

Corruption and the State

// The Warioba Report

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1 Our country has witnessed an alarming increase in corruption activities which are associated with public servants on the one hand and the citizens who are the consumers of public service on the other. Corruption has been accentuated by loopholes which are inherent in procedures, temptations, greed for power and profit, meagreness in incomes and erosion of ethical standards. Moreover, state organs which were expected to restrain this increase also have succumbed to this disease and therefore have left the people without an escape route.

2 The growth in corruption in the 1990s was accentuated by the close relationship between Government and Political leaders on the one hand and businessmen who engage in corruption on the other. This relationship was used to benefit the business interests of these businessmen and ultimately became a fertile ground for breeding corruption.

4 The Commission has found out that those who solicit and receive bribes are divided into two groups as follows:

(a) The first group includes those who receive bribes as a result of their meagre

incomes and low standard of living; and what they receive only helps make ends meet. This type of corruption is rampant in all sectors of the economy and social services as follows:

(i) *Education* : Corruption is demanded and given during the registration of children in schools; to enable pupils pass examinations; to enable students obtain placement in secondary' schools and colleges; transfers and opportunity to repeat a class. Moreover, teachers give bribes in order to be promoted, to be transferred and to be given placements.

(ii) *Health*: Patients are forced to offer bribes at hospitals in order to: be treated, x-rayed, allocated a bed in the ward or operated upon.

(iii) *Home Affairs*: Policemen receive bribes to protect criminals; to arrest innocent people and take to court on framed charges as a way of soliciting bribes; and traffic policemen accept bribes from drivers who breach road regulations. Moreover, Immigration Officers accept bribes to issue: passports, visas and residence permits to undeserving foreigners. Prison Wardens solicit bribes in order to give favour to prisoners and remand prisoners.

(iv) *Finance*: Corruption is offered to employees of the Income Tax Department during tax assessment and tax exemptions. Executive Officers in the Ministry, Department and Parastatals demand bribes in order to authorise payment for goods and services supplied; and Auditors demand bribes in order to conceal deficiencies discovered during audit. On the side of Financial Institutions, clients are asked to offer bribes in order to be given or not to repay loans; or to be paid faked insurance claims. Retirees and retrenches are forced to offer bribes in order to be paid their benefits.

(v) *Judiciary*: Court Clerks demand bribes in order to open files or send them where they are required and to hide files of accused persons. Personal Secretaries and Typists accept bribes in order to produce copies of judgements for various crimes. Regarding Magistrates, corruption is offered in order to be given soft sentences, to reduce penalties, to withdraw charges, to give bail and order Court Injunctions.

(vi) *Office of the Attorney General*: State Attorneys accept bribes when attending to court cases; to authorise the signing of contracts which are against the national interest; and to give advice in favour of those giving the bribe. Moreover, independent Advocates give bribes to Magistrates and Judges so that they can give verdicts favouring their clients.

(vii) *Trade*: Trade Officers solicit and accept bribes from businessmen who trade

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without licences; and they demand bribes when issuing Trading Licences,

(viii) *Employment*: Personnel Officers receive bribes during recruitment of workers. Moreover, they demand bribes from junior officers so that they can promote them; to assign them responsibilities; to send them for training, seminars or duty trips.

(ix) *Lands*: Land Officers demand bribes during surveying and allocation of plots, valuation of crops and in issuing Certificates of Title. They also accept bribes and make multiple allocation of plots, to survey and allocate plots in areas reserved for community services. Moreover, bribes are offered in the allocation of Government houses to undeserving people.

(x) *Natural Resources and Tourism*: Forest Officers receive bribes to give permission for felling more trees than are allowed in the licences or to let free culprits who are caught with unauthorised forest products. Wildlife Officers also receive bribes to let poachers go scot free. On the fisheries side, fishermen caught using unauthorised fishing gear or explosives give bribes so that they can be let free.

