

Overview of corruption and anti-corruption in 6 African countries

Query:

“Could you please help me with information (Conventions ratified, AC-strategies, progress in the fight against corruption or other data you find relevant) in the following countries: Uganda, Kenya, Tanzania, Mozambique, Malawi and Zambia? “

Purpose:

“Report on Budget support in Uganda. We would like to compare the status of corruption with other relevant development partner countries in Sub-Saharan Africa.”

Content:

- Part 1: Information on Corruption and Anti-Corruption Efforts in 6 African Countries
- Part 2: Further reading
- Part 3: Further information on main sources

Part 1: Information on Corruption and Anti-Corruption Efforts in 6 African Countries

In this U4 Expert Answer we provide an overview of corruption indicators and assessments as well as information on anti-corruption efforts (where available) in six African countries: Uganda, Kenya, Tanzania, Mozambique, Malawi and Zambia.

Uganda

Transparency International Corruption Perception Index (TI CPI) 2006 Score Uganda: 2.7

Global Integrity Index Scores in 6 Key Categories Uganda:

Category One: **Civil Society, Public Information and Media.** 81 (Strong Rating)

This category looks at civil society organizations, the media (including licensing requirements), and public access to information.

Category Two: **Elections.** 74 (Moderate Rating)

This category looks at voting and citizen participation, the integrity of elections, and regulations around political financing.

Category Three: **Government Accountability.** 76 (Moderate Rating)

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This category looks at accountability across the executive, legislative and judicial branches of government as well as the budget process.

Category Four: **Administration and Civil Service**. 71 (Moderate Rating)

This category looks at administration and civil service regulations, whistle-blowing measures, and regulatory processes around procurement and privatization.

Category Five: **Oversight and Regulatory Mechanisms**. 81 (Strong Ranking)

This category looks at oversight and regulatory mechanisms such as a national ombudsman, supreme audit institution, taxes and customs, financial sector regulation, and business licensing.

Category Six: **Anti-Corruption Mechanisms and Rule of Law**. 72 (Moderate Ranking)

This category looks at anti-corruption laws, the country's anti-corruption agency, rule of law, and access to justice (including law enforcement).

Anti-Corruption Conventions:

- African Union Convention on Preventing and Combating Corruption and Related Offences (AU Convention). Uganda: Signed, Ratified and Deposited. See <http://www.africa-union.org/root/au/Documents/Treaties/List/African%20Convention%20on%20Combating%20Corruption.pdf>
- United Nations Convention Against Corruption (UNCAC). Signed and Ratified http://www.unodc.org/unodc/crime_signatures_corruption.html

Extract from GCR 2006 Uganda Country Report. For more details see:

http://www.transparency.org/publications/gcr/download_gcr

The government issued a White Paper in October 2004 recommending that the Inspector General of Government (IGG) be given more latitude to arrest and prosecute persons involved in corruption or abuse of public office. This would amend sections of the Leadership Code Act of 2002 to bring it in line with the 1995 Constitution, which grants the IGG prosecutorial powers. A previous constitutional ruling in May 2004 trimmed the IGG's powers. To strengthen the institution, the White Paper proposed the creation of an anti-corruption tribunal to try cases. The agency was re-energised after the appointment in January 2005 of a new IGG, Justice Faith Mwendha, and her deputy, Raphael Obudra Baku. They instructed all MPs and political leaders to declare their wealth before the end of March 2005 and warned that those who did not comply would face legal action.

In July 2004, the Directorate of Ethics and Integrity (DEI) launched a four-year strategy to combat corruption and rebuild integrity in public office. The programme, due to run from 2004 to 2007, aims to improve the enforcement and coordination of existing law and to ensure that the public is actively involved in the fight against corruption. The DEI has drafted whistleblower protection legislation that will be submitted to parliament after the presidential and parliamentary elections in March 2006. The DEI is also reviewing the Prevention of Corruption Act 1970 with a view to presenting a new version to parliament.

Kenya

TI CPI 2006 Score: 2.2

Global Integrity Index Scores in 6 Key Categories Kenya:

Category One: **Civil Society, Public Information and Media.** 68 (Weak Rating)

This category looks at civil society organizations, the media (including licensing requirements), and public access to information.

Category Two: **Elections.** 64 (Weak Rating)

This category looks at voting and citizen participation, the integrity of elections, and regulations around political financing.

Category Three: **Government Accountability.** 56 (Very Weak Rating)

This category looks at accountability across the executive, legislative and judicial branches of government as well as the budget process.

