

HAKIKAZI CATALYST

Knowledge. Action. Change.

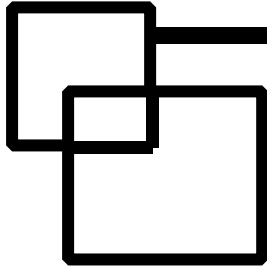
P.O. Box 781, Arusha: Tel 255 27 2509860, Email: hakikazi@cybernet.co.tz -
Meru Plaza Building, Esso Road, Arusha Website: www.hakikazi.org

Anti-Corruption Capacity Building Initiative

Training Toolkit



Moral, Ethical Reasoning and Decision-Making Is a Key to Corruption Control



HAKIKAZI CATALYST

Knowledge. Action. Change.

P.O. Box 781, Arusha: Tel 255 27 2509860, Email: hakikazi@cybernet.co.tz -
Meru Plaza Building, Esso Road, Arusha Website: www.hakikazi.org

INTRODUCTION

Part 1:

Theme: Conceptualizing Governance

What Do We Know About Governance?



Moral, Ethical Reasoning and Decision-Making Is A Key To Corruption Control

Moral, Ethical Reasoning and Decision-Making Is A Key To Corruption Control

INTRODUCTION TO GOVERNANCE

World Governance Assessment Model

Our Challenge: What do we know about governance?

- Dictum: “*Good Governance is perhaps the single most important factor in eradicating poverty and promoting development*”. Kofi Annan, the UN Secretary-General.
- What is the relationship between governance and development? What does governance really refer to? How can the concept be best put into analytical usage? What analytical advantages does it have?
- Two important shifts that have paved the way for an interest in governance:
 1. The realization that politics is part of the development equation;
 2. That people matter. Governance is not just what governments do. The shifts summarized in Table 1 below:

Table1: Shifts in Development thinking and Emphasis from the 1950s to Date.

Period	Focus	Emphasis
1950s – 1960s	Project	For the people
1960s – 1970s	Program	Of the people
1980s	Policy	With the people
1990s - Date	Politics	By the people

➤ **Meaning of Governance.**

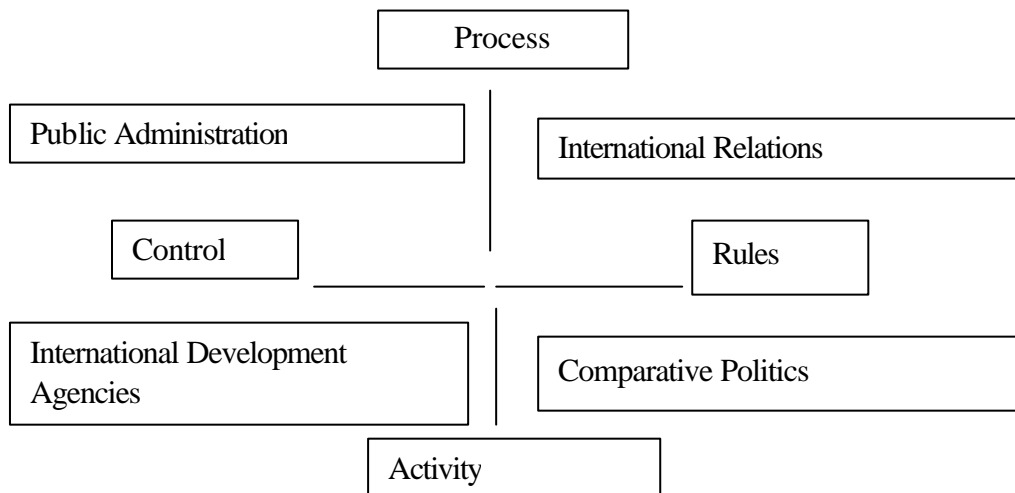
Governance Concept: different things to different people. Differences tend to crystallize along two separate lines:

1st the substantive content of governance: there is a difference between those who view governance as concerned with the rules of conducting public affairs. One might say that the “rules” approach tends to emphasize the institutional determinants of choice, while the “steering” approach concentrates on how choices get implemented.

2nd the governance character in practice: the difference is between governance as activity or process. Some treat governance interventions, others, view governance as an ongoing phenomenon that is hard to pin down, but which bears on how results are achieved.

Moral, Ethical Reasoning and Decision-Making Is A Key To Corruption Control

See differences summarized in Figure 1 below:



Governance defined focusing on the importance of rules rather than results, treated as both activity and process in the sense that it is viewed as reflective of human intention and agency but is itself a process that sets the parameters for how policy is made and implemented, governance becoming a “meta” activity that influences outcomes, such as fighting corruption depending on the nature of the rules adopted.

➤ **Working definition:**

Governance refers to the formation and stewardship of the formal and informal rules that regulate the public realm, the arena in which state as well as economical and societal actors interact to make decisions.

- Governance, hence, refers to behavioral disposition rather than technical capacities. It implies choices in terms of how the “rules of the game” are constituted, amended, or just sustained. In this perspective, governance deals with *the constitutive side of how a political system operates rather than its distributive or allocative aspects that are more directly a function or policy.*

Governance conception by international development agencies and its conceptual fusion setting out the principal differences:

Table 2. Governance and Its Relations to Other Concepts and Activities.

Level	Activity	Concept
Meta	Politics	Governance
Macro	Policy	Policy-Making
Meso	Program	Public Administration
Micro	Project	Management

If governance is about rules, the question inevitably arises as to which rules are important for shaping policy processes and, by extension, development outcomes. There is a tendency among analysts and development agencies alike to adopt those that fit most closely into their own programmatic mandate.

Assumption: how the political process is structured, i.e. how state, society and economy interact is important for development.

➤ **Theoretical Foundation.**

Systems approach to the study of politics: recognizing the significance of macro-political variables and allowing for action to all aspects of the political process that may influence the outcomes of specific policy decisions. Belief: A comparative study of **politics** must rely on a design of institutions. See summary of the Functional Dimensions of Governance and Their Institutional Arenas: Table 3.

Functional Dimension	Institutional Arena	Purposes of Rules
Socializing	Civil Society	To shape the way citizens become aware of and raise issues in public.
Aggregating	Political Society	To shape the way issues are combined into policy by political institutions.
Executive	Government	To shape the way policies are made by government institutions.
Managerial	Bureaucracy	To shape the way policies are administered and implemented by public servants.
Regulatory	Economic Society	To shape the way state and market interact to promote development.
Adjudicatory	Judicial System	To shape the setting for resolutions of disputes conflicts.

➤ **Rights-Based Approach**

The most suitable basis for any effort to measure governance is the widespread consensus about the significance of rights in the development debate. See summary of the difference between a rights- based and needs-based approach to development:

Needs Approach	Rights Approach
Needs are met or satisfied	Rights are realized.
Needs do not imply duties or obligations	Rights always imply correlative duties.
Needs can be met by outcome strategy	Rights can be realized only by paying attention to both outcome and process.
Needs can be ranked in a hierarchy or priorities.	Rights are indivisible because they are interdependent.
Needs can be met through charity and benevolence	Charity is obscene in a rights perspective.
Needs are not necessarily universal	Human rights are universal.

The rights-based approach to governance and development has many advantages:

- 1st It shifts the focus from government to citizen. Good governance is a public good that citizens should be entitled to.
- 2nd It recognized that poverty is not just a matter of being economically deprived. It is defined and sustained by a sense on the part of the poor of helplessness, dependence, lack of opportunities and lack of self-confidence and self-respect..
 - 3rd It draws attention to the importance of norms and rules. How a society is governed and how it achieves its development is as important in this perspective as what these processes accomplish. That is why your anti-corruption training project should focus on rules, not just results. The quantitative indicators of reduced corrupt practices should be analyzed in terms of how they were achieved.

Moral, Ethical Reasoning and Decision-Making Is A Key To Corruption Control

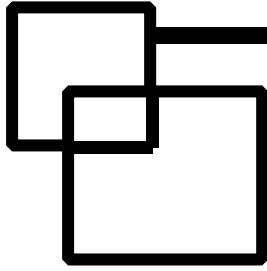
- It is how these specific arena rules, aggregated into a particular political regime, are perceived that will give you the clues to how good governance in the health sector is supposed to be.
- Principles, Indicators and Arenas: Guiding your analysis of governance should be a series of basic principles that reflect the emerging consensus at the global level of what should, and could, constitute “good governance”.
- Participation: the degree of involvement and ownership of affected stakeholders;
- Decency: The degree to which the formation and stewardship of rules are undertaken without humiliation or harm of the people;
- Fairness: the degree to which rules apply equally to every one in society regardless of status;
- Accountability: the degree to which public officials, elected as well as appointed, are responsible for their actions and responsive to public demands;
- Transparency: The degree to which decisions made by public officials are clear and open to scrutiny by citizens or their representatives.
- Efficiency: the degree to which rules facilitate speedy and timely decision-making.

In arriving at these principles, your training should draw on already existing approach to governance by various development agencies but you are advised to transcend them by not being tied to specific programmatic concerns. Table 5 bellow is an illustration model on how those principles shall relate to the indicators or each arena: A tool for monitoring and evaluation of your project:

Moral, Ethical Reasoning and Decision-Making Is A Key To Corruption Control

Table 5. Governance indicators in relation to principles and arenas as a guide of project:

Principle/ Arena	Participation	Fairness	Decency	<i>Accountability</i>	<i>Transparency</i>	Efficiency
Civil society	Freedom of association	Society free from discrimination	Freedom of expression	Respect for governing rule	Freedom of the media	Input in Policy Making
Political society	Legislature representative of society	Policy reflective of public preferences	Peaceful competition for political power	Legislators accountable to public	Transparency of political parties	Legislative Function affecting policy
Government	Intra-government consultation	Adequate standard of living for citizens	Personal security of citizens	Security forces subordinated to civilian government	Government providing accurate information	Best use of available resources
Bureaucracy	Higher civil servants part of policy-making	Equal access to public services	Civil servants respectful towards citizens	Civil servants accountable for their actions	Clear decision-making process	Merit-based system for recruitment
Economic society	Consultation with the private sector	Regulations equally applied to all firms	Government's respect for property rights	Regulating private sector in the public interest	Transparency in formulating economic policy	Obtaining licenses free from corruption
Judiciary	Non-formal processes of conflict resolution	Equal access to justice for all citizens	International human rights incorporated in national legal practice	Judicial officers held accountable	Clarity in administering justice	Efficiency of the judicial system



HAKIKAZI CATALYST

Knowledge. Action. Change.

P.O. Box 781, Arusha: Tel 255 27 2509860, Email: hakikazi@cybernet.co.tz -
Meru Plaza Building, Esso Road, Arusha Website: www.hakikazi.org

INTRODUCTION

Part 2:

Theme: Contextualizing Governance

Governance Versus Management



Moral, Ethical Reasoning and Decision-Making Is A Key To Corruption Control

GOVERNANCE VERSUS MANAGEMENT

The Different Roles Of The Board And The Executive Director: Combating Corruption.

Highlights Of The Major Differences And The Guidance To Keep The Roles Clearly Differentiated And Functioning As Effective Parts Of The Organization

Governance vs. Management

- ❖ Organizations for public service as nonprofits operate through a dual structure: the board and the staff.
- ❖ The board governs, while the staff, led by the Executive Director, manages.
- ❖ The board sets policy and establishes the mission and agenda of the organization while staff members implement policy and deliver services.
- ❖ The day-to-day operations and structure of the organization should reflect and support the mission and priorities established by the board.

Governance and Management Responsibilities

Boards of Directors

Boards of provide the link between the community and the staff of a community-based organization interpreting the organization's role and promoting its mission. The board also represents community interests and brings knowledge of constituent needs to staff.

In specific relation to staff, the board:

- ❖ Defines the executive needs of the organization.
- ❖ Develops a job description for the executive director.
- ❖ Hires the executive director.
- ❖ Communicates the strategic plan and also specific goals, benchmarks and expectations.
- ❖ Establishes an evaluation process for the executive director, board and organization as a whole.
- ❖ Authorizes expenditure necessary to support operations.
- ❖ Provides system for frequent and open communication between the executive director and the board chair.
- ❖ Incorporates the suggestions of the executive director into the planning process.
- ❖ Maintains a constructive and respectful relationship with the executive director.

The Executive Director

The executive director (ED) creates and oversees the operational structure to carry out the organization's mission. While it is assumed that the director will have executive experience and highly developed managerial skills, in many cases she or he will also have substantial background in the service area of the organization. The successful director will communicate knowledge and constructive suggestions to the board within the framework of the established mission, policies and strategic plan.

Specific to relations with the board, the nonprofit ED:

- ❖ Hires, trains and supervises agency staff.
- ❖ Reports regularly to the boards on general operations, services, personnel and finances.
- ❖ Evaluates organizational needs and presents solutions and options to the board.
- ❖ Develops position descriptions and operational procedure, based on board priorities.
- ❖ Oversees day-to-day management of finances, including accounting, tax and audit matters.
- ❖ Works with the board's chair to develop meeting agendas and identify action items.
- ❖ Communicates regularly with the board chair.
- ❖ Represents the organization at official functions.
- ❖ Supports board function through suggesting new members, preparing informational materials and organizing events such as orientations and retreats
- ❖ Promotes the organization in the community and to the staff.

Enhancing the Working Relationship between the Board Chair and the Executive Director

A good relationship between the executive director and the board chairperson of any organization is both key to its success and fraught with challenges. Because the ED often has been in the organization longer than the board chairperson, is more familiar with the day-to-day activities in the organization and knows more about the organization's customers, the ED may sometimes feel that she or he knows much more about the organization than the chair. Yet, the board chair is responsible for providing leadership to the board to whom the ED is accountable and for leading the board's evaluation of the ED's performance.