(xi) *Energy and Minerals*: Employees of the state company TANESCO demand bribes in order to interconnect new applicants. Employees of the Water Department too receive bribes during water-rationing to favour certain areas or in order to connect clients to the main distribution pipes. Employees of the Mining Department demand bribes in order to issue mining or prospecting licences,

(xii) *Works and Communications*: Officers of the Ministry of Works receive bribes in order to give favour in awarding Tenders; to accept upward variation of contracts; to conceal the weaknesses of contractors; and in approving payments. Moreover, bribes are offered at road blocks in order to let the vehicles through; Telephone Operators and telecommunications technicians are bribed by unscrupulous businessmen so that they are allowed to make international calls using other clients' telephone numbers particularly those of Government offices and of Government servants and Parastatals. Moreover, Officers manning Weigh Bridges solicit and receive bribes in order to let through vehicles which are heavier than the carrying capacity of the road.

(xiii) *The Ministry of Labour*: Labour Officers demand and receive bribes from dismissed workers so that they can be reinstated and foreigners give them bribes so that they can be permitted to work in positions which could be performed by nationals.

(xiv) Media Institutions: Reporters accept bribes in order to publish or not to publish information which glorifies or destroys the reputation of certain persons or institutions.

(xv) *Local Governments*: Employees of Town and District Councils receive bribes during recruitment of staff, promotions, issuing of trading licences for unauthorised areas. Members of Ward Reconciliation Councils and Councillors receive bribes in order to give certain favours. Town and District Council leaders demand and receive bribes in order to approve and award tenders to private companies, to allocate plots and market stalls through favouritism.

(b) The second type of corruption involved high level leaders and public servants whose involvement in corruptive practices is a result of excessive greed for wealth accumulation and money. These are people whose earnings are adequate to meet their basic needs and they have enough property and money. This group uses various tactics to solicit and receive bribes:-

(i) Leaders who are supposed to take important national decisions are bribed by businessmen in order for them to take decisions which are in the interest of those businessmen; they offer Chairmanships and Directorships of Boards of Parastatals through favouritism and without taking into account professional knowledge, ability and national interest and they have interfered in executive decisions for such decisions like allocation of 'Hunting Blocks' or allocation of plots in areas not permitted by law.

(ii) Chief Executive Officers receive bribes in order to breach Tendering Rules and Regulations; to make various tax exemptions and to conclude construction contracts with private companies without due regard for the national interest. Chief Executives and Executive Officers have also been concealing sub-standard construction jobs and deficient equipment or services and have authorised payment so that one is paid commission; and the offering of scholarship for overseas studies through corruption.

(iii) Politicians offer bribes to Members of Executive Committees within Political Parties or to the people during elections so that they can vote for them or their candidates.

(iv) Members of Parliament have been offering bribes to voters so that they can elect them; lodging fake claims in their parliamentary activities; giving bribes to Reporters so that they can publish good stories about the MP's activities; and have demanded gifts from private and parastatal industries when they visit

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them. MPs who are members of various Parliamentary Committees demand from Chief Executive Officers of parastatals and Departments they deal with entertainment, money, and they are paid, as well as Board and Lodging.

Reasons for growth and expansion of corruption

4 The enormous economic difficulties that befell the nation in the early 1970s forced the Government to take political, legal and economic measures to deal with the situation. The measures were aimed at enabling a poor citizen to obtain scarce essential needs at fair prices. The scarcity of commodities resulted in inflationary pressures in the economy and the whole distribution system was disrupted by a few people who wanted to obtain extra benefits. Because public servants' activities were restricted by the Leadership Code, they started inventing ways of earning extra incomes to make ends meet; and in most cases the extra incomes were from illegal sources.

6 The liberalisation of internal trade policy was followed by changes in the political and social philosophy of our country. Businessmen began to draw near our leaders so that they could help them beat the legal system for private gain. By the beginning of the 90s, some of the top leaders had already been compromised and were engulfed by corruption.