Category Four: **Administration and Civil Service.** 70 (Moderate Rating)

This category looks at administration and civil service regulations, whistle-blowing measures, and regulatory processes around procurement and privatization.

Category Five: **Oversight and Regulatory Mechanisms.** 89 (Strong Ranking)

This category looks at oversight and regulatory mechanisms such as a national ombudsman, supreme audit institution, taxes and customs, financial sector regulation, and business licensing.

Category Six: **Anti-Corruption Mechanisms and Rule of Law.** 79 (Moderate Ranking)

This category looks at anti-corruption laws, the country's anti-corruption agency, rule of law, and access to justice (including law enforcement).

Anti-Corruption Conventions:

- African Union Convention on Preventing and Combating Corruption and Related Offences (AU Convention). Kenya: Signed, NOT ratified, NOT deposited. See <http://www.africa-union.org/root/au/Documents/Treaties/List/African%20Convention%20on%20Combating%20Corruption.pdf>
- United Nations Convention Against Corruption (UNCAC). Kenya: Signed and Ratified. See http://www.unodc.org/unodc/crime_signatures_corruption.html

Extract from GCR 2006 Kenya Country Report. For more details see:

http://www.transparency.org/publications/gcr/download_gcr

John Githongo, President Mwai Kibaki's special adviser on governance and ethics, resigned in February 2005. The Minister for Justice and Constitutional Affairs subsequently announced in April that the office would be scaled down because some of its functions were already being performed by the Kenya Anti-Corruption Commission (KACC), which became operational in February 2005. Githongo's resignation and the diminution of his office could weaken the fight against corruption and may signal that corruption is no longer on the president's list of priorities. In August 2004, parliament passed a law on public procurement and disposal. The law is aimed at establishing transparent and accountable procedures for

procurement and the disposal of unserviceable, obsolete or surplus stores and equipment by public entities. It also proposes the establishment of a public procurement oversight authority. In June 2004, the Commission of Inquiry into Illegal and Irregular Allotment of Public Lands published a report on illegal allocation of land under previous governments. It recommended the need for a redress policy to ameliorate the crisis resulting from the illegal allocation of public land and, in particular, public utility land. The report further proposes the enactment of legislation to ensure that the revocation process is conducted effectively and to modify any existing obstructive provisions in Kenya's land laws. It also proposes the establishment of a land titles tribunal to review suspect cases. At the time of writing, however, very few of these recommendations had been implemented.

Tanzania

TI CPI 2006 Score: 2.9

Global Integrity Index Scores in 6 Key Categories Tanzania:

Category One: **Civil Society, Public Information and Media.** 63 (Weak Rating)

This category looks at civil society organizations, the media (including licensing requirements), and public access to information.

Category Two: **Elections.** 56 (Very Weak Rating)

This category looks at voting and citizen participation, the integrity of elections, and regulations around political financing.

Category Three: **Government Accountability.** 48 (Very Weak Rating)

This category looks at accountability across the executive, legislative and judicial branches of government as well as the budget process.

Category Four: **Administration and Civil Service.** 55 (Very Weak Rating)

This category looks at administration and civil service regulations, whistle-blowing measures, and regulatory processes around procurement and privatization.

Category Five: **Oversight and Regulatory Mechanisms.** 67 (Weak Ranking)

This category looks at oversight and regulatory mechanisms such as a national ombudsman, supreme audit institution, taxes and customs, financial sector regulation, and business licensing.

Category Six: **Anti-Corruption Mechanisms and Rule of Law.** 66 (Weak Ranking)

This category looks at anti-corruption laws, the country's anti-corruption agency, rule of law, and access to justice (including law enforcement).

Anti-Corruption Conventions:

- African Union Convention on Preventing and Combating Corruption and Related Offences (AU Convention). Tanzania: Signed, Ratified, Deposited. See <http://www.africa-union.org/root/au/Documents/Treaties/List/African%20Convention%20on%20Combating%20Corruption.pdf>
- United Nations Convention Against Corruption (UNCAC). Tanzania: NOT signed, NOT ratified, NOT deposited. See http://www.unodc.org/unodc/crime_signatures_corruption.html

Mozambique

TI CPI 2006 Score: 2.8

Global Integrity Index Scores in 6 Key Categories Mozambique:

Category One: **Civil Society, Public Information and Media.** 67 (Weak Rating)

This category looks at civil society organizations, the media (including licensing requirements), and public access to information.

Category Two: **Elections.** 45 (Very Weak Rating)

This category looks at voting and citizen participation, the integrity of elections, and regulations around political financing.

