



The National Integrity System in Tanzania

Arusha II

**Proceedings of a Workshop convened by the
Prevention of Corruption Bureau, Tanzania**

**Arusha, Tanzania
December 14-15, 1996**

Transparency International-Tanzania, the Prevention of Corruption Bureau, and the
Presidential Commission Against Corruption, Government of Tanzania

Facilitated by Transparency International and
the Economic Development Institute of the World Bank

Funded by the Overseas Development Authority

The Public Leadership Code of Ethics Act¹: A Critical View

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Abstract

The leadership in Tanzania has lost its moral authority. It is time that moral authority was restored. The attributes of good leadership include: honesty, sobriety, self-restraint, transparency and probity. The code of ethics is one step towards preventing leaders from using their positions to accumulate private wealth, property or privilege at the expense of the governed.

The present law on ethics is unsatisfactory in that it lacks an effective mechanism for ascertaining the declared assets, properties and liabilities by leaders. The law must be overhauled to reflect its intentions and purposes befitting to curb impropriety and conflict of interest.

The general public must be informed and involved in this process because they are the ultimate watch-dog of the national ethics and integrity. The civil society can play a constructive role if properly empowered to developing and strengthening ethics and best practices in the public sector where abuse of office is rampant. Civil society must claim ownership and defend its own values so that the leadership is held accountable to the people.

Introduction

This paper seeks to argue that the Ethics commission should be strengthened and made accountable to the parliament. That the Commission be independent from the Executive control to be able to discharge its statutory functions properly. It is recommended that the current law on ethics required a complete overhaul to make it effective.

Ethics and the Leadership

Ethics or moral philosophy is concerned with conduct and character of human behavior; and distinguishes right from wrong and good from bad. Experiences have led to ethical inquiry about consequences of an action that earlier on seemed perfectly acceptable. Thus, there are questions that have to be answered: How can disputes about consequences of a action that earlier on seemed perfectly acceptable. Thus, there are questions that have to be answered: how can disputes about moral questions be resolved? It is the task of ethics to answer such question.

¹ Act no. 13 of 1995 which became operational on 1st of July 1995.

² Views expressed in this paper are those of the author and do not necessarily represent the views of any other institution.

Public opinions indicate that confidence in government has been declining since 1980s. The public's growing disillusionment with government is often attributed to a rise in malfeasance of office.³

In order to contain scandals within the government leadership, the law must regulate and prohibit the use of public office for private gain. The major concern here is the conflict of interest. High ranking officials are required by law to file a written declaration in a prescribed form of all their property and assets and liabilities owed to them, their spouse and unmarried minor children.⁴

The law is silent about other officers who are holding sensitive jobs other than those mentioned,⁵ for example, those officers dealing directly with government contracts and defense procurement. In my opinion the law should:

- a) expressly prohibit to hold interest that conflicts with government duties.
- b) Officials must be asked to disqualify themselves once a disclosure is detected that there is a conflict of interest.
- c) prohibit the participation personally and substantially while in government in relation to such matters that suggest impropriety
- d) influence-peddling for lobbying purposes.

Enforcement of the Code

The Ethics Commission has no investigative machinery to ascertaining the declared assets, properties and liabilities by public leaders; though it has powers of investigation through a tribunal. If the allegations or complaints relate to the President, the law requires the Commissioner to submit the same to the President and

³ The following are guide to ethical conduct for public office.

A public servant must avoid and action that might result in or create the appearance of:

- Using public office for private gain.
- Giving preferential treatment to anyone
- Impeding government efficiency or economy
- Losing complete independence or impartiality
- Making a government decision outside official channels.
- Affecting adversely the confidence of the public in the integrity of the government.
- Accepting anything of monetary value, including gifts, gratuities, entertainment or loans from any person who has or seeking to obtain contractual other business of financial relations with your agency. Exception for gifts, gratuities, entertainment or loans that stem form a family or personal relationship where the circumstances make it clear that it is that relationship rather than the person concerned that motivates the gift.
- Post employment restriction include prohibition form public employees from switching sides. For example, client on contract that you administered while with the government.

⁴ Act no 13 of 1995—s.9

⁵ *ibid.*, s.4

to the Speaker of Parliament. The Ethics Commissioner is enjoined by law to inform the President and the Speaker when any public leader is complained against.⁶

The Ethics Commissioner has to notify the President and Speaker of the allegation against any leader. Consultation with the Attorney General and the Chief Justice on the appointment of the Tribunal to investigate the allegation is required.⁷ The findings of the Tribunal shall be completed within forty-five days since its appointment.⁸

It is submitted that the Ethics Tribunal cannot function as an investigator, prosecutor and judge at the same time. This is a violation of the due process of the Rule of Law. The consultation with other senior officials of other branches of government is to make the Commissioner more vulnerable to other influences that may not make his office an effective one.

It is also observed that the reporting process by the Ethics Commissioner to the President and the Speaker at the same time makes the powers of the Commissioner circumscribed. Setting time-limits for the tribunal to complete its findings may be arbitrary depending on the nature of the complaint or allegation.

Another anomaly is to expect the President to lay the Ethics Commissioner's report before the National Assembly.⁹ The Constitution of the United Republic of Tanzania¹⁰ is classified as "Presidential system" as opposed to "parliamentary system" or Westminster model.

In the case of Presidential system, the head of the Executive Branch is also head of State and is not a member of or directly responsible to the Legislature. In this respect, the President cannot in any way be directly responsible to the Parliament in submitting the Ethics Commission's report.

Another problem that the Commission has to face is the difficulties involved in scrutinizing those who are, by line of duty, close to the Presidency. The perception of double standards must be avoided and eliminated if the Code is to achieve its purposes.

It is suggested that the appointment can be done by the President but confirmation and accountability of the Ethics Commissioner be placed to the

⁶ *ibid.*, s.23(2) and (3)

⁷ *ibid.*, s.23(4)

⁸ *ibid.*, s.23(5)

⁹ *ibid.*, s.23(7)

¹⁰ The 1977 Constitution, as amended from time to time, to accommodate changes that are taking place.

Parliament to make it more transparent and effective. The current position is unsatisfactory and has to be changed.¹¹

Conclusion

In view of the above discussion, clearly the law as it stands is unsatisfactory. It has to be overhauled to match with the desired expectations.

The principles of ethics specify moral obligations which transcend obligations imposed by laws and formal codes of ethics. Public servants and leaders are compelled to adhere to higher standards embodied in the notion of public service. These ethical values should be viewed positively in order to restore the fading away of public trust and confidence in the leadership.

It is one thing to enact a comprehensive law; but another to disseminate ethical values to our children and youth. The role of civil society is decisive in this regard. Parents, religious and professional organizations should take the lead to inculcate these values through teaching and strict observation of the ethical rules. The balancing of our personal and cultural values on the one hand and ethical standards on the other must be exercised for betterment of our national integrity system.

¹¹ *ibid.*, s.20(3)—The Commissioner shall be appointed by the President, shall hold office for a period of not less than five years and may be removed from office only for good cause involving dishonesty.

References

The Public Leadership Code of Ethics Act No 13 of 1995.

The Constitution of the United Republic of Tanzania, 1977 (as amended from time to time).

Some Practical Steps to Contain Corruption in Service Delivery in Tanzania

Dr. Brian Cooksey
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Introduction

It is generally accepted that the quality of social services provided by central and local governments in Tanzania leaves much to be desired, and that one reason for this is the prevalence of corruption. Corruption occurs at different levels in the social services, from the central ministry down to the region, district and village. Corruption is also present in the non-government sector. The cumulative effects of corruption on and in service delivery can be devastating. Corruption:

- reduces tax revenue for government service provision, including the social services;
- channels social sector funding from priority to non-priority services;
- subsidises the rich at the expense of the poor;
- prevents citizens from obtaining any services or services of an acceptable quality;
- denies citizens' basic human rights.

The wider potential consequences of corruption in social service delivery include:

- perpetuation of underdevelopment through low levels of literacy, high morbidity and mortality rates;
- deepening of social inequality and potential for political violence.

Corruption should be seen as a contributory factor to these highly negative outcomes. Corruption is often associated with:

- undemocratic political regimes;
- over-centralised, over-bureaucratic polities;
- economic stagnation or decline.

Definition

Simply put, corruption is the misuse of public office for personal gain. There is a continuum of corrupt practices, from the petty to the "grand." The urban and rural poor are regularly the victims of petty corruption in service delivery. Grand corruption can be devastating in its impact on the quality and quantity of social service provision.

Although corruption is a major constraint on the efficient and effective delivery of social services, even without corruption social service provision would be severely

constrained by underfunding, low motivation of service providers, poor management and waste, and lack of democratic accountability. In practice, it is difficult to draw a line between corruption, inefficiency and lack of accountability, since they all feed off and depend on one another. By the same token, combating corruption in the social services involves increasing funding and efficiency, transparency and accountability.

The margin between using resources for unintended purposes and corruption is not easy to establish. For example, a school teacher may spend much of her/his work time providing private tuition to a limited number of paying students, perhaps using government premises, but arguably s/he is still providing a useful service which, although officially frowned upon, is hard to condemn as "corrupt."

