obtaining undue advantage, thereby constraining the circumstances in which a charge may be brought.

A broader conception of police corruption encompasses the receipt of unauthorized and unearned benefits given to or taken by an individual because he/she is a law enforcement agent, according to Arrigo & Claussen (2003). Theoretical explanation exploring the causes for such behavior identifies three possibilities: (a) the damaging role of society at large; (b) corrosive influences within police departments; and (c) ones natural inclination toward criminal wrongdoing (Ibid: 274). The major emphasis here is the possibility of the damaging role of society at large and corrosive influences within police departments.

Also, corrupt practice continues to be an extremely serious quandary within many police departments (Ibid: 272). Indeed the literature regarding police misconduct is abundant and includes such domains of enquiry as categories and typologies of corruption. Newburn (1999: 4) defines police corruption by its typologies as suggested by Roebuck and Barker (1974). These typologies include corruption of authority where officials receive any gain by virtue of their positions as police officers without violation of law *per se*; 'kickbacks' which is, receiving any goods and services or money for offering a public good; opportunistic theft where an official steals or confiscates the arrestees' property; 'shake downs' where an official receives a bribe to avoid criminal procedure like arrest of a suspect; protection of illegal activities where an official covers an illegal activity to enable its continuity; 'the fix' or intentional loss of evidence; direct criminal activities or violation of criminal law like theft; internal payoffs where prerogatives available to police officers like leave, posting and promotion are bought, bartered and sold; and 'flaking' or 'padding' related to planting of evidence on the suspects. While trying to offer insights into the intricacies involved in investigating one governmental body against another or within one governmental body, Beigel (1973:135) identified two major categories of police corruption: external corruption which concerns itself with police contact with the public and the internal corruption that concerns itself with the relationships among police officers within the police departmental workings.

Transparency International (2013) has defined the concept of corruption in much general terms as abuse of official authority for personal gratification. Corruption devastates lives and communities, and undermines countries' efforts to achieve good governance and effective institutions. It breeds popular anger that threatens to further destabilize societies thus intensifying possibilities of lapsing and relapsing to violent conflicts. Samuel Huntington (1968: 59) joined a pool of scholars who defined corruption as a behavior of public officials, which deviates from accepted norms in order to serve private ends while Goldstein (1975) adds that high levels of police corruption are associated with low levels of police responsiveness to the public's security needs, a negative orientation to work and ineffectiveness in detecting crime (Goldstein 1975:187).

1.5.2 Institutions as a concept

Institutions have been defined vaguely and varyingly ranging from reference to much complex entities governing the world order like United Nations and World Bank, to atomic components of society such as a family.

While a strand of scholars associates institutions with environmental effects, others equate them to cultural effects, Jepperson (1991:143–144) claims that, instead, institutions should represent a particular set of social reproductive processes, while simultaneously avoiding the opposition of institutionalization and “change”. This thesis argues that such a definition that relates with social explanations of institutions is highly credited. Examples of such institutions include but are not limited to; the family, governments, human languages, police and legal systems. Turner (1997) defines institutions as a:

Complex of positions, norms, roles and values lodged in particular types of social structures and organising relatively stable patterns of human activity with respect to fundamental problems in producing life-sustaining viable societal structures within a given environment (Turner 1997:6). In the end we note that the efficacy and adequacy of any scholar’s normative account, the justice of any given social institution, organization or system of institutions, will depend at least in part, on the nature and point of that social institution or system.

Put differently, Institutions must relate to formal and informal organizations or groups of people with shared responsibility. To Tilly and Sydney (2007: 84), within any particular regime, institutions include established, organized and widely recognized routines, connections and forms of organization employed repeatedly in producing and reproducing collective action. An institution is about “establishment of relative permanence of a distinctly social sort” (Zucker 1991:83), see also (Hughes 1936:180) and institutionalization and persistence of social actions have been synonymous concepts. The literature that follows below connects police corruption with aspects of institutions, security and governance that make deviant practices more vicious and self-sustained over time across generations.

1.6.1 The extent of police corruption in Uganda

Police corruption in Uganda is a topical issue that forms part of media coverage year in and year out. The news range from someone whistle-blowing to someone complaining about corruption, to someone being arrested over alleged corruption then, to someone being victimized by corruption charges. Museveni (2011–2015) acknowledges, through his presidential manifesto 2011–2015, that regardless of the strong institutional and legal framework, the country is still deeply amassed in convert corruption practices. While in developed countries the last thing people think about is to ask for a bribe, in Uganda, that is the first thing a police officer will think of asking. Police corruption has become a way of life in a sense that those not corrupt are viewed as unserious and without initiative.