Category Three: **Government Accountability.** 60 (Weak Rating)

This category looks at accountability across the executive, legislative and judicial branches of government as well as the budget process.

Category Four: **Administration and Civil Service.** 52 (Very Weak Rating)

This category looks at administration and civil service regulations, whistle-blowing measures, and regulatory processes around procurement and privatization.

Category Five: **Oversight and Regulatory Mechanisms.** 67 (Weak Ranking)

This category looks at oversight and regulatory mechanisms such as a national ombudsman, supreme audit institution, taxes and customs, financial sector regulation, and business licensing.

Category Six: **Anti-Corruption Mechanisms and Rule of Law.** 69 (Weak Ranking)

This category looks at anti-corruption laws, the country's anti-corruption agency, rule of law, and access to justice (including law enforcement).

Anti-Corruption Conventions:

- African Union Convention on Preventing and Combating Corruption and Related Offences (AU Convention). Mozambique: Signed, Ratified, Deposited. See <http://www.africanunion.org/root/au/Documents/Treaties/List/African%20Convention%20on%20Combating%20Corruption.pdf>
- United Nations Convention Against Corruption (UNCAC). Mozambique: Signed, NOT ratified. See http://www.unodc.org/unodc/crime_signatures_corruption.html

Extract from TI NATIONAL INTEGRITY SYSTEM Mozambique on “Anti Corruption Efforts” (to be published in full by Transparency International in 2007)

Mozambique is a multiparty democracy with separation of powers. The President is chosen directly by the electoral process. The President may be charged for crimes committed during office and while exercising his/her functions (article 153 (1) Constitution of Republic of Mozambique, CRM) as well as for crimes committed during the office term but outside of official functions (article 153 (2) CoM).

Although the recruitment of staff in the public sector is governed by the “Sistema de Carreiras e Remuneração”, a diploma approved by the Council of Ministers, Ministers and senior officials can be used to appoint advisors and can also be used to promote some officials within the system. The Council of Ministers members are as following: The President of the Republic (the chair); the prime-minister and the ministers, appointed by the President.

In order to safeguard the use of state assets in Mozambique, some steps have been taken towards reshaping institutions and roles of post-holders. For instance, in 1990 a law was approved which introduced new norms of conduct, rights and duties for top public leaders. However the respective regulation was only approved in 2000, some 10 years later (Decree 55/2000, 27 December). In 1998 a new law (Law 7/98, 15 June) with similar objectives covered the holders of government posts (regulated by Decree 48/2000, 5 December). The two laws require some basic transparency standards for public officials such as declaration of personal assets, sources of income and annual updates for the ministers. Thus, these laws cover conflicts of interest at the highest levels of governance and forbid any kind of involvement by senior civil servants in the remunerated activities within their spheres of duties. The law also states that senior public leaders “must not use the influence or power conferred by their posts to obtain personal advantages, or provide or receive inappropriate favours and benefits from third parties”.

High-level officials (including the President of the Republic; Prime-Minister; Ministers; members of the Permanent Committee of the National Assembly; Deputy Ministers; State Inspectors and Provincial Governors; Permanent Secretaries; Ambassadors; District Administrators) must also declare their patrimonial assets, liabilities, current or past functions in public and private companies, the patrimony of their wives, and updates per year of assets. The major constraint on the effectiveness of these regulations is the total absence of clarity of the entity responsible for enforcement and respective penalties.

There are administrative checks and balances on decisions of individual members of the executive. According to article 215 of CRM, the judiciary can review the actions of the executive. According to article 58 of CRM citizens can sue the government for infringement of their civil rights. But in practice there is little evidence of this being invoked.

Members of the executive are obliged by law to give reasons for their decisions via Parliament and via the Supreme Audit Institution (the Administrative Court). There is a two-term limit on the President. This limit is observed in practice (see the example of the former President Joaquim Chissano).

Malawi

TI CPI 2006 Score: 2.7

Global Integrity Index Scores in 6 Key Categories Malawi:

No Global Integrity Index ratings.

Anti-Corruption Conventions:

- African Union Convention on Preventing and Combating Corruption and Related Offences (AU Convention). Malawi: NOT signed, NOT ratified, NOT deposited. See <http://www.africa->

union.org/root/au/Documents/Treaties/List/African%20Convention%20on%20Combating%20Corruption.pdf

- United Nations Convention Against Corruption (UNCAC). Malawi: Signed, NOT ratified. See http://www.unodc.org/unodc/crime_signatures_corruption.html

Zambia

TI CPI 2006 Score: 2.6

No Global Integrity Index ratings.

