Original Article

The Cultural Role of Civil Societies and the National Parliament in the Domestic Enforcement of International Laws on Corruption in Tanzania

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ABSTRACT

Social structures composed of active and responsible actors can be essential in curbing corruption. However, studies focusing on culture and corruption, especially in Africa, are scant. This article has focused on the role of culture in influencing anti-corruption efforts and enforcing international law on corruption in Tanzania. Using ethnography, the paper responds to two questions: What is the cultural role of civil societies and the media in influencing the domestic enforcement of international law? Furthermore, what is the cultural role of the Tanzanian legislature in influencing the domestic enforcement of international law? A cultural study can only be conducted after some time. It calls for a longitudinal study that considers a local context. In this regard, a case study research design has been used. The technique can explore issues over a long period and examine context-specific issues. Overall, the study's findings highlight the development of a unique culture among civil societies, which prompts the Parliament to create and formalize anti-corruption measures. The paper adds to international law, corruption, and culture scholarship.

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INTRODUCTION

Although the motivation for the domestication of international law varies across countries (see Cortell & Davis, 1996; Checkel, 1999; Kelley, 2004; Hafner-Burton, 2005; Slagter, 2009), national legislatures, including the one in Tanzania, remain critical national organs to legalize and enforce various international laws at the country level. Squatrito (2016) pinpoints a need for more knowledge of the domestication of international law across countries. Further, studies focusing on the role of the culture of the public and civil society, particularly in influencing anti-corruption efforts and enforcing international law on corruption at the domestic level, are scant. Within the mentioned context, the article has focused on the role of the culture of the public and civil society, particularly in influencing the domestic enforcement of international law on corruption. Using an ethnographic longitudinal study approach and Tanzania as a case study, this article highlights the influence of culture in implementing international law on corruption within a Tanzanian context. The specific questions or objectives of the article are: what is the cultural role of civil societies and the media in influencing the domestic enforcement of international law? What is the cultural role of the Tanzanian legislature in influencing the domestic enforcement of international law?

A study on corruption is critical because the effects of corruption affect people of all nationalities, classes, genders, ethnicities, and races (Yunus, 2007; Kapstein & Converse, 2008; Hope, 2017). Cooter (2000) highlights that legal changes and norm development are prerequisites for minimizing corruption and human rights violations. Some scholars propose good governance in addressing corruption. According to UNESCAP (2009), good governance assures that corruption is minimized, views of minorities are taken into account, and the voices of the most vulnerable in society are heard in decision-making. Good governance calls for adherence to the rule of law. The primary thesis of this article is that a starting point in countries with rampant levels of corruption is to make legal changes to ensure adherence to the rule of law, even though legal changes can only be sustained through norm development. As such, the domestic enforcement of international law on corruption can serve as an essential ingredient in creating anti-corruption social structures and good governance in particular. Anti-corruption social structures can, in turn, create an anti-corruption culture that can lead to the eventual elimination of corruption.

History Of Anti-Corruption Efforts in Tanzania

The anti-corruption efforts are a phenomenon that has been around for a while in Tanzania. The law against corruption in Tanzania was introduced in 1932 through the penal code of the colonial British administration. Before independence, corruption was limited to the low-ranking government officials who delivered public services to people. There is a belief that the majority of public servants before independence observed ethical standards in their service (see URT, 1996). However, expanding public services after independence led to increased corruption cases. The government responded by creating an anti-corruption law in 1971. According to URT (1996), although the government established an anti-corruption law in 1971, the law failed to curb corruption among public servants due to the deteriorating economic situation of the country.

In 1983, the government launched a countrywide anti-corruption effort to deal with increasing levels of corruption. Again, the campaign did not help eliminate corruption. As such, the government decided to liberalize the economy. Although there is a belief that the liberalization of the economy reduced corruption levels (URT, 1996), the government continued to create several anti-corruption commissions to investigate the reasons for corruption. Those commissions' findings showed continued corruption in the public sector. Overall, there needed to be higher political will to address the recommendations of such commissions (URT, 1996). In 1996, the administration of President Mkapa created a Presidential Commission on Corruption whose

findings led to the adoption of a comprehensive National Anti-Corruption Strategy and Action Plan (NACSAP) in 1999 (U4 Anti-Corruption Centre, 2009). As with previous measures, the NACSAP did not eliminate corruption.

President Kikwete's administration led to the adopting of the Prevention and Combating of Corruption Act of 2007, which led to the establishment of the Prevention and Combating of Corruption Bureau of Tanzania (PCCB) in 2007. The act continues to date. The previous anti-corruption institution was the Anti-corruption Squad, created in 1974. The squad was restructured to become the Prevention of Corruption Bureau (PCB) in 1991. Likewise, the PCB was restructured to become the PCCB in 2007. The latest act integrates anti-corruption institutions, expands the range of corruption offences, and addresses private sector corruption. Unlike the previous anti-corruption measures, the 2007 Act accommodates the domestic enforcement of international laws on corruption, such as the UN and African Union conventions against corruption (U4 Anti-Corruption Centre, 2009; Madaha, 2012), even though corruption remains adamant.

Some civil societies believe that the government's anti-corruption efforts, including the liberalization of the economy, have not curbed corruption in the country (Policy Forum, 2018). Further, although the government liberalized the economy to curb corruption (URT, 1996), the Policy Forum (2018) asserts that the liberalization of the economy escalated levels of corruption in the country. All in all, the Policy Forum (2018) believes that corruption emanates from the structural weaknesses of the government. The Tanzania anti-corruption model that relies on a single state anti-corruption organ, the PCCB, cannot address corruption. Madaha (2012) has similar views. The government's attempts to increase the salaries of some public employees have also yet to be helpful. Fjeldstad (2003) believes that high wages and good working conditions produce a highly paid corrupt administration that operates in corruption

networks involving former government employees. Overall, the review of the government's anti-corruption efforts in Tanzania reveals that the government has failed to address corruption. The failure calls for a different approach to address corruption. This article is part of such an endeavour.