Formal Practices and Procedures that Can Minimize Conflict:

Formal procedure helping the board chair and ED work professionally, differentiate their roles and excel at their jobs. The board chair and executive director should:

- ❖ Agree to clearly written procedures for evaluating the executive director, which allow input from both the board and the ED.
- ❖ Have regular board training on the roles of each party.
- ❖ Allow time for strategy sessions between the boards chair and the ED whenever a new person is brought into either roles in the organization.
- ❖ Jointly develop board-meeting agendas.

- ❖ Consult on committee chair nominees.
- ❖ Agree on clear written guidelines about the role of staff members serving on board committees.
- ❖ Rotate the board chair position every few years to ensure new and fresh perspective, keep the chair from experiencing burnout, and keep members who may have the desire to one day lead the organization interested.
- ❖ Appoint vice chairs for a year with intent of promoting them to board chairs in time.
- ❖ Let the full board set the frequency and nature of meetings to be held between the ED and the board chair. Avoid frequent, one-to-one meetings that only include these two people. While it might intuitively seem that meeting with only these two will cultivate a strong relationship, the risk is too high that the relationship could become highly personalized and confusing to other board members. Minutes should be kept of all meetings between ED and board chair and shared with the entire board.
- ❖ Never conceal information from the rest of the board. Board members may prefer to keep certain information confidential among board members and not tell the ED, but these occasions should be very rare. The ED should never conceal information from the board – all board members have a right to any information about the organization.
- ❖ Celebrate accomplishments, including naming the key people involved in success. Often these people include the board chair and executive director.

Assessment of Executive Director and Board Relationship.

Assessing the quality and effectiveness of the board/executive director:

Clear Definition of Roles

- ❖ Does the ED have an updated job description that provides a good sense of the magnitude and complexity of the job?
- ❖ Does the board have a clear sense of its responsibilities, as outlined in a written job description for the full board, committee descriptions and individual board members' responsibilities and procedures?
- ❖ Are there policies in place that guide board and staff about grievance procedure, channels of communication, and the chain of command?

Mutual Expectations

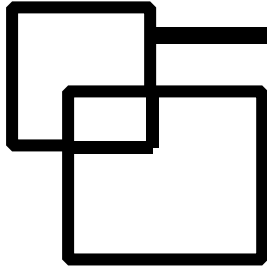
- ❖ Does the organization have a strategic plan?
- ❖ Does the board understand the budget?
- ❖ Has the ED developed with the board a set of goals for the year covering his/her performance?
- ❖ Is there a work plan that guides staff performance?

Strong and Regular Communication

- ❖ Do the quality; focus and content of information received enable the board to ask good questions?
- ❖ Is there adequate communication between board meetings?
- ❖ Does staff feel safe enough to bring results—good, bad, and indifferent—to the board for discussion and evaluation?

Fundamentals for Strong Partnerships

- ❖ **Trust**: Do board and staff members believe in each other? Are they motivated primarily to do what's best for the organization and people it serves?
- ❖ **Honest**: Can board and staff be open and share information? Is there room for disagreement and dissent? Is it safe to share bad news or problems? Is all business conducted in common full-group settings or are decisions and discussions taking place elsewhere?
- ❖ **Respect**: Is there an underlying appreciation for people's skill, perspectives and motivations? Is there a respect for process and the chain of command? Does the tone of discussion and decision-making reflect good will?



HAKIKAZI CATALYST

Knowledge. Action. Change.

**P.O. Box 781, Arusha: Tel 255 27 2509860, Email: hakikazi@cybernet.co.tz -
Meru Plaza Building, Esso Road, Arusha Website: www.hakikazi.org**

Module 1:

Creating a Vision:

**A clear, Strong Mental Picture of The Result You Want
To Achieve**



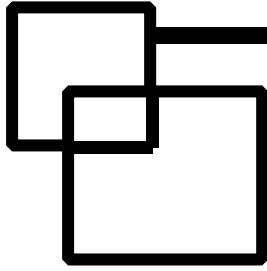
CREATING A VISION:
A clear, strong mental picture of
The result you want to achieve

A VISION:

- inspires action. **A powerful vision pulls in the ideas, people and other resources needed to make it real. It inspires people to commit, to persist and to give their best. It creates the energy and will to make change happen.**
- helps keep organizations and groups focused and together, **especially with complex projects and in stressful times. When people share a vision, it's easier for them to see connections between what they want as individuals and the goals of an entire group.**
- is a practical guide **for planning, budgeting, implementing and evaluating projects. It works like "true north" on the compass.**
- is NOT the same as goals or objectives. **Ideally, these flow from a vision and help turn it into specific policy steps.**

TO SUCCEED, A VISION NEEDS TO:

- **Be clear.** Make it as sharp and detailed as you can.
- **Be positive.** Don't try to motivate yourself or others with a vision of bad things that might happen if you don't succeed. A vision based on fear may fuel immediate action, but it can also cripple creative and courageous thinking.
- **Include changes in attitudes.** The challenge you see in front of you is only the part of the problem you can see-the real challenge is deeper and often involves personal attitudes that may be strongly held. Any strategy that ignores attitudes will likely be a short-term fix - the "solved" problem will reappear, often in a different form.
- **Include a clear picture of the impact of your personal role,** not just that of your organization. This isn't about ego. It's about you taking full responsibility for helping achieve the results you want. It's you out of the stands and onto the playing field.
- **Come from the heart, not the head.** Do not try to think your way to a vision. Applying brainpower is vital at the right points in the planning process. But to create a vision that's exciting and compelling, you've got to give yourself the freedom to dream-to use your imagination to see and feel what does not exist.



HAKIKAZI CATALYST

Knowledge. Action. Change.

P.O. Box 781, Arusha: Tel 255 27 2509860, Email: hakikazi@cybernet.co.tz -
Meru Plaza Building, Esso Road, Arusha Website: www.hakikazi.org

Module 2:

Inspirational Word:

A precept From Nelson Mandela's Famous Speech 1994



Moral, Ethical Reasoning and Decision-Making Is A Key To Corruption Control

“Our deepest fear isn’t that we are inadequate; our deepest fear is that we are powerful beyond measure.

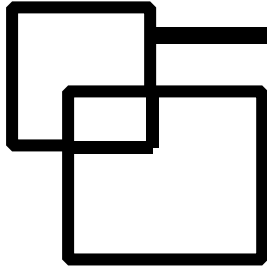
It is our light, not our darkness that most frightens us. We ask ourselves who am I to be brilliant, gorgeous, talented or fabulous?

Actually, who are you not to be? You are a child of God; we are all like loose diamonds.

We were born to manifest the glory of God that is within us and as we let our own light shine, we unconsciously give other people permission to do the same.

As we are liberated from our fear, our presence automatically liberates others”

“... in the end, we will remember not the words of our enemies, but the silence of our friends...”



HAKIKAZI CATALYST

Knowledge. Action. Change.

**P.O. Box 781, Arusha: Tel 255 27 2509860, Email: hakikazi@cybernet.co.tz -
Meru Plaza Building, Esso Road, Arusha Website: www.hakikazi.org**

Module3a:

Corruption and Causes of Corruption: 6C Analytical Tool

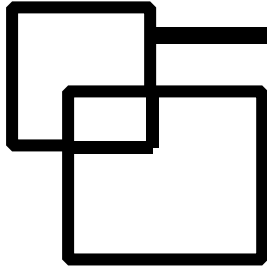


Causes of Corruption:

Thinkers and philosophers like Sri Sri Ravi Shankar's and Lord Acton have claimed the big C of corruption has meaning as to the cause of it. Thus the big 'C' of corruption can be countered by six more 'C's!

- ❖ The first is the sense of 'Connectedness'. A lack of connectedness or sense of belongingness breeds corruption in society. That is why, often, you see people looking for connections, in order to avoid corruption! A sense of belongingness among people, among the community, can root out corruption. That is why corruption is lowest at the village level; but when it comes to urban areas, cities, it's much more because there is no community sense there – no belongingness. In modern world of networking it is believed that what counts is not who you know but who knows you and that what counts is not what you know but who knows what you know.
- ❖ The second 'C' is 'Courage'. A lack of self-esteem or confidence in one's own ability is one of the causes of corruption. It is fear, or insecurity in a person that makes one become more corrupt. He then tries to find his security only through money, which does not really happen. The more money he acquires the insecurity does not disappear. In fact, he becomes more afraid and more fearful because the money is not earned in a right manner. So the second 'C' that we will have to focus on is to create that courage in a person – courage and confidence in one's ability and in the laws of nature.
- ❖ Third is an understanding of 'Cosmology' – looking at one's own life in the context of extended social space and time. Just take a look at our own life. How long is it? Only 80-100 years! See life in the huge dimension of time. Billions of years have passed since the creation. Our creation, as scientists say, is 50 billion years old. And everything in this creation is recycled. The air we breathe is old, every cell in our body, every atom is old, and the oxygen and the hydrogen are old! And this will continue. Seeing life from a different perspective of space and time is what will deepen one's vision about life. Being corrupt, one amasses a lot of money and puts it in the bank. One can't spend all the money and then one dies. One's children inherit the property and then they fight over the inheritance! Seeing life in the context of this huge universe and unfathomable time can broaden one's vision, can broaden one's mind and can enrich one's heart.
- ❖ The fourth 'C', is said to be 'Care' and 'Compassion'. Care and compassion in society can bring dedication. It is the lack of dedication that causes corruption. Sri Sri gives his experience in an Indian Community. He narrates: The Kumbha Mela in India was attended by a total of 30 million people – nearly 3 million people each day, and there was not a single incidence of violence, theft or robbery! One night we were distributing blankets to the poor as it was very cold and I came across a youth, who refused to take a blanket, saying that probably someone else there needed it more! That sense of care and compassion: 'it doesn't matter even if I don't have, somebody needs this more. We have to care for them". That care and compassion can root out corruption.
- ❖ The fifth C is a sense of 'Commitment' – commitment to contribution. When a person has a goal, a commitment to a higher cause in life, it brings a shift from gaining to giving. In a society, if everyone keeps thinking 'What can I gain? Rather than 'What can I contribute?' or 'How can I be useful to the people around me? Then corruption cannot be rooted out. In society, we need to have this shift in our attitude, from 'What can I gain?' to 'What can I give?'
- ❖ The sixth is Competence and Complacent: Lord Acton's clinched claim that 'Power tends to corrupt and absolute power corrupts absolutely' ranging from the Biblical story of King David's seduction of Betsheba to Bill Clinton's recent autobiography mea culpa of the

Lewinsky affair. Try to examine ancient proverbs like: the fish rots from the head. Is unethical behaviour the result not of failure, but rather success? Do competent leaders become complacent which, in turn, produces corruption? Give examples.



HAKIKAZI CATALYST

Knowledge. Action. Change.

P.O. Box 781, Arusha: Tel 255 27 2509860, Email: hakikazi@cybernet.co.tz -
Meru Plaza Building, Esso Road, Arusha Website: www.hakikazi.org

Module3b:

Corruption and Causes of Corruption: Conflicts of Interests



CONFLICTS OF INTEREST

A Roadmap To Corrupt Practices And Bad Governance:

An employee is involved in conflicts of interest when he or she has a private interest in the outcome of a task:

- ❖ That is possibly antagonistic to the best interest of the institution;
- ❖ That it does or reasonably might affect the independent judgment the institution expects to exercise on its behalf.

Conflicts of interest need not be financial. Conflicts of interest may be actual or potential:

- ❖ The actual conflicts of interest are unethical because they are contrary to the implied contract that a worker freely accepts when taking a job with an institution.
- ❖ Potential conflicts of interest may or may not be ethical depending on the probability that the employee's judgment will be affected by the conflicts of interest or will appear to be affected by the conflicts of interest that have to be considered:
 1. The employee's personal psychology and intentions.
 2. The employee's position in the firm and the nature of the employee's job.
 3. How much he stands to gain from the transaction involved.
 4. The impact the employee's action will have on other inside and outside the Institution.

Solution: To avoid problems, many organizations/institutions:

- ❖ Specify the amount of stock that the institution will allow employees to hold in supplier firms.
- ❖ Specify the relationships with competitors, buyers or suppliers that the institution prohibits employees from having.
- ❖ Require key officers to disclose all their outside financial interests.

Conflicts of interest can be created by a variety of different situations and activities. Special attention is often given the area between gifts and bribes:

➤ **BRIBERY**

When used to secure the sale of a product, political bribery can also introduce diseconomies into the operation of markets. There is a decline in market competition because a bribe serves as a barrier to prevent other sellers from entering the briber's government market.

In determining the ethical nature of payments used for purposes other than to shut out other competitors from a market, the following considerations are relevant:

- ❖ Is the offer of a payment initiated by the payer (the one who pays the money) or does the payee (the one who receive the money) demand the payment by threatening injury to the payer's interest? In the later case, the payment is not a bribe but a form or extortion, which a person may not be morally responsible or moral responsibility may at least be diminished.
- ❖ Is the payment made to induce the payee to act in a manner that violates his official sworn duty of acting in the best interest of the public? Or is the payment made to induce the payee to perform what is already his official duty? In the first case, it is an immoral act.
- ❖ Are the nature and purpose of the payment considered ethically unobjectionable in the local culture?