The official government policy on social service provision is that the end-user should increasingly pay for what s/he gets. This is known as "cost sharing" or "cost recovery." In practice, however, cost sharing has been going on for a long time, albeit more or less unofficially. Service users are used to paying for what they get. This may or may not involve "corruption." Enrolling a child in a popular urban school may involve an unreceipted payment. State employed doctors refer patients to their private clinics and dispensaries for treatment and medication.

When such practices are routine, one could easily argue that what is officially a state-provided, free/subsidised service has simply been "privatised." However, corruption may well be involved in such a system, as when drugs are diverted from the public to the private sector. Formalising private payments for social services without permitting the corrupt use of public resources is a major challenge for policy-makers.

Forms of Corruption

Forms of corruption with highly negative impact on social service provision:

- non-payment of taxes

In Tanzania it has become routine to avoid payment of import duty, sales, company and income taxes, and counterpart funds for goods imported under import support schemes. Predictably, government revenues suffered, reaching a budgetary crisis in 1993 which resulted in many donors suspending balance of payments support.

Citizens are reluctant to pay the development levy. This tax was supposed to cover 40 percent of local government expenditure. Instead, it covers only 6 percent. Development levy receipts may be issued in exchange for a proportion of the levy (Shs 1,500 for all males over 18) paid as a bribe. People are understandably reluctant to pay the levy when services are so poor, and (they suspect) corruption so rampant.

- misuse of donor assistance;
- misuse of government revenue (recurrent and capital accounts);
- embezzlement of money collected from communities, parents, farmers (ad hoc "contributions," crop deductions), businessmen, benefactors (via sponsored walks, etc.) for school/hospital building, provision of desks, etc. The embezzlers include politicians, government employees at

different levels, and managers/directors of non-government education trusts.

The following examples of corruption are mostly anecdotal and qualitative, since by definition it is difficult to quantify corruption in service provision, and to measure its direct and indirect impact.

Education

Though difficult to quantify, corruption is pervasive in the education system from the national to the regional, district and school levels. Although the level of corruption is often relatively petty, in aggregate terms the effects are large. For example, corruption in secondary school selection undermines parents' confidence in the system, and contributes to falling enrolment rates.

National Level

MOEC accounts staff routinely misuse/embezzle Ministry funds. The annual report of the Controller and Auditor General on government expenditure routinely points out examples of unrecorded or unreconciled expenditure by government ministries, including the MOEC, of hundreds of millions or sometimes billions of Shillings. These reports are never acted upon. Apart from misuse of recurrent expenditure, the largest opportunities for corruption in the education system relate to donor-funded projects and programmes.

Case 1: Textbooks

It is claimed that over 18 million textbooks have been produced for primary schools and large numbers of exercise books with financial and material assistance from Sweden. Yet a recent "baseline study" undertaken by Bo Sedin using MOEC staff found continued evidence of widespread shortages of textbooks in schools across the country. The explanation offered is that textbooks reaching the schools were simply put in stores.

Others claim that the books found in the stores are mostly old texts which have been discontinued as a result of curriculum changes in previous years. The figure of 18 million books is false.

On one occasion, paper provided by SIDA to produce exercise books was diverted to other purposes.

Parents regularly maintain that they buy textbooks in the open market. It is claimed that many textbooks destined for up-country distribution never leave Dar es Salaam. Examples are known of District Education Offices selling textbooks which are supposed to be distributed free.

Exercise books made in Tanzania under the same SIDA's programme are found on sale in Malawi.

It is surprising that after many years of support for textbook production, including the provision of full-time Swedish consultants, the first study of book distribution has only just taken place. SIDA support to textbook and school materials is valued at \$400 million.

Case 2

Secondary school textbooks written by senior MOEC staff are made compulsory reading, even in private schools receiving donor assistance to purchase them.

Research shows the textbooks to be of very questionable quality and difficult for students to understand in comparison with other textbooks for the same subject and grade.

Regional/District Level

- Misuse of donor money intended for private school building or equipment by school trusts' managers and directors (see Appendix 1).
- Donors (bilateral, church, international NGOs) had out sometimes large sums of money to education trusts without adequate financial controls or accounting mechanisms. Building contracts are often a mechanism for theft by trust fund managers/board members.
- Questionable use to which aid is put, for example, UNICEF support for Child Survival and Development educational activities, SIDA money for adult literacy/post-literacy, which is "earmarked," but is frequently used for other purposes.
- Payment of bribes by teachers to DEO to be transferred to another school/area or not to be transferred.

School Level

The cost of ensuring that national examinations are not corrupted is huge, given the general underfunding of the sector. Yet there is still a widespread perception among parents that examinations are neither free nor fair. The practice of not publishing Primary School Leaving Examination results beyond the pass/fail level encourages the belief that results are manipulated by officials and influential parents.

The district quota system, which until recently (?) allocated (the very limited number of) Form I places in government schools contributed to this belief (see TADREG, Appendix 1). As a form of bureaucratic rationing, the quota system inevitably led to widespread corruption. Teachers are accused of transferring their Standard 7 children to village schools, where they "pass," by fair means or foul. Repeating Standard 7, though officially illegal, is widely practised.

Examinations are manipulated in corrupt ways (note, this is not necessarily just or primarily a school-level phenomenon):

- Examination papers are sold before the examination (sometimes, according to press reports, the wrong papers are sold, leading to bitter public accusations of foul play by the aggrieved party);
- Student X sits the exam on behalf of student Y;
- Teachers/invigilators help students answer examination questions (whole schools may have their results annulled as a result of this easily identified practice);
- District quotas of Government School Form 1 places are manipulated, for example examination numbers and therefore students are exchanged.

- Payment of bribes to enrol a child in a particular school. This is common practice in urban areas.

Are parents paying bribes in order not to send their children to school, or in order to withdraw them? Given that the opportunity cost for the rural poor of sending children to school - that is the labour value or income foregone by so doing - is a multiple of the direct costs (World Bank 1994), it is quite possible that some parents might pay bribes in order to get the school authorities off their backs. The apparent lack of any return to basic education for the rural poor might reinforce this possibility. There are examples of parents being fined or jailed for not sending their children to school, since it is "compulsory" to do so (TADREG 1993, page 15).

- Embezzlement of parental/community contributions for building and running schools.

Parental contributions towards the running costs of schools are not formally regulated or accounted for. UPE contributions have been increased from Shs 200 to Shs 1,000, but school heads are allowed to collect up to Shs 5,000. Though the national picture is unclear, the collection rate is reported to be only 36 percent.

Although school fees are now supposed to be retained at the school, there are reports that DEOs still pressurise school heads to hand over the fees. There is every reason to believe that funds collected from schools are simply used up in running the district bureaucracy, with little or nothing spent on improved schooling.

- Primary School pupils are used by teachers and school heads as unpaid farm or domestic labour in the guise of "Self Reliance" activities.

In rural areas this is mostly work on the school farm. In urban areas, some teachers employ pupils to sell their wares, for example snacks, or are pressured to buy the same from the teachers. Children without cash are given credit.

Health

There are many allegations regarding corruption in the health care delivery system. Patients, their relatives and friends, have had to corrupt the system, or have suffered for failing to corrupt the system in one way or another. The public is particularly incensed about corruption in health service provision because ultimately human life is endangered. Ordinary people often mention having to pay for what should be free medical services and drugs when asked to comment on corruption

Of all the social services, only health has a substantial potential for "grand" corruption, involving the procurement of drugs and medical equipment. It is relatively easy for purchasers to make illicit money from the supply of drugs and equipment, for example by simply taking what should have been discounts for large orders as commissions.

The replacement of the Central Medical Stores (CMS) by the Medical Stores Department (MSD) was an attempt to increase the efficiency of drug procurement and reduce political interference in the process. In its initial phase, MSD is being managed by a Danish consultancy company.

Much petty corruption takes place at the service delivery point.

Level	Forms of Corruption
<p>National level</p> <p>Central Medical Stores (now Medical Stores Department)</p> <p>The Ministry of Health</p> <p>Hospitals, etc.</p> <p>Doctors</p> <p>Nursing Staff</p>	<p>Awarding tenders for the supply of medicines and equipment. Burning of expired drug stocks through arson.</p> <p>Training opportunities inside and outside the country</p> <p>Recruitment, placement and promotions.</p> <p>Referral abroad for medical treatment.</p> <p>Pharmacy Board for licensing private pharmacies, etc.</p> <p>Port and airport health officials for allowing in commodities or passengers who do not have valid health certificates.</p> <p>To be listed for a surgical operation or for the operation itself.</p> <p>Heads of Department recommend the procurement of particular drugs or reagents.</p> <p>For timely post-mortem examinations.</p> <p>Referral of patients to personal or interested private clinics.</p> <p>Drugs and equipment supplied to government facilities are used in private clinics and hospitals.</p> <p>To be attended during labour/delivery.</p> <p>To be given the prescribed treatments; whether the medicines are available in the hospital or purchased by the patient.</p>
Diagnostics	For X-ray and laboratory examinations or to get blood for transfusions.
Administration	<p>Recruitment and promotions.</p> <p>Award of tenders.</p>

Rural Drinking Water (see Appendix 3)

Investment in the rural water sector consists almost entirely of donor-funded projects. It is estimated that one billion dollars has been invested in this sector by donors over the years. The largest current donors are Denmark (four regions in the Southern Highlands) and SIDA (the four Lake Zone regions).