LITERATURE REVIEW AND THEORETICAL FRAMEWORK

Although the literature on international law is readily available, the one that examines the interaction between international law, culture, and local politics is scanty. Sandholtz and Whytock (2017) highlight that the boundary between them cannot easily be located. The most familiar theoretical perspectives that scholars use to study such relations are realism, liberalism, and constructivism (see Teson, 1998; Widlak, 2012; Sandholtz & Whytock, 2017).

From the realism perspective, a lasting system of international law requires individual states of the international society to compete to arrive at a mutually beneficial system of international law (Doyle, 2015; Sandholtz & Whytock, 2017). Yet, one must recognize the role of a country's culture and organization in creating a lasting system of international law.

On the contrary, the liberalism school of thought is based on the thesis that the internal organization of states, incorporating liberal democracy and human rights, is the essential requirement of a just international order (Teson, 1998). Liberal countries have an obligation to form alliances to create a liberal international order system to ensure peace worldwide (Buchan, 2013; Teson, 1998; Sandholtz & Whytock, 2017). The proponents of the liberal doctrine acknowledge the influence of the internal organization of individual countries, but they have overlooked the unique cultures of such countries.

According to Doyle (2015), the imposition of liberal Western values has led to a practice that corresponds to liberal ideals opposed by liberalists. The imposition of Western values

often faces opposition from unwilling cultures. Doyle (2015) proposes a discourse of patience with non-liberal societies to enable them to develop social structures capable of accommodating Western liberal values.

Constructivism, a relatively newer line of thought in international relations, presents a critical account of realism and liberalism. Constructivism highlights the importance of the culture of communities that give meaning to material things and relations in international law. Prior social structures are powerful in that they can block a country's adoption of a foreign value system. Constructivism thesis is that social ideas are transmitted through social interaction to create influential social structures. From this viewpoint, a foreign culture interacts with a local culture to produce a new culture. Human beings have the potential to construct mindsets that influence their behaviour and the behaviour of those around them (Ruggie, 1998).

Within this framing, a particular country's citizens are more receptive to internally developed values than those developed elsewhere. According to

Cook-Craig (2010, p.314), "individuals and entities are likely to connect to others with whom they share similar characteristics.”””". Mercer (2002) correctly argues that countries often re-appropriate global international discourses to produce anti-development local contradictory cultural and social practices. Subsequently, the practices maintain the status quo in such countries. In other words, Tanzanians interact with the international legal system to create domestic legal systems that may not necessarily favour the domestic enforcement of international law in the country.

This article borrows some insights from liberalism and Constructivism schools of thought (see Figure 1). That is, Tanzania does not exist in isolation. As such, it must adopt some of the liberal values (in fact, it has already done so) to be able to collaborate with the liberal states. Some of the liberal states have some influence on the country's politics, economy, and culture. Likewise, as constructivist schools of thought advocate, the existing Tanzanian social structures remain powerful and must be considered in domesticating international law on corruption.

Table 1: Theoretical Framework on theories affecting domestication of international law
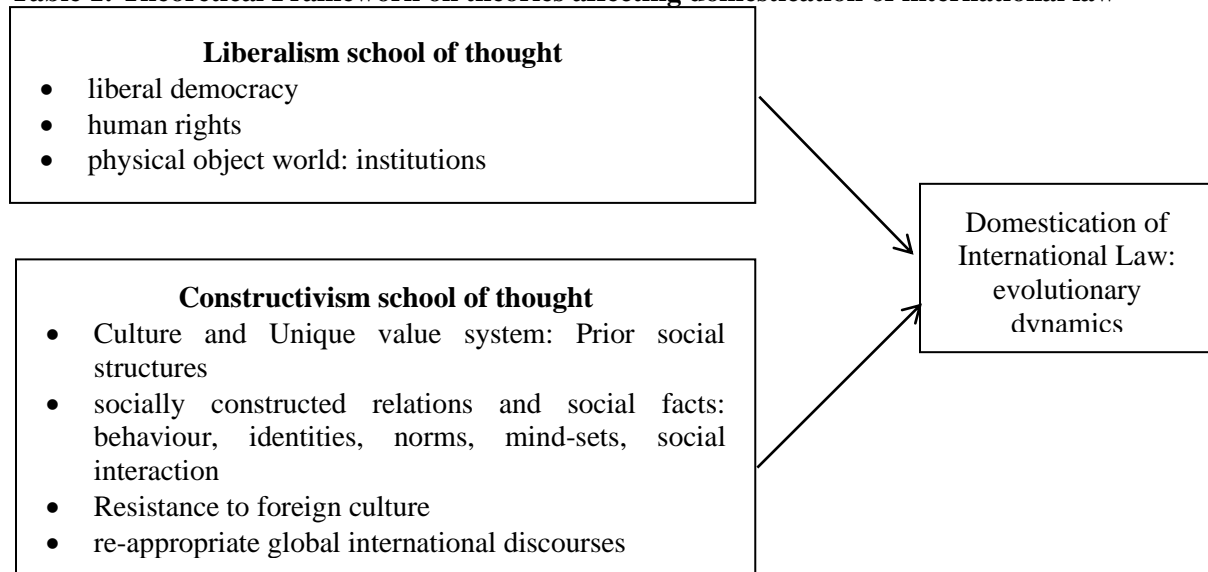
Source: Adopted and modified from Teson, 1998; Widlak 2012; Sandholtz and Whytock, 2017

From a constructivist perspective, ideas created on top by some influential actors shape social structures that influence the behaviour of all members of a particular society. In turn, such

structures form a cumulative influence on systems of international law. The social structures that influence actors' conduct are transmitted through the interaction among such actors (Wendt, 1999).

Conventional constructivists believe that although existing social structures are socially constructed, they can constrain actors' agency (see Wendt, 1999; Buzan & Hansen, 2009). The constructivist view is also shared by some feminists who argue that what appears to be well-established social relations are, in reality, socially constructed relations of a particular society (see Cornwall, 2005; Chant, 2007; Holmes, 2007).

