

Resolutions 10/1 and 10/3 of the Conference of the State Parties, adopted at its tenth session of the Open ended Intergovernmental Working Group on Prevention of Corruption.

Tanzania is a low middle-income country, with high GDP growth at 7% on average, which enjoys relative peace and stability. The poverty rate has steadily improved from 34 % in 2007 to 26 % in 2018. Accountability has also improved, through the development of accountability institutions, an active civil society, and pluralistic media. However, Tanzania currently finds itself at an historical inflexion point after the sudden death of President John Magufuli in March 2021, shortly after commencing his second term, and the increasingly clear impact of the Covid-19 pandemic. President Magufuli left however a legacy of building a resilient economy and human capital development. The Sixth Government under President Samia Suluhu Hassan has pledged to continue with the efforts of strengthening the institutional governance framework, and maintaining democracy, human rights, and peace and security. She has indicated her commitment to enhancing freedom of speech, freedom of expression, the right to information, and upholding the rule of law. This underlines the government's citizen-centric approach, wherein the fight against grand corruption is central in ensuring equality through the provision of social services and the promotion of economic and cultural rights. She has also opened doors to partnership and support from development partners and the international community. Anti-corruption Tanzania's Five-Year Development Plan II (2016/17-2020/21) (FYDP II), which focusses on economic growth and industrialisation, aims to move the country to upper- middle-income country status. Corruption was identified as a key challenge, hindering the quality of public service delivery, weakening governance systems and constraining the business environment. At the time of the FYDP II, Tanzania ranked 116th in the Transparency International Corruption Perceptions Index (CPI), with a score of 32. The first National Anti-Corruption Strategy and Action Plans (NACSAP I and NACSAP II) developed a stronger legal and institutional framework, including the 2007 Prevention and Combating of Corruption Act and the Prevention and Combating of Corruption Bureau (PCCB). In addition, in 2015 President Magufuli launched a anticorruption campaign, focussing on keys areas of corruption. In 2016 a Special Division of the High Court for anti-corruption and serious crime cases was

established. NACSAP III (2017-2022) builds on the lessons and achievements of the previous plans, targeting corruption in public procurement, revenue collection, utilisation of natural resources, and the administration of justice, and adopting a multi-stakeholder and multi-level approach. The political economy analysis (PEA) underpinning the BSAAT component takes into consideration the successive NACSAP documents. Fighting corruption remains a key priority for the government. Tanzania has improved its anti-corruption indicators (2020 CPI score of 38/100 and ranked 94/180), supported by legislative progress on beneficial ownership, regulation of public official assets, and institutional oversight by the national audit office. Importantly, the National Five-Year Development Plan (2021/22 to 2025/26), published after President Hassan took office, referred to PCCB statistics showing a steady increase in cases of alleged corruption brought before the courts and in the amount of assets recovered as a result of court decisions (see table on next page). The Plan also incorporates targets such as addressing conflicts of interest, improving governance systems and coordination of government action, as well as public awareness-raising programmes and corruption cases investigations, which are explicitly linked to the implementation of BSAAT. This can be taken as a further indication of the degree to which BSAAT is aligned with government priorities for the coming planning period.

Tanzania signed the United Nations Convention against Corruption in December 2003, and ratified it in 2005. In accordance with the Convention, a review of Tanzania's implementation of the Convention was carried out in 2018. This followed reviews in 2007 and 2014. The successive reviews identified technical assistance needs in relation to capacity building for Tanzanian anti-corruption institutions, many of which are addressed by the present programme.

Resolution 10/1, entitled "Atlanta 2023: promoting integrity, accountability and transparency in the fight against corruption".

Key challenges in Tanzania are judicial reform, through increased efficiency, transparency and accountability, and increased access to legal services. Access to the formal justice is limited, particularly for women, due to costs, insufficient lawyers, limited

knowledge and awareness of rights, and weaknesses in the justice system, in particular as a result of institutional and legal challenges embedded in the criminal justice sector.

Women are highly vulnerable to deprivation of property rights, with the second Five-Year development Plan (FYDP II) having identified legal aid's role in the transformation of women's empowerment in society by facilitating access to inherited land, and the ownership of capital. Despite these challenges, the judiciary is reforming rapidly, with a number of initiatives in the last three years that have increased efficiency. This has included setting timelines for disposal of cases; monitoring the quality of judgments; the establishment of a complaints handling mechanism as well as integrated justice systems.

