



TANZANIA

UNCAC REVIEW EXPERIENCE: GOOD
PRACTICE

JUNE 2014, VIENNA, AUSTRIA

GOOD PRACTICES

- Tanzania has been reviewed twice under the UNCAC: The first was the optional and voluntary review where the UK and the Netherlands reviewed Tanzania and the report was shared to all stakeholders and is posted to the website www.pccb.go.tz. The second review was done by Sierra Leone and Australia respectively, and the report is available on UNODC website as well as at www.pccb.go.tz.
- Tanzania Government has increased the number of the Anti-Corruption Agency (PCCB) offices throughout the Country, spreading to all 123 districts and 26 Regions to ensure that both preventive and enforcement measures against corruption are brought closer to the people and use the PCCB services. Another achievement is educational outreach programs that encourages citizens to report and participate in the awareness programmes which are bearing significant impact on sensitization of the population on evils and effects of the scourge. All stakeholders are involved to have ownership in the process. This visibility of checking on abuse of office and other forms of corruption has bearing importance in the fight against corruption in the country.

INVOLVEMENT OF THE COMMUNITY

- Tanzania has put in place a National Anti-Corruption Strategy and Action Plans (NACSAP) to engage all stakeholders in the prevention of corruption in the country. The Strategy involves the public sector, the private sector, the civil society -- professionals, Trade Union, NGOs, Political Parties etc. which have had played a pivotal role to network all stakeholders and bring a sense of collective action against corruption and continue to work together in different competences and space to denounce corruption and its perpetrators. On the other hand key stakeholders are part of this process, the Judiciary and the Parliament on the one hand and Oversight bodies on the other (PCCB, Controller and Auditor General, Attorney General (DPP), Ethics Secretariat, Commission for Human Rights and Good Governance, Good Governance Coordinating Unit and the Department of Management of Civil Service. In each MDAs there are established Integrity Committee as a tool to implement NACSAP objectives which includes, pro active prevention of corruption, waste and abuse of office and resources. Enforcement of Code of Conduct and declaration of Assets and liabilities of public officials. NACSAP complement the on going Institutional Reforms in finance sector, procurement, revenue collection, public sector reforms, legal sector reforms and local government reforms. The Big Results Now (BRN) has been introduced to bring about rapid reforms based on results criteria.
- In all Ministries, Independent Departments and Agencies (MDAs), there is established Integrity Committees to supplement the existing administrative measures to curb unethical behavior in public sector and instill national values and commitment to serve the citizens and deliver services promptly. These Committees help the management to monitor employees' behavior and attend to complaints received from the citizens.
- The legislature enacted the Leadership Code of Ethics (Act No. 13 of 1995 as amended by Act no. 5 of 2001) designed to curb improper conduct of public leaders in the high echelons. Towards that end, Ethics Secretariat headed by a Commissioner is enjoined by law to audit and verify all declaration of Assets made by public officials who occupy high public positions in the country. The declaration is a useful instrument to check on life style of public officials who occupy those positions in trust given by the people.

LAW ENFORCEMENT COOPERATION

- Public officers and members of the public have a duty to report any incidence or occurrence of corruption (Section 39 PCCA). These reports can be made anonymously and rewards may be offered to informants who render their information credible.
- Tanzania has also executed successfully law enforcement cooperation, joint investigations, and special investigative techniques as per article 48, 49 & 50 of the UNCAC. Tanzania participates in joint investigations at the international level on a case-by-case basis in the absence of formal legal or administrative measures. Examples include the cooperation with USA, UK, Malawi, Botswana and India. Tanzania cooperates closely with regional and international law enforcement authorities through INTERPOL and has entered into MOU with a number of countries including the Rwandan Police.
- PCCB does not need a court order to investigate and to have access to bank records. PCCA has empowered the PCCB to exercise powers of subpoena to access any bank record for the purposes of investigations.
- Tanzania also has a system of blacklisting companies convicted of corruption. Once a company is found to have been involved in corruption under section 57 of the Public Procurement Act No. 7 of 2011. The Company will be blacklisted and debarred from further tenders. Examples of blacklisted companies include Oxford University Press East Africa Limited, China Communications Construction Company Limited, China Geo-Engineering Corporation, and NORCONSULT to mention but a few.
- Tanzania enacted the Election Expenses Act (Act no. 6 of 2010) to regulate political parties campaign financing during elections and creating prohibited acts and or behavior before, during campaign, during election and thereafter. The law has empowered the Anti-Corruption Bureau to take necessary measures to prevent and enforce the law against corrupt practices. It is a useful tool against political corruption more so during elections.

Administrative Actions

- The Civil Service Standing Orders and Public Service Act (Act no. 8 of 2002) and its Regulations are important tools in screening public servants who violate codes of conduct by engaging themselves in unacceptable behaviors and administrative measures are taken and many are dismissed from public service for want of good conduct and behavior.
- Judicial Officers (Magistrates) who have been involved and or convicted of corruption are removed from service/office by the Judicial Services Commission and the Judicial Administration Act (Act no. 4 of 2011) regulates the judicial service.

AML and FIU

- Tanzanian FIU has applied to be a member of the Egmont Group of Financial Intelligence Units, It has established relationships with FIUs in other jurisdictions through information and staff exchanges. FIU has already trained 14 law enforcement agencies (including the PCCB) and 56 reporting entities in 2012, including all banks, and has issued reporting guidelines, including on how reporting entities should deal with Politically Exposed Persons. The suspicious cash transaction reporting regime is also in place to prevent and control illicit financial transactions including money laundering.
- Anti-Money Laundering Act (Act no. 12 of 2006) is in place to deal with illicit financial flows. The Proceed of Crime Act is another piece of legislation to curtail instrumentalities and proceeds of crimes in the country.

Conclusion

- UNCAC Review mechanism is an important tool that ensures all States Parties to the Convention have put in place good practices to reduce the negative effects of corruption. Corruption is an international problem and all stakeholders must work together to forestall its viral effect to society's moral fabric.
- Tanzania has benefited immensely from cooperation rendered by Reviewing States and more importantly, the expertise and advice given by the UNODC as the Secretariat to the UNCAC implementation mechanism.
- Tanzania is committed to continue with the implementation of all the recommendations made by the Reviewers in the course of the UNCAC review mechanisms.