Afrobarometer 2013 reported that the majority of the population in the thirty-four African countries studied perceived police corruption as the highest among government officials, and the rates are ever increasing. Figure1 shows the percentage rise in perceptions of institutional corruption in sixteen African countries (Uganda inclusive) between 2002 and 2012.

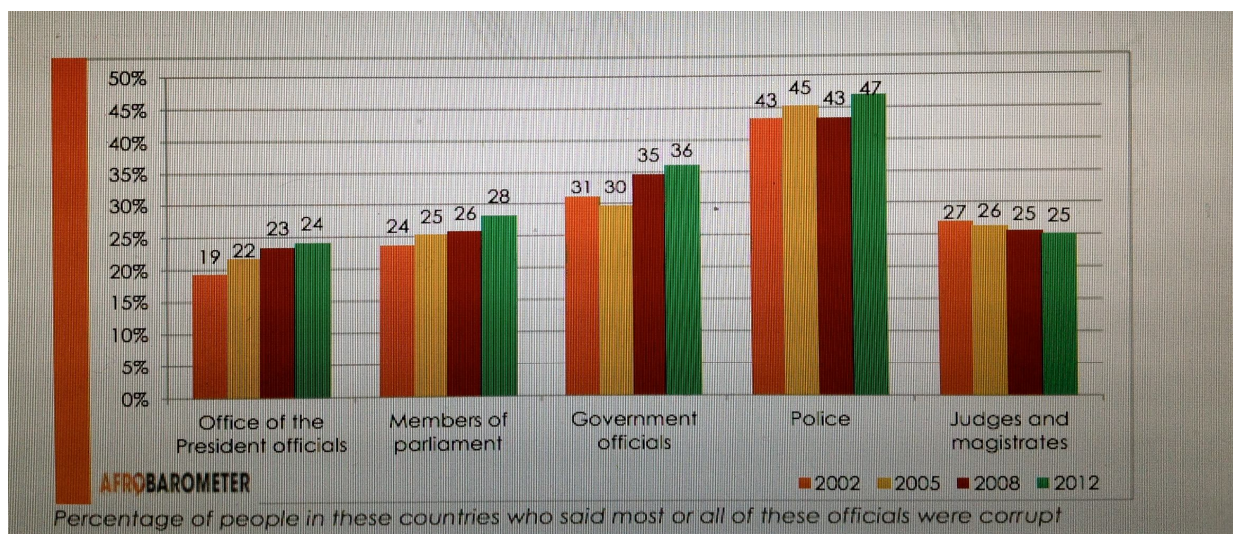


Figure 1: Institutional corruption 2002-2012 in 16 African countries (Afrobarometer 2013: Figure 7)

Yet, a percentage of the population who said most or all the police officers are corrupt ranked Uganda among the worst at the 5th position among Africa’s most corrupt countries. Figure 2 below shows the highs and lows of corruption perception in Africa with Nigeria rated the highest in perception of police corruption and Algeria as the least corrupt in Africa in 2012.

