

GLOBAL INFORMATION SOCIETY WATCH 2012

THE INTERNET AND CORRUPTION
Transparency and accountability online



Global Information Society Watch

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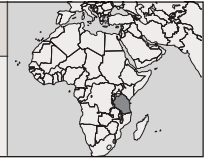
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TANZANIA

MONITORING CORRUPTION ONLINE IN TANZANIA



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Background

The introduction of multi-party democracy in Tanzania in 1992 has seen citizens demand greater efforts from leaders in the fight against corruption. There have been some plausible efforts by the government, such as the formation of a Presidential Commission against Corruption by President William Mkapa in 1995, to assess the state of corruption in the country. The commission produced one of the well-regarded analyses of corruption in African states, known as the “Warioba Report”. It identified areas where corruption occurs and revealed the mechanisms – regulations and procedures – that facilitate corruption. But, rather than decreasing, corruption continues to flourish in Tanzania, with current president Jakaya Mrisho Kikwete widely criticised for not doing enough to rein in the vice.

The 2011 Transparency International (TI) Corruption Perceptions Index ranks Tanzania at position 100 out of 183 countries.¹ The index measures the extent of corruption in the public sector. Countries are scored based on the extent of bribery among public officials, kickbacks in public procurement, embezzlement of public funds, and the strength and effectiveness of anti-corruption efforts. Nonetheless, reports from the Tanzania Prevention and Combating of Corruption Bureau (PCCB) indicate that from 1995 to March 2012, several actions have been taken in combating corruption in the country. Some 54,860 allegations have been received; 967 public servants inclined to take bribes and other corrupt behaviour have received administrative actions; 1,547 cases have been filed in court under the new Prevention and Combating of Corruption Act (PCCA) (2007); there have been 308 convictions against corrupt offenders; and over USD 59 million has been recovered by the PCCB.² However, both grand and petty corruption persist in Tanzania, from offering a bribe to register a company and providing

incentives to a public health worker in order to receive treatment, to bribing a traffic policeman, paying local councillors and magistrates to decide a case in one’s favour, and grand embezzlement of public finances.

Policy and political background

Tanzania has in place a number of comprehensive laws to fight against corruption. These laws can be traced back to the colonial times where the British colonial regime introduced and enacted several pieces of legislation to outlaw corrupt practices. It is at this time that the first Penal Code (1938), second Penal Code (1945) and Prevention of Corruption Ordinance (PCO) of 1958 were introduced. However, in 1971, the PCO was repealed and replaced by the Prevention of Corruption Act (PCA), whose amendment in 1974 led to the establishment of the Anti-Corruption Squad (ACS) in 1975. The PCA was further amended in 1991 and the ACS had its name changed to the Prevention of Corruption Bureau (PCB).³ The Prevention of Corruption Act was repealed and replaced by the Prevention and Combating of Corruption Act or PCCA.⁴

Key anti-corruption institutions in Tanzania include the Prevention and Combating of Corruption Bureau or PCCB; the Director of Public Prosecutions (DPP); and the Commission for Human Rights and Good Governance (CHRAGG), the latter being Tanzania’s national focal point for the promotion and protection of human rights and good governance. CHRAGG was established in fulfilment of the 13th Amendment to the country’s Constitution (1997). Other institutions include the Ethics Secretariat, under the Public Leadership Code of Ethics Act, Cap 398 (1997); the Public Ethics Commission; the National Audit Office (NAO); the Public Procurement Appeals Authority (PPAA); the Good Governance Coordination Unit (GGCU); and the Financial Intelligence Unit, established within the Ministry of Finance.

Despite having this legislation and these oversight institutions in place, corruption in Tanzania continues to flourish.

1 cpi.transparency.org/cpi2011/results

2 www.pccb.go.tz/index.php/10-investigation/takwimu/12-case-statistics

3 Its name was changed to the PCCB under the PCCA.

4 www.pccb.go.tz/index.php/about-pccb/historical-background

Tracking and reporting corruption online

Information and communications technology (ICT) tools can be used in the fight against corruption, including for prevention, detection, analysis, and corrective action.⁵ The internet, for example, can play a vital role in improving transparency, accountability and participation. The increasing number of internet users in Tanzania can further spur this new development in the fight against corruption. Internet usage in Tanzania is estimated at 5.9 million users with a 11.5% penetration rate of the population.⁶ The fight against corruption has been taken online in the view of not only providing citizens with readily available information about corruption trends in the country but also to expose the government's weakness in fighting the vice.

One such effort is the Tanzania Anti-Corruption Tracker System (CTS) that was developed to keep a track record of publicly available information on presumed or confirmed cases of corruption in order to increase accountability and responsiveness in the fight against corruption in the country.⁷ The web-based platform is hosted and managed by Agenda Participation 2000, a Tanzanian NGO working to promote a culture of good governance and democracy. It is a unique civil society-led initiative in the fight against corruption. Since its launch in May 2009, the system has been a vital tool for references on corruption issues in Tanzania. It is reported that on average the CTS receives 15 visits every minute, a statistic that key government websites responsible for curbing corruption do not reach.⁸ Further, some of the stories published on the website have apparently been acted upon by government. This can be attributed to the fact that the system works collaboratively and in liaison with major agencies, institutions and groups involved in the fight against corruption in Tanzania – including the PCCB, the Ethics Commission,⁹ media institutions and leading CSOs. Verified stories received by the CTS are shared with an editorial team before dissemination to various audiences in monthly bulletins and via the website.