Despite these huge investments, the officials goal of water for all by the year 2000 is a long way from being realised. Rural households still report spending an average of three hours a day collecting water. Corruption plays a role in this under-achievement, although it is difficult to quantify or to separate from other causes, including the undemocratic nature of local government, and until quite recently, the relatively non-participatory and gender insensitive nature of most water supply projects.

Pilferage of project materials and embezzlement of project funds are common, though necessarily unquantifiable, occurrences. At the service provision point:

- Village water committees (VWCs) collect money for pump maintenance and repair (VWF), but some or all of it is embezzled, and when money is required to pay for repairs, there is none left. Villagers try to by-pass the village water committees to pay the Scheme Attendants directly.
- An often mentioned practice is that village leaders use Scheme Attendants to put in illegal private connections.

Containing Corruption in Social Service Delivery

Reducing the incidence of corruption in service delivery constitutes a major challenge. There are a number of preconditions which need to be met before any progress can be realistically expected.

- Democratic accountability, or end-user "empowerment"

The fundamental precondition for reducing the incidence of corruption in general is the development of democratic institutions, including a free press, a parliament with an enhanced role in controlling the executive, and an independent judiciary.

By the same token, reducing corruption in social service delivery requires a fundamental reorientation in the relations between service providers and service users. Each "service" has unique features, and thus special needs regarding accountability and empowerment. These are discussed separately below.

- The taxable pay their taxes

Without a growing tax base there can be no lasting improvement in the quality of social service provision for the poor majority or reduction in corruption. The Tanzania Revenue Authority (TRA) has started to increase the tax collection rate, but this increase must be sustained. Equally important, the Government must increase the proportion of revenue spent on priority social service sectors. The collection rate for the development levy must increase while transparent accounting procedures are introduced which assure that income is used for agreed priority local government expenditures, including paying teachers a "productivity bonus."

- Privatisation, civil service and local government reforms must succeed

Reducing the Government's role to provide an "enabling environment" for private economic activity, law and order and national security, and the provision of basic services are also fundamental

preconditions for reducing corruption and improving the quality of social service provision. The decentralisation policy can only work if districts become more effective in service delivery.

- The “downsized” civil service needs to be paid a living wage

Although it is probably untrue that most corruption is a simple function of low pay, one can hardly expect service providers to perform at an acceptable level without improving average incomes. One should be careful to distinguish between salaries and income, because a good number of doctors and teachers make a relatively good living through moonlighting and, as some put it, “daylighting.” The problem is to destigmatise these activities and to incorporate them into a functioning and transparent “system.”

- Improvements in the content and management of aid to the social service sector

Directly and indirectly, aid has come to account for a large proportion of social sector spending, including almost the entire development budget. Yet the misuse of aid, its “fungibility” (use for unintended purposes), and the poor performance over the years of aided projects and programmes, have led many observers to question its utility. Donor agencies and countries are under increasing pressure to increase transparency, and enhance local “ownership” and sustainability of aid programmes and projects. Aid programmes and projects need to be:

- better co-ordinated and policy-based than at present, particularly in education;
- scrutinised much more closely by Parliament before they are agreed;
- more regularly and objectively monitored and evaluated (see Appendix 4).

Sector Specific Solutions

Improving social service provision requires:

- Increased funding from all sources
- More efficient use of funds
- More transparency and accountability in the use of funds

Education

The Government must commit itself to providing basic education for the poor majority, and not put the onus for this on parents through “cost sharing.” This does not rule out community/parental participation in school construction and maintenance and contributing to running costs, according to ability to pay. Parental commitment to contribute to the cost of schooling is undermined by the poor quality of and low returns to schooling.

The policy of decentralisation and end-user participation should be progressively implemented.

The Government should also recognise private tuition as a fact of life, and a valid demand-driven activity, and formalise it into an effective mechanism for paying teachers.

In line with current policy, the Government should publish all examination results, and PSLE grades and ensure that fees collected from parents remain at the school.

Non-government sector education providers such as churches, district and other trust funds, and co-operatives are also in need of a radical reorientation in their activities in line with the above emphasis on transparency and accountability, including better self-regulation and codes of ethics, and disbanding education trusts with party or political affiliations.

Health

As with education, there are both public and private providers of health services. Church run facilities are generally considered to be better run and more “user friendly” than state-owned facilities. Why? Foreign supplies of drugs and equipment, the religious vocation (calling, mission), and the presence of expatriates in management positions have been cited as possible explanations, to which one might add relative protection from the effects of government interference. Higher salaries for service providers is not cited as a cause.

Cost sharing has been introduced in the absence of any marked improvement in the quality of services and the availability of drugs, probably resulting in a fall-off in the use of government health facilities by the poor majority.

As with education, encouraging private sector involvement in health care requires careful regulation to avoid abuse.

A major Health Sector Programme incorporating numerous components of current health policy reform is currently being implemented by the Ministry of Health. The overall objective of the reform is to increase the district’s capacity to provide good quality health services. Improved organisation and management, including the introduction of a district-level Financial Administrative Management System (FAMS), is one of six major focuses of the programme.

One of the justifications for the choice of programme components is that the support should promote the development of accountability and transparency in the health sector.

Specific steps to reduce corruption (not related to the above):

- State employed doctors with their own private clinics should be required to leave state employment in order to avoid conflicts of interests and the temptation to use public facilities and drugs for personal benefit.
- “Moonlighting” by health professionals in private hospitals should be allowed to continue provided that it does not interfere with official duties or give rise to the misuse of public property.

Drinking Water

- The recent amendment to the Tanzanian Water Policy (1995) entitling users to decide on the management structure of water installations should

be implemented. Most villagers have never been informed of this policy change.

- Users around water points should be encouraged to form user group committees, to collect and retain funds at water point level, and to buy maintenance and repair services directly from scheme attendants or other technical services. (AfroAid 1996:41).

The quality of urban water supplies is undermined by inefficiency and waste, through broken pipes and illegal connections, with or without the collaboration of the water company. Plans are afoot to privatise urban water supply.

BIBLIOGRAPHY

Riedmiller, Sybille (1996). *Evaluation of the village follow up programme, Rural Water Supply project in Iringa, Mbeya and Ruvuma Regions*, AfroAid for Danida Maji (October).

Tanzania Development Research Group (1993). *Parents' attitudes towards education in rural Tanzania*, Research Report No. 5, Dar es Salaam (November).

World Bank (1994). *Social Sector Strategy*, Washington/Dar es Salaam.

Education

Headteacher in trouble over embezzlement

By Assah Mwambene of TSJ
Daily News, November 11, 1996

MPAKANI Primary School board and parents were expected to meet in Dar es Salaam yesterday to discuss the fate of the school's headteacher...who is accused of embezzling more than 12m/- (US\$24,000) contributed by parents.

The school's board chairman...said in the city that the school board was expected to meet separately before a joint session with parents.

Mr. ...said the headteacher failed to account for the money before the board which met last week.

According to the board chairman, the missing money included 5,500/- entry fees charged on Standard One pupils and 5,000/- desks contributions by all pupils for the 1995/96 academic year.

"We have called the parents' meeting to verify the exact amount of money so that we take him to task." said...adding that all parents had been asked to come with their payment receipts.

Mr. ...said that the teacher had already been directed by the Kinondoni zonal educational office not to receive further contributions from parents pending resolution of the 12m/- riddle.

Mr. ...dismissed the allegations as baseless saying they were aimed at tarnishing his name, claiming that the board chairman had a personal grudge against him.

Temeke teachers cane whole classes

By Lwaga Mwambande of Shihata
Guardian 16 October 1995

STANDARD five and six pupils at Wallesi Primary School in Dar es Salaam were last week caned for talking to reporters, telling them that their teachers were forcing them to offer tips in order to be taught.

Reports reaching the Tanzania News Agency (SHIHATA) yesterday said the pupils were whipped three strokes each.

Certain newspapers said last week that pupils at the school were compelled to contribute 20/- per day, as teachers would not teach them until they offered "soda" (soft drink), a dubbed term for cash tip.

The pupils told SHIHATA that the teachers preferred tuition lessons to normal classes where they hardly taught if they were not paid the 20/- in "contribution" from each pupil....

Some of the pupils who accepted to talk to SHIHATA sought pledges that the matter would not come up in the newspapers again, for fear of being victimised.

After the "soda" contributions hit the pages of the newspapers, the practice ceased forthwith.

"You told Radio One that we have demanded twenty shillings contribution from you; now we are whipping you then go and tell Radio Two," the teachers taunted as they prepared to administer corporal punishment on the pupils.

Teachers in the various city primary schools have been using pupils as cows for routine personal gains contrary to all established norms.

Such practices are a headache to parents, exposed to costs of school fees, stationary, uniforms and bus fares, before adding sporadic extortion practiced by individual teachers or schools as a whole to resolve unending dispute on their remuneration with the government and the city council.

Pupils in many schools are routinely harassed with orders to buy buns, ground nuts, ice cream or boiled cassava brought to school by teachers...