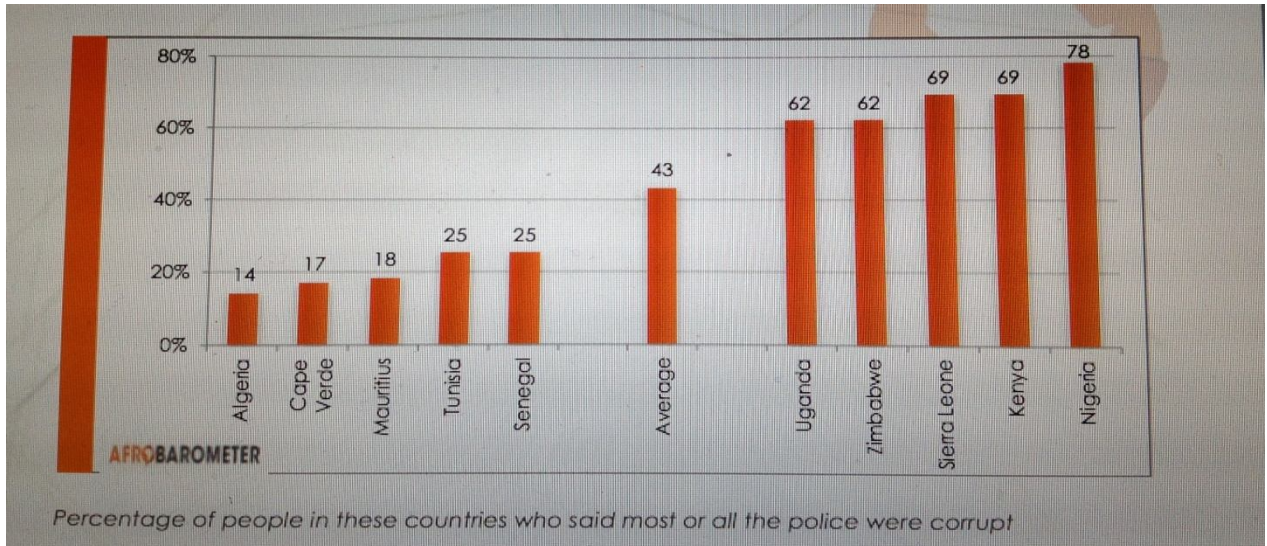


Figure 2. Countries in order of perceived police corruption in Africa in 2012 (Afrobarometer 2013: Figure 6)

In their research on transparency and official impunity in the period between 2005 and 2013, Afrobarometer 2013 reported that there is persistent increase in official impunity perception in Uganda – a country that predominantly relies on natural resources. Citizens in Uganda find difficulty in seeking to know how state resources are managed and how perpetrators are brought to book. Figure 3 below shows the extent of people’s perception of official impunity in percentage in different African countries.

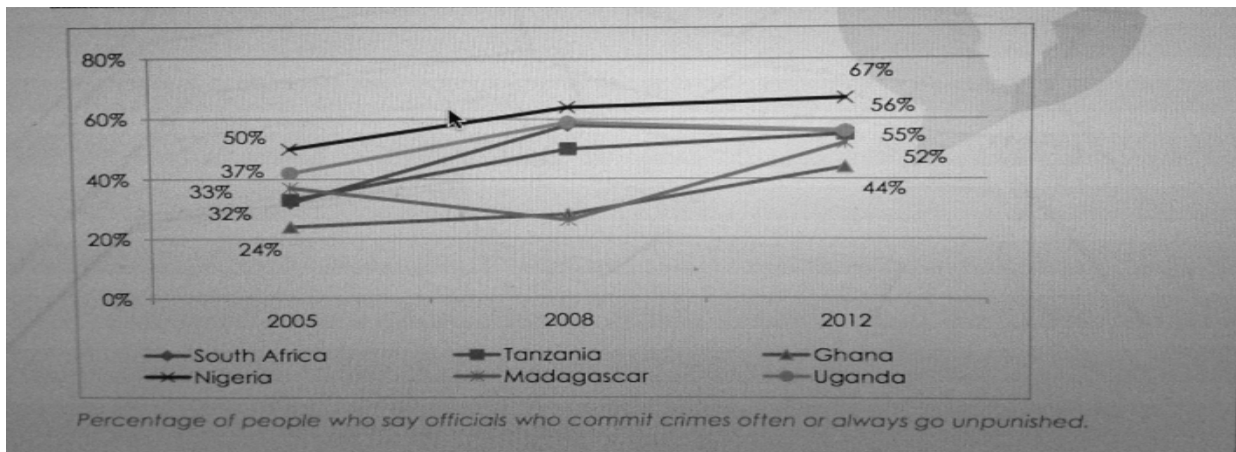


Figure 3. African countries with increasing official impunity perceptions 2005–2013 (Afrobarometer 2013: Figure 6)

1.6.2 The evolution and state of anti-corruption policies

In 1988, the then Inspector General of Police instituted an investigation into cases of police abuses and corruption in a bid to promote the force’s reputation and win some extent of public trust. He also announced the establishment of new departments to help promote the police image, which are Political Education, Legal affairs, Loans and Local government Administration (LAP).

However, their functions were not well defined (Francis 2012:100). Through this long journey since Uganda's independence from the British colonial rule, Uganda has enacted a series of laws and passed several policies to counter state corruption and its pervasive effects, although implementation has been blurred by inconsistencies putting into question the government commitment to this cause. For example, a National Anti-corruption Strategy was launched in 2008 under the directorate of ethics and integrity. Also in place and functional are Anti-Corruption Act of 2009, the special Anti-corruption Court and a 2007 declaration signed by East African states (then Uganda, Kenya and Tanzania) to deny safe haven for corrupt persons and elicit investment (Transparency International 2008).