➤ **COMMERCIAL BRIBERY**

A commercial bribe is a consideration given or offered to an employee by a person outside the institution with the understanding that when the employee transacts business for his or her organization the employee will deal favorably with that person or with that person's organization. "Consideration " may consist of money, tangible goods, the kickback of part of the official payment, preferential treatment of any other kind of benefit. "Commercial extortion" occurs if the employee demands a consideration from persons outside the firm as a condition for dealing favorably with those persons when the employee transacts business for his institution. Extortion and the acceptance of bribes obviously create a conflict of interest that violates the **moral duty** that the employee's work contract establishes, that is, the duty to use one's unbiased judgment in the pursuit of the employer's legitimately established goals.

➤ **GIFTS**

Accepting gifts may or may not be ethical. If there is no connection with doing business, it is acceptable. If it may create a conflict of interest, it is not acceptable. Vincent Berry suggests that the following factors should be considered when evaluating the morality of accepting a gift:

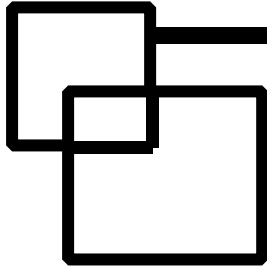
- ❖ What is the value of the gift? Is it substantial enough to influence one's decisions?
- ❖ What is the purpose of the gift? Is the gift intended of accepted as a bribe?
- ❖ What is the circumstance under which the gift was given? Was the gift given openly? Was it given to celebrate a special event (Christmas, a birthday, the end of the fasting month, a store opening)?
- ❖ What is the position of the recipient of the gift? Is the recipient in a position to influence his own firm's dealings with the giver of the gift?

- ❖ What is the accepted business practice in the area? Is the gift part of an open and well known industry practice?
- ❖ What is the institution's policy? Does the institution forbid acceptance of such gifts?
- ❖ What is the law? Is the gift forbidden by law?

Managing Conflicts Of Interest: Fighting Corruption

Seven neglected principles of public life should be adhered to namely:

- ❖ 1. Selflessness – Holders of public office should serve the public interest, not seek gains for their friends.
- ❖ 2. Integrity – They should not place themselves under financial obligation to outsiders who might influence their duties.
- ❖ 3. Objectivity – They should award public appointments and contracts on merit.
- ❖ 4. Accountability – They should submit themselves to the appropriate scrutiny.
- ❖ 5. Openness – They should give reasons for their decisions.
- ❖ 6. Honesty – They should declare conflicts of interest.
- ❖ 7. Leadership – They should support these principles by personal example.



HAKIKAZI CATALYST

Knowledge. Action. Change.

P.O. Box 781, Arusha: Tel 255 27 2509860, Email: hakikazi@cybernet.co.tz -
Meru Plaza Building, Esso Road, Arusha Website: www.hakikazi.org

Module 4:

ETHICS AND INTEGRITY DEFINITIONS: Tools of Analysis for Anti-Corruption Policy Design vs. Default



Moral, Ethical Reasoning and Decision-Making Is A Key To Corruption Control

Ethics

Ethics can be defined as set of moral values. The character for this word evolved from a pictograph of a man walking the “proper” path in life. Today the Chinese have a saying that one should not undertake anything if there is no honest or legitimate way to do so.

Adam Rose rowreform@yahoo.com. Ethics is the formal study of moral standards and conduct. For this reason, the study of ethics is also often called “moral philosophy.” What is good? What is evil? How should I behave – and why? How should I balance my needs against the needs of others? These are some of the questions asked in the field of ethics, a branch of philosophy, which has some of the most immediate and obvious consequences for how we live our lives.

Budd Kass Kassh1934@aol.com. Moral are the rules of the game. Ethics are how you choose to play them.

Leo Huberts LWJC.Huberts@fsw.vu.nl

- Integrity: accordance with the relevant moral values, norms and rules
- Organizational integrity: Organization(al) behavior is in accordance with the moral values and norms and the rules accepted by the organization’s members and its stakeholders.
- Public integrity: public action in accordance with the relevant moral values, norms and rules.
- Ethics 1: the collection of moral values and norms, standards and principles, which provides a framework for acting.
- Ethics 2: reflection on the moral aspects.
- Moral: refers to what is judged as right, just or good.
- Values are “judgments of worth, moral principles or standards, which should have a certain weight in the choice of action.
- Norms state what is morally correct behavior in a certain situation.
- (Public) corruption: the use of public office for private gain (coming from interested outside parties).

Don Menzel dmenzel1@tampabay.rr.com . Ethics are principles and values that guide right and wrong behavior.

Rod Erakovich roderakovich@comcast.net. “Ethical behavior in public service involves intentionally responsible action, honoring implicit and explicit social contracts, and seeking to prevent, avoid or rectify harm. Specifically in the organizational context, this conduct also includes promoting long term goodwill within and across group boundaries and respecting the needs of others both within and outside the firm. “Cohen, D.V. (1995). Creating ethical work climates: A socioeconomic perspective. Journal of Socio-Economics, 24(2), 317344.

Jim Slack jslack@uab.edu. Morality is based on the absolutes of Right and Wrong that are found in sacred doctrines that transcend time, place, and generation. Hence, it is not based on consensus, nor is it “situational”. In some cultures, it is based on ideological documents (Marx, Mao, Confucius), in others; it is based on theocentric documents. Not everyone has to share in the belief of those documents, but all must understand the origin of moral thinking and moral action within the particular culture. That is, I do not have to believe in the writings of Mao or Confucius, but I do need to understand that what is right and wrong are derived from those writing. Thomas Jefferson understood where the morality in this culture was derived, as per his writings on the morality of Jesus of Nazareth. Note, we do not have to agree (as Jefferson did not) to accept the moral teachings in theocentric documents. (Which \, by the way, are the same moral teachings in the sacred documents of Jews, Muslims, and Christians). In other words, you can be a non-believer and reject the mysticism and spirituality, but the moral teachings must be recognized as the foundation of the political community.

As Terry Cooper and many others have stated, ethics is based on the values of fairness, equity, and due process. It is not based on absolutes but rather on consensus of the present generation and locality (what was ethical behavior in the 19th century American west is not ethical behavior today) and therefore it does not transcend time, place, and generation.

The main difference, borrowing from Terry Cooper again, is that ethical decisions tend to let you sleep well at night, while moral decisions should make you lose sleep at night. (Moral decisions may not be fair or equitable).

If I could draw a pyramid, I would like to demonstrate what I believe to be another facet of moral and ethical decision making. At the apex of the pyramid are moral questions (dealing with absolutes based on sacred documents (in the U.S., theocentric documents.) I encourage students to look “there” first before making a decision. If there are absolutes, then stop there and make a decision as difficult as it maybe and as perhaps unfair as it may be. If no absolutes are involved in the decision, then move to the next level in the pyramid: ethical questions. Are these issues of fairness, equity, due process, etc that should be addressed? If the answer is “yes”, then make your decision at that level. If no, go to the bottom of the pyramid: to routine decisions.

There is not a wall that separates each level, however: for instance a governor making a decision on whether or not to execute a convicted murderer is making a moral decision and therefore should not sleep well that evening, regardless of her decision. The method of execution, however, is an ethical one: what is fair, what is technologically possible, who should view, how to treat the inmate, etc. We should sleep easier making those decisions: whereas hanging was once the “ethical” way, technology and consensus led to electrocution and then lead to injection. The number of appeals is also an ethical outcome. (In the 19th century, it was ethical to hang a convicted murderer rather quickly, in the 21st century,

more appeals is more ethical than fewer appeals). Once the ethical issues have been decided, the routine decisions can be made: which prison serves as the place of execution, who gives the injections, the time of the execution, etc. But the order should always be: first Moral decisions, then Ethical decisions, then routine decisions.

The problem in our society is at best, we look only at issues from an ethical perspective: consensus, fairness, etc, and too infrequently from a moral perspective: there are “right” and “wrong” issues out there. Sadly, abortion is one of those public policies which we look at from the perspective of ethics: what is fair to the mother, killing the child earlier is better than in later trimesters, a vacuum is better than forceps, it is over in an hour, etc.

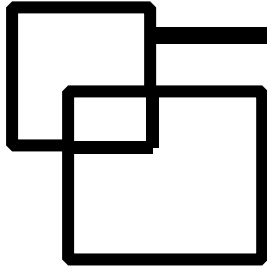
We may not agree with each other on a moral issue, but we should at least address public policy from a moral plain before proceeding to the ethical (situational/consensus) level. Who knows, we may conclude that theocentric documents permit the killing of the unborn and prevent the killing of the inmate. The uncomfortable part of that great debate over morality is the risk of confusing moral behavior with people. Theocentric documents are subject to person interpretation and hence, the issue isn't the morality of the individual but the morality of behavior. No one has a corner on what is moral behavior. But we do not know what is moral behavior unless we debate public policy (Health) alternatives from a moral perspective before we take ethical “sides” and implement “routine” decisions.

Ronald J. Scott RSott3243@aol.com. A standard dictionary definition defines ethics as “a consensus of moral principles.” This sounds good but what does it mean? Morals and ethics are connected, but they are distinctly different concepts. Morality is rationally bounded by an individual context and is derived from a set of beliefs and assumptions about life, which shape values, attitudes and behaviors (observable and unobservable). Ethics, on the other hand, is rationally bounded by a group context and is derived from a consensus of moral principles. Jurgen Habermas' communicative rationality is a powerful theory of the evolution (or devolution) of ethics. As such, the essence of ethics represents modal characteristics determined by the nature of the group or, in other words, its predisposition/tendency based on the salience of certain beliefs or assumptions. The danger of this approach is that ethics becomes a reductionist effort over time, blurring the distinction between moral and immoral behavior at the individual level. As an example, Roe Vs. Wade made abortion legal (and therefore, ethical) in our society. Yet, for many people, abortion is still regarded an immoral act. The blurring of ethics with morality has implications for societies, organizations, etc., based on “characteristic” affinities (or a commonest of values). For example, Al Qaeda demonstrates behavior based on group “ethics.” To them, decapitating noncombatants is a “moral” behavior. Yet, compared to the “ethics” of other groups, what Al Qaeda is doing is generally considered immoral as opposed to unethical. As another example, the images and reports of Abu Graib abuses also were considered immoral as opposed to unethical. Which is considered more grievous: decapitating an innocent or

humiliating someone? Seeing behavior as immoral as opposed to unethical in these two instances may be more consistent and congruent than seeing the behavior as unethical. If true, then this notion ought to beg the question as to why. My suspicion is that when it is time to judge behaviors, one resorts to a more fundamental set of beliefs that tend to be individual, yet universal – a near absolute sense of morality. Ethics, on the other hand, is a dynamic adaptation to circumstances over time, and without a clear sense of the context (considering both physical and temporal factors) that shapes it, we find ourselves dealing with “situational ethics” that may not be truly grounded as a healthy “consensus of moral principles.”

James Nordin janordine@sbcglobal.net. Ethics are the internal rules that drive one to follow or not to follow external rules. Of course, this definition works best when morals are the external rules. Simply being law-abiding begs the ethical question.

Larry Cobb EthicsWorks@aol.com. Ethical conduct is doing good things in rational ways.



HAKIKAZI CATALYST

Knowledge. Action. Change.

P.O. Box 781, Arusha: Tel 255 27 2509860, Email: hakikazi@cybernet.co.tz -
Meru Plaza Building, Esso Road, Arusha Website: www.hakikazi.org

Module 5:

WHISTLE-BLOWING: Culture?



Ethics of Whistle Blowing Culture

Insights on the Ethics of Whistle Blowing:

This is an opportune moment for us to bounce ideas regarding the ethics of whistle blowing and how best to develop mechanisms that will accomplish the goals of whistle blowing and at the same time protect all parties referenced by such whistle blowing. As a programme facilitator and consultant I have taken time to dig some more into the issue, I would like to share some insights and get across to you reflections on the subject:

In terms of developing an ethical approach to whistle blowing, I would suggest that an important element to keep in view is that **an ethical whistle blowing mechanism must correlate with an ethical organizational culture**. The purpose of whistle blowing is to restore value-based efficiency and effective management systems. These cannot be possible where an organizational culture does not show the presence of exemplary leadership, where there is weak managerial personnel systems, where values of probity and accountability are not highly respected, where quality work does not flow from a collaborative culture between staff across board, where participatory governance is non-existent, where there is autocracy, where performance within the organization is personality-based and loyalty-generating rather than quality performance-driven, etc.

If an organization or management operates on principles that contradict the values that the organization wants to restore or promote through whistle blowing, then the whistle blowing process will be a mere circus. Therefore, in order to establish an effective whistle blowing mechanism, we may want to take a hard look at the politics of the organizational culture as well as the values, which an organization prioritizes and chooses for, in decision-making and in work implementation processes. Otherwise, whistle blowing can degenerate into mere witch hunting, payback, or manipulative instruments.

Another important element to consider is that an attempt to design or promote a whistle blower mechanism needs to go hand-in-hand with **the development of a conflicts of interest mechanism**. This must be closely integrated into the whistle blower program. This is necessary because the conflicts of interest mechanism will allow any information that is gathered to be closely scrutinized for the presence of real or potential conflicts of interests (of the informers, or of those receiving and processing the information, or of management, or of other staff within an organization). More often than not, personal conflicts and ambitions may actually be embedded within information that is sought for from whistle blowers by leadership or an organization, or embedded within information volunteered by whistle blowers meant to convey wrongdoing to leadership, to management or to an oversight body, etc.