An article in *Family Mirror* (October 1993) accused Mbeya Region WAZAZI (Parents' Association TAPA) "bigshots" of using schools as income earners for themselves. Opening schools gives political status, irrespective of the economic viability of the schools. WAZAZI are said to be using income from Meta, Irambo, Lupata, Mbalizi and Chimala "for establishing other profit making projects owned by individual leaders." Meta headmaster is alleged to have misused fees and donor aid. Meta is support by NORAD, Bread for the World, the Canadians, the Moravian Church, CCT, SIDA, local parents and businessmen. According to the report, "Little of this aid has actually benefited the school." The headmaster of Chimala was sacked for not collaborating with WAZAZI bigshots. NORAD funds for the "laboratory" were misused. Bigshots' children do not pay fees. School funds were used to build the "WAZAZI Small world Social Club, Bar and Guest House," opposite the school. "The so-called Income Generating Projects can divert attention away from teaching and may never contribute a penny profit to the school."

A letter to the editor of the *Family Mirror* (First Issue December 1993) from WAZAZI headquarters in Dar es Salaam said that "All the negative points raised will be dealt with accordingly. WAZAZI has no room for people who misuse funds, projects or donations. Help us in exposing the bad elements hence keeping the good name of WAZAZI."

Another letter in the same edition signed by "Worried Teachers" of Lupata Secondary School said the original letter was "quite true." The letter mentioned "starting up schools without prior planning; improper auditing; unqualified cashiers - usually relatives, friends, or even lovers of the higher authorities." In Lupata the headmaster pays the burser more than teachers. School finances are a secret. Funds are misappropriated. Shs 1.5 million from the Netherlands were not properly accounted for. Proceeds from projects undertaken by students and teachers "are totally secret." The fear is expressed that promised NORAD aid will be misused too.

Quotations from TADREG Research Report No. 5 *Parents' attitude towards education in rural Tanzania (1993)*

They are telling us all this money [parental contributions] is for the development of our district, education included of course! But nothing has changed: our children still sit on the floor, no desks, no writing materials...not to mention the state of the roads and hospitals. We yearly see tax collectors disappearing with our money, others building expensive houses in town without even being questioned. Yet we are told to contribute more. They have taken enough for us to notice. For sure, the government of the day doesn't care for its own people. (p. 21)

"Wanadai pesa kila siku ila matumizi hatujulikana." (Every day they want money but we never know what it is used for). (p. 22)

Three out of five parents agreed with the statement: "Nowadays, only rich people's children go to secondary school."

It is true that these days only rich people's children go to secondary school. There are many allegations that Standard 7 exams are sold." (p. 37)

"How can we say that the education system is fair while those who go to government secondary schools are not the ones who were doing well in class, but only teachers' children and relatives, or children from well-to-do families?" (Arumeru mother) (p. 37)

"The nature of the relationship between the school and the community is based on hostility and suspicion. The headteacher and other staff are viewed as not qualified for their work. They are not trusted by parents. They are seen as if they are there to generate income for their benefit by using school children. One teacher was heard calling the children prisoners when they were working in his shamba." (Sumbawanga) (p. 39)

"The relationship between school and the community is based on hostility, suspicion and resignation." (Singida) Parents resent the exploitation of their children in providing free labour and the tendency of some teachers to seduce their daughters. (p. 40)

Health

From "Third World hit by traffic in fake drugs," Phillippe Broussard, *Guardian Weekly*, November 10, 1996, p. 14.

"The World Health Organisation (WHO) estimates that at least 7 percent of drugs sold worldwide each year are fake. The percentage may be as high as 30 percent in Brazil and 60 percent in Africa, where counterfeiters act with complete impunity because of corruption and crumbling health structures.

The pharmaceutical industry, the WHO and non-governmental organisations such as Medecins Sans Frontieres (MSF) and Pharmaciens Sans Frontieres accept that in some countries the situation is out of control.

...MSF laid down guidelines for its teams operating in developing countries: "In almost all such countries there has been a proliferation of pharmaceutical...products which either do not contain sufficient concentrations or are debased or counterfeited. The use of local supplies is therefore forbidden in cases where MSF is not in a position to handle local purchases without risk."

Appendix 3

Rural Drinking Water

Quotes from Riedmiller, Sibylle (1996). *Evaluation of the village follow-up programme, Rural water supply project in Iringa, Mbeya and Ruvuma*, AfroAid (October).

The political changes towards democracy have not yet effectively reached most villages. There is a widespread lack of accountability of the present village leadership, including the VWCs and particularly the Village Executive Officers (VEOs). VEOs are employed by the District Council to collect the development levy, they control all financial matters in villages and are seen to have political support from higher government levels, even in cases of evidence of misuse of unaccounted for "contributions" from villagers, have remained in leadership positions and are suspected to treat the Village Water Fund as another welcome source of private income." (p. 6)

Though reluctant for good reasons, users are sometimes forced to contribute to the VWF by the village militia or through deductions from crops sold to still operating government-controlled cooperatives...As VEOs in some districts appear to have been recruited from the former staff of the corrupt and heavily retrenched cooperative sector, they remain in crop marketing and can therefore forcibly deduct water fees. (ibid)

In none of the (15) villages visited are contributors informed about the use of the water funds in a way which allows control. As a consequence...many people express strong feelings of mistrust towards the Village Government and the VWCs and often reveal cases of misuse of funds. Even where such misuse is not evident...it is generally taken for granted that "leaders eat the money" and that there is little the villagers can do about this. (ibid)

Another often mentioned practice was that village leaders use scheme attendants to put illegal private connections and cause underground leakage... (p. 18)

...it is alleged by many people that private connections are still easily obtained by those who process the applications and do the connections, particularly members of the Village Government, the VWC, the Group Scheme management and the Scheme Attendants. While officially the application costs some 15,000/-, an applicant can get the (unofficial) authorisation for 10,000/-. Another 15,000/- are to be paid to the scheme attendants who also sometimes provide the pipes, cocks, etc. allegedly stolen from DANIDA stores. Such "unofficial" connections cost between 50,000/- and 130,000/- depending on the distance of the house to the pipes. People with unofficial connections are not charged the monthly water fee of 300/- to 500/- (p. 28)

Service Delivery Surveys

Support for improving the quality of service delivery through research and monitoring

There is a growing trend towards documenting end-users' experience of service delivery (or non-delivery) within governance programmes. The objectives of Service Delivery Surveys include the following:

- To provide national and local governments with information on the quality of service delivery;
- To allow the intended beneficiaries of state provided services a voice in the management of these service;
- To document the incidence, form and consequences of corruption in service delivery;
- To provide baseline and follow-up information on which to judge progress in efforts at reform (civil service, local government, revenue collection, social services including health and education);
- To provide indices against which to gauge the benefits (and costs) of political democratisation as regards "stakeholder" "empowerment."

By documenting problems in service delivery it is hoped that the public and political debate on the state's performance in reform efforts will be further strengthened.

MPs Corruption Survey: Dodoma, August 1995

Results of an Attitude Survey on Corruption

Brian Cooksey
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The Arusha II Integrity Workshop (December 14–15) coincided with the publication of the report of the Presidential Commission against Corruption, popularly known as the Warioba Report. Participants at this important workshop, which was organised by the Prevention of Corruption Bureau and Transparency International, Tanzania Chapter, and funded by the British Government, were drawn from both government and civil society. During the workshop, the participants filled in a short questionnaire on issues related to corruption in Tanzania. The full results can be seen on page 143. Although the survey is small (28 respondents) the results nevertheless provide useful information, and generally confirm impressions gained from a much larger sample of Members of Parliament surveyed during a Parliamentarian's Workshop on the National Integrity System held in Dodoma earlier this year.¹ The results of the survey are summarised below.

Levels of Corruption in the Country

Hon. Warioba admitted that the extent of corruption in the country had come as something of a surprise to his Commission. Corruption was pervasive in all sectors covered by the Commission.² Asked to score the level of corruption in different sectors on a scale of zero to ten, construction contracts scored 9.2, government supplies 8.6, health purchases 7.8, and education supplies 6.8 (Table 10, see page 146).³ Using the same index, revenue collection scored 8.8, the police 8.6, the judiciary 8.5, health 8.0, education 7.5, and pensions 6.1 (Table 15, see page 147). These results confirm the Parliamentarians' overwhelming perception that corruption is a 'serious problem' in Tanzania.⁴

¹ Brian Cooksey, Petter Langseth, and Fiona Simpkins (Eds) (1996). *The National Integrity System in Tanzania, Parliamentarians Workshop*, Dodoma, 10 August, p171-5. The Parliamentarians' Workshop was organised by the Prevention of Corruption Bureau and the Presidential Commission against Corruption, facilitated by Transparency International and the EDI, Washington, and funded by Danida and the ODA. Cross references are made in the text below.

² Other sectors characterised by high levels of corruption which were not covered by the report include the military and foreign aid. On the latter see Appendix 2.

³ Corruption in government supplies is discussed in the Musiba's workshop presentation, and in health and education in Cooksey's.

⁴ Cooksey et. al., op. cit., p. 174, Table 14.