A legal framework on Corruption in Uganda has also been established, as indicated by Transparency International. Internationally, Uganda is a signatory of the African Union Convention on the Preventing and Combating Corruption since 2004 as well as United Nations Convention against Corruption (UNCAC). Uganda is also a party to numerous human rights conventions. Bribery and illicit trade influence violate principles of equal protection of the law and right to a fair determination and remedy that Uganda is obliged to uphold under the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples' Rights (Banjul Charter) adopted 1981 and put in force in 1986. At the national level there are legislations such as the Penal Code Act and Anti-Corruption Act of 2009, the leadership code of 2002 and the code of conduct and ethics for public service, Access to Information Act 2005, The Whistle-blowers Protection Act, Proceeds of Crime Bill, Anti Money Laundering Bill 2010 and the Inspectorate of Government (Ibid). In terms of Institutional framework, Uganda has many institutions responsible for curtailing corruption. These are The Office of the Inspector General of Government (IGG), Directorate of Public prosecutions (DPP), Auditor General (AG), Directorate of Ethics and Integrity, Judiciary, and the Uganda Police.

However, given all these conventions, declarations, legal framework and institutional framework, the corruption rates have continued to negate functioning of Ugandan public service significantly because operationalization with trickledown effect has for long been a challenge for practitioners. The National Resistance movement Organization (NRMO), which is now the regime in power, acknowledges that there are still challenges in the fight against corruption as most of the corruption cases are covert requiring sophistication in investigations (NRMO Manifesto 2011–2016).

1.6.3 Current countermeasures to police corruption

The commonly emphasized countermeasure is a rational choice-based one. It involves probing police misconduct and proactive and reactive detection and investigation of corruption by internal police units. Klitgaard and Abaroa (2000:20) contend that, the previous dominant countermeasures emphasized stronger laws, more resources directed to institutions and empowering the anticorruption agencies and courts with emphasis on investigations. However, evidence has suggested that these usual measures alone cannot work. In his study on such internal units investigating police practices, Sherman (1978) outlines four of them: internal probing for corrupt culprits such as use of criminal informants (although they are highly unreliable and trade false information and accusations); use of wiretaps (which apply well in technologically trained police establishments); corruption patrols (whose results are not guaranteed in Ugandan context) and, lastly integrity tests– the most effective recommendation where a well selected, trained and motivated team with well selected police officers can apply corruption traps on likely corruptible officials.

2.6.4 International society and anticorruption activities

Corruption and poor governance issues in Uganda and in other developing countries have been receiving increased attention in the contemporary international playing field. Most of the current international organizations involved in the fight against corruption have either emphasized advocacy or civil society demand for government accountability (Ganahl 2013: 13).

Others have maintained the focus on different accountability mechanisms and how they influence incentives and actions of individual police officers or other government officers. Advisory Board for Irish Aid (2008: 77) argues for the need to understand the material and social incentives that motivate individual agents to be party to corrupt transactions. It is important that governance and corruption agenda includes support for the environment conducive enough for private sector development by providing incentives for productive activities instead of rent-seeking behavior of public officials.

UNDP (2008–2011) Global Thematic Programme on Anti-Corruption for Development Effectiveness (PACDE) emphasized the fight against corruption as a tool for the realization of poverty reduction and overall Millennium Development Goals (MDGs); PACDE aims to strength national, regional and local level capacities, systems and institutions to improve governance by implementing anti-corruption initiatives.

Specifically, PACDE aims to promote technical assistance to country offices and programming countries in five areas: (1) Increasing state/institutional capacity through capacity development assistance and advisory support; (2) Increasing non-utilization of governance/anti-corruption assessment tools to inform policies at national levels; (3) Strengthening the oversight role of media and civil society; (4) Improving harmonization and coordination of anti-corruption initiatives; and (5) Improving awareness and knowledge on anti-corruption.(UNDP PACDE 2008–2011)

While UNDP has tried and is still trying hard to fight corruption, its approaches are too universalized. Fighting covert corruption does not end at legal mechanisms but involves knowledge of institutional culture in secretive systems like the police. The international community has been actively engaged in anti-corruption activities in Uganda. On many occasions the European Union (EU), United Kingdom, the World Bank, Austria and other countries have suspended budget support aid to Uganda in demonstration against government's inactive role in corruption cases. According to the Dear and Njoroge (2012), other countries that have cut budget support include Belgium, Germany, Ireland and Sweden.

2.0 Analysis and interpretation of research findings

This section analyses the research data and involves detailed interpretation of such data obtained from the field research and literature regarding the institutional factors responsible for systemic police corruption in Uganda, while concentrating on institutional capacity. It critically interprets respondents' opinions and responses to generate empirical conclusion.