During the information gathering or processing phases, we must always ask these critical questions: "what is up men"? "What is in it for the informer, manager,

organization, etc?" "How may conflicts of interest be identified and addressed?" "How may people who are wrongly targeted or implicated be treated?"; "How may bad informers or wrong accusers be disciplined?"; "How may unethical information gathering be dealt with?"; "What further research needs to be done to cross-check information before acting on same information?"; "Before any action is taken, what process is in place, or what process can be established, to ensure that a thorough review and investigation is exhausted and from as comprehensive a search as all resources will allow?"; "Do we have in place an independent audit board (internal or external) which may be assigned or have the responsibility to audit information received or information generated in the whistle blowing process?" A critical and meticulous appraisal of information, in order to target and address conflicts of interest, is indispensable for the success of implementing whistle-blowing instruments.

Further, any instrument of whistle blowing must also integrate within it a **risk management mechanism**. Whistle blowing is closely related to the management of risks to the operations of an organization. By this I mean that an organization must do all it can to control for risks in such a way that risks that will impact the achievement of the organization's objectives are minimized, controlled or removed. Risk management enables us to refine our practices in such a manner as to better achieve our objectives (Rick Funston, 2003, see below). Therefore, it is imperative for an organization to assess its environment of operations, its organizational culture, its internal control procedures, the values sought for, etc, in order to understand the types and levels of risks that might likely affect the organization in its day to day business. In fact, whistle blowing is meant to be employed as one such risk-removing or risk-controlling process in order to improve management practices or enhance the effectiveness of service delivery systems (Rick Funston, "Creating a Risk-Intelligent Organization", in Internal Auditor, April 2003 [source: www.deloitte.com]. Although the article does not treat whistle blowing, this short piece has valuable insights on organizational risk management)

One may also note, that in the way that whistle blowing can be misused, this very instrument in itself must be seen as a potential risk element which can stand to impact negatively on an organization. If the whistle blowing will tend to endanger everything that an organization stands for (the overall good), we may want to consider how whistle blowing may be reshaped in order to accomplish its aims and at the same time preserve the greater goods sought for? The tool of whistle blowing should therefore also be assessed to see the level of risks that the tool poses for the organization's attempt to create or promote value for the organization and its stakeholders (in this case-clients, constituents, consumers, etc).

I also suspect that there is a consensus emerging on the point that whistle blowing must include provisions for a **freedom of information instrument**. The idea is to allow people to freely give, pursue, and have access to information without recrimination or criminalization, especially where the advancement of the public good is concerned. For this purpose, it is critical to develop and institute public

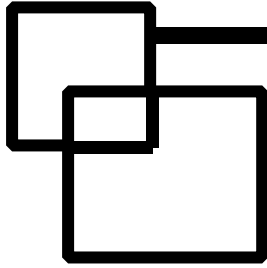
education and awareness programs to be implemented together with our whistle blower programs. Here we can instill in our publics, constituents, or stakeholders, the consciousness that freedom of information does not mean or entail free-for-all pay back time or anarchy. Our constituents need to be informed and to be helped to learn about the values (public goods) sought for in freely offering or generating information, and to learn about the value of the transparency of freedom of information instruments as well as all other information-gathering systems.

Ultimately, freedom of information, whistle blowing, etc, should not only aim at developing and instituting measures to correct "wrong behavior" (politically worn-out, perhaps?), but they should also help us to develop **ways of resolving ethical dilemmas** in order to improve the way we do business and undertake our responsibilities, in line with what we have been entrusted as public officials. In these regards, there also needs to be an ongoing and a **systematic articulation and refinement of our perception of the public good**, how we justify the meaning of the public good vis-à-vis sectional or personal interests, how we believe the public good might be achieved, and how we collaborate in the achievement of the same public good. A clearly articulated understanding of the public good, which is easily understood by all stakeholders, and which can be easily communicated to all, will help us to better focus our whistle blowing mechanisms, in terms of why we gather information, why the information is being given by others, how the information will be used, why the information is being used, who we are serving, who stands to be served, etc (www.transparency.org).

Working constantly with experts (specialists in our field of expertise, well-meaning peers and colleagues, sociologists, legal experts, theologians, philosophers, ethicists, social service practitioners, management consultants, development workers, grassroots wisdom from our parents and grand-parents, other old time elders who sit in front of our homesteads and impart common sense wisdom, daladala drivers, even ordinary street cart pushers, etc) will enable us to continuously **dialogue** and reach consensus on the nature and meaning of the public good. Let us remember that an ethical whistle blowing process generates transformative feedback not devastating pay back!!!!

References:

- ❖ www.transparency.org <<http://www.transparency.org/>> (Conflicts of interests)
- ❖ www.nobribes.org <<http://www.nobribes.org/>> (Very useful for anti-corruption issues)
- ❖ www.oecd.org <<http://www.oecd.org/>> (See OECD Policy Paper No. 14, 1998, on creating ethics infrastructure in public sector management)
- ❖ Rick Funston, "Creating a Risk-Intelligent Organization", in Internal Auditor, April 2003, pp. 59-63 (source: www.deloitte.com)



HAKIKAZI CATALYST

Knowledge. Action. Change.

P.O. Box 781, Arusha: Tel 255 27 2509860, Email: hakikazi@cybernet.co.tz -
Meru Plaza Building, Esso Road, Arusha Website: www.hakikazi.org

Module 6:

Constitutional Framework For Anti-Corruption Activities:

The United Republic of Tanzania



Overview of Constitutional Framework for Anti-Corruption Activities in Tanzania.

RESEARCH AND LITERATURE

Scholarly works of corruption fighters have prompted a number of anti-corruption policy crusaders like us here today to accumulate analytical tools in the subject. In his famous presentation Edward G. Hosea, Director of Investigation for the Tanzania Prevention of Corruption Bureau, (PCB) in President's Office has this to say:

*“The problem of corruption started to be addressed in Tanzania way back in 1958 when the Legislative Council (then Tanganyika) passed the Anti-Corruption Law of 1958 (cap 400). Most importantly the remarks by the Father of the Nation, the Late Mwalimu Julius K. Nyerere in his address to the nation in 1960 and 1978 respectively. Nyerere stated: **It is ridiculous that we are concerned with punishing petty thieves and ridiculing prostitutes who resort to shameful acts out of necessity while we condone people in high positions who take bribes (Nyerere: Feb. 6, 1978).** The Constitution (1977), Art 9(h) out laws corruption. The government of Tanzania in 1966 established Ombudsman (The Permanent Commission of Inquiry) to check on the abuse of powers by public officials. In 1971 enactment of the Prevention of Corruption Act; establishment of the Anti-Corruption Squad then (1975) later changed to the Prevention of Corruption Bureau (1990). The appointment of the Warioba Commission (1996) and its findings; Parliamentary oversight Committee (Law and Constitution Committee); Controller and Auditor General; Ethics Secretariat (1996), Commission on Human Rights and Good Governance (2001), Good Governance Coordination Unit (2001) were important steps to strengthen oversight bodies on ethics and compliance” (Hosea 2004).*

Challenge 1 for Discussion: Is corruption crusading founded in the constitution in the United Republic of Tanzania?

CONSTITUTIONAL EXPECTATIONS

The preamble of the Constitution of the United Republic highlights the foundations of the Tanzania Constitution, the Grund Norm of the Land. This is what every citizen is expected to exist for and conduct his/her business to that end in Tanzania. It implies that the difference between a country and country is based on a type of society the people have constitutionally resolved to build: Case of Tanzania, see Preamble to the Constitution:

“WHEREAS WE, the people of the United Republic of Tanzania, have firmly and solemnly resolved to build in our country a society founded on the principles of freedom, justice, fraternity and concord”.

The above principles, which are the pillars on which a Tanzanian society is aimed to be anchored, can be interpreted as follows:

1. The Principle of Freedom implies Action;
2. The Principle of Justice implies Morality;
3. The Principle of Fraternity implies Work; and
4. The Principle of Concord implies Relation

Challenge 2 for Discussion: To what extent is one of us here strategically placed to ensure the observance of those constituted principles in the fight against corruption to promote governance and defend democracy in Tanzania today? Can we identify 'models' of such principles in Tanzania?

STANDARDS & DEMOCRACY

The realization of freedom, justice, fraternity and concord requires an environment where people themselves have an independent and free say in everything. There is therefore a need for promoting people-centered policies. Second part of the Preamble provides:

“Those principles can only be realized in a democratic society in which the Executive is accountable to a legislature composed of elected members and representative of the people, and also a Judiciary which is independent and dispenses justice without fear or favor, thereby ensuring that all human rights are preserved and protected and that the duties of every person are faithfully discharged”.

Challenge 3 for Group Discussion: Given the level of corruption in Tanzania, are the standards set above achievable? Is the Tanzanian **Executive** realistically

accountable to the legislature? Should one say with confidence that members of the Tanzanian legislature represent the people? What about the independence of the Judiciary in Tanzania?

In conclusion the Preamble further provides:

“Now, therefore, this constitution is enacted by the constituent assembly of the United Republic of Tanzania, on behalf of the people, for the purpose of building such a society and ensuring that Tanzania is governed by a Government that adheres to the principles of democracy and socialism”.

Challenge 4 for Discussion: What are the principles of democracy and socialism? Where do the two meet in the management of corruption to promote good governance?

Democracy can be understood in the process of democratisation. The Constitution of the United Republic is smart in this:

- **Article 3 is constructed to provide as follows:** *“The United Republic is a democratic and socialist state which adheres to multi-party democracy”.*
- **The Political Parties Act was passed back 1992 and over 15 political parties have so far been registered in Tanzania. Article 10, which was providing that “all political activities should be conducted under the political party” has been repealed from the Constitution. People are free to discuss about politics and join any political party without interference.**
- **Fundamental to the process of democratisation is the right to vote. Article 5 sub article (1) of the constitution of the United Republic provides:** *“Every citizen of the United Republic who has attained the age of eighteen years is entitled to vote in any public election held in Tanzania”.*

On page 1 of the unpublished report on Training in Anti-Corruption and Good Governance from Marquette University Les Aspin Center for Government and the Istanbul Forum on a Global Integrity Alliance author quotes: **“Democracy and free elections are not the problem; they are the solution. And that there is no better framework for ensuring the rights of the people and the accountability of their leaders”.** Page 1 (Romuald Rwechungura, 2004).

CONSTITUTION AND NACSAP SYNERGY

Part II of the Constitution of the United Republic provides for the **Fundamental Objectives And Directive Principles Of State Policy**. Article 9 provides: “***The object of this Constitution is to facilitate the building of the United Republic as a nation of equal and free individual enjoying freedom, justice, fraternity and concord, through the pursuit of the policy of Socialism and Self-Reliance which emphasizes the application of socialist principles while taking into account the conditions prevailing in the United Republic. Therefore, the state authority and all its agencies are obliged to direct their policies and programmes towards ensuring-***

(c) that public affairs are conducted in such a way as to ensure that the national resources and heritage are harnessed, preserved and applied for the common good and also to prevent the exploitation of one person by another;

(e) that every person who is able to work does work, and work means any legitimate activity by which a person earns a living; (i) that the use of national resources place emphasis on the development of the people and in particular is geared towards the eradication of poverty, ignorance and disease;

(j) that the economic activities are not conducted in a manner capable of resulting in the concentration of wealth or the major means of production in the hands of a few individuals”.

The National Anti-Corruption Strategy and Action Plan (NACSAP) takes its inspiration from here, and its Executive Summary provides: “***To deal with corruption effectively, it is important to appreciate its basic causes, namely, greed and poverty. The prevalence of these factors gives rise to an operating atmosphere in the public and private sector that is amenable to corrupt practices. People are, then, compelled to “procure” services and favors in order to have their needs attended to. The unscrupulous individuals take advantage of such a situation to amass ill-gotten wealth.***

According to Article 9 sub article (i) eradication of poverty is constitutional. Sub articles (c; e; and j) are meant to fight and contain greed and rent seeking behaviors.

Challenge 5 for Discussion: To what extent the NACSAP fits into the State Policy with regard corruption management and building of the National Integrity in Tanzania.

Sub article (h) of Article 9 mentioned above sets the standard that corruption must be eradicated! Subsequently the National Anti-Corruption Strategy and Action Plan (NACSAP) adopt a zero tolerance policy to corruption.

NACSAP seeks to provide for a legal framework and enact a new Anti-Corruption Law that will regulate and influence individual actions, morality, deeds and relations.

Challenge 6 for Discussion: To what extent the NACSAP as one of the constructs of the Constitution of the United Republic is a Model for Corruption Management in E. Africa or Africa? How is it placed to address global situations in which corruption flourishes in view of enacting a new Anti-Corruption Law or amending the existing one?

At this juncture one can analyze the NACSAP in two dimensions:

- 1. *Conception:* Corruption is conceived as enemy number one. One would expect that this is priority hence the government has to invest heavily!**

Challenge 7 for Discussion: To what extent is the government of Tanzania serious with the issue of corruption control? Is it a priority? If yes show how and with what results?

- 2. Power of imagination:* Corruption is endemic in public and private sectors.

Challenge 8 for Discussion: What about the civil society sector?

Challenge 9 for Discussion: How would one measure the Government Performance in terms of Corruption Control in Tanzania.

THE PRESIDENT & CORRUPTION CONTROL

In cognizance of the above, retired President Benjamin William Mkapa on being sworn to presidency in 1996 appointed what has come to be known as the Warioba Commission to run a referendum on how corruption should be controlled in Tanzania. This was in conformity with the State Policy and democratic principles. Again see Article 8 sub article (a) providing that: ***“The United Republic of Tanzania is a state which adheres to the principles of democracy and social justice and accordingly: (a) Sovereignty resides in the people and it is from the people that the government through this constitution shall derive all its power and authority”***.