Anti-Corruption Conventions:

- African Union Convention on Preventing and Combating Corruption and Related Offences (AU Convention). Zambia: Signed, NOT ratified, NOT deposited. See <http://www.africa-union.org/root/au/Documents/Treaties/List/African%20Convention%20on%20Combating%20Corruption.pdf>
- United Nations Convention Against Corruption (UNCAC). Zambia: Signed, NOT ratified. See http://www.unodc.org/unodc/crime_signatures_corruption.html

Please see earlier U4 Expert answers on Zambia:

Zambian National Anti-Corruption Strategy:

<http://partner.u4.no/helpdesk/helpdesk/queries/query108.cfm>

Political Corruption in Zambia: <http://partner.u4.no/helpdesk/helpdesk/queries/query97.cfm>

Part 2: Further reading

Please also see:

An earlier U4 Expert Answer on UNCAC in Africa

<http://partner.u4.no/helpdesk/helpdesk/queries/query115.pdf>

TI Book on Anti-Corruption Conventions in Africa: What Can Civil Society Do to Make Them Work? http://www.transparency.org/global_priorities/international_conventions

Transparency International's booklet on "Understanding the African Union Convention on Preventing and Combating Corruption and Related Offences" by Akere Muna

http://www.transparency.org/news_room/in_focus/2006/au_convention

Part 3: Further information on main sources

Corruption Perceptions Index (CPI)

The TI CPI ranks countries in terms of the degree to which corruption is perceived to exist among public officials and politicians. It is a composite index, a poll of polls, drawing on

corruption-related data from expert and business surveys carried out by a variety of independent and reputable institutions. The CPI reflects views from around the world, including those of experts who are living in the countries evaluated.

The TI CPI focuses on corruption in the public sector and defines corruption as the abuse of public office for private gain. The surveys used in compiling the CPI ask questions that relate to the misuse of public power for private benefit (for example bribery of public officials, kickbacks in public procurement, embezzlement of public funds) or questions that probe the strength of anti-corruption policies, thereby encompassing both administrative and political corruption.

It is difficult to assess the overall levels of corruption in different countries based on hard empirical data, e.g. by comparing the amount of bribes or the number of prosecutions or court cases. In the latter case, for example, such comparative data does not reflect actual levels of corruption; rather it highlights the quality of prosecutors, courts and/or the media in exposing corruption across countries. One strong method of compiling cross-country data is therefore to draw on the experience and perceptions of those who are most directly confronted with the realities of corruption in a country.

The CPI is not, however, an absolute measure of corruption. For example, corruption in Haiti has been perceived to be the highest in the CPI 2006. This does not, however, indicate that Haiti is the 'most corrupt country' or that Haitians are the 'most corrupt people'. While corruption is indeed one of the most formidable challenges to good governance, development and poverty reduction in Haiti, the vast majority of the people are only victims of corruption. Corruption by a limited number of powerful individuals, and failure of leaders and institutions to control or prevent corruption, does not imply that a country or its people are most corrupt.

The Global Integrity Index

<http://www.globalintegrity.org/data/2006index.cfm>

The Global Integrity Index assesses the existence and effectiveness of anti-corruption mechanisms that promote public integrity. More than 290 discrete Integrity Indicators generate the Integrity Index and are organized into six key categories and twenty three sub-categories. Prepared by a lead researcher in the country and then blindly reviewed by additional in-country and external experts, the Integrity Indicators not only assess the existence of laws, regulations, and institutions designed to curb corruption but also their implementation and the access that average citizens have to those mechanisms. Global Integrity has published all 12,000 Integrity Indicator scores that inform this index (along with researcher commentary, references, and critical peer review perspectives). These are available on each country's Integrity Indicators Scorecard, part of each Global Integrity Country Report.

National Integrity System Country Studies

http://www.transparency.org/policy_research/nis/about_nis

TI's National Integrity System (NIS) country studies are qualitative reports that provide a detailed assessment of anti-corruption systems at country level. The studies provide both benchmarks for measuring further developments in these countries, and a basis for

comparison among countries. TI believes it is necessary to understand the provision for and capacity of National Integrity Systems to be able to diagnose corruption risks.

By exploring the specific practices and constraints within countries, the studies create a strong empirical basis upon which to promote better governance across all aspects of a particular society and enable the formulation of targeted and effective national anti-corruption reforms. Fifty such studies have been conducted since 2001.