2.1 Categorization of respondents

A total of thirty-five respondents were interviewed. Out of these: twenty were police respondents; ten were civil society respondents; and, five were court respondents. These respondents were categorized into three broader categories: 1. The police respondents in active police service both ranks and files with a view to unearth socio-cultural factors in policing; 2. The Civil Society Organizations' respondents, mainly those involved in activism against corruption and bad governance with a view to examine the factors negating the role of civil society in the fight against police corruption and other forms of state corruption; 3. The Criminal Court respondents, with a view to establish the nexus between police corruption and criminal courts were interviewed. In all the categories above, informal interviews were conducted for security reasons and also in order to avoid premeditation that would otherwise severely bias the findings.

2.2 Causal factors

According to the rational choice scholars, economic incentives and interests dominate the discussion of causal explanations of police corruption. Nyeko in Daily Monitor, a Ugandan newspaper, published an article "*Struggle for survival fuels corruption in society*" arguing that in Uganda, where people are facing financial hardships, trying to survive amid challenges of paying school fees and the daily routine of making ends meet, honesty can sometimes come at a high price, making "kitukidogo" (a Swahili expression literally meaning something small, a euphemism for a bribe) an attractive alternative. Many people have misconceived corruption as the "new age accessory for survival" (Nyeko 2015) of which no single person is immune. Poverty is always mentioned as the main and fundamental root cause for corruption. Some respondent police officers addressed this issue arguing that making the routine ends meet in this modern age requires a "sixth sense of initiative" (to mean bribery and extortion) lest the reliance on meagre salaries of police may not generate school fees for children, food and housing among other amenities. The majority of police respondents agreed that police salaries are too low for their survival. Although this thesis is not necessarily opposed to this economic fact, its role in persistence and perpetuation of corruption in police departments is overemphasized. The main problem faced by this salary increment assertion is that there is enormity of competing funds available for "buying" police impunity stemming from the criminal gangs like drug dealers (Davis 2006: 62).

Causal factors as established by this research can be traced from and categorized in three broader categories: police as regime protector; police as a culture and a system; police as a job; and incentive structures. This categorization is aimed at drawing a clear distinction between factors inherent to institutions and external ones that have a bearing on institutional behavior. Also, the categorization gives importance to cultural factors in police corruption studies.

The major root cause of corruption in any organization is the system in which the employees and clients operate. Respondents commonly highlighted major factors behind pervasiveness of police corruption as patronage, tribalism, clientelism, regime protection, police discretion and unethical recruitment, training, deployment and transfers. Similarly, mainly mentioned causes by scholars according to Newburn (1999) include but are not limited to the factors that are intrinsic to police as a job: opportunities for corruption influenced by political elites, the police as a sub-cultural entity, the context in which police operates, the organizational nature of police and the blurred efforts to mitigate corruption that in the end aggravate the extent of corruption pervasiveness. These entire factors are inherent in the institutional operations of police in every country. This paper only supports and adds to these well thought causes since there is no social phenomenon that can be explained by a single causal factor but a combination of factors with varying magnitudes.

2.2.1 Police as a regime protector

The research found out that police departments in Uganda are under political control by the government/regime. The police must pay allegiance to the current president who also happens to have powers to appoint and disappoint any official in any security organization. This leaves police no option but to depend on the regime.

Generally, police behavior in Sub-Saharan Africa can be traced from the historical origin and the current cultural, ideological, economic and political context (Marenin 2009: 349). The evolution of police in all colonial states served as an instrument for colonial rule and subjugation of hostile communities. This notion of subjugation of citizens was later embraced in totality by African regimes in post-colonial states with a view to assert their sustenance. It has been very clear in African politics that control of the police is a valuable tool for the control of a state and its resources (Ibid). African political elites believe that the control of the state enables them to promote their individual interests commonly organized along ethnic, family and cultural cleavage lines that destroy the fundamental distinction between private and public good. Because of this (and the artificial colonial boundaries of colonial states that combined heterogeneous people with no clearly shared traditions), the identity-based conflicts have dominated politics in such states.

Subsequently, for sustenance in power, ethnically based political leaders have built Tilly's (2005) "trust networks" based on family, cultural background or even clientelism through which police practice has thrived. Such networks have been strong to an extent that political leaders have little or no power to reverse the actions of members such networks lest unstable political environment that may lead to state collapse. Majority of civil society respondents, argue that corruption as a tool for regime survival can be seen as a reward to those who supported the regime in a coup, elections or civil conflict in form of recruitment, deployment, promotion and even protection in cases of deviant behavior to regime supporters or their relatives and friends in police. In the end, the political elites have their relatives in police who will make law enforcement difficult through peddling political influence.