Finally, this study has deviated from conventional ways of studying corruption by borrowing some insights from an anti-colonial discursive framework. What is essential is that knowledge is highly political (Dei, 2006). That is, colonialism is embedded in the mindsets of the colonized, allowing colonizers to continue to assert their control through knowledge production and declaration on the colonized. The unforgettable mark of shame and inferiority is one of colonialism's most effective tools (Cordova, 1998). The anti-colonial discursive framework seeks alternative views from the standpoint of the colonized (Dei & Kempf, 2006).

A Synopsis of the Literature on International Law on Corruption

The presence of the international society necessitates creating and refining international laws to facilitate the interaction of individual countries. The practice fits into the *Ubi societas, ibi jus* principle of international law, meaning *where there is society, there is law* (Oppenheim, 2005). Bierzanek and Symonides (2003) stated that international society is the entirety of sovereign and non-sovereign states, including all actors of international relations that maintain mutual relations under international law. Noteworthy, individual countries have different cultural backgrounds that impede international law enforcement (Verdier & Versteeg, 2017).

The local context of countries has a bearing on the enforcement of international laws on corruption because the domestication of such laws varies from country to country. The national legislatures, including the one in Tanzania, remain critical national organs responsible for legalizing and enforcing various international laws at the country level (Cortell & Davis, 1996; Checkel, 1999; Kelley, 2004; Hafner-Burton, 2005; Slagter, 2009; Verdier & Versteeg, 2017). Although Squatrito (2016) pinpoints that scholars need to be more knowledgeable of the domestic enforcement of international law, studies focusing on the culture of civil societies and the Parliament in enforcing international law on corruption at the domestic level are scant.

Madaha (2018) presents two well-established phenomena that indicate the influence of culture within the Tanzanian context. Here, he presents two cultural terms: "tribal corruption" and "preferential treatment". Madaha (2018) points out that tribal corruption refers to a situation when individuals from one tribe favour their fellow tribe members who are less qualified for a particular formal job. They do so to shield themselves from the influence of other tribes at work. Preferential treatment refers, as shared by Madaha, to situations whereby qualified people of one tribe use their elite tribal network to mitigate the adverse effects of modern-day neoliberalism and access increasingly diminishing resources. Madaha (2018) thinks that tribal corruption has some immediate adverse effects on the country's development; preferential treatment is a survival mechanism within the increasingly competitive neoliberal context. The co-existence of over 120 tribes in Tanzania with some common interests to collaborate has produced undocumented norms. The norms influence the implementation of the law, including international laws, in the country. The tribes have created a cultural and legal framework that facilitates interactions among them in favour of their mutual interests (Madaha, 2012, 2018).

Madaha (2012) highlights that corruption, as used in the Tanzanian context, refers to purposeful misconduct, fraud, forgery, waste, abuse, bribery, conflict of interest, embezzlement, larceny, gratuity, and racketeering of and in the use of public resources. At least in the Tanzanian context, corruption has been categorized into petty and grand corruption. Petty corruption, as

shared by Madaha (2012, p.49), involves: "…low-ranking public servants and small sums of money, takes the form of delaying tactics to compel the service receiver to provide a bribe for the process to be speeded up. Grand corruption, practised by politicians and high-ranking public officials, involves large sums of money and takes the form of sidestepping laws and, in some cases, either a complete change to existing laws or the unacceptable interpretation of these laws to create a suitable environment for corruption." Petty corruption in the Tanzanian context has been covered elsewhere (Madaha, 2012, 2018).

That said, this article explores the cultural role of civil society and the Parliament in addressing grand corruption in the Tanzanian context. The role of civil societies in fighting corruption in Europe (Harasymiw, 2019) and Asia (Setiyono & McLeod, 2010) is widespread. However, the Tanzanian Civil Societies are young; they became active on policy issues in the 1990s (Madaha, 2014). Further, although there are some studies on civil societies in the Tanzanian context (Green, 2010; Mercer & Green, 2013), there is yet to focus on the role of civil society and the Parliament in addressing grand corruption.

MATERIALS AND METHODS

Using ethnography, the article responds to the study questions. The cultural study calls for a longitudinal study that considers a local context. A case study research design can explore issues over a long period and examine context-specific issues (Madaha, 2012, 2014, & 2018). Primary and secondary data were collected using ethnographic methods from 2007 to 2019 and then analyzed. An ethnographic data bank was used to store the data. The bank is composed of qualitative primary data and some quantitative secondary data. Quantitative studies construct datasets for similar purposes (Verdier & Versteeg, 2017). The storage bank is the equivalent of a personal library, updated as new information arises.

Appropriate use of the databank requires developing specific research questions to convert the massive amount of information into papers, which can be used for an academic audience. The storage bank has been created following emphasis on the case study approach (Yin, 2002a & b; 2014). Madaha (2012. p.50) has learned that "…detailed contextual analysis of a limited number of events or conditions and their relationships" is one of the strengths of case studies (Yin, 2002a & b; 2014). A detailed and selective focus guided by research questions, as advocated by case study scholars (LeCompte & Schensul, 1999, p. 85; Yin, 2014), was conducted on international laws on corruption and cultural domains concerning corruption within Tanzania.

Concerning the number of participants in the study, purposive sampling was used to extract the views of as many Tanzanians as possible. The author selected participants (details to be provided in the data collection section) who knew the role of civil societies and Parliament in fighting corruption. The interviewees include members of civil societies, leaders of national and international NGOs, journalists, university students, and government officials. One Focus Group Discussion (FGD) involving 10 to 20 participants was conducted at each study area.

A saturation point was attained around December 2019. Data saturation is a qualitative data collection technique originating from grounded theory, referring to collecting qualitative data until no newer information is obtained (Charmaz, 2006). The author ensured the representation of multiple voices, enhanced moral discernment, and promoted social transformation to encourage the participation of people with different perspectives throughout the study (Denzin & Lincoln, 2000:145-149). Efforts were made to ensure the study reflects real-life issues, problems, and situations.