People's view

7 Many people who gave their views to the Commission either in writing or by personal appearance said that corruption is rampant in the country for lack of a leadership committed to its eradication. Leaders appointed to help the President fight this scourge do not seem to realise the gravity of the problem in our social fabric. Whenever a citizen reports to leaders and senior officers incidents of corruption amongst the lower cadres under the said leaders, no action is taken against them due to either involvement of the leaders and senior officers themselves in the corruption ring or because they no longer care about the people's social problems and see the problem as something normal. Besides, the leaders divulge to the suspects the sources of the secret information reaching them. The people are thus worried that if they mention names of corrupt elements, they will become victims of persecution by State Organs in collaboration with the people they accuse or actually suffer bodily harm from the victims being accused of corruption.

Leadership and Ethics

14 It has become evident that the greatest source of corruption in the country is not the poor economy and low salaries; although these too have played some part. The greatest source is the laxity of leadership in overseeing the implementation of established norms. The absence of clear guidelines on accountability of leaders in their respective positions - be it in political leadership or senior administrative or management positions, is part of that weakness.

15 It is obvious that if we want to rid ourselves of corruption, we must begin by cleaning the top leadership ranks. We must remember that the most important job of leadership is 'to solve problems'. Therefore, a good leader is that one who puts in place elaborate systems of solving community problems - i.e. general problems of development; the economy; defence and security; etc. One important condition of good management systems is that they should be clear and should enable the leadership to take quick and just decisions. Moreover, good management systems of any institution - be it a public or private institution - which caters for the public, must be easy to understand and implement and, therefore, must not be a burden to the ordinary citizen - especially the underprivileged whose scope of knowledge and understanding is limited.

16 The biggest national task henceforth is to ensure that the country is led by people who believe in and respect ethical standards. The verdict on this principle is what the people are eagerly waiting for and that is what will also decide the fate of this country. It is a verdict which will aim at developing a 'National Culture' which shall enable the nation to clearly identify who between its many national leaders including those of Opposition Parties truly deserves to lead this Nation. We say including members of the opposition because all these leaders are standard bearers of our national trust. *If the leaders of the opposition parties will be people who give and receive bribes, they cannot criticise the Government and expect their voices to be respected.* It is not only the Government leaders who give and receive bribes, but this involves all the Tanzanian people as a whole.

19 There is no questioning the fact that the country's leadership is being accused of being involved in acts of corruption. There is an urgent need to take stern action to clean up the leadership ranks in order to restore respect and public confidence in the leadership. After the exercise of cleaning up the leadership,

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it is imperative to ensure that those who remain as well as the new leaders do not fall into the same trap. In fact, there is an urgent need to begin protecting the new leaders. Some of the bad habits include the practice of leaders and senior public servants, Government, Parastatals and Political Parties to make friends with rich businessmen; the receipt of presents from such friends; the misuse of their positions by taking decisions which benefit them privately instead of caring for the national interest. Such habits inhibit the monitoring and control of the junior officers in their delivery of public services. It is thus recommended that the following steps be taken without delay:

- (a) Leaders and employees of: Government; parastatals; political parties and civil organisations should be required to declare to authority the value of any present and ask the person concerned to pay for it; otherwise the present should be sold and the proceeds paid into the coffers of government or the relevant party or organisation.
- (b) Leaders should be cautious in encouraging the habit of having private visits at their houses from businessmen and rich people who are not their blood relatives or friends of the leaders or servants concerned. On that basis, leaders and servants should take great care lest they lose their jobs because of receiving visitors at the home and presents sent to them personally or to their families. Indeed, they should strictly observe the rule that official business should be transacted in the office. It is up to the leaders and officers concerned to ensure that this is observed. They are the people who know the boundaries between relatives and friends and those who are after them because of their Government positions etc.
- (c) In order to ensure that everyone is held accountable for the responsibilities under him/her there is a need to define the boundaries or limits of responsibility between the Executive Officers of Ministries, Departments and Parastatals on the one hand, and Ministers or Members of Parastatal Boards of Directors on the other. The functions of the Minister and Members of Boards of Directors are to initiate or approve policies and to monitor the implementation of those policies. The responsibility for implementation lies with the Chief Executive Officers and the Heads of various Departments of Government and Parastatals.
- (d) Leadership is a trust bestowed on an individual by the people. It is thus imperative that every leader should ensure that this trust is carefully guarded and is used in the interest of the people and the nation generally. For the