Police as an institution lacks autonomous power. Although police is established under the Uganda Constitution of 1995 and Chapter 303 of the Police Act, the operational policies and priorities of the police are set by the regime's political elites. Police's search for professionalism has been severely hampered by the political environment that asserts its control to influence internal domestic activities of a coercive institution like police.

2.2.2 Police as a culture

The shared occupational culture and values of impunity also contribute to the persistence of police corruption. There is a commonly accepted notion that corruption is highly desirable for meagre salaried officers to survive and operate, since even internal institutional resources are either mismanaged or siphoned off by more senior officers. Additionally, the conflict between ranks and files is commonly accelerated by police institutional culture. There is a tendency of lower ranks creating their own legal structures called "kangaroo courts" (where errant police officers are the judges of the cases) with an argument that when they follow due procedure, their superiors are the beneficiaries.

While, the higher ranks accuse the lower ranks of unprofessionalism and non-responsiveness thereby using their superior discretionary powers to handle cases and suspects. This rivalry has nurtured a committed workforce ready to obey and work according to on-job demands.

One respondent narrated under anonymity during the interview how he arrested men with a full briefcase of fake gold, took the suspects to the police station but was there warned by an officer in charge of Criminal Investigations Department that if the matter is registered in the Station Daily (a book where criminal cases are registered), the case would be called to the main station and it would be the bosses to eat the bribes. So, the officer chose a better option of negotiating with the suspects for the bribe and gave the fake gold back to the suspects.

Further, the persistence has made enforcement of anticorruption even vague. Most respondents from police standards unit argue that the more there is oversight for institutions to fight corruption, the worse it has become. Too much responsiveness to the public security needs can generate as much discontent as lack of responsiveness would. Those who fight the system are punished severely. While in Hong Kong according to Klitgaard and Abaroa (2000:19) there is a saying that:

Get on the bus-if you wish to accept corruption, join us; or, run aside the bus. If you do not wish to accept corruption, it doesn't matter, but avoid interference; or, never stand in front of the bus, i.e. if you try to report corruption, the bus will knock you and you will either be injured or killed.

In Uganda, police job takes a choice based on expression "flow, flee or fight and loose" (3Fs) where the "flow" option seems to offer a more comfortable zone. Also, upon persistence of corruption, mainstream police fails to perform its mandated role of promoting rule of law and security. Subsequently the need for urgent security measures leads the police leadership into formation of elite squads that in fact become more corrupt and over use police discretion because they are supported by the strategic management.

It is important to note what Newburn (1999) calls "the strong bonds of loyalty within police culture" through institutional secrecy. Police respondents also narrated that the first thing the new recruits learn in the first months of employment is the need to keep their mouths shut about practices (including those in breach of rules), which the experienced officer in their wisdom deem necessary in execution of police duties. The result of this code of silence according to Wood (1997:155) contributes to the emergence and persistence of police corruption in four different ways: the honest officers are forced to accept corruption as part of the job; for managers, the hope of police reforms becomes a matter of futility; for corrupt officers, corruption becomes a tool to manipulate and control fellow officers; and, for internal investigators, police corruption discourages vigorous inquiries into police ranks.

The other influential cultural factor is symbolism used in corrupt practices only known to police community. Terms such as '*sitrep*', 'coughing', 'cooperation', 'Transport (TPT)' are usually used by the in-group who feel secure interacting with each other. This symbolism makes the corrupt practices interesting and addictive since the officers love the expressions. This makes it harder especially for the out-group such as international actors and other non-police anti-corruption practitioners to grasp the exact practical corrupt behavior.

Police respondents also identified the culture of in-house recruitment. Police is a source of employment for children and relatives of police officers. As a result, in cases of deviant actions by some officers, it is difficult to take punitive steps, which over time de-motivates honest officers who would want to effect change. Some respondents in command positions narrated that they cannot perform well if they are unable to take action against their errant junior staff that they claim to supervise. One of the respondents said, "I can't forget the day I took punitive action on a certain undisciplined officer who was a relative to the Commissioner of Police and instead it was me in a few weeks that was maliciously transferred". Another respondent described his working with police as a waste of time saying:

For us, we have been working tooth and nail since recruitment into the police but no benefits, no promotion and not even dignity yet on the other hand, there are officers who even deserted and went to Iraq and Afghanistan for better security jobs but after their security services were terminated, they came back and through corrupt means, sneaked back into the police, claimed arrears and also gained promotions. Police corruption according to respondents' narrations has been syndicated. It is difficult to operate at an individual level.