The author used multiple data sources and techniques to gather the required data. The qualitative data were gathered through face-to-face interviews, documentation review, participant observation, and focused group discussions. The tools are recommended by scientists in cultural studies and other related fields (Yin, 2002a & b; Hamel *et al.,* 1993; LeCompte & Schensul; 1999:85).

Data Collection

The authors conducted in-depth interviews and key informant interviews involving 192 participants from 2007 and reached a data saturation point in December 2019 (see *Table 1*).

As mentioned, the respondents were purposely selected (see Table 1). The author also conducted 2 FDGs with 8 to 12 participants in each of the following regions: Iringa (12), Singida (08), Shinyanga (12), Mbeya (12), and Morogoro (11). The role of the author, as a university lecturer and consultant for several NGOs, played an instrumental role in the data collection process.

The author had an opportunity to conduct participant observations in Dar es Salaam, Singida, Iringa, Kagera, Mbeya, Shinyanga, and Morogoro regions. The author engaged in moderate participation to facilitate a good combination of involvement and necessary detachment to remain objective. The author's experience as a founder of an NGO (www.agentz.org) and a consultant for other national and international NGOs across the mentioned regions has facilitated participant observation. Other data sources include a documentary review of secondary data provided by the Tanzanian and international media, including a review of local and international newspapers and content analysis of government and international reports focusing on corruption and governance.

All study participants were treated ethically and respectfully—most importantly, for security reasons, their identities were not revealed (LeCompte & Schensul, 1999; Delorme *et al*., 2001). The author also managed to secure a permit to use data on corruption compiled by the Tanzania Corruption Tracker System (CTS). This used to be an independent and credible source of information. A donor community and civil society supported the tracker.

Table 2: Study Participants

Participant	Semi-structure Interview	Key Informant Interview	Number of participants per Study Location						
			Singida	Morogoro	Kegara	Iringa	Shinyanga	Mbeya	Dar es salaam
CBO Members	Yes	N/A	20 (15 women)	20 (14 women)	0	20 (16 women)	20 (17 women)	20 (16 women)	0
NGO staff	N/A	Yes	3	6	0	0	3	0	9
Journalists	N/A	Yes	0	3	0	5	5	0	7
Local government officials	N/A	Yes	2	3	0	3	2	3	2
University students with work experience	Yes	N/A	0	12	12	12	0	0	0
Total number			25	44	12	40	30	23	18

Data Analysis and Interpretation

The data from key informant interviews, semi-structured questionnaires, observations, and FGDs were transcribed, translated (from Kiswahili to English), analyzed, and stored in an ethnographic data bank; see Wolcott (2008) for details on the data bank. According to Drisko and Maschi (2016), content analyses can be used to analyze newly collected qualitative data, often based on interviews. Berg (2001) highlights that content analysis systematically and objectively analyses written documents or transcriptions of recorded verbal communications. Any item, including photographs, videotape, or recorded interviews, which can be converted into text can be analyzed using content analysis. Content analysis was used to systematically identify, classify, and analyze information relevant to this study (Berelson, 1952; Berg, 2001; Holsti, 1969; Krippendorff, 2004; Neumann, 1994). Content analysis helps analyze beliefs, organizations, attitudes, and human relations (Woods, 1987; Patton, 1990; Whitaker, 1996; Hammersley & Atkinson, 2007; Wolcott, 2008; Woodrum, 1984). The method allows the investigator to learn about how subjects in real-life situations or authors of textual materials view their social worlds (Berg, 2001; Insch *et al.*, 1997).

RESULTS AND DISCUSSION

This section is presented in line with the study questions. The specific study questions are: what is the cultural role of civil societies and the media in influencing the domestic enforcement of international law? The second question is: what is the cultural role of the Tanzanian legislature in influencing the domestic enforcement of international law?

The Cultural Role of Civil Societies

Civil societies can play an instrumental cultural role in enforcing international law on corruption. Civil societies have thrived in Tanzania since the 1990s, following the freedom of association that happened hand in hand with adopting liberal policies. They have played a significant role in lobbying for compliance with various international laws (Madaha, 2014). The study came up with the following themes or significant findings.

The first theme revealed that civil societies had developed a unique culture to deal with challenges by creating a cobweb of stakeholders, including gender activists, associations of peasant farmers, cooperatives, NGOs, private media, non-state research institutes, religious institutions, and finance institutions to address corruption in the country. The key informant interviews further highlighted that civil societies and the media play a significant role in making the Tanzania public aware of ongoing corruption practices.

The study's findings align with those of Widlak (2012, p. 80), who believes that values within the international community are strengthened by the broader civil society at the global level, not just by the political elites. Katzenstein (2017) holds the exposition that civil societies and other non-state actors promote the legalization of human rights norms regulating state practice, including pushing for the adoption of transnational regulations. According to the UN (2003, p.6), governments need to support the involvement of individuals and civil societies if their anti-corruption efforts are to be effective. Some scholars share similar views (Charnovitz, 2006; Mallya, 2005; Spiro, 2012; Madaha, 2014; Squatrito, 2016; Hillebrecht, 2017). Civil society actors can be essential conveyors of information, monitors, and whistle-blowers, as well as key drivers in advocating for international law compliance. They can pressure the state and other public entities to engage in the compliance process by bringing violations of international human rights law to light (Hillebrecht, 2017). However, the uniqueness of the findings of this study, unlike other similar studies, is that the Tanzanian civil societies first mobilize the public to gain public support. Then, they engage with the decision-makers to respond to issues of public interest.