respectability of any Nation depends on the respect that the people have for their leaders. Therefore, officers heading Departments; Ministries; or Parastatals, are expected to be accountable for any misdemeanour occurring in the institutions they lead or regarding their own conduct which bring shame to the Nation. It is therefore their duty to ensure that they establish Management Systems which will enable them to know what is happening in their respective domains and thus make sure that they make everyone accountable for one's misdeeds before such shame becomes their own responsibility. For example if people complain about corruption in a certain Department or Ministry or Parastatal, the Head of that Department or Parastatal should be accountable. This principle should apply equally to District and Regional Heads, i.e. District and Regional Commissioners as well as District Regional Heads of Department,

(e) In order to protect the President from appointing too many people, the procedures of using the Civil Service Commission; the Local Government Service Commission; the Police and Prison Services Commission; the Judicial Service Commission; the Teachers' Service Commission, etc..should be strengthened so that the President is involved in the appointment of only a few top leaders or officers. Moreover, most of the appointments should be made after receiving recommendations from these Commissions through the Central Establishments Department which is versed in the principles. Jobs which require to be competed for by all government servants should be advertised and candidates processed through interviews conducted by the relevant Commission before recommendations are sent to the President for final appointment. In that way, Heads of Government Departments will be vetted before they are employed at levels where they will directly be responsible for advising Government. With regard to Parastatals, the President should be responsible only for the appointment of the Chairman of the Board. With the exception of Chief Executives of sensitive Parastatals like the Bank of Tanzania (BoT) and the National Bank of Commerce (NBC), all other Executives should be appointed by the respective Boards after they have been interviewed.

20 In the process of cleaning up the leadership ranks, it will be evident that there are some rich people who have been the source of corruption ... In order to ensure that the bad habits of these rich people too are stopped, it is recommended that the following steps be taken:-

(a) All those who are discovered to have been a source of injustice and breach

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of established rules and regulations should be severely punished by nationalisation and forfeiture of their property in accordance with the law. Live examples are erecting buildings in areas which were planned for public use, like Building of Shopping Centres, Dispensaries, Schools, Religious monuments, etc., or areas which were meant for public recreation. Obviously such decisions must have been made by breaching of regulations.

(b) The concerned rich people should also be required to account, in accordance with guidelines to be designed by Government, which of our leaders own shares in their companies and how they were acquired? If the shares were paid for by the Company, they should be acquired by Government. But if they were paid for by the leaders themselves, then they be allowed to retain them...

21 The people of Tanzania are very concerned by the growing corruption which is demanded by public servants in the lower ranks because of the difficult economic situation. The situation is so bad that the people have despaired and do not believe that they can receive any justice without giving bribes. For example, parents in the rural areas believe that they cannot register their children in schools without dipping into their pocket; that they cannot obtain justice in Government organs including the Courts without money for bribery, etc. The people have reached this misdirected conclusion because of two reasons. First, most people, particularly in the rural areas, do not know their constitutional rights. Corruption concerns the givers (the people who need services), and the receivers (public servants in Government and Parastatals). If the people generally know their rights properly and therefore refuse to buy those rights by giving bribes, corruption will die a natural death. The people need to be educated about their rights so that they can demand them wherever they think that they are being unreasonably denied or delayed. This is where the media assumes special responsibility to the people. The media is capable of educating the public about their rights in society. Indeed, because they are knowledgeable about the National Code of Ethics and possess the expertise and ability to do research, the media can help to expose all those who go against the national code of ethics by demanding bribes. If their information is accurate and true, it will be easy for the national leadership to call upon a leader to account for his/her actions.