The system reports that the Tanzanian government has taken action as a result of stories

published on the website. Most notable was the massive staff overhaul¹⁰ and reshuffle at the National Housing Corporation (NHC) following an article on the website, "Is NHC a den of corruption?",¹¹ and a subsequent article, "It is now official – NHC is a corrupt institution".¹²

In another instance, the site reports success in creating awareness about the case of a Chinese-Tanzanian national whose court case had stalled for over six years – but upon it being published two years ago on the CTS website it was picked up in court again. Ms. Jinglang, a Chinese-Tanzanian national, had been falsely evicted from her flat in the Morogoro Store at Oysterbay by the NHC in 2006. It is reported that the NHC used an unlicensed court broker, and the eviction was done in Ms. Jinglang's absence. It is also alleged that she ended up losing property worth USD 300,000. The case was picked up in 2010 by the CTS and reported extensively, citing clear evidence of corruption and misuse of power by the NHC during the eviction exercise. The site further reports that the appearance of the story on their platform helped trigger the shake-up at the NHC headquarters. However, the case remained unattended to in Tanzania's judicial system, despite their attempts to mediate and seek an out-of-court settlement from the NHC on behalf of the complainant. However, in February 2012, Jinglang was accorded justice when her appeal was revisited by the Dar es Salaam High Court. She was awarded over USD 127, 000 (TZS 200 million) in compensation.¹³

Although the site has registered successes through published stories being acted upon, it has not documented the challenges or obstacles it has had to face in its quest to fight corruption.

The CTS is not alone in this battle: it is joined by initiatives such as the Chango project, which uses music, mobile phones and social media to campaign against corruption, selfishness and laziness. The project now maintains a blog which is constantly updated with their anti-corruption songs.¹⁴ Another initiative, the Ramani Tandale, allows citizens to

5 www.spidercenter.org/sites/default/files/Increasing%20transparency%20and%20fighting%20corruption%20through%20ICT.pdf

6 www.itnewsafrica.com/2012/06/country-focus-tanzanias-state-of-ict

7 www.corruptiontracker.or.tz/dev/index.php?option=com_content&view=article&id=13&Itemid=48&lang=en

8 voices-against-corruption.ning.com/page/accountability-counts-lessons

9 Different to the Ethics Secretariat mentioned above.

10 www.corruptiontracker.or.tz/dev/index.php?option=com_content&view=article&id=13&Itemid=48&lang=en

11 www.corruptiontracker.or.tz/dev/index.php?option=com_content&view=article&id=79%3A-corruption-in-housing-is-nhc-a-den-of-corruption&catid=18%3Acurrent-issues-&Itemid=51&lang=en

12 www.corruptiontracker.or.tz/dev/index.php?option=com_content&view=article&id=92%3Ait-is-now-official-nhc-is-a-corrupt-institution&catid=18%3Acurrent-issues-&Itemid=51&lang=en

13 www.corruptiontracker.or.tz/dev/index.php?option=com_content&view=article&id=243%3Aa-case-of-david-vs-goliath-as-nhc-loses-corrupt-eviction-case-&catid=18%3Acurrent-issues-&Itemid=51&lang=en

14 chanjoyarushwa.blogspot.com

report on service delivery and tasks the government with providing better services.¹⁵ Further, CHRAGG is using ICTs to facilitate citizen reporting on corruption and related service delivery complaints through mobile phones.¹⁶ In particular, the commission is now using SMS to enable individuals to file complaints, check the status of previously filed complaints, and receive feedback through a web and mobile platform.¹⁷

More interestingly, the Tanzanian government has also taken the fight against corruption online. The Minister for the President's Office stresses the importance of online tracking of how government money is spent as a means of reducing corruption.¹⁸ Indeed, Tanzania is one of two East African countries that joined the Open Government Partnership, a global initiative that aims at promoting transparency, empowering citizens, fighting corruption and encouraging the use of new technologies to improve governance. An open data website has been launched as one of the commitments by the Tanzanian government to make information available to the Tanzanian citizenry.¹⁹

Conclusions

In a country where corruption is rampant and the government seems to take a slow pace in implementing its legislation, citizens have chosen to expose corruption online. The cases in Tanzania perhaps demonstrate a paradigm shift in the manner in which ICTs, especially the internet, can increase transparency in government operations. The internet provides a means through which citizens can effectively demand accountability and transparency from their leaders. The fact that the Tanzanian government recognises the value of openness, as witnessed in its decision to open up its data, is an indication of the government's intention and the potential role of the internet in promoting transparency. However, opening up data without proper implementation of anti-corruption legislation will not yield the desired impact.

Action steps

The internet simply provides a medium through which corruption can be fought. Activists should therefore:

- Demand for the proper implementation of laws and policies that address corruption. Such laws should not only address the transparency of government but should also demand respect for freedom of expression online, freedom of assembly, and access to information.
- Embrace opportunities provided by social media. Social media initiatives should be adopted to actively engage citizens in sharing information as well as changing their attitudes towards corruption.
- Internet penetration in Tanzania is still low and mostly enjoyed in urban areas. There is therefore a need to actively advocate for cost-effective access with a widespread reach. This means using technologies such as radio that can allow citizens to engage their leaders and demand increased transparency. ■

¹⁵ tandale.ramanitanzania.org

¹⁶ chragg.go.tz

¹⁷ www.ict4democracy.org/about/partnerproject-briefs/tchrgg

¹⁸ www.guardian.co.uk/public-leaders-network/2012/apr/18/open-government-tanzania-corruption

¹⁹ www.opengov.go.tz