The second theme highlights that the private media has been serving as a critical partner of the Tanzanian civil societies in addressing issues of public interest. Some journalists working for the private media are also members of advocacy civil societies. Overall, as per the current research, civil society sparks public discussion on issues of public interest. In turn, the private and social media broadcast the issues to attract public attention. Once the issue becomes popular with the public, Parliament initiates debates. Given the keen public interest in the issues made popular by civil society, the private media continue broadcasting the parliamentary debates. The parliamentary debates create a recipe for the domestic enforcement of international law on corruption. Although Tanzania became a signatory of several international laws on corruption much earlier, the state made some efforts on the domestic enforcement of such laws following public pressure in 2007.

The private media in Tanzania started to play a critical role in the 1990s after getting support from the first president, the Late Julius Nyerere.[1] To maintain his influence on politics, Nyerere used the private media to send his message to the public. The findings align with past research as shared by Charnovitz (2006), who points out the importance of the media in assisting civil societies to get their message heard. Madaha (2014) highlights that women-advocate NGOs, such as Tanzania Media Association (TAMWA) and Tanzania Gender Network Program (TGNP), have made use of the media to play a critical role in the welfare of the country.

The fourth president, Jakaya Kikwete, following a significant victory of 80 percent in the 2005 presidential elections, gave another significant boost to the media and freedom of expression (Madaha, 2014). One explanation of the findings is that the media solely represents progress in adopting communication science and technology in reaching out to most people in the country. Further, civil societies represent progress in the mindset of Tanzanians, who have a growing interest in monitoring the government's performance following freedom of association. In such a situation, the Tanzanian local media -mainly newspapers, radios, and TVs, which have gone electronic as well- are critically important in providing the public's views on corruption. According to Hillebrecht (2017), civil societies can serve as whistle-blowers, monitors, and conveyors of information. However, a unique contribution of this study is that the Tanzanian media is only useful with the participation of the Tanzanian public via civil societies. Civil societies make the news.

According to Katzenstein (2017), the common weakness of lobbying efforts of civil societies emanates from inadequate institutionalization of their demands. The study's findings imply that Tanzanian civil societies have created a mutually beneficial relationship with the Tanzanian Parliament to ensure the incorporation of their demands in decision-making processes. Civil society sparks the discussion, and the Parliament picks it. In this respect, the Parliament plays a crucial role in addressing issues raised by the collective action of the media and civil societies. A similar trend has emerged in President Magufuli's and President Samia's administrations: the administration takes immediate action on some of the issues raised by the Tanzanian civil society through the media.

The interaction among civil societies, private media, and the government has developed into a unique cultural practice. International law on corruption has somewhat managed to penetrate the Tanzanian legal systems with the assistance of the mentioned culture that serves as a watchdog.

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[1] October 14, the date when Nyerere died, is now a public holiday. The day is featured in Nyerere's historical speeches.

The Cultural Role of The Tanzanian Legislature

This section focuses on the cultural role of the Tanzanian legislature in influencing the domestic enforcement of international law. Overall, the findings of this study are somewhat in line with past research: Verdier and Versteeg (2017) emphasize that implementing international law can only be effective with its domestic incorporation into the local context.

The first theme of the findings discloses that civil society targets the Parliament in efforts to fight corruption. Parliamentary debates that led to the domestic enforcement of the laws on corruption were initiated by civil societies through the private media. In this context, the civil societies created an entry point into the Parliament by forming coalitions to lobby for various policy changes. Civil societies, among other things, conduct research and share the findings with the Parliament. They also organize workshops and invite members of the Parliament. The civil societies' efforts, with the help of the private media, initiated debates that led to the creation of an anti-corruption law titled the Prevention and Combating of Corruption Act No. 11 of 2007. The act is the first Tanzania law incorporating international corruption laws. Verdier and Versteeg (2017) observe that although the domestic rules give the national executive the leading role in negotiating and concluding international laws, domestic enforcement is increasingly constrained by the legislatures, courts, and other domestic actors such as civil societies. Unlike observations made by Verdier and Versteeg (2017), this study has revealed that civil societies do not constrain the domestic enforcement of international laws. They instead speed up the process by pressurizing the Parliament to act. The mobilization by civil society actors, as shared by Murdie and Davis (2012), is crucial in the domestic enforcement of international law.

The second theme of the findings highlights a unique role brought about by a discussion on the Richmond corruption scandal. Civil societies initiated the debate through the private media. The debate sparked parliamentary sessions on the issues at the Parliament. The Richmond saga involved purchasing an emergency service to supply electricity to Tanzania. The service was worth $172.9 million in 2006, as revealed in the news. Quite curiously, the company failed to address the crisis and remained idle for another two years after the completion of the project. A striking fact is that the company continued to collect capacity charges of $ 4 million per month. The saga highlighted the government's weaknesses in dealing with multinational corruption in the absence of the domestic enforcement of international law on corruption.

For good reasons, the Tanzanian Parliament started to discuss severe domestic enforcement of international laws on corruption in January 2007 following the Richmond saga. At that time, the Tanzanian government had signed various international treaties to manifest the political will of the Tanzanian government to curb corruption (Hosea, 2007). The next logical step would have been to domesticate the international and regional legal obligations through the legislative process based on good faith. However, there were some unnecessary delays. The rule of *Pacta sunt servanda*, as shared by Hosea (2007), requires states to respect their obligations to the rule. This good faith basis of treaties implies that a party to the treaty cannot invoke the provisions of its domestic law as justification for a failure to perform. The Prevention and Combating of Corruption Bill, 2007, was created to domesticate international corruption laws. However, the bill also incorporated domestic laws that existed at that time. Eventually, the bill was passed on April 16, 2007, and became effective on June 20, 2007, as Prevention and Combating of Corruption Act No. 11 of 2007.

Although the Parliament took measures that led to the creation of the 2007 act, the government also failed to take any legal measures against the

Richmond perpetrators. The political elites came up with an excuse that anti-corruption laws were weak then. It was stated that the Prevention of Corruption Act (PCA) of 1971 that was in place at that time could not be used to prosecute public officials involved in the multibillion-Richmond corrupt saga because the officials, under that law, were considered not to have committed any corrupt offence. The findings support Squatrito (2016, p.3), who argues that legislatures interpret and apply international law differently, considering estimations of long-term political costs related to compliance with such laws. The perceived political costs would give more credit to the opposition parties at the ruling party's expense.