Trends in Corruption

Although participants were on the whole quite impressed by the President's anti-corruption strategy, most participants (64 percent) thought that the level of corruption had either remained constant or increased somewhat in the first year of the Mkapa presidency (Tables 2 and 1, see page 143). Most respondents saw the evident failure of many government leaders to endorse the President's declared fight against corruption as seriously undermining its impact (Table 3, see page 143). The Warioba report was equally critical of all branches of government for their non-cooperation with the Commission during the near one year of its deliberations. During the Parliamentarian's Workshop, Hon. Warioba was also critical of the tendency of the three branches of government to blame each other for corruption rather than to see it as a common problem requiring a common solution.⁵

Defects of the Present Accountability System

Opinions were divided on the degree of ministerial accountability in the present system of government (Table 4, see page 144). One third of respondents thought that arrangements to question Ministers and hold them responsible were effective, but the same proportion thought they were not. The recent unprecedented resignation of the Minister of Finance following allegations in Parliament of corruption may help explain this divided opinion. Significantly more respondents thought that the information available for MPs to discharge their functions effectively was poor or insufficient (57 percent) than that it was good or sufficient (32 percent) (Table 5, see page 144). Most respondents (71 percent) also thought that MPs were dominated by their party's interests (Table 6, see page 144). By contrast, only 3 MPs out of 129 thought that they were accountable in the first instance to their party, compared to 73 (57 percent) and 53 (41 percent) who said they were accountable to their constituents and to the nation respectively.⁶

Disclosure of Assets

In his paper to the workshop, *The Public Leadership Code of Ethics Act: A Critical View*, E.G. Hoseah is highly critical of the legislation establishing the Commissioner for Ethics and the regulations concerning the disclosure of public officials' assets. The Warioba Report is also critical of these provisions. There was substantial agreement among both participants of Arusha 2 and Parliamentarians that much more needs to be done to monitor the assets of public officials. Three quarters of MPs thought that their and their family's assets should be made public,⁷ and 86 percent of workshop participants said the same for the assets and incomes of Ministers and their immediate families (Table 12, see page 146). Two out of three participants thought that the present arrangements for the monitoring of the assets and income of leaders are inadequate or not very effective (Table 13, see page 147) and 86 percent agreed

⁵ Cooksey et. al., op. cit., p. 5, 22.

⁶ Cooksey et. al., op. cit., p. 171, Table 2.

⁷ Cooksey et. al., op. cit., p. 171, Table 4

that the Commissioner for Ethics should have the duty to carry out random checks of disclosures made to him (Table 14, see page 147).

Role of the Media

The Warioba Report points out that there is corruption in the media.⁸ "Reporters and editors are paid to write or not to write, to write positively or negatively." (page 20). Interestingly, respondents did not think that the private media showed more independence in reporting parliamentary events than the state-owned media; in both cases only half the respondents found the media 'reasonably independent, fair and objective' (Tables 7 and 8, see page 145). With the war against corruption likely to intensify in the coming year, this finding presents a challenge to the media, both private and public, to be more objective in their coverage, and at the very least to avoid suspicions of corruption among reporters or editors. A large majority of participants (82 percent) were in favour of more openness in providing government information to the press (Tables 16 and 17, see page 148).

Next Steps in Fighting Corruption

Finally, participants were asked to list the three most important practical steps that need to be taken to contain corruption. The answers appear below.

List the three most important practical steps that need to be taken to contain corruption.

Steps/Priority	First n %	Second n %	Third n %	Total n %
Increased transparency and accountability in government	4 15	8 27	9 30	21 25
Economic growth, better wages, pension, employment conditions	6 23	6 21	5 17	17 20
Improve leadership, strengthen institutions	3 12	7 25	4 13	14 16
Sack, prosecute, punish the corrupt	4 15	3 10	7 23	14 16
Public education, information, awareness	5 19	1 3	2 7	8 10
Empower civil society, TI-Tz	3 12	2 7	1 3	6 7
Other	1 4	2 7	2 7	5 6
All	26 100	29 100	30 100	85 100

Nearly a quarter of first choices concerned economic growth, which would increase the tax base and improve public servants' salaries and working conditions. This was followed by public education, information and awareness-raising (nearly one in five responses). Next in importance were bringing corrupt officials to justice and improving transparency and accountability in government.

⁸ Cooksey et. al., op. cit., p. 20, Warioba English summary.

When all three choices are combined (final column above), improving transparency and accountability in government and improving the economy and public sector incomes (one quarter and one fifth of all responses respectively) are the most often mentioned steps to contain corruption. Improving leadership and strengthening public institutions, and punishing the corrupt are the next most important steps mentioned.

In the Parliamentarian's workshop (date) participants were asked a similar question. Nearly a quarter of MPs (22 percent) mentioned prosecuting and punishing those found guilty of giving and taking bribes. Reviving the economy in order to improve civil servants incomes was mentioned by 14 percent of MPs, and a similar proportion mentioned public education and information as important priorities. Confiscating illicitly obtained property, encouraging and facilitating whistle-blowing, and publishing the names of the corrupt were the next most frequent recommendations.

Concern with economic growth, (and implicitly with the payment of taxes), in order to be able to pay civil servants better wages (some in both groups also mentioned the need to trim down the number of government employees), was common to both Parliamentarians and Arusha II participants. Parliamentarians were more concerned with revealing and punishing corrupt leaders than workshop participants, who stressed the more preventive tasks of improving transparency and accountability in public life. Both groups accorded some importance to public education and information.

BIBLIOGRAPHY

- Cooksey, Brian. *Some practical steps to contain corruption in service delivery in Tanzania*, Paper presented at the Arusha II Integrity Workshop, Mount Meru Hotel, Arusha, December 14–15, 1996.
- Cooksey, Brian, Petter Langseth and Fiona Simpkins (Eds.). *The National Integrity System in Tanzania Parliamentarians Workshop*, Dodoma, 10 August 1996.
- Cooksey, Brian. "Aid: How much corruption is acceptable?" *The Express*, Dar es Salaam, 19 December 1996.
- Hoseah, Edward G. *The Public Leadership Code of Ethics Act: A Critical View*, Paper presented at the Arusha II Integrity Workshop, Mount Meru Hotel, Arusha, December 14–15, 1996.
- Langan, Patricia and Brian Cooksey (Eds.). *The National Integrity System in Tanzania*, Proceedings of a workshop convened by the Prevention of Corruption Bureau, Mount Meru Hotel, Arusha, Tanzania, 10–12 August 1995.
- Musiba, Elvis. *Increasing Transparency in the Public Procurement System*, Paper presented at the Arusha II Integrity Workshop, Mount Meru Hotel, Arusha, December 14–15, 1996.
- "Executive Summary," *Warioba Report*, December 1996.

Aid: How Much Corruption Is Acceptable?

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Corruption in the aid industry recently hit the headlines when World Bank President James Wolfensohn declared that the "aids" of corruption seriously undermines development and that the Bank could and would stop disbursements on projects where corruption was a major problem. If this policy were strictly applied it would have serious implications for aid-dependent countries like Tanzania, where corruption is endemic. It seems appropriate to ask: How much corruption in aid is acceptable? There is little doubt that aid is one of the major sources of grand corruption in Tanzania.

By "grand corruption" in aid I mean the systematic embezzlement of money intended for development projects and programmes, including budgetary, balance of payments and import support. Grand corruption in aid should be distinguished from grand corruption between government and the private sector concerning, for example, large construction or procurement contracts. The latter involves negotiations on the size of the "commissions" to be paid, since quality issues, reputations, and profit margins are at stake. Most corruption in aid is not of this type, though there are significant exceptions. The corrupt use of aid money usually takes place without the consent and sometimes without the knowledge of the aid agencies involved. The above distinction is important, because it means that potentially aid is vulnerable to much more than the 10–20 percent mark-ups common with public-private deals. There are no economic or commercial limits to the amount of aid money which can be plundered.

Aid from multilateral sources is generally, but not inevitably, more vulnerable to grand corruption as defined above than aid from bilateral donors. Corruption is facilitated in multilateral aid by the low level of accountability in the UN, World Bank, and European Union systems, the large loan component of World Bank/IMF aid—which gives substantial discretionary powers to the national aid administrators—and the highly politicised nature of the aid regime. Although bilateral aid programmes are ultimately accountable to democratically elected parliaments, much corruption and inefficiency still go unreported.

Bilateral agencies can and do protect at least some of their aid by managing their projects and programmes more or less independently of government. This option is not open to, for example, the World Bank and the IMF, although the latter would claim that it supervises disbursements very closely to avoid abuse.

Aid is almost totally outside the control of our own parliament, of course, which allows politicians and senior bureaucrats a relatively free hand in the misuse of donor

assistance. When the rewards are enormous and the penalties few, corruption inevitably flourishes.

The practice of channelling foreign exchange through the treasury and commercial banks for "import support" has been a source of massive corruption in both bilateral and multilateral aid. The amounts involved and the main culprits are anybody's guess, since most of the relevant records have long since disappeared. Donor pressures to bring the offenders to book failed through lack of evidence. Both the parastatal and private sectors were heavily involved in the misuse of "free" foreign exchange, which flourished during the second Economic Recovery Programme.

It could be argued that any corrupt use of government revenues implicates aid, since at least half the recurrent and almost the entire development budget are aid-financed. Aid money channelled through the recurrent and development budgets which is earmarked for specific activities may well end up being used for other, perhaps corrupt, activities. The corruption in these cases may be at the national level (treasury, line ministries) or at regional and district levels.