Furthermore, the 2017 Legal Aid Act coordinates legal aid services and providers, including paralegals, and represented a major improvement in terms of access to justice for vulnerable persons. The government actively engaged non-state actors and the donor community on the operationalisation of this legislation. This has included the development of policy documents, aimed at ensuring the training and registration of paralegals and other legal aid providers, which has increased access to justice in the criminal justice sector. Legal aid service provision has supported legal education and empowerment.

Coordination of regional legal aid services has been introduced through the Legal Aid Inter-Sectoral Committee, which has helped to strengthen linkages between the formal and informal legal sectors. Establishment of the National Legal Aid Advisory Board has also increased oversight of legal aid service provision, and strengthened collaboration between state and non-state actors. It is therefore essential to address sector challenges, through for example improving the accessibility of courts by vulnerable groups, without prejudice to these, and ongoing, reforms.

Resolution 10/3 entitled "Follow-up to the Marrakech declaration on the prevention of corruption".

Marrakech declaration on the prevention of corruption it's principal purpose has been to promote and support the implementation of the United Nations Convention Against Corruption (UNCAC), fostering constructive collaboration among its members in prevention, asset recovery and international cooperation.

Anti-corruption is generally regulated by the Prevention and Combating of Corruption Act (PCCA) of 2007 and its substantive provisions. The Act provides a broad definition of corruption and its related offences under section 15 and includes other forms of corruption like sexual corruption (section 25) as an offence. It punishes both the giver and receiver of any form of corruption. It prohibits corrupt transactions as an inducement to public officials (section 16), corruption in public procurement under section 18, and bribery of foreign officials and organisations (section 18). Possession of unexplained property is an offence under section 27 and embezzlement and the misappropriation of public property under section 28. On face value, the PCCA is a progressive piece of anti-corruption legislation with extensive provisions. However, its effective implementation remains a challenge. The constitution regime governing anti-corruption work in Tanzania has been a subject of ongoing debate. The Constitution of Tanzania of 1977 mentions the fight against corruption under article 9(h) of its fundamental objectives and directives of state policy in which the state commits itself to eradicate all forms of injustice, including corruption. However, over the past years there were concerns that these provisions were weak and needed to be strengthened. The anti-corruption regime has been reflected in other laws like the Anti-Money Laundering Act (AMLA) of 2006, the Economic & Organised Crimes Control Act of 2006, the Public Procurement Act of 2004 and the Election Expenses Act of 2010. The latter prohibits corruption and bribery in elections and requires all candidates and political parties to provide detailed account of their election expenses. The Public Leadership Code of Ethics Act of 1995 (section 9) requires public officials to declare their assets as a mechanism for regulating the misuse of public resources and corruption in the public service. The effective follow up and enforcement of this code has remained largely weak. In 2011 the ethics secretariat commissioner,

Judge Salome Kaganda, said at a press conference that almost half of public servants had not complied with the law. Political leaders topped the list of non-compliant public officials. Between 2006 and 2009, the ethics secretariat had carried out the physical verification of only 466 public servants who had declared their assets. The Public Finance Act of 2001 (section 25) requires all spending agencies to abide by internationally accepted accounting standards in maintaining records and submitting accounts and reports to the controller auditor general (CAG) for auditing. The CAG is empowered by

law (Public Audit Act of 2008) to audit all public expenditures and to ascertain value for money by conducting special and social audits on specific projects. There are efforts to increase transparency in the extractive sector by enacting a new Tanzania Extractive Industries Transparency Initiative (EITI) law. The bill is currently in draft form. There are proposals to amend the Public Procurement Act (PPA) of 2004 to enhance its efficacy against corruption. A whistleblower bill intended to protect whistleblowers and informers has been with parliament since 2011. The Anti-Money Laundering Act of 2006 (section 4) establishes a department known as the financial intelligence unit (FIU) based at the ministry of finance. The FIU is responsible (under section 6) for receiving, analysing and disseminating any suspicious transaction reports and other information regarding potential money laundering or terrorist financing received. It is supported by the national multi-disciplinary committee on anti-money laundering (section 8 of the PCCA) comprising of representatives from various government organs. Despite the symbiosis of the functions of bodies involved, the PCCB is not a member of this committee. This unusual absence of the PCCB from this committee weakens the bureau's ability to pursue its mandate effectively.

Corruption thrives in an environment of secrecy. It is therefore challenging to detect and measure it with a view to designing and executing an appropriate response. The absence of an access to information law in Tanzania compromises the ability of law-enforcement, oversight and citizen institutions and individuals to recognise and act on corruption.