

By Sebastian Sanga

There is a loud cry ringing out in every Tanzanian city: the outcry over corruption in the Ministry of Land, Housing and Human Settlement. Dubious deals have found their lucrative place in this ministry: residential and commercial houses on public open spaces, double allocation of plots and the haphazard mushrooming of petrol stations, among other violations. In a 2005 report, the Prevention of Corruption Bureau (PCB) confirmed that corruption was deep-rooted in the land sector, revealing, among other travesties, that property appraisers collaborated with land officers to falsify title deeds. Approving and issuing building permits is such a slow process that citizens are compelled to pay bribes for every stage, from typing the certificate to obtaining the land commissioner's signature, often totaling some 135,000 shillings (US\$105) on top of official fees.

President Benjamin Mkapa, whose administration ended in November 2005, had vowed to adopt openness and transparency, but failed to live up to his promise. Land Minister John Magufuli told Parliament in August 2006 that his officials were "dirty", and that some, including Deputy Minister Rita Mlaki, owned questionable plots for speculative purposes. Ms. Mlaki refutes the allegations, but the new president, Mr. Jakaya Kikwete, has admitted that the Land Ministry is one of the government's most corrupt.

Unfortunately, The Land Ministry is not the only one rendered immovable by the crippling disease of corruption. The Controller and Auditor General estimates that over 20 percent of the government's budget in each fiscal year is lost to corruption, including theft, fraud, and fake purchasing transactions. The list of victims constitutes a litany of public woes.

The privatization process has seen numerous controversial orders flow from the top down. Members of Parliament who represent the public interest seem overpowered by those with less integrity. Former Finance Minister Basil Pesambili Mramba, who currently serves as minister of infrastructure development, wrote a controversial letter in September 2005 extending the port of Dar es Salaam's container terminal lease contract from 10 to 25 years without following proper procedures.

The letter, marked confidential, informed Tanzania Revenue Authority Commissioner General Harry Kitillya about the extension of the lease agreement between the Parastatal Sector Reform Commission and Tanzania Container Terminal Services, a local partnership between a Philippines-based company and Vertex Financial Services of Dar es Salaam, which earns more than 140 billion shillings (US\$11 million) per month. Normally the PSRC would sign a lease after following required procedures including consultations with stakeholders.

Rampant corruption has also engulfed the procurement system, where billions of shillings sink into the wrong hands every year. In July 2006, the Ministry of Finance came up with a proposal to write off debts worth over 46 billion shillings (US\$3.6 million). Skeptical MPs, especially from the opposition wing wanted to form a committee to investigate why debtors had reneged on their commitments. One case singled out for scrutiny involved KJ Motors, which never delivered on a 147 million-shilling (US\$115,000) contract to supply motor vehicles. The

Parliamentary Public Accounts Committee said signs pointed to corrupt public servants and their liaisons with notoriously dirty businessmen.

While such graft keeps Tanzanians poor, corruption in the Ministry of Health and its agencies, such as the Tanzania Food and Drugs Agency (TFDA), actually puts their lives at risk. Counterfeit drugs abound in pharmacies as officials continue to solicit bribes from illegal dealers, and many of the HIV testing kits supplied hospitals are defective. The contract that granted two companies exclusive rights to sell HIV rapid-test kits in Tanzania is shrouded in suspicion. Tanzania tested several HIV kits for national distribution a few years ago, but senior officials at the Ministry of Health and Social Welfare decided to include only the Capillus kit, manufactured by the Irish company Trinity Biotech, and Determine HIV, manufactured by the American firm Abbot Laboratories. Both products, distributed solely by Bharat Rajan's Biocare Health Products Company, are now outdated as HIV rapid-test kits, as they detect the virus when antibodies develop after an attack, while the latest generation of test kits are able to detect it as soon as it enters a person's bloodstream by detecting antigens. Further, the Capillus kit had failed to meet key benchmarks set up by the ministry that tested the kits. The media, which reported widely on the story, linked the companies' monopoly on the test kits to corruption.

Unfortunately, the Tanzanian courts offer no recourse. In a 2005 public survey by the PCB, 97 percent of respondents said corruption was rampant in the country's judiciary. The study also tracked the various forms that corruption takes at different stages. At the beginning of the legal process, court clerks ask for bribes from people filing cases. Failure to pay may have devastating consequences, such as deliberately hidden or misplaced documents. At the hearing stage, corruption manifests as delays in setting hearings, vague or contradictory orders, improperly filed documents and deliberate omission to record court proceedings. And at the verdict stage, cases are dismissed on technical grounds or vague interpretation of the law, judgments are delayed. Factors such as poor remuneration, poor working facilities and inadequate supervision tempt judicial personnel to the dark side. Resident magistrates rarely make more than 100,000 shillings (US\$80), without benefits. High court judges make over 500,000 shillings (US\$390), supplemented with other fringe benefits.

Elections in Tanzania don't fare much better. Corruption was especially rampant during the 2005 campaign, when the ruling Revolutionary State Party (CCM — Chama Cha Mapinduzi) reportedly distributed cash, mobile phones, and other rewards to voters. The CCM is known for using election law provisions that allow candidates to offer hospitality, gifts, and favors — known as takrima — to constituents during campaigns. The law does not limit the form, amount, or duration of such gifts, creating what critics call a "loophole for corruption" — particularly pernicious since the CCM received significantly greater government subsidies under the law than other parties. The High Court recently banned takrima.

Former CCM Secretary General Philip Mangula criticized the PCB for failing to curb corruption in the electoral process. Tanzania's anti-corruption laws are governed by the Prevention of Corruption Act, a poorly designed law that the establishment of the PCB has sections, which make the fight of corruption difficult. For example, Section 19 of the Act declares that prosecuting a public officer charged with corruption is only effective with the written consent of the director of

public prosecution, but written consent is often difficult to acquire. The PCB is assigned to investigate acts of corruption and thereafter submit the evidence gathered to the DPP, which decides whether or not to prosecute suspects. This makes people call PCB a toothless agency for failing to fight corruption, especially that which involves big shots.