Some recent trends have negative implications from the point of view of containing corruption in aid. First, a number of aid agencies have concentrated aid on a smaller number of beneficiaries, and Tanzania has tended to be one of them. A related trend is that, in order to increase efficiency, donors now support fewer sectors, programmes or projects in countries where their programmes continue. The money available for any one sector may therefore increase dramatically. So although aid overall is said to be declining, this has not led to reduced aid flows to Tanzania. Some large windfall increments to current programmes and sectors have been announced, without any prior analysis of sectoral needs or "absorptive capacity." The message to the Government—that aid continues at current or even enhanced levels irrespective of past performance, including systematic abuse of aid money—is exactly the wrong message from the point of view of controlling corruption, speeding up adjustment, or increasing aid effectiveness.

This point is exacerbated by the donors' predilection for "flavour of the month" support to different sectors and activities. The consequence is that there may be much too much easy money available for this or that sector. Recent examples are democratisation ("governance"), support to "gender" activities, credit to the "informal sector," and NGOs of all types. The serious organisations working in these sectors are often crowded out by the more or less totally corrupt.

The donors themselves are obviously responsible for these negative trends. With limited experience and analytical capacity, aid missions frequently find themselves negotiating multi-million dollar contracts with more or less totally unknown or untested beneficiaries. Overworked aid officials are thankful to be able to unload a large amount of money on a single project, which is easier to administer than a mass of small projects. In a number of instances, staggeringly large amounts of money have been disbursed in this way, encouraging corruption if it was not already there.

Some beneficiaries gain access to this largesse by manipulating their local and international political and diplomatic connections. Nationals working in aid agencies are key actors in this process, providing intelligence and facilitating deals, and sometimes themselves participating actively in systematic corruption. Years of on-

the-job experience make it relatively easy for the insiders to manipulate aid. A complex set of networks has developed linking senior politicians and bureaucrats, consultants, NGO managers, and private businesses in the misuse of aid. Individuals make strategic "career moves" between government and the private sector, or simply operate in different sectors at the same time (known as "straddling"). Corrupt activities include the embezzlement of project and programme monies, awarding dubious contracts, skimming off money for running workshops and seminars, favouritism in foreign training, visits and study tours. Local and international auditors and consultants will give a clean bill of health to activities which have not performed or which are more or less totally corrupt. The "mwenzetu" culture which oils the wheels of patronage and corruption in aid is based on ties of family, kinship, ethnicity and friendship.

This so-called "system" developed in the unaccountable days of one party rule, and flourished under the Phase 2 government. To date, the system continues to run a high return, low risk operation. The worst that can happen to an insider is to lose his/her job. Scandals, which would embarrass the donor, are avoided at all cost. Abuses which are known continue unchecked for years. Not surprisingly, most of those at the top of the "system" are also doing their best to undermine ongoing reforms to limit the powers of the state, increase democracy and privatise the economy, all of which threaten to undermine their illicit sources of wealth and patronage, including aid.

For many years, the World Bank tended to ignore corruption in its operations. Now, the Bank and aid agencies in general are under tremendous pressure to improve their performance, and to limit the corrupt use of aid money. For the moment, there is no evidence that they have any idea of how to go about the task.

So how much corruption is acceptable? None, of course, in principal, but in practice donor agencies seem to have a very high tolerance for the misuse of their aid money, notwithstanding their frequently voiced concerns with aid transparency and accountability. If donors still continue to pour money into countries like Kenya—recently voted the third most corrupt country in the world—then for the moment Tanzania has little to worry about.

It is a matter of regret that the terms of reference of the Warioba Commission against Corruption did not include corruption in aid. For the Mkapa regime plans to make major inroads into public corruption then it will have to confront grand corruption in aid management. This will require the active cooperation of the aid agencies.

This article was published in the *Express* (19 December) and in a Kiswahili version in *Rai* (12 December 1996), Dar es Salaam.

Appendix 2

First priorities
Educate the mass from grass root to top
Increase production
Strengthen national chapter
Encourage transparency in all dealings and transactions
Vetting of leaders
Transparency
Disempower state organs (police, PCB, security, etc)
Prosecute big fish
Sack those alleged to be involved in corruption especially leaders and senior officials
Increase wages and pension packages for civil servants
Education
Civil society empowerment
Reduce workforce and improve salaries
Arrest culprits and prosecute
Head of State and top leadership must be clean
Increase salaries to be in line with the inflation trend
Improve the living standard of the people
Enhance accountability: complete transparency and integrity
Evils of corruption be publicised to all citizens of the country
Start a national ethics standard
Public education, awareness of corruption
Transparency and accountability
Education for the people in general
Pay the civil servants well
Sack the Attorney General and corrupt High Court Judges
Effective arm of law to identify and prosecute

Second priorities

Executive and political leaders must see that laws and standing orders are followed

Overhaul code of conduct

Thoroughly publicise the national chapter

Sensitisation with the aim of changing corrupt attitudes

Accountability

Increase wages

Increase resources for social services

Empower civil society

Political leaders to be role models

Charge the big fish to demonstrate seriousness

Improve hospitals, education

Improvement of the economy

Sufficient wages

Strengthen institutions to fight corruption

Increase transparency

More privatisation

Culprits must be punished

Clean civil service

Reduce size of civil service

Monitor periodically civil servants' life style

Improve public service salaries

Strengthen PCB

All government and private institutions to enforce their code of ethics

Increase wages

Democratisation of the press

Supervision should be enhanced

Remove red tape in all areas of administration

Sack ministers who fail to follow President's lead on corruption

Transparency in government contracts and supplies

Third priorities

- Know how rather than know who in appointments
- Transparency in appointments
- Increase transparency in government
- Take effective legal action against the corrupt
- Better remuneration for public servants
- More conducive working environment for public servants
- Declaration of properties and follow-up
- Monitor and enforce accountability
- Institute transparency
- Empower civil society
- Review laws
- Educate public on their entitlements
- Transparency in social service funding
- Investigate and prosecute grand corruption
- Increase salaries
- Strengthen monitoring system
- Improve social services
- Improve salaries and pensions
- Make public servants accountable
- Prosecute corrupt elements
- Transparent and accountable governance
- Economic growth
- Prosecute the corrupt
- Abolish unnecessary procedures
- Minimise bureaucracy
- Prosecute corrupt officials
- Strengthen PCB
- Public education
- Fry a big fish from public and private sector
- Follow-up of cases of corruption

in positions to abuse power on a scale which can impact negatively on the national development?

6. Should there be a form of "amnesty" for past transgressions of the Leadership Code in order to make a clean break from the past and re-establish the rules of ethical conduct? Would this be acceptable to the public? Would it be fair to those who have resisted the temptations to abuse their office?
7. Is the recommendation by the Warioba Commission that there be a type of "Truth and Reconciliation Commission" an answer to the question of an amnesty, perhaps with those who "confess" and repay misapplied public moneys or wrongfully acquired benefits being pardoned.

C. ATTACKING CORRUPTION

Particularly relevant papers: Warioba Report, *Some Practical Steps*, and so forth. (Brian Cooksey), *Mobilizing Quietly*, and so forth. (Alexander Muganda), *Practical Mechanisms*, and so forth. (Baktwa), *Police and War against Corruption* (R.A. Mutabihira), *Practical Means to Limit Corruption*, and so forth. (S.J. Chavda)

(a) *In the Delivery of Public Services*

1. What practical steps can be taken to reduce corruption in each of the following areas:
 - * health
 - * education
 - * revenue collection
 - * pensions
 - * judiciary
 - * police
 - * others
2. What role can be played by the private sector?
3. In what practical ways can the public be energized to refuse to make payments to receive their legal entitlements, and to report corruption when they encounter it?
4. In what practical ways can public officials be encouraged to report corruption by their supporters, and protected from retaliation when they do so?
5. How can incentives to act corruptly be reduced? How can incentive to act ethically be introduced?
6. How can the public be mobilised to fight corruption?
7. Should there be incentives given to those who report corruption?
8. Should corruption cases be more widely publicised?