Although Squatrito (2016) suggests that civil societies inform the parliamentarians of the public's wishes on a particular international law, a unique explanation of the study's findings is that civil societies in young democracies need to go the extra mile to explore the utilization of public resources. Young democracies lack the institutional capacity to ensure effective and efficient utilization of public resources. They cannot rely on the Parliament entirely because the organ is subjected to some political influences.

The third theme highlights that the structure of the Tanzanian Parliament allows civil societies to engage with some parliamentarians. The theme emerged from the documentary review. It focused on the legal and parliamentary system of the country. Tanzania's legal system is based on the English Common Law system emanating from the British Westminster parliamentary model (Nyanduga & Manning, 2006; Verdier & Versteeg, 2017). The Parliament comprises one chamber, with members elected from various constituencies across the United Republic of Tanzania (i.e., the mainland and all islands, including Unguja and Pemba). The participation of women in the Parliament is guaranteed through special arrangements as stipulated in the constitution. The arrangements are meant to increase women's representation in the Parliament and other decision-making bodies. The study unveiled that Civil Societies, and women advocacy NGOs in particular, have made a strong relationship with the women's arm of the Parliament. They have mobilized the women parliamentarians to speak for the welfare of women and other marginalized people. This is a unique contribution to the study. The finding suggests that increasing women's representation in decision-making can add to women's empowerment efforts.

The fourth theme highlights a need for reviewing the Tanzanian legal system to go hand in hand with changes in Tanzania and the rest of the world. The law against corruption in Tanzania was introduced in 1932 through the penal code of the colonial British administration. The colonial legal system was meant to address the oppressive ambitions of the colonialists, not the public. The code was later codified as Cap 400 of the laws of Tanganyika. After independence, the Tanzania parliament enacted Act No. 16 of 1971. The act was revised in 2002. Following previously discussed internal pressure by the civil society and advancement in science and technology of the media, the Parliament was pressurized to develop a new law on corruption capable of addressing corruption at the international level. The discussions led to the creation of the Prevention and Combating of Corruption Act No. 11 of 2007. The act was also used for the domestic enforcement of international laws on corruption for the first time in the country. The Prevention and Combating of Corruption Act, 2007 is a single pact that incorporates some elements from all of the international laws on corruption, including the SADC Protocol against Corruption of 2001, the African Union Convention on Preventing and Combating Corruption of 2003, and the United Nations Convention Against Corruption (UNCAC) of 2003.

The new law on corruption encompasses a broader 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 offence.

Although the Prevention and Combating of Corruption Act No. 11 of 2007 has been in place for over a decade, the study's findings suggest that more needs to be attained in the fight against international corruption. Corruption involving multinational corporations continues to exist. For instance, the Magufili administration had to go through a painful legal process to reach a compromise with mining multinational corporations in 2019. The Prevention and Combating of Corruption Act No. 11 of 2007 could not prevent the government from losing funds in the mining sector.

Further, the promotion of assertive populism (Nagaraj & Motiram, 2017) by President Magufuli's administration served as evidence to showcase that the Prevention and Combating of Corruption Act of 2007 had been subjected to normative subjectivity by elite Tanzanians. Within this framing, the Magufuli administration had waged war against corrupt elites in the public and private sectors to acquire resources in favour of marginalized groups. The president had successfully acquired large amounts of funds in the process. Entitlements, including fee-free education, universal health coverage, and interest-free soft loans, accompanied the measures. Nonetheless, Magufuli's assertive populism rhetoric was only short-lived. Assertive populism by President Maguli's administration could not be sustained following his death in 2021. President Samia's administration has reversed several of Magufuli's rhetoric, even though President Samia's approach to open the country to foreign investors is not without criticism following suspected corruption practices. The civil societies and the media recently sparked a debate at the parliament and blocked a controversial Inter-Governmental Agreement (IGA) with DP World of Dubai. The IGA would allow the multinational logistics firm to take over operations at the port of Dar es Salaam and other sea and lake ports across the country.

CONCLUSION

The primary concluding remark of the paper is that international laws need to be self-executing in the short-term, but in the long-term, a cultural approach needs to be taken into account because the domestication of international laws on corruption is interfering with culture to maintain a corrupt status quo. Along those lines, civil societies, the media, and the legislature have played an essential role in enforcing international law on corruption and implementing other anti-corruption measures. The actors have developed an interdependent culture, which is instrumental in the domestic enforcement of international laws on corruption. Likewise, the domestic enforcement of international law on corruption can only address corruption with comprehensive cultural reforms. In line with the constructionist perspective, the study suggests that the government and other actors must create a culture promoting active civil society, autonomous national assembly, and responsible public and private sectors to sustain anti-corruption efforts and curb corruption. Institutionalizing an anti-corruption culture needs to involve creating an empowered public with a robust civil society to pressure their government to incorporate international law and other anti-corruption measures. Adherence to international law must be initiated by actors from within the country, and at the same time, they must ensure its sustainability.

Anti-corruption measures must also involve legal change and norm development against the corrupt mindset. Legal requirements on paper without observable changes in people's conduct may maintain the previous corrupt status quo. As constructivists might argue, people's identities and norms shape compliance with local and international laws. The findings support past research that highlights the influence of culture on

corruption (Ackerman & Palifka, 2016; Smith, 2007; Haller & Shore, 2005). Smith (2007) holds that citizens can be controversial in creating a corrupt culture. The unique contribution of this study is that organized citizens, if given an opportunity, can create an anti-corruption culture.

