

**THE UNITED NATIONS ECONOMIC
COMMISSION FOR AFRICA
(UNECA)**

- 1. The Fourth Meeting of the Committee on
Human and Civil Society (CHDCS).
Date: 19th to 20th November, 2007.**

- 2. The Ad Hoc Experts Groups Meeting
(AHEGM)
Date: 21st to 23rd November, 2007.**

**VENUE: UNITED NATIONS CONFERENCE CENTRE
(UNCC)
ADDIS ABABA,
ETHIOPIA.**

**Brief Remarks by
Justice Eusebia N. Munuo
Court of Appeal of Tanzania,
P.O. Box 9004,
DAR ES SALAAM.
Tel: +255-22-2121809
Fax: +255-22-2116654**

THE WAR AGAINST CORRUPTION IN TANZANIA

Definition:

Corruption is dishonest, illegal conduct, behaviour or influence especially of people in authority being involved in bribery, and, or immorality or in abuse of office¹ to gain undeserving advantages, sexual favours, money, services or presents through immorality, fraud, deception, embezzlement and misappropriation of public funds and properties personally or through agents².

The War Against Corruption is gaining momentum in Tanzania. In recognition of the need to eradicate corruption in order to promote and guarantee good governance, peace, justice and stability which form the bedrock for economic, social, political and all types of development for the best welfare of mankind, the Constitution³ provides for the establishment of the Human Rights Commission and Good Governance, and the Secretariat of the Leadership Code. The former is the government's human rights agency while the latter oversees the ethics and conduct of public and political leaders in terms of accountability and elimination of corruption in public and political institutions and offices. There is also the Leadership Code of Ethics Act, 1995 which applies to judicial officers and all Senior government officers in the judiciary and in the Civil Service.

In criminal matters, the Prevention and Combating of Corruption Act No. 11 of 2007 establishes the Prevention and Combating of Corruption Bureau (PCCB) to detect, investigate and prosecute corrupt offenders in the courts of law. The Courts of Resident Magistrate and the District Courts have original jurisdiction in criminal matters⁴. Below is a table of corruption convictions at Kisumu and Kinondoni Resident Magistrates Court from 1997 to 2007.

Year	Number of Convicted Persons		Total	Types of Offences
	Civil Servants	Others		
1997	17	8	25	a) Soliciting and accepting bribes c/s 4 (1) and (3) (a) of the Prevention of Corruption Act, 1971 Cap 329 R.E. 2002. b) Giving bribes to a public official c/s 4 (2) and 3 (a) of the Prevention of Corruption Act, 1971 Cap 329 R.E. 2002. c) Obtaining advantage for inadequate consideration c/s 6 and giving false accounts c/s 8 of the Prevention of Corruption Act, 1971 Cap 329 R.E. 2002
1998	14	10	24	
1999	12	9	21	
2000	14	6	20	
2001	12	4	16	
2002	12	2	14	
2003	11	1	12	
2004	9	2	11	
2005	5	4	9	
2006	5	2	7	
2007	4	2	6	
TOTAL	115	50	165	

The prevention of Corruption Act, 1971 Cap 329 R.E. 2002 was repealed and replaced by the now operative Prevention and Combating of Corruption Act No. 11 of 2007 which came into effect on the 20th June, 2007. This law now encompasses a wider range of corruption offences including bribing foreign officials, abuse of office, trading in influence, embezzlement and misappropriation of public funds and, or properties, possession of unexplained property, aiding and abetting the commission of corrupt transactions, transfer of proceeds of corruption and conspiracy to commit a corruption offence⁴. This assortment of corruption offences carry sentences ranging between a minimum fine of half a million shillings or 2 years imprisonment in default or both such fine and sentence of imprisonment, to a maximum fine of shillings fifteen million or seven years imprisonment in default, or both such fine and imprisonment sentence. Under the provisions of the former Prevention of Corruption Act, 1971 Cap 329 R.E 2002, the minimum sentence for corruption offences was ten years imprisonment but not exceeding fourteen years⁵. An option of a fine not exceeding fifty thousand shillings was also provided for.

On the employment arena, corruption is prohibited by Professional Ethics Codes for the respective professions and the Constitution.

The Judiciary of Tanzania⁶

The Constitution provides for the Independence of the Judiciary, the appointment and removal of judges in terms of security of tenure. Judges and magistrates take oaths before taking office. They swear to administer justice in accordance with the Constitution and law of the land without fear or favour. Furthermore the Judicial Services Act No. 2 of 2005 provides for a Judges' Ethics Committee, a Judicial officers Committee for the Registrars, and Regional Judicial Boards and District Judicial Boards for overseeing the discipline of magistrates. These Ethics Committees and Boards are ultimately accountable to the Judicial Service Commission which is vested with power to employ, dismiss or remove unfit judicial officers from office except for judges whose appointment and removal is provided for by the Constitution. Below is a table of disciplinary proceedings against judicial officers from year 2005 to 2007*.

Year	Primary Court Magistrates	District Magistrates	Resident Magistrates	Judges
2005	5 Dismissed. Nil Reprimanded	Nil Dismissed Nil Reprimanded	Nil Dismissed Nil Reprimanded	Nil Dismissed Nil Reprimanded
2006	5 Dismissed 2 Reprimanded	1 Dismissed Nil Reprimanded	1 Dismissed Nil Reprimanded	Nil Dismissed Nil Reprimanded
2007	11 dismissed 2 reprimanded	Nil Dismissed Nil Reprimanded	Nil Dismissed 1 Reprimanded	Nil Dismissed Nil Reprimanded
Total	25	1	2	0

The charges differed but centred on corruption, incompetence and absenteeism.

* See Parliamentary Question No. 2046 by Hon. Khadija Ngozi, M.P.

Public Service:

The Code of Ethics and Conduct for the Public Service in Tanzania specifically prohibits public servants from soliciting and, or, accepting bribes personally or through agents. The Code requires public servants to discharge their duties with integrity.

Conclusion:

In view of the intricacies of globalization and the market economy as well as the poverty of public servants and the populace, plus the greed of some persons in authority, corruption will remain a thorn in the flesh of humanity in many parts of the world. Nonetheless, Tanzania is determined to wage a continuous war on corruption and successfully eradicate it.

I thank you for according me audience and for patiently listening to me.

1

¹ Oxford Advanced Learner's Dictionary, International Students Edition, Oxford Page 297.

² The Prevention and Combating of Corruption Act No. 11/2007 Part III Section 3 (a) and 4.

³ The 1977 Constitution of the United Republic of Tanzania, Chapter 6 Parts I and II, Cap 2 R.E. 2002.

⁴ The Prevention and Combating of Corruption Act No. 11/2007 Part III Section 15 to 37.

⁵ The now former Prevention of Corruption Act, 1971 Cap 329 R.E. 2002 Sections 4 (3) (a)

⁶ The 1971 Constitution of the United Republic of Tanzania Articles 107 (1) A to 128.