(b) *In Public Procurement (Public Sector Contracts)*

1. What practical steps can be taken to fight corruption in:
 - * construction contracts
 - * education supplies
 - * health purchases

- **general government supplies**
 - **other**
2. **Should all tenderers for public business be required to disclose any commissions they have paid, or are to pay, in respect of the contract tendered for?**
 3. **Should the law require that the evaluations of all public tendering be made public and available to the media and to all those tendering for government business?**
 4. **Should blacklisting be introduced to exclude firms who bribe from competing for future government business for an appropriate period?**

Summary of Deliberations

A. STRENGTHENING ACCOUNTABILITY THROUGH PARLIAMENT: SUMMARY

1. How can arrangements for Ministers to be questioned and made accountable to Members of Parliament be made more effective?
 - * Need for credible position
 - * Chair of PAC should be from opposition
2. How can the media's performance in informing the general public of events in parliament be improved?
 - * Public need to know rights and how to have matters raised in the National Assembly (for example, Parliament call for submissions, publicise addresses, how to interact for example, with auditor generals report)
 - * Public need to know differences between "Executive" and "National Assembly"/Parliament and National Assembly, and so forth.
 - * More Publicity for reports of all kinds- less secrecy
 - * Bridge the gap between parliament and the "man in the village"
 - * Improved media reporting—informative, investigative, less adversarial, less distortion focus on issues more than before, and less opinionated
 - * Journalists should have access to proceedings of Parliamentary Committees
 - * There is a need for a Code of Ethics for media to ensure objectivity
3. How can the ability for the auditor-general to provide up-to-date financial information and reports to parliament be improved?
 - * Parliament take lead in following-up to the Auditor General's report; there is a need for appropriate machinery.
 - * Free police to prosecute "untouchables," end political interference with decision to prosecute
4. How can the National Assembly's ability to follow up the Auditor General's reports be increased?
5. How can the role of the Independent Commission of Inquiry be strengthened to make it independent of the executive? Should it be appointed by, and responsible to Parliament?
6. Should political parties be encouraged to develop codes of ethical conduct for their members and to publicise these widely? (for example, as the ANC has done in South Africa)
7. How can aid be made more accountable to Parliament?
 - * Establish a Parliamentary Committee on Aid
 - * Provide more information and transparency on aid flows, including tied aid and debt to existing committees, particularly on overspending on contracts (for example, roads)
 - * Post-budget monitoring of aid expenditures

- * Monitor relief aid channelled through NGOs more closely
- * Finalise new policy on NGOs
- 8. How can MPs be made more accountable to their constituents?
 - * Civic education needs to be improved
 - * MPs training on accountability to constituents
 - * More transparency in party scrutiny of candidates: broader selection committees
 - * Constituents should review MPs' performance
 - * Limits on spending during campaigns

A. STRENGTHENING ACCOUNTABILITY THROUGH PARLIAMENT

Group 1

Additional questions:

Question 1: How can aid be made more accountable to parliament?

- * Establish a Parliamentary Committee on Aid
- * Provide more information and transparency on aid flows, including tied aid and debt to existing committees, particularly on overspending on contracts (for example, roads)
- * Post-budget monitoring of aid expenditures
- * Monitor relief aid channelled through NGOs more closely
- * Finalise new policy on NGOs

Question 2: How can MPs be made more accountable to their constituents?

- * Civic education needs to be improved
- * MPs training on accountability to constituents
- * More transparency in party scrutiny of candidates: broader selection committees
- * Constituents should review MPs' performance
- * Limits on spending during campaigns

Question 3:

- * Auditor General should work on current budget not just historicals
- * More staff, more training
- * AG accountable to parliament (PAC) not the President
- * Employ approved private auditors

Question 4:

- * Training for PAC and F and E Committee members
- * Committee proceedings to be public
- * Right to summons civil servants

Question 6:

- * Parties should disclose sources of finance publicly
- * Contributions should be from bank accounts
- * Should be supervised by NEC

Group 2

1. How can arrangements for Ministers to be questioned and made accountable to Members of Parliament be made more effective?

- Need for credible opposition
 - Chair of PAC should be from opposition
 - More resources for MPs to be able to research their questions
 - Awareness raising training for MPs
2. How can the media's performance in informing the general public of events in Parliament be improved?
- Public need to know rights and how to have matters raised in the National Assembly (for example, Parliament call for submissions, publicise addresses, how to interact for example, with auditor generals report)
 - Public need to know differences between "executive" a and "national assembly"/Parliament and National Assembly, and so forth.
 - More Publicity for reports of all kinds- less secrecy
 - Bridge the gap between parliament and the "man in the village"
 - Improved media reporting—informative , investigative, less adversarial, less distortion focus on issues more than before, and less opinionated
 - Journalists should have access to proceedings of Parliamentary Committees
 - Need for a media code of conduct to ensure objectivity
3. How can the ability for the auditor-general to provide up-to-date financial information and reports to parliament be improved?
4. How can the National Assembly's ability to follow up the Auditor General's reports be increased?
- Prosecutors/investigators should not wait for orders from above
 - AG's reports should be debated thoroughly:
 - Parliament to take lead in following up AG's report
 - Free police to prosecute the "untouchables": end political interference in decisions to prosecute
 - AG's reports should clearly spell out aspects of a questionable nature
 - Solicit public submissions on these
 - Auditor General's appointment to be approved by parliament
 - AG's tenure should be limited
5. How can the role of the Independent Commission of Inquiry be strengthened to make it independent of the executive? Should it be appointed by, and responsible to Parliament?
- PCI needs more publicity
 - Hot line, address in newspapers
 - Annual reports produced and publicised
 - PCI should report to national assembly as in the past the Office of the President has suppressed embarrassing reports- Concept of "public interest" needs to be narrowed to exclude private or political interests—Publicise every recommendation to remedy a public evil
6. Should political parties be encouraged to develop codes of ethical conduct for their members and to publicise these widely? (for example, as the ANC has done in South Africa)
- Yes, and made public as a benchmark

- Amend Political Parties Act to this effect

Group 3

Question 1:

- Learn from other countries' experiences
- Parliament to confirm nomination of ministers
- Ministers to be responsible to Parliament
- Strengthen role of opposition (checks and balances)
- Parliament to endorse presidential appointments
- Lessen role of party politics by ministers
- Right of recall by constituency: leaders must answer to both parliament and constituency
- Strengthen Political Parties Act
- Parliamentary ethics provisions : if absent for long period he should be recalled

Question 2:

- Live reports of parliamentary discussions on TV and radio
- Financial support for media (especially in Dodoma)
- Training of journalists for more responsible reporting
- Balance between right of information and right of choosing reports
- Include freedom of information in constitution
- Regular press conferences of MPs, Commissioners, Ministers

Questions 3 and 4:

- Auditor General should submit reports to Parliament more regularly to provide more up to date information
- Make AG's reports public
- Parliament should ask for action as follow-up
- Strengthen role of experts in support of MPs, equip PAC with independent experts
- Give more resources to AG

Question 5:

- Should be independent and answerable to Parliament
- Transparent proceedings
- Should be seen to be "working"
- Presidential appointment, parliamentary confirmation
- Members from outside the executive, independent personalities from civil society

Question 6:

- Parties should develop codes of ethics
- Need national code of ethics

Group 4

Question 1:

- Strengthen the resources for MPs (for example, staff, library) to enable them to research their questions
- Seminars/training and awareness raising for MPs
- Otherwise, present procedures are OK

Question 2:

- * Media has access to Parliamentary proceedings
- * Media should have access to Parliamentary Committees
- * Need a code of conduct for the media

Question 3:

- * Strengthen the OAG
- * Appointment of OAG should be ratified by Parliament
- * Fixed tenure

Question 4:

- * Establish/strengthen body (Commission) that specifically investigates corruption
- * Commission should report to Parliament

B. MONITORING OF ASSETS OF LEADERS/STRENGTHENING THE CODE OF ETHICS

Question 7: How can the role of the Commissioner of Ethics be strengthened to make it more than a mere depository of declarations?

- * Remove the Commission from civil service/executive control and make it accountable to Parliament
- * Require all assets to be declared, including those held overseas
- * Should deal exclusively with political leaders
- * End requirement that public have to go through AG
- * Update assets at least every three years
- * Companies with more than a certain turnover should submit a Code of Ethics to Commissioner
- * Should have full powers to investigate

Question 8: In what way should the Office of the Ethics Commissioner be strengthened:

- * increased powers of monitoring and investigation?
- * not having to wait for complaints to be received?
- * powers of prosecution where breaches of the law are involved?
- * reducing number of leaders covered by the Office to enable it to target its resources more effectively?

Question 9: What is the scope for leaders to demonstrate leadership and to go beyond the minimum requirements of the law? (for example, as President Mkapa did when declaring his assets publicly)

Question 10: Should the Ethics Commissioner receive and consider anonymous complaints? (Not possible currently)

- * Yes, in order to protect the complainant- Parliament should have access to all complaints

Question 11: Would the ethics Commission be more effective if fewer people were covered by the Leadership Code assets declaration provision, restricting its application to national leaders in positions to abuse power on a scale which can impact negatively on the national development?

- * Yes. Civil servants to be under strengthened Standing Orders

Question 12: Should there be a form of “amnesty” for past transgressions of the Leadership Code in order to make a clean break from the past and re-establish the rules of ethical conduct? Would this be acceptable to the public? Would it be fair to those who have resisted the temptations to abuse their office?

- * Special court to deal with cases after Mkapa came to power

Question 13: Is the recommendation by the Warioba that there be a type of “Truth and Reconciliation Commission” an answer to the question of an amnesty, perhaps with those who “confess” and repay misapplied public monies or wrongfully acquired benefits being pardoned.