22 The second problem, which is more serious, is that even if the people know their rights and therefore refuse to buy them by exposing the corrupt elements

instead, the public appear to have despaired because *the leaders in whom they had placed trust and who they expected to be their saviours, are themselves engulfed by corruption*. The Tanzania public has failed to expose those who solicit and receive bribes for lack of clean and responsible leadership in the Government Organs concerned like the Police, Judiciary, the Anti-Corruption Bureau and the Department of National Security. *Thus the greatest task before the Government itself Parastatals and, indeed, the Political Parties is to clean up the leadership ranks currently in power. After that it will be necessary to take steps to develop a cadre of leadership which is genuinely committed to fighting the scourge of corruption at all levels by taking action against all who are exposed. By so doing, we shall have restored public confidence in the state apparatus and therefore encouraged the speed of eradicating corruption in the country.*

Immediate steps for implementation regarding leaders

29 Our country has been appointing Commissions to inquire into various problems. With the exception of a few Commissions - viz- the Nsekela and the Nyalali and the Mtei [and the Nyirabu] Commissions part of whose recommendations have been implemented - most of the Commissions' recommendations have ended gathering dust in the shelves of various offices.

30 There is a danger that this Commission too will end the same way; and especially when we recall that this is not the first Commission on Corruption. Besides, because corruption begins with the leaders themselves who are expected to oversee the implementation of this report, it becomes even more difficult. Therefore, any recommendation made concerning the implementation of this report must aim at overcoming past weaknesses.

31 ... Most of the leaders and functional officers with whom the Commission discussed do not appear to understand the seriousness of the problem and many of them believe that much of what is said about corruption is just hearsay aimed at tarnishing people's images. What is even more alarming is the fact that most of the functional leaders appear to believe that corruption is more widespread in the lower and middle grades of the public service. Their explanations of steps which have been taken in the past to combat corruption concern public servants in the lower and middle grades. For example, the Police Force has been taking steps against policemen connected with corruption and they submitted to the Commission a list of one hundred twenty three (123) policemen who had been

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dismissed from the service because of corruption in the last six years (1991-1996). Of these, 120 are of the rank of Constable and only one was of the rank of Assistant Superintendent. Not a single Senior Officer was terminated from service because of corruption. But the opinions of many, including lower ranking policemen, say that the high ranking Police Officers are the greatest villains of corruption.

35 The greatest villains of corruption are not those who receive the minimum wage. They are people who are well paid ... For people like these, raising the salaries alone will not deter them from taking bribes. It will only help them raise the value of corruption!

36 On the side of top leaders, the situation is more pathetic. Every leader sees himself as being clean... Government leaders blame the Judiciary and the Police as the corrupt ones. Judiciary blames the Government. Members of Parliament blame the Government and the Judiciary. Leaders of the Ruling Party blame the Government and its organs and leaders of Opposition Parties blame the Ruling Party, the Government and its Organs... The utterances of leaders have become a strategy for power-mongering. Once these people are thrust into power, they change and assume a defensive stance. The Commission views this to be the most difficult problem of all in the struggle against corruption.

37 The Commission believes that in order to fight corruption, initial steps must concern leadership. When the President ascended to office, he declared his assets publicly; he refused to be hero-worshipped; he refused to have news about him to be in the front pages of newspapers; and he refused to have his portrait on the currency Notes. Except for the Vice-President, no other leaders have emulated his example. Instead, other leaders are behaving to the contrary. Members of Parliament are demanding protection; they want to be saluted; they demand so many other rights which to the ordinary citizen is just a dream - but they have not even declared their own assets.

38 The fight against corruption is everyone's responsibility and especially leaders. Every leader must be seen to be clean before the people; he should be seen to take stern measures against all corrupt elements in his area of leadership; and if he cannot do so, he should resign even if he himself is not accused *of* being corrupt. The struggle against corruption should not be left to the President alone.