New arrivals are assessed by how much initiative they have at extortion and not how strong their sense of duty is. A police respondent stresses how he has seen a situation when police officers have refused police bonds at police encouraging cases to go to court, but because the sale of police bonds has become a culture in police, the police officers release offenders on transit from police to court. Traffic officers have strict orders to forward traffic offenders to court and compel them to pay government fines, and they have preferred to connive with court officials to sell fake court receipts to traffic offenders taken to court. As long as the police mentality is that justice is sold, then they will look at every case file as a product on market thereby perpetrating persistence of corruption.

2.2.3 Police as a job

Police as a job is a contributing factor to persistence of corruption in police departments. In Uganda, it is the role of a police officer to prove beyond reasonable doubt that the suspect actually committed the offence by gathering evidence, testifying in court, producing witnesses to court and re-arresting (in cases where courts release offenders) although courts have discretion over sanctioned cases. The police have also to protect the witness, pay for transport of witnesses yet they do not sufficiently have such resources hence prompting obvious extortion from suspects and victims. The procedural hardships of bringing criminals to book, advantages police corruption at the expense of justice in stressful criminal courts. As Davis (2006: 55) in her journal article "Undermining the rule of law" argues, the problem is that a corrupt police force and a weak judicial system exist as interrelated entities that together undermine the rule of law and adds that such a situation creates an environment where criminality flourishes, even among police officers themselves. In such circumstances, it is only the cases of what most respondents referred to as "uncooperative complainants" or those with political support that are sent to court. Even then, a police officer is still capable of hindering investigations. This is evidenced by the behavior of impunity exhibited by police officers who were bribed to kill evidence in what Grace Akullo, the Director of Criminal Investigations and Intelligence Directorate (CIID) called a "complex case": a pension scheme scam in Uganda where pensioners' benefits were swindled by unscrupulous officials in public service (Mugerwa: April, 24, 2015). These alleged corrupt officials were arrested but soon, errant police officers obtained bribes and hindered the due process. Purport

Some scholars such as Scaramella, William and Steven (2011) have proposed the "noble cause", an ends-oriented approach as a causal factor for perpetuated police corruption. Here, officials will use unethical and illegal methods in order to obtain given outcomes always common with police officers that care too much for their jobs. This approach is about the police officers that do wrong things in order to rid streets of "bad guys" (criminals on rampage) Scaramella et al (2011: 268). There is plenty of evidence to suggest that this is a widespread practice in Uganda today. However it is not always very clear whether the corrupt police officers employ falsification of evidence or corrupt/fabricated witness statements to enable them to dodge poor criminal law or whether weak laws induce the corrupt officers' actions. Today, there are many cases of miscarriage of justice facilitated by insufficient scrutiny of the justice system. Also, it has been noted that the formation of elite squads such as 'fly squad' and Special Operational Unit (SOU) with minimum supervision and free to do more or less what they want, is invariably a counterproductive measure in the fight against corruption because such conditions are conducive to corrupt practices given the many examples of how this has gone wrong in the past, such as Idi Amin's State Research Service Bureau among others. The "noble cause" theory, however, is relevant to only an insignificant part in the policing process and not a generalizable factor.

The position of police is one of a middleman between offenders and public, which is quite a challenging position. Especially, in cases where public distrust of the police is high and the police are seen as part of an insecurity problem, it becomes difficult to do a policing job. While the suspect may be very cooperative with police, the complainant may be very strict on police response. In the end, the police may work with a suspect to defeat justice and rule of law after all; the suspect can pay a bribe. Also, respondents argue that while suspects may pay to defeat justice, complainants might pay to buy justice. Sometimes complainants are falsely reporting and will pay the police to meet their intended objectives ranging from vengeance to forcing their victims to submission.

Some police respondents described a lack of alternatives asking what was wrong with police officers extorting from the perpetual offenders. It is a better position for junior ranks to extort while at least showing some police visibility than allowing insecurity and violent gangs to accelerate to greater magnitudes. Also, if supervisors put their juniors on serious performance and accountability pressure, they may remain alone with no one to supervise which will make their command difficult.