- * Yes

Group 2

Question 7:

- * President’s declaration of assets has failed to attract support of most other “leaders.”
- * Intervention of AG was unhelpful and rightly criticised in Warioba report
- * Public disclosure should be compulsory- Declarations should be made for a specific period after retirement

Question 8a:

- * Leadership Act should be entirely overhauled, strengthened, given teeth and applied selectively to most senior leaders and declarations made public

Question 8b:

- * Immediate target should be grand corruption

Question 8c:

- * No power to prosecute

Question 8d:

- * Power to investigate without waiting for complaints
- * Commissioner should not have powers to investigate origins of initial wealth. It would frustrate monitoring and would deter some from coming forward
- * Declarations continue 5-10 years after end of public service

Question 12:

- * Should be amnesty: many acquire wealth for fear of what happens after retirement. Bricks and mortar are GDP
- * Signal that from now on the rules have changed
- * Private sector has behaved worse than public sector: in fairness public sector should not bear the blame
- * Talented people have much to offer and should not be sacrificed
- * No amnesty on outstanding taxes and loans

Group 3

Questions 7-8:

- Commission should be an independent institution, accountable to Parliament
- Act should be reviewed and changed
- Commission should have more powers of monitoring and investigating
- Proceedings should be transparent
- Should not wait for complaints but investigate in cases of suspected dishonesty
- Declaration of assets should be made public in order to invite public control and complaints
- Declarations should include how property was acquired
- Complaints mechanism should be public: phone, mail
- Prioritise investigation: Short term top leadership. Longer term, others

Question 9:

- All leaders should declare assets publicly

Question 12:

- Amnesty on a case by case basis, with reasons given for amnesty. Parliament and public to decide

Question 13:

- People are tired of Commissions
- Strengthen role of Commissioner of Ethics
- Tanzania needs a Code of Ethics for everyone
- Need for public awareness campaign to change general climate for corrective issues

Group 4

Questions 7-8:

- New Ethics law with broader coverage, linked to professional codes of conduct
- Should include special sanctions and punishments
- Investigative powers
- Proactive
- Ethics Commission should not prosecute
- Anonymous information should be permitted
- Encourage MPs and other leaders to declare their assets
- Need to differentiate private from matrimonial assets
- Amnesty? Yes, and repay
- Truth Commission? Yes

C. ATTACKING CORRUPTION IN THE DELIVERY OF PUBLIC SERVICES

14. What practical steps can be taken to reduce corruption in each of the following sectors?

- * Health
- * Education
- * Revenue collection
- * Pensions
- * Judiciary
- * Police
- * Other

15. What role can be played by the private sector?

16. In what practical ways can the public be energised to refuse to make payments to receive their legal entitlements, and to report corruption when they encounter it?

17. In what practical ways can public officials be encouraged to report corruption by their superiors, and protected from retaliation when they do so?

18. How can incentives to act corruptly be reduced? How can incentives to act ethically be introduced?

19. How can the public be mobilised to fight corruption?

20. Should there be incentives to those who report corruption?

21. Should corruption cases be more widely publicised?

D. IN PUBLIC PROCUREMENT?

22. What practical steps can be taken to fight corruption in:

- * construction contracts
- * education supplies
- * health purchases
- * general government supplies
- * other

23. Should all tenderers for public business be required to disclose any commissions they have paid, or are to pay, in respect of the contract tendered for?

24. Should the law require that all the evaluations of all public tendering be made public and available to the media and all those tendering for government business?

25. Should blacklisting be introduced to exclude firms who bribe from competing for future government business for an appropriate period?

Group 1

Question 14:

- Strengthen reform process (liberalisation, civil service, local government, democracy)
- More end user accountability, for example, transparency in collection and use of school fees; involvement of PTAs in school governance, strengthening of hospital boards
- **Political accountability: Ministers should be answerable to Parliament for the performance of their service**
- Establishment of quality and quantity norms against which to evaluate performance.
- Public/parliamentary vetting of appointees to key posts.
- Closer supervision

Question 15:

- Encourage private investment in service provision
- Assure efficient regulation where natural monopolies are involved
- Make tendering for contracting out transparent where this alternative is used

Question 19:

- Need to change attitude condoning corruption through public education
- Need for political leadership giving examples for the rest to follow
- Act on information provided to encourage whistle-blowing, for example, transgressors fired
- Need to work on an enabling environment for whistle blowing since grand corruption presents major risks for the blower

Question 20:

- No monetary rewards for whistle-blowing: patriotism is its own reward

Group 2

Question 14: Health

- Social security fund to institutionalise cost sharing and ban all other payments
- Pay doctors well and ban moonlighting
- Participatory local management system

Education:

- Increase pensions
- Formalise payment of school fees to pay adequate salaries to teachers, and abolish as and when economy picks up
- Maintain buildings by voluntary local labour

Revenue collection:

- Stiff penalties for non-payment and non-collection of revenue
- Put companies who owe large sums into receivership- Simplify tax collection (cf Warioba Report)

- Widen tax base, lower rates

Question 17: Channels for anonymous complaints working adequately

Question 18:

- Prosecute for inexplicable wealth (no witness problems; laws exist but not used)
- Keep copies of key files outside the country
- Make a few examples of senior people (already begun)

Question 19:

- Mobilise media
- Media “complaints columns”
- Hotlines to PCB
- Full-scale public awareness programme
- Posters and pamphlets
- Radio programmes/talk back
- School curricula- Churches/mosques
- Grass-roots NGOs
- Make connections between theft and grassroots understanding; translate big figures into meaningful terms
- Encourage complaints
- Identify people accountable for projects
- Make corruption a risky choice

Question 20:

- No incentives: it is a duty

Question 21:

- More publicity for corruption cases

Question 22:

- Strengthen PCB and fry big fish (top 10 “untouchables”)

Preventive:

- Public servants held accountable
- Pay a living wage
- Government work with professional bodies
- “Ghost projects” stopped
- Workshop on public procurement with professionals, private sector, Treasury, PCB to design a transparent procurement system
- Support new World Bank position on procurement
- Stronger supervision
- Tender results must be published (in SO already but ignored?)

Question 24:

- Tender evaluations publicly available to other parties and media

Question 23:

- Disclosure of all commissions mandatory in all public tenders and reasons why
- Blacklist firms which bribe

Group 3

Question 14:

- Economic growth crucial to improve public services and pay better salaries
- Inform/educate people about what services are available and at what cost
- **Make regulations/standing orders available to the public**
- **Supervision Community education:**
- Use existing media plus community leaders to multiply information
- Pamphlets, posters in public places
- Bring National Code of Ethics to the people and use it for community mobilisation

Question 21:

- Corruption cases should be widely publicised

Question 22:

- Tenders should be published
- Results announced in presence of tenderers
- Discuss tied aid with donors in order to get proper tender procedures
- Ask government to discuss problem with donors

Question 23:

- All commissions paid should be disclosed from tendering to completion
- Work on ways of getting money back from Swiss Banks

Question 25:

- Transparent bidding procedures
- Blacklist corrupt companies, both local and foreign, for 5 years, publish list
- Offshore companies should be scrutinised and held accountable by international conventions and domestic laws

Group 4

Question 14:

Improved pay and retirement benefits

- Index pensions to cost of living
- Judiciary must be independent of the executive
- Appointment of judges to be ratified by Parliament
- Code of Conduct
- Scrutinise appointment of magistrates

Police:

- Act under regulations and orders

Education:

- Teachers to be paid on time
- Add: Brian Cooksey's recommendations

Health:

- Add: Brian Cooksey's recommendations
- Improve supply of medicines

Question 15:

- Private sector needs to be strengthened and its role in fighting corruption enhanced
- Competition can lead to improved services, for example, newspapers, hospitals
- Code of Conduct
- Blacklisting of corrupt companies

Questions 16-17:

- Right to complain to Commission about request for a bribe
- Investigation and prosecution of complaints
- Demonstration of fact of successful court action

Question 18:

- Codes of Conduct, better pay

Question 19:

- Establish TI Chapters and Regional/village level
- Ethics committees
- School education

Question 20:

- Yes

Question 21:

- Yes

Question 22:

- Chavda, Cooksey, Musiba papers' recommendations

Questions 23-25:

- Yes

Questions for Discussion

A. STRENGTHENING ACCOUNTABILITY THROUGH PARLIAMENT

Particularly relevant papers: Dodoma Parliamentarians Workshop Book (pp. 72-73)

1. How can arrangements for Ministers to be questioned and made accountable to Members of Parliament be made more effective?
2. How can the media's performance in informing the general public of events in parliament be improved?
3. How can the ability for the Auditor-General to provide up-to-date financial information and reports to Parliament be improved?
4. How can the National Assembly's ability to follow-up the Auditor General's reports be increased?
5. How can the role of the Independent commission of Inquiry be strengthened to make it independent of the executive? Should it be appointed by, and responsible to, Parliament?
6. Should political parties be encouraged to develop codes of ethical conduct for their members and to publicise these widely? (for example, as the ANC has done in South Africa)

B. MONITORING OF ASSETS OF LEADERS/STRENGTHENING THE CODE OF ETHICS

Particularly relevant papers: Warioba Report, Public Leadership Code of Ethics (E.G. Hoseah)

1. How can the role of the Commissioner of Ethics be strengthened to make it more than a mere depository of declarations?
2. In what ways should the office of the Ethics Commissioner be strengthened:
 - * increased powers of monitoring and investigation?
 - * not having to wait for complaints to be received?
 - * powers of prosecution where breaches of the law are involved?
 - * reducing the number of "leader" covered by the Office to enable it to target its resources more effectively?
3. What is the scope for leaders to demonstrate leadership and to go beyond the minimum requirements of the law? (for example, as President Mkapu did when declaring his assets publicly)
4. Should the Ethics Commissioner receive and consider anonymous complaints? (At present complainants must complain in writing and give their names and addresses)
5. Would the Ethics Commission be more effective if fewer people were covered by the Leadership Code assets declarations provisions, restricting its application (at least for the time being) to national leaders