However, the Constitution of the United Republic sets free from advice the Head of the Executive/Government, the President. See Article 37 sub article (1) provides:

“Apart from complying with the provisions contained in this constitution, and the laws of the United Republic in the performance of his duties and functions, the President shall be free and shall not be obliged to take the advice given to him by any person, save where he is required by this Constitution or any other law to act in accordance with the advice given to him by any person or authority”.

Challenge 10 for Discussion: Is this provision putting the President in a better position than any other organ to deal for example with the issue of corruption?

Challenge 11 for Discussion: If one of the core functions of National Assembly is to advise the government, Article 62 sub article (2) provides: ***“The second part of Parliament shall be the principal organ of the United Republic which shall have the authority on behalf of the people to oversee and advise the Government of the United Republic and all its organs in the discharge of their respective responsibilities in accordance with this Constitution”***; will this advice compel the Chief Executive, the President to act on corruption issue accordingly?

One should be informed that the authority of the Head of Government, the President is exercised according to the constitution. Article 63 sub article (1) provides: ***“The President as one part of Parliament shall exercise all authority vested in him by this constitution”***.

THE GOVERNMENT & CORRUPTION CONTROL

The State policy indicated above in its Article 7 sub article (1) provides: ***“Notwithstanding the provisions of sub article (2) it shall be the duty and responsibility of the Government, all its organs and all persons or authorities exercising executive, legislative or judicial functions to take cognizance of, observe and apply the provisions of this Part of this Chapter”***. And sub article (2) provides that: ***“The provisions of this Part (Part II of the Constitution) of this Chapter are not enforceable by any court. No court shall be competent to determine the question whether or not any action or omission by any person or any court, or any law of judgment complies with the provisions of this part of this Chapter”***.

Article 34 sub article (1) provides that: ***“There shall be a Government of the United Republic which shall have authority over all Union Matters in the United Republic and other matters concerning mainland. (2) The authority of the Government of the United Republic shall concern the application and upholding of this Constitution and also all other matters over which the Parliament has power to legislate”***.

Challenge 12 for Discussion: Will it be possible for anyone to complain before the court of law that the Government or its head, the President, has failed to eradicate corruption or poverty for example?

THE PARLIAMENT & ANTI-CORRUPTION

Article 62 sub article (1) provides that ***“There shall be a Parliament of the United Republic which shall consist of two parts, that is to say, the President and the National Assembly”***.

Article 63 sub article (2) provides: ***“The second part of Parliament shall be the principle organ of the United Republic which shall have the authority on behalf of the people to oversee and advise the government of the United Republic and all its***

organs in the discharge of their respective responsibilities in accordance with this constitution”.

The role assigned to the National Assembly: ***oversee and advise the government*** is of greatest interest to locate the effective center of corruption control in Tanzania.

Challenge 13 for Discussion: If conventional wisdom tells us that “ADVICES ARE THERE TO BE FOLLOWED”! Is it wise to directly blame the government/state per se e.g. PCB and not the overseer and advisor, National Assembly, for failing to control corruption?

Article 46A sub article (1) empowers the National Assembly over the President when it comes to issues of ethics and national integrity. It provides: ***“Notwithstanding the provisions of Article 46 of this Constitution the National Assembly may pass a resolution to remove the President from office if a motion to impeach the President is moved and passed in accordance with the provisions of this Article”*** And sub article (2) provides: ***“Subject to the other provisions of this Article, no motion to impeach the President shall be moved save only if it is alleged that the President-***

- (a) has committed acts which generally violate the Constitution or the law concerning the ethics of public leaders***
- (b) has committed acts which contravene the conditions concerning the registration of political parties specified in Article 20(2) of this constitution; or***
- (c) has conducted himself in a manner which lowers the esteem of the office of the President of the United Republic”.***

LEADERSHIP CODE OF ETHICS & CORRUPTION CONTROL

Article 68 sub article (1) of the Constitution of the United Republic provides: *“Every Member of Parliament shall be required before the expiration of thirty days since taking oath as Member of Parliament to submit to the Speaker two copies of a formal declaration that he has not lost the qualifications for election in terms of paragraph (d) of sub article (2) of Article 67. Those special declaration forms will be submitted to the Ethics Commissioner”.* **And accordingly, Article 70 provides for the submission of the statement of property by all members of the National Assembly. The same constitutional directives apply to Speaker of the National Assembly See Article 84 (3), (4), (5), (6) and (7) failure of which constitutes the Speaker’s vacation from office.**

Article 110 (5) provides: *“A Judge of the High Court, including a Justice of Appeal and Article 144 of the Controller and Auditor General may be removed from office only for inability to perform the functions of his office (either due to illness or to any other reason) or for misbehaviour inconsistent with the ethics of office of Judge or with the law concerning the ethics of public leaders”.*

Challenge 14 for Discussion: **Is this exercise keenly practiced in our parliament to date? A need for designing and implementing an issue-focused activity in the National Assembly? What problems are there for the public to access this information of their leaders?**

Article 129 provides for the Permanent Commission of Inquiry today known as Human Rights and Good Governance Commission with jurisdiction to enquire into the conduct of any person to whom this Article applies, and such enquiry shall be made into the conduct of such person in respect of the ordinary performance of his duties or abuse of the authority of his office.

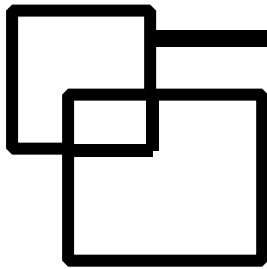
Article 132 provides for the establishment of the Public Leaders’ Ethics Secretariat which shall have power to inquire into the behaviour and conduct of any public leader for the purpose of ensuring that the provisions of the law concerning the ethics of public leaders are duly complied with.

Challenge 15 for Discussion: **How could one become proactive in working with the Commission for Human Rights and Good Governance and the Public Leaders Ethics Secretariat?**

REFERENCE

- Tanzania Government Efforts To Curb Corruption (1995-2004) by Edward G. Hoseah, Director Of Investigations, PCB

- **The Constitution of the United Republic of Tanzania of 1977, Edition of 1997 By A.J. Chenge, Attorney General.**
- **Presidential Commission of Inquiry Against Corruption (PCIC) or Warioba Commission.**
- **Report on the Marquette University Les Aspin Center for Government Anti-Corruption and Good Governance Training and the Istanbul Forum on a Global Integrity Alliance by Romuald Rwechungura, FAITA-TRUST's CEO and Founder Trustee.**
- **The National Anti-Corruption Strategy and Action Plan for Tanzania, of November 1999, President's Office, State House, Dar es Salaam.**
- **The Public Leadership Code of Ethics, Act Number 13 of 1995, Principle Legislation (Revised Edition).**



HAKIKAZI CATALYST

Knowledge. Action. Change.

P.O. Box 781, Arusha: Tel 255 27 2509860, Email: hakikazi@cybernet.co.tz -
Meru Plaza Building, Esso Road, Arusha Website: www.hakikazi.org

Module 7:

Addressing Corruption and Other Particularistic Behaviors:

Acts and Codes of Conduct in Tanzanian Society

Moral, Ethical Reasoning and Decision-Making Is A Key To Corruption Control



Moral, Ethical Reasoning and Decision-Making Is A Key To Corruption Control

SUMMARIES AND REFLECTIONS ON:

1. **Prevention of Corruption Act of 1971,**
2. **1995 Public Leadership Code of Ethics Act No. 13,**
3. **Code of Ethics and Conduct for The Public Service.**

I. The Prevention of Corruption Act of 1971

1. INTRODUCTION

This summary of the Tanzania prevention of Corruption Act of 1971 (the Act) has been prepared to facilitate the education and training of both public officers and private citizens regarding the duties and obligations imposed upon them by the Act. If “ignorance of the law is no excuse”, then it essential that public officers and private citizens understand the obligation imposed by the Act to prevent **unintentional corruption** and to allow effective responses when confronted with **intentional corruption**.

The materials are organized as follows:

- Definitions;
- Offences under the Act, with hypothetical situations for applying the law;
- Penalties for Violating the Act; and
- Answer to the hypothetical situation

2. DEFINITIONS

- *Advantage*: any property, payment position, Employment, or benefit. § 2
- *Agent*: any person employed by or acting on behalf of any other person or entity, whether under contract or not, permanent or temporary, or whole time or part. A public officer is an agent. § 2
- *Principal* any employer, beneficiary under a trust, decedent’s estate, and the entity in which a public officer holds office. § 2
- *Public Officer*: any person who is a member of, holds office in, or employed by any public body. Whether or not the position is paid or unpaid, whole or part time, permanent or temporary. § 2

3. OFFENCES AND HYPOTHETICAL SITUATIONS

The following provisions summarize the actions relating to public bodies and private bodies that constitute offences under the Act, and the accompanying hypothetical situations provide the opportunity to apply the law to situations that might be encountered by public officers and private citizens.

- ***Soliciting or Accepting an Advantage.*** It violates the Act for any person to request or accept any advantage for himself or herself or for any other person if the advantage is an inducement or reward for an agent to take or to refrain

from taking any action in relation to the affairs or business of the agent's principal. § 3(1).

Hypothetical No.1. Public Officer works in the government office overseeing construction permits and his duties include reviewing and approving applications submitted to his office. Public Officer requests that an applicant give him a small payment to "expedite" the review process. Is that permissible under the Act?

Hypothetical No.2. Public Officer is responsible for purchasing food and supplies for public schools. He wants to create a private company to supply such goods to the schools. Is that permissible under the Act?

Hypothetical No.3. Public Officer is responsible for interviewing and hiring a new employee for the office. His nephew has just graduated university and is very well qualified for the position. Is it permissible under the Act to hire his nephew?

- ***Offering or Giving an Advantage.*** It violates the Act for any person to offer or give to any person any advantage, whether the advantage is for that person or for anyone else, if the advantage is an inducement or reward for an agent to take or to refrain from taking any action in relation to the affairs or business of the agent's principal. § 3(2)

Hypothetical No.4. Person with a construction permit application pending before Public Officer for review and approval tells Public Officer that he intends to purchase all of the plumbing materials for the job from the plumbing supply store owned by Public Officer brother. Is that permissible under the Act?

Hypothetical No.5. A person works in the admissions office of a prestigious secondary school where competition for admissions is very keen. A parent has offered an attractive job to the person's spouse if the parent's child is admitted to the school. Is that permissible under the Act?

- ***Using False Documents to Deceive or Mislead Principals.*** It violates the Act for any person or any agent knowingly to use false documents with the intent to deceive or mislead the agent's principal in relation to the affairs and business of the principal. § 5.

Hypothetical No.6. Agent works for a company that purchases large quantities of goods to be used in the work of the company. A supplier has approached Agent and wants to submit to Agent invoices with prices higher than the actual price of the goods. The supplier would then give to Agent one half the excess payments for the goods. Is permissible under the Act?

- **Soliciting or Accepting an Advantage in Relation to Official Matter.** It violates the Act for public officers to seek or accept any advantage for themselves or any other persons if such advantage is sought from any person with an interest in any matter that is within the jurisdiction, power, or authority of the public officers or those whom they supervise. § 6.

Hypothetical No.7. Public Officer is a member of a local authority. A controversial matter is on the agenda for the next meeting of the local authority. A person who has an interest in the matter has offered to fly Public Officer to South Africa for holiday if he votes against the proposal at the meeting. Is that permissible under the Act?

Hypothetical No.8. Public Officer is a Member of Parliament. The owner of a company whose industry will be affected by a bill pending in parliament has invited Public Officer to be his guest for a round of golf. Is it permissible under the Act for Public Officer to accept the gift of a round of golf?

Hypothetical No.9. Public Officer is having a birthday and plans a large party to celebrate. His family and friends all bring gifts. May he accept their gifts? A person with business pending before public before Officer's department also brings a gift. May he accept?

- **Unexplained Assets or Benefits.** It violates the Act for public officers to possess or have received property or wealth or to receive benefits or services that are reasonably suspected of having been corruptly received or acquired and for which the public officers cannot provide a reasonable explanation as to how such things were legitimately obtained. § 9.

Hypothetical No 10. The owner of a road construction company transferred a parcel of ground to public Officer who had been responsible for awarding a contract to the company. The public officer is now being investigated for corruption. What will happen under the Act if Public Officer is unable to document that the parcel of ground was legitimately purchased from the company owner?

4. PENALTIES FOR VIOLATING THE ACT

Persons found guilty of an offence under the Act shall be subject to the following penalties:

- **Penalty for Soliciting/Giving an Advantage.** The penalty for committing such an offense included imprisonment for a term not to exceed 10 years (14 years if offence involves a contract), a fine not exceeding 50,000 shillings, or both. Also, may be required to make restitution and /or forfeit the value of the advantage obtained. § 3(3).
- **Penalty for Use of False Documents.** The penalty for committing such an offense included imprisonment for a term not to exceed 5 years, a fine not exceeding 20,000 shillings, or both. § 5(3)

- **Penalty for Public Officer Soliciting/Accepting/Obtaining Advantage.** The penalty for coming such an offense included imprisonment for a term not to exceed 7 years, a fine not exceeding 20,000 Shillings, or both. Also may be required to make restitution and /or forfeit the value of the advantage obtained. § 6.
- **Civil Recovery by Principal.** When an agent has corruptly received any advantage, the principal may recover that amount or value in a civil proceeding, and conviction or acquittal of the agent in a prosecution under this Act does not bar the principal from seeking recovery in a civil proceeding. § 17.