REFERENCES

Ackerman, S. R., & Palifka, B. J. (2016). *Corruption and Government: Causes, Consequences, and Reform.* New York: Cambridge University Press

Berelson, B. (1952). *Content analysis in communications research.* Free Press

Berg, B. L. (2001). *Qualitative Research Methods for the Social Sciences.* Allyn & Bacon

Bierzanek, R., and Symonides, J. (2003). *Prawo międzynarodowe publiczne*, LexisNexis, Warszawa p. 13.

Buchan, R. (2013). *International Law and the Construction of the Liberal Peace*. Hart Publishing, Oxford

Buzan, B., & Hansen, L. (2009). *The Evolution of International Security Studies.* Cambridge: Cambridge University Press

Chant, S (2007). Gender, Generation, and Poverty: Exploring the Feminisation of Poverty in Africa, Asia and Latin America, Massachusetts, Edward Elgar Publishing Inc.

Chant, S. H. (2007). *Gender, generation, and poverty: exploring the feminization of poverty in Africa, Asia and Latin America*. Edward Elgar Publishing.

Charmaz, K. (2006). *Constructing grounded theory*. Thousand Oaks, CA: Sage.

Charnovitz, S. (2006). Nongovernmental Organizations and International Law. *American Journal of International Law*, 100(1), 351–352.

Checkel, J. (1999). Norms, Institutions, and National Identity in Contemporary Europe. *International Studies Quarterly*, 43(1), 83-114.

Cook-Craig, P. G. (2010). Using Social Network Theory to Influence the Development of State and Local Primary Prevention Capacity-Building Teams. *Journal of Family Social Work, 13(4)*, 313–325.

Cooter, R. D. (2000). Three Effects of Social Norms on Law: Expression, Deterrence, and Internalization. *Oregon Law Review,* 79(1), 1-23.

Cordova, T. (1998). Anti-colonial Chicana feminism. *New Political Science*, 20(4), 379–397.

Cornwall, A. (ed) (2005). *Readings in Gender in Africa.* USA, Indiana University Press.

Cortell, A., & Davis, J. (1996). How Do International Institutions, Matter? The Domestic Impact of International Rules and Norms. *International Studies Quarterly*, 40(4), 451-478.

Dei, G. J. S., & Kempf, A. (eds.) (2006). *Anti-colonialism and education: The politics of resistance*. Netherlands: Sense Publishers

Dei, G. J. S. (2006). Introduction: Mapping the terrain – towards a new politics of resistance. In: Dei, G.J.S. and Kempf, A. (eds.). *Anti-colonialism and education: The politics of resistance*. Netherlands: Sense Publishers, pp. 1–23.

Dei, G. J. S. (2006). Mapping the terrain–Towards a new politics of resistance. In *Anti-colonialism and education* (pp. 1-23). Brill.

Delorme, D. E., Zinkhan, G. M., & French, W. (2001). Ethics and Internet: issues associated with qualitative research. *Journal of Business Ethics*, 33(4), 271-286.

Denzin, N. K., & Lincoln, Y. S. (2000). *Handbook of Qualitative Research.* 2nd Ed. Sage Publications

Doyle, T. E. (2015). When liberal peoples turn into outlaw states: John Rawls' Law of Peoples and liberal nuclearism. *Journal of International Political Theory,* 11(2), 257–273.

Drisko, J. W., & Maschi, T. (2016). *Content Analysis.* Oxford University Press

Fjeldstad, O.-H. (2003). Fighting fiscal corruption: Lessons from the Tanzania Revenue Authority. *Public Administration and Development*, 23(2), 165-175.

Green, M. (2010). After Ujamaa? Cultures of Governance and the Representation of Power in Tanzania. *Social Analysis*, 54(1), 15–34.

Hafner-Burton, E. (2005). Trading Human Rights: How Preferential Trade Agreements Influence Government Repression. *International Organization*, 59(3), 593-629.

Haller, D., & Shore, C. (2005). *Corruption Anthropological Perspectives*. London: Pluto Press

Hamel, J., Dufourand, S., & Fortin, D. (1993). *Case study methods*. Sage Publications

Hammersley, M., & Atkinson, P. (2007). *Ethnography: Principles in Practice. 3ʳᵈ ed.* Routledge.

Harasymiw, B. (2019). Civil society as an anti-corruption actor in post-Euromaidan Ukraine. *Canadian Slavonic Papers, 61(3),* 288–320.

Hillebrecht, C. (2017). Compliance: Actors, Context and Causal Processes. In *Research Handbook on the Politics of International Law* (pp. 27-54). Edward Elgar Publishing.

Holmes, M. (2007). *What is Gender? Sociological Approaches*. SAGE Publications Ltd

Holsti, O. R. (1969). *Content analysis for the social sciences and humanities*. Addison-Wesley

Hope, K. R. (2017). *Corruption and Governance in Africa: Swaziland, Kenya, Nigeria.* Springer International Publishing AG

Hosea, E. (2007*). An Overview of the Bill on Prevention and Combating of Corruption Act (PCCA).* Dar es Salaam: Prevention of Corruption Bureau -PCB

Insch, G. S., Moore, J. E., & Murphy, L. D. (1997). Content Analysis in Leadership Research: Examples, Procedures, and Suggestions for Future Use. *Leadership Quarterly,* 8, 1-25.

Janis, M. W. (2008). *International Law.* Aspen Publishers

Kapstein, E. B. & Converse, N. (2008). *The Fate of Young Democracies*. Cambridge University Press

Katzenstein, S. (2017). Non-state actors and human rights: legalization and transnational regulation. In *Research Handbook on the Politics of International Law* (pp. 336-365). Edward Elgar Publishing.

Kelley, J. (2004). International Actors on the Domestic Scene: Membership Conditionality and Socialization by International Institutions. *International Organization*, 58(3), 425-457.

Krippendorff, K. (2004). *Content analysis: An introduction to its methodology*. 2ⁿᵈ ed. Sage Publications

LeCompte, D. M., & Schensul, J. J. (1999). *Designing and Conducting Ethnography Research: Ethnographer's Toolkit*. AltaMira Publications

Madaha, R. (2012). The Corruption Noose: Will Tanzania Ever Develop? *Africa Review,* 4(1), 48-64.