Yet the superiors want to see people working, since they cannot understand stories of strict measures against corruption. "Solve the insecurity problem first and minor issues like corruption will come along thereafter," a respondent concluded. Everything in police relates to discretionary powers that every office has in this country, according to one of the police respondents. It is obvious that courts have higher discretionary powers than the police on all cases, at least on those taken to court. This is because police officers have a responsibility to provide sufficient evidence beyond reasonable doubt if a conviction is to be obtained. Some respondents argue that, corruption is a form of advocacy by disadvantaged people in institutions (those who do not have opportunities to exercise discretion powers). Those in offices with higher discretion regard corruption as an opportunity, while those in less discretionary offices view corruption as misuse of power. Ability to assert pressure and opportunity to decide are relevant prerequisites to corruption in Uganda.

Also, one of the respondent's opinions was that we must acknowledge that corruption cuts across all government offices. It is obvious that court cannot be effective if police is not. There has been also a discretionary power struggle between the police and courts. Even if police officers want to prosecute offenders in the interest of justice, courts, given their powers of discretion, will act otherwise. The respondent narrated how he has seen many scenarios where he has refused bribes but upon forwarding the cases to court, offenders have paid bribes and subsequently cases have been dismissed, thereby regretting effortlessness in delivery of justice.

2.2.4 Police corruption as part of the incentive structures

Privatization and monetization of rule of law is yet another credible factor. Monetization of rule of law is generally primarily responsible for preservation of corruption in the institutions responsible for enforcement of rule of law. Police officers are aware that even if a matter is taken to court, the offenders will involve in the trade of justice with lawyers and court officials. Therefore, police instead prefer handling matters at police level thereby using their discretion as a commodity, a situation that perpetuates corruption. For example, police bond (a document informing a suspect of temporary release from detention) is free but in Uganda, it has proved to part of the political economy of policing. One receives a police bond after a hassle of market place-like negotiations.

There is frustration derived from criminal courts that provide justice quandaries because courts mix rule of law and economic access to justice. According the police respondents, courts on many occasions are siding with suspects and putting pressure on the police for sufficient evidence. "We are a justice system but why should we prove to courts beyond reasonable doubt when the court is receiving bribes and working to frustrate our efforts?" asked the respondent. For example, on many occasions, police officers have decided that justice prevails on certain cases like child sacrifice but the courts have made justice a source of wealth.

2.2.5 Police as a law enforcer

Police in the search for material gains facilitate avoidance of taxes and congestion of petty yet disastrous foreign direct investments, which in turn limits domestic economic capacity of developing countries like Uganda. At police level, every case that attracts extortion is considered *juicy* in a sense that it has economic importance. In such cases, monetary gains from the criminal files are given preference at the detriment of dispensing justice. This, by implication, means that corruption will prevail since everyone working for law enforcement works to defeat justice while exploiting the economic benefits involved.

2.3 Conclusion

This article comprised a critical analysis of causality of police corruption. The respondents' narratives and opinions have been critically analyzed. Relevant literature too has been analyzed to reflect on causal accounts of police corruption in Uganda. As noted, causal factors are complex and multi-faceted; therefore no single account can easily justify any social phenomena. However, this study identified the following as the major causal factors fundamentally responsible for police corruption in Uganda today: police as a job and the system in which police officers operate, the practices both conscious and unconscious that lead to regime protection; police as a culture with embedded symbolism, norms and practices and the strong social bonds of loyalty that facilitates institutional secrecy; the noble cause thesis common in systemically corrupt institutions; police discretionary powers; and privatization and monetization of rule of law.

We note one important thing from this analysis that is; discursive practices and socio-cultural realms of policing, account for a significant explanation for causes of police corruption yet maintaining the importance of rationalists' account. Like causal factors of police corruption, search for countermeasures yields results if discursive practices and socio-cultural realms of police officers are given significant attention. Also overall, the effects of police corruption can be devastating thereby affecting individuals as well as supra structures such as the state.

Table 1.1 showing the summary of the article's argument

	Rational Institutionalism	Sociological institutionalism	The Argument (Relational) But more normatively biased
Causal factors of police corruption	-Instrumentalist in nature: <i>Focuses on analysis of incentive structures like poor salaries and other economic facilitation</i> -Poor Legal framework strengthening -Instrumental regime protection Etc.	-Discursive practices within the social realm of police institutions arising from informal and taken-for-granted actions and appropriateness logics are dominant	-Cultural values that arise out of informal repeated actions are relevant to institutional behavior. Rational-oriented aspects are also desirable additives especially in formal rationality and procedural regularity common in formal institutions

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