5. ANSWER TO HYPOTHETICAL SITUATIONS

1. No. It would violate the Act if public Officer requests any payment for himself to “expedite” the review of the construction permit.
2. **No. It would violate the Act because Public Officer is receiving the benefit of the contract as an inducement or reward for his actions as an agent of the government**
3. No. It would violate the Act to obtain an advantage for someone else as an inducement for his actions as an agent of the government office. In this case, Public Officer is obtaining the job on behalf of his nephew, and that advantage for his nephew, is the inducement for his action as an agent.
4. No. Even though Public Officer would not be receiving any benefit for himself, it would violate the Act for the applicant to promise business to Public Officer’s brother as an inducement for Public Officer to approve the application.
5. No. Even though both persons are involved are private citizens and not public officers, it would violate the Act for the parent to offer the job to the spouse as an inducement to admit the child to the school.
6. No. It would violate the Act for the supplier and the agent to conspire together to obtain a benefit or payment at the expenses of the owner of the company using the falsified invoices.
7. No. It would violate the Act for Public Officer to accept the offer of the holiday as an inducement to vote against the act.
8. No. It would violate the Act to accept the gift of the round of golf from a person whose interests could be affected by the duties of the Member of Parliament.
9. Public Officer may accept the gifts from his family and friend because they are not connected to his official duties; however, because the gift from the

person whose application is pending might reasonably be considered connected to the Public Officer's official duties, he should decline to accept it.

10. Under these circumstances, if Public Officer cannot demonstrate that the parcel of ground was obtained legitimately, it would violate the Act.

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

1. INTRODUCTION

This Act is specific for shaping behaviors of persons holding high offices including: President and Vice President; Prime and Chief Minister; Speaker and Deputy Speaker; Chief Justice of the United Republic; Minister and Deputy; RC; Attorney-General; Judge and Magistrate; Member of Parliament; Ambassador or High Commissioner representing Tanzania Abroad; Chief Secretary; Permanent and Deputy PS; RAS; DC; Controller and Auditor-General; Clerk of National Assembly; Chief of Defence Forces; IGP and RPC; Chief of National Service; principal Commissioner of Prisons; Director-General of Intelligence; Director General of Prevention of Corruption Bureau; Mayor/Chairman/Member or Chief Executive Officers of a local Government Authority; Governor & Deputy; Chairman; Managing Director; General Manager or Director General of a body Corporate in which the Government has a controlling interest; Chairman and Members of all Commissions appointed on full time basis; Public Officers in-charge of independent Government Departments; Commissioners for the TRA; Commissioners and Directors in the Government Ministries:

The list is subject to the amendment by the President through Government Gazette Notice. However, the law does not specify which president.

2. THE PUBLIC AND POWER

Though the fundamental basis for identifying a person, as public leader is unclear, list of dignitaries are vested with position powers that has been delegated to them from the people. Thus the people (citizens) themselves must be given mandate to scrutinize all mentioned public leaders to ensure that that delegated power is not misused.

3. PRESIDENT AS CUSTODIAN OF NATIONAL INTEGRITY

The Act assigns the duty of ensuring evolution of ethical standards to the President. Again one cannot clearly see which president. § 5.

The president is empowered by this Act to declare through Government Gazette Standards of Ethics for public leaders after consulting with the National Assembly. § 7.

4. PRINCIPLES TO BE INVOKED

The Code is in existence to invoke 10 Principles to fight greed through declaration of property. Those principles include: § 9-15.

1. Integrity: making an extra mile
2. Leadership: doing right things and not just doing things right
3. Formalization and Prioritization:
4. Virtue of honesty
5. Democracy: superiority of peoples interests
6. Commitment: to give rather than gain
7. Impartiality: care and compassion to others
8. Competitiveness: free and fair level ground for all to access resources
9. Abundance: satisfaction mentality
10. Connectedness and Sense of Belongingness. § 6.

5. PUNISHMENT

Relevant authority may implement one of the following as punishment subsequent to violation of the Act: § 8.

1. Warning and caution
2. Demotion
3. Suspension
4. Dismissal
5. Advising the leader to resign from the office
6. Imposition of other penalties provided for
7. Initiating action for the leader as the law provides.

6. TIME BOUNDARIES

All assets and liabilities of any one public leader must be declared. § 9:

1. Within thirty days after taking office
2. At the end of each year, and
3. At the end of the leader's term of office.

7. IMPLEMENTER

The Ethics Secretariat is establish to police the Act: § 18 and in compliance with § 132 of the Constitution of the United Republic of Tanzania.

8. MINISTERS/DEPUTIES AND RCS COVERAGE

These public leaders have an additional coverage in the due to their nature of work and their accountability to the presidency and constitutional constructs. § 16-17.

9. PUBLIC PARTICIPATE

§ 18 (3) above provides: *“The secretariat shall, in performing its duties under this section, have the power to receive and entertain all allegations in respect of any public leader, whether oral or written from members of public without inquiring as to the names and address of the person who has made the allegation”.*

And § 20 (1-3) provide that *“1. On receiving a declaration of interest under section 14 or a declaration of assets and income under section 9, the commissioner shall cause the particulars of the declaration to be entered in the register. 2. The register shall be kept in such form as the*

President approves and shall be made available for inspection by members of the public at all reasonable times. 3. The Minister may by regulations published in the Gazette prescribe the manner in which members of the public shall inspect the register under this section”.

And § 22 (1) provides “An allegation that a public leader has breached Part III may be made to the Commissioner by any person, in writing giving particulars of the breaches or breaches alleged, signed by the complainant, giving his names and addresses: Provided that the Commissioner shall not refuse any allegations submitted to him for the reason only of lack of signature, names or addresses of complainant”.

And § 23 (1) provides “An allegation that a person holding office of Minister of regional Commissioner has breached Part IV may be made to the President by any person in writing signed by the complainant and giving the complainant’s name and address”.

And § 24 (1) provides “Subject to the provisions of this Act, the Tribunal may require any person who, in its opinion, is able to give any information relating to any matter relevant to any inquiry being conducted by it to furnish it with any such information and to produce any document, papers or things which may be in possession or under the control of that person and may, by order under the hand of the chairman or vice-chairman, require any such person to attend before the tribunal at a time and place specified in such order and be examined on oath or produce any such document, paper or thing.”

Last § 25 provides for the Rights of Witness, that “Subject to this Act, every person who gives or is required to give information by, or ordered to attend to give evidence or to produce any document, paper or thing before the Commissioner or the Tribunal shall be entitled in respect of such information, evidence, document, papers or things to the same right and privileges as witnesses have in the High Court.”

This is a Window of Opportunity for public (in Civil Society and Business Sectors) to participate in the implementation of the law. The need therefore for training in the subject arises from here.

III. Code of Ethics and Conduct for The Public Service

This is a government document that clarifies ethical standards that public servants are expected of. It creates awareness to all the people including those in private and civil society sectors who wish to be served by employees in public service. Those who are being served, the public in general most of the time feel they are being favored when servants behave and conduct themselves in a manner like:

- **Respecting all Human Rights and being courteous**
- **Performing diligently and in a discipline manner,**
- **Promoting team work;**
- **Pursuing excellence in service**
- **Exercising responsibility and good stewardship;**

- **Promoting transparency and accountability**
- **Discharging duties with integrity, and**
- **Maintaining political neutrality.**

In return to the above the public is motivated to reciprocate in what can be perceived as a cultural hospitality. This is because the public in general is not aware of what they (the public) are supposed to expect and demand from their servants.

Some unscrupulous public servants who are aware of this knowledge gap have started to exploit this opportunity for their own benefits. They pretend to provide excellent services in fear of breaching the code but at the back of their minds something is expected from the client. They will not force the customer to give out corruption but they will continue condemning him/her for being inhumane for the 'good' service they rendered to him/her and could not provide a kickback. Some have even dared to quote from the Holy Bible of the Story of those ten who had been suffering from leprosy and Jesus cured them miraculously but only one came to say thanks, the nine did not come back. These unscrupulous individuals are not even aware that their mission guided by law to render service to the public is different from Jesus' mission guided by love to the same people.

Corruption is changing face from forced to induced corruption through observing the above eight expectations. Hence the importance and urgent need of training leaders at all levels of organizations to know what they and those they lead should expect from their public servants who are guided by national statutes and the rule of law.

It is healthy for the public to be aware that the Code of Ethics and Conduct for the Public Service in Tanzania is a statutory document issued pursuant to the Public Service Act. A breach of this Code is dealt with under:

- **The Public Service Act, 2002;**
- **The National Security Act and**
- **The Prevention of Corruption Act.**

Hence awareness of the Code of Ethics and Conduct for Public Service is a prerequisite to the general public to demand for example in regard to Discharging Duties with Integrity, that a Public Servant:

1. **Should not fear to abide to the laws, regulations and procedures when discharging his/her duties.**

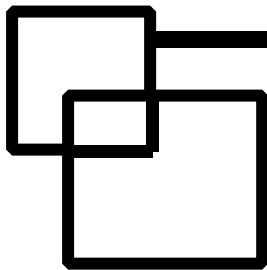
2. Should not solicit, force or accept bribes from a person whom he/she is serving, has already served or will be serving either by doing so in person or by using another person.
3. Should not receive presents in form of money, entertainments or any service from a person that may be regarded as geared towards compromising his/her integrity.
4. May accept or give nominal gifts such as pens, calendars and diaries in small amount.
5. Should return to the donor any other gift or handle them over to the government, in which case a receipt will be issued.
6. Should perform his/her duties honestly and impartially to avoid circumstances that may lead to conflicts of interest. And if conflicts of interest arise he/she should inform his/her superiors who will decide upon the best course of action to resolve it.
7. Should not borrow to the extent of not being able to repay the debts as this will discredit the public service as well as affect his/her ability to make unbiased decisions.

IV. Emerging Strategic Study Issues and Way forward

- Access to the Ethics Secretariat's Leaders Assets and Liabilities Declaration Register for informed complaints.
- Access to Government Gazette
- Promote **Meritocracy** in government through proposing Feedback Mechanisms of the service rendered by servants to public.
- Propose and lobby government to introduce Individual Plan of Action (**I-PoA**) **Concept** as developed in FAITA Trust's 10 Years Plan of Action, 2001-2010 to follow up the implementation of the Brussels Plan of Action (B-PoA) for poverty reduction and eradication.
- In name of defending **Democracy**, develop tailor-made and specialized modules for training public servants on:
 1. Key Performance Management,
 2. Labor Laws,
 3. Achieving Personal Excellence (APEX), and
 4. Stress Management and Rehabilitative Training (SMART).
- In view of promoting **Governance** through demanding the implementation of Code of Ethics and Conduct for Public Service in Tanzania there is an urgent need to specialize and hence conduct training in:
 1. Public Service Act
 2. National Security Act
 3. Prevention of Corruption Act

V. Study Reference:

1. **The Tanzania Prevention of Corruption Act, 1971.**
2. **The Tanzania Public Leadership Code of Ethics Act, 1995.**
3. **The Tanzania Code of Ethics and Conduct for the Public Service.**
4. **The Tanzania Public Service Act, 2002.**
5. **The Constitution of the United Republic of Tanzania, 1977**
6. **The Istanbul Global Integrity Alliance, 2004:International Association for Human Values and Art of Living Packages.**
7. **The American Bar Association's Africa Law Initiative Anti-Corruption Conferences in Nairobi and Dar es Salaam.**



HAKIKAZI CATALYST

Knowledge. Action. Change.

P.O. Box 781, Arusha: Tel 255 27 2509860, Email: hakikazi@cybernet.co.tz -
Meru Plaza Building, Esso Road, Arusha Website: www.hakikazi.org

Module 8:

The National Anti-Corruption Strategy and Action Plan, NACSAP 1999 - 2005

Evaluation



Moral, Ethical Reasoning and Decision-Making Is A Key To Corruption Control

THE NACSAP 1999 – 2005

Study of the Tanzania National Anti-Corruption Strategy and Action Plan (NACSAP)

Achievements

Progress has been made in improving the anti-corruption legal framework.

Two important anti-corruption legislations have been passed (Procurement Act and Financial Management Act), and the Code of Ethics for Public Service has been improved. Attempts have been made to enhance integrity and ethics in the delivery of services in the Legal, Judicial and Penal processes relating to corruption issues.

Key requirements for NACSAP implementation have been met.

The Quarterly Monitoring Reports confirm that the key structural requirements that are intended to provide the framework for NACSAP implementation are generally being met. Strategic Action Plans for the Ministry Department and Agency (MDAs) have been developed; monitoring and evaluation systems are in place; and sensitization activities on anti-corruption have been carried out in some areas.

Efforts to give NACSAP a national outlook is underway

The Prevention of Corruption Bureau (PCB) has established offices in all twenty-one regions of the country and there is strategy in place to extend to all districts in the coming year. Also, several anti-corruption activities have been organized by the implementing agencies in the regions and the districts.

Government support for NACSAP, at least in budgetary terms, continues to grow.

The establishment of the National Integrity Fund provides immense financial support for NACSAP's implementation. The current allocation level of Tanzanian Shillings 850 million is a significant demonstration of support.

Some MDA's demonstrate progress in the NACSAP implementation

Where the Focal Person demonstrates commitment, considerable progress has been made in the sector Action Plans. A particular note is taken of achievements in Land Administration and the Police Force.

The successful publication of NACSAP reports has helped in creating some public awareness of anti-corruption.

The publication of the Quarterly Monitoring Reports by the Good Governance Coordination Unit (GGCU) and *The State of Corruption in Tanzania Annual Report and Newsletter* by PCB has enhanced NACSAP's public standing and contributed to the creation of public awareness of anti-corruption in the country.