Madaha, R. (2014). Organized and gendered media advocacy at the centre of the feminist movement in a patriarchal Tanzania. *Africa Review,* 6(1), 18-29.

Madaha, R. (2018). Tribal corruption and preferential treatment: Contradictory African corrupt practices and Tanzania's progress. *Africa at a Crossroads: the Continent's Future Prospects*, *50*, 198-226.

Mallya, E. (2005). Women NGOs and the Policy Process in Tanzania: The Case of The Land Act Of 1999. *African Study Monographs,* 26(4), 183-200.

Mercer, C., & Green, M. (2013). Making civil society work: Contracting, cosmopolitanism and community development in Tanzania. *Geoforum,* 45, 106–115.

Murdie, A., & Davis, D. (2012). Shaming and Blaming: Using Events Data to Assess the Impact of Human Rights INGOs. *International Studies Quarterly,* 56(1), 1-16.

Nagaraj, R., & Motiram, S. (2017). *Political Economy of Contemporary India.* Cambridge: Cambridge University Press

Neuman W. L. (1994). *Social Research Methods.* 2nd ed. Allyn & Bacon

Nyanduga, B. T., & Manning, C. (2006). Guide to Tanzanian Legal System and Legal Research. <https://www.nyulawglobal.org/globalex/Tanzania.html>

Oppenheim, L. (2005). *International Law. A Treatise*, 3rd ed. eLawbook Exchange Ltd Clark) p. 10.

Patton, M. Q. (1990). *Qualitative evaluation and research methods.* 2nd ed. Sage Publications

Press 92–138.

Policy Forum (2018). A review of the performance of Tanzania's Prevention and Combating of Corruption Bureau, 2007-16. <https://www.policyforum-tz.org/news/2018-12-07/review-performance-tanzanias-prevention-and-combating-corruption-bureau-2007-16>

Ruggie, J. G. (1998). What makes the world hang together? Neo-utilitarianism and the social constructivist challenge. *International Organization,* 52(4), 857–61.

Sandholtz, W., & Whytock, C. A. (2017). *Research Handbook on the Politics of International Law.* Massachusetts: Edward Elgar Publishing, Inc

Setiyono, B., & McLeod, R. H. (2010). Civil society organizations' contribution to the anti-corruption movement in Indonesia. *Bulletin of Indonesian Economic Studies*, 46(3), 347-370.

Slagter, T. (2009). National Parliaments and the ECJ: A View from the Bundestag. *Journal of Common Market Studies*, 47(1), 175 -197.

Smith, D. J. (2007). *A Culture of Corruption: Everyday Deception and Popular Discontent in Nigeria.* New Jersey: Princeton University Press

Spiro, P. J. (2013). Nongovernmental organizations in international relations (theory). *Interdisciplinary perspectives on international law and international relations: The state of the art*, 223-43.

Squatrito, T. (2016). Domestic Legislatures and International Human Rights Law: Legislating on Religious Symbols in Europe. *Journal of Human Rights,* 15 (4), 550- 570.

Teson, F. R. (1998). *a Philosophy of International Law*. Colorado: Westview Press

U4 Anti-Corruption Centre (2009). An overview of corruption in Tanzania. U4 Expert Answer on Corruption.

UN (2003). United Nations Convention Against Corruption. Viena: United Nations Office on Drugs and Crime

UN General Assembly, United Nations Declaration against Corruption and Bribery in International Commercial Transactions: resolution / adopted by the General Assembly, (November 23, 2013, A/RES/51/191) https://www.refworld.org/docid/5290addf4.html

UNDP, (2007). *Governance and Anti-Corruption.* <http://www.tz.undp.org/dg_proj_dg_intro.html> (Last accessed January 11, 2008]

United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP). (2009). What Is Good Governance? UNESCAP. <http://www.unescap.org/pdd/prs/ProjectActivities/Ongoing/gg/governance.asp>

United Nations Office on Drugs and Crime (UNODC). (2010). Official Website at http://www.unodc.org/unodc/en/treaties/CAC/signatories.html

United Republic of Tanzania (URT). 2008. Corruption in Tanzania and Government Measures Against it: Handout prepared by Charles Nakembetwa Iringa Regional Bureau Chief PCB. Iringa

URT (1996). Report of the Presidential Commission on Corruption. *Unpublished Report.* Dar es Salaam: President's Office

Verdier, P. H., & Versteeg, M. (2016). Modes of domestic incorporation of international law. *Handbook on the Politics of International Law (Edward Elgar, 2016), Forthcoming, Virginia Public Law and Legal Theory Research Paper*, (15).

Wendt, A. (1999). *Social Theory of International Politics*. Cambridge University, Cambridge

Whitaker, M. P. (1996). Ethnography as Learning: A Wittgeinsteinian Approach to Writing Ethnography Accounts. *Anthropology Quarterly* 69(1), 1-13.

Widlak, T. (2012). *From International Society to International Community: The Constitution Evolution of International Law.* Gdańsk University Press

Wolcott, H. R. (2008). *Ethnography: A Way of Seeing.* 2nd ed. AltaMira Publications

Woodrum, J. (1984). Mainstreaming Content Analysis in Social Science: Methodology, Advantages, Obstacles and Solutions. *Social Science Research,* 13 (1), 1–19.

Woods, P. (1987). Ethnography at the Crossroads: A Reply to Hammersley. *British Educational Research Journal*, 13(3), 297-307.

Yin, R. K. (2014). *Case Study Research: Design and Methods.* Washington DC: Sage

Yin, R. K. (2002a). *Applications of Case Study Research.* 2nd ed. SAGE Publications

Yin, R. K. (2002b). *Case Study Research: Design and Methods; Applied Social Research Methods.* 3rd Edition, SAGE Publications

Yunus, M. (2007). *Creating a World Without Poverty: Social Business and the Future of Capitalism*. Perseus Books Group