The PCB has generally to meet most of the NACSAP objectives.

The *PCB Newsletters* are published regularly and *The State of Corruption in Tanzania Annual Report* has been published, although only one so far for year 2002. The Bureau has established offices in the twenty-one regions of the country and seeks to extend to the districts.

Shortcomings/problems:

Continuing Definitional ambiguities over “corruption” constrain a more robust implementation of NACSAP.

The working definition of corruption is too narrow and self-limiting. Of particular concern is the apparent neglect of public and private sector corporate governance issues in the anti-corruption agenda and inadequate attention to acts of omission, conflicts of interest and victimization on the part of public officers. The failure to elaborate ‘indicators of corruption’ also creates gaps in capturing cases of illegal and unethical behavior that impact negatively on the economy and development generally.

The Quarterly Monitoring Report (QMR) must improve its content and analyses.

The lack of verifiable indicators makes difficult the evaluation of the required improvements in the anti-corruption campaign. The QMRs contain no real indications of coordination meetings held, or information distributed to stakeholders as would be necessary in determining achievements of outputs. The information is not presented in manner that identifies key objectives, sets out outcomes and indicators and verification tools.

Only a few specialized agencies report on corruption and unethical behavior.

On the critical issues of corruption and unethical behavior, only three specialized agencies report consistently. These are the PCB, Ethics Secretarial and Immigration Department. The Civil Service Department continuously fails to provide such reports.

Gender specific activities and programs are ignored in the NACSAP implementation process.

Contrary to the expectation that NACSAP “addresses corrupt practices aimed at victimizing female workers, students and clients of public services” there is no indication in the *Quarterly Monitoring Reports* of any gender specific activities, programs or sensitivities in the implementation. Also, the Action Plans of the MDAs do not seem to include any gender sensitive choices or whether consultants with knowledge of gender issues were employed to assist to assist the development of the plans.

The Prevention of Corruption Bureau's (PCB) performance and effectiveness have low public approval:

The public appears to be least impressed by PCB performance.

The PCB may have fulfilled most of the NACSAP objectives, but it gets very little popular approval and enjoys little public confidence possibly because it has yet to meet popular expectation for exposing grand corruption.

PCB location at the Presidency undermines operational autonomy and public confidence.

Being located at the President's Offices and insecurity of tenure of its leadership impairs operational independence and fuels popular perception that the PCB lacks the ability to make independent decisions.

As presently constituted Good Governance Coordination Unit (GGCU) appears to lack the capacity to effectively and successfully manage the NACSAP implementation process.

The GGCU lacks the basic attributes for a dynamic, proactive and self-directed implementation of NACSAP. The delivery capacity is low thereby causing the apparent lethargy in the implementation process.

The effectiveness of the Focal Persons at the MDAs is severely constrained; this has slowed down the NACSAP implementation and limited outputs and activities.

Overall, the effectiveness and efficiency of Focal Persons at most MDAs are doubtful; only a few have made significant progress in NACSAP implementation. They are constrained by poor job descriptions, limited cooperation from colleagues, inability to give adequate attention to NACSAP activities, random transfers, and lack of incentives. These inefficiencies also create gaps in the *Quarterly Monitoring Reports*.

Non-State Actors – civil society, the media and the private sector – are poorly engaged in the NACSAP implementation process.

The dream of the NACSAP framework for “creative partnerships” with civil society, the Media, the private sector and religious organizations is yet to be fully realized. Little evidence exists from both the desk research and field survey to suggest any meaningful and sustainable engagements between NACSAP and these important partners in the implementation processes. Of particular concern is the apparent neglect of “corporate governance” in the anti-corruption agenda.

NACSAP is yet to develop clear and effective working relationships with the core non-Executive branch governance and integrity institutions to promote anti-corruption.

No clear working relations exist between NACSAP and the Parliament and the

Judiciary as institutions. Those between NACSAP and the Ethics Secretarial and Commission on Human Rights and Good Governance are not fully defined. This indicates low fulfillment of partnership targets.

Popular awareness of NACSAP and its achievements is very low.

The public education arm of NACSAP appears weak and ineffective and popular knowledge of **NACSAP** is hopelessly low. Surprisingly, knowledge is poor even within the MDAs that serve as the main implementation points. Similarly, knowledge among the public of the key implementation agencies, GGCU and PCB, is poor.

NACSAP implementation at the districts slow in starting

Although efforts are being made, particularly by the PCB to extend operations nationwide, the process is deemed too slow. There is concern particularly about the absence of NACSAP in the Local Government Authorities where the new policy of decentralization is channeling huge amounts of money and resources for development.

Presidential leadership appears to be declining

A strong and visible Presidential leadership of NACSAP are believed by many to be necessary for successful implementation. While respondents commend the President of the United Republic for his commitment to anti-corruption drive, they at the same time, express concerns about the lack of national visibility for NACSAP. Asserting Presidential leadership will jumpstart NACSAP and bring it back to national attention.

RECOMMENDATIONS

(1) Restructure and reconstitute the Good Governance Coordination Unit.

In view of the enormous structural and operational challenges established by our evaluation, a radical overhaul of the Good Governance Coordinating Unit is highly recommended. The unit should be restructured, elevated and designated as the “NACSAP Secretariat,” or “Good Governance Secretariat” depending on whether the emphasis is on “good governance” or “anti-corruption.”

In either case, an empowered Director (or Executive Secretary) may be appointed as chief operating officer. A seven-member Board of Advisors, nominated by the President and approved by Parliament and chaired by the Chief Secretary of the President’s Office will set priorities, and provide general policy guidelines and directions. The mix of representation on the Board should include Parliament, the Judiciary, secular and religious societies/professional bodies and the private sector and others of the President’s choosing. There must be at least two women on the Board.

The Director/Secretary shall be appointed by the President on a merit competitive basis and must possess basic competencies in areas such as law, public

administration, political science, accounting/auditing in addition to a minimum educational qualification of a Masters degree and demonstrable commitment to anti-corruption, integrity and a vision for a corrupt-free society. The support staff shall include three key Program Coordinators in charge of (1) Programming and Training, (2) Information and Public Education, and (3) Finance and Administration. A number of technical experts may serve as Program Officers.

The function of the Secretariat shall include, among other things:

- Coordinate, monitor and evaluate NACSAP policies and activities
- Conduct periodic research to establish baselines and targets for the anti-corruption policy.
- Coordinate and report on the activities of the State's anti-corruption agencies – PCB, Ethics Secretariat, Commission on Human Rights and Good Governance.
- Interface with and promote the participation of civil society, media, and the private sector in anti-corruption activities.
- Offer training and capacity building in anti-corruption activities for MDAs, civil society, the private sector and others sectors.
- Convene annual National Stakeholders Conference on Corruption.
- Issue an Annual Report on Anti-Corruption Activities.
- Make work and structure open and transparent to the public by informing the mass media of the Quarterly Reports and other similar publications.

- (2) The prevention of Corruption Bureau should be strengthened, projected as an independent agency and granted an “operational autonomy”

Because of the crucial role of the PCB in the anti-corruption campaign, it is critically important that it attains credibility and the highest respect of the public. It should be seen as neutral and nonpartisan in politics. To attain this high public standing, the Bureau must be seen to operate without any undue influence or interference. Although it may not be the case, the present structure that places the PCB at the President's Office sends the wrong message about its independence; rightly or wrongly the agency is widely perceived by the public to be highly susceptible to the Executive influence and manipulation. To address this debilitating perception, the PCB should be elevated and projected as an independent agency with operational autonomy.

To strengthen the proposed outlook, the appointment of the Director General in particular should be ratified by Parliament, that is, after nomination by the President, and the DG and other top officials of PCB must have security of tenure. The Director General who should have the requisite legal training and experience may be placed on the same level as a High Court Judge and must be given the opportunity to be heard and to table reports before the relevant Committees of Parliament.

A strengthened PCB must have full powers of investigation and prosecution without recourse to the Director of Public Prosecution. The advice of the Attorney General may, however, be sought in case where national security is at stake. To promote effective investigations, the passing of a Freedom of Information Act should be advocated and the long-standing Whistle Blowers and witness protection legislation should also be concluded.

Ideally, the PCB shall contain three sub-entities dealing with corruption in the (1) Executive (2) Legislature, including parliamentarians and political parties, and (3) Judiciary. The PCB should have a role model function in making its work and structure open and transparent to the public. Raising awareness of the public through the open media communication shall be one of its foremost priorities. This shall set an example for other MDAs to follow.

(3) Work toward the enactment of a credible, comprehensive anti-corruption legislation.

This should begin with the passage of Freedom of Information Act as well as the Whistle Blowers and Witness Protection legislation, and the reform of the existing public officers assets disclosure regulations to promote effective official transparency and facilitate investigations.

(4) Replace “ Focal Persons” with NACSAP Implementation Committees at MDAs and extend the same to regions and districts.

NACSAP Implementation Committees (NIC) with clear “job description” should be created to replace the “focal points” and “focal persons” at the Ministries, departments and Agencies (MDAs) of government. The rationale is to widen the scope, promote ownership and broaden support, and encourage collective responsibility for implementation. The Permanent Secretary or Chief Executive Officer of the MDAs should chair the committee that may comprise of all the heads of units and two others from the ranks.

To give NACSAP a national spread and bring it closer to the people, Implementation of NACSAP at the regional and district levels may proceed on the same lines and should be coordinated by both PCB and the NACSAP Secretariat, using existing PCB structures in the regions and districts as springboards. PCB officials in these areas may play roles. While PCB offices in the districts may help to deter corruption, the creation of parallel structures of NACSAP (“focal points”) within the local government administrations will strengthen the anti-corruption drive and make implementation truly national.

The main functions of NIC should include:

- ❖ Setting targets and plans for NACSAP implementation.
- ❖ Holding intra-agency review sessions and recommending improvements.
- ❖ Preparing reports for NACSAP Secretariat.
- ❖ Organizing intra-MDA anti-corruption activities.
- ❖ Promote transparency in the conduct of public affairs and delivery of public services by publicizing procedures and charges, if any.

It is recommended that the reporting agencies adhere to the requirements of NACSAP based on the results based management process and to endeavor to include the gender dimension in the formulation of action plans and in completing monitoring reports.

Also, the responsibilities of key MDA officials should be clearly defined, stated and publicized in order to establish lines of accountability within the MDA and minimize the “monopoly of discretion” and “red-tapism” that tends to create strong perceptions of corruption.

(5) Give NACSAP high profile to generate public awareness and interest.

NACSAP should be given a high profile to enhance public awareness, understanding, and appreciation and projected as a “living strategy.” This may be achieved through a number of activities and measures including the following:

- ❖ Reasserting Presidential leadership of the anti-corruption campaign
- ❖ Re-launching NACSAP as a national project
- ❖ Launching all major NACSAP publications, particularly, the annual “State of Corruption in Tanzania Report” and the “Quarterly Monitoring Reports”
- ❖ Instituting an Annual NACSAP Review Conference for a national dialogue on corruption by stakeholders to renew commitments, review efforts and set the agenda.
- ❖ Publicizing interdicted and corrupt officials to serve as deterrence.
- ❖ Bringing Parliament into the NACSAP implementation process and strengthening the capacity of the relevant integrity and anti-corruption Committees, particularly Public Accounts, to deal with corruption matters and exercise their oversight abilities.

To ensure such a high profile in public opinion, the conferences, launchings and other activities should be communicated to the mass media.

(6) Mainstream civil society organizations into NACSAP implementation

There should be significant acceleration in the pace and scale of measures to include civil society and the media in NACSAP implementation. These sectors should be mainstreamed into the process. This may be achieved through the following measures and activities:

- ❖ Stimulate and help build a “Civil Society Coalition for NACSAP” with a Committee to plan and coordinate non-state anti-corruption activities. Although no mandatory requirement may be imposed, the NACSAP Secretariat may establish a formal link to the Coalition. Include a list of professional bodies such as the Boards of Engineers, Accountants, Architect, and Medical Officers together with those from religious organization, civic advocacy groups, and think tanks to bring together

both their technical competence and the passion necessary for sustained anti-corruption efforts.

- ❖ Mainstream anti-corruption into specialized and non-specialized non-governmental advocacy group to enable them to take up the responsibility to report on cases within their area of specialization. For instance, an education or health NGO should be able to report of cases within their realm.
- ❖ Support civil society organizations to develop and implement their own strategy for NACSAP implementation. The UNDP could encourage or facilitate this through a series of training seminars to develop the strategic plans. The UNDP may have to appoint a Task Officer with the specific responsibility of coordinating and facilitating civil society/private sector participation and involvement in NACSAP implementation activities.
- ❖ Strengthen the Media's role by promoting investigative journalism and developing a focus on NACSAP activities in the print and electronic media. A select number of journalists may be sponsored to undertake intensive specialized training in investigative journalism and serve as focal points for coverage of NACSAP and other national and district level anti-corruption programs.

There shall be annual consultation mechanism, through which civil society groups will be informed about the current state to the NACSAP implementation. The NACSAP Secretariat could encourage or facilitate this either as part of the Annual Review Conference or a separate activity that includes the mass media as well, in order to ensure a broad-based public awareness on the issues.

(7) Mainstream public and private sector corporate governance into the NACSAP implementation.

ANCILLARY FINDING AND RECOMMENDATIONS:

Our study also exposed two important issues that must be considered in future decisions to strengthen the anti-corruption agenda in Tanzania. The first relates to emerging issues that have implications for the anti-corruption campaign and, the second, funding sources and management of donor funding for NACSAP. Both of these issues, particularly funding, were outside the scope of the study and were not seriously dealt with. Matching the project objectives with outputs and outcomes did not include cost analysis and no determinations were made on cost-effectiveness. Moreover, the sources and management of funds were not considered. Nonetheless, several of our respondents raised questions and showed much interest in these two issues; we, therefore, make the following comments.

Three such emerging issues in Tanzania are noted:

- ❖ The government's decentralization process – The success of this process would imply channeling vast amounts and resources from the central government to the Local government Authorities. Consequently, it is crucially important that transparency and accountability regimes are introduced at local government administrations to stem any possibility of corruption assuming a nationwide proportions with much more devastating consequences.
- ❖ The renewed and booming Mining Industrial sector in particular and private enterprise in general provide new opportunities for grand corruption. The opportunities may lie in official agreements or contracts, possibilities for money laundering, and official-private sector collusions. Therefore, introducing NACSAP to these sectors and insisting on the introduction of “good corporate governance practices” are urgent matters.
- ❖ Technological changes must occur in government operations. Applied to the NACSAP, new ICT can simplify processes and procedures for service delivery - to eliminate delays and opportunities for corruption. ICT will improve public service deliveries.

NACSAP funding and management.

The UNDP-sponsored and donor funded “ Strengthening Capacities for Combating Corruption in Tanzania” project has been a major source of funding for NACSAP, although support from the national budget has increased significantly in the past few years. There are questions over the optimality of UNDP management of the multi-donor central basket of funding. This problem appears to largely reflect the low absorptive capacity of GGCU and some of the central implementation agencies. *It is also a reflection of a weak capacity of civil society and media actors to initiate and submit fundable requests for grants to undertake NACSAP/ anti-corruption projects.*

However, the UNDP has also not been sufficiently *proactive* in identifying NGOs and media operators to encourage them and help build their capacity to access funds and to participate in NACSAP implementation process in general.

Moreover, UNDP consultations with other key donors appear to have been far from adequate.

Nonetheless, central basket funding will still be necessary for focused efforts and direction of NACSAP and to maximize efficiency and minimize duplication of efforts. Separate donor funding might disorganize and disorient the much-needed focus for NACSAP implementation.

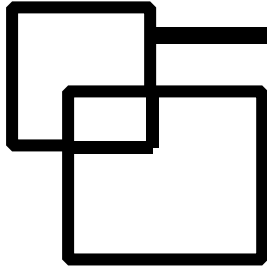
Given its unique relations with the government and comparative advantage in coordinating multi-donor activities and funding, it is highly recommended that UNDP continue to host and coordinate funding for NACSAP. However, UNDP will have to dedicate one or two of its officials to operate the NACSAP/SCCCT desk in order to enhance its NACSAP handling capacity.

REFERENCE

Evaluation Report Summary Of Findings And Recommendations on the NACSAP By Ghana Center for Democratic Development CCD-Ghana

Contact:

- ❖ **Person:** Prof. E. Gyimah-Boadi, Executive Director;
- ❖ **E-mail:** cdd@ghana.com, gyimah@cddghana.org, gyimbo@hotmail.com;
- ❖ **Homepage:** www.cdd-ghana.org;
- ❖ **Telephone:** (233-21) 776142/763029/784293-4;
- ❖ **Physical Address:** 14 Airport West Residential Area, Accra P.O. Box 404, Legon Accra, GHANA.



HAKIKAZI CATALYST

Knowledge. Action. Change.

P.O. Box 781, Arusha: Tel 255 27 2509860, Email: hakikazi@cybernet.co.tz -
Meru Plaza Building, Esso Road, Arusha Website: www.hakikazi.org

Module 9:

A GUIDE TO ETHICAL DECISIONS:

6 ‘Guiding Principles’ and Posters



GUIDE TO ETHICAL DECISIONS

6 “Guiding Principles” and Posters

E – Ethos

T – The Law

H – Honour

I – Conflict of Interest

C – Consequence

S – Scrutiny

ETHOS: Is the decision or conduct in line with the Health Center/Hospital’s Mission, Vision and Core Values?

Poster 1: ***“Ethics is to society what keeping fit is to the body... we may not like doing it... but, the more we do it, the longer we live.”*** Anonymous

THE LAW: Is the action or decision in accordance with the law and approved guidelines?

Poster 2: ***“Integrity is non-negotiable.”*** Anonymous.

HONOUR: Does your decision or action bring dishonour to Health Center/Hospital?

Poster 3: ***“Those who stand for nothing fall for anything.”*** By Alexander Hamilton.

CONFLICT OF INTEREST: Does the outcome of the decision highlight a conflict of interest or lead to private gain?

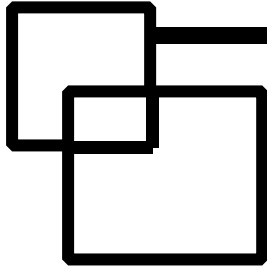
Poster 4: ***“The best time to repent of a blunder is just before the blunder is made.”*** By Josh Billings.

CONSEQUENCE: What will be the consequence of the action or decision to yourself, your colleagues, the Health Center/Hospital and above all your family?

Poster 5: ***“Once you begin taking care of your money, I can promise that your money in turn will take care of you.”*** By Suze Orman.

SCRUTINY: Would you be able to justify your decision to Health Center/Hospital management and would it withstand public scrutiny?

Poster 6: ***Conscience is the inner voice that warns us that someone might be looking.”*** By H.L.A. Mencken Chrestomathy.



HAKIKAZI CATALYST

Knowledge. Action. Change.

**P.O. Box 781, Arusha: Tel 255 27 2509860, Email: hakikazi@cybernet.co.tz -
Meru Plaza Building, Esso Road, Arusha Website: www.hakikazi.org**

Module 10:

Lobbying Techniques For Social Change



LOBBYING FOR SOCIAL CHANGE TECHNIQUES

Overview

As a constituent you play a critical role in the legislative process by acting as a conduit of information between your elected officials and their home districts. Most elected officials welcome the opportunity to meet with people from their constituency especially if those constituents can share local information that contributes to their knowledge of the issue currently being debated in parliament. Your relationship with lawmakers can play a critical role in supporting the issue you care about, improving working environment and incentives in the health for example.

There are no defined rules on how to advocate or lobby your issue except by following these basic rules and create your own advocacy guidelines specifically for your organization.

Policy Basics for Advocates

- ❖ **Understand how grassroots advocacy works by using local stories and experiences without deviating from your group's message.**
- ❖ Community-based advocates contribute to the legislative process by providing a window to lawmakers on how proposed legislation will impact the district. *Do not take the time with your legislator to play partisan politics.*
- ❖ Providing your legislators with a clear, focused and concise message.
- ❖ Address opposing arguments in a direct but principled manner. *Do not make a mistake to assume that your issue, health governance in this case, has no valid opposition.* Also know who is in support of your issue because numbers count.
- ❖ Take into consideration your long-term goals when evaluating the success of your efforts. By doing this, you will develop and strengthen relationships, deepen understanding and broaden support for your issue, the health governance.

It is important to...

Understand the legislative process, its role and responsibility with the various government agencies/ministries, know your members of Parliament and the issues they support or oppose, the role and responsibilities of the various committees of Task Forces, the legislative rules and procedures and “stalling tactics” used to circumvent the process and etc...

Understand the budget and appropriations process and the overall funding for individual programs and their related restrictions and deficits.

How can you be an effective Advocate?

You can be an effective advocate by making realistic and practicable requests. Legislators never like to say no to constituents especially those who are working hard to improve the standard of living in their district.

Before meeting your legislators...

- ❖ Meet as a group, review your talking points and what you will be requesting from your legislator, define each person's role and assign one person spokesperson (one person to start the meeting and another to end the meeting).

During the meeting...

- ❖ Briefly introduce yourself as a constituent and exchange business cards. Let the legislator know that your organization represents a broad cross-section from your district.
- ❖ Provide the legislator with real-life local stories and/or some basic statistics from your district/home and how the legislation will benefit (or not) the district and how are the government's funds used and in which programs.
- ❖ Stay on the message by making a clear request (don't ask for the impossible) Remember that often enough legislators need some time to consider supporting or opposing the legislation. Legislators will always share important insight into their thoughts.
- ❖ Before you leave the member's office remember to "thank" them for taking the time out of their busy schedule to meet with your group.
- ❖ After the meeting compare notes with other group members and identify any follow-up work that needs to take place such as sending requested information, "thank you" notes that should include a brief summary of the issues discussed during the meeting. Such notes help you form long-term business-like relationships your legislator(s).

Stay focused on the message

For grass roots advocacy to be successful, it is imperative to get every member of your group deliver the same exact message to all legislators.

- ❖ It is equally important to deliver the same message and persuade legislators to work together towards a single goal. Different messages will confuse your issues.
- ❖ *Getting off the message* means discussions about headlines of the day that are not directly related to your issue, for example, discussions about upcoming elections or partisan politics, discussions about aspects of your issues that the legislator has no jurisdiction over or discuss issues that obscure your priorities and confuses the legislator.
- ❖ Do not meet with legislators if members of your group do not agree on the message. You can always make separate appointments to discuss contrary point of view.
- ❖ Remember that different members of your community provide different, but important types of information, for example, doctors working in the community.

A Summary of Do's and don'ts

- ❖ Don't get off your message.
- ❖ Don't be late for the meeting.
- ❖ Don't dress-down.
- ❖ Don't get too comfortable.
- ❖ Don't engage in excessive praise or scorn.
- ❖ Don't critique your legislator's value system.
- ❖ Don't treat the meeting as a one-time thing.
- ❖ Don't discuss other unrelated issues.
- ❖ Don't forget to follow-up.

Group Exercise

The most critical information you can offer your legislator is not about politics or political parties. It is the real life stories and statistics of your community that matter to lawmakers. Take some time to consider the following questions before you request a meeting with your legislator(s).

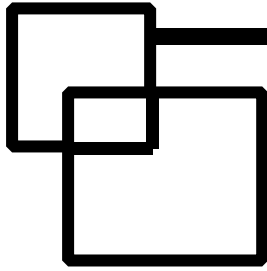
As a constituent...

- ❖ In what way are you active or visible in your community, for example, church, clubs, civic organizations, and etc...?

- ❖ What is your occupation and your role in the community? Also, define how your position gives you a special insight into the issue(s)?
- ❖ How has your life or the community changed, altered or enriched by the issue(s)? *(Take tow minutes for each issue)*
- ❖ Can you explain how any government funding has helped you address or resolve the issues?

As an organization...

- ❖ In one sentence describe the mission of your organization.
- ❖ What services does your organization provide in your community?
- ❖ How many clients does your organization serve or have?
- ❖ How many local jobs does your organization create? And how does your organization make use of any of the government's funding? If not, where do you get most of your funding?
- ❖ How are your funds used and what services do you provide?
- ❖ What, if any, are the critical needs of your community, clients, customers or employees that are not currently being met?
- ❖ Does your organization get local media attention?
- ❖ Are you able to describe the lives and needs of your organization, clients, customers or employees?



HAKIKAZI CATALYST

Knowledge. Action. Change.

P.O. Box 781, Arusha: Tel 255 27 2509860, Email: hakikazi@cybernet.co.tz -
Meru Plaza Building, Esso Road, Arusha Website: www.hakikazi.org

CONCLUSION

CORRUPTION IN HEALTH SECTOR

A WAY OUT!



HEALTH AND CORRUPTION

Concluding Remarks

- ❖ **Health: A shared human value: 5H Program (Homes, Health, Hygiene, Human Values and Harmony in diversity by the International Association for Human Values.**
- ❖ **Health: A total well being of a person:- physical: free from illnesses; economic: ability to afford modern medical care and services; psychic: stress free being –Introduction to SMART Program, social, cultural: Local knowledge; Medical check up, medical language; Social: Network, working environment**
- ❖ **Health: Why do we have service centers/dispensary/hospitals:**
 1. **Know our health status: when one-person is unwell, the entire community is unwell too.**
 2. **Use health professionals and avoid quacks that are expensive for nothing.**
 3. **Consume (proper) medicines: tested and proved to avoid faked ones – branded medications for business to be avoided. People demand for non-branded medications that are affordable.**
 4. **Get cure towards healing (tibu vs. ponya): Logically payments should be made at the end not the beginning.**
- ❖ **Enforcement:**
 1. **Any money paid should be receipted: receipt is as good as money philosophy to be imparted.**
 2. **Local people democratically demand for medical insurance scheme.**
 3. **People hold the government/ management responsible for improving health working environment/conditions to avoid the people do the task on behalf of government.**
 4. **Question health workers competency: Help Medical Personnel Ethics be put in place for public consumption.**
- ❖ **Community Participation:**

- 1. Enable community to scrutinize local (professionally irresponsible) health practitioners' dealing with health seekers. Quacks impart ignorance hence reduce confidence of the patient. Quacks are a transit to doctor. Patients start from traditional healers where they pay and later they end up in hospitals. Their economic capacity is ruined already at traditional level. Government to intervene? Traditional healers to give receipt to those who pay for the services they render.**
- 2. Curers vs. healers: doing different functions to the same person.**

❖ **Monitoring:**

- 1. Faith-based branded hospitals authentication:**
- 2. Private health service providers as competitors in situ.**
- 3. Government support to private health service providers.**
- 4. Medication (sometimes expired drugs) in local shops available due to corrupt health workers.**

❖ **Objectives:**

- 1. Accessible Health care systems.**
- 2. Affordable health care services.**
- 3. Sustainable health care sector.**
- 4. FBO to help achieve Godly mission